



**MINUTES**  
**BOARD OF ANIMAL SERVICES COMMISSIONERS**  
**CITY OF LOS ANGELES**

Tuesday November 13, 2007  
6:00 P.M.

WEST LOS ANGELES ANIMAL CARE CENTER  
11361 West Pico Blvd.  
Los Angeles, CA 90064

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| Commissioners: | Tariq Khero, President<br>Kathleen Riordan, Vice-President<br>Glenn Brown<br>Irene Ponce<br>Archie Quincey, Jr. |
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**ADMINISTRATIVE APPEAL HEARING**

Commission Vice President Riordan called the Administrative Appeal Hearing to order at 6:00 P.M. Present were Commissioners Riordan, Brown, Ponce, and Quincey. Commissioner Khero arrived at 6:35 P.M.

**1. Appeal of the General Manager's Decision in License Revocation Case – BR 06354SL**

Appellant: Ms. Winifred Smith

Complaining Witness: Mr. Earnest Grant

District Manager, South Los Angeles Animal Care Center, Jorge Figueroa, Captain

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Commissioner Ponce motioned to overturn the General Manager's decision to revoke the dog licenses, that the licenses be reissued, and that the terms and conditions be reinstated. The motion was seconded by Commissioner Riordan and passed on a vote of 4-0.

Prior to the end of the Commission Meeting, the original complainant, Mr. Ernest Grant, arrived to respond to the actions of the Commission. Mr. Grant had previously notified the Department that he would be late, but the message had not reached the Commission. After Mr. Grant's comments, a motion was made to rescind the previous vote and reopen the Administrative Appeal. Commissioner Brown moved to rescind the previous vote to reinstate the terms and conditions of the General Manager and set the item for a re-hearing at the next meeting. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

**The Appeal Hearing for License Revocation Case – BR 06354SL will be continued to Monday December 10, 2007.**

**2. Appeal of the General Manager's Decision in License Revocation Case – DA 06574WL**

Appellant: Mr. Michael Dekhtyar

Complaining Witness: Ms. Nadine Berman

District Manager, West Los Angeles Animal Care Center, Jesse Castillo, Captain

Hearing Coordinator, Department of Animal Services, Ross Pool, Management Analyst II

Commissioner Riordan motioned to uphold the General Manager's decision to reissue **License Number L07-138980** for your dog **"Vito"**, modifying Term #5 in the Notice of Order. The motion was seconded by Commissioner Ponce and passed on a vote of 5-0.

Commissioner Brown motioned to uphold the General Manager's decision to reissue **License Number L07-138980** for your dog **"Vito"**, deleting Term #8 in the Notice of Order. The motion was seconded by Commissioner Quincey and denied on a vote of 2-3. Term # 8 was upheld in the Notice of Order.

**Determination: License Reissued with Terms and Conditions.**

## **COMMISSION MEETING**

Commission President Khoro called the Commission Meeting to order at 7:24 P.M. Present were Commissioners Khoro, Riordan, Brown, Ponce and Quincey.

**1. ORAL REPORT OF THE GENERAL MANAGER – EDWARD BOKS**

- The Pet Care Foundation funded a full-page advertisement featuring the adoptable animals of the West Los Angeles Animal Care Center to appear in the Los Angeles Times.
- The Department is now more than halfway thru with the Assistant General Manager position interviews. The General Manager hoped that the interviews would conclude in early December and that the Department would soon be able to announce the new Assistant General Manager.
- November 29: The Department will host the Grand Opening of the new West Valley Animal Care Center at 10:00 AM. The new West Los Angeles Animal Care Center, although already open, will have their Grand Opening in January 2008.
- As mentioned by the Mayor's Office and the Animal Cruelty Task Force, an Anti-Piracy Task Force has been formed. The group has recently met, and will continue to discuss ideas on how to better patrol and eliminate illegal animal sales in the Santee Alley area and other communities where such activity exists.
- November 3-6: The General Manager attended the Society of Animal Welfare Administrators National Conference in Ponte Vedra Beach, Florida.
- **Statistics for 2007 Calendar Year to Date:** The number of dogs and cats euthanasia decreased (24%). If the Department maintains effectiveness in reducing euthanasia at this rate until the end of the year, it will translate into 11,400 fewer animals euthanized, with a rate of 2.9 animals euthanized per 1,000 residents. There was a (15%) decrease in dog euthanasia calendar year to date, and a (29%) decrease in cat euthanasia.

