

IN THE MATTER OF:	*	BEFORE THE
Robert L. Healy	*	BOARD OF APPEALS
134 Bladen Road	*	FOR
Baltimore, MD 21221	*	BALTIMORE COUNTY
Re: Appeal of Animal Hearing Board	*	Case No. CBA-15-001
decision upholding violation for	*	
Dangerous Animal	*	

* * * * *

OPINION

This matter comes before the Board of Appeals as a record appeal of the July 15, 2014 decision of the Baltimore County Animal Hearing Board. The Animal Hearing Board (AHB), after an evidentiary hearing held that the Appellant’s dog “Buddy” was a dangerous animal as defined in Article 12 Section 8-107 of the Baltimore County Code. The AHB imposed a reduced fine of Five Hundred Dollars.

BACKGROUND

The Appellant is the owner of a “pit bull” breed dog that resided with the owner at 134 Bladen Road in Baltimore County. On June 12, 2014 Animal Services issued Citation E46356 and assessed fines totaling \$1,000.00 after they received a third bite report from the Baltimore County Police Department for bites involving the Appellant’s dog “Buddy.”

Thereafter a hearing was held before the Animal Control Board. The facts found below were as follows:

Respondent Robert Healy produced an invoice from Eastern Animal Hospital, showing that “Buddy,” his Pit Bull/Dalmatian mix, was euthanized on 6/25/14 at his request. He said that he had gotten “Buddy” from his wife’s mother, who was in failing health and could not control the dog. He said that there were extenuating circumstances that caused the dog to react protectively. He said that in the first bit incident in 2012, the dog bit a family member, who was taking a child out of another family member’s arms as he was leaving the yard. He denied the second

bite report, based on a medical professional's opinion that the injury could not have been caused by his dog. The third bite occurred when a roofing contractor was working on a neighbor's property, and leaved his ladder against the fence, while raising his hammer up above his head. Mr. Healy said that he had paid \$450 for the victim's medical treatment for the most recent incident.

The AHB concluded that the respondents dog was a dangerous animal as defined in Section 12-8-102(a)(1) of the Baltimore County Code and a fines was imposed in the amount of \$500.00.

BOARD HEARING

The Board of Appeals conducted a record appeal in this matter pursuant to Title 12 of the Baltimore County Code. At the hearing the Respondent/Appellant's wife, Elizabeth Healy appeared pro se. The Baltimore County Division of Animal Services was represented by Jonny Akchin, Assistant County Attorney.

Ms. Healy testified that her husband had "Buddy" euthanized after the most recent incident. Ms. Healy testified that it cost Two Hundred Eighty-nine Dollars to have "Buddy" euthanized.

DECISION

The Board finds that the dog "Buddy" was a dangerous animal. The Appellant/Respondent took it upon himself to have "Buddy" euthanized prior to the hearing before the Animal Hearing Board. The Board will uphold the finding of the Animal Hearing Board and impose a fine of \$250.00 to accommodate the cost of euthanasia.

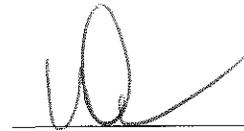
ORDER

THEREFORE, IT IS THIS 30th day of October, 2014 by the
Board of Appeals of Baltimore County

ORDERED that the Respondent's dog "Buddy" is a dangerous animal and the Respondent shall pay a fine in the amount of Two Hundred and Fifty Dollars (\$250.00).

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**



David L. Thurston, Chairman



Andrew M. Belt

Wayne R. Gioioso, Jr. was a Panel member at the hearing on October 8, 2014. He resigned effective October 11, 2014.



Board of Appeals of Baltimore County

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October 30, 2014

Robert L. Healy
7515 Stonecutter Court, Apt. E
Rosedale, Maryland 21237

Jonny Akchin, Assistant County Attorney
Dept. of Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: *In the Matter of: Robert Lee Healy, Appellant/Owner*
Case No.: CBA-15-001

Dear Mr. Healy 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

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Jonathan Murphy
Bernard J. Smith, Chairman/Animal Hearing Board
Thomas Scollins, Assistant Chief/Animal Control Division
April Naill/Animal Control
Nancy West, Assistant County Attorney
Michael E. Field, County Attorney