

Date July 24, 2006

PUBLIC HEARING ON APPEAL OF
DANGEROUS DOG DECLARATION

WHEREAS, Nathan Karlzen, 3910 Indianapolis Avenue, owns a dog declared dangerous by Des Moines Chief Humane Officer, Sgt. Scott Raudabaugh; and

WHEREAS, the declaration was upheld by the Administrative Hearing Officer following Mr. Karlzen's appeal of this declaration; and

WHEREAS, Mr. Karlzen requested an opportunity to address the City Council on the declaration; and

WHEREAS, Mr. Karlzen has been provided with the opportunity to address the City Council on the matter of his appeal of the administrative hearing officer; NOW, THEREFORE,

BE IT RESOLVED (Choose one of the two alternatives):

Alternative One: That the administrative hearing officer's ruling be upheld.

MOVED BY TO UPHOLD DECLARATION.

Alternative Two: That the administrative hearing officer's finding be reversed.

MOVED BY TO REVERSE DECLARATION.

FORM APPROVED:

K. Massier
Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

July 6, 2006

Nathan Karlzen
3910 Indianapolis Avenue
Des Moines, IA 50317

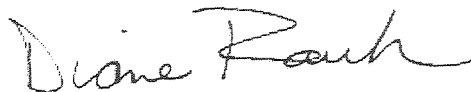
Re: Dangerous Animal Declaration

This is to acknowledge your written request of July 5, 2006, requesting an appeal before the City Council of the Hearing Officer's decision regarding declaration of your dog as a "dangerous" animal.

Your hearing has been scheduled for the City Council Meeting on July 24, 2006. The meeting starts at 4:30 p.m. A copy of the Administrative Hearing transcript is enclosed.

If you have any questions regarding this matter, please contact me at 283-4209.

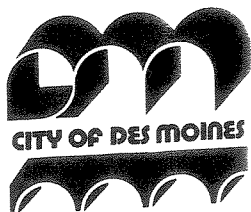
Sincerely,



Diane Rauh
City Clerk

DR:kh

Assistant City Attorney
Su Ann Donovan, Legal Assistant
Sgt. Scott Raudabaugh - Animal Control
Chief McCarthy



DIANE RAUH
CITY CLERK
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ALL-AMERICA CITY
1949, 1976, 1981
2003

Dear City of Des Moines Administrative Board,

I Nathan Nalzen am providing the city of Des Moines with this notice of appeal. This appeal is in regards to Administrative hearing held on June 30, 2006 ~~to~~ about an incident which occurred on June 29, 2006 between my American Pit Bull Terrier and Mr. & Mrs. Weathers ~~to~~ to Bruce Max. Upon receiving the ruling from the hearing officer LeAnne Dickey for the destruction of my beloved pet and family member. I am asking the City of Des Moines grant me a waiver to remove the animal from city limits and prevent the ~~rehabilitation~~ of my animal.

FILED

2006 JUL -5 PM 1:51

CITY CLERK
DES MOINES, IOWA

60

June 29, 2006

Nathan Karlzen
3910 Indianapolis Avenue
Des Moines IA 50317

RE: Administrative Hearing – Declaration of Dangerous Animal

Dear Mr. Karlzen:

The City of Des Moines convened an Administrative Hearing on June 26, 2006 at 1:00 p.m. regarding the declaration of your dog, Choos (a tan, male Pit Bull), to be a “dangerous animal.” Sergeant Scott Raudabaugh, Chief Humane Officer for the City of Des Moines Animal Control Unit, made this declaration in a hand-delivered letter dated June 21, 2006 (Exhibit A).

At the Hearing, Senior Police Officer Mark Stuempfig, Acting Chief Humane Officer, stated that on June 19, 2006, Evelyn Welsher was walking her dog in the 3900 block of Indianapolis Avenue when a tan Pit Bull-type dog belonging to Nathan Karlzen, ran from 3910 Indianapolis Avenue into the street and bit Ms. Welsher’s dog, causing puncture wounds. The Pit Bull belonging to Mr. Karlzen was impounded and is currently being held in the Animal Shelter (Exhibit B).

On June 20, 2006, Dr. Gregory Berry, City Veterinarian, evaluated Mr. Karlzen’s dog and determined Mr. Karlzen’s dog exhibits the dominant characteristics of a Pit Bull-type dog (Exhibit C), which is defined as “vicious” by City Ordinance Section 18-41(9).

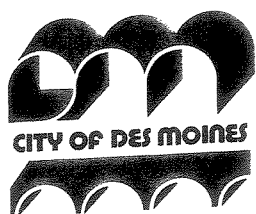
Officer Stuempfig said Sergeant Raudabaugh declared Mr. Karlzen’s dog to be “dangerous” because of its breed and because it was not properly confined when it attacked another dog without provocation.

Officer Stuempfig stated that Sergeant Raudabaugh spoke with Mr. Karlzen on June 21, 2006 and Mr. Karlzen said his dog was chained outside and broke loose when it saw Ms. Welsher’s dog.

Officer Stuempfig referenced Section 18-56. Confinement of vicious dogs:

(a) “All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section....”

(d) “No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No



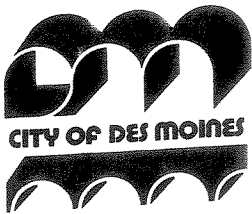
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Nathan Karlzen
June 29, 2006
Page Two



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person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and the leash are under the actual physical control of a person 18 years of age or older."

(e) "Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure."

Mr. Karlzen was unable to provide proof that his Pit Bull had current rabies vaccination, current City of Des Moines license or liability insurance coverage in the amount of \$100,000 against animal bites in effect at all times.

Officer Stuempfig quoted Section 18-203 Immediate Seizure or Destruction of Animals:

"Any animal found at large which displays dangerous tendencies, or which is an illegal animal, or which has been previously declared vicious or is vicious by breed according to article II, Section 18-41(6), (7), (8), or (9) of this chapter and has bitten without provocation a person or a domestic animal while such vicious dog was not properly confined or leashed may be processed as a dangerous animal under Section 18-202 of this article...."

Nathan Karlzen testified that he was in Van Meter when the attack happened. Mr. Karlzen said his roommate put the dog outside on a chain. Mr. Karlzen said his dog is not neutered and Ms. Welsher's dog is not neutered and according to Animal Control, the dogs could smell the other dog's scent, so they are going to fight. Mr. Karlzen said his dog had never bitten anybody. When questioned, Mr. Karlzen said he was told when he got the dog that it had rabies vaccination, but he did not know if the rabies vaccination was current. Mr. Karlzen said he has never licensed his dog, but that he has an insurance policy, which he forgot to bring with him. Mr. Karlzen said his dog is 2 ½ years old.

Therefore, I find that a tan, male Pit Bull dog belonging to Nathan Karlzen of 3910 Indianapolis Avenue is a "dangerous dog" as defined by Municipal Code Section 18-203, as referenced above.

