

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

In the Matter of

Civil Citation No. 119524

Keith Thalmer
1901 McGuckian Avenue, Unit 129
Annapolis, MD 21401

54 Yorkway

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on December 19, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; 13-7-310; 13-7-305: Failure to store all garbage in cans with tight fitting lids; Failure to remove all junk, trash and debris; Failure to institute rat eradication measures on residential property.

On November 13, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Daniel 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: John Justice, Respondent and, Daniel O'Neill, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 10/22/12, revealing the presence and use of trash cans without tight fitting lids, tall grass and weeds, with evidence of rat holes as well as numerous items of junk, trash and debris. A Correction Notice was issued. A re-inspection on 11/13/12 noted no change; as a result a Citation was issued, mailed and posted. A pre-hearing inspection on 12/17/12 noted that only the weeds had been removed (exposing the rat holes), but that otherwise the situation was unchanged. Photographs taken by the Inspector were entered into the record.

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 \$2,500.00 (Two thousand five hundred dollars).

IT IS FURTHER ORDERED that \$2,250.00 of the \$2,500.00 civil penalty be suspended, with an immediate \$250.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,250.00 civil penalty will be imposed if the subject property is not brought into immediate compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,250.00 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 2 day of January 2013

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.