- The General Manager clarified that the Aggressive Animal Acknowledgement Statement Form found at the South Los Angeles Animal Care Center was not developed or approved by the Department's management team. Center Managers claimed that the form was not being used at any of the shelters.
- Friends of Animal Care and Control, a fundraising organization founded by the General Manager while in New York, have offered to do their "Victims of Circumstance" campaign for the Department at no cost. The advertising campaign involves presenting a series of mug shots along with the common reasons the animals are turned into the shelters.

## **2. COMMISSION BUSINESS**

### **A. Approval of the Commission Meeting Minutes of October 9 and October 22, 2007**

Commissioner Riordan motioned to approve the minutes for the October 9, 2007 Commission Meeting with recommended changes. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

Commissioner Ponce motioned to approve the minutes for the October 22, 2007 Commission Meeting with Commissioner Riordan's recommended changes. The motion was seconded by Commissioner Riordan and passed on a vote of 5-0.

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

Commissioner Riordan recently met with a group of individuals to discuss the Department's proposed Breeder's Ordinance and other approaches to address the City's pet overpopulation issue. Commissioners Brown and Quincey attended the Mayor's cocktail party for City Commissioners. The event was held at the Los Angeles Convention Center. Commissioners Khoro and Ponce had nothing to report.

## **3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION**

### **A. Fiscal Year Budget Request 2008-2009 (Held over from Commission Meeting of October 22, 2007.)**

Ms. Linda Barth, Assistant General Manager, presented additional information on the proposed Department Budget for FY 2008-09 to be submitted to the Mayor and City Council. On September 7, the Mayor released a memorandum entitled "Changes to the FY2008-09 Budget Process" which contained preliminary budget instructions, including changes to deadlines and submittal procedures. Those instructions were basically that any Department requesting additional or expanded programs must somehow establish those programs with the budgets that they already have. There would not be any additional funding given to any Department for such requests. The information presented by the Department highlighted how grim the Mayor's direction was and what it means to the Department in terms of the other packages the Department would have liked to propose, but did not submit. After thorough review, discussion, and consideration between the General Manager and staff, the Department compiled a slate of preliminary budget packages. The proposed packages are those that directly relate to the accomplishment of the Department's mission and primary activities of dealing with human/animal safety and reducing pet overpopulation throughout the City.

Commissioner Brown wanted to know if grants or donations given to the Department from outside sources could be used towards the funding of Department programs. The General Manager responded that grants

and donations would be placed in special fund accounts, and not the General Fund. Such monies would be used for the purpose that they were donated for. Ms. Barth added that those types of donations would first go thru City Council and approved as a complete program, with a specific account set aside for funding.

Commissioner Quincey motioned to approve the Department's proposed Fiscal Year 2008-09 budget packages for submittal to the Mayor and City Council by the deadline to be set by the Mayor; and approve making technical corrections and/or adjustments that are in the best interest of the Department, subsequent to Mayoral instructions. The motion was seconded by Commissioner Ponce and passed on a vote of 5-0.

