

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

In the Matter of

Civil Citation No. 111209

William Tesh
Stephanie Tesh

8180 Del Haven 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 July 17, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310: failure to remove all junk, trash and debris on residential property.

On June 14, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill 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 \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Stephanie Tesh, Respondent and former owner of the property and, Dan O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 5/23/12, revealing tall grass, weeds out of control and various items of junk, trash, and debris. A Correction Notice was issued. A subsequent inspection of the site on 6/18/12 noted that the tall grass and weeds had been removed (apparently by a neighbor), but that the junk, trash, and debris still remained. A Citation was issued, mailed and posted. The Inspector spoke with the Respondent owner, who informed him that the property had been foreclosed upon in February 2012 and she no longer lived there. A pre-hearing inspection on 7/16/12 noted no change in the condition of the property.

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 \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the \$2,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the \$2,000.00 civil penalty will be imposed if the subject property is not brought into compliance by August 17, 2012.

IT IS FURTHER ORDERED THAT if the subject property is not brought into compliance pursuant to this Order, Baltimore County is authorized to send a contractor to enter upon the subject property and correct the violation therein, by removing all trash, junk, and debris thereupon, the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent property.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,000.00 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 17 day of July 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.