



**BOARD OF ADMINISTRATIVE APPEALS**  
**ADMINISTRATIVE REVIEW PANEL**  
**SPECIAL MEETING**

---

---

**Date:** Thursday, June 15, 2023  
**Time:** 3:00 P.M.  
**Place:** **Antioch City Hall – Council Chambers**  
200 'H' Street  
Antioch, CA 94509

---

---

**BOARD MEMBERS**

**Ademuyiwa “Ade” Adeyemi**, Chairperson  
**Antwon Webster**, Vice Chairperson  
**Marie Livingston**  
*Vacant*  
*Vacant*  
*Vacant, Alternate*

***PLEASE TURN OFF CELL PHONES BEFORE ENTERING  
THE MEETING LOCATION.***

**ACCESSIBILITY:** In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: [publicworks@antiochca.gov](mailto:publicworks@antiochca.gov).

## **BOARD OF ADMINISTRATIVE APPEALS**

### **SPEAKER RULES**

---

#### **NOTICE OF OPPORTUNITY TO ADDRESS THE BOARD**

This agenda is a summary of the discussion items/actions proposed to be taken by the Board of Administrative Appeals. The public has the opportunity to address the Board on each agenda item. The Board can only take action on items that are listed on the agenda. 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".

Members of the public wishing to provide public comments, may do so one of the following ways:

- 1) **WRITTEN PUBLIC COMMENT** – Written comments may be submitted electronically to the City Clerk at the following email address: [cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov), **prior to 1:00 p.m. the day of the Board of Administrative Appeals Meeting.** Please indicate the agenda item and title in your email subject line. All comments received before 1:00 p.m. the day of the meeting, will be provided to the Board Members before the meeting.
- 2) **IN PERSON** – Fill out a Speaker Request Form, available near the entrance doors, and place in the Speaker Card Tray near the City Clerk before the meeting begins.

Speakers will be notified shortly before they are called to speak.

- When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair/Vice Chairperson).

After hearing from the public, the agenda item will be closed. Deliberations will then be limited to members of the Board.

#### **NOTICE OF AVAILABILITY OF REPORTS**

The Board of Administrative Appeals' Agendas, including Staff Reports, are posted onto the City's Website 72 hours before each meeting. To view the agenda information, click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](http://antiochca.gov).

Copies are available for inspection (and copying for a fee), at the City Clerk's Department, City Hall, 200 'H' Street, 3<sup>rd</sup> Floor, Antioch, CA 94509, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding holidays. Copies are also made available at the Antioch Public Library for inspection.

## **NOTICE OF OPPORTUNITY TO ADDRESS THE BOARD**

The public has the opportunity to address the Board on each agenda item. Please see the Speaker Rules on the inside cover of this Agenda for additional information on public participation.

---

### **AGENDA**

**3:00 P.M.    ROLL CALL**

Ademuyiwa “Ade” Adeyemi, Chairperson  
Antwon Webster, Vice Chairperson  
Marie Livingston

**PLEDGE OF ALLEGIANCE**

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

**1.    REGULAR AGENDA**

**OATH** for all intending to testify

- A.    ANIMAL ID# A143699 “Bear” (dog)** – Appeal filed by Samuel and Vanessa Tuivailala, 5292 Mohican Way, Antioch, CA 94531, to overturn the determination made by Antioch Animal Services – Antioch Municipal Code §6-1.805(A)(2): ACTIONS AFTER DETERMINATION: VICIOUS.

**WRITTEN/ORAL COMMUNICATIONS**

**MOTION TO ADJOURN:** *After Written/Oral Communications, the Chairperson/ Vice Chairperson will make a motion to adjourn the meeting. A second motion is required, and then a majority vote is required to adjourn the meeting.*

# **STAFF REPORT TO THE BOARD OF ADMINISTRATIVE APPEALS FOR CONSIDERATION AT THE APPEAL HEARING OF JUNE, 15<sup>TH</sup> 2023**

**PREPARED BY:** Cat Cottle – Animal Services Supervisor

**DATE:** June 9, 2023

**SUBJECT:** Appeal of Actions after Determination of Vicious dog  
Animal Services Case No: A23-027722  
Antioch Municipal Code § 6-1.805 (2)

## **REQUEST:**

Appellant [REDACTED] want to follow through with the Determination of Vicious Animal and have their dog "Bear" released to them with stipulations set forth in Antioch Municipal Code.

## **BACKGROUND INFORMATION:**

### **Activity #23-027722**

#### **Parties Involved:**

Animals Involved: A143699 – "Bear" BR BRINDLE/BLACK M MASTIFF

Reporting Party: Rhonda Parham

Dog Owners: [REDACTED]

Victims: [REDACTED]

On May 18<sup>th</sup> 2023 at approximately 1701hrs multiple 911 calls were coming in to the Antioch Police Department Dispatch center regarding screams heard in the area of Mohican Way, Antioch, CA 94531. One female was reporting she could hear a fight at her neighbor's yard. The reporting party wasn't sure what was happening but stated that her husband and another neighbor had jumped over the fence. Screaming could be heard in the background. The female then informed the dispatcher that a dog was attacking. The dispatcher obtained the address where this attack was occurring, which was [REDACTED], Antioch, CA 94531. It was then determined that a baby had been attacked, the dog was attacking adults and the baby was injured. Antioch Police Department Dispatch Center dispatched Medical, Police and Animal Control personnel to respond.

Animal Control Officer Ethridge, Antioch Police Officer Riosbaas were dispatched to an Animal Bite call at [REDACTED]. Additional units responded including Animal Control Officer Melander and Antioch Police Officer Kawalya along with three Emergency Medical Services vehicles.



Animal Control Officer Ethridge arrived at [REDACTED]. She saw a juvenile dog bite victim being tended to on the front lawn of [REDACTED] – later identified as 2 year old [REDACTED]. An extra-large brown dog was contained behind the fence of the residence, later identified as 3 year old Mastiff “Bear” (A143699). A neighbor identified the woman with the juvenile bite victim as her grandmother, [REDACTED], who was also injured. The juvenile victim and her grandmother left the scene together via ambulance. [REDACTED] was transported to UCSF Benioff Children’s Hospital Oakland where she was treated for wounds to her chest, neck, back, a puncture to her head /skull and lacerations around her ear causing her ear to hang off. Surgery and multiple sutures were required to treat and medications given to prevent infection at the puncture site on her skull. [REDACTED] stayed at Children’s until May 23<sup>rd</sup>. [REDACTED] was later transported to Kaiser Medical Center, Antioch for lacerations / abrasions to her right knuckle, index finger, no sutures were needed.

In front of [REDACTED] ACO Ethridge observed that the medical staff had applied a tourniquet to an adult male's upper right thigh to control the bleeding to his leg, which ACO Ethridge was informed was a bite wound from the responsible dog. The male dog bite victim, later identified as [REDACTED] was transported to John Muir Urgent Care in Walnut Creek where he was treated for puncture wounds to his right leg, muscle tears and a torn meniscus. [REDACTED] required 13 sutures, he states he will have surgery and physical therapy in the future.

“Bear” (A143699) a brown brindle Mastiff was impounded by Animal Control Officers Ethridge and Melander and transported to Antioch Animal Services for a 10 day quarantine period based on the initial findings and no proven current rabies status for the dog. The owners of “Bear” (A143699) and residents of [REDACTED] were verbally notified of the incident, of the location of “Bear” and advised to send rabies vaccination information to the investigating ACO. Notices were placed at the residence to inform them further.

During the course of the investigation witness statements were given. Victim [REDACTED] stated that on May 18<sup>th</sup> while in the back yard of [REDACTED] juvenile victim [REDACTED] fell forward and started crying. [REDACTED] didn’t see how or why the responsible dog “Bear” (A143699) approached the juvenile and grabbed her, but that he wouldn’t let go and [REDACTED] suffered injuries attempting to pry the dog’s mouth open. Neighbors jumped the fence. They were two adult males who had to fight “Bear” (A143699) to get him to release his grip on the child. In the process of helping the juvenile to safety one of the males, [REDACTED], was then bitten by the dog and the other male, identified as Ian Parham had to fight the dog a second time to get him off [REDACTED].

“Bear” (A143699) is an approximately 120lbs Mastiff mix. Per his owners “Bear” (A143699) has no known previous history of aggression and is a “good boy”. Per witness statements it is not known what provoked his aggressive behavior on May 18<sup>th</sup>, 2023 that resulted in severe injuries to two people, one a 27lbs juvenile familiar to the dog, 2 year old [REDACTED].

There are actions that can be taken after an animal or dog has been declared as "Vicious". On June 2<sup>nd</sup> based on the preponderance of evidence regarding the incident on May 18<sup>th</sup>, 2023 involving "Bear" (A143699) [REDACTED] were advised by Animal Control Supervisor Cottle verbally to surrender "Bear" (A143699) to the Animal Services Officer for euthanizing due to the severity of injuries that he inflicted, the unknown provocation and correction that should be taken to prevent future incidents and the concern that allowing the appellants to keep a vicious animal will result in detriment and danger to the peace, health and safety of the people in the vicinity of where "Bear" (A143699) is proposed to be kept. A signed order was given to [REDACTED]

**APPEAL:**

Appellants request the appeal as they feel their dog is not a bad dog, and that this was a freak accident. They feel they should be allowed bring "Bear" home with them with the designation of a "Vicious Animal" and follow through on the stipulations that are associated with this designation as laid forth in the City of Antioch Municipal Code.

**RECOMMENDATION:**

Based on the findings of the investigation and the concerns of the future safety of any persons that enter a residence where "Bear" may reside, it is Staff recommendation to deny the appeal and uphold the order to surrender "Bear" A143699, a Vicious Dog, to an Animal Control Officer for euthanizing.

**SUPPLEMENTAL ATTACHMENTS:**

Antioch Municipal Code

Animal Control Officer Ethridge #5854 Activity Report from May 18<sup>th</sup>, 2023 A23-027722

Animal Control Officer Ethridge #5854 Bite Report from May 18<sup>th</sup>, 2023 B23-000973

Including Contra Costa Animal Services Interim Report

Photos of victim

Statements from parties involved; [REDACTED], mother of juvenile victim & juvenile witnesses

[REDACTED], party who assisted with helping victim

Proposed Decision

## **ARTICLE 8: POTENTIALLY DANGEROUS AND VICIOUS ANIMALS**

- § 6-1.801 Purpose; Definitions.
- § 6-1.802 Seizure and impoundment.
- § 6-1.803 Determination of potentially dangerous or vicious dog or animal.
- § 6-1.804 Actions after determination: potentially dangerous.
- § 6-1.805 Actions after determination: vicious.
- § 6-1.806 Inspections.

### **§ 6-1.801 PURPOSE; DEFINITIONS.**

(A) Purpose. The purpose of this article 8 is to reduce the risk of serious attacks or bites by dogs or other animals. This article sets forth the procedures for finding an animal potentially dangerous or vicious and subject the animal to appropriate controls and enforcement actions. (Hlth. and Saf. Code §§ 31601 and following; Food & Ag. Code §§31601-31683.)

(B) Definitions. In this Article 8:

**POTENTIALLY DANGEROUS DOG OR ANIMAL.** Any of the following, as determined by the City:

- (1) a dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (Food & Ag. Code §31602);
- (2) a dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a SEVERE INJURY (Food & Ag. Code §§31602, 31064); or
- (3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

**SECURE ENCLOSURE.** A kennel, pen or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Food & Ag. Code §31605.)

**SEVERE INJURY.** A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Food & Ag. Code §31604.)

**VICIOUS DOG OR ANIMAL.** Any of the following, as determined by the City:

(1) a dog or animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner under Penal Code section 597.5;

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

(3) a dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, "secured" means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (Food & Ag. Code §§31603, 31641, 31642 or 31643.)

