

Anne Arundel County Environmental Code Enforcement Report

August, 2017

Prepared By:



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Acknowledgements

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- **Kunle Adeyamo**, Assistant County Attorney, Anne Arundel County Office of Law
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- **Tracie Reynolds**, Public Information Officer
- **Jan Russell**, Assistant to the Director, Department of Inspections and Permits
- **Robert V. Winchester**, Code Compliance Administrator, Department of Inspections and Permits

Introduction and Purpose

PURPOSE:

- This Report, authored by Jesse L. Iloff, South RIVERKEEPER® is offered in the spirit of a public-private partnership and is intended to assist the County in identifying the strengths and weaknesses of the Department of Inspections and Permits (I&P) Code Compliance Program.
- The effort is further intended to aggregate publicly available data from the County's Code Compliance Database (CCD) with more detailed information obtained through Public Information Act (PIA) requests in order to identify patterns and trends in enforcement over time and make this data available to all interested parties.

ORIGIN:

- The South River Federation began its investigation of the County's environmental code enforcement in June 2016. This effort was undertaken after the South RIVERKEEPER® reported several violations of the County's environmental code and monitored I&P's responses to these reports.
- The response by I&P to most of these initial reports was to provide compliance assistance (defined *infra*) to the violator, without imposition of fines, posting of stop work orders, or referrals to the Office of Law.

Abbreviations Key

- CC- Civil Citation
- CCD- Code Compliance Database
- CNI- Correction Notice Issued
- ESC- Environmental Section Complaints
- GL- General Letter
- IC- In Compliance
- LOR- Law Office Referral
- NIC- Not In Compliance
- NVF- No Violation Found
- OAG- Office of the Attorney General
- OC- Open/Close (Dismissal)
- PIA- Public Information Act
- SAO- Office of the State's Attorney
- SWO- Stop Work Order

Methodology and Scope

- The results in this report have been assembled through review of all code compliance case files generated by Anne Arundel County from January 1, 2014 through December 31, 2016 with an “E” prefix, which indicates an environmental/grading case, and reflected in the CCD, available at:
<http://aacoprod.aacounty.org/ComplaintsInternet/welcome.do>
- Each summary case file was individually saved as a separate pdf file. The following information was then retrieved from each case: case number, open and close dates, violation type (including whether the violation was in the Critical Area), action taken, and site address.
- Example online CCD case file:

Welcome to
Anne Arundel County, MD | Citizens Information Center

[I&P Home](#) [Request Assistance | Home](#)

Compliance Review System

[Search Again](#) > [Search Results](#)

Case ID: E - 2016 - 38 Location: [REDACTED]
 Tax ID: 500015213000
 Received: 1/28/2016 Completed:
 Complaint: GRADING W/O PERMIT

| 1/28/2016 Date Assigned | Permit Number | Original ID | N Waterfront | N Critical Area |
|----------------------------|---------------|-------------|-----------------|--------------------|
| State Map: 01 | 20 | 0299 | County Map: | |
| Map No. | Suffix | Block | Parcel | Plot |
| | | | | Seet |
| | | | | Block |
| | | | | Lot No. |

| Date | Event |
|-----------|-----------------------|
| 1/28/2016 | OPENED COMPLAINT CASE |
| 2/1/2016 | STOP WORK ORDER |
| 2/2/2016 | CASE NOTE |
| 2/2/2016 | GENERAL LETTER |
| 3/15/2016 | CASE NOTE |
| 4/25/2016 | CASE NOTE |

Methodology and Scope cont'd

- The **“Action Taken”** by the County in response to a complaint is derived from the **“Events”** listed in the database (see example above). These events were characterized as one of three general response types: Enforcement, Compliance Assistance, and Dismissal.
- **Enforcement** actions are defined as cases reflecting the following “Events”:
 - civil citation (or Critical Area citation);
 - stop work order; and/or
 - referral to the Office of Law.
- **Compliance Assistance** is defined as cases reflecting the following “Events”:
 - General Letter;
 - Correction Notice Issued;
 - Case Notes;
 - Not In Compliance (without any enforcement events noted); and/or
 - In Compliance.
- **Dismissal** is defined as cases reflecting the following “Events”:
 - Open/Close (where “open complaint” and “close complaint” are the only “Events” reflected); or
 - No Violation Found.

Methodology and Scope cont'd

- **NOTE:**

- “Actions Taken” are based only on the “Events” as reflected in the summaries in the Code Compliance Database (CCD). Review of more detailed “Environmental Section Complaints” (ESC) obtained by PIA requests (see example below) revealed that in some circumstances the “Events” reflected on the CCD do not reflect all action taken by I&P personnel in response to a complaint.
- Any additional “Action Taken” based on the ESC detailed report, was entered into the Federation’s analysis. South River Federation recommends certain action to mitigate this data inconsistency in the **Recommendations** section, *infra*.

Environment Section Complaint

Case ID: E - 2015 - 88 Location: [REDACTED]
 Tax ID: 227590069343
 Received: 3/20/2015 Details:
 Tickler: Completed: 3/24/2015
 GRADING W/O PERMIT

Receiver: CHRISTINA BRAUN Inspector: THOMAS CAULK (703)
 Date Assigned: 3/20/2015 Permit Number: Original ID:
 ADC Map: Related Cases:
 Water Front: N Critical Area: N Violation:
 Cty. Council Ind: N Case Org:
 Complainant:

Owner Information Violator Information
 Owner 1: [REDACTED] Violator 1: [REDACTED]
 Owner 2: [REDACTED] Violator 2: [REDACTED]
 Address: [REDACTED] Address: [REDACTED]
 Phone:

State Map: 37 16 0218 County Map: 7
 Map No: Suffix Block Parcel Plat Sect Block Lot No

| Date | Event | Due Date | Request for Trial Date |
|-----------|-----------------------|-----------|------------------------|
| 3/20/2015 | OPENED COMPLAINT CASE | 3/25/2015 | |
| 3/24/2015 | NO VIOLATION FOUND | 3/29/2015 | 3/24/2015 |

COMPLAINT RECEIVED 3/20/2015 FOR POSSIBLE GRADING W/O A PERMIT VIOLATION. THIS PROPERTY IS NOT LOCATED IN THE CRITICAL AREA, THERE ARE NO ACTIVE PERMITS. AS A RESULT OF A TOWN HALL MEETING THIS COMPLAINT WAS GENERATED ALONG WITH ADJOINING PROPERTIES 2013 MARTINS GRANT CT. AND 2010 ST. STEPHENS WOODS DR. SITE INSPECTION AND MEETING WITH PROPERTY OWNER, LAWRENCE ADLER, REVEAL A PARKING AREA HAS BEEN CREATED ALONG WITH HARD SURFACE PATHS THAT CONNECT THE ADJACENT PROPERTIES. THE DISTURBED AREAS TOTAL LESS THAN 5,000 SQ. FT. THESE AREAS ARE CONFIRMED AND CONSISTENT WITH THE 2012 AND 2014 AERIAL PHOTOS. THERE IS NO VIOLATION. PLEASE CLOSE THIS COMPLAINT.

