

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**FEBRUARY 2, 2017
3:00 P.M.**

3:00 P.M. ROLL CALL Deborah Simpson, Chairperson
Frederick Rouse, Vice Chairperson
Andrew Schleder
Ademuyiwa "Ade" Adeyemi
Martin T. Gonsalves
April Ussam-Lemmons, Alternate

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR JANUARY 5, 2017

Recommended Action: Motion to approve the minutes

MINUTES

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTH OF NOVEMBER 2016

Recommendation: The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board shall also direct that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

STAFF REPORT

2. **REGULAR AGENDA**

OATH for all intending to testify

- A. **ANIMAL ID NO. A122670 “White Boy” (dog)** – APPEAL FILED BY VICTOR AVILA, 2036 MOKELUMNE DRIVE, ANTIOCH, CA, TO OVERTURN THE **“VICIOUS ANIMAL”** [§6-1.801(B)(2)] DETERMINATION MADE BY ANTIOCH ANIMAL SERVICES.

STAFF REPORT

PUBLIC COMMENTS—*Only unagendized issues will be discussed during this time*

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. Materials provided regarding the agenda items will be available at the following website: <http://www.ci.antioch.ca.us/CityGov/Agendas/default.asp> or at the City Clerk's Office located on the 3rd floor of City Hall, 200 H Street, Antioch, CA 94509, Monday through Thursday, for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. The meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

Notice of Opportunity to Address the Committee

The public has the opportunity to address the Board on each agenda item. To address the Board, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on the agenda. No one may speak more than once on an agenda item or during "Public Comments".

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

CITATIONS ABATEMENTS FOR BOARD OF APPEALS - FEBRUARY 2, 2017
ATTACHMENT A

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
AR147646	CD1610-037	076-340-004	\$310.00	2819 GENTRYTOWN DR	DAVIS	CHICONDA	2819 GENTRYTOWNE DR	
AR147648	CD1610-020	065-141-031	\$310.00	1617 CAVALLO RD	GEDEON	ANTHONY	1617 CAVALLO RD	
AR147645	CD1609-060	076-263-022	\$750.00	2816 SEVILLE CIR	LIN	RONGDUAN	2816 SEVILLE CIR	
AR147650	CD1610-018	068-134-001	\$310.00	41 BRYAN AVE	ROSA	DAVID MICHAEL & ALLISSA D.	P.O. BOX 3891, ANTIOCH, CA	
AR147644	CD1610-018	068-134-001	\$750.00	41 BRYAN AVE	ROSA	DAVID MICHAEL & ALLISSA D.	P.O. BOX 3891, ANTIOCH, CA	
AR147653	CD1610-018	068-134-001	\$1,300.00	41 BRYAN AVE	ROSA	DAVID MICHAEL & ALLISSA D.	P.O. BOX 3891, ANTIOCH, CA	
AR147266	CD1606-088	065-225-012	\$640.00	1316 E 13TH ST	ROSALEZ	OPHELIA	1316 E 13TH ST	
AR147659	CE1609-026	072-282-005	\$750.00	4301 ROCKY POINT DR	SHULTZ	HENRY A. & RYCA A.	4301 ROCKY POINT DR	
TOTAL			\$5,120.00					

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 P.M.**

**January 5, 2017
Council Chambers**

Chairperson Simpson called the meeting to order at 3:07 P.M. on Thursday, January 5, 2017 in the Council Chambers.

ROLL CALL:

Present: Board Members Gonsalves, Schleder, Rouse, Adeyemi and Chairperson Simpson
Absent: Board Member Ussam-Lemmons

Staff Present: City Attorney, Michael Vigilia
City Clerk, Arne Simonsen
Minutes Clerk, Kitty Eiden
Interim Code Enforcement Manager Mike Aguirre
Code Enforcement Officer Jeff Gallegos

PLEDGE OF ALLEGIANCE

Chairperson Simpson led the board, staff, and public in the Pledge of Allegiance.

1. CONSENT CALENDAR

**A. APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR
DECEMBER 1, 2016**

On motion by Board Member Rouse, seconded by Board Member Schleder, the Board of Administrative Appeals approved the Minutes of December 1, 2016. The motion carried the following vote:

Ayes: Rouse, Schleder, Simpson

Abstain: Adeyemi, Gonsalves

**B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN
PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS
FOR THE MONTH OF OCTOBER 2016**

On motion by Board Member Gonsalves, seconded by Board Member Adeyemi, the Board unanimously confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office and thereafter the assessment shall constitute a special assessment and lien against the property.

2. REGULAR AGENDA

City Clerk Simonsen administered the Oath for all persons present intending to testify on the appeal.

A. CITATION NO.'S 25447 AND 25460/CASE NO. CD1609-067 – APPEAL OF TWO ADMINISTRATIVE CITATIONS ISSUED REGARDING INOPERABLE VEHICLE [§5-1.202(D)] AND JUNK AND RUBBISH [§5-1.202(A)(1)(a)] FOR CALVIN LAVINDER, 1401 TULIP DRIVE, ANTIOCH, CA

Code Enforcement Officer Gallegos presented the staff report dated December 28, 2016 recommending the Board of Administrative Appeals uphold the citation issued to Calvin Lavinder for violation of the Antioch Municipal Codes §5-1.202(A)(1)(a) and §5-1.202(D).

In response to Board Member Rouse, Code Enforcement Officer Gallegos explained that when he had spoken to occupant, Ricky, he had specified that if there was progress in the abatement of the property, he would allow more time; however, there was no progress and no additional time was granted. He noted after the second citation, Mr. Lavinder indicated he needed 3-4 more days to clean up after the tenant was evicted and he was given 5 days. He stated Mr. Lavinder was informed that although things were progressing, the remaining items needed to be corrected. He explained the initial violation was observed on September 21, 2016 and the property was found to be in compliance on November 28, 2016. He stated time limits were explained on the notice of violation which he believed were understood and Mr. Lavinder was aware that in spite of cleaning up the property by November 28, 2016, he would remain responsible for the additional \$500.00 in fines.

In response to Board Member Gonsalves, Code Enforcement Officer Gallegos clarified the notice of violation was sent to the owner, at the address on County records. He stated he was able to obtain a phone number for Mr. Lavinder on October 19, 2016 and at that time, he was informed of the restraining order; therefore, he allowed Mr. Lavinder additional time. He reported the inspection on November 14, 2016 showed more items that appeared to be attributed to someone moving out of the home. He noted he had attempted to contact someone at the residence; however, no one answered the door and Mr. Lavinder's cell phone was not accepting calls. He clarified on October 19, 2016, Mr. Lavinder stated he was not living in the residence and had not received the Notice of Violation letter. He noted he informed Mr. Lavinder that he needed to update his address with the County Registrar's office.

Calvin Lavinder, Appellant, reported that due to threats he had received, he obtained a restraining order and had his tenant evicted. He reported he paid the original fine and thought the issue had been taken care of as he was unaware the last citation was issued because his mail had been destroyed by his tenant.

In response to Board Member Gonsalves, Mr. Lavinder stated as a result of the restraining order for the tenant to move out of his house, and when he did so, he left his possessions in the front yard.

In response to Board Member Simpson, Mr. Lavinder stated he had received and paid the first administrative citation and he was unable to pay \$700.00 for the additional citation.

Board Member Rouse thanked Mr. Lavinder for exercising his right to file an appeal.

In response to Board Member Rouse, Mr. Lavinder reported he was also hospitalized during this time period. He noted the evicted tenant owned all of the materials left in the yard.

In response to Board Member Gonsalves, City Clerk Simonsen explained the process for applying for the Hardship Waiver. He stated after discussion with the appellant, it appeared he was appealing \$750.00 in charges.

Cira Acosta commented that tenant Forest had threatened Mr. Lavinder so she assisted him in filing for a restraining order. She reported that when the tenant was evicted, he had left his garbage in the yard. She noted Mr. Lavinder then had to hire and pay for someone to remove the additional items. She explained that Mr. Lavinder had not received the second citation because Forest had hidden his mail.

Board Member Gonsalves stated he believed Mr. Lavinder acted prudently noting he had a troubled tenant, obtained a restraining order, paid the fine, and within 5 weeks, cleaned the property. Additionally, in light of his elder abuse and landlord/tenant issues, he felt his actions were prudent and timely.

Chairperson Simpson stated on November 7, 2016, Code Enforcement inspected the property and the junk and rubbish had been removed. She noted at that time, only the tarp removal remained. She further noted the additional items on November 14, 2016, appeared to have been left by the evicted tenant and not a continuation of the first violation; therefore, she was concerned the second citation was elevated to \$500.00.

Board Member Rouse stated considering all circumstances surrounding compliance, the request to clean up and the efforts by the appellant to comply; the facts supported a decision to uphold the appeal and waive all fees requested.

Board Member Adeyemi stated the appellant properly addressed the citation. He stated he would have preferred additional information regarding the dates he had been hospitalized and the tenant's eviction. He questioned what fees were being proposed to be waived.

City Clerk Simonsen explained that his understanding was when Mr. Lavinder filed the appeal; he was appealing the \$500.00 fee, \$50.00 late fee, and the \$200.00 re-inspection fee.

Board Member Rouse responded that he was in support of waiving \$750.00.

Chairperson Simpson stated she supported waiving the \$500.00 citation noting that the new items appeared to be attributed to the tenant being evicted and not the original citation.

Board Member Rouse proposed suspending deliberation to allow for additional witness testimony. Board Member Gonsalves seconded.

City Clerk Simonsen administered the Oath to Code Enforcement Manager Aguirre.

Code Enforcement Manager Aguirre clarified the amounts being discussed were \$500.00 for the administrative citation, \$200.00 re-inspection fee, and a \$50.00 late fee. He noted it was his understanding the Board could rescind the citation and not the re-inspection fee.

In response to Board Member Rouse, City Attorney Vigilia responded that the scope of administrative review included whether the amount of the proposed fine should be reduced or waived. He clarified the text of the code states the Board would "review the issuance of citations and the proposed imposition of administrative fines". He stated the Board could only adjudicate on the administrative citation fine and the late fee for that fine.

