

June 22, 2009

Date..... PUBLIC HEARING ON DANGEROUS ANIMAL APPEAL OF ANDREW NEWSOM

WHEREAS, Andrew Newsom, 1105 Euclid Avenue, Des Moines, Iowa, filed an application for appeal before the City Council of the City Hearing Officer's decision upholding the Chief Humane Officer's declaration of his dog as a dangerous animal; and

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

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

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

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

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

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

MOVED BY _____ TO REVERSE DECLARATION.

FORM APPROVED:
K. Massier
 Katharine Massier
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

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

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

 City Clerk

EXHIBITS FOR DANGEROUS ANIMAL

“JUSTICE”

EXHIBIT (A) **Hearing Officer’s Decision
(City Exhibit – A)
Pages 1-29**

EXHIBIT (B) **Appellant Exhibit (1)
Pages 1-3**

EXHIBIT (C) **Appeal for Mr. Newsom**

EXHIBIT (D) **Letter to Mr. Newsom & Attorney
(Setting date for appeal to Council)**

EXHIBIT (E) **Administrative Hearing Transcript**



June 8, 2009

Andrew Newsom
1105 Euclid Avenue
Des Moines, IA 50316

Subject: Decision of Hearing Officer
Dangerous Animal

Mr. Newsom:

A hearing was held regarding your dog "Justice".

Attached is the decision of the Hearing Officer. The Hearing Officer has upheld the Chief Humane Officer's decision declaring your dog as dangerous as stated on the attached Decision and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Rauh". The signature is stylized and cursive.

Diane Rauh
City Clerk

DR:kh
Attach

**City of Des Moines, Iowa
June 2, 2009 Administrative Hearing**

In re:)	
)	
)	
ANDREW NEWSOM,)	DECISION AND ORDER
Respondent)	AND
)	NOTICE OF APPEAL RIGHTS
)	

Andrew Newsom was represented by legal counsel, Jason Springer. Sergeant Scott Raudabaugh, the Chief Humane Officer and Chief of the Animal Control Unit for the City of Des Moines Police Department, appeared on behalf of the City.

Procedural History

On May 16, 2009, the Des Moines Police Department responded to a complaint of a white and brown colored male Pit Bull breed dog running at-large that ran onto the property of Jessica Espinosa and bit her and her dog. On May 16, 2009, the Des Moines Police went to 1105 Euclid Avenue where the victim had noted the bite dog lived, and a door hanger was left after finding no one home. The door hanger advised of the need to contact ARL as soon as possible in regards to the incident. On May 17, 2009, the Des Moines Police again went to 1105 Euclid Avenue to make contact with the bite dog's owner, but there was no answer. However, a dog matching the victim's description could be seen in the window. On May 21, 2009, the Des Moines Police went to 1105 Euclid Avenue but found no one home. On May 22, 2009, the Des Moines Police went to 1105 Euclid Avenue and found no one home but could hear the dog barking and see it in the window. On May 22, 2009, the Des Moines Police obtained a search warrant and went into 1105 Euclid Avenue, with the assistance of a locksmith, and seized the dog. A door hanger was left to inform the residents that the dog was impounded to ARLCC and proof of license, rabies tag and insurance were required. May 23, 2009, the City Veterinarian identified the bite animal by a microchip implanted in the dog revealing: (1) its name as "Justice," (2) its owner as Mr. Newsom, and (3) that it had been declared a "vicious dog" on November 1, 2005, at which time Mr. Newsom elected to remove his dog from the City instead of licensing the animal. On May 28, 2009, the Des Moines Police called Mr. Newsom informing him that an investigation was still ongoing into the May 16, 2009 bite incident and inquired as to why Mr. Newsom had never contacted anyone as requested. On May 28, 2009, notice was served on Mr. Newsom at 1105 Euclid Avenue informing him that (1) his dog is being declared a "dangerous animal" in accordance with sections 18-203 and 18-202 of the Des Moines Municipal Code; (2) an administrative hearing to review the "dangerous animal" declaration has been scheduled for June 2, 2009; (3) if the "dangerous animal" declaration is upheld his dog may be destroyed in a humane manner; and (4) his dog will remain in impound pending the decision of the administrative hearing officer. The administrative hearing was so conducted on June 2, 2009.

Decision and Order

The issue is whether the dog in question is a "dangerous animal." In pertinent part, section 18-196 of the Des Moines Municipal Code defines "dangerous animal" as "any animal, including a dog . . . that has bitten or clawed a person while running at large and the attack was unprovoked." In the case at hand, Mr. Newsom's dog was running at-large when it ran from 1105 Euclid Avenue onto Ms. Espinosa's property. Furthermore, the evidence supports that Mr. Newsom's dog bit both Ms. Espinosa and her dog in an unprovoked attack after it ran onto her property.

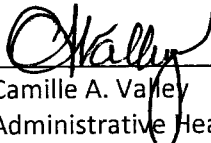
It is unfortunate Mr. Newsom is just now beginning to take the steps necessary for maintaining a "vicious dog," as evidence by the insurance rider he had just purchased on May 28, 2009. However, Mr. Newsom had been forewarned as early as November 2005 that if his dog was ever found within the City of Des Moines not properly licensed and at-large it would be seized and destroyed in a humane manner by the Animal Control Unit with the Des Moines Police Department. At that time he elected to remove his dog from the City rather than license it and comply with the requirements for maintaining a "vicious dog."

By a preponderance of all evidence in the record, the declaration that Mr. Newsom's dog is a "dangerous animal" by the Chief Humane Officer is upheld. Therefore, the Chief Humane Officer is ordered to destroy Mr. Newsom's dog, "Justice," in a humane manner, as provided under section 18-202(b) of the Des Moines Municipal Code. Furthermore, Mr. Newsom is ordered to pay all impoundment and quarantine costs, as provided under section 18-202 of the Des Moines Municipal Code.

Appeal Rights

This order may be appealed to the City Council provided a written appeal is filed with the City Clerk's office within three days after receipt of this order. The written notice of appeal shall state the grounds for the appeal and shall be delivered personally or by certified mail to the City Clerk's office. Failure to file a written notice of appeal in a timely manner shall constitute a waiver of the right to appeal this order to the City Council.

This written ruling is hereby submitted on this 5th day of June, 2009 in Des Moines, Polk County, Iowa. As provided under section 18-202(a) & (b), the City Clerk shall cause this order to be served.



Camille A. Valley
Administrative Hearing Officer

Sec. 18-41. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the legally designated chief of the police department or a designated representative.

Director of public health means the county health center director or a designated representative acting in behalf of the city.

Dog means and includes both male and female animals of the canine species.

Owner means any person owning, keeping or harboring a dog.

Vicious dog means:

- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite;
- (4) Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
- (5) Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
- (6) Staffordshire terrier breed of dog;
- (7) The American pit bull terrier breed of dog;
- (8) The American Staffordshire terrier breed of dog; or
- (9) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier.

(C42, §§ 114-6, 114-9; O.5385, 5506; C54, § 5-19; O.6002; C62, § 5-19; C75, § 7-13; O.9097; C79, § 7-13; O.9828; C85, § 7-13; O.11,095; C91, § 7-13; O.11,914)

Cross references: Definitions generally, § 1-2.

Sec. 18-56. Confinement of vicious dogs.

(a) All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

(b) All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog.

(c) All structures erected to house vicious dogs must comply with all city zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

(d) No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and the leash are under the actual physical control of a person 18 years of age or older.

(e) Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

(f) Violation of this section is a misdemeanor.

(C85, § 7-27.01; O.11,095, 11,558; C91, § 7-27.01)

Sec. 18-55. Running at large.

- (a) A dog, properly licensed as required by law, shall not be deemed at large if:
- (1) The dog is on the premises of the owner or a person given charge of the dog by the owner and is either:
 - a. Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow a dog to go beyond the owner's real property line; or
 - b. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog by the owner. At no time shall the dog be more than six feet from such person.
 - (2) The dog is off the premises of the owner and is:
 - a. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog; or
 - b. Properly restrained within a motor vehicle.
 - (3) The dog is properly housed in a veterinary hospital or registered kennel.
 - (4) The owner and the dog are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
 - (5) The dog and the owner are actively engaged in a generally recognized dog obedience training program or training for a generally recognized kennel club event, provided:
 - a. The dog is in the actual physical presence of the owner or trainer at all times;
 - b. The owner or trainer is at no time more than 50 feet from the dog;
 - c. The dog is immediately obedient to the commands of the owner or trainer; and
 - d. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog.
- (b) A dog shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled in one of the methods set forth in subsection (a) of this section.
- (c) Notwithstanding any other section of this article, any dog shall be deemed at large at any time when attacking persons, domestic animals, destroying property, or on a public school ground except when under restraint as set out in subsection (a)(2) of this section. Furthermore, any female dog in heat shall be deemed at large at any time except:
- (1) When housed in a building which is completely enclosed;
 - (2) When housed in a veterinary hospital or registered kennel; or
 - (3) When on the premises of the owner, provided the area on which such dog is located is:
 - a. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six feet; such fence, pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; or

- b. If the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described in subsection (c) (3)a of this section.

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

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

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

Sec. 18-203. Immediate seizure or destruction of animals.

Any animal found at large which displays dangerous tendencies, or which is an illegal animal, or which has been previously declared vicious or is vicious by breed according to article II, section 18-41 (6), (7), (8), or (9) of this chapter and has bitten without provocation a person or a domestic animal while such vicious dog was not properly confined or leashed may be processed as a dangerous animal under section 18-202 of this article, and the animal may be immediately seized anywhere within the city unless the animal is so dangerous that it cannot safely be apprehended, in which case the chief humane officer, his or her designee, or any police officer is authorized to destroy it immediately.

(C85, § 7-51; O.11,095; C91, § 7-51; O.14,415, 14,462)

Sec. 18-202. Seizure, impoundment and disposition of dangerous animals.

(a) The chief humane officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a dangerous animal as defined in this article, may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the city manager or his or her designee. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours' written notice of the time and place of the hearing. The notice shall set forth the description of the animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous it may be ordered destroyed or the owner may be given the option to cause it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service. A notice that a dog is a dangerous animal may include as an alternative an allegation that a dog is a vicious dog under sections 18-41 and 18-59 of this chapter, and the hearings shall proceed together under this section.