The following are my reasons for this finding:



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Nathan Karlzen
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1. Mr. Karlzen's dog is considered to be a vicious animal according to Sec. 18-41(9).
2. Mr. Karlzen's dog does not have a current City of Des Moines license as required by Sec. 18-42.
3. Mr. Karlzen's dog does not have current rabies vaccination as required by Sec. 18-52(a).
4. Mr. Karlzen does not have proof of insurance for a vicious animal as required by Sec. 18-44(f).
5. Mr. Karlzen's dog was not properly confined as required in Sec. 18-56(a) (d) (e) for owning a vicious animal.
6. Mr. Karlzen's dog attacked another dog without provocation, as stated in Sec. 18-203.

As part of this decision, it is my duty to either order the animal destroyed in a humane manner by the Chief Humane Officer, or order the person owning, sheltering, harboring or keeping the animal to remove it from the City or to cause it to be destroyed in a humane manner.

Further, I am ordering the Chief Humane Officer destroy the tan, male Pit Bull owned by Nathan Karlzen of 3910 Indianapolis Avenue, in a humane manner.

This constitutes a final administrative decision. You have three (3) days to appeal the decision to the City Council. The appeal must be made in writing to the City Clerk's Office, and state the reason for the appeal. If you have any questions regarding the appeal or compliance procedure, please contact Animal Control at 248-6051.

Sincerely,

LeAnn Ducey
Hearing Officer

Cc: Diane Rauh, City Clerk
Su Ann Donovan, Legal
William McCarthy, Chief of Police
Sergeant Scott Raudabaugh

ADMINISTRATIVE HEARING TRANSCRIPT

June 26, 2006

City v. Nathan Karlzen

Dangerous Animal

HEARING OFFICER LEANN DUCEY: Good afternoon. My name is LeAnn Ducey and I'm an Administrative Hearing Officer. It is 12:56 p.m. on June 26, 2006 and we are conducting an administration hearing on a dangerous dog declaration. The appellant is Nathan Karlzen. When I call you to give testimony today please come up to the podium, speak into the microphone and state your full name and address for the record. You will then be sworn in. This is an informal hearing and to that matter the hearing is now open. Would the representative from the City please come forward, identify yourself and present any information you have pertaining to this hearing. Thank you.

SENIOR POLICE OFFICER MARK STUEMPFIG: I am Senior Police Officer Mark Stuemfig. I am the Acting Animal Control Unit Supervisor and Acting Chief Humane Officer filling in for Sergeant Scott Raudabaugh this week.

HEARING OFFICER LEANN DUCEY: Ok, how do you spell your last name?

SENIOR POLICE OFFICER MARK STUEMPFIG: It is Stuemfig.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Senior Police Officer Mark Stuemfig, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

SENIOR POLICE OFFICER MARK STUEMPFIG: I do.

HEARING OFFICER LEANN DUCEY: Thank you. Go ahead.

SENIOR POLICE OFFICER MARK STUEMPFIG: The incident in question occurred on 19 June, 2006. Resident Evelyn Welsher was walking her dog in the 3900 block of Indianapolis Avenue when a tan colored male pit bull dog ran from the address of 3910 Indianapolis into the street and bit Ms. Welsher's dog causing puncture wounds. The pit bull dog was impounded and is currently being held at the Animal Shelter at 1615 S.E. 14th Street. That dog belongs to Nathan Karlzen. On 20 June, 2006 Dr. Greg Berry an Animal Rescue veterinarian and the City of Des Moines veterinarian evaluated Mr. Karlzen's dog and confirmed that it exhibits predominate characteristics of the pit bull breed of dog. On 21 June, 2006 Sergeant Scott Raudabaugh spoke with Nathan Karlzen and Mr. Karlzen said that his dog was chained outside when it broke loose from its chain. City ordinance requires any dog defined as vicious be confined inside a house or inside a special kennel or on a leash held by an adult. City ordinance 18-203 provides that a vicious dog not properly confined or leashed that has bitten without provocation may be processed as a dangerous animal and Sergeant Raudabaugh declared Nathan Karlzen's dog to be a dangerous animal because of this incident.

HEARING OFFICER LEANN DUCEY: Thank you. Is that it? Ok. Mr. Karlzen. Please state your name and address.

NATHAN KARLZEN: Nathan Karlzen, 3910 Indianapolis Avenue.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Nathan Karlzen, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

NATHAN KARLZEN: Yeah.

HEARING OFFICER LEANN DUCEY: Go ahead.

NATHAN KARLZEN. Uh, I don't know, I was in Van Meter when it happened. My roommate let him out on the chain. The dog, she walked her dog past my house and, ok, my dog's not neutered. Her dog's not neutered. So I talked to the Animal Control people. They said that they can smell the scent so yeah they're gonna fight. I mean it's just like two people going and fighting. You guys ain't gonna put out a human that's gonna fight are ya? I mean my dog has never bit nobody, never attacked anybody. I got pictures here that shows he's not a vicious dog just cause he bit another animal.

HEARING OFFICER LEANN DUCEY: By breed he's a vicious dog.

NATHAN KARLZEN: Well I don't know. I mean I got people here that will testify.

HEARING OFFICER LEANN DUCEY: Ok, when did you, a, acquire the dog?

NATHAN KARLZEN: Uh, last February, September, February, something like that. I'm not

HEARING OFFICER LEANN DUCEY: September or February? That's quite a difference.

NATHAN KARLZEN: I think I had him in September.

HEARING OFFICER LEANN DUCEY: So September of 95?

NATHAN KARLZEN: No, last year.

HEARING OFFICER LEANN DUCEY: I'm sorry, 2005. Has he had rabies shots?

NATHAN KARLZEN: He's had rabies shots before I got him, but I haven't got any shots.

HEARING OFFICER LEANN DUCEY: They're not current. Has he ever been licensed?

NATHAN KARLZEN: Not by me.

HEARING OFFICER LEANN DUCEY: Does he have insurance?

NATHAN KARLZEN: Yep.

HEARING OFFICER LEANN DUCEY: \$100,000?

NATHAN KARLZEN: Yea, I got a \$300,000 policy.

HEARING OFFICER LEANN DUCEY: Ok, do you have proof of that?

NATHAN KARLZEN: Uh, I forgot to bring it with me? Is it in your purse? That's the only thing I forgot to bring, but I can get it from the insurance company.

HEARING OFFICER LEANN DUCEY: We'll need copies, you'll need to check with the City Clerk's Office, but we need copies of that. Uhm, how old is he?

NATHAN KARLZEN: Two and one-half.

HEARING OFFICER LEANN DUCEY: Ok, why do you not have current rabies, why do you not have a current license on this dog?

NATHAN KARLZEN: The guy that I got him from told me he got the rabies shots on him so I didn't even worry about getting the rabies shots.

HEARING OFFICER LEANN DUCEY: Well, you know those expire.

NATHAN KARLZEN: Well, he just told me he got them before I got him.

HEARING OFFICER LEANN DUCEY: Inaudible.

