



# Roll Call Number

Agenda Item Number

43

August 9, 2010

## PUBLIC HEARING ON DANGEROUS ANIMAL APPEAL OF JULIE COZAD

Date

WHEREAS, Julie Cozad, 1521 E. 9<sup>th</sup> Street, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of her dog as a dangerous animal; and

WHEREAS, Ms. Cozad requested an opportunity to address the City Council regarding her appeal; and

WHEREAS, Ms. Cozad has been provided with the opportunity to address the City Council on the matter of her appeal; NOW, THEREFORE,

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

Alternative One: That the order of the hearing officer be upheld and Ms. Cozad's dog be declared a dangerous animal and that it be humanely destroyed.

MOVED BY \_\_\_\_\_ TO UPHOLD DECLARATION AND TO  
HUMANELY DESTROY THE ANIMAL.

Alternative Two: That the order of the hearing officer be upheld and Ms. Cozad's dog be declared a dangerous animal and order Ms. Cozad remove the dog from the city or allow it to be humanely destroyed.

MOVED BY \_\_\_\_\_ TO UPHOLD DECLARATION AND ORDER  
OWNER TO REMOVE OR HAVE ANIMAL HUMANELY DESTROYED.

Alternative Three: That the order of the hearing officer be reversed and Ms. Cozad's dog not be declared dangerous.

MOVED BY \_\_\_\_\_ TO REVERSE DECLARATION.

FORM APPROVED:

K. Massier  
Katharine Massier  
Assistant City Attorney

### 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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNE				
COLEMAN				
GRISS				
BENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk

**EXHIBITS FOR DANGEROUS ANIMAL**

**“SPIKE”**

**EXHIBIT A**      Hearing Officer’s Decision  
                                 (City Exhibits 1-4)

Animal Investigation Reports  
Photos  
Code Sections

**EXHIBIT B**      Appeal from Ms. Cozad

**EXHIBIT C**      Letter to Ms. Cozad  
                                 (Setting Date for appeal to Council)

**EXHIBIT D**      Letter and Administrative Hearing Transcript  
                                 to Ms. Cozad



July 14, 2010

Julie Cozad  
1521 E. 9th Street  
Des Moines, IA 50316

Subject: Dangerous Animal Declaration

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on July 12, 2010. Please read it carefully, so you are aware of the decision, any deadlines you might be required to comply with, as well as any other requirements you may be held to.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is fluid and cursive.

Diane Rauh  
City Clerk

DR:kh  
Attach

City of Des Moines, Iowa  
July 12, 2010 Administrative Hearing

In re:

JULIE COZAD,  
Respondent

DECISION AND ORDER  
AND  
NOTICE OF APPEAL RIGHTS

Julie Cozad, the Respondent, appeared in her own behalf, as the owner of record of a tan and white colored male Pit Bull breed dog, named "Spike." Sergeant Scott Raudabaugh, the Chief Humane Officer, with the City of Des Moines Police Department ("DMPD"), appeared on behalf of the City of Des Moines, Iowa (the "City").

**Procedural History**

On March 14, 2010, the City Animal Control Unit responded to a complaint regarding a tan and white colored male Pit Bull breed dog, named "Spike," that was owned by Julie Cozad of 1521 E 9<sup>th</sup> Street, Des Moines, Polk County, Iowa. The Animal Control Unit investigation revealed that "Spike" had bitten a child, resulting in injuries to the head while the child was visiting inside Ms. Cozad's home; the dog was subsequently quarantined at the City Animal Shelter. On March 16, 2010, the City Veterinarian evaluated the dog and determined it exhibited predominate characteristics of a "vicious dog," as defined under Section 18-41(9) of the City of Des Moines Municipal Code (the "Municipal Code"). In particular, "Spike" was found to exhibit the appearance and characteristics of predominately a Staffordshire Terrier or an American Pit Bull Terrier or an American Staffordshire Terrier breed dog or a dog which has the appearance and characteristics of being predominately of those breeds. On March 16, 2010 the Chief Human Officer served Ms. Cozad with a vicious dog breed letter; delineating the conditions that must be maintained for maintaining a "vicious dog." On March 24, 2010, Ms. Cozad had Spike vaccinated for rabies, she licensed it as a "vicious dog" with the City Clerk's Office and reclaimed her dog from impound. On June 30, 2010, the City Animal Control Unit responded to a complaint of a tan and white colored male Pit Bull breed dog running at-large that had bit a person living at 1525 E. 9<sup>th</sup> Street, Des Moines, Polk County, Iowa. The dog was identified as "Spike" during the follow-up investigation and Ms. Cozad brought the dog to the City Animal Shelter for quarantine. On July 8, 2010, the Chief Humane Officer determined the dog was found to not be a securely confined "vicious dog," as required under Section 18-56 of the Municipal Code, and Ms. Cozad was served Notice, by posting at the front door at 1521 E. 9<sup>th</sup> Street, informing her: (1) the City is declaring "Spike" to be a "Dangerous animal," as provided under Sections 18-196 of the Municipal Code; (2) an administrative hearing to review the "dangerous animal" declaration has been scheduled for July 12, 2010; (3) if the "dangerous animal" declaration is upheld "Spike" may be destroyed in a humane manner; and (4) "Spike" will remain in impound pending the decision of the Administrative Hearing Officer. The administrative hearing was so conducted.

**Discussion**

The issue is whether the dog in question, "Spike," should be declared a "Dangerous Animal." In pertinent part, Section 18-196 of the Municipal Code defines a "Dangerous Animal" as:

"any animal, including a dog . . . that has bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that the animal:

- (1) Has bitten or clawed a person on two separate occasions within a 12-month period;
- (2) Did bite or claw once causing injuries above the shoulders of a person;
- (3) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence . . . ."

As noted above, there are two different tests under Section 18-196 of the Municipal Code that may be used to determine whether "Spike" is a "dangerous animal." The first requires the existence of three elements at the time of the incident, which consists of: (1) whether the animal was running at large; (2) whether a person was bitten or clawed; and (3) whether the attack was unprovoked. Furthermore, Section 18-55(2) of the Municipal Code states that a properly licensed dog shall not be deemed at large if:

"The dog is off the premises of the owner and is [o]n a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog."

However, on March 16, 2010, the Chief Humane Officer declared "Spike" to a "vicious dog," requiring Ms. Cozad to comply with the requirements of Section 18-56(d) of the Municipal Code, which provides:

"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 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."

The Animal Incident Investigation Report (DMPD Case No. 10-20609) for the June 30, 2010 incident indicates that an adult woman sustained dog bites on both lower legs/calves and shin puncture wounds while she was working in the garden in her front yard at 1525 E. 9<sup>th</sup> Street, Des Moines, Iowa (Exhibits 14-19). The report reflects that the victim normally is able to tell the dog to go home but this time it lunged at her and started biting her and did not stop until she screamed very loud; at which time a man came out of the house at 1521 E. 9<sup>th</sup>, apologized and then took the dog into the house. Dan Henderson, Ms. Cozad's housemate, testified that "Spike" had bit off the bottom of the wooden fence and had escaped. Therefore, "Spike" is found to have been running at large as he was outside his pen, not securely leashed and not under the actual physical control of a person 18 years of age or older. It also appears to be undisputed that "Spike" bit Ms. Cozad's neighbor, as the Animal Incident Investigation Report also indicates that Ms. Cozad and Mr. Henderson stated they were aware that "Spike" had bitten the neighbor. Furthermore, the record is void of any evidence or testimony that the attacks were provoked. Therefore it is reasonable to find Ms. Cozad's dog "Spike" a "dangerous animal" under the first test.

Furthermore, the record also supports a finding that "Spike" is a "dangerous animal" under the second Section 18-196 test as well because of exhibited vicious propensities both in the present June 30, 2010 incident as discussed above, as well as a past incident that occurred on March 14, 2010, when a small child sustained left ear punctures requiring stitches and huge cuts on his head also requiring stitches (Animal Incident Investigation Report DMPD Case No. 10-7735—City Exhibits 21-24). Therefore, "Spike" is found to have bitten or clawed a person on two separate occasions within a 4-month period, as delineated under Section 18-196(1). "Spike" is also found to have caused injuries above the

shoulders of a person On March 14, 2010, as delineated in Section 18-196(2). And, it is found that "Spike" could not be controlled or restrained by Ms. Cozad to prevent the attack on the neighbor on June 30, 2010.

