

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

In the Matter of

Civil Citation No. 121652

Katuck Enterprises, LLC
15 Colonial Oaks Court
Phoenix, MD 21131

1414 Dartmouth Avenue

Respondent

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

This matter came before the Administrative Law Judge on January 22, 2013, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201(d): garbage not stored in container(s) with tight fitting lids on residential property.

On December 7, 2012, pursuant to BCC § 3-6-205, Inspector Patrick Williams 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 \$250.00 (Two hundred fifty dollars).

The following persons appeared for the Hearing and testified: Lewis Hubner on behalf of Respondent, and Patrick Williams, Baltimore County Code Enforcement Officer.

Evidence was presented that in the course of a community sweep on December 7, 2012, an inspection of the subject property revealed the presence and use of a garbage can without a proper lid. A Citation was issued, mailed and posted. The Inspector presented supporting photographs, which were shown to the Respondent. The Respondent examined the photos, and testified that the property depicted was not owned by him, and that a mistake had been made by the County.

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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 \$250.00 (Two hundred fifty dollars).

IT IS FURTHER ORDERED that the \$250.00 civil penalty be suspended in full, for 30 days. Within that time period, Mr. Williams shall make another inspection of the property, photograph same, and verify to this Office whether or not the correct premises were depicted in the photographs submitted at the hearing. If Mr. Williams determines that the correct property was photographed and identified at the Hearing, the \$250.00 civil penalty will be imposed. In the event the Inspector determines a mistake has been made, the Citation at that time will be dismissed.

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 ___28___ 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