

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

In the Matter of

Civil Citation No. 118270

Leroy McKee
Glenda McKee
Po Box 176
Reisterstown, MD 21136

1979 Guy Way

Respondents

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

This matter came before the Administrative Law Judge on October 16, 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 containers with tight fitting lids on residential property.

On September 17, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Justin Olszewski 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 fifty dollars).

The following persons appeared for the Hearing and testified: Marilyn Utley, Respondent and, Justin Olszewski, Baltimore County Code Enforcement Officer.

Evidence was presented that in the course of a community sweep on 9-17-12, an inspection of the subject property revealed the presence and use of a garbage can without a proper lid. 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:

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

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IT IS FURTHER ORDERED that \$175.00 of the \$250.00 civil penalty be suspended, with an immediate \$75.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$175.00 civil penalty will be imposed if the subject property is not brought into immediate compliance pursuant to this Order.

IT IS FURTHER \$175.00 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 ___25___ 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