



**BOARD OF ADMINISTRATIVE APPEALS
ADMINISTRATIVE REVIEW PANEL**

**Council Chambers
200 "H" Street**

**APRIL 11, 2013
3:00 P.M.**

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

PLEDGE OF ALLEGIANCE

1. CONSENT CALENDAR

A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR NOVEMBER 1, 2012

Recommended Action: Motion to approve the minutes

MINUTES

2. APPEALS

A. CITATION NO. 30251 – Appeal of Administrative Citation issued regarding Excessive Barking Dogs for Alejandro Lopez, 2905 Cashew Street, Antioch, CA [§6-1.18]

STAFF REPORT

B. CITATION NO. 30254 (second citation received) – Appeal of Administrative Citation issued regarding Excessive Barking Dogs for Alejandro Lopez, 2905 Cashew Street, Antioch, CA [§6-1.18]

STAFF REPORT

PUBLIC COMMENTS

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.**

**November 1, 2012
Council Chambers**

Chairperson Busenbarrick called the meeting to order at 3:12 P.M. on Thursday, November 1, 2012, in the Council Chambers.

ROLL CALL:

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

Staff Present: City Attorney, Lynn Tracy Nerland
City Clerk, Denise Skaggs
Deputy City Clerk, Christina Garcia
Minutes Clerk, Kitty Eiden
Animal Services Supervisor, Monika Helgemo
Animal Control Officer, Gabrielle Johnson

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 AUGUST 2, 2012

On motion by Board Member Schleder, seconded by Board Member Simpson, the Board of Administrative Appeal members unanimously approved the Minutes of August 2, 2012.

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

In response to Board Member Jennings, City Attorney Nerland clarified the appellant was given notice of this meeting and the City had not received any messages indicating she would not be able to attend. She noted the appeal can go forward in the absence of the appellant.

2. APPEALS

A. Appeal to reverse "Potentially Dangerous Animals" decision for three (3) dogs "Bubba" (A507033), "Roxy" (A102104), and "Chevelle" (A102105) for Jacqueline Wight, 2317 Redwood Drive, Antioch [§6-1.22 (A)(b)]

Animal Control Officer Johnson presented the staff report dated October 23, 2012 recommending the Board of Administrative Appeals uphold the Potentially Dangerous Animal declaration for all three dogs.

In response to Chairperson Busenbarrick, Animal Control Officer Johnson stated she was informed that the appellant had problems obtaining insurance for the dogs, building a kennel, and getting an appointment to have them neutered and spayed. Therefore the appeal would provide extra time to comply with the conditions.

APPELLANT

Chairperson Busenbarrick confirmed that Ms. Wight was not in attendance and staff had not been notified in advance of any issue with the date or her attendance at this meeting.

OPPONENTS

Ms. Reyes elected to have assistance from City Approved Interpreter Christina Garcia.

Estella Reyes reported she was in her home when she heard her husband yell from the garage and when she went outside, she saw her neighbor's dogs attacking her husband. She stated a man and woman removed the dogs and the man put the dogs in a vehicle and left the scene. She noted her husband was unable to get up due to the dog bites so she called 911 for an ambulance. She further noted it was a traumatic experience and following this incident, they were afraid to live in the neighborhood, so they had moved.

In response to Board Member Schleder, Ms. Reyes stated all three dogs had attacked her husband. She confirmed that they had never been a dog owner.

Crystal Reyes stated she was in her room when her mom asked her to come outside. She noted when she went outside, she witnessed a male neighbor putting the dogs inside his vehicle and she photographed the license plate with her phone. She further noted one of the female neighbors stated she was sorry and they left, and did not return for (2) two days. She stated when they did return, they would give them angry looks.

City Attorney Nerland indicated, for the record, that it is 3:35 P.M. and the dog owners had not shown up for the appeal.

Chairperson Busenbarrick closed the public comment portion of the meeting.

Board Member Simpson stated the information provided indicated the dogs attacked another human or animal, unprovoked, on more than one occasion.

In response to Board Member Schleder, Animal Service Supervisor Helgemo explained the hospital report indicated the victim received three stitches to his ankle and the other wounds were punctures, which did not require stitches.

Board Member Jennings stated that based upon the testimony and his experience, he would deem the dogs potentially dangerous and if conditions were not met, the dogs needed to be euthanized.

City Attorney Nerland reported the appellant would be notified of the decision, given a short time to comply with the conditions, and if she failed to do so, the dogs would be euthanized, assuming she did not appeal the decision to the Superior Court.

On motion by Board Member Simpson, seconded by Board Member Jennings, the Board of Administrative Appeals unanimously denied the appeal and upheld the decision of "Bubba, Roxy, and Chevelle" as Potentially Dangerous Animals and upheld the stipulations required to redeem the dogs. Included in the specific findings were the following:

- Finding that there had been a prior incident with the dog attacking another dog in the neighborhood on January 14, 2012.
- The dogs were unprovoked and caused severe injury as defined.
- If the appellant failed to comply with the conditions, then the dogs would be euthanized.

PUBLIC COMMENTS - None

WRITTEN/ORAL COMMUNICATIONS - None

ADJOURNMENT

Chairperson Busenbarrick adjourned the Administrative Board of Appeals meeting at 3:44 p.m. to the next regularly scheduled meeting on December 6, 2012.

Respectfully Submitted,

Kitty Eiden
Minutes Clerk

5/10/2007

The reason for appealing both of these citations is because my dogs are not a nuisance, and do not deserve to be treated as so. My dogs are being aggravated to bark by my neighbor directly behind my property "2912 Almondridge Drive". I have personally caught the neighbor bagging and sweeping our a joining fence at night in the complete darkness, there for causing my dogs to bark. He calls animal control services and then goes to he's yard to assure my dogs continue to bark, so the officer responding can confirm the barking. I've collected signatures for a petition that I've put together concerning the so called consecutive barking. I went around the entire street I live on as well as Almondridge Drive because that's where the complaints have come from. I collected 23 plus signatures stating my dogs are not a nuisance to our neighborhood. I find myself in a difficult position to pay these fines, while having other expenses in life to pay. This has been going on for a year an a half. We were told the individual complaining felt animal services was not doing there job and spoke to there lieutenant in charge. About a week later of being told that that's when the citations started. I all so want to state I purchased 2 anti bark collars last year, I have all so purchased a outside anti bark device for my back yard this year and my dogs and birds are put in at night and are not let out until 10am or so sense the neighbors complaint started in the January 2012.

CITY OF ANTIOCH
925-779-7055

REC#: 00579484 3/18/2013 1:49 PM
OPER: AJ3 TERM: 003
REF#: 307

TRAN: 176.0000 ANIMAL Citation fees
JEANNETTE LOPEZ
CIT #30251
Late Fee 100.00CR

TENDERED: 100.00 CHECK
APPLIED: 100.00-

CHANGE: —

3/16/2013

Mr. & Mrs. Lopez
2905 Cashew Street, Antioch Ca, 94509

Petition:

We are owners to property address stated above, we own a small and a Large dog as well as some small parakeets. Its come to our attention that one of our neighbors has had a few issues with the dogs barking and the birds chirping. As neighbors we would like to ask for signatures to support that our pets are not a problem or a nuisance to our neighborhood.

We the undersigned are neighbors to Mr. & Mrs. Lopez and affirm that I have never been disturbed by their dogs barking or their Birds chirping.

Name:	Address: # & street	Signature:
Dilbert O. Scott Sr.	2852 Cashew St.	Wylt
Andre Brewer	2904 Cashew St.	Andre Brewer
Rogue Salinas	2800 Cashew St	Rogue Salinas
John Alekunjio	2908 Cashew St.	John Alekunjio
Lee Naranjo	2912 Cashew St.	Lee Naranjo
GLE ROSE	2904 CASHW ST 94509	GLE ROSE
Sharon Wilson	2901 Cashew St 94509	Sharon Wilson
Barry Powell	2916 Cashew St 94509	Barry Powell
Shaquana Monroe	2927 CASHW ST 94509	Shaquana Monroe
JOHN LINDAUST	2920 ALMONDRIDGE DR 94509	John Lindaust
Bill Nelson	2916 Almondridge Dr 94509	Bill Nelson
Paul Sherman	2908 Almondridge Dr 94509	Paul Sherman
Vincent Rodriguez	2904 Almondridge Dr	Vincent Rodriguez
Samantha Canha	2900 Almondridge Dr.	Samantha Canha
Steven A. Rodriguez	2904 Almondridge Dr. Ant 94509	Steven A. Rodriguez
Jaydy Tapia	2824 Almondridge Dr. Ant.	Jaydy Tapia
MARCO BARTISTA	2816 ALMONDRIDGE DR ANT	MARCO BARTISTA
STEVEN JOHNSON	2820 ALMONDRIDGE DR ANT.	STEVEN JOHNSON

5/16/2013

[illegible]

**ADMINISTRATIVE
CITATION**

Citation # **30251**

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 2-10-13 Time 9:00 ☐ AM ☒ PM Day of Week Sat

Location of Violation 2405 Cashew St.

