

36

Date November 6, 2006

PUBLIC HEARING ON APPEAL OF  
VICIOUS DOG DECLARATION

WHEREAS, Christy Wilkins, 1150 19<sup>th</sup> Street, owns a dog declared vicious by Des Moines Chief Humane Officer, Sgt. Scott Raudabaugh; and

WHEREAS, the declaration was upheld by Administrative Hearing Officer LuAnn Ducey following Ms. Wilkins's appeal of this declaration; and

WHEREAS, Ms. Wilkins requested an opportunity to address the City Council on the declaration; and

WHEREAS, Ms. Wilkins has been provided with the opportunity to address the City Council on the matter of her appeal of the administrative hearing officer; NOW, THEREFORE,

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

\_\_\_\_\_ Alternative One: That the administrative hearing officer's ruling be upheld.

MOVED BY \_\_\_\_\_ TO UPHOLD DECLARATION.

\_\_\_\_\_ Alternative Two: That the administrative hearing officer's finding be reversed.

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				
VLASSIS				
TOTAL				

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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**EXHIBITS FOR VICIOUS ANIMAL**

- EXHIBIT A** Letter from Police Animal Control declaring the dog "Vicious"
  
- EXHIBIT B** Appeal from Ms. Wilkins
  
- EXHIBIT C** Animal Incident Investigation Report
  
- EXHIBIT D** Supplemental Report
  
- EXHIBIT E** Animal Incident Investigation Report (2)
  
- EXHIBIT F** Tidemark License Information
  
- EXHIBIT G** Letter from Heartland Animal Hospital
  
- EXHIBIT H** Supplemental Animal Incident Investigation Report
  
- EXHIBIT I** Letter to Ms. Wilkins with Administrative Hearing Transcript

October 23 2006

Christy Wilkins  
1150 19<sup>th</sup> Street  
Des Moines, IA 50314

Re: Vicious Animal Declaration

This is to acknowledge your written request of October 19, 2006, requesting an appeal before the City Council of the Hearing Officer's decision regarding the declaration of Misha as a "vicious animal."

Your hearing has been scheduled for the City Council Meeting on November 6, 2006. The meeting starts at 4:30 p.m. I will send you a copy of the Administrative Hearing transcript when it becomes available.

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

Sincerely,



Diane Rauh  
City Clerk

DR:kh

Assistant City Attorney  
Su Ann Donovan, Legal Assistant  
Sgt. Scott Raudabaugh - Animal Control  
Chief McCarthy



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October 19, 2006

City Clerk's Office

Re: Vicious Dog Appeal Ruling. Appeal denied. Ruling hand-delivered to residence at  
7:30 P.M. October 18, 2006

I, Christy Wilkins, 1150 19<sup>th</sup> Street, Des Moines, Iowa 50314, do wish to appeal this  
hearing ruling for the following reasons:

1. The information that was given over the phone to Sergeant Scott Raudabaugh from Norma Selland was never addressed in the original letter that was received by me. This information was unknown to me until the day of the hearing and I was unable to address the alleged complaints. Norma Selland is my mother, however, the accuracy of her information is highly suspect and the actual motivation for the phone call was never challenged. There are underlying family conflicts which make the call, and the fact that there was no factual information given by the caller for such alleged events, even more unusual. Norma Selland has never observed Misha and Ian together, to my knowledge. Also, the hearing officer was unable to evaluate the bias and demeanor of this person, who was not present at the hearing.
2. The hearing officer did state that the incident of September 22, 2006 was probably an accident. That was not acknowledged in the report.
3. When I took Ian Wilkins, my grandson, in to the hospital to be treated for an injury on December 21, 2005, it was in the interest and safety for him, despite the minor nature of the injury. There was no medical intervention needed for his injury. When I explained that both incidents had been provoked, the hearing officer disagreed, and said 5 year olds don't provoke dogs. Ian has been going to therapy for 2 years at Children and Families of Iowa with Marcia Bradley for aggressive and inappropriate social behavior. He takes medications for these and other problems. Marcia is a mandatory reporter and as such would have noticed if Ian had been injured, since she sees him every week. She would have reported to the authorities if she was even suspicious that Ian was in any danger from an animal. She has not done so.
4. Misha has never been evaluated by anyone involved with this case. On October 11, 2006, I brought Misha in to be impounded in lieu of insurance as stated in city ordinance #18-59 subsection (b). My daughter, Erika, had spoken to Sergeant Raudabaugh and he agreed that that was acceptable. When I brought Misha in to the center Ian was with me and stayed close to the dog. This has been the only time, to my knowledge, that anyone involved in the case has seen Misha around small children.
5. Misha's regular doctor, Sarah Prescott, DVM, has observed Misha numerous

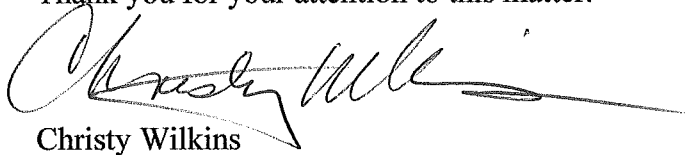
2006 OCT 19 PM 3:58  
CITY CLERK  
DES MOINES, IOWA

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times, usually when Ian has also been present. No credit of any kind, other than acknowledging that a letter was presented at the hearing, was given to her statements in the letter.

7. It appears that the hearsay evidence of Norma Selland, who has not observed Ian and Misha together, carries more weight in this decision than the word of Misha's vet who sees the dog on a regular basis.
8. To insure that the city council can be presented with the best and most expedient information, I request a copy of the recording or the transcript of the informal hearing made on October 10, 2006 at 10:30 A.M.

Thank you for your attention to this matter.



Christy Wilkins

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2006 OCT 19 PM 3:58  
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DES MOINES, IOWA

October 17, 2006

Christy Wilkins  
1150 19<sup>th</sup> Street  
Des Moines IA 50314

RE: Administrative Hearing – Vicious Dog Declaration

Dear Ms. Wilkins:

The City of Des Moines convened an Administrative Hearing on October 6, 2006 at 10:30 a.m. regarding the declaration of your dog, Misha, a neutered, cream-colored Samoyed, to be a “vicious dog.” Sergeant Scott Raudabaugh, Chief Humane Officer for the City of Des Moines Animal Control Unit, made this declaration in a letter to you dated October 2, 2006 (Exhibit A). On October 4, 2006, Christy Wilkins submitted a request to appeal the “vicious dog” declaration (Exhibit B).

Sergeant Raudabaugh stated at the Hearing that on September 22, 2006, Uriel Chavez, age 5, went to Christy Wilkins residence at 1150 19<sup>th</sup> Street, to play. Uriel Chavez was bitten by Ms. Wilkins’ dog, Misha, on the face, causing a puncture injury. Uriel received treatment at Broadlawns Hospital as a result of this injury (Exhibit C, Case #06-38982).

Sergeant Raudabaugh said since that date, Sergeant Joe Gonzales has spoken with Uriel’s mother and was told Misha is familiar with Uriel and that Uriel might have startled Misha while he was sleeping

Sergeant Raudabaugh said on September 27, 2006, Norma Seland, Christy Wilkins’ mother, contacted the Animal Control Unit and Ms. Seland said she was concerned that Christy Wilkins’ dog had been involved in several bites that may not have been reported; specifically a bite that had occurred the previous weekend (Exhibit D).

Sergeant Raudabaugh referenced a bite on December 31, 2005 also involving Ms. Wilkins’ dog, Misha. On that date, Officers Bales and Bauer were tripped to Broadlawns Hospital regarding a bite to Ian Wilkins, five-year-old grandson of Christy Wilkins. According to Ms. Wilkins, Ian was “trying to be ‘Alpha’ over the dog by grabbing the dog’s face,” when the dog bit Ian, causing a laceration to his upper lip (Exhibit E, Case #05-52051).