(b) If, after hearing, the city manager or his or her designee determines that an animal is dangerous, the city manager or his or her designee shall either order the animal destroyed in a humane manner by the chief humane officer, or order the person owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the animal is ordered to be destroyed by the chief humane officer such order shall be carried out after the appeal period in subsection (c) of this section has expired. If the animal is ordered to be destroyed by the owner, such order must be complied with within three days of its issuance, otherwise the city manager or his or her designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the city manager or his or her designee was issued has not appealed such order to the city council, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(c) The order to destroy a dangerous animal issued by the city manager or his or her designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order to destroy the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the city manager or his or her designee.

(d) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing the city council may affirm or reverse the order of the city manager or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing or any continued session thereof.

(e) If the city council affirms the action of the city manager or his or her designee, the city council shall either order the animal destroyed by the chief humane officer, or order that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal shall cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to destroy. If the animal is ordered to be destroyed by the chief humane officer the order shall be effective on the fourth day after receipt of the order by the owner unless the county district court has been petitioned to review the order within the first three days after receipt. If the animal is ordered to be destroyed by the owner and such order is not appealed to the county district court and is not

complied with within three days after receipt of the order by the owner, the chief humane officer or his or her designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the city council was issued has not petitioned the county district court for a review of the order, the city manager or his or her designee shall cause the animal to be destroyed in a humane manner.

(f) Failure to comply with an order of the city manager or his or her designee issued pursuant to this section and not appealed or of the city council after appeal shall constitute a misdemeanor offense.

(g) Any animal which is alleged to be dangerous and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous. If the animal is not determined to be dangerous and was found at large, the owner shall only pay those costs attributable to the initial confinement and any required quarantine. If the animal is not determined to be dangerous and was not at large at the time of confinement, the owner shall only pay those costs attributable to any required quarantine.

(C79, § 7-50; O.10,541; C85, § 7-50; O.11,095; C91, § 7-50; O.13,854, 13,977, 14,462, 14,677)



Chief Humane Officer

DOCUMENT SERVICE

DMPD Case number: 2009-15170

ARL number (if known): A03007289

Animal owner's name: ANDREW NEWSOM

Address: 1105 EUCLID AV. #2

Location of service: SAME

Date and time served: 28 MAY 2009 2020

Official serving document (print name):
Sgt. Scott RAUBA BAUGH

Official's identification number: 4770

Type of document served: Vicious dog letter Dangerous

animal letter Illegal animal letter Hearing ruling letter

City Council decision letter Other: _____

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

O SLEPPED INSIDE THRU THE
EDGE OF THE DOOR.

Their signature: X _____

8 KF ACU

2009 MAY 29 PM 1:13

May 28, 2009

Mr. Andrew Newsom
1105 Euclid Avenue
Des Moines, Iowa

Mr. Andrew Newsom,

On May 16, 2009 your white and brown colored male Pit Bull breed dog, named "Justice," was running at-large when it went after a neighbor's dog and during the attack it bit the neighbor, which caused injury to the neighbor's hand. After failing to respond to a notice to contact animal control a search warrant was obtained and your dog was impounded and taken to the animal shelter for quarantine. (2009-15170)

On November 1, 2008 ²⁰⁰⁵ your dog, named "Justice," was found unlicensed in the City of Des Moines and impounded. The City Veterinarian evaluated your dog and determined that it exhibited predominate characteristics of a "Vicious Dog," defined by city ordinance 18-41 as a Staffordshire Terrier or an American Pit Bull Terrier or an American Staffordshire Terrier or a dog which has the appearance and characteristics of being predominately of those breeds. (2008-44547)

Because your dog is defined as a vicious dog and was not properly confined or leashed, in accordance with the vicious dog ordinance 18-56, and was involved in an unprovoked bite it is being declared a "Dangerous Animal," in accordance with the dangerous animal ordinance 18-203 and 18-202.

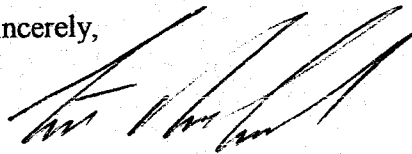
An Administrative Hearing to review the "Dangerous Animal" declaration has been scheduled for 2:00 P.M. on Tuesday, June 2, 2009 in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive.

If the "Dangerous Animal" declaration is upheld your dog may be ordered destroyed in a humane manner or you may be given the option to cause it to be destroyed in a humane manner.

Your dog will remain in impound pending a decision by the Hearing Officer.

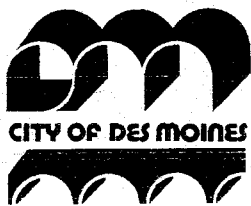
If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,



Sergeant Scott Raudabaugh,
Chief Humane Officer

cc: City Clerk's Office



ANIMAL CONTROL
POLICE DEPARTMENT
1615 S.E. 14TH STREET
DES MOINES, IOWA 50320-1010
(515) 242-2720

ALL-AMERICA CITY 1949, 1976, 1991

2009 - 15170

May 29, 2009

Andrew Newsom
1105 Euclid Avenue
Des Moines, IA 50313

Re: Administrative Hearing- Dangerous Dog

A hearing has been set for **Tuesday, June 2, 2009** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive, at 3:00 P.M.** The original letter served was scheduled for **2:00 P.M.** Due to a clerical error, the correct time will be **3:00 P.M.**

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

Pursuant to Section 18-202 of the Municipal Code, (copy enclosed), you will be given an opportunity to be heard at the hearing.

If you have questions in this regard, please call.

Sincerely,



Diane Rauh
City Clerk

DR/kh

Enclosure

cc: Hearing Officer
Assistant City Attorney
Staff Notification
File



DIANE RAUH
CITY CLERK
CITY HALL--2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

PARKING TICKETS
PET LICENSES
BUSINESS LICENSES

ALL-AMERICAN CITY
1949, 1976, 1981,
2003

9 KF ACV

2009 MAY 29 PM 6:40

UTL Bite dog

2009 MAY 19 PM 5:39

Qt release 26 May 09 1900

Animal Incident Investigation Report

Des Moines, Iowa Police Department

32. District:		33. Beat:		1. Impounded animal AHR/ARL number:		2. DMPD case number: 09-15170	
34. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input checked="" type="checkbox"/>				3. Victim's name (Last, First M.I.): Espinoza Jessica (Human victim or society)			
35. Animal breed: Pit type				4. Race: W F		5. Sex: F	
36. Animal color: White w/ brown spots				6. Age:		7. Date of birth: 5-8-82	
37. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>				8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>			
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>			
39. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> (Records Personnel: Enter M/C# as a serial number)				10. Residence address: 3611 11th (City and/or state if not Des Moines or Iowa)			
M/C#:				11. Residence phone number: 515-418-4599		12. Business or cellular phone number:	
40. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:				13. Place of employment or school: NA			
40A. Date of vaccination:				14. Type and location of injury: (R) thumb + middle finger small scratch on middle finger			
40B. Date of vaccination expiration:				15. Medical treatment: - cleaned hands			
40C. Veterinarian:				16. Reporting person's name (Last, First M.I.): Espinoza Jessica			
41. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:				17. Race: W F		18. Sex: F	
42. Other identifiers (Collar, tattoo, etc.):				19. Age:		20. Date of birth: 5-8-82	
43. Confinement/quarantine location:				21. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
44. Impounded or bite animal owner's name (Last, First M.I.): unk				23. Residence address: 3611 11th (City and/or state if not Des Moines or Iowa)			
46. Residence phone number:		47. Place of employment or school: unk		24. Residence phone number: 515-418-4599		25. Business or cellular phone number:	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>				49A. Date and time of notification: 16 May 09 1730		49B. Person making notification: Aldrich ARS	
49C. Means of notification: green door hanger				26. Location of incident (address): 3611 11th st.			
50. Witness' name (Last, first): Wilson, Chadwick		51. Residence address: 3611 11th st (City and/or state if not Des Moines or Iowa)		27. Location type: Res		28. Date and time incident occurred: 16 May 09 1900	
53. Witness' name (Last, First):		54. Residence address: (City and/or state if not Des Moines or Iowa)		29. Date and time incident reported: 16 May 09 1931		30. Crime/incident type: Animal bite: vicious dog	
55. Daytime or cellular phone number: 515-418-4599		31. Classification:		56. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>			
57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:				58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>			
59. Animal breed:		60. Animal color: N		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>			
62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>				63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> R/T#:			
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:				63A. Date of vaccination:		63B. Date of vaccination expiration:	
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:				63C. Veterinarian:			
66. Type and location of injury:				67. Medical treatment:			
68. Confinement/quarantine location:				69. Victim animal owner's name (Last, First M.I.):			
70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:			
73. Reporting officer: Sean Aldrich ARS I.D. No.		74. Status: <input type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		75. Copy/copies made by:		76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	
77. Second officer: I.D. No.		78. Supervisor approving report: I.D. No.		79. Reviewed by:			

80. Page: <u>2 of 2</u>		Animal Incident Investigation Report Des Moines, Iowa Police Department				81. DMPD case number: <u>09-15170</u>		
82. Suspect or offender <u>one</u> (1) name (Last, first Middle):					83. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	84. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	85. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
86. Race:	87. Sex:	88. Age:	89. Date of birth:	90. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	91. Height:	92. Weight:	93. Hair color:	94. Eye color:
95. Residence address: (City and/or state if not Des Moines or Iowa)								
96. Residence or alternate phone number:			97. Driver license number or social security number:			97A. State:	98. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
99. Citation number and crime:				100. Citation number and crime:				
101. Suspect or offender <u>two</u> (2) name (Last, First Middle):					102. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	104. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
105. Race:	106. Sex:	107. Age:	108. Date of birth:	109. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	110. Height:	111. Weight:	112. Hair color:	113. Eye color:
114. Residence address: (City and/or state if not Des Moines or Iowa)								
115. Residence or alternate phone number:			116. Driver license number or social security number:			116A. State:	117. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
118. Citation number and crime:				119. Citation number and crime:				
120. Narrative: <p>Met Jessica at incident address, her home. They were outside when dog, described as white w/ brown spots Pitbull, ran over into her yard from its address, 1105 Euclid, and jumped her dog, and bit her. Jessicas dog did not have any skin break injuries, but she had small abrasion on @ finger + blood blister on @ thumb from bite. I took her info and went to 1105 Euclid where there was no one home. I left door hanger advising to call ARL ASAP in reference to this incident. Follow up needed ASAP to impound bite dog and check tags, insurance, etc.</p> <p>Jessica also said the the bite dog gets out and runs loose frequently</p>								
121. Date of this report: <u>16 May 09</u>								

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): **Espinosa, Jessica** 2. Case number: **09-15170**

3. Form used as a continuation of an Animal Incident Investigation Report: 4. Date of this report: **17 May 09** 5. Date incident occurred: **16 May 09**

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

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

On this date I tried to make contact with dog owner (AR4 assisted) we knocked on doors several times, no answer. Car was in driveway and we could see suspect dog in window in house, dog matched victims description.
Car info: Cadillac Deville lisc. # **684 WQX**
color: off white

A+R investments is the name that came up on license plate search.