Board Member Rouse moved to reopen debate.

Board Member Rouse stated based on information provided by City Attorney Vigilia, it was his opinion that the Board should waive \$550.00.

Board Member Gonsalves agreed and recommended that staff look at the idea that if the Board was to waive a citation fee, there should also be some relief for the re-inspection fee.

Chairperson Simpson agreed with waiving the \$550.00 citation and late fee. She noted staff performed a re-inspection therefore she felt that fee should remain.

A motion made by Board Member Gonsalves to grant the appeal of the appellant with regards to the second citation waiving the \$500.00 citation fee and \$50.00 late fee for a total of \$550.00 debt relief. The motion was withdrawn for further discussion.

Board Member Rouse requested clarification that the motion was referencing Invoice #AR147641, items #212514046020 Admin Citation #25460 and #212514046020 Late Charge.

Board Member Gonsalves indicated that the above-mentioned items were what he was referring to in his motion. He noted it comes in terms of granting the appeal of the citation at the extent in which they had been advised, and in granting the appeal, find that the fine and the late fee were not due.

On motion by Board Member Gonsalves, seconded by Board Member Adeyemi, the Board of Administrative Appeals upheld citation #25447 for \$250.00 and dismissed citation #25460 in the amount of \$500.00 and the late charge in the amount of \$50.00. The motion carried the following vote:

Ayes: Adeyemi, Rouse, Gonsalves, Simpson

Noes: Schleder

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 4:15 P.M. to the next regularly scheduled meeting on February 2, 2017.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS
FOR CONSIDERATION AT THE HEARING ON FEBRUARY 2, 2017**

Prepared by: Curt Michael, Code Enforcement Manager *CM*
Date: January 18, 2017
Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the Month of November, 2016

RECOMMENDATION

The Board of Administrative Appeals shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the property (Attachment "A"). The Board shall also direct that the same be recorded with the Contra Costa County Recorders Office and thereafter the assessment shall constitute a special assessment and lien against the property.

FISCAL IMPACT

The action will enable the City of Antioch to collect outstanding receivables against properties for the month of November, 2016, in the amount of **\$5,120.00**

BACKGROUND INFORMATION

Pursuant to Antioch Municipal Code §1-5.09 the City may collect any past due Administrative Citation fines, Abatements or late payment charges by use of special assessment liens and all action for recovery of money.

A Notice of Intent to Record Lien was sent to each property owner who is entitled to notice reflecting the property address directly connected to conditions or activities on the subject real property, assessors parcel number, the municipal code violation, administrative citation fine and copy of the administrative citations.

ATTACHMENT

A: List of assessments

CITATIONS ABATEMENTS FOR BOARD OF APPEALS - FEBRUARY 2, 2017
ATTACHMENT A

AR	Case	APN	Amount	Site Address	Owner last	Owner first	Mailing address	Paid
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TOTAL			\$5,120.00					

STAFF REPORT TO THE BOARD OF ADMINISTRATINS APPEALS FOR CONSIDERATION AT THE APPEAL HEARING OF FEBRUARY 2nd, 2017

PREPARED BY: Cat Cottle, Animal Control Officer

DATE: February 2nd, 2017

SUBJECT: Vicious Animal Hearing
Animal Services Case No: 17-000273
Antioch Municipal Code § 6-1.80 (B) (b)

REQUEST:

Appellant Avila requested a hearing to appeal a Vicious Animal Declaration issued on December 22nd, 2016, citing a violation of Antioch Municipal code § 6-1.80 (B) (b) which defines a Vicious Dog in part as: *"A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal."*

BACKGROUND INFORMATION:

Parties Involved:

Responsible Dog Involved:	"White Boy"
Dog Owner:	Victor EK Avila (per microchip)
Witness:	Jessica Anaya
Victim:	Mario Oliva
Homeowner:	Ana Anaya

On December 18th, 2016, the Antioch Police Department, Antioch Animal Services and EMT responded to a call for service regarding a dog that had attacked an adult male, Mario Oliva outside the residence of [REDACTED] Mokelumne Drive, Antioch during a family reunion. By the time all service personnel arrived on scene, the attack was over and all dogs on the property were secured.

When Animal Control arrived on scene the victim was en route to the hospital and all parties were inside the residence of [REDACTED] Mokelumne Drive. Antioch Police Officers were present and informed Animal Control of the situation. The dog owner was identified by family on scene as Jessica Anaya [Witness] and Ms. Anaya was asked by Animal Control to bring her dog out as it

was going to be impounded. Anaya initially refused to release the animal and the police officers had to detain her until the dog was secured inside the Animal Control vehicle. The dog, **"White Boy"** [A122670], was impounded by Animal Control and put on quarantine pending further investigation of the incident.

"White Boy" [A122670], is a male, 2 year old, neutered, white Pit Bull, microchip # 981020019549818. Anaya says that he is current on his rabies (no proof provided by Anaya). There are no animal related complaints on file at Antioch Animal Services or calls for service through the Antioch Police Department regarding **"White Boy"** or **Jessica Anaya** [Witness]. There is previous history with San Francisco Animal Care and Control for both **"White Boy"** and **Jessica Anaya** [Witness] with regards to prior dog attacks and a vicious animal case. [See Memos for Animal A386263]

Extent of Injuries:

Mario Oliva's [Victim DOB 12-20-57] injuries consist of a large laceration to the right ear, large laceration to the right forearm, a laceration to the right upper arm, chest abrasion and trauma. The victim had to be transferred from the Emergency of Sutter Delta Hospital in Antioch to John Muir Urgent Care in Walnut Creek due to the severity of his injuries. A plastic surgeon performed surgery on the arm and ear to repair. Mr. Oliva has still not been able to return to work as of January 25th, 2017 and may be out for two more weeks pending his doctor's recommendation.

INVESTIGATION:

On the afternoon of December 18th I was dispatched to a call for service deemed a "1091A" (Aggressive Animal) on [REDACTED] Mokelumne Drive. The reporting party, Maybel, who was the daughter of **Mario Oliva** [Victim], said her Father had just been bitten by a dog and was en route to the hospital. She explained that no-one was outside except her Father, **Mario Oliva** [Victim] and that the dog owner, her cousin, Jessica got out there after the attack happened and pulled her dog off her Father/Jessica's Uncle. I asked her if the dog's records were on hand for the hospital's reference to ensure that the dog was up to date on his Rabies vaccination. The reporting party said that it was difficult to communicate with her cousin right at that moment. I told her I was en route.

I arrived on scene after the ambulance had left with the victim, **Mario Oliva** [Victim]. The responding police officers – Keo-Vann and Crites were at the location. Officer Keo-Vann described the extent of the injuries sustained by Oliva and pointed out the location of where the attack happened on the driveway in front of the garage at [REDACTED] Mokelumne where there was blood on the concrete. I determined that the dog would have to be impounded due to the severity of the injuries described and how it appeared to be an unprovoked attack. We approached the home and knocked on the door. I asked for the dog owner to come out and **Jessica Anaya** [Witness] appeared. I informed her that her dog would have to go to Animal Services for Quarantine and further investigation following the incident. She insisted he had all his shots and that her records were in San Francisco and he didn't need to go. I told her that

due to the nature of the attack and no records we would be taking her dog. She refused to cooperate and Officer Keo-Vann detained her in his vehicle to allow access to the animal.

Ana Anaya, Jessica's Mother, came to the door and agreed to bring out the dog. She went inside and came out through the garage. I asked Ms. Anaya to confirm that this was the dog that attacked and she did. I walked the white, male, neutered Pit Bull with a black harness and camouflage leash to the truck and locked him inside. Ana Anaya followed and I explained to her that Animal Control would have to hold the dog for a quarantine and until further investigating was done. She nodded in acknowledgement. I told her that Jessica could bring the dog's records to the shelter on Tuesday, December 20th after 10am and we could discuss how things would proceed from there. Ana nodded in understanding. Officer Keo-Vann released **Jessica Anaya [Witness]** from being detained. Jessica continued talking emphatically about her "baby" and that we shouldn't be taking him as I tried to explain that the dog would be at Antioch Animal Services and that she could bring his records on December 20th, from 10am on. I asked her if I would be seeing her on Tuesday and she said "Yes".

Upon getting the dog to Animal Services I scanned "**White Boy**" for a microchip, which he had. Since it was a Sunday, the named organization on the microchip – "San Francisco Animal Care and Control" was closed and unavailable to provide the information linked to the microchip. "**White Boy**" was visibly agitated upon entering the shelter and due to there being no staff to assist I decided to not vaccinate "**White Boy**" on intake for my safety. [See Kennel Card attached]

Animal Services was closed on Monday, December 19th, 2016, but I left the microchip information for the dog with Officer Helgemo who was on duty that day. Officer Helgemo was able to make contact with San Francisco Animal Care and Control who provided extensive history on the dog named "**White Boy**" and said they have had incidents with "**Jessica Anaya**" in relation to numerous dogs including "**White Boy**". The listed owner of "**White Boy**" is **Victor EK Avila** who they said was incarcerated during the time of White Boy's impound. All history was related to previous dog attacks involving bites to humans. "**White Boy**" was impounded by San Francisco Animal Care and Control as recently as April 2016 where he was held pending a Vicious Animal hearing that Anaya appealed. SFACC were unable to get in touch with the male adult victim, who was a local transient, [See attached pictures provided by San Francisco Animal Care and Control] and Anaya claimed that they had impounded her wrong dog. "**White Boy**" was returned to her care in November 2016 with no declaration and a seizure notice was put in place for her other dog named, "Mister" who as of January 12th, 2017 remains a wanted animal that Anaya says is no longer in her care. [See attached Memos for #A386263 provided by San Francisco Animal Care and Control]

I attempted to contact the victim, **Mario Oliva [Victim]**, on the morning of December 19th, 2016, but there was no response from his phone. I was able to contact his daughter, Maybel, and learned that his phone had been broken during the incident on December 18th, 2016. She said he had been discharged from the hospital on December 19th after two operations to correct extensive tendon and muscle damage to his arm and repair his ear.

rabies, that she has written permission to act as his guardian and that her Uncle's injuries were not serious as he had been discharged from the hospital, therefore she felt that we were holding her dog unfairly. Since she stated that she could not come to Animal Control the fax number was provided for Ms. Anaya to send proof of rabies and the letter of guardianship from Avila to Animal Control for our records. As of January 12th, 2017 such records have still not been provided by Ms. Anaya or Mr. Avila.

