

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



To: Chairperson, Aitkin County Board of Commissioners

Date: 06/04/13

Via:

From: Undersheriff John Drahota

Title of Item: Dangerous Dog hearing

Requested Meeting Date: 06/11/13 Est. Presentation Time: 11:00

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 Dangerous Dog Determination**

**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, Misc. forms, photos

**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 Dangerous Dog Designation-  
Dog Named Apollo**

**DATE: June 4, 2013**

Attached you will find a request from Casey Zalomsky, 34824 432<sup>nd</sup> Place, Aitkin, MN to contest the designation of Dangerous Dog for his dog named Apollo. Staff will mail the agenda and related packet information to Mr. Zalomsky.

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 Apollo is dangerous as defined by Mn. Statute.

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

**SCOTT A. TURNER**  
**SHERIFF OF AITKIN COUNTY**

217 Second Street NW, Room 185  
Aitkin, MN 56431

218-927-7435 Emergency 911  
Sheriff Fax 218-927-7359 / Dispatch Fax 218-927-6887  
TOLL FREE 1-888-900-2138

**TIMELINE OF EVENTS FOR ICR #13-1550**

- On Friday March 28<sup>th</sup>, 2013, Richard Jackman, age 81, reported that his neighbor's dog "Apollo" barks, growls, shows its' teeth, and attempts to get behind him when he walks to his mailbox. He has to use his cane to keep the dog back. Deputy Winter issued a "Potentially Dangerous Dog" notice to the owner, Casey Zalomsky based on the information provided. (case #13-1080)
- On Saturday, May 4<sup>th</sup>, 2013, the same situation occurred except this time Richard had to strike the dog on the nose with his cane to keep the dog away, for fear of being bitten. Sgt. Lenk issued Zalomsky a "Dangerous Dog" notice since this was now the second occurrence.
- On Tuesday May 21<sup>st</sup>, 2013, a search warrant was executed and "Apollo" was seized and placed in a secure pound since the owner, Zalmosky, had taken no steps to comply with the dangerous dog requirements within 14 days, as specified by statute.
- On Thursday May 23<sup>rd</sup>, Zalomsky request a public hearing.

ICR# 13-1580

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

**NOTICE OF DETERMINATION**

**OF**

**DANGEROUS DOG**

TO: Name: Angela Rae Manos (co-owner)

Address: 34824 432nd PL Aitkin MN 56431

Phone #: 763-222-5949

Your dog, a Appollo bull dog mix, has been determined to be  
(description)  
a dangerous dog within the meaning of Minnesota Statutes 347.50 Subd. 2.

A dangerous dog must be registered pursuant to Minnesota Statute 347.51. Failure to register said dog within 14 days of this Notice may result in confiscation pursuant to Minnesota Statute 347.54. Failure to provide the safeguards required by Minnesota Statutes 347.52 is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

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.

5-4-13

Date

Henni Lem

Deputy

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

5-4-13

Date

Angela Manos

Owner or Caretaker

[ ] Check if owner refused to sign

White Copy: County Auditor

Yellow Copy: Owner

Pink Copy: Deputy

Aitkin County Sheriff's Office  
Animal Care and Control Program

MAY 23 2013

Date: 5-22-13

ICR # \_\_\_\_\_

**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 Dangerous Dog designation.
- 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.

SIGNATURE: Casey Zakomsky Date: 5-22-13

PRINTED NAME: Casey Zakomsky

ADDRESS: 34824 432nd Pl AITKIN MN 56431

PHONE: HOME: 218-821-2502 WORK: \_\_\_\_\_

DRIVER'S LICENSE #: K921135212912

**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 THE DOG NOTICE WAS ISSUED TO RECEIVE A HEARING BEFORE THE ANIMAL CONTROL AUTHORITY.**

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

## 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

May 29, 2013

Casey Zalomsky  
34824 432<sup>nd</sup> Place  
Aitkin, MN 56431

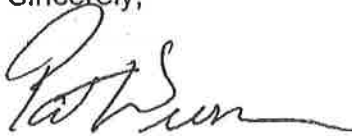
Dear Mr. Zalomsky:

Your request for a hearing to contest the determination dangerous dog has been received.

A hearing will be held on Tuesday, June 11, 2013 at 11:00 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

**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

June 3, 2013

Richard Jackman  
34804 432 Pl.  
Aitkin MN 56431

RE: Dangerous Dog hearing, ICR 13-1550.

Dear Mr. Jackman,

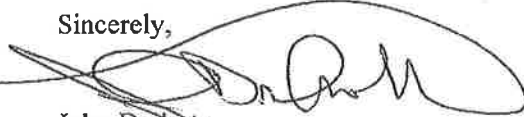
On 5/4/2013, you contacted our office regarding an altercation you had with your neighbor's dog. Based on the information provided to Sgt. Heidi Lenk regarding the incident, the dog's owner, Casey Zalomsky, was issued a Dangerous Dog notice, which determined his dog, "Apollo", to be a dangerous dog.

On 3/29/2013, you had also reported an altercation with this same dog. Based on the information provided to Deputy Travis Winter regarding that incident, the owner had been served with "potentially dangerous" dog notice.

As part of due process, the owner has requested a hearing on this matter to challenge/contest the 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, June 11<sup>th</sup>, 2013 at 11:00 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



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

**Incident Detail Report**

**Printed On: Mon, Jun 03, 2013**

<b>Case Number:</b> 2013001550	<b>NCIC:</b> MN0010000	<b>Status:</b> CAD Import	<b>Status By:</b>
<b>Juvenile:</b> No	<b>Protected:</b> No	<b>Case Hold:</b> No	<b>Additional Reports:</b> Yes
			<b>Status Date Time:</b> 05/04/2013 13:28

**Call For Service**

**Date Reported:** 5/4/2013 **Saturday** 12:16    **Date Committed Start:** 5/4/2013 12:16    **Date Committed End:**

**Received By:** 340    **How Received:** CAD

**Description:** Animal Complaint    **CAD Seq Nbr:** ACSO:2013:1916

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

**Case Status:**    **Case Disposition:**

**Scene**

**Location:**

**Business Name:**

**Low House Nbr:** 34804    **High House Nbr:**    **Community Code:**

**Street:** 432ND PL

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

**City/State/Zip:** AITKIN, MN 56431    **Address:**

**LGN:** 2933    **GEO Code:**    **Weather Conditions:**

**Place Committed:** 34804 432ND PL

**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>
221	5/4/2013 12:26		5/4/2013 12:31	5/4/2013 13:14	Primary

**Offense Detail**

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

**Statute:**    **Status:** Exceptionally cleared    **Status Date:** 05/04/2013    **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 2013001550 (MN0010000)

Incident Detail Report

Printed On: Mon, Jun 03, 2013

Associations

**Name:** Jackman, Richard Irwin **Driver License:** D514073108310  
**Role:** Complainant **Resident:**  
**Phone:** (218)927-3468 **DOB:** 8/2/1931 **Age (Range):** 81 **Organization Type:**  
**Address:** 34804 432nd pl, aitkin, MN 56431 **LGN:**  
**Sex:** Male **Race:** **Disability:**  
**Eye Color:** Blue **Hair Color:** **Height:** 5'11" **Weight:** 200 lbs.

**Name:** Manos, Angela Rea **Driver License:**  
**Role:** Owner **Resident:**  
**Phone:** (763)222-5949 **DOB:** 9/27/1984 **Age (Range):** 28 **Organization Type:**  
**Address:** 34824 432nd Pl, Aitkin, MN 56431 **LGN:**  
**Sex:** Female **Race:** **Disability:**  
**Eye Color:** **Hair Color:** **Height:** **Weight:**

Media

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
5/9/2013	13-1550	Notice of Determination of Dangerous Dog
5/9/2013	13-1550	Request for Prosecution - Manos
5/9/2013	13-1550	Request for Prosecution - Zalomsky
6/3/2013	13-1550	Receipt, Inventory & Return Search Warrant
6/3/2013	13-1550	Application for Search Warrant & Supporting Affidavit Dangerous Dog hearing paperwork

Narrative

R: LGN 2933  
R: CI states the neighbors dog came after him again.  
R: Per 221 dog deemed dangerous and papers were served.



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

2013001550 002 NTE 221 rpt

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

*Description:* 221 rpt *Sequence:* 002     *Report Date:* 05/04/2013  
*Case Number:* 2013001550     *N C I C:* MN0010000     *Off Cd:* 7818     *Report Type:* Notes  
*Officer:* 221     *Approval Process:*     *Secured:* No  
*CSI Status:*     *Status By:*     *Status Dt/Tm:* 05/04/2013 15:32

**Notes**

**AITKIN COUNTY SHERIFF'S DEPARTMENT  
INVESTIGATIVE REPORT**

INV. REPORT BY: Sgt. Heidi Lenk #221     CASE: 13-1550

NATURE OF CASE: Dangerous Dog

LOCATION: 432nd Pl, Aitkin

**SUMMARY**

Richard Jackman reported he was endangered by his neighbor's dog again.

