

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

In the Matter of

Civil Citation No. 107108

Richard Fox
Sandra Fox

90 Shipway

Respondents

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 13-7-305; 13-7-306: failure to maintain property free of rats, failure to exterminate rats on residential property.

On May 3, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Stuart Kelly 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: Sandra and Richard Fox, Respondents and owners and, Stuart Kelly, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint, an inspection of the subject property was carried out on 3/6/12, revealing the presence of rat holes on the property and garbage cans without lids. A Correction Notice was issued. A re-inspection on 4/9/12 noted that the garbage can issues had been resolved, but that there was still an apparently untreated rat hole. A subsequent inspection on 5/3/12 noted that there were two additional rat holes in the property garden. A Citation for the holes was issued. A pre-hearing inspection on 6/4/12 showed the two holes were being treated, but that the issue had not yet been fully resolved. Based upon the progress made, the Inspector recommended that any fine be suspended, with an appropriate time to complete treatment of the holes.

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 \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$1,000.00 civil penalty will be imposed if the subject property is not brought into compliance by July 6, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,000.00 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.