[REDACTED] but that she wanted to make a statement. [REDACTED] wanted to inform Animal Control that she would rather have **"White Boy"** put to sleep than to return [REDACTED] or leave the shelter as the dog scares her. She said Jessica has a second dog and that Jessica took it away from [REDACTED] the day of the incident. She said the second dog is white and grey, but that she didn't know its name. I asked if it attacked [REDACTED] too, she said she didn't think so. [REDACTED] given the nature of the bite per the responding Officer's verbal statement and that of [REDACTED] that we would be pursuing a "Vicious Animal" declaration. I explained to her that if the dog [REDACTED] [REDACTED] but emphasized how she does not trust **"White Boy"** in public. [REDACTED]

I was able to make contact with **Mario Oliva** [Victim] on December 23rd, 2016. He said his phone had been broken. I asked him to tell me from the beginning of his arrival at [REDACTED] Mokelumne Drive, Antioch what happened prior to and during the attack;

Mario Oliva [Victim] said he got there early for the family reunion to set up the music equipment. His sister (**Ana Anaya**) told him that his niece's dogs were in the garage so he couldn't go through there with the equipment. He said that he was told the door was locked on the inside.

Mario Oliva [Victim] said he brought in the equipment and then went outside to smoke on the driveway. He had no idea that his niece was in the garage and suddenly the automatic door of the garage opened a little, then the door looked like it was trying to close, but before it closed two dogs came out and came after Mario. He said one jumped on him and he fell onto the driveway. Mario said only one dog jumped at him and only one dog attacked him. He said the attacking dog went for his face and he raised his arms to defend himself and the white dog continued to attack. He described the attacking dog as a white dog. He said the second dog was white and grey. He had never seen the dogs before, but he knew they belonged to his niece, **Jessica Anaya** [Guardian of White Boy].

On December 20th, 2016 **Jessica Anaya** [Witness] contacted Animal Control by telephone at 4.30pm to inform us that **"White Boy"** is up to date on vaccinations including his rabies, that she has written permission to act as his guardian and that her Uncle's injuries were not serious as he had been discharged from the hospital, therefore she felt that we were holding the dog unfairly. Since she stated that she could not come to Animal Control the fax number was provided for Ms. Anaya to send proof of rabies and the letter of guardianship from Avila to Animal Control for our records. As of January 25th, 2017 such records have still not been provided by Ms. Anaya or Mr. Avila.

[REDACTED] [Copy of CA Driver's License attached], Jessica's mother and the brother of the victim, **Mario Oliva** [Victim] is the homeowner of [REDACTED] Mokelumne Drive, where the incident occurred. [REDACTED] came to Antioch Animal Services on December 21st, 2016 at 1.55pm. She asked that [REDACTED] not be informed that she came to Animal Services, but that she wanted to make a statement. [REDACTED] wanted to inform Animal Control that she would rather have **"White Boy"** put to sleep than to return to [REDACTED] or leave the shelter as the dog scares her. She said Jessica has a second dog and that Jessica took it away from her home([REDACTED] Mokelumne) the day of the incident. She said the second dog is white and grey, but that she didn't know its name. I asked if it attacked her brother too, she said she didn't think so. I explained to [REDACTED] that given the nature of the bite per the responding Officer's verbal statement and that of her niece that we would be pursuing a "Vicious Animal" declaration. I explained to her that if the dog resides at her home there would be stipulations that **Victor EK Avila** would have to meet in order to keep **"White Boy"** that would impact her residence. [REDACTED] said that Jessica doesn't live at her address and only comes to stay for a few weeks at a time. She asked again that Jessica not be informed that she came to Antioch Animal Services, but emphasized how she does not trust **"White Boy"** in public. I asked her if she would stand up in court to say the same if the case came to court and she declined.

I was able to make contact with **Mario Oliva** [Victim] on December 23rd, 2016. He said his phone had been broken. I asked him to tell me from the beginning of his arrival at [REDACTED] Mokelumne Drive, Antioch what happened prior to and during the attack;

Mario Oliva [Victim] said he got there early for the family reunion to set up the music equipment. His sister (**Ana Anaya**) told him that his niece's dogs were in the garage so he couldn't go through there with the equipment. He said that he was told the door was locked on the inside.

Mario Oliva [Victim] said he brought in the equipment and then went outside to smoke on the driveway. He had no idea that his niece was in the garage and suddenly the automatic door of the garage opened a little, then the door looked like it was trying to close, but before it closed two dogs came out and came after Mario. He said one jumped on him and he fell onto the driveway. Mario said only one dog jumped at him and only one dog attacked him. He said the attacking dog went for his face and he raised his arms to defend himself and the white dog continued to attack. He described the attacking dog as a white dog. He said the second dog was white and grey. He had never seen the dogs before, but he knew they belonged to his niece, **Jessica Anaya** [Witness].

Mario described his injuries as a tear in his ear, where the dog bit first. He said it had to be stitched back together. He had a deep wound on his arm that required 3 hours of surgery and an urgent care nurse to come to his home and tend to dressing the wound daily following his discharge from the hospital. There was tendon damage and his doctor advised that he will be out of work for some time due to the damage. There may be a possible need for physical therapy and his doctor will be able to tell him if he will need that. Mario said he is scared of "that dog" (**White Boy**) and would not trust the dog in public. I asked what made the dog stop attacking and he said his niece, Jessica, had come outside and was pulling he and the dog apart and yelling at him. He mentioned how only seconds prior to the attack that there were kids in the driveway and his voice was shaking as he said how horrible it would have been if it had been one of them.

Mario agreed to testify if "**White Boy's**" case came to court. He said he feels strongly that this should never happen to anyone again and again stressed how he does not trust the dog at all. All evidence indicates that "**White Boy**" was not provoked.

VICIOUS ANIMAL DECLARATION:

I notified by registered mail on December 22nd, 2016, **Victor EK Avila** [Owner of "**White Boy**"], **Jessica Anaya** [Witness] and **Ana Anaya** [Homeowner at [REDACTED] Mokelumne] at the address listed for Victor as [REDACTED] Chanslor Ave B, Richmond and the address that the incident occurred. A letter was sent via registered mail to both addresses and one letter was delivered by hand to [REDACTED] Mokelumne Drive. The letter informed the dog owner of the Declaration of "**White Boy**" [A122670] as a "Vicious Animal" as defined by Antioch Municipal Code Antioch Municipal Code § 6-1.80 (B) (b) which in part defines a Vicious Dog as; *"A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal."* and the three options now available to the owner. Victor had until January 4th, 2017 at 4.30pm to appeal the determination.

Throughout the course of my investigation I did not find any evidence that the attack was provoked.

The term "Severe Injury" is defined in CA State Food and Agriculture Code § 31604 as *"A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery."*

The severity of the injuries is detailed by John Muir Urgent Care in the attached notes [John Muir Health; Notes] which describe extensive surgery performed by a cosmetic surgeon.

On January 4th, 2017 at 2.30pm **Victor EK Avila** [Owner], **Jessica Anaya** [Witness] and a third person appeared at Antioch Animal Services, 300 L Street to discuss "**White Boy**". Jessica spoke on behalf of Victor regarding her feelings about declaring "**White Boy**" as a "Vicious Animal".

She felt that her dog was provoked by her Uncle and a wrongful decision made. She proceeded to City Hall to file an appeal.

RECOMMENDATION:

Based on the findings, due to the severity of the injuries inflicted, the viciousness of the attack by **"White Boy"** and the guardian's previous history of animals in her care, releasing this animal would create a significant threat to public health, safety and welfare if the animal is not humanely euthanized or designated as a "Vicious Animal" and the conditions of the permit followed to the fullest extent.

Therefore it is Staff recommendation to deny the appeal and uphold the Animal Declaration of December 22nd, 2016 for **"White Boy"** [A122670]

SUPPLEMENTAL ATTACHMENTS;

- A) Antioch Municipal Code
- B) Antioch City Animal Services Bite Report
- C) Animal Control Officer Cottle's Report
- D) List of Witnesses
- E) Photos of Mario Oliva, Victim – dated 12/18/16
- F) Photos of Mario Oliva, Victim – post op
- G) Photos of blood on scene at [REDACTED] Mokelumne Drive
- H) Photo of "White Boy"
- I) "White Boy's" Kennel Card
- J) History of "White Boy"/Avila from San Francisco Animal Care & Control
- K) Declaration of Vicious Animal dated December 22nd, 2017/Proof of posted at 2036 Mokelumne Drive, Antioch
- L) Avila Decision Appeal Application
- M) Photos of victim of San Francisco incident involving dog belonging to Anaya named "Mister"/Photos of "White Boy"
- N) Seizure Order for Anaya's dog "Mister"

Supplement A

§ 31603. Vicious dog defined

" Vicious dog" means any of the following:

(a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

§ 31604. Severe injury defined

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

§ 31645. Destruction; nondestruction, conditions; enclosures

(a) A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.

(c) Any enclosure that is required pursuant to subdivision (b) shall meet the requirements of Section 31605.

CREDIT(S)

(Added by Stats.1989, c. 761, § 1.)

