

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

In the Matter of

Civil Citation No. 101526

Opal P Pascuzzi, Trustee
3434 Dublin Road
Darlington, MD 21034

5702 Gunpowder 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 February 7, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCZR) section 101, 102.1, 1B01.1D, (BCC) section 13-7-310, 13-7-312, failure to cease open dump conditions, failure to remove discarded appliances, tires, door, window and other miscellaneous junk, trash, debris on residential property.

On January 4, 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 \$1000.00 (one thousand dollars)

The following persons appeared for the Hearing and testified: Mr. Kloch, Respondent and tenant and, Keith Parker, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint, an inspection of the subject property on 9/28/11 revealed the presence of tall grass, weeds, open dump conditions and unlicensed recreational vehicles. A Correction Notice was issued A re-inspection on 10/13/11 noted that the grass was cut and the vehicles removed. Re-inspections on 10/31/11 and 11/15/11 showed no additional progress and the inspector spoke to a relative of the Trustee on 12/5/11, who informed him that as the owner was ill, the relative and the tenant were trying to clean up the property themselves. A further inspection on 12/20/12 showed little change and a Citation was then issued on 1/4/12. Further inspection on 1/12/12 showed progress and a pre-hearing inspection noted that the property was essentially cleaned up, with just a few small items remaining to be dealt with. The tenant testified that he had just been re-employed but didn't have a vehicle. He was confident, however, that the property clean up would shortly be completed.

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 \$ 1000.00 (one thousand dollars)

IT IS FURTHER ORDERED that \$950.00 of the \$1000.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that if the subject property is not brought into compliance by March 8, 2012 the remaining \$950.00 civil penalty will be imposed.

IT IS FURTHER ORDERED that if the property is brought into compliance pursuant to this Order, the remaining \$950.00 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 14 day of February 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.