Citation Issued To (owner/resident/business) Alexandro Lopez 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>6-1.18</u>	<u>excessive barking</u>	<u>\$ 100.00</u>
		\$
		\$
		\$
		\$
		\$

TOTAL DUE: \$ 100.00

Notes:

Issuing Officer A. Gomez ID number 4675 Date 2-10-13

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.

REV. 10/11

See Reverse Side

NIS COPY

STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE HEARING OF APRIL 11, 2013

PREPARED BY: Ada Gomez, Animal Control Officer

DATE: April 4, 2013

SUBJECT: Administrative Citation No. 30251
Issued on February 16, 2013 – 2905 Cashew Street
Violation of Antioch Municipal Code § 6-1.18 - Excessive Barking Dog

REQUEST:

Appellate Alejandro Lopez requests a hearing to appeal the decision of Administrative Citation Number 30251 issued on February 16, 2013 citing Violation of the Antioch Municipal Code:

§6-1.18 BARKING OR HOWLING DOGS: *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.*

BACKGROUND INFORMATION:

Responsible Dog Owner:

Alejandro Lopez – 2905 Cashew Street, Antioch CA, 94509

- January 11, 2012: Antioch Animal Services responds to a call for service regarding excessive barking dogs (**See attached Event #12-003304**). Reporting party complains that there are two dogs on the property that bark all day and night. Contact was unable to be made with Dog Owner at that time. A Notice to Correct was left for No Dog Licenses (x 2 dogs) and No Proof of Rabies (x 2 dogs). Dog Owners were advised about barking complaints on Notice to Correct.
- May 1, 2012: Antioch Animal Services responds to a call for service regarding two barking dogs as well as loud birds (**See attached Event #12-039262**). A Notice to Correct is left by ACO Johnson (**See attached citation #26-C131109**). ACO Johnson was able to make contact with Animal Owner Alejandro Lopez and advised him of the noise complaints.

- October 2, 2012: Antioch Animal Services responds to a call for service regarding barking dogs and loud birds (**See attached Event #12-092995**). No barking dogs were heard.
- November 11, 2012: Antioch Police Department responds to a call for service regarding loud birds (**See attached Event #12-106371**). APD Officer Kidd closes the call and notes that he was unable to make contact with residents at 2905 Cashew Street but did hear a loud bird in backyard.
- December 3, 2012: Antioch Police Department responds to a call for service regarding loud bird (**See attached Event #12-113281**). APD Officer Kidd closes the call and notes he heard a bird in the backyard of residence. Officer Kidd also notes he was able to make contact with residents at 2905 Cashew Street.
- December 9, 2012: Antioch Police Department responds to a call for service regarding a loud bird and barking dogs from 2905 Cashew Street (**See attached Event #12-115217**). APD Officer Chang closes the call and is unable to hear barking dogs or bird noise from the residence.
- February 16, 2013; 4:56PM: Antioch Animal Services responds to a call for service regarding an ongoing animal noise complaint (**See attached Event # 13-014487**). ACO Johnson closes the call and is unable to hear excessive animal noises.
- February 16, 2013; 10:07PM: Antioch Animal Services responds to a call for service regarding barking dogs (**See attached Event #13-014563**). *The Neighborhood was quiet for the first 15 minutes while I was on scene, but then both dogs started barking from the backyard of 2905 Cashew Street and continued for the next 20 minutes (mostly large dog barking). I was unable to make contact with the Dog Owners at the time of the call due to the residents not being home. I left Administrative Citation No. 30251 in the amount of \$100.00 for Violation of Antioch Municipal Code §6-1.18: Excessive Barking and advised the owner on the citation that I was able to confirm excessive barking at the time of the call for service (**See attached Administrative Citation # 30251**).*

RECOMMENDATION:

At the time of this writing, additional calls for service were requested. Due to the excessive and unabated barking, it is Staff's recommendation to uphold the Administrative Citation No. 30251 for the Violations of Antioch Municipal Code § 6-1.18 Excessive Barking on February 16, 2013.

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:54:07

Event: 12-003304

INCIDENT INFORMATION					
Receive Time 01/11/2012 12:51:41	Clear Time 1/11/2012 4:33:59 PM	Call Taker HELGEMO, MONIKA ID: 1950		Position AS10559	
Classification 1091M	Priority 4	How Receive P	Services Police		
Address CASHEW ST / ALMONDRIDGE DR, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTIES					
Name DAVID YOUNG			Phone		
Address			Intro		
SYNOPSIS					
1 LARGE 1 SMALL DOG BARKING ALL DAY AND NIGHT. THEY JUST MOVED IN A COUPLE OF MONTHS AGO. 2 ND COMPLAINT. NO DOGS CURR					
DISPOSITIONS					
Closing Class ANML	Event Dispo 9	Location	Unit Code	Agency: Case Number PD:	Primary Staff ROMERO, ADA 4675
UNIT HISTORIES / SUPPLEMENTS					
Time 01/11/2012 16:13:36	Unit K4	Status D	Operator IMPASTATO, NICKI ID: 4317		Position CAD5
Time 01/11/2012 16:13:40	Unit K4	Status 49E	Operator ROMERO, ADA ID: 4675		Position VM761
Time 01/11/2012 16:26:43	Unit K4	Status 97E	Operator ROMERO, ADA ID: 4675		Position VM761
Time 01/11/2012 16:33:56			Operator ROMERO, ADA ID: 4675		Position VM761
Supplement NO ANSWER AT RES LEFT CITE FOR NO LICX2 AND NO PROOF OF RABIES WITH CARD FOR CONTACT ALSO ADVISED ABOUT BARKING COMPLAINTS					
Time 01/11/2012 16:33:59	Unit K4	Dissociate Status 8			
STAFF					
Police Unit K4	Staff ROMERO, ADA ID: 4675				
RESPONSE TIMES					
	Event	Police			
Receive	01/11/2012 12:51:41				
Save	01/11/2012 12:54:07				
Dispatch	01/11/2012 16:13:36	01/11/2012 16:13:36			
Enroute	01/11/2012 16:13:40	01/11/2012 16:13:40			

Event Report

Time: 03/13/2013 11:54:07

Event: 12-003304

Arrive	01/11/2012 16:26:43	01/11/2012 16:26:43	
Last Clear	01/11/2012 16:33:59	01/11/2012 16:33:59	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/23/2013 09:27:31

Event: 12-039262

INCIDENT INFORMATION					
Receive Time 05/01/2012 12:08:07	Clear Time 5/1/2012 1:13:44 PM	Call Taker SUTHERLAND, ANDREA ID: 2972		Position AS10560	
Classification 1091M	Priority 4	How Receive P	Services Police		
Address CASHEW ST / ALMONDRIDGE DR, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTIES					
Name REFUSED			Phone		
Address			Info		
SYNOPSIS					
BARKING COMPLAINT AT THIS ADDRESS AND TWO LOUD PARROTS AS WELL. RP CAN NOT GET ANY SLEEP.					
DISPOSITIONS					
Closing Class ANML	Event Dispo 7	Location	Unit Code	Agency: Case Number PD:	Primary Staff JOHNSON, GABRIELLE 4486
UNIT HISTORIES / SUPPLEMENTS					
Time 05/01/2012 12:15:48		Operator REZENTES, KAREN ID: 2315		Position CAD4	
Supplement NOT A BITE PER MONICA					
Time 05/01/2012 12:31:09	Unit K5	Status D	Operator SOARES, ANITA ID: 3958		Position CAD3
Time 05/01/2012 12:37:57	Unit K5	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486		Position VM765
Time 05/01/2012 12:49:41	Unit K5	Status 97E	Operator JOHNSON, GABRIELLE ID: 4486		Position VM765
Time 05/01/2012 13:11:51			Operator JOHNSON, GABRIELLE ID: 4486		Position VM765
Supplement VIOlation WAS LEFT FOR BARKING DOGS. D/O WAS UNSET THAT HIS NEIGHBORS DONT COME AND TALK TO HIM ABOUT HIS DOGS. HE WOULD LIKE TO KNOW WHO IT IS OR IF I CAN CALL AND TELL THEM NOT TO CALL US BUT TO COME TO HIM. HE FELS THE CITY IS GETTING HIM JUST FOR HIS MONEY AND HIS WIFE SAYS THAT SHE IS HOME ALL DAY AND THE DOGS DONT BARK. THEY WANT TO FIGHT IT AND I GAVE THEM THE AAS NUMBER TO CALL. AND MY NAME.					
Time 05/01/2012 13:13:43	Unit K5	Dissociate Status D			
SWAP					
Police Unit K5		Staff JOHNSON, GABRIELLE ID: 4486			
RESPONSE TIME					
	Event	Police			
Receive	05/01/2012 12:08:07				
Save	05/01/2012 12:09:24				

