

.....
 Date May 7, 2012

WHEREAS, Shirley Harper, 1151 Ascension Street, filed an appeal before the City Council of the Hearing Officer's decision upholding the Acting Chief Humane Officer's declaration of her dog as a Vicious Animal; and

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

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

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa: (Choose one of the two alternatives):

_____ Alternative One: That the order of the hearing officer be upheld and Ms. Harper's dog be declared a vicious animal.

MOVED BY _____ TO UPHOLD
 DECLARATION.

_____ Alternative Two: That the order of the hearing officer be reversed and Ms. Harper's dog not be declared a vicious animal.

MOVED BY _____ TO REVERSE
 DECLARATION.

FORM APPROVED: _____ MOVED BY _____ TO ADOPT.

K. Massier
 Katharine J. 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 VICIOUS ANIMAL

“ MAN-MASTER”

- EXHIBIT A** **Letter from Police Animal Control
Declaring the Dog “Vicious”
(Pages 1 – 3)**

- EXHIBIT B** **Appeal from Shirley Harper
Letter Setting Date of Administrative
Hearing
(Pages 1 – 4)**

- EXHIBIT C** **Animal Incident Investigation Report
(Pages 8 – 15)
Previous Incidents
(Pages 16 -26)
Municipal Code
(Pages 27-31)**

- EXHIBIT D** **Administrative Hearing Officer’s Ruling
(Pages 1 – 7)**

- EXHIBIT E** **Appeal from Shirley Harper
Letter setting date for appeal to
City Council
(Pages 1 - 2)**

- EXHIBIT F** **Letter to Shirley Harper
(Page 1)
Administrative Hearing Transcript
(Pages 1 – 29)**

EXHIBIT A

EXHIBIT A

12-7690

March 20, 2012

Ms. Shirley M. Harper
1151 Ascension St
Des Moines, Iowa 50314



Dear Ms. Harper,

On July 17th, 2010 your tan and white colored male Mastiff/Boxer mix dog, named "Man-Master," was at your residence at 1151 Ascension st when she bit and injured an adult female. The adult female sustained 3 puncture wounds to her left breast area and 4 puncture wounds on one of her legs. During the follow-up investigation your dog was placed under home quarantine. Reference Des Moines Police case: (2010-22744)

On July 22nd, 2010 your dog, named "Man-Master," ran out of the front door of your property at 1151 Ascension and knocked over an adult female causing her to strike her head on the pavement. Victim suffered a concussion as a result of Man-Master's actions. Reference Des Moines Police case: (2010-23452)

On July 25th, 2011 your dog, named "Man-Master," ran off your property at 1151 Ascension and attacked a poodle breed dog causing puncture wounds to one of its legs. Reference Des Moines Police case: (2011-23765)

On March 15th, 2012 you dog, named "Man-Master," ran off your property at 1151 Ascension and attacked a juvenile female. The resulting injury to the juvenile female was a large laceration to her right calf which needed 10 stitches to close. Reference Des Moines Police case: (2012-7690)

Because of your dogs behavior it is being declared a "Vicious Dog," as defined by city ordinance 18-41.

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

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

If you do nothing your dog will be destroyed in a humane manner, in accordance with city ordinance 18-59.

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,

Ex.A

7

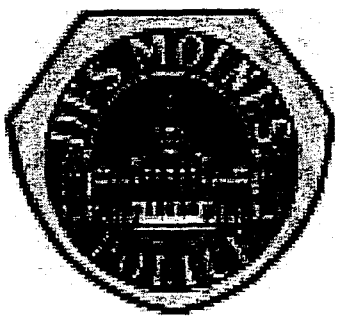
SPO Mark Stuempfig,
Acting Chief Humane Officer,
City of Des Moines, Iowa Police Department

cc: City Clerk's Office



EX A

3



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 12-7690

ARL number (if known): A11089248

Animal owner's name: SHARLEY KANDEL

Address: 1151 ASCENSION ST DSM

Location of service: 1151 ASCENSION DSM

Date and time served: 3-21-12

Official serving document (print name):
SPO MARIL STUEMPFIG

Official's identification number: 4887

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):
* LEFT IN DOOR

Their signature: X _____

2012 MAR 21 PM 1:45

EXHIBIT B

AH:

3/23/2012

City Clerk Office DM
Iowa

2012 MAR 23 PM 10:52
CITY CLERK
OFFICE

FILE

To whom it may concern
 I (Shirley Waper (11/51 Ascension
 DM Iowa) verified that
 my dog named Man-
 Master is ~~not~~ a vicious dog
 My neighbors at 1149
 also agree that the dog is
 an asset to the neighborhood
 and a gentle dog. Who
 is also there to put
 a smile on there faces
 Mrs Jennifer Dahls
 watches her grandchildren
 during the day and has
 never had a problem with
 the dog or her children
 playing with the dog ~~5/1/11~~

Sincerely,
Stanley Harper
James Healy
James D. ...

FILED

2012 MAR 23 PM 2:54

CITY CLERK
DES MOINES, IOWA



March 26, 2012

Ms. Shirley M. Harper
1151 Ascension Street
Des Moines, IA 50314

Re: Administrative Hearing – Vicious Dog Appeal

This is to acknowledge your written request for an appeal regarding the Declaration of “Man-Master” as a Vicious Dog. A hearing has been set for **Monday, April 2, 2012** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive, at 10:30 A.M.**

Parking is available on the streets surrounding city Hall—you will need change to pay the parking meters. Please alert the City Clerk’s Office when you arrive.

Pursuant to Section 18-59 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call, 283-4209.

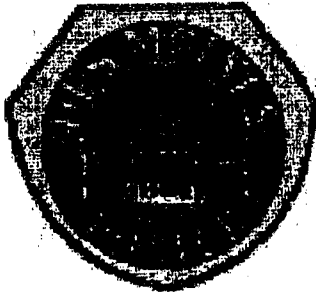
Sincerely,

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Hearing Officer
Asst. City Attorney
Staff Notification

EX. B 4



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2012-7690

ARL number (if known): A11089248

Animal owner's name: SHERLEY HARPER

Address: 1151 ASCENSION THOMAS

Location of service: SAME

Date and time served: 26 MAR 12 1513

Official serving document (print name):

Sgt. RANVA BAUGH

Official's identification number: 4770

Type of document served: Vicious dog letter Dangerous

animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: HEARING

NATE LETTER

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

Sherley Harper

Their signature: X Sherley Harper
HE ACU

EXHIBIT C

EXHIBIT C
8

Animal Incident Investigation Report

Des Moines, Iowa

2012 MAR 19 AM 11:43

CHE

1. ARL case number: C01126009		2. DMPD case number (If applicable): 12-7690	
3. Victim's name (Last, First M.I.): SIMS, SIERRA L. (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL# AR503605		4. Race: B	5. Sex: F
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> A11089248		6. Age:	7. Date of birth: 26-Nov-97
34. Animal breed: Mastiff/Boxer mix "Man Master"		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: Tan and white		10. Residence address: 1334 Martin Luther King Pkwy. 50314	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number: 515-865-4826	
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		12. Business or cellular phone number:	
38. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		13. Place of employment or school:	
39. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:		14. Type and location of injury: Dog bite - back of right calf - 10 stitches	
39A. Date of vaccination:		15. Medical treatment: Broadlawns ER	
39B. Date of vaccination expiration:		16. Reporting person's name (Last, First M.I.): SIMS, JEROME P.	
39C. Veterinarian:		17. Race: B	18. Sex: M
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		19. Age:	20. Date of birth: 06-Jun-72
41. Other identifiers (Collar, tattoo, etc.): Red nylon collar		21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>
42. Confinement/quarantine location: ARL ACCC		23. Residence address: 1334 Martin Luther King Pkwy. 50314	
43. Impounded or bite animal owner's name (Last, First M.I.): HARPER, SHIRLEY M.		24. Residence phone number: 515-865-4826	
44. Residence address: 1151 Ascension St. 50314		25. Business or cellular phone number:	
45. Residence phone number: 515-447-5952		26. Location of incident (address): 12 St. and Ascension St. 50314	
46. Place of employment or school:		27. Location type: Street	
47. Business or cellular phone number:		28. Date and time incident occurred: 15-Mar-12 1730 hrs.	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		29. Date and time incident reported: 15-Mar-12 2025 hrs.	
48A. Date and time of notification: 15-Mar-12 2039 hrs.		30. Crime/incident type: Animal Bite - Dog	
48B. Person making notification: WILSON, J/AR5		31. Classification:	
48C. Means of notification: Verbal		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 type="checkbox"/> Yes <input checked="" 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"/>	
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#:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		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: WILSON, J. <i>JW</i>		I.D. No: AR5	73. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded
74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
76. Second reporting official:		I.D. No: 77. Supervisor approving report: <i>J. Collier AR-1</i>	78. Reviewed by: <i>KO</i>

EX. C 9

79. Page: 2 of 2		Animal Incident Investigation Report Des Moines, Iowa				80. DMPD case number (if applicable): 12-7690		
81. Suspect or offender <u>one</u> (1) name (Last, first Middle): HARPER, SHIRLEY MAE					82. Arrested: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	83. Warrant needed: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	84. Charges filed: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
85. Race: B	86. Sex: F	87. Age:	88. Date of birth: 09-Sep-60	89. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>	90. Height: 61	91. Weight: 150	92. Hair color: BRO	93. Eye color: BRO
94. Residence address: 1511 Ascension St. 50314 <small>(City and/or state if not Des Moines or Iowa)</small>								
95. Residence or alternate phone number: 515-447-5952			96. Driver license number or social security number: ID: 069BB0800			96A. State: IA	97. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime: 293321 Dog at Large 18-55				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: <small>(City and/or state if not Des Moines or Iowa)</small>								
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>Reporting Officer WILSON, J./AR5 was dispatched to 1151 Ascension St. on 15-Mar-12 to investigate a report of a dog bite involving a dog at that address. As R/O was approaching the above address, R/O was stopped by a party identified as SIMS, JEROME P. who identified himself as the father of the bite victim, SIMS, SIERRA L. R/O spoke to the victim who related that she and a friend were walking at the intersection of Ascension St. and 12 St. at approximately 1730 hrs on 15-Mar-12 when a large, tan and white dog either broke loose from or slipped its chain and ran up and bit the victim on the right calf, causing a significant laceration. A black female exited 1151 Ascension St. and retrieved the dog and the victim made contact with her father, who transported her to Broadlawns ER. The victim's father showed R/O paperwork from Broadlawns ER that showed that the victim required 10 stitches to close the wound. The victim's father took photographs of the wound and provided them to R/O. After speaking to victim's father and explaining quarantine procedures, R/O proceeded to 1151 Ascension St. On arrival, R/O made contact with HARPER, SHIRLEY MAE, who identified herself as the owner of a Mastiff/Boxer mix, male, tan and white in color, named "Man Master" that was involved in the above incident. R/O notified HARPER of the incident, to which HARPER argued that the incident was the victim's fault because she was on Ascension St. and she doesn't live on that street. HARPER also claims that the victim and a friend were arguing loudly and that is why the dog "Man Master" slipped loose from its chain and bit her. R/O explained that neither of those things mattered in this case. HARPER then argued that the dog "Man Master" did not bite the victim but that the victim fell down and slid beneath a car and cut her calf on the car. R/O notified HARPER that the dog "Man Master" was being impounded for quarantine due to the severity of the bite injury and HARPER brought the dog out to the animal control truck and loaded it into the vehicle. R/O then issued HARPER citation 293321 for Dog at Large (18-55) as HARPER admitted and the victim identified that the dog "Man Master" was running at large at the time of the incident. R/O transported the dog "Man Master" to the ARL ACCC shelter without incident. On arrival to the shelter, R/O conducted a records check on HARPER and the dog "Man Master". R/O found that the dog "Man Master" bit LEWIS, SHANTEL on 17-Jul-10 under case number 10-22744, causing 3 puncture wounds to the left breast and 4 puncture wounds to the leg. The dog "Man Master" was placed under home quarantine at that time. While under quarantine in the above case, the dog "Man Master" pushed through the door or 1151 Ascension St. and knocked down COLLEY, CARLA, causing her to loose consciousness and suffer a concussion. This occurred under case number 10-23452. The dog "Man Master" was transferred to the ARL ACCC shelter for the remainder of quarantine. On 25-Jul-11, the dog "Man Master" attacked and injured a dog belonging to the sister of HARPER. The sister's name is HARPER, KIM. The dog "Man Master" was quarantined at ARL ACCC. This is the third bite incident involving the dog "Man Master" and the fourth time it is known to have injured a person or other animal. Hold dog "Man Master" for quarantine through 25-Mar-12 at 1730 hrs. Case forwarded to RADABAUGH, S. for review.</p>								
						120. Date of this report: 15-Mar-12		

EX. C
10

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

STATE OF IOWA I.A. ID: 069 BB0800
COUNTY OF POLK
COUNTY OF WARREN

No PC 293321

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

THE STATE OF IOWA Agency Case No. 12-7690
 CITY OF DES MOINES A MUNICIPALITY, PLAINTIFF v.
(IA0770300)

NAME: HALPER SHIRLEY MAE
Defendant Last First Middle
ADDRESS: 1151 ASCENSION ST
Street
CITY: DES MOINES STATE: IA

BIRTH DATE: 09/09/60 Sex B Race F
Mo. Day Yr.
Ht. 61 Wt. 130 Eyes BRO Hair BRO

The Defendant is accused of the crime of Dog At Large
in violation of: _____, Iowa Code, 20 _____ or 18-55, Local Ordinance,

for that on or about 03/15/12 a.m. 5:30
Mo. Day Yr. p.m.

Defendant did: Allow Mastiff mix "MAN MASTER"
to run at large and bite SIMMS
SIERRA L., requiring 10 stitches to
right calf.

DATE: 03/15/12 AR5
Mo. Day Yr. Officer's Signature I.D. No.