3/24/2015 CLOSE COMPLAINT

Methodology and Scope cont'd

STATISTICAL SAMPLE

- In light of the relatively sparse data available in the CCD, the Federation submitted Public Information ACT (PIA) requests to the County seeking the more detailed Environmental Section Complaints for **112 cases** to supplement the analysis in this Report.
- Using a Google random number generator, the **112 cases** for which PIA requests were made were randomly selected from the full case list of **1,954 cases** over the study's time frame (2014-2016). This number was determined to be a statistically significant sample with a **95% confidence level** and a **9% margin of error** by a sample size calculation tool provided by Creative Research Systems.
(<https://www.surveysystem.com/sscalc.htm>)
- The decision to review a statistically significant sample of cases in depth was made in order to extrapolate results from the sample across the entire population of cases in the CCD.
- **NOTE:** Extrapolation from a random sample across this population of cases, while informative of trends and patterns, is imprecise. SRF provides recommendations for addressing this imprecision in the **Recommendations** section, *infra*.

Methodology and Scope cont'd

Detailed information from the Environmental Section Complaints (ESC) data was used to estimate possible fines and other penalties legally available for the entire case population over the three years reviewed.

Case Studies:

- In addition to the 112 cases used as a statistical sample, the Federation requested the details for an additional 18 cases based on interesting entries in the CCD database reports, e.g. long periods between open and close dates, multiple violations in one report, rare or unique violation type, preexisting knowledge of the violation site, and other variables. Data from these special inquiry cases was not included in summary results, but if review of this data revealed additional or different actions taken than those expressed in CCD documents, those additional or different actions were included in the overall figures for the report.
- Finally, in the case of law office referrals, the site address was entered into the State Department of Assessments and Taxation's (SDAT) Real Property Database to ascertain the property owner's identity, and a second search of the property owner was made using the Maryland Judiciary Case Search database to determine whether a case referred to the Office of Law was filed in court. When cases were filed, additional data was retrieved from the Court and from the monthly Litigation Reports prepared by the Office of Law (<http://www.aacounty.org/departments/law/forms-and-publications/litigation-reports/>). While informative, data from these special inquiry cases was not included in the final reported results, unless a case referred to the Office of Law was also one of those randomly selected.

Overview

CODE COMPLIANCE DIVISION

About

The Code Compliance Division investigates non-permitted complaints involving unauthorized development and construction activities both within and outside the County's Chesapeake Bay Critical Area. The County's Zero "Tolerance Policy" mandate Code Compliance Inspectors to investigate reported violations and pursue civil charges to the fullest extent of the law. Excessive, non-permitted violations are referred to the County's Office of Law for criminal charges.

Taken from Anne Arundel County Inspections & Permits website:

<http://www.aacounty.org/departments/inspections-and-permits/code-compliance/>

Code Violations

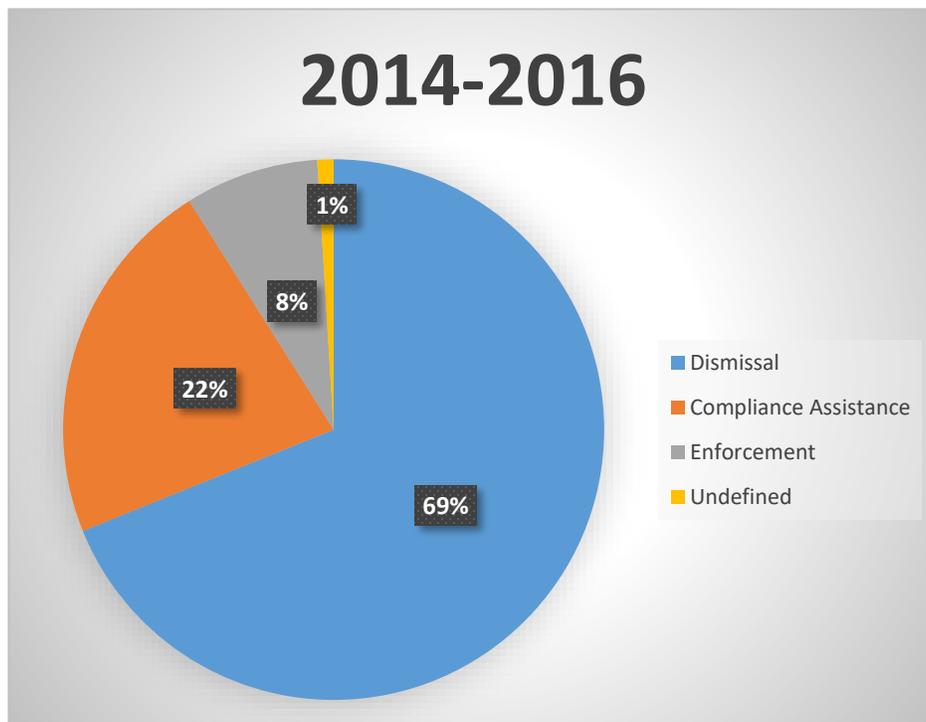
Uniform Civil Citations will be issued to each property owner, contractor and other identified responsible persons and/or business entities in accordance with applicable provisions of the Anne Arundel County Code. Additionally, orders for abatement of underlying violations will be issued and pursued as necessary through appropriate legal proceedings in concert with the Anne Arundel County Office of Law. All cited parties have the right of due process and/or appeals.

Taken from Anne Arundel County Inspections & Permits website:

<http://www.aacounty.org/departments/inspections-and-permits/code-violations/index.html>

