

COUNTY OF LOS ANGELES

DEPARTMENT OF ANIMAL CARE AND CONTROL

COUNTY OF LOS ANGELES,)	
)	
Petitioner,)	
)	
vs.)	No. A13-015520
)	
TRAVIS BOSQUEZ and)	
REBECCA MERRILL,)	
)	
Respondents.)	
_____)	

ADMINISTRATIVE HEARING TO DETERMINE IF DOG IS VICIOUS

Monday, July 29, 2013

Long Beach, California

REPORTED BY: Joy E. Shure, CSR No. 3659, RPR, CRR, CLR

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COUNTY OF LOS ANGELES
DEPARTMENT OF ANIMAL CARE AND CONTROL

COUNTY OF LOS ANGELES,)
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 Petitioner,)
)
 vs.) No. A13-015520
)
 TRAVIS BOSQUEZ and)
 REBECCA MERRILL,)
)
 Respondents.)
 _____)

Administrative Hearing to Determine
If Dog Is Vicious, taken at 5898
Cherry Avenue, Long Beach, California
90805, commencing at the hour of
11:37 a.m., Monday, July 29, 2013,
before Joy E. Shure, CSR No. 3659,
RPR, CRR, CLR.

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APPEARANCES OF COUNSEL:

Respondents:

REBECCA MERRILL

DENISE WHEELER

Administrative Hearing Officer:

GAIL MILEY

Also Present:

ANIMAL CONTROL OFFICER KIM SCHUMANN

ANIMAL CONTROL OFFICER TERRENCE BEARD

ANIMAL CONTROL OFFICER JESSE LARIOS

CONNIE LYNN FREDERICK

BREANNA FREDERICK

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I N D E X

ATTACHMENTS

(The County of Los Angeles, Department of Animal Care and Control file on this matter and documents presented at the hearing.)

1 MONDAY, JULY 29, 2013, LONG BEACH, CALIFORNIA

2 11:37 A.M.

3 * * *

4

5 HEARING OFFICER: All right. Today's
6 administrative hearing is being held here at the
7 Los Angeles County Animal Care and Control
8 administrative offices at 5898 Cherry Avenue in the
9 City of Long Beach.

10 The time is now 11:37. My name is Gail Miley,
11 and I'm an Animal Control Manager with Los Angeles
12 County Animal Care and Control. I oversee our
13 communications and various other programs within the
14 department.

15 I would like all present to please identify who
16 you are for the court reporter. Please say your name
17 slowly and spell your last name and state your
18 relationship to the case.

19 DENISE WHEELER: Denise Christine Wheeler. And
20 what was your last thing? My name?

21 HEARING OFFICER: Yes, spell your last name.

22 DENISE WHEELER: Oh, W-h-e-e-l-e-r, and I'm the
23 owner of the dog.

24 HEARING OFFICER: Okay. One of the owners?

25 DENISE WHEELER: Uh-huh.

1 HEARING OFFICER: Okay.

2 REBECCA MERRILL: I'm Rebecca Merrill. I am
3 the mother of Travis Bosquez, the owner, and I paid for
4 his tests and stuff and vet bills and gave him a home.

5 HEARING OFFICER: So you reside on the
6 property?

7 REBECCA MERRILL: Yes.

8 HEARING OFFICER: All right.

9 OFFICER KIM SCHUMANN: Animal Control Officer
10 Kim Schumann, S-c-h-u-m-a-n-n, for the department.

11 OFFICER TERRENCE BEARD: Animal Control Officer
12 Terrence Beard. That's B-e-a-r-d. I'm the
13 investigating officer on this case.

14 CONNIE FREDERICK: Connie Frederick,
15 F-r-e-d-e-r-i-c-k. I'm Christian Gonzalez's mother.

16 HEARING OFFICER: Okay.

17 BREANNA FREDERICK: Breanna Frederick,
18 F-r-e-d-e-r-i-c-k. I'm Christian Gonzalez's sister.

19 HEARING OFFICER: All right. Would everyone
20 please raise your right hand?

21 In the hearing present before you, do you
22 promise to tell the truth, the whole truth, and nothing
23 but the truth?

24 ALL PARTIES PRESENT: Yes.

25 HEARING OFFICER: Okay. Everybody has answered

1 in the affirmative.

2 During this hearing, everyone will be given an
3 opportunity to speak. If you become unruly or
4 disruptive, you will be asked to leave, and the hearing
5 will continue without you or your testimony.

6 Does everyone understand what I've just said?

7 OFFICER TERRENCE BEARD: Yes.

8 OFFICER KIM SCHUMANN: Yes.

9 DENISE WHEELER: Yes.

10 REBECCA MERRILL: Yes.

11 HEARING OFFICER: The administrative hearing is
12 being conducted for the purposes of determining if the
13 dog in this case meets the definition of "vicious."

14 As the hearing officer in this matter, I will
15 admit all relevant evidence, including all incident
16 reports and affidavits of witnesses. Evidence submitted
17 will not be returned.

18 I will determine if, based on the preponderance
19 of evidence, the dog in this matter meets the definition
20 of "vicious" and shall make other orders or findings as
21 authorized under county code.

22 The case number is A13-015520, and it is the
23 County of Los Angeles versus Travis Bosquez and Rebecca
24 Merrill.

25 Okay. Do you understand the purpose of this

1 hearing?

2 DENISE WHEELER: Yes.

3 HEARING OFFICER: Okay. I've had a chance to
4 review the petition and the evidence as prepared by the
5 department, but I would like the department to present
6 the results of their investigation.

7 OFFICER KIM SCHUMANN: Okay. The respondents,
8 Mr. Travis Bosquez and Ms. Rebecca Merrill, own a dog
9 identified as JoJo. JoJo is a brown-and-black male
10 Pit Bull/Rottweiler mix that came off of their property
11 and attacked a six-year-old child. That was on
12 March 1st or -- yes, sorry, March 1st, 2013.

13 Cole Durment was riding his scooter within the
14 Desert Sands Mobile Home Park on 25th Street East in the
15 City of Lancaster. Cole was riding past the Space
16 No. 96 where the respondents live.

17 JoJo escaped the property, chased Cole,
18 attacked him and bit him three times. Cole received
19 bite wounds on his hip, thigh, and buttocks. Cole's
20 father, Mr. Dale Durment, drove Cole to the Antelope
21 Valley emergency room. Cole's injuries were irrigated,
22 bandaged, and he was prescribed antibiotics.

23 A second attack, a more aggressive attack,
24 occurred on May 16th, approximately 7:00 p.m. Christian
25 Gonzalez, who lives next door to the respondents, was

1 playing ball in his backyard with his siblings. At some
2 point the ball ended up at the properties' dividing
3 fence line.

4 Christian went to retrieve the ball, and as he
5 reached down, some dirt got into his eyes, and he was
6 cleaning the dirt out of his eyes when JoJo jumped up,
7 went over the properties' dividing fence and bit
8 Christian on his left hand. Christian kicked to get
9 JoJo off of him. JoJo then retreated and jumped back
10 over the chain-link fence into his own property.

11 Uhm, it's important to point out that on
12 May 17th, a day after JoJo's attack, Christian had to
13 undergo surgery to repair a significant loss of tissue
14 to his left hand.

15 On May 21st, Christian had a second surgery to
16 implant a skin graft to completely close the deep
17 laceration he sustained on that hand.

18 On the morning of June 27th, 2013, a search
19 warrant was executed by the department. The
20 respondents' dog, JoJo, was seized to protect the
21 residents in the community. JoJo will remain in the
22 care and custody of the department.

23 HEARING OFFICER: Okay.

24 OFFICER TERRENCE BEARD: Yes, for the first
25 incident, it occurred on -- it was actually March 4th --

1 HEARING OFFICER: Okay.

2 OFFICER TERRENCE BEARD: -- 2013, regarding
3 JoJo, the brown-and-black Pit Bull/Rottweiler mix, which
4 is owned by Travis Bosquez, and Rebecca Merrill is on
5 the registration for the license.

6 For the incident on March 4th, I have a
7 declaration from Dale Durment, which is the uncle of
8 Cole Durment, the six-year-old that was attacked by JoJo
9 while riding his scooter. I'm going to just read,
10 because they're not present at the present time.

11 "On March 4, 2013, at approximately 6:00 p.m.,
12 I was at my home with my brother, Dale Durment. My
13 six-year-old son, Cole Durment, came in crying and
14 running to me while I was sitting in the patio area.

15 "Cole told me he was just bitten by a dog.
16 Cole told me he was riding his scooter and the
17 brown-and-black Pit Bull/Rottweiler mix that belongs to
18 the man across the street ran out in front of the gate
19 and bit him three times. Cole had what looked like
20 scratches and bite wounds on his right side of his hip
21 and thigh and butt area.

22 "I did make contact with dog owner,
23 Mr. Bosquez, and advised him that his dog had bit my
24 son. I then took my son, Cole Durment, to the Antelope
25 Valley "Animal" emergency room for treatment. The

1 medical staff cleaned his wounds and prescribed Cole
2 antibiotics.

3 "The black-and-brown Pit Bull/Rottweiler mix
4 basically barks a lot when people walk by," but there
5 were no other problems to report at this time. That was
6 from Cole Durment's father, Cole Charles Durment.

7 HEARING OFFICER: Okay. Now, did he -- I think
8 there was probably a misunderstanding there. He didn't
9 take him to the animal clinic. He took him to a regular
10 hospital?

11 OFFICER TERRENCE BEARD: Yes. Sorry.

12 HEARING OFFICER: All right.

13 OFFICER TERRENCE BEARD: Along with that
14 declaration, I have a declaration from Cole's brother,
15 Dale Durment, after the incident with Cole.

16 "On March 4th, 2013, at approximately
17 6:00 p.m., I was visiting my brother sitting in his home
18 at 45111 25th Street East, Space 11 in Lancaster,
19 located inside the Desert Sands Mobile Home Park.

20 "My six-year-old nephew, Cole Durment, was
21 riding his scooter when a brown-and-black Pit
22 Bull/Rottweiler mix that belongs to Mr. Bosquez got out
23 of the gate and bit my nephew three times on his hip,
24 thigh, and buttocks area.

25 "My brother, Cole Charles Durment, did make

1 contact with the dog owner, Mr. Bosquez, and advised him
2 of the bite. My brother then took my nephew, Cole
3 Durment, to the Antelope Valley emergency room for
4 treatment. The medical staff cleaned his wounds and
5 prescribed Cole antibiotics. The black-and-brown
6 Pit Bull mix has not caused any problems in the past."

7 That is from Dale Durment, the uncle of
8 Cole Durment.

9 HEARING OFFICER: All right. Any other
10 information?

11 OFFICER KIM SCHUMANN: Involving the May 16th
12 attack.

13 HEARING OFFICER: Okay. Would you like to make
14 a statement?

15 REBECCA MERRILL: I don't know what to say. I
16 got in touch with that man and tried to offer him help
17 to pay the doctor bills, and we've talked after that and
18 stuff.

19 DENISE WHEELER: Uh, the first kid that got
20 bitten, he -- we've caught him several times opening our
21 gate for the dog.

22 HEARING OFFICER: Uh-huh.

23 DENISE WHEELER: And actually, they have ran
24 out when that happened. She even said that she's caught
25 that boy letting her dog out of their gate as well.

1 We caught him teasing him, and I believe that
2 he did open the gate and let my dog out. My dog doesn't
3 normally jump the fence and he doesn't bark. We
4 actually have witnesses saying that he doesn't bark at
5 people when they walk by.

6 And the father actually asked us several times
7 to pay him \$5 or buy him a beer and he'll let it go.

8 HEARING OFFICER: Okay.

9 DENISE WHEELER: So that's on the first bite.

10 HEARING OFFICER: Were you there during the
11 attack?

12 DENISE WHEELER: No, I was not there, but I do
13 know that, I mean, I had my dog for two years, and
14 he'll -- we have this little white fence, and he'll like
15 break that down just to get off the steps before he
16 jumps. His head can actually reach over it without him
17 even standing on his two feet.

18 HEARING OFFICER: Okay. And were you there
19 during the attack?

20 REBECCA MERRILL: I was at work.

21 HEARING OFFICER: Okay. So nobody was at the
22 house during the attack?

23 DENISE WHEELER: No, my boyfriend was at the
24 house, and my friend Jennifer, who I have a statement
25 from, was at the house, too.

1 HEARING OFFICER: Okay. And do you have her
2 statement to submit?

3 DENISE WHEELER: Yes.

4 HEARING OFFICER: Okay. Can I see that,
5 please?

6 OFFICER KIM SCHUMANN: This was the first
7 attack?

8 DENISE WHEELER: Uh-huh.

9 HEARING OFFICER: This is with Cole.

10 DENISE WHEELER: Correct.

11 (Whereupon, Jesse Larios entered
12 the proceedings.)

13 HEARING OFFICER: Now, are these statements
14 that are based upon the -- I need statements that are
15 based upon the people that were there during the attack.

16 DENISE WHEELER: This is her information. She
17 sent her statement, but I didn't -- I never received it,
18 but she had walked up five minutes before the second kid
19 was bitten, like five minutes.

20 HEARING OFFICER: Okay. But we're talking
21 about the first attack.

22 DENISE WHEELER: Yeah, I was just saying I have
23 that from her.

24 OFFICER JESSE LARIOS: And this is from your
25 friend?

1 DENISE WHEELER: Yes.

2 OFFICER JESSE LARIOS: Okay. And this is from
3 the friend (indicating).

4 HEARING OFFICER: Okay. And this was the
5 person that was Jennifer Lee?

6 DENISE WHEELER: Yes.

7 REBECCA MERRILL: Can I say something?

8 HEARING OFFICER: Just a second. Let me read
9 this, please.

10 OFFICER JESSE LARIOS: And this is her
11 boyfriend, Travis's, statement.

12 DENISE WHEELER: I'm not sure who else was
13 there, because I didn't think --

14 OFFICER JESSE LARIOS: All right. We'll just
15 read what we've got.

16 HEARING OFFICER: Okay. Now, you're claiming
17 that Jennifer was there and witnessed the attack?

18 DENISE WHEELER: She didn't witness it, but she
19 was sitting, uhm, I guess, outside on the porch and
20 came -- and when she came inside, she -- then it
21 happened.

22 HEARING OFFICER: Okay. Because the
23 information that's in here is talking about --

24 DENISE WHEELER: I didn't read what she had
25 wrote down, but she told me that -- that's what she had

1 told me is that she was sitting inside.

2 HEARING OFFICER: She doesn't indicate anything
3 about seeing the attack. She talks about that -- she
4 talks about the demeanor of the dog around other
5 children, and she talks about that they've seen people
6 in the park spraying the dog and throwing rocks at the
7 dog, and that the gate is --

8 DENISE WHEELER: That she had come into the
9 gate and to go into the house, and when she had shut the
10 gate and then came into the house, sat on the porch to
11 finish her cigarette and came in the house is what she
12 had told me.

13 And I guess a few minutes later is when -- I'm
14 not sure if it was a few minutes or how long it was, but
15 she said after that is when they came up.

16 HEARING OFFICER: It says, you know, she's not
17 talking about the date of the incident. She's talking
18 about in general that she's witnessed kids taunting the
19 dog and throwing rocks or sitting by the glass door and
20 calling its name.

21 And it says, "The gate is rarely used, and when
22 it does, it's made sure it always latched and secure
23 before unattended. JoJo was not an aggressive dog
24 whatsoever and definitely was provoked."

25 All right. Now --

1 DENISE WHEELER: And I'm not sure if his
2 statement says about the first bite that had happened.

3 HEARING OFFICER: Okay. This is from Travis
4 Bosquez dated 7/27/1980?

5 DENISE WHEELER: That's his birthday.

6 HEARING OFFICER: Okay. Again, this doesn't
7 talk about anything that happened that date. It talks
8 about generalities, and it talks about that he's saying
9 that "From the day we moved in here, the neighbors have
10 been tormenting and teasing our dog. The boy who was
11 bitten, the smallest girl, and their father have been
12 witnessed on many occasions calling his name, throwing
13 rocks at him and spraying him with a hose" -- okay --
14 that and you've asked him to stop bothering the dog.

15 And apparently, that their action, reported
16 action, was in response to the dog running up and down
17 the perimeter fence, kicking up dust and barking.

18 And so when they complained about that problem,
19 you installed a small separation gate and an invisible
20 fence barrier to keep JoJo away from the yard, and it
21 was successful for the most part except some -- I can't
22 read what it says -- "but that was because our yards are
23 dusty and the neighbors continue to tease him even after
24 we put up the extra cautions."

25 Okay. But it still doesn't address anything

1 that happened that day, the circumstances.

2 Okay. Anything else?

3 REBECCA MERRILL: I was going to say that after
4 Christian was bit, a few days after that, I had talked
5 to his father and he said also that that little boy, the
6 Durment boy, had let their dog out of their yard another
7 time, too.

8 HEARING OFFICER: And how old is Christian?

9 CONNIE LYNN FREDERICK: He's eight.

10 REBECCA MERRILL: And we have receipts where we
11 put the thing in the yard in January.

12 DENISE WHEELER: Because if he crosses -- if he
13 crosses -- there's seven feet in between like where our
14 porch ends and the fence. If he crosses it, it shocks
15 him, because it's an invisible fence line.

16 And we also have -- we hired some -- or we
17 hired somebody, an investigator, to help us out, and
18 that's her paperwork that she wrote.

19 REBECCA MERRILL: I hired a dog handler to show
20 us how to --

21 DENISE WHEELER: For behavioral.

22 REBECCA MERRILL: -- to see what was wrong with
23 our dog, and that's her note.

24 HEARING OFFICER: Okay. This is from Delores
25 Burton, and it says here, "I am the owner of K-9 Campus,

1 and I specialize in dog behavior problems. I have been
2 doing dog rehabilitation for 12 years.

3 "On June 4th, 2012 (sic), I was called to
4 evaluate Travis Bosquez's dog, JoJo, for aggression. At
5 the time, I evaluated JoJo and showed the owners some
6 techniques for training. I was unable to trigger any
7 abnormal behavior.

8 "On June 11th, 2013, I was hired to give them a
9 session on dog behavior. The session lasted about two
10 hours. We went over dog behavior, body language,
11 leadership exercises. We worked on each of these issues
12 they asked me, and we made good progress with him. He
13 was very receptive to training.

14 "I was scheduled for a return visit to monitor
15 JoJo's progress, but I am waiting to hear the decision
16 of the court.

17 "If you have any questions, feel free to call
18 me at" -- and she lists several numbers.

19 This is another correspondence from Delores
20 Burton from K-9 Campus. It says, "When I evaluated
21 JoJo, while I did not antagonize him, I did my usual
22 aggression tests, such as picking him up, hugging him
23 around the neck, testing his tolerance by holding his
24 paws and lightly applying pressure to the webs between
25 his toes, staring at him, startling him by dropping a

1 ball behind him, took food away from him. He reacted
2 normally to all the tests. I was unable to elicit any
3 aggression. I also observed him around the baby. I did
4 not at any time note any aggression."

5 Which baby was that?

6 DENISE WHEELER: Our 12-month-old baby that
7 actually lives with us.

8 HEARING OFFICER: Okay. "When I went to the
9 session, we talked about dog psychology, recognizing his
10 body language, and what he is trying to communicate, how
11 to stop his behavior before it escalates, how to give a
12 proper correction, how to become leader of the pack.

13 "Now we physically worked with him on not
14 pulling on leash, excessive barking, not jumping or
15 getting too hyper, how to walk by people and dogs
16 without incident. This session lasted about two hours.

17 "He responded very well to everything. I
18 focused on behavior and problem solving. We did not
19 work on any obedience training, sit-down, come, heel, or
20 stay. We worked on respecting humans."

21 Okay. Here's another letter again from Delores
22 Burton, July 20th, 2013. "I would like to inform the
23 court that I have found a rescue, Halfway to Home, that
24 is willing to take JoJo should the court rule in favor
25 of the plaintiffs.

1 "I don't know what triggered the dog bite as I
2 was not there. I am not diminishing the seriousness of
3 the situation, but I was unable to trigger any
4 aggression the two times I worked with him. I'm willing
5 to work with him in the future. He was very responsive
6 to his training while I was there."

7 And it says, "I hope you will not rule to have
8 this dog put down."

9 As you probably know, in your paperwork, we're
10 not seeking to put the dog down.

11 And what is this one here from --

12 REBECCA MERRILL: That's --

13 HEARING OFFICER: This is the ISC
14 investigation?

15 REBECCA MERRILL: Yes.

16 HEARING OFFICER: Okay. Excuse me. We are
17 looking to destroy the dog.

18 REBECCA MERRILL: Pardon me?

19 HEARING OFFICER: We are looking to destroy the
20 dog.

21 REBECCA MERRILL: Well, I don't think you
22 should be. He has a loving home.

23 HEARING OFFICER: Okay. I just wanted to
24 correct what I said.

25 So we're continuing on with the information.

1 Okay. This is a whole other investigation that you
2 requested?

3 DENISE WHEELER: Yeah, we hired an investigator
4 to help us out with it, and she went around and she got
5 statements, uhm, witness statements, from the neighbors
6 and their kids.

7 HEARING OFFICER: Okay. Have you seen this?

8 OFFICER JESSE LARIOS: Have you had a chance to
9 see it (indicating)?

10 REBECCA MERRILL: It's statements from people
11 in the park.

12 HEARING OFFICER: Okay. Well, this is a pretty
13 long report. So I guess what we can do is start reading
14 it into the record.

15 OFFICER JESSE LARIOS: There's those two
16 (indicating).

17 HEARING OFFICER: Okay. Before we do that, is
18 their investigation, does that cover both incidents?

19 DENISE WHEELER: Uhm, she couldn't -- I guess
20 she couldn't get ahold of the first people to talk to
21 them about it, and nobody, our neighbors, nobody didn't
22 see it.

23 HEARING OFFICER: Okay. So this was in regards
24 to the second incident?

25 DENISE WHEELER: Yes.

1 REBECCA MERRILL: Uh-huh.

2 HEARING OFFICER: Okay. And when did you put
3 up the -- and take the precautions?

4 DENISE WHEELER: The fence, the invisible
5 fence, had actually been in since January.

6 HEARING OFFICER: Uh-huh.

7 DENISE WHEELER: And the padlock that we put on
8 after the first incident, the very next day we put it on
9 there because we feel they let him out of the gate and,
10 uh -- (indicating).

11 HEARING OFFICER: Okay. We've got some
12 pictures.

13 DENISE WHEELER: And the collar, it shocks his
14 him if he crosses it, and he's never -- and he usually
15 doesn't cross it.

16 Even like sometimes when it gets turned off or
17 the battery has died, uhm, he still won't like cross it.
18 His toy will get in there, and he'll just leave it.

19 REBECCA MERRILL: There's like a chicken wire
20 between that fence and our house, so he wouldn't drop
21 the dirt and bother them. And his bone is there. If he
22 was a jumping dog, he would go over that. He never did.
23 There's a picture there of it, and I have a picture of
24 the child's ball there between the trees.

25 HEARING OFFICER: Okay. So the padlock that's

1 on the gate, that goes to into the property?

2 REBECCA MERRILL: The back gate, yes.

3 DENISE WHEELER: There's two gates.

4 HEARING OFFICER: Oh, that's the back gate.

5 Okay.

6 REBECCA MERRILL: That was the one that was
7 supposed to have been open the day that the first child
8 got bit.

9 HEARING OFFICER: Okay.

10 DENISE WHEELER: We've completely stopped him
11 from going to the front part of the yard. So he's only
12 in the backyard.

13 HEARING OFFICER: And when did you do that?

14 DENISE WHEELER: We did that back in January as
15 well.

16 HEARING OFFICER: Okay. But you still ended up
17 with two attacks?

18 DENISE WHEELER: Well, the first boy, we've
19 caught him teasing the dog and teasing the dog and
20 teasing the dog numerous times, and we've caught him
21 letting the dog out, trying to let our dog out of the
22 gate as well.

23 And I think that when he let him out of the
24 gate, that's when JoJo bit him. I don't think my dog
25 ran out into the middle of the street and got him.

1 REBECCA MERRILL: Also, with a baby, we'll put
2 a chair down between the kitchen and the living room --
3 our mobile home is small -- so she can't get in the
4 kitchen.

5 He will stand in the kitchen and not jump that
6 chair. He'll go between the legs, but he won't jump the
7 chair.

8 DENISE WHEELER: And those little white gates
9 that you see in those pictures, I don't know if they're
10 in those pictures, but they're in the pictures of the
11 report --

12 REBECCA MERRILL: They're just little plastic
13 gates.

14 DENISE WHEELER: -- they're just little plastic
15 gates that I made, and he -- yeah, he has broken it down
16 one time, but he also can -- if he crosses it, he will
17 get shocked as well, but he won't hop over it.

18 He, actually, on the other side, he tries --
19 he'll crawl around, over the edge to go, you know, out
20 of the porch or onto the porch rather than just go right
21 over it, and he can just hop right over it if he wanted
22 to, but he won't. I don't think he knows how to jump
23 over a gate.

24 HEARING OFFICER: Okay. So what's being
25 described here is there's a perimeter fencing that's a

1 chain-link fence that's about -- what? -- four foot, you
2 would say?

3 DENISE WHEELER: Yeah, it's four feet.

4 HEARING OFFICER: Okay. And then the mobile
5 home is within that chain-link perimeter, and there's
6 two or three stairs going up to a deck, which I'm
7 assuming goes into the door.

8 DENISE WHEELER: It's one going to the front
9 yard, and one going to the backyard and going into our
10 house.

11 HEARING OFFICER: Oh, okay.

12 DENISE WHEELER: But the thing goes down and
13 along the front steps and then down the whole porch and
14 all the way down to the end of the gate.

15 HEARING OFFICER: What is "the thing"?

16 DENISE WHEELER: It's the invisible fence.

17 HEARING OFFICER: Oh, okay.

18 DENISE WHEELER: And it separates -- he
19 cannot -- if he goes -- it's seven feet that he can't go
20 towards to their -- the whole side of their fence.

21 HEARING OFFICER: The whole perimeter?

22 DENISE WHEELER: If he does, it will shock him.

23 HEARING OFFICER: Okay. And on the deck there
24 is a baby gate?

25 DENISE WHEELER: I put them up there to stop

1 JoJo from going past that point, plus for the baby, too,
2 as well, because she'll be in her walker on the porch
3 with us.

4 HEARING OFFICER: And are there people usually
5 home at the house, or are there not?

6 DENISE WHEELER: Yes, I'm usually always home.

7 HEARING OFFICER: Okay.

8 DENISE WHEELER: And the baby, she'll be in her
9 walker, and she'll just run full blast and run into him
10 and everything, and all he does is get up and run and
11 hide. He's never snapped at her or never done anything
12 towards her.

13 HEARING OFFICER: Okay. You mentioned that the
14 collar, the collar with the invisible fence, it works
15 provided that the batteries are charged.

16 DENISE WHEELER: Well, we change the batteries.
17 Once we realized -- like once we noticed if they're off,
18 because we have a tester, then we change the batteries.

19 HEARING OFFICER: Okay. And how often do you
20 test it?

21 DENISE WHEELER: Uhm, well, we know that the
22 batteries usually die around every -- like maybe once a
23 week we change them, and we make sure that they're
24 charged.

25 And we have a little battery tester, a little

1 one, and we test the batteries to make sure if they're
2 alive or dead, and most of the time they're not fully
3 dead, but we still change them just because we don't
4 want anything to happen.

5 HEARING OFFICER: Okay. And when do the
6 neighbors -- I mean, obviously, the neighbors must have
7 said something to you about the barking problem and the
8 dog running around, up and down the perimeter fence,
9 because you put this in in January; is that correct?

10 DENISE WHEELER: Yes.

11 HEARING OFFICER: Okay. So you had a
12 conversation with them about that?

13 DENISE WHEELER: We've never had complaints
14 about him barking. It was only the, uhm -- as you can
15 see there, we have a girl across the street we don't
16 even know, she said she's never even heard him bark, but
17 she has seen him sitting on the porch when people walk
18 by and he never barks.

19 HEARING OFFICER: Uh-huh.

20 DENISE WHEELER: But they were complaining
21 about the dog going back and forth along the fence line
22 causing dirt just to get up on their car and stuff.

23 HEARING OFFICER: Okay. I would assume, with
24 the close proximity, and if there's a lot of children in
25 the area, you know, the dog is probably responding to

1 the kids playing ball or on their scooter and is
2 probably running up and down at that time.

3 DENISE WHEELER: Just gets excited.

4 HEARING OFFICER: Yeah, gets excited.

5 REBECCA MERRILL: Every neighbor has an animal.
6 We all have an animal.

7 DENISE WHEELER: There's a dog behind us that
8 JoJo plays with all the time and their children and
9 across the street, and he don't ever bark at other dogs
10 or nothing.

11 HEARING OFFICER: And what did you do after the
12 first attempt? What did you do to prevent JoJo from
13 repeating?

14 DENISE WHEELER: We tried not to let him out as
15 much without us out there, like he wasn't even -- with
16 the second one, he wasn't out there that long without
17 somebody there.

18 My friend Kim was coming over, so I put him
19 outside maybe 15 minutes, and then she came over five
20 minutes later, they were knocking at the door, and then
21 we locked -- put the padlocks on the gates, and we did
22 have "Beware of Dog" signs put up.