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.
04/17/12 a.m. p.m. 9:00
Mo. Day Yr.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE
[Signature]
Signature Defendant

I swear that the foregoing citation is true and correct.
[Signature] AR5
(Officer's Signature)

Subscribed and sworn to before me by J. Wilson AR5
At Des Moines, Iowa this 26th day of March, 20 12

Notary Signature Judge Magistrate Clerk District Court
[Signature]

SCOTT RAUDABAUGH
Commission Number 705492
My Commission Expires

865.5 Failure to appear. Any person who willfully fails to appear in court as specified by the
citation shall be guilty of a simple misdemeanor and upon conviction shall be punished by a fine
of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty
days.

COURT

APR 26 PM 12:54

EX.C
111

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

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 12-7690

Shirley Mae Harper
(DEFENDANT)

IA0770300

IA ID: _____
SOC. SEC. NO. 069BB0800

1151 Ascension St
(ADDRESS)

DATE OF BIRTH 09/09/60

Des Moines IA
(CITY & STATE)

DESCRIPTION B F 61 130
RACE SEX HGT WGT

BRO BRO
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: Dog AT Large

AT: 12 St. and Ascension St.
(ADDRESS OR LOCATION)

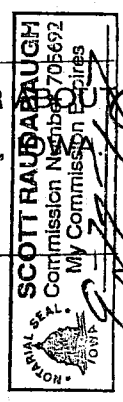
IN VIOLATION OF SECTION(S): 18-55

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 11 COMMITTED ON OR
THE 15th DAY OF March, 20 12 IN THE CITY OF DES MOINES, POLK COUNTY

SIGNED AND SWORN TO ON THIS 26th DAY OF March, 20 12

Mark ARS
FILING COMPLAINANT

[Signature]
(NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)



BASIS OF PROBABLE CAUSE

- THE DEFENDANT WAS:
- CAUGHT IN THE ACT
 - IDENTIFIED BY PRINTS
 - NAMED BY WITNESSES
 - HAD PROPERTY ASSOCIATED WITH CRIME
 - ARRESTED FOLLOWING INVESTIGATION
 - WEAPON INVOLVED CRIME
 - IDENTIFIED BY PHOTO
 - ARRESTED AT SCENE
 - OTHER (SPECIFY BELOW)
 - VICTIM INJURED
 - PROPERTY / MONEY TAKEN

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

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL Have Mastiff/Boxer mix "MAN MASTER" running at large and bit Sims, SIERRA L., requiring 10 stitches. Third bite incident involving this dog

Mark ARS
SIGNATURE OF ARRESTING OFFICER NO. _____

03, 15, 12
(DATE OF ARREST)

DATED: 03, 15, 12

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>Sierra L Sims</u>	<u>1334 Martin Luther King Pkwy</u>	<u>515-865-4826</u>	<u>515-865-4826</u>
<u>Jerome P Sims</u>	<u>1334 Martin Luther King Pkwy</u>	<u>515-865-4826</u>	<u>515-865-4826</u>

BOND AMOUNT \$ _____ CASH ONLY () CASH OR SURETY ()
OTHER CONDITIONS IMPOSED WITH BAIL: _____

2012 MAR 19 AM 11:53

EXC 112



112

2012 MAR 19 AM 11:43

13

2012 MAR 4 9 AM 11:43

EX. C.

14



EXHIBIT C
15

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): HARPER, SHIRLEY M.	2. Case number: 12-7690
---	-----------------------------------

3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: 25-Mar-12	5. Date incident occurred: 15-Mar-12
---	---	--

6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: Animal Bite - Dog	Changed: <input type="checkbox"/> Yes
---	---	---------------------------------------

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

R/O examined Mastiff mix "Man Master" this date, dog appeared to be healthy and free of disease at this time. R/O contacted victim's father SIMS, JEROME P. and notified him of completion of quarantine. R/O contacted owner HARPER, SHIRLEY M. and notified her of completion of quarantine. No further action required on case and case can be closed.

2012 MAR 26 PM 5:15

10. ARL reporter: WILSON, J.	I.D. No. AR5	11. Status: <input type="checkbox"/> Open <input checked="" 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 ARL reporter:	I.D. No.	15. Supervisor approving report: J. Colin AR-1	I.D. No.	16. Reviewed by: PS

EXHIBIT C
16

Animal Incident Investigation Report
Des Moines, Iowa

2011 JUL 26 PM 1:22

1. ARL case number: 00867735		2. DMPD case number (if applicable) 11-23765	
Impounded or bite animal			
3. Victim's name (Last, First M.I.): society (Human victim or society)			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ARL# A11089248		4. Race:	5. Sex:
33. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/> : man master		6. Age:	7. Date of birth:
34. Animal breed: boxer mix		8. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
35. Animal color: brown white		10. Residence address: (City and/or state if not Des Moines or Iowa)	
36. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number:	12. Business or cellular phone number:
37. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		13. Place of employment or school:	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		14. Type and location of injury:	
39. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:		15. Medical treatment:	
39A. Date of vaccination:		16. Reporting person's name (Last, First M.I.):	
39B. Date of vaccination expiration:		17. Race:	18. Sex:
39C. Veterinarian:		19. Age:	20. Date of birth:
40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		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.): nylon		23. Residence address: (City and/or state if not Des Moines or Iowa)	
42. Confinement/quarantine location: arl accc		24. Residence phone number:	25. Business or cellular phone number:
43. Impounded or bite animal owner's name (Last, First M.I.): harper, shery		26. Location of incident (address): 1156 ascention	
44. Residence address: 1151 ascention (City and/or state if not Des Moines or Iowa)		27. Location type: yard	
45. Residence phone number: 707-2785	46. Place of employment or school:	28. Date and time incident occurred: 25 july 11 0800	
47. Business or cellular phone number:		29. Date and time incident reported: 25 july 11 0830	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 48A. Date and time of notification: 25 july 11 0830		30. Crime/incident type: animal bite dog vs dog	
49. Witness' name (Last, first):		31. Classification:	
50. Residence address: (City and/or state if not Des Moines or Iowa)		40. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
51. Daytime or cellular phone number:		41. Other identifiers (Collar, tattoo, etc.): nylon	
52. Witness' name (Last, First):		42. Confinement/quarantine location: arl accc	
53. Residence address: (City and/or state if not Des Moines or Iowa)		43. Impounded or bite animal owner's name (Last, First M.I.): harper, shery	
54. Daytime or cellular phone number:		44. Residence address: 1151 ascention (City and/or state if not Des Moines or Iowa)	
55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input 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"/>		45. Residence phone number: 707-2785	
56. Victim animal ARL number: Impounded: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ARL#:		46. Place of employment or school:	
57. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		47. Business or cellular phone number:	
58. Animal breed: poodle		48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 48A. Date and time of notification: 25 july 11 0830	
59. Animal color: white		48B. Person making notification: kris wilder ar3	
60. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		48C. Means of notification: inperson	
61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>		49. Witness' name (Last, first):	
62. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:		50. Residence address: (City and/or state if not Des Moines or Iowa)	
63. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> M/C#:		51. Daytime or cellular phone number:	
64. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 24555		52. Witness' name (Last, First):	
65. Type and location of injury: left elbow punchers		53. Residence address: (City and/or state if not Des Moines or Iowa)	
66. Medical treatment: vet		54. Daytime or cellular phone number:	
67. Confinement/quarantine location: n/a		55. Investigative notifications and/or photographs taken: ARL Supervisor: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Sergeant: No <input checked="" type="checkbox"/> Yes <input 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"/>	
68. Victim animal owner's name (Last, First M.I.): harper kim		56. Victim animal ARL number: Impounded: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ARL#:	
69. Residence address: 1156 ascention (City and/or state if not Des Moines or Iowa)		57. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>	
70. Residence phone number: 283-1563		58. Animal breed: poodle	
71. Business or cellular phone number:		59. Animal color: white	
72. Reporting official: kris wilder <i>[Signature]</i>		60. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>	
73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		61. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input checked="" type="checkbox"/>	
74. Copy/copies made by:		62. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:	
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:		63. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> M/C#:	
76. Second reporting official: <i>[Signature]</i>		64. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 24555	
77. Supervisor approving report: <i>[Signature]</i>		65. Type and location of injury: left elbow punchers	
78. Reviewed by: ICU		66. Medical treatment: vet	

4807

EXC 17

79. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (If applicable)
11-23765

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

119. Narrative:

I was sent out on a dog bite. I arrived and spoke to the victim dog owner and she stated the neighbor dog running loose and then came to the house and then the bite dog came over its self and that's when the bite dog bit the victim dog. The second dog didn't get bit and went away. The bite dog was impounded for the ten day qt. I adviced the dog owner were her dog was at and how to get the dog back after the ten day qt. follow up after 4 aug 2011 0800 hrs.

120. Date of this report:
25 July 11

EX. C
18

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): harper, shery	2. Case number: 11-23765
---	-----------------------------

3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: 4-Aug-11	5. Date incident occurred: 25-Jul-11
6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/incident type: animal bite dog	Changed: <input type="checkbox"/> Yes

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

I viewed the bite dog and it was healthy and released form qt. I called the dog owner and the victim dog owner and adviced them of the qt release no follow up needed

2011 SEP -4 PM 5:27

10. ARL reporter: kris wilder <i>[Signature]</i>	I.D. No. ar3	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 ARL reporter:	I.D. No.	15. Supervisor approving report: <i>[Signature]</i> AR-1	I.D. No.	16. Reviewed by: <i>[Signature]</i>

Animal Incident Investigation Report
Des Moines, Iowa

Connected to 10-22-10 7:42 PM 12:55
2010 JUL 26
Ex. C 19

1. ARL case number: **CO0645535** 2. DMPD case number (if applicable): **10-23452**

3. Victim's name (Last, First M.I.): **Society** (Human victim or society)

4. Race: 5. Sex: 6. Age: 7. Date of birth: 8. Ethnicity: NH 9. Sobriety: Sob. H.B.D.

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

11. Residence phone number: 12. Business or cellular phone number:

13. Place of employment or school:

14. Type and location of injury:

15. Medical treatment:

16. Reporting person's name (Last, First M.I.): **COBLEY, CARLA**

17. Race: **B** 18. Sex: **F** 19. Age: 20. Date of birth: 21. Ethnicity: NH 22. Sobriety: Sob. H.B.D.

23. Residence address: (City and/or state if not Des Moines or Iowa) **1142 ascension**

24. Residence phone number: **554 4071** 25. Business or cellular phone number:

26. Location of incident (address): **1100 ascension**

27. Location type: **street**

28. Date and time incident occurred: **22 July 10 1430** 29. Date and time incident reported: **23 July 10 1630**

30. Crime/incident type: **animal at large dog** 31. Classification:

44. Residence address: (City and/or state if not Des Moines or Iowa) **1156 ascension**

47. Business or cellular phone number:

48. Animal owner notification: Yes No 48A. Date and time of notification: **23 July 10 1700** 48B. Person making notification: **Kris w Anz** 48C. Means of notification: **in person**

49. Witness' name (Last, first): **CONNER, IASHARA** 50. Residence address: (City and/or state if not Des Moines or Iowa) **1142 ascension** 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: Yes No Sergeant: Yes No Police Officer: Yes No Photographs taken by ARL or PO: Yes No

Victim animal 56. Victim animal ARL number: Impounded: No Yes ARL#: 57. Animal type: Cat Dog Other

58. Animal breed: 59. Animal color: 60. Animal fur length: Short Medium Long Other

61. Animal sex: Female Spayed Male Neutered Unknown 62. Rabies tag: No Yes RT#:

63. Microchip: No Yes M/C#: 62A. Date of vaccination: 62B. Date of vaccination expiration:

64. License: No Yes Lic#: 62C. Veterinarian:

65. Type and location of injury: 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: **Kris Wilder** I.D. No. **Anz** 73. Status: Open Closed Excep. Closed Case file Suspended Unfounded 74. Copy/copies made by: 75. Referred to: Animal Control Detectives PIO Chief OPS Other:

76. Second reporting official: I.D. No. 77. Supervisor approving report: I.D. No. 78. Reviewed by: **[Signature]**

Impounded or bite animal

32. Impounded or bite animal ARL number: Impounded: No Yes ARL#: **A11089248**

33. Animal type: Cat Dog Other

34. Animal breed: **Boxer**

35. Animal color: **tan white**

36. Animal fur length: Short Medium Long Other

37. Animal sex: Female Spayed Male Neutered Unknown

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

39. Rabies tag: No Yes RT#: 39A. Date of vaccination: **1-30-10** 39B. Date of vaccination expiration: **1-30-11** 39C. Veterinarian: **Starch**

40. License: No Yes Lic#: **UN4**

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

42. Confinement/quarantine location: **ARL Acc**

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

45. Residence phone number: **447 5952** 46. Place of employment or school:

55. Investigative notifications and/or photographs taken: ARL Supervisor: Yes No Sergeant: Yes No Police Officer: Yes No Photographs taken by ARL or PO: Yes No

Victim animal 56. Victim animal ARL number: Impounded: No Yes ARL#: 57. Animal type: Cat Dog Other

58. Animal breed: 59. Animal color: 60. Animal fur length: Short Medium Long Other

61. Animal sex: Female Spayed Male Neutered Unknown 62. Rabies tag: No Yes RT#:

63. Microchip: No Yes M/C#: 62A. Date of vaccination: 62B. Date of vaccination expiration:

64. License: No Yes Lic#: 62C. Veterinarian:

65. Type and location of injury: 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: **Kris Wilder** I.D. No. **Anz** 73. Status: Open Closed Excep. Closed Case file Suspended Unfounded 74. Copy/copies made by: 75. Referred to: Animal Control Detectives PIO Chief OPS Other:

76. Second reporting official: I.D. No. 77. Supervisor approving report: I.D. No. 78. Reviewed by: **[Signature]**

Ex. C 20

79. Page: 2 of 2		Animal Incident Investigation Report Des Moines, Iowa				80. DMPD case number (if applicable): 10-23452			
81. Suspect or offender <u>one</u> (1) name (Last, first Middle):				82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:	
94. Residence address: (City and/or state if not Des Moines or Iowa)									
95. Residence or alternate phone number:			96. Driver license number or social security number:			96A. State:		97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:					99. Citation number and crime:				
100. Suspect or offender <u>two</u> (2) name (Last, First Middle):				101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:	
113. Residence address: (City and/or state if not Des Moines or Iowa)									
114. Residence or alternate phone number:			115. Driver license number or social security number:			115A. State:		116. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:					118. Citation number and crime:				
119. Narrative: I was sent out on dog complaint. I spoke to Rip who stated she was on South side of a scution. She was speaking to dog owner about Rip mother being in hospital. When the dog opened the door ran towards the Rip causing her to loose her balance falling knocking her out. The Rip got up went to visit her mother in the hospital. The dr at brandlawn told her to go to family practice. The Rip went to DR. Heim michelle and was told she had a concussion. She was placed on 3 different meds. I spoke to Shirley and yes the dog was placed in the house and then pushed door open and got loose. The dog is under home et under case 10-22744 till 27 July at 2045. I impounded dog till 27 July 10 2045.									
						120. Date of this report: 23 July 10			

EX. C

21

IOWA POLICE CITATION AND COMPLAINT
Law Enforcement Agency

STATE OF IOWA
COUNTY OF POLK
COUNTY OF WARREN

No PC 289481

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

THE STATE OF IOWA Agency Case No. 10-23452
 CITY OF DES MOINES A MUNICIPALITY, PLAINTIFF v.
(IA0770300)

NAME: ~~HARPER~~ HARPER SHIRLEY MAE
Defendant Last First Middle

ADDRESS: 1156 ASCENSION Street

CITY: Des Moines STATE: Iowa

BIRTH DATE: 09/09/60 Sex F Race B
Mo. Day Yr.

