

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

In the Matter of  
David Emerson  
Respondents

Civil Citation No. 121672  
1023 N. Marlyn 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 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 Justin Olszewski 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 \$250.00 (Two hundred fifty dollars).

The following persons appeared for the Hearing and testified: David Emerson, Respondent, and Justin Olszewski, 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 offered an explanation but did not contest the allegation.

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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 \$200.00 of the \$250.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$200.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation within 1 year of 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.

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