23 HEARING OFFICER: Okay. And did you put
24 padlocks on the -- on both gates?

25 DENISE WHEELER: Yes, on both of them.

1 HEARING OFFICER: Okay. And by putting up a
2 "Beware of Dog" sign, you know that that --

3 DENISE WHEELER: That's why we took it down.

4 HEARING OFFICER: Yeah, it --

5 REBECCA MERRILL: We put him on a leash,
6 though, and walked him to the outside.

7 And then my daughter was baby-sitting for a
8 weekend when we went to Laughlin, and I have a note here
9 from her that he never left her side that day, and she
10 sent me pictures on my phone where they're in bed
11 together.

12 HEARING OFFICER: Uh-huh. That really doesn't
13 duplicate the circumstances --

14 REBECCA MERRILL: I understand.

15 HEARING OFFICER: -- of either one of those
16 attacks. I understand that with family members and
17 people that you invite on the property, that the dog may
18 be okay with them.

19 Okay. There was an investigation, apparently,
20 that you asked an investigator from ISC Investigations
21 in Downey to come out and investigate the incident, and
22 this is the -- okay. Apparently, they investigated both
23 incidents.

24 Okay. Now, did JoJo jump out of the fence?
25 You're saying that the --

1 DENISE WHEELER: I'm saying that I'm positive
2 that he didn't.

3 HEARING OFFICER: On the second incident?

4 DENISE WHEELER: I'm positive that he never
5 jumped the fence.

6 HEARING OFFICER: Okay. On the second
7 incident?

8 DENISE WHEELER: Neither one.

9 HEARING OFFICER: Okay. You weren't there. I
10 mean, you didn't see it?

11 DENISE WHEELER: I didn't see it, but I know
12 that he's never jumped a fence before, and I don't see
13 why he would jump a fence and then jump back over. I
14 mean, he has never jumped a fence. He won't even jump
15 over a chair.

16 HEARING OFFICER: Okay. Did you witness the
17 attack?

18 CONNIE LYNN FREDERICK: No. I'm just going by
19 what my son said and my other kids because I was inside
20 the house when it happened.

21 HEARING OFFICER: Okay.

22 CONNIE LYNN FREDERICK: But then as soon as he
23 started screaming and crying, I ran out there to get
24 him. And then when we were at the hospital, he told me
25 what happened. He told that he was outside playing ball

1 the whole time.

2 Yeah, he had told us -- when we were in the car
3 on the way to the hospital, he had said that JoJo jumped
4 on him and bit it, but I got the whole story at the
5 hospital.

6 HEARING OFFICER: Okay. So did the dog jump
7 out of the fence or not?

8 CONNIE LYNN FREDERICK: Well, that's what he
9 said. I wasn't there.

10 HEARING OFFICER: Okay.

11 CONNIE LYNN FREDERICK: Like I said, I didn't
12 see what happened, but that's what he said happened.

13 HEARING OFFICER: Okay.

14 CONNIE LYNN FREDERICK: And I asked him several
15 times to make sure that he wasn't elaborating or
16 anything like that, and he told me exactly the same
17 story over and over again.

18 HEARING OFFICER: Okay.

19 CONNIE LYNN FREDERICK: And our fence is
20 actually like knocked down, and then like it looked like
21 he jumped on a trash can.

22 DENISE WHEELER: Uhm, the trash can has always
23 been like that, uhm, I want to state, because I noticed
24 it when the two -- when her granddaughter Taylor and
25 their daughter Taylor would play, they were hopping back

1 and forth from the other gate, and the gate has been
2 like that for --

3 CONNIE LYNN FREDERICK: They don't ever hop
4 over that fence to their part ever.

5 REBECCA MERRILL: And here's a statement from
6 Breanna that he did not jump the fence; he stood up to
7 the fence.

8 HEARING OFFICER: Is this your daughter?

9 CONNIE LYNN FREDERICK: Yes, this is her. I
10 wasn't home when the investigator came over, so I don't
11 know if that's --

12 HEARING OFFICER: Okay. And were you there?

13 BREANNA FREDERICK: I wasn't outside. Like
14 there's two outsides, and I was in the front yard,
15 because they told me -- I heard Christian scream, and
16 that's when I ran around to find him like laying on the
17 ground, and there was blood like on the concrete and
18 stuff like that.

19 And when we were in the car, because I was
20 holding him and putting a cloth on his hand to let some
21 of the fluid out, and he told me a story about what
22 happened. And he was like, "He jumped on me, and then I
23 kicked him."

24 Like I couldn't see, because they were playing
25 ball on the other side. Like we have a fence. They

1 were playing ball on the other side, and then it went
2 over there by the trash can, and he went to go get it.

3 And then that's like when he was throwing dirt,
4 because he always does that, and it got in his eyes, and
5 then he jumped on him, and he said he kicked him back,
6 but he jumped onto the trash can as you can see in the
7 picture.

8 Yeah, and then there's this picture right here
9 to show that the fence is messed up.

10 OFFICER KIM SCHUMANN: How old is Breanna?

11 BREANNA FREDERICK: Huh? Oh, I'm almost 18.
12 I'm 17.

13 OFFICER KIM SCHUMANN: Okay. But were you
14 questioned by the investigator with your parents?

15 CONNIE LYNN FREDERICK: I wasn't home.

16 BREANNA FREDERICK: No, she questioned me, a
17 couple of questions.

18 OFFICER KIM SCHUMANN: But neither one of your
19 parents were present?

20 BREANNA FREDERICK: No.

21 CONNIE LYNN FREDERICK: She also said --

22 THE REPORTER: I need you to speak one at a
23 time. Please stop.

24 HEARING OFFICER: Wait, wait, wait.

25 DENISE WHEELER: The investigator told us that

1 the girl had said that she was 18.

2 HEARING OFFICER: That what?

3 DENISE WHEELER: She told the investigator that
4 she was 18. That is why she didn't give us any
5 information of what she said.

6 OFFICER KIM SCHUMANN: Okay.

7 THE REPORTER: You know, I can't hear you.

8 HEARING OFFICER: You guys can't carry on a
9 second conversation.

10 DENISE WHEELER: Excuse me. Right after they
11 had left to the hospital, me and my boyfriend did go
12 look to see what happened in the backyard, and the only
13 place we could find blood was right next to -- there was
14 like a couple drops of blood next to the barbecue in
15 between the two trees.

16 HEARING OFFICER: Uh-huh.

17 DENISE WHEELER: And that was not in the
18 backyard by the trash can, which that trash can had been
19 like that since I moved in there.

20 HEARING OFFICER: Well, it's possible that the
21 bite wound didn't start bleeding profusely until he got
22 away, you know. So it's possible that it wasn't there
23 at the site where the attack occurred.

24 DENISE WHEELER: That trash can had been like
25 that.

1 HEARING OFFICER: All right. At the time when
2 this incident occurred, was the dog collar working?

3 DENISE WHEELER: Yes, it was. It was on and --
4 it was on him.

5 HEARING OFFICER: So how did the dog get so
6 close to the fence?

7 DENISE WHEELER: Because I think what had
8 happened is when they were playing in the backyard, I
9 think that he was on the edge of the lining up until the
10 boy came to the fence.

11 I think that when the boy came to the fence,
12 JoJo had ran up, bit him, and then ran back because it
13 shocked him so bad, and he came up to my -- and then
14 came up to the door and was sitting there shaking.

15 When they came and knocked on the door and told
16 me that the dog had bitten, I immediately -- I
17 didn't even answer the door, my friend did -- and I went
18 straight out.

19 I just heard, "JoJo bit," and I ran straight to
20 the door, and he's laying by my front door just laying
21 there. It looked like he got shocked the shit out of
22 him, and he came inside and drank all his water.

23 HEARING OFFICER: Okay. But you didn't test
24 the battery?

25 DENISE WHEELER: Well, I know we only changed

1 it like two days prior to that, and the thing was
2 plugged in and it was turned red on it, so which means
3 it's on.