Ht. 5'1" Wt. 130 Eyes BROWN Hair BLACK/MELOAN

The Defendant is accused of the crime of DOG AT LARGE

in violation of: 18.55, Iowa Code, 20 or 18.55, Local Ordinance,

for that on or about 07/22/10 a.m. 2:30
Mo. Day Yr. p.m.

Defendant did: OWN A DOG THAT WAS AT LARGE IN THE
1100 BLK OF ASCENSION AND KNOCKED THE VICTIM
DOWN INJURING HER. OCCURRED IN 1100 BLK OF
ASCENSION DES MOINES, POLK COUNTY, IOWA.

DATE: 07/28/10 Officer's Signature I.D. No. [Signature]

REPORT TO THE ABOVE NAMED COURT AND SAID PLACE.

08/12/10 a.m. p.m. 9:00
Mo. Day Yr.

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

[Signature] Signature Defendant

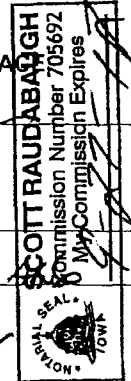
I swear that the foregoing citation is true and correct.

[Signature] (Officer's Signature)

Subscribed and sworn to before me by STEVE SEXTON

At Des Moines, Iowa this 28 day of July, 2010

[Signature] Notary Public Magistrate Clerk District Court



805.5 Failure to appear. Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the County jail not exceeding thirty days.

COURT

Ex. C

22

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

CITY OF DES MOINES

COURT CASE NO. _____

VS.

DMPD. CASE NO. 10-23452

SHIRLEY MAE HARPER
(DEFENDANT)

IA0770300

SOC. SEC. NO. 482 80 9740

1156 ASCENSION
(ADDRESS)

DATE OF BIRTH 09-09-60

DES MOINES, IOWA
(CITY & STATE)

DESCRIPTION B F 5'1" 130
RACE SEX HGT WGT
Brown Bk/Yellow
EYES HAIR MARKS

THE DEFENDANT IS ACCUSED OF THE CRIME(S) OF: DOG AT LARGE

AT: 1100 BLK OF ASCENSION
(ADDRESS OR LOCATION)

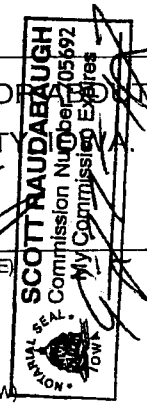
IN VIOLATION OF SECTION(S): 18.55

OF THE MUNICIPAL CODE OF THE CITY OF DES MOINES, 20 10 COMMITTED ON OR ABOUT
THE 22 DAY OF JULY, 20 10 IN THE CITY OF DES MOINES, POLK COUNTY

SIGNED AND SWORN TO ON THIS 28 DAY OF JULY, 20 10

[Signature]
FILING COMPLAINANT

[Signature]
(NOTARY PUBLIC, ASSOCIATE JUDGE OR MAGISTRATE)



BASIS OF PROBABLE CAUSE

- THE DEFENDANT WAS:
- CAUGHT IN THE ACT
 - IDENTIFIED BY PRINTS
 - NAMED BY WITNESSES
 - HAD PROPERTY ASSOCIATED WITH CRIME
 - ARRESTED FOLLOWING INVESTIGATION
 - WEAPON INVOLVED CRIME
- () IDENTIFIED IN PERSON
- CONFESSED TO CRIME
- () ACCUSED BY CO-DEFENDANT
- VICTIM INJURED
- () IDENTIFIED BY PHOTO
- () ARRESTED AT SCENE
- () OTHER (SPECIFY BELOW)
- () PROPERTY / MONEY TAKEN

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

OTHER FACTS IMPORTANT TO PROBABLE CAUSE AND BAIL: DEFENDANT OWNS A DOG THAT WAS AT LARGE IN THE 1100 BLK OF ASCENSION AND KNOCKED A WOMAN DOWN INJURING HER. OCCURRED IN DES MOINES, POLK COUNTY, IOWA.

[Signature] ARC
SIGNATURE OF ARRESTING OFFICER NO.

07, 28, 10
(DATE OF ARREST)

DATED: 07, 28, 10

WITNESS INFORMATION

NAME	ADDRESS	HM PHONE	WK PHONE
<u>CARLA COLLEY</u>	<u>1142 ASCENSION</u>	<u>554-4071</u>	
<u>LASHAM CONNOR</u>	<u>1142 ASCENSION</u>	<u>554-4071</u>	

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

OTHER CONDITIONS IMPOSED WITH BAIL: _____

Animal Incident Investigation Report

Des Moines, Iowa

Ex. C
10-22744

1. ARL case number: C00042729		2. DMPD case number (if applicable): 10-22744	
Impounded or bite animal			
3. Victim's name (Last, First M.I.): (Human victim or society) Jew. S. SHANTEL			
32. Impounded or bite animal ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> ARL#:		4. Race: B	5. Sex: F
		6. Age: A	7. Date of birth:
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) 1346 Washington	
34. Animal breed: Boxer		11. Residence phone number: 822 2144	12. Business or cellular phone number:
35. Animal color: Tan White		13. Place of employment or 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: 3 punches left breast & punches on leg	
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: Mercy E.N.	
38. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#:		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 type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#:		23. Residence address: (City and/or state if not Des Moines or Iowa)	
39A. Date of vaccination: 1-30-10		24. Residence phone number:	
39B. Date of vaccination expiration: 1-30-11		25. Business or cellular phone number:	
39C. Veterinarian: Starch		26. Location of incident (address): 1156 ACCESSION	
40. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#: UNH		27. Location type: Yard	
41. Other identifiers (Collar, tattoo, etc.): choc. n		28. Date and time incident occurred: 17 JULY 10 2045	29. Date and time incident reported: 17 JULY 10 2207
42. Confinement/quarantine location: Home		30. Crime/incident type: Animal bite dog	
43. Impounded or bite animal owner's name (Last, First M.I.): HARPER SHIRLEY		44. Residence address: (City and/or state if not Des Moines or Iowa) 1156 ACCESSION	
45. Residence phone number:		47. Business or cellular phone number:	
45. Place of employment or school:		48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
48A. Date and time of notification: 17 JULY 10 2230		48B. Person making notification: KRIS W AR3	
48C. Means of notification: Imperson		48C. Means of notification:	
49. Witness' name (Last, first):		50. Residence address: (City and/or state if not Des Moines or Iowa)	
51. Daytime or cellular phone number:		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:		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 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"/>		57. Animal type:	
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"/>		60. Animal fur length:	
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:		65. 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: Kris Wilder		I.D. No. AR3	
73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed		74. Copy/copies made by:	
<input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		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:		78. Reviewed by: [Signature]	

2010 JUL 20 PM 6:21

Ex.C

79. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa

80. DMPD case number (if applicable): 10-22744

81. Suspect or offender <u>one</u> (1) name (Last, first Middle):				82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>		83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>		84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
---	--	--	--	---	--	---	--	--	--

85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
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94. Residence address: (City and/or state if not Des Moines or Iowa)

95. Residence or alternate phone number:	96. Driver license number or social security number:	96A. State:	97. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>
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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:
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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:
 I was sent out on a dog bite. I spoke to victim at the Mercy E.R. She stated she was at a party and the dog bit her 3 times. I took the report went to bite dogs house there was 50 people out front. The cops were asked to assist me on the incident we got the dog owner to get current rabies and dog was placed under home qt. The dog owner Shirley states the dog tried to break up a fight between the victim and herself. Follow up needed to release bite dog from home qt on or after 27 July 10 2045h

120. Date of this report: 17 July 10

EX. C
26

ARL

Animal Care and Control

HOME QUARANTINE

Animal Rescue League of Iowa, Inc.
1615 S.E. 14th Street
Des Moines, Iowa 50320

Telephone number: (515) 284-6905
Dispatch telephone number: (515) 283-4811
Facsimile telephone number: (515) 284-0008

copy

Animal Care and Control may, in accordance with city ordinance, allow a cat or dog to remain in home quarantine so long as the animal is confined and not in contact with the public or other animals. The animal cannot be left tied outside or in a fenced area without the direct supervision of an adult to ensure proper quarantine. **If the animal is not maintained in proper quarantine the animal shall be impounded and remain at the animal shelter for the remainder of the quarantine.**

The quarantine is ten (10) full days (twenty-four hour periods) from the date and time of the bite, however, if after the ten days Animal Care and Control has not released the animal from quarantine Animal Care and Control will need to be contacted as soon as possible by calling the Des Moines Police Dispatch at (515) 283-4811.

If the animal becomes ill/sick or dies during quarantine Animal Care and Control will need to be contacted immediately by calling the Des Moines Police Dispatch at (515) 283-4811.

Date and time of bite: 17 July 10 2045 a.m. p.m.

Animal owner's name (print): HARPER SHIRLEY

DMPD case number: 10-22 744

ACC's name and I.D. No.: Kris W Ar3

EXHIBIT C
20

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **LEWIS**
2. Case number: **10-22744**

3. Form used as a continuation of an Animal Incident Investigation Report:
4. Date of this report: **28 July 10**
5. Date incident occurred: **17 July 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:

BIO viewed dog which appeared healthy + free of disease.

BIO called + left y/m for victim advising the dog was healthy + has been released from OTT. If she had any questions she could call me on my cell phone.

I was advised by Romina Jody who works @ reception for ARL ACC that Harper has already been contacted + will be in today to reclaim her dog.

2010 JUL 28 PM 5:31

10. Reporting official: **T Updegrave ARS** 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: **RK**

11

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.

Service dog or service animal means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.

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, 15,001)

Cross reference— Definitions generally, § 1-2.

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,

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- 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.
- (6) The dog and owner, or a person given charge of the dog by the owner, are in a designated off leash area of a city park or other city property, or in other non-city park property, provided:
 - a. The owner or person in charge of the dog and dog are at all times abiding by all the rules and regulations of such designated off leash area; and
 - b. The dog is in the actual physical presence of the owner or person given charge of the dog.
 - c. The dog has a current:
 - 1. Dog park permit which is visible on the owner or person given charge of the dog; and
 - 2. City of Des Moines or other valid government issued dog license from the dog owner's place of residence; and
 - 3. Rabies vaccination.

The license and rabies vaccination tags must be visible on the dog or the owner or person given charge of the dog has such license and proof of rabies vaccination in their possession.
 - d. In addition to the requirements in subsection (6)a.—c. of this section, vicious dogs must be on a leash in compliance with section 18-56(d) of this chapter and the owner or person given charge of a vicious dog must have a certificate of insurance in their possession which meets the requirements of section 18-44 of this chapter.
- (7) The annual license fee for a dog park permit shall be in the amounts set in the schedule of fees adopted by the city council by resolution.
- (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) or when in a designated off leash area in compliance with subsection (a)(6) of this section. Furthermore, any female dog in heat shall be deemed at large at any time except:

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- (1) When housed in a building which is completely enclosed;
- (2) When housed in a veterinary hospital or registered kennel; or
- (3) When on the premises of the owner, provided the area on which such dog is located is:
 - a. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six feet; such fence, pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; or
 - b. If the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described in subsection (c)(3)a of this section.

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

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

(C42, §§ 114-5, 114-6, 114-9; O.5385, 5506; C54, §§ 5-19, 5-20; O.6002, 6234; C62, §§ 5-19, 5-20; O.7499; C75, § 7-27; O.9098, 9376; C79, C85, § 7-27; O.10,855, 10,867, 10,886, 11,095; C91, § 7-27; O.11,807, 15,024)

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.

- 30
- (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 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.

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- (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)

EXHIBIT D

EXHIBIT D
1



April 9, 2012

Shirley M. Harper
1151 Ascension Street
Des Moines, IA 50314

Subject: Vicious Dog

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on April 2, 2012. Please read it carefully, so you are aware of the decision, any deadlines you might be required to comply with, as well as any other requirements you may be held to.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is fluid and cursive, with a long horizontal stroke at the top.

Diane Rauh
City Clerk

DR:kh
Attach

City of Des Moines, Iowa
April 2, 2012 Administrative Hearing

In re:)	
)	
)	
SHIRLEY MAE HARPER,)	DECISION AND ORDER
Appellant)	AND
)	APPEAL RIGHTS
)	

Shirley Mae Harper, of 1151 Ascension Street, Des Moines, Iowa appeared in her own behalf as the owner of a tan and white colored male Mastiff/Boxer mix dog named "Man Master." Chief Humane Officer, Sergeant Scott Raudabaugh with the Des Moines Police Department (the "DMPD"), appeared on behalf of the City of Des Moines (the "City").

