

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

In the Matter of

Civil Citation No. 95587

Bayview Real Property, LLC
12908 Dulaney Valley Road
Glen Arm, MD 21057

7507 Carroll Avenue

Respondent

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

This matter came before the Administrative Law Judge on December 19, 2012 for a Hearing on a citation 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 7507 Carroll Ave.

On November 9, 2012, pursuant to § 3-6-205, Baltimore County Code Inspector Kathleen O'Donnell issued a 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 proposed a civil penalty of \$1,000.00 (one thousand dollars).

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

Testimony was presented that an investigation revealed that the subject property does not have a Rental Housing License but is being rented out by the Respondent. It appears that although some paperwork has been initiated to obtain a license, there has not been a required home inspection of the structure, a lead paint inspection, or a certification that the required smoke and CO2 detectors have been installed. On 4/12/12 the Respondent was advised as to what was needed to complete the process, and failing to do so, a Correction Notice was issued on 6/10/12. A Citation was issued, mailed and posted on 7/22/12. The Respondent failed to appear at a scheduled hearing on 8/9/12 and a \$1000.00 civil penalty was imposed. The Inspector spoke to Counsel for the Respondent thereafter who advised that the Respondent was working on the necessary steps to obtain the necessary license.

No license has been obtained as of this hearing. The Respondent testified as to difficulties with his mail delivery but offered no other explanation as to why he had not obtained a license. He confirmed the presence of tenants at the subject address. The inherent danger to those tenants posed by his failure to comply with County Code in this situation was impressed upon him.

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 \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that \$700.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$300.00 fine imposed at this time.

IT IS FURTHER ORDERED that the Respondent must remove any tenants residing at the abovenoted subject address no later than December 26, 2012, unless, by that date, he has complied with the requirements for and has been issued a valid Rental Housing License by Baltimore County. In any event, the remaining \$700.00 civil penalty will be imposed if the Respondent has not obtained a valid Rental Housing license by January 16, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$700.00 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 ___21___day of December 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.