

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

In the Matter of

Civil Citation No. 116688

Kenneth Fauble  
Patricia Fauble

1535 Galena Road

Respondent

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

This matter came before the Administrative Law Judge on February 20, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 35-5-208; 13-7-310: Failure to maintain a sound structure on outside shed; Failure to remove all rubbish, trash, garbage, bricks, wood, etc. on residential property.

On January 29, 2013, pursuant to BCC § 3-6-205, Inspector George Williams issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> 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: Kenneth Fauble, Respondent, and George Williams, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a complaint an inspection of the subject property was carried out on 9/10/12, revealing the presence of an unregistered vehicle, sheds in disrepair, tall grass above that permitted by Code and miscellaneous junk, trash and debris. A Correction Notice was issued. As a result of a re-inspection on 11/1/12 noting no change, a Citation was issued, mailed and posted. On 12/12/12 the Respondents failed to appear at the scheduled hearing and a civil penalty of \$6,000.00 (six thousand dollars) was imposed against them. On 1/29/13 another re-inspection was carried out at the subject property, noting no change in conditions. An immediate Citation was issued, mailed and posted. A pre-hearing inspection on 2/19/13 noted that the sheds remained in need of repair, and there was still significant junk, trash and debris on the site.

The Respondent testified that that both he and his wife are disabled and unable to deal with the situation. They stated that their daughter and son-in-law lived there and that they (the respondents) had not been there in three months. They were advised that the property would be cleaned up by contractors, but that there would be a suspended fine to insure that thereafter the property would be maintained according to Code standards.

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).

IT IS FURTHER ORDERED that \$900.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED THAT Baltimore County shall be authorized to send a contractor to enter upon the subject property and correct the violations herein, by removing all junk, trash, debris and unsalvageable sheds, the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent.

IT IS FURTHER ORDERED that the remaining \$900.00 civil penalty will be imposed if the subject property is not maintained in compliance pursuant to this Order after the property is cleared by the County Contractor..

IT IS FURTHER ORDERED that when the subject property is brought into compliance pursuant to this Order, the remaining \$900.00 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 February 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.