



MINUTES
BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

Monday July 9, 2007
10:00 P.M.
CITY HALL
200 N. Spring St.
Room 1060
Los Angeles, CA 90012

Commissioners: Tariq Khero, President
 Kathleen Riordan, Vice-President
 Marie Atake
 Glenn Brown
 Archie Quincey, Jr.

ADMINISTRATIVE APPEAL HEARING

Commission Vice President Riordan called the Administrative Appeal Hearing to order at 10:15 A.M. Present were Commissioners Riordan, Atake, and Quincey. Commissioners Khero and Brown were absent.

1. Appeal of the General Manager's Decision in Barking Dog Case – BD 06353SL

Appellant: Michael and Teresa Fernandez

Complaining Witness: Enu Lee

District Manager, South Los Angeles Animal Care and Control, Jorge Figueroa, Captain
Hearing Coordinator, Department of Animal Services, Keith Kramer, Captain

The Complainant Enu Lee failed to appear for the Administrative Appeal Hearing.

Commissioner Quincey motioned to overturn the General Manager's decision and remove the terms and conditions set forth in the Notice of Order, dated August 17, 2006, for dogs "**Roudy**", **License Number L07-155735**, and "**Coco**", **License Number L07-155739**. The motion was seconded by Commissioner Atake and passed on a vote of 3-0.

Determination: General Manager's Decision Overturned, License Reissued, Terms and Conditions Removed.

COMMISSION MEETING

Commission President Khero called the Commission Meeting to order at 10:46 A.M. Present were Commissioners Khero, Riordan, Atake, and Quincey. Commissioners Brown was absent.

1. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS

- **June 2007 Statistics:** Dog and cat adoptions increased 26% compared to June 2006 (1,552 from 1,233), with dog adoptions up 14% (839 from 733) and cat adoptions up 43% (713 from 500) respectively. New Hope Placements for dogs and cats decreased slightly, 5.5% (344 from 376), with placements for dogs down 14% (291 from 340), but up 8% (235 from 217) for cats. Dog and cat euthanasia decreased 30% (1,847) compared to June 2006 (2,647). Neonate kitten euthanasia decreased 59% (328 from 804).
- **Fiscal Year 06-07 Statistics:** The Department took in 25,419 (55%) dogs and 20,898 (45%) cats. 34% (15,808) of all dogs and cats were owner relinquished, unwanted. 66% (30,686) were rescued by ACOs who found them as lost, roaming the streets. The Department returned nearly 16% (4,037) of all incoming animals to their guardians. 32% (6,634) of all cats taken (20,898) in were orphaned neonates. Pit bull and pit bull mixes represented 25% (5,408) of all dogs taken in (25,493), 15% (1,463) of all dogs adopted, 4% (408) of all dogs placed through New Hope, and 41% (2,574) of all dogs euthanized. In FY 06/07, dog and cat adoptions are up 6.8% (15,098 from 14,125), with dog adoptions up 12% (from 8,772 to 9,813) and cat adoptions down 1% (5,285 from 5,353). New Hope placements are down 1.7% (5,918 from 6,023). 17,314 dogs and cats were euthanized, representing an 11.25% decrease from the previous Fiscal Year in which 19,508 dogs and cats were euthanized.
- AB1634 has now gone through the Assembly, and more recently, has been waived by one Senate Committee and will be heard by the Local Government Committee on July 11.
- The Municipal Facilities Committee has conceptually approved the concept of keeping the old East Valley facility open and available for extended use for a partner organization thru an RFQ process.
- Emails circulating that animals are dying at the East Valley facility due to heat prostration and exposure to the sun are not true.
- Ringling Brothers Circus will be having their annual Elephant Walk on July 17 and on July 22. They are hoping to walk 8-10 elephants over a three and half mile walk thru downtown Los Angeles.

Public Comments

Daniel Guss: Concerned that the General Manager is narrowing the definition of euthanasia by describing fewer types of euthanasia. Questioned the General Manager's credibility. Commented on a Daily News article written about the General Manager.

Phyllis Daugherty: Commented on the overcrowding at East Valley shelter. Insisted that the Department needed to keep the old East Valley facility open and in use. Mentioned that the California Veterinary Medical Association has gone neutral with respect to AB 1634 due to the difficulty with enforcement. Felt that the Elephant Walk should be stopped.

2. COMMISSION BUSINESS

A. Approval of the Commission Meeting Minutes of June 25, 2007

Commissioner Riordan motioned to approve the minutes for the June 25, 2007 Commission Meeting with her recommended changes. The motion was seconded by Commissioner Quincey and passed on a 4-0 vote.