**PERSONS MENTIONED:**

REPORTED BY:     Name/DOB:     Richard Irwin Jackman 08-02-31  
   Address:             34804 432nd Pl, Aitkin, MN 56431  
   Telephone (H/W):     218-927-3468

SUSPECT:             Name/DOB:             Angela Rea Manos 9-27-1984  
   Address:             34824 432nd Pl. Aitkin, MN 56431  
   Telephone: (H/W):     763-222-5949

NOTIFIED OF VICTIM'S RIGHTS     [ ] YES     [X] NO

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

DATE AND TIME OCCURRED: 05-04-2013

TIME ARRIVED: 1231

TIME CLEARED: 1314

Notes

## DETAIL:

On May 4, 2013 I responded to a dog complaint at the Richard Jackman residence. Mr. Jackman called and said his neighbor's dog came after him again. Dispatcher Mower advised that Deputy Winter had taken a complaint on March 28, 2013 of the similar thing; see ICR # 13-1080. On March 29, 2013, Casey Zalomsky was served Potential Dangerous Dog papers for Apollo.

I met with Mr. Jackman at his residence and he gave me a statement about the incident. He said he walked down to get his mail today at 1145. He was walking on 432nd Place past the neighbor's residence where the dog lives. He said the white dog was inside the house barking at him. When he was on his way back home, he noticed the white dog was outside. He said the white dog came on the road at him. It was aggressively barking at him and he was in fear of being bit.

When the dog got close to him he hit it in the head with his cane. I asked him what the dog did when he hit it. He told me the dog left him alone. Mr. Jackman said the kids were yelling for the dog to come back. A woman then came out of the house and was able to get the dog under control and back into the house. Mr. Jackman said this is the second time the dog has charged him. He described the dog as a large white English Bulldog. See his statement for further details.

I then went to 34804 432nd Pl.; this is the residence where the white dog lives. This house is next to Mr. Jackman's residence and is on the way to the mailbox. I spoke with Angela Manos at the residence. She told me that she is a co-owner of the dog. She lives at this address with her boyfriend, Casey Zalomsky, they own the dog together. Angela gave me a statement about what happened.

Angela said the man and his dog walked by her house today. They were walking on the road. Angela's dogs started barking and Elijah, her child let the dogs out of the house. Angela thinks the dogs were barking at the man's dog. Angela said her dogs wanted to play with the man's dog. When Angela saw this she went out and got the dogs. She said her dogs were not growling or being mean they were just barking. Angela said the two dogs that were outside are Apollo and Harley. I asked the breed and colors of the dogs. She said Apollo is a white Bulldog and Harley is a brown boxer mixed with lab. I asked her which dog she had to grab. She said she did not have to grab any of them. She was able to yell at the dogs and they came back. I asked Angela if the man walks with a cane, she said yes he was. I asked her if she saw the man hit her dog with his cane, she said no. Angela said she yelled to the man that she was sorry the kids let the dog out. The man did not respond to her. See her statement for further details.

I filled out Dangerous Dog papers on Apollo, Angela signed the form and she was given copy. Angela asked how she could contest the designation. I told her there is a process and gave her the Declaration of Ownership and Request for a Hearing form. I filled out the top portion of the form and explained to her that she needed to fill out the rest and turn it into the Aitkin County Administrator's Office. She was also given a packet of information on the Minnesota State Statutes on Regulations of Dangerous Dogs. I went through this packet with her and pointed out all of the things that would need to be done now that Apollo was designated dangerous. She said she would read through it with her boyfriend Casey.

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It should be noted on April 4, 2013 the dog had a microchip implanted.

I took photos of both her dogs.

Sgt. Heidi Lenk #221

ACSO



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

2013001550 005 NTE sup rpt

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

<i>Description:</i> sup rpt		<i>Sequence:</i> 005	<i>Report Date:</i> 05/17/2013
<i>Case Number:</i> 2013001550	<i>N C I C:</i> MN0010000	<i>Off Cd:</i> 7818	<i>Report Type:</i> Notes
<i>Officer:</i> 221	<i>Approval Process:</i>	<i>Secured:</i> No	
<i>CSI Status:</i>	<i>Status By:</i>	<i>Status Dt/Tm:</i> 05/17/2013 15:52	

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
 SUPPLEMENTAL REPORT

INV. REPORT BY: Sgt. Heidi Lenk #221      CASE # 13-1550

NATURE OF CASE: Dangerous Dog

LOCATION: 432nd Pl, Aitkin

PERSONS MENTIONED:

Name/DOB: Angela Rea Manos 9-27-1984  
 Address: 34824 432nd Pl. Aitkin, MN 56431  
 Telephone (H/W): 763-222-5949

Name/DOB: Casey Alan Zalomsky 7-12-81  
 Address: Aitkin Mobile Home Park 39625 Deer St, lot #25  
 Telephone (H/W): 218-821-2502

DETAILS:

On May 17, 2013 I followed up with Angela and Casey about Apollo. I went to the residence on 432nd Place to check the dog. I was greeted at the door by a female who told me Angela was gone. I asked the lady if the white dog was at the house and she said no. She told me that Casey had moved out a couple days ago. The lady called Angela and handed me the phone.

I spoke with Angela on the phone and she told me that she and Casey had broken up. She said that now that they are broken up she is no longer the owner of the dog. She told me that Casey is living with his ex-girlfriend at the Aitkin Mobile Home Park lot #25.

I went to the Aitkin Mobile Home Park and found Casey at that lot. Casey told me that he has not had a chance to do any of the follow up with the dog. He said that he and his girlfriend Angela are split up and that he had been dealing with the relationship issues. He said that he is planning to go through the process. I told him that the fourteen days would be up tomorrow. He said that he would go in and start the process. I asked him where the

Notes

dog was at. He pointed to his vehicle and said that he has been keeping it in the vehicle for now. He said when he takes him out the dog is on a leash. I explained that this was not an ideal set up and that he needs to look at something better. Casey's vehicle is a 1993 GMC C15, grey and silver in color. This vehicle is registered to Casey with Minnesota license plate 478DXZ.

I asked Casey if he still had the paper work that I gave to Angela. He told me that he has all the paper work from both cases. I told him to refer to the papers as to what he needs to do. He said again that he would get in and take care of it.

End of report.

Sgt. Heidi Lenk #221



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

2013001550 006 NTE 209 rpt

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

*Description:* 209 rpt *Sequence:* 006 *Report Date:* 05/22/2013  
*Case Number:* 2013001550 *N C I C:* MN0010000 *Off Cd:* 7818 *Report Type:* Notes  
*Officer:* 209 *Approval Process:* *Secured:* No  
*CSI Status:* *Status By:* *Status Dt/Tm:* 05/22/2013 08:02

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
 SUPPLEMENTAL REPORT

INV. REPORT BY: Lawrence A. Derksen CASE: 2013001550

NATURE OF CASE: Dangerous dog (Search warrant)

LOCATION: 34824 432nd Pl, Aitkin, MN 56431

PERSONS MENTIONED:

MENTIONED: Name/DOB: Casey Alan Zalomsky 07/12/1981  
 Address: 34824 432nd Pl, Aitkin, MN 56431  
 Telephone (H/W):

MENTIONED: Name/DOB: Angela Rae Manos 09/27/1984  
 Address: 34824 432nd Pl, Aitkin, MN 56431  
 Telephone: 763-222-5949

DETAIL:

On May 21, 2013 I was called by Sgt Heidi Lenk in reference to a case that she has been working on involving a dangerous dog. In that conversation, she asked that I check two separate locations for a silver "low-rider" Chevrolet Suburban. One of those locations was the Aitkin Trailer Court on Deer Street and the other was at 34824 432nd Pl, Aitkin, MN 56431. I was able to locate the target vehicle at the address on 432nd Pl and I notified her of this. I was informed that a search warrant was being applied for and she asked that this information be given to the County Attorney's Office so it could be placed on the warrant application. She also asked that I be the affiant for that warrant.

On May 21, 2013 at approximately 1345 hours, the Honorable John Solien signed the search warrant to

Notes

pick up a white American Bulldog named "Apollo" from the address of 34824 432nd Pl, Aitkin, MN 56431. The warrant was for either the residence at that address or a motor vehicle located on that property. That vehicle was described in the warrant as a 1993 Silver GMC C15 vehicle belonging to Casey Alan Zalomsky with a MN license plate number 478DXZ.

