

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

In the Matter of

Civil Citation No. 124508

Raymond Hutzler  
Elizabeth Hutzler  
C/o Joseph Hutzler

931 Regina Drive

Respondent

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

This matter came before the Administrative Law Judge on March 20, 2013 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) sections 1B01.1 ZCPM, 101; 102.1, ZCPM: Failure to cease service garage activities; Failure to cease illegal home occupation on residential property.

On March 4, 2013, pursuant to BCC § 3-6-205, Inspector Philip Mills 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 \$1,000.00 (One thousand dollars).

The following persons appeared for the Hearing and testified: Joseph Hutzler, Respondent, and Philip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that this Respondent and property were the subject of an Order in 2010, in which the then Hearing Officer (predecessor of the Office of Administrative Hearings), found the Respondent in violation and ordered him to cease illegal motor vehicle repair activities on the site. From November 2012 through February 2013, the community documented that vehicle repair activities were still taking place on the site. Based upon that documentation and observations of the Respondent repairing numerous vehicles not registered to him, a Citation was issued, mailed and posted on 3/4/13. The Respondent testified that he was in fact doing repair work on the site, but noted that for the most part, the vehicles were owned by extended family members. There also was apparent confusion as to the previous Order. Accordingly, it was now made clear and the Respondent agrees that he will work only on his vehicles at the subject site.

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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 \$1,000.00 (One thousand dollars).

IT IS FURTHER ORDERED that \$900.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$900.00 civil penalty will be imposed if the subject property is not brought into and maintained in compliance pursuant to this Order, by limiting auto repair work on the subject site only to vehicles owned by the Respondent. .

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$900.00 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 \_\_\_26\_\_\_ 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.

LMS/sma