

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

In the Matter of
Thomas Cave
Respondent

Civil Citation No. 114906
1716 Carroll Avenue

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

This matter came before the Administrative Law Judge on January 16, 2013, for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-310, 312; 35-2-404(a)(i)(ii); 35-2-404(a)(i)(vi); 35-2-404(a)(i)(i), Baltimore County Zoning Regulations (BCZR) section 1B01.1D, and Baltimore County Building Code (BCBC) section 126.1: failure to cease open dump; failure to remove junk, trash and debris; failure to repair and properly erect gutters and downspouts; failure to repair exterior walls/vertical members; failure to waterproof home and shed; and presence of unsafe conditions on residential property.

On December 6, 2012, pursuant to BCC § 3-6-205, Inspector Phillip 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 \$6,000.00 (Six thousand dollars).

The following persons appeared for the Hearing and testified: Thomas Cave and Tonya Bender, Respondents, and Phillip Mills, Baltimore County Code Enforcement Officer.

Mr. Mills testified that many unsafe and defective conditions existed at the property, and photos were admitted which depicted the conditions. The Inspector indicated the Halethorpe Community Association had lodged the complaint with the County in July 2012. Mr. Cave testified that he has had several serious health issues recently, which have prevented him from undertaking the repairs. He testified that he has engaged "Gutter Guys" (a contractor) to perform the needed work on the house, and weather permitting they would begin the work next week.

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 \$3,000.00 (Three thousand dollars).

IT IS FURTHER ORDERED that the \$3,000.00 civil penalty be suspended in full, for 60 days from the date of this Order.

IT IS FURTHER ORDERED that the suspended \$3,000.00 civil penalty will be imposed if the subject property is not brought into compliance within 60 days of this Order.

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 __22__ day of January, 2013

Signed: Original Signed
John E. Beverungen
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.

JEB/sma