



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, OCTOBER 13, 2015 at 10:00 AM

LOS ANGELES CITY HALL, ROOM 1060
200 NORTH SPRING STREET
LOS ANGELES, CALIFORNIA 90012

Audio MP-3 Recording is available at www.laanimalservices.com

David Zaft, President
Larry Gross, Vice-President
Jennifer Brent
Roger Wolfson
Alana Yañez

Meeting called to order at 10:04 a.m. Commissioners present were Zaft, Gross, Brent, Wolfson and Yañez. Also present Los Angeles Animal Services (LAAS) Board Secretary, Rita Moreno; General Manager, Brenda Barnette; and Assistant City Attorney (ACA) Dov Lesel.

Commissioner Zaft opened the meeting and provided an overview of the meeting agenda. Commissioner Gross opened the administrative appeal hearings.

I. ADMINISTRATIVE APPEALS

1. Dangerous Animal Case: DA 154010 WV

Respondent: Chris Pulos

Complaining Witness: Elizabeth de Sosa

West Valley Animal Care and Control: Lt. Susan Botta

Testimony was taken from the Respondent, Chris Pulos, who stated that the hearing process was not followed as he failed to receive notification of the hearing date and, therefore, was unable to present evidence for his case. The Complaining Witness, Elizabeth de Sosa, was not in attendance. The Commissioners asked questions and noted responses. **Commissioner Gross** requested that hearings be held at locations more accessible to people involved; suggested they be held at the corresponding shelters or City Hall; and that notices be sent to addresses provided by affected parties.

Commissioner Brent made a motion to reverse the General Manager's decision to revoke the license for **Apollo (A0944590)** and **Potato (A1053822)**, and remanded the matter back to the Hearing Examiner for a new hearing; requested that Chameleon be updated to reflect correct mailing address. The motion was seconded by **Commissioner Wolfson** and was approved by a vote of 5-0.

Commissioner Zaft requested that similar cases be handled informally within department, but a judgment call needs to be made by **Commissioner Gross** about whether there is a good faith basis for the argument. **Commissioner Gross** requested that the Board Secretary review appeal hearing requests received for notification issues. **Commissioner Zaft** suggested sending out electronic notifications along with hard copy notices.

2. Dangerous Animal Case: DA 152067 WV

Respondent: Gregory and Joanne Knauss

Complaining Witness: Cindy Kalman

West Valley Animal Care and Control: Lt. Susan Botta

Testimony was taken from the Respondents, Joanne and Gregory Knauss, who stated that the hearing process was not followed due to not receiving the General Manager's determination within the specified period of time, and not receiving the Hearing Examiner's report. The Complaining Witness, Cindy Kalman, was not able to attend, but submitted written comments. The Commissioners asked questions and noted responses. **Commissioner Gross** asked about and ACA Lesel clarified that there is no jurisdictional issue involved in the Hearing Examiner's recommendation and the General Manager's determination. Commissioner Zaft requested that the Hearing Examiner's recommendation be included with the General Manager's determination, if it is required.

Commissioner Brent made a motion to find that the evidence supports the decision of the General Manager, and upheld the revocation of the license for **Sam (L16-302200)** and **Pepper (L16-3025199)**. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 4-1.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT (taken out of order after Item II.2.A.)

Phyllis Daugherty: Informed that state and local laws require dogs have tags on them; expressed concern about and discussed "kill" shelters; lack of training and money for shelter staff; need for more resources and law enforcement. **Teri Austin:** Reported on first Wellness Clinic for the Amanda Foundation and Home Dog L.A. (intervention program provided outreach and crowd control) at North Central; thanked department for allowing to use the spay neuter clinic and recognized Dr. Prupas and staff; 153 animals served (20 could not be served during the clinic but are receiving follow-up services separately); cats and dogs were spayed and neutered, received exams, de-worming, vaccines, micro-chipping through AVID – 350 given free, blood work - Idec sent two technicians and a machine to do phetabarmatol levels, fructosamine for diabetes, T4s for thyroid plus CBC blood work, x-rays with new digital machine; 1/3 of animals received blood work, 8 full dental plus scaling, mass removals; 7 vets, 22 technicians, 30 students: 1st and 2nd year vet students from Western University and vet tech RVT students from Cal Poly Pomona; next event November 1st in Watts "Wellness and Wags for Watts."

