



MINUTES

**Animal Commission Meeting
Second Floor Conference Room
Monday, November 23, 2015
6:00 p.m.**

Members Present: Marion Ignoffo & Bill Urquhart

Members Absent: Kevin Collins

Staff Present: CSO Manager D. Hayse, Recording Secretary K. Hodge, Police Chief F. Kaminski, City Attorney A. Simon

Others Present:

The meeting was called to order at 6:00 p.m.

I. Roll Call - Roll Call was taken. Commissioner Collins was absent.

II. Approve Minutes – Commissioner Urquhart made a motion to approve the minutes from the October 26, 2015 meeting. Commissioner Ignoffo seconded. The motion passed.

III. Action Items

1. Review Case #15-22112

CSO Manager Hayse stated that he spoke with Mr. Pace, the dog owner, and he has gained custody of the dog and they live in West Chicago. Commissioner Urquhart stated that since the dog does not live in Park Ridge, the case is dismissed.

2. Review Case #15-21401

The following people indicated their presence: witness Ms. Janet Hanna; Ms. Ashley Murray, an attorney representing dog owner Ms. Maureen Franceschi; victim Officer Remoh Robert; and witness Sgt. Eric Hilderbrant. City Attorney Simon clarified that this was a continuation of an earlier case because the respondent was not able to appear at the first meeting. Any testimony heard from the witnesses can be considered as reflected in the minutes of the September 28 meeting. The respondent can rebut testimony and present new information.

Ms. Murray asked for clarification regarding who was in attendance for this case on September 28, because the minutes stated that Ms. Lisa Vercellin was present, but when Ms. Murray called her, she stated she was not at the meeting. Recording Secretary Hodge stated that as the record stated, Ms. Vercellin was in attendance and herself, Officer Robert, Commissioner Urquhart and CSO Manager Hayse were witness to that.

Ms. Murray stated that the commissioners were not provided any of her appeal paperwork, so she presented the commissioners with a copy of an affidavit signed by the son of one of the listed victims, Mr. Matich Milenko, stating that the dog did not attack

anyone, so that contradicts everything in the police report. Additionally, Ms. Hanna of the Chicago Police Department was present to give her account of what happened.

In summary, Ms. Hanna stated that she was at the Franceschi home in the process of getting a tattoo on her foot and sitting in the kitchen by the front window of the residence. The dog was at her feet the entire time. At no time did she see the dog go outside. Ms. Franceschi then informed her that the house was surrounded by police officers, so Ms. Hanna went outside where she said all officers had their weapons drawn on her and continued to keep their weapons pointed at her. She identified herself and told them there was no threat as the dog was inside the house, and had been in the house under the kitchen table the entire time. Officer Robert told her that he was attacked by the dog and she asked to see where. She saw no visible signs of attack. Also, he told her a neighbor was injured, but the affidavit Ms. Murray provided states he was not injured. There were no visible injuries to anyone. Since this incident, the dog, "Rico," has lived in her home with her eight pound Yorkie without any problems. Rico was originally Ms. Franceschi's son's dog, but Ms. Hanna has known the dog approximately eight years and has never known the dog to be aggressive. She took the dog in because she said that she knew these dogs are sent to animal control to sit in a tiny cage and the dog is ruined, and Ms. Franceschi was afraid of that happening.

Ms. Murray asked if Rico was in the house the entire time, and Ms. Hanna said yes. Ms. Murray asked if it was possible the dog got out at any time, and Ms. Hanna said anything is possible. Ms. Murray stated that Ms. Franceschi was not present at the meeting because she was inside in bed during the incident so she did not witness what happened, so there was no value in her being present. The person that completed the affidavit did not want any further involvement in the incident. Ms. Murray then read the Park Ridge Municipal Code governing dangerous animals, and stated that it was important to note that no one was injured or had broken skin and many people refused to sign tickets for that reason. She said that pulling out rifles in the afternoon was overkill, and the neighbors said they were afraid of the officers out there with their guns drawn. She stated that she felt by the definition in the code, the dog was not dangerous. She added that the dog is chipped, up-to-date on shots and registration. She then stated Ms. Franceschi's screen door was broken in the wind and the dog got out and was running around when he was aggravated by guns and shouting.

City Attorney Simon sought clarification on Ms. Franceschi's absence, asking if she was waiving her right to appear. Ms. Murray stated that Ms. Franceschi was not waiving her right to appear, but Ms. Murray was present on her behalf. If the case was continued and it was necessary for her to be present, she would attend.

