



Tuesday, May 16, 2023
Charles County Animal Matters Hearing Board Meeting

1. 6:00 P.M. Call to Order - ** All or portions of this session may be closed pursuant to Section 3-305(b) of the Annotated Code of Maryland. THIS AGENDA IS TENTATIVE AND SUBJECT TO CHANGE WITHOUT NOTICE. If you cannot attend this meeting, please advise the Office of the County Attorney at (301)645-0555.**

2. Approval of the Minutes

Minutes - May 2, 2023

2.a Minutes - May 2, 2023

[2023.0502 - Minutes.pdf](#)

3. New Business **Citations and/or Civil Complaints

3.a **Citation 7149** Animal Control v. James Thomas Green

3.b **Citation 7247** Animal Control v. Elizabeth Emily Cambridge

3.c **File 23-11** Daniel Lopez v. Margaret Ford

3.e **File 23-12** Petrace Caesar v. Rhonda Thomas

4. Other Business/Public Comments

5. Next Meeting

June 6, 2023

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ANIMAL MATTERS HEARING BOARD AGENDA ITEM REPORT

DATE: May 16, 2023

SUBMITTED BY: Linda Price, Office of the County Attorney

ITEM TYPE: Minutes

AGENDA SECTION: Approval of the Minutes

SUBJECT: Minutes - May 2, 2023

SUGGESTED ACTION:

ATTACHMENTS:
[2023.0502 - Minutes.pdf](#)

**ANIMAL MATTERS HEARING BOARD
FOR CHARLES COUNTY, MARYLAND
MINUTES OF MEETING
Tuesday, May 2, 2023**

A meeting of the Animal Matters Hearing Board for Charles County, Maryland, was convened by Matthew Cook, Chair, at 6:03 p.m. in the County Commissioners' Meeting Room, Charles County Government Building, with the following Board members:

Matthew Cook, Chair
Christi Montgomery, Vice Chair
Lt. Travis Yates
Shari Olson
Gabrielle Gonzales
Cynthia Sharpley
Tia Spencer-Blake
Danielle Mitchell, Associate County Attorney
Linda Price, Clerk

A quorum was declared based upon the presence of all appointed Board Members.

Old Business

Minutes of April 18, 2023

Ms. Gonzales made a motion to approve the minutes of April 18, 2023, seconded by Ms. Sharpley, all in favor.

New Business - Citations and Civil Complaints

Citation 7246 - Animal Control v. Danvale K. Evans

The Clerk swore in ACO Rosche #530 who testified that on April 13, 2023, she responded to the area of Copley Avenue/Arthur Middleton Middle School at the request of a CCSO. He advised there was a canine at large on school grounds, charging him, acting aggressive, and running back and forth onto the owner's property, which was in close proximity to the school. Upon arrival, ACO Rosche saw the dog on school grounds, and it barked and made several bluff charges at her before jumping the fence and returning home. Citation 7246 was written for animal at large.

Ms. Evans was not in attendance and had not paid the fine.

Ms. Montgomery made a motion finding Ms. Evans in violation of §230-12 Animal at Large with a \$50.00 fine and requested that she be referred to the State's Attorney's Office for failure to appear. Ms. Spencer-Blake seconded the motion, all in favor.

Citation 7248 Animal Control v. Ayanna Lenora Joyner

Still under oath, ACO Rosche #530, testified that on April 16, 2023, she and Lt. Thomas, along with three CCSO, responded to a call of a pack of wild dogs that had killed two horses. Upon arrival they located three dogs in the enclosure, along with two deceased miniature horses, a Paint named Pinkie and a Roan named Pampas. It appeared the canines were resource guarding the bodies of the horses, and as the officers approached, they began barking, snarling, and acting aggressive. They were able to secure two canines, but the third jumped the fence. A trap was set and captured the third canine the next day. ACO described the scene as horrific, and gave a detailed description of the scene, horses, and canines. Two canines were not identified, and their owner is unknown; the third canine was Ruger, a canine owned by Ayanna Joyner and James Thomas Green, and previously found by this Board to be dangerous and vicious. Ms. Joyner relinquished ownership of Ruger, and all three dogs were euthanized.

