



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

SPECIAL MEETING

**Council Chambers
200 "H" Street**

**FEBRUARY 20, 2014
3:00 P.M.**

3:00 P.M. ROLL CALL: Diana Busenbarrick, Chairperson
Deborah Simpson, Vice Chairperson
Andrew Schleder
Mike Schneider

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR MAY 2, 2013 AND SEPTEMBER 26, 2013

Recommended Action: Motion to approve the minutes

MINUTES

MINUTES

B. APPROVAL OF SPECIAL MEETING/WORKSHOP MINUTES – COUNCIL/COMMISSIONS/BOARDS FOR SEPTEMBER 9, 2013

Recommended Action: Motion to approve the minutes

MINUTES

2. APPEALS

A. CITATION NO. 32555 – Appeal of Administrative Citation issued regarding Unlicensed Dog [§6-1.20(B)], No Rabies Proof [§6-1.12.2], No Dog Fancier's (Kennel) Permit [§6-1.24.1] (x5 dogs) for Katrina Moore, 2844 Hayes Way, Antioch, CA

STAFF REPORT

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

WRITTEN/ORAL COMMUNICATIONS

ADJOURNMENT

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

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. Agenda and related writings provided to members are available for viewing by the public during normal office hours at the City Clerk's Office, located on the 3RD Floor of City Hall, 200 H Street, Antioch, CA 94509.

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 p.m.**

**May 2, 2013
Council Chambers**

Chairperson Busenbarrick called the meeting to order at 3:00 P.M. on Thursday, May 2, 2013 in the Council Chambers.

ROLL CALL:

Present: Chairperson Schneider, Simpson, Jennings, Chairperson Busenbarrick
Absent: Board Members Schleder

Staff Present: City Attorney, Lynn Tracy Nerland
City Clerk, Arne Simonsen
Animal Control Officer, Gabrielle Johnson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

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

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR APRIL 11, 2013

On motion by Board Member Schneider, seconded by Board Member Simpson, the Board of Administrative Appeals approved the Minutes of April 11, 2013. The motion carried the following vote:

Ayes: Board Member Simpson, Schneider, Jennings and Chairperson Busenbarrick
Absent: Board Member Schleder

City Attorney Nerland explained the manner in which the proceedings would be conducted and reviewed the options available for the Appeals Board.

2. APPEALS

A. CITATION NO. 31821 – Appeal of Administrative Citation issued regarding Excessive Barking Dogs for Alejandro Lopez, 2905 Cashew Street, Antioch, CA [§6-1.18]

Animal Control Officer Johnson presented the staff report dated May 2, 2013 recommending the Board of Administrative Appeals uphold the Administrative Citation No. 31821 for the Violations of Antioch Municipal Code § 6-1.18 ***Excessive Barking*** on March 15, 2013.

In response to the Board, Animal Control Officer Johnson stated she could not determine why the dog was barking. She was able to confirm the dog was barking excessively from 8:00 P.M. – 8:26 P.M.

APPELLANT

Alejandro Lopez reported that he left his property at 7:11 P.M. and returned home at 8:30 P.M. on March 15, 2013. He stated upon his return, he found the citation and witnessed the reporting party agitating his dog by scraping and sweeping along the fence. He noted when he asked the neighbor why he was agitating his dogs, he was told to get rid of them or the City would be suing for nuisance. He commented that he reported the incident to the Antioch Police Department. He provided photos of the property and a petition of signatures from neighbors indicating they did not have a problem with his animals.

In response to the Board, Mr. Lopez reported Animal Control and Antioch Police Department had been called to his property fourteen (14) times and only three (3) calls were founded. He clarified that immediately following this incident, he called and left a message with the Animal Control Department and contacted the Antioch Police to report his neighbor, for agitating his dog. He reported that he had purchased anti-barking devices and since the incident on March 15, 2013, there had been no additional complaints. He stated he felt one (1) reporting party making fourteen (14) complaints was not excessive. He also noted that he had contacted Animal Control when they had left their contact information at his residence and he was aware that Animal Control had deemed some of the complaints as non-excessive barking.

Jeanette Lopez stated that they had always responded to calls from Animal Services. She reported they had purchased anti-bark collars; however, they were not effective when their dogs were antagonized. She noted at times, reports of her dogs barking, were dogs that actually belonged to other neighbors. She reported she had moved the birds to the front of the house and put the dogs inside at night to address the reporting party's complaints. She added that none of her other neighbors had complained.

Clara Wilson, Antioch resident, stated she was a neighbor of the appellant and reporting party. She reported that there had been several incidences with the reporting party in the neighborhood and she felt these complaints were personal attacks. She noted the dogs were not a problem in their neighborhood and their barking was not excessive.

City Clerk Simonsen, for the record, reported the City Clerk's office received a voicemail message on April 30, 2013 from Mr. Yount indicating he would not be able to attend this meeting. He noted he had returned the call and left a voicemail for Mr. Yount indicating he could provide written comments prior to the meeting and nothing had been received.

