

IN THE MATTER OF
AMANDA ERIN MANOWN.
5014 MOUNT CARMEL ROAD
HAMPSTED, MD 21074

RE: DECISION OF
ANIMAL HEARING BOARD

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-13-005

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal from an Animal Hearing Board decision, dated July 13, 2012, upholding civil monetary penalties in the amount of \$9,200.00 for the following violation: Violation E 40841 / failure to operate with a permit for a holding facility.

The Board convened for a hearing on Tuesday, October 16, 2012 at 10:00 a.m. The Appellant/Owner, Amanda Erin Manown, appeared *pro se*. Ashley Hofmeister, Assistant County Attorney, appeared on behalf of Baltimore County.

It was noted by the Board that this was an appellate hearing and that the Board was required to review the case based upon the testimony and record established at the Animal Hearing Board hearing below.

Ms. Hofmeister stated that Ms. Manown failed to appear before the Animal Hearing Board. Ms. Manown stated that family matters were the cause of her missing the hearing and she had the wrong date for the Animal Hearing Board hearing. Ms. Manown also stated that the horses were being cared for and she was working diligently with the County to obtain the necessary license. She further stated that she does hold a State of Maryland license to operate as a commercial stable. Ms. Manown did not dispute the record; however, she was concerned about

the fine and the provision of the Order which requires her to “surrender all horses used in the operation of any commercial stable or holding facility which the defendant operates”.

Decision

Pursuant to § 12-1-114 of the *Baltimore County Code*, the Board of Appeals in such cases 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 the arguments from the Appellant and Ms. Hofmeister for the County, it is clear the Animal Hearing Board had sufficient evidence to support its decision and the Board finds no cause to remand or reverse the decision. However, while this Board will affirm the decision of the Animal Hearing Board, we will reduce the imposed penalty, based upon the circumstances of Appellant and strike the provision of the Order which requires Ms. Manown to surrender all horses used in the operation of any commercial stable or holding facility which the defendant operates to Baltimore County. The Board found no evidence on the record of cruelty to animals.

ORDER

Therefore, it is this 8th day of November, 2012 by the Board of Appeals of Baltimore County

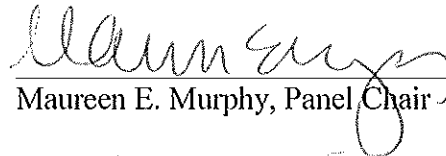
ORDERED that, for the reasons stated above, the decision of the Animal Hearing Board be and is hereby **AFFIRMED**; and it is further

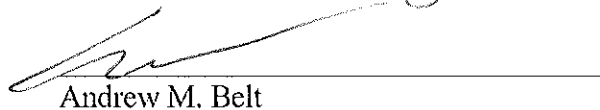
ORDERED that the civil monetary penalty in the amount of \$9,200.00 be and is hereby **REDUCED** to \$4,100.00, to be paid within 60 days from the date of this Order; and it is further

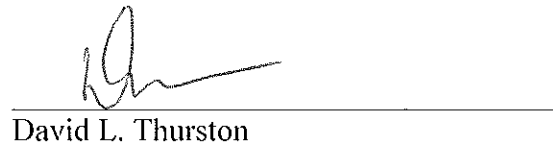
ORDERED that the provision of the Animal Hearing Board decision requiring the Appellant to surrender all horses used in the operation of any commercial stable or holding facility which the defendant operates to Baltimore County be hereby stricken from the Order and of be no further force or effect.

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**


Maureen E. Murphy, Panel Chair


Andrew M. Belt


David L. Thurston