Procedural History

On March 15, 2012, an ARL Officer was dispatched to 1151 Ascension Street, Des Moines, Polk County, Iowa to investigate a report of a dog bite involving a dog at that address. On March 20, 2012, Senior Police Officer and Acting Chief Humane Officer, Mark Stuempfig, declared Shirley Mae Harper's tan and white colored male Mastiff/Boxer mix dog, named "Man Master," a "Vicious Dog" as defined under Section 18-41 of the Des Moines Municipal Code ("the Municipal Code"). On March 21, 2012, Senior Police Officer Stuempfig served written notice at 1151 Ascension Street, which stated: (1) "Man Master" had been declared a "Vicious Dog" because of its actions during four separate incidents that resulted in injuries to a person or another animal; (2) the dog may be reclaimed provided it is properly licensed as a "Vicious Dog" with the City Clerk's Office and properly confined/leashed as required for a "Vicious Dog under the Municipal Code;" (3) if the dog is found unlicensed, or it is not properly confined/leashed more than two times in the future it will be destroyed in a humane manner as provided under Sections 18-57 and 18-58 of the Municipal Code respectively; (4) Ms. Harper had the right to appeal the "Vicious Dog" declaration, provided a written request was filed with the City Clerk's Office within three (3) business days of the service of notice; and (5) if Ms. Harper elected to do nothing, the dog will be destroyed in a humane manner as provided under Section 18-59 of the Municipal Code. On March 26, 2012, Ms. Harper's request for an administrative hearing was filed with the City Clerk's Office. On March 26, 2012, the City Clerk issued a letter to Ms. Harper informing her that her administrative hearing was scheduled for 10:30 AM on April 2, 2012; and the letter was served at the 1151 Ascension Street residence by Sergeant Raudabaugh. The matter was so heard by the Administrative Hearing Officer.

Discussion

The issue is whether "Man Master," Ms. Harper's tan and white colored male Mastiff/Boxer mix dog, should be declared a "Vicious Dog" as defined under Section 18-41 of the Municipal Code. There are nine possible circumstances delineated under Section 18-41 in which a dog may be found to be a "Vicious Dog" and finding the existence of any one of those circumstances is enough to support a "Vicious Dog" declaration. Sergeant Raudabaugh testified that the declaration that "Man Master" is a "Vicious Dog" was based on the first three circumstances delineated under Section 18-41, which provide:

"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; [or] (3) Any dog that snaps, bites or manifests a disposition to snap or bite."

Sergeant Raudabaugh offered into the record an Animal Incident Investigation Report and other related documents regarding DMPD case number 12-7690, which involved an incident that occurred on March 15, 2012 (City Exhibits 8-15). Sergeant Raudabaugh testified that on March 15, 2012 "Man Master" was found to have attacked a 14-year old female that resulted in a dog bite on the back of her right calf that required 10 stitches. The incident was reported to have occurred at 12th and Ascension Streets. The bite dog was identified as "Man Master" and the bite dog's owner was identified as Shirley Mae Harper. Citation No. 293321 was issued to Ms. Harper for "Dog at Large," as provided under Section 18-55 of the Des Moines Municipal Code (City's Exhibit 10) given Ms. Harper acknowledged that the dog had slipped from its chain and was running loose. Sergeant Raudabaugh testified that the dog was impounded and quarantined at the ARL ACCC shelter due to the severity of the bite wounds and the victim's identification of "Man Master" as the dog that had bit her. Sergeant Raudabaugh testified that upon arrival at the shelter a records check revealed that "Man Master" had been involved in three other incidents that resulted to injuries to a person or another animal which provided grounds for issuing the subsequent declaration that "Man Master" has been found to be a "Vicious Dog." Sergeant Raudabaugh testified that had the four (4) incidents occurred in closer proximity to each other the dog would have been declared a "Dangerous Animal."

During the DMPD investigation and during Ms. Harper testimony she "argued the incident was the victim's fault because she was on Ascension St. and she doesn't live on that street;" noting that "the victim and a friend were arguing loudly and that is why the dog 'Man Master' slipped loose from its chain and bit her." (City Exhibit 9) Ms. Harper testified that her dog was on a chain and she came outside when she heard him barking. Ms. Harper testified that she went out to the street and yelled at the girls to take it to the park. Ms. Harper testified that she then noticed "Man Master" come running around her and when the victim saw the dog she screamed and took off running. Ms. Harper stated that "I could not take my dog in because he was already riled up. He would have gotten away from me because he is strong." Ms. Harper testified that she "believed that the girl got cut on a nail or a piece of glass in the grass when she fell." Later in her testimony Ms. Harper further conjectured that the victim might have gotten cut on the bumper of a car parked in the street. When queried during the hearing, Ms. Harper acknowledged that she herself had not witnessed how the victim sustained her injuries. Ms. Harper testified that "our dogs protect our neighborhood basically from strangers coming in our neighborhood...who may be perverts."

Jennifer Henle testified that she lives across the street from Ms. Harper and said she and her husband were sitting on their front porch during the incident. Ms. Henle testified that they live in the "Hood" and have to take care of their own; contending the DMPD does not respond even when there is gunfire. Ms. Henle testified that she was fearful guns and knives were going to be drawn because the number of people gathering at the scene kept getting bigger and bigger. Ms. Henle testified that she "never ever remembers 'Man Master' being near the victim" and believes the girl's injuries were sustained from falling and getting cut on the bumper of a car parked along the street.

It seems unlikely that Ms. Henle would have had a clear view when the victim's injuries were sustained given her testimony regarding the size of the crowd. It seems most likely the

crowd would have blocked her view of the calf of the victim's leg given Ms. Henle was sitting on her porch and the victim was in the street. Furthermore, the picture Ms. Henle painted of the incident, describing that the situation had so escalated she was concerned knives and/or guns were about to be drawn, would most likely have had her attention on those who gave her that impression and not on what "Man Master" was doing.

It is noteworthy to mention that the three photos of the victim's injuries, which were offered into evidence as City Exhibits 12-14, clearly evidence a large deep wound that appears would most likely require at least ten stitches to close, plus scrapes and at least three distinct puncture wounds indicative of a large dog's bite (City Exhibits 12-14).

Sergeant Raudabaugh also testified that there was a July 25, 2011 incident involving "Man Master" running at large (DMPD case number 11-23765). Sergeant Raudabaugh offered into evidence the Animal Incident Investigation Report (City Exhibits 16-18). Sergeant Raudabaugh testified that on July 25, 2011, "Man Master" attacked a poodle breed dog belonging to Ms. Harper's sister, which caused puncture wounds to one of its legs. The incident occurred in the yard of 1156 Ascension Street, Des Moines, Polk County, Iowa, which is in the vicinity of Ms. Harper's residence. The record reflects that the victim dog's owner stated that another neighbor dog was running loose and came over to the house and then "Man Master" came over by itself and bit her poodle. The victim dog's owner also noted that the other neighbor dog did not get bit and went away. Sergeant Raudabaugh testified that "Man Master" was impounded and quarantined at the ARL ACCC shelter. Ms. Harper acknowledged during her testimony that this incident had occurred as reported.

Sergeant Raudabaugh further testified that on July 23, 2010, an ARL Officer was dispatched to 1142 Ascension Street, to investigate a report of a dog running at large on July 22, 2010 in the 1100 block of Ascension Street, Des Moines, Polk County, Iowa (DMPD case number 10-23452). Sergeant Raudabaugh offered into the record an Animal Incident Investigation Report and other related documents regarding the incident (City Exhibits 19-22). The record reflects that Ms. Harper and a neighbor were talking when the door of the 1151 Ascension Street residence opened and "Man Master" ran towards the neighbor, startling the neighbor which caused her to lose her balance, fall and black out. The neighbor subsequently went to Broadlawns' family practice where she was told she had suffered a concussion. Ms. Harper acknowledged in her testimony that "Man Master" had pushed the door open on its own and got loose, and that the neighbor who lost her balance is fearful of her dog. Sergeant Raudabaugh testified that Citation No. 289481 was issued to Ms. Harper for "Dog at Large" as provided under Section 18-55 of the Des Moines Municipal Code (City's Exhibit 21). The record also reflects that "Man Master" was found running at large while under a home quarantine for a July 17, 2010 incident, so the dog was impounded and transferred to the ARL ACCC shelter to finish the remainder of its quarantine period.

Sergeant Raudabaugh also testified that on July 17, 2010, an ARL Officer was dispatched to investigate a report of a dog bite that had occurred in the 1100 block of Ascension Street, Des Moines, Polk County, Iowa (DMPD case number 10-22744); in which an adult female victim, Shantel Lewis, sustained 3 puncture wounds to her left breast and 4 punctures on her leg. Sergeant Raudabaugh offered into evidence the Animal Incident Investigation Report and other related documents (City Exhibits 23-26). The record reflects that the Investigating Officer spoke with the victim in the emergency room at Mercy Medical Center and she stated she had been at a party when "Man Master" had bit her. The record reflects that the ARL Officer went to 1156 Ascension Street on July 17, 2010 where there was an estimated "50 people out front." The record reflects that Ms. Harper told the investigating Officer that her dog "tried to break up a fight between the victim and herself" (City Exhibit 24). The record also

reflects that Ms. Harper was permitted to keep "Man Master" under Home Quarantine following the incident and that she was given notice, which stated: (1) the animal was to be confined and was not to be in contact with the public or other animals; (2) the animal was not to be left tied outside or in a fenced area without direct adult supervision; and (3) if the animal was not properly maintained it would be impounded in the animal shelter for the remainder of its quarantine (City Exhibit 25).

Ms. Harper testified that she had brought "Man Master" to a party at her Mother's on July 17, 2010; noting it is located across the street from her house. Ms. Harper testified that everyone loved the dog and insisted that it be there. Ms. Harper testified that she got to bickering with her cousin, Shantel Lewis. Ms. Harper contends her cousin did not get bit because the dog was jumping at her to get her to stop arguing and not at her cousin. Ms. Harper further argued that her sister grabbed "Man Master" to keep him from jumping. Ms. Harper testified that another girl at the party, Dawn Johnson, involved herself in the matter and that "Man Master" grabbed her arm causing bruising but contends the dog did not bite hard enough to break her skin.

Overall, Ms. Harper's testimony regarding the July 17, 2010 incident seemed to focus more on attempting to discredit her cousin, Ms. Lewis, rather than considering her own dog's actions. Ms. Harper's description of the events that transpired that day, depicted "Man Master" as a dog that: (1) acted aggressively in that it bit another woman—although arguing it was a different victim; (2) exhibited a disposition to snap and bite; and (3) could not be kept under control even by her Sister who was allegedly trying to control it from jumping/lunging at Ms. Harper and the person she was arguing with.

Ms. Harper argued in her written request for an administrative hearing that "Man Master" is not a vicious dog; noting that her neighbor believes it to be a gentle dog and an asset to the neighborhood (City Exhibits 6-7). However, there have been three bites and a fourth situation in which the dog so frightened a woman when it pushed open the door of its residence and ran towards her that she lost her balance, hit her head, blacked out and sustained a concussion. Ms. Harper acknowledged, and the record reflects, that her dog has run loose on a number of occasions; escaping from a yard chain, pushing open the door on its own, as well as not being able to be controlled by her adult sister when she and another person are arguing. Ms. Harper admitted that the dog gets riled and lunges if anyone is arguing or strangers are on her street. Ms. Harper also acknowledged that she cannot control her dog when he is riled because it is too strong. However, Ms. Harper needs to understand that her dog's behavior must be controlled at all times. And, that anyone and everyone is free to walk on any public street or sidewalk in the City regardless if they live in the neighborhood, And, a free roaming aggressive territorial dog that has a propensity to bite, snap, grab and attack a person or another animal is unacceptable and in violation of Article II of the Municipal Code.

Decision and Order

By a preponderance of all evidence in the record the declaration by the Chief Humane Officer, that Ms. Harper's tan and white colored male Mastiff/Boxer mix dog is a "Vicious Dog" under Sections 18-41(1)-(3) of the Municipal Code, is upheld. Therefore, Ms. Harper is ordered to permanently license her dog, known as "Man Master," as a "Vicious Dog" within three (3) business days of the date noted below, as well as comply with all other requirements for maintaining a "Vicious Dog" as delineated within Article II of the Municipal Code. Ms. Harper is also ordered to pay all impound, quarantine and other related costs and fees, as specified in Section 18-59 of the Municipal Code.

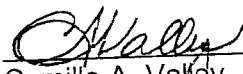
EX.D
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Furthermore, Ms. Harper needs to fully appreciate the need to act, the need to fully comply with this Order in a timely manner, and the need to always have her dog under control, properly confined/leashed and properly licensed as required for a "Vicious Dog" under Article II of the Municipal Code. If Ms. Harper fails to act or the dog in question is found unlicensed at any time or it is found not properly confined more than twice it will be impounded and destroyed in a humane manner.

Appeal Rights

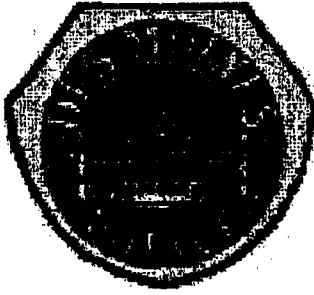
This Order may be appealed to the City Council by filing a written request with the City Clerk's Office within three (3) business days after receipt of this order, stating the reason for the requested appeal. Failure to file a written notice of appeal in a timely manner shall constitute a waiver of the right to appeal this Order, as provided under Section 18-59(e) of the Municipal Code.

This written ruling is hereby submitted on this 9th day of April, 2012 in Des Moines, Polk County, Iowa. Copies of this Decision and Order shall be served upon each of the parties.



Camille A. Valley
Administrative Hearing Officer

EXHIBIT D
7



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2012-7090

ARL number (if known): _____

Animal owner's name: SHIRLEY HARPER

Address: 1151 ASCENSION ST.

Location of service: SAME

Date and time served: 09 APRIL 2012 1055

Official serving document (print name):
SGT. RAUBABAUH

Official's identification number: 4770

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

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

Their signature: X Shirley Harper
KF ACU

EXHIBIT E

4-12-21

To Whom it may concern I
 Shirley Harper would like to Appal
 the judgement, in the case of
 manmaster my dog it is cruel and
 unethical to put him to sleep when
 so many people would love to give
 this dog a home, One being my
 neighbor at 1149 Ascension St another
 being my dear friend Tony Hawkins
 who has a farm where my dog
 could run free please have some
 kindness in your heart and give my
 dog the gift of life he is a beautiful
 creature and his love would make some
 very happy.

