

COMMISSION OF ANIMAL CONTROL AND WELFARE PRESENTATION

February 15, 2018

Introduction

Good evening Commissioners.

My name is John Denny. I am a retired 29 year veteran of the San Francisco Police Department. As a police officer, I was involved in aggressive dog issues in San Francisco since 1995. In 2001 Sgt. William Herndon and I co-founded the San Francisco Police Department's vicious dog unit. I remained in that unit my retirement 13 years later. I reviewed and investigated thousands of dog bites and attacks submitting the most serious cases for hearing before the hearing officer, Sgt. Herndon. Upon Sgt. Herndon's retirement in 2010 I was appointed hearing officer by Chief Gascon where I heard and rendered decisions in over 1,000 cases. Upon my retirement from the police department in 2014, I was contracted by the city to perform the duties of hearing officer and that is my current status.

During my career, I became a content expert in municipal application of aggressive dog issues. I was contacted by police departments all over the country asking for information as to why and how San Francisco's vicious dog hearing process was so successful.

I have lectured at the California State Humane conference in San Diego, both the California and Oregon campuses of Guide Dogs for the Blind, and on two occasions spoke at the UC Davis Veterinary School of Behavioral Science. (Veterinary students from UC Davis still travel to San Francisco to sit in on vicious dog hearings in which I preside.)

Finally, in the fall of 2016 I was invited to Tokyo and had the honor of sharing my thoughts as part of a panel (which included a member of the Japanese Diet) regarding that nation's efforts to codify animal cruelty laws and support their fledgling SPCA.

Tonight, however, I speak to you simply as a concerned citizen and not in an official capacity.

CACW Presentation

February 15, 2018

Pg. 2

On January 26, 2001, while attempting to enter her residence from the hallway of her apartment building in Pacific Heights, Dianne Whipple was tragically mauled to death by two Presa Canario dogs.

During the subsequent homicide investigation, San Francisco police investigators uncovered 66 incidents of those dogs exhibiting menacing and/or aggressive behavior prior to the fatal attack to Ms. Whipple. Such behavior was and still is prohibited by the San Francisco Health Code (SFHC).

Unfortunately, prior to the attack of Ms. Whipple, the San Francisco Police Department (SFPD) did not collect data or investigate dogs acting aggressively unless the actions of the dog(s) were immediately life-threatening. Historically, complaints regarding vicious dogs were forwarded to the San Francisco Department of Animal Care and Control (SFACC) or, which was more often the case, to the SFPD. Responding SFPD officers usually informed victims of a dog bite that a dog bite was a “civil” matter, with officer rarely documenting the incident.

Upon the death of Diane Whipple it became obvious that collecting and reviewing reports of aggressive dog behavior, and taking steps to address such behavior, were necessary to prevent reoccurrence of such a horrific event.

In the weeks following the death of Ms. Whipple, Sgt. William Herndon and I created the vicious and dangerous dog unit of the SFPD. Many significant changes were made regarding how and when the City responds to complaints of dogs acting in an aggressive and/or menacing manner.

Current City policy has abandoned many, if not all, of the provisions adopted immediately after the Dianne Whipple tragedy to protect residents of San Francisco from vicious dogs. A new policy has been implemented that no longer allows for gathering and investigating of aggressive behavior—behavior that was demonstrated by the dogs that killed Dianne Whipple. Acting upon that behavior could have prevented her death.

CACW Presentation

February 15, 2018

Pg. 3

Why are residents of this city now *less* protected from dog bites and dog attacks than they were prior to the attack to Dianne Whipple?

What became of the safeguards and policies imposed after the attack to Dianne Whipple?

What steps can the Commission of Animal Control and Welfare take to correct a situation wherein residents of San Francisco are put at unnecessary risk?

The reason for my speaking to you tonight is to explain the current increased risk to San Francisco residents from dog bites and attacks, reasons for the discontinuation of safeguards imposed since the attack to Dianne Whipple, and the remedies necessary to protect public safety.

PART I

POLICY AND PUBLIC SAFETY CONCERNS REGARDING SFACC

February 15, 2018

Policy and practices of the San Francisco Department of Animal Care and Control (SFACC) have changed dramatically since the appointment of Ms. Donohue as executive director. Many of these changes removed safeguards implemented after the 2001 fatal dog mauling of Dianne Whipple. As a result to the attack to Ms. Whipple, the San Francisco Police Department created the Vicious and Dangerous Dog Unit (VDDU) and, with the close cooperation of the SFACC, began collecting, recording, and reviewing for consideration of corrective action all incidents involving dogs displaying menacing and aggressive behavior. It was believed that had many, if not all, of the 66 witnessed acts of aggressiveness exhibited by the two dogs that killed Ms. Whipple been investigated the tragedy might have been prevented.

Unfortunately, many of those new safeguards implemented to protect San Francisco citizens from attacks and injuries from aggressive dogs have been ignored by Ms. Donohue resulting in San Franciscans being put at serious, yet unnecessary, risk from aggressive dogs.

Ms. Donohue has stated that she was appointed Director of Animal Care and Control due to her experience running a family owned dog boarding and training business in San Francisco (a business she still owns). Her lack of civil service and public safety experience have been shown to be disastrous in her inability to properly supervise and direct the public safety division of SFACC—a division with a dozen public safety officers each endowed with the powers of arrest. These officers issue citations, investigate complaints of cruelty and are responsible for presenting felony

cases to the District Attorney for prosecution. These officer are a law enforcement division operating completely without independent oversight.

Moreover, unlike any other credible public safety unit, there are very few written guidelines (general orders) for the officers in the field to refer or, more importantly, be held accountable. Notable examples of lacking written guidelines include there being no written guidelines for SFACC officers when dealing the impoundment of a dog that has bitten a small child, when to enter observations of aggressive dogs in the SFACC database, when to forward such observations to the VDDU, how to address aggressive service animals, how to address the protection of guide dogs who are attacked, how to work with other city departments and how to correctly investigate animal cruelty complaints or any public offenses.

There is no independent body of oversight to ensure that complaints aimed at the performance of their public safety officers received by the public are thoroughly investigated. There is no record of how many complaints these officers receive nor how they were addressed. Currently, Ms. Donohue, without any experience nor training in public safety, determines the validity and responses to outside complaints. For example, when a complaint of SFACC is made to the Mayor's Office or a member of the Board of Supervisors the complaint is not investigated but simply forwarded to Ms. Donahue who then make assurances that everything was handled properly...often despite evidence to the contrary.

Ms. Donohue has very little, or any, experience or expertise in the supervision of a department that includes public safety officers. Nor has Ms. Dianna Christensen, whom Ms. Donohue hired as Deputy Director of SFACC, any experience or expertise in these areas. The current SFACC captain of these public safety officers is Ms. Amy Corso. Ms. Donohue hired Ms. Corso to supervise all Animal Control officers and was well aware that she had no previous experience in the field of public safety, had never

issued a citation, made an arrest or investigated any public offense. (Ms. Corso was hired by SFACC soon after an unfortunate incident at her previous employment, as a zookeeper at the San Francisco Zoo, wherein she was one of the persons tasked with caring for a baby gorilla that was tragically killed.)

To sum up, there is no one in a supervisory role of the public safety division at SFACC with even the basic knowledge or experience necessary to properly run a law enforcement division.

Below are but a few examples of changes enacted in both policy and public safety practices by Ms. Donohue since her appointment which have unnecessarily put public safety at risk. It goes without saying that most, if not all, of these policy changes or actions by SFACC that put public safety into jeopardy have been the object of numerous complaints from the public as well as city employees. However, the city's method of dealing with complaints involving the SFACC has proven to be grossly ineffective and apparently fallen upon deaf ears.

1. Upon being appointed director of SFACC, Ms. Donohue broke with previous long standing SFACC policy in deciding that reports to SFACC of a bite from a dog to a person that does not break the skin of a human is not a dog bite. Despite soft tissue damage, deep bruising or injuries due to the the victim's attempts to flee the attack, no record of the biting dog, its owner or the circumstances of the incident are recorded in SFACC's computer history. Ms. Donohue refuses to forward such a complaint to the VDDU of the San Francisco Police department. And Ms. Donohue continues to insist that any dog bite that does not break the skin is not a dog bite.

2. At Ms. Donohue's direction, and breaking the long standing (post Dianne Whipple tragedy) policy, SFACC no longer records reported accounts of dogs acting in a menacing and/or aggressive manner unless it

is an emergency. SFACC does not refer emergency or non-emergency information to the VDDU of the SFPD for review or potential action unless the dog is impounded. There have been occasions when the VDDU was not informed when a dog was impounded by SFACC for aggressive behavior. (It should be remembered that most of the 66 accounts of aggressive behavior discovered regarding the dogs that mauled Ms. Whipple to death were not bites, but, rather, aggressive behavior that qualified review at a vicious and dangerous dog hearing.)

3. It is Ms. Donohue's new policy that SFACC refuses to acknowledge, record or investigate any dog bites, however serious, that occur in veterinary hospitals, grooming businesses and boarding/training facilities. No one is suggesting that a veterinary technician bitten while giving an injection to a dog is necessarily grounds for a investigation. However, incidents involving serious injuries to humans do occur on the above premisses and it is unconscionable that SFACC deliberately ignore theses occurrences.

The apparent exception to Ms. Donohue's new policy, however, is a bite incident occurring at a competitor of her family-owned boarding and training business. (See Part II, Conflict of Interest.)

It should also be noted that a dog attack recently occurred at the SFACC shelter to an employee who was transported to the hospital. No investigation was forwarded to the SFPD dog bite unit nor was there a request for a vicious dog hearing from SFACC. It makes no sense that a serious bite injury to a trained animal technician goes deliberately un-investigated and the dog then sent back out into the public without consideration of safety restrictions.

4. Until Ms. Donohue's appointment, the SFPD had access to SFACC's computer data base known as Chameleon. This data base is vital for police officers responding to a complaint of an aggressive dog in order to determine the dog's current status (license, vicious and dangerous status and restrictions), the dog's history (the second bite in a six month period requires a misdemeanor citation) and where the dog lives. For some unexplained reasons and breaking long standing SFACC policy, Ms. Donohue had refused to allow SFPD access to the database for the last two years. Ms. Donohue demanded that any requests from the SFPD for information from that data base as it pertained to a vicious dog investigation must be requested to one person at SFACC and be in writing thus creating unacceptable and unnecessary delays. This unnecessary delay of information proved extremely unhelpful to police officers on the scene of an aggressive dog bite incident trying to determine if a dog should be impounded and held for a vicious dog hearing. In January of the is year, and under enormous pressure, Ms. Donohue allowed Officer Crocket of the SFPD's VDDU to finally be granted access to Chameleon. However, Ms. Donohue still refuses to make Chameleon available to district police stations for faster accessibility should Officer Crockett not be available.

5. Upon her appointment until January 2016, SFACC Director Donohue again discontinued long standing SFACC policy by making an unilateral decision to discontinue forwarding dog bite reports provided to her agency by hospital emergency rooms, doctor's offices or any medical treatment facility. Between 300-500 reports from facilities treating serious dog bites were recorded in the ACC computer data base—but *not* forwarded to SFPD's dog bite unit for review and possible action. Theses reports still languish in files at ACC. Moreover, the victims and/or their parents of these dog bites/attacks were under the impression that the information regarding dog bites collected at the hospital emergency rooms by medical staff constituted an official complaint. On two occasions I queried Ms. Donohue in person and asked why she refused to send hospital reports of dog bite victims being stitched up to the VDDU. On one of those occasions her

response was, "The police can't handle the dog bites they already receive". (This practice was discontinued as of January of 2016 only after I informed Ms. Donohue that I had no choice to bring this issue to the attention of the public.)

6. The long standing policy of cooperation between SFACC and the SFPD has deteriorated under Ms. Donohue's tenure. Ms. Donohue, despite numerous pleas to do so, has refused to enter into an MOU with the SFPD to define the duties and responsibilities of each agency as it deals with dog issues. Lacking a detailed MOU causes confusion when police officers, who are almost always first on the scene of a an aggressive dog incident, try to coordinate assistance with ACC and protect the safety of all involved. For example, Ms. Donohue now allows responding ACC officers who are called to the scene of an incident to *refuse* SFPD requests to impound a dog that police feel should be held pending a vicious dog hearing (as provided for in the San Francisco Health Code).

7. Until Ms. Donohue's appointment, there had been a long standing policy of cooperation and an informal understanding between the U.S. Park Police and SFACC regarding dealing with aggressive dog issues. Aggressive dog incidents that occurred on federal GGNRA property (the Presidio, Crissy Field, Ft. Funston) were handled jointly by U.S. Park Police and SFACC. Given that the vast majority of people using U.S. Park areas for their dogs' recreation are San Francisco residents, it made sense that the vicious dog hearing process was always available for use by the U.S. Park Police. Vicious dogs were routinely transported and kept at SFACC pending a vicious dog hearing.

Ms. Donohue has made it abundantly clear that she no longer wishes to assist U.S. Park Police in impounding or transporting aggressive dogs. She has also made it clear that she will do all in her power to prevent the U.S. Park Police from accessing the vicious dog hearing process. Such a sudden departure from 30 years of cooperation between the SFACC and

the U.S. Park Police has left the federal agency in the lurch and needlessly put at risk citizens of San Francisco who use GGNRA property to exercise their dogs.

8. Ms. Donohue had the great fortune to be appointed after SFACC, under former director Rebecca Katz, had requested additional Animal Care Officers to ensure the City's 24-hour coverage and protection via SFACC field units be resumed. Ms. Donohue's current policy, despite over 30 years of SFACC having 24 hour coverage (until immediately prior to Ms. Katz resigning), is to not provide coverage and protection from 12 midnight to 6:00 a.m.

There was a recent incident that occurred at a Safeway grocery store in the Richmond district when Mr. Michael Pardo and his registered vicious and dangerous dog named Magic entered the store and soon became involved in a violent struggle with a Safeway employee. Magic bit the employee. Mr. Pardo fought with the employee and eventually stabbed the employee resulting in a life-threatening injury.

SFPD responded and arrested Mr. Pardo. Police were uncertain what to do with Magic and therefore called the SFACC emergency dispatch number for clarification. As the emergency dispatch line is not monitored after midnight and SFACC has no plans in place for such a contingency, the officers, unaware that the dog Magic was a vicious and dangerous dog, loaded the dog into a police car and took the dog to an after hours emergency clinic on Fillmore Street. Upon being informed that the clinic no longer had a contract with the City the officers had to plead with the clinic to hold the dog until an SFACC employee reported for work in the morning. Reluctantly, the dog was held overnight at the clinic until an SFACC employee responded the next morning to impound the dog. And there doesn't appear to be any plan for dealing with aggressive dogs after midnight under consideration. At no time was anyone aware, nor was there

a means of learning, that the dog Magic was a registered vicious and dangerous dog. There is no consideration by SFACC of any contingency plan to deal with aggressive dogs after midnight. Ms. Donohue has been made aware on many occasions of the need for 24-hour coverage and even after the above incident has been unwilling to provide such coverage, despite the increase in her staff.

9. At a vicious dog hearing held on May 11, 2017 regarding Ms. Drogus's dog Botty, records from SFACC presented at the hearing revealed that Ms. Donohue had issued an order to her staff to not respond to public requests for assistance or complaints regarding any of Ms. Drogus's dogs unless the matter involved an "exigency".

Deterring SFACC staff from responding to requests for assistance from the public regarding aggressive dog behavior is unheard of in the history of SFACC and another unfortunate policy change implemented by Ms. Donohue that puts clearly puts public safety at risk.

10. Prior to Ms. Donohue's appointment as director of SFACC, the SFPD vicious dog unit, led by Sgt. Sherry Hicks, worked diligently to educate the SFPD regarding their options for effectively handling aggressive dog situations. Sgt. Hicks also met with 911 dispatch staff and SFPD academy classes, and provided weekly in-service training for SFPD officers as well as numerous community groups to educate police and the public as to the proper way to deal with the issue of an aggressive dog or an attack.

Sgt. Hicks met with Ms. Donohue shortly after Ms. Donohue's appointment and explained her duties and also asked for her support in her efforts to again staff the vicious dog unit as a two person unit (which it had been since its inception). After that meeting, Ms. Donohue later referred to Sgt. Hicks as a "complainer" and informed me that she had reported to Sgt. Hicks's superiors complaints regarding her performance. Ms. Donohue's complaints were ill-founded, which I pointed out to her immediately.

Public Safety
February 15, 2018
Pg. 9

However, Sgt. Hicks's superiors, accepting the (deliberately inaccurate) complaints coming from a new department head, acquiesced without comment.

(I use the term "deliberately". Ms. Donohue complained that Sgt. Hicks scheduled too many hearings and that the involved parties rarely showed up for the hearing. When I informed her that this was untrue and that I, in fact, scheduled the hearings—not Sgt. Hicks—and also that there had always been extremely consistent response from all parties, Ms. Donohue failed to contact Sgt. Hick's superiors to correct her misstatements.)

The result of Ms. Donohue's actions against Sgt. Hicks resulted in her being transferred out of the dog bite unit. Bitterly ironic is that the police department had agreed to add a second person to the unit and had chosen a candidate. Unfortunately, that person, who had signed up to be Sgt. Hicks's assistant, was thrust into the position with no training, with cases pending and hearings scheduled.

Due to new and numerous procedural demands on this one officer, paperwork and data entry consume most of his time. Ms. Donohue's deliberate actions against Sgt. Hicks have degraded the efficiency and effectiveness of the vicious dog unit.

11. Breaking almost 30 years of uninterrupted SFACC policy. Ms. Donohue has determined that the position of hearing officer for vicious and dangerous dog court falls under her dominion and, as such, she may put pressure upon a hearing officer before and after a vicious dog hearing to influence the hearing officer's decisions. She has made numerous attempts to change publicly released decisions made by the hearing officer

regarding findings and language—especially if those findings are critical of SFACC behavior.

Unable to influence (bully) the sole hearing officer who has spent over 20 years dealing with aggressive dog issues and been the hearing officer for the past seven years, she hired, with the acquiescence of the Controller's Office, two more hearing officers, neither with any animal control experience. She trained these inexperienced new hearing officers for a few hours, apparently to make sure that they adhered to her own ideas about dogs and the hearing process. The message was clear: They would do her bidding or not be allowed to preside over hearings. Ms. Donohue then scheduled the three hearing officers as she pleased and eventually requested, due to the criticism she was receiving regarding her interference with the senior hearing officer, that the City Administrator's Office take over the scheduling of the hearing officers. Without comment, the City Administrator's Office indefinitely removed the senior hearing officer from hearing cases.

Ms. Donohue was successful in her efforts to bring in her personally selected hearing officers and remove the hearing officer that would not kowtow to her demands, and has consequently destroyed the independence, impartiality and compassion that has been the standard prior to her appointment.

The integrity of the current vicious and dangerous dog hearings is deeply suspect.

12. Ms. Donohue believes she may circumvent the vicious and dangerous hearing process. On May 4, 2017 an SFPD officer responded to a complaint of people living in the utility room of an apartment building without permission. Upon arrival, the officer encountered Mr. David Schaffrick and his dog named "Peaches". Peaches barked and lunged at

the end of a leash held by a companion of Mr. Schaffrick's, Ms. Broaddus, who was unable to safely control the dog. The officer ordered that the dog be impounded and held for a vicious and dangerous dog hearing.

Prior to the vicious dog hearing hearing in that matter, Ms. Donohue and Ms. Christensen released the dog back to the owner, who had no verifiable address.

The decision of the hearing officer was that due to the prior history of the dog (which included a bite to a human, an attack on a human thwarted only when the dog was pepper sprayed and the dog's behavior while in custody at SFACC), Peaches was deemed vicious and dangerous. Unfortunately, neither the dog nor the owner could be located—leaving a vicious and dangerous dog unregistered and free of leash and muzzle restrictions in public. (In fact, only after a private citizen complained to the City Administrator did SFACC even seek out the dog owner and finally manage to get the resistant owner to register his dog.) Ms. Donohue later told me that she authorized the release of the dog at Ms. Christensen's request due to the fact that, in her opinion, the dog was not vicious and dangerous.

13. A dog owned by Mr. Robert Washington named Destiny, which had bitten and caused numerous injuries to other dogs at Precita Park and was the subject of numerous vicious dog hearings, ultimately had to be ordered humanely destroyed owing to Mr. Washington's refusal to leash and muzzle his dog in public. Mr. Washington appealed the decision and agreement was worked out between the City and Mr. Washington wherein the dog would be leashed and muzzled at all times while in public. Shortly after the agreement was signed, Mr. Washington's dog Destiny was again injuring other dogs at Precita Park as a result of not being leashed or muzzled. Sgt. Hicks issued a seizure order for Destiny on May 17, 2016 and forwarded to SFACC for action. But complaints about the dog's

aggressive behavior kept flowing into the SFPD's vicious dog unit, from a community clearly frustrated that the dog had not been impounded.

When I queried Lt. Amy Corso of SFACC's Field Services Division as to why the seizure order had not been enforced, she responded, on two occasions, that SFACC did not have the time and informed me that she didn't feel impounding a vicious dog was SFACC's responsibility but, rather, the responsibility of the SFPD.

Finally, the community was forced to organize and notified a local television news channel which broadcast the situation in November 2016. The following day, SFACC impounded the dog.

Conclusion:

SFACC is unable, for whatever reason, to efficiently carry out their role in protecting public safety regarding aggressive dog issues. Current management has neither has the training, experience nor desire to ensure the health, safety and welfare of the community as expected by the citizens of San Francisco.

Not considering soft tissue damage or hematoma injuries caused by a dog's mouth to be a dog bite, not recording or forwarding reported acts of dog aggressiveness (which is vital to preventing future dog bites), ignoring bites occurring at boarding and training facilities etc., not allowing SFPD complete and total access to the SFACC database, having to be *forced* to forward hospital/doctor reports for investigation by the VDDU, refusing to enter into an MOU with the SFPD or the U.S. Park Police, ignoring the need for 24 hour SFACC coverage, issuing orders to ignore calls and complaints from the public regarding certain dogs or federal parks, "neutering" the SFPD vicious dog unit, her successful efforts to turn her selected hearing officers into puppets of SFACC, releasing vicious dogs

Public Safety
February 15, 2018
Pg. 13

held for vicious dog hearings prior to the hearing without investigation, and refusing to impound vicious dogs for months after a seizure order was issued are some—but not all— of the chaos that has ensued under Ms. Donohue's tenure as Executive Director of the San Francisco Department of Animal Care and Control.

All this from an agency with no independent oversight.

PART II

CONFLICT OF INTEREST CONCERNS REGARDING SFACC DIRECTOR VIRGINIA DONOHUE

February 15, 2018

The San Francisco General Services Agency (SFGSA) Statement of Incompatible Activities was created to prevent a situation wherein a City official uses his or her power and position for personal gain. The appointment of Virginia Donohue as Director of SFACC appears to be a direct violation of SFGSA's Statement of Incompatible Activities.

The City Administrator's Office (CAO) claims Ms. Donohue has distanced herself from her animal boarding and training facility, Pet Camp. Ms. Donohue and her husband founded and own Pet Camp, and have operated it themselves for many years. Despite the CAO's claim that the business is now run solely by Donohue's husband and that Ms. Donohue is no longer involved in the day-to-day activities of the business, it is unclear as to how profits generated from their family business do not benefit both husband and wife. The suggestion that profits realized by her husband from Pet Camp do not also benefit Ms. Donohue is preposterous.

According to Mr. Mike Black, who queried the City Administrator's Office (CAO) regarding the ethical wisdom of such an appointment, the CAO's response was that because they were already aware of Ms. Donohue's conflict of interest issues prior to her appointment, there is no current conflict.

Section I, Page 2 of the SFGSA Statement of Incompatible Activities describes the prohibition of a City officer from "...abusing his or her City position to advance a private interest."

Conflict of Interest

Date: February 15, 2018

Pg. 2

Soon after Ms. Donohue became director of SFACC, she let it be known that she was boarding the then San Francisco Police Chief's new puppy. It would appear that Ms. Donohue, upon being introduced to Chief Suhr as the new Director of SFACC and owner of Pet Camp, directed any inquiries regarding animal boarding towards Pet Camp. It is unknown how many other city officers and their friends have been solicited by Ms. Donohue or have become customers of Pet Camp's services since she was appointed. Ms. Donohue is not paid by the city to solicit and accommodate clients for Pet Camp and in doing so, is "abusing his or her City position to advance a private interest" while at the same time realizing a financial benefit.

(An inquiry into the number of city employees who followed the Chief's lead and what financial arrangements were made for "fellow" city workers could prove enlightening.)

Currently, Ms. Donohue has involved her family business, Pet Camp, in SFACC's affairs to the point where Pet Camp was a sponsor of SFACC's Pet Pride Day held on October 1, 2017. SFACC is, in effect, *promoting Pet Camp as SFACC's trusted partner*. The city, therefore, is promoting Pet Camp to be considered above any and all other boarding and training facilities for patronage by the public. It is inevitable that activities involving Ms. Donohue and benefiting Pet Camp (her husband) occurred on city time and while using city equipment.

Conflict of Interest

Date: February 15, 2018

Pg. 3

Page 9, Section C of the SFGSA Statement of Incompatible Activities states, “No officer or employee may use his or her City title or designation in any communication for any private gain or advantage”.

For over a year after being appointed as Director of SFACC, Ms. Donohue advertised on the Pet Camp web site (attached) her appointment as Director of SFACC. Such action is an example of her using her position to bring revenue to a private business.

Pet Camp is also featured on the SFACC website as being named “Top Sponsor for 2017: Pet Camp”. It also mentions Pet Camp boarding dogs from SFACC for “a change of scenery” and, as such, not available for adoption.

Section I, Page 2 of the SFGSA Statement of Incompatible Activities describes the prohibition of a City officer from “... abusing his or her City position to advance a private interest.”

The goal of any business in sponsoring an activity (such as Pet Pride Day) is advertising in the pursuit of additional revenue. It is hard to believe it was by mere “coincidence” that Pet Camp was chosen by Ms. Donohue to be a sponsor for Pet Pride Day. Such apparent collusion by SFACC and Pet Camp (and the city hours spent by SFACC) to promote Pet Camp appears to be an abuse of “her City position to advance a private interest”.

Conflict of Interest

Date: February 15, 2018

Pg. 4

What is to prevent SFACC employees from recommending Pet Camp to a pet owners needing boarding services or training for a dog? In fact, Ms. Donohue has already ordered that all new SFACC dog adoption packets include a flyer from Pet Camp that advertises the boarding and training facility.

SFACC is also tasked with approving training facilities for dogs deemed vicious and dangerous. Ms. Donohue refuses, without cause or evidence, to allow two of Pet Camp's competitors (Dan Perata Dog Training and Larry Johnson Dog Training) to qualify as acceptable dog trainers. Obviously, any city employee who owns a dog training business should never under any circumstances be in the position of either recommending or blackballing dog trainers. Ethically, SFACC should not be recommending *any* businesses, much less one that financially benefits Ms. Donohue personally.

SFACC has the responsibility of inspecting animal boarding and training facilities in San Francisco and enforcing the San Francisco Health Code (SFHC) with respect to such facilities. This power to inspect and enforce the SFHC (see page 3 of the SFGSA Statement of Incompatible Activities Section A.3) constitutes, I believe, an incompatible activity for SFACC Director Donohue. The worry, of course, is that complaints received regarding Pet Camp will be met with non-inspection and non-enforcement. This doesn't have to be the result of some directive from Ms. Donohue; it might simply be the inaction of employees eager to avoid displeasing the "boss" of her family business. (An alleged complaint was filed with SFACC regarding Pet Camp, but it is unclear whether the complaint was investigated, by whom, and the outcome.)

Conflict of Interest

Date: February 15, 2018

Pg. 5

A document in SFACC's Chameleon database indicating a "stipend" involving Pet Camp and SFACC suggests a worrisome financial relationship. The full extent and financial and service dealings between the two entities since Ms. Donohue's relationship. It is unclear as to the full extent and history of financial and service dealings between the two entities since Ms. Donohue's appointment remains unclear. Such a relationship between Pet Camp and SFACC (with Ms. Donohue benefiting from any increase in Pet Camp's revenues) should be investigated and compared to SFACC's relationships with other boarding and training facilities, if any.

On March 10, 2016, SFACC (under Ms. Donohue) appears to have used its authority to harass and embarrass a competitor of Pet Camp. SFACC had requested a vicious and dangerous dog hearing regarding a dog that had attacked an employee at Dan Perata Dog Training. When asked by the hearing officer why SFACC believed that the dog was, in fact, vicious and dangerous, Lt. Amy Corso and Sgt. E. Sadler of SFACC stated that the dog, in their opinion, was not actually vicious and dangerous. Sgt. Sadler stated that the hearing had been requested because SFACC did not approve of the training methods employed by Dan Perata Dog Training, and offered her own disparaging views on those methods. Given that there was no assertion of menacing or aggressive behavior on the part of the dog in question, SFACC appears to have deliberately misused the vicious dog hearing process to undermine a competitor of Ms. Donohue's family business.

Moreover, despite SFACC's accusations raised at the aforementioned hearing, no subsequent investigation was conducted by SFACC regarding alleged "cruel" training methods employed by Dan Perata Dog Training.

Conflict of Interest

Overview

Date: February 15, 2018

Pg. 6

It should be noted that Ms. Donohue does not allow SFACC to investigate nor forward to the San Francisco Police Department's dog bite unit reports of dog bites that occur at veterinary hospitals, grooming parlors and training facilities. This was recently the case when on November 16, 2017 a dog named Mask bit an SFACC employee, sending that person to the hospital in an ambulance. No information was forwarded to the SFPD's vicious dog unit—nor was a vicious dog hearing requested.

As a sad post script to Ms. Donohue's treatment of Dan Perata Dog Training, months later, Simba, a dog deemed vicious and dangerous, was being held in custody at SFACC during what could have been a lengthy appeal process. At first, Ms. Donohue allegedly agreed to allow Simba to be moved by an animal rescue group to an independent boarding facility until the appeal was decided. The rescue group worked out a financial arrangement with a boarding facility that the dog owner could afford. However, upon learning that the proposed boarding facility was Dan Perata Dog Training, Ms. Donohue allegedly did not allow the transfer. Simba then sat isolated at SFACC without exercise or visitation privileges. SFACC alleges that Simba's physical and mental health declined to the point that SFACC decided to have her destroyed. The details of the decline of Simba's health and ultimate destruction need to be investigated as specifics are vague (was there a necropsy?). Had Ms. Donohue allowed the dog to be transferred, it is possible that exercise and owner visits would have prevented the dog from developing maladies that may or may not have warranted destruction of the dog.

Conclusion:

Ms. Donohue's current situation could be compared to a city's chief of police also owning a private security firm and using the city's police officers to harass competing private security firms.

Ms. Donohue, through her tireless and shameless promotion of her family-owned business while employed as director of SFACC, appears to have made Pet Camp an unofficial subsidiary of the City and County of San Francisco and, at the same time, used her position to harass at least one competitor of her family business.

PART III

REMEDIES

I ask the Commission of Animal Control and Welfare, as the advisory body advising the San Francisco Board of Supervisors regarding animal issues in San Francisco, to consider taking the following actions:

1. Inform the Board of Supervisors that there is a real and urgent need for independent oversight and transparency for the San Francisco Department of Animal Care and Control (SFACC). Such oversight could be in the form of additional oversight responsibilities given to the existing Commission of Animal Control and Welfare.
2. Inform the Board of Supervisors that SFACC management has demonstrated that it has neither the training, experience nor inclination to adequately supervise a public safety unit—a unit whose officers have the powers of arrest—and are responsible for making life or death decisions. Moreover, the current management of SFACC has seen fit to ignore or remove safeguards implemented after the fatal dog mauling of Dianne Whipple and Nicholas Fabish.
3. Inform the Board of Supervisors that there appears to be a major conflict of interest involving the Executive Director of SFACC.
4. Inform the Board of Supervisors that a full and independent public safety audit is urgently needed regarding the operation of SFACC's field services unit.
5. Inform the Board of Supervisors that there needs to be better communication, cooperation and written guidelines between all involved city agencies that deal with animal issues.



ANIMAL CARE AND CONTROL DEPARTMENT

1200 15th STREET
SAN FRANCISCO
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STATEMENT OF DECISION

May 24, 2017

Acting Captain Amy Corso
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

Dear Acting Captain Corso,

On Thursday, May 11, 2017 at San Francisco City Hall, Room 408, a Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if a black Newfoundland dog named Botty (A#399322), owned by Ms. Cara Drogus, is vicious and dangerous as defined in Article 1, Section 42(a) of the San Francisco Health Code.

The administrative hearing was recorded and a copy of the sound audio is part of the record of this hearing, maintained by the San Francisco Police Department, San Francisco, California.

All interested parties gave documented evidence and verbal testimony which was considered and incorporated in the following Statement of Decision.

The above hearing was requested by Ms. Kaitlyn Rhoades.

EVIDENCE

The evidence from the San Francisco Police Department file "Drogus, Cara, 3/9/17" was thoroughly reviewed and considered in this matter. The file was submitted as evidence by Officer Ryan Crockett #1516 of the San Francisco Police Department's Vicious and Dangerous Dog Unit. The above file contained United States Park Police Incident Report #PP17019774 and records from the San Francisco Department of Animal Care and Control regarding Mr. Stephen Sayad-P205067.

Statement of Decision

Date: May 24, 2017

RE: Drogus

Pg. 2

Testimony was received by MS. KAITLYN RHOADES.

Ms. Rhoades testified at the above hearing that on March 9, 2017 she was walking her leashed Labrador/Chihuahua-mix dog named Penelope on the beach at Crissy Field. She stated that in the distance she noticed six Newfoundland dogs near a couple of parked recreational vehicles. As she approached the area where the the dogs were sighted, she stated that the Newfoundland dogs, led by bulldog (later identified as Bently) charged in her direction. Upon reaching Ms. Rhoades and Penelope the dogs pinned Penelope to the ground while pawing her and, eventually, chewing through Penelope's leather collar. Penelope broke free from her damaged collar and ran from the dogs where she was eventually pinned twice more. Ms. Rhoades, frantic to get the huge dogs off of Penelope, enlisted the help of two joggers who were passing by and only then were the dogs kept from Penelope. Ms. Rhoades stated that the bulldog Bently arrived at the scene after the six Newfoundlands had already begun the attack to Penelope. Ms. Rhoades stated that Penelope suffered numerous scrapes from the dog's paws and a bite mark to her right rear leg. Ms. Rhoades added that she was absolutely certain that had she and the other people been unable to interrupt the attack to Penelope that Penelope would have been mortally injured.

Testimony was received by MS. CARA DROGUS.

Ms. Drogus testified at the above hearing that she had her three Newfoundland dogs, Botty (160 lbs.), Coal (135 lbs.) and Piglett (90 lbs.) on leash near her recreational vehicle at Crissy Field on March 9, 2017. As she attempted to put the three dogs into the vehicle, her fourth dog, a young bulldog named Bently, ran out the door of the vehicle and immediately gave chase to play with Penelope. The other three dogs, seeing the excitement, pulled Ms. Drogus to the ground where she lost her grip on the dog's leashes. The three dogs joined in the pursuit of Penelope. Ms. Drogus was insistent that there were no more than three Newfoundlands and her bulldog Bently were involved in the incident. She stated that her dogs would never hurt Penelope and added that there may have been a territorial issue involved. Mr. Drogus stated that the second recreation vehicle parked next to her belong to her husband, Stephen Sayad, who owns three other black Newfoundland dogs, Andrew, Hope and Tug. She insisted that none of those dogs, although admittedly at the scene, were not involved in the incident with Penelope due to various mobility issues.

Statement of Decision
Date: May 24, 2017
RE: Drogus
Pg. 3

UNITED STATES PARK POLICE INCIDENT REPORT #PP17019774.

The above incident report was prepared by Officer Andrew Muller #431 of the USPP. Officer Muller reported that met both Ms. Rhoades and Ms. Drogus at the scene of the above incident. Officer Muller reported that Ms. Rhoades told him that four Newfoundland dogs and a bulldog attacked her dog. Officer Muller reported that Ms. Drogus told him that, "three of her dogs had been on leash and two were not. She stated that one of the Newfoundlands, that was off-leash, had chased Rhoades' dog initially and then her other dogs also began to chase." (At the above hearing, Ms. Drogus denied ever having spoken to Officer Muller.)

Officer Muller writes, "A subsequent check of the Rhoades' dog revealed a bite mark to its right rear leg, and an unspecified injury to its left paw."

SAN FRANCISCO DEPARTMENT OF ANIMAL CARE AND CONTROL RECORDS
REGARDING MR. STEPHAN SAYAD-P205067.

The above records were submitted at the hearing as evidence at the above hearing. The records indicate that Mr. Sayad is currently the owner of ten dogs, including the three claimed by Ms. Drogus, Coal (A#373869), Piglet (A#373868) and Botticelli (A#373872).

The records show numerous entries regarding SFACC's interactions with Mr. Sayad and his dogs. In an entry dated May 13, 2015 the following was entered by then Captain Bon Giovanni:

→ "Per AC1, please don't respond to complaints regarding this R/O and his dogs unless there is an exigency. If the caller states R/O is living in a vehicle at Chrissy Field please refer complaints to US Park Police 561-5505. -DB19" ←

The above information presented in the hearing was considered and incorporated in the following Decision and Order.

Statement of Decision

Date: May 24, 2017

RE: Drogus

Pg. 4

FINDINGS

1. There is sufficient evidence to find that on March 9, 2017, a number of dogs belonging to Mr. Sayed and Ms. Drogus chased and injured Ms. Rhoades' dog Penelope.
2. The attack by the dogs belonging to Mr. Sayed and Ms. Drogus to the dog Penelope was unprovoked.
3. Sufficient testimony was presented at the above hearing to find that at least four dogs, Coal, Piglett, Botty and Bently got loose and attacked Ms. Rhoades' dog Penelope causing injury.
4. Evidence submitted was unclear as to which specific dog or dogs inflicted the injuries to Penelope. While the dog Botty (Botticelli) is the subject of this hearing, I believe at least five of Mr. Sayed's and Ms Drogus' dogs were involved.
5. When Ms. Drogus has all three of her Newfoundlands on leash as she did on March 9, 2017, the combined weigh of the dogs is approximately 385 pounds. Having demonstrated that the dogs will suddenly bolt to chase another dog, when walked together, the dogs create a risk to public safety.
6. It is unclear as to the intent of the May 13, 2015 computer entry attributed to the Director of SAFCC (AC1) in Mr. Sayad's records regarding the department's response to public complaints of Mr. Sayad's ten dogs. It would appear that currently, before initiating a response by SFACC to any complaint received by the public regarding the above dogs , clarification would be necessary to determine the "exigency" of the situation. This determination could present a delay to the response of SFACC that could conceivably create a risk to public safety.

CONCLUSION AND ORDER

Based on the testimony at the hearing, the documents presented, and these findings, much more must be done to prevent the dogs owned by Mr. Sayad and Ms. Drogus from being a risk to public safety. As to the issue as to whether the dog Botty is vicious and dangerous, while I do believe that the dog was involved in the incident that caused injury to Ms. Rhoades' dog Penelope, there is insufficient evidence to find that the dog Botty inflicted the injuries. It also appears that had the Newfoundland's true intent to have caused serious harm or even death to Penelope, due to their numbers, size and strength they had ample opportunity to do so. While no minimization of injuries suffered by Penelope is intended, the dogs involved acted in a manner consistent with dogs expressing territorial dominance. As to Ms. Drogus' contention that her dogs merely wished to "play" with Penelope, I do not concur.

Statement of Decision

Date: May 24, 2017

RE: Drogus

Pg. 5

More needs to be done to keep all dogs owned by Mr. Sayad and Ms. Drogus safely under control. (I believe that Ms. Drogus has come to the realization that she is unable to safely control 385 pounds of excited dogs at the same time.)

Ms. Drogus has therefore agreed to voluntarily walk each of her dogs one at a time to better to prevent the dogs escaping her safe control. She has also committed to finding another home for the bulldog Bently in an effort to reduce the total number of dogs under her control.

Should Ms. Drogus fail in her promise to keep her dogs safely under control, it is my hope that the San Francisco Department of Animal Care and Control shall respond to complaints from the public regarding aggressive or menacing behavior demonstrated by the dogs.

THEREFORE, I make the following order:

Ms. Drogus' dog Botty (A#399322) shall not be registered as a vicious and dangerous per Article 1, Section 42(a) of the San Francisco Health Code.

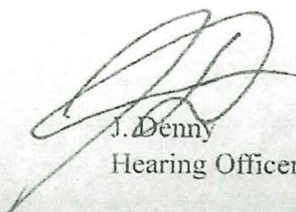
I believe that this decision will protect the health, safety and welfare of the community.

APPEAL

The decision of the hearing officer is final as to the terms of this Hearing Order. Any person or entity aggrieved by an administrative order of a hearing officer on an administrative citation may obtain review of the administrative order by filing a petition seeking review with the Superior Court of California, County of San Francisco, in accordance with the statutes of limitation and provisions set forth in California Code of Civil Procedures, Section 1094.5. There are strict time limits for requesting such judicial review of this order. If one wishes to have this order reviewed by a court, it is advisable to consult an attorney promptly.

IT IS SO ORDERED:

Date: May 24, 2017


J. Denny
Hearing Officer



ANIMAL CARE AND CONTROL DEPARTMENT

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STATEMENT OF DECISION

May 24, 2017

Acting Captain A. Corso
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

Dear Acting Captain Corso,

On Thursday, May 11, 2017 at San Francisco City Hall, Room 408, a Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if a 70lb. black and white pit bull-mix dog named Peaches (A#303166), owned by Mr. David Schaffrick, is vicious and dangerous as defined in Article 1, Section 42(a) of the San Francisco Health Code.

The administrative hearing was recorded and a copy of the sound audio is part of the record of this hearing, maintained by the San Francisco Police Department (SFPD), San Francisco, California.

The above hearing was requested by San Francisco Police Officer William R. Whitfield #1045.

The dog Peaches was ordered into custody and to be held pending a Vicious and Dangerous Dog Hearing by Officer Whitfield pursuant to Article 1, Section 42.3(b)(i) of the San Francisco Health Code as a result of the Officer Whitfield's observations during an incident that occurred on May 4, 2017.

Officer Whitfield was in attendance at the above hearing. The owner/guardian of the dog Peaches, Mr. Schaffrick, was not in attendance. I was informed that the dog Peaches was in custody at the San Francisco Department of Animal Care and Control (SFACC).

Given that Mr. Schaffrick is reportedly homeless, efforts made to properly notify Mr. Schaffrick of the place, date and time of the above hearing by both the SFPD and SFACC may not have

Statement of Decision

Date: May 24, 2017

RE: Schaffrick

Pg. 2

been successful, the hearing was continued to the next possible hearing date which was May 18, 2017. It should be noted that approximately an hour later, Mr. Schaffrick entered the courtroom mentioning that SFACC had given him an incorrect starting time for the hearing. Officer Crockett immediately contacted Officer Whitfield via cell phone in an attempt to have him return to the hearing but found that Officer Whitfield was required at another court appearance and, thus, would be unable to return.

Mr. Schaffrick was then notified of the new hearing date.

On Thursday, May 18, 2017 at San Francisco City Hall, Room 408, Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if a 70lb. black and white pit bull-mix dog named Peaches (A#303166), owned by Mr. David Schaffrick, is vicious and dangerous as defined in Article 1, Section 42(a) of the San Francisco Health Code.

The hearing was a continuation of a hearing initially scheduled on May 11, 2017.

All interested parties gave documented evidence and verbal testimony which was considered and incorporated in the following Statement of Decision. Mr. Schaffrick and Officer Whitfield were both in attendance.

EVIDENCE

The evidence from the San Francisco Police Department files "Schaffrick, David 5/4/2017" and "Schaffrick, David 04-09-2016" were thoroughly reviewed and considered in this matter. Included in the files were SFPD incident reports #170365431 and #160342198. The files were submitted as evidence by Officer Ryan Crockett #1516 of the San Francisco Police Department's Vicious and Dangerous Dog Unit.

Officer Crockett then informed all parties that Mr. Schaffrick's dog Peaches was not in custody. Acting Captain Amy Corso of SFACC informed me that per Deputy Director Diana Christensen, the dog Peaches had been released back to Mr. Schaffrick. Acting Captain Corso read an entry in SFACC computer records regarding Deputy Director Christiansen's decision to release the dog in which she stated that the circumstances of the impoundment did not, in her opinion, necessitate the dog being held in custody as requested by Officer Whitfield pursuant to Article 1, Section 42.3(b)(i) of the San Francisco Health Code.

Statement of Decision

Date: May 24, 2017

RE: Schaffrick

Pg. 3

Officer Whitfield testified that he had not been contacted by SAFACC regarding the circumstances of the impoundment nor that the dog had been released. Ms. Christensen was present at the May 11, 2017 hearing and was aware that the hearing had been continued. No testimony was taken nor evidence submitted at the May 11, 2017 hearing. Acting Captain Corso was unable to supply the basis of any investigation or evidence reviewed by Deputy Director Christensen that would lead her to believe the dog was not a threat to public safety. Releasing a dog from custody impounded by another agency without contacting the impounding agency to discuss and/or evaluate the need to keep the dog in custody is unprecedented. In effect, such an unilateral action subverts the effectiveness of the Vicious and Dangerous Dog Hearing process—a process which involves the taking of testimony, examination of evidence and a review of applicable remedies to ensure public safety.

Acting Captain Corso was asked if this policy of releasing potentially vicious dogs impounded at the request of other municipal agencies without benefit of a Vicious and Dangerous Dog Hearing or a conference of all involved parties was going to be the new policy of SFACC. Acting Captain Corso replied that she believed SFACC would review such situations on a “case by case” basis.

The Vicious and Dangerous Dog Hearing then proceeded to receive testimony and collect evidence to determine if Mr. Schaffrick’s dog Peaches was a vicious and dangerous dog as defined in Article 1, Section 42(a) of the San Francisco Health Code.

Testimony was received from SAN FRANCISCO POLICE OFFICER WILLIAM WHITFIELD.

Officer Whitfield testified at the above hearing that on May 4, 2017 he was dispatched to 1960 Hayes Street on a report of squatters living in an electrical closet of the building. Officer Whitfield testified that once a locksmith had allowed him to look inside the closet, he heard the voices of two people and the growling and barking of two dogs. Unable to see all the parties and dogs due to the layout of the closet, Officer Whitfield waited for both police and SFACC backup before proceeding. Once he felt he had sufficient support, Officer Whitfield stated that he could see a man (later identified as Mr. Schaffrick) and an unidentified woman inside the small space. The woman was holding the leashes of a black pit-bull-mix dog and also that of a smaller Chihuahua-mix dog. Both dogs were barking in an aggressive manner. The pit bull-mix dog, Peaches, was lunging at the end of the leash towards Officer Whitfield and the woman was being pulled forward due to the dog’s strength and the dog’s failure to abide by verbal commands given to it by the woman. Officer Whitfield’s testimony was that both dogs

Statement of Decision

Date: May 24, 2017

RE: Schaffrick

Pg. 4

acted aggressively and the woman's control of Peaches was a great concern. Officer Whitfield requested that both dogs be taken into custody which was done by responding units of SFACC.

Testimony was received from MR. DAVID SCHAFFRICK.

Mr. Shaffrick testified at the above hearing that he and Ms. Taylor Broaddus were both in the electrical room at 1960 Hayes Street with his dog Peaches and her Jack Russell-mix dog named Lily Bug. When Officer Whitfield made entry to the room, he acknowledged that the dogs were barking but that the officer was not in any danger.

SFPD POLICE REPORT #170365431.

Officer Whitfield generated the above police report. He wrote, "The unidentified female came from behind the electrical box with the two dogs pulling her forward and barking. I was concerned for my safety as well as the safety of everyone on scene because of the dog's incessant barking, menacing snarl, and refusal to obey commands given by D2- the unidentified female". Officer Whitfield adds, "I told the unidentified female numerous times to tie the dogs to the stationary electrical box inside the room and exit. She refused each time I instructed her to do so as the dogs barked louder and continuously despite her attempts and commands to quiet them".

SAN FRANCISCO DEPARTMENT OF ANIMAL CARE AND CONTROL RECORDS.

Records submitted at the above hearing by SFDACC reveal the following regarding the dog Peaches:

1. "12/31/14 R/O arrested by SF State Police. He (Schaffrick) had already been transported prior to my arrival. Dog was growling so I used a come along to impound. Unable to vaccs. or remove clothing and harness. Pink signed as a precaution though she may be handleable once she calms don a bit."
2. "07/12/15 17:56-SFPD CASE #150607269". This entry appears to have to do with Peaches being in the custody of a person other than Mr. Schaffrick when the dog appears to have inflicted a bite. Peaches identified via license tag. SFDACC records lack further details.

Statement of Decision

Date: May 24, 2017

RE: Schaffrick

Pg. 5

3. 4/9/16 SFDACC officer reportedly responded to St. Mary's Park where where a park ranger had to use pepper spray on Peaches to prevent an attack. The SFDACC officer notes, "I did notice Peaches reacted more (barking) at uniforms".

4. 05/11/16 10:30 R/O arrested. SFDACC responded to take dog into custody. ES20 writes, "She (Peaches) was growling and barking at me....Back at ACC she walked on leash fine but was hunched over and whale-eying me. Very low growl. I don't feel super comfortable vaxing her or removing her collar at this time".

STATEMENT OF DECISION DATED JULY 20, 2016 REGARDING MR. SCHAFFRICK'S DOG PEACHES.

On July 7, 2016 a Vicious and Dangerous Dog Hearing was held regarding and April 9, 2016 incident wherein a park ranger at St. Mary's Park was charged by Peaches after the ranger attempted to wake Mr. Schaffrick. Upon being pepper sprayed, Peaches retreated to Mr. Schaffrick.

Testimony was also given at that hearing by another ranger who stated he ordered a man named Rosen who was with an un-leashed Peaches at St. Mary's Park on December 17, 2015 to leash the dog. The person complied and as Mr. Schaffrick arrived at the scene, Peaches, on leash with Mr. Rosen, bit the ranger once on the left leg. Mr. Rosen was cited at the scene for a leash violation and dog bite. A copy of the above decision was sent to SFACC who made the following entry in the dog's history, "07/22/16 17:27 I received the Statement of Decision from hearing officer John Denny. Peaches not found to be vicious and dangerous. -DB19". No mention of the Decision's findings regarding the bite to the second ranger or the citations issued for off-leash (41.12(a) SFHC) and dog bite (41.5.1(a)(i) SFHC) were entered into the dog's records at SFDACC.

The above evidence presented at the hearing was considered and incorporated in the following Decision and Order.

Statement of Decision
Date: May 21, 2017
RE: Schaffrick
Pg. 6

FINDINGS

1. There is sufficient evidence to find that on May 4, 2017, Mr. Schaffrick's dog Peaches exhibited menacing and aggressive behavior as observed by Officer Whitfield.
2. SFDACC records reveal that Peaches has bitten one person and has been pepper sprayed while charging a park ranger. There are recorded entries in the dog's SFDACC history of worrisome and potential aggressive behavior demonstrated while impounded. The dog has been "pink signed" (indicating danger to shelter staff) twice while in custody. (Missing in SFDACC's history of Peaches is that they have also been officially advised of another bite (to a park ranger) and the dog's owner/guardian having been cited for an off-leash infraction and a dog bite.)

CONCLUSION AND ORDER

Mr. Schaffrick's dog Peaches has reportedly bitten two people, attacked a person who fought the dog off with pepper spray, and while in custody at SFACC (on more than one occasion) has demonstrated aggressive behavior requiring the dog to be "pink signed" (identified as dangerous).

I am appalled and saddened by Deputy Director Christiansen's uninformed and unilateral decision to release the dog Peaches into the public without adequate control prior to a Vicious and Dangerous Dog Hearing. Even the most pedestrian review of the dog's history of bites, attacks and aggressive behavior at the shelter would indicate that the dog should have remained in custody pending the above Vicious and Dangerous Dog Hearing.

Article 1, Section 42 of the San Francisco Health Code defines "vicious and dangerous dog" as:

- (1) Any dog that when unprovoked inflicts bites or attacks a human being or domestic animal either on public or private property, or in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the street, sidewalks, or any public grounds or places; or
- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (3) Any dog which engages in, or has found to have been trained to engage in, exhibitions of dog fighting; or
- (4) Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

Statement of Decision

Date: May 21, 2017

RE: Schaffrick

Pg. 7

THEREFORE, I make the following Decision and Order:

1. Mr. Schaffrick's dog Peaches is vicious and dangerous under the definitions of Article 1, Section 42 of the San Francisco Health Code;
2. All provisions of Article 1, Section 42.2 of the San Francisco Health Code shall be applied;
3. Mr. Schaffrick and his dog Peaches shall enroll and successfully complete a beginning, intermediate and advanced dog obedience course, approved by the San Francisco Department of Animal Care and Control no later than one year from the date of his order. Certified completion of each course shall be forwarded to the San Francisco Police Department's Vicious and Dangerous Dog Unit and placed into the administrative file.

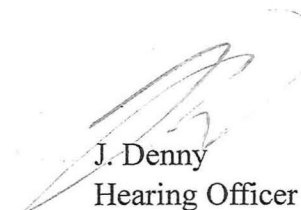
I believe that this decision will protect the health, safety and welfare of the community.

APPEAL

The decision of the hearing officer is final as to the terms of this Hearing Order. Any person or entity aggrieved by an administrative order of a hearing officer on an administrative citation may obtain review of the administrative order by filing a petition seeking review with the Superior Court of California, County of San Francisco, in accordance with the statutes of limitation and provisions set forth in California Code of Civil Procedure, Section 1094.5. There are strict time limits for requesting such judicial review of this order. If it one's intent to have this order reviewed by a court, it is advisable to consult an attorney promptly.

IT IS SO ORDERED:

Date: May 24, 2017


J. Denny
Hearing Officer



ANIMAL CARE AND CONTROL DEPARTMENT

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STATEMENT OF DECISION

November 15, 2016

Captain D. BonGiovanni
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

Dear Captain BonGiovanni,

On Thursday, November 10, 2016 at San Francisco City Hall, Room 408, a Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if Mr. Robert Washington, 416 Precita Avenue, Apt. A, has allowed his black pit bull-mix dog named Destiny (A#313523) to be off-leash or un-muzzled in public. This hearing officer had previously ordered that Destiny be humanely euthanized after a prior Vicious and Dangerous Dog Hearing held on August 7, 2014, in a Statement of Decision dated August 12, 2014.

Mr. Washington filed a writ of administrative mandamus with the San Francisco Superior Court following that decision. In a settlement of that lawsuit, Mr. Washington agreed to abide by the conditions articulated in the Full and Final Release regarding Washington v. City and County of San Francisco et al. (San Francisco Superior Court Case No. CPF-13-513254). These conditions required Mr. Washington to keep Destiny leashed and muzzled at all times while in public.

Mr. Washington also agreed as part of the settlement that if after a hearing it was determined that he violated the terms of the agreement, that Destiny would be euthanized and that Mr. Washington waived his right to appeal the decision that he violated the agreement. Therefore, the purpose of the hearing on November 10, 2016 was to determine if Mr. Washington had violated the terms of the agreement.

At the hearing, witnesses to Mr. Washington and his dog gave verbal testimony. The Hearing Officer also accepted as evidence various documents including incident reports.

Statement of Decision

Date: November 15, 2016

RE: Washington

Pg. 2

FINDINGS

1. Mr. Andre Lucero testified at the above hearing that on May 10, 2016 he was jogging with his black Labrador dog named Hera on Precita Avenue. As they ran past 416 Precita Avenue his dog was attacked by a black pit bull-mix dog (later identified as the dog Destiny). Destiny bit Hera on the neck and held on until four people assisted in separating Destiny from Hera. The dog Hera sustained at least one puncture wound to the neck. A witness at the scene, Ms. Debbie Miller, testified that Robert Washington was one of the people that pulled Destiny off Hera. Mr. Washington testified at the above hearing that he had no recollection of the incident. (SFPD police report #160385671). I find there is sufficient evidence to support that Destiny was at-large (unleashed and un-muzzled) on May 10, 2016 when she attacked and caused injury to Mr. Lucero's dog Hera.
2. On May 17, 2016, after receiving information of the above incident, the San Francisco Police Department issued an Order of Seizure and sent it to the San Francisco Department of Animal Care and Control (ACC) for service.
3. Mr. Kurt Rohde testified at the above hearing that on October 17, 2016, his leashed dog Ripley, a blonde Labradoodle, was attacked on Precita Avenue by the dog Destiny resulting in numerous punctures to Ripley's neck. Mr. Washington assisted in pulling Destiny off Ripley and immediately left the scene. Mr. Rohde identified Mr. Washington at the above hearing as the man who removed Destiny from the scene. Mr. Washington testified at the above hearing that he did not remember the incident and did not believe that it occurred. (SFPD police report #160862845.) I find there is sufficient evidence to support that Destiny was at-large (unleashed and un-muzzled) October 17, 2016 when she attacked and caused injury to Mr. Rohde's dog Ripley.
4. On October 30, 2016, a unit from ACC observed Mr. Washington walking Destiny near Precita Park and alerted the SFPD for assistance in serving the aforementioned Order of Seizure. SFPD assisted in detaining Mr. Washington. Detaining SFPD officers reported that, at the time they detained Mr. Washington, the dog Destiny was not muzzled. (SFPD police report #160883954.) I find there is sufficient evidence to support that Destiny was not muzzled on October 30, 2016.
5. Mr. Bruce Rogers testified at the above hearing that approximately in "late June" his black Labrador dog named Ruby was attacked by Mr. Washington's dog Destiny who was un-muzzled at the time of the attack. Mr. Rogers testified that he pleaded with Mr. Washington to help separate Destiny from his dog but Mr. Washington was not willing to do so. Once the dogs were separated, Mr. Rogers picked up Ruby and told Mr. Washington to remain at the scene as he would return as soon as he ran Ruby home. Mr. Washington did not wait for Mr. Rogers' return. Mr. Washington responded to Mr. Roger's testimony by stating, "I don't know him (Rogers). I never met him. I don't know his dog." I find there is sufficient evidence to support that Destiny was not muzzled during the attack to Mr. Rogers' dog Ruby.

Statement of Decision

Date: November 15, 2016

RE: Washington

Pg. 3

6. Mr. Washington gave verbal testimony stating, "She (Destiny) doesn't need a muzzle. She has never needed a muzzle". He later stated, "She (Destiny) is not now nor has ever been vicious and dangerous..." Mr. Washington also stated that he was "never in agreement or accord" of a final release.


CONCLUSION AND ORDER

Based on the testimony at the hearing, the documents presented, and these findings, it is my decision that Mr. Washington's dog Destiny has been allowed to be off-leash and un-muzzled outside his residence while attacking and approaching other dogs in a menacing way, and, as such, is not in compliance with the Full and Final Release regarding Washington v. City and County of San Francisco et al. (San Francisco Superior Court Case No. CPF-13-513254).

THEREFORE, I make the following order:

1. Mr. Washington has not abided by the Full and Final Release regarding Washington v. City and County of San Francisco et al. (San Francisco Superior Court Case No. CPF-13-513254);
2. That pursuant to the Full and Final Release, the Statement of Decision in August, 2014, and the evidence received at this hearing that Destiny should be humanely destroyed; and that
3. Mr. Washington is prohibited from owning, possessing, controlling or having custody of any dog for a period of three years from the date of this order.

I believe that this decision will protect the health, safety and welfare of the community.



J. Denny
Hearing Officer



ANIMAL CARE AND CONTROL DEPARTMENT

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STATEMENT OF DECISION

March 14, 2016

Captain D. BonGiovanni
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

Dear Captain BonGiovanni,

On Thursday, March 10, 2016 at San Francisco City Hall, Room 408, a Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if a black and white pit bull-mix dog named Tank (A#382563), owned by Ms. Alison Lee, is vicious and dangerous as defined in Article 1, Section 42(a) of the San Francisco Health Code.

All interested parties gave documentary evidence and verbal testimony.

FINDINGS

1. On January 27, 2016, Ms. Lee and Tank were at a dog training appointment at Dan Perata Training located at 80 Elmira Street. Mr. Aaron Kosarchuk was the trainer working that day with Ms. Lee and Tank. During the training session Tank lunged and bit Mr. Kosarchuk resulting in wounds to Mr. Kosarchuk's left torso and right arm that required medical treatment. Security video of the incident showed that Ms. Lee did not get attempt to intervene or interrupt Tank's attack to Mr. Kosarchuk.
2. Verbal testimony was given by Sgt. Ellie Sadler of the San Francisco Department of Animal Care and Control (ACC). Sgt. Sadler indicated the attack to Mr. Kosarchuk by Tank may have been due to the "fairly aggressive manner of training" employed by Mr. Kosarchuk and that such training techniques may have provoked the dog.
3. Records at ACC indicate no prior reported incidents of Tank being involved in an incident wherein he displayed menacing and/or aggressive behavior.
4. Tank is on anti-anxiety medication and also enrolled in in an extensive training/behavior program often requiring that he stay for extended periods at the training center.

Statement of Decision
Date: March 14, 2016
RE: Lee
Pg. 2

CONCLUSION

Based on the testimony at the hearing, the documents presented, and these findings, the dog Tank inflicted serious injuries to a human during a controlled training exercise.

Ms. Lee realizes that Tank's behavior, without extensive intervention, could devolve into behavior that could put the public at risk. She has spared no effort or expense to ensure that Tank is getting the full attention of dog training professionals and has assured me that she is not deterred by the outburst at the training facility. Mr. Perata, the owner of the training facility currently employed by Ms. Lee, believes that Tank's behavioral issues will be dealt with successfully.

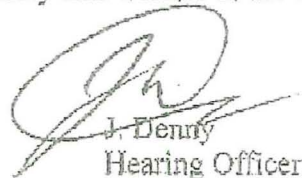
While I believe that Ms. Lee is doing everything within her power to ensure that Tank's anxiety issues are resolved, I must nevertheless address the injuries inflicted upon Mr. Kosarchuk. Under certain circumstances created during a training appointment, Tank lashed out and caused serious injuries. Tank must not be put into a situation wherein he has the ability or opportunity to be a risk to public safety.

To that end, Ms. Lee has committed herself to working indefinitely with Mr. Perata. More importantly, Ms. Lee has voluntarily agreed to ensure that, while in public, Tank is leashed and muzzled at all times until such time that Tank can demonstrate to Sgt. Hicks of the San Francisco Police Department's Vicious and Dangerous Dog Unit and a member of the San Francisco Department of Animal Care and Control that Tank is not a risk to public safety.

THEREFORE, I make the following decision:

The dog Tank is vicious and dangerous as defined in Article 1, Section 42(a) of the San Francisco Health Code and, as such, is eligible for full registration. **However, this order shall be held in abeyance for a period of three years.** After three years from the date of this order and the dog Tank has not been involved in any incidents wherein he has exhibited menacing and/or aggressive behavior, this order shall automatically expire.

I believe that this decision will protect the health, safety and welfare of the community.


J. Denny
Hearing Officer



ANIMAL CARE AND CONTROL DEPARTMENT

1200 15th STREET
SAN FRANCISCO
CALIFORNIA 94103
(415) 554-6364
FAX (415) 557-9950
TDD (415) 554-9704

STATEMENT OF DECISION

November 8, 2016

Captain D. BonGiovanni
Animal Care and Control
1200 15th Street
San Francisco, CA 94103

Dear Captain BonGiovanni,

On Thursday, October 20, 2016, at San Francisco City Hall, Room 408, a Vicious and Dangerous Dog Hearing was held. The purpose of the hearing was to determine if a pit bull-mix dog named Olive (A#393752), owned by Ms. Audrey Gallup, and a pit bull-mix dog named Lola (A#3393749), owned by Mr. Adam Reeder, are vicious and dangerous as defined by Article 1, Section 42(a) of the San Francisco Health Code. The administrative hearing was recorded and a copy of the sound audio is part of the record of this hearing, maintained by the San Francisco Police Department (SFPD), San Francisco, California. All interested parties gave documented evidence and verbal testimony which was considered and incorporated in the following Statement of Decision.

The complainants, Mr. Mark Nelson, Mr. Louis Hamman and Ms. Rose Harden were in attendance. The dog owners, Mr. Reeder and Ms. Gallup were not in attendance. It was not known whether the dog owners had been properly noticed of the hearing. Upon informing the complainants that the hearing would be continued until such time as the dog owners could be properly noticed, the complainants informed me that it would be a hardship for them to appear at a future hearing. I made a decision that would allow them to give their testimony with the knowledge that the matter would be continued at which time they would be noticed. All three complainant then gave their verbal testimony.

Ms. Gallup and Mr. Reed were properly noticed of the second hearing in the matter and were in attendance on November 3, 2016. Complainants Nelson and Harden also were in attendance.

FINDINGS

1. According to SFPD Report #160834292, on October 13, 2016, Ms. Gallup's dog Olive and Mr. Reeder's dog Lola escaped a yellow school bus parked on Innes Street. (The bus is used as a residence and transportation for Ms. Gallup and Mr. Reeder.) The dogs ran through a hole in the fence at 702 Earl Street and onto the property inhabited by Mr. Mark Nelson and Mr. Louis Hamman. Mr. Nelson testified that he heard a commotion in the yard and when he came into view of the cause of the commotion he saw that both dogs were attacking a 200lb. sheep owned by Mr. Hamman named Shaun. Both dogs had Shaun's snout in their mouths and had forced the sheep to its front knees. Mr. Nelson grabbed piece of lumber and ran at the dogs who let go of Shaun. One dog ran back through a hole in the property perimeter fence while the other dog kept running around the yard. Mr. Nelson stated that he realized that he was between the second dog and the hole in the fence that the dog needed to escape and thus allowed the dog to escape. It was at this time Mr. Nelson saw that his chicken, Charlie Chaplin, lay mortally wounded on the ground. Mr. Nelson testified with great emotion that he then had no choice but to wring the neck of Charlie Chaplin, who he then put out of his misery.
2. Units from the San Francisco Department of Animal Care and Control (ACC) and the San Francisco Police Department arrived on the scene after receiving a 911 call from Mr. Hamman.
3. Mr. Hamman gave emotional testimony regarding his disagreement with the responding ACC officer that Shaun and Charlie Chaplin were livestock, and as such, the dog bite ordinance in the San Francisco Health Code did not apply to the situation. Mr. Hamman said the ACC officer stated, "She's just a sheep". After a discussion between the responding agencies, it was decided that Shaun and Charlie Chaplin were domesticated pets. SFPD officers then cited the dog owners for owning a biting dog, dogs running at large and not being licensed. ACC officers impounded the dogs (authorized by Sgt. Hicks #2227, SFPD) who were then held at ACC pending the above hearings.
4. I consider Shaun the sheep and Charlie Chaplin the chicken to have been domestic pets at the time of the incident.
5. Ms. Gallup testified that three of her dogs, Lola, Olive and Carl, escaped the school bus unnoticed as she was cleaning. Upon realizing that the dogs had escaped, she got into her car and searched the area...ultimately ending up at 702 Earl Street.
6. The dog Carl, while at large, did not participate in the attack to Shaun and Charlie Chaplin.
7. Mr. Reeder testified that all three above dogs, Olive, Lola, Carl and a fourth dog that also lives with him in the bus, Chopper, are always put on leash prior to leaving the bus.
8. Mr. Nelson testified that he has seen Chopper running at large in the area but the dog has not entered his property.

Statement of Decision
Date: November 8, 2016
Re: Gallup, Reeder
Pg. 3

CONCLUSION AND ORDER

Article 1, Section 42 of the San Francisco Health Code defines "vicious and dangerous dog" as:

- (1) Any dog that when unprovoked inflicts bites or attacks a human being or domestic animal either on public or private property, or in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the street, sidewalks, or any public grounds or places; or
- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (3) Any dog which engages in, or is found to have been trained to engage in, exhibitions of dog fighting; or
- (4) Any dog at large found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.

Article 1, Section 4I.5.1 defines a biting dog as:

Any dog that bites a person or other animal in the City and County of San Francisco...

Article 1, Section 41 defines "animal" as:

"Animal" shall mean and include any bird, mammal, reptile or other creature, except fish.

I believe that livestock are mammals.

Based upon the testimony at the hearing, the documents presented, and these findings, I believe that the dogs Lola and Olive have demonstrated that they are vicious and dangerous.

THEREFORE, I make the following decision:

1. The dog Lola (A#393749) and the dog Olive (A#393752) are vicious and dangerous under the definitions of Article 1, Section 42(a) of the San Francisco Health Code;
2. All provisions of Article 1, section 42.2 of the San Francisco Health Code shall be applied (this includes using a leash and muzzle at all times in public);
3. Mr. Reeder and the dog Lola shall attend and successfully complete a basic, intermediate and advanced obedience course, approved by the San Francisco Police Department's vicious and dangerous dog unit, to be completed no later than one year from the date of this order. Notice of completion of each course shall be sent to Sgt. Hicks of the San Francisco Police Department's vicious and dangerous dog unit.
4. Mr. Gallup and the dog Olive shall attend and successfully complete a basic, intermediate and advanced obedience course, approved by the San Francisco Police Department's vicious and dangerous dog unit, to be completed no later than one year from the date of this order. Notice of completion of each course shall be sent to Sgt. Hicks of the San Francisco Police Department's vicious and dangerous dog unit.

I believe this decision will protect the health, safety and welfare of the community.

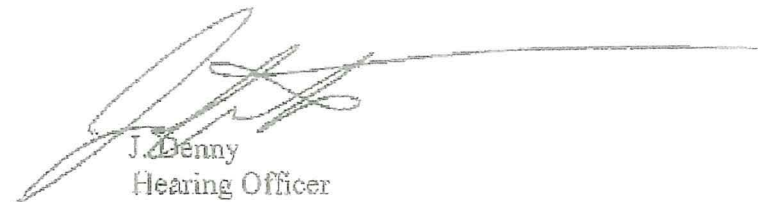
Statement of Decision
Date: November 8, 2016
Re: Gallup, Reeder
Pg. 4

APPEAL

The decision of the hearing officer is final as to the terms of this Hearing Order. Any person or entity aggrieved by an administrative order of a hearing officer on an administrative citation may obtain review of the administrative order by filing a petition seeking review with the Superior Court of California, County of San Francisco, in accordance with the statutes of limitation and provisions set forth in California Government Code Section 53069.4. There are strict time limits for requesting such judicial review of this Order. If you wish to have this order reviewed by a court, it is advisable to consult an attorney promptly.

IT IS SO ORDERED:

Date: November 8, 2016


J. Benny
Hearing Officer

GENERAL SERVICES AGENCY

STATEMENT OF INCOMPATIBLE ACTIVITIES

Includes the 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Immigrant Rights Commission, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Office of Public Finance, Real Estate Division, Reproduction and Mail Services, Risk Management, and Treasure Island Operations¹

I. INTRODUCTION

This Statement of Incompatible Activities is intended to guide officers and employees of the General Services Agency ("GSA" or "Agency") about the kinds of activities that are incompatible with their public duties and therefore prohibited. This Statement covers all officers and employees of the 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Immigrant Rights Commission, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Office of Public Finance, Real Estate Division, Reproduction and Mail Services, Risk Management, and Treasure Island Operations. For the purposes of this Statement, and except where otherwise provided, "officer" shall mean the executive director ("director") of the Agency; a department head, division head or office head in the Agency; or a member of the Immigrant Rights Commission; and "employee" shall mean all employees of the Agency.

This Statement is adopted under the provisions of San Francisco Campaign & Governmental Conduct Code ("C&GC Code") section 3.218. Engaging in the activities that are prohibited by this Statement may subject an officer or employee to discipline, up to and including possible termination of employment or removal from office, as well as to monetary fines and penalties. (C&GC Code § 3.242; Charter § 15.105.) Before an officer or employee is subjected to discipline or penalties for violation of this Statement, the officer or employee will have an opportunity to explain why the activity should not be deemed to be incompatible with his or her City duties. (C&GC Code § 3.218.) Nothing in this document shall modify or reduce any due process rights provided pursuant to the officer's or employee's collective bargaining agreement.

In addition to this Statement, officers and employees are subject to Agency policies and State and local laws and rules governing the conduct of public officers and employees, including but not limited to:

- Political Reform Act, California Government Code § 87100 *et seq.*;
- California Government Code § 1090;
- San Francisco Charter;
- San Francisco Campaign and Governmental Conduct Code;
- San Francisco Sunshine Ordinance; and
- Applicable Civil Service Rules.

¹ Although the Departments of Public Works (DPW) and Telecommunications and Information Services (DTIS) are part of the General Services Agency, they have their own separate Statements of Incompatible Activities.

Nothing in this Statement shall exempt any officer or employee from applicable provisions of law, or limit his or her liability for violations of law. Examples provided in this Statement are for illustration purposes only, and are not intended to limit application of this Statement. Nothing in this Statement shall interfere with the rights of employees under a collective bargaining agreement or Memorandum of Understanding applicable to that employee.

Nothing in this Statement shall be construed to prohibit or discourage any City officer or employee from bringing to the City's and/or public's attention matters of actual or perceived malfeasance or misappropriation in the conduct of City business, or from filing a complaint alleging that a City officer or employee has engaged in improper governmental activity by violating local campaign finance, lobbying, conflicts of interest or governmental ethics laws, regulations or rules; violating the California Penal Code by misusing City resources; creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer's or employee's City position; or abusing his or her City position to advance a private interest.

No amendment to any Statement of Incompatible Activities shall become operative until the City and County has satisfied the meet and confer requirements of State law and the collective bargaining agreement.

If an employee has questions about this Statement, the questions should be directed to the employee's supervisor, or to the department head, division head or office head, as appropriate, or to the director. Similarly, questions about other applicable laws governing the conduct of public employees should be directed to the employee's supervisor, or the department head, division head or office head, as appropriate, or the director, although the supervisor, department head, division head, office head or director may determine that the question must be addressed to the Ethics Commission or City Attorney. Employees may also contact their unions for advice or information about their rights and responsibilities under these and other laws.

If a City officer has questions about this Statement, the questions should be directed to the officer's appointing authority, the Ethics Commission or the City Attorney.

II. MISSION OF THE GENERAL SERVICES AGENCY

The mission of the General Services Agency is to manage and implement policies, programs, rules and regulations promulgated by the Mayor, the Board of Supervisors and the voters; to oversee the management and operations of certain City departments, offices, and programs, including the Department of Public Works, the Telecommunications and Information Services Department, 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Immigrant Rights Commission, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Office of Public Finance, Real Estate Division, Reproduction and Mail Services, Risk Management, Treasure Island Operations (S.F. Charter § 4.129 and 4.132.)


III. RESTRICTIONS ON INCOMPATIBLE ACTIVITIES

This section prohibits outside activities, including self-employment, that are incompatible with the mission of the Agency. Under subsection C, an officer or employee may seek an advance written determination whether a proposed outside activity is incompatible and therefore prohibited by this Statement. Outside activities other than those expressly identified

here may be determined to be incompatible and therefore prohibited. For an advance written determination request from an employee, if the director delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the director.

A. RESTRICTIONS THAT APPLY TO ALL OFFICERS AND EMPLOYEES

1. ACTIVITIES THAT CONFLICT WITH OFFICIAL DUTIES



No officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that conflicts with his or her City duties. An outside activity conflicts with City duties when the ability of the officer or employee to perform the duties of his or her City position is materially impaired. Outside activities that materially impair the ability of an officer or employee to perform his or her City duties include, but are not limited to, activities that disqualify the officer or employee from City assignments or responsibilities on a regular basis. Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.


[RESERVED.]

2. ACTIVITIES WITH EXCESSIVE TIME DEMANDS

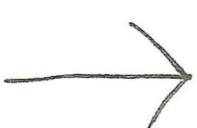
No director, department head, division head, office head, or any employee may engage in outside activity (regardless of whether the activity is compensated) that would cause the director, department head, division head, office head or employee to be absent from his or her assignments on a regular basis, or otherwise require a time commitment that is demonstrated to interfere with the director's, department head's, division head's, office head's or employee's performance of his or her City duties.

Example. An employee who works at the Agency's front desk answering questions from the public wants to take time off every Tuesday and Thursday from 2:00 to 5:00 to coach soccer. Because the employee's duties require the employee to be at the Agency's front desk during regular business hours, and because this outside activity would require the employee to be absent from the office during regular business hours on a regular basis, the director or his/her designee may, pursuant to subsection C, determine that the employee may not engage in this activity.

3. ACTIVITIES THAT ARE SUBJECT TO REVIEW BY THE AGENCY



Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, and except for officers or employees of the Office of Labor Standards Enforcement (OLSE), who are governed by section III.B.5, no officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of the officer's or employee's department, division or office. In addition to any activity permitted pursuant to subsection C, nothing in this subsection prohibits the following activities: appearing before one's own department, division, office or commission on behalf of oneself; filing or otherwise pursuing claims against the City on one's own behalf; running for City elective office; or making a public records disclosure request pursuant to the Sunshine Ordinance or Public Records Act. Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.



a. Assistance in Responding to City Bids, RFQs and RFPs. No officer or employee may knowingly provide selective assistance (i.e., assistance that is not generally available to all competitors) to individuals or entities in a manner that confers a competitive advantage on a bidder or proposer who is competing for a City contract. Nothing in this Statement prohibits an officer or employee from providing general information about a bid for a City contract, or an Agency, department, division or office Request for Qualifications or Request for Proposals, or corresponding application process that is available to any member of the public. Nothing in this Statement prohibits an officer or employee from speaking to or meeting with individual applicants regarding the individual's application, provided that such assistance is provided on an impartial basis to all applicants who request it.

b. *No officer or employee may be employed by, or receive compensation from, an individual or entity that has a contract or is a vendor with the officer's or employee's department, division or office or that has had a contract or was a vendor with the officer's or employee's department, division or office during the past twelve months. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.*

c. *Except for members of the Immigrant Rights Commission, no officer of GSA may serve as a member of the Board of Directors of an organization that the officer knows or has reason to know has applied for contracts, loans or grants administered by the Agency in the previous twelve months. For the purposes of this subsection, "administered by" does not include approval or rejection of a contract by the Office of Contract Administration/Purchasing, where such action is required by law.*

B. RESTRICTIONS THAT APPLY TO EMPLOYEES IN SPECIFIED POSITIONS

In addition to the restrictions that apply to all officers and employees of the Department, unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section for individual employees holding specific positions.

1. OFFICERS OR EMPLOYEES OF THE CONVENTION FACILITIES DEPARTMENT

No officer or employee of the Convention Facilities Department may be employed by or receive compensation from individuals or entities in the business of planning or producing events at facilities owned or managed by the Convention Facilities Department, including but not limited to conventions, conferences, meetings or parties. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

2. OFFICERS OR EMPLOYEES OF THE COUNTY CLERK DIVISION

Other than in his or her official capacity, no officer or employee of the County Clerk Division may:

a. *Prepare or act as a notary public, legal document assistant, unlawful detainer assistant, process server, or professional photocopier for documents to be*

filed, authenticated, or registered with the County Clerk Division. Such documents include, but are not limited to, Fictitious Business Name Statements, Marriage License Applications and Domestic Partnership Filings. Nothing in this Statement prohibits an officer or employee from providing general information that is available to any member of the public.

b. Perform marriage ceremonies as a deputy marriage commissioner unless authorized pursuant to subsection C of this section by the employee's supervisor or by the Director of the County Clerk Division.

3. OFFICERS OR EMPLOYEES OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

No officer or employee of the Office of the Chief Medical Examiner Division may provide expert testimony in a civil or criminal judicial proceeding unrelated to job duties, except as authorized by an advance written determination pursuant to subsection C of this section by the Chief Medical Examiner or his or her designee.

4. OFFICERS OR EMPLOYEES OF THE OFFICE OF THE REAL ESTATE DIVISION

a. No officer or employee of the Real Estate Division may be employed by or receive compensation from any individual or entity that has as its primary purpose the conduct of business related to real property, provided that such employment or compensation is related to real property located in the City and County of San Francisco. For the purposes of this subsection, individuals and entities that have as their primary purpose the conduct of business related to real property includes but is not limited to the following: title companies; real estate development, investment, or brokerage firms; and escrow companies.

b. No officer or employee of the Real Estate Division may be employed by or receive compensation for performing an appraisal or gathering appraisal data for a private individual or entity regarding real property located in San Francisco.

c. No officer or employee of the Real Estate Division may knowingly utilize non-public information, obtained through the course of his or her public duties, to purchase or invest in real property located within the City and County of San Francisco.

d. The prohibitions of this subsection do not apply to employment of or compensation received by a spouse or registered domestic partner of an officer or employee of the Real Estate Division.

e. No officer or employee of the Real Estate Division may engage in any activity prohibited by this section through secondary parties such as limited liability companies, Partnerships, Limited Partnerships, Corporations, or any other entity or association, in which the officer or employee has an ownership interest of at least ten percent or from which the officer or employee has received income exceeding \$500 in the past 12 months.

To: Donohue, Virginia (ADM) <virginia.donohue@sfgov.org>
Subject: Re: Follow up Conversation

Dear Ms. Donohue,

To prevent any misunderstandings I think it best that all future communications between you and I be via email or letter. I would also appreciate such a courtesy from members of your staff.

If you have questions, I will gladly articulate the reasons for my request.

I'm sure you understand.