#### B. Amend Municipal Code to Provide Transfer Permits

Currently, there is a need to expedite changes to LAMC 53.00 et. seq. to close the loophole that exists when an animal is transferred from a broker or breeder outside the City, to a new owner within the City. Within the LAMC, there is no permit requirement for those who sell puppies, kittens, dogs or cats that are not bred on their premises. This lack of a permit has crippled enforcement and resulted in thousands of unaltered and unidentified puppies and kittens being bred and sold without any breeder permit. There is no provision for controlling a seller who claims that the puppies or kittens were bred outside the limits. The seller can say that the dog or cat was bred outside of the City and officers may be left without options for any enforcement activity. Verification or follow-up on the maintenance/condition/verifiable identification of animals being produced through breeding is not included within the current ordinance, neither is there any mandate for those who engage in the industry of backyard breeding to obtain a business license and tax permit as is required of all other in-home businesses. Thus, the financial burden for thousands of pets bred for profit, and often subsequently impounded and euthanized, falls entirely upon the taxpayers.

The Department proposes to establish an annual Transfer Permit, required for all those who sell, advertise, broker the sale, or transfer for compensation, a dog or cat in the City of Los Angeles regardless of where the animal was bred. This permit also requires that such animals are microchipped and that name and address information be provided to the Department.

Another change is to add requirements that those with a Breeding or Transfer Permit must also acquire appropriate state and local business and sales tax permits and licenses and comply with all tax laws and regulations. Copies of Breeder and Transfer Permits should be supplied to the City of Los Angeles, Office of Finance.

Transfer Permit numbers, along with appropriate state or local tax permit numbers, must be included in any advertising of dogs or cats for sale and must be written on receipts for any sale or transfer of any kind.

Rules will be promulgated by the General Manager and must be followed by permit holders, including but not limited to limitations on the number of animals that may be transferred annually.

Persons applying for a transfer permit must be 18 years of age and animals sold or otherwise transferred must be at minimum eight weeks of age.

Commissioner Brown wanted to add an element for those animals transferred for dog-fighting purposes, tied to a federal statute and making it a criminal law.

#### Public Comments

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Susan Taylor: Thanked the Department for finally preparing the report and working to resolve the existing loophole in the LAMC. Many individuals say that their animals were not bred in the City limits. This accounts for thousands of animals throughout the City.

Bill Dyer: One of the advantages of the Breeder's Permit is that it may help hold breeders to breeding once a year. Hoped the Board would endorse the proposed ordinance.

Scott Sorrentino: Concerned about the language in the report that stated, "or in anyway transfer for compensation or otherwise", and felt it was open to broad interpretations by organizations who rescue and transfer animals to third parties thru an adoption process. Agreed with the suggestion that rescue groups be defined.

Lisa Tipton: Felt the fees would be an issue with rescuers as they should be exempt. Wanted breeders to be looked at more closely however. Breeders should be held responsible and required to pay business taxes.

Patty Shenker: Doing business in the City is a privilege, not a right. Anyone doing business in the City must have a license and pay taxes for the benefit of everyone. Living creatures deserve to be protected from exploitation. The licenses will drive lower-end breeders out of business and make it easier to enforce regulations. Fiscally, the licenses could also help support the animal control activities of the Department.

Phyllis Daugherty: Commented on the animal sale advertisements in the Los Angeles Times that the proposed ordinance addresses. Hoped that the Department would also work on the ordinance for animals knowingly bred for fighting, regardless of breed.

Melya Kaplan: Urged the Commission to call upon City Council to initiate the proposed ordinance and to make the sale of animals without a license a misdemeanor offense in the City, providing a meaningful deterrent to those that break the law.

Aaron Leiter: February 2008, he will write a check for \$13,000 for taxes for the privilege of doing business in the City. The fact that there is a group of people who do not pay taxes, is a slap in the face to all those that do. It is the obligation of the Department to require these individuals to obtain proper licenses.

Robert Ferber: On behalf of the City Attorney's Office, supported the proposed Bill. Encouraged the Commission to support the drafting of the ordinance with criminal penalties. Agreed with the misdemeanor penalty suggestion.

