

Excerpt:

Re: page 162. The CSA's Misquote of the Anne Arundel County Code's Parking Law.

On pages 2 and 3 of the CSA's opinion [Exhibit No. 12], the CSA includes a section entitled "Appellant's Contentions" in which it purports to state my position (as appellant) while misquoting the Code's parking law as: "*Anne Arundel County Code, art. 28, section 7-104 requires one parking space for each two boat slips.*" By including their misquote of the parking law commingled with discussion of my position at the bottom of page 2, in the paragraph beginning with: "According to the appellant" ...and "Appellant claims" ...on page 3, the CSA falsely made it appear that their misquote, was actually my own proper quote of that law as the appellant, since the CSA in making that misquote did not identify it as a misquote and the origin of the misquote. Because the misquote was an integral part of their "Appellant's Contentions" section of their opinion, an unbiased CSA would have acknowledged that the Code's parking law was misquoted, explained why it was included as misquoted, and the origin of the misquote. Instead, they put the monkey (the misquote) on my back as the appellant, rather than putting the monkey where it belongs, on the back of the Board. The CSA's biased purpose for their action is discussed below, but first a few additional comments.

As presented in their opinion, the CSA's act of misrepresenting their misquote of the Code's parking law, by implication, in their "Appellant's Contentions" section, as a proper quote of that law attributable to the appellant was inconceivable as an act of Maryland's second highest court. It was a highly unethical and biased act with intent to deceive and just plain dirty pool because that misquote was actually the CSA's concealment and perpetuation of the Board's misquote of that law shown in its decision on page 2 of Exhibit No. 8. An unbiased CSA would not have used such trickery of strategic placement to make it appear that the misquote of that law was a proper quote belonging to the appellant, and would have picked up the Board's misquote of that law in the Anne Arundel County Code as one of several legal failures in the Board's decision. As the CSA stated in its own standard of review: "In reviewing a decision of a county zoning board, we must determine (1) whether the board committed any errors of law, and (2) whether the board's conclusion was "fairly debatable."

As discussed previously in Chapter 3, the misquote of the Code's parking law originated in the marina owner contractor's perjured testimony at the Board's hearing. The marina owner's contractor was considered to be an expert witness by the Board. That misquote, which eliminated the phrase "or moorings," was then edited, and used by the Board in its opinion to eliminate the plain meaning that "slips or moorings" needed to be counted to meet the requirement of the Code's parking law. Since the

term “moorings” in the Code’s parking law connotes “temporary docking slips” as contained in the Code’s definition of “slip” that misquote aided the Board’s improper and biased acceptance of only the 44 permanent type slips claimed in the applicant’s site plan, because the Board also failed to consider the Code’s definition of “slip.” *Thus, by completely suppressing my quote of the Code’s definition of “slip” which specifically included ‘temporary docking’ areas as “slips,” and using a misquoted parking law that eliminated the phrase “or moorings,” the Board removed both of those Code provisions that conflicted with their illegal acceptance of perjured testimony and the applicant’s flawed site plan with an understated count of only 44 permanent type slips while ignoring all temporary docking slips/moorings required by those Code provisions.*

Now, in its own opinion, the CSA has concealed and perpetuated the Board’s error in misquoting the Code’s parking law in violation of the Cardinal Rule of Statutory Interpretation by its own misquote of the same law rendering the phrase “or moorings” as surplusage or nugatory. The Code’s mandate in the parking law requires that parking be determined on the basis of: “1 parking space for each 2 boat slips or moorings.” The biased intent of the CSA to attribute that misquote to the appellant by implication while perpetuating the misquote is also evident since the CSA ignored my attorney’s brief to the CSA at page 16 [Exhibit No. 11] wherein it properly quotes the Code’s parking law and provides the actual law in appendix 2, as the reason for remanding the matter to the Board of Appeals.

The CSA’s strategic placement and implication that the misquote was the appellant’s, served two significant biased purposes: 1) since it was not identified as a misquote, and by whom, the misquote would appear to be the appellant’s own valid quote of that law; thus, the CSA would not have to contend with the problem of defining the term “mooring” as experienced by the circuit court judge in Chapter 4, and then attempt to disassociate the definition of the term “mooring” from moorings at piers and bulkheads which are required to be counted by the parking law, and 2) since it was not identified as a misquote, and by whom, it would appear to be the appellant’s own valid quote of that law, with the result that the CSA would not have to disclose that the misquote was truthfully a biased legal error in the Board’s decision. This would then support the CSA’s false conclusion that no legal errors were committed by the Board, and that there is “substantial evidence” to support the Board’s decision. The foregoing tactic and misquote, together with the additional CSA misquotes of the Code and other failures discussed below, is clear and convincing evidence that the applicant, Chalk Point Marine, had collusive support for its illegal permit right through the third appeal venue at the CSA, the second highest court in the State of Maryland.

The facts show that the Board used the misquote of the Code’s parking law, together with its complete failure to interpret or apply the Code’s definition of “slip,” to affirm the illegal permit that was issued contrary to the law. These basic failures of

the Board constituted prejudicial legal errors rendering the Board's decision invalid despite the biased tactics, false statements and violations of the Cardinal Rule of Statutory Interpretation employed by the CSA.