

**RE: An Appeal From A Decision Of
Animal Care & Control**

WILLIAM DILLON, JR.

Petitioner

* **BEFORE THE**
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* **COUNTY BOARD OF APPEALS**
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* **OF ANNE ARUNDEL COUNTY**
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* **CASE NO.: BA 9-21A**
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* **Hearing Date: June 1, 2021**
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MEMORANDUM OF OPINION

Summary of Pleadings

This is an appeal of a decision from Animal Care & Control to impose a Vicious Order on the dogs Lucy and Odin.

Summary of Evidence

Ms. Robin Catlett with Animal Care & Control (hereinafter, "ACC") testified that on January 29, 2021, Officer Dos Santos was sent out to 1141 Dicus Mill Road, Millersville, the residence of Daniel Stinchcomb, to investigate a complaint regarding a severe animal attack. Specifically, two of his neighbor's dogs, a pit bull "Odin" and an Akita-mix "Lucy", had attacked their cat "Big Boy" and were still running at large. Mr. Stinchcomb was in his shed when he heard and responded to the sound of growling. He discovered two dogs attacking Big Boy – Odin's mouth was wrapped around Big Boy's stomach while Lucy repeatedly lunged and bit Big Boy's head. Upon inspection of the cat's body, Officer Dos Santos observed several puncture wounds and an apparent broken neck. Several minutes later, the owner of the dogs, William Dillon, arrived on the scene and was informed that his dogs had killed Mr. Stinchcomb's cat. Mr. Dillon was sympathetic, but was not aware of his dogs' location. He was actually looking for his dogs because they had not returned home "like they normally do." Officer Dos Santos advised Mr. Dillion that the dogs needed to be impounded for being vicious

or dangerous and that he needed to bring his dogs into ACC when he found them. On January 30, 2021, Mr. Dillon brought his dogs to ACC for impoundment. On February 1, 2021, Officer Herbert reviewed the County's system for any prior incidents regarding these animals and found none. Mr. Dillon and his family have rented the property at 1113 Dicus Mill Road for twenty years. On February 2, 2021, Officer Herbert requested a statement from Ms. Nola Lowman explaining how the dogs got out of the house. She stated that she accidentally left the front door open while she was vacuuming the front porch. On February 9, 2021, Mr. Stinchcomb sent in a more detailed witness statement. Initially, he thought the dogs had a raccoon in their mouths, but when he got closer, he saw that it was his cat. Big Boy tried to scramble up a tree to escape the dogs, but they were too fast and ripped him down. When he approached the dogs to get them away from his cat, they growled at him. On a previous occasion, he found a dead black cat on his driveway with the two dogs who were off leash and at large. These dogs are always running around. On February 11, 2021, Vicious Orders were issued for Odin and Lucy. Mr. Dillon appealed the Orders to the Animal Matters Commission (hereinafter, the "AMC") which recommended downgrading the Orders from Vicious to Dangerous. The AMC hoped that Mr. Dillon would be able to fence his yard in a manner which would prevent any future incidents, however, Mr. Dillon stated on the record that his landlord did not want a privacy fence installed. In a letter dated April 19, 2021, the Chief of Police overturned the recommendation of the AMC and upheld the Vicious Orders in their entirety.

Mr. William Dillon, Jr., the Petitioner, stated that there have been other animals killed in the area. He has chickens, goats, and other dogs (including a Chihuahua) on his property and Odin and Lucy have never growled at or bitten them. The dogs have only gotten out two or three times and each time they "came right back." He built a 20-foot by 15-foot kennel after the dogs were impounded and has offered to put up an 8-foot chain link fence. However, the County told

him that a chain link fence was not sufficient because people can stick their fingers through the links.

Mr. William Dillon, III, the Petitioner’s son, stated that he has visited with his girlfriend’s three golden retrievers and a small cat. Odin and Lucy have never shown any aggression toward them.

On rebuttal, Ms. Robin Catlett stated that a kennel was never recommended in this case. Indeed, a kennel would not have prevented this situation. The dogs running at large indicate irresponsible dog ownership. A chain link fence is not recommended because it is not as secure as a stockade fence. Dogs can climb chain link fences.

All testimony was stenographically recorded and the recording is available to be used for the preparation of a written transcript of the proceedings.

Findings and Conclusion

This is an appeal from an administrative decision of Animal Care & Control, which upheld Vicious Orders imposed on the dogs Odin and Lucy. The Board finds that, based on the testimony and evidence presented, Odin and Lucy pose a threat to public safety; therefore, the issuance of these Vicious Orders is warranted.

