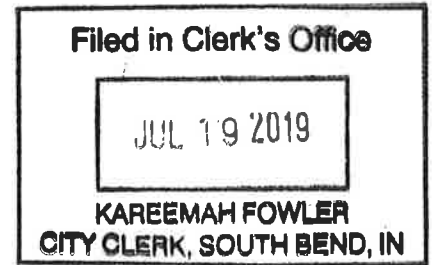


South Bend Animal Care and Control Commission  
Hearing Minutes

June 27, 2019  
1830 Hours

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



Animal Control Commission Members Present: Pam Wesolowski, Lynne Losecco, Karen Haun, and Barb Leavell

City Staff Present: Jenn Gobel -SBACC Shelter Manager, Tom Panowicz-Attorney for SBACC, and Dani Campbell Weiss-Commission Attorney

Absent: Dr. Mariah Covey

1. The hearing was called to order by hearing officer Ann Carroll Nash, Hearing Officer at 1825 hours.
  - A. Hearing regarding Habitual Animal Offender residing at 917 South Esther Street, South Bend.
  - B. Respondent is Leonard Shaw.
  - C. Have received nine (9) violations in two (2) years.
  - D. Have received several AWA's starting in August 2015.
  - E. Respondent has been taken to Small Claims Court four (4) times since May 2014 due to costs related to citations.
  
2. Service was made and accepted by Hearing Officer.
  
3. Tom Panowicz called Jen Gobel to give testimony regarding the Citations and AWA's.
  - A. File on this address was opened in 2011 when a Beagle was licensed with the city.
  - B. Three (3) dogs were seen on the property at that time.
    1. Female Beagle, Molly.
    2. Female Beagle, Kate.
    3. Male Beagle, Bo.
  - C. First violation happened in August 2017 due to failure to license three (3) dogs.
  - D. From May 2015 to February 2019 several Citations and AWA's were written for animals at this address.
  - E. Several exhibits were given into evidence.
    1. Exhibit one (1) was an affidavit of service and order to comply and notices of hearing addressed to the Respondent, with memoranda attached setting for the hearing process guidelines.
    2. Exhibit two (2) was an animal view report for dog numbered A14811462.
    3. Exhibit three (3) was an animal view report for dog numbered A40773056.
    4. Exhibit four (4) was an animal view report for dog numbered A40773030.
    5. Exhibit five (5) was a summary and copies of Animal Welfare Alerts given to Respondent from August 2015 to January 2019.

6. Exhibit six (6) was a summary and copies of ordinance violation citations given to the Respondent between August 2017 to February 2019.
7. Exhibit seven (7) were pictures taken by South Bend Animal Care and Control dated January 30, 2019 showing the kennels in question.
8. Exhibit eight (8) were pictures taken by South Bend Animal Care and Control dated February 13, 2019 showing a wooden "hutch" with a dog inside.
9. Exhibit nine (9) were pictures taken by South Bend Animal Care and Control dated June 18, 2019 showing the environment the dogs were kept in while kenneled.
10. Exhibit ten (10) was a copy of the South Bend Ordinance sections that were violated.
11. Exhibit eleven (11) were copies of all small claims that Respondent has failed to appear and now owes regarding several violations.

G. As of the date of this hearing all the dogs still reside at this address.

H. South Bend Animal Care and Control asking for the Respondent be allowed to keep his dogs providing Respondent follows certain guidelines.

1. South Bend Animal Care and Control is asking the "hutch" be taken down and no dogs as this address be confined into it ever again.
2. That the dogs at this address follow the ordinance regarding the dimensions of all kennels at this address.

I. Respondent shall have thirty (30) to sixty (60) days to comply with dimensions of the kennels under the old ordinance.

3. All dogs must be licensed within seven (7) days from the decision made by the board.
4. Respondent is not to have any further violations.

I. City rests their case at this time.

4. Respondent, Leonard Shaw, presented his case.

A. Respondent stated Sally, a female Beagle, was dropped off at the kennel as a stray.

1. Respondent states he no longer has Sally that she was traded for another dog.
2. Respondent contests to the statement of Jen Gobel regarding the state of the kennels either being too small or unclean.
3. Respondent contests the fact regarding the dogs kennels not providing enough warmth during the Polar Vortex of 2019.
4. Respondent contests the ordinance regarding licensing. Respondent feels that once dogs got rabies shots that they were licensed.
5. Respondent contests the fact that the dogs do not ever need to come inside the house since they are hunting dogs. Stated that dogs can be kept outside in weather of fifteen (15) below with no detriment to the dogs.
6. Respondent contests the fact the dogs never get out of their kennels.

B. Respondent's filed into evidence items A through E.

1. Exhibit A was a copy of rabies certificate from Family Pet Health Center dated January 25, 2019, for Bo a male Beagle.
2. Exhibit B was invoice number 111274 from Family Pet Health Center dated December 27, 2018, along with a rabies certificate of the same date for Kate, a female Beagle.

3. Exhibit C was an invoice from Family Pet Health Center dated January 25, 2019 for Bo's rabies shot.
4. Exhibit D was a copy of a rabies certificate from Family Health Center dated December 17, 2018 for Molly, a female Beagle.
5. Exhibit E was an invoice from Family Pet Health Center dated December 17, 2018 for Molly, a female Beagle for rabies vaccination and health check.
6. Exhibit F were several photographs of Respondent's dogs and the kennels they were currently being kept in as of the date of the hearing.

5. The Commission made the decision after discussion.

1. That Respondent is in violation of being a habitual offender.
2. Dogs need to be surrendered by Respondent or seized by South Bend Animal Care and Control after the appeal period has expired.
3. Respondent should be not be allowed to own animals indefinitely.
4. Respondent can appeal decision of the board within ten (10) days after the date of the board's decision, June 27, 2019.

Hearing Adjourned at 1950 hours