The Clerk swore in Lila Jones who testified that she owned two miniature horses. She found the canines guarding the deceased horses; she was afraid for her life. She questioned the Board as to their follow up procedures for dogs found to be dangerous and/or vicious.

The Clerk swore in Edward Binkley. Mr. Binkley testified that his wife alerted him to the attack, stating dogs were killing a horse, and had already killed the other. After calling 9-1-1, he gave the phone to his wife and grabbed the shotgun hoping to be able to save the other horse, but it was too late. The dogs were guarding the bodies of the horses and acting aggressive. He went back inside and waited for Animal Control to arrive.

Ms. Spencer-Blake offered the sympathy and empathy of the Board, which was echoed by Chairman Cook.

Mr. Binkley asked the Board what their follow-up procedures were after finding a canine to be dangerous. Attorney Mitchell advised that there are compliance checks and additional citations and fines for owners who do not comply. She provided the details of the compliance check and subsequent Citation issued to Mr. Green for failure to comply with the Board's Order. The Citation was initially scheduled to be heard in March, but due to personnel issues with AC, the case had to be moved to May 16.

The Clerk swore in Lt. Thomas who gave additional details regarding the compliance inspection and Citation issued by ACO Gustafson to Mr. Green on February 2, 2023. The day of the attack, the owner was not following the Board's order and the dog was tethered outside.

The Clerk swore in Ayanna Joyner who testified she did not know the dog got out. She testified that the dog was not on a tether but was let out by her 14-year-old son. She further testified that it was not microchipped nor neutered due to the expense. Chairman Cook spoke to Ms. Joyner about the responsibility of pet ownership.

Lt. Yates made a motion finding Ms. Joyner in violation of §230-10.A Individual License with a \$50 fine; in violation of §230-12 Animal at Large with a \$50 fine; in violation of §230-9.A Rabies – failure to provide proof of current vaccination with a \$150 fine; and in violation of

§230-12.5 Failure to comply with the Charles County Animal Regulations in the keeping of a Dangerous and/or Vicious animal with a \$1,000 fine due to the blatant disregard of the Board's prior Order. Fines total \$1,250 and are payable within one month. Ms. Gonzales seconded the motion, all in favor.

Citations 7249, 7250, 7261 and 7262 Animal Control v. Brandi Nicole Toder

Ms. Montgomery recused herself from hearing this case.

The Clerk swore in Lt. Thomas who testified that on April 8, 2023, he responded to a call to Kate Place where a canine was attacked and killed by two Pit Bulls, one black/white, the other tan(brown)/white. By the time Lt. Thomas arrived on scene, the attacking dogs were gone and Mr. Janosik had buried his deceased canine.

The Clerk swore in Richard Janosik who testified that on April 8 he saw two dogs attacking his dog. When they saw him coming, they ran away, but stood at a distance watching. An hour and a half later the same two dogs came out of the woods again.

Lt. Thomas testified that the area was patrolled that evening and the following days, and a dog trap was set.

Still under oath, ACO Rosche testified that on April 18, 2023, she and ACO Gustafson responded to a call on West Bend Place for two canines attacking the caller's three dogs. Upon arrival they made contact with Mr. Randolph Starks who advised he was the owner of the three dogs who were attacked, and he witnessed the attacks. Upon her arrival, she observed two of Mr. Starks' three English Bulldogs, one named Pasha and the other Rocko. The third, Layla, was missing. The two dogs she saw had multiple lacerations and punctures to their ears, neck, chest and legs, were bleeding, stressed, and had trouble breathing. ACO's assisted in the search for Layla, and they located her, deceased, in the woods behind his residence; she too had lacerations and punctures, and massive bruising on her belly. Mr. Starks transported his two surviving canines to emergency care, where Rocko succumbed to his injuries.