REBUTTAL

Animal Control Officer Johnson clarified there were fourteen (14) calls for service, eleven (11) were specifically related to barking and the others were neighbor disputes. She noted seven (7) complaints were founded and four (4) were cited. She further noted no one was home at the time the three (3) administrative citations were issued and they were given at night, at approximately the same time. She clarified that at the time she issued the third citation, she did not witness any banging on the fence and she left the residence at 8:32 P.M. She reported there were five (5) citations total and one was taken away following meetings with the appellant and reporting party. She noted there was an audio recording submitted of the birds and dogs, however, they did not issue a citation since those incidences could not be confirmed.

In response to Board Member Schneider, Animal Control Officer Johnson stated she educated both parties and made suggestions to resolve the issues. She indicated that she had witnessed excessive barking and neighbors confirmed that the dogs barked. She reported both parties had led to the fact that there may be a personal issue between them; however, she believed the reporting party just wanted the barking issue resolved. She stated with regards to Mr. Lopez, there was a feeling that he felt there was no problem to resolve. She clarified that Animal Control had not received any complaints since the March 15, 2013 citation and Mr. Yount was the main reporting party.

Board Member Schneider stated he felt the Board should consider the lack of testimony today from the reporting party responsible for the complaints.

Board Member Jennings expressed concern that all the complaints were from the same reporting party and he felt there should be mediation between the parties involved.

Board Member Simpson stated Animal Control had heard barking in the neighborhood and when they witnessed the appellant's dog barking it was occurring at the same time of night. She stated she believed something had occurred to cause the dogs to bark and she did not feel the barking was excessive.

Chairperson Busenbarrick expressed concern there was only one reporting party on all the citations.

Board Member Jennings added that he did not believe the issue was just a barking dog concern and he recognized that the appellant had obtained anti-barking devices.

Board Member Schneider acknowledged that there had been no further incidences since the last citation.

A motion was made by Board Member Schneider, seconded by Board Member Simpson, recommending the citation be dismissed based on the following: 1) Lack of knowledge of the motivating factors for the barking, and 2) Extensive circumstances.

City Attorney Nerland explained that intent and motivation were not provisions in the code and cautioned the Board regarding setting a precedent for other cases.

The motion was withdrawn by the maker of the motion and second.

A motion was made by Board Member Schneider and seconded by Board Member Jennings to recommend the citation be dismissed based on the following: 1) The evidence and testimony, and 2) The fact that the barking had not disturbed the entire neighborhood.

City Attorney Nerland clarified the language from the municipal code states, "No person shall allow any dog which he owns, keeps, harbors or controls within the City to bark or howl with such frequency or in such manner as to disturb the peace of the immediate neighborhood".

The motion was withdrawn by the maker of the motion and second.

A motion by Board Member Schneider, seconded by Board Member Simpson, the Board of Administrative Appeals recommended the City dismiss the citation based on the testimony given with regards to the lack of frequency of the dog barking in such a manner to disturb the immediate neighborhood.

Chairperson Busenbarrick announced the appeal was upheld and the citation was denied.

PUBLIC COMMENTS

Alejandro Lopez reported that he had offered arbitration with Mr. Yount; however, he refused both attempts. He announced there would not be another citation for his property.

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

Chairperson Busenbarrick adjourned the Administrative Board of Appeals meeting at 3:54 p.m. to the next regularly scheduled meeting on June 6, 2013.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting
3:00 p.m.**

**September 26, 2013
Council Chambers**

Chairperson Busenbarrick called the meeting to order at 3:04 P.M. on Thursday, September 26, 2013 in the Council Chambers.

ROLL CALL:

Present: Chairperson Busenbarrick, Board Members Schneider and Simpson
Absent: Board Members Schleder and Jennings

Staff Present: City Attorney, Lynn Tracy Nerland
City Clerk, Arne Simonsen
Minutes Clerk, Kitty Eiden
Supervisor of Animal Services, Monika Helgemo

PLEDGE OF ALLEGIANCE

Chairperson Busenbarrick led the Board and audience in the Pledge of Allegiance.

1. CONSENT CALENDAR

**A. Approval of Minutes for May 2, 2013 and September 9, 2013
Council/Commissions/Boards Special Meeting/Workshop)**

On motion by Board Member Schneider, seconded by Board Member Simpson, the Board of Administrative Appeals unanimously continued the Approval of Minutes for May 2, 2013 and September 9, 2013.

City Attorney Nerland welcomed everyone to the meeting, explained the manner in which the hearing would be conducted, and reviewed the options available for the Appeals Board.

2. APPEALS

A. Oath for all intending to testify on an appeal

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

B. Appeal filed by Roderick De La Cruz and Courtney De La Cruz, 2051 Reseda Way, Antioch, CA 94509 to overturn the "Vicious Dog" determination by Antioch Animal Control Services for two (2) dogs: "Jewels" (A108965) and "Duke" (A108984) (Animal Services Case #A13-000024)

Supervisor of Animal Services Helgemo presented the staff report dated September 18, 2013 recommending the Board of Administrative Appeals deny the appeal and uphold the Vicious Animal Declaration of August 22, 2013 and that both "**Jewels**" and "**Duke**" not be returned to the Dog Owners, but be humanly euthanized instead.

