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**FILED**  
**DEC 16 1997**  
**BY THE CITY COUNCIL**  
**OFFICE OF THE CITY CLERK**

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CITY CLERK

VALERIE A. BURROWES, CMC/AAE  
CITY CLERK

VIRGINIA K. HENRY, CMC/AAE  
ASSISTANT CITY CLERK

**CITY OF SACRAMENTO**  
**CALIFORNIA**

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

FAX 916-264-7672  
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ADMINISTRATION  
PH 916-264-5799

OPERATIONAL SERVICES  
PH 916-264-5426

SPECIALIZED SERVICES  
PH 916-264-7200

December 9, 1997

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** Appeal of Jeanette Nolan from the decision of the Animal Control Division regarding two dogs which have been deemed vicious animals.

LOCATION AND COUNCIL DISTRICT:

The subject address is 2812 Wiese Way, Sacramento CA 95833 in Council District 1.

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Carolyn E. Hoover, Phone No. 264-5426  
Valerie Burrowes, Phone No. 264-5799

FOR COUNCIL MEETING OF: December 16, 1997

SUMMARY:

Attached is the appeal of Jeanette Nolan requesting relief from the decision of the Animal Control Division regarding two dogs which have been deemed to be vicious animals, as required by Section 6.09.101(b) and 6.09.101(c) of the Sacramento City Code.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

On December 2, 1997 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 heard on Monday, January 5, 1998, at 9:00 a.m., at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817.

City Council  
December 9, 1997  
Page Two

FINANCIAL CONSIDERATIONS:

The estimated cost is \$450 and the funds are available from the Public Works Department, Animal Control Division budget.

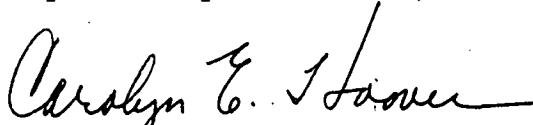
POLICY CONSIDERATIONS:

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

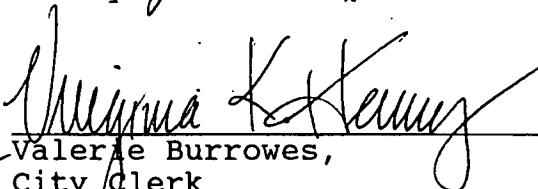
MBE/WBE EFFORTS:

Administrative appeals referred to McGeorge School of Law have no impact on the City of Sacramento's MBE/WBE goals. Hearing Officers are employees of the McGeorge School of Law and not subject to MBE/WBE goals. Pursuant to City Council Agreement No. 87-188, adopted on February 2, 1988, McGeorge School of Law certifies that any goods or services provided and any persons employed pursuant to the Agreement shall be without discrimination based on sex, color, religion, national origin, ancestry, handicap or sexual orientation.

Respectfully submitted,



Carolyn E. Hoover, T.C. III



for Valerie Burrowes,  
City Clerk

Attachment

cc: Hearing Officer, McGeorge School of Law  
Deputy City Attorney Gustavo Martinez  
Ruben Mora, Chief Animal Control Officer



OFFICE OF THE  
CITY CLERK

VALERIE A. BURROWES, CMC/AAF  
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
FIRST CLASS MAIL

December 9, 1997

Jeanette Nolan  
2812 Wiese Way  
Sacramento CA 95833

**SUBJECT: ADMINISTRATIVE APPEAL HEARING**

Dear Ms. Nolan:

In accordance with Chapter 2.06.450 of the Sacramento City Code, it has been determined that your appeal concerning two dogs deemed to be vicious will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

A Hearing Officer will hear your appeal on Monday, January 5, 1998 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 2nd floor. You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 2.06.480 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 on this matter, you may call me at 264-5427.

Sincerely,

Carolyn E. Hoover  
Administrative Appeals Coordinator

cc: Hearing Officer, McGeorge School of Law  
Deputy City Attorney Gustavo Martinez  
Ruben Mora, Chief Animal Control Officer



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CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
Dec 2 9 16 AM '97

NOTICE OF APPEAL  
PLEASE PRINT

DATE: Dec 2, 1997

Pursuant to Section 2.320, City Code, I wish to appeal the decision of vicious dogs  
made on Sept 25, 1997 regarding Rodie / Turbo as required  
by \_\_\_\_\_ City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

I Jeanette Nolan, the owner and sole provider of Rodie and Turbo feel that they should not be put to sleep. I have raised my dogs since they were 9 weeks old. They have not been brought up viciously or in a vicious environment my dogs have been falsely accused by someone who listened to the story given by only one person and didn't hear both sides. If the person who accused my dogs of being so vicious was injured why didn't he go to the hospital or file a report. (He said) he went

NAME: Jeanette Nolan

ADDRESS: 2812 Wiese Way

CITY: Sacto STATE: Ca ZIP: 95833

TELEPHONE NUMBER: (916) 646-0403

SIGNATURE: Jeanette Nolan

but nobody at the pound seen him. The accuser was (4) totally in favor of the whole situation without any authorization or any compromise. By putting my dogs to sleep without both sides of the story is not a proper, or moral way to handle this situation. I feel that since this is a he say she say matter the dogs should



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CITY OF SACRAMENTO

Nov 19 1 56 PM '97

DEPARTMENT OF  
PUBLIC WORKS

ANIMAL CONTROL DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

2127 FRONT STREET  
SACRAMENTO, CA  
95818-1106

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

November 17, 1997

Jeanette Nolan  
2812 Wiese Way  
Sacramento, CA. 95833

Dear Ms. Nolan:

Your two dogs, a black and tan, male Rottweiler, named "Turbo", and a black and tan, female Rottweiler, named "Roxie", have been deemed vicious animals under the Sacramento City Animal Control Ordinance, Sections 6.09.101 (b), "An attack, without provocation, on another animal or livestock which occurs off the property of the owner of the attacking animal, and 6.09.101, (c)"An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.

On September 25, 1997, your two dogs, a black and tan, male Rottweiler, named "Turbo", and a black and tan, female Rottweiler, named "Roxie, without provocation, attacked and injured a dog belonging to Mr. Jim Christianson.

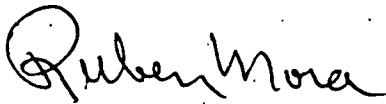
On September 25, 1997, your two dogs, a black and tan, male Rottweiler, named "Turbo", and a black and tan, female Rottweiler, named "Roxie", without provocation, attacked and injured Mr. Jim Christianson, while he was in the process of protecting his dog.

You are hereby notified that your two above mentioned dogs will be put to sleep on December 8, 1997.

Jeanette Nolan  
Letter  
(Page 2)

If you wish to contest the determination of the Chief Animal Control Officer, you must file a notice of such appeal with the City of Sacramento Clerk's office at 915 I St., Room 300, City Hall, Sacramento, CA., before December 7, 1997. 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 264-5427.

Respectively



Ruben Mora  
Chief Animal Control Officer



Dennis J. Kubo  
Division Manager

cc: Carolyn Hoover, City Clerk's office  
Diane Balter, Deputy City Attorney