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/23/2013 09:27:31

Event: 12-039262

Dispatch	05/01/2012 12:31:09	05/01/2012 12:31:09	
Enroute	05/01/2012 12:37:57	05/01/2012 12:37:57	
Arrive	05/01/2012 12:49:41	05/01/2012 12:49:41	
Last Clear	05/01/2012 13:13:43	05/01/2012 13:13:43	
No. of Units	1	1	


CITY OF ANTIOCH

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

DATE	10/2	2012	TIME	3:56 PM	DAY OF WEEK	Tue
NAME	First	Middle	Last			
Arlando Lopez						
FR	RESS		CITY			
Cashew St						
LI	ESS ADDRESS				PHONE	

DRIVERS LICENSE NO.					STATE		CLASS	BIRTHDATE
SEX M F	HAIR	EYES	HEIGHT	WEIGHT	OTHER DES.			
DESCRIPTION OF ANIMAL(S)								LICENSE NO.
German Shep Parrot								

OWNER IF DIFFERENT FROM ABOVE

VIOLATION(S)	CODE	SECTION	DESCRIPTION	<input type="checkbox"/> INFRACTION:
6-18			Barking/noise	
				
LOCATION OF VIOLATIONS				

REMARKS	Complaints about barkings and Throat Yelling	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
SERIAL NO

NAME OF ARRESTING OFFICER-IF DIFFERENT FROM ABOVE		SERIAL NO.	VACATION DATE TO
G. Johnson			4/4/8

☐ WITHOUT ADMITTING GUILT, I
PROMISE TO APPEAR AT THE
TIME AND PLACE CHECKED
BELOW.

☒ I PROMISE TO CORRECT AND
GIVE PROOF OF CORREC-
TION TO CITING AGENCY
WITHIN 30 DAYS.

SIGNATURE X 011 SJP
BEFORE A JUDGE OR A CLERK OF THE MUNICIPAL OR JUSTICE COURT
TELEPHONE 427-8170 (ADDRESS) 1000 CENTER DR., PITTSBURG, CA.

☐ DATE 20 TIME M

☐ OR YOU MAY APPEAR ON THE NIGHT(S) OF AT P

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

SEE REVERSE SIDE

COURT COPY

**Antioch Police Department
Event Report**

Page 1 of 2

Time: 03/23/2013 09:27:53

Event: 12-092995

INCIDENT INFORMATION					
Receive Time 10/02/2012 11:19:31	Clear Time 10/2/2012 4:03:14 PM	Call Taker HELGEMO, MONIKA ID: 1950		Position AS10559	
Classification 1091M	Priority 4	How Receive P	Services Police		
Address CASHEW ST / ALMONDRIDGE DR, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTIES					
Name MR. YOUNG			Phone		
Address REFUSED			Info		
SYNOPSIS					
R/P PHONED TO MAKE A COMPLAINT REGARDING PARROT AND GERMAN SHEPHERD BARKING AND YELLING DURING THE DAY. R/P BECAME IRATE WHEN I ASKED FOR HIS ADDRESS AND CONTACT NUMBER. REFUSED TO GIVE ANY OF THAT. BOTH DOGS ARE CURR IN CHAMELEON...OWNER IS ALEJANDO LOPEZ...					
DISPOSITIONS					
Closing Class ANML	Event Dispo 7	Location	Unit Code	Agency: Case Number PD:	Primary Staff JOHNSON, GABRIELLE 4486
UNIT HISTORIES / SUPPLEMENTS					
Time 10/02/2012 15:39:18	Unit K5	Status D	Operator KEAS, CANDACE ID: 3965		Position CAD2
Time 10/02/2012 15:40:01	Unit K5	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486		Position VM761
Time 10/02/2012 15:51:42	Unit K5	Status 97E	Operator JOHNSON, GABRIELLE ID: 4486		Position VM761
Time 10/02/2012 16:01:25			Operator JOHNSON, GABRIELLE ID: 4486		Position VM761
Supplement NO BARKING OR PARROT NOISES HEARD LEFT CITATION.					
Time 10/02/2012 16:03:14	Unit K5	Dissociate Status D			
STAFF					
Police Unit K5	Staff JOHNSON, GABRIELLE ID: 4486				
RESPONSE TIMES					
	Event	Police			
Receive	10/02/2012 11:19:31				
Save	10/02/2012 11:22:54				
Dispatch	10/02/2012 15:39:18	10/02/2012 15:39:18			
Enroute	10/02/2012 15:40:01	10/02/2012 15:40:01			

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/23/2013 09:27:53

Event: 12-092995

Arrive	10/02/2012 15:51:42	10/02/2012 15:51:42	
Last Clear	10/02/2012 16:03:14	10/02/2012 16:03:14	
No. of Units	1	1	

**Antioch Police Department
Event Report**

Page 1 of 2

Time: 03/13/2013 11:55:54

Event: 12-106371

INCIDENT INFORMATION					
Receive Time 11/11/2012 12:12:42	Clear Time 11/11/2012 1:13:00 PM	Call Taker MALSOM, STACEY ID: 4045		Position CAD6	
Classification 415N	Priority 3	How Receive P	Services Police		
Address CASHEW ST / BEECHNUT ST, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTIES					
Name YOUNT,DAVID			Phone		
Address ALMONDRIDGE DR, ANTIOCH			Info Contact		
SYNOPSIS					
RP SAYS NBR HAS A VERY LOUD BIRD IN THE BACKYARD..RP REQ CONTACT					
DISPOSITIONS					
Closing Class ANML	Event Dispo 9	Location	Unit Code	Agency: Case Number PD:	Primary Staff KIDD, CHRISTOPHER 4470
UNIT HISTORIES / SUPPLEMENTS					
Time 11/11/2012 12:58:22	Unit X22	Status D	Operator KEAS, CANDACE ID: 3965		Position CAD4
Time 11/11/2012 12:58:35	Unit X22	Status 49E	Operator KIDD, CHRISTOPHER ID: 4470		Position VM28
Time 11/11/2012 13:09:08	Unit X22	Status 97E	Operator KIDD, CHRISTOPHER ID: 4470		Position VM28
Time 11/11/2012 13:11:55			Operator KIDD, CHRISTOPHER ID: 4470		Position VM28
Supplement CONTACTED RP REGARDING THE BIRD. ATC RES WITH NEG RESULTS. I HEARD THE BIRD AND IT WAS VERY LOUD.					
Time 11/11/2012 13:13:00	Unit X22	Dissociate Status 8			
STATUS					
Police Unit X22	Staff KIDD, CHRISTOPHER ID: 4470				
RESPONSE TIMES					
	Event	Police			
Receive	11/11/2012 12:12:42				
Save	11/11/2012 12:13:06				
Dispatch	11/11/2012 12:58:22	11/11/2012 12:58:22			
Enroute	11/11/2012 12:58:35	11/11/2012 12:58:35			
Arrive	11/11/2012 13:09:08	11/11/2012 13:09:08			

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 11:55:54

Event: 12-106371

Last Clear	11/11/2012 13:13:00	11/11/2012 13:13:00	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:56:27

