

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

In the Matter of

Civil Citation No. 118464

Maximilian M. Swantko

22 West Chestnut Hill Lane

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 13-7-310(a); 13-7-401, 402, 403, Baltimore County Zoning Regulations (BCZR) section 428: Failure to tag or remove van in rear yard; Failure to remove junk and debris from rear yard; Failure to cut high grass and weeds on residential property.

On October 23, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby 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 \$1,000.00 (One thousand dollars).

The following persons appeared for the Hearing and testified: Maximilian Swantko, Respondent and, David Kirby, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint an inspection of the subject property was carried out on 9/25/12, revealing high grass in excess of that permitted, appliances, furniture and other miscellaneous junk, trash and debris, and an untagged motor vehicle. A Correction Notice was issued. After subsequent re-inspections on 10/12/12 and 10/22/12, a Citation was issued, mailed and posted on 10/23/12. Photographs taken by the Inspector were entered into the record. A pre-hearing inspection on 11/5/12 noted that the grass was cut, but that the other violations remained. The Respondent testified that he is an engineer for the government and, due to staff reductions is working a greatly increased work schedule. He states that he has little time at home. He acknowledged that the motor vehicle is inoperative and believes much of the debris is from a neighbor.

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 December 7, 2012.

IT IS FURTHER ORDERED THAT if the subject property is not brought into compliance by December 7, 2012, Baltimore County shall be authorized to send contractors to enter upon the subject property and correct all violations existing therein; the costs and expenses arising therefrom to be the responsibility of, and be assessed against the Respondent.

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.