

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

In the Matter of

Civil Citation No. 121194

George Alexander
515 Middle River Road
Baltimore, MD 21220

8160 Gray Haven 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 March 20, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-4-201(d): Failure to store all garbage in approved rodent resistant, watertight containers with tight fitting lids on residential property.

On February 26, 2013, pursuant to BCC § 3-6-205, Inspector Dan 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: George Alexander, Respondent, and Dan O'Neill, Baltimore County Code Enforcement Officer.

Evidence was presented that based upon a complaint, an inspection of the subject property took place on 11/29/12, revealing the presence and use of garbage cans without tight fitting lids, a children's pool in need of draining, and evidence of rat holes. A Correction Notice was issued. A re-inspection on 12/17/12 noted no change on the site; another inspection on 1/7/13 noted a large rat hole still present. On 2/5/13 re-inspection noted that the rat holes had been eliminated but there now were additional non compliant trash cans as well as trash bags on the ground. Another Correction Notice was issued. On 2/26/13 cans without lids and overflowing garbage were noted and a Citation was issued, mailed and posted. A pre-hearing inspection on 3/18/13 revealed that there were still two cans in use without tight fitting lids.

The Respondent testified that he is in the process of trying to break the tenants lease. He is dealing with the Department of Housing and had expected to have the tenant out by the end of

February. The tenant is still there and Respondent is now told it will be two more weeks. He stated that he has tried to deal with some of the violations. He was advised that, notwithstanding the difficulties in removing the tenant, he was responsible to see that the property was and remained compliant with County regulations.

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 \$2,750.00 of the \$3,000.00 civil penalty be suspended, with an immediate \$250.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,750.00 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 \$2,750.00 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.