

2.13

**OFFICE OF THE  
CITY CLERK**

VALERIE A. BURROWES, MMC  
CITY CLERK

VIRGINIA K. HENRY, CMC  
ASSISTANT CITY CLERK

TERESA FAHNING  
CHIEF DEPUTY CITY CLERK

**CITY OF SACRAMENTO  
CALIFORNIA**

CITY HALL  
915 I STREET  
ROOM 304  
SACRAMENTO, CA  
95814-2671

FAX 916-264-7672

ADMINISTRATION  
PH 916-264-5799

OPERATIONS SERVICES  
PH 916-264-5427

SPECIALIZED SERVICES  
PH 916-264-7200

[WWW.CITYOFSACRAMENTO.ORG](http://WWW.CITYOFSACRAMENTO.ORG)

February 19, 2002

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Appeal of Helen Franklin and Christopher Fredrickson of the Decision of the Animal Care Services Division regarding two dogs deemed to be vicious

LOCATION AND COUNCIL DISTRICT:

The subjects addresses are: Mrs. Franklin - 3300 56<sup>th</sup> Street, Sacramento CA 95820  
Mr. Fredrickson - 5323 14<sup>th</sup> Avenue, Sacramento CA 95820  
Council District 6

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Carolyn E. Hoover, 264-7200  
Valerie A. Burrowes, 264-5799

FOR COUNCIL MEETING OF: February 19, 2002

SUMMARY:

On January 29, 2002 the City Clerk determined the appeal may involve a lengthy fact finding process which would be more appropriately accommodated by a formal hearing before a hearing officer. The hearing for this appeal has been scheduled to be held at **9:00 a.m. on Thursday, February 28, 2002**, at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817, in **Rooms S-9 and S-10**.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

Pursuant to City Code Chapter 1.24.060 of the Sacramento City Code, attached is the appeal of Mrs. Helen Franklin and Mr. Christopher Fredrickson, (mother and son) of the action taken by Pedro (Pete) Alarcon, Senior Animal Control Officer, as set forth in his letter of January 18, 2002, attached to this report. Mr. Alarcon cited Sacramento City Animal Control Ordinance, Section 9.44.700 (B) in deeming both animals to be vicious. Please note: even though the owners of the animals reside at different addresses within Council District 6, the hearing will be held concurrently since the alleged incidents occurred when the animals were together.

FINANCIAL CONSIDERATIONS:

The estimated cost is \$2,136. The funds are available from the Development Services, Animal Control budget.

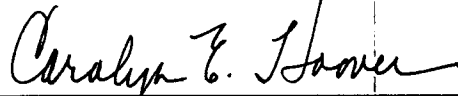
POLICY CONSIDERATIONS:

The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.

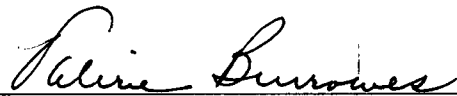
ESBD CONSIDERATIONS:

Not applicable.

Respectfully submitted,



Carolyn E. Hoover, Deputy City Clerk



Valerie A. Burrowes, City Clerk

Attachments:

cc: Hearing Officer, McGeorge School of Law  
Deputy City Attorney Ernest Shimizu  
Hector Cazares, Division Manager  
Pete Alarcon, Senior Animal Control Officer  
File



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PH 916-264-5427

SPECIALIZED SERVICES  
PH 916-264-7200

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February 6, 2002

Helen Franklin  
3300 56<sup>th</sup> Street  
Sacramento, CA 95820

Christopher Fredrickson  
5323 14<sup>th</sup> Avenue  
Sacramento, CA 95820

**SUBJECT: ADMINISTRATIVE APPEAL HEARING**

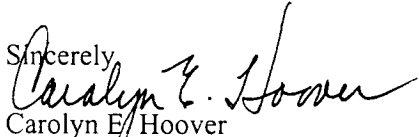
Dear Mrs. Franklin and Mr. Fredrickson:

In accordance with Chapter 1.24.060 of the Sacramento City Code, it has been determined that your appeal regarding the determination of the Animal Control Officer deeming your dogs to be vicious animals will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

Your appeal will be heard on **Thursday, February 28, 2002 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento CA 95817, in Room S9-10.** You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 1.24.090 of the Sacramento City Code, the decision of the Hearing Officer is final and no appeal may be taken to the City Council. If you have any questions concerning this matter, you may call me at 264-7200.