More follow up needed to QT bite dog

ARL Reporter: Sean Aldrich	I.D. No. AR5	11. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other: _____
14. Second ARL reporter: Leticia Roberts	I.D. No. AR4	15. Supervisor approving report:	I.D. No.:	16. Reviewed by:

00434169

Animal Incident Supplemental Report
Des Moines, Iowa

1. Human victim or reporting person or animal owner name (Last, First M.I.): ESPINOZA - Jessica	2. Case number: 09-15170
--	-----------------------------

3. Form used as a continuation of an Animal Incident Investigation Report: <input type="checkbox"/>	4. Date of this report: 21 May 09	5. Date incident occurred: 16 May 09
---	--------------------------------------	---

6. Form used to report a follow-up investigation or additional information: <input checked="" type="checkbox"/>	7. Crime/Incident type: general bike 20,	Changed: <input type="checkbox"/> Yes
---	---	---------------------------------------

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

I was sent out to 1105 Euclid apt 2 this is west the
 Pitt loves its the back door of the place. the
 east side of house. I was sent out cause a officer
 you said this is the beta dogs house - I knocked ten times
 no one home no cars around either.

more follow up needed

2009 MAY 22 PM 6:52

10. ARL Reporter: Kris Wilder	I.D. No. AR3	11. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded	12. Copy/copies made by:	13. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other: _____
14. Second ARL reporter:	I.D. No.	15. Supervisor approving report:	I.D. No.	16. Reviewed by:

Animal Incident Supplemental Report
Des Moines, Iowa

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

Espinosa, Jessica

2. Case number:

09-15170

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

4. Date of this report:

22 May 09

5. Date incident occurred:

16 May 09

6. Form used to report a follow-up investigation or additional information:

7. Crime/incident type:

Animal bite: vicious dog

Changed: Yes

8. Page:

1 of 1

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

On 17 May 09 when I tried to contact bite dog owner, it appeared that the house may be divided into front and back separate dwellings. When I viewed dog in the window, it was at the back door, and I could also hear the dog at the back door, barking. The window I saw dog in was on the east side of house near the back door.

2010-11-13 14:14:17

10. ARL Reporter:

Sean Aldrich ARL

I.D. No.

11. Status: Open Closed Excep. Closed

Case file Suspended Unfounded

12. Copy/copies made by:

13. Referred to:

Animal Control
 Detectives PIO
 Chief OPS
 Other: _____

14. Second ARL reporter:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

2009 MAY 26 PH 5: 53

BMPA 52
2009 -
15170

SEARCH WARRANT

State of Iowa
County of Polk
Case No. _____

TO ANY PEACE OFFICER IN THE STATE

On this date, proof having been made before me as provided by law that the property and/or person listed herein should be searched by you for the items listed below, and being satisfied that the facts set out in the application appear to be true, you are hereby commanded to make an immediate search of such property and/or persons and if the property or any part thereof is found you are commanded to take such items into custody until directed to bring the property before me at my office.

PROPERTY OR PERSONS TO BE SEARCHED:

North/back portion of a house at 1105 Euclid Avenue in Des Moines, Iowa.

The house appears to be divided into the front portion and the rear portion but there is not a number on the rear portion door. The dog was seen in a window that is next to the door for the north/back portion of the house at 1105 Euclid Avenue in Des Moines, Iowa.

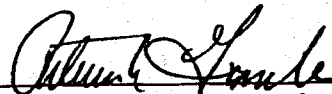
ITEMS SOUGHT:

Unlicensed white and brown colored Pit Bull breed type dog involved in a bite incident.

SUCH ITEMS ARE SOUGHT BECAUSE THEY ARE:

- Property, which has been obtained in violation of the Law.
- Property, which is illegally possessed.
- Property used or possessed with the intent to be used to commit a public offense or concealed to prevent an offense from being discovered.
- Property relevant and material as evidence in a criminal prosecution or investigation.
- A person for whom there is an outstanding arrest warrant.

Dated this 22 day of May, 2009.



Judge or Magistrate

VF ACIA 15

SUPPLEMENTAL Animal Incident Investigation Report

Des Moines, Iowa Police Department

32. District:		33. Beat:		1. Impounded animal AHR/ARL number: 3001289		2. DMPD case number: 0915170	
Impounded or bite animal				3. Victim's name (Last, First M.I.): ESPINOSA, JESSICA (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		4. Race: W		5. Sex: F		6. Age: 27	
35. Animal breed: Pit Bull		7. Date of birth: 5-8-82		8. Ethnicity: H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: WHITE w/BROWN SPOTS		10. Residence address: 3611 11TH DES MOINES IOWA 503				11. Residence phone number: 515 418-4599	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		12. Business or cellular phone number:					
38. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		13. Place of employment or school:					
39. Microchip: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> (Records Personnel: Enter M/C# as a serial number) M/C#: 453A DE 0674		14. Type and location of injury:					
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> RT#:		15. Medical treatment:					
40A. Date of vaccination:		40B. Date of vaccination expiration:		16. Reporting person's name (Last, First M.I.): SAME AS VICTIM			
40C. Veterinarian:		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		17. Race:		18. Sex:	
41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		42. Other identifiers (Collar, tattoo, etc.): CHAIN AROUND NECK		19. Age:		20. Date of birth:	
43. Confinement/quarantine location: ARLCC		43. Confinement/quarantine location: ARLCC		21. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
44. Impounded or bite animal owner's name (Last, First M.I.):		45. Residence address: 1105 EUCLID AVE. DES MOINES IA		23. Residence address: (City and/or state if not Des Moines or Iowa)			
46. Residence phone number:		47. Place of employment or school:		24. Residence phone number:		25. Business or cellular phone number:	
49. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: 22 MAY 2009 1745		49B. Person making notification: R/O		49C. Means of notification: DOOR HANGER	
50. Witness' name (Last, first): WILSON, CHUCK		51. Residence address: 3611 11TH ST		52. Daytime or cellular phone number: 515 418-4599		26. Location of incident (address): 1105 EUCLID AVE. DES MOINES IOWA	
53. Witness' name (Last, First):		54. Residence address: (City and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		27. Location type: RESIDENCE	
56. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		57. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		28. Date and time incident occurred: 16 MAY 2009 1900	
59. Animal breed:		60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		29. Date and time incident reported: 16 MAY 2009 1931	
62. Animal sex: Female <input type="checkbox"/> Spayed <input type="checkbox"/> Male <input type="checkbox"/> Neutered <input type="checkbox"/> Unknown <input type="checkbox"/>		63. Rabies tag: No <input type="checkbox"/> Yes <input type="checkbox"/> RT#:		30. Crime/incident type: ANIMAL BITE			
64. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		63A. Date of vaccination:		31. Classification:			
65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:		63C. Veterinarian:		32. Classification:			
66. Type and location of injury:		67. Medical treatment:					
68. Confinement/quarantine location:		69. Victim animal owner's name (Last, First M.I.):					
70. Residence address: (City and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:			
73. Reporting officer: STEVE SEXTON ARLC		I.D. No.:		74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Excep. Closed <input type="checkbox"/> Case file <input type="checkbox"/> Suspended <input type="checkbox"/> Unfounded		75. Copy/copies made by:	
77. Second officer:		I.D. No.:		78. Supervisor approving report:		I.D. No.:	
				79. Reviewed by: RK		76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other:	

2009 MAY 28 PM 12:43

80. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number: 09-15170

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

86. Race: 87. Sex: 88. Age: 89. Date of birth: 90. Ethnicity: H NH 91. Height: 92. Weight: 93. Hair color: 94. Eye color:

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

96. Residence or alternate phone number: 97. Driver license number or social security number: 97A. State: 98. Sobriety: Sob. H.B.D.

99. Citation number and crime: 100. Citation number and crime:

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

105. Race: 106. Sex: 107. Age: 108. Date of birth: 109. Ethnicity: H NH 110. Height: 111. Weight: 112. Hair color: 113. Eye color:

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

115. Residence or alternate phone number: 116. Driver license number or social security number: 116A. State: 117. Sobriety: Sob. H.B.D.

118. Citation number and crime: 119. Citation number and crime:

120. Narrative:
SUSPECT DOG THIS CASE WAS REMOVED FROM RESIDENCE BY R/O AND SET RAORBAUGH PER SEARCH WARRANT WITH DOOR HANGAR LEFT TO INFORM RESIDENTS. DOG IMPOUNDED TO ARLCC. PROOF OF LICENSE, RABIES TAG, AND INSURANCE REQUIRED.

121. Date of this report: 22 MAY 2009

2009-15170

11/4/05

453A3E0E74



Newsom, Andrew 52
ARL # 131706
P.T.O 11/4/05

"Justice"

CITY OF DES MOINES
ANIMAL CONTROL UNIT

Dispense Docycycline
(rooms B2D x 10
(40))

DATE: 11-01-05

Impound 5/22/09

REFERENCE: ANIMAL HISTORY REPORT # ~~05-41547~~

AC 09-15170

ARL ~~A0309~~
A03007209

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: MEDIUM LENGTH
 DEEP TROUGH
 BROAD SKULL
 PRONOUNCED CHEEK MUSCLES

SHOULDERS: STRONG
 MUSCULAR

NECK: HEAVY
 SLIGHTLY ARCHED

MUZZLE: MEDIUM LENGTH
 JAWS WELL DEFINED
 BLACK NOSE

TAPERS FROM BACK OF SKULL TO SHOULDERS

TAIL: LOW SET
 TAPERS TO FINE POINT
 NOT CURLED OVER BACK

BACK: FAIRLY SHORT
 SLIGHT SLOPING FROM WITHERS TO RUMP

COAT: SHORT
 CLOSE
 GLOSSY

BODY: WELL SPRUNG RIBS.
 FORELEGS SET RATHER FAR APART
 CHEST DEEP AND BROAD

EYES: DARK AND ROUND
 LOW DOWN IN SKULL
 SET FAR APART

LEGS: STRAIGHT FRONT LEGS
 HINDQUARTERS WELL MUSCLED
 MODERATE SIZE FEET

SIZE: 19.5 INCHES AT SHOULDERS
65.9 LBS.