Sergeant Raudabaugh read into testimony Section 18-41, which gives the definition of a “vicious dog” and the applicable subsections:



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Christy Wilkins  
October 17, 2006  
Page Two

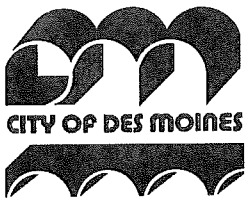
- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite.

Sergeant Raudabaugh stated he takes a declaration of a vicious or dangerous dog very seriously and considers all circumstances before making a declaration. Sergeant Raudabaugh said Ms. Wilkins' dog could have been declared a "dangerous dog," but that he had taken into consideration the height of the two children as being approximately the same height of Ms. Wilkins' dog's mouth. Sergeant Raudabaugh said Misha displays a tendency to bite, and that the bites to the faces of two children are a concern to him. Sergeant Raudabaugh said Ms. Seland spoke of possible other bites by Ms. Wilkins' dog that were unreported or did not occur.

Sergeant Raudabaugh said Ms. Wilkins' dog, Misha, was allowed to be home quarantined because a current rabies vaccination and 2006 City dog license were provided (Exhibit F). Ms. Wilkins was required to keep the dog confined and to provide proof of insurance, as stated in the Municipal Code. Sergeant Raudabaugh said he checked with the City Clerk's Office before the October 6, 2006 Hearing, and proof of insurance had not been provided.

Christy Wilkins of 1150 19<sup>th</sup> Street and owner of the neutered, cream-colored Samoyed known as Misha, testified at the Hearing. Ms. Wilkins said that on Thursday, October 5, 2006, Misha was taken to a fenced acreage owned by Jack Hauser, who lives on 62<sup>nd</sup> Street (she believes that is the correct street) in Johnston, Iowa. Ms. Wilkins stated this is a temporary arrangement and when asked if Mr. Hauser would be willing to keep her dog if it is declared "vicious," Ms. Wilkins said she did not believe Mr. Hauser would keep Misha.

Ms. Wilkins said Sergeant Raudabaugh's report is slightly inaccurate because the children who were in the house on September 22, 2006, were not neighborhood children. They have been in the house about 30 times and have been around Misha many times and there have been no problems. Ms. Wilkins said each time the children came over, she went to the outside gate and let them in. This time they came into the house uninvited and unannounced. Ms. Wilkins said it was about 6:00 p.m. and everyone in the house was sleeping, including the two dogs. Ms. Wilkins said they were going to a party later in the evening and they were taking a nap before the party.



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Christy Wilkins  
October 17, 2006  
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Ms. Wilkins said Uriel Chavez went into the back bathroom where Misha was sleeping. Ms. Wilkins said Misha was recovering from surgery after being hit by a car and had a very sore leg and two tubes in his neck for drainage. Ms. Wilkins provided a copy of a letter from Sarah Prescott, DVM (Exhibit G). Ms. Wilkins said Uriel later told her he ran into the bathroom, where he stepped on Misha's sore leg. Ms. Wilkins said Uriel ended up with an abrasion on his temple.

Ms. Wilkins said that the December 21, 2005 incident with her grandson, Ian Wilkins, was provoked by Ian. Ms. Wilkins said Ian got into the dog's face and was holding the short fur on the side of Misha's face and would not let go. Ms. Wilkins said Ian has been around Misha since he was 15 months old and this is the only time something of this sort has happened. Ms. Wilkins said she does not know of any other bites by Misha and said her mother, Norma Seland, is never around, so Ms. Wilkins does not know how her mother would know about other bites. Ms. Wilkins then asked that the "vicious dog" declaration be rescinded.

I asked Ms. Wilkins if Misha was running loose at the time he was hit by a car. Ms. Wilkins said he was. I then asked Ms. Wilkins if the dog had been running loose before. Ms. Wilkins said that Animal Control had picked up Misha twice before while running loose. Ms. Wilkins said besides Misha, she also has a Labrador that is a "digger." Ms. Wilkins said she believes she has finally fixed the fence where the two dogs would get out. Ms. Wilkins said the two dogs are always together and usually come back home by themselves.

Ms. Wilkins was asked if she had purchased insurance on Misha and she said if Misha is ruled a "vicious dog," she would purchase the insurance, but it would be very expensive.

Sergeant Raudabaugh said at this time, he does not plan to go to Johnston to retrieve Ms. Wilkins' dog, but that Ms. Wilkins needs to provide proof that she has the proper insurance coverage, whether the dog is living in the Des Moines city limits or elsewhere.

On October 11, 2006, Christy Wilkins brought her dog, Misha, into the Animal Shelter for impoundment rather than purchasing insurance (Exhibit H).

After a review of the testimony presented, I am upholding Sergeant Raudabaugh's determination that the neutered, cream-colored Samoyed dog



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October 17, 2006  
Page Four

owned by Christy Wilkins of 1150 19<sup>th</sup> Street and known as Misha, is a vicious dog as defined by Section 18-41(1), (2), and (3). Ms. Wilkins dog bit two young children, causing injuries to the children above their shoulders. The owner either did not or could not restrain the dog at the time of the attacks. Also, Ms. Wilkins admitted her dog, Misha, was running at large on at least three occasions. On two of the occasions, Ms. Wilkins dog, Misha, was picked up by Animal Control, and on a separate occasion, Ms. Wilkins dog, Misha, was injured when it was hit by a vehicle. In addition, Ms. Wilkins has failed to provide the required insurance on Misha.

As part of this decision, I am ordering Ms. Wilkins to permanently license, insure and confine her dog as required by Section 18-59 of the Municipal Code, or remove it from the City.

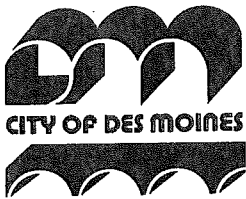
If you disagree with this decision, you have three (3) days to appeal the decision to the City Council. The appeal must be made in writing to the City Clerk's Office, and state the reason for the appeal. If you have any questions regarding the appeal or compliance procedure, please contact Animal Control at 248-6051.

Sincerely,



LeAnn Ducey  
Hearing Officer

Cc: Diane Rauh, City Clerk  
Su Ann Donovan, Legal  
William McCarthy, Chief of Police  
Sergeant Scott Raudabaugh



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2003

Oct. 12. 2006 9:43AM

No. 0389 P. 2/2

October 2, 2006

Ms. Christy Wilkins  
1150 19<sup>th</sup> Street  
Des Moines, Iowa 50314-1218

On September 22, 2006 it was reported that some neighbor children came into your residence to play, as they regularly do. Your cream colored male Samoyed breed dog named "Misha" bit one of the children, a five year old child, in the face which caused an injury.

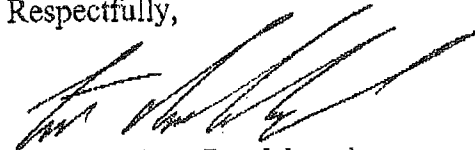
On December 21, 2005 it was reported that Ian Wilkins, a five year old child at that time, was grabbing the same dog's face and the dog bit Ian in the face which caused an injury.

With the behavior of your dog I believe it is appropriate to declare your dog to be a "Vicious Dog" as defined by City of Des Moines ordinance 18-41.

You will need to license your dog as a "Vicious Dog" **OR** you remove it from the City of Des Moines and not bring it back into the City of Des Moines without first licensing it as a "Vicious Dog" **OR** file a written appeal of this declaration with the City Clerk's Office within three (3) days. During the time of appeal you will be required to confine your dog as a vicious dog pursuant to city ordinance 18-56 and submit proof of insurance pursuant to city ordinance 18-44 **OR** your dog will be impounded.

If you have any questions please call me at 515-248-6052 or the City Clerk's Office at 515-283-4209.

