

EXHIBIT D

EX. D



July 13, 2012

Robert & Debbie Dyer
 1422 Wilson Avenue
 Des Moines, IA 50316-1692

Subject: Vicious Dog Declarations

Attached is the ruling from the City of Des Moines Hearing Officer, for the Administrative Hearing on July 5, 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 cursive script that reads "Diane Raub".

Diane Raub
 City Clerk

DR:kh
 Attach



City of Des Moines, Iowa
July 5, 2012 Administrative Hearing

In re:)	
)	DECISION AND ORDER
ROBERT AND DEB DYER,)	AND
Appellants)	NOTICE OF RIGHT TO APPEAL
)	
)	
)	

Introduction and Parties

This is an appeal of the City of Des Moines' declaration of two dogs as "Vicious Dogs" as defined by Des Moines Municipal Code ("the Code") Section 18-41.

Robert and Deb Dyer, of 1422 Wilson Avenue, Des Moines, Iowa, appeared on their own behalf as the owners of two German Shepherds: "Sampson" and "Thor." 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").

Factual Background

On January 27, 2011, an animal control officer responded to the complaint of Eddie Tonasket, residing at 1418 Wilson Avenue, who reported that two German Shepherds from 1422 Wilson Avenue had jumped the fence into his yard. (Animal Investigation Report, Exhibit 34). Mr. Tonasket was fearful of the aggressive behavior of the dogs and retreated to his garage, which the dogs then attempted to get into. Mr. Tonasket observed the teenaged children from the 1422 Wilson Avenue address luring the dogs back home with tennis balls. The animal control officer also spoke to another neighbor on that date who reported that she had had to pepper spray the same two dogs that were in her back yard behaving aggressively. When the animal control officer went to the 1422 Wilson Avenue address to speak to the dogs' owners, he was met by Robert Dyer. Mr. Dyer was extremely uncooperative, only supplying his driver's license after the officer called for DMPD back up. Mr. Dyer was given a citation for two incidents of his dogs running at large, a violation of Code Section 18-55. He was told to keep his dogs in his own yard. The dogs were not licensed with the City at that time. (Exhibit 37).

On April 27, 2012, an ARL officer responded to a report from residents at 1430 Wilson Avenue, Des Moines, Iowa. Dean and Jen Rinken reported that the two German Shepherds from 1422 Wilson Avenue were running loose and bit their daughter, Ella Rinken, then 4 years old. The Animal Investigation Report (Exhibit 32) states that the bite did not break the girl's skin and that the Rinkens "did not want to pursue at this time, just want neighbors advised." The ARL officer left a door hanger at 1422 Wilson Avenue, the Dyers' home, advising them of restraint, license and rabies vaccination requirements.

On May 11, 2012, an ARL officer was dispatched to 1430 Wilson Avenue on a report of "2 aggressive German Shepherds that had entered the yard at this address and trapped the caller in her car." Jen Rinken, who lived at that address and called in the report, was prevented from exiting her vehicle at her home due to the two loose German Shepherds, who were circling her car, barking and growling. Jen Rinken also reported at that time that, regarding the earlier bite to her daughter, she did, in fact, discover puncture wounds after the fact, but had not reported this to ARL. The Dyers were cited for violations of Code Sections 18-55 (dog running at large), 18-42 (failure to have pet licensed), and 18-52 (failure to have current rabies vaccinations) for both dogs. (Animal Incident Investigation Report, Exhibit 24).

On May 20, 2012, an ARL Officer was dispatched to 1424 Wilson Avenue, Des Moines, Iowa to investigate a dog bite to another dog. The Animal Incident Investigation Report (Exhibit 18) narrative states that Nathan Miller, who made the complaint and owns the dog that got bitten, was in his fenced-in backyard with his dog when his dog went and barked at the fence. On the other side of that fence live the two German Shepherd dogs belonging to the Dyers. The dogs, first one then the other "about 10 seconds later", jumped the 4-foot fence and apparently went under a wood fence as well to get to Mr. Miller's dog and attack him. Mr. Miller's dog is described as "little." The Dyers were issued two "dog at large" citations, because the ARL officer didn't notice any punctures to the little dog.

On June 22, 2012, Sergeant Raudabaugh sent the Dyers a letter informing them that their German Shepherd dogs "Sampson" and "Thor" were being declared "Vicious Dogs" as defined by Code section 18-41 because of the previously described incidents. The letter stated that the Dyers are required to license their dogs as Vicious Dogs with the City Clerk's Office and properly confine/leash them as Vicious Dogs. If the dogs are found unlicensed as Vicious Dogs, they would be destroyed in a humane manner. Also if the dogs were found not properly confined/leashed as Vicious Dogs more than twice they would be destroyed in a humane manner pursuant to Code Section 18-57. The Dyers were also notified of their right to an appeal of the declaration.

Discussion

The first three subsections of Section 18-41 of the Code would be relevant in this case, and they provide that *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." The record reflects one incident of the dogs, at least one of them with the other in close proximity, biting a child and one incident of the dogs, at least one of them with the other in close proximity, biting another dog. Mr. Miller and his mother, Angie Couch, testified that the Dyers' dogs both have attacked their dog on more than one occasion. There are multiple incidents of the dogs running at large, which does not constitute part of the requirement for finding the dogs vicious, but certainly gives them repeated opportunities to express the disposition to bite and endanger the safety of humans and animals that they have indeed expressed. The Rinkens were also present and testified and introduced 10 color copies of photographs of their daughter's bite marks as well as pictures of the Dyer children retrieving the dogs from neighboring properties. (Exhibits A-J). The Dyers admit to losing control of their dogs on several occasions and presented no evidence to cast doubt on whether the dogs did attack and bite as the record indicates.

Decision and Order

The preponderance of all the evidence in the record supports the City's declaration of the Dyers' German Shepherds "Sampson" and "Thor" as "Vicious Dogs" as that term is defined in Code Section 18-41(1)-(3).

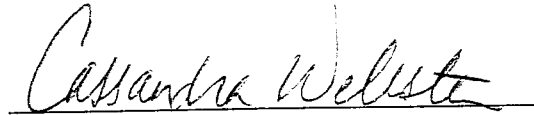
The declaration that "Sampson" and "Thor" are "Vicious Dogs" as defined by Code Section 18-41 is UPHELD. The Dyers are ordered to license their dogs as "Vicious Dogs" within three (3) business days of the date noted below, as well as comply with all other requirements for maintaining "Vicious Dogs" as outlined in Article II of Chapter 18 of the Code. If this order is not complied with within three business days, the dogs may be seized and impounded for seven days, after which period the dogs may be destroyed if the order has not been complied with or the order has not been appealed to the City Council. Code Section 18-59(d).

Right of Appeal

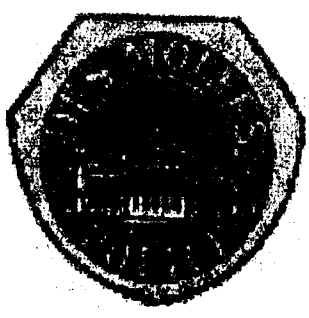
This decision and order may be appealed to the City Council by filing a written request with the City Clerk's Office within three (3) business days after receipt of this order, stating the reason for the requested appeal. Failure to file a written notice of

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 Code.

This written ruling is submitted on this 13th day of July, 2012 in Des Moines, Polk County, Iowa. The City Clerk shall serve copies of this Decision and Order upon each of the parties.