Mr. Richard Janosik's son, Brandon, contacted AC and advised that he found owner the attacking dogs, and provided a video. Richard Janosik was able to identify one of the canines in the video as being involved in the attack. After a brief investigation AC made contact with Ms. Todor who stated she only owned one canine (Angel), and the individual in the video was not her. AC transported Angel to Mr. Janosik who said she was not one of the Pitbulls who attacked his dog. AC continued to investigate and all leads pointed back to Ms. Toder, who finally admitted that the two Pitbulls were hers, named Coco and Monster, and that they were missing.

On April 19 Lt. Thomas and ACO Rosche responded to Ms. Toder's residence and did impound Monster and CoCo. After impounding the dogs, AC took them to Mr. Janosik's residence and Mr. Starks' residence; both were able to positively identify them as the attacking canines. Citations were issued to Ms. Toder for both the April 8 attack and the April 18 attack.

The Clerk swore in Randolph Starks who testified about his dogs being attacked.

The Clerk swore in Brandi Toder who apologized to Mr. Janosik and Mr. Starks. She also apologized for lying to AC regarding ownership of Coco and Monster. Ms. Toder offered remedial measures if she is permitted to retain ownership of the dogs. She answered questions of various Board members and offered explanations.

Lt. Yates made a motion in regard to **Citation 7249** finding Ms. Toder in violation of §230-10.A Individual License with a \$50 fine; in violation of §230-12 Animal at Large with a \$50 fine, in violation of §230-9.A Rabies with a \$150 fine; in violation of §230-12.5 Dangerous and/or Vicious with a \$500.00 fine. Fines total \$750.00, half (\$375) to be held in abeyance for 1 year. Further, Coco is to be deemed dangerous, and humanely euthanized under §230-12.5.F. The recommendation for euthanization is based on the amount of animals Coco has killed. Gabrielle Gonzales seconded; all in favor.

Discussion was had regarding a reduction in the penalties if the Owner surrendered Coco to be euthanized immediately instead of waiting for the appeal period to proceed. Sgt. Yates made a motion, waiving the \$750 fines if Ms. Toder relinquishes ownership of Coco and waives her appeal rights. Ms. Spencer-Blake seconded the motion, all in favor.

Lt. Yates made a motion in regard to **Citation 7261** finding Ms. Toder in violation of §230-10.A Individual License with a \$50 fine; in violation of §230-12 Animal at Large with a \$50 fine, in violation of §230-9.A Rabies with a \$150 fine; in violation of §230-12.5 Dangerous and/or Vicious with a \$500.00 fine. Further recommend that Monster be humanely euthanized, and if Ms. Toder is willing to waive her appeal rights and surrender Monster, the fines will be waived. Gabrielle Gonzales seconded; all in favor. Ms. Toder agreed.

Discussion was had regarding Citations 7250 and 7262. The Board did not wish to dismiss the citations, stating that Ms. Toder interfered with the investigation of the ACO's not once, but twice.

Ms. Spencer-Blake made a motion in regard to **Citation 7250** finding Ms. Toder in violation of §230-6.B Interference with an Animal Control Officer with a fine of \$250.00, in violation of §230-10.A Individual License with no fine; in violation of §230-12 Animal at Large with no fine, in violation of §230-9.A Rabies with no fine; in violation of §230-12.5 Dangerous and/or Vicious with no fine. Ms. Olson seconded the motion, all in favor. Fine due within two weeks.

Ms. Spencer-Blake made a motion in regard to **Citation 7262** finding Ms. Toder in violation of §230-6.B Interference with an Animal Control Officer with no fine, in violation of §230-10.A Individual License with no fine; in violation of §230-12 Animal at Large with no fine, in violation of §230-9.A Rabies with no fine; in violation of §230-12.5 Dangerous and/or Vicious with no fine. Ms. Gonzales seconded the motion, all in favor.