Respectfully,



Sergeant Scott Raudabaugh,  
Chief Humane Officer

CC: City Attorney  
City Clerk



ANIMAL CONTROL  
POLICE DEPARTMENT  
1815 S.E. 14TH STREET  
DES MOINES, IOWA 50320-1010  
(515) 248-2730

ALL-AMERICA CITY 1948, 1976, 1981

EXHIBIT B

October 4, 2006

City Clerk's Office

Re: Vicious Dog Ruling for Misha issued October 2, 2006 at 9:35 P. M.

I, Christy Wilkins, 1150 19<sup>th</sup> Street Des Moines, Iowa 50314, do wish to appeal this ruling and ask for a hearing concerning same.

Thank you ,

A handwritten signature in black ink, appearing to read 'Christy Wilkins', with a long horizontal flourish extending to the right.

Christy Wilkins

Oct 5, 2006 3:31PM

No. 0376 P. 4

Animal Incident Investigation Report  
Des Moines, Iowa Police Department

1 of 2


32. District: 1		33. Beat: 04		1. Impounded animal ANRI/ARL number:		2. DMPO case number: 06-38982	
<b>Impounded or bite animal</b>				3. Victim's name (Last, First M.I.): Chavez, Uriel			
34. Animal type: Cat <input type="checkbox"/> Dog <input checked="" type="checkbox"/> Other <input type="checkbox"/>		4. Race: WM		5. Sex: M		6. Age: 5	
35. Animal breed: Samoyed		7. Date of birth: 10-31-00		8. Ethnicity: H <input type="checkbox"/> N <input checked="" type="checkbox"/> O <input type="checkbox"/>		9. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: Cream		10. Residence address: 1600 Oakland Ave Apt #4				11. Residence phone number: 288-3798	
37. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/> : Misha		12. Business or cellular phone number: UNK		13. Place of employment or school: Malton		14. Type and location of injury: lacerate to side of face	
38. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		15. Medical treatment: Broadlains		16. Reporting person's name (Last, First M.I.): Wilkins, Christy			
39. Microchip: No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (Record # Person #): Enter M/C# as a serial number		17. Race: W F A		18. Sex: M F		19. Age: UNK	
M/C#:		20. Date of birth: UNK		21. Ethnicity: H <input type="checkbox"/> N <input checked="" type="checkbox"/> O <input type="checkbox"/>		22. Sobriety: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#: 05-486301		23. Residence address: 1150 19th St		24. Residence phone number: 244-6101		25. Business or cellular phone number: -778-0574	
40A. Date of vaccination: 10-18-05		40B. Date of vaccination expiration: 10-18-07		26. Location of incident (address): #23		27. Location type: Residential	
40C. Veterinarian:		41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 07605-06		28. Date and time incident occurred: 22 Sept 06 1800		29. Date and time incident reported: 22 Sept 06 1630	
42. Other identifiers (Collar, tattoo, etc.): Brown collar		43. Confinement/quarantine location: at home quarantine		30. Crime/Incident type: Animal Bite		31. Classification:	
44. Impounded or bite animal owner's name (Last, First M.I.): #16		45. Residence address: #23		46. Residence phone number: #24		47. Place of employment or school: UNK	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		49A. Date and time of notification: #88		49B. Person making notification: #73		49C. Manner of notification: Personal	
50. Witness name (Last, First): N/A		51. Residence address: (List city and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:		53. Witness name (Last, First): N/A	
54. Residence address: (List city and/or state if not Des Moines or Iowa)		54. Residence address: (List city and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:		55. Daytime or cellular phone number:	
56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>							
<b>Victim animal</b>		57. Victim animal ANRI/ARL number:		58. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input type="checkbox"/>		59. Animal breed: N	
60. Animal color:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		62. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <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#:		64A. Date of vaccination:		64B. Date of vaccination expiration:		65. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#:	
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: (List city and/or state if not Des Moines or Iowa): IA		71. Residence phone number:		72. Business or cellular phone number:		73. Reporting officer: J Bauer 7233	
74. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally Closed		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. 4770 MA	

2006 SEP 27 AM 10:11

84. Page: 2 of 2		<b>Animal Incident Investigation Report</b> Des Moines, Iowa Police Department				87. D&P case number: 06-38982		
82. Suspect or offender one (1) name (Last, first Middle): M					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: (List 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 two (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: (List 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: A				119. Citation number and crime:				
120. Narrative: <p>Tripped to Broadlawn ER reference on animal bite. Spoke with Wilkins who is bite dog owner. Wilkins stated that some children that come over regularly, come into her house while she was sleeping and their dog bit one of the boys. Victim Chavez, age 5, was bit on the right side of his face causing one suture. Victim's mother does not speak english nor does Wilkins speak Spanish; there for both bite dog owner and victim side of Quarantine was explained to Wilkins. Wilkins says she will relay message to Spanish speaking relative that she uses for translation to explain quarantine and situation to Victim's Mother. Both parties were given cards with case numbers.</p> <p>Drove to IES 14th Street to quarantine bite dog at home. Dog is current on rabies vac and city license. Dog has tubes for drainage due to the dog recently being hit by a car. Dog was home Quarantined for 10 days.</p>								
121. Report date: (Use if other than date incident was reported)								

Oct. 5. 2006- 3:32PM

No. 0976 P. 6

SUPPLEMENTAL REPORT Des Moines Iowa Police Department		1. Complainant, Driver #1, Victim, or Arrestee <b>Chavez, Uriel</b>	2. Arrest No. N/A	3. Case No. 06-38982
<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report <b>28 September 2006</b>	5. Date Original Occurrence <b>22 September 2006</b>	
<input checked="" type="checkbox"/> Form used to Report Follow-up Investigation or Supplemental Information		6. Correct offense or Incident Classification <b>Animal bite</b>		
7. Kind of Report Continued <input type="checkbox"/> Follow-up or Supplemental or Prosecution <input type="checkbox"/> Traffic Accident		<input checked="" type="checkbox"/> Witness Statement <input type="checkbox"/> Offense <input type="checkbox"/> Arrest		
9. Page No. 1 of 1		10. Traffic Citation No. Unk		11. Value of Property Recovered and Type \$N/A
INSTRUCTIONS FOR FOLLOW-UP 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 changes. 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. 6	<p>On 27 September 2006 I answered a telephone call from Norma Selland inquiring about a bite that she believed had occurred on 23 September 2006 at the address of 1150 19<sup>th</sup> Street. She stated the dog involved, "a large white fluffy dog", had "once again" bitten a child in the face.</p> <p>Checking through the paperwork I had in my possession and the computer, I found nothing referring to 1150 19<sup>th</sup> Street.</p> <p>I advised Selland I would research the incident and give her a call back.</p> <p>Awhile later, Officer Stuempfig brought copies of the bite paperwork for that night to my office, and I called Selland back.</p> <p>Selland began her conversation with me stating that she was concerned that the dog at that address has been involved in so many bites that she was concerned that they had either not been reported or that nothing was being done about the past bite history. Primarily, Selland was concerned that the bite that occurred last weekend had not been reported. She went on to say the dog has bitten at least four times that she was sure of. She stated the child that lives there was bitten around Thanksgiving in 2005, again around Christmas in 2005, and another time she could not connect with any specific time frame. She did state the dog had been quarantined by us for one of the "holiday bites." In addition, she states she believes it has bitten a visitor once before (but could not be positive) and then a visitor was bitten just last weekend.</p> <p>I began researching past bites on this address but was unsuccessful until I started searching by dog owner name. The "holiday bite" that occurred was just prior to last Christmas as she had remembered. (case # 05-52051) In checking the rabies shot on the dog, it appears that it had been vaccinated just prior to Thanksgiving the same year, lending credence to the suspicion that the dog had been vaccinated after the Thanksgiving "holiday bite." No other bites are listed for this dog owner or residence that I could find.</p> <p>Norma Selland can be reached at 954-3466, and would be willing to give further details as she remembers them.</p>			
14. Reporting Officer <b>Susan R. Stropes</b>		No. <b>7219</b>	15. Status (check one) <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Open <input type="checkbox"/> Ex. Closed <input type="checkbox"/> Closed	17. Unit Referred To:
Second Officer		No.	Supervisor Approving 	18. Reviewer <b>MA</b>
			13. Date/Time Typed No.	Reproduced No
			19. UCR Disposition <b>4790</b>	

7:06 SEP 29 AM '06

Oct. 17. 2006 8:24AM

2005 DEC 22 PH 1:36

Animal Incident Investigation Report  
Des Moines, Iowa Police Department

Home of 1150-19

32. District: 1 05		33. Street:		1. Impounded animal AHR/ARL number:		2. CPD case number: 05-52051	
Impounded or bite animal				3. Victim's name (Last, First M.I.): Wilkins, Ian			
34. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other: <input checked="" type="checkbox"/>		4. Race: W M S		5. Sex: M		6. Age: 4-3-00	
35. Animal breed: Samoyed "Misha"		7. Date of birth:		8. Ethnicity: H <input type="checkbox"/> N <input type="checkbox"/> O <input type="checkbox"/>		9. Scatology: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: White		10. Residence address: 1150-19				12. Business or cellular phone number: NA	
37. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other: <input checked="" type="checkbox"/>		11. Residence phone number: 244-6101		13. Place of employment or school: King Elem.			
38. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input checked="" type="checkbox"/> Spayed <input type="checkbox"/> Unknown <input type="checkbox"/>		14. Type and location of injury: Laceration to upper lip		15. Medical treatment: Broadlawns.			
39. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/>		16. Reporting person's name (Last, First M.I.): Wilkins, Christy		17. Race: W F		18. Sex: M	
M/C#: Records personnel: Enter the microchip number as a serial number in other property in the Records Management System.		19. Age: 59		20. Date of birth: 9-22-46		21. Ethnicity: H <input type="checkbox"/> N <input type="checkbox"/> O <input type="checkbox"/>	
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> RT#: 05-685487		40A. Date of vaccination: 10-18-05		40B. Date of vaccination expiration: 10-18-07		22. Scatology: Sob. <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/>	
40C. Veterinarian: Heartland Vet Clinic		23. Residence address: 1150-19		24. Residence phone number: 244-6101		25. Business or cellular phone number: 778-0574	
41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: 05-5622		26. Location of incident (address): 1150-19		27. Location type: Residence		28. Date and time reported: 21 Dec 05 1704	
42. Other identifiers (Collar, tattoo, etc.):		29. Date and time reported: 21 Dec 05 1704		30. Crime/incident type: NO BITE		31. Classification:	
43. Impounded or bite animal owner's name (Last, First M.I.): Wilkins, Christy		44. Residence address: 1150-19		45. Business or cellular phone number: 778-0574		46. Piece of employment or school: self-employed	
45. Residence phone number: 244-6101		46. Piece of employment or school: self-employed		47. Business or cellular phone number: 778-0574		48. Means of notification: Personal	
48. Animal owner notification: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 21 Dec 05		48A. Date and time of notification: 21 Dec 05		48B. Person making notification: Sales/Diner		49. Witness name (Last, first):	
49. Witness name (Last, first):		50. Residence address: (List city and/or state if not Des Moines or Iowa)		51. Daytime or cellular phone number:		52. Witness name (Last, first):	
50. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>		53. Residence address: (List city and/or state if not Des Moines or Iowa)		54. Daytime or cellular phone number:		57. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other: <input type="checkbox"/>	
Victim animal		58. Animal breed:		59. Animal color:		60. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other: <input type="checkbox"/>	
58. Animal breed:		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 type="checkbox"/> Yes <input type="checkbox"/> RT#: <input type="checkbox"/>		63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#: <input type="checkbox"/>	
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 type="checkbox"/> Yes <input type="checkbox"/> RT#: <input type="checkbox"/>		62A. Date of vaccination:		62B. Date of vaccination expiration:	
63. Microchip: No <input type="checkbox"/> Yes <input type="checkbox"/> M/C#: <input type="checkbox"/>		62A. Date of vaccination:		62B. Date of vaccination expiration:		63. Veterinarian:	
64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#: <input type="checkbox"/>		64. License: No <input type="checkbox"/> Yes <input type="checkbox"/> Lic#: <input type="checkbox"/>		65. Medical treatment:		66. Residence address (List city and/or state if not Des Moines or Iowa):	
65. Type and location of injury:		65. Medical treatment:		66. Residence address (List city and/or state if not Des Moines or Iowa):		67. Victim animal owner's name (Last, First M.I.):	
67. Victim animal owner's name (Last, First M.I.):		68. Residence phone number:		69. Residence address:		70. Place of employment:	
68. Residence phone number:		69. Residence address:		70. Place of employment:		71. Business or cellular phone number:	
72. Reporting officer: Sales 7229		73. Status: <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		74. Copy/copies made by:		75. Referred to: Animal Control <input checked="" type="checkbox"/> Detective <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other <input type="checkbox"/>	
76. Second officer: Bauer 7227		77. Supervisor approving report: [Signature]		78. Reviewed by: [Signature]		79. Date of report: 21 Dec 05	

Oct. 17. 2006 8:25AM

No. 0400 P. 3

79. Page: <u>2 of 2</u>		<b>Animal Incident Investigation Report</b> Des Moines, Iowa Police Department				80. DMFP case number: <u>05-52051</u>		
81. Suspect or offender one (1) name (Last, First Middle):					82. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	83. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	84. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
85. Race:	86. Sex:	87. Age:	88. Date of birth:	89. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	90. Height:	91. Weight:	92. Hair color:	93. Eye color:
94. Residence address: (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. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
98. Citation number and crime:				99. Citation number and crime:				
105. Suspect or offender two (2) name (Last, First Middle):					101. Arrested: No <input type="checkbox"/> Yes <input type="checkbox"/>	102. Warrant needed: No <input type="checkbox"/> Yes <input type="checkbox"/>	103. Charges filed: No <input type="checkbox"/> Yes <input type="checkbox"/>	
104. Race:	105. Sex:	106. Age:	107. Date of birth:	108. Ethnicity: H <input type="checkbox"/> NH <input type="checkbox"/>	109. Height:	110. Weight:	111. Hair color:	112. Eye color:
113. Residence address: (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. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
117. Citation number and crime:				118. Citation number and crime:				
119. Narrative: <p>Trippled to Broadlawn regarding an animal bite. Spoke to Ms. Christy Wilkins. She stated victim, Ian Wilkins, was trying to be "Alpha" over the dog by grabbing the dog's face when the dog bit him on the upper lip causing a laceration. The dog has current rabies vaccination and city license and is home quarantined.</p>								



Oct. 17. 2006 8:25AM

No. 0400 P. 4

2006 JAN -9 PM 6:32

SUPPLEMENTAL REPORT  
Des Moines Iowa Police Department

1. Complainant, Driver #1, Victim, or Arrestee <b>Wilkins, Ian</b>		2. Arrest No. —	3. Case No. <b>05-52051</b>
<input type="checkbox"/> Form used as Continuation Sheet for Current Report		4. Date this Report <b>06 Jan 2006</b>	5. Date Original Occurrence <b>21 Dec 2005</b>
<input checked="" type="checkbox"/> Form used to Report Follow up Investigation or Supplemental Information		6. Correct offense or Incident Classification <b>Animal Bite</b> Changed <input type="checkbox"/> Yes	
7. Kind of Report Contained <input checked="" type="checkbox"/> Follow up or Supplemental or Prosecution <input checked="" type="checkbox"/> Traffic Accident		8. Multiple Clear Up? <input checked="" type="checkbox"/> Yes (list other case numbers in narrative)	
9. Page No. <b>1 of 1</b>	10. Traffic Citation No. <b>NA</b>	11. Value of Property Recovered and Type <b>\$ NA</b>	
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.	<p><b>Ms. Christy Wilkins brought her Samoyed "Niska" (bite dog) in to the shelter to be released from Ct. Bite dog appears healthy and has been released from Ct. Ms. Wilkins was advised we are now closing the case.</b></p> <p><b>Case Closed.</b></p>		
OFFICE USE ONLY			
14. Reporting Officer <b>Dales 7229</b>		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.
16. Second Officer		17. Unit Referred To: <b>ACU</b>	18. UCR Disposition
19. Supervisor Approving <b>[Signature]</b>		19. Reviewer <b>[Signature]</b>	

