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David W. Slayton,
Executive Officer/Clerk of Court,
By D. Kim, Deputy Clerk

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES – NORTH CENTRAL JUDICIAL DISTRICT

9
10 NELSON GRANDE and SYLVIA FRANO,) Case No.: 24STCP02675
11)
12) Petitioners,)
13) v.) **DECLARATION OF RODOLFO**
14)) **AGUADO IN SUPPORT OF**
15)) **RESPONDENT CITY OF BURBANK’S**
16)) **BRIEF IN OPPOSITION TO PETITION**
17)) **FOR WRIT OF MANDATE**
18)) *[Filed concurrently with Brief In Opposition*
19)) *To Petition For Writ Of Mandate]*
20))
21)) Assigned to the Hon. Stephen I. Goorvitch
22)) Stanley Mosk Courthouse, Department 82
23))
24)) **HEARING**
25)) Date: TBD
26)) Time: TBD
27)) Res ID:
28))
29)) Petition Filed: August 21, 2024

30 **DECLARATION OF RODOLFO AGUADO III**

31 I, Rodolfo Aguado III, declare as follows:

32 1. I am an attorney at law duly licensed to practice in the State of California. I am an
33 Assistant City Attorney in the City Attorney’s Office of the City of Burbank and represent
34 Respondent City of Burbank (“City”) in this action. I have personal knowledge of the facts set
35 forth herein, except as to those matters which are stated on information and belief. If called as a
36

1 witness, I could and would competently testify to the matters stated herein. I submit this
2 declaration in support of the City’s Brief In Opposition To Petition For Writ Of Mandate.

3 2. On or around July 2, 2024, Senior Animal Control Officer Stacie Wood-Levin
4 submitted a petition to Superintendent of the Animal Shelter, Brenda Castaneda, through her
5 designee, DataTicket, requesting that: 1) “Conan” be designated as vicious, that Franco be
6 ordered to surrender “Conan” to be euthanized, and 2) that Franco be prohibited from owning,
7 possessing, controlling, or having any custody of an animal for up to three years. Attached hereto
8 as Exhibit “A” is a true and correct copy of the petition submitted to DataTicket by Wood-Levin
9 on July 2, 2024.

10 3. On the same date, July 2, 2024, the City served a Notice of Administrative
11 Hearing to Franco via U.S. Mail pursuant to BMC section 5-1-1603(G). The Administrative
12 Hearing was set for July 16, 2024 pursuant to BMC section 5-1-1603(C). Attached hereto as
13 Exhibit “B” is a true and correct copy of the Notice of Administrative Hearing served on July 2,
14 2024.

15 4. On July 16, 2024, I attended an Administrative Hearing that was held to
16 determine whether “Conan” was vicious. The Hearing Officer, Brian Podolsky, heard testimony
17 from Petitioners, Sr. ACO Wood-Levin, and Drissi.

18 5. On July 18, 2024, the Hearing Officer issued an Administrative Hearing Decision
19 and Order (“Decision”) that ordered “Conan” to be relinquished to the Animal Shelter to be
20 euthanized and prohibited Petitioners from owning, possessing, controlling, or having any
21 custody of an animal for three years. Attached hereto as Exhibit “C” is a true and correct copy of
22 the Decision issued on July 18, 2024.

23 6. On August 13, 2024, the Animal Shelter contacted Franco to arrange for the
24 surrender of “Conan”. At that time, the Animal Shelter was informed that the Superintendent’s
25 designee, DataTicket, had not provided notice of the Decision. The Superintendent of the Animal
26 Shelter then sent a copy of the Decision to Petitioners via email.

27 7. On August 14, 2024, Franco emailed the Animal Shelter and informed the
28 Superintendent, Castaneda, that she would appeal the Decision.

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8. On the same date, August 14, the Superintendent of the Animal Shelter then sent a copy of the Decision to Petitioners via U.S. Mail, as required by BMC section 15-1-1603(G).

9. On September 9, 2024, Petitioners left a Proof of Service with the City Clerk.

10. On September 17, 2024, I called counsel who were working with Petitioners and who's firm had left the Proof of Service, and I requested copies of Petitioners' moving papers.

11. On September 18, 2024, I received copies of Petitioners' Petition from counsel who are working with Petitioners.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 23, 2024 at Burbank, California.



Rodolfo Aguado III

Exhibit A

1 **DECLARATION OF STACIE WOOD-LEVIN**

2 I, Stacie Wood-Levin, am petitioning the City of Burbank Animal Shelter Superintendent
3 Brenda Castaneda, to designate the dog “Conan” as vicious and requesting that Sylvia Franco be
4 ordered to surrender “Conan” to the Burbank Animal Shelter to be euthanized. I am also
5 requesting that Sylvia Franco be prohibited from owning, possessing, controlling, or having
6 custody of any animal for a period up to three years.

7 I, Stacie Wood-Levin, hereby declare as follows:

8 1. The facts stated herein are personally known to me, and I have firsthand
9 knowledge thereof. If called upon to do so, I would and could competently testify hereto under
10 oath.

11 2. I am the Senior Animal Control Officer for the City of Burbank Animal Shelter
12 (the “Animal Shelter”). I have worked in this position since 2010. In my role as the Senior
13 Animal Control Officer, I assist with management and daily operation of the Animal Shelter and
14 its employees, including its Animal Control Officers (“ACOs”). As part of my duties and
15 responsibilities as the Senior Animal Control Officer, I coordinate the receipt of complaints
16 about animals within the City of Burbank and the investigations related to those complaints.