When I arrived at the residence located at 34824 432nd Pl, Aitkin, MN 56431 at approximately 2:13 PM, I knocked on the patio door and was met there by Zalomsky. I also noted that vehicle was still in the driveway. After a short conversation with Zalomsky, I presented him with his copy of the search warrant and he went to get the dog, Apollo. Apollo appeared to be somewhat calm, but did growl a bit at me, but also responded to Zalomsky's commands. I filled out and gave Zalomsky his copy of the Receipt, Inventory and Return which indicates a seizure of Apollo at 2:20 PM on May 21, 2013. While doing so, he asked how to get his dog back and I told him that all of that information was on the paperwork that had been given to him. He stated that some paperwork had been given to his girlfriend at the time, but he never saw it. I then gave him a copy of the MN State Statute for Dangerous dogs. I pointed out that we were at the "Confiscation" part of the procedure and pointed this part out to him on the papers I had just given to him. I told him to read and act quickly or Apollo would be put down. I notified him that according to the paperwork I just gave him, he only had 7 days in which to reclaim Apollo and to not dawdle. He acknowledged this and took the paperwork.

The Receipt, Inventory and Return was filed with the Aitkin County Court Administration on May 21, 2013 at approximately 3:05 PM. The seized dog, Apollo, was taken to the City of Aitkin's dog pound where Police Chief Terry Thompson took control of the dog.

This ends my involvement in this case. This case is also cross referenced to ICR 13-1080.

END OF REPORT



STATE OF MINNESOTA, COUNTY OF AITKIN

DISTRICT COURT

STATE OF MINNESOTA     )  
   )ss.  
 COUNTY OF AITKIN         )

**APPLICATION FOR SEARCH  
 WARRANT AND SUPPORTING  
 AFFIDAVIT**

Larry Derksen being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises and motor vehicle hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

American Bulldog named "Apollo"

are  
 at the premises described as:

Residence of Angela Rae Manos, d.o.b. 9/27/1984, located at 34824 432<sup>nd</sup> Place, Aitkin, MN 56431.

in the motor vehicle described as:

1993 Silver GMC C15 vehicle, license plate number 478DXZ, registered to Casey Alan Zalomsky, d.o.b. 7/12/1981.

located in the Township of Aitkin, County of Aitkin, and State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds: (strike inapplicable paragraph)

1. ~~The property above described was stolen or embezzled.~~
2. ~~The property above described was used as means of committing a crime.~~
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

SEARCH WARRANT

*W. J. Miller*  
2-1

STATE OF MINNESOTA, COUNTY OF AITKIN

DISTRICT COURT

TO: LARRY DERKSEN (A) PEACE OFFICER(S) OF THE STATE OF MINNESOTA.

WHEREAS, Larry Derksen has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described premises and motor vehicle:

Residence of Angela Rae Manos, d.o.b. 9/27/1984, located at 34824 432<sup>nd</sup> Place, Aitkin, MN 56431.

1993 Silver GMC C15 vehicle, license plate number 478DXZ, registered to Casey Alan Zalomsky, d.o.b. 7/12/1981.

located in the Township of Aitkin, county of Aitkin, STATE OF MINNESOTA, for the following described property and things:

American Bulldog named "Apollo"

WHEREAS, the application and supporting affidavit of Larry Derksen was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds: (strike inapplicable paragraph)

1. ~~The property above described was stolen or embezzled.~~
2. ~~The property above described was used as means of committing a crime.~~
3. ~~The possession of the property above described constitutes a crime.~~
4. ~~The property above described is in the possession of a person with intent to use such property as a means of committing a crime.~~
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the above-described premises and in the above-described motor vehicle.

NOW, THEREFORE, YOU LARRY DERKSEN AND SUCH OTHER PERSONNEL ASSIGNED TO ASSIST YOU THE PEACE OFFICER(S) AFORESAID, ARE HEREBY COMMANDED, BETWEEN THE HOURS OF 7 A.M. AND 8 P.M., TO SEARCH THE DESCRIBED PREMISES AND THE DESCRIBED MOTOR VEHICLE FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

Dated: MAY 21, 2013

BY THE COURT:

*John R. Selzer*  
\_\_\_\_\_  
Judge of District Court

The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Affiant is a Deputy with the Aitkin County Sheriff's Office and is a licensed peace officer in and for the State of Minnesota. In that capacity, Affiant has reviewed the investigative materials and report of Aitkin County Sergeant Heidi Lenk, Deputy Travis Winter, and Deputy Jon Cline. On March 28, 2013, Deputy Winter took a taped statement from Richard Jackman regarding a white American Bulldog named "Apollo" that acts aggressive towards him. Mr. Jackman stated when he walks by "Apollo" comes onto the road and growls and barks at him. Mr. Jackman estimated "Apollo" had been acting aggressively for approximately six weeks. Mr. Jackman said Apollo's owners are his neighbors, Casey Alan Zalomsky, d.o.b. 7/12/1981, and Angela Rae Manos, d.o.b. 9/27/1984, who reside at 34824 432<sup>nd</sup> Place, Aitkin, in Aitkin Township, Aitkin County. Mr. Jackman stated when he walks down the middle of the road to retrieve his mail, "Apollo" comes onto the road and tries to get behind him. Mr. Jackman stated he has used his cane to help keep "Apollo" away but has not hit or provoked "Apollo". Mr. Jackman said "Apollo" has also jumped on his dog and has knocked his dog down. Mr. Jackman stated he has spoken with Zalomsky and Manos but they did not do anything with "Apollo".

On March 29, 2013, Deputy Cline served a Notice of Determination of Potentially Dangerous Dog on Zalomsky for "Apollo". Deputy Winter later received confirmation that veterinarian Patti Zebro had microchipped "Apollo" on April 9, 2013.

On May 4, 2013, Sergeant Lenk was dispatched to Mr. Jackman's residence regarding "Apollo" having come after him again. Mr. Jackman stated he had walked down to get his mail at approximately 11:45 a.m. Mr. Jackman said "Apollo" was inside the house barking at him when he first walked by Zalomsky and Manos' residence. On his way home, he observed "Apollo" was outside and came onto the road towards him. Mr. Jackman stated "Apollo" barked aggressively at him and he was scared he was going to be bitten. Mr. Jackman hit "Apollo" on the head when he got close to him, wherein "Apollo" left him alone. Mr. Jackman stated children were yelling for "Apollo" to come back and Manos came out of the house and got "Apollo" back under control and into the house.

Sergeant Lenk proceeded to Zalomsky and Manos' residence and spoke with Manos. Manos stated she lived at the residence with her boyfriend, Zalomsky, and they are co-owners of "Apollo". Manos stated Mr. Jackman and his dog had walked by her house that day and her dogs, "Apollo" and a brown Boxer/Lab mix named "Harley", started barking. Manos said her child let "Apollo" and "Harley" out of the house. Manos believed her dogs were barking at Mr. Jackman's dog and wanted to play with his dog. Manos denied either of her dogs had growled or had been mean and had only barked. Manos denied having to grab either of her dogs and said she was able to yell for both dogs to come back. Manos knew Mr. Jackman walked with a cane but denied seeing Mr. Jackman hit "Apollo" with a cane. Manos said she yelled to Mr. Jackman she was sorry the kids had let the dog out, but Mr. Jackman did not respond. Sergeant Lenk served Manos with a Notice of Determination of Dangerous Dog for "Apollo".

On May 17, 2013, Sergeant Lenk went to Zalomsky and Manos' residence. Sergeant Lenk spoke with a female who stated Zalomsky had moved out a couple days prior and "Apollo" was no longer at the residence. Sergeant Lenk then spoke with Manos over the telephone, who stated she and Zalomsky had broken up and she was no longer an owner of "Apollo". Manos said Zalomsky was living with his ex-girlfriend at the Aitkin Mobile Home Park, 39625 Deer Street, Lot 25, Aitkin, in Spencer Township, Aitkin County.

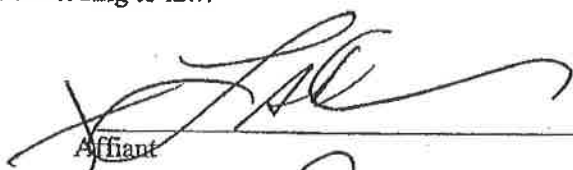
Sergeant Lenk went to the Aitkin Mobile Home Park, Lot 25, and spoke with Zalomsky. Zalomsky said he had not had a chance to do any follow-up with "Apollo" because he and Manos had split up and he has been dealing with relationship issues. Pursuant to the Dangerous Dog Notice, Zalomsky had 14 days from the date of the notice to register "Apollo" or the dog could be confiscated. Sergeant Lenk reminded Zalomsky his 14 days was up the next day. Zalomsky stated he would go in and start the process to register "Apollo". Zalomsky told Sergeant Lenk he was keeping "Apollo" in his vehicle for the time being and "Apollo" was on a leash when taken out. Zalomsky's vehicle is a 1993


Silver GMC C15 low rider vehicle, license plate number 478DXZ. Zalmosky told Sergeant Lenk he still had all of the dangerous dog paperwork of what he needed to do and would get the paperwork taken care of.

As of May 21, 2013, Zalmosky has not started the registration process for "Apollo".

On May 21, 2013, Affiant drove by Manos' residence on 432<sup>nd</sup> Place and observed Zalmosky's low rider vehicle in the driveway.

