

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 09/24/12

Via:

From: Undersheriff John Drahota

Title of Item: Potentially Dangerous Dog hearing

Requested Meeting Date: 10/09/12 Est. Presentation Time: 9:30

Presenter: Undersheriff John Drahota

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____
- Approve under Routine Business
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) **Approve or Rescind Potentially Dangerous Dog Notice**

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes No (attach explanation)
- What type of expenditure is this? Operating Other (attach explanation)
- Revenue line account # that funds this item is: _____
- Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
- Applicable job description(s) may require revision. Yes No
- Item may impact a bargaining unit agreement or county work policy. Yes No
- Item may change the department's authorized staffing level. Yes No



Supporting Attachment(s)

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) Police Report, Statement

Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 8:00am to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)

AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse
217 Second Street N.W. Room 130
Aitkin, MN 56431
218-927-7276
Fax: 218-927-7374

TO: Aitkin County Board of Commissioners

FROM: Patrick Wussow, Aitkin County Administrator

**RE: Request for Hearing to Remove Potentially Dangerous Dog
Designation- Dog Named Junior**

DATE: October 1, 2012

Attached you will find a request from Joel Ellis, 38929 610th Street, Swatara, MN to contest the designation of Potentially Dangerous Dog for his dog named Junior. Staff will mail the agenda and related packet information to Mr. Ellis, and to his attorney, Chad B. Sterle, 502 NW 5th Ave., Grand Rapids, MN 55744.

Undersheriff Drahota and members of the Aitkin County Sheriff's Department will be at the hearing to present and answer any questions relating to their information contained as part of this packet.

The County Board will need to determine if the dog named Junior is potentially dangerous as defined by Mn. Statute.

Please note that the complainant has been notified of the hearing and been invited to speak.

Sue Bingham

From: joell@netscape.com
Sent: Monday, October 08, 2012 10:58 PM
To: Sue Bingham
Cc: anne.marcotte@co.aitkin.mn.us; brian.napstad@co.aitkin.mn.us; don.niemi@co.aitkin.mn.us; mark.wedel@co.aitkin.mn.us; laurie.westerlund@co.aitkin.mn.us; jdrahota@co.aitkin.mn.us; jratz@co.aitkin.mn.us; patrick.wussow@co.aitkin.mn.us
Subject: Re: Response to Atty Chad Sterle

Letter to Ann forgot to send. This is the last you will hear from me.

Hi Ann 10/8/2012

I am full of Questions About Interpretation of the law pertaining to this case by non law background board members.

Who interprets the law?

Is there rule for interpreting the Law ?(in a court hearing there is a defense lawyer and a prosecutor with a judge to Interpret the law and make a ruling.)This hearing that also is a sentence hearing on a pet family member has a prosecutor and a jury. No judge. No defense lawyer. Who interprets the law and delivers sentence? Is it Mr. Ratz? Is it the jury? Who states what constitutes facts? Mr. Ratz?

When a court administrator and a cop tell you, you don't need a lawyer when a family member could be sentenced to death you are being set up by a lynch mop.

Do you see my dilemma.

So I sent you my statement, You can have my wife's statement, you have the Nurse's Statement

There is one witness to the scratch. There was no non provoked attack infact no attack. It was in my home. There is no one who saw a bite. I treated a scratch, Sandy saw a scratch, Roxanne treated a scratch, the nurse treated a scratch.

This was a miner scratch have you been scratched by a branch it leaves a redline if the skin is broken there is blood. If a kid pushed a kid down on the playground and the kid scratched his butt and got a bruise the nurse would have treated the scratch with Hydrogen peroxide put Ice on the bruise, sent him back to class and you nor I nor the police or the parents would have been called. I am an adult I know what is a simple scratch and it is not a bite. JUST ONE WORD TURNED A SCRATCH INTO A BITE.

Mr. Novotny lied, almost convinced me to shoot my best bud. Got pissed off when I didn't. That was the only thing I did not cooperate with him on. Bullying Roxanne and using fear to intimidate her to bring a complaint which she refused because it was just a scratch.. By the way there is no complaints on my dogs.

So has he done this before said that someone wouldn't cooperate and used it in his statement as proof?

I know you are an attorney do you think **Mr. Sterle The Hearing Officer Of Itasca Co. Dog Citations (for board members who may not know what this Title means Mr. Sterle Interprets the law, Pass's Judgments and sentences Dog citations for all of Itasca County.)** would be defending me if he for one second thought there was any merit to this case. You know Mr. Sterle. He speaks very respectfully of you.

So anyway why is this hearing even taking place?

Because of these questions I am leaning toward postponing this hearing.

I will be contacting the Attorney General of MN. on this and get the facts that apply to the Interpretation and Rule of Law by Co. Officials. What is the Rule for Court Officers and police Officers in regards to saying you need no Attorney?. I always thought that was in our civil and Miranda rights

I will Have Mr. Sterle contact the court Admin by 3:30 pm Monday with how I want to proceed with this hearing. I already said I would chip my dog. I feel very uncomfortable with no representation at this hearing.

Any assistance you could offer would be greatly appreciated.

Joel

--- sue.bingham@co.aitkin.mn.us wrote:

From: "Sue Bingham" <sue.bingham@co.aitkin.mn.us>

To: "Marcotte, Anne" <anne.marcotte@co.aitkin.mn.us>, <brian.napstad@co.aitkin.mn.us>, "Niemi, Don"

<don.niemi@co.aitkin.mn.us>, <mark.wedel@co.aitkin.mn.us>, <laurie.westerlund@co.aitkin.mn.us>

Cc: "John Drahota" <jdrahota@co.aitkin.mn.us>, <joell@netscape.com>, "Jim Ratz" <jratz@co.aitkin.mn.us>, "Patrick

Wussow" <patrick.wussow@co.aitkin.mn.us>

Subject: Response to Atty Chad Sterle

Date: Fri, 5 Oct 2012 12:21:09 -0500

To: Aitkin County Board of Commissioners

From: Sue Bingham, Administrative Assistant

Date: October 5, 2012

Re: Potentially Dangerous Dog Hearing, Dog Named Junior

Attached is a letter that has been faxed to Attorney Chad Sterle in response to the October 4, 2012 letter sent to you. All of this recent correspondence will be added to the Potentially Dangerous Dog board packet.

Thank you.

Sue Bingham

Administrative Assistant

Aitkin County Administration

217 - 2nd Street NW, Room 134

Aitkin, MN 56431

218-927-7276

Netscape. Just the Net You Need.

