



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**MARCH 5, 2015
3:00 P.M.**

3:00 P.M. ROLL CALL Diana Busenbarrick, Chairperson
Deborah Simpson, Vice Chairperson
Andrew Schleder
Mike Schneider
Frederick Rouse
Ademuyiwa "Ade" Adeyemi, Alternate

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

- A.** APPROVAL OF ADMINISTRATIVE APPEALS MEETING MINUTES FOR FEBRUARY 5, 2015

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 MONTHS OF DECEMBER 2014 AND JANUARY 2015

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. APPEAL

OATH for all intending to testify on an appeal

- A.** **ANIMAL ID# A114619 "Lucky" (dog)** – Appeal filed by Eleuterio Olveda, 2401 Silveria Way, Antioch, CA 94531 to overturn the "Potentially Dangerous Animal" [§6-1.801(B)(3)] determination made by Antioch Animal Services

STAFF REPORT

- 3. NEW ITEM** – ELECTION OF CHAIR AND VICE CHAIR

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.

**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

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

**February 5, 2015
Council Chambers**

Vice Chairperson Simpson called the meeting to order at 3:00 P.M. on Thursday, February 5, 2015 in the Council Chambers.

ROLL CALL:

Present: Board Members Schneider, Rouse, Adeyemi, Vice Chairperson Simpson
Absent: Chairperson Busenbarrick and Board Member Schleder

Staff Present: City Attorney, Lynn Tracy Nerland
City Clerk, Arne Simonsen
Deputy Director of Community Development, Ryan Graham
Code Enforcement Officer, Renee Souza
Code Enforcement Officer, Mike Aguirre
Code Enforcement Officer, Andy Shuck
Administrative Assistant Code Enforcement, Denise Skaggs
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

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

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

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

City Attorney Nerland clarified appeals for citations needed a majority of the Board to vote to uphold an appeal.

Board Member Adeyemi stated he knew Ama Remy E. Ibeawuchi and therefore he would recuse himself from voting on a request to rescind his citation.

1. CONSENT CALENDAR

**A. APPROVAL OF ADMINISTRATIVE APPEALS SPECIAL MEETING MINUTES
FOR JANUARY 8, 2015**

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals unanimously approved the Minutes for January 8, 2015.

Board Member Adeyemi recused himself and left Council Chambers.

B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS & ABATEMENTS FOR THE MONTHS OF NOVEMBER AND DECEMBER 2014

Deputy Director of Community Development Graham presented the staff report dated January 23, 2015 recommending the Board of Administrative Appeals 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. He clarified all procedures and the municipal codes were correctly followed for each citation. He reminded the Board that they were not ruling on the validity of the citation, as the citation and notice of violation were appealable within 10 days of citation and they had not received any appeals during that time.

Ama Remy E. Ibeawuchi, stated he did not dispute the validity of the citation however he was appealing on grounds of extenuating circumstances. He explained he had traveled overseas due to death in family and was not notified of the citation until he had returned in late December. He noted he then became ill which prevented him from cleaning up his property and time allowed for him to respond to the citation, had expired. He stated he was unable to pay the penalty at this time.

City Attorney Nerland stated the Board of Appeals received a copy of a letter submitted by Mr. Ibeawuchi dated February 2, 2015.

Kathy Gage stated after she was recently widowed, her son and his family moved in to her home. She explained items in her driveway belonged to her sons who ran a business out of the residence and there had been no indication they were in violation of City code. She noted her son contacted Code Enforcement who indicated he had until January 5, 2015 to correct the violations and they had assumed all fees would be removed when the case was closed on that date. She noted that she had acted in good faith therefore, she was appealing the citation.

Carmen Gage, Pittsburg resident, stated due to recent health issues, they lost their home and moved in with her mother-in-law where she was burdened with their business equipment. She stated once they were cited, they immediately began taking steps to clean the property. She noted it was a temporary emergency situation and

therefore she was requesting the Boards of Appeal rescind the fine. She took responsibility for the violations and committed to keeping the property free of debris.

In response to the Board, Deputy Director of Community Development Graham clarified the amount proposed for assessment for Mr. Ibeawuchi, were abatement costs to recover garbage service fees paid by the City when he did not respond to notices he began receiving in July 2014. He noted Ms. Gage's proposed assessments were citations, inspection fees and late charges, and her case was opened in October 2014. He clarified appellants would have until August 2015, to pay the assessment and a \$35.00 fee to release the lien. He noted after August, it became a tax assessment with the County.

Board Member Rouse extended his condolences to the appellants and their families for their losses.

Speaking in regards to the Ibeawuchi case, Board Member Schneider stated the case was opened in July and he had returned in December, therefore he had months to address the situation. He recommended the Board confirm the assessment.

Board Member Rouse stated in principal, the citation needed to be upheld; however he sympathized with the appellant.

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals confirmed assessment 1410-108. The motion carried the following vote:

Ayes: Schneider, Rouse and Simpson

Recused: Adeyemi

Deputy Director of Community Development Graham stated after hearing the circumstances regarding Ms. Gates, he could support waiving the citation and late fees and retaining the administrative/inspection fees.

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals 1408-019 upheld the inspection fees of \$375.00 and waived the citation fines in the amount of \$1210.00. The motion carried the following vote:

Ayes: Schneider, Rouse and Simpson

Recused: Adeyemi

Board Member Adeyemi returned to Council Chambers.

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals 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. APPEALS

A. CITATION NO. 23881/CASE NO. CE1412-016 – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING TREES, HEDGES, FENCES, AND SHRUBBERY [§7-2.623] FOR ALLEN AND ANASTASIA BROUSSARD, 1100 NEAH COURT, ANTIOCH, CA

Code Enforcement Officer Souza presented the staff report dated January 22, 2015 recommending the Board of Appeals uphold the Administrative Citation issued to Allen and Anastasia Broussard for violation of the Antioch Municipal Code section 7-2-623.

Anastasia Broussard commented that she had not received the notice of violation (Exhibit A) and when she received the citation, she immediately contacted Code Enforcement Souza, paid the fine, and filed the appeal. She noted her RV was parked on the driveway because it needed repairs and they were afraid to move it. She provided proof that they had a storage facility and that the motor home was moved to a mechanic on January 12, 2015.

In response to Board Member Schneider, Ms. Broussard stated she was unaware she was not allowed to park blocking the sidewalk and stated to prevent being a victim of criminal activity, she would not park her RV out of the view of her security cameras.

In response to Board Member Rouse, Ms. Broussard stated she drove the vehicle to the mechanic in Livermore.

Board Member Rouse stated the appeal was based upon concerns regarding repairs needed prohibiting the drivability of the vehicle; however, it had been driven to Livermore and was moveable, therefore he supported upholding the citation and denying the appeal.

In response to Board Member Simpson, Code Enforcement Officer Souza stated Code Enforcement documents every letter returned and the Notice of Violation was not returned to the City.

Board Member Schneider noted there was legal precedent indicating if the letter is sent it is received, minus any other evidence to the contrary. He stated the RV was driven to Livermore for repairs therefore it could have been driven to their storage facility in Antioch. Additionally, he noted it was parked across the sidewalk in violation of vehicle

code and municipal code which did not require notification. He voiced his support for upholding the citation and denying the appeal.

Board Member Simpson noted the citation was issued on January 6, 2015 and the vehicle was not moved until January 12, 2015.

On motion by Board Member Schneider, seconded by Board Member Adeyemi, the Board of Administrative Appeals unanimously upheld the citation and denied the appeal.

B. CITATION NO. 23883/CASE NO. CE1411-050 – APPEAL OF ADMINISTRATIVE CITATION ISSUED REGARDING SPECIFIC NUISANCES PROHIBITED [§5-1.202(A2) AND §5-1.202(B)] FOR ALBERTO AND HENRIETTA VITUG, 2085 MOKELUMNE DRIVE, ANTIOCH, CA

Code Enforcement Officer Souza presented the staff report dated January 22, 2015 recommending the Board of Administrative Appeals uphold the Administrative Citation issued to Alberto and Henrietta Vitug for violation of the Antioch Municipal Codes section 5-1.202 (A2) and 5-1.203(B).