COLOR: tan & white

COMMENTS:

Regina Berry, DVM

5/23/09 wt ~ 58 lbs
abrasions on nose
over 6 mos old

18 11E ACU

2009 MAY 28 PM 12:00

Animal Incident Supplemental Report
Des Moines, Iowa

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

Newsom, Andy

2. Case number:

09-15170

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

4. Date of this report:

28, May 2009

5. Date incident occurred:

16, May 2009

6. Form used to report a follow-up investigation or additional information:

7. Crime/incident type:

Animal bite/Vicious dog

Changed: Yes

8. Page:

1 of 1

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

I called Andy Newsom to ask about why he didn't contact us when a door hanger was left on his door. He explained that he was needing to speak with his roommate before he contacted us. His roommate, Mike, was walking the dog when it got loose and attacked another dog. I asked Mr. Newsom how I can speak to Mike and he advised Mike no longer lives there. I asked for a telephone number and he didn't have the number with him. I advised the investigation was still ongoing at this point and when a door hanger is left it would be to his best interest to contact us ASAP, because it was an animal bite.

10. ARL Reporter:

I.D. No.

Josh Colvin AR-1

11. Status: Open Closed Excep. Closed

Case file Suspended Unfounded

12. Copy/copies made by:

13. Referred to:

Animal Control

Detectives PIO

Chief OPS

Other: _____

14. Second ARL reporter:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

2009 MAY 29 PM 6:41

Animal Incident Supplemental Report
Des Moines, Iowa

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

ESPINOSA JESSICA

2. Case number:

09-15170

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

4. Date of this report:

28 MAY 2009

5. Date incident occurred:

16 MAY 2009

6. Form used to report a follow-up investigation or additional information:

7. Crime/incident type:

ANIMAL BITE

Changed: Yes

8. Page: 1 of 1

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

CONTACT WAS MADE WITH BITE ANIMALS OWNER THIS DATE, ANOY NEWSON. NEWSON WAS ASKED BY R/O WHY NO ATTEMPT WAS MADE BY HIM TO CONTACT ARL AFTER DOOR HANGERS WERE PLACED ON HIS DOOR FOLLOWING THE ATTACK FROM HIS DOG ON VICTIM, JESSICA ESPINOSA. HE STATED THAT HIS ROOM MATE, MIKE GROVER, GETS HOME BEFORE HIM AND MUST HAVE TAKEN DOOR HANGER AND DISPOSED OF IT. HE ALSO STATES MIKE DID NOT INFORM HIM OF THE DOG BITING INCIDENT AND THAT WAS THE FIRST TIME HE HAD HEARD ABOUT IT WHEN DOG WAS REMOVED FROM THE RESIDENCE.

2009 MAY 29 PM 5:41

10. Reporting official:

I.D. No.

STEVE SEXTON

ARL

11. Status: Open Closed Excep. Closed

Case file Suspended Unfounded

12. Copy/copies made by:

13. Referred to:

- Animal Control
- Detectives PIO
- Chief OPS
- Other: _____

14. Second reporting official:

I.D. No.

15. Supervisor approving report:

I.D. No.

16. Reviewed by:

[Signature]

SUPPLEMENTAL

52

Animal Incident Investigation Report
Des Moines, Iowa Police Department

Confinement location: 1615 SE 147A, ISO-1

32. District: <u>2</u>		33. Beat: <u>21</u>		1. Impounded animal AHR/ARL number:		2. OMPD case number: <u>05-44547</u>	
Impounded or bite animal				3. Victim's name (Last, First M.I.): <u>SOCIETY</u> <small>(If not human victim or society)</small>			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other:		4. Race:		5. Sex:		6. Age:	
35. Animal breed: <u>PIT BULL</u>		7. Date of birth:		8. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: <u>BLO, WHT.</u>		10. Residence address: <u>N/A</u> <small>(List city and/or state if not Des Moines or Iowa)</small>		11. Residence phone number:		12. Business or cellular phone number:	
37. Animal fur length: Short <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other:		13. Place of employment or school:		14. Type and location of injury:		15. Medical treatment:	
38. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		16. Reporting person's name (Last, First M.I.): <u>OBSERVED</u>		17. Race:		18. Sex:	
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>		19. Age:		20. Date of birth:		21. Ethnicity: <u>H</u> <input type="checkbox"/> <u>NH</u> <input type="checkbox"/>	
MIC#: <u>Records personnel: Enter the microchip number as a serial number in other property in the Records Management System.</u>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>		23. Residence address: <u>N/A</u> <small>(List city and/or state if not Des Moines or Iowa)</small>		24. Residence phone number:	
40. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		25. Business or cellular phone number:		26. Location of incident (address): <u>1037 E 9TH</u>		27. Location type: <u>APARTMENT</u>	
40A. Date of vaccination: <u>N/A</u>		40B. Date of vaccination expiration:		28. Date and time occurred: <u>1 NOV 05 1417</u>		29. Date and time reported: <u>1 NOV 05 1417</u>	
40C. Veterinarian: <u>N/A</u>		41. License: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Lic#:		30. Crime/incident type: <u>POLICE ASSIST/UNLIC. VIC. DOG</u>		31. Classification:	
42. Other identifiers (Collar, tattoo, etc.): <u>BLUE COLLAR</u>		43. Impounded or bite animal owner's name (Last, First M.I.): <u>NEWSOM, ANDREW</u>		44. Residence address: <u># 26</u> <small>(List City and/or state if not Des Moines or Iowa)</small>			
45. Residence phone number: <u>UNK</u>		46. Place of employment or school: <u>UNK</u>		47. Business or cellular phone number: <u>UNK</u>			
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		48A. Date and time of notification: <u># 28</u>		48B. Person making notification: <u>K. LEMON</u>		48C. Means of notification: <u>DISPOSITION</u>	
49. Witness' name (Last, first):		50. Residence address: <small>(List city and/or state if not Des Moines or Iowa)</small>		51. Daytime or cellular phone number:			
52. Witness' name (Last, first):		53. Residence address: <small>(List city and/or state if not Des Moines or Iowa)</small>		54. Daytime or cellular phone number:			
55. Investigative notifications and/or photographs taken: Detective: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>							
Victim animal		56. Victim animal AHR/ARL number: Impounded: No <input type="checkbox"/> Yes <input type="checkbox"/> AHR/ARL#:		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other:			
58. Animal breed:		59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other:			
61. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		62. Rabies tag: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> R/T#:		63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#:		64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
65. Type and location of injury:		66. Medical treatment:		67. Victim animal owner's name (Last, First M.I.): <u>N/A</u>		68. Residence address (List city and/or state if not Des Moines or Iowa):	
69. Residence phone number:		70. Place of employment:		71. Business or cellular phone number:			
72. Reporting officer: <u>K. LEMON 7812</u>		73. Status: <input type="checkbox"/> Open <input checked="" type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		74. Copy/copies made by:		75. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detectives <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other	
76. Second officer:		77. Supervisor approving report: <u>[Signature]</u>		78. Reviewed by: <u>[Signature]</u>			

Confinement location:

79. Page: 2 of 2

Animal Incident Investigation Report

Des Moines, Iowa Police Department

80. DMPD case number:
05-44547

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

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

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

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

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

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

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

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

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

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

119. Narrative:
ASSISTED POLICE AT 1032 E 9TH,
REF. WANTED PERSON. ANDREW NEWSOM
WAS TAKEN INTO CUSTODY + HIS PIT BULL
"JUSTICE" WAS IMPOUNDED + TAKEN TO THE
"ANIMAL RESCUE LEAGUE CARE + CONTROL CENTER.

CASE INVESTIGATION REPORT
DES MOINES, IOWA POLICE DEPARTMENT

Concise TO 05-21429 ⁵²

DOMESTIC ABUSE HATE/BIAS LEOKA

17. DISTRICT 2			18. BEAT 221			19. REP. AREA			1. NAME (LAST, FIRST, MIDDLE) Newsom, Andrew			2. CASE NUMBER 05-44547														
20. OCCUPATION ---			21. HOURS +			22. SOBRIETY SBR			3. ADDRESS 1032 E 9TH #1 Dsm			4. RES. PHONE ---														
23. DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISE RESIDENCE						7. R/S/A DOB ETHNIC W.M. 34 10-27-77 <input type="checkbox"/> NH <input checked="" type="checkbox"/>			8. LOCATION OF OFFENSE (ADDRESS) 1032 E 9TH #1																	
24. VEHICLE USED LIC. NO. BY SUSPECTS ---						9. REPORTING PERSON OBS			10. RES. PHONE			11. REPORTING PERSON'S ADDRESS DUPDI														
25. NAME Mueller, Rand						CODE			RESIDENCE ADDRESS 3721 Cottage #3 Dsm			CITY														
26.						771-9988			BUS. PHONE 265-5580			27.														
28. NOTIFICATIONS INVESTIGATOR'S <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IDENTIFICATION UNIT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OFFICE CASE INVEST PHOTOGRAPHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO												13. DATE AND TIME OCCURRED 01 NOV 05 1400			14. DATE AND TIME REPORTED 01 NOV 05 1402											
29. TOOL OR WEAPON USED												30. METHOD USED			31. POINT OF ENTRY			32. VICTIM'S VEHICLE LIC. NO. STATE/YEAR								
PROPERTY & INJURIES						33. TYPE PROPERTY TAKEN ITEM 63			34. TOTAL VALUE ITEM 63			35. LOCATION OF VICTIM'S PROPERTY														
WORTHLESS DOCUMENTS						36. DEGREE OF INJURY AND VICTIM'S CONDITION			37. TYPE OF INJURY AND LOCATION ON BODY			38. HOSPITAL														
DOMESTIC ABUSE						39. TRANSPORTED BY +			40. COLOR OF DOC.			41. TYPE OF DOC.														
						42. DATE OF DOC.			43. DOCUMENT NO.			44. FIRM NAME OF DOCUMENT														
						45. NAME OF NO. OF BANK			46. MADE PAYABLE TO			47. SIGNATURE ON FACE														
						48. REASON NOT HONORED			49. TYPE OF PROPERTY OR SERVICES OBTAINED			50. AMOUNT OF DOCUMENT														
51. DO YOU HAVE A CURRENT NO CONTACT ORDER? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>						52. HAS THE SUSPECT BEEN CHARGED WITH DOMESTIC ABUSE ASSAULT ON THE VICTIM OR OTHERS IN THE PAST? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			53. NOTICE OF ABUSED PERSON RIGHTS GIVEN? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> I REQUEST A NO CONTACT ORDER: SIGNATURE OF VICTIM																	
OBSERVED THE WANTED SUSPECT WALKING AROUND THE BAR AND UP TO HIS APARTMENT. I TAPPED THE STEPS AS THE SUSPECT CLOSED AND LOCKED THE DOOR BEHIND HIM. I KNOCKED ON THE DOOR AND ANNOUNCED POLICE. I CALLED FOR BACKUP AS THE SUSPECT HAS A LARGE PT BULL AND IS WANTED ON FELONY WARRANTS. THE WARRANTS WERE PASS SCH III FTA PRETRIAL CONF \$10,000.00 BOND WARRANT #												54. REPORTING OFFICER C. Hoffmann 4778			55. STATUS (CHECK ONE) <input type="checkbox"/> SUSPENDED <input type="checkbox"/> EX. CLD <input type="checkbox"/> OPEN <input checked="" type="checkbox"/> CLOSED			56. SUPERVISOR APPROVING HOPKINS 4783			57. REPRODUCED BY NO.			58. REVIEWER W		
59. UCR DISPOSITION						60. UNIT REFERRED TO: <input checked="" type="checkbox"/> CIB <input type="checkbox"/> V/NCU <input type="checkbox"/> IA <input type="checkbox"/> CO. ATT. <input type="checkbox"/> PIO <input type="checkbox"/> SO <input type="checkbox"/> CHIEF <input checked="" type="checkbox"/> OTHER:																				

