

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

In the Matter of

Civil Citation No. 110766

Barbara Miller  
Charles Miller

313 German Hill 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 July 24, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310; 13-4-201: failure to remove all junk, trash; failure to store all garbage in containers with tight fitting lids on residential property.

On June 06, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill 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 \$6,200.00 (six thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Barbara Miller, Respondent and, Dan O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 5/16/12, revealing extensive amounts of junk, trash and debris, auto tires, and garbage cans in use without proper lids, Photographs taken were entered into evidence. A Correction Notice was issued. A re-inspection on 6/11/12 noted no improvement and a Citation was issued, mailed and posted. Photos taken were entered into evidence. On 6/23/12 a pre-hearing inspection revealed no change on the property, and in some ways, the situation on site was further deteriorated. Photographs were entered into evidence. The Inspector noted that this property has been a serious and continuing problem for the area. The Respondent has not dealt with the problem for several years. The record reflects that Hearing Officer Brand entered a fine in 2010, Judge Kotrocco of this Administrative Court entered a fine and suspended five thousand dollars in fines in 2011.

The Respondent acknowledges the scope of the problem and testified that several members of her family store items on her property. She maintains that she is barred for some reason from the County Landfill, and that she and her husband subsist on a disability check.

This property is in serious condition. It is a continuing blight on the neighborhood and must be resolved. The Respondent was told that, within thirty days of this Order, it was necessary to bring in a contractor who would clear the site once and for all; and that the Inspector would point out the items and debris to be removed if they were still there when the contractor arrives. Thereafter, within the same thirty day time frame she is to purchase proper trash cans and from this point on maintain the property in compliance with County regulations.

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 \$11,200.00 (eleven thousand two hundred dollars).

IT IS FURTHER ORDERED that \$10,200.00 of the \$11,200.00 civil penalty be suspended, with an immediate \$1,000.00 fine imposed at this time.

IT IS FURTHER ORDERED THAT no later than August 24, 2012, Baltimore County is authorized to send a contractor to enter upon the subject property and correct the violation therein by removing all junk, trash, and debris; the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent.

IT IS FURTHER ORDERED that the remaining \$10,200.00 civil penalty will be imposed if the subject property is not brought into compliance by August 24, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$10,200.00 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 July 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.