Code Enforcement Officer Souza submitted a photo of the property taken today and noted the violations remained the same.

Alberto Vitug, stated he was in agreement with the staff report. He noted bad weather in December prevented landscaping companies from performing yard maintenance. He provided the Board with letters dated January 13 and February 5, 2015 which included his efforts to hire a landscaping company as well as plans for the work he considered having done. He stated he was still awaiting a response from the landscaping company.

In response to Board Member Rouse, Mr. Vitug stated he was aware of what the minimum requirements were, however, the contractor informed him it was not necessary to repair the fence or remove the overgrown vegetation, when they would be replacing the fence and preparing the site for landscape improvements.

Board Member Adeyemi expressed concern that as of today, the violations had not been corrected and the last rain was on December 24, 2014.

Board Member Schneider stated it was Mr. Vitug's responsibility to maintain the property and neighbors were entitled to have a decent neighborhood.

Board Member Rouse stated if the appellant had taken the minimum action recommended in the citation, the issues could have been resolved in a timely manner. He voiced his support for upholding the citation and denying the appeal.

Code Enforcement Officer Souza explained to Mr. Vitug, that if the Board denied the appeal, citations and inspection fees would continue if the violations were not corrected.

In response to Vice Chairperson Simpson, Mr. Vitug stated he understood additional citations would be given if the violations were not corrected

Board Member Schneider stated given the fact that any action by the City taken so far had not brought about compliance, or even the recognition of responsibility, he was recommending the appeal be denied and the citation be upheld.

On motion by Board Member Schneider, seconded by Board Member Rouse, the Board of Administrative Appeals unanimously denied the appeal and upheld the citation.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS – None

City Attorney Nerland announced the appointment of the Chair and Vice Chair of the Board of Appeals would be placed on the next agenda.

ADJOURNMENT

Vice Chairperson Simpson adjourned the Administrative Board of Appeals meeting at 4:24 P.M. to the next regularly scheduled meeting on March 5, 2015.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS
FOR CONSIDERATION AT THE HEARING ON MARCH 5, 2015**

Prepared by: Ryan Graham, Deputy Director of Community Development

Date: February 23, 2015

Subject: Approval of the Levy of Special Assessments on Certain Properties for Unpaid Administrative Citations & Abatements for the months of December, 2014 & January 2015

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 Records 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 months of December, 2014 and January, 2015 respectively in the amount of \$8,240.00 in unpaid Administrative Citations & Abatements.

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

18
03-05-15

STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING OF MARCH 5TH 2015

PREPARED BY: Ada Gomez, Animal Control Officer

DATE: March 5th, 2015

SUBJECT: Animal Services Case No. A15-000011

Violation of Antioch Municipal Code § 6-1.180(B)(3)

REQUEST:

Appellate Eleuterio Olveda requests a hearing to appeal a Potentially Dangerous Animal Declaration issued on January 13, 2015, citing a violation of Antioch Municipal Code § 6-1.180(B)(3) which defines a Potentially Dangerous Animal, in part, as: a **dog or animal which, when unprovoked has bitten, inflicted injury or otherwise caused injury attacking a domestic animal.**

BACKGROUND INFORMATION:

Responsible Dog Owner:

- Eleuterio Olveda— [REDACTED] Silveria Way. , Antioch CA, 94531

Responsible Dog:

- "Lucky" (A114619) blk/tan, male, German Shepherd

December 30, 2014: Animal Services received a call advising a German Shepherd was loose and attacked a leashed dog while on a walk on December 27, 2014 .(See attached Event # 14-121036) The Reporting Party advised that she had taken her dog to vet and attempted contact with the Responsible Dog Owner.

2A
03-05-15

Upon arrival at [REDACTED] Silveria Way I was unable to make contact with the Responsible Dog Owner. I heard a large dog barking from inside the garage area. I left an Administrative Citation at the residence in the amount of \$400 for violations of Antioch Municipal Codes § 6-1.501(b) No license, § 6-1.401 No rabies proof, § 6-1.501(c) at large, and § 6-1.180 Dangerous Animal. I advised on the Administrative Citation that a German Shepherd belonging to this residence had been reported as attacking another dog on December 27, 2014. I also advised that dog owner had until 5pm on December 30, 2014 to turn over the Responsible Dog to Antioch Animal Services before further legal action would be taken. (See attached Administrative Citation #32566.)

December 31, 2014: Antioch Animal Services was able to obtain resident contact information for the Responsible Dog Owner as Eleuterio Olveda. Mr. Olveda was then contacted via phone. Mr. Olveda advised that he had not received any notification on his door that Animal Services had come to his residence on the previous day. I questioned Mr. Olveda regarding the incident that had taken place on Saturday December 27th. Olveda said he was not home when the incident happened, but his girlfriend was, and had told him that the dogs never made contact with one another. I explained the investigation process to Olveda and advised that his dog, "Lucky," needed to be turned over to Antioch Animal Services during the investigation process. Olveda complied and brought the dog, "Lucky," into Animal Services.

Victim Dog Owner's Statement:

"About 3:30pm on Saturday December 27th my family two year old grandson, two adult children, "Mac" (on leash), and myself decided to go for a walk to the local park. Just as my grandson past the garage of [REDACTED] Silveria Way. An off leash German shepherd ran out of from the garage towards our dog "Mac". The shepherd got on top of "Mac" and at the same time I was trying to pull "Mac" back by the leash....""Due to my fear I screamed loudly. Just as I began to pull I simultaneously tried to kick the dog. At the same time the female owner came out to try to pull the dog off of "Mac"." (See attached victims' full statement and vet bill)

Responsible Dog Owner's girlfriends statement per Dog Owner (in summary):

"Lucky" was in the garage when he dropped his ball and it rolled down the driveway. As he went to retrieve it the ball at the end of the driveway he looked up and there was a small dog walking approximately 2-3 feet away with its owner, they had just passed in front of the mailbox when "Lucky" noticed them. He went over to the dog and they briefly sniffed one another. After a few seconds they both growled a little to communicate and circled each other....." "There was no contact between the animals but the owner was still upset telling me that I needed to get my dog, which I had already done." (See attached responsible Dog owner's girlfriend's full statement per Dog owner)

POTENTIALLY DANGEROUS ANIMAL DECLARATION:

On January 13, 2015 dog "Lucky" was found to be a Potentially Dangerous Animal under the Antioch Municipal Code § 6-1.180(B)(3) Potentially Dangerous Animal which defines a Potentially Dangerous Animal as: *a dog or animal which, when unprovoked has bitten, inflicted injury or otherwise caused injury attacking a domestic animal.*

RECOMMENDATION:

Based on the findings of the investigation it is evident that "Lucky" was involved in an attack that caused injuries to another dog while at large.

Therefore, it is Staff recommendation to deny the appeal and uphold the Potentially Dangerous Animal Declaration of January 13, 2015

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

6 ADMINISTRATIVE CITATION APPEAL HEARING

7 ANTIOCH MUNICIPAL CODE: § 6-1.801 Section (B) Potentially Dangerous Animal (1)

8
9 In re the Matter of:

10 ELEUTERIO OLVEDA [APPELLANT]

Potentially Dangerous Animal Declaration, with terms
and conditions of confinement, for the dog known as
"Lucky"

11
12 I. GENERAL FINDINGS:

- 13
- 14 1. The Potentially Dangerous Animal declaration, with terms and conditions of confinement,
15 concerns a code violation by the dog known as "Lucky" [A114619] for violation of AMC § 6-
16 1.801 (B) (1) (potentially dangerous animal). At all relevant times Appellant was the sole
17 owner of dog and/or the responsible party.
 - 18 2. Appellant appealed the Potentially Dangerous Animal Declaration, with terms and conditions
19 of confinement for the dog, which are the only items at issue for today's hearing.
 - 20 3. An Administrative Appeals Board Hearing regarding the Appellant's appeal of the Potentially
21 Dangerous Animal Declaration, with terms and conditions of confinement, was set for March
22 05, 2015, and the Appellant was duly notified by the City Clerk.

