

Date October 13, 2008

PUBLIC HEARING ON APPEAL OF
DANGEROUS ANIMAL DECLARATION

WHEREAS, Robert Gourd, 1214 East Walker, 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. Gourd's appeal of this declaration; and

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

WHEREAS, Mr. Gourd 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				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

EXHIBITS FOR DANGEROUS ANIMAL

Bella

EXHIBIT A **Hearing Officer's Decision
(City Exhibits A-Z)**

EXHIBIT B **Appeal from Mr. Gourd**

EXHIBIT C **Letter to Mr. Gourd
(Setting Date for appeal to Council)**

EXHIBIT D **Letter and Administrative Hearing Transcript
to Mr. Gourd**

September 25, 2008

Robert Gourd
1214 Walker Street
Des Moines IA 50316

RE: Administrative Hearing – Declaration of Dangerous Dog

Dear Mr. Gourd:

At your request, the City of Des Moines scheduled an Administrative Hearing on September 23, 2008, at 1:00 p.m. regarding the declaration of your brindle and white female (spayed) Pit Bull dog named Bella, to be a “dangerous dog” by Sergeant Scott Raudabaugh, Chief Humane Officer for the City of Des Moines Animal Control Unit.

Sergeant Raudabaugh entered the following documents into evidence:

- City Exhibit A – Letter dated September 18, 2008 stating Dangerous Animal Declaration and providing Hearing date and time
- City Exhibit B – Service Document dated September 19, 2008
- City Exhibit C – Picture of Robert Gourd’s dog, Bella
- City Exhibit D – Municipal Code Section 18-41 Definitions (Vicious Animal)
- City Exhibit E – Municipal Code Section 18-56 Confinement of Vicious Dog
- City Exhibit F – Municipal Code Section 18-55 Running At Large
- City Exhibit G – Municipal Code Section 18-196 Definitions (Dangerous Animal)
- City Exhibit H – Municipal Code Section 18-203 Immediate Seizure or Destruction of Animals
- City Exhibit I – Municipal Code Section 18-202 Seizure, Impound and Disposition of Dangerous Animals
- City Exhibit J – Animal Incident Investigation Report Case #08-32691
- City Exhibit K – Police Citation Nos. 283053 and 283054
- City Exhibit L – Complaint and Probable Cause Statement
- City Exhibit M – Supplemental Animal Incident Investigation Report Case #08-32691
- City Exhibit N – Animal History Report dated July 22, 2008
- City Exhibit O – Supplemental Report Case #08-32691
- City Exhibit P – Animal Incident Supplement Report Case #08-32691
- City Exhibit Q – Animal License Form
- City Exhibit R – Confirmation of Insurance
- City Exhibit S – Regulations (Blue Form) For Owning a Vicious/Dangerous Animal



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

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ALL-AMERICAN CITY
1949, 1976, 1981,
2003

Robert Gourd
September 25, 2008
Page Two

- City Exhibit T – Animal Incident Investigation Report Case #08-25348
- City Exhibit U – Supplemental Report Case #08-25348
- City Exhibit V – Animal Incident Investigation Report Case #08-25348
- City Exhibit W – Vicious Dog Breed Declaration Letter dated July 23, 2008, Case #08-25348
- City Exhibit X – Document Service Form dated July 26, 2008, Case #08-25348
- City Exhibit Y – Supplemental Report dated July 28, 2008, Case #08-25348
- City Exhibit Z – Invoice from Hubbell Animal Hospital

Sergeant Raudabaugh testified that Robert Gourd's dog, Bella, bit an individual on July 16, 2008 and was served with a vicious dog declaration letter on July 26, 2008. Mr. Gourd was allowed to reclaim his dog after getting the proper dog license and insurance. Mr. Gourd signed what is referred to as a "blue form" (City Exhibit S), agreeing to properly confine or leash his dog.

On September 7, 2008, Mr. Gourd's dog, Bella, was running at large when it charged and bit a neighbor who was standing in the alley behind his house. The bite caused injury to the neighbor's leg, and Bella was impounded. After being brought into the Animal Control office, it was determined Bella had been impounded for a bite on July 16, 2008 when a person tried to pet the dog. The person who was bitten said he had permission to pet the dog, but a lady living at the residence where Mr. Gourd lives said permission was not given. In both cases, the dog got free and bit the people on their legs.

After the first bite on July 16, 2008, Mr. Gourd was given the benefit of doubt as to whether the person bit had permission to pet the dog. Sergeant Raudabaugh said he had hoped there would be no further incidents with this dog. Sergeant Raudabaugh said that unfortunately, on September 7, 2008, Mr. Gourd's dog was involved in a second bite while running at large.

Sergeant Raudabaugh said that after the July 16, 2008 bite, Bella was examined by the City Veterinarian and it was determined Mr. Gourd's dog exhibited characteristics of a vicious dog. A Vicious Dog Declaration Letter was issued (City Exhibit W).

Following the second bite, Sergeant Raudabaugh said it was necessary to declare Robert Gourd's dog, Bella, to be a dangerous animal, and a Dangerous Declaration Letter was issued (City Exhibit A).



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1949, 1976, 1981,
2003

Robert Gourd
September 25, 2008
Page Three

Robert Gourd of 1214 Walker Street and owner of Bella, stated he was not present at the first bite, but his brother's fiancée, Joann, was present. Mr. Gourd said the kids from the halfway house taunt his dogs all the time. Mr. Gourd said Joann told him one of the kids asked if he could pet Bella. Mr. Gourd said that even though the kid was told "no," he apparently tried to pet Bella anyway.

Mr. Gourd said at the time of the second incident he was outside in the front yard and it happened in the back yard. Mr. Gourd said he admits he did not have Bella confined like she is supposed to be, but he was not going to be outside very long. Mr. Gourd said he was talking to his ex girlfriend and he saw something in the back yard and went to see what was happening. Mr. Gourd said he saw a kid walking back to the halfway house and he was yelling, "You need to keep your dog on a leash. I'm going to call the cops." Mr. Gourd said he did not know the kid had been bitten.

I asked Mr. Gourd if the first incident happened inside or outside. Mr. Gourd said Joann had her on a leash but Bella broke loose. I asked Mr. Gourd if his dog had been licensed before the first bite and he said no. Mr. Gourd said he works about 60 hours a week and had not had time to get the license. Mr. Gourd said Bella is about a year and a half old and he has had her since she was about six weeks old. I asked Mr. Gourd if his other dog is licensed and he said it is not, but he is going to get the license soon.

Joann Brown, fiancée of Robert Gould's brother, stated that both incidents took place with kids from the halfway house. Ms. Brown said she told the first person not to pet the dog, but he tried to anyway. Ms. Brown said the other dog is a six month old black lab.

I am upholding Sergeant Raudabaugh's declaration of Robert Gould's dog, Bella, to be a "dangerous dog." The reasons for this determination are as follows:

- Robert Gourd's dog, Bella, is a "vicious" animal as defined by Municipal Code Section 18-41 (1), (2), (3) (7)
- Robert Gourd's dog, Bella, is a "dangerous" animal as defined by Municipal Code Section 18-196 (1), (3)
- Robert Gourd failed to confine his dog, Bella, as defined by Municipal Code Section 18-56 and per his signature on the "blue form" (City Exhibit S)



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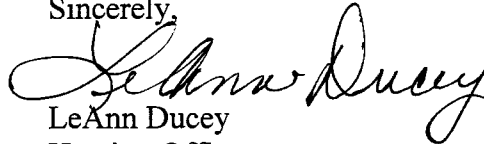
ALL-AMERICAN CITY
1949, 1976, 1981,
2003

Robert Gourd
September 25, 2008
Page Four

- Robert Gourd's dog, Bella, was running-at-large (Municipal Code Section 18-55) at the time of the bite on September 7, 2008 (Case #08-32691)
- Robert Gourd failed to have proper licensing for his Pit Bull breed dog, Bella, until after the first bite on July 16, 2008
- Robert Gourd's dog, Bella, meets the standards of Municipal Code Section 18-203

Additionally, I am ordering Robert Gourd's dog, Bella, to be destroyed in a humane manner by the Chief Humane Officer of the City of Des Moines. If you disagree with this 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

Enclosures

Cc: Diane Rauh, City Clerk
Police Chief Bradshaw
Sergeant Scott Raudabaugh



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A

September 18, 2008

Mr. Robert Gourd
1214 Walker Street
Des Moines, Iowa

Mr. Robert Gourd:

On September 7, 2008 your brindle and white colored Pit Bull breed dog, named "Bella," was running at-large when it charged and bit a neighbor that was standing in the alley behind his house, the bite caused injury to his leg. Subsequently your dog was impounded for quarantine at the animal shelter. (2008-32691)

Previously on July 16, 2008 the same dog bit another person when the person tried to pet the dog. At that time the person that was bit claimed to have permission to pet the dog but your mother claimed he was told he could not pet the dog. That bite caused injury to the person's leg also. Subsequently the dog was impounded for quarantine at the animal shelter. (2008-25348)

On July 22, 2008 the City Veterinarian 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.