Event: 12-113281

<div> <div>12/03/2012 12:36:35</div> <div>12/3/2012 1:25:05 PM</div> <div>SOARES, ANITA ID: 3958</div> <div>CAD4</div> </div>					
<div> <div>415N</div> <div>3</div> </div>		<div> <div>P</div> <div>Police</div> </div>			
<div> <div>CASHEW ST / BEECHNUT ST, ANTIOCH</div> </div>					
<div> <div>PD</div> </div>		<div> <div>2</div> </div>		<div> <div>209</div> </div>	
<div> <div>YOUNT, STEVE</div> <div>Info</div> </div>					
<div> <div>NBRS BIRD BEING LOUD IN THEIR YARD</div> <div>RP DOESNT HAVE A PHONE # FOR CONTACT</div> </div>					
<div> <div>ANML</div> <div>9</div> <div>PD:</div> <div>KIDD, CHRISTOPHER 4470</div> </div>					
<div> <div>12/03/2012 13:07:42</div> <div>X22</div> <div>D</div> <div>KEAS, CANDACE ID: 3965</div> <div>CAD2</div> </div>					
<div> <div>12/03/2012 13:08:09</div> <div>X22</div> <div>D</div> <div>KEAS, CANDACE ID: 3965</div> <div>CAD2</div> </div>					
<div> <div>WA</div> </div>					
<div> <div>12/03/2012 13:09:51</div> <div>X22</div> <div>49E</div> <div>KIDD, CHRISTOPHER ID: 4470</div> <div>VM11</div> </div>					
<div> <div>WA</div> </div>					
<div> <div>12/03/2012 13:24:32</div> <div>KIDD, CHRISTOPHER ID: 4470</div> <div>VM11</div> </div>					
<div> <div>CONTACTED RESIDENT AND ADVISED THEM OF THE COMPLAINT. RESIDENT ADVISED SHE HAS BEEN WORKING WITH AC REGARDING THE RP'S CONSTANT CALLS ON HER. I HEARD THE BIRD IN THE BACKYARD. RESIDENT ADVISED SHE WOULD GIVE AC A CALL TO FIND OUT WHAT THE NEXT STEPS ARE.</div> </div>					
<div> <div>12/03/2012 13:25:02</div> <div>X22</div> <div>97E</div> <div>KIDD, CHRISTOPHER ID: 4470</div> <div>VM11</div> </div>					
<div> <div>WA</div> </div>					
<div> <div>12/03/2012 13:25:05</div> <div>X22</div> <div>8</div> </div>					
<div> <div>X22</div> <div>KIDD, CHRISTOPHER ID: 4470</div> </div>					
<div> <div>Event</div> <div>Police</div> </div>					

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 11:56:27

Event: 12-113281

Receive	12/03/2012 12:36:35		
Save	12/03/2012 12:37:06		
Dispatch	12/03/2012 13:07:42	12/03/2012 13:07:42	
Enroute	12/03/2012 13:09:51	12/03/2012 13:09:51	
Arrive	12/03/2012 13:25:02	12/03/2012 13:25:02	
Last Clear	12/03/2012 13:25:05	12/03/2012 13:25:05	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:56:56

Event: 12-115217

<div> <div>12/09/2012 12:51:57</div> <div>12/9/2012 5:41:25 PM</div> <div>SOARES, ANITA ID: 3958</div> <div>CAD3</div> </div>					
<div> <div>415N</div> <div>3</div> </div>		<div> <div>P</div> <div>Police</div> </div>			
<div> <div>CASHEW ST / BEECHNUT ST, ANTIOCH</div> </div>					
<div> <div>Agency</div> <div>District</div> </div>		<div> <div>Beat</div> <div>2</div> </div>		<div> <div>Station</div> <div>Zone</div> <div>209</div> </div>	
<div> <div> <div>Name</div> <div>ANON</div> </div> <div> <div>Phone</div> </div> </div>					
<div> <div> <div>Address</div> <div>Info</div> </div> </div>					
<div> <div> <div>LOUD BIRD AND DOG</div> <div>ONGOING PROBLEM</div> <div>RP WAS TOLD BY AC TO CALL WHEN THIS IS HAPPENING</div> </div> </div>					
<div> <div> <div>Closing Class</div> <div>MSDS</div> </div> <div> <div>Event Dispo</div> <div>6</div> </div> <div> <div>Location</div> </div> <div> <div>Unit Code</div> </div> <div> <div>Agency: Case Number</div> <div>PD:</div> </div> <div> <div>Primary Staff</div> <div>CHANG, TED 4362</div> </div> </div>					
<div> <div> <div>Time</div> <div>12/09/2012 12:54:09</div> </div> <div> <div>Operator</div> <div>MCDONALD, PAMELA ID: 5097</div> </div> <div> <div>Position</div> <div>CAD2</div> </div> </div>					
<div> <div> <div>Supplement</div> <div>W3 ADVD</div> </div> </div>					
<div> <div> <div>Time</div> <div>12/09/2012 13:25:21</div> </div> <div> <div>Operator</div> <div>MALSOM, STACEY ID: 4045</div> </div> <div> <div>Position</div> <div>CAD4</div> </div> </div>					
<div> <div> <div>Supplement</div> <div>W3 ADVD VIA MDS</div> </div> </div>					
<div> <div>Time</div> <div>12/09/2012 17:23:43</div> </div>		<div> <div>Unit</div> <div>Y2</div> </div>		<div> <div>Status</div> <div>D</div> </div>	
		<div> <div>Operator</div> <div>GIRARD, JEANNINE ID: 3951</div> </div>		<div> <div>Position</div> <div>CAD6</div> </div>	
<div> <div>Time</div> <div>12/09/2012 17:23:46</div> </div>		<div> <div>Unit</div> <div>Y2</div> </div>		<div> <div>Status</div> <div>49E</div> </div>	
		<div> <div>Operator</div> <div>CHANG, TED ID: 4362</div> </div>		<div> <div>Position</div> <div>VM25</div> </div>	
<div> <div>Time</div> <div>12/09/2012 17:31:25</div> </div>		<div> <div>Unit</div> <div>Y2</div> </div>		<div> <div>Status</div> <div>97E</div> </div>	
		<div> <div>Operator</div> <div>CHANG, TED ID: 4362</div> </div>		<div> <div>Position</div> <div>VM25</div> </div>	
<div> <div>Time</div> <div>12/09/2012 17:35:34</div> </div>				<div> <div>Operator</div> <div>CHANG, TED ID: 4362</div> </div>	
				<div> <div>Position</div> <div>VM25</div> </div>	
<div> <div> <div>Supplement</div> <div>QUIET UPON ARRIVAL. SPOKE TO NEIGHBORS WHO STATED RP IS NEIGHBORHOOD PROBLEM. THE NEIGHBOR DOG ONLY BARKS WHEN SIRENS NERBY AND A SMALL BIRD IN REAR YARD, BUT NOT A NUISANCE. STATED RP IS A NEIGHBORHOOD PROBLEM.</div> </div> </div>					
<div> <div>Time</div> <div>12/09/2012 17:41:25</div> </div>		<div> <div>Unit</div> <div>Y2</div> </div>		<div> <div>Dissociate Status</div> <div>97E</div> </div>	
<div> <div> <div>Police Unit</div> <div>Y2</div> </div> <div> <div>Staff</div> <div>CHANG, TED ID: 4362</div> </div> </div>					

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 11:56:56

Event: 12-115217

RESPONSE TIMES			
	Event	Police	
Receive	12/09/2012 12:51:57		
Save	12/09/2012 12:52:48		
Dispatch	12/09/2012 17:23:43	12/09/2012 17:23:43	
Enroute	12/09/2012 17:23:46	12/09/2012 17:23:46	
Arrive	12/09/2012 17:31:25	12/09/2012 17:31:25	
Last Clear	12/09/2012 17:41:25	12/09/2012 17:41:25	
No. of Units	1	1	

**Antioch Police Department
Event Report**

Page 1 of 2

Time: 03/13/2013 11:57:50

Event: 13-014487

RECEIPT INFORMATION					
Receive Time 02/16/2013 16:22:00		Clear Time 2/16/2013 4:56:10 PM		Call Taker JOHNSON, GABRIELLE ID: 4486	
Position AS10613		Classification 1091M		Priority 4	How Receive P
Services Police		Address CASHEW ST / BEECHNUT ST, ANTIOCH			
Police Agency PD	District	Beat 2	Station	Zone 209	
ON GOING ANIMAL NOISE COMPLAINT.					
DISPOSITION					
Closing Class ANML	Event Dispo 5	Location	Unit Code	Agency: Case Number PD:	Primary Staff JOHNSON, GABRIELLE 4486
UNIT HISTORY / SUPPLEMENTS					
Time 02/16/2013 16:32:57		Unit K4	Status D	Operator IMPASTATO, NICKI ID: 4317	
Position CAD5					
Time 02/16/2013 16:33:07		Unit K4	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Time 02/16/2013 16:42:25		Unit K4	Status 97E	Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Time 02/16/2013 16:45:40				Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Supplement NO CAR IN DRIVEWAY NO BARKING HEARD ON ARRIVAL. NATIVE BIRDS CAN BE HEARD IN TREES AND BUSHES AROUND THE AREA. DOGS FROM CAN BE SEEN UNDER THE SIDE FENCE. BOTH DOGS ARE NOT BARKING AT THIS TIME.					
Time 02/16/2013 16:46:48				Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Supplement KIDS ARE PLAYING AND YELLING IN THE STREET, SIDE NEIGHBORS ARE OUT AND TALKING LOUD AND YELLING. DOGS ARE STILL NOT BARKING.					
Time 02/16/2013 16:49:13				Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Supplement BIRDS IN A CAGE CAN BE SOFTLY HEARD TWEETING. I BELIEVE BIRD CAGE IS ON THE EAST SIDE OF THE HOUSE IN THE SIDE YARD WHERE THE DOGS APPEAR TO BE LOUNGING.					
Time 02/16/2013 16:55:29				Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Supplement NO BARKING HEARD AT OR FROM THIS AREA. NO BARKING HEARD FROM THIS AREA AND NO EXCESSIVE ANIMAL NOISES HEARD FROM					
Time 02/16/2013 16:56:00				Operator JOHNSON, GABRIELLE ID: 4486	
Position VM761					
Supplement NO EXCESSIVE ANIMAL NOISES HEARD.					
Time 02/16/2013 16:56:10		Unit K4	Dissociate Status 19		
Police Unit K4		Staff JOHNSON, GABRIELLE ID: 4486			

