

South Bend Animal Welfare Commission  
Hearing Minutes

July 8, 2021  
1840 Hours

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

Hearing Case Number 2021-04 City of South Bend v. Ashleigh Robinson and Demarquez Columbus (Order Issued June 24, 2021)

Animal Control Commission Members Present: Dr. Mariah Covey, Rebecca Strand, 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 the Hearing Officer at 1840 hours.
  - A. Hearing regarding Habitual Animal Offender residing at 602 Donmoyer, South Bend.
  - B. Respondents are Ashleigh Robinson and Demarquez Columbus.
  - C. File was opened in Spring 2017.
  - D. Have received 12 AWA's in two years.
  - E. Have received 14 Citations in two years.
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 April 2017.
  - B. Ten (10) dogs were registered to Respondents.
    1. Nala a Terrier mix, one year old.
    2. Marlow Terrier mix, one year old.
    3. Unnamed dogs one through eight, around 11 months.
  - C. First AWA was January 2020 for lack of food, water, shelter and no city license/rabies.
  - D. First Citation was received in February 2020 for medical and grooming care requirements for Nala.
  - E. Other Citations given due to compliance issues, including a bite report, breeding with no permits and not following proper bite quarantine.
  - F. Nala had a litter of puppies in July of 2020 and appeared to be underweight and suffering from the heat by Animal Welfare Officers.
  - G. The puppies were seized due to poor health.
  - H. They have consistently been non-compliant with regards to city ordinances.
  - I. Several exhibits were given into evidence, Respondents objected

to photos taken on March 30, 2018.

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 an Animal Review Report regarding all dogs at this address.
4. Exhibit four (4) is an Animal Review Report regarding Nala.
5. Exhibit five (5) is an Animal Review Report regarding Nala.
6. Exhibit six (6) (a-h) is an Animal Review Report regarding the puppies born to Nala.
7. Exhibit seven (7) are Animal Welfare Alerts with spreadsheet.
8. Exhibit eight (8) are Ordinance Violation Citations with spreadsheet.
9. Exhibit nine (9) are photos with regard to premises and how dogs were kept.

- G. As of the date of this hearing Nala was given to Columbus' brother.
- H. As of the date of this hearing Marlow is in the custody of Respondents.
- H. South Bend Animal Care and Control is asking the Commission for a five (5) year prohibition on animal ownership within the City of South Bend.
- I. City rests their case at this time.

4. Respondents, Robinson and Columbus, presented their case.

- A. Respondent Columbus stated that they have had trouble with neighbors calling and complaining about dogs.
  1. The running at large due to kids opening the gate and dogs escaping.
  2. Stated that they are not selling dogs, Nala's pregnancy was an accident.
  3. Stated they got no real response from SBARC.
  4. Kept Nala and Marlow separate to try to avoid this.
  5. Stated bowls were on front porch in the corner just out of sight of door.
  6. Stated they had an air conditioner for dogs on front porch.
  7. Gave Nala to brother who lives in South Bend.

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

- A. They may keep Marlow, but he must be neutered.
- B. Marlow must be licensed, micro chipped, and up to date on all shots with proof sent to SBARC.
- C. A sturdy fence or tie out in the shade while Marlow outside.

6. With regards to Nala the Commission discussed and voted on the items below.

- A. Nala must be licensed and registered in brother's name.
- B. Micro chip needs to be put into brother's name.
- C. Nala must be spayed.

- D. Nala needs to have all vaccinations up to date and proof sent to SBARC.
- 7. Both Marlow and Nala need to be micro chipped and spay/neutered within three months. Or at least booked and show proof to SBARC.
- 8. The Commission also discussed and voted that they are prohibited for ten (10) years to get another dog. And no additional animals are to be living at the residence.
- 9. Should Respondents not comply or receive another complaint all animals within the residence shall be seized.

Items five through nine were put into a motion and seconded by the Commission, with all being in favor of these items being put into an order.

Hearing Adjourned at 2040 hours.