



# Board of County Commissioners Agenda Request

## 3A

Agenda Item #

**Requested Meeting Date:** August 12, 2014

**Title of Item:** Hearing for Dangerous Dog Determination - Brooklyn

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input checked="" type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Undersheriff John Drahota		<b>Department:</b> Sheriff's
<b>Presenter (Name and Title):</b> Sheriff Scott Turner		<b>Estimated Time Needed:</b> 30 minutes
<b>Summary of Issue:</b>  The County Board as the Animal Control Authority needs to determine whether or not to uphold the Dangerous Dog designation for the dog named Brooklyn.		
<b>Alternatives, Options, Effects on Others/Comments:</b>  		
<b>Recommended Action/Motion:</b> Motion to uphold the Dangerous Dog designation for the dog named Brooklyn.		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

# SCOTT A. TURNER

## SHERIFF OF AITKIN COUNTY

217 Second Street NW, Room 185  
Aitkin, MN 56431

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

### TIMELINE OF EVENTS FOR BROOKLYN

- Scott & Laura Wenner share a driveway with their neighbor, Adrew Crego. They live on State Hwy. 18 on the north end of Mille Lacs Lake. Wenner's have 2 dogs, a Great Dane and another dog. Crego has 7 dogs, all the same breed of Boerboel.
- On Saturday, May 10, 2014, Scott & Laura Wenner reported that their 4 month old Great Dane had been attacked by several of the neighbor's dogs. The incident occurred on the Wenner's property. In order to protect his dog, Scott had pulled the dogs off of his dog and held his dog in the air until the other dogs could be restrained. As a result of this incident (case #14-1579), Deputy Asmus issued "Potentially Dangerous Dog" notices to the owner, Adrew Crego, for the 3 dogs involved identified by Crego as Brooklyn, Julie, and Sarah. Crego has had his dogs micro-chipped, as required by statute.
- On Saturday, July 19, 2014, a similar situation occurred at the Wenner property. This time, their Great Dane ran inside the Wenner home in an effort to get away from Crego dogs but 2 of Crego's dog followed the Dane into the Wenner home and proceeded to attack it in the kitchen area. Scott and family friends were able to remove one of the Crego dogs from their home and restrain the second dog until the owner was able to retrieve his dog. Crego identified the dog as Brooklyn. As a result of this incident (case #14-2800), Deputy Sheryl Cook issued Crego a "Dangerous Dog" notice on Brooklyn since this was now the second occurrence. The other dog that came into the Wenner home was not able to be identified.
- On Friday, August 1, 2014, Crego requested a hearing regarding the dangerous dog determination.
- On Tuesday, August 5, 2014, Undersheriff Drahota notified Scott & Laura Wenner that the hearing was scheduled for Tuesday August 12<sup>th</sup> at 9:00 a.m. They said that they would speak to the neighbors and notify them of the hearing.

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

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: Andrew Adrian Crego

Address: 32829 Hwy 18, Aitkin MN 56431

Phone#: 218-838-4821

Your dog, a Brooklyn Za Boerboel, has been determined to be  
(description)  
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

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

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

5-10-14  
Date

ASMAS 208  
Deputy

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

5/10/14  
Date

ay 7 me  
Owner or Caretaker

[ ] Check if owner refused to sign

White Copy: Deputy

Yellow Copy: Owner



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

**Incident Detail Report**

**Printed On: Mon, Aug 04, 2014**

<b>Case Number:</b> 2014001579	<b>NCIC:</b> MN0010000	Status: CAD Import	Status By:
Juvenile: No	Protected: No	Case Hold: No	Additional Reports: Yes
			Status Date Time: 05/10/2014 10:47

**Call For Service**

Date Reported: 5/10/2014 Saturday 09:26 Date Committed Start: 5/10/2014 09:26 Date Committed End:

Received By: 340 How Received: CAD

Description: Animal Complaint CAD Seq Nbr: ACSO:2014:1951

Event Type: CAD Agency: Aitkin County

Case Status: Case Disposition:

**Scene**

Location:

Business Name:

Low House Nbr: 32825 High House Nbr: Community Code:

Street: STATE HWY 18

Unit Nbr/Type: Intersection Street:

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

LGN: 1932 GEO Code: Weather Conditions:

Place Committed: 32825 STATE HWY 18 (/327TH PL)

**Officer Information**

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
208	5/10/2014 09:26		5/10/2014 09:37	5/10/2014 10:43	Primary

**Offense Detail**

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

Statute: Status: Exceptionally cleared Status Date: 05/10/2014 Criminal Activity:

Counts: Larceny Type: Campus Code: Offense Level:

CAD Offense Code: CAD Literal: Animal Complaint

CAD Disposition: Cleared

Remark:

Disposition:

**Aitkin County Sheriff's Office**  
**Case Number 2014001579 (MN0010000)**

**Incident Detail Report**

**Printed On: Mon, Aug 04, 2014**

**Associations**

<b>Name: Crego, Andrew Adrian</b>		<i>Driver License:</i>		<i>Resident:</i>	
<i>Role:</i> Owner				<i>Organization Type:</i>	
<i>Phone:</i> (218)838-4821	<i>DOB:</i> 7/16/1975	<i>Age (Range):</i> 38	<i>LGN:</i>		
<i>Address:</i> 32829 STATE HWY 18, Aitkin, MN 56431					
<i>Sex:</i>	<i>Race:</i>	<i>Height:</i>		<i>Disability:</i>	
<i>Eye Color:</i>	<i>Hair Color:</i>			<i>Weight:</i>	
<b>Name: Reinert, Laura Marie</b>		<i>Driver License:</i>		<i>Resident:</i>	
<i>Role:</i> Witness				<i>Organization Type:</i>	
<i>Phone:</i> (763)439-6212	<i>DOB:</i> 9/8/1966	<i>Age (Range):</i> 47	<i>LGN:</i>		
<i>Address:</i> 4330 W Broadway, Robbinsdale, MN 55422					
<i>Sex:</i>	<i>Race:</i>	<i>Height:</i> 5'07"		<i>Disability:</i>	
<i>Eye Color:</i> Hazel	<i>Hair Color:</i>			<i>Weight:</i> 165 lbs.	
<b>Name: Wenner, Scott Allen</b>		<i>Driver License:</i>		<i>Resident:</i>	
<i>Role:</i> Reported By				<i>Organization Type:</i>	
<i>Phone:</i>	<i>DOB:</i> 4/12/1966	<i>Age (Range):</i> 48	<i>LGN:</i>		
<i>Address:</i> 4330 W Broadway, Robbinsdale, MN 55422					
<i>Sex:</i> Male	<i>Race:</i>	<i>Height:</i>		<i>Disability:</i>	
<i>Eye Color:</i>	<i>Hair Color:</i>			<i>Weight:</i>	

**Media**

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
5/15/2014	14-1579	Notice of Determination of Potentially Dangerous Dog
5/30/2014	14-1579	Letter from Andrew Crego
6/19/2014	14-1579	Email from Andy Crego
6/25/2014	14-1579	Letter dated 6/24/14 to Crego from #223
6/26/2014	14-1579	Email dated 6/27/14 Crego to #223

**Narrative**

R: LGN 1932  
R: CI states they neighbors dogs attacked them.  
R: Per 208 3 dogs were served with potentially dangerous dog papers. Brooklyn, Julie, and Sara.

**ADDITIONAL PERSON**

Name Type: Individual Implication: Complainant  
Name: Laura Reinert  
Address: 763-439-6212





Notes

He said that he did not hear any barking but did hear screaming. He said that when he ran over to the area that the dogs were he saw three of his dogs around the dock. He then said that one of his dogs was showing interest in his dog but would not admit that the dogs were being aggressive. I then asked how many dogs he had. He then informed me that he has seven Boerboel's. He said that it is a rare breed. I asked what he does with them and he then informed me that he used to live on a ranch and the dogs would keep the property clear of other dogs or any other threats by killing them. He again assured me that they were not acting like this and again said that only one of the dogs was showing interest but he did not feel that any of the dogs were acting aggressively. I then explained that the victim's perspective means allot in this case and he understood. At this point I informed him that he would be receiving paperwork for the three dogs involved. I then explained what the definition of a potentially dangerous dog was. I gave him a fact sheet and then asked for a statement about the situation. He then gave me a voluntary statement about the incident. Please review the statement for more details.

I then returned to speak with Scott. I then took a statement from Scott regarding the same incident. On this statement his story was consistent except for the number of dogs involved. At first he said that there were four dogs that came over. On the statement he stated that there were five dogs. For more information about the statement please see the statement.

After speaking with Scott I then went over to speak with the other neighbors that assisted. When speaking with them they insisted that they did not want to get involved. They did inform me that the dogs that came over did not seem over aggressive. But they did say that they were acting like a pack and were going after the dog.

I returned later in the day and met with Andrew a second time. At this point I issued him paperwork on three dogs that he said were involved. The dog's names were Brooklyn, Julie and Sarah. All three dogs were issued potentially dangerous dog paperwork. I asked if any of the dogs have been micro chipped. Andrew said that he thinks they have been but would have to try to locate the paperwork. I informed him of the 30 day time limit and cleared the scene.

Please note that I did not observe any signs of aggression while I was at either residence.

Deputy Daniel Asmus, #208  
ACSO

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

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: Andrew Adrian Crego

Address: 32829 Hwy 18, Aitkin MN 56481

Phone#: 218-838-4801

Your dog, a Boerboel named Julie, has been determined to be  
(description)  
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

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

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

5-10-19  
Date

Asmus 208  
Deputy

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Caretaker

[x] Check if owner refused to sign officer Dan Asmus explained, however Julie was not potentially Dangerous

White Copy: Deputy

Yellow Copy: Owner

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

**NOTICE OF DETERMINATION**

**OF**

**POTENTIALLY DANGEROUS DOG**

TO: Name: Andrew Adrian Crego

Address: 32829 Hwy 18, Aitkin MN 56431

Phone#: 218-838-4831

Your dog, a Boerboel named (Sarah), has been determined to be  
(description)  
a potentially dangerous dog within the meaning of Minnesota Statutes 347.50 Subd 3.

