

South Bend Animal Welfare Commission
Hearing Minutes

August 19, 2021
1810 Hours

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

Hearing Case Number 2021-11 City of South Bend v. Lakeishia Duncan (Order Issued August 9, 2021)

Animal Control Commission Members Present: 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 Virginia Wolfe, the Hearing Officer at 1810 hours.
 - A. Hearing regarding Habitual Animal Offender residing at 2625 Fisher Street, South Bend.
 - B. Respondent is Lakeishia Duncan.
 - C. File was opened in March 2020.
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 March 2020.
 - B. Seventeen (17) animals were registered to Respondent.
 1. Bolo, Pit Bull, three years old.
 2. Orea, Terrier Mix, three years old.
 3. Pepper, American Pit Bull Terrier, one year old. Was surrendered to SBARC.
 4. Ivory, Pit Bull, one year old.
 5. Smokey, Pit Bull, one year old.
 6. Oreo 1-10, Terrier Mix, six months old.
 7. Ace, Domestic Short Hair Cat, less than a year.
 8. BeeBee, Domestic Short Hair Cat, less than a year.
 - C. Nine AWA's were given to Respondent between March 2020 to March 2021.
 - D. Eleven (11) Citations were given to Respondent between June 2020 to March 2021.
 - E. Respondent has two dogs and two cats at the residence as of the date of this hearing.
 - F. Respondent has consistently left animals out improperly tethered with no food or water.
 - G. Respondent has/had at least five unaltered animals.
 - H. Respondent finally came into compliance by licensing Pepper,

Bolo, and Orea.

- I. A citation for bite quarantine was issued due to a bite that occurred after Orea whelped her puppied.
 - J. Orea was finally spayed and micro chipped.
 - K. Bolo remains intact as of the date of this hearing.
 - L. 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-b) 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) Case Review Reports.
 - 8. Exhibit eight (8) copy of Orea vet paperwork.
 - 9. Exhibit nine (9) (a-c) photos for March 2021 and citations.
 - I. South Bend Animal Care and Control is asking the Commission for a label of Habitual Animal Offender with a lifetime restriction on two dogs and two cats. (Bolo and Orea-dogs) (Ace and BeeBee-cats).
 - J. City rests their case at this time.
4. Respondent, Lakeishia Duncan stated.
- A. Respondent affirmed that he/she has had trouble getting the fence fixed due to landlord being MIA for the last three years.
 - B. Respondent brought in paperwork showing vet bills, vaccinations, paperwork showing dog being registered as a service dog, and paperwork with ID number of said service dog.
 - C. Respondent also brought proof of payment of rental deposit.
5. The Commission discussed and voted on items listed below.
- A. The Commission agreed that there is to be no harboring of any dogs, except what is currently agreed by the Commission.
 - B. Respondent may keep two dogs and two cats.
 - C. May own another small animal such as a hermit crab or hamster.
 - D. All animals currently residing at the residence must be spayed/neutered within six weeks of this decision.
 - E. All animals must be licensed, vaccinated and micro chipped with proof sent to SBARC.
 - F. Respondent needs to either fix the fence or find a proper tether when dogs are out. (With proper shelter and water).
 - G. Should Respondent violate the ordinance again SBARC will seize all animals within the home, with no hearing required.
 - H. At that point a lifetime ban for owning any pets will be up to SBARC discretion.
 - I. Respondent will be labeled a Habitual Animal Offender within the City of South Bend.

Hearing Adjourned at 1915 hours.