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TELECOPY COVER LETTER

TO: Melody	Number: (559) 713-4679
DATE: February 24, 2017	RE: "Armani & Mademoiselle"
FROM: Rachel	

Total number of pages, including cover letter: 7

Melody, please provide a copy of this updated ruling to the dog owner and her attorney.
If you have any questions, please contact me.

___ Hard copy will follow XX Hard copy will not follow

If you do not receive all pages and/or we are disconnected, please call back
immediately to (559) 733-1065.

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RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.
THANK YOU.

Client: 08-040
Sent by: rlk

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February 14, 2017

Kimberly Stokes
1525 E. Laura Ave.
Visalia, CA 93277

Re: Administrative Hearing regarding "Armani" and "Mademoiselle"

Dear Ms. Stokes:

An administrative hearing was held at the Visalia City Hall on February 13, 2017, at 10:00 a.m. to determine if your dogs, "Armani" and "Mademoiselle," are vicious/dangerous animals that should be destroyed according to Visalia City Ordinance Code Title 6. As Hearing Officer for the City of Visalia, the following is my decision on the matter.

Armani is a male brindle Pit Bull weighing approximately 70-80 pounds and approximately one (1) year old.

Mademoiselle is a female brindle Pit Bull, weighing approximately 50 pounds and one (1) year old.

At the hearing it was alleged that Armani and Mademoiselle were able to escape the backyard of their residence at 1525 E. Laura Ave. as a result of a broken fence line. That on the morning of January 31, 2017, Stephen Stewart was leaving his garage to walk his 2 dogs, one harlequin/white Miniature Schnauzer and a grey and black terrier. That upon opening his garage door, Armani attacked "Jack'o", the grey and black terrier, and knocked Mr. Stewart to the ground inside Mr. Stewart's garage. Mr. Stewart testified that Armani was the clear aggressor in this situation. Mr. Stewart suffered injuries to his hand, he stated were caused as a result of trying to get Armani off of Jack'o and separated.

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Mr. Stewart further testified that approximately one year earlier, the same sort of incident occurred, that Armani had charged him and attacked his dogs and knocked him over.

Testimony was heard by Kimberly Stokes, the owner of Armani and Mademoiselle. She stated she did not witness the incident that occurred on January 31, however did confirm the incident that Mr. Stewart referred to that occurred approximately one year ago. Mrs. Stokes claimed full responsibility for the incident, stating that she should have kept her fence line in better repair and claimed to have paid the veterinarian bills for Mr. Stewart. In addition, Mrs. Stokes brought along with her two other witnesses, Kary Raven and Donald Brooks who testified as follows:

Kary Raven claimed to be the owner of Raven Pitbull Rescue in Hanford. She did not witness the incident and claimed that this incident was human error and that she would be willing to help Kimberly Stokes remediate the animals, or in her language, remediate the owners of the animal.

Donald Brooks claimed to be a dog trainer of approximately 25 years working under the name of Black Gold's Rottweiler. Mr. Brooks did not bring any certifications to the hearing and claimed that he also would be assisting Ms. Stokes with her animals. Both Donald Brooks and Kary Raven without witnessing the incident felt that the animals were not vicious or dangerous.

I was provided photos by Officer Bayless, I was also provided additional photos from Mrs. Stokes, as well as receipts and invoices for Mr. Stewart's veterinarian bills and purchases from Tractor Supply Co. Statements that a kennel has been built in her backyard, statements from Pet Envy Grooming, Marie Alfano, Michelle Nicole Parsons, Jeanette Cross, all stating they have had interactions with Ms. Stokes' dogs Armani and Mademoiselle.

Office Bayless also testified at the hearing. He stated that Mademoiselle has not really shown any signs of aggression at the kennel, however Armani has shown great aggression to any and all animals at the kennel.

The hearing was audiotaped by the Hearing Officer in order to preserve a record. The Hearing Officer will retain a copy of the audiotape for future use if necessary.

Visalia City Ordinances, Chapter 6, et al, states that any animal that has attacked, bitten or caused injury to a human being or other animal is presumed to be vicious/dangerous and the burden is on the owner to present evidence that the animal is not vicious/dangerous.

It is believed by this hearing officer that based upon the evidence presented on

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February 13, 2017, that the fence at the residence was a contributing factor to the situation and that is the direct result of human error. However, the fact that this is the second incident between the very same parties, that no remediation had occurred after the first incident; Armani is determined to be a vicious animal and that pursuant to Visalia City Ordinance Section 6.16.060(A)(3), the animal is dangerous or vicious and it should be humanely destroyed no sooner than the tenth (10th) business day following the mailing of notice of this hearing officer's decision pursuant to Section 6.16.070(C).

As to Mademoiselle, it is believed that Mademoiselle is not vicious as long as Mademoiselle is confined within your home, yard or restrained on a chain and leash for Mademoiselle's respective size and strength.

Based on the foregoing and upon the evidence submitted, your dog Mademoiselle will be returned to you provided the following conditions are met.

1. Your dog must be kept current on all shots and licensing;
2. The dog is to be confined in your home or fenced-in yard and precluded from roaming at large and/or entering the yard(s) of your neighbor(s). This would include making certain that your dog is adequately restrained and/or your fences/gates are repaired and/or replaced in order to prevent escape by your dog.
3. Whenever your dog is not securely contained within your residence or in the fenced-in yard of said residence, the dog must be on a chain or substantial leash sufficient to control an animal of your dog's size and strength;
4. Your dog is to, at your cost, have a microchip inserted into him to assist in the tracking and identification of the animal. City of Visalia Animal Services can give additional details regarding this condition;
5. You attend a six-week obedience training course with your animal of the type provided by Petco or a similar organization and that proof of enrollment and completion of the course be provided to the City of Visalia Animal Services within ninety (90) days of this date;
6. You will have your dog neutered by a facility of your choosing within ninety (90) days of this date;
7. Your dog is hereby placed on probationary status for a period of one (1) year, ending February 13, 2018. As a provision of this probation, an officer of the City of Visalia Animal Services may make "no notice" visits to your residence to ensure that the above conditions are being met.

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Pending your agreement to the terms set out above, you may contact the City of Visalia Animal Services to arrange for the return of your dog to your custody. Any violation of the conditions above will result in the revocation of the dog's provisional license and impounding by the City of Visalia Animal Services.

Very truly yours,



THOMAS E. HORNBURG

TEH/seb

cc: (By Fax (713-4679) and U.S. Mail)
City of Visalia Animal Services
29016 Highway 99
Visalia, CA 93277

Please note, we are required to provide you with the following information: Title 6 ANIMALS, Chapter 6.16 Dangerous or Vicious Animals

"This decision is final. The animal's owner may seek judicial review of this decision by filing a petition for writ of mandate with the Tulare County Superior Court, pursuant to Visalia Municipal Code Section 6.16.060(C) and California Code of Civil Procedure section 1094.6. If you file such an action, you must also notify the animal control officer in writing. If no such petition is filed and no written notice is received by the animal control officer within ten (10) business days of the date this decision is mailed to you, the animal control officer will order the destruction of the animal in a humane manner."