

IN THE MATTER OF
THOMAS MCKNIGHT MARSHALL, JR.
1606 Frederick Road
BALTIMORE, MD 21228

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-12-010

RE: DECISION OF
ANIMAL HEARING BOARD ##DD3667

* * * * *

ORDER OF DISMISSAL

This matter comes to the Baltimore County Board of Appeals based upon a decision of the Baltimore County Department of Health, Animal Hearing Board dated August 2, 2011. In the case dealing with Violation No. E42057 "Dangerous Animal" the Baltimore County Animal Hearing Board UPHELD Violation E42057 and affirmed the June 30, 2011 declaration that the dog "Zeke" is a "dangerous animal". The Animal Hearing Board found the Appellant to be in violation relative to ownership of a "dangerous animal". The Animal Hearing Board ordered payment of a civil \$500.00 monetary penalty. At this same hearing, the Animal Hearing Board, pursuant to § 12-8-102 DANGEROUS ANIMAL of the *Baltimore County Code* 1988 edition, as amended, authorized that the dog "Zeke", currently impounded at the Baltimore County Animal Shelter, to be euthanized.

A de novo hearing was scheduled for Wednesday, September 7, 2011 @ 11:00 a.m. before this Board, for which proper notice was given. In addition, the Board's Administrator confirmed this date and time with the Appellant via telephone conversation on August 18, 2011. Ashley Hofmeister, Assistant County Attorney for Baltimore County, appeared at the scheduled time of hearing along with witnesses. The Appellant, Thomas McKnight Marshall, Jr. did not appear, did not appear, nor did anyone on his behalf.

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The Board convened at 11:05 a.m., and, on the record and in open hearing, Ashley Hofmeister, Assistant County Attorney for Baltimore County moved for dismissal for failure to appear. Upon consideration of the fact that the Notice had the correct address and was not returned; the telephone conversation with Mr. Marshall, Jr.; that the substance and facts of this matter remain unchanged; and that Mr. Marshall, Jr. was unrepresented by Counsel, since the filing of this appeal on August 17, 2011, the Board granted said Motion for Dismissal

. At approximately 11:20 a individual, who identified herself as a neighbor of the Appellant, claimed that she dropped Mr. Marshall, Jr. at the front door of the Jefferson Building.

The Board allowed additional time for Mr. Marshall, Jr. to be located. The Assistant County Attorney and Witness agreed to wait an additional 15 minutes.

The Board re-convened at 11:45 a.m., and, on the record and in open hearing, moved for dismissal for failure to appear.

ORDER

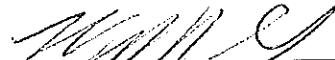
IT IS THEREFORE ORDERED this 7th day of September, 2011 by the Board of Appeals of Baltimore County that the appeal filed in Case No. CBA-12-010 be and the same is hereby **DISMISSED WITH PREJUDICE** for Failure to Appear. The decision of the Animal Hearing Board, dated August 2, 2010, wherein the violation was **UPHELD** and a civil penalty was assed in the amount of \$500.00 and that the DOG "Zeke", currently impounded at the Baltimore County Animal Shelter, be euthanized, remains the Final Order in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule

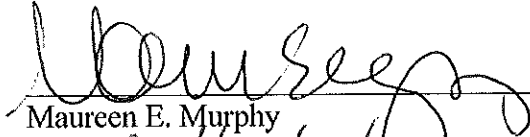
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7-201 through Rule 7-210 of the *Maryland Rules*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Wendell H. Grier, Panel Chairman



Maureen E. Murphy



Edward W. Crizer, Jr.