In response to the Board, Supervisor Helgemo explained that there was a previous incident with the dogs, which was described as a mutual combat and the bite that resulted was not verified or reported until after this incident occurred. She reported that during her investigation, Mr. De La Cruz indicated Jewels could be aggressive. She noted no photos had been taken of the dogs by Animal Control due to their aggressive behavior.

APPELLANT

Mr. and Mrs. De La Cruz differed their speaking time to their Attorney, Mr. Mark McLaughlin.

City Attorney Nerland reported the appellant had submitted four documents that had been provided to the City Clerk and Board. Copies of the documents were made available in Council Chambers.

Attorney Mark McLaughlin, speaking on behalf of Mr. and Mrs. De La Cruz, stated Antioch Animal Services' decision to deem "Jewels" and "Duke" vicious, was based upon incomplete, conflicting, and misleading information. He noted they do not dispute "Jewels" bit the neighbor victim child; however, the declaration from the dog owner's other child indicated that "Jewels" was provoked. He further noted that first responders took possession of "Jewels" immediately however "Duke" was not taken until three (3) days later, after the mother of the neighbor victim child, claimed both dogs were involved in the attack. He questioned where the information had come from since the neighbor victim child indicated he had not remembered many details of the incident. He stated Animal Services Supervisor Helgemo interviewed the neighbor victim child while he was still in the hospital and she had asked leading questions therefore information ascertained would most likely be unreliable evidence. He commented that his clients would like to save both dogs, however, due to the nature of the injuries if they feel provocation was not sufficient to render "Jewels" not vicious, then the Board could find "Jewels" should be euthanized. With regards to "Duke", he stated the declaration from the dog owners other child and the lack of physical evidence indicated he was not involved in the incident and by a preponderance of the evidence, the Board could decide he should not be deemed vicious and euthanized.

In response to Chairperson Businbarrick, Mr. McLaughlin stated no pictures were taken of "Duke" after the attack because Animal Services did not think he was involved until the mother contacted them a few days later.

Board Member Schneider commented that when the neighbor victim child was interviewed at the hospital; he had provided a cognitive response and had not appeared to be confused.

In response to Board Member Schneider, Mr. McLaughlin felt Animal Services lacked the expertise to consider scientific evidence related to the bite marks. He commented that the eleven (11) year old witness, who was not attacked, recollection of the events, was more reliable. He stated there was no evidence to support a previous incident regarding the dogs and questioned if that information was said in an attempt to recover money from his clients or their insurance company.

PROPONANTS

Judith Roberts, Antioch resident, submitted information to the Board and stated due to past experience, she did not believe the De La Cruz's son was a credible witness. She reported there was a history of the dog owners not properly supervising their animals and they had made statements indicating "Jewels" was over-protective and a threat to her child.

Robert Walton, Antioch resident, reported he had previously owned a pitbull and he supported euthanizing violent dogs.

Melody Ralls, neighbor victim child's Mother, presented the Board of Appeals with a blue folder that included a text message, trauma admission history and physical report, and graphic injury photos of neighbor victim child. She stated her son would not lie and his statements were consistent. She cautioned that if the owners regained possession of their dogs, the next victim may not be a survivor.

REBUTTAL

Animal Services Supervisor Helgemo clarified the following:

- There was no physical evidence on either dog
- Regarding a statement indicating the neighbor victim child had broken his hand, when she questioned how the dog owner's child knew that information, he stated he "heard it"
- First statements made to Antioch Police Officer Tinajero indicated the dogs were not provoked to attack
- The dogs were too aggressive to measure their mouths however pictures indicated the bite marks were two different sizes and there were too many for the attack to be made by one dog

Speaking to an email dated August 22, 2013 from Courtney De La Cruz, Animal Services Supervisor Helgemo clarified they had indicated their statement was changing due to a re-enactment of the incident with the dog owner's children and she noted when the dog owner's children gave verbal statements, their story was inconsistent.

In response to Chairperson Busenbarrick, Animal Services Supervisor Helgemo stated the neighbor victim child was near the top of the stairs when "Jewels" grabbed his arm and when

he yelled, both dogs attacked. She noted when the dog owner's victim child attempted to grab "Jewels", she ("Jewels") redirected and then had bitten him. When Mr. and Mrs. De La Cruz arrived at the scene, the neighbor victim child was laying with his head at the bottom of the stairs.

In response to Board Member Schneider, Animal Services Supervisor Helgemo indicated the behavior with the male/female pack mentality was consistent.

City Attorney Nerland clarified that it would take a majority of Board Members, two (2) out of three (3), to determine the preponderance of evidence that there was probable cause to determine the dogs were vicious and should be euthanized.

Board Members Schneider and Simpson agreed that there were numerous inconsistencies in statements from the De La Cruz family and there was sufficient evidence to support both dogs were not provoked to attack the victim and should be deemed vicious and euthanized.

On motion by Board Member Schneider, seconded by Board Member Simpson, the Board of Administrative Appeals unanimously, denied the appeal and upheld the Vicious Animal Declaration of August 22, 2013 and that both "Jewels" and "Duke" not be returned to the Dog Owners , but be humanly euthanized instead.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

Chairperson Busenbarrick adjourned the Administrative Board of Appeals meeting at 4:03 p.m. to the next regularly scheduled meeting.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**CITY COUNCIL
BOARD OF ADMINISTRATIVE APPEALS
ECONOMIC DEVELOPMENT COMMISSION
PARKS AND RECREATION COMMISSION
PLANNING COMMISSION
POLICE CRIME PREVENTION COMMISSION**

SPECIAL MEETING/WORKSHOP

**Special Meeting
6:30 p.m.**

**September 9, 2013
Antioch Police Department
Community Room
300 L Street**

On September 9, 2013, the workshop was called to order by Mayor Harper at 6:44 p.m. City Council members present were Mayor Harper, Mayor Pro Tem Rocha, Council member Tiscareno and Council member Wilson. Council member Agopian had an excused absence.

Staff present:

Alan Barton, IS Director
Mike Bechtholdt, Deputy Public Works Director
Ron Bernal, Public Works Director/City Engineer
Allan Cantando, Chief of Police
Michelle Fitzer, Human Resources/Economic Development Director
Jim Jakel, City Manager
Dawn Merchant, Finance Director
Lynn Tracy Nerland, City Attorney
Tina Wehrmeister, Community Development Director
Consultant Stacey McLaughlin of Mountaintop Insight facilitated the workshop.

Public Comment:

Karl Dietzel stated that the Council should start spending tax money on public safety and not these “fun get-togethers.”

1. Preparation for Workshop

Stacey McLaughlin provided the Council and staff with an introduction to the process of the “Community Café.” She explained that this process has been used for information gathering in several different settings. The purpose this evening is to gather community input on the future of Antioch. Ms. McLaughlin explained the role of the table hosts and discussed with Council the role that they would take at this initial meeting. It was decided that the Council would observe the table activities for this meeting.

2. Strategic Planning Process for Community Workshops

At 7:27 pm Mayor Harper welcomed the Board/Commission members and the public in attendance to the first Antioch Community Café. Stacey McLaughlin was introduced.

Roll Call:

City Council Present: Mayor Harper, Mayor Pro Tem Rocha, Council member Tiscareno and Council member Wilson. Council member Agopian had an excused absence.

Board of Administrative Appeals Members Present: Vice Chair Deborah Simpson.

Economic Development Commissioners Present: Vice Chair Keith Archuleta, Richard Asadoorian, Peter Donisanu, Rhoda Parhams, Martha Parsons, and Lamar Thorpe.

Parks and Recreation Commissioners Present: Chair Roy Immekus, Gene Davis, Rodney McClelland, and Brent Thibeaux.

Planning Commissioners Present: Chair Virginia Sanderson, Greg Baatrup, Krystal Hinojosa, Kerry Motts, and Thomas Westerman.

Police Crime Prevention Commissioners Present: Vice Chair Lovece Headd, Richard Augusta, William Cook, Gregory Hayes, and Hansel Ho.

Each of the Boards/Commissions introduced themselves and had a spokesperson share what the Board/Commission's function is.

Stacey McLaughlin provided an overview of the process for all of the participants. The Café began and participants worked on contributing thoughts/suggestions/ideas on the two questions posed.

Feedback of the process was provided as follows:

Positive

- Engaging/forward thinking
- Non-traditional – very well done
- Opportunity to hear and be heard
- Not just about crime – a healthy discussion about things other than crime

Improvements

- Distill questions for future cafes to 5 words
- Language issues? Spanish/Filipino/Chinese

The workshop with the Board/Commission members was adjourned at 9:47 pm.

The Council and staff stayed to debrief the process with Ms. McLaughlin. The meeting was fully adjourned at 10:20 pm.

1 CITY OF ANTIOCH
Third and "H" Streets
2 P.O. Box 5007
Antioch, CA 94531-5007
3 925-779-7015; FAX 925-779-7003
4
5

6 ADMINISTRATIVE CITATION APPEAL HEARING
7 ANTIOCH MUNICIPAL CODES: § 6-1.20(b), 6-1.12.2, AND 6-1.24.1
8

9 In re the Matter of:

10 KATRINA MOORE [APPELLANT]
11
12

Uphold Administrative Citation for violation of
Municipal Codes § 6-1.20(b), 6-1.12.2, and 6-1.24.1

DECISION OF BOARD OF ADMINSTRATIVE
APPEALS

13
14 I. GENERAL FINDINGS:

- 15 1. Administrative Citation for violation of Antioch Municipal Codes: §6-1.20(b), 6-1.12.2, and 6-
16 1.24.1. At all relevant times Appellant was the sole owner of dog and/or the responsible party.
17 2. Appellant appealed the Administrative Citation for Municipal Codes § 6-1.20(b), 6-1.12.2, and 6-
18 1.24.1, which are the only items at issue for today's hearing.
19 3. An Administrative Appeals Board Hearing regarding the Appellant's appeal of the
20 Administrative Citation was set for February 20, 2014, and the Appellant was duly notified by
the City Clerk.