Sue Bingham

From: joelell@netscape.com
Sent: Monday, October 08, 2012 2:18 PM
To: Sue Bingham
Cc: anne.marcotte@co.aitkin.mn.us; brian.napstad@co.aitkin.mn.us; don.niemi@co.aitkin.mn.us; mark.wedel@co.aitkin.mn.us; laurie.westerlund@co.aitkin.mn.us; jdrahota@co.aitkin.mn.us; jratz@co.aitkin.mn.us; patrick.wussow@co.aitkin.mn.us
Subject: Re: Response to Atty Chad Sterle

Hi all
I have chose to postpone this hearing until Nov 6 unless a more convenient time can be Arranged. I have set up an appointment For Junior, George and Cleo to be micro chipped and shots updated. For Thursday 10/12/2012. I am awaiting information from the MN Attorney General and My attorney. I just do not feel confident in the process put forward by Aitkin for these hearings. I want to be sure our Board members know they are making decisions on peoples family members and I am sure none would want to intentionally harm anyone without knowing they were absolutely right and not being told what the laws states, but know what the law states. I have every bit of confidence in our county board none of my inquiry in any way is toward them. I am sure not one of them would allow anyone in their family have a sentenced passed without knowing they were properly represented and fairly judged.

Kindest Regards
Mr. Joel Ellis

--- sue.bingham@co.aitkin.mn.us wrote:

From: "Sue Bingham" <sue.bingham@co.aitkin.mn.us>
To: "'Marcotte, Anne'" <anne.marcotte@co.aitkin.mn.us>, <brian.napstad@co.aitkin.mn.us>, "'Niemi, Don'" <don.niemi@co.aitkin.mn.us>, <mark.wedel@co.aitkin.mn.us>, <laurie.westerlund@co.aitkin.mn.us>
Cc: "John Drahota" <jdrahota@co.aitkin.mn.us>, <joelell@netscape.com>, "Jim Ratz" <jratz@co.aitkin.mn.us>, "Patrick Wussow" <patrick.wussow@co.aitkin.mn.us>
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Aitkin, MN 56431

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Sue Bingham

From: joeell@netscape.com
Sent: Friday, October 05, 2012 5:46 PM
To: Sue Bingham
Cc: anne.marcotte@co.aitkin.mn.us; brian.napstad@co.aitkin.mn.us; don.niemi@co.aitkin.mn.us; mark.wedel@co.aitkin.mn.us; laurie.westerlund@co.aitkin.mn.us; jdrahota@co.aitkin.mn.us; jratz@co.aitkin.mn.us; patrick.wussow@co.aitkin.mn.us
Subject: Re: Response to Atty Chad Sterle

Dear Board members, Mr. Drahota, Mr. Ratz, Mr. Wussow

I am responding in regards to the attached letter. I thank you for making an attempt to see My family receives proper representation in regards to this issue. Mr. Sterle is out of the office on Fridays which is Oct 5 2012. So I have not been able to consult with him Monday is a Holiday but I believe Brenda Mr. Sterle's Para-Legal said they would be open. I have no problem with Micro Chipping junior as I have told the Board I intend to anyway. in regards to the Hearing Date of Nov 6 2012. I reviewed Mr. Sterles Letter as of yesterday and it was very specific that he would be available Oct 30 2012 and Nov 27 2012 it is because you meet only on Tuesdays that it is difficult to workout. So I may choose to go ahead with this hearing on Tuesday. I am in hopes all of you will have had a chance to review my statement, and research the statutes as to what constitutes a Dangerous Dog. I would like to thank Mr. Drahota for taking the time to hear my concerns and providing Mr. Novotny's report I found it vary eye opening. I left a message with the court Administer to provide me with a list of programs available for Aitkin County for aiding in getting this Micro chip. Like I said the Micro Chip is not a problem it adds safety for my dog. I will let you Know sometime Monday if I choose to delay this hearing. The longer it takes the more it cost and redeeming that lose cost more and takes longer.

Thanks for attempting to cooperate.

Kind Regards

Mr. Joel Ellis

--- sue.bingham@co.aitkin.mn.us wrote:

From: "Sue Bingham" <sue.bingham@co.aitkin.mn.us>

To: "'Marcotte, Anne'" <anne.marcotte@co.aitkin.mn.us>, <brian.napstad@co.aitkin.mn.us>, "'Niemi, Don'" <don.niemi@co.aitkin.mn.us>, <mark.wedel@co.aitkin.mn.us>, <laurie.westerlund@co.aitkin.mn.us>

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Administrative Assistant

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217 Second Street N.W. Room 130
Aitkin, MN 56431
218-927-7276
Fax: 218-927-7374

Fax: 218-326-9647

October 5, 2012

Mr. Chad Sterle, Attorney at Law
502 NW 5th Ave.
Grand Rapids, MN 55744

Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Mr. Sterle:

I am in receipt of your letter to the Aitkin County Board of Commissioners dated October 4, 2012.

If we receive notification by Monday, October 8, 2012 that Mr. Ellis will have his dog Junior microchipped by Friday, October 12, 2012, and provide documented proof as well by that date, we will reschedule the Potentially Dangerous Dog Hearing to November 6, 2012. We are unable to delay the hearing any longer than that.

If we do not hear anything further by Monday, the Potentially Dangerous Dog Public Hearing will be held as scheduled at 9:30 a.m. on October 9, 2012.

If you have any questions, please contact me at 218-927-7276.

Thank you,



Patrick Wussow
Aitkin County Administrator

cc: Sheriff
Joel Ellis
Commissioners

TRANSMISSION VERIFICATION REPORT

TIME : 10/05/2012 12:14
NAME : AITKIN COUNTY ADMIN
FAX : 218-927-7374
TEL : 218-927-7276
SER.# : BROL4J142375

DATE, TIME	10/05 12:14
FAX NO./NAME	912183269647
DURATION	00:00:16
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

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Grand Rapids, MN 55744

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CHAD B. STERLE

LAW OFFICE

October 4, 2012

Aitkin County Board of Commissioners

Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Commissioners:

I was retained by Joel Ellis to represent him in this matter. I requested a hearing on the dangerous dog citation and received a notice scheduling the hearing for October 9, 2012.

Upon receipt of the notice I immediately faxed and mailed a request to reschedule the hearing. I am a Public Defender for the Ninth Judicial District and am frequently in court on Tuesdays. It's my understanding your dangerous dog hearings are only scheduled every other Tuesday.

