

IN THE MATTER OF  
DIANA AND WILLIAM DONOHO  
8539 CHESTNUT OAK ROAD  
PARKVILLE, MD 21234

RE: Code Enforcement Appeal  
Civil Citation 89168

\* BEFORE THE  
\* OF APPEALS OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-11-025

\* \* \* \* \*

OPINION

This matter comes before the Board of Appeals as an appeal from the April 21, 2011 decision of the Baltimore County Administrative Law Judge (ALJ) who found violations of the Baltimore County Code, Sections 13-7-112, 115, 310,312 and 13-4-201 (d) for the appellants failure to store all garbage in containers with tight fitting lids, failure to clean up and remove all junk, trash and debris on the rental residential property owned by them. The Order imposed a civil penalty in the amount of Eight Hundred (\$800.00) Dollars. A hearing before this Board was held on June 9, 2011. Diana and William Donoho appeared *pro se*. The County was not represented.

BACKGROUND

The subject property is a rental unit owned by the Appellants in which they do not reside. The evidence placed into the record of the case consist of photographs of the property and the conditions of the yard areas. Testimony presented at the hearing before the Administrative Law Judge indicated that this property has been cited on 13 prior occasions for conditions similar to those found at the March 23, 2011 inspection of the subject property by an agent for the Code Enforcement section of the Baltimore County Permits, Approvals and Inspections (PAI) Department.

DECISION

While the prior citations do not prove in any way that the Appellants are guilty in the present case, it was noted by the Appellant, Mrs. Diana Donoho, in her argument before the Board that she and her husband have experienced a long running problem with the activities of

the various tenants of their property as it relates to the placing of refuse outside of the house. The Board reviewed the photographs presented at the hearing below, and also listened to the tape of the hearing before the ALJ and concluded that the Appellants are subject to citation for the condition of the rental property. The Board finds that the decision of the Administrative Law Judge is supported by competent, material and substantial evidence in light of the entire record as submitted.

Therefore the decision is neither arbitrary nor capricious, and the Board affirms the Administrative Law Judge's decision. The Board will reduce the civil penalty in this matter from Eight Hundred (\$800.00) Dollars to Five Hundred (\$500.00) Dollars.

**ORDER**

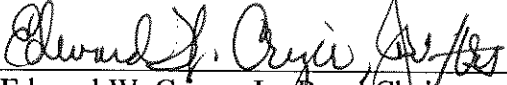
**THEREFORE, IT IS THIS** 14<sup>th</sup> day of July, 2011, by the Board of Appeals for Baltimore County:

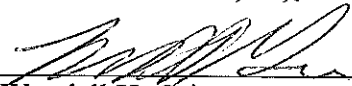
**ORDERED** that the decision of Administrative Law Judge, of the Department of Permits, Approvals and Inspections (PAI) in the above matter be and the same is hereby **AFFIRMED**; and it is further


**ORDERED** that the fine imposed in this case be reduced from Eight Hundred (\$800.00) Dollars to Five Hundred (\$500.00) Dollars.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Edward W. Crizer, Jr., Panel Chairman

  
Wendell H. Grier

  
Andrew M. Belt