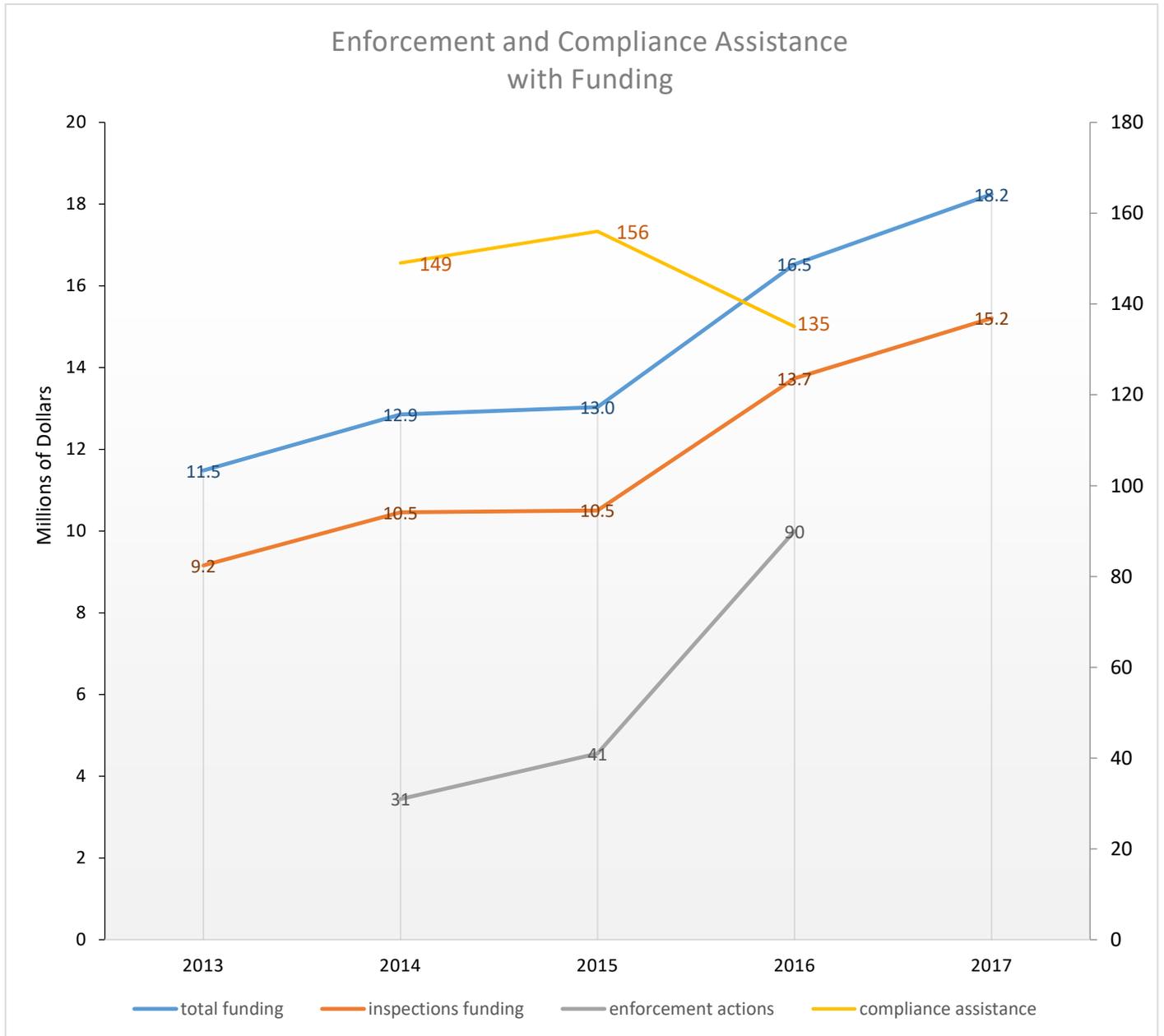
Overview Cont'd

- **Reporting Period**: 2014 - 2016
- **Total Cases**: 1,954
 - 2014 - 652
 - 2015 - 675
 - 2016 - 627
- **Critical Area** = 18% of land area, 58% of case load
- **10% of the 112 Cases resulted in Enforcement**:
 - Dismissal – 82
 - Compliance Assistance - 19
 - Enforcement - 11



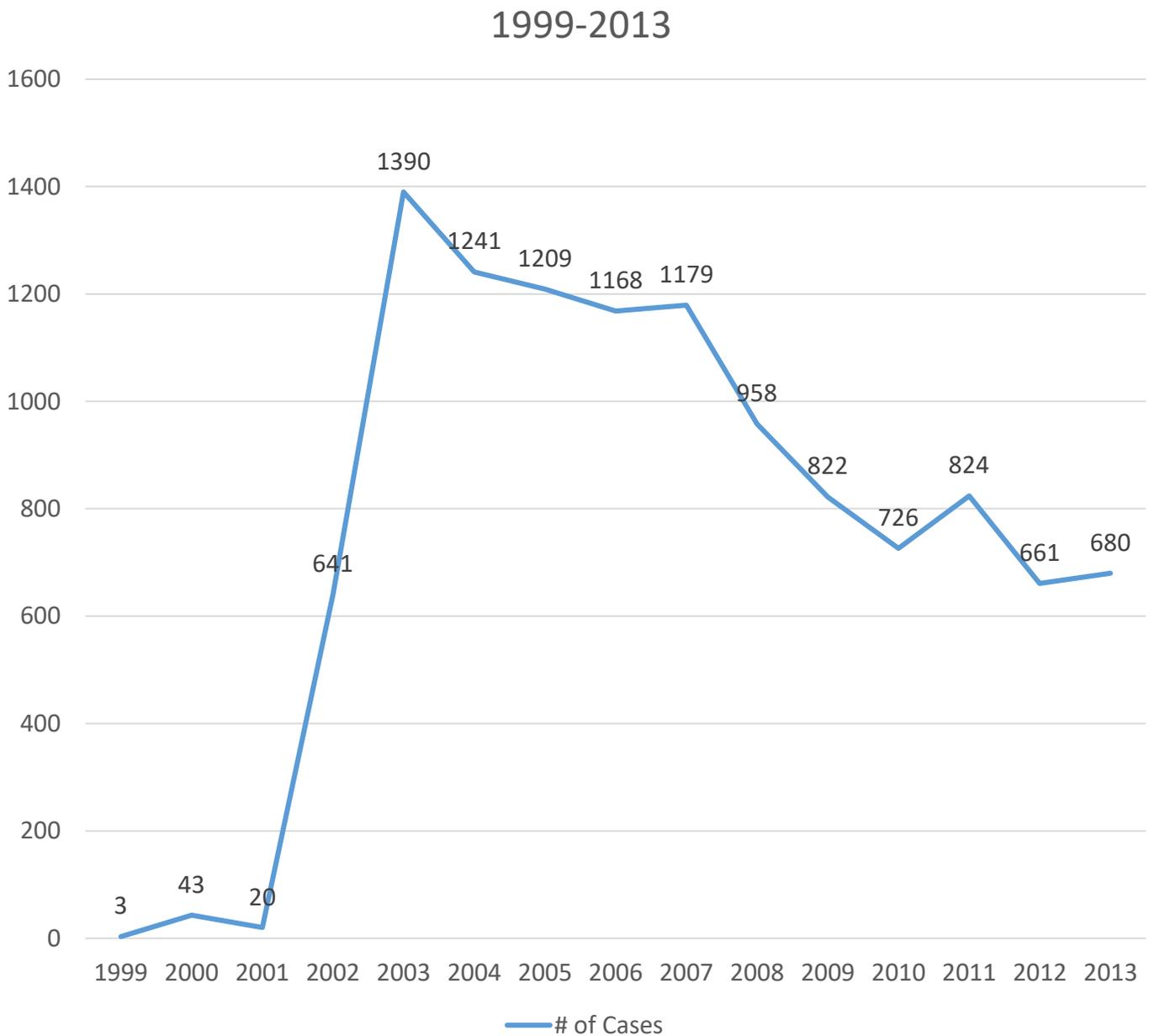
Overview Cont'd

Number of Enforcement Actions Increased with Increased Funding for the Department of Inspections and Permits