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

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

5-10-14  
Date

Asmus Jot  
Deputy

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner or Caretaker

Check if owner refused to sign

I understand what Officer P. Asmus explained, however Sarah was not potentially dangerous.

White Copy: Deputy

Yellow Copy: Owner

14-1579

Received  
5-28-14

In regards to Aitkin County Sheriff's Office, Animal Care and Control Program, Notice of Determination of Potentially Dangerous Dog IRC#14001579. I protest the assumption of potentially dangerous dog as determined under Minnesota Statutes 347.50 Subd 3. Which states:

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

If the animal/animals in question are given the designation of "potentially dangerous dog", I have not been allowed due process in the defense of the allegation, nor been given the direct reason for such designation. The courts have warned that **provocation must be defined narrowly** so as not to create an injustice or swallow up the cause of action for dog bite injuries. On the day in question I never viewed a dog bite, a dog attack, a human bite, any apparent attitude of attack, a known propensity, tendency, or disposition to attack unprovoked.

What I did view was a hysterical shrieking owner and a dog that showed interest in something above its head. There was never any barking, growling or any other action to demonstrate a potentially dangerous dog. In fact, I was made to feel unsafe when I was threatened verbally by the owner Scott. Any dog in question was returned to their private property without incident. I can understand a prejudice toward large statue dogs, however **347.51 Subd. 8 Local Ordinances** "may not adopt an ordinance regulation dangerous or potentially dangerous dogs based solely on the specific breed of the dog"; thus protecting dogs from such prejudices.

It is thereby agreed that the only guilt on 5/10/2014 was that my dogs were off my property, which is not illegal in an Atkin County Township as was provided by Officer Dan Asmus #208.

**Minnesota Statutes 347.50 Subd.8. Provocation.** Defines "provocation" as an act that an adult could reasonably expect may cause a dog to attack or bite.

As commonly understood, provocation means an act or process of provoking, stimulation or excitement. The courts have wrestled with the concept of provocation. "Clearly not every occurrence that stimulates a dog to bite an individual should be a defense under [a dog bite statute which specifies that provocation is a defense but does not define it]. Conversely, provocation should not be required to rise to the level of intentional torture to be a valid defense." **Stroop v. Day, 896 P.2d 439, 271 Mont. 314 (Mont. 1995).**

Under principles of **Common Law** there is the assumption that dogs are harmless unless they have previously demonstrated a vicious propensity.

Aggression is \*typically\* a fear response in the animal kingdom. When animals experience fear they have 2 possible responses: flight or fight. Yelling at a dog \*probably\* won't make a dog bite. It is, however, an indication that the human at the other end of the leash is an unstable pack leader. Recognizing that there isn't a stable human leader in the mix, a dog can act out unpredictably. With that, if the dog perceives the human to be unstable, then the dog can sometimes attempt to step into a

leadership role which includes dominance and/or fear (which can lead to aggression) when strange people or dogs approach. A dog's natural instinct is to follow. However, they will not follow an unstable (frustrated or weak) leader.

Minnesota law provides the **defenses of provocation** and failure of the injured person to conduct himself peacefully while in a lawful place. If in fact the Animal Care and Control Program wish to pursue a notice of determination of potentially dangerous dog, I am inclined to give evidence that the animal/animals in question were provoked:

(1) On several occasions my dogs have been told to "shut up" while in their enclosure by said neighbors, giving a hostile intention on their wellbeing.

(2) Their animals have been left to roam on our premise with no indication that the behavior will stop despite our best efforts to encourage them to maintain their dogs and their fecal matter on their property. In the animal world this is territorial invasion which often is only settled through violence.

(3) I have voice recordings of unstable, loud, irrational vocal communication so apparently brash that ~~the recordings were taken from inside our home in our living area~~. I have even been inclined to step outside to see if there was harm being done over such commotion. They are unstable people that have not been enjoyable neighbors since they moved in.

In closing, my animal/animals have been accused of something with no available recourse of defense, they have been given a "general" charge with no proof provided, they did in no manner display an apparent attitude of attack, and the only interest was provocation by the neighbor's physical and vocal actions during the situation in question.

Andrew Adrian Crego  
32829 State Highway 18  
Atkin MN 56431

 5/28/14

## Lana Baker

---

**From:** Sheriff Dept Records [records@co.aitkin.mn.us]  
**Sent:** Thursday, June 19, 2014 3:13 PM  
**To:** lana.baker@co.aitkin.mn.us  
**Subject:** Fwd: FW: Sheriff Don Asmus #208. ICR#14001579

----- Original Message -----

**From:** "Sue Coffman" <sheriff2@co.aitkin.mn.us>  
**Sent:** 6/17/2014 1:23:30 PM  
**To:** "Dan Asmus" <dan.asmus@co.aitkin.mn.us>, "John Drahota" <jdrahota@co.aitkin.mn.us>, "Sheriff Dept Records" <records@co.aitkin.mn.us>  
**Subject:** FW: Sheriff Don Asmus #208. ICR#14001579

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**From:** pawsitive change [mailto:pawsitivechange@hotmail.com]  
**Sent:** Tuesday, June 17, 2014 2:05 PM  
**To:** sheriff2@co.aitkin.mn.us  
**Subject:** Sheriff Don Asmus #208. ICR#14001579

hello officer asmus,

this e-mail is in regards to icr#14001579 (andrew a. crego, phone #218.838.4821) notice of potentially dangerous dog received 5/10/14. i wrote a letter of protest and hand delivered it on 5/24/14 yet did not receive any notification back? while i still question the notice and disagree with the finds, i am providing the petwatch microchip information while still maintaining no fault.

brooklynn: 0A121B24

sarah:0A121D1B24

---

julie:0A121E2D53

stay safe,

andy crego

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

217 Second Street NW, Room 185  
Aitkin, MN 56431

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

June 24, 2014

Andrew Crego  
32829 St. Hwy. 18  
Aitkin MN 56431

Reference case #14001579

Dear Mr. Crego,

Our office had received a copy of your letter on 5/28/14. It had been received at the County Administrator's Office, whom in turn forwarded it to our office. In reading your letter, I did not perceive that a reply was expected. Your letter was placed with the case file for documentation purposes. I informed Deputy Asmus of the letter and advised him that no further action was necessary.

I have reviewed the information regarding this case. In this case, your dogs left your property and entered a neighbor's property and proceeded to attack their dog. The dog owner intervened and removed his dog from the threat by holding the animal in his arms away from your dogs until your dogs could be secured.

Based on the information provided, Deputy Asmus acted appropriately by issuing potentially dangerous dog notices on the dogs involved. The circumstances meet the Minnesota State Statute criteria pertaining to potentially dangerous dogs. The fact that you did not witness the entire incident does not diminish our responsibility to take necessary measures to protect the public within the guidelines of the law.

The Minnesota Supreme Court has ruled that the owner of a dog designated as potentially dangerous do not have their due process rights violated by his or her inability to challenge the determination (Mitchell Sawh vs. City of Lino Lakes A10-2143). You say you were never given a reason for the designation. In this case, your dogs left your property and entered another person's property and attacked their dog. It is fortunate that the owner was present to remove his dog from the threat or the situation may have had a more severe outcome. In conclusion, our deputy acted in accordance with policy. He responded to the scene, gathered the available information, spoke to the parties involved, including witnesses, and took photographs. Based on this information, he took necessary enforcement action authorized by law.

Sincerely,

  
Undersheriff John Drahota

CC: Sheriff Scott Turner  
Deputy Dan Asmus

## John Drahota

---

**From:** pawsitive change [pawsitivechange@hotmail.com]  
**Sent:** Friday, June 27, 2014 1:37 PM  
**To:** John Drahota  
**Subject:** RE: Sheriff Don Asmus #208. ICR#14001579

In response to Undersheriff John Drahota,

I thank you for your response and for citing a MN Supreme Court ruling that the owner of a dog designated as potentially dangerous does not have their due process rights violated by his or her inability to challenge the determination. However, I find it paramount that the reasons cited do not pertain to this incident in question. Since it is at this point we are but conversing as two intellects, the trier of fact is your office. I may point out that the reasons given why the State reversed the lower courts appeal was that the declaration of Potentially Dangerous Dogs in the Lino Lakes City Code does not incur any hardship upon its designation. The 14<sup>th</sup> amendment requires the government to provide constitutionally sufficient process only when the government has the ability to deprive an individual of a protected interest. Under Minnesota law, a dog is an item of personal property and requiring a microchip upon the findings of a Potentially Dangerous Dog does require the provision of due process when an interest in one's "life, liberty or property" is threatened. Moreover, The State's decision to reverse the appeal also was heavily dependent upon the subsequent bites.

While I commend Sheriff Dan Asmus in this matter and would recommend him as an outstanding officer, his determination was based solely on hearsay evidence because neither he nor you have personal knowledge. "[I]n the absence of a special statute, an administrative agency cannot, at least over objection, rest its findings of fact solely upon hearsay evidence which is inadmissible in a judicial proceeding." State ex rel. Indep. Sch. Dist. No. 276 v. Dep't of Educ., 256 N.W.2d 619, 627. "[N]either pure hearsay nor hearsay corroborated by a mere scintilla of competent evidence is sufficient. . . . [T]here must be some substantial evidence introduced to sustain [an administrative body's] findings."). This rule been applied to a quasi-judicial determination by an agency without statewide jurisdiction. See In re Expulsion of E.J.W. from Indep. Sch. Dist. No. 500, 632 N.W.2d 775, 782. The only agreement on the day in question is that my dogs were off my property and is irrelevant to a potentially dangerous determination.

