

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

In the Matter of

Civil Citation No. 88375

Rajesh Kumar
C/O Royal Pizza
8739 Stone House Drive
Ellicott City, MD 21093

6920 C 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 March 21, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 21-19-102, 21-19-103, failure to cease the delivery of more than one unsolicited advertising circular to a residential address in the county within any 6 month time period, failure to include on all solicitations, the notice required for notification regarding non-delivery on residential property.

On March 21, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Daniel O'Neill 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: Rajesh Kumar, Respondent and, Mr. Wells, complainant and, Daniel O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint the Inspector herein established that the Respondent was causing to be delivered advertising for his business to residences multiple times within six months; said advertisements not including the required notification regarding non delivery on residential property. Mr. Wells, the citizen complainant, provided the Inspector with advertisements delivered to his home on 1/24/12 and 2/14/12. The Respondent acknowledged the violations and, in return for a significant reduction in fine, offered never to utilize this method of door to door advertising again.

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 \$700.00 of the \$1000.00 civil penalty be suspended, with an immediate \$300.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$700.00 civil penalty will be imposed if the subject property is not brought into immediate compliance and/or the Respondent utilizes in the future hand home delivered advertisements such as those utilized in this matter. .

IT IS FURTHER ORDERED that the remaining \$700.00 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 27 day of March 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.