23 II. SPECIFIC FINDINGS:

24 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Potentially Dangerous
25 Animal Declaration, with terms and conditions of confinement, for the dog known as "Lucky" was
26 duly held on March 05, 2015 at 3PM. Evidence, both oral and documentary, was taken and based on
27 the preponderance of said evidence; the following specific findings are made:

- 28 1. On December 30, 2014: Antioch Animal Services responds to a call for service regarding a dog
that had attacked a dog on leash on December 27, 2014. Animal Services is unable to make
contact with the Responsible Dog Owner at that time and leaves an Administrative Citation for
multiple violations and advised the Dog Owner to turn the Responsible Dog over to Animal
Services for further investigation.
2. On December 31, 2014: Responsible Dog Owner Eleuterio Olveda turns over the Responsible
dog "Lucky," to Animal Services pending the investigation.

1
2 3. On January 07, 2015: Responsible Dog Owner Olveda states he was not home during the incident
3 and was unaware that his dog had caused injuries to another dog. Mr. Olveda says that his
4 girlfriend was home and that she says that the dog, "Lucky" never made contact with the other
5 dog, only sniffed him. Victim Dog Owner Sheryl Cox's statement and vet bill were also
6 collected. Cox states that the Responsible Dog jumped on top of her dog causing multiple
7 puncture wounds to his body.

8
9 4. On January 13, 2015: The Responsible Dog, "Lucky," a black/tan, unaltered, male, German
10 Shepherd belonging to Eleuterio Olveda is deemed to be a Potentially Dangerous Animal under
11 Antioch Municipal Code 6-1.801(B) potentially Dangerous Animal (1) a dog or animal which,
12 when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic
13 animal. Certified copies of the Potentially Dangerous Animal Declaration and Terms and
14 Conditions of confinement to be complied with by January 27, 2015 before dog may return home,
15 are mail out.

16
17 5. On January 27, 2015: Mr. Olveda appealed the declaration of the dog known as "Lucky". Stating
18 he would not be able to comply with Terms and Conditions of the Potentially Dangerous Animal.
19 Advising that neutering "Lucky" would hurt him financially as he breeds him for income.

20
21 6. The City has the ability to declare a dog Potentially Dangerous pursuant to AMC § 6-1.180 (B)
22 (1) which in part defines a Potentially Dangerous Animal as: "A dog or animal which, when
23 unprovoked has bitten, inflicted injury or otherwise caused injury attacking domestic animal.

24
25 Based on a preponderance of evidence, the Board finds that there was probable cause for the City to declare the
26 dog, known as "Lucky," a Potentially Dangerous Animals with terms and conditions of confinement, and the
27 appeal is denied.

28
29 III. NOTICE:

30 Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and
31 Decision by first class U.S. Mail, addressed to Eleuterio Olveda, Drake Ct. Oakley CA, 94561

32 Dated: March 05, 2015

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34
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CHAIRPERSON OF THE BOARD

36
37 **Notice of Right To Appeal Decision:** Any person aggrieved by an Administrative Board of Appeals may obtain
38 review of the decision by the Contra Costa Superior Court, 725 Court Street, Martinez, CA, 94553, by filing with
39 the Court a petition for writ of mandate pursuant to section 1094.6 of the California Government Code.

Antioch Police Department
Event Report

Page 1 of 2

Time: 12/31/2014 09:13:29

Event: 14-121036

Receive Time 12/30/2014 10:17:04						Clear Time 12/30/2014 12:52:21 PM		Call Taker JOHNSON, GABRIELLE ID: 4486		Position AS10976	
Classification 1091M		Priority 4		How Receive P		Services Police					
Address --- SILVERIA WY / MARIGOLD WY, ANTIOCH											
Police Agency PD		District		Beat 3		Station		Zone 511			
Name CHERYL						Phone					
Address --- SILVERIA WY, ANTIOCH						Info Contact					
Miscellaneous Time: 12/30/2014 12:23:32 PM											
GERMAN SHEP FROM THIS ADDRESS GOT OUT AND ATTACKED THE RP DOG MAC A TERRIER. TERRIER WAS TAKEN TO EMERGENCY VET SATURDAY NIGHT. RP IS AT WORK TODAY AND CAN BE REACHED. NOTHING CURR AT THIS 20. LAST OWNER ON FILE WAS MARVIN CASSELL WITH A POODLE IN 2010											
Closing Class ANML		Event Dispo 7		Location		Unit Code		Agency: Case Number PD:		Primary Staff GOMEZ, ADA 4675	
Time 12/30/2014 12:29:10		Unit K3		Status D		Operator NORRIS, VINCE ID: 4500				Position CAD5	
Time 12/30/2014 12:29:17		Unit K3		Status 49E		Operator GOMEZ, ADA ID: 4675				Position VM761	
Time 12/30/2014 12:40:04		Unit K3		Status 97E		Operator GOMEZ, ADA ID: 4675				Position VM761	
Time 12/30/2014 12:52:11						Operator GOMEZ, ADA ID: 4675				Position VM761	
Supplement NO ANSWER AT RES. COULD HEAR LARGE DOG BARKING FROM INSIDE GARAGE. LEFT ADMIN CITE IN THE AMOUNT OF \$400 FOR NO LIC NO RABIES PROOF @LARGE AND DANGEROUS ANIMAL. ADVISED ON ADMIN CITE D/O HAS UNTIL 5PM ON 12-30-14 TO TURN DOG OVER TO AAS BEFORE FURTHER LEGAL ACTIONS ARE TAKEN.											
Time 12/30/2014 12:52:21		Unit K3		Dissociate Status 8							
Police Unit K3		Staff GOMEZ, ADA ID: 4675									
Event		Police									
Receive		12/30/2014 10:17:04									
Save		12/30/2014 12:23:32									
Dispatch		12/30/2014 12:29:10 12/30/2014 12:29:10									

ADMINISTRATIVE
CITATION

Citation # 42910

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 1/10/11	Time 1:10 PM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Day of Week Tues
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Citation Issued To (owner/resident/business)
Citation # 42910

Date Issued

Address if different than violation

City
Antioch State CA Zip 94501

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)
171.50(K)(1)	Animal Control	\$ 100.00
171.50(K)(1)	Animal Control	\$ 100.00
171.50(K)(1)	Animal Control	\$ 100.00
171.50(K)(1)	Animal Control	\$ 100.00
171.50(K)(1)	Animal Control	\$ 100.00
171.50(K)(1)	Animal Control	\$ 100.00
TOTAL DUE:		\$ 400.00

Notes:

Issuing Officer ID number Date

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.

Romero, Ada

From: Eleuterio Olveda
Sent: Wednesday, January 07, 2015 4:34 PM
To: Romero, Ada
Subject: Alleged dog attack statement

To Officer Ada Gomez:

The following is a statement from my girlfriend Breann Lewis regarding the alleged attack on another dog by my dog Lucky.