21 II. SPECIFIC FINDINGS:

22 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Administrative
23 Citation was duly held on February 20, 2014, at 3PM. Evidence, both oral and documentary, was
24 taken and based on the preponderance of said evidence; the following specific findings are made:

- 25 1. On November 21, 2013: Antioch Animal Services responds to a call for service regarding a
welfare check of multiple dogs on property. Contact is made with dog owner Katrina Moore. A
26 Notice to Correct is left for violations §6-1.20(b), 6-1.12.2, 6-1.24.1. Dog Owner is given ten
days to correct.
27
28 2. On November 27, 2013: Dog Owner Katrina Moore requests an extension on the Notice to
Correct. The extension is granted and the Dog Owner is given an additional three weeks to
correct violations.

- 1 3. On December 28, 2013: Upon follow up, it is found Dog Owner Katrina Moore failed to correct
2 violations and is issued an Administrative Citation for Antioch Municipal Codes §6-1.20(b), 6-
3 1.12.2, 6-1.24.1.
- 4 4. On January 08, 2014: Dog Owner Katina Moore contacts Antioch Animal Services after
5 receiving the Administrative Citation and advises she no longer has the dogs on the property,
6 only one female dog and a new litter of puppies. Ms. Moore advises she gave the dogs away on
7 the street. Antioch Animal Services advises Moore she needs to provide proof of where the
8 dogs have gone to have the dogs removed from her account, as well as license the female dog
9 still on property.
- 10 5. On January 09, 2014 Dog owner Katrina Moore files a Citation Appeal Application. At that time
11 Ms. Moore advises she no longer has the dogs on the property and that dogs have since been
12 returned to their owners.
- 13 6. The City has the ability to issue an Administrative Citation pursuant to AMC § 6-1.20(b) It shall
14 be unlawful for any person owning, harboring, possessing, or collecting any animal knowingly
15 to permit any dog over the age of four months to be unlicensed. §6-1.12.2 Every dog owner
16 shall procure a rabies vaccination by a licensed veterinarian upon attaining the age of four
17 months and at intervals not later than the expiration date on the vaccination certificate. §6-
18 1.24.1 Dog fanciers, as defined is § 6-1.02 of this chapter, may keep more than three dogs but
19 not more than ten adult dogs upon obtaining a dog fancier's permit from the Animal Control
20 Officer. All such dogs shall be regularly licensed. The Animal Control Officer shall conduct a
21 public hearing with thereof as specific of this code. The Animal Control Officer shall inspect
22 the property and issue permit if it is found that adequate measures will be taken by the dog
23 fancier to comply with the provisions of this chapter.

24 Based on a preponderance of evidence, the Board finds that there was probable cause for the City to issue an
25 Administrative Citation and the appeal is denied.

26 III. NOTICE:

27 Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and
28 Decision by first class U.S. Mail, addressed to Katrina Moore, 2844 Hayes Way, Antioch, CA,
94509.

Dated: February 20, 2014

CHAIRPERSON OF THE BOARD

Notice of Right To Appeal Decision: Any person aggrieved by an Administrative Board of Appeals may obtain
review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, by filing with
the Court a petition for writ of mandate pursuant to section 1094.6 of the California Government Code.

STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING OF FEBRUARY 20th 2014

PREPARED BY: Ada Gomez, Animal Control Officer

DATE: February 20th 2014

SUBJECT: Animal Services Case No. A14-000003 – 2844 Hayes Way

Violation of Antioch Municipal Code § 6-1.20(b), 6-1.12.2, and 6-1.24.1

REQUEST:

Appellate Katrina Moore requests a hearing to appeal the decision of Administrative Citation #32555 issued December 28, 2013 citing a violation of the Antioch Municipal Codes:

§6-1.20(b) **UNLAWFUL ACTS:** *It shall be unlawful for any person owning, harboring, possessing, or collecting any animal knowingly to Permit any dog over the age of four months to be unlicensed.*

§6-1.12.2 **RABIES VACCINATION REQUIRED:** *Every dog owner shall procure a rabies vaccination by a licensed veterinarian upon the dog attaining the age of four months and at intervals not later than the expiration date on the vaccination certificate.*

§6-1.24.1 **DOG FANCIERS PERMIT:** *Dog fanciers, as defined in § 6-1.02 of this chapter, may keep more than three dogs but not more than ten adult dogs upon obtaining a dog fancier's permit from the Animal Control Officer. All such dogs shall be regularly licensed. The Animal Control Officer shall conduct a public hearing with notice thereof as specific in this code. The Animal Control Officer shall inspect the property and issue permit if it is found that adequate measures will be taken by the dog fancier to comply with the provisions of this chapter.*

BACKGROUND INFORMATION:

Responsible Dog Owner:

- Katrina Moore– 2844 Hayes Way. , Antioch CA, 94509

November 21, 2013: Antioch Animal Services receives a call for service requesting welfare check (**See attached Event # 13-107366**) The Reporting Party advises he heard multiple dogs in the backyard of residence fighting and acting aggressive. Upon arrival at the residence contact was made with Dog Owner Katrina Moore. Moore advised she had five Chihuahuas on the property and stated they were trying to breed with one another and that's why the dogs sounded aggressive. When Moore was questioned if any of the dogs had current rabies vaccinations she became uncooperative and advised that she didn't treat the dogs like anything but what they are, "dogs". She also advised that the dogs have never received any vaccinations or medical care. She only provides the dogs with food and water. Moore was given information about surrendering the dogs, but said she would not pay for those services. Moore was also given information about having more than three dogs on the property without a Animal Fancier's Permit. It was at that time, Dog Owner Katrina Moore was given a Notice to Correct (**See attached Notice to correct # 26-C131942**) for no license (x5), no proof of rabies (x5), and no Animal Fancier's Permit, she was given ten days to correct the violations.