Sincerely,

  
Carolyn E. Hoover  
Deputy City Clerk

cc: Hearing Officer, McGeorge School of Law  
Ernest Shimizu, Deputy City Attorney  
Hector Cazares, Manager, Animal Care Services  
Pete Alarcon, Senior Animal Control Officer  
File



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JAN 22 9:04 AM '02

DEPARTMENT OF  
PUBLIC WORKS

ANIMAL CARE SERVICES DIVISION

HECTOR R. CAZARES, MANAGER

CITY OF SACRAMENTO  
CALIFORNIA

2127 FRONT STREET  
SACRAMENTO, CA  
95818-1106

PH 916-264-7387  
FAX 916-264-5386

January 18, 2002

Helen Franklin  
3300 56<sup>th</sup> St.  
Sacramento, CA. 95820

Christopher Fredrickson  
5323 14<sup>th</sup> Ave.  
Sacramento, CA. 95820

**CERIFIED MAIL-RETURN RECEIPT REQUESTED ARTICLE NO. 7000 1530 0002 7647 5498**

Dear Mrs. Franklin, Mr. Fredrickson:

Your two dogs, (A) a 2 year old, male, brown and white American Pitbull, named "Oscar", and (B) a 1 ½ year old brown and white Sharpei and Boxer Mix, named "Honey-Girl) have been deemed vicious animals under the Sacramento City Animal Control Ordinance, Section 9.44.700 (B).

In April of 2001, your two dogs (A) a 2 year old, male, brown and white American Pitbull, named "Oscar", and (B) a 1 ½ year old brown and white Sharpei and Boxer Mix, named "Honey-Girl) without provocation, attacked and injured a black Labrador puppy belonging to Mr. and Mrs. Gaudette, of 3336 55<sup>th</sup> St., Sacramento, CA..

On November 30<sup>th</sup>, 2001, your two dogs (A) a 2 year old, male, brown and white American Pitbull, named "Oscar", and (B) a 1 ½ year old brown and white Sharpei and Boxer Mix, named "Honey-Girl) without provocation, attacked and severely injured a cat belonging to Mr. and Mrs. Cecil, of 3325 55<sup>th</sup> St., Sacramento, CA., causing it to be euthanized due to its injuries.

On December 7<sup>th</sup>, 2001, your two dogs (A) a 2 year old, male, brown and white American Pitbull, named "Oscar", and (B) a 1 ½ year old brown and white Sharpei and Boxer Mix, named "Honey-Girl) without provocation, attacked three separate cats, killing one of them, that belonged to Mrs. Myra Finch, of 3209 53<sup>rd</sup> St., Sacramento, CA..

We regret to inform you that your dogs will be euthanized on February 2<sup>nd</sup>, 2002.

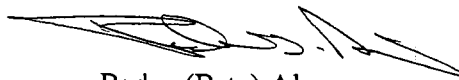
Helen Franklin  
Christopher Fredrickson  
Vicious Animal Letter  
(Page 2)

If you wish to contest the determination of the Chief Animal Control Officer (or his designee), you must file a notice of such appeal with the City Clerk's office at 915 I St., Room 300, City Hall, Sacramento, CA., by 5:00 p.m., February 1<sup>st</sup>, 2002. The non-refundable fee for such appeal is \$150.00 per animal. For information regarding the filing fee, please contact the City Clerk's Office at 264-7200.

Respectively,



SOA Hector Cazares  
Division Manager



Pedro (Pete) Alarcon  
Senior Animal Control Officer

cc: Carolyn Hoover, City Clerk's Office  
City Attorney's Office



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CITY OF SACRAMENTO

JAN 29 1 21 PM '02

NOTICE OF APPEAL  
PLEASE PRINT

DATE: January 29, 2002

Pursuant to Section 2.320, City Code, I wish to appeal the decision of Sacramento Animal Care & Control Center made on January 18, 2002 regarding Honey-Girl & Oscar as required by \_\_\_\_\_ City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

I am appealing the decision to euthanize my dog, Oscar, and my mother's dog, Honey-Girl, due to the appalling lack of physical proof supporting the accusations made against the dogs. The allegations made in the statements against the dogs are exaggerated, unbelievable and unsubstantiated by any evidence.

The decision to deem the dogs "vicious" and advise us that the dogs will be euthanized on February 2, 2002 was not based on sufficient evidence and has thereby determined a "frivolous" cause for this appeal. I move that all charges be dismissed for lack of sufficient evidence to support the decision in this matter.

In order to sufficiently prepare for the hearing, I request discovery, including but not limited to the documents and items requested in Exhibit A attached hereto.

