

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

In the Matter of

Civil Citation No. 118381

Robert Tomlinson
Alicia Tomlinson
4 Alton Court
Baltimore, MD 21237

7737 Baltimore 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 October 17, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201(d); 13-7-310(a): Failure to store garbage in container with tight fitting lids; Failure to remove all trash, debris from residential property.

On September 24, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Gaine 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 \$300.00 (Three hundred dollars).

The following persons appeared for the Hearing and testified: Robert Tomlinson, Respondent and, David Gaine, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 9/13/12, revealing the presence and use of garbage cans without proper tight fitting lids, high grass in excess of that permitted, as well as junk, trash and debris, including bed frames and overflowing garbage from the uncovered cans. A Correction Notice was issued. A re-inspection on 9/24/12 noted that the grass had been cut, but that otherwise the situation was unchanged. A Citation was issued, mailed and posted. Photographs taken by the Inspector were admitted into evidence. A pre-hearing inspection on 10/16/12 revealed that the bed frame was gone, but that the garbage cans still did not have proper lids. The Respondent testified that the can covers had disappeared and that he was going to immediately purchase new cans.

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 \$300.00 (Three hundred dollars).

IT IS FURTHER ORDERED that \$200.00 of the \$300.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$200.00 civil penalty will be imposed if the subject property is not brought into compliance by October 31, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$200.00 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 ___26___ 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.