

IN THE MATTER OF
SYED T. SHABBIR
1724 LANGLEY ROAD
ESSEX, MARYLAND 21221

RE: Appeal of Sewer Service Charge

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: CBA-23-032

* * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as an appeal of a May 19, 2023, letter from D’Andrea L. Walker, Director of the Department of Public Works and Transportation (“DPWT”), denying a request to reduce a sewer charge of \$5,251.86 for the 2021 calendar year, which was included in the July 1, 2022 tax bill for the property.

Appearing on behalf of Baltimore County was Katherine Loverde, Assistant County Attorney and Thomas Flagg, Acting Chief of Metropolitan District Financing at DPWT. Mr. Shabbir appeared *pro se*.

A virtual public hearing was held on October 11, 2023.

FACTUAL BACKGROUND

The sole witness for Baltimore County was Mr. Flagg who explained that the billing process for the use of the sewer system is based on records of water consumption as provided by Baltimore City. Those records are “*presumed*” to be correct. (Emphasis added) Under Baltimore County Code (“BCC”) §20-5-105, it is “*presumed*” that 100% of water consumption is discharged into the sewer system. (Emphasis added) Mr. Flagg explained that the sewer system is self-supporting and relies on sewer fees to sustain it.

Mr. Flagg documented the water billing history to the subject property based on data harvested from Baltimore City's records. Mr. Flagg explained that in refuting the presumptions, the property owner bears the burden to produce evidence that water going through the meter did not enter the sewer system. Mr. Flagg testified that by producing plumber's bills, a property owner is essentially admitting the existence of a problem and that doing so is against that owner's interest.

Mr. Flagg also provided testimony that the existing water meter is functioning properly with no leaks. In addition, Mr. Flagg provided a chronology of the water meter readings and the elapsed time between the reading of the meter and the customer receiving a bill for sewer charges, noting that the sewer and water charges are based on a calendar year while the billing is on the tax bill, which is rendered based on the County's fiscal year, thus creating a lag.

The testimony before the Board indicated that there was a proposal by a licensed plumber to repair a leak under the crawl space where water was escaping into the ground, not into the sewer system. (Exhibit BC-088) The property owner had the leak repaired, but not by a licensed plumber as required by the County Code.

Decision

Pursuant to Baltimore County Code ("BCC") §20-5-128(a), for an appeal to the Board of Appeals, "the Board shall determine whether or not the determination, decision, order, or notice, which is the subject of review, is proper or correct." The Board may reverse, affirm (in whole or in part), modify the determination, decision, order, or notice appealed from. Id. The Board is not authorized to waive, set aside, or change any provision of the Wastewater Regulation title of the County Code. Id. BCC §20-5-105 presumes that every user discharges

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100% of their waste consumption into the sewer system and further presumes that the City water consumption records are correct. The person disputing the records has the obligation to establish the amount of water consumed. Id.

The February 14, 2022 proposal from Mitchell Plumbing and Heating is sufficient and persuasive evidence before the Board to overcome the presumption that 100% of the water flowing through the meter entered the sewer system.

The Board believes it was incumbent upon Mr. Shabbir to engage a licensed plumber to perform the repairs, despite the cost.

Having found that Mr. Shabbir has overcome the presumption of BCC §20-5-105, the Board of Appeals will reduce the sewer charges from \$5,251.86, and impose a charge of \$3,420.00, the cost of repair by a licensed plumber, had Mr. Shabbir complied with the BCC requirements.

ORDER

THEREFORE, IT IS this 21st day of December, 2023, by the Board of Appeals of Baltimore County,

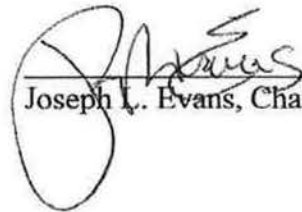
ORDERED that the May 19, 2023 decision letter from D'Andrea L. Walker, Director of the Department of Public Works and Transportation, refusing to grant a reduction in the sewer service charge of \$5,251.86, be and is hereby modified, and further

ORDERED, that a charge of \$3,420.00 be imposed in lieu thereof.

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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**



Joseph L. Evans, Chair



Deborah C. Dopkin



Bryan T. Pennington



Board of Appeals of Baltimore County

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December 21, 2023

Katherine Loverde, Assistant County Attorney
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Syed T. Shabbir
3744 Wolf Trail Drive
Abingdon, Maryland 21009

RE: In the Matter of: *Syed T. Shabbir*
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Dear Messrs. Loverde and Shabbir:

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,

A handwritten signature in cursive script, appearing to read "Sunny Cannington".

Krysundra "Sunny" Cannington
Legal Administrative Secretary

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Thomas Flagg, Chief/Metropolitan District Financing/DPWT
D'Andrea L. Walker, Director/DPWT
James R. Benjamin, Jr., County Attorney/Office of Law