"In conclusion, our deputy acted in accordance with policy. He responded to the scene, gathered the available information, spoke to the parties involved, including witnesses, and took photographs. Based on this information, he took necessary enforcement action authorized by law." Never-the-less, of the three reasons given in my copy of Potentially Dangerous Dogs, none were directly referenced making them erroneous assumptions. A ticket given for a traffic stop states specifically what the infraction is, just an idea to update your policy. As for the witnesses, neighbors also made statements that did not support findings of Potentially Dangerous Dogs, something Sheriff Asmus reinforced in our conversation and again later when said neighbors discussed their finding of fact with me.

Thank you for your time.

As a side note, we are still having trouble with said neighbor. He blatantly trespasses walking right through our yard, his dogs are still left to roam and defecate on our property, their dogs charge anyone that walks in the back yard, their irrational behavior often results in minutes of profane language which can easily be heard in our house, and noise pollution late into the evening. Up until this incident we have tried to maintain the peace and overlooked much with this inconsiderate neighbor, but we feel helpless. This incident has

emboldened him even further. While following policy by not providing an avenue for due process, it comes with its own consequences.

Sincerely,

Andy Crego

---

**From:** jdrahota@co.aitkin.mn.us  
**To:** pawsitivechange@hotmail.com  
**CC:** dan.asmus@co.aitkin.mn.us; scott.turner@co.aitkin.mn.us  
**Subject:** FW: Sheriff Don Asmus #208. ICR#14001579  
**Date:** Tue, 24 Jun 2014 17:11:27 -0500

Mr. Crego,

Please see the attached letter. I will also follow-up with a signed copy mailed to your residence. Thank you for your cooperation in providing the microchip information.

Sincerely,

Undersheriff John Drahota

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**From:** Sue Coffman [mailto:sheriff2@co.aitkin.mn.us]  
**Sent:** Tuesday, June 17, 2014 2:22 PM  
**To:** Dan Asmus; 'John Drahota'; 'Sheriff Dept Records'  
**Subject:** FW: Sheriff Don Asmus #208. ICR#14001579

---

**From:** pawsitive change [mailto:pawsitivechange@hotmail.com]  
**Sent:** Tuesday, June 17, 2014 2:05 PM  
**To:** sheriff2@co.aitkin.mn.us  
**Subject:** Sheriff Don Asmus #208. ICR#14001579

hello officer asmus,

this e-mail is in regards to icr#14001579 (andrew a. crego, phone #218.838.4821) notice of potentially dangerous dog received 5/10/14. i wrote a letter of protest and hand delivered it on 5/24/14 yet did not receive any notification back? while i still question the notice and disagree with the finds, i am providing the petwatch microchip information while still maintaining no fault.

brooklynn: 0A121B24

sarah:0A121D1B24

julie: 0A121E2D53

stay safe,

andy crego

218-838-4821

[pawsitivechange@hotmail.com](mailto:pawsitivechange@hotmail.com)

Narrative

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: SCOTT ALLEN WENNER  
STATEMENT IS IN REFERENCE TO ICR #: 14-1579  
DEPUTY TAKING STATEMENT: DEPUTY DANIEL ASMUS  
DATE OF STATEMENT: MAY 10, 2014

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Q THIS'LL BE A TAPED STATEMENT BY DEPUTY DANIEL ASMUS. BADGE NUMBER 208. REFERENCE TO ICR NUMBER 14-1579. THE DATE IS 5-10-2014. THE TIME IS NOW 1024 HOURS. SPEAKING WITH SCOTT. SCOTT, STATE YOUR FULL NAME FOR ME PLEASE.

A SCOTT ALLEN WENNER.

Q HOW DO SPELL YOUR LAST NAME?

A W-E-N-N-E-R.

Q WHAT'S YOUR DATE OF BIRTH?

A 4-12-66.

Q AND WHAT'S THE ADDRESS THAT WE'RE STANDING AT RIGHT NOW?

? 32825.

A 32825.

? STATE HIGHWAY 18.

A STATE HIGHWAY 18.

Q O.K. AND WHAT'S YOUR MAILING ADDRESS?

A 4330 WEST BROADWAY, ROBBINSDALE MINNESOTA. 55422.

Q K. AND WHAT'S A TELEPHONE NUMBER FOR YA?

A 651-442-143.

Q O.K. AND BASICALLY WE'VE BEEN TALKIN' ABOUT AN ISSUE THAT HAPPENED ON

Narrative

YOUR PROPERTY HERE INVOLVING YOUR NEIGHBOR'S DOGS, IS THAT CORRECT?

A YES.

Q O.K. WHY DON'T YOU TELL ME IN YOUR OWN WORDS WHAT HAPPENED.

A WE WERE, ME AND MY WIFE WERE SITTING ON OUR DECK WITH OUR DOGS. THEY WERE LAYIN' ON THE DECK WITH US. HIS FIVE SIX SEVEN DOGS CAME BOLTING AROUND THE CORNER. THEY ATTACKED MY FOUR MONTH OLD GREAT DANE. ONE CHASED THE OTHER ONE, MY BOXER INTO THE HOUSE. TRIED TO GET INTO MY HOUSE. IT WAS HAD MY DOG FOUR OF 'EM UNDER THE DOCK. THEY WERE ATTACKING HER. I HAD TO PUSH THROUGH FOUR DOGS, GRAB MY DOG. THEY WERE JUMPIN' ON ME. THEY BIT MY DOG IN THE LEG. I THOUGHT THEY WERE GONNA BITE ME. I HAD TO WALK ON THE END OF MY DOCK TO TRY TO GET AWAY FROM THESE DOGS. HE WAS HOLDING ONE DOWN. THE THREE NEIGHBORS CAME OVER TO TRY TO HOLD THE OTHER THREE DOWN. I'M HOLDING MY DOG ON THE DOCK. IT JUMPED ON LIKE I SAID, MY DOG GOT BIT IN THE LEG. TRIED TO PULL MY DOG DOWN. MY WIFE'S HYSTERIC ON THE DECK WITH ANOTHER DOG TRYING TO GET INTO MY HOUSE TRYING TO GET THE OTHER DOG.

Q O.K. AND DID YOU INCUR ANY INJURIES DURING THIS?

A NO I'M FINE.

Q K. YOU DID POINT OUT THAT YOU HAD A COUPLE OF SCRATCHES.

A YEAH I HAVE A SCRATCH ON MY LEG FROM THEM JUMPIN' UP WHEN I WAS ON THE DOCK TRYING TO CLAW MY DOG I WAS HOLDING IN MY HANDS.

Q K. YOU DIDN'T WANT ME TO TAKE A PHOTOGRAPH OF THAT IS THAT CORRECT?

A NO THAT'S FINE.

Q I WILL BUT YOU SAID THAT YOU DIDN'T WANT ME TO A SECOND AGO.

A YEAH. I DON'T, SURE YOU CAN TAKE A PHOTOGRAPH OF IT...

Q O.K. O.K.

A JUST IN CASE.

Q UM, I DID TAKE A PHOTOGRAPH OF UH THE BITE MARK THAT YOUR GREAT DANE INCURRED.

A YES.

Case Supplemental Information

Narrative

Q YOU SAID HER NAME WAS BLUE?

A YEAP.

Q AND YOUR OTHER DOG IS A BOXER NAMED REMY IS THAT CORRECT?

A THAT'S CORRECT.

Q AND SHE SAID THAT SHE WAS ABLE TO RUN INTO THE CABIN SO...

A YES.

Q SHE WASN'T NECESSARILY...

A NO. SHE GOT IN.

Q AFFECTED BY THIS OTHER THAN THAT SHE GOT CHASED IN THE CABIN.

A NO, MY WIFE CLOSED THE DOOR QUICK ENOUGH BEFORE THE OTHER DOG COULD GET IN.

Q O.K. AND YOU AND WHEN I INITIALLY SPOKE WITH YOU YOU SAID THERE WAS FOUR DOGS THAT CAME AROUND. AND NOW NOW YOU SAID THERE WAS FIVE OR SIX. YOU DON'T...

A THERE WAS FOUR THAT I HAD JUMPING ON ME. AND THEN HE HAD ONE IN HIS HAND.

Q YOU MEAN HIM HE AS IN YOUR NEIGHBOR.

A THE OWNER.

Q O.K.

A THERE WAS ANOTHER ONE THAT CAME AFTER. SO THERE WAS I SEEN SIX TOTAL.

Q O.K.

A THERE WAS FOUR THAT WERE SEEMED TO BE REALLY AGGRESSIVE AFTER MY DOG. AND HE IT SEEMED LIKE HE HAD THE ONE THAT HE KNEW WAS GONNA BE DANGEROUS 'CAUSE HE DID NOT WANNA LET THAT ONE GO.

Q O.K.

Narrative

- A HE ASKED ME IF I HAD A LEASH TO LEASH ANY OF THE OTHER ONES UP. HE WAS HYSTERIC TOO HE WAS ASKING THE NEIGHBORS IF ANYBODY GOT A LEASH. COULDN'T GET (INAUDIBLE) LIKE DON'T GET 'EM RILED UP 'CAUSE THEY'RE GONNA GO OFF. THAT'S THE WAY I FELT.
- Q O.K. AND UM, DID YOU FEEL THREATENED IN ANY WAY?
- A OH I FELT VERY THREATENED BY HIS DOGS. I THOUGHT I WAS GONNA GET MAULED 'CAUSE THEY WANTED MY DOG SO BAD AND THERE'S FOUR OF 'EM JUMPING UP AT MY DOG.
- Q O.K. O.K. UM, IS THERE UH, ANY NAMES OR ANYTHING THAT YOU YOU CALL THE DOGS.
- ? BROOKLYN.
- A BROOKLYN. MY WIFE HEARD HIM SAY BROOKLYN.
- Q O.K.
- A NO I JUST...
- Q BUT OTHER THAN THAT I MEAN THERE, CAN YOU TELL ANY OF THE DOGS APART OR THEY ALL KINDA LOOK THE SAME.
- A THEY ALL LOOK THE SAME. I COULDN'T TELL, I KNOW THE OLD ONE DID WAS IN THE BACK NOT DOIN' MUCH.
- Q O.K.
- A I DON'T KNOW WHICH ONE (INAUDIBLE) NO I CAN'T TELL.
- Q O.K. THEY ALL LOOK SIMILAR THEY'RE ALL THE SAME BREED.
- A YEAP YEAP.
- Q AND SO FORTH.
- A YES.
- Q O.K. IS THERE ANYTHING I'M FORGETTIN' TO ASK YOU ABOUT THIS THAT YOU THINK'S IMPORTANT?
- A UM, NO NOT THAT I CAN THINK OF.

