

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

In the Matter of

Civil Citation No. 121595

Edward Smith
Sharon Smith
960 Seneca Park Road
Baltimore, MD 21220

232 Riverthorn Road

Respondents

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

This matter came before the Administrative Law Judge on February 13, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-310, 312; 13-4-201(b)(d), Baltimore County Zoning Regulations (BCZR) sections 101; 102.1; 1B01.1A; 1B01.1D; 428: Failure to remove or make operable inoperative vehicles; Failure to tag or remove untagged vehicles; Failure to properly store trash in cans with fitted lids; Failure to cease use of property as an open dump on residential property.

On January 23, 2013, pursuant to BCC § 3-6-205, Inspector Christina Frink 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 \$13,600.00 (Thirteen thousand six hundred).

The following persons appeared for the Hearing and testified: Keith Harris, Respondent, and Christina Frink, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a citizen complaint an inspection of the subject property was carried out on 12/7/12, revealing the use and presence of garbage cans without tight fitting lids, bags of trash on the ground, debris on the front porch and the presence on the site of two unregistered motor vehicles. A Correction Notice was issued. A re-inspection on 1/7/13 noted no change in the conditions on the subject property. Accordingly, a Citation was issued, mailed and posted. A pre-hearing inspection on 2/12/13 noted significant improvement, but that additional clean up was needed. Photographs taken by the Inspector in the course of her investigation were entered into evidence. The Respondent offered an explanation but did not contest the Inspectors testimony.

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 \$2,500.00 (Two thousand five hundred dollars).

IT IS FURTHER ORDERED that the \$2,500.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$2,500.00 civil penalty will be imposed if the subject property is not brought into complete compliance by February 20, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$2,500.00 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 __19__ day of February 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.