

IN THE MATTER OF
CARDONE CAPITAL LLC

Appellant

v.

HOWARD COUNTY
Department of Inspections,
Licenses and Permits

Appellee

* BEFORE THE
* HOWARD COUNTY
* BOARD OF APPEALS
* BA Case No. 808-D
*
*
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ORDER

The Howard County Board of Appeals convened on October 17, 2024 to hear oral arguments and deliberate on the Preliminary Motion to Dismiss Appeal filed by the Howard County Department of Inspections, Licenses and Permits (“DILP”) based upon Howard County Code, Sections 2-207(e), 2-202(d) and 2-206 requesting that the Board of Appeals (“Board”) dismiss the Appellants’ Administrative Appeal Petition which was filed April 1, 2024 for lack of jurisdiction, because it was not filed within the requisite 30 days from the date that Appellant knew or should have known that the licenses were not active and the response thereto filed by Edward Donohue, Esquire on behalf of Cardone Capital LLC (“Cardone Capital”).

David Moore, Senior Assistant County Solicitor, represented DILP. Edward Donohue, Esquire, represented Cardone Capital LLC.

DILP argued that the licenses at issue all stated that they would expire August 1, 2021, and as of the expiration date violations were in the process of being abated. Howard County Code Section 14.901(f)(i), Renewal of License, provides that DILP will not renew a rental housing license until outstanding property maintenance code violations are resolved. “A rental housing

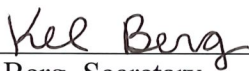
license may be renewed if: The dwelling unit continues to meet the requirements of the Howard County Property Maintenance Code for Rental Housing other requirements under this section of the Howard County Code and has provided updated information in the rental license application.” DILP avers that because Appellant knew that violations existed, it should have known that the licenses were not active. Appellant counters that there was no notice of revocation or expiration of the rental licenses that would have informed the Appellant of the situation. This Board finds DILP’s argument persuasive, since Appellant knew that violations existed, it should have known that the licenses were not active. The Appellant’s effort to manufacture a timely licensing action for it to appeal is legally insufficient for its appeal to proceed.

Upon review of the Motion to Dismiss Appeal and for the reason set forth in the Motion, it is this 19th day of December 2024, by the Howard County Board of Appeals, hereby

ORDERED, that the Motion to Dismiss Appeal is **GRANTED**, and the Appellant’s appeal petition is hereby **DISMISSED** since it was not filed within the requisite 30 days from the date that Appellant knew or should have known that the licenses were not active. The Appellant deprived the Board of jurisdiction by filing its appeal on April 1, 2024, more than 30 days after the 2021 licensing action that Appellant petitions the Board to reverse.

ATTEST:

HOWARD COUNTY BOARD OF APPEALS



Kel Berg, Secretary



Gene Ryan, Chairperson




Felita Phillips, Vice Chairperson

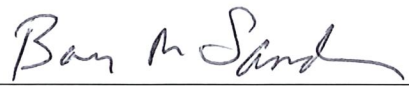
APPROVED AS TO FORM:

HOWARD COUNTY OFFICE OF LAW

Gary W. Kuc
County Solicitor

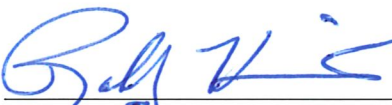


Jean Xu



Barry M. Sanders
Senior Assistant County Solicitor

____ Did Not Participate _____
Lynn Foehrkolb



Robbyn Harris