Narrative

Q O.K. IS THIS A VOLUNTARY STATEMENT?

A YES.

Q O.K. DID I MAKE ANY THREATS OR PROMISES TO YOU TO TALK WITH ME ABOUT THIS?

A NO. NO.

Q O.K. UM, IF THERE'S NOTHING ELSE TO ADD THEN I'M GONNA END THE STATEMENT.  
THE TIME IS NOW 1028 HOURS.

---

WITNESS	PERSON MAKING STATEMENT	DATE
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WITNESS	I HAVE RECEIVED COPY	DATE (sc)
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I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON MAY 10, 2014, BY DEPUTY DANIEL ASMUS OF SCOTT ALLEN WENNER.

Narrative

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT GIVEN VOLUNTARILY BY: ANDREW ADRIAN CREGO  
STATEMENT IS IN REFERENCE TO ICR #: 14-1579  
DEPUTY TAKING STATEMENT: DEPUTY DANIEL ASMUS  
DATE OF STATEMENT: MAY 10, 2014

---

- Q THIS'LL BE A TAPED STATEMENT BY DEPUTY DANIEL ASMUS BADGE NUMBER 208. REFERENCE TO ICR NUMBER 14-1579. I'M CURRENTLY AT THE ADDRESS OF 32829 HIGHWAY 18, AITKIN MINNESOTA 56431. AND REGARDS TO A DOG ISSUE. I'M CURRENTLY SPEAKING TO CREGO. CAN YOU STATE YOUR FULL NAME FOR ME CREGO?
- A ANDREW CREGO. A-N-D-R-E-W. LAST NAME'S CREGO C-R-E-G-O.
- Q SO IT'S ANDREW...
- A CREGO.
- Q WHAT'S YOUR MIDDLE NAME?
- A ADRIAN. A-D-R-I-A-N.
- Q O.K. SO ANDREW.
- A ADRIAN CREGO.
- Q O.K. UH, WHAT'S YOUR DATE OF BIRTH?
- A 7-16-75.
- Q K. AND THIS IS WHERE YOU'RE LIVING?
- A CORRECT.
- Q O.K. THE ADDRESS OF THIS AGAIN?
- A 32829 STATE HIGHWAY 18. AITKIN 56431.
- Q O.K. AND A TELEPHONE NUMBER FOR YA?

Narrative

A 218-838-4821.

Q O.K. WHAT HAPPENED TODAY?

A I LET THE DOGS OUT TO GO TO THE RESTROOM. THREE OF THEM DIVERTED OVER TO THE NEIGHBOR'S PROPERTY. WHEN I WENT AROUND THE CORNER SCOTT WAS HOLDING HIS GREAT DANE IN HIS ARMS. AND UH, BROOKLYN WAS SHOWING INTEREST. I NEVER SAW ANY BITES. I NEVER SAW ANY AGGRESSION TOWARDS PEOPLE. UH, WE WENT AHEAD AND GOT THEIR DOG INTO THE HOUSE AND THE OTHER DOGS WENT OVER BACK TO THE PROPERTY WITH ME.

Q K. WHEN YOU'RE SAYIN' UM, WHEN YOU'RE REMOVING THE DOGS TO TAKE 'EM OUT TO GO TO THE BATHROOM, YOU WERE BRINGIN' 'EM OUTTA THE GARAGE?

A BRINGIN' 'EM OUTTA THE GARAGE. APPROXIMATELY A 24 FOOT DISTANCE.

Q O.K.

A INTO THE FENCED AREA TO GO TO THE RESTROOM WHERE THEY ALWAYS GO.

Q O.K. UM, AND DURING THAT TIME WERE THEY LEASHED OR ANYTHING LIKE THAT?

A NOT LEASHED. THEY'VE NEVER DIVERTED FROM THAT PATHWAY. I DON'T KNOW WHY ONE OF 'EM DECIDED TO TURN. BUT THEY DID.

Q O.K. AND YOU SAID THERE WAS THREE OF 'EM.

A THREE OF 'EM.

Q BROOKLYN WAS THE ONE IN YOUR OPINION THAT WAS SHOWING INTEREST.

A INTEREST.

Q WHAT DO YOU MEAN BY SHOWING INTEREST?

A UH LOOKIN' AFTER THE DOG THAT'S IN SCOTT'S ARMS. SO INTENTLY LOOKING. NEVER JUMPED UP TO BITE. JUST INTENTLY LOOKING. DID NOT WANT TO BE UH, DIVERTED FROM THAT DOG'S ATTENTION.

Q O.K. UM, WHEN YOU DOGS TOOK OFF FROM YOU AND RAN OVER TO THE NEIGHBOR'S PROPERTY HERE, UM, DID THEY BARK OR ANYTHING LIKE THAT WHEN THEY STARTED RUNNING OR?

A NO. NO BARKING JUST KINDA RAN OVER THERE. I HEARD UH, SOME SCREAMING

Narrative

APPROXIMATELY YOU KNOW 10 15 SECONDS BEFORE I GOT OVER THERE.

Q AND DID YOU HEAR ANY DOGS BARKING AT THAT POINT?

A NEVER HEARD DOGS BARKING AT THAT POINT. NEVER HEARD ANY CRYING I JUST HEARD HEARD THEM YELLING GET AWAY GET AWAY GET AWAY.

Q O.K. AND THEN THE THE THREE DOGS THAT YOU'RE TALKING ABOUT ARE IN THE ENCLOSURE RIGHT NOW AND I TOOK PHOTOS OF THEM CORRECT?

A CORRECT.

Q AND WHAT WERE THE NAMES OF THOSE THREE DOGS?

A BROOKLYA, BROOKLYN, SARAH AND JULIE.

Q K. AND THEY'RE A CERTAIN BREED YOU SAID UH, WHAT WAS THE TYPE OF BREED?

A BOERBOEL. B-O-E-R-B-O-E-L.

Q O.K. AND THOSE ARE JUST YOUR FAMILY DOGS.

A CORRECT. FAMILY DOGS.

Q AND YOU HAVE HOW MANY DOGS ON THE PROPERTY HERE?

A SEVEN.

Q O.K. AND THESE ARE THE THREE THAT WERE INVOLVED WITH THE ISSUE TODAY.

A THREE THAT WERE ISSUES YEAH.

Q O.K. HAVE YOU EVER HAD ANY ISSUES WITH THEM IN THE PAST?

A NO.

Q K. SO NONE OF YOUR DOGS HAVE EVER...

A NEVER.

Q HAD ANY AGGRESSIVE ISSUES OR ANYTHING?

A NEVER BITTEN ANY PEOPLE, NEVER BITTEN ANY DOGS. THEY THEY'VE NEVER NEVER DONE ANYTHING LIKE THAT.

Narrative

Q O.K. IS THERE ANYTHING THAT I'M FORGETTIN' TO ASK YOU ABOUT THIS EVENT TODAY THAT YOU THINK'S IMPORTANT?

A UM, OBVIOUSLY I CAN UNDERSTAND THE THE STRESS AND UH EXCITEMENT HOWEVER I WAS ISSUED SOME THREATS BY SCOTT.

Q WHAT DO YOU MEAN BY THAT?

A KICK MY ASS, I'LL KNOCK YOU OUT, CAN'T BELIEVE YOU'RE STILL STANDING.

Q K. AND WHEN HE WAS SAYING THAT STUFF UH...

A I SAID...

Q BOTHERING YOU OR?

A NO, I MEAN IT'S, THE SITUATION IS WHAT IT IS. I UNDERSTAND THAT UH, HE'S UPSET. IF HE WOULD'VE UH FOLLOWED THROUGH ON IT I WOULD'VE HAD TO DEFEND MYSELF BUT I THINK AFTER A COUPLE DAYS HE MIGHT SUBSIDE.

Q O.K. I MEAN YOU THINK IT WAS JUST SOMETHIN' THAT HE WAS SAYING OUT OF ANGER OVER THE SITUATION OR?

A I I WOULD HOPE SO.

Q O.K.

A YOU YOU DON'T KNOW, I MEAN I DON'T KNOW WHAT ANYONE'S INTENTIONS ARE.

Q O.K. UM, UNDER THE CIRCUMSTANCES I HAVE EXPLAINED TO YOU UH THE THE PARAMETERS AROUND AITKIN COUNTY AS FAR AS CERTAIN DOG LAWS AND UH THE THE FACT THAT POTENTIALLY DANGEROUS DOG PAPERWORK IS GONNA BE ISSUED, YOU'RE AWARE OF THAT?

A CORRECT UH YOU SAID IT WOULD BE ISSUED REGARDLESS OF ANY DOGS INVOLVED. IF THEY WERE JUST IN THE IN THE AREA THEY WOULD STILL BE ISSUED UH, POTENTIAL DANGEROUS DOG.

Q CORRECT. O.K. IS THERE ANYTHING THAT UH, ELSE THAT YOU WANNA ADD?