Patrick Wussow, the County Administrator, called my office and spoke to my paralegal to reschedule the hearing. My paralegal gave him the next available date on my schedule, which was October 30, but she was informed that the Board did not meet on that date. My next available Tuesday would be November 27. Mr. Wussow informed her that that because of the delay, he would not reschedule the hearing beyond October 9. He also informed her that attorneys never attend these informal hearings. I am the hearing officer for dangerous dog citations in Itasca County and find that it is not uncommon for attorneys to attend these hearings.

Please be advised that my client is entitled to legal representation. Should he be required to attend the hearing without representation, I will be immediately appealing the decision if the dog is determined to be dangerous. My client has informed me that he has received reports from other individuals in Aitkin County stating that dogs are determined to be dangerous on very little evidence, and have been destroyed while appeals have been pending. He is understandably very concerned about his family pet.

Sincerely,

Chad B. Sterle
Attorney at Law

CBS/bkm

cc: Joel Ellis

Sue Bingham

From: J. Mark Wedel [jmarkwedel@yahoo.com]
Sent: Friday, October 05, 2012 10:02 AM
To: sue.bingham@co.aitkin.mn.us
Subject: Fw: Potentially Dangerous Dog

Sue -- Per your request -- Mark

--- On Thu, 10/4/12, joelell@netscape.com <joelell@netscape.com> wrote:

> From: joelell@netscape.com <joelell@netscape.com>
> Subject: Potentially Dangerous Dog
> To: mark.wedel@co.aitkin.mn.us, laurie.westerlund@co.aitkin.mn.us,
> don.niemi@co.aitkin.mn.us, brian.napstad@co.aitkin.mn.us,
> anne.marcotte@co.aitkin.mn.us
> Date: Thursday, October 4, 2012, 3:26 PM
>
> Statement Joel Ellis
> Dear Commissioners
> On Thursday Sept 6 2011 Nick Meyers my great Nephew came over to our
> home. We have rules for Nick and his brothers and sisters. I sold
> David and Roxanne Meyers the home next door. I and my wife do not want
> the kids coming over at random thus the reason for the rules. These
> rules have been in effect since Dec 1 of 2011
> Rules:
> 1 Call before you come over. (Nick came over without
> calling)
> 2 Do not just knock on the door and walk in wait for one of us to let
> you in.(Nick did not wait for us to open the door)
> 3 Do not feed the dogs (nick took dog treats off the table as soon as
> he came in and was giving them to the dogs the reason we don't allow
> this is because they get jealous. We told those kids if they want to
> take treats to their dog do it when they leave.)
> 4 Particularly for Nick LEAVE JUNIOR ALONE. (Nick loves Junior and
> thinks that he is training him by pointing his finger at Junior and
> stomping his foot on the floor in an aggressive manor Junior is
> frightened of loud noises and fast movements thus the rule. My wife
> and I have repeatedly told Nick do not do that in fact my wife had
> told him before junior SCRATCHED him.) So Nick broke every rule on
> this day.
> It was around 4:30 PM when Nick came over. We were in the dinning
> room. Nick was telling my wife about school Nick grabbed treats off
> the table gave one to George one to Cleo Junior would not take one and
> was hiding under the table I instantly as my wife said Nick don't feed
> the dogs leave Junior alone. Then Junior came out was sitting by me
> Nick turned around pointed stomped his foot and told Junior I'm going
> to train you my wife said Nick stop it. My wife and Nick went into the
> living room I was not really paying attention. I heard My wife say
> Nick stop it again then I heard the dogs raising a fuss and nick start
> Crying. I ran into the living room Junior had Nick's sweat pants in
> his front teeth barely a hold of them.(There is no tear or holes where
> Junior had a hold on Nicks sweats) My wife said Its just a Scratch
> Junior pushed him . I instantly said no it had to be a bite or nip
> because Junior had him by the pants.
> This is how a scratch becomes a bite. I instantly cleaned Nick's

> scratch and put some antibiotic cream on it. The scratch was maybe a
> three inch red line with a drop of blood on the bottom on his butt
> cheek. I noticed a horizontal red line scratch on his waistline also
> but barely visible I treated that also. There was no puncture No sign
> of a bite or a Nip.
> Nick was not crying I was arguing with my wife about it being a Nip
> she repeated I WAS SITTING RIGHT THERE JUNIOR PUSHED NICK AND SCATCHED
> HIM.
> I am very opinionated and bull headed my wife finally just ignored me.
> I have had many training courses in CPR and injuries. I worked in the
> tourism industry in Alaska over the past several years it is a
> requirement for my supervisory position. This was a "SCRATCH" I
> treated the scratch "I ASSUMED THE SCATCH WAS FROM THE THEETH". The
> only thing that made this SCATCH A BITE was my ASSUMTION.
>
>
>
>
> I treated a SCATCH, Roxanne treated a SCATCH, The school Nurse TREATED
> A SCATCH. I said it was a bite so Nick said it was a bite and Roxanne
> said it was a bite ALL BASED UPON MY ASSUMTION even though there was
> no sign of a BITE no sign of a NIP just a SCATCH. I saw Junior with
> Nicks baggy sweats in his mouth and made an ASSUMTION. I did not see
> what happened MY WIFE DID SHE WAS RIGHT THERE WITH NICK.
> It was not until I picked up Mr. Novotney's report from Mr. John
> Drahota that I realized I was wrong my wife was right. IMAGINE THAT!
> Until I saw the statement from the nurse where Mr. Novotny asked can
> you determine if the scratch was from a bite or a paw scratch.
> INSTANTLY I THOUGHT OF WHAT MY WIFE INIALLY SAID THE DOG PUSHED NICK
> AND SCRATCHED HIM. Until that moment I never even considered it being
> a scratch from a PAW. After seeing the report the SCRATCH finally made
> sense I could not figure out where the horizontal red line came from
> now with it coming from a paw and not the teeth I can see how a paw
> would have made the horizontal red line Scratch on his waistline the 3
> inch scratch was on his butt cheek, think about it how could a tooth
> make that scratch.
> So the bottom line is this was not a serious injury JUST A SCATCH. All
> of you have been scratched by a cat, dog, person, fall, stick ... A
> scratch is a scratch.
> I do not want you to think that I excuse Junior for his behavior. I
> punished him. However I do not excuse Nick either he did not follow
> the rules. Now I have a new rule Roxanne or David must accompany their
> kids if they come over.
> However there is more to this then that scratch. Mr.
> Novotny made this scratch into a serious issue. On Friday Sept 7 2012
> less then 24 hours of the scratch I received a phone message from
> David Meyers asking me to go see Roxanne as she was quite upset. I
> went over instantly. Roxanne was crying and said she just had a huge
> argument with Mr.
> Novotny She said it was because Mr. Novotny was trying to get her to
> bring charges she did not think it was SERIOUS ENOUGH TO DO ANYTHING.
> I instantly got Mr. Novotny's phone number from her and went home and
> called Mr. Novotny I was under the Assumption that I had missed
> something there must have been more wounds I did not see. I was still
> assuming my dog nipped Nick. I was upset Mr. Nonvotny had me convinced
> my dog was so vicious he was going to get out of his pen and attack
> and tear apart the kids in the neighborhood. I was convinced I had to

