

Judge sends case between county and group to circuit court

Posted by [TBN Charles](#) On 08/11/2015

La Plata, MD - The ongoing litigation between Charles County and the Bel Alton Alumni Association will move forward to circuit court, a Charles County District Court judge decided Tuesday, Aug. 11.

Judge Michelle Saunders ruled that while there are aspects of a landlord-tenant dispute--something Charles County Attorney Elizabeth Theobolds argued--the complex case should move to the higher court.

"After viewing all of the information, this is a consolidated matter," Saunders stated. "The facts in this case are very much intertwined. I am going to consolidate this matter and forward it to the circuit court to be heard at a time set by that court."

Former county attorney Roger Fink, representing the Bel Alton Alumni Association, said because he was county attorney at the time when the agreement was entered into between the group and the county, it gives the appearance of conflict.

"I will have to withdraw," he told the court. "The Bel Alton Alumni Association is vigorously attempting to retain counsel."

Theobolds said the group failed to make payments and therefore the county filed for breach of contract.

Fink said originally, the group thought they could resolve it as a tenant-landlord dispute in district court, but argued it became bigger than that and his clients were filing a claim for damages in excess of the court's jurisdiction.

"The county locked the Bel Alton Alumni Association out of the building," he said.

"The county is alleging this breach of relief," Theobolds countered. "The county filed a new petition alleging landlord-tenant breach of relief. It was appropriate to file because the school is clearly county property. The county is needing to refinance the loan. It's over a year and a half they've been in default."

"And at this time, nothing has been going on with this property?" Saunders asked.

"Access is available to the group upon request," Theobolds answered.

"Why the county erected a stone wall is not clear," Fink stressed. "The county and the organization entered into this agreement over 20 years ago. The Bel Alton Alumni Association operated programs for the elderly, the unemployed, the under privileged. They were fairly successful."

Fink also asserted that the group garnered almost \$4.5 million to help restore a building the county was going to raze. He also brought up the water and sewer system that had to be installed at the county's request.

"This is way more complex than a landlord-tenant dispute," he said.

"The water-sewer system is something that took place over 10 years ago," Theobolds stated. "The county can document that every dime has been repaid. The county has reached out to the Bel Alton Alumni Association to try and amend the lease. They have not responded. If they are in default, that terminates the lease," she added.

With the judge's ruling to move the matter to circuit court, it could be quite some time before the issue is settled.

Fink said that while the county attorney stated in court that access to the building is available upon request, that isn't necessarily the case.

"We need to get in there," he said. "We are particularly concerned about the kitchen area, which has systems that need to be flushed on a regular basis."

After the judge's decision, members of the Bel Alton Alumni Association stood in the lobby area outside the courtroom for a moment of prayer.

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