A handwritten signature in cursive script that reads "Cassandra Webster". The signature is written in black ink and is positioned above a horizontal line.

Cassandra Webster
Administrative Hearing Officer



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2012-19180

ARL number (if known): N/A

Animal owner's name: ROBERT + NEB DYER

Address: 1427 WILSON AVE

Location of service: SAME

Date and time served: 13 JULY 2012 1115

Official serving document (print name):
Sgt. RAUNDAL BAUGH

Official's identification number: 4770

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

Name of person receiving document (they print their name):
SUZAN IN BETWEEN FRONT

Their signature: X INSIDE DOOR & FRAME
KF ACU

2012.09.10 10:12:17

EXHIBIT E

TO: City Council

Re: Decision Appeal - Right of Appeal

Date: July 18, 2012

FILED
CITY OF
LOS ANGELES
JUL 18 2012

Factual Background - dispute

- On Jan. 27, 2011 - the dogs did not enter the garage ^{at any time} & only barked at Mr. Tonasket for a minute or two. At trial, the Judge even stated the dogs were puppies at the time which means they are curious but by no means were aggressive or meant no harm. The judge also stated we had taken the dogs to socialization & dog training classes & have taken the ^{dogs to} proper training but ^{the dogs} were just curious of the neighbors.
- You also state ^{another} the neighbor (Angie Buch) came over to notify the animal control officer that she had to pepperspray our dogs when they were on her property. At no time before trial were we aware of this claim & also when our dogs have gotten out, ~~and~~ we ^(w/in seconds) immediately retrieve the dogs and clearly would have known if our dogs would have been pepper sprayed - it does not wear off that easily. So this clearly did not happen, nor did she call animal control the day it ^{so called} happened.

My husband was clearly frustrated & this could have been mistaken for being uncooperative

He was disappointed that ~~the~~ Mr. Tonashet did not come to us w/ his concerns ~~the~~ first but decided to call the police directly.

The statement The dogs were not licensed at that time - we had until March to get them licensed.

April 27, 2012 - Disputes

ARL examined the child and determined there were no puncture wounds nor did it break the skin.

Door hanger left on our door - we did not see any door hanger on our door - our porch door does not have a handle on it so if they left it between the door & the frame, it must have blown away. So therefore we did not know this situation occurred.

May 11, 2012

When my son ^{& daughter} went to retrieve the dogs they were smelling grass and definitely not barking, growling or circling her car.

How do you discover puncture wounds 2 weeks after a bite. The ARL officer is trained ~~to~~ on dog bites. So how did he not find any puncture wounds when he examined the child on April 27 but now there are puncture wounds 2 weeks later?

May 20, 2012

Mr Miller took this dog to the vet after the incident and there were no puncture wounds &

Therefore no dog bite was found. Our dogs are aggravated by his dog when he comes out into his yard & immediately charges the fenceline & barks up & down the fenceline at our dogs. Our dogs jumped the fence & put his dog into a submissive position by ~~grapp~~ grabbing ~~him~~ him by his neck -- not to bite but to show dominance. The vet verified there were no bite marks.

Discussion - Disputes

Attack without provocation -- as I stated earlier our dogs would be in our back yard playing & Izzy would come out & immediately run up & down the fenceline provoking our dogs. Our dogs retaliated by jumping the fence & putting Izzy into a submissive position. Not once has there been proven to be a bite or puncture wounds because they don't bite. ~~They~~

There are several other dogs that run at large or get out of their homes, but we do not turn them in or report them.

We have put a 6 foot fence in so the dogs will remain in our yard when Izzy comes out into this yard & immediately charges the fence. Our dogs only want to be allowed to play

in our back yard & play fetch.

~~We do not want to create~~

In addition at this time we are also searching for other available avenues to keep our dogs in our yard such as invisible fencing because having to be penned in our backyard or confined to our house is not a lifestyle suitable for our dogs.

We ~~are~~ strongly urge you to reconsider your decision * to label our dogs as vicious.

Thank You
Robert & Deb Dyer

EX. E



July 24, 2012

Robert & Debbie Dyer
1422 Wilson Avenue
Des Moines, IA 50316-1692

RE: Appeal of Vicious Dog Declarations

This is to acknowledge your appeal of the Hearing Officer's decision regarding the declaration of Sampson and Thor as "Vicious Dogs."

Your hearing before the City Council has been scheduled for **Monday, August 13, 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



August 1, 2012

Robert & Debbie Dyer
1422 Wilson Avenue
Des Moines, IA 50316-1692

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

July 5, 2012
City vs. Dyer
Vicious Dogs

HEARING OFFICER CASSANDRA WEBSTER: We'll go ahead and get started. Good morning. It's approximately 11:27 on Thursday, July 5th. My name is Cassandra Webster, and I'm the administrative hearing officer. We're conducting this hearing this morning because of the city's declaration of vicious dogs owned by Robert and Deb Dyer. Would the city representative please come to the microphone and clearly state your name and the title of your position with the city?

SERGEANT SCOTT RAUDABAUGH: Scott Raudabaugh, a sergeant of the police department and assigned to the animal control unit and I serve in the capacity of Chief Humane Officer.

HEARING OFFICER CASSANDRA WEBSTER: OK. Would you raise your right hand? Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER CASSANDRA WEBSTER: OK, thanks.

SERGEANT SCOTT RAUDABAUGH: I'd like to start out by presenting you with a series of documents, if I could. I gave Mr. Dyer a copy he could look through and then I've got mine to look through as well. They should all be exactly the same.

HEARING OFFICER CASSANDRA WEBSTER: OK. Thank you.

SERGEANT SCOTT RAUDABAUGH: And I've separated some of the stuff with -- in yours is a green piece of paper, but in the others, it's a plain piece of paper or should be anyway. I'd like to briefly go through and just describe each of the documents. I've numbered each of the documents in the upper right-hand corner 1 through, I think, it's 42. Yes. Document 1 is the vicious dog declaration letter. Document 2 is a document service form which documents my service of that letter.

3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are documents that Mr. Dyer or his family, I'm not sure exactly who submitted it, but basically the Dyers submitted it to the City Clerk's Office as an appeal in response to the vicious dog declaration letter. Document 16 is a letter from the City Clerk's office that acknowledges Mr. Dyer's appeal and sets up this hearing date and then behind that document, 17 is the document service letter in which I served that City Clerk's letter as well. Documents 18, 19, 20, 21 and 22 relate to a dog at large incident that occurred on May 20, 2012 involving Mr. Dyer's dog. Documents 23, 24, 25, 26, 27, 28, 29 and 30 relate to a dog at large and pet license and rabies vaccination issue incident that occurred on May 11, 2012. And the case number for this one is 12-14174. I don't think I mentioned the case number in the earlier one. So as not to confuse the issue, the case number is there. I'm not going to mention that. Just proceed on it, if that's OK, ma'am.

HEARING OFFICER CASSANDRA WEBSTER: That's fine.

SERGEANT SCOTT RAUDABAUGH: Document 31 and 32 are documents for an animal bite that involve Mr. Dyer's dogs on April 27, 2012. Documents 33, 34, 35, 36 and 37 are related to a dog at large incident that occurred on January 27, 2011.

HEARING OFFICER CASSANDRA WEBSTER: Hi, are you here for the -- what's your name?

