

Jennifer L Dueck  
2050 Carousel Drive  
Westminster, MD 21157

To Whom It May Concern,

When establishing a small business, there are many processes and procedures you must follow, in order to abide by the laws established on local, state and federal levels. With the exception of our local health departments, there seems to be existing procedures that ensure the law is not only upheld, but also provides guidance and direction in order to appeal a contested decision.

In July of 2021, after many e-mails with the health department and ensuring compliance based upon the rules provided, a member of the Carroll County Health Department unexpectedly showed up, after a neighbor complained about our port-o-pot which was on our farm property for guests. The neighbor had called in a complaint about portable restrooms being on our property and wanted to know "who was regulating (us) serving food." The health officer reviewed emails I provided her, showing that not only was our use of portable restrooms approved, but the Carroll County Health Department had required us to provide them on our farm. The health officer admitted that we "were compliant" and had followed all the rules they provided, but informed me, that the portable restrooms could not stay on our property and needed to be removed. When I questioned this decision, she requested we move it to the other side of the property where the portable restrooms "could be hidden". I requested to see law that supports either of these requests being made. The health officer quickly admitted, "I don't know anything about portable restrooms and law, so I will have to get back to you". Our visit was pleasant, but we spent nearly a month working with local delegates who assisted us in working with the Carroll County Health Department as they attempted to enforce rules on our farm, that cannot lawfully be enforced. In fact, their requirements for our farm, (which include a weekly pump and haul contract) are not even found in local or state law. The decisions made by the health department were completely arbitrary, an infringement on our property rights and have stripped us of our freedoms to use our property within the law that Maryland provides us. We have never violated health codes, nor have any complaints upheld, yet we are being held to regulations with no process to appeal their decisions. There is no pre-existing process for appealing the requirements and restrictions that they have unlawfully placed on our business.

When our farm use was appealed by an angry neighbor who was unhappy with our farming enterprise, the county not only provided guidance, but there also existed, a process that provided us with a better understanding of the laws specific to our situation, which not only protected our farm, but also educated us on our rights as small business and property owners in Maryland. We fully support House Bill 761, which will not only provide guidance to business owners and those who desire to be compliant with health law, but a process in which to appeal a decision made by members of the health department, whose decisions are clearly, in need of regulation and oversight. Law and decisions based on law, by any enforcing board or government should include a process that protects the integrity of that legislation.

Jen Dueck

Old Line Lavender Co