A UNFORTUNATE CIRCUMSTANCE. ONLY ONE DOG SHOWED INTEREST. I DID NOT SEE ANY ANY ATTACKING GOING ON. DOGS WERE CALLED OFF. UM, NO PEOPLE WERE IN DANGER AT ANY TIME. DESPITE IF THEY FELT THAT THEY WERE. UM, AND ONCE

Narrative

AGAIN JUST UNFORTUNATE SITUATION.

Q O.K. UM, IS EVERYTHING YOU'RE TELLING ME THE TRUTH?

A CORRECT.

Q DID I MAKE ANY THREATS OR PROMISES FOR YOU TO TALK WITH ME?

A DAN DID NOT.

Q AND IS THIS A VOLUNTARY STATEMENT?

A VOLUNTARY STATEMENT.

Q ALL RIGHT. I'M GONNA END THE STATEMENT. THE DATE IS 5-10-2014, THE TIME IS CURRENTLY 1013 HOURS.

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

WITNESS	I HAVE RECEIVED COPY	DATE (sc)
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I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON MAY 10, 2014, BY DEPUTY DANIEL ASMUS OF ANDREW ADRIAN CREGO.

# 14-1579

Crego's dogs



# 14-1579

victim's dog →



Crego's dog

# 14-1579

victim leg -



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

**NOTICE OF DETERMINATION**

**OF**

**DANGEROUS DOG**

TO: Name: Andrew Adrian Crego DOB: 7/16/1975

Address: 32829 St. Hwy 18

Phone #: 218-838-4821

Your dog, a Brooklyn (4 yr old female) Mastiff <sup>Tan color</sup>, has been determined to be a dangerous dog within the meaning of Minnesota Statutes 347.50 Subd. 2.

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

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification pursuant to Minnesota Statute 347.515. The name of the microchip manufacturer and the identification number of the microchip must be provided to the animal control authority within 30 days of this notice. Failure to comply with the microchip requirement is a misdemeanor and may be punished by up to 90 days in jail and/or a fine of \$1000.00.

7/19/2014  
Date

Sheryl Cook  
Deputy

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

7/19/14  
Date

[Signature]  
Owner or Caretaker

Check if owner refused to sign

White Copy: County Auditor

Yellow Copy: Owner

Pink Copy: Deputy



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

**Incident Detail Report**

**Printed On: Mon, Aug 04, 2014**

<b>Case Number:</b> 2014002800	<b>NCIC:</b> MN0010000	Status: CAD Import	Status By:
Juvenile: No	Protected: No	Case Hold: No	Additional Reports: Yes
			Status Date Time: 07/19/2014 16:47

**Call For Service**

Date Reported: 7/19/2014 Saturday 14:27 Date Committed Start: 7/19/2014 14:27 Date Committed End:

Received By: 340 How Received: 911

Description: Animal Complaint CAD Seq Nbr: ACSO:2014:3478

Event Type: CAD Agency: Aitkin County

Case Status: Case Disposition:

**Scene**

Location:

Business Name:

Low House Nbr: 32825 High House Nbr: Community Code:

Street: STATE HWY 18

Unit Nbr/Type: Intersection Street:

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

LGN: 1932 GEO Code: Weather Conditions:

Place Committed: 32825 STATE HWY 18 (/327TH PL)

**Officer Information**

<u>Officer</u>	<u>Dt/Tm Dispatched</u>	<u>Dt/Tm Assigned</u>	<u>Dt/Tm Arrived</u>	<u>Dt/Tm Cleared</u>	<u>Role</u>
218	7/19/2014 14:27		7/19/2014 15:27	7/19/2014 16:34	Primary

**Offense Detail**

ISN: 01 Offense Code: 7814 Literal: dog bite

Statute: Status: Exceptionally cleared Status Date: 07/19/2014 Criminal Activity:

Counts: Larceny Type: Campus Code: Offense Level:

CAD Offense Code: CAD Literal: Animal Complaint

CAD Disposition: Cleared

Remark:

Disposition:

**Aitkin County Sheriff's Office**  
**Case Number 2014002800 (MN0010000)**

**Incident Detail Report**

**Printed On: Mon, Aug 04, 2014**

**Associations**

<b>Name:</b> Wenner, Scott Allen	<i>Driver License:</i>	<b>Victim</b>
<i>Role:</i> Victim		<i>Resident:</i>
<i>Phone:</i>	<i>DOB:</i> 4/12/1966	<i>Age (Range):</i> 48
<i>Address:</i> 4330 W Broadway, Robbinsdale, MN 55422		<i>Organization Type:</i>
<i>Sex:</i> Male	<i>Race:</i>	<i>Disability:</i>
<i>Eye Color:</i>	<i>Hair Color:</i>	<i>Height:</i>
		<i>Weight:</i>
<b>Name:</b> Crego, Andrew Adrian	<i>Driver License:</i>	
<i>Role:</i> Mentioned In Report		<i>Resident:</i>
<i>Phone:</i> (218)838-4821	<i>DOB:</i> 7/16/1975	<i>Age (Range):</i> 39
<i>Address:</i> 32829 STATE HWY 18, Aitkin, MN 56431		<i>Organization Type:</i>
<i>Sex:</i>	<i>Race:</i>	<i>Disability:</i>
<i>Eye Color:</i>	<i>Hair Color:</i>	<i>Height:</i>
		<i>Weight:</i>
<b>Name:</b> Toth, Dorothy Louise	<i>Driver License:</i>	
<i>Role:</i> Witness		<i>Resident:</i>
<i>Phone:</i> (612)812-6794	<i>DOB:</i> 10/16/1978	<i>Age (Range):</i> 35
<i>Address:</i> 4021 Perry Ave N, Robbinsdale, MN 55422		<i>Organization Type:</i>
<i>Sex:</i> Female	<i>Race:</i>	<i>Disability:</i>
<i>Eye Color:</i>	<i>Hair Color:</i>	<i>Height:</i>
		<i>Weight:</i>
<b>Name:</b> Toth, Miles Anthony	<i>Driver License:</i>	
<i>Role:</i> Witness, Mentioned In Report		<i>Resident:</i>
<i>Phone:</i>	<i>DOB:</i> 8/30/1977	<i>Age (Range):</i> 36
<i>Address:</i> 4021 Perry Ave N, Robbinsdale, MN 55422		<i>Organization Type:</i>
<i>Sex:</i> Male	<i>Race:</i>	<i>Disability:</i>
<i>Eye Color:</i>	<i>Hair Color:</i>	<i>Height:</i>
		<i>Weight:</i>
<b>Name:</b> Wenner, Laura Marie	<i>Driver License:</i>	
<i>Role:</i> Reported By		<i>Resident:</i>
<i>Phone:</i> (763)439-6212	<i>DOB:</i> 9/8/1966	<i>Age (Range):</i> 47
<i>Address:</i> 4330 W Broadway Ave, Robbinsdale, MN 55422		<i>Organization Type:</i>
<i>Sex:</i> Female	<i>Race:</i>	<i>Disability:</i>
<i>Eye Color:</i>	<i>Hair Color:</i>	<i>Height:</i>
		<i>Weight:</i>

**Media**

<u>Date</u>	<u>Identification</u>	<u>Narrative</u>
7/24/2014	14-2800	Bannock Animal Med Ctr shot records
8/1/2014	14-2800	Notice of Determination of Dangerous Dog

**Incident Detail Report**

Narrative

R: LGN 1932

R: CI states her husband was bit by the neighbors dog.

R: Dog Brooklyn served dangerous dog papers. Also previously done in ICR 2014001579.



Notes

Telephone (H/W):

WITNESS: Name/DOB: Andrew Adrian Crego 7/16/1975 (Dog owner)  
Address: 32829 State Hwy 18, Aitkin, MN 56431  
Telephone (H/W): 218-838-4821

## PROPERTY STOLEN:

DATE AND TIME OCCURRED: 7/19/2014 14:27

TIME ARRIVED: 15:27

TIME COMPLETED: 16:34

## DETAILS:

On July 19, 2014, I Deputy Sheryl Cook responded to a report of a dog bite at 32825 State Hwy 18. Dispatch stated Laura Wenner called at 14:27 hours to report that her husband Scott Wenner had been bitten by the neighbor's dog. Dispatch stated that three of the neighbor's dogs had been served potentially dangerous dog paperwork (ICR 14-1579).

At 15:27 hours I arrived at 32825 State Hwy 18. I spoke with Scott and Laura Wenner. They stated their neighbor's dog had come into their house and attacked their dog "Blue", a 7 month old female Great Dane. This occurred inside their cabin. Scott had been outside with his two dogs when his wife yelled that the neighbor dogs were out. He grabbed his dogs and tried going inside the house through the lakeside door. When he entered, the two neighbor dogs followed him in and started to go after Blue. Blue ran to the corner of the kitchen and tried to lay down. The Mastiff started biting Blue on the neck and would not let go. Scott tried to separate the dogs because he feared his dog would be severely injured. In the process of trying to separate them, Scott said he was nipped on the arm. I could see one small red mark on his arm that was consistent with a puncture type wound. Scott said the neighbor had been served papers a short while ago on three of his dogs. He was not sure which dog had bitten him because he has seven of them and they all look the same.

I walked over to the neighbor's residence and spoke with Andrew Crego. He stated he is the owner of the dog that went inside the residence. He was not aware that Scott had been bitten, but did say he went inside the cabin to try and take the dog out. He said the dog was "Brooklyn", which is a 4 year old female Mastiff tan in color. He said Brooklyn had been served potentially dangerous dog papers recently which dispatch was able to confirm. He said he was aware and understood that I would have to serve dangerous dog papers this time. I filled out the paperwork and explained the process. I told him he could ask for a hearing and I gave him the form to fill out. I also gave him the statutes and explained them. He said he had already received them from the last incident and did not need another copy of the paperwork.

