

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

In the Matter of

Civil Citation No. 104879

John Christian Welsh Jr.  
1312 Shawnee Court  
Millersville MD 21108

8032 Bank Street

Respondent

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

This matter came before the Administrative Law Judge on January 11, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (d), failure to store garbage in containers with tight fitting lids on residential property.

On December 22, 2011, 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 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 \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Mary Jo Whelan, representing owner of the property, John Welsh, Respondent, Christina Remick, tenant 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 12/20/11, revealing the presence and use of a garbage can without proper lids and with trash overflowing from the can. The Respondent Landlord's agent testified she was informed of the situation by the owner. She stated that she has spoken to the tenant about this problem and that District Court action for breach of the lease is scheduled for February 6, 2012. The Tenant testified that she moved into the subject site in September of 2011 and that her nineteen year old son is also on the premises.

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 \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that \$400.00 of the \$500.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$400.00 civil penalty will be imposed if the property is not brought into immediate compliance.

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 23<sup>rd</sup> day of January 2012

Signed: ORIGINAL 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.