

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

In the Matter of

Civil Citation No. 119643

Falcon Crest Townhouses, LLC
C/o Property Tax Department
850 Clinton Square
Rochester, NY 14604

25 Pittston Circle

Respondent

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

This matter came before the Administrative Law Judge on January 16, 2013, for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-309 and 13-7-310: failure to remove and properly dispose of dog feces in and around Meriam Court, as discussed with local management on the property.

On January 3, 2013, pursuant to BCC § 3-6-205, Inspector David Kirby 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 \$500.00 (Five hundred dollars).

The following persons appeared for the Hearing and testified: Michelle Skinner, a manager employed by the Respondent, and David Kirby, Baltimore County Code Enforcement Officer.

Inspector Kirby testified that he conducted several site inspections of the property, and on each occasion he found an abundance of dog feces on the grassy areas of the apartment complex, along Meriam Court. Mr. Kirby indicated he spoke with groundskeeping staff and office personnel concerning the problem, but that the violations persisted and were noted on each of his subsequent inspections.

Ms. Skinner manages the complex, and indicated that the property had been sold to new corporate owners last November. She recognized that the situation needed to be resolved, and testified that she has personally spoken with the groundskeeper and other staff to stress the importance of daily animal waste removal.

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 \$500.00 (Five hundred dollars).

IT IS FURTHER ORDERED that \$400.00 of the \$500.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$400.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation within 1 year 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.

ORDERED this __22__ 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