

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

In the Matter of

Civil Citation No. 111836

Mary Kavanaugh
Mary Phelps Witt

7102 Biddle Street

Respondents

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

This matter came before the Administrative Law Judge on August 22, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310 (a): Failure to remove all junk and debris on residential property.

On July 19, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher 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 \$400.00 (four hundred dollars).

The following persons appeared for the Hearing and testified: Mary Kavanaugh, Respondent and, Ryan Fisher, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the abovenoted property was carried out on 5/30/12, revealing piles of branches and furniture on the rear yard. A Correction Notice was issued. On 7/19/12 a re-inspection noted that the pile of branches was still there and was actually bigger than on the previous inspection. A pre-hearing inspection noted no change. The Respondent testified that she is taking care of her mother, who is quite ill and is the Owner/resident of the subject property. She stated that she has had little additional time to deal with the property, but that she would have everything taken care of immediately.

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 \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the \$400.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$400.00 civil penalty will be imposed if the subject property is not brought into compliance by September 4, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$400.00 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 _____ day of August 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.