B. Oral Report by the Commission on Meetings and Events Attended

Commissioner Atake gave the opening speech at the June 30 “No Kill” seminar hosted by the Department and In Defense of Animals. She volunteered at dog adoption events on June 30 and July 7. She also served as an Appeals Commissioner on July 6 for a volunteer appeal hearing. Commissioners Khero, Riordan, and Quincey had nothing to report.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

A. None

4. DISCUSSION ITEMS

A. Background and Status on Dangerous Animal Case DA 05321NC, “Stu”, owned by Jeffrey De La Rosa

Commissioner Riordan felt that the case should be revisited. She asked if the records for the De La Rosa case could be augmented to include the behavioral evaluation conducted by Dr. Richard Polsky. The evaluation was denied prior to the initial hearing. Commissioner Riordan also pointed out that one of the Commissioners had contacted Mr. De La Rosa prior to the appeal hearing to ask questions regarding the bite incident, and could have conceivably formed a bias.

Assistant City Attorney Dov Lesel was not sure the Commission still had any jurisdiction in the case since the decision made at the appeal hearing was considered final. He commented that in due process appeals, violations or possible violations must be raised at the appeal hearings. Mr. De La Rosa failed to indicate that such violations occurred.

Commissioner Atake wanted to discuss the possibility of moving Stu into the care of a rescue group to get the proper exercise and attention he needs and to alleviate the resources of the Department. Commissioner Riordan agreed, commenting that it would be a disservice to the animal to not allow him the opportunity to be rehabilitated. Commissioner Quincey disagreed. He reasoned that with the ongoing case, the Department does not have the legal right to release the dog into the care of any rescue groups. He also felt the Department would be putting itself and the City in serious jeopardy if the dog was released.

Public Comments

Jeffrey De La Rosa: Commented that it would cost him \$10,000 to get his case before the Court of Appeals on top the \$8,000 he has already spent for the Superior Court. He has lost his homeowners insurance. Felt the two previous General Managers along with Captain George Mossman and Captain Karen Stepp denied him due process. Could not discuss what needed to be discussed at his appeal hearings. Claimed he had written a letter to the Board begging them to allow him to have witnesses at the hearing. The Board however, never received the letter. Felt there was a provision in the City Code to allow the case to be revisited. Commented that his dog was not dangerous and that the General Manager was waging a campaign him. Postings about the case and the injuries to the victim are not true.

Daniel Guss: Mentioned that he had copies of written communications from one of the Commissioners

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showing bias towards the case. The whole process was biased from the beginning. Requested that Commission get a report on how often Stu was bathed and treated.

Phyllis Daugherty: Commented that the dog had been evaluated as dangerous. Pit bull nature is animal aggressive, but that they do not attack humans. A dangerous dog is a dog that bites a human in an unprovoked situation. Mentioned that she has served as an expert witness and has testified many times on pit bull breeds.

Pam Holt: Indicated that Stu was not a full-blooded pit bull. Believed Stu was a victim a great injustice. Commented that the evidence pictures of the victim's arm did not show a shredding action. Believed the injuries to the victim were exaggerated. Although the General Manager wrote that Stu had attacked a staff member, it was not mentioned when she went to speak to staff directly. Urged the untruths and exaggerations to stop. Stu deserves to work with a trainer before being re-evaluated.

Dina Takouris: Reminded the Board that a dog's life is at stake. Suggested that everyone meet Stu. Believed Stu should be set free.

B. Status of Form D-300, Companion Animal Health Awareness Report, Follow-Up

Officer Tranzow reported on the efforts of the Spay and Neuter Task Force to follow-up on the sterilization for animals adopted without being spayed or neutered because of medical deferral, as documented on the D-300 forms. Originally the Department did not have a program to track such animals appropriately. In January of 2007, the Spay and Neuter Task Force took the lead in overseeing all the D-300s. Every month the Task Force receives several hundred D-300 forms from the six shelters. The Task Force has tried to abate this number along with those from the previous year that have been in the Department's backlog in addition to their duties to go after illegal breeding. So far, the program is working as more animals are being sterilized, and proof these animals are being sterilized has been produced. One of the biggest challenges the Task Force has been faced with is dealing with the unweaned kittens, which has created a large number of ongoing D-300s. Rescue groups who are not used to being asked questions about what they do adopt most of these kittens. In-house clerical issues have also been another challenge. The Task Force often receives incorrect or not current phone numbers and addresses, making it harder to get in contact to follow-up with these individuals.

Public Comments

Daniel Guss: Suggested that staff call the submitted phone numbers while the individuals are present to quickly verify if they are giving the correct information. Mentioned that post office boxes are not issued without a DWP bill or cable bill that documents exact locations. Felt that incentives should be given to rescue groups that return the most certificates. Commented that individuals could be pre-billed through accepting credit cards.

Phyllis Daugherty: Not all rescue groups are spaying and neutering their animals. These individuals should be penalized financially. If rescue groups complied with the laws, there would not be a problem. What is the Department doing to address veterinarians who advise against spaying/neutering an animal? Animals under four months of age can be entered into the system for follow-ups and be issued juvenile licenses.

Dina Takouris: It is illegal for the 501c3 groups to release an animal unaltered. Commented that they should not be penalized for accepting animals that are too ill to sterilize.