NATHAN KARLZEN: He told me he just got them before I got him.

HEARING OFFICER LEANN DUCEY: But you didn't ask for proof of that?

NATHAN KARLZEN: No.

HEARING OFFICER LEANN DUCEY: Ok. How come you do not have a current City license?

NATHAN KARLZEN: I just didn't go get it. I mean that's my fault.

HEARING OFFICER LEANN DUCEY: Do you consider yourself a responsible pet owner?

NATHAN KARLZEN: Yea I do.

HEARING OFFICER LEANN DUCEY: You do? And you have a vicious dog that, that you do not, uh, apply any of the rules of the City of Des Moines Municipal Code in order to have that dog.

NATHAN KARLZEN: I have a question.

HEARING OFFICER LEANN DUCEY: Ok.

NATHAN KARLZEN: How come you guys keep saying he's a vicious dog? You guys got all these other dogs out here that are attacking animals. You guys don't take them to the county. You guys don't take them and impound them. You guys don't do nothing, but once a pit bull attacks something you guys are quick to put em down. A pit bull...

HEARING OFFICER LEANN DUCEY: I'm not talking about putting him down. I'm talking about you right now. By breed in the City of Des Moines a pit bull is automatically a vicious dog by breed and in order to own a pit bull or any other animal that is considered vicious you have certain Municipal Code rules to follow. You have not followed any of them that I can see.

NATHAN KARLZEN: I don't see how I can follow them.

HEARING OFFICER LEANN DUCEY: But you consider yourself a responsible owner.

NATHAN KARLZEN: Yeah I do because my dog is healthy and my dog never attacks nobody. Just cause he attacked a dog doesn't make me a non-responsible dog owner. There is so many people out there that don't have a license on their dogs. I'm not the only one.

HEARING OFFICER LEANN DUCEY: Ok.

NATHAN KARLZEN: My dog is

HEARING OFFICER LEANN DUCEY: We are talking about you.

NATHAN KARLZEN: I know we're talking about me.

HEARING OFFICER LEANN DUCEY: I'm not talking about anybody else in the City of Des Moines. We are here because of your dog today.

NATHAN KARLZEN: I know we're talking about me but just because I didn't get him licensed doesn't mean I'm not a responsible pet owner.

HEARING OFFICER LEANN DUCEY: Well, I asked you if you thought you were.

NATHAN KARLZEN: And I believe I am.

HEARING OFFICER LEANN DUCEY: Ok that's your prerogative. Is anyone else here to speak today. Yes sir. Come on up. Just a second. Please state your name and address.

MATTHEW KODER: Matthew Koder, 5407 SW 8th.

HEARING OFFICER LEANN DUCEY: How do you spell your last name?

MATTHEW KODER: Koder.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Matthew Koder, swear or affirm the testimony you are about to give today is the truth, the whole truth and nothing but the truth?

MATTHEW KODER: Yes ma'am.

HEARING OFFICER LEANN DUCEY: Ok, go ahead and tell me why you are here.

MATTHEW KODER: I am here today cause I am friends with the Defendant and the other Defendant and to testify on behalf of Chaos who can't be here because he is detained and to defend the breed that is so wrongly unjustified. Uhm, it is through many hours of research and, uhm, apprenticeships through many dog trainers and many hours of reading that I've come to learn and open myself up, because originally I was very deathly afraid of the breed of dog and, a, I was first introduced to an American pit bull terrier approximately three years ago and that dog completely changed every outlook I'd ever heard about the animal and since then I've devoted my entire essence and free time to change the way people look at that breed. Uhm, I've since read such books as, uhm, American Pit Bull Terrier and You. It's written by uhm Suzanne, I believe, Waneous. She's a very renowned animal trainer and anybody that is willing to open themselves up and learn about the breed of dog will realize that it is nature in animals to fight. It is nature in humans to fight. Uhm, take our situation now. We're fighting for what we believe in or what we were defending ourselves. And for the American pit bull terrier they were breed, it started out with the American bull dogs. They were breed for bull and bear baiting which was used much like what a gladiator would do they would be put into a ring with a bull that was attached to a stake, which was staked into the ground and the bull dog would bite the bull and pin it down until it won't fight anymore. Well, that bull, the bull eventually became to where the bull dogs were losing a lot of the bouts and this was centuries ago so they eventually started to breed the American bull dog in with terrier mixes to create a smaller more agile dog and it eventually got to about the late 1800's when the breed was actually being bred to show what is gameness and that is where the breed, they would put the dog in a round ring much like what a boxer would fight in and then you would have two handlers. Say I'm a handler and you're a handler. And inside this ring they would have what was called a scratch line. And you're probably asking me why am I talking about, ya know, pit fighting, ya know, at a hearing where

they're, we're discussing vicious dogs. Well I feel that you need to know a little bit about the nature and where it came from to make a fully and honest judgment about the actual animal. The pit bull was originally bred to show gameness and to never show any type of human aggression. If I was handler and you were another pit handler during the time when pit fighting or dog fighting was allowed, and the reason the pit bull gets the name pit bull is because it comes from the derogatory name of pit fighting. It is actually an American bull terrier is the real technical term for it but it gets the label pit bull terrier because it fought in a pit which was round fenced in with what was called a scratch line and I as a handler and you as a handler would go to this areas where we would be engaging our dogs in a match very, very similar to what today's boxers do and there was two types of categories of dog fighters. There was the thugs, the ones that cared nothing about their animal, only for profit and then there was the traditionalist which followed a very extremely strict set of rules that gave the pit bull the characteristics from today which was to never show human aggression under any incidence and to have gameness unto death and what gameness means, and I'm gonna explain how they define gameness. I as a handler and you as a handler at the beginning of these pit fights which were held centuries, ya know, hundreds of years ago, and today they are still fought illegally and cruelly by thugs and whatnot and people that care nothing about the animal or where it comes from. I would exchange my animal with you and you would exchange your animal with me and I would wash your dog to ensure that you didn't put anything on the dog's coat to deter biting or anything that would deter any type of biting and so if I was unable to handle your dog if your dog was unable to be handled by me it was instantly put down. Instantly put down and then they would bring the dogs to a center of a line and then they would release the dogs and the dogs would fight much like boxers do a little bit more viciously, uh, than say boxers because they are animals and then they would fight until one dog turned away and didn't want to fight anymore and then mind you these are, granted it is dog fighting and today it's very frowned upon, but for hundreds and thousands of years it has been a normal and natural thing in the world to have animal fighting and bull fighting and blood sports has been very popular throughout centuries of human existence. So the other dog was turn away and not want to fight anymore and then that is when you would take your dog and I would take my dog and you would tend to your dog much like the corner man of a boxer would do and I would do the same thing for my dog, providing fast medical assistance to allow the dog to reenter the ring. And if the other dog did not want then they would put them back to a scratch line and the other dog had the opportunity before the other dog was released to fight the other dog before the other dog was released. And if that dog that didn't want to fight anymore no longer wanted to fight he was put down for not showing gameness. Now gameness can also be determined in also weight pulling contests which are very popular among today's American pit bull terriers, agility contests and if dog didn't want to do that, if it didn't want to show that determination, that drive to be the best and to be the best at whatever it was gonna do until it had nothing left then it was put down but it was bred to be completely loving and to obey the owner and to have that gameness, that, that drive to excel in which a lot of us as people don't even experience and I just think that it's wrong to label an animal as vicious when it's in nature for every animal to fight.