I asked Andrew to take out Brooklyn so I could examine her for injuries and photograph her. Andrew

Notes

took her out on a leash and I was able to photograph her. As I walked up to her she was wagging her tail but did growl at me once. Andrew said he could not find any injuries on her.

I explained to Andrew that I would be taking statements from the parties who witnessed the incident. I asked him if he wished to give his side of the story. He said the Brooklyn was out and ran inside the neighbor's cabin. He went inside to grab the dog. I told him there was another dog that had gone inside the residence. He said he was not aware of that and said Brooklyn was the one inside. I asked Andrew to give a formal taped statement. He said he did not want to give one at this time and may do it later.

I asked Andrew about shots on Brooklyn. He said he believed she was up to date on all her shots but did not have that information with him. I told him to give me a copy of the shot records so I could get a copy to Scott. He said he would try to call the vet on Monday. I told him to quarantine his dog for 10 days and to keep her on a leash at all times. He understood and said the dogs usually stay inside the garage.

I then went back over and photographed the injury to Scott's left arm and the puncture marks to Blue's neck. I could see several red marks on her neck as she had short light hair. Blue was friendly and was not aggressive toward me.

All the parties that witnessed the incident agreed to give recorded statements. The first statement I took was from Dorothy Toth. Dorothy stated that two Mastiff's had been outside and were running toward the lake side of the house. Scott opened the door and tried to get both of his dogs inside to protect them. She said the two Mastiff's were able to get inside and followed Scott's dogs inside. Blue went to the kitchen to hide and the Mastiff started to go after her. She said that her husband Miles got the other Mastiff out the door so only one was inside. See statement for further details.

I then took a recorded statement from Miles Toth. He said he saw Scott quickly go toward the lake side door to get his dogs inside. Two Mastiff's started following Scott and his two dogs inside the cabin. Blue went to the kitchen area to try and get away. He grabbed the Boxer and was able to get that dog outside and away from the incident. He was also able to grab one of the Mastiff's and get it outside. See statement for further details.

I also obtained a recorded statement from Laura Wenner. She had reported the incident by calling 911 after it was over. She said she saw two of the Mastiffs outside the kitchen window coming toward their cabin. She started to run to get her dogs inside her house but the dogs were already inside the cabin along with the other two dogs. She said the one dog came after Blue who had run into the kitchen. She said Scott was in the middle trying to protect Blue and get the other Mastiff off of Blue. She said Miles was able to get the one Mastiff out of the cabin before it bit anyone. She said Blue was not aggressive toward any of the dogs and was trying to get away. The neighbor was able to grab the dog and take it away. She noticed bite marks to Blue's neck and ear. She also said she appeared to be limping. Laura said all the neighbor's dogs look the same and could not say which one it had been. See statement for further details.

I then recorded a statement from Scott. Scott said he was outside in the front of his cabin with his two dogs. Laura yelled to him that the neighbor's dogs were out. Scott opened the door to try getting both of his dogs inside to protect them from the Mastiff's. He said the two Mastiff's were able to push past him and get

Notes

inside. His Great Dane Blue ran into the corner of the kitchen and the two Mastiff's chased her in there. His friend Miles took out his other dog, a Boxer, so that dog was not bitten. Miles also grabbed the one of the Mastiffs which did not bite anyone. The other Mastiff was biting Blue's neck so he tried grabbing the dog by the collar to get it away. He said he twisted his thumb and got nipped on his left arm in the process. The Mastiff continued to go after Blue's neck and he was finally able to hold the dog off. The neighbor then came in and took the Mastiff out of the cabin. He also said he could not tell which dog was the one who attacked Blue. He said the neighbor has seven of them and they are all the same color. See statement for further details.

After the statements, I informed Scott and Laura that Andrew had been served dangerous dog papers. Scott said he did not want the dog put down, but he was concerned that the dog could hurt his children or his dogs. I informed him that Andrew did not have the shot records but was calling on Monday. I told him to call his healthcare provider if he was concerned about rabies. He said that Blue was up to date on all her shots.

I cleared the scene at 16:34 hours.

On July 21, 2014 I spoke with Andrew Crego on the telephone. He stated that he had the vaccination record and was faxing it to the office. He said Brooklyn was vaccinated on September 29, 2001. Later that evening I checked and the fax was received. I called Andrew back to inform him of that and if he wanted to give a formal statement on the phone. He said he did not need to give one because it was the same as what he had told me before. He said he went inside to grab the dog and did not see any barking or growling. He was not aware of anyone or any dog that was bitten.

I also called Laura Wenner to inform her of the vaccination record.

End of Report

EVIDENCE: Photographs, statements

Deputy Sheryl Cook #218  
ACSO



Notes

End of report.

EVIDENCE:

Deputy Daniel Asmus, #208  
ACSO  
Date: 8-4-14



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

2014002800 003 NTE Statement: Wenner, Scott Allen

**Supplemental Reports**

**Printed On: Mon, Aug 04, 2014**

Description: Statement: Wenner, Scott Allen      Sequence: 003      Report Date: 07/21/2014  
Case Number: 2014002800      N C / C: MN0010000      Off Cd: 7814      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status Dt/Tm: 07/21/2014 09:12

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      SCOTT ALLEN WENNER  
STATEMENT IS IN REFERENCE TO ICR #:      14-2800  
DEPUTY TAKING STATEMENT:      DEPUTY SHERYL COOK  
DATE OF STATEMENT:      JULY 19, 2014

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- Q    THIS IS DEPUTY SHERYL COOK. I'M TAKING A TAPED STATEMENT FROM SCOTT. THE DATE IS JULY 19, 2014. TIME IS APPROXIMATELY 1617 HORUS. CAN YOU STATE YOUR FULL NAME FOR ME PLEASE.
- A    SCOTT ALLEN WENNER.
- Q    CAN YOU SPELL YOUR LAST NAME?
- A    W-E-N-N-E-R.
- Q    WHAT'S YOUR BIRTHDATE?
- A    4-12-66.
- Q    AND YOUR ADDRESS?
- A    33 OR WAIT, 4330 WEST BROADWAY, ROBBINSDALE MINNESOTA 55422.
- Q    AND YOUR PHONE NUMBER.

Notes

A 651-442-1438.

Q O.K. AND YOU YOU LIVE AT THIS CABIN, YOU COME UP ON THE WEEKENDS, THIS IS YOUR CABIN.

A YES.

Q O.K. YOU HAVE TWO DOGS?

A YES.

Q O.K.

A A GREAT DANE AND A BOXER.

Q O.K. TELL ME WHAT HAPPENED TODAY.

A I WAS OUT ON MY DECK WITH MY DOGS. THEY WERE PLAYING IN THE YARD. MY WIFE CAME TO THE FRONT AND SAID THE NEIGHBOR'S DOGS ARE LOOSE AGAIN. SO I PANICKED. I OPENED THE DOOR. LET MY DOGS IN. THEY BOTH GOT IN. THEIR BULL MASTIFFS AGGRESSIVELY RAN BACK IN INTO MY HOUSE.

Q THE DOOR WAS STILL OPEN I'M GUESSING.

A YEAP, THEY RAN BETWEEN MY LEGS, INTO THE HOUSE, CHASING THE GREAT DANE. MY FRIEND GRABBED THE BOXER AND TOOK HIM OUT SO THE BOXER WAS SAFE. THE GREAT DANE RAN IN THE CORNER. THEIR TWO BULL MASTIFFS CHASED IT IN A CORNER. MY FRIEND ALSO GRABBED ONE OF 'EM. PULLED IT OUT. I WAS IN THE CORNER WITH THE GREAT DANE. SHE'S A SEVEN MONTH OLD BABY.

Q MMM HMM.

A THIS DOG WAS ATTACKING HER. WAS BITING HER NECK. I HAD TO GET IN BETWEEN 'EM, GRAB THE DOG BY THE COLLAR. I WAS PULLIN' IT BACK. IT TWISTED MY THUMB, IT NIPPED ME ON THE ARM.

Q WHERE ON YOUR ARM HERE? WHICH ARM IS IT YOUR LEFT ARM?

A ON MY LEFT ARM.

Q O.K.

A I LET GO OF IT FOR 10 SECONDS 'CAUSE IT HURT.

Notes

Q MMM HMM.

A IT IMMEDIATELY WENT AFTER MY DOG'S NECK. I HAD TO PULL IT OFF IT HAD, YOU KNOW WAS GRIPPED ONTO ITS NECK.

Q MMM HMM.

A I PULLED THE DOG OFF. MY OTHER FRIEND SHE WAS TRYING TO HELP ME. MY WIFE'S IN THE CORNER, SHE CAN'T MOVE. I TRY TO HAND HER THE DOG. SHE GRABS THE DOG. THIS DOG IS SO POWERFUL SHE CANNOT MOVE THE DOG. SHE GRABS A STOOL. SHE WAS READY TO HIT THE DOG OVER THE HEAD WITH IT BUT SHE DIDN'T.

Q MMM HMM.

A AND I'M HOLDIN' THE DOG. FINALLY THEY GOT HOLD OF THE NEIGHBOR, THE OWNER OF THE DOGS. HE CAME IN. HE GRABBED IT AND WENT OUTSIDE WITH IT.

Q O.K.

A SO MY DOG GOT BIT TWICE. I GOT BIT. TWISTED MY THUMB. AND MY DOG WAS TERRIFIED. IT WAS SHAKING.

Q IS YOUR DOG AGGRESSIVE AT ALL TOWARDS THIS DOG.

A NOT AT ALL. SHE'S SEVEN MONTHS OLD. SHE'S A BABY.

Q MMM HMM.

A I DON'T EVEN THINK SHE'S GONNA BE SCARED TO GO OUTSIDE. LAST TIME IT HAPPENED SHE'D GET OUT OF THE TRUCK, SHE WAS SCARED TO GO IN THE CABIN. SHE'S ALWAYS HEARS THOSE DOGS BARKING.

