

## Introduction

In July of 1987, the City of Los Angeles enacted ordinances, which authorized the Department of Animal Services to conduct administrative hearings. The Administrative Hearing Program is designed to allow the Department to more effectively provide for the public health, safety and welfare. In many instances, the administrative hearing program also enhances the care, protection and quality of life for animals by regulating the manner in which the animals are to be maintained in this City.

The reason why the City has the two ordinances is to help people who have problems with dogs that bark excessively and to keep people safe from dangerous animals in their neighborhoods.

The intent of this guide is to provide basic information and to answer asked questions concerning the Department of Animal Services Administrative Hearing Program. It is not intended to be a legal reference.

Any additional questions should be directed to the nearest Animal Care and Control Center listed below:

### DISTRICT ANIMAL CARE AND CONTROL CENTERS (888) 452-7381

North Central Center 3201 Lacy Street Los Angeles, CA 90031	East Valley Center 13131 Sherman Way North Hollywood, CA 91605
---	--

South Los Angeles Center 3612 11 <sup>TH</sup> Avenue Los Angeles, CA 90018	West Valley Center 20655 Plummer Street Chatsworth, CA 91311
---	--

West Los Angeles Center 11950 Missouri Avenue Los Angeles, CA 90025	Harbor Center 735 Battery Street San Pedro, CA 90731
---	--

### WHAT IS AN ADMINISTRATIVE HEARING?

An administrative hearing is like a non-jury trial in a civil court. The parties, however, are complainant and respondent rather than plaintiff and defendant, and the procedure is governed by statutes, regulations, and ordinances applicable to the City of Los Angeles Administrative Hearings.

### WHO MAY INITIATE THE CHARGES THAT LEAD TO AN ADMINISTRATIVE HEARING?

Request for administrative hearings are filed by a City Animal Care and Control Center after a complaint has been received and investigated, and there is evidence of a violation.

### WHO MAY BE CHARGED AS A RESPONDENT AT THE HEARING?

Any person having care, charge, control, custody or ownership of the involved animal(s) is legally responsible for the actions of those animal(s).

### WHAT TYPES OF CASES ARE INVOLVED IN THIS PROGRAM?

The Department of Animal Services Administrative Hearing Program consist of the following:

#### Sec. 53.18.5 LAMC-Hearing Procedure

- Governs the conduct of hearings and Hearing Examiners before, during and after the hearing.
- It further provides for an appeal process and the manner in which a person's dog licensing privileges may be reinstated.

#### Sec.53.34.4 LAMC-Dangerous Animal Hearings

- Provides for an administrative hearing to be conducted to determine if a dog or other animal is dangerous, or if the dog or other animal is not dangerous, but that a bite, attack or injury was the result of improper or negligent training, handling or maintenance.

#### Sec. 53.63 LAMC-Excessive Barking Dog Hearings

- Makes it unlawful for any person to permit any dog under his/her charge, care, custody or control to emit any excessive noise.

### WHO IS AUTHORIZED TO CONDUCT ADMINISTRATIVE HEARINGS?

A Hearing Examiner appointed by the General Manager, Department of Animal Services, is solely, responsible for the conduct of the Hearings.

### WHAT ARE THE POSSIBLE OUTCOMES OF THESE HEARINGS?

Department of Animal Services hearings can result in the following actions:

- (A) Dismissal of charges,
- (B) Re-issuance of a license/permit subject to specific terms, conditions and restrictions being applied to future maintenance of the animal,
- (C) Revocation of a license/permit, resulting in the removal of the animal from the City of Los Angeles.

(D) Humane destruction of a dangerous animal.

(E) A \$250.00 penalty being levied in addition to (B) and (C) above for violation of terms and conditions previously imposed.

Any hearing resulting in a license/permit revocation or an animal being declared dangerous and subsequently destroyed may restrict future ownership privileges of animals of the same species in this City for the respondent.

### WHAT IS A STIPULATION?

A stipulation is a settlement agreed upon by the animal owner and the officer or other person representing the Department. In stipulations, the respondent waives all statutory and constitutional rights including but not limited to, the right to testify and confront and cross-examine witnesses. Stipulations also provide that the administrative record shall be inadmissible in any other proceedings.

### CAN THE RESPONDENT STIPULATE TO THE FACTS CONTAINED IN THE DEPARTMENT'S CASE?

Yes. Rather than proceed with an Administrative Hearing, if you do not wish to contest the occurrence of the events as alleged by the department you may request to stipulate. A stipulation will usually result in the re-issuance of the license subject to compliance with certain conditions for the handling and maintenance of the dog or other animal.

### WHAT IS THE HEARING EXAMINER'S FUNCTION?

The Hearing Examiner receives and evaluates evidence presented at the hearing and prepares a written report and recommendation to the General Manager, Department of Animal Services.

### WHAT TYPES OF EVIDENCE WILL BE CONSIDERED BY THE HEARING EXAMINER?

The Hearing Examiner will receive any evidence that is relevant. The types of evidence that are commonly accepted included:

- (A) Sworn testimony from witnesses,
- (B) Photographs,
- (C) Audio and video recordings,
- (D) Medical records,
- (E) Diagrams and maps,
- (F) Licensing/permit records,

(G) Letters, and

(H) Any other relevant documents.

### WHAT INFORMATION IS IN THE DEPARTMENT'S CASE?

A copy of the Department case file may be obtained by the pet owner at a nominal cost by submitting a written request to the Animal Care and Control Center's Field Supervisor filing the case.

### HOW IS EVIDENCE RECEIVED AT THE HEARING?

All testimony is taken under sworn oath. Any intentional submission of false information may lead to criminal charges. Any evidence submitted at the hearing becomes a permanent part of the hearing record and will not be returned.

### WHO HAS THE AUTHORITY TO MAKE THE FINAL DECISION IN THESE HEARINGS?

The General Manager, Department of Animal Services makes the final decision. This decision is legally binding unless appealed by the respondent.

### HOW DOES THE APPEAL SYSTEM WORK?

A respondent may appeal any Notice of Order within fifteen (15) days provided that he/she attends the hearing. Appeals are heard by the Board of Animal Services Commission. The Board may affirm, modify, or reverse the decision of the General Manager. Board decisions may be appealed to Superior Court.

### WHAT ARE REASONS FOR APPEAL?

A respondent may appeal the decision of the General Manager if he/she believes of the General Manager is not supported by the evidence of the case, or the hearing was not conducted in accordance with provisions for the conduct of hearings.

Challenges to the Constitutionality of the ordinance will not be heard by the Board of Animal Services. The complainant may not appeal the decision of the General manager of the Board of Animal Services Commission.

### HOW ARE APPEALS FILED?

Appeal forms and instructions are included with the General Manager, Department of Animal Services decision that is mailed to the respondent.

**MAY PARTICIPANTS BE REPRESENTED BY LEGAL COUNSEL?**

Yes. Any person may be represented by an attorney or any other legal representative at the hearing. Legal counsel, however, will not be provided nor is it required by law. The City will not pay for or provide for an attorney to represent any party to a hearing.

**HOW ARE PARTICIPANTS NOTIFIED OF THE TIME, PLACE AND DATE OF THE HEARING?**

A written summons or subpoena containing that information will be mailed to all principals by the Hearing Examiner.

**WHO MAY ATTEND THESE HEARINGS?**

All persons receiving a summons/subpoena issued by the Hearing Examiner are required to attend the hearing. If the respondent wishes to persons summoned to the Administrative Hearing a written request to do so must be submitted to the Hearing examiner issuing the summons/subpoena no less than fifteen (15) days prior to the scheduled hearing date. All requests must include the full name and address of the person to be summoned.

Any witness with relevant evidence or testimony may attend a hearing. Discretion will be used by the Hearing Examiner as to the attendance of others.

**WHAT ARE THE CONSEQUENCES FOR FAILING TO APPEAR AS SUMMONED/SUBPOENAED?**

Hearings may be held in spite of the absence of the involved parties. Failure to appear may result in:

- (A) The respondent forfeiting his/her right to appeal any action taken against him/her,
- (B) The respondent forfeiting his/her right to challenge any evidence presented against him/her,
- (C) Dismissal of the case due to the failure to satisfy the "Burden of Proof" that is required to substantiate the allegations,
- (D) Arrest in cases involving disobedience of a subpoena.

**CAN THE HEARING BE RESCHEDULED?**

The Hearing Examiner may reschedule a hearing for good cause. Any such request for rescheduling must be filed with the Hearing Examiner in a timely manner.

**ARE INTERPRETERS PROVIDED AT THE HEARING?**

Persons may provide their own interpreter if necessary. If they are unable to do so, a request for any interpreter should be made in a timely manner to the Hearing Examiner who issued the summons notice.

**WHO HAS THE RIGHT TO CROSS EXAMINE TESTIMONY AND EXAMINE EVIDENCE AT THE HEARING?**

Witnesses may be cross examined and evidence examined by the complainant, respondent and the Hearing Examiner.

**HOW LONG DOES A HEARING LAST?**

There is no way to determine the exact length of any hearing. Legal requirements and other factors impact the time. Hearings usually last from two (2) to six (6) hours.

**ARE THERE ANY COSTS INVOLVED AT THE HEARING?**

The City of Los Angeles pays for costs involved in these hearings. The City of Los Angeles, however, will not pay witness fees nor reimburse any lost wages that may result from attendance at the hearing.

**CAN HEARINGS BE WITHDRAWN?**

Yes, under certain circumstances if the problem is remedied. Requests concerning possible withdrawal of charges should be made through the Animal Care and Control Center that filed the case for hearing.

**SHOULD THE ANIMAL(S) INVOLVED IN THE CASE BE BROUGHT TO THE HEARING?**

No animals should be brought to the hearing. Photographs and proof of current licensing or permit for the animal is all that is necessary to identify the animal.

**WHAT TYPE OF RECORDS ARE KEPT OF THE HEARING?**

The entire hearing is tape-recorded. All evidence received becomes a permanent part of the hearing record and is retained by the Department of Animal Services.

**ARE CHILDREN PERMITTED AT THE HEARING?**

Only those children who have relevant testimony should attend the hearing. Child Care facilities are not available at the hearing sites.

For further information please call (888) 452-7381.

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

**BARKING DOG  
AND  
DANGEROUS ANIMALS**

**ADMINISTRATIVE  
HEARING GUIDE**

DEPARTMENT OF  
ANIMAL SERVICES

221 NORTH FIGUEROA STREET  
5<sup>TH</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90012  
(888) 452-7381

EDWARD A. BOKS  
GENERAL MANAGER

Visit our website at [www.LAAnimalServices.com](http://www.LAAnimalServices.com)