Commissioner Urquhart stated that he was concerned because the dog went after a police officer, the dog lives one block from a school and park, and a dog that size should never be left out alone. Rico attacked the original victim and dog for no reason. He was concerned that the dog might run down to the park and hurt a small kid. The officer was just standing there and the dog went after him.

Commissioner Ignoffo stated that the reason police were originally called was because Rico attacked another dog. That dog owner was in fear, and another witness saw Rico outside off leash and unsupervised, which is against Municipal Code. Ms. Murray responded that the original victim, Ms. Zajdel was contacted and her version of events was not the same as stated on the report. Ms. Murray stated that if the Commission wanted to continue the case in order to have Ms. Franceschi or Ms. Zajdel present to testify, she could arrange that.

City Attorney Simon stated that there was a contradiction, as Ms. Hanna testified that the dog was in the house the entire time, then later Ms. Murray stated that the screen door was broken and the dog got out. City Attorney Simon stated that dog was chipped, and asked if it had been characterized as at risk anywhere else. Ms. Murray stated no, Rico was chipped in case he got lost. City Attorney Simon asked if the dog ever lived in another community, and Ms. Murray said she did not believe so.

Commissioner Ignoffo asked if the department had any other problems or reports with the dog. Sgt. Hilderbrant stated he would have to look. Ms. Murray stated that the September 28 minutes reflected Sgt. Hilderbrant stating the department has had problems with the family, not the dog.

Officer Robert stated that his report was accurate, and Ms. Hanna's testimony that Sgt. Hilderbrant pointed a gun at her was inaccurate. Sgt. Hilderbrant added that officers do not want to be out there with guns drawn.

City Attorney Simon then read Article 5, Chapter 8, Section 1, the definition of a "dangerous animal". Commissioner Ignoffo stated that by that definition, Rico did attack the officer and another dog, and even though blood was not drawn, they were unprovoked attacks. Ms. Murray stated that it was not unprovoked, because the gun was out in the dog's face. Officer Robert clarified that he did not pull his gun until after the dog attacked him while he was walking to the first victim's house. He added that Ms. Hanna was not outside when he was attacked.

Commissioner Ignoffo stated that she was inclined to deem the dog dangerous. She said that many people said what went on that day and whether or not they wanted to press charges because people do not want to have bad feelings between neighbors, there is a lot of evidence that this dog is very aggressive. Ms. Murray stated that for the record, the only witness the commission heard from was Ms. Vercellin and the rest of the information is taken from the police report.

City Attorney Simon again read Municipal Code 5-8-1. Discussion then ensued on the specifics of the definition of a dangerous animal. Ms. Murray then stated that based on 5-8-1 paragraph D of "dangerous animal," Rico should not be deemed dangerous because it happened on the property of its owner. Officer Robert stated the incidents occurred on the sidewalk and street, not on the owner's property, and asked if three attacks within 30 minutes is normal behavior. Sgt. Hilderbrant stated that he did not want to have to deal with a dangerous animal that might maul somebody, and he does not want a little kid to get hurt by the animal. He also stated that the department tried to call in to the owner's residence four times and no one answered.

Commissioner Ignoffo made a motion to deem the dog, Rico, owned by Ms. Maureen Franceschi as a dangerous dog. Commissioner Urquhart seconded the motion. Motion carried unanimously.

Ms. Murray asked for a copy of the audio recording of the meeting, as well as the approved minutes. City Attorney Simon clarified that the audio will not be transcribed. Ms. Murray asked about the appeal process. Recording Secretary Hodge stated that the process will be laid out in a letter regarding the results of this hearing that will be sent to the Ms. Murray's office and Ms. Franceschi. The City Manager will review the appeal.

IV. Old Business

None.

V. New Business

Chief Kaminski asked the commissioners if they would like the “at-risk” and “dangerous” animal information posted on the City’s and/or Police Department’s web sites, in keeping with the City’s transparency policy. He stated that if the Commission is interested in this, and it is cleared with the City Attorney, they can direct staff to work on implementing it.

City Attorney Simon stated that the registry would need to be kept up-to-date in the event a dog qualifies to be removed from the “at-risk” category.

Commissioner Ignoffo stated that it would be a good way to raise visibility of what is expected of owners also. Commissioner Urquhart added that it may also urge people to take a little more responsibility in owning a dog.

Chief Kaminski also stated that the animal ordinance has been in existence for several years now, and if the commission wanted to see changes or needed clarification, to let him know.

VI. Adjournment

There being no further business, the meeting was adjourned at 6:50 p.m.