HEARING OFFICER LEANN DUCEY: Ok. I understand that and that's a very interesting story. I, I know part of it. Uhm, and, uh, by Municipal Code, this is considered a vicious animal. It cannot be found non-vicious because it is. Unless the Code gets changed, a pit bull in the City of Des Moines is a vicious animal. In the story that you were talking about, there was a trainer there, someone responsible for that dog, watching over it at all times during this. There was no one watching over that dog that day. It was illegally tied up in the front yard, no trainer there, no owner, nobody there to keep control of it.

MATTHEW KODER: Are you a pet owner ma'am?

HEARING OFFICER LEANN DUCEY: I am not currently, but I have had many animals.

MATTHEW KODER: You have had many animals. Now, say, just for instance sake you were an owner of an animal that has been unjustly labeled for over 50 years worth of bad media. Cause any time there was any type of dog attacking, granted there were a few occasions where pit bulls do attack, but the media would label it as a pit bull to create that hysteria to have a better story. Now say you openly-minded open your heart to an animal that has been so wrongly labeled and you have all these restrictions against your animal you can't, you go to a park and you see Labs running around throwing Frisbees, you see, uh, Rottweilers running around with their owners, Doberman Pinchers, mutt dogs.

HEARING OFFICER LEANN DUCEY: Dogs are not allowed to run in the City of Des Moines parks without being leashed.

MATTHEW KODER: What about in your yard?

HEARING OFFICER LEANN DUCEY: Not suppose to be.

MATTHEW KODER: No animal is allowed to run around in their yard?

HEARING OFFICER LEANN DUCEY: They are supposed to be under control of the owner at all times.

MATTHEW KODER: Ok.

HEARING OFFICER LEANN DUCEY: Ok. So what you're describing is, first of all, have you been to City Council to try to change the Municipal Code?

MATTHEW KODER: Yes I have.

HEARING OFFICER LEANN DUCEY: You have appeared before the Council?

MATTHEW KODER: I am currently trying to get some laws changed.

HEARING OFFICER LEANN DUCEY: Have you appeared before the City Council?

MATTHEW KODER: I do not, not like in here no.

HEARING OFFICER LEANN DUCEY: Ok. Secondly, again I go back to the responsibility. You asked if I owned an animal that was considered a vicious animal. If I owned an animal that was a vicious animal I would be a responsible pet owner and I would obey all the laws of owning that animal.

MATTHEW KODER: Have you ever tied your dog to a leashed out back?

HEARING OFFICER LEANN DUCEY: I have, but it was not against the law for the type of animal that I owned. Now do you have any new information to present on this? I understand where you're coming from but it is the responsibility of the owner to keep their pet under control whether it is a vicious dog, whether it is any kind of dog and you have to obey the laws of the City. That has not been done in this case.

MATTHEW KODER: I would just like to add, or just to finish as a closing that nobody wants these things to happen. I guarantee that Nathan never expected that to happen and sure as he could, you know, could have prevented it or changed it that he would have done so.

HEARING OFFICER LEANN DUCEY: Well, yes but he could have changed it by not letting it happen in the first place, by following the rules. It would not have happened if the dog had been taken care of the way it is required to be taken care of as a vicious animal.

MATTHEW KODER: There was somebody in the, I believe outside at the time, I'm not for sure I was not there. I would just state that the dog, he is a very friendly, very great animal.

HEARING OFFICER LEANN DUCEY: I'm sure it is.

MATTHEW KODER: And I just ask that you don't put him down or take him away from a family that loves him and treats him the way that he needs to be treated. They take care of him excellently. They feed him, they play with him and I just think it would be wrong to take an animal that is only doing what nature has, ya know, told him to do for hundreds and thousands of years in their breed, away from a family that loves him.

HEARING OFFICER LEANN DUCEY: Ok. Mr. KARLZEN did you have some information to present?

NATHAN KARLZEN: I just wanted to say that I do have a six-foot fence and it's behind my garage, but I have to fix it real quick, put some boards up to make it where he can't get out. And the other thing was I wasn't even home when he attacked this dog. I was in a different town.

HEARING OFFICER LEANN DUCEY: Right, I understand that.

NATHAN KARLZEN: So I got a phone call, so that's not my fault that he was outside. I mean, I'm just

HEARING OFFICER LEANN DUCEY: Sir, sir, you are ultimately responsible for every single thing this dog does as being its owner. And you have had this dog since September of 2005 according to you.

NATHAN KARLZEN: Now you guys are sitting here and saying that you are irresponsible about my dog and you guys say you have all these codes and blah, blah, blah. Well, in the insurance policy, this says anybody 18 can walk him. Anybody over 18 can put him on a lease and let him outside.

HEARING OFFICER LEANN DUCEY: And walk him.

NATHAN KARLZEN: Well, in my insurance thing they told me that they could be outside.

HEARING OFFICER LEANN DUCEY: He was tied up. The leash was tied up to something, it was not held at the other end by a human being.

NATHAN KARLZEN: Well, I don't know.

HEARING OFFICER LEANN DUCEY: Isn't that correct?

NATHAN KARLZEN: Yeah, but I don't see how you guys can sit here and try to say that we are irresponsible and this, and this.

HEARING OFFICER LEANN DUCEY: Sir, you own this dog.

NATHAN KARLZEN: And I take care of my dog.

HEARING OFFICER LEANN DUCEY: And by owning it, by purchasing it in the very beginning, you should have taken responsibility and known what the laws were for the City of Des Moines in order to own a pit bull dog. That's your responsibility to find out and it's your responsibility to carry out.

NATHAN KARLZEN: Well, I understand that, I'm just not

HEARING OFFICER LEANN DUCEY: Well, you are the owner of a dog that you love. I understand that.

NATHAN KARLZEN: Well, this is like my kid and you guys are sitting here acting like he's the most vicious dog around the world today. That's he's going to go around and bite everybody, attack every animal. He's not like that.

HEARING OFFICER LEANN DUCEY: Ok. Does anyone else have anything to present today? Ok, I am going to take the, review the tape that was made of this hearing. I'm not going to make a decision today. I will review everything like I said and send out a ruling later this week. Yes, let me finish this. Upon receipt of that decision should you disagree you have three days in which to appeal the decision to the City Council. The appeal must be made in writing to the City Clerk's Office and must state the reason for the appeal and all that would be in the letter, but I have not made a definite decision yet. Yes sir, did you want to speak? If you want to talk you need to come up here. Let me swear you in, get your name and swear you in.

