

IN THE MATTER OF
THOMAS MASON GROSS, JR.
1425 LANGFORD RD.
BALTIMORE, MARYLAND 21207

APPEAL FROM THE ANIMAL
HEARING BOARD

* BEFORE THE
* COUNTY BOARD
* OF APPEALS OF
* BALTIMORE COUNTY
* Case No. CBA-12-004

* * * * *

OPINION

This case is before the Board on an appeal by Respondent, Thomas Mason Gross, Jr., from the July 5, 2011 decision of the Baltimore County Animal Hearing Board (AHB), in which that Board found that Mr. Gross' dog, "Lily", presented a threat to the public health and safety and was in fact a "dangerous animal" as described in Section 12-8-102 of the *Baltimore County Code*. The AHB ordered that Lily would remain in Baltimore County custody and be humanely euthanized and assessed a fine of Five Hundred (\$500.00) Dollars on Mr. Gross. Because of the nature of the finding, this Board held a hearing *de novo* on August 16, 2011. The County was represented by Aaron Burch, Assistant County Attorney, and Mr. Gross appeared *pro se*.

BACKGROUND AND TESTIMONY

The Appellant, Mr. Thomas Gross, Jr., is the owner of a Japanese Akita breed canine ("Lily") that resides with him at his Langford Road address in Baltimore County. On two (2) occasions over the last year Baltimore County authorities have been dispatched to Mr. Gross's neighborhood after reports of attacks by "Lily" on other dogs in the neighborhood.

The first of the alleged attacks occurred on October 9, 2010. According to the testimony of the victim Ms. Miley Appel her dog "Rascal" was attacked by "Lily" while she was walking it near to her house. The attack resulted in injuries to "Rascal" to such a degree that the dog never fully recovered and had to be "put down".

The second attack occurred on April 21, 2011. The victim, Ms. Barbara Cooper testified that her dog “Peanut” was attacked by “Lily” while it was being walked in the neighborhood by one of her neighbors. The injuries to “Peanut” were of such severity that the dog had to be “put down”.

Both Ms. Appel and Ms. Cooper filed complaints with the Baltimore County Animal Control Division. A hearing was held before the Animal Hearing Board on June 21, 2011. Both Ms. Appel and Ms. Cooper testified before the Board as to the attacks on their dogs by “Lily” and the necessity to euthanize their pets.

The Appellant in his testimony acknowledged that each of the attacks had occurred after his dog had escaped from his fenced yard. The Appellant further testified that he had taken steps after the first attack to properly secure his dog but the action failed resulting in the second attack.

On July 5, 2011 the Animal Hearing Board issued a decision finding that the actions of Mr. Gross’ dog “Lily” constituted those of a dangerous animal under *Baltimore County Code* Section 12-8-1029(a)(1) and (2).

The AHB Board assessed a fine of Five Hundred (\$500.00) Dollars against Mr. Gross and ordered that “Lily” be surrendered to Baltimore County for euthanasia.

This Board sympathizes with the fact that Mr. Gross considers his dog “Lily” a family pet. He also states he has put up an eight (8) foot privacy fence around his yard. However, this Board does not feel that it should leave the dog in the area or send it to some other area where it might attack other dogs or pets.

DECISION

The Board finds that based upon the evidence presented at the hearing in this matter the dog “Lily” is a Dangerous Animal as defined and described in Section 12-8-102 of the *Baltimore*

County Code. The Board has determined that the appropriate sanction in this matter is the euthanasia of the dog “Lily” and will uphold this decision of the Animal Hearing Board.

ORDER

THEREFORE, IT IS THIS 5th day of October, 2011, by the Board of Appeals for Baltimore County

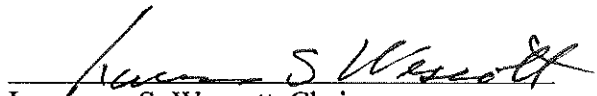
ORDERED that the decision of the Animal Hearing Board finding that the dog “Lily” is a “dangerous animal” within the meaning of Section 12-8-102 (a)(1) and (2) of the *Baltimore County Code*, shall be **UPHELD**, and it is further

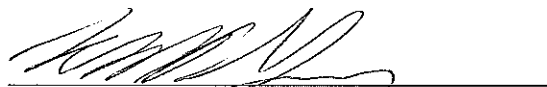
ORDERED that the canine known as “Lily,” presently in the custody of Baltimore County, shall be euthanized, and it is further

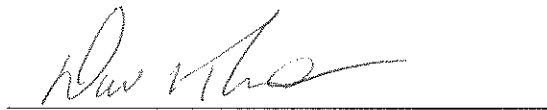
ORDERED that the civil fine imposed by the Baltimore County Animal Hearing Board in the case below shall be reduced from Five Hundred Dollars (\$500.00) to Two Hundred Fifty Dollars (\$250.00).

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
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


David L. Thurston