

IN THE MATTER OF  
KATHERINE OKIKIOLU  
1103 Litchfield Road  
Baltimore, Maryland 21239

Citation No. E45369

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-14-015

\* \* \* \* \*

**OPINION**

This matter comes before the Board of Appeals for Baltimore County (the "Board") as a Record Appeal from the Administrative Law Judge's August 30, 2013 Opinion and Order wherein a violation for failure to cut and maintain tall grass and weeds to a height of three inches or less on a residential property pursuant to Baltimore County Code section 13-7-401-403 was found against Appellant, Katherine Okikiolu at 1103 Litchfield Road. A Two Thousand Dollar (\$2,000.00) fine was imposed, suspending all but One Hundred Dollars (\$100.00). The decision was appealed to this Board for a hearing on the record that was held on November 7, 2013. Appellant, Katherine Okikiolu appeared pro se and Assistant County Attorney, Jonny Akchin appeared on behalf of Baltimore County.

**BACKGROUND**

As this case comes before the Board as a Record Appeal, the Board's review of the Administrative Law Judge's decision is solely based on the audio record of the August 28, 2013 Hearing that this Board was provided and the oral argument presented before this Board at November 7, 2013 Record Appeal hearing.

This case comes before the Board of Appeals as a result of the August 14, 2013 Code Enforcement & Inspections Citation that was issued to the Appellant, Ms. Okikiolu for failure to

cut and maintain all tall grass and weeds to a height of three inches or less on residential property. At the August 28, 2013 hearing before the Administrative Law Judge evidence was presented that, upon citizen complaint, an inspection of the Appellant's property at 1103 Litchfield Road was performed on August 13, 2013 revealing the presence of tall grass and weeds in excess of the height regulation of the County Code. A Correction Notice was issued and a re-inspection was carried out on August 26, 2013, noting no change in conditions. Photographs taken by the inspector of the subject property were also entered into evidence. Ms. Okikiolu testified that she was not aware of which growth on her property constituted "weeds" in the eyes of the County. Ms. Okikiolu reiterated this argument before this Board, stating that she was waiting on a "weed list" from the County before she could bring her property into compliance.

#### BOARD'S OPINION

Code § 32-4-281 (e) of the Baltimore County Code states,

*(e) Actions by Board of Appeals.*

(1) In a proceeding under this section, the Board of Appeals may

- (i) Remand the case to the Hearing Officer;
- (ii) Affirm the decision of the Hearing Officer; or
- (iii) Reverse or modify the decision of the Hearing Officer if the decision:
  - 1. Exceeds the statutory authority of jurisdiction of the Hearing Officer;
  - 2. Results from an unlawful procedure;
  - 3. Is affected by any other error of law;

4. Is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
5. Is arbitrary or capricious.

In the hearing before this Board, Ms. Okikiolu failed to challenge the evidentiary findings of the Administrative Law Judge and made no arguments alleging that the Administrative Law Judge's decision resulted from an unlawful procedure or was affected by an error of law. Ms. Okikiolu bases her appeal solely on the fact that she has yet to receive a "weed list" from the County informing her of what plants must be cut to the required three inches. This Board is not aware of any legal authority mandating that a property owner be provided with such a list before cutting the lawn on their property. Although it appears that some further communication between the County and Ms. Okikiolu would be constructive in bringing her property in compliance, this Board can find no justification within the statutory confines of § 32-4-281 (e) to disturb the findings of the Administrative Law Judge Opinion and Order of August 30, 2013.

#### CONCLUSION

Based on the findings stated above, the Board finds that the Administrative Law Judge's August 30, 2013 decision in this matter was **AFFIRMED**.

#### ORDER

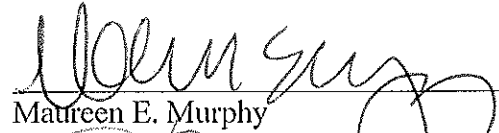
**THEREFORE, IT IS THIS** 19<sup>th</sup> day of November, 2013, by the Board of Appeals of Baltimore County

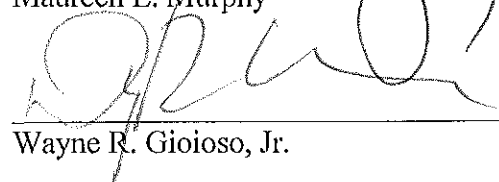
**ORDERED** that the decision of the Administrative Law Judge dated August 30, 2013, be same hereby is **AFFIRMED**.

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**

  
\_\_\_\_\_  
Andrew M. Belt, Chairman

  
\_\_\_\_\_  
Maureen E. Murphy

  
\_\_\_\_\_  
Wayne R. Gioioso, Jr.



## Board of Appeals of Baltimore County

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November 19, 2013

Katherine Okikiolu  
1103 Litchfield Road  
Baltimore, MD 21239

Jonny Akchin, Assistant County Attorney  
Dept. of Permits, Approvals and Inspections  
The County Office Building  
111 Chesapeake Avenue, Room 112  
Towson, MD 21204

RE: *In the Matter of: Katherine Okikiolu – Owner/Appellant*  
Case No.: CBA-14-015

Dear Ms. Okikiolu and Mr. Akchin:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

Enclosure

Duplicate Original Cover Letter

c: Jeffrey Radcliffe, Inspector/Code Enforcement/PAI  
Lionel Van Dommelen, Chief of Code Enforcement/PAI  
Arnold Jablon, Director/PAI  
Lawrence Stahl, Managing Administrative Law Judge  
Nancy C. West, Assistant County Attorney  
Michael Field, County Attorney