



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY**

**2010-2011**

**Final Report on**

**NAPA COUNTY ANIMAL CONTROL  
SERVICES**

**WHO LET THE DOG'S OUT?**

# TABLE OF CONTENTS

Letter to Presiding Judge	
Letter to the Citizens of Napa County	
Who Let the Dogs Out: Difficulty in Reporting Animal Problems	
Summary	1
Background	1
Discussion	2
i) Pit Bull Attacks	2
ii) An Accident Waiting to Happen	2
iii) How Do You Report an Animal Problem	3
iv) Who's Answering the Call?	5
Findings	5
Recommendations	6
Request for Responses	7
Glossary	7
Methodology	7
Appendix	8
I. Invoice from Direct Line	



A Tradition of Stewardship  
A Commitment to Service

**NAPA COUNTY GRAND JURY**  
**P.O. BOX 5397**  
**NAPA, CALIFORNIA 94581**

June 6, 2011

The Honorable Diane M. Price  
Presiding Judge  
Superior Court of the State Of California  
County of Napa  
825 Brown Street  
Napa, CA 94559

Re: 2010-2011 Grand Jury Final Report on the Napa County Animal Services  
Department

Dear Judge Price:

Pursuant to Section 933(a) of the California Penal Code, the 2010-2011 Napa County Grand Jury submits to you its final report on the Napa County Animal Services Department. Our investigation of this subject was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury, to protect the interests of the residents of Napa County.

This is the seventh in a series of final reports we will be issuing before the term ends. I would like to acknowledge the hard work and dedication of the Grand Jurors, which our report reflects. It is a privilege and a pleasure to work with them.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith L. Bernat".

Judith Bernat  
Forewoman  
2010-2011 Napa County Grand Jury



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**P.O. BOX 5397**  
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To the Residents of Napa County:

In order to fulfill the Grand Jury's mandate to investigate all local government agencies, to assure they are being administered efficiently, honestly, and in the best interest of Napa County residents, the 2010-2011 Grand Jury investigated the Napa County Animal Services Department.

The Grand Jury has carefully investigated this matter and developed a set of findings and recommendations with the objective of representing the public interest.

The Grand Jury has made seven recommendations. The first recommends that the Napa County Sheriff's Animal Services, working in conjunction with the Napa Police Department, provide the community with a single phone number for reporting animal problems. The second recommends that the phone numbers for reporting emergency and non-emergency animal problems appear printed in bold at the beginning of both the City and County phone directory listings. The third recommendation is that the Sheriff Department's Animal Services, working in conjunction with the Napa Police Department, educates the community about the best procedure for reporting vicious animal attacks and other animal problems. The fourth recommendation is that the Sheriff's Animal Services, in conjunction with the Napa Police Department, prepare a report evaluating the feasibility of placing Animal Control Dispatch services under the City of Napa Police Department. The fifth recommends that the Sheriff present the feasibility report to the Board of Supervisors and the sixth recommends that the Chief of Police for the City of Napa present the feasibility report to the Napa City Council. The seventh recommends that the Sheriff's Department discontinue the contract with Direct Line, a 24 hour a day answering service.

The Napa County Office of County Counsel has reviewed this final report. The Napa County Superior Court Presiding Judge, pursuant to California Penal Code Section 933 (a), has found that this report complies with California Penal Code Part 2 Title 4. This report has been accepted and filed as a public document by the County Clerk.

Copies of this report are available for review in the Napa City-County Library and online at [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov). Follow the link to Grand Jury.

We hope you find this report informative.

It is an honor and privilege to serve on the 2010-2011 Grand Jury.

Respectfully submitted,

The 2010-2011 Napa County Grand Jury

# **WHO LET THE DOGS OUT?**

## **Difficulty in Reporting Animal Problems**

### **SUMMARY**

Two pit bull dogs were euthanized at the Napa County Animal Shelter on March 12, 2010. Concerns and questions arose about whether or not Napa Municipal Code, Napa County Code, and Napa County Sheriff's Office Policies were properly followed. The pit bulls in question were not leashed and were off their property when they attacked and bit a leashed dog and its owner walking nearby. An Animal Services Officer (ASO) responded to the emergency calls. Following procedures defined and outlined in the Napa Municipal Code, he deemed the dogs to be "potentially dangerous and vicious" and had them transported to the Animal Shelter where they remained for 14 days until they were euthanized. The owner of the dogs did not respond to written or verbal notices and did not attempt to retrieve the dogs. Napa Municipal Code, Napa County Code, and Animal Services Procedures were followed.