17 3. On January 14, 2024, at approximately 4:15 p.m., the Burbank Police Department
18 (“BPD”) contacted the Animal Shelter and requested the assistance of an ACO to document a
19 dog bite incident that occurred in the alleyway near **REDACTED** Burbank,
20 California. ACO Donald Capes was dispatched to the location. By the time ACO Capes reached
21 the location, the victim of the dog bite incident, Deborah Dressi, had already been transported to
22 Providence St. Joseph Medical Center in Burbank. ACO Capes interviewed the owners of the
23 dog involved in the incident, Sylvia Franco and Nelson Grande. Franco and Grande informed
24 ACO Capes that their dog was a gray five-year-old male Pitbull/Labrador mix named “Conan”
25 that was not registered in the City but did have a current rabies vaccine. Franco confirmed that
26 while she was talking to Dressi in the alleyway, “Conan” came out of the gate at the back of the
27 residence and bit Dressi’s arm. Franco also confirmed that she was not able to get “Conan” to
28 release Dressi’s arm and that she was the person who called 911. A true and correct copy of

1 ACO Capes' Bite Report concerning the January 14, 2024, incident is attached hereto as **Exhibit**
2 **"1"**.

3 4. Based on the information Franco provided to ACO Capes, ACO Capes issued a
4 written warning to Franco for violation of Burbank Municipal Code sections 5-1-1001(a) Control
5 of Animal, 5-1-1102 Animal Causing Hazard, 5-1-507 Failure to Register Dog(s), 5-1-510
6 Failure To Show Proof Of Current Rabies Vaccination, and 5-1-703 Shelters Must Be Secure. A
7 true and correct copy of written warning issued by ACO Capes to Franco is attached hereto as
8 **Exhibit "2"**.

9 5. The Animal Shelters' records indicate that ACO Capes continued his
10 investigation on January 14, 2024, and spoke with Drissi after she received medical treatment.
11 Drissi informed ACO Capes that as a result of the dog bites, she received twenty-eight sutures,
12 was referred to a specialist to examine nerve damage she had suffered and was unable to use her
13 right hand. Drissi added that neither Franco nor Grande immediately attempted to help her, that
14 "Conan" bit her arm for approximately three minutes, and that neither Franco nor Grande were
15 able to get "Conan" to release his bite on her arm.

16 6. ACO Capes' investigation also revealed that the Animal Shelter's records showed
17 that in August 2009, another dog that Franco owned at the time, "Guera" a Boxer mix, was
18 involved in a dog bit incident.

19 7. As part of the investigation into the dog bite incident, the Animal Shelter received
20 a copy of the BPD Incident Report concerning the incident. According to the BPD Incident
21 Report that was provided to the Animal Shelter, on January 14, 2024, BPD Officer Garner
22 responded to **REDACTED** regarding a dog bite investigation. Per the Incident Report,
23 when Officer Garner interviewed Franco, she told him that she was talking to Drissi when
24 "Conan" approached Drissi, sniffed her, then suddenly bit her arm. Franco admitted that neither
25 her nor her husband could get "Conan" to release his hold on Drissi for a number of minutes.
26 Officer Garner also reported that he interviewed Drissi at St. Joseph Medical Center and that
27 Drissi stated the attack by "Conan" was unprovoked and that "Conan" is always barking and
28 aggressive when she walks through that alley. Attached hereto as **Exhibit "3"** is a true and

1 correct copy of the BPD Incident Report that was provided to the Animal Shelter regarding the
2 January 14, 2024, dog bite incident. Attached hereto as **Exhibit “4”** are true and correct copies
3 of the photos of Drissi’s injuries that the Animal Shelter received from BPD.

4 8. In the course of my work for the City of Burbank Animal Shelter, I have become
5 and am familiar with the provisions of the California Food and Agriculture Code and the
6 Burbank Municipal Code that pertain to animals.

7 9. Attached hereto as **Exhibit 5** and is a true and correct copy of Burbank Municipal
8 Code § 5-1-1101, Code § 5-1-1602, Code § 5-1-1603 and Code § 5-1-1606.

9 10. A vicious dog is defined by California law as one that, in an unprovoked
10 aggressive manner, causes severe injury to a human. “Severe injury” is specifically defined in the
11 context of a dog attack as an injury that results in muscle tears or disfiguring lacerations or
12 requires multiple sutures. Based on my review of the statements reported by BPD Officer Garner
13 on January 14, 2024, the images and video footage of the injuries suffered by Drissi, the facts set
14 forth in ACO Capes’ Bite Report, Warning Notice, and other records concerning ACO Capes’
15 investigation of the January 14, 2024, dog bite incident involving “Conan”, there is probable
16 cause to believe that Respondent’s dog, “Conan”, is a vicious dog. Accordingly, I am requesting
17 that Sylvia Franco’s dog, “Conan”, be designated as Vicious.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct. Executed on June 24, 2024, at Burbank, California.

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22 _____
23 Stacie Wood-Levin
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VETERINARY PUBLIC HEALTH PROGRAM

Animal Bite Reporting Form

Animal Control, Shelters & Veterinary Clinics



Instructions: Use this form to report animal bites to the Veterinary Public Health Program at the Los Angeles County Department of Public Health. For more information about rabies in Los Angeles County, visit our website: <http://publichealth.lacounty.gov/vet/>.

Date form completed: 1/15/24 Please submit completed form to vet@ph.lacounty.gov OR fax to (213) 481-2375.

