



1.17

APPROVED
BY THE CITY COUNCIL
JUL 21 1998
OFFICE OF THE
CITY CLERK

OFFICE OF THE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

VALERIE A. BURROWES, CMC/AAE
CITY CLERK

VIRGINIA K. HENRY, CMC/AAE
ASSISTANT CITY CLERK

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

FAX 916-264-7672
HTTP://WWW.SACTO.ORG

ADMINISTRATION
PH 916-264-5799

OPERATIONAL SERVICES
PH 916-264-5427

SPECIALIZED SERVICES
PH 916-264-7200

July 9, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Tony Mohtadi from the decision of the Animal Control Division regarding a dog which has been deemed vicious.

LOCATION AND COUNCIL DISTRICT:

The subject address is 4600 Hillview Way, Sacramento, CA 95822, in Council District 4.

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Carolyn E. Hoover, Phone No. 264-5427
Valerie Burrowes, Phone No. 264-5799

FOR COUNCIL MEETING OF: July 21, 1998

SUMMARY:

Attached is the appeal of Tony Mohtadi requesting relief from the decision of the Animal Control Division regarding a dog which has been deemed vicious, as required by Section 6.09.101 (c & d) of the Sacramento City Code.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

On July 7, 1998 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 for Monday, August 10, 1998, at 9:00 a.m., at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817.

City Council
July 9, 1998
Page Two

FINANCIAL CONSIDERATIONS:

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

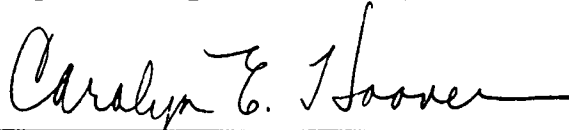
POLICY CONSIDERATIONS:

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

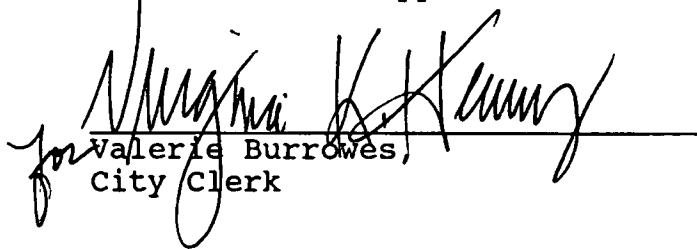
MBE/WBE EFFORTS:

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
Administrative Appeals Coordinator



Valerie Burrowes,
City Clerk

Attachment

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



OFFICE OF THE
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
HTTP://WWW.SACTO.ORG

ADMINISTRATION
PH 916-264-5799

OPERATIONAL SERVICES
PH 916-264-5427

SPECIALIZED SERVICES
PH 916-264-7200

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FIRST CLASS MAIL**

July 9, 1998

Tony Mohtadi
4600 Hillview Way
Sacramento, CA 95822

SUBJECT: ADMINISTRATIVE APPEAL HEARING

Dear Mr. Mohtadi:


In accordance with Chapter 2.06.450 of the Sacramento City Code, it has been determined that your appeal regarding a dog which has been deemed vicious 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 Monday, August 10, 1998 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California (in Room S-7, upstairs). 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
Chief Animal Control Officer Ruben Mora
Animal Control Division Manager Dennis Kubo
File



RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

JUN 7 4 18 PM '98
JUL
celh

NOTICE OF APPEAL
PLEASE PRINT

DATE: 7-7-98

Pursuant to Section 2.320, City Code, I wish to appeal the decision of Animal Central
made on 6-19-98 regarding KENZO as required
by 6.09.101(ced) City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

we love our dog and we feel he is not
going to be any danger to public, it was a
first time this happened. And we want to
save him

NAME: TONY MORTADI

ADDRESS: 4600 Hillview Wy

CITY: Sac STATE CA ZIP 95822

TELEPHONE NUMBER: (916) 442-2232 1-800-673-8378

SIGNATURE: [Handwritten Signature]



RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
JUN 19 3 46 PM '98

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

June 19, 1998

MOHTADI

Mr. Tony Mahtadi
4600 Hillview Way
Sacramento, CA 95822

RE: DOG BITE INVESTIGATION

CERTIFIED RECEIPT: P-394-895-737

Dear Mr. Mohtadi:

The City of Sacramento Animal Care Services has completed a dog bite incident investigation involving your dog that occurred on Sunday, May 31, 1998. As a result of our investigation, the aggressive behavior demonstrated by your dog in committing an attack without provocation¹ inflicting serious injuries on two neighbors is cause to declare your dog a vicious animal as defined in Sacramento City Code Section 6.09.101 (c & d). Release of your dog into your possession (deemed a vicious animal), creates a threat to public safety. Therefore, pursuant to Sacramento City Code Section 6.09.103(c), your dog will be put to sleep on July 8, 1998.

If you wish to contest this determination, you must file a notice of such appeal with the City Clerk's Office at 915 I Street, Room 304, City Hall, Sacramento, California, 95814 before July 8, 1998. A non-refundable fee for such appeal is \$150.00. For information regarding the filing fee, please contact the City Clerk's Office at (916) 264-7200.

If you have any questions with regards to the investigation and determination, please contact me at (916) 264-8167.

Yours truly,

DENNIS J. KUBO,
Parking and Animal Services Manager

RUBEN MORA,
Chief Animal Control Officer

cc: Carolyn E. Hoover, Administrative Appeals Coordinator
Arnold Samuel, Deputy City Attorney
Michael Kashiwagi, Director of Public Works

¹ On May 31, 1998, your dog, "Kenzo", a blonde colored male Akita, without provocation, severely attacked, mauled, and bit Mrs. Edith Oshita of 4637 Sunset Drive while she was on her own property tending her garden, and, attacked and bit Mr. Vince Dutcher of 4657 Sunset Drive while attempting to restrain your dog to prevent further bodily harm to Mrs. Oshita.