

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

In the Matter of

Civil Citation No. 108701

Vo Ha My

921 Bardswell Road

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 28, 2012 for a Hearing on a citation for violations under the National Standard plumbing Code 2009 section: 1.4.4 Maintenance and Repairs: Expose and repair property sanitary sewer clean out and replace/repair any breaks or damage to property sanitary sewer line on residential property.

On July 9, 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 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The following persons appeared for the Hearing and testified: Huu Nguyen, Respondent and son of owner and Ike Ohadchese, friend of Respondent's son and, Ronnie Robinson, Baltimore County Utilities and, William Witty, Baltimore County Code Enforcement Officer.

Testimony was presented that as a result of a Consent Decree entered into between Baltimore County and the Federal Government, the County is obliged to carry out inspections and repairs to certain portions of the County sewer system. To that end, a "smoke test" was carried out on 4/10/12, which indicated possible sewage leak problems on the subject property. The Inspector was unable to determine the extent of the situation as he noted no "clean out" was provided by which a closer inspection of the sewer on the subject site could be carried out. On 5/12/12 a Correction Notice was issued, directing the Respondent to provide a sewer clean out. The Respondent called the Inspector and they discussed Respondents' financial difficulties. In an effort to assist, the Inspector contacted the

Community Conservation, but to no avail. On 7/9/12 the abovenoted Citation was issued, mailed and posted. Photographs taken by the Inspector were submitted.

It should be noted that, from the very outset of the hearing, the Respondent's son questioned the validity of this Administrative Court and my authority to hear and rule upon this matter. Likewise, he questioned the authority of the Inspector. I assured him that I was authorized to act in these matters and went so far as to briefly set out for him the basis of that authority. Although given numerous opportunities to address the issues raised by the Inspector, he declined to take any part in the hearing other than to raise the objections I have described above.

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 \$6,000.00 (six thousand dollars).

IT IS FURTHER ORDERED that \$5,500.00 of the \$6,000.00 civil penalty be suspended, with an immediate \$500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$5,500.00 civil penalty will be imposed if the subject property is not brought into compliance by September 27, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$5,500.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED THAT Baltimore County shall be authorized to send a contractor to enter upon the subject property and correct the violation herein, by removing open dump conditions thereupon, the costs and expenses arising therefrom to be the responsibility of and be assessed against the Respondent.

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 7 day of September 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.