§ 31626. Circumstances under which dogs may not be declared potentially dangerous or vicious

Supplement B

Antioch City Animal Services

Bite Report

Bite Information

BITE NUMBER: B17-000273 ENTRY ID: PERSON
DATE OF BITE: 12/18/16
QUARANTINE DATE: 12/18/2016
QUARANTINE END: 12/28/2016 ABATED BY AAS
QUARANTINE LOCATION: 300 L ST

Animal Information

ANIMAL ID: A122670
WHITE BOY, NEUTERED DOG
WHITE PIT BULL
VALID VACCINATION: UNKNOWN

Victim Information

MARIO OLIVA
128 SIMONTON ST
VALLEJO, CA
PHONE: (707) 655-9184

VICTIM AGE: 58 YEARS
SEVERITY: SEVERE PART OF BODY BITTEN: ARM EAR
CIRCUMSTANCE OF BITE: UNPROVOKED
VICTIM RELATION:UNCLE

Owner Information

VICTOR AVILA
1029 CHANSLOR AV B
RICHMOND, CA 94801

Comments

01/10/17

John Muir Urgent Health Center
1601 Ygnacio Valley Road,
Walnut Creek, CA 94598

John Muir, with victim's verbal consent, sent details of Mario Oliva's injuries as follows;

Animal Bite

"This is a 58 year old male brought in by ambulance as a trauma activation. The patient was reportedly attacked by 2 pit bulls with injury to his right arm as well as left forearm. The patient denies loss of consciousness. In the Emergency Room, the patient was continued on *ATLS protocols and close monitoring and pain management.

*ATLS - Advances Traumatic Life Support

This patient has been identified as having met ASST approved criteria for sustaining or being at high risk for a life/limb threatening trauma. Therefore ATLS protocol was initiated. This includes immediate evaluation and stabilization of the patient. It included placing two large bore IV's. Cardiac Monitoring Pulse Oximetry Administration of supplemental oxygen. Administration of Parenteral Controlled substances as needed. This patient was treated with critical care for emergent/critical injuries. The surgeon personally coordinated the critical management of the patient including monitoring and managing their abnormalities in vital signs and/or cardiopulmonary monitors. The patient has new critical injuries from trauma that impairs one or more vital organ systems such that there is a high possibility of imminent or life threatening deterioration in the patient's condition.

Mechanism of injury; Penetrating - dog bite to RUE and R ear

Active Problems;

Dog bite

Laceration of right ear

Laceration of right arm

Laceration of right upper arm

Chest Abrasion

Trauma

The patient has a palpable right radial and ulnar pulse. However, he has significant soft tissue injury to the right upper arm and more so on the right forearm as well as a significant right ear laceration. The patient has been evaluated by Plastic Surgery (Dr Cremin) in the Emergency Room and will be taken to the operating room for irrigation, debridement and repair. The patient will also be admitted after this for ongoing IV antibiotics and pain control.

Patient is to have close follow up.

12/18/16

12-18-16 Arrived to scene after ambulance left with victim. Owner named on scene was Jessica Anaya, she initially refused to hand over dog. She was detained by PD and her Mom handed over "Whitie Boy". Advised owner to come to AAS on 12/20/16 and bring proof of rabies.

12-20-16 No rabies proof provided. Listed owner on microchip is Victor Avila. Updated record.

Supplement C

Antioch Animal Services

Animal Control Officer: Catriona Cottle

Statement regarding Case 17-B17-000273, "White Boy"/Avila

On the afternoon of December 18th I was dispatched to a call for service deemed a "1091A" (Aggressive Animal) on [REDACTED] Mokelumne Way. Dispatch gave me the phone number for the reporting party who was the daughter of Mario Oliva (Victim) who had just been bitten by a dog and was en route to the hospital. I called the reporting party to get an understanding of what went on. She explained that no one was outside except her father (victim) and that the dog owner, her cousin, Jessica got out there after the attack happened and pulled her dog off her Father/Jessica's Uncle. I asked her if the dog's records were on hand for the hospital's reference to ensure that the dog was up to date on his Rabies vaccination. The reporting party said that it was difficult to communicate with her cousin right at that moment. I told her I was en route.

I arrived on scene after the ambulance had left with the victim, Mario Oliva. The responding police officers – Keo-Vann and Cites were at the location. Officer Keo-Vann described the extent of the injuries sustained by Oliva and pointed out the location of where the attack happened on the driveway in front of the garage at [REDACTED] Mokelumne where there was a small amount of blood on the concrete. I determined that the dog would have to be impounded due to the severity of the injuries and how it appeared to be an unprovoked attack. We approached the home and knocked on the door. I asked for the dog owner to come out and Jessica Anaya appeared. I informed her that her dog would have to go to Animal Services for Quarantine and further investigation following the incident. She insisted he had all his shots and that her records were in San Francisco. I told her that due to the nature of the attack and no records we would be taking her dog. She refused to cooperate and Officer Keo-Vann detained her in his vehicle to allow access to the animal. (Police Case: 16013495, Event: 16126837)

Ana Anaya, Jessica's Mother, came to the door and agreed to bring out the dog. She went inside and came out through the garage. I asked Ms. Anaya to confirm that this was the dog that attacked and she did. I walked the white, male, neutered Pit Bull with a black harness and camouflage leash to the truck and locked him inside. Ana Anaya followed and I explained to her that we would have to at the least hold the dog for a quarantine and/or until further investigating was done. She nodded in acknowledgement. I told her that Jessica could bring the dog's records to the shelter on Tuesday, December 20th after 10am and we could discuss how things would proceed from there. Ana nodded in understanding. Officer Keo-Vann released Jessica Anaya from being detained. Jessica continued talking emphatically about her "baby" as I tried to explain that the dog would be at Antioch Animal Services and that she could bring his records on December 20th, from 10am on. I asked her if I would be seeing her on Tuesday and she said "Yes".

Upon getting the dog to Animal Services I scanned him for a microchip, which he had. Since it was a Sunday San Francisco Animal Care and Control were unavailable to provide the information linked to the microchip.

Animal Services was closed on Monday, December 19th, 2016, but I left the microchip information for the dog with Supervisor Helgemo who was on duty that day. The named owner on the microchip was discovered to be Victor EK Avila who could not be contacted. San Francisco Animal Care and Control then provided an extensive history on Mr. Avila, Ms. Anaya and "White Boy".

Supplement D

List of Witnesses

Mario Oliva (Victim)

[REDACTED]

[REDACTED]

[REDACTED]

Maybel Oliva (R/P & Victim's Daughter)

No address given.

[REDACTED]

[REDACTED]

Officer T. Keo Vann

c/o Antioch Police Department

300 L Street,

Antioch, CA 94509

Officer B. Crites

c/o Antioch Police Department

300 L Street,

Antioch, CA 94509

Animal Control Officer C. Cottle

c/o Antioch Police Department

300 L Street,

Antioch, CA 94509

Supplement E





Supplement F





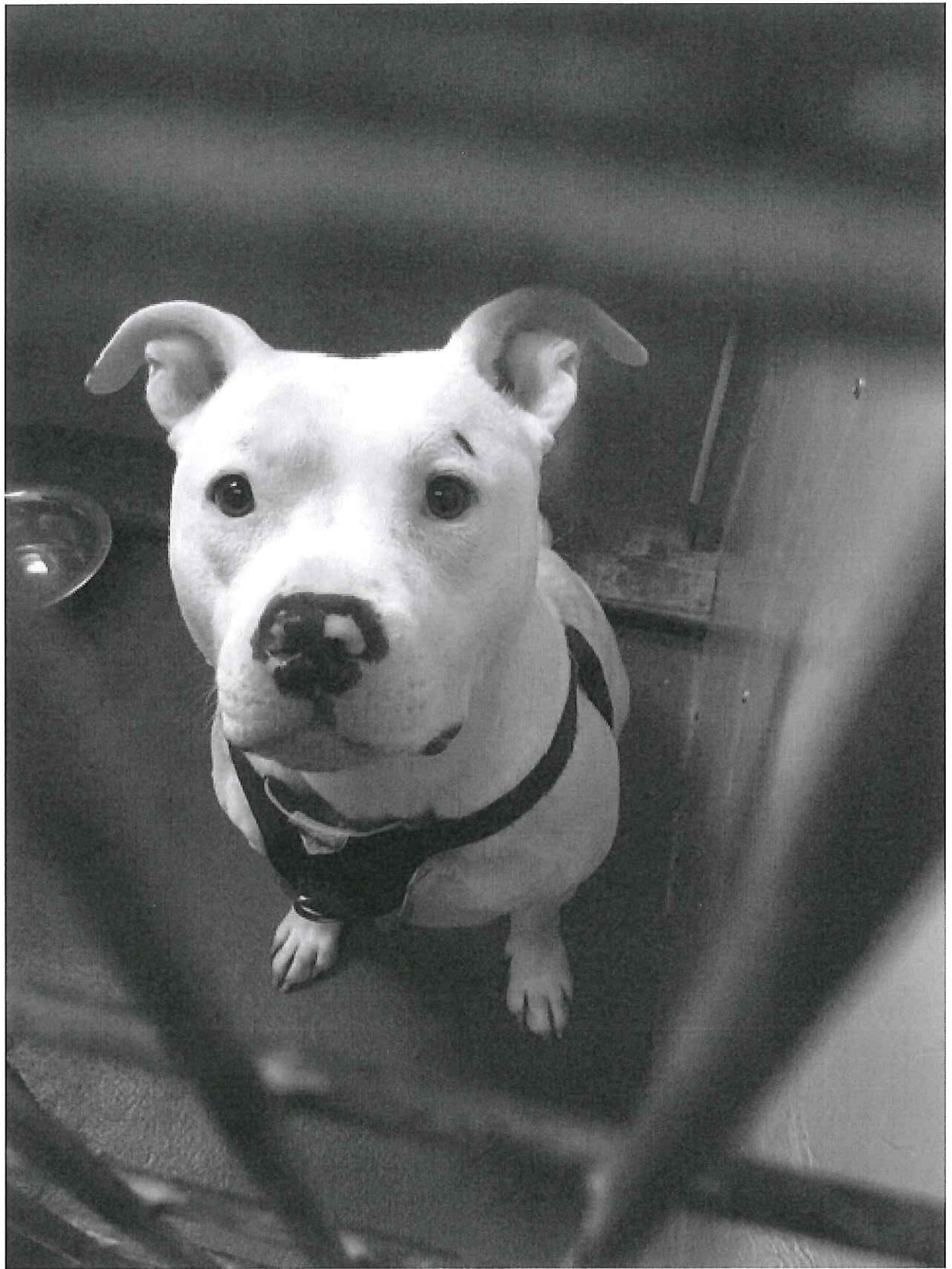


Supplement G





Supplement H



Supplement I

Kennel Card

12/20/2016 5:35PM

MICROCHIP NUMBER:
981 0200 1954 9818

INITIAL: ce DATE: 12/18

ADOPT: _____
RTO: _____
RESCUE: _____
OTHER: _____

[illegible]

