

FORM APPROVED COUNTY COUNSEL
 BY: *JINNY R. YANG* 9/16/10
 DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

258



FROM: Community Health Agency, Department of Animal Services

SUBMITTAL DATE:
 September 16, 2010

SUBJECT: Appeal of Denial of Class II Kennel License; District 1

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Conduct a hearing and receive comment from both Karen Duet and the Department of Animal Services (the Department) for reconsideration of the Department's denial of renewal of the Class II Kennel License on August 5, 2010.
- 2) Affirm, modify, or reverse the denial of the Department pursuant to Riverside County Ordinance No. 630.

BACKGROUND:

George and Karen Duet are owner operators of a Class II Kennel, called K-9 Companions, located at 13703 Cajalco Road, Perris, California, pursuant to land use approval issued to Levern and Geraldine Freeman in 1995. The land use approval established the maximum number of dogs allowed at the property at 20 dogs. As the Kennel License was due to expire, Mr. and Mrs. Duet applied for a renewal of the existing Class II Kennel License. (Continued.)

Robert P. Miller
 Robert Miller, Director for Animal Services

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	

C.E.O. RECOMMENDATION: APPROVE
 BY: *Debra Cournoyer*
 Debra Cournoyer
 County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the Board Reversed the Denial of the Class II Kennel License.

Ayes: Buster, Stone, Benoit, and Ashley
 Nays: None
 Absent: Tavaglione
 Date: October 5, 2010
 xc: CHA-Animal Services

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.:	District: 1	Agenda Number:	16.6
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Dep't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Departmental Concurrence

After performing both announced and unannounced inspections on their property, the Department of Animal Services concluded that a denial of the kennel application permit was warranted based on the Duets' failure to comply with local laws and regulations, as follows:

- Excessive number of dogs maintained in a Class II Kennel in violation of RCO No. 630;
- Excessive number of dogs maintained in violation of land use approval issued by the County of Riverside (Plot Plan 13992, as Amended), thus constituting a violation of RCO No. 348; and
- Property is not in compliance with other conditions of land use approval issued by the County of Riverside as Plot Plan 13992, as Amended, thus constituting separate and additional violations of RCO No. 348.

KAREN DUET
13703 Cajalco Road
Perris, California 92570
Telephone: (951) 780-5810

August 23, 2010

Clerk of the Board of Supervisors
4080 Lemon Street, First Floor
Riverside, California 92501

Re: Appeal of Denial of Class II Kennel License
Premises: 13703 Cajalco Rd, Perris, CA 92570
Application No. K10-095213

Dear Clerk,

I hereby appeal the denial of my application for renewal of a Class II Kennel license. The grounds for the appeal are that the Department of Animal Control denial of the renewal was unwarranted, is in violation of due process, was taken by surprise, and is essentially a revocation of the license without Notice or a Hearing.

The Department of Animal Control has licensed my kennel for 35 dogs since 2002 (see copies of licenses attached). It regularly inspected my kennel and found no problems. My business has grown and in 2008 I applied to have more dogs. Animal Control told me that I needed to get the approval of the Planning Department so I went there and applied. I continue with the process of getting the Planning Department's approval for expansion.

In April, 2010, County Counsel came into the picture and said that I could have only 20 dogs on the property. This was quite a surprise to me because for years my contact with the County has been Animal Control and it said I could have 35 dogs. We assumed Animal Control knew all the correct rules and regulations for the kennel. County Counsel said that Animal Control had no right to authorize me to have 35 dogs because Planning had limited us to 20 dogs. County Counsel also said that I should have known that I could only have 20 dogs because I was present when Planning authorized me for only 20 dogs. Truthfully, it is quite confusing because one department has told me I could have 35 dogs and another said I could have only 20 dogs. My application was to get planning's approval for more than 35 dogs.

My kennel license expired in May, 2010. Prior its expiration I applied for a renewal. Animal Control came out to the kennel and inspected it in May and June, 2010. At that time Animal Control did not say there was any problem with the renewal. I did

2010-08-108548

Clerk of the Board of Supervisors

August 20, 2010

Page 2

not receive the formal written license but I did not give this a second thought because we never received a formal written license when I renewed in 2008.

In late July Animal Control, Code Enforcement and the Sheriff's office raided the kennel on a Saturday morning. They were there for three hours. When they were there they counted every dog nose on the premises, including the dogs that we keep as pets and dogs that were brought onto the grounds for short evaluations or for one-on-one training. Every time a new dog came on the premises they counted it as a dog on premises even though dogs they had previously counted had left.

When they were there they wrote citations for too many dogs on the premises, for having an unpermitted guard dog, and for various minor code violations.

On August 5, 2010 I received the attached letter from Animal Control telling me that our kennel permit had not been renewed. The letter states four grounds for the non-renewal: 1) Excessive number of dogs maintained in a Class II kennel, 2) Excessive number of dogs maintained in violation of land use approval, 3) Property not in compliance with other conditions of land use approval, and 4) two unpermitted guard dogs on the premises. This came as quite a shock to me because the County had consistently told me that they would work with me to obtain approval for our business expansion and had never told me that they would revoke our license and shut us down. I have written signoffs dating back to 1995 for many of the items that are now alleged to be violation of land use approvals. Frankly, if I had known that the county wanted to shut us down we would have done what they wanted us to do because I cannot afford to lose my business.

The County has also filed a lawsuit against us to obtain an injunction to limit the number of dogs on the premises to 20 dogs, to remove the guard dogs, and to limit the business on the premises. This case went to the judge for hearing on August 13th and the judge refused to grant the County's requests. He has scheduled the next hearings for dates in September.

Our business is my source of income. It also employs 17 people. My family and I have invested hundreds of thousands of dollars into it. I cannot afford to lose the business and my employees need their jobs.

Since I received my notice that Animal Control has revoked my license I have made meeting their conditions with regard to the number of dogs, the guard dogs, and the conditions of approval my top priority. I will shortly be in compliance with all of their rules even though I think that some of them are not legally justified. For example, we have been accused of keeping guard dogs without permits. Riverside County has no program for issuing guard dog permits despite the existence of state law passed in 2001 which requires the county to have a permit program. I also disagree with the County's interpretation of that ordinance. I disagree with Code Enforcement's interpretation of the land use approvals. These legal issues will be submitted to the judge for his

Clerk of the Board of Supervisors

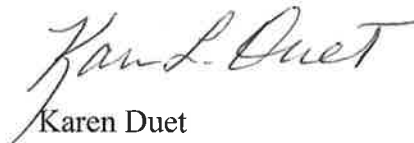
August 20, 2010

Page 3

interpretation as part of the ongoing court case. In the meantime, I am abiding by the County's interpretation because I need to keep my business alive.

The August 5, 2010 notice from Animal Control states that I am not permitted to apply for a new kennel license for one year. This seems especially harsh when I can bring ourselves into compliance with the County's interpretation of our conditions of approval in a very short period of time. There seems no reason to put me out of business for a year other than pure vindictiveness on someone's part. County Ordinance 630 permits the Board of Supervisors to shorten or eliminate that period. If the Board wants to revoke our license then I am asking at least for the right to immediately reapply. If the license is not in effect 17 people will lose their jobs. It is fair that we be given the right to be back in business as soon as all of the County's conditions are met.

Very truly yours,

A handwritten signature in cursive script that reads "Karen L. Duet". The signature is written in black ink and is positioned above the printed name.

Karen Duet

KENNEL LICENSE

NON-TRANSFERABLE

Class II

LICENSE ISSUED 5/8/02
LICENSE EXPIRES 5/8/04

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER	35 MAX


LICENSE NUMBER	K02-095213
FEE	\$220.00
PENALTY	
TOTAL	\$220.00

Issued Pursuant to Riverside County Ordinance No. 630

This license is granted for the establishment of the below kennel on condition the person named on the license will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of California and the County of Riverside pertaining to the below mentioned kennel. This license must be renewed on the expiration date as shown above. This license may be suspended or revoked by the Health Officer for cause.

Name of Owner	Karen Duet
Name of Kennel	K-9 Companions
Fed	
Location	13703 Cajalco Rd
Mailing Address	same
City and State	Lake Mathews, Ca 92570

Janice Upstone
Director of Animal Services



Animal Services Operations Chief

KENNEL LICENSE

NON-TRANSFERABLE

Ken 2 Un 2

LICENSE ISSUED 5/8/04
LICENSE EXPIRES 5/8/06

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER <u>35 Max</u>	

LICENSE NUMBER K02-095213
FEE \$650.00
PENALTY
TOTAL \$650.00

Issued Pursuant to Riverside County Ordinance No. 630

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Name of Owner	<u>Karen Duet</u>
Name of Kennel	<u>K-9 Companions</u>
Address	<u></u>
Location	<u>13703 Cajalco Rd.</u>
Mailing Address	<u>same</u>
City and State	<u>Lake Mathews, CA 92570</u>

Janice McLaughlin
Director of Animal Services



Animal Services Operations Chief

KENNEL LICENSE

NON-TRANSFERABLE

LICENSE ISSUED 5/8/06
LICENSE EXPIRES 5/8/08

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER	35

LICENSE NUMBER K06-095213
FEE \$650.00
PENALTY \$0.00
TOTAL \$650.00

Issued Pursuant to Riverside County Ordinance No. 630

This license is granted for the establishment of the below kennel on condition the person named on the license will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of California and the County of Riverside pertaining to the below mentioned kennel. This license must be renewed on the expiration date as shown above. This license may be suspended or revoked by the Health Officer for cause.

Name of Owner	Duet, Karen
Name of Kennel	
Address	
Location	13703 Cajalco Road A
Mailing Address	13703 Cajalco Road A
City and State	Lake Matthews, CA. 92570

Robert F. Payne
 Director of Animal Services

J. Cas
 Deputy Director of Animal Services



**DEPARTMENT OF
ANIMAL SERVICES**

Riverside County Community Health Agency

*Department of Animal Services
Robert Miller, Director*

August 5, 2010

George and Karen Duet
13703 Cajalco Rd.,
Perris, CA 92570

Re: **Notice of Denial of Class II Kennel License**
Premises: 13703 Cajalco Rd., Perris, CA
Application No. K10-095213

Dear Mr. and Mrs. Duet:

The Riverside County Department of Animal Services has completed the processing and consideration of your recent application for a renewal of a Class II Kennel License, including performing announced and unannounced inspections of the above-described premises located in the unincorporated area of Riverside County.

We regret to inform you that your application for license renewal is denied at this time because the conditions of your property are not in compliance with applicable laws and regulations of the State of California and ordinances adopted by the Riverside County Board of Supervisors, specifically Riverside County Ordinance (RCO) Nos. 630 and 348. The denial of your application is based on the following:

- (X) Excessive number of dogs maintained in a Class II Kennel in violation of RCO No. 630. (71 dogs in the kennel at the time of last inspection);
- (X) Excessive number of dogs maintained in violation of land use approval issued by the County of Riverside as Plot Plan 13992, as Amended, thus constituting a violation of RCO No. 348;
- (X) Property is not in compliance with other conditions of land use approval issued by the County of Riverside as Plot Plan No. 1 3992, as Amended, thus constituting separate and additional violations of RCO No. 348; and
- (X) Two (2) unpermitted Guard/Attack dogs are kenneled and/or maintained on the property in violation of *California Health and Safety Code §§ 121875 et seq.*

Riverside County Community Health Agency
DEPARTMENT OF ANIMAL SERVICES - Administrative Offices
5950 Wilderness Avenue, Riverside, California 92504
(951) 358-7387 □ FAX (951) 358-7300 □ TDD (951) 358-5124

Correspondence to George and Karen Duet

August 5, 2010

Page Two

Pursuant to Riverside County Ordinance No. 630, the effective date of this denial is thirty (30) days after notice hereof. Furthermore, an application for a new license shall not be considered by our department for a period of one (1) year from the effective date.

Request For Appeal

You may appeal this denial by filing a written Request For Appeal which includes a brief statement of any reasons which support your allegation that this denial is improper. **The Request For Appeal must be filed with the Clerk of the Board of Supervisors (4080 Lemon Street, 1st Floor, Riverside, CA 92501 (951.955.1060)) within fifteen (15) days after notice of this denial.** Thereafter the Clerk of the Board shall set a hearing in front of the Riverside County Board of Supervisors. Please note that in conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence, as applicable in courts of law, however all evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

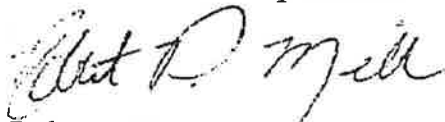
You are further noticed that although an appeal may stay the denial, during the pendency of the appeal the Director may take such action as he deems appropriate under RCO 630 or other law respecting the subject kennel, including but not limited to the abatement of public nuisances, inspection of the kennel premises or the prosecution of any violation of RCO No. 630 or any other provision of law not related to the failure of the subject kennel to be currently and otherwise validly licensed.

Enclosed please find Six Hundred Fifty Dollars (\$650.00) which represents reimbursement of the licensing fees previously submitted by you concerning the above-referenced application.

You are welcome to contact my office if you would like to further discuss this matter.

Respectfully,

Animal Services Department



Robert Miller

Director

Cc: Laverne and Geraldine Freeman, property owners

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Riverside County Community Health Agency
DEPARTMENT OF ANIMAL SERVICES - Administrative Offices
5950 Wilderness Avenue, Riverside, California 92504
(951) 358-7387 ☐ FAX (951) 358-7300 ☐ TDD (951) 358-5124

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16.4

The Chairman announced due to lack of quorum that the public hearing on the Appeal of the Denial of a Class II Kennel License – Application No. K10-095213 – 13703 Cajalco Road, Perris, 5th District, is continued to Tuesday, October 5, 2010 at 1:30 p.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on September 28, 2010 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: September 28, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: *Kecia Harper-Ihem* Deputy

AGENDA NO.
16.4

xc: CHA, Applicant, COB

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant, for the County of Riverside, do hereby
(NAME and TITLE)

certify that I am not a party to the within action or proceeding; that on August 26, 2010, I served by mail (1) a Notice of Public Hearing regarding an Appeal filed for a denial of a kennel license application (copies of which are on file in the Office of the Clerk to the Board of Supervisors) to the following:

Karen Duet
13703 Cajalco Road
Perris, CA 92570

7007 0710 0002 2790 4480

Said copies enclosed in a sealed envelope, were deposited in the United States Post Office, 3890 Orange St. Riverside, CA 92501.

Board Agenda Date: September 28, 2010 @ 1:30 pm

SIGNATURE: _____



Cecilia Gil

DATE: 08-26-10

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL FOR A DENIAL OF A KENNEL LICENSE APPLICATION

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, September 28, 2010, at 1:30 P.M. to consider the appeal filed by Karen Duet on the denial of a kennel license application.

Any person wishing to testify in support of or in opposition to the denial of the kennel license application may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the appeal hearing.

Please be advised that in conducting the hearing, the Board of Supervisors shall not be limited to the technical rules relating to evidence and witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

Please send all written correspondence to:

Clerk of the Board
4080 Lemon Street, 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Dated: August 26, 2010

Kecia Harper-Ihem
Clerk of the Board
By: Cecilia Gil, Board Assistant

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Cecilia Gil, Board Assistant, for the County of Riverside, do hereby
(NAME and TITLE)

certify that I am not a party to the within action or proceeding; that on August 26, 2010, I served by mail (1) a Notice of Public Hearing regarding an Appeal filed for a denial of a kennel license application (copies of which are on file in the Office of the Clerk to the Board of Supervisors) to the following:

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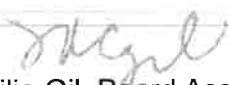
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Clerk of the Board
4080 Lemon Street, 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Dated: August 26, 2010

Kecia Harper-Ihem
Clerk of the Board


By: Cecilia Gil, Board Assistant

KAREN DUET
13703 Cajalco Road
Perris, California 92570
Telephone: (951) 780-5810

August 20, 2010

Clerk of the Board of Supervisors
4080 Lemon Street, First Floor
Riverside, California 92501

Re: Appeal of Denial of Class II Kennel License
Premises: 13703 Cajalco Rd, Perris, CA 92570
Application No. K10-095213

Dear Clerk,

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In April, 2010, County Counsel came into the picture and said that I could have only 20 dogs on the property. This was quite a surprise to me because for years my contact with the County has been Animal Control and it said I could have 35 dogs. We assumed Animal Control knew all the correct rules and regulations for the kennel. County Counsel said that Animal Control had no right to authorize me to have 35 dogs because Planning had limited us to 20 dogs. County Counsel also said that I should have known that I could only have 20 dogs because I was present when Planning authorized me for only 20 dogs. Truthfully, it is quite confusing because one department has told me I could have 35 dogs and another said I could have only 20 dogs. My application was to get planning's approval for more than 35 dogs.

My kennel license expired in May, 2010. Prior its expiration I applied for a renewal. Animal Control came out to the kennel and inspected it in May and June, 2010. At that time Animal Control did not say there was any problem with the renewal. I did

2010-08-102587

not receive the formal written license but I did not give this a second thought because we never received a formal written license when I renewed in 2008.

In late July Animal Control, Code Enforcement and the Sheriff's office raided the kennel on a Saturday morning. They were there for three hours. When they were there they counted every dog nose on the premises, including the dogs that we keep as pets and dogs that were brought onto the grounds for short evaluations or for one-on-one training. Every time a new dog came on the premises they counted it as a dog on premises even though dogs they had previously counted had left.

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The County has also filed a lawsuit against us to obtain an injunction to limit the number of dogs on the premises to 20 dogs, to remove the guard dogs, and to limit the business on the premises. This case went to the judge for hearing on August 13th and the judge refused to grant the County's requests. He has scheduled the next hearings for dates in September.

Our business is my source of income. It also employs 17 people. My family and I have invested hundreds of dollars into it. I cannot afford to lose the business and my employees need their jobs.

Since I received my notice that Animal Control has revoked my license I have made meeting their conditions with regard to the number of dogs, the guard dogs, and the conditions of approval my top priority. I will shortly be in compliance with all of their rules even though I think that some of them are not legally justified. For example, we have been accused of keeping guard dogs without permits. Riverside County has no program for issuing guard dog permits despite the existence of state law passed in 2001 which requires the county to have a permit program. I also disagree with the County's interpretation of that ordinance. I disagree with Code Enforcement's interpretation of the land use approvals. These legal issues will be submitted to the judge for his

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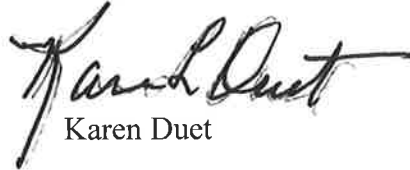
August 20, 2010

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Very truly yours,

A handwritten signature in black ink, appearing to read "Karen Duet". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Karen Duet

DEPARTMENT OF ANIMAL SERVICES, COUNTY OF RIVERSIDE, CALIFORNIA

KENNEL LICENSE

NON-TRANSFERABLE

Class II

LICENSE ISSUED 5/8/02
LICENSE EXPIRES 5/8/04

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER	35 MAX


LICENSE NUMBER R02-095213
FEE \$220.00
PENALTY
TOTAL \$220.00

Issued Pursuant to Riverside County Ordinance No. 630

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Name of Owner	Karen Duet
Name of Kennel	K-9 Companions
Breed	
Location	13703 Cajalco Rd
Mailing Address	same
City and State	Lake Mathews, Ca 92570

Janice Upstone
Director of Animal Services



Animal Services Operations Chief

KENNEL LICENSE

NON-TRANSFERABLE

Class II

LICENSE ISSUED 5/8/02
LICENSE EXPIRES 5/8/04

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
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LICENSE NUMBER	K02-095213
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Name of Kennel	K-9 Companions
F d	
Location	13703 Cajalco Rd
Mailing Address	same
City and State	Lake Mathews, Ca 92570

Janice Upstone
 Director of Animal Services



Animal Services Operations Chief

KENNEL LICENSE

NON-TRANSFERABLE

Ken 2 Un 2

LICENSE ISSUED 5/8/04
LICENSE EXPIRES 5/8/06

APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER	35 Max

LICENSE NUMBER K02-095213
FEE \$650.00
PENALTY
TOTAL \$650.00

Issued Pursuant to Riverside County Ordinance No. 630

This license is granted for the establishment of the below kennel on condition the person named on the license will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of California and the County of Riverside pertaining to the below mentioned kennel. This license must be renewed on the expiration date as shown above. This license may be suspended or revoked by the Health Officer for cause.

Name of Owner	Karen Duet
Name of Kennel	K-9 Companions
Br	
Location	13703 Cajalco Rd.
Mailing Address	same
City and State	Lake Mathews, CA 92570

Janice McLaughlin
Director of Animal Services



Animal Services Operations Chief

KENNEL LICENSE

NON-TRANSFERABLE

LICENSE ISSUED 5/8/06
LICENSE EXPIRES 5/8/08


APPLICABLE TO:	
DOGS <input checked="" type="checkbox"/>	CATS <input type="checkbox"/>
OTHER <input type="checkbox"/>	
NUMBER	35

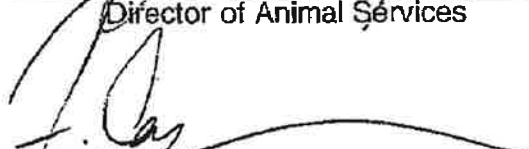
LICENSE NUMBER K06-095213
FEE \$650.00
PENALTY \$0.00
TOTAL \$650.00

Issued Pursuant to Riverside County Ordinance No. 630

This license is granted for the establishment of the below kennel on condition the person named on the license will comply with the laws, ordinances and regulations that are now or may hereafter be in force by the United States Government, the State of California and the County of Riverside pertaining to the below mentioned kennel. This license must be renewed on the expiration date as shown above. This license may be suspended or revoked by the Health Officer for cause.

