

December 20, 2010

Date _____

PUBLIC HEARING ON DANGEROUS
ANIMAL APPEAL OF RICHARD PEMBERTON

WHEREAS, Richard Pemberton, 1250 York Street, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of his dog as a dangerous animal; and

WHEREAS, Mr. Pemberton requested an opportunity to address the City Council regarding his appeal; and

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

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

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

MOVED BY _____ TO UPHOLD DECLARATION AND TO HUMANELY DESTROY THE ANIMAL.

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

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED: .

K. Massier

Katharine Massier
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

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

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

City Clerk

**EXHIBITS FOR DANGEROUS ANIMAL
“JESUS”**

- EXHIBIT A** **Hearing Officer’s Decision**
- EXHIBIT B** **City Exhibits**
Hearing Letter
Animal Investigation Reports
Code Sections
- EXHIBIT C** **Pemberton Exhibits (A-C)**
Appeal of Hearing Officer’s Decision
- EXHIBIT D** **Letter and Administrative Hearing**
Transcript to Mr. Pemberton

Exhibit A



November 29, 2010

Mr. Richard Pemberton
1250 York Street
Des Moines, IA 50316

Subject: Dangerous Animal Hearing

Dear Richard:

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on November 23. Please read it carefully, so you are aware of the decision, any deadlines you might be required to comply with, as well as any other requirements you may be held to.

Sincerely,

A handwritten signature in black ink that reads "Diane Rauh". The signature is fluid and cursive, with a large, sweeping initial "D".

Diane Rauh
City Clerk

DR:kh
Attach

a person while running at large and the attack was unprovoked. Furthermore, Section 18-196(1) of the Municipal Code provides that a *dangerous animal* may also mean “any animal that has exhibited vicious propensities in present or past conduct, including such that the animal [h]as bitten or clawed a person on two separate occasions within a 12-month period.”

In the case at hand, the records reflect Mr. Pemberton’s dog, “Jesus,” was running at-large at approximately 7:20 AM on November 3, 2010 in the 1200 block of York Street when it ran into the street and bit a child that was on her way to school (City Exhibits 3-13). The record reflects the victim’s reason for walking in the middle of the street on the day of the incident was because she was familiar with “Jesus;” noting the dog barks and lunges at her every day when she walks by on her way to school from its long chain that reaches towards the road. The record also reflects that the child victim informed the Animal Control Officer that “Jesus” was off chain and ran into the street during the November 3, 2010 attack; the child sustained injuries that included four puncture wounds on her leg (City Exhibit 5). The record also reflects that the child identified the house where the bite dog resides. The record further reflects that a neighbor witnessed the dog in question running at large on the morning of November 3, 2010; noting it had come over to her fence and tried to get at her dog (City Exhibit 5&6). The witness informed the investigating Animal Control Officer that she had witnessed the dog’s vicious behavior in the past. The record also reflects a signed statement of personal observation by Animal Control Officer Cindy Allen noting that on November 1, 2010 she observed that “Jesus” had access to passersby on the public sidewalk abutting Mr. Pemberton’s property; noting 2 boys were observed crossing the street to the north sidewalk in order to avoid “Jesus” (City Exhibit 5).

The record also reflects that “Jesus” was running at large at 8:00 AM on November 3, 2010; running into the street and biting a man who was walking in the intersection of York Street and Garfield Avenue. The record reflects that the man sustained injuries from the attack (City Exhibit 15). The record further reflects that the victim observed the dog running from the house on the SW corner of the intersection, which is Mr. Pemberton’s 1250 York Street property, and then returning to that property after the attack.

The record also reflects that on November 3, 2010 both victims positively identified Mr. Pemberton’s dog “Jesus” at the City’s animal shelter as the dog that had attacked them that morning.

Mr. Pemberton argued that his dog “Jesus” was not running at large the morning of November 3, 2010 when the two victims were attacked by a dog in the vicinity of his residence. Mr. Pemberton contends he had put “Jesus” inside the house before he went to work at 6:30 AM in the morning on November 3, 2010; arguing that the Animal Control Officers themselves heard “Jesus” barking from inside the house when they left the door hangers notifying him of the bite incident. While, the Animal Control Officer’s report (City Exhibit 6) did note a hearing dog(s) barking when the door hangers were left at Mr. Pemberton’s residence, the record is void of any visual observations supporting Mr. Pemberton’s contention that “Jesus” was barking inside his house. Furthermore, had the Animal Control Unit officers actually observed “Jesus” inside Mr. Pemberton’s residence when the door hangers were left still would not substantiate the dog’s whereabouts during the bite incidents that occurred earlier in the morning.

While Mr. Pemberton did offer two handwritten statements regarding “Jesus,” neither one offered statements of visual observations as to “Jesus” whereabouts at 7:20 AM and 8:00 AM, which was the time of the bite incidents.

In addition, Mr. Pemberton testified and the record reflects that he informed the Animal Control Officer that he had surveillance footage to support his allegation that his dog "Jesus" was not running at large on the day in question. However, Mr. Pemberton did not offer the alleged video footage into evidence during the hearing, he did not permit the Animal Control Unit officers the opportunity to view the alleged video footage during their investigation, and did he provide eye witnesses testimony of those who had observed "Jesus" presence in his house at the time the attacks occurred.

Finally, Mr. Pemberton argued that the dog that attacked the two victims could have been any one of five other similar looking dogs that live in the neighborhood. However, Mr. Pemberton provided no evidence to support that such identical looking dogs even exist. Therefore, the positive identification made by each of the victims at the City's animal shelter is found to be more compelling and Mr. Pemberton's dog "Jesus" is found to have bit more than one person in two separate incidents while running at large on the morning of November 3, 2010.

Furthermore, the record is void of any evidence or testimony to support a finding that the attacks were provoked.

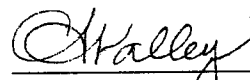
Decision and Order

By a preponderance of all evidence in the record, the declaration by the Chief Humane Officer that Mr. Pemberton's tan and white colored male mixed breed English Mastiff type dog, "Jesus," is found to be a *dangerous animal*, as defined under Section 18-196 of the Municipal Code, is upheld. Therefore, the Chief Humane Officer is ordered to destroy the dog in a humane manner as provided under section 18-202(b) of the Municipal Code. Furthermore, Mr. Pemberton is order to pay all impoundment and quarantine costs as provided under Section 18-202 of the Municipal Code, as well as all citation fines issued in connection with DMPD case numbers 2010-35652 and/or 2010-35667.

Appeal Rights

This order may be appealed to the City Council provided a written appeal is filed with the City Clerk's office within three days of receipt of this order.

This written ruling is hereby submitted on this 29th day of November, 2010 in Des Moines, Polk County, Iowa.



Camille A. Valley
Administrative Hearing Officer

November 12, 2010

Mr. Richard Pemberton
1250 York Street
Des Moines, Iowa



Dear Mr. Pemberton

On November 3, 2010 at 7:20 A.M. your tan and white colored male English Mastiff breed dog, named "Jesus," ran into the street and bit a child that was on her way to school and was walking in the street in front of your house, the bite resulted in an injury. The child said your dog is usually on a long chain that reaches the road and barks and lunges so she walked in the middle of the street but on this day your dog was off the chain and ran into the street. (2010-35652)

When the animal control officer went to your house a neighbor stopped and said she saw your dog loose and your dog came over to her fence and tried to get at her dog. Also the neighbor said she has seen your dog loose before and it is vicious.

On November 3, 2010 at 8:00 A.M. your dog ran into the street and bit a man that was walking in the street at a nearby intersection, the bite resulted in an injury. (2010-35667)

During follow-up investigation your dog was impounded for quarantine at the city animal shelter.

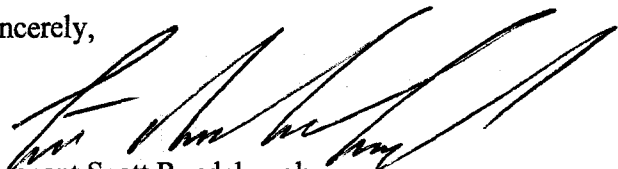
Because of these circumstances in which your dog bit a person on two separate occasions within a 12 month period and the bites were unprovoked your dog is being declared a "Dangerous Animal," as defined by city ordinance 18-196.

An **Administrative Hearing** to review the "Dangerous Animal" declaration has been scheduled for **11:30 A.M. on Tuesday, November 23, 2010** in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive. Your dog will remain in impound pending a decision by the Hearing Officer.

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

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

Sincerely,



Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2010-35052

ARL number (If known): A11807471

Animal owner's name: RICHARD PEMBERTON

Address: 1250 YORK ST.

Location of service: SAME

Date and time served: 12 NOV 10 1720

Person serving document (print name):

Sgt. ZAD ABAMAH

Person's identification number: 4770

Type of document served: Vicious dog letter Dangerous

animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: _____

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

PLACED BETWEEN BACK DOOR

Their signature: X AND FRAMIE

KE ACU

Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: 065810		2. DMPD case number (if applicable): 10-35152	
Impounded or bite animal		3. Victim's name (Last, First M.I.): Unzueta, Hilary (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ARL#:		4. Race: H	5. Sex: F
		6. Age: 14	7. Date of birth: 10-27-1996
		8. Ethnicity: H/NH	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		10. Residence address: (City and/or state if not Des Moines or Iowa) 1331 E 9th	
34. Animal breed: Mastiff type		11. Residence phone number: 265-1952	12. Business or cellular phone number:
35. Animal color: brown w/white on chest		13. Place of employment or school: Hiatt Middle School	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		14. Type and location of injury: (R) leg side near knee	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		15. Medical treatment: school nurse 4 punctures	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) MIC#: unknown		16. Reporting person's name (Last, First M.I.): #3	
		17. Race:	18. Sex:
		19. Age:	20. Date of birth:
		21. Ethnicity: H/NH	22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#: 914949		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39A. Date of vaccination:		24. Residence phone number:	
39B. Date of vaccination expiration: 6-8-10		25. Business or cellular phone number:	
39C. Veterinarian:		26. Location of incident (address): 1250 York St	
40. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 13205		27. Location type: public street	
41. Other identifiers (Collar, tattoo, etc.): "Jesus"		28. Date and time incident occurred: 3 NOV 10 0720	29. Date and time incident reported: 3 NOV 10 0839
42. Confinement/quarantine location:		30. Crime/incident type: Animal: Bite/dog	
43. Impounded or bite animal owner's name (Last, First M.I.): Pemberton, Richard		31. Classification:	
44. Residence address: (City and/or state if not Des Moines or Iowa) 1250 York St			
45. Residence phone number: 770-6102 (wrong#)		46. Place of employment or school:	
47. Business or cellular phone number:			
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		48A. Date and time of notification:	
48B. Person making notification: Cindy Alley AR2		48C. Means of notification: door hanger	
49. Witness' name (Last, first): Harris, Danielle		50. Residence address: (City and/or state if not Des Moines or Iowa) 1253 E 13	51. Daytime or cellular phone number: 264-0430
52. Witness' name (Last, First):		53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
Victim animal		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
		62B. Date of vaccination expiration:	
64 License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62C. Veterinarian:	
65. Type and location of injury:		66. Medical treatment:	
67. Confinement/quarantine location:		68. Victim animal owner's name (Last, First M.I.):	
69 Residence address: (City and/or state if not Des Moines or Iowa)		70. Residence phone number:	
		71. Business or cellular phone number:	
72. Reporting official: Cindy Alley AR2		I.D. No.	73. Status: <input 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	
74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
76. Second reporting official:		I.D. No.	77. Supervisor approving report: J. Colvin AR-1
		I.D. No.	78. Reviewed by: RK

2010 NOV - 4 PM 5:34

3

79. Page: 2 of 4

Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (If applicable): 10-35652

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

85. Race: 86. Sex: 87. Age: 88. Date of birth: 89. Ethnicity: H NH 90. Height: 91. Weight: 92. Hair color: 93. Eye color:

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

95. Residence or alternate phone number: 96. Driver license number or social security number: 96A. State: 97. Sobriety: Sob. H.B.D.

