

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

In the Matter of

Civil Citation No. 118416

Tina Luciw  
Charles and Delores Palmer

142 E. Timonium 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 12, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 18-2-608, Baltimore County Zoning Regulations (BCZR) section 428: Failure to license or remove the unlicensed vehicles parked/stored on the premise that is in a residential area; Failure to remove a mobile shipping container from residential property.

On January 16, 2013, pursuant to BCC § 3-6-205, Inspector Paul Cohen 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 \$1,500.00 (One thousand five hundred).

The following persons appeared for the Hearing and testified: Tina and Mark Luciw, Respondents, and, Paul Cohen, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property was carried out on 9/24/12, revealing the presence of a storage container for a period in violation of Code, an unlicensed vehicle, and miscellaneous junk, trash and debris. A Correction Notice was issued. A re-inspection on 10/5/12 noted that the lawn was clear of debris but that the illegal vehicle and storage container remained. Another inspection on 10/25/12 noted that a second unregistered vehicle was on the property along with the storage container. A subsequent inspection on 12/3/12 noted the addition of a third vehicle. A Citation was issued, mailed and posted On 1/4/13 the number of unregistered vehicles had risen to five, along with the storage container. .As a result of a last inspection on 1/16/13 a new Citation for four unregistered vehicles and the storage container was issued, mailed and posted. A pre-hearing inspection on 2/8/13 revealed the presence of two unregistered vehicles and the illegally sited storage container.

The Respondent testified that she was attempting to resolve issues relating to her mothers estate, owner of these items. She noted that her husband had lost his job, funds were limited and with

a recent new job they were were trying to bring everything into compliance. She stated that three vehicles had been registered and she committed to resolving all other issues.

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 \$1,500.00 (One thousand five hundred dollars).

IT IS FURTHER ORDERED that \$1,400.00 of the \$1,500.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that if the trailer is not removed by April 15, 2013 a civil penalty of \$750.00 will be imposed. If the trailer is removed pursuant to this Order but the remaining vehicles are not properly registered or removed from the property by May 13, 2013 a civil penalty of \$1000.00 will be imposed. If neither the trailer is removed nor the vehicles properly registered or removed, a civil penalty of \$1400.00 will be imposed.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, any portion of the civil penalty not imposed under this Order 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.