MARVIN WELSHER: My name is Marvin Welsher, "Welsher."

HEARING OFFICER LEANN DUCEY: And your address?

MARVIN WELSHER: Excuse me?

HEARING OFFICER LEANN DUCEY: Your address please.

MARVIN WELSHER: 4016 Indianapolis.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Marvin Welsher, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

MARVIN WELSHER: I do.

HEARING OFFICER LEANN DUCEY: Ok, go ahead.

MARVIN WELSHER: Ok, I wasn't an actual witness to what happened. My wife was the one that was out walking our dog that got attacked, but it's not our desire that they lose their animal. You know that.

HEARING OFFICER LEANN DUCEY: I know that.

MARVIN WELSHER: Uh, it is just our desire to restrain properly you know so it doesn't happen again. It's tough on him and it was tough on us you know, so, if that has any play in this, you know.

HEARING OFFICER LEANN DUCEY: I appreciate that.

MARVIN WELSHER: You know, some of his friends were very diligent in going out and trying to break this up you know and coming down and making sure my wife was all right and what condition our dog was in, so. They were responsible in that way.

HEARING OFFICER LEANN DUCEY: I appreciate that.

MARVIN WELSHER: All right.

HEARING OFFICER LEANN DUCEY: I'll take all that into consideration. Yes sir.

NATHAN KARLZEN: Am I still allowed to get my dog back on Thursday?

HEARING OFFICER LEANN DUCEY: Will you please come up to the microphone.

NATHAN KARLZEN: I just want to show you these, these here. I talked to Sergeant Raudabaugh and I'm sorry but he's cold hearted. He flat out told us that he didn't know if he was going to have the decision to put our dog down and he really didn't care. And that's exactly what he told me. I got these letters, one saying that I can get my dog back this Thursday and then there's

HEARING OFFICER LEANN DUCEY: That's when the quarantine is over.

NATHAN KARLZEN: Yeah.

HEARING OFFICER LEANN DUCEY: You'll not be able to get, uh, your dog back, I mean the very soonest would be after I have made my ruling and then normally after I've made my ruling and sent it out it's three days for you to decide if you are going to appeal it or not.

NATHAN KARLZEN: So they're not gonna put my dog down like it says in the letter.

HEARING OFFICER LEANN DUCEY: No. No, they're not going to do that

NATHAN KARLZEN: Well, it says we got until June 30th and then they are going to decide what to do with it.

HEARING OFFICER LEANN DUCEY: No, that, that was before that there was a, let me see.

NATHAN KARLZEN: Because I got that the day after the, I got the hearing paper.

HEARING OFFICER LEANN DUCEY: This was the letter notifying you of the hearing. This is the letter notifying you the quarantine time is up. Yeah, they will not do anything until, uh, all of your, I will make a ruling and what, then you will decide if you are going to appeal that ruling depending on how I rule. Nothing will be done until all of your appeal processes are done. Nothing will happen to your dog.

NATHAN KARLZEN: Do you know how long that will take?

HEARING OFFICER LEANN DUCEY: If I would rule that it is a dangerous dog, then, uh, you could appeal that to the City Council. The City Council would hear it at their next City Council meeting which, uhm, I think is the 10th of July and so at that point the City Council would decide if they were going to abide by my ruling or if they were going to rule in your favor. If they ruled in your favor then you'd be able to get your dog. If they uphold my ruling then you could appeal that to Polk County District Court and then you could appeal that to the Iowa Supreme Court. But until all of the appeal status is done, your dog will remain at the shelter, but nothing will happen to it.

NATHAN KARLZEN: Will we be allowed to see him after the 30th?

HEARING OFFICER LEANN DUCEY: I don't believe they allow anyone to see the dog, no.

NATHAN KARLZEN: Ok.

HEARING OFFICER LEANN DUCEY: Did you want these? Ok, thank you everyone for coming in.

June 21, 2006

Mr. Nathan Karlzen
3910 Indianapolis Avenue
Des Moines, Iowa

On June 19, 2006 your tan colored male Pit Bull dog was "chained up" in your yard when it broke loose, ran into the street and attacked and injured a dog being walked by it's owner.

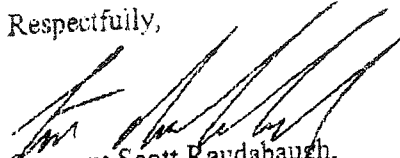
During the investigation your dog was found to be unlicensed and no rabies information was readily available, subsequently your dog was impounded for quarantine at the animal shelter.

Since then the City Veterinarian has evaluated your dog and determined that it exhibits predominate characteristics of a "Vicious Dog," defined by city ordinance as a Staffordshire Terrier or an American Pit Bull Terrier or an American Staffordshire Terrier or a dog which has the appearance and characteristics of being predominately of those breeds.

Because your dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance, and was involved in an unprovoked bite it is being declared a dangerous animal.

An administrative hearing to review the "Dangerous Animal" declaration has been scheduled for 1:00 P.M. on Monday, June 26, 2006 in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive.

Respectfully,


Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Legal Department
City Clerk's Office



ANIMAL CONTROL
POLICE DEPARTMENT
1815 S.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(515) 242-2720