November 27, 2013: Dog Owner Katrina Moore contacts Antioch Animal Services and requests an extension on the Notice to Correct for dog licensing, proof of rabies, and Animal Fancier's Permit for more than three dogs on the property. The extension is granted for an additional three weeks for the Dog Owner to comply, bringing total time to correct to a month from the original Notice to Correct date.

December 28, 2013: Upon follow up, I found that Dog Owner Katrina Moore, failed to comply with the Notice to Correct originally issued on November 21, 2013. An Administrative Citation (**See attached Administrative Citation # 32555**) was then issued in the amount of \$1,100.00.

January 08, 2014: Ms. Moore contacts Antioch Animal Services after receiving the Administrative Citation. Moore advised she no longer has the dogs on the property, just one female dog and a new litter of puppies. Moore is advised that she needs to show proof of where the dogs have gone to have the dogs removed from her account,

As well, she is instructed to license the dog she still has on the property. Moore says she does not have any contact info for where the dogs have gone and says she gave them away to people on the street. Ms. Moore is then given information on how to appeal the Administrative Citation.

January 09, 2014: Dog Owner Katrina Moore files an appeal of Administrative Citation #32555 claiming she never had ownership of the dogs on the property and the dogs have since returned to their Owners.

RECOMMENDATION:

Staff recommendation is to uphold the Administrative Citation for the violations of Antioch Municipal Codes §6-1.20(b), 6-1.12.2, and 6-1.24.1 Due to Ms. Moore not providing any documentation for dogs and still has not provided any proof of rabies vaccination or licensed the dog she now states is still on the property.

Antioch Police Department
Event Report

Time: 02/13/2014 09:17:19

Event: 13-107366

RECEIVED INFORMATION					
Receive Time 11/21/2013 09:53:02	Clear Time 11/21/2013 10:23:22 AM	Call Taker GOMEZ, ADA ID: 4675			Position AS10557
Classification 1091H	Priority 4	How Receive P	Services Police		
Address 2844 HAYES WY / FORD CT, ANTIOCH					
Police Agency PD	District	Beat 4	Station	Zone 405	
RESPONDING OFFICERS					
Name MARK			Phone		
Address CARTER WY, ANTIOCH			Info		
SYNOPSIS					
RP SAYS HE WAS OUT ON A WALK WITH HIS DOGS AND COULD HEAR MULTI DOGS IN YARD FIGHTING AND GROWLING. RP ASK D/O HOW MANY WERE BACK IN YARD AND SHE SAID " I DONT KNOW" NOTHING CURRENT WITH AAS. NAME ON WATER IS KATRINA MOORE					
DISPOSITIONS					
Closing Class ANML	Event Dispo 7	Location	Unit Code	Agency: Case Number PD:	Primary Staff GOMEZ, ADA 4675
UNIT HISTORIES / SUPPLEMENTS					
Time 11/21/2013 10:04:39	Unit K3	Status D	Operator MALSOM, STACEY ID: 4045		Position CAD4
Time 11/21/2013 10:04:44	Unit K3	Status 49E	Operator GOMEZ, ADA ID: 4675		Position VM765
Time 11/21/2013 10:14:21	Unit K3	Status 97E	Operator GOMEZ, ADA ID: 4675		Position VM765
Time 11/21/2013 10:23:00			Operator GOMEZ, ADA ID: 4675		Position VM765
Supplement MADE CONTACT WITH D/O KATRINA MOORE WHO SAYS SHE HAS 5 CHIHUAHUAS. SAYS THAT DOGS WERE TRYING TO MATE AND THATS WHY THEY SOUNDED AGGRESSIVE. MOORE WAS VERY UNCOOPERATIVE AND SAYS SHE DOESNT TREAT HER DOGS LIKE PEOPLE AND HAS NEVER GIVEN THEM ANY VACS ONLY BASIC NEEDS AND SHE WILL NEVER TREAT A DOG LIKE A HUMAN. MOORE REFUSES TO SURR DOGS BECAUSE SHE "AINT GOT MONEY FOR THAT S*%\$" CIITE MOORE FOR NO LICX5 NO PROOF OF RABIESX5 AND NO DOG FANCIERS PERMIT ALSO ADVISED I WILL BE CONTACTING HOME OWNER RE: DOGS ON PROPERTY.					
Time 11/21/2013 10:23:22	Unit K3	Dissociate Status 8			
POLICE UNIT					
Police Unit K3	Staff GOMEZ, ADA ID: 4675				
POLICE					
	Event	Police			
Receive	11/21/2013 09:53:02				
Save	11/21/2013 09:55:03				

Antioch Police Department
Event Report

Time: 02/13/2014 09:17:19

Event: 13-107366

Dispatch	11/21/2013 10:04:39	11/21/2013 10:04:39	
Enroute	11/21/2013 10:04:44	11/21/2013 10:04:44	
Arrive	11/21/2013 10:14:21	11/21/2013 10:14:21	
Last Clear	11/21/2013 10:23:22	11/21/2013 10:23:22	
No. of Units	1	1	

26-C131942

CITY OF ANTIOCH

ANTIOCH POLICE DEPT.
ANTIOCH ANIMAL SERVICES
300 "L" STREET
ANTIOCH, CA 94509
779-6989

- NOTICE TO APPEAR
- NOTICE TO CORRECT

DOCKET NO./C.R. NO.