SUSPECT/PROPERTY INFORMATION
DES MOINES, IOWA POLICE DEPARTMENT

61. CASE NUMBER
05-44547

62. HAIR/STYLE, LENGTH, FACIAL, FEATURES, SCARS, MARKS, TATTOOS, BUILD/MUSCULAR, SHORT, TALL, THIN, FAT, ETC.

SUS 1	NAME/ALIAS Newsom, Andrew Raymond	R/S/A W-M 34	DOB 10-27-71	HT. 5-10	WT. 195	HAIR Brown	EYES Blue
	ADDRESS 1032 E 9TH #1	PHONE NO. LINK		ARRESTED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
	Dsm IA	ETHNIC H <input type="checkbox"/> NH <input checked="" type="checkbox"/>		WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
				CHARGES FILED?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
SUS 2	NAME/ALIAS	R/S/A	DOB	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
SUS 3	NAME/ALIAS	R/S/A	DOB	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
SUS 4	NAME/ALIAS	R/S/A	DOB	HT.	WT.	HAIR	EYES
	ADDRESS	PHONE NO.		ARRESTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				WARRANT NEEDED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
				CHARGES FILED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	

63. PROPERTY DESCRIPTION

QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	MISC. DESCRIPTION COLOR, SIZE, INSCRIPTIONS, CALIBRE, ETC.	VALUE

64. CASE SCREENING

YES NO 1. DOES THE NATURE OF THE OFFENSE POSE A SERIOUS THREAT OF HARM OR INJURY TO AN INDIVIDUAL OR TO THE COMMUNITY? (ITEM 15)

YES NO 2. WAS THE VICTIM SERIOUSLY INJURED? (ITEM 36)

YES NO 3. WAS THERE A WITNESS TO THE OFFENSE? (ITEM 25)

YES NO 4. CAN A SUSPECT EITHER BE NAMED, LOCATED, IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 62)

YES NO 5. CAN A SUSPECT VEHICLE EITHER BE IDENTIFIED, OR AN IDENTIFIABLE DESCRIPTION BE PROVIDED? (ITEM 24 OR 32)

YES NO 6. IS THERE A REASONABLE EXPECTATION THAT PHYSICAL EVIDENCE CAN BE OBTAINED? (ITEM 28)

YES NO 7. WAS IDENTIFIABLE PROPERTY TAKEN? (ITEM 63)

YES NO 8. WAS THERE A SUBSTANTIAL LOSS OF PROPERTY? (ITEM 63)

YES NO 9. WERE CERTAIN EVENTS OR ACTIONS IN THE OFFENSE DISTINCTIVE OR UNUSUAL AND/OR RELATED TO OTHER OFFENSES? (ITEM 29, 30 AND 31)

YES NO 10. IS THERE REASON TO BELIEVE THAT THE CRIME IS SUCH THAT PUBLIC INTEREST AND SUPPORT OR FURTHER INVESTIGATION MAY PRODUCE MORE INVESTIGATIVE LEADS, AND MAY RESULT IN SOLVING THE CRIME?

YES NO 11. WAS THE OFFENSE, OTHER THAN DOMESTIC ABUSE, A SIMPLE MISDEMEANOR THAT OCCURRED IN THE OFFICER'S PRESENCE? (ITEM 15)

IF ALL OF THESE QUESTIONS ARE ANSWERED NO, THE REPORTING OFFICER WILL SUSPEND THE CASE THE VICTIM WILL BE INFORMED BY THE REPORTING OFFICER THAT THE CASE IS BEING SUSPENDED AND NO FURTHER ACTION WILL BE TAKEN UNLESS FURTHER LEADS ARE PRODUCED.

REPORTING OFFICER **C. Huffman** IDENT NO. **4798** DATE **1 NOV 05** SUSPENDED YES NO

SUPPLEMENTAL REPORT
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee NEWSON, Andrew	2. Arrest No. PCT	3. Case No. 05-44547
---	-----------------------------	--------------------------------

<input checked="" type="checkbox"/> Form used as Continuation Sheet for Current Report	4. Date this Report 01 NOV 05	5. Date Original Occurrence 01 NOV 05
<input type="checkbox"/> Form used to Report Follow up Investigation or Supplemental Information	Officer Case Invest. Photos Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Correct offense or Incident Classification Changed <input type="checkbox"/> Yes
7. Kind of Report Continued	<input type="checkbox"/> Witness Statement	8. Multiple Clear Up? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (list other case numbers in narrative)
<input type="checkbox"/> Follow up or Supplemental or Prosecution	<input type="checkbox"/> Offense	WANTED PERSON + INTERFERENCE
<input type="checkbox"/> Traffic Accident	<input checked="" type="checkbox"/> Arrest	
9. Page No. 3 of 3	10. Traffic Citation No.	11. Value of Property Recovered and Type \$

INSTRUCTIONS FOR FOLLOWUP OR SUPPLEMENTAL USAGE

Under narrative, record your activity and all developments in the case subsequent to last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. Explain any offense classification change. Clearly show disposition of recovered property and inventory number. Recommend to supervisor case status and to reviewer UCR disposition. Indicate "Item Number Continued" at left, if any.

ITEM NO. **WARRANT #193619 AND DESMINDINGS WARRANT SMAC274825**
05-21429 Pass Drug paraphernalia \$2000.00 BOND. THE WARRANTS
WERE CONFIRMED GOOD THROUGH LENCIA MUELLER WHO KNOWS
THE SUSPECT STATED HE COULD COME TO THE PIT BULL, MACKER
OFFERED TO KICK THE DOOR IN AND WAS ALLOWED DUE TO THE
PIT BULL. ENTRY WAS GAINED INTO THE APT AND NEWSON
WAS FOUND SITTING IN HIS LIVING ROOM HOLDING ON TO
THE PIT BULL. ANIMAL CONTROL TOOK CARE OF THE PIT
BULL AND NEWSON WAS ARRESTED AND TRANSPORTED TO
THE COUNTY JAIL.

OFFICE USE ONLY

14. Reporting Officer C. Huffman No. 4798	15. Status (check one) <input type="checkbox"/> Suspended <input type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input checked="" type="checkbox"/> Closed	13. Date/Time Typed No.	Reproduced No.
Second Officer No.	Supervisor Approving Huffman No. 4798	17. Unit Referred To:	18. UCR Disposition
		19. Reviewer	No.

Newsom, Andrew
ARL # 131706

CITY OF DES MOINES
ANIMAL CONTROL UNIT

DATE: 11-01-05

REFERENCE: ANIMAL HISTORY REPORT # 05-44547

TO WHOM IT MAY CONCERN:

I have examined this dog and found it to have the predominant characteristics of the American Staffordshire Terrier breed. This decision is based on the following physical features of the dog:

HEAD: MEDIUM LENGTH
 DEEP TROUGH
 BROAD SKULL
 PRONOUNCED CHEEK MUSCLES

SHOULDERS: STRONG
 MUSCULAR
NECK: HEAVY
 SLIGHTLY ARCHED
 TAPERS FROM BACK OF SKULL TO SHOULDERS

MUZZLE: MEDIUM LENGTH
 JAWS WELL DEFINED
 BLACK NOSE

TAIL: LOW SET
 TAPERS TO FINE POINT
 NOT CURLED OVER BACK

BACK: FAIRLY SHORT
 SLIGHT SLOPING FROM WITHERS TO RUMP

COAT: SHORT
 CLOSE
 GLOSSY

BODY: WELL SPRUNG RIBS
 FORELEGS SET RATHER FAR APART
 CHEST DEEP AND BROAD
LEGS: STRAIGHT FRONT LEGS
 HINDQUARTERS WELL MUSCLED
 MODERATE SIZE FEET

EYES: DARK AND ROUND
 LOW DOWN IN SKULL
 SET FAR APART

COLOR: tan & white

SIZE: 19.5 INCHES AT SHOULDERS
65.9 LBS.

COMMENTS:

Regan Berry, DVM

*KF
ACU*



Animal Control

DMPD Case No. 05-44547

ARL No. 131700

Microchip No. 453A3E0E74

Release Date 04 NOV 05

Dog Description PITBULL

M F Color BRN/WHI

I am the owner of the dog identified as a vicious animal, as defined by Municipal Code 18-41, and now under impound at the Animal Care and Control Shelter. I am removing the dog from the city instead of licensing it and waive any right to appeal the identification of my dog as a vicious dog.

I understand and acknowledge by my signature, this animal may NOT be returned to this city without it being properly licensed and insured prior to its return.

IF THE DOG IS RETURNED TO DES MOINES, IOWA without proper documentation, the dog will be seized and destroyed in a humane manner by the Animal Control Unit.

