

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

In the Matter of

Civil Citation No. 118880

Carpenter Realty Corp  
549 South Broadway  
Gloucester City, NJ 08030

6159 Edmondson Avenue

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 5, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 408B, 35-6-105: Failure to comply; your residential property is being used as a half-way house without permitted uses, rooming and boarding, rental license.

On November 8, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Chip Raynor 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 \$3,000.00 (Three thousand dollars).

The following persons appeared for the Hearing and testified: Lawrence Imbesi, Respondent and, Larry Thornton, tenant and, Richard Reese, property overseer and, Chip Raynor, Baltimore County Code Enforcement Officer.

Testimony was presented that on notice by the Office Of Health Care Quality, an inspection of the subject property was carried out on 10/1/12, revealing several persons living in the residence. Through conversations on site, the inspector learned that the premises were being used as a "residence" for those who had been previous substance abusers, but who were now "clean". The Inspector related a conversation with the Respondent on 10/16/12, who confirmed that seven people lived in the house, that each had their own room, but that the property was not yet registered. As a result, a Correction notice was issued. Discussions regarding the requirements to become a "halfway house" continued, but, there having been no progress, a Citation was issued, mailed and posted on

11/8/12. Respondent Imbesi noted and presented a rental license for my view and stated that only two tenants were permanent, and of the total of five there---three were there less than thirty days. He stated that all were good tenants. Mr. Reese testified that the property was never meant to be a traditional half way house; stating that other than the two permanent residents, others simply come to "hang out", without the use of drugs or drinking allowed. Tenant Thornton confirmed that that there is a strict drug free requirement at the residence.

After the clear and frank testimony of all concerned, I have no doubt that the subject site is being used as a "half way" facility; and although it is a laudable activity (which appears strict and supportive), it nevertheless is activity that requires the proper qualifications and approvals in order to continue to carry on its objectives. As they are, to my mind, sincere in their objectives, they must nevertheless qualify to continue their activities within a specified time. They acknowledged my view and agreed to pursue necessary recognition .

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 \$3,000.00 (Three thousand dollars).

IT IS FURTHER ORDERED that \$3,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$3,000.00 civil penalty will be imposed if the subject property is not brought into compliance by March 5, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$3,000.00 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 \_\_\_21\_\_\_ day of December 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.