

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**PETITIONER,**

v.

**CASE NO: 19-CT-014**

**Scott D. Kosbab,**  
**DEFENDANT**

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**ORDER**

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This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

*Appearing in person:* Attorney Kelly McAndrews for the Petitioner: Oneida Nation/Oneida Police Department.

*Not appearing in person:* Defendant, Scott D. Kosbab.

**BACKGROUND**

Citations were issued to the Defendant on October 27, 2019 for violating Oneida Code of Laws sections 304.7-1, no required dog license and 304.7-4, animal running at large. A hearing was scheduled and held on January 16, 2020 at 9:00 a.m.

**FINDING OF FACTS**

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. The Defendant received proper notice.
3. The Defendant was not required to appear.
4. The Defendant did not appear at the hearing on January 16, 2020.
5. The Defendant was found in default for failure to appear.

**PRINCIPLES OF LAW**

Oneida Code of Laws Title 3. Health and Public Safety - Chapter 304 Domestic Animals:

Section 304.7-1. License Required. An owner shall be required to obtain a license for any dog or cat five (5) months of age or older on an annual basis.

Section 304.7-4. Running at Large. An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

Oneida Nation Citation Notice:

If you do nothing, the Court may enter a default judgement which may include, but is not limited to, any fine amount that is due, restitution and/or suspension of any rights, privileges or licensures with the Oneida Nation.

**ANALYSIS**

The Defendant was cited for a violation of section 304.7-1, no required dog license and for a dog running at large in violation of section 304.7-4. The Defendant is not required to appear for such violations, however, failure to do so may result in a default judgment. Here, the Defendant did not appear and/or defend against the citation. Therefore, the Court ordered a default judgment as described below.

**ORDER**

A default judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

**No required license – 304.7-1**

Fine:	\$25.00
Court Costs:	<u>\$25.00</u>
<b>Amount owed by Defendant:</b>	<b>\$50.00</b>

**Running at Large – 304.7-4.**

Fine:	\$75.00
Court Costs:	<u>\$25.00</u>
<b>Amount owed by Defendant:</b>	<b>\$100.00</b>

**Total amount owed by Defendant:            \$150.00**

The Total amount due is payable to the Oneida Judiciary **within 60 (sixty) days** from the date this Order is signed. Failure to pay is subject to the Nation’s laws and remedies.

**The parties have the right to appeal within thirty (30) calendar days after the date this order or judgement is signed.**

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council and an Order signed on January 16, 2020.

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Layatalati Hill, Trial Court Judge