Commissioner Riordan motioned request that the City Council direct the City Attorney to prepare an ordinance amending the Los Angeles Municipal Code (LAMC) 53.15.2 to add a required animal transfer permit and related regulations, with language enlarging dogs and cats to include all animals, language not allowing the transfer permit for the transfer or sale of fighting animals, and language to exempt 501c3 organizations approved by the Department with the definition of rescue groups to include the spaying/neutering of animals and not breeding them. The motion was seconded by Commissioner Ponce and passed on a vote of 5-0.

#### **4. DISCUSSION ITEMS**

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A. None

## **5. PUBLIC COMMENT PERIOD**

Earnest Grant: Earlier called the South Los Angeles Center to notify them that he would arrive an hour-and-a-half late to the scheduled appeal hearing due to his work schedule. Requested to have another hearing so that he could speak on the comments made by the respondent's dog trainer. Claimed he had evidence that the respondent's dogs continue to bark and that the respondent continues to violate the issued terms and conditions. Testified that the respondent has a total of six dogs and that whenever Department representatives visit the property to investigate, the respondent hides three of the dogs so that she is in compliance with the Department.

Scott Sorrentino: Commented on the Aggressive Animal Acknowledgement Form. Felt it was a good time to revisit the educational process about the law and how it is applied with regards to the circulation of the form. Had approached one of the author's of the Hayden Law to write an opinion based on the form. The author expertly provided guidelines and addressed the reasons why the form would be illegal.

Phyllis Daugherty: Had first meeting to discuss Post-Training course on the Animal Cruelty to be used by all Police Departments throughout the state of California. Presented dog-fighting publications to the Board.

Sherry Brewer: Upset that so several volunteers have been fired and dismissed. Claimed she had a file of containing emails that mischaracterized her as detrimental to the Department. Those issues were not brought up at her mediation hearing. The Department should be ashamed for not allowing the volunteers the opportunity to say everything they need to say.

Mary Catalano: Agreed with Mr. Sorrentino's comments, adding that they agendize the entire intake procedures including animal relinquishment. Inquired about the outside temperature conditions for the kennels at the shelters. Felt that there needed to be a better effort on the Department to remind people to wash their hands when handling the cats. Signs needed to be posted in Spanish and other languages as well as in English. Commented on the need for adoption counselors at the shelters to help individuals make better choices. Advised the Department to take advantage of using free public service announcements.

## **6. FUTURE AGENDA ITEMS**

Requests from Commissioners For Future Agenda Items:

- Commissioner Ponce requested to present a motion for consideration on a future agenda item. The motion deals with finding a way for the City to take advantage of all the new housing that's being built with City subsidies or with various kinds of density bonuses that allow development projects to exceed the normal zoning limitations if they include some affordable units. It calls for the City to require that any units built based on these subsidies or density bonuses allow tenants to have pets and that the designs of these projects are pet-friendly.
- Commissioner Khoro asked for a scheduled periodic status report on agenda items requested by the Commissioners and discussed or presented in regular Commission Meetings.
- Commissioner Riordan wanted an agenda item on the Volunteer Program.
- Commissioner Riordan requested an agenda item on the Department's animal intake procedures and

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- policies and owner relinquishment.
- Commissioners Riordan and Quincey asked to have an agenda item on animal licensing.

Scott Sorrentino: Thought an agenda item on animal intake procedures and owner relinquishment was a great idea. Along the lines of the dangerous animal form, the form should come before the Commission so that the Board and the public have an opportunity to review it.

Regarding the Appeal of the General Manager's Decision in License Revocation Case – BR 06354SL, Commissioner Brown moved to rescind the previous vote to reinstate the terms and conditions of the General Manager and set the item for a re-hearing at the next meeting. The motion was seconded by Commissioner Quincey and passed on a vote of 5-0.

**The Appeal Hearing for License Revocation Case – BR 06354SL will be continued to Monday December 10, 2007.**

## **7. ADJOURNMENT**

Commissioner Brown motioned to adjourn. The motion was seconded by Commissioner Riordan and passed on a vote of 5-0. The Commission Meeting was adjourned at 9:17 P.M.