2. COMMISSION BUSINESS

- A. Board Recognition of LAASEE Award Recipients** (Action Item; Public comment limited to one minute per speaker): (taken out of order after Appeal Hearings)
- i. Sylvia Flores, ACT, North Central (tabled until next meeting)

Commissioner Wolfson discussed the purpose of the LAASEE Awards and shared a few words about his nominee, ACT Sylvia Flores. ACT Flores thanked the Commissioners for the award.

Public Comment
None

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Commissioner Wolfson made a motion to approve the LAASEE Award for ACT Veronica Perry and ACT Supervisor Patricia Kellogg and **Commissioner Brent** seconded. Motion carried 5 - 0.

B. Approval of Minutes for September 22, 2015. (Taken out of order after Item II.1.)

Public Comment
None

Commissioner Gross moved to approve the minutes of September 22, 2015, and **Commissioner Brent** seconded. The motion passed 5 – 0.

3. ORAL REPORT OF THE GENERAL MANAGER

- Discussed efforts to grow the volunteer program
- Reported on Prop F improvements to the West Valley
- Discussed puppy burned with chemicals put with Good Samaritan Rescue
- Reported work with GSD plumber at North Central – misters and air conditioners are working
- Mentioned Sherman Oaks events on October 17 and 18, and media coverage
- Discussed coyote issue and Fish and Wildlife trump LAAS
- Mentioned horse airlifted from 70 feet by the Fire Department
- Discussed raid in North Hollywood involving 142 animals: 1 bearded dragon, 1 dead kitten, 13 dogs and 127 cats impounded

Public Comment

Susan Taylor: Shared information on the State Animal Control conference of municipal shelters; biggest challenge is “No Kill” and adopting out dogs that shouldn’t be. **Phyllis Daugherty:** Commented on rescue; always done by DART Team and volunteers; questioned specialized staff teams – all Officers trained and smart; hoarding case involved a breeder. **Teri Austin:** Discussed Humane Society Conference in New Orleans and comments from public intake shelters about disservice of “No Kill” – used as money-making slogan, but not a reality.

4. COMMISSIONERS’ ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Gross: Discussed Assembly Member Adrin Nazarian (46 AD) visit to the East Valley Animal Shelter – sponsored pet adoption harvest fair; LAAS adoption booth Sunday at Sherman Oaks Street Fair – over 100,000 people attend; would like future items of discussion on spay neuter vouchers for undocumented families (raised by Latino Alliance for Animal Care Foundation) – not being able to access free vouchers because don’t have tax forms or DWP bills (GM Barnette responded that staff is discussing the issue to provide a proposal/solution); discussed the need for volunteer coordinators at each shelter – discussed incident at East Valley (GM Barnette responded that a volunteer ACT is needed and will try to recruit).

Commissioner Yañez: No Report

Commissioner Zaft: Informed that the department is seeking input on how to improve the website through online survey; would like discussion on volunteer coordination and

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indicated there is a need at South L.A. shelter due to challenges in area.

Commissioner Brent: Attended screening of “Shelter Me” by Steven Latham and encouraged people to watch it; thanked Commissioner Zaft for agenda items.

Commissioner Wolfson: Requested a discussion about breeds not being listed on kennel cards; enforce licenses be visible on dogs in public; encourage adopters to take a second animal to offer companionship to the first, and lower the cost for the second animal; focus on cats and get large portable containers to make community cat room; consideration should be given before accepting animals when there is no space; status of RFP for kiosks at animal shelters; volunteer recognition events; shelters open during evening for volunteers; recruit volunteers for farmers’ markets for adult cat adoptions; discussed the Natural History Museum’s “Avocado” the one-eyed possum and encouraged working with them on wildlife and companion animals; relationship with pet stores to sell licenses; stated he will be with community next year on Kapparot issue.

Commissioner Zaft mentioned Maggie Nielson and idea to apply to American Kennel Club for new breed “L.A. Shelter Dog.”

Public Comment

Teri Austin: Stated that there may be a problem adopting without a breed because leases require indicating the type of dog; experts should know which breed.

