

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

In the Matter of

Civil Citation No. 121007

Vencenzo Julio
20001 Gunpowder Road
Baltimore, MD 21224

7420 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 December 19, 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 November 21, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Gaine 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 \$1,000.00 (One thousand dollars).

The following persons appeared for the Hearing and testified: Vencenzo Julio, Respondent and, David Gaine, Baltimore County Code Enforcement Officer.

Testimony was presented that this matter is part of an ongoing situation concerning the subject property. The previous tenants of this commercial site allowed it to deteriorate. The Colgate Community Association pointed out that there was no dumpster on site and old tires were exposed on outside racks. New tenants took over the property and promised to install a dumpster, paint over unsightly graffiti and remove the tires. They had not done so. A Correction Notice was issued as a result of an inspection of the property on 10/4/12. After another inspection, a Citation was issued, mailed and posted on 11/21/12. A pre-hearing inspection on 12/18/12 noted no change. The Respondent testified that the most recent tenants were no better than the previous ones and had cost him considerable money. He understands that as the Landlord he is ultimately responsible for the property and cannot simply turn a blind eye to the actions of tenants.

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 \$1,000.00 (One thousand dollars).

IT IS FURTHER ORDERED that \$850.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$150.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$850.00 civil penalty will be imposed if the subject property is not brought into immediate compliance pursuant to this Order, including, but not limited to the removal of garbage and debris, as well as the removal of graffiti.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$850.00 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.