ALL-AMERICA CITY 1948, 1976, 1981

Jun. 22. 2006 6:31AM

EXHIBIT B

10F2 60

Animal Incident Investigation Report

Des Moines, Iowa Police Department

32. District: 2		33. Bag: 250		1. Impounded animal AHR/ARI number:		2. DMPP case number: 26-24633	
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>				3. Victim's name (Last, First M.I.): N			
35. Animal breed: Redmer Pitbull "Chaos"				4. Race: N 5. Sex: M 6. Age: 1 7. Date of birth: UNK 8. Ethnicity: <input checked="" type="checkbox"/> H.N.H. 9. Sobriety: <input checked="" type="checkbox"/> Sob. <input type="checkbox"/> H.B.O. <input type="checkbox"/>			
36. Animal color: Tan				10. Residence address: (List city and/or state if not Des Moines or Iowa)			
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				11. Residence phone number:			
38. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>				12. Business or cellular phone number:			
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)				13. Place of employment or school:			
M/C#:				14. Type and location of injury:			
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:				15. Medical treatment: A			
40A. Date of vaccination:				16. Reporting person's name (Last, First M.I.): Welsher Evelyn			
40B. Date of vaccination expiration:				17. Race: W 18. Sex: P 19. Age: A 20. Date of birth: UNK 21. Ethnicity: <input checked="" type="checkbox"/> H.N.H. 22. Sobriety: <input checked="" type="checkbox"/> Sob. <input type="checkbox"/> H.B.O. <input type="checkbox"/>			
40C. Veterinarian:				23. Residence address: (List city and/or state if not Des Moines or Iowa)			
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:				24. Residence phone number: 402-6694			
42. Other identifiers (Collar, tattoo, etc.): NONE				25. Business or cellular phone number: UNK			
43. Confinement/quarantine location: 120#				26. Location of incident (address): 3910 Indianapolis			
44. Impounded or bite animal owner's name (Last, First M.I.): Kaelen Nathan				27. Location type: side walk			
45. Residence phone number: 256-1458				28. Date and time incident occurred: 19 June 06 1830			
46. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>				29. Date and time incident reported:			
47. Date and time of notification: #26				30. Criminal/traffic type: Animal Bite			
48. Person giving notification: #73				31. Classification:			
49. Witness' name (Last, first): NA				45. Residence address: (List city and/or state if not Des Moines or Iowa)			
50. Witness' name (Last, first): NA				46. Business or cellular phone number: UNK			
51. Residence address: (List city and/or state if not Des Moines or Iowa)				47. Means of notification: Personal			
52. Daytime or cellular phone number:				48. Person giving notification: #73			
53. Residence address: (List city and/or state if not Des Moines or Iowa)				49. Date and time of notification: #26			
54. Daytime or cellular phone number:				50. Witness' name (Last, first): NA			
55. Residence address: (List city and/or state if not Des Moines or Iowa)				51. Daytime or cellular phone number:			
56. Daytime or cellular phone number:				52. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
Victim animal		57. Victim animal AHR/ARI number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARI#:		58. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed: Terrier Mix	
60. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		61. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:		63. Animal color: Black/Tan	
63. Date of vaccination:		64. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> M/C#:		65. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#:		66. Date of vaccination expiration:	
67. Veterinarian: #460		68. Type and location of injury: Punctures to neck and muzzle, animal on		69. Medical treatment: Hubbel Animal Hospital		70. Date of vaccination expiration:	
71. Confinement/quarantine location: At Home		72. Victim animal owner's name (Last, First M.I.): #16		73. Residence phone number: 24		74. Business or cellular phone number: UNK	
75. Residence address: (List city and/or state if not Des Moines or Iowa)		76. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		77. Copy/copies made by:		78. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OFS <input type="checkbox"/> Other	
79. Reporting officer: T. Bann 7233		80. Supervisor approving report: [Signature]		81. Reviewed by: [Signature]		82. Second officer: [Signature]	

Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number:

06-24633

80. Page:

2 of 2

82. Suspect or offender one (1) name (Last, first Middle):83. Arrested:
No ☐ Yes ☐84. Warrant needed:
No ☐ Yes ☐85. Charges filed:
No ☐ Yes ☐

86. Race:

87. Sex:

88. Age:

89. Date of birth:

90. Ethnicity:
H ☐ NH ☐

91. Height:

92. Weight:

93. Hair color:

94. Eye color:

(List city and/or state if not Des Moines or Iowa)

95. Res. home address:

96. Residence or alternate phone number:

97. Driver license number or social security number:

97A. State:

98. Sobriety:

Sob. ☐ H.B.D. ☐

99. Citation number and crime:

100. Citation number and crime:

101. Suspect or offender two (2) name (Last, first Middle):102. Arrested:
No ☐ Yes ☐103. Warrant needed:
No ☐ Yes ☐104. Charges filed:
No ☐ Yes ☐

105. Race:

106. Sex:

107. Age:

108. Date of birth:

109. Ethnicity:
H ☐ NH ☐

110. Height:

111. Weight:

112. Hair color:

113. Eye color:

(List city and/or state if not Des Moines or Iowa)

114. Residence address:

115. Residence or alternate phone number:

116. Driver license number or social security number:

116A. State:

117. Sobriety:

Sob. ☐ H.B.D. ☐

118. Citation number and crime:

119. Citation number and crime:

120. Narrative:

Tripped to 4012 Indianapolis reference an animal bite. Upon arrival spoke with victim dog owner, Evelyn Webster, who stated she was walking her dog up her street past 3910 Indianapolis when the dog chained up at that address broke its chain and ran out to attack Webster and her dog, a terrier mix. The dog from 3910 bit her dog causing a two inch laceration and several punctures to the dogs neck and muzzle. Webster then took her dog to the bubble vet where the dog was left overnight for observation. Webster had no rabies info, stating the tags were still with the dog at the vet. She stated she would have the vet pass the information to the shelter. Webster was advised to have an ACD officer come to her house to look at her dog and his wounds when she gets him home. Webster received a case # and card and was explained that I then went to 3910 and spoke with bite dog owner, Nathan Karlzen, explained to him that pitbulls, legal or not, still had to be at the shelter for 10 days. I then asked Nathan if he had everything he needed to have the pit legally and he did not have a microchip and could not provide proof of current rabies vac. therefore the dog was also impounded for those reasons as well. Karlzen was given a card and a case # and was told to call and talk to Sgt. Raudenbush in the morning after 9:30 am. Impounded pitbull to Animal Shelter for 10 days at.

121. Report date (List if other than date incident was reported)

SUPPLEMENTAL REPORT
 Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee

Welsher, Evelyn

2. Arrest No.

N/A

3. Case No.

2006-24633

☐ Form used as Continuation Sheet for Current Report

4. Date this Report

21 June 2006

5. Date Original Occurrence

19 June 2006

☒ Form used to Report Followup Investigation or Supplemental Information

6. Correct offense or Incident Classification

Changed ☐ Yes

Animal bite-Dog

7. Kind of Report Continued

☐ Witness Statement

☐ Followup or Supplemental or Prosecution

☐ Offense

☐ Traffic Accident

☐ Arrest

8. Multiple Clear Up?

☒ No

☐ Yes (list other case numbers in narrative)

9. Page No.

1 of 1

10. Traffic Citation No.

N/A

11. Value of Property Recovered and Type

N/A

**INSTRUCTIONS FOR
FOLLOWUP OR
SUPPLEMENTAL USAGE**

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

Item
No.

On 21 June 2006 I returned a telephone call to Nathan Karlzen (375-2736) and spoke with him about the dog bite incident.

I asked Nathan what happened? He said, "I was in Earlham, my roommate chained him out, a lady was walking her dog, I don't know if it was in heat and he broke loose." I asked Nathan if his dog was chained in the yard? He said, "yes."

I mentioned that pit bulls aren't supposed to be chained outside. Nathan said, "Yea...I got a kennel, I just haven't got it put up." I asked Nathan if his dog is licensed? He said, "No."

I told Nathan that he would be receiving a letter that would explain about getting his dog back. He said, "OK."

14. Reporting Officer

Scott Radabaugh

Second Officer

No.

4770

No.

 15. Status (check one) ☐ Suspended ☒ Open
☐ Ex. Closed ☐ Closed

Supervisor Approving

No.

13. Date/Time Typed No.

Reproduced

No.

17. Unit Referred To:

15. Reviewer

No.