#### **Decision and Order**

By a preponderance of all evidence in the record, the declaration by the Chief Humane Officer is upheld, as Ms. Cozad's tan and white colored male Pit Bull breed dog, named "Spike," is found to be a "Dangerous animal." Therefore, the Chief Humane Officer is ordered to destroy the dog in a humane manner as provided under section 18-202(b) of the Municipal Code. Furthermore, Ms. Cozad is ordered to pay all impoundment and quarantine costs as provided under Section 18-202 of the Municipal Code, as well as all citation fines issued in connection with DMPD Case No. 10-20609.

#### **Appeal Rights**

This order may be appealed to the City Council, as provided by Section 18-202(c) of the Municipal Code, provided a written notice of appeal is filed with the City Clerk's office within three days after receipt of this order.

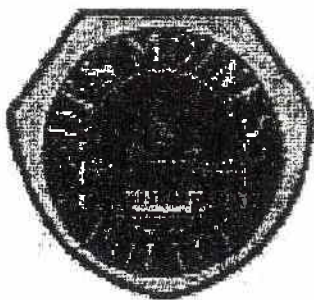
This written ruling is hereby submitted on this 14<sup>th</sup> day of July, 2010 in Des Moines, Polk County, Iowa.



---

Camille A. Valley  
Administrative Hearing Officer



**Chief Humane Officer****DOCUMENT SERVICE**DMPD Case number: 2010-20609ARL number (if known): A10023451Animal owner's name: JULIE COZADAddress: 1521 E 9TH ST.Location of service: SAMEDate and time served: 08 JUL 10 1651

Official serving document (print name):

SGT. PAUL ABRAHAMOfficial's identification number: 4770Type of document served: ☐ Vicious dog letter ☒ Dangerousanimal letter ☐ Illegal animal letter ☐ Hearing ruling letter☐ City Council decision letter ☐ Other: \_\_\_\_\_Name of person receiving document (they print their name):PLACED BETWEEN FRONTTheir signature: X STORM NOOK & FRAME.KIF ACU

July 8, 2010

Ms. Julie Cozad  
1521 East 9<sup>th</sup> Street  
Des Moines, Iowa

Dear Ms. Cozad,

On June 30, 2010 your tan and white colored male Pit Bull breed dog, named "Spike," was running at-large when it bit a neighbor, which resulted in an injury. In accordance with the follow-up investigation you brought your dog to the city animal shelter for quarantine. (2010-20609)

Previously on March 14, 2010 your dog, named "Spike," bit a friend's child when the child went near the dog's crate inside your house, which resulted in an injury. Your dog was impounded for quarantine at the city animal shelter. (2010-7735)

On March 16, 2010 the City Veterinarian evaluated your dog and determined that it exhibited predominate characteristics of a "Vicious Dog," defined by city ordinance 18-41 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. On March 16, 2010 you were served with a vicious dog breed letter.

On March 24, 2010 you had your dog receive a rabies vaccination, licensed your dog as a vicious dog with the City Clerk's Office and reclaimed your dog.

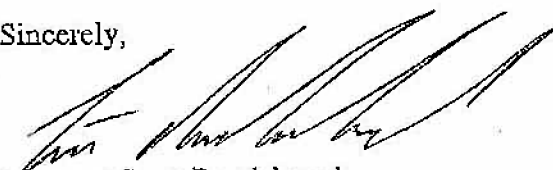
Because your dog was running at-large when it was involved in an unprovoked bite and the bite was the second bite within a 12 month period and the first bite caused injuries above the shoulders of a person your dog is being declared a "Dangerous Animal," as defined by city ordinance 18-196.

An **Administrative Hearing** to review the "Dangerous Animal" declaration has been scheduled for **11:15 A.M. on Monday, July 12, 2010** in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive. Your dog will remain in impound pending a decision by the Hearing Officer.

If the "Dangerous Animal" declaration is upheld your dog may be ordered destroyed in a humane manner or you may be given the option to cause it to be destroyed in a humane manner, in accordance with city ordinance 18-202.

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,

  
Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office



ANIMAL CONTROL  
POLICE DEPARTMENT  
1618 S.E. 14TH STREET  
DES MOINES, IOWA 50320-1010  
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1981

EXHIBIT  
1



# Animal Incident Investigation Report

Des Moines, Iowa

EX-43  
1

1. ARL case number:		2. DMPD case number (If applicable): 10-20609	
<b>Impounded or bite animal</b>		3. Victim's name (Last, First M.I.): SHEN, MARTHA (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ARL#:		4. Race: W	5. Sex: F
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		6. Age: A	7. Date of birth:
34. Animal breed: largest male boxer type		8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: UNKNOWN		10. Residence address: 1525 E 9 (City and/or state if not Des Moines or Iowa)	
36. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: 450-0935	12. Business or cellular phone number:
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		13. Place of employment or school:	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: UNKNOWN		14. Type and location of injury: BOTH LOWER LEGS/CALF AND SHIN PUNCTURE WOUNDS	
39. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#: UNKNOWN		15. Medical treatment: NONE SOUGHT AT TIME OF REPORT	
39A. Date of vaccination:		16. Reporting person's name (Last, First M.I.):	
39B. Date of vaccination expiration:		17. Race:	18. Sex:
39C. Veterinarian:		19. Age:	20. Date of birth:
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#: UNKNOWN		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
41. Other identifiers (Collar, tattoo, etc.):		23. Residence address: (City and/or state if not Des Moines or Iowa)	
42. Confinement/quarantine location: 1521 E 9		24. Residence phone number:	25. Business or cellular phone number:
43. Impounded or bite animal owner's name (Last, First M.I.): HENDERSON, DAN		26. Location of incident (address): 1525 E 9	
44. Residence address: 1521 E 9 (City and/or state if not Des Moines or Iowa)		27. Location type: RESIDENCE	
45. Residence phone number: 205-5218		28. Date and time incident occurred: 30JUN10 855	
46. Place of employment or school:		29. Date and time incident reported: 30JUN10 925	
47. Business or cellular phone number:		30. Crime/incident type: ANIMAL: BITE/DOG	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		31. Classification:	
48A. Date and time of notification: 30JUN10 925		48B. Person making notification: CINDY ALLEY AR2	
48C. Means of notification: DOOR HANGER		49. Witness' name (Last, first):	
50. Residence address: (City and/or state if not Des Moines or Iowa)		51. Daytime or cellular phone number:	
52. Witness' name (Last, first):		53. Residence address: (City and/or state if not Des Moines or Iowa)	
54. Daytime or cellular phone number:		55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	
<b>Victim animal</b>		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury:		62C. Veterinarian:	
66. Medical treatment:		67. Confinement/quarantine location:	
68. Victim animal owner's name (Last, First M.I.):		69. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: CINDY ALLEY AR2 I.D. No.		73. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	
74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
76. Second reporting official: I.D. No.		77. Supervisor approving report: I.D. No.	
78. Reviewed by:			

79. Page: 2 of 3

# Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number  
10-20609

Ex. 43  
1

81. Suspect or offender <u>one</u> (1) name (Last, first Middle):					82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:		
94. Residence address: (City and/or state if not Des Moines or Iowa)										
95. Residence or alternate phone number:			96. Driver license number or social security number:				96A. State:		97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:					99. Citation number and crime:					
100. Suspect or offender <u>two</u> (2) name (Last, First Middle):					101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:		
113. Residence address: (City and/or state if not Des Moines or Iowa)										
114. Residence or alternate phone number:			115. Driver license number or social security number:				115A. State:		116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:					118. Citation number and crime:					