"The incident in question occurred on Saturday, December 27th between 2:30-3pm. I was unloading some items from the trunk of the car in my driveway. Lucky was in the garage when he dropped his ball and it rolled down the driveway. As he went to retrieve the ball at the end of the driveway he looked up and there was a small dog walking approximately 2-3 feet away with its owner; they had just passed in front of the mailbox when Lucky noticed them. He went over to the dog and they briefly sniffed one another. After a few seconds they both growled a little to communicate and circled each other. By this time I had grabbed my dog by the collar to restrain him. The owner of the other animal verbally confronted Lucky and raised her hand to hit my dog. Because I had already restrained my dog at this point the result was that the owner actually hit me on my back and the back of my arm. There was no contact between the animals but the owner was still upset telling me that I needed to get my dog which I had already done. The owner left with the dog and was gone for approximately two hours before coming back to the residence claiming that her dog was bleeding and that she would need to take her dog to the veterinarian. She showed me the dog and there appeared to be one small red spot on the upper part of the back and one spot approximately 5-6 inches lower but the dog was in the vehicle with the owner about 5 feet away and I could not substantiate her claim. I told her to take appropriate action to make sure that her animal was alright."

I would like to make it known that Lucky has always been very well behaved with other people and other dogs for his whole life. He has been raised to be very social by going to the dog park and bringing him with us camping, boating, walking and just about everywhere else in general public areas. Our former neighbor is an Antioch police officer that had a K-9 partner that got along extremely well with him. We always receive praise from strangers and friends alike for how well behaved he is, especially around children. While he is protective of his family his demeanor is playful, gentle and overall extremely desirable when I consider how a dog is supposed to act. It would be a shame for him to get punished for something he did not do so I hope you will please take this matter under careful consideration and we appreciate that you are accepting these statements from us. If you have any further questions that I can answer please feel free to contact me anytime. Thank you very much.

Eleuterio Olveda
Silveria Way
Antioch, CA 94531

Romero, Ada

From: Sheryl
Sent: Wednesday, January 07, 2015 8:42 PM
To: Romero, Ada
Subject: MAC dog bite 12/27/14 Silveria Way

Statement regarding Mac dog bite - SAT Dec 27,2014

About 3:30 pm On Sat December 27th my family - 2 y/o grandson, 2 adult children, Mac (on leash) and myself decided to go for a walk to local park. Just As grandson past the garage of 2401 Silveria Way, Antioch an off-leash German Shepherd ran out from the garage towards our dog Mac. The shepherd got on top of Mac and at same time I was trying to pull Mac back by leash.

At the moment it happen I could not tell if the Shepherd was trying to hurt Mac or playing with him. Due to my fear I screamed loudly. Just as I began to pull Mac back I simultaneously tried to kick the dog. At the same time the female owner came out to try to pull the dog off Mac. I ask her to " get her dog" and she relied I am "fucking trying too." I replied "well if he close enough for me to try to kick him he is too close." Although I was unable to make contact by kicking I was able to pull Mac back and she restrained her dog. There were two men (neighbors) in front of white vans across the street who witnessed the incident.

We proceeded to the park. After 15 minutes or so my daughter noticed Mac was bleeding in one spot on his back. Then a few minutes later we saw another area which was bleeding near Mac neck.

Because my husband had heard my previous scream he brought the car to park so we would not have to walk back. After about 30 min or so we left the park and decided to stop by the Shepherd home to show the owner.

We drove up and rang bell with no answer. I went back to car to leave a note for the residents. Just as I was writing the note the female occupant came to my car. I told her my dog was injured and attempted to show her my cell phone pictures. She looked at them and said "that's not good enough" I want to see the dog. I pulled Mac from the backseat (he yelped) and I proceed to show her both injuries. Her response was " where have you been " I responded " to the park" then back here.

Her response.." My dog didn't do that..you went to the park "you" could have done that".. I replied "I would not injure my own dog as we'll as you witnessed the attack" you saw your dog on my dog.

In my shock and surprise at her response I just drove off. She never apologized or admitted her dog part in this. She was rude, cussed, and yelled.

I immediately call my Vet. By this time it was 4:40 pm and my vet was closing at 5pm. The lady said to either wait for appt on Sun or take Mac to Emergency vet. I decided because of my experience with the other dog owner I better act quickly - I took Mac to emergency Vet.

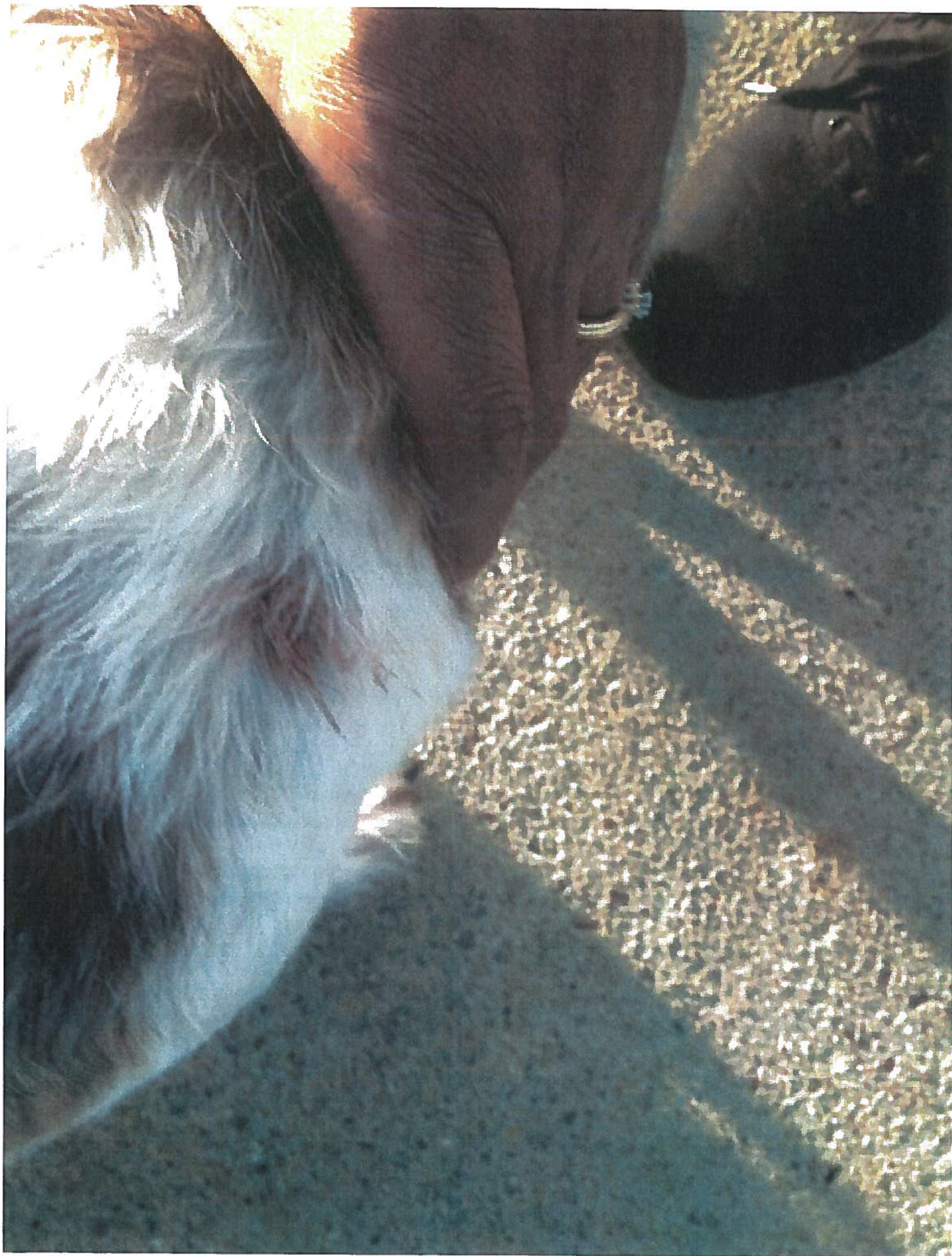
Mac received treatment and came home with antibiotics and "the cone of shame"

I have pictures but will need to send them separately from my cell phone. They will be under separate cover.