Overview Cont'd

- Number of total cases has declined since 2003

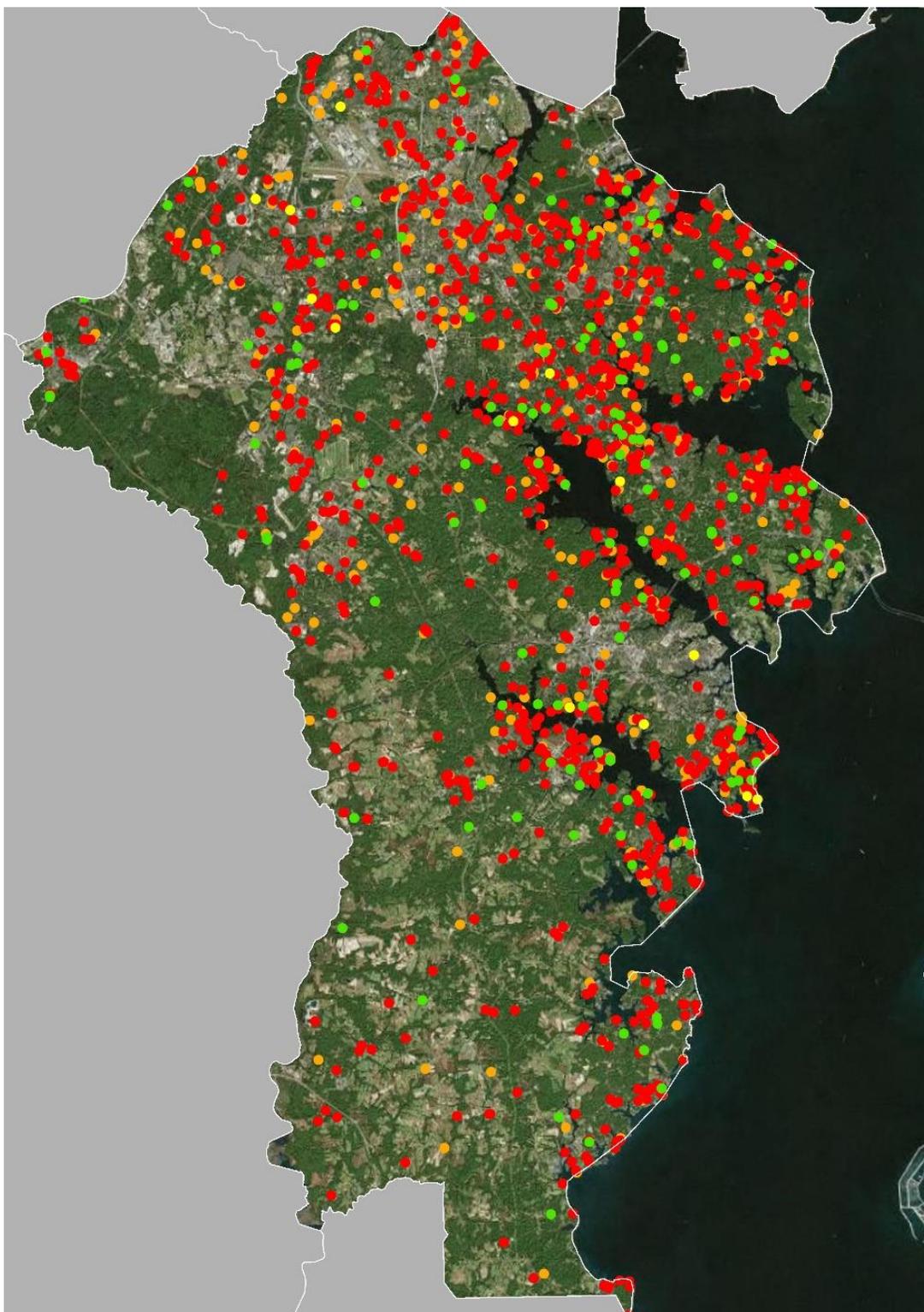


(from Code Compliance Database)

Overview Cont'd

Location of Cases by Action Taken*

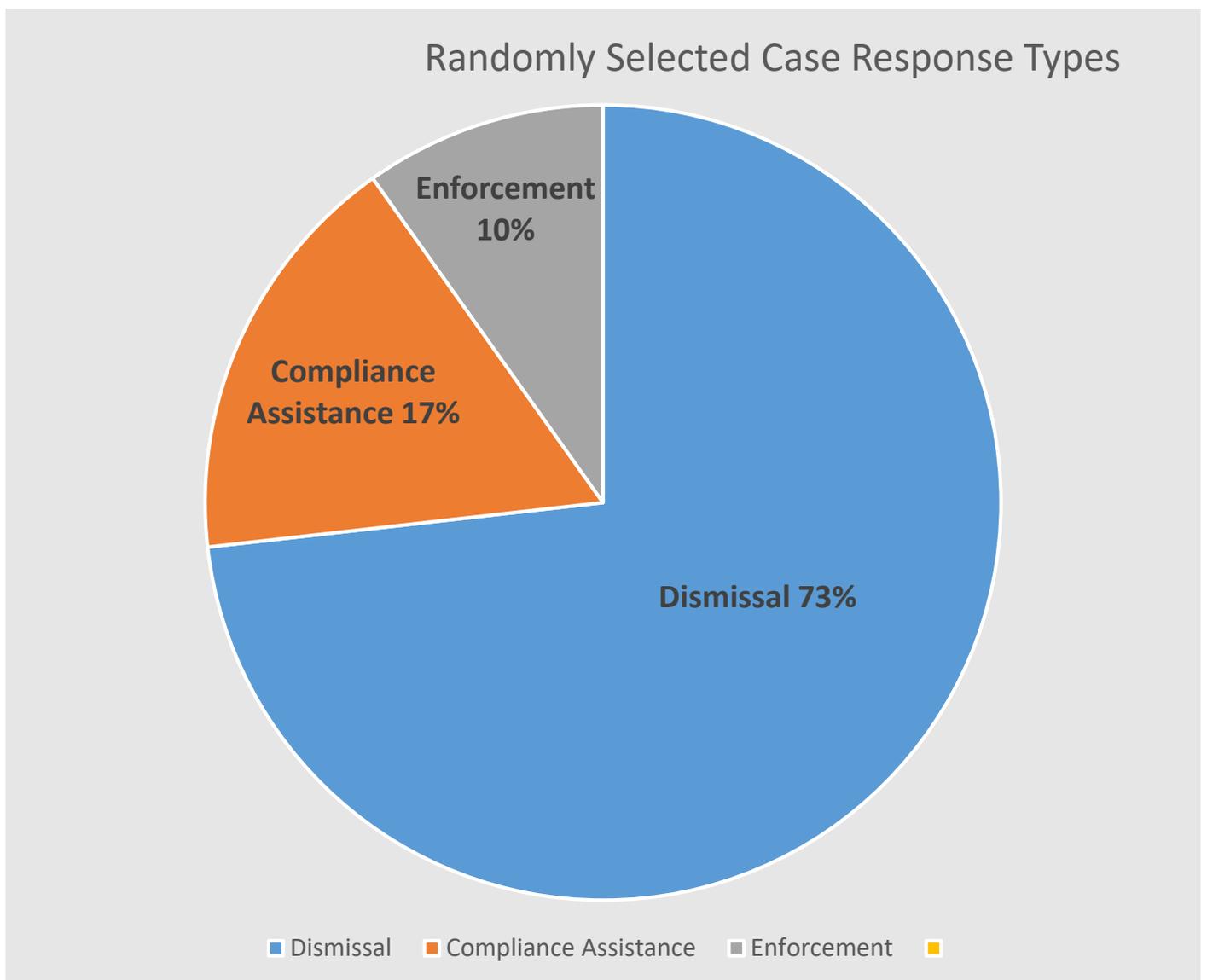
- Red - Dismissal
- Orange - Compliance Assistance
- Green - Enforcement
- Yellow - Unknown