119. Narrative:

AT THIS LOCATION I MET WITH SHEN WHO STATES THAT SHE WAS OUT IN FRONT OF HER HOUSE WORKING IN HER GARDEN WHEN THE THREE DOGS FROM NEXT DOOR CAME OUT AND BARKED AT HER. NORMALLY SHE IS ABLE TO TELL THEM TO GO HOME WITHOUT ISSUE, BUT THIS TIME THE LARGEST MALE DOG, WHICH SHE DESCRIBES AS A BOXER/PITBULL TYPE DOG LUNGED AT HER AND STARTED BITING HER. THE TWO DOGS WITH THE MALE ALSO CAME AT HER, BUT IT IS UNCLEAR WHETHER THOSE DOGS BIT HER FOR SURE. SHE SCREAMED VERY LOUD AND THAT SCARED THE DOGS. A MALE CAME FROM 1521 E 9<sup>TH</sup>, APOLOGIZED AND TOOK THE DOGS IN THE HOUSE. AFTER TAKING THE REPORT FROM THE VICTIM, I WENT TO 1521 AND KNOCKED LOUDLY ON THE DOOR THREE TIMES. NO ONE ANSWERED. I COULD HEAR DOGS BARKING INSIDE THE RESIDENCE. A BLACK AND WHITE CAT CAME UP ONTO THE STEPS AND RUBBED ON MY LEGS. I IMPOUNDED THE CAT TO THE TRUCK, PLACED A DOOR HANGER AT 1521 ADVISING OF CAT IMPOUND AND NEED TO SECURE INFORMATION ON RABIES VACCINATION FOR ALL THREE DOGS INVOLVED IN THIS INCIDENT. FOLLOW UP NEEDED TO QUARANTINE BITE DOGS.



Animal Incident Investigation Report  
Additional Animal(s) Continuation Report  
Des Moines, Iowa

EX  
1

6. Page: 3 of 3		1. ARL case number:		2. DMPD case number (If applicable): 10-20609			
<b>Impounded or bite animal</b>		3. Victim's name (Last, First M.I.): (Human victim or society)					
7. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL #:		<b>FRONT PAGE</b>					
8. Animal type: Cat <input checked="" type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>							
9. Animal breed: DSH							
10. Animal color: BLACK/WHITE							
11. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>							
12. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>							
13. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C # as a serial number)  M/C #:							
14. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T #:							
14A. Date of vaccination:						14B. Date of vaccination expiration:	
14C. Veterinarian:							
15. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic. #:		4. Reporting person's name (Last, First M.I.):					
16. Other identifiers (Collar, tattoo, etc.): AT LARGE/STRAY		5. Location of incident (address): 1521 E 9					
17. Confinement/quarantine location: ARLCCC TX ROOM							
18. Impounded or bite animal owner's name (Last, First M.I.): HENDERSON, DAN						19. Residence address: (City and/or state if not Des Moines or Iowa) 1521 E 9	
20. Residence phone number: 205-5218						21. Place of employment or school:	
22. Business or cellular phone number:							
23. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		23A. Date and time of notification: 30JUN10 925		23B. Person making notification: CINDY ALLEY AR2			
				23C. Means of notification: DOOR HANGER			
<b>Victim animal</b>		24. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL #:		25. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>			
26. Animal breed:		27. Animal color:		28. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>			
29. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		30. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T #:					
31. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C #:		30A. Date of vaccination:		30B. Date of vaccination expiration:			
32. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic. #:		30C. Veterinarian:					
33. Type and location of injury:		34. Medical treatment:					
35. Confinement/quarantine location:		36. Victim animal owner's name (Last, First M.I.):					
37. Residence address: (City and/or state if not Des Moines or Iowa)		38. Residence phone number:		39. Business or cellular phone number:			
40. Reporting official: CINDY ALLEY AR2		I.D. No.		41. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded			
44. Second reporting official:		I.D. No.		45. Supervisor approving report: I.D. No.			
				46. Reviewed by:			
				42. Copy/copies made by:			
				43. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other: _____			

Des Moines, Iowa

1. ARL case number:

2. DMFD case number (if applicable):

10-20609

EX.

## Impounded or bite animal

32. Impounded or bite animal ARL number:

Impounded: No ☐ Yes ☐ ARL#:33. Animal type:  
Cat ☐ Dog ☒ Other ☐

Spilo

34. Animal breed:

Pitbull

35. Animal color:

brown

36. Animal fur length:

Short ☒ Medium ☐ Long ☐ Other ☐

37. Animal sex:

Female ☐ Spayed ☐ Male ☒ Neutered ☐ Unknown ☐

38. Microchip:

No ☐ Yes ☐ (Records Personnel: Enter M/C# as a serial number)

M/C#:

39. Rabies tag:

No ☐ Yes ☒ R/T#: 00005 125

39A. Date of vaccination:

03-24-10

39C. Veterinarian:

ARL ACC

40. License:

No ☐ Yes ☒ Lic#: 17915

41. Other identifiers (Collar, tattoo, etc.):

42. Confinement/quarantine location:

43. Impounded or bite animal owner's name (Last, First M.I.):

Corrad, Julie or Henderson, Dan

45. Residence phone number:

210-2465

48. Animal owner notification:

No ☐ Yes ☒

48A. Date and time of notification:

2 July 10

49. Witness' name (Last, first):

52. Witness' name (Last, First):

50. Residence address:

53. Residence address:

(City and/or state if not Des Moines or Iowa)

(City and/or state if not Des Moines or Iowa)

51. Daytime or cellular phone number:

54. Daytime or cellular phone number:

55. Investigative notifications and/or photographs taken:

ARL Supervisor: No ☒ Yes ☐ Sergeant: No ☒ Yes ☐ Police Officer: No ☒ Yes ☐ Photographs taken by ARL or PO: No ☒ Yes ☐

## Victim animal

56. Victim animal ARL number:

Impounded: No ☐ Yes ☐ ARL#:

57. Animal type:

Cat ☐ Dog ☐ Other ☐

58. Animal breed:

59. Animal color:

60. Animal fur length:

Short ☐ Medium ☐ Long ☐ Other ☐

61. Animal sex:

Female ☐ Spayed ☐ Male ☐ Neutered ☐ Unknown ☐

62. Rabies tag:

No ☐ Yes ☐ R/T#:

63. Microchip:

No ☐ Yes ☐ M/C#:

62A. Date of vaccination:

62B. Date of vaccination expiration:

64. License:

No ☐ Yes ☐ Lic#:

62C. Veterinarian:

65. Type and location of injury:

65. Medical treatment:

67. Confinement/quarantine location:

66. Victim animal owner's name (Last, First M.I.):

69. Residence address:

(City and/or state if not Des Moines or Iowa)

70. Residence phone number:

71. Business or cellular phone number:

72. Reporting official:

I.D. No.

Updegrave AR5

73. Status: ☐ Open ☐ Closed ☐ Excep. Closed☐ Case file ☐ Suspended ☐ Unfounded

74. Copy/copies made by:

75. Referred to:

☐ Animal Control☐ Detectives ☐ PIO☐ Chief ☐ OPS☐ Other: \_\_\_\_\_

76. Second reporting official:

I.D. No.

77. Supervisor approving report:

I.D. No.

78. Reviewed by:



EX.