**Antioch Police Department
Event Report**

Page 2 of 2

Time: 03/13/2013 11:57:50

Event: 13-014487

RESPONSE TIMES			
	Event	Police	
Receive	02/16/2013 16:22:00		
Save	02/16/2013 16:24:23		
Dispatch	02/16/2013 16:32:57	02/16/2013 16:32:57	
Enroute	02/16/2013 16:33:07	02/16/2013 16:33:07	
Arrive	02/16/2013 16:42:25	02/16/2013 16:42:25	
Last Clear	02/16/2013 16:56:10	02/16/2013 16:56:10	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:58:29

Event: 13-014563

INCIDENT INFORMATION					
Receive Time 02/16/2013 21:11:54	Clear Time 2/16/2013 10:07:43 PM	Call Taker MCDONALD, PAMELA ID: 5097		Position CAD2	
Classification 415BD	Priority 3	How Receive P	Services Police		
Address CASHEW ST / BEECHNUT ST, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTY					
Name DAVID YOUNT			Phone		
Address			Info		
SYNOPSIS					
BARKING DOG COMPLAINT...					
DISPOSITION					
Closing Class ANML	Event Dispo 7	Location	Unit Code	Agency: Case Number PD:	Primary Staff ROMERO, ADA 4675
UNIT HISTORIES / SUPPLEMENTS					
Time 02/16/2013 21:14:03		Operator MCDONALD, PAMELA ID: 5097		Position CAD2	
Supplement PER MONICA IN AC IF SOMEONE CALLS ABOUT A BARKING DOG AT THIS ADDRESS ANYTIME DAY OR NIGHT AC ON CALL IS TO BE CALLED OUT TO RESPOND					
Time 02/16/2013 21:16:22		Operator MCDONALD, PAMELA ID: 5097		Position CAD2	
Supplement AC ADVD					
Time 02/16/2013 21:23:53	Unit K3	Status D	Operator ESQUIBELL, RACHELLE ID: 5205		Position CAD6
Time 02/16/2013 21:23:56	Unit K3	Status 49E	Operator ROMERO, ADA ID: 4675		Position VM761
Time 02/16/2013 21:31:52	Unit K3	Status 97E	Operator ROMERO, ADA ID: 4675		Position VM761
Time 02/16/2013 22:07:20		Operator ROMERO, ADA ID: 4675		Position VM761	
Supplement I WAS CLEARLY ABLE TO HEAR EXCESSIVE BARKING COMING FROM RES CASHEW. NO ONE HOME AT RES BUT LARGE DOG AND SMALL DOG CAN BE HEARD IN BACKYARD OF RES. NOTHING WAS HEARD DURING THE FIRST 15MIN OF MY ARRIVAL BUT AFTER 15MINS DOGS (MAINLY LARGE DOG) CONTINUED TO EXCESSIVELY BARK FOR ANOTHER 20MINS. LEFT CITE FOR DOG OWNER ALEJANDRO LOPEZ FOR 6-1.18 EXCESSIVE BARKING AND ADVISED I WAS ABLE TO HEAR BARKING.					
Time 02/16/2013 22:07:43	Unit K3	Dissociate Status 8			
Police Unit K3		Staff ROMERO, ADA ID: 4675			

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 11:58:29

Event: 13-014563

	Event	Police	
Receive	02/16/2013 21:11:54		
Save	02/16/2013 21:13:16		
Dispatch	02/16/2013 21:23:53	02/16/2013 21:23:53	
Enroute	02/16/2013 21:23:56	02/16/2013 21:23:56	
Arrive	02/16/2013 21:31:52	02/16/2013 21:31:52	
Last Clear	02/16/2013 22:07:43	02/16/2013 22:07:43	
No. of Units	1	1	

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

7 ADMINISTRATIVE CITATION APPEAL HEARING

8 ANTIOCH MUNICIPAL CODES: § 6-1.18

9 In re the Matter of:

10 ALEJANDRO LOPEZ [APPELLANT]
11
12

Uphold Administrative Citation for Violation of
Antioch Municipal Code § 6-1.18

DECISION OF BOARD OF ADMINISTRATIVE
APPEALS

13 I. GENERAL FINDINGS:
14

- 15 1. Administrative Citation for violation of Antioch Municipal Code: § 6-1.18. At all relevant times
16 Appellant was the sole owner of both dogs and/or the responsible party.
17 2. Appellant appealed the Administrative Citation for Antioch Municipal Code § 6-1.18, which is
18 the only item 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 April 11, 2013, and the Appellant was duly notified by the
21 City Clerk.

22 II. SPECIFIC FINDINGS:

23 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Administrative
24 Citation was duly held on April 11, 2013, at 3:00 PM. Evidence, both oral and documentary, was
25 taken and based on the preponderance of said evidence, the following specific findings are made:

- 26 1. On January 11, 2012, Antioch Animal Services receives a call for service regarding barking dogs.
27 No contact is able to be made with Dog Owners. A Notice to Correct is given for No Dog
28 Licensing, No Proof of Rabies Vaccination and Excessive Barking.

- 1 2. May 01, 2012- February 16, 2013: Antioch Police Department and Antioch Animal Services
2 receives and responds to multiple calls for service regarding barking dogs and excessive animal
3 noise. Some calls for service are closed with validation of noise and some are closed without
4 validation of noise. Dog Owners are advised on several occasions about excessive barking.
5
6 3. On February 16, 2013: Antioch Animal Services responds to a call for service regarding barking
7 dogs. Animal Control Officer Gomez is able to confirm excessive barking from residence for at
8 least twenty minutes. An Administrative Citation was issued for Violation of Antioch Municipal
9 Code § 6-1.18. Dog Owners were not home at time of call and were unavailable for contact.
10
11 4. The City has the ability to issue an Administrative Citation pursuant to Antioch Municipal Code
12 §6-1.18 No person shall allow any dog he owns, keeps, harbors, or controls within the City to
13 bark or howl with such frequency, or in such a manner, as to disturb the peace of the immediate
14 neighborhood.

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

17 III. NOTICE:

18 Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and
19 Decision by first class U.S. Mail, addressed to Alejandro Lopez, 2905 Cashew Street, Antioch, CA,
20 94509.

21 Dated: April 11, 2013

22
23
24
25
26
27
28

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.

City of Antioch
Citation Appeal Application

RECEIVED

MAR 18 2013

**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: 03-07-13

Citation #: 30254

Name: Alejandro Lopez

Property Address: 2905 Cashew Street
Antioch, CA 94509

Mailing Address: SAME AS ABOVE

Home Phone: _____

Work Phone: _____

REASON FOR APPEAL

I have attached my reason on a separate sheet as well as a copy of a petition.

Signature

A Lopez

Date

3/16/2013

The reason for appealing both of these citations is because my dogs are not a nuisance, and do not deserve to be treated as so. My dogs are being aggravated to bark by my neighbor directly behind my property "2912 Almondridge Drive". I have personally caught the neighbor bagging and sweeping our a joining fence at night in the complete darkness, there for causing my dogs to bark. He calls animal control services and then goes to he's yard to assure my dogs continue to bark, so the officer responding can confirm the barking. I've collected signatures for a petition that I've put together concerning the so called consecutive barking. I went around the entire street I live on as well as Almondridge Drive because that's where the complaints have come from. I collected 23 plus signatures stating my dogs are not a nuisance to our neighborhood. I find myself in a difficult position to pay these fines, while having other expenses in life to pay. This has been going on for a year and a half. We were told the individual complaining felt animal services was not doing there job and spoke to there lieutenant in charge. About a week later of being told that that's when the citations started. I all so want to state I purchased 2 anti bark collars last year, I have all so purchased a outside anti bark device for my back yard this year and my dogs and birds are put in at night and are not let out until 10am or so sense the neighbors complaint started in the January 2012.