98. Citation number and crime: 99. Citation number and crime:

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

104. Race: 105. Sex: 106. Age: 107. Date of birth: 108. Ethnicity: H NH 109. Height: 110. Weight: 111. Hair color: 112. Eye color:

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

114. Residence or alternate phone number: 115. Driver license number or social security number: 115A. State: 116. Sobriety: Sob. H.B.D.

117. Citation number and crime: 118. Citation number and crime:

119. Narrative:
I met with bite victim Hilary who states she was walking to school this morning. A dog that lives on the corner of York & Garfield was loose. This dog is usually on a long chain that reaches the road so Hilary walked from the sidewalk west of this property into the middle of the street as she says the dog barks & lunges at her everyday. Today the dog entered the street, off his chain, and bit her on the leg, causing four punctures. I asked Hilary to drive me to the bite dog's house & show me where it lived. Her mother & she drove to 1250 York St and pointed to the house. There is a heavy chain near the back door/garage area hooked into the ground. The dog was not on it's leash. Hilary showed me how she walked on the sidewalk and then into the middle of the street, heading eastbound on Garfield, directly in front of the driveway. I supplied Hilary with a door hanger with case # to take to the dr. Witness Danielle Harris drove by at this time, stopped her car & asked me if I found the dog

120. Date of this report:

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Unzueta, Hilary** 2. Case number: **10-35652**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **3 Nov 10** 5. Date incident occurred: **3 Nov 10**

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

8. Page: **3 of 4** 9. If this report is a continuation of another report then indicate the box number(s) continued below:

yet. she said she saw the dog loose this morning, it came over to her fence & tried to get at her dog. she states she has seen this dog loose before & this last spring witnessed the dog bite a child on York St. she couldn't remember that child's name, but she says this dog is vicious and the owner of the dog is very hard to deal with. Harris states she didn't witness today's bite, but did see the dog loose this morning.

On 1 Nov 10, I witnessed this dog and his position on the property giving him access to 2 school boys walking by. The boys entered & crossed the street to the north sidewalk. I spoke with owner Pemberton that day about the dog and advised him to move the dog so he couldn't reach the public's walk area. He ranted on about the kids teasing the dog and pointed to a surveillance camera on the back of his house. There is also a "Beware of Dog" sign positioned near the road on his property.

Follow up needed to impound bite dog & issue at large citation. HQ only if approved by ARI & Raudabaugh if rabies is current. City hall shows rabies expired 6-8-10.

10. Reporting official: **Cindy Alley AR2** 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
 Chief OPS
 Other: _____

14. Second reporting official: I.D. No. 15. Supervisor approving report: I.D. No. 16. Reviewed by:

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Unzueta, Hilary**
2. Case number: **10-35652**

3. Form used as a continuation of an Animal Incident Investigation Report:
4. Date of this report: **3 NOV 10**
5. Date incident occurred: **3 NOV 10**

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

8. Page: **4 of 4**
9. If this report is a continuation of another report then indicate the box number(s) continued below:

I knocked on back door at 1250 York this date & got no answer. I heard 2 dogs barking inside. I placed a door hanger advising that "Jesus", the Mastiff dog had bitten while he was at large today and immediate contact was required. The phone # for owner that I obtained from city hall is a wrong #. That line was answered by a spanish speaking woman who said "No English".

6

10. Reporting official: **Cindy Alley AR2** 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
 Chief OPS
 Other: _____
14. Second reporting official: I.D. No.
15. Supervisor approving report: I.D. No.
16. Reviewed by:

Animal Incident Investigation Report
Des Moines, Iowa

SUPP 10-35652 & 10-35667

1. ARL case number:		2. DMPD case number (if applicable): 10-35652	
Impounded or bite animal		3. Victim's name (Last, First M.I.): UNZUETA, HILARY (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL# A11807471		4. Race: H	5. Sex: F
		6. Age: 14	7. Date of birth: 102796
		8. Ethnicity: H <input checked="" type="checkbox"/> NH <input type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		10. Residence address: (City and/or state if not Des Moines or Iowa) 1331 E 9 TH #1	
34. Animal breed: ENGLISH MASTIFF		11. Residence phone number: 265-1952	12. Business or cellular phone number:
35. Animal color: TAN/WHITE ON CHEST		13. Place of employment or school: HIATT MIDDLE SCHOOL	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		14. Type and location of injury: R LEG SIDE NEAR KNEE, FOUR PUNCTURES	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		15. Medical treatment: SCHOOL NURSE	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: UNKNOWN		16. Reporting person's name (Last, First M.I.):	
		17. Race:	18. Sex:
		19. Age:	20. Date of birth:
		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
39. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#: NOT DISPLAYED		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39A. Date of vaccination:	39B. Date of vaccination expiration: 6-8-10	24. Residence phone number:	25. Business or cellular phone number:
39C. Veterinarian:		26. Location of incident (address): 1250 YORK	
40. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 13205		27. Location type: RESIDENCE	
41. Other identifiers (Collar, tattoo, etc.): CHAIN ON NECK "JESUS"		28. Date and time incident occurred: 3NOV10 0720	29. Date and time incident reported: 3NOV10 0839
42. Confinement/quarantine location: ARLCCC N2		30. Crime/Incident type: ANIMAL: BITE/DOG	
43. Impounded or bite animal owner's name (Last, First M.I.): PEMBERTON, RICHARD		31. Classification:	
44. Residence address: (City and/or state if not Des Moines or Iowa) 1250 YORK			
45. Residence phone number: 401-4934	46. Place of employment or school: PERFICUT LAWN SERVICE	47. Business or cellular phone number:	
48. Animal owner notification: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	48A. Date and time of notification: 3NOV10 1245	48B. Person making notification: CINDY ALLEY AR2	48C. Means of notification: IN PERSON
49. Witness' name (Last, first):	50. Residence address: (City and/or state if not Des Moines or Iowa)	51. Daytime or cellular phone number:	
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Police Officer: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
Victim animal		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>	
58. Animal breed:		59. Animal color:	
		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
		62B. Date of vaccination expiration:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62C. Veterinarian:	
65. Type and location of injury:		66. Medical treatment:	
67. Confinement/quarantine location:		68. Victim animal owner's name (Last, First M.I.):	
69. Residence address: (City and/or state if not Des Moines or Iowa)		70. Residence phone number:	71. Business or cellular phone number:
72. Reporting official: CINDY ALLEY AR2 I.D. No.		73. Status: <input 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	74. Copy/copies made by:
76. Second reporting official: I.D. No.		77. Supervisor approving report: J. Colvin AR-1 I.D. No.	75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:
		78. Reviewed by:	

79. Page: 2 of 2		Animal Incident Investigation Report Des Moines, Iowa				80. DMPD case number (if applicable): 10-35652		
81. Suspect or offender <u>one</u> (1) name (Last, first Middle):					82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth: 42474	89. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
94. Residence address: (City and/or state if not Des Moines or Iowa) 1250 YORK								
95. Residence or alternate phone number: 401-4934			96. Driver license number or social security number: 341KK0636			96A. State: IA	97. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:				99. Citation number and crime:				
100. Suspect or offender <u>two</u> (2) name (Last, First Middle):					101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:
113. Residence address: (City and/or state if not Des Moines or Iowa)								
114. Residence or alternate phone number:			115. Driver license number or social security number:			115A. State:	116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:				118. Citation number and crime:				
119. Narrative: <p>THIS CASE CONNECTS WITH CASE # 10-35667. THIS DATE MR. PEMBERTON CALLED ME ON HIS CELL PHONE, WHICH REGISTERED THAT NUMBER ON MY CELL PHONE. HE WAS "MAKING IMMEDIATE CONTACT" AS MY DOOR HANGER HAD ADVISED. I TOLD HIM "JESUS" HAD BITTEN TWICE THIS MORNING AND WE NEEDED TO IMPOUND HIM. HE BECAME VERY IRRATIONAL AND IRATE, SAYING HIS DOG WAS IN THE HOUSE SINCE 0615 THIS MORNING WHEN HE WENT TO WORK SO THERE'S NO WAY HIS DOG BIT ANYONE. HE SAID "IT'S ALL ON CAMERA" AND HE WAS GOING TO SUE US FOR HARRASSING HIM ABOUT HIS DOGS. HE SAID THAT HE KNEW WHEN I STOPPED AT HIS HOUSE THE OTHER DAY THAT I WAS UP TO 'NO GOOD'. HE ALSO STATED THAT THE DOG HAD BEEN REMOVED FROM TOWN. I HUNG UP AND CALLED SRGT. RAUDABAUGH WHO INSTRUCTED ME TO HAVE A POLICE OFFICER MEET ME AT THE HOUSE WHERE THE BITE DOG LIVES. WHEN I ARRIVED, THERE WAS A PERFCUT LAWN CARE VEHICLE PARKED IN THE STREET WITH THE ENGINE RUNNING. I WAITED IN THE TRUCK FOR THE OFFICER TO ARRIVE. MR. PEMBERTON CAME OUT OF HIS HOUSE AND STARTED YELLING AGAIN RIGHT AWAY THAT WE WEREN'T TAKING HIS DOG AND IT DIDN'T BITE ANYBODY AND HE HAD PROOF ON CAMERA. I ADVISED THAT HE COULD SHOW THE CAMERA FOOTAGE TO THE OFFICER WHEN HE ARRIVED. HE SAID HE WASN'T SHOWING THE FOOTAGE TO ANYONE BUT THE LAWYERS AND THE JUDGE. THE OFFICER ARRIVED AND FINALLY TALKED PEMBERTON INTO BRINGING THE DOG OUT. PEMBERTON BROUGHT THE DOG, CONTINUED TO RANT AND RAVE, FINALLY PUTTING THE DOG IN THE TRUCK. I LEFT THE AREA AND CALLED AR6 AND ASKED HIM TO CALL HIS BITE VICTIM FOR CASE #10-35667, MR. ROBERT LANG. LANG CAME TO ARLCCC IMMEDIATELY AND POSITIVELY IDENTIFIED PEMBERTON'S DOG AS THE DOG THAT BIT HIM THIS MORNING. I HAVE ATTEMPTED TO MAKE CONTACT WITH UNZUETA TO HAVE HER COME IDENTIFY THE DOG ALSO, BUT HAVE BEEN UNSUCCESSFUL. FOLLOW UP NEEDED TO CONTACT UNZUETA TO COME TO ARLCCC TO IDENTIFY THE DOG THAT BIT HER.</p>								
120. Date of this report: 3NOV10								

8

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): Unzueta, Hilary 2. Case number: 10-35652

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: 4 NOV 10 5. Date incident occurred: 3 NOV 10

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:

RIO met w/ bite v Unzueta + requested she go to ARL AEC to identify the dog that was reported as biting her.
Unzueta let her residence w/ her brother to go to ARL AEC
I contacted ARL Colvin + advised

QT release 11-13-10
Citation to owner for at large still needs to be issued

9

2010-11-09 09:29

10. Reporting official: <u>T. Palagrove</u> A.R. No.	11. 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	12. Copy/copies made by:	13. 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: _____
14. Second reporting official: _____ I.D. No.	15. Supervisor approving report: <u>J. Colvin AR-1</u> I.D. No.	16. Reviewed by: <u>RK</u>	

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): Unzueta, Hilary 2. Case number: 10-35652

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: 4, November 2010 5. Date incident occurred: 3, November 2010

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

Officer Tina Updugrove called to advise that the victim in this case would be down to identify the bite dog. Hilary showed up at the animal shelter with her brother. I took her back to the kennels and said to point to the dog that bit her. She chose the dog identified as "Jesus", the Tan Mastiff mix. ARL animal number A11807471.

10

2010 NOV -5 PM 3:21

10. Reporting official: Josh Colvin AR-1 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 reporting official: I.D. No. 15. Supervisor approving report: I.D. No. 16. Reviewed by: RK
 Chief OPS
 Other: _____

Animal Incident Supplemental Report
Des Moines, Iowa

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

Unzueta, Hilary

2. Case number:

10-35652

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

4. Date of this report:

13 Nov 10

5. Date incident occurred:

3 Nov 10

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:

PIO viewed dog which appeared healthy + free of disease. I released the dog from Q/T at that time.

PIO contacted the v Unzueta & advised the dogs Q/T period was up & is healthy

PIO did NOT contact Pemberton.

owner still needs to be cited for at large in this case

10. Reporting official:

I.D. No.

T. Updegrave AR5

11. Status: Open Closed Excep. Closed

Case file Suspended Unfounded

12. Copy/copies made by:

13. Referred to:

Animal Control
 Detectives PIO
 Chief OPS
 Other: _____

14. Second reporting official:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

J. Colvin AR-1

ek

Animal Incident Supplemental Report
Des Moines, Iowa

SUPP

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Pemberton, Richard** 2. Case number: **10-35652**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **3 Nov 10** 5. Date incident occurred: **3 Nov 10**

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

8. Page: **1** of **2** 9. If this report is a continuation of another report then indicate the box number(s) continued below:

This report is for information due to a prior dealing with this owner on 25 April 10.

I received a complaint of a Pitbull on a chain from this address that could reach the sidewalk.

I arrived to find a mastiff-Pitbull type dog on a chain between the back door + garage at this residence.

When I exited my truck the dog charged me to where I had to retreat back to my truck. I had called OMPD dispatch for a possible phone # to the residence. While waiting for a reply from dispatch the dog came to the full extent of the chain almost reaching the curb area. There is no sidewalk on the north side of the house but there is a city sign, this dog could go past the area of the city sign.

A few min. later Pemberton, Richard and a female party identified as his girlfriend came out of the residence. Pemberton wanted to argue

W

2010 NOV 17 PM 6:05

10. Reporting official: **T Updegrave AR5** 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 Chief OPS Other: _____

14. Second reporting official: I.D. No. 15. Supervisor approving report: **A. Colvin AR-1** I.D. No. 16. Reviewed by: **RV**

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Pemberton, Richard** 2. Case number: **10-35652**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **3 Nov 10** 5. Date incident occurred: **3 Nov 10**

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

8. Page: **2** of **2** 9. If this report is a continuation of another report then indicate the box number(s) continued below:

Immediately however the female party was receptive. I explained that the dog chain was too long that the dog could go into the area considered public walkway, quailed on the city sign & how the dog could go into that area. The female party stated & showed me a Beware of dog sign leaning up against the house. She stated they put this sign out as well to warn people about the dog. Again I advised if the dogs chain exceeds the property line, even when on a chain he would be considered at large, they could be subject to possible citations & the dog impounded. Both parties understood & shortened up the chain while I was present. Parties then brought out proof of lic & rabies vac for this dog, dog name was Jesus & he was UTB on everything.

13

10. Reporting official: TL [Signature] AR5	I.D. No.	11. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input checked="" type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. 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: _____
14. Second reporting official:	I.D. No.	15. Supervisor approving report: J. Colvin AR-1	I.D. No.	16. Reviewed by:

Animal Incident Investigation Report

Des Moines, Iowa

1. ARL case number: 00695953		2. DMPD case number (if applicable): 10-35667	
Impounded or bite animal		3. Victim's name (Last, First M.I.): LANG ROBERT (Human victim or society)	
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL#:		4. Race: C	5. Sex: M
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> : LARGE 40-50 lbs.		6. Age:	7. Date of birth:
34. Animal breed: UNK		8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: REDDISH-BROWN		10. Residence address: (City and/or state if not Des Moines or Iowa) 418 E. SHERIDAN	
36. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/> : UNK		11. Residence phone number: 515 284-0592	12. Business or cellular phone number: N/A
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		13. Place of employment or school: RETIRED	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter MIC# as a serial number) MIC#: UNK		14. Type and location of injury: RIGHT THIGH PUNCTURE WOUND	
39. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#: UNK		15. Medical treatment: IOWA LUTHERAN HOSPITAL	
39A. Date of vaccination:		16. Reporting person's name (Last, First M.I.): #3	
39B. Date of vaccination expiration:		17. Race:	18. Sex:
39C. Veterinarian:		19. Age:	20. Date of birth:
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#: UNK		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
41. Other identifiers (Collar, tattoo, etc.): NONE SEEN		23. Residence address: (City and/or state if not Des Moines or Iowa)	
42. Confinement/quarantine location:		24. Residence phone number:	25. Business or cellular phone number:
43. Impounded or bite animal owner's name (Last, First M.I.): UNK		26. Location of incident (address): GARFIELD AND YORK	
44. Residence address: 1250 YORK ST. (City and/or state if not Des Moines or Iowa)		27. Location type: CITY STREET	
45. Residence phone number:	46. Place of employment or school:	28. Date and time incident occurred: 03 NOV 2010 0800	29. Date and time incident reported: 03 NOV 2010 1057
47. Business or cellular phone number:	48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	30. Crime/incident type: ANIMAL BITE (DOG)	
48A. Date and time of notification: 3 NOV. 2010 1130	48B. Person making notification: ARL	31. Classification:	
48C. Means of notification: DOOR HANGER	49. Witness' name (Last, first): NONE	50. Residence address: (City and/or state if not Des Moines or Iowa)	51. Daytime or cellular phone number:
52. Witness' name (Last, First):	53. Residence address: (City and/or state if not Des Moines or Iowa)	54. Daytime or cellular phone number:	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Sergeant: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Police Officer: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ARL or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
Victim animal		56. Victim animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		58. Animal breed:	
59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		62A. Date of vaccination:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		62B. Date of vaccination expiration:	
65. Type and location of injury:		62C. Veterinarian:	
66. Medical treatment:		67. Confinement/quarantine location:	
68. Victim animal owner's name (Last, First M.I.):		69. Residence address: (City and/or state if not Des Moines or Iowa)	
70. Residence phone number:		71. Business or cellular phone number:	
72. Reporting official: STEVE SEXTON I.D. No. ARL		73. 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	74. Copy/copies made by: Y
75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:		76. Second reporting official: I.D. No.	77. Supervisor approving report: A. Colin I.D. No. AR-1
78. Reviewed by: RL			

14

2010 NOV - 4 11:00 AM

79. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (If applicable): 10-35667

15

81. Suspect or offender one (1) name (Last, first Middle):
B2. Arrested: No Yes B3. Warrant needed: No Yes B4. Charges filed: No Yes

85. Race: 86. Sex: 87. Age: 88. Date of birth: 89. Ethnicity: H NH 90. Height: 91. Weight: 92. Hair color: 93. Eye color:

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

95. Residence or alternate phone number: 96. Driver license number or social security number: 96A. State: 97. Sobriety: Sob. H.B.D.

98. Citation number and crime: 99. Citation number and crime:

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

104. Race: 105. Sex: 106. Age: 107. Date of birth: 108. Ethnicity: H NH 109. Height: 110. Weight: 111. Hair color: 112. Eye color:

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

114. Residence or alternate phone number: 115. Driver license number or social security number: 115A. State: 116. Sobriety: Sob. H.B.D.

117. Citation number and crime: 118. Citation number and crime:

119. Narrative:
R/O SENT TO 419 E. SHERIDAN ON A REPORT OF A DOG BITE. UPON ARRIVAL VICTIM ROBERT LANG ADVISED R/O THAT AS HE WAS WALKING EASTBOUND ON GARFIELD AVE AT THE INTERSECTION OF YORK AVE, A LARGE REDDISH/BROWN FUR DOG FROM THE HOUSE ON THE SW CORNER OF THIS INTERSECTION ENTERED THE STREET AND BIT HIM ON THE RIGHT THIGH CAUSING A PUNCTURE WOUND, REDNESS, AND PAIN. DOG RETURNED TO THIS RESIDENCE AFTER ATTACK AND VICTIM STATED HE ATTEMPTED TO ALERT THE RESIDENTS BY SHOUTING TO THE HOUSE BUT WAS UNSUCCESSFUL. VICTIM SOUGHT TREATMENT AT IOWA LUTHERAN HOSPITAL AND CALLED ANIMAL CONTROL. R/O VISITED THE BITE DOGS HOME AND WAS UNABLE TO REACH ANYONE. A DOG WAS HEARD BARKING FROM INSIDE OF HOUSE BUT NO ONE ANSWERED KNOCK. THE ADDRESS OF THIS HOUSE IS 1250 YORK AND A DOOR HANGER WAS FOUND ON THE BACK DOOR FROM AR2 REFERENCE ANOTHER BITE CASE INVOLVING A DOG FROM THIS RESIDENCE (10-35652). ANOTHER DOOR HANGER WAS LEFT FOR THIS CASE. MORE FOLLOW-UP NEEDED TO QUARANTINE BITE DOG.

120. Date of this report: 3 Nov. 2010



EREC1

10-35667

10

PATIENT'S NAME Lang Robert L.
Last First MI

PATIENT'S ADDRESS 418 E Sheridan Ave
Street
Des Moines IA 50313
City State Zip

AGE 63 SEX M F PHONE _____ / _____
Circle one Area Code Number

NAME OF PARENT / GUARDIAN N/A
Last First MI

DATE OF BITE 11 / 3 / 10 BODY AREA(S) BITTEN back of Right thigh

ANIMAL OWNER'S NAME AND ADDRESS _____

LOCATION OF INCIDENT, IF KNOWN Corner of Garfield and York, Yellow house

DESCRIPTION OF ANIMAL red/brown, large, approx 50 lbs

ANIMAL CONTROL NOTIFIED BY PHONE 515 / 283 / 4811
Date

Kring Williams RN
Signature of Nurse completing form

Distribution: White / Medical Records Yellow / Animal Control

LANG, Robert L. M
 ACCT 191182310 MR 13024396
 ADM 3Nov2010 DOB 15Sep1947 63

* 191182310 *

2010 NOV -9 PM 7:17

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Lang, Robert** 2. Case number: **10-35667**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **13 NOV 10** 5. Date incident occurred: **3 NOV 10**

6. Form used to report a follow-up investigation or additional information: 7. Cause/incident type: **Animal bite** Changed: **11** Yes

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

RIO viewed dog which appeared healthy + full of disease. RIO released the dog from Q/T at that time.
RIO contacted Lang + advised the dog was healthy + released from Q/T he was very adamant that the dog should not be released back to the owner as the dog is very aggressive.

RIO did not contact Pemberton.

* Citation for at large still needs to be issued in this case *

10. Reporting official: Thompson AR5	I.D. No.	11. 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	12. Copy/copies made by:	13. 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: _____
14. Second reporting official:	I.D. No.	15. Supervisor approving report: J. Colvin AR-1	I.D. No.	16. Reviewed by: RK

18

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)

19

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. **20**

(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)

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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.

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Sec. 18-59. Seizure, impoundment and disposition of vicious dogs.

- (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 dog is a vicious dog as defined in this article, may declare such dog a vicious dog by delivering a written notice of declaration to the owner. The notice shall include a description of the dog and the basis for the declaration of viciousness. The notice shall also set forth that the owner shall be required to license and confine the dog as required by this article. 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.
- (b) The person owning, keeping, sheltering, or harboring the dog in question may contest the declaration of viciousness by filing a written request with the city clerk within three business days of the receipt of the chief humane officer's declaration. If at this time the owner agrees to confine the dog pursuant to section 18-56 of this chapter and submits to the clerk proof of insurance as described in section 18-44, the dog shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the chief humane officer, and the chief humane officer or his or her designee shall be authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the owner has not licensed and shown ability to confine the dog as required by this article the chief humane officer or his or her designee shall cause the dog to be destroyed except as provided in section 18-66 of this chapter.
- (c) The person owning, keeping, sheltering, or harboring the dog 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 dog in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the chief humane officer is upheld, the owner shall be required to license and confine the dog as required by this article. The notice shall be served in the same manner as the declaration notice.
- (d) If, after hearing, the city manager or his or her designee upholds the determination of the chief humane officer that the dog is a vicious dog or is a vicious dog held in violation of this article, as set out in the notice of hearing, the city manager or his or her designee shall order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the dog as required by this article. 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 order is not complied with within three days of its issuance, the city manager or his or her designee is authorized to seize and impound the dog. A dog 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 or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed except as provided in section 18-66 of this chapter.
- (e) The order to license and confine a vicious dog 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. 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.
- (f) 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 20 days of the receipt of notice of appeal. The hearing may be continued for good cause. 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. The hearing shall be confined to the record made before the city manager or his or her designee, the

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arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the city manager or his or her designee, and any other information the city council deems necessary.

(g) If the city council affirms the action of the city manager or his or her designee, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog shall license and confine the dog as required by this article. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection (a) of this section. If the original order of the city manager or his or her designee is not appealed and is not complied with within three days or the order of the city council after appeal is not complied with within three days of its issuance, the chief humane officer or his or her designee is authorized to seize and impound such vicious dog. A dog 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 manager or his or her designee or the city council was issued has not petitioned the county district court for a review of the order or has not complied with the order, the city manager or his or her designee shall cause the dog to be destroyed in a humane manner except as provided in section 18-66 of this chapter.

(h) 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 is a misdemeanor.

(i) Any dog that is alleged to be vicious and that 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 dog is determined to be vicious. If the dog is not determined to be vicious, the owner shall only pay those costs attributable to initial confinement prior to notice or costs of any required quarantine.

(j) All vicious dogs shall have an identification microchip implant placed under the dogs skin. Prior to the release of a vicious dog from the animal shelter the owner shall pay the fee in the amount set in the schedule of fees adopted by the city council by resolution for the microchip identification procedure. If a contractor microchips a dog pursuant to this section, the contractor shall retain the fee.

(C85, § 7-27.04; O.11,095, 11,401; C91, § 7-27.04; O.13,320, 13,854, 14,462, 14,677, 14,951)

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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

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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)

FILED

2010 DEC -1 AM 10:14

Richard A. Pemberton Am writing

CITY CLERK
DES MOINES, IA

On appeal based on the decision out of my dog
Jesus' death 11/30/10.

I am appealing this decision because my dog Jesus did not die anyone's hands. I stated in the decision that I failed to show or have any evidence for the whereabouts of my dog. When I brought Chad Wadsey to the hearing Nov 30th who stated my dog was locked in the house. I also brought Amber Armstrong who lives at 250 York Street who clearly stated that I left my dog locked inside when I left for work on Nov 30th. The date of the hearing was 30th Nov 2010. I also brought Chad Wadsey to the hearing on 11/30/10. Chad Wadsey was never called to be asked questions whether my dog was on a chain or in the house Nov 30th. The other statement was from a child's friend who was never called for questioning. Both persons who wrote the statements would know the whereabouts of my dog because both people work by day on a daily basis even on times away. And the new owner is in my area for several years and is sure she would notice if my dog was on a chain in the house or running

11-30-10

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loose in neighborhood.

In the report the witness Danielle Harris "my neighbor" told (Arl) Cindy Alley my dog was loose Nov 3rd and my dog came over in her yard and bit D 2nd of 2nd dogs. Why did Mrs Harris not call 311 or call ARL at the time my suppose time my dog went to her yard? And if she is a witness why is there no statement written out by her it was written by Cindy Alley. Danielle Harris also told Cindy Alley that she has seen my dog vicious behavior in the past and my dog is loose all the time.

Why is there no report of dog at large or vicious dog or even ARL coming to my house? or why didn't Mrs Harris call it in then?

Proves Mrs Harris's statements are false for the simple fact no record of ARL coming to my house nor she did not call any incident she supposedly seen my dog vicious or at-large and she was not at the hearing Nov 23rd.

From the hearing officers report in the procedural history that ARL responded to a complaint of a bite incident that occurred at 7:20 am Nov 3rd says a tan-white colored male dog was running loose, and on the animal investigation report for incident that occurred at 7:20 am Nov 3rd states

1-30-10

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It was a brown dog with white on chest.

Another description fits my dog Jesus,
my dog is Brown, with black face with white
on chest.

The tan and white dog that was stated
matches the dog named Chu-Chu who resides at
which the house is on the
north east corner of York Street and Garfield no further
than 100 feet from my house.

How in both reports neither one have the
same description of my dog Jesus. Tan and Brown
are not the same color. like I said above my dog
is brown Black face with white on chest.

Why in any of the descriptions giving by BILL
or bite victims at 7:20am state the dog had a
black face? Again proves that it was not
my dog or large. having a black face is a
big identifying mark! Also there was no saliva
or DNA test done on the bite victim that occurred at
7:20am Nov 3rd to match my dog. There also was no
pictures taken of wounds, and my dogs bite size
was never determined to be the same size or measure
to the victims puncture wounds!

When the hearing took place on Nov 23rd I provided
pictures of dog on premises signs posted every where
on property along with how long my dog Jesus

Chain goes or reaches, and in the pictures you will see it goes no where near the road or any walk way. When Mrs Alley come to my house to put up door hanger she stated my dogs chain was by back door, and that she heard two dogs barking inside of home, therefore my dog was inside my house like I and 2 others stated.

Also in the hearing officers report it stated the 720am victim went to the ARL to identify the dog and the papers I read at the hearing Nov 23rd said the arl had a hard time reaching the victim but several days later came in, that is another false statement. How do I know that my dog was NOT the only one being showed because he dont match description. All description stated Nov 3rd does not match my dog, and the bite marks was never tested or measured. From Cindy Alley stating she heard 2 dogs inside home Nov 3rd, and the bite victim not writing out her own statement nor never mentioned a black face. Neither Cindy Alley or victim showed up to the hearing Nov 23rd, proves that it was not my dog Jesus and that my dog was inside my house from 6:30am till I got home for lunch at 12:30 and called ARL they came shortly and seen my dog.

inside my house. ARL did not see my dog nor catch it at-large at any time.

And like I stated above the description giving matches a dog no further than 100 feet -
Corner of York/Garfield named Chu-Chu (1301 York St)

Cindy Alley nor victim mentioned the attacking dog having a black face, so I feel I and my dog have been stereotyped and singled out. Cindy knew I had a dog from her stopping by on Nov 1st and 2nd. The statements made about my dog does not match my dog. Jesus was never at large on Nov. 3rd or previous and was heard inside.

The time of the hearing Nov. 23rd where was bite victim that occurred at 720 or the witness Danelle Harris or Cindy Alley the ARL Lady?

In the statement of Mr Lang the bite victim that occurred at 8:00am Nov 3rd stated it involved a large 40-50 lbs Reddish-brown fur dog once again it does not match my dogs description.

The dog who would match Mr Langs description of the attacking dog resides at 1373 York Street And I did try to get photos but the owner

11-30-10

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refused, stating his dog was unlicensed
and not registered and was a uninsured pit bull.

My dog Jesus is 100/110 lbs twice the size
of the attacking dog. and not the same
colors.

Also in Mr Langs statement he said
he was heading east bound and a large 40-50 lb
reddish brown fur dog attacked him at the
intersection of York and Fairfield. How come
Mr. Lang was attacked at the intersection and
not when he was passing by residence in the
street like the 720 victim occurred. His attack
occured 50 feet further. How or why would
any animal/dog that was going to attack wait
till several feet down the street heading east

301 York On York. why did he not run out and bite
him like the victim 720am stated? (Mr Langs attack occurred

ser to church's
dress than mine.) There fore the description the bite victim
at 8:00am stated was not my dogs description

Mr Lang also never stated anything about
the dog having a black face. My dog Jesus does
and also well over 40-50 lbs. my dog is brown
with black face and white on chest.

There was also no DNA or saliva
test done from puncture wound to match my
dog. Mr was the puncture wound measured

11-30-10

page 7 of 8

to match my dog Jesus. Mr Lang also failed to show for the hearing that was held NOV 23rd and he did not write out his own statement about this incident. It was written by (AR6) Steve Sexton. And again no pictures was taken of the injury.

The physical description is not my dog. 1373 York Street's dog matches Mr Lang's description exactly. My dog was never at large on Nov 3rd or previous. He was locked in my home at 6:30 am Nov 3rd.

Also when the hearing officer wrote the paper she put Cindy Allen it's Cindy Alley. I feel that this paperwork was not obtain in a timely fashion.

Also in the report it was stated Cindy Alley wrote a signed statement of her personal observation when she came by my house on Nov 1st noting 2 boys was crossing street to the north sidewalk to avoid Jesus.

Now why was I not aware of Cindy's observation on Nov 1st and no report was made. Mrs Alley's reason for stopping by my house Nov 1st because she seen I was outside with Jesus and she come up to yard to tell me what a well

11-30-10

Page 8 of 8

behaved dog I have. Mrs Alley never told me anything about moving Jesus chain and on the same day Nov 1st she witnessed my dog on its chain and how far he could go, and pictures will show also he can not get to any walkways.

Tell me why no reports were filled or made in the concern of 2 school boys. The reason they crossed over the street is because there is no sidewalk down side of my house.

Therefore the decision made 11-29-10 should be reviewed more than half the information is false and misleading. And my dog was not at home at 10:00, the ARK got my dog out of my house on Nov 3rd.

And all evidence and witnesses I had and have the day of the hearing should prove both. But witness statement do not match my dog. And that I have proved Jesus thiccents.

12/1/10
Richard D. Pemberton



December 2, 2010

Mr. Richard Pemberton
1250 York Street
Des Moines, IA 50316

RE: Appeal of Dangerous Animal Declaration

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

Your hearing before the City Council has been scheduled for Monday, **December 20, 2010**. The meeting starts at 4:30 p.m. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** Parking is available on the streets surrounding City Hall. A copy of the Administrative Hearing transcript will be sent under separate cover.

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

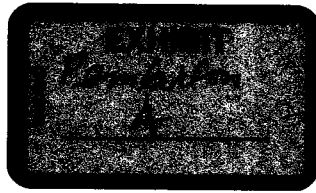
Sincerely,

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

Diane Rauh
City Clerk

DR:kh

cc: Hearing Officer
Assistant City Attorney
Sgt Raudabaugh



11-21-18

I Dylan Millard walk by
this House to go to School.
I see kids tase Jesus some-
time when I walk By the
House. Ive never seen
Jesus try to Bite anyone
He's never tried to Bite
me so I Dont see Jesus
trying to Bite someone
else I've Been around
this Dog sense he waz
a puppy. His chain Dose int
go past the Sidewalk. If
you need to contact me
call 515-401-9392

Dylan
Millard

To Whom It May Concern

I have been delivering
mail @ 1350 YORK since
April of 2010.

The dog on the
chain does not go any
further than the
sidewalk as I go
around the corner from
York to Harford every
day.

If you have any
questions, please call
me @ 515-279-1350

Thank You,

Andruners
USPS Letter Carrier

P.S. The dog does not ever charge
@ me, in fact, he's scared
of me and goes towards the
garage when he sees me.





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December 8, 2010

Richard Pemberton
1250 York Street
Des Moines, IA 50316

RE: Dangerous Animal Transcript

Per the letter sent to you on December 2, 2010, enclosed is a copy of the administrative hearing transcript that was held on November 23, 2010 at 11:30 a.m.

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

Sincerely,

A handwritten signature in black ink that reads "Diane Rauh". The signature is written in a cursive, flowing style.

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Hearing Officer
Assistant City Attorney
Sgt. Raudabaugh

ADMINISTRATIVE HEARING TRANSCRIPT

November 23, 2010

City v. Pemberton

Dangerous Animal

HEARING OFFICER CAMILLE VALLEY: Good morning. It is approximately 11:30 a.m. on Tuesday, November 23, 2010 and my name is Camille Valley and I'm the Administrative Hearing Officer. A hearing was requested due to the City's declaration of a dangerous animal regarding Richard Pemberton's dog. Would the City representative please come to the microphone. Clearly state your name and the title of your position with the City of Des Moines.

SERGEANT SCOTT RAUDABAUGH: Scott Raudabaugh. I'm a Sergeant with the Des Moines Police Department and in my current assignment I'm the Chief Humane Officer for the City of Des Moines, Iowa.

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

SERGEANT SCOTT RAUDABAUGH: Yes.

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

SERGEANT SCOTT RAUDABAUGH: I'd like to start off by submitting some documents for the record if I could

HEARING OFFICER CAMILLE VALLEY: Okay. That would be great.

SERGEANT SCOTT RAUDABAUGH: I have a copy here for myself, a copy I'll submit to you and then a copy that Mr. Pemberton could look at during the hearing if he chooses. However, I have to have it back. He can certainly purchase it at the Police Station before or even after this if he would choose.

HEARING OFFICER CAMILLE VALLEY: He wants a copy for himself. Would you like to look through a copy while he is going through his testimony?

RICHARD PEMBERTON: Inaudible.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: But you have to return it.

HEARING OFFICER CAMILLE VALLEY: Thank you.

SERGEANT SCOTT RAUDABAUGH: I'd like to start out by just kind of briefly going through the documents and a real quick explanation of what they are. I've numbered each page 1-26 for reference by anyone if necessary.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Page 1 is the dangerous animal declaration letter. Page 2 is the document service form of that letter. Page 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 all relate to Des Moines Case No. 2010-35652 which documents an animal bite that occurred on November 3, 2010 at 7:20 a.m.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Documents 14, 15, 16, 17 relate to a dog bite that occurred on November 3, 2010 documented under Des Moines Case No. 2010-35667.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Page 18 and 19 pertain to the City Ordinance 18-196, the definition. This definition piece includes two: dangerous animal and illegal animal. In this circumstance dangerous is the only one that's an issue here, but they are both included in that ordinance.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I'm just going to read through the dangerous animal ordinance and why I believe that we're here. 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 has bitten or clawed a person on two separate occasions within a 12-month period. And that's certainly applicable in this circumstance.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Page 20 and 21 talk about seizure, impoundment and disposition of a dangerous animal. Under City ordinance 18-202, uh, which explains the procedure that is required of me and then if also you uphold the declaration the disposition of the dangerous animal. In that process, so to speak, of the dangerous animal it also mentions that one outcome is to declare the dog vicious rather than dangerous. So I've included the definition of vicious as well just for the record and that is page 22. And a copy of City ordinance 18-41.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: And likewise page 23 and 24 talk about the procedure for a vicious dog.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Page 25 and 26 provide the City ordinance 18-55 which defines running at large by City ordinance. At this point I'd like to just basically provide a summary of the circumstances that led us to be here if I could.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: On November 3, 2010 at 7:20 a.m. Mr. Pemberton's tan and white colored male English Mastiff breed dog named Jesus was running in the street and bit a child that was walking on her way to school. The child was familiar with the dog and knew that the dog could, when it's tied up, come out to the edge of the property and so the child walked in the middle of the street to avoid the dog. On this date the dog was not tied up, entered the street and bit the child which did result in injuries to the child. The dog, like I said, the child is familiar with the dog and says that it barks and lunges as she has walked by in the past. When the animal control officer was investigating that bite, the animal control officer was approached by a neighbor who said that she saw the dog running at large that day as well. The dog came over, Mr. Pemberton's dog came over to the neighbor's house and tried to get at her dog inside of her fence. She commented that she has seen the dog loose before and it is vicious. On November 3rd, the same day, at 8:00 a.m. an adult man was walking in the street at a nearby intersection when Mr. Pemberton's dog was running at large and sought out that man and bit him as well which caused injuries. In fact, he went to the hospital for treatment of his injuries. My understanding is they weren't serious, but nonetheless he went to the hospital for appropriate treatment of those injuries. It is also my understanding that animal control officers have been to Mr. Pemberton's house on two different occasions to talk to him about the dog. On one of those the animal control officer got out of the truck and started to approach the house when this dog that we're talking about today came out in an aggressive manner towards the animal control officer. It's because of all of this that I felt it necessary to declare the dog dangerous. Maybe the dog gets along fine with the Pemberton family, but it's pretty apparent that the dog looks at its yard as its property and then the fact that it has gone out into the street to protect that property and anyone walking in the area is at risk if the dog's not tied up. And if anybody, if a small child enters into the yard I am concerned that that child could be severely injured or if not killed. That's why we're here today. I, it's necessary in my position to look out for not only the Pemberton family but neighbors or anyone else that walks in the area and may encounter this dog and that's the reason I declared the dog dangerous.

HEARING OFFICER CAMILLE VALLEY: Can you tell me when, you mentioned that both incidences occurred on the same date correct?

SERGEANT SCOTT RAUDABAUGH: That is correct. There were two occasions, but at separate times on the same date.

HEARING OFFICER CAMILLE VALLEY: Separate locations. When was it that animal control investigated? What was the follow-up between one incident and the other? Was there

anything that occurred between or did the follow-up not have a chance to occur until after both incidences?

SERGEANT SCOTT RAUDABAUGH: Correct. As it turns out one animal control officer was notified about the bite to the child. Another animal control officer, it is my understanding, went to the hospital. I don't think they met up with the second victim at the hospital, but they did meet up with the victim either at the hospital or at their house. I'm not sure exactly on the dynamics of that.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: But we have two separate animal control officers talking to two separate victims about bites that happened at two separate times, or two separate occasions on that particular day.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Ultimately they ended up realizing that they were both investigating bites involving the same dog on the same day but on two different occasions, two different times.

HEARING OFFICER CAMILLE VALLEY: And then at what point was the animal quarantined in context with those follow-up investigations?

SERGEANT SCOTT RAUDABAUGH: During a follow-up investigation the dog was impounded for quarantine. I'll have to say I don't know exactly if it was that day or subsequently. I think it was a subsequent day.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Mr. Pemberton told the animal control officers that he had it, he has a video camera system that he said the dog wasn't running at large. The animal control officer spoke to him about viewing that, but Mr. Pemberton refused saying that he would show it to the Judge and to his lawyer. Certainly if he would have had something contradicting what was reported to animal control we certainly would have taken that into consideration, but he refused to allow us to view that supposed taping.

HEARING OFFICER CAMILLE VALLEY: Okay. Anything further?

SERGEANT SCOTT RAUDABAUGH: No.

HEARING OFFICER CAMILLE VALLEY: Alright. Thank you. Mr. Pemberton, do you want to come up to the microphone and clearly state your name for the record?

RICHARD PEMBERTON: Richard DeWitt Pemberton.

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

RICHARD PEMBERTON: Yes ma'am I do.

HEARING OFFICER CAMILLE VALLEY: Okay. If you would speak up a little bit, we record these hearings. You can share with me anything you'd like me to consider.

RICHARD PEMBERTON: Yes ma'am. On that day it is absolutely, I mean for one, Jesus won't, he won't, he can't cross the sidewalk. The chain isn't all the way to the street. Cindy Alley, the animal control officer, stopped by my house that previous Monday to the 3rd, I believe on the 1st, and told me what a perfect specimen he was, how it might be a little intimidating for him to be on the chain not even reaching the sidewalk which there is no sidewalk that runs through my yard. That is actually my driveway. Jesus, I've had my dogs for 14 years. I've never ever had a problem with viciousness of any kind. The animal control hasn't been at my house on any other occasions. Uhm, it is impossible for Jesus to do this when the officers brought the paperwork to the house at 8 something in the morning and they heard both of my dogs inside barking with the chain at the back door where we let the dog in. It is totally on my property. We have signs posted that there is a dog on the premises. This young girl knows Jesus because she, we've had to tell her for the last two years going to Hiatt to please stop teasing him. We have cameras and stuff. I mean even our mail lady loves Jesus. Jesus is scared of her. We have a statement from our postal worker which is in a uniform. I mean if he was going to get anybody he would have got her or someone else. Jesus isn't like that. He doesn't behave like that. We brought him up as one of our children. I mean the property is my property not his. There are several statements linking the size of my dog. They are totally wrong. I mean he's not 40-50 pounds heavy. He's actually a little over 100 pounds. At no point in time has Jesus ever been loose, ever been at large, ever been off the chain. Uhm, the only time he's on the chain is when someone is home. He is taken and put in the house especially after Cindy Alley stopped by on Monday and told me what a perfect specimen he was, uhm, a well-behaved dog. He didn't charge her at the truck to retreat. He was actually, the one time in her statement that she's talking about she actually came up into my yard with him off the chain with her and I on that Monday on the 1st and was telling me what a perfect, I'm telling her yes ma'am he behaves better than my children. That he's a perfectly, and she's like well you ought to do something about this chain. And it's like I should because it's my property? We've already shortened it because you know because of previous requests. And, you know, we believe in people's safety of course. We would never bring any of our animals, we have five children, we would never bring our children up. Ya know this lady in my neighborhood down the street that made the comment of my dog being loose and barking at her fence, her three dogs are unlicensed. I've caught her mother underneath my window at 3:00 in the morning letting her dog crap right underneath my window. And I'm hard to get along with. I told her I would call the police on her if I caught her again. At 3:00 in the morning she woke me up with her dog stretched out. Ya know, I don't know these people. I'm not hard to get along with. Ya know, my dogs are just there. They're our children. We don't have them like that. Jesus has never had a problem. We've never had animal control at our house for anything before. Uhm, I had an American Mastiff previous to him that in 11 years never was on a chain. She wouldn't even cross the sidewalk. I train my dogs for this stuff. We've got the

cameras not to protect, ya know, our property, but we got it to protect us because these kids are constantly teasing him. Even the mail lady, ya know, is aware that in that neighborhood it's really bad that the kids are teasing period. The gentleman that made the statement on the bite, I've caught him about 20 times in the last 2 years stealing my cans and bottles in my yard up in my driveway. I mean I've had to tell him before that's probably not a good idea. Me and my girlfriend have came home on him several times, ya know, so as for the young girl she will actually be an adult this year. They have that Spanish thing where they become a woman when they turn 15 or whatever. So she is actually, we just held one for my next door neighbor this last weekend.

HEARING OFFICER CAMILLE VALLEY: That's beside the issue.

RICHARD PEMBERTON: But I'm telling you that Jesus wasn't even out when the officers brought the paperwork around 8 something or the last time. They even state, I talked to Cindy Monday. She even says she drove by my house Tuesday and seen him out on the chain because my girlfriend was home. She didn't have to work Tuesday, Monday and Wednesday. I, of course, was at work. When I found out about this on Wednesday which just happens to be Jesus' two-year birthday and the third day in a row that this Cindy Alley drives by. Ya know, all of a sudden he's bitten somebody. It's absolutely impossible. Nobody was home. We put the dog back in the house at 6:30.

HEARING OFFICER CAMILLE VALLEY: So you're contending, to make sure that I'm hearing you correctly, is that Jesus was in the house at the time of these occurrences.

RICHARD PEMBERTON: Yes ma'am. And when the officers, the Animal Rescue League, dropped off the paperwork in the door, the green cards, they also in their statements say that he was in the house. Both dogs were in the house barking.

HEARING OFFICER CAMILLE VALLEY: Well that was at a later point in time. The times that...

RICHARD PEMBERTON: Yeah, but they came and got the dog at 1:30 on my lunch break and threatened...

HEARING OFFICER CAMILLE VALLEY: The times recorded were early in the morning before 7:20 and at 8:00 I believe.

RICHARD PEMBERTON: Yeah 8 something.

HEARING OFFICER CAMILLE VALLEY: So it was early in the morning so when the notice was delivered it would have been later in the day so I guess what I'm asking you....

RICHARD PEMBERTON: No ma'am he was in the house.

HEARING OFFICER CAMILLE VALLEY: Okay. Let's make sure we're talking about the same timeframe as when the incidences occurred, he was in the house when the incidences occurred.

RICHARD PEMBERTON: He didn't even, I didn't even when I came home from lunch and I seen the notes I didn't even put him out on the chain. Ya know, I was just like what the heck? We put him back in at 6:30 a.m.

HEARING OFFICER CAMILLE VALLEY: So you're saying when you left in the morning you put him in the house at 6:30 in the morning.

RICHARD PEMBERTON: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: And no one was home to let him out....

RICHARD PEMBERTON: No ma'am.

HEARING OFFICER CAMILLE VALLEY: ...anytime until you came home at lunch no one was at the house so Jesus was within the house the whole time.

RICHARD PEMBERTON: Yes ma'am. Confined within the household. When the officers of course did, or when Animal Rescue League brought the paperwork to the door they even stated they heard both dogs in the house ya know. And she was at work that day and so was I and most likely way out in West Des Moines. We both work for lawn care companies. Ya know, about the time of these occurrences we would have been way out on our jobs ya know, not knowing anything. I just happened to stop home for lunch that day. I tried to tell the officers that this may have been, I mean there is a dog at the north end of our street with the same exact description right on down to the weight. Ya know, there is one that's almost similar described white chest and stuff straight across the street cattycorner, ya know. My dog was in the house.

HEARING OFFICER CAMILLE VALLEY: So you're contending there is a dog of similar likeness directly across the street?

RICHARD PEMBERTON: I'm just contending that my dog doesn't charge at the chain. He was at, no I'm contending that there's other dogs in the neighborhood that are very similar.

HEARING OFFICER CAMILLE VALLEY: That's what I'm saying so the point you just made is you're saying there is a dog of similar appearance?

RICHARD PEMBERTON: Several.

HEARING OFFICER CAMILLE VALLEY: Several dogs of similar appearance.

RICHARD PEMBERTON: Within a block's radius one way there are five of them. But there's two, there's one that is identical. What would you say, to be 40-50 pounds heavy, black face, tan. Ya know, there are other dogs in the neighborhood. I am contending mine was in my house. I

mean there's no way that dog, he's smart but he can't open a window or a door. And at no point in time has my dog ever been off the chain. You can't take a chain off of a chain. I mean it's, the chain is so tight. You know it's only enough for him to breathe. And then the chain that we put him on can be padlocked to his chain. I mean you can't slip it over his ears and there's no way you can take a chain from a chain and it not be snapped or something.

HEARING OFFICER CAMILLE VALLEY: But you're contending he wasn't even on the chain that he was in the house?

RICHARD PEMBERTON: Yes ma'am. Ya know, we've never had this problem before ever.

HEARING OFFICER CAMILLE VALLEY: Anything further. You'd mentioned, you referred to a tape and Sergeant Raudabaugh had referred to a tape that you said that you had at the time of the incidences.

RICHARD PEMBERTON: We weren't able to record anything.

HEARING OFFICER CAMILLE VALLEY: I can't hear, step up the microphone.

RICHARD PEMBERTON: For a tape. Well, we have video cameras but we are not able to transfer anything. I mean we're not able to burn anything or record anything yet. I just said, we watch the young kids in the neighborhood daily. I mean we tell them, ya know, leave the dog alone and stuff like that because half the time he's scared of anybody. I mean he's scared of anybody. Anybody could walk up, a gentleman came in and lit the inside of our Expedition on fire and the dog let him do it. You know what I mean and the guy was up on our property. The guy, you know what I mean, it's a little unusual that two or three months ago somebody lit our Expedition on fire and got away with it, got right by the dog. We've never had a problem. He wasn't raised that way. He was in the house from 6:30 a.m. on until they actually came and got him at 1:33.

HEARING OFFICER CAMILLE VALLEY: They picked him, they impounded him at 1:33?

RICHARD PEMBERTON: They came to my house when I called.

HEARING OFFICER CAMILLE VALLEY: Right. On the 3rd? And so you responded to their notice when....

RICHARD PEMBERTON: She never told, when Cindy was there on Monday or supposedly drove by on Tuesday, I mean if I drove by your house three days in a row I'd say I was casing the place. Ya know, I mean, if I ain't got no business with you I'd say I was casing the place. But I mean to tell me what a perfect specimen he is and how well behaved and I'm like yes ma'am, look he behaves better than my children.

HEARING OFFICER CAMILLE VALLEY: Is your house in close proximity to the school that everybody's, where everybody goes?

RICHARD PEMBERTON: Amos Hiatt. Yes ma'am. As a matter of fact my house, our street corner is a school bus stop. We've lived there for three years. The bus stop has only been there for two years. We haven't ever had a previous problem with any of the neighborhood kids, especially our neighborhood kids. I mean our house is a bus stop out front. We've never had a previous problem with our dog getting bit ya know. That neighbor, my neighbor made a comment that a year or so ago he bit somebody else. No, that's incorrect. He's never bit anybody. We had one kid one time break his arm trying to run on the property because he stole one of our bicycles. It was on the property and so was he so it was the kid's phone, everything. I mean and we had four people that had seen the kid up by the back door. The dog was in the fence at that time in the back and he would have been six months, a year old. I mean that's absolutely impossible. He's my baby. He wasn't raised like that. Two weeks old, bottle fed. I mean he thinks he's human.

HEARING OFFICER CAMILLE VALLEY: Anything further you'd like me to consider?

RICHARD PEMBERTON: Yeah. Would you like to look at our pictures and stuff of our chain?

HEARING OFFICER CAMILLE VALLEY: If you've got anything you want....

RICHARD PEMBERTON: Our chain, oh sorry.

HEARING OFFICER CAMILLE VALLEY: Well, it's good to speak up because of the recording.

RICHARD PEMBERTON: Our chain doesn't even reach where the sidewalk would end. It's approximately a foot, foot and one-half, two feet from it. And that is not sidewalk. That is actually our driveway.

HEARING OFFICER CAMILLE VALLEY: Okay.

RICHARD PEMBERTON: And we have signs well out posted where the street are and stuff. They just say dog on premises.

HEARING OFFICER CAMILLE VALLEY: Any pictures you want to give me to enter into evidence I'll take.

RICHARD PEMBERTON: Inaudible.

HEARING OFFICER CAMILLE VALLEY: You've got to talk into the microphone because I can't hear you.

RICHARD PEMBERTON: We have five children ourselves. That would be totally unacceptable you know. I also have a statement from a kid that comes from this school.

HEARING OFFICER CAMILLE VALLEY: That's what you can give me.

RICHARD PEMBERTON: And from our postal service worker.

HEARING OFFICER CAMILLE VALLEY: Okay. I'll accept both of those.

RICHARD PEMBERTON: Here are some pictures. You'll be able to see the chains and stuff. Here's my kids playing.

HEARING OFFICER CAMILLE VALLEY: Okay. All right. I am looking at, I've been given photos as well as two letters. One is dated November 21, 2010 from a Dillon Millard and I'm going to mark that as Pemberton Exhibit A. And Dillon Millard is who?

RICHARD PEMBERTON: Just a kid from the neighborhood. He goes to the same school I believe.

HEARING OFFICER CAMILLE VALLEY: Okay. Then you also have a handwritten note from a Rhoda, is it Sommers?

RICHARD PEMBERTON: I'm not sure. She's our postal worker.

HEARING OFFICER CAMILLE VALLEY: She's a letter carrier so I'm going to mark that as Pemberton Exhibit B.

RICHARD PEMBERTON: And most of the statements, they, I mean if they dropped off the paperwork and Jesus and the other dog, they heard them both barking in the house. I mean it's almost impossible in that time span for us know what's going on, find the dog before animal control does and whatever. I mean it's just absolutely impossible. The picture of the chain shows that it doesn't reach the sidewalk and we do have signs posted. I mean we have to tell people on a regular basis that that is not a sidewalk. We just finally got grass to grow in there after two or three years. And I've lived in the neighborhood for 30 years and there's never been a sidewalk there.

HEARING OFFICER CAMILLE VALLEY: Okay. I'm going to give you back some of these pictures. I'm going to keep the ones, there's one that shows the dog on premises sign. There's a couple of those actually and then a couple of views of the chain running down the driveway. So there are four of them that I'm going to enter into the record. The other ones I'm going to give you back.

RICHARD PEMBERTON: These are from two years ago some of them.

HEARING OFFICER CAMILLE VALLEY: Okay. These are stamp-dated, okay this is 2008 or is that the accurate date? Actually it looks like the 15th of February 2008. Okay. So I'll mark those as Pemberton Exhibit C, four photos. Anything further you'd like to add?

RICHARD PEMBERTON: Can I have my dog back?

HEARING OFFICER CAMILLE VALLEY: Today I'm just gathering testimony and evidence and then I will deliberate on it.

RICHARD PEMBERTON: Do you need to talk to her?

HEARING OFFICER CAMILLE VALLEY: Well does anybody else want to give testimony today regarding this case? Please state your name for the record.

CHAD LINDSEY: Chad Lindsey.

HEARING OFFICER CAMILLE VALLEY: Chad Lindsey?

CHAD LINDSEY: Yep.

HEARING OFFICER CAMILLE VALLEY: How do you spell your last name?

CHAD LINDSEY: "Lindsey."

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

CHAD LINDSEY: Yep.

HEARING OFFICER CAMILLE VALLEY: Would you first tell me your relationship to these incidences.

CHAD LINDSEY: I've known Richard all my life and I've known Jesus since he was born. I go there all the time and he's never ever off the chain and if he is outside he is probably outside about 20 minutes or half an hour at most. Then he goes right back in the house. I've had my kids around him. I've had my roommate's kids around him that have never ever met Jesus and he is just not an aggressive dog. He wasn't raised that way. He will stand there and bark in the middle of the driveway, but that's it. He don't go running down the driveway lunging at people.

HEARING OFFICER CAMILLE VALLEY: Okay. Anything further you'd like to add?

CHAD LINDSEY: Not really. I don't see it happening and the kids in the neighborhood do tease all the dogs in the neighborhood. It's not just one dog. It's a whole group of kids running around teasing them.

HEARING OFFICER CAMILLE VALLEY: Do you live in the neighborhood also?

CHAD LINDSEY: Yeah.

HEARING OFFICER CAMILLE VALLEY: Okay so you live within, what's your proximity?

CHAD LINDSEY: Probably about seven or eight blocks.

HEARING OFFICER CAMILLE VALLEY: Seven or eight blocks from them. Okay. All right. Anything further?

CHAD LINDSEY: No.

HEARING OFFICER CAMILLE VALLEY: Does the City have anything further they would like to add for the record?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am. Sergeant Raudabaugh. I just feel compelled to mention that I'm cautious about Mr. Pemberton's testimony. The same animal control officer that he's singing praises about today that benefit's his position on this matter. On the day of the follow-up investigation he was quoted, he became very irrational and irate saying the dog was in the house.

HEARING OFFICER CAMILLE VALLEY: Are you referring to one of your exhibits?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am. I'm sorry.

HEARING OFFICER CAMILLE VALLEY: Would you mind sharing what page you are looking at so that we can follow?

SERGEANT SCOTT RAUDABAUGH: Page 8. I'm sorry.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you.

SERGEANT SCOTT RAUDABAUGH: This morning when he went to work. There's no way the dog bit anyone and mentioned it's all on camera. He was going to sue us for harassing him about his dogs. Certainly the animal control officer would have been open to rational information provided by Mr. Pemberton. And, in fact, what was presented to the animal control officer was that this supposed non-at-large and non-bite by this dog was on camera and could have been viewed had he allowed that to happen. But as we find out today that was only just an attempt to intimidate the animal control officer is the best I can come up with.

HEARING OFFICER CAMILLE VALLEY: So are you saying that the animal incident investigation report that we are looking at on page 8 of your exhibits is the same animal control officer that Mr. Pemberton was stating in his testimony.

SERGEANT SCOTT RAUDABAUGH: Yes. Officer Cindy Alley. He also, like I say, is singing praises of her today that benefits his testimony and that day he accused her of being up to no good. I have no doubt that she has driven by there before and as other animal control officers and police officers. It is kind of a thoroughfare. Also, animal control officers have been sent there before to take a look at his dog in regards to being close to the street and lunging out at people. Thank you.

HEARING OFFICER CAMILLE VALLEY: All right. Thank you. I just want to make note for the record that this is Mr. Pemberton again testifying.

RICHARD PEMBERTON: Most of that was false and misleading. I mean Cindy was by my house Monday, Tuesday and Wednesday. Those are facts. I wasn't praising her I was just saying that if I were by her house three days in a row I would be considered casing the place.

HEARING OFFICER CAMILLE VALLEY: Okay, but the issue I think that....

RICHARD PEMBERTON: And I, of course, I would become irate when they are sitting there threatening which I no longer work for the place anymore. My work truck's out front and an officer pulls up with the animal control officer and they are telling me to give up my dog right away, animal bites, this and that, when I know for a fact he's been in the house. Of course I'm going to be irrational and to the point to where I have a company truck and trailer sitting outside with \$50,000 worth of equipment on it and Mr. Crowley, Officer Sergeant Crowley, says that well would you like to return to work today. How about if I call your previous employer and tell him where he can pick up his truck--in impound and basically I'd be in jail without cooperating. At no point in time was my dog ever out of the house until 1:33 in the afternoon when animal control came and got him. Uhm, as for we can't help it that we can't burn anything or download a disc from our computer. If you'd like to come and help us we'd be glad to do that.

HEARING OFFICER CAMILLE VALLEY: You've got to talk into the microphone otherwise I can't hear you or either can the tape.

RICHARD PEMBERTON: We don't have a burning option or anything like that. If animal control would have come in and reviewed it at the time they could see it. They could probably even see it now, pull it up. It's just we have no way of downloading or burning to a disc.

HEARING OFFICER CAMILLE VALLEY: Okay. The record reflects that they did ask to see it at the time.

RICHARD PEMBERTON: No they didn't. That was a false and misleading statement. Just, uhm, I mean how come Ms. Alley didn't put in there that she had previously stopped by on the 1st and drove by on the 2nd to see him on the chain? I mean, isn't that pertinent information that she was there on a social call Monday?

HEARING OFFICER CAMILLE VALLEY: That's, I am looking at all the evidence.

RICHARD PEMBERTON: You know, I mean it's false and misleading statements and misrepresentation of information for him to lay it down this way. The dog was in the house. Within my eyeshot there is five other dogs around just from my back door, ya know.

HEARING OFFICER CAMILLE VALLEY: And you're saying these dogs look identical to your dog?

RICHARD PEMBERTON: No, no ma'am, no ma'am. The one across the street looks almost identical. It's his brother. Jesus' brother. There's one down the street all the way to the northeast end corner that is identical to the 40, 50, 60 pound description. My dog is over 100 pounds.

HEARING OFFICER CAMILLE VALLEY: So did you bring copies or pictures of that?

RICHARD PEMBERTON: Of what? Of the other dogs?

HEARING OFFICER CAMILLE VALLEY: Of the other dogs that look identical to your dog?

RICHARD PEMBERTON: No ma'am. No ma'am. I mean, but it's obvious if it's a registered or insured Pit Bull like ours what is, ya know, stuff like that then they should be in City Hall. I mean there's other dogs that fit that same exact description that are in probably most likely already in the system.

HEARING OFFICER CAMILLE VALLEY: But the point of the hearing is it just gives you an opportunity to bring whatever. I know nothing about these cases and I don't do any research. You bring to me what you want me to consider.

RICHARD PEMBERTON: Ms. Alley already had this paperwork filled out right down to his name by Wednesday, by the time this stuff had gone. Right on down to neutered, right on down to, she already knew his birth date, already knew his tag number, everything.

HEARING OFFICER CAMILLE VALLEY: I am not the police.

RICHARD PEMBERTON: Right.

HEARING OFFICER CAMILLE VALLEY: I do not have their records. When you come to a hearing you're expected to bring whatever evidence supports your case. So that's all I'm saying is I don't have.....

RICHARD PEMBERTON: But animal control has never been called to our house for my dogs before. I mean there isn't anything. I mean one time they stop by like Cindy did this last time and asked us to move the chain back which we did. Ya know. I mean and there has never been an issue. My do has never bitten anybody. You know, most of these statements are false and misleading. Uhm, and uhm, I am no longer employed with that place. you know, so I'm not sure if there's a little sabotage there.

HEARING OFFICER CAMILLE VALLEY: That's not even a.....

RICHARD PEMBERTON: You know, but I shouldn't have been threatened at the time under the circumstances.

HEARING OFFICER CAMILLE VALLEY: The only issue I'm considering is whether or not the City had reasonable cause to, for the declaration.

RICHARD PEMBERTON: No ma'am. He was in the house.

HEARING OFFICER CAMILLE VALLEY: So I'm gathering all testimony and facts and evidence that I can today and I will deliberate and I'll come up with a written ruling. If there's nothing further that you....

RICHARD PEMBERTON: I'll see if she....

HEARING OFFICER CAMILLE VALLEY: Would you please state your name for the record?

AMBER ARMSTRONG: Amber Armstrong.

HEARING OFFICER CAMILLE VALLEY: Amber?

AMBER ARMSTRONG: Yep. "Armstrong."

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

AMBER ARMSTRONG: Yes.

HEARING OFFICER CAMILLE VALLEY: And do you want to state your relationship for the record of how you fit into this?

AMBER ARMSTRONG: Fiancé. I live there.

HEARING OFFICER CAMILLE VALLEY: Okay.

AMBER ARMSTRONG: Do you need copies of the police report because we did bring them?

HEARING OFFICER CAMILLE VALLEY: Well, if you look at the, Sergeant Raudabaugh gave you a copy to go through during today's hearing.

AMBER ARMSTRONG: Yeah.

HEARING OFFICER CAMILLE VALLEY: So if it duplicates anything that's already in his, in his, I don't need any further. You can reference those. We just need one copy in the record.

AMBER ARMSTRONG: Okay.

HEARING OFFICER CAMILLE VALLEY: But you can reference whatever ones you want to if you want to discuss anything in those. And if there is something that he did not include in the evidence that you want included, you are more than welcome to introduce anything new.

AMBER ARMSTRONG: My only concern about these reports is from Steve Sexton's and Cindy Alley's.

HEARING OFFICER CAMILLE VALLEY: Okay. If you'd refer, he's got numbers on each of these pages so we're talking about the same thing.

AMBER ARMSTRONG: Mine's not numbered. These are mine. I don't know.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: If I could help ma'am.

HEARING OFFICER CAMILLE VALLEY: Yes. That'd be great.

SERGEANT SCOTT RAUDABAUGH: Inaudible..

AMBER ARMSTRONG: So on page 3 and 14. My only concern is from Cindy coming there Monday, driving by Tuesday and there to pick up my dog on Wednesday. My only concern is that on Steve Sexton's report which is page 14, he doesn't have nearly half as much information. He's the one that said it was a large 40-50 pound dog. And, uhm, the incident happened, or occurred at 8:00 and didn't report it until 10:57 and didn't leave no notification on our door until 11:30. Okay, over here on page 3 on Cindy Alley's, uhm, she didn't write down what time she left any notification, but the incident happened at 7:20 and wasn't reported until 8:39. And she has all the information written on down to his name. Now if the witness Danielle Harris seen our dog loose she don't know us and she don't know what our dog's name is. So everything on Cindy's is all filled out, but over here it's not on Steve's so that was my concern on that. Uhm, then I received a letter from the ARL...

HEARING OFFICER CAMILLE VALLEY: Would you like Sergeant Raudabaugh to address any of these issues as you're raising them because we can have him testify if you're going to raise several issues? We could have him respond to your inquiry before you raise your next issue. It's up to you.

AMBER ARMSTRONG: Well, that was my only issue.

HEARING OFFICER CAMILLE VALLEY: Okay.

AMBER ARMSTRONG. So, I mean, yeah he can.

HEARING OFFICER CAMILLE VALLEY: And if I'm hearing you correctly, you're, you sound like you, are arguing that are you sure that both instances were the same dog?

AMBER ARMSTRONG: Right.

HEARING OFFICER CAMILLE VALLEY: Okay. And so what, what do they have in the record because their reports don't read that there is as much identification tied to one as there is to the other?

AMBER ARMSTRONG: Right. And of course Cindy is going to have it all filled out because she was just there Monday and they had a 45 minute conversation outside so, I mean, she would of course know my dog's name. So, yeah.

HEARING OFFICER CAMILLE VALLEY: Okay. Sergeant Raudabaugh do you want to address that issue?

SERGEANT SCOTT RAUDABAUGH: Can I look at what you are referring to?

AMBER ARMSTRONG: Right here. This is Cindy's report and this one is Steve's. Okay, over here she has all her information all the way down to the rabies tag number. Okay, well he was missing the rabies tag so how would she have got that?

SERGEANT SCOTT RAUDABAUGH: Okay.

AMBER ARMSTRONG: Okay. Why didn't he have that written down but she does?

HEARING OFFICER CAMILLE VALLEY: In other words....

AMBER ARMSTRONG: And he was missing it. He did lose it.

HEARING OFFICER CAMILLE VALLEY: Is there, is there a microchip or something that's identifying these that you know that it was the same dog from both instances?

AMBER ARMSTRONG: Right.

