

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

In the Matter of

Civil Citation No. 111246

David McKill

9427 Georgian 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 June 6, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-309; 13-7-310, Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1: failure to keep property free of animal feces on residential property.

On May 22, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Janiszewski 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 \$200.00 (two hundred dollars).

The following persons appeared for the Hearing and testified: David McKill, Respondent and, David Janiszewski, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 5/22/12, revealing the presence of several piles of feces, as well as flies and a resultant odor. The Inspector issued a Citation which was mailed and posted. A pre-hearing inspection on 6/4/12 noted the continued presence of feces on the ground. The Respondent stated that the dog walker he had hired was supposed to dispose of the feces but had not. He was going to take steps to resolve the situation immediately.

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 \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that \$125.00 of the \$200.00 civil penalty be suspended, with an immediate \$75.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$125.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$125.00 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   12   day of June 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.