

South Bend Animal Welfare Commission
Hearing Minutes

August 8, 2019
1900 Hours

County City Building
13th Floor
227 West Jefferson Blvd
South Bend, IN 46601

Animal Control Commission Members Present: Pam Wesolowski, 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 and Lynne Losecco

1. The hearing was called to order by hearing officer Ann Carroll Nash, Hearing Officer at 1900 hours.
2. Tom Panowicz called Jen Gobel to give testimony regarding the Citations and AWA's.
 - A. Hearing regarding Habitual Animal Offender residing at 3212 Mishawaka Ave., South Bend.
 - B. Respondent is Elsa Hack who appeared with her attorney, Mary L. Kohn.
 - C. Investigation that started August 17, 2018 gave SBARC the reason to believe that Respondent had multiple animals living in a home environment that were neglected, not properly care for and living in unsanitary conditions, which was a violation of South Bend City Municipal Code 5-15, 5-16 and 5-23.
 - D. This gave SBARC probable cause to justify asking the Court for an inspection of the premises and seizure of the animals there, which was approved on August 23, 2018.
 - E. On August 23, 2018 SBARC serve the warrant to the Respondent and upon inspection of the premises 12 deceased cats were removed. The condition of the home was unsanitary, the Respondent had 32 live cats inside the home running loose.
 - F. The floors were soaked in urine, the litter boxes were unclean and the smell of urine within the premises was overpowering and very few bags of food were discovered.
 - G. Upon further inspection of the premises 11 cats were found in the freezer in separate bags in two different freezers.
 - H. As a result of their findings at the premises, SBARC issued an Animal Welfare Alert to the Respondent on August 23, 2018 requiring corrective measures be taken immediately.
 - I. The Animal Welfare Alert allowed one week for the Respondent to clean the premises and remove, at a minimum half of the cats back to their appropriate rescue affiliates.
 - J. SBARC conducted an inspection a week later and found the Respondent made incredible improvements to the premises and only had 16 cat remaining on the premises.
 - K. On May 30. 2019 Animal Resource Manager, Jen Gobel, received a report from the South Bend Police Department about the smell of urine at 3212 Mishawaka Avenue, South Bend, the police department was present due to another unrelated call, but the smell was burning several officer's noses and appeared to come from this residence.
 - L. The SBPD reported information that indicated a tenant at the location reported the presence of approximately 40 cats on the main level.
 - M. SBARC had reason to believe that the Respondent had once again had multiple animals living on the premises that were neglected, not properly cared for and living in unsanitary conditions in

violation of South Bend City Municipal Code 5-15, 5-16, and 5-23.

- N. SBARC once again had probable cause to ask the Court for an inspections of said premises and seizure of animals there. Which was approved by the Court.
 - O. May 30, 2019 SBARC served the inspection/seizure warrant to Respondent at the same address.
 - P. Upon inspection of the premises on May 30, 2019 it was found that once again it was unsanitary and required the removal of all 19 cats, 5 dogs and 1 frog from the home.
 - Q. Of the animals removed from the premises four cats and three dogs were the Respondent's personal pets. SBARC has found rescues for the other 18 animals but currently holds the Respondent's seven animals in custody through foster homes.
 - R. Respondent has taken steps to clean the premises to provide a safe and sanitary home for the seven pets in custody.
4. Respondent, Elsa Hack, presented her case through her attorney Mary L. Kohn.
- A. Respondent stated that none of the animals were removed in August of 2018 but that the premises was cleaned according to the City's time frame.
 - B. May of 2019 the animals were removed though Respondent stated there was enough food and water on the premises.
 - C. Respondent stated that the deceased pets found in the freezer were kept there until she could take them out to a local farm to be properly disposed of.
 - D. Respondent does work with several rescues within the community, using her own money to provide care for the animals on the premises.
 - E. Respondent agreed to go into a stipulation that no animals will be fostered at the residence and the only animals residing there will be Respondent's own animals.
 - F. It was agreed between the City and Respondent that all animals within the residence shall be chipped.
5. The South Bend Animal Welfare Commission was in agreement to the stipulation that both parties entered into.

Hearing Adjourned at 1945 hours