79. Page: _____ of _____		<b>Animal Incident Investigation Report</b> Des Moines, Iowa				80. DMPD case number: <b>10-20609</b>											
81. Suspect or offender <u>one (1)</u> name (Last, first, middle): <b>Cozad, Julie Mary</b>						82. Arrested: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		83. Warrant needed: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>							
85. Race: <b>W</b>		86. Sex: <b>F</b>		87. Age: <b>03-17-63</b>		88. Date of birth: <b>03-17-63</b>		89. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		90. Height: <b>162"</b>		91. Weight: <b>140</b>		92. Hair color: <b>BRO</b>		93. Eye color: <b>BRO</b>	
94. Residence address: <b>1521 E 9th</b> (City and/or state if not Des Moines or Iowa)																	
95. Residence or alternate phone number: <b>210-2465</b>						96. Driver license number or social security number: <b>787222863</b>						96A. State: <b>IA</b>		97. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>			
98. Citation number and crime: <b>289101-Confinement of a vicious dog</b>																99. Citation number and crime:	
100. Suspect or offender <u>two (2)</u> name (Last, first, middle):						101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>							
104. Race:		105. Sex:		106. Age:		107. Date of birth:		108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		109. Height:		110. Weight:		111. Hair color:		112. Eye color:	
113. Residence address: (City and/or state if not Des Moines or Iowa)																	
114. Residence or alternate phone number:						115. Driver license number or social security number:						115A. State:		116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>			
117. Citation number and crime:																118. Citation number and crime:	
119. Narrative: Cozad came unto ARL ACC to reclaim her cat. R/O spoke to both Cozard + Henderson + they stated they were aware that the dogs had bitten the neighbor. On the original report it states the largest of the three dogs definitely bit - this dog was identified by Cozad as Spike. Spike had previously bitten in March 2010 see case # 10-7735 + at that time was deemed pred. Pit bull. The other two dogs that were loose were Simba + Caitlan + they had proof of a current rabies vaccination. R/O contacted the City Clerk's Office to find Simba is current rabies vaccination RIT # 173 + good until 05-03-11 L/T # 17914, Spike RIT # 125 good until 03-24-11 L/T # 17915 + Caitlan RT # 482 L/T # 24911 vac. good until 12-02-10. Cozad did bring Spike in for rabies @/T at the shelter. I also met w/ V Shen who stated Spike was the only dog that bit, the other																	
120. Date of this report: <b>12-11-10</b>																	



Animal Incident Supplemental Report  
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.):

Cozad

2. Case number:

10-20609

3. Form used as a continuation of an Animal Incident Investigation Report: ☒

4. Date of this report:

2 July 10

5. Date incident occurred:

30 June 10

Changed

EX. 1

6. Form used to report a follow-up investigation or additional information: ☐

7. Crime/petition type:

Animal bite

8. Page: 3 of 3

9. If this report is a continuation of another report then indicate the box number(s) continued below:

two were "nipping at her dress but did not bite her"

F/u 7-10-10 to release from Q/T

10. ARL Reporter:

I.D. No.

T Updegrave ARS

11. Status: ☐ Open ☐ Closed ☐ Except. Closed

☐ Case file ☐ Suspended ☐ Unfounded

12. Copy/copies made by:

13. Referred to:

☐ Animal Control

☐ Detectives ☐ PIO

☐ Chief ☐ OPS

☐ Other: \_\_\_\_\_

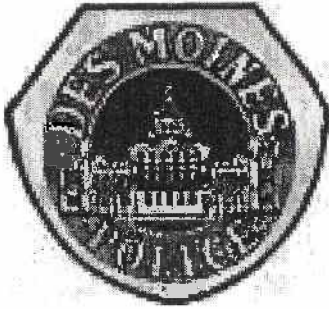
14. Second ARL reporter:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:



City  
EXHIBIT

2

## Chief Humane Officer

### DOCUMENT SERVICE

DMPD Case number: 2010-7735

ARL number (if known): A10023451

Animal owner's name: JULIE + CHRIS COZAS

Address: 1521 EAST 9TH ST.

Location of service: SIAMIE

Date and time served: 14 MAR 10 1419

Official serving document (print name):

SGT. RAMONA BAUGH

Official's identification number: 4770

Type of document served: ☒ Vicious dog letter ☐ Dangerous

animal letter ☐ Illegal animal letter ☐ Hearing ruling letter

☐ City Council decision letter ☐ Other: \_\_\_\_\_

Name of person receiving document (they print their name):

Julie M Cozas

Their signature: X Julie M Cozas

KF ACU

2010 MAR 17 PM 4:11

Vicious Dog Breed Declaration Letter  
(Over Six Months Old)

EX.  
2

3-16-2010

(Date)

JULIE + CHRIS COZAK

(Dog owner's name)

1521 EAST 9TH ST.

(Owner's address)

DSM, IOWA

(City, state & zip code)



ANIMAL CONTROL  
POLICE DEPARTMENT  
1615 S.E. 14TH STREET  
DES MOINES, IOWA 50320-1610  
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1981

Your dog was impounded and is at the animal shelter. Your dog was evaluated and determined to be over six months old and a vicious dog breed, defined by city ordinance 18-41 as a Staffordshire Terrier, an American Pit Bull Terrier, an American Staffordshire Terrier or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or an American Staffordshire Terrier.

Because of that determination your dog is being declared to be a "Vicious Dog."


You may reclaim your dog by properly licensing it as a vicious dog with the City Clerk's Office and properly confining/leashing it as a vicious dog, however, if your dog is found unlicensed as a vicious dog in the City of Des Moines twice it will be destroyed in a humane manner, in accordance with city ordinance 18-58. Also if your dog is found not properly confined/leashed more than twice it will be destroyed in a humane manner, in accordance with city ordinance 18-57.

You may appeal this declaration by filing a written appeal within three (3) business days with the City Clerk's Office in City Hall at 400 Robert D. Ray Drive in Des Moines, Iowa, however, during an appeal your dog will remain in impound at the animal shelter.

**If you do nothing your dog will be destroyed in a humane manner.**

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,

  
Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office

Revised 01 January 2007

Case number:

2010-7735

Dog's name:

SPIKE

Dog's color(s):

TAN +  
WHITE

Dog's sex: female

male

X

ARL number:

A10023451



# Animal Incident Investigation Report

Des Moines, Iowa

EX-2

1. ARL case number: <b>00575988</b>		2. DMPD case number (if applicable): <b>10-7735</b>	
3. Victim's name (Last, First M.I.): <b>jefferson, jaivon s</b> (Human victim or society)			
4. Race: <b>b</b>	5. Sex: <b>m</b>	6. Age: <b>12-1-07</b>	7. Date of birth: <b>12-1-07</b>
8. Ethnicity: <b>H</b> <input checked="" type="checkbox"/> <b>NH</b> <input checked="" type="checkbox"/>		9. Sobriety: <b>Sob.</b> <input checked="" type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>	
10. Residence address: <b>1009 watrous</b> (City and/or state if not Des Moines or Iowa)			
11. Residence phone number: <b>244-2420</b>		12. Business or cellular phone number:	
13. Place of employment or school:			
14. Type and location of injury: <b>left ear punchers back of head huge cut 6 staples</b>			
15. Medical treatment: <b>luthern</b>			
16. Reporting person's name (Last, First M.I.): <b>jefferson, josh</b>			
17. Race: <b>b</b>	18. Sex: <b>m</b>	19. Age: <b>3-21-87</b>	20. Date of birth: <b>3-21-87</b>
21. Ethnicity: <b>H</b> <input checked="" type="checkbox"/> <b>NH</b> <input checked="" type="checkbox"/>		22. Sobriety: <b>Sob.</b> <input checked="" type="checkbox"/> <b>H.B.D.</b> <input type="checkbox"/>	
23. Residence address: <b>1009 watrous</b> (City and/or state if not Des Moines or Iowa)			
24. Residence phone number: <b>244-2420</b>		25. Business or cellular phone number:	
26. Location of incident (address): <b>1521 e 9th</b>			
27. Location type: <b>house</b>			
28. Date and time incident occurred: <b>14 march 10 1600</b>		29. Date and time incident reported: <b>14 march 10 1900</b>	
30. Crime/incident type: <b>ANIMAL BITE DOG</b>			31. Classification:
43. Impounded or bite animal owner's name (Last, First M.I.): <b>COZAD, JULIE AND CHRIS</b>		44. Residence address: <b>1521 E 9TH</b> (City and/or state if not Des Moines or Iowa)	
45. Residence phone number: <b>822-9993</b>	46. Place of employment or school:		47. Business or cellular phone number: <b>210-2465</b>
48. Animal owner notification: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/>	48A. Date and time of notification: <b>14 MARCH 10 1930</b>	48B. Person making notification: <b>KRIS WILDER</b>	48C. Means of notification: <b>INPERSON</b>
49. Witness' name (Last, first):	50. Residence address: (City and/or state if not Des Moines or Iowa)		51. Daytime or cellular phone number:
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)		54. Daytime or cellular phone number:
55. Investigative notifications and/or photographs taken: ARL Supervisor: <b>No</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Sergeant: <b>No</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Police Officer: <b>No</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Photographs taken by ARL or PO: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/>			
<b>Victim animal</b>		56. Victim animal ARL number: Impounded: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> ARL#: _____	
57. Animal type: <b>Cat</b> <input type="checkbox"/> <b>Dog</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: <b>Short</b> <input type="checkbox"/> <b>Medium</b> <input type="checkbox"/> <b>Long</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	
61. Animal sex: <b>Female</b> <input type="checkbox"/> <b>Spayed</b> <input type="checkbox"/> <b>Male</b> <input type="checkbox"/> <b>Neutered</b> <input type="checkbox"/> <b>Unknown</b> <input type="checkbox"/>		62. Rabies tag: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> R/T#: _____	
63. Microchip: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> M/C#: _____		62A. Date of vaccination: _____	
64. License: <b>No</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> Lic#: _____		62B. Date of vaccination expiration: _____	
65. Type and location of injury:		62C. Veterinarian: _____	
66. Medical treatment:		67. Victim animal owner's name (Last, First M.I.):	
68. Victim animal owner's name (Last, First M.I.):		69. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: <b>KRIS WILDER</b> <i>[Signature]</i> <b>AR3</b> I.D. No. _____		73. Status: <input checked="" type="checkbox"/> <b>Open</b> <input type="checkbox"/> <b>Closed</b> <input type="checkbox"/> <b>Excep. Closed</b> <input type="checkbox"/> <b>Case file</b> <input type="checkbox"/> <b>Suspended</b> <input type="checkbox"/> <b>Unfounded</b>	
74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> <b>Animal Control</b> <input type="checkbox"/> <b>Detectives</b> <input type="checkbox"/> <b>PIO</b> <input type="checkbox"/> <b>Chief</b> <input type="checkbox"/> <b>OPS</b> <input type="checkbox"/> <b>Other:</b> _____	
76. Second reporting official: I.D. No. _____		77. Supervisor approving report: I.D. No. _____	
78. Reviewed by:		79. Reviewed by:	

