

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

In the Matter of
June G. Croup
Respondents

Civil Citation No. 94021
8625 Hoerner Avenue

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 35-5-302(b): failure to replace railings along front porch on residential property.

On May 1, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeff Radcliffe 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 \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: John Croup, Respondent and son of owner and, Jeff Radcliffe, Baltimore County Code Enforcement Officer.

Testimony was presented that in the course of a previous violation on the subject property, the Inspector spoke with the Respondent's son, regarding the wood and other materials on the property. The Respondent maintained that he was going to replace the railings and build a handicapped ramp for his mother, who suffers from Alzheimers disease. On 12/8/12, a search of the records by the Inspector, noted that no permit had been issued to the Respondent. On 12/13/12a Correction Notice for the railings was issued. On 1/17/12 the Inspector once again spoke to the son, who requested and was granted an extension to complete the repairs, as he was still attempting to obtain a permit. On subsequent inspections of 2/1/12 and 2/27/12, no permit was noted in county records and no railing nor handicapped ramp had been built. On 3/19/12 the Inspector spoke to Mr. Croup again and was told the rail and ramp would be installed in April. He was given until 4/30/12 to complete both tasks. On 6/4/12 a pre-hearing inspection noted no railing, no ramp, and no permit applied for.

Mr. Croup testified that he is the full time care giver for his mother for eight years. Although he wants to use the building materials on the property to construct the rails, a covered porch and ramp, he has been unable to do so. He has called contractors for estimates, but cannot afford the costs quoted.

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 \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the \$2,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$2,000.00 civil penalty will be imposed if the Respondent has not obtained a permit, start and estimated completion date for the railing and/or handicapped ramp the subject property or removed the construction materials from the property by July 6, 2012, and has not brought the property into complete compliance by August 7, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,000.00 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.

LMS/sma