

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

In the Matter of

Civil Citation No. 104766

Tammy and Patrick Cuddy

420 Dumbarton 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 January 25, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115, 309, 310, 312; 12-3-106; 35-5-302, failure to remove dog feces on a daily basis, failure to eliminate pet urine, odors and stench from rear deck, failure to maintain property in a clean and sanitary condition on residential property.

On January 10, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood 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 \$400.00 (four hundred dollars).

The following persons appeared for the Hearing and testified: Patrick Cuddy, Respondent and, Kim Wood, 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 of significant piles of dog feces. A Correction Notice was issued. A re-inspection carried out on 12/28/11 noted the grounds and deck clean and the case was closed. Another follow-up inspection on 1/4/12 revealed a small amount of dog feces on the deck of the house. The matter was kept open and another inspection on 1/10/12 noted that more feces piles were on the deck. A Citation was issued, mailed and posted. A pre-hearing inspection on 1/24/12 noted some improvement only. The Respondent testified that, although he is the co-listed owner of the property, he is separated from his wife and left the house in May of 2009. Speaking on behalf of his wife, he stated that she had been on vacation and the person who was supposed to take care of the

animals and clear their feces did not do their job. He understands that the woman in question was unexpectedly taken to the hospital.

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 \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that \$250.00 of the \$400.00 civil penalty be suspended, with an immediate \$150.00 fine imposed at this time.

IT IS FURTHER ORDERED that if the subject property is brought into immediate compliance pursuant to this Order, the remaining \$250.00 civil penalty will be imposed.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to the Order, the remaining \$250.00 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 26th 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.