

Office of Administrative Hearings for Baltimore County  
105 West Chesapeake Avenue Suite 103  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 119866

Devonshire Associates  
1427 Clarkview Road, Ste 500  
Baltimore, MD 21209

1044 Arion Park Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on December 19, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312; 13-7-305, 306: Failure to remove open dump conditions; Failure to remove junk, trash and debris; Failure to cease rat infestation on residential property.

On November 28, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Phillip Mills issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,500.00 (Two thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Sherree Davis, Respondent and agent for owner and, Phillip Mills, Baltimore County Code Enforcement Officer.

Testimony was presented that acting upon a citizen complaint, an inspection of the subject property was carried out on 10/26/12, revealing overflowing dumpsters, evidence of rat infestation at the dumpsters and considerable miscellaneous items of junk, trash and debris. A Correction Notice was issued. A re-inspection was carried out on 11/28/12 and noted no change to conditions at the site. A Citation was issued, mailed and posted. A pre-hearing inspection on 12/17/12 also noted no improvement. Photographs taken by the Inspector were entered into the record.

The Respondents are owners of this property, comprising 396 apartments. Respondent's agent testified that they had been using an outside contractor whose work was not acceptable; as a result, they have entered into a new arrangement with Waste Management to empty the dumpsters. The agent was advised that the rat holes and dumpsters had to be properly dealt with, and the dumpsters enlarged or the pick up schedule adjusted to avoid future problems. The agent also alluded to dumpster security issues and was advised that it was up to her principal to see that the dumpsters were secure

and used only by legitimate tenants. Continued scrutiny by the Inspector will keep all concerned advised as to progress in alleviating the situation.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$2,500.00 (Two thousand five hundred dollars).

IT IS FURTHER ORDERED that \$2,000.00 of the \$2,500.00 civil penalty be suspended, with an immediate \$500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,000.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,000.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this \_\_\_2\_\_\_ day of January 2013

Signed: \_\_\_\_\_  
Lawrence M. Stahl  
Managing Administrative Law Judge

**NOTICE:** Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.