

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

In the Matter of
Lawrence Holmes
Respondents

Civil Citation No. 107738
209 Chestnut Street

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

This matter came before the Administrative Law Judge on April 25, 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 on residential property.

On March 22, 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: Lawrence Holmes, 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 3/22/12, revealing the use of trash bags instead of garbage cans with proper lids. A Citation was issued as a result of prior violations on the property. The Inspector added that he saw two rats actually on one of the bags during his inspection. On 4/24/12 a pre-hearing inspection of the property noted new garbage cans being used instead of a can with a proper lid. The Respondent testified that he does not live on the property, does not get there often, but is resolved to correct the violation.

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

IT IS FURTHER ORDERED that the remaining \$100.00 civil penalty will be imposed if the subject property is not brought into compliance by April 27, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$100.00 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 __1__ day of May 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.