



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, March 22, 2016 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
Olivia E. García
Roger Wolfson
Alana Yañez

Meeting called to order at 10:03 a.m. Commissioners present were Gross, García, Wolfson and Yañez. Commissioner Zaft was absent. Also present from Los Angeles Animal Services (LAAS) Board Secretary Rita Moreno, General Manager (GM) Brenda Barnette and Assistant General Manager (AGM) Dana Brown; and Deputy City Attorney (DCA) Strefan Fauble.

Commissioner Gross opened the meeting, expressed condolences for the passing of Assistant City Attorney Dov Lesel's mother, provided an overview of the meeting agenda, and discussed the appeal hearing process prior to conducting the hearings.

I. ADMINISTRATIVE APPEALS *(taken out of order after item II.2.A)*

1. Dangerous Animal Case: DA 152107 WL

Respondent: Emilio Ferrari, Jennifer Baker and Morgan Brea Buss

Complaining Witness: Mauro Spina, et al.

West Los Angeles Animal Care and Control: Captain Wendell Bowers

AGM Brown provided an overview of case DA 152107 WL and the basis for the General Manager's determination, and Commissioners asked questions. The Respondents, Emilio Ferrari, Jennifer Baker and Mogan Brea Buss, were not present. However, their legal counsel, Matthew Jackson, was in attendance, as was the Complaining Witness Mauro Spina. Mr. Jackson testified that the evidence did not support the General Manager's determination and that the hearing was not conducted in accordance with law, and responded to Commissioners questions. **Commissioner Gross** asked DCA Fauble if the procedural matters raised remove jurisdiction of the case from the Board. **DCA Fauble** responded negative. Mr. Spina testified about the conditions that lead to the incident and responded to questions from the Commissioners. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner.

Commissioner Wolfson found that there was sufficient evidence to support the General Manager's determination and that the hearing was conducted in accordance with law; and moved to uphold the General Manager's revocation of the dog licenses for **Rocky** aka **Teddy** (L16-449967; A1455401), **Sophie** (L16-220316; A0873941) and **Bo** (L16-449968; A1455403); and the revocation of your privilege to own, possess, control or be in charge of any dog for a period of three years. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 4 - 0.

2. Dangerous Animal Case: DA 155009 WL

Respondent: Frederick Dean Woocher & Wendy Dozoretz

Complaining Witness: Paula Brownstein
West Los Angeles Animal Care and Control: Captain Wendell Bowers

Commissioner Gross noted that neither the Respondent nor the Complaining Witness were present; and asked DCA Fauble about the Boards' decision to establish time limits to receive written statements. **DCA Fauble** responded that LAMC Section 53.18.6 allows the Board to consider statements presented orally or in writing at the hearing. **Commissioner Gross** expressed his concerns with the determination on the case. **AGM Brown** provided an overview of case DA 155009 WL and the basis for the General Manager's determination, and Commissioners asked questions of staff and DCA Fauble. The Respondents, Frederick Dean Woocher and Wendy Dozoretz, were not present, nor was the Complaining Witness Paula Brownstein. However, both parties submitted written statements. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner.

Public Comment

Phyllis Daugherty: Expressed concern about conversation between a Commissioner and involved party in audience and that the decision should be nullified; appeals should be based on evidence indicating an irregularity, proper procedure, and dog owners should have insurance.

Commissioner Gross made a motion to overturn the General Manager's decision, which failed as there was not a second. **Commissioner Wolfson** found that there was sufficient evidence to support the General Manager's determination and moved to modify the General Manager's reissuance of the dog license for **Zeus** (L16-478326; A1540041) with terms and conditions; and deleted conditions 2, 3 and 6, and removed the word "aggressive" from the first sentence in condition 4. The motion was seconded by **Commissioner Yañez** and was approved by a vote of 4 - 0.

3. Dangerous Animal Case: DA 152108 WV

Respondent: Lisa Ribakoff and Jechonias Williams
Complaining Witness: Heshmat Shamtoub, et al.
West Valley Animal Care and Control: Captain Karen Knipscheer-Cox

AGM Brown provided an overview of case DA 152108 WV and the basis for the General Manager's determination. The Respondents, Lisa Ribakoff and Jechonias Williams, were present along with their attorney, Cheryl Ruggiero. The Complaining Witnesses, Heshmat Shamtoub, et al. were not present. Ms Ruggiero testified that the evidence did not support the General Manager's determination and responded to Commissioners questions; stated that the dog serves as an emotional support animal to the Respondent's daughter. **GM Barnette** reminded the Commissioners that she is able to work with the Respondents to find a more adequate dog and that more stringent conditions being placed. The Commissioners discussed the merits of the appeal and the evidence provided to the Hearing Examiner.

