

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

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

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

\* \* \* \* \*

**REMAND ORDER TO THE ANIMAL HEARING BOARD**

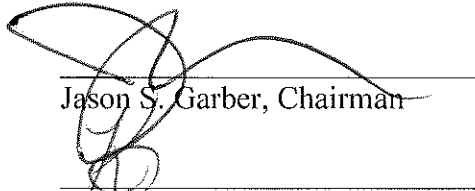
This matter comes before this Board on appeal filed by Brockston W. Posner Smuch, Esquire from a decision of the Animal Hearing Board dated January 9, 2018, wherein Citation No: E45945A for Animal at large and Citation No: E45945B for Dangerous Animal “Xena” were upheld. It was further ordered that Xena become the property of Baltimore County to be humanely euthanized, and a fine of \$1,030.00 was assessed.

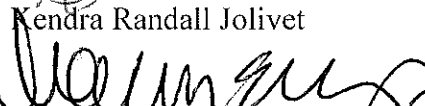
**WHEREAS**, on April 16, 2018, the Board received a Joint Motion for Voluntary Remand/Reconsideration filed by Jonny Akchin, Assistant County Attorney, and Brockston W. Posner Smuch, Esquire (a copy of which is attached hereto and made a part hereof).

**IT IS THEREFORE**, this 27<sup>th</sup> day of April, 2018, by the Board of Appeals of Baltimore County,

**ORDERED** that upon agreement of the parties, the above captioned case number CBA-18-022 is hereby REMANDED to the Animal Hearing Board for Baltimore County for further proceedings.

**BOARD OF APPEALS OF  
BALTIMORE COUNTY**

  
\_\_\_\_\_  
Jason S. Garber, Chairman

  
\_\_\_\_\_  
Kendra Randall Jolivet

  
\_\_\_\_\_  
Maureen E. Murphy

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

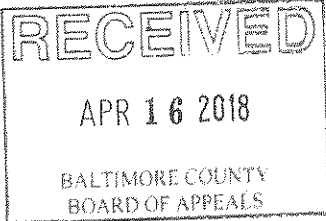
\* IN THE  
\* BOARD OF APPEALS FOR  
\* BALTIMORE COUNTY  
\* Case No. CBA-18-022

\* \* \* \* \*

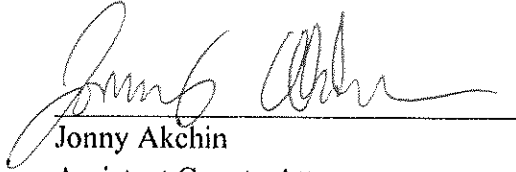
**JOINT MOTION FOR VOLUNTARY REMAND/RECONSIDERATION**

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.

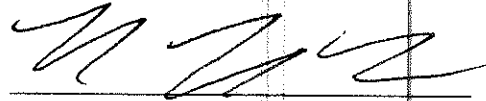


with determining the propriety of euthanizing "Xena," including a consideration of whatever alternative protective measures Ms. Baugher can present.



Jonny Akchin  
Assistant County Attorney  
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Room 112  
Towson, Maryland 21204  
(410) 887-3293  
[jakchin@baltimorecountymd.gov](mailto:jakchin@baltimorecountymd.gov)  
Counsel for Respondents

Respectfully submitted,



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Pasadena, MD 21122  
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Counsel for Petitioner



## Board of Appeals of Baltimore County

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410-887-3180  
FAX: 410-887-3182

April 27, 2018

Jonny Akchin, Assistant County Attorney  
Department of Permits, Approvals and Inspections  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Brockston W. Posner Smuck, Esquire  
8611 Ft. Smallwood Road, Suite C  
Pasadena, Maryland 21122

RE: In the Matter of: *Colleen Baugher*  
Case No.: CBA-18-022

Dear Counsel:

Enclosed please find a copy of the 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. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

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

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