

**BOARD OF ADMINISTRATIVE APPEALS  
ADMINISTRATIVE REVIEW PANEL**

**Regular Meeting  
3:00 P.M.**

**November 7, 2024  
Council Chambers**

Chairperson Adeyemi called the meeting to order at 3:01 P.M. on Thursday, November 7, 2024.

**ROLL CALL:**

Present: Board Members Richelsen, Higgins and Chairperson Adeyemi  
Absent: Board Members Webster and Umair

Staff Present: City Attorney, Thomas Lloyd Smith  
Acting City Clerk, Vanessa Rosales  
Minutes Clerk, Kitty Eiden  
Animal Control Officer, Maraea Melander

**PLEDGE OF ALLEGIANCE**

Chairperson Adeyemi led the Pledge of Allegiance.

**1. CONSENT CALENDAR**

**A. APPROVAL OF ADMINISTRATIVE APPEALS MINUTES FOR SEPTEMBER 5, 2024**

On motion by Board Member Higgins, seconded by Board Member Richelsen, the Board of Administrative Appeals members present unanimously approved the Minutes for September 5, 2024. The motion carried the following vote:

Ayes: Richelsen, Higgins, Adeyemi

Absent: Webster, Umair

**B. APPROVAL OF THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN PROPERTIES FOR UNPAID ADMINISTRATIVE CITATIONS AND LIEN PROCESSING FEES FOR MAY AND JULY 2024.**

On motion by Board Member Richelsen, seconded by Board Member Higgins, the Board of Administrative Appeals members present unanimously confirmed each assessment and the amount thereof, as proposed or as corrected and modified, and order it assessed against the properties in the amount of \$34,277.89. The Board also directed that the same be recorded with the Contra Costa County Recorder's Office. The motion carried the following vote:

Ayes: Richelsen, Higgins, Adeyemi

Absent: Webster, Umair

City Attorney Smith explained the manner in which the proceedings would be conducted.

**2. REGULAR AGENDA**

- A. CODE ENFORCEMENT – CASE NO. CE-2308-1153 / ADMINISTRATIVE CITATION NO. 400723 – APPEAL FILED BY REBEKAH MARY LOUISE JACKSON, PROPERTY LOCATION AT COOK STREET, ANTIOCH, CA – VIOLATION OF ANTIOCH MUNICIPAL CODES 5-1.202(A)(1)(a) JUNK DEBRIS; 9-5.603 ACCESSORY BUILDINGS.**

Chairperson Adeyemi announced that Regular Agenda Item 2A had been postponed.

**OATH**

City Attorney Smith administered the Oath for all intending to testify.

- B. ANIMAL SERVICES – ANIMAL ID# A148621 “CAZZ” (DOG) – APPEAL FILED BY ANDREW SCHOOLER, W 2ND STREET, ANTIOCH, CA – TO OVERTURN THE DETERMINATION MADE BY ANTIOCH ANIMAL SERVICES – ANTIOCH MUNICIPAL CODE 6-1.801 VICIOUS DOG**

Animal Control Officer (ACO) Melander presented the staff report dated November 7, 2024, recommending the Board of Administrative Appeals deny the appeal and uphold the order for Schooler to abide by one of the following options promptly. 1) Surrender the dog to Antioch Animal Services for humane euthanasia; or 2) Sign the “Vicious Animal Declaration: Terms and Conditions Agreement,” pay the outstanding fees, and comply with all the terms and conditions in order for the dog to be returned.

Andrew Schooler, Appellant, stated that he did not let his dogs roam the area and he was always present when he took his dogs out to go to the bathroom. He reported since this incident he stopped taking his dog to the property unless he was leashed. He explained that the day of the incident the cat was aggressive, and his dog was provoked. He noted his dog had always been gentle with children, adults and other dogs. He mentioned that he was a disabled veteran and Cazz was a service animal provided by the VA. He noted the terms and conditions of the vicious animal declaration were cost prohibitive and unnecessary since his dog was not vicious.

In response to Board Member Higgins, Mr. Schooler reiterated that he was no longer letting his dog loose and reported that he had been vaccinated and licensed.

In response to Chairperson Adeyemi, Mr. Schooler confirmed he was present at the time of the attack, and he attempted to break it up.

In response to City Attorney Smith, Mr. Schooler confirmed that Cazz was his service animal.

Susan Welch, Antioch resident, Delia Sousa, Brentwood resident, Joette and Donald Bright, Antioch residents, Mylia Davis, Antioch resident, Valerie Randolph, Antioch resident, and Martha and Joe Goralka, Antioch residents spoke to Cazz’s non-aggressive demeanor. Many felt this incident was a result of him being provoked when an aggressive cat jumped on him causing him

to be protective of his owner. They urged the Board of Administrative Appeals to grant Mr. Schooler's appeal

ACO Melander stated cats were considered free roaming and explained the difference between a service and emotional support animal.

In response to Board Member Richelsen, ACO Melander explained that this same type of citation would be extended to stray cats.

In response to City Attorney Smith, ACO Melander clarified that she did not have any evidence that this incident was unprovoked.

City Attorney Smith noted for the record that there was no evidence of an unprovoked attack so that portion of the municipal code had not been satisfied in order to hold the owner accountable.

In response to Board Member Richelsen, ACO Melander explained that Cazz was not leashed, and he was off the owner's property. She noted regardless of the size of the dog, she would have come to the same conclusion.

In response to Board Member Higgins, City Attorney Smith stated the Board could grant the appeal if they found that that issue of being unprovoked was not satisfied. He stated if the City Attorney's office had been contacted prior to this hearing, they would have advised not to move forward if there was no evidence.

A motion was made by Board Member Higgins to grant the appeal.

Following discussion, a substitute motion was made by Board Member Higgins, seconded by Board Member Richelsen to grant the appeal and forgive the charges associated. The motion carried the following vote:

Ayes: Richelsen, Higgins, Adeyemi

Absent: Webster, Umair

**WRITTEN/ORAL COMMUNICATIONS – None**

## **ADJOURNMENT**

On motion by Board Member Richelsen, seconded by Board Member Higgins the Board of Administrative Appeals members present unanimously adjourned the meeting at 3:44 P.M.

Respectfully submitted:

*Kitty Eiden*

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KITTY EIDEN, Minutes Clerk