*Mapping provided by Evan Isaacson, Center for Progressive Reform

Randomized Case Extrapolation

- Of 112 randomly selected cases:
 - 82 were dismissals
 - 19 were compliance assistance
 - 11 had enforcement action



Randomized Case Extrapolation

- Sample Size 112 cases = 5.7% of total 1,954 cases.
- 8 cases showed discrepancies between the database and the PIA documents:
 - Three indicated stronger enforcement action by the County than reflected in the CCD.
 - Five cases indicated the presence of a violation, but the CCD showed dismissal. Three of these cases (~60%) were in the critical area.
- Thus, of the 1954 total cases, **approximately 100 violations were dismissed**, and in approximately 60 cases, AACO performed more enforcement than indicated in the CCD.
 - (9% margin of error)
- The maximum fine for critical area violations is \$10,000/day.
- For all closed cases, **average days open = 43.41**, not including cases still open as of August, 2017.
- With approximately 60 dismissed critical area violations, there were **approximately \$600,000 in un-sought fines** during the study period, assuming the violation only lasted for one day.

Randomized Case Extrapolation

- Of 11 enforcement actions:
 - 3 data discrepancies
 - 5 stop work orders
 - 2 law office referrals
 - 4 cases with multiple enforcement measures
 - Critical area citation and Law Office referral
 - Stop work order and Law Office referral
 - Stop work order, citation, and Law Office referral
 - Citation and stop work order
 - 1 referral to OAG Environmental Crimes Unit for investigation of criminal charges
 - 1 referral to Critical Area Commission for criminal enforcement
- Of three cases with citations, 9 total citations, each for \$1000. Available evidence shows \$4500 collected, plus supplemental planting.

Randomized Case Extrapolation

- Law Office referrals:
 - **E-2014-65:** Referred to Environmental Crimes Unit
 - **E-2014-505:** Defendant failed to appear, fine of \$1000 converted to judgment of \$250
 - **E-2014-604:** Consent judgment to abate violation, comply with I&P directives, stop building deck w/o permits, get permits, allow planting inspection, pay \$3,000 in fines, suspended pending compliance with other factors, pay \$94.17 in court costs
 - **E-2015-47:** County sought \$62,000 in fines. Consent judgment for \$10,000 fine, \$30,000 fee-in-lieu, re-planting of 1000 sq.ft of 49,100 sq ft cleared, 5000 sq ft mitigation.
 - **E-2016-159:** Defendants found not guilty in trial
 - **E-2016-254:** Owners paid \$2,000 fines. Contractor found not guilty at trial.

Discrepancies in Public and County Databases

- Review of the Environment Section Complaints (ESC) obtained by PIA request revealed the following discrepancies from the online CCD:
 - (E-2014-599)** CCD notes General Letter. ESC notes Stop Work Order.
 - (E-2014-65)** CCD notes Stop Work Order. ESC notes Law Office Referral.
 - (E-2014-23)** CCD notes Dismissal, ESC states that the matter was addressed by different case (E-2014-21) which notes Not in Compliance.
 - (E-2016-127)** CCD notes No Violation, ESC notes “complaint for sediment controls missing/down. No grading permit was issued for garage. Spoke with homeowner and advised him to install RS fence around work area which he did. Close complaint.” ESC also notes “violation: Y”.
 - (E-2016-213)** CCD notes No Violation, ESC notes “inspection of site revealed a small area of RSF was down in front yard.” (RSF=reinforced silt fence)
 - (E-2016-219)** CCD notes Dismissal. ESC notes “violation cured. Site is backfilled and stabilized.”
 - (E-2016-260)** CCD notes Dismissal. Call from John Peacock to South RIVERKEEPER on 6/9/16 indicated that construction of storm water management system began without clear water bypass, so upon rainfall, the system was blown out, which is a violation.
 - (E-2016-275)** CCD notes Dismissal. ESC notes: “stormwater illicit discharge at Chipotle at the Arundel Mills Mall. Dumpster area littered with food and garbage entering catch basin immediately next to dumpster.”

Year-by-year Analysis-2014

- **652 cases in 2014**
 - Dismissals- 470
 - Compliance Assistance- 151
 - Enforcement- 30 (4.6% of cases)
 - Undefined- 1
- **Enforcement**
 - Citations- 9
 - Law Office Referrals- 8
 - Stop Work Orders- 7
 - Multiple Enforcement Measures- 8
- **Randomly selected cases- 31**
- **Changes in “Action Taken” based on PIA documents = 3**
 - (E-2014-599) CCD notes General Letter. ESC notes Stop Work Order.
 - (E-2014-65) CCD notes Stop Word Order. ESC notes Law Office Referral.
 - (E-2014-23) CCD notes Dismissal, ESC refers to matter addressed by different case # (E-2014-21) which was Not in Compliance.
- **Questionable dismissals**
 - (E-2014-595) Open: 11/12/14. Close: 11/17/2014. Only note: “Contractor has had several correction notices in the last 2 years to take sediment controls out. Numerous conversations with office about this job. No work has been done for several months.”
 - (E-2014-639) Open: 12/16/14 “Aerial photograph indicating possible filling in a wetlands area observed from offsite by code compliance division staff.” Close 3/9/15 “Site posted with no trespassing signs. Inspector unable to observe alleged violation from neutral location. Property has to [sic] expired building permits. One lacks a well certification for the house and the other is a final inspection on a gazebo with a passed footer inspection. Environmental inspector will contact property owner and ask for permission to inspect property.”
 - No further notes indicating follow up on permission to enter

Year-by-year Analysis-2015

- **675 cases in 2015**

- Dismissals - 488
- Compliance Assistance - 146
- Enforcement – 36 (5.3% of cases)
- Undefined - 5

- **Enforcement**

- Law Office Referrals - 13
- Stop Work Orders - 11
- Multiple Enforcement Measures - 7
- Citations - 5

- **Randomly selected cases - 48**

- **Changes in “Action Taken”** based on PIA documents: 1

- (E-2015-173) CCD notes NIC. ESC notes SWO.

- **Questionable dismissals**

- (E-2015-516) Open: 8/24/15. Close: 9/1/15. Only note: “a Versar field team inspected the Patuxent companies site and associated stormwater network located at 2124 Priest Bridge Drive in Crofton...Because of the opacity of the water, only the detergents test and pH could be accurately performed on the effluent. Detergents tested above the acceptable range.”
- (E-2015-636) Open: 11/23/15. Close: 2/3/16. “[T]he invasive species *Ailanthus Altissima* (Tree of Heaven) was topped within the Critical Area Buffer without a vegetative management plan. The County however, will not be pursuing enforcement action due to there being no further disturbance on the property.”

