

Agenda Item No.: 3.2
Area Plan: Lake Mathews/Woodcrest
Zoning District: Lake Mathews
Supervisorial District: First
Project Planner: Jeff Horn
Planning Commission: March 3, 2010
Continued From: January 13, 2010, December
2, 2009

Change of Zone No. 7700
Conditional Use Permit No. 3618
Environmental Assessment No. 42121
Applicant: George and Karen Duet
Engineer/Representative: Keller Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

CHANGE OF ZONE NO. 7700 proposes to change the existing zoning classification for the subject property from Residential Agricultural – 2 1/2 Acre Minimum (R-A-2 1/2) to Light Agricultural – 2 Acre Minimum (A-1-2).

CONDITIONAL USE PERMIT NO. 3618 proposes a Class IV Dog Kennel (41 or more dogs), a dog training facility primarily for obedience, also including training for the disabled, show dogs, and police. Development includes the facilities of an existing Class II Dog Kennel with a 6,336 sq. ft. kennel, the addition of two (2) 2,880 square foot buildings that include 40 kennels and rooms for employee functions, an approximately 9,777 square foot training area, and a total of 31 parking spaces.

The project is located in the Lake Mathews community, more specifically southeasterly of Cajalco Road, westerly of Lake Mathews Drive, easterly of Dirt Road, and southerly of J and J Lane in the Lake Mathews/Woodcrest Area Plan.

FURTHER PLANNING CONSIDERATION:

February 10, 2010

The project was continued from the January 13, 2010 Planning Commission hearing to allow Staff and the applicant time to address some items for the Planning Commission. Planning Staff and the Applicant are working to provide responses the following concerns.

- 1) Provide a GIS exhibit showing the support or opposition to the project for the immediate vicinity based on letters submittal from neighboring property owners.
- 2) Provide elevations and conditions of approval to illustrate exceptional noise insulation and mitigation within the existing and proposed Kennel buildings.
- 3) Provide a proposal and conditions of approval for traffic, signage, noise, and dust concerns from Dirt Road.

BACKGROUND:

Plot Plan No. 13992 was approved by the Board of Supervisors on April 25, 1995, and permitted the remodel of an existing single story metal building to a 20 run dog kennel, construct an 704 square foot administrative building, and to establish a Class II (11-25) dog kennel on APN 286-050-022.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5):

Rural Community: Estate Density Residential
(RC:EDR) (2 Acre Minimum)

Date 9-8-10 Exhibit 2

Date of: 3-MOIN

Patricia Shaw, CSR 5024

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2. Surrounding General Plan Land Use (Ex. #5): Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and west, and Open Space: Conservation Habitat (OS:CH) to the south.
3. Existing Zoning (Ex. #2): Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2)
4. Proposed Zoning (Ex. #2): Light Agricultural - 2 Acre Minimum (A-1-2)
5. Surrounding Zoning (Ex. #2): Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and Residential Agricultural - 1 Acre Minimum (R-A-1) to the south.
6. Existing Land Use (Ex. #1): Class II Dog Kennel for 25 dogs and Single Family Residence
7. Surrounding Land Use (Ex. #1): Single Family Residences to the north, east and west, and Vacant land to the south.
8. Project Data:
Total Acreage: 4.2 Acres
Total Existing Building Area: 6,336 sq. ft.
Proposed Building Area: 5,760 sq. ft.
9. Environmental Concerns: See environmental assessment

RECOMMENDATIONS:

CONTINUE WITHOUT DISCUSSION off calendar.

CONCLUSIONS:

1. The proposed project is in conformance with the Rural Community: Estate Density Residential (RC:EDR) 2 Acre Minimum Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the recommended Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site is designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, Class IV Dog Kennel (41 or more dogs), is a permitted use in the Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) designation.
3. The project site is surrounded by properties which are designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and west, and Open Space: Conservation Habitat (OS:CH) to the south,
4. The existing zoning for the subject site is Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2).
5. The proposed zoning for the subject site is Light Agricultural - 2 Acre Minimum (A-1-2).
6. The proposed use, Class IV Kennel (41 or more dogs), is a permitted use, subject to approval of a conditional use permit, in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
7. The proposed use, Class IV Kennel (41 or more dogs), is consistent with the development standards set forth in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
8. The project site is surrounded by properties which are zoned Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and Residential Agricultural - 1 Acre Minimum (R-A-1) to the south.
9. Residential uses have been constructed in the project vicinity.
10. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
11. This project is within the City Sphere of Influence of Riverside. As such, it is required to conform to the County's Memorandum of Understanding (MOU) with that city. The project does conform to the MOU.
12. Environmental Assessment No. 42121 identified the following potentially significant impacts:
 - a. Biological Resources
 - b. Geology/Soils
 - c. Noise
 - d. Cultural Resources

These listed impacts will be fully mitigated by the measures indicated in the environmental assessment, conditions of approval, and attached letters. No other significant impacts were identified.

INFORMATIONAL ITEMS:

1. As of this writing, 102 letters in support, 122 letters in opposition, and one neutral letter have been received.
2. The project site is not located within:
 - a. The March Joint Powers Authority jurisdiction
 - b. An Indian Tribal Land
 - c. A General Plan Policy or Zoning Overlay Area
 - d. A Specific Plan
 - e. An Agricultural Preserve
 - f. A Redevelopment Area
 - g. An Airport Influence Area or Airport Compatibility Zone
 - h. An WRMSHCP cell group or number
 - i. A Fault Zone
 - j. A 100-year flood plain, an area drainage plan, or dam inundation area.
 - k. A County Service Area
 - l. The Mt. Palomar Lighting Area (Ordinance No. 655)
3. The project site is located within:
 - a. The city of Riverside sphere of influence.
 - b. The boundaries of the Corona-Norco Unified School District
 - c. A High Fire Area and State Responsibility Area
 - d. The Stephens Kangaroo Fee Area
 - e. Santa Ana River Watershed Area
 - f. An area susceptible to Low and/or Moderate Liquefaction Potential
 - g. An area susceptible to Subsidence
 - h. An area of high Paleontological Sensitivity
4. The subject site is currently designated as Assessor's Parcel Numbers 286-050-013, 015 and 022.
5. This project was filed with the Planning Department on February 5, 2009
6. This project was reviewed by the Land Development Committee two times on the following dates March 12, 2009 and September 17, 2009.
7. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$14,746.44.

Agenda Item No.: U.1
Area Plan: Lake Mathews/Woodcrest
Zoning District: Lake Mathews
Supervisory District: First
Project Planner: Jeff Horn
Planning Commission: January 13, 2010
Continued From: December 2, 2009

Change of Zone No. 7700
Conditional Use Permit No. 3618
Environmental Assessment No. 42121
Applicant: George and Karen Duet
Engineer/Representative: Keller Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

CHANGE OF ZONE NO. 7700 proposes to change the existing zoning classification for the subject property from Residential Agricultural – 2 1/2 Acre Minimum (R-A-2 1/2) to Light Agricultural – 2 Acre Minimum (A-1-2).

CONDITIONAL USE PERMIT NO. 3618 proposes the expansion of an existing Class II Dog Kennel (11-25 dogs) to a Class IV Dog Kennel (41 or more dogs) with a total of 73 dog kennels, a dog training facility primarily for obedience training, including training for the disabled, show dogs, and police. Development includes the addition of two (2) 2,880 square foot buildings, which houses 40 kennels and rooms for employees functions, approximately 9,777 square foot training area, and seven (7) parking spaces.

The project is located in the Lake Mathews community, more specifically southeasterly of Cajalco Road, westerly of Lake Mathews Drive, easterly of Dirt Road, and southerly of J and J Lane in the Lake Mathews/Woodcrest Area Plan.

FURTHER PLANNING CONSIDERATION:

December 22, 2009

The project was continued from the December 2, 2009 Planning Commission hearing to allow Staff time to completed an Initial Study and re-notice the project in accordance with CEQA.

November 24, 2009

The applicant has provided two items for submission to the Planning Commission that have been attached within this Staff Report. The items included are a detailed project and operations description and a response to comments submitted by Commissioner Roth.

BACKGROUND:

Plot Plan No. 13992 was approved by the Board of Supervisors on April 25, 1995, and permitted the remodel of an existing single story metal building to a 20 run dog kennel, construct an 704 square foot administrative building, and to establish a Class II (1 1-25) dog kennel.

Date 9-8-10 ^{Depts} Exhibit 3
Depo of: J. HORN
Patricia Shaw, CSR 5024

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum)
2. Surrounding General Plan Land Use (Ex. #5): Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and

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|-----------------------------------|---|
| 3. Existing Zoning (Ex. #2): | west, and Open Space: Conservation Habitat (OS:CH) to the south. |
| 4. Proposed Zoning (Ex. #2): | Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) |
| 5. Surrounding Zoning (Ex. #2): | Light Agricultural – 2 Acre Minimum (A-1-2) |
| 6. Existing Land Use (Ex. #1): | Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and Residential Agricultural - 1 Acre Minimum (R-A-1) to the south. |
| 7. Surrounding Land Use (Ex. #1): | Class II Dog Kennel for 25 dogs and Single Family Residence |
| 8. Project Data: | Single Family Residences to the north, east and west, and Vacant land to the south. |
| 9. Environmental Concerns: | Total Acreage: 4.2 Acres
Total Existing Building Area: 6,336 sq. ft.
Proposed Building Area: 5,760 sq. ft.
See environmental assessment |

RECOMMENDATIONS:

CONTINUE WITH DISCUSSION to the February 2, 2010 Planning Commission hearing.

CONCLUSIONS:

1. The proposed project is in conformance with the Rural Community; Estate Density Residential (RC:EDR) 2 Acre Minimum Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the recommended Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site is designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, Class IV Dog Kennel (41 or more dogs), is a permitted use in the Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) designation.
3. The project site is surrounded by properties which are designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and west, and Open Space: Conservation Habitat (OS:CH) to the south,
4. The existing zoning for the subject site is Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2).
5. The proposed zoning for the subject site is Light Agricultural - 2 Acre Minimum (A-1-2).
6. The proposed use, Class IV Kennel (41 or more dogs), is a permitted use, subject to approval of a conditional use permit, in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
7. The proposed use, Class IV Kennel (41 or more dogs), is consistent with the development standards set forth in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
8. The project site is surrounded by properties which are zoned Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and Residential Agricultural - 1 Acre Minimum (R-A-1) to the south.
9. Residential uses have been constructed in the project vicinity.
10. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
11. This project is within the City Sphere of Influence of Riverside. As such, it is required to conform to the County's Memorandum of Understanding (MOU) with that city. The project does conform to the MOU.
12. Environmental Assessment No. 42121 identified the following potentially significant impacts:
 - a. Biological Resources
 - b. Geology/Soils
 - c. Noise
 - d. Cultural Resources

These listed impacts will be fully mitigated by the measures indicated in the environmental assessment, conditions of approval, and attached letters. No other significant impacts were identified.

INFORMATIONAL ITEMS:

1. As of this writing, ten (10) letters in support and seven (7) opposition have been received.
2. The project site is not located within:
 - a. The March Joint Powers Authority jurisdiction
 - b. An Indian Tribal Land
 - c. A General Plan Policy or Zoning Overlay Area
 - d. A Specific Plan
 - e. An Agricultural Preserve
 - f. A Redevelopment Area
 - g. An Airport Influence Area or Airport Compatibility Zone
 - h. An WRMSHCP cell group or number
 - i. A Fault Zone
 - j. A 100-year flood plain, an area drainage plan, or dam inundation area.
 - k. A County Service Area
 - l. The Mt. Palomar Lighting Area (Ordinance No. 655)
3. The project site is located within:
 - a. The city of Riverside sphere of influence.
 - b. The boundaries of the Corona-Norco Unified School District
 - c. A High Fire Area and State Responsibility Area
 - d. The Stephens Kangaroo Fee Area
 - e. Santa Ana River Watershed Area
 - f. An area susceptible to Low and/or Moderate Liquefaction Potential
 - g. An area susceptible to Subsidence
 - h. An area of high Paleontological Sensitivity
4. The subject site is currently designated as Assessor's Parcel Numbers 286-050-013, 015 and 022.
5. This project was filed with the Planning Department on February 5, 2009
6. This project was reviewed by the Land Development Committee two times on the following dates March 12, 2009 and September 17, 2009.
7. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$14,746.44.

Agenda Item No.: 6.3
Area Plan: Lake Mathews/Woodcrest
Zoning District: Lake Mathews
Supervisorial District: First
Project Planner: Jeff Horn
Planning Commission: December 2, 2009

Change of Zone No. 7700
Conditional Use Permit No. 3618
E.A./EIR Number: CEQA Exempt
Applicant: George and Karen Duet
Engineer/Representative: Keller Consulting

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

CHANGE OF ZONE NO. 7700 proposes to change the existing zoning classification for the subject property from Residential Agricultural – 2 1/2 Acre Minimum (R-A-2 1/2) to Residential Agricultural – 1 Acre Minimum (R-A-1).

CONDITIONAL USE PERMIT NO. 3618 proposes the expansion of an existing Class II Dog Kennel (11-25 dogs) to a Class IV Dog Kennel (41 or more dogs) with a total of 73 dog kennels, a dog training facility primarily for obedience training, including training for the disabled, show dogs, and police. Development includes the addition of two (2) 2,880 square foot buildings, which houses 40 kennels and rooms for employees functions, approximately 9,777 square foot training area, and seven (7) parking spaces.

The project is located in the Lake Mathews community, more specifically southeasterly of Cajalco Road, westerly of Lake Mathews Drive and southerly of J and J Lane in the Lake Mathews/Woodcrest Area Plan.

BACKGROUND:

Plot Plan No. 13992 was approved by the Board of Supervisors on April 25, 1995, and permitted the remodel of an existing single story metal building to a 20 run dog kennel, construct a 704 square foot administrative building, and to establish a Class II (11-25) dog kennel.

FURTHER PLANNING CONSIDERATION:

November 24, 2009

The applicant has provided two items for submission to the Planning Commission that have been attached within this Staff Report. The items included are a detailed project and operations description and a response to comments submitted by Commissioner Roth.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum)
2. Surrounding General Plan Land Use (Ex. #5): Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and west, and Open Space: Conservation Habitat (OS:CH) to the south.
3. Existing Zoning (Ex. #2): Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2)
4. Recommended Zoning (Ex. #2): Light Agricultural – 2 Acre Minimum (A-1-2)
5. Surrounding Zoning (Ex. #2): Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and

Date 9-9-10
Depo of: J. Horn
Patricia Shaw, CSR 5024

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| 6. Existing Land Use (Ex. #1): | Residential Agricultural - 1 Acre Minimum (R-A-1) to the south. |
| 7. Surrounding Land Use (Ex. #1): | Class II Dog Kennel for 25 dogs and Single Family Residence |
| 8. Project Data: | Single Family Residences to the north, east and west, and Vacant land to the south.
Total Acreage: 4.2 Acres
Total Existing Building Area: 6,336 sq. ft.
Proposed Building Area: 5,760 sq. ft. |
| 9. Environmental Concerns: | CEQA Exempt per Section 15301 and 15303. |

RECOMMENDATIONS:

DENIAL of **CHANGE OF ZONE NO. 7700**, amending the zoning classification for the subject property from Residential Agricultural – 2 1/2 Acre Minimum (R-A-2 1/2) to Residential Agricultural - 1 Acre Minimum (R-A-1); and,

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7700**, amending the zoning classification for the subject property from Residential Agricultural – 2 1/2 Acre Minimum (R-A-2 1/2) to Light Agricultural - 2 Acre Minimum (A-1-2), in accordance with Exhibit #2; and,

APPROVAL of **CONDITIONAL USE PERMIT NO. 3618**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is in conformance with the Rural Community: Estate Density Residential (RC:EDR) 2 Acre Minimum Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the recommended Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site is designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, Class IV Dog Kennel (41 or more dogs), is a permitted use in the Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) designation.
3. The project site is surrounded by properties which are designated Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to the north, east and west, and Open Space: Conservation Habitat (OS:CH) to the south,
4. The existing zoning for the subject site is Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2).
5. The proposed zoning for the subject site is Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2).
6. The recommended zoning for the subject site is Light Agricultural - 2 Acre Minimum (A-1-2).
7. The proposed use, Class IV Kennel (41 or more dogs), is not a permitted use in the Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) zoning classification.
8. The proposed use, Class IV Kennel (41 or more dogs), is a permitted use, subject to approval of a conditional use permit, in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
9. The proposed use, Class IV Kennel (41 or more dogs), is consistent with the development standards set forth in the Light Agricultural - 2 Acre Minimum (A-1-2) zoning classification.
10. The project site is surrounded by properties which are zoned Residential Agricultural - 2 1/2 Acre Minimum (R-A-2 1/2) to the north, east and west and Residential Agricultural - 1 Acre Minimum (R-A-1) to the south.
11. Residential uses have been constructed in the project vicinity.
12. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
13. This project is within the City Sphere of Influence of Riverside. As such, it is required to conform to the County's Memorandum of Understanding (MOU) with that city. This project does conform to the MOU.
14. The Planning Department has found that the project is exempt from the provisions of CEQA per Section 15301 "Existing Facilities." Section 15301 of the CEQA Guidelines defines existing facilities as "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination".

The project also conforms to Article Nineteen (19), Section 15303, of the CEQA Guidelines, Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project proposes the addition of two (2) 2,880 square foot structures on a project site that is already heavily developed. The project site currently receives public services and facilities are available, and the surrounding area is not environmentally sensitive.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. The March Joint Powers Authority jurisdiction
 - b. An Indian Tribal Land
 - c. A General Plan Policy or Zoning Overlay Area
 - d. A Specific Plan
 - e. An Agricultural Preserve
 - f. A Redevelopment Area
 - g. An Airport Influence Area or Airport Compatibility Zone
 - h. An WRMSHCP cell group or number
 - i. A Fault Zone
 - j. A 100-year flood plain, an area drainage plan, or dam inundation area.
 - k. A County Service Area
 - l. The Mt. Palomar Lighting Area (Ordinance No. 655)
3. The project site is located within:
 - a. The city of Riverside sphere of influence.
 - b. The boundaries of the Corona-Norco Unified School District
 - c. A High Fire Area and State Responsibility Area
 - d. The Stephens Kangaroo Fee Area
 - e. Santa Ana River Watershed Area
 - f. An area susceptible to Low and/or Moderate Liquefaction Potential
 - g. An area susceptible to Subsidence
 - h. An area of high Paleontological Sensitivity
4. The subject site is currently designated as Assessor's Parcel Numbers 286-050-013, 015 and 022.
5. This project was filed with the Planning Department on February 5, 2009
6. This project was reviewed by the Land Development Committee two times on the following dates March 12, 2009 and September 17, 2009.
7. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$14,746.44.

County of Riverside

DEPARTMENT OF ENVIRONMENTAL HEALTH

DATE: September 14, 1995

TO: COUNTY OF RIVERSIDE BUILDING AND SAFETY
ATTN: TO WHOM IT MAY CONCERN

FROM: *GD 9/18/95*
GREG DELLENBACH, Environmental Health Specialist IV

RE: PLOT PLAN NO. 13992

Department of Environmental Health has reviewed the file for this project and is releasing all holds in connection with it regarding the well destruction and the installation of a septic system.

Should you have any questions regarding this matter please do not hesitate to call me at (909) 275-8989.

GD:gd
file

DEPARTMENT OF HEALTH, COUNTY OF RIVERSIDE, CALIFORNIA

KENNEL LICENSE

NON-TRANSFERABLE

LICENSE ISSUED	11/17/94
LICENSE EXPIRES	11/17/95

APPLICABLE TO:

DOGS CATS

OTHER

NUMBER _____ MAX 10 _____

LICENSE NUMBER	54-217
FEE	\$160.00
PENALTY	0.00
TOTAL	\$160.00

Issued Pursuant to County Ordinance No. 630 and All Amendments

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 L. DUET
Name of Kennel	"FREEHAN FARMS BED & BREAKFAST INN"
Breed	
Location	13703 CAJALCO ROAD
Mailing Address	13703 CAJALCO ROAD
City and State	LAKE MATHENS CA 92570

BRADLEY P. GILBERT, DVM
Director of Health

FOR Chief of Animal Control

ERNEST D. BISHOP

WHITE-License
GREEN-Accounting
CANARY-Health Dept.
PINK-Chief of Animal Control
GOLDENROD-Receipt

DEPARTMENT OF HEALTH, COUNTY OF RIVERSIDE, CALIFORNIA
PERMIT

PERMIT ISSUED	5/8/88
PERMIT EXPIRES	3/8/98

NON-TRANSFERABLE

APPLICABLE TO:

DOGS CATS

OTHER

NUMBER 45 MAX

PERMIT NUMBER	91-413
FEE	\$330.00
PENALTY	0.00
TOTAL	\$330.00

Issued Pursuant to Applicable Riverside County Ordinances and all Amendments.

This permit is granted to the below named person(s) on the condition that said person(s) 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 owning, keeping, maintaining or harboring of animals. This Permit must be renewed within 30 days of the expiration date as shown above. This Permit may be suspended or revoked by the Health Officer for cause.

"K-9 COMPANIONS"

KAREN DURT

NAME	FIRST	INITIAL	LAST
13703 JJ LANE			
MAILING ADDRESS			
LAKE MATHEWS, CALIF		92570	
CITY	STATE	ZIP	
13703 JJ LANE	(909)	780-5004	
RESIDENT ADDRESS		PHONE	

BRADLEY P. GILBERT M.D.
Director of Health

[Signature]
Chief of Animal Control

Signature of owner _____

WHITE-Permit
GREEN-Accounting
CANARY-Health Dept.
PINK-Chief of Animal Control
GOLDENROD-Receipt

DEPARTMENT OF HEALTH, COUNTY OF RIVERSIDE CALIFORNIA
PERMIT

CLASS 11
NON-TRANSFERABLE

PERMIT ISSUED	5/8/88
PERMIT EXPIRES	5/8/2000

APPLICABLE TO:

DOGS CATS

OTHER

NUMBER 150

PERMIT NUMBER	95-313
FEE	\$320.00
PENALTY	00
TOTAL	\$320.00

Issued Pursuant to Applicable Riverside County Ordinances and all Amendments.

This permit is granted to the below named person(s) on the condition that said person(s) 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 owning, keeping, maintaining or harboring of animals. This Permit must be renewed within 30 days of the expiration date as shown above. This Permit may be suspended or revoked by the Health Officer for cause.

"K-9 COMPANIONS"

KAREN DUST

NAME	FIRST	INITIAL	LAST
13703 J.J. LANE			
MAILING ADDRESS			
LANE MATTHEWS, CALIFORNIA 92570			
CITY			
13703 J.J. LANE	(909)	STATE	ZIP
		780	5004
RESIDENT ADDRESS			PHONE

GARY R. PELDMAN R.D.

Director of Health

G. R. Pelzman
Chief of Animal Control

Signature of owner _____

WHITE-Permit
GREEN-Accounting
CANARY-Health Dept.
PINK-Chief of Animal Control
GOLDENROD-Receipt

DEPARTMENT OF ANIMAL SERVICES, COUNTY OF RIVERSIDE, CALIFORNIA

KENNEL LICENSE

Class II

NON-TRANSFERABLE

LICENSE ISSUED	5/8/00
LICENSE EXPIRES	5/8/02

APPLICABLE TO:

DOGS CATS

OTHER

NUMBER 25

LICENSE NUMBER	95-213
FEE	320.00
PENALTY	0.00
TOTAL	320.00

Issued Pursuant to Riverside County Ordinance No. 690

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"

Breed _____

Location 13703 J.I. Ln.

Mailing Address Same

City and State Lake Mathews, CA 92570

Janise Ipstone
Director of Animal Services

[Signature]
Animal Services Operations Chief

DEPARTMENT OF ANIMAL SERVICES, COUNTY OF RIVERSIDE, CALIFORNIA

KENNEL LICENSE

NON-TRANSFERABLE

Class II

LICENSE ISSUED	5/8/02
LICENSE EXPIRES	5/6/04

APPLICABLE TO:

DOGS CATS

OTHER

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
Breed	
Location	13703 Cajaleo Rd
Mailing Address	same
City and State	Lake Mathews, Ca 92570

Janice Upstone
Director of Animal Services

[Signature]
Animal Services Operations Chief

DEPARTMENT OF ANIMAL SERVICES, COUNTY OF RIVERSIDE, CALIFORNIA

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
Address	
Location	13703 Cajalco Rd.
Mailing Address	same
City and State	Lake Mathews, CA 92570

Janice McLaughlin
 Director of Animal Services



Animal Services Operations Chief

DOH-PM-034 (Rev 12/99)

Distribution: WHITE-License; GREEN-Accounting; CANARY-Health Dept.; PINK-Animal Services Operations Chief; GOLDENROLD-Receipt

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	
F d	
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

[Signature]
 Deputy Director of Animal Service

2035

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Ron Goldman - Planning Director

DeFTS' Exhibit
Date 9-8-10
Depo of: J. Horn
Patricia Shaw, CSR 5024

APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN CONDITIONAL USE PERMIT TEMPORARY USE PERMIT
 REVISED PERMIT PUBLIC USE PERMIT VARIANCE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: Cup 03618 DATE SUBMITTED: 2-5-09

APPLICATION INFORMATION

Applicant's Name: George + Karen Duet E-Mail: K9 CO K9 SEC@aol.com

Mailing Address: 13703 Cajalco Road
Perris California 92570
City State ZIP

Daytime Phone No: (951) 780-5810 Fax No: (951) 780-2128

Engineer/Representative's Name: Keller Consulting E-Mail: Jkeller@keller-ci.com

Mailing Address: 6753 Brockton Ave
Riverside California 92506
City State ZIP

Daytime Phone No: (951) 684-1800 Fax No: (951) 684-6431
James and Carolyn Schmidt

Property Owner's Name: LeVern Freeman E-Mail: Jkeller@keller-ci.com

Mailing Address: 3410 La Sierrita Ave # F320
Riverside Ca 92503
City State ZIP

Daytime Phone No: (951) 684-1800 Fax No: (951) 684-6431

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

EA 42121

CFG05477 C207700

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157
Form 295-1010 (08/27/07)

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Murrieta Office · 39493 Los Alamos Road
Murrieta, California 92563
· Fax (951) 600-6145

000553

APPLICATION FOR LAND USE AND DEVELOPMENT

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Karen Duet
PRINTED NAME OF APPLICANT Karen L. Duet
SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

CAROLINE SCHMIDT
PRINTED NAME OF PROPERTY OWNER(S) Caroline Schmidt
SIGNATURE OF PROPERTY OWNER(S)
LEVERN D FREEMAN
PRINTED NAME OF PROPERTY OWNER(S) Levern D Freeman
SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

See attached sheet(s) for other property owners signatures.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): 286-050-013, 286-050-015, 286-050-022

Section: 17 Township: 4 South Range: 5 West

Approximate Gross Acreage: 4.2 acres

General location (nearby or cross streets): North of _____, South of

Cajalco Road, East of Dirt Road, West of Lake Matthews Dr

Thomas Brothers map, edition year, page number, and coordinates: Page 775 C-6

APPLICATION FOR LAND USE AND DEVELOPMENT

Proposal (describe project, indicate the number of proposed lots/parcels, units, and the schedule of the subdivision, Vesting Map, PRD):

Proposed use is 48 additional dog kennels
and an addition of a dog training facility

Related cases filed in conjunction with this request:

There has been a submittal made concurrently
for a change of zone

Is there a previous development application filed on the same site: Yes No

If yes, provide Case No(s). PP 13992 PP 14366 (Parcel Map, Zone Change, etc.)

E.A. No. (if known) 14089 E.I.R. No. (if applicable): N/A

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes No

If yes, indicate the type of report(s) and provide a copy: _____

Is water service available at the project site: Yes No

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) _____

Is sewer service available at the site? Yes No

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) _____

Will the proposal result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes No

How much grading is proposed for the project site? N/A

Estimated amount of cut = cubic yards: N/A

Estimated amount of fill = cubic yards N/A

Does the project need to import or export dirt? Yes No

Import _____ Export _____ Neither

What is the anticipated source/destination of the import/export? N/A

APPLICATION FOR LAND USE AND DEVELOPMENT

What is the anticipated route of travel for transport of the soil material?

N/A

How many anticipated truckloads?

N/A

truck loads.

What is the square footage of usable pad area? (area excluding all slopes)

+/- 62,000

sq. ft.

Is the development proposal located within 8½ miles of March Air Reserve Base? Yes No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes No

Does the development project area exceed more than one acre in area? Yes No

If yes, in which one of the following watersheds is it located (refer to Riverside County GIS for watershed location)?

Check answer:

Santa Ana River

Santa Margarita River

San Jacinto River

Colorado River

HAZARDOUS WASTE SITE DISCLOSURE STATEMENT

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

The project is not located on or near an identified hazardous waste site.

The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1)

Jim E. Kell

Date

1/20/09

Owner/Representative (2)

Date



J. M. HARRIS
FIRE CHIEF

RIVERSIDE COUNTY FIRE DEPARTMENT

210 WEST SAN JACINTO AVENUE • PERRIS, CALIFORNIA 92570 • 909-940-6900

Date: 9-18-95

To: _____ Planning Department
 _____ Surveyor's Office
 _____ *X* Building and Safety

The Riverside County Fire Department hereby releases the project listed below:

Log Number: 395817
 Address: 13703 Cajalco Rd.

CHECK ONE: _____ Final Recordation
 _____ *X* Further Development
 _____ Meter Set Only
 _____ Shell Final
 _____ Tenant Improvement Final
 _____ Final for Occupancy

CHECK ONE: _____ Fees Paid
 _____ *X* Fees Not Paid
 _____ Fees Not Required

RIVERSIDE COUNTY
 FIRE DEPARTMENT
APPROVED
 SUBJECT TO COMPLIANCE WITH
 APPLICABLE CODES
 BY MR
 DATE 8-21-95 CASE# _____ TITLE _____

CONSIDER THIS IS
 A COPY OF THE RELEASE
 OF FIRE DEPT ON SAID PROPERTY
 THAT SHOWS
 AREER'S
 WERE MET
 MR

If you should have any questions regarding this matter, please do not hesitate to contact the Fire Department Planning Section Staff.

RAYMOND H. REGIS
Chief Fire Department Planner

by: Erica M. Pickett

RIVERSIDE OFFICE
3760 12th Street, Riverside, CA 92501
(909) 275-4777 • FAX (909) 369-7451

FIRE PREVENTION DIVISION
PLANNING SECTION

INDIO OFFICE
79-733 Country Club Drive, Suite F, Indio, CA 92201
(619) 863-8886 • FAX (619) 863-7072



FEB 21 1995

RIVERSIDE COUNTY FIRE DEPARTMENT

J. M. HARRIS
FIRE CHIEF

210 WEST SAN JACINTO AVENUE • PERRIS, CALIFORNIA 92570 • (909) 657-3183

February 16, 1995

TO: PLANNING DEPARTMENT

ATTN: David Mares

RE: Plot Plan 13992 Amended #1, Revised Letter #3

With respect to the conditions of approval regarding the above referenced plan, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:

1. The Fire Department is required to set a minimum fire flow for the remodel or construction of all commercial buildings using the procedure established in Ordinance 546.
2. Minimum required fire flow shall be 1400 GPM for a 2 hour duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site.
3. The existing standard fire hydrant located at the intersection of J&J Lane and Cajalco Road shall be upgraded to a super fire hydrant (6x4 x 2 1/2 x 2 1/2).
4. Blue retroreflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.
5. Prior to the issuance of the building permit the Applicant/Developer shall submit certification from the water district that the standard fire hydrant located at the intersection of J&J Lane and Cajalco Road has been upgraded to a super fire hydrant (6x4x2 1/2 x 2 1/2).

FIRE PREVENTION DIVISION
PLANNING SECTION

■ RIVERSIDE OFFICE
3760 12th Street, Riverside, CA 92501
(909) 275-4777 • FAX (909) 369-7451

□ INDIO OFFICE
79-733 Country Club Drive, Suite F, Indio, CA 92201
(619) 863-8886 • FAX (619) 863-7072

printed on recycled paper

THE APPLICANT/DEVELOPER SHALL BE IN COMPLIANCE WITH ALL OF THE FOLLOWING CONDITIONS PRIOR TO THE FINAL FOR OCCUPANCY.

ADDRESS FOR KENNEL

6. Will be clearly visible from public roadway, located no more than 5 feet from access to kennel. A permanent monument will be provided for the address, in any of the following ways:

Attached to a permanent fence near entrance to the kennel. Address on a metal plate attached to a pole buried in 18"x18" concrete base. Block, brick, or rock stand no less than 3 feet in height and 1 foot in width. Address numbers will be minimum 3 inch letter height, 3/8 inch stroke, reflectorized contrasting with the background colors of the sign. Address will have to be located on J&J Lane. Address will be displayed horizontally.

7. Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" (inch) projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

GATE ENTRANCES

8. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 40 feet turning radius shall be used.

AUTOMATIC/MANUAL GATE ACCESS

9. Gate(s) shall be Manual minimum 24 feet in width. Gate access shall be equipped with the Knox Co. rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the Knox System shall remain open until closed by the Knox System.

10. A all metal street sign shall be installed at the intersection of Cajalco Road and J&J Lane to County Transportation standards. Prior to installation proper placement of sign and permits must be obtained from County Transportation Department.
11. Prior to the issuance of building permits, the developer shall deposit with the Riverside County Fire Department, a check or money order equaling the sum of \$.25 cents per square foot as mitigation for fire protection impacts.
12. Final conditions will be addressed when building plans are reviewed in the Building and Safety Office.

All questions regarding the meaning of conditions shall be referred to the Riverside County Fire Department Planning Division staff.

RAYMOND H. REGIS
Chief Fire Department Planner

By 
Daniel Wagner
Fire Safety Specialist

EMP:

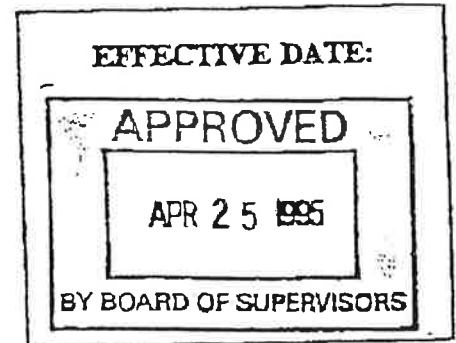
RIVERSIDE COUNTY PLANNING DEPARTMENT CONDITIONS OF APPROVAL

PLOT PLAN NO. 13992,

AMENDED NO. 1

ZONING DISTRICT: LAKE MATHEWS

APN: 286-050-022.



1. STANDARD CONDITIONS

- 1.1 The following conditions of approval are for PLOT PLAN NO. 13992, AMENDED NO. 1, and consist of Conditions of Approval 1.1 through 1.6, Conditions of Approval 2.1 through 2.5, Conditions of Approval 3.1 through 3.4, Conditions of Approval 4.1 through 4.3, Conditions of Approval 5.1 through 5.1, Conditions of Approval 6.1 through 6.3, Conditions of Approval 7.1 through 7.5, Conditions of Approval 8.1 through 8.1; and pages 1 through 6, inclusive.
- 1.2 The use hereby permitted is to remodel an existing single story metal building through the construction of 20 dog runs for 20 dogs, and construct an ancillary 704 square foot administrative building, to establish a Class II (11-25 dogs) dog kennel.
- 1.3 The applicant/permittee shall defend, indemnify, and hold harmless the County of Riverside, its agents, officers, and employees from any claims, action, or proceeding against the County of Riverside or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the County of Riverside, its advisory agencies, appeal boards, or legislative body concerning PLOT PLAN NO. 13992, AMENDED NO. 1. The County of Riverside will promptly notify the applicant/permittee of any such claim, action, or proceeding against the County of Riverside and will cooperate fully in the defense. If the County fails to promptly notify the applicant/permittee of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County of Riverside.
- 1.4 This approval shall be used within two (2) years of approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within the two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time request in which to use this plot plan. A maximum of three one-year extension of time requests shall be permitted. Should the time period established by any of the extension of time request lapse, or should all three one-year extensions be obtained and no substantial construction or use of this permit be initiated within five (5) years of the effective date of the issuance of this plot plan, this plot plan shall become null and void.

⑤ 00162

**PLOT PLAN NO. 13992, AMENDED NO. 1
CONDITIONS OF APPROVAL
PAGE 2 OF 6**

- 1.5 The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and state and federal codes. The development of the premises shall conform substantially with that as shown on Exhibit No. "A", Amended No. 1, dated 9/8/94, unless otherwise amended by these conditions of approval.
- 1.6 Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671.

2. AGENCY CONDITIONS

- 2.1 The applicant/permittee shall comply with the requirements set forth in the Riverside County Transportation Department's letter dated 9/20/94, a copy of which is attached.
- 2.2 Water and sewerage disposal facilities shall be installed in accordance with the requirements set forth in the Riverside County Health Department's letter dated 9/19/94, a copy of which is attached.
- 2.3 Fire protection shall be provided in accordance with the appropriate section of Ordinance No. 546 and the requirements set forth in the Riverside County Fire Department's letter dated 2/16/95, a copy of which is attached.
(Amended at PC on 3/1/95)
- 2.4 The applicant/permittee shall comply with the requirements set forth in the Riverside County Department of Building and Safety - Grading Section's letter dated 9/20/94, a copy of which is attached.
- 2.5 The applicant/permittee shall comply with the requirements set forth in the Riverside County Department of Building and Safety - Code Enforcement section's letter dated 8/2/94, a copy of which is attached.

3. DEVELOPMENT STANDARD CONDITIONS

All the following conditions shall be satisfied prior to any use allowed by this permit:

- 3.1 Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.
- 3.2 Five (5) parking spaces shall be provided as shown on the approved Exhibit No. "A", Amended No. 1, dated 9/8/94, unless otherwise approved by the Planning Department. The

PLOT PLAN NO. 13992, AMENDED NO. 1
CONDITIONS OF APPROVAL
PAGE 3 OF 6

parking area shall be surfaced with decomposed granite to current standards as approved by the Department of Building and Safety.

- 3.3 A minimum of one (1) handicapped parking space shall be provided as shown on approved Exhibit No. "A", Amended No. 1, dated 9/8/94. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____."

In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least 3 square feet in size.

- 3.4 Floor plans and building elevations shall be in substantial conformance with that shown on Exhibit No. "B & C", dated 7/18/94.
- 3.5 (Relocated to Condition No. 9.1 by Staff on 12/8/94)
- 3.6 (Relocated to Condition No. 9.2 by Staff on 12/8/94)

4. LANDSCAPING & IRRIGATION CONDITIONS

All the following conditions shall be satisfied on the project's landscaping and irrigation plans:

- 4.1 Prior to the issuance of grading or building permits, seven (7) copies of a Shading, Parking, Landscaping, and Irrigation Plan shall be submitted to and approved by the Planning Department. The location, number, genus, species, and container size of the plants shall be shown. Plans shall meet all requirements of Ordinance No. 348, Sections 18.12, and 19.300 through 19.304 and as specified herein.
- 4.2 The applicant/owner shall connect to a reclaimed water supply for landscape watering purposes when secondary or reclaimed water is made available to the site.

PLOT PLAN NO. 13992, AMENDED NO. 1
CONDITIONS OF APPROVAL
PAGE 4 OF 6

- 4.3 The irrigation plan shall be in compliance with Section 18.12 of Ordinance No. 348, and include a rain shut-off device which is capable of shutting down the entire system. In addition, the plan will incorporate the use of in-line check valves, or sprinkler heads containing check valves to prohibit low head drainage.

5. GRADING CONDITIONS

- 5.1 If grading is proposed, the project must comply with the following:
- a. The developer shall submit one print of a comprehensive grading plan to the Department of Building and Safety which complies with the Uniform Building Code, Chapter 70, as amended by Ordinance No. 457 and as may be additionally provided for in these conditions.
 - b. A grading permit shall be obtained from the Department of Building and Safety prior to commencement of any grading outside of County maintained road right-of-way.
 - c. Graded but undeveloped land shall be planted with interim landscaping or provided with other erosion control measures as approved by the Director of Building and Safety.
 - d. Graded areas shall be revegetated or landscaped with native species which are fire resistant, drought tolerant, low water using and erosion controlling.

6. BUILDING PERMIT CONDITIONS

Prior to issuance of building permits, all the following conditions shall be satisfied:

- 6.1 The applicant shall obtain clearance and/or permits from the following agencies:

County Transportation Department
 County Health Department

County Fire Department
 County Planning Department

Written evidence of compliance shall be presented to the Land Use Division of the Department of Building and Safety.

- 6.2 Performance securities, in amounts to be determined by the Director of Building and Safety to guarantee the installation of plantings in accordance with the approved plan, and adequate maintenance of the planting for one year shall be filed with the Department of Building and Safety. A cash bond shall be required to guarantee the installation of plantings when the estimated cost is \$2,500 or less. The remaining performance surety shall be released one year after installation is approved provided the planting has been adequately maintained.

**PLOT PLAN NO. 13992, AMENDED NO. 1
CONDITIONS OF APPROVAL
PAGE 5 OF 6**

- 6.3 **PRIOR TO ISSUANCE OF GRADING OR BUILDING PERMITS** an application for a Certificate of Land Division Compliance shall be filed with and approved by the Planning Department. Proof of recordation shall be presented to the Department of Building and Safety.

7. FINAL BUILDING INSPECTION/OCCUPANCY CONDITIONS

Prior to final building inspection or issuance of occupancy permits, whichever occurs first, all the following conditions shall be satisfied:

- 7.1 All existing structures, including the existing metal barn, on the subject property shall conform to all the applicable requirements of Ordinance No. 348.
- 7.2 All required landscape planting and irrigation shall have been installed in accordance with approved Landscaping, Irrigation, and Shading Plans and be in a condition acceptable to the Director of Building and Safety. The plants shall be healthy and free of weeds, disease or pests. The irrigation system shall be properly constructed and in good working order.
- 7.3 The applicant's landscape architect or other State licensed party responsible for preparing landscaping and irrigation plans shall provide a Compliance Letter to the Planning Department and the Department of Building and Safety stating that the landscape and irrigation system have been installed in compliance with the approved landscaping and irrigation plans. The Compliance letter shall be submitted at least three (3) working days prior to final inspection of the structure or issuance of occupancy permits, whichever occurs first.
- 7.4 Wall and/or fence locations shall be in conformance with Exhibit "A", dated 7/18/94.
- 7.5 The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

8. STEPHENS' KANGAROO RAT HABITAT CONSERVATION PLAN COMPLIANCE CONDITIONS

- 8.1 Prior to the issuance of a grading permit, certificate of occupancy, or upon final inspection, whichever comes first, the applicant shall comply with the provisions of Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors including the type of development proposed and the applicability of any fee reduction or exemption provisions contained in the Ordinance. Said fee shall be calculated on the approved development permit acreage which is anticipated to be .96 acres in accordance with Exhibit "A", Amended No. 1, dated 9/8/94. If the development permit is subsequently revised, this

PLOT PLAN NO. 13992, AMENDED NO. 1
CONDITIONS OF APPROVAL
PAGE 6 OF 6

acreage amount will be modified in order to reflect the revised development permit acreage amount. Should Ordinance No. 663 be superseded by the provisions of a Long Term Habitat Conservation Plan for the Stephens' Kangaroo Rat prior to compliance with the provisions of Ordinance No. 663, the applicant shall comply with the provisions required by the Long Term Habitat Conservation Plan for the Stephens' Kangaroo Rat as may be implemented by County ordinance or resolution.

9. OPERATIONAL CONDITIONS

- 9.1 No signs are approved pursuant to this use. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.
(Relocated from Condition No. 3.5 by Staff on 12/8/94)
- 9.2 All dog kennel activities shall be restricted to the westerly 210 feet of the subject property. If additional area is necessary for kennel activities, Condition No. 8.1 will be affected, and additional Stephens Kangaroo Rat Habitat Conservation mitigation fees may be required.
(Relocated from Condition No. 3.6 by Staff on 12/8/94)
- 9.3 No group classes shall be permitted.
(Added by Staff on 12/8/94)
- 9.4 All dogs which are kennel-kept shall be confined indoors during the hours of 8:00 p.m. through 8:00 a.m.
(Added by Staff on 12/8/94)

Project Planner: _____

David Mares
David Mares, Senior Planner

Date: _____

4/27/95

G:\TM1\PP13992\PP13992.COA

DM:dm

Created: 7/28/94

Revised: 4/27/95

00167

A 501(c)(3) Non-Profit Rescue Organization

6353 Camino de La Costa

La Jolla California 92037

www.apassionforpaws.org

apassionforpaws@gmail.com

October 3, 2010

Supervisor Bob Buster

Supervisor John F. Tavaglione

Supervisor Jeff Stone

Supervisor John J. Benoit

Supervisor Marion Ashley

Clerk of the Board of Supervisors

Mr. Robert Miller, Director of Animal Services

Mr. Bill Luna, County Executive Officer

County of Riverside

4080 Lemon Street

Riverside, CA 92501

Re: Board of Supervisors Meeting: 10/5/2010, Agenda Item 16.6

Appeal of Denial of Class II Kennel License

13703 Cajalco Rd, Perris CA

Dear Supervisors and County Officials:

We are writing regarding the October 5, 2010 Board of Supervisors Meeting Agenda Item 16.6, Appeal of Denial of Class II Kennel License; District 1 for the boarding and training facility located at 13703 Cajalco Rd, Perris CA also known as K-9 Companions and ask that this letter be presented and included as part of the public record.

As the Mission Statement of the Riverside Department of Animal Services (RDAS) states, the goal of the RDAS is

“ Working together to improve Riverside County for people and animals”.

As an approved 501c3 Dog Rescue Organization and Adoption Partner with RDAS, we fully support the mission of the Riverside Department of Animal Services. We hope based on the information presented you will find that the K-9 Companions center also supports the mission of RDAS and is an enhancement to Riverside County. We would like to state our support of reversing the denial of the kennel license and allowing K-9 Companions to continue their operations.

We have worked with K-9 Companions on multiple occasions and have found their organization to be professionally run and to have a high standard of operations. The K-9 Companions facility is always clean and maintained. The staff is well trained and competent. Everyone at K-9 Companions works to establish and maintain a great relationship between dogs and their owners. K-9 Companions has successfully rehabilitated and trained dogs with severe behavioral issues so that these animals could be adopted and become valued and cherished family members and accordingly improving Riverside for both people and animals.

K-9 Companions provides a benefit to Riverside County and will continue to do so if allowed to continue operations. K-9 Companions provides employment and brings revenue to Riverside County further enriching the community. The K-9 Companions facility has the potential if properly developed to become Riverside County's own version of the Dog Psychology Center located in Los Angeles which is owned and operated by celebrity canine behaviorist and "Dog Whisperer" Cesar Milan and is considered one of the premier kennel and training facilities in the world. K-9 Companions' owners have respected credentials, a large roster of satisfied clients and could possibly to bring the same prestige to Riverside County if given the opportunity.

Having worked with numerous kennels, boarding and training facilities located all over Southern California, we are comfortable saying that K-9 Companions is truly one of the best facilities of its kind. We respectfully request that you reconsider the denial of K-9 Companions kennel license and allow them to continue operations. Thank you for your consideration.

Sincerely,

Cheryl L. Weatherford, President

Lysette Tidwell, Vice President
A Passion for Paws Rescue, Inc. 501(c)(3)

Page 1

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF RIVERSIDE, MAIN

3 --000--

4

5 COUNTY OF RIVERSIDE, A)
6 POLITICAL SUBDIVISION OF THE)
7 STATE OF CALIFORNIA,)
8 PLAINTIFF,)
9 -VS-) CASE NO. RIC 10016132
10 LEVERN FREEMAN, GERALDINE) VOLUME I
11 FREEMAN; GEORGE DUET; KAREN) PAGES 1 TO 118
12 DUET; KINGSDEM'S K-9)
13 COMPANIONS & K-9 SECURITY)
14 AND DETECTION INT'L LLC AND)
15 DOES 1 THROUGH 50,)
16 INCLUSIVE,)
17 DEFENDANTS.)

18 DEPOSITION OF ROBERT MILLER

19 DATE AND TIME: THURSDAY, SEPTEMBER 9, 2010
9:15 A.M. TO 1:20 P.M.

20 PLACE: FULLERTON, LEMANN, SCHAEFER
& DOMINICK
21 141 NORTH "D" STREET
22 FIRST FLOOR
23 SAN BERNARDINO, CALIFORNIA 92401

24 REPORTED BY: PATRICIA A. SHAW, C.S.R. #5024

25 JOB NO.: PS-0909

Page 2

1 APPEARANCES

2

3

4 FOR THE PLAINTIFF:

5

6 COUNTY OF RIVERSIDE
7 BY: PATTI F. SMITH, ESQ.
8 3960 ORANGE STREET
9 FIFTH FLOOR
RIVERSIDE, CALIFORNIA 92501
(951) 955-6300

10

11 FOR THE DEFENDANTS:

12

13 FULLERTON, LEMANN, SCHAEFER & DOMINICK
14 BY: MICHAEL R. SCHAEFER, ESQ.
15 215 NORTH "D" STREET
16 FIRST FLOOR
SAN BERNARDINO, CALIFORNIA 92401
(909) 889-3691

17 ALSO PRESENT:

18 LEVERN FREEMAN
19 KAREN DUET

20

21

22

23

24

25

Page 3

1 INDEX

2

3 WITNESS	EXAMINED BY	PAGE
4 ROBERT MILLER	MR. SCHAEFER	4

6

7

8

9 EXHIBITS

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16 4	- GUIDELINES FROM THE COUNTY OF RIVERSIDE ANIMAL SERVICES POLICY	91
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19

20

21

22

23

24 LEGEND ... INDICATES SPEAKER TRAILS OFF,
25 NOT FINISHING SENTENCE.

Page 4

1 SAN BERNARDINO, CALIFORNIA

2 THURSDAY, SEPTEMBER 9, 2010, 9:15 A.M.

3 -000-

4

5 ROBERT MILLER,

6 CALLED AS A WITNESS, HAVING BEEN FIRST DULY SWORN BY

7 THE DEPOSITION OFFICER, TESTIFIED AS FOLLOWS:

8

9 EXAMINATION

10 BY MR. SCHAEFER:

11 Q. PLEASE STATE YOUR NAME AND SPELL YOUR LAST

12 NAME.

13 A. ROBERT MILLER, M-I-L-L-E-R.

14 Q. HAVE YOU EVER HAD YOUR DEPOSITION TAKEN

15 BEFORE?

16 A. NO.

17 Q. HERE'S THE WAY IT WORKS. I'M GIVEN AN

18 OPPORTUNITY TO ASK YOU QUESTIONS PERTAINING TO THE

19 LAWSUIT THAT IS PRESENTLY PENDING, AND OTHER

20 MATTERS, AND YOU ARE GIVEN THE OPPORTUNITY TO ANSWER

21 THEM.

22 EVERYTHING THAT IS SAID IS TAKEN DOWN BY

23 THE COURT REPORTER AND LATER WILL BE TRANSCRIBED

24 INTO A BOOKLET. THE BOOKLET CAN BE USED IN THE

25 COURT PROCEEDINGS THAT ARE PRESENTLY OUTSTANDING,

Page 5

1 AND BECOME PART OF THE RECORD OF THE CASE.
 2 EVERYTHING YOU SAY IS UNDER PENALTY OF
 3 PERJURY, AND AS I'M SURE YOU KNOW, THE CRIME OF
 4 PERJURY IS A FELONY IN THE STATE OF CALIFORNIA. IF
 5 YOU MAKE A MATERIAL MISREPRESENTATION, UNDER CERTAIN
 6 CIRCUMSTANCES YOU CAN GO TO STATE PRISON FOR IT.
 7 A. UNDERSTAND.
 8 Q. THEREFORE, IT'S IMPORTANT THAT WE GIVE
 9 CORRECT AND ACCURATE ANSWERS TO THE QUESTIONS WHICH
 10 I ASK.
 11 MY FIRST QUESTION IS, ARE YOU ILL OR HAVE
 12 YOU TAKEN ANY MEDICATION WHICH WILL INTERFERE WITH
 13 YOUR ABILITY TO UNDERSTAND MY QUESTIONS AND GIVE
 14 ACCURATE ANSWERS?
 15 A. NO.
 16 Q. GREAT. NOW, THERE IS A COUPLE OF THINGS
 17 THAT WE'VE GOT TO REMEMBER TO DO HERE. THE FIRST IS
 18 YOU HAVE TO GIVE ANSWERS OUT LOUD, BECAUSE THE COURT
 19 REPORTER RECORDS WORDS. IN ORDINARY CONVERSATION
 20 SOMETIMES WE SAY UH-HUH OR HUH-UH OR NOD OUR HEADS
 21 OR WHATEVER. WE GOT TO REMEMBER NOT TO DO THAT.
 22 A. OKAY.
 23 Q. THE SECOND THING IS, BOTH OF US HAS TO TALK
 24 SEPARATELY. SOMETIMES IN ORDINARY CONVERSATION ONE
 25 PERSON ANTICIPATES WHAT THE OTHER PERSON IS GOING TO

Page 6

1 SAY AND STARTS TO ANSWER THE QUESTION. THAT MAKES
 2 THINGS TOUGH FOR THE REPORTER, AND WITH A LITTLE
 3 PRACTICE WE WON'T BE DOING IT.
 4 WITH THAT INTRODUCTION, LET'S GET STARTED
 5 HERE.
 6 MS. SMITH: SOMETIMES I'LL MAKE OBJECTIONS,
 7 AND THOSE ARE FOR THE RECORD, JUST IF A WITNESS'
 8 STATEMENTS ARE USED AT TRIAL. THEN I HAVE TO MAKE
 9 OBJECTIONS NOW; OTHERWISE I CAN'T MAKE THEM AT
 10 TRIAL.
 11 YOU STILL NEED TO ANSWER THE QUESTIONS.
 12 I'M JUST SAYING DON'T WORRY ABOUT FILTERING WHAT I
 13 SAY UNLESS I SAY DON'T ANSWER THAT QUESTION. I'LL
 14 GET YOUR ATTENTION BY TOUCHING YOU PROBABLY. THEN
 15 WE'LL TALK ABOUT IT AT THE TIME.
 16 IF YOU KNOW THE ANSWER, YOU CAN. SOMETIMES
 17 MY OBJECTIONS ARE VAGUE OR COMPOUND, AND THAT'S MY
 18 WAY OF CLUING YOU, BE CAREFUL. THERE'S A COUPLE OF
 19 QUESTIONS ON THE TABLE. HE WANTS ACCURACY. THAT'S
 20 WHAT WE'RE TRYING TO GET HERE TODAY. IT'S JUST
 21 CLARITY.
 22 Q. (BY MR. SCHAEFER:) ARE YOU EMPLOYED BY THE
 23 COUNTY OF RIVERSIDE?
 24 A. YES.
 25 Q. WHAT IS YOUR PRESENT POSITION?

Page 7

1 A. DIRECTOR OF ANIMAL SERVICES.
 2 Q. HOW LONG HAVE YOU BEEN DIRECTOR OF ANIMAL
 3 SERVICES?
 4 A. MORE THAN 5 YEARS.
 5 Q. DID YOU WORK FOR THE COUNTY OF RIVERSIDE
 6 BEFORE YOU BECAME DIRECTOR OF ANIMAL SERVICE?
 7 A. NO.
 8 Q. CAN YOU GIVE ME A BRIEF SUMMARY OF YOUR
 9 OCCUPATIONAL HISTORY AND JOBS, STARTING WHEN YOU
 10 LEFT HIGH SCHOOL AND SKIPPING INTERIM JOBS THAT YOU
 11 MAY HAVE HAD WHEN YOU WERE IN COLLEGE.
 12 A. WHEN I LEFT HIGH SCHOOL, I WORKED FOR A PET
 13 BOARDING FACILITY. I WORKED FOR A PET SITTING
 14 SERVICE. I MOVED TO SACRAMENTO AND WENT TO SCHOOL
 15 TO BECOME AN ANIMAL HEALTH TECHNICIAN, WHICH IS NOW
 16 CALLED A REGISTERED VETERINARY TECHNICIAN.
 17 I WORKED IN VARIOUS VETERINARY CLINICS AND
 18 HOSPITALS, STARTING WITH PRIVATE PRACTICE, BOTH
 19 NORTHERN AND SOUTHERN CALIFORNIA. THEN MOVING TO
 20 ARIZONA AND WORKING EMERGENCY AND EVENTUALLY WORKING
 21 AT A SHELTER IN A SURGICAL UNIT.
 22 DURING THAT TIME I ROSE UP THROUGH THE
 23 RANKS OF THE ARIZONA HUMANE SOCIETY FOR SUPERVISOR
 24 AND CLINIC ADMINISTRATOR. WENT BACK TO SCHOOL. GOT
 25 MY BACHELOR'S DEGREE IN BUSINESS MANAGEMENT AND LEFT

Page 8

1 THE ARIZONA HUMANE SOCIETY IN DECEMBER 2004, AND
 2 STARTED WITH THE COUNTY OF RIVERSIDE IN FEBRUARY
 3 2005. I'M CURRENTLY WORKING ON A MASTER'S DEGREE.
 4 Q. WHAT WAS YOUR TITLE AT THE ARIZONA HUMAN
 5 SOCIETY AT THE TIME THAT YOU LEFT?
 6 A. HOSPITAL MANAGER.
 7 Q. OKAY. AS DIRECTOR OF ANIMAL SERVICES, WHAT
 8 DO YOU DO? AND I'M REALLY ASKING, WHAT ARE THE
 9 ANIMAL SERVICES THAT YOU OVERSEE?
 10 A. A WIDE RANGE, THAT INCLUDES FIELD SERVICES,
 11 WHICH IS OUR ENFORCEMENT ARM OF LOCAL, STATE, AND
 12 FEDERAL REGULATIONS OF LAWS PERTAINING TO ANIMALS,
 13 SHELTER SERVICES, WHICH INCLUDES THE HOUSING,
 14 ISOLATING, AND QUARANTINING STRAY, SICK, OR ANIMALS
 15 THAT HAVE BITTEN. ADOPTION SERVICES OF ANIMALS THAT
 16 ARE RELINQUISHED TO THE CUSTODY OF THE COUNTY,
 17 LICENSING, RABIES, RABIES VACCINATION PROGRAM, AS IT
 18 PERTAINS TO RABIES VOLUNTEER SERVICES, HUMANE
 19 EDUCATION, PUBLIC RELATIONS.
 20 Q. OKAY.
 21 A. WE HAVE FOUR SHELTERS, COUNTYWIDE, OUR
 22 LARGEST FACILITY IS IN RIVERSIDE. WE HAVE ONE IN
 23 THOUSAND PALMS, AND ONE IN BLYTHE AND WE HAVE A
 24 BRAND-NEW ONE THAT WE ARE GOING TO BE OPENING IN
 25 SAN JACINTO.

Page 9

1 TWO YEARS AGO I'D SAY WE HAD 260 STAFF THAT
 2 I MANAGE BUT WE'VE LOST ABOUT 85 THROUGH BUDGET
 3 CUTS, AND THAT NUMBER HAS BEEN SIGNIFICANTLY
 4 REDUCED.
 5 I OVERSEE DAY-TO-DAY OPERATIONS, INCLUDING,
 6 YOU KNOW, BOARD POLICY, AGENCY POLICY, DEPARTMENT
 7 POLICY, ADMINISTRATION. WE HANDLE FINANCE IN THE
 8 DEPARTMENT. WE HAVE CONTRACTS WITH TEN DIFFERENT
 9 CITIES THAT WE ADMINISTER AND THE SERVICES RELATED
 10 TO THOSE CONTRACTS, BOTH OF OUR ACCOUNTING,
 11 DAY-TO-DAY ACCOUNTING. WE OVERSEE OUR BUDGET.
 12 THAT'S PROBABLY A GENERAL SUMMARY.
 13 Q. AT THE PRESENT TIME HOW MANY PEOPLE DO YOU
 14 HAVE WORKING IN THE ENFORCEMENT DIVISION?
 15 A. I WOULD SAY APPROXIMATELY 50 PERSONNEL.
 16 Q. WHAT DO THEY ENFORCE?
 17 A. THEY ENFORCE -- IT DEPENDS. IF THEY ARE A
 18 CITY OFFICER UNDER A CONTRACT WITH THE CITY, THEN
 19 THEY ENFORCE THE CITY MUNICIPAL CODE, AS WELL AS
 20 STATE LAW AND ANY FEDERAL LAWS PERTAINING TO
 21 ANIMALS. IF THEY ARE A COUNTY OFFICER, THEN THEY
 22 WOULD ENFORCE COUNTY ORDINANCES, STATE LAW AS WELL
 23 AS FEDERAL LAW.
 24 Q. OF THE 50, ABOUT HOW MANY ARE CITY
 25 OFFICERS, APPROXIMATELY?

Page 10

1 A. I'D SAY 15 TO 20 OF THEM, APPROXIMATELY.
 2 Q. OF THE 50, HOW MANY ARE COUNTY OFFICERS?
 3 A. THE REVERSE OF THAT. I'M JUST KIDDING.
 4 Q. I ASKED BECAUSE SOMETIMES THERE ARE
 5 DIFFERENT CLASSIFICATIONS, AND I WANT TO MAKE SURE I
 6 COVERED THE CLASSIFICATIONS.
 7 A. I GUESS I SHOULD CLARIFY. WHEN WE TALK
 8 ABOUT THE ENFORCEMENT ARM, THERE ARE ALSO LAYERS OF
 9 MANAGEMENT IN THAT: SERGEANT, CAPTAINS, AND OUR
 10 COMMANDER. SO IN THE MANAGEMENT ARM, DO SOME LEVEL
 11 OF CITY SUPPORT AS WELL AS COUNTY SUPPORT IN THE
 12 ENFORCEMENT.
 13 WHEN I SAY THE 15 TO 20 CITY OFFICERS, I'M
 14 JUST FOCUSING ON THE ANIMAL CONTROL OFFICERS IN THE
 15 FIELD THAT ARE NOT PART OF THE MANAGEMENT.
 16 LIKEWISE, THERE ARE ABOUT 20 UNINCORPORATED, SO
 17 THAT'S 35 TO 40 OF THE 50 AS BEING JUST OFFICERS IN
 18 THE FIELD.
 19 Q. DO YOU COUNT SERGEANTS, LIEUTENANTS, AND
 20 CAPTAINS AS OFFICERS IN THE FIELD?
 21 A. NO, I'M NOT COUNTING THOSE.
 22 Q. THE DUETS, ARE THEY IN THE CITY, OR ARE
 23 THEY IN THE COUNTY?
 24 A. THEY ARE IN THE UNINCORPORATED COUNTY.
 25 Q. THEY WOULD FALL UNDER THE RESPONSIBILITY OF

Page 11

1 THE ENFORCEMENT PEOPLE THAT YOU GENERALLY DESCRIBE
 2 AS COUNTY OFFICERS IN THE CONTEXT OF WHAT WE'RE
 3 TALKING ABOUT HERE?
 4 A. YES, GENERALLY, BUT OUR OFFICERS SUPPORT
 5 ONE ANOTHER IF THERE IS AN OFFICER THAT IS OUT ON
 6 LEAVE, VACATION, WORKMAN'S COMP INJURY. SOMETIMES
 7 WE CROSS-SUPPORT CITY TO COUNTY, COUNTY TO CITY, AND
 8 THE OFFICERS ARE CONSIDERED A POOL. THAT'S ONE
 9 ADVANTAGE OF THE CITIES AND THE COUNTIES PARTNERING
 10 UP. SO WE CAN POOL OUR RESOURCES TO GET THE JOB
 11 DONE.
 12 Q. FROM THE ENFORCEMENT DIVISION, ARE THERE
 13 OFFICERS OR INDIVIDUALS THAT ARE GIVEN SPECIAL
 14 RESPONSIBILITIES RELEVANT TO KENNELS, LIKE THE DUETS
 15 ARE?
 16 A. I WOULDN'T SAY GENERALLY. THEY'RE GIVEN
 17 SPECIAL ASSIGNMENTS FROM A TECHNICAL STANDPOINT. I
 18 COULD SAY ANY OFFICER COULD DO A GENERAL
 19 INSPECTION.
 20 Q. OF COURSE.
 21 A. USUALLY THE KENNEL INSPECTIONS, IT'S MY
 22 UNDERSTANDING -- I'M NOT THE MANAGER THAT DIRECTLY
 23 OVERSEES THAT ENFORCEMENT ARM -- BUT THEY GENERALLY
 24 USE OFFICERS THAT ARE AVAILABLE BASED ON CASE LOAD.
 25 SOMETIME THEY USE SERGEANTS OR LIEUTENANTS TO DO THE

Page 12

1 INSPECTIONS. WE HAVE KENNELS THROUGHOUT THE
 2 COUNTY.
 3 Q. LET ME ASK THIS QUESTION. IN THE
 4 MANAGEMENT LEVELS OF THE ORGANIZATION, ARE THERE
 5 INDIVIDUALS TO WHOM THE RESPONSIBILITY OF
 6 SUPERVISING KENNELS IS ASSIGNED AS A SPECIFIC JOB,
 7 OR IS IT SPREAD THROUGHOUT THE WHOLE ORGANIZATION?
 8 A. IT'S REALLY SPREAD THROUGHOUT.
 9 RITA GUTIERREZ IS OUR COMMANDER OF FIELD
 10 SERVICES. ULTIMATELY, THE KENNELS ARE HER
 11 RESPONSIBILITY. SHE DOES HAVE A DESK CLERK WHO
 12 HELPS SORT OF KEEP THE PAPERWORK IN ORDER -- PROCESS
 13 APPLICATIONS, PROCESS PAYMENTS, AND THINGS LIKE
 14 THAT.
 15 SHE GENERALLY REPORTS DIRECTLY TO RITA AND
 16 GETS HER INSTRUCTION FROM RITA. I WOULD SAY IT'S
 17 EITHER RITA OR HER CAPTAINS, AND SHE HAS AN EASTERN
 18 AND A WESTERN CAPTAIN WHO WOULD DELEGATE WHOSE
 19 RESPONSIBILITY IT WOULD BE FOR A PARTICULAR
 20 INSPECTION.
 21 Q. IN GENERAL, WHAT PROMPTS AN INSPECTION OF A
 22 KENNEL?
 23 A. IN GENERAL, TWO THINGS. ONE IS EITHER A
 24 NEW APPLICATION FOR A KENNEL PERMIT OR RENEWAL, OR
 25 TWO, WOULD BE A COMPLAINT.

1 Q. SO IF A KENNEL PERMIT APPLICATION COMES IN,
 2 IT WOULD BE ASSIGNED TO RITA AND RITA WOULD DELEGATE
 3 THAT TO THE APPROPRIATE PERSON UNDERNEATH HER TO GO
 4 DO AN INSPECTION. IS THAT FAIR TO SAY WHAT HER
 5 PROCEDURE IS?
 6 A. YES.
 7 Q. AND IF A COMPLAINT COMES IN, SAME THING.
 8 THE COMPLAINT WOULD BE GIVEN TO RITA AND SHE WOULD
 9 BE ASSIGNED HER PERSONNEL TO DEAL WITH IT AS
 10 APPROPRIATE?
 11 A. NOT NECESSARILY ON A COMPLAINT.
 12 Q. IN GENERAL, HOW DO WE HANDLE COMPLAINTS?
 13 A. IN GENERAL, COMPLAINTS COMES THROUGH OUR
 14 DISPATCH. THE COMPLAINT COMES TO THE CALL CENTER OR
 15 COMES OVER A FRONT COUNTER, COMES BY E-MAIL, HOWEVER
 16 A COMPLAINT COMES, IT USUALLY IS ROUTED TO OUR
 17 DISPATCHERS. IF IT'S NOT ROUTED TO A DISPATCHER IT
 18 USUALLY BECAUSE OF THE LEVEL OF THE COMPLAINT,
 19 WHETHER OR NOT WE THINK THAT THERE'S EXTRA
 20 CIRCUMSTANCES SURROUNDING THE COMPLAINT IT A
 21 PRIORITY CALL. POSSIBLY A SERGEANT OR LIEUTENANT
 22 MAY HANDLE THE COMPLAINT. IT'S ALL RECORDED THROUGH
 23 OUR DISPATCH.
 24 Q. WHEN IS FIRST TIME YOU PERSONALLY EVER
 25 HEARD OF THE DUETS?

1 A. I PERSONALLY REALLY HEARD OF THEM WHEN I
 2 MET WITH THEM BACK IN, ROUGHLY, 2008.
 3 Q. YOU HAD A FACE-TO-FACE MEETING?
 4 A. YES.
 5 Q. WHO INITIATED THE FACE-TO-FACE MEETING?
 6 YOUR OFFICE OR THE DUETS?
 7 A. THE DUETS, KAREN AND GEORGE.
 8 Q. DID THEY CALL AND ASK FOR AN APPOINTMENT
 9 WITH YOU, OR WERE THEY TALKING TO SOMEBODY ELSE
 10 WITHIN THE DEPARTMENT AND SOMEBODY ELSE SAID YOU
 11 NEED TO TALK TO MILLER?
 12 A. I CAN'T REMEMBER. I KNOW WE HAD A
 13 FACE-TO-FACE. I CAN'T REMEMBER WHETHER IT WAS
 14 INITIATED BY A PHONE CALL OR IF THEY JUST SHOWED UP
 15 AT THE SHELTER.
 16 Q. WHAT WAS THE SUBJECT OF THE MEETING THAT
 17 YOU HAD?
 18 A. THEY HAD APPROACHED ME ABOUT EXPANDING
 19 THEIR OPERATION. THEY WANTED TO INCREASE THE NUMBER
 20 OF DOGS THAT THEY COULD HAVE WITHIN THEIR KENNEL
 21 LICENSE. THEY BROUGHT A COPY OF THE PLOT PLAN AND
 22 SORT OF DID AN OVERVIEW OF THEIR OPERATION.
 23 I INSTRUCTED THEM THEY WERE ON THE OPPOSITE
 24 SIDE OF WHERE THEY NEEDED TO BE. FOR ANYTHING THAT
 25 PERTAINS TO AN EXPANSION OR CHANGE OR EVEN A NEW,

1 EITHER A CONDITIONAL USE PERMIT, PLOT PLAN OR KENNEL
 2 OPERATIONS, WE USUALLY START THEM OFF AT THE
 3 PLANNING PROCESS.
 4 I WOULD SAY 60 TO 70 PERCENT OF WHAT
 5 HAPPENS THROUGH A KENNEL LICENSE IS ON THE PLANNING
 6 SIDE AND NOT ON THE ANIMAL SERVICE SIDE, AND A LOT
 7 OF PEOPLE DON'T UNDERSTAND THAT, ESPECIALLY NEW
 8 APPLICANTS.
 9 Q. IS IT FAIR TO SAY THAT THE DUETS DIDN'T
 10 UNDERSTAND THAT UNTIL YOU EXPLAINED IT TO THEM?
 11 MS. SMITH: DON'T SPECULATE.
 12 Q. (BY MR. SCHAEFFER:) BASED ON THE
 13 CONVERSATION YOU THAT YOU HAD WITH THEM.
 14 A. I DON'T KNOW.
 15 Q. DID THE DUETS SAY ANYTHING ABOUT WHY THEY
 16 STARTED WITH YOU INSTEAD OF GOING TO LAND USE?
 17 A. NO.
 18 Q. DID THEY TELL YOU HOW MANY DOGS THEY HAD
 19 OUT THERE AT THE PRESENT TIME, AT THE PRESENT TIME
 20 OF THAT MEETING?
 21 A. I WOULD HAVE TO SPECULATE ON THAT. I DON'T
 22 REMEMBER IF THEY TOLD ME THE NUMBER OF DOGS. THEY
 23 PROBABLY DID, AND I WOULD GUESS IT WAS PROBABLY IN
 24 LINE WITH WHAT THEY WERE ALLOWED TO HAVE AT THAT
 25 TIME.

1 Q. WHAT WHERE THEY ALLOWED TO HAVE AT THAT
 2 TIME?
 3 A. 35.
 4 Q. DID THEY SAY, "HEY, WE'VE GOT 35 AND WE
 5 WANT TO GO TO "X" NUMBER OF DOGS"? DID THEY SAY
 6 ANYTHING ABOUT THAT?
 7 A. I DON'T REMEMBER THE NUMBER OF DOGS THEY
 8 WANTED, BUT IT'S MY RECOLLECTION THAT THEY WANTED TO
 9 GO FROM A CLASS 2 TO A CLASS 4 KENNEL LICENSE.
 10 Q. DOES THAT CHANGE THE NUMBER OF PERMITTED
 11 DOGS?
 12 A. SIGNIFICANTLY.
 13 Q. HOW MANY DOGS CAN BE PERMITTED UNDER A
 14 CLASS 2 LICENSE?
 15 A. 25.
 16 Q. HOW MANY DOGS CAN BE PERMITTED UNDER A
 17 CLASS 4 LICENSE. IS IT A CLASS 4 THAT THEY WANTED?
 18 A. IT'S IN THE CODE SOMEWHERE. I'D HAVE TO
 19 LOOK IT UP. WE DON'T HAVE VERY MANY OF THEM.
 20 Q. SO DID YOU TELL THE DUETS THAT MOST KENNELS
 21 DON'T EVEN COME TO SEE YOU TO TELL YOU THAT THEY
 22 WANT TO EXPAND; THEY JUST DO IT?
 23 MS. SMITH: OBJECTION. LEADING.
 24 A. YES, I DID.
 25 Q. WHAT DID YOU SAY ALONG THOSE LINES?

1 A. I SAID THAT MOST OF THE TIME WHEN PEOPLE
 2 ARE WANTING TO MAKE A CHANGE IN THEIR KENNEL
 3 OPERATION THEY USUALLY DON'T ENGAGE US. THEY, "A",
 4 DON'T ENGAGE ANYBODY AND JUST DO IT THEMSELVES, OR
 5 "B" THEY ENGAGE THE PLANNING DEPARTMENT, WHICH IS
 6 WHERE I REFERRED THEM TO.
 7 I DID APPRECIATE THE FACT THAT THEY HAD
 8 COME IN AND TRIED TO ENGAGE ME ABOUT WHAT THEY WERE
 9 TRYING TO DO.
 10 Q. DID THE DUETS TELL YOU WHAT THEY WERE GOING
 11 TO DO AFTER TALKING TO YOU? DID THEY SAY, "THANKS
 12 FOR TELLING US. WE'RE GOING TO GO OVER TO PLANNING
 13 AND DO AN APPLICATION"?
 14 A. YES. THEY DIDN'T SAY "APPLICATION"; THEY
 15 SAID THEY WERE GOING TO GO IN AND DISCUSS THIS WITH
 16 THE PLANNING DEPARTMENT.
 17 Q. DID THEY TELL YOU THAT THEY HAD A CLASS 2
 18 KENNEL LICENSE?
 19 A. YES.
 20 Q. DO YOU REMEMBER THEM TELLING YOU THAT THEY
 21 HAD 35 DOGS?
 22 A. I DON'T KNOW THE NUMBER. ONCE AGAIN, I
 23 WOULD GUESS -- I DON'T NEED TO GUESS -- I DON'T
 24 REMEMBER THE NUMBER OF DOGS THEY CURRENTLY HAD.
 25 Q. DO YOU REMEMBER HOW MANY DOGS THEY WERE

1 LICENSED FOR AS FAR AS ANIMAL CONTROL WAS CONCERNED?
 2 A. 35.
 3 Q. DID YOU KNOW THAT AT THE TIME OF THE
 4 MEETING?
 5 A. I DON'T KNOW IF I DID. KAREN AND GEORGE
 6 MAY HAVE COME WITH THEIR CURRENT KENNEL PERMIT, AND
 7 I MAY HAVE REVIEWED IT AT THAT TIME. I DIDN'T HAVE
 8 THEIR CASE FILE IN FRONT OF ME WHEN WE MET. I
 9 DIDN'T HAVE ANY OF OUR KENNEL LICENSES IN FRONT OF
 10 ME.
 11 Q. AFTER THAT MEETING, DO YOU REMEMBER WHAT
 12 MONTH OF 2008 THAT WAS IN? BEGINNING OF THE YEAR?
 13 ENDING OF THE YEAR? SUMMER? WINTER? CAN YOU PLACE
 14 IT WITHIN THE YEAR?
 15 A. APPROXIMATELY APRIL, I WOULD SAY.
 16 Q. HOW ARE YOU ABLE TO PLACE THAT MEETING AS
 17 APRIL OF 2008 AS OPPOSED TO SOME OTHER MONTH OR
 18 YEAR?
 19 A. WELL, SINCE THE INVOLVEMENT THAT I'VE HAD
 20 RECENTLY WITH THIS CASE, I'VE TRIED TO GO BACK AND
 21 PIN THAT DOWN. THERE WAS ALSO MY DEPUTY DIRECTOR,
 22 FRANK CORVENO, WHO WAS IN THAT MEETING. LIKE I
 23 SAID, APPROXIMATELY APRIL. THAT'S THE BEST THAT I
 24 CAN PIN IT DOWN. BUT I KNOW IT WAS IN 2008 BECAUSE
 25 I KNOW THEY WERE UP FOR RENEWAL.

1 I KNOW, ROUGHLY, IT WAS IN THE SPRING, AND
 2 I THINK APRIL IS ABOUT AS CLOSE AS -- I WOULD LOVE
 3 TO PULL UP MY CALENDAR AND KNOW EXACTLY, BUT
 4 UNFORTUNATELY OUR CALENDARS DELETE.
 5 Q. WHEN YOU WENT BACK TO TRY TO FIGURE OUT
 6 WHEN THIS MEETING WAS, WHAT DID YOU DO TO TRY TO
 7 FIGURE OUT WHEN --
 8 A. I TOOK A LOOK AT THE CASE FILE AND LOOKED
 9 AT WHEN THEIR INSPECTION WAS UP, AND I'VE HAD
 10 CONVERSATIONS WITH PLANNING ON WHEN THEY'VE ENGAGED
 11 THE PLANNING PROCESS, WHEN THEY'VE ENGAGED THE
 12 C.U.P. PROCESS. AND BASED ON MY OWN MEMORY, I THINK
 13 THIS WAS THE CLOSEST TIME FRAME TO TRY TO PUT A DATE
 14 TO IT. I MAY BE WRONG --
 15 MS. SMITH: IT'S OKAY.
 16 Q. (BY MR. SCHAEFER:) WE ALL MAY BE WRONG.
 17 NO QUESTION ABOUT THAT.
 18 WHEN WAS THE NEXT TIME YOU HEARD ABOUT THE
 19 DUETS AFTER THAT MEETING?
 20 A. JANUARY OF 2010.
 21 Q. WHAT HAPPENED IN JANUARY OF 2010 THAT
 22 BROUGHT THE DUETS BACK TO YOUR ATTENTION?
 23 A. A COMPLAINT.
 24 Q. WHAT WAS THE COMPLAINT?
 25 A. MANY COMPLAINTS.

1 Q. IF YOU CAN, GIVE ME THE SUBSTANCE OF THE
 2 COMPLAINTS THAT YOU REMEMBER.
 3 A. THE COMPLAINTS INCLUDED THE VIOLATIONS OF
 4 THE ORIGINAL PLOT PLAN, ANIMAL COUNTS, MEANING THEY
 5 HAD MORE ANIMALS THAN WERE ALLOTTED THROUGH THE
 6 KENNEL LICENSE PROCESS, OR THE ASSIGNMENT OF THE
 7 CLASS 2 KENNEL LICENSE, BARKING DOGS, TRAFFIC,
 8 DUST.
 9 MANY OF THESE THINGS ARE NOT ANIMAL CONTROL
 10 RELATED, AND THERE WERE COMPLAINTS THAT WERE ALSO
 11 SHARED WITH THE CODE ENFORCEMENT DEPARTMENT. THERE
 12 WAS ALSO A COMPLAINT ABOUT, I BELIEVE, BOMB DOG
 13 TRAINING.
 14 Q. OKAY. WHO BROUGHT THESE COMPLAINTS TO YOUR
 15 ATTENTION?
 16 A. MR. TOM BARTELS.
 17 Q. WE HAD DISCUSSED A LITTLE BIT IN THE
 18 DEPOSITION EARLIER ABOUT THE COMPLAINT PROCESS AND
 19 HOW THEY NORMALLY GO THROUGH DISPATCH AND ARE
 20 HANDLED BY DISPATCH. WHAT WAS THE MANNER IN WHICH
 21 THIS COMPLAINT ENDED UP GETTING PROCESSED BY THE
 22 DEPARTMENT AND BROUGHT TO YOUR ATTENTION AS THE
 23 DIRECTOR?
 24 A. IT WAS A MEETING THAT WAS SCHEDULED WITH
 25 MR. BARTELS, AT HIS REQUEST, PRIMARILY WITH

1 RON GOLDMAN, DIRECTOR OF PLANNING, BECAUSE THEY WERE
 2 ANIMAL CONTROL RELATED ISSUES. AND MR. BARTELS HAD
 3 ALSO -- LET ME BACK UP HERE. THIS FIRST WAS
 4 INITIATED BY A PHONE CALL TO ME BY MR. BARTELS. I
 5 TAKE MY CALLS BLIND MANY TIMES, SO I JUST CALLED THE
 6 GENTLEMAN BACK. I HAD A PHONE MESSAGE FROM THE
 7 SECRETARY. MR. BARTELS SPENT ABOUT A HALF HOUR
 8 DISCUSSING ALL THESE PROBLEMS THAT HE HAS WITH HIS
 9 NEIGHBOR. HE ALSO SAID THAT HE HAD A MEETING
 10 SCHEDULED WITH MR. GOLDMAN. SO WHEN I WAS DONE
 11 TALKING TO HIM, I TOLD HIM I WOULD LOOK INTO THESE
 12 COMPLAINTS. AT THE TIME I DIDN'T HAVE THE
 13 INFORMATION AND I THINK I TOOK THE CALL ON MY CELL
 14 PHONE AS I WAS DRIVING.

15 SO I SPOKE WITH MR. GOLDMAN, AND HIM AND I
 16 MADE THE DECISION TO JUST MEET WITH HIM JOINTLY.
 17 IT'S MY UNDERSTANDING THAT AT THAT TIME FROM
 18 MR. GOLDMAN THAT HE'S DEALT WITH MR. BARTELS QUITE A
 19 BIT, BUT THIS WAS MY FIRST INTERACTION WITH HIM.

20 SO WHEN WE WENT TO THE MEETING, HE BROUGHT
 21 HIS COMPLAINTS. HE BROUGHT A COPY OF THE ORIGINAL
 22 PLANNING COMMISSION ORDER, A COPY OF THE ORIGINAL
 23 PLOT PLAN. HE SHARED WITH ME HIS CONCERNS, HIS
 24 COMPLAINTS, POINTED OUT IN THE TRANSCRIPT WHERE THE
 25 BOARD HAD RESTRICTED THE DUETS TO 20 DOGS, UNLIKE

1 THE TYPICAL CLASS II KENNEL, WHICH IS 25; AND I KNEW
 2 THAT WE HAD ISSUED THEIR LAST PERMIT FOR 35, AND I
 3 TOLD HIM THAT I WOULD TAKE THE INFORMATION AND I
 4 WOULD LOOK INTO IT AND WE WOULD EVALUATE HIS
 5 COMPLAINT.

6 Q. DID BARTELS IN THE MEETING SAY HOW MANY
 7 DOGS HE THOUGHT WERE ON THE PROPERTY AT THE TIME OF
 8 THE MEETING, OTHER THAN MORE THAN 20?

9 A. I DON'T REMEMBER.

10 Q. AT THE END OF THE MEETING, DID YOU HAVE ANY
 11 IDEA IN YOUR MIND AS TO HOW MANY DOGS WERE ACTUALLY
 12 ON THE PREMISES AT THAT TIME?

13 A. I HAVE NO IDEA. EVEN THOUGH HE HAD THESE
 14 TRANSCRIPTS, I WASN'T ABOUT TO JUST TAKE THAT AS THE
 15 GOSPEL EITHER. I HAD TO GO BACK AND VERIFY WITH
 16 PLANNING TO MAKE SURE THAT THIS WAS ACTUALLY THE
 17 STATED CONDITION ON THE PROPERTY. I HAD TO GO BACK
 18 AND LOOK AT OUR CASE FILE AND SEE HOW WE'VE BEEN
 19 ISSUING PERMITS AND FOR HOW MANY ANIMALS, AND I
 20 FOUND A DISCREPANCY.

21 Q. WELL, I WANT TO GO CHRONOLOGICALLY; IT'S
 22 EASY FOR ALL OF US TO FOLLOW.

23 SO AFTER THE MEETING WAS OVER, WHAT DID YOU
 24 DO?

25 A. I TOOK ALL THIS INFORMATION AND ONE OF THE

1 FIRST THINGS I DID WAS MEET WITH MY STAFF AND HAVE
 2 THEM BRING THE CASE FILE TO ME, LOOK AT ALL THE
 3 INFORMATION THAT WE HAD, AND THEN START OR HAVE THE
 4 STAFF ENGAGE THE PLANNING DEPARTMENT TO CONFIRM WHAT
 5 THE CONDITIONS WERE SUPPOSED TO BE SET AT.

6 Q. WHEN YOU ENGAGED YOUR STAFF AND HAD THE
 7 FILE, WHAT INFORMATION WAS IMPARTED TO YOU THAT WAS
 8 OF SIGNIFICANCE TO YOU AT THE TIME?

9 A. I WOULD SAY THE DISCREPANCY IN THE NUMBER
 10 OF DOGS WE HAD ON OUR KENNEL PERMIT AND ALSO THE
 11 MANNER IN WHICH WE HAD BEEN ISSUING KENNEL PERMITS
 12 FOR THE LAST 15 YEARS.

13 Q. WHAT WAS THE DISCREPANCY?

14 A. WELL, IF THE ORIGINAL CONDITION WAS
 15 20 DOGS, THE LAST PERMIT THAT THEY WERE ISSUED WAS
 16 FOR 35.

17 AND AS YOU GO BACK FURTHER INTO OUR
 18 RECORDS, YOU FIND THAT ORIGINALLY THEY HAD A KENNEL
 19 PERMIT FOR 25 AND A SECOND LAND WAS ISSUED ONE FOR
 20 TEN. AT SOME POINT ALONG THE WAY, SOMEBODY HAD
 21 MERGED THE 25 AND THE 10 INTO A SINGLE 35, BUT THE
 22 ORIGINAL CONDITION -- AND THE PLOT PLAN COVERS BOTH
 23 SETS OF LAND, IS FOR 20.

24 MS. SMITH: DEFINE WHAT YOU MEAN BY "BOTH
 25 SETS OF LAND."

1 THE DEPONENT: WELL, IT APPEARS THAT THERE
 2 WERE TWO SEPARATE A.P.N.'S INITIALLY -- AND I DON'T
 3 KNOWN THAT THE PROPERTIES HAVE BEEN MERGED -- BUT
 4 THE ORIGINAL PLOT PLAN COVERED BOTH OF THOSE AREAS.

5 SO THE MAXIMUM NUMBER OF DOGS, FROM OUR
 6 STANDPOINT -- AND I'M NOT A PLANNING EXPERT AND I
 7 HAVE TO INTERPRET WHAT PLANNING DOES -- IS THAT THE
 8 MAXIMUM NUMBER OF DOGS FOR THE ENTIRE AREA THAT BOTH
 9 KENNEL PERMITS WERE BEING ISSUED FOR WAS 20 DOGS,
 10 AND WE HAD BEEN ISSUING UP TO 35.

11 Q. ALL RIGHT. SO IF I CAN SUMMARIZE WHAT I
 12 THINK YOU'RE SAYING, IS THAT YOU BELIEVE THAT AT
 13 SOME POINT IN THE PAST, THE LAND WHICH IS CURRENTLY
 14 OWNED BY THE DUETS OR THEIR FAMILY IN THIS AREA WAS
 15 COMPOSED OF TWO SEPARATE LOTS?

16 A. THAT'S WHAT IT APPEARS LIKE.

17 Q. LOOKS TO YOU LIKE IT WAS TWO LOTS.

18 AND IT LOOKED TO YOU AT ONE POINT IN TIME,
 19 ONE LOT WAS GIVEN A LICENSE FOR TEN DOGS, AND AT THE
 20 SAME POINT IN TIME, THE OTHER LOT WAS GIVEN A
 21 LICENSE FOR 25 DOGS.

22 A. THAT'S WHAT IT APPEARED LIKE.

23 Q. AND THAT'S BASED ON REVIEW OF YOUR FILE?

24 A. RIGHT.

25 Q. AT THE SAME TIME IT'S YOUR CONCLUSION THAT

1 THE ORIGINAL PLANNING APPROVAL WAS FOR 20 DOGS, AND
 2 THAT ENCOMPASSED BOTH LOTS?
 3 A. CORRECT.
 4 Q. SO WHEN YOU LOOKED AT YOUR FILE, YOU
 5 WEREN'T ABLE TO UNDERSTAND WHY ANIMAL CONTROL HAD
 6 ISSUED TWO LICENSES FOR A TOTAL OF 35 DOGS ON LOTS
 7 THAT YOU UNDERSTOOD THAT PLANNING HAD SAID SHOULD
 8 HAVE A MAXIMUM OF 20 DOGS.
 9 MS. SMITH: OBJECTION. VAGUE. THAT'S NOT
 10 IN EVIDENCE.
 11 Q. (BY MR. SCHAEFER:) AM I FAIRLY STATING
 12 WHAT WAS GOING THROUGH YOUR MIND AT THE TIME?
 13 A. I --
 14 Q. AND IF I'M NOT, JUST CORRECT ME WHERE I'M
 15 WRONG.
 16 A. I WOULD AGREE THAT IT APPEARED LIKE THERE
 17 WERE TWO SEPARATE KENNEL PERMITS BEING ISSUED FOR
 18 THE SAME AREA COVERED BY THE PLOT PLAN THAT TOTALED
 19 35 BETWEEN THE TWO OF THEM, AND THAT THE ORIGINAL
 20 STIPULATION WAS 20.
 21 Q. OKAY. NOW, DID YOU DO ANY INVESTIGATION
 22 WITHIN YOUR OWN DEPARTMENT TO FIND OUT WHY THESE TWO
 23 KENNEL LICENSES FOR A TOTAL OF 35 DOGS WERE ISSUED?
 24 A. THIS WAS 15 YEARS AGO, AND THE PEOPLE THAT
 25 ISSUED MOST OF THOSE KENNEL PERMITS ARE NOT WITH THE

1 COUNTY ANYMORE. I BELIEVE THE ORIGINAL ISSUER MAY
 2 BE DEAD. I DON'T KNOW THAT FOR SURE, BUT THAT'S
 3 WHAT I HEARD. UNLESS YOU KNOW DIFFERENTLY -- IS
 4 WALT STILL ALIVE? I HAD HEARD WALT HAD PASSED AWAY.
 5 MS. SMITH: I DON'T KNOW.
 6 THE DEPONENT: IT MAY BE THE FIRST TIME WE
 7 HEARD THAT.
 8 IN TERMS OF INVESTIGATION, THERE IS NOT
 9 VERY FAR I CAN GO OTHER THAN TO THE TRANSCRIPT AND
 10 THE MINUTES FROM THE ORIGINAL PLANNING COMMISSION
 11 MEETINGS AND THE BOARD OF SUPERVISOR MEETING. THERE
 12 IS NOBODY WHO WAS THERE IN 1995 THAT HANDLED THIS
 13 CASE THAT IS STILL THERE TODAY. WE'VE ALL TRIED TO
 14 SPECULATE ON WHAT MAY HAVE HAPPENED, BUT IT'S JUST
 15 MERELY SPECULATION.
 16 Q. SO WHAT I'M HEARING YOU SAY IS THAT WHEN
 17 YOU DISCOVERED THIS DISCREPANCY BETWEEN THE NUMBER
 18 OF DOGS THAT HAD BEEN AUTHORIZED BY ANIMAL CONTROL
 19 AND THE NUMBER OF DOGS THAT HAD BEEN AUTHORIZED BY
 20 LAND USE, ALL OF THE PEOPLE THAT WOULD HAVE ANY
 21 PERSONAL KNOWLEDGE OF WHAT HAPPENED WERE NO LONGER
 22 AVAILABLE.
 23 A. CORRECT.
 24 Q. AND I'M ALSO HEARING YOU SAY THAT THERE'S
 25 NOTHING IN THE FILES THAT INDICATE WHY OR HOW THIS

1 SITUATION CAME TO BE.
 2 A. NOT THAT I CAN REALLY NOTICE.
 3 Q. TODAY HOW MANY KENNEL PERMITS ARE THERE
 4 THAT ARE ISSUED BY YOUR OFFICE, CITIES AND COUNTIES
 5 COMBINED?
 6 MS. SMITH: OBJECTION. VAGUE AS TO TIME.
 7 Q. (BY MR. SCHAEFER:) I SAID TODAY.
 8 MS. SMITH: HOW MANY ARE OUTSTANDING?
 9 MR. SCHAEFER: YES.
 10 THE DEPONENT: I DON'T KNOW.
 11 Q. (BY MR. SCHAEFER:) TODAY IF A KENNEL
 12 PERMIT IS APPLIED FOR BY SOMEBODY, WHAT IS THE
 13 PROCEDURE THAT IS FOLLOWED BY ANIMAL CONTROL TO MAKE
 14 SURE THAT THE NUMBER OF DOGS THAT ANIMAL CONTROL
 15 AUTHORIZED MATCHES THE NUMBER OF DOGS THAT LAND USE
 16 AUTHORIZES?
 17 A. WE HAVE THIS CASE, ESPECIALLY, THAT HAS
 18 RAISED SOME EYEBROWS IN OUR DEPARTMENT, AND WE NOW
 19 HAVE REGULAR MEETINGS WITH PLANNING, NUMBER ONE.
 20 NUMBER TWO, THE DOCUMENTS THAT WE USE
 21 BETWEEN OUR ORGANIZATIONS ARE SHARED BETWEEN OUR
 22 ORGANIZATIONS.
 23 IN TERMS OF ANY DETAILED PROCEDURES, YOU'D
 24 HAVE TO TALK TO A STAFF THAT I HAVE ASSIGNED FOR
 25 THAT. I KNOW THOSE TWO KEY ASPECTS HAVE BEEN DONE.

1 Q. YOU NOW YOU HAVE MEETINGS WITH PLANNING AND
 2 YOU SHARE DOCUMENTS WITH PLANNING?
 3 A. CORRECT.
 4 Q. AND THE MEETING AND THE DOCUMENTS ARE THE
 5 RESULT OF THIS CASE WITH THE DUETS?
 6 A. THIS IS ONE, YES.
 7 Q. BEFORE JANUARY OF 2010, AND DURING YOUR
 8 WATCH AS DIRECTOR, WHAT WAS DONE BY THE DEPARTMENT
 9 OF ANIMAL SERVICES TO MAKE SURE THAT THE NUMBER OF
 10 DOGS THAT WERE AUTHORIZED UNDER A KENNEL PERMIT BY
 11 ANIMAL SERVICES MATCHED THE NUMBER OF DOGS THAT WAS
 12 AUTHORIZED BY LAND USE?
 13 A. SO LET ME JUST REPHRASE THIS SO I
 14 UNDERSTAND YOUR QUESTION.
 15 Q. SURE.
 16 A. PRIOR TO JANUARY OF 2010 WHAT DID OUR
 17 DEPARTMENT DO TO VERIFY THAT THE INFORMATION WE HAD
 18 WAS THE SAME AS WHAT PLANNING HAD?
 19 Q. YES.
 20 A. I WOULD SAY WE DID A POOR JOB BACK THEN.
 21 MS. SMITH: NO, WHAT SPECIFICALLY DID YOU
 22 --
 23 Q. (BY MR. SCHAEFER:) I APPRECIATE THAT, BUT
 24 WHAT SPECIFICALLY DID YOU DO OR NOT DO?
 25 A. WELL, THERE WAS A FORM THAT MOVED FORWARD

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1 TO US, INITIATING -- IT CAME, UNFORTUNATELY I THINK,
 2 FROM THE APPLICANT, BUT ESSENTIALLY IT INITIATED
 3 THE FACT THAT CONDITIONAL USE PERMIT OR A PLOT PLAN
 4 OR SOMETHING HAD BEEN ISSUED FROM PLANNING THAT
 5 INITIATED AN INSPECTION ON OUR PART TO MOVE TOWARD
 6 THE ANIMAL SERVICES SIDE OF THE KENNEL LICENSE.
 7 Q. BEFORE JANUARY OF 2010, IF SOMEBODY CAME IN
 8 AND WANTED A NEW KENNEL LICENSE, WAS THERE SOME KIND
 9 OF FORM THEY HAD TO FILL OUT?
 10 A. YES.
 11 Q. BEFORE JANUARY OF 2010 IF SOMEBODY WANTED
 12 TO RENEW A KENNEL LICENSE WAS THERE SOME KIND OF A
 13 FORM THAT THEY NEEDED TO FILL OUT?
 14 A. I THINK THAT WAS GENERALLY HANDLED WITH THE
 15 RENEWAL LETTER OR CONTACT BY OUR OFFICE INITIATING
 16 THE RENEWAL.
 17 Q. AGAIN I'M DEALING WITH THE TIME PERIOD
 18 BETWEEN WHEN YOU CAME ON BOARD AS DIRECTOR IN
 19 JANUARY OF 2010. HELP ME UNDERSTAND THE PAPER TRAIL
 20 THAT WOULD BE GENERATED IN THE COURSE OF RENEWING A
 21 LICENSE.
 22 A. I DON'T KNOW IF I CAN HELP YOU WITH THE
 23 PAPER TRAIL. I'M THE DIRECTOR OF ANIMAL SERVICES.
 24 I HAVE STAFF WHO ARE SUPPOSED TO ADMINISTER THAT
 25 SERVICE TO THE PUBLIC.

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1 I'M NOT INVOLVED IN ISSUING LETTERS FOR
 2 RENEWALS OR THE APPLICATIONS THAT COME IN TO
 3 DEPARTMENTS. ALL I CAN TELL YOU AT THAT TIME IS
 4 THERE WAS A PROCESS IN PLACE, AT LEAST THERE WAS
 5 SUPPOSED TO BE, THAT WAS MANAGED BY ONE OF THE
 6 MANAGERS IN THE DEPARTMENT.
 7 Q. WHEN YOU DISCOVERED THAT IN THE DUETS' CASE
 8 THEY WERE HOLDING ANIMAL SERVICES LICENSE FOR
 9 35 DOGS WHEN LAND USE HAD ONLY AUTHORIZED THEM FOR
 10 20 DOGS, DID YOU GO TO YOUR STAFF AND SAY, "WHAT IS
 11 THE PROCESS THAT HAS BEEN FOLLOWED, WHILE I'M HERE,
 12 THAT HAS RESULTED IN THE SITUATION"?
 13 MS. SMITH: OBJECTION. LEADING -- OR WHAT
 14 DID YOU SAY, IF ANYTHING.
 15 Q. (BY MR. SCHAEFER:) WHAT DID YOU DO TO
 16 INVESTIGATE HOW THIS CAME TO BE? DID YOU ASK TO SEE
 17 THE DUETS' FILE? DID YOU LOOK AT THE PAPER TRAIL?
 18 WHAT DID YOU DO?
 19 A. I DID LOOK AT THE DUETS' FILE. ONE OF MY
 20 FIRST QUESTIONS TO STAFF WAS "HOW COULD WE HAVE THIS
 21 DISCREPANCY?"
 22 Q. WHAT WAS THE ANSWER?
 23 A. WELL, "WE MAKE MISTAKES. THE LEFT HAND
 24 WASN'T TALKING TO THE RIGHT HAND," WAS THE RESPONSE
 25 I GOT. OF COURSE, I GUESS YOU COULD HEAR THE

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1 COMMUNICATION GAP WAS BLAMED ON BOTH SIDES,
 2 DEPENDING ON WHICH SIDE YOU WERE ON, BUT REGARDLESS
 3 OF THAT, MY DIRECTION TO THEM IS WE NEED TO FIX IT,
 4 AND WE NEED OPEN A COMMUNICATION LINE BETWEEN
 5 PLANNING AND ANIMAL SERVICES.
 6 THAT HAD ALREADY BEGUN TO HAPPEN. YOU HAVE
 7 TO REMEMBER THAT -- YOU'RE TRYING TO INCLUDE THIS
 8 TIME FRAME THAT GOES ALL THE WAY UP TO JANUARY 2010,
 9 BUT BETWEEN ROUGHLY APRIL OF 2008 AND JANUARY OF
 10 2010, IT WAS MY UNDERSTANDING THEY WERE INVOLVED IN
 11 THE PLANNING PROCESS.
 12 SO IT WASN'T NECESSARILY THE DUETS' CASE
 13 THAT REALLY KIND OF RAISED SOME RED FLAGS THAT WAS
 14 ONE OF THEM. WE ALSO HAD SOME OTHER CASES THAT WERE
 15 RAISING SOME RED FLAGS ABOUT OUR INTERACTION WITH
 16 THE PLANNING DEPARTMENT, BECAUSE WE HAD A 20-YEAR
 17 GRANDFATHER CLAUSE FOR KENNELS CONSTRUCTED -- I
 18 THINK IT WAS BEFORE 1987 -- THAT HAD EXPIRED IN
 19 2007, WHERE WE SAW A LOT OF THESE OLD KENNELS HAD
 20 SIMILAR PROBLEMS. AND SO WE WERE ALREADY DEALING
 21 WITH SOME ISSUES BETWEEN PLANNING AND ANIMAL
 22 SERVICES. THIS CASE JUST HAPPENED TO BE ONE THAT
 23 WAS A LITTLE BIT MORE HIGH PROFILE.
 24 Q. WHAT WAS THE PROBLEM WITH THE KENNELS WHOSE
 25 PERMITS EXPIRED 20 YEARS FROM 1987?

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1 A. THEY DIDN'T HAVE TO HAVE ONE.
 2 Q. SO THERE WERE A NUMBER OF KENNELS THAT WERE
 3 ALLOWED TO OPERATE FOR A PERIOD OF TIME WITHOUT
 4 LICENSES?
 5 A. CORRECT.
 6 Q. THEN THAT EXPIRED AND THEY NEEDED TO COME
 7 IN AND GET LICENSES.
 8 A. CORRECT. BUT WE STILL HAD KENNEL FILES ON
 9 THEM AND THEY STILL HAD SOME LIMITED CONTACT WITH
 10 PLANNING.
 11 Q. OKAY. ON THESE DID YOU HAVE THESE ISSUES
 12 WHERE THERE WERE MORE DOGS THAN LAND USE HAD
 13 AUTHORIZED?
 14 A. NO. BUT WE HAD COMMUNICATION ISSUES
 15 BETWEEN THE PLANNING DEPARTMENT AND ANIMAL SERVICES
 16 AND WHERE THESE KENNELS STOOD AT IN TERMS OF A
 17 CONDITIONAL USE PERMIT OR A PLOT PLAN. THE DETAILS
 18 ARE NOT IDENTICAL, BUT THE COMMUNICATION PROBLEM
 19 STILL EXISTED AND HOW WE COMMUNICATED INFORMATION
 20 BACK AND FORTH.
 21 Q. YOU HAD SOME OF THESE OLD KENNELS THAT
 22 DIDN'T HAVE CONDITIONAL USE PERMITS?
 23 A. CORRECT.
 24 Q. DID THEY ALL GET THEIR CONDITIONAL USE
 25 PERMITS?

