

IN THE MATTER OF:
DOUGLAS W. STAUCH
1914 Penhall Road
Baltimore, MD 21222

Re: Appeal of Animal Hearing Board decision
Violation E45661: Dangerous Animal

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CBA-14-032

* * * * *

REMAND ORDER TO THE ANIMAL HEARING BOARD

This matter comes before this Board on appeal filed by Douglas W. Stauch, Respondent/Appellant, from a decision of the Animal Hearing Board dated March 13, 2014, wherein Violation E45661, Dangerous Animal "Tank" was upheld and civil penalties totaling Five Hundred Dollars (\$500.00) were assessed.

WHEREAS, the Board is in receipt of a Revised Decision of the Animal Hearing Board dated April 17, 2014 which, in addition to the civil penalties, orders that "Tank" be euthanized.

WHEREAS, the Board convened for a hearing on-the-record of the Animal Hearing Board, on May 21, 2014. Anne Benaroya, Esquire, entered her appearance on behalf of the Respondent/Appellant. Baltimore County Animal Services was represented by Jonny Akchin, Assistant County Attorney.

WHEREAS, Counsel for the Respondent moved to allow testimony from a witness who was not available for the February, 2014 hearing before the Animal Hearing Board. The Parties agreed that two (2) prior hearings before the Animal Hearing Board had been cancelled due to inclement weather. The Board determined that based on the changes to BCC §12-1-114, this Board only had authority to remand this case to the Animal Hearing Board.

WHEREAS, in consideration of the due process arguments made by the Respondent, the Board unanimously agreed that remanding the case to the Animal Hearing Board was warranted. It further appeared to the Board, based on a review of the file, that there were no photographs of

the alleged victim's injuries in the file to review. In addition, the Board notes that the final decision of the Animal Hearing Board substantially changed from the initial decision, without a Motion having been made explaining any request to do so. Accordingly, a hearing on the merits before the Animal Hearing Board is necessary on remand.

IT IS THEREFORE, this 23rd day of May, 2014, by the Board of Appeals of Baltimore County,

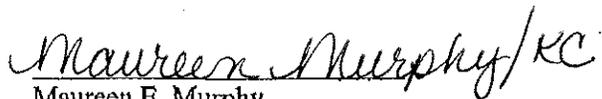
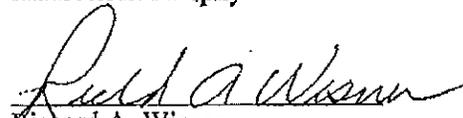
ORDERED that Baltimore County Animal Services will continue to hold the dog known as "Tank"; and it is further

ORDERED that the above captioned case number CBA-14-032 is hereby REMANDED to the Animal Hearing Board for a hearing on the merits.

**BOARD OF APPEALS OF
BALTIMORE COUNTY**



David L. Thurston, Chairman


Maureen E. Murphy
Richard A. Wisner