

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

In the Matter of

Civil Citation No. 118533

Highland #689 LLC
C/o Sawyer Realty Holdings, LLC
75 Second Avenue, Ste 200
Needham, MA 02494

2654 Virginia 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 March 20, 2013 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 35-5-206: Failure to cease infestation of bed bugs on residential property.

On February 28, 2013, pursuant to BCC § 3-6-205, Inspector Philip Mills 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 \$1,500.00 (One thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Tracey Lewis and Alfreda Dickerson, Respondents, and Stephanie Alston, Complainant, and Philip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that upon a complaint by the tenant; an investigation of the subject site was carried out, revealing mold and bed bug problems. A Correction Notice was issued on 11/20/12. The situation continued unabated, and a Citation was issued, mailed and posted on 2/28/13. The Respondent Lewis, Assistant Community Manager of the property, testified that they had, upon being notified of the problem brought in a professional exterminator. She described the eradication program which was carried out, including numerous treatment activities (including "in wall" applications), resulting in a final determination by the exterminator that the site was clear and proactively treated for any possible future problems. The Complainant/tenant noted that the Respondent had taken care of the mold issue as well as the bed bug problem. She acknowledged that the "Landlord is trying".

2654 Virginia Avenue

Page 2

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 \$1,500.00 (One thousand five hundred dollars).

IT IS FURTHER ORDERED that the \$1,500.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,500.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

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