

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

In the Matter of

Civil Citation No. 93322

Rex Frost
54 Windemere Pkwy
Phoenix, MD 21131

1918 Church Road and
112 Bennett Road

Respondent

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

This matter came before the Administrative Law Judge on February 7, 2012, for a Hearing on two citations for violations of the Baltimore County Code (BCC) sections 35-6-105 Article 35, Title 6, 2003: failure to obtain a rental housing license for the property located at 1918 Church Road and 112 Bennett Road.

On May 10, 2011, pursuant to § 3-6-205, Baltimore County Code Inspector Kathleen O'Donnell issued two Code Enforcement 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's proposed a civil penalty of \$1,000.00 (one thousand dollars) each.

The following persons appeared for the Hearing and testified: Rex Frost, Respondent and owner of the property and Kathleen O'Donnell, Baltimore County Code Enforcement Officer.

Testimony and evidence was presented that upon a continuing complaint, the Inspector confirmed that the Respondent is renting the subject properties but has not complied with County law in that he has not qualified and registered the properties as rental locations. A search was made of the County records to confirm that no registration has taken place.

The Respondent, who had been previously cited and fined for failing to register these properties as rental locations, testified (as he has done previously) that the properties are the subject of purchase installment contract and he takes the position that the renters are therefore "equitable owners" and are therefore not renting the properties; hence no registration is necessary

Respondent admitted that the tenants do not have a deed in their names, and the property is still listed in his name on both the land and tax records of Baltimore County. He also agreed that if the "payments" were not made, he would issue no deed to the tenants under the contract. I find that since no deed transfer has taken place and no deed would be issued to the tenants until the installment contract was paid in full, the property remains owned by the Respondent and anyone living at the locations and making monthly payments to the Respondent, are, in fact , tenants; and as a result, Respondent must comply with the Rental Housing Regulations of Baltimore County.

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 \$ 5000.00 (five thousand dollars) for each location that is the subject of a citation. The total fine to be imposed for the two properties is thus \$10,000.00 (ten thousand dollars).

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 14 day of February 2012

Signed: _____
Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: 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.