

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

In the Matter of

Civil Citation No. 120894

Donald Braun  
Nancy Braun

1911 Victory 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 February 27, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-310, 312, Baltimore County Zoning Regulations (BCZR) section 1B01.1D: failure to cease open dump conditions, Failure to remove junk, trash and debris located on residential property.

On December 4, 2012, pursuant to BCC § 3-6-205, Inspector Phillip 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 \$2,000.00 (Two thousand dollars).

The following persons appeared for the Hearing and testified: Donald Braun, Respondent, and Phillip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that as a result of a complaint communicated to the local Councilman an inspection of the subject property on 6/11/12 revealed junk, trash, debris and open dump conditions. The property also contained a shed in need of removal or repair and tall grass and weeds. A Correction Notice and a later Citation were issued. In mid July, upon assurances from the Respondent that the complained of violations were dealt with, the case was closed. As a result of another complaint an inspection of the subject property was carried out on 12/4/12, revealing multiple tent structures on the property as well as a door, piled wood, building materials, and other miscellaneous items. A Citation was issued. Subsequent re-inspections on 1/7/13 and 2/25/13 noted no change. The Respondent discussed the various items on his property and related that it was his intention to relocate to Florida. He agreed to resolve the issues raised in the Citation.

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).

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 the remaining \$1,400.00 civil penalty will be imposed if the tents, piled materials and miscellaneous items complained of are not removed and the subject property is otherwise not brought into compliance by March 13, 2013.

IT IS FURTHER ORDERED THAT if the subject property is not brought into compliance as set forth immediately above, Baltimore County shall be authorized to send a contractor to enter upon the subject property and correct the violation herein, by removing all items noted, the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,400.00 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.