Name of Owner	Duet, Karen
Name of Kennel	
E d	
Location	13703 Cajalco Road A
Mailing Address	13703 Cajalco Road A
City and State	Lake Matthews, CA. 92570


 Director of Animal Services


 Deputy Director of Animal Services



**DEPARTMENT OF
ANIMAL SERVICES**

Riverside County Community Health Agency

*Department of Animal Services
Robert Miller, Director*

August 5, 2010

George and Karen Duet
13703 Cajalco Rd.,
Perris, CA 92570

Re: Notice of Denial of Class II Kennel License
Premises: 13703 Cajalco Rd., Perris, CA
Application No. K10-095213

Dear Mr. and Mrs. Duet:

The Riverside County Department of Animal Services has completed the processing and consideration of your recent application for a renewal of a Class II Kennel License, including performing announced and unannounced inspections of the above-described premises located in the unincorporated area of Riverside County.

We regret to inform you that your application for license renewal is denied at this time because the conditions of your property are not in compliance with applicable laws and regulations of the State of California and ordinances adopted by the Riverside County Board of Supervisors, specifically Riverside County Ordinance (RCO) Nos. 630 and 348. The denial of your application is based on the following:

- (X) Excessive number of dogs maintained in a Class II Kennel in violation of RCO No. 630. (71 dogs in the kennel at the time of last inspection);
- (X) Excessive number of dogs maintained in violation of land use approval issued by the County of Riverside as Plot Plan 13992, as Amended, thus constituting a violation of RCO No. 348;
- (X) Property is not in compliance with other conditions of land use approval issued by the County of Riverside as Plot Plan No. 1 3992, as Amended, thus constituting separate and additional violations of RCO No. 348; and
- (X) Two (2) unpermitted Guard/Attack dogs are kenneled and/or maintained on the property in violation of *California Health and Safety Code §§ 121875 et seq.*

Riverside County Community Health Agency
DEPARTMENT OF ANIMAL SERVICES - Administrative Offices
5950 Wilderness Avenue, Riverside, California 92504
(951) 358-7387 □ FAX (951) 358-7300 □ TDD (951) 358-5124

Correspondence to George and Karen Duet
August 5, 2010
Page Two

Pursuant to Riverside County Ordinance No. 630, the effective date of this denial is thirty (30) days after notice hereof. Furthermore, an application for a new license shall not be considered by our department for a period of one (1) year from the effective date.

Request For Appeal

You may appeal this denial by filing a written Request For Appeal which includes a brief statement of any reasons which support your allegation that this denial is improper. **The Request For Appeal must be filed with the Clerk of the Board of Supervisors (4080 Lemon Street, 1st Floor, Riverside, CA 92501 (951.955.1060)) within fifteen (15) days after notice of this denial.** Thereafter the Clerk of the Board shall set a hearing in front of the Riverside County Board of Supervisors. Please note that in conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence, as applicable in courts of law, however all evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

You are further noticed that although an appeal may stay the denial, during the pendency of the appeal the Director may take such action as he deems appropriate under RCO 630 or other law respecting the subject kennel, including but not limited to the abatement of public nuisances, inspection of the kennel premises or the prosecution of any violation of RCO No. 630 or any other provision of law not related to the failure of the subject kennel to be currently and otherwise validly licensed.

Enclosed please find Six Hundred Fifty Dollars (\$650.00) which represents reimbursement of the licensing fees previously submitted by you concerning the above-referenced application.

You are welcome to contact my office if you would like to further discuss this matter.

Respectfully,

Animal Services Department



Robert Miller
Director

Cc: Leverne and Geraldine Freeman, property owners

G:\Property\PSmith\CODE\k-9 companions\080510.lettertoduet.doc

Riverside County Community Health Agency
DEPARTMENT OF ANIMAL SERVICES - Administrative Offices
5950 Wilderness Avenue, Riverside, California 92504
(951) 358-7387 ☐ FAX (951) 358-7300 ☐ TDD (951) 358-5124

From: Karen Dunt
13703 J.J. Lane
Perris CA
92570

RECEIVED RIVERSIDE COUNTY
CLERK / DEPT. OF SOCIAL SERVICES
2010 AUG 23 PM 4:18



1000

92501

U.S. POSTAGE
PAID
CORONA, CA
92877
AUG 20, 10
AMOUNT
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAILTM



7710 0290 0001 9613 8157

RETURN RECEIPT
REQUESTED

To: Clerk of the Board of
Supervisors
4080 Lemon St 1st Floor
Riverside CA 92501

Ready **P**ost[®]

October 4, 2010

Supervisor Bob Buster
4080 Lemon Street, First Floor
Riverside, Ca

Re: Support for K-9 Companions

Dear Supervisor Buster:

I am the neighbor located directly to the North of the Duets kennel. It has come to my attention that you are considering revoking K-9 Companions kennel license. I am the closest neighbor to the North of the kennel and I feel that revoking the license completely is an over correction for this facility.

While I understand that there has been neighborhood controversy over this kennel I also know that this controversy is coming mostly from one neighbor that is further away from the kennel than my own residence. This neighbor has been bullying the other neighbors to try to gain their support for the revocation of the Duets license.

The Duet's run a clean operation and provide a much needed service to this County and Southern California animal owners in general. Their efforts to insure that dogs are trained and not abandoned to shelters are an essential service to our community. Lake Mathews is an area where animal owners move to pursue their animal related businesses and hobbies. I feel that this operation is in keeping with surrounding area and should be allowed to exist and continue to operate.

Please except this letter of support and consider me in favor of the continuation of their Class 2 Kennel license.

Sincerely,



13539 CAJALCO RD PERRIS
CA 92570

Submitted by Michael Schaefer
10/5/10 (date) Item 16.6

October 4, 2010

The Honorable Bob Buster
Riverside County Board of Supervisors
4080 Lemon Street, First Floor
Riverside, CA

Dear Supervisor Buster:

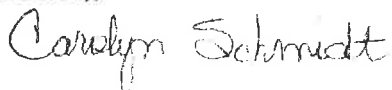
SUBJECT: SUPPORT FOR K-9 COMPANIONS

I am the closest neighbor located directly to the east of the Duet's kennel. It has come to my attention that you are considering revoking K-9 Companions' kennel license. In my opinion, revoking the license is an over correction for this facility.

The Duet's run a clean operation and provide a much needed service to this County and Southern California animal owners in general. Their efforts to insure that dogs are trained and not abandoned to shelters are an essential service to our community. Lake Mathews is an area where animal owners move to pursue their animal related businesses and hobbies. I feel that this operation is in keeping with surrounding areas and should be allowed to exist and continue to operate.

Please accept this letter of support and consider me in favor of the continuation of their Class 2 Kennel license.

Yours truly,



Carolyn Schmidt

13735 J & J Lane

Perris (Lake Mathews), CA 92570

October 4, 2010

Supervisor Bob Buster
4080 Lemon Street, First Floor
Riverside, CA

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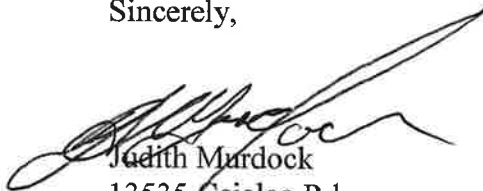
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Sincerely,



Judith Murdock
13535 Cajalco Rd.
Lake Mathews, Ca 92570

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Riverside, Ca

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13539 CAJALCO RD PERRIS
CA 92570

Submitted by _____
10/5/10 Item 16.6
(date)

October 4, 2010

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Riverside County Board of Supervisors
4080 Lemon Street, First Floor
Riverside, CA

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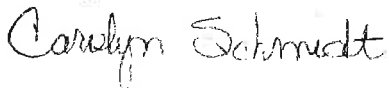
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Yours truly,



Carolyn Schmidt

13735 J & J Lane

Perris (Lake Mathews), CA 92570

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4080 Lemon Street, First Floor
Riverside, CA

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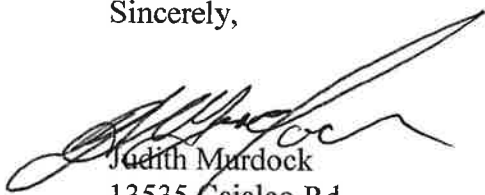
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Sincerely,



Judith Murdock
13535 Cajalco Rd.
Lake Mathews, Ca 92570



Hearing on Appeal
Denial of Class II Kennel License Renewal
George and Karen Duet, dba K-9 Companions

On August 5, 2010 the DAS issued a **Notice of Denial of Class II Kennel License** to *George and Karen Duet, dba K-9 Companions*.

RCO 630 § 7 authorizes denial of an application for a license if the kennel is in violation of any State law, provision of RCO 630, or other County Ordinance.



Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Recommended Board Action:

AFFIRM, MODIFY, or REVERSE the denial of the Class II Kennel License issued by the Department of Animal Services on August 5, 2010 in the matter of *K-9 Companions (George and Karen Duet)* pursuant to Riverside County Ordinance No. 630.

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Timeline of Relevant Events:

- In 1995 land use approval for a Class II Kennel (20 dog max.) was issued by the BOS to Levern and Geraldine Freeman, owners of 13703 Cajalco Rd., Perris.
- Since 1995 George and Karen Duet, lessors, have been owner/operators of the Class II Kennel named K-9 Companions.
- In 2002, DAS issued a Kennel license to Karen Duet for 35 dogs (This decision appears to have been based on 2 previous licenses; one for 10 dogs and one for 25 dogs issued for 2 properties which eventually were merged into one).

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Relevant Events continued:

- In April 1, 2008 a License Renewal was issued to the Duets. This Renewal Application was signed and submitted to DAS by Karen Duet on April 18, 2008, but due to the pending land use requests (CUP application) the License was not renewed.
- The pending Renewal Application has remained in abeyance.
- On April 24, 2010 after DAS became aware that the CUP was no longer progressing through planning, a meeting was held with the Duets and several County Departments. Discussions included reducing the dog population on the property to 20.

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Relevant Events continued:

- During a May 28, 2010 inspection DAS observed 20 dogs on the property.
- On or about June 2010, DAS received complaints that the kennel had more than 20 dogs on the property.
- DAS, after considering the complaints, requested and was granted an inspection warrant.
- The warrant was served on July 24, 2010 and the inspection revealed 71 dogs on the property.

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Basis for Denial of Kennel License Renewal:

An inspection of 13703 Cajalco Rd. Perris, was performed on July 24, 2010, pursuant to a search warrant and revealed the following violations of County Ordinances:

- A. 71 dogs observed, in violation of the max. # of dogs allowed under a Class II Kennel License (RCO 630 § 1);
- B. 71 dogs violated the land use approval allowing the maximum of 20 dogs on the property (PP13992, as Amended, RCO 348);

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Basis for Denial continued:

C. Other violations of PP13992 documented by the Department of Code Enforcement via NOV issued August 6, 2010. Those violations include:

1. Unpermitted construction (RCO 457);
2. Group classes in violation of PP13992 (RCO 348); and

D. Two (2) guard dogs on premises (CA H & S Code § 121875) *(On advice from County Counsel, this issue no longer a basis for denial.)*

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

BOS Options:

Affirm the denial

Reverse the denial

Modify the denial

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Affirm the Denial:

- In the event the Board affirms the denial, no application for a new license for K-9 Companions will be considered for a period of one (1) year from the effective date of the denial.
- Land use approval for a kennel with 20 dogs maximum remains during this one (1) year period although a kennel may not be operated.
- After the one (1) year period, the Duets may apply for a new kennel license for no more than 20 dogs on the property with approval from Building and Safety, Code Enforcement, and Planning Departments.

Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Reverse the Denial:

- In the event the Board reverses the denial, DAS will issue a kennel license renewal for K-9 Companions following an inspection confirming the number of dogs on the property not to exceed 20 dogs.



Hearing on Appeal of Denial of Class II Kennel License Renewal

George and Karen Duet, dba K-9 Companions

Modify the Denial:

- In the event the Board desires to **Modify the Denial**, the following is offered for the Board's consideration:

1. For good cause shown, the BOS may direct that a lesser period of time than one (1) year be imposed before consideration of a new application for kennel license. (RCO 630 § 7(b))
2. The County has filed a Complaint and Motion For Preliminary Injunction (set for October 27, 2010) in Riverside Superior Court regarding land use and code enforcement violations.

NATHAN WESTPHAL

19069 Van Buren Blvd.
Suite 114, #140
Riverside, California 92570
Phone: 951-901-9515
Fax: 951-583-4840

September 28, 2010

Christian Hinojosa
County of Riverside
4080 Lemon Street (12th Floor)
Riverside, CA 92501

RE: K-9 Companions-CUP 3618

Dear Christian Hinojosa,

I am writing you to inform you that as a resident of Riverside County as well as a resident of Lake Mathews, I find it a little upsetting that you would approve a kennel in this area just to take it's operating rights away from them at a later time. I believe the seizure of property from this residence on July 24, 2010 was not only conducted under false pretense but I do believe it violates the Duet's "legitimate expectation of privacy". You can not approve of a business at one moment to just turn around and disapprove of it with a law that was not even in affect.

The Fourth Amendment of the U.S. Constitution: (incase you forgot it)

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

I find it appalling that you would close down a fully approved business as well as cut 17 jobs at anytime especially in this economic down turn. This doe not encourage me or anyone to start a business in this county.

Further, I am curious if you are going to refund this business all of the fees that were paid to the county for their permit renewal just two months prior, as to the best of my knowiedge you did collect and cash with no problems. I truly hope that you will do the right thing and allow this business to prosper.

Sincerely,



Nathan Westphal
Lake Mathews Resident
RAGLM Board Member

Submitted by _____
10/5/10 Item 1616
(date)

19069 Van Buren Blvd
Suite 114, #140
Riverside, California 92570
Phone: 951-901-9515
Fax: 951-580-4840

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County of Riverside
4080 Lemon Street (12th Floor)
Riverside, CA 92501

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Sincerely,



Nathan Westphal
Lake Mathews Resident
RAGLM Board Member

Submitted by _____
10/5/10 Item 16.6
(date)

NATHAN WESTPHAL

19069 Van Buren Blvd.
Suite 114, #140
Riverside, California 92570
Phone: 951-901-9515
Fax: 951-583-4840

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Sincerely,



Nathan Westphal
Lake Mathews Resident
RAGLM Board Member

Submitted by _____
10/5/10 Item 16c6
(date)

Muttly Makeovers
Mobile Dog Grooming
Riverside County Business
License # 023139

To: Supervisor Bob Buster,

September 21, 2010

I have been a resident of the rural Lake Mathews – Gavalin Hills for 30 years. I owned and operated a pet salon in Orange County for 16 years. Three years ago I sold the salon, and opened my mobile business in the County of Riverside.

It has recently come to my attention that an upcoming meeting will be considering the revocation of the business license of K-9 Companions Dog Training, a business located in our rural area. I find this news shocking, considering that they have been operating for 23 years, and 16 years at their current location. For the past two years, my mobile grooming service has been the grooming service provider at K-9 Companions. To lose this area business would have a major negative impact on my mobile business, and would reduce my yearly income by at least half. There are also many people employed as trainers, kennel technicians, office staff, and gardening services, that would all be out of a job. This would be tremendously hurtful to many families, at a time when unemployment is at record high levels in our county!

In the two years that I have worked on the site of K-9 Companions, I have observed a standard professionalism, cleanliness, and consideration for the environment that is far above any other kennels that I have visited. K-9 Companions has trained and even donated service and therapy dogs to help the handicapped. Many of the dogs in the training program come from shelters, and the training they receive at this facility is the key to them remaining in a home forever as a loved family member!

It is hard to imagine a more perfect location for this business. The campus is hidden away on a little rural road, with only four close neighbors. One of these neighbors is also a dog kennel operator. At K-9 Companions, the dogs are housed in a heated or air conditioned "kennel room" overnight. These rooms are insulated, and each dog has a personal crate to sleep in. This prevents all night barking from being a noise problem. In the morning around 7:30 each dog is placed in a very roomy dog run. They are fed and given time to relieve themselves, then taken back to the kennel room. The cement floored dog runs are now cleaned, and pressure washed with disinfectant, to prevent flies and disease. Fans are placed to dry the runs, fresh water is placed, and the dogs are returned to the runs for the day. There is always an attendant in the kennel area, to keep the barking level low, to remove feces, and to insure that the dogs are clean and comfortable. In the event that one seems "off" the owner is notified, and the pet is seen by a vet as necessary. They are given training throughout the day, then fed again in the afternoon. They are returned to the crate room around 8:30 in the evening, for the night.

Submitted by _____
10/5/10 Item 16.6
(date)

The owners of K-9 Companions complied with animal control in being inspected and renewing their license every two years. They have attended to any problems as soon as they have become aware of them. When an individual in the area raised concerns regarding the facility, there were only two items cited that have not been resolved. K-9 Companions already had applications in process with the county to resolve the remaining issues.

K-9 Companions is a business with a very long history in Riverside County. They have benefited many pet owners in the area, and have made every effort to be good neighbors. As a fellow business owner, I ask you to please drop this action designed to terminate a business that is an asset to our rural community.

Thank you,

Alice Jackson
19353 Cowan Rd.
Perris, Ca. 92570

I have posted about this kennel in the past. It's a very interesting case to follow and catch up on, if you haven't been doing so.

This is RURAL, UNINCORPORATED Riverside County. This is an agricultural (thou the county is working hard to take that away) and animal keeping area. Which is reasonable, being this is an unincorporated area. Many of us moved here for animal keeping reasons. Kennels, cataries, aviaries and stables are a reasonable thing to see out here. To say nothing of our right for private ownership of animals.

Some of you may have seen the "K-9 Companions" billboard on Van Buren, near Mockingbird Canyon. K-9 Companions came to Riverside in 1987. They first purchased land off of Kirkpatrick Road and got their Class 1 permit for their kennel business. Then, in 1994 they purchased property at 13703 Cajalco Rd. They applied for and obtained their kennel Class 2 license in 1996 after hearings and such were held. The Duet's have been conducting business there since that time without one complaint in all this time. The County of Riverside approved 20 dogs, but Animal Services had stated 25 dogs, then raised it to 35 and issued permits. The 35 dog permit is what the Duet's have held for over a decade and all was well, fine and good, until they applied to expand their growing, in demand business. Imagine, a thriving business in Riverside County!

[13703 Cajalco Road, Perris, CA - Google Maps](#)

Please note that the property the Duet's purchased for this business is located next to a reserve, habitat area. This was done in part to minimize impacts to area residents of kennel noise. Looking at the maps you can see that this area is very rural, open, large lots with good distance between homes. This is not an area surrounded with residential sized lots. If this isn't the appropriate location for a kennel, where else in Riverside County would be? At the below link you may have to put in the Duet's address (13730 Cajalco Rd., Perris, 92570) to see the lot sizes and rural area this sits in.

RIVERSIDE COUNTY LAND INFORMATION SYSTEM

The kennel has created a positive reputation here in our community and in the county, and thou still small, has generated jobs in Riverside County. Something much needed, especially for our young adults, while attending college here. A good number of the staff at K-9 Companions are young adults, starting out in animal training and animal behavior. Some of them are going to college for degrees in this field. Others work there and live in our community. The Duet's have qualified trainers that they have trained or have come to them already trained in this field. As with most jobs, you may come to them skilled, but their is still training needed to learn the ways K-9 Companions trains dogs. So true is the training given to the staff/trainers at K-9 Companions. The Department of Animal Services has even requested and had K-9 Companions demonstrate their training of obedience and protection at some of the counties Open House events throughout the 1990's.

This business was brought about due to the love and compassion George and Karen Duet have for animals, especially George, who has a dog to aid him with a disability

from his years of service in the military (Vietnam - Special Operations Warrior, two (2) Bronze Stars, two (2) Purple Hearts). He gained his love and respect for dogs working with the K-9 handlers in Vietnam. The dogs were used to alert the troops (protection dogs). Their business has been everything to them, It has literally been their lives. And it shows in the number of dog owners that have in the past brought their dogs to K-9 Companions, referred others to them, ones that have their dogs there now and the numbers of others waiting to bring their dogs there and must wait in line ... due to limitations on the number of dogs the business is permitted to train and house at any given time.

With the business going so well and there never being one complain (as per the records at current county public hearings) filed against the business to that point, the Duet's decided to try and meet the needs of dog lovers waiting to get in. They approached the property owner next to them (to the left of them, on the parcel maps) and entered into negotiations to purchase their property in Feb. of 2009. Their goal was to expand their kennel to accommodate a larger number of dogs for training. Agreements were reached and all that was left was to get the proper approvals from the county departments overseeing business, land use and animals. The Duet's did their due diligence, checking with Animal Services, Transportation, Flood Control, Planning and then paid the county their \$13,762.00 up-front fee and went to public hearings with their request to expand their kennel. The county opened hearings on a request for Conditional Use Permit (CUP) number 3618. As is required and should be required, the Duet's had to give public notice to area residents of their intent to expand the kennel/business.

When the notice went out, the parcel (one family - 13531 Cajalco Rd. - see parcel map) opposed the request to expand the kennel. This meant further hearings would need to be held and mitigation would now be needed to address the concerns of this resident. Each of these steps would mean monies paid by the Duets to the county for services rendered during this process. Their \$13,762.00 was used up in no time. To date the bill from the County to the Duet's has reached \$29,450.50 in fees. Plus \$20,000.00 in engineering costs, which the county required the Duet's to do. The Duet's kept on going, because county staff had been telling them they didn't see a problem with getting them approved. Once you're \$50,000.00 into something, how do you just walk away? They almost got their approval in Feb. of this year, until this one family got neighbors from much farther away from the site (off Lake Mathews Dr.) to object and a newer resident to their street to object. This newer resident purchased knowing there were two kennels on this road, permitted kennels, and that these would be his neighbor. Some of the mitigation agreements at the Feb. meeting were to have all the dogs put up by 8:30 p.m. each night and until 7 a.m. each morning. To put up and maintain temperature controlled/sound proofed rooms, which the Duet's did. The County Code Enforcement staff conducted sound studies at the Duet property. The report showed that there were dogs barking from other residents around the Duet's as well as road traffic from Cajalco Rd and air traffic that seemed to be bigger issues than the dogs at K-9 Companions.