2010 MAR 15 PM 4:21

79. Page: <b>2</b> of <b>2</b>		<b>Animal Incident Investigation Report</b> Des Moines, Iowa				80. DMPD case number (if 10-7735)		EX. 2			
81. Suspect or offender <u>one</u> (1) name (Last, first Middle):						82. Arrested No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charge No <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye			
94. Residence address: (City and/or state if not Des Moines or Iowa)											
95. Residence or alternate phone number:				96. Driver license number or social security number:				98A. State:		97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:						99. Citation number and crime:					
100. Suspect or offender <u>two</u> (2) name (Last, First Middle):						101. Arrested No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:			
113. Residence address: (City and/or state if not Des Moines or Iowa)											
114. Residence or alternate phone number:				115. Driver license number or social security number:				115A. State:		116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:						118. Citation number and crime:					
119. Narrative:											
<p>I was sent out on a animal bite. I spoke to the victims dad. He was at a friends house set the child down after asking the dog owner if it was ok to do so. The child went over to the dogs crate and the dog snapped and bite the child. The child was brought to luthern hospital for treatment. I got the info from the victim party. I spoke to the owner cause he was at the er with the victims. The dog has never been to the vet and wasn't utd on anything. I had Idetifacation come out and take pics cause the bite was so bad. I then went to the dogs house. I spoke to the dog owners mother that has been takeing care of the dog for the last 6 months on and off. I informed her of what happened and the dog would have to be impounded. She said that's no problem She would like to know when the qt time is up her name is julie. The dog was impounded and transported to arl accc for 10 day qt. Follow up needed to release bite dog and advice dog owner and victim on the 24 march .</p>											
						120. Date of this report: 14 march 10					





EREC1

DM CASE #  
10-7735



IOWA HEALTH  
DES MOINES

Methodist • Lutheran • Blank

PATIENT'S NAME Jefferson Jaivon  
Last First MI

PATIENT'S ADDRESS 1009 W. G. TROUS  
Street  
DSM Ia 50315  
City State Zip

AGE 2 SEX ☒ M or F ☐ F PHONE 1 244 2420  
Circle one Area Code Number

NAME OF PARENT / GUARDIAN Jefferson Hamber  
Last First MI

DATE OF BITE 03 / 14 / 10 BODY AREA(S) BITTEN Left - Shoulder

ANIMAL OWNER'S NAME AND ADDRESS Chris Pozor 1521 E 9th  
SIS-822-9993 DSM Ia 50314  
SIS-210-2463

LOCATION OF INCIDENT, IF KNOWN Home

DESCRIPTION OF ANIMAL Pit/Boxer mix - black

ANIMAL CONTROL NOTIFIED BY PHONE 03 / 14 / 10  
Date

Chenbury

Signature of Nurse completing form

Distribution: White / Medical Records Yellow / Animal Control

PATIENT LABEL	
JEFFERSON, Jaivon	M
ACCT 179399977	MR 50189277
ADM 14Mar2010	DOB 1Dec2007 2
* 1 7 9 3 9 9 7 7 *	

2010 MAR 16 PM 4:19

**SUPPLEMENTAL REPORT**  
Des Moines Iowa Police Department

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

Jefferson, Jaivon

2. Arrest No.

N/A

3. Case No.

10-7735

EX. 2

<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report 03-14-10	5. Date Original Occurrence 03-14-10
<input checked="" type="checkbox"/> Form used to Report Followup Investigation or Supplemental Information		6. Correct offense or Incident Classification Changed <input type="checkbox"/> Yes  Animal Bite	
7. Kind of Report Continued <input type="checkbox"/> Witness Statement <input type="checkbox"/> Followup or Supplemental or Prosecution <input type="checkbox"/> Offense <input type="checkbox"/> Traffic Accident <input type="checkbox"/> Arrest		8. Multiple Clear Up? <input type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. 1 of 1	10. Traffic Citation No.	11. Value of Property Recovered and Type \$ none recovered	

**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 03-14-10 at 1900 hours, I was dispatched to Iowa Lutheran Hospital for photographs of an animal bite. I arrived at 1917 hours.  
Upon my arrival, I met with the victim's mother, Amber Jefferson and the victim, Jaivon Jefferson, d.o.b. 12-01-07.  
The victim had been at one of his parent's friend's house, Christopher Cozad at 1521 E. 9<sup>th</sup> when he was bitten by the Cozad's dog. This dog is described as a chow/pit mix named Spike.  
Using digital photography, I took images, scaled and non-scaled of the following injuries on this victim:

- 1- Staples to the back of the head
- 2- Stitches to the left ear

No further action taken. Trip completed at 1938 hours.

2010 MAR 15 AM 7:50

14. Reporting Officer No. <i>Jim Clemons</i> 3/16		15. Status (check one) <input type="checkbox"/> Suspended <input type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed	13. Date/Time Typed No.	Reproduced No.
17. Unit Referred To: <i>AC</i>		18. UCR Disposition		
Second Officer No.	Supervisor Approving No. <i>[Signature]</i>	19. Reviewer No. <i>[Signature]</i>		

2810 MAR 16 PM 4:10

Cozad, Juliet + Chris  
ARL # A10023451

"Spike"

CITY OF DES MOINES  
ANIMAL CONTROL UNIT

EX-2

DATE: 3-16-2010

REFERENCE: ANIMAL HISTORY REPORT # 10-7735

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

SHOULDERS: ☒ STRONG  
☒ MUSCULAR  
NECK: ☒ HEAVY  
☒ SLIGHTLY ARCHED  
☒ TAPERS FROM BACK OF SKULL TO SHOULDERS

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

TAIL: ☒ LOW SET  
☒ TAPERS TO FINE POINT  
☒ NOT CURLED OVER BACK

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

COAT: ☒ SHORT  
☒ CLOSE  
☒ GLOSSY

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

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

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

SIZE: \_\_\_\_\_ INCHES AT SHOULDERS  
\_\_\_\_\_ LBS.

