



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

DAVID POMAVILLE, DIRECTOR
DR. KEN BIRD, HEALTH OFFICER

May 4, 2017

CO0062408
CO0062409
PE 3210

Harold Matthews
11625 West Barstow Avenue
Fresno, CA 93722

RE: Dangerous Dog Administrative Hearing – Decision: “Boss Hogg,” a 4 year old Terrier-Pit bull /Mix, adult, male, white/tan color; “Roscoe,” a 4 year old Terrier-Pit bull /Mix. adult, male, white/tan color; “Trigger,” a 4 year old Terrier, adult, male, brown color; “PePe,” a 4 year old Chihuahua/Mix, adult, male, short coat, tan color; “Shrek,” a 14 year old Pit bull /Mix, adult, male, brindle color.

Dear Mr. Matthews:

On April 28, 2017, a hearing was conducted pursuant to the Fresno County Ordinance Code Section 9.04.310 to determine whether or not the dogs named Boss Hogg, Roscoe, Trigger, PePe and Shrek are dangerous.

FACTS AND FINDINGS:

On April 14, 2016, Patrol Sgt. Troy Paul responded to an incident on Barstow Avenue between Floyd and Bishop Avenues. Paul was on the north side of Barstow Avenue setting up a potential crime scene perimeter on foot when he was confronted by three (3) dogs that came from a residence at 11625 W. Barstow Avenue. The three dogs reportedly barked as they approached Sgt. Paul. He yelled at the dogs and one dog retreated. The two other dogs continued towards him. Sgt. Paul described the dogs as a white and brown colored Pit bull weighing 45 to 65 pounds and a dark colored mixed breed dog weighing 25 to 35 pounds. Sgt. Paul stated that the Pit bull stopped approximately 20 feet in front of him. The mixed breed dog circled to Sgt. Paul's right and was approximately 5 feet away. Sgt. Paul yelled and lunged at the mixed breed causing it to run behind the Pit bull dog. As Sgt. Paul continued to walk the Pit bull followed. Sgt. Paul used his Department issued OC spray on the Pit bull from a distance of 7 feet in an attempt to stop the Pit bull dog's advancement toward him. Sgt. Paul yelled out loud, “Come get your dogs,” at the 11625 W. Barstow Avenue residence. Sgt. Paul states that an unidentified subject appeared in the yard of 11625 W. Barstow Ave. residence and called the dogs back.

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On July 4, 2016, at approximately 2000 hours, members of the Fresno County Search and Rescue (SAR) team began searching for a reported missing person in the area of Barstow Avenue between Biola and Floyd Avenues. While searching along the canal on the north side of Barstow Avenue between Bishop and Floyd Avenues Fresno County Sheriff Office Homicide Detective Matthew Hamilton observed four (4) dogs running loose in the field on the south side of Barstow Avenue. The dogs barked at him but remained in the field. He watched the dogs run into the yard at 11625 W. Barstow Avenue. He noticed a chain-linked fence surrounding the property but there was no gate to the fence. He described the dogs as two (2) light colored, white with possible brown spots, Pit bulls. One dog was a tan Pit bull and one was a brown smaller mixed breed dog. Hamilton stated that he recognized the dogs as being among the same dogs that were quarantined on April 14, 2016 (FSO report #16-6104) regarding an incident on April 14, 2016.

On July 4, 2016, at approximately 8:30 p.m., SAR Volunteer Russ Richardson was participating in a search for a missing person on Barstow Avenue between Biola and Floyd Avenues. Richardson was on a canal bank on the north side of Barstow Avenue near 11625 W. Barstow when he observed loose dogs on the south side of W. Barstow Avenue. He believed the dogs were barking at another SAR Team. Richardson described one dog as a medium size black and brown striped muscular dog with a fat snout. He stated that the dog came within five (5) feet of him. Richardson did not see where the dog came from but thought it came from a residence located on the south side of Barstow Avenue, west of Floyd Avenue. Earlier he heard several dogs barking and an unidentified male owner yelling at the dogs.

On July 4, 2016, at approximately 8:30 p.m., a SAR Volunteer Dale George Mell was participating in a search for a missing person on Barstow Avenue between Biola and Floyd Avenues. At approximately 10:00 p.m., Mell was located west of 11625 W. Barstow Avenue on the north side along a canal. Mell stated a pack of dogs from the only residence located south of Barstow Avenue came out barking. Mell stated it was approximately six (6) dogs that came out. The lead dog was described as a Pit bull mix, tan and white in color and about two (2) feet tall, medium sized. Mell stated there was a dog bigger than the lead dog and other smaller dogs. The dogs barked at him and his team but did not cross Barstow Avenue.

On July 4, 2016, at approximately between 7:00 p.m. and 8:00 p.m., SAR Volunteer Daniel Jacobsen arrived at the command post on Barstow Avenue in a search for a missing person on Barstow Avenue between Biola and Floyd Avenues. When Jacobsen reached a site where the footprints he was tracking ended, he was 100 feet from a residence on the south side of Barstow Avenue, west of Floyd Avenue. He stated that his group was harassed by several dogs. He described one dog as a Pit bull style dog, grayish or dark in color, around two (2) feet tall weighing 40 to 70 pounds and appeared to be well fed. Jacobsen said a lead dog, and other dogs rushed from the residence to pass the midline on Barstow Avenue. The lead dog was pretty aggressive. Jacobsen heard the voice of another unknown SAR member and an unidentified male voice at the residence where the dogs exited. He thought he heard a conversation regarding putting the dogs away.

On July 4, 2016, at approximately 8:45 p.m., SAR Volunteer Scott Roberts was participating in a search for a missing person on Barstow Avenue between Biola and Floyd Avenues. At one point when Roberts was 100 yards west of a residence on the south side of Barstow Avenue west of Floyd Avenue he saw a group of loose dogs barking and running out to the street from said residence. He stated it was the only residence in that immediate area. Scott stated that another SAR Team was about 200 feet east of his location on the south side of Barstow Avenue and observed that they had to deal with the same group of dogs. Scott observed the shadow of the loose dogs running towards the SAR Team. He said he heard the voice of an unidentified male yell, "Get back in here." All but one (1) dog returned to the yard. He described the dog as having short hair, and brown, black and gray patterned fur. Scott stated that the dog was "standoffish," and seemed as if it was protective. The dog stayed by the residence and did not leave the immediate vicinity of said residence.

On July 7, 2016, at approximately 10:09 a.m., Patricia Ybarra was interviewed by Fresno County Sheriff Detectives Palma and Maldonado. Ybarra stated the dogs at 11625 W. Barstow had charged at her car. She states there were a half of dozen dogs at that residence. In particular, one white dog had a bad attitude. The dog has chased Ybarra's car from 11625 W. Barstow to Floyd Avenue. Ybarra stated the dogs were Pit bulls accompanied by a smaller dog.

On July 8, 2016, at approximately 9:11 p.m., Fatima Prado was interviewed by Fresno County Sheriff Detectives Palma and Chapman. Prado described two incidents that occurred in 2014 concerning aggressive dogs running loose at the 11625 W. Barstow Avenue location. Prado stated, in October or November 2013, she began riding a bike to work from Fresno to Shaw and Madera Avenues via Barstow Avenue. The first incident occurred in February or March of 2014 between 7:30 a.m. and 7:45 a.m. Prado stated she was chased by six (6) to eight (8) dogs coming from the 11625 W. Barstow Avenue residence. The dogs barked and chased after her for 30 to 50 yards. She described one of the dogs as a gold or yellow in color, medium to large weighing about 60 pounds. Prado did not know the breed. She said that most of the dogs were about the same size, except for one smaller black dog weighing approximately 20 pounds. Prado said she heard an unidentified male's voice call out to the dogs, "Get back here." She continued to ride along Barstow Avenue unless she saw the dogs in front of the residence at which time she would turn south on Floyd Avenue towards Shaw Avenue to avoid the dogs.

Prado stated the second incident occurred two months later between 7:30 a.m. and 7:45 a.m. when she was chased by eight (8) dogs. She said that she did not see the dogs in front of 11625 W. Barstow as she approached. However, when she passed the residence the dogs came out from the west side of the house and began running after her. One of the dogs, described as a Pit bull mixed, gray in color, got close to her. She sprayed the dog with pepper spray. Prado stated that she felt the dog hit her shoe or bicycle pedal. The dogs barked and chased her for 30 to 40 yards. Prado said that during the incident she went on to the shoulder of the road and got off her bike. She placed the bike between herself and the dogs. The dogs were barking at her. After some time she was able to get back on her bike and ride away.

CONCLUSIONS:

Decision Regarding “Boss Hogg”:

Based on testimony given at the hearing and a review of evidence presented; in reference to the Fresno County Ordinance (FCO) Section 9.04.310 (C), it is determined that the dog named “Boss Hog” is a dangerous dog as defined in the FCO 9.04.010 (G)(b). It states “that, “dangerous dog” means a dog, other than a dog used in law enforcement or a guide, signal or service dog, that...(b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person’s private property.”

Please be advised that FCO 9.04.310 D (3) states that, “any dog declared to be a dangerous dog shall be humanely destroyed.”

Decision Regarding “Roscoe”:

Based on testimony given at the hearing and a review of evidence presented; in reference to the Fresno County Ordinance (FCO) Section 9.04.310 (C), it is determined that the dog named “Roscoe” is a dangerous dog as defined in the FCO 9.04.010 (G)(b). It states “that, “dangerous dog” means a dog, other than a dog used in law enforcement or a guide, signal or service dog, that...(b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person’s private property.”

Please be advised that FCO 9.04.310 D (3) states that, “any dog declared to be a dangerous dog shall be humanely destroyed.”

Decision Regarding “Trigger”:

Based on testimony given at the hearing and a review of evidence presented; in reference to the Fresno County Ordinance (FCO) Section 9.04.310 (C), it is determined that the dog named “Trigger” is a dangerous dog as defined in the FCO 9.04.010 (G)(b). It states “that, “dangerous dog” means a dog, other than a dog used in law enforcement or a guide, signal or service dog, that...(b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person’s private property.”

Please be advised that FCO 9.04.310 D (3) states that, “any dog declared to be a dangerous dog shall be humanely destroyed.”

Decision Regarding “Shrek”:

Based on testimony given at the hearing and a review of evidence presented; in reference to the Fresno County Ordinance (FCO) Section 9.04.310 (C), it is determined that the dog named “Shrek” is a dangerous dog as defined in the FCO 9.04.010 (G)(b). It states “that, “dangerous dog” means a dog, other than a dog used in law enforcement or a guide, signal or service dog,

that...(b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person's private property."

Please be advised that FCO 9.04.310 D (3) states that, "any dog declared to be a dangerous dog shall be humanely destroyed."

Decision Regarding "PePe":

Based on testimony given at the hearing and a review of evidence presented; in reference to the Fresno County Ordinance (FCO) Section 9.04.310 (C), it is determined that the dog named "PePe" is a dangerous dog as defined in the FCO 9.04.010 (G)(b). It states "that, "dangerous dog" means a dog, other than a dog used in law enforcement or a guide, signal or service dog, that...(b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person's private property."

Please be advised that FCO 9.04.310 D (3) states that, "any dog declared to be a dangerous dog shall be humanely destroyed."

If you do not agree with this decision, you may within five (5) days of the receipt of this notice appeal this determination through the Superior Court as per the Food and Agricultural Code Section 31622. If you have any questions regarding the appeal process, please contact the Fresno County Counsel's office at (559) 600-3455.

Sincerely,



Frederick R. Rinder
Administrative Hearing Officer

FR:ad/cj

Cc: David Pomaville, Director, Department of Public Health
Dr. Ken Bird, Health Officer, Department of Public Health
Wayne Fox, Division Manager, Environmental Health, Department of Public Health
Libby Hellwig, Deputy County Counsel, Fresno County
Angyla Brumm, Fresno Humane Animal Services
E. Marshall Hodgkins, Attorney at Law
Quinlan, Kershaw & Fanucchi, Attorneys at Law

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