Other definitions in Section 6-1.102 also apply unless the context indicates or requires a different meaning.

#### **6-1.802 SEIZURE AND IMPOUNDMENT.**

If upon investigation the Animal Control Supervisor or law enforcement officer determines that probable cause exists to believe a dog or animal 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 to the City 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 §6-1.801(B).) (See Section 6-1.705(A) regarding fees and costs.)

#### **6-1.803 DETERMINATION OF POTENTIALLY DANGEROUS OR VICIOUS DOG OR ANIMAL.**

(A) Determination. In making a determination regarding whether the animal is potentially dangerous or vicious, the Animal Control Supervisor shall take into account the severity of the injury, the number of attacks, and the circumstances. No dog or animal may be declared potentially dangerous or vicious if:

- (1) the injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the owner's premises, or was teasing, tormenting, abusing or assaulting it, or was committing or attempting to commit a crime.
- (2) if it was protecting or defending a person within the immediate vicinity of the dog or animal from an unjustified attack or assault.

(3) any other exception applies under Food & Agriculture Code §31626.

(B) Notice to owner; Appeal.

(1) The Animal Control Supervisor or law enforcement officer shall attempt to notify the animal owner of the animal in writing of the impoundment and of the determination that the dog or animal is determined to be potentially dangerous or vicious. The notification shall include any requirements to be imposed upon the restraint and enclosure of the animal, or if the animal is proposed to be euthanized.

The City may also notify the property owner, police department, fire department, post office and any utility companies of the determination and any requirements.

(2) The notice shall also contain information that the officer's determination may be appealed to the Board of Administrative Appeals, within the time specified in Municipal Code Title 1, Chapter 4, Appeals. The procedures and appeal period shall comply with Food and Agriculture Code sections 31621 through 31625.

(3) The Board of Administrative Appeals may decide all issues for or against the owner of the animal, even if the owner does not appear at the hearing. (Food & Ag. Code §31623.)

(4) The decision of the Board of Administrative Appeals may be appealed to the superior court under Food and Agriculture Code section 31622.

(C) Permit. If not euthanized, an animal designated potentially dangerous or vicious may only be owned, kept or maintained upon issuance of a potentially dangerous or vicious animal permit. The Animal Control Supervisor shall impose conditions upon the ownership and custody of the dog or animal that protect the public health, safety and welfare. (See Section 6-1.804.) The animal owner shall notify the Animal Control Supervisor within two working days if the animal dies or is sold, transferred or permanently removed from the City. (Food & Ag. Code §31643.) The owner is responsible for notifying the subsequent owner of the potentially dangerous or vicious designation.

(D) Violation of conditions. If a determination is made that the owner of the potentially dangerous or vicious animal has violated the conditions of a potentially dangerous or vicious dog permit, the permit is immediately revoked and the animal may be euthanized at the discretion of Animal Control.

**6-1.804 ACTIONS AFTER DETERMINATION: POTENTIALLY DANGEROUS.**

(A) If the Animal Control Supervisor determines an animal to be potentially dangerous, he or she shall include the potentially dangerous designation in the dog's registration records (Food & Ag. Code §31641), and may order any of the following actions, or a combination of them:

- (1) Prior to release, at the owner's expense and as approved by the City:
  - (a) Have the animal micro-chipped for permanent identification, and identification numbers registered with Home Again Pet Recovery;
  - (b) Have the animal spayed or neutered;
  - (c) Reimburse the City for the cost of keeping the animal, if applicable;
  - (d) Pay a fine, up to \$500 (Food & Ag. Code §31662.);
  - (e) Have current rabies vaccination and dog license;
  - (f) Obtain liability insurance;
  - (g) For security:
    - post a "BEWARE OF DOG" sign at each entry gate to rear and side yards;
    - at the premises, have exit gates and/or doors (including those into the residence and garage) which are self-closing, self-latching and in good working order;
    - install a security screen door on the front door entrance;
  - (h) Sign City's terms and conditions declaration.
- (2) Within 30 days of release:
  - (a) Satisfactorily complete a basic obedience/aggressive dog training course and provide proof of completion to the Animal Control Supervisor;
- (3) At all times:
  - (a) Authorize Animal Services to inspect and approve the area(s) of confinement;
  - (b) When in public, the dog shall wear a humane muzzle, a dog harness and shall be restrained by a lease no longer than six feet and be under the control of a competent adult who is physically able to restrain the animal. The leash must be capable of restraining four times the weight of the animal. The animal shall not be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings. The muzzling device for the animal must be constructed so that it is impossible for the animal to remove it without human assistance;
  - (c) The dog shall not be allowed loose in the front yard. An adult must be present and supervising the dog when it is loose in the side or rear yard;
  - (d) When unsupervised in the side or rear yard, the dog must be in a secure enclosure with the gate locked;
  - (e) The owner must immediately contact Animal Services if the dog escapes and owner's premises or bites a human or animal;
  - (f) Notify any caregiver or custodian of the terms and conditions;
  - (g) Have the animal wear the special red tag indicating the dog is potentially dangerous (or vicious);
  - (h) Transportation of the animal shall only be in a locked animal carrier equivalent in construction quality to those used by commercial air carriers.

The animal shall not be left unattended or loose in or about any motor vehicle;

(h) Comply with all applicable animal care and control laws.

(4) Notice of changes. The owner must notify the City before any change in location of the animal, or new ownership, at least seven days before the change. If a new location is in the City, it is subject to the inspection and prior approval of the Animal Control Supervisor. If the new location is outside the City, the Animal Control Supervisor shall notify the animal control department or police department of that City.

(5) Any other appropriate action.

(B) The animal shall be removed from the list of potentially dangerous animals if there are no additional instances of the behavior within a 36-month period. (Food & Ag. Code §31644.)

#### **§6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.**

(A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:

(1) Any action set forth for a potentially dangerous animal, under Section 6-1.804 above, except that the fine is up to \$1,000; (Food & Ag. Code §31662.)

(2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (Food & Ag. Code §31645.)

(5) Order that the owner may not own or possess any dog or other animal for a 36-month period; (Food & Ag. Code §31646.)

(B) Findings. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:

(1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;

(2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;

(3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.

(4) Possession of the animal at the location does not violate any law, code or regulation; and

(5) The animal will not be kept at any other location than that specified in the order.

(C) Euthanizing dangerous dog or animal.

(1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would



create a significant threat to public health, safety and welfare, and: (a) when the time for filing an appeal with the Board of Administrative Appeals has lapsed; or (b) if an appeal is filed, when the Board determined to rule against the appeal; or (c) if the owner has not met the conditions imposed on releasing a vicious animal within 14 days.

(2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in Title 1, Chapter 4 of the Antioch Municipal Code.

#### **§6-1.806 INSPECTIONS.**

The Animal Control Supervisor may make whatever inspections deemed necessary to ensure compliance with this chapter, the orders or conditions, and any order of the Board of Administrative Appeals."

## Activity Card

**A23-027722-1 INV/BITE**

Priority Level: **EMERG**

Total Animals: 1 Animal Type: DOG

Activity Address:

Activity Comment: Impound "Bear"-RESP for 3 bite victims

**Owner Information:**

P084648

**Caller Information:**

P505547

A143699

985112011428

Officer: P995854 ETHRIDGE

Clerk: ETHRIDGE

Call Date: 05/18/23 04:59 PM

New Date: 05/18/23 04:59 PM

Dispatch Date:

Working Date:

Complete Date: 05/18/23 06:41 PM

**Result Codes:**

1 IMPND

1 PDA

Memos:

## Activity Card

---

05/18/23: At 17:02hrs I was informed by dispatch of a dog attack that was actively occurring. The calls were taken as follows:

"NARR. - JG 17:01:21 dog attacking someone in the yard , at the res to the rt of rp..poss injury  
AT 17:01:59 CONFIRE 49 TO STAGE  
JG 17:02:02 poss a child....started med  
PC 17:02:45 CALL FROM WHAT SOUNDS 5292 MOHICAN WY  
JG 17:03:01 dog still attacking adults and baby is injured  
AT 17:03:07 5360 THUNDERBIRD CALLING NOW, CAN HEAR SCREAMING FROM MOHICAN WAY  
PC 17:03:18 CHILD WAS BIT  
PC 17:04:07 CHILD THAT WAS BIT IS AT  
PC 17:07:58 RP SAID DOG BELONGS TO HER DTR  
JG 17:08:27 3 yo bit behind the neck and 2 other subj downs  
AT 17:08:58 ADV CLEAR TO GO IN C3  
AT 17:18:08 2 additional amr rigs 49 c3"

Myself and Officer Riosbaas #6396 were dispatched the call initially and Officer Melander #6393 and Officer Kawalya #6392 headed to the location a few short minutes after. While enroute to the call, we were informed by dispatch that the victims were safely removed from the yard and the responsible dog was confined.

I arrived on scene at 17:14hrs and saw the young victim being tended to by one of the APD officers or EMS personnel in the front lawn of [redacted]. A blonde Caucasian woman, later identified as the original reporting party, [redacted] rorr [redacted], approached me to let me know the dog was in the yard but was attempting to come through the fence. I got my control pole from my vehicle and made my way to the fence where I could see an extra-large brown dog behind the fence. The dog appeared to be pushing on the fence slightly. I stood by and waited for Officer Melander to arrive to assist me before entering the yard to seize the dog for a bite quarantine. [redacted] informed me that she believed the dog responsible dog was a Mastiff and stated there was a second dog in the yard as well. [redacted] stated that the victims were checking on the dogs for the owners who were not home at the time. [redacted] informed me that the child victim was bitten on the neck and ear, stating her ear was almost severed from her head. The woman with her was identified by [redacted] s her grandmother who was also bitten. At this point in time, the child was being placed on a gurney and her grandmother followed her into the back of the ambulance. Before the rig took off I gave my department issued cell phone number to the young, blonde, female ambulance driver and asked that they send over both victims' information when they got the chance.

I returned to the fenceline where I had seen the dog and noticed he wasn't actively pushing on the fence anymore. I then realized there was an additional victim lying in the grass across the street being tended to by EMS Personnel. I made my way to [redacted] and saw that the medical staff had applied a tourniquet to the man's upper right thigh to control the bleeding to his leg, which I was told was a bite wound from the responsible dog as well. The man was then placed on a gurney and was being transported to a hospital in Walnut Creek according to the paramedics. I handed my business card with my department issued cell phone number to the female associated with the victim and asked that she send over the male's information via text message when she got the chance.

---

## Activity Card

When I returned to my vehicle where Officer Kawalya was waiting, I saw Officer Melander arriving on scene. Officer Melander, myself, and Officers Kawalya and Riosbass gathered and agreed to try and contact the dog owner and inform them we would be impounding the dog.

I walked across the street to [redacted], where there was a crowd of children and adults, RF [redacted] and her husband included [redacted]. [redacted] had a few abrasions to his hands which he believed to be from jumping his fence into the neighbor's yard to help the child. I asked the [redacted] if they happened to have the neighbor's contact information. The [redacted] advised that the residents were new tenants and had only been there a few months so far, but they did have the homeowner's phone number. The homeowners were able to provide us with the tenants names [redacted] and a phone number for Vanessa. While at this address, I asked a young girl with blood on her shirt that appeared to be around 10 years old if she was hurt; she stated she was not. I asked if she was in the yard when the young girl was bitten; she confirmed that she was. I asked what the young girl's name was; she replied [redacted] and began to cry. I assured the young girl that [redacted] was in good hands and had their grandmother to keep her company. I asked her if she knew what the name of the dog that bit [redacted] was; she responded, "Bear". I then asked if there was a second dog and what its name was. The girl confirmed and said her name was Maui, but Maui "didn't do anything" and only Bear had gotten Mya. I thanked the group for their help and returned to Officers Melander, Riosbass and Kawalya who were all keeping an eye on Bear, ensuring he stayed secure in the backyard.