HEARING OFFICER CAMILLE VALLEY: What other additional evidence is there in the record?

AMBER ARMSTRONG: Correct. This one they say Garfield and York on a City street. Over here she's got 1250 York Street, public street. Uhm, what else? She's got him as neutered. He's not neutered. But his name is other identifications, collar, tattoo, etc. and all his stuff is unknown.

SERGEANT SCOTT RAUDABAUGH: On, we'll start out with page 3.

HEARING OFFICER CAMILLE VALLEY: And for the record again, this is Sergeant Raudabaugh again testifying.

SERGEANT SCOTT RAUDABAUGH: I apologize.

HEARING OFFICER CAMILLE VALLEY: That's okay.

SERGEANT SCOTT RAUDABAUGH: Okay. Sergeant Raudabaugh. I'll start out with page 3 which is Des Moines Case 2010-35652. Animal control officer Cindy Alley. As far as the times, uhm, to me it's a non-issue because the animal control officer may have been dispatched at 7:50 or 8:00 and may have been dispatched to meet with the victim and by the time they got to the point where they were at the house and talking to the person they may have looked at their watch and it said 8:39 and so it's not uncommon we use the time we're standing there talking to the victim as the reporting time.

HEARING OFFICER CAMILLE VALLEY: And is then the time the incident occurred is there recollection of the time it occurred?

SERGEANT SCOTT RAUDABAUGH: Correct. Their recollection or if, I don't know in this scenario, but in another scenario they may have called dispatch moments after it occurred and dispatch would have that time of 7:20. You know, certainly if that's an issue the Pemberton's could have researched with the Police Station about the times. But, uhm, 7:20 to 8:39 that's not out of the question.

HEARING OFFICER CAMILLE VALLEY: I'm looking at your Exhibit page 3, the door hanger was another thing that she had mentioned. Okay, this is for my clarification. I know there is a door hanger put up at the time you are providing notice of your declaration. Is there another door hanger that is put up following the incident? Is that, what is....

SERGEANT SCOTT RAUDABAUGH: Yes, long before my letter got delivered, uh, Cindy Alley was investigating this particular bite. She went to the house and left a notice for Mr. Pemberton to immediately contact her. And then he did and that's when the other information....

HEARING OFFICER CAMILLE VALLEY: So that would have been at the time the animal control officer was on-site investigating which was somewhere around the 8:30 or 9:00 or shortly thereafter.

SERGEANT SCOTT RAUDABAUGH: Correct.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: The situation was the animal control officer talked to the victim, gathered information.

HEARING OFFICER CAMILLE VALLEY: Can you either get him to sit quietly or take him outside of the room? Thank you. Okay you may proceed. Sorry.

SERGEANT SCOTT RAUDABAUGH: Uh, spoke to the victim, gathered the information and then went to the house. And then shortly after that, mid-day, Mr. Pemberton came home and met with the animal control officer and it kind of went from there.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Uhm, as far as the description, in this case it appears it was a combination description of what the victim told the animal control officer and then a little bit of what she had already known from the first of November. As Mr. Pemberton, he commented that she didn't write that in the report which is incorrect. She notes that on the 1st of November she was at Mr. Pemberton's house. It is in the report. She is not hiding anything and so that's where this information came about. The victim is familiar with the dog that bit her. Animal control officer Cindy Alley is familiar with the dog that we're talking about. Her description is a combination of the two I suspect. As far as the rabies information, she may have gone to the City computer system and looked that up as a matter of being efficient. Uhm, you know, so that's how we derived at that. The dog was impounded and brought to the animal shelter and the victim in that case, Hillary, and I don't know how to pronounce her last name, I'll just try it, Unzita, a 14-year old girl. She came to the animal shelter and identified Mr. Pemberton's dog as the dog that bit her. And I'll refer to the report that documents that as well. Page number 10 and I'll just read it here. It's from Mr. Josh Colvin, Supervisor with the Animal Rescue League. Officer Tina Upgrove called to advise that the victim in this case would be down to identify the bite dog. Hillary showed up at the animal shelter with her brother. I took her back to the kennels and said to point to the dog that bit her. She chose the dog identified as Jesus. The tan Mastiff mix, ARL Animal No. A11807471. So the investigation identified the dog that bit in this particular case.

HEARING OFFICER CAMILLE VALLEY: Okay. So then if you go, the issue raised by Ms. Armstrong was that okay there was a lot of detail, knew the dog in that report. Now the one that was in your Exhibits, page 14, does not have all the listings. So what she seems to be arguing is how do you know, what evidence is there that the same dog perpetrated both incidences. So looking at Exhibit 14 what do you have there or what do you have that shows evidence of the same animal being involved with both instances?

SERGEANT SCOTT RAUDABAUGH: Uh, yes, page 14 which is Des Moines Case 2010-35667. Animal control officer Steven Sexton, like I said, was sent to the, it was my understanding was sent to the hospital and either met the victim at the hospital or at his house, but ended up talking to the victim. And his description is based on what the victim gave him. The reddish brown large dog. Yes he put 40-50 pounds. You know, maybe somebody's good at estimating poundage of a dog, maybe they aren't.

HEARING OFFICER CAMILLE VALLEY: This was information gathered from the victim is what would be reflected on page 14 of your exhibit?

SERGEANT SCOTT RAUDABAUGH: That is correct and I don't, I don't believe that Officer Sexton was familiar with Jesus or Mr. Pemberton so he didn't have additional information that he could have added independently to describe the dog.

HEARING OFFICER CAMILLE VALLEY: So then what evidence made you conclude that they were the same dog involved with both incidences?

SERGEANT SCOTT RAUDABAUGH: Okay. On page 15 I'll read part of Officer Sexton's report. The, on page 15 (tape was changed).....described where the dog was at and he said the

intersection of York and Garfield at York. Mr. Pemberton, could you let me speak? It is distracting when you are talking when I'm talking. He described, the victim described at Garfield and York and then he described the house on the southwest corner is where the dog was.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: So that's how Officer Sexton ended up at the house.

HEARING OFFICER CAMILLE VALLEY: So the house meaning?

SERGEANT SCOTT RAUDABAUGH: Mr. Pemberton's house which is at the southwest corner of that intersection.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: That's how Officer Sexton initially arrived at Mr. Pemberton's house.

HEARING OFFICER CAMILLE VALLEY: Because the dog went to that property after?

SERGEANT SCOTT RAUDABAUGH: That's where the dog was or came from and was at when the victim was bit in that case.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Then Officer Sexton went there and I'll read from his report. RO, which is reporting officer, visited the bite dog's home and was unable to reach anyone. A dog was heard barking from inside the house but no one answered the knock. And that was at 1250 York, Mr. Pemberton's address. A door hanger was.....

HEARING OFFICER CAMILLE VALLEY: Excuse me a minute. If you speak again I'm going to have to ask you to leave. Okay you may proceed.

SERGEANT SCOTT RAUDABAUGH: A door hanger was found on the back door from AR2 which is Officer Alley. So, like I spoke about earlier, they were each conducting an independent investigation. When Officer Sexton went to this house which turned out to be 1250 York, Mr. Pemberton's address, he then saw the door hanger from Officer Alley there. And certainly at the point I'm sure they communicated with each other about the independent bites that they were each investigating.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Subsequently, Officer Alley being familiar with the property, Mr. Pemberton and the dog, conducted a follow-up investigation and that's where she ended up impounding the dog and she did that impound report as a supplemental report to the other report. Does that make sense?

HEARING OFFICER CAMILLE VALLEY: Okay. Yes.

SERGEANT SCOTT RAUDABAUGH: And that's page 7 and 8 in the total documents. So she impounded the dog. Mr. Pemberton's Mastiff breed dog. Not his other dog a Pitbull, but impounded the Mastiff dog. Subsequently, excuse me a moment while I refresh my memory on something here. At some point, I'm not seeing it at this moment, but, and I'll continue to look, but Mr. Lang also identified the bite dog as the dog that bit him. If I could have just a moment to find that I would appreciate it. I apologize for not being able to quickly find it.

HEARING OFFICER CAMILLE VALLEY: Yes.

SERGEANT SCOTT RAUDABAUGH: It is on page 17 which is a supplemental to 2010-35667. The reporting officer contacted, I'm sorry that's the release of quarantine. I do remember reading it. On page 8 of Officer Cindy Alley's supplemental report to 2010-35652 where she impounded the dog, uhm, after she impounded the dog she writes I left the area and called AR6, which is Officer Sexton, and asked him to call the bite victim in his case, Mr. Lang. Lang came to the animal shelter essentially and immediately and positively identified Pemberton's dog as the dog that bit him this morning. So I think I adequately explained the reason for the, Ms. Armstrong's suggestion of a discrepancy in the times. There really isn't. And as far as the description, uhm, they are similar in the initial descriptions. Officer Alley had a little knowledge that she was able to add to the information about the dog. The victims both positively identified the dog. So I believe I've answered the questions.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you. Okay, if there's nothing new to add to the evidence or testimony. Does anybody have anything new to add? This is Mr. Pemberton again for the record.

RICHARD PEMBERTON: I mean, he, the officer even waited until the very last minute to bring us the paperwork for the release of quarantine or the one that say he wasn't going to. I mean we were already out of town. There's no way we would have known. We came back into town and went straight to animal control. We didn't even know he wasn't going to be released to us. A lot of the information....

HEARING OFFICER CAMILLE VALLEY: That's not relevant to the issue.

RICHARD PEMBERTON: A lot of it is false and misleading. I mean at no point in time. I mean we've caught this gentlemen in our yard several times.

HEARING OFFICER CAMILLE VALLEY: Okay, but you've already testified to that and I will deliberate...

RICHARD PEMBERTON: And where are these people today?

HEARING OFFICER CAMILLE VALLEY: Okay. I will deliberate on everything I've heard. If you have nothing new to add....

RICHARD PEMBERTON: I've never seen this guy before in my life. But he dropped something off on my door.

HEARING OFFICER CAMILLE VALLEY: Well, Sergeant Raudabaugh....

RICHARD PEMBERTON: Well, at no point in time did they ever review any tape or try to review any tape. They just wanted the dog. That was it.

HEARING OFFICER CAMILLE VALLEY: So are you arguing that even though the record shows that you told them you had it you are saying you did say come on in and I'll show it to you?

RICHARD PEMBERTON: Yeah. You know, anything else is false and misleading.

HEARING OFFICER CAMILLE VALLEY: But I'm saying that you did, when you told them you had it you're saying that you did not say that, no you were not going to show it to them?

RICHARD PEMBERTON: No, I, in no way or form did I say I wouldn't show them anything. I told them at one point in time that they could have a swab from my dog's mouth. That's what triggered that they would impound my truck and everything. I'm like you can have a swab of my dog's mouth to compare saliva. You know that what you are saying he bit somebody and I'm telling you he's been in the house the whole time. You know, threats and intimidation from the beginning.

HEARING OFFICER CAMILLE VALLEY: Okay.

RICHARD PEMBERTON: That dog wasn't pointed out and that most likely was the only dog they showed them. And my dog is not 40-50 pounds large. I mean he's like 100 some large.

HEARING OFFICER CAMILLE VALLEY: All right. Thank you for your testimony. I will, I know nothing about these cases until I hear them so I will deliberate on all the testimony I've heard, the evidence I've received, and develop a written ruling which I will submit to the City Clerk's Office and then she'll make sure you get a copy. So I thank you all for your time and testimony this morning and this case is adjourned.

I, Renae Lampkin, certify that I transcribed the minutes of the November 23, 2010 Administrative Hearing pertaining to a dangerous dog owned by Richard Pemberton.

Renae Lampkin