COLOR: tan w/ black muzzle

COMMENTS: male  
over 6 mos old

Aggy w Benz, Dm

VE

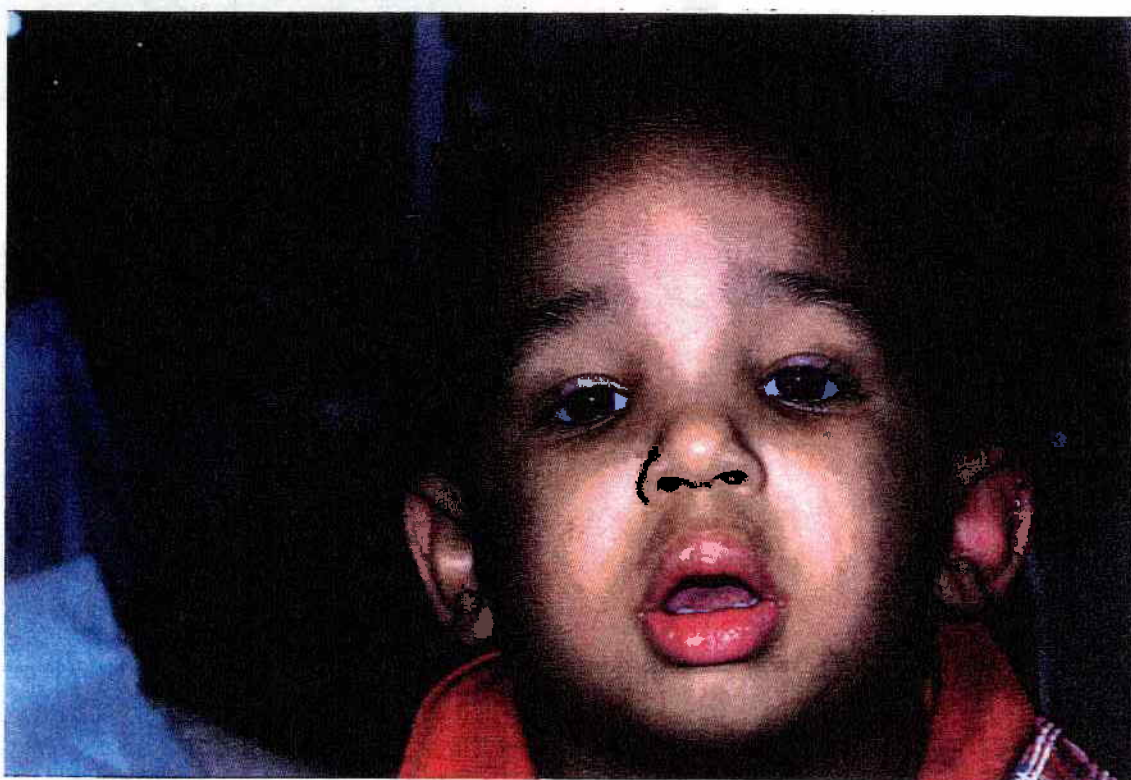
ACU



CLEMONS

10-7735

3-14-10



EX.  
3





**Sec. 18-196. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dangerous animal* means any animal, including a dog, except for an illegal animal per se, as listed in the definition of illegal animal, that has bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that the animal:

- (1) Has bitten or clawed a person on two separate occasions within a 12-month period;
- (2) Did bite or claw once causing injuries above the shoulders of a person;
- (3) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or
- (4) Has attacked any domestic animal or fowl on three separate occasions within a 12-month period.

*Illegal animal* means:

- (1) Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so.
- (2) Any animal declared to be illegal by the board of health or the city manager or his or her designee.
- (3) Any nondomesticated member of the order Carnivora which as an adult exceeds the weight of 20 pounds.
- (4) The following animals, which shall be deemed to be illegal animals per se:
  - a. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats.
  - b. Wolves, coyotes and foxes.
  - c. Badgers, wolverines, weasels, skunks and mink.
  - d. Raccoons.
  - e. Bears.
  - f. Monkeys and chimpanzees.
  - g. Bats.
  - h. Alligators, crocodiles and caimans.
  - i. Scorpions.
  - j. Snakes and reptiles that are venomous.
  - k. Snakes that are constrictors over six feet in length.
  - l. Gila monsters.
  - m. Opossums.
  - n. All apes, baboons and macaques.
  - o. Piranhas.

(C79, § 7-44; O.10,541; C85, § 7-44; O.10,886, 11,095; C91, § 7-44)

**Cross references:** Definitions generally, § 1-2.

EX.  
4

EX.  
4**Sec. 18-202. Seizure, impoundment and disposition of dangerous animals.**

(a) The chief humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a dangerous animal as defined in this article, may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the city manager or his or her designee. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours' written notice of the time and place of the hearing. The notice shall set forth the description of the animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous it may be ordered destroyed or the owner may be given the option to cause it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service. A notice that a dog is a dangerous animal may include as an alternative an allegation that a dog is a vicious dog under sections 18-41 and 18-59 of this chapter, and the hearings shall proceed together under this section.

(b) If, after hearing, the city manager or his or her designee determines that an animal is dangerous, the city manager or his or her designee shall 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 cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the animal is ordered to be destroyed by the chief humane officer such order shall be carried out after the appeal period in subsection (c) of this section has expired. If the animal is ordered to be destroyed by the owner, such order must be complied with within three days of its issuance, otherwise the city manager or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the city manager or his or her designee was issued has not appealed such order to the city council, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(c) The order to destroy a dangerous animal issued by the city manager or his or her designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order to destroy the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the city manager or his or her designee.

(d) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing the city council may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof.

(e) If the city council affirms the action of the city manager or his or her designee, the city council shall either order the animal destroyed by the chief humane officer, or order that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal shall cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to destroy. If the animal is ordered to be destroyed by the chief humane officer the order shall be effective on the fourth day after receipt of the order by the owner unless the county district court has been petitioned to review the order within the first three days after receipt. If the animal is ordered to be destroyed by the owner and such order is not appealed to the county district court and is not

complied with within three days after receipt of the order by the owner, the chief humane officer or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the city council was issued has not petitioned the county district court for a review of the order, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(f) Failure to comply with an order of the city manager or his or her designee issued pursuant to this section and not appealed or of the city council after appeal shall constitute a misdemeanor offense.

(g) Any animal which is alleged to be dangerous and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous. If the animal is not determined to be dangerous and was found at large, the owner shall only pay those costs attributable to the initial confinement and any required quarantine. If the animal is not determined to be dangerous and was not at large at the time of confinement, the owner shall only pay those costs attributable to any required quarantine.

(C79, § 7-50; O.10,541; C85, § 7-50; O.11,095; C91, § 7-50; O.13,854, 13,977, 14,462, 14,677)

EX  
4



Ex.  
4**Sec. 18-55. Running at large.**

(a) A dog, properly licensed as required by law, shall not be deemed at large if:

(1) The dog is on the premises of the owner or a person given charge of the dog by the owner and is either:

a. Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow a dog to go beyond the owner's real property line; or

b. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog by the owner. At no time shall the dog be more than six feet from such person.

(2) The dog is off the premises of the owner and is:

a. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog; or

b. Properly restrained within a motor vehicle.

(3) The dog is properly housed in a veterinary hospital or registered kennel.

(4) The owner and the dog are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.

(5) The dog and the owner are actively engaged in a generally recognized dog obedience training program or training for a generally recognized kennel club event, provided:

a. The dog is in the actual physical presence of the owner or trainer at all times;

b. The owner or trainer is at no time more than 50 feet from the dog;

c. The dog is immediately obedient to the commands of the owner or trainer; and

d. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog.

(b) A dog shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled in one of the methods set forth in subsection (a) of this section.

(c) Notwithstanding any other section of this article, any dog shall be deemed at large at any time when attacking persons, domestic animals, destroying property, or on a public school ground except when under restraint as set out in subsection (a)(2) of this section. Furthermore, any female dog in heat shall be deemed at large at any time except:

(1) When housed in a building which is completely enclosed;

(2) When housed in a veterinary hospital or registered kennel; or

(3) When on the premises of the owner, provided the area on which such dog is located is:

a. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six feet; such fence, pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; or



EX.  
4

- b. If the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described in subsection (c) (3)a of this section.

Nothing in this subsection, however, shall be construed as prohibiting any owner of a female dog in heat from walking such dog with a leash, cord, chain or other similar restraint not more than six feet in length or from transporting such dog within a motor vehicle.

- (d) No owner of any dog shall permit such dog to be at large at any time.

(C42, §§ 114-5, 114-6, 114-9; O.5385, 5506; C54, §§ 5-19, 5-20; O.6002, 6234; C62, §§ 5-19, 5-20; O.7499; C75, § 7-27; O.9098, 9376; C79, C85, § 7-27; O.10,855, 10,867, 10,886, 11,095; C91, § 7-27; O.11,807)

TO: The city council and all concerned

I would like to appeal the decision declaring Spike, a pitbull mix, as a vicious dog, in order to prevent euthanasia. Neutering him and sending him to a behavioral training, not to mention moving to the county, away from the general population would be a satisfactory humane option.

Also, the facts still are not straight as far as what happened in both cases.

Julie M. Cozart

515-210-2465

7/20/10

Daniel J. Anderson

515-205-5218

7-20-10

FILED

2010 JUL 20 PM 3:56

CITY CLERK  
DES MOINES, IA



July 21, 2010

Julie Cozad  
1521 E. 9<sup>th</sup> street  
Des Moines, IA 50316

RE: Appeal of Dangerous Animal Declaration

This is to acknowledge your appeal of the Hearing Officer's decision regarding declaration of Spike as a "dangerous animal."

Your hearing before the City Council has been scheduled for Monday, August 9, 2010. The meeting starts at 4:30 p.m. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** Parking is available on the streets surrounding City Hall. A copy of the Administrative Hearing transcript will be sent under separate cover.

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

Sincerely,

A handwritten signature in cursive script that reads "Diane Rauh".

Diane Rauh  
City Clerk

DR:kh

cc: Hearing Officer  
Assistant City Attorney  
Sgt Raudabaugh



## ADMINISTRATIVE HEARING TRANSCRIPT

July 12, 2010

City v. Cozad

Dangerous Animal

HEARING OFFICER CAMILLE VALLEY: Good morning. It is approximately 11:10 a.m. on Monday, July 12, 2010 and my name is Camille Valley and I'm the Administrative Hearing Officer. We're conducting this hearing this morning to review the City's declaration of a dangerous animal that's owned by Julie Cozad. Would the City representative please come to the microphone and clearly state your name and the title of your position with the City of Des Moines.

SERGEANT SCOTT RAUDABAUGH: Sergeant Scott Raudabaugh with the City of Des Moines Police Department and I'm assigned to the Animal Control Unit and by ordinance I serve as the Chief Humane Officer.

HEARING OFFICER CAMILLE VALLEY: Okay, would you please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed and give me the facts and circumstances of this case.

SERGEANT SCOTT RAUDABAUGH: I'd like to start off by supplying some documents for the record so you can make your decision based on this.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I've got essentially two sets of documents, or three sets of documents and two sets of photographs. I've got a set of documents and a set of photographs. I will give to the Cozads and they can look at it. Certainly they have to return them to me after the conclusion of hearing, but they can certainly look through it during the hearing.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: If I could approach, I've got another set of documents and photographs for you.

HEARING OFFICER CAMILLE VALLEY: Yes, please. Thank you.

SERGEANT SCOTT RAUDABAUGH: I'd like to kind of go through the documents and just real briefly explain what they are. I have numbered the documents 1 through 6. The first, number 1 is the letter declaring Ms. Cozad's dog a dangerous animal. Number 2 is a document service

form which is indicated on the bottom I placed or served on their property and nobody answered the door last week. Number 3 is the definition of a dangerous animal and 4 is the second page of that.

HEARING OFFICER CAMILLE VALLEY: Is that the municipal Code of the City of Des Moines?

SERGEANT SCOTT RAUDABAUGH:

Yes Ma'am. That is City Ordinance 18-196. It defines a dangerous animal. I could read that and enter it into the record if you would like.

HEARING OFFICER CAMILLE VALLEY: No, that is not necessary for my benefit.

SERGEANT SCOTT RAUDABAUGH: It is, a copy is included for the Cozads to look at as well.

HEARING OFFICER CAMILLE VALLEY: That will be considered as the basis of my decision.

SERGEANT SCOTT RAUDABAUGH: Number 5 and 6 are copies of City Ordinance 18-202 which talks about seizure, impoundment and disposition of a dangerous animal if you uphold the declaration that I made and that certainly will apply, including this.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Number 7 is a definition of 18-41 which, the purpose for this is to define the vicious dog which relates to the prior contact with this dog. Number 8 is confinement of a vicious dog, City Ordinance 18-56. Number 9 and 10 are City Ordinance number 18-55 which basically defines running at large. Number 11 is 18-42, a City Ordinance that talks about the license required for a dog. City Ordinance, I'm sorry, number 12 is City Ordinance 18-52 which talks about rabies vaccination being required before licensing for a dog. Number 13 is 18-41 or 44-01 which talks about insurance required for vicious dogs. It says the title not licensed, but also the ordinance does talk about basically any dog that is considered vicious, whether it is licensed or not. Fourteen (14), 15 and 16 are the initial bite reports made pertaining to the City Police Case 2010-20609 on June 30, 2010. Seventeen (17), 18 and 19 are supplemental reports for that bite that occurred on June 30, 2010 and once again it is still under Case No. 2010-20609. Number 20 is a breed evaluation sheet. It was originally created March 16<sup>th</sup>, but the reason it is connected with this 2010-20609 case is it the same dog is back in the shelter again. The veterinarian checked, found the microchip, compared it, compared the physical characteristics of the dog and was able to say it was the same dog in the shelter again. That's the reason for that re-evaluation sheet and it has data on it that indicates it was here on March 16<sup>th</sup> and it was also here again on July 2<sup>nd</sup>.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Twenty-one (21) and 22 are copies of Des Moines Case 2010-7735. It pertains to an animal bite that occurred on March 14, 2010.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Twenty-three (23) is a form from Iowa Health Systems that just indicates that the victim listed under 7735 was seen at the hospital. That's potentially the whole purpose for that.

HEARING OFFICER CAMILLE VALLEY: It shows the victim.

SERGEANT SCOTT RAUDABAUGH: The victim was seen at the hospital.

HEARING OFFICER CAMILLE VALLEY: It notes was bitten on the ear and the scalp.

SERGEANT SCOTT RAUDABAUGH: It was consistent with what was reported by the Animal Control Officer.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Twenty-four (24) is a report, a supplemental report to Case 7735 that was completed by the Identification Technician just noting that he took photographs of the bite victim on March 14<sup>th</sup>.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Twenty-five (25) is, and let me back up for a moment there. The Identification Technician took photographs and those photographs that I gave a copy to the Cozads and I gave a copy to you as well ma'am, those were taken by the Identification Technician of the child victim on March 14, 2010. Back to the documents. Number 25 is that re-evaluation form that I spoke of. This is a copy of the original one completed on March 16, 2010 in which it was the first time this Spike was at the animal shelter and Spike is the dog's name.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Number 26 is a vicious dog re-declaration letter. The letter that I served on Julie Cozad and is the document service which is number 27 is right behind that, uhm, served on Julie Cozad explaining that the dog was determined to be predominately Pit Bull and thus she was being notified of that and the requirement of such.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Behind that is 28 which it shows, it's a document from the City of Des Moines City Clerk's Office and it is showing the dog is licensed or is owned by Julie Cozad at 1521 East 9<sup>th</sup> Street. Uh, and the significance there is Spike, the dog, is a Pit Bull mix that she licensed it March 24, 2010. Behind that is number 29 is what is referred to as a blue



letter. It's a form that if anybody licenses a vicious dog they have to complete this so they understand the requirements and the expectations. Ms. Cozad completed that on March 24<sup>th</sup> for Spike the Pit Bull and so forth. Number 30 is basically the same thing. The only difference is down at the bottom on July 6, 2010 one of the clerk's in the City Clerk's Office checked on the insurance to ensure the insurance that was bought to insure the dog on March 24<sup>th</sup> and found that the company that sold that insurance to Julie Cozad said the insurance was cancelled the insurance on May 5, 2010 because she has a residential food business. Uhm, if Ms. Cozad speaks today, I guess that's one question I would have of her, does she have current liability insurance that will cover the dog as she is required to do. Number 31 is just and 32 are information about the insurance that was submitted to the City Clerk's Office on March 24, 2010. Uh, document 33 is just a supplemental that indicates the dog was released from quarantine after the first bite in March and that pertains to that 2010 case 7735. Document number 34, just notes that Julie Cozad reclaimed Spike the Pit Bull March 24, 2010. And last but not least is 35 and 36 are just a form that I thought, the photographs that I submitted as evidence. I wasn't sure that I did that.