Q MMM HMM.

A SHE'S TERRIFIED.

Q MMM HMM.

A THIS IS S'POSED TO BE A PEACEFUL TIME FOR THE DOG. AND THE DOG'S TERRIFIED OF MY NEIGHBOR'S DOG. AND I'M TERRIFIED FOR IF I BRING KIDS UP OR ANYTHING. THESE ARE AGGRESSIVE DOGS.

Q NOW YOU SAID THERE WAS...

Notes

- A THERE'S SEVEN OF 'EM.
- Q THERE WAS TWO OF 'EM AND YOU DON'T KNOW, YOU REALLY DON'T KNOW EVEN THE ONE YOUR FRIEND TOOK OUT, YOU DON'T EVEN KNOW WHICH ONE THAT WAS.
- A NO. THEY'RE ALL IDENTICAL.
- Q THEY LOOK THE SAME.
- A THERE'S SEVEN OF 'EM. THE FIRST TIME THEY COME OUT THERE WAS FIVE OF 'EM. THE ONLY WAY YOU TELL THE DIFFERENCE THEY'RE ALL FAWN.
- Q MMM HMM.
- A THEY'RE ALL THE SAME BREED. ONE'S BIGGER. ONE'S 200 POUNDS, ONE'S 150. THAT'S THE ONLY DIFFERENCE YOU CAN TELL.
- Q O.K. SO THE TWO DOGS THAT WERE IN HERE, ONE ONE LOT BIGGER THAN THE OTHER ONE?
- A I THINK THE ONE YOU PULLED OUT WAS A LOT BIGGER.
- ? I THINK IT WAS BIGGER.
- A YEAH. PULLED OUT THE BIGGER ONE. THAT'S THE OLDER ONE. AND I I HAD THE YOUNGER ONE IS AGGRESSIVE MALE. MAYBE HE DIDN'T GET IT FIXED OR WHATEVER. MY FEMALE IS NOT FIXED.
- Q MMM HMM.
- A AND IT SEEMS LIKE THEY ALWAYS GOT AT WELL SECOND TIME THEY GO AFTER HER. AND IT'S AN AGGRESSIVE DOG.
- Q O.K. SO YOU DON'T KNOW EXACTLY FOR SURE WHICH DOG WAS IN HERE? MALE, FEMALE...
- A NO I...
- Q EXCEPT THAT...
- A THEY HAVE SEVEN OF 'EM AND THEY RANGE FROM 150 POUNDS TO 220 POUNDS.
- Q THEY HAD A, DID THEY HAVE COLLARS ON 'EM OR ANYTHING?

Notes

A YEAH, 'CAUSE I HAD IT BY THE COLLAR.

Q O.K.

A WHEN I WAS FIGHTIN' IT OFF. AND UH, THEN MY FRIEND GRABBED IT BY THE COLLAR TOO. DIFFERENT COLORS I DON'T KNOW.

Q O.K.

A OR ANYTHING YOU KNOW.

Q O.K. SO WHEN YOU GOT YOU SAY YOU GOT NIPPED, IS IT, DID IT BITE DOWN OR?

A IT JUST NIPPED ME. IT WAS PROBABLY GOIN' FOR THE DOG.

Q O.K.

A OR WHEN I GRABBED FOR IT'S COLLAR IT NIPPED AT ME.

Q MMM HMM.

A TO WARN ME. AND THEN IT TWISTED SO HARD. THAT'S WHY I HAD TO LET GO OF IT. AND RIGHT AWAY IT WENT FOR MY DOG'S NECK. I HAD TO PULL IT OFF. IT HAD HER BY THE SKIN.

Q WAS IT BARKIN' OR GROWLING OR WHAT WAS IT DOING?

A GROWLING, JUST GROWLING. AND MINE WASN'T DOIN' A PEEP. MINE WAS SHAKING.

? YOURS WAS, ...

Q O.K.

? BLUE WAS...

A SHE WAS WHINING BUT SHE WAS, EVEN AFTER THE DOGS LEFT THIS DOG SAT THERE AND (INAUDIBLE).

Q DID SHE EVER TRY TO BITE THE OTHER DOG?

A NEVER.

Q SHE WAS JUST COWERING DOWN.

Notes

- A SHE'S JUST SEVEN MONTH BABY DIDN'T KNOW WHAT WAS GOIN' ON.
- Q O.K. ANYTHING ELSE THAT UH, I FORGOT TO ASK YOU YOU WANNA ADD ABOUT, WHAT TIME WAS THIS THIS HAPPENED?
- A UH, WHAT'S, COUPLE HOURS AGO I'M NOT SURE (INAUDIBLE) THE TIME.
- Q AFTER LUNCH TIME.
- A YEAH.
- Q SO IT'S IT'S QUARTER AFTER, IT'S AFTER 4 RIGHT NOW SO.
- A 'BOUT 2:30, 3.
- Q 2:30 OR SO.
- A I WELL I JUST, IT'S THE SECOND TIME IT'S HAPPENED.
- Q MMM HMM.
- A I DON'T WANNA SEE THE DOG PUT DOWN. BUT HE OBVIOUSLY ISN'T 'MORSEFUL TO IT AT ALL. IF HE APOLOGIZE. JUST KEEP YOUR DOG AWAY.
- Q MMM HMM.
- A I DON'T WANT MY DOGS EATEN ALIVE. I DON'T WANT MY KIDS HURT EITHER. THAT'S IT. I JUST WANNA COME UP HERE AND RELAX.
- Q O.K. THIS A VOLUNTARY STATEMENT?
- A YES.
- Q AND YOU TOLD THE TRUTH THE BEST YOUR KNOWLEDGE?
- A YES.
- Q THAT'LL END THE STATEMENT ON THE SAME DATE AT 1621 HOURS.

Notes

WITNESS

PERSON MAKING THIS STATEMENT

DATE

WITNESS

I HAVE RECEIVED COPY

DATE (sc)

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE FROM THE TAPED STATEMENT TAKEN ON JULY 19, 2014, BY DEPUTY SHERYL COOK OF SCOTT ALLEN WENNER.



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

**2014002800 004 NTE Statement: Wenner, Laura Marie**

**Supplemental Reports**

**Printed On: Mon, Aug 04, 2014**

Description: Statement: Wenner, Laura Marie      Sequence: 004      Report Date: 07/21/2014  
Case Number: 2014002800      N C I C: MN0010000      Off Cd: 7814      Report Type: Notes  
Officer: 980      Approval Process:      Secured: No  
CSI Status:      Status By:      Status Dt/Tm: 07/21/2014 10:53

Notes

AITKIN COUNTY SHERIFF'S OFFICE  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      LAURA MARIE WENNER  
STATEMENT IS IN REFERENCE TO ICR #:      14-2800  
DEPUTY TAKING STATEMENT:      DEPUTY SHERYL COOK  
DATE OF STATEMENT:      JULY 19, 2014

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- Q      THIS IS DEPUTY SHERYL COOK TAKING A STATEMENT ON JULY 19, 2014. TIME IS 1614 HOURS. SPEAKING WITH LAURA. CAN YOU STATE YOUR FULL NAME FOR ME PLEASE.
- A      LAURA MARIE WENNER.
- Q      CAN YOU SPELL YOUR LAST NAME?
- A      W-E-N-N-E-R.
- Q      DATE OF BIRTH?
- A      9-8-6.
- Q      ADDRESS?
- A      4330 WEST BROADWAY AVENUE, ROBBINSDALE 55422.
- Q      AND PHONE NUMBER.

Notes

A 763-439-6212.

Q AND THIS IS YOUR CABIN HERE?

A YES.

Q AND WHAT IS THE ADDRESS HERE DO YOU KNOW?

A 32825 STATE HIGHWAY 18.

Q O.K. TELL ME IN YOUR OWN WORDS WHAT HAPPENED TODAY.

A I WAS UM, CUTTING VEGETABLES WITH MY GIRLFRIEND AND I LOOKED OUT THE KITCHEN WINDOW AND SAW THE DOGS RUNNING THIS WAY. I KNEW MINE WERE IN THE FRONT SO I RAN TO GET 'EM IN THE HOUSE. AND BY THE TIME I GOT TO THE DOOR THEY WERE COMING IN BUT THE OTHER DOGS WERE RIGHT BEHIND 'EM. FOLLOWED, FOLLOWED THEM.

Q THE OTHER DOGS MEANING THE (INAUDIBLE).

A THE NEIGHBOR'S DOGS YES.

Q O.K.

A YES.

Q AND THEN WHAT HAPPENED?

A AND THEN THEY RAN AFTER BLUE IN THE KITCHEN. AND DOROTHY AND SCOTT TRIED TO, GOT IN THE MIDDLE.

Q BLUE IS THE GREAT DANE?

A BLUE IS THE GREAT DANE. YEAH. AND IT WAS A SCUFFLE AND WE COULDN'T GET THE DOG, THEY COULDN'T GET THE DOG OFF. I STOOD BACK.

Q O.K.

A AND UM, AND THEN...

Q DID YOU SEE ANYBODY GET BIT?

A THEY WERE WRESTLING BLUE AND SCOTT.

Notes

Q O.K.

A SCOTT WAS IN THE MIDDLE OF IT MORE OR LESS AND DOROTHY WAS TRYING TO HELP GET THE DOG OUT BUT WE COULDN'T MOVE, SHE COULDN'T MOVE THE DOG.

Q O.K.

A SCOTT WAS TRYING TO PROTECT BLUE. UM, AND THEN I KNOW IT WAS CHAOS AND THEN WE YELLED FOR THE NEIGHBOR TO COME AND GET HIS DOG.

Q MMM HMM.

A THERE WAS TWO OF 'EM. MILES TOOK THE ONE OUT.