NATHAN MILLER: Nathan.

HEARING OFFICER CASSANDRA WEBSTER: What are you here -- are you here to testify in this dog -- you can have a seat.

SERGEANT SCOTT RAUDABAUGH: Documents 38, 39, 40, 41 and 42 are sections of the city of Des Moines ordinance, and I'd like to kind of briefly go through a few pieces of this that pertain to why we're here essentially other than a dog's behavior. The city of Des Moines ordinance 18-41 is definitions and has vicious dog, and it means "any dog which has attacked a human being or domestic animal one or more times without provocation." "Any dog with history, tendency or disposition to attack, to cause injury, to otherwise endanger the safety of human beings or domestic animals. Any dog that snaps, bites, or manifests a disposition to snap or bite." And then there's others but they don't apply in this particular case. I included city ordinance 18-55 which describes running at large since that was mentioned in this ordinance but I'm not going to go through that.

City ordinance 18-59 talks about seizure, impoundment, and disposition of vicious dogs. It talks about the procedure in which I've acted under so as the City Clerk's Office and if you uphold the declaration, what the further process is. In this, it makes mention to 18-66 and I included that as well, but it's not relevant in this case. But it does make mention of it, so I wanted to include it for the record. What that applies to is basically a pit bull that's been impounded and evaluated for adoptability. It's 18-66. It doesn't apply to vicious by behavior. I'll briefly go through a synopsis of what's occurred and those reports that I've gone through here and why we're here. On May 20, 2012, Mr. Dyer's German Shepherd Thor and his German Shepherd named Sampson jumped a fence and went on to the neighbor's property and both dogs bit the neighbor's small dog. The bite did not cause a broken skin injury which is -- is in animal control, that's our criteria for doing a rabies quarantine. Pretty significant issue, rabies quarantine since rabies is a fatal disease. The fact that it didn't break the skin and we didn't quarantine the animal doesn't change the fact that it bit the dog and doesn't change the fact that it's a safety issue for other dogs. That dog in particular. And that was reported on our case 2012-15186. On May 11, 2012, Mr. Dyer's dogs running at large entered on to a neighbor's property and prevented someone -- that person from exiting their vehicle by circling the vehicle, barking and growling. And the case number for that incident is 2012-14174. On April 27, 2012, Mr. Dyer's dogs were running at large, entered a neighbor's property and his dog named Thor nipped the arm of a 4-year-old child at that property. It was initially thought to have not broken the skin but later was discovered that it did cause two small puncture wounds. That was reported under case 2012-14612. On January 27, 2011, Mr. Dyer's dogs jumped a fence, went on to a different neighbor's property and were aggressively trying to get into the neighbor's garage where the neighbor hid from the dogs. During that investigation by the animal control officer, another neighbor approached and talked about the aggressiveness of Mr. Dyer's dogs. The description in the reports is a little bit different than these others, but in doing some research, I found that Mr. Dyer had no other dogs licensed prior to that time frame of January/February of 2011. However, he did license Thor and Sampson in February of 2011 right after this incident. So it leads me to believe that we're talking about the same two dogs throughout these -- all of these entire incidences. Maybe Mr. Dyer could elaborate a little bit more on that, if he chooses to testify. But I have no doubt that we're talking about the same two dogs throughout all four incidences. Because of the contacts that we've had with him, if he would have had

other dogs, he would have licensed them. I think it was merely a perception on the coloring of the dog. I think it was silver, a little bit of silver vs. black and tan which German Shepherds come in all different colors. So it's -- it's unfortunate that we're having to do this, but my concern is about all the other residents of Des Moines and all the other cats and dogs of Des Moines that if Mr. Dyer's dogs run at large, may involve -- may bite them or children in the neighborhood, may bite the children. Mr. Dyer can certainly keep his dog, but if he -- if this vicious dog declaration is upheld, he'll have to confine the dogs in a special way or leash them in a special way and then maintain the license on the dogs which requires proof of rabies vaccination and maintenance of a liability insurance policy. Although this proceeding doesn't have subpoena powers, I did call the people involved in these incidents to just make them aware of the hearing, and I believe they're here to give their perspective on this. Like I said, this hearing, I don't believe has subpoena powers, so unfortunately, sometimes I don't have that luxury of having witnesses here. So the records -- the reports are matter of fact and hold a lot of weight, I believe, for these proceedings. And that's all I have at this point.

HEARING OFFICER CASSANDRA WEBSTER: OK.

SERGEANT SCOTT RAUDABAUGH: Thank you.

HEARING OFFICER CASSANDRA WEBSTER: Uh-huh. So anybody else that's here to testify for the city? Would you like to come up to the microphone, please? Would you state your name for the record?

DEAN RINKEN: My name is Dean Rinken.

HEARING OFFICER CASSANDRA WEBSTER: Can you spell your last name?

DEAN RINKEN: R-i-N-K-E-N.

HEARING OFFICER CASSANDRA WEBSTER: OK. And what would you like to tell me today about this?

DEAN RINKEN: I forgot the day, but it sounds like it must have been April 28th or 27th the incident must have happened. I was cleaning out my jeep, and I turned around and looked and our dog Jake came out of the house and my little 5-year-old, she was 4 at the time, put Jake in the house, and right when she

got to the screen door for putting Jake in the house, she turned around and one of the big German -- I think the biggest German Shepherd, I'm not sure that one is Thor, I think, came at her and started sniffing her. She started pushing him away, and then he nipped her. He bit her -- he nipped her like on the -- on her hip and then once again on her leg. I actually have the pictures of -- I have two pictures of that.

HEARING OFFICER CASSANDRA WEBSTER: OK.

DEAN RINKEN: But that's -

HEARING OFFICER CASSANDRA WEBSTER: I'll take a look at it, yeah.

DEAN RINKEN: OK.

HEARING OFFICER CASSANDRA WEBSTER: You took these right after this happened?

DEAN RINKEN: Yeah, right after it happened. We went in the house and right around when this happened, then Styles, their son, came over and grabbed the dog and pulled it away. And anyway, I said -- he said something about do you want to pet the dog? I said no, he just bit my daughter. And then he drug the dog down the driveway and around the corner and brought him back home. And anyway, so as I was standing there looking at Ella's hip, then he came over and got the other dog. Other dog was running around in the backyard of the neighbor, and he said something about, do you want to pet the dog? And I said no, they just bit my damn -- the damn dog just bit our daughter. And when he said OK, we went in the house. I called the cops. I called animal rescue league, and they came out and he took a picture -- or he didn't take a picture. He looked at them, and he said, well, then you could see the pictures I have there are of the first day it happened. This showed like her hip, and it showed the back and then about four days later, I took the picture of the bruises because the dog caused bruises on her, and then about the third picture, the third or fourth picture, and it's about a week later, that's what the bruise looked like. Yeah.

HEARING OFFICER CASSANDRA WEBSTER: The bruise. OK. Who's walking the German Shepherd in this?

DEAN RINKEN: This is about two weeks later.

JEN RINKEN: I can explain that one. I was the one that was in for that.

HEARING OFFICER CASSANDRA WEBSTER: OK, I'll have you come up.

DEAN RINKEN: These are two different incidents. The bite mark and then he didn't want to do anything about it. He said it didn't puncture the skin, so he didn't pursue it as, you know, looking for -

HEARING OFFICER CASSANDRA WEBSTER: Who's he?