NAME: Christopher John Fredrickson

ADDRESS: 5323 14th Avenue

CITY: Sacramento STATE CA ZIP 95820

TELEPHONE NUMBER: 916-451-5982

SIGNATURE: \_\_\_\_\_

## Exhibit A

1. Any citations, photographs, investigative notes, telephone message notes and/or recordings, computer files and/or printouts, witness statements or any other documents pertaining to the investigation of the Sacramento Animal Care and Control Center, more specifically the investigation conducted by Pete (Pedro) Alarcon or any other person who participated in the investigation of the two Pit Bulls, known as Honey-Girl and Oscar.
2. Any citations, photographs, investigative notes, witness statements, computer files and/or printouts, any telephone notes/interviews; transcripts of any telephone calls made to or from the Center at any time but specifically on April 7<sup>th</sup>, November 30<sup>th</sup> and December 7, 2001, pertaining to the investigation conducted by Pete Alarcon or any other person who participated in the investigation of the two Pit Bulls known as Honey-Girl and Oscar.
3. Any citations, photographs, investigative notes/reports, witness statements, computer files/or printouts, any telephone notes/interviews, transcripts of any telephone calls made to or from the Center or other proof which identifies Oscar and Honey-Girl, or either of them, with the attack and injury to a Black Labrador puppy on April 7, 2001.
4. Any citations, photographs, investigative notes/reports, witness statements, computer files/or printouts, any telephone notes/interviews, transcripts of any telephone calls made to or from the Center or other proof which identifies Oscar and Honey-Girl, or either of them, with the death of a cat on November 30, 2001.
5. Any citations, photographs, investigative notes/reports, witness statements, computer files/or printouts, any telephone notes/interviews, transcripts of any telephone calls made to the Center or from the Center or other proof which identifies Oscar and Honey-Girl, or either of them, with the death of a cat on December 7, 2001.
6. Any complaint or witness statement by Ms. Myra Finch, identified as the owner of the cat, allegedly killed on December 7, 2001 and referenced in the letter dated January 18, 2002 from Pete Alarcon and Hector Cazares.
7. Any and all complaints filed with the Center against Oscar and Honey-Girl within the last five years.
8. The names and phone numbers of any and all witnesses the City of Sacramento plans to call for the appeal hearing on this matter.
9. Any and all complaints filed against dogs of Pit Bull heritage within the last five years.

10. Any and all hearing decisions within the last three years (1999-2001) involving the dispositions of cases/complaints filed with the Center against dogs of Pit Bull heritage.
11. Any and all complaints filed with the Center against dogs in general for viciousness for the last three years (1999-2001).
12. Any and all hearing decisions within the last three years (1999-2001) involving the disposition of cases arising out of complaints filed with the Center against any breed of dog that has been deemed "vicious" by the Sacramento City Animal Care and Control Center.
13. Any and all complaints filed with the Sacramento City Animal Care and Control Center against dogs for the killing of a cat or cats.
14. Any and all hearing decisions involving the disposition of cases arising out of complaints filed with the Sacramento City Animal Care and Control Center that a dog or dogs have killed a cat or cats.

### **Witnesses**

The appellants, Christopher Fredrickson and Helen Franklin, intend to subpoena the following witnesses to testify at the appeal hearing of this matter.

1. Jeanne Scribner, (916) 739-6158
2. Lisa Yvon Holm and Rachel Holm (530) 546-7762
3. Joe Alkire (916) 736-2638
4. Tim Hallinan (916) 451-3450
5. Fred Petrich (916) 451-3450
6. Brandon & Veronica Schoel (530) 822-9167
7. Elaine McCollom (916) 395-6062
8. Dia Goode, Sacramento, CA
9. Lou Ann Ghisletta, 3351 55<sup>th</sup> Street, Sacramento, CA 95820
10. Jenny K. Delaney, 3424 55<sup>th</sup> Street, Sacramento, CA 95820-2329
11. Richard Gaudette, 3336 55<sup>th</sup> Street, Sacramento, CA 95820
12. David Cecil, 55<sup>th</sup> Street, Sacramento, CA 95820
13. Greg Messa, (916) 456-5887
14. Myra Finch, 3209 53<sup>rd</sup> Street, Sacramento, CA 95820
15. Pete Alarcon (916) 264-7833
16. Hector Cazares (916) 264-7433

Appellants reserve the right to amend this list to include any other witnesses who may be discovered in the future and who may have information to contribute to the hearing of this matter.





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JAN 29 1 24 PM '02

**NOTICE OF APPEAL**  
**PLEASE PRINT**

DATE: January 29, 2002

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made on January 18, 2002 regarding Honey-Girl & Oscar as required

by \_\_\_\_\_ City Code.

