
From: Fox, Sheri
Sent: Tuesday, October 22, 2024 11:17 AM
To: CouncilMail
Subject: Testimony for CB58-2024
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Good morning,
Attached is my testimony from last evening's hearing.

Thank you,

Sheri Fox

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County Council Testimony for CB58-2024

October 21, 2024

Good evening, my name is Sheri Fox, and I am the Administrator of Howard County Animal Control. This testimony is in support of CB58-2024, requesting amendment of the process for the issuance and appeal of citations for violation of Animal Control provisions of the County Code.

We are requesting this change to allow citation appeals to be heard before the Animal Matters Hearing Board (AMHB) and District Court. This change would allow us to take the appeals before the AMHB which would have several benefits:

1. Appeals before the AMHB would result in cases being heard and handled more expeditiously. Under the proposal, a citation is written, and the defendant would have 15 days to appeal in writing. Once appealed, the case would be added to the next month's AMHB hearing. This would result in a hearing within 45-60 days of the date of the citation. Citations not paid or appealed in that 15-day window, are forwarded to the OOL and Finance for follow-up and collection. Currently, citations appealed to District Court have a similar timeline, but the citations not paid and not appealed have a much longer timeline. The current process is 15 days to appeal, if not paid or appealed, a 35-day demand letter is sent. After that date passes and no payment is received, it is another three to four weeks to get a court date in District Court. Currently Animal Control Officers must attend District Court to testify even when there has been no appeal and the defendant has not shown up, which brings me to point #2.
2. There are only 5 Animal Control Officers and one Supervising Animal Control Officer for Howard County. With our current system of appeals through District Court, our officers are scheduled

multiple times per month for court, which pulls them from the road. This can cause staffing issues at times. With the proposed change, Animal Control Officers will be scheduled for AMHB one evening a month, which will not affect our day-to-day operations.

3. Having appealed citations heard one evening a month may be more convenient to citizens who work, as they can avoid taking time off to attend District Court during the day.

4. This proposed change will also alleviate strain on the Court's docket. In Y23, 107 cases were heard in District Court. In Y24, 59 cases were heard in District Court.

5. In Y23, 30 citations were appealed. In Y24, 13 were appealed by the defendant. AMHB is equipped to handle this type of volume and had done so for many years prior to the change in law in 2021 requiring the appeals be heard at District Court.

6. Appeals before the AMHB will place cases before a board of seven people very well versed in the Animal Control provisions in the Howard County Code. This system served Animal Control and the citizens of Howard County well for decades prior to the change in law in 2021 which removed their authority to hear appealed citations.

7. Lastly, the amended Section 4-406(b) of the Courts and Judicial Proceeding Article allows for concurrent jurisdiction between our AMHB and District Court. Our intention is to use AMHB for future appeals, but the option of using District Court would remain viable in the event of unforeseen circumstances with the AMHB.

For all of the aforementioned reasons, I respectfully request CB58-2024 be passed. Thank you.

Fran LoPresti
6985 Deep Cup
Columbia, MD 21045

Good evening, Council members. My name is Fran LoPresti. I live at 6985 Deep Cup, Columbia MD. I am here today as Chair of the Animal Matters Hearing Board to testify in favor of CB58-2024.

This bill basically reverses an emergency bill passed in 2021 that moved civil citation appeal duties from the Hearing Board to the District Court based on an unrelated state case on what entities can levy fines. The issue has now been resolved and Hearing Boards, such as the Animal Matters Hearing Board can levy fines.

The Board currently hears the most egregious cases including an animal Threat to the Public, Animal Bites, Dangerous Dog declarations leading to restrictions, and impoundment of a dog, temporary or permanent.

The duties that would be returned include appeals for violations such as a public nuisance like a wandering animal in heat, chasing cars, getting into trash, or a loose animal. It also includes appeals for inadequate shelter or sanitation, cruelty, neglect, and vaccination violations. These include both domestic and farm animals. So why should we revert?

1. These appeal cases are clogging up the District Court. They are during the day meaning appellants, Howard County citizens, must take off work. The judges are also not familiar with the code.
2. The Hearing Board is held in the evening and the Board is very familiar with the code. It is a more relaxed citizen hearing.
3. The Board can alter or dismiss the fine that has been levied by the Administrator.

Perhaps an example can help. I am changing some of the details. The hearings are public but the deliberations are not. A gentleman was housing his Doberman at his dad's farm in an enclosure. The dog barked a lot and a neighbor ultimately complained. A citation was written by an Animal Control officer and a fine was levied. However, during the Appeals Hearing, the Board heard that the owner was unaware that the neighbor had complained repeatedly to his dad and he did not know that his dog was unhappy. He moved his dog to a doggy day care. The Board decided that the gentleman had acted appropriately and the fine was dismissed.

In summary, these duties are more suited to a volunteer citizen Board with expertise in both the code and animal welfare issues than in the district court. I hope that you will pass CB58-2024.

Thank you.