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**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 916-264-5426

SPECIALIZED SERVICES
PH 916-264-7200

January 2, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Sharon Wilcox from the decision of the Animal Control Division regarding two dogs which have been deemed vicious

LOCATION AND COUNCIL DISTRICT:

The subject address is 2749 Riverside Blvd., Sacramento, CA, 95818, in Council District 4.

STAFF RECOMMENDATION: This report is for information only.

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

FOR COUNCIL MEETING OF: January 20, 1998

SUMMARY:

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

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

On December 24, 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, February 9, 1998, at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817.

City Council
January 2, 1998
Page Two

FINANCIAL CONSIDERATIONS:

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

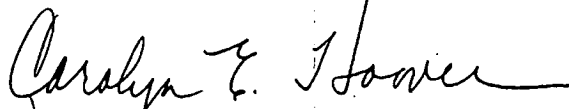
POLICY CONSIDERATIONS:

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

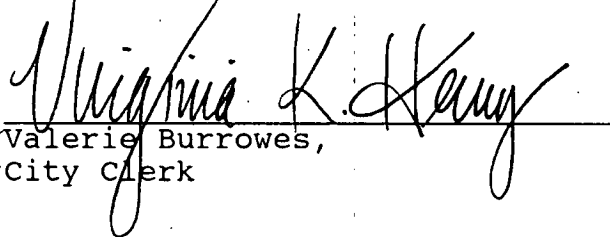
MBE/WBE EFFORTS:

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, T.C. III

for 
Valerie Burrowes,
City Clerk

Attachment

cc: Hearing Officer, McGeorge School of Law
Deputy City Attorney John Patrick
Chief Animal Control Officer Ruben Mora
Pappas & Miller, Attorneys At Law (Russell W. Miller, Jr.)



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FIRST CLASS MAIL

January 2, 1998

Sharon L. Wilcox
2749 Riverside Blvd.
Sacramento CA 95818

SUBJECT: ADMINISTRATIVE APPEAL HEARING

Dear Ms. Wilcox:

In accordance with Chapter 2.06.450 of the Sacramento City Code, it has been determined that your appeal regarding two dogs which have been deemed 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, February 9, 1998 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, second 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 John Patrick
Chief Animal Control Officer Ruben Mora
Russell W. Miller, Jr., Attorney at Law



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CITY OF SACRAMENTO

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NOTICE OF APPEAL
PLEASE PRINT

DATE: 12 DECEMBER 1997

Pursuant to Section 2.320, City Code, I wish to appeal the decision of ANIMAL CONTROL DIV.
made on NOV 17 1997 regarding DESTRUCTION OF MY ANIMALS. as required
by _____ City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

ANY ATTACK THAT MAY HAVE TAKEN PLACE WAS WITH PROVOCATION
AND MITIGATING CIRCUMSTANCES. NO HUMAN WAS THREATENED WITH
PHYSICAL THREAT OF BODILY HARM WITHOUT PROVOCATION. BOTH ANIMALS
DID NOT PARTICIPATE IN THE ALLEGED WRONGFUL ACTIVITIES. THE
ALLEGED VICTIMS ANIMAL WAS THE PROVOCATING FACTOR IN THE
INCIDENT. THERE IS CONFLICTING EVIDENCE TO THE REPORT TAKEN
BY THE ANIMAL CONTROL OFFICER.

NAME: SHARON L. WILCOX
ADDRESS: 2749 RIVERSIDE BLVD.
CITY: SACRAMENTO STATE CA. ZIP 95818
TELEPHONE NUMBER: (916) 552-6780
SIGNATURE: Sharon L. Wilcox

PAPPAS & MILLER

Attorneys At Law
1010 'J' Street, First Floor
Sacramento, California 95814-2802
(916) 447-8965
FAX (916) 447-3406

Timothy R. Pappas
Russell W. Miller, Jr.
James C. Hazen
Cynthia D. Kent

Lewis Munoz, Litigation Paralegal
Sallee Raine, Litigation Paralegal
Cheryl Hawkins, Legal Secretary

December 11, 1997

Diane Balter
Deputy City Attorney
City of Sacramento

Re: Representation of Ms. Sharon Wilcox

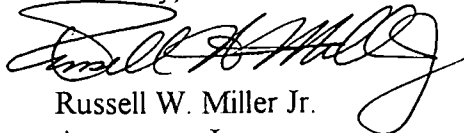
Dear Ms. Balter:

I am forwarding my response to the Animal Control Office to you directly. Somewhere in the City governmental structure I'm certain someone is in possession of my original communication.

Even though I'm certain you are accurate in that you do not have my response, you were notified that such a response had been made. Not only have I informed you of my clients desire to contest the Animal Control Officer's decision to destroy the two animals in question, but have also communicated this to the Animal Control Officer assigned to this case by letter of 18 November 1997.

As always, I am willing to cooperate in any way possible. Thank you for your continued cooperation.

Sincerely,



Russell W. Miller Jr.
Attorney at Law

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Lewis Munoz, Litigation Paralegal
Sallee Raine, Litigation Paralegal
Cheryl Hawkins, Legal Secretary

December 5, 1997

Chief Animal Control Officer
City of Sacramento
Delivered to:
City of Sacramento Clerk
915 I Street, Room 300
City Hall
Sacramento, CA 95814

Re: Destruction of Personal Pets

Dear Mr. Mora:

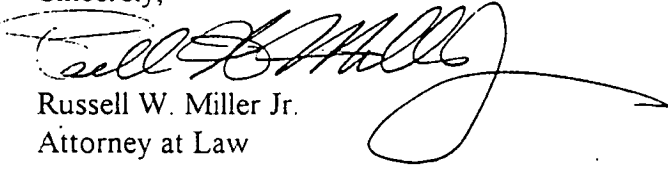
This office has been retained to represent Ms. Sharon Wilcox in the matters arising out of your departments intended actions of destroying her animals.

This letter represents my clients contest of your departments determination. The records, information, evidence, and conclusions used by your department are faulty, erroneous, and inaccurate.

My client wishes a hearing on this matter at the earliest possible time. Please inform my office of the time, place, and procedures for the requested hearing.

Please direct all future communications to this office and my attention.

Sincerely,


Russell W. Miller Jr.
Attorney at Law

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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

Sharon Wilcox
1012 J St.
Sacramento, CA. 95814

Dear Ms. Wilcox:

Your two dogs, a black and brown, male Rottweiler, named "Johnson", and a black and brown, female Rottweiler, named "Blonde", 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", (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", and (d), "Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully".

On November 7, 1997, your two dogs, a black and brown, male Rottweiler, named "Johnson", and a black and brown, female Rottweiler, named "Blonde", without provocation, attacked and severely injured (resulting in death), a cat, belonging to Mr. Donald Preston.

On November 7, 1997, your two dogs, a black and brown, male Rottweiler, named "Johnson", and a black and brown, female Rottweiler, named "Blonde", without provocation, attacked and caused injury to Mr. Donald Preston.

On November 7, 1997, your two dogs, a black and brown, male Rottweiler, named "Johnson", and a black and brown, female Rottweiler, named "Blonde", without provocation, attacked Kristin Palmquist, causing her to take defensive action.

You are hereby notified that you dogs will be put to sleep on December 8, 1997.

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.

Sharon Wilcox
Vicious Animal Letter
(Page 2)

Respectively,



Ruben Mora
Chief Animal Control Officer



Dennis J. Kubo
Division Manager

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