Sheryl Cox



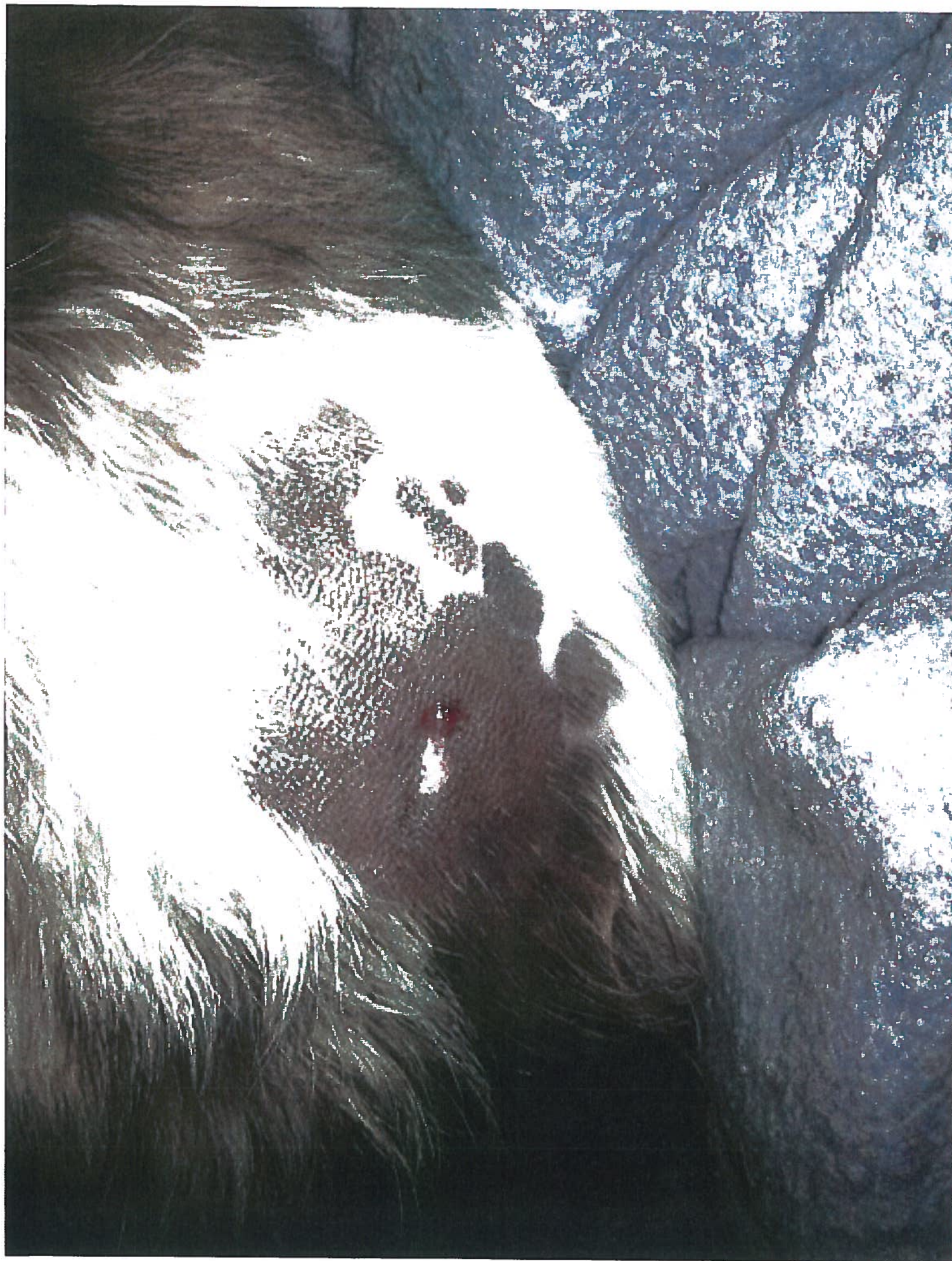












East Bay Veterinary Emergency 1312 Sunset Drive, Antioch, CA 94509 (925) 754-5001		Admitting Veterinarian: <u>KK</u> Admitting Staff: <u>SS</u>	Date: <u>12/27/14</u> Time: <u>7:49pm</u>
Clients Last Name: <u>Cox</u> Street Address: <u>Silvana</u> Home Pl: <u>(925) 6</u> Employer:	First Name: <u>Sheryl</u> City: <u>Antioch</u> Cell Phone: <u>(925)</u> Employer Phone:	MI: <u>CA</u> State: <u>CA</u> Alternate Pl: <u>(925)</u> Employer Address:	Spouse/Co-Owner: <u>Michael</u> Zip Code: <u>94531</u> Driver's License #: <u></u> Date of Birth:
E-mail Address:			
Pet's Name: <u>MAC</u> Dog/Cat/Other: <u>Dog</u> Breed: <u>Terrier</u>		Sex (circle one): <u>M</u> Male Female Color: <u>White / Brown</u> Age: <u>3</u>	Spayed/Neutered: <u>Yes</u> No Weight: <u>8.4kg</u>
Who is the ideal veterinarian you will take your pet to for follow up care? <u>Deer Valley Antioch</u>		What is the problem with your pet at this time? <u>Bite Bit by another dog</u>	
How did you hear about us? <u>VET.</u>		Please list any current medication(s) and/or any additional medical conditions: <u>none</u>	

Authorization for Medical and Surgical Treatment:

I, the undersigned, owner of admitted patient hereby authorize the veterinarians of East Bay Veterinary Emergency and whomever they may designate as their assistant(s) to administer such treatment, perform surgical procedures, and such additional procedures as are considered therapeutically and/or diagnostically necessary on the basis of findings during the course of said evaluation.

I also consent to the administration of such sedatives and or anesthetics as are necessary.

I hereby certify that I have read and fully understand the above Authorization for Medical and/or Surgical Treatment, if I do not fully understand the reasons why such diagnostics, treatments, and surgery are necessary and the possible complications I will request further information from the attending veterinarian.

I also certify that no guarantee or assurance has been made as to the results that may be obtained. Further, I assume financial responsibility for all charges incurred to the patient, consent to release of medical information, and authorize direct payment to East Bay Veterinary Emergency.

I understand that emergency patients must be picked up from the clinic everyday by 8 a.m., except for those patients admitted during the weekend or holiday who must be picked up by 8 a.m. the next business day. If I fail to remove my animal by that time I will be responsible for all additional charges incurred for the continued disposition of my animal.

Signature of Owner or Responsible Agent

Signature of Witness

HOW WILL YOU BE PAYING FOR SERVICES RENDERED TODAY? (PLEASE CIRCLE)

CASH CREDIT CARD (Visa, Mastercard or Discover) DEBIT CARE CREDIT

WE NO LONGER ACCEPT PERSONAL OR BUSINESS CHECKS FOR PAYMENT

Release to: <u>Sheryl Cox</u>	Discharging Staff: <u>KK</u>	Discharging DVM: <u>KK</u>	Date: <u>12/27</u>	Time: <u>8:53</u>	AM (PM)
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EBVE

EAST BAY

Veterinary**Emergency**

1312 Sunset Drive · Antioch, CA 94509
 Phone: (925) 754-5001
 Fax: (925) 754-5005
 www.ebve.com

CLIENT INFORMATION:

Name: Sheri & Michael Cox
 Address: ...veria Way
 Antioch, CA 94531
 Phone: H:

WT/DC: [g] Initial: **SS**
 Emailed: [g] Date: **12/27/14**
 PCV: [1] Time: **9:44pm**
 Antech: [] Cuattro: []

PATIENT INFORMATION:

Name: Mac
 Sex: MN
 Birthday: 12/27/2011
 ID: A
 Color: White/Brown/Black

Species: Canine
 Breed: Terrier Mx
 Age: 3 years old
 Weight: 18.5189 lbs.