C. Oral Update on Housing Rabbits at Animal Care Centers in Hot Weather

Captain Nancy Moriarty, Director of Shelter Operations, addressed some of the concerns of the Commission and the public regarding the care of the rabbits at the centers, specifically the Harbor Center and the North Central Center. Both facilities currently maintain rabbits outdoors. At the Harbor Center, the area for the rabbits has recently been renovated, as the rabbits there now live in rabbit hutches. The temperature in at the Harbor is relatively lower than that of the Valley. However, should the temperature ever reach high levels, the grounds for the rabbit area is hosed with water to help keep the animals cool. The rabbits at the North Central Center were moved outdoors just three weeks ago. The rabbit area at North Central is completely covered to prevent stress brought about by dogs in the kennel cages nearby and are in shaded area at all times. Outdoor thermometers have been attached to the hutches. At 75°F, the misters are turned on to drop the temperature in the rabbit area significantly. At 80°F, the rabbits are provided with frozen water bottles.

Public Comments

Dina Takouris: Wanted a designated area in each of the shelters specifically for rabbits. Each shelter should be able to hold at least 50 rabbits. Rabbits need to get out and be able to exercise and bond together.

Barbara Trelease: Concerned that there were many heat stressed rabbits at North Central. Made several recent visits to the shelter to bring rabbits hay and to take notes on their conditions.

Susan Lee: Felt that rabbits needed to move back indoors.

Evelyn Walton: Not happy that the misters were not automatic. Suggested that there be a thermometer with an alarm be placed outside to notify staff when it is too hot for the rabbits.

Michelle Kelly: Commented on heat stressed rabbits kept outside at the North Central facility. Companion rabbit experts have said rabbits should be housed indoors. The Department's housing of the rabbits is unacceptable.

Daniel Guss: Questioned the General Manager's honesty. The General Manager mentioned that animals are not dying of overheating. However, there is a severe heating problem with all the animals and they are suffering. Commented on a Daily News article about the shading for dogs at the East Valley facility.

5. PUBLIC COMMENT PERIOD

Jeffrey De La Rosa: Believed that the Department often fails to post the agenda 72 hours before the Commission Meeting. Felt that the General Manager should not be allowed to post comments about his dogs on the Department's website. Cited 53.18.05 (r) that he had the right to request that his dog licenses be reinstated for those dogs not deemed to be dangerous. Asked why Commissioner Brown was not present at the meeting.

Evelyn Walton: Commented on the rabbit hutches and cages that were donated to the Department and that were no longer found on the North Central premises. Wanted to know where they were placed.

Phyllis Daugherty: Asked by the General Manager along with Ms. Michelle Kelly to draft for the rabbit ordinance to include rabbits as a domestic pet. No city or jurisdiction in the United States has such a designation for rabbits. Commented that she stopped doing pit bull adoptions because her attorney advised her that there was absolutely no waiver from third party responsibility under any circumstances.

Michelle Kelly: Commented that the City has the opportunity to be a progressive city in designating rabbits as domestic pets and encourage spay/neuter. Felt there needed to be some clarification on how rabbits are kept on one's premises. Landlords are placed in a difficult position when renting to someone with rabbits because they could be called "barnyard animals." Suggested that the rabbits at North Central be brought back indoor for humane housing. Expressed willingness to help fundraise for larger cages for the rabbits.

Daniel Guss: Commented that he had directed a Councilmember to contact the Department for assistance with an animal related problem. Further commented on several Daily News articles that questioned the credibility of the General Manager.

Barbara Trelease: The rabbit mister cooling system was not help much at the shelters, and the tarps did not insolate very well. The rabbits are treated as third class animals. Things need to be done in a more timely fashion. Instructions need to be clear on how they are to be fed and cared for.

Commissioner Khero excused himself from the Commission Meeting at 1:32 P.M.

Dina Takouris: Proposed to have a future voting item on the designated space for the rabbits at the shelters. Commented that the Department should have one to two contracted individuals outside of the Department to be brought in to make sure that designated space for the rabbits is established.

6. FUTURE AGENDA ITEMS

Requests from Commissioners For Future Agenda Items:

- Commissioner Riordan requested guidelines on rabbit protocol for care of rabbits at the shelter. Believed it was a good idea to establish a designated rabbit expert for the Department and that the idea be explored.
- Commissioner Riordan wanted to look into adopting a like portion of the Agriculture Code for traveling exhibits involving animals and to require safety barriers for the protection of the public.

Public Comments

Daniel Guss: Concerned that the General Manager does not report a number of media reports about the Department. Suggested that the Department setup Google news alert for the Commissioners to track articles about the Department.

7. ADJOURNMENT

Commissioner Atake motioned to adjourn. The motion was seconded by Commissioner Quincey and passed

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on a vote of 3-0. The Commission Meeting was adjourned at 1:40 P.M.