**MY REASON FOR APPEALING IS AS FOLLOWS:**

I appeal the decision of the Senior Animal Control Officer, Pete Alarcon, of the Sacramento Animal Care and Control Center and the Division Manager, Hector Cazares, against my dog, Honey-Girl and my son's dog, Oscar.

The decision to deem the dogs "vicious" and advise us that the dogs will be euthanized on February 2, 2002 was not based on sufficient evidence and has thereby determined a "frivolous" cause for this appeal. I move that all charges be dismissed for lack of sufficient evidence to support the decision in this matter.

In order to sufficiently prepare for the hearing, I request discovery, including but not limited to the documents and items requested in Exhibit A attached hereto.

NAME: Helen Franklin

ADDRESS: 3300 56th Street

CITY: Sacramento STATE CA ZIP 95820

TELEPHONE NUMBER: (916) 455-6089 or (916) 442-8888

SIGNATURE: 

## Exhibit A

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15. Pete Alarcon (916) 264-7833
16. Hector Cazares (916) 264-7433

Appellants reserve the right to amend this list to include any other witnesses who may be discovered in the future and who may have information to contribute to the hearing of this matter.

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Helen Franklin  
3300 56<sup>th</sup> Street  
Sacramento, CA 95820

Christopher J. Fredrickson  
2353 14<sup>th</sup> Avenue  
Sacramento, CA 95820

February 5, 2002

City of Sacramento  
City Clerk  
915 I Street, Room 304  
Sacramento, CA 95814

Re: Notice of Appeal filed January 29, 2002 against the decision rendered by the Sacramento Animal Care & Control Center in the matter of "Honey-Girl" & "Oscar"

Dear Clerk:

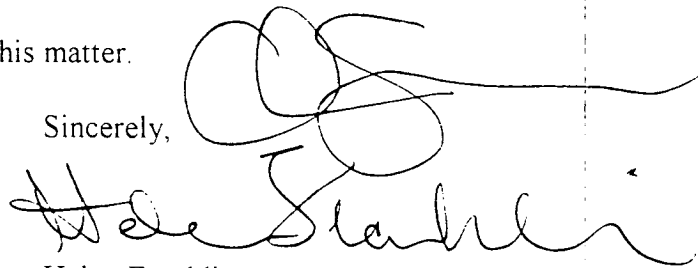
In the appeal, which my son and I filed on January 29, 2002, we included an Exhibit A. In Exhibit A we requested discovery documents in the above-referenced matter. We also reserved the right to request additional documentation and to amend our proposed Witness List as the names or documents became known to us.

We hereby amend our request for discovery to include the following:

15. A list containing the names and telephone numbers of all staff members who attended to the daily care and observation of the two dogs known as "Honey-Girl" and "Oscar" for the period beginning December 7, 2001 until February 5, 2002.
16. Any and all reports whether written or entered into the computer at the Center concerning the care or observations made by the staff members responsible for the daily care and observation of the two dogs known as "Honey-Girl" and "Oscar."

Thank you for your assistance in this matter.

Sincerely,



Helen Franklin  
Christopher Fredrickson

**DECLARATION OF PROOF OF SERVICE BY FACSIMILE**  
**TRANSMISSION AND REGULAR MAIL**

I, Helen Franklin, declare:

1. I am over the age of 18 and not a party to this action.
2. My business address is Nossaman, Guthner, Knox & Elliott, LLP, 915 'L' Street, Suite 1000, Sacramento, California, which is located in the county where the facsimile machine transmission described below took place.
3. On February 5, 2002 I sent a facsimile machine transmission from the following facsimile machine telephone number: 916/442-0382 of the following document: **Letter to the City Clerk with Amendment to Appeal** to Hector R. Cazares at the following facsimile machine telephone number: (916) 264-5386.
4. Upon completion of the said facsimile machine transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.
5. Thereafter, I placed true and correct copies of the foregoing document(s) in sealed envelopes addressed as follows:

Hector R. Cazares, Manager  
City of Sacramento  
Department of Public Works  
Animal Care Services Division  
2127 Front Street  
Sacramento, CA 95818-1106

6. I then placed said envelopes for collection, processing and mailing by Nossaman, Guthner, Knox & Elliott, LLP personnel with the United States Postal Service on today's date, following Nossaman, Guthner, Knox & Elliott, LLP ordinary business practices. Pursuant to these practices with which I am readily familiar, sealed, addressed envelopes are deposited in the ordinary course of business with the United States Postal Service on the same date they are collected and processed, with postage thereon fully prepaid.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on February 5, 2002 at Sacramento, California

  
HELEN FRANKLIN