DEAN RINKEN: The animal rescue league, I'm not sure what his name is. There's no doubt in my mind if she wouldn't have had her capris on, it would have broke her skin.

HEARING OFFICER CASSANDRA WEBSTER: Did she --

DEAN RINKEN: It was Ella, my daughter.

HEARING OFFICER CASSANDRA WEBSTER: What was her reaction when she was bit?

DEAN RINKEN: She was freaking out. Now she's scared about going outside. She's getting better about it but at first, she was scared about going back out. She was scared about the dog. Yeah, she was freaked out about the dog and now she's -- yeah.

HEARING OFFICER CASSANDRA WEBSTER: Had you had dealings with the dog before this?

DEAN RINKEN: No.

HEARING OFFICER CASSANDRA WEBSTER: Not at all?

DEAN RINKEN: No. We're living there temporarily for a few months while we're building the house. So yeah.

HEARING OFFICER CASSANDRA WEBSTER: OK. OK. Thank you. Would you like to come up, ma'am and -- what's your name for the record?

JEN RINKEN: Jen Champion Rinken.

HEARING OFFICER CASSANDRA WEBSTER: Jen, and I don't think

I swore him in. I have to swear everyone in. Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

JEN RINKEN: It is. I do.

HEARING OFFICER CASSANDRA WEBSTER: OK. What do you want to tell me?

JEN RINKEN: It must have been on May 11th that I came home. It was a couple weeks after Ella got bit by the dogs, and when I came home, the two dogs were in our neighbor -- were in our neighbor's yard. They were actually in our yard as I pulled in the driveway and then they ran over to -- we have a shared driveway with these folks, and as I pulled into the driveway, they ran out from my yard into the neighbor's yard. And those pictures are them at their door, their back door. And I -- and their daughter, I think they have two daughters that came over to get the dogs. But when we got into the driveway, I wouldn't let my 16-year-old out. We have a 16-year-old and a 5-year-old or 4-year-old. And I wouldn't let Katie out of the car because they were right in front of our vehicle and based on the fact they had bitten Ella, I was nervous about it. And they were just running around there, and then the two girls came over and got them. Well, then after they took them, I called ARL at the time or 911 and then we went in the house once they were taken home. And I said to the girls, the older girl that you see in the picture, I said you need to keep your dog restrained. They can't be running around in my yard, you know. And so I talked to her about it. Well, then Mrs., I think, Dyers came over to my house and came up our driveway and I was very clear, I think, very direct, and I was pretty upset just because we shouldn't have to deal with that. You shouldn't have to be worried you're going to get bit in your backyard. And we have a dog. We adopted a dog six years ago and we love animals. So it's not a fact of not liking dogs, and Ella loves our dog. I mean, she's used to being around animals. We've had cats, and so it's -- you shouldn't -- you just shouldn't have that fear. Well, I talked to Mrs. Dyers about that and explained our concern and our frustration and said, I didn't want to see those dogs. We did move in March 30th to the house and we're just there temporarily. But -- and I said at the time, I've seen your dogs back here probably four or five times prior to the time that Ella was bit. But we hadn't had a situation where they have encountered us or walked up to any of our kids. And I knew from prior --

our landlord has told us, you better not let your dog out because those dogs will come over and kill him. Our landlord had told us that that we're renting the house from today. He warned us ahead of moving in. We were more cognizant of it, I would say. So anyway, I was very clear, I don't want to see your dogs in our yard ever again. You know, and she said well, they just smell your dog, and it doesn't matter. You know, my dog can smell other dogs but we still, you know, our dog needs to stay in our yard, etc.

So --

HEARING OFFICER CASSANDRA WEBSTER: OK.

JEN RINKEN: So I think they're vicious. So --

HEARING OFFICER CASSANDRA WEBSTER: All right. Thank you.

JEN RINKEN: Yep.

HEARING OFFICER CASSANDRA WEBSTER: Anyone else have testimony for the city? State your name for the record, please.

NATHAN MILLER: Nathan Miller.

HEARING OFFICER CASSANDRA WEBSTER: Nathan Miller? And would you raise your right hand? Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

NATHAN MILLER: I do.

HEARING OFFICER CASSANDRA WEBSTER: OK, very good. And what would you like to say today?

NATHAN MILLER: I don't remember the day, but I went out to let the dog out because he was in his kennel all day. We don't really let them run around the house.

HEARING OFFICER CASSANDRA WEBSTER: Is that your dog you're talking about?

NATHAN MILLER: It's not mine per se, I live in the house with my mother.

HEARING OFFICER CASSANDRA WEBSTER: You live where in relation to the Dyers?

NATHAN MILLER: Right next door. And these -- they're on the

other side of us.

HEARING OFFICER CASSANDRA WEBSTER: OK. So they're two houses down from them. OK. Now I get it. Thank you.

NATHAN MILLER: And I let them out, and he started growling. And I said Izzy, and he ran over to the fence. I don't know who started barking, but they started barking at each other through the fence. I kind of nudged his butt, I said go to the bathroom. So he turns around to go the bathroom and they had put a fence up, a wooden fence to help keep them confined, I think. But it had gaps in it or something. Because he went over to go to the bathroom, and I started watching him. Turned my back and one dog went flying by me. I have no idea which one. But one of them fly by me, and started attacking him. Nothing was -- no marks were on him. That's what the animal control person said.

HEARING OFFICER CASSANDRA WEBSTER: OK.

NATHAN MILLER: But made him piss himself all the way to the door. Had him against the door, pinned up against the door and the other one come flying by also because I started going up and I'm like, hey, hey, and the other ones come by, and they started both going at him. I got him inside, and they started sniffing outside the door where he just peed himself. But that's the incident.

HEARING OFFICER CASSANDRA WEBSTER: OK. OK. Thank you.

NATHAN MILLER: Yep.

HEARING OFFICER CASSANDRA WEBSTER: Anyone else? Please state your name for the record.

ANGIE COUCH: Angie Couch.

HEARING OFFICER CASSANDRA WEBSTER: Angie --

ANGIE COUCH: C-O-U-C-H.

HEARING OFFICER CASSANDRA WEBSTER: C-O-U-C-H. Raise your right hand. Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

ANGIE COUCH: Yes.

HEARING OFFICER CASSANDRA WEBSTER: OK. Are you a neighbor, also?

ANGIE COUCH: I am Nathan's mom. We own the house. It's the Dyers' house, then ours, and then the neighbors there.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ANGIE COUCH: So we've had - we moved in two years ago in march. And we've had constant problems with the dogs next door. We ended up getting a dog, he's 2 years old now. Their dogs have run the neighborhood pretty much when we first moved in. We got a dog, he's a terrier so he's about the size of a small Schnauzer. Their dogs have been -- have chased our dog into the house. They come in our house numerous times after our dog. I mean, into like two rooms into our house. Not just like in the back door but up the stairs, around and into the dining room.

HEARING OFFICER CASSANDRA WEBSTER: Would you say that's in a playful manner or aggressive manner?

ANGIE COUCH: Very aggressive. They'll get him down on his back and hold him down, if not one, both dogs are there doing the same thing. They put a privacy fence up, but when they put it up, they built the deck right next to the fence, the chain link fence, so they weren't able to put stuff between -- underneath the deck of their deck so the dog could go under the deck and shimmy between the deck and our fence. And jump over that.

