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

In the Matter of

Civil Citation No. 118632

Essexshire Gate Apartment Comp
1025 Cranbrook Road
Cockeysville, MD 21030

1400 Browning Drive, Apt F

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on December 5, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-206;35-2-404, 404(a)(i)(i): Failure to eliminate bed bug infestation on residential property.

On November 15, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink 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 $3,600.00 (Three thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Samuel Blibaum, Esquire, representing Claire Herb, Vice President of Human relations for Henderson Webb and Ron Sasser, Regional Director of Henderson Webb, Respondents and, John Moran, Crystal Jordan, Nick Mullins and Brian Edwards, Moran Pest Control Employees and, Virginia Jackson, Complainant and, Christina Frink, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a complaint from tenant Virginia Jackson, an investigation of bedbug infestation was begun. The tenant reported that her apartment had a bedbug problem, that she had reported it to the Respondent landlord, who after a number of weeks treatment had failed to resolve the problem. She had then gone to Terminix, who confirmed the infestation. She did not employ Terminix to treat the problem. The tenant testified and confirmed her view of the situation, acknowledged that the landlord was sending weekly treatment crews to her apartment. She believes that she has complied with instructions given to her in writing by the Respondent to assist in the

extermination process. She has been out of the apartment since Thanksgiving, ostensibly for a flooding and mold complaint unrelated to this situation. She maintains that any failure to properly prepare the apartment for treatment or any tasks after treatment were not done by her.

Counsel for the Respondents proffered that they have been working to resolve the situation for some time. They produced weekly records setting out their efforts and what they see as the tenants failure to properly prepare the apartment for treatment, including removing “clutter” bagging items, moving furniture to expose baseboards, and vacuuming the apartment after treatment. They also produced photographs to illustrate their notations. They note that the tenant has been asked to leave and will be doing so in February. In the meantime they are allegedly trying to deal with and contain the infestation from spreading.

This is a difficult situation. No one contests that there is a serious bedbug infestation on the subject premises. At the same time, it is clear that the Respondents, including a professional extermination company, have been for many weeks attempting to deal with the problem. Based upon the weekly reports and notations (made by different people) and the supporting photographs, there appears to be a difficulty in arranging the conditions needed to resolve the matter. The tenant says it’s the landlords fault and that someone else is causing the handling of her furniture and belongings, and the Landlord says it’s the tenants non cooperation, even after numerous letters instructing her as to necessary steps for her to take. I am not convinced that the Landlords actions sufficiently support the imposition of a penalty. One way or the other, the situation must be contained and finally resolved, even if it is after the tenant vacates the apartment in February. Thereafter, a failure to resolve could result in the imposition of a monetary penalty.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that the Respondent shall continue to treat the subject apartment at least weekly until the bedbug infestation is resolved.

IT IS FURTHER ORDERED that no civil penalty will be imposed at this time.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the infestation has been corrected.

ORDERED this ___2___day of January 2013

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