



BOARD OF ANIMAL SERVICES COMMISSIONERS  
CITY OF LOS ANGELES



MINUTES

TUESDAY, MARCH 1, 2016 at 10:00 AM

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

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Audio MP-3 Recording is available at [www.laanimalservices.com](http://www.laanimalservices.com)

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

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

**Commissioner Zaft** opened the meeting and provided an overview of the meeting agenda. **Commissioner Gross** discussed the appeal hearing process and conducted the hearings.

**I. ADMINISTRATIVE APPEALS**

**1. Dangerous Animal Case: DA 152092 NC**

Respondent: Marga Vergara and Luis Damian Robles  
Complaining Witness: Alheli Barrios and Jose Orozco  
North Central Animal Care and Control: Lieutenant John Cessna

*(Testimony was taken from the Respondent's and Complaining Witnesses on January 12, 2016, at which time the decision was continued in order to listen to the audio recording of the Administrative Hearing and get a translation of the Spanish language testimony.)*

The Commissioners discussed the case and merits of the appeal.

**Commissioner Zaft** found that the evidence did not support the General Manager's determination to revoke the licenses; moved to modify the General Manager's decision and reissued the licenses for "**Remi**" (**L17-346418**) and "**Shelly**" (**L17-346419**), subject to the terms, conditions and restrictions as delineated by ACA Lesel. **Commissioner Yañez** seconded and the motion passed 3-0.

**2. Dangerous Animal Case: DA 153021 WL (taken out of order after item 1.3)**

Respondent: Paul Morales  
Complaining Witness: George and Nakaya Horton  
West Los Angeles Animal Care and Control: Captain Wendell Bowers

The Respondent, Paul Morales, was not in attendance. Complaining Witness Nakaya Horton was present and stated that her husband was out of town and was not able to attend the Administrative Hearing, but was told that he did not have to attend. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner.

**Commissioner Zaft** found that, based on the testimony, the administrative hearing was not conducted in accordance with LAMC § 53.18.5, and moved to remand the case back to the Department for a new hearing, and directed that both the Respondent and Complaining Witnesses be notified of the new hearing date. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 3 - 0.

**3. Dangerous Animal Case: DA 155022 WV (taken out of order after item 1.1.)**

Respondent: Sal and Naranjika DeSilva

Complaining Witness: Joyce Herbst and Dhia Alhashim

West Valley Animal Care and Control: Captain Karen Knipscheer-Cox

Testimony was taken from the Respondent's Attorney, Marla Tauscher, who stated that there was no direct evidence or witness testimony to support the determination. None of the Complaining Witnesses were in attendance. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner.

**Commissioner Zaft** noted that there have been several cases in which the Hearing Examiner findings and General Manager's determinations have made decisions where there is no direct evidence provided or eye witness testimony. **Commissioner Gross** asked procedural and evidentiary questions. **ACA Lesel** responded that there are exceptions to the hearsay rule that can be used to establish a case; noted that the Hearing Examiner did not find the animals dangerous; stated that training is needed for Hearing Examiners to determine findings. **Commissioner Zaft** added that the department needs to ensure that witnesses can attend hearings. **ACA Lesel** stated that compelling testimony can be provided by an ACO who was at the scene, saw the bite, or interviewed the victim or other witnesses, and dog owner.

**Commissioner Zaft** found that there was a lack of evidence to support the General Manager's determination; and made a motion to reverse the General Manager's decision and reissue the dog licenses for dogs "**Lily**" (**L17-382387**) and "**Leila**" (**L17-237970**) without restrictions. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 3 - 0.

**4. Dangerous Animal Case: DA 152104 EV**

Respondent: Edward Grover Sherlock White

Complaining Witness: Felipe Morales, Elisa Morales and Ivan Gomez

East Valley Animal Care and Control: Captain Karen Knipscheer-Cox

The Attorney, Marla Tauscher, appeared on behalf of the Respondent, who did not attend. None of the Complaining Witnesses were present. Ms Tauscher stated that the Respondent was not notified of the Administrative Hearing and granted a second hearing; that the Respondent was not able to cross examine the Witness because he did not attend; and that testimony given by the Witness was in Spanish and a translated transcript was not provided to the Respondent. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination.

**Board Secretary Moreno** informed the Commission that in cases remanded for a second hearing due to notification issues, only the party who was not notified was required to attend. **Commissioner Zaft** noted that a hearing notice was sent to the

Complaining Witness. **Commissioner Gross** asked procedural and evidentiary questions. **ACA Lesel** responded that cross examination is not a major issue when the Witness does not show up; prior testimony can be considered. **Commissioner Zaft** noted that testimony in Spanish was not transcribed in English and provided to the Respondent. **GM Barnette** stated that there are concerns about public safety with this dog and has offered to provide the Respondent with a different dog. **Commissioner Gross** noted the Respondent's testimony of the dog being a "patrol dog" to stop crime and that it is very protective.

**Commissioner Zaft** found that there is sufficient evidence in the record to support the Hearing Examiner's findings; expressed concern with the hearing procedures and stated that when a hearing is conducted in Spanish, a certified third-party transcript must be provided; moved to uphold the General Manager's decision to revoke the dog license for "**Cooper**" (**L16-492371**) and declare "**Cooper**" a Dangerous Animal; and prohibit the Respondent from owning, possessing, controlling, or being in charge of any dog for a period of three (3) years. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 3 - 0.

## 5. ADJOURNMENT

**Commissioner Zaft** made a motion to adjourn and **Commissioner Gross** seconded. Motion passed 3 - 0.

Meeting ended at 11:25 a.m.