I called [redacted] and confirmed that she was aware of the incident that occurred. I informed that at this time I was aware of three victims of Bear's, two of which [her niece and the neighbor] had significant injuries and therefore we would be quarantining him in our shelter. [redacted] understood and said that her brother-in-law [redacted] was on his way from Oakley and should feel comfortable placing Bear in the Animal Services vehicle for us. [redacted] confirmed that the children still at her house lived with Travis and could return home with him. [redacted] stated Bear was up to date on his rabies vaccine, so I asked that she send that information to me when she got the chance. I informed [redacted] I would be leaving a notice of impound and a notice to quarantine at her home explaining the reason for quarantine and that I would update her when I had more information.

When [redacted] arrived at the home, he ultimately did not feel comfortable leashing up Bear to place him in the vehicle for us. Officer Riosbass placed a control pole on Bear from over the fence, I placed an additional control pole on Bear for ultimate control based on his size. Officer Riosbass and I walked Bear to my vehicle and he jumped right into the rear compartment without incident.

I handed the notice of impound and notice to quarantine to [redacted] before leaving and confirmed he would be taking the children home with him after he spoke with dog owner Vanessa Tuivailala in person, stating she would be home shortly.

I then updated the three children that their Uncle [redacted] would come get them and take them home in a short while.

When I returned to Antioch Animal Services, I placed Bear in the kennel set up for him without incident. I noticed one of his back toes was mildly bleeding. I made a note to have staff keep an eye out for any discomfort.

I updated [redacted] on Bear, letting her know of his mild injury and asked that she send over the names, addresses, dates of birth, and contact information for my reports.

Before leaving for the evening, I sent an email to Animal Services Manager George Harding and cc'd the Animal Services Supervisor Cat Cottle and Animal Control Officer Melander with the following message:

"Good evening,

Maraea and I responded to a 1091B this evening for a dog [Bear A143699] that had bitten 3 people, two of which were family members allowed to be on the property while the owner was at work. Neighbors had to jump into the yard to pull Bear off of the 23-month-old child as he had bitten her neck and ear (which I was told by a witness was nearly torn off) and would not let go. Second victim was the child's grandma, third was a neighbor from down the street I assume to have helped stop the attack (he was being hauled away before I could get a statement).

## Activity Card

Bear is in PDA01 and is up to date on his rabies vaccine. Although the incidents occurred on the dog's property, the first two victims were given permission to be there and sound like they knew the dog fairly well. I'm going to create the bite reports for the first 2 victims before I leave (still waiting on info for the 3rd). I just wanted to start this email so we can all be on the same page if there is a PDA/VA declaration to be made for this case.

Thank you"

---

## Activity Card

05/21/23: I received the following text message on my work cell phone at 21:32hrs May 18th with the following message:

"Hi Melissa, my name is [redacted]. My boyfriend [redacted] was bit by the dog tonight. His phone number is 88-2101"

I responded the following morning, thanking her for reaching out and advised that Officer Melander would be contacting Kenner for a statement.

I received an email from Officer Melander on Friday morning [May 19th] informing me she had received an interim bite report from John Muir Walnut Creek and had spoken with victim [redacted]. [redacted] statement was summarized by Officer Melander as follows:

[redacted] was in the front yard of his home at [redacted] with his girlfriend. They began to hear screaming coming from across the street. As he got closer to 5292 Mohican Way, he could hear the screaming coming from inside the backyard. He peered into the backyard over the fence where he viewed a dog described as an English Mastiff or American Bulldog to have a small baby by the back of the neck. The dog was shaking the baby and the baby appeared to be lifeless. [redacted] immediately jumped into the backyard of 5292 Mohican Way with another gentleman (not named). He began to try and pry the dog's mouth open to release the baby. He and the other gentleman began to deter and fight off the dog until everyone was out from the backyard. As everyone exited the yard, the dog then proceeded to attack [redacted] biting his right thigh/leg. He and the other gentleman began to punch and hit the dog again to free themselves from the yard. The dog was then confined into the backyard with no more victims and EMS arrived on scene. EMS began first aid applying a tourniquet to [redacted] right leg and transported him to John Muir Walnut Creek Urgent Care."

While speaking with Officer Melander in person yesterday [May 20th] afternoon, she stated that [redacted] informed her that the baby [redacted] had to be resuscitated when paramedics arrived. Kenner was then tended to by the second set of emergency medical services personnel and transported to John Muir Walnut Creek for treatment where he received 13 stitches and has possible muscle damage according to the doctor.

I received a message on my department issued cell phone at 11:47hrs from dog owner [redacted] with the following message:

"Hi Officer Ethridge,  
I am following up with you. I read through the paperwork and we definitely want Bear back and will go through all the steps and hurdles we need to. Please give me a call any time this week.  
I know his quarantine ends next Sunday, even though he is vaccinated, and you are closed on Sundays and Monday is a holiday. We do want to get started on the steps of his neutered, so whatever needs to happen, we are willing to do it because bear is an amazing dog who had this one bad accident.

Thank you,

I responded with the following message:

"Hello,  
I was told by Officer Melander that the sample stipulations were given to you as a courtesy to review. There has not been a determination made yet.  
The Animal Services Manager will be in tomorrow. The Animal Services Supervisor will be back in on Tuesday. I will hopefully have an answer for you by Tuesday at the latest.  
Thank you."

## Activity Card

05/23/23: At 10:36hrs I received a text message from [redacted] inquiring if there was an update on Bear's case. I still have not received a response from Harding or Cottle regarding their decision or thoughts on the matter. I sent an email in the thread I had started with the following message:

"Good morning,

Circling back to this one... Owner is intending to get Bear back and was given sample documents for PDA/VA on Friday. I was hoping to have an update as she is expecting to hear from me today.

Thanks,  
Mel"

At 10:51hrs I received the following response from Manager George Harding:

"Hello,

Based on totality of circumstances and severity of the bites, VA.

You need to directly follow-up with the paramedics and the hospital(s) and get a full reports from them to include with your reports. Also need full accounting of all statements from all victims included.

Thank you,"

After receiving this email, I went to Animal Services Supervisor, Cat Cottle's, desk and asked if she could clarify if we were able to collect victim's medical records directly from the hospital or if we had to have each victim approve for their release due to HIPPA laws. I stated I was not familiar as over the course of almost five years as an Animal Control Officer, I have only had a handful of victims' full medical reports provided to me for bite reports and it had typically been given to me directly by the victims themselves. Cottle advised I should reach out to the hospitals and get a description of the extent of injuries and treatments provided. Cottle informed me that she and Harding had discussed moving forward with the order for euthanasia [according to Antioch Municipal Code section 6-1.805 (A)(2)] and was going to want as much information on the victims' conditions as possible to support that decision.

I returned to Harding's office and asked how I was to write up the documents if we were going to be ordering for humane euthanasia since they wouldn't have the other two options normally available to them [ie: Appeal the determination or comply with the terms and conditions of owning a Vicious Animal]. Harding instructed me to write the documents as a normal Vicious Animal declaration.

I informed [redacted] of the decision to move forward with the Vicious Animal declaration and asked for an email address so I could send them to her once they were prepared.

I called Children's Hospital in Oakland to inquire more information on [redacted] and her treatment she's received thus far and if she was on track to be released today. After being transferred and my call not being answered, I called back and was transferred to a woman who took my name and phone number down and said she would have one of the surgical residents to call me back.

I attempted to contact [redacted] for an update on how he was doing, but I reached his voicemail. I sent a text with the following message:

"Good afternoon

This is Officer Ethridge with Antioch Animal Services. I tried to reach you by phone call to check in and see how you were doing. I also wanted to ask if you would be able to provide our office with any medical records from your emergency visit to include in our report. We are moving forward with declaring the dog as "Vicious" and my

## Activity Card

manager is asking for medical records for the victims involved.

If you have any questions, please let me know.

Thank you"

Once I completed the documents, I sent them to Harding and Cottle at 17:04hrs with the following message:

"I have already notified the dog owner that we were moving forward with the VA determination ; just sending these over for approval before I send them her way.

I am still waiting for a return call from Children's Hospital for the baby/1st victim (no interim report, statement regarding the incident was received from the grandma/2nd victim-also no interim report from hospital).

I am also waiting to hear back from the neighbor/3rd victim that was bitten for his medical records (already have a statement and interim bite report attached).

Thank you"

---



## Activity Card

05/25/23: At 13:08hrs I received the following email which was sent to myself, Animal Services Supervisor Cat Cottle and Officer Melander:

"Bear's owner: I called to inquire about paperwork she is suppose to receive. She has not had an email or certified mail and she wants to be sure that she gets it in time before his hold is off. She stated she definitely wants her dog back."

I sent the following email in return to the previous listed staff members and cc'd Animal Services Manager George Harding:

"I sent an email for approval of the paperwork on Tuesday evening and have not received a response. That is why she hasn't gotten the paperwork."

Thank you "

At 13:26hrs, I received an email from Harding with Cottle cc'd with the following message:

"Hello Melissa,

They are on the wrong letterhead, see attached for correct version.

The PDFs have comments for updates to be made.

Thank you"

I sent a text to Tuivailala with the following message:

"Hi Vanessa,

I apologize for the delay in the paperwork, I was waiting for the final notes/approval from the Manager, George Harding, which finally came in this afternoon.

I will have it emailed to you this evening before I leave.

Thank you,  
Melissa"

I corrected the items indicated needing adjusted and sent the documents to  
18:23hrs.

I via email at

## Activity Card

05/27/23: Vanessa Tuivailala came into AAS today with questions regarding the paperwork. I spoke with her in the lobby and clarified the details on the check list she had questions about. I suggested \_\_\_\_\_ take care of the payment for Bear's neuter since she was already here at the shelter, that way we could try and get Bear on the surgery schedule for Monday if the medical staff didn't already have plans.

When I returned to the office, receptionist Cathy was processing a license, but I informed her that \_\_\_\_\_ was going to pay for Bear's neuter and microchip and reminded her that she needed to sign the anesthesia consent form. Cathy acknowledged my statement, so I went on with business as usual.

Later on, I checked in with Cathy and asked if she could send me the anesthesia consent form so that I could attach it to an email to the medical staff, Harding and Cottle. Cathy stated she had forgotten to have sign the anesthesia consent form so I sent a text asking Tuivailala if she could sign and return the form before Tuesday morning.

At 16:22hrs I received the signed form from \_\_\_\_\_

At 16:31hrs I sent the following email to DVM Beverly, Harding and Cottle:

"Hello!

I had the owner of Bear (A143699) pay for the neuter and microchip as well as sign the anesthesia consent form today in case we were to neuter him on Tuesday. We still have to do the inspection at the property and have her pay the rest of the fees, but she seems very determined to get him back so I figured we could neuter him at our next opening and the rest will follow when we get there.

Thank you"

---

05/29/23: I was called into Animal Services Manager George Harding's office late morning regarding Bear's neuter which I had tentatively scheduled. Harding asked if the inspection had been done yet, to which I informed him that the family was waiting on the dog kennel to arrive in the mail so it was looking like later this week, but the family had expressed and shown they were very determined to get everything in order. I was told by Harding that we would be waiting to do Bear's surgery until the inspection passed and that we shouldn't be arranging for a dog to be neutered prior to that. I apologized and advised I assumed it would be fine since we had done it in the past and we have been at capacity with dogs so I figured it would be more efficient this way.

\_\_\_\_\_ texted me to confirm if Bear had been neutered. I advised he hadn't and that we would have to wait until everything was completed and the inspection was passed. I asked when we would be able to set up an inspection, Tuivailala stated they would be ready by early Friday morning. I advised I would let Officer Melander know since I would not be there on Friday.