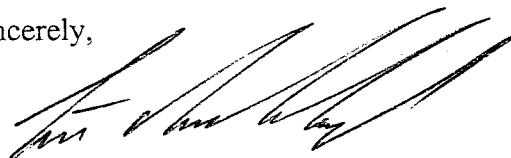
Because your dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance, and was involved in an unprovoked bite, as well as a second bite of a similar nature, it is being declared a "Dangerous Animal," in accordance with the dangerous animal ordinance.

An Administrative Hearing to review the "Dangerous Animal" declaration has been scheduled for **1:00 P.M. on Tuesday, September 23, 2008 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 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
1615 S.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1981

B



Animal Control

DOCUMENT SERVICE

Case number: 2008 - 32691

ARL number (If known): A05533144

Animal owner's name: ROBERT GOUZUS

Address: 1214 WALKER ST.

Location of service: SAMIE

Name of person receiving document (print):

DAVID GOUZUS JR (BROTHER)

Their signature: X

Date and time served: 9/19/08 1652

Animal Control Officer serving document (print):

Blanchard

Animal Control Officer's identification number: 7232

Type of document served: Vicious dog letter Dangerous

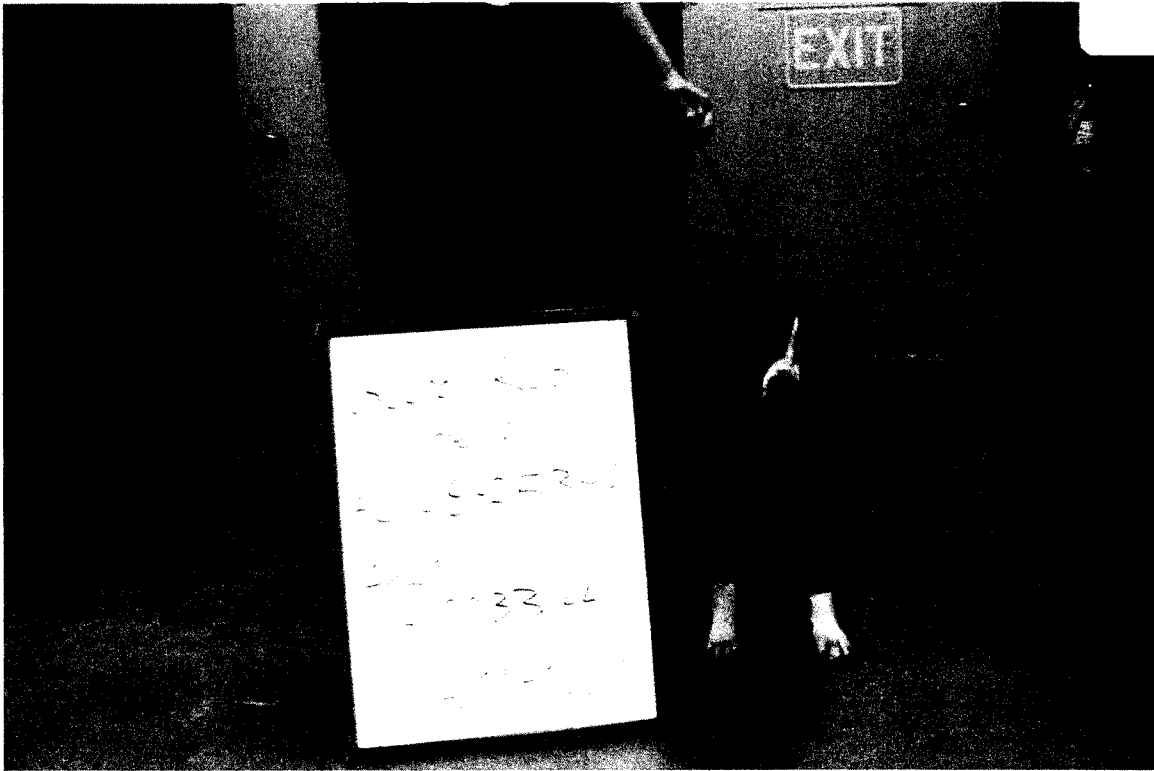
animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: _____

KIF ACU

2008 SEP 22 PM 4:55

C



D

Sec. 18-41. 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:

Chief of police means the legally designated chief of the police department or a designated representative.

Director of public health means the county health center director or a designated representative acting in behalf of the city.

Dog means and includes both male and female animals of the canine species.

Owner means any person owning, keeping or harboring a dog.

Vicious dog means:

- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite;
- (4) Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
- (5) Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
- (6) Staffordshire terrier breed of dog;
- (7) The American pit bull terrier breed of dog;
- (8) The American Staffordshire terrier breed of dog; or
- (9) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier.

(C42, §§ 114-6, 114-9; O.5385, 5506; C54, § 5-19; O.6002; C62, § 5-19; C75, § 7-13; O.9097; C79, § 7-13; O.9828; C85, § 7-13; O.11,095; C91, § 7-13; O.11,914)

Cross references: Definitions generally, § 1-2.

Sec. 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. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

(b) All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog.

(c) All structures erected to house vicious dogs must comply with all city zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(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 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.

(f) Violation of this section is a misdemeanor.

(C85, § 7-27.01; O.11,095, 11,558; C91, § 7-27.01)

F

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

- 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)

CITY
EXHIBIT

G

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.

CITY
EXHIBIT

H

Sec. 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, and the animal may be immediately seized anywhere within the city unless the animal is so dangerous that it cannot safely be apprehended, in which case the chief humane officer, his or her designee, or any police officer is authorized to destroy it immediately.

(C85, § 7-51; O.11,095; C91, § 7-51; O.14,415, 14,462)

I

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)

Animal Incident Investigation Report
Des Moines, Iowa Police Department

32. District: <u>2</u>		33. Beat:		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>08-38691</u>	
Impounded or bite animal				3. Victim's name (Last, First M.I.): <u>Knapp, Anthony</u> (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> : <u>"Belki"</u>		4. Race: <u>WM</u>		5. Sex: <u>M</u>		6. Age: <u>18</u>	
35. Animal breed: <u>Pitbull</u>		7. Date of birth: <u>7/2/90</u>		8. Ethnicity: <u>H NH</u>		9. Sobriety: <u>Sob. H.B.D.</u>	
36. Animal color: <u>Brown Brindle</u>		10. Residence address: (City and/or state if not Des Moines or Iowa) <u>1219 Buchanan</u>				11. Residence phone number: <u>N/A</u>	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		12. Business or cellular phone number: <u>729-0048</u>				13. Place of employment or school: <u>N/A</u>	
38. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		14. Type and location of injury: <u>2 punctures to @ calf</u>				15. Medical treatment: <u>NONE</u>	
39. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: <u>UNK</u>		16. Reporting person's name (Last, First M.I.): <u>Knapp, Anthony</u>				17. Race: <u>WM</u>	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#:		18. Sex: <u>M</u>		19. Age: <u>18</u>		20. Date of birth: <u>7/2/90</u>	
40A. Date of vaccination:		21. Ethnicity: <u>H NH</u>		22. Sobriety: <u>Sob. H.B.D.</u>		23. Residence address: (City and/or state if not Des Moines or Iowa) <u>1219 Buchanan</u>	
40B. Date of vaccination expiration:		24. Residence phone number: <u>N/A</u>		25. Business or cellular phone number: <u>729-0048</u>		26. Location of incident (address): <u>1219 Buchanan</u>	
40C. Veterinarian: <u>UNK</u>		27. Location type: <u>Residential</u>				28. Date and time incident occurred: <u>Sept 08 1055</u>	
41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: <u>UNK</u>		29. Date and time incident reported: <u>7 Sept 08 1055</u>		30. Crime/incident type: <u>Animal Bite - Dog</u>		31. Classification:	
42. Other identifiers (Collar, tattoo, etc.): <u>UNK</u>		44. Impounded or bite animal owner's name (Last, First M.I.): <u>Gourd, Robert Glen</u>				45. Residence address: (City and/or state if not Des Moines or Iowa) <u>1214 Walker</u>	
43. Confinement/quarantine location: <u>UNK</u>		46. Residence phone number: <u>N/A</u>		47. Place of employment or school: <u>N/A</u>		48. Business or cellular phone number: <u>480-0389</u>	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: <u>#29</u>		49B. Person making notification: <u>#73</u>		49C. Means of notification: <u>Personal</u>	
50. Witness' name (Last, first): <u>N</u>		51. Residence address: (City and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:		53. Witness' name (Last, First):	
53. Witness' name (Last, First):		54. Residence address: (City and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>	
Victim animal		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed:	
60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> RT#:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63A. Date of vaccination:		63B. Date of vaccination expiration:		64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:	
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		63C. Veterinarian:				66. Type and location of injury:	
66. Type and location of injury:		67. Medical treatment:				68. Confinement/quarantine location:	
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):				70. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:		73. Reporting officer: <u>J. Baum 7333</u>	
73. Reporting officer: <u>J. Baum 7333</u>		74. Status: <input checked="" 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		75. Copy/copies made by:		76. 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:	
77. Second officer: <u>[Signature]</u>		78. Supervisor approving report: <u>[Signature]</u>		79. Reviewed by: <u>[Signature]</u>		79. Reviewed by: <u>[Signature]</u>	

80. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number: 08-32691

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

86. Race: W 87. Sex: M 88. Age: A 89. Date of birth: 4/14/82 90. Ethnicity: H NH 91. Height: 72 in 92. Weight: unc 93. Hair color: Brn 94. Eye color: Green

95. Residence address: 1214 Walker (City and/or state if not Des Moines or Iowa)

96. Residence or alternate phone number: 724-0048 97. Driver license number or social security number: DL# 28300317 97A. State: IA 98. Sobriety: Sob. H.B.D.

99. Citation number and crime: PC# 100. Citation number and crime: PC#
Vicious dog at large 18-57 283053 Improper confinement 18-56 283053

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:

114. Residence address: (City and/or state if not Des Moines or Iowa)

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: A 119. Citation number and crime:

120. Narrative:
Tripped to 1219 Buchanan reference on animal bite upon arrival spoke to Knapp. Knapp said he was standing in alley behind his house when the pitbull from across the alley got loose from chain, charged him and bit him causing punctures to right calf. Card and case number given, he explained. Knapp said dogs name is Bella, a brown pitbull from 1214 Walker. Then drove to 1214 Walker and spoke to dog owner Goard. Goard admitted his dog was out running at large and had got off her chain. I explained bite situation and quarantine. Card and case number given. I wrote citation for vicious dog at large and improper confinement. I advised Goard he had to find dog to turn over for qt or he would be cited for failure to quarantine.
More follow-up needed to locate and quarantine bite dog.

121. Date of this report: 7 Sept 08

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

WA
POLK
WARREN

№ PC 283053

MOINES Docket No. _____
 POLK COUNTY COURTHOUSE, 5TH & MULBERRY, DES MOINES, IOWA 50309
 WARREN COUNTY COURTHOUSE, 115 NORTH HOWARD, INDIANOLA, IOWA 50125

STATE OF IOWA Agency Case No. 08-32691
DES MOINES A MUNICIPALITY, PLAINTIFF v.

Defendant: Gourd Robert Glen
Last First Middle

Address: 214 Walker
Street

City: Des Moines STATE: IA

BIRTH DATE: 4/14/82 Sex M Race W
Mo. Day Yr.

Ht. 72.0 Wt. 180.0 Eyes Green Hair Brown

The Defendant is accused of the crime of Improper confinement

in violation of: _____, Iowa Code, 20 _____ or 18-56 v.c dog, Local Ordinance,

for that on or about 9/7/08 a.m. 4:54
Mo. Day Yr. p.m.

Defendant did: not have dog properly confined
ous ord. resulting in vicious
large and animal bite
3113117

DATE: 9/7/08 T. Bauer 7233
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

9/1/08 a.m. p.m. 1:15
Mo. Day Yr.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE

Thant b. Grand
Signature Defendant

I swear that the foregoing citation is true and correct.

T. Bauer
(Officer's Signature)

Subscribed and sworn to before me by T. Bauer

At Des Moines, Iowa this 7 day of Sept, 20 08

Notary Signature (Optional) Judge Magistrate Clerk District Court

MARK P. STUEMPFIG
805. Failure to appear. Any person who willfully fails to appear in court as specified by the
citation shall be guilty of a misdemeanor and upon conviction shall be punished by a fine
of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty
days.
IOWA P-25-10 COURT

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

STATE OF IOWA
COUNTY OF POLK
COUNTY OF WARREN

№ PC 283054

CITY OF DES MOINES Docket No. _____
IN THE COURT AT POLK COUNTY COURTHOUSE, 5TH & MULBERRY, DES MOINES, IOWA 50309
 WARREN COUNTY COURTHOUSE, 115 NORTH HOWARD, INDIANOLA, IOWA 50125

THE STATE OF IOWA Agency Case No. 08-32691
 CITY OF DES MOINES A MUNICIPALITY, PLAINTIFF v.

Defendant: Gourd Robert Glen
Last First Middle

Address: 4033 E Seneca/1214 Walker
Street

City: Des Moines STATE: IA

BIRTH DATE: 4/14/82 Sex M Race W
Mo. Day Yr.

Ht. 72.0 Wt. 180.0 Eyes Green Hair Brown

The Defendant is accused of the crime of Vicious dog of large

in violation of: _____, Iowa Code, 20 _____ or 18-57, Local Ordinance,

for that on or about 9/7/08 a.m. 4:54
Mo. Day Yr. p.m.

Defendant did: not have dog properly
confined resulting in dog of
large resulting in animal bite
DL# 2834113117

DATE: 9/7/08 T. Bauer 7233
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

10/16/08 a.m. p.m. 1:15
Mo. Day Yr.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE

Thant b. Grand
Signature Defendant

I swear that the foregoing citation is true and correct.

T. Bauer
(Officer's Signature)

Subscribed and sworn to before me by T. Bauer

At Des Moines, Iowa this 7 day of Sept, 20 08

Notary Signature (Optional) Judge Magistrate Clerk District Court

MARK P. STUEMPFIG
805. Failure to appear. Any person who willfully fails to appear in court as specified by the
citation shall be guilty of a misdemeanor and upon conviction shall be punished by a fine
of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty
days.
IOWA P-25-10 COURT

CITY
EXHIBIT

K

IN THE IOWA DISTRICT COURT FOR POLK COUNTY
COMPLAINT AND PROBABLE CAUSE STATEMENT

CITY
EXHIBIT

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 08-32691

Robert Glen Gourd
(DEFENDANT)

IA0770300

SOC. SEC. NO. D#283443117

1214 Walker
(ADDRESS)

DATE OF BIRTH 4/14/82

Des Moines IA
(CITY & STATE)

DESCRIPTION W M 72in 180
RACE SEX HGT WGT

Green Brown
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: ① vicious dog at large, ② Improper confinement

AT: 1214 Walker
(ADDRESS OR LOCATION)

IN VIOLATION OF SECTION(S): ① 18-57, ② 18-66

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 2008. COMMITTED ON OR ABOUT
THE 7 DAY OF Sept, 2008 IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

SIGNED AND SWORN TO ON THIS 7 DAY OF Sept, 2008

T. Bauer
FILING COMPLAINANT

[Signature]
NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE
MARK P. STUEMPFIG
COMMISSION NO. 739293
MY COMMISSION EXPIRES 8-25-10
IOWA

- THE DEFENDANT WAS:
- CAUGHT IN THE ACT
 - IDENTIFIED BY PRINTS
 - NAMED BY WITNESSES
 - HAD PROPERTY ASSOCIATED WITH CRIME
 - ARRESTED FOLLOWING INVESTIGATION
 - WEAPON INVOLVED CRIME

BASIS OF PROBABLE CAUSE

- IDENTIFIED IN PERSON
- CONFESSED TO CRIME
- ACCUSED BY CO-DEFENDANT
- VICTIM INJURED
- IDENTIFIED BY PHOTO
- ARRESTED AT SCENE
- OTHER (SPECIFY BELOW)
- PROPERTY / MONEY TAKEN

VALUE OF PROPERTY TAKEN \$ _____ DAMAGE EST. VALUE \$ _____

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL: defendant did not have vicious dog properly confined to property resulting in dog at large resulting in animal bite

T. Bauer 7233
SIGNATURE OF ARRESTING OFFICER NO.

9/7/08
(DATE OF ARREST)

DATED: 9/7/08

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>T. Bauer</u>	<u>1615 SE 14th St</u>		<u>248-6053</u>

BOND AMOUNT \$ _____ CASH ONLY () CASH OR SURETY ()

OTHER CONDITIONS IMPOSED WITH BAIL: _____

(JUDGE, ASSOCIATE JUDGE OR MAGISTRATE)

