

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

In the Matter of

Civil Citation No. 116461

Aaron Eichhorn
Mary Eichhorn

2045 Inverton 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 October 23, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310; 13-4-201: Failure to store garbage in cans with tight fitting lids; Failure to remove all junk, trash and debris on residential property.

On September 20, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill 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 \$3,000.00 (Three thousand dollars).

The following persons appeared for the Hearing and testified: Aaron Eichhorn, Respondent and, Dan O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint, an inspection of the subject property was carried out on 8/28/12, revealing the presence and use of a garbage can without a tight fitting lid as well as a mattress and other miscellaneous junk, trash and debris. Photographs taken by the Inspector were entered as evidence. A Correction Notice was issued. A re-inspection of the site on 9/24/12 noted no change; and accordingly, a Citation was issued, mailed and posted. A pre-hearing inspection on 10/23/12 likewise showed no change. The Respondent testified that the property was sold at auction on 8/16/12 and that he had not been there since sometime in March 2011.

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 \$1,500.00 (One thousand five hundred dollars).

IT IS FURTHER ORDERED that the \$1,500.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$1,500.00 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 \$1,500.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED THAT Baltimore County is hereby authorized to send contractors to enter upon the subject property and correct all violations therein; the costs and expenses arising therefrom to be the responsibility of, and be assessed against the Respondent.

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 ___31___ day of October 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.