



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 17, 2014

Stanford G. Gann, Jr., Esq.
Levin & Gann, P.A.
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Jeffrey L. Forman, Esq.
Kauffman and Forman, P.A.
406 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Baltimore County Uniform Code Enforcement Citation
Violation Location: 1336 Heather Hill Road, 21239
Citation/Case No.: 092652830

Dear Counsel:

Enclosed here within please find an Order entered by the undersigned in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Office of Administrative Hearings an appeal 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. If you require additional information concerning filing an appeal, please feel free to contact our office at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to read "JEB", is written over a faint, larger signature.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Glenn Berry, Code Inspections and Enforcement, Department of Permits, Approvals and Inspections, County Office Building, 111 West Chesapeake Ave., Towson, MD 21204

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

In the Matter of

Civil Citation No. 092652830

Eric Johnson
1336 Heather Hill Road
Baltimore, MD 21239
(Homeowner)

Jerry Ovdia
Ovdia, LLC, General Contractors
8813 Pikesville Road
Pikesville, MD 21208
(Respondent)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE**

This matter came before the Administrative Law Judge on April 16, 2014 for a Hearing on a Citation for violations under the 2009 Edition of the International Residential Code in effect at the time work was performed under Building Permit No. B775302.

On March 7, 2014, pursuant to Section 3-6-205 of the Baltimore County Code (B.C.C.), Inspector Glenn Berry 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 Twelve Thousand Eight Hundred Dollars (\$12,800.00).

The following persons appeared for the Hearing: Eric Johnson (Homeowner), Stanford G. Gann, Jr., Esq., Levin & Gann, P.A., counsel for homeowner, Jerry Ovdia (Respondent), and Jeffrey L. Forman, Esq., Kauffman and Forman, P.A., counsel for Respondent. Also in attendance was Glenn Berry, Baltimore County Code Inspector/Enforcement Officer, Department of Permits, Approvals and Inspections.

This case arises out of a dispute between a home improvement contractor (Ovdia LLC) and a homeowner (Eric Johnson). The relationship between these two parties has soured and litigation has ensued. Baltimore County has issued a code enforcement citation concerning the work performed by Ovdia, and it has now become embroiled in this ugly controversy.

Mr. Berry, who has been a building inspector with Baltimore County for over 30 years, presented a list of items (shown on Attachment #1) which he believes constitute violations of the International Residential Code and the Baltimore County Building Code. Ovadia, through counsel, did not contest the validity of the list, and indicated they would like to remedy the deficiencies as soon as possible.

Based upon Mr. Berry's testimony and the documentation (including inspection reports) in his case file, I find that there exists on the premises known as 1336 Heather Hill Road multiple violations of the 2009 Edition of the International Residential Code with regard to construction work performed under Building Permit No. B775302, all as enumerated on Attachment #1 attached hereto, which is expressly incorporated herein by reference.

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 Twelve Thousand Eight Hundred Dollars (\$12,800.00).

IT IS FURTHER ORDERED that the Twelve Thousand Eight Hundred Dollars (\$12,800.00) civil penalty be suspended in its entirety on the following conditions:


1. Within ten (10) calendar days of the date hereof, Ovadia shall provide to Glenn Berry (with a copy to Stanford G. Gann, Jr., the owner's attorney) a "punch list" or remediation plan prepared by a licensed professional engineer for correcting the code violations described in Attachment # 1.
2. Within five (5) business days of receipt, Mr. Berry shall approve/disapprove (in his discretion) the remediation plan submitted by Ovadia.
3. Within 90 calendar days of plan approval, Ovadia shall complete, in a workman-like manner, all repairs required by the approved plan.
4. Final approval (for purposes of this code violation proceeding only) of the remediation work performed under the approved plan shall be determined in the sole discretion of Glenn Berry, who in inspecting the work may seek and rely upon the input of licensed design professional(s).

Each of the Respondent's obligations as detailed above shall be conditioned upon being provided access to the subject premises to complete the repairs. Such access shall be obtained through consultation between Ovadia's and Mr. Johnson's attorneys. Ovadia's obligations hereunder shall be excused if, through no fault of its own, it is not provided access to the premises or is hindered in any manner from completing the work identified in the accepted plan.

IT IS FURTHER ORDERED that if the subject property is not brought into compliance pursuant to this Order, the entire Twelve Thousand, Eight Hundred Dollars (\$12,800.00) civil penalty will be imposed against the Respondent.

ORDERED this 17th day of April, 2014

Signed: _____


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw
Attachment

NOTICE: Pursuant to Section 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.

ATTACHMENT #1

CORRECTION NOTICE FOR 1336 HEATHER HILL ROAD

DATED 1/17/14

FLOOR:

R408.1 - Ventilation – provide ventilation under floors

R408.4 – Access – provide access to all under floor spaces

R502.9 – Fastening – fasten sub floor to comply with table 602.3(1)

R503.1.1 – Sub Floor Bearing – comply with code

R403.1.6 – Foundation Anchorage – attachment of floor system to foundation per code

R1001.11 – Framing Clearance – provide required clearance to combustible framing

Table

R602.3(1)-23 – Joist Connection – fasten joist above suspended concrete slab

Table

R602.3(1)-26 – Rim Joist Connection – fasten rim joist per code

WALLS:

R602.3(1)14 – Wall Fastening – nail bottom plates as required

R602.3 – Wall Design and Construction – studs to be continuous from sole plate to top plate and comply with this section

R602.6.1 – Drilling and Notching Top Plate – comply with code

DECK:

Table

R312 & R301.5 – Guard – Install to comply with section & table

Table

R502.2.2.1 – Deck Ledger Connection – comply with code

R703.8 – Deck Flashing – comply with code

R403.1.4.1 – Footings – verify footing in question

R502.6 – Beam Bearing – all beam members shall be continuous between bearing points

Baltimore County Council Bill 47-10 – guard rails shall not be constructed with horizontal rails as to create a ladder effect

STAIRS:

R311.7.4.1 – Raiser Height – raiser height of all stairs to comply with code

R311.7.7 – Handrails – install per code

R311.7.4.3 – Tread Profile – nosing to comply with code.

This does not preclude discovery of further violations from being added to this Correction Notice or subsequent Correction Notices from being issued.