ANDREW NEWSOM X [Signature]
Dog Owner's Name (Print) (Signature)


1037 E 9TH ST #1 DESM, IA 50310
Address

771-4549 10-27-71
Phone DOB


[Signature]
ACU SUPERVISOR or ARL ACCS MANAGER

***Valid photo ID required (Make photo copy and attach)

42 **IOWA** DRIVER LICENSE

	DL No. 827YY1361		
	Class <small>(See Reverse)</small>	Endorsements <small>(See Reverse)</small>	Restrictions <small>(See Reverse)</small>
	C	NONE	NONE
	Expires	01-27-05	10-27-10
	Sex	Eyes	Audi
	M	BLU	91362201

NEWSOM, ANDREW, RAYMOND
 1032 E 9TH ST #1
 DES MOINES, IA 50316

Ticket No. 131706		Time
Date Arrived 11/01/2005		Type 14:12 DOG
Breed PITBULL	Sex MALE	
Color BROWN AND WHITE	Age	
Pet Name AC-05-44547 JUSTICE	Declawed NONE	
Collar	Color BLUE	
Release Date 11/08/2005	ID	ID#
How Arrived CITY CONTRACT-AC	Area DES MOINES CNTY	
Reason IMPOUND	Staff JS	
		100
453A3E0E74		
Housetrained? UNKNOWN		
Interacted with Kids? UNKN	Interacted with Animals? UNKN	
Vet Records? NO	Questionnaire? NO	

Comments:
POLICE ASSIST/UNLIC. VIC. DOG
OWNER- ANDREW NEWSOM
1032 E 9TH
OWNER NOTIFIED
 Animal Rescue League of Iowa, Inc.

Disp: Date: Init:
 Weight: Bot#: Amt:
 Keta Used: Xyla Used:

owner # 779.0075

YV

This is to certify that I do own the animal described below, impounded at the Animal Rescue League of Iowa, Inc. I am reclaiming said animal by paying all fees due. My pet appears to be in satisfactory condition.

Signature: *Andy Newsom*

DATE: *11/10/05*
 NAME: *Andy Newsom*
 ADDRESS: *PO Box 4047*
 CITY, STATE, ZIP: *Des Moines, IA 50333*
 PHONE: *771-4541*
 AMOUNT PAID: *136.50*

no license - taking out of city
Rabies purchased
Tag# 186
Exp. 11-04-08
Microchip purchased.

52

State Farm Fire and Casualty Company

Applicant Name: NEWSOM, ANDREW

Binder Effective Date: 05-28-2009

15-BD-Z481-5

IA

Renters Application / Binder-Receipt

APPELLANT EXHIBIT

1

NEW BUSINESS

APPLICANT: NEWSOM, ANDREW

MAILING ADDRESS: 1105 EUCLID AVE
DES MOINES, IA 50313-3206

PROPERTY LOCATION: 1105 EUCLID AVE
DES MOINES, IA 50313-3206

BILLING:

Put application on SFPP: Yes

COVERAGES / PREMIUM SECTION:

Type: RENTERS	Policy Deductible: 1,000				
Policy Coverage	Limit	Premium	Endorsements	Limit	Premium
Section I					
Personal Property (Coverage B)	25,000	126.00	Fire Department Service Charge Increased Limits	500 included	
Section II					
Personal Liability (Coverage L) each occurrence	300,000	10.00			
Medical Payments (Coverage M) each occurrence	5,000	9.00			
Credit Card / Bank Card and Forgery	1,000				
Damage to Property of Others (Each Occurrence)	500				
Loss of Use (Actual Loss Sustained)					
Loss Settlement Options					
Loss Settlement Option - Personal Property	B1 - Limited Replacement Cost	30.00			
Accepted Options			Declined Options / Endorsements		
Jewelry and Furs	1,000 included		Add Insured - Special Event		
Silver/Goldware Theft - Option SG	2,500 included		Back-Up Dwell/Listed Property	10,000	
Business Property - Option BP	1,000 included		Back-Up Dwelling/Pers Property	10,000 / 25,000	
Firearms - Option FA	2,500 included		Back-Up Dwelling/Pers Property	10,000 / 10,000	
Home Computer - Option HC	5,000 included		Business Property - Option BP	2,500	
			Business Property - Option BP	5,000	
			Business Pursuits - Option BU		
			Earthquake Endorsement		
			Fire Department Service Charge Increased Limits	1,000	
			Fire Department Service Charge Increased Limits	1,500	
			Fire Department Service Charge Increased Limits	2,000	
			Firearms - Option FA	5,000	
			Home Computer - Option HC	10,000	
			Identity Restoration Coverage		
			Incidental Business - Option IO		
			Jewelry and Furs	1,500 / 2,500	
			Jewelry and Furs	Option JF	
			Jewelry and Furs	2,500 / 5,000	
			Jewelry and Furs	Option JF	
			Nurses' Professional Liability		
			Off Premises Structures	15,000	
			Personal Injury		
			Rented Personal Property		
			Silver/Goldware Theft - Option SG	5,000	
			Silver/Goldware Theft - Option SG	7,500	
			Silver/Goldware Theft - Option SG	10,000	

State Farm Fire and Casualty Company

Applicant Name: NEWSOM, ANDREW
Binder Effective Date: 05-28-2009
15-BD-Z461-5

IA

Renters
Application / Binder-Receipt

		Declined Options / Endorsements (Continued)	Limit
		Waterbed Liability	
Discounts / Charges			
Claim free discount		(6.00)	
Home alert		(6.00)	
Policy deductible		(22.00)	
Total Premium:	\$141.00		
Amount Paid:	\$0.00		
Credit Amount:	\$0.00		
Balance Due:	\$0.00		

UNDERWRITING:

Has applicant had any losses, insured or not, in the past 5 years: No

Has any insurer or agency canceled or refused to issue or renew similar insurance to the named applicant or any household member within the past 3 years: No

Has the applicant been convicted of arson, fraud, or other insurance related offenses: No

APPLICANT(S) ACKNOWLEDGEMENT:

By submission of this application, you agree that: (1) You have read this application, (2) your statements on this application are correct, (3) the coverages, including options and endorsements, and the amounts of coverage on this application are those chosen by you, and (4) the premium charged must comply with State Farm's rules and rates and may be revised.

BINDER:

State Farm will provide coverage to the applicant and his or her legal representative on the property described for up to ninety (90) days from the Effective Date, subject to all terms and conditions of the policy and endorsements for which application has been made. If no Effective Date is indicated, this Binder does not provide any coverage. This Binder will be void when the declarations page is issued on the policy for which application has been made or when coverage under this Binder is canceled in accordance with policy provisions.

The premium due State Farm for the coverage provided by this Binder will be the full annual premium for the policy for which application has been made, and will be pro-rated for the length of time coverage is provided under this Binder.

AGENT INFORMATION:

App date and time: 05-28-2009, 11:14 AM

Agent: Ben Buenzow

Agent / AFO Code: 3915 / F179

Agent Phone: (515) 270-8870

Location Address: 3273 100th St
Urbandale, IA 50322-3845

IMPORTANT NOTICES

REGARDING CLAIM FREE DISCOUNT...

If you are a new applicant, the Claim Free Discount Plan, if in effect in your state, provides a premium discount if you have not had any claims considered for the Plan in the five-year period before applying for coverage with State Farm. When rating new applicants, State Farm considers all claims, including weather-related claims, that resulted in property damage or injury.

If you are a current policyholder and have been insured by State Farm for three or more years, the Claim Free Discount Plan provides a premium discount if you have not had any claims considered for the Plan in the most recent three-year period since becoming insured with State Farm. Claims considered for the Plan generally include claims resulting in a paid loss and, depending on the Claim Free Discount Plan that applies in your state, may include weather-related claims. Additionally, if you have been insured with State Farm for less than three years, your claim record in the five-year period before applying for coverage with State Farm may affect your eligibility for the Claim Free Discount. To find out whether a Claim Free Discount Plan is in effect in your state and to learn more about the Plan and the claims we consider for the Plan, please contact your State Farm agent.

REGARDING CONSUMER REPORTS...

Consumer reports, including credit and insurance loss history reports, may be ordered in conjunction with this application. We may also obtain and use a credit-based insurance score developed from information contained in these reports. We may use a third party in connection with the development of your insurance score. These reports provide information that assists with determining your eligibility for insurance and the price you are charged.

State Farm Fire and Casualty Company

Applicant Name: NEWSOM, ANDREW
Binder Effective Date: 05-28-2009
15-BD-Z461-5

IA

**Renters
Application / Binder-Receipt**

IMPORTANT NOTICES (Continued)

REGARDING YOUR COVERAGE AMOUNT...

The State Farm replacement cost is an estimated replacement cost based on general information about your residence. It is developed from models assuming a variety of contents in a typical unit. The actual cost to replace your personal property may be significantly different. State Farm does not guarantee that this figure will represent the actual cost to replace your personal property. You are responsible for selecting the appropriate amount of coverage. Higher coverage amounts may be selected and will result in higher premiums.

REGARDING CLAIM RECORD RATING PLAN...

The longer you are insured with State Farm, and the fewer claims you have, the lower your premium. Our Claim Record Rating Plan determines if a premium discount or premium increase applies. The premium adjustment is based on the number of years you have been insured with State Farm and on the number of claims that we consider for the Plan. Depending on the Claim Record Rating Plan that applies in your state, claims considered for the Plan generally include claims with State Farm resulting in a paid loss. And depending on your state's Plan and your tenure with State Farm, any claims with your prior insurer resulting in property damage or injury may also influence your premium. For further information about whether a Claim Record Rating Plan applies in your state and to learn about the claims we consider for the Plan, please contact your State Farm agent.

EXHIBIT 52
C

CITY OF DES MOINES, IOWA

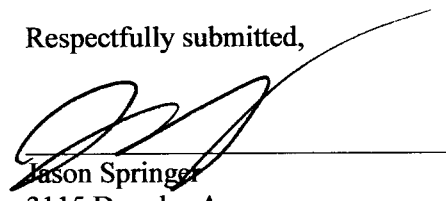
In re: :
ANDREW NEWSOM : **NOTICE OF APPEAL**
RESPONDENT, :

COMES NOW the Respondent, Andrew Newsom, by and through his attorney, Jason Springer, gives Notice of Appeal and in support hereof states:

1. That there was no evidence to show that the alleged attack was unprovoked.

WHEREFORE, the Respondent requests that the dog be released to the Respondent

Respectfully submitted,



Jason Springer
 3115 Douglas Ave
 Des Moines, IA 50310
 Telephone: 515/255-4500
 Facsimile: 515/255-4530
ATTORNEY FOR RESPONDENT

FILED
 2019 JUN 10 PM 4:16
 CITY CLERK
 DES MOINES, IOWA

June 15, 2009

Andrew Newsom
1105 Euclid Avenue
Des Moines, IA 50313



DIANE RAUH
CITY CLERK
CITY HALL-2ND FLOOR
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4209
FAX (515) 237-1645
www.dmgov.org

PARKING TICKETS
PET LICENSES
BUSINESS LICENSES

ALL-AMERICAN CITY
1949, 1976, 1981,
2003

RE: Appeal of Dangerous Animal Declaration

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

Your hearing before the City Council has been scheduled for Monday, June 22, 2009. The meeting starts at 4:30 p.m. **Failure to appear at the scheduled hearing will be deemed as a waiver of your rights to a hearing.** Parking is available on the streets surrounding City Hall. A copy of the Administrative Hearing transcript is enclosed.