4 HEARING OFFICER: Okay. All right. Would you
5 like to make a statement?

6 CONNIE LYNN FREDERICK: Well, just a couple
7 things.

8 For one, there's no way that the fence -- well,
9 I don't know if it's on or doesn't work, but constantly
10 the dog is always going across on the fence.

11 And it's not my kids instigating the dog,
12 because I've been out there just sitting there and the
13 dog is constantly growling at me. He's going up and
14 down the fence.

15 And my kids don't throw rocks at the dog. They
16 would never do that. I have two dogs. They don't
17 instigate my dogs or tease my dogs in any way.

18 REBECCA MERRILL: Can I say something?

19 BREANNA FREDERICK: Yeah, I have a couple
20 things to say.

21 Like we've been out there and the kids aren't
22 like dysfunctional, and they don't throw rocks.

23 Like my sister wouldn't go next door -- because
24 she was friends with Travis's daughter, and she wouldn't
25 go next door because she was scared of the dog and she

1 would make me walk to the door.

2 And then also I went over there one day to dye
3 Denise's hair, and the dog was off, because she said
4 that he was going to bite me, and then when she let the
5 dog out, he like held her back and said to Denise, "Go
6 hold the dog back so he doesn't bite."

7 DENISE WHEELER: That's not true. I put the
8 dog -- I didn't want any trouble, so I just didn't want
9 JoJo to jump on her or nothing like that.

10 And so I put him -- when she walked through the
11 house, I held him and put him in the room because
12 people, a lot of people have problems with him jumping.
13 And Travis was not there at the end when she finished my
14 hair and did not help me get the dog.

15 HEARING OFFICER: Have you ever --

16 DENISE WHEELER: Also, and Taylor, she only
17 came over one time to hang out with his daughter,
18 because his daughter only comes over every once in a
19 while.

20 HEARING OFFICER: Okay.

21 DENISE WHEELER: And I've actually never seen
22 them hanging out outside and I'm outside a lot on my
23 front porch.

24 CONNIE LYNN FREDERICK: I come out pretty much
25 every day.

1 DENISE WHEELER: But now --

2 HEARING OFFICER: Hold on.

3 CONNIE LYNN FREDERICK: My kids never played
4 outside because they're scared of the dog; so they never
5 played outside.

6 They play on the other side of the yard
7 sometimes, but they would never play on that side of the
8 yard because they're scared of the dog. And the only
9 reason why they play out there now is because the dog is
10 gone.

11 BREANNA FREDERICK: And also --

12 HEARING OFFICER: Hold on. Wait. Let your mom
13 talk.

14 CONNIE LYNN FREDERICK: After Christian got
15 bit, they actually let the dog out several times. I
16 wrote them down at home, but I didn't bring it.

17 But then a while later, they started walking
18 him on a leash, but originally they were letting him
19 out, and it seemed like it was every time Christian was
20 outside, but I'm not going to say that that's what they
21 were doing, but --

22 BREANNA FREDERICK: Well, I saw twice that when
23 we came home with Christian, they deliberately let the
24 dog out right when we got home. It wouldn't be a
25 coincidence, because they have the screen door was open.

1 So they deliberately let the dog out.

2 And then also, my sister went out the first day
3 that we -- uhm, that he was at the hospital, my sister
4 went out to talk with him, and Denise said that the dog
5 deserved -- or that my brother deserved to get bit
6 because --

7 DENISE WHEELER: That is not true.

8 HEARING OFFICER: Okay. Did you hear that or
9 not?

10 BREANNA FREDERICK: No, my sister did.

11 HEARING OFFICER: Okay. You can't --

12 DENISE WHEELER: I had a friend with me,
13 actually her. That is not true at all. I said that the
14 boy didn't deserve to get bit, and that I don't think
15 that my dog deserves to get put down for it.

16 And my friend, she wasn't here today with me,
17 but she had a welfare appointment, but she said you guys
18 can call her. Here's her number and everything, but I
19 did not say that.

20 HEARING OFFICER: Okay. Well, the person is
21 not here to -- so it's sort of hearsay.

22 DENISE WHEELER: I would never say that a kid
23 deserves to get bit. That's wrong.

24 CONNIE LYNN FREDERICK: One of the animal
25 control ladies was the one that told me she said that to

1 her.

2 HEARING OFFICER: Okay. Again, it's hearsay.

3 CONNIE LYNN FREDERICK: But also Travis --

4 HEARING OFFICER: What I'm interested in is
5 that can you tell me what your son went through at the
6 hospital and the extent of his injuries?

7 CONNIE LYNN FREDERICK: Basically, the whole
8 part of his hand, his left hand, was taken off, this
9 whole part right here (indicating). He almost lost his
10 pinkie, but they were able to save the tendon.

11 Uhm, he was in the hospital for six days. When
12 I took him to the hospital, they cleaned out his wound,
13 they irrigated it, and then one of the doctors, the ER
14 doctor, came in to look at it, and he said there was
15 nothing he could do, so they wrapped it up, and they
16 admitted him to the hospital.

17 And then that night, because this was about
18 7:00 o'clock, so by the time he was admitted, it was
19 12:00 o'clock. So the next day they took him into
20 surgery. They repaired his tendons and everything and
21 cleaned it out again, but they wrapped it back up, and
22 he put him in a splint -- a non-splint, and said that he
23 needed to wait a little while and then go back to clean
24 it again and try to do a skin graft from this hand to
25 this hand to repair it (indicating).

1 HEARING OFFICER: When you're describing to
2 "this hand to this hand" you need to --

3 CONNIE LYNN FREDERICK: The right hand. They
4 took skin off the right hand and put it on the left hand
5 because it was so deep.

6 So I think it was four days later, they took
7 him into the ER again, and then did the skin graft.
8 They took the skin from the right hand and put it on the
9 left hand and then bandaged it up. And then he was able
10 to go home the next day.

11 And then he had therapy to be able to move his
12 hand and finger, because he was told that if he doesn't
13 move his finger, that he will not have use of it. It
14 will just basically stay stiff, because it's stiff right
15 now, but he's been doing really good at moving it.

16 DENISE WHEELER: And I understand that what
17 happened is very bad, but I -- and I'm not asking for my
18 dog back. The only thing I'm asking is that he not be
19 put down, because I don't feel that he deserves it.

20 He was being -- he was antagonized by many
21 kids, that we've caught many kids teasing them, you
22 know, little kids that I've never seen before walking
23 down and, you know, teasing him.

24 And I would like for like Delores's rescue to
25 take "her" or any other registry to take "her" -- take

1 him. I mean, I'm not asking for him back. I would love
2 to have him back, but I understand that is what
3 happened.

4 HEARING OFFICER: Okay. Can I have those
5 papers back that are over there from Delores?

6 OFFICER KIM SCHUMANN: Oh, you have a copy.

7 HEARING OFFICER: I've got this one here. This
8 is the ISC investigation.

9 OFFICER KIM SCHUMANN: Those other papers are
10 over here (indicating).

11 OFFICER JESSE LARIOS: Thank you so much. Do
12 you need a copy?

13 HEARING OFFICER: Yes. I don't know whether
14 Halfway to Home is somebody that we recognize as a
15 viable option. We'd have to check on that.

16 Can you talk to Debbie and see if she
17 recognizes this rescue? And also, if we do recognize
18 them, I would need verification that they would be
19 willing to, you know, take the dog under some very, very
20 strict conditions.

21 Okay. We'll check with our person that does
22 our adoption partner program and see if the rescue that
23 she is referring to is somebody that we work with.