The investigation found the current process for reporting a vicious dog or animal service problem to be confusing and frustrating. Who should be called? Should a person call 911? Where in the telephone directory can the appropriate phone number be found? Sometimes the caller gets a recorded message, is asked to call another number, connects with a dispatcher, or encounters an answering service. The Grand Jury investigated the possible overlapping of responsibilities, duplication of cost, as well as the cost of the county's contract with Direct Line, an answering service located in Berkeley.

### **BACKGROUND**

In response to a citizen's complaint, the 2010-2011 Grand Jury, under its authorization to investigate topics brought to its attention by citizens of the County of Napa, investigated allegations that Napa Municipal Code and Napa County Code were not properly followed during the quarantine period and the subsequent euthanasia of two pit bulls in March 2010.

During the Grand Jury's investigation, it became apparent that citizens experienced frustration and delays when they tried to report problems or concerns about animals. Who do you call? Where does one find the appropriate phone number? Should you call 911? Many residents are not aware that Animal Services is part of the Napa County Sheriff's Department.

The City of Napa (City) contracts with the County to provide animal control and licensing services for the City. The Napa Animal Shelter becomes involved when a potentially dangerous and vicious animal needs to be confined on an interim basis. (Napa Municipal Code, Title 6, Section 6.05.030) The Animal Shelter does not have responsibility for responding to emergency calls for transporting animals.

## **DISCUSSION**

### **Pit Bull Dogs Attack**

On February 25, 2010 a Napa resident was walking his leashed pit bull dog in a downtown Napa neighborhood. The Case Report Narrative from the Napa County Sheriff's Department states the victim and his dog were charged by two unrestrained, unsupervised and unleashed pit bulls. He and his dog crossed the street in order to avoid the two pit bulls. The larger of the pit bulls attacked the leashed dog by biting it and locking down on the dog with its jaws. The owner of the leashed dog tried to wrestle his dog free by prying open the jaws of the attacking pit bull and was knocked to the ground in the scuffle that ensued. Law enforcement was called. Minutes later, the Napa County Sheriff Department's Animal Services arrived along with Napa Police and the Napa Fire Department. According to the ASO on the scene, the leashed dog sustained two puncture wounds on its leg, a bloody puncture under the right side of its jaw, and a bloody puncture on its right eye. The owner of the dog sustained puncture wounds on his left forearm, as well and numerous scrapes on his elbows and knees.

The pit bulls' attack on the man and his leashed dog was unprovoked. The responding ASO deemed the dogs to be "dangerous and vicious" as per Napa Municipal Code, Title 6, Section 6.05.020 and 6.05.040. He also obtained "written and/or verbal statements from available witnesses to the conduct and previous history of the behavior of the animals."

### **An Accident Waiting to Happen**

Prior to this February 25, 2010 incident, the Sheriff Department's Animal Services officers had documented numerous complaints, including bites, leash law violations, property damage, and other vicious behaviors by the same two pit bulls. Residents had filed Incident Reports describing vicious behavior, off-leash violations, and bites dating back to 2007. According to the Case Report Narrative, there were six separate occasions reported since May 21, 2007 when the pit bulls were reported being loose, unsupervised, and unrestrained or when they displayed aggressive behavior which resulted in the need for defensive action by others. The owners and caregiver had been warned and had been given ample

opportunity to resolve the issue of the dogs' aggressive behavior. They failed to comply with Animal Services' regulations.

Neighbors expressed that the dogs had been a constant threat to the neighborhood for several years. A neighborhood watch group was formed and neighborhood schools were notified about the danger. Dispatch logs and incident reports verify approximately 34 calls about these dogs since May 2007.

Prior to the attack, Direct Line answering service also received two calls reporting these pit bull dogs. Direct Line's print log indicates both messages were "URGENT" and recorded:

- February 16, 2010, 5:49 p.m. message: "There are two pit bulls wandering the neighborhood."
- February 20, 2010, 12:19 p.m. message: "2 pit bulls are wandering around. They have attacked before."

After the February 25<sup>th</sup> attack, the two pit bulls were taken to the Napa County Animal Shelter. They were placed in quarantine, housed separately, and held for 10 days prior to a determination to euthanize them. There was no record of vaccinations or licenses for either dog. The owner was notified that the dogs would be held at the shelter for 10 days. However, they were actually kept an additional four days. The owner was mailed the Animal Shelter bill with the standard fees. He was notified personally, over the phone, and by mail. The owner still did not come forward to retrieve the dogs and pay the fees.

