

IN THE MATTER OF
THE GOSPEL FAITH MISSION
INTERNATIONAL HOUSE
OF CHANGE, BALTIMORE
10610 LIBERTY ROAD
RANDALLSTOWN, MD 21133

RE: Appeal of False Alarm fees

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: CBA-18-001

* * * * *

OPINION

This case comes before the Baltimore County Board of Appeals as a de novo hearing on an appeal of the decision of the Baltimore County Alarm Reduction Section’s findings that the Gospel Faith Mission International House of Change, Baltimore (“Gospel Faith Mission”) located at 10610 Liberty Road were to be held responsible for a total of 29 false alarms from March 6, 2017 to June 10, 2017 with a total charge of \$5,925.00. The Alarm Reduction Section made an adjustment of \$1,500.00 with a total of \$375.00 being paid by the Protestants, with an outstanding fine amount of \$4,050.00. A hearing took place before this Board on September 27, 2017 with members of the Gospel Faith Mission appearing *pro se*. Renee Phillips Farley, Esquire appeared on behalf of Baltimore County.

Background

On June 22, 2017, Steven R. Heggemann, Manager of the Alarm Reduction Team Baltimore County, issued a letter to the Gospel Faith Mission at 10610 Liberty Road, Randallstown, Maryland 21133 outlining his decision regarding the review of the false alarm fees attributed to that address pursuant to hearing number 16466. The nature of these violations entail the security system at 10610 Liberty Road being triggered, thus causing the church’s security alarm provider to notify the Baltimore County Police which then is required to respond to the premises in order to investigate the existence of possible criminal activity. Each time one of these

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notifications is triggered causing Baltimore County Police to respond and not find evidence of criminal activity, a false alarm notice is generated and sent to the appropriate address provided by the Gospel Faith Mission. Mr. Heggemann, manager of the Alarm Reduction Team testified before the Board and explained that Baltimore County Police are required to make note of the fact that no criminal activity has been detected after responding to a call. When such note is made, a false alarm notice is then generated. Mr. Heggemann explained that he then reviews the records and in instances where officers fail to provide the proper information, credit is then given to the property owners and the charges removed. Mr. Heggemann also explained that when an alarm is tripped, a phone call is made by the security firm to a number provided by the customer in which they have an opportunity to communicate whether or not a false alarm has been tripped. Whether or not this communication is successfully completed is between the customer and the security system provider. Once the Baltimore County Police are forced to respond to the address and no criminal activity detected, a fine is automatically accrued.

Deacon Moses Kuna of the Gospel Faith Mission International testified before the Board outlining the reasons for which they have appealed. Mr. Kuna explained that the original false alarm notification letters were addressed to 9915 Liberty Road which was the address of a former pastor who has been deceased since 2016. Deacon Kuna explained that these notifications came to the attention to the church but only after they were forwarded on by the deceased pastor's family members. Deacon Kuna also explained that their security alarm provider, ADT had been to the premises to repair problems to the security alarm sensors. Mr. Kuna presented the Board with a work order summary dated June 5, 2017, outlining the problems found with the system. Deacon Kuna attributed the large amounts of false alarms instances to ADT's failure to properly diagnose

and to remedy the defects in their alarm system. Deacon Kuna notes that since the system has been fixed that the false alarms have ceased

Decision

The Baltimore County Code defines Public Nuisance Alarms as follows:

§ 13-11-101. DEFINITIONS

- (a) In general. In this subtitle the following words have the meanings indicated.
- (b) Person. "person" includes a lessee.
- (c) Public nuisance alarm. "Public nuisance alarm" means a residential, commercial, or automotive burglary or robbery alarm system with an audible noise enunciator including horns, bells, or sirens that sounds between the hours of:
 - (1) 10:00 p.m. and 6:00 a.m. and continuously sounds for more than 2 hours; or
 - (2) 6:00 a.m. and 10:00 p.m. and continuously sounds for more than 4 hours.

The statutory penalties for Public Nuisance Alarms are as stated below.

§ 13-11-102. PUBLIC NUISANCE ALARMS PROHIBITED.