24 REBECCA MERRILL: Can I say something?

25 HEARING OFFICER: Uh-huh.

1 REBECCA MERRILL: On this Page 7 of this report
2 from the investigator --

3 HEARING OFFICER: Yes, the ISC investigation?

4 REBECCA MERRILL: Yes.

5 HEARING OFFICER: This is on page what?

6 REBECCA MERRILL: 7, from Michael Williams
7 about them seeing Christian's family teasing the dog,
8 the father spraying the dog with a water hose, and the
9 kids throwing rocks at him, he is the neighbor behind
10 me.

11 And the witness, Christian's sister, Breanna
12 Frederick, saying that the dog is an outside dog and
13 seldom inside the residence, this dog is an inside dog.
14 He goes out to go pee and he's inside. He sleeps
15 inside. He sleeps in the recliner. Here's a picture of
16 him (indicating). There he is on all the furniture
17 (indicating).

18 DENISE WHEELER: He sleeps on all the
19 furniture. He sleeps in everybody's bed except for the
20 baby's bed. He is a family dog.

21 HEARING OFFICER: I think the thing that
22 bothers me is that you don't put an invisible fence up
23 and do all this stuff if you know that there's not some
24 kind of problem, and --

25 DENISE WHEELER: Well, we thought the problem

1 was that he was just being a bother, just bothering
2 people.

3 HEARING OFFICER: Okay. So what did you do
4 besides put up an invisible fence? Did you take him to
5 obedience class? Did you do anything?

6 DENISE WHEELER: Well, we did.

7 HEARING OFFICER: Yeah, but after two bites
8 occurred.

9 DENISE WHEELER: No, we did that after the
10 first bite, actually.

11 HEARING OFFICER: Okay.

12 DENISE WHEELER: No, we were looking into it
13 after the first bite, but I couldn't find one, and then
14 I finally found K-9 Campus.

15 HEARING OFFICER: After the second bite?

16 DENISE WHEELER: It was right after the second
17 one I had found it, but I was looking for a few weeks
18 trying to find one that was obedience, that wasn't a
19 whole bunch of money.

20 HEARING OFFICER: Right.

21 REBECCA MERRILL: Something I could afford.

22 HEARING OFFICER: Okay.

23 DENISE WHEELER: I mean, she's really good.
24 She's worked with Cesar Millan. She's mentored by him,
25 and I mean, she did really good with him.

1 HEARING OFFICER: Well, we would have to look
2 into her credentials, but the thing that -- did you
3 explain to her what the circumstances were?

4 DENISE WHEELER: Yes.

5 HEARING OFFICER: Okay.

6 DENISE WHEELER: I explained to her the whole
7 situation of what happened.

8 HEARING OFFICER: That's why I can't understand
9 why she would test him the way that she did. I mean,
10 she really didn't test him according to the
11 circumstances. You know, there wasn't a child running
12 up and down.

13 DENISE WHEELER: Well, there was no children
14 around. Like she wanted to try -- she wanted to have a
15 child, like see how he would react to it, but I didn't
16 feel that we should.

17 HEARING OFFICER: I agree.

18 DENISE WHEELER: And we didn't. Plus, there
19 was no children around.

20 HEARING OFFICER: Yeah, you wouldn't test it on
21 the children, but the thing is that she really wasn't --
22 what she did doesn't really put him in the same kind of
23 condition.

24 You know, these situations, both of them, the
25 dog was out there by himself, and, you know, there were

1 children that were running up and down playing with
2 balls, playing with scooters.

3 DENISE WHEELER: Well, there's also a statement
4 from Michael Williams that their children and their dogs
5 play out in their backyard while JoJo was out there and
6 never been a bother to them or bite them.

7 They would come up and pet JoJo and play with
8 JoJo, and JoJo would play back with them and not ever do
9 anything.

10 HEARING OFFICER: I think the thing that you
11 have to understand is that those children may not be
12 afraid of the dog, and somebody that is afraid of the
13 dog is going to have a different demeanor and the dogs
14 can sense that. And I don't know how old the other
15 neighbor's children are, but --

16 REBECCA MERRILL: They're small also. This guy
17 has got like four kids.

18 HEARING OFFICER: Again, you know, it wasn't
19 the same situation, and it just bothers me that there
20 were two attacks and that the one dog progressively got
21 worse.

22 DENISE WHEELER: Well, my -- how I feel is that
23 he's been good with any other children that's came by
24 him.

25 I think that, because we witnessed both

1 children teasing him and teasing him and teasing him and
2 teasing him, I feel that he was provoked to the point
3 where, when he got the chance, he did something.

4 HEARING OFFICER: But you said that the dog is
5 always in the house. How can the kids be out there, and
6 how can he be out there, teasing him?

7 DENISE WHEELER: Because they sit there in
8 their window and tap on the window. And then when I'm
9 outside, I usually have my dog out there with me.

10 REBECCA MERRILL: I have asked that child,
11 Christian, not to tease the dog, because he was teasing
12 him one day and I told him, "Please do not tease the
13 dog."

14 And when I spoke to his father that day, he
15 said, "I've asked my child the same thing, not to tease
16 the dog."

17 HEARING OFFICER: Uh-huh.

18 DENISE WHEELER: He sits in the window and taps
19 on the window and goes, "JoJo, JoJo, JoJo."

20 REBECCA MERRILL: And I was out with the dog.

21 DENISE WHEELER: Yeah, after the second bite,
22 he was never outside by himself. He was always -- we
23 took him only early in the morning or really late at
24 night when nobody was there outside, on a leash.

25 HEARING OFFICER: Okay. Anything else? We're

1 waiting on the information?

2 OFFICER JESSE LARIOS: Yes.

3 HEARING OFFICER: Now, she's saying that --
4 she's not affiliated with this organization; right?

5 DENISE WHEELER: No. I guess it's someone that
6 she knows, or I'm not entirely sure. She's been -- she
7 feels that the dog is not an aggressive dog and that she
8 wants to help the dog, and so she's been looking for a
9 rescue organization to take him.

10 I just feel like he doesn't deserve to be put
11 down. He's still just a puppy.

12 HEARING OFFICER: Do you know where Halfway to
13 Home is based or anything about the rescue?

14 DENISE WHEELER: No, I'm not entirely sure.

15 HEARING OFFICER: Okay.

16 DENISE WHEELER: I'm assuming it might be in
17 Agua Dulce, because she lives in Acton, I believe.

18 HEARING OFFICER: Are they local? Do you know
19 anything at all about them?

20 DENISE WHEELER: I'm not sure. I think it
21 might be around Agua Dulce or around that area, because
22 I believe she's in Acton.

23 OFFICER JESSE LARIOS: In the Little Rock area?

24 DENISE WHEELER: I don't think it's around the
25 Antelope Valley area. I think it's more -- I'm not

1 sure, though.

2 REBECCA MERRILL: I think she lives in
3 Agua Dulce.

4 DENISE WHEELER: I think so, too.

5 HEARING OFFICER: Would Delores be available?

6 DENISE WHEELER: I'm pretty sure, yeah.
7 Whenever I call her, she usually calls me right back.

8 HEARING OFFICER: Can you call on -- there's a
9 cell number here. Can you find out from Delores and
10 find out if --

11 REBECCA MERRILL: I have a card here.

12 HEARING OFFICER: Ask her where this rescue is
13 at, and does she have a confirmation from this rescue
14 that they're prepared to come and pick it up and to
15 abide by any rulings that we have.