Pursuant to the Napa County Sheriff's *Animal Services Procedures and Policies* dangerous dogs may be released from the Animal Shelter if certain specific conditions are met including, but not limited to, the following:

- dogs must be kept locked in an approved kennel
- dogs must be on a leash and wear a muzzle when outside
- owners must take training courses with a licensed dog trainer
- owners must take out dog insurance policy
- owners must agree to microchip dog
- owners must reimburse victims for medical expenses

The Animal Shelter determined the dogs could not be put up for adoption because they were deemed dangerous. Following Animal Shelter procedures, the Animal Shelter Supervisor made the decision to euthanize the dogs.

## How Do You Report an Animal Problem?

During the investigation into the attack by the pit bull dogs, it became clear to the committee that residents do not know who to call to report an animal problem.

The current process is confusing and frustrating for residents. Searching two different Napa phone directories for the number to call to report vicious animal attacks or other animal problems revealed just how many different places someone might possibly look for the number to call:

The July 2010 *Napa Valley AT & T Real Yellow Pages* phone book

Napa City Of:

- no listing for **Animal Services** alphabetically under “A”
- no listing for **Animal Services** under the heading **Police Department**
- **Police Department** lists a non-emergency number (257-9223)

Napa County Of:

- alphabetically under “A” is a listing for **Animal Field Services**, see **Sheriff’s Department** (no number given there)
- **Animal Shelter** listed alphabetically (253-4382 and 253-4381-voicemail)
- under **Sheriff’s Department, Animal Services** (253-4517)

Business section:

- **Animal Shelter** listed under “A” (253-4381-voicemail)

*The 2010-2011 Napa Valley Phone Book*

- **Quickfinder Guide** in front of directory lists **Animal Control**, see **Community Services** in the yellow pages
- **Community Services, Animal Control** is listed alphabetically with two phone numbers: Napa County (707-253-4517 or 877-279-2982 - no indication which number should be called)

Napa City Of:

- neither **Animal Services** nor **Animal Control** is listed alphabetically
- neither **Animal Services** nor **Animal Control** is listed under **Police Department**; the non-emergency number is listed (257-9223)

Napa County Of:

- no listing for **Animal Services** alphabetically under “A”
- **Animal Shelter** is listed alphabetically with two numbers (253-4382 and 253-4381-voicemail)
- **Animal Services** listed under **Sheriff’s Department** (253-4517)

Business section:

- **Animal Shelter** listed under “A” (253-4381-voicemail)



People often call 911 when it is not a life or death emergency. After reaching 911, the caller may be told to call 253-4451, a police number that is staffed 24 hours a day and is to be used for non-life threatening emergencies. The process is confusing and unnecessarily uses 911 operators' time. All the phone directory lists are long and in very fine print.

Depending on what phone number is called, the time of day, and the nature of the call, citizens calling to report an incident involving an animal may be routed to one of the following: the Napa Sheriff's Department Dispatch, the Napa Police Dispatch call center, or an answering service located in Berkeley.

### **Who's Answering the Call?**

The Napa County Sheriff Department's Animal Services Officers are responsible for enforcing animal control laws and for responding to the calls about potentially dangerous and vicious animals. And while responding to these calls is their responsibility, calls to Animal Services are sometimes routed to Direct Line, a 24-hour answering service located in Berkeley. The calls are routed to Direct Line after 5 p.m., on the weekends, holidays, and when the call taker is not available. The Grand Jury's review of Direct Line's phone logs for two months revealed an average of fewer than 10 animal service calls received and relayed per day. The monthly invoices from Direct Line to the County range from \$445 to \$ 1,292 per month. The County paid \$16,586 to Direct Line for receiving Animal Services dispatch calls during the 2009-2010 fiscal year. (See Appendix I)

The Grand Jury reviewed two months of call logs from the Sheriff Department's Animal Services. The number of weekday calls received by the Sheriff Department's call taker averages fewer than 10 calls per day during working hours, Monday through Friday.

When a person calls 911 to report an animal problem/incident, the call may be re-routed, depending on the nature and urgency of the call. The City of Napa police 911 dispatcher may have a police officer respond to the problem. The City of Napa 911 Dispatch between April 14, 2010 and April 14, 2011 received approximately 163 calls for services dealing with dogs.

## **FINDINGS**

The 2010-2011 Grand Jury finds that:

- F1. The Napa Municipal Codes were properly followed in the euthanization of two dangerous pit bull dogs.
- F2. The Napa County Ordinances were properly followed in the euthanization of two dangerous pit bull dogs.

