

California Code of Regulations
Title 3. Food and Agriculture
Division 2. Animal Industry
Chapter 7. Control of Diseased Animals
Article 3. Quarantine
Section 1301.2. Appeal of Imposition of Quarantine

On March 19, 2003, at 1:35 PM, Mike Cleary, designated by the State Veterinarian as Hearing Officer, commenced an appeal hearing via a conference call from the Hearing Officer's Sacramento office with Epidemiologist Dr. Colleen Bruning-Fan, located at the Exotic Newcastle Disease Eradication Command Center Inland, and the Appellant Janis Ridgeway Damiami, in addition to attorney for Ms. Damiami, William Daily in the matter of the Notice of Quarantine No. END 30371/NCA 23113 issued March 15, 2003 applied to:

Appellant/Owner: Janis Ridgeway Damiami
Quarantined Address: 40569 Fieldspring Avenue Lancaster California 93535
Telephone: 661-264-4788

Ms. Damiami: Was represented by William Daily.

Doctor Bruning-Fan represented the State Veterinarian.

In accordance with California Code of Regulations Title 3, Section 1301.3 (I) Hearing Procedures, the appeal hearing was recorded by audiotape.

The Department, through its veterinary witness, Dr. Bruning-Fan, presented sufficient evidence to establish a reasonable belief, based upon standard epidemiological practice, that appellant's birds should be segregated as set forth in the notice of quarantine.

Such evidence includes the fact that appellant's premise is located within one mile of four premises with birds that have tested positive for END and the means by which the disease can be spread by people and animals.

The Department has not, however, presented sufficient evidence to establish a reasonable belief, based upon standard epidemiological practice, that appellant's birds have contracted, may carry or may transmit END.

Accordingly, the hearing officer retains jurisdiction to address this issue if the Department determines that grounds exist for depopulation of appellant's birds. At the hearing, the Department stated, through its veterinary witness, that it has no plans to depopulate appellant's birds at this time.

This hearing was concluded at 2:15 PM.

Mike Cleary, Hearing Officer
Department of Food and Agriculture
Division of Measurement Standards

c: F. Helenihi (FAX)
Legal Unit
Appellate