

South Bend Animal Welfare Commission
Hearing Minutes

March 4, 2021
1850 Hours

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

Hearing Case Number 2021-01 City of South Bend v. Shaquille Delaney & Angela Ortiz (Order Issued February 19, 2021)

Animal Control Commission Members Present: Pam Wesolowski, Rebecca Strand,
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 Virginia Wolfe, Hearing Officer at 1850 hours.
 - A. Hearing regarding Habitual Animal Offender residing at 1117 College Street, South Bend.
 - B. Respondents are Shaquille Delaney and Angela Ortiz.
 - C. Have received 7 citations in two (2) years.
 - D. Have received several AWA's starting in June 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 this address was opened in June 2020.
 - B. Six (6) dogs were involved regarding this address and owner at the time.
 1. Sahara a Pit Bull mix, nine (9) months old.
 2. Boss a Cane Corso mix, four (4) months old.
 3. King Messiah a Cane Corso mix, no age given.
 4. Kilo Terrier/Pit Bull mix, six (6) months old.
 5. Unknown dog number two (2) a Terrier mix, three (3) months old.
 6. Unknown dog number three (3) Terrier mix, three (3) months old.
 - C. First violation happened in June 2020 due to animal running at large, no vaccination or registration.
 - D. From June 2020 to January 2021 several Citations and AWA's were written for animals at this address.
 - E. January 2021 two dogs were served by SBARC and had a ten (10) day quarantine due to a dogs killing two (2) cats. Received a bite notification.
 - F. Several exhibits were given into evidence.

1. Exhibit one (1) (a & b) was an affidavit of service and order to comply and notices of hearing addressed to the Respondents, with memoranda attached setting for the hearing process guidelines. Including certified mail receipt proving service upon the Respondents.
2. Exhibit two (2) is a Person View Report showing addresses, names of the animals put into SBARC purview, and incidents involving dogs from this address or registered to Respondents.
3. Exhibit three (3) (a-c) is a License Contract for three (3) dogs. Dated December 2020 and January 2021.
4. Exhibit four (4) is an Animal Review Report for Sahara.
5. Exhibit five (5) is an Animal Review Report for Boss.
6. Exhibit six (6) is an Animal Review Report for King Messiah.
7. Exhibit seven (7) is an Animal Review Report for Kilo.
8. Exhibit eight (8) is an Animal Review Report for Unknown dog number 2.
9. Exhibit nine (9) is an Animal Review Report for Unknown dog number three.
10. Exhibit ten (10) is a list of Animal Welfare Alerts along with copies of Alerts attached, starting June 2020.
11. Exhibit eleven is a list of Ordinance Violation Citations along with copies of Citations attached, starting June 2020
12. Exhibit twelve (12) (a-d) are pictures taken by SBARC employees of dogs running at large and the deceased cat along with the dates the pictures were taken.

- G. As of the date of this hearing all the dogs have been seized. One dog escaped SBARC's custody and at the time of this hearing is at large.
- H. South Bend Animal Care and Control is asking for the Respondents to be prohibited from owning dogs for at least five (5) years.
- I. South Bend Animal Care and Control asking for animal welfare checks and for the Respondents comply with this decision upon compliance they can have their animals back.
- J. City rests their case at this time.

4. Respondents, S. Delaney and A. Ortiz, presented their case.

A. Respondent Ortiz stated two dogs are hers, while Delaney brings dogs over while at work or visiting. And she currently lives in Michigan City.

1. Stated she had two dogs taken by SBARC.
2. Asked why there were no witnesses for them to question regarding the deceased cats.
3. Stated her name shouldn't be listed.

B. Respondent Delaney stated all children at residence are under 18 years of age but one.

1. States dogs are in kennels most of the time since he works third shift, hinted at the possibility of the kids taking dogs out and not watching them.
2. Was at certain times when citations and alerts were issued

while at the DuComb Center.

- a. Was at DuComb for a year.
- b. Was on look-down for sixty (60) days due to a "dirty drop" then he went back to jail, didn't state how much time he was in for at that point.
- c. States he was incarcerated from June 2020 to September/October of same year.
- d. States from October 2020 until recently he was incarcerated.
- e. His wife lives in Michigan where he plans to take dogs for breeding.

5. The Commission is taking the case under advisement and will issue a decision at April 2021. Pending Hearing Officer's findings of fact.

Hearing Adjourned at 2050 hours