

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72820

Pullens Tour Service Inc.
5608 Kallan Ct.
Baltimore, MD 21227

3118 Hammonds Ferry Road

Respondent

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

This matter came before the Administrative Law Judge on November 2, 2011 for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 32-3-102, 500.9 Baltimore County Zoning Regulations (B.C.Z.R.) Zoning Commissioners Policy Manuel (Z.C.P.M.), violation of commercial site plan and/or a zoning order on residential property.

On September 26, 2011, pursuant to § 3-6-205, Baltimore County Code, Chip Raynor, Inspector 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 \$ 15,000.00 (fifteen thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

Having found that the Respondent failed to appear or request a hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$ 15,000.00 (fifteen thousand dollars).

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 continue to inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of November 2011

Signed: ORIGINAL SIGNED
Timothy M. Kotroco
Administrative Law Judge

TMK/sma

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Civil Citation No. 72820

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Respondent

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

This matter came before the Administrative Law Judge on November 2, 2011 for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 32-3-102, 500.9 Baltimore County Zoning Regulations (B.C.Z.R.) Zoning Commissioners Policy Manuel (Z.C.P.M.), violation of commercial site plan and/or a zoning order on residential property.

On September 26, 2011, pursuant to § 3-6-205, Baltimore County Code, Chip Raynor, Inspector 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 requested a civil penalty of \$ 15,000.00 (fifteen thousand dollars). The specific charge was that the Respondent failed to submit a site plan for review with the Department of Permits, Approvals and Inspections. The Respondent failed to appear at the hearing before me and as a result, an Order was issued imposing the entire fine as requested in the charging Citation issued by Inspector Raynor. After the issuance of the Order, Mr. Patrick Richardson, Jr., Civil Engineer presented to this Administrative Law Judge evidence that a site plan was in fact submitted to Baltimore County for review prior to the date requested in Inspector Raynor's Citation. This information was not known at the time of the hearing before me and explains why the Respondent did not show up at the Hearing.

Having considered this additional evidence, I now find that my previous decision was not properly issued nor based on the evidence that existed at the time of the hearing before me. Therefore, it is incumbent upon me to Amend my previous decision and strike the issuance of the fine.

THEREFORE, IT IS ORDERED by the Administrative Law Judge that the civil penalty previously imposed in the amount of \$ 15,000.00 (fifteen thousand dollars) be and is hereby rescinded.

IT IS FURTHER ORDERED; that the Respondent continue to process their site plan until it is given final approval by Baltimore County.

ORDERED this _____ day of November 2011

Signed: _____
Timothy M. Kotroco
Administrative Law Judge