

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

In the Matter of

Civil Citation No. 120805

Katherine Umstot
Vernon Umstot
1000 Bogart Circle
Belair, MD 21014

6811 Holabird 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 January 9, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-211; 35-5-209: Repair plumbing defects in structure (leaking pipes that require installation of new tub and shower); Repair interior structure (Ceiling in kitchen needs to be repaired) on residential property.

On November 28, 2012, pursuant to § 3-6-205, Baltimore County Code, Inspector William Galiazzo 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 \$9,000.00 (Nine thousand dollars).

The following persons appeared for the Hearing and testified: Vernon Umstot, Respondent and, William Galiazzo, Baltimore County Code Enforcement Officer.

Testimony revealed that the Respondent is the owner of rental property at 6811 Holabird Avenue. Mr. Galiazzo presented photos depicting the violation, and indicated the tenant was without shower/bath facilities for three weeks or longer. Mr. Umstot described the efforts he has made, and said that he had to hire three contractors before the job was completed properly.

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 \$9,000.00 (Nine thousand dollars).

IT IS FURTHER ORDERED that \$8,000.00 of the \$9,000.00 civil penalty be suspended, with an immediate \$1,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$8,000.00 civil penalty will be imposed if the subject property is not brought into compliance within 45 days of the date of this Order.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$8,000.00 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 ___10___ day of January 2013

Signed: Original Signed
John E. Beverungen
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.