16 DENISE WHEELER: Can I also add that when I
17 went to the animal control to talk to them about the
18 incident and they gave me the citation, it was actually
19 the officer who said that he was saying that he felt
20 that, well, if it was his dog and his yard, that he felt
21 the kid would deserve to get bitten, too.

22 And my boyfriend talked about it afterwards,
23 and we felt like maybe what he's saying is trying to get
24 like a recording of us trying to say that he deserved
25 it, which I never said that any kid deserved to get bit.

1 HEARING OFFICER: And what officer are you
2 talking about?

3 DENISE WHEELER: I'm not sure, but I have the
4 ticket that has his name on it, which they never filed.

5 REBECCA MERRILL: Did you want this card for
6 this lady?

7 HEARING OFFICER: Yeah. You can put that with
8 the other paperwork.

9 Well, while we're waiting for some additional
10 information, I have to say that the letter you provided
11 me where she's talking about -- Delores Burton is
12 talking about having found a rescue, Halfway to Home,
13 that is willing to take JoJo, I don't have any
14 information on who at Halfway to Home said that.

15 Also, I don't have a signature from Delores
16 Burton on this correspondence. There's nothing on the
17 letterhead. I don't know what this is a copy of.

18 DENISE WHEELER: Well, she e-mailed it to us
19 because we had not received the letter in the mail on
20 time.

21 HEARING OFFICER: Okay. Are you prepared to
22 pay all the boarding fees?

23 DENISE WHEELER: How much would the fees be?

24 HEARING OFFICER: Well, all the time that the
25 dog has been impounded, all fees associated with it.

1 REBECCA MERRILL: What is the cost?

2 HEARING OFFICER: I don't know. We'd have to
3 look into that.

4 I think that, you know, you're in an area where
5 you've got a lot of children playing. You know, the
6 fence is not very high.

7 I think some of the things that I've seen, you
8 know, you've talked about maybe possibly putting up a
9 bamboo fence that would, you know, go above the current
10 chain-link fence, and unfortunately, I think it's almost
11 a day late and a dollar short. You know, those were
12 some of the things that you should have been thinking of
13 at the time.

14 Maybe you should have been thinking about
15 taking the dog to an obedience class so that the dog
16 didn't -- you know, wasn't stimulated by the kids
17 running up and down.

18 DENISE WHEELER: Well, that's why we had to
19 find the behavioral, because it's not obedience that he
20 needs. He knows how to sit and lay down and do that,
21 but like Delores said, it's behavioral, like he gets
22 excited and like tries to be the alpha dog.

23 HEARING OFFICER: Yeah, I agree with that. And
24 the fact that he, you know, Christian, that he did, he
25 went right on past your, you know, the -- whether it was

1 working or not, he went right on past the invisible
2 fence thing that you had put up and bit him severely on
3 the hand.

4 DENISE WHEELER: And I understand that. And
5 like I said, I'm not asking for my dog back. I just
6 don't want him to be put down.

7 HEARING OFFICER: The problem is that we have
8 to have somebody that would be responsible, that is
9 willing to take on the conditions, because conditions
10 for a vicious dog are -- you know, I don't know whether
11 this would be something where they would permanently
12 keep it, but, you know, I certainly wouldn't want
13 somebody -- a rescue giving this to somebody else.

14 DENISE WHEELER: I think that that lady would
15 keep it, but I'm not sure.

16 HEARING OFFICER: Yeah.

17 (Discussion held off the record.)

18 HEARING OFFICER: Okay. Just so you know,
19 Delores is apparently associated with this rescue that
20 she's talked about and they have been -- they were
21 suspended back in March of 2012 from our adoption
22 program. They're not allowed to adopt animals from our
23 shelter.

24 And then as of July 3rd of 2013, because we
25 imposed additional requirements upon the people that we

1 work with, that they are currently inactive. So we
2 don't recognize this firm.

3 They've been with us, but they've been
4 suspended, and the only qualification that -- I mean,
5 anybody can make up a card and say that they're a
6 behavioral specialist.

7 And she's not really here to talk about her
8 qualifications, but basically, what Delores says is that
9 she works on the property Halfway to Home and
10 rehabilitates some of the animals on the property; so
11 that's what her qualification is.

12 So, you know, not diving into her
13 qualifications any further than that, I don't know
14 whether this would be something that -- on the surface,
15 it doesn't look like something that we would approve.

16 Okay. If there is nothing else -- is there
17 anything else that anybody would like to say, because
18 I'm ready to make a ruling?

19 OFFICER JESSE LARIOS: If I could just be sworn
20 in, since I spoke, for the record.

21 HEARING OFFICER: Okay. Go ahead.

22 OFFICER JESSE LARIOS: I'm Officer Larios, L.A.
23 County Animal Control. I work for the department, and I
24 am the assisting officer to this case, so as of today.

25 HEARING OFFICER: Okay. And Officer Larios

1 went and checked with Debbie Kraus who is in charge of
2 our rescue and adoption partner program, and she pulled
3 up records that go back to 2012 where the rescue was
4 activated and then suspended.

5 And their current status, because they haven't
6 fulfilled the requirements of the program, they're
7 inactive as of July 3rd, 2013.

8 Did you make contact with Delores?

9 OFFICER JESSE LARIOS: I did make contact with
10 Delores --

11 HEARING OFFICER: Burton.

12 OFFICER JESSE LARIOS: -- Burton via telephone,
13 and she indicated that she's just a rehabilitation
14 specialist for aggressive dogs to Halfway to Home
15 adoption rescue, and she only does work for them on the
16 premises and nothing else.

17 HEARING OFFICER: All right. Any other
18 comments?

19 All right. I'm going to go ahead and make a
20 ruling based on the evidence presented and the
21 information that I've heard and the followup that was
22 just done.

23 Okay. I do find that JoJo does meet the
24 definition of a vicious dog under the definition found
25 in Los Angeles County Code, Section 10.37.020.

1 Under "Vicious dog," Section 10.37.030,
2 "Definition," Section B is "Any dog which, when
3 unprovoked, and in an aggressive manner, inflicts severe
4 injury on or kills a person."

5 And the dog has attacked children on two
6 different occasions, the second one even more severe
7 than the first bite.

8 Okay. The dog in the petition is described
9 as JoJo, a two-year-old brown and black male
10 Pit Bull/Rottweiler mix, Animal ID A4549802, is vicious.

11 The following restrictions on the ownership of
12 the dog, which are either mandated or permitted by the
13 ordinance, are appropriate in view of the respondent's
14 failure to demonstrate responsibility in the care and
15 control of the dog in custody.

16 And "A," a dog determined to be vicious may be
17 destroyed by the department when it is found, after
18 proceedings conducted under Section 10.37.110, that the
19 release of the dog would create a significant threat to
20 the public health, safety, and welfare. And I believe
21 that, unfortunately, your dog and the conditions meet
22 those criteria. So this concludes the hearing.

23 (Proceedings concluded at 12:55 p.m.)

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REPORTER'S CERTIFICATE

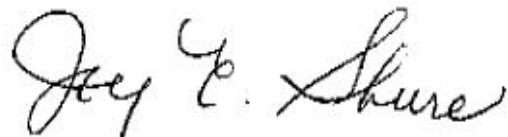
I, Joy E. Shure, RPR, CRR, CLR, a Certified Shorthand Reporter, holding a valid and current license issued by the State of California, CSR No. 3659, do hereby certify:

That said proceedings were taken down by me in shorthand at the time and place therein set forth and thereafter transcribed into typewriting under my direction and supervision.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

The dismantling, unsealing, or unbinding of the original transcript will render the Reporter's certificate null and void.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 16th day of August, 2013.



Certified Shorthand Reporter