

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

In the Matter of

Civil Citation No. 121700

Mark Martinez
Frances Martinez

7710 Hillsway Avenue

Respondents

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

This matter came before the Administrative Law Judge on January 30, 2013 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 415A, Baltimore County Code (BCC) sections 13-7-309, 310: more than one recreational vehicle stored on residential property; failure to remove and dispose of animal feces on residential property.

On January 14, 2013, pursuant to BCC § 3-6-205, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondents 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: Mark Martinez, Respondent, and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

Mr. Radcliffe testified he has visited the property on several occasions, and has observed excessive animal feces in the yard, as well as a boat and camper stored in the rear yard. Photographs were submitted which substantiated these violations. Mr. Martinez testified he and his wife have had recent medical and financial issues, and that he is therefore unable to afford a rental storage unit to store the RV.

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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 \$3,000.00 (Three thousand dollars).

IT IS FURTHER ORDERED that \$2,900.00 of the \$3,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$2,900.00 civil penalty will be imposed automatically if the subject property is not brought into compliance within 30 days from the date 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 ___31___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