J. Denny

Sent from my iPhone

On Dec 5, 2017, at 8:34 AM, Donohue, Virginia (ADM) <virginia.donohue@sfgov.org> wrote:

We briefly discussed communication on the Mask case on Thursday morning. I followed up with the City Attorney's office and left you a voice mail message Friday. Please call me to discuss. Thanks,

Virginia Donohue, Executive Director
San Francisco Animal Care and Control
1200 15th Street
San Francisco, CA 94103
415-554-9411
415-557-9950 (fax)

Emergency Dispatch: 415-554-9400

1200 15th Street
San Francisco, CA 94103
415-554-9411
415-557-9950 (fax)

Emergency Dispatch: 415-554-9400

From: John Denny [<mailto:cjmco@comcast.net>]
Sent: Tuesday, December 5, 2017 11:45 AM
To: Donohue, Virginia (ADM) <virginia.donohue@sfgov.org>
Cc: BAUMGARTNER, MARGARET (CAT) <Margaret.Baumgartner@sfcityatty.org>;
Craig, Janice (CON) <janice.craig@sfgov.org>; Hahn, Albert (CON)
<albert.hahn@sfgov.org>
Subject: Re: Follow up Conversation

Ms. Donohue,

You asked for clarification as to why I request that future communications between SFACC and me occur via email or letter.

Very well.

On April 8, 2016 I received a phone call from Acting Captain Corso the day after a hearing regarding three attacking pit bull dogs. Corso pressured me to not place restrictions on the dogs.
(Unethical communication.)

On April 28, 2016 I was summoned to your office at which time you made it very clear that you were unhappy with my not agreeing with Corso. You then told me that my decisions were inconsistent and you were going to review sections from other counties and placing me on notice that you felt you that the hearing officer's decisions must agree with your judgements.
(Unethical pressure informing the hearing officer that your displeasure with a Statement of Decision had consequences.)

On May 4, 2017 I received a phone call from you instructing me not to have any contact with Mr. Michael Black, a person with whom you had issues and had recently brought

On May 4, 2017 I received a phone call from you instructing me not to have any contact with Mr. Michael Black, a person with whom you had issues and had recently brought (and had sustained) two complaint against your handling of FOIA requests. You then informed me that you had decided to hire two other hearing officers. I can't believe the two topics of the conversation were not related.

(An embarrassed city department head ordering a city contractor not to contact a citizen and the subsequent possible threat...highly unethical.)

On June 7, 2017, Deputy Director Christiansen spoke to me at a vicious dog hearing regarding changing a Statement if Decision because it embarrassed her as the decision articulated an action by her that placed public safety in jeopardy.

(Unethical.)

On June 13, 2017 at SFACC Ms. Christiansen again insisted I make the aforementioned changes to the Statement if Decision.

(Unethical.)

On June 23, 2017 you called me insisting that I call Margaret Baumgartner to figure a way to change the Statement if Decision that Christiansen had been so upset. You said I needed to do this to "put this behind us".

You then asked me if I was Catholic (which you also had done during a meeting on June 7, 2017). You then proceeded to describe the four steps by which a Catholic atones for a sin... the sin being my refusal to being coerced into changing a standing Statement if Decision—which you explained would harm Ms. Christiansen should she run for political office upon retirement from SFACC.

(Don't know where to begin ethically on this phone conversation!)

Ms. Donohue, as you have convinced the city that you are in charge of the vicious dog hearing process and have demonstrated on more than one occasion your willingness to use said authority to run roughshod over the vicious dog hearing process, ignore it when you see fit, and also believe you have the authority to modify the hearing officer's decisions to your satisfaction, I feel my only protection from future interference and pressure by you and your Department and to continue to deliver fair and independent decisions is to ensure that all future communications from you department be memorialized.

As most of the most unethical contacts fro you and you Department are via phone, I'm sure you understand the importance of my request.

Sincerely,

J. Denny

Sent from my iPhone

On Dec 20, 2017, at 4:21 PM, Donohue, Virginia (ADM)
<virginia.donohue@sfgov.org> wrote:

In your December 6, 2017 email you cited numerous instances that you have labeled as "unethical" behavior by me and other ACC staff. Your citations include numerous inaccuracies and descriptions of events that are entirely misrepresented. I feel it necessary to correct this record item by item.

It's ironic that the claims you make against me and ACC staff have come directly after the Superior Court overturned one of your decisions, determining that your actions "denied Amarita King a fair hearing." The Judge in that case ruled, "Mr. Denny's participation in undisclosed ex-parte communications regarding BamBam deprived Ms. King of a fair hearing". Your actions in this case were not a technical misstep. You engaged in significant and material misconduct that raises a concern as to your competence as a hearing officer.

As for the complaints in your email, I will state unequivocally, at no time have I interfered with your decision about a dog. As the Executive Director of Animal Care and Control, I have worked to develop training tools for hearing officers with the hope that this will promote consistency between decisions. This is my job as manager of ACC. My specific responses to your charges are as follows:

April 8, 2016: Acting Captain Corso called you so that she could understand your weighing of the evidence. You had previously said that if ACC did not understand a decision they should contact you and you would discuss your reasoning. She did not ask you to change your decision.

April 28, 2016: I discussed your decisions in general, but I did not ask you to change a particular decision. I told you that you have used dog training and behavior language in your decisions that is outdated and debunked—phrases such as “pressed attack” or “pack mentality” and “dominance.” There was no discussion about your decisions not agreeing with my judgments.

On or around May 4, 2017: I did not “order” you not to speak with Mike Black. I did tell you to stop allowing Mr. Black to set up his cameras behind the hearing officer bench because that is not a public area. I confirmed that two additional hearing officers were almost through the contracting process. You went through the contracting process in the Fall of 2016. The process made clear to all potential contractors that the Controller’s Office was in charge of the contract, creating a pool of hearing officers as they have for the other contracts they administer, and expected to contract with several hearing officers for the Vicious and Dangerous Dog hearings.

June 7, 2017: You wrote that Diana Christensen spoke to you at a Vicious and Dangerous Dog Hearing, but in fact, on the afternoon of June 7, 2017, you and I met with Carl Friedman in my office to talk about your inappropriate interference in activities that are in the purview of the ACC Director. Specifically, portions of your decisions in the Schaffrick and Drogus cases ventured far afield from determining whether the dogs were vicious and dangerous. At the meeting, you admitted that you had behaved inappropriately and apologized to me. You also offered to apologize to Deputy Director Christensen. A discussion ensued in which I used the Catholic Church simply as an example in defining a full apology as 1) saying you’re sorry; 2) when possible repairing the wrong you have done, and 3) not committing the same error again.

In the case of Diana Christensen, the wrong that was done was both your hostile public questioning of Acting Captain Amy Corso and your offensive and inappropriate commentary, specific to Ms. Christensen in the Peaches Schaffrick decision. Ms. Christensen did not advocate changes to your decision about the dog. Rather, she wanted the offensive commentary about her dropped from the public record.

Similarly, in the case of Botty and owner Cara Drogus, you included instructions that had been directed to the Animal Control Officers and recorded in ACC’s

database. This information was irrelevant to Botty's case and you should not have included the information, or your negative commentary about it, in your statement of decision.

June 13, 2017: It is entirely possible that Diana asked you to remove the disturbing and inappropriate comments you made about her from the Peaches decision.

June 23, 2017: I did not note the date, but I did call you in this timeframe and suggest you talk to DCA Margaret Baumgartner to see what you could do to repair the damage you did to Diana in your decision. I did not advocate a change in the outcome for the dog.

Your email concludes: "Ms. Donohue, as you have convinced the city that you are in charge of the vicious dog hearing process and have demonstrated on more than one occasion you (sic) willingness to use said authority to run roughshod over the vicious dog hearing process, ignore it when you see fit, and also believe you have the authority to modify the hearing officer's decisions to your satisfaction"

To take that point by point, the Health Code, not my powers of persuasion, assign the Director of Animal Care and Control the responsibility for enforcing ordinances and laws and the provisions under the Health Code that pertain to care and control of animals. I have not "run roughshod" over the process. I do not ignore the process, and we have no instances of the public requesting a hearing and not being granted one. However, not every dog bite results in a hearing – and it never has. This is not a change. We have not asked you to modify a decision about a dog. We have asked you not to insert inappropriate and irrelevant commentary about ACC into your decisions. We have asked you to use contemporary animal behavior science in your analysis. And we expect you to abide by the procedures to ensure due process in the hearings.

I am most concerned about the Superior Court ruling finding you engaged in unauthorized ex parte communications and denied due process to a party appearing before you. Your failure to provide Amarita King with a fair and impartial hearing is fundamental to your duty as a hearing officer. This failure rests squarely on your shoulders.

From: John Denny cjmco@comcast.net
Subject: Draft of my reply.
Date: Dec 20, 2017 at 11:11:52 PM
To: kiddcreek@yahoo.com
Bcc: meow2227@astound.net, mike.black666@yahoo.com

~~DRAFT~~
SENT

Dear Ms. Donohue,

Thank you for pointing out an error in my recent email. We did indeed meet with Mr. Friedman on June 7, 2017. My meeting where Ms. Christiansen insisted that I amend my decision occurred the following day at City Hall on June 8, 2017.

While I am saddened that you have misrepresented the incidents I previously listed, I appreciate your acknowledging that "it is entirely possible that Diana asked you to remove the disturbing and inappropriate comments you made about her from the Peaches decision."

You also acknowledged that you suggested I "talk to DCA Margaret Baumgartner to see what you could do to repair the damage you did to Diana in your decision". One can only conclude, as I did, that you wished me to change the decision.

You of all people should be aware that if one is unsatisfied with a decision that the proper remedy is an appeal to superior court, and not pressuring the hearing officer to remove language that you may disagree.

I have brought to attention to two investigating bodies my claim that you may be in violation of Part 1, Title 7, Chapter 1, Section 95(a) and 95(c) of the California Penal Code. Your statement sent tonight may have provided convincing evidence of your unlawful activity.

Moreover, your statement may also be evidence that you have conspired with Ms. Chistensen to alter one of my decisions. Therefore, I believe your actions may also be a violation of Part 1, Title 7, Chapter 8, Section 182(a)(3) and(5) of the California Penal Code.

You also acknowledged your using tenets of the Catholic Church to influence my response to your request.

I would be happy to correct your obvious misunderstandings regarding our association—including your mistaken assumption that I made the aforementioned claims against you after the Superior Court upholding of the writ.

Having been involved in animal issues in San Francisco for over 25 years, I offered any assistance to you to ensure that the policies and processes put in place after the Dianne Whipple tragedy would continue to keep the public free from Dangerous dogs.

Sadly, you have chosen disregard the changes implemented after the horrific 2001 dog mauling and have put the people of San Francisco in a safety position arguably worse than what existed prior to the tragedy.

If you recall, our first "meet and greet" devolved into you attacking my decisions as "inconsistent" and felt that, despite my investigating thousand of dog bites and issuing almost a thousand decisions as the hearing officer, you wished me know that you felt the hearing officer should be under your dominion and that you would have the last say in the hearing officer's decisions.

I so wish that you would have accepted my offer of assistance.

As the hearing officer, my job is offer fair and unbiased decisions to protect public safety. My findings often point out practices employed by dog owners that are a risk to public safety. If a city agency employs a practice

that puts public safety at risk regarding a dog case I have been assigned, I feel it is my duty to point out said practice.

Ms. Donohue, I interpret the hearing officer's duty to protect public safety—not to provide cover for your department's actions that put public safety at risk. I'm sorry you feel otherwise.

So I can understand, but not agree, with your bringing aboard two more "cooperative" hearing officers (with no animal safety experience) that you personally hired, certified, oversaw training and imposed your dominion by assuming the power of assigning—or not assigning—cases based on your judgement.

So here we are.

There are many issues regarding your behavior as director of ACC that are very concerning. Complaints have been made to the appropriate investigative bodies.

Tampering with a hearing officer is only one of many issues.

I'm afraid your possible admission that both you and Ms Chistensen have repeatedly put pressure on a hearing officer to omit language in a effort to prevent public knowledge of your department putting the safety of the public at risk compels me to bring this matter before a third investigative party—the District Attorney.

Sadly,

J. Denny