STATEMENT OF OWNERSHIP
 I CERTIFY, I AM THE LAWFUL
 OWNER/CUSTODIAN OF THIS ANIMAL OR I HAVE
 THE LAWFUL OWNER'S AUTHORIZATION TO
 RELINQUISH THIS ANIMAL. PROOF PROVIDED:
 _____RECORD _____PHOTO
 _____NONE _____OTHER_____

WAS ANIMAL ADOPTED FROM ANOTHER
 SHELTER/RESCUE ORGANIZATION? YES / NO

NAME: _____

_____ I AM NOT THE OWNER OF THIS ANIMAL.

FOOD & AGRICULTURE CODE
 ANY PERSON WHO PROVIDES FALSE
 INFORMATION ABOUT OWNERSHIP OF AN ANIMAL
 SHALL BE LIABLE TO THE TRUE OWNER IN THE
 AMOUNT OF \$1,000.00

SIGNED: _____

ID: _____

PERCINO

Supplement J

PERSON HISTORY for VICTOR EK AVILA - P311583

PERSON INFORMATION

P311583 07/04/85 (415) 424-0238
 VICTOR EK AVILA
 1029 CHANSLOR AVE B
 RICHMOND, CA 94801

MEX PASSPORT
 E14669974

TAG INFORMATION

<u>ANIMAL ID</u>	<u>NAME</u>	<u>TAG NO</u>	<u>TYPE</u>	<u>TAG EXP</u>
A386263	WHITE BOY	U16-201734	LINK	04/30/16
A386263	WHITE BOY	981020019549818	MICROCHIP	11/10/16

KENNEL OWNER

<u>KENNEL NO</u>	<u>ANIMAL ID</u>	<u>INTAKE TYPE</u>	<u>INTAKE DATE</u>	<u>OUTCOME TYPE</u>	<u>OUTCOME DATE</u>
106 STRAY	A386263	STRAY	04/28/2016	REDEEMED-1	04/30/2016

BITE OWNER

<u>Bite #</u>	<u>Bite Date</u>	<u>Type</u>	<u>Status</u>	<u>Activity #</u>
B16-008157	09/29/2016 00:00	NOTP NOLSH		A16-259495-1

Animal: A386263 (WHITE BOY) - 2 YEARS, N, WHITE PIT BULL
Victim: P317097 - JACOB ARRIETA - UNKNOWN, SAN FRANCISCO CA

Memos for Animal #A386263

M15-380223 10/29/2015 INVESTIGAT

10/29/15 16:40 I MC WITH OFC BROWN #1342, OFC FROST #2352 SFPD CASE #150-945-677. THE VICTIM AND OTHER WITNESS TOLD SFPs THAT THE OWNER JESSICA ANAYA HAD HER 4 PITBULLS IN HER VAN. THE DOGS WERE ABLE TO GET OUT AND ATTACKED HIS SMALL DOG CAUSING PUNCTURES. HE WAS BITEN AS WELL, BUT WAS NOT ABLE TO TELL WHICH DOG DID THE BITING. "DIABLA" HAS A WOUND ON THE MUZZLE. I TOOK CUSTODY OF ALL THE DOGS TO BE HOLD FOR 10 DAY QUARATINE AND PENDING A V/D HEARING. THE DOG "MISTER" WAS NO LONGER THERE AND I ASKED JESSICA TO TURN IN THE DOG TO BE HOLD FOR OBS AND PENDING A V/D HEARING WITH THE REST OF THE DOGS. HOLD FOR 10 DAYS OBS PERIOD AND DO NOT REDEM TO OWNER WITH A V/D HEARING. JH22

11/24/15 14:52 NEED DOG TO BE SURRENDERED BEFORE V/D HEARING CAN PROCEED. AT8

2/10/15 rRECIEVED V AND D ORDER. ALL THREE DOGS ARE V AND D AND ORDERED DESTROYED. SENT ORDER VIA MESSENGER. HOLDING FOR 3 MORE DAYS. VG14

10/13/16 17:47 JESSICA ANAYA IN TO SPEAK TO VG14. PAGED VG14, ADVISED. NMC

10/25/16 V AND D HEARING SHOULD HAPPEN ON 10/27/16. VG14

11/03/16 15:26 V/D HEARING HELD TODAY. PER SGT. HICKS THIS IS POSSIBLY "WHITE BOY" A386263. JESSICA ANAYA ALSO STATED THAT THIS DOG IS "WHITE BOY" AND NOT "MISTER". DUE TO THE FACT THAT NO EVIDENCE WAS PROVIDED TO THE HEARING OFFICER, JOHN DENNY, INDICATING THAT THIS IS INDEED MISTER AND NOT WHITE BOY, THE HEARING OFFICER WILL ALLOW JESSICA ANAYA TO REDEEM BOTH A386263 AND A393235 (OR A374312) IF SHE CAN PROVIDE WRITTEN AUTHORIZATION FROM THE R/O'S OF BOTH DOGS ALLOWING HER TO REDEEM ON THEIR BEHALF. SHE WAS ALSO STRONGLY ADVISED TO MICROCHIP BOTH DOGS (WITH AUTHORIZATION FROM THE OWNERS) UPON REDEMPTION. ANAYA STATED SHE WILL VISIT BOTH DIEGO DURAN AND VICTOR EK AVILA AT THEIR RESPECTIVE JAILS THIS WEEKEND. ONE IS SAID TO BE IN SF AND THE OTHER IN SAN BRUNO. ANAYA DID NOT SPECIFY. -DB19

11/03/16 17:10 ** ADVISE AC19 WHEN ANAYA COMES TO REDEEM ** -DB19

M16-389997 04/28/2016 NOTE

04/28/16 22:12-SFPD CASE REPORT # 160-346-043 SFPD OFFICER CROSS #4324. DOG WAS LOCATED INSIDE A STOLEN VEHICLE. UNKNOWN R/O. SEVEN DAY POSS R/O HOLD. NO CHIP. ONLY BLACK HARNESS WITH LEAD. IN THE STRAY BIN.

4/29/16 VICTOR AVILA ID'D DOG AS "WHITEBOY" SAYS VET RECORDS ARE UNDER HIS GIRLFRIEND'S NAME (JESSICA). SAYS HE DOESN'T KNWO HOW DOG GOT OUT (HE LIVES IN RICHMOND). I ASKE NB TO TRASLATE WHAT HE NEEDS: PROOF HE LIVES O.O.CTY FOR LIC, PICS,VET RECS, \$81 FEE: RED \$31, VAX \$24, KP \$26. MINUS \$12 IF THEY HAVE PROOF OF CURRENT RABIES. NSB

1079 CHANCELOR AVE, RICHMOND CA 94801
(415) 424-0238

04/29/16 17:01-SGT. COLE FROM MISSION STATION INVESTIGATION REQUIRES THAT WHO EVER COMES INTO REDEEM THE DOG OBTAIN A PHOTO COPY OF THEIR DRIVERS LICENSE OR ID AND MOST CURRENT CONTACT INFO (PHONE NUMBER ADDRESS) IF NOT ON THEIR DL. HIS CONTACT NUMBER IS 415-558-5481. -AM24

4/29/16 5:10PM PER AM24, DOG WAS PICK UP OUT OF A STOLEN CAR. WHEN PERSON CLAIMING DOG COMES IN TO REDEEM GET COPY OF ID AND OR CURRENT INFO AS MENTIONED IN THE NOTE ABOVE. NUVIA

4/29/16 5:30PM NB ADVISED ME OF UPDATE.. FYI, I LISTED HIS CURRENT ADDR/PH# ABOVE, AND HE HAD A MEXICAN PASSPORT: #E14669974, DOB: 7/4/1985. I CREATED P#. NSB

4/30/2016 1:18pm RO IN TODAY HAD NO PROOF OF RABIES PAID TOTAL FEE FYI TOOK COPY OF PASSPORT AND BILL HE SHOWED. PUT COPY IN THE DISPATCH BOX DOWNSTAIRS. MW

11/03/16 15:26 PER SGT. HICKS THIS IS POSSIBLY ALSO "MISTER" A374312. DURING TODAY'S V/D HEARING FOR MISTER, JESSICA ANAYA INSISTED THAT "WHITE BOY" IS CURRENTLY IN CUSTODY AT ACC AND NOT MISTER. PER HEARING OFFICER, JOHN DENNY, ANAYA CAN REDEEM IF SHE CAN PROVIDE WRITTEN AUTHORIZATION FROM THE R/O'S OF BOTH DOGS ALLOWING HER TO REDEEM ON THEIR BEHALF. SHE WAS ALSO STRONGLY

M16-389997 04/28/2016 NOTE

ADVISED TO MICROCHIP BOTH DOGS (WITH AUTHORIZATION FROM THE OWNERS) UPON REDEMPTION. ANAYA STATED SHE WILL VISIT BOTH DIEGO DURAN AND VICTOR EK AVILA AT THEIR RESPECTIVE JAILS THIS WEEKEND. ONE IS SAID TO BE IN SF AND THE OTHER IN SAN BRUNO. ANAYA DID NOT SPECIFY -DB19

11/03/16 17:20 ** ADVISE AC19 WHEN ANAYA COMES TO REDEEM ** -DB19

11/08/16 10:11 I ADDED PICTURES TO A374312 BELIEVEING THAT I HAD THAT DOG. LOOKING AT THE PICTURE OF A386263 IT'S POSSIBLE THAT THE DOG ID'D AS A374312 IS ACTUALLY A386263. I CANNOT BE 100% SURE OF THE IDENTITY OF EITHER DOG BASED OFF THEIR ORIGINAL IMPOUND PICTURES. ES20

