

IN THE MATTER OF:	*	BEFORE THE
SARAH PAPAY	*	BOARD OF APPEALS
P.O. Box 913	*	
Shelburne, NY 13460	*	FOR
Re: Appeal of Animal Hearing Board	*	BALTIMORE COUNTY
Decision	*	Case No. CBA -14-006

\* \* \* \* \*

**OPINION**

This matter comes before the Board of Appeals as a record appeal of the June 12, 2013 decision of the Baltimore County Animal Hearing Board. The Animal Hearing Board (AHB) after an evidentiary hearing held that the Appellant, Ms. Papay was in violation of the Settlement Order issued by the Board of Appeals in case number CBA-12-026. The AHB imposed the previously suspended fines of Eleven Thousand Two Hundred Dollars (\$11,200.00) as contained in the Settlement Order. On July 8, 2013 the Appellant noted her appeal of the AHB decision to this Board.

**BACKGROUND**

By agreement between the Baltimore County and Ms. Sarah Papay, individually and for her nonprofit business entity known as "Dogs in Danger Rescue", and memorialized in the Settlement Order issued by this Board dated January 31, 2012, the parties agreed as follows:

1. Ms. Papay, individually and/or through the moniker Dogs in Danger Rescue, will cease and desist the rescuing of, fostering of, and/or any vaccination services of any animal in Baltimore County;
2. This cessation of activities includes Ms. Papay's current address, 1050 Marleigh Circle, Baltimore, Maryland 21204, or any other future address she may maintain in Baltimore County;
3. Ms. Papay terminates any medium that promotes or advertises "Dogs in Danger Rescue", or any similarly named entities, that references Baltimore County in general, or the provision of services herein described specifically. This termination includes, but is not limited to ,

any websites dedicated exclusively to or ancillary to "Dogs in Danger Rescue"; any Facebook page(s) or similar social networking site(s); or any adopt-a-pet search indices. Baltimore County will not require Ms. Papay cease the maintenance of any of these websites, but that they shall not include any information, and/or other references to Baltimore County.

4. Ms. Papay cease any activities, individually and/or through the moniker Dogs In Danger Rescue, that includes the transfer, sale and/or adoption of any animals in Baltimore County.
5. Should Ms. Papay, individually and/or through the moniker Dogs In Danger Rescue, wish to continue any of the above referenced services, she agree to become a properly licensed holding facility;
6. Lastly, should Ms. Papay fail to adhere to any of the conditions set forth herein, she become immediately liable for all suspended fines up until the present day, January 18, 2011. (sic)

### ANIMAL HEARING BOARD HEARING

On May 21, 2013 a hearing was held before the Baltimore County Animal Hearing Board in the Matter of a complaint and violation designated as number E43524. The issue before the AHB was the alleged violation by Ms. Papay of the Settlement Order as detailed above. Ms. Papay did not attend the hearing before the AHB, but in her stead sent the Vice President of Dogs in Danger Rescue to represent her interest in this matter.

The Vice President of Dogs in Danger Rescue was Ms. Renee Kouns. Ms. Kouns testified that she had been a member of Dogs in Danger Rescue for about four years and had held the position of Vice President of the organization for one year. The Baltimore County Animal Control Division was represented by Tom Scollins, Assistant Chief of the Animal control Division of the Baltimore County Board of Health.

The allegations against Ms. Papay and her organization were that the following events occurred after the date of the Settlement Order:

1. That on March 31, 2012 Dog in Danger t/a East Coast Adoption Agency erected a display at the Walmart department store in Towson, MD.
2. That on November 16, 2012 a routine check by the Division of Animal Control of the website Pentango.com revealed an advertisement for the adoption of a dog available from Dogs in Danger Rescue. The address give was 1050 Marliegh Circle in Towson, Md. which was the former residence address of Ms. Papay. That on November 21, 2012 upon contacting the phone number associated with the foregoing address the agents of the

Animal Control division spoke to a woman named "Renee" who advised that she would be showing puppies for adoption at 21307 York Road in Parkton, Md.

3. That on December 21, 2012 the Animal Control division conducted a record search of the Maryland Department of assessments and Taxation which revealed the trade name of the "East Coast Adoption Agency" with the user of the trade name being Dogs In Danger Rescue. The registration form was signed by Sarah Papay.

Ms. Kouns, appearing on behalf of Ms. Papay and Dogs in Danger Rescue testified that she was not aware of the Settlement Order. She further confirmed the event contained in allegation 1 above. She went on to testify that she believed that the Towson Walmart store was actually in Harford County. In her testimony Ms. Kouns testified that ms. Papay was in control of all advertisements issued by Dogs In Danger Rescue in addition to all website matters.

#### **BOARD OF APPEALS HEARING**

The appellant, Sarah Papay appeared before this Board for the hearing in this matter.

She was advised by the Board that the instant hearing was a "hearing on the record" and that no new evidence would be accepted by the Board and that by rule the appeal would be limited to legal argument only.

Ms. Papay advised the Board on the record that she did not contest the decision of the Animal Hearing Board but, instead, was interested in making arrangement to pay the fine of \$11,200.00 over time by way of a payment arrangement. In turn Ms. Papay was advised that the Board did not have the legal authority to order the requested payment arrangement. No errors of law were cited by Ms. Papay as a basis for a review of the decision of the Animal Control Board. Ms. Papay explained her absence at the Animal Control Board hearing by stating that she had been in another state for an extended period of time.

The Board reviewed the file from the hearing below and noted the exhibits and other documentation supporting the allegations of the Animal Control Division. Based upon the lack

of legal argument(s) offered by the Appellant and the Board's review of the hearing below the Board will affirm the violation of the Settlement Order as found by the Animal Hearing Board.

**ORDER**

**THEREFORE**, IT IS THIS 6<sup>th</sup> day of January, 2014 by  
the Board of Appeals of Baltimore County

**ORDERED**, that the decision of the Animal Hearing Board is and shall be **AFFIRMED**;  
and it is further

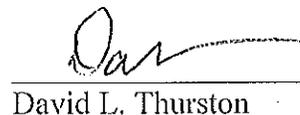
**ORDERED**, that the fines imposed against the Appellant for prior violations as  
contained in the Settlement Order of this Board shall be immediately enforced in the amount of  
Eleven Thousand Two Hundred Dollars (\$11,200.00).

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  
FOR BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew M. Belt, Chairman

  
\_\_\_\_\_  
Wendell H. Grier

  
\_\_\_\_\_  
David L. Thurston



## Board of Appeals of Baltimore County

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January 6, 2014

Sarah Papay  
P.O. Box 913  
Shelburne, NY 13460

Jonny Akchin, Assistant County Attorney  
Dept. of Permits, Approvals and Inspections  
The County Office Building  
111 Chesapeake Avenue, Room 112  
Towson, MD 21204

RE: *In the Matter of: Sarah Papay – Respondent/Appellant*  
Case No.: CBA-14-006

Dear Ms. Papay 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: Bernard J. Smith, Chairman /AHB  
Tom Scollins/Animal Control Division  
John Markley /Animal Control  
April Naill / Animal Control  
Michael E. Field, County Attorney