5. Discussion Items

A. Proposal to Modify Holding Period for Dogs Admitted After Owner Has Died

Commissioner Yañez discussed her proposal for cases where dog owners go to prison, get sick and/or die and there is not a family member to care for the animal; shared incident that took 20+ days for a friend to adopt the deceased person’s dog because notification from morgue was needed; proposed to shorten the hold time period to 14 days maximum; when there is a relationship with the family, animals are claimed, but when there is not a relationship, family does not claim animal. **Commissioner Zaft** asked if the required hold for 30 days is a state or municipal requirement. **GM Barnette** responded that the animal is personal property and on hold until there is a release from the Coroner or family. **ACA Lesel** responded that he will take a look at the issue. **Commissioner Brent** suggested tiered microchip registration. **Commissioner Wolfson** clarified that Commission voted to reduce the personal property holding period from 30 days to 15 days and, if there are no complaints, reduce it to 10 days. **GM Barnette** responded that it is a mailing service issue; she will look in to it and clarify what the legal time frame. Report back.

Public Comment
None

6. Board Reports

A. Staff Oral Update on Department Response to Animal Cruelty Concerns Relating to Kapparot

Commander Mark Salazar provided an oral report on animal cruelty calls received

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relating to Kapparot ceremonies from September 16th to 22nd; Officers responded to two locations: one is closed and the other is an ongoing investigation; on the 16th Officers responded to the 1600 block of Livonia Avenue report of dead and live chickens in vehicles parked in the driveway; Officers found dead fowl in the bed of a pickup truck in the residence driveway – only violation is dead animals not disposed properly; issued administrative citation and followed up next day and made contact with resident who indicated another individual did ceremony and does not want to have anything to do with it again, and disposed of dead fowl; posted sign on front gate reading “No Kapparot Here”; case was closed. Second incident on September 21 - call reporting a chicken-killing operation on the 7200 block of Waring Avenue was received at 10:20 p.m.; Officer responded at 11:00 p.m. and found hundreds of birds in cages, but did not see any violations; returned the next day opened humane investigation and impounded one bird. The department is working with the City Attorney to file a case before end of month; witnesses have come forward and being scheduled for interviews. Several calls were received throughout the evening.

Commissioner Gross asked for the number of calls and response times, and whether more locations. **Cmdr. Salazar** responded that calls came in for only two locations: Livonia at 9:45 p.m., to which officers responded in two hours due to swing shift; and Waring at 10:21 p.m. and Officers responded at 11:00 p.m. **Commissioner Zaft** asked about an additional call on the Waring Ave. location in the middle of the night – situation had changed. **Cmdr. Salazar** responded that he received a call from the graveyard Officer at 6:00 a.m. and he instructed the Officer to respond; learned that there were additional calls early in the morning and instructed that response was expected. **Commissioner Gross** asked for an assessment of what worked and what can be improved for next time. **Cmdr. Salazar** responded that there is a perception that department will interfere with ritual; looking at humane treatment of animals before and after the ritual. **Commissioner Zaft** asked whether Officers were allowed to enter to see what was going on at the Waring Ave. location. **Cmdr. Salazar** responded affirmatively – Officers arrived during the event and remained until event finished completely. **Commissioner Zaft** asked whether the conditions in which the chickens were kept was monitored. **Cmdr. Salazar** responded affirmatively and indicated that there were concerns that are part of the investigation. **Commissioner Yañez** asked about the size of the cages. **Cmdr. Salazar** responded they were battery cages. **Commissioner Gross** asked about lessons learned / an assessment. **Cmdr. Salazar** responded that the Officers did a very good job; concern with level of response from graveyard. **Commissioner Wolfson** asked about pulling their wings back. **Cmdr. Salazar** responded that the ritual is not being investigated as directed by the City Attorney. **Commissioner Brent** stated that less Kapparot this year; asked if we will reach out to locations where we know Kapparot to have occurred in the past that we are not tolerating future violation. **Cmdr. Salazar** responded that more information has curbed activity; careful to not target anyone for 1st Amendment practices. **Commissioner Wolfson** asked about the potential punishment for animal cruelty. **Cmdr. Salazar** responded highest level is a felony and include jail time and a penalty. **Commissioner Yañez** asked about regulations for keeping chickens – cage size; whether city can adopt our own regulations. **Cmdr. Salazar** responded we follow Food and Agriculture regulations; city looks at zoning and distance from neighboring properties; **Dov Lesel** responded that it depends on what is covered by the state; state regulates egg-laying chickens and most of these areas, and don't allow for cities to have patchwork laws. **Commissioner Gross** suggested focusing on the two locations next year; credit joint work with community for decrease in

activity.