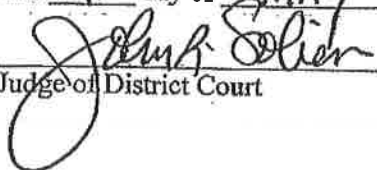
WHEREFORE, Affiant requests a search warrant be issued, commanding **Larry Derksen and such other personnel assigned to assist (a) peace officer(s), of the State of Minnesota, between the hours of 7 a.m. and 8 p.m., to search the hereinbefore described premises and motor vehicle for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.**

  
\_\_\_\_\_  
Affiant

  
\_\_\_\_\_  
Judge of District Court

Subscribed and sworn to before me

this 21<sup>st</sup> day of MAY, 2013.

  
\_\_\_\_\_  
Judge of District Court

STATE OF MINNESOTA, COUNTY OF Aitkin 9th Dist COURT

RECEIPT, INVENTORY AND RETURN

I, Laurance A. Jackson, received the attached search warrant issued by the Honorable John Solien, on 5/21 2013 (yr) and have executed it as follows:

Pursuant to said warrant, on May 21 2013 (yr) at 14:20 (2:20) o'clock P m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant (with) (in) (at) Cosy Alan Zalomeky

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

White American Bulldog named "Apollo"

Large empty table area with a vertical line and horizontal lines for listing property.

Strike when appropriate:

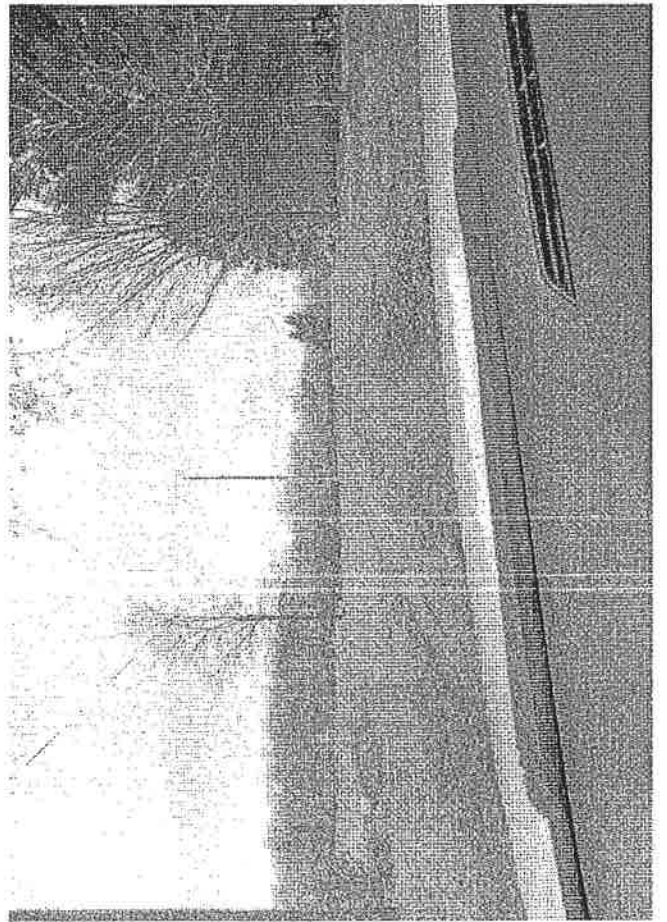
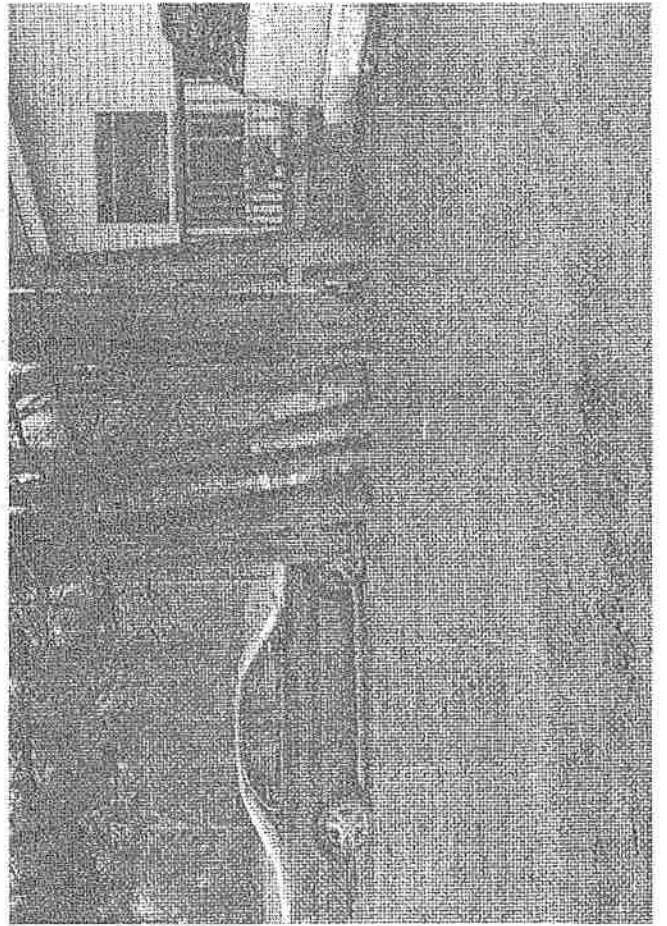
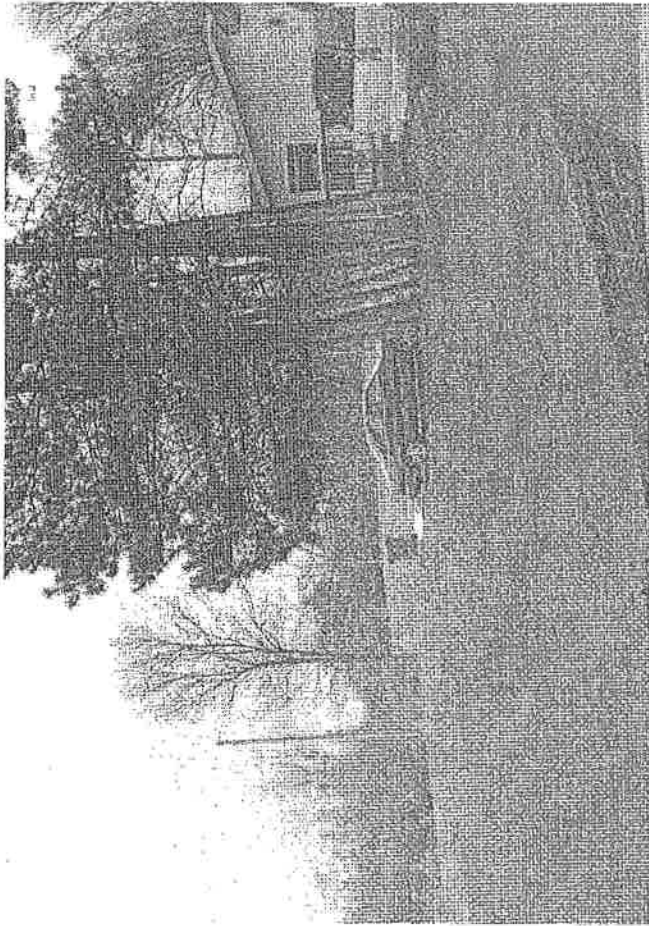
- I left a receipt for the property and things listed above with a copy of the warrant.
None of the items set forth in the search warrant were found.
I shall (retain) or (deliver) custody of said property as directed by Court order.

