

YANG MEI

v.

**MAYOR AND CITY COUNCIL OF
BALTIMORE CITY**

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **Petition Docket No. 324**
* **September Term, 2019**
* **(No. 24-C-19-002941, Circuit**
* **Court for Baltimore City)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Circuit Court for Baltimore City and the supplement filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition and the supplement be, and they are hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Mary Ellen Barbera

Chief Judge

DATE: January 24, 2020

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YANG MEI

v.

MAYOR AND CITY COUNCIL OF BALTIMORE*

* **IN THE**
* **COURT OF APPEALS**
* **OF MARYLAND**
* **Petition Docket No. 324**
* **September Term, 2019**
(No. 24-C-19-002941, Circuit
Court for Baltimore City)

O R D E R

Upon consideration of the "Motion for Reconsideration of Denial of Petition for the Writ of Certiorari and the Supplement" filed in the above-captioned case, it is

ORDERED, by the Court of Appeals of Maryland, that the above pleading be, and it is hereby, **DENIED**.

/s/ Mary Ellen Barbera

Chief Judge

DATE: March 27, 2020

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YANG MEI

Defendant/Appellant,

v.

MAYOR AND CITY COUNSEL,
OF BALTIMORE,

Plaintiff/Appellee.

* IN THE
* CIRCUIT COURT

* FOR
* BALTIMORE CITY, PART 23

* Case No.: 24-C-19-002941

* * * * *

ORDER

Upon consideration of Yang Mei's ("Appellant") Memorandum (docket #00006000), filed June 13, 2019, Mayor and City Council of Baltimore's ("Appellee") Response to Appellant's Memorandum in Opposition to the Decision of the District Court (docket #00007000), filed July 8, 2019, the arguments presented at the hearing held on July 25, 2019, wherein Appellant appeared pro se and Appellee was represented by counsel, the contents of the record herein, and for the reasons stated in the Memorandum Opinion issued on even date, it is this 8th day of August, 2019, by the Circuit Court for Baltimore City, Part 23, hereby

ORDERED that the judgment of the District Court of Maryland for Baltimore City be, and the same is, hereby **AFFIRMED**; and it is further

ORDERED that all outstanding court costs of the appeal shall be paid by Appellant.

AUDREY J.S. CARRION
Part 23

Judge's Signature appears on the original document

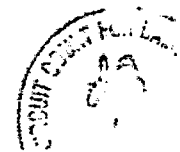
Judge Audrey J.S. Carrión
Case No.: 24-C-19-002941

CC:

TEST

Marilyn Bentley

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YANG MEI,

* IN THE

* CIRCUIT COURT

Defendant/Appellant,

v.

* FOR

MAYOR AND CITY COUNSEL
OF BALTIMORE,

* BALTIMORE CITY, PART 23

Plaintiff/Appellee.

* Case No.: 24-C-19-002941

* * * * *

MEMORANDUM OPINION

This is an appeal on the record from the April 24, 2019 judgment of the District Court of Maryland for Baltimore City ("District Court"), in favor of Mayor and City Council of Baltimore ("Appellee") and against Yang Mei ("Appellant"). Record ("R.") at 22. For the reasons elaborated herein, the judgement of the District Court is hereby **AFFIRMED**.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

This matter concerns a vacant property located at 600 E. Patapsco Avenue, Baltimore, Maryland 21225 ("the Property"). Transcript ("Tr.") at 4 (January 16, 2019). In 2006, Appellee, through the Department of Housing and Community Development, issued a violation notice

#145504A, stating the Property was a "vacant building" as defined by Section 116.4 of the

Building, Fire and Related Codes of Baltimore City ("the Violation"). The Property was found to

be a nuisance *per se*, and considered to be unsafe, a fire hazard, a threat to the health, welfare,

and safety of the general public and adjoining property owners, and unfit for human habitation or

other authorized use. R. at 32.

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On September 4, 2018, Appellee filed a Petition for Appointment of a Vacant Building Receiver ("the Petition").¹ R. at 33. On September 11, 2017, a Show Cause Order was issued directing Appellant to show cause why a vacant property receiver should not be appointed for the Property. R. at 2.

A hearing was held on January 16, 2019, before The Honorable William M. Dunn of the District Court. Appellant appeared pro se and counsel was present for Appellee. The court heard arguments from Appellee's counsel, and testimony from Appellant. Additionally, Appellant's father and sister testified. Appellant stated that he had obtained a credit limit in the amount necessary to rehabilitate the Property. However, Appellant did not provide a contractor's scope of work or timeline. Tr. at 6 (January 16, 2019). The matter was postponed to allow Appellant time to obtain a use and occupancy permit and he was informed that it would be the last postponement. Tr. at 7 (January 16, 2019).