M16-398919 09/29/2016 INVESTIGAT ACO

11/08/16 ** READ M16-401204 ** DB19

09/29/16 11:51 CALLED THROUGH PD DISP REPORT OF A WHITE DOG ATTACKING A PERSON ON 19TH X FOLSOM INSIDE A LARGE BROWN TENT. WE THEN GOT A CALL FROM FIRE STATION 7 SAYING SOMEONE JUST CAME IN HAVING BEEN ATTACKED BY A DOG. MET WITH FIRE AND PD, DID NOT SPEAK TO THE VIC BUT FIRE SAID THEY HAD PRETTY SERIOUS BITE WOUNDS ON THEIR ARMS, BUTTOCKS AND BACK. VIC WAS IN AN AMBULANCE. WENT WITH PD TO MC AT THE TENT DESCRIBED. THE VIC TOLD PD HE WAS ATTACKED BY 2 DOGS, ONE WHT AND ONE BLK. THE R/O IN THE TENT HAD A WHT PIT BUT CLAIMED SHE HAD BEEN INSIDE THE TENT THE WHOLE TIME, SHE HAD HEARD SOMEONE SCREAM FOR HELP BUT DIDN'T KNOW ANYTHING ABOUT IT. WHEN I REALISED WHO THE R/O WAS I ASKED WHICH DOG THIS WAS. SHE JUST KEPT SAYING "IT'S MY FRIENDS DOG". I ASKED IF THIS WAS THE DOG WHO HAD A SEIZURE ORDER PLACED ON HIM, SHE THEN STARTED WALKING AWAY WITH THE DOG SCREAMING THAT WE WEREN'T GOING TO TAKE HER DOG AND WE KILLED ALL HER OTHER DOGS. PD, SP13 AND I FOLLOWED THE R/O AND WERE TRYING TO GET HER TO STOP. AT THAT POINT ANOTHER DARK BLUE PIT CAME RUNNING TOWARDS US. HE APPEARED MODERATELY AGGR. HIS FUR WAS UP AND HE WAS GROWLING. ERECT TAIL AND PUMPED UP MUSCULATURE. I YELLED AT SP13 TO CATCH THE DOG AS HE WAS HEADED IN HER DIRECTION, HE THEN DIVERTED AND CAME TOWARDS ME. HE WAS PUFFED UP AND HUFFING, HE CHECKED IN WITH R/O AND WHT PIT. BOTH DOGS LOOKED SCARED AND CONFUSED BUT LIKE THEY WOULD AGGRESSIVELY DEFEND THEMSELVES IF NECESSARY. I BABY TALKED THE BLUE PIT AND HE CAME OVER. I GOT HIM ON A COMEALONG BUT HE WAS STILL POSTURING AND TRYING TO APPROACH OTHER PEOPLE ON SCENE. THE WHT DOG WAS ALSO BECOMING AROUSED AND I WAS WORRIED ABOUT THE R/O'S ABILITY TO CONTROL HIM. I TOLD SP13 TO PUT THAT DOG ON A COMEAOLNG TOO. BOTH DOGS WERE THEN PLACED IN MY VAN. THE R/O DENIED KNOWING THE BLUE PIT BUT NO OTHER TENT NEARBY WAS OPEN AND NO OTHER HOMELESS PEOPLE WERE AROUND. THE BLUE PIT DEFINITELY APPEARED TO KNOW BOTH THE WHT PIT AND THE R/O. HOLD BOTH DOGS PENDING A VD HEARING AND NOTIFICATION OF SHICKS. R/O TOLD SP13 THIS DOG'S NAME IS 'WHITE BOY' BUT COMPARING FEATURES OF THIS DOG AND PRIOR PHOTO OF 'MISTER' (ESPECIALLY THE LIPS) I BELIEVE THEY'RE THE SAME. DO NOT REDEEM. PD TOOK PHOTOS OF THE DOGS TO SEE IF THE VIC COULD ID THEM. HARNESS AT FRONT COUNTER. NO VAX. ES20

10/11/16 14:03 R/O CALLED RE REDEEMING. PER VG14 R/O WILL HAVE TO COME DOWN AT 10AM ON 10/12 TO SIGN PAPERWORK. I LEFT A MSG FOR R/O STATING THAT INFO. ES20

M16-399699 10/13/2016 INVESTIGAT V/D

10/11/16 17:23 RECORDS FAXED TO SGT. HICKS AT HER REQUEST. -AC09

10/20/16 13:17 V/D HEARING CONTINUED. JESSICA ANAYA SHOWED UP BUT SGT. HICKS HAS NOT BEEN ABLE TO GET IN TOUCH WITH THE VICTIM. SGT. HICKS HAD LEFT JESSICA MESSAGES BUT JESSICA SAID SHE DID NOT RECEIVE THEM. HEARING TO BE HELD NEXT WEEK (HOPEFULLY). -AC09

11/02/16 10:43 V/D HEARING POSSIBLY BEING HELD ON 11/03/16 PER SGT. HICKS. PLEASE ADVISE R/O IS SHE CONTACTS ACC. -DB19

11/03/16 15:26 V/D HEARING HELD TODAY. PER SGT. HICKS THIS IS POSSIBLY ALSO "WHITE BOY" A386263. R/O INSISTED THAT WHITE BOY IS IN CUSTODY AND NOT MISTER. WHITE BOY'S R/O IS IN JAIL. SHE WILL VISIT HIM THIS WEEKEND. PER HEARING OFFICER JOHN DENNY - ANAYA MUST PROVIDE INFORMATION TO ACC REGARDING ACTUAL OWNER OF BOTH DOGS IN CUSTODY. ACC CAN RELEASE IF ANAYA CAN PROVIDE PROOF THAT SHE HAS AUTHORITY TO REDEEM. R/O STRONGLY ADVISED, AND AGREED TO, MICROCHIP THE DOG 'GREASY' AND "WHITE BOY" / 'MISTER". -DB19

11/08/16 10:11 I ADDED PICTURES TO A374312 BELIEVEING THAT I HAD THAT DOG. LOOKING AT THE PICTURE OF

Memos for Animal #A386263

M16-399699 10/13/2016 INVESTIGAT V/D
A386263 IT'S POSSIBLE THAT THE DOG ID'D AS A374312 IS ACTUALLY A386263. I CANNOT BE 100% SURE OF THE IDENTITY OF EITHER DOG BASED OFF THEIR ORIGINAL IMPOUND PICTURES. ES20

M16-400141 10/21/2016 BEHAVIOR
10/21/16 13:03 ADDED TO FETCH FOR KENNEL ENRICHMENT ONLY (OBS LIST). -ANL

M16-401204 11/08/2016 INVESTIGAT V/D
11/08/16 16:51 ** I RECEIVED THE STATEMENT OF DECISION FROM HEARING OFFICER JOHN DENNY. **
"WHITE BOY" NOT FOUND TO BE VICIOUS AND DANGEROUS. ACO HOLD REMOVED. -DB19

11/08/16 17:17 ***** THIS DOG WAS MISTANKENLY IDENTIFIED AS "MISTER" (A374312) UPON IMPOUND *****
ACCORDING TO JESSICA ANAYA - ACC OFFICERS IMPOUNDED WHITE BOY AND NOT MISTER ON 09/29/16. DOG
WAS HELD PENDING A V/D HEARING HELD ON 11/03/16 ALONG WITH "GREASY" A393532. AC20 TOOK PHOTOS
OF THIS DOG AND ENTERED THEM UNDER "MISTER'S" PROFILE SO ONLY THE ORIGINAL INTAKE PHOTO OF
MISTER IS ACCURATE. -DB19

11/08/16 17:27 SEE B16-008157. CORRECTED RECORDS TO SHOW "WHITE BOY" INVOLVED IN BITE AND NOT
"MISTER" (A374312). -DB19

11/09/16 16:08 JESSICA ANAYA CALLED TO SAY SHE HAS WRITTEN AUTHORIZATION TO REDEEM DOG ON R/O'S
BEHALF AND MICROCHIP UPON REDEMPTION. SHE WILL COME IN POSSIBLY TODAY OR 11/11/16. PLEASE
ADVISE AC19 WHEN SHE ARRIVES. -DB19

11/09/16 17:55 JESSICA CAME IN WITH HANDWRITTEN NOTES FROM R/O WHICH SAID THAT SHE HAS
AUTHORITY TO REDEEM AND MICROCHIP. OK TO RELEASE. -DB19

11/10/16 17:09 JESSICA CAME IN TO REDEEM W/O MONEY. SHE APPEARED TO BE UNDER THE INFLUENCE AND
WAS VERY ARGUMENTATIVE, INSISTING THAT, SINCE NO EVIDENCE WAS PROVIDED AT THE V/D HEARING
PROVING THE DOGS WERE INVOLVED IN A BITE SHE SHOULD NOT PAY FEES. THE CONVERSATION WENT IN
CIRCLES AS SHE SEEMED INCAPABLE OF UNDERSTANDING WHY THE DOGS WERE SEIZED IN THE FIRST
PLACE. I HAD ALREADY ASKED THAT FEES BE REDUCED DUE TO THE EXTENDED LENGTH OF STAY WHILE
WAITING FOR A HEARING. -DB19

M16-401336 11/10/2016 NOTE
11/10/16 13:35 JESSICA ANAYA CAME IN TODAY. SHE DOES NOT WANT TO PAY ANY FEES EXCEPT THE M/C.
FEES FOR WHITE BOY ARE AS FOLLOWS: RED. N/C. MICROCHIP \$11.00, 12 DAYS KEEP \$348.00 =. TOTAL IS
\$359.00 MS. ANAYA KEEPS SAYING THAT SHE WOULD NOT HAVE BROUGHT IN HER DOGS, IF SHE KNEW SHE
WOULD HAVE TO PAY. BUT THEN IN THE NEXT BIT, SHE SAYS SHE IS A GUARDIAN FOR THE DOGS AND NOT
THE OWNER. NMC

11/10/16 13:50 SPOKE TO JC ABOUT FEES. SHE REFERRED ME TO DB19. DB19 IS IN HEARS TODAY. ASKED MS.
ANAYA TO COME BACK AFTER 4:00PM TODAY. NMC