Commissioner Wolfson moved to reverse the decision of the General Manager to revoke the license and issue terms and conditions. The motion was not seconded. **Commissioner Wolfson** found that the evidence supports the General Manager's determination and moved to uphold the General Manager's decision to revoke the dog licenses for "**Zeus**" (L16-399484; A1325377) and requested that the General Manager meet with the Respondents to find a more suitable dog. The motion was seconded by

Commissioner Yañez and was approved by a vote of 4 - 0.

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT

Phyllis Daugherty: Discussed animal control laws for the State of California; stated that law enforcement is the responsibility of the department; shared article written by Dr. Feldman in Alive! Magazine. **Cheryl Ruggiero:** Asked about the Commissioner Gross' comments about the dog attack and stated that the hearing transcript was not reflected in Hearing Examiner Report.

2. COMMISSION BUSINESS

- A. Introduction and Welcome to Olivia E. García to the Board of Animal Services Commissioners (*taken out of order before item I.1*)

Commissioner Gross introduced Commissioner Garcia; **Commissioner Garcia** shared some thoughts; **Commissioners Wolfson** and **Yañez** welcomed Commissioner Garcia and shared their thoughts.

- B. Board Recognition of LAASEE Award Volunteer Recipients (Action Item; Public comment limited to one minute per speaker)
a. Luis Favela, North Central

Public Comment
None

Commissioner Yañez moved to award the LAASEE Award to Luis Favela and **Commissioner Gross** seconded. The motion passed 4 - 0.

- C. Approval of Minutes for March 1, 2016. (*tabled to next meeting*)

Public Comment
None

- D. Approval of Minutes for March 8, 2016.

Public Comment
None

Commissioner Wolfson moved to table the minutes for March 8, 2016 to allow more time for review, and **Commissioner Yañez** seconded. The motion passed 4 - 0.

3. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- Welcomed Commissioner Olivia García
- First community strategic planning held on March 16 in Councilmember Price's district; strategic planning meetings calendar has been added to the website;

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meetings will be held in each Council District, facilitated by Francisca Baxa; comments will be collected through a survey, email and personal input at meetings; information will be collected and a full report will come to the Commission

- Discussed MOU in collaboration with Inner City Law Center and Downtown Dogs for surgeries to meet Mayor's goals
- Puppy Month has shortage of puppies
- Dr. Feldman made a presentation of his article at the Woofstat meeting; department is 153 years old

Public Comment

Phyllis Daugherty: Stated homeless dogs are often somebody's pet and there should be a legal process; they may not be getting the right care and nutrition.

4. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Wolfson: Requested response on pilot program on changing hours; would like to double the number of field hearings in the community; shared idea of dog godparents to address what happens to an animal when the owner dies.

Commissioner García: Passed.

Commissioner Yañez: Discussed deal brokered by HSUS with Sea World for whales and use of cruelty-free food; circus shows with orcas ending; moving into husbandry role; next outreach event at Salazar Park in East L.A.; Pet4Life LA fixed 283 animals in February.

Commissioner Gross: Attended first strategic planning meeting in CD 9; thanked Councilmember Price for space; stated anyone can participate with surveys – bit.ly/laas-survey; great facilitation, liked signage – they should be at every shelter, bit.ly/laascommissionmeeting to listen live.

Public Comment

None

5. BOARD REPORTS

- A. Staff Report and Request for Authority to Issue Request for Proposal for Spay/Neuter Clinic for East Valley Shelter

Senior Management Analyst John Forland provided a summary of the staff report and RFP.

Commissioner Gross asked about the changes made to the RFP. **Sr. MA Forland** responded that a wellness clinic is included and the department now has the ability to negotiate the pricing structure. **GM Barnette** added that if funds are not being spent, the department is able to renegotiate the contract amount.

Public Comment

None

Commissioner Yañez moved to approve and authorize the department to issue a Request for Proposal for a spay/neuter clinic for the East Valley Shelter. **Commissioner Garcia** seconded and the motion passed 3 - 0.

B. Staff Report re Proposal to add Horses to New Hope Program Including Discount on Pull Fees

GM Barnette provided a summary of the staff report.

Commissioner Yañez asked if horses are kept at West Valley. **GM Barnette** responded that there are stables at East and West Valley and at North, but most held at West Valley. **Commissioner Wolfson** stated that he liked the idea and that it extends our New Hope relationships.

Public Comment

Candi C. Cooper: Sweetwater Ranch; thanked GM Barnette for bringing item to Commission; small rescue that has rescued and adopted out over 500 horses in the last seven years; has rescued over 75 farm animals through New Hope program; helped with chickens and ducks confiscated in Sherman Oaks and horses confiscated for starvation; financial consideration will help with adoptions. **Phyllis Daugherty:** Expressed concern about protections for horses that they are not taken out of state/county – big market for horses with slaughterhouses in Mexico and Canada; would like to do article on survey for CityWatch.

Commissioner Gross asked about the next steps. **GM Barnette** responded that the item will go to the PAW Committee, City Council, then an SOP will be written and come to the Commission for approval.

Commissioner Yañez moved to approve the addition of horses to the New Hope Program including a discount on pull fees. **Commissioner Wolfson** seconded and the motion passed 4 - 0.

C. Animal Welfare Trust and Animal Sterilization Fund Balances

For AWTF, **GM Barnette** stated that all paperwork is done to purchase the approved X-ray machines; one of the other ones broke, so a new request will be coming. **Commissioner Yañez** asked whether there should be a new purchase of milk powder and bottles for this spring's kitten season. **GM Barnette** responded that she will ask staff; added that New Hope partners are setting up kitten nurseries and committed to taking all neonatal kittens arriving in March. **Commissioner Wolfson** asked about the \$203,000 for shelter security cameras and whether the digital cameras are for when people come in to shelters. **GM Barnette** responded affirmatively. **Commissioner Gross** asked about the donation community assistance fund. **GM Barnette** responded they are online donations reported quarterly. **Commissioner Gross** asked about the \$40,000 donation; and **GM Barnette** responded it is a combination of months. For ASF, **Commissioner Gross** asked about the Spay4LA mobile van and whether there are any billing issues. **Sr.MA Forland** responded that it's a billing issues; **GM Barnette** added that need to average. **Commissioner Gross** asked about the negative \$115,000 ASPCA grant. **Sr.MA Forland** responded that there is an adjustment in payments; there may be some items that are not eligible for payment. **Commissioner Gross**

asked if it the same issue with the dog and cat spay neuter deposits of -\$544. **Sr.MA Forland** responded that there is a backlog of transfers; it all comes in to one pot and it has to be manually calculated and entered into the city's system. **Commissioner Yañez** asked staff to find out whether, in preparing for kitten season, Best Friends and foster partners need heating pads or any additional items for kittens. **GM Barnette** responded that the department is looking at things we need to come back with projects/items such as the rabbit enclosures.

D. Woofstat Report for February 2016

GM Barnette provided an overview of the report and gave credit to the ASPCA grant underwriting adoption fees for cats over four months old noting that there has been a decrease in cat numbers; 89.8% live save rate for dogs and 77.85% for cats; YTD average is 78.9% up from 73.8% from last year; contributing is licensing - up 29% from 25% last year - due to admin work and ACE citations; our vets working to reach their goals, but working on hoarding and cruelty cases that take a lot of time; adoptions are down by 24% due to increase in live save rate; Best Friends is pulling fewer, but working with harder to place animals; New Hope placements are down, but intake is down; voucher distribution is down.

Commissioner Yañez asked about DOA and Died. **GM Barnette** responded it is animals that come in dead; those that die in the shelter are labeled "Died." Noted volunteers are up 27% and hours are up 11% compared to last fiscal year; credited open orientations and volunteer kiosks at each shelter. **Commissioner Wolfson** asked about the volunteer "Volunteer Coordinators" and Best Friend's offer of assistance. **GM Barnette** responded there are Volunteer Coordinators in some shelters, but looking for more; Best Friends has someone at North, and will put someone it at South. **Commissioner Yañez** asked about the difference between ACE Citations and Citations Issued. **GM Barnette** responded that Citations Issued are the ones done previously. **Commissioner Gross** asked about the spay/neuter by LAAS vets; **GM Barnette** responded that they are given goals, but not written in stone because of cruelty and hoarding cases, rabbits take a long time. **Commissioner Wolfson** stated that this is the best report and the result of New Hope partners and staff, and community.

