

South Bend Animal Welfare Commission  
Hearing Minutes

June 3, 2021  
1840 Hours

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

Hearing Case Number 2021-02 City of South Bend v. Nicole Miller (Order Issued April 12, 2021)

Animal Control Commission Members Present: Pam Wesolowski, Dr. Mariah Covey, Karen Haun, 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 hearing officer Anne Carol Nash, Hearing Officer at 1840 hours.
  - A. Hearing regarding Habitual Animal Offender residing at 1422 Sunwood Drive, South Bend.
  - B. Respondent is Nicole Miller.
  - C. File was opened in February 2015.
  - D. Have received 9 citations in two (2) years.
  - D. Have received several AWA's starting in January 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 2015.
  - B. Three (3) dogs are registered to Respondent.
    1. Archie a Terrier mix, no date of birth listed.
    2. Emma Terrier mix, four (4) years old.
    3. Sophie Terrier mix, Four (4) years old.
  - C. First violation happened in January 2021 due to a bite report requiring the dog to be quarantined, having no rabies, being over the unaltered pet requirements and no license with SBARC. SBARC alerted the Respondent that residents cannot have over three (3) unaltered pets within city proper.
  - D. February 2021 Archie was to be provided to SBARC for failure to follow bite quarantine and for being a public nuisance.
  - E. First Citation was January 2021 for failure to follow bite quarantine.
  - F. From January 2021 to March 2021 several Citations and AWA's were written for this address.
  - G. Archie has reportedly bitten several people and other dogs, including a bite that left victim in the hospital for five (5)

days.

- H. SBARC feels that this is a health and safety issue.
  - I. SBARC does not have any vet records for Archie, who left a level four (4) bite, meaning he left significant wounds needing at least 100 stitches.
  - J. SBARC wants Archie due to him being a safety issue.
  - K. Several exhibits were given into evidence.
    - 1. Exhibit one (1) (a & b) 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 Archie.
    - 4. Exhibit four (4) is an Animal Review Report regarding Emma.
    - 5. Exhibit five (5) is an Animal Review Report regarding Sophie.
    - 6. Exhibit six (6) are Animal Welfare Alerts with a spreadsheet attached.
    - 7. Exhibit seven (7) are Ordinance Violation Citations with spreadsheet attached.
    - 8. Exhibit eight (8) a letter from the St. Joseph Humane Society, dated January 28, 2021.
    - 9. Exhibit nine (9) (a-b) are photos of AWA's on Respondent's door and Citations left on Respondent's door.
    - 10. Exhibit ten (10) St. Joseph County Humane Society/Clayview bite quarantine reports.
    - 11. Also listed but no number given, just letters a-d, were letters from relatives and concerned citizens.
  - G. As of the date of this hearing all the dogs are in Respondent's residence.
  - H. South Bend Animal Care and Control is asking for the Respondents to be prohibited from owning dogs for at least five (5) years and be labeled as a Habitual Animal Offender.
  - I. City rests their case at this time.
4. Respondent, Nicole Miller, presented her case.
- A. Respondent Miller stated that Archie is a nervous dog.
    - 1. ABC has no problems with him while at vet.
    - 2. Archie is usually in his kennel while Respondent at work.
    - 3. On date of one of the bites a fight broke out at the home making the dog agitated and the bite occurred. Respondent was at work at the time.
    - 4. Respondent states she is the primary care giver though she has her son also lives in the home along with a roommate and her child.
    - 5. One bite occurred while trying to break up a fight between two of the dogs.
    - 6. Around five (5) years ago Respondent received a dog as a

gift not knowing said dog was pregnant. After the dog gave birth she had it spayed, found homes for all but three of the dogs which she kept.

5. The Animal Welfare Commission discussed and voted on these items regarding this case.
  - A. Archie needs to be assessed by a vet/animal behaviourist.
  - B. All dogs need vaccinated and licensed with SBARC within one week.
  - C. Any violations of any order will cause Respondent to lose dogs.
  - D. Within fourteen (14) days Respondent's home must be inspected. Annual inspections to follow after.
  - E. All dogs must be micro chipped.
  - F. Can only own the three dogs currently owned for five years.
  - G. Can bring Habitual Animal Offender status back to the Commission within one year.
  - H. Respondent needs to learn behavior modification so she can manage dogs.
6. The Commission made a motion and it was seconded to put this into an order. It was agreed by a majority of the Commission.

Hearing Adjourned