

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

In the Matter of

Civil Citation No. 109398

Elite Decks
C/o Brad Dowling
448 Baronets Court
Westminster, MD 21157

2103 A Creek 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 May 30, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) Article 35, Subtitle 3, Section 35-2-301, 304; Council Bill 47-10, Part 115.1, failure to obtain building permit for constructing roof over deck on house, failure to obtain required inspections, obtain building permit for constructing roof, obtain all required inspections on residential property.

On April 25, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer 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 \$1,200.00 (one thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Brad bowling, Respondent and owner and, Lewis Mayer, Baltimore County Code Enforcement Officer.

Testimony was presented that , upon a complaint from the Dept of Environment, an inspection of the subject property was carried out on 4/27/12, revealing that a covered deck had been constructed over an existing screened room. Although a search of County records indicates that a permit was requisite on 3/1`6/12, it had not been issued. A Citation was issued and served upon the Respondent contractor. The Respondent contractor testified that the property owner was concerned that there was damage occurring from the rain and as a result the project had to be moved ahead and completed even if Environmental was still working on the permit application.

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 \$1,200.00 (one thousand two hundred dollars).

IT IS FURTHER ORDERED that \$1,000.00 of the \$1,200.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$1,000.00 civil penalty will be imposed if the subject property is not brought into compliance by July 30, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,000.00 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 6 day of June 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.