

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

In the Matter of

Civil Citation No. 118616

Jean Lyons

7823 Harold 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 November 7, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201(b)(d), Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01: Failure to cease illegal private kennel; Failure to store all trash in cans with fitted lids on residential property.

On October 18, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Gaine 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 \$4,000.00 (Four thousand dollars).

The following persons appeared for the Hearing and testified: Jean and Elsie Lyons, Respondents and, David Gaine, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 9/28/12, revealing the presence of five dogs, trash and debris, as well as garbage cans without tight fitting lids. A Correction Notice was issued. A re-inspection of the site on 10/18/12 noted that the situation had not changed. Photographs taken by the inspector were admitted into evidence. A Citation was issued, mailed and posted. The Respondent testified that that the dogs and related debris and other items on the site belonged to her daughter, who along with her own children were temporarily living with her. She stated that they and all that belonged to them would be removed by November 17, 2012, when the daughter and her family would be leaving.

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 \$750.00 (Seven hundred fifty dollars).

IT IS FURTHER ORDERED that \$650.00 of the \$750.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$650.00 civil penalty will be imposed if the subject property is not brought into compliance by November 30, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$650.00 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 \_\_\_15\_\_\_ day of November 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.