

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

In the Matter of

Civil Citation No. 117862

Wayne Penczek
Debra Penczek
4809 Forge Acre Drive
Perry Hall, MD 21128

1009 Elton Avenue

Respondents

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

This matter came before the Administrative Law Judge on September 25, 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 September 10, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Patrick Williams 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 \$250.00 (Two hundred and fifty dollars).

The following persons appeared for the Hearing and testified: Debra Penczek, Respondent and, Patrick Williams, Baltimore County Code Enforcement Officer.

Evidence was presented that in the course of a community sweep on 9-10-12, an inspection of the subject property revealed the presence and use of garbage cans without proper lids. A Citation was issued, mailed and posted. The Inspector presented supporting photographs, which were shown to the Respondent. The Respondent offered an explanation but did not contest the allegation.

Having heard the testimony and evidence presented at the Hearing:

1009 Elton Avenue

Page 2

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$250.00 (Two hundred and fifty dollars).

IT IS FURTHER ORDERED that \$150.00 of the \$250.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$150.00 civil penalty will be imposed if the subject property is not brought into immediate compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$150.00 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 ___4___ day of October 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.

LMS/sma