> shoot my dog for this SCATCH.
> It was not until I went back over to Roxanne's and she told me no
> there was no further injury JUST A SCRATCH AND A BRUISE! Then she told
> me About her conversation with Novotny he was telling her my dog was
> going to get out and tear her kids face off. IS THIS SANE!!! She was
> so upset she was crying when I first came down not because she was
> worried about Nick or the dog but because of the cruel way Mr. Novotny
> treated her. Acting like she was not a responsible parent because she
> would not make a big deal out of a scratch.
>
>
> On Monday Sept 10 2012 I called Mr. Novotny again I said that I had no
> intentions of putting my dog down that I and my wife would be gone on
> Monday. (My wife has Mondays off that is our business day)He instantly
> got angry I was trying to give him more information he didn't want to
> hear it. I said my wife witnessed what happen he didn't want to talk
> to her so I handed my wife the phone and he commenced yelling at her
> and telling her I was yelling him my wife was trying to tell him what
> happen and he refused to hear what she was saying. IS THIS
> COOPERATION, INVESTIGATION OR OBSTRUCTION?
> It is inexcusable the way NOVOTNY handled this SCATCH.
> He never asked for a statement, never asked to come over and see the
> dog never went to see Roxanne or Nick. Then in his report he lies and
> says I and my wife refused too give a statement. I CALLED HIM TWICE I
> ASKED HIM TO TALK WITH MY WIFE THE ONLY EYEWITNESS AND HE REFUSED.
> Mr. Novotny never contacted me or my wife. I contacted him. I and my
> wife wanted to give statements wanted him to meet Junior wanted him to
> see that our dogs are not only kept contained but are not dangerous he
> refused. (By the way the reason we keep our dogs contained in the
> house and the fence is for their safety. I have had dogs run over,
> shot and stolen in Swatara. It is for their safety not because we are
> afraid they will attack someone.) When he sent the dangerous dog
> decision he never had a complaint, never sent a copy of the report. I
> called the sheriff office and went in sat down with Mr. John Drahota
> Sept 13 2012 and had a very nice discussion. I told him about Mr.
> Novotny's Abuse toward Roxanne, Myself and my wife.
> Before I even saw the report I said Mr. Novotny told me Monday that I
> and my wife was not willing to give a statement I said we are more
> then willing and he hung up on me.
> This was before I even knew he put that lie in his report. I believe
> they call this filing a false report.
> Ask the girls in records if I was uncooperative. Ask Mr. John Drahota
> If I was uncooperative?
> It was NOVOTNY WHO WAS UNCOOPERTIVE! I called Novotny twice the second
> to have him hear my wife's side does that sound uncooperative. He
> contacted me never!
> That is I why I hired Mr. Sterle. This attitude displayed and the
> false report is not acceptable.
> The Nurse in her Statement says she treated the scratch with hydrogen
> peroxide and Ice for the bruise sent Nick back to class. When Nick
> left our home the afternoon before I saw him running and playing for
> hours outside not slowed down one bit. He had a scratch on his butt
> cheek I am sure sitting on it in a school desk was uncomfortable.
>
>
>
>

>
> There will be other signed statements from my Wife and Roxanne when I
> attend the hearing Tuesday. I received a call from my attorney Mr.
> Sterle Oct. 11 2012 stating that Ann Marcotte had contacted him in
> regards to postponing the hearing as he could not be there to
> represent Us. He said Ann had talked with the Co. Attorney and they
> would postpone the hearing if I would have my dog Micro Chipped by the
> hearing date. There is one workday between the hearing and now so it
> is not even possible. However just so you are aware that I love my
> dogs as much as my kids. I intend in the next month to have them all
> micro chipped not because Of demands but because we feel it is a good
> way to keep their records and track them if they should wander off or
> be stolen. Like their Fence it is for their safety.
> Thank You
> Mr. Joel Ellis
>
> Netscape. Just the Net You Need.

AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse
217 Second Street N.W. Room 130
Aitkin, MN 56431
218-927-7276
Fax: 218-927-7374

September 26, 2012

Mr. Chad Sterle, Attorney at Law
502 NW 5th Ave.
Grand Rapids, MN 55744

Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Mr. Sterle:

I am in receipt of your fax dated September 24, 2012 requesting to reschedule the 9:30 a.m. October 9, 2012 hearing date. I contacted your office on September 25th and left a voice mail. I did not receive a response to my message, so I called a second time at the end of the day and spoke with your paralegal. She assured me I would hear from you today.

As I have not yet heard from you, and this needs to be presented to the County Board in a timely manner, the hearing time and place will not be changed.

If you have any questions, please contact me at 218-927-7276.

Thank you,



Patrick Wussow
Aitkin County Administrator

cc: Sheriff
Joel Ellis



CHAD B. STERLE

LAW OFFICE

September 24, 2012

*VIA FACSIMILE AND US MAIL
(FAX NO. 218-927-7374)*

SEP 24 2012

Mr. Patrick Wussow
Aitkin County Administrator
217 Second St. N.W.
Aitkin, MN 56431

Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Mr. Wussow:

I'm in receipt of your notice scheduling this hearing for October 9 at 9:30 a.m. However, I am a Public Defender for the Ninth Judicial District and am scheduled to appear in Itasca County District Court on that date.

If possible, I would appreciate it if someone from your office would call my paralegal, Brenda, to coordinate a hearing date to avoid any further delay.

Thank you for your assistance.

Sincerely,

Chad B. Sterle
Attorney at Law

CBS/bkm

cc: Joel Ellis

AITKIN COUNTY ADMINISTRATION

Patrick Wussow, County Administrator

Aitkin County Courthouse

217 Second Street N.W.

Aitkin, MN 56431

218-927-7276

Fax: 218-927-7374

September 21, 2012

Chad B. Sterle
Attorney at Law
502 NW 5th Ave.
Grand Rapids, MN 55744

Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Mr. Sterle:

As requested, we are notifying you of the hearing scheduled to contest the above-mentioned potentially dangerous dog citation.

