

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

In the Matter of

Civil Citation No. 120617

Mark McDuffie

3619 Florida 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 December 19, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1; 428: Failure to register or remove untagged vehicle; Failure to cease open dump on residential property.

On November 30, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Janiszewski issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (Eight hundred dollars).

The following persons appeared for the Hearing and testified: Mark McDuffie, Respondent and, David Janiszewski, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property took place on 11/14/12, revealing the presence of an unlicensed vehicle as well as numerous items of miscellaneous junk, trash and debris. A Correction Notice was issued. A re-inspection of the site was done on 11/30/12, noting no change. Accordingly, a Citation was issued, mailed and posted. After a re-inspection on 12/17/12 noted no change, the Inspector heard from Counsel on behalf of the Respondents and was informed that the property, which was vacant, would be cleaned up by the next day. A re-inspection on 12/18/12 noted that the vehicle was removed but that trash still needed to be removed. Photographs taken by the Inspector were entered into evidence.

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 \$800.00 (Eight hundred dollars).

IT IS FURTHER ORDERED that \$500.00 of the \$800.00 civil penalty be suspended, with an immediate \$300.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$500.00 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 \$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 \_\_\_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.