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

Sincerely,

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

Diane Rauh
City Clerk

DR:kh

cc: Hearing Officer
Assistant City Attorney
Sgt Raudabaugh
Jason Springer

ADMINISTRATIVE HEARING TRANSCRIPT
June 2, 2009
City v. Newsom
Dangerous Dog

HEARING OFFICER CAMILLE VALLEY: Good afternoon. It is 3:00 p.m. on June 2nd, Tuesday, June 2, 2009 and I am Camille Valley the Administrative Hearing Officer and a hearing is now called to order as requested by Andrew Newsom in response to the City's declaration of the dog in question as a dangerous animal. Will the representative from the City of Des Moines please come to the microphone and clearly state the name and title of your position with the City of Des Moines.

SERGEANT SCOTT RAUDABAUGH: My name is Scott Raudabaugh. I'm a sergeant with the Des Moines Police Department and I am currently assigned to the animal control serving as the Chief Humane Officer for the City of Des Moines, Iowa.

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

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay. You may proceed.

SERGEANT SCOTT RAUDABAUGH: I'd like to start out by first submitting some documents for the record.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: I've got two sets and they're duplicate sets. Uh, I'll give you a set and there will be a set here that anyone can look at. Uh, and I'll kinda go through and explain what they are.

HEARING OFFICER CAMILLE VALLEY: Okay. I appreciate that. Thank you.

SERGEANT SCOTT RAUDABAUGH: The first page is a copy of City ordinance 18-41. Uh, it's titled Definitions and what really applies in this, this hearing is going down to where it says a vicious dog means and then going down to subsection 6 which is Staffordshire terrier breed of dog; 7, American pit bull terrier breed of dog; 8 the American Staffordshire terrier breed of dog; or 9, any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier. The next page is City ordinance 18-56 which talks about confinement of vicious dogs which would, requires that any dog that is defined as a vicious dog, whether by breed or behavior, be confined in accordance with this ordinance. City ordinance 18-55 basically describes running at large. I'm not going to go through the entire thing. I'm submitting it for the record. City ordinance 18-203 talks about immediate seizure or destruction of animals. I'm going to read through this, this whole thing. It's not real lengthy. Any animal found at large which displays

dangerous tendencies, or which is an illegal animal, or which has been previously declared vicious or is vicious by breed according to Article II, Section 18-41(6), (7), (8), or (9) of this Chapter and has bitten without provocation a person or a domestic animal while such vicious dog was not properly confined or leashed may be processed as a dangerous animal under section 18-202 of this article, and the animal may be immediately seized anywhere within the city unless the animal is so dangerous that it cannot safely be apprehended, in which case the chief humane officer, his or her designee, or any police officer is authorized to destroy it immediately. City ordinance 18-202 talks about seizure, impoundment and disposition of dangerous animals. I'm not going to go through the whole thing, but if, uh, what this, the purpose for this is if you uphold the dangerous animal declaration, 18-202 talks about the procedure and the disposition of an animal declared dangerous. The next letter, the next document is a letter written to Mr. Newsom in regards to his dog. It's basically a dangerous animal declaration letter written by myself. I do have to point out one error. In the second paragraph it says on November 1, 2008. That should actually be 2005. That was an error made by me.

HEARING OFFICER CAMILLE VALLEY: Okay. I appreciate that.

SERGEANT SCOTT RAUDABAUGH: Behind that is a document service letter which indicates that that previous letter was served on Mr. Newsom's property. Nobody answered the door when I went there. Behind that is a letter from the City Clerk's Office notifying Mr. Newsom that the hearing time had been changed from 2:00 o'clock to 3:00 o'clock. Then behind that is a copy of an animal bite report titled, or labeled Des Moines case 09-15170 and there's a variety of supplemental reports to go along with that in regards to attempts to follow up and locate the dog involved in the bite. And then, excuse me, behind that is a copy of a search warrant signed by a, a, Polk County District Judge Arthur Gamble I believe it was. A copy of that as well. And then behind that is a supplemental report which the dog involved was impounded on May 22, 2009 from Mr. Newsom's property. Behind that is what can be referred to as a breed evaluation form. It's got two different case numbers on it. The reason for that is the most recent case number is 15170 which refers to this current case. There is also a second case number on here, 2005-44547. And what that all means is the dog was impounded in 2005, evaluated for breed evaluation, determined to be a pit bull type dog. And when Mr. Newsom reclaimed it, a microchip was implanted and you can see the number listed up there with a bar code of 453A3E0E74. Uhm, subsequently, when this dog was impounded again here in 2009 that same microchip was found in the same described dog and so this breed evaluation sheet was, was, uhm, resubmitted to the record so to speak as having been the same dog impounded twice, once in 2005 and once in 2009.

HEARING OFFICER CAMILLE VALLEY: But the '05 was the declaration that it was a vicious dog. It was...

SERGEANT SCOTT RAUDABAUGH: Uh, correct.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Correct. And I'll kinda touch on that briefly here in a moment. Then behind that are some more supplemental reports in regards to,

uh, 09-15170. And then, uhm, behind those are copies of Des Moines case 2005-44547 which relates to when, when the dog was picked up November 1, 2005. Uh, the police department had some involvement with Mr. Newsom and subsequently Animal Control was called and impounded the dog for safe keeping and then also for breed evaluation. And there are copies of those reports to document our impoundment of the dog. Uhm, and then there's a copy of the original breed evaluation form as it was in 2005. At that time, uhm, there was a provision in City ordinance that allowed for a person to remove a dog that's vicious, by breed or behavior at that time, to remove them from the City instead of licensing them. However, there's consequences of if the dog is brought back into the City and found in the City unlicensed if would be destroyed in a humane manner. Uh, the expectation was if the person agreed to take it out of the City rather than license it that subsequently they would license it before bringing it back into the City. There's a form signed here by, by Mr. Newsom in which he agreed to that. It's my understanding that the dog is not licensed now. The dog was not immediately humanely destroyed because of he was not served with a letter at that time, uhm, so in essence Mr. Newsom and the dog are, were, are kinda given a second chance, uh, to have a hearing so to speak. So, and then behind that is just some supporting documents that shows that he reclaimed the dog and, and once again the microchip was implanted that same number.

HEARING OFFICER CAMILLE VALLEY: Okay. Uhm, I will so enter all of the documents we just spoke of as City's Exhibit A since they are unlabeled.

SERGEANT SCOTT RAUDABAUGH: In a, I'll briefly, uh, cover my declaration letter and the reason for this hearing. Uhm, on May 16, 2009, Mr. Newsom's white and brown colored male pit bull breed dog named Justice was running at large when it went after a neighbor's dog. And during that attack it bit the neighbor which caused a minor injury to neighbor's hand. Uh, the Animal Control Officer that investigated that initial bite left what we call a door hanger on the property where the dog belongs, uh, asking that Mr. Newsom or whoever owned the dog contact the Animal Control Unit either directly or through dispatch. There was no contact received from Mr. Newsom or anybody representing Mr. Newsom and so subsequently a search warrant was obtained and a locksmith opened the door and we went in and got the dog.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: As I mentioned before, uhm, on November 1, 2005 that same dog named Justice was found unlicensed in the City of Des Moines. After that, or during that investigation, uh, the City Veterinarian evaluated the dog, found that it exhibited predominant characteristics of a vicious dog by breed. Mr. Newsom instead of licensing it as such took it outside the City and as I mentioned before or had he been served a letter we probably would not be having this hearing at all today. The dog would have been euthanized because he would have been in violation. Uhm, if he chooses to speak today maybe he can explain why it was in the City unlicensed. That's his option certainly. Because the dog is vicious by breed, was not properly confined, was involved in an unprovoked bite, the dog was declared to be a vicious dog, or a dangerous animal rather under City ordinance 18-203 and 202. And that's all I have at this point.

HEARING OFFICER CAMILLE VALLEY: You're saying it continued to be unlicensed when it was picked up this time right?

SERGEANT SCOTT RAUDABAUGH: There is no indication it was licensed this time either.

HEARING OFFICER CAMILLE VALLEY: Okay. Nor that it had the insurance coverage and everything else that's required for a vicious animal that lives in the City.

SERGEANT SCOTT RAUDABAUGH: I'll have to be honest and say that I didn't check on insurance so he may have it. I don't know. Uhm, I don't know.

HEARING OFFICER CAMILLE VALLEY: Okay.

SERGEANT SCOTT RAUDABAUGH: Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you. Mr. Newsom, would you like to come to the microphone, clearly state your name, spell your last name and provided your residence, your address for your residence? Just one person at a time. So it doesn't matter, we'll take whoever, I mean we can, each of you can have a turn, but only one person at a time. We are recording this and we want to make sure, we know who's talking on the record, so.

JASON SPRINGER: Alright. Thank you. I'm Jason Springer. I'm an attorney here for Andrew Newsom. I apologize for my dress. This was a last minute thing and I came in to help out here quick.

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

JASON SPRINGER: Sure.

HEARING OFFICER CAMILLE VALLEY: And do you swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

JASON SPRINGER: Yes.

HEARING OFFICER CAMILLE VALLEY: Okay.

JASON SPRINGER: Just a couple things. First of all, back in '05 when this was initially declared as a vicious animal or vicious dog, there was no incident that occurred or no biting, no actual, a, fight or biting of any sort that was cause for this animal to be taken in. It was merely in a warehouse from what I understand. Uh, the dog was there unlicensed. I think Mr. Newsom at the time agreed to, to remove the animal outside of the City limits. Uhm, and that was back in '05. This dog is almost 13 years old. They've never had problems with any biting. Uh, he's always kept him in his home. He does have insurance which we are willing to, to offer, and evidence which if you have that.

HEARING OFFICER CAMILLE VALLEY: Well, just out of clarification today because the City does have the ability under the code to declare a dog vicious by breed, which this dog was, so that's not the issue today whether it's a vicious dog. The issue today is whether it should be declared a dangerous animal.