1. REPORT INFORMATION			
Report date: <u>1/14/24</u>	Reporter name (victim, owner, etc.): <u>Deborah Drissi</u>	Reporter phone #: REDACTED	Reporter email: REDACTED
2. SHELTER/VETERINARY CLINIC TAKING REPORT			
Facility submitting report: <u>BURBANK ANIMAL SHELTER</u>	Submitter's name: <u>D MALDCAPE</u>	Facility phone #: <u>818-238-3346</u>	
3. PERSON BITTEN			
Bite victim first name: <u>Deborah</u>	Bite victim last name: <u>DRISSI</u>	Date of birth: REDACTED	
Street address (building #, street name, apt/unit#): REDACTED		City: <u>Burbank</u>	State: Zip code: <u>CA 91505</u>
Bite victim phone #: REDACTED		Bite victim email address: REDACTED	
4. DESCRIPTION OF INCIDENT			
Date bitten: <u>1/14/24</u>	Time bitten (AM/PM): <u>2:20pm</u>	Country where incident occurred (if not US):	
Street address where incident occurred: REDACTED		City: <u>Burbank</u>	State: Zip code: <u>CA 91</u>
How bite occurred (explain): <u>VICTIM WALKED DOWN ALLEY, STOPPED TO TALK TO DOG OWNER, DOG BITE OCCURRED WHEN VICTIM APARENTLY MOVED ARM PISSED DOG</u>			
5. HUMAN INJURY INFORMATION			
Location of bite(s) (e.g. face, leg, hand, torso): <u>LEFT FOREARM (RIGHT) INDEX FINGER</u>		Side of body affected: <input checked="" type="checkbox"/> L <input type="checkbox"/> R <input checked="" type="checkbox"/> Both	Date treated: <u>1/14/24</u>
Description of treatment: <u>PARAMEDICS TREATED ON SCENE. TAKEN TO HOSPITAL. CLEANED. ANTI BIOTIC STITILES. PAIN KILLERS</u>			
Treating facility/provider name: <u>ST JOSEPH'S</u>	Provider phone number: <u>818-843-5111</u>	Hospitalized: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hospital name: <u>PROVIDENCE ST. JOSEPH'S</u>
6. ANIMAL OWNER			
Animal owner first name: <u>SYLVIA FRANCO</u>		Animal owner last name: <u>FRANCO</u>	
Street address (building #, street name, apt/unit#): REDACTED		City: <u>BURBANK</u>	State: Zip code: <u>CA 91505</u>
Animal owner phone #: REDACTED		Animal owner email address: REDACTED	
7. BITING ANIMAL INFORMATION			
Biting animal species: <input checked="" type="checkbox"/> Dog <input type="checkbox"/> Cat <input type="checkbox"/> Other: _____		Breed: <u>PITBULL/mix</u>	Age:
		Animal sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Unk	Sterilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk
Animal name: <u>Conan</u>	Animal color: <u>GRAY</u>	Animal vaccinated for rabies? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Date last vaccinated for rabies: <u>9/14/23 - 9/16/24</u>
Animal died: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Euthanized? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, reason: <u>N/A</u>	Specimen prepared for rabies testing: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Animal licensed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk <input type="checkbox"/>	Jurisdiction animal licensed in: <u>BURBANK</u>	License number: <u>N/A</u>	Expiration Date: <u>N/A</u>
Animal impounded: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Shelter: <u>BURBANK</u>	Impound #: <u>N/A</u>	Cage: <u>N/A</u>
8. ADDITIONAL INFORMATION/COMMENTS:			
<u>CHECKED RESIDENCE, DETERMINED SAFE TO KEEP DOG @ HOME FOR QUARANTINE.</u>			



BURBANK ANIMAL SHELTER

AZU-08744612C
43978

WARNING NOTICE

Date Issued 1/14/24 Time Issued 2:40 PM

Date of Violation 1/14/24 Time of Violation 12:20 PM

Name [REDACTED]

Address [REDACTED]

Neighbor(s) Complaint Registration INCF
 Officer Observed 01/14/24

NATURE OF VIOLATION

- Control of Animal(s) - "Leash Law" (B.M.C. 5-1-1001A)
- Animal(s) Causing Hazard (B.M.C. 5-1-1101)
- Creating Public Nuisance - "You **MUST** Pick Up After Your Dog(s)" (B.M.C. 5-1-1102)
- Dog(s) Barking Excessively (B.M.C. 9-3-207)
- Failure to Register Dog(s) (B.M.C. 5-1-507)
- Failure to Show Proof of Current Rabies Vaccination (B.M.C. 5-1-510)
- Cleanliness of Premises Where Animals are Kept - "Sanitation" (B.M.C. 5-1-601)
- Protection from the Elements (B.M.C. 5-1-701)
- Shelter Must Be Secure (B.M.C. 5-1-703)
- Food / Water (B.M.C. 5-1-801)
- Treatment (B.M.C. 5-1-806)
- Failure to Protect from Abuse (B.M.C. 5-1-910)
- Other

CONTACT MADE

YES NO

10 DAYS TO CORRECT VIOLATION
10 DAYS TO CORRECT VIOLATION

These are violations of the Burbank Municipal Code and / or California State Penal Code and **MUST** be discontinued. Failure to comply may result in a citation being issued to appear in the Burbank Municipal Court or a criminal filing being requested through the City Attorney's Office.

Issued By [Signature]

Burbank Animal Shelter - 1150 N. Victory Pl, Burbank, CA 91502 - 818-238-3340
www.BurbankAnimalShelter.org

Incident Report Burbank Police Department (BPD)

24-330

Supplement No
ORIG



200 N. Third Street
Burbank, CA 91502
(818) 238-3333 (Information Desk)
www.burbankca.gov

Reported Date
01/14/2024
Report Type
ANIMAL BITE
Officer
GARNER, T

Administrative Information										
Agency Burbank Police Department (BPD)				DR# 24-330		Supplement No ORIG		Reported Date 01/14/2024		Reported Time 14:10
CAD Incident No 240140070		Status Report		Call Type Animal Bite						
Location REDACTED									City Burbank	
ZIP Code 91505		Rep Dist 522	Area 1	Beat H	From Date 01/14/2024		From Time 14:00			
Member# 15491/GARNER, T					Assignment Patrol	Entered By 15491	Assignment Patrol	RMS Transfer Successful		
Prop Trans Stat Successful		Property? None	Approving Officer 11827		Approval Date 01/14/2024		Approval Time 17:18:16			
Person Summary										
Invl PI	Invl No 1	Type I	Name DRISSEI, DEBORAH						MNI 976836	
Race W	Sex F	DOB REDACTED 1964								
Invl PI	Invl No 2	Type I	Name FRANCO, SYLVIA						MNI 411226	
Race H	Sex F	DOB REDACTED 1964								
Summary Narrative										

CFS: Female was bitten by a dog off leash in an alley. Injury to right forearm and left index finger. Transported to SJMC for medical treatment.

DM

Incident Report Burbank Police Department (BPD)

24-330

Supplement No
ORIG

Person Interviewed 1: DRISSI,DEBORAH									
Involvement		Invl No	Type						
Person Interviewed		1	Individual						
Name								MNI	
DRISSI, DEBORAH								976836	
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	
White (NCIC value)	Female	REDACTED/1964	59	No	5'08"	130#	Black	Hazel	
PRN									
1114286									
Type	Address								
Home	REDACTED								
City	State	ZIP Code	Date						
Burbank	California	91505	01/14/2024						
Type	ID No						OLS		
Operator License/Driver License						REDACTED			California
Phone Type	Phone No	Date							
Cell	REDACTED	01/14/2024							
Person Interviewed 2: FRANCO,SYLVIA									
Involvement		Invl No	Type						
Person Interviewed		2	Individual						
Name								MNI	
FRANCO, SYLVIA								411226	
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	
Hispanic/Mexican/Latin	Female	REDACTED/1964	59	No	5'05"	150#	Brown	Brown	
PRN									
1114287									
Type	Address								
Home	REDACTED								
City	State	ZIP Code	Date						
Burbank	California	91505	01/14/2024						
Type	ID No						OLS		
Operator License/Driver License						REDACTED			California
Phone Type	Phone No	Date							
Cell	REDACTED	01/14/2024							

Narrative

On 01/14/2024, at approximately 1416 hours, I (Officer Garner #15491) responded to REDACTED regarding an animal bite investigation.

Upon my arrival, I contacted PI/Deborah DRISSI and PI/Sylvia FRANCO in the north alley of Magnolia Bl, east of Pass Av.

Burbank Rescue Engine 15 was on scene. BFD firefighters Weiner and Huerta were medically treating DRISSI, who was just bit by FRANCO's Pitbull/Labrador retriever mix dog, Conan. BFD told me that DRISSI was bit on her right forearm and had an injured left index finger.

BFD transported DRISSI to SJMC for medical treatment before I was able to speak with her.

FRANCO Statement

I spoke to FRANCO and she stated the following:

On today's date, at approximately 1400 hours, FRANCO was in the north alley of Magnolia Bl, east of Pass Av. Her residence has a sliding gate that opens to the north alley of Magnolia.

FRANCO stated that she was in the alley, hosing off the ground, because it gets dirty. She had her sliding gate open, which gave access to the alley.

She stated DRISSI was walking in the alley and stopped to talk to her. While speaking to DRISSI, Conan ran through the gate and entered the alley. Conan approached DRISSI and began to sniff her. Suddenly, Conan bit DRISSI's right forearm. FRANCO was unable to get Conan off DRISSI. FRANCO's husband came outside and tried to get Conan off of DRISSI. After a few minutes, Conan let go of DRISSI's forearm.

FRANCO called Burbank PD to report the incident.

Incident Report

Burbank Police Department (BPD)

24-330Supplement No
ORIG

Narrative

FRANCO stated that Conan is up to date with his vaccines, however he is not registered in the City of Burbank. She stated Conan is approximately 5 years old.

FRANCO stated that DRISSI has history of agitating Conan through the gate. She stated DRISSI has kicked the gate and cursed at the dog.

Animal Control

Burbank Animal Control Officer Capes (#15427) arrived on scene to assist and document the incident.

He confirmed that Conan was up to date on his vaccines, however he was not registered in the City of Burbank.

Follow Up at SJMC

I conducted a follow up investigation at SJMC with DRISSI. I spoke to her and she stated the following:

On today's date, at approximately 1400 hours, DRISSI was walking through the north alley of Magnolia, east of Pass Av.

She stopped to say hi to FRANCO, who was also in the alley.

While speaking to FRANCO, Conan suddenly ran out from behind the gate and entered the alley. DRISSI stated that Conan ran towards her. Conan suddenly jumped up and bit DRISSI's right forearm.

DRISSI attempted to get Conan off her arm, however the dog would not let go. She stated that she fell backwards and fell to the ground. While on the ground, DRISSI used her left hand and attempted to free her arm from Conan's mouth. She also kicked Conan, in an attempt to have Conan let go.

After approximately three minutes, Conan finally let go of DRISSI's arm.

DRISSI stated that whenever she walks through the alley, Conan is always barking and aggressive behind the gate.

DRISSI stated she had injuries to her right forearm and left index finger.

I took photographs of DRISSI's injuries, which were later uploaded to Evidence.com.

This contact was captured on AXON.









EXHIBIT V

5-1-1101: ANIMALS CAUSING HAZARD:

No animal shall be allowed to cause or to constitute a hazard or menace to the health, peace or safety of the community. [Added by Ord. No. 2467; formerly numbered Section 6-83; renumbered by Ord. No. 3058, eff. 2/21/87.]

5-1-1602: DEFINITIONS:

A. As used in this article, the term “potentially dangerous animal” means any of the following:

1. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal;
2. Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in subsection C of this section;
3. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the animal.
4. Any animal which, after its owner or keeper has been notified that the animal is not properly licensed, vaccinated, restrained, or maintained so as to be contained on the owner’s property, as required by this chapter, and continues to be in violation of this chapter, and/or is not in compliance with any specific orders made by the hearing officer.
5. Any animal previously determined, by a presiding judicial or administrative officer, to be a potentially dangerous animal which, after its owner or keeper has been notified of this determination, continues behavior described in subsection A of this section or is maintained in violation of Food and Agriculture Code sections [31641](#), [31642](#), or [31643](#) or this article.

B. As used in this article, the term “vicious animal” means any of the following:

1. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;
2. Any animal previously determined, by a presiding judicial or administrative officer, to be a potentially dangerous or vicious animal which, after its owner or keeper has been notified of this determination, continues behavior described in subsections A or B of this section or is maintained in violation of Food and Agriculture Code sections [31641](#), [31642](#), or [31643](#) or this article.

3. Any animal seized under Penal Code section [599a](#) and upon the sustaining of a conviction of the owner or keeper under Penal Code sections [597.5\(a\)](#) or [597b](#).

C. As used in this article, the term “severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

D. As used in this article, the term “enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or vicious animal in conjunction with other measures which may be taken by the owner or keeper of the animal. The enclosure shall be designed in order to prevent the animal from escaping. Any enclosure must conform with the requirements of Penal Code section [597t](#).

E. As used in this article, the term “impounded” means taken into the custody of the City’s Animal Shelter. [Added by Ord. No. 24-4,011, eff. 4/19/24.]

5-1-1603: PROCEDURE FOR DECLARING ANIMAL POTENTIALLY DANGEROUS AND/OR VICIOUS:

A. If an animal control officer or a law enforcement officer, hereinafter referred to as the Investigating Officer, has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, considering all relevant evidence, and not solely based on the breed of the animal, they shall petition the Superintendent of the City’s Animal Shelter, or their designee, to determine whether the animal is potentially dangerous or vicious. The Superintendent, or their designee, shall thereafter set a hearing pursuant to Food and Agriculture Code section [31621](#) for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.

B. The Superintendent of the City’s Animal Shelter, or their designee, shall notify the owner or keeper of the animal that an administrative hearing to determine whether the animal is potentially dangerous or vicious will be held by serving a notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings under this chapter. The notice shall include the date, time, and location of the administrative hearing, a statement that the purpose is to determine whether the animal (named and described) is a potentially dangerous or vicious animal, and that if the animal in question is found to be potentially dangerous or vicious, certain remedies, up to and including destruction, may be demanded by the City.

C. The hearing shall be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner or keeper of the animal.

D. The Superintendent of the Animal Shelter, or their designee, hereinafter referred to as the Hearing Officer, shall preside over the administrative hearing. The hearing shall be open to the public. At the administrative hearing, the owner or keeper of the animal may present evidence as to why the animal in question should not be declared potentially dangerous or vicious. Failure by the owner or keeper to appear at the hearing results in forfeiture of the privilege to present evidence. The Hearing Officer shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to the alleged potentially dangerous and/or vicious animal. The Hearing Officer may admit into evidence all relevant evidence, including incident reports and affidavits of witnesses. The Hearing Officer may find, upon a preponderance of evidence, that the animal in question is potentially dangerous or vicious and may make other orders authorized by this article. The hearing may be continued from time to time.

E. If the animal in question is found to be potentially dangerous and/or vicious as defined by Burbank Municipal Code section [5-1-1602](#) et seq., the Hearing Officer may issue any one or more of the following orders:

1. The animal shall be properly licensed by the Animal Shelter and vaccinated against rabies. The Animal Shelter shall include the potentially dangerous or vicious designation in the registration records of the animal. The Animal Shelter may charge a potentially dangerous animal registration fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the animal.
2. The animal shall be maintained on the owner or keeper's property, or property occupied by the owner or keeper, hereinafter referred to as the Premises, and shall, at all times, be kept indoors, or in a secure enclosure with a secondary perimeter fenced yard from which the animal cannot escape, and into which children cannot trespass. The animal may not be allowed off the Premises unless it is restrained by a substantial leash, of a fixed length of no more than six feet, humanely muzzled, and under the immediate control of a responsible adult capable of restraining the animal. In the event that the animal escapes from the Premises, the owner or keeper shall immediately notify the City's Animal Shelter.
3. If the animal in question dies or is sold, transferred, or permanently removed from the City, the owner or keeper shall notify the City of the changed condition and new location of the animal, in writing, within two business days of the changed condition.
4. An animal determined to be vicious may be destroyed by the Animal Shelter when it is found, after proceedings set forth in this article, that the release of the animal would create a significant threat to the public health, safety, and welfare.
5. The owner or keeper may be prohibited by the City from owning, possessing, controlling, or having custody of any animal for a period of up to three years, when it is found, after proceedings set forth in this article, that ownership or possession of

an animal by that person would create a significant threat to the public health, safety, and welfare.

6. The owner or keeper shall pay any and all costs incurred by the City in the administration of the processes set forth in this article, including but not limited to, costs incurred by the City for housing, maintaining, feeding and providing care, including medical care for the animal during such time as the animal is in the custody of the City.

7. The owner or keeper may be mandated to spay or neuter the animal, as applicable.

8. The owner or keeper may be ordered to attend animal training/handling classes and submit proof of enrollment and attendance to the Superintendent of the Animal Shelter, or their designee.

9. The owner or keeper may be required to provide evidence to the Superintendent of the Animal Shelter, or their designee, of insurance coverage of no less than \$100,000.00 for combined claims of bodily injury to, or death of, any person, or for damage to property owned by any other person, which may result from the ownership, keeping, or maintenance of the animal, regardless of whether the animal is on the Premises or not.

10. The owner or keeper of the animal may be required to provide a permanent identification by means of an implanted microchip that shall be registered with the City's Animal Shelter. A photograph of the animal may also be required to be kept on record for identification, in addition to registration as a potentially dangerous animal.

F. If it is determined that an animal in question is found to be potentially dangerous, but shall not be destroyed, the Hearing Officer shall impose any other conditions upon the ownership of the animal that are reasonably necessary to protect the public health, safety, and welfare.

G. If the Hearing Officer finds by a preponderance of evidence that the animal which is the subject of the hearing is potentially dangerous and/or vicious, the Hearing Officer shall prepare findings and an order, which shall specify and make specific orders with respect to the animal as authorized by this article. A copy of the findings and order shall be served to the owner or keeper of the animal either personally or by first class postage prepaid no later than ten business days after the conclusion of the hearing. Service shall be deemed complete at the time notice is personally served or deposited in the mail. [Added by Ord. No. 24-4,011, eff. 4/19/24.]

5-1-1606: APPEARANCE OF THE OWNER OR KEEPER NOT REQUIRED TO MAKE ORDERS:

The Hearing Office or the court hearing the appeal may decide all issues for or against the owner or keeper of the animal even if the owner or keeper fails to appear at a hearing. [Added by Ord. No. 24-4,011, eff. 4/19/24.]

The following is a link to the complete Burbank Municipal Code Title 5 Police & Public Safety, Chapter 1 Animals, Article 16. Potentially Dangerous and Vicious Animals section:

<https://www.codepublishing.com/CA/Burbank/#!/Burbank05/Burbank0501.html#5-1-1601>

Exhibit B



CITY OF BURBANK

BURBANK ANIMAL SHELTER NOTICE OF ADMINISTRATIVE HEARING

Date: July 2, 2024

To: Sylvia Franco
REDACTED
Burbank, CA 91505

Re: Dog - "Conan", a gray, five-year-old male, Pitbull/Labrador mix

This Notice is hereby submitted to you as owner(s) or responsible person(s) of the above referenced property.

An incident involving Conan occurred on January 14, 2024. After a thorough investigation, it has been determined that there is sufficient probable cause to believe the animal is potentially dangerous or vicious pursuant to Burbank Municipal Code § 5-1-1603.

A hearing on the Municipal Code Violations related to this animal has been scheduled for Tuesday, July 16, 2024 at 9:30am before the Hearing Officer, via Zoom at

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus06web.zoom.us%2Fj%2F2114272731%3Fpwd%3DRkIJQTdVcHdsaEVPbTdVZ2VXV0loZz09%26omn%3D87020760634&data=05%7C02%7CBCastaneda%40burbankca.gov%7C0f9ebd4e5ed2438e482308dc9adc8a96%7C648dae31182b4da299ef2581ab8e8bea%7C0%7C0%7C638555519235458501%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=hOUrun4LX4RFI%2FjVpVnJDr4cZeE%2BHUnp3zLQBGGrJm3c%3D&reserved=0>

A telephonic option is available to attend this meeting as well. The phone number to use is 1 (669) 444-9171

Meeting ID: 211 427 2731

Passcode: 123456



CITY OF BURBANK

BURBANK ANIMAL SHELTER NOTICE OF ADMINISTRATIVE HEARING

At this hearing, staff will present evidence that "Conan", should be deemed Vicious. You have the right to present evidence at this hearing challenging the existence of the violation(s) and the determination associated therewith. The evidence and recommendations which staff will make are attached for you information (Exhibit 1-5). At the conclusion of the hearing, a Notice of Determination will be made by the Hearing Officer.