11/10/2016 4:54PM RO JESSICA IN TODAY PAGED DB19 SHE SAID THE DOGS ARE CLEAR TO BE REDEEMED BUT
THAT THE UNALTERED ONE WOULD STAY FOR SURGERY ADVISED RO OF THIS AND THAT THE TOTAL FEE FOR
BOTH DOGS QUOTED WAS \$742 ASKED HER HOW MUCH OF THIS SHE HAD SHE SAID NOTHING. SHE SAID SHE
DOES NOT GET ANY \$\$\$\$ UNTIL THE FIRST SHE THEN STARTED STATING THAT SHE DOES NOT FEEL SHE
SHOULD PAY THIS AS THE DOGS "WERE NOT GUILTY" ADVISED HER I CAN DEBATE WITH HER ON THIS. SHE
THEN SAID SHE WANTED TO SPEAK TO DB19 PERSONALLY. PAGED DB19 TO COME DOWN AND SPEAK TO THE
RO. MW

11/10/16 17:09 JESSICA CAME IN. SHE WOULD NOT SIGN THE S/N RELEASE. SAYS SHE HAS NO MONEY. DOES
NOT WANT TO PAY FEES STILL. S/N RELEASE RABIES CERT AND M/C INFORMATION IN THE OVAL OFFICE. SHE
REITERATED HER STORY FROM THIS MORNING, MULTIPLE TIMES. NMC

11/12/16, 1735 HRS, I SPOKE WITH JESSICA. SHE AGREED TO PUT \$100.00 DOWN TOWARDS A PAYMENT PLAN.
SHE IS TO PAY FULL REDEMPTION FEES ON WHITE BOY AND I WILL WORK IT OUT WITH HER ON GREASY ONCE
HE IS NEUTERED (OK TO WAIVE THE NEUTER CHARGE). RO AGREED TO MICROCHIP.

Memos for Animal #A386263

M16-401336 11/10/2016 NOTE
WHITE BOY IS OK TO BE REDEEMED BY RO ON SUNDAY, 11/13. JC

11/16/2016 5:40PM RO CALLED SAID SHE IS WORKING ON GETTING \$\$\$ WANTED TO STILL DISPUTE THE FEES.
SHE WILL STOP BY TMRW AND SPEAK TO JC. MW

11/17/2016 11:26AM RO IN TODAY TO TALK TO JC. MW

11/17/16, 1145 hrs, JESSICA CAME IN AND CHALLENGED THE FEES. I TOLD HER THE TOTAL IS 359.00 AND THAT
SHE AGREED TO PUT \$100.00 AND THE REST ON PAYMENT PLAN WITH ME ON THE PHONE ON 11/12/16. SHE
COULD FILE A CLAIM WITH THE CITY DISPUTING THE FEES. AFTER I SAID THERE WILL BE NO FEES FOR
GREASY, SHE AGREED TO THE PAYMENT PLAN. 359.00 - 100.00 = 259.00. JC

11/17/16 12:09 JESSICA IN TO P/U DOG. NMC

11/21/16 11:28 JESSICA SURRENDERED DOGS BECAUSE THE HOUSING THEY ARE GETTING DOES NOT ACCEPT
DOGS. KJ

11/22/16 NO OR/PTS SIGNED. MUST HOLD THRU HOLD PERIOD. -ANL

M16-401959 11/22/2016 NOTE
11/22/16 14:23 JESSICA O/S'D DOG THOUGH SHE IS NOT THE OWNER. AN ACO WILL ATTEMPT TO M/C WITH HER
AT HER RESIDENCE. I WAS UNABLE TO LOCATE R/O THROUGH SF INMATE FINDER. ACCORDING TO ANAYA -
THE OWNER IS CURRENTLY INCARCERATED ** DO NOT PTS AT THIS TIME - WE NEED TO SPEAK WITH R/O TO
CONFIRM O/S WAS AUTHORIZED ** -DB19

11/22/16 15:25 I WENT TO 19TH / FOLSOM TO TRY TO LOCATE ANAYA (LAST KNOWN PLACE OF ENCAMPMENT).
ANAYA WAS GONE BUT I M/C WITH A HISPANIC MALE WHO SAID HE WAS VICTOR'S COUSIN. I PROVIDED HIM MY
CARD AND ASKED HIM TO HAVE VICTOR CONTACT ME IMMEDIATELY. I WASN'T FULLY CONFIDENT THAT THE
MALE I WAS SPEAKING TO ACTUALLY KNEW VICTOR. NUVIA LEFT A VM FOR R/O TO CONTACT ME AT 9400.
-DB19

11/22/16 3:30PM PER DB19 LEFT MSG ON VM FOR VICTOR EK-AVILA (415-424-0238) TO CALL DISPATCH AND ASK
FOR DB RE HIS DOG WHITE BOY. NUVIA

11/23/16 17:54 JESSICA ANAYA CALLED. SHE HAS HAD A CHANGE OF HEART NOW THAT SHE HAS BEEN ABLE TO
MOVE INTO HOUSING. SHE WILL TRY TO CONTACT "WHITE BOY'S" OWNER VICTOR. IF SHE CAN REACH HIM TO
REDEEM WHITE BOY SHE WILL REDEEM GREASY. SHE DOESN'T THINK SHE CAN CONTACT GREASY'S OWNER
DIEGO DURAN. CONTINUE HOLD THROUGH 11/28/16. -DB19

11/26/16 09:48 CHANGED DUE OUT TO REFLECT UPDATE. -ANL

11/27/16 17:29 JESSICA ANAYA CAME TO ACC TO ASK ABOUT REDEEMING ON 11/28. I REMINDED HER THAT THE
DOGS WILL BE HELD UNTIL CLOSE OF BUSINESS. SHE SAID SHE WOULD RETURN AT 12:00 TO REDEEM. ** DO
NOT PTS ** -DB19

11/28/16 16:01 I CALLED ANAYA TO CONFIRM SHE IS REDEEMING. THE PERSON ANSWERING HER PHONE SAID
SHE IS ON HER WAY TO THE SHELTER. I ASKED THAT THEY COME BEFORE 5PM. -DB19

*****PLEASE DO NOT CHARGE ANY FEES, REDEEM NO PYMNT PLAN
EITHER*****ML

11/28/16 16:53 JESSICA PICKED UP. KJ

PERSON HISTORY for VICTOR EK AVILA - P311583

PERSON INFORMATION

P311583	07/04/85	(415) 424-0238
VICTOR EK AVILA		
1029 CHANSLOR AVE B		MEX PASSPORT
RICHMOND, CA 94801		E14669974

TAG INFORMATION

<u>ANIMAL ID</u>	<u>NAME</u>	<u>TAG NO</u>	<u>TYPE</u>	<u>TAG EXP</u>
A386263	WHITE BOY	U16-201734	LINK	04/30/16
A386263	WHITE BOY	981020019549818	MICROCHIP	11/10/16

KENNEL OWNER

<u>KENNEL NO</u>	<u>ANIMAL ID</u>	<u>INTAKE TYPE</u>	<u>INTAKE DATE</u>	<u>OUTCOME TYPE</u>	<u>OUTCOME DATE</u>
106 STRAY	A386263	STRAY	04/28/2016	REDEEMED-1	04/30/2016

BITE OWNER

<u>Bite #</u>	<u>Bite Date</u>	<u>Type</u>	<u>Status</u>	<u>Activity #</u>
B16-008157	09/29/2016 00:00	NOTP NOLSH		A16-259495-1

Animal: A386263 (WHITE BOY) - 2 YEARS, N, WHITE PIT BULL

Victim: P317097 - JACOB ARRIETA - UNKNOWN, SAN FRANCISCO CA

NARRATIVE

On 09/29/2016 at approximately 0728 hours, Officer Gonzales #4272 and I were dispatched to the area of 19th Street and Treat Avenue for a report of a fight. Dispatch broadcasted that the reporting party advised that a male and female subject were yelling near a homeless encampment on 19th Street between Treat Avenue and Folsom Street.

Upon arrival, Officer Gonzales and I activated our (BWC1) Body Worn Cameras. 3D16A, Officer Gassen #59 and Officer Ramirez #893 also responded and activated their Body Worn Cameras.

In the area of 19th Street and Folsom Street, in front of San Francisco Fire Station 7, I observed a male subject, identified as (R/V1) Jacob Arrieta, laying down on the ground. Arrieta was being tended to by SFFD Medics who stated that he had suffered injuries from multiple dog bites.

Medic #71 responded to the scene to assess Arrieta's injuries. I accompanied Arrieta inside the ambulance and conducted an interview. I observed that Arrieta had multiple cuts and abrasions on his left arm, his back, and his left hip area.

Arrieta was in pain and difficult to communicate with. I obtained the following details from his statements, in summary.

Arrieta stated that he was walking westbound on 19th Street towards Folsom Street on the north sidewalk. Arrieta stated that as he passed a group of tents, he was attacked by two large Pitbull dogs. Arrieta stated that there was a black colored Pitbull and a White colored Pitbull. Arrieta stated that he did not know who the dogs belonged and was not familiar with any of the residents living in the homeless encampment.

I took photos of Arrieta's injuries. I issued Arrieta a follow-up form with assigned case number, a victim of crimes form, and a Marsy's card. Medic #71 transported Arrieta to Kaiser Hospital in South San Francisco where he was treated by Doctor Addour.

Officer Gonzales, Officer Gassen, Officer Ramirez, and I searched the area near the aforementioned homeless encampment for the dogs who were responsible for Arrieta's injuries. Sadler #20 and Pone #13 of Animal Care and Control also responded to the scene. A white Pitbull, (S1) "White Boy," was located inside a large brown tent. The white Pitbull belonged to (D1) Jessica Anaya. The Pitbull was seized by the ACC officers and secured in a crate. There was an additional stray dark colored Pitbull, (S2) Unknown, which was also seized by the ACC officers and secured in a crate.

It was inconclusive to whether these two Pitbulls were responsible for Arrieta's injuries, therefore no citations were issued on scene. There did not appear to be blood or other physical evidence on the mouth of either Pitbull.