- (a) Prohibited. A person may not allow a public nuisance to be maintained on the person's property or in the person's vehicle.
- (b) Penalty. A person who violates this section is subject to a civil penalty of not less than \$50 and exceeding \$500 for each offense.

Deacon Moses Kuna testified that the Gospel Faith Mission was unaware that fines were outstanding with Baltimore County due to false alarms at the church because the previous Deacon had died and notifications of these fines were being sent to the deceased Deacon's address. These notices included false alarms from March 10, 2017 to April 22, 2017, for total of \$2,550. (See Appellant's Ex. 2). Starting on May 2, 2017, notices were being sent to the 10610 Liberty Road

address. Although the Board does not question the Appellant's explanation for the "mix -up" regarding the proper address, the Board finds that it is still the legal responsibility of the Church to insure that the proper address for such notifications has been supplied to the County. In that the Alarm Reduction Section has already afforded the Appellants a \$1,500.00 adjustment, the Board is not inclined to make further reductions due to for lack of notice.

Appellants testified they believed that false alarms were being generated by malfunctioning security equipment provided by ADT, which possibly being triggered by rodents. Appellants provided a work order from ADT dated June 5, 2017 illustrating their efforts to prevent future false alarms. (See Appellant's Ex. 1). Appellants further testified it took ADT multiple attempts to diagnose the problem. Consequently, another \$500.00 fine was generated as a result of a June 10, 2017 false alarm. Although the Board finds that it is the ultimate responsibility of the property owner (the Church) to insure that their security equipment is functioning properly, the Board finds that the Appellants made good faith efforts to remedy the problem with their security equipment once the problem was diagnosed. Based on these good faith efforts, the Board will reduce the previous fine amount of \$4,050.00 by \$500.00, making the total fine due, \$3,550.00

Therefore, the decision of the Alarm Reduction Section is upheld and the civil penalty is reduced to \$3,550.00.

ORDER

THEREFORE, IT IS THIS 5th day of December, 2017

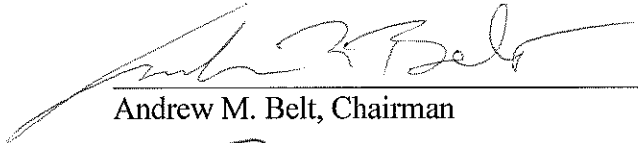
by the Board of Appeals of Baltimore County

ORDERED that the decision of the Alarm Reduction Section is **AFFIRMED** and the civil penalty is **REDUCED** by \$500.00 from \$4,050.00 to \$3,550.00.

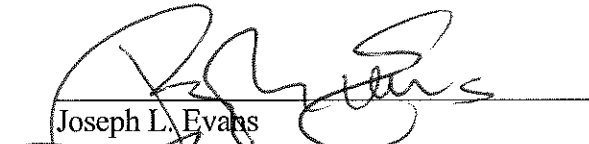
In the matter of: Gospel Faith Mission International House of Change, Baltimore
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Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

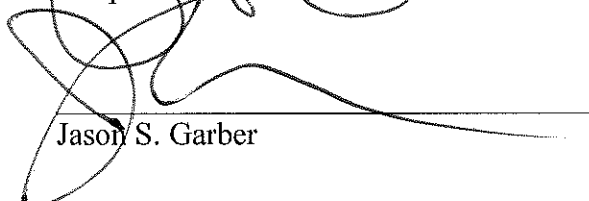
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman



Joseph L. Evans



Jason S. Garber



Board of Appeals of Baltimore County

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December 5, 2017

Renee Phillips-Farley, Assistant County Attorney
Baltimore County Office of Law
The Historic Courthouse, Second Floor
400 Washington Avenue
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Deacon Moses Kuna
The Gospel Faith Mission International
House of Change, Baltimore
10610 Liberty Road
Randallstown, Maryland 21133

RE: In the Matter of: *The Gospel Faith Mission International House of Change, Baltimore*
Case No.: CBA-18-001

Dear Ms. Phillips-Farley and Deacon Kuna:

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" followed by a small mark.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Steven R. Heggemann, Manager of Alarm Reduction Team/OBF
Michael E. Field, County Attorney/Office of Law