File 23-06 Dorothy Bennett v. Jessica Hart

The Clerk swore in Dorothy Bennett who testified that on two separate occasions, March 18 and March 23, 2023, the neighbor's Doberman was off leash, demonstrated aggressive behavior, and

intimidated her.

The Clerk swore in Jessica Hart who testified that Complainant was mistaken about the March 18 date as they were not at home that day so the dog could not have been out. She further stated on March 23, the dog never left their property, and testified to the efforts to keep the dog on the property with the use of an electric fence.

Ms. Gonzales made a motion finding Ms. Hart in violation of §230-12.4.A.(4) intimidate pedestrians with a \$50 fine, not in violation of §230-12.5.A.(3) any animal which has a vicious nature, disposition and/or propensity which is known or should be known by its owner; not in violation of §230-12.5.C Potentially dangerous animal. The fine to be held in abeyance for six months. After discussion, Ms. Gonzales made a motion to amend the abeyance from 6 months to one year. Lt. Yates seconded the motion, all in favor.

File 23-07 Precious Coleman v. Victoria K. Mattingly

The Clerk swore in Precious Coleman who testified she has had ongoing issues with her neighbor's dogs. She filed a Complaint in January but withdrew it after her neighbor got rid of the dogs, but they had puppies which Ms. Mattingly kept, and after a couple months, the issues have resumed despite her request to quiet the dogs. They bark constantly, she does not feel safe around the dogs, and the back yard is odorous due to multiple dogs urinating and defecating.

The Clerk swore in Victoria Mattingly who did not recall receiving the prior complaint. She testified that she has two Pitbulls, named Summer and Coco. They use the bathroom outside, but she pours bleach on the area where to go. She testified that her dogs bark, but it is to alert her to passersby.

Ms. Montgomery made a motion finding Ms. Mattingly in not in violation of §230-12.4.A.(6) bark or make other harsh or excessive noise so as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable persons with normal sensitivities; and not in violation of §230-12.4.A.(7) foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. Lt. Yates seconded the motion, all in favor.

File 23-09 La-Nette Sugars v. Felicia Maresca

The Clerk swore in Ajahni Sugars who testified that that on March 7, 2023 he was walking his dog, Khoi, when the neighbors two dogs attacked his dog. He attempted to get Khoi to safety; [Dr. Maresca] arrived and diffused the situation. At that time he realized he had a puncture wound on his left hand and a few scratches and lacerations on his right hand. Dr. Maresca provided medical supplies and tended to his wounds. He described his wounds and mental condition, and Khoi's wounds.

The Clerk swore in La-Nette Sugars confirmed the first attack happened on 9/25/22 and the second on 3/7/23, and at large on 3/7/22 and 4/26/22. She also testified to her son's injuries, and the dogs being at large; the Golden Retriever has never been aggressive, only the Lab/Pit mixes.

The Clerk swore in Felicia Maresca who apologized and explained the unusual circumstances surrounding the events which led to the dogs becoming at large on March 7, 2023. She became aware of the situation and ran to retrieve her dogs, then offered medical assistance to Ajahni. The first attack happened when she was trying to get a wheelchair-bound person into her house when the dogs got out. She's been working with the dogs and making progress. After the incident she realized she had to rehome Vinnie and Graham, and Mr. Ipilito is now their owner.

The Clerk swore in Vincent Ipilito who testified that he lives in Charles County and will abide by any stipulations the Board places on the dogs as the new owner.

Ms. Montgomery asked advice of Ms. Mitchell about the enforceability of any abatements on the new owner since he was not the owner at the time of the attack, his name is not included on the Complaint. The Board will make sure Mr. Ipilito understands what will be required of him and any abatements placed on the dogs and will follow the dogs, and that should be sufficient should any enforcement proceedings be brought in the future.