HEARING OFFICER CASSANDRA WEBSTER: And they do that?

ANGIE COUCH: Now they put some -- couple pieces of boards and some junk up against the fence underneath it. So I don't know if they can get through or not. I haven't tried to get him through there. But they've been in our neighborhood. You know, our neighbors have seen them in our yard numerous times. We're constantly having -- Nathan has pictures of them at our back door. If we're going to take Izzy out, we have to be out there with him because we have to make sure he's not going to get killed because he's not any kind of a threat for those dogs. And they've come, you know, they came after the neighbor on the other side and put them in his garage, locked him in, you know, where they were trapping him in there. It's been a matter of, you know, we tried to get along with trying to get --

they're trying to fix stuff trying to make the dogs don't come over, but they have kids that -- I don't know how old they are. They are probably 16, maybe at the oldest, watching these dogs that are heavy, heavy dogs. And we have K-9's, you know, on the police force, they'll drag an adult around. These dogs -- these kids are nothing for these dogs. So they're dragging them around. They're supposed to be controlling him and the kids get in trouble when the dogs come over. You know, I've seen that happened to where the kids get yelled at for not controlling these dogs and you can't. They're big dogs. They have a mind of their own. So it's just been a matter of we're fearful of having anybody in our backyard. We're fearful of having our dog in the backyard. You know, the neighbor kid got bit. How much is it going to take to have these dogs under control? He's actually suggested that we muzzle our dog when he goes in the backyard. Because if he barks, they don't like it. We're out there with him if he barks, he goes right back in the house. We don't let them out there unattended, obviously. So he actually made the suggestion to muzzle our dog which would make our dog defenseless if somebody -- if that dog came across.

HEARING OFFICER CASSANDRA WEBSTER: OK. Thank you very much.

ANGIE COUCH: Thanks.

HEARING OFFICER CASSANDRA WEBSTER: For your testimony. Anybody else for the city? OK. And Mr. And Mrs. Dyer, one of you want to come up?

ROBERT DYER: Sure.

HEARING OFFICER CASSANDRA WEBSTER: State your name for the record, please.

ROBERT DYER: Robert Dyer.

HEARING OFFICER CASSANDRA WEBSTER: OK, and raise your right hand. Do you solemnly swear or affirm that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

ROBERT DYER: Yes, ma'am.

HEARING OFFICER CASSANDRA WEBSTER: OK, go ahead.

ROBERT DYER: We've been at our residence for over 17 years. In the 17 years, the neighborhood has changed drastically.

OK? I chose German Shepherd dogs because I want a weapon in my house because there's things going on in the neighborhood that are unsafe. I chose the German shepherd dogs because they're very curious dogs, they were safe oriented dogs. They were easy to train and very smart dogs, OK? I got the dogs approximately two years ago when they moved in. The first incident that we had with them -- no, let me digress here. When they moved in, they had Izzy. He's a 2-year-old dog. Our dogs -- excuse me, pups. He was a pup, our dogs were a pup. We tried to introduce and associate Izzy with our dogs. When we got our dogs, we went to Petco and if we're going to have dogs, we'll do it the right way. We'll socialize them with people and other animals. My kids, my daughters who at the time when we moved in were 9 and 6, they would actually go walk Izzy, OK, and socialize their dog with our dogs. But for some reason, they weren't being receptive to socializing Izzy with our dogs for whatever reason.

HEARING OFFICER CASSANDRA WEBSTER: You want these back? You can have them back.

ROBERT DYER: Sure. So -- which was fine with us. That's fine. But we weren't going to not continue to keep our dogs within the confines of our home and our yard. If they get out, yes, that's what we're guilty of. The dogs being at large. Now, do they attack Izzy? They're not attacking Izzy. Dogs have a way to communicate with themselves, OK? And when Izzy comes out the back door, he runs to the fence. That's an aggressive move to another dog, so our dog is just being like defensive. Just getting defensive. Now, I went to court and I explained that to the judge. I said, judge, these dogs are only pups. They're just trying to socialize with each other. Mrs. Couch said to the judge, well, they bloodied up my dog. We had to mace our dog and the judge is like, well, and I was like whoa. That never happened. There's no vet, there's no vet records of it. There's -- if my dog was maced, I would know. But all of the stuff went on and then it was like two and three weeks later, I never had -- why would -- as a neighbor, why wouldn't you come up and say your dog just bloodied up my dog as pups? Wouldn't you want to tell someone that? Wouldn't you want to tell someone that, hey, we just had to mace your dog. It didn't happen! OK? So again, when Izzy comes out, they let Izzy out at 11:00 at night. Why would you do that? That's sleep time for most people. They let him up at 3:00 in the morning. That wakes up our dogs and that disrupts our -- I made one -- I made one attempt to call the police one time and an officer

came over and I told the officer, I said, look, I don't want to play the tit for tat game, I'm not going to do that. I've been in this neighborhood for 17 years, and I've never had any problems with any of my neighbors. Well, I shouldn't say that. Maybe with two of them. They were on different occasions, but I've never had any problems with any of my neighbors since these people have gotten here. OK? I don't understand why they feel they have to try to mask this campaign or create this campaign that my dogs are vicious. I understand that people look at German Shepherds at natural, they're vicious. These dogs aren't raised to be vicious. These dogs -- the only thing they're guilty of is being playful. That's it. My dogs, all they want to do is play and fetch balls. That's it. Yes, my kids just like any other kid, they get airheaded. They leave the door open. Dogs just want to get out and play. That's all they want to do. They're gone. I've seen these people -- they've only been there since March. They have a little black dog. Their little black dog was in my yard, in my front yard.

HEARING OFFICER CASSANDRA WEBSTER: OK, that's OK.

ROBERT DYER: I never said a word. I never said a word. That's fine. When Miss Couch called the police on me when we were putting up the privacy fence, their dog was in their yard and the police officers are right there. I never said a word. I'm trying to put up a fence. OK? Miss Couch calls the police on me for trespassing. It's a privacy fence. I have to put -- jump on your side in order to put the privacy fence up. She's using her -- she's, I guess a 9111 operator for the Polk County Sheriff. She's using this to mass a campaign against my dogs and against me and my family. That's not fair! And I tried to talk to the judge about that, and the judge even said, if she continues to do it, you probably need a lawyer because what she's doing, she's using the police to harass you. That's what the judge said. Virginia Cobb, I'm sorry.

HEARING OFFICER CASSANDRA WEBSTER: That's OK. Let me ask you about the incident involving the biting of the little girl.

ROBERT DYER: Right. OK.

HEARING OFFICER CASSANDRA WEBSTER: You know what happened there?

ROBERT DYER: Again, I found out two weeks later, this was two weeks -- now, we live -- we live two doors to the west of them.

These people -- I don't even know these people. I don't even know them. Excuse me. I don't even know them. I just know that my son goes to school with their daughter.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: These people have never introduced themselves to me or my wife.

HEARING OFFICER CASSANDRA WEBSTER: OK, you're saying you weren't made aware of it.

ROBERT DYER: I wasn't until the -- until, what, hold on here, I'll give you the date.

HEARING OFFICER CASSANDRA WEBSTER: Not at this time.

UNKNOWN SPEAKER: I want to make a comment.

HEARING OFFICER CASSANDRA WEBSTER: You'll have another opportunity to say something later.

ROBERT DYER: I think it was five --

HEARING OFFICER CASSANDRA WEBSTER: His turn to testify.

