

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

In the Matter of

Civil Citation No. 119837

Daniel Homa
Michael Homa
2909 Edgewater Drive
Edgewater, MD 21037

2221 Ellen 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 December 11, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-208; 13-4-201(d): Failure to repair/replace rear porch roof and scrape and paint peeling/flaking paint; Failure to store all trash in cans with tight fitting lids on residential property.

On November 11, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeff Radcliffe 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 \$500.00 (Five hundred dollars).

The following persons appeared for the Hearing and testified: Michael Homa, Respondent and, Jeff Radcliffe, Baltimore County Code Enforcement Officer.

Testimony was presented that acting upon a citizen complaint, an inspection of the subject property was carried out on 10/24/12, revealing the roof of the rear porch in need of repair and repainting, the presence and use of garbage cans without tight fitting lids, as well as numerous miscellaneous items of junk, trash and debris. A Correction Notice was issued, mailed and posted. A re-inspection on 11/1/12 noted empty garbage cans and the removal of some debris. Another re-inspection on 11/26/12 noted that only the porch violation remained to be resolved. A Citation was issued, mailed and posted. Photographs taken by the Inspector were entered into evidence. A pre-hearing inspection on 12/10/12 noted no change.

Having heard the testimony and evidence presented at the Hearing:

2221 Ellen Avenue

Page 2

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$500.00 (Five hundred dollars).

IT IS FURTHER ORDERED that \$400.00 of the \$500.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$400.00 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 \$400.00 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 ___2___ day of January 2013

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