---

## Activity Card

06/01/23: I called \_\_\_\_\_, mother of \_\_\_\_\_ this morning and informed her that Bear had been cleared from his bite quarantine, but was still in our care. I asked \_\_\_\_\_ how her daughter, \_\_\_\_\_ was doing. \_\_\_\_\_ stated that \_\_\_\_\_ was doing good, and that she has many follow up appointments in the future. \_\_\_\_\_ doctor had discovered a concussion and a mild fracture to her skull so she was placed on additional antibiotics in hopes of avoiding an infection to her brain. \_\_\_\_\_ then told me that she was under the impression that Tuivailala was planning on returning Bear to the original person that she got him from, but did not know much more.

I then called \_\_\_\_\_ and informed her that Bear had been cleared from his bite quarantine. I asked \_\_\_\_\_ is she knew anything about \_\_\_\_\_ planning to return Bear to the previous owner, she informed me that \_\_\_\_\_ was not planning on doing that. \_\_\_\_\_ clarified that \_\_\_\_\_ had gotten Bear from a trainer and was thinking about going back to him for additional training. I asked \_\_\_\_\_ is she knew what kind of training this person did and she said she believed they handled basic commands and obedience.

I then called \_\_\_\_\_ but I reached his voicemail. I left a message indicating that the Bear had been cleared from his bite quarantine and asked him to give us a call if he had any questions.

I called \_\_\_\_\_ at 11:17hrs and informed her that I had contacted her family to inform them of Bear being cleared from his bite quarantine. I then asked \_\_\_\_\_ if she could clarify why I was told by \_\_\_\_\_ that she had plans to give Bear away to his previous owner. \_\_\_\_\_ stated she wasn't sure why \_\_\_\_\_ would say that as they have not spoken much about Bear since the incident happened because she was trying to be respectful of her niece's, and her sister's, healing from this incident. \_\_\_\_\_ said she definitely plans to keep Bear because she is investing a lot of time and money into keeping him. \_\_\_\_\_ and I arranged for a 9am inspection of her home with Officer Melander tomorrow morning.

---

Photos of Vic \_\_\_\_\_ provided by mother, \_\_\_\_\_ . Statement provided by \_\_\_\_\_ dated \_\_\_\_\_  
6/9/23. Attached to report. ~ 5686

911 tapes provided by Antioch Police Department Dispatch Center for consideration. ~ 5686

## Activity Card

6-2-23 Children's Hospital Oakland received request for health records for patient,

Notified \_\_\_\_\_ and requested medical records & photos of injuries. He added that he has a torn ACL in addition to his other injuries.

Resp Dog Owner - \_\_\_\_\_ came to Animal Services and was handed the Order To Surrender Bear for Euthanasia based on the most recent information about the extent of the injuries sustained. Additionally it is not known why Bear reacted this way and therefore unknown if a corrective action could be taken for this unpredictable behavior that resulted in severe damage to multiple victims.

---

On Thursday evening, \_\_\_\_\_ sent me the information I requested for her niece, \_\_\_\_\_, and mother, \_\_\_\_\_. I contacted \_\_\_\_\_ around 16:30hrs today and she told me the following in summary:

\_\_\_\_\_ and her grandchildren were going to the \_\_\_\_\_ residence to let out dogs Bear and Maui as they have been almost every weekday for a few months now. Nothing in their routine changed on 5/18/23 when letting the dogs out of their crates and into the backyard to use the restroom. \_\_\_\_\_ stated that it was their second time there that day to let the dogs out and everything seemed normal. When everyone was getting ready to go back inside, victim \_\_\_\_\_ was running and fell forward onto the ground and began to cry. When \_\_\_\_\_ turned to check on \_\_\_\_\_, Bear had \_\_\_\_\_ by her neck. Because everything happened so quickly, \_\_\_\_\_ was not sure if Bear maybe sniffed her first, if she maybe tried to smack him away from her; all she knew was he would not let go. \_\_\_\_\_ then tried to pry Bear's mouth open with her hands, causing punctures and lacerations to the tips of her fingers. \_\_\_\_\_ wanted to clarify that Bear didn't necessarily "bite" her, but that his teeth did cause injuries to her hands when trying to get him to release. Maui was outside during the incident, but \_\_\_\_\_ didn't know where she was during the attack, only that she was not involved. \_\_\_\_\_ was described as having lacerations to the back of her neck, chest and ear. When Antioch Police Officers arrived, they kept Basilio stable until emergency medical services arrived and transported \_\_\_\_\_ and \_\_\_\_\_ to the Children's Hospital in Oakland. \_\_\_\_\_ husband picked her up from Children's Hospital and transported her to Kaiser where she had her wounds cleaned, was given antibiotics and a tetanus shot.

I asked \_\_\_\_\_ if, to her knowledge \_\_\_\_\_ needed to be resuscitated at some point during the incident. Rodriguez stated she was with \_\_\_\_\_ the whole time and she was alert, crying and talking the whole time. I asked \_\_\_\_\_ if she could clarify if there was maybe an oxygen mask given to her at any point or any treatments given to her that would have appeared to be life-saving measures. \_\_\_\_\_ said that there was not. I asked \_\_\_\_\_ if she knew how \_\_\_\_\_ was doing; she said they had just finished visiting with her and that she was on the mend and in good spirits. \_\_\_\_\_ informed me that \_\_\_\_\_ has a tentative release date from the hospital on Tuesday the 23rd. I thanked \_\_\_\_\_ for her time and informed her I would be in contact if I had any additional questions.

After hearing the locations of \_\_\_\_\_'s wounds, I assume the assumption of there being "life-saving" measures mentioned by VIC \_\_\_\_\_ may have been APD officers or EMS personnel applying pressure to \_\_\_\_\_ wounds to control the bleeding.

---

## ANTIOCH POLICE DEPARTMENT

---

*Steven A. Ford, Chief of Police*



### FAX COVER SHEET

DATE: June 2<sup>nd</sup> 2023

TO: Health Records – Request for Medical Records

FAX #: (510) 658-1923

FROM: Antioch Animal Services

SENDING FAX No. : (925) 779-6992

TELEPHONE No. : (925) 779-6989

Total number of pages: 1

#### COMMENTS:

Patient record/bite report

Patient: [REDACTED]

DOB: [REDACTED]

Date of admission: 5-18-23

Juvenile involved in a dog bite incident.

Antioch Animal Services  
300 L Street  
Antioch, CA 94509  
Phone: 925-779-6989 Fax: 925-779-6992

---

Date:

Bite Case #:

Incident #:



**ANTIOCH ANIMAL SERVICES - ANIMAL BITE REPORT**  
 300 L Street, Antioch, CA 94509 Ph: (925) 779-6989 / Fax: (779)-6992

<b>Person Bitten</b>		<b>Owner/Animal</b>	
Name: (First, Last) [REDACTED]		Name: (First, Last) -no second dog	
Address: [REDACTED]		Address: english / mastiff	
Sex: / Age: / DOB: / Parent: (If applicable) M 34 [REDACTED] No		Description of Animal: in front yard, w/ gf, heard screaming ran across st. looked in backyard, had child by neck	
Received By: 6393		Animal's Name: appeared quickly	
Reported By:		Rabies Tag #: stuck hands in dog mouth to	
Date of Bite: 5/18/2023		Date Expires: By: let go	
Time of Bite: 17:00		other gentleman everyone got out	
Address Where Bite Occurred: [REDACTED]		License Tag #: By: dog then came & bit	
Circumstances of Bite:		R leg	
Nature/Location of Injury:		By: -wasnt breathing	
Treated By:		ICU	
Time:		-punching hitting	
Died:		By:	
Specimen Sent:		By:	
Date Rec.: Report #: Vic Notified:		By:	
Remarks: -rabies vax? -fentanyl / -bite wounds, muscle damage 13 stitches. abx + pain tetanus shot		Lab Report(x) POS <input type="checkbox"/> NEG <input type="checkbox"/>	
Notes:			

# Antioch Animal Services

Kennel Card



Animal No:  
**A143699**



Hold?: Yes PDA HEARNG

Intake By: **5854**

Name: **BEAR**

Color: **BR BRINDLE**

Breed: **BULLMASTIFF**

Sex: **MALE** Age: **3Y**

Collar Color:

Collar Type:

Tag:

**985112011428697**

Markings:

Intake Date:  
**5/18/2023**

Review Date:  
**6/15/2023**

Intake Type:  
**CONFISCATE / QUARANTINE**

Found @ / Comments:

**BITE QUARANTINE**

**EVENT #23-027722**

**Antioch City Animal Services**  
**Bite Report**  
300 L Street  
Antioch, CA 94509  
925-779-6989

**Bite Information**

BITE NUMBER: B23-000975      Bite Type:  
DATE OF BITE: 05/18/23  
QUARANTINE DATE: 5/18/2023  
QUARANTINE END: 5/28/2023 ABATED BY 5854  
QUARANTINE LOCATION: IN SHELTER

---

**Animal Information**

ANIMAL ID: A143699  
BEAR, 3 YEARS MALE DOG  
BR BRINDLE BULLMASTIFF  
VALID VACCINATION : YES

---

**Victim Information**

Victim Relation to Animal Owner: NBR  
Age of Victim: 34 YEARS  
Severity of Bite: SEVERE      Part of Body Bitten: R LEG  
Synopsis of Bite Incident: BITE WOUND TO R LEG

**Treatment Received:**

By: JMWK Treatment Date: 5/18/2023  
Treatment Description: 13 STICHES, MUSCLE DAMAGE AND BITE WOUNDS

---

**Owner Information**



---

Additional Information

05/21/23

I received the following email from Officer Melander on 5/19/23:

"I received the interim bite report from John Muir Walnut Creek for victim TIM KENNER on my desk this morning, 05/19/2023.

I called KENNER via 21 (669)-288-2101 at approximately 1019 hours to obtain his statement from the incident that occurred on 05/18/2023 at 170C 5292 Mohican Way in Antioch.

KENNER provided the following statement as summarized:

KENNER was in the front yard of his home at 5283 Mohican Way in Antioch with his girlfriend. They began to hear screaming coming from across the street. As he got closer to 5292 Mohican Way, he could hear the screaming coming from inside the backyard. He peered into the backyard over a fence where he viewed a dog described as an English Mastiff or American Bulldog to have a small baby by the back of the neck. The dog was shaking the baby and the baby appeared to be lifeless. KENNER immediately jumped into the backyard of 5292 Mohican Way with another gentleman (not named). He began to try and pry the dog's mouth open to release the baby. He and the other gentleman began to deter and fight off the dog until everyone was out from the backyard. As everyone exited the yard, the dog then proceeded to attack KENNER biting his right thigh/leg. He and the other gentleman began to punch and hit the dog again to free themselves from the yard. The dog was then confined into the backyard with no more victims and EMS arrived on scene. EMS began first aid applying a tourniquet to KENNER's right leg and transported him to John Muir Walnut Creek Urgent Care.

End of summary.

KENNER was transported to John Muir Walnut Creek where he underwent thirteen stitches to the right leg, several puncture wounds and per the doctor's possible muscle damage. KENNER was prescribed antibiotics and pain medications thereafter. He stated he is to follow up with his primary care physician soon.

I informed KENNER that the responsible dog is now at Antioch Animal Services and will be isolated for 10 days for the quarantine period. I advised the dog does have a current rabies vaccination and that was provided by the dog owner and veterinarian. I informed KENNER an Animal Control Officer would update him at the end of the 10-day period to notify him of the dog's status.

I told him if he has any questions or concerns to not hesitate to contact me. KENNER was appreciative of my call"

06/07/23

Per Vic Kenner he sustained a torn ACL/miniscus as a result of the incident involving responsible dog "Bear" A143699 and will potentially undergo surgery & multiple physical therapy appointments as a result of this.