ROBERT DYER: It was 5/22 when another ARL personnel came to the door, and he was quite frank. He says listen here, they are trying to get your dogs taken away from you. He said, this is what the man said. He said that your dog supposedly bit a 4-year-old. My Thor. Thor is a lap dog. And believe you me, if a German Shepherd bit a 4-year-old girl, you would know it. If a German Shepherd wanted to bite Izzy and kill Izzy, it would do it. The dogs didn't do it, OK? What they did is put Izzy in a -- what you call a submissive move, a dominant move. Sampson does it to Thor all the time in play. That's what they do. If -- I mean, if you guys have dogs, if you go to a Petco anywhere, they'll show you. They'll tell you what dogs and their demeanors are, OK? If a dog doesn't say anything or whatever, then that's a vicious dog. That dog is going to tear you apart, but these dogs are just barking and letting -- in their own communication way letting them know that I'm dominant to you, settle down. It was like a month ago we had a dog to the west of us came across the street, East 14th and dominated my dog. My dog won't even walk towards the west anymore ever. Ever! And I recognize that. But I didn't call

the police. I recognize that dog, they do that. That's just the nature of dogs.

HEARING OFFICER CASSANDRA WEBSTER: Uh-huh. You're saying you don't believe your dog bit the little girl?

ROBERT DYER: No. No. I don't. And the ARL guy said he said it, he didn't bite her. That's his words. He didn't bite her. If the dog would have bit them, we would have took the dogs but Mrs. Couch told -- she told this ARL guy that the dogs bit him twice and the dogs are in quarantine. You need to take them. She told the ARL guy that. And he thought the dogs weren't home. He thought they were actually gone. I said no, my dogs are in the house. They're in the house. And that's when he goes, oh, I see they're massing a campaign to get your dogs. She told my wife. She told my wife, this lady here told my wife that yeah, she told us that your dog is vicious.

HEARING OFFICER CASSANDRA WEBSTER: Your wife can testify to that.

ROBERT DYER: Yeah, OK. It's just -- it's hurtful that I've been in this neighborhood 17 years and in two years, I've had more cops called on me than I don't know what. And you know what? I have a job that's -- I can't have police coming to -- I can't have police records on my job.

HEARING OFFICER CASSANDRA WEBSTER: Are you able to keep your dogs, though, on your own property? Is that something that -

ROBERT DYER: That's not an issue.

HEARING OFFICER CASSANDRA WEBSTER: I'm afraid it is.

ROBERT DYER: That's why I'm here. I don't know if I'm here for a vicious dog or my dog at large. If I'm here for both, then, fine, I'll address that. Again, my kids let the dog out or let the door open and the dogs darted. They have two dogs. Their dogs get out, too. OK? Only difference is -- only difference is they're complaining about it and I'm not. That's the only difference.

HEARING OFFICER CASSANDRA WEBSTER: Uh-huh. When your dogs are outside on your property, is there a way for them to be restrained or --

ROBERT DYER: I have a 6 foot fence now and I have -- I fixed the deck so they can't get out. But when we're out -- when my dogs are outside, we're outside. OK? Ma'am, this is -- this is hard for me because when I go -- when I went to court and I went before the judge, when Mrs. Couch and I don't know the other neighbors to the west of me, they testified that my dogs were vicious then and the judge said, those dogs aren't no more vicious. They're pups. They're not even 2 years old yet. They're pups! They're puppies. They're just curious. They're just wanting to sniff and bark. That's all they're doing. They're not trying to bite or -- or detain anyone. And they're making it seem like these dogs are malicious wolves and things like that. I understand that people don't understand things. And they fear. I understand that. I understand that. Totally. But I'm not going to let them smear my dogs vicious and malice. I'm not going to do it.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: It's not fair to the dogs.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: I'm just -- I'm just, you know, I guess I'm beside myself because like I said, I don't know these people. I have never met them. They've never even come to me and say hey, my name is such and such. Whatever, OK? Like I said, the only reason why we knew them, because my son goes to school with their daughter.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: OK. All right.

HEARING OFFICER CASSANDRA WEBSTER: Thank you for -- unless you have anything else about these specific incidents, I think I -

ROBERT DYER: I mean, I could stay here all day long and talk about this because it's just -- listen here, I'm losing a day's worth of work, OK? Because of this, OK?

HEARING OFFICER CASSANDRA WEBSTER: I understand.

ROBERT DYER: And I mean, I don't -- it's just -- the dog jumping the fence, again, the fence wasn't up. We got it up.

You know? Even when I was putting the fence up, Miss Couch said she's got involuntary trees going around the fence line. We asked her to cut the involuntary trees down so we can get the fence in. She told me, well, I'm not ready for you to put your fence up. Well, why would you -- I'm doing what the judge suggested. Why would you -- why would you go through all that?

HEARING OFFICER CASSANDRA WEBSTER: I understand that -- so that's not directly relevant to this situation, but I understand you're saying you have issues with your neighbors and I understand. I do. So thank you for that. And if your wife wants to testify now, I'd like to hear from her?

ROBERT DYER: You want this stuff up here?

DEB DYER: Sure.

HEARING OFFICER CASSANDRA WEBSTER: State your name for the record, please.

DEB DYER: Deb Dyer.

HEARING OFFICER CASSANDRA WEBSTER: Raise your right hand. Do you swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

DEB DYER: Yes. The first incident that we went to trial for -- the incident occurred in January of 2011 when we went to court, I think March 17th, last St. Patrick's Day. The incident with that was our son was in the backyard, the neighbor came out and at that time they were about a year old. They were both puppies. They jumped the neighbor's fence, he was in the garage. They just went up and started barking to him. Thor even went in between his legs. That's how he shows his affection. Like if you're sitting, he wants to be right underneath your legs. And so he wasn't doing anything malicious. He was, you know, that's how he shows affection so he was doing what he normally does. He wasn't -- they weren't biting. Yes, Sampson was barking at him just to say, hey, I'm here. And they were curious. He chose not to come out of the garage. They didn't charge him or bite him or anything. He had already told us when we first got the dogs, he came over to say, well, I'm deathly scared of German Shepherds. I got bit, you know, as a child, and I said I completely understand. But we don't train them -- we're not training them to be vicious. We got the dogs, like my husband said, because of the

neighborhood has changed. And if a robber wants to come into our house, they'll think twice about hearing two big dogs in the house. So that's the reason why we got them. They're very protective and very family oriented dogs. That's why we chose that breed. I'm trying to think what else. You know, there are underlying issues here with the neighbors, I mean, and our deck and things like that. You know, so we think that plays a big part of driving this.

HEARING OFFICER CASSANDRA WEBSTER: So what is your understanding of the incident on April 27th when the little girl had her arm nipped or -- it says arm but it was her hip.

DEB DYER: That's what I don't like. They said the hip --

HEARING OFFICER CASSANDRA WEBSTER: All right.

DEB DYER: And the report, it says arm.

HEARING OFFICER CASSANDRA WEBSTER: I noticed that.

DEB DYER: I have a problem with that. I didn't know anything about it, you know, when the dogs -- if and when the dogs get out because someone is always outside with the dogs. If and when the dogs get out, Styles said I went over and got them and came right back so they're not over there for half-hour and 45 minutes. It's within minutes that the kids are over there grabbing the dogs. And so then the second time when it happened two weeks later and they prevented her from getting out of her van, she chose not to get out of her van, and she said they were surrounding the van. And then when my dog -- when my daughter came back with the dog, she told me. And I said fine, that's when I went over and said, you know, I'm sorry the dogs got out. We were cleaning, and we left the front door open. And now that we have the 6 foot fence, we're not used -- we're not used to them -- they can get -- Sampson knows how to open the side door without it being locked. Goes out the front door. There's a learning curve with having the new fence and things like that, and so I went over and, you know, introduced myself and said, you know, I understand my son goes to school with your daughter. And what not and, you know, she explained what happened and said, well, you know your dog bit my dog two weeks earlier. I said I had no idea. She said ARL left a tag in our door. And I was like we obviously didn't get it or I would have -- we would have called or done something. I didn't understand -- if someone bit my dog, I would be

at your door saying something to you. You know, just like when someone stole my son's bike, we don't call the police. We went right next door, knew they did it, and said you will pay restitution to us. We handle it amongst ourselves. I don't call the police. We've seen tons of dogs, two Akita dogs down the street run wild. I helped contain them and bring them back. You know, there's plenty of incidents where we see dogs at large. We don't call! You know, whether, you know, they're gonna come over and attack or not. We see plenty of dogs. We don't call! We don't feel that's what neighbors do. But, you know, the ARL and whenever the police would come, they're like well, they're stacking the deck against you. You need to start calling. Like when they would come out, Izzy would come out at 2:00 in the morning and just bark. Wakes up our dogs, wakes up our kids, wakes us up. Like my husband said, we don't want to go tit for tat. That's not what neighbors do, go tit for tat. Yes, our dogs do get out. We tried to correct the problem by building a 6 foot fence. The reason there was a gap there is we're not finished with the deck. And that's a whole other issue that we're arguing with them about. Our deck. They don't like it. So we went and filed an appeal and we won on that case. So they're -- there's just a lot of underlying issues.

HEARING OFFICER CASSANDRA WEBSTER: But you're saying you weren't made aware of the incident with the dog biting the daughter?

DEB DYER: No. When the ARL guy came the second time, he said I was the one that was called. I didn't feel the need to take your dogs because they didn't bite, but there were no puncture marks. They didn't break the skin. So that's the first time that I knew something happened.

HEARING OFFICER CASSANDRA WEBSTER: Uh-huh.

DEB DYER: Well, him. But she had just told me prior to that so she just said, you know, I don't want your dogs here, and I said I completely understand. Hopefully we have it contained. We just got the 6 foot fence erected and then she didn't say anything else. And I said -- I started walking down the street and that's when -- walking down her driveway and that's when ARL came and I said, I guess you're looking for me. And then he talked to her, and then he came over and talked to me. And told me that.

HEARING OFFICER CASSANDRA WEBSTER: And that wasn't --

that wasn't right after it happened?

DEB DYER: No, it was two weeks later. We weren't home. Our son was home. They said they -- that they left a thing in our door which we never saw.

HEARING OFFICER CASSANDRA WEBSTER: Did they speak -- how old is your son?

DEB DYER: 16.

HEARING OFFICER CASSANDRA WEBSTER: Did they speak to him?

DEB DYER: No.

HEARING OFFICER CASSANDRA WEBSTER: OK. Do you have anything else?

DEB DYER: No.

HEARING OFFICER CASSANDRA WEBSTER: OK, thank you.

DEB DYER: Sure.

HEARING OFFICER CASSANDRA WEBSTER: I was going to ask Officer Raudabaugh if he had anything else, too.

SERGEANT SCOTT RAUDABAUGH: If I could wait until the end.

HEARING OFFICER CASSANDRA WEBSTER: Sure. OK. Go ahead.

JEN RINKEN: I just -- I took a couple of notes as you were talking -- as they were talking, do I need to swear in again or am I good?

HEARING OFFICER CASSANDRA WEBSTER: Nope.

JEN RINKEN: OK.

HEARING OFFICER CASSANDRA WEBSTER: State your name.

JEN RINKEN: Jen Champion Rinken. Just a couple of things I wanted to make comments on.

HEARING OFFICER CASSANDRA WEBSTER: Direct it to me, please.

JEN RINKEN: We didn't notify them on the April 27th date.

ARL was at our house. He did see where Ella was bit. Ella had -- because I came home at that point in the afternoon, dean was home and was the one who witnessed it. There were red marks on her leg. And it was the same ARL person that came the second time. He actually went to their house after he was at our house, and he said that he knocked and knocked and knocked. He tried to -- he tried to get somebody to answer. He said he left a tag. Styles knew very clearly that the dog had bitten our child. Dean was very clear with Styles and let him know that. So the fact that he didn't communicate that to his parents, that's not for me to say. I would have expected you would have known that, though. I didn't go to his house because I was nervous about it. I've heard you over the fence. I've heard you talk to your children, your wife, I wasn't going --

HEARING OFFICER CASSANDRA WEBSTER: Direct testimony to me, please.

JEN RINKEN: I wasn't going to go to his house. If something would have happened with Ella, you would have bet I would have done something more. When ARL had to come two weeks later, I was livid. I thought I had been very clear. I believe ARL had followed up, if you leave something on the door or you have a dog at large and you know the dog bit my daughter and I don't believe the ARL guy said he didn't bite our daughter. Nobody else would have bit Ella. You can see the puncture marks on that picture. We didn't make that up. We didn't fabricate that. There's nothing personal between us and the neighbors. No deck issues, no long history of issues. Bottom line, we just want our daughter safe. Our children safe and we want to be safe while we live there. But the second time ARL came and went over to the Dyers' house, he came back to our house after the fact, and he said to me specifically -- if they come to your door, don't answer it. If they try to talk to you outside, do not speak to them. If they try to talk to you when you're driving by, don't stop your vehicle. Do not hold any conversation with these people, he is extremely belligerent and he will not take any responsibility. This is what the ARL person --

HEARING OFFICER CASSANDRA WEBSTER: The ARL person told you.

JEN RINKEN: Came back to my kitchen and told me this. He said do not have any conversation with these people. When he was there, he had to have the police come when he was giving them their fines or etc., whatever it was regarding rabies, etc.

He said that there were no vaccinations on the dogs, they were expired. There were no rabies shots on the dogs. For people who care about their dogs and want their dogs to be, you know, good animals within the -- within the neighborhood, I would think they would have their dogs immunized. So I just really want to call that out because if you're a responsible pet owner, you're going to take care of business like that. And make sure your dogs aren't a threat to other people. And again, as far as our dog being out, our dog is never out without one of us out. He has been in their yard when you guys have petted him -- when they've been petting him, but we don't let Jake run loose. He'd be scared to death of any other dogs, he's -- but if he were a threat to a dog or to another child, I would never let him loose. I mean, I get that once and a while, you have an issue where your dogs get loose but our issue was April 27th. I talked to Mrs. Dyers on May 11th, and I said very clearly, clearly those dogs were loose again may 20th in the neighbor's yard biting his ear, whatever it was he was doing. I wanted to make sure I called that out.

HEARING OFFICER CASSANDRA WEBSTER: OK, thank you.

UNKNOWN SPEAKER: Can I say something, please?