Shirley Harper
 4-12-12

APR 12 PM 4:10
 FILED

707-2785

1151 ASCENSION

DM 01314

Ex E
2



April 13, 2012

Shirley M. Harper
1151 Ascension
Des Moines, IA 50314

RE: Appeal of Vicious Dog Declaration

This is to acknowledge your appeal of the Hearing Officer's decision regarding declaration of Man Master as a "Vicious Dog."

Your hearing before the City Council has been scheduled for Monday, May 7, 2012. 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,

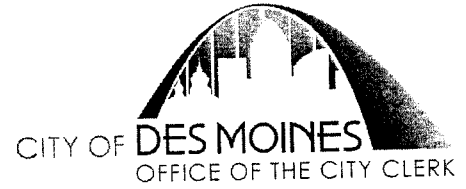
A handwritten signature in cursive script that reads "Diane Rauh".

Diane Rauh
City Clerk

DR:kh
Enc.

cc: Assistant City Attorney
Sgt Raudabaugh

EXHIBIT F



April 20, 2012

Shirley M. Harper
1151 Ascension
Des Moines, IA 50314

RE: Hearing Transcript

Enclosed, please find a copy of the hearing transcript regarding your dog.

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: Assistant City Attorney
Sgt Raudabaugh

ADMINISTRATIVE HEARING TRANSCRIPT

April 2, 2012
City v. Harper
Vicious Dog

HEARING OFFICER CAMILLE VALLEY: Good morning. It is approximately 10:55 a.m., it's 10:55 already, on Monday, April 2, 2012 and my name is Camille Valley and I'm the Administrative Hearing Officer. We're conducting this hearing this morning because of the City's declaration of a vicious dog owned by Shirley Harper. Would the City representative please come to the microphone, clearly state your name and the title of your position with the City.

SERGEANT SCOTT RAUDABAUGH: Scott Raudabaugh. I'm a sergeant with the Des Moines Police Department and assigned as the Chief Humane Officer for the City of Des Moines.

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.

SERGEANT SCOTT RAUDABAUGH: I'd like to start out with, I've got a copy of various documents and some photographs I'd like to submit to the record if I could.

HEARING OFFICER CAMILLE VALLEY: Okay. It's an obstacle course. Thank you very much.

SERGEANT SCOTT RAUDABAUGH: Then I've got a copy as well that I could give to Ms. Harper that she could look through. She'll have to return it upon completion of the hearing, but she certainly could follow along.

HEARING OFFICER CAMILLE VALLEY: Okay. Sounds good.

SERGEANT SCOTT RAUDABAUGH: I'd like to first just kind of go through the documents and explain what they are. I'll just do that as brief as I can. I've numbered each one of them with a number 1 through I believe it was 31 in the upper right-hand corner.

HEARING OFFICER CAMILLE VALLEY: Yep. Okay.

SERGEANT SCOTT RAUDABAUGH: Document 1 is the vicious dog declaration letter. That was completed by Senior Police Officer Mark Stuempfig. I was out of the office that week and so he reviewed the reports and the ordinance and declared the dog to be vicious. Page 1 and 2 are that declaration letter. Page 3 is a document service letter in which Officer Stuempfig served the

document on Ms. Harper's property. Page 4 is the response letter from the City Clerk's Office in regards to Ms. Harper's appeal notifying her of the date and time of the hearing. Document 5 is the document service letter in which I served that City Clerk's letter. Six and 7 are Ms. Harper's appeal letter. Page 8, 9, 10, 11, 12, 13, 14, 15 are related to an animal bite incident that occurred on the 15th of March 2012 under Des Moines Case No. 12-7690. I could go through each of those documents if you choose, but basically those documents are related to that bite incident on the 15th of March.

HEARING OFFICER CAMILLE VALLEY: Is there any highlights that you want to mention or do you just...

SERGEANT SCOTT RAUDABAUGH: What I'll do later if it's alright...

HEARING OFFICER CAMILLE VALLEY: Well, no that's, if you just want to go through them right now so I know what all is in the packet that would be good.

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Document 16, 17 and 18 are related to an animal bite incident that occurred on July 25, 2011 and that's documented under Des Moines Case No. 11-23765. Documents 19, 20, 21 and 22 are documenting any dog-at-large incident on July 22, 2010 involving the same dog. There was no bite. However, the dog was running at large at that point and it caused an injury. I will elaborate a little bit more on that as we go through the summary later. Document 23 and 24, 25 and 26 relate to a dog bite incident that occurred on July 17, 2010 and that is reported under Des Moines Police Department Case No. 10-22744. Document 27, 28, 29, 30 and 31 are copies of Des Moines City Ordinances. I'll go through ones that I believe to be applicable in this situation. 18-41 is definitions and the one that is pertinent is the vicious dog and what it means and I refer to 18-41(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. The others don't apply in this situation.

HEARING OFFICER CAMILLE VALLEY: Okay, so you are focusing in on those three subsections?

SERGEANT SCOTT RAUDABAUGH: Yes ma'am.

UNIDENTIFIED SPEAKER: (Inaudible).

HEARING OFFICER CAMILLE VALLEY: Oh, I'll let you testify when he's done. I know nothing about this case either so we'll let him go through and present what the City's arguments are first. Okay.

SERGEANT SCOTT RAUDABAUGH: City ordinance 18-55 which is running at large. In case there's a question about that I included that for informational purposes primarily. 18-59 is seizure, impoundment and disposition of vicious dogs. It relates to basically the declaration of the dog being declared vicious and the procedure of that. And that's it as far as documents.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: A summary of the reason we're here and Officer Stuempfig kind of went, his initial paragraph starts back July 17, 2010. I arranged the documents from most recent to the....

HEARING OFFICER CAMILLE VALLEY: Historical, going back in history, chronological order.

SERGEANT SCOTT RAUDABAUGH: Yes ma'am. That's my style of doing it so what I would like to do is go through the most recent incident first.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I know that's a little...

HEARING OFFICER CAMILLE VALLEY: That's the way I do too so we're on the same page.

SERGEANT SCOTT RAUDABAUGH: On March 15, 2012, Mr. Harper's dog named Man Master ran off her property and attacked and bit a female juvenile that was standing in the intersection of 12th and Ascension. The bite resulted in the need for medical attention and stitches. Photographs were included with that case that shows the injury to the female juvenile. On July 25, 2011, Ms. Harper's dog named Man Master ran off the property and onto a neighbor's property and attacked and bit their dog causing puncture wounds to the neighbor's dog. On July 22, 2010, Ms. Harper's dog named Man Master pushed her door open, ran outside and from reading the report it appears it startled a woman that was standing outside talking to Ms. Harper and that woman fell and lost her balance and fell and hit her head and ended up going to the hospital for treatment of that. On July 17, 2010, Ms. Harper's dog named Man Master was at a residence. What I gather from the report was that there was a large party either at the residence or in the general area and sometime during that party Ms. Harper's dog named Man Master bit Ms. Harper's sister. I'm not 100% clear on the dynamics of what happened, but it is my understanding is there was a large party. Alcoholic beverages were consumed by a variety of people, and like I say I don't know the exact dynamics, and that's why the dog wasn't declared vicious after that first incident. Out of fairness and respect to Ms. Harper and her dog it wasn't declared vicious. But nonetheless the dog bit a person. Here we have three bites and a situation, a fourth situation where the dog pushed the door open, ran outside and startled someone and they fell backwards and hit their head. I believe we've got a dog that either the owner is unwilling or unable to control and had these situations occurred in closer proximity I would have declared the dog dangerous but because they're spread out they don't qualify for the dangerous animal declaration. But I do think they qualified for the vicious dog ordinance and so I declared the dog vicious. My hopes are that if the declaration is upheld that Ms. Harper understands the dog's

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behavior has to be controlled and if she reclaims the dog that she follows the ordinance required for vicious dogs and hopefully if all of that comes to play the dog never bites again or it never runs at large to cause a problem for anyone else or their animals. That's all I have.

HEARING OFFICER CAMILLE VALLEY: Okay. Thank you.

SERGEANT SCOTT RAUDABAUGH: Thank you.

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

SHIRLEY HARPER: Hi.

HEARING OFFICER CAMILLE VALLEY: State your name for the record.

SHIRLEY HARPER: My name is Shirley Harper.

HEARING OFFICER CAMILLE VALLEY: Okay. Would you please raise your right hand?

SHIRLEY HARPER: I swear to tell the truth, the whole truth and nothing but the truth.

HEARING OFFICER CAMILLE VALLEY: Okay. She affirms that she will tell the truth. All right.

SHIRLEY HARPER: I will tell the truth.

HEARING OFFICER CAMILLE VALLEY: So if you'd proceed and share with me what you'd like me to consider today.

SHIRLEY HARPER: Okay. Okay, the July 17, 2012 was my cousins.

HEARING OFFICER CAMILLE VALLEY: July 17, 2010?

SHIRLEY HARPER: 12. I mean 10. Sorry.

HEARING OFFICER CAMILLE VALLEY: Okay. I just want to make sure that I'm right. I know nothing about these cases until I hear them so I want to make sure that I'm getting all the facts straight. Okay. This is the one where your sister, Officer Raudabaugh just testified that your sister had the party and your sister....

SHIRLEY HARPER: It was my mom. My mom lives across the street. That's my mom's house. It was a house party. My dog was at the party cause everybody admires my dog Man Master. Okay. They wanted my music to play, oldies, cause my mom just turned 70 then. Okay, I'm asking my cousin Shantel, Aunt Barbara told her to turn off her music so she kind of disrespected me and said don't you see me talking. I said she just asked but my dog's fine. So me and Shantel got to bickering. But my dog never bit Shantel cause my sister Lisa had grabbed my dog when he

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was trying to jump at me to stop me from arguing with her which I got Man Master. The only thing my dog done was another girl involved herself, he just grabbed at her arm. Shantel was supposed to have got bit in the back, now it is her chest and her leg. Then if you got bit how do you go all the way home, bring a knife back and want to stab me when she was bit?

HEARING OFFICER CAMILLE VALLEY: So you're saying that the facts don't reflect what it is that occurred that the dog did go after somebody but not the person...

SHIRLEY HARPER: Shantel didn't get bit by my dog cause she was suppose to have got bit on the back.

HEARING OFFICER CAMILLE VALLEY: But you said somebody else got bit on the arm.

SHIRLEY HARPER: But she didn't get bit. He just grabbed her and bruised her. No teeth mark or nothing. And that's Dawn Johnson. She was going to come and say that. And there was no problem because my dog didn't hurt her. Everybody knows my dog on the block.

HEARING OFFICER CAMILLE VALLEY: Okay. So that's the oldest incident that....

SHIRLEY HARPER: Right, 2010. So my dog is not vicious though. Okay. But then I'm going to go back to the mother after I finish how I got Man Master. Because he was born on my porch. And then for somebody to audit the date that my dog, his mother got put to sleep 24 hours and I'm going to remember that that's the day that somebody threw a dog away in Grimes and threw the kennel away and it happened on January the 5th. That's my dog Lady (inaudible) she's on here cause she took a lot.

HEARING OFFICER CAMILLE VALLEY: Okay. But we need to stay on the point of what, we're here today because the record reflects, at least what's been presented so far,

SHIRLEY HARPER: Which I got witnesses.

HEARING OFFICER CAMILLE VALLEY: ...is that your dog has had instances where it's been unable...

SHIRLEY HARPER: Excuse me, only one of em's true. All the rest of em are false claims. And the only one's true is when my dog attacked my sister's dog, Ja-Rue.

HEARING OFFICER CAMILLE VALLEY: Okay. All right. Okay you addressed the July 17th one which was the party. Then the accusation that it was your sister that was bit. Then your dog was at large on July 22nd ...

SHIRLEY HARPER: At the birthday party.

HEARING OFFICER CAMILLE VALLEY: Which, okay

EX. F
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SHIRLEY HARPER: It was my family thing and everybody admires my dog. You know, my Aunt Barbara and Reverend, no not Reverend Dixon, I guess Teresa Lewis' husband, Bradley, they wanted to see my dog and they was telling me how beautiful I keep my dog and my Aunt Barbara was saying he is the cleanest dog more than some humans out there. And I do keep my dog clean and healthy.

HEARING OFFICER CAMILLE VALLEY: Okay, but that's not at issue today either. So we're then to the July 25, 2011 incident in which your dog...

SHIRLEY HARPER: Okay, July 22, 2010, the dog Man Master...

HEARING OFFICER CAMILLE VALLEY: bit another dog.

SHIRLEY HARPER: Okay, that was my sister's dog. My dog just got to playing with my neighbor's dog which my dog is a therapist to her dog cause her dog needs a hip replacement. My dog got her dog back to running and I got the people here and that's their dog.

HEARING OFFICER CAMILLE VALLEY: So are you saying that your dog did not bite the dog?

SHIRLEY HARPER: Yeah, that's the only time I can say that my dog bit.

HEARING OFFICER CAMILLE VALLEY: He did bite, okay.

SHIRLEY HARPER: He did bite Ja-Rue. That's the name of the dog, Ja-Rue. That's my sister's dog.

HEARING OFFICER CAMILLE VALLEY: Okay.

SHIRLEY HARPER: I admit to that one. He got in the yard to bite that dog.

HEARING OFFICER CAMILLE VALLEY: Okay so then the last one is the most recent, March 15th. And you are saying that that didn't occur?

SHIRLEY HARPER: No. I believe the girl got cut with the nail or glass in the grass. That, I'm hearing my dog barking. Our street does get packed every summer. Even some parts of the winter. My dog knows everybody. He was laying out. He was outside in front laying on his chain. He had his chain on him. I heard my dog just a barking and barking so I went outside to see what was going on. It's like a riot. A girl came. The girl got the cut and it ain't a bite mark it's a cut. And then I got somebody that knows their family cause the girl did say she didn't feel the dog bite her. She did tell me that in front of her mom and her dad. And then somebody I know where I go knows their family and he told her the same, this girl told him...