Year-by-year Analysis-2016

- **627 total cases**
 - Dismissals - 389
 - Compliance Assistance - 135
 - Enforcement - 90 (14.3% of cases)
 - Undefined - 13
- **Enforcement**
 - Stop Work Orders – 52
 - Multiple Enforcement Measures - 25
 - Law Office Referrals – 8
 - Citations - 5
- **Randomly selected cases- 33**
- **Classification changes** based on PIA documents: 1
 - (E-2016-71) CCD notes NVF. ESC notes CNI.
- **Questionable dismissals**
 - **(E-2016-127)** Open: 3/23/16. Close: 4/4/16. “Complaint for sediment controls missing/down. No grading permit was issued for garage. Spoke with HO and advised him to install RSF around work area which he did.”
 - **(E-2016-213)** Open: 5/4/16. Close: 5/11/16. “Inspection of site revealed a small area of RSF was down in front yard. Spoke with homeowner and advised her that RSF must be repaired and all disturbed areas stabilized. Reinspection of site revealed RS Fence was repaired and all areas stabilized.”
 - **(E-2016-219)** Open: 5/9/16. Close: 6/17/16. “violation cured. Site is backfilled and stabilized.”
 - **(E-2016-275)** Open: 5/31/16. Close: 7/6/16. “Stormwater illicit discharge at Chipotle at the Arundel Mills mall. Dumpster area littered with food and garbage entering catch basin immediately next to dumpster.”
 - **(E-2016-394)** Open: 7/21/16. Close: 7/25/16. “Actual location of clearing work is 608 Simms Landing Road, and appears to be the work of the owners of 606 Simms Landing Road.”
 - No indication of referral to State’s Attorney for trespassing and/or destruction of property.
 - **(E-2016-414)** Open: 8/3/16. Close: 8/19/16. “Sediment laden runoff from construction sites at 1248 and 1250 Pine Hill Dr. from storms on 7-30-2016 and 8-1-2016...No violation. All sediment and erosion controls are in. Water that flooded 1237 Pleasant Plains Rd came off Pleasant Plains Rd on to the complainants property. Not from 1250 Pine Hill.”
 - No indication of investigation into the actual source of sediment laden runoff.

Problem Case Studies

E-2014-20

Violation Without Fine

- 1863 Betson Ave., Glen Burnie
 - Grading without a permit
 - Timeline
 - January 16, 2014- Complaint opened.
 - January 30, 2014- Referred to Office of Law
 - December 11, 2014- “Judgment entered requiring Defendant to obtain a grading permit within 90 days, inclusive of stormwater management approval...Defendant must pay \$1,000 fine within 30 days. If Defendant does not comply with the judgment and obtain his final grading permit, the Defendant will pay an additional \$9,000.00 fine.
 - February 5, 2015- Show cause hearing continued to June 4, 2015 because Defendant’s attorney in hospital.
 - October 2, 2015- “Consent judgment entered. Defendants to install sediment controls on property within 14 days...diligently pursue completion of grading **permit...Fines suspended in previous judgment remain suspended pending compliance with judgment.** Review hearing scheduled for Jan. 7, 2016. (Emphasis supplied).
 - July 14, 2016 - “inspection reveals area required to become grass for stormwater management is now graded and a vegetable garden, in violation of the plan and court order.
 - December 6, 2016- “Partial compliance. Building demolished and grass planted. Awaiting grading permit. Court case continued.”
 - January, 2017 Litigation Report indicates postponement to February 2, 2017 “so that Defendant can complete permits.” February, 2017 Litigation Report indicates performance obtained, three years after violation first noted.

E-2014-505

Violation with Reduced Fine

- 420 West Joyce Lane, Arnold
- Tall Trees Service, LLC
 - Clearing in Critical Area Buffer
 - AACO issued citations to property owners and contractor, Tall Trees Service, all for \$1,000
 - Property owners performed abatement and paid citations.
 - County offered not to proceed on one citation if Tall Trees paid the other. No response from Tall Trees
 - Litigation report notes that Tall Trees Service representative failed to appear for hearing, but Court nonetheless reduced fines from \$1,000 to \$250.

E-2015-607

- 1118 Shore Drive, Edgewater

- Timeline

- October, 26 2015- complaint opened in response to RIVERKEEPER email for grading without a permit in Critical Area Buffer.
- November 5, 2015, AACO sends certified letter with citation to violator.
- November 10, 2015 violator signs for the letter. See below:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

[Redacted]

9590 9403 0895 5223 9969 91

2. Article Number (Transfer from service label)

7015 0640 0001 0457 1072

COMPLETE THIS SECTION ON DELIVERY

A. Signature: [Signature] Agent Addressee

B. [Redacted] C. Date of Delivery: 11/10/15

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS ELICOTT CITY, MD NOV 10 2015 POST OFFICE

PG Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

- November 21, 2015 Process server serves citation on adult resident at violator's address.
- No further attempts at service after 11/21/15.
- June 6, 2016 RIVERKEEPER emails AACO to advise violator may be poisoning trees on waterfront.



Jesse Iliff <jesse@southeriverfederation.net>

6/6/16



to [redacted] ▾

Hi [redacted]

I wanted to follow up again on this case, as another neighbor has contacted me about the goings on there. Apparently someone at this site has bored holes into the ground by a stand of trees and poured some white powder into them, which the neighbors believe is **poison** intended to kill the trees. They have obtained a sample of the substance.

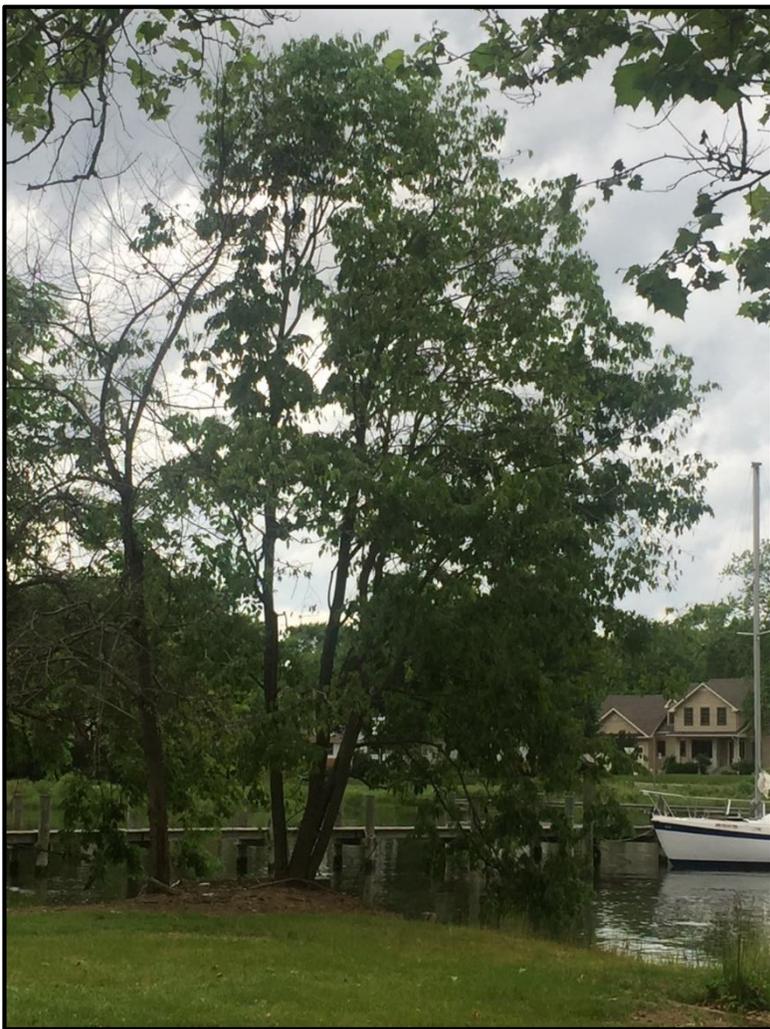
Who do I need to contact about this?

