

South Bend Animal Welfare Commission
Hearing Minutes

July 29, 2021
1815 Hours

County City Building
4th Floor
227 West Jefferson Blvd
South Bend, IN 46601

Hearing Case Number 2021-09 City of South Bend v. Alfred Delgado (Order Issued July 19, 2021)

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

City Staff Present: Lindsey Cuellar -SBARC Shelter Manager, Tom
Panowicz-Attorney for SBARC, and Dani Campbell
Weiss-Commission Attorney

1. The hearing was called to order by Anne Carol Nash, the Hearing Officer at 1815 hours.
 - A. Hearing regarding Habitual Animal Offender residing at 937 Sorin Street, South Bend.
 - B. Respondent is Alfred Delgado.
 - C. File was opened in November 2017.

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 November 2017.
 - B. Five (5) animals were registered to Respondent.
 1. Chapo a Chihuahua, six years old.
 2. Chico a Pit Bull, unknown.
 3. Luna American Pit Bull, seven years old.
 4. Roxie Pit Bull, unknown.
 5. Zeena Terrier Mix, one year.
 - C. Eight AWA's were given to Respondent between November 2017 to May 2021.
 - D. Eleven (11) Citations were given to Respondent between October 2019 to May 2021.
 - E. There was one bite case on record by SBARC.
 1. June of 2019 a bite was reported. Dog on dog bite.
 2. It was reported two Pit Bulls escaped and charged at victim and dogs, while he/she was walking them.
 - F. Respondent has had one dog expire due to the heat, not having proper shelter or water.

1. Dog was DOA when SBARC arrived.
2. SBARC spoke with resident at the home, it was stated the dog had been out in over 90 degree heat all day.

G. Shortly after the DOA SBARC received another call that two more dogs had been abandoned at this address for two weeks.

H. Several exhibits were given into evidence.

1. Exhibit one (1) was a Notice of Hearing, Affidavit of Service, and Certificate of Service.
2. Exhibit two (2) is SBARC's summary regarding the hearing.
3. Exhibit three (3) is Person View Report regarding the history of all dogs registered to this address.
4. Exhibit four (4) (a-c) are Animal View Reports.
5. Exhibit five (5) are Animal Welfare Alerts with attached spreadsheet.
6. Exhibit six (6) are the Ordinance Violation Citations with attached spreadsheet.
7. Exhibit seven (7) Animal on Animal Bite Report.
8. Exhibit eight (8) copy of AccuWeather Temperatures for May 24, 2021.
9. Exhibit nine (9) (a-g) photos taken by SBARC.

I. South Bend Animal Care and Control is asking the Commission for a label of Habitual Animal Offender with a maximum lifetime prohibition on animal ownership.

J. City rests their case at this time.

4. Respondent, failed to appear.

5. The Commission discussed and voted on items listed below.

A. The Commission agreed to the label of Habitual Animal Offender within the City of South Bend.

B. It was also agreed that a lifetime ban within the City of South Bend, with all animals being seized by SBARC and no animal is to be owned anywhere by Respondent within the City of South Bend.

C. It was also agreed that criminal charges should be filed with SBPD.

Hearing Adjourned at 1900 hours.