If you disagree with the findings of the Hearing Officer, you may appeal your case before the Superior Court of California, County of Los Angeles within five (5) days of receipt of the notice of determination pursuant to Food and Agriculture Code § 31622(a)

If you have any questions regarding this matter, please contact Sr. Animal Control Officer Stacie Wood-Levin at (818) 238-3340.

Sincerely,

Brenda Castaneda
Animal Shelter Superintendent

cc: Victim
Citation Processing Center Adjudication Department

Exhibit C

ADMINISTRATIVE HEARING DECISION AND ORDER
Potentially Dangerous / Vicious Animal
City of Burbank
Case #DR24-330 "Conan"

Agency: City of Burbank
Animal Shelter
1150 N. Victory Place
Burbank, California 91502

Appellant/Respondent:
Sylvia Franco
Nelson Grande
REDACTED
Burbank, California 91505

Hearing Date/Time: July 16, 2024, 9:30 AM

An administrative hearing ("HEARING") was held at the request of the city of Burbank ("CITY"), Animal Shelter. Information submitted by all parties, if any, together with pleadings, evidence, and all other documents submitted by the City was reviewed by the below-named hearing officer ("HEARING OFFICER"), and the following Decision and Order is issued below.

Notice:

The City served a notice of the hearing to the Hearing Officer and all concerned parties. The notice of the hearing regarding a potentially dangerous/vicious animal was scheduled on the above hearing date and time via Zoom, a proprietary videotelephony software program developed by Zoom Video Communications and was recorded. All persons testifying were sworn to tell the truth.

Parties:

Sylvia Franco, Owner of the dog, "Conan".
Nelson Grande, Owner of the dog, "Conan".
Deborah Dressi, Dog bite victim.
Stacie Wood-Levin, Senior Animal Control Officer for the City of Burbank
Donald Capes, Animal Control Officer for the City of Burbank
Brenda Castaneda, Animal Shelter Superintendent for the City of Burbank
Lissette Rojo, Administrative Analyst for the City of Burbank
Ray Johal, Senior Assistant City Attorney for the City of Burbank
Rodolfo Aguado, Assistant City Attorney for the City of Burbank
An unknown person who refused to identify themselves with a telephone number of (760)

REDACTED

Background:

On January 14, 2024, at approximately 4:15 p.m., the Burbank Police Department (BPD) contacted the City of Burbank Animal Shelter requesting assistance with a dog bite incident that occurred in the alleyway near [REDACTED] Burbank, California. Animal Control Officer (ACO) Donald Capes was dispatched to the location. Upon arrival, the victim, Deborah Dressi, had already been transported to Providence St. Joseph Medical Center in Burbank.

ACO Capes interviewed the dog owners, Sylvia Franco and Nelson Grande. The dog involved, "Conan," is a gray five-year-old male Pitbull/Labrador mix. Although Conan had a current rabies vaccine, he was not registered in the City of Burbank. During the interview, Franco explained that while she was talking to Dressi in the alleyway, Conan came out of the gate at the back of the residence and bit Dressi's arm. Franco admitted she was unable to get Conan to release Dressi's arm and was the person who called 911.

Testimony:

Stacie Wood-Levin:

Stacie Wood-Levin, Senior Animal Control Officer for the City of Burbank Animal Shelter, provided a declaration supporting the petition to designate Conan as a vicious dog. In her declaration, she stated that based on her experience and the evidence presented, there is probable cause to believe that Conan is a vicious dog. She also requested that Sylvia Franco be prohibited from owning, possessing, controlling, or having custody of any animal for up to three years.

Sylvia Franco:

Sylvia Franco testified that the incident was unintentional, and that Conan's actions were uncharacteristic. She explained that Conan had been in the backyard when he suddenly came through the gate and attacked Dressi. Despite her efforts, she could not get Conan to release his bite. Franco expressed regret for the incident and mentioned her previous compliance with animal control regulations, except for the current registration lapse.

Deborah Dressi:

Deborah Dressi testified that she was talking to Franco in the alley when Conan approached her, sniffed her, and then suddenly bit her arm. She described the attack as unprovoked and

detailed the extent of her injuries, including the need for twenty-eight sutures and a referral to a specialist for potential nerve damage. Dressi emphasized that neither Franco nor Grande immediately helped her and that Conan bit her arm for approximately three minutes before releasing her.

Nelson Grande:

Nelson Grande testified regarding the dog bite incident involving their dog, "Conan." He corroborated Sylvia Franco's account, stating that the incident occurred while Franco was speaking with Deborah Dressi in the alleyway near their residence. Grande mentioned that Conan suddenly came out of the gate and attacked Dressi without any apparent provocation. He confirmed that both he and Franco were unable to get Conan to release his grip on Dressi's arm immediately.

Grande described Conan as generally well-behaved and friendly, though occasionally protective. He mentioned that Conan had never shown such aggressive behavior before this incident. Grande emphasized that Conan was up to date on his rabies vaccination, although he admitted that the dog was not registered with the City of Burbank at the time of the incident.

Grande detailed the immediate actions taken during the incident. He stated that both he and Franco tried various methods to get Conan to release Dressi's arm, but their attempts were unsuccessful until Conan eventually let go after approximately three minutes. He noted that Franco called 911 immediately after the attack.

During his testimony, Grande acknowledged that another dog they owned previously, "Guera," a Boxer mix, had been involved in a dog bite incident in August 2009. He admitted that this incident had led to scrutiny from animal control authorities.

Grande expressed his understanding of the regulations and admitted their lapse in registering Conan with the city. He assured that all other regulatory requirements, such as maintaining an up-to-date rabies vaccination, had been met.

Grande conveyed his regret over the incident and the distress it caused to Dressi. He assured that steps would be taken to prevent any future incidents, emphasizing their commitment to ensuring Conan's behavior was managed and compliant with local regulations.

