

Communication from Public

Name: Jose

Date Submitted: 02/12/2020 06:16 PM

Council File No: 00-9999

Comments for Public Posting: This program has helped me and my wife after the loss of our daughter. We will forever be grateful for their work in finding us therapy to helping us financially and even with legal forms. We appreciate all of their hard work.

Communication from Public

Name: Rene Torres Ruston

Date Submitted: 02/19/2020 10:34 AM

Council File No: 00-9999

Comments for Public Posting: Return the 17 dogs seized by Animal Control, to owner of Bark n Bitches. Dogs have been held for a month with NO CHARGES FILED. NO RESPONSE TO ATTORNEY. This is a female owned business and a violation of her civil rights. Hold Brenda Barnette accountable for intimidation and abuse of power.

January 28, 2020

Ms. Brenda Barnette, Brenda.barnette@lacity.org
Mr. Paul Koretz, paul.koretz@lacity.org
Ms. Lorna Esparza, lorna.esparza@lacity.org
Mr. David Hersh, David.hersh@lacity.org
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

RE: Demand for Release of Dogs - Improper Seizure of Barks n' Bitches Dogs

This letter is written on behalf of Ms. Shannon Von Roemer, the owner of Bark n' Bitches all rescue pet shop. On January 17, 2020, all of the dogs at Barks n' Bitches were impounded by Animal Services. Ms. Von Roemer was not given a copy of the search warrant and has since been advised that the animals were seized because her permit was denied.

Prior counsel and Ms. Roemer have made numerous attempts to communicate with Department of Animal Services to determine the exact allegations against Ms. Von Roemer and Bark n' Bitches but received no response from anyone.

Ms. Von Roemer recently received a letter dated January 8, 2020, from the Department of Animal Services stating that her application for renewal for a City of Los Angeles Pet Shop permit had been denied. However, per LAMC 53.50(c), the department shall issue a permit to the applicant if it finds the following:

1. The keeping of animals, or the conduct or operation of the business for which the permit is requested, and at the place set forth in the application, will not violate any law or ordinance of this City, or any law of the State of California; and
2. The keeping of animals, or the conduct or operation of the business for which the permit is requested will not constitute a menace to the health, peace or safety of the community; and
3. The premises and establishment where animals are to be kept is maintained in a clean and sanitary condition, and that animals will

not be subject to needless suffering, unnecessary cruelty or abuse;
and
4. The applicant has not had a permit revoked within one year prior to the application.

At the present time, Bark n' Bitches meets all the criteria above and therefore should be granted a renewal of its permit.

Furthermore, LAMC 53.50(d) states the following:

Any permit issued hereunder may be revoked or suspended under the procedure outlined in Sec. 22.02 of this Code, if, after due investigation, the Department finds:

1. That the permittee, his agent, or employee, has been convicted of any offense involving the violation of Section 597 of the Penal Code of the State of California, or any provision of this article; or
2. That the permittee, his agent, or employee, has, at the place for which the permit was issued, failed to provide any animal, fowl or reptile in his possession, care or control, with proper and sufficient food, drink, shelter, or protection, or subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or
3. That the permittee, his agent, or employee, has failed to maintain the premises in a clean and sanitary condition; or
4. That the permittee, his agent, or employee, has violated any rule or regulation of the Department.

By way of example, Barks n' Bitches was not cited for or given the opportunity to correct any of the issues listed above because they did not exist.

The Department has acted both unilaterally and unlawfully by failing to afford Ms. Von Roemer her due process under the law and her right to a hearing in front of the Board under Section 22.02 of the Code which clearly states the following:

Any permit or certificate granted pursuant to the provisions of this Code to any person to conduct, carry on or engage in any business, profession, trade or occupation by any Board, Commission or other person having authority to do so, unless provision is otherwise specifically made, shall not be revoked or suspended except as provided in this section.

No such permit or certificate shall be revoked or suspended until a hearing upon written notice to the permittee or certificate holder shall have been had by the Board, Commission or other person having authority to do so. Written notice of such hearing shall be served upon the permittee or certificate holder in the manner provided for the giving of notice in Section 11.00 of this Code.

Such notice shall state:

1. (a) The grounds for complaint or reasons for the revocation or suspension in clear and concise language.
2. (b) The time when and the place where such hearing is to be held.

If a verified complaint is required to be filed with the Board, Commission or other person having authority to revoke or suspend such permit or certificate, or if any Board or Commission shall have power to initiate its own complaint, then a true and correct copy of such complaint shall be served on the permittee or certificate holder in lieu of stating the grounds of complaint. However, notice of the time when and the place where such hearing is to be held shall be served with such complaint.

Such notice or copy of complaint shall be served or given to the permittee or certificate holder at least five (5) and not more than ten (10) days prior to the date set for said hearing.

At any such hearing the permittee or certificate holder shall be given an opportunity to be heard and defend himself, and he may call witnesses in his behalf.

The Board, Commission or other person conducting such hearings may continue such hearings from time to time upon good cause being shown therefor.

After conducting such hearing the Board, Commission or other person having authority may suspend or revoke any such permit or certificate upon such terms and conditions as, in the exercise of a reasonable and sound discretion, it shall determine.

No such notice or hearing has been afforded to Ms. Von Roemer. Ms. Von Roemer and Barks n' Bitches are not abandoning the dogs at issue. The Barks n' Bitches dogs were improperly seized by the Department of Animal Services and should be immediately released. If it becomes necessary to file writ proceedings on behalf of Barks n' Bitches, damages will be sought.

Sincerely,



Talitha Wegner

cc: