

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

In the Matter of

Civil Citation No. 104240

Gertrude F. Gossett

11722 Hillside Rd

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, 1A04, (BCC) section 13-7-310, 13-7-312, failure to cease open dump & junk yard condition, failure to cease and remove discarded junk, trash, debris and other miscellaneous items on residential property.

On December 21, 2011, 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: Bart Sidle, Esquire, representing Donald Garrish, Respondent and son of the owner and, Keith Parker, Baltimore County Code Enforcement Officer.

Testimony was presented that, upon a citizen complaint an inspection of the subject site on 12/2/11 revealed the presence of trash, open dump conditions and an unlicensed vehicle. A Correction Notice was issued. A re-inspection on 12/21/11 noted that although the unlicensed vehicle had been removed, open dump and garbage conditions remained essentially unchanged. A Citation was issued and a copy mailed.. The Inspector noted that on that date he had attempted to speak to the Owner, but was asked to leave. There was a pre-hearing inspection on 1/17/12 showing no further change in conditions, but the hearing scheduled for the next day was continued until 2/7/12. Another pre-hearing

inspection on 2/6/12 revealed the continued presence of junk and debris on the property, including trash bags on the ground.

Under cross examination by Counsel it was confirmed that the vehicle had been removed, some debris had been moved or removed, and the conditions on the site was less apparent from the road. Although the Respondent still would not speak with the Inspector, he did acknowledge that the situation had improved. Counsel then proffered on behalf of the Respondent that he was unemployed and that he and his mother were attempting to clear the property as soon as possible. They agreed that the job could be completed within forty-five days.

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 \$850.00 of the \$1000.00 civil penalty be suspended, with an immediate \$150.00 fine imposed at this time.

IT IS FURTHER ORDERED that if the subject property is not brought into compliance by March 23, 2012 the remaining \$850.00 civil penalty will be imposed.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$850.00 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 13 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.

LMS/sma