

IN THE MATTER OF
7 ELEVEN STORE 21980A2544
JOSEPH AND PAMELA CHILCOAT
– RESPONDENTS/APPELLANTS
1611 EDMONDSON AVENUE
BALTIMORE, MD 21228

RE: Civil Citation No. 10413
Tobacco Enforcement Citation

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-14-011

* * * * *

ORDER OF DISMISSAL

This case comes to the Board on appeal from the August 5, 2013 decision from the Administrative Law Judge upholding the violations under the Baltimore County Code Section 13-12-103.1 for failure of owner or other distributor to verify by means of photographic identification containing the bearer's date of birth that no person purchasing a tobacco product or tobacco paraphernalia is a minor, if purchaser appears to be under the age of 26 years old; civil penalty imposed in the amount of Three Hundred Dollars (\$300.00) all but Seventy-Five Dollars (\$75.00) suspended.

On August 19, 2013, Joseph and Pamela Chilcoat filed a Notice of Appeal from the decision of the Administrative Law Judge. A hearing was scheduled to be held before this Board on Wednesday, September 25, 2013 at 10:00 a.m., for which proper notice was given. Jonny Akchin, Assistant County Attorney for Baltimore County, appeared at the scheduled time of hearing; Joseph and Pamela Chilcoat, Respondent/Appellant, did not appear, nor did anyone on his behalf.

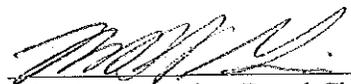
The Board convened at 10:15 a.m., and, on the record and in open hearing, Jonny Akchin, Assistant County Attorney for Baltimore County moved for dismissal for failure to appear. Upon consideration of the fact that the Notice had the correct address and was not returned the Board

granted said Motion for Dismissal and will so order.

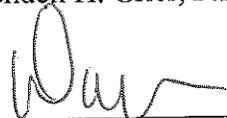
IT IS THEREFORE ORDERED this 18th day of October, 2013 by the Board of Appeals of Baltimore County that the appeal filed in Case No. CBA-14-011 be and the same is hereby **DISMISSED WITH PREJUDICE FOR FAILURE TO APPEAR**. The decision of the Administrative Law Judge dated August 5, 2013, in which the violation of BCC Section 13-12-103.1 was upheld and a civil penalty was imposed, remains the Final Order in this 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*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

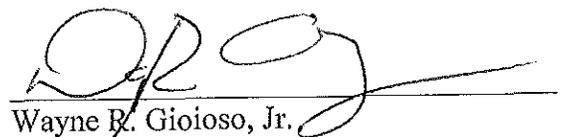
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendell H. Grier, Panel Chairman



David L. Thurston



Wayne R. Gioioso, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 18, 2013

Joseph and Pamela A. Chilcoat
7 Eleven Store 21980A2544
1611 Edmondson Avenue
Baltimore, MD 21228

Jonny Akchin, Assistant County Attorney
Department of Permits, Approvals and
Inspections
The County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: In the Matter of: Joseph and Pamela A. Chilcoat
7 Eleven Store 21980A2544 - Respondents/Appellants
Case No.: CBA-14-011

Dear Mr. and Mrs. Chilcoat and Mr. Akchin:

Enclosed please find a copy of the Order of Dismissal 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".

Krysundra "Sunny" Cannington
Acting Administrator

Enclosure
Duplicate Original Cover Letter

c: Michael Dark, Health Educator/Department of Health
Gregory Wm. Branch, M.D., MBA, CPE, Director/Department of Health
Lawrence Stahl, Managing Administrative Law Judge
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney