

Fact Sheet Re: D.E.L.T.A Licensing and Litigation Prepared by the County of Los Angeles

Dedication and Everlasting Love to Animals ("D.E.L.T.A.") released a recent newsletter containing inaccuracies. Some of the issues raised have been litigated over the past several years. D.E.L.T.A. did not prevail in any of the five lawsuits it filed against the County. In the lawsuits that D.E.L.T.A. did not dismiss voluntarily, the issues were resolved in favor of the County. The five civil suits filed by D.E.L.T.A. and Grillo against the County, as well as the District Attorney's action against Grillo for failure to obtain a current license are summarized below. The unsuccessful litigation filed by Mr. Grillo resulted in unnecessary expenditures of County (taxpayer) and D.E.L.T.A resources.

Inaccurate statements continue to be made by Mr. Grillo, even though the courts have resolved the relevant issues in favor of the County. Moreover, Mr. Grillo's criminal conviction on the licensing issue is proof of his failure to abide by the licensing laws that all animal facilities in the County are required to follow.

There are three agencies involved in the licensing of all animal facilities. State and local laws regarding animal welfare, zoning and building and safety are enforced by the Department of Animal Care and Control, the Department of Regional Planning, and the Building and Safety Division of the Public Works Department. Regional Planning and the Department of Public Works/Building and Safety must sign off on all animal facilities before the Department of Animal Care and Control can issue a license.

The following is a summary of responses to recent allegations:

Allegation	Fact	Relevant court action(s)/comment/authority
Mr.Grillo continues to allege that he was told that a license was not needed for the D.E.L.T.A facilities.	The County has never advised Mr. Grillo that D.E.L.T.A is exempt from licensing. No animal facility is exempt from licensing. Mr. Grillo, and his attorney mistook a fee exemption for charitable organizations that was in effect in 1997 to be a licensing exemption. D.E.L.T.A.'s mistake has been pointed out to them many times over the past several years. The courts confirmed that there is no merit to this allegation by dismissing Grillo's civil suits and by the criminal conviction for failure to license.	<u>D.E.L.T.A. v. County of Los Angeles</u> (BC 318392). Demurrer granted by Judge Person and upheld by the Court of Appeal. <u>P. v. Grillo</u> (4AT07488)-- Criminal conviction for operating without a license. <u>Grillo v. Mayeda, County of Los Angeles</u> (BC 345724) Pltff. voluntarily dismissed before demurrer hearing.
The County is imposing an unreasonable requirement on D.E.L.T.A to apply for a new license.	Los Angeles County Code section 10.28.160 requires a facility to apply for a new license if it has not applied for a renewal within the 30 day grace period after expiration, and pay the initial license fees. This requirement encourages compliance with the inspection and other requirements designed to protect animals and the public. D.E.L.T.A has not had a license since 1997; therefore, it is required to apply for a new license. The new license requirements are substantially similar to the requirements for a renewal license.	<u>D.E.L.T.A. v. County of Los Angeles</u> (BC 318392). Demurrer granted by Judge Person and upheld on appeal. <u>P. v. Grillo</u> (4AT07488)-- Criminal conviction for operating without a license. <u>Grillo v. Mayeda, County of Los Angeles</u> (BC 345724) Pltff. voluntarily dismissed before demurrer hearing.

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The requirement to obtain approval from Dept. Public Works/Bldg. and Safety is unreasonable.	All animal facilities are required to be inspected annually. DPW Building and Safety Division attempted to conduct an inspection of the property in March of 2010, but was denied access to the property. An inspection by Building and Safety will be necessary in order to determine the extent of any Building and Safety-related issues on the property.	All animal facility licensees (including renewal applicants) are required to be inspected by Bldg./Safety to confirm that the buildings are safe for animals and for people, to ensure that the buildings do not constitute a "menace to the health, peace or safety of the community." (Los Angeles County Code § 10.28.050A).
Proposed Animal Welfare ordinance limitation to 50 dogs and cats will prevent D.E.L.T.A. from being licensed.	D.E.L.T.A has had ample time to comply with the requirements of the current ordinance. Grillo represented to the court in May 2009 that he could obtain the license in 30 days, but he has still not complied with the requirements imposed on all animal facilities. The current <i>proposed</i> Animal Welfare Ordinance has not yet been finalized, but it will likely limit facilities to 50 dogs or cats unless reasonable additional requirements are met to ensure the protection of the animals. It is likely that the proposed ordinance will require an applicant who wishes to exceed the 50 animal limit to have an emergency response plan, demonstrate that it can properly house and care for the larger number of animals and have adequate staffing.	D.E.L.T.A still refuses to comply with the law to be licensed. D.E.L.T.A.'s license expired 12/31/97 - thirteen years ago. It has been over a year since the May 2009 criminal court order was issued to Grillo to obtain a license. D.E.L.T.A was previously licensed and is very familiar with the requirements.
The County wants D.E.L.T.A.'s land for development.	The County has no plan or interest in obtaining D.E.L.T.A.'s land for development. The County simply expects Mr. Grillo to comply with the licensing requirements expected of all animal facility owner/operators.	
The cost for D.E.L.T.A. to comply with County requirements is excessive.	All animal facility operators are expected to comply with County regulations regarding zoning, building and safety and animal welfare. D.E.L.T.A. is one of the wealthiest animal welfare organizations in Los Angeles County. Organizations of much lesser means have complied with County requirements.	D.E.L.T.A'S gross annual revenue for 2008 was \$8,379,989.00. This information can be verified on the California Attorney General's Registry of Charitable Trusts website by searching by D.E.L.T.A.'s FEIN number 953759277.

The following is a summary of the litigation involving D.E.L.T.A. and Grillo:

1. D.E.L.T.A. v. County of Los Angeles (LASC Case No. BC 318392). D.E.L.T.A alleged implied contract, estoppel, abuse of process, and constitutional violations, and sought declaratory/injunctive relief in an attempt to prevent the County from enforcing its licensing requirement. Judge Person dismissed the complaint after sustaining County's demurrer without leave to amend. The Court of Appeal affirmed the dismissal August 8, 2006. The Supreme Court review denied.
2. Grillo v. Mayeda, County of Los Angeles (LASC Case No. BC 345724) Grillo alleged civil rights violations under 42 U.S.C. § 1983 and sought injunctive relief as well as compensatory damages, punitive damages and attorneys' fees and costs, in a similar attempt to prevent the County from enforcing its licensing requirement. The case was declared related to the above D.E.L.T.A. case, and transferred to Judge Person's court. The plaintiff dismissed the lawsuit prior to the hearing on the County's demurrer.
3. People v. Grillo (LASC Case No. 4AT07488) Criminal conviction for operating an animal facility without a license. The matter was resolved in a hearing on May 6, 2009, when the court accepted the defendant's plea of no contest to two counts of operating an animal facility without a license. Mr. Grillo was ordered to obtain a license within 30 days, comply with all animal licensing requirements and to obey all laws.
4. D.E.L.T.A. v. County of Los Angeles (LASC Case No. BC 383772) Plaintiff alleged that the Department engages in a pattern and practice of violations of the Hayden Law. The court dismissed the case after granting the County's demurrer. DELTA appealed. The Court of Appeal dismissed 8/18/09 pursuant to plaintiff's request.
5. D.E.L.T.A. v. County of Los Angeles (LASC Case No. BS113127) Petition for Writ of Mandate under Public Records Act. Plaintiff voluntarily dismissed Sept. 17, 2007.
6. D.E.L.T.A vs. County of Los Angeles (LASC Case No. BC 422915) Lawsuit filed 9/30/09 included causes of action for injunctive relief, declaratory relief, inverse condemnation, and quiet title. D.E.L.T.A alleged that the County was performing a road repair project on D.E.L.T.A's property beyond the limits of property rights DELTA granted to the County. The County countered that it was performing the project within the limits of the granted property rights and that D.E.L.T.A had misrepresented to the Court the location of the property rights. On October 26, 2009, less than a month after filing the complaint, D.E.L.T.A dismissed the action.

Conclusion

The door is open for D.E.L.T.A to obtain the animal facility license required of all animal facilities within the jurisdiction of the Los Angeles County Department of Animal Care and Control. The time has come for D.E.L.T.A 's compliance with the County's reasonable licensing laws and the cessation of litigation.