Requested medical records & photos of injuries.

# Antioch City Animal Services

## Bite Report

300 L Street  
Antioch, CA 94509  
925-779-6989

### Bite Information

BITE NUMBER: B23-000974      Bite Type:  
DATE OF BITE: 05/18/23  
QUARANTINE DATE: 5/18/2023  
QUARANTINE END: 5/28/2023 ABATED BY 5854  
QUARANTINE LOCATION: AAS

---

### Animal Information

ANIMAL ID: A143699  
BEAR, 3 YEARS MALE DOG  
BR BRINDLE BULLMASTIFF  
VALID VACCINATION : YES

---

### Victim Information

Victim Relation to Animal Owner: MOTHER

Age of Victim: 56 YEARS

Severity of Bite: UNK

Part of Body Bitten: UNK

Synopsis of Bite Incident:    5/18 Injuries are unknown at this time  
   5/21 Puncture wounds/lacerations on fingers from prying dog's mouth open

### Treatment Received:

By: KAISER Treatment Date: 5/18/2023

Treatment Description: R KNUCKLE, R INDEX FINGER ABRASIONS

---

### Owner Information

### Additional Information

06/07/23

5/18 Injuries are unknown at this time  
5/21 Puncture wounds/lacerations on fingers from prying dog's mouth open  
06/08/23

Notified CCCAS (Contra Costa County Animal Services) regarding end of quarantine & status of Resp- "Bear" A143699.

CCCAS Staff sent over color photographs of Vic                      and Vic                      injuries with full staff report. Attached to Bite Report 23-000973.

**Antioch City Animal Services**  
**Bite Report**  
300 L Street  
Antioch, CA 94509  
925-779-6989

**Bite Information**

BITE NUMBER: B23-000973      Bite Type:  
DATE OF BITE: 05/18/23  
QUARANTINE DATE: 5/18/2023  
QUARANTINE END: 5/28/2023 ABATED BY 5854  
QUARANTINE LOCATION: AAS

---

**Animal Information**

ANIMAL ID: A143699  
BEAR, 3 YEARS MALE DOG  
BR BRINDLE BULLMASTIFF  
VALID VACCINATION : YES

---

**Victim Information**

Victim Relation to Animal Owner: NIECE

Age of Victim: 2 YEARS

Severity of Bite: SEVERE

Part of Body Bitten: HEAD/NECK

Synopsis of Bite Incident: Possibly went to Oakland Children's hospital - Was bitten on back of neck and ear was said to be partially torn from head..

**Treatment Received:**

By: OAKLAND CH      Treatment Date: 5/18/2023

Treatment Description: MULTIPLE PUNCTURES TO NECK, ONE TO SKULL, EAR TORN

---

**Owner Information**

---

Additional Information

06/07/23

Per juvenile victim's mother, juvenile victim - 2 year old Mya sustained multiple bite wounds - punctures to her neck, chest, a single puncture to her skull & had to have her ear surgically reattached as it was almost torn off during the incident involving Resp Dog "Bear" A143699.

Awaiting medical records requested from Oakland Children's Hospital.

Requested photos and records from .

06/08/23

Notified CCCAS (Contra Costa County Animal Services) regarding end of quarantine & status of Resp- "Bear" A143699.

CCCAS Staff sent over color photographs of Vic- and Vic- 's injuries with full staff report. Attached to Bite Report 23-000973.



# CONTRA COSTA COUNTY ANIMAL SERVICES DEPARTMENT RABIES QUARANTINE REPORT

## Bite Information

DATE OF BITE: Thursday, May 18, 2023

QUARANTINE DATE:

QUARANTINE END:

QUARANTINE LOCATION: OUT COUNTY

Incident Location: MOCHICAN DR ANTIOCH CA 94509 , CA

ACTIVITY NUMBER: A23-007037

BITE NUMBER: B23-000716

BITE TYPE: HUMAN

BITE REPORTED: 05/20/2023

QUARANTINED IN BY:  
QUARANTINE RELEASED BY:

☐ QI ☐ QO ☐ UTL ☐ FACEBITE

## ANIMAL INFORMATION

ANIMAL ID: A1003258 DOB:05/19/2019 4 Years Old

BEAR, MALE DOG

BROWN AND BLACK, CANE CORSO

ANIMAL STATUS: ACTIVE

VALID VACCINATION: OWNED NONE

RABIES TESTING INFORMATION  
CONTROL NO. RESULTS: DATE

## NOTIFICATION

## LICENSE / RABIES VACCINE STATUS

Tag No	Tag Type	Status	Expiration	Rabies Given	Rabies Expires	Lot #	Type
U23-004046	LINK	CURRENT	06/19/2023				

## VICTIM INFORMATION

P0767354

VICTIM AGE: 3 YEARS OLD

SEVERITY: SEVERE

PART OF BODY BITTEN: FACE/HEAD

LOCATION: ON\_O\_PROP

CIRCUMSTANCE OF BITE: UNPROVOKED

Description of Injury: 5/24/23 Wounds to chest, neck, back. Puncture to head and laceration around ear causing it to hang. Multiple unknown amount sutures to treat. TOLIVER

# **Contra Costa County Animal Services Department Activity Card**

**A23-007037-3**

**INV/BITE-2**

**Priority Level: 2**

**Total Animals: 1**

**Animal Type: DOG**

**Activity Address**

**Activity Comment: Victim contact. Knose**

# **Contra Costa County Animal Services Department Activity Card**

**A23-007037-3**      **INV/BITE-2**      Priority Level: 2      Total Animals: 1      Animal Type: DOG

Activity Address:

Activity Comment: Victim contact. Kmose

**Caller Information:**

P0281622      BITE INTERIM

Call Date: 05/20/23 10:24 AM

**LOCATION OF CALL:**      701      SOLITUDE      DR

#	Activity Type	Result	Result	Result	Officer	Dispatched	Complete Date	Status
1	INV BITE-2	NOTIC	CAO		P9965328	5/21/23 12:02	5/21/23 16:13	COMPLETED
2	INV BITE-2	CON-M	NOTIC	CAO	P9984469	5/22/23 8:24	5/22/23 13:21	COMPLETED
3	INV BITE-2	CON-M	RPRT		P9978463	5/24/23 8:18	5/24/23 13:24	COMPLETED

**LOCATION OF CALL:**      2289      VISION      LN

#	Activity Type	Result	Result	Result	Officer	Dispatched	Complete Date	Status
4	INV BITE-2	CON-M	COMP		P9978463	5/24/23 8:18	5/24/23 14:26	COMPLETED

Owner Information:

Co-Owner:

5/14/2023

Memo 5/20/2023

Memo #: M23-015177

Date of bite: 05.18.23

Is animal still loose?: Unknown

Description of animal: 3-4 year old Brown/Black Male Bull dog "Bear"

Severity of bite: Moderate

Victim name, age, and address

Location of bite on body: Both Hands

\*\*\*\*\* THIS MEMO IS FOR THE CALL TAKER AND DISPATCHER ONLY. DO NOT STORE ANY OTHER MEMO INFORMATION HERE. OFFICERS ARE TO CREATE A MEMO TYPE "NOTE" FOR ANY FURTHER NOTATIONS. \*\*\*\*\*

# Contra Costa County Animal Services Department Activity Card

A23-007037-3

INV/BITE-2

Priority Level: 2

Total Animals: 1

Animal Type: DOG

Activity Address: 701 SOLITUDE DR OAKLEY, CA 94561

Activity Comment: Victim contact. Kmose

Memo 5/20/2023

Memo #: M23-015178 1

05/20/23 10:27 Per interim, bite occurred as the dog was "biting" her granddaughter and [redacted] got bit in the process of trying to break it up. KMose

05/21/23 1605, I responded to 701 Solitude Drive in Oakley for victim contact regarding this dog bite incident. I attempted contact at the residence but no one was home. I posted a notice on the front door. BManley

05/22/23 1313, I responded to [redacted] y for victim contact on an out of county bite investigation. Upon arrival, I contacted an adult female who stuck her head out of the door to advise [redacted]; was not home, she was at the hospital and unknown when she would return. I provided the woman a doorcard to give to [redacted] RAguilar

05/23/23 13:05 [redacted] called in and said that she is available through the week sporadically and would appreciate a phone call prior to arrival. She went to Kaiser Deer Valley ED department and received no sutures. GMGUT

05/25/23 at 1251 hours, I was dispatched to 701 Solitude Drive in Oakley for a bite investigation. I made contact with victim [redacted] who identified herself with a California Driver License. [redacted] told me on 5/18/23 at 1700 hours, she with 4 of her grandchildren at her daughter [redacted] home at [redacted] in Antioch with no other adults. [redacted] said her 2 year old granddaughter [redacted] whose mother is [redacted], fell down and began to cry [redacted] said "Bear," a extra large male Cane Corso was triggered by the crying and began to attack [redacted] Rodriguez said she ran over and began to pull "Bear's" mouth open to get him to release [redacted] said she was screaming for help and neighbors jumped the fence to help. [redacted] said with the help of the neighbors "Bear" releaser [redacted] and [redacted] ran into the home as they held "Bear" back. [redacted] said she was bit on both hands while pulling the mouth open. Rodriguez showed me her hands and only the right hand appeared to have breaks in the skin with several small cuts and one larger laceration that did not require sutures.

I advised [redacted] that I did not have a report for [redacted]'s injuries. [redacted] advised [redacted] was transported by Ambulance to Oakland Children's Center and was released from the hospital yesterday. [redacted] provided [redacted] address and mother [redacted]'s information.

I explained the animal at large and Dangerous Animal ordinances and [redacted] said she understood. [redacted] was unwilling to provide a Witness Statement form due to the family dynamic in the situation.

I explained the rabies virus and quarantine procedure and she said she understood.

I responded to [redacted] for second victim contact. I made contact with [redacted] and 2 year old [redacted] identified herself with a California Driver License [redacted] confirmed [redacted] was bit on the face, head, neck, chest, and back. [redacted] confirmed [redacted] was treated at Oakland Children's Center in Oakland [redacted] showed me [redacted]'s injuries and I photographed them. There were injuries to the chest, back, forehead, neck, and primary injury appeared to be the left ear. There were a large number of sutures used to close a wound the [redacted] described as the ear was hanging and needed to be reattached [redacted] was unaware how many sutures were required for treatment.

[redacted] advised the situation with "Bear" is odd due to owner/sister/[redacted] being a dog mom and being very attached to "Bear." I advised [redacted] of the Dangerous Animal ordinance in Contra Costa County but advised it may be slightly different in Antioch due to the city having it's own ordinance. [redacted] stated in her opinion "Bear" is dangerous and had been trained in "Bite training." I asked what type of training was that for and she stated she did not know as she only saw video of the dog being trained.

I explained the rabies virus and quarantine procedure and she said she understood.

I explained the Contra Costa County animal at large and Dangerous Animal ordinance and she said she understood. [redacted] confirmed she was not present during the event.



## Contra Costa County Animal Services Department Activity Card

A23-007037-3

INV/BITE-2

Priority Level: 2

Total Animals: 1

Animal Type: DOG

Activity Address:

Activity Comment: Victim contact. Knose

I called ASD Clerical staff and requested the bite report for [REDACTED] be faxed to Antioch Animal Services.  
I provided [REDACTED] a business card and advised her I was forwarding the report to the Antioch Animal Services for them to follow up with the her sister/dog owner. T.Oliver

**Melander, Maraea**

---

**From:** Melander, Maraea  
**Sent:** Friday, May 19, 2023 10:59 AM  
**To:** Ethridge, Melissa  
**Subject:** RE: A23-027722

Hello!

I received the interim bite report from John Muir Walnut Creek for victim TIM KENNER on my desk this morning, 05/19/2023.

I called KENNER via 21 (669)-288-2101 at approximately 1019 hours to obtain his statement from the incident that occurred on 05/18/2023 at 1700 hours at 5292 Mohican Way in Antioch.

KENNER provided the following statement as summarized:

KENNER was in the front yard of his home at 5283 Mohican Way in Antioch with his girlfriend. They began to hear screaming coming from across the street. As he got closer to 5292 Mohican Way, he could hear the screaming coming from inside the backyard. He peered into the backyard over the fence where he viewed a dog described as an English Mastiff or American Bulldog to have a small baby by the back of the neck. The dog was shaking the baby and the baby appeared to be lifeless. KENNER immediately jumped into the backyard of 5292 Mohican Way with another gentleman (not named). He began to try and pry the dog's mouth open to release the baby. He and the other gentleman began to deter and fight off the dog until everyone was out from the backyard. As everyone exited the yard, the dog then proceeded to attack KENNER biting his right thigh/leg. He and the other gentleman began to punch and hit the dog again to free themselves from the yard. The dog was then confined into the backyard with no more victims and EMS arrived on scene. EMS began first aid applying a tourniquet to KENNER's right leg and transported him to John Muir Walnut Creek Urgent Care.

End of summary.

KENNER was transported to John Muir Walnut Creek where he underwent thirteen stitches to the right leg, several puncture wounds and per the doctor's possible muscle damage. KENNER was prescribed antibiotics and pain medications thereafter. He stated he is to follow up with his primary care physician soon.

I informed KENNER that the responsible dog is now at Antioch Animal Services and will be isolated for 10 days for the quarantine period. I advised the dog does have a current rabies vaccination and that was provided by the dog owner and veterinarian. I informed KENNER an Animal Control Officer would update him at the end of the 10-day period to notify him of the dog's status.

I told him if he has any questions or concerns to not hesitate to contact me. KENNER was appreciative of my call.

I have created a bite report for KENNER, B23-000975.

Dog owner Vanessa Tuivailala came into the lobby as well as she had questions about getting Bear back. I provided her a sample document of the PDA/VA terms and conditions as instructed to do so by Cat although the decision is still being made.

Thanks!



## CONTRA COSTA COUNTY ANIMAL SERVICES DEPARTMENT

## INTERIM BITE REPORT

PLEASE FAX TO APPROPRIATE ANIMAL CONTROL OFFICE

## Victim/Patient Information:

Name: [REDACTED]

Date of Birth: [REDACTED]

Street Address: [REDACTED]

City: Antioch

Zip Code: 94531

Phone No.: [REDACTED]

Cell Phone No.:

Alternate Phone No:

## Animal Owner Information:

Name:

Street Address:

City:

Zip Code:

Phone Number:

## Animal Description Information:

Check One:

Dog: ☒

Cat:

Other:

Age:

Animal Sex:

(Male)

(Female)

Animal Name:

Animal Color/description:

Black/Brown/White

Animal Breed: American Bull Dog

## Animal Bite Information:

Date Bite Occurred: 5-17-23

Time Bite Occurred: 4pm?

Location Where Bite Occurred: Owner's Backyard

Severity of Bite (check one)

(Minor)

(Moderate) ☒

(Severe)

Part of Body Bitten: Right Leg

Description of Bite: To the Muscle

How Did Bite Occur: Saving little girl being attacked

## Hospital Information:

Name of Hospital:

Date Treated: 5-17-23

Address:

Phone No.:

Name of Physician:

## Contra Costa Animal Services:

4800 Imhoff Place Martinez, CA 94553

Phone Hours: Tues-Fri 8am to 5pm; Sat 830am to 5pm

Phone # 925-608-8400--Fax #925-608-8401

## Antioch Animal Services:

300 L St. Antioch, CA 94509

Phone # 925-779-6989-- Fax # 925-779-6992

## Berkeley Animal Services:

1 Bolivar Dr Berkeley, CA 94710

Phone # 510-981-8600--Fax # 510-981-8610

## Oakland Animal Services:

1101 29th St Oakland, CA 94601

Phone # 510-535-5670--Fax #510-535-5601

## Solano Animal Services:

2510 Claybank Rd Fairfield, CA 94533

Phone # 707-784-4733 ext 2--Fax # 707-784-7054

## Alameda County:

4595 Gleason Rd Dublin, CA 94568

Phone # 925-803-7040--Fax# 925-803-7044

S:/Clerical/Shelly/T/Interim Bite Report

On Thursday May 18<sup>th</sup> I received the worst call a mom could receive. My mother informed me that my daughter had been attacked by my sister's dog Bear and they were on the way to Oaklands Children's Hospital. I knew it was serious. I walked out of one of my finals and raced over to the hospital. When I got there it was worse than my mom had explained.

My two-year-old baby was laying there covered in blood, open wounds everywhere. She was screaming from the pain. She was scared. They did a full examination on her, and her injuries were as follows: Her right ear was hanging off and almost tore all the way off, open wounds across her neck, so deep and open that you could see her inner fat tissue. Two giant wounds across the back of her head. She suffered a fracture on her skull, a concussion. And the dog punctured through her head so deep that he broke through her skull. They were worried about an infection leading to her brain. My baby had seven surgeons working on her. I was a mess

She made it through surgery. The next morning, I didn't even recognize my daughter. She was so swollen to the point that she couldn't even open her eyes. They had her on schedule four pain medications, constant Morphine and Fentanyl just to keep her somewhat comfortable. She couldn't eat for at least three or four days. When the doctors would try and sit her up she would scream in pain. I couldn't believe my baby was going through this. The doctor's said        was a very lucky girl and that if Bear would have had her for a few more seconds, my baby would not be here. If it wasn't for the help of the neighbors. I don't know how my life would look right now.

This event has impacted my family very heavily. Its sensitive. This is my sister's dog, and everyone who knows my sister knows her animals are like her babies. But this is my baby and just like my sister is advocating and fighting for her dog I am fighting for my daughter. This has affected

all my kids. Her siblings were there when it happened.                      who is 9  
and                      who is 8 were trying there hardest to help my mom get that  
dog off my daughter. Bear is a 120 pound huge dog who was swinging  
my daughter around she like was a cat. My four year old                      was  
crying scared in the background. The stories they tell of that day are  
horrific and traumatizing. My kids will need therapy.

Myas healing process is far from over. Her follow ups include Plastic  
surgery, general surgery, Neuro surgery, ENT (Ear,Nose and Throat),  
Physical Therapy and constant care. I am not going to say that I want  
Bear put down. I am however going to say that he is an unsafe  
unpredictable animal who acted like my daughter was his prey. I want  
him nowhere near my family. I even fear for my sister if he is released  
to her.

This is my statement and my experience of what happened from my  
daughters dog attack. Everyone can have their own opinion. I am just  
curious what if this was your baby?

Thank You

## Cottle, Catriona

---

**From:**  
**Sent:** Thursday, June 8, 2023 1:26 PM  
**To:** Cottle, Catriona  
**Subject:** Dog attack at Antioch

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern,

I ( [redacted] Antioch) am responding to a statement request from Animal Services regarding a dog attack that occurred on May 18th, 2023. Below is my recollection of that event.

At approximately 5:00 PM PST on Thursday May, 18, 2023, my wife and I heard a commotion coming from a neighboring yard. We heard screaming and what sound like blunt force. At the same time, we heard a neighbor from across the street (Tim) yelling, asking if everyone is OK. I went to my back yard to listen closer and at the same time, Tim entered my side yard from an unlocked gate. We both heard the screams coming from the back yard next door ([redacted]).

Tim and I jumped up on a retaining wall to look over the fence and I saw that a large dog (Bear, 100-120lbs) had a small child ([redacted] approx. 2 y/o) by the neck and throat. She was face down and a woman (grandmother) and three children (siblings) were trying to separate the dog from the child and I jumped the fence and ran over to help. All had blood on them so it was unclear how many were injured beyond [redacted].

I straddled the dogs back and put it in a choke hold while [redacted] worked to remove the child from the dog's mouth. As the dog started to pass out, he let go of [redacted] and we directed the grandmother to grab Mya and the other children and run inside. (My wife [redacted] had already called emergency services.) When they were clear, [redacted] and I released the partially subdued dog and proceeded to exit through the side yard. As we attempted to make our exit, the dog got up and came at us. [redacted] attempted to put a piece of plywood between himself and Bear the dog got around it and latched on to inner thigh (left I think). I climbed back on top of Bear and choked him out again and he released [redacted] then jumped back over the fence to my yard. (My understanding is that he may have been further injured by the fall from going over the fence.)

With [redacted] safe, I was alone on the side yard with Bear in a head lock. I asked for a leash to try and secure the dog, and one of mine was thrown over the fence by [redacted]'s wife. Unfortunately it was pretty tangled so using it to tie up the dog with one hand was not going to work. Bear continued to struggle and I almost lost my grip. His neck was too big to fully lock up and my arms were getting tired. So I wrapped the leash around his neck and used it as a tourniquet, twisting until I had enough constriction for him to pass out. When I heard his breathing slow and saw his eyes go bloodshot, I got up and backed out though the side gate, placing a few yard chairs between us as I exited. Bear stumbled up and turned to face me but did not come after me as I exited the yard and secured the gate behind me.

Once clear, I found the grandmother standing on the lawn holding Mya, both covered in blood. I asked her to place the child on the lawn and I elevated her legs because she appeared to be in shock and I was not sure how much blood she had lost. I observed lacerations to her face, neck, and scalp. The worst appeared to be her left ear which was nearly separated. She also had puncture wound on her throat, neck, shoulders, and back. A few minutes later, Police arrived, followed by EMTs and I handed off her care to them. Animal services arrived a bit later and eventually removed the dog from the property.

My injuries with limited to scrapes and scratches on my arms, hands, and knees from jumping the fence and later wrestling the dog on the concrete. I do not know Bear and am not an expert in dog behavior or breeds so I can't offer any guidance on past patterns of behavior or expectations if he was to be released. I can say that I would not be comfortable with Bear near my family or other children based on what I observed that day.

If you have any follow up questions, I can be reached via the contact information below.

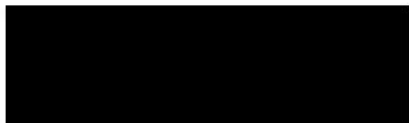
Sincerely,

# ANTIOCH POLICE DEPARTMENT

Steven A. Ford, Chief Of Police



May 25<sup>th</sup>, 2023



## RE: Declaration of Vicious Animal

**"Bear" A143699 Brown brindle, Male, Bullmastiff**

**Dear Tuivailala Residence:**

Your dog, "Bear" has been found to be in violation of Antioch Municipal Code 6-1.801 (B) following an incident on May 18<sup>th</sup>, 2023 that resulted in severe injuries to two people and minor injuries to a third person. Due to the circumstances, "Bear" is now considered to be a ***Vicious Animal***.

6-1.801 (B) ***VIOUS DOG OR ANIMAL. Any of the following, as determined by the city:***

***(b) A dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;***

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

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

1. By **4:30 p.m. on June 8<sup>th</sup>, 2023**, surrender the dog to Antioch Animal Services; **or**
2. By **4:30 p.m. on June 8<sup>th</sup>, 2023**, sign the "***Vicious Animal Declaration: Terms and Conditions Agreement***," pay the outstanding fees, and comply with all of the terms and conditions in order for your dog to remain at home. A copy of this agreement has been enclosed; **or**
3. By **4:30 p.m. on June 8<sup>th</sup>, 2023**, file all papers and pay fees to appeal the determination that your dog is a "***Vicious Animal***". The dog will remain at Animal Services until the Board of Administrative Appeals renders its decision.