****Testimony Exchange between Officer Stacie Wood-Levin and Nelson Grande:****

****Officer Stacie Wood-Levin (SWL):****

"Mr. Grande, can you describe the events leading up to the incident on January 14, 2024?"

****Nelson Grande (NG):****

"Yes, Officer. Sylvia was talking with Deborah Dressi in the alleyway near our house when Conan came out of the gate and bit Ms. Dressi's arm. We were both shocked by his sudden aggression as he's usually friendly."

****SWL:****

"Was Conan secured or restrained in any way before the incident?"

****NG:****

"No, he wasn't. He was in the backyard, but the gate must have been left slightly ajar, allowing him to push through and reach the alley."

****SWL:****

"You mentioned that Conan had never shown such aggressive behavior before. Have there been any other incidents where he showed signs of aggression?"

****NG:****

"None that I can recall, Officer. Conan can be protective, but he's never attacked anyone before. He has always been well-behaved around people."

****SWL:****

"Can you explain your immediate actions once the attack began?"

****NG:****

"Both Sylvia and I tried everything we could to get Conan to release his grip on Ms. Dressi's arm. We used verbal commands and attempted to physically pull him away, but it took nearly three minutes before he finally let go."

****SWL:****

"Why was Conan not registered with the City of Burbank?"

****NG:****

"It was an oversight on our part, Officer. We made sure he had his rabies vaccination, but we neglected to register him with the city. We understand the importance of following all regulations and deeply regret this lapse."

****SWL:****

"Your records show a previous incident with another dog you owned, 'Guera,' in 2009. Can you elaborate on that?"

****NG:****

"Yes, Guera, our Boxer mix, was involved in a bite incident back in 2009. We took all necessary actions and complied with the animal control requirements following that incident. We never expected something like this to happen again."

****SWL:****

"How do you plan to prevent such incidents in the future?"

****NG:****

"We will ensure that Conan is properly secured at all times and will work on additional training to manage his behavior better. We're also committed to complying with all animal control regulations to avoid any future issues."

"We're truly sorry for what happened to Ms. Dressi. We never intended for anyone to get hurt, and we will take all necessary measures to prevent anything like this from happening again."

Evidence:

1. ACO Capes' Bite Report:

- Documented the incident and included interviews with the involved parties. The report confirmed Conan's rabies vaccination but noted the dog's lack of city registration.

2. Medical Records of Deborah Dressi:

- Dressi's medical records indicated that she received twenty-eight sutures for her injuries and was referred to a specialist for potential nerve damage. These records supported her testimony about the severity of the injuries.

3. Photographs of Injuries:

- Photographs showing the extent of Dressi's injuries, corroborating her account of the attack.

4. Previous Incident Record:

- The Animal Shelter’s records showed a previous dog bite incident involving another dog owned by Franco, a Boxer mix named “Guerra,” in August 2009.
- 5. BPD Incident Report:**
- Officer Garner’s (BPD) report confirmed Franco’s account that Conan bit Dressi without provocation and detailed the interviews with both Franco and Dressi. The report noted that Dressi described Conan as always barking and aggressive when she walked through the alley.
- 6. Violation Notices:**
- ACO Capes issued a written warning to Franco for several violations of the Burbank Municipal Code, including failure to control the animal, failure to register the dog, failure to show proof of current rabies vaccination and lack of secure shelters.
- 7. Relevant Municipal Codes:**
- Sections of the Burbank Municipal Code were provided to support the legal framework for the petition.

Applicable City of Burbank Municipal Code (BMC) Sections

5-1-1101: ANIMALS CAUSING HAZARD:

No animal shall be allowed to cause or to constitute a hazard or menace to the health, peace or safety of the community. [Added by Ord. No. 2467; formerly numbered Section 6-83; renumbered by Ord. No. 3058, eff. 2/21/87.]

5-1-1602: DEFINITIONS:

A. As used in this article, the term “potentially dangerous animal” means any of the following:

1. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal;
2. Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in subsection C of this section;
3. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the animal.
4. Any animal which, after its owner or keeper has been notified that the animal is

not properly licensed, vaccinated, restrained, or maintained so as to be contained on the owner's property, as required by this chapter, and continues to be in violation of this chapter, and/or is not in compliance with any specific orders made by the hearing officer.

5. Any animal previously determined, by a presiding judicial or administrative officer, to be a potentially dangerous animal which, after its owner or keeper has been notified of this determination, continues behavior described in subsection A of this section or is maintained in violation of Food and Agriculture Code sections 31641, 31642, or 31643 or this article.

B. As used in this article, the term "vicious animal" means any of the following:

1. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;

2. Any animal previously determined, by a presiding judicial or administrative officer, to be a potentially dangerous or vicious animal which, after its owner or keeper has been notified of this determination, continues behavior described in subsections A or B of this section or is maintained in violation of Food and Agriculture Code sections 31641, 31642, or 31643 or this article.³

3. Any animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner or keeper under Penal Code sections 597.5(a) or 597b.

C. As used in this article, the term "severe injury" means any physical injury to a human being

that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

D. As used in this article, the term "enclosure" means a fence or structure suitable to prevent

the entry of young children, and which is suitable to confine a potentially dangerous or vicious

animal in conjunction with other measures which may be taken by the owner or keeper of the

animal. The enclosure shall be designed in order to prevent the animal from escaping. Any

enclosure must conform with the requirements of Penal Code section 597t.

E. As used in this article, the term "impounded" means taken into the custody of the City's

Animal Shelter. [Added by Ord. No. 24-4,011, eff. 4/19/24.]

5-1-1603: PROCEDURE FOR DECLARING ANIMAL POTENTIALLY DANGEROUS AND/OR

VICIOUS:

A. If an animal control officer or a law enforcement officer, hereinafter referred to as the Investigating Officer, has investigated and determined that there exists probable cause to

believe that an animal is potentially dangerous or vicious, considering all relevant evidence, and

not solely based on the breed of the animal, they shall petition the Superintendent of the City's Animal Shelter, or their designee, to determine whether the animal is potentially dangerous or vicious. The Superintendent, or their designee, shall thereafter set a hearing pursuant to Food and Agriculture Code section 31621 for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.

B. The Superintendent of the City's Animal Shelter, or their designee, shall notify the owner or keeper of the animal that an administrative hearing to determine whether the animal is potentially dangerous or vicious will be held by serving a notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. Service shall be deemed complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings under this chapter. The notice shall include the date, time, and location of the administrative hearing, a statement that the purpose is to determine whether the animal (named and described) is a potentially dangerous or vicious animal, and that if the animal in question is found to be potentially dangerous or vicious, certain remedies, up to and including destruction, may be demanded by the City.

