

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

In the Matter of

Civil Citation No. 119534

Grace Ekpenyong-Obasi
807 Painted Post Court
Baltimore, MD 21208

2408 Smith 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 January 30, 2013 for a Hearing on a citation for violations of the County's plumbing and gasfitting codes, and related regulations, which require the Respondent to hire an electrician and master gasfitter licensed in Baltimore County to certify the safe operation of all fossil fuel appliances (including but not limited to the furnace and stove) on residential property.

On January 17, 2013, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Utz 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: Grace Ekpenyong-Obasi, Respondent, Jeffrey Utz, Baltimore County Code Enforcement Officer, Edward Riesner, Chief Electrical Inspector and William Witty, Chief Plumbing Inspector.

Mr. Utz testified that the County fire department has twice (in October 2012 and January 2013) responded to the subject property in response to alarms for dangerously high levels of carbon monoxide. On those occasions, it was determined that the kitchen stove and furnace, respectively, were responsible for generating the excessive carbon monoxide gas. Although the Respondent testified she had the stove and furnace promptly replaced, the work was not performed by licensed contractors, and permits were never obtained for the installations of those appliances. The County inspectors all testified that the regulations require the

Respondent to have a licensed electrician, plumber and/or gasfitter inspect the premises and verify that these recently installed appliances, as well as any other fossil fuel burning appliances in the home, are installed properly and are operating safely and in accordance with all applicable regulations. The Respondent stated that she is a registered nurse, and understood the gravity of the situation.

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 the \$5,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the suspended \$5,000.00 civil penalty will be imposed (without the necessity of a further hearing or Order) if the subject property is not brought into compliance by February 13, 2013. By that date, the Respondent must secure the requisite permits for the installation of the stove and furnace (and related electrical and gas connections), and have a licensed contractor(s) verify, in a form acceptable to the County, that these appliances, and any other fossil fuel burning appliances in the home, are properly installed and safely operating in accordance with County regulations.

IT IS FURTHER ORDERED that the County inspect the property or otherwise determine whether the Respondent has satisfied the requirements set forth in this Order.

ORDERED this __31__ 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.