JASON SPRINGER: Well, like I said, uh, we, we do have the insurance which I can go ahead and give to you.

HEARING OFFICER CAMILLE VALLEY: Okay. It's been entered into the record. If you need that copy back we can make, I'll make one after the end of the hearing and return this to you. Will you need it back? Is this your only copy of this?

UNIDENTIFIED SPEAKER: This is a copy.

HEARING OFFICER CAMILLE VALLEY: This is, so I can keep this and enter it into the record. Okay. I appreciate that. Thank you. I'll mark that as Appellate Exhibit 1.

JASON SPRINGER: Well the problem we have, shall I call you Your Honor, or....

HEARING OFFICER CAMILLE VALLEY: That works. Or whatever.

JASON SPRINGER: Okay. I'm just used to calling, uh, the problem we have is Andrew Newsom lived with a guy named Mike that lived in the same household. Uh, Andrew Newsom was unaware that the dog was ever taken out, off the premises whatsoever. Uh, since, since this incident Mike has since moved out. There was some problems with notice and that's why, uh, why he was not given any notice. There was some posted on the door I guess this Mike took. So that's for the problems with actually not responding to the notices that were given.

HEARING OFFICER CAMILLE VALLEY: Okay. You may want to check the record that, the evidence that's sitting up there that the City has offered that's now been entered into evidence and the last, the third document from the end of which your client has signed in 2005 after the dog was declared a vicious dog. And you might want to take a moment and read through that of what his obligations were.

JASON SPRINGER: Okay. I have read the, the document and I am under, I understand what the consequences are of the document. I guess what we're asking for is the ability to, to obtain a license. They do have insurance. Uhm, I realize that it says on here that he acknowledged that this animal was not to be returned to the City without it properly being licensed. Uhm, this happened in '05. There's been four years since anything like this has happened. Uhm,

HEARING OFFICER CAMILLE VALLEY: You had just mentioned though, or maybe I misunderstood you, that the dog has just been contained and has been in the City of Des Moines. Is it in the City of Des Moines now?

JASON SPRINGER: Right.

HEARING OFFICER CAMILLE VALLEY: And it has been in that, that has been the situation is it's just been contained for this period of time?

JASON SPRINGER: Could I have a minute?

HEARING OFFICER CAMILLE VALLEY: Yes you may.

JASON SPRINGER: Okay. Sorry about that.

HEARING OFFICER CAMILLE VALLEY: Okay.

JASON SPRINGER: I guess, just a, looking at some of the incidences to prove a dangerous animal and I, forgive me but I think I'm looking at the right section here. Let's see.

HEARING OFFICER CAMILLE VALLEY: I was going to say you might want to clip those together so we know that we're referencing the same page of the City's exhibits so they stay in the same order maybe.

JASON SPRINGER: And I apologize and like I said, to be determined.

HEARING OFFICER CAMILLE VALLEY: Okay.

JASON SPRINGER: Specifically, what section, uhm, I realize that it's been determined that it's a vicious dog because of its breed but it also has to be determined whether it's a dangerous animal. And, uh, if I'm looking at the right section here it says that, it gives a number of examples—has bitten or clawed a person on two separate occasions within a 12-month period, which of course it has not. Did bite or claw once causing injuries above the shoulder or person and I think the police report shows that it was on the hands so it wasn't above the shoulder of the person. Uhm, could not be controlled or restrained. The problem we have here is that the dog could have been controlled or restrained. He was unaware that Mike had taken him off the premises. Uhm, has attacked any domestic animal or fowl on three separate occasions within a 12-month period and that there's no proof offered to show that that's ever happened. Uhm, and I guess what, what we're looking for is maybe just another chance to actually get the license for the dog or if it'd be alright with you, with the City, if they would be allowed to take it off, take it out of the City. Like I said this dog's been with him for almost 13 years, but they're wanting to just save the dog. They're willing to take it off, out of the City limits or wanting to license it. They've already gone ahead and got the insurance. Uhm, a couple of other things. I don't know if, if the officer's testimony has given that this dog was actually identified by this Jessica, the person that is claiming that she was bit. Uhm, so I don't know if there's ever been any proof to, to identify that this was actually the dog that was biting this person. Uhm, I know it was described as brown and white, but there's a lot of brown and white dogs in the City of Des Moines.

HEARING OFFICER CAMILLE VALLEY: You might look at the evidence there because there is, there is a tracking of the animal being impounded and the microchip being identified that matched the animal so there is if you look at all this.

JASON SPRINGER: Right. There is an identification, but I don't think Jessica actually identified the, the animal in person did she?

HEARING OFFICER CAMILLE VALLEY: I, I just receive all the evidence and hear the testimony and I'll deliberate on it all so it's whatever you want to offer into evidence is what I'm interested in right now, or the arguments that you'd like to present.

JASON SPRINGER: Well, I think, I think that's what we've got. I mean I'm looking at the code section here about the dangerous animal and there's four different aspects of a dangerous animal and none of them have been proven here. So, a, I guess what we're just asking for is the ability to license the dog which can be done today. Uh, like I said the insurance is already been obtained.

HEARING OFFICER CAMILLE VALLEY: Okay.

JASON SPRINGER: Thank you.

HEARING OFFICER CAMILLE VALLEY: Mr. Newsom, did you want to, or does that, is there anything else anybody else wanted to offer into testimony this morning, or this afternoon? Just please state your name, spell your last name and provide your place of residence, your address please.

ANDREW NEWSOM: Andrew Newsom "Newsom", 1105 Euclid, Des Moines, Iowa.

HEARING OFFICER CAMILLE VALLEY: Okay. Raise your right hand.

ANDREW NEWSOM: Okay.

HEARING OFFICER CAMILLE VALLEY: Do you swear or solemnly affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth?

ANDREW NEWSOM: I do.

HEARING OFFICER CAMILLE VALLEY: Okay you may proceed.

ANDREW NEWSOM: Alright. Well, I've had this dog about 12 or 13 years and the first incident he wasn't involved in any, in any kind of bite or any kind of, there's no, the dog didn't cause any trouble at all. They were after me for a warrant is why they came, they came and impounded the dog that time and I helped them, I actually held the dog when Animal Control put the, the noose around him and took him in. Then I was unable to get insurance at that time because I lived in a commercial building at the time and the insurance company wouldn't give me insurance for him. What I'd like to do is we, we've got insurance through State Farm now. I'd like to pay the, the, I know there's a late fee. I'd like to pay the late fee, get a license for this animal and keep him, keep him with me. He's probably only got a year or two left. I mean that's all the older they live to be and we've agreed to pay for any, any medical, any, if there's any kind of medical things on the, on the other animal or the person. I don't know. I don't, I don't believe it was a, a real bad bite incident. I don't really know for certain cause I, I'd never seen it, but I'd just like to save the dog anyway. Like I say.

HEARING OFFICER CAMILLE VALLEY: Okay. I appreciate that.

ANDREW NEWSOM: Thank you.

HEARING OFFICER CAMILLE VALLEY: Does the City have anything further they'd like to add?

SERGEANT SCOTT RAUDABAUGH: If I could ma'am, could I look at the insurance paperwork?

HEARING OFFICER CAMILLE VALLEY: Yes.

SERGEANT SCOTT RAUDABAUGH: That has been submitted. Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you.

SERGEANT SCOTT RAUDABAUGH: Just a couple of points I feel need to be made. Uhm, I guess I'm not quite clear if Mr. Newsom moved out of 1105 Euclid or if his roommate did. Uhm, I thought there was some indication Mr. Newsom had moved. Uhm, I'm not real clear on that and this, part of this whole scenario is part of the reason the City ordinance was changed a few years ago in which the allowance to take a vicious dog out of the City was removed because we found that people were violating it as it was in this case by bringing the dog back in the City unlicensed. So that, that option is not even on the table whatsoever. Mr. Newsom is willing to comply with the law after the fact. Uhm, it's very unfortunate the dog that he's, he's feeling compelled to do it now. It's very unfortunate for the dog, but, uhm, we're here under these circumstances and it's my responsibility to look out for the 198,000 people in the City of Des Moines and the 40,000+ cats and dogs and multitude of other animals in the City of Des Moines. Uhm, Mr. Newsom didn't take responsibility in licensing the dog before bringing it back in the City and subsequently he's responsible for the dog as well to make sure he or his roommate properly confined this special dog with special rules. Uhm, furthermore, uhm, all these different notices and so forth, uhm, he should have responded sooner. I think it's pretty reasonable to expect a roommate to share with another roommate and notice a green brightly-colored notice from Animal Control notifying the owner of a dog involved in a bite to contact Animal Control. Uhm, I, I'm just concerned that Mr. Newsom is trying to comply with the law now that he's having, he's being forced to, to get his dog back. Uhm, once again it's very unfortunate for the dog, but, but it's my responsibility to look out for the citizens in Des Moines and all the other domestic and wild animals also. So that's all I have to add.

HEARING OFFICER CAMILLE VALLEY: Okay. Anything further from anyone?

UNIDENTIFIED SPEAKER: Inaudible.

HEARING OFFICER CAMILLE VALLEY: Yep. For the record this is Mr. Newsom speaking again.

ANDREW NEWSOM: I'd since, since this incident I've got rid of my roommate. I still reside at 1105 Euclid and after that incident I got rid of my roommate so I'm the only one that resides there now.

HEARING OFFICER CAMILLE VALLEY: Okay.

ANDREW NEWSOM: So I think that will clarify any problems with anybody else taking the dog out for a walk.

HEARING OFFICER CAMILLE VALLEY: Okay.

ANDREW NEWSOM: Thank you.

HEARING OFFICER CAMILLE VALLEY: Thank you. If there's nothing further, uhm, I will be deliberating on the evidence that's been submitted and the testimony given today and developing a written ruling which I will provide to the City Clerk's Office and she will make copies available to everyone. So, uhm, if there's any appeal rights available they will also be delineated in that written ruling. So I thank you all for your time today and, uhm, this case is adjourned.

UNIDENTIFIED SPEAKER: Do you have a timeframe on the written ruling ma'am?

HEARING OFFICER CAMILLE VALLEY: I'm planning on having it done by the end of the week so that she, she'll, they may not get it out til next week, but it will be.

UNIDENTIFIED SPEAKER: Thank you.

I, Renae Lampkin, certify that I transcribed the minutes of the June 2, 2009 Administrative Hearing pertaining to a dangerous dog owned by Andrew Newsom.

Renae Lampkin