DATE 11.21 2013 TIME _____ DAY OF WEEK THURSDAY

NAME (FIRST, MIDDLE, LAST) KATHARINA MOORTE

RESIDENCE ADDRESS 2874 Hayes CITY ANTIOCH

BUSINESS ADDRESS _____ PHONE _____

DRIVERS LICENSE NO. _____ STATE _____ CLASS _____ BIRTHDATE _____

SEX M HAIR _____ EYES _____ HEIGHT _____ WEIGHT _____ OTHER DES. _____

DESCRIPTION OF ANIMAL(S) DOG(S) x 5 LICENSE NO. _____

OWNER IF DIFFERENT FROM ABOVE

VIOLATION(S)	CODE	SECTION	DESCRIPTION	INFRACTION:
--------------	------	---------	-------------	-------------

- 0-1.20(b) NO LICENSE x 5
- 0-1.12.3 NO Rabies proof x 5
- 0-1.20(a) NO Kennel permit

LOCATION OF VIOLATIONS

REMARKS

0LBF559 CASE # _____

OFFENSE(S) NOT COMMITTED IN MY PRESENCE CERTIFIED ON INFORMATION AND BELIEF.
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
EXECUTED ON THE DATE SHOWN ABOVE AT ANTIOCH, CALIF

ISSUING OFFICER A. Gomez SERIAL NO. K3

NAME OF ARRESTING OFFICER-IF DIFFERENT FROM ABOVE _____ SERIAL NO. _____ VACATION DATES TO _____

- WITHOUT ADMITTING GUILT, I PROMISE TO CORRECT AND GIVE PROOF OF CORRECTION TO CITING AGENCY WITHIN 30 DAYS.
- PROMISE TO CORRECT AND GIVE PROOF OF CORRECTION TO CITING AGENCY WITHIN 10 DAYS.

SIGNATURE x On view

BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL OR JUSTICE COURT
TELEPHONE 927-8170 (ADDRESS) 1000 CENTER DR., PITTSBURG, CA.

DATE _____ TIME _____ M

OR YOU MAY APPEAR ON THE NIGHT(S) OF _____ AT _____ P.M.

FORM APPROVED BY THE JUDICIAL COUNCIL OF CALIFORNIA
(S) 4-29-88 P.C. 853.9

SEE REVERSE SIDE

COURT COPY

**ADMINISTRATIVE
CITATION**

Citation # **32555**

City of Antioch

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6989
- Code Enforcement (NIS) - (925) 779-7042
- Neighborhood Improvement Program (NIP) - (925) 779-6166

Date of Violation 12-28-13 Time 8 AM PM Day of Week Sat
 Location of Violation 3844 Hayes Wy.
 Citation Issued To (owner/resident/business) Kathrina Moore Date Issued _____
 Address if different than violation _____

City Antioch State CA Zip 94509
 Driver's License _____ State _____ DOB _____

Vehicle License _____ State _____ Year _____ Make _____ Model _____ Color _____

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1st Violation \$100.00
 - 2nd Violation \$200.00/\$500.00
 - 3rd Violation \$500.00/\$1,000.00
- Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violations(s)	Fine Amount(s)
10-1.20(b)	no license x 5	\$ 500 ⁰⁰
10-1.12.3	no rabies proof x 5	\$ 500 ⁰⁰
10-1.24.1	no kennel permit	\$ 100 ⁰⁰
TOTAL DUE:		\$ 1,100⁰⁰

You were issued a notice to correct on 11-21-13 & failed to comply.

Notes:

Issuing Officer A. Gomez ID number 4675 Date 12-28-13

TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE:

Questions regarding this citation, call the issuing Department above. Mail payment to:

**City of Antioch
Finance Department
P.O. Box 5007
Antioch, CA 94531-5007**

To pay in person, the Cashiers are located on the first Floor of City Hall, Third & "H" Streets, Antioch, California
 Monday - Thursday - 8:00 a.m. - 5:00 p.m., (subject to change) except holidays.



January 30, 2014

Katrina Moore
2844 Hayes Way
Antioch, CA 94509

RE: Administrative Appeal Hearing
Property Address: 2844 Hayes Way, Antioch
Citation Date: 12/28/13
Citation #: 32555

Dear Ms. Moore,

Please be advised the Board of Administrative Appeals Citation Hearing scheduled for February 6, 2014, has been rescheduled to **Thursday, February 20, 2014, at 3:00 p.m.** to be held in the Council Chambers (across the breezeway from City Hall). This case will be heard and a decision rendered by the Board of Administrative Appeals.

