

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

In the Matter of

Civil Citation No. 117424

Ekaterina Garland

1803 Clarke Blvd

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 18, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section on residential property.

On November, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector 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 \$30,000 (Thirty thousand dollars).

The following persons appeared for the Hearing and testified: Buddy Eugene Lilly, Respondent and owner of Abby Construction & Remodeling, Inc and, Ekaterina Vernon, owner and, James Garland, Baltimore County Code Enforcement Officer.

Testimony was presented that as a result of a complaint regarding activities under a building permit, an inspection of the subject property was carried out on 9/12/12. The underlying permit was issued 6/27/12 to repair and replace the foundation and related structures on the subject property. There is also apparently a dispute between the Contractor and the property owner. Partially as a result, work had come to a halt with questions unresolved as to the placement of "I" beams and other foundation related issues. It was also noted that a previous inspector wanted the contractor to consult an engineer as to the placement of the beams as well as the other related issues.

As a result of his inspection, Inspector Garland issued a Correction Notice on 9/20/12 for an unsafe condition of the structure, work not done in a proper, workmanlike manner, and related plumbing and electrical work that was not completed. As a result of the continuing controversy between the parties and the effect it had on the progress of the construction, another Correction Notice was issued 10/16/12 for an uninhabitable structure, as a result of the removal of its heating apparatus. No

Discernable work was carried out and as a result, a Citation was issued, mailed and posted on 11/17/12 for, among other items, failure to comply with the correction Notices, an unsafe structure and the removal of the heating apparatus. A re-inspection on 12/13/12 noted no change, the heat still not installed and the job incomplete.

The Respondent confirmed the controversy with the owner. He noted that he had passed earlier inspections and that there was still a difficulty with the "I" beam question. As a result, he stated that he had only been able to do a portion of the needed repairs.

There is obviously an ongoing disagreement between the Owner and the Respondent herein. The question before me is for the violations as alleged by the Inspector. I have reviewed the photographs and related documents submitted to the file for this matter. No doubt Counsel for both parties will be engaged through the legal process as to who is responsible for what; and upon whom any blame or responsibility exists. I will limit myself to requiring that Code be met, leaving the rest to others to resolve.

Accordingly, 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 the \$30,000.00 civil penalty be suspended,

IT IS FURTHER ORDERED that the \$30,000.00 civil penalty will be imposed if the subject property is not brought into a safe, habitable condition, in compliance with Baltimore County Code no later than January 18, 2013.

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 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