

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

In the Matter of

Civil Citation No. 121843

Robert Kelly, Jr.
Steve Kushner

1826 Yakona 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) section 13-7-302, 315: Existence of rat harborage on residential property.

On December 12, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Patrick Williams 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 \$250.00 (Two hundred fifty dollars).

The following persons appeared for the Hearing and testified: Melissa Kushner, Respondent and, George Tsigounis, Baltimore County Code Enforcement Officer.

Evidence was presented that in the course of a community sweep on 12-12-12, an inspection of the subject property revealed the presence of untreated rat holes. A Citation was issued, mailed and posted. The Inspector presented supporting photographs, which were shown to the Respondent. The Respondent offered an explanation but did not contest the allegation. He has agreed to take immediate steps, including the treating and filling with concrete, of the rat holes that have been identified.

Having heard the testimony and evidence presented at the Hearing:

1826 Yakona Road

Page 2

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$250.00 (Two hundred fifty dollars).

IT IS FURTHER ORDERED that \$200.00 of the \$250.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$200.00 civil penalty will be imposed if the subject property is not brought into immediate compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$200.00 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.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

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.

LMS/sma