

IN THE MATTER OF  
LISA SCHACHTNER, APPELLANT  
21101 YORK ROAD  
PARKTON, MARYLAND 21120

RE: Citation No. (1) E59343A – Menacing Animal  
(2) E59343B – Animal at Large

Animal Hearing Board Case No.: 5200

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* Case No.: CBA-24-011

\* \* \* \* \*

**OPINION**

This case comes to the Board of Appeals for Baltimore County (“Board”) on appeal of the final decision of the Animal Hearing Board of Baltimore County (“AHB”) dated September 12, 2023, wherein the AHB upheld Citations E59343A and E59343B, which charged that the dog at issue, “Hank” was a “Menacing Animal” in violation of Baltimore County Code (“BCC”), §12-3-108 and an “Animal at Large” in violation of BCC §12-3-110. The AHB ordered that a civil monetary penalty in the amount of \$530.00 (\$500.00 for Menacing Animal and \$30.00 for Animal at Large) be paid within thirty (30) days. A hearing before the AHB was held on July 25, 2023 (the “AHB Hearing”). A timely appeal was noted by Appellant.

The hearing before the Board was held virtually by Webex on November 29, 2023. Appellant, Lisa Schachtner, was represented by Kimberly McCoy, Esquire. Baltimore County (“the County”) was represented by Assistant County Attorneys Marissa L. Merrick, Esquire, and Perneita Farrar, Esquire.

BCC §12-1-114 (f) and (g) requires that all hearings before this Board from the AHB be heard on the record from the AHB hearing. Upon review of the transcript and evidence in the AHB record, this Board has the authority to:

- (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 as submitted; or
5. Is arbitrary and capricious.

### **FACTUAL BACKGROUND**

Before the AHB the Complainant, Mr. Vijay Krishnan, testified that on March 26, 2023, he was walking in his yard with his two-year-old daughter when the dog at issue, Hank, ran up to them and began to jump on him and attempted to bite him. Mr. Krishnan testified that he had to fight Hank off, falling several times while retreating with his daughter into his garage. Mr. Krishnan testified that he was injured in the fray, but that the injuries may have been limited to a scratch.

The Appellant testified that she had recently acquired Hank, a coon hound puppy, who suffers from a condition that prevents him from biting and that at the time of the incident she was working with Hank, who got off his collar and ran out of the Appellant's yard towards Mr. Krishnan – but that Hank was attempting to play with Mr. Krishnan, and that he would not attack him. She stated that Mr. Krishnan was punching and kicking Hank, and that based on her observation, that elements of Mr. Krishnan's testimony were false, and suggested that his perception of the events were colored by his admitted unusual fear of dogs.

The hearing itself was chaotic. The parties were given no understanding at the start as to how it would be conducted. The Board Chairman elicited only testimony about the incident itself; it did not direct either of the parties to make an opening statement, a closing statement, or

indicate that they could discuss other documents that had been filed ahead of time. None of the testimony was taken under oath. Members of the AHB freely interrupted the testimony of the parties, with several members at times shouting over each other, simultaneously giving instructions to the witnesses. The members interjected questions, comments, opinions, advice, and observations throughout the testimony of the Appellant, some of which were unfitting for a fact finder to make during the process of a hearing.

The written opinion of the AHB summarized the testimony given at the hearing and, without analysis, upheld the citations, citing in support only the Complainant's testimony. The opinion does not show a relationship between the facts and the legal elements of the statutes at issue, nor does it discuss why the case presented by the Complainant meets the burden of proof. If the opinion took into consideration the contrary testimony of the Appellant or any of the documentation that she submitted prior to the hearing, it is not noted.

Before this Board, the Appellant argued that there was neither substantial nor competent evidence to sustain the findings of the AHB with respect to the Menacing Animal charge and that she was denied due process because the AHB in the conduct of the hearing failed to abide by its own rules and because the AHB acted toward the Appellant with bias, hostility, and incivility. Appellant conceded however that Hank was an Animal at Large.

The County conceded that, with respect to the Menacing Animal charge, the written opinion of the AHB is insufficient to substantiate its findings. They urge us, in acknowledgement of the error, to remand the case back to the AHB to write a new opinion based on the existing record. The County indicated that the AHB was undergoing training so that in the future they can write decisions that can be substantiated. The County argued however that the AHB's ultimate decision to sustain the charges was justified in light of all the evidence presented, but also that

there was a lack of evidence to support the fact that Hank's behavior met the elements of the charge of Menacing Animal.

**DECISION**

In light of the County's own admission that there was a lack of evidence presented at the hearing showing that Hank exhibited aggressive of dangerous behavior, we do not believe that remanding the case to the AHB to write an opinion based on the existing record could result in a finding that he acted aggressively or dangerously; and that therefore justice will not be served by permitting further proceedings below when the substantial merits of the case can be determined herein. We therefore decline to remand.

Based on the lack of substantial evidence presented at the AHB hearing, the insufficiency of the findings and conclusions of the written decision of the AHB, and the lack of due process provided by the AHB during its conduct of the hearing, including failure to follow its own rules and procedures, we reverse the decision of the AHB with respect to the Menacing Animal violation.

We affirm the AHB's decision finding the Appellant in violation of the Animal at Large statute.

**ORDER**

**THEREFORE, IT IS THIS** 5th day of April, 2024, by the Board of Appeals of Baltimore County:


**ORDERED**, that the decision of the Animal Hearing Board dated September 12, 2023, regarding Citation No. E59343A which charged that the dog at issue, "Hank" was a "Menacing Animal" in violation of BCC, §12-3-108 be and is hereby **REVERSED** and that the fine in the amount of \$500.00 be dismissed; and it is further

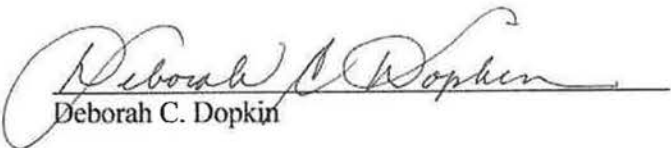
In the matter of: Lisa Schachtner  
Case No.: CBA-24-011

**ORDERED**, that the decision of the Animal Hearing Board dated September 12, 2023, regarding Citation No. E59343B which charged that the dog at issue, “Hank” was an “Animal at Large” in violation of BCC §12-3-110 be, and is hereby **AFFIRMED** and that the fine in the amount of \$30.00 is to be paid within thirty (30) days from the date of this decision.

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**

  
\_\_\_\_\_  
Bryan T. Pennington, Panel Chair

  
\_\_\_\_\_  
Deborah C. Dopkin

  
\_\_\_\_\_  
Michael J. Selmack



## Board of Appeals of Baltimore County

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April 5, 2024

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RE: In the Matter of: *Lisa Schachtner*  
Case No.: CBA-24-011

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order 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".

Krysundra "Sunny" Cannington  
Legal Administrative Secretary

KLC/taz  
Enclosure  
Duplicate Original Cover Letter

c: Lisa Schachtner  
Dubo Law, LLC  
Vijay Krishnan  
Bernard J. Smith, Chairman/AHB  
April Nail/Animal Services Division  
James R. Benjamin, Jr., County Attorney/Office of Law