HEARING OFFICER CAMILLE VALLEY: Okay. Exhibits 1-36 so entered for the record. And the photographs, do you want to go through those at all?

SERGEANT SCOTT RAUDABAUGH: Just to make mention that they were taken by the Identification Technician back in March of the child that was bit by the dog.

HEARING OFFICER CAMILLE VALLEY: So entered into the record, the supplements to your other exhibits.

SERGEANT SCOTT RAUDABAUGH: Just to kind of summarize the information that I've given to you and, June 30, 2010 Julie Cozad's tan and white colored male Pit Bull breed dog named Spike was running at large along with her two other dogs when Spike bit the neighbor in the leg which caused injury. Uhm, during the follow-up investigation Ms. Cozad and Dan Henderson brought the dog into the animal shelter to finish out the quarantine. Like I said before it was identified that Spike's been to the animal shelter before and it was found that the same dog on March 14, 2010, the dog was in a crate at Ms. Cozad's residence. It was reported to us that the child victim and the parent or guardian was there and asked Ms. Cozad and Mr. Henderson if it was ok to put the child down and was told yes. That is what was reported to us. They put the child down on the floor and the child walked by the crate and the dog attacked the child and bit the child in the head leaving the injuries you saw in the photographs. Mr. Henderson, last week when they brought the dog into the shelter, he commented that there were more details than weren't reported initially and I invited him to submit a statement, if you will, to me that I would add to the record and take a look at and I have yet to receive anything from them indicating anything other than what was reported in March 2010.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Certainly they can address that if they choose to. Uhm, just kind of some background, in addition to that bite on March 14<sup>th</sup>, on March 16<sup>th</sup> the City veterinarian evaluated Spike the dog and found that he had the predominate characteristics as defined by City ordinance as a vicious dog and on March 16, as I indicated, I served a vicious

dog breed letter to Ms. Cozad. On March 24<sup>th</sup> Ms. Cozad had the dog vaccinated for rabies. I am not clear whether the dog had current rabies before the bite on March 14<sup>th</sup>. It doesn't appear that dog, or her other dogs were licensed before that day so she got those things taken care of and reclaimed the dog and so forth. Maybe she could address whether the dog had current rabies at that time or not. It is an informational thing about compliance with the City ordinance. Because the dog was running at large this time and involved in a bite and bit the child in the head. I declared the dog be a dangerous animal. I certainly don't take these decisions lightly and do what I feel is best for everybody and anybody involved everybody from, including family to neighbors to anybody visiting to the general public. Again I don't take this lightly. I feel as though steps need to be taken to prevent this dog from biting anyone else or biting any other animals. I certainly, my expectations are to look out for all 198,000 people in the City of Des Moines and 40,000 cats and dogs. So for the third and final time I don't take this lightly. If Ms. Cozad is either unwilling or unable to keep this dog under control, unfortunately then I will have to step in. That's all I have.

HEARING OFFICER CAMILLE VALLEY: Thank you. Ms. Cozad would you like to come to the microphone and state your name for the record?

UNKNOWN SPEAKER: Can I testify?

HEARING OFFICER CAMILLE VALLEY: I'll take, you can both testify, but let me just take one at a time because we record this so we know who is speaking but you can both have an opportunity. State your name for the record.

JULIE COZAD: Julie Cozad.

HEARING OFFICER CAMILLE VALLEY: Please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

JULIE COZAD: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed and share with me anything you'd like me to consider.

JULIE COZAD: Uhm, the day in March I was sitting on the couch folding clothes. My son was sitting in the recliner and his friend walked in, just opened the door and came in with his son. He sat down, looked at my new TV because I just got a new TV. Looked at my TV and commented on that. I had picked up my clothes baskets. I turned to walk up my stairs. I got halfway upstairs when I heard a commotion. And at that point Spike was not in his kennel. He was sitting and the little boy was in his food dish which was in the kennel.

HEARING OFFICER CAMILLE VALLEY: Anything else you'd like to share.

JULIE COZAD: No

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Please state your name for the record.

DAN HENDERSON: I'm Dan Henderson. Julie Cozad's significant other/boyfriend

HEARING OFFICER CAMILLE VALLEY: Okay. Is it spelled Henderson?

DAN HENDERSON: Henderson.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Would you please raise your right hand. Do you solemnly swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

DAN HENDERSON: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed and share with me anything you would like me to consider.

DAN HENDERSON: Uhm, on date of the first occurrence I was at work, but I would like to say there was a standing order given by me that whenever anyone came into the home Chris was to put Spike into the kennel. And from what I gained from talking to Chris and Julie and to Josh, the father of the little kid that got bit, there wasn't time for anybody to do anything. I mean and that doesn't justify, you know, I'm not saying he ain't going bite kids. There wasn't intent because there wasn't, but there wasn't time to do anything and I just. I don't know what to say other than you know after the fact. You know, maybe if he was neutered or what have you, but. The first incident while tragic, I think there's more than enough time to go around on that. The second bit was completely uncalled for.

HEARING OFFICER CAMILLE VALLEY: Do you know, okay, you said you weren't there during the March incident but when the dog was out, off the leash running?

DAN HENDERSON: Yes, he tore a chunk off the bottom of one of the fence panels. There were probably two fence panels, real thick panels. He got one bottom of the panel loose and he slipped out.

HEARING OFFICER CAMILLE VALLEY: Anything else you'd like to add for the record?

DAN HENDERSON: Uh, I don't think so ma'am. Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you. Does the City have anything further they'd like to add? Okay. I will take the testimony that I've heard today and the evidence I've received and deliberate on my decision and develop a written ruling whether I uphold or overturn the City's declaration of the dangerous animal and I'll submit that to the City Clerk's Office and then she'll make sure you get a copy. So I thank you very much for your time and testimony this morning and this case is adjourned. Thank you.



JULIE COZAD: May I ask a quick question? How long will it take and what is the declaration?

HEARING OFFICER CAMILLE VALLEY: If the declaration is upheld then that will be the outcome.

JULIE COZAD: And then how long will it be?

HEARING OFFICER CAMILLE VALLEY: How long will it be before that decision comes out? I will have that decision out this week. Hopefully it could be as early as, I try to get these done as fast as possible, so it could be as early as the tomorrow or the next day it might go out so. Okay. Thank you for your time. This case is adjourned.

I, Renae Lampkin, certify that I transcribed the minutes of the July 12, 2010 Administrative Hearing pertaining to a vicious dog owned by Julie Cozad.

Renae Lampkin

Ex. D



July 26, 2010

Julie Cozad  
1521 E. 9<sup>th</sup> Street  
Des Moines, IA 50316

RE: Dangerous Animal Transcript

Per the letter sent to you on July 21, 2010, enclosed is a copy of the administrative hearing transcript that was held on July 12, 2010 at 11:10 a.m.

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

Sincerely,

A handwritten signature in black ink that reads "Diane Rauh". The signature is fluid and cursive, with the first name "Diane" and last name "Rauh" clearly distinguishable.

Diane Rauh  
City Clerk

DR:kh  
Enc.

cc: Hearing Officer  
Assistant City Attorney  
Sgt. Raudabaugh