Tidemark Advantage [LeAnn Ducey - LAD]

File Edit Options Window Help

Exit New Open Task List QBE GIS

Close Edit Project Group Add Clone Parcel Activity People Fees Valuation Conditions Case Notes Tags Documents GIS Case

**Pet License -- PET2003-24188 Status REC**

Name: **CHRISTY L WILKINS** Updated: 5/16/2006 SLD

Address: **1150 19TH ST DES MOINES IA**

Description: Master # **Z002003-16714** Project Name: **WILKINS**

MISHA

Species: **Dog** Sex: **Neutered**

Name: **MISHA** Vicious?: **No**

Breed: **SAMOYED** Cat Altered Tag:

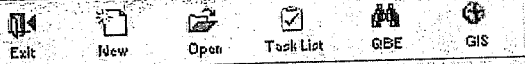
Color(s): **WHT** Service Dog: **No**

Notes/Comments:

Ready

Start In... Tid... Tic... De... CD... He...

49° 10:18 AM



Pet License -- PET2003-241BB Status REC

Name: CHRISTY L WILKINS

Updated: 5/16/2006 SLD

Address: 1150 19TH ST DES MOINES IA

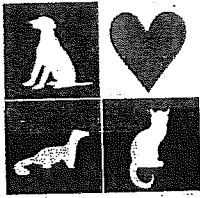
Description: Master # ZOO2003-16714 Project Name: WILKINS

MISHA

Type	Tag Number	Date	Expires	Fee
Rabies	685487	10/18/05	10/18/07	.00
City	5622	12/13/04	12/31/05	15.00
City	8760	01/18/06	12/31/06	15.00

General

Tags



Heartland  
Animal Hospital

Robert W. Culver, D.V.M.

October 9, 2006

To Whom It May Concern:

It has been brought to my attention that "Misha" Wilkins has been deemed an aggressive dog because of an incident that happened after he had been hit by a car and subsequently had surgery. On Aug. 30 or 31, 2006, "Misha" was hit by a car. He was examined by me on September 1, 2006. At the time of this examination, it was determined that "Misha's" left rear leg had obtained a soft-tissue injury and that he had multiple small lacerations and contusions. The left rear leg was the most painful injury at that time. On September 13, 2006 "Misha" re-presented to me with swelling on his neck and side. These were determined to be seromas (an accumulation of fluid) and were drained on September 15, 2006. These seromas were somewhat painful to him and at this time his left rear leg was still quite sore.

It was brought to my attention at one of "Misha's" many recheck appointments following surgery that he had drawn blood on a child. The accounting of events I was told was that the child was running through the house and suddenly came upon a sleeping "Misha". I was also told the child stepped on "Misha's" still not healed leg. At this point "Misha" reacted, most likely out of pain and still in a daze of sleep. Given the circumstances I was told, this is not a surprising reaction, and quite natural, for any dog that is in pain and awakened abruptly from sleep.

I have been "Misha's" veterinarian since he was a small puppy. "Misha" has never acted in an aggressive manner for anything I or my staff has ever done. He has always been a joy to work with and I am shocked that he could be deemed an aggressive dog.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Prescott, DVM". The signature is written in black ink and is positioned above the printed name.

Sarah Prescott, DVM

Animal Incident Investigation Report  
Des Moines, Iowa Police Department

*SUPPLEMENTAL*

32. District: <u>1</u>		33. Beat: <u>04</u>		1. Impounded animal AHR/ARL number:		2. DMPD case number: <u>200-38980</u>	
<b>Impounded or bite animal</b>				3. Victim's name (Last, First M.I.): <u>CHARLES URELL</u> (Human victim or society)			
34. Animal type: Cat <input type="checkbox"/> Dog <input type="checkbox"/> Other <input checked="" type="checkbox"/>		4. Race:		5. Sex:		6. Age:	
35. Animal breed: <u>SAMOYEA</u>		7. Date of birth:		8. Ethnicity: <input type="checkbox"/> NH <input type="checkbox"/>		9. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>	
36. Animal color: <u>CREAM</u>		10. Residence address: (List city and/or state if not Des Moines or Iowa)					
37. Animal fur length: Short <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>		11. Residence phone number:		12. Business or cellular phone number:			
38. Animal sex: Male <input checked="" type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <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#:		14. Type and location of injury:					
40. Rabies tag: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> R/T#: <u>486301-05</u>		15. Medical treatment:					
40A. Date of vaccination: <u>10-18-05</u>		40B. Date of vaccination expiration: <u>10-18-07</u>		16. Reporting person's name (Last, First M.I.): <u>WILKINS, CHRISTY</u>		17. Race:	
40C. Veterinarian:		18. Sex:		19. Age:		20. Date of birth:	
41. License: No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Lic#: <u>8760-00</u>		21. Ethnicity: <input type="checkbox"/> NH <input type="checkbox"/>		22. Sobriety: Sob. <input type="checkbox"/> H.B.D. <input type="checkbox"/>			
42. Other identifiers (Collar, tattoo, etc.): <u>BROWN COLLAR</u>		23. Residence address: (List city and/or state if not Des Moines or Iowa)					
43. Confinement/quarantine location: <u>ARC - JENNIFER</u>		24. Residence phone number:		25. Business or cellular phone number:			
44. Impounded or bite animal owner's name (Last, First M.I.): <u>WILKINS, CHRISTY</u>		26. Location of incident (address): <u>1150 - 19TH ST.</u>					
45. Residence address: (List city and/or state if not Des Moines or Iowa)		27. Location type: <u>RESIDENCE</u>					
46. Residence phone number:		47. Place of employment or school:		28. Date and time incident occurred: <u>22 SEP 06 1800</u>		29. Date and time incident reported: <u>22 SEP 06 1630</u>	
48. Business or cellular phone number:		49. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>		49A. Date and time of notification:		49B. Person making notification:	
49. Animal owner notification: No <input type="checkbox"/> Yes <input type="checkbox"/>		49A. Date and time of notification:		49B. Person making notification:		49C. Means of notification:	
50. Witness' name (Last, first): <u>N/A</u>		51. Residence address: (List city and/or state if not Des Moines or Iowa)		52. Daytime or cellular phone number:			
53. Witness' name (Last, First): <u>IA</u>		54. Residence address: (List city and/or state if not Des Moines or Iowa)		55. Daytime or cellular phone number:			
56. Investigative notifications and/or photographs taken: Detective: No <input type="checkbox"/> Yes <input type="checkbox"/> Ident. Technician: No <input type="checkbox"/> Yes <input type="checkbox"/> ACO Supervisor: No <input type="checkbox"/> Yes <input type="checkbox"/> Photographs taken by ACO or PO: No <input type="checkbox"/> Yes <input type="checkbox"/>							
<b>Victim animal</b>		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:		61. Animal fur length: Short <input type="checkbox"/> Medium <input type="checkbox"/> Long <input type="checkbox"/> Other <input type="checkbox"/>			
62. Animal sex: Male <input type="checkbox"/> Neutered <input type="checkbox"/> Female <input type="checkbox"/> Spayed <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#:			
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: <u>A</u>		67. Medical treatment:					
68. Confinement/quarantine location:		68. Victim animal owner's name (Last, First M.I.):					
70. Residence address: (List city and/or state if not Des Moines or Iowa)		71. Residence phone number:		72. Business or cellular phone number:			
73. Reporting officer: <u>S. RAUBAUGH 4770</u>		I.D. No.:		74. Status: <input type="checkbox"/> Open <input type="checkbox"/> Suspended <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Exceptionally closed		75. Copy/copies made by:	
77. Second officer: <u>[Signature]</u>		I.D. No.:		78. Supervisor approving report: <u>[Signature]</u>		79. Reviewed by: <u>[Signature]</u>	
76. Referred to: <input checked="" type="checkbox"/> Animal Control <input type="checkbox"/> Detective <input type="checkbox"/> PIO <input type="checkbox"/> Chief <input type="checkbox"/> OPS <input type="checkbox"/> Other							