DMPD (88-362) WHITE • COURT FILE YELLOW • CITY ATTORNEY PINK • DEFENDANT OR DEFENDANT ATTORNEY

2008 SEP -8 PM 2:37

Animal Incident Investigation Report
Des Moines, Iowa Police Department

Supplemental

2008 SEP -9 PM 5:56

32. District: 2		33. Beat: 43		1. Impounded animal AHR/ARL number:		2. DMPD case number: 08-32691	
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input "bella"<="" :="" td="" type="checkbox"/> <td colspan="4">3. Victim's name (Last, First M.I.): N/A (Human victim or society)</td>				3. Victim's name (Last, First M.I.): N/A (Human victim or society)			
35. Animal breed: Boxer X				4. Race:		5. Sex:	
36. Animal color: Brindle/White				6. Age:		7. Date of birth:	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
38. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>				10. Residence address: (List city and/or state if not Des Moines or Iowa)		11. Residence phone number:	
39. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: 0A106F385C				12. Business or cellular phone number:		13. Place of employment or school:	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#: 07-818220				14. Type and location of injury:		14. Type and location of injury:	
40A. Date of vaccination:				15. Medical treatment: A		16. Reporting person's name (Last, First M.I.): N/A	
40B. Date of vaccination expiration:				17. Race:		18. Sex:	
40C. Veterinarian:				19. Age:		20. Date of birth:	
41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 08-21404				21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
42. Other identifiers (Collar, tattoo, etc.): Red collar & tags				23. Residence address: (List city and/or state if not Des Moines or Iowa)		24. Residence phone number:	
43. Confinement/quarantine location: 1615 SE 14 Iso 2				25. Business or cellular phone number:		26. Location of incident (address): 1214 Walker	
44. Impounded or bite animal owner's name (Last, First M.I.): Gourd, Dave				27. Location type: Residential		28. Date and time incident occurred: 07 Sept 08	
46. Residence phone number: 988-2819				29. Date and time incident reported: 08 Sept 08 1248		30. Crime/incident type: Animal Bite - dog	
47. Place of employment or school: UNIC				31. Classification:		45. Residence address: (List city and/or state if not Des Moines or Iowa) 1214 Walker	
48. Business or cellular phone number: UNIC				49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: 08 Sept 08 1305	
49B. Person making notification: Bates 7229				49C. Means of notification: Personal		50. Witness' name (Last, first): N/A	
51. Residence address: (List city and/or state if not Des Moines or Iowa)				52. Daytime or cellular phone number:		53. Witness' name (Last, First): N/A	
54. Residence address: (List city and/or state if not Des Moines or Iowa)				55. Daytime or cellular phone number:		56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Tech: Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>	
Victim animal		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed:	
60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63A. Date of vaccination:		63B. Date of vaccination expiration:		65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
66. Type and location of injury:		63C. Veterinarian:		67. Medical treatment:		68. Confinement/quarantine location:	
67. Medical treatment:		68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):		70. Residence address: (List city and/or state if not Des Moines or Iowa)	
70. Residence address: (List city and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:		73. Reporting officer: No. Bates 7229 I.D.:	
74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended		75. Copy/copies made by:		76. Referred to: <input checked="" type="checkbox"/> Animal Control		77. Second officer: I.D. No.	
74. Status: <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		76. Referred to: <input type="checkbox"/> Detectives <input type="checkbox"/> PIO		77. Second officer: I.D. No.		78. Supervisor approving report: I.D. No.	
78. Supervisor approving report: I.D. No.		79. Reviewed by: Q		79. Reviewed by: Q		79. Reviewed by: Q	

CITY EXHIBIT

M

80. Page: <u>2 of 2</u>		Animal Incident Investigation Report Des Moines, Iowa Police Department				81. DMPD case number: <u>08-32691</u>		
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:	87. Sex:	88. Age: <u>2</u>	89. Date of birth:	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height:	92. Weight:	93. Hair color:	94. Eye color:
95. Residence address: (List city and/or state if not Des Moines or Iowa)								
96. Residence or alternate phone number:			97. Driver license number or social security number:			97A. State:	98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime:				100. Citation number and crime:				
101. Suspect or offender <u>two</u> (2) name (Last, First Middle):					102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:
114. Residence address: (List city and/or state if not Des Moines or Iowa)								
115. Residence or alternate phone number:			115. Driver license number or social security number:			116A. State:	117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime:				119. Citation number and crime:				
120. Narrative: <p><u>Trippeed to 1214 Walker to speak with dog owner who is wanting to turn his dog in for quarantine from a bite the dog was involved in last night. Picked up one dog for quarantine. Dog has a red collar w/ the following tags.</u></p> <p><u>City License: 08-21404</u></p> <p><u>Rabies: 07-818220</u></p> <p><u>Microchip: 0A106F385C</u></p>								
121. Report date: (List if other than date incident was reported) <u>08 Sept 08</u>								

2008-32691

Courtd. Rob
ARLT A05533144

"Bella"



CITY OF DES MOINES
ANIMAL CONTROL UNIT

RTO 8/1/08

2nd IMPOUND QTR.

08-32691

ARL 5533144

DATE: 7-22-08

REFERENCE: ANIMAL HISTORY REPORT # 08-25348

CITY
EXHIBIT

N

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: 21 INCHES AT SHOULDERS
56 LBS.

COLOR: brindle + white

COMMENTS: granulating wound (~1") left lateral abdomen

Agg W Bens Avu

- female
- over 6 mos old

2008 SEP -9 PM 5:57

KF ACU

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee Knapp, Anthony	2. Arrest No. N/A	3. Case No. 08-32691
---	----------------------	--------------------------------

<input type="checkbox"/> Form used as Continuation Sheet for Current Report	4. Date this Report 18 September 2008	5. Date Original Occurrence 7 September 2008
<input checked="" type="checkbox"/> Form used to Report Follow-up Investigation or Supplemental Information	6. Correct offense or Incident Classification Animal bite/ dog Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input checked="" type="checkbox"/> Follow-up or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident	<input type="checkbox"/> Witness Statement <input type="checkbox"/> Offense <input type="checkbox"/> Arrest	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 FOLLOW-UP 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	<p>The Pitbull involved in the bite to Knapp is healthy and without the signs or symptoms of the rabies virus.</p> <p>I attempted to contact the victim to tell him of the dog's release, but the number was "temporarily disconnected." An ACO will be dispatched to advise of the end of quarantine at the residence.</p> <p>The dog owner is aware of the results of quarantine, but the dog has been declared "Dangerous" and will remain at the shelter until the hearing.</p> <p style="text-align: right;">CITY EXHIBIT 0</p> <p>MORE FOLLOW-UP NEEDED.</p>
----------------------	--

2008 SEP 19

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

Animal Incident Supplemental Report
Des Moines, Iowa Police Department

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Krupp, Anthony** 2. Case number: **32691-08**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **18 Sept 08** 5. Date incident occurred: **7 Sept 08**

6. Form used to report a follow-up investigation or additional information: 7. Crime/incident type: **Animal Bite** Changed: Yes

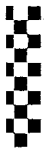
8. Page: **1** of **1** 9. If this report is a continuation of another report then indicate the box number(s) continued below:

I met with youth service specialist "Mia Williams" regarding this bite. Anthony was currently at work so I advised "Mia" that Fred dog was healthy and released from quarantine. She asked if the dog has went home yet and I advised it was still at our shelter. I also advised her if Anthony had any questions she could contact our shelter.

CITY EXHIBIT
P

Case closed

10. Reporting officer: **Blanchard 7232** I.D. No. 11. Status: Open Closed Excep. Closed
 Case file Suspended Unfounded 12. Copy/copies made by: 13. Referred to: Animal Control
 Detectives PIO
14. Second officer: I.D. No. 15. Supervisor approving report: **[Signature]** I.D. No. 16. Review by: **[Signature]**
 Chief OPS
 Other: _____



City of Des Moines
Office of the City Clerk
PO Box 10326
Des Moines, IA 50306-0326

2008 -
32691

Cash
2-1-08
ju

CITY
EXHIBIT

Q

Please check here if you have changes to any information below.

