

IN THE MATTER OF  
RICHARD C. MONK - APPELLANT.  
422 Oak Lane  
Baltimore, MD 21286

RE: AHB Decision

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No. CBA-10-015

\* \* \* \* \*

OPINION

This case comes to the Board on appeal of the final decision of the Animal Hearing Board of Baltimore County where the following Violations of the Baltimore County Code were upheld namely: Violations E36118 "Animal at large" and E36119 "Menacing Animal". A fine in the amount of \$125.00 was imposed by the Animal Hearing Board ("AHB") and ordered to be paid by Appellant, Richard Monk, within thirty (30) days of September 21, 2009.

As this case comes before the Board as a Record Appeal, the Board's review of the Hearing Officer's Decision is solely based on the audio record of the September 21, 2009 Animal Hearing Board Hearing that the Board was provided, and the oral argument presented before this Board on the hearing held on March 24, 2010. Mr. Monk represented himself. The County was represented by Michael Field, Assistant County Attorney. The hearing concluded and the matter was deliberated by the Board's Panel on May 4, 2010.

DECISION

This case comes before the Board as a Record Appeal, therefore it is the charge of this Board to listen to the tape of the prior proceeding before the Animal Hearing Board and make an independent determination of the merits of the case. To uphold the decision of the Animal Hearing Board this Board must merely find that the decision was not arbitrary in its findings and the decision in this matter was supported by competent, material and substantial evidence. The Animal Hearing Board heard the testimony of the witness and viewed the exhibits that were

admitted. By doing so it had the opportunity to competently assess the strength and credibility of each party's case.

Pursuant to § 6-9.2(h) (l) of the Baltimore County Code, the County Board of Appeals 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 detailed arguments from the parties, it is clear that each had the opportunity to present thier case in detail at the hearing below. The Board is persuaded that the evidence presented below and the arguments on the record support the findings of fact and conclusions of law cited in the opinion of the Animal Hearing Board.

Consequently, based on the evidence originally heard by the Animal Hearing Board, this Board is satisfied that the March 2, 2010 decision was supported by competent, material and substantial evidence and therefore is upheld.

The Board of Appeals affirms the decision of the Animal Hearing Board.

**ORDER**

THEREFORE, IT IS THIS 12<sup>th</sup> day of August, 2010 by the Board of Appeals of Baltimore County

**ORDERED** that, for the reasons stated above, the decision of the Animal Hearing Board regarding Violations E36118 "Animal at large" and E36119 "Menacing Animal", are hereby **AFFIRMED**; and it is further

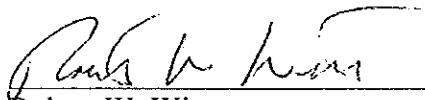
**ORDERED** that the civil monetary penalty in the amount of amount of \$125.00, be reduced to Fifty (\$50.00) Dollars, to be paid within 30 days from the date of this Order.

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**

  
\_\_\_\_\_  
Wendell H. Grier, Panel Chairman

  
\_\_\_\_\_  
Andrew M. Belt

  
\_\_\_\_\_  
Robert W. Witt