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**Inspectors upset by conviction
County employee charged while on job**

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Fear rippled through the county's environmental enforcement division when William E. Watkins was convicted of trespassing last month.

A grading inspector, Watkins entered Francis M. Gasperich's Crownsville farm Feb. 8, 1990 to investigate complaints of illegal dumping and grading. Gasperich had posted "No Trespassing" signs, but Watkins says he did not see them until he left.

On June 10, District Court Judge Martha Rasin found Watkins guilty of trespassing and fined him \$100 plus \$25 in court costs.

Watkins, a 53-year-old Cape St. Claire resident who's worked as an inspector for five years, cannot believe this has happened to him.

Although the incident occurred in the course of his duties, he has paid for his defense from his own pocket. Already, he has spent \$1,200; he'll spend more by the time he appeals.

A competitive trap shooter, Watkins also fears a criminal record could cost him his federal firearms license.

"{Gasperich} is endangering everything I've worked all my life for," Watkins said. "I was doing a job I was ordered to do."

The conviction also is a setback for County Executive Robert R. Neall, who had promised voters better enforcement of the county's environmental ordinances last year. That goal will be much harder to reach if county inspectors fear they are endangering themselves by doing their jobs.

"We're out there to help the public, that's our job, but we're not going to do it at personal risk to ourselves and livelihoods," a grading inspector said.

Other county inspectors -- who enforce county erosion, storm water, critical area, rubble landfill and tree preservation laws -- say they are stunned not only by the verdict, but that Watkins has had to defend himself.

"The county should have picked up the cost {of defending Watkins} instead of letting this guy sit out there by himself," said Marvin Redding, president of the American Federation of State, County and Municipal Employees Local 582. "If you're trying to do your job, you shouldn't get banged for it."

Even Neall has publicly branded the verdict as "one of the stupidest decisions" in recent history.

"I think it will have a chilling effect on the attitudes of the inspectors in the field," County Attorney Stephen Beard said. "Now, when they respond to a complaint, they have to think they may be subjecting themselves and their families to taint and ridicule" of criminal prosecution.

The case began Feb. 7, 1990 when a Gambrills pilot reported seeing a hazardous waste dump while flying over Crownsville.

When county police searched the area by helicopter, they noticed massive grading and large ponds on Gasperich's 165-acre farm off St. Stephen's Church Road.

The following day, police asked the Department of Permits and Inspection to help. Watkins was inspecting sediment controls at a construction site in Odenton when he was summoned by two-way radio back to his Parole office.

John Peacock, chief of environmental enforcement, asked Watkins to lead two county police officers to Gasperich's property.

At the farm, they reported finding a large, graded field, a loose, earthen berm and 12 to 14 inches of sewage in ponds at the bottom of a slope. When Gasperich drove up in a bulldozer, Watkins ordered him to stop work on the field.

"When I see 12 inches of crap floating on the ground, I know something is wrong," Watkins said.

Septic tank cleaners had spread septage on the Gasperich farm for more than 17 years with Health Department approval. A tree surgeon, Gasperich used the septage to fertilize a crop of Paulownia trees. Paulownia wood is valued in the Orient.

The Health Department has since denied permission to dump septage. Health officials cited excessive ponding as well as the proximity to a stream which ultimately leads into the South River.

Gasperich unsuccessfully sued the county last year, asking that he be allowed to continue fertilizing his trees with septage. But a Circuit Court judge denied the request, ruling that Gasperich had not yet exhausted administrative appeals.

Nearly a year had passed since Watkins inspected the farm when Gasperich filed the criminal trespass charges Feb. 3.

Gasperich said he believes county officials ordered Watkins to harass him because he testified against the county two years ago on behalf of another farmer.

"Watkins has no personal grudge against me. He does what he's told to do," Gasperich said last week. "I still have time to go after his bosses, but not for criminal trespass. I have three years to go after them, only one year for the trespass."

In convicting Watkins, Rasin said the "No Trespassing" signs Gasperich had posted at the entrance to his property were the key. A "Stop" sign and a "No Trespassing" sign lie to the right of a steel gate. A hand-written "Notice" is tacked high on the birch tree to the left.

The 20-year-old notice reads: "Do not enter anywhere along here unless authorized by me for dog pick-up, coon hunting, sightseeing or any reason. You will be arrested or shot. Go Back! Get out and keep out. This means you!"

During the trial, Watkins and both police officers denied seeing the "No Trespassing" signs when they entered. But Rasin said that did not matter; Watkins should have seen and heeded the signs.

Tim Murnane, Watkins' attorney, said Gasperich tacitly agreed to allow random inspections when he allowed licensed septage haulers to dump on his property.

Rasin disagreed: "He's not the most culpable defendant I've ever seen, but I think technically there is a reason to have a

guilty finding."

The verdict caught everyone by surprise.

"It takes away the authority of the inspectors if all you have to do is scream 'Trespass!' and you are home free," said Peg Burroughs, a board member of Maryland Save Our Streams. "And I'm disappointed in the county for not standing by its employee more. What kind of signal does this send to the other guys?"

Beard said the county wants to stand behind its employees, but the charter does not allow the Office of Law to defend them in criminal cases.

The county is exploring amendments to a 1970s law that would allow the county to reimburse Watkins' legal fees if he is acquitted.

"I don't believe he's guilty," Beard said. But, he added, "If Mr. Watkins' conviction stands, I don't think anyone wants to reimburse his legal costs."

Graphics:

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Caption:

Francis M. Gasperich (above) filed criminal trespass charges against William E. Watkins, a county grading inspector, when the official investigated complaints about illegal dumping and grading on Gasperich's Crownsville farm. Watkins was convicted, even though the complaint arose in the course of his duties. The judge said "No Trespassing" signs and the notice on the tree (left) were the keys to the case.

William E. Watkins, a competitive trap shooter, fears his trespassing conviction will cost him his federal firearms license. Watkins was investigating complaints of illegal dumping for the county when the case began.

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