Location: 4023 E SENECA AVE
Project: ZOO2008-01785

ROBERT GOURD
4023 E SENECA AVE
DES MOINES, IA 50317

Phone: 480-0389

2008 CITY OF DES MOINES ANIMAL LICENSE
License due January 1, \$50 penalty added to each license after March 31
DON'T WAIT - APPLY TODAY

Name	Species	Breed	Gender	Rabies Tag	Date Expire	Spay/Neuter	Amount	Due Date
ZOO2008-01785								
BELLA	Dog	PITBULL X	Female	818220	12/09/2008		35+50	2/1/09

\$85

2008 SEP -9 PM 6:01

KF IACU



Joel AKers - 633-2273

CONFIRMATION OF INSURANCE

AGENCY: LESTER KALMANSON AGENCY INC.
P.O. BOX 940008 MAITLAND, FL. 32794-0008 U.S.A.
PH) 407-645-5000 - FAX) 407-645-2810

DATE: 7-30-08 POLICY #: NCM07844

IN ACCORDANCE WITH YOUR INSTRUCTIONS, WE HAVE EFFECTED THE FOLLOWING INSURANCE COVERAGE. THE PREMIUM FOR THIS INSURANCE IS DUE AND PAYABLE AS OF THE ATTACHMENT DATE, UNLESS OTHERWISE AGREED.

NAMED INSURED / ADDRESS: ROBERT GOULD
4023 E SENECA AVE
DES MOINES, IA 50317

(DESIGNATED) INSURED LOCATION: SAME AS ABOVE ONLY

PERIOD OF INSURANCE: FROM: 8-1-08 TO: 8-1-09 TERM: (ANNUAL)
(BOTH DAYS FROM 12:01 AM LOCAL STANDARD TIME !)

DESCRIPTION OF INSURANCE: SEE ATTACHED ADDENDUM "A" FOR DETAILS

POLICY FORM: OWNERS', LANDLORDS', & TENANTS' LIABILITY INSURANCE
(A MANUSCRIPT POLICY FORM !)

LIMIT OF LIABILITY: \$100,000 PER OCCURRENCE / \$100,000 AGGREGATE

PRIOR ACTS COVERAGE AFFORDED: NONE

TERRORISM: DENIED

RETRO ACTIVE DATE: 8-1-08 / DATE OF INCEPTION @12:01 AM LOCAL STD TIME

DEDUCTIBLE: \$5,000 PER CLAIM (BODILY INJURY/PROPERTY DAMAGE)
INCLUDING L.A.E.

PREMIUM: \$1,148 (INCLUDING FEES) (PREMIUM IS 100% FULLY EARNED) + 11.98 SL TAX
BROKER RESPONSIBLE FOR COLLECTING & FILING IA SURPLUS LINES TAX + 50 FILING FEE
TOTAL \$1209.98

CONDITIONS: SUBJECT TO POLICY ISSUANCE, RECEIPT OF THE ORIGINAL
COMPLETED, SIGNED APP, TRIA, DED'T, CANINE WARRANT & PREMIUM WITHIN 7
DAYS

ADDITIONAL INSURED'S: \$150 + TAX EACH IF REQUESTED

CARRIER: 100% - CERTAIN UNDERWRITERS AT LLOYDS / LONDON

THIS DOCUMENT IS INTENDED AS EVIDENCE THAT THE INSURANCE DESCRIBED
HEREUNDER HAS BEEN EFFECTED AS STATED. IMMEDIATE ADVISE MUST BE GIVEN
OF ANY DISCREPANCIES, INACCURACIES OR NECESSARY CHANGES.

7-30-08 x
DATE ISSUED MITCHELL KALMANSON - PRES.

PAGE 1 OF 2 PS4-B 4/98 CM-COI

P. 02 FAX NO. 407 645 2810 JUL-30-2008 WED 01:46 PM

8-1-08 ~~andrea~~ - Joel McCartan
effective 8-1-08 - pd 1 year

R

S

Regulations regarding Animals defined as Vicious under City of Des Moines Municipal Code:

Licensing Procedure

FILED

1. Provide current rabies certificate.
2. Provide written proof of spaying/neutering, if applicable, to qualify for a reduced fee.
3. Provide certificate of insurance, policy declaration or current homeowner's/renter's policy page providing personal liability insurance coverage, with a minimum liability amount of \$100,000. If a certificate of insurance or policy is not immediately available, a binder indicating the above coverage may be accepted for up to thirty days.
4. Provide a letter from the applicant's insurance agent, on the agency's letterhead, stating that the insured's vicious dog, by name, is specifically covered by the policy in force. Such letter must be provided annually when the policy is renewed.

2008 AUG -1 PM 12: 53

CITY CLERK
DES MOINES, IOWA

Compliance Form

I, Robert Gourd 4023 E. Seneca Ave., agree to license my dog,
Name and Address
Bella Pit Bull / Boxer, in accordance with City of Des Moines Municipal Code.
Name and Breed

In complying with the Ordinance I agree to: (Please read and initial each of the following items)

R A. Keep my dog in the house at all times unless the dog is securely leashed with a leash no longer than six (6) feet in length and under the actual physical control of a person eighteen (18) years of age or older.

R B. Keep my dog securely enclosed and locked in a pen or kennel having secure sides and a secure top attached to the sides, or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. All pens or kennels must have a secure bottom, floor or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet.

R C. Keep \$100,000 liability coverage protecting against animal bites in effect at all times, and I understand that failure to do so will result in the license being suspended and the animal will be impounded.

1. Name of insurance agency: McCartan Insurance Group, Inc
 2. Name of agent: Joel Akers Agent's Phone: (515) 633-2273

R D. Display the current City license and rabies tag on the dog at all times.

These requirements are subject to inspection by Des Moines Animal Control Officers.

Robert G. Gourd
 Signature

8/1/2008
 Date

Animal Incident Investigation Report
Des Moines, Iowa Police Department

2008 JUL 17 AM 4:58

CITY EXHIBIT

T

32. District: 4		33. Beat: 43		1. Impounded animal AHR/ARL number:		2. DMPA case number: 00-25348	
Impounded or bite animal				3. Victim's name (Last, First, M.I.): HODAK, DANIEL (List human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other:		4. Race: W	5. Sex: M	6. Age: 19	7. Date of birth: 5/26/89	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 breed: PITBULL		10. Residence address: (List city and/or state if not Des Moines or Iowa) 1219 BUCHANAN				12. Business or cellular phone number: N/A	
36. Animal color: BROWN		11. Residence phone number: 266-3966				13. Place of employment or school: N/A	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other:		14. Type and location of injury: DOG BITE, BACK RIGHT LEG				15. Medical treatment: GOING TO MERCY CAPITOL	
38. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		39. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#: Records personnel: Enter the microchip number as a serial number in other property in the Records Management System.				16. Reporting person's name (Last, First, M.I.): HODAK, DANIEL	
40. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:		17. Race: W	18. Sex: M	19. Age: 19	20. Date of birth: 5/26/89	21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
40A. Date of vaccination:		23. Residence address: (List city and/or state if not Des Moines or Iowa) 1219				25. Business or cellular phone number:	
40B. Date of vaccination expiration:		24. Residence phone number: 266-3966				26. Location of incident (address): 1214 WALKER	
40C. Veterinarian:		27. Location type: LANN				28. Date and time occurred: 16 JULY 08 2150	
41. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		29. Date and time reported: 16 JULY 08				30. Crime/incident type: ANIMAL BITE	
42. Other identifiers (Collar, tattoo, etc.):		31. Classification:				43. Impounded or bite animal owner's name (Last, First, M.I.): UNKNOWN	
44. Residence phone number:		45. Place of employment or school:				46. Business or cellular phone number:	
47. Date of notification:		48. Date and time of notification:				49. Person making notification:	
48. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>		48B. Means of notification:				49. Witness' name (Last, first): N	
50. Residence address: (List city and/or state if not Des Moines or Iowa)		51. Daytime or cellular phone number:				52. Witness' name (Last, First): A	
53. Residence address: (List city and/or state if not Des Moines or Iowa)		54. Daytime or cellular phone number:				55. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>	
Victim animal		56. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:				57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other:	
58. Animal breed:		59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other:			
61. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <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#:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62A. Date of vaccination:				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. Residence address (List city and/or state if not Des Moines or Iowa):				69. Residence phone number:	
70. Place of employment:		71. Business or cellular phone number:				72. Reporting officer: BUDD B I.D. No. 5083	
73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		74. Copy/copies made by:		75. Referred to: Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other			
76. Second officer: Ag. Sgt. [Signature]		77. Supervisor approving report: 4830		78. Reviewed by: [Signature]			

ACU

Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. Suspect or offender one (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: (List city and/or state if not Des Moines or Iowa)									
95. Residence 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 two (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: (List city and/or state if not Des Moines or Iowa)									
114. Residence 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:
 DISPATCHED TO AN ANIMAL BITE AT THE ABOVE ADDRESS. HUDAK SAID THAT HE ASKED THE OWNER IF HE COULD PET THE DOG. THE OWNER SAID YES & TOLD HIM IT DIDNT BITE. THE DOG JUMPED OUT OF THE OWNERS ARMS RAN AFTER HUDAK AND BITE HIM IN THE BACK RIGHT LEG. HUDAK SAID HE PUNCHED THE DOG & THAN IT LET GO. HE SAID THE OWNER CALLED THE DOGS NAME "BELLA" & PUT IT INSIDE. HUDAK ADVISED THAT HE WAS GOING TO GO TO MERCY CAPITUL. I DROVE OVER TO THE RESIDENCE WHERE THE INCIDENT TOOK PLACE BUT THE RESIDENCE WAS ALL DARK.

2008 JUL 18 PM 3:39

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee: *Hudak, Daniel*
2. Arrest No.: *N/A*
3. Case No.: *08-25318*

Form used as Continuation Sheet for Current Report
 Form used to Report Follow up Investigation of Supplemental Information
4. Date this Report: *18 July 08 1120*
5. Date Original Occurrence: *16 July 08 2150*
6. Correct offense or Incident Classification: *Animal Bite*
7. Kind of Report Continued: Follow up or Supplemental or Prosecution
8. Multiple Clear Up?: No
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. *Went to address to quarantine bite dog. Nobody appeared home, no cars in drive. No dog was seen or heard. More follow up is needed.*

CITY EXHIBIT
U

OFFICE USE ONLY

16. Reporting Officer: *Gordon* No. *7211*
15. Status (check one): Open
17. Unit Referred To: *ACU*
18. UCR Disposition:
19. Reviewer: *[Signature]* No. *[Signature]*

2000 JUL 22 PM 8:52

Supplemental
1092 CX

Animal Incident Investigation Report

Des Moines, Iowa Police Department

32. District: <u>2</u>		33. Beat:		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>08-05348</u>	
Impounded or bite animal				3. Victim's name (Last, First M.I.): (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		4. Race:		5. Sex:		6. Age:	
35. Animal breed: <u>Boxer / Pitbull x</u>		7. Date of birth:		8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: <u>Brindle / White</u>		10. Residence address: (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:		12. Business or cellular phone number:			
38. Animal sex: Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		13. Place of employment or school:					
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)		14. Type and location of injury:					
M/C#: <u>unk</u>		15. Medical treatment:					
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		16. Reporting person's name (Last, First M.I.): <u>Brown Joanne</u>					
40A. Date of vaccination:		40B. Date of vaccination expiration:		17. Race: <u>W F A</u>		18. Sex: <u>unk</u>	
40C. Veterinarian: <u>unk</u>		23. Residence address: (City and/or state if not Des Moines or Iowa) <u>1214 Walker</u>		19. Age: <u>unk</u>		20. Date of birth: <u>unk</u>	
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#: <u>unk</u>		24. Residence phone number: <u>N/A</u>		21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>			
42. Other identifiers (Collar, tattoo, etc.): <u>Brown</u>		25. Business or cellular phone number: <u>447-9202</u>		22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>		26. Location of incident (address): <u>1214 Walker</u>	
43. Confinement/quarantine location:		27. Location type: <u>Residential</u>		28. Date and time incident occurred: <u>16 July 08</u>		29. Date and time incident reported: <u>21 July 08 1626</u>	
44. Impounded or bite animal owner's name (Last, First M.I.): <u>Geord, Rob</u>		30. Crime/incident type: <u>Animal Bite: Dog</u>		31. Classification:			
45. Residence address: (City and/or state if not Des Moines or Iowa) <u>1214 Walker</u>		46. Residence phone number: <u>N/A</u>		47. Place of employment or school: <u>N/A</u>		48. Business or cellular phone number: <u>480-0389</u>	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: <u># 29</u>		49B. Person making notification: <u># 73</u>		49C. Means of notification: <u>Personal</u>	
50. Witness' name (Last, first): <u>N/A</u>		51. Residence address: (City and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:			
53. Witness' name (Last, First):		54. Residence address: (City and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:			
56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>							
Victim animal		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>			
59. Animal breed:		60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>			
62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:					
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63A. Date of vaccination:		63B. Date of vaccination expiration:			
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		63C. Veterinarian:					
66. Type and location of injury:		67. Medical treatment:					
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):					
70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:			
73. Reporting officer: <u>T. Bauer 7233</u>		I.D. No.		74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Unfounded		75. Copy/copies made by:	
77. Second officer:		I.D. No.		78. Supervisor or approving report: <u>[Signature]</u>		79. Reviewed by: <u>[Signature]</u>	
76. 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:							

CITY EXHIBIT

V

A

80. Page: <u>2 of 2</u>		Animal Incident Investigation Report Des Moines, Iowa Police Department				81. DMPD case number: <u>28-25348</u>		
92. 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:	87. Sex: <u>M</u>	88. Age:	89. Date of birth:	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height:	92. Weight:	93. Hair color:	94. Eye color:
95. Residence address: (City and/or state if not Des Moines or Iowa)								
96. Residence or alternate phone number:			97. Driver license number or social security number:			97A. State:	98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime:				100. Citation number and crime:				
101. Suspect or offender <u>two</u> (2) name (Last, First Middle):					102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:
114. Residence address: (City and/or state if not Des Moines or Iowa)								
115. Residence or alternate phone number:			116. Driver license number or social security number:			116A. State:	117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime:				119. Citation number and crime:				
120. Narrative: <u>A</u> Upon arrival spoke to resident Joanne Brown who said she was aware of the bite since she was there when it happened. Brown said she told the male he could not pet the dog Bella but the man tried to do so anyway. I asked if dog owner was home and she said Bob Guard was at work. I asked what type of dog Bella was and she said Boxer/Pit mix. I explained qt. as well as pit ordinance. She then got dog owner on phone and I explained all to him. Dog was impounded for qt. and breed determination.								
						121. Date of this report:		

Vicious Dog Breed Declaration Letter
(Over Six Months Old)

CITY
EXHIBIT

W

7-23-2008

(Date)

ROB GOULD

(Dog owner's name)

1214 WALKER ST.

(Owner's address)

DSM, IA

(City, state & zip code)



ANIMAL CONTROL
POLICE DEPARTMENT
1615 S.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(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 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. Also if your dog is found not properly confined/leashed more than twice it will be destroyed in a humane manner.

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,

A handwritten signature in black ink, appearing to read 'Scott Raudabaugh'.

Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office

Case number: 2008-25348

Dog's name: BELLA

Dog's color(s): BRINDLE

+ WHITE

Dog's sex: female male

ARL number: A0553314

X



Animal Control

DOCUMENT SERVICE

Case number: 2008 - 25348

ARL number (If known): A0553314

Animal owner's name: ROB GOVRS

Address: WALKER ST. 1214

Location of service: SAME

Name of person receiving document (print):
NOT, dropped letter inside of front door near mail box

Their signature: X _____

Date and time served: 7/26/08 13:06.

Animal Control Officer serving document (print):
BLANCHARD

Animal Control Officer's identification number: 7232

Type of document served: Vicious dog letter Dangerous animal letter Illegal animal letter Hearing ruling letter City Council decision letter Other: _____

KF ACU

2008 JUL 28 PM 8:52

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee Nudak, Daniel	2. Arrest No.	3. Case No. 08-25348
--	---------------	--------------------------------

<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report 28 July 08	5. Date Original Occurrence 16 July 08
<input checked="" type="checkbox"/> Form used to Report Follow up 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"/> Follow up or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident	Officer Case Invest. Photos Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Taken by	8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in nar)	
9. Page No. 1 of 1	10. Traffic Citation No. N/A	11. Value of Property Recovered and Type \$ N/A	

CITY EXHIBIT
X

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.	Viewed the boxer/pitbull mix being held for quarantine at the shelter, the dog appears normal, showing no signs of the rabies virus. I then called victim, Daniel Nudak and left a message advising him of dogs release
	This report will close this case.

OFFICE USE ONLY

14. Reporting Officer N Bauer	No. 7227	15. Status (check one) <input checked="" type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed <input type="checkbox"/> Suspended <input type="checkbox"/> Open	13. Date/Time Typed No.	Reproduced No.
Second Officer	No.	Supervisor Approving <i>[Signature]</i>	17. Unit Referred To: ACU	18. UCR Disposition
		19. Reviewer <i>[Signature]</i>	No.	

2008 JUL 29 PM 3:22

2008-25348

INVOICE

Hubbell Animal Hospital, P.C.

3415 Hubbell Avenue
Des Moines, IA 50317

515-265-4239

CITY
EXHIBIT

Z

FOR: Robert Gourd
4023 E. Seneca Ave
Des Moines, IA 50317
(515)

Printed: 06-20-08 at 11:29a
Date: 06-20-08
Account: 4331
Invoice: 17448

Date	For	Qty Description	Net Price
06-20-08	Bella	1 Medical Evaluation	40.15
06-20-08		1 Regulatory/Medical Waste Fee	3.00
06-20-08		1 Cytology-ears	24.88
06-20-08		1 Heartworm, Lyme, Ehrlichia Test	41.90
	Items used...	1 Heartworm Tests	
06-20-08		1 Ear Cleaning	23.62
06-20-08		1 Mometamax 15gm Bottle*	24.22
06-20-08		1 Interceptor 51-100#*	13.99

Total charges, this invoice...	171.76
*Tax...	2.29
Total, this invoice...	174.05

Your old balance...	0.00
Total payment(s) received...	174.05
06-20-08 Mastercard payment	174.05
Your new balance...	0.00

08-25348

Reminders for: Bella (Weight: 55.2 lbs - 12m)		Last done
06-20-09	Heartworm Test	06-20-08
12-09-08	Rabies Vacc Canine 3 Year	
12-09-08	Fecal Float- Annual	12-10-07
10-10-08	DHPP Vacc- Annual	
07-20-08	Interceptor 51-100#	06-20-08

Bella's weight history (in lbs)

06-20-08	55.20
12-10-07	42.40
10-11-07	22.20
09-12-07	14.40
08-20-07	8.00

Thank You!

Handwritten signature: T. Gourd

Handwritten initials: ACU KF

Bella Gourd

To whom it may concern!

This is my request for an appeal regarding my beloved dog Bella in that I don't think I represented my case as well as I could have. I would like to see cold hard documented evidence instead of you going on simple allegations that my dog did in fact harm anyone. I would like to see pictures of the bite in question, statements that the subjects in question positively identified my dog as the culprit, not just words but them pointing at my dog saying yes she was the one that did it. If I do not get a fair hearing I will request this be brought in front of the court system. You based your decision on one testimony for a government official even though you heard two stories of great consistency about the people of the house this happened at. I will try to have my personal vet there at the next "meeting" to testify about her personal opinion of my dogs "dangerous" tendencies in question. I honestly feel that you are just biased, by maybe horror stories about my dogs breed which is only 50%. She came from two pure bred dogs one of which is pit bull and one is a boxer. I have researched pit bull attacks and the only attacks I've ever heard of was outright mauling not "scratches" or "bites". If necessary I can produce a list of many numerous people who have been in personal contact with my dog. I can provide names, numbers of them. My dog does NOT deserve to be put to death. This is unfair and is a great injustice. To close I would like to state she's part of a family.

Thank you

Robert G. Gourd
1214 Walker St.
Des Moines, IA 50316
515-480-0389

Robert G. Gourd

*Admin Hearing
3 days to appeal*

FILED
2008 OCT -3 PM 2:19
CITY CLERK
DES MOINES, IOWA

October 3, 2008

Robert Gourd
1214 Walker Street
Des Moines, IA 50316



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

PARKING TICKETS
PET LICENSES
BUSINESS LICENSES

ALL-AMERICAN CITY
1949, 1976, 1981,
2003

RE: Appeal of Dangerous Animal Declaration

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

Your hearing before the City Council has been scheduled for Monday, October 13, 2008. 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
Legal
Assistant City Attorney
Sgt Raudabaugh

October 7, 2008

Robert Gourd
1214 Walker
Des Moines, IA 50316

RE: Administrative Hearing Transcript

Per the letter sent to you on October 3, 2008, enclosed is a copy of the administrative hearing transcript that was held on September 23, 2008 at 1:00 p.m.

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

Sincerely,



Diane Rauh
City Clerk

DR:kh
Enc.

cc: Hearing Officer
Assistant City Attorney
Sgt. Raudabaugh



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
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ALL-AMERICAN CITY
1949, 1976, 1981,
2003

ADMINISTRATIVE HEARING TRANSCRIPT

September 23, 2008

City v. Gourd

Dangerous Dog

HEARING OFFICER LEANN DUCEY: Good afternoon. My name is LeAnn Ducey and I'm an Administrative Hearing Officer. It is 12:55 p.m. on September 23, 2008 and we are conducting an administrative hearing on a dangerous dog declaration. The appellant is Robert Gourd. 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.

SERGEANT SCOTT RAUDABAUGH: My name is Scott Raudabaugh. I'm a police sergeant with the City of Des Moines Police Department and I'm assigned to the animal control unit as the supervisor and as such, I'm, under City ordinance, I'm the Chief Humane Officer for the City of Des Moines.

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

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

HEARING OFFICER LEANN DUCEY: Go ahead.

SERGEANT SCOTT RAUDABAUGH: I'd like to submit some documents for the record. I'll have a copy that I'll submit to you and then a copy I'll refer to here at the podium and then I'll leave that copy up here for Mr. Gourd to look at if he chooses to.

HEARING OFFICER LEANN DUCEY: Okay. I'll make these as City exhibits starting with A. Thank you.

SERGEANT SCOTT RAUDABAUGH: I'd like to first just kinda go through these and explain a couple of things about the documents. The first thing there is the dangerous animal declaration letter as well as a document service form in which the letter was served. Behind that is a photograph of the dog that's the issue of discussion today. Behind that is a, a variety of City ordinances, 18-41 is the definition of a vicious dog by breed or behavior. Behind that is City ordinance 18-56 which talks about the requirements of confinement or leashing for a vicious dog. Behind that is City ordinance 18-55 which defines what running at large is for a dog. City ordinance 18-196 is the definition of, it includes two definitions, but one really applies here. It has the definition for dangerous animal and illegal animal. Illegal animal doesn't apply but it's included in that same definition in the City ordinance. 18-203 is immediate seizure or destruction of animals which talks about vicious dogs, a previously declared vicious dog or a vicious dog by breed, uh, that is not properly confined and involved in an unprovoked bite. It talks about that the dog can be processed as a dangerous animal. 18-202 refers to seizure,

impoundment and disposition of dangerous animals. Behind that there are two sets of reports so to speak. There's police case 2008-32691 which documents the information relative to the bite that occurred on September 7, 2008 and then behind that a ways is a second case, 2008-25348 which documents information about a bite that occurred on July 16, 2008 involving the same dog. I do want to make special mention while we're looking at the documents in a, under case 2008-25348 towards the back. There was a vicious dog breed declaration letter that was served on Mr. Gourd on July 26th after the first bite and before the second bite and Mr. Gourd was allowed to reclaim his dog and on August 1st he signed what is referred to in the City Clerk's Office as a blue letter which is required by City ordinance to license a vicious dog whether by breed or behavior in which he agrees to properly confine or leash the dog. I'll refer back to the initial dangerous animal declaration letter at this point. On September 7, 2008, Mr. Gourd's brindle and white colored pit bull breed dog named Bella was running at large when it charged and bit a neighbor that was standing in the alley behind his house, behind the neighbor's house. The injury, the, I'm sorry, the bite caused injury to the neighbor's leg. During the investigation the animal control officer impounded the dog for quarantine at the animal shelter. This dog was identified not only by owner, by dog name, but also by microchip that, as a dog that had been impounded because it was involved in a bite on July 6th, or July 16, 2008. The same dog bit a person when that person tried to pet the dog. There's a, a difference of opinion on that previous bite on July 16th. The person that was bit claimed that he had permission to pet the dog. A person at Mr. Gourd's house, and I believe it was Mr. Gourd's mother, maybe he can clarify whether it was his mother or somebody else, told the animal control officer that the person that was bit on July 16th was not given permission to pet the dog. Uh, the fact that does remain is the dog broke free somehow and did a similar bite on that other person, bit the person on the leg which caused injury. So we have two similar type bites. Uhm, after the bite on July 16th, I gave Mr. Gourd and the dog the benefit of the doubt that there was some discrepancy and whether this person had permission to pet the dog or not. And I'd hoped that we wouldn't have another incident with Mr. Gourd's dog, but unfortunately we did. On September 7th the dog was involved in a second bite while it was running at large. And as I mentioned before, after the bite on July 16th, uh, the dog was impounded and Mr. Gourd was served with a vicious dog breed declaration letter. That resulted out of an evaluation done by the City veterinarian in which he evaluated the dog's characteristics and found that it exhibited predominant Pit Bull Breed type characteristics or vicious dog breed characteristics. Because of all of the factors involved, it was appropriate to declare Mr. Gourd's dog a dangerous animal given all the circumstances. And that was done on September 18, 2008. And as I said before, Mr. Gourd, the letter was served on him. His brother received the letter on September 19th. And that's all I have at this point.

HEARING OFFICER LEANN DUCEY: Okay. Mr. Gourd. Please state your name and address for the record.

ROBERT GOURD: Robert Gourd, Robert Glen Gourd, 1214 East Walker.

HEARING OFFICER LEANN DUCEY: It's East Walker?

