

South Bend Animal Welfare Commission  
Hearing Minutes

May 13, 2021  
1806 Hours

County City Building  
4<sup>th</sup> Floor  
227 West Jefferson Blvd  
South Bend, IN 46601

Hearing Case Number 2021-03 City of South Bend v. John Hill (Order Issued April 28, 2021)

Animal Control Commission Members Present: Pam Wesolowski, Rebecca Strand,  
and Barb Leavell

City Staff Present: Lindsey Cuellar -SBARC Shelter Manager, Tom Panowicz-Attorney for SBARC, Marlena Johns-Department of Code Enforcement and Dani Campbell Weiss-Commission Attorney

1. The hearing was called to order by the Hearing Officer at 1806 hours.
  - A. Hearing regarding Habitual Animal Offender residing at 234 Altgeld Street, South Bend.
  - B. Respondent is John Hill.
  - C. File was opened in February 2021.
  - D. Have received 5 citations in one year.
  - E. Have received several AWA's starting in February 2021.
2. Service was made and accepted by Hearing Officer.
3. Tom Panowicz called Lindsey Cuellar to give testimony regarding the Citations and AWA's.
  - A. File on the Respondent was opened in February 2021.
  - B. Four animals are registered to Respondent.
    1. Yorkshire Terrier, date of birth February 2007.
    2. Danny, Chihuahua, date of birth February 2017.
    3. Domestic Short Hair Cat, date of birth February 2019.
    4. An African Grey Parrot date of birth not listed.
  - C. First violation happened in February 2021 for animals going unclaimed.
  - D. February 2021 several citations were issued.
    1. Cruelty to an animal.
    2. Rabies vaccination is required for animal in city proper.
    3. No license for animals living at the address.
    4. Medical and grooming were not followed, leaving animal to expire.
  - E. Several exhibits were given into evidence.
    1. Exhibit one (1) was a Notice of Hearing, Affidavit of

Service, Order to Comply along with a Revised Notice of Hearing packet.

2. Exhibit two (2) is SBARC Person View Report showing addresses, names of the animals put into SBARC purview, and incidents involving dogs from this address or registered to Respondent.
3. Exhibit three (3) is an Animal Review Report regarding a Yorkie.
4. Exhibit four (4) is an Animal Review Report regarding a Chihuahua.
5. Exhibit five (5) is an Animal Review Report regarding a cat.
6. Exhibit six (6) is an Animal Review Report regarding an African Grey Parrot.
7. Exhibit seven (7) are Animal Welfare Alerts with spreadsheet attached.
8. Exhibit eight (8) are Ordinance Violation Citations with spreadsheet attached.
9. Photos of deceased dog at emergency clinic.
10. Video of the assault on Yorkie.
11. Report from the Indiana State Board of Animal Health with photos within the report.

- G. As of the date of this hearing Respondent has no animals within residence.
- H. South Bend Animal Care and Control is asking for the Respondents to be prohibited from owning animals with a lifetime ban, along with being labeled a Habitual Animal Offender.
- I. City rests their case at this time.

4. Respondent, John Hill, presented his case.

A. Respondent Hill stated he has always had animals.

1. Stated he took animal to vet at which time was told nothing else could be done for the dog.
2. Stated dog took a bad turn and was so sick that it was dying.
3. Stated he had no gun so he euthanized dog by striking it twice with a hammer and leaving dog out in snow.
4. South Bend Police were called to residence after neighbor saw what Respondent was doing. It was then taken from the residence and euthanized at a clinic.
5. Maintains it wasn't about not having enough money but dog was suffering.

5. The Animal Welfare Commission discussed and voted regarding this case that Respondent should receive a lifetime ban on animal ownership and be labeled a Habitual Animal Offender.

6. The Commission made a motion and it was seconded to put this into an order. It was also asked by the Commission that a letter of this proceeding be sent to St. Joseph County Judge and the Prosecutor regarding this decision.

Hearing Adjourned at 1900 hours.