



Board of Appeals of Baltimore County

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July 22, 2016

Nancy C. West, Assistant County Attorney
Baltimore County Office of Law
The Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

Karen Ebrahim
10 Brucetown Court
Baltimore, Maryland 21228

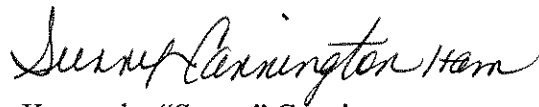
Re: In the Matter of: *Karen Ebrahim*
Case No: CBA-16-028

Dear Messrs. West and Ebrahim:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Stephen R. Hinkel/DPW
Bobbie Rodriguez, Metropolitan District Financing/DPW
Steven A. Walsh, P.E., Director/DPW
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF:
KAREN EBRAHIM
10 Brucetown Court
Baltimore, MD 21228

Re: Appeal of Sewer Service Charges

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: CBA-16-028

* * * * *

OPINION

This matter comes before the Board as an Appeal from a letter from Edward C. Adams, Jr., Director of the Department of Public Works denying the request of Appellant, Karen Ebrahim, to have her Department of Public Works Sewer Service Charge of \$4,485.52 for the period of July 1, 2015 to June 30, 2016 reduced. An evidentiary hearing was held before this Board on March 15, 2016. Appellant, Karen Ebrahim, appeared *pro se*. Assistant County Attorney, Nancy West appeared on behalf of Baltimore County.

FACTS

As testified to by Appellant, Karen Ebrahim, in February of 2015 Appellant received a water bill from Baltimore City in excess of \$2,000.00. Upon contacting Baltimore City regarding the excessive bill, Baltimore City sent a technician out to Ms. Ebrahim's residence to ascertain whether there was a leak. No leak was found. By the time of the next billing cycle, Ms. Ebrahim's meter readings reflected normal usage. As a result of disputing her water bill with Baltimore City, a conference was held with officials from the Baltimore City Department of Public Works, who agreed to adjust Ms. Ebrahim's water bill in keeping with her normal usage. No formal hearing took place, nor was there a factual finding as to the cause of the high usage reading (i.e., a dysfunctional meter, or water leak.)

While Baltimore City bills Baltimore County residents for actual water usage, Baltimore County assesses a Sewer Service Charge for the upcoming year, based on the water usage from the prior year. This, in essence, charges County residents a sewer fee for the amount of water that they send down the drain into the County sewer system. As a result of Ms. Ebrahim's extraordinarily high water bill in early 2015, her assessed sewer service charge for the period of July 1, 2015 to June 30, 2016 was \$4,485.52. This assessment is solely based on the resident's water bills from the year prior and Baltimore County possesses no other mechanism to actually measure sewer usage.

DISCUSSION

Pursuant to Executive Order, Metropolitan District Charges, dated July 1, 2015:

c. Sewer Service Charge Adjustments. A wastewater credit allowance, which reduces the sewerage service charge, may be granted to those who provide detailed documentation that less than 100% of their non-public and/or public water usage is discharged to the sanitary sewer. . . .

In County Exhibits 7 through 22B, the County introduced photographs and invoices evidencing that no defects were found in Ms. Ebrahim's water meter and work order's reflecting that nothing explaining the high water reading was detected. Ms. Ebrahim candidly and convincingly testified that there had been no leaks or water problems at her home and that her family had not deviated from their normal water usage habits that would explain the increase in her bill. At the same time, it is clear that Ms. Ebrahim's water bills were never abnormally high in the past and never were subsequent to the one high reading that has caused the Sewer Service Charge at issue.

Unfortunately, while Baltimore City Department of Public Works has tacitly admitted that something was awry with Ms. Ebrahim's water bill, they had no formal hearing nor made any factual findings for which the County could use as grounds to adjust Ms. Ebrahim's Sewage

Service Assessment. As outlined in the Executive Order for Metropolitan District Charges, a resident must provide detailed documentation that less than 100% of their water usage did not make it into the sanitary sewer, in other words, that there was some sort of leak, swimming pool filling, etc, that caused water to go somewhere other than into the sewer. Unfortunately, Ms. Ebrahim was not able to provide any such documentation nor does she allege that there was any such leak.

As a matter of a factual finding, this Board finds the testimony of Ms. Ebrahim extremely credible, but is in the uncomfortable situation of lacking the necessary authority to deviate from the applicable Executive Order. Pursuant to the Executive Order, documentation of a leak is required before a Sewer Usage adjustment can be given, and no such evidence has been presented to the Board. Consequently, the Board reluctantly finds that it is bound by the Executive Order and the Sewer Service Charge of \$4,485.52 must stand.

CONCLUSION

The Board finds in light of the evidence presented that the Sewer Service Charge in the amount of \$4,485.52 assessed by the Baltimore County Department of Public Works for 10 Brucetown Court, Baltimore Maryland 21228 for the period July 1, 2015 to June 30, 2016 is AFFRIMED.

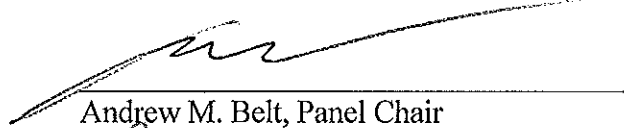
ORDER

THEREFORE, IT IS THIS 22nd day of July, 2016 by the Board of Appeals of Baltimore County

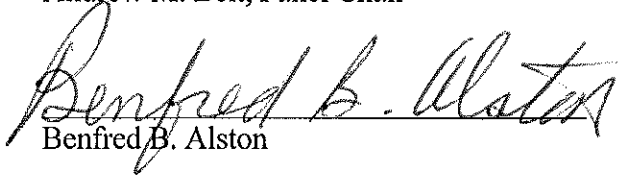
ORDERED Sewer Service Charge in the amount of \$4,485.52 assessed by the Baltimore County Department of Public Works for 10 Brucetown Court, Baltimore Maryland 21228 for the period July 1, 2015 to June 30, 2016 is **AFFRIMED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

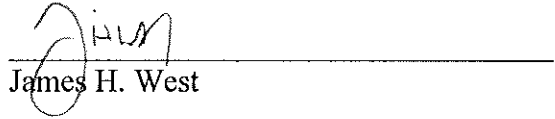
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Benfred B. Alston



James H. West