Rabbi Klein: Stated that it was better this year; less sites where it occurred - places where activists have concentrated efforts did not participate or moved underground; Waring St. had not been focused on in the past, but not new place; a lot more can be done: 1. Notice to community on cruelty laws ahead of time; 2. Active monitoring the week of Kapparot by department; 3. Coordination between city / county / state; only got one of the three: notice went out into the community and probably influenced community; could have been more direct notice to specific sites: two in Hancock Park area, two in Pico Robertson area (underground, Livonia address is relationship with Ohel Moshe on Pico Blvd. that used to send people to residence, but now only found dead chickens in back of truck rather than a location; person has previously said he will not do it again and has been in jail for other issues – can't be trusted) and a few in San Fernando Valley; lawsuit scared some people from doing it; but notice was too late and wasn't distributed widely; active monitoring can occur since ritual week is predictable, Persian community typically only performs ritual on the morning of Yom Kippur (Waring Street); monitoring was passive – information not used to move resources to focus on operation; no one assigned; not able to reach someone with phone number given or not aware of issue; activists accused of lying; greater education needed; needed to call different number to get an Officer; texted Mark directly to get response; lack of coordination – no clarification whether Waring operating as slaughterhouse operation or not – can check on disposal and adherence to regulations (Red Dunn from Food & Ag contacted, but less presence); public health related issues raise questions of safety; not clear if pulling back of wings while standing in line is legal; religious law does change and respond to secular law and not untouchable; lack of calls for other sites is testament to activists' ability to quash behavior legally; reliance on LAAS to create an ethic of compassion.

Commissioner Gross asked about three arrests: two activists and one person involved. **Commissioner Zaft** stated that there were fewer locations and possibly going underground; asked if evidence of Rabbis speaking out to change the conversation to change practice. **Rabbi Klein** responded Norula Family doing it in Israel; SFV went underground; Rabbi from Persian community encouraging people to use money instead; Hasidic community in Hancock Park hardest to reach. **Commissioner Brent** stated that the Commission appreciates what the activists do. **Commissioner Zaft** stated as a whole department is sensitive to issues. **Commissioner Brent** stated that it is a learning experience and we will do better next year.

Public Comment

Teri Austin: Expressed concern with animal cruelty case follow-up and convictions by Animal Cruelty Task Force; suggested LAAS have input in assigned LAPD Officer. **Sarah Hardt:** Shared personal experience (and showed images) with incident at Livonia address on Sept. 16, moved 12 boxes of live and dead chickens in truck; called 800 number, but shut off after 6:00 p.m. – took almost an hour to reach someone, then two hours before someone arrived; two days later more chickens in boxes; attacked by son and both arrested and spent night in jail; Waring address with children covered in blood and taunting protesters; chickens with wings being bent back and dumped into a bucket – drown in blood. **Dr. Sherstin Rosenberg:** Concerned that LAAS found that nothing inhumane was being done; hens held with no food or water, in very hot conditions; hens are intelligent animals –

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aware of their fate; suffer from osteoporosis resulting in fractured bones. **Lola Kay:** Showed video of conditions of chickens being dumped in barrel and screaming (**Commissioner Gross** asked if the activity was out in the open; Ms Kay responded affirmatively; one of persons arrested). **Nazila Mahgereftch:** Stated she was arrested; a neighbor in the area expressed concern and chastised by LAPD; dead chickens are taken to eat – asked if it is a permitted slaughterhouse. **Wendy Dox:** Stated she witnessed Waring Avenue - was there 15 hours; hasn't been called as witness. **Phyllis Daugherty:** Suggested department look at conviction rates of animal cruelty in city – everything pled down to misdemeanor or fine; less than 20% of cases were filed correctly; not one dog fighting conviction – underground pit bull breeders for fighting.