HEARING OFFICER CAMILLE VALLEY: Were you there when this occurred? I mean were you outside when it happened?

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SHIRLEY HARPER: I was inside until my dog....

HEARING OFFICER CAMILLE VALLEY: All right. So one of the things is I'm looking for somebody who has firsthand knowledge....

SHIRLEY HARPER: Oh, but I was outside before she fell and slipped over the curb and got...

HEARING OFFICER CAMILLE VALLEY: Okay. This is what, when she got injured, when she got injured and got the cut...

SHIRLEY HARPER: I was outside.

HEARING OFFICER CAMILLE VALLEY: You actually saw how she sustained the cut?

SHIRLEY HARPER: Well, I...yeah. Basically I seen her run and hit the curb and flipped. The dog wasn't even by her then.

HEARING OFFICER CAMILLE VALLEY: Okay and when she got up after falling on the curb you are saying that she had this gash in her leg.

SHIRLEY HARPER: I seen when she got up. She was still there. I didn't see her no more. I had got my dog. Man Master came right, he ran to one corner seeing people. And then when she seen my dog coming on the street she took off running and she fell.

HEARING OFFICER CAMILLE VALLEY: So your dog was off leash?

SHIRLEY HARPER: I kept on telling them take that to the park that my dog was going to get loose. I said take it to the park. I couldn't take my dog in cause he was already riled up. He would have got away from me cause he is strong. I said take it up the street. By the time I walked off my stairs up my property to go tell these people to take it to the park, she lives in Oakridge. Why would you come all the way on my street and cause a fight? You don't even live on the street. Why couldn't you all take that to the park? By the time I got across the street close to my mom's house going to the corner, my dog then got the latch off his collar and he then came around me. I said Man Master. That's when she ran and fell. But he was a witness to see the whole thing. And that's the truth. That's what I seen. And my mom and my mom, my sister from the angle they got, they said my dog didn't bite that girl. But the girl said the same thing. She didn't feel no dog bite. I think she got her skin, that snag on the bumper or there was a nail in the grass or a piece of glass. That dog did not bite her.

HEARING OFFICER CAMILLE VALLEY: But you didn't really see how she got hurt either. I mean you were paying attention to your dog so you couldn't see her...

SHIRLEY HARPER: From my angle I couldn't see. But my dog wasn't there, you know, when she fell and tripped over the curb. Then why would you come all the way on our street and cause problems anyway to cause my dog to get all riled up?

HEARING OFFICER CAMILLE VALLEY: But, that's, I mean, they are public streets and anybody can be on anybody's street is the reality of....

SHIRLEY HARPER: That's very true but to come over here for a fight.

HEARING OFFICER CAMILLE VALLEY: Well, that's what I....

SHIRLEY HARPER: I mean it could be a drive-by shooting. It could have caused a whole lot of things.

HEARING OFFICER CAMILLE VALLEY: Well, let's stay, let's stay on the issues of what, what, what transpired for this instance.

SHIRLEY HARPER: Our dogs protect our neighborhood basically from strangers coming on our neighborhood. They do let us be aware that somebody shouldn't be there or trying to pick up some kids, perverts or whatever. We got good dogs on this street. Ja-Rue's a good dog. So is K-10 and so is mine.

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

SHIRLEY HARPER: No. Just a witness.

HEARING OFFICER CAMILLE VALLEY: Well that's all, anybody who wants to testify can. Thank you. If you'd come to the microphone and clearly state your name for the record.

JENNIFER HENLE: Hi. My name is Jennifer Henle. I live at 1149 Ascension and Shirley and I...

HEARING OFFICER CAMILLE VALLEY: Wait, wait, wait.

JENNIFER HENLE: Oh, I'm sorry.

HEARING OFFICER CAMILLE VALLEY: So your last name was what?

JENNIFER HENLE: Henle, "H-e-n-l-e."

HEARING OFFICER CAMILLE VALLEY: "H-e-n-l-e." Ok. I'll swear you in. Right hand. 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?

JENNIFER HENLE: Uh-huh.

HEARING OFFICER CAMILLE VALLEY: Okay. What would you like to share that's relevant to this case?

HEARING OFFICER CAMILLE VALLEY:

JENNIFER HENLE: Shirley and I fight and argue all the time, but one thing I tell the truth.

HEARING OFFICER CAMILLE VALLEY: Are you, are you related?

JENNIFER HENLE: No. No relation.

HEARING OFFICER CAMILLE VALLEY: You're just friends. Do you neighbor?

JENNIFER HENLE: Neighbor. Neighbors.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: Sometimes friends. Sometimes friends.

HEARING OFFICER CAMILLE VALLEY: It's on and off.

JENNIFER HENLE: Yeah, it's on and off. Uhm, in the neighborhood goings-ons I don't really get involved. But I can tell you this and I'm going to tell you the truth. I sat on my porch. I'm going to go through every case that happened. The last one being with Ms. Carla Colley. I was taking care of her mom at the hospital. My daughter Cinnamon and I saw the whole thing. The dog was sitting down. Shirley treats the dog like a human. She was brushing it and perfuming it. The lady got scared of the dog. I have German Sheppards.

HEARING OFFICER CAMILLE VALLEY: Okay. Just be clear so I know because I don't, the names don't run off mine so you're talking about what the July 17, 2010?

JENNIFER HENLE: Is that, yes. No.

HEARING OFFICER CAMILLE VALLEY: Or the birthday party on July 22nd?

JENNIFER HENLE: I'll get to that one. I'm talking about the one with Carla Colley and the dog knocked her, the dog supposedly bit her. Knocked her down. The dog, I was sitting in my front yard with my daughter. She got scared of the dog and she fell down. The dog didn't make contact with her.

HEARING OFFICER CAMILLE VALLEY: Is this when the dog came out of the house and surprised her?

JENNIFER HENLE: Yeah.

SHIRLEY HARPER: No. Excuse me, talking about her mom.

JENNIFER HENLE: Oh.

EX. F
11

HEARING OFFICER CAMILLE VALLEY: Wait, wait, wait. Okay, number one, I record this so only the person whose testifying, if you want to come back up, that's, I just want to make sure I know what instance, incident you are talking about.

JENNIFER HENLE: Okay. I'm talking about Ms. Colley.

HEARING OFFICER CAMILLE VALLEY: And that name doesn't ring a bell with me. But if you talk about the incident there was one time when....

(Inaudible).

HEARING OFFICER CAMILLE VALLEY: No. Ms. Harper was standing outside talking with another woman. I don't need a correction because I won't remember the names. I have the evidence and I could go into that. All I wanted to know is the basic facts of the case.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: In one of these instances she was standing outside talking to someone else. The dog came charging out the door and surprised the woman who fell back and hit her head, right? I mean the dog didn't...

JENNIFER HENLE: That's what they've written down.

HEARING OFFICER CAMILLE VALLEY: And that's the one, the instant, incident you are talking about?

JENNIFER HENLE: Right.

HEARING OFFICER CAMILLE VALLEY: Okay. I just wanted to make sure that I'm talking about the, I'm listening about the same one okay. So go ahead.

JENNIFER HENLE: Okay. I just want to make clear that that's what they've written down. I'm going to tell you what happened.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: Okay. She was outside with her dog on the porch and she was grooming the dog and the lady is afraid of dogs. So the lady was walking down the street. Automatically she panicked. And my dog....

HEARING OFFICER CAMILLE VALLEY: So you are saying this woman was out on the public sidewalk?

JENNIFER HENLE: She was walking in the middle of the street.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: On the other side of the street. Shirley lives on the right side. The lady was walking on the right side. Okay. And she panicked and she fell back and she hit her head.

HEARING OFFICER CAMILLE VALLEY: So the dog was, you're saying the dog was still up on the porch with Ms. Harper and hadn't come out into the yard?

JENNIFER HENLE: She panicked and she saw the dog. The dog hit her head. Shirley...

HEARING OFFICER CAMILLE VALLEY: Now wait. That's not the question I asked.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: You said that Ms. Harper was up on the porch with the dog, grooming the dog at the time.

JENNIFER HENLE: Right.

HEARING OFFICER CAMILLE VALLEY: This woman is walking down the street. All of a sudden this woman gets scared and falls and hits her head.

JENNIFER HENLE: Yes. But the dog....

HEARING OFFICER CAMILLE VALLEY: But the dog never did leave the porch?

JENNIFER HENLE: The dog did leave the porch.

HEARING OFFICER CAMILLE VALLEY: Okay. That's what I'm....

JENNIFER HENLE: Shirley ran over and she was screaming can you get my dog? Can you get my dog? I mean, can you get the dog? Can you get the dog? She had the dog. When she saw the dog she fell and she ran over. They didn't make the contact.

HEARING OFFICER CAMILLE VALLEY: Well the dog, you're saying the dog didn't come in contact with....

JENNIFER HENLE: When his master ran over the dog followed his master. But when I have my German Sheppards and I'm sitting on my porch they won't even come down. They'll scream and yell, put your dog up. Put your dog up. They're just so frightened of em. But the dog didn't cause the woman to get a concussion.

HEARING OFFICER CAMILLE VALLEY: You are saying the woman had already fallen before the dog left the porch?

JENNIFER HENLE: She was so terrified.

HEARING OFFICER CAMILLE VALLEY: I mean she had fallen before the dog ever left the porch?

JENNIFER HENLE: Right.

HEARING OFFICER CAMILLE VALLEY: The dog was only following Ms. Harper off the porch.

JENNIFER HENLE: Exactly.

HEARING OFFICER CAMILLE VALLEY: Okay, that's all right. I hear you.

JENNIFER HENLE: Exactly. And that day me and Shirley got in a big argument because I said, Shirley was saying she's okay, she's okay and I was like well maybe she should go to the hospital. The dog had nothing to do with it. So it was not, if anything, it was the humans, but it wasn't a big deal. We helped her up. We took her to her porch. Some people are just afraid of dogs.

HEARING OFFICER CAMILLE VALLEY: Okay. So that's that instance. Okay, we have four instances. Do you have any first-hand knowledge?

JENNIFER HENLE: Yeah, cause I'm always on my porch. Uhm, I'll do the instanct with Shantel.

HEARING OFFICER CAMILLE VALLEY: Which, okay, like I say names don't mean anything to me so give me a description.

JENNIFER HENLE: Okay. I'll do the incident where there was a riot. Not a party, a riot. Two girls came down.

HEARING OFFICER CAMILLE VALLEY: Is this the birthday party or is this the large party with the drinking?

JENNIFER HENLE: However you guys want to say. Ms. Harper had a birthday party. This was a riot. You can say it was a large party with drinking. This was a riot.

HEARING OFFICER CAMILLE VALLEY: Okay. There were two instances. One was July 17, 2010 which was referred to as a large party. Then there was a birthday party on July 22nd.

JENNIFER HENLE: Okay. You guys call it a large party. We'll go with that. I'm gonna say riot.

HEARING OFFICER CAMILLE VALLEY: I just want to make sure I'm talking about the same.

JENNIFER HENLE: You're right.

EX. F
14

HEARING OFFICER CAMILLE VALLEY: Is this July 17th?

JENNIFER HENLE: July 17th. I mean March 17th.

HEARING OFFICER CAMILLE VALLEY: Okay, but Officer Raudabaugh provided you with Exhibits, a packet, the same ones that I have here.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: It would help, it would help if we were referring, if you were referring to the exhibits that he has presented cause right now that's the only evidence I know so we're staying on the same page.

JENNIFER HENLE: Sounds good. Okay this girl's name was Sierra L. Sims. If I can talk. Shantel.

HEARING OFFICER CAMILLE VALLEY: Sierra L. Sims.

JENNIFER HENLE: This little girl, okay. I'm on the exhibit right here.

HEARING OFFICER CAMILLE VALLEY: Will you give me the exhibit number. Officer Raudabaugh was kind enough to put a number up at the corner of every page so if you would, the incident reports start on page 8, exhibit 8, exhibit 16, exhibit 19, exhibit 23. So whichever incident you are talking about it'd sure help.

JENNIFER HENLE: Okay. Uhm, this is Vern. Do you want to come up here and help me real quick cause I'm looking at 293321.

HEARING OFFICER CAMILLE VALLEY: Okay. See the 10 in the corner? That's the one that I want.

JENNIFER HENLE: Oh 10. Okay, that's simple. Exhibit 10.

HEARING OFFICER CAMILLE VALLEY: Hold up that page again. Yeah, okay, so that's a citation that was issued?

JENNIFER HENLE: Yeah. I'm talking about this.

HEARING OFFICER CAMILLE VALLEY: Okay. Actually the incident report starts on the two pages before that.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: Which exhibit 9 actually gives a description.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: Okay. So this is the timeframe you're talking about correct?

JENNIFER HENLE: Uh huh.

HEARING OFFICER CAMILLE VALLEY: Which was March....

JENNIFER HENLE: I'm going to...

HEARING OFFICER CAMILLE VALLEY: This is March 15, 2012. This is the most recent incident.

JENNIFER HENLE: Okay. I got this one. I was sitting on my porch. I'm a gardener. My husband was there. My son was there. Uhm, this is what I saw happen. She had been out screaming and yelling, take that to the park. Take that to the park. And I'm watching and I was saying someone's going to end up shooting. We live in the hood. We can't call 911 and expect that they are going to come. It just happens like that. You know. Last night there was gun shots for two hours. Did an officer come? No. We live in the hood. There is a different process. We watch out for our own. So when this incident happened she was out saying take that to the park. Take that to the park.

HEARING OFFICER CAMILLE VALLEY: Take what to the park?

JENNIFER HENLE: They were fighting.

HEARING OFFICER CAMILLE VALLEY: Fighting, okay.

JENNIFER HENLE: You guys call it...

HEARING OFFICER CAMILLE VALLEY: You've got to fill in the blanks for me cause I....

JENNIFER HENLE: You guys call it a party with drinks.

UNKNOWN SPEAKER: No. No.

HEARING OFFICER CAMILLE VALLEY: No, no, no, no. We're not to, no, you're jumping between incidences which is not helping your testimony.

