

IN THE MATTER OF  
JOYCE LYNN KREGLOW  
1905 Haselmere Rd.  
Baltimore, Maryland 2122

RE: DECISION OF  
ANIMAL HEARING BOARD  
E33564 – E33565

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-10-006  
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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 2, 2009 decision regarding two dogs, “Eightball” and “Eve” and the civil citations deeming them “menacing animals” (E33564 – E33565). These citations were issued on October 21, 2008. The Animal Hearing Board deemed that “Eightball” and “Eve” were exhibiting aggressive behavior toward a person and a domestic animal during an August 6, 2008 incident. The owner of the dogs, Joyce Kreglow was fined a civil penalty of Two Hundred Dollars (\$200.00).

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 May 5, 2009 Animal Hearing Board Hearing that the Board was provided, and the oral argument presented before the Board at November 18, 2009 Appeal Hearing.

As was testified to at the Animal Hearing Board Hearing, on May 5, 2009, Marylou Martini of 1952 Inverton Road stated that on August 6, 2008 in the afternoon she was walking her thirteen-year-old dog, by leash, when two dogs broke through a fenced yard at 1905

Haselmere Road. These two dogs proceeded to attack Ms. Martini's dog, resulting in injuries that required veterinary treatment. Ms. Martini also alleged that she fell down during the incident and was also bitten by the dogs. Ms. Martini was transported by ambulance to the hospital.

Joyce Kreglow of 1905 Haselmere Road also testified at the hearing. On August 6, 2008, Ms. Kreglow was not home, she was away on vacation. She testified that she was unaware that her fence had been damaged. The fence has since been repaired. Ms. Kreglow introduced a notarized Affidavit Statement from Ruth Metzler and Robert Compton regarding the August 6, 2008 incident.

#### DECISION

This case comes before the Board as a Record Appeal, therefore it is not the charge of this Board to listen to the tape of the prior proceeding before the Animal Hearing Board and make an independent determination of the merits of the case. To uphold the decision of the Animal Hearing Board this Board must merely find that the decision was not arbitrary in its findings and the decision in this matter was supported by competent, material and substantial evidence. The Animal Hearing Board heard the testimony of the witness and viewed the exhibits that were admitted. By doing so it had the opportunity to competently assess the strength and credibility of each party's case.

During the hearing of this matter before this Board, Ms. Kreglow attempted to enter additional letters from neighbors as evidence in support of her appeal. This letters could not be considered due to the fact that the proceeding was a record appeal.

Pursuant to § 6-9.2(h) (l) of the Baltimore County Code, the County Board of Appeals may:

- (i) remand the case to the Animal Hearing Board
- (ii) affirm the decision of the Animal Hearing Board
- (iii) reverse or modify the decision of the Animal Hearing Board if a finding, conclusion, or decision of the Animal Hearing Board:
  - 1. exceeds the statutory authority or jurisdiction of the Animal Hearing Board;
  - 2. results from an unlawful procedure;
  - 3. is affected by any other error of law;
  - 4. subject to paragraph (2) of this subsection, is unsupported by competent, material and substantial evidence in light of the entire record submitted; or
  - 5. is arbitrary or capricious.

Having reviewed the record below, and after hearing detailed arguments from both the appellant and complainant, it is clear that each party had the opportunity to present its case in detail at the hearing below. The Board is persuaded that the evidence presented below and the arguments on the record support the findings of fact and conclusions of law cited in the opinion of the Animal Hearing Board.

Consequently, based on the evidence originally heard by the Animal Hearing Board, this Board is satisfied that the June 2, 2009 decision was supported by competent, material and substantial evidence and therefore is upheld.

The Board of Appeals affirms the decision of the Animal Hearing Board.

**ORDER**

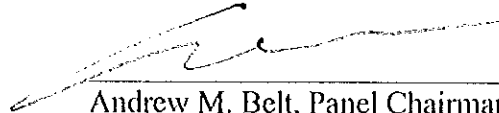
THEREFORE, IT IS THIS 30<sup>th</sup> day of April, 2010 by the  
Board of Appeals of Baltimore County

**ORDERED** that, for the reasons stated above, the decision of the Animal Hearing Board regarding two dogs, "Eightball" and "Eve" and the civil citations deeming them "menacing animals" (E33564 -- E33565), are hereby **AFFIRMED**; and it is further

**ORDERED** that the civil monetary penalty in the amount of \$200.00, be paid within 30 days from the date of this Order.

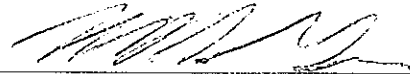
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**



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Andrew M. Belt, Panel Chairman



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Wendell H. Grier



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Robert W. Witt