Anne Arundel County Code, Section 12-4-402 provides that:

(a) **Prohibition.** An animal may not pose a threat to public safety. The owner of an animal who poses a threat to public safety is in violation of this section. An animal poses a threat to public safety if the animal:

* * *

(3) kills or inflicts severe injury to a domesticated animal.

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(d) **Vicious.** The Agency may designate an animal as vicious if, after consideration of the animal’s demeanor and prior history and any evidence of mitigating circumstances, the Agency finds that the animal cannot be safely

maintained without threatening members of the public or other animals and the animal:

- (1) killed or inflicted severe injury on a person or domesticated animal;

* * *

From the testimony and evidence, we make the following findings. On January 29, 2021, while at large, Odin and Lucy entered upon the property located at 1141 Dicus Mill Road, Millersville and killed the cat, Big Boy, a domesticated animal belonging to Daniel Stinchcomb, a resident of 1141 Dicus Mill Road. During the attack, Odin and Lucy pulled Big Boy from a tree as Big Boy was running for his life. Odin held Big Boy by the midsection and Lucy repeatedly lunged and bit Big Boy in the head. Big Boy died as a direct result of the joint attack of these dogs. The owner of Big Boy was present and unfortunately directly witnessed the death of his pet cat. Odin and Lucy's demeanor is vicious, and the dogs were growling through the attack. Although there were no previously recorded bite incidents for these dogs, these dogs are frequently at large (by Mr. Dillon's own admission) and Odin and Lucy have been seen around at least one other dead cat.

The Petitioner urged the Board to downgrade the Orders from Vicious to Dangerous. However, we decline Mr. Dillon's request. We find that Odin and Lucy cannot be safely maintained without threatening members of the public or other animals. This attack was particularly brutal and resulted in the death of a beloved pet cat in that pet's yard and in front of his owner. There are no mitigating circumstances here which might warrant a downgrade. *Id* at §12-4-402(e). Odin and Lucy were not provoked. Odin and Lucy were not reacting to pain or injury. They were not protecting or defending a person in the immediate vicinity. They were not defending themselves, their litter, or another animal. They were not acting against a person or animal trespassing on the property of the owner of the animal.

Dogs do not manage themselves; their owners must do so. Mr. Dillon has permitted his dogs to leave his property and run at large. In fact, Mr. Dillon acknowledged that he was searching for his dogs when he came upon the scene of Big Boy's demise and his dogs did not return "like they usually do." We have no confidence that Odin and Lucy can be safely maintained without threatening other animals and we, therefore, designate Odin and Lucy as vicious.

Once an animal is determined to be "vicious" it must be destroyed. Section 12-4-405. It is with deep regret that Odin and Lucy suffer this fate. Mr. Dillon was unable to keep his dogs from roaming at large and permitted these dogs to disrupt the neighborhood. Now, we must ensure that these dogs will never escape proper management again. The threat to public safety is simply too great. These Orders and their sad consequences will ensure that Odin and Lucy will no longer be a danger to Mr. Dillon's neighbors or their pets. We urge Mr. Dillon to consider carefully his failures in managing animals before he ever contemplates obtaining another pet.

ORDER


For the reasons set forth in the foregoing Memorandum of Opinion, it is this 22nd day of JULY, 2021, by the County Board of Appeals of Anne Arundel County, ORDERED, that the dogs, Odin and Lucy, are found to be **VICIOUS** and that they shall be destroyed.


Any appeal from this decision must be in accordance with the provisions of Section 604 of the Charter of Anne Arundel County, Maryland.


If this case is not appealed, exhibits must be claimed within 90 days of the date of this Order; otherwise, they will be discarded.

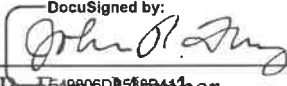
Any notice to this Board required under the Maryland Rules shall be addressed as follows: Anne Arundel County Board of Appeals, Arundel Center, P.O. Box 2700, Annapolis, Maryland 21404, ATTN: Deana L. Bussey, Clerk.


COUNTY BOARD OF APPEALS
OF ANNE ARUNDEL COUNTY

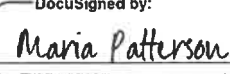
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Anthony V. Lamartina, Chair

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Maria K. Patterson, Member

(Patsy Baker Blackshear, Member, did not participate in this appeal.)