

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

In the Matter of

Civil Citation No. 123469

Yorkway Associates, LLC  
C/o Kimco Realty Corp  
3333 New Hyde Park Road, Ste 100  
New Hyde Park, NY 11042

1001 York 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 27, 2013 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 450: Failure to comply with the sign law on changeable sign times on property.

On February 4, 2013, pursuant to BCC § 3-6-205, Inspector Jeffrey Radcliffe 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 \$1,200.00 (One thousand two hundred dollars).

The following persons appeared for the Hearing and testified: James Gerwig, Respondent, and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a complaint an inspection of the subject property was carried out at the subject location, which is a CVS Pharmacy. It was discovered that its "changeable sign" was altering its message every five seconds, instead of the Code standard of at least every fifteen seconds. A Correction Notice was issued, as the Manager of the location did not know how to adjust the sign. A re-inspection on 2/4/13 noted that the sign was still on a five second cycle. A Citation was therefore issued, mailed and posted. A pre-hearing inspection on 2/25/13 noted that the subject sign was now on a change cycle of more than fifteen seconds.

The representative of CVS explained that he was initially unaware of the change cycle Code standards. Later, a new employee and later still, a new laptop controlling the sign, prevented an

immediate alteration of the cycle. The computer has now been preset to conform with Code and no further problems are anticipated.

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 \$1,200.00 (One thousand two hundred dollars).

IT IS FURTHER ORDERED that \$1,100.00 of the \$1,200.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$1,100.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,100.00 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.