- F3. The Napa County Sheriff Department's Animal Services and the Napa Police Department followed proper procedures regarding dangerous and vicious dog ordinances.
- F4. The pit bulls were euthanized following the humane standard practices of the Napa County Animal Shelter.
- F5. The current process for calling in to report vicious dog attacks or other animal problems is confusing and frustrating for residents.
- F6. For the fiscal year 2009-2010, the County paid \$16,586 for the contract with Direct Line answering service.

## **RECOMMENDATIONS**

The 2010-2011 Grand Jury recommends that the:

- R1. Napa County Sheriff Department's Animal Services, working in conjunction with the Napa Police Department, provides the community with a single phone number for reporting animal problems by the publication deadline of the next phonebook.
- R2. Phone numbers for reporting emergency and non-emergency animal problems appear printed in bold at the beginning of both the City and County phone directory listings.
- R3. Napa County Sheriff Department's Animal Services, working in conjunction with the Napa Police Department, educates the community about the best procedure for reporting vicious animal attacks and other animal problems.
- R4. Napa County Sheriff Department's Animal Services, in conjunction with the Napa Police Department, prepares a report evaluating the feasibility of placing Animal Control Dispatch services under the City of Napa Police Department.
- R5. Napa County Sheriff presents this evaluation report to the Board of Supervisors.
- R6. Napa Police Chief presents this evaluation report to the Napa City Council.
- R7. Napa County Sheriff's Department discontinues the Animal Services contract with Direct Line.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Napa County Sheriff: F1, F2, F3, F4, F5; R1, R2, R3, R4, R5, R7
- Napa Police Chief: F1, F4; R1, R2, R3, R4, R6

## **GLOSSARY**

ASO - Animal Service Officers

**Potentially dangerous animal** - “any animal which, when unprovoked, engages in aggressive conduct prompting or resulting in defensive action by any person to avoid bodily injury.” (Napa Municipal Code Section 6.05.020)

**Unprovoked** - “conduct which is not (1) In response to physical attack, taunting, or harassment upon the animal, its owner and/or keeper or other temporary attendant.” (Napa Municipal Code Section 6.05.020)

**Vicious animal** - “(1) any animal seized under Section 599a of the California Penal Code and upon the sustaining of a conviction of the owner under subdivision (a) of Section 597.5 of the California Penal Code, or (2) Any animal which, when unprovoked, inflicts or causes injury to or kills a human being or domestic animal.” (Napa Municipal Code Section 6.05.020)

## **METHODOLOGY**

Information for this investigation was gathered through interviews, document analysis, and Internet research.

**Interviews Conducted:**

- City of Napa resident
- City of Napa Police Central Dispatch personnel
- Napa County Animal Shelter personnel
- Napa County Environmental Management personnel
- Napa County Sheriff’s Department personnel

## Documents and Websites Reviewed:

- Contract with Direct Line Tele Response and Dispatch Logs
- Citizen emails and letters, 2007, 2010
- Dispatch Logs from Napa County Sheriff Department
- Dispatch logs from Napa Police Department
- Napa County Code, Chapter 6.16, Potentially Dangerous and Vicious Animals
- Napa County Sheriff's Department - Animal Services. Animal Reports, 2007, 2008, 2010
- Napa County Sheriff's Department-Animal Services, Case Report Narratives, 2008, 2010
- Napa County Sheriff's Department - Animal Services, Incident Reports, 2007, 2008, 2010
- Napa County Sheriff's Office, Animal Services Procedures, Policy 820
- Napa County Sheriff's Department, Declaration/Statement Forms, 2010
- Napa Municipal Code, Title 6, Animals, Chapter 6.04 Animal Control Regulations, and Chapter 6.05 Potentially Dangerous and Vicious Dogs
- Napa Superior Court, Restraining Order
- Napa Valley Register articles: "Pit bull attack sparks fear, outrage", March 1, 2010; "Dogs face death after attack on man", March 9, 2010
- Various Napa County telephone directories
- [www.cityofnapa.org](http://www.cityofnapa.org)
- [www.countyofnapa.org](http://www.countyofnapa.org)

## **APPENDIX I**

Invoice from Direct Line

Report ID: APY2000

PeopleSoft Accounts Payable  
**DETAILED PAYMENT HISTORY BY VENDOR**

From: 01 Jul 2009 To: 30 Jun 2010

Page No. 1  
 Run Date 4/6/2011  
 Run Time 4:09:42 PM

Remit Vendor: NAPA 35473  
 Payment Currency: USD

Bank Account: MFB 444042339

Payment Ref	Date	Handling	Status	Remit to	Pay Cycle	Sq	Payment Amount	Document Sequence
421772	23 Jul 2009	MIR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,317	445.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00705106	090701888101	15 Jul 2009	0.00 USD	445.00USD
422794	04 Aug 2009	MIR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,323	1,292.12 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00706124	090701422101	15 Jul 2009	0.00 USD	1,292.12USD
423891	18 Aug 2009	MIR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,328	445.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00708149	090801888101	15 Aug 2009	0.00 USD	445.00USD
424614	25 Aug 2009	MIR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,331	989.72 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00708913	090801422101	15 Aug 2009	0.00 USD	989.72USD



Report ID: APY2000

PeopleSoft Accounts Payable  
**DETAILED PAYMENT HISTORY BY VENDOR**

From: 01 Jul 2009 To: 30 Jun 2010

Page No. 3  
 Run Date 4/8/2011  
 Run Time 4:08:42 PM

Remit Vendor: NAPA 35473

Payment Currency: USD

Payment Ref	Date	Handling	Status	Remit to	Pay Cycle	Seq	Payment Amount	Document Sequence
436174	05 Jan 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHAFTTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,375	445.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00725075	091201888101	15 Dec 2009	0.00 USD	445.00USD
436746	12 Jan 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHAFTTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,377	815.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00725900	091201422101	15 Dec 2009	0.00 USD	815.00USD
439373	09 Feb 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHAFTTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,387	445.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00730475	100101888101	15 Jan 2010	0.00 USD	445.00USD
440136	18 Feb 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHAFTTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,391	445.00 USD	
		Unit		Voucher ID	Invoice ID	Invoice Date	Discount Taken	Paid Amount
		NAPA		00731545	100201888101	15 Feb 2010	0.00 USD	445.00USD



DETAILED PAYMENT HISTORY BY VENDOR

From: 01.Jul.2009 To: 30.Jun.2010

Remit Vendor: NAPA 35473  
Payment Currency: USD

Payment Ref	Date	Handling	Status	Remit to	Pay Cycle	Seq	Payment Amount	Document Sequence
441200	02.Mar.2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,394	1,842.96 USD	
				Voucher ID 00733298 Invoice ID 100201422101 Invoice Date 15.Feb.2010 Discount Taken 0.00 USD Paid Amount 825.00USD				
				Voucher ID 00733303 Invoice ID 100101422101 Invoice Date 15.Jan.2010 Discount Taken 0.00 USD Paid Amount 1,017.96USD				
443307	25.Mar.2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,402	815.00 USD	
				Voucher ID 00736189 Invoice ID 100301422101 Invoice Date 15.Mar.2010 Discount Taken 0.00 USD Paid Amount 815.00USD				
443688	30.Mar.2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,403	445.00 USD	
				Voucher ID 00736982 Invoice ID 100301888101 Invoice Date 15.Mar.2010 Discount Taken 0.00 USD Paid Amount 445.00USD				
445746	22.Apr.2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	APNAPA	1,415	1,344.48 USD	
				Voucher ID 00740044 Invoice ID 100401888101 Invoice Date 15.Apr.2010 Discount Taken 0.00 USD Paid Amount 445.00USD				
				Voucher ID 00740045 Invoice ID 100401422101 Invoice Date 15.Apr.2010 Discount Taken 0.00 USD Paid Amount 899.48USD				



Report ID: APY2000

PeopleSoft Accounts Payable

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DETAILED PAYMENT HISTORY BY VENDOR

Page No. 5  
Run Date 4/6/2011  
Run Time 4:06:42 PM

From: 01 Jul 2009 To: 30 Jun 2010

Remit Vendor: NAPA 35473

Payment Currency: USD

Payment Ref	Date	Handling	Status	Remit to	Voucher ID	Invoice ID	Invoice Date	Pay Cycle	Seq	Payment Amount	Document Sequence	Paid Amount
448946	27 May 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	00744793	100501888101	15 May 2010	APNAPA	1,428	445.00 USD		445.00 USD
450190	10 Jun 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	00746609	100501422101	15 May 2010	APNAPA	1,432	999.32 USD		999.32 USD
451452	22 Jun 2010	MR	Paid	DIRECT LINE TELE RESPONSE 2847 SHATTUCK AVENUE BERKELEY CA 94705 United States	00748134	100501422101	15 Jun 2010	APNAPA	1,436	1,170.22 USD		1,170.22 USD
<b>Total for Check Payments</b>											16,586.22 USD	
<b>Total for Bank Account:</b>											16,586.22 USD	
<b>Total For Currency</b>											16,586.22 USD	

End of Report