



Vicious and Dangerous Dogs

Hearing Officer

AMENDED STATEMENT OF DECISION

May 10, 2023

Captain Jason Kent
Department of Animal Care & Control
1419 Bryant Street
San Francisco, CA 94103

Re: “Chyna” (A481125)

Dear Captain Kent,

On April 25, 2023, a Vicious and Dangerous Dog Hearing was held in Room 408 at San Francisco City Hall. The purpose of the hearing was to determine if a Pit Bull/ Staffordshire Bull Terrier Mix dog identified by Animal Care and Control as “Chyna” (A481125), owned by Ricardo Baldizon and Taija Liscinsky, meets the “vicious and dangerous” criteria set forth in Article I, Section 42(a) of the San Francisco Health Code. This hearing was audio-recorded. The audio recording is part of the administrative record and is maintained by the San Francisco Police Department’s Vicious and Dangerous Dog Unit (SFPD VDDU) located in San Francisco, California.

All interested parties testified at the hearing and had the opportunity to present documentary evidence, photographs, and videos. All testimony and documentary evidence were carefully considered and incorporated in the within *Statement of Decision*. Both the San Francisco Department of Animal Care and Control (ACC) and the San Francisco Police Department (SFPD) were requested to make a recommendation as to the matter on the record.

The above-referenced hearing was calendared at the request of the complaining witness, Yu Ming Kuang, with the concurrence of SFPD.

EVIDENCE

The evidence from the San Francisco Police Department’s file was thoroughly reviewed and considered in this matter. The file was submitted as evidence by Officer Greg Sutherland (#2404) of the SFPD VDDU and supplemented by the hearing participants. The records the undersigned reviewed and considered in issuing this Decision are as follows:

- Ex. 1: SFPD VDDU Complaint submitted by Yu Ming Kwan [sic] dated February 28, 2023¹
- Ex. 2: SFPD Incident Report No. 23044872 and photograph
- Ex. 3: Animal Care and Control Documents

¹ The correct spelling of Yu Ming’s last name is Kuang, not Kwan. SFPD and ACC are directed to make a note of it.

- Bite Report No. B23-013316
 - Tag Records for Animal A#481125
 - Tag Records for Tina Liscinsky
- Ex. 4: Ring Camera Footage of Incident (three videos)
- Ex. 5: Notice of Hearing to Ricardo Baldizon dated March 23, 2023, with SFPD Case File, SF Health Code sections 42 to 42.5, and proof of service
- Ex. 6: Notice of Hearing to Taija Liscinsky dated March 23, 2023, with SFPD Case File, SF Health Code sections 42 to 42.5, and proof of service
- Ex. 7: Notice of Hearing to Yu Ming Kwan [sic] dated March 23, 2023
- Ex. 8: Notice of Hearing to Michelle Sung dated March 23, 2023
- Ex. 9: Notice of Hearing to Yu Ming Kuang dated March 28, 2023 [re-noticed to correct spelling of last name]
- Ex. 10: Notice of Rescheduled Hearing to Ricardo Baldizon dated March 30, 2023
- Ex. 11: Notice of Rescheduled Hearing to Taija Liscinsky dated March 30, 2023
- Ex. 12: Notice of Rescheduled Hearing to Yu Ming Kuang dated March 30, 2023
- Ex. 13: Notice of Rescheduled Hearing to Michelle Sung dated March 30, 2023
- Ex. 14: Taija Liscinsky's submissions:
- Liscinsky's statement
 - Photographs of Chyna
 - Photographs of door and garage
 - Vaccination records
 - Receipts from Petco
 - Receipt from Home Depot
 - U.S. Postal Service Money Order Receipts to Yu Ming Kuang
 - Emotional Support Letter from UCSF Karoly Meacham Dyer, NP
 - Letter of Support by Alisha Liscinsky
 - Letter of Support by Annie Vogt
 - Letter of Support by Courtney R.
 - Letter of Support by Jenny Silva
 - Letter of Support by Melissa Paniagua
 - Letter of Support by Patrick Curtis
 - Letter of Support by Sen Beaver, Dog Trainer
 - Letter of Support by Victoria Kartashova, DVM
 - Photographs of doors and garage with notes

Ex. 15: Submissions by Yu Ming Kuang

- Two photographs of ajar door [presented at the hearing]

San Francisco Police Department Vicious and Dangerous Dog Unit's Complaint Form

On February 28, 2023, SFPD Officer William Kraus (#1540) lodged a complaint with the SFPD VDDU on behalf of Yu Ming Kuang regarding the dog, Chyna. The incident was based upon SFPD Incident Report No. 230144872. Officer Kraus responded to 2354 31st Avenue on report of a dog attack. Kuang told him that she was walking her 16 lbs. Pomeranian dog on 31st Avenue when a gray Pit Bull ran out of the garage and attacked her dog. The Pitbull grabbed her dog by the neck and shook her dog for approximately five minutes. The bite caused multiple puncture wounds and possible spinal injury. The Pomeranian was transported to the emergency veterinarian.

San Francisco Police Department Incident Report No. 230144872

Officer Kraus's investigation is summarized in the SFPD Incident Report. No. 230144872. He and Officer Bjorkquist (#563) responded to 2354 31st Avenue on report of an escaped Pit Bull attacking a small dog. Reportee, Michelle Sung, told dispatch that she believed the small dog was dead. The officers responded to Avenues Pet Hospital at 1221 Taravel Street. Yu Ming Kuang said that she was walking her dog, Bambi, on northbound on 31st Avenue, on the east side of the sidewalk, when a gray, 50-lbs., Pit Bull ran out of an open side garage door at [REDACTED] 31st Avenue and grabbed Bambi by the neck. The Pit Bull shook the dog side to side in a vicious manner. Kuang screamed and Bambi yelped, which alerted her neighbor, Michelle Sung, to the situation. Kuang and Sung could not get the Pit Bull to release even after striking the dog with a broom. The Pit Bull's owner, Ricardo Baldizon, eventually came out and was able to pull the Pit Bull away from the Pomeranian.

Baldizon identified the Pit Bull as "Chyna" and told police that as soon as he heard the yelling, he came outside and was able to get Chyna to release Bambi's neck. Baldizon said that the side door was not properly closed by workers and must have been blown open by the wind. Baldizon added that Chyna had never bitten a human or dog before and was up to date on her vaccinations.

ACC Records

ACC Bite Report No. B23-013316 reports that Chyna, a 7-year-old, gray, spayed, Pit Bull/Staffordshire mix dog, owned by Ricardo Baldizon, bit Bambi, a 5-year-old, white Pomeranian dog. The bite synopsis dated March 1, 2023, stated that a Pit Bull ran out of the residence located at [REDACTED] 31st Avenue and attacked a passing small dog, Bambi. The Pit Bull reportedly mauled the Pomeranian who was taken to Sage Veterinary Center in Redwood City, where she died from her injuries.

Hearing Testimony

Key parts of the relevant hearing testimony are summarized and paraphrased below.

Yu Ming Kuang

Yu Ming Kuang was assisted by Kit Lam who served as a Cantonese interpreter. Kuang said that on February 28, 2023, at 1:40 p.m., she took her Pomeranian dog, Bambi, outside for a walk to urinate. Bambi was not spayed and weighed 18 lbs. A Pit Bull dog came out of nowhere and went straight for Bambi's neck. Kuang, who was in shock, unsuccessfully tried to fight off the Pit Bull. Kuang ran to her garage to get a broom to try to fight off the Pit Bull. After minutes of screaming, her neighbor Michelle Sung ran out to help. Kuang lost hope but continued to hit the Pit Bull with her broom. When the owner, Ricardo Baldizon showed up, he begged them not to call the police, explaining that the dog was not normally aggressive.

At the emergency room, due to the severity of Bambi's injuries, and the unlikelihood that she would fully recover, they made the difficult decision to euthanize Bambi.

Had Kuang known her neighbors owned a dangerous Pit Bull, she would never have let Bambi near their house and would have banged on their door for help. She felt completely blind-sided.

She expressed that owning a Pit Bull comes with the responsibility always to be in control of the dog and keeping it leashed in public. While this dog might have a gentle and loving side, Kuang and Sung saw a vicious Pit Bull killing her dog while she watched. No matter how they screamed and kicked at the dog, it did not let go and the dog's eyes were set on its prey as if Bambi were a toy.

Kuang and her husband viewed Bambi as a daughter. Bambi assisted their daughter Eva who is disabled. She disputed Baldizon's testimony that this was a dog fight as Bambi was bitten to death.

Kuang agreed with Officer Sutherland's recommendation.

Michelle Sung

Michelle Sung, Kuang's neighbor, testified that on February 28, 2023, at approximately 1:45 p.m., she heard a dog crying in a high-pitched tone. Sung saw one dog on top of another and Kuang hitting the Pit Bull with a broom trying to get it to release Bambi. Sung tried to help by throwing rocks at the Pit Bull. Kuang froze and dropped the broom. Sung picked up the broom and struck the Pit Bull. No matter what Sung and Kwang did, the Pit Bull wagged its tail and continued pouncing on Bambi. She opined that the dog was unsocialized and did not know how to behave around other dogs.

Sung did not think the Pit Bull intended to kill Bambi. Rather, the dog enjoyed killing like a game.

The Pit Bull's owner eventually ran out and separated the dogs. He requested that they not call 911 because the dog was not normally aggressive.

Zhi Jian Tan

Zhi Jian Tan, Kuang's husband and Bambi's co-owner, testified that on the afternoon of February 28, 2023, his wife called to tell him Bambi had been attacked. He drove to the emergency room to

see his dog. He testified regarding the emotional pain he felt watching his dog suffer and pass away and in the aftermath of the incident. He does not want to see a dangerous dog living in his neighborhood.

Xiao Hua Tan

Kit Lam read a letter written by Xiao Hua Tan who was assisted by an American Sign Language interpreter and goes by the name, Eva. Eva expressed the pain she felt at the loss of her dog, Bambi, as well as her concern for the dangerousness of Pit Bulls.

Emily Tan

Emily Tan, the youngest daughter, testified regarding the impact the dog's death has had on her family.

Tim Padgett

Tim Padgett, Michelle Kwan's boyfriend, testified that since the incident, he has noticed the door to the Pit Bull's house left ajar.

Taija Liscinsky

Taija Liscinsky testified that she is Chyna's co-owner. Chyna is eight or nine years old and was adopted in 2017. Liscinsky provided letters and an evaluation in support of Chyna demonstrating she has a history of behaving well with humans. (Ex. 14.) She was not present for the February 28, 2023 incident. On that day, Ricardo called her to tell her what happened. She went home from work in a panic.

She observed the Ring video of the incident (Ex. 4) and acknowledged the seriousness of the matter. It was, however, an accident. Chyna has never been aggressive though she has anxiety issues. They muzzle her on walks so people will not fear her. Other animals do not make Chyna happy though she has never aggressed on a dog before.

She is an emotional support dog for Liscinsky, and they love her like a child. They are responsible owners. They are working with a trainer, Sen Beevers.

They had the locks and door handles changed to prevent Chyna from escaping in the future. They put a deadbolt on the mailroom door which is the door that was blown open that day. They live in the in-law unit. Chyna is a gentle, loving senior dog. They have done everything in their power to ensure no further incidents occur.

Since the incident, they have been using a basket muzzle on Chyna.

After evidence was presented that the door to Liscinsky's residence had been left open after the incident, she explained that was her mother's door, not the door to her in law unit. Also, the door that separates the garage from their in-law unit was not open.

Ricardo Baldizon

Ricardo Baldizon, Chyna's co-owner, explained how Chyna escaped after workers left who had been working on their bathroom. He was in the middle of packing a box in the far back of the house when he heard a commotion get louder outside. He went to the window and saw two dogs

fighting. He ran outside. Yu Ming Kuang and Michelle Sung were in a panicked state trying to get Chyna off Bambi. Baldizon grabbed Chyna and pleaded for them not to call 911.

To ensure future incidents do not occur, they changed all the locks so Chyna couldn't escape and hired a dog trainer for the first time.

He also apologized to Kuang and the Tan family.

San Francisco Police Department's Recommendation

Officer Sutherland recommended that Chyna be deemed vicious and dangerous.

Animal Care & Control's Recommendation

Officer Jerry Mai testified that ACC had no recommendation except that Chyna's owners get a dog license.

FINDINGS

1. On February 28, 2023, Yu Ming Kuang took her 18 lbs., Pomeranian dog, Bambi, out for a walk along 31st Avenue. Suddenly, the 50 lbs., Pit Bull mix dog, Chyna, owned by Taija Lischinsky and Ricardo Baldizon, escaped from their residence and bit Bambi on the neck numerous times while shaking Bambi from side-to-side for approximately one minute. Bambi was severely injured and required emergency medical treatment. Both dogs were off leash.
2. Chyna's attack was unprovoked.

CONCLUSION AND ORDER

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

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 streets, 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 dogfighting; 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.

Based on the evidence presented at the hearing and these Findings, the evidence is sufficient to prove by a preponderance that Chyna qualifies as vicious and dangerous under Section 42(1). Credible evidence was presented demonstrating that on February 28, 2023, Chyna mauled the

Pomeranian dog, Bambi, for approximately one minute as depicted on the surveillance video. (Ex. 4). Per Yu Ming Kuang, Bambi's injuries were so severe, she had to euthanize Bambi as a result of this incident. In determining whether a dog bite is provoked or unprovoked, the victim's behavior prior to the incident is examined. We look to whether the person bitten was either provoking or teasing the dog without cause. (See, e.g., SF Health Code, Art. 1, section 41.5.1) Although Bambi was off leash, Bambi did nothing to provoke Chyna's attack.

This unfortunate incident traumatized Kuang and her family. Without question, Chyna should be deemed vicious and dangerous for the remainder of her life. Although Chyna has a history of behaving well with humans, she is dog aggressive and mauled Bambi nearly to death due to small prey drive and predatory drift. It is essential that Baldizon and Lischinsky keep Chyna leashed and muzzled in public for the rest of her life and to comply with the below Order, so Chyna does not escape again. If Chyna is found in public off-leash or un-muzzled again, the undersigned will consider putting Chyna down.

THEREFORE, the undersigned makes the following ORDER:


1. The dog, Chyna, (A481125) meets the "vicious and dangerous" criteria set forth in Article I, Section 42(a) of the San Francisco Health Code and must be registered as vicious and dangerous pursuant to Article 1, Section 42.2 of the San Francisco Health Code within ten days of the date of this Order. Chyna must also be spayed.
2. Unless confined, Chyna must wear a front-attaching harness and be kept on a leash that is no more than three feet when in public. The leash cannot be retractable.
3. Chyna must be muzzled when in public. The muzzle must be a rigid basket muzzle, or another muzzle approved by Animal Care and Control.
4. Chyna must only be walked in public by responsible adults.
5. Baldizon and Liscinsky must take steps to ensure Chyna does not escape such as installing self-closing hinges on the doors and installing a gate in the doorways.
6. Within one year from the date of this Order, Chyna must be taken to six hours of training to correct his problem behaviors by a trainer approved by ACC. Proof of completion of the training must be provided to SFPD VDDU for retention in the administrative file.
7. ACC shall conduct an inspection of [REDACTED] 31st Avenue and its in law unit to ensure the home is secure.
8. **If Chyna is found to be off-leash or unmuzzled in the community, ACC shall immediately seize Chyna. SFPD VDDU or ACC shall request a hearing to determine if additional measures should be imposed, such as euthanasia, to protect public safety.**
9. The undersigned considered the health, welfare, and safety of the community in making this Order.

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 the 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 promptly seek and consult with an attorney.

IT IS SO ORDERED:

May 10, 2023



JANELLE E. CAYWOOD
HEARING OFFICER



PROOF OF SERVICE

I, Victoria Weilhammer, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City of San Francisco, County of San Francisco, California. I am over the age of eighteen years, and not a party to or interested in the within-entitled action. I am an employee of the City and County of San Francisco, and my business address is 1 South Van Ness Avenue, 8th Floor, San Francisco, CA 94103.

On May 10, 2023, I served the following document(s):

Statement of Decision

In the Following Matter:

"Chyna" (A#481125)

on the parties stated below by the following means of service:

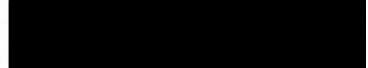
Ricardo Baldizon



Taija Liscinsky



Yu Ming Kuang



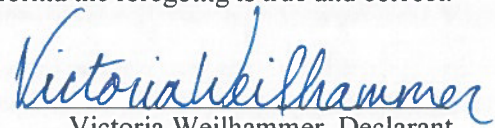
Ofc. Gregory Sutherland #2404
SFPD
Community Engagement Division
1245 3rd Street
San Francisco, CA 94158

Captain Jason Kent
SF ACC
1419 Bryant Street
San Francisco, CA 94103

☒ **By United States mail.** I enclosed the above listed documents in sealed envelopes addressed to the persons listed above, and deposited the sealed envelopes with the United States Postal Service, with the postage fully prepaid.

☐ **By personal service.** I personally delivered the documents to the persons at the addresses listed above. For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party by hand delivering a true copy to the person listed above at my place of employment, Vicious and Dangerous Dogs, 1 South Van Ness Avenue, 8th Floor, San Francisco, CA 94103, or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.
Executed on May 10, 2023 at San Francisco, California.


Victoria Weilhammer, Declarant