



BALTIMORE CITY HEALTH DEPARTMENT

PROCEDURAL RULES AND REGULATIONS
OF THE
ANIMAL HEARING PANEL

APRIL 2016

This Regulation supersedes Baltimore City Health Department Animal Hearing Panel
Hearing Procedure Regulations adopted February 2012

ANIMAL HEARING PANEL
301 STOCKHOLM STREET
BALTIMORE, MARYLAND 21230

I. AUTHORITY

§ 2-106; § 2-301 et seq.; § 10-1001 et seq. of the Baltimore City Health Code

II. DEFINITIONS

- A. Aggrieved Party – The party aggrieved by a notice, order, decision, or other action of the Office of Animal Control. This may include the owner or custodian of an animal and/or the complainant.
- B. Chairperson – The person who administratively presides over the Panel who is appointed by the Health Commissioner from the Panel members.
- C. Department – This is the Baltimore City Health Department.
- D. Hearing Record – All objects, documents, attendance records and recorded testimony admitted into evidence at the hearing and the attendance roll taken at the hearing.
- E. Interested Party – This is a person who is personally or specifically affected by the outcome of the hearing.
- F. Office of Animal Control – This is the Office of Animal Control in the Department.
- G. Panel – The member(s) of the Animal Hearing Panel who act as hearing officer(s) designated by the Health Commissioner.
- H. Party – The Office of Animal Control, Aggrieved Party, or an Interested Party.

III. NOTICE OF HEARING

- A. A hearing shall be scheduled by the Panel within a reasonable time after a proper request for a hearing is received from the Aggrieved Party according to § 10-1004 of the Baltimore City Health Code.
- B. At least 5 days before the hearing, the Panel must provide notice of the hearing to the Aggrieved Party and any Interested Party. The Panel shall notify the Aggrieved Party and any Interested Party according to the service of notice requirements of § 10-111 of the Baltimore City Health Code.
- C. The written notice must state:
 - 1. The date, time, place, and nature of the hearing;

2. The right of a Party to be represented, at the Party's own expense, by an attorney or, if permitted by law, other representative;
3. The right of a Party to call witnesses and submit documents or other evidence under § 2-305 of the Baltimore City Health Code; and
4. That failure to appear for the scheduled hearing may result in an adverse action against the Party.

IV. HEARING OBJECTIVES

- A. The objectives of the hearing are to make written:
 1. Proposed or final findings of fact;
 2. Proposed or final conclusions of law;
 3. Proposed or final findings of fact and conclusions of law;
 4. Proposed or final orders; or
 5. The final administrative decision of the Department.
- B. On the question of whether an animal is a vicious animal, the Panel must determine, based on the facts presented:
 1. Whether the animal is:
 - a) *Is a vicious animal;*
 - b) *Is not a vicious animal, but is a dangerous animal; or*
 - c) *Is neither a vicious nor a dangerous animal; and*
 2. What, if any, corrective action is appropriate.
- C. On the question of whether an animal is a dangerous animal, the Panel must determine, based on the facts presented:
 1. Whether the animal is:
 - a) *Is a dangerous animal; or*
 - b) *Is not a dangerous animal; and*
 2. What, if any, corrective action is appropriate.

D. On the question of any other violation of the animal control and protection laws, rules, and regulations of this City and State, the Panel must determine:

1. A violation has or has not occurred; and
2. What, if any, corrective action is appropriate.

V. HEARING GENERALLY

A. Any hearing pertaining to the determination of whether an animal is a dangerous or vicious animal requires the presence of 3 members of the Panel. All other hearings under Title 10 of the Baltimore City Health Code require the presence of at least 1 member of the Panel. The Chairperson shall administer the activities of the Panel.

B. The hearing shall be open to the public unless the Panel votes to conduct a closed hearing or to seal portions of the Hearing Record for any reason that a public court hearing, trial or other processing may be closed or sealed.

C. A Panel may determine who shall be deemed an Interested Party at the hearing.

D. The Panel shall make an audio recording of the hearing which shall be considered the official recording and will compile and label the Hearing Record. Unless permitted by the Panel, no additional audio, video or other recording shall be made of the hearing.

E. Any time during the proceedings, but prior to the issuance of a final decision and/or order, the Panel may inspect any relevant premises. All Parties present at the hearing shall have reasonable notice of the inspection, and shall be given the opportunity to be present, and/or to have their attorney present during the inspection.

VI. PANEL MEMBER'S RESPONSIBILITIES

A Panel Member is responsible:

A. to conduct the hearing in an orderly manner.

B. to obtain relevant evidence from all Parties.

C. to provide the Parties with the opportunity to present their case in an orderly manner, to call witnesses on their behalf, to cross-examine all other witnesses, and to establish any pertinent facts.

D. to admit all relevant testimony, objects and documents, and to compile the Hearing Record. Any Party may examine any object or document prior to its introduction into evidence.

E. to make written findings and render a decision and/or order based upon the Hearing Record and any inspection.

VII. ORDER OF HEARING

A. The Panel shall begin the hearing with a statement concerning the purpose of the hearing and the procedure that it will follow.

B. The Panel shall give all persons (and their attorneys) present at the hearing the opportunity to register their full name and address on a sign-in sheet, regardless of whether the person wishes to testify or be considered a Party.

C. A Party may represent himself/herself at the hearing or may designate his/her attorney to represent him/her.

D. A Party may make an opening statement.

E. The Panel may question any witness at any time, and may call any individual as a witness.

F. A Party may testify on his/her own behalf, and is subject to cross-examination by other parties.

G. A Party may make a closing argument.

H. Opening statements and closing arguments are not considered evidence.

I. Notwithstanding the procedures herein, the Panel may, in its discretion, decide the order in which testimony and evidence shall be presented.

J. In the discretion of the Panel, the hearing may be postponed or continued.

VIII. RULES OF EVIDENCE

A. The Panel may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.

B. Formal rules of evidence and formal trial procedures shall not apply to the hearing, except as provided in these procedures. The Panel may not exclude evidence solely on the basis that it is hearsay.

C. The Panel shall give effect to the rules of privilege recognized by law.

D. Documentary evidence may be admitted in the form of copies or excerpts, or by incorporation by reference.

E. The Panel may take administrative notice of facts of a general, technical or scientific nature.

F. The Panel may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

IX. DECISIONS AND ORDERS

A. The Panel shall make written final decision that contains separate statements of the findings of fact, conclusions of law, the decision and/or order within thirty (30) calendar days of the termination of the hearing.

B. The Panel shall mail or deliver a copy of the written decision to each Party or that Party's attorney of record.

X. APPEAL TO HEALTH COMMISSIONER

A. If a Party is aggrieved by the decision of the Panel, the Party may appeal the Panel's decision to the Health Commissioner in writing within 10 days of the Panel's decision.

B. The Health Commissioner may modify the Panel's decision within 10 days of the appeal, in which case the decision of the Health Commissioner is the final decision of the Department.

C. If the Health Commissioner does not modify the Panel's decision within 10 days of the appeal, the decision of the Panel becomes the final decision of the Department.

The above Animal Hearing Panel Hearing Procedure Regulations are hereby adopted:

Approved:



Joy Freeman, Panel Member

4/18/16

Date



Ruth Canan, Panel Member

3/14/16

Date

Orbie Shively

Orbie Shively, Panel Member

3/9/16
Date

Pauline Houliaras

Pauline Houliaras, Panel Member

3/14/16
Date

Effective date when filed with Department of Legislative Reference: 4/28/16

Received by: Nancy B. Kay on behalf of the Department of
Legislative Reference.