

South Bend Animal Welfare Commission  
Hearing Minutes

July 1, 2021

1815 Hours  
County City Building  
4th Floor  
227 West Jefferson Blvd  
South Bend, IN 46601

Hearing Case Number 2021-06 City of South Bend v. Rachel Jakes (Owner),  
Veronica Bell, Lorraine Bell, and Barbara Jakes (Harborers) (Order Issued  
June 21, 2021)

Animal Control Commission Members Present: Dr. Mariah Covey, Rebecca  
Strand, Karen Haun, 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 Anne Carol Nash, the Hearing Officer at 1815 hours.
  - A. Hearing regarding Habitual Animal Offender residing at 1131 North Meade Street, South Bend.
  - B. Respondents are Rachel Jakes (Owner), Veronica Bell, Lorraine Bell, and Barbara Jakes (Harborers).
  - C. File was opened in October 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 October 2020.
  - B. Ten (10) dogs were registered to Respondents.
    1. Cush a Pit Bull mix, two years old.
    2. Puppy one through nine, 1 month old. Surrendered to SBARC.
  - C. There was a report of a bite incident October 2020 at an address on Putnam Place.
    1. Victim knocked on the door causing the dog to bolt out of the door resulting in a severe bite.
  - D. A second bite incident was reported April 2021. Which was a level four bite.
    1. On the date in question, SBARC received a call from SBPD of a severe dog bite on Fredrickson.
    2. Dog had jumped the fence attacking a UPS driver, dog had to be pried off the victim.
    3. SBARC spoke with Lorraine Bell who stated that the dog stays at this address, but is micro chipped to Rachel Jakes.
    4. SBARC spoke to Jakes regarding quarantine of Cush.
    5. Respondent provided proof of his micro chip.
    6. Victim was transported by ambulance with severe bites,

- broken fingers and dislocated fingers.
- E. Both bites were considered unprovoked by SBARC.
  - F. 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) is an Animal Report regarding Cush.
    - 5. Exhibit five (5) is a Bite Report regarding victim number one, with any photos, medical reports, etc.
    - 6. Exhibit six (6) is a Bite Report for victim number two, with any photos, medical reports, etc.
    - 7. Exhibit seven (7) is a Case View Report regarding victim number one.
    - 8. Exhibit eight (8) is a Case View Report regarding victim number two.
    - 9. Exhibit nine (9) is a map of the area where dog was and where blood was found on the sidewalk of the victim.
  - G. As of the date of this hearing Cush is still in the custody of SBARC.
  - H. South Bend Animal Care and Control is asking the Commission for a label of Potentially Dangerous Dog with proper restrictions decided by the Commission.
  - I. City rests their case at this time.
4. Respondents, Jakes and Bell, et al, presented their case.
- A. Respondents state that the dog has been staying with each of these family members.
  - B. Respondents had a question as to what a Harboring was, which was explained.
  - C. Cush does not respond well to delivery people.
  - D. House on Meade has a tall fence.
5. The Commission discussed and voted on items listed below.
- A. Cush needs to stay at address with a tall fence.
  - B. Gates need to be able to be locked from inside.
  - C. Fence needs to be a privacy fence, not chainlink.
  - D. A five sided kennel needs to be used if dog kept outside.
  - E. If dog is off the property for walks or vet appointment a muzzle and leash will be required.
  - F. Signs will need to be posted on the fence warning of dangerous dog.
  - G. Cush cannot be used for breeding. Before his release he will need to be transported to be neutered.
  - H. City wants to see fence before Cush released.
  - I. It is understood that should there be any more complaints or non compliance dog will be seized by SBARC.
  - J. All shots must be up to date and proof given to SBARC.
6. The Commission also discussed and voted that Cush will be deemed a Potentially Dangerous Dog.

Hearing Adjourned at 1915 hours.