18. UCR Disposition

Jun. 22. 2006 6:33AM

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee WELSHER, EVELYN		2. Arrest No. N/A	3. Case No. 06-24633
4. Date this Report 21 June, 2006		5. Date Original Occurrence 19 June, 2006	
6. Correct offense or Incident Classification Animal Bite		Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input checked="" type="checkbox"/> Followup or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident		8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$N/A	

**INSTRUCTIONS FOR
FOLLOWUP OR
SUPPLEMENTAL USAGE**

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer: UCR disposition. Indicate "Item Number Continued" at left, if any.

Item
No. 6

Went to 3910 Indianapolis to deliver a letter for Sgt. Raudabaugh. Although no one was there, there was a large sign attached to the front of the house that said, "Beware of Dog." The chain for the dog was still laying full length in the front yard tied to a very thin bush. The chain was laying out full length and is completely intact. The chain was not broken in any way

No one was home so the letter was not delivered.

MORE FOLLOW UP NEEDED.

14. Reporting Officer Susan R. Stropes Second Officer		15. Status (check one): <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed		13. Date/Time Typed No	Reproduced No.
7219		Supervisor Approving <i>[Signature]</i>		17. Unit Referred To: <i>ACU</i>	18. UCR Disposition:
No.		No.		19. Reviewer	No.

CITY OF DES MOINES
ANIMAL CONTROL UNITDATE: 6-20-06REFERENCE: ANIMAL HISTORY REPORT # 06-24633

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: ☒ MEDIUM LENGTH
☒ DEEP TROUGH
☒ BROAD SKULL
☒ PRONOUNCED CHEEK MUSCLES

MUZZLE: ☒ MEDIUM LENGTH
☒ JAWS WELL DEFINED
☒ BLACK NOSE brown

BACK: ☒ FAIRLY SHORT
☒ SLIGHT SLOPING FROM
WITHERS TO RUMP

BODY: ☒ WELL SPRUNG RIBS
☒ FORELEGS SET RATHER
FAR APART

LEGS: ☒ CHEST DEEP AND BROAD
☒ STRAIGHT FRONT LEGS
☒ HINDQUARTERS WELL MUSCLED
☒ MODERATE SIZE FEET

COLOR: red

COMMENTS: male

SHOULDERS: ☒ STRONG

☒ MUSCULAR

NECK: ☒ HEAVY

☒ SLIGHTLY ARCHED

☒ TAPERS FROM BACK OF
SKULL TO SHOULDERS

TAIL: ☒ LOW SET

☒ TAPERS TO FINE POINT

☒ NOT CURLED OVER BACK

COAT: ☒ SHORT

☒ CLOSE

☒ GLOSSY

EYES: ☒ DARK AND ROUND

☒ LOW DOWN IN SKULL

☒ SET FAR APART

SIZE: 21 INCHES AT SHOULDERS
58.5 LBS.

Hager in Bag, DVM

KF
N.1

Jun. 22. 2006 6:31AM

No 0170 P. 3

Vicious Dog Notification

AHR:

Case:

Dog Owners Name:

NATHAN KARLZEN Address: 3910 INDIANAPOLIS

Date Declared Vicious:

Date and time the Vicious Dog Letter was delivered: 6-22-06 0905 hrs

Name of Person that received the letter:

X Nathan Karlzen

Animal Control Officer that delivered the letter:

Dellie Howson 7226

Suspense Date For Hearing:

Suspense Date For Dog:

Appealed Declaration:

Hearing Date:

New Suspense Date For Dog:

Date and time the Appealed Declaration Letter was delivered:

Name of Person that received the letter:

Animal Control Officer that delivered the letter:

Appealed Hearing Ruling:

Suspense Date for City Council Hearing:

Date and time the Appealed Declaration Letter was delivered:

Name of Person that received the letter:

Animal Control Officer that delivered the letter:

Appealed to City Council:

Hearing Date

New Suspense Date:

Euthanized:

Licensed as a Vicious Dog:

Removed from the City:

Check of the Animal Control Unit's records for past complaints on that address, dog and owner.
This will include the "Address" Database and the Trip Cards:

KF
ACU

June 21, 2006

Mr. Nathan Karlzen
3910 Indianapolis Avenue
Des Moines, Iowa

On June 19, 2006 your tan colored male Pit Bull dog was "chained up" in your yard when it broke loose, ran into the street and attacked and injured a dog being walked by it's owner.

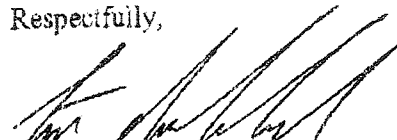
During the investigation your dog was found to be unlicensed and no rabies information was readily available, subsequently your dog was impounded for quarantine at the animal shelter.

Since then the City Veterinarian has evaluated your dog and determined that it exhibits predominate characteristics of a "Vicious Dog," defined by city ordinance as a Staffordshire Terrier or an American Pit Bull Terrier or an American Staffordshire Terrier or a dog which has the appearance and characteristics of being predominately of those breeds.

Because your dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance, and was involved in an unprovoked bite it is being declared a dangerous animal.

An administrative hearing to review the "Dangerous Animal" declaration has been scheduled for 1:00 P.M. on **Monday, June 26, 2006** in the **City Council Chambers** in the **Des Moines City Hall** at **400 Robert D. Ray Drive**.

Respectfully,



Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Legal Department
City Clerk's Office



ANIMAL CONTROL
POLICE DEPARTMENT
1815 E.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1981

Animal Incident Investigation Report

Des Moines, Iowa Police Department

32. District: 2		33. Dog: 210		1. Impounded animal AHR/ARL number:		2. DMPD case number: 210-24633	
Impounded or bite animal				3. Victim's name (Last, First M.I.): N			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		35. Animal breed: Redmer Pitbull		4. Race: W		5. Sex: P	
36. Animal color: Tan		37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		6. Age: 1		7. Date of birth: unk	
38. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter MICH as a serial number)		8. Ethnicity: H		9. Sobriety: Sob	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#:		40A. Date of vaccination:		40B. Date of vaccination expiration:		10. Residence address: (List city and/or state if not Des Moines or Iowa)	
40C. Veterinarian:		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		11. Residence phone number:		12. Business or cellular phone number:	
42. Other identifiers (Collar, tattoo, etc.): none		43. Confinement/quarantine location: 130A		13. Place of employment or school:		14. Type and location of injury:	
44. Impounded or bite animal owner's name (Last, First M.I.): Kaelen Nathan		45. Residence address: 3910 Indianapolis Ave		15. Medical treatment: A		16. Reporting person's name (Last, First M.I.): Welsher Evelyn	
46. Residence phone number: 256-1438		47. Place of employment or school: red Robin		17. Race: W		18. Sex: P	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: #28		19. Age: 1		20. Date of birth: unk	
50. Witness' name (Last, first): N/A		51. Residence address: (List city and/or state if not Des Moines or Iowa)		21. Ethnicity: H		22. Sobriety: Sob	
52. Witness' name (Last, first): IA		53. Residence address: (List city and/or state if not Des Moines or Iowa)		23. Residence address: 4016 Indianapolis		24. Residence phone number: unk	
54. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		55. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		25. Business or cellular phone number:		26. Location of incident (address): 3910 Indianapolis	
56. Victim animal breed: Terrier Mix		57. Animal color: Black/Tan		27. Location type: side walk		28. Date and time incident occurred: 19 June 06 1830	
58. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		59. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		29. Date and time incident reported:		30. Crime/Incident type: Animal Bite	
60. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> MICH#:		61. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#:		31. Classification:		32. Classification:	
62. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#:		63. Date of vaccination:		33. Residence address: (List city and/or state if not Des Moines or Iowa)		34. Business or cellular phone number:	
63. Veterinarian: #46		64. Medical treatment: Hubbel Animal Hospital		35. Residence address: (List city and/or state if not Des Moines or Iowa)		36. Daytime or cellular phone number:	
65. Type and location of injury: Punctures to neck and muzzle, 2 in laceration		66. Victim animal owner's name (Last, First M.I.): #16		37. Residence address: (List city and/or state if not Des Moines or Iowa)		38. Daytime or cellular phone number:	
67. Confinement/quarantine location: At Home		68. Residence address: (List city and/or state if not Des Moines or Iowa)		39. Residence address: (List city and/or state if not Des Moines or Iowa)		40. Daytime or cellular phone number:	
70. Reporting officer: T. Baur 7233		71. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		72. Copy/copies made by:		73. Referred to: <input checked="" type="checkbox"/> Animal Control	
74. Second officer:		75. Supervisor approving report:		76. Reviewed by:		77. Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other <input type="checkbox"/>	