Oct. 11, 2006 3:25PM

### Animal Incident Investigation Report

Des Moines, Iowa Police Department

81. DMPD case number:  
7006-38787

86. Page: 2		82. Suspect or offender one (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"/>		
88. 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: N/A										
95. 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: A					100. Citation number and crime:					
101. Suspect or offender two (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: N/A										
115. Residence or alternate phone number: A				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: A					118. Citation number and crime:					

920. Narrative:

ON 11 OCT 2006 CHRISTY WILKINS BROUGHT HER DOG INTO THE ANIMAL SHELTER FOR IMPOUNDMENT RATHER THAN PURCHASE INSURANCE BECAUSE AS HER DAUGHTER TOLD ME, VIA TELEPHONE, EARLIER IN THE DAY THAT INSURANCE WOULD COST \$900 AND WOULD BE NON-REFUNDABLE.

I WILL FORWARD A COPY OF THIS SUPPLEMENTAL REPORT TO THE HEARING OFFICER.

THE QUARANTINE ISSUE HAS BEEN CLOSED. THE OUTCOME OF THE VIDEOUS AOB HEARING IS PENDING.

121. Report date: (List if other than date incident was reported)  
11 OCT 2006

October 25, 2006

Christy Wilkins  
1150 – 19<sup>th</sup> Street  
Des Moines, IA 50314


Re: Vicious Dog Declaration

As stated in my October 23, 2006 letter, enclosed is a copy of the actual transcript from the October 10, 2006 administrative hearing regarding Misha as a “vicious animal.”

The City Council meeting starts at 4:30 p.m.

If you have any questions, please do not hesitate to contact me.

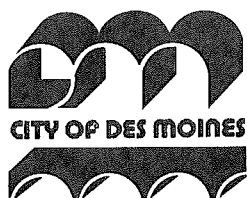
Sincerely,



Diane Rauh  
City Clerk

DR:kh  
Enc.

cc: Hearing Officer  
Assistant City Attorney  
Su Ann Donovan, Legal Assistant  
Sgt. Scott Raudabaugh – Animal Control  
Chief McCarthy



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



ADMINISTRATIVE HEARING TRANSCRIPT

October 10, 2006

City v. Christy Wilkins

Vicious Animal

HEARING OFFICER LEANN DUCEY: Good afternoon. My name is LeAnn Ducey and I'm an Administrative Hearing Officer. It is 10:30 a.m. on October 10, 2006 and we are conducting an administration hearing on a vicious, I'm sorry, vicious dog declaration. The appellant is Christy Wilkins. When I call you to give testimony today please come to the podium, speak into the microphone and state your full name and address for the record. You will then be sworn in. This is an informal hearing and to that matter the hearing is now open. Would the representative from the City please come forward, identify yourself and present any information you have pertaining to this hearing.

SERGEANT SCOTT RAUDABAUGH: My name is Scott Raudabaugh. I'm a Sergeant with the Des Moines Police Department and the Animal Control Supervisor and the Chief Humane Officer for the City of Des Moines.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Sergeant Scott Raudabaugh, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

SERGEANT SCOTT RAUDABAUGH: Yes.

HEARING OFFICER LEANN DUCEY: Go ahead.

SERGEANT SCOTT RAUDABAUGH: On September 22, 2006, Uriel Chavez went into the, went into Christy Wilkins' residence to play as I'm told he regularly does, and Christy Wilkins' Samoyed breed dog named Misha bit him in the face which caused an injury. Since that time Sergeant Joe Gonzalez with the Des Moines Police Department spoke with Uriel's mother and she said the dog is familiar with Uriel. However, Uriel may have, uhm, startled the dog. We're not sure exactly in that regards. Maybe the dog was sleeping and Uriel startled the dog, but, uh, none-the-less the dog bit him in the face. On September 27, 2006, Norma Seland, and I don't know how she pronounces it, Seland, she called the Animal Control Unit and expressed concern about Christy Wilkins' dog being involved in several bite incidences. Research was done and the one bite incident that was located indicated that on December 21, 2005, Ian Wilkins grabbed Christy Wilkins' Samoyed breed dog named Misha and the dog bit him in the face which caused an injury. On October 2, 2006, I declared the Samoyed breed dog belonging to Christy Wilkins to be a vicious dog. I'd like to refer to the definition by City ordinance of vicious dog 18-41. Vicious dog means any dog which has attacked a human being or domestic animal one or more times without provocation. 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. Any dog that snaps, bites, or manifests a disposition to snap or bite. There are other elements here as well that don't apply, uh, such as a dog trained to fight.



trained to fight. Any dog trained to attack a human being. There's no indication in this case that that would apply. And then other dogs by breed which this dog is not identified. The decision to declare the dog to be a vicious dog was a serious one. When I make a decision to declare a dog dangerous, or I'm sorry, vicious, or even dangerous, I take this very seriously. In this case, I think, uh, it might have meant the criteria for dangerous. However, I took into account the height of the victims in that the bite to the face may have been just a, a, matter of the dog's mouth matched the same height as the children involved. So, thus, I did not declare the dog to be a dangerous animal. However, the dog, based on these bites, shows a tendency or disposition to attack. Uhm, it also, any dog that snaps, bites or manifests a disposition to snap or bite, uhm, the dog may not bite adults, but here we have two children that interact with the dog and the dog's reaction is to bite the children in the face which really concerns me. Ms. Seland spoke of other bites involving the dog and Ms. Wilkins' child that either did not occur or were not reported. I don't know. The only one we were able to find is the one I mentioned. I also need to mention that at the time, on October 2, when I declared the dog to be a vicious dog, at that time the dog was not at the Animal Shelter. The dog had been allowed to be home quarantined because it did have current rabies, but this process was initiated as it can be by City ordinance in this manner. Christy Wilkins was given the opportunity to keep the dog at home pending this appeal if she kept the dog confined as a vicious dog and if she provided proof of insurance to the City Clerk's Office. I checked this morning and as of today Ms. Wilkins has not provided that proof of insurance, uh, for a vicious dog. I don't know if Ms. Wilkins is here or if she can maybe address whether the dog is in the City or why she has not provided insurance if it is in the City and also if the dog in fact bit her child more than the once.

HEARING OFFICER LEANN DUCEY: You don't, the dog is not at the Animal Shelter?

SERGEANT SCOTT RAUDABAUGH: No it is not. If she took it out of the City, uhm, then we wouldn't impound it for being in the City and for not providing insurance, but if it is still in the City then that's an issue that Ms. Wilkins I think needs to explain somehow.

HEARING OFFICER LEANN DUCEY: You have not personally observed this dog, right?

SERGEANT SCOTT RAUDABAUGH: No, I have not.

HEARING OFFICER LEANN DUCEY: Ok, thank you. Does anyone else from the City wish to speak at this point? Ok. Ms. Wilkins. please state your name and address.

CHRISTY WILKINS: Yes, Christy Wilkins, 1150 19<sup>th</sup> Street in Des Moines.

HEARING OFFICER LEANN DUCEY: Please raise your right hand. Do you Christy Wilkins, swear or affirm the testimony you are about to give is the truth, the whole truth and nothing but the truth?

CHRISTY WILKINS: Yes I do.

HEARING OFFICER LEANN DUCEY: Ok, go ahead.

CHRISTY WILKINS: All right, first of all the dog is out of the City. It is on an acreage which is all fenced in so.