UNKNOWN SPEAKER: Inaudible.

HEARING OFFICER CAMILLE VALLEY: Okay. If you're not up here testifying you need to be quiet or wait out in the hallway. Listen. Before you further, go any further, you're, you're not credible if you can't stick with the incident. You're jumping between incidents and all over the place so you're not, you're not helping her case at all.

JENNIFER HENLE: Okay. I'm sorry. Okay. I'm sticking to one case.

HEARING OFFICER CAMILLE VALLEY: Well that's, and like I say, if you go with what exhibit that's already in the record...

JENNIFER HENLE: I'm excited because of all these lies that have been told.

HEARING OFFICER CAMILLE VALLEY: So if you are talking about the exhibit you just said, that's a March 15, 2012 incident and it didn't, it didn't, it wasn't taking it to the park. There was no party. There was nothing. All it was is this is the person....one more time and you're going to be in the hallway.

JENNIFER HENLE: Vern, Vern.

HEARING OFFICER CAMILLE VALLEY: You need, you need to keep quiet when you're not testifying.

UNKNOWN PERSON: Inaudible.

HEARING OFFICER CAMILLE VALLEY: No you cannot. Only one person can testify at a time. I will allow you to come back up again, but you need to be quiet in the meantime. Like I say, one more disturbance and you'll be waiting in the hallway which is probably what you don't want to have happen, so. All right. So, we're at the last instance and you....

JENNIFER HENLE: Okay. I'm on page 9. That's what I'm going on.

HEARING OFFICER CAMILLE VALLEY: Yep. Okay. So that's exhibit 9 which is the Officers, rather than reading...okay, rather than just reading this whole thing, you are saying you were on the porch at the time this incident occurred?

JENNIFER HENLE: Uh huh.

HEARING OFFICER CAMILLE VALLEY: And you said you have first-hand knowledge of what, how this wound was incurred by this person, the victim?

JENNIFER HENLE: Uh huh.

HEARING OFFICER CAMILLE VALLEY: Okay. So that's what I want you to tell.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: You don't need to look at anything else. I don't want to know who's lied or anything. You just tell me your version as you saw it. That's what I'm interested in.

EX. F
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JENNIFER HENLE: And we're talking about the version of the girl...

HEARING OFFICER CAMILLE VALLEY: We're not talking about versions. We're talking about your first-hand knowledge of what you witnessed. That's what's credible to me. It's nothing else. I don't hearsay. I don't want somebody has told you. You were sitting on your porch. You say that you had a good view of that wound that she incurred. That's what I'm wanting to know. What did you see transpire?

JENNIFER HENLE: She was a big girl. About my size.

HEARING OFFICER CAMILLE VALLEY: Is this an adult?

JENNIFER HENLE: This is a, probably 15, 16.

HEARING OFFICER CAMILLE VALLEY: A teenager?

JENNIFER HENLE: A teenager, yeah. The dog was definitely chained up. She, Ms. Harper was yelling take that down to the park. Take that down to the park. It got bigger and bigger and bigger.

HEARING OFFICER CAMILLE VALLEY: This was, this was the March, the recent incident?

JENNIFER HENLE: I want to ask you a question. Yes, this is a recent incident.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: It got bigger and bigger and bigger.

HEARING OFFICER CAMILLE VALLEY: Bigger and bigger. You mean more people around?

JENNIFER HENLE: More people and more people started to come. So it was pretty scary. So I'm thinking either they're going to start shooting or something bad is going to happen. So Ms. Shirley went down there to try and get the kids to be quiet. The dog was right on her side.

HEARING OFFICER CAMILLE VALLEY: Was the dog on a leash?

JENNIFER HENLE: No I don't think so.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: He ran. The girl fell back. She was scared. She got cut by a car. I'm looking at the wound and never do I remember the dog making contact with that girl. My husband walked up and saw what happened. I was staying there. He walked up and looked.

HEARING OFFICER CAMILLE VALLEY: Well he's not here to testify?

JENNIFER HENLE: He's here.

HEARING OFFICER CAMILLE VALLEY: Okay, well then he needs to testify what he sees. All I want to know is what you saw, what you witnessed. So you're saying she cut herself on the car. What on the car was sharp enough to cause that great big a gash? What is it....

JENNIFER HENLE: It had to be the bumper. I have a cut just like that that I should have went to the doctor and I didn't. And if you look close at the photo there is skin that's pulled up.

HEARING OFFICER CAMILLE VALLEY: Well, okay, but I will look at all the evidence.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: Because I do a good job of doing that I think and so what I'm looking at so did you see her, is this a knee that I guess....

JENNIFER HENLE: It's the same place I have mine.

HEARING OFFICER CAMILLE VALLEY: I haven't, I haven't studied the record enough to, and I will. I deliberate on all this. I'm only gathering testimony and evidence today so. A bumper typically is smooth so what, what is that would cause a gash like this on a bumper? Is this particular one corroded, broken, whatever?

JENNIFER HENLE: You know what, a bumper typically is smooth but when you come to the hood people don't have smooth bumpers. They have that have bumpers turned up this way and that way and every way and it was a raggedy car.

HEARING OFFICER CAMILLE VALLEY: I have no, so you need to educate me.

JENNIFER HENLE: I am. I hope I'm educating. We don't have new Mercurys and new Fords. We have raggedy cars and the car that was sitting there had been sitting there and the bumper is all twisted up. Or either maybe the bumper was taken off.

HEARING OFFICER CAMILLE VALLEY: So there's rough edges that are exposed.

JENNIFER HENLE: Yes. There are rough edges. And you know what, sometimes there's not even bumpers on the cars, ya know. A lot of times they steal bumpers.

HEARING OFFICER CAMILLE VALLEY: So you say the, her knee bumped into the bumper?

JENNIFER HENLE: Yeah.

HEARING OFFICER CAMILLE VALLEY: And then when she came away from it what....

JENNIFER HENLE: She got up embarrassed, real embarrassed and starting screaming and acting ignorant and still didn't leave. Now if you've just gotten bit by a dog why would you stay there?

HEARING OFFICER CAMILLE VALLEY: Was, while,

JENNIFER HENLE: Why would you stay there?

HEARING OFFICER CAMILLE VALLEY: I don't need you to raise questions. I need you to tell me what it is you saw....

JENNIFER HENLE: People who lie just make me angry.

HEARING OFFICER CAMILLE VALLEY:what it is you observed. So you are saying you saw her fall into it and that's when she sustained her wound.

JENNIFER HENLE: Yep. Ask me questions about the other one. I'm not looking on the paper.

HEARING OFFICER CAMILLE VALLEY: Huh?

JENNIFER HENLE: Ask me questions about the other ones. I'm not looking on the paper.

HEARING OFFICER CAMILLE VALLEY: So you happen, you happen to see all four of these incidences?

JENNIFER HENLE: I'm her neighbor. I stay on the porch.

HEARING OFFICER CAMILLE VALLEY: Well I'm peoples' neighbors too but I don't necessarily, I mean there are different times of day. I mean I presume you have other things you do besides sit on your porch.

JENNIFER HENLE: Uh, you should drive past my house. I garden all day long. I literally do. And you really need to drive past the hood. It's a completely different life. So most of the people are out there 24/7. I'll give you a tour.

HEARING OFFICER CAMILLE VALLEY: Okay. All right. So is there anything else you want to share?

JENNIFER HENLE: Yeah. Ask me any other questions cause I was there. I was there with the one with Carla. I was, I'm sorry, I was there when the alleged victim fell and hit her head on the hood. I was there when Man Master did do this. They have a little Poodle, Bichon. I think that is what it is. I don't know. And the little Poodle was down there and they got in a fight and my dog was involved and they just, that's the only one that I will agree to.

HEARING OFFICER CAMILLE VALLEY: Okay. It's just the July 25, 2011 incident.

EX. F
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JENNIFER HENLE: Uh huh.

HEARING OFFICER CAMILLE VALLEY: Okay. All right.

JENNIFER HENLE: No. You can ask me about all of them.

HEARING OFFICER CAMILLE VALLEY: I, I'm looking for what, testimony you have.

JENNIFER HENLE: I want you to know what I have to say. I'm telling you the Harpers are a very dysfunctional family and for some reason this one right here gets treated like crap. They can make a show about them.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: So anything that happens. But I'm here to testify and I want you to ask me those questions.

HEARING OFFICER CAMILLE VALLEY: Well, I'm here to collect, I know nothing....

JENNIFER HENLE: I want you to collect information from me.

HEARING OFFICER CAMILLE VALLEY: I know nothing about these cases until people present so when typically a witness comes and they testify just like you did with the March 15th. You were sitting on your porch. You witnessed the girl. She, she ran away when the dog came out and ran into the car, cut herself on the car. It wasn't a dog bite. Okay. I heard you on that one.

JENNIFER HENLE: Okay and now...

HEARING OFFICER CAMILLE VALLEY: I've heard you, you've actually weighed in on all four of the instances already so.

JENNIFER HENLE: I don't think I weighed in on the one where there was a birthday party. You didn't ask me anything about that one.

HEARING OFFICER CAMILLE VALLEY: Okay. I am the Judge who is looking for you to provide what information...

JENNIFER HENLE: Did I provide any information on that?

HEARING OFFICER CAMILLE VALLEY: Right. That's why I say, well, you have said that you were sitting on the porch for all four instances. That you did witness that the dog was always under, well, you did make a comment that it was off leash at one time.

JENNIFER HENLE: This was on the Grandmother's property. It was a beautiful thing. It was her 77th birthday party.

HEARING OFFICER CAMILLE VALLEY: No. I don't need to know all that. All I'm interested in, we're here only because of the dog. We're here only because of the dog.

JENNIFER HENLE: I want to answer any questions, give you any information.

HEARING OFFICER CAMILLE VALLEY: Only the dog. So if you were sitting on your porch was the party, the birthday party occurring in the front yard?

JENNIFER HENLE: Yes.

HEARING OFFICER CAMILLE VALLEY: Across the street from you?

JENNIFER HENLE: Yes.

HEARING OFFICER CAMILLE VALLEY: Across the street from you?

JENNIFER HENLE: Yes.

HEARING OFFICER CAMILLE VALLEY: And so you saw the dog, was the dog on a leash the whole time?

JENNIFER HENLE: No.

HEARING OFFICER CAMILLE VALLEY: And so did the dog ever go after anybody that you saw or be part of any, you said, there was testimony there was an argument going on between Ms. Harper and another person and the dog reacted to that.

JENNIFER HENLE: Uh huh.

HEARING OFFICER CAMILLE VALLEY: So you witnessed that. What did you see?

JENNIFER HENLE: The dog was getting along fine. Everybody was petting him. It was a Bar-B-Que. I'm not suppose to mention anybody's name so the person who the party was for...

HEARING OFFICER CAMILLE VALLEY: Well it's not that you can't mention names, but it doesn't help me.

JENNIFER HENLE: It doesn't help you.

HEARING OFFICER CAMILLE VALLEY: It doesn't help me because I haven't studied the evidence yet so I don't know whose who.

JENNIFER HENLE: Okay.

HEARING OFFICER CAMILLE VALLEY: So what I'm interested in is...

EX. F
22

JENNIFER HENLE: It was a beautiful birthday party. There was some music being played. There was an argument between the music that they wanted to have played. The girl...

HEARING OFFICER CAMILLE VALLEY: But all those, all those, what I want to know is what the dog...

JENNIFER HENLE: So you just want to hear the bad things?

HEARING OFFICER CAMILLE VALLEY: No. I want, no I don't want to just hear bad things. I'm interested in the dog. What was the dog doing?

JENNIFER HENLE: Having a good time. Just walking around, everybody petting him.

HEARING OFFICER CAMILLE VALLEY: Okay. And did the dog ever, there was comments before that the dog reacted because there was an argument going on between Ms. Harper and somebody else? Did the dog, did you witness the dog reacting?

JENNIFER HENLE: He barked.

HEARING OFFICER CAMILLE VALLEY: But he was standing there calm?

JENNIFER HENLE: No. If someone is going to argue the dog barked. He was barking. Ruff, ruff, ruff, ruff, ruff. He was getting excited. Then when the girl came back with a knife that's when he reacted.

HEARING OFFICER CAMILLE VALLEY: And what happened when the girl came back with the knife and he reacted?

JENNIFER HENLE: First of all he got between Shirley. I'm sorry. He got between the victim and the master, barking between them. When the girl tried to put up the knife he pulled the girl. The girl did not get bit. He done just what he was supposed to do.

HEARING OFFICER CAMILLE VALLEY: So he pulled her by grabbing onto her clothes and pulling her back you said? You said he grabbed the person with the weapon.

JENNIFER HENLE: Yes.

HEARING OFFICER CAMILLE VALLEY: So basically grabbed onto a skirt or pants or whatever she was wearing?

JENNIFER HENLE: She always wears pants.

HEARING OFFICER CAMILLE VALLEY: Well, whatever, grabbed onto her clothing and didn't really bite her but grabbed all of her clothing and pulled her away.

JENNIFER HENLE: And got her away.

HEARING OFFICER CAMILLE VALLEY: Then what happened with the dog?

JENNIFER HENLE: The owner took the dog, took it home.

HEARING OFFICER CAMILLE VALLEY: All right. Thank you.

JENNIFER HENLE: They insisted that the dog be there though.

HEARING OFFICER CAMILLE VALLEY: Who insisted?

JENNIFER HENLE: The people. The old people. They were petting the dog and the dog was sitting down and it was just a beautiful thing.

HEARING OFFICER CAMILLE VALLEY: It was a welcome member to the party?

JENNIFER HENLE: Yeah. It was family. It was the Harper family.

HEARING OFFICER CAMILLE VALLEY: So the only incident was when somebody came with a weapon and then the dog reacted.

JENNIFER HENLE: She went like this with a knife. It was on.

HEARING OFFICER CAMILLE VALLEY: Okay.

JENNIFER HENLE: Turned a beautiful thing into an ugly thing.

HEARING OFFICER CAMILLE VALLEY: All right. I appreciate your testimony.

JENNIFER HENLE: No more questions?

