

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

In the Matter of

Civil Citation No. 124525

Diane Kidd

3109 Aspen Court

Respondent

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

This matter came before the Administrative Law Judge on March 20, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-305, 306: Failure to cease rat infestation on residential property.

On February 28, 2013, pursuant to BCC § 3-6-205, Inspector Philip Mills 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: Robert and Diane Kidd, Respondents, and Philip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that this property had been the subject of a previous Correction Notice for Junk, trash, and debris, improper storage of trash and rat infestation. The property was subsequently brought into compliance. A follow up inspection was carried out on 9/20/12, revealing the same violations. It was once again brought into compliance and the case dismissed. On 2/28/13 an inspection once again revealed new rat holes as well as an accumulation of trash. A Citation was issued, mailed and posted. A pre-hearing inspection on 3/19/13 noted no change on the site. The Respondent acknowledged the need to bring the property into compliance and will do so.

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).

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IT IS FURTHER ORDERED that \$700.0 of the \$1,000.00 civil penalty be suspended, with an immediate \$300.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$700.00 civil penalty will be imposed if the existing rat holes are not treated and filled and all trash removed from the subject property by April 19, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$700.00 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.

ORDERED this ___26___ day of March 2013

Signed: Original 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