A hearing will be held on Tuesday, October 9, 2012 at 9:30 a.m. in the Aitkin County Boardroom. At that time the Aitkin County Board, as the Animal Control Authority, will hear your arguments. The complainant will also be invited to attend the hearing.

If you have any questions, please feel free to call me.

Sincerely,

Patrick Wussow
County Administrator

cc: Sheriff
Joel Ellis

SCOTT A. TURNER
SHERIFF OF AITKIN COUNTY

217 Second Street NW, Room 185
Aitkin, MN 56431

Telephone: 218-927-2138
Toll Free: 1-888-900-2138
Fax: 218-927-7359

September 21, 2012

Roxanne Meyers
60387 410th Ave.
Swatara MN 55785

RE: Potentially Dangerous Dog hearing, ICR 12-3668.

Dear Ms. Meyers,

On 9/7/2012, our office received information that your son had been bitten by your neighbor's dog. Based on the information provided to Deputy John Novotny regarding the incident, the dog's owner, Joel Ellis, was issued a Potentially Dangerous Dog notice, which determined his dog, "Junior", to be a potentially dangerous dog.

As part of due process, the owner has requested a hearing on this matter to challenge/contest the Potentially Dangerous Dog determination. This letter is to inform you that a hearing date and time has been set before the Aitkin County Board, who is the hearing authority. The hearing date is Tuesday, October 9, 2012 at 9:30 a.m. in the Board Room of the Aitkin County Courthouse.

Your presence is not required but I encourage you to attend and provide personal input to the County Board in order to aid them in making their decision on this matter. Without personal input from the victim(s), the Board must rely upon testimony presented by the dog owner and the police report(s) and statement(s). I would ask that you contact me prior to the hearing date to let me know whether you plan on attending. I can also answer any questions you may have. I can be reached direct by calling 218-927-7423.

Sincerely,

John Drahota
Undersheriff
ACSO



CHAD B. STERLE

LAW OFFICE

September 17, 2012

SEP 19 2012

*VIA CERTIFIED MAIL
Return Receipt Requested*

Aitkin County Administrator's Office
217 Second St. NW, Room 130
Aitkin, MN 56431

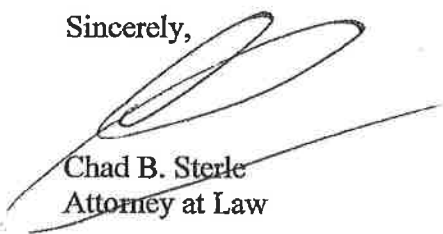
Re: Joel Ellis Potentially Dangerous Dog Citation
ICR No. 12-3668

Dear Administrator:

I have been retained to represent Mr. Ellis regarding the above-captioned dangerous dog citation.

Enclosed please find the Declaration of Ownership and Request for Hearing. I would appreciate it if you would contact my office to arrange a hearing date.

Sincerely,



Chad B. Sterle
Attorney at Law

CBS/bkm
Enc.

cc (w/enc.): Joel Ellis

SEP 19 2012

Aitkin County Sheriff's Office
Animal Care and Control Program

Date: 9-17-12

ICR # 12-3668

DECLARATION OF OWNERSHIP AND REQUEST FOR HEARING

I Certify that I am the owner or person claiming an interest in the animal(s) described on the Notice, and

- 1) I request a hearing to contest the determination of a Potentially Dangerous or a Dangerous Dog.
- 2) My animal has been impounded and I request a hearing for the determination of whether reasonable grounds for the impoundment exist.
- 3) My animal has been impounded and I relinquish ownership of the impounded animal described on the Impoundment Notice to the Aitkin County Sheriff's Office for appropriate disposition by Animal Control. I hereby release the Aitkin County Sheriff's Office, its employees, agents and Animal Control employees and agents from any and all liability arising from the acceptance and disposition of the animal(s).

To the best of my knowledge the animal(s) has _____, has not (check one) bitten any persons or animals ~~in the past fourteen (14) days.~~ Ever

SIGNATURE: Joel A Ellis Date: _____

PRINTED NAME: Joel A Ellis

ADDRESS: 38929 610th st Swatara
MN 55785

PHONE: HOME: 218-697-2382 WORK: _____

DRIVER'S LICENSE #: D054086643109

THIS NOTICE MUST BE RETURNED BY PERSONAL DELIVERY OR MAIL AND RECEIVED BY THE AITKIN COUNTY ADMINISTRATOR'S OFFICE WITHIN FOURTEEN (14) DAYS FROM THE DATE LISTED ABOVE TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.

Aitkin County Administrator's Office
217 2nd Street NW, RM# 130
Aitkin, MN 56431
Phone: 218-927-7276

ICR# 12-3668

**AITKIN COUNTY SHERIFF'S OFFICE
ANIMAL CARE AND CONTROL PROGRAM**

NOTICE OF DETERMINATION

OF

POTENTIALLY DANGEROUS DOG

TO: Name: Joel Ellis
Address: 38929 610th St Swatara, MN 55785
Phone#: 218-929-1903

Your dog, a Shepard Mix "Junior", has been determined to be
(description)
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice.

Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

9-10-12
Date

[Signature]
Deputy

I have read and understand the contents of this notice and acknowledge receipt of a copy thereof.

Mailed Cert Mail
Date Owner or Caretaker

[] Check if owner refused to sign

White Copy: Deputy

Yellow Copy: Owner



Aitkin County Sheriff's Office
 217 Second Street NW, Room 185
 Aitkin, MN 56431
 (218) 927-7435

Incident Detail Report

Printed On: Fri, Sep 21, 2012

Case Number: 2012003668	NCIC: MN0010000	Status: CAD Import	Status By:
Juvenile: No	Protected: No	Case Hold: No	Additional Reports: Yes
			Status Date Time: 09/07/2012 13:10

Call For Service

Date Reported: 9/7/2012 **Friday** **11:28** **Date Committed Start:** 9/7/2012 **11:28** **Date Committed End:**

Received By: 338 **How Received:** CAD

Description: Animal Complaint **CAD Seq Nbr:** ACSO:2012:4660

Event Type: **CAD Agency:** Aitkin County

Case Status: **Case Disposition:**

Scene

Location:

Business Name:

Low House Nbr: 60401 **High House Nbr:** **Community Code:**

Street: 410TH AVE

Unit Nbr/Type: **Intersection Street:**

City/State/Zip: SWATARA, MN 55785 **Address:**

LGN: 5324 **GEO Code:** **Weather Conditions:**

Place Committed: 60401 410TH AVE (605TH ST/)