[Signature], being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

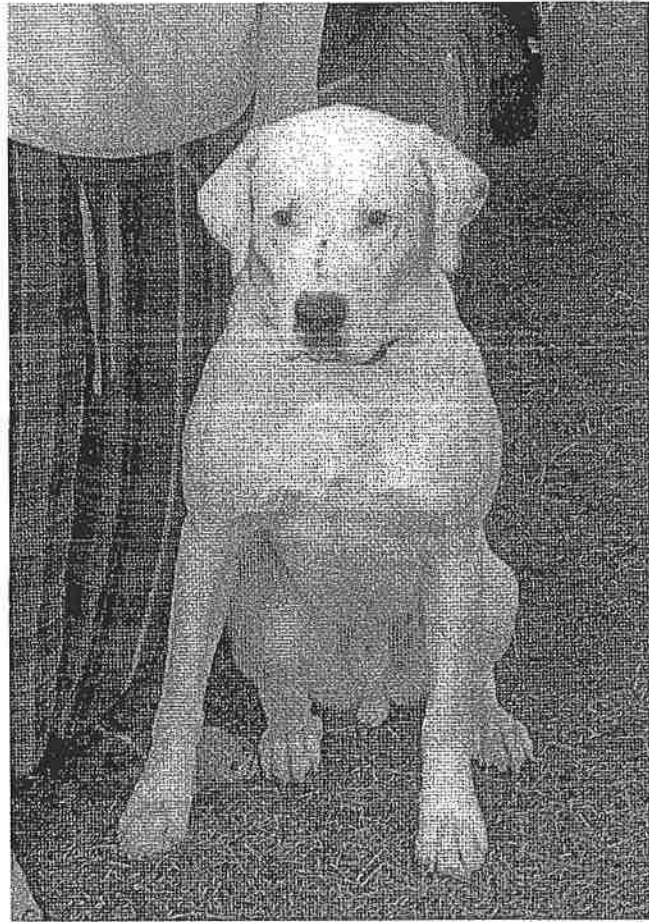
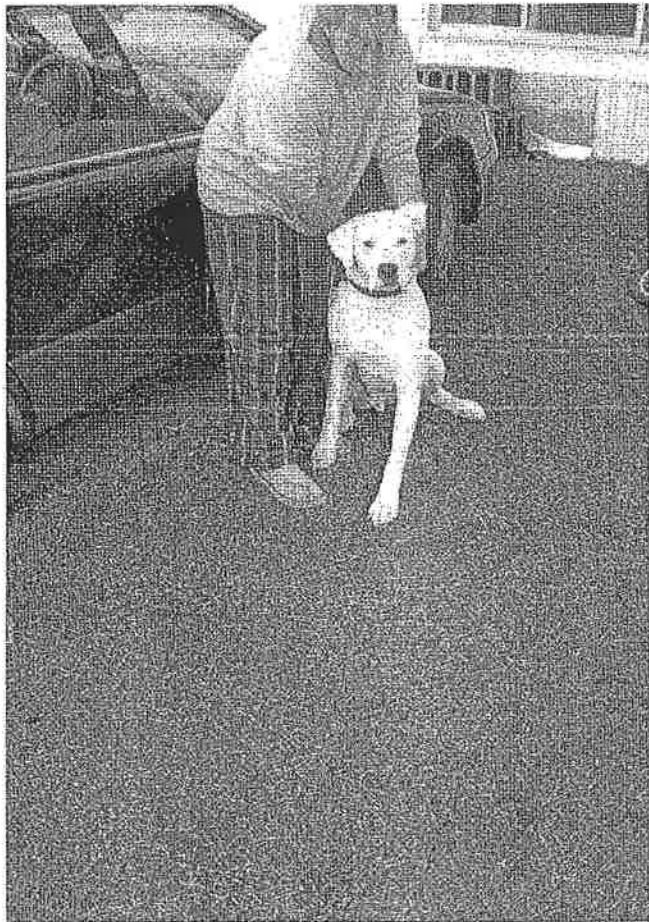
Subscribed and sworn to before me this 21st day of May 2013 (yr)

Notary Public [Signature] County, MN
My commission expires

[Signature]
Signature



13-1550



13-1550



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

2013001550 004 NTE Statement: Jackman, Richard Irwin

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

Description: Statement: Jackman, Richard Irwin      Sequence: 004      Report Date: 05/06/2013  
Case Number: 2013001550      N C I C: MN0010000      Off Cd: 7818      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status D/Tm: 05/06/2013 11:21

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      RICHARD IRWIN JACKMAN  
STATEMENT IS IN REFERENCE TO ICR #:      13-1550  
DEPUTY TAKING STATEMENT:      SERGEANT HEIDI LENK  
DATE OF STATEMENT:      MAY 4, 2013

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- Q      TODAY IS MAY 4TH OF 2013. THE TIME IS APPROXIMATELY 12:45. PRESENT IS MYSELF, SERGEANT HEIDI LENK SPEAKING WITH RICHARD JACKMAN. RICHARD CAN YOU GIVE ME YOUR MIDDLE NAME?
- A      IRWIN.
- Q      AND SPELL THAT.
- A      I-R-W-I-N.
- Q      SPELL YOUR LAST NAME PLEASE?
- A      J-A-C-K-M-A-N.
- Q      AND WHAT IS YOUR DATE OF BIRTH?
- A      AUGUST 2ND, 1931.
- Q      YOUR MAILING ADDRESS?



Supplemental Reports

Notes

A 34804 432ND PLACE AITKIN.

Q PHONE NUMBER?

A 927-3468.

Q O.K. RICHARD CAN YOU TELL ME WHAT HAPPENED TODAY?

A I WALKED DOWN THE ROAD TO GET OUR MAIL.

Q IS THAT 432ND PLACE?

A YES.

Q O.K. YOU LIVE ON THE DEAD END OF THAT ROAD?

A YES.

Q AND YOUR MAILBOX IS...

A IS...

Q ON THE OTHER SIDE.

A PAST THE OTHER HOUSE.

Q K.

A AND I WALKED DOWN THERE ON THE ROAD AND THE DOG BARKED AT THE WINDOW AT ME WHEN I WENT BY. WHITE DOG. AND WHEN I PICKED UP MY MAIL AND WHEN I WALKED BACK THEY LET THE DOG OUTTA THE HOUSE. THE WHITE DOG. AND IT WENT OVER AND AND TO OUR, TO MY DOG FIRST. AND THEN IT SEEN ME. AND COME AT ME REAL AGGRESSIVELY BARKING. AND IT COME CLOSE ENOUGH I HIT HIM ON THE NOSE WITH MY CANE TO KEEP HIM AWAY.

Q WERE YOU IN FEAR OF ANYTHING?

A YES.

Q WHAT WERE YOU IN FEAR OF?

A BEING BIT.

Notes

Q K.

A IT IS A LARGE DOG.

Q WHAT KIND OF DOG?

A ENGLISH BULLDOG. WHITE ENGLISH BULLDOG.

Q DO YOU HAPPEN TO KNOW THE DOG'S NAME?

A NO.

Q K. DO YOU KNOW THE OWNERS OF THE DOG?

A CLAUDE ZEWALSKY'S.

Q IS THAT A MALE OR A FEMALE?

A THAT IS A MALE.

Q K.

A THE KIDS IN THE HOUSE TRIED TO CALL THE DOG BACK IN AND IT WOULDN'T COME. SO THE WOMAN COME OUT THERE AND SHE GOT IT UNDER CONTROL AND GOT BACK IN THE HOUSE AFTER I'D HIT THE DOG TO GET IT AWAY FROM ME.

Q WHAT HAPPENED WHEN YOU HIT THE DOG IN THE NOSE? WHAT DID THE DOG DO?

A IT MOVED AWAY FROM ME.

Q K. DID IT COME BACK AT YOU THEN?

A NO THE WOMAN GOT CONTROL OF IT AT THAT TIME.

Q O.K. DID SHE SEE YOU HIT THE DOG?

A I DON'T KNOW IF SHE SEEN ME HIT IT OR NOT.

Q O.K. WHAT TIME OF DAY WAS THIS?

A IT WAS AT ABOUT QUARTER TO 12.

Q ABOUT 11:45?

Supplemental Reports

Notes

A YES.

Q K. ANYTHING ELSE YOU CAN THINK OF? HAS THIS HAPPENED BEFORE?

A IT HAPPENED BEFORE THAT'S WHY I FILED A REPORT WITH THE SHERIFF'S DEPARTMENT BEFORE WITH DEPUTY WINTER.

Q DO YOU REMEMBER WHAT DATE THAT WAS?

A NO I DON'T REMEMBER WHAT DAY IT WAS.

Q DO YOU REMEMBER HOW LONG AGO IT WAS?

A IT MUST BE APPROXIMATELY THREE WEEKS TO A MONTH AGO.

Q O.K.

A THE DOG HAS NOT BOTHERED ME DURING THAT TIME ON THE ROAD. BUT IT WAS REALLY MAD TODAY AT ME.

Q K.

? IT BARKS THROUGH THE WINDOW (INAUDIBLE).

A OH YEAH, THEY ALWAYS BARK AT THE WINDOW.

Q K.

A WHEN I GO BY. BUT IT'S USUALLY LOCKED IN THE HOUSE WHEN I GO BY.

Q O.K.

A BUT FOR SOME REASON TODAY THEY LET THAT DOG OUT WHEN I WAS COMIN' BACK.

Q AND YOU DIDN'T SEE WHO LET IT OUT IF IT WAS THE CHILDREN OR?

A I, NO.

Q O.K. AND IS THERE ANYTHING ELSE THAT I DIDN'T ASK YOU THAT YOU THINK IS IMPORTANT I SHOULD KNOW?

A NO THERE ISN'T.

Notes

Q K. WE'LL END THE STATEMENT HERE THEN.

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WITNESS	PERSON MAKING THIS STATEMENT	DATE
---------	------------------------------	------

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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 FROM THE TAPED STATEMENT TAKEN ON MAY 4, 2013, BY SERGEANT HEIDI LENK OF RICHARD IRWIN JACKMAN.



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

2013001550 003 NTE Statement: Manos, Angela Rae

Supplemental Reports

Printed On: Mon, Jun 03, 2013

Description: Statement: Manos, Angela Rae      Sequence: 003      Report Date: 05/06/2013  
Case Number: 2013001550      N C I C: MN0010000      Off Cd: 7818      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status Dt/Tm: 05/06/2013 10:15

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      ANGELA RAE MANOS  
STATEMENT IS IN REFERENCE TO ICR #:      13-1550  
DEPUTY TAKING STATEMENT:      SERGEANT HEIDI LENK  
DATE OF STATEMENT:      MAY 4, 2013

---

- 
- Q    TODAY IS MAY 4TH OF 2013. THE TIME IS APPROXIMATELY 1 O'CLOCK. PRESENT IS MYSELF, SERGEANT HEIDI LENK SPEAKING WITH ANGELA. ANGELA CAN YOU GIVE ME YOUR FULL NAME AND DATE OF BIRTH?
- A    ANGELA RAE MANOS. 9-27-1984.
- Q    AND IS RAE R-A-E?
- A    YEAP.
- Q    AND YOUR LAST NAME?
- A    M-A-N-O-S.
- Q    O.K. AND WHAT IS YOUR DATE OF BIRTH?
- A    9-27-84.
- Q    84? AND YOUR MAILING ADDRESS?

Notes

A 34824 432ND PLACE, AITKIN MINNESOTA. 56431.

Q YOUR BIRTHDA, OR I'M SORRY. YOUR PHONE NUMBER?

A UH, 763-222-5949.

Q O.K. THERE WAS AN INCIDENT THAT HAPPENED EARLIER AROUND LUNCH TIME TODAY UM, WITH YOUR NEIGHBOR WHO LIVES ON THE DEAD END. DO YOU KNOW WHAT I'M TALKING ABOUT?

A YEAH.

Q CAN YOU TELL ME ABOUT THAT INCIDENT?

A UM, THERE WASN'T REALLY MUCH OF AN INCIDENT. MY, HE CAME WALKIN' BY WITH HIS DOG. AND THEY WERE RIGHT HERE.

Q ON THE ROAD? IN YOUR YARD?

A UH RIGHT ON THE ROAD. AND THEN MY DOGS WERE BARKING SO ELIJAH OPENED THE SCREEN DOOR AND MY DOGS GOT OUT AND THEY JUST BARKED A LITTLE. AND THAT'S IT. I WENT OUT THERE AND GOT 'EM.

Q O.K.

A THEY WEREN'T GROWLING, THEY WEREN'T BEING MEAN. BUT THEY'RE GONNA BARK IF ANOTHER DOG'S WALKIN' BY. YOU KNOW.

Q O.K. UM, IS, TELL ME ABOUT THE DOGS THAT YOU HAVE THAT RAN OUT.

A WHAT ABOUT 'EM?

Q WHAT WHAT KIND ARE THEY? WHAT ARE THEIR NAMES?

A UM, HARLEY IS A BOXER MIXED WITH LAB.

Q WHAT COLOR?

A BROWN.

Q AND IS THERE ANOTHER ONE?

A APOLLO IS A I THINK HE'S A BULL DOG I'M NOT SURE.

Notes

Q O.K. ARE THESE YOUR DOGS?

A WELL THE WHITE ONE IS MY BOYFRIEND'S.

Q O.K. AND WHO'S THAT?

A CASEY. ZALOMSKY.

Q SPELL THE LAST NAME?

A Z-A-L-O-M-S-K-Y.

Q O.K. AND SO WHICH DOG DID YOU HAVE TO GRAB?

A UM, WELL I DIDN'T HAVE TO GRAB ANY OF 'EM. I JUST CALLED THEM IN.

Q K., SO YOU DIDN'T ACTUALLY LIKE COME OUT INTO THE YARD AND GO AFTER THE DOG?

A NO I JUST CALLED 'EM. THEY WERE BARKING, THEY WERE, THEY WANTED TO PLAY WITH HIS DOG. THEY WERE EXCITED. THEY WERE, BUT THEY'RE DOGS, THEY'RE GONNA BARK IF ANOTHER DOG IS RIGHT IN FRONT OF THEIR YARD.

Q K.

A YOU KNOW. I DIDN'T...

Q DID YOU SEE THE ELDER GENTLEME GENTLEMAN? DID HE SAY ANYTHING TO YOU?

A UM, I SAID OH I'M SORRY. UH, THE KIDS LET THE DOG OUT ON ACCIDENT AND HE DIDN'T SAY A WORD.

Q K. DOES HE WALK WITH A CANE?

A YES.

Q DID YOU SEE HIM HIT ONE OF YOUR DOGS WITH A CANE?

A UM, I DID NOT.

Q O.K. HE'S AFRAID OF THE WHITE DOG.

A O.K.

Notes

Q HE SAID THE WHITE DOG CAME AT HIM IN AN AGGRESSIVE MANNER. UM, CAME UP CLOSE ENOUGH TO HIM WHERE HE FELT HE WAS GONNA GET BIT THAT HE NEEDED TO USE HIS CANE TO WHACK THE DOG OFF TA BASICALLY SO IT WOULDN'T COME AFTER HIM.

A I UH, THERE WAS NO AGGRESSION WHEN I WALKED OUT HERE. IT WAS JUST MY DOGS BEING CURIOUS. THEY WERE MORE EXCITED THAN ANYTHING.

Q K.

A KINDA LIKE I WANNA LOVE YOU.

Q MMM HMM. HAS YOUR DOG BEEN DEEMED POTENTIALLY DANGEROUS?

A UM, WE HAD TO GET HIM CHIPPED SO I DON'T KNOW IF THAT MEANS YES OR NO.

Q O.K. DID YOU SEE ANY PAPERWORK SAYING THAT HE'S A POTENTIALLY DANGEROUS DOG?

A NO.

Q O.K.

A BUT I DIDN'T READ FULL THROUGH THE PAPERWORK 'CAUSE HE HAD COMPLAINED BEFORE.

Q MMM HMM.

A AND WE HAD TO TAKE HIM IN AND GET HIM CHIPPED. AND SO WE DID. AND I DIDN'T READ THROUGH THE PAPERWORK. CASEY DID ALL THAT STUFF.

Q O.K.

A UM.

Q IS THE DOG HERE NOW?

A YES.

Q O.K.

A WOULD YOU LIKE TO MEET HIM?



Notes

Q YEAP. I'LL HAVE TO DO THAT IN JUST A SECOND HERE.

A O.K.

Q IS THERE ANYTHING ELSE THAT YOU WANT TO ADD IN THE STATEMENT TODAY?

A UM, I THINK THAT HE'S BEING MISUNDERSTOOD. UM, I HAVE SIX KIDS. I WOULDN'T HAVE AN AGGRESSIVE DOG. I'VE HAD COMPANY COME IN AND OUT OF MY HOUSE. HE'S NEVER BIT. HE'S NEVER GROWLED. HE'S A LARGE DOG. AND I THINK THE LOOKS INTIMIDATE THE OLD MAN. UM, I DON'T KNOW THE NAME. AND I THINK THAT IT'S JUST A MISUNDERSTANDING IS WHAT'S GOING ON.

Q O.K.

A UM, AND I THINK THAT IT WOULD BE ONLY FAIR FOR HIM TO WORK WITH ME WORKING WITH HIM BECAUSE SINCE THE LAST COMPLAINT I'VE TRIED TO, I'M OUTSIDE WITH THEM WHEN THEY'RE OUTSIDE. GRANTED TODAY THEY LET THEM OUT. BUT I'VE MADE THE RULE WITH THE KIDS. NO DOGS OUTSIDE UNLESS I'M OUT THERE. UM, BUT WHEN HE BRINGS HIS DOG IN THIS WAY, THEN MY DOGS ARE GONNA BARK. THEY ARE GONNA REACT. A DOG SEES ANOTHER DOG NEAR THEIR YARD, IT'S JUST THEIR NATURE. SO I DON'T KNOW, I JUST THINK THAT HE'S MISUNDERSTOOD. I REALLY DO. THAT'S MY OPINION.

Q THAT THE DOG IS MISUNDERSTOOD OR THE MAN?

A NO THE MAN. THE MAN IS MISUNDERSTOOD ABOUT MY DOGS. BECAUSE I WOULDN'T, I WOULDN'T PUT UP WITH IT. I WOULD A BULLET IN HIS HEAD BEFORE I LET IT BE AGGRESSIVE. YOU KNOW.

Q O.K. UM, WAS THIS A VOLUNTARY STATEMENT?

A YEAH.

Q K. WE'LL END THE STATEMENT HERE.

Notes

WITNESS

PERSON MAKING THIS 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 FROM THE TAPED STATEMENT TAKEN ON MAY 4, 2013, BY SERGEANT HEIDI LENK OF ANGELA RAE MANOS.

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

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: CASEY ALAN ZALOMSKY 7/12/81

Address: 34804 432<sup>ND</sup> PL, AITKIN, MN. 56431

Phone#: 218-821-2502

Your dog, a "APOLLO" (AMERICAN BULL DOG), 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.

3/29/2013  
Date

[Signature] #304  
Deputy  
JONATHAN CLINE

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

3/29/2013  
Date

[Signature]  
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: Mon, Jun 03, 2013**

<b>Case Number:</b> 2013001080	<b>NCIC:</b> MN0010000	<b>Status:</b> CAD Import	<b>Status By:</b>
Juvenile: No	Protected: No	Case Hold: No	Additional Reports: No
			<b>Status Date Time:</b> 03/28/2013 10:57

**Call For Service**

Date Reported: 3/28/2013 Thursday 10:18      Date Committed Start: 3/28/2013 10:18      Date Committed End:

Received By: 338      How Received: CAD

Description: Animal Complaint      CAD Seq Nbr: ACSO:2013:1343

Event Type:      CAD Agency: Aitkin County

Case Status:      Case Disposition:

**Scene**

Location:

Business Name:

Low House Nbr: 34804      High House Nbr:      Community Code:

Street: 432ND PL

Unit Nbr/Type:      Intersection Street:

City/State/Zip: AITKIN, MN 56431      Address:

LGN: 2933      GEO Code:      Weather Conditions:

Place Committed: 34804 432ND PL

**Officer Information**

Officer	Dt/Tm Dispatched	Dt/Tm Assigned	Dt/Tm Arrived	Dt/Tm Cleared	Role
212	3/28/2013 10:25			3/28/2013 10:43	Primary
204		3/28/2013 10:18	3/28/2013	3/28/2013	

**Offense Detail**

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

Statute:      Status: Exceptionally cleared      Status Date: 03/28/2013      Criminal Activity:

Counts:      Larceny Type:      Campus Code:      Offense Level:

CAD Offense Code:      CAD Literal: Animal Complaint

   CAD Disposition: Transported

Remark:

Disposition:

Aitkin County Sheriff's Office  
Case Number 2013001080 (MN0010000)

Incident Detail Report

Printed On: Mon, Jun 03, 2013

Associations

**Name:** Jackman, Richard Irwin **Driver License:** D514073108310  
**Role:** Mentioned In Report **Resident:**  
**Phone:** (218)927-3468 **DOB:** 8/2/1931 **Age (Range):** 81 **Organization Type:**  
**Address:** 34804 432nd pl, aitkin, MN 56431 **LGN:**  
**Sex:** Male **Race:** **Disability:**  
**Eye Color:** Blue **Hair Color:** **Height:** 5'11" **Weight:** 200 lbs.

**Name:** Zalomsky, Casey Alan **Driver License:** K921135212912  
**Role:** Owner **Resident:**  
**Phone:** (218)821-2502 **DOB:** 7/12/1981 **Age (Range):** 31 **Organization Type:**  
**Address:** 34824 432nd Pl, Aitkin, MN 56431 **LGN:**  
**Sex:** Male **Race:** White **Disability:**  
**Eye Color:** Brown **Hair Color:** Brown **Height:** 5'10" **Weight:** 225 lbs.

Media

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
4/4/2013	13-1080	Notice Of Determination of Potentially Dangerous Dog
4/10/2013	13-1080	McGregor Veterinary Clinic

Narrative

R: LGN 2933 Dog complaint  
R: Richard states neighbor dogs are growling at him when he walks out to get mail



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

2013001080 002 NTE 212 Note

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

<i>Description:</i> 212 Note		<i>Sequence:</i> 002	<i>Report Date:</i> 04/19/2013
<i>Case Number:</i> 2013001080	<i>N C I C:</i> MN0010000	<i>Off Cd:</i> 7818	<i>Report Type:</i> Notes
<i>Officer:</i> 212	<i>Approval Process:</i>	<i>Secured:</i> No	
<i>CSI Status:</i>	<i>Status By:</i>	<i>Status Dt/Tm:</i> 04/19/2013 18:17	

**Notes**

I spoke with Richard about the dogs growling at him. He said that the white dog at the residence that he walks by acts very aggressive to him. He said that he attempted to speak with the owners about the dog but they did not do anything with the dog. I took a taped statement from Richard about the dog.

Deputy Jon Cline served the owners of the dog potentially dangerous dog papers and explained the process to them. I did receive a letter from the vet. verifying that the dog was chipped. The letter was placed in the case file.

Deputy Travis Winter #212  
04/19/2013



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

2013001080 004 NTE 212 sup

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

Description: 212 sup

Sequence: 004

Report Date: 05/08/2013

Case Number: 2013001080

N C I C: MN0010000

Off Cd: 7818

Report Type: Notes

Officer: 212

Approval Process:

Secured: No

CSI Status:

Status By:

Status Dt/Tm: 05/08/2013 23:43

**Notes**

Jackman informed me that the dog would act aggressively towards him by growling and barking at him. He said that the dog would also show its teeth in an aggressive manner. He says that he was walking in the middle of the road that leads to his residence and he believes it to be a public road. Jackman says that he walks down the middle of the road to retrieve his mail. Jackman also said that the dog will come onto the road and try to get behind him. Jackman says that he has used his cane to help keep the dog away but he has not hit or provoked the dog. He also said that the white dog has jumped on his dog and knocked it down. (see statement)

Deputy Travis Winter #212  
05/08/2013



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

2013001080 003 NTE 204 Note

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

<i>Description:</i> 204 Note		<i>Sequence:</i> 003	<i>Report Date:</i> 05/08/2013
<i>Case Number:</i> 2013001080	<i>N C I C:</i> MN0010000	<i>Off Cd:</i> 7818	<i>Report Type:</i> Notes
<i>Officer:</i> 204	<i>Approval Process:</i>	<i>Secured:</i> No	
<i>CSI Status:</i>	<i>Status By:</i>	<i>Status Dt/Tm:</i> 05/08/2013 07:22	

**Notes**

On 3-29-13 I assisted Deputy Travis Winter by serving the owner of a potentially dangerous dog the applicable papers. Casey Zalomsky was served potentially dangerous dog papers for a white english bull dog named Apollo. I also took a pictures of the dog.

Deputy Jon Cline #204





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

**2013001080 005 NTE Statement: Jackman, Richard Irwin**

**Supplemental Reports**

**Printed On: Mon, Jun 03, 2013**

Description: Statement: Jackman, Richard Irwin      Sequence: 005      Report Date: 05/09/2013  
Case Number: 2013001080      N/C/C: MN0010000      Off Cd: 7818      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status D/Tm: 05/09/2013 09:27

Notes

- Q DEPUTY TRAVIS WINTER WITH AITKIN COUNTY SHERIFF'S OFFICE. TIME IS 1157 HOURS. IT'S MARCH 28TH, 2013. ICR NUMBER'S 13-001080. I'M HERE WITH RICHARD. RICHARD CAN YOU SAY YOUR FULL NAME DATE OF BIRTH?
- A RICHARD I. JACKMAN. AUGUST 2ND, 1931.
- Q K. AND HOW DO YOU SPELL YOUR LAST NAME?
- A J-A-C-K-M-A-N.
- Q K. AND WHAT'S YOUR MIDDLE NAME?
- A IRWIN.
- Q IRWIN?
- A YES.
- Q O.K. ALL RIGHT. HOW 'BOUT A ADDRESS FOR YOU?
- A 34804 432ND PLACE. AITKIN MINNESOTA.
- Q O.K. AND A PHONE NUMBER?
- A 927-3468.
- Q O.K. UM, YOU LIVE AT THE END OF A DEAD END ROAD, CORRECT?
- A YES.
- Q O.K. UM, AND HAVE YOU HAD CONTACT WITH ANY DOGS IN THE AREA?

Notes

A WE HAVE CONTACT WITH THE NEIGHBOR'S DOGS. APPROXIMATELY 150 YARDS FROM US.

Q TO THE WEST?

A WEST.

Q O.K. CAN YOU DESCRIBE THE DOG?

A ONE IS A LARGE WHITE ENGLISH BULLDOG AND THE OTHER ONE IS A BOXER. LARGE BOXER.

Q O.K. AND WHICH ONE ARE YOU HAVING ISSUE WITH?

A THE WHITE BULLDOG.

Q O.K. AND THE (INAUDIBLE) IS THE BOXER?

A PARDON?

Q WHAT COLOR IS THE BOXER?

A IT'S BROWN.

Q BROWN. O.K. SO IT'S JUST THE WHITE DOG THAT'S GIVIN' YA PROBLEMS?

A THE WHITE DOG IS THE PROBLEM AGGRESSIVE DOG.

Q O.K.

A THE BROWN DOG IS THE NUISANCE DOG CHASING OUR CATS AND AGGRESSIVE TO OUR DOG.

Q O.K. WHAT, WHEN YOU SAY AGGRESSIVE, WHAT ARE YOU, WHAT ARE THEY DOIN' THAT'S AGGRESSIVE?

A TO ME THEY ARE HINDERING MY MOVEMENT BY GROWLING AND BARKING AT ME.

Q O.K. UM, ARE YOU WALKING, THIS IS A PUBLIC ROAD CORRECT?

A YES.

Q THAT YOU LIVE AT THE END OF?

