



**BALTIMORE CITY HEALTH DEPARTMENT  
VICIOUS DOG HEARING BOARD**

**HEARING PROCEDURE REGULATIONS**

**I. AUTHORITY**

Baltimore City Health Code Title 10 Subtitle 7

**II. DEFINITIONS**

- A. Aggrieved Party – The subject dog owner
- B. Alleged Victim – A human being alleged or alleging to have been bitten or attacked by the subject dog.
- C. Board – The Vicious Dog Hearing Board.
- D. Chairperson – the person who presides over the Board. Appointed by the Health Commissioner from the Board members.
- E. Hearing Record - All objects, documents, attendance records and recorded testimony admitted into evidence at the hearing and the attendance roll taken at the hearing.
- F. Interested Party – A person personally or specifically affected by the outcome.
- G. Party – The Bureau Control of Animal Control, aggrieved party, alleged victim, complainant, and any other person so deemed by majority vote of the Board.
- H. Person – A human being (his next friend, if a minor; or estate, if now deceased), a firm, association, company, partnership, corporation, or other legal entity.

**III. NOTICE OF HEARING**

- A. A hearing shall be instituted upon the filing of a written investigation report by the Bureau of Animal Control.
- B. A hearing shall be scheduled by the Board within a reasonable time after a request for a hearing is received. Every effort should be made to hold the hearing within ten (10) working days of receipt of the investigation report and notice to owner of the subject dog.
- C. The Vicious Dog Hearing Board shall notify the aggrieved party by certified mail, return receipt requested, or by hand-delivery with signed receipt.
- D. The Vicious Dog Hearing Board shall notify the complainant (s), alleged victim (s) and other parties by regular mail or by hand-delivery.
- E. The notice shall contain the date, time, place and purpose and nature of the hearing.



#### **IV. HEARING OBJECTIVES**

The objectives of the hearing are:

- A. To conduct a public hearing on the question of whether the subject dog is a vicious dog, as defined in the Baltimore City Health Code, Title 10 Subtitle 7 (and as it may be amended from time to time).
- B. To make written findings and decisions.
- C. If a subject dog is deemed to be a vicious dog:
  - 1. To determine:
    - a. The appropriate disposition;
    - b. Any costs of impoundment;
    - c. Any appropriate corrective action to be taken by the dog's owner;
    - d. Appropriateness of referral of the case to the State's Attorney for prosecution.
  - 2. To issue an Order consistent with 1.a. through 1.d., above.
- D. If a subject dog is deemed not to be a vicious dog, to issue an Order dismissing the case.

#### **V. HEARING GENERALLY**

- A. The hearing shall be conducted by three (3) Board members.
- B. The hearing shall be open to the public unless at least two (2) Board members vote to conduct a closed hearing or to seal portions of the hearing record for any reason that public court hearing, trial or other processing may be closed or sealed.
- C. The Board may determine, by majority vote, who shall be deemed an interested party.
- D. The Board shall make an audiotape recording of the hearing and compile and label the hearing record. Said tape shall be considered official tape of the hearing. Unless permitted by majority Board vote, 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 Order, any presiding Board member 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. BOARD MEMBER'S RESPONSIBILITIES**

- A. To conduct the hearing in an orderly manner.
- B. To obtain from all parties relevant evidence.

- C. To provide all parties with the opportunity to present their case in an orderly manner, to call witnesses in their behalf, to cross-examine all other witnesses and to establish any pertinent fact.
- D. To admit all relevant testimony, objects and documents, and compile the hearing record. Any party may examine and object or document prior to its introduction into evidence.
- E. To make findings and render a decision based upon the hearing record and any inspection.

## **VII. ORDER OF HEARING**

- A. The Chairperson, or his designated Board member, shall begin the hearing with a statement concerning the purpose of the hearing and the procedure that it will follow.
- B. The Chairperson 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 at the hearing or may designate his attorney to represent him.
- D. A party may make an opening statement.
- E. Any Board member may question any witness at any time, and may call any individual as a witness.
- F. A party may testify on his own behalf, and is subject to cross-examination by other parties.
- G. A party to make a closing argument.
- H. Opening statements and closing arguments are not evidence.
- I. Notwithstanding the procedures herein, the Board may, in its discretion, decide the order in which testimony and evidence shall be presented.
- J. In the discretion of the majority vote of the Board, the hearing may be postponed or continued.

## **VIII. RULES OF EVIDENCE**

- A. The Board 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.
- C. The Board shall give effect to the rules of privilege recognized by law. The Board may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.
- D. The Board may take administrative notice of facts of a general, technical or scientific nature.
- E. Documentary evidence may be admitted in the form of copies or excerpts, or by incorporation by reference.

## **IX. DECISIONS AND ORDERS**

- A. The Board shall make written findings of fact, a decision and an Order within thirty (30) calendar days of the termination of the hearing.
- B. The Board shall deliver a copy of the written findings, decision and Order to all parties, by hand-delivery with receipt, or by certified mail return receipt requested.

**X. APPEALS**

- A. A party may appeal the Board's Order to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.
- B. The filing of an appeal does not automatically stay an Order of the Board.

The above Vicious Dog Hearing Board Procedure Regulations are hereby adopted:

Janet L. Boss  
Board Member  
Janet L. Boss

4-2-03  
Date

Robert M. Leftwich  
Board Member  
Robert M. Leftwich

4-2-03  
Date

Ronald S. Savage  
Board Member  
Ronald S. Savage

4/2/03  
Date

Mary Johnson Smith  
Board Member  
Mary Johnson

4/2/03  
Date

Donald Torres  
Board Member  
Donald Torres

4/2/03  
Date