

**STAFF REPORT  
CODE ENFORCEMENT COMMISSION**

**Date of Hearing:** November 7, 2019

**Case Number:** A19-291913

**Pasadena Humane Society Staff:** Animal Control Officer Greg Murphy

**Location of Violation:** Pasadena Public Library  
Hill Avenue Branch  
55 South Hill Avenue  
Pasadena, CA. 91106

Public Street - Area of 1300 block of east  
Green Street, Pasadena, CA. 91106

**Violative Condition:** Prohibited activities / Public nuisance dog

**Assessor Parcel Number:** 5736-001-900

**Notice of Public Hearing:** October 15, 2019

**Owner of Precipitating Animal:** Marlene Melissa Chavez-Hoover  
404 North Garfield Avenue, Apt. 7  
Pasadena, CA 91106

**Precipitating Animal:** "India," a licensed adult, neutered male  
Staffordshire Terrier

**Owner of Non-Precipitating Animals:** Jessica Arias

**Non-Precipitating Animals:** "Rose" - An unlicensed spayed female  
Dachshund.

"Yogi" - An unlicensed, spayed female,  
Dachshund.

**Pasadena Municipal Code Violations:**

Section 1.24.010(A) (Misdemeanors, infractions and administrative penalties.)

"No person shall violate or fail to comply with any provision or requirement of this code. Any person who violates or fails to comply with any provision or requirement of this code shall be guilty of a misdemeanor, unless (1) such violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or (2) such a violation or failure is

prosecuted as a civil administrative action pursuant to Chapter 1.25 or Chapter 1.26 of this title.”

#### Section 6.18.015 – Prohibited Activities

“It is unlawful and a public nuisance for any person to own, harbor or keep a vicious dog<sup>1</sup>.”

#### BACKGROUND – PRIMARY VIOLATION

On June 17, 2019, at approximately 11:09 am, the Pasadena Humane Society (PHS) received a telephone call reporting a “dog on dog” fight that had occurred in the 1300 block of east Green Street near south Hill Avenue in Pasadena. The incident was assigned to Animal Control Officer Greg Murphy (MURPHY).

As MURPHY arrived on-scene he observed two females (later identified as Marlene Melissa Chavez-Hoover (CHAVEZ-HOOVER) and Jessica Arias (ARIAS) laying in the roadway area of Green Street holding down an adult male Staffordshire Terrier later identified as “INDIA”. MURPHY was able to take control of INDIA with an animal snare pole and confine the dog in his animal control truck. Murphy’s later investigation determine that INDIA was the precipitating (offending) animal in the matter. CHAVEZ-HOOVER is the owner of INDIA, and ARIAS is the owner of two dogs that had been bitten by INDIA.

After securing INDIA, MURPHY returned to speak with CHAVEZ-HOOVER and ARIAS and found that CHAVEZ-HOOVER was being tended to by the Pasadena Fire Department (PFD) and ARIAS had left to look for the four dogs that she had been walking when the attack occurred. A Pasadena City College police officer provided MURPHY with ARIAS’ name and telephone number. MURPHY spoke to CHAVEZ-HOOVER while she was being treated by PFD and she provided her contact information. CHAVEZ-HOOVER refused transport to the hospital for injuries to her right hand, stating that she would seek her own medical treatment. MURPHY advised CHAVEZ-HOOVER that PHS would impound INDIA due to the situation. MURPHY completed a “Notice of Impound” and gave it to CHAVEZ-HOOVER who returned to her car and left.

Later that afternoon MURPHY spoke to CHAVEZ-HOOVER and told her that due to ARIAS’ injuries INDIA would be quarantined for 10 days. CHAVEZ-HOOVER stated that she had also been bitten by INDIA while trying to free ARIAS’ dog during the dog attack. CHAVEZ-HOOVER later left a telephone message for MURPHY reporting that she had been admitted to the Huntington Memorial Hospital for surgery on her hand.

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<sup>1</sup> Section 6.18.020(A)(3) P.M.C. states: “As used in this chapter, “public nuisance dog” or “vicious dog” means any dog that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners or family members, to the enjoyment of life or property. The term “public nuisance dog” means and includes, but is not limited to, a dog who exhibits any of the following types of behavior: (3) Bites, inflicts injures, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property, except inside a home or fenced rear yard to which all gates or other places of general ingress or egress to the fenced area are posted with a warning sign stating that such dog is on the premises. The letters on said sign shall be at least 1 inch in height and said sign shall be visible within 10 feet of the entrance to the fenced area.”

On June 19, 2019, MURPHY interviewed ARIAS regarding the incident. ARIAS stated that she was walking her four dogs (“Rose,” “Yogi,” “Lilly” and “Molly”) on leash and that while she was on the grass on the Green Street side of the Pasadena public library property INDIA was unleashed and ran up to her and attacked her dog ROSE. ARIAS stated that she was able to wrestle INDIA to the ground and free ROSE whereupon ROSE ran off. ARIAS said that INDIA then caught and attacked YOGI at which time ARIAS once again wrestled INDIA to the ground where she was able to free YOGI who also ran off. ARIAS stated that she continued to restrain INDIA so he wouldn’t go after any of her other dogs. ARIAS stated that as she was restraining INDIA, CHAVEZ-HOOVER approached with a harness and leash. ARIAS stated that she and CHAVEZ-HOOVER put the harness on INDIA and continued restraining the dog until help arrived.

MURPHY interviewed CHAVEZ-HOOVER who stated that she had parked her car in the library parking lot and left INDIA in the car wearing a harness and collar and that when she returned to the car and opened the door INDIA dashed out of the car before she could grab his leash. CHAVEZ-HOOVER stated that INDIA ran up to a group of dogs on the grass and they began sniffing each other. CHAVEZ-HOOVER stated that she yelled “India” twice and went to grab his leash, but that all of the sudden the dogs began fighting on the grass. She stated that she saw INDIA biting one of the small dogs and that she worked to open his mouth to free the dog who when freed took off running. CHAVEZ-HOOVER stated that the next thing she remembered was laying on INDIA, holding him down in the middle of Green Street while ARIAS worked to place INDIA’s harness back on him.

#### Prior Incident:

A review of PHS records indicate that INDIA was involved in one prior “dog on dog” fight on December 3, 2014, (PHS case number A14-154097) that resulted in another dog being bitten. In that incident, Mr. Hoover (deceased) reported that he had INDIA with him at approximately 11:30 p.m. when another dog that was being walked escaped its collar, approached INDIA and was bitten. The other dog owner stated that INDIA was the dog who approached her dog and attacked. There was no clarification regarding INDIA being on or off leash at the time.

#### Release from Quarantine

Due to the cancellation of the July 2019 Code Enforcement Commission Meeting and the fact that holding INDIA at the Pasadena Humane Society until the next scheduled meeting would have been detrimental to the dog’s well-being, INDIA was released to CHAVEZ-HOOVER on June 28, 2019. CHAVEZ-HOOVER signed and agreed to conditions to release INDIA back to her care and control. Among those conditions were:

1. To attend the August 2019 Code Enforcement Commission hearing regarding INDIA.
2. Obtain a properly fitting cage-style muzzle for INDIA and for the dog to wear the muzzle when outside the owner’s apartment

3. Obtain a properly fitting harness for INDIA and for the dog to wear the harness when outside the owner's apartment
4. Place an attached seat belt through the handle of INDIA leash when the dog is riding or kept in a car.

CHAVEZ-HOOVER agreed to the conditions as a prerequisite to the return of INDIA prior to the Code Enforcement Commission Meeting. ARIAS no longer desires to participate in a criminal filing against CHAVEZ-HOOVER for INDIA being at large nor does she desire to participate in the Code Enforcement Commission hearing process involving INDIA.

#### DETERMINATION

Based on the information provided by ARIAS and CHAVEZ-HOOVER, and investigation conducted by Animal Control Officer MURPHY it is the recommendation of the Pasadena Humane Society that the Code Enforcement Commission find CHAVEZ-HOOVER's dog INDIA acted in a manner that was unprovoked, vicious and terrorizing which resulted in multiple injuries to ARIAS, ARIAS' dogs and CHAVEZ-HOOVER.

It is the determination of the Pasadena Humane Society that INDIA's unprovoked, vicious and terrorizing behavior is sufficient cause to be considered a "public nuisance dog" or a "vicious dog" as defined by the Pasadena Municipal Code. Based on the information contained herein, the Pasadena Humane Society makes the following recommendation to the Code Enforcement Commission:

#### Recommended Findings:

1. That vicious dogs have become a serious and widespread threat to the safety and welfare of the residents of Pasadena, in that vicious dogs throughout the County have in recent years assaulted without provocation and seriously injured individuals, and have killed numerous dogs.
2. That the number and severity of vicious dog attacks are attributable to the failure of the owners to confine and properly control vicious dogs.
3. That the Pasadena Municipal Code allows the Code Enforcement Commission, after holding a public hearing to order any dog(s) declared to be a public nuisance to be left in the care of its owner, released or returned to the care of its owner with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog to protect public health, safety, and welfare.
4. That the Code Enforcement Commission declare that INDIA is a "public nuisance" as defined herein, but that the dog may be maintained in CHAVEZ-HOOVER's apartment at 404 North Garfield Avenue, Unit No. 7 pursuant to the imposition of reasonable terms, conditions and restrictions intended to protect public health, safety and welfare as set forth below.
5. That the owner, Marlene Melissa Chavez-Hoover was notified of the alleged violations of the Pasadena Municipal Code with respect to Section 6.18.015,

subsections(A)(3), and was properly informed of the scheduled date of this hearing before the Code Enforcement Commission;

6. That the dog's owner, Marlene Melissa Chavez-Hoover, appeared (or did not appear) at the hearing and testified;

or

That the dog owner's representative, Mr./Ms. \_\_\_\_\_ appeared and testified on behalf of the animals' owner;

7. That the following document was received into evidence at the hearing on November 7, 2019:

- i. Exhibit "A" – Pasadena Humane Society Staff Report

8. That Officer Greg Murphy of the Pasadena Humane Society appeared and testified on behalf of the City of Pasadena;

9. That the Commission has considered the following items as part of the deliberative process:


- Any previous history of the dog attacking, biting or causing injury to a human being or other animal;
- The nature and extent of the injuries inflicted and the number of victims involved;
- The place where the bite, attack or injury occurred;
- The presence or absence of any provocation for the bite, attack, or injury;
- The extent to which property has been damaged or destroyed;
- Whether the dog exhibited any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
- The manner in which the dog has been maintained by its owner;
- Any other relevant evidence concerning the maintenance of the dog;
- Any other relevant evidence regarding the ability of the owner, or the poundmaster, to protect the public safety in the future if the dog is permitted to remain in the city.

10. That this Commission has received competent testimony and that after giving thoughtful and deliberate consideration to the testimony received during the course of this hearing have determined that the dog, "India," constitutes a public nuisance and is a threat to public safety.

**Recommended corrective action in this case:**

1. The overriding demand for public safety dictates that it shall be the Order of the Code Enforcement Commission that Marlene Melissa Chavez-Hoover purchase a properly fitting and functioning "cage-style" muzzle for India and;

2. That Marlene Melissa Chavez-Hoover or any other person having dominion and control over India fit the muzzle to India any time India is outside the owner's residence and;
3. That at all times India is being transported, or is in or passing through a public area, India shall be securely confined by a strong cord, chain or leash not exceeding six (6) feet and controlled by a competent and capable person.
4. That Marlene Melissa Chavez-Hoover restrain India's mobility while inside a vehicle by attaching the handle of India's leash through an attached seatbelt, or using any other restraining device that eliminates the dog's ability to escape the vehicle through an open door or window.

  
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Animal Control Officer G. Murphy

10-16-19  
Date