

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

In the Matter of

Civil Citation No. 123325

Cromwell Asset Mgt, LLC
7305 Baltimore Avenue
College Park, MD 20740

8356 Oakleigh 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 27, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-112, 115, 309, 310, 312: Failure to store all garbage in containers with lids; Failure to remove dog feces on a daily basis; Failure to maintain property in a clean and sanitary condition on residential property.

On February 12, 2013, pursuant to BCC § 3-6-205, Inspector Kimberly Wood 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 \$800.00 (Eight hundred dollars).

The following persons appeared for the Hearing and testified: James Pounds, Respondent, and Kimberly Wood, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a complaint an inspection of the subject property revealed the use and presence of garbage cans without tight fitting lids, open dump conditions, including a mattress, chair and boxes, as well as numerous piles of animal feces. A Correction Notice was issued. A re-inspection on 2/12/13 noted that although the dumping conditions had been abated, there were still cans without lids in use as well the continued presence of piles of animal feces. A Citation was issued, mailed and posted. Pre-inspections on 2/25/13 and 2/26/13 noted no change on the site. Photographs taken by the Inspector were entered into evidence.

The Respondent testified that this was his first experience in having his own house. He cleaned the feces once a week and states that he wasn't aware of the Code requirements. He further

stated that he had paid someone to remove the debris, but that his partner, who is pregnant, could not help with the feces situation. He will alter his routine to deal with the feces starting immediately and will also promptly purchase new cans with appropriate lids.

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 \$800.00 (Eight hundred dollars).

IT IS FURTHER ORDERED that \$600.00 of the \$800.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$600.00 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 \$600.00 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 4 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.