HEARING OFFICER LEANN DUCEY: Can you tell me the location?

CHRISTY WILKINS: It's in Johnston. I don't know the exact, it's on 62<sup>nd</sup> Street in Johnston I think.

HEARING OFFICER LEANN DUCEY: And who are the people, the owners of the residence?

CHRISTY WILKINS: Jack Hauser.

HEARING OFFICER LEANN DUCEY: Is it there on a temporary basis?

CHRISTY WILKINS: Yes.

HEARING OFFICER LEANN DUCEY: Ok. All right, go ahead.

CHRISTY WILKINS: Uhm, the report that the Sergeant read is slightly, I've got to find my paper, slightly inaccurate. Uhm, on paragraph one where he said that they were neighbor children coming in to play as they regularly do, the children are not neighborhood children. They have been in my house about 30 times. They have been around Misha each time and never had any trouble. Each time they have come in I have come out to the outside gate and let them in. This time they came into the house uninvited and unannounced. Uhm, when they came in everyone in the house was sleeping including the two dogs. Misha was in the back bathroom, the furthest room away from the back door. Misha had a very sore leg and was also recovering from surgery from two seromas and had tubes in his neck for drainage and I do have a letter from the veterinarian on that. Uhm, the five-year old yelled my name and ran through the kitchen and into the bathroom where he told me he did step on Misha's leg, uh, sore leg. That's the one that would have been on top. Misha reacted to the intrusion and the pain. The boy ended up with an abrasion about an eighth of an inch in length on his temple. Uhm, would you like me to read that or go on here?

HEARING OFFICER LEANN DUCEY: Read what?

CHRISTY WILKINS: Ok. What?

HEARING OFFICER LEANN DUCEY: Would I like you to read what?

CHRISTY WILKINS: Well, I have a response to the second paragraph about Ian also.

HEARING OFFICER LEANN DUCEY: That's fine.

CHRISTY WILKINS: The incident of December 21, 2005 where Ian, my grandson, received a scratch on his lip, was provoked by Ian. He got in the dog's face and was holding the short fur on the side of his face and would not let go. Ian now understands that this is inappropriate behavior on his part for treating the dog. And Ian has been around Misha since he was 15 months old and the above incident is the only time anything of this sort has happened. I do not know of other bites that he had and that was my mother that he spoke with and my mother's never around so I don't know where she got the bites. I have no idea. And in light of the circumstances described above I ask that you rescind the declaration of vicious dog that you put upon Misha. I do also have a letter from my veterinarian who has treated Misha since he was a puppy. Would you like me to read that?

HEARING OFFICER LEANN DUCEY: Sure.

CHRISTY WILKINS: Ok.

HEARING OFFICER LEANN DUCEY: And you can give me a copy also.

CHRISTY WILKINS: Yes, I have a copy. To whom it may concern: It has been brought to my attention that Misha Wilkins has been deemed an aggressive dog because of an incident that happened after he had been hit by a car and subsequently had surgery. On August 30<sup>th</sup> or 31<sup>st</sup>, 2006, Misha was hit by a car. He was examined by me on September 1, 2006. At the time of this examination it was determined that Misha's rear left leg had obtained a soft tissue injury and he had multiple small lacerations and contusions. The left rear leg was the most painful injury at that time. On September 13<sup>th</sup>, represented to me with swelling on his neck and side. They were determined to be seromas and, excuse me, and accumulation of fluid and were drained on September 15<sup>th</sup>. These seromas were somewhat painful to him and at this time his left rear leg was still quite sore. It was brought to my attention at one of Misha's many re-check appointments following surgery that he had drawn blood on a child. The accounting of events I was told was that the child was running through the house and suddenly came upon a sleeping Misha. I was also told the child stepped on Misha's still not healed leg. At this point Misha reacted most likely out of pain and still in a daze of sleep. Given the circumstances I was told, this is not a surprising reaction and quite natural for any dog that is in pain and awakened abruptly from sleep. I have been Misha's veterinarian since he was a small puppy. Misha has never acted in an aggressive manner for anything I or my staff have ever done. He has always been a joy to work with and I am shocked that he would be deemed an aggressive dog. And I do have a copy of that for you.

HEARING OFFICER LEANN DUCEY: Ok. Uhm, are you aware of any other bites whatsoever to anyone by your dog?

CHRISTY WILKINS: No I am not.

HEARING OFFICER LEANN DUCEY: What time of day was the bite on, uh, let's see, September 22<sup>nd</sup>?

CHRISTY WILKINS: It was about 6:00 in the evening.

HEARING OFFICER LEANN DUCEY: So everyone was in bed?

CHRISTY WILKINS: Well, it was my birthday and we were going to go to a party at 6:30 and so we were sleeping before we went. We had our alarm set and they came in about 5 minutes before my alarm was going to go off.

HEARING OFFICER LEANN DUCEY: So these, these children that were at your house and you say there was more than just the little boy right?

CHRISTY WILKINS: There was a 3-year old and their mother and they just came in. We don't usually keep our back door locked because the dogs go in and out to go to the bathroom and stuff like that. And, uh, my daughter suggested from now on we keep the door locked.

HEARING OFFICER LEANN DUCEY: Do you have a fenced yard?

CHRISTY WILKINS: Yes we do.

HEARING OFFICER LEANN DUCEY: Ok. So these, you were unaware that these people were coming to your house?

CHRISTY WILKINS: I had no idea they were coming. It was total surprise to me.

HEARING OFFICER LEANN DUCEY: Does your dog run loose very often?

CHRISTY WILKINS: He has gotten out this summer and I think I finally fixed the hole. We've also got a Labrador and she's a great digger and she will find a little spot and dig. But I've since put chain link there and bricks on top of that so that they can't get out. It's on the neighbor's side and my side is like this and the neighbor's go like this so if they get even a little hole they can scoot out, but I have all that filled in, yes.

HEARING OFFICER LEANN DUCEY: How many times a year are you aware that the dog has gotten out?

CHRISTY WILKINS: Well, they got out two times when the Animal Rescue League, or Animal Control found them.

HEARING OFFICER LEANN DUCEY: They got picked up by Animal Control twice?

CHRISTY WILKINS: Yes, two times, two times, yes.

HEARING OFFICER LEANN DUCEY: Both the dogs?

CHRISTY WILKINS: Both of them. They are always together yes. And as far as I

HEARING OFFICER LEANN DUCEY: And what about the time when it was hit by the car?

CHRISTY WILKINS: They had gotten out in the evening and my daughter was going to get in the car to go get them because they will usually just hop back in the car, but for some reason, I don't know what, she didn't get to it or whatever. Cause usually they stay in the neighborhood for a while and then they'll come back.

HEARING OFFICER LEANN DUCEY: Well, you are sounding like this is quite an occurrence. I mean, it's not just, this would make three times. When it was hit by the car and two other times.

CHRISTY WILKINS: Yes.

HEARING OFFICER LEANN DUCEY: But there have been other times also?

CHRISTY WILKINS: Yes. Usually they just come right back home.

HEARING OFFICER LEANN DUCEY: What do you mean like usually though? I mean, how often are they out? Are you saying once a month?

CHRISTY WILKINS: No, no, no, no. These three times was just because I hadn't, I thought I had filled all the holes and I had to put the chain link down so they haven't gotten out since.

HEARING OFFICER LEANN DUCEY: Ok. All right. Does anyone have anything else to present today? Ok. Sergeant Raudabaugh, I have a couple of questions. I'm not going to make a ruling today. I'm going to review the information. Uhm, so tell me what we are going to do about this dog until a ruling goes out?

SERGEANT SCOTT RAUDABAUGH: I was looking over the ordinance here and it talks about, it talks about properly confining it and providing proof of insurance.

HEARING OFFICER LEANN DUCEY: Right. I forgot to ask. Do you have insurance on this dog?

CHRISTY WILKINS: Inaudible.