Commissioner Gross asked if the phones were shut off at 6:00 p.m. **Cmdr. Salazar** responded the phone operates 24/7; maybe it is not working.

Commissioner Wolfson left the meeting.

B. Staff Oral Report on One-Year Renewal of Contract with Best Friends to Operate the Mission Hills Animal Shelter

Commissioner Zaft stated that purpose of discussion is to allow for input by the Commission on the terms of the contract amendment. **Sr. MA John Forland** stated that the original contract is provided for review. **Marc Peralta** summarized the updated report provided on the work at North Central, and mentioned additional contribution at West L.A. shelter; grants provided to coalition members; commented on "No Kill" being used against shelters; stated that there has been a lot of progress in euthanasia for population control.

Commissioner Zaft commented on the contract required numbers and Best Friends' having surpassed them. **Commissioner Gross** noted that the contract requires pulling 3,000 animals, but 5,750 were pulled – suggested increasing projections to actual number pulled. **Marc Peralta** responded that they are not doing transport, pulling bigger animals, more kittens (40%); committing another million dollars for cat work. **Commissioner Brent** recognized the support provided to other shelters.

Public Comment

Susan Taylor: Stated that emphasis needs to be placed on L.A. shelters where animals come from; need for a sustainability plan for when Best Friends' moves to other cities. **Teri Austin:** Suggested the contract be improved; provide more advertising for the City; aren't charged pull fee for doing the same as other rescues who do pay pull fee; stated that number of animals coming into shelters had decreased before Mission Hills Shelter (76,000 animals in 2001; down to 56,000 in 2007); numbers due to aggressive spay neuter and adoptions, not NKLA campaign. **Phyllis Daugherty:** Stated that incentivized spay neuter is what made the difference; started being used in 1970s; 1985-87 no animals that was adopted from shelter that was less than six months of age was spayed or neutered; four full-time vets only did six a day; changes in 1989-2000, then ordinance in 2001 and vouchers offered incentive; old infrastructure almost non-existent - small rescues accustomed to being paid to do spay and neuter; not sustained for future. **Cheri Shankar:** Indicated support for Best Friends' contract.

Commissioner Gross asked for information on what identifies relationship with LAAS. **Marc Peralta** responded there is a logo on the front door and provided in marketing. **Commissioner Zaft** asked whether adopters know where the animals come from. **Marc Peralta** responded affirmatively. **Commissioner Brent** asked about a sustainability plan. **Marc Peralta** responded that one will be put in place in for the city.

Commissioner Yañez moved to authorize the one-year amendment to the Best Friends contract. **Commissioner Gross** seconded and the motion passed 4 - 0.

C. Board Report on Staff Proposal to Purchase Two X-Ray Units for Shelters That Do Not Have Them

Chief Veterinarian Prupas provided a summary of the staff report and clarified that the request is to purchase three x-ray machines as West Valley is undergoing renovation and will accommodate a machine; the other two are for West L.A. and Harbor; renovation work to accommodate machines is also included. **GM Barnette** added that an RFP will need to be issued and that if the amount is greater than \$5,000, board authorization will be sought.

Commissioner Zaft asked what happens now when an animal is injured at Harbor. **Dr. Prupas** responded that an ACT needs to drive animal to South L.A., and then transport it back; sometimes not enough people to make transport. **Commissioner Brent** whether the funds will be taken from location specific funds in the Animal Welfare Trust Fund. **GM Barnette** responded that the Sr. Accountant will determine whether it will be a capital expenditure or from site specific funds, not general unrestricted donations. **Commissioner Brent** added that we could use those funds designated in the AWTF for a specific shelter and, thereby, honor the donor. **Commissioner Zaft** noted that there are 9.1 million dollars in the AWTF and this would be about 10% of that; if donation funds used, the name of the donor can be placed at the location.

Public Comment

Marc Peralta: Expressed support for the purchase of the x-ray machines which will offer more resources to rescues; better informed decisions.

Commissioner Brent moved to authorize the purchase of three x-ray machines for those shelters that need them. **Commissioner Yañez** seconded and the motion passed 4 - 0.

7. ADJOURNMENT

Commissioner Brent made a motion to adjourn the meeting and **Commissioner Gross** seconded. Motion passed 4 - 0.

Meeting ended at 1:04 p.m.