CITY OF ANTONIO
925-779-7055

REC#: 00579485 3/18/2013 1:50 PM
OPER: AJ3 TERM: 003
REF#: 308

TRAN: 176.0000 ANIMAL Citation fees
JEANNETTE LOPEZ
CIT#30254
Late Fee 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANG

3/16/2013

Mr. & Mrs. Lopez
2905 Cashew Street, Antioch Ca, 94509

Petition:

We are owners to property address stated above, we own a small and a Large dog as well as some small parakeets. Its come to our attention that one of our neighbors has had a few issues with the dogs barking and the birds chirping. As neighbors we would like to ask for signatures to support that our pets are not a problem or a nuisance to our neighborhood.

We the undersigned are neighbors to Mr. & Mrs. Lopez and affirm that I have never been disturbed by their dogs barking or their Birds chirping.

Name:	Address: # & street	Signature:
Dilbert O. Scott Sr.	2852 Cashew St.	Will Scott
Andre Brewer	2904 Cashew St.	Andre Brewer
Rogue Salinas	2900 Cashew St	Rogue Salinas
John Alekunjio	2908 Cashew St.	John Alekunjio
Lee Naranjo	2912 Cashew St.	Lee Naranjo
GLE ROSA	2904 CASHW ST 94509	GLE ROSA
Sharon Wilson	2901 Cashew St 94509	Sharon Wilson
Barry Powell	2916 Cashew St 94509	Barry Powell
Shaquana Marcel	2927 CASHW ST 94509	Shaquana Marcel
JOHN LINDAUST	2920 ALMONDRIDGE DR 94509	John Lindaust
Bill Nelson	2916 Almondridge Dr 94509	Bill Nelson
Paul Sherman	2908 Almondridge Dr 94509	Paul Sherman
Vincent Rodriguez	2909 Almondridge Dr	Vincent Rodriguez
Samantha Canha	2900 Almondridge Dr.	Samantha Canha
Steven A. Rodriguez	2904 Almondridge Dr. Ant 94509	Steven A. Rodriguez
Jaydy Tapia	2824 Almondridge Dr. Ant.	Jaydy Tapia
MARIO BUSTOS	2816 ALMONDRIDGE DR ANT	MARIO BUSTOS
STEVEN JOHNSON	2820 ALMONDRIDGE DR ANT.	STEVEN JOHNSON

**ADMINISTRATIVE
CITATION**

Citation # **30254**

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 3-07-13 Time ☐ AM ☒ PM Day of Week THURS

Location of Violation 2905 cashew

Citation Issued To (owner/resident/business) Alejandro Lopez 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>6-1.18</u>	<u>excessive barking</u>	<u>\$ 200.00</u>
		\$
		\$
		\$
		\$

TOTAL DUE: \$ 200.00

on 3-7-13 from 6:40pm - 7pm. I was able to confirm excessive barking from both dogs on property

Notes: Issuing Officer A. Gomez ID number 4675 Date 3-07-13

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.

**STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR
CONSIDERATION AT THE HEARING OF APRIL 11, 2013**

PREPARED BY: Ada Gomez, Animal Control Officer
DATE: April 4, 2013
SUBJECT: Administrative Citation No. 30254
Issued on March 7, 2013 – 2905 Cashew Street
Violation of Antioch Municipal Code § 6-1.18 - Excessive Barking Dog

REQUEST:

Appellate Alejandro Lopez requests a hearing to appeal the decision of the second Administrative Citation (No. 30254) issued on March 7, 2013 citing Violation of the Antioch Municipal Code:

§6-1.18 BARKING OR HOWLING DOGS: *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.*

BACKGROUND INFORMATION:

Responsible Dog Owner:

Alejandro Lopez – 2905 Cashew Street, Antioch CA, 94509

Please see Attachment 'A' regarding the initial background information which includes the supporting documentation for the dates of calls for service, event numbers, Notices to Correct, and Administrative Citation No. 30251 (first citation received).

- February 21, 2013; 2:29PM: Antioch Animal Services responds to a call for service regarding barking dogs (**See attached Event #13-015879**). ACO Johnson closes the call and is unable to hear excessive barking from the residence.
- February 21, 2013; 7:18PM: Antioch Animal Services response to a call for service regarding barking dogs (**See attached Event #13-016044**). ACO Johnson closes the call and notes that she was able to hear dogs barking on and off but nothing

excessive. She also notes Dog Owners were not home at time of call so she was unable to make contact but left her business card for contact.

- February 21, 2013; 10:32 PM: Antioch Police Department responds to a call for service regarding barking dogs (**See attached Event #13-016091**). APD Officer Gonzalez closes the call and notes he was unable to hear excessive barking from the residence.
- February 22, 2013: Antioch Animal Services response to a call for service regarding barking dogs (**See attached Event #13-016420**). ACO Johnson closes the call and notes she was unable to hear excessive barking. She also notes she made contact with Dog Owner Mr. Lopez and again, advised him about the barking dog complaints.
- March 7, 2013: Antioch Animal Services responds to a call for service regarding barking dogs (**See attached Event #13-020492**). Upon my arrival, I was able to hear both dogs barking from the backyard of 2905 Cashew Street I parked my vehicle adjacent to the address 2905 Cashew Street, in front of the neighboring house. I was able to confirm that both dogs on the property barked excessively from 6:40PM until my departing time of 7:00PM. The Dog Owners were not home at the time of the call and I was unable to make contact. I left a second Administrative Citation No. 30254 in the amount of \$200.00 for Violation of Antioch Municipal Code §6-1.18 Excessive Barking and advised on the citation that I was able to confirm excessive barking at the time of call for service (**See attached Administrative Citation No. 30254**).

RECOMMENDATION:

At the time of this writing, additional calls for service were requested and Officer Johnson responded and issued a third Administrative Citation for Excessive Barking (**Event #13-023112**). Due to the excessive and unabated barking, it is Staff's recommendation to uphold the Administrative Citation No. 30254 (*second citation issued*) for the Violations of Antioch Municipal Code § 6-1.18 Excessive Barking on March 07, 2013.

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:58:55

Event: 13-015879

Receive Time 02/21/2013 10:09:57					Clear Time 2/21/2013 2:29:55 PM		Call Taker ROMERO, ADA ID: 4675		Position AS10560		
Classification 1091M			Priority 4		How Receive P			Services Police			
Address CASHEW ST / BEECHNUT ST, ANTIOCH											
Po Agency PC		District		Beat 2		Station		Zone 209			
Name DAVID YOUNT						Phone					
Address						Info					
BARKING DOG. RP SAYS DOG HAS BEEN BARKING NON STOP SINCE 8:30AM											
Closing Class ANML		Event Dispo 6		Location		Unit Code		Agency: Case Number PD:		Primary Staff JOHNSON, GABRIELLE 4486	
Time 02/21/2013 10:46:40				Operator SPAINHOWER, MARLA ID: 3793				Position CAD3			
Supplement W8 ADVD											
Time 02/21/2013 12:25:57				Operator SPAINHOWER, MARLA ID: 3793				Position CAD3			
Supplement W8 ADVD											
Time 02/21/2013 13:59:28		Unit K4	Status D	Operator GIRARD, JEANNINE ID: 3951				Position CAD4			
Time 02/21/2013 13:59:32		Unit K4	Status 49E	Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Time 02/21/2013 14:07:59		Unit K4	Status 97E	Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Time 02/21/2013 14:10:31				Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Supplement PARKED IN BETWEEN 2909 AND 2015 NO BARKING HEARD											
Time 02/21/2013 14:12:44				Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Supplement STREET IS QUIET. SMALL NATIVE BIRDS IN BUSH NEXT TO VEHICLE CHIRPING, NO OTHER ANIMAL SOUNDS HEARD											
Time 02/21/2013 14:23:14				Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Supplement A WOMEN WALKED BY WITH A STROLLER TALKING ON THE PHONE. NO BARKING HEARD FROM											
Time 02/21/2013 14:25:10				Operator JOHNSON, GABRIELLE ID: 4486				Position VM765			
Supplement A SINGLE DOG CAN BE HEARD BARKING OFF IN THE DISTANCE, UNABLE TO LOCATE WICH DIRECTION. STILL NO ANIMAL NOISES FROM ADDRESSES AT MY LOCATION.											

