

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

In the Matter of

Civil Citation No. 122452

1730 Whitehead Road LLC  
4101 Curtis Avenue  
Baltimore, MD 21226

1730 Whitehead Road

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 National Standard Plumbing Code (NSPC) sections 1.4.4: Must repair and maintain all water pipes on residential property.

On February 27, 2013, pursuant to BCC § 3-6-205, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> 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 dollar).

The following persons appeared for the Hearing and testified: Howard Rosenberg and Martin Scott, Respondents, and Chip Raynor, Baltimore County Code Enforcement Officer.

Evidence was presented that acting upon a complaint, an inspection of the subject property on 1/26/13 revealed a water leak from a pipe on the ground, traveling down an asphalt driveway, pooling and becoming ice. A Correction Notice was issued. On 2/26/13 a re-inspection noted no change in conditions and a Citation was issued, mailed and posted. A pre-hearing inspection also noted no change. The Respondent testified that the leak emanates from a neighboring property, although the effect is seen on Respondents property. He stated (and the Inspector confirms) that he had so advised the Inspector when the Correction Notice was issued. He further stated that a complaint as to the leak from the adjacent owner had been made with the County, who said they would investigate. Moreover, they have obtained a surveyor to confirm the property lines to support their contention that the source of the problem is not on their land. After a discussion, Respondent understands that, notwithstanding the source off site, he still has a responsibility to alleviate, in the meantime, a dangerous condition. Any

redress he may have against the adjacent owner is a separate matter from his responsibilities to alleviate the effect.

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 dollar).

IT IS FURTHER ORDERED that the \$5,000.00 civil penalty be suspended in full.

IT IS FURTHER ORDERED that the remaining \$5,000.00 civil penalty will be imposed if the subject property is not brought into compliance by May 20, 2013.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$5,000.00 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.

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.