

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

In the Matter of

Civil Citation No. 107394

Thanh Tam Ngyuyen
Den Canh Phan

5660 Gunpowder 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 June 12, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-209(a), 35-5-208(m)(2), 35-5-208(n), 35-5-212(b)(1): failure to repair/ replace shower door and tiles in bathtub, failure to repair broken window in bedroom, failure to repair windows that don't open and remain in open position, failure to repair heaters on residential property.

On May 14, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker 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 \$6,000.00 (six thousand dollars).

The following persons appeared for the Hearing and testified: Den Phan, Respondent and, Keith Parker, Baltimore County Code Enforcement Officer.

Testimony was presented that upon a citizen complaint, an inspection of the subject property took place on 3/13/12, revealing the need for a number of internal repairs; including missing tub tiles, broken shower door, improperly operating windows, and insufficient heat. A Correction Notice was issued. Subsequent inspections on 4/9/12, 4/25/12, and 5/14/12 noted no change in the property. On 5/14/12 a Citation for the above violations was issued, mailed and posted on the property. A pre-hearing inspection was carried out on 6/11/12, and no improvement was noted. The Respondent testified that he didn't know about the needed repairs until he received the Citation.

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 pursuant to this Order by July 6, 2010.

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 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 19 day of June 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.