Lt. Yates made a motion finding Ms. Maresca in violation of §230-12.4.A.(1) be at large, twice, with a \$25 fine for each event, for a total fine of \$50; in violation of §230-12.4.A.(4) intimidate pedestrians with a \$50 fine; not in violation of §230-12.4.A.(6) bark or make other harsh or excessive noise; in violation of §230-12.5.A.(1) any animal which wounds, bites or otherwise injures a human being without provocation on public or private property with a \$50 fine; in violation of §230-12.5.A.(2) any animal which has injured or killed a domestic animal without provocation with a \$50 fine; not in violation of §230-12.5.A.(3) any animal which has a vicious nature, disposition and/or propensity which is known or should be known by its owner; in violation of §230-12.5.C Potentially dangerous animal with a \$50 fine, and the Board deems both Vinnie and Graham to be dangerous with all the abatements [§230-12.5.E.(1), (2), (3), (4), (5)(a)(b)(c), (6), (7), (8) and G] and a compliance check by Animal Control. Ms. Montgomery seconded the motion, all in favor. Fines total \$250 and are payable within 2 weeks.

Mr. Ipilito contested the compliance check by Animal Control. The Chair asked for advice regarding Mr. Ipilito's refusal to allow a compliance check. The dogs have been deemed dangerous, and they are allowing them to be rehomed. The alternative is for Animal Control to impound and euthanize the dogs, and this is nothing novel or unusual, and the Board would very much appreciate cooperation. Mr. Ipilito agreed to cooperate.

Other Business

Ms. Collins came before the Board asking if she was on the agenda for the evening; she received a copy of the new Complaint, but it still contained her name in the facts section. She does not own a German Shepherd. The Clerk and attorney explained that the Complaint against her was filed in error, but she is aware that it was withdrawn and a new Complaint was filed; she is no longer a party to the Complaint.

Administrative discussion regarding the procedures the Board follows during hearings, what is

allowed, and the time limit to be permitted, as well as limiting advice given. Further discussion was had on fines held in abeyance and any options, changing animal regulations requiring a license for housing a dangerous/vicious animal; and rules not allowing animals to be rehomed while in quarantine.

There being no further business, Chairman Cook made a motion to adjourn the hearing, seconded by Ms. Spencer-Blake. All members voted in favor and the hearing was adjourned at 9:09 p.m.

Linda Price, Clerk

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ANIMAL MATTERS HEARING BOARD AGENDA ITEM REPORT

DATE: May 16, 2023

SUBMITTED BY: Linda Price, Department of Emergency Services

ITEM TYPE: Citation

AGENDA SECTION: New Business **Citations and/or Civil Complaints

SUBJECT: **Citation 7149** Animal Control v. James Thomas Green

SUGGESTED ACTION:

ATTACHMENTS:

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ANIMAL MATTERS HEARING BOARD AGENDA ITEM REPORT

DATE: May 16, 2023

SUBMITTED BY: Linda Price, Department of Emergency Services

ITEM TYPE: Citation

AGENDA SECTION: New Business **Citations and/or Civil Complaints

SUBJECT: **Citation 7247** Animal Control v. Elizabeth Emily Cambridge

SUGGESTED ACTION:

ATTACHMENTS:

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ANIMAL MATTERS HEARING BOARD AGENDA ITEM REPORT

DATE: May 16, 2023

SUBMITTED BY: Linda Price, Office of the County Attorney

ITEM TYPE: Civil Complaint

AGENDA SECTION: New Business **Citations and/or Civil Complaints

SUBJECT: **File 23-11** Daniel Lopez v. Margaret Ford

SUGGESTED ACTION:

ATTACHMENTS:

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ANIMAL MATTERS HEARING BOARD AGENDA ITEM REPORT

DATE: May 16, 2023

SUBMITTED BY: Linda Price, Office of the County Attorney

ITEM TYPE: Civil Complaint

AGENDA SECTION: New Business **Citations and/or Civil Complaints

SUBJECT: **File 23-12** Petrace Caesar v. Rhonda Thomas

SUGGESTED ACTION:

ATTACHMENTS: