

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

In the Matter of

Civil Citation No. 112811

Christopher W. Pasko
Barbara A. Pasko

11437 Eastern 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 July 25, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310(a), 312; Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1A; 1B01.1D; 233; 428; 410A.1: failure to cease operation of Landscape Business in a BM zone; failure to cease use of property as a contractor storage yard; failure to cease use of property as an open dump; failure to remove trucking container(class II Trucking Facility); failure to properly tag all vehicles on residential property.

On June 25, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink 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 \$42,000.00 (forty two thousand dollars).

The following persons appeared for the Hearing and testified: Christopher Pasko, Respondent and, Christina Frink, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 6/14/12, revealing the presence of untagged motor vehicles, commercial vehicles, large shipping containers, tree and other debris, as well as various landscaping materials. On 7/24/12 a re-inspection of the property noted no change in its circumstanced. A Citation was issued, mailed and poster The Inspector produced a Finding Of Fact And Final Order of Administrative Judge Kotroco, dated August 9, 2011, in which the Respondent had been charged, as in the instant matter, with charges relating to the alleged illegal running of his business. Judge Kotroco did find, as a fact, that the Respondent was running his landscaping business from the subject residential property. A \$12,000 fine was entered but suspended in full, on condition that all such activities cease and all equipment be removed. The Respondent has requested a change of zoning in order to legitimize his activities on the

subject site and understands that if the County Council declines to change the zoning of the site, he will have to remove that which does not comply with Code.

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 \$12,000.00 (twelve thousand dollars).

IT IS FURTHER ORDERED that \$11,500.00 of the \$12,000.00 civil penalty be suspended, with an immediate \$500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$11,500.00 civil penalty will be imposed if the subject property is not brought into compliance by September 30, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$11,500.00 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 _____ day of August 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.