Date: Dec 27, 2014

Primary Vet: Antioch Veterinary (Deer)

12/27/2014

HISTORY:

Date: Dec 27, 2014 7:50pm

Presenting Complaint: BBD

Past History: No reported major medical or surgical problems. Vaccines up-to-date. No current medications.

Presenting History: Mac was attacked by a German Shepherd Dog earlier today. Several bites witnessed, no shaking observed. Unknown vaccine status of other dog. Mac has been acting normal since the event, but some blood was noted on his side and he yelped a few times at home. Normal appetite and energy level. No recent v/d/c/s/pu/pd. Does shake head fairly frequently - previous ear infection. Small cyst-like lesion noted on right paw.

PHYSICAL EXAM FINDINGS:

T: unable to obtain, HR: 130, RR: 18, WT: 8.4kg, BCS: 4/9

General Appearance/ Hydration/ Pain Level: BARRH; caution; not overtly painful**Oral Exam/ Teeth:** Muzzled for exam due to temperament**Eyes:** Cornea clear and conjunctiva normal OU**Ears:** Ear canal open, no odor or discharge**Skin:** Puncture wound on right shoulder and on right hip, mild bruising on left medial thigh**Lymph Nodes:** None enlarged**Cardiovascular:** No murmurs ausculted, pulses synchronous and palpate within normal limits**Respiratory:** Eupneic, no crackles or wheezes ausculted**Abdominal/ Rectal:** Non-painful on palpation, patient did not tolerate rectal exam**Urogenital:** No abnormal findings**Musculoskeletal:** Non-painful, no abnormal findings, ambulating normally**Neurological/ Mentation:** No neurological abnormalities, normal mentation**DIAGNOSTICS:**

PCV: 60%, TS 6.4g/dL, ALT 43, creatinine 0.8



East Bay Veterinary Emergency
1312 Sunset Drive · Antioch, CA 94509
Phone: (925) 754-5001
Fax: (925) 754-5005
www.ebve.com

ASSESSMENT:

Problem list:

1. BBD - two puncture wounds, mild bruising
2. Hemoconcentration - r/o dehydration, other

PLAN:

Treatment Plan:

Wounds clipped and cleaned with dilute chlorhexidine. Flushed with dilute chlorhexidine - minimal pocketing appreciated.

Rx Rimadyl 75mg tabs - 1/2 PO SID #3
Rx Simplicef 100mg tabs - 1/2 PO SID #5
E-collar

Management: Recheck as needed if problems arise. Monitor for signs of infection or inflammation.

Client Communication: Mac's wounds appear pretty superficial. Prescribing antibiotics and an anti-inflammatory to keep him comfortable and try to prevent infection. Wounds will heal with scar tissue. Monitor wounds for discharge, heat, pain, swelling, etc and have Mac rechecked as needed. Keep e-collar on until wounds healed. See to go home instructions.

Thank you for referring Mac Cox to East Bay Veterinary Emergency. If you have any questions or concerns regarding our management or recommendations for Mac, please do not hesitate to contact us at (925) 754-5001. We are open 6pm-8am each weekday and 24 hours on weekends and holidays.

With regards,

Kimberly Krauss, DVM



East Bay Veterinary Emergency
1312 Sunset Drive • Antioch, CA 94509
Phone: 925-754-5001

TAKE HOME INSTRUCTIONS

12/27/2014

"Mac" of Sheryl & Michael Cox

DISCHARGE INSTRUCTIONS

Tonight we evaluated Mac for 2 puncture wounds - one on his shoulder and one on his hip. The wounds are not extensive, and they should heal well. They were cleaned in-hospital. Please follow instructions below to assure the best recovery of your pet.

Medications:

- 1) Rimadyl 75mg tablets (anti-inflammatory): give 1/2 tablet by mouth once daily. Do not give with any other anti-inflammatory or steroid medication, as this increases the risk of GI ulceration.
Next dose is due: tonight
- 2) Simplicef 100mg tablets (antibiotic): give 1/2 tablet by mouth once daily until gone. Give with food.
Next dose is due: tonight

Activity: Allow Mac to set his own pace.

Feeding: Feed as usual.

Incision/Wound care: Monitor Mac's wounds for any discharge, swelling, heat, pain, etc. If these signs are noted have him re-evaluated.

E-collar: Please keep the 'cone' on your pet until the wound has healed or sutures are removed, especially at night when you are unable to monitor closely. This is very important to allow for adequate healing to take place.

Recheck: Please make an appointment to see your primary veterinarian as needed if problems arise.

**Thank you for trusting us with the care of your pet! We hope for a very speedy recovery.
Do not hesitate to call us at 925-754-5001 with any questions or concerns.**



January 13, 2015

Eleuterio Olveda
Silveria Way
Antioch, CA 94531

RE: Declaration of Potentially Dangerous Animal

- “Lucky” (A114619) black/tan, male, German Shepherd

Dear Eleuterio Olveda:

Your dog, “Lucky” has been found to be in violation of Antioch Municipal Code § 6-1.801 (B)(3) *Potentially Dangerous Animal* based on an incident that occurred on December 27, 2015.

(B)(3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

Accordingly, Antioch Animal Services, a division of the Antioch Police Department, has determined that there exists probable cause that your dog is a “*Potentially Dangerous 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 “*Potentially Dangerous Animal*,” which are described in more detail on the following pages:

1. By 5:00 p.m. on January 27, 2015, surrender the dog to Antioch Animal Services; or
2. By 5:00 p.m. on January 27, 2015, sign the “*Potentially Dangerous 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 5:00 p.m. on January 27, 2015, file all papers and pay fees to appeal the determination that your dog is a potentially dangerous 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 5:00 p.m. on January 27, 2015, 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 Potentially Dangerous Animal Declaration; Comply with the Terms and Conditions; and Pay Fees

In order to obtain your dog now, you may sign the Potentially Dangerous 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 \$439.00 and board increases by \$17.00 per day starting on January 14, 2015:

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept.	Item Price	
1		A114619					

JE/Rfnd	Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Price	Subtotal	
	01	IMP1 NOLIC	A114619	LUCKY		ADMIN	35.00	35.00	IMF
	01	IMP1 UN	A114619	LUCKY		ADMIN	35.00	35.00	IMF
	01	V-BORDETELLA	A114619	LUCKY		SHELTER	17.00	17.00	VAC
	01	V-DHPP	A114619	LUCKY		SHELTER	17.00	17.00	VAC
	01	MCHIP RTO	A114619	LUCKY		LICENSE	23.00	23.00	MIC
	01	IMP PDA/VA	A114619	LUCKY		ADMIN	154.00	154.00	IMF
	01	PDA/VA IN	A114619	KENNEL INSPI		ADMIN	50.00	50.00	PD
	01	LIC-PDA/VA	A114619	LUCKY		LICENSE	57.00	57.00	LIC
	01	LIC SN 1	A114619	LUCKY		LICENSE	18.00	18.00	LIC
	01	LATE FEE	A114619	LUCKY		ADMIN	33.00	33.00	LAT

Cash	Check	Credit	Total Due	Tendered	Change	Balance
					0.00	

The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 5:00 p.m. on January 27, 2015: sign the Agreement: fulfill all Terms and Conditions; and pay \$439 plus boarding costs of \$17 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 potentially dangerous.