Animal Incident Investigation Report Des Moines, Iowa Police Department										81. DMPD case number: 06-24633	
80. Page: 2 of 2										82. Suspect or offender <u>one</u> (1) name (Last, first Middle):	
83. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>										84. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>										86. Race: <input type="checkbox"/> H <input type="checkbox"/> N <input type="checkbox"/>	
87. Sex: <input type="checkbox"/> M <input type="checkbox"/> F										88. 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Jun. 22, 2006 6:33AM

N: 0170 P: 1

SUPPLEMENTAL REPORT
 Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee

Welsher, Evelyn

2. Arrest No.

N/A

3. Case No.

2006-24633

☐ Form used as Continuation Sheet for Current Report

4. Date this Report

21 June 2006

5. Date Original Occurrence

19 June 2006

☒ Form used to Report Followup Investigation or Supplemental Information

6. Correct offense or Incident Classification

Changed ☐ Yes

Animal bite-Dog

7. Kind of Report Continued

☐ Witness Statement

☐ Followup or Supplemental or Prosecution

☐ Offense

☐ Traffic Accident

☐ Arrest

8. Multiple Clear Up?

☒ No

☐ Yes (list other case numbers in narrative)

9. Page No.

1 of 1

10. Traffic Citation No.

N/A

11. Value of Property Recovered and Type

\$N/A

**INSTRUCTIONS FOR
FOLLOWUP OR
SUPPLEMENTAL USAGE**

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

Item
No.

On 21 June 2006 I returned a telephone call to Nathan Karlzen (975-2736) and spoke with him about the dog bite incident.

I asked Nathan what happened? He said, "I was in Earlham, my roommate chained him out, a lady was walking her dog, I don't know if it was in heat and he broke loose." I asked Nathan if his dog was chained in the yard? He said, "yes."

I mentioned that pit bulls aren't supposed to be chained outside. Nathan said, "Yea...I got a kennel, I just haven't got it put up." I asked Nathan if his dog is licensed? He said, "No."

I told Nathan that he would be receiving a letter that would explain about getting his dog back. He said, "OK."

14. Reporting Officer

Scott Raudabaugh

4770

Second Officer

 15. Status (check one) ☐ Suspended ☒ Open
☐ Ex. Closed ☐ Closed

Supervisor Approving

No.

13. Date/Time Typed No.

Reproduced No.

17. Unit Referred To:

ACU

18. UCR Disposition

19. Reviewer

No.

Jun. 22. 2006 6:33AM

No. 0170 P. 8

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee WELSHER, EVELYN		2. Arrest No. N/A	3. Case No. 06-24633
<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report 21 June, 2006	5. Date Original Occurrence 19 June, 2006
<input checked="" type="checkbox"/> Form used to Report Followup Investigation or Supplemental Information		6. Correct offense or Incident Classification Animal Bite Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input checked="" type="checkbox"/> Followup or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident		8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$N/A	

**INSTRUCTIONS FOR
FOLLOWUP OR
SUPPLEMENTAL USAGE**

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

Item
No.6

Went to 3910 Indianapolis to deliver a letter for Sgt. Raudabaugh. Although no one was there, there was a large sign attached to the front of the house that said, "Beware of Dog." The chain for the dog was still laying full length in the front yard tied to a very thin bush. The chain was laying out full length and is completely intact. The chain was not broken in any way

No one was home so the letter was not delivered.

MORE FOLLOW UP NEEDED.

14. Reporting Officer Susan R. Stropes 7219		15. Status (check one) <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed		13. Date/Time Typed No	Reproduced No.
Second Officer No.		Supervisor Approving <i>[Signature]</i>		17. Unit Referred To: <i>ACU</i>	18. UCR Disposition
				19. Reviewer <i>[Signature]</i>	No.

No. 0170 P. 0
 Karlzen, Nathan
 ARL # 142368
 60

CITY OF DES MOINES
 ANIMAL CONTROL UNIT

DATE: 6-20-06

REFERENCE: ANIMAL HISTORY REPORT # 06-24633

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: ☒ MEDIUM LENGTH
☒ DEEP TROUGH
☒ BROAD SKULL
☒ PRONOUNCED CHEEK MUSCLES

MUZZLE: ☒ MEDIUM LENGTH
☒ JAWS WELL DEFINED
☒ BLACK NOSE - brown

BACK: ☒ FAIRLY SHORT
☒ SLIGHT SLOPING FROM WITHERS TO RUMP

BODY: ☒ WELL SPRUNG RIBS
☒ FORELEGS SET RATHER FAR APART
☒ CHEST DEEP AND BROAD

LEGS: ☒ STRAIGHT FRONT LEGS
☒ HINDQUARTERS WELL MUSCLED
☒ MODERATE SIZE FEET

COLOR: red

COMMENTS: male

SHOULDERS: ☒ STRONG
☒ MUSCULAR
 NECK: ☒ HEAVY
☒ SLIGHTLY ARCHED
☒ TAPERS FROM BACK OF SKULL TO SHOULDERS
 TAIL: ☒ LOW SET
☒ TAPERS TO FINE POINT
☒ NOT CURLED OVER BACK

COAT: ☒ SHORT
☒ CLOSE
☒ GLOSSY

EYES: ☒ DARK AND ROUND
☒ LOW DOWN IN SKULL
☒ SET FAR APART

SIZE: 21 INCHES AT SHOULDERS
58.5 LBS.

[Signature] in Bag, P. 0

[Signature]
 KF
 ACU

60

