

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

In the Matter of

Civil Citation No. 120629

J AND C Merritt Plaza, LLC
C/O Jimmy Cheung
12409 Foyette Lane
Upper Marlboro, MD 20772

7717 Westfield 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 January 9, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 21-19-102; 21-19-103: Failure to cease the delivery of more than one unsolicited advertising circular to a residential address in the county within any six month period; Failure to include on all solicitations the notice required for notification regarding non-delivery on residential property.

On December 4, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Daniel O'Neill 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: Pariq Raja, Respondent, Nishay Raja, translator, Mrs. Barker, Complainant, and Daniel O'Neill, Baltimore County Code Enforcement Officer.

Testimony revealed that the Respondent operates a pizza shop at the above location. A neighbor, Mrs. Barker, testified she received on her door/fence advertising circulars from the Respondent's store. Mrs. Barker testified she received the circulars on several occasions, including September 7, 2012 and November 10, 2012. Ms. Raja acknowledged distributing the circulars, but stressed the the Respondent was aware of the law and would endeavor to comply with the regulations.

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 \$300.00 of the \$500.00 civil penalty be suspended, with an immediate \$200.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$300.00 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 __10__ 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.