

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

In the Matter of

Civil Citation No. 123427

TD Services, LLC
8012 Fort Smallwood Road
Baltimore, MD 21226

7208 Birch 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 February 13, 2013 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 7208 Birch Avenue.

On November 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: Tom Detrich, Respondent and owner of the property and Kathleen O'Donnell, Baltimore County Code Enforcement Officer.

Evidence was presented that upon notification by the Baltimore County Fire Department of their discovery of high levels of CO₂ in the course of a call to the subject property, a search of the County records revealed that the said property was not registered as a rental property, a violation of the Baltimore County Code. Due to the inherent danger to residents, an immediate Citation was issued, mailed and posted. The Respondent testified that he had just purchased the property as part of a new business and was not aware of the registration requirements. He stated that he has had a new CO₂ and smoke detector installed, has effected repairs to the hot water heater and boiler, and has had them inspected by a plumbing inspector.

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 \$500.00 (Five hundred dollars).

IT IS FURTHER ORDERED that \$250.00 of the \$500.00 civil penalty be suspended, with an immediate \$250.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$250.00 civil penalty will be imposed if the property is not properly registered with Baltimore County as a rental location and otherwise brought into compliance by February 27, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$250.00 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 February 2013

Signed: Original 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.