HEARING OFFICER LEANN DUCEY: Can you come up to the microphone? I'm sorry. We are taping this. That's ok Sergeant. You can stand there too.

CHRISTY WILKINS: I took the dog out of the City. I don't.

HEARING OFFICER LEANN DUCEY: Have you looked into getting insurance?

CHRISTY WILKINS: Yes I have and it's extremely expensive and.

HEARING OFFICER LEANN DUCEY: I mean, have you even had anyone agree to give you insurance after having two bites?

CHRISTY WILKINS: Yes.

HEARING OFFICER LEANN DUCEY: Ok. It is possible that you could get it?

CHRISTY WILKINS: Yes, it is.

HEARING OFFICER LEANN DUCEY: So what is your plan though if the dog is ruled vicious? Are you planning to get the insurance and bring the dog back or are you planning to permanently move it to this Johnston residence? I need to know that.

CHRISTY WILKINS: Ok. If we, if he is ruled vicious, I will get insurance. If he is not ruled vicious obviously I will bring him back home.

HEARING OFFICER LEANN DUCEY: But there's no way it's going to stay at Johnston address?

CHRISTY WILKINS: No.

HEARING OFFICER LEANN DUCEY: Ok. Thank you. Yes Sergeant.

SERGEANT SCOTT RAUDABAUGH: In cases where we have a dog declared vicious by breed, uh, the owner has the opportunity to remove it from the City. Uhm, I guess I interpret the ordinance to allow that in this case. That she takes it out of the City pending appeal. Uhm, looking through this ordinance, maybe that does not allow that. At this point I'm not, I do not plan to drive to Johnston and impound the dog in Johnston at this point. I suppose technically, uh, Ms. Wilkins should provide the insurance no matter where the dog is pending the outcome of this appeal.

HEARING OFFICER LEANN DUCEY: That was my feeling that she needed to have insurance.

SERGEANT SCOTT RAUDABAUGH: No matter what. We did not have the opportunity last week to get out and check Ms. Wilkins residence and then impound the dog if it was still there uninsured. However, the information today indicates the dog is in Johnston and like I say, we'll check Ms. Wilkins residence to make sure the dog is not there pending the outcome of this appeal. But, like I said before, I do not plan to drive or have my, the Animal Control Officers go out to Johnston and impound the dog. It seems

reasonable to me that we allow other dogs determined to be vicious to be removed from the City that this would be an acceptable variation so to speak.

HEARING OFFICER LEANN DUCEY: Except she did say that this is not a, no matter which way, the dog will not be returned, will not stay at this Johnston residence. That's what I understand.

SERGEANT SCOTT RAUDABAUGH: If the dog, my understanding is that if the dog is determined to be vicious in accordance with this hearing, that she would insure it. If the dog is found not to be vicious that she wouldn't need to insure it.

HEARING OFFICER LEANN DUCEY: So it is your understanding that until a ruling is made, that no insurance needs to be purchased on this dog?

SERGEANT SCOTT RAUDABAUGH: I think you're right and that technically she is suppose to have insurance no matter where the dog is, whether the dog is here or whether the dog is in Alaska pending the outcome of this. Like I say, we didn't get out there last week to check and if the dog was still there impounded and then here we are today. The dog is supposedly in Johnston. That seems like a reasonable variation that it doesn't warrant myself or my staff going out to Johnston and impounding the dog.

HEARING OFFICER LEANN DUCEY: Ms. Wilkins, a couple more questions. When did the dog go to Johnston?

CHRISTY WILKINS: Uh, Thursday afternoon about 1:00.

HEARING OFFICER LEANN DUCEY: Ok. I want proof that you have insurance before I make a ruling.

CHRISTY WILKINS: Ok.

HEARING OFFICER LEANN DUCEY: So as soon as you can get that insurance and bring it into the City Clerk's Office and I'll start writing my ruling.

CHRISTY WILKINS: May I say one more thing?

HEARING OFFICER LEANN DUCEY: Uhm, uh.

CHRISTY WILKINS: In his ordinances that he was reading, it said unprovoked attacks and believe both of the attacks, which weren't really attacks, were provoked.

HEARING OFFICER LEANN DUCEY: Well I'm not sure that a five-year old knows about provoking an attack. If it was an adult, I could see it. A five-year old child running into a bathroom. I mean, I think it was more of an accident than a provocation.

CHRISTY WILKINS: Yes, I think I was. But the five-year old, my grandson, is a very aggressive child and given to doing strange things like hitting the dog with plastic swords and things like that.

HEARING OFFICER LEANN DUCEY: That's a child. That's not a strange child. No I have a five year-old grandson and my grandson would hit a dog, not being mean, just playing. I don't think that's a strange child. That's a normal child.

CHRISTY WILKINS: But the dog never responded to that.

HEARING OFFICER LEANN DUCEY: Well, you get the insurance in. Do you think you'll have that this week still?

CHRISTY WILKINS: I should be able to....inaudible....faxed to me.

HEARING OFFICER LEANN DUCEY: Ok, you know, because if, a, I rule that the dog is not vicious then I think you can cancel the insurance.

CHRISTY WILKINS: Inaudible.

HEARING OFFICER LEANN DUCEY: Ok. All right.

SERGEANT SCOTT RAUDABAUGH: If I could add to this.

HEARING OFFICER LEANN DUCEY: Sure.

SERGEANT SCOTT RAUDABAUGH: With other circumstances, similar or slightly different, we have folks come into the Animal Shelter and they can often times purchase a binder or 30 days worth of insurance for very little money actually. If the City Clerk's Office commonly interacts with insurance companies for vicious dogs or dogs determined to be vicious, more for breed rather than behavior and so they often like I say interact with insurance companies and you may be able to stop on your way out and speak with one of the clerks and maybe they can tell you some of the common names that they see pass through. They can't endorse anyone, but they can tell you if State Farm or Prudential or whoever they commonly see insuring vicious dogs by breed such as Pit Bulls and the like and that may help you be able to purchase that 30 days worth of insurance to get us through this process if your personal homeowner's insurance wouldn't extend to what you need.

HEARING OFFICER LEANN DUCEY: If you need to talk, cause we are taping this and I want to make sure we get everything down.

CHRISTY WILKINS: I did ask them last week and the lady said we don't give out any names.



HEARING OFFICER LEANN DUCEY: Well, I know that, talk to the City Clerk. Her name is Diane Rauh, if she's out there because I know.

CHRISTY WILKINS: That's who I talked to.

HEARING OFFICER LEANN DUCEY: Because I had heard before that the, this is just something I heard, that the insurance people do not want the Clerk's Office giving out names. I don't know. Talk to Ms. Rauh. She is the head of the department.

CHRISTY WILKINS: That's who I did talk to and she wouldn't give me any names. I did call the humane society, but I can come out to the Animal Rescue on S.E. 14<sup>th</sup> and get a binder? Is that what you said? I don't understand that.

SERGEANT SCOTT RAUDABAUGH: Uh, no. First of all, yeah, as far as the City Clerk's Office, whatever their rules are is what they need to follow so if they told you they don't give out that, then I respect that and I understand that. Secondly, when I talk about binder, that's, it is my understanding that's a short-term insurance coverage provided by an insurance company. You would need to talk to an insurance agent about getting a binder, a short-term insurance policy is my understanding.

CHRISTY WILKINS: I will do that, ok.

HEARING OFFICER LEANN DUCEY: Ok. So what I'm stating today, a couple of things. I will send out a written ruling upon receipt that you do have insurance and that will be the final decision and I don't know yet which way I'm going to rule. Upon receipt of that decision you have three days to appeal the decision to the City Council should you disagree with the ruling. The appeal must be made in writing to the City Clerk's Office and it must state the reason for your appeal, but all that information would be in ruling. So I just wanted to make that clear to you. If you have any other questions, I'm available or Sergeant Raudabaugh is available. Thank you very much for coming in.

CHRISTY WILKINS: Thank you.