**Antioch Police Department
Event Report**

Page 2 of 2

Time: 03/13/2013 11:58:55

Event: 13-015879

Time 02/21/2013 14:27:36		Operator JOHNSON, GABRIELLE ID: 4486		Position VM765	
Supplement NO ANIMAL NOISES OR BARKING NOISES HEARD.					
Time 02/21/2013 14:29:55		Unit K4		Dissociate Status D	
STAFF					
Police Unit K4		Staff JOHNSON, GABRIELLE ID: 4486			
RESPONSE TIMES					
	Event	Police			
Receive	02/21/2013 10:09:57				
Save	02/21/2013 10:10:43				
Dispatch	02/21/2013 13:59:28	02/21/2013 13:59:28			
Enroute	02/21/2013 13:59:32	02/21/2013 13:59:32			
Arrive	02/21/2013 14:07:59	02/21/2013 14:07:59			
Last Clear	02/21/2013 14:29:55	02/21/2013 14:29:55			
No. of Units	1	1			

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 11:59:55

Event: 13-016044

Receive Time 02/21/2013 18:11:36					Clear Time 2/21/2013 7:18:00 PM		Call Taker NORRIS, VINCE ID: 4500		Position CAD6		
Classification 415BD		Priority 4		How Receive P		Services Police					
Address CASHEW ST / BEECHNUT ST, ANTIOCH											
Police Agency PD		District		Beat 2		Station		Zone 209			
Name DAVID YOUNT						Phone					
Address ALMONDRIDGE DR, ANTIOCH						Info					
DOG BARKING AT HIS LOCATION..PER EMAIL ON CALL ANIMAL CONTROL IS TO BE CALLED OUT..											
Closing Class ANML		Event Dispo 9		Location		Unit Code		Agency: Case Number PD:		Primary Staff JOHNSON, GABRIELLE 4486	
Time 02/21/2013 18:18:54		Unit K4		Status D		Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Time 02/21/2013 18:23:03		Unit K4		Status D		Operator ESQUIBELL, RACHELLE ID: 5205			Position CAD2		
Time 02/21/2013 18:23:33		Unit K4		Status 49E		Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Time 02/21/2013 18:33:30		Unit K4		Status 97E		Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Time 02/21/2013 18:34:34						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Supplement NO BARKING ON ARRIVAL IM PARKED INFRONT OF CASHEW											
Time 02/21/2013 18:35:55						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Supplement NEIGHBORS ACCROSS THE WAY FROM ARE WORKING OUT OF THEIR GARAGE											
Time 02/21/2013 18:38:25						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Supplement GARAGE DOOR CLOSED A FEW BARKS FROM BUT STOP AND WAS NOT EXCESSIVE.											
Time 02/21/2013 18:40:28						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Supplement ANOTHER GARAGE DOOR OPENED DOG BARKED EITHER FROM OR UNABLE TO TELL											
Time 02/21/2013 18:42:12						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		
Supplement TWO DOGS ARE NOW BARKING FROM DIFFRENT YARDS POSS FROM NEXT STREET OVER. BOTH DOGS WENT BACK A FORTH AND THAN STOPPED.											
Time 02/21/2013 18:47:20						Operator JOHNSON, GABRIELLE ID: 4486			Position VM761		

**Antioch Police Department
Event Report**

Page 2 of 2

Time: 03/13/2013 11:59:55

Event: 13-016044

Supplement			
REAR LIGHT IN YARD BEHIND. IS ON DOG FROM. BARKED NEAR BACK FENCE THAN BARKING STOPPED.			
Time	Operator		Position
02/21/2013 18:50:49	JOHNSON, GABRIELLE ID: 4486		VM761
Supplement			
DOG IS BARKING ON AND OFF FROM SOUNDS LIKE THE SHEP FROM THIS ADDRESS			
Time	Operator		Position
02/21/2013 19:09:31	JOHNSON, GABRIELLE ID: 4486		VM761
Supplement			
NO BARKING HEARD IN A WHILE. NO EXCESSIVE BARKING HEARD			
Time	Operator		Position
02/21/2013 19:17:23	JOHNSON, GABRIELLE ID: 4486		VM761
Supplement			
ONCE I GOT OUT OF THE CAR AND MOVED TOWARD THE HOUSE THE DOG STARTED BARKING. I LEFT MY CARD ON THE FRONT DOOR NO ONE IS HOME. DOG WAS OBSERVED BARKING ON A FEW OCCASIONS BUT NOTHING EXCESSIVE DURING THE BARKING PERIODS. THE DOG IS REACTIVE TO OTHER SOUNDS			
Time	Unit	Dissociate Status	
02/21/2013 19:18:00	K4	19	
STAFF			
Police Unit	Staff		
K4	JOHNSON, GABRIELLE ID: 4486		
RESPONSE TIMES			
	Event	Police	
Receive	02/21/2013 18:11:36		
Save	02/21/2013 18:12:21		
Dispatch	02/21/2013 18:18:54	02/21/2013 18:18:54	
Enroute	02/21/2013 18:23:33	02/21/2013 18:23:33	
Arrive	02/21/2013 18:33:30	02/21/2013 18:33:30	
Last Clear	02/21/2013 19:18:00	02/21/2013 19:18:00	
No. of Units	1	1	

**Antioch Police Department
Event Report**

Page 1 of 2

Time: 03/13/2013 12:00:09

Event: 13-016091

INCIDENT INFORMATION					
Receive Time 02/21/2013 20:45:39	Clear Time 2/21/2013 10:32:39 PM	Call Taker ESQUIBELL, RACHELLE ID: 5205		Position CAD2	
Classification 415BD	Priority 4	How Receive P	Services Police		
Address CASHEW ST / BEECHNUT ST, ANTIOCH					
Police Agency PD	District	Beat 2	Station	Zone 209	
REPORTING PARTIES					
Name YOUNT, DAVID			Phone		
Address ALMONDRIDGE DR, ANTIOCH			Info Contact		
SYNOPSIS					
RP CALLED BACK VERY UPSET SAID DOG IS STILL BARKING...REQ OFCR RESPOND...RP IS REQ CONTACT					
DISPOSITIONS					
Closing Class ANML	Event Dispo 9	Location	Unit Code	Agency: Case Number PD:	Primary Staff GONZALEZ, ADRIAN 4336
UNIT HISTORIES / SUPPLEMENTS					
Time 02/21/2013 22:18:28	Unit Z2	Status D	Operator GIRARD, JEANNINE ID: 3951		Position CAD4
Time 02/21/2013 22:19:35	Unit Z2	Status 49E	Operator GONZALEZ, ADRIAN ID: 4336		Position VM30
Time 02/21/2013 22:28:40	Unit Z2	Status 97E	Operator GONZALEZ, ADRIAN ID: 4336		Position VM30
Time 02/21/2013 22:30:09			Operator GONZALEZ, ADRIAN ID: 4336		Position VM30
Supplement DAVID YOUNT JUST WANTS CONTACT FROM AC OFFICER SOUTHERLAND. HE WANTS TO BE CONTACTED AT WHEN I ARRIVED I HEARD NO DOG.					
Time 02/21/2013 22:32:39	Unit Z2	Dissociate Status 8			
NOTES					
Police Unit Z2		Staff GONZALEZ, ADRIAN ID: 4336			
RESPONSE TIMES					
	Event	Police			
Receive	02/21/2013 20:45:39				
Save	02/21/2013 20:48:27				
Dispatch	02/21/2013 22:18:28	02/21/2013 22:18:28			
Enroute	02/21/2013 22:19:35	02/21/2013 22:19:35			
Arrive	02/21/2013 22:28:40	02/21/2013 22:28:40			

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 12:00:09

Event: 13-016091

Last Clear	02/21/2013 22:32:39	02/21/2013 22:32:39	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 12:00:51

Event: 13-016420

Receive Time 02/22/2013 20:42:29					Clear Time 2/22/2013 9:51:33 PM		Call Taker LEE, JENNIFER ID: 4460		Position CAD4		
Classification 415BD			Priority 4		How Receive P			Services Police			
Address CASHEW ST / BEECHNUT ST, ANTIOCH											
Police Agency PD			District		Beat 2			Station		Zone 209	
DOGS ARE BARKING AGAIN,,, UNSURE IF OWNERS ARE HOME											
Closing Class ANML		Event Dispo 6		Location		Unit Code		Agency: Case Number PD:		Primary Staff JOHNSON, GABRIELLE 4486	
Time 02/22/2013 20:45:37					Operator LEE, JENNIFER ID: 4460				Position CAD4		
Supplement K4 ADVD AND WILL BE 49											
Time 02/22/2013 20:53:39		Unit K4		Status D		Operator JOHNSON, GABRIELLE ID: 4486				Position VM761	
Time 02/22/2013 20:56:27		Unit K4		Status 49E		Operator JOHNSON, GABRIELLE ID: 4486				Position VM761	
Time 02/22/2013 21:08:31		Unit K4		Status 97E		Operator JOHNSON, GABRIELLE ID: 4486				Position VM761	
Time 02/22/2013 21:09:11					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement NO BARKING HEARD ON ARRIVAL											
Time 02/22/2013 21:10:49					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement GARAGE LIGHT IS ON AT . LOOKS LIKE THE DOGS HAVE ACCESS TO THE GARAGE AND BACK YARD											
Time 02/22/2013 21:14:56					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement CAT IS CRYING IN THE AREA DOG STARTED BARKING A LITTLE. SEEMS LIKE OWNERS ARE HOME AND WALKED FROM HOUSE TO SIDE YARD AND DOG WAS QUITE											
Time 02/22/2013 21:17:59					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement THE CAT IS STILL CRYING EXTREMELY LOUD FROM NEAR MY LOCATION.BUT DOG IS NOT BARKING.											
Time 02/22/2013 21:23:21					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement SMALL DOG CAN BE HEARD BARKING IN THE DISTANCE POSS NEXT STREET OVER.											
Time 02/22/2013 21:27:20					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		
Supplement SMALL DOG STILL BARKING OFF IN DISTANCE NO BARKING HEARD FROM											
Time 02/22/2013 21:35:12					Operator JOHNSON, GABRIELLE ID: 4486				Position VM761		

