

IN THE MATTER OF  
KEITH AND SHARVON WOODARD  
7807 CARMEL CIRCLE  
BALTIMORE, MARYLAND 21244

Re: Appeal of Civil Citation No. CC2310372

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No.: CBA-24-016

\* \* \* \* \*

**OPINION**

This matter comes before the Baltimore County Board of Appeals (“Board”) as a record appeal from Code Enforcement Case No. CC2310372. This code enforcement action involves alleged violations of Baltimore County Zoning Regulations (“BCZR”) § 1B01.1ZCPM: Cease service station activities, and BCZR §428: Cease all outside storage of unlicensed and/or inoperative motor vehicles. A hearing was held before Administrative Law Judge, Maureen E. Murphy (“ALJ”) on October 4, 2023. The ALJ found the owners of 7807 Carmel Circle, Keith and Sharvon Woodard, to have committed the above-referenced violations and in an Order, dated November 28, 2023, ordered a \$800.00 civil penalty be imposed. A timely appeal was filed by Keith Woodard, Appellant.

This Board heard oral arguments on the Appellant’s appeal on February 6, 2024. Marissa L. Merrick, Assistant County Attorney, appeared on behalf of Baltimore County and Appellant, Keith Woodard appeared, *pro se* via telephone. This case comes before the Board as a record appeal, with no new evidence being admitted.

**BACKGROUND**

This case stems from a Code Enforcement and Inspection Citation issued to the Appellants on September 8, 2023 for the above-referenced violations on the property at 7807

Carmel Circle. A Correction Notice was previously issued on August 3, 2023. A Baltimore County Code Inspector testified before the ALJ that he observed motor vehicles in various stages of repair and untagged vehicles on the property.

At the hearing before the ALJ and in oral arguments before this Board, Appellant Woodard did not dispute that the items described by the Code Enforcement were in fact, on his property on the day the original correction notice was issued. He further stated that one vehicle was moved to county property (the street) and that two vehicles had no front license plate. Mr. Woodard said that there were some technical problems at the hearing before the ALJ and he was unable to see the exhibits.

Ms. Merrick summarized the record before the Board. She also stated that there was no mention of technical difficulties or inability to view exhibits by Mr. Woodard in the hearing before the ALJ.

### **ARGUMENT**

Pursuant to § 3-6-304(a) of the *Baltimore County Code*, the Board of Appeals in such cases may:

- (1) Remand the case to the Hearing Officer;
- (2) Affirm the final order of the Hearing Officer; or
- (3) Reverse or modify the final order if a finding, conclusion, or decision of the Code Official, the Director, or the Hearing Officer:
  - (i) Exceeds the statutory authority or jurisdiction of the Code Official, the Director, or the Hearing Officer;
  - (ii) Results from an unlawful procedure;
  - (iii) Is affected by any other error of law;
  - (iv) Subject to subsection (b) of this section, is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
  - (v) Is arbitrary or capricious.

In such cases, this Board is not charged with fact-finding and is not permitted to second guess the fact-finding of the ALJ once it is determined that those findings are supported by

competent material and substantial evidence in light of the entire record submitted and is not arbitrary or capricious. Consequently, it is fully within the ALJ's discretion as to what witnesses and what evidence the ALJ finds to be more credible or persuasive.

### Sufficiency of Evidence

It is clear from the record of the hearing before the ALJ and from argument before this Board that the testimony provided by Mr. Woodard and that evidence presented to the ALJ by the way of photographs and documentation constituted competent, material, and substantial evidence in light of the entire record as submitted. It is also clear that the ALJ's findings were not arbitrary or capricious nor meets any of the criteria above for reversal, modification or remand.

The Board understands the Appellants' contention that he was unable to see the exhibits. However, such contention does not explain why Appellant did not take the steps necessary to comply with the code enforcement correction notice.

### CONCLUSION

In reviewing the arguments presented by the Appellant regarding the factual determinations made by the ALJ the Board finds that the ALJ's findings are supported by competent material and substantial evidence in-light-of the entire record submitted, are not arbitrary or capricious, and are hereby AFFIRMED.

### ORDER

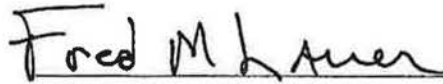
Therefore, it is this 16th day of February, 2024 by the Board of Appeals of Baltimore County

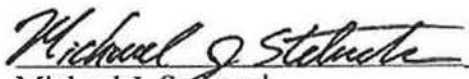
**ORDERED**, that the Administrative Law Judge decision dated November 28, 2023, ordering a civil penalty in the amount of \$800.00 is **AFFIRMED**.

In the matter of: Keith and Sharvon Woodard  
Case No.: CBA-24-016

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Fred M. Lauer, Panel Chair

  
Michael J. Steimack

  
William H. Paulshock, Sr.



## Board of Appeals of Baltimore County

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February 16, 2024

Marissa L. Merrick, Assistant County Attorney  
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Keith and Sharvon Woodard  
7807 Carmel Circle  
Baltimore, Maryland 21244-3825

RE: In the Matter of: *Keith and Sharvon Woodard*  
Case No.: CBA-24-016

Dear Messrs. Merrick and Woodard:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Legal Administrative Secretary

KLC/taz  
Enclosure  
Duplicate Original Cover Letter

c: Maureen E. Murphy, Chief Administrative Law Judge  
Adam Whitlock, Chief of Code Enforcement/PAI  
C. Pete Gutwald, Director/PAI  
James R. Benjamin, Jr., County Attorney/Office of Law