Notes

- A I LIVE AT THE END OF A PUBLIC ROAD.
- Q PUBLIC ROAD? O.K. AND IN BETWEEN WHERE YOUR HOUSE IS AND YOUR MAILBOX, IS THAT WHERE YOU'RE YOU'RE WALKING THE ROAD TO GET TO YOUR MAILBOX?
- A YES.
- Q O.K. AND YOU'RE STAYING ON THE ROAD?
- A YES.
- Q O.K. UM, AND THE WHITE DOG, IS IT STAYING ON ITS PROPERTY AND BARKING AND BEING LOUD? IS IT COMING OUT TO THE ROAD?
- A IT'LL COME ONTO THE ROAD AND MEET ME AND FOLLOWING ME.
- Q O.K. IS THE DOG TIED UP EVER?
- A NO.
- Q O.K. SO WHEN YOU'RE WALKING AND YOU SAY IT FOLLOWS YOU IS IT UM, PANTING? IS IT GROWLING? BARKING?
- A IT'S BARKING AND GROWLING AND ACTING AGGRESSIVELY AT ME.
- Q O.K. IS IT SHOWING ITS TEETH AT ALL?
- A YES.
- Q O.K. UM, 'BOUT HOW FAR AWAY FROM YOU IS IT WHEN IT'S DOING THIS?
- A APPROXIMATELY ABOUT 8 FEET.
- Q O.K. AND HOW LONG HAS THIS BEEN GOING ON?
- A FOR I'D SAY A MONTH AND A HALF, 6 WEEKS.
- Q O.K. UM, AND DID YOU TALK TO THE OWNER AT ALL ABOUT THE DOG?
- A YES I HAVE TALKED TO THE THE WOMAN IN THE HOUSE AND I'VE TALKED TO THE MAN.
- Q O.K. AND WHAT DO THEY SAY?

Notes

- A THE WOMAN APOLOGIZED AND THE SECOND TIME I TALKED TO HER SHE SAID SHE WOULD TIE IT UP. AND THE MAN TOLD ME THE DOGS ARE JUST BEING PROTECTIVE.
- Q O.K. AND DID YOU TRY TO DEFEND YOURSELF AT ALL WHEN YOU'RE WALKING ALONG THE ROAD?
- A I WALK WITH A CANE AND I USE MY CANE TO WAVE AT 'EM TO KEEP 'EM AWAY.
- Q O.K. UM, DOES THE DOG APPROACH YOU FIRST BEFORE YA USE YOUR CANE? OR...
- A YES.
- Q O.K. ALL RIGHT. UM, AND I GUESS YOUR ROAD I GUESS WE'LL CALL IT RUNS WEST AND EAST HERE KINDA ON THIS PORTION. ARE YOU WALKIN' ON THE SOUTH SIDE OR ON THE NORTH SIDE OF THE ROAD?
- A I USUALLY WALK DOWN THE MIDDLE OF THE ROAD. IT'S A LITTLE DRYER THERE NOW.
- Q O.K. ALL RIGHT. UM, HAVE YOU HIT THE DOGS AT ALL?
- A NO. IT HASN'T GOT CLOSE ENOUGH. I'D LIKE TO DO IT THOUGH.
- Q O.K. ALL RIGHT. YOU HAVEN'T PROVOKED ANY KIND OF ATTACK...
- A NO.
- Q OR ANYTHING?
- A 'CAUSE I DO NOT STEP OFF THE ROAD.
- Q O.K. AND DO YOU HAVE ANY ANIMALS OF YOUR OWN?
- A I HAVE A DOG OF MY OWN.
- Q O.K.
- A AND OLDER DOG ABOUT 12 OR 13 YEARS OLD.
- Q O.K.
- ? HE'S KINDA SCARED OF 'EM.

Notes

- Q O.K. IS THERE ANY KINDA CONTACT BETWEEN YOUR DOG AND THE NEIGHBOR'S DOG?
- A THE, WHEN THEY FIRST HAD CONTACT WITH OUR DOG THE BROWN DOG JUMPED ON, POUNCED ON OUR DOG AND KNOCKED IT DOWN BUT THEY HAVEN'T BEEN TOO AGGRESSIVE TO IT SINCE. BUT OUR DOG AVOIDS 'EM 'CAUSE HE DOESN'T LIKE 'EM.
- Q O.K.
- A HE'S AFRAID OF 'EM.
- Q ALL RIGHT. UH, RICHARD IS THERE ANYTHING ELSE YOU WANT TO ADD?
- A I HATE TO GET IN TROUBLE WITH THE NEIGHBORS BUT I DON'T WANT THE DOG BUSINESS HERE.
- Q O.K. YOU DON'T FEEL SAFE WALKING DOWN THE ROAD?
- A NO.
- Q O.K.
- ? I WON'T EVEN GO. I TAKE THE BASEBALL BAT WITH ME.
- Q O.K. ALL RIGHT. UM, ANYTHING ELSE YOU WANNA ADD RICHARD?
- A NO.
- Q O.K. THIS IS A FREE AND VOLUNTARY STATEMENT?
- A YES.
- Q I'VE NOT MADE YOU ANY THREATS OR PROMISES?
- A NO.
- Q ALL RIGHT. ENDING TIME IS GOING TO BE 12:02.

WITNESS

PERSON MAKING THIS STATEMENT

DATE

Notes

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 FROM THE TAPED STATEMENT TAKEN ON MARCH 28, 2013, BY DEPUTY TRAVIS WINTER OF RICHARD IRWIN JACKMAN.

(212)  
**INVOICE**

**McGregor Veterinary Clinic**

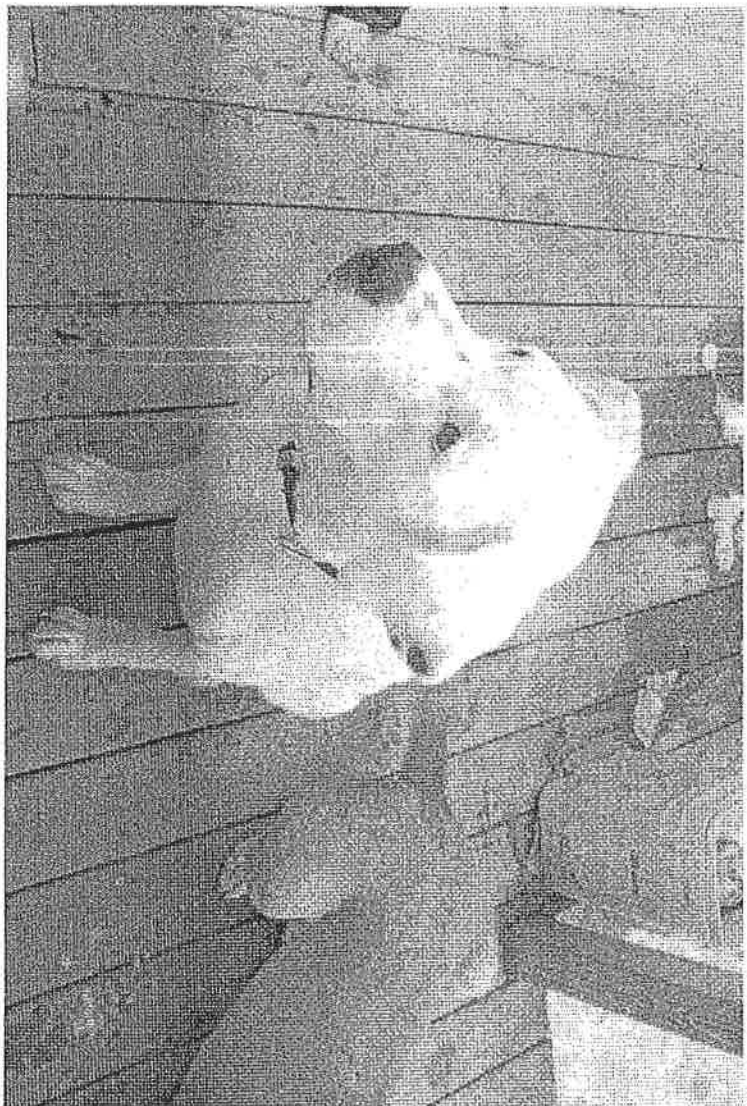
243 W. Highway 210  
McGregor, MN 55760  
(218) 768-7601

**FOR:** Casey Zalomsky  
34824 432nd Place  
Aitkin, MN 56431

**Printed:** 04-09-13 at 3:15p  
**Date:** 04-09-13  
**Account:** 4255  
**Invoice:** 42523

Date	For	Qty	Description	Price	Discount	Net Price
Services by Patti Zebro, DVM						
04-09-13	Apollo	1	Chrome ID Tag*			11.00
04-09-13		1	Resque Microchip			55.00
04-09-13		1	Clip Nails			15.00
Services by						
04-09-13			Visa payment			-81.76
<b>Old balance</b>	<b>Charges</b>	<b>Tax</b>	<b>Payments</b>	<b>New balance</b>		
0.00	81.00	*0.76	81.76	0.00		

Thank you for visiting us! Have a nice day!



13 - 1080



# 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