1 A. OH, NO. SOME OF THEM ARE STILL BIG DEALS.
 2 THEY'VE BEEN IN OPERATION FOR DECADES AND WE'RE
 3 THREATENING TO CLOSE BECAUSE THEY CAN NEVER MEET THE
 4 LAND REQUIREMENTS.
 5 MS. SMITH: THE QUESTION IS NOT ON THE
 6 TABLE.
 7 Q. (BY MR. SCHAEFER:) HOW MANY ARE THERE?
 8 A. I DON'T KNOW EXACTLY.
 9 Q. HAVE YOU CLOSED ANY OF THEM DOWN?
 10 A. NOT YET.
 11 Q. WHEN DID THE 20-YEAR PERIOD EXPIRE?
 12 A. 2007, I BELIEVE.
 13 Q. WHO IN YOUR OFFICE IS IN CHARGE OF THE
 14 PAPER TRAIL OR RENEWALS OF KENNEL LICENSES?
 15 A. IT WOULD BE RITA GUTIERREZ.
 16 Q. WHO IN YOUR OFFICE IS IN CHARGE OF ISSUANCE
 17 AND RENEWAL OF KENNEL LICENSES ON A DAY-TO-DAY
 18 BASIS?
 19 A. WELL, WE HAVE A CLERK THAT PUTS TOGETHER
 20 ALL THE PAPERWORK. THEY ULTIMATELY COME TO MYSELF
 21 AND THE DEPUTY DIRECTOR FOR SIGNATURE. ALL OF THE
 22 WORK BEHIND THE LICENSE AND THE SIGNATURE ITSELF IS
 23 DONE BY THE CLERK AND BY RITA AND HER OFFICERS. IT
 24 COMES WITH THE INSPECTION REPORT; IT COMES WITH THE
 25 CASE FILE, WITH THE LICENSE CERTIFICATE ATTACHED TO

1 IT.
 2 Q. OKAY. BUT THE ULTIMATE DECISION TO GRANT A
 3 LICENSE OR A RENEWAL, ARE YOU THE ONE THAT SIGNS OFF
 4 ON A DAY-TO-DAY BASIS?
 5 A. YES.
 6 Q. OKAY. GETTING BACK TO OUR NARRATIVE HERE.
 7 IN JANUARY 2010 YOU LISTENED TO MR. BARTELS AND THEN
 8 YOU WENT TO YOUR STAFF AND GOT INPUT FROM THEM AND
 9 FOUND OUT THAT THERE WAS A DIFFERENCE BETWEEN THE
 10 NUMBER OF DOGS THAT LAND USE AUTHORIZED AND THE
 11 NUMBER OF DOGS THAT ANIMAL SERVICES HAD AUTHORIZED.
 12 WHAT WAS THE NEXT THING YOU DID?
 13 MS. SMITH: I WANT TO CLARIFY THESE DATES.
 14 I DON'T THINK YOU'RE ON THE RIGHT -- YOU'RE MIXING
 15 UP JANUARY 2010. HE MET WITH THE DUETS IN
 16 JANUARY 2010.
 17 MR. SCHAEFER: EXCUSE ME.
 18 Q. DID YOU MEET WITH THE DUETS IN 2010 OR
 19 MR. BARTELS IN 2010?
 20 A. MR. BARTELS.
 21 MS. SMITH: IN ABOUT JANUARY 2010?
 22 THE DEPONENT: I THINK SO.
 23 Q. (BY MR. SCHAEFER:) GETTING BACK TO MY
 24 QUESTION.
 25 WHAT HAPPENED NEXT AFTER YOU MET WITH YOUR

1 STAFF AND ASCERTAINED WHAT THE SITUATION WAS?
 2 A. WAIT A SECOND. LET ME CLARIFY.
 3 Q. SURE.
 4 A. LET ME BACK UP. IT MAY HAVE BEEN FEBRUARY
 5 OF 2010 THAT I MET WITH MR. BARTELS, AND I MAY BE
 6 CONFUSING A MEETING THAT HAPPENED WITH THE DUETS,
 7 REFLECTING BACK ON THE TIMELINE, THAT I WAS NOT
 8 INVOLVED IN. I DON'T KNOW IF THAT WAS WITH
 9 FRANK CORVENO AND RITA GUTIERREZ. I CAN'T REMEMBER.
 10 Q. SO I'M CLEAR ON THE TIMELINE, YOU'RE STILL
 11 SURE THAT YOU MET WITH THE DUETS IN APRIL OF 2010
 12 AND THEY TOLD YOU THAT THEY WANTED TO EXPAND THEIR
 13 NUMBER OF DOGS ON THEIR KENNEL PERMIT AND YOU
 14 DIRECTED THEM TO PLANNING?
 15 MS. SMITH: IT WAS 2008.
 16 THE DEPONENT: 2008.
 17 Q. (BY MR. SCHAEFER:) APRIL OF 2008.
 18 YOU THINK THAT YOU MET WITH BARTELS AND
 19 GOLDMAN THE JANUARY-FEBRUARY 2010 TIME FRAME?
 20 A. UH-HUH.
 21 Q. AND YOU THINK THERE WAS ANOTHER MEETING
 22 WHICH YOU PROBABLY DIDN'T ATTEND FROM THE DUETS AND
 23 YOUR STAFF?
 24 A. I THINK.
 25 Q. WERE THERE MEETINGS BETWEEN THE DUETS AND

1 MEMBERS OF YOUR STAFF THAT YOU'RE AWARE OF BETWEEN
 2 THE JANUARY AND FEBRUARY 2010 TIME FRAME?
 3 A. I BELIEVE THERE MAY HAVE BEEN A MEETING
 4 THAT HAPPENED THEN. I'M TRYING TO REMEMBER BACK ON
 5 THE TIME LINE OF EVENTS.
 6 Q. WHY DON'T WE DO THIS. I'M GOING TO STICK
 7 TO STUFF THAT YOU WERE AT AND PERSONALLY INVOLVED
 8 IN.
 9 A. WHEN I HAVEN'T RE-MET WITH THE DUETS.
 10 Q. ALL RIGHT. BUT GETTING BACK TO MY SEQUENCE
 11 OF EVENTS HERE. YOU MET WITH BARTELS AND GOLDMAN.
 12 THEN YOU DID SOME RESEARCH WITH YOUR STAFF?
 13 A. YES.
 14 Q. AND FOUND OUT THAT THERE WAS A DISCREPANCY
 15 BETWEEN THE NUMBER OF DOGS THAT ANIMAL CONTROL HAD
 16 AUTHORIZED AND THE NUMBER OF DOGS THAT LAND USE HAD
 17 AUTHORIZED.
 18 WHAT DID YOU DO NEXT AFTER YOU HAD
 19 COMPLETED YOUR RESEARCH INTERNALLY WITHIN ANIMAL
 20 SERVICES UPON THE SITUATION?
 21 A. WE MET WITH PLANNING. WE HAVE CONSULTED
 22 WITH COUNSEL.
 23 Q. I'M TALKING ABOUT CHRONOLOGY. WHAT DID YOU
 24 DO NEXT?
 25 A. ONE OF THE NEXT THINGS WE DID WAS BE WITH

1 PLANNING AND CONSULT WITH COUNSEL, BECAUSE WE FOUND
 2 A DISCREPANCY ON HOW TO APPROACH THE DISCREPANCY AND
 3 HOW TO CORRECT IT. I SIMPLY JUST ENFORCE THE LAWS.
 4 THAT'S ALL MY JOB IS.
 5 WHEN WE FIND A DISCREPANCY, WE HAVE TO
 6 CORRECT IT SOMEHOW. I KNOW THAT WAS AN INITIATION
 7 BACK TO THE DUETS, REQUIRING THEM TO GO BACK TO THE
 8 ORIGINAL REQUIREMENT OF 20 DOGS.
 9 Q. SO YOU SAY THERE WAS AN INITIATION BACK TO
 10 THE DUETS; AM I QUOTING YOU RIGHT?
 11 A. YES.
 12 Q. WHAT DOES THAT MEAN?
 13 A. TRYING TO REMEMBER WHETHER OR NOT WE SENT
 14 THEM A LETTER OR IF IT WAS A CONVERSATION WITH OUR
 15 FIELD UNIT. BUT IN EITHER WAY, WE NOTIFIED THE
 16 DUETS IN SOME FORM THAT THEY WOULD HAVE TO GO BACK
 17 TO 20 DOGS. AN INSPECTION WAS SCHEDULED AFTER THEY
 18 HAD REDUCED DOWN TO 20 DOGS.
 19 Q. SO FROM YOUR PROSPECTIVE AS DIRECTOR, WHAT
 20 I'M HEARING YOU SAY IS THAT AFTER YOU FOUND OUT
 21 THERE THAT THERE WAS A DISCREPANCY BETWEEN THE
 22 NUMBER OF DOGS THAT ANIMAL CONTROL HAD AUTHORIZED
 23 AND THE NUMBER OF DOGS THAT LAND USE HAD AUTHORIZED,
 24 YOU, AS DIRECTOR, CONCLUDED THAT YOU WANTED THE
 25 DUETS TO BE REDUCED DOWN TO THE NUMBER OF DOGS THAT

1 LAND USE HAD AUTHORIZED. THAT WAS YOUR DECISION?
 2 A. YES.
 3 Q. AND YOU DIRECTED YOUR STAFF TO GO TO THE
 4 DUETS AND TELL THEM THAT THEY NEEDED TO REDUCE THE
 5 NUMBER OF DOGS? THAT WAS YOUR DIRECTION TO YOUR
 6 STAFF; RIGHT?
 7 A. YES.
 8 Q. WHO ON YOUR STAFF IN THE CHAIN OF COMMAND
 9 DID YOU GIVE THAT DIRECTION TO?
 10 A. IT WOULD HAVE BEEN RITA.
 11 Q. DID YOU GIVE RITA ANY DIRECTION AS TO HOW
 12 SHE WAS TO GO ABOUT ENFORCING THE 20-DOG LIMIT THAT
 13 YOU WANTED ENFORCED?
 14 A. RESTATE THAT QUESTION.
 15 Q. DID YOU TELL RITA HOW YOU WANTED HER TO ACT
 16 IN CARRYING OUT YOUR DIRECTIVE TO GET THE DUETS TO
 17 REDUCE THEIR NUMBER OF DOGS TO 20?
 18 A. NO.
 19 Q. JUST TOLD HER --
 20 A. THEY NEED TO GET DOWN TO 20 DOGS.
 21 Q. WHEN, APPROXIMATELY, DID YOU TELL HER THAT?
 22 A. I BELIEVE THE FOLLOW UP INSPECTION OCCURRED
 23 IN MAY. SO I WANT TO SAY IT WAS PROBABLY APRIL OR
 24 THE FIRST PART OF MAY. I JUST DON'T REMEMBER
 25 EXACTLY THE DATE WHICH I GAVE HER THOSE

1 INSTRUCTIONS, BUT I DO KNOW WHEN THE FOLLOW-UP
 2 INSPECTION WAS DONE. AND IT'S PROBABLY IN THE
 3 DOCUMENTS HERE.
 4 Q. WHEN WAS THE FOLLOW-UP INSPECTION DONE?
 5 A. IT WAS DONE IN MAY. I DON'T REMEMBER THE
 6 EXACT DATE.
 7 Q. DO YOU HAVE ANY IDEA AS TO HOW MUCH TIME
 8 WENT BY BETWEEN THE DATE OF THE FOLLOW-UP INSPECTION
 9 WHICH IS DOCUMENTED IN THE FILES AND THE TIME THAT
 10 YOU TOLD RITA GUTIERREZ TO GET THE DUETS DOWN TO
 11 20 DOGS?
 12 A. I DON'T KNOW. I DO KNOW THAT IT WAS -- IT
 13 TOOK A LITTLE WHILE TO MEET WITH PLANNING, TO
 14 DISCUSS WITH COUNSEL, TO FIGURE OUT A COURSE OF
 15 ACTION.
 16 Q. WHEN YOU TOLD RITA GUTIERREZ THAT SHE WAS
 17 TO GET THE DUETS DOWN TO 20 DOGS, DID SHE SAY
 18 ANYTHING TO YOU ABOUT EXACTLY HOW SHE PLANNED TO
 19 APPROACH THIS PROBLEM?
 20 A. I WOULD SAY NOT SPECIFICALLY.
 21 Q. DID SHE SAY SOMETHING GENERALLY ABOUT WHAT
 22 SHE WAS GOING TO DO?
 23 A. GENERALLY, YES, SHE WOULD MAKE CONTACT WITH
 24 THE DUETS. SHE WOULD DISCUSS THE ISSUE WITH THEM.
 25 SHE WOULD NOTIFY THEM THAT THEY NEEDED TO GET DOWN

1 TO 20 DOGS.
 2 Q. NOW, IN THIS WHOLE PROCESS THAT YOU WERE
 3 GOING THROUGH TO FIND OUT WHAT HAD HAPPENED AND HOW
 4 THE DISCREPANCY HAD COME TO BE BETWEEN THE NUMBER OF
 5 DOGS THAT ANIMAL CONTROL HAD AUTHORIZED AND THE
 6 NUMBER OF DOGS THAT PLANNING HAD AUTHORIZED, DID YOU
 7 EVER TALK TO THE DUETS TO GET THEIR SIDE OF THE
 8 STORY?
 9 A. I HAVE NOT.
 10 Q. DID ANYBODY FROM ANIMAL SERVICES EVER TALK
 11 TO THE DUETS ABOUT HOW THIS CAME TO BE TO GET THEIR
 12 SIDE OF THE STORY?
 13 A. I BELIEVE RITA HAD THAT CONVERSATION.
 14 Q. SO YOU KNOW WHEN THAT CONVERSATION TOOK
 15 PLACE?
 16 A. I COULDN'T TELL YOU.
 17 Q. DID RITA EVER REPORT TO YOU AS TO WHAT THE
 18 DUETS HAD TO SAY?
 19 A. I HAVE HEARD SOME THINGS LIKE THE DUETS
 20 CLAIMED THAT THEIR PLOT PLAN WAS -- THAT ANIMAL
 21 SERVICES WAS WELL AWARE OF THEIR PLOT PLAN; IN FACT,
 22 ONE OF OUR OLD SUPERVISORS HAD HELPED DESIGN THEIR
 23 KENNELS AND TRIED TO APPEAR VERY UP AND UP ABOUT
 24 IT.
 25 BUT OTHER THAN THAT, NO, I DON'T REALLY

1 KNOW WHAT THEIR RESPONSE WAS.
 2 Q. DO YOU HAVE AN OPINION AS TO WHETHER OR NOT
 3 WHAT THE DUETS SAID WAS TRUE?
 4 A. NO, NOT REALLY. IT WAS 15 YEARS AGO.
 5 Q. WAS THERE EVER ANY WRITTEN NOTIFICATION
 6 GIVEN TO THE DUETS PRIOR TO THIS INSPECTION, TELLING
 7 THEM THAT THEY NEEDED TO GET DOWN TO 20 DOGS?
 8 A. I WOULD NEED TO SEE THE DOCUMENTS.
 9 MS. SMITH: WE'VE BEEN GOING ABOUT ONE
 10 HOUR. I'D LIKE A FIVE-MINUTE BREAK.
 11 MR. SCHAEFER: OF COURSE.
 12 (A RECESS WAS TAKEN.)
 13 Q. (BY MR. SCHAEFER:) I NEED TO DIGRESS BACK
 14 TO THE LICENSE OF THESE KENNELS WHO WERE OPERATING
 15 WITHOUT LICENSES.
 16 HOW CAN I GO ABOUT FINDING OUT THE IDENTITY
 17 OF THE KENNELS THAT ARE OPERATING WITHOUT LICENSES?
 18 MS. SMITH: I GUESS YOU COULD ASK US.
 19 Q. (BY MR. SCHAEFER:) DO YOU HAVE FILES ON
 20 THEM?
 21 A. YES.
 22 Q. IF I WERE TO SEND OVER A REQUEST FOR THOSE
 23 FILES, WHAT WOULD I ASK FOR IN ORDER TO ASK FOR
 24 SOMETHING THAT IS MEANINGFUL TO THE DEPARTMENT? DO
 25 I ASK FOR FILES ON KENNELS THAT ARE OPERATING

1 WITHOUT LICENSES? WOULD YOU KNOW WHAT THAT IS AND
 2 YOU CAN GIVE ME THE FILES?
 3 A. YES.
 4 MS. SMITH: I'M NOT SURE HE'S SAYING YES,
 5 WE'LL GIVE YOU THE FILES. WE MAY HAVE ARGUMENTS
 6 REGARDING RELEVANCY, AND WE'LL JUST WORK THAT OUT.
 7 WE WILL STIPULATE THAT IF YOU SAY "PROVIDE
 8 DOCUMENTS REGARDING THE KENNELS OPERATING WITHOUT
 9 LICENSES THAT YOU MENTIONED IN YOUR DEPOSITION," WE
 10 WILL KNOW WHICH ONES THEY ARE.
 11 Q. (BY MR. SCHAEFER:) SIMILARLY, IF I ASKED
 12 FOR ENFORCEMENT ACTIONS THAT HAVE BEEN TAKEN BY YOUR
 13 DEPARTMENT ON KENNELS THAT ARE OPERATING WITHOUT
 14 LICENSES, YOU'D KNOW WHAT I WAS TALKING ABOUT?
 15 A. YES.
 16 Q. AND YOU'D PROVIDE ME WITH THAT INFORMATION?
 17 A. YES.
 18 MS. SMITH: SINCE YOU'RE GOING TO ASK FOR
 19 THOSE DOCUMENTS, CAN I ASK A FOLLOW-UP QUESTION OR
 20 CAN YOU ASK A FOLLOW-UP QUESTION?
 21 MR. SCHAEFER: SURE.
 22 MS. SMITH: IF YOU WOULD LIKE TO EXPLAIN,
 23 YOU ASKED A QUESTION ABOUT -- I CAN ASK IT LIKE
 24 THIS. HAVE YOU SENT A LETTER DENYING KENNEL
 25 LICENSES TO ANY OF THOSE KENNELS?

1 THE DEPONENT: THEY HAVE EITHER RECEIVED A
 2 LETTER OR HAVE BEEN TOLD THAT THEY WILL NOT BE
 3 RENEWED.
 4 THESE ARE ALL KENNELS THAT WERE IN
 5 EXISTENCE ALREADY BEFORE THE MORATORIUM WAS SET, AND
 6 I BELIEVE IT WAS 1985. THE PLANNING LAWS CHANGED
 7 THEN, AND THEY SAID EVERYBODY WHO HAS AN EXISTING
 8 KENNEL OR CATTERY LICENSE WILL BE EXEMPT FROM THESE
 9 NEW PROVISIONS FOR 20 YEARS.
 10 MS. SMITH: AND WE WILL STIPULATE TO
 11 NONCONFORMING USE.
 12 THE DEPONENT: INTERESTINGLY ENOUGH, THAT
 13 WHEN THE MORATORIUM RAN OUT, THE DEPARTMENT DIDN'T
 14 EVEN REALLY KNOW ABOUT IT. IT WAS ABOUT 2008, I
 15 BELIEVE, BEFORE WE RECOGNIZED THAT, HEY, WE HAD THIS
 16 GRANDFATHER CLAUSE THAT RAN OUT AND WE HAVE SEVERAL
 17 KENNELS OR -- AND I THINK THE BULK OF THEM ARE
 18 CATTERIES -- CATTERIES THAT DON'T CONFORM AND AT
 19 MINIMUM DON'T EVEN MEET THE LAND REQUIREMENTS. SO
 20 THERE IS NO WAY THEY CAN EVER GET A CONDITIONAL USE
 21 PERMIT.
 22 WE HAVE BEEN IN THE ENFORCEMENT PROCESS IN
 23 ALL OF THEM AND MOST OF THESE ARE BREEDING
 24 OPERATIONS. SO UNLIKE THE DUETS, WHERE THE BULK OF
 25 THEIR CLIENTS COME AND GO, THESE KENNELS AND

1 CATTERIES ARE IN THE QUAGMIRE, I GUESS, OF DO WE
 2 EUTHENIZE THEM? WE'RE TRYING TO FIND THEM HOMES.
 3 OR DOES THE DEPARTMENT SEIZE THEM -- AND THAT COMES
 4 WITH ITS OWN ISSUES -- AND TRY TO DO SOMETHING WITH
 5 THEM? ALL OF THESE ORGANIZATIONS HAVE REDUCED THEIR
 6 NUMBER SIGNIFICANTLY. AND OUR PLAN ALL ALONG HAS
 7 BEEN, JUST LIKE WE'VE GIVEN THE DUETS, TO TRY TO
 8 WORK WITH THEM, AND LET'S TRY TO GET THESE DOWN TO
 9 WHAT THEY'RE APPROVED TO HAVE.
 10 Q. WHICH IS ZERO?
 11 A. NO, IT'S NOT ZERO.
 12 Q. DIDN'T YOU TELL ME THEY DON'T HAVE
 13 LICENSES?
 14 A. IN THE COUNTY YOU CAN HAVE UP TO FOUR DOGS
 15 AND NINE CATS, SO IT'S NEVER ZERO.
 16 Q. YOU CAN HAVE UP TO FOUR DOGS AND NINE CATS
 17 IN A KENNEL OR CATTERY WITHOUT ANY LAND USE
 18 APPROVAL?
 19 A. YOU EVEN SAY KENNEL OR CATTERY. IN YOUR
 20 HOUSEHOLD, IN YOUR THOUSAND SQUARE FOOT HOUSE, ON A
 21 16TH OF AN ACRE, YOU CAN HAVE FOUR DOGS AND NINE
 22 CATS. IN YOUR APARTMENT YOU CAN HAVE FOUR DOGS AND
 23 NINE CATS.
 24 Q. CAN YOU OPERATE A COMMERCIAL KENNEL WITH
 25 FOUR DOGS WITHOUT ANY PERMIT FROM YOUR DEPARTMENT?

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1 A. WITH FOUR DOGS?
 2 Q. YES.
 3 A. YOU WOULD NOT NEED APPROVAL FROM US, BUT
 4 YOU MAY NEED APPROVAL FROM THE DEPARTMENT THAT
 5 HANDLES BUSINESS LICENSES WITHIN THE COUNTY, BUT YOU
 6 WOULD NOT NEED A LICENSE FROM US.
 7 Q. DO YOU KNOW WHETHER OR NOT YOU NEED
 8 APPROVAL FROM LAND USE TO OPERATE A COMMERCIAL
 9 KENNEL WITH FOUR DOGS OR LESS?
 10 A. I GUESS MY QUESTION -- AND I KNOW YOU'RE
 11 ASKING FOR AN ANSWER -- BUT MY QUESTION BACK TO YOU
 12 WOULD BE: WHAT KIND OF COMMERCIAL BUSINESS WOULD
 13 YOU HAVE WITH FOUR DOGS?
 14 Q. I DON'T KNOW. I'M ASKING WHAT THE LAW
 15 SAYS.
 16 A. IT'S MY UNDERSTANDING THEY WOULD NOT NEED
 17 ANY LAND USE REQUIREMENTS. THEY WOULD NOT NEED
 18 PLANNING APPROVAL FOR FOUR DOGS.
 19 MS. SMITH: DO YOU KNOW? DON'T GUESS. DO
 20 YOU HAVE ACTUAL KNOWLEDGE OF THAT?
 21 THE DEPONENT: THEN I'LL SAY I DON'T KNOW.
 22 I'LL ANSWER IT THIS WAY. WE DON'T ENFORCE ON OWNERS
 23 WHO HAVE FOUR DOGS AND NINE CATS AND WE DO NOT
 24 ENFORCE THE BUSINESS LICENSE ASPECT OF IT.
 25 Q. (BY MR. SCHAEFER:) NOW, I TAKE IT THAT ON

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1 THESE KENNELS THAT WERE GRANDFATHERED IN AND THEY
 2 EXPIRED IN 2007 AND YOU BECAME AWARE OF THE FACT
 3 THAT THEY NEEDED KENNEL LICENSES IN 2008 AND BEGAN
 4 TO WORK TO GET THEM LEGAL, I BELIEVE YOU TESTIFIED
 5 THAT YOU HAVE WORKED AND CONTINUE TO WORK WITH THEM
 6 IN ORDER TO GET THEM INTO LEGAL STATUS.
 7 AM I CORRECTLY SUMMARIZING YOUR TESTIMONY?
 8 A. YES. SO LONG AS THEY'RE WORKING TO GET
 9 INTO LEGAL STATUS.
 10 Q. AND SO YOU STARTED WORKING WITH THESE
 11 OPERATIONS IN 2008 AND CONTINUE TO WORK WITH THEM AS
 12 LONG AS YOU THINK THEY ARE COOPERATING WITH THE
 13 PROCESS. AM I CORRECTLY SUMMARIZING WHAT THE
 14 DEPARTMENT'S POLICY IS ON THIS?
 15 A. YES.
 16 Q. SO IT'S THE DEPARTMENT'S POLICY TO WORK
 17 WITH NONCONFORMING USES TO GET INTO CONFORMANCE OF
 18 THE LAW AS LONG AS YOU THINK THEY ARE COOPERATING
 19 WITH YOU?
 20 A. I WOULD SAY THAT'S NOT ONLY THE
 21 DEPARTMENT'S STANCE ON IT, BUT I WOULD SAY THAT'S
 22 THE COUNTY PROCESS.
 23 Q. NOW, GETTING BACK TO OUR STORY AND OUR TIME
 24 LINE HERE, I THINK WHERE I LEFT OFF WAS, I WAS
 25 ASKING YOU IF AFTER YOU TOLD RITA GUTIERREZ TO GET

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1 THE DUETS DOWN TO 20 ANIMALS AND BEFORE THE
 2 INSPECTION, WAS THERE ANY WRITTEN NOTIFICATION GIVEN
 3 TO THE DUETS THAT THEY NEEDED TO GET DOWN TO
 4 20 ANIMALS, AND YOUR ANSWER WAS "WELL, I NEED TO
 5 LOOK AT THE DOCUMENTS." ARE WE STILL AT THAT
 6 POINT?
 7 A. YES, WE ARE.
 8 Q. WE'RE GOING TO GO THROUGH ALL THESE
 9 DOCUMENTS.
 10 NOW, BEFORE THIS KENNEL INSPECTION IN MAY,
 11 DID YOU ATTEND A MEETING ABOUT THE DUETS' SITUATION
 12 THAT WAS ALSO ATTENDED BY GEORGE JOHNSON,
 13 RON GOLDMAN --
 14 MS. SMITH: PATTI SMITH.
 15 Q. (BY MR. SCHAEFER:) PATTI SMITH, JEFF HORN
 16 AND THE DUETS?
 17 A. NO.
 18 Q. YOU WERE NOT PRESENT AT THAT MEETING?
 19 A. NO.
 20 Q. WAS ANYBODY FROM ANIMAL CONTROL PRESENT AT
 21 THAT MEETING?
 22 A. YES.
 23 Q. WHO WAS PRESENT AT THE MEETING?
 24 A. FRANK CORVENO, RITA GUTIERREZ, AND
 25 CHRIS MEYER MIGHT HAVE BEEN. HE'S A LIEUTENANT THAT

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1 WAS ALSO ASSISTING WITH THE COMPLAINTS FROM THE
 2 BARTELS AS WELL AS WORKING WITH THE DUETS.
 3 Q. AT THE TIME THAT THE MEETING TOOK PLACE,
 4 WERE YOU AWARE THAT THREE MEMBERS OF YOUR STAFF WERE
 5 THERE?
 6 A. I BELIEVE I WAS OUT OF TOWN WHEN THAT
 7 MEETING WAS CALLED. I WAS ON VACATION.
 8 FRANK CORVENO IS THE DEPUTY DIRECTOR. HE
 9 WAS LEFT IN CHARGE; AND AS IT PERTAINED TO THE
 10 DUETS' CASE, COUNSEL WAS NOTIFIED THAT IF THEY
 11 NEEDED ANYTHING WHILE I WAS OUT, TO SEE HIM. I WAS
 12 NOT EVEN IN PHONE CONTACT WITH THE DEPARTMENT WHEN I
 13 WAS OUT.
 14 Q. AT THE TIME YOU LEFT ON VACATION, YOU
 15 DIDN'T EVEN KNOW THAT THIS --
 16 A. RIGHT.
 17 Q. WHEN YOU CAME BACK, IT WAS ALREADY DONE?
 18 A. YES.
 19 Q. WHEN YOU GOT BACK, DID YOU GET A REPORT
 20 FROM ANYBODY IN YOUR DEPARTMENT AS TO WHAT
 21 TRANSPIRED?
 22 A. I GOT A REPORT FROM FRANK, AND I DISCUSSED
 23 IT A LITTLE BIT WITH COUNSEL. I DON'T REMEMBER HOW
 24 MUCH WE GOT INTO THE WEEDS AND WHAT WAS DISCUSSED
 25 THOUGH.

1 MS. SMITH: WHAT DOES THAT MEAN, GOT INTO
 2 THE WEEDS?
 3 THE DEPONENT: I MEAN THE DETAILS ABOUT OF
 4 THE MEETING.
 5 MS. SMITH: SO THAT WAS HIS ANSWER.
 6 Q. (BY MR. SCHAEFER:) WHEN YOU MET WITH
 7 CORVENO, WAS COUNTY COUNSEL THERE AT THAT MEETING?
 8 A. NO.
 9 Q. WAS RITA GUTIERREZ THERE WHEN YOU TALKED TO
 10 CORVENO?
 11 A. NO.
 12 Q. TALKED TO CORVENO AND GUTIERREZ SEPARATELY?
 13 A. I ONLY STATED THAT I TALKED TO CORVENO. I
 14 DIDN'T STATE THAT I TALKED TO RITA GUTIERREZ.
 15 Q. THANK YOU. WHEN CORVENO REPORTED TO YOU
 16 ABOUT THE MEETING WHEN HE GOT BACK FROM VACATION,
 17 WHAT WAS THE SUBSTANCE OF WHAT HE HAD TO SAY?
 18 A. YOU KNOW, I REALLY JUST CAN'T REMEMBER.
 19 I'VE HAD SO MANY CONVERSATIONS ABOUT THIS CASE AND
 20 OTHER BUSINESS THAT WE HAVE TO HANDLE THAT'S OUTSIDE
 21 OF THIS CASE.
 22 I KNOW THAT THEY DISCUSSED THE NEED FOR
 23 THEM TO CONFORM TO THE ORIGINAL PLOT PLAN. I WANT
 24 TO SAY THAT THEY WERE EVEN NOTIFIED OF THIS AT THAT
 25 MEETING. I HEARD IT WAS AN EMOTIONAL MEETING.

1 OTHER THAN THAT, I CAN'T TELL YOU WHAT HE TOLD ME.
 2 Q. WHEN YOU SAY YOU WANT TO SAY THEY WERE
 3 NOTIFIED OF THIS, DO YOU MEAN -- YOU BELIEVE THAT AT
 4 THIS MEETING THE DUETS WERE TOLD THAT THEY NEEDED TO
 5 GET DOWN TO 20 DOGS.
 6 A. CORRECT.
 7 Q. OKAY. WHEN YOU GOT BACK FROM VACATION,
 8 WHAT WAS YOUR UNDERSTANDING ABOUT THE STATUS OF THE
 9 PROGRESS TOWARDS ACHIEVING COMPLIANCE WITH YOUR
 10 DIRECTIVE THAT THE DUETS GET DOWN TO 20 DOGS?
 11 A. I DON'T BELIEVE THAT THERE WAS ANY PROGRESS
 12 AT THAT POINT. I THINK THEY WERE STILL WORKING ON
 13 GETTING TO THAT POINT, AND THERE WAS STILL SEVERAL
 14 DISCUSSIONS GOING ON BETWEEN PLANNING STAFF AND
 15 ANIMAL SERVICES AND COUNSEL.
 16 Q. WHEN YOU GOT BACK FROM VACATION AFTER THIS
 17 APRIL MEETING, IN YOUR OPINION DID YOU THINK THAT
 18 THE DUETS WERE COOPERATING WITH THE PROCESS TO GET
 19 THEM LEGAL?
 20 A. I'VE ALWAYS FELT THAT THE DUETS ARE
 21 COOPERATING WITH THE PROCESS. UNFORTUNATELY, I
 22 DON'T KNOW THAT I CAN ALWAYS BELIEVE WHAT THEY TELL
 23 ME, BECAUSE THEY'VE TOLD ME ONE THING AND DONE THE
 24 EXACT OPPOSITE OR THEY'VE TOLD MY STAFF, TO CLARIFY,
 25 AND HAVE DONE THE EXACT OPPOSITE.

1 Q. SO TO SUMMARIZE WHAT I THINK I HEAR YOU
 2 SAYING, YOU THINK THAT THE DUETS ARE COOPERATING
 3 WITH THE EFFORT TO GET THEMSELVES LEGAL, BUT YOU
 4 DON'T NECESSARILY TRUST WHAT THEY SAY?
 5 A. OKAY.
 6 Q. IF I'M WRONG, TELL ME I'M WRONG.
 7 A. YEAH, I BELIEVE ON THE OUTSIDE THEY APPEAR
 8 TO BE COOPERATING WITH EVERYTHING YOU ASK OF THEM.
 9 WHATEVER YOU ASK THEM TO DO, THEY APPEAR TO BE
 10 MOVING IN THAT DIRECTION, BUT THEN THE DEPARTMENT
 11 GETS COMPLAINTS THAT SAY OTHERWISE. AND I THINK IN
 12 THE CASE OF THE INSPECTION WARRANT, THEY HAD ALREADY
 13 BEEN INSPECTED FOR 20 DOGS. THEY KNEW THEY WERE
 14 ONLY SUPPOSED TO HAVE THREE, BUT HERE THEY HAVE MORE
 15 THAN THREE TIMES WHAT THEY'RE SUPPOSED TO HAVE ON
 16 THE PROPERTY.
 17 FROM THAT ASPECT, IT'S HARD FOR ME TO TRUST
 18 WHAT THEY TELL ME WHEN THEY KNEW WHAT THEY HAD TO
 19 DO, AND ACTUALLY -- I'LL TAKE THIS BACK TO 1995,
 20 '94, THE PLANNING COMMISSION. THEY KNEW THEY WERE
 21 SUPPOSED TO HAVE 20 DOGS THEN.
 22 IF I'M A BUSINESS OWNER, IT'S INCUMBENT ON
 23 ME TO NOT ONLY KNOW WHAT LAWS AFFECT ME BUT ALSO
 24 WHEN YOU'RE ENGAGING WITH GOVERNMENT OFFICIALS, TO
 25 MAKE SURE YOU'RE GIVING THEM THE CORRECT

1 INFORMATION.
 2 Q. WHAT DOCUMENTS HAVE THEY SIGNED THAT GAVE
 3 YOU THE WRONG INFORMATION?
 4 MS. SMITH: THE DOCUMENTS ARE RIGHT THERE.
 5 Q. (BY MR. SCHAEFER:) WHEN WE GO THROUGH THIS
 6 STACK, WE'RE GOING TO HAVE DOCUMENTS THAT THEY'VE
 7 SIGNED THAT GIVE THE WRONG INFORMATION?
 8 A. YEAH.
 9 Q. THEN WE'LL GET TO GOES.
 10 GETTING BACK TO WHEN YOU GOT BACK FROM
 11 VACATION, AT THAT POINT IN TIME -- THIS IS BEFORE
 12 YOU GUYS WENT OUT AND FOUND ALL THE DOGS. OKAY;
 13 RIGHT?
 14 A. UH-HUH.
 15 Q. AT THAT POINT IN TIME, DID YOU THINK THAT
 16 THE DUETS WERE NOT TELLING YOU THE TRUTH ABOUT WHAT
 17 WAS GOING ON?
 18 A. YOU'RE GOING TO HAVE TO CLARIFY THAT TIME
 19 FRAME.
 20 Q. LET'S GET BACK TO THE TIME FRAME. REMEMBER
 21 YOU HAD CORVENO GO TO A MEETING WHEN YOU WERE ON
 22 VACATION.
 23 MS. SMITH: STIPULATE THAT WAS APRIL 26TH.
 24 Q. (BY MR. SCHAEFER:) AND WHEN YOU COME BACK
 25 FROM YOUR VACATION, CORVENO REPORTS TO YOU ON WHAT

1 HAPPENED AT THE MEETING; RIGHT?
 2 A. YES.
 3 Q. THAT'S THE POINT IN TIME I'M AT.
 4 A. WE'RE TALKING END OF APRIL.
 5 Q. OKAY. IS THAT WHEN YOU GOT BACK FROM
 6 VACATION?
 7 A. I THINK THE FIRST PART OF MAY, THE DUETS
 8 WERE INFORMED OR HAD CONFIRMED THAT THEY HAD REDUCED
 9 DOWN TO 20 ANIMALS.
 10 Q. WAIT, WAIT, WAIT. YOU'RE AHEAD OF ME. I'M
 11 STILL BACK WHEN YOU'RE TALKING TO CORVENO WHEN YOU
 12 GET BACK FROM VACATION. WE'LL GET TO EVERYTHING
 13 ELSE IN TURN. I GO CHRONOLOGICAL ORDER HERE VERY
 14 SLOWLY. YOU'RE BACK FROM VACATION. CORVENO'S
 15 REPORTING TO YOU ABOUT WHAT HAPPENED AT THE
 16 MEETING. AT THAT POINT IN TIME DID YOU THINK THAT
 17 THE DUETS WERE COOPERATING WITH THE COUNTY'S EFFORTS
 18 TO GET THEM DOWN TO 20 DOGS?
 19 A. I DON'T KNOW THAT I NECESSARILY HAD AN
 20 OPINION ON IT. I WAS HOPING THAT THEY WOULD COMPLY.
 21 Q. YOU JUST TOLD ME THAT THE DUETS HAVE
 22 ALWAYS, IN YOUR VIEW, BEEN COOPERATIVE?
 23 A. THAT'S TRUE. I'M NOT CHANGING THAT. I'M
 24 SIMPLY SAYING THAT I HOPED THEY WOULD COMPLY AT THAT
 25 POINT. THESE THINGS AREN'T PERSONAL TO ME, SO WHEN

1 YOU USE THE WORD "FEELINGS," I DON'T REALLY HAVE
 2 FEELINGS ABOUT IT.
 3 Q. I DON'T USE THE WORD "FEELING." I USE THE
 4 WORD "BELIEF."
 5 A. I THOUGHT YOU SAID FEELINGS.
 6 Q. I'M ASKING YOUR BELIEF WHETHER OR NOT YOU
 7 THOUGHT AT THE TIME YOU RETURNED FROM VACATION THAT
 8 THE DUETS WERE COOPERATING WITH THE COUNTY'S EFFORTS
 9 TO GET THEM TO BE LEGAL?
 10 A. IT APPEARED SO.
 11 Q. IN FACT, THEY HAD BEEN GOING THROUGH A
 12 PLANNING PROCESS AND SPENDING A LOT OF MONEY OVER
 13 MANY MONTHS TO TRY TO GET THEMSELVES LEGAL; ISN'T
 14 THAT TRUE?
 15 A. I DON'T KNOW. I'M NOT INVOLVED IN THAT.
 16 Q. DID YOU EVER GET ANY REPORTS FROM PLANNING
 17 AS TO WHAT WAS GOING ON WITH THE DUETS' APPLICATIONS
 18 FOR CONDITIONAL USE PERMITS AND REZONING TO INCREASE
 19 THE NUMBER OF DOGS?
 20 A. AT THAT POINT IN TIME?
 21 Q. YES.
 22 A. YES, THAT IT WAS OFF CALENDAR.
 23 Q. HAD YOU RECEIVED ANY INFORMATION ABOUT THE
 24 HISTORY OF THE DUETS' ATTEMPTS TO GET A CONDITIONAL
 25 USE PERMIT AND REZONING TO INCREASE THE NUMBER OF

1 DOGS LEGALLY PERMITTED ON THE PROPERTY, LEADING UP
 2 TO THE TIME THAT THE PLANNING COMMISSION TOOK IT OFF
 3 CALENDAR?
 4 A. I WOULD -- I BELIEVE THAT IN THE
 5 JANUARY-FEBRUARY TIME FRAME OF 2010, IT WAS ALREADY
 6 OFF CALENDAR.
 7 MS. SMITH: THE QUESTION WAS DID YOU KNOW
 8 ANY HISTORY THAT THERE HAD BEEN THIS LAND USE
 9 PROCESS FOR APPLICATIONS MADE.
 10 THE DEONENT: I WAS AWARE OF THE
 11 APPLICATION. I WAS AWARE OF AN ATTEMPT TO GAIN A
 12 CONDITIONAL USE PERMIT FOR MORE KENNELS AND MORE
 13 ANIMALS, BUT I WAS NOT AWARE OF ANYTHING WHEN IT WAS
 14 ON CALENDAR, ONLY THAT IT WAS OFF CALENDAR.
 15 Q. SO YOU KNEW THAT THE DUETS HAD ENGAGED WITH
 16 LAND USE, AS YOU HAD SUGGESTED, TO GET LAND USE'S
 17 APPROVAL FOR MORE DOGS?
 18 A. YES.
 19 Q. AND THAT TO YOU AT THE TIME AT LEAST THERE
 20 WAS SOME EVIDENCE THAT THEY WANTED TO COOPERATE WITH
 21 THE LEGAL PROCESS, WASN'T IT?
 22 A. YES.
 23 Q. NOW, WHEN YOU GOT BACK FROM VACATION AND
 24 TALKED TO CORVENO, AT THAT POINT IN TIME, DID YOU
 25 DISTRUST THE DUETS' WORD AND STATEMENTS?

1 A. NO.
 2 Q. THEN I THINK YOU SAID AFTER YOU GOT BACK
 3 FROM VACATION, SOMETHING HAPPENED. WHAT WAS THE
 4 VERY NEXT THING THAT HAPPENED?
 5 A. THERE WAS A NOTIFICATION OR COMMUNICATION
 6 BETWEEN THE DUETS AND OUR STAFF, SAYING THAT THEY'RE
 7 CONFORMING TO THE 20-DOG LIMIT AND THEY'RE READY FOR
 8 INSPECTION. AN INSPECTION WAS SCHEDULED AHEAD OF
 9 TIME. IT WAS NOT UNANNOUNCED. WE DID AN INSPECTION
 10 REPORT THAT DOCUMENTS 20 DOGS ON THE PROPERTY. I
 11 THINK 11 PERSONAL AND NINE OTHER. THAT MEANS
 12 BOARDING OR TRAINING OR WHATEVER.
 13 Q. THAT MEANS THAT SOMEBODY FROM YOUR STAFF
 14 PHYSICALLY WENT OUT TO THE PREMISES AND COUNTED DOG
 15 NOSES?
 16 A. YES.
 17 Q. AND THEY COUNTED 20 DOGS OR LESS?
 18 A. 20. I THINK 20 EXACTLY.
 19 Q. WAS THAT REPORTED TO YOU AT THE TIME THAT
 20 THE INSPECTION WAS MADE?
 21 A. YES, IT WAS.
 22 Q. DID THAT SATISFY YOU AT THE TIME THAT YOUR
 23 DIRECTIVE HAD BEEN COMPLIED WITH?
 24 A. YES.
 25 Q. AT THE TIME THAT THE NOSES WERE COUNTED BY

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1 YOUR STAFF MEMBER, DID YOU HAVE ANY INFORMATION THAT
 2 LED YOU TO BELIEVE THAT THERE WERE REALLY MORE DOGS
 3 ON THE PREMISES THAN GOT COUNTED?
 4 A. NO.
 5 Q. BETWEEN THE TIME -- I REMEMBER BACK IN THIS
 6 JANUARY OR FEBRUARY MEETING WITH BARTELS, ONE OF HIS
 7 COMPLAINTS WAS THAT THE DUETS HAD TOO MANY DOGS ON
 8 THE PREMISES; RIGHT?
 9 A. THAT'S CORRECT.
 10 Q. BETWEEN THE TIME THAT YOU MET WITH BARTELS
 11 IN EARLY 2010 AND THE TIME IN MAY THAT YOU SENT YOUR
 12 ENFORCEMENT PEOPLE OUT TO COUNT DOGS, TO YOUR
 13 KNOWLEDGE DID THE DEPARTMENT DO ANYTHING TO
 14 DETERMINE THE ACTUAL NUMBER OF DOGS ON THE PREMISES?
 15 A. NO.
 16 Q. DID ANYBODY FROM YOUR DEPARTMENT CALL UP
 17 THE DUETS AND SAY, "HEY, BARTELS IS COMPLAINING AND
 18 HE SAID YOU HAVE TOO MANY DOGS. HOW MANY DOGS DO
 19 YOU HAVE?"
 20 A. I DON'T KNOW.
 21 Q. IF IT HAPPENED, YOU DON'T KNOW?
 22 A. I DON'T REMEMBER IF I DID KNOW ABOUT IT.
 23 Q. SO AFTER THE INSPECTION WHERE THE 20 DOGS
 24 WERE COUNTED, WHAT'S THE NEXT THING THAT HAPPENED?
 25 MS. SMITH: CAN WE GET A DATE ON THAT, IF

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1 WE KNOW?
 2 Q. (BY MR. SCHAEFER:) EARLY MAY?
 3 A. MAY SOMETHING.
 4 Q. MAY SOMETHING, OKAY.
 5 AFTER THE KENNEL INSPECTION, WHAT'S THE
 6 NEXT THING THAT HAPPENED?
 7 A. WE RECEIVED A SERIES OF NEW COMPLAINTS.
 8 Q. I TAKE IT THAT AT THE TIME OF THE
 9 INSPECTION, YOU STILL BELIEVED THAT THE DUETS WERE
 10 COOPERATING WITH YOUR EFFORTS TO GET THEM TO BE
 11 LEGAL?
 12 A. AT THE TIME OF THE INSPECTION?
 13 Q. YES. SOMETIME IN MAY.
 14 A. YES.
 15 Q. AND ALSO AT THAT TIME YOU HAD NO REASON TO
 16 THINK THAT THE DUETS WERE LYING OR BEING DECEITFUL
 17 ABOUT ANYTHING, AS OF THE TIME OF THE INSPECTION.
 18 A. CORRECT.
 19 Q. THEN YOU SAID AFTER THE INSPECTION YOU GOT
 20 A BARRAGE OF NEW COMPLAINTS, WHAT WAS THE SUBSTANCE
 21 OF THE NEW COMPLAINTS?
 22 A. ONE OF THE KEY SUBSTANCES WAS THE NUMBER OF
 23 DOGS ON THE PREMISES.
 24 Q. ANY OTHER COMPLAINTS?
 25 A. THE USUAL LAUNDRY LIST.

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1 Q. SAME THINGS THAT WE'VE BEEN TALKING ABOUT
 2 BEFORE?
 3 A. YES.
 4 Q. THIS ALL CAME FROM THE SAME INDIVIDUAL?
 5 A. THERE WAS ONE NEW COMPLAINT, WAS THE SENTRY
 6 DOGS.
 7 Q. DID THE NEIGHBOR COMPLAIN ABOUT THE SENTRY
 8 DOGS?
 9 A. YES.
 10 Q. DID THIS COMPLAINT COME DIRECTLY TO YOU OR
 11 THROUGH DISPATCH? HOW DID IT ACTUALLY END UP COMING
 12 TO ANIMAL CONTROL?
 13 A. ALL THE COMPLAINTS FROM MR. BARTELS CAME
 14 FROM A VERY HIGH LEVEL, WHICH IS NOT UNCOMMON FOR ME
 15 TO DEAL WITH AS WELL. THEY DON'T ALL JUST GET
 16 ROUTED THROUGH DISPATCH, I TAKE COMPLAINTS FROM THE
 17 PUBLIC. I'M A PUBLIC SERVANT ALL THE TIME.
 18 ESPECIALLY IF THEY'RE ROUTINE, I WILL ROUTE THEM
 19 THROUGH DISPATCH.
 20 Q. WHEN YOU SAY THEY CAME FROM A HIGH
 21 LEVEL...
 22 A. MEANING THEY CAME FROM EITHER COMPLAINTS --
 23 MR. BARTELS MADE COMPLAINTS TO COUNSEL. HE MADE
 24 COMPLAINTS TO OUR PUBLIC HEALTH OFFICER. HE MADE
 25 COMPLAINTS TO MY DEPUTY DIRECTOR. HE MADE

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1 COMPLAINTS TO ME. HE MADE COMPLAINTS TO THE
 2 SUPERVISOR BOB BUSTER'S OFFICE, THE PLANNING
 3 DEPARTMENT. THEY CAME FROM ALL OVER.
 4 MS. SMITH: AND THAT WOULD JUST BE IN ONE
 5 HOUR?
 6 THE DEPONENT: YES.
 7 Q. (BY MR. SCHAEFER:) I TAKE IT THAT HIS
 8 EFFORT TO NOTIFY THE COUNTY WAS REPEATED ON A DAILY
 9 BASIS?
 10 A. MR. BARTELS DOESN'T WASTE HIS TIME WITH A
 11 DISPATCHER.
 12 Q. AFTER YOU GOT THIS BARRAGE OF COMPLAINTS
 13 FROM MR. BARTELS, WHAT DID YOU DO?
 14 A. I HAD TWO CONCERNS. THE FIRST ONE WAS THE
 15 NUMBER OF DOGS. AS WAS STATED IN MY DECLARATION FOR
 16 THE INSPECTION WARRANT, I HAVE HAD A LOT OF
 17 EXPERIENCE WITH KENNELS THAT WILL MOVE ANIMALS
 18 BEFORE A ROUTINE INSPECTION WITH US. IT HAPPENS
 19 MORE, I WOULD SAY, WITH BREEDERS AND HOARDERS --
 20 HOARDERS BEING A TERM FOR PEOPLE WHO COLLECT ANIMALS
 21 AND DON'T PARTICULARLY TAKE CARE OF THEM, BUT ALSO
 22 WITH RESCUE GROUPS THAT ARE QUALIFIED FOR RESCUE
 23 PERMITS WITH US THAT ARE ONLY SUPPOSED TO HAVE SIX
 24 DOGS OR TEN DOGS. THEY ROUTINELY WILL TRY TO MOVE
 25 DOGS INTO THEIR FOSTER NETWORK BEFORE WE INSPECT.

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1 MY FIRST CONCERN WAS WERE THEY REALLY DOWN AT TWO?
 2 MY SECOND CONCERN WAS A NEW COMPLAINT, THE SENTRY
 3 DOGS, WHICH SPARKED A NEW ISSUE THAT THE DEPARTMENT
 4 HADN'T BEEN VERY AWARE OF, INCLUDING MYSELF.
 5 Q. WHAT WAS THAT ISSUE?
 6 A. WELL, THE FACT THAT THERE WERE LAWS, STATE
 7 LAWS, THAT REGULATED THE SENTRY DOG, GUARD DOG,
 8 ATTACK DOG BUSINESS; AND THAT THE DEPARTMENT, NUMBER
 9 ONE, THE PEOPLE THAT HAVE THESE BUSINESSES ARE
 10 SUPPOSED TO BE APPLYING TO THE DEPARTMENT FOR A
 11 PERMIT, AND THE DEPARTMENT IS SUPPOSED TO HAVE A
 12 PROCESS, AN APPLICATION PROCESS, BY WHICH TO GRANT A
 13 PERMIT.
 14 WHILE WE DO HAVE SENTRY DOGS WITHIN
 15 ORDINANCE 630, IT ONLY PERTAINS TO THE LAND USE.
 16 IT'S DOESN'T MEAN THAT WE CAN'T EITHER CITE -- ISSUE
 17 A CITATION OR ENFORCE THE LAW FROM A STATE LEVEL.
 18 WE DO IT ROUTINELY. IN FACT, THERE ARE TIMES WE
 19 PREFER STATE LAW OVER COUNTY ORDINANCE.
 20 Q. TO GET A HANDLE ON THE BIG PICTURE HERE,
 21 AFTER THIS NEW ROUND OF COMPLAINTS, YOU WERE LOOKING
 22 AT TWO THINGS, THE TOTAL NUMBER OF DOGS ON THE
 23 PREMISES AND, NUMBER TWO, WHETHER OR NOT THERE WAS
 24 AN ISSUE WITH SENTRY DOGS; CORRECT?
 25 A. YES.

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1 Q. TO TAKE THE FIRST ONE, THE NUMBER OF DOGS,
 2 YOU WERE AWARE THAT THERE HAD BEEN AN INSPECTION
 3 THAT SHOWED ONLY 20 DOGS, BUT YOU ARE ALSO AWARE
 4 THAT THERE IS A COMMON PRACTICE AMONGST -- AT LEAST
 5 WHAT YOU FEEL IS COMMON PRACTICE, AMONGST KENNELS,
 6 BREEDERS, ANIMAL RESCUE OPERATIONS THAT SOMETIMES IF
 7 THEY KNOW ANIMAL CONTROL IS COMING, THEY MOVE
 8 ANIMALS OFF THE PREMISES, AND THEN WHEN ANIMAL
 9 CONTROL LEAVES, THEY PUT THEM BACK ON, AND YOU AT
 10 LEAST WERE SUSPICIOUS THAT THAT MIGHT BE GOING ON
 11 HERE.
 12 A. CORRECT.
 13 Q. NOW, THE SENTRY DOGS, WHAT IS A SENTRY DOG?
 14 A. YOU CAN LOOK AT IT IN STATE LAW HOW IT'S
 15 DEFINED.
 16 Q. I SEE THERE'S A LEGAL DEFINITION OF SENTRY
 17 DOG IN THE STATE LAW.
 18 MS. SMITH: WE DIDN'T PRODUCE HEALTH AND
 19 SAFETY CODE.
 20 MR. SCHAEFER: I KNOW. I'VE GOT IT HERE.
 21 DON'T WORRY.
 22 Q. IS THAT THE DEFINITION THAT YOU USE AS
 23 YOU'RE USING THE TERM IN THIS DEFINITION?
 24 A. I WOULD HAVE TO LOOK AT THE WHOLE HEALTH
 25 AND SAFETY CODE.

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1 MS. SMITH: SO THE QUESTION ON THE TABLE
 2 IS, IS THIS THE DEFINITION YOU USED? IS THAT THE
 3 QUESTION YOU ASKED?
 4 MR. SCHAEFER: THAT'S THE QUESTION.
 5 A. I'M NOT SURE I WOULD USE SENTRY DOG OR
 6 GUARD DOG OR ATTACK DOG, IN THEIR CASE. ONE OF THE
 7 THINGS THAT I WOULD LIKE TO REFER BACK TO IS THE
 8 INFORMATION THEY PROVIDE ON THEIR WEBSITE THAT
 9 DEFINES THEIR OWN BUSINESSES.
 10 MR. SCHAEFER: WE'RE KIND OF LIKE TELLING A
 11 STORY HERE. WE'LL GET TO THAT. IF YOU COULD GIVE
 12 ME MY CODE BACK.
 13 THE DEPONENT: (COMPLYING).
 14 MS. SMITH: I WANT TO CLARIFY THIS. WHEN
 15 YOU SAY SENTRY DOG AS DEFINED IN THE HEALTH AND
 16 SAFETY CODE, WHAT DO YOU MEAN?
 17 THE DEPONENT: UNFORTUNATELY, I PROBABLY
 18 USE SENTRY GUARD AND ATTACK A LITTLE BILL SYNONYMOUS
 19 WITH ONE ANOTHER SO I SHOULD PROBABLY--
 20 MS. SMITH: YOU'LL NOTICE THE SECOND
 21 DEFINITION --
 22 Q. (BY MR. SCHAEFER:) ALL RIGHT. LET'S COVER
 23 IT THIS WAY. WHEN BARTELS CALLS YOU AND SAYS THE
 24 DUETS HAVE SENTRY DOGS AND YOU HEAR HIM USE THE WORD
 25 SENTRY DOGS, WHAT DID YOU THINK HE MEANT?

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1 A. WELL, I DON'T KNOW THAT HE USED THE WORD
 2 SENTRY.
 3 Q. OKAY. THEN LET'S BACK UP AGAIN.
 4 YOU SAID THAT AFTER THE INSPECTION YOU
 5 STARTED GETTING A BARRAGE OF COMPLAINTS FROM
 6 MR. BARTELS, AND IT COVERED ALL THE OLD STUFF THAT
 7 HE HAD TALKED ABOUT IN JANUARY, FEBRUARY OF 2010,
 8 PLUS HE WAS COMPLAINING THAT THERE WERE SENTRY DOGS.
 9 MS. SMITH: HE SAID GUARD, SENTRY, OR
 10 ATTACK.
 11 Q. (BY MR. SCHAEFER:) ALL RIGHT.
 12 CAN YOU REMEMBER WHAT BARTELS SAID ABOUT
 13 THE GUARD, SENTRY, OR ATTACK DOGS THAT GOT YOUR
 14 ATTENTION THAT THERE IS A NEW TOPIC ON THE TABLE?
 15 A. WELL, HE PROVIDED THEIR WEBSITE AS
 16 REFERENCE, THAT THIS NEW BUSINESS THAT WE WEREN'T
 17 AWARE OF WAS OPERATING OUT OF THIS LOCATION, AND
 18 THAT HE WAS FEARFUL OF HIS FAMILY AND CHILDREN FROM
 19 BEING ATTACKED BY ONE OF THESE DOGS. SO WE HAD TO
 20 DO A LITTLE RESEARCH. AND IN FACT, IT WAS
 21 MR. BARTELS' COMPLAINT, I BELIEVE, TO ROBERT CLAEVA,
 22 SUPERVISOR BOB BUSTER'S OFFICE, WHO IS THE FIRST ONE
 23 THAT SAID, "HEY, HAVE YOU SEEN HEALTH AND SAFETY
 24 CODE," BECAUSE HE DID AN INTERNET SEARCH.
 25 Q. WHO DID AN INTERNET SEARCH?

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1 A. ROBERT CLAEVA (PHONETIC). AND WE SAID NO.
 2 GIVE US THE REFERENCE NUMBER AND WE'LL TAKE A LOOK
 3 AT IT. THIS ALL HAPPENED WITHIN A VERY SHORT TIME.
 4 Q. SO WHAT I'M HEARING YOU SAY IS THAT BARTELS
 5 CALLED AND SAID, "THEY'VE GOT THESE DANGEROUS DOGS
 6 ON THE PREMISES AND I'M AFRAID OF BEING ATTACKED."
 7 AND HE SAID, "BY THE WAY, LOOK AT THEIR
 8 WEBSITE. YOU'LL SEE THAT THEY'RE OPERATING A
 9 BUSINESS THAT DEALS WITH THESE DANGEROUS DOGS THAT
 10 I'M AFRAID OF."
 11 AM I CORRECTLY HEARD WHAT YOU HEARD?
 12 A. PARAPHRASING, YES.
 13 Q. AT THE SAME TIME SOMEBODY FROM BUSTER'S
 14 OFFICE SAID TO YOU, "HEY, YOU KNOW THERE'S A STATE
 15 LAW THAT DEALS WITH THIS?"
 16 A. YES.
 17 Q. THAT WAS THE FIRST YOU'D EVER HEARD OF IT?
 18 A. YES.
 19 Q. NOW, YOU ARE CONCERNED ABOUT THE NUMBER OF
 20 DOGS AND THIS CONCEPT OF DANGEROUS DOGS BEING
 21 TRAINED AS PART OF A BUSINESS THAT IS ON THE
 22 WEBSITE?
 23 A. YES.
 24 Q. WHAT DID YOU DO IN RESPONSE TO THESE TWO
 25 ISSUES THAT YOU HAD IDENTIFIED?

1 A. I SPENT SOME TIME WITH COUNSEL REVIEWING
 2 THE HEALTH AND SAFETY CODE AND SPENT SOME TIME WITH
 3 STAFF, TRYING TO GET A PLAN TOGETHER IN TERMS OF
 4 WHETHER OR NOT THE COMPLAINTS HAD ANY VALIDITY AND
 5 HOW TO MOVE FORWARD WITH THE COMPLAINTS.
 6 I THINK ULTIMATELY HOW WE RESPONDED WAS WE
 7 RESPONDED WITH AN INSPECTION WARRANT TO TRY TO
 8 VERIFY WHETHER OR NOT THERE ARE, "A", THE GUARD,
 9 SENTRY, OR ATTACK DOGS ON THE PREMISES.
 10 AND ACTUALLY WE DID HAVE CONFIRMATION PRIOR
 11 TO THE INSPECTION REPORT THAT THERE WERE AT LEAST
 12 TWO I BELIEVE THE DUETS TOLD RITA GUTIERREZ. BUT IN
 13 THE COMPLAINT WE RECEIVED FROM MR. BARTELS HE
 14 ALLEGED MORE, AND WHEN WE TRIED TO RECONCILE ON THE
 15 WEBSITE, IT DID APPEAR THAT THERE WERE MORE THAN THE
 16 TWO.
 17 SO HERE AGAIN WE THOUGHT THAT THERE WAS
 18 SOME DISCREPANCY IN THE INFORMATION WE RECEIVED FROM
 19 THE DUETS. PLUS WE HAD OTHER CONCERNS ABOUT THE
 20 NUMBER OF DOGS. SO THE INSPECTION WARRANT WAS TO
 21 TRY TO ASCERTAIN BOTH OF THOSE PIECES OF
 22 INFORMATION, TO THEN MAKE AN DETERMINATION HOW TO
 23 MOVE FORWARD.
 24 Q. YOU SAID THERE WAS SOME INFORMATION
 25 RECEIVED FROM THE DUETS ABOUT THESE DANGEROUS DOGS?

1 A. YES.
 2 Q. YOU TOLD ME THAT YOU NEVER TALKED TO THE
 3 DUETS. SO CAN YOU TELL ME TO WHOM IN YOUR
 4 DEPARTMENT THE INFORMATION FROM THE DUETS ABOUT
 5 THESE DANGEROUS DOGS WAS RELAYED?
 6 A. I ALREADY DID, AND IT WAS RITA GUTIERREZ
 7 WHO HAD SPOKEN WITH THE DUETS. AND THE DUETS HAD, I
 8 BELIEVE, CLAIMED THAT THEY HAD TWO THAT WERE PART OF
 9 A BUSINESS. THERE WERE ALSO, I BELIEVE, PERSONAL
 10 DOGS.
 11 ONCE AGAIN, WHEN YOU LOOKED AT THE WEBSITE,
 12 WHICH HAD PICTURES OF THE ANIMALS POSTED, AND THE
 13 INSPECTION REPORT, WHEN YOU TRIED TO RECONCILE
 14 THOSE, IT LOOKED LIKE THERE WAS AT LEAST THREE DOGS
 15 ON THE PROPERTY, AT LEAST FROM OUR PERCEPTION OF
 16 IT.
 17 SO THERE AGAIN, WE HAD A CONCERN ABOUT THE
 18 NUMBER OF ANIMALS THAT WERE WORKING IN THIS TYPE OF
 19 CAPACITY ON THE PROPERTY AS WELL AS THE NUMBER OF
 20 DOGS THAT WERE ON THE PROPERTY.
 21 Q. NOW, WHEN YOU SAY -- DID YOU LOOK AT THE
 22 WEBSITE?
 23 A. I DID.
 24 Q. WHEN YOU LOOKED AT THE WEBSITE, WHAT WAS IT
 25 ABOUT THE WEBSITE THAT LED YOU TO CONCLUDE THAT

1 THERE WAS AT LEAST THREE OF THESE DANGEROUS ANIMALS
 2 ON THE PROPERTY AT THE TIME YOU WERE LOOKING AT THE
 3 WEBSITE?
 4 A. FIRST OFF, I NEVER SAID THEY'RE DANGEROUS
 5 ANIMALS.
 6 Q. I'M USING THAT TERM BECAUSE WE SEEM TO BE
 7 NOT SURE WHETHER OR NOT THEY'RE SENTRY DOGS OR
 8 ATTACK DOGS. I'M HEARING THAT YOU FEEL THAT -- I'M
 9 HEARING THAT THESE KIND OR DOGS OR WHATEVER ARE SOME
 10 KIND OF A THREAT. IS THAT WHAT YOU THINK?
 11 A. I DON'T KNOW. THAT'S CERTAINLY AT LEAST
 12 ONE NEIGHBOR'S CONCERN THAT THEY'RE A THREAT.
 13 Q. BUT YOU DON'T KNOW WHETHER OR NOT THEY'RE A
 14 THREAT. DO I HAVE THAT RIGHT?
 15 A. I SIMPLY ENFORCE THE LAW. WHEN I'M MADE
 16 AWARE OF A LAW THAT WE HAVEN'T BEEN ENFORCING, WE
 17 EVALUATE IT AND WE MOVE FORWARD WITH AN ENFORCEMENT
 18 PLAN. AND HEALTH AND SAFETY, FROM OUR TAKE ON IT,
 19 AND OUR INTERPRETATION FROM WORKING WITH COUNSEL IS
 20 THAT THERE WAS A PERMIT PROCESS REQUIRED, THAT THE
 21 DUETS SHOULD HAVE APPLIED FOR THIS PERMIT; THEY
 22 SHOULD HAVE BEEN AWARE OF THE NEED FOR THIS PERMIT
 23 AND --
 24 MS. SMITH: OKAY. NO HARASSMENT. I KNOW
 25 YOUR THOUGHTS ARE CLOSE TO THE SERVICE. I KNOW

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1 YOU'RE A NICE MAN AND YOU DON'T INTENTIONALLY MEAN
 2 TO, BUT HE NEEDS TO FOCUS. THE ANSWERS --
 3 MR. SCHAEFER: I UNDERSTAND THAT.
 4 THE DEPONENT: I DON'T KNOW WHERE I WAS AT.
 5 MS. SMITH: SHE CAN READ BACK THE LAST
 6 QUESTION.
 7 Q. (BY MR. SCHAEFER:) NO, THAT'S ALL RIGHT.
 8 YOU'RE KIND OF GETTING AWAY FROM MY QUESTION.
 9 I'M LOOKING AT HEALTH AND SAFETY CODE,
 10 SECTION 121881, AND IT SAYS:
 11 "FOR THE PURPOSES OF THIS CHAPTER,
 12 GUARD DOG," WHICH IS A TERM IN QUOTES,
 13 OR ATTACK DOG, WHICH IS A TERM IN
 14 QUOTES, "MEANS ANY DOG TRAINED TO
 15 GUARD, PROTECT, PATROL, OR DEFEND
 16 ANY PREMISES, AREA, OR YARD."
 17 MS. SMITH: READ THE NEXT ONE TOO; IT'S
 18 RELEVANT.
 19 Q. (BY MR. SCAEFER:) "OR ANY DOG TRAINED AS A
 20 SENTRY TO PROTECT, DEFEND, OR GUARD ANY PERSON OR
 21 PROPERTY."
 22 A. RIGHT.
 23 Q. "OR ANY DOG SUCH AS A SCHUTZHUND OR ANY
 24 SIMILAR CLASSIFICATION."
 25 THAT'S THE LEGAL DEFINITION. I'M HEARING

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1 YOU SAY THAT YOU LOOKED ON THE WEBSITE AND BY
 2 LOOKING AT THE WEBSITE CONCLUDED THAT AT THE TIME
 3 THAT YOU WERE LOOKING AT THE WEBSITE, THERE WAS, ON
 4 THIS PROPERTY, ONE OR MORE DOGS, UP TO THREE DOGS,
 5 THAT FIT THAT LEGAL DEFINITION.
 6 A. YES.
 7 Q. WHAT WAS IT ON THE WEBSITE THAT LED YOU TO
 8 CONCLUDE THAT THERE WERE UP TO THREE DOGS PRESENT ON
 9 THE PROPERTY AT THE TIME THAT YOU LOOKED AT THE
 10 WEBSITE THAT FITS THE CLASSIFICATION?
 11 A. THERE WERE DESCRIPTIONS OF THE DOGS,
 12 INCLUDING THEIR TRAINING. THERE WERE DESCRIPTIONS
 13 OF THEIR BUSINESS AND WHAT THEY DID WITH THOSE DOGS
 14 THAT SEEMED TO COINCIDE WITH THE DEFINITION YOU JUST
 15 READ.
 16 Q. OKAY. SO WHAT I'M HEARING YOU SAY IS IF
 17 YOU LOOKED ON THE WEBSITE AND YOU SAW THESE
 18 PICTURES, AND BASED ON WHAT YOU'RE READING ON THE
 19 WEBSITE, IT SOUNDED LIKE THEY'RE IN THE BUSINESS OF
 20 USING SENTRY DOGS OR ATTACK DOG OR GUARD DOGS ON
 21 THESE PREMISES.
 22 A. CORRECT.
 23 Q. OKAY.
 24 A. OR AT LEAST HOUSING DOGS ON THAT PREMISES.
 25 Q. HOUSING THE DOGS OR HOUSING THE BUSINESS OR

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1 BOTH?
 2 A. BOTH.
 3 Q. HOW DID YOU KNOW THERE WERE DOGS AT THAT
 4 PARTICULAR TIME?
 5 A. THEY HAD PICTURES ON WHICH ONES THEY HAD IN
 6 THEIR POSSESSION STILL AND WHICH ONES THEY DIDN'T.
 7 THERE WAS A CONVERSATION WITH THE DUETS WHERE THEY
 8 AT LEAST ADMITTED TWO, SO WE KNOW AT LEAST TWO WERE
 9 THERE.
 10 Q. OKAY. SO NOW YOU GOT, IN YOUR MIND AT
 11 LEAST, WE'VE GOT THE DUETS ADMITTING THAT THEY'VE
 12 GOT THESE DOGS THAT ARE IN THE PROGRAM -- I MEAN, IN
 13 THE HEALTH AND SAFETY CODE, AND WE'VE GOT AN
 14 EXCESSIVE NUMBER OF DOGS.
 15 SO YOU GO OUT AND DO A SURPRISE
 16 INSPECTION. DID YOU PERSONALLY GO ON THE SURPRISE
 17 INSPECTION?
 18 A. NO.
 19 Q. DID YOU GET A REPORT AS TO WHAT HAPPENED ON
 20 THE SURPRISED INSPECTION?
 21 A. YES.
 22 Q. FROM WHOM DID YOU GET THE REPORT?
 23 A. ACTUALLY COUNSEL.
 24 Q. AFTER THE REPORT, DID RITA GUTIERREZ GO ON
 25 THE SURPRISE INSPECTION?

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1 A. YES.
 2 Q. DID YOU GET A REPORT FROM HER?
 3 A. AT LEAST THE MAIN REPORT CAME FROM COUNSEL.
 4 Q. THEN AFTER YOU GOT THE REPORT, WHAT
 5 HAPPENED NEXT?
 6 A. NOW I HAVE TO REFLECT BACK ON THE TIME A
 7 LITTLE BIT.
 8 MS. SMITH: CAN WE STIPULATE THAT THE
 9 INSPECTION WAS JULY 24TH?
 10 THE DEPONENT: IT WAS ROUGHLY THEN, YES. I
 11 CONCUR WITH COUNSEL'S DATE.
 12 Q. (BY MR. SCHAEFER:) THINK ABOUT IT. LET'S
 13 GET BACK ON THE TIME LINE HERE SO YOU CAN TELL ME
 14 WHAT HAPPENED NEXT.
 15 A. SO AFTER THE INSPECTION -- OBVIOUSLY THERE
 16 WAS A LOT OF DISCUSSION WITH COUNSEL, WITH THE
 17 PLANNING DEPARTMENT, AND CODE ENFORCEMENT REGARDING
 18 THE RESULTS OF THE INSPECTION.
 19 AND AFTER SOME PERIOD OF TIME, THE DECISION
 20 WAS MADE TO DENY THE KENNEL LICENSE AND A LETTER WAS
 21 ISSUED FROM ME STATING THE REASONS WHY.
 22 AND I BELIEVE THAT ALMOST BRINGS US TO DATE
 23 OTHER THAN THE APPEAL LETTER THAT KAREN DUET HAS
 24 SUBMITTED, AND THE APPEAL THAT'S BEEN SCHEDULED FOR
 25 THE BOARD.

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1 THE REPORTER: CAN WE GO OFF THE RECORD?
 2 MR. SCHAEFER: OFF THE RECORD.
 3 (A RECESS WAS TAKEN.)
 4 MR. SCHAEFER: BACK ON THE RECORD.
 5 Q. YOU TESTIFIED THAT IN YOUR EYES YOU SUSPECT
 6 THE CREDIBILITY OF THE STATEMENTS THAT MS. DUETS HAS
 7 TOLD YOU; CORRECT?
 8 A. I DON'T KNOW IF I SUSPECT THE CREDIBILITY,
 9 BUT I WAS SUSPICIOUS OF WHETHER OR NOT THEY WERE
 10 COMPLYING WITH THE 20-DOG ORDER.
 11 Q. I THOUGHT I HEARD YOU SAY THAT YOU DON'T
 12 TRUST HER WORD.
 13 A. I HAVEN'T SAID THAT, I DON'T BELIEVE.
 14 MAYBE I DID. WANT TO READ BACK THE TRANSCRIPT?
 15 Q. OFTENTIMES THERE IS A DIFFERENCE BETWEEN
 16 WHAT PEOPLE SAY AND WHAT PEOPLE HEAR. I SPENT A LOT
 17 OF TIME TRYING TO GET THOSE TWO ON THE SAME PLANE SO
 18 THAT EVERYBODY UNDERSTANDS.
 19 SO WHAT I'M HEARING YOU SAY NOW IS THAT YOU
 20 DON'T THINK THAT SHE WAS MAINTAINING THE 20-DOG
 21 LIMIT THAT SHE PROMISED TO MAINTAIN AND IT'S BASED
 22 ON YOUR SURPRISE INSPECTION?
 23 A. YES.
 24 Q. BUT YOU'RE NOT GOING TO GO SO FAR AS TO SAY
 25 YOU THINK SHE'S A LIAR OR GENERALLY HER CREDIBILITY

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1 IS NOT GOOD ENOUGH YET?
 2 MS. SMITH: DO YOU HAVE AN OPINION THAT
 3 SHE'S A LIAR.
 4 THE DEPONENT: A LIAR SEEMS REALLY
 5 PERSONAL.
 6 MR. SCHAEFER: IT'S A VERY PERSONAL
 7 QUESTION.
 8 MS. SMITH: THAT'S A GOOD REACTION.
 9 THE DEPONENT: I GUESS I WOULDN'T TERM IT
 10 AS A LIAR BUT JUST NOT BEING FORTHRIGHT WITH ALL THE
 11 INFORMATION AS A SHREWD BUSINESS PERSON MIGHT BE.
 12 Q. (BY MR. SCHAEFER:) OKAY. NOW I WANT TO
 13 CONTRAST YOUR VIEW AS KAREN DUET AS NOT BEING
 14 FORTHRIGHT AS ALL INFORMATION AS TO GOOD BUSINESS
 15 PERSON WOULD BE, WITH THE CREDIBILITY OF
 16 MR. BARTELS. TO WHAT EXTENT DO YOU THINK THAT HE
 17 PROVIDES THE COUNTY WITH ACCURATE INFORMATION?
 18 A. I WOULD SAY THAT MR. BARTELS IS A LOT OF
 19 THINGS, AND I GUESS I ALWAYS TAKE COMPLAINTS WITH A
 20 LITTLE BIT OF A GRAIN OF SALT BECAUSE THEY'RE ALWAYS
 21 PERSONAL AND THEY TEND TO BE EXAGGERATED. THAT
 22 BEING SAID, MR. BARTELS HAS PROVIDED A LOT OF PROOF
 23 TO HIS COMPLAINTS.
 24 IN FACT, IF IT WASN'T FOR HIS COMPLAINT
 25 ABOUT THE 20-DOG LIMIT, I PROBABLY STILL WOULDN'T BE

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1 AWARE OF IT, BECAUSE THE ORIGINAL TRANSCRIPTS FROM
 2 THE PLANNING COMMISSION HEARINGS AS WELL AS ANYTHING
 3 THAT OCCURRED BEFORE THE BOARD OF SUPERVISORS WAS
 4 NOT IN OUR CASE FILE, NOR DID IT TYPICALLY EVER MAKE
 5 IT TO OUR CASE FILE, ON ANY KENNEL PERMIT.
 6 IN THAT REGARDS I WOULD SAY HE PROVIDED
 7 ENOUGH INFORMATION THAT WE AT LEAST NEEDED TO VERIFY
 8 THE COMPLAINT. I DID NOT ASSUME THAT KAREN DUET WAS
 9 GUILTY, BUT THAT'S WHY WE USE THE INSPECTION WAND,
 10 TO BE ABLE TO ORDER TO VERIFY THE COMPLAINTS.
 11 Q. WAS THERE ANOTHER SURPRISE INSPECTION
 12 BESIDES THE ONE THAT RESULTED IN THE LOCATION OF
 13 71 DOGS ON THE PREMISES, IN THE JUNE TIME FRAME,
 14 JUNE OF 2010 TIME FRAME?
 15 A. I'M NOT AWARE OF IT. WAS THIS A ROUTINE
 16 CALL AND COMPLAINT THAT CAME THROUGH DISPATCH AND
 17 ALSO WAS DISPATCHED?
 18 Q. WELL, THAT'S WHAT I WAS THINKING OF ASKING
 19 YOU.
 20 A. MAYBE THE DOCUMENTS WILL ENLIGHTEN ME.
 21 Q. ALL RIGHT. LET'S START OUT WITH YOUR
 22 AUGUST 5TH LETTER, WHICH I'M MARKING AS EXHIBIT 1.
 23 WE'RE GOING TO GO THROUGH QUITE A FEW PIECES OF
 24 PAPER HERE.
 25 WE HAVE A PROTOCOL HERE THAT I FOLLOW.

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1 THESE EXHIBITS HAVE TO BE MARKED. THEN I'M GOING TO
 2 SHOW YOU AN EXHIBIT AND I'M GOING TO SAY "I'M
 3 HANDING YOU EXHIBIT NO. 1, AND WHEN I HAND YOU THE
 4 EXHIBIT, I'D LIKE YOU TO JUST KIND OF GENERALLY GO
 5 THROUGH THE EXHIBITS SO YOU KIND OF KNOW WHAT THE
 6 PIECES OF PAPER ARE IN FRONT OF YOU. THEN WE'LL GO
 7 BACK AND I'LL ASK DETAILED QUESTIONS ABOUT THE
 8 EXHIBIT.
 9 A. OKAY.
 10 Q. HAVE YOU HAD A CHANCE TO GENERALLY REVIEW
 11 EXHIBIT NO. 1?
 12 A. I WILL DO THAT AT THIS TIME.
 13 Q. THANKS. GENERALLY TELL ME WHAT EXHIBIT
 14 NO. 1 IS, JUST A GENERAL DESCRIPTION.
 15 A. IT'S THE NOTICE OF DENIAL OF THE CLASS II
 16 KENNEL LICENSE.
 17 Q. AND I SEE HERE THAT -- YOU SIGNED THIS
 18 LETTER; RIGHT?
 19 A. I DID.
 20 Q. IN THE SECOND PARAGRAPH OF THE -- OR FIRST
 21 PARAGRAPH OF THE LETTER, IT SAYS:
 22 "THE RIVERSIDE COUNTY DEPARTMENT
 23 OF ANIMAL SERVICES HAS COMPLETED
 24 THE PROCESSING AND CONSIDERATION
 25 OF YOUR RECENT APPLICATION FOR

1 RENEWAL OF A CLASS II KENNEL
 2 LICENSE, INCLUDING PERFORMING
 3 ANNOUNCED AND UNANNOUNCED
 4 INSPECTIONS OF THE ABOVE
 5 DESCRIBED PREMISES."
 6 DO YOU KNOW WHEN THIS APPLICATION WAS
 7 TURNED IN?
 8 A. I DO NOT.
 9 Q. I PUT IN FRONT OF YOU AN EXHIBIT I'VE
 10 MARKED AS NO. 2, WHICH CONSISTS OF A NUMBER OF
 11 APPLICATIONS. WHEN I WENT THROUGH IT, I DIDN'T FIND
 12 AN APPLICATION FOR RENEWAL OF KENNEL LICENSE
 13 SUBMITTED IN 2010.
 14 DID YOU FIND ONE?
 15 A. NO.
 16 Q. DO YOU THINK THAT THE DUETS DID SUBMIT AN
 17 APPLICATION FOR RENEWAL OF THEIR KENNEL LICENSE?
 18 A. I DON'T KNOW. I ASSUME YOU'RE REFERENCING
 19 BETWEEN EXHIBIT 1 AND EXHIBIT 2?
 20 Q. YES.
 21 A. AND I WOULD -- I MEAN, THE WAY THAT IT'S
 22 WORDED, I WOULD REFERENCE THE FACT THAT THEY WERE UP
 23 FOR A RENEWAL.
 24 SO THEY HAVE AN ORIGINAL APPLICATION ON
 25 FILE; AND UP UNTIL THIS 2010 THEY HAVE -- OUR

1 RENEWAL PROCESS IS JUST -- IT LOOKS LIKE THIS NOTICE
 2 GOES OUT. YOU SIGN IT. YOU ISSUE A CHECK, AND YOUR
 3 INSPECTION GETS SCHEDULED.
 4 Q. ALL RIGHT. BUT IS IT FAIR TO SAY THAT AT
 5 THE TIME YOU SIGNED THIS LETTER, YOU THOUGHT THERE
 6 WAS AN APPLICATION FROM THE DUETS TO RENEW THEIR
 7 KENNEL LICENSE PENDING?
 8 A. YES.
 9 Q. OKAY. AND WHAT EXACTLY HAD BEEN DONE BY
 10 THE DEPARTMENT, TO YOUR KNOWLEDGE, TO PROCESS THAT
 11 APPLICATION?
 12 A. I'M NOT QUITE SURE.
 13 Q. WHAT DO YOU MEAN?
 14 A. THERE'S A LONG TIME FRAME WE'RE TALKING
 15 ABOUT.
 16 Q. NO. I'M JUST TALKING ABOUT THIS ONE THAT
 17 WAS PENDING AT THE TIME THAT YOU RENEWED OR THAT YOU
 18 SENT THIS --
 19 A. WHERE I DENIED THE RENEWAL?
 20 Q. YES. YOU SAY THERE'S A LONG TIME FRAME.
 21 IN MONTHS OR YEARS OR DAYS, HOW LONG IS THE TIME
 22 FRAME?
 23 MS. SMITH: HE WAS ANSWERING THE QUESTION
 24 HE'S CONFUSED ABOUT. START OVER.
 25 THE DEPONENT: YEAH, REPEAT THE QUESTION.

1 Q. (BY MR. SCHAEFER:) OKAY. MY QUESTION IS,
 2 YOU JUST TESTIFIED THAT AT THE TIME YOU ISSUED THE
 3 AUGUST 5TH, 2010, LETTER, DENYING THE APPLICATION
 4 FOR RENEWAL, YOU THOUGHT THERE HAD BEEN AN
 5 APPLICATION FOR RENEWAL MADE; CORRECT?
 6 A. THROUGH THE NORMAL RENEWAL PROCESS?
 7 Q. THROUGH THE NORMAL RENEWAL PROCESS; RIGHT.
 8 A. YES.
 9 Q. SO YOUR LETTER SAYS YOU HAVE COMPLETED THE
 10 PROCESSING AND CONSIDERATION OF THE APPLICATION;
 11 RIGHT? THE FIRST LETTER?
 12 A. YES.
 13 Q. WHAT EXACTLY WAS DONE, TO YOUR KNOWLEDGE,
 14 TO PROCESS AND CONSIDER THE APPLICATION?
 15 A. THERE WAS MORE THAN ONE INSPECTION THAT
 16 OCCURRED. THERE WAS MORE THAN ONE CONVERSATION OR
 17 MEETING THAT OCCURRED WITH THE DUETS, GATHERING
 18 INFORMATION, AT THE TIME WE HAD SEVERAL COMPLAINTS
 19 THAT WE HAD TO PROCESS.
 20 Q. OKAY.
 21 A. AS WELL AS SEVERAL OTHER ISSUES NOT ANIMAL
 22 SERVICES RELATED, BUT IT SAYS RIGHT ON OUR KENNEL
 23 LICENSE THAT YOU HAVE TO BE IN COMPLIANCE WITH ALL
 24 LOCAL, STATE, AND FEDERAL LAWS.
 25 Q. OKAY.

1 A. AND THERE WERE STILL, AS STATED IN THE
 2 LETTER, OUTSTANDING CODE ENFORCEMENT ISSUES.
 3 Q. YOU HAD DONE ALL THIS RESEARCH IN THE
 4 COURSE OF CONSIDERING THE RENEWAL OF THEIR LICENSE?
 5 A. YES.
 6 Q. OKAY. THAT'S GREAT. THEN YOU GO ON AND
 7 YOU SAY:
 8 "WE REGRET TO INFORM YOU THAT YOUR
 9 APPLICATION FOR LICENSE RENEWAL
 10 IS DENIED BECAUSE THE CONDITIONS
 11 OF YOUR PROPERTY IS NOT IN
 12 COMPLIANCE WITH APPLICABLE LAWS
 13 AND REGULATIONS IN THE STATE OF
 14 CALIFORNIA AND ORDINANCES ADOPTED
 15 BY THE RIVERSIDE COUNTY BOARD OF
 16 SUPERVISORS, SPECIFICALLY RIVERSIDE
 17 COUNTY ORDINANCE NO. 630 AND 348.
 18 DENIAL OF YOUR APPLICATION IS
 19 BASED ON THE FOLLOWING" -- AND THERE'S AN
 20 "X" -- "EXCESSIVE NUMBER OF DOGS MAINTAINED
 21 IN A CLASS II KENNEL IN VIOLATION OF
 22 R.C.O. NO. 630. 71 DOGS IN THE KENNEL
 23 AT THE TIME OF LAST INSPECTION."
 24 RIGHT?
 25 A. UH-HUH.

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1 Q. YOU PREVIOUSLY TESTIFIED THAT YOU SENT YOUR
 2 CODE ENFORCEMENT OFFICERS OUT TO COUNT NOSES ON AT
 3 LEAST TWO OCCASIONS THAT YOU KNOW OF. ONE OCCASION,
 4 THEY COUNTED 20 DOG NOSES. THE SECOND OCCASION,
 5 THEY COUNTED 71 DOGS. DO I HAVE THAT RIGHT?
 6 MS. SMITH: HE MEANT ANIMALS.
 7 MR. SCHAEFER: RIGHT.
 8 Q. OTHER THAN THE TIME THAT YOU SENT YOUR
 9 INSPECTORS OUT ON A SURPRISE INSPECTION AND FOUND
 10 THE 71 DOGS, ARE YOU AWARE OF ANY EVIDENCE THAT YOU
 11 BELIEVED THAT THERE WAS MORE THAN 20 DOGS, ON ANY
 12 OTHER SPECIFIC DATES?
 13 A. NOT VERIFIABLE.
 14 Q. SO IS THIS REASON "EXCESSIVE NUMBER OF DOGS
 15 MAINTAINED IN CLASS II KENNEL," BASED SOLELY ON THE
 16 ONE SURPRISE INSPECTION?
 17 A. I WOULD SAY PRIMARY.
 18 Q. WHAT ELSE IS IT BASED ON?
 19 A. JUST THIS ONE?
 20 Q. JUST THIS ONE.
 21 A. YEAH, THE DENIAL IS BASED ON THE 71 IN THE
 22 KENNEL.
 23 Q. WHAT EVIDENCE DO YOU HAVE THAT THERE WERE
 24 MORE THAN 20 DOGS ON THE PROPERTY AT ANY TIME OTHER
 25 THAN THE DATE OF THE SURPRISE INSPECTION?

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1 A. MOST OF WAS IT WAS COMPLAINT-DRIVEN,
 2 COMPLAINTS OF EXCESSIVE NOISE, PICTURES OF -- I
 3 BELIEVE TOM PRODUCED PICTURES, DIDN'T HE?
 4 MS. SMITH: I NEVER SAW ANY.
 5 THE DEPONENT: YOU WOULD HAVE SEEN THEM, I
 6 WOULD THINK.
 7 MS. SMITH: I THINK I WOULD HAVE.
 8 THE DEPONENT: TRAFFIC, NUMBER OF ANIMALS
 9 COMING AND GOING FROM THE PROPERTY, AS REPORTED
 10 THROUGH THE COMPLAINT, BUT ALL COMPLAINT-DRIVEN.
 11 Q. (BY MR. SCHAEFER:) IF I REALLY WANT TO GET
 12 DOWN TO WHAT EVIDENCE YOU WERE RELYING UPON WHEN YOU
 13 FELT THAT THERE WERE AN EXCESSIVE NUMBER OF DOGS,
 14 THE ONLY REAL PROOF YOU HAVE IS WHAT YOUR OFFICERS
 15 SAW ON THE DAY THAT THEY WENT OUT ON THAT ONE
 16 UNANNOUNCED INSPECTION; ISN'T THAT FAIR TO SAY?
 17 A. IT'S FAIR TO SAY.
 18 Q. BARTELS, IN GENERAL TERMS, SAID THERE WERE
 19 TOO MANY DOGS, BUT YOU TOOK WHAT HE SAID WITH A
 20 GRAIN OF SALT, AS YOU DO WITH ALL COMPLAINTS?
 21 A. HE HAD A LAUNDRY LIST.
 22 Q. YOU WEREN'T SAYING YOU DIDN'T BELIEVE HIM
 23 BUT YOU WERE ALSO OPENED TO THE POSSIBILITY THAT HE
 24 WAS EXAGGERATING?
 25 A. HE ALLEGED MANY THINGS, ALL OF WHICH WE

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1 DIDN'T NECESSARILY FIND FACTUAL.
 2 Q. SO WHEN YOU SAID THERE WERE TOO MANY DOGS,
 3 IN THIS LETTER, YOU'RE TALKING ABOUT THE ONE TIME
 4 YOUR OFFICERS WENT OUT?
 5 A. YES.
 6 Q. NOT TALKING ABOUT ALL THAT BARTELS HAD
 7 SAID?
 8 A. I THINK THAT'S WHAT THE LETTER STATES.
 9 Q. THEN IT SAYS, REASON NO. 2 IS EXCESSIVE
 10 NUMBER OF DOGS MAINTAINED IN VIOLATION OF LAND USE
 11 APPROVAL, ISSUED BY THE COUNTY OF RIVERSIDE AS PLOT
 12 PLAN 13992, AS AMENDED, THUS CONSTITUTING A
 13 VIOLATION OF R.C.O. 348.
 14 THE EVIDENCE THAT SUPPORTS THIS REASON IS
 15 THE SAME AS THE EVIDENCE THAT SUPPORTS THE PRECEDING
 16 REASON, THAT IS, THERE WERE 71 DOGS WHEN YOUR
 17 OFFICERS WENT OUT THERE AND CHECKED; IS THAT TRUE?
 18 A. I WOULD SAY YES.
 19 MS. SMITH: I NEED TO ASK TO CLARIFY. IS
 20 THERE ADDITIONAL EVIDENCE THAT WOULD SUPPORT THAT
 21 CLAIM, SUCH AS LAND USE DOCUMENTS?
 22 THE DEPONENT: YES.
 23 Q. (BY MR. SCHAEFER:) WHAT ADDITIONAL
 24 EVIDENCE IS THERE?
 25 A. HAD THE REQUEST FOR INCREASE OF KENNELS.

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1 MS. SMITH: CAN I GO OFF THE RECORD AND
 2 SPEAK --
 3 MR. SCHAEFER: TAKE YOUR TIME AND READ THE
 4 PAPERWORK THERE.
 5 (DISCUSSION OFF THE RECORD.)
 6 THE DEPONENT: CAN YOU REPEAT THE QUESTION?
 7 Q. (BY MR. SCHAEFER:) ARE YOU AWARE OF ANY
 8 OTHER EVIDENCE BESIDES THE ONE INSPECTION OF YOUR
 9 OFFICERS IN JULY THAT YOU RELIED ON TO CONCLUDE THAT
 10 THERE WERE AN EXCESSIVE NUMBER OF DOGS MAINTAINED IN
 11 VIOLATION OF LAND USE APPROVAL?
 12 A. YES, THE PLOT PLAN.
 13 Q. WHAT PLOT PLAN ARE WE TALKING ABOUT?
 14 A. 13992.
 15 Q. DID YOU GO THROUGH AND FIND IT IN THE PAPER
 16 WORK THAT YOU'RE TALKING ABOUT?
 17 A. YES. RIGHT HERE.
 18 Q. LET'S TAKE A LOOK AT IT.
 19 MR. SCHAEFER: I'M GOING TO MARK WHAT YOU
 20 HANDED ME AS EXHIBIT NO. 3.
 21 Q. CAN YOU GENERALLY DESCRIBE WHAT NO. 3 IS?
 22 A. RIVERSIDE COUNTY PLANNING DEPARTMENT'S
 23 CONDITIONS OF APPROVAL.
 24 Q. IS THAT CONDITIONS OF APPROVAL FOR THIS
 25 PROPERTY, THE DUETS PROPERTY THAT WE'RE TALKING

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1 ABOUT?
 2 A. REGARDING PLOT PLAN NO. 13992.
 3 Q. ARE ANY OF THE DOCUMENTS IN EXHIBIT NO. 3
 4 DATED?
 5 A. YES.
 6 Q. WHAT ARE THE DATES ON THE DOCUMENTS IN
 7 EXHIBIT NO. 3?
 8 A. THERE IS AN EFFECTIVE DATE OF APPROVED BY
 9 THE BOARD OF SUPERVISORS OF APRIL 25TH, 1995. YOU
 10 WANT OTHER DATES?
 11 Q. YES.
 12 A. THERE IS A FACSIMILE DATE OF APRIL 30TH,
 13 2008. MORE DATES?
 14 Q. LET ME ASK THE QUESTION THIS WAY. AS YOU
 15 LOOK AT EXHIBIT NO. 3, DO YOU CONCLUDE THAT EXHIBIT
 16 NO. 3 IS DOCUMENTATION SHOWING THE TERMS AND
 17 CONDITIONS IMPOSED ON THE DUETS FOR THIS KENNEL BY
 18 THE BOARD OF SUPERVISORS AT THE TIME OF APPROVAL OF
 19 THE CONDITIONS IN 1995?
 20 A. YES.
 21 Q. NOW, WHAT IS IT IN THE DOCUMENT CONSISTING
 22 OF THE APPROVALS GRANTED BY THE BOARD OF SUPERVISORS
 23 IN 1995 THAT LEADS YOU TO BELIEVE THAT THERE WERE
 24 MORE THAN 20 DOGS ON THIS PARTICULAR PROPERTY IN
 25 JULY OF 2010, 15 YEARS LATER.

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1 MS. SMITH: OBJECTION. VAGUE. DID YOU
 2 MEAN EXCESSIVE NUMBER OF DOGS INSTEAD OF MORE?
 3 MR. SCHAEFER: I WILL ASK THE QUESTION THAT
 4 WAY.
 5 Q. WHAT IS IT IN EXHIBIT NO. 3, THE TERMS AND
 6 CONDITIONS OF THE APPROVAL OF THE LAND USE FOR THE
 7 DUETS PROPERTY, GIVEN IN 1995, THAT LEADS YOU TO
 8 BELIEVE THAT THERE WERE AN EXCESSIVE NUMBER OF DOGS
 9 MAINTAINED ON THE PROPERTY IN VIOLATION OF LAND USE
 10 APPROVAL IN JULY OR AUGUST OF 2010, 15 YEARS AFTER
 11 EXHIBIT 3 WAS CREATED?
 12 A. STANDARD CONDITIONS. 1.2 STATES, "THE USE
 13 HEREBY PERMITTED IS TO REMODEL EXISTING SINGLE-STORY
 14 METAL BUILDING IN CONSTRUCTION OF 20 DOG RAMPS FOR
 15 20 DOGS, WHICH ALSO CORRESPONDS WITH THE TRANSCRIPT
 16 MINUTES THAT I'VE READ OF THE PUBLIC HEARING WHICH
 17 ALSO STATED 20 DOGS AS THE LIMIT.
 18 Q. OKAY. SO THAT SAYS 20 DOGS IS THE LIMIT.
 19 WHAT DOES THAT TELL US ABOUT HOW MANY DOGS WERE
 20 ACTUALLY ON THE PREMISES IN 2010?
 21 A. WHAT DOES THIS TELL US?
 22 Q. YES.
 23 A. SIMPLY STATES THE LIMIT.
 24 Q. I KNOW, BUT IT SAYS WE'VE GOT AN EXCESSIVE
 25 NUMBER OF DOGS MAINTAINED.

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1 A. "AFTER THE INSPECTION, WE HAVE FOUND THAT
 2 THERE WAS AN EXCESSIVE NUMBER OF DOGS MAINTAINED IN
 3 VIOLATION OF THIS ORIGINAL LAND USE APPROVAL."
 4 Q. SO WHAT YOU'RE SAYING IS AT THE TIME OF THE
 5 INSPECTION, THERE WERE MORE THAN 20 DOGS ON THE
 6 PROPERTY?
 7 A. YES.
 8 Q. YOU'RE NOT SAYING THAT AT SOME OTHER TIME
 9 OTHER THAN THE INSPECTION THERE WERE MORE THAN
 10 20 DOGS ON THE PROPERTY?
 11 A. I COULDN'T TELL YOU.
 12 Q. YOU DON'T KNOW HOW MANY DOGS THERE ARE ON
 13 THE PROPERTY.
 14 A. CORRECT.
 15 Q. EXCEPT FOR THE ONE TIME WHEN YOUR OFFICERS
 16 WENT OUT IN MAY, THERE WERE 20 DOGS ON THE PROPERTY,
 17 THAT THEY COUNTED ANYWAY. IS THAT TRUE?
 18 A. THAT'S TRUE.
 19 Q. NOW, NO. 3, YOU WRITE, "PROPERTY IS NOT IN
 20 COMPLIANCE WITH OTHER CONDITIONS OF LAND USE
 21 APPROVAL ISSUED BY THE COUNTY OF RIVERSIDE AS PLOT
 22 PLAN NO. 13992 AS AMENDED, THUS CONSTITUTING
 23 SEPARATE AND ADDITIONAL VIOLATIONS OF R.C.O. 348."
 24 I'M SEEING THIS REFERENCE TO -- TO QUOTE
 25 YOUR LANGUAGE -- OTHER CONDITIONS OF LAND USE

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1 APPROVAL.
 2 A. YES.
 3 Q. WHAT ARE THE OTHER CONDITIONS OF LAND USE
 4 APPROVAL THAT YOU ARE REFERENCING?
 5 MS. SMITH: YOUR DOCUMENTS ARE MISSING.
 6 MR. SCHAEFER: I DID NOT MARK EVERY
 7 DOCUMENT THAT YOU GAVE ME.
 8 MS. SMITH: WE DIDN'T BRING EXTRA. WE JUST
 9 GAVE YOU THAT ONE SET. THERE'S CODE ENFORCEMENT BY
 10 DOCUMENTS THAT WERE IN YOUR FILE THAT I THINK HE
 11 RELIED UPON. THOSE WOULD BE CRITICAL FOR HIS
 12 TESTIMONY. THEY ARE NOT EVEN IN HERE. DID YOU SIFT
 13 THEM AND KEEP THEM IN DIFFERENT SPOTS?
 14 Q. (BY MR. SCHAEFER:) WELL, HERE'S WHAT WE'RE
 15 GOING TO DO. IN ALL FAIRNESS TO YOU, WHAT I'M
 16 HEARING IS THAT AS YOU SIT HERE TODAY, YOU COULDN'T
 17 RECITE ALL THE VIOLATIONS FOR ME, BUT IF YOU WERE
 18 GIVEN ACCESS TO YOUR FILES, YOU'D BE ABLE TO LOOK
 19 THEM UP?
 20 A. TRUE.
 21 Q. ACCORDING TO THE RULES, THE OFFICIAL RULES,
 22 YOU'RE SUPPOSED TO BRING THE FILES WITH YOU TO THE
 23 DEPOSITION.
 24 A. I UNDERSTAND. I DIDN'T DO THAT.
 25 Q. I'M COOL WITH THAT.

1 MS. SMITH: IT'S ACTUALLY MY FAULT.
 2 Q. (BY MR. SCHAEFER:) SINCE WE'RE NOT GOING
 3 TO FINISH BY 1:30 ANYWAY AND WE'RE GOING TO COME
 4 BACK, JUST BRING THE FILES NEXT TIME AND WE'LL DEAL
 5 WITH THIS SUBJECT THEN.
 6 LET'S GO ON TO THE NEXT ONE.
 7 MS. SMITH: YOU DON'T HAVE THOSE CODE
 8 VIOLATIONS? THEY'RE PRETTY EASY. THERE ARE THREE
 9 OF THEM.
 10 MR. SCHAEFER: WELL, MY PROBLEM IS THAT
 11 IT'S NOT ORGANIZED. I'VE GOT MY CLIENT HERE LOOKING
 12 FOR STUFF. I DON'T WANT TO SLOW THINGS DOWN. I
 13 WANT TO MAKE EFFICIENT USE OF YOUR TIME.
 14 Q. SO LET'S COVER SOME ORAL TESTIMONY AND
 15 WE'LL GET THIS ALL ORGANIZED SO WHEN YOU COME BACK,
 16 YOU'LL GO RIGHT THROUGH IT.
 17 A. OKAY.
 18 Q. REASON NO. 4 -- I'M QUOTING -- TWO
 19 UNPERMITTED GUARD/ATTACK DOGS ARE KENNELED AND/OR
 20 MAINTAINED ON THE PROPERTY IN VIOLATION OF
 21 CALIFORNIA HEALTH AND SAFETY CODE SECTION 121875,
 22 ET SEQ.
 23 WHAT INFORMATION WAS PROVIDED TO YOU THAT
 24 YOU BASED THIS STATEMENT ON IN YOUR LETTER TO THE
 25 DUETS, MARKED AS EXHIBIT 1?

1 A. DURING THE INSPECTION -- AND I WASN'T THERE
 2 -- BUT DURING THE INSPECTION INTERACTION WITH THE
 3 STAFF THAT WERE PRESENT DURING THE INSPECTION
 4 DEMONSTRATED THAT THERE WERE IN FACT TWO DOGS THAT
 5 WERE USED FOR THIS BUSINESS. AND I BASED THIS ON
 6 INFORMATION GATHERED FROM THE INSPECTION AT THE TIME
 7 AND BASED ON THE REQUIREMENTS WITHIN THE HEALTH AND
 8 SAFETY CODE.
 9 Q. IS IT FAIR TO STATE THAT YOUR CONCLUSION
 10 WAS THAT THESE TWO DOGS SHOULD HAVE HAD A PERMIT
 11 ISSUED BY YOUR DEPARTMENT AND THEY DIDN'T HAVE A
 12 PERMIT?
 13 A. YES.
 14 Q. AT THE TIME THAT YOU WROTE THIS LETTER,
 15 AUGUST 5TH OF 2010, DID YOUR DEPARTMENT HAVE A
 16 PROCEDURE IN PLACE TO ISSUE THESE PERMITS?
 17 A. I DON'T KNOW IF WE HAD ONE IN PLACE THEN OR
 18 RIGHT BEFORE THEN OR RIGHT AFTER THEN, BUT WE
 19 QUICKLY WORKED ON ONE, AND IT MAY BE IN THESE
 20 DOCUMENTS.
 21 Q. IT IS.
 22 A. I GAVE ORDERS TO RITA GUTIERREZ TO PUT ONE
 23 TOGETHER. SHE CONSULTED WITH SAN DIEGO COUNTY WHO
 24 HAD A PROCESS IN PLACE. WE DIDN'T REINVENT THE
 25 WHEEL. WE MIRRORED A LOT OF THEIR INFORMATION,

1 POLICY AND APPLICATION PROCEDURE FOR IT. ALL THOSE
 2 DOCUMENTS, I BELIEVE, HAVE BEEN PROVIDED.
 3 Q. THEY HAVE. THEY HAVE. UNDERSTAND, WE
 4 DON'T DO THESE DEPOSITIONS IN CONVERSATION STYLE
 5 BECAUSE THEY'RE STRUCTURED IN A CERTAIN WAY BECAUSE
 6 OF THE WAY THAT THEY END UP BEING USED. I HAVE TO
 7 PUT A LOT A LOT OF THINGS -- I HAVE TO HAVE YOU
 8 TESTIFY TO A LOT OF THINGS BECAUSE THIS COULD END UP
 9 IN FRONT OF A JUDGE WHO DOESN'T KNOW ANYTHING ABOUT
 10 ANY OF THIS THING. AND IF I DON'T GET EVERYTHING
 11 EXPLICITLY IN THE RECORD IN THE PROPER ORDER, THEN
 12 IT TURNS INTO A MESS. SO THAT'S WHY WE'RE KIND OF
 13 GOING THROUGH HERE.
 14 WE'VE LAID THE FOUNDATION HERE AND NOW I
 15 WANT TO TALK ABOUT YOUR PROGRAM.
 16 KAREN DUET: THIS PAPER DOES NOT HAVE THE
 17 PROGRAM.
 18 (DISCUSSION OFF THE RECORD.)
 19 MR. SCHAEFER: BACK ON THE RECORD.
 20 Q. I'VE PUT IN FRONT OF YOU A GROUP OF
 21 DOCUMENTS THAT I THINK WE'VE MARKED AS EXHIBIT 4.
 22 FIRST, DIRECTING YOUR ATTENTION TO A
 23 FIVE-PAGE DOCUMENT THAT IS HEADED "COUNTY OF
 24 RIVERSIDE ANIMAL SERVICES POLICY."
 25 A. YES.

1 Q. WHAT IS THIS? GIVE ME A GENERAL
 2 DESCRIPTION OF THE FIVE-PAGE DOCUMENT.
 3 A. IT'S DEPARTMENT POLICY BASED ON HEALTH AND
 4 SAFETY CODE 121916.
 5 Q. IS THIS THE DEPARTMENT'S POLICY FOR THE
 6 ISSUANCE OF PERMITS FOR SENTRY DOGS, GUARD DOGS, AND
 7 ATTACK DOGS USING THOSE TERMS AS DEFINED BY THE
 8 HEALTH AND SAFETY CODE?
 9 A. FOR THE INVESTIGATION ISSUANCE OF SUCH DOG
 10 BUSINESS PERMITS, YES.
 11 Q. SO THIS IS THE POLICY THAT WOULD HAVE TO BE
 12 ADHERED TO BY BOTH THE DEPARTMENT OF ANIMAL SERVICES
 13 AND THE DUETS IF THEY WANTED TO APPLY FOR A PERMIT
 14 FOR THEIR GUARD DOGS OR THEIR SENTRY DOGS OR THEIR
 15 ATTACK DOGS; IS THAT CORRECT?
 16 A. THIS IS THE POLICY THAT THE STAFF SHOULD BE
 17 USING AND THE APPLICANTS WOULD HAVE TO APPLY UNDER.
 18 Q. THIS POLICY WAS APPROVED BY YOU?
 19 A. YES.
 20 Q. IT SETS FORTH THE PROCEDURES AND THE RULES
 21 FOR ISSUING THESE PERMITS FOR GUARD DOGS, SENTRY
 22 DOGS AND ATTACK GUARDS?
 23 A. YES.
 24 Q. IS THAT YOUR SIGNATURE IN THE MIDDLE OF THE
 25 FRONT PAGE?

1 A. YES.
 2 Q. IT SAYS THAT THE EFFECTIVE DATE OF THIS
 3 POLICY IS JULY 20TH, 2010. DO YOU SEE THAT RIGHT
 4 ABOVE YOUR SIGNATURE?
 5 A. I DO.
 6 Q. WAS THAT THE EFFECTIVE DATE OF THIS
 7 PARTICULAR POLICY?
 8 A. YES.
 9 Q. WHAT POLICY DID THE COUNTY OF RIVERSIDE
 10 HAVE IN EFFECT FOR THE ISSUANCE OF THESE PERMITS FOR
 11 GUARD DOGS BUSINESS, ATTACK DOG BUSINESS, AND SENTRY
 12 DOG BUSINESS PRIOR TO JULY 20, 2010?
 13 A. WE DIDN'T HAVE ONE.
 14 Q. WHY DIDN'T YOU HAVE ONE?
 15 A. BECAUSE WE WEREN'T AWARE OF THE NEED TO
 16 ENFORCE THIS PARTICULAR PROVISION OF HEALTH AND
 17 SAFETY CODE.
 18 Q. SO AN UNANNOUNCED INSPECTION WAS ON
 19 JULY 24, 2010 -- DO I HAVE THAT RIGHT?
 20 A. YES.
 21 Q. AND THE DUETS WERE ISSUED A CITATION FOR
 22 NOT HAVING THE PERMITS THAT ARE REQUIRED BY THE
 23 HEALTH AND SAFETY CODE?
 24 A. YES.
 25 Q. AND THE COUNTY OF RIVERSIDE DIDN'T HAVE A

1 PROGRAM TO ISSUE THE PERMITS IN PLACE UNTIL FOUR
 2 DAYS BEFORE THE UNANNOUNCED INSPECTION?
 3 A. WE HAD BEEN IN CONVERSATIONS AS STATED
 4 EARLY IN MY TESTIMONY. RITA GUTIERREZ HAD BEEN IN
 5 CONVERSATIONS WITH THE DUETS PRIOR TO THE
 6 INSPECTION. CORRECT. THE POLICY -- ONCE WE
 7 RECOGNIZED AS AN ENFORCEMENT AGENCY THERE IS A LAW
 8 THAT WE'RE RESPONSIBLE FOR ENFORCING -- AND WE HAVE
 9 MANY, MANY LAWS. JUST LIKE ANY ENFORCEMENT BRANCH
 10 HAS A TON OF LAWS, SOME WHICH ARE USED ROUTINELY.
 11 SOME ARE NOT. ONCE WE RECOGNIZED THAT WE NEEDED TO
 12 ENFORCE THIS LAW BECAUSE THEY'RE NOT THE ONLY KENNEL
 13 IN THE COUNTY THAT ACTUALLY HAS ANIMALS THAT MAY
 14 FALL UNDER THIS TYPE OF BUSINESS PERMIT. WE QUICKLY
 15 PUT TOGETHER A POLICY. THE POLICY ASIDE, WE CAN
 16 STILL CITE FOR THE LAWS ANY TIME, AND THAT'S WHAT
 17 HAPPENED HERE.
 18 Q. YOU CAN CITE FOR HAVING AN UNPERMITTED
 19 GUARD DOG BUSINESS IN THE COUNTY OF RIVERSIDE AT ANY
 20 TIME?
 21 A. YES.
 22 Q. YOU CAN CITE FOR HAVING AN UNPERMITTED
 23 GUARD DOG BUSINESS IN THE COUNTY OF FEE RIVERSIDE
 24 EVEN WHEN THE COUNTY OF RIVERSIDE HAS NO PROGRAM FOR
 25 ISSUING A PERMIT FOR A GUARD DOG BUSINESS?

1 A. YES. ONCE SOMEONE HAD APPLIED, WE WOULD
 2 HAVE RECOGNITION THAT SOMEBODY IS OUT THERE THAT
 3 NEEDS THIS TYPE OF PERMIT, AND WE QUICKLY PUT ONE IN
 4 PLACE.
 5 (DEPONENT CONFERS WITH HIS ATTORNEY.)
 6 THE DEPONENT: I'VE ALREADY SAID THAT, BUT
 7 I CAN REPEAT IT. ON THIS NOTICE OF VIOLATION.
 8 Q. (BY MR. SCHAEFER:) WHAT ABOUT THE -- I
 9 HAVEN'T GOT AT THE VIOLATION, BUT WHAT'S IMPORTANT
 10 ON THE NOTICE OF VIOLATION?
 11 A. WELL, IT'S A NOTICE OF VIOLATION, NOT A
 12 CITATION.
 13 Q. WHAT'S THE DIFFERENCE, IN YOUR MIND,
 14 BETWEEN A NOTICE OF VIOLATION AND A CITATION?
 15 A. A NOTICE OF VIOLATION IS SIMPLY INFORMATION
 16 THAT THERE IS A PROBLEM THAT NEEDS TO BE CORRECTED.
 17 IT DOESN'T REQUIRE A COURT APPEARANCE IN CRIMINAL
 18 COURT.
 19 Q. I TAKE IT THAT A CITATION REQUIRES A COURT
 20 APPEARANCE IN CRIMINAL COURT?
 21 A. YES.
 22 Q. YOU'VE TESTIFIED THAT YOU PERSONALLY DIDN'T
 23 KNOW ABOUT THE NEED, YOU AS DIRECTOR OF ANIMAL
 24 SERVICES, DIDN'T KNOW ABOUT THE STATE LAW REQUIRING
 25 A PERMIT PROGRAM UNTIL SHORTLY BEFORE THE

1 UNANNOUNCED INSPECTION,
 2 MY QUESTION IS: DO YOU KNOW WHETHER THE
 3 DUETS KNEW ABOUT THE REQUIREMENT BEFORE YOU BROUGHT
 4 IT TO THEIR ATTENTION?
 5 MS. SMITH: OBJECTION, MISSTATES THE
 6 TESTIMONY, VAGUE AS TO "SHORTLY BEFORE" AND CALLS
 7 FOR SPECULATION.
 8 MR. SCHAEFER: OKAY. WHAT'S THE ANSWER?
 9 MS. SMITH: IF YOU KNOW.
 10 A. I DON'T KNOW WHETHER OR NOT THEY KNEW.
 11 Q. SO DID YOU HAVE ANY CONVERSATION WITH
 12 RITA GUTIERREZ PRIOR TO THE UNANNOUNCED INSPECTION
 13 ABOUT WHAT PROGRESS WAS BEING MADE WITH THE DUETS
 14 ABOUT GETTING THEIR DOGS PERMITTED?
 15 A. I KNOW THAT RITA HAD MET WITH THEM AND HAD
 16 A DISCUSSION WITH THEM ABOUT WHAT THEY HAD AND WHAT
 17 THE REQUIREMENTS WITHIN HEALTH AND SAFETY CODE WERE
 18 AND THAT THE DEPARTMENT WAS QUICKLY TRYING TO PUT A
 19 POLICY AND PROCEDURE IN PLACE TO DEAL WITH THESE
 20 TYPES OF APPLICATIONS. AT LEAST, I DON'T RECALL ANY
 21 INFORMATION PERTAINING TO WHETHER OR NOT THEY KNEW
 22 THAT THEY WERE REQUIRED.
 23 Q. DID YOU GIVE RITA ANY DIRECTION AS TO WHAT
 24 THE DUETS WERE TO DO WHILE THE COUNTY PUT THE
 25 PROGRAM TOGETHER RELATIVE TO THESE PERMITS?

1 A. RITA'S ONLY DIRECTION TO MAKE CONTACT AND
 2 TRY TO ASCERTAIN THEIR SIDE OF THE STORY REGARDING
 3 THESE ALLEGATIONS.
 4 Q. AS DIRECTOR, DO YOU KNOW WHETHER OR NOT
 5 THERE WAS ANYTHING THE DUETS COULD HAVE DONE TO GET
 6 A PERMIT PRIOR TO YOUR PUTTING THIS POLICY INTO
 7 EFFECT ON JULY 20, 2010?
 8 A. SIMPLY MAKE CONTACT WITH US.
 9 Q. TO THE BEST OF YOUR KNOWLEDGE AS DIRECTOR,
 10 DIDN'T THE DUETS MAKE CONTRACT WITH YOU THROUGH YOUR
 11 DEPARTMENT, THROUGH THE PERSON OF
 12 RITA GUTIERREZ TO TALK ABOUT --
 13 A. NO.
 14 Q. -- THE NEED FOR THIS PERMIT?
 15 A. NO. WE MADE CONTACT WITH THEM.
 16 Q. DO YOU THINK THAT THE DUETS KNEW THAT THEY
 17 NEEDED TO HAVE THIS PERMIT AND INTENTIONALLY DIDN'T
 18 CONTACT WITH YOU?
 19 A. I DON'T KNOW.
 20 Q. WHEN RITA GUTIERREZ MADE CONTACT WITH THEM
 21 AND SAID "YOU DON'T HAVE A PERMIT AND WE DON'T HAVE
 22 A POLICY FOR ISSUING A PERMIT," DO YOU KNOW WHAT
 23 RITA GUTIERREZ TOLD THE DUETS TO DO WHILE YOU GUYS
 24 GOT YOUR PERMIT IN PLACE?
 25 A. I HAVE NO IDEA.

1 MS. SMITH: THE OBJECTION WAS FACTS NOT IN
 2 EVIDENCE.
 3 MR. SCHAEFER: THANK YOU.
 4 Q. FROM YOUR PERSPECTIVE AS DIRECTOR OF ANIMAL
 5 SERVICES, CHARGED WITH ENFORCING THIS LAW, I'LL ASK
 6 YOU WHAT THE LAW REQUIRES. DOES IT REQUIRE THAT THE
 7 DOG BE PERMITTED? OR DOES IT REQUIRE THAT THE
 8 BUSINESS BE PERMITTED? OR DO YOU KNOW?
 9 A. I BELIEVE IT'S THE BUSINESS, BUT I WOULD
 10 WANT TO READ -- LET'S READ IT.
 11 MR. SCHAEFER: OFF THE RECORD.
 12 (DISCUSSION OFF THE RECORD.)
 13 MR. SCHAEFER: GO AHEAD AND READ BACK THE
 14 QUESTION.
 15 (THE RECORD WAS READ BY THE REPORTER.)
 16 THE DEPONENT: MY INTERPRETATION OF IT
 17 APPEARS LIKE IT'S THE BUSINESS OR THE OWNER WHO IS
 18 PERMITTED, NOT SPECIFICALLY THE DOG, BASED ON WHAT
 19 I'M READING IN THE HEALTH AND SAFETY CODE AND WHAT
 20 I'M READING IN THE POLICY.
 21 MS. SMITH: YOU'RE ALSO READING THIS ONE.
 22 THERE IS TWO DIFFERENT SECTIONS.
 23 THE DEPONENT: ANY PORTION -- I DON'T
 24 KNOW.
 25 MS. SMITH: THIS IS THE ONE YOU AND I

1 TALKED ABOUT BEFORE.
 2 THE DEPONENT: I WOULD SAY THAT THE POLICY
 3 DOESN'T REALLY SPECIFICALLY -- LET ME SEE. WELL, IT
 4 SORT OF HAS ALL THAT INFORMATION CONTAINED IN IT, SO
 5 I WOULD, I GUESS, SUBMIT THAT IT HAS THE GUARD DOG
 6 OPERATOR, THE BUSINESS NAME. OH, IT'S AN OPERATOR
 7 PERMIT. SO IT'S A BUSINESS PERMIT.
 8 Q. (BY MR. SCHAEFER:) SO IT'S THE BUSINESS
 9 THAT NEEDS TO BE PERMITTED, NOT THE DOG THAT NEEDS
 10 TO BE PERMITTED. IS THAT YOUR INTERPRETATION?
 11 A. OF OUR POLICY, YES, BASED ON OUR
 12 INTERPRETATION OF WHAT WE READ IN HEALTH AND SAFETY.
 13 Q. SO TO TAKE AN EXAMPLE --
 14 A. AND WHAT ANOTHER COUNTY WAS DOING.
 15 Q. TO TAKE AN EXAMPLE, IF SOMEBODY HAS A
 16 JUNKYARD, AND THEY WANT TO HAVE A DOG THAT PROTECTS
 17 THEIR JUNKYARD AT NIGHT AND THEY SIMPLY TURN LOOSE
 18 IN A FENCED JUNKYARD, DO THEY NEED A PERMIT FROM
 19 ANIMAL CONTROL TO DO THAT?
 20 A. THEY NEED A LAND USE PERMIT.
 21 Q. TO TURN A JUNKYARD DOG LOOSE?
 22 A. ABSOLUTELY.
 23 Q. DO THEY NEED A PERMIT FROM ANIMAL CONTROL
 24 UNDER THIS POLICY?
 25 A. THERE ARE TWO THINGS THAT ARE APPLICABLE

1 HERE. ONE IS THE LAND USE. IF THERE IS A DOG THAT
 2 IS UNACCOMPANIED BY A HANDLER -- AND THAT'S DOING
 3 EXACTLY IN YOUR JUNKYARD DOG -- THERE'S NOBODY ON
 4 SITE OF THE BUSINESS, THAT IS A LAND USE ISSUE.
 5 WE HAVE IN ORDINANCE 630 A SENTRY DOG
 6 KENNEL LICENSE WHICH IS SPECIFIC FOR THAT LAND USE
 7 REQUIREMENT, WHICH IS ALSO ON THE PLANNING SIDE THAT
 8 HAS REQUIREMENTS. AND THAT TYPE OF DOG IS DIFFERENT
 9 THAN THE ONE THAT IS ACCOMPANIED BY A HANDLER FOR
 10 THE PURPOSE OF PROTECTING PEOPLE OR PROVIDING
 11 SPECIFIC -- I'D HAVE TO GO BACK TO THE DEFINITION
 12 HERE -- "TRAINED TO GUARD, PROTECT OR DEFEND" -- NO,
 13 IT'S NOT THAT ONE.
 14 IT'S NOT THAT -- HERE WE GO: "OR TO
 15 PROTECT, DEFEND OR GUARD ANY PERSON OR PROPERTY OR
 16 ANY DOG SUCH AS SCHUTZHUND OR UNDER ANY SIMILAR
 17 CLASSIFICATION."
 18 MS. SMITH: DO YOU WANT TO STOP. YOU'VE
 19 ANSWERED THE QUESTION, BUT I WANT TO TAKE A BREAK
 20 AND TALK TO YOU.
 21 (A RECESS WAS TAKEN.)
 22 MR. SCHAEFER: OKAY. WHERE WERE WE. READ
 23 BACK THE LAST QUESTION,
 24 (THE RECORD WAS READ BY THE REPORTER.)
 25 Q. THE QUESTION IS, THE OWNER OF A PROVERBIAL

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1 JUNKYARD DOG, MEANING A DOG WHICH IS TURNED LOOSE AT
 2 NIGHT TO RUN UNSUPERVISED WITHIN A FENCED YARD FOR
 3 THE PURPOSE OF PREVENTING ENTRY INTO A FENCED YARD,
 4 BY THE OWNER OF SOMEBODY WHO IS IN A BUSINESS OTHER
 5 THAN A DOG BUSINESS, A JUNK BUSINESS, DOES THAT DOG
 6 OR THAT OWNER NEED A PERMIT FROM ANIMAL SERVICES,
 7 UNDER YOUR PERMIT PROGRAM HERE?
 8 MS. SMITH: IMPROPER HYPOTHETICAL, BECAUSE
 9 YOU DID NOT DEFINE WHETHER THERE IS A SENTRY,
 10 ATTACK, OR GUARD DOG ON THAT PREMISES.
 11 MR. SCHAEFER: I UNDERSTAND. YOUR
 12 OBJECTION STANDS. I'M JUST -- I POSED THE
 13 QUESTION. I WOULD LIKE TO HEAR THE ANSWER TO IT.
 14 A. YES.
 15 Q. WHAT IS THE REASON THAT YOU ARRIVE AT THAT
 16 CONCLUSION? TELL ME THE BASIS FOR YOUR CONCLUSION.
 17 A. THE DEFINITION OF A SENTRY DOG STATES "FOR
 18 THE PURPOSES OF THIS CHAPTER, SENTRY DOG MEANS A DOG
 19 TRAINED TO WORK WITHOUT SUPERVISION IN A FENCED
 20 FACILITY, AND TO DETER OR DETAIN UNAUTHORIZED
 21 PERSONS FOUND WITHIN THE FACILITY."
 22 SO THAT DEFINITION IF APPLIED TO 121918 --
 23 SORRY. AS APPLIED TO 121916, PERMIT TO OWN OR
 24 OPERATE BUSINESS TO SELL, RENT OR TRAIN AN ATTACK,
 25 GUARD OR SENTRY DOG -- IT LUMPS THEM ALL TOGETHER --

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1 ADOPTION IMPLEMENTATION OF LOCAL AGENCY PERMIT
 2 PROGRAM. AND UNDER "A" IT LISTS SENTRY DOG, SO I
 3 WOULD SAY YES, THE JUNKYARD DOG IS REQUIRED TO HAVE
 4 NOT ONLY A PERMIT FOR HEALTH AND SAFETY CODE BUT
 5 ALSO A LAND USE PERMIT.
 6 Q. I'M JUST GOING TO STICK TO ANIMAL SERVICES
 7 RIGHT NOW. WE'LL LET LAND USE SPEAK FOR
 8 THEMSELVES.
 9 A. NO. WHEN I SAY "LAND USE" I AM SAYING THEY
 10 WOULD NEED AN ANIMAL SERVICES SENTRY DOG LAND USE
 11 PERMIT AS WELL.
 12 Q. OKAY. I UNDERSTAND WHAT YOU'RE SAYING.
 13 HERE'S MY QUESTION. I'M READING 12196, SUBSECTION
 14 "A", AND IT SAYS: "ANY PERSON OR OWNER OF AN
 15 ATTACK, GUARD, OR SENTRY DOG," AND THEN IT SAYS
 16 "THAT OPERATES A BUSINESS TO SELL, RENT, OR TRAIN
 17 AN ATTACK, GUARD, OR SENTRY DOG SHALL OBTAIN A
 18 PERMIT." THE QUESTION I PROPOSE TO YOU IS, THE
 19 OWNER OF THE DOG IS IN THE JUNK BUSINESS, NOT IN THE
 20 BUSINESS OF SELL, RENT, OR TRAIN AN ATTACK, GUARD,
 21 OR SENTRY DOG.
 22 A. YOU'RE CORRECT.
 23 Q. SO YOU THINK THE PROVERBIAL JUNKYARD DOG
 24 DOES NOT REQUIRE A PERMIT UNDER THIS HEALTH AND
 25 SAFETY CODE SECTION?

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1 A. POTENTIALLY NOT THE OWNER OF THE PROPERTY.
 2 NOW, IF THE OWNER -- I UNDERSTAND WHAT YOU'RE SAYING
 3 NOW. IF THE OWNER WAS THE ACTUAL PERSON WHO HAD THE
 4 SENTRY DOG IN QUESTION AND RAN IT LOOSE IN YOUR
 5 GUARD DOG SCENARIO, THEN I WOULD AGREE WITH YOU.
 6 IT'S A LAND USE ISSUE AND ONLY A LAND USE ISSUE.
 7 BUT IF THAT SAME OWNER OF THE JUNKYARD
 8 RENTED HIS DOG FROM SOMEWHERE OR IF THE BUSINESS WAS
 9 WITHIN OUR JURISDICTION THEY WOULD HAVE TO BE
 10 PERMITTED.
 11 Q. OKAY. WE'LL GET TO THAT.
 12 I'M HEARING YOU TELL ME THAT UNDER THIS
 13 HEALTH AND SAFETY CODE SECTION THAT WE'RE LOOKING
 14 AT, NEITHER -- AND I'M ONLY LOOKING AT THIS HEALTH
 15 AND SAFETY CODE, WE'RE GOING TO GET TO YOUR OTHER
 16 LAW IN A SECOND, BUT UNDER HEALTH AND SAFETY CODE
 17 SECTION 121916 NEITHER THE JUNKYARD DOG OR THE
 18 JUNKYARD DOG OWNER NEEDS A PERMIT UNDER THAT SECTION
 19 IN YOUR VIEW; CORRECT?
 20 A. UNDER 121916 -- I'M NOT COMMENTING
 21 NECESSARILY ON THE POLICY. I'M COMMENTING ON YOUR
 22 SCENARIO AS IT PERTAINS TO 121916,
 23 (DEPONENT CONFERS WITH HIS ATTORNEY.)
 24 Q. (BY MR. SCHAEFER:) HYPOTHETICAL FOR THE
 25 JUNKYARD DOG. THE JUNKYARD DOG, AS I'VE DEFINED IT,

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1 DOES NOT REQUIRE A PERMIT UNDER THIS PARTICULAR
 2 POLICY 20035?
 3 A. ACTUALLY, I WANT TO BRING UP 121935 BECAUSE
 4 --
 5 MS. SMITH: PAGE 7. BOTTOM OF PAGE 7.
 6 MR. SCHAEFER: WHAT ARE YOU GUYS LOOKING
 7 AT?
 8 MS. SMITH: HEALTH AND SAFETY CODE.
 9 THE DEPONENT: 121935.
 10 Q. (BY MR. SCHAEFER:) PAGE 7?
 11 A. YES. SO "NO PERSON SHALL TAKE A SENTRY DOG
 12 OR A TRACKER OR ATTACK DOG INTO OR KEEP A SENTRY DOG
 13 OR A TRACKER OR ATTACK DOG IN ANY PORTION OF ANY
 14 BUSINESS ESTABLISHMENT THAT IS OPEN TO THE GENERAL
 15 PUBLIC UNLESS SUCH DOG IS ACCOMPANIED OR KEPT BY A
 16 DOG HANDLER." I GUESS WHERE I WOULD BE CONCERNED, A
 17 JUNKYARD DOG COULD BE IN A BUSINESS THAT IS OPEN TO
 18 THE PUBLIC AND MAY FALL UNDER OTHER STIPULATIONS
 19 THAT ARE REQUIRED WITHIN HEALTH AND SAFETY.
 20 Q. I UNDERSTAND. WOULD YOU AGREE WITH ME THAT
 21 UNDER NO CIRCUMSTANCES UNDER POLICY NO. 235 OR ANY
 22 OTHER POLICY WOULD THE RIVERSIDE DEPARTMENT OF
 23 ANIMAL SERVICES ISSUE A PERMIT ALLOWING SOMEBODY TO
 24 PUT A SENTRY DOG IN A PORTION OF THE BUSINESS
 25 ESTABLISHMENT THAT IS OPEN TO THE GENERAL PUBLIC?

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1 A. NO. WE WOULDN'T ISSUE A PERMIT. WE'D
 2 PROBABLY GIVE THEM A CITATION FOR BEING IN
 3 VIOLATION.
 4 Q. ABSOLUTELY. SO WHEN I GET TO THE
 5 PERMITTING END OF THIS JUNKYARD DOG, AT LEAST YOU
 6 WOULD AGREE WITH ME THAT THE JUNKYARD DOG -- NEITHER
 7 THE JUNKYARD DOG NOR THE JUNKYARD DOG OWNER NEEDS A
 8 PERMIT UNDER POLICY 20035, FOCUSING ONLY ON THE FOUR
 9 CORNERS OF THAT POLICY; RIGHT?
 10 A. IT APPEARS THAT WAY.
 11 Q. NOW, YOU'VE MENTIONED TO ME IN THE CONTEXT
 12 OF THE JUNKYARD DOG, THERE'S ANOTHER LAND USE
 13 APPROVAL THAT FALLS WITHIN YOUR SCOPE OF
 14 RESPONSIBILITIES AS DIRECTOR OF ANIMAL CONTROL
 15 SERVICES.
 16 A. YES.
 17 Q. CAN YOU TELL ME WHAT LAW CREATES THAT SET
 18 OF REQUIREMENTS?
 19 A. IT'S UNDER ORDINANCE 630.
 20 Q. I'M NOT GOING TO MARK THIS, BUT I'M GOING
 21 TO HAND YOU A COPY.
 22 CAN YOU SHOW ME WHAT PORTIONS OF ORDINANCE
 23 630 APPLY TO THE JUNKYARD DOG?
 24 A. IT'S UNDER "DEFINITIONS," FOR ONE, PAGE 3,
 25 ITEM "Y", AS IN YELLOW. AND THAT DEFINES SENTRY

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1 DOG AS, ONCE AGAIN, A DOG TRAINED TO WORK WITHOUT
 2 SUPERVISION IN A FENCED FACILITY AND TO DETER OR
 3 DETAIN UNAUTHORIZED PERSONS FOUND WITHIN THE
 4 FACILITY. THE TERM "GUARD DOG" SHALL ALSO MEAN
 5 SENTRY DOG.
 6 Q. OKAY.
 7 A. AND THEN RIGHT BELOW THAT "Z", AS IN ZEBRA,
 8 THERE'S SENTRY DOG KENNEL.
 9 "ANY BUILDING, STRUCTURE, ENCLOSURE
 10 OR PREMISES, WHERE UPON OR WITHIN,
 11 WHICH FIVE OR MORE GUARD OR SENTRY DOGS ARE
 12 KEPT AND MAINTAINED."
 13 Q. OKAY.
 14 A. THEN YOU HAVE TO GO FURTHER INTO THE
 15 ORDINANCE, AND STARTING WITH PAGE 8, SECTION 5,
 16 MANDATORY LICENSING OF KENNELS AND CATTERIES, YOU
 17 CAN GO THROUGH ALL THAT INFORMATION -- I DON'T THINK
 18 YOU WANT ME TO READ IT ALL -- BUT AS YOU GO DOWN
 19 THROUGH THE TYPES OF KENNEL LICENSES YOU CAN ATTAIN,
 20 YOU'LL STUMBLE UPON SENTRY DOG KENNEL.
 21 SENTRY DOG KENNEL, AS DEFINED, IS SIMPLY
 22 FROM THE STANDPOINT OF LAND USE, AND THIS MATCHES UP
 23 WITH THE PLANNING ISSUANCE OF A SENTRY DOG KENNEL,
 24 WHICH I BELIEVE IS A CLASS IV AND HAS THE SAME
 25 REQUIREMENTS AS A CLASS IV KENNEL.

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1 Q. OKAY. BUT THE JUNKYARD DOG OWNER ONLY HAS
 2 ONE DOG SO HE'S NOT A KENNEL.
 3 A. CORRECT.
 4 Q. WHERE IN -- WHAT IN ORDINANCE 630 REGULATES
 5 THE OWNERSHIP OF A SINGLE DOG, A SINGLE SENTRY DOG,
 6 BY SOMEBODY WHO IS NOT IN THE BUSINESS OF TRAINING
 7 OR HANDLING -- WHAT IN SECTIONS -- ORDINANCE 630
 8 REGULATES THE OWNER OF A SINGLE SENTRY DOG WHO IS
 9 NOT IN THE BUSINESS OF SELLING, RENTING, OR TRAINING
 10 A SENTRY DOG?
 11 A. IT DOESN'T.
 12 Q. SO MY JUNKYARD OWNER CAN OWN HIS JUNKYARD
 13 DOG WITHOUT REGULATION FROM ANIMAL CONTROL?
 14 A. ONE DOG, CORRECT.
 15 Q. NOW, I WANT TO SHIFT A LITTLE BIT. IF I'M
 16 IN THE BUSINESS OF -- IF SOMEBODY LIKE THE DUETS,
 17 ACCORDING TO YOUR INFORMATION, IS IN THE BUSINESS OF
 18 SELLING, RENTING, OR TRAINING ATTACK, GUARD, OR
 19 SENTRY DOGS WITHIN THE MEANING OF THIS HEALTH AND
 20 SAFETY CODE SECTION, WHAT IS LICENSED? THEIR DOGS
 21 OR THE BUSINESS?
 22 A. MY INTERPRETATION IS THE BUSINESS.
 23 Q. BY THE WAY, THAT'S MY INTERPRETATION AS
 24 WELL.
 25 A. IT'S THE SAME THING WITH KENNEL LICENSES.

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1 WE DON'T LICENSE THE INDIVIDUAL DOGS. THEY ARE
 2 ACCOUNTED FOR, BUT WE LICENSE THE BUSINESS OR THE
 3 OWNER.
 4 Q. OKAY.
 5 A. AND THAT WOULD BE THE SAME FOR THE OWNERS
 6 OR OPERATORS OF SUCH A BUSINESS.
 7 Q. SO IF SOMEBODY IS IN THE BUSINESS OF
 8 TRAINING THESE DOGS BUT DOESN'T HAVE ANY DOGS ON
 9 THEIR PROPERTY AT ANY PARTICULAR TIME, THEY STILL
 10 NEED A LICENSE, BECAUSE IT'S THE BUSINESS THAT'S
 11 LICENSES?
 12 A. FOR THEM TO BE DOING THAT ACTIVITY, THEY'D
 13 HAVE TO HAVE DOGS. I CAN TELL YOU, MY FAMILY HAD A
 14 BUSINESS, ACTIVE BUSINESS, FOR MANY, MANY YEARS, A
 15 CONSULTING BUSINESS THAT WE DIDN'T DO ANYTHING. SO
 16 I WOULD ARGUE WE DIDN'T HAVE TO HAVE A VALID
 17 BUSINESS PERMIT WHILE THE CORPORATION WAS STILL OPEN
 18 BECAUSE IT WASN'T DOING ANY BUSINESS.
 19 Q. I'M GOING TO LET THAT GO BECAUSE WE COULD
 20 SPEND A LOT OF TIME DISCUSSING THAT, AND I WANT TO
 21 GET BACK TO YOUR CASE AT HAND HERE.
 22 SO THE PROBLEM THAT I'M HEARING YOU SAY YOU
 23 HAD WITH THE DUETS IS NOT THAT THEY HAD UNLICENSED
 24 DOGS, BUT THAT THEY HAD AN UNLICENSED BUSINESS.
 25 ISN'T THAT RIGHT?

1 A. I WOULD SAY AN UNPERMITTED BUSINESS.
 2 Q. OKAY. IF THEY WERE NOT IN THE BUSINESS OF
 3 SELLING, RENTING, OR TRAINING AN ATTACK DOG OR GUARD
 4 DOG OR SENTRY DOG AND THEY HAD LESS THAN FIVE DOGS
 5 -- THESE ATTACK, GUARD, OR SENTRY DOGS ON THE
 6 PREMISES -- WOULD IT BE YOUR CONCLUSION THAT THEY
 7 DON'T NEED A PERMIT PURSUANT TO ANIMAL SERVICES
 8 POLICY 235?
 9 A. BUT THEIR WEBSITE CLEARLY STATED THAT
 10 THAT'S WHAT THEY DID.
 11 Q. I UNDERSTAND WHAT THE WEBSITE SAYS, YOU
 12 KNOW, TRUTHFULLY ONE OF THE THINGS THAT I'M TRYING
 13 TO DO IS TO FIGURE OUT HOW TO GET THEM LEGAL. AND
 14 IF THEY WENT OUT OF THE BUSINESS BUT THEY HAD A
 15 COUPLE OF SENTRY DOGS, WOULDNT' THEY BE LEGAL UNDER
 16 YOUR POLICY OF 235?
 17 MS. SMITH: I'M SORRY. I'M GOING TO HAVE
 18 TO TAKE ANOTHER BREAK.
 19 (A RECESS WAS TAKEN.)
 20 MS. SMITH: I STILL WANTED TO PUT SOMETHING
 21 ON THE RECORD.
 22 I'M INSTRUCTING MY CLIENT NOT TO ANSWER ANY
 23 MORE QUESTIONS REGARDING THIS POLICY, BECAUSE HE HAS
 24 COUNSEL THAT IS NOT PRESENT WHO ADVISED HIM ON THIS
 25 POLICY. HE SIGNED IT IN RELIANCE AND ADVICE OF

1 COUNSEL. THAT ATTORNEY WE WILL BE CONFERRING WITH.
 2 WE WILL GET CLEAR ON THESE ANSWERS AND COME BACK TO
 3 THE NEXT DEPO WITH ANSWERS.
 4 MR. SCHAEFER: I BELIEVE AS A MATTER OF LAW
 5 I'M ENTITLED TO THIS MAN'S INTERPRETATION OF THE
 6 ORDINANCE. HOWEVER, I'M JUST GOING TO PASS THIS. I
 7 DON'T THINK THAT YOUR OBJECTION IS WELL FOUNDED;
 8 HOWEVER, I'M GOING TO MOVE ON TO ANOTHER SUBJECT.
 9 MS. SMITH: THANK YOU.
 10 MR. SCHAEFER: MAKE GOOD USE OF YOUR TIME,
 11 AND WE'LL REVISIT THE SUBJECT WHEN WE COME BACK.
 12 SEE WHERE WE ARE THEN.
 13 Q. THE NEXT THING I WANT TO TALK ABOUT IS THE
 14 IMPLEMENTATION OF POLICY 235.
 15 A. OKAY.
 16 Q. I'VE BEEN PROVIDED WITH SOME DOCUMENTS
 17 HERE. I'M DIRECTING YOUR ATTENTION TO A PORTION OF
 18 EXHIBIT 4. THERE ARE TWO DOCUMENTS -- I'M SORRY.
 19 THERE IS ONE DOCUMENT THAT SAYS, UP AT THE TOP,
 20 SENTRY, GUARD, OR ATTACK DOG PREMISES PERMIT
 21 APPLICATION. IT APPEARS TO BE FILLED OUT.
 22 A. IT'S NOT A PART OF THIS.
 23 MS. SMITH: HERE IT IS. SO YOU WANT TO
 24 KEEP IT 4 OR MAKE IT SEPARATE?
 25 MR. SCHAEFER: NO. I WANT IT PART OF 4 --

1 ACTUALLY, LET'S MAKE IT 5. THAT WILL MAKE MY RECORD
 2 A LITTLE EASIER.
 3 Q. LOOKING AT EXHIBIT 5, HAVE YOU HAD A CHANCE
 4 TO LOOK IT OVER IN GENERAL?
 5 A. YES.
 6 Q. GIVE ME A GENERAL DESCRIPTION OF WHAT THIS
 7 PIECE OF PAPER IS.
 8 A. THIS IS THE SENTRY, GUARD, OR ATTACK DOG
 9 PREMISES PERMIT APPLICATION.
 10 Q. IS THIS FORM SOMETHING THAT WAS CREATED IN
 11 JULY OF 2010 AS PART OF YOUR DEPARTMENT'S EFFORT TO
 12 IMPLEMENT A PERMIT PROGRAM?
 13 A. YES.
 14 Q. IS THIS EXHIBIT 5 AN EXAMPLE OF A PERMIT
 15 APPLICATION THAT WAS ACTUALLY RECEIVED BY YOUR
 16 DEPARTMENT IN FURTHERANCE OF ITS POLICY?
 17 A. YES.
 18 Q. WHAT IS THE PROCEDURE THAT IS FOLLOWED BY
 19 YOUR DEPARTMENT IN EVALUATING AN APPLICATION FOR A
 20 PREMISES PERMIT? HOW DOES IT WORK?
 21 A. IT REQUIRES AN INSPECTION, I CAN TELL YOU
 22 THAT. WE WOULD HAVE TO GO BACK TO THE POLICY
 23 PROCEDURES AND LOOK AT THOSE.
 24 Q. OKAY. LET'S LOOK AT THEM.
 25 A. VERSUS AN APPLICATION PROCEDURE.

1 Q. OKAY.
 2 A. THEN THERE'S A REVIEWING PROCESS THAT
 3 INCLUDES VALIDATING THE REQUIREMENTS OF HEALTH AND
 4 SAFETY WHICH INCLUDE RABIES VACCINATIONS, DISTEMPER
 5 VACCINATION AND MICROCHIPING THE ANIMAL.
 6 Q. WHAT PAGE ARE YOU LOOKING AT, OF THE PERMIT
 7 POLICY?
 8 A. I START OFF ON PAGE 2 AND MOVE TO PAGE 3.
 9 Q. OKAY.
 10 A. WHAT I'M NOT FINDING IS THE INSPECTION
 11 ASPECT OF IT, BUT WE'RE DOING INSPECTIONS ON ALL
 12 THESE PROPERTIES. JUST FOR THE RECORD, I DIDN'T
 13 PREPARE THIS DOCUMENT. IT WAS STAFF THAT PREPARED
 14 IT. THEY'RE GIVEN INSTRUCTIONS TO PREPARE IT. I
 15 REVIEWED IT, BUT I DON'T SEE THE INSPECTION PART
 16 RIGHT NOW.
 17 Q. CAN YOU TELL ME WHAT ACTUALLY HAPPENS WITH
 18 REGARDS TO THE INSPECTION? I TAKE IT THIS
 19 APPLICATION IS TURNED IN TO YOUR OFFICE AND THEN
 20 SOMEBODY FROM ENFORCEMENT GOES OUT AND DOES AN
 21 INSPECTION?
 22 A. CORRECT.
 23 Q. WHAT DO THEY LOOK FOR?
 24 A. THEY LOOK FOR FOR A NUMBER OF THINGS. ONE
 25 IS THEY VERIFY WHO THE DOGS ARE THAT ARE ON THE

1 PROPERTY THAT ARE PART OF THIS PERMIT. THEY VERIFY
 2 RABIES VACCINATION CERTIFICATES. THEY VERIFY
 3 DISTEMPER VACCINATIONS. THEY WOULD SCAN THE DOG FOR
 4 MICROCHIPS AND THEY WOULD VERIFY THE NUMBERS THAT
 5 HAVE BEEN PROVIDED TO US. THEY WOULD INSPECT THE
 6 AREAS WHERE THE DOGS ARE HOUSED, MAKE SURE THEY'RE
 7 HOUSED IN A HUMANE MANNER, AND WOULD ALSO VERIFY THE
 8 GENERAL HEALTH AND CONDITIONS OF THE ANIMALS. ALL
 9 OF THAT IS FROM A 30,000-FOOT-LEVEL VIEW.
 10 Q. FROM THE 30,000-FOOT-LEVEL VIEW, IS THERE
 11 ANY DIFFERENCE FROM THE INSPECTION THAT IS DONE IN
 12 RESPONSE TO AN APPLICATION FOR A SENTRY, GUARD, OR
 13 ATTACK GUARD DOG PREMISES PERMIT AND THE INSPECTION
 14 THAT IS DONE ON AN APPLICATION FOR A KENNEL LICENSE,
 15 FROM 30,000 FOOT. THAT'S WHERE YOU'RE AT.
 16 A. THE KENNEL LICENSE DOES NOT REQUIRE
 17 DISTEMPER VACCINATIONS, FOR ONE. IT ONLY REQUIRES
 18 RABIES VACCINATIONS. THE OTHER FACT THAT WE WOULD
 19 PROBABLY WANT TO VERIFY WITH THE SENTRY, GUARD, OR
 20 ATTACK IS THE INDIVIDUAL OR KENNEL LICENSURE
 21 STATUS.
 22 IN OTHER WORDS, ARE THESE DOGS INDIVIDUALLY
 23 LICENSED? ARE THEY PART OF A KENNEL THAT HAS A
 24 KENNEL LICENSE, SO THEY'RE COVERED BY THE KENNEL
 25 LICENSE, BECAUSE ONE OF THE THINGS THAT -- ONE OF

1 THE BENEFITS TO OWNING A KENNEL OR HAVING A KENNEL
 2 LICENSE, IS YOU DON'T HAVE TO INDIVIDUALLY LICENSE
 3 ALL THE DOGS WITHIN IT. WE MAY BE TRYING TO VERIFY
 4 INDIVIDUAL LICENSE HERE IN THIS CASE, BUT WE DON'T
 5 HAVE TO IN THE OTHER CASE.
 6 Q. IN THE PERMIT APPLICATION PROCESS, FOR A
 7 SENTRY, GUARD, OR ATTACK DOG PREMISES PERMIT, IS
 8 THERE ANY INTERACTION BETWEEN ANIMAL SERVICES AND
 9 LAND USE?
 10 A. I'M SORRY. RESTATE THAT QUESTION.
 11 Q. WHEN YOU, MEANING ANIMAL SERVICES, ARE
 12 PROCESSING AN APPLICATION FOR A SENTRY, GUARD, AND
 13 OR ATTACK DOG PREMISES PERMIT, IS THERE ANY
 14 INTERACTION BETWEEN YOUR DEPARTMENT OF ANIMAL
 15 SERVICES AND THE DEPARTMENT OF LAND USE?
 16 A. I DON'T KNOW. BRAND-NEW POLICY, BRAND-NEW
 17 PROGRAM. YOU'LL PROBABLY FIND A NUMBER OF HICCUPS
 18 MOVING FORWARD AS WE TRY TO GET THIS IMPLEMENTED.
 19 SO WHETHER OR NOT WE'RE GOING TO NEED TO ENGAGE
 20 PLANNING, I THINK THAT IS YET TO BE SEEN.
 21 THE ONLY THING WE'VE DONE TO DATE THAT I'M
 22 AWARE OF IS RECEIVE ONE APPLICATION BACK AND SENT A
 23 NUMBER OF LETTERS TO OTHER SUSPECTED BUSINESSES THAT
 24 HAVE SENTRY, GUARD, OR ATTACK DOGS, TELLING THEM,
 25 "HEY, WE THINK YOU'RE ONE OF THESE BUSINESS. YOU

1 NEED TO GET AN APPLICATION IN AND START THAT
 2 PROCESS."
 3 TO BE QUITE FRANK, POLICY CHANGES ALL THE
 4 TIME. WE FIND THERE IS A PROBLEM OR A
 5 MISINTERPRETATION, SOMETIME EVEN COUNSEL FLIPS-FLOPS
 6 ON US, WE MAY CHANGE. THIS IS BRAND-NEW POLICY,
 7 LESS THAN TWO MONTHS OLD. I WOULD VENTURE TO SAY
 8 THAT YOU'LL PROBABLY SEE SOME CHANGES.
 9 MS. SMITH: CAN WE GO OFF THE RECORD FOR A
 10 SECOND?
 11 (DISCUSSION OFF THE RECORD.)
 12 MR. SCHAEFER: WE ARE NOW GOING TO
 13 TERMINATE THE FIRST SESSION OF THE DEPOSITION.
 14 WE'RE GOING TO COME BACK AT A TIME THAT IS MUTUALLY
 15 CONVENIENT FOR EVERYBODY'S SCHEDULE.
 16 AS TO THIS VOLUME OF THE DEPOSITION, I'D
 17 OFFER TO STIPULATE TO WAIVE THE CODE OF CIVIL
 18 PROCEDURE PERTAINING TO CUSTODY OF THE ORIGINAL;
 19 THAT THE ORIGINAL IS TO BE SENT TO COUNSEL
 20 FOR THE COUNTY;
 21 COUNSEL FOR THE COUNTY IS TO HAVE THE
 22 WITNESS REVIEW AND MAKE CORRECTIONS.
 23 THE CORRECTIONS ARE TO BE MADE WITHIN TWO
 24 WEEK OF DELIVERY OF THE TRANSCRIPT TO COUNSEL FOR
 25 THE COUNTY. I AM TO BE NOTIFIED OF ANY CHANGES;

1 COUNSEL FOR THE COUNTY IS TO MAINTAIN
 2 CUSTODY OF THE ORIGINAL SIGNED TRANSCRIPT AND BRING
 3 IT TO ANY TRIAL, ARBITRATION OR OTHER HEARING AT
 4 WHICH THE ORIGINAL MAY BE REQUIRED. IF THE ORIGINAL
 5 IS NOT PRESENT AT SUCH A PROCEEDING, FOR ANY REASON,
 6 A CERTIFIED COPY MAY BE USED FOR ANY PURPOSE, AND
 7 THE DEPOSITION MAY BE SIGNED UNDER PENALTY OF
 8 PERJURY.
 9 MS. SMITH: SO STIPULATED.
 10 (THE PROCEEDINGS CONCLUDED AT 1:20 P.M.,
 11 AT WHICH TIME THE AFOREMENTIONED EXHIBITS
 12 WERE MARKED FOR IDENTIFICATION BY THE
 13 DEPOSITION OFFICER.)
 14 --000--
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 (SIGNATURE PAGE TO THE DEPOSITION
 2 OF ROBERT MILLER)
 3
 4
 5 I HEREBY CERTIFY UNDER PENALTY OF PERJURY
 6 THAT I HAVE READ THE FOREGOING TRANSCRIPT.
 7 CORRECTIONS, IF ANY, WERE NOTED BY ME, AND THE SAME
 8 IS NOW A TRUE AND CORRECT TRANSCRIPT OF MY
 9 TESTIMONY.
 10 EXECUTED THIS DAY OF ,
 11 2010, AT
 12
 13
 14 ROBERT MILLER
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 REPORTER'S CERTIFICATE
 2 STATE OF CALIFORNIA } SS.
 3 COUNTY OF SAN BERNARDINO)
 4
 5 I, PATRICIA A. SHAW, A CERTIFIED SHORTHAND
 6 REPORTER WITHIN AND FOR THE STATE OF CALIFORNIA,
 7 HEREBY CERTIFY:
 8 THAT PRIOR TO BEING EXAMINED, THE WITNESS
 9 NAMED IN THE FOREGOING DEPOSITION, ROBERT MILLER,
 10 WAS SWORN BY ME TO TESTIFY TO THE TRUTH, THE WHOLE
 11 TRUTH, AND NOTHING BUT THE TRUTH;
 12 THAT THE SAID DEPOSITION, TAKEN DOWN BY ME IN
 13 STENOTYPE AT THE TIME AND PLACE THEREIN STATED, WAS
 14 THEREAFTER REDUCED TO TYPEWRITING BY COMPUTER-AIDED
 15 TRANSCRIPTION UNDER MY DIRECTION, AND IS AN ACCURATE
 16 TRANSCRIPTION OF THE ORAL PROCEEDINGS IN THIS
 17 MATTER, TO THE BEST OF MY ABILITY.
 18 I FURTHER CERTIFY THAT I AM NOT IN ANY WAY
 19 INTERESTED IN THE EVENT OF THIS ACTION AND THAT I AM
 20 NOT RELATED TO ANY OF THE PARTIES THERETO.
 21 DATED THIS DAY OF , 2010.
 22
 23
 24 PATRICIA A. SHAW, C.S.R. #5024
 25



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

Defts' Exhibit 1
Date 9-9-10
Depo of: Rbt. Miller
Patricia Shaw, CSR 5024

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 Duei
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.lettertoazt.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

Application # 684

Issued _____

Approved for _____

KENNEL/CATTERY LICENSE APPLICATION

INSTRUCTIONS:

- (1) Print or type information
- (2) Requires Planning Department approval
- (3) Requires Environmental Health approval
- (4) Current rabies vaccination certificates must be presented for all dogs over 4 months of age at time of inspection.
- (5) Return to Animal Control within 10 days from _____

APPLICANT INFORMATION:

Name Karen L. Duert I am applying for:

Mailing Address 13703 Cajalco Rd Class I Kennel License for 10 number of dogs

City LAKE MATTHEWS State CA Zip 92570 Class II Kennel License for _____ number of dogs

Residence Address Same Cattery License for _____ number of cats
(IF DIFFERENT THAN MAILING ADDRESS)

Telephone 780-5004

I hereby declare under the penalty of perjury that the information I have provided is true to the best of my knowledge. I understand that if my application is approved, it will be on the condition that I 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 owning, keeping, maintaining or harboring of animals.

Furthermore, I acknowledge that inspections may be made as specified in Riverside County Ordinance 630, Section 4, (d).

Date 10/11/94 Signature of Applicant K Duert

FOR PLANNING DEPARTMENT USE ONLY:

The property located at 13703 Cajalco Rd. is zoned RA 2 1/2

Tax Assessor's Parcel No. 286-050-022 The parcel contains _____

square feet or 2.00± acreage.

The parcel does does not meet the minimum requirements of Ordinance 348 for intended use of a Kennel/Cattery.

Approved for a maximum of 10 dogs 0 cats.

Date Oct. 11, 1994 Signature of Planning Department Representative Charles Hodge

FOR ENVIRONMENTAL HEALTH DEPARTMENT USE ONLY:

Animal wastes shall be disposed of daily or more often as needed by means of daily collection or more often as required with storage in fly tight containers which will be removed from the property and disposed of in compliance with local regulations.

Date 10/11/94

Signature of Applicant K Duert Signature of Environmental Health Representative Margaret Loring

(To be affixed in presence of Environmental Health Representative)

Dept. Exhibit 2
 Date 9-9-10
 Depo of: Rob Miller
 Patricia Shaw, CSR 5024

Riverside County Department of Environmental Health
Riverside City & County Animal Shelter
Animal Control Services Division
5950 Wilderness Avenue
Riverside, CA 92504

Tuesday, October 03, 1995

Karen L. Duet
"Freeman Farms Bed And
Breakfast Inn"
13703 Cajalco Road
Lake Mathews CA 92570

RE: KENNEL RENEWAL NOTICE. Your permit expires on 11/17/95. Please return this renewal notice, \$160.00 renewal fee, copies of rabies vaccination certificates for each dog PRIOR to expiration. A late fee will be due if payment is not received prior to expiration. Once your renewal and fees are processed, an Animal Control Officer or License Inspector will contact you for an inspection of your premises.

KENNEL OWNER/OPERATOR INFORMATION :

Owner : Karen L. Duet

Facility : 95213

DBA : "Freeman Farms Bed And Breakfast Inn"
13703 Cajalco Road
Lake Mathews CA 92570

ACCode : Class I

Facility location :

Annual Fee : \$160.00

13703 Cajalco Road
Lake Mathews 92570
Phone : (909) 780-5004

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United States Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant : _____

Date : _____

DEPARTMENT OF ENVIRONMENTAL HEALTH - Animal Control Services Division
5950 Wilderness Avenue, Riverside, CA 92504 (909) 354-7387 (ext 230).

00201

Riverside County Department of Environmental Health
Riverside City & County Animal Shelter
Animal Control Services Division
5950 Wilderness Avenue
Riverside, CA 92504

March 4, 1996

Kennel/Cattery Past Due Invoice

Wants class II pic
Inv. 3/11/96

Karen L. Duet
13703 Cajalco Road
Lake Mathews, Ca. 92570

Dear Ms. Duet:

RE: KENNEL RENEWAL NOTICE - Your permit expired on 11/17/95. Please return this renewal notice, copies of rabies vaccination certificates for each dog, and appropriate fees listed below. Once your renewal and fees are processed, an Animal Control Officer or License Inspector will contact you for an inspection of your premises.

RABIES CERTIFICATES WILL BE CHECKED AT TIME OF INSPECTION

KENNEL OWNER/OPERATOR INFORMATION:

Owner: Karen L. Duet Facility: 95213
DBA: "Freeman Farms Bed and Breakfast Inn"
13703 Cajalco Road ACCode: 95213
Lake Mathews, Ca. 92570

I AM PAYING : _____ - \$240.00 (one year license including \$80.00 penalty)
_____ - \$300.00 (two year license including \$80.00 penalty)

Facility location:
13703 Cajalco Road
Lake Mathews, Ca. 92570

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United States Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant : _____ Date : _____

DEPARTMENT OF ENVIRONMENTAL HEALTH - Animal Control Services Division, 5950 Wilderness Avenue, Riverside, CA 92504 (909)354-7387

Wants class II Kennel talked to Karen on 3/20/96 1610 pm

Riverside County Department of Environment Health
 Riverside City & County Animal Shelter
 Animal Control Services Division
 5950 Wilderness Road
 Riverside, CA 92504
 (909) 354-7387 Ext. 236

Receipt Number : 17188

August 12, 1996

OwnerNo :

Owner's Name : K-9 Champions

Address : 13703 JJ Lane

Lake Mathews, C 92570

OWNER PHONE : 800-870-5926

Service	Category	Description	Fee	Name	Color	Sex	Age	LicNo	ImpNo	KenNo
125 1212	kennel	2 yr. Class II kennel license (11+ dogs)	\$300.00					95213		

Total Paid: \$300.00

You may take your new pet to any veterinarian who honors the Orange Belt Veterinary Association's agreement for a free cursory exam within 3 working days of adoption. Many local veterinarians honor this agreement. Please call your local veterinarian for information.

All dogs must be vaccinated for rabies after four(4) months of age. All dogs and cats impounded at this shelter have received a 6-1 and Bordetella (dog) or 3-1 (cat). Consult your veterinarian for followup vaccinations.

You may be able to alter your dog as early as 3 months of age with veterinarians that participate in early spay/neuter surgery. Be aware that you must license your dog at 4 months of age and you will get a reduced license cost for altered animals. If you wish to schedule surgery at the County Clinic, call (909)354-0758 for an appointment.

If you have adopted an animal which is receiving surgery, call after 1:00pm the next working day to check when the animal will be ready. Please bring a leash and a collar for dogs and a carrier or sturdy box for cats. Animals should be picked up by 4:30pm. Special arrangements can be made to pick up animals between 4:30pm and 7:00pm. Animals not picked up will be held overnight. A \$5.00 boarding fee will be assessed and due when you pick up your animal. It is the owner's responsibility to obtain medical care at their expense for animals that become sick or suffer an injury. The shelter clinic does not provide services to the public.

Cash :

Check# :

7312

By: BGC

00198

Riverside County Department of Environmental Health
Riverside City & County Animal Shelter
Animal Control Services Division
5950 Wilderness Avenue
Riverside, CA 92504

Wednesday, April 01, 1998

Karen L. Duet
"K-9 Companions"
13703 JJ Lane
Lake Mathews CA 92570

RE: KENNEL RENEWAL NOTICE.

Dear Karen L. Duet:

Your permit expires on 5/8/98. Please return this renewal notice, with the appropriate fees as described below, and copies of the rabies vaccine certificates for each dog prior to its expiration date.

Please have available the rabies certificates at the time of your inspection for the Officer's review.

KENNEL OWNER/OPERATOR INFORMATION :

Owner : Karen L. Duet

Facility :95213

DBA : "K-9 Companions"
13703 Cajalco Road
Lake Mathews

ACCode : Class II
Annual Fee : \$200.00
2-Year Fee : \$320.00
Late Fee: \$100.00

Facility location :

13703 Cajalco Road

Phone : (909) 780-5004

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Ann Frye,
Kennel Permit Clerk, 354-7387, ext. 263

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United States Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant :

Karen L. Duet

Date :

4/18/98

DEPARTMENT OF ENVIRONMENTAL HEALTH - Animal Control Services Division
5950 Wilderness Avenue, Riverside, CA 92504 (909) 354-7387.

00196

Riverside County Department of Environmental Health
 Riverside City & County Animal Shelter
 Animal Control Services Division
 5950 Wildemess Avenue
 Riverside, CA 92504
 (909) 354-7387 Ext. 230

Receipt Number : 45893

April 28, 1998

OwnerNo :

Owner's Name : Karen L Duet

IDNo :

Address : 13703 J. J. Lane

Lake Mathews 92570

Telephone : 780-5004

Service	Category	Description	Fee	Name	Color	Sex	Age	LicNo	ImpNo	KenNo
125 1212	kennel	Kennel Lic - Class 2 (11+ dogs)	\$320.00							

Total Paid : \$320.00

You may take your new pet to any veterinarian who honors the Orange Belt Veterinary Association's agreement for a free cursory exam within 3 working days of adoption. Many local veterinarians honor this agreement. Please call your local veterinarian for information.

All dogs must be vaccinated for rabies after four(4) months of age. All dogs and cats adopted at this shelter have received a 6-1 and Bordetella (dog) or 3-1 (cat). Consult your veterinarian for followup vaccinations.

You may be able to alter your dog as early as 3 months of age with veterinarians that participate in early spay/neuter surgery. Be aware that you must license your dog at 4 months of age and you will get a reduced license cost for altered animals.

It is the owner's responsibility to obtain medical care at their expense for animals that become sick or suffer an injury. We do not warranty the health of any animal. The shelter clinic does not provide veterinary services to the public.

Cash :

Check# :

8493

CreditCard :

By: AEF

Riverside County Department of Environmental Health
Riverside City & County Animal Shelter
Animal Control Services Division
5950 Wilderness Avenue
Riverside, CA 92504

Thursday, April 06, 2000

Karen L. Duet
"K-9 Companions"
13703 JJ Lane
Lake Mathews CA 92570

RE: KENNEL RENEWAL NOTICE.

Dear Karen L. Duet:

Your permit expires on 5/8/00. Please return this renewal notice, with the appropriate fees as described below, and copies of the rabies vaccine certificates for each dog prior to its expiration date.

Please have available the rabies certificates at the time of your inspection for the Officer's review.

KENNEL OWNER/OPERATOR INFORMATION :

Owner : Karen L. Duet

Facility :95213

DBA : "K-9 Companions"
13703 Cajalco Road
Lake Mathews

ACCode : Class II

Annual Fee : \$200.00

2-Year Fee : \$320.00

Late Fee: \$100.00

Facility location :

13703 Cajalco Road

Phone : (909) 780-5004

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Ann Frye,
Kennel Permit Clerk, 354-7387, ext. 263

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United States Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant : Karen L. Duet Date : 4/17/00

DEPARTMENT OF ENVIRONMENTAL HEALTH - Animal Control Services Division
5950 Wilderness Avenue, Riverside, CA 92504 (909) 354-7387.

00192

Riverside County Animal Services Department
 Riverside City & County Animal Shelter
 Animal Control Services Division
 5950 Wilderness Avenue
 Riverside, CA 92504
 (909) 358-7387

Receipt Number : 84542

May 05, 2000

OwnerNo :

Owner's Name : Karen L Duet

IDNo :

Address : 13703 JJ Lane

SNPhone :

Lake Mathews 92570

Telephone : 780-5004

Service	Category	Description	Fee	Name	Color	Sex	Age	LicNo	ImpNo	KenNo
125 5112	kennel	Kennel Lic - Class 2 (11+ dogs)	\$320.00							

Total Paid : \$320.00

You may take your new pet to any veterinarian who honors the Orange Belt Veterinary Association's agreement for a free cursory exam within 3 working days of adoption. Many local veterinarians honor this agreement. Please call your local veterinarian for information or consult your local telephone directory.

All dogs must be vaccinated for rabies after four(4) months of age. All dogs and cats adopted at this shelter have received a 5-1 and Bordetella (dog) or 3-1 (cat). Consult your veterinarian for followup vaccinations. We also offer these to the public for a low cost.

You may be able to alter your dog as early as 2 months of age at our low cost spay and neuter clinic(phone # (909) 358-7373) with veterinarians that participate in early spay/neuter surgery. Be aware that you must license your dog at 4 months of age and you will get a reduced license cost for altered animals.

It is the owner's responsibility to obtain medical care at their expense for animals that become sick or suffer an injury. We do not warranty the health of any animal. The shelter clinic does not provide veterinary services to the public.

Cash :

Check# :

9871

CreditCard :

By: AEF

Riverside County Department of Environmental Health
Riverside City & County Animal Shelter
Animal Control Services Division
5950 Wilderness Avenue
Riverside, CA 92504

Thursday, April 04, 2002

Karen L. Duet
K-9 Companions
13703 Cajalco Rd.
Lake Mathews CA 92570

RE: KENNEL RENEWAL NOTICE.

Dear Karen L. Duet:

Your permit expires on 5/8/02. Please return this renewal notice, with the appropriate fees as described below, and copies of the rabies vaccine certificates for each dog prior to its expiration date.

Please have available the rabies certificates at the time of your inspection for the Officer's review.

KENNEL OWNER/OPERATOR INFORMATION :

Owner : Karen L. Duet

Facility :95213

DBA : K-9 Companions
13703 Cajalco Rd.
Lake Mathews

ACCode : ~~Class 1~~ *Class 2*
Annual Fee : \$160.00
2-Year Fee : \$220.00 (*320.00*)
Late Fee: \$80.00

Facility location :

13703 Cajalco Rd.

Phone : (909) 780-5004

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Monica Madrigal
~~Valerie Salbino~~
Kennel Permit Clerk, 358-7387

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United States Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

OUT OF TOWN UNTIL 5-12-02 Please call for appt. after 5-12-02

Signature of Applicant : *Karen L. Duet* Date : *4/27/02*

DEPARTMENT OF ENVIRONMENTAL HEALTH - Animal Control Services Division
5950 Wilderness Avenue, Riverside, CA 92504 (909) 354-7387

00184



RIVERSIDE CITY/COUNTY ANIMAL SERVICES
 KENNEL LICENSE RENEWAL
 5950 Wilderness Avenue, Riverside, CA 92504
 (909) 358-7387

License number Tag: K02-095213
 License Expiration Date: 05/08/04

Request inspection May 3rd or 4th in Am.

K Duet

License Fee Due: 650.00
 (or see prices below)

KAREN DUET
 13703 CAJALCO RD A
 LAKE MATHEWS, CA 92570

Phone: (909) 780-5004

RETURN THIS PORTION WITH YOUR PAYMENT, RABIES AND ALTER CERTIFICATES IF REQUIRED

KAREN DUET

K02-095213

License Expires: 05/08/04
 Avoid penalties. Renew by: 06/07/04

License Fee Due: 650.00

We are sending you this notice to inform you that your Kennel license will expire on 05/08/04. 50% of the Fees will be added as a late penalty if the license is not renewed by the end of the 30-day grace period.

As of July 1, 2002, the Kennel licensing fees are as follows:

*Class I (5-10 dogs):

Altered all dogs 1-year - \$180/ Altered all dogs 2 year - \$200

Unaltered dogs 1-year - \$280/ Unaltered dogs 2 year - \$300

*Class II (11 + dogs):

Altered all dogs 1 year - \$250/ Altered all dogs 2 year - \$400

Unaltered dogs 1 year - \$400/ Unaltered dogs 2 year - \$650

You may buy a multiple year license. All dog rabies vaccinations are to be reissued within 30 days. Proof must be submitted for each animal.

You may renew your kennel license at our office Monday - Friday from 10:00 AM to 7:00 PM and Saturday 10:00AM to 3:00 PM. You may also renew your kennel license by mail.

Please make the check payable to: Riverside County (for County residence)

City of Riverside (for City residence)

Please contact our office immediately if you have moved.

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United State Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant:

Karen L. Duet

Date:

4/25/04



RIVERSIDE CITY/COUNTY ANIMAL SERVICES
 KENNEL LICENSE RENEWAL
 5950 Wilderness Avenue, Riverside, CA 92504
 (951) 358-7387

License number Tag: K02-095213
 License Expiration Date: 05/08/06

License Fee Due: 650.00
 (or see prices below)

KAREN DUET
 13703 CAJALCO RD A
 LAKE MATHEWS, CA 92570

Phone: (909) 780-5004

RETURN THIS PORTION WITH YOUR PAYMENT, RABIES AND ALTER CERTIFICATES. ALL ARE REQUIRED.

KAREN DUET K02-095213

License Expires: 05/08/06
 Avoid penalties. Renew by: 06/07/06

License Fee Due: 650.00

We are sending you this notice to inform you that your Kennel license will expire on 05/08/06. **50% of the Fees will be added as a late penalty if the license is not renewed by the end of the 30-day grace period.**

As of July 1, 2002, the Kennel licensing fees are as follows:

- *Class I (5-10 dogs):
 - Altered all dogs 1 year - \$180/ Altered all dogs 2 year - \$200
 - Unaltered dogs 1 year - \$280/ Unaltered dogs 2 year - \$300
- *Class II (11 + dogs):
 - Altered all dogs 1 year - \$250/ Altered all dogs 2 year - \$400
 - Unaltered dogs 1 year - \$400/ Unaltered dogs 2 year - \$650

You may buy a multiple year license. All dog rabies vaccinations are to be reissued within 30 days. **Proof must be submitted for each animal prior to kennel inspection being scheduled.** You may renew your kennel license at our office Monday - Friday from 10:00 AM to 7:00 PM and Saturday 10:00AM to 3:00 PM. You may also renew your kennel license by mail.

Please make the check payable to: Riverside County (for County residence)
City of Riverside (for City residence)

Please contact our office immediately if you have moved.

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United State Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant: Karen L. Duet Date: 5/7/06



RIVERSIDE CITY/COUNTY ANIMAL SERVICES
KENNEL LICENSE RENEWAL
5950 Wilderness Avenue, Riverside, CA 92504
(909) 358-7387

License number Tag: K06-095213
License Expiration Date: 05/08/08

License Fee Due: 650.00
(or see prices below)

KAREN DUET
13703 CAJALCO RD A
LAKE MATHEWS, CA 92570

Phone: (951) 780-5004

RETURN THIS PORTION WITH YOUR PAYMENT, RABIES AND ALTER CERTIFICATES. ALL ARE REQUIRED.

KAREN DUET

K06-095213

License Expires: 05/08/08
Avoid penalties. Renew by: 06/07/08

License Fee Due: 650.00

We are sending you this notice to inform you that your Kennel license will expire on 05/08/08. **50% of the Fees will be added as a late penalty if the license is not renewed by the end of the 30-day grace period.**

As of July 1, 2002, the Kennel licensing fees are as follows:

*Class I (5-10 dogs):

Altered all dogs 1 year - \$180/ Altered all dogs 2 year - \$200

Unaltered dogs 1 year - \$280/ Unaltered dogs 2 year - \$300

*Class II (11 + dogs):

Altered all dogs 1 year - \$250/ Altered all dogs 2 year - \$400

Unaltered dogs 1 year - \$400/ Unaltered dogs 2 year - \$650

You may buy a multiple year license. All dog rabies vaccinations are to be reissued within 30 days. **Proof must be submitted for each animal prior to kennel inspection being scheduled.**

You may renew your kennel license at our office Monday - Friday from 10:00 AM to 7:00 PM and Saturday 10:00AM to 3:00 PM. You may also renew your kennel license by mail.

Please make the check payable to: Riverside County (for County residence)

City of Riverside (for City residence)

Please contact our office immediately if you have moved.

I hereby declare, under the penalty of perjury, the information shown above is true to the best of my knowledge. I understand if my renewal is approved, it will be on the condition I will comply with the laws, ordinances and regulations now in effect or may hereafter be established by the United State Government, State of California, the County of Riverside, or the City of Riverside, pertaining to owning, keeping, maintaining or harboring of animals.

Signature of Applicant: Karen L. Duet

Date: 4/18/08

DEPARTMENT OF HEALTH, COUNTY OF RIVERSIDE, CALIFORNIA

KENNEL LICENSE

NON-TRANSFERABLE

LICENSE ISSUED	11/17/94
LICENSE EXPIRES	11/17/95

APPLICABLE TO:

DOGS CATS

OTHER NUMBER MAX 10

LICENSE NUMBER	94-217
FEE	\$160.00
PENALTY	0.00
TOTAL	\$160.00

Issued Pursuant to County Ordinance No. 630 and All Amendments

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 L. DUET
Name of Kennel	"PHEASANT FARMS BED & BREAKFAST INN"
Breed	
Location	13703 CAJALICO ROAD
Mailing Address	13703 CAJALICO ROAD
City and State	LAKE MATHEWS CA 92570

BRADLEY P. GIBSON, M.D.
Director of Health

EMMETT D. SIMSON
FOR Chief of Animal Control

WHITE License
GREEN-Accounting
CANARY-Health Dept.
PINK-Chief of Animal Control
GOLDENROD-Receipt

PM 34 (Rev. 79)

Date 9-9-98 Exhibit 3
Depo of: R. Miller
Patricia Shaw, CSR 5024