C. The hearing shall be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner or keeper of the animal.⁴

D. The Superintendent of the Animal Shelter, or their designee, hereinafter referred to as the Hearing Officer, shall preside over the administrative hearing. The hearing shall be open to the public. At the administrative hearing, the owner or keeper of the animal may present evidence as to why the animal in question should not be declared potentially dangerous or vicious. Failure by the owner or keeper to appear at the hearing results in forfeiture of the privilege to present evidence. The Hearing Officer shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to the alleged potentially dangerous

and/or vicious animal. The Hearing Officer may admit into evidence all relevant evidence, including incident reports and affidavits of witnesses. The Hearing Officer may find, upon a preponderance of evidence, that the animal in question is potentially dangerous or vicious and may make other orders authorized by this article. The hearing may be continued from time to time.

E. If the animal in question is found to be potentially dangerous and/or vicious as defined by Burbank Municipal Code section 5-1-1602 et seq., the Hearing Officer may issue any one or more of the following orders:

1. The animal shall be properly licensed by the Animal Shelter and vaccinated against rabies. The Animal Shelter shall include the potentially dangerous or vicious designation in the registration records of the animal. The Animal Shelter may charge a potentially dangerous animal registration fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the animal.
2. The animal shall be maintained on the owner or keeper's property, or property occupied by the owner or keeper, hereinafter referred to as the Premises, and shall, at all times, be kept indoors, or in a secure enclosure with a secondary perimeter fenced yard from which the animal cannot escape, and into which children cannot trespass. The animal may not be allowed off the Premises unless it is restrained by a substantial leash, of a fixed length of no more than six feet, humanely muzzled, and under the immediate control of a responsible adult capable of restraining the animal. In the event that the animal escapes from the Premises, the owner or keeper shall immediately notify the City's Animal Shelter.
3. If the animal in question dies or is sold, transferred, or permanently removed from the City, the owner or keeper shall notify the City of the changed condition and new location of the animal, in writing, within two business days of the changed condition.
4. An animal determined to be vicious may be destroyed by the Animal Shelter when it is found, after proceedings set forth in this article, that the release of the animal would create a significant threat to the public health, safety, and welfare.
5. The owner or keeper may be prohibited by the City from owning, possessing, controlling, or having custody of any animal for a period of up to three years, when it is found, after proceedings set forth in this article, that ownership or possession of an animal by that person would create a significant threat to the public health, safety, and welfare.
6. The owner or keeper shall pay any and all costs incurred by the City in the administration of the processes set forth in this article, including but not limited to, costs incurred by the City for housing, maintaining, feeding and providing care, including medical care for the animal during such time as the animal is in the custody

of the City.

7. The owner or keeper may be mandated to spay or neuter the animal, as applicable.

8. The owner or keeper may be ordered to attend animal training/handling classes and submit proof of enrollment and attendance to the Superintendent of the Animal Shelter, or their designee.

9. The owner or keeper may be required to provide evidence to the Superintendent of the Animal Shelter, or their designee, of insurance coverage of no less than \$100,000.00 for combined claims of bodily injury to, or death of, any person, or for damage to property owned by any other person, which may result from the ownership, keeping, or maintenance of the animal, regardless of whether the animal is on the Premises or not.

10. The owner or keeper of the animal may be required to provide a permanent identification by means of an implanted microchip that shall be registered with the City's Animal Shelter. A photograph of the animal may also be required to be kept on record for identification, in addition to registration as a potentially dangerous animal.

F. If it is determined that an animal in question is found to be potentially dangerous, but shall

not be destroyed, the Hearing Officer shall impose any other conditions upon the ownership of the animal that are reasonably necessary to protect the public health, safety, and welfare.

G. If the Hearing Officer finds by a preponderance of evidence that the animal which is the

subject of the hearing is potentially dangerous and/or vicious, the Hearing Officer shall prepare

findings and an order, which shall specify and make specific orders with respect to the animal

as authorized by this article. A copy of the findings and order shall be served to the owner or

keeper of the animal either personally or by first class postage prepaid no later than ten business days after the conclusion of the hearing. Service shall be deemed complete at the time

notice is personally served or deposited in the mail. [Added by Ord. No. 24-4,011, eff. 4/19/24.]⁶

5-1-1606: APPEARANCE OF THE OWNER OR KEEPER NOT REQUIRED TO MAKE ORDERS:

The Hearing Office or the court hearing the appeal may decide all issues for or against the

owner or keeper of the animal even if the owner or keeper fails to appear at a hearing. [Added

by Ord. No. 24-4,011, eff. 4/19/24.]

The following is a link to the complete Burbank Municipal Code Title 5 Police & Public

Safety, Chapter 1 Animals, Article 16. Potentially Dangerous and Vicious Animals section:

<https://www.codepublishing.com/CA/Burbank/#5-1-1601>

California Food & Agriculture Codes

A vicious dog is defined by the California Food and Agriculture Code, Section 31603. "Vicious dog" means any of the following:

(a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.

31604. "Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

31645. (a) A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.

(c) Any enclosure that is required pursuant to subdivision (b) shall meet the requirements of Section 31605.

31646. The owner of a dog determined to be a vicious dog may be prohibited by the city or county from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

Findings:

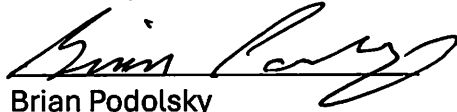
I find that the facts of record are sufficient to order that the dog, "Conan" (a five-year-old male Pitbull/Labrador mix) **shall be declared a vicious dog** as determined by the Burbank Municipal Codes, The California Penal Code, and by the California Food and Agricultural Codes noted above.

Order

“Conan” shall be relinquishment to the Burbank Animal Shelter to be euthanized. Additionally, Sylvia Franco and Nelson Grande shall be prohibited from owning, possessing, controlling, or having custody of any animal for a period of up to three years per California Penal Code, Section 597.1(g).

It is so ordered:

Date: July 18, 2024

A handwritten signature in black ink, appearing to read "Brian Podolsky", written over a horizontal line.

Brian Podolsky
Administrative Hearing Officer