Officer Information

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
210	9/7/2012 11:37	9/7/2012 11:37	9/7/2012 12:33	9/7/2012 12:59	Primary
216	9/7/2012 11:34				

Offense Detail

ISN: 01 **Offense Code:** 7818 **Literal:** potentially dang dog/dang dog

Statute: **Status:** Exceptionally cleared **Status Date:** 09/07/2012 **Criminal Activity:**

Counts: **Larceny Type:** **Campus Code:** **Offense Level:**

CAD Offense Code: **CAD Literal:** Animal Complaint

CAD Disposition: Cleared

Remark:

Disposition:

Aitkin County Sheriff's Office
Case Number 2012003668 (MN0010000)

Incident Detail Report

Printed On: Fri, Sep 21, 2012

Associations

Name: Ellis, Joel Anthony *Driver License:*
Role: Mentioned In Report *Resident:*
Phone: (218)859-1903 *DOB:* 5/20/1959 *Age (Range):* 53 *Organization Type:*
Address: 38929 610th, swatara, MN 55785 *LGN:*
Sex: Male *Race:* *Disability:*
Eye Color: Blue *Hair Color:* *Height:* 5'11" *Weight:* 220 lbs.

Name: Ellis, Sandra Marie *Driver License:*
Role: Mentioned In Report *Resident:*
Phone: (218)697-2382 *DOB:* 7/17/1963 *Age (Range):* 49 *Organization Type:*
Address: 38929 610th st, swatara, MN *LGN:*
Sex: Female *Race:* White *Disability:*
Eye Color: Hazel *Hair Color:* Unknown *Height:* 5'03" *Weight:* 120 lbs.

Name: [REDACTED] *Driver License:*
Role: Mentioned In Report *Resident:*
Phone: *DOB:* *Age (Range):* *Organization Type:*
Address: 60387 410th Ave, Swatara, MN 55785 *LGN:*
Sex: *Race:* *Disability:*
Eye Color: *Hair Color:* *Height:* *Weight:*

Name: Meyers, Roxanne Marie *Driver License:* W663275549415
Role: Mentioned In Report *Resident:*
Phone: (218)256-1956 *DOB:* 12/7/1971 *Age (Range):* 40 *Organization Type:*
Address: 407 6th ave ne a, grand rapids, MN 55744 *LGN:*
Sex: Female *Race:* *Disability:*
Eye Color: Blue *Hair Color:* *Height:* 5'03" *Weight:* 160 lbs.

Name: Showen, Sheina Elizabeth *Driver License:* C253049425610
Role: Other *Resident:*
Phone: *DOB:* 1/28/1981 *Age (Range):* 31 *Organization Type:*
Address: Hill City School Nurse, Hill City, MN 55748 *LGN:*
Sex: Female *Race:* *Disability:*
Eye Color: Blue *Hair Color:* *Height:* 5'04" *Weight:* 145 lbs.

Media

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
9/13/2012	12-3668	Data Request
9/12/2012	12-3668	Notice of Determination of Potentially Dangerous Dog

Incident Detail Report

Narrative

R: LGN 5324 Dog Bite

R: Sheina, the Hill City School nurse reports a child who was bit by a dog.

R: Occurred at uncles property in Swatara

ADDITIONAL PERSON

Name Type: Individual Implication: Other

Name:



Aitkin County Sheriff's Office
217 Second Street NW, Room 185
Aitkin, MN 56431
(218) 927-7435

2012003668 002 NTE 210 rpt

Supplemental Reports

Printed On: Fri, Sep 21, 2012

Description: 210 rpt

Sequence: 002

Report Date: 09/10/2012

Case Number: 2012003668

N C I C: MN0010000

Off Cd: 7818

Report Type: Notes

Officer: 210

Approval Process:

Secured: No

CSI Status:

Status By:

Status D/Tm: 09/10/2012 16:23

Notes

AITKIN COUNTY SHERIFF'S DEPARTMENT
INVESTIGATIVE REPORT

INV. REPORT BY: Deputy Novotny 210

CASE: 12-3668

NATURE OF CASE: Dog bite

LOCATION:

SUMMARY:

was bit by Joe Ellis's

PERSONS MENTIONED:

MENTIONED: Name/DOB: Roxanne Marie Meyers/12-7-71
Address: 60387 410th Ave, Swatara, MN 55785
Telephone: (H/W): 218-256-1956

MENTIONED: Name/DOB:
Address: 60387 410th Ave, Swatara, MN 55785
Telephone (H/W):

MENTIONED: Name/DOB: Joel Anthony Ellis/5-20-59
Address: 38929 610th St., Swatara, MN 55785
Telephone (H/W): 218-929-1903

MENTIONED: Name/DOB: Sandra Marie Ellis/7-17-63
Address: 38929 610th St., Swatara, MN 55785
Telephone:

Notes

MENTIONED: Name/DOB: Sheina Elizabeth Showen
Address: Hill City School
Telephone (H/W): 218-697-2394

TYPE OF EVIDENCE AND LOCATION (BIN, LOCKER, and GARAGE):

DATE AND TIME OCCURRED: 9-6-12

DETAILS:

On 9-7-12, I responded to the Hill City School nurse's office in reference to a dog bite. Sheina Showen stated that [redacted] was complaining about pain on his hip/buttocks area. Sheina stated that there was a bruise and two scratches which were consistent with a dog bite or dog scratch. The scratches broke open the skin. Sheina stated that she spoke to [redacted] mother Roxanne and was told that he got bit over at Joel Ellis's house. On 9-10-12 I took a taped statement from Sheina. See statement for more details. I did not photograph the injury because of the victim's age and the lack of parental consent.

On 9-7-12, I spoke to Roxanne on the phone. She stated that [redacted] got bit the night before over at Joel Ellis's house. She stated that she is scared of the dogs and [redacted] no longer allowed to visit over there. She was unwilling to pursue the matter any farther because Joel is the only family in the area to help her out.

On 9-7-12, I spoke to Joel Ellis on the phone. He stated that he was concerned about the safety of the kids at his house. He stated that the dog does not like kids and has showed aggression towards kids in the past. Joel was aware of the dog biting [redacted]. Joel stated that it occurred inside his house. At this time, Joel was thinking about putting the dog down. He asked if there was anyone at the Sheriff's Office that would do it for him. I told him that it is best to take the dog to a veterinarian's office, if he chooses to take that option.

On 9-10-12 I spoke on the phone with both Joel and Sandra. Joel informed me that he was keeping the dog and he didn't feel it was a threat to anyone. He stated that the dog didn't bite [redacted], the dog only "nipped" him. Sandra stated that she witnessed it. She stated that [redacted] agitated the dog. She described it in this way, [redacted] was stomping his feet and pointing at the dog. The dog then nipped [redacted] before she could get a hold of him.

The dog is a 2 year old Sheppard mix named Junior. I mailed potentially dangerous dog paperwork to the Ellis's. I was going to take a statement from Roxanne, Joel and Sandra, but I found them to be less than fully cooperative.

Exceptionally cleared

Deputy Novotny 210
ACSO
9-10-12

Notes



Aitkin County Sheriff's Office
217 Second Street NW, Room 185
Aitkin, MN 56431
(218) 927-7435

2012003668 003 NTE Statement: Showen, Sheina

Supplemental Reports

Printed On: Fri, Sep 21, 2012

Description: Statement: Showen, Sheina Sequence: 003 Report Date: 09/11/2012
Case Number: 2012003668 N C I C: MN0010000 Off Cd: 7818 Report Type: Notes
Officer: 980 Approval Process: Secured: No
CSI Status: Status By: Status Dt/Tm: 09/11/2012 09:59

Notes

AITKIN COUNTY SHERIFF'S OFFICE
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: SHEINA SHOWEN
STATEMENT IS IN REFERENCE TO ICR #: 12-3668
DEPUTY TAKING STATEMENT: DEPUTY JOHN NOVOTNY
DATE OF STATEMENT: SEPTEMBER 10, 2012

Q THIS IS A TAPED STATEMENT OF UH, SHEINA SHOWEN. A SCHOOL NURSE AT THE HILL CITY SCHOOL. AND THE DATE IS SEPTEMBER 10 TH, 2012 AT UH, 10:46. THIS IS AN ICR REFERENCE TO ICR 12-3668. UH, SHEINA, ON FRIDAY I WAS UP THERE AT THE THE HILL CITY SCHOOL AND I WAS TALKIN' TO YOU ABOUT UH, [REDACTED] S.

A YES.

Q AND YOU HAD ACTUALLY CALLED US IN REFERENCE TO A DOG BITE. AND I'LL JUST KINDA LET YOU UH, I'LL JUST KINDA OPEN THE MIKE TO YA AND IF YOU COULD JUST KINDA TELL ME WHAT YOU KNOW ABOUT IT AND WHAT YOU OBSERVED AND AND EVERYTHING THAT YOU GOT ON THIS INCIDENT.

A O.K. UM, WELL I WAS UH, STUDENT [REDACTED], 2ND GRADER, WAS SENT TO MY OFFICE UM, BY HIS TEACHER FOR A DOG BITE. AND UM, HE HAD BEEN COMPLAINING OF PAIN IN THE SITE. UM, HE TOLD ME THAT HIS UNCLE'S DOG HAD BIT HIM THE NIGHT BEFORE. AND I NOTED THAT HE HAD A BRUISE ON HIS RIGHT HIP BUTTOCK AREA. IT WAS APPROXIMATELY 4 TO 5 INCHES IN DIAMETER. AND THERE WERE ALSO TWO SMALL SCRATCHES APPROXIMATELY 2 INCHES ACROSS WITH SCABBING ON ONE END OF THE SCRATCH. AND I APPLIED SOME HYDROGEN

Notes

PEROXIDE TO THE SCRATCH AND THEN GAVE AN ICE PACK FOR HIM TO USE IN CLASS. UM, AND THEN HE WENT BACK TO CLASS AT THAT TIME. UM, LATER I DID SPEAK TO HIS MOM WHEN SHE WAS AT THE SCHOOL. AND SHE HAD CONFIRMED THAT [REDACTED] HAD BEEN BIT THE EVENING BEFORE WHEN HE WAS AT HER UNCLE JOE'S HOUSE NEXT DOOR TO THEIR HOME. UM, SHE STATED THAT THE KIDS AND THE DOGS WERE IN JOE'S HOUSE AT THE TIME AND THAT NORMALLY THE DOGS ARE EITHER IN THE PEN OR IN THE HOUSE. AND SHE ALSO HAD SAID THAT THE DOG THAT BIT [REDACTED] IS MEAN AND DOES NOT LIKE KIDS. UM, SHE STATED THAT [REDACTED] WAS SCARED AT THE TIME AND THAT THE KIDS ARE NOT ALLOWED TO BE AROUND THOSE DOGS ANY MORE. SHE ALSO STATED THAT UM, THE DOGS HAVE HAD THEIR RABIES SHOTS. AND AT THAT TIME I WENT AHEAD AND NOTIFIED THE AITKIN COUNTY SHERIFF'S OFFICE.

Q UM, SHE SAID THE DO THE BOY GOT BIT THE NIGHT BEFORE. 'CAUSE WE, YOU AND I WERE TALKIN' ON THE 7TH. AND THEN SHE SAID THE DOG GOT OR THE BOY GOT BIT THE DAY BEFORE THAT.

A YES.

Q O.K., SO IT'D BE ON THE 6TH.

A ON THE 6TH.

Q THURSDAY EVENING.

A CORRECT.

Q UM, AND THEN WHEN YOU SAY SCRATCHED AND WITH THE BRUISING, I MEAN YOU MUST HAVE SOME FAMILIAR FAMILIARITY WITH UH, DOG BITES. WAS IT CONSISTENT WITH A DOG BITE OR WOULD IT BE MORE CONSISTENT WITH LIKE A SCRATCH FROM PAW? OR.

A IT, I DIDN'T ACTUALLY SEE A PUNCTURE. IT, LIKE I SAID THE THE TWO ENDS OF IT HAD SOME SCABBING. UM, IT IT WAS KIND OF HARD FOR ME TO TELL IF IT IF THAT SCRATCH WAS FROM A BITE OR IF IT WOULD'VE BEEN JUST A SCRATCH FROM A PAW.

Q BUT IT WAS DEFINITELY FRESH.

A YES.

Q ALL RIGHT. ANYTHING MORE THAT UH, YOU THINK WOULD BE PERTINENT TO THIS STATEMENT?

A UM, NO I THINK THAT'S IT.

Notes

Q K. I THINK WHAT WE'LL DO IS WE'LL TERMINATE THIS STATEMENT AT 10:50.

WITNESS

PERSON MAKING STATEMENT

DATE

WITNESS

I HAVE RECEIVED COPY

DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON SEPTEMBER 10, 2012, BY DEPUTY JOHN NOVOTNY OF SHEINA SHOWEN.

2011 Minnesota Statutes

Regulation of Dangerous Dogs

347.50 DEFINITIONS.

Subdivision 1. Terms.

For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meanings given them.

Subd. 2. Dangerous dog.

"Dangerous dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 3. Potentially dangerous dog.

"Potentially dangerous dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subd. 4. Proper enclosure.

"Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subd. 5.Owner.

"Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Subd. 6.Substantial bodily harm.

"Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7a.

Subd. 6a.Great bodily harm.

"Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

Subd. 7.Animal control authority.

"Animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subd. 8. Provocation.

"Provocation" means an act that an adult could reasonably expect may cause a dog to attack or bite.

History:

1988 c 711 s 1; 1989 c 37 s 3-5; 1994 c 550 s 1; 1Sp2001 c 8 art 8 s 14,15; 2008 c 325 s 2

347.51 DANGEROUS DOGS; REGISTRATION.

Subdivision 1.Requirement.

No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subd. 2. Registration.

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

- (1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign that there is a dangerous dog on the property, including a warning symbol to inform children;
- (2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$300,000, payable to any person injured by the dangerous dog, or a policy of liability insurance

issued by an insurance company authorized to conduct business in this state in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Subd. 2a. Warning symbol.

If an animal control authority issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the animal control authority must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The warning symbol must be the uniform symbol provided by the commissioner of public safety. The commissioner shall provide the number of copies of the warning symbol requested by the animal control authority and shall charge the animal control authority the actual cost of the warning symbols received. The animal control authority may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Subd. 3. Fee.

The animal control authority may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subd. 3a. Dangerous dog designation review.

Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Subd. 4. Law enforcement; exemption.

The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subd. 5. Exemption.

Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

- (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
- (3) who was committing or attempting to commit a crime.

Subd. 6.

[Repealed, 1Sp2001 c 8 art 8 s 30]

Subd. 7. Tag.

A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

Subd. 8. Local ordinances.

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Subd. 9. Contracted services.

An animal control authority may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.565. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the animal control authority and all certificates of registration must be issued in the name of the animal control authority.

History:

1988 c 711 s 2; 1989 c 37 s 6-10; 1991 c 195 s 1; 1994 c 550 s 2; 1997 c 187 art 3 s 32; 1Sp2001 c 8 art 8 s 16-18; 2008 c 325 s 3-7

347.515 MICROCHIP IDENTIFICATION.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

347.52 DANGEROUS DOGS; REQUIREMENTS.

(a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

(d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

History:

1988 c 711 s 3; 1Sp2001 c 8 art 8 s 20; 2008 c 325 s 8

347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.

Any statutory or home rule charter city, or any county, may regulate potentially dangerous and dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.565 limits any restrictions that the local jurisdictions may place on owners of potentially dangerous or dangerous dogs.

History:

1988 c 711 s 4; 1989 c 37 s 11; 2008 c 325 s 9

347.54 CONFISCATION.

Subdivision 1. Seizure.

(a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;
- (2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;
- (3) the dog is not maintained in the proper enclosure;
- (4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or
- (5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2.Reclaimed.

A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent offenses; seizure.

If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3.

History:

1988 c 711 s 5; 1989 c 37 s 12; 2008 c 325 s 10,11

347.541 DISPOSITION OF SEIZED ANIMALS.

Subdivision 1. Hearing.

The owner of any dog declared dangerous has the right to a hearing by an impartial hearing officer.

Subd. 2. Security.

A person claiming an interest in a seized dog may prevent disposition of the dog by posting security in an amount sufficient to provide for the dog's actual cost of care and keeping. The security must be posted within seven days of the seizure inclusive of the date of the seizure.

Subd. 3. Notice.

The authority declaring the dog dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

- (1) a description of the seized dog; the authority for and purpose of the dangerous dog declaration and seizure; the time, place, and circumstances under which the dog was declared dangerous; and the telephone number and contact person where the dog is kept;
- (2) a statement that the owner of the dog may request a hearing concerning the dangerous dog declaration and, if applicable, prior potentially dangerous dog declarations for the dog, and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this section;
- (3) a statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of section 347.52, paragraphs (a) and (c), and until such time as the hearing officer issues an opinion;
- (4) a statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of sections 347.51, 347.515, and 347.52;
- (5) a form to request a hearing under this subdivision; and
- (6) a statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

Subd. 4. Right to hearing.

Any hearing must be held within 14 days of the request to determine the validity of the dangerous dog declaration. The hearing officer must be an impartial employee of the local government or an impartial person retained by the local government to conduct the

hearing. In the event that the dangerous dog declaration is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000 will be the responsibility of the dog's owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision must be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

History:

2008 c 325 s 12

347.542 RESTRICTIONS.

Subdivision 1. Dog ownership prohibited.

Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, 346.515, 347.52, or 609.226, subdivision 2.

Subd. 2. Household members.

If any member of a household is prohibited from owning a dog in subdivision 1, unless specifically approved with or without restrictions by an animal control authority, no person in the household is permitted to own a dog.

Subd. 3. Dog ownership prohibition review.

Beginning three years after a conviction under subdivision 1 that prohibits a person from owning a dog, and annually thereafter, the person may request that the animal control authority review the prohibition. The animal control authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the animal control authority deems appropriate. The animal control authority may rescind the prohibition entirely or rescind it with limitations. The animal control authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the animal control authority rescinds a person's prohibition and the person subsequently fails to comply with any limitations imposed by the animal control authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the animal control authority may permanently prohibit the person from owning a dog in this state.

History:

2008 c 325 s 13

347.55 PENALTY.

(a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.

(b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

(c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.

(d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.

(e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

History:

1988 c 711 s 7; 1Sp2001 c 8 art 8 s 21; 2008 c 325 s 14

347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.

Subdivision 1. Circumstances.

Notwithstanding sections 347.51 to 347.55, a dog may be destroyed in a proper and humane manner by the animal control authority if the dog:

- (1) inflicted substantial or great bodily harm on a human on public or private property without provocation;
- (2) inflicted multiple bites on a human on public or private property without provocation;
- (3) bit multiple human victims on public or private property in the same attack without provocation; or
- (4) bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

Subd. 2. Hearing.

The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50 and the exemptions under section 347.51, subdivision 5, apply to this section.

History:

1Sp2001 c 8 art 8 s 22; 2008 c 325 s 15

347.565 APPLICABILITY.

Sections 347.50 to 347.56 must be enforced by animal control authorities or law enforcement agencies, whether or not these sections have been adopted into local ordinance.

History:

2008 c 325 s 16