Option 3 -- Appeal the Potentially Dangerous Dog Determination

If you wish to appeal the determination that the dog is a "Potentially Dangerous Animal," then you must file a written request and pay those fees listed above totaling \$439, plus a \$400 Dangerous Animal Investigation Fee, to the City Clerk's Office no later than **January 27, 2015 by 5:00 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. You may also mail your written request with full payment to the City Clerk's Office, P.O. Box 5007, Antioch, CA 94531-5007, to be received no later than **January 27, 2015 by 5:00 p.m.** The Clerk's Office hours are Monday through Thursday, 8:00 a.m. to 5:00 p.m. except City holidays. **If both the written appeal request and fees are not received by January 27, 2015, 5:00 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 \$400 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 5:00 p.m. on January 27, 2015.**

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:

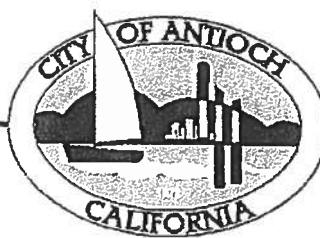
<http://www.ci.antioch.ca.us/CityGov/Police/AntiochAnimalSvcs/default.htm#> or call the Animal Services Shelter regarding any holiday closures.

Respectfully,

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



ANTIOCH ANIMAL SERVICES DANGEROUS ANIMAL DECLARATION TERMS AND CONDITIONS

Dog Owner:

Eleuterio Olveda
Silveria Way
Antioch, CA 94531

Pursuant to Antioch Municipal Code Section 6-1.801, on January 13, 2015, the following animal is declared to be a **POTENTIALLY DANGEROUS ANIMAL**. *In signing this document, you are waiving any right to appeal the determination that your dog has been declared potentially dangerous.*

- **"Lucky" (A114619) black/tan, male, German Shepherd**

The Owner or Custodian of the above described dog is hereby directed to keep the animal under strict restraint and control at all times. An Animal Control Officer of the City of Antioch may seize the animal and petition to have it humanely euthanized in the event the animal is found in violation of any restriction and/or condition outlined below:

1. If not all Owners of the subject dog sign this Agreement, the signing Owner represents that he/she has the authority of the other Owners to sign on their behalf. _____
2. Antioch Animal Services shall have the authority, at reasonable times, to inspect and approve the area of confinement of the declared Potentially Dangerous Dog. _____
3. Adult Owner(s) and dog **must** enroll in, and satisfactorily complete, a basic obedience/aggressive dog training course within 90 days of release.

Proof of satisfactory completion must be presented to Antioch Animal Services within 5 business days of completion. _____

4. Prior to release, the dog shall be micro-chipped for permanent identification at the Owner's expense and the identification numbers registered with Home Again Pet Recovery as provided in the microchip information packet at the Owner's expense. _____
5. Prior to release, the dog shall be spayed or neutered at the Owner's expense. An employee of Antioch Animal Services will transport the dog to an Antioch Veterinarian approved by the Owner. _____
6. The dog when in public, must wear a humane muzzle, a dog harness and be restrained by a leash not exceeding 6 feet in length and under the control of a competent adult. _____
7. The dog shall not be allowed loose in the front yard. _____
8. The dog must not be left unattended or tethered in the front yard. _____
9. Owner must post a "BEWARE OF DOG" sign at each entry gate to rear/side yards. The sign must depict the head of a growling dog. _____
10. An adult must be present and supervising the dog when it is loose in the side and/or rear yards. _____
11. Owner is required to have a large outside dog kennel. [See attached for Kennel Requirements] When the dog is unsupervised in the side and/or rear yard, it must be kept in a totally enclosed kennel with gates locked. The kennel must be inspected and approved by an Animal Control Officer prior to release of the dog. _____
12. Exit gates and/or doors from premises must be self-closing, self-latching and in good operating order. _____
13. A security screen door must be properly installed on the front door entrance of the premises. _____
14. Doors leading from the rear of side yards and/or residence into garage must be self-closing, self-latching and in good operating order. _____
15. The dog must be kept current on rabies vaccination and dog license. _____
16. Owner must immediately contact Antioch Animal Services whenever the dog escapes the Owner's premises or whenever they bite a human or animal. _____
17. Owner must comply with all applicable animal care and control laws.

18. Owner must advise any and all caregivers/custodians of the dog of these terms and conditions. _____
19. All fees owing to the City of Antioch will be paid prior to release of the dog. _____
20. The Owner or Keeper of the declared Potentially Dangerous Animal must present to the Supervisor of Animal Services proof that the Owner or Keeper has procured liability insurance from an insurer licensed to practice in the state of California, in a single incident amount of not less than one hundred thousand dollars for each animal, for injury to or death of any person or persons, or loss or damage to any property caused by or resulting from any act of such animal. Liability insurance shall not be canceled unless the Owner or Keeper ceases to own or keep the animal prior to expiration of that insurance. Coverage shall be evidenced by a certificate issued by the insurer. The Owner shall also provide documentation from the insurer warranting that the insurer will provide Antioch Animal Services at least thirty days advance notice of cancellation of insurance. _____

Please be advised that the owner of the property where the dog resides will be notified of the animal's "Potentially Dangerous Animal" status and a copy of this declaration will be issued as a courtesy through registered mail.

Owner acknowledges that the above-described dog has been declared to be a "**POTENTIALLY DANGEROUS ANIMAL**", and agrees to comply with the Terms and Conditions of this agreement and acknowledges that any violation of these terms and conditions may result in Antioch Animal Services seizing the dog and recommending that the animal be euthanized. *In signing this document, you are waiving any right to appeal the determination that your dog has been declared potentially dangerous.*

CITY OF ANTIOCH:

ANIMAL OWNER:

By: _____
Animal Services Representative

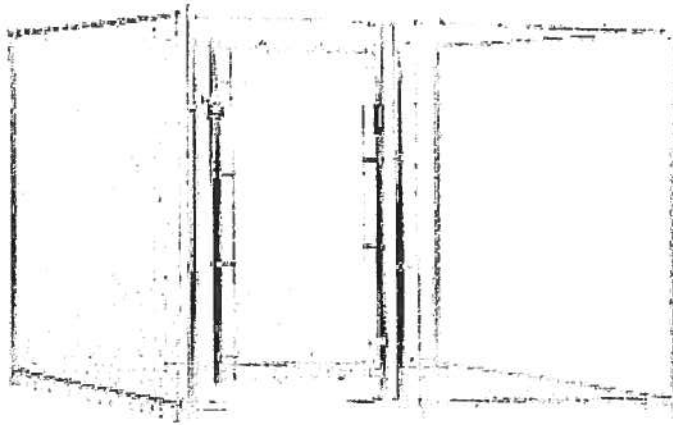
By: _____

Date: _____

Date: _____

PDA/VA KENNEL REQUIREMENTS

- Kennel **MUST** be covered with secured wire
- Kennel **MUST** be cemented or anchored into the ground
- Door(s) to kennel **MUST** have locks installed
- Kennel **MUST** have shelter, food/water bowls inside
- Dog(s) **MUST** have ample room to turn around



***KENNEL MUST BE INSPECTED AND APPROVED BY AN
ANTIOCH ANIMAL CONTROL OFFICER PRIOR TO RELEASE
OF DOG(S)**

CITY OF ANTIOCH

REQUEST FOR ADVANCE DEPOSIT HARDSHIP WAIVER - DECISION

NAME _____

Social Security Number _____ Driver's License Number _____

Day Phone _____ Evening Phone _____

Mailing Address _____

Property Address that is the Subject of the Decision _____

Department Making Decision: _____ Date of Decision: _____

List all family members living with you:

<u>Name</u>	<u>Relationship</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you presently employed? _____ If yes, where employed:

Occupation: _____

Employer: _____

Employer's Address: _____

Employer's Phone Number: _____

Total family income before taxes and deduction per month from all sources (gross income):

Your employment:	\$ _____	Child Support:	\$ _____
Spouse's employment:	\$ _____	Alimony:	\$ _____
Unemployment:	\$ _____	Pension/Retirement:	\$ _____
Welfare/S.S.I./A.D.C.:	\$ _____	Other:	\$ _____
Other:	\$ _____	GROSS INCOME:	<div style="border: 1px solid black; padding: 5px; display: inline-block;">\$ _____</div>

MONTHLY EXPENSES:

Rent/Mortgage:	\$ _____	Fixed Debts (payroll deductions):	\$ _____
Child Care:	\$ _____	Ongoing Medical Expenses:	\$ _____
Transportation to/from Work:	\$ _____	Pension/Retirement:	\$ _____
Welfare/S.S.I./A.D.C.:	\$ _____	Other (list amounts and describe):	\$ _____

**TOTAL
EXPENSES:**

\$ _____

ASSETS:

Amount of money in: Savings \$ _____ Checking \$ _____

Other assets (bonds, stocks, etc.)	\$ _____	Value of Automobile(s):	\$ _____
---------------------------------------	----------	----------------------------	----------

Value of real estate:	\$ _____	TOTAL ASSETS:	<div style="border: 1px solid black; padding: 5px; display: inline-block;">\$ _____</div>
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I hereby request a hardship consideration of advance deposit of the fee for the following SPECIFIC grounds/reasons:

HARDSHIP WAIVER APPLICATION - DECISION

You are **required** to show your inability to pay by attaching a copy of last year's tax return (with W-2's or 1099's), in addition to one (1) or more of the following additional documents, to this application:

- Pay stubs for the last 6 months or unemployment check stubs;
- Utility billing with Lifeline rates;
- Recent Chapter 7 Bankruptcy filing (within last 6 months);
- Documentation of any Welfare/S.S.I./A.D.C. payments for the last 6 months;
- Other: _____

NOTE: If you declare that you were not required by law to file a tax return for last year, you must attach at least two (2) of the above documents. **If you fail to attach the required documents your application will be rejected.**

I hereby authorize the City of Antioch to contact my employer (if any listed above).

I understand that this hardship consideration is for the deferral of the fee. If the decision is upheld and the appeal denied, the full amount of the fee is due at that time.

I (print name) _____ **declare under penalty of perjury of the laws of the State of California** that the information I have provided herein is a full and true statement of my knowledge and information.

Executed this Date: _____

Signature

This Section to be completed by City Staff only:

Granted or denied: _____ Determination made by: _____

Grounds for granting or denying (Circle response):

1. Supporting documentation: Sufficient / Insufficient
2. Income: Exceeds / Meets
3. Other: _____

Copy of Determination mailed/personal service to Applicant on: _____



City of Antioch
Decision Appeal Application

RECEIVED

JAN 27 2015

CITY OF ANTIOCH
CALIFORNIA

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

CITY OF ANTIOCH
925-779-7055

REC#: 00757709 1/27/2015 4:21 PM
OPER: VR2 TERM: 002
REF#: 1320

Date of Decision:

1/13/15

TRAN: 134.0000 Administration Fee
ELEUTERIO OLVEDA - APPEAL
ADMINISTRATION FEE 50.00CR

Name:

Eleuterio Olveda

TRAN: 176.0000 ANIMAL Citation fees
ELEUTERIO OLVEDA -
Citation ANIMAL 677.00CR

Property Address:

Silvera Way
Antioch CA 94531

TENDERED: 727.00 CHECK
APPLIED: 727.00-

CHANGE: 0.00

Mailing Address:

Drake Ct.
Oakley CA 94561

Home Phone: 925

Work Phone: 925

REASON FOR APPEAL

See Attached

Signature

[Handwritten Signature]

Date

1/27/15

Dear Antioch Animal Services:

My dog Lucky has been declared by your department to be a potentially dangerous animal based on an alleged incident that occurred on December 27, 2015. I hereby petition to appeal the decision pursuant to Antioch Municipal Code § 1-4.01 and Food & Ag. Code § 31621. The fees that have been charged to me were not authorized or disclosed and I have been cooperative with the department even though I was deceived into believing that I either turn my dog over immediately or pay severe fines. I requested to be able to quarantine my dog in the kennel that I had purchased for him over 5 years prior and my request was rejected saying this was not a possibility. § 6-1.802 of the Antioch Municipal Code states:

If upon investigation the Animal Control Supervisor or law enforcement officer determines that probable cause exists to believe a dog poses an immediate threat to public safety, then the Animal Control supervisor or law enforcement officer may seize and impound the animal pending the opportunity for hearing under this section (Food & Ag. Code §31625.) The animal's owner is liable for the fees and costs of keeping the animal if it is determined to be potentially dangerous or vicious. At the supervisor's discretion, the animal may be quarantined on the owner's property in an approved enclosure. (Food & Ag. Code §31605 regarding enclosure. See also definitions at §6-1.705(A) regarding costs and fees.

Also the Food and Agriculture code §31625 states:

31625. (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearings to be held pursuant to this article. The owner or keeper of the dog shall be liable to the city or county where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.

(b) When a dog has been impounded pursuant to subdivision (a) and it is not contrary to public safety, the chief animal control officer shall permit the animal to be confined at the owner's expense in a department approved kennel or veterinary facility.

I formally request that a hearing be granted to determine whether or not the dog in question should be declared potentially dangerous. I will pay the fees that have been charged to me as a sign of good faith that I am complying with the terms of the appeal but I wish to request the \$400 Dangerous Animal Investigation Fee to be deferred until the board administrative appeals makes a decision because I cannot comply with the terms set forth by the department. Specifically the provision that states that prior to release, the dog shall be spayed or neutered at the owner's expense. My father bred this line of AKC pure bred German Shephard dogs and I am continuing this work for my family as he just passed away 7/10/14. To require that my dog be neutered would cause considerable financial hardship due to the fact that I have been actively trying to breed him and I expect to receive financial compensation for his progeny that has already been promised to potential buyers from my family and friends. He was scheduled to be bred again in February 2015.



1/27/15



February 4, 2015

Eleuterio Olveda
Drake Court
Oakley, CA 94561

RE: Board of Administrative Appeals Hearing
Declaration of Potentially Dangerous Animal
Decision Date: 01/13/15
Animal ID#: A114619 "Lucky" male, black/tan, German Shepherd

Dear Mr. Olveda,

This is a follow up to your written appeal filed regarding the decision of your dog "Lucky" being deemed a "Potentially Dangerous Animal". We are in receipt of your written appeal, \$50 appeal fee, \$677 Impound and boarding fees (as of January 27, 2015), and the hardship waiver application.

Upon reviewing the hardship waiver application and supporting documentation presented, the Hardship Waiver is hereby approved. This approval of your hardship waiver defers the \$400 Dangerous Animal Investigation Fee only. If the decision before the Board of Administrative Appeals is upheld, the full amount of the \$400 Dangerous Animal Investigation Fee including boarding fees accrued, will be due at that time.

Please be advised your appeal is scheduled for **Thursday, March 5, 2015, 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

Enclosure

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



February 4, 2015

Eleuterio Olveda
Silveria Way
Antioch, CA 94531

RE: Board of Administrative Appeals Hearing
Declaration of Potentially Dangerous Animal
Decision Date: 01/13/15
Animal ID#: A114619 "Lucky" male, black/tan, German Shepherd

Dear Mr. Olveda,

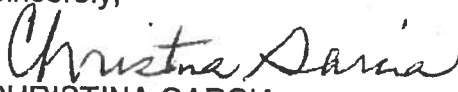
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Sincerely,


CHRISTINA GARCIA
Deputy City Clerk

cc: Animal Services
R/P

Enclosure

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



P.O. Box 5007
Antioch, CA 94531-5007

RETURN SERVICE REQUESTED

RECEIVED

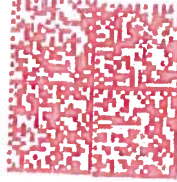
FEB 17 2015

CITY OF ANTIOCH
CITY CLERK

CITY CLERK

Eleuterio Olveda
Silveria Way
Antioch, CA 94531

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02/05/2015

Mailed From 94509

US POSTAGE

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RETURN TO SENDER
OLVEDA, ELEUTERIO
DRAKE CT
DAKLEY CA 94561-2003

RETURN TO SENDER

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