As for the fines, does the County have any plans to sue to recover them? Do I need to ask someone in the law office that question? Thanks again for your attention to this issue.

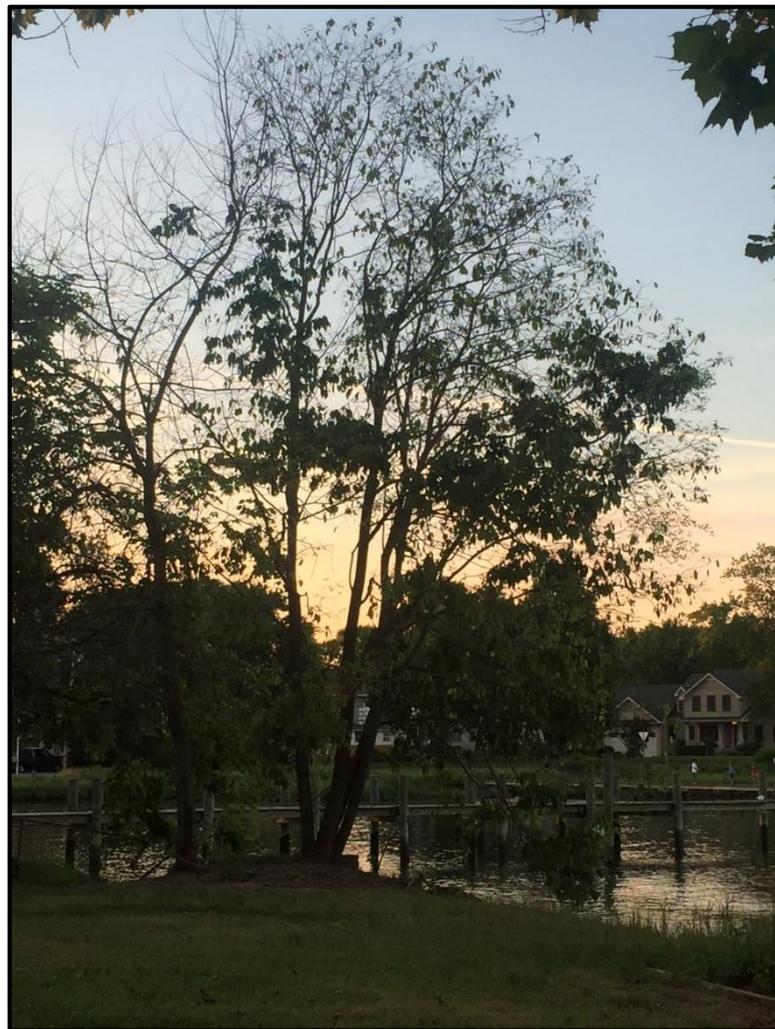
--JLI

On Mon, May 23, 2016 at 3:37 PM, [redacted]@aacounty.org> wrote:
Citations were issued and still not paid. That's all I have on this one.

Photo Evidence of Tree Die-Off
(after a witness reported someone pouring white powder at base of tree, and these pictures were sent to I&P)



JUNE 5, 2016, 7:03 P.M.



JUNE 19, 2016, 8:15 P.M.

- July 28, 2016 John Peacock emails RIVERKEEPER®

 [Redacted]00@aacounty.org> 7/28/16 ☆  
to Robert, me, Jan, Eva, Gene ▾

All:

Compliance Case E-2015-607 involved the unauthorized disturbance of 3,500 sq ft of ground to demolish and remove a dilapidated shed. The inspector observed no tree stumps indicating illegal tree removal had taken place. The property owner was cited with a Critical Area violation and a civil citation was prepared for service by the

Department process server. The process server was unable to properly serve the civil citation so the Office of Law was unable to request a court date to litigate the citation. Because it was never properly served, the Office of Law recommended the civil citation be withdrawn and a new civil citation prepared if the violation had not been properly abated and mitigated. The inspector then reported the violation had been properly abated and mitigated resulting in compliance case E-2015-607 being closed.

Maryland Rule 3-121. Process -- Service -- In personam

(a) Generally. Service of process may be made...by leaving a copy of the summons, complaint, and all other papers filed with it at the individual's dwelling house...with a resident of suitable age and discretion; or (3) by mailing to the person to be served a copy of the summons, complaint, and all other papers filed with it by certified mail...Service by certified mail under this Rule is complete upon delivery.

(b) Evasion of service. When proof is made by affidavit that a defendant has acted to evade service, the court may order that service be made by mailing a copy of the summons, complaint, and all other papers filed with it to the defendant at the defendant's last known residence and delivering a copy of each to a person of suitable age and discretion at the place of business of the defendant.

(c) By order of court. When proof is made by affidavit that good faith efforts to serve the defendant pursuant to section (a) of this Rule have not succeeded and that service pursuant to section (b) of this Rule is inapplicable or impracticable, the court may order any other means of service that it deems appropriate in the circumstances and reasonably calculated to give actual notice.

June 7, 2016 I&P inspects property, finds site has been “properly abated and mitigated” as suggested by Office of Law



*Photographs presented as produced by AACo I&P. No color or Hi-Res photos were retained by I&P.

*Oct. 26, 2015-June 7, 2016 (natural regrowth, or intentional abatement?)

June 28, 2016-Violator applies for Vegetative Management Plan (VMP) to clear trees, despite open compliance case for grading without permit. VMP approved July 18, 2016.

7/29/2016

Anne Arundel County Department of Inspections and Permits



Anne Arundel County

Compliance Cases

[request assistance](#)

[Main Menu](#)

[Logout](#)

VMP NBR: VMP - 2016 - 465

Received Date: 6/28/2016

Site Information

Owner: [Redacted]
 Address: [Redacted]
 Subdivision: [Redacted]
 Tax ID: [Redacted]

Owner Information

Owner: [Redacted]
 Address: [Redacted]
 City: [Redacted] State: MD Zip: 21037
 Phone: [Redacted] Fax: [Redacted]
 Submitted By: Bay Area

Compliance Review System

[Search Again](#) > [Search Results](#)

Case ID: E - 2015 - 607 Location: [Redacted]
 Tax ID: [Redacted]
 Received: 10/26/2015 Completed: 6/30/2016
 Complaint: CRITICAL AREA CLEARING/GRADING

| 10/26/2015 Date Assigned | Permit Number | Original ID | Y Waterfront | Y Critical Area |
|-----------------------------|---------------|----------------|---------------------|--------------------|
| State Map: 56 Map No. | 14 Suffix | 0131 Parcel | County Map: Plot | F Sect |
| | | | | 46 Block |
| | | | | Lot No. |

| Date | Event |
|------------|--------------------------------|
| 10/26/2015 | OPENED COMPLAINT CASE |
| 11/4/2015 | CRITICAL AREA CLEARING/GRADING |
| 12/7/2015 | CASE NOTE |
| 6/9/2016 | CASE NOTE |
| 6/14/2016 | CASE NOTE |
| 6/30/2016 | CLOSE COMPLAINT |

Vegetative Management Plan Application notes intent to remove “dying cherry tree” from left front water shore.

