

IN THE MATTER OF  
DEBORAH HARRIS  
7304 North Dakota Avenue  
Baltimore, Maryland 21219

Violation No. E45369  
Case No.: 3889

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-14-005

\* \* \* \* \*

**OPINION**

This matter comes before the Board of Appeals for Baltimore County (the "Board") as a Record Appeal from the Animal Hearing Board's June 14, 2013 Opinion and Order wherein a violation for Animal Cruelty and an \$100.00 (One Hundred Dollar) fine was upheld. The decision was appealed to this Board for a hearing on the record that was held on July 23, 2013. Appellant, Deborah Harris appeared pro se and Assistant County Attorney, Ashley Hofmeister appeared on behalf of Baltimore County.

**BACKGROUND**

As this case comes before the Board as a Record Appeal, the Board's review of the Hearing Officer's decision is solely based on the audio record of the June 4, 2013 Animal Hearing Board Hearing that this Board was provided and the oral argument presented before this Board at July 23, 2013 Record Appeal hearing.

This case comes before the Board of Appeals as a result of two cases that were held concurrently before the Animal Hearing Board as cross-complaints by Appellant, Deborah Harris, and Lisa Morgan, the owner of the dog at issue. Ms. Harris filed complaints alleging that Ms. Morgan's dog was a menacing animal, while Ms. Morgan made allegations of animal cruelty against Ms. Morgan as a result of her pepper spraying Ms. Morgan's dog.

Evidence by the way of Affidavit was presented by Ms. Harris stating that Ms. Morgan's dog, "Dakota" menaces Ms. Harris and other members of her family. Affidavits were also received into evidence from Ms. Morgan stating that Ms. Harris sprayed Ms. Morgan's dog with pepper spray and mace. At the hearing, Ms. Harris appeared and stated that Ms. Morgan's St. Bernard dog growls and lunges over a three to three and a half foot fence at her and other members of her family, particularly her elderly father who owns the house next door to Ms. Morgan. Ms. Harris testified that she initially attempted to befriend the dog by giving it treats.

Ms. Harris submitted photos into evidence showing the dog jumping on the fence between the two properties. She testified that she generally attempts to wait in the car until someone takes the dog in the house, but when no one does, she admitted that she resorts to pepper spraying the dog for her own protection. Ms. Morgan testified that she and her family attempts to keep that dog inside when Ms. Harris and her family are outside. She additionally testified that the dog has never bitten anyone, nor has it ever jumped the fence in question.

#### BOARD'S OPINION

Due to the fact that Ms. Morgan did not appeal the finding of the Animal Hearing Board in her matter, this Board can only review the finding against Ms. Harris. It is important to note, however, that the Animal Hearing Board found as fact that Ms. Morgan's dog, "Dakota" exhibited aggressive or dangerous behavior and behaved as a "menacing animal" as described under § 12-3-108(a)(2) of the Baltimore County Code. Based on the photos and testimony of Ms. Harris that was accepted into the record, this Board could not view such a finding to be arbitrary and capricious and not based on competent evidence even if the case was properly before this Board for review. As the Animal Hearing Board found that Ms. Morgan's dog was in fact "menacing", this Board finds it illogically inconsistent that Ms. Harris could then be

guilty of "cruelty" by taking steps to protect herself and family from an animal that has been legally deemed as exhibiting menacing and dangerous behavior. Consequently, this Board finds that Animal Hearing Board's finding that Ms. Harris cruelly treated an animal cannot be upheld.

CONCLUSION

Based the findings stated above, the Board finds that the Animal Hearing Board's June 14, 2013 decision in this matter was unsupported by competent, material and substantial evidence and is therefore is REVERSED.

ORDER

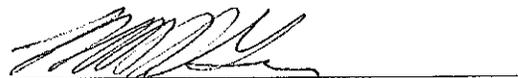
THEREFORE, IT IS THIS 21<sup>st</sup> day of November, 2013, by the Board of Appeals for Baltimore County

**ORDERED** that the decision of the Animal Hearing Board dated June 14, 2013 wherein the violation for Animal Cruelty was upheld and ordering a civil monetary penalty in the amount of One Hundred Dollars (\$100.00) shall be REVERSED.

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, Chairman

  
Wendell H. Grier

  
David L. Thurston



## Board of Appeals of Baltimore County

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November 21, 2013

Deborah Harris  
7304 North Dakota Avenue  
Baltimore, MD 21219

Jonny Akchin, Assistant County Attorney  
Dept of Permits, Approvals & Inspections  
County Office Building  
111 W. Chesapeake Avenue, Rm 112  
Towson, MD 21204

RE: *In the Matter of: Deborah Harris – Owner/Appellant*  
Case No.: CBA-14-005

Dear Ms. Harris and Mr. Akchin:

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 that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

Enclosure  
Duplicate Original Cover Letter

c: Lisa Morgan  
Bernard J. Smith, Chairman /AHB  
Tom Scollins/Animal Control Division  
John Markley/Animal Control  
April Naill/Animal Control  
Michael E. Field, County Attorney