A final hearing was held on April 24, 2019, before The Honorable Geoffrey Hengerer of the District Court. Appellant provided the court with an unfinished application for the Baltimore City LIGHT² Program.³ Tr. at 4 (April 24, 2019). Additionally, Appellant did not obtain a use and occupancy permit and failed to demonstrate any improvement to the property. *Id.* at 4, 6. The court appointed the Casey Group, LTD as the receiver of the Property. *Id.* at 8.

Appellant timely filed an appeal on April 24, 2019. (docket #00001000.) On April 22, 2019, Appellant filed his Memorandum. (docket #00006000). On June 8, 2019, Appellee filed its Response to Appellant's Memorandum in Opposition to the Decision of the District Court. (docket #00007000).

¹ Between 2006 through 2019, there were several hearings and postponements to allow Appellant the opportunity to rehabilitate the Property.

² Standards for "Leading Innovation for a Green and Healthy Tomorrow."

³ LIGHT Program case coordinators conduct assessments for home rehabilitation.

II. ANALYSIS

A. Scope of Review on District Court Appeal.

The Circuit Court has a narrow scope of review from an appeal of the District Court. This Court reviews the case on the law and the evidence. Md. Rule 7-113(f). It should set aside the District Court judgment on the evidence only if the factual determinations of the District Court are clearly erroneous: the Circuit Court must give due regard to the unique opportunity of the District Court judge to assess the credibility of the witnesses. *Id.* See also *Ryan v. Thurston*, 276 Md. 390, 392 (1975).

The appellate court must consider the evidence produced at the District Court trial in the light most favorable to the prevailing party below, and if substantial evidence was presented to support the District Court's determination, it is not clearly erroneous and cannot be disturbed on appeal. See *Ryan*, 276 Md. at 392 (citing *Delmarva Drill Co. v. Tuckahoe*, 268 Md. 417 (1973)). The appellate court must accept and be bound by the findings of fact of the lower court unless they are clearly erroneous and must not substitute its own judgment for that of the trial court on findings of fact. *Id.* (citing *Harford Sod Co. v. Randall Dev. Corp.*, 264 Md. 214 (1972)).

The clearly erroneous standard, however, does not apply to the legal determinations of the District Court, which enjoy no presumption of correctness on review. The Circuit Court must apply the law as it understands it. See *Rohrbaugh v. Estate of Stern*, 305 Md. 443 (1986).

B. Substantial Evidence was Presented to Support the District Court's Determination.

Section 121 of the Building, Fire and Related Codes applies to a vacant structure that is found to be unsafe or unfit for human habitation. "The Building Official may petition the court for appointment of a receiver to rehabilitate a vacate property, to demolish it, or to sell it to a

qualified buyer.” § 121.1. “If no qualified person with an ownership interest requests appointment to rehabilitate or demolish the property, or if an appointee is dismissed, the court must then appoint a receiver of the property for the purpose of rehabilitation and managing the property, demolishing the property, or selling it to a qualified buyer.” The owner of the property may abate the violation by rehabilitating it. R. at 9.

At the hearing held on January 16, 2019, the District Court postponed the matter and ordered Appellant to obtain a use and occupancy permit. Tr. at 7 (January 16, 2019). At the hearing held on April 24, 2019, Appellant did not present any evidence documenting a use and occupancy permit had been obtained. Further, he provided the court with an incomplete application for the Baltimore City LIGHT Program. Tr. at 6 (April 24, 2019). The District Court specifically asked what progress was performed by Appellant to demonstrate an improvement of the Property. Tr. at 6 (April 24, 2019). Appellant responded by requesting another postponement. Tr. at 8 (April 24, 2019). The District Court determined that Appellant failed to make improvements to the Property and failed to obtain a use and occupancy permit as previously ordered. Tr. at 8 (April 24, 2019). On April 24, 2019, the District Court appointed Casey Group, LTD as a Vacant Building Receiver for the Property. R. at 32.

The evidence before the District Court was substantial to support its ruling. As such, the District Court’s factual findings were not clearly erroneous. This Court will not disturb the judgment of the District Court. *See* Maryland Rule 7-113(f); *Ryan*, 276 Md. at 392; *Harford Sod Co.*, 264 Md. at 219, 221.

III. CONCLUSION

For the foregoing reasons, the decision of the District Court awarding judgment in favor of Appellee and against Appellant is hereby **AFFIRMED**.

IT IS SO ORDERED, this 8th day of August 2019.

AUDREY J.S. CARRION
Part 23

Judge's Signature appears on the original document

Judge Audrey J.S. Carrión
Case No.: 24-C-19-002941

THOSE GOING
TEST

Audrey J.S. Carrión

CC:

The Honorable Geoffrey Hengerer,
Edward F. Borgerding Courthouse
5800 Wabash Avenue
Baltimore, Maryland 21215

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Appellant, Pro-se

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Sent via U.S. Mail
Case No.: 24-C-19-002941