

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

In the Matter of
Carl Henry Poole
Respondents

Civil Citation No. 107823
3209 Gartside Avenue

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

This matter came before the Administrative Law Judge on September 11, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1A; 428, Baltimore County Code (BCC) section 13-7-310(a); 13-7-312; 35-2-404(a)(i)(ii)(vi)(vii): Failure to cease outside storage of unlicensed and/or inoperative motor vehicle; Failure to remove junk and debris; Failure to repair or remove damaged shed; Failure to repair siding on house on residential property.

On August 6, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker 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 \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Donald Mazor, Esquire representing Carl Henry Poole, Respondent and, Keith Parker, Baltimore County Code Enforcement Officer.

Testimony was presented that an inspection of the subject property was carried out on 3/21/12 by Inspector Griffin, revealing junk, trash and debris, two untagged vehicles and missing siding on the structure. A Correction Notice was issued. After a subsequent inspection on 4/12/12 a Citation was issued, mailed and posted. There was no testimony as to why the hearing on this citation never took place. However, the file was transferred to Inspector Parker after Inspector Griffin left County service. He inspected the subject property on 8/6/12 and found only one untagged vehicle on the site, but did note considerable junk, trash, and debris, overgrown grass and weeds, a shed in disrepair and missing siding. Given the history of the matter, he issued an immediate Citation, which was mailed and posted.

Counsel for the Respondent proffered on his behalf that he had no knowledge as to the previous Citation. The Respondent lives by himself, has health problems and has had recent surgery. He lost considerable time from work as a result, and has just returned to full time employment. He has been trying to do the necessary ameliorative work himself and has eliminated most of the junk, trash and debris from the property. He intends to sell the remaining untagged vehicle.

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 \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that \$4,800.00 of the \$5,000.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$4,800.00 civil penalty will be imposed if the subject property is not brought into compliance by October 26, 2012.

IT IS FURTHER ORDERED THAT if the Respondent has not removed the untagged vehicle by October 26, 2012, Baltimore County shall then be authorized to send a contractor to enter upon the subject property and correct the violation herein by removing the untagged vehicle, the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$4,800.00 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 September 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