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

In the Matter of

Civil Citation No. 114707

Javed Aizaz
C/o Raji, LLC
2034 North Rolling Road
Baltimore, MD 21207

6120 Baltimore National Pike

Respondents

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

This matter came before the Administrative Law Judge on August 14, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 230, 4B101, 4B102B(1): Operation of a massage parlor in a BL Zone; Operation of a massage parlor within 1000 feet of a school-daycare; Operation of a brothel not permitted in any zone in Baltimore County on residential property.

On July 18, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark 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 $10,000.00 (ten thousand dollars).

The following persons appeared for the Hearing and testified: Richard Martel, Esquire representing Javed Aizaz, Respondent and, Robyn Clark and Jerry Chen, Baltimore County Code Enforcement Officers.

Testimony was presented by Inspector Clark, summarizing the police report, that the subject property consists of separate businesses on each floor, including the basement (called “Escape Spa”). An investigation of prostitution activities on the subject property was carried out by the Baltimore County Police Department, including the interview of a male subject leaving the basement business at the subject site; who, on questioning, admitted to the Police that he had just received a massage and sexual services there. A search of County records revealed that no license for a therapy or massage

business had been issued for the basement business. After obtaining a warrant, the Inspector entered the premises in the company of the Police on 7/18/12. They encountered a woman employee of " escape" in the basement. She readily admitted that she was not a licensed massage therapist. No illegal activities were discovered at the third floor business. Photos were taken and submitted as evidence. Inspector Chen testified that the Code violations charged relate to the building as a whole, notwithstanding that illegal activities were discovered taking place in only a portion of the property. He admitted on questioning by Counsel that the basement is zoned for "health and beauty", but, as Inspector Clark pointed out, the employee arrested in the basement by the Police, admitted the massage activities she provided, and did not have a license to perform massage. A search of County records confirmed her lack of licensing.

Counsel for the Respondent proffered on behalf of his Client that the basement business is totally separate and apart from the otherwise legal activities carried on by the other tenants of the building. He further noted that his Client has placed the "spa" on notice of further action on his part upon conviction at the pending criminal trial.

The standard of proof before me in these Code matters is certainly not that applied in the Criminal Courts. Moreover, a commercial landlord has a responsibility to the community in which his property resides to proactively identify the nature of the businesses seeking to operate on his property, and on an ongoing basis, to monitor his property to see that illegal activities do not take place there. I am convinced that illegal, unlicensed and otherwise unpermitted activities to take place on his property. In the future, the Respondent must more carefully monitor the uses carried out there.

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 $10,000.00 (ten thousand dollars).

IT IS FURTHER ORDERED that $ 9,000.00 of the $10,000.00 civil penalty be suspended, with an immediate $1,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining $9,000.00 civil penalty will be imposed if the subject property is not brought into compliance pursuant to this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining $9,000.00 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 _____day of August 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.

LMS/sma