6. DISCUSSION ITEMS

- A. Proposal from Commissioner Wolfson to authorize LAPD officers and park officials to issue tickets for dog license violations and authorize pet stores and veterinarians to sell dog licenses**

Commissioner Wolfson discussed his proposal and the importance of licensing as a public health issue, to advance "No Kill" goal; stated there are resources to reach the goal: laws requiring licensing and displaying of same, law enforcement, dog care professionals (pet groomers, dog walkers, pet stores, etc.), public locations to raise awareness such as dog parks, profit incentives - \$2 in profit for pet stores that help sell licenses; need for public awareness campaign of dog license requirements with signs at various locations and through different partners; general enforcement – warnings leading to tickets; should look at penalties for breaking local, state and federal laws for not displaying dog license; if none, Commission should come up with some; businesses should be asked to ask for

proof of a license when requesting rabbies certificate; Calgary, Canada has successfully returned lost dogs to owners through increasing licensing, and seen decreased dog bites and increased dog health.

Commissioner Gross agreed with importance of increasing licensing and stated that first step is increasing public awareness through the posting of signs at Vet offices and pet stores; big task to get other departments to cooperate; stated that Vets do not want to do law enforcement on clients; recommended going after low-hanging fruit now. **GM Barnette** added that there is a history with Vets and licensing and the challenges; Vets don't want to do anything punitive; maybe put Commission "seal of approval" on signage for offices; maybe do door-to-door canvassing with door hangers about licensing. **Commissioner Gross** asked about percentage of ACE citations issued for licensing. **GM Barnette** responded that she did not know and will have Mark come and give an update. **Commissioner Wolfson** asked if the citations are give for failure to have or display. **GM Barnette** responded that they're give for failure to have. **Commissioner Wolfson** recommended citing for failure to display and asked what the citation amount is. **GM Barnette** responded it is \$100, \$250, \$500 and \$1,000 progressively if there is no compliance. **Commissioner Wolfson** requested to hear back about citing to comply with displaying license. **Commissioner Yañez** recommended giving ACE program more time together with hiring of new staff, and self-identification spay neuter vouchers to see more licensing increases before going to LAPD and other enforcement; recommends public awareness campaign. **Commissioner Wolfson** added that enlisting the assistance of those who make a living off of the work of LAAS could serve as an additional resource. **Commissioner Yañez** expressed concern with asking Vets to help with enforcement. **Commissioner Wolfson** indicated that Vets in low-income areas may not be interested, but his Vet in Los Feliz would not mind selling licenses in his office; asked about process to post signs in dog parks. **GM Barnette** responded that we have to look in to it. **DCA Fauble** responded that the Recreation and Parks Commission would consider the request. **Commissioner Wolfson** suggested a Commission to Commission request; requested an understating of the laws on displaying of tags. **DCA Fauble** responded that it can be complicated because we have the city codes, county, State and potentially federal. **Commissioner Gross** added about requiring Vet and pet stores to post signs about licensing laws. **DCA Fauble** responded that it could involve a new Ordinance. **Commissioner Wolfson** indicated that all that is needed at this time is an analysis of the current laws; provided federal law: Food and Agriculture Code Section 30951, city law is LAMC Section 53.21; next step can be Commission to Commission letter for signage at dog parks. **Commissioner Gross** indicated that literature is too passive and it should be a threat. **Commissioner Wolfson** recommended that it can be two-tiered. **Commissioner García** expressed concern with LAPD enforcement because of focus on lower-income neighborhoods. **Commissioner Wolfson** added that LAPD coordination is not priority, but may be issue of importance – noted broken window theory.

Public Comment

Phyllis Daugherty: Stated that this is not priority for LAPD; Food and Agriculture Code 30951 is a State code about collars and tags for animals that run at large.
Jane Garcia: South LA volunteer from 2005 to 2013; suggested that information tables be set-up at dog parks.

7. ADJOURNMENT

Commissioner Wolfson made a motion to adjourn in honor of the Lesel Family, and **Commissioner Yañez** seconded. Motion passed 4 - 0.

Meeting ended at 12:53 p.m.