

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

In the Matter of

Civil Citation No. 117150

National Property Investors
Aimco/TTA MS 235
Po Box 111397
Carrollton, TX 75011-1397

Colony at Kenilworth
1 Bonrock Court

Respondents

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

This matter came before the Administrative Law Judge on October 24, 2012 for a Hearing on a citation for violations under the Baltimore County Building Code (BCBC) National Fuel Gas Code 2009: 12.1 minimum safe performances on residential property.

On September 6, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector William Witty 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 \$76,600.00 (Seventy six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Robert Fazekas, Senior Director of Construction for Aimco and, Jay Harreld, Regional Director of Construction for Aimco, Respondents and, William Witty, Baltimore County Code Enforcement Officer.

Testimony was presented that upon notification by the Baltimore County Fire Department, an inspection of the Respondent's development of some 383 rental units was carried out on 8/30/12, revealing a wide range of violations, including the lack of CO2 detectors, faulty gas connectors, valves, and air systems for gas appliances. A Correction Notice was issued. Subsequent inspections on 9/2/12 and 9/4/12 noted that other than the placement of CO2 detectors, no apparent progress was being made. On 9/6/12 the abovenoted Citation was issued. A pre-hearing inspection noted that the Respondent's staff was cooperating, significant work had been accomplished, and only 46 units needed to be completed.

The Respondent's representative testified that all work had been completed as of the day before the hearing. He presented complete written documentation as to the repairs, which were given to the Inspector for his review. The witness explained that the delay was due to the need to have engineering

done to properly address the task and noted that approximately \$500,000.00 had been spent on the project.

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 \$30,000.00 (Thirty thousand dollars).

IT IS FURTHER ORDERED that \$25,000.00 of the \$30,000.00 civil penalty be suspended, with an immediate \$5,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$25,000.00 civil penalty will be imposed if the subject property is not in compliance with the above noted Citation.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$25,000.00 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 ___2___day of November 2012

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.