### **Option 1 -- Surrender your dog**

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



# ANTIOCH POLICE DEPARTMENT

Steven A. Ford, Chief Of Police



If you take no actions by **4:30 p.m. on June 8<sup>th</sup>, 2023**, then your dog will be deemed to have been surrendered and will be euthanized.

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

In order to obtain your dog after the quarantine period, you may sign the Vicious Animal Declaration, comply with the Terms and Conditions, and pay the fees below. The Terms and Conditions are enclosed. Once you come to Antioch Animal 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 is **\$1,470.00** and board increases by \$35.00 per day starting on **May 29<sup>th</sup>, 2023 (following the end of the bite quarantine period)**.

Receipt - ETHRIDGE at SHELTER

File Commands Procedures Reports Extras Help

Receipt No: 05/23/23 Reference No:

Person ID: P

Received From: Jurisdiction: Extra1: Extra2:

Comment:

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Extra3	Extra4	Item Price
01	IMP PDAVA			ADMIN	350.00	350.00	IMP PDAVA	USER 224
01	PDAVA FEE			ADMIN	450.00	450.00	PDAVA DANGEROUS FEE	USER 218
01	PDAVA IN			ADMIN	150.00	150.00	PDAVA INSPECTION	USER 218
01	SIN DOG			SHELTER	150.00	150.00	SPAY/NEUTER DOG	USER 229
01	QUARIDOG			KENNEL	280.00	280.00	QUARIDOG	USER 218
01	LIC PDAVA			LICENSE	70.00	70.00	LIC PDAVA	USER 212
01	LIC SN 1			LICENSE	20.00	20.00	LICENSE ALTERED 1YR	USER 212

Total Due: 1470.00

Cash: Check: Credit: Tendered: 0.00 Card No: Exp: Auth: Trans: Change: 0.00 Balance: 1470.00

**The dog will be deemed surrendered to the City to be humanely euthanized, if you do not by 4:30 p.m. on June 8<sup>th</sup>, 2023: sign the Agreement, fulfill all Terms and Conditions; and pay \$1,470.00 plus boarding costs of \$35 per day to the date of redeeming the dog.**

300 L Street, Antioch, CA 94509  
Phone: (925) 779-6989 / Fax: (925) 779-6992  
[www.antiochpolice.com](http://www.antiochpolice.com)

## ANTIOCH POLICE DEPARTMENT

---

*Steven A. Ford, Chief Of Police*



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

### **Option 3 -- Appeal the Vicious Dog Determination**

If you wish to appeal the determination that your dog is a "Vicious Animal," then you must file a written request and pay those fees listed above totaling \$1,470.00, includes a \$450 Dangerous Animal Investigation Fee which must be paid to the City Clerk's Office no later than **June 8<sup>th</sup>, 2023 by 4:30 p.m.** in order to schedule a hearing with the Board of Administrative Appeals.

The City Clerk's office is located at 200 'H' Street, Antioch, CA 94509. The Clerk's Office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. except City holidays. **If both the written appeal request and fees are not received June 8<sup>th</sup>, 2023 4:30 p.m., then the City will deem that you have surrendered the dog to the City to be humanely euthanized.**

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

The \$450 Dangerous Animal Investigation Fee may be deferred until the Board of Administrative Appeals makes a decision if you complete and submit the Hardship Waiver Application with supporting documentation to the City Clerk's Office **by 4:30 p.m. on June 8<sup>th</sup>, 2023.**

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 Saturday 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,**

**George Harding, Manager**  
**Antioch Police Department**  
**Animal Services Division**  
**300 L Street**  
**Antioch, CA 94509**

Enc.: Vicious Animal Declaration Terms and Conditions  
Hardship Waiver Application  
Kennel Design



**ANTIOCH ANIMAL SERVICES**  
**VICIOUS ANIMAL DECLARATION**  
**TERMS AND CONDITIONS**

**Dog Owners:**



Pursuant to Antioch Municipal Code Section 6-1.801 (B), on May 23<sup>rd</sup>, 2023, the following animal is declared to be a **VICIOUS ANIMAL**:

**“Bear” A143699 Brown brindle, Male, Bullmastiff**

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 Vicious Animal. \_\_\_\_\_
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 Datamars Pet Recovery as provided in the microchip information packet at the Owner's expense.   n/a



## ANTIOCH POLICE DEPARTMENT

---

Steven A. Ford, Chief of Police

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. \_\_\_\_\_





Steven A. Ford, Chief of Police

## **VICIOUS ANIMAL KENNEL REQUIREMENTS**

- Kennel **MUST** be covered and the material used must be secured with wire
- Kennel **MUST** be cemented or anchored into the ground
- Kennel **MUST** be built on top of a solid base of either wood, cement, or other substantial material (one that cannot be broken down by the animal)
- 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)**

### **§ 6-1.801 PURPOSE; DEFINITIONS.**

**SECURE ENCLOSURE.** A kennel, pen, or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building, or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Cal. Food and Ag. Code § 31605.)

## ANTIOCH POLICE DEPARTMENT



Steven A. Ford, Chief of Police

20. The owner or keeper of the declared Vicious 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 "Vicious 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 "**VICIOUS 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.

CITY OF ANTIOCH:

By: \_\_\_\_\_  
Animal Services Representative

Date: \_\_\_\_\_

ANIMAL OWNER:

By: \_\_\_\_\_

Date: 5/27/23

# ANTIOCH POLICE DEPARTMENT

Steven A. Ford, Chief of Police



June 2, 2023

Dear [REDACTED]

Your dog "Bear" (A143699) was declared as a Vicious Animal on May 25, 2023, as a result of an attack that occurred on May 18, 2023. Following additional review of this incident, the Antioch Animal Services Manager has come to a determination regarding the outcome of "Bear" (A143699). Due to the severity of this attack, the City of Antioch does not approve for Bear to be returned to your home and is ordering Bear to be humanely euthanized. Please refer to the following:

## § 6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

(A) *Actions.* If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:

(1) Any action set forth for a potentially dangerous animal, under § 6-1.804 above, except that the fine is up to \$1,000; (See Cal. Food and Agric. Code § 31662.)

(2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (See Cal. Food and Agric. Code § 31645.)

(3) Order that the owner may not own or possess any dog or other animal for a 36-month period; (See Cal. Food and Agric. Code § 31646.)

(B) *Findings.* Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:

(1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;

(2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;

(3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.

(4) Possession of the animal at the location does not violate any law, code or regulation; and

## ANTIOCH POLICE DEPARTMENT

---



*Steven A. Ford, Chief of Police*

(5) The animal will not be kept at any other location than that specified in the order.

(C) *Euthanizing dangerous dog or animal.*

(1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare; and:

(a) When the time for filing an appeal with the Board of Administrative Appeals has lapsed;

(b) If an appeal is filed, when the Board determined to rule against the appeal; or

(c) If the owner has not met the conditions imposed on releasing a vicious animal within 14 days.

(2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in Title 1, Chapter 4 of the Antioch Municipal Code.

(Ord. 2083-C-S, passed 4-8-14)

Our goal is to ensure public health and safety by regulating and controlling animals exhibiting potentially dangerous or vicious behavior in the City of Antioch.

As previously stated in the Declaration of Vicious Animal issued to you on May 25, 2023, you have until **4:30PM on June 08, 2023**, to pay all associated fees and file an appeal of this determination.

If you take no action by **4:30 PM on June 08, 2023**, Bear will be deemed to have been surrendered and will be euthanized. You will be billed for any applicable outstanding fees and costs. Should you have any questions concerning this matter you may contact Animal Services Manager George Harding at (925) 779-6990.

Sincerely,

George W. Harding, IV  
Animal Services Manager  
Antioch Police Department



# ANTIOCH POLICE DEPARTMENT

Steven A. Ford, Chief of Police



Amended fees as of June 2<sup>nd</sup>, 2023 to reflect additional 4 days of boarding & the already paid spay/neuter fee \$150 & dog license \$20.

Receipt - CCOTILE at SHELTER

File Commands Procedures Reports Extras Help

Receipt No: [ ] Date: 06/02/23 ReferenceNo: [ ]

Person ID: P084648 Vanessa Tulvialala [ ] Mohican Way Antioch 94531

Received From: [ ] Jurisdiction: [ ] Extra1: [ ] Extra2: [ ]

Comment: [ ]

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Extra3	Extra4	Item Price
1		A143699						

Qty	Item Code	Animal ID	Reference No	Fee Type	Dept	Price	Subtotal	Item Name	Extra3	Extra4	Source	Acct
01	PDAVA FEE	A143699		ADMIN		450.00	450.00	PDAVA DANGEROUS FEE			USER	218
01	PDAVA IN	A143699		ADMIN		150.00	150.00	PDAVA INSPECTION			USER	218
01	LIC- PDAVA	A143699		LICENSE		70.00	70.00	LIC- PDAVA			USER	212
01	QUAR/DOG	A143699		KENNEL		280.00	280.00	QUAR/DOG			USER	218
01	IMP PDAVA	A143699		ADMIN		350.00	350.00	IMP PDAVA			USER	224
04	BOARDPDAVA	A143699		KENNEL		35.00	140.00	BOARD PDAVA			USER	218

Total Due: 1440.00

Cash: [ ] Check: [ ] Credit: [ ] Tendered: 0.00

Card No: [ ] Exp: [ ] Auth: [ ] Trans: [ ] Change: 0.00

Balance: 1440.00

JUN 02 2023

RECEIVED

## Decision Appeal Application

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

Date of Decision: 6/2/23

Name: [REDACTED]

Property Address: [REDACTED]

Antioch, CA 94531

Mailing Address: [REDACTED]

Oakley, CA 94561

Home Phone: ( )

Work Phone: ( )

Cell Phone: [REDACTED]

Email: [REDACTED]

### REASON FOR APPEAL

The decision on May 23<sup>rd</sup>, 2023, Bear was declared to be a "Vicious Animal." We were E-mailed the paperwork night of the 25<sup>th</sup>. Following the guidelines, we scheduled his neuter date on 5/30 Due to the Holiday. I reached out to Officer ETHRIDGE on Tuesday to confirm he was neutered. Officer said he wasn't neutered because her manager said the inspection needed to be passed. The reason this confusion happened was because in the past they were able to do the Neuter before the inspection. We then scheduled the inspection for 6/2 because our Outdoor Kennel didn't arrive until 6/1.

Signature [REDACTED]

Date

6/2/23

**\*PLEASE NOTE:** A \$50.00 Board of Administrative Appeals Fee is also due when filing your appeal as per our City of Antioch's Master Fee Schedule located on our City's Website under the following link: [Master Fee Schedules – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/master-fee-schedules).



The morning of 6/2, Officer Melander informed us that the inspection couldn't take place because the fees weren't paid. She stated that the Neuter would happen Monday or Tuesday and after the Neuter Officer Ethridge would do the inspection. This happened because #1-1 was told the fees usually get paid after the whole process. #2 we were told the Neutering would be done after the inspection process. We were confused on how we would get the Neutering done before the inspection. On 6/2, morning of inspection time at our home at 9am, I went down to Animal Control Services to pay the inspection fee. I was then told by "CAT CORIE" she would not be releasing Bear to us and that we would need to sign the forms to surrender him to Control Services. We were thrown a Curveball since this process has taken a week to 2 weeks. A declaration was already signed that stated Bear to be a vicious dog. She spoke to [REDACTED] on the phone after suddenly hearing the news, [REDACTED] asked why was there a Declaration signed, Neuter and inspection scheduled. Cat Corie stated it was unusual for a dog to be in here this long, but the decision was made too quickly, and that they were under-staffed.

