

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

In the Matter of

Civil Citation No. 107091

Felisima C. Villegas  
5209 Glow Haven Way  
Perry Hall, MD 21128

1300 Dartmouth 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 April 17, 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 container with tight fitting lids on residential property.

On March 2, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Justin Olszewski 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 \$150.00 (one hundred fifty dollars).

The following persons appeared for the Hearing and testified: Jun Valan, Respondent and husband of owner and, Justin Olszewski Baltimore County Code Enforcement Officer.

Testimony revealed that the Respondent is the owner of an end of group townhome dwelling. There is a public alley behind these townhomes. Apparently, someone in the neighborhood dumped bags of trash behind the Respondent's home. The trash was not on the Respondent's property, but was thrown out in the public alley. The Respondent testified under oath that the trash did not come from his house and showed pictures of where his tenant's trash cans are located. It was clear from the testimony that the trash that was thrown in the alley did not belong to the Respondent or is tenants. However, I find that property owners have the responsibility to care for and maintain the alleyway behind their homes, just as they take care of their sidewalk and curb area in front of their homes.

Accordingly, I find that the Respondent is technically guilty of allowing this trash to be stored in the alley as opposed to be placed in cans with tight fitting lids. Given the circumstances surrounding this infraction, I shall suspend the fine and remind the owner of this property to keep his alley free from trash in the future.

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 \$150.00 (one hundred fifty dollars).

IT IS FURTHER ORDERED that \$150.00 of the \$150.00 civil penalty be suspended.

IT IS FURTHER ORDERED that the \$150.00 civil penalty will be imposed if the alleyway behind the Respondent's home becomes cluttered with bags of trash in the future.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23 day of April 2012

Signed: \_\_\_\_\_  
Timothy M. Kotroco  
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.

TMK/sma