HEARING OFFICER CASSANDRA WEBSTER: You know, just a second. I'm going to hear from the other lady here quick. If you have testimony regarding the facts that we've brought out here, that would be great. Otherwise, opinions --

ANGIE COUCH: OK. Angie couch, and when Izzy goes outside, if he barks once, he's brought back in the house. We never, ever leave him outside by himself.

HEARING OFFICER CASSANDRA WEBSTER: This is not about Izzy. This is about their dogs. So that's --

ANGIE COUCH: They're saying that my dog is provoking their dogs.

HEARING OFFICER CASSANDRA WEBSTER: Right.

ANGIE COUCH: So basically, the fact that their dog is coming over the fence, my dog is a small dog. Can't jump the fence.

HEARING OFFICER CASSANDRA WEBSTER: Right.

ANGIE COUCH: So their dogs are coming into my yard. They're trying to validate the point that my -- they're trying to show submission and trying to be all playful with -- why are they in my yard to start with?

HEARING OFFICER CASSANDRA WEBSTER: OK.

ANGIE COUCH: Why are they running loose and causing such havoc in the -- you know, the dogs were little when, you know, Izzy was a puppy when we got him at the ARL so he was small. The kids played with him. That's fine. Never had a problem with him, but I never -- you know, we don't want their dogs with our dogs because their dogs have always been very much larger than Izzy, and I didn't want to have any kind of problem with them so we try to avoid that issue to start with. And I don't know if it's -- Izzy does have a problem now with their dogs. He goes outside, and if he hears any kind of thing over there, he's very attentive of that. He's got to be on guard all the time.

HEARING OFFICER CASSANDRA WEBSTER: OK, thank you. Sergeant, did you want to say anything else?

SERGEANT SCOTT RAUDABAUGH: Sergeant Raudabaugh, I want to weigh in on a few points that I think need to be addressed. I don't know the dynamics of the neighborhood relationships and if it deteriorated at some point, that's very unfortunate. What I'm presented with is a series of reports on a series of incidents, maybe there are more. Maybe there are less. There's not less. There's these four incidents. My role is to try to do the right thing for the safety of other animals and for the safety of the people. We've got these four, do I wait for a fifth? A sixth? A seventh? You know, where do we draw the line? My only goal is to keep Mr. Dyer's two German Shepherds in check so we don't have anymore issues. The playful discussion there, maybe it was. Maybe it wasn't. We'll never know whether it was going to go a step further. I've been in charge of animal control seen where dogs have killed other dogs and not caused any external injuries. They've caused internal injuries. Would that play continue on to that point? We'll never know. We can't ask the dog. The 4-year-old pushing away the dog, I hope nobody thinks that that's provocation. We all as adults have got to work under the assumption that a 4-year-old doesn't know exactly the right thing to do when a dog approaches it. I hope nobody thinks that's provocation for the 4-year-old to push the dog away. If it is, that's very

unfortunate. I think we can all reasonably say that a 4-year-old is going to try to push a dog away as a self-defense mechanism. If a dog bites, in that case, it's the dog's fault. It's the owner's fault. We got to expect a 4-year-old to try to do something. It's not provocation in my mind. Growling at the fence, maybe it is a normal dog thing. Sure, some dogs do. Jumping the fence, we got an issue. I'm in charge of the police dogs in Des Moines, and we teach the dogs to be tolerant of other animals. To ignore other animals. Most of the time, that works. But they're dogs. Some mention was made about one of the gals involved here is a Polk County dispatcher. That had absolutely no bearing on my decision or my involvement in this. I want to make that very clear for the record. I could care less. I'm looking out for the citizens of Des Moines and anybody visiting Des Moines by caring for the animals in Des Moines and any animals visiting Des Moines. Last but not least, the animal rescue league's animal control officer, we contract with the animal rescue league to provide animal control services. It came to my attention that a 4-year-old was bit, but it wasn't a broken skin injury. And I told the animal control officer, I said, look into this further. And if the child did receive an injury, even if it wasn't a broken skin injury, I said, you make a report and call it an injured person report which it is or a dog at large report. I even involved his supervisor. And subsequently, that's one of these incidents. We have a report on a dog biting a 4-year-old. Initially, it was thought it was a nonbroken skin injury which wouldn't require a quarantine. But as it was reported to me, it did turn out to be a broken skin injury which those things happen. Sometimes moms find injuries on kids after they give them a bath and they find these injuries. You know, it is what it is. The whole thing is very unfortunate. Very unfortunate. I think the key component is Mr. Dyer's dogs are running at large, maybe when he's at work and his wife are at work and the kids are watching them. Maybe that's the case. And that's very unfortunate. Very unfortunate. I feel sad for everybody in this room that we're having to go through this process. But like I said, ultimately, my goal is to keep these dogs corralled. That's it. Thank you.

HEARING OFFICER CASSANDRA WEBSTER: Thank you. Mr. Dyer, did you have something further?

ROBERT DYER: Yes, ma'am.

HEARING OFFICER CASSANDRA WEBSTER: I want to remind you that you're still under oath.

ROBERT DYER: Yes, ma'am. Robert Dyer. On Page 11 of Officer Raudabaugh's gave us -- what's your name? Raudabaugh. I'm sorry. If you look at that picture there, there's a 4-year-old girl, they're playing with my dogs. OK? My dogs aren't trying to hurt that 4-year-old girl. That girl doesn't live with me. That girl comes over and visits, OK?

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: I wanted to make that clear. OK, my dogs don't set out to bite 4-year-old girls, OK? I want to address the issue of the bite. There's no clarification, if you were there, why is it a difference of opinion on where the dog bit the child? The hip? The arm? I need to know. And I need to know -- I need to know now. Not two weeks later. That's not fair to me. That's not fair to my family. I'm not going to have people putting down, oh, he bit -- I don't know if he bit. Maybe that's her dog that bit him. I don't know. I wasn't there. It's not fair to me, OK?

HEARING OFFICER CASSANDRA WEBSTER: I understand.

ROBERT DYER: The neighborhood has changed. It changed drastically, OK? I had a gentleman that was in the neighborhood who killed himself but before he killed himself, he came to my wife -- my door, OK? And he was harassing my wife. He jumped off the Guthrie Street bridge. That's how scared I am about my neighborhood. OK? I have a drug dealer that lives right across the street from me. I've asked several officers to investigate this. That's the reason why I have the dogs, OK? As far as being an expert, I'm not an expert, OK? I don't have the knowledge that you have as far as training dogs, but I do train my dogs and I make my dogs sit and obey. It's unfortunate, again, that my dogs get out the door, I'm sorry. I apologize for that. I do my due diligence, I go down to court and pay my fine, and I'm hoping to get through the next week without it happening again. I'm sorry. As far as my being belligerent, I'm not a belligerent individual, OK? And this is not about me here and you're trying to make that about me.

HEARING OFFICER CASSANDRA WEBSTER: Direct it to me, please.

ROBERT DYER: It's not about me. I'm not a belligerent individual and I'm not going to be called that.

HEARING OFFICER CASSANDRA WEBSTER: OK.

ROBERT DYER: But I will fight for my dogs and my family. Just that simple.

HEARING OFFICER CASSANDRA WEBSTER: OK, all right. OK, anything else? Anybody? All right. Let me just -- well, I don't know anything about these cases until I hear them. I'll deliberate on everything that I've heard here today, and I will develop a written ruling which will be mailed to you from the City Clerk's Office. So thank you so much for your time and testimony today. And this case is adjourned.