

South Bend Animal Welfare Commission
Hearing Minutes

June 24, 2021
1815 Hours

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

Hearing Case Number 2021-05 City of South Bend v. Nicholas Sandusky (Order Issued June 14, 2021)

Animal Control Commission Members Present: Dr. Mariah Covey, Karen Haun,
Rebecca Strand, 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 1815 hours.
 - A. Hearing regarding Habitual Animal Offender residing at 734 South Ironwood Road, South Bend.
 - B. Respondent is Nicholas Sandusky.
 - C. File was opened in April 2021.
 - D. Have received 3 citations in one year.
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 2021.
 - B. One dog is registered to Respondent.
 1. Mozzie a Cane Corso, two (2) years old.
 - C. First violation happened in April 2021 due to a bite report requiring the dog to be quarantined at SBARC, having no vaccinations and was not micro chipped.
 - D. May 2021 a second bite occurred to a USPS employee.
 - E. USPS has stated that if dog comes back they will not deliver mail to this address.
 - J. 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 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 Mozzie.
 4. Exhibit four (4) are Animal Welfare Alerts given to Respondent.

5. Exhibit five (5) is a bite report for bite victim number one, along with photos and medical reports.
 6. Exhibit six (6) is a bite report for victim number two, along with photos and medical reports.
 7. Exhibit seven (7) is a letter from the United States Post Office regarding Mozzie.
- G. As of the date of this hearing Mozzie is quarantined at SBARC pending the decision of the Commission.
 - H. South Bend Animal Care and Control is asking the Commission to determine if Mozzie is considered vicious under the ordinance.
 - I. City rests their case at this time.
4. Respondent, Nicholas Sandusky, presented his case.
 - A. Respondent Sandusky stated that Mozzie may need extra training.
 1. Respondent states the first time dog escaped was his fault.
 2. Respondent stated that the second escape was due to working on the fence and the gate was not secured properly.
 3. Respondent has replaced the glass and is working on putting up a fence to keep dog on property.
 4. Respondent is willing to put mailbox on gate and/or work with the post office to start mail deliver back.
 5. Respondent is also looking into dog training and states he owns a shock collar.
 5. Respondent brought a packet of evidence regarding Mozzie.
 1. Packet included vet bills, letters regarding Mozzie and statements from concerned citizens.
 7. Esther Kennedy bite victim owner pulled dog off of stated that although she received 14 stitches she does not want the dog to be euthanized.
 8. The Animal Welfare Commission discussed these items regarding this case.
 - A. The Respondent will need to pay the costs to get Mozzie out of SBARC, including if necessary transportation and kennel fees.
 - B. Mozzie needs to be in a five sided kennel when outdoors.
 - C. If walking Mozzie dog must be muzzled and leashed by an adult.
 - D. Warning signs are to be posted on the fence and/or home.
 - E. A fence with locks on the inside needs to be put up.
 - F. Must be willing to submit to inspection by SBARC.
 - G. Respondent must set up training for Mozzie.
 - H. Needs to discuss with USPS options.
 9. The Commission made a motion to continue hearing for July 8, 2021 to give Respondent time to get information and SBARC to view the premises.

Hearing Adjourned at 2010 hours.

South Bend Animal Welfare Commission
Hearing Minutes (Continuation)

July 8, 2021
18015 Hours

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

Hearing Case Number 2021-05 City of South Bend v. Nicholas Sandusky (Order Issued June 14, 2021)

Animal Control Commission Members Present: Dr. Mariah Covey, Karen Haun,
Rebecca Strand, and Barb Leavell

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

SBARC completed it's inspection and stated it's 75 percent done, the fence still needs fixed due to a few holes, a couple windows need replaced and a five sided kennel. Respondent also has new locks on doors.

SBARC has also stated that Respondent will need to license and get insurance for Mozzie. He will give proof of insurance to SBARC. Mozzie will also be boarded for at least one month, giving Respondent time to prepay license, micro chip and pay other fees he will incur.

Mozzie will be neutered by ABC and micro chipped at that time. He will need to give that proof to SBARC. Respondent has also secured training with Rudy Drexler to be assessed to see if Mozzie can stay for training. It will take three weeks for training and then Respondent is to start coming to be trained in handling Mozzie.

USPS will restart mail delivery upon completion of these things.

The property will be inspected within seven days.

Continuation adjourned at 1830 hours