

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

In the Matter of

Civil Citation No. 108474

Esther Okeiyi
504 Brandywine Road
Chapel Hill, NC 27516

4132 Hunters Hill Circle

Respondents

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

This matter came before the Administrative Law Judge on May 30, 2012 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-208(a); 209(a); 231.1: failure to install carbon monoxide detectors, failure to repair and/or replace defective deck, failure to repair and/or replace defective tile in bathroom, failure to repair hole in wall in foyer area, failure to repair all electrical outlets within the living room, failure to remove all mold within the unit, failure to repair and/or replace defective kitchen cabinet on residential property.

On April , 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector Alphonso Griffin 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 \$6,800.00 (six thousand eight hundred dollars).

The following persons appeared for the Hearing and testified: Rachael Hammer, Esquire, representing owner and, Mary Okeiyi, Respondent and daughter of owner and, Nicole Palmer, tenant and, Alphonso Griffin, Baltimore County Code Enforcement Officer.

Testimony was presented that, upon a complaint from the tenant that an inspection of the subject property was carried out on 4/4/12, revealing a leaking sink, a deficient deck, non-working outlets, mold, defective bathroom tiles and a hole in a wall. There was also no functioning carbon dioxide detector. A Correction Notice was issued. A second inspection on 5/7/12 noted no change; and

a Citation was issued, mailed and posted. The tenant, Nicole Palmer, testified that she had sent notice of the difficulties to the Respondent. A plumber came out on 4/4/12 but did not address all the difficulties. Shad been warned about the effects of mold and purchased a test "kit". She further testified that the laboratory to which the sample was sent found evidence of mold at higher levels. She noted that, during this time she and her children were coughing and sneezing, which she connects to the mold. She confirmed the Inspector's testimony that there is no functioning CO2 detector on site.

Mary Okeiyi, daughter of the Respondent testified that the tenant has been the source of continuing difficulties for the Landlord. She maintained that considerable monies had been spent on the subject property. She stated that a contractor had gone to the site in early April to evaluate the mold situation. She reports, however, that she is encountering continuing difficulties in gaining access to the property. She requested that they be given sufficient time to complete repairs. The tenant was advised by the Court that reasonable access was probably part of her lease; and that she should allow access for repairs.

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 \$6,800.00 (six thousand eight hundred dollars).

IT IS FURTHER ORDERED that \$6,300.00 of the \$6,800.00 civil penalty be suspended, with an immediate \$500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$6,300.00 civil penalty will be imposed if the subject property does not have a functioning CO2 detector installed within one week of the date of this Order, and further, that it will be imposed if the property is not brought into complete compliance by July 15, 2012.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$6,300.00 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 6 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.