I took photos of both Pitbulls. I issued Anaya a (E2) Certificate of Release (849b) Form.

No other dogs matching Arrieta's description were located in the area. ACC took custody of the Pitbulls.

I identified a potential surveillance camera mounted at 600 Treat Avenue that may have captured this incident.

Officer Gonzales transferred all above listed photos to a (E1) Compact Disc and attached copies to this report.

Officer Gonzales completed a (E3) Animal Bite Report Form.

Officer Gonzales booked the CD, a copy of the 849b form, and the Animal Bite Form into evidence at Mission Station.

I faxed a copy of this report to ACC and Sergeant Hicks #2227 of the Vicious and Dangerous Dog Unit.

Supplement K



December 22 2016

Victor EK Avila
[REDACTED] Chanslor Ave B
Richmond, CA94801

CC: Homeowner: Anna Anaya, [REDACTED] Mokelumne Dr, Antioch

RE: Declaration of Vicious Animal

- Victor Ek Avila - P071837
- "White Boy" – Pit Bull Mix w/black spots - A122670

Dear: Victor Ek Avila

Your dog, "White Boy" has been found to be in violation of Antioch Municipal Code § 6-1.801 (B)(2) *Vicious Animal* based on an incident that occurred on December 18th, 2016.

(B)(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal

Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a "*Vicious Animal*" under Article 8 of Chapter 1 of Title 6 of the Antioch Municipal Code and Article 2 of Chapter 9 of the California Food and Agricultural Code.

You have three mutually-exclusive options now that your dog has been declared a "*Vicious Animal*," which are described in more detail on the following pages:

1. By **4:30 p.m. on January 4th, 2017**, surrender the dog to Antioch Animal Services; or
2. By **4:30 p.m. on January 4th, 2017** sign the "*Vicious Animal Declaration: Terms and Conditions Agreement*," pay the outstanding fees, and comply with all of the terms and conditions in order for the dog to be returned to you. A copy of this agreement has been enclosed; or

3. By **4:30 p.m. on January 4th, 2017**, file all papers and pay fees to appeal the determination that your dog is a vicious animal. The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

Option 1 -- Surrender your dog

To surrender your dog to be humanely euthanized, please come to Antioch Animal Services and pay the applicable fees and sign the appropriate paperwork.

If you take no actions by **4:30 p.m. on January 4th, 2017**, then your dog will be deemed to have been surrendered and will be euthanized. You will be billed for any applicable outstanding fees and costs.

Option 2 -- Sign the Vicious Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog, you may sign the Vicious Animal Declaration, comply with the Terms and Conditions, and pay the fees. The Terms and Conditions are enclosed. Once you come to Animal Control Services to sign the Declaration and Terms and Conditions, an appointment will be made to inspect your home to ensure that you have complied with the Terms and Conditions before your dog is released.

To date the fees for your dog are **\$852.00** and board increases by \$25.00 per day starting on December 28th, 2016:

Receipt No	Date	ReferenceNo
	12/22/16	
Person ID	VICTOR EK AVILA 4240236 1029 CHANSLOR AV RICHMOND 94801	
Received From	Jurisdiction	Extra1 Extra2
VICTOR EK AVILA		
Comment		

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Extra3	Extra4	Item Price
1		A122670						

JE/Rfnd	Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Price	Subtotal	ItemName
	01	IMP PDA/VA	A122670	WHITE BOY		ADMIN	154.00	154.00	IMP PDA/VA
	01	IMP AFT HRS	A122670			ADMIN	28.00	28.00	IMPOUND AFTER HRS
	01	QUAR/DOG	A122670			KENNEL	260.00	260.00	QUAR/DOG
	01	PDA/VA FEE	A122670			ADMIN	410.00	410.00	PDA/VA DANGEROUS FEE

Total Due	Cash	Check	Credit	Tendered	Card No	Exp	Auth	Trans	Change	Balance
852.00				0.00					0.00	852.00

The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on January 4th, 2017: sign the Agreement: fulfill all Terms and Conditions; and pay \$852.00 plus boarding costs of \$25 per day to the date of redeeming the dog.

Choosing this option means that you waive any right to appeal the determination that the dog has been declared vicious.

Option 3 -- Appeal the Vicious Dog Determination

If you wish to appeal the determination that the dog is a "Vicious Animal," then you must file a written request and pay those fees listed above totaling \$852, which includes a \$410 Dangerous Animal Investigation Fee, to the City Clerk's Office no later than **January 4th, 2017 by 4:30 p.m.** in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. **If both the written appeal request and fees are not received by January 4th, 2017, 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.**

Boarding fees for the dog will still be due with the amount depending on the final action of the Board of Administrative Appeals. Boarding fees will be charged from the date of determination through to the hearing if the Board of Administrative Appeals denies your appeal.

The \$410 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office **by 4:30 p.m. on January 4th, 2017.**

Should you have any questions concerning this matter, please feel free to contact Antioch Animal Services at (925) 779-6989. Animal Services is open to the public Tuesday through Thursday 10 a.m. to 5 p.m. and Saturday from 10 a.m. to 5:00 p.m.

Please check the City's website:

<http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm#> or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

A handwritten signature in blue ink that reads "M. Helgemo".

Monika Helgemo, Supervisor
Antioch Police Department
Animal Services Division
300 L Street
Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions
Hardship Waiver Application



Supplement L



City of Antioch
Decision Appeal Application

RECEIVED

JAN 04 2017

CITY OF ANTIOCH
CITY CLERK

CITY OF ANTIOCH
ATTN: CITY CLERK
P.O. BOX 5007
ANTIOCH, CA 94531-5007
(925) 779-7009

Date of Decision: December 22, 2016

Name: Victor Avila / Jessica Anaya

Property Address: 2036 Mokelumne Dr. Antioch CA

Mailing Address: 2036 Mokelumne Dr. Antioch CA

Home Phone: (415) 368-3544

Work Phone:

REASON FOR APPEAL

I feel the decision was wrongfully made

Signature: Victor EK Avila

Date: 1-4-17

CITY OF ANTIOCH
CSR'S PAY SHEET

DATE 1-4-17

NAME JESSICA ANAYA / Victor Avila

TRAN	ACCOUNT CODE	DESCRIPTION	AMOUNT
118	100-1250-41130	BUSINESS LICENSES	
120	100-1250-41140	BUSINESS LIC PENALTY	
122	100-1250-41150	BUSINESS LICENSE APP FEE	
124	100-1250-41160	CONTRACTORS BUS LIC	
132	100-1250-46010	OTHER SERVICE CHGS/COPIES	
134	100-1250-46400	ADMINISTRATION FEE	
136	100-1250-47010	MISCELLANEOUS REVENUE	
137	100-1250-47010	RETURNED CHECK CHARGE	
160	100-5150-42060	RESIDENTIAL PARKING PERMIT	
252	218-4310-46140	SENIOR BUS FARES	
602	611-1230-47010	WATER RECOVERY/CHARGE OFFS	
604	611-2310-46830	PENALTIES/ADMIN FEE	<u>\$642.⁰⁰</u>
610	611-2310-47010	OTHER WATER CHARGES	

WELLS FARGO BANK

ANTIOCH 1715 A ST. ANTIOCH, CA 94509

DATE 01/04/2017

5001

11-4288/1210

PAY TO THE ORDER OF

City of Antioch

\$ 642 -

six hundred forty two dollars & 00/100

DOLLARS

JESSICA Y ANAYA
PLYMOUTH AVE
SAN FRANCISCO CA 94112-2313

[Signature]

900	100-3110-46315	ALARM PERMIT FEE (NO AR INVOICE)	
900		OTHER	
900		OTHER	

A/R INVOICES ARE ENTERED DIRECTLY TO BI-TECH

TOTAL

PREPARED BY

[Signature]

NOT VALID UNLESS VALIDATED

H:\DATA\WORD\CSR PAY TICKET FORM

\$642.⁰⁰



December 22 2016

Victor EK Avila
[REDACTED] Chanslor Ave B
Richmond, CA 94801

CC: Homeowner: Anna Anaya, [REDACTED] Mokelumne Dr, Antioch

RE: Declaration of Vicious Animal

- Victor Ek Avila - P071837
- "White Boy" – Pit Bull Mix w/black spots - A122670

Dear: Victor Ek Avila

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(B)(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal

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To date the fees for your dog are \$852.00 and board increases by \$25.00 per day starting on December 28th, 2016:

[illegible]

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Please check the City's website:

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Respectfully,



Monika Helgemo, Supervisor
Antioch Police Department
Animal Services Division
300 L Street
Antioch, CA 94509

Enc.: Dangerous Animal Declaration Terms and Conditions
Hardship Waiver Application

Supplement M

















Supplement N

SEIZURE ORDER

October 29, 2015

A/C: Sgt. E. Sadler #20
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

RE: SFPD Incident # 150945677

Dear Sgt. Sadler,

On Thursday, October 29, 2015, a dog bite incident occurred involving at least 4 dogs described as pit bulls in an unprovoked attack against a Human and his small dog. All dogs were 'packing' up in a manner consistent with the definition of the SF Health as vicious and dangerous. (As defined by Article 1, Section 42(a) of the San Francisco Health Code) The attack resulted in injuries to both the Victim's dog and the Victim's hand. The bite to the Victim did puncture the skin resulting in a bleeding wound.

Due to the Registered Owner, Ms. Jessica Anaya, being unable to properly and safely contain her dogs by allowing the dogs to 'escape' from the van she utilizes as a dog living quarters, they were off leash and able to attack the Victim and his dog.

SF ACO's were able to secure and seize 3 dogs at the scene; however, a fourth dog known as "Mister" A#374312 a N male (White) was not at the scene and Ms. Anaya told the responding Police Officer that she didn't know where he was. This dog was a part of the "attacking pack" and to protect public safety I order that dog "Mister" be **SEIZED** immediately by the Department of Animal Care and Control and held pending a Vicious and Dangerous Dog Hearing along with the other dog's seized today.

I believe that this order, once executed, will protect the health, safety and welfare of the community.

Sergeant Sherry Hicks #2227
SFPD Vicious and Dangerous Dog Unit
Mission Police Station