

HOWARD COUNTY BOARD OF APPEALS HEARING EXAMINER

In The Matter Of

Thomas Denault & Dana Denault
5222 Green Bridge Rd., Dayton, MD 21036

Civil Citation Nos. CE 14-127-I & II

JOINT STIPULATION OF FACTS AND CONSENT ORDER

Petitioner, Howard County, Maryland, and Respondents, Thomas Denault and Dana Denault, by and through their undersigned counsel, hereby adopt and consent to be bound by the following Stipulation of Facts and Consent Order, and state:

STIPULATION OF FACTS

1. Respondents are the owners and operators of the real property commonly known as 5222 Green Bridge Rd., Dayton, MD 21036 (the "Property").
2. On or about March 31, 2015, Howard County, through its Department of Planning and Zoning ("DPZ"), issued Civil Citations 14-127-I and II to each of the Respondents for the operation of a contractor's business and the parking or storage of more than two commercial vehicles on Rural Residential zoned property, and imposing a fine of \$250 per day for each day the violation remains.
3. Respondents operate a paving and sealing business doing business as Maryland Sealcoat and Striping.
4. The Respondents acknowledge that DPZ can prove the allegations in Citations 14-127-I and II.
5. Respondents have removed commercial vehicles from the Property.
6. Civil Citations CE 14-127-I and II have been set before the Hearing Examiner for September 17, 2015.
7. A fine of \$250 per day from March 31 to September 17 would result in a total possible fine amount of \$42,500 for each Respondent.
8. In an effort to resolve this matter, prior to the September 17, 2015 hearing, the parties agree to the following Consent Order.

CONSENT ORDER

Based on the above Stipulation of Facts and the agreement and consent of the parties to settle this matter without a hearing and waive any right to appeal, it is this 15th day of September 2015, by the Howard County Hearing Examiner,

ORDERED, that Respondents will immediately cease storage of commercial vehicles, equipment, and material at the Property, and

It is FURTHER ORDERED, that Respondents shall not allow the Property to be used for the operation of a contractor's business or the storage of commercial vehicles, equipment, and material, for so long as they own the Property, and

It is FURTHER ORDERED, that Civil Citations CE-127-I and II issued to Dana Denault are Dismissed as to Dana Denault,

It is FURTHER ORDERED, that Respondent Thomas Denault shall pay a fine of \$2,500 to the Director of Finance for Howard County within 15 days of the date of this Order, and

It is FURTHER ORDERED, that if the Respondents do not comply with the above Order, including the prohibition on allowing future use of the property for the operation of a contractor's business or the storage of commercial vehicles, equipment, or materials, they will pay a fine of \$42,500 within 15 days from the date of non-compliance, and if the fine is not paid within 30 days it will be certified to the Director of Finance that the amount shall be a lien against the property known as 5222 Green Bridge Rd., Dayton, MD 21036, and accrue penalties at the same rate and in the same manner as the accrual of interest and penalties for unpaid real property taxes, and be collectible in the same manner as any civil money judgment or debt may be collected.

HOWARD COUNTY
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Michele L. LeFaivre

CONSENTED AND AGREED TO:

For Petitioner, Howard County, Maryland:

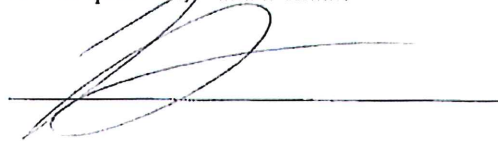


Lewis Taylor, Esq.,
Assistant County Solicitor
Howard County, Maryland

For Respondent, Thomas Denault



For Respondent, Dana Denault



William E. Erskine, Esq.
Counsel for the Respondents

