

IN THE MATTER OF
COLLEEN BAUGHER
41 LEFT WING ROAD
MIDDLE RIVER, MD 21220

RE: Appeal of Animal Hearing Board Decision
Citation No: E45945A – Animal at large
Citation No: E45945B – Dangerous Animal

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CBA-18-022

* * * * *

AMENDED REMAND ORDER TO THE ANIMAL HEARING BOARD

On April 27, 2018, this Board issued a Remand Order to the Animal Hearing Board in the above-captioned matter.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

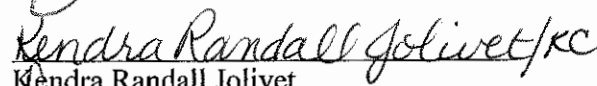
Accordingly, the Board has reviewed its Remand Order issued in these proceedings and finds that an error existed. The parties had entered into a Joint Motion for Voluntary Remand/Reconsideration which was attached to and made a part of the Board's Remand Order. However, page 2 of the Joint Motion for Voluntary Remand/Reconsideration was not included.

IT IS THEREFORE ORDERED that the Remand Order is hereby amended to include page 2 of the Joint Motion for Voluntary Remand/Reconsideration.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Remand Order issued April 27, 2018.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Panel Chairman


Kendra Randall Jolivet


Maureen E. Murphy

In the Matter Of:
COLLEEN BAUGHER
41 Left Wing Road
Middle River, MD, 21220
Petitioner

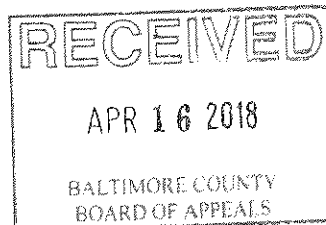
* IN THE
* BOARD OF APPEALS FOR
* BALTIMORE COUNTY
* Case No. CBA-18-022

* * * * *

JOINT MOTION FOR VOLUNTARY REMAND/RECONSIDERATION

Respondent, Baltimore County Maryland and Petitioner Colleen Baugher, by undersigned counsel, hereby request that the above-captioned matter be remanded to the Baltimore County Animal Hearing Board for an additional evidentiary hearing and in support thereof state the following:

1. That on January 9, 2018 the Baltimore County Animal Hearing Board (AHB) upheld a designation of “Dangerous Animal” in Case No. DD4455 and ordered that the Petitioner’s dog “Xena” shall become the property of Baltimore County, Maryland and be humanely euthanized.
2. That on February 16, 2018 the Board of Appeals rendered judgment in the appeal of Catherine Grasso (CBA-18-014) remanding the case to the AHB for additional evidentiary findings on the issue of its euthanasia determination and that this was the third of such remands to be issued in a two-year period.
3. That on or around January 15, 2018, informed by the oral arguments in the Grasso appeal, the AHB began using a new framework for making such evidentiary findings, but had not implemented this framework in time to utilize it in the Petitioner’s case.



4. That the undersigned Assistant County Attorney proffers that the euthanasia order in this case, which omits specific evidentiary findings to support euthanasia over alternative dispositions, is not materially different from those in the previous appeals of Ms. Grasso (CBA-18-014), Mr. Edward Cook (CBA-17-021) and Mr. Andrew Miller (CBA-18-002), and anticipates an identical remand from the Board of Appeals on similar grounds and for similar findings of fact.
5. That unlike the aforementioned cases, the Petitioner has not explicitly restricted the scope of appeal to the determination, but wishes to preserve her rights to appeal the “Dangerous Animal” designation as well.
6. That in the event of a result adverse to the Petitioner, Baltimore County agrees that this voluntary remand does not in any way constitute a waiver of the Petitioner’s rights to appeal the “Dangerous Animal” designation alongside the euthanasia order in a subsequent appeal, and shall not oppose any such appeal on grounds of timeliness or waiver.
7. That the parties seek an expedient resolution of the evidentiary matter and wish to avoid the additional time of impoundment and accrual of boarding fees that would invariably result during the course of the appeal hearing, the deliberations, the issuance of a remand order, the scheduling and holding of a second hearing and a second potential appeal to this Board.

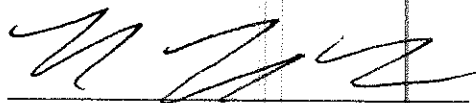
WHEREFORE undersigned counsel respectfully request that this matter be REMANDED to the Animal Hearing Board for an additional evidentiary hearing consistent with the orders on prior appeals of this nature, wherein the Animal Hearing Board shall be charged with determining

with determining the propriety of euthanizing "Xena," including a consideration of whatever alternative protective measures Ms. Baugher can present.



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Respectfully submitted,



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Board of Appeals of Baltimore County

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May 16, 2018

Jonny Akchin, Assistant County Attorney
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RE: In the Matter of: *Colleen Baugher*
Case No.: CBA-18-022

Dear Counsel:

Enclosed please find a copy of an Amended Remand Order to the Animal Hearing Board issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. Any such petition is to be filed within 30 days from the Board's *original* Remand Order issued April 27, 2018.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington Hon".

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Colleen Baugher
James Reynolds
Bernard J. Smith, Chairman / AHB
April Naill / Animal Services Division
Michael E. Field, County Attorney/Office of Law