As for the incident, As for us owners we were not present during the incident. We know Bear is a loving dog, he doesn't care about other dogs or humans. He loves playing with his tennis ball, loves to cuddle with his family. We know he is a big dog but he is a gentle giant. He was apart of our wedding and walked down the aisle in front of 100 people because we knew he didn't care about anything else but Mom & Dad. He lived with our Nieces for over a year with us in our house. He has photos with all the kids in the family because they all love him, and because Bear is their favorite. [REDACTED] who got injured in the incident had been coming to our home for 2 months with no issues. The day of the incident they previously went to our home 3 hours before the incident to let them out of their kennels so they can go to the bathroom. They put them back in their cages with no problems. The 2nd time was truly just a freak accident, but we want to take all the measures needed in order for us to get Bear back because even though something vicious happened, he isn't the type of vicious dog that should be euthanized. We are appealing this sudden change of decision today 6/2/23. We love our dog and we will follow all the steps and requirements needed for Bear. We can assure you he is not a ~~public~~ danger to the public. This was a 1st time incident on our property without his owners present at home. We are confident that this will never happen again because of the steps and securing that are in place. Thank you.



CITY OF ANTIOCH  
(925) 779-7055  
www.antiochca.gov

DATE : 6/2/2023 3:54 PM  
OPER : ACG  
TKBY : Anthony Garcia  
TERM : 1  
REC# : R01874939

176.0000 ANIMAL Citation fees 1440.00  
[REDACTED] 1440.00  
Citation - Animal Services 1440.00  
214-332046020 -1440.00

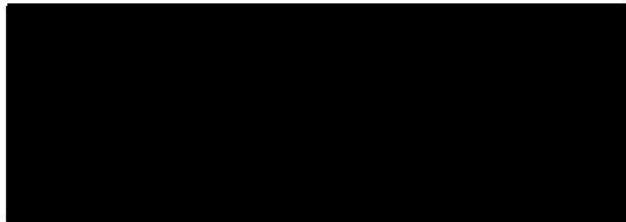
900.0000 TRUE MISC RECEIPTS 50.00  
[REDACTED] 50.00  
Miscellaneous Revenue 50.00  
100-114047010 -50.00

Paid By [REDACTED]  
4-CC 1490.00AUTH:065716

APPLIED 1490.00  
TENDERED 1490.00

CHANGE 0.00

Cardmember acknowledges receipt of goods  
and/or services in the amount of the  
total shown hereon and agrees to perform  
the obligations set forth by the  
cardmember's agreement with the user.



# ANTIOCH CALIFORNIA

COPY

June 6, 2023

Email: [REDACTED]

RE: Board of Administrative Appeals Hearing

Property Address: [REDACTED], Antioch, CA

Date of Incident: 05/18/2023

Animal ID#: "Bear" A143699 Brown Brindle, Male, Bullmastiff

Date of Determination by Antioch Animal Services: 06/02/2023

Dear [REDACTED]

This is a follow up to your written appeal filed on June 2, 2023, regarding the above-referenced incident and determination. Also received was payment in the amount of \$1,490.00 (\$1,440 Animal Services' fees and \$50 appeal fee).

Please be advised your appeal is scheduled to be heard at the Board of Administrative Appeals **SPECIAL Meeting on Thursday, June 15, 2023, at 3:00 p.m.** The in-person meeting will be held at Antioch City Hall – Council Chambers, 200 H Street, Antioch, CA.

The Agenda with Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda packet and Speaker Rules, simply click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](http://Board of Administrative Appeals – City of Antioch, California (antiochca.gov)).

All people who wish to speak at the hearing, including you, will be required to take an Oath. 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 appeals.

Thank you.

Sincerely,



CHRISTINA GARCIA, CMC

Deputy City Clerk

[cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov)

cc: Antioch Animal Services

Enclosures

Phone: (925) 779-7009

Fax: (925) 779-7007

[Antiochca.gov](http://Antiochca.gov)

OFFICE OF THE CITY CLERK



200 H Street/P.O. Box 5007

Antioch, CA. 94531-5007

[AntiochIsOpportunity.com](http://AntiochIsOpportunity.com)



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On June 6, 2023, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:



Oakley, CA 94561

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on June 6, 2023, at Antioch, California.

Christina Garcia





## **ADMINISTRATIVE BOARD OF APPEALS**

### **GENERAL INFORMATION FOR PERSONS APPEALING DECISIONS**

The Administrative Board of Appeals is comprised of five Antioch residents, who are appointed by the Mayor and have volunteered their time to hear your appeal. The Board Members do not receive monetary compensation for their time, and they are not employees of the City. They do not make or control the law. They are hearing officers who will review your appeal because you have requested the City do so. As the person making the appeal (the appellant) please keep in mind the following:

#### **Schedule of Hearing:**

- When an appeal is requested, it is typically scheduled for the first Thursday of every month.
- You will receive written notice of the date and time of the appeal hearing from the City Clerk's office.
- The Agenda and Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date. To view the Board of Administrative Appeals Agenda information, click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](http://antiochca.gov/BoardofAdministrativeAppeals).

#### **When You Do Not Show for Your Hearing:**

- If you do not appear at the hearing date and time you have been notified of, and unless you have provided the City Clerk seventy-two (72) hour notice before the hearing that you are requesting a postponement, your appeal will be heard without your participation.

#### **How You Will Act at Your Appeal Hearing:**

- You, and anyone else who is participating with the appeal at your request, will maintain a respectful attitude at all times.
- If you or anyone else does not maintain a respectful attitude, you may be asked to "leave" the hearing by the Board Chairperson/Vice Chairperson.
- Your appeal is not an opportunity to debate or argue with City staff or Board Members. Any questions should be directed to the Board Chairperson/Vice Chairperson.
- When you speak, you should talk about the reasons why you feel the Decision was wrongfully made.



### **How The Appeal Hearing Will Go:**

- The Board will read your item of appeal from its Agenda.
- The Board will then ask City staff to present an oral report regarding your Decision. The Board may ask questions of City staff after the oral report. This oral report will be for **five (5) minutes**.
- After staff has provided its report, and the Board is finished with its questions of staff, you will then be called upon to speak.
- You will have **five (5) minutes** to present the reasons why you are appealing the Decision.
- Any other additional persons who may oppose or support your appeal will have **three (3) minutes** to speak when called upon by the Board Chairperson/Vice Chairperson.
- The Board may then ask City staff for a rebuttal to the statements you or others made in support or opposition of your appeal. This rebuttal is only for **three (3) minutes**.
- Then the hearing is completed, and the Board will then issue its ruling on your appeal.

### **Your Burden:**

- It is your appeal and therefore you bear the burden to prove that the Decision was wrongfully made.
- To win your appeal, you must have a majority of the Board uphold your appeal (3 of 5, or 2 of 3).
- If the Board determines there was in fact good reason to issue this Decision, your appeal will be denied.

### **How The Board Will Rule:**

#### **The Board can only rule one of two ways:**

- To uphold your appeal and dismiss the Decision.
- To deny your appeal and uphold the Decision.

### **Written Findings and Order:**

- The Board will render their findings and recommendations after the hearing is concluded or as soon as possible.
- You will be mailed the written decision of hearing within ten (10) days of the hearing.



# ANTIOCH CALIFORNIA

COPY

June 9, 2023

Email: [REDACTED]

RE: Board of Administrative Appeals Hearing  
Property Address: [REDACTED] Antioch, CA  
Date of Incident: 05/18/2023  
Animal ID#: "Bear" A143699 Brown Brindle, Male, Bullmastiff  
Date of Determination by Antioch Animal Services: 06/02/2023

Dear [REDACTED]

This is a follow-up to our letter dated June 6, 2023.

Please be advised your appeal is scheduled to be heard at the Board of Administrative Appeals **SPECIAL Meeting on Thursday, June 15, 2023, at 3:00 p.m.** The in-person meeting will be held at Antioch City Hall – Council Chambers, 200 H Street, Antioch, CA. A copy of the Board of Administrative Appeals Special Meeting Agenda is attached.

The Agenda with Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda packet and Speaker Rules, simply click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](http://antiochca.gov).

All people who wish to speak at the hearing, including you, will be required to take an Oath. This case will be heard and a decision rendered by the Board of Administrative Appeals.

Thank you.

Sincerely,



CHRISTINA GARCIA, CMC  
Deputy City Clerk  
[cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov)

cc: Antioch Animal Services

Enclosures





PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On June 9, 2023, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:



Oakley, CA 94561

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on June 9, 2023, at Antioch, California.

Christina Garcia



June 9, 2023

[REDACTED]

RE: Board of Administrative Appeals Hearing  
Property Address: [REDACTED] Antioch, CA  
Date of Incident: 05/18/2023  
Animal ID#: "Bear" A143699 Brown Brindle, Male, Bullmastiff  
Dog owners: [REDACTED]  
Date of Determination by Antioch Animal Services: 06/02/2023

Dear [REDACTED]

This is a follow-up to the incident that occurred at the above-referenced address on May 18, 2023.

Please be advised the dog owners' appeal is scheduled to be heard at the Board of Administrative Appeals **SPECIAL Meeting on Thursday, June 15, 2023, at 3:00 p.m.** The in-person meeting will be held at Antioch City Hall – Council Chambers, 200 H Street, Antioch, CA. A copy of the Board of Administrative Appeals Special Meeting Agenda is attached.

The Agenda with Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda packet and Speaker Rules, simply click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/BoardofAdministrativeAppeals).

All people who wish to speak at the hearing, including you, will be required to take an Oath. 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 appeals.

Thank you.

Sincerely,



CHRISTINA GARCIA, CMC  
Deputy City Clerk  
[cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov)

cc: Antioch Animal Services

Enclosures







PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On June 9, 2023, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:



Brentwood, CA 94531

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on June 9, 2023, at Antioch, California.

Christina Garcia



# ANTIOCH CALIFORNIA

COPY

June 9, 2023



RE: Board of Administrative Appeals Hearing  
Property Address: [REDACTED] Antioch, CA  
Date of Incident: 05/18/2023  
Animal ID#: "Bear" A143699 Brown Brindle Male, Bullmastiff  
Dog owners: [REDACTED]  
Date of Determination by Antioch Animal Services: 06/02/2023

Dear Mr. Kenner,

This is a follow-up to the incident that occurred at the above-referenced address on May 18, 2023.

Please be advised the dog owners' appeal is scheduled to be heard at the Board of Administrative Appeals **SPECIAL Meeting on Thursday, June 15, 2023, at 3:00 p.m.** The in-person meeting will be held at Antioch City Hall – Council Chambers, 200 H Street, Antioch, CA. A copy of the Board of Administrative Appeals Special Meeting Agenda is attached.

The Agenda with Staff Reports will be posted onto our City's Website 72 hours before the Board of Administrative Appeals Hearing date listed above. To view the Board of Administrative Appeals Agenda packet and Speaker Rules, simply click on the following link: [Board of Administrative Appeals – City of Antioch, California \(antiochca.gov\)](https://antiochca.gov/BoardofAdministrativeAppeals).

All people who wish to speak at the hearing, including you, will be required to take an Oath. 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 appeals.

Thank you.

Sincerely,

CHRISTINA GARCIA, CMC

Deputy City Clerk

[cityclerk@antiochca.gov](mailto:cityclerk@antiochca.gov)

cc: Antioch Animal Services

Enclosures

Phone: (925) 779-7009

Fax: (925) 779-7007

[Antiochca.gov](https://antiochca.gov)

OFFICE OF THE CITY CLERK



200 H Street/P.O. Box 5007

Antioch, CA. 94531-5007

[AntiochIsOpportunity.com](https://AntiochIsOpportunity.com)



PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA) ss

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is Office of the City Clerk for the City of Antioch, 200 "H" Street, P.O. Box 5007, Antioch, California 94531-5007. On June 9, 2023, I served the within Notice, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Antioch, California addressed as follows:

  
Antioch, CA 94531

I, Christina Garcia, certify (or declare), under penalty of perjury, that the foregoing is true and correct. Executed on June 9, 2023, at Antioch, California.