ROBERT GOURD: I think so, isn't it?

UNIDENTIFIED SPEAKER: Walker.

ROBERT GOURD: It's just Walker.

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

ROBERT GOURD: Yes.

HEARING OFFICER LEANN DUCEY: Okay. Tell me why you're here today.

ROBERT GOURD: Well, I'm here because my dog was involved in two bit incidents. Now, the first time I was not present when it happened. She was. This is my brother's fiancé, Jo. And from what I was told and she told the kid. There's this kid from this halfway house back there and these kids are always taunting and teasing both of our dogs. Well, anyway, so she had them out there apparently and he kept saying can I pet her? Can I pet her? And Jo kept saying no. And she was trying to go in and I don't know. The kid went to pet the dog and my dog kinda lurched at him or what and it freaked him out and he ran and she chased him. I'm not sure cause I wasn't there, she was. Uh, the second time I was outside when it happened in the front yard and this happened in the back yard. And, uh, granted I didn't have her confined how she was supposed to be confined, but she wasn't going to be out there that long. I was just out there talking to my ex-girlfriend about some things. And I seen her kinda run out of the corner of my eye so I went back there to see what happened. The only thing I seen was the kid walking back to the halfway house yelling you need to keep your dog on a leash, I'm calling the cops. So I didn't even know that he had gotten bit. And he wasn't, I mean the bites on both of these people, the first one I seen the mark and it didn't even look like a bite. It looked like a scratch to be honest. Cause it was a red mark about this long down his leg. So I don't know if she did try to bite him or if she scratched him with her paws cause her claws are kinda sharp. I don't know. Everybody else I bring this dog around, no problems with her at all. None whatsoever. She's nothing but nice. Uh, the first time she was down there I kept calling and checking on her and asking how was her demeanor, ya know, did she show any aggression. As far as I knew, no aggression. She was being well behaved.

HEARING OFFICER LEANN DUCEY: I have a couple of questions. Uhm, I think you might have answered this, but the first bite, was it inside the home or outside?

ROBERT GOURD: It was outside in the yard.

UNIDENTIFIED SPEAKER: Yes. The.....

HEARING OFFICER LEANN DUCEY: Uh, ma'am, unless you get sworn in...

ROBERT GOURD: Oh, sorry.

HEARING OFFICER LEANN DUCEY: Okay. So, uhm, was the dog tied up at the time of the first bite?

ROBERT GOURD: She, she had her in her hand in the leash.

HEARING OFFICER LEANN DUCEY: The dog was on a, had a collar and a leash on?

ROBERT GOURD: Right.

HEARING OFFICER LEANN DUCEY: Okay.

ROBERT GOURD: And she couldn't hold onto Bella because Bella's a pretty strong animal.

HEARING OFFICER LEANN DUCEY: Okay. Was the dog licensed prior to the first bite?

ROBERT GOURD: No.

HEARING OFFICER LEANN DUCEY: Why?

ROBERT GOURD: I had not gotten her licensed yet. I just hadn't gotten around to it. I work like 60 hours a week at the transmission shop so the hours were kinda...

HEARING OFFICER LEANN DUCEY: How long have you had the dog?

ROBERT GOURD: Uh, ever since, well let's see, she was 6 weeks old, like a year and 4 months I think.

HEARING OFFICER LEANN DUCEY: So in that time you hadn't had a chance to get a license?

ROBERT GOURD: I just hadn't got around to it. I, that was something I kept thinking about doing but just never did. That's my irresponsibility.

HEARING OFFICER LEANN DUCEY: Okay, do you have anything else that you want to present today or do you want anyone else to testify?

ROBERT GOURD: Uh, yeah, I'd actually like her to.

HEARING OFFICER LEANN DUCEY: Okay.

ROBERT GOURD: If that's alright.

HEARING OFFICER LEANN DUCEY: Okay. Come on up. I just need your name and address please.

JOANN BROWN: Uh, JoAnn Brown, 1214 Walker Street.

HEARING OFFICER LEANN DUCEY: And, how, did you say, how are you related or your, his brother?

JOANN BROWN: I'm, I'm his brother's fiancé.

HEARING OFFICER LEANN DUCEY: Okay.

JOANN BROWN: The one that they keep referring to as, his mother.

ROBERT GOURD: My mother.

JOANN BROWN: But to make the record straight, I'm not his mother.

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

JOANN BROWN: Yes ma'am.

HEARING OFFICER LEANN DUCEY: Okay. Tell me why you're here today.

JOANN BROWN: Uhm, the reason that I'm here is because the first incident, well, let's let's go back here. Both incidents, uhm, took place with the children, or not children, but kids that live at the youth center. Those kids have been out there in my yard taunting our dogs. I mean there's been incidences where I went out there in the middle of the night and they're out there. Uhm, the first incident that happened I went out to get both dogs and I had some gentleman in my driveway dancing around, ya know, doing a little dance or whatever. Can I pet your dog? Can I pet your dog? And I said no. I said I'm taking him inside. Come on just let me pet your dog and then he just kept backing up and pacing back and forth and I said no. Well, I went to go grab Bella and tell her to come inside and when I did I think she was irritated by that kid standing there and she got loose. I mean she drug me a little ways and went after him. I did not see her bite him. She did chase him.

HEARING OFFICER LEANN DUCEY: Okay.

JOANN BROWN: And, just, I, I have two children at home and there's no way I would have a dog that I would think, ya know, would hurt my children. My children love that dog. They play with her all the time. They know that dog. I just, to me it's like the dogs were aggravated and irritated, ya know, with what them kids do. Those kids irritate me. And it's been brought to, uhm, the Sergeant's attention that patrols and keeps track of the, the students over at East High School. I brought it to his attention because they were out there one night just a yelling and screaming at me for nothing and threatening to kill the dogs. And that's not the first time they've threatened to kill them.

HEARING OFFICER LEANN DUCEY: So you have more than one dog?

JOANN BROWN: Yes.

HEARING OFFICER LEANN DUCEY: What's the other dog?

JOANN BROWN: It's a black lab.

HEARING OFFICER LEANN DUCEY: Is it licensed?

JOANN BROWN: No. I need to take care of that. I've only had the dog a couple months.

HEARING OFFICER LEANN DUCEY: How old is the dog?

JOANN BROWN: About five...

ROBERT GOURD: Five months, four months maybe. Four to six. Somewhere in there. We're not really sure exactly.

JOANN BROWN: I had...

HEARING OFFICER LEANN DUCEY: When it's six months old it needs to be licensed and you need to bring in proof of current rabies. So you need to get this taken care of.

JOANN BROWN: I will take care of that.

HEARING OFFICER LEANN DUCEY: If it's six months you really need to get that taken care of. Okay.

JOANN BROWN: Prior to this we had, uhm, we also had three dogs taken from our yard. We've only retrieved one.

HEARING OFFICER LEANN DUCEY: What do you mean taken from your yard?

JOANN BROWN: I'm sorry. What ma'am?

HEARING OFFICER LEANN DUCEY: What do you mean taken from your yard? Somebody stole it?

JOANN BROWN: They were literally taken from our yard. Taken off their chain and taken from our yard.

HEARING OFFICER LEANN DUCEY: Okay. Now when you confine, uhm, Bella, how have you been confining Bella?

JOANN BROWN: Either inside or on a chain outside.

HEARING OFFICER LEANN DUCEY: With like a chain hooked to something? Do you remember signing that, that blue form that says you can't do that?

ROBERT GOURD: Right.

HEARING OFFICER LEANN DUCEY: So if you signed that, what, why, why, why were you not...

ROBERT GOURD: I, I was being irresponsible

HEARING OFFICER LEANN DUCEY: Okay.

ROBERT GOURD: I mean there's no other way to say it, make up excuses.

HEARING OFFICER LEANN DUCEY: Okay. Sergeant Raudabaugh, do you have anything else to present? Do either of you have anything else to present today? Okay. I'm not going to make a decision today. I have an awful lot of papers to go through and, uhm, I take these hearings very, very seriously as I know Sergeant Raudabaugh does and the whole animal control division do because this is very important. I like to make sure that I'm, uhm, correct in my decision so I, I will review this very thoroughly and will get a written ruling out to you. I'll try to get it out still this week. If not it will probably be Monday and that will be hand delivered to you which will constitute my final administrative decision. Should you disagree you do have the right to appeal to the Des Moines City Council and there will be information in the letter telling you what you need to do in order to do that. So I appreciate everyone coming in. Thank you very much.

I, Renae Lampkin, certify that I transcribed the minutes of the September 23, 2008 Administrative Hearing pertaining to a dangerous dog owned by Robert Gourd.

Renae Lampkin