HEARING OFFICER CAMILLE VALLEY: You've covered all four of the incidences so unless you have something else you want to offer.

JENNIFER HENLE: Yea I do. I do want to offer. Uhm, you, you're asking me questions and the only event that I agree that the dog did something bad was when he attacked the...

HEARING OFFICER CAMILLE VALLEY: The sister's dog is what you said.

JENNIFER HENLE: Sister's dog.

HEARING OFFICER CAMILLE VALLEY: On July 25, 2011.

JENNIFER HENLE: Yeah. Uhm, the dog, my husband has multiple sclerosis and in that neighborhood, like I said, we can't just call 911. Do you know how busy they are in that

neighborhood? So if my husband wants to go and get something to drink or whatever or get a soda, he doesn't drink, he might get the dog, grab him and walk him down to the store. We need protection and that is our protection. And it's, like I said, people on that block are so dysfunctional. Why they would lie and say this. That's why I've gotten so excited because so many lies as I'm looking at this. And I'm looking at, there was only three people out when the incident happened when the lady fell and hit her head. And I looked and there is a witness to it. That's a lie. There was only three people out. And it's disgusting how people have just lied. If you don't like her that's fine, but don't put her animal to sleep cause half the time I don't like her.

HEARING OFFICER CAMILLE VALLEY: Well, the issue isn't putting the dog to sleep today at all anyway so. All right. Thank you for your testimony.

UNKNOWN SPEAKER: Inaudible.

HEARING OFFICER CAMILLE VALLEY: You got to be over at the microphone and this is Ms. Harper again.

SHIRLEY HARPER: Basically I was going to put my dog to sleep.

HEARING OFFICER CAMILLE VALLEY: You were going to put your dog to sleep?

SHIRLEY HARPER: No I was. Because in his things I made up my mind...(inaudible)...I'm sorry. I don't like that man because my first dog. I don't because any of this stuff. Ya know I don't know nothing about dogs til I got Lady and Man Master. And this dog I got was beat up and I brought the dog back beautiful. I take care of my dogs. I had made up my mind. I can't get insurance. I don't want to be hurt no more in my heart and I'm treated anyway. I found something that love me and I can love back, to be loved. Okay. But I did kind of make up my mind to put my dog to sleep. But I want my dog to be put to sleep in front of me cause I don't know if.....

HEARING OFFICER CAMILLE VALLEY: That's not even an issue today.

SHIRLEY HARPER: I know, but that was....

HEARING OFFICER CAMILLE VALLEY: The issue just to clarify because you seem really emotionally distraught, there are dangerous dog declarations. This is not one of them. This is a vicious dog.

SHIRLEY HARPER: My dog is not vicious though.

HEARING OFFICER CAMILLE VALLEY: Well, and, and, and, vicious is by the way the Code defines it. It's not by how I think vicious should be or how you think vicious should be. This is the definition the Council came up with.

SHIRLEY HARPER: Okay.

HEARING OFFICER CAMILLE VALLEY: And, and, but the outcome of it doesn't put any animal to sleep. The outcome is if it's declared and I uphold the declaration is that you just have to make sure that you have control of the dog at all times because the dog has a propensity to maybe, I'm not saying yours does because I haven't deliberated on it, but that's where we're at. This is not looking to put any dog to sleep. This is only looking that if this dog can't be controlled then the standards go up. You need to make sure that it's a heavy leash and an adult has control of it at all times. So you need to have it contained in a certain kind of kennel. That's what we're looking at is...

SHIRLEY HARPER: Being confined.

HEARING OFFICER CAMILLE VALLEY: Right. This is not, we're not a dangerous animal and like I say what vicious congers in your mind typically is that you've got an animal that is so, like a tiger or something that's always ready to bite and act and it doesn't sound like that's your dog at all. But that's really not what vicious is according to this is just that it's looking from the perspective of you know if it can't be controlled and it's attacking maybe a child or something that becomes a concern so we want to have a stronger leash or we want to have a stronger kennel. That's what we're looking at. So just to calm you down that's what we're looking at so it's not, it's just a higher standard of, well, all dogs are supposed to be on leash at all times. If they're not inside they're all supposed to be on leash.

SHIRLEY HARPER: But he's always on his leash. How he got out is....

HEARING OFFICER CAMILLE VALLEY: See, part of that then is making sure that it is a stronger leash because he sounds like he's a strong dog himself in his own right.

SHIRLEY HARPER: He ain't even two but he is strong.

HEARING OFFICER CAMILLE VALLEY: And, and that's what the outcome of this would be is requiring that everything is a sturdier whatever so that he is not roaming free cause no dogs, I don't care if it's even a little teeny fluff dog, no dogs are supposed to be running off leash in the city. So just to calm you down so you're not thinking that this dog is going to be declared one that needs to be put down, that's not the outcome of today.

SHIRLEY HARPER: What it really is, it's false claims that people put on me. When they try to get to me and can't get to me they do something to something I know.

HEARING OFFICER CAMILLE VALLEY: Well, one of the best things you can do for yourself is always keep your dog on leash at all times because even you have acknowledged then I've heard in testimony that it's been, even if it's at party where everybody loves it, that's one of the requirements is that it is always, you know, under your control regardless of the dog. So, unless it's inside the house.

SHIRLEY HARPER: One more thing then, I've been calling around trying to get insurance because they want me to say vicious dog. So far I can't get me no insurance. But if I can't I have

a couple people that wants my dog and, or I want my dog put to sleep if I can't have my dog. But I want to give my dog to Jennifer or a guy name Tony Bale.

HEARING OFFICER CAMILLE VALLEY: Well that's something that you can consider what your options are after, I'm not going to make my declaration today. I'm not going to make my ruling. I truly deliberate over everything that I receive today, the evidence and the testimony heard before I come up with my ruling.

SHIRLEY HARPER: Okay.

HEARING OFFICER CAMILLE VALLEY: So I, I think I'm very conscientious about, uhm, doing a thorough job on this so I can't tell you where you stand today, which you wouldn't want me to. You want me to really look at everything closely.

SHIRLEY HARPER: Right. Yes.

HEARING OFFICER CAMILLE VALLEY: The reason I don't know names yet is because I haven't spent enough time with these records. I know nothing about this when I walk in and I know you're familiar with all the people who are in the neighborhood and that means nothing to me. That's why I try to keep it down to, so I'm on the right instance and I'm getting the information based on, so I'm keeping the facts clear. So that's what I'm seeking to do today so.

SHIRLEY HARPER: Okay.

HEARING OFFICER CAMILLE VALLEY: So is there anything else you'd like to add that, for, regarding like I say everything's based on right now those four instances which you've weighed in on and your neighbor has, even though she says you are not necessarily friends all the time, so.

SHIRLEY HARPER: No. That's very true.

HEARING OFFICER CAMILLE VALLEY: So, so did you have anything else you wanted to add right now?

SHIRLEY HARPER: No.

HEARING OFFICER CAMILLE VALLEY: Okay. Uh, Mr. Henle?

UNKNOWN SPEAKER: Daniels.

HEARING OFFICER CAMILLE VALLEY: Daniels. Okay. State your name now that you're over the microphone.

VERNON D. DANIELS, JR: Vernon D. Daniels, Jr.

HEARING OFFICER CAMILLE VALLEY: What is it? Bert?

VERNON D. DANIELS, JR: Vernon.

HEARING OFFICER CAMILLE VALLEY: Vernon. D?

VERNON D. DANIELS, JR: Daniels.

HEARING OFFICER CAMILLE VALLEY: Daniels. Jr.?

VERNON D. DANIELS, JR: Correct.

HEARING OFFICER CAMILLE VALLEY: Okay. 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?

VERNON D. DANIELS, JR: I do.

HEARING OFFICER CAMILLE VALLEY: Okay. So, what do you have to offer that I haven't already heard?

VERNON D. DANIELS, JR: Uh. You've heard it probably, but on the incidents...

HEARING OFFICER CAMILLE VALLEY: The most recent one I think is what you were also out and you observed what transpired.

VERNON D. DANIELS, JR: Right, right. The girl fell back. She hit the curb. She turned, got scared. Turned like this. Hit the curb and she fell against the car and she went down. I didn't think anything of it. The dog wasn't around her. You know what I mean?

HEARING OFFICER CAMILLE VALLEY: When she got up then did you see the gash on her leg when she got up?

VERNON D. DANIELS, JR: No I didn't. No I didn't. Actually I did not. You know what I mean?

HEARING OFFICER CAMILLE VALLEY: So you never saw?

VERNON D. DANIELS, JR: She got up scared and ran, ya know, right after that, you know. And I was more concentrating on is she all right, you know. But she got up and ran so.

HEARING OFFICER CAMILLE VALLEY: So you observed the whole time that she was in the vicinity of Ms. Harper's property?

VERNON D. DANIELS, JR: Yeah.

HEARING OFFICER CAMILLE VALLEY: And, and during that whole time that she was near the property the dog was never close to her?

VERNON D. DANIELS, JR: No, not really.

HEARING OFFICER CAMILLE VALLEY: She fell, she hurt herself and then she went, took off running.

VERNON D. DANIELS, JR: She didn't run far. She just got up, ya know, scared, ran, turned around and looked, ya know. But she wasn't by Ms. Harper's property. She was across the street at her mom's, across from her mom's place. Shirley lives next to me. The dog was across the street.

HEARING OFFICER CAMILLE VALLEY: So the dog remained on Ms. Harper's property the whole time?

VERNON D. DANIELS, JR: I beg your pardon?

HEARING OFFICER CAMILLE VALLEY: The dog remained on Ms. Harper's property the whole time.

VERNON D. DANIELS, JR: Pretty much.

HEARING OFFICER CAMILLE VALLEY: Okay, pretty much isn't....

VERNON D. DANIELS, JR: I can't, I can't, I can't remember if he ran out in the street but from what I remember he was in your mom's yard.

SHIRLEY HARPER: No.inaudible....when I was walking...inaudible.

VERNON D. DANIELS, JR: Right, okay. The thing I remember is the girl turning and falling and the dog wasn't around. You know what I mean?

HEARING OFFICER CAMILLE VALLEY: Okay. But you are not sure if that's when she incurred her, her laceration because you didn't really see...

VERNON D. DANIELS, JR: I can think that's the only way she could.

HEARING OFFICER CAMILLE VALLEY: Okay. That's just when you guessed probably it happened cause that's when you saw her fall?

VERNON D. DANIELS, JR: Uh, huh.

HEARING OFFICER CAMILLE VALLEY: Anything further that you have to add?

VERNON D. DANIELS, JR: Uhm, I concur with my wife when on the incident where Ms. Colley fell.

HEARING OFFICER CAMILLE VALLEY: You witnessed that one also?

VERNON D. DANIELS, JR: Yeah. She just fell.

HEARING OFFICER CAMILLE VALLEY: Okay.

VERNON D. DANIELS, JR: She just fell. She got scared of the dog. She's scared of my dog. She's scared of every dog around there and has health problems and she fell. You know what I mean?

HEARING OFFICER CAMILLE VALLEY: Yep.

VERNON D. DANIELS, JR: That's about all I have.

HEARING OFFICER CAMILLE VALLEY: Okay.

VERNON D. DANIELS, JR: The party. I wasn't out there for the party. I wasn't out there.

HEARING OFFICER CAMILLE VALLEY: Well, if he doesn't recall let's don't coach him into something that...well no I'm saying if he's saying he wasn't there or out there I, that gives you more credibility to acknowledge that you weren't around.

VERNON D. DANIELS, JR: No I wasn't out for that one.

HEARING OFFICER CAMILLE VALLEY: Okay. So I appreciate your testimony.

VERNON D. DANIELS, JR: All right. Thanks a lot.

HEARING OFFICER CAMILLE VALLEY: All right. Thank you. Uhm, like I mentioned, I know nothing about these cases until I hear them so I will deliberate on everything that I've received and all the testimony that I've heard and develop a final written ruling. And like I say it's not, it's not elevating to the point, this is looking at whether or not the vicious dog, and like I say it's the City Council's definition, not what we think of as vicious. So it's, uhm,

UNKNOWN SPEAKER: Inaudible.

HEARING OFFICER CAMILLE VALLEY: Pardon?

SHIRLEY HARPER: Can I ask the Officer something?

HEARING OFFICER CAMILLE VALLEY: Can you ask the Officer something? Can you wait. You can talk to him afterwards.

SHIRLEY HARPER: I want it to be here.

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HEARING OFFICER CAMILLE VALLEY: Okay. Then come back up to the microphone if you want it to go on the record.

SHIRLEY HARPER: I wanted to ask to tell the ruling. Can I come and see my dog? Come and visit my dog?

SERGEANT SCOTT RAUDABAUGH: Uh, down at the City shelter we don't allow visitation. There's just a multitude of reasons, uh, starting out with it upsets the dog. Uhm, and then there's also a lot of liability issues if somebody were to slip on a wet

SHIRLEY HARPER: There...

SERGEANT SCOTT RAUDABAUGH: Can I finish answering please?

SHIRLEY HARPER: Yeah.

SERGEANT SCOTT RAUDABAUGH: If somebody were to slip on a wet floor or a gentleman about a week ago, an elderly gentleman lost his balance and put his hand on the cage of a different dog and the dog bit him. So we don't allow just visitation.

HEARING OFFICER CAMILLE VALLEY: Okay. Did you have any further questions you wanted to ask? Okay. Like I said I'll deliberate on everything that I've heard today and on all the evidence that I've received and I will develop the final written ruling which I submit to the City Clerk's Office. Then she'll make sure you get a copy. I thank you all very much for your time and testimony this morning.

UNKNOWN SPEAKER: Inaudible.

HEARING OFFICER CAMILLE VALLEY: Uhm, that's, well, no I try to make it as, I really do try to make it as quickly as possible and I would hope to have my ruling done by the end of the week end and so at the latest I know the officer has to hand deliver so by next week it probably will be delivered to you, at the early part of next week at the latest so. Thank you very much for your time and testimony this morning. This case is adjourned.

I, Renae Lampkin, certify that I transcribed the minutes of the April 2, 2012 Administrative Hearing pertaining to a vicious dog owned by Shirley Harper.

Renae Lampkin