

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

In the Matter of

Civil Citation No. 121993

Ji Kim
Yong S. Kim

725 Hidden Bluff 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 March 20, 2013 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) sections 408B; 402: Rooming and boarding house; Illegal conversion of dwelling on residential property.

On March 3, 2013, pursuant to BCC § 3-6-205, Inspector Chip Raynor 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 \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Debra Pack, translator for owner, Yong S. Kim, Respondents, and Chip Raynor and Kathy O'Donnell, Baltimore County Code Enforcement Officers.

Evidence was presented that upon a complaint an inspection of the subject property and a concurrent investigation was carried out by the abovenoted Inspectors. Based upon that investigation, it was determined that the property had been illegally divided into at least two separate units (as there was insufficient square footage to do so), each with its own kitchen. Further, that more than two unrelated individuals resided therein; and moreover, that a realtor, acting on behalf of the Owner, was advertising the property as having multiple units. There was no valid Rental Registration for the property, although an incomplete form was filed by the Respondent (in response to a Correction Notice sent on 10/25/12) on 11/20/12, even assuming that there was sufficient space to do so for two units. On 3/3/13 a Citation for the above violations was issued, mailed and posted. Further, the Inspectors encountered communication and language difficulties through a number of un -responded to phone calls.

Robert Brown, on behalf of the Complainant Hidden Bluff Community Association, testified as to the organizations' concern regarding the situation, noting that they had seen the advertising for the property as "rental units", as well as receiving no response to a letter on the problem sent by them to the Respondent.

Through an interpreter, the Respondent testified that she had been unaware of the regulations. She confirmed that she is trying to sell the property and hopes to do so in the near future. Finally, she asserted that the large number of people residing in the property were "cousins".

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 \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that \$4,500.00 of the \$5,000.00 civil penalty be suspended, with an immediate \$500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$4,500.00 civil penalty will be imposed if the subject property is not brought into compliance, including: the immediate cessation of any advertising of the property as multiple units, providing the County with a contact person fluent in English, and the removal of all but one kitchen from the subject premises by April 19, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$4,500.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that Baltimore County Inspectors shall be authorized to enter upon the property (with reasonable notice) to confirm the removal of all but one kitchen from the subject premises.

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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.

ORDERED this ___26___ day of March 2013

Signed: Original 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.

LMS/sma