The reason for rescheduling the date is that we did not have a quorum.

Thank you.

Sincerely,

CHRISTINA GARCIA
Deputy City Clerk

cc: Animal Services
R/P



January 16, 2014

Katrina Moore
2844 Hayes Way
Antioch, CA 94509

RE: Administrative Appeal Hearing
Property Address: 2844 Hayes Way, Antioch
Citation Date: 12/28/13
Citation #: 32555

Dear Ms. Moore,

We are in receipt of your written appeal, hardship waiver application, and \$50 appeal fee regarding the citation received for "No Dog License (x5 dogs), No Rabies Proof (x5 dogs), and No Kennel Permit".

Upon reviewing the documentation presented, the Hardship Waiver is hereby approved. This approval of your hardship waiver defers the fine for a neutral examination of the animal citation before the Board of Administrative Appeals. If the citation is found valid, the full amount of the citation is due at that time.

Please be advised your appeal is scheduled for **Thursday, February 6, 2014, at 3:00 p.m.** in the Council Chambers (across the breezeway from City Hall). This case will be heard and a decision rendered by the Board of Administrative Appeals.

A General Information sheet is enclosed to answer any questions you may have regarding the appeals.

Sincerely,


CHRISTINA GARCIA
Deputy City Clerk

cc: Animal Services
R/P

Enclosures

Office of the City Clerk
200 H Street
P. O. Box 5007
Antioch CA 94531-5007
Phone: (925) 779-7009/ Fax: (925) 779-7007

ADMINISTRATIVE CITATION

Citation # **32555**

City of Antioch

- Police Department - (925) 779-6981
- Animal Control - (925) 779-6989
- Code Enforcement (NIS) - (925) 779-7042
- Neighborhood Improvement Program (NIP) - (925) 779-6166

Date of Violation 12-31-13 Time 8 AM PM Day of Week SAT

Location of Violation 2844 HAYES LUY

Citation Issued To (owner/resident/business) RUBEN RUIZ Date Issued _____

Address if different than violation _____

City ANTIOCH State CA Zip 94509

Driver's License _____ State _____ DOB _____

Vehicle License _____ State _____ Year _____ Make _____ Model _____ Color _____

You are being issued an Administrative Citation for the above violation(s). Additional violations may result in additional Administrative fines and/or legal action.

- 1st Violation \$100.00
 - 2nd Violation \$200.00/\$500.00
 - 3rd Violation \$500.00/\$1,000.00
- Refer to the back of this citation for information on paying the amount indicated.

AMC Violation Code Section	Description of Violations(s)	Fine Amount(s)
<u>013010</u>	<u>NO LICENSE x 5</u>	<u>\$ 500⁰⁰</u>
<u>011303</u>	<u>NO FEES</u>	<u>\$</u>
	<u>DRPOOF x 5</u>	<u>\$ 500⁰⁰</u>
<u>0134</u>	<u>NO RENEW</u>	<u>\$</u>
	<u>PERMIT</u>	<u>\$ 100⁰⁰</u>
TOTAL DUE:		\$ 1,100⁰⁰

YOU WERE ISSUED A NOTICE TO COMPLY ON 11-21-13 & FAILED TO COMPLY.

Notes:
 Issuing Officer A Gomez ID number 7075 Date 12-31-13

TO AVOID ADDITIONAL CITATIONS, YOU MUST ABATE THE ABOVE VIOLATION(S) ON OR BEFORE:

Questions regarding this citation, call the issuing Department above. Mail payment to:

City of Antioch
 Finance Department
 P.O. Box 5007
 Antioch, CA 94531-5007

To pay in person, the Cashiers are located on the first Floor of City Hall, Third & "H" Streets, Antioch, California
 Monday - Thursday - 8:00 a.m. - 5:00 p.m., (subject to change) except holidays.

City of Antioch
Citation Appeal Application

RECEIVED

JAN 09 2014

CITY OF ANTIOCH
CITY CLERK

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

Date of Citation: 12/28/13

Citation #: 32555

Name: Katrina Moore

Property Address: 2844 Hayes Way
Antioch Ca 94509

Mailing Address:

Home Phone:

Work Phone:

REASON FOR APPEAL

No license or shots for dogs that were not mine at the time of citation I explained to A. Gomez that the dogs would be gone so there was no way of showing or providing proof of license was not informed of extention rabbres shots in order to provide any kennel permit written documentation to als where the dogs were taken just received a second citation in the mail.

Dogs returned to owner's

Signature

K. Moore

Date

01/09/14

CITY OF ANTIOCH
925-779-7055

REC#: 00656221 1/09/2014 3:44 PM
OPER: VR2 TERM: 002
REF#: VISA

ACCT #: XXXX-XXXX-XXXX-6902
AUTH #: 164843
TRAN #: 000000004363

TRAN: 134.0000 Administration Fee
KATRINA MOORE
ANIMAL CITATION APPEAL
ADMINISTRATION FEE 50.00CR

TENDERED: 50.00 CREDIT CARD
APPLIED: 50.00-

CHANGE: 0.00