**Antioch Police Department
Event Report**

Page 2 of 2

Time: 03/13/2013 12:00:51

Event: 13-016420

Supplement
SOUNDS LIKE DOG IS NO LONGER OUTSIDE YARD IS VERY QUIET. OWNER MAY HAVE BROUGHT THE DOG INSIDE. GARAGE LIGHT IS OFF HOUSE LIGHTS

Time 02/22/2013 21:48:36	Operator JOHNSON, GABRIELLE ID: 4486	Position VM761
------------------------------------	--	--------------------------

Supplement
NO BARKING HEARD. OWNER WAS HOME AND TALKED TO HIM ABOUT THE DOG BARKING COMPLAINTS.

Time 02/22/2013 21:51:33	Unit K4	Dissociate Status 19
------------------------------------	-------------------	--------------------------------

STAFF

Police Unit K4	Staff JOHNSON, GABRIELLE ID: 4486
--------------------------	---

RESPONSE TIMES

	Event	Police	
Receive	02/22/2013 20:42:29		
Save	02/22/2013 20:43:37		
Dispatch	02/22/2013 20:53:39	02/22/2013 20:53:39	
Enroute	02/22/2013 20:56:27	02/22/2013 20:56:27	
Arrive	02/22/2013 21:08:31	02/22/2013 21:08:31	
Last Clear	02/22/2013 21:51:33	02/22/2013 21:51:33	
No. of Units	1	1	

Antioch Police Department
Event Report

Page 1 of 2

Time: 03/13/2013 12:01:24

Event: 13-020492

Receive Time 03/07/2013 18:34:49					Clear Time 3/7/2013 7:23:42 PM		Call Taker NORRIS, VINCE ID: 4500		Position CAD6		
Classification 415BD		Priority 4		How Receive P		Services Police					
Address CASHEW ST / BEECHNUT ST, ANTIOCH											
Police Agency PD		District		Beat 2		Station		Zone 209			
Name DAVID YOUNT					Phone						
Address ALMONDRIDGE DR, ANTIOCH					Info						
DOG BARKING....CALLOUT AC PER PREM INFO											
Closing Class ANML		Event Dispo 7		Location		Unit Code		Agency: Case Number PD:		Primary Staff ROMERO, ADA 4675	
Time 03/07/2013 18:37:16				Operator NORRIS, VINCE ID: 4500				Position CAD6			
Supplement AC ADVISED											
Time 03/07/2013 18:41:36		Unit K3		Status D		Operator SOARES, ANITA ID: 3958			Position CAD3		
Time 03/07/2013 18:41:42		Unit K3		Status 49E		Operator ROMERO, ADA ID: 4675			Position VM761		
Time 03/07/2013 18:46:51		Unit K3		Status 97E		Operator ROMERO, ADA ID: 4675			Position VM761		
Time 03/07/2013 19:09:25				Operator ROMERO, ADA ID: 4675				Position VM761			
Supplement UPOUN MY ARRIVAL I WAS ABLE TO HEAR BOTH LARGE AND SMALL DOG EXCESSIVELY BARKING. I PARKED MY VAN IFO NEIGHBORS RES TO THE RIGHT OF CASHEW NEAR BEWARE OF DOG SIGN ON FENCE SIDE. I WAS ABLE TO CONFIRM BARKING FROM 6:40 UNTILL MY DEPARTION TIME. NO ANSWER AT RES. LEFT CITE FOR D/O ALEJANDRO LOPEZ FOR EXCESSIVE BARKING AND ADVISED 2ND ADMIN WILL BE MAILED OUT AT \$200											
Time 03/07/2013 19:12:44		Unit K3		Dissociate Status 7OD							
Police Unit K3		Staff ROMERO, ADA ID: 4675									
Event		Police									
Receive		03/07/2013 18:34:49									
Save		03/07/2013 18:35:35									

Antioch Police Department
Event Report

Page 2 of 2

Time: 03/13/2013 12:01:24

Event: 13-020492

Dispatch	03/07/2013 18:41:36	03/07/2013 18:41:36	
Enroute	03/07/2013 18:41:42	03/07/2013 18:41:42	
Arrive	03/07/2013 18:46:51	03/07/2013 18:46:51	
Last Clear	03/07/2013 19:12:44	03/07/2013 19:12:44	
No. of Units	1	1	

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 CODES: § 6-1.18

8
9 In re the Matter of:

10 ALEJANDRO LOPEZ [APPELLANT]

Uphold Administrative Citation for violation of
Antioch Municipal Code§ 6-1.18

11 DECISION OF BOARD OF ADMINSTRATIVE
12 APPEALS

13
14 I. GENERAL FINDINGS:

- 15 1. Administrative Citation for violation of Antioch Municipal Code: § 6-1.18. At all relevant times
16 Appellant was the sole owner of both dogs and/or the responsible party.
- 17 2. Appellant appealed the Administrative Citation for Antioch Municipal Code § 6-1.18, which is
18 the only item 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 April 11, 2013, and the Appellant was duly notified by the
21 City Clerk.

22 II. SPECIFIC FINDINGS:

23 An Administrative Appeals Board Hearing regarding Appellant's appeal of the Administrative
24 Citation was duly held on April 11, 2013, at 3:00PM. Evidence, both oral and documentary, was
25 taken and based on the preponderance of said evidence; the following specific findings are made:

- 26 1. On January 11, 2012, Antioch Animal Services receives a call for service regarding barking dogs.
27 No contact is able to be made with Dog Owners. A Notice to Correct is given for No Dog
28 Licensing, No Proof of Rabies Vaccination and Excessive Barking.
2. May 01, 2012- February 16, 2013: Antioch Police Department and Antioch Animal Services
receives and responds to multiple calls for service regarding barking dogs and excessive animal
noise. Some calls for service are closed with validation of noise and some are closed without
validation of noise. Dog Owners are advised on several occasions about excessive barking.

- 1 3. On February 16, 2013, Antioch Animal Services responds to a call for service regarding barking
2 dogs. Animal Control Officer Gomez is able to confirm excessive barking from residence for at
3 least twenty minutes. An Administrative Citation was issued for Violation of Antioch Municipal
4 Code § 6-1.18. Dog Owners were not home at time of call and were unavailable for contact.
- 5 4. February 21, 2013 and February 22, 2013: Additional calls for service regarding barking dogs are
6 received and responded to by Antioch Police Department and Antioch Animal Services. No
7 excessive barking is able to be confirmed.
- 8 5. On March 07, 2013 Antioch Animal Services responds to a call for service regarding barking
9 dogs. Animal Control Officer Gomez is able to confirm excessive barking and documents time
10 frame between 6:40PM until departing time of call for service 7:00PM. A SECOND
11 Administrative Citation was issued for the Violation of Antioch Municipal Code § 6-1.18. Dog
12 Owners were not home at time of call and were unavailable for contact.
- 13 6. The City has the ability to issue an Administrative Citation pursuant to Antioch Municipal Code
14 §6-1.18 No person shall allow any dog he owns, keeps, harbors, or controls within the City to
15 bark or howl with such frequency, or in such a manner, as to disturb the peace of the immediate
16 neighborhood.

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

19 III. NOTICE:

20 Notice of this decision shall be given to the Appellant, by mailing a copy of these Findings and
21 Decision by first class U.S. Mail, addressed to Alejandro Lopez, 2905 Cashew Street, Antioch, CA,
22 94509.

23 Dated: April 11, 2013

24 _____
25 CHAIRPERSON OF THE BOARD

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