Narrative

(Provide written description of work to be performed. May be continued on back if necessary)

Removals left front water shore

-Dying Cherry Tree

-2 Persimmon Trees

Right side water shore

-Locust

-Cherry

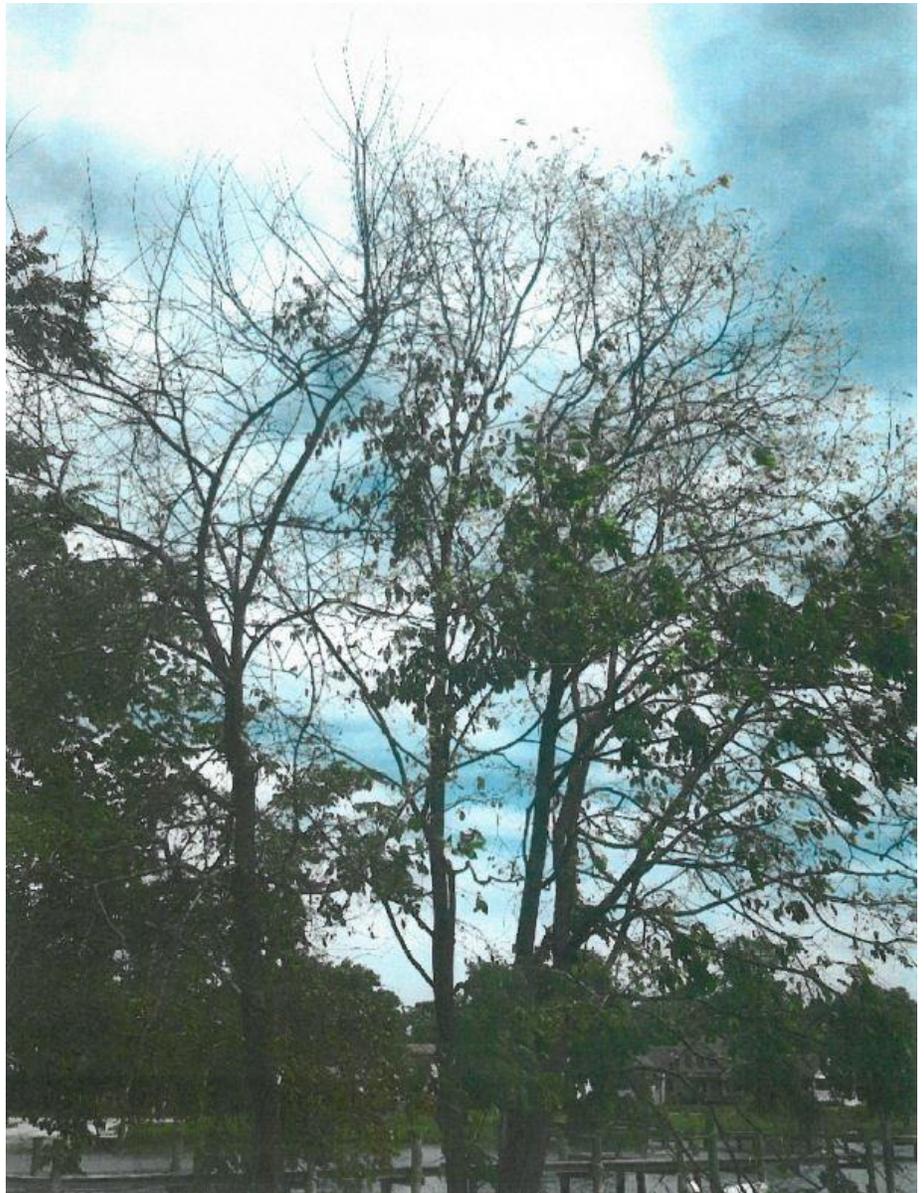
-Maple

Prune for health

-Sycamores

Prune away from neighbors house

-Trees on left side



E-2016-399: FAILED SERVICE ATTEMPTS

- July 27, 2016, violator's current case (E-2016-399) was opened for exceeding the scope of the VMP the County gave him.
- Review of Maryland Judiciary case search reveals failure to serve Defendant with a complaint in case **D-07-CV-16-012322** on February 8, 2017.
- Despite the County's inability to serve Defendant in early February, he appeared before Administrative Hearing Officer for a variance hearing on February 16, 2017.
- Case search reflects no effort to serve him at Variance hearing, although the County was aware that he would be there, and could have asked a process server to wait for him when he appeared at the hearing, as Hearing Officer's opinion shows he did.
- Case search shows a third summons issued on March 29, 2017, and affidavit of non-service filed on June 28, 2017. As of August, 2017, no further entries on case search indicating renewed summons, service attempts, or hearing dates.

Recommendations

To Help Observe and Prevent Violations:

- Obtain a drone for inspection of sites. (E-2014-639) “site posted with no trespassing signs. Inspector unable to observe alleged violation from neutral location”.
- If incorrect address given, require notation of correct address if possible, and reference to alternate case. (E-2015-386) “7/7/2015 Opened Complaint Case. 7/7/2015 Close complaint. Wrong address.” No indication of attempt to find correct address or follow up with complainant.
- Automatic integration of weather reporting/observations with ticklers for open drainage and runoff related cases to ensure timely inspections in advance of foul weather events.

Improve Transparency

- Full reporting of all enforcement measures. (New software? Establish a protocol for consistent, uniform entry of certain enforcement action).
- Post consent decree inspection notes. (E-2015-496).
- Make, and indicate on CCD, reports to States Attorney, Department of Labor, Licensing and Regulation, and/or Attorney General of unlicensed contractors (E-2015-47).

Code Changes

- Support code change to allow for observation of environmental violations made during other inspections to be referred to I&P (E-2014-48) “Site inspection reveals junk and debris has been dumped on adjacent County property. There is no grading violation. Please close this complaint.” No indication of case opened for dumping or referral to SAO.
- Support code change to account for fill volume, rather than area. (E-2015-179) “area of disturbance is approx. 2000 sq ft. the fill is approx. from 0' to 10'. No violation of article 16.” Ten-foot-deep fill should require permitting, even on less than 5000 sq. ft.
- Support code change to direct funds recouped in fines and judgments into environmentally related fund, rather than County General Fund. The cure should fit the disease.

Improve Enforcement Process

- Establish better protocols for failure to serve defendant violators (E-2015-607).
- Recommend to judiciary that suspended fines be held in trust until mitigation and required inspections are complete.



The South River Federation, Inc. is dedicated to protecting, preserving, restoring, and celebrating the South River and its interdependent living community.

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