

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

In the Matter of

Civil Citation No. 107608

Mark Banks
Sharon Banks
204 Clyde Avenue
Baltimore, MD 21227

4417 Annapolis 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 October 10, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310; 13-7-312; 13-7-401; 13-4-201, Baltimore County Zoning Regulations (BCZR) section 428; 1B01.1D: Failure to remove untagged/inoperable vehicle; Failure to remove junk, trash and debris; Failure to cut tall grass and weeds; Failure to cease open dump; Failure to store trash with tight fitting lids; Failure to clean animal feces daily on residential property.

On September 20, 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 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$25,000.00 (Twenty five thousand dollars).

The following persons appeared for the Hearing and testified: Mark Banks, Respondent and, Phillip Banks, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 5/23/12, revealing the presence on the site of an untagged vehicle, considerable junk, trash and debris, open dump conditions, animal feces, the use of garbage cans without proper lids, and tall grass and weeds in excess of that allowed by Code. A Correction Notice was issued. A re-inspection of the property on 9/20/12 noted no change. A Citation was issued, mailed and posted. Photographs taken by the Inspector were admitted into evidence. A pre-hearing inspection on 10/9/12

revealed that the grass had been cut, some debris removed, but that all other violations noted earlier remained unchanged. The Respondent testified that they had attempted to donate the vehicle to charity, and apologized for the condition of the property.

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 \$20,000.00 (Twenty thousand dollars).

IT IS FURTHER ORDERED that \$19,000.00 of the \$20,000.00 civil penalty be suspended, with an immediate \$1,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$19,000.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order by October 22, 2012.

IT IS FURTHER ORDERED THAT if the subject property is not brought into compliance by October 22, 2012, Baltimore County shall be authorized to send contractors to enter upon the subject property and correct all violations therein; the costs and expenses arising therefrom to be the responsibility of, and be assessed against the Respondent.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$19,000.00 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 ___19___day of October 2012

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.

LMS/sma