

IN THE MATTER OF  
CHRISTINE A. TOKAR,  
4703 GRAND BEND DRIVE  
BALTIMORE, MD 21288

RE: DECISION OF  
ANIMAL HEARING BOARD

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA -13-006

\* \* \* \* \*

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal from an Animal Hearing Board decision upholding civil monetary penalties in the amount of \$225.00 for the following violations: Violation E 40842A / License: Prohibited Acts – Acting without (OIR); E 40842B Cruelty – Prohibited Acts (OIR , puppy > 8 weeks); and E 40842C / No Health Certificate.

The Board convened for a hearing on Tuesday, October 16, 2012 at 1:00 p.m.. Ashley Hofmeister, Assistant County Attorney, appeared on behalf of Baltimore County. Andrew M. Battista, Esquire represented the appellant, Christine A. Tokar.

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. Tokar stated she appealed the ruling of the Animal Control Board citing there was insufficient evidence to convict her of the violations. She further added that there was no evidence she owned , controlled or sold the puppy in question.

A review of the evidence leads this Board to conclude otherwise. The testimony from the Animal Hearing Board on July 17, 2012 is clear. Ms. Tokar admitted that she signed the bill of

sale as the Seller. The evidence also proves she had worked with Mr. Levin in the past and had a long term business relationship with Mr. Levin. As such, Ms. Tokar's signature on the bill of sale as the Seller of the puppy in question obligates her to comply with all Baltimore County laws.

**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. This Board will affirm the decision of the Animal Hearing Board.

**ORDER**

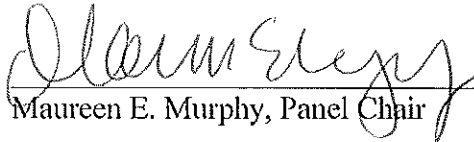
Therefore, it is this 8<sup>th</sup> day of November, 2012 by the Board of Appeals of Baltimore County


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

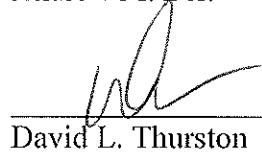
**ORDERED** that the civil monetary penalty in the amount of \$250.00 be and is hereby **AFFIRMED** and must be paid within 30 days from the date of this Order.

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**

  
Maureen E. Murphy, Panel Chair

  
Andrew M. Belt

  
David L. Thurston