

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

In the Matter of

Civil Citation No. 108609

Peris Maduka
Kalu Maduka
12637 English Orchard Court
Silver Spring, MD 20906

437 Bigley Avenue

Respondents

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

This matter came before the Administrative Law Judge on June 20, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-6-105; 35-5-208(a); 35-5-209(a); 35-5-213; 35-5-231.1; 35-2-404(a)(i)(i): failure to obtain rental housing license, failure to repair exterior structure, failure to repair interior structure, failure to provide fire and safety protection, failure to provide Carbon Monoxide detectors, failure to remove hazardous/unsafe conditions on residential property.

On May 24, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Phillip Mills 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 \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Kalu Maduka, Respondent and, Stephanie and Allen Pineda, tenants and complainant's and, Phillip Mills, Baltimore County Code Enforcement Officer.

Testimony was presented that upon the complaint of the tenant, an inspection of the subject property was carried out on 5/16/12, resulting in the issuance of a Correction Notice. The property was found to be in deteriorating physical condition, including drywall and electrical problems, leaks, broken windows, and evidence of rodent feces and infestation. A search of the County records revealed that the subject property was not registered pursuant to the county rental registration regulations, nor were

the required CO2 and smoke detectors present at the site. A subsequent inspection on 6/19/12 noted some improvement, but that significant work and rodent remediation remained to be done. A Citation was issued, mailed and posted.

Stephanie Pineda, the complainant/tenant, testified that the various problems noted on the property surfaced within a month after she, her husband, and five children became tenants. She confirmed the testimony of the Inspector and added that the rodents had actually gotten into the children's beds. Her husband added that they had privately obtained the services of an exterminator, but that the Landlord wanted to use his own.

The Respondent testified that the Pinedas were good tenants, and that as soon as she became aware of the various problems she had attempted to do the repairs, but was experiencing contractor difficulties.

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 \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that \$1,750.00 of the \$2,000.00 civil penalty be suspended, with an immediate \$250.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$1,750.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order by August 6, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,750.00 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 28 day of June 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.