Q O.K. DO YOU KNOW WHICH DOG IT WAS IN HERE THAT WAS IN ALTERCATION WITH BLUE?

A I DON'T.

Q DESCRIBE THAT DOG TO ME.

A UM, LARGE, MUSCULAR, BROWN. UM...

Q MALE OR FEMALE?

A I DON'T KNOW.

Q O.K. AND THEN YOUR DOG, YOU LOOKED YOUR DOG OVER AND YOU SAWSOME PUNCTURE...

A RIGHT.

Q MARKS?

A ON HER NECK AND I THINK ON HER EAR.

Q O.K.

A SHE'S LIMPING ON HER BACK LEG.

Q DID SHE WAS SHE AGGRESSIVE TOWARDS THE DOG AT ALL?

A NO. THANK GOD NO.

Notes

Q SO WHEN YOU'RE SAYING IT HAPPENED KINDA IN THIS AREA HERE.

A THE DO BLUE RAN IN THE KITCHEN.

Q TO GET AWAY.

A YES.

Q O.K. O.K.

A YEAH, AND SHE WAS YELPING. BLUE WAS YELPING.

Q O.K. ANYTHING ELSE THAT YOU WANNA ADD?

A UM...

Q I FORGOT TO ASK.

A JUST THAT IT'S THE SECOND TIME THAT THEIR DOGS HAVE WENT AFTER OUR DOGS ON OUR PROPERTY.

Q O.K.

A SO.

Q WAS THIS A VOLUNTARY STATEMENT?

A YES.

Q YOU TOLD THE TRUTH THE BEST YOUR KNOWLEDGE?

A YES.

Q THAT'LL END THE STATEMENT ON THE SAME DATE AT 1616.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
PERSON MAKING THIS STATEMENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
I HAVE RECEIVED COPY

\_\_\_\_\_  
DATE (sc)

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND

Notes

ANSWERED AS BEST I COULD TRANSCRIBE FROM THE TAPED STATEMENT TAKEN ON JULY 19, 2014, BY DEPUTY SHERYL COOK OF LAURA MARIE WENNER.



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

**2014002800 005 NTE Statement: Toth, Miles Anthony**

**Supplemental Reports**

**Printed On: Mon, Aug 04, 2014**

Description: Statement: Toth, Miles Anthony      Sequence: 005      Report Date: 07/21/2014  
Case Number: 2014002800      N C I C: MN0010000      Off Cd: 7814      Report Type: Notes  
Officer: 981      Approval Process:      Secured: No  
CSI Status:      Status By: 981      Status Dt/Tm: 07/21/2014 14:15

Notes

AITKIN COUNTY SHERIFF'S DEPARTMENT  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      MILES ANTHONY TOTH  
STATEMENT IS IN REFERENCE TO ICR #:      14-2800  
DEPUTY TAKING STATEMENT:      DEPUTY SHERYL COOK  
DATE OF STATEMENT:      JULY 19, 2014

---

- Q      THIS IS DEPUTY SHERYL COOK. I'M TAKING A TAPED STATEMENT. THE DATE IS JULY 19TH, 2014. TIME IS 16:08. SPEAKING WITH MILES. CAN YOU STATE YOUR FULL NAME FOR ME PLEASE?
- A      MILES ANTHONY TOTH.
- Q      YOUR DATE OF BIRTH?
- A      8-30-77.
- Q      ADDRESS.
- A      4021 PERRY AVENUE NORTH, ROBBINSDALE, 55422.
- Q      AND A PHONE NUMBER?
- A      612-695-1016.
- Q      AND YOU WERE PRESENT DURING AN ALTERCATION WITH A COUPLE DOGS?

Notes

A CORRECT.

Q TELL ME WHAT HAPPENED.

A I WAS ON THE BACK PORCH LAKESIDE, FRONT PORCH I GUESS. UM, WHEN I HEARD LAURA START YELLING THE DOGS ARE OUT THE DOGS ARE OUT. SHE CAME TO THE DOOR, OPENED THE DOOR SAID DOGS GET INSIDE. THE DOGS STARTED TO COME INSIDE. I WAS RIGHT BY THE DOOR TRYING TO HELP THE DOGS GET INSIDE, TURNED AROUND, SAW THE TWO DOGS, TRIED TO BLOCK THE DOOR AND THEY WERE PAST ME IN THE HOUSE.

Q SO THE TWO DOGS ARE, THEY'RE NOT YOUR DOGS BUT THEY'RE YOUR FRIEND'S DOGS.

A THEY'RE OUR FRIEND'S DOGS.

Q 'N THAT BELONG IN THE HOUSE HERE.

A THEY BELONG IN THE HOUSE.

Q OKAY. SO YOU'RE TRYING TO GET THEM IN 'N THEN...

A THE TWO MASTIFFS FOLLOWED RIGHT BEHIND 'N I COULDN'T DO ANYTHING ABOUT IT.

Q OKAY. OKAY.

A WHEN THEY CAME IN UM, AT THIS, IN THIS KITCHEN UM, ONE DOG WAS ON BLUE UH, SCOTT 'N DOROTHY WERE RIGHT THERE TRYING, I DIDN'T REALLY SEE WHAT THEY WERE DOING. THE DOG WAS ON, ON BLUE. THE SECOND DOG WAS BEHIND TRYING TO GET AT IT. I GRABBED THAT DOG DRAGGED IT OUT THE FRONT DOOR 'N WAITED OUT THERE WITH THE SMALL DOG. WHILE I WAS HOLDING THE SMALL DOG THEIR, MY FRIEND'S OTHER DOG...

Q OKAY.

A WHEN I JUST SAW THE NEIGHBOR COMIN' OVER. THE NEIGHBOR CAME IN, DIDN'T SAY MUCH, WALKED IN HERE. I JUST HEARD A BUNCH OF PLEASE GET YOUR DOG, GET YOUR DOG, HE BIT ME, HE BIT MY DOG. UM, HE GOT THE DOG, THEY WERE OUT THE DOOR.

Q AND DESCRIBE THE DOG TO ME THAT WAS IN HERE?

Notes

A UH, BOTH DOGS ARE BULLMASTIFFS.

Q OKAY.

A TAN STOCKY BIG DOGS.

Q BUT ONLY THE ONE WAS THE ONE THAT GOT IN THE ALTERCATION.

A ONLY ONE GOT TO THE DOG. I GRABBED THE COLLAR OF THE OTHER ONE 'N DRAGGED...

Q OKAY.

A IT OUT THE BACK DOOR BEFORE HE GOT (INAUDIBLE).

Q OKAY.

A UM, THAT'S, THAT'S WHAT I KNOW.

Q OKAY. AND DO YOU KNOW IF THE DOG IS A MALE OR FEMALE OR ANY...

A NO IDEA.

Q OTHER DESCRIPTORS ON THE DOG THAT...

A NO IDEA. IT HAPPENED SO FAST.

Q OKAY. ANYTHING ELSE THAT YOU WOULD LIKE TO ADD?

A NOPE.

Q THIS A VOLUNTARY STATEMENT?

A YEP.

Q 'N YOU TOLD THE TRUTH THE BEST OF YOUR KNOWLEDGE?

A YEP.

Q THAT'LL END THE STATEMENT ON THE SAME DATE AT 16:11.

Notes

---

WITNESS

PERSON MAKING STATEMENT

DATE

---

WITNESS

I HAVE RECEIVED COPY

DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON JULY 19, 2014, BY DEPUTY SHERYL COOK OF MILES ANTHONY TOTH.



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

2014002800 006 NTE Statemetn: Toth, Dorothy Louise

**Supplemental Reports**

**Printed On: Mon, Aug 04, 2014**

Description: Statemetn: Toth, Dorothy Louise      Sequence: 006      Report Date: 07/21/2014  
Case Number: 2014002800      N C I C: MN0010000      Off Cd: 7814      Report Type: Notes  
Officer: 981      Approval Process:      Secured: No  
CSI Status:      Status By: 981      Status Dt/Tm: 07/21/2014 14:25

Notes

AITKIN COUNTY SHERIFF'S DEPARTMENT  
VOLUNTARY STATEMENT

THIS STATEMENT IS GIVEN VOLUNTARILY BY:      DOROTHY LOUISE TOTH  
STATEMENT IS IN REFERENCE TO ICR #:      14-2800  
DEPUTY TAKING STATEMENT:      DEPUTY SHERYL COOK  
DATE OF STATEMENT:      JULY 19, 2014

---

- Q      THIS IS DEPUTY SHERYL COOK TAKING A TAPED STATEMENT. THE DATE IS JULY 19TH, 2014. TIME IS 16:05 HOURS. SPEAKING WITH DOROTHY LOUISE.
- A      TOTH.
- Q      TOTH?
- A      T-O-T-H.
- Q      STATE YOUR FULL NAME FOR ME PLEASE.
- A      UH, DOROTHY LOUISE TOTH.
- Q      AND WHAT IS YOUR DATE OF BIRTH?
- A      10-16-78.
- Q      ADDRESS?

Notes

A 4021 PERRY AVENUE NORTH, ROBBINSDALE, MINNESOTA 55422.

Q AND YOUR PHONE NUMBER.

A 612-812-6794.

Q OKAY. AND WHAT UH, WE'RE DISCUSSING IS AN INCIDENT THAT HAPPENED INSIDE THE CABIN HERE?

A MMM HMM.

Q TELL ME WHAT YOU SAW.

A UM, I WAS STANDING AT THE COUNTER CHOPPING VEGETABLES AND I REMEMBER HEARING LAURA SAY THAT THE DOGS ARE OUT THE DOGS ARE OUT 'N I LOOKED OUT THE WINDOW 'N I SAW TWO DOGS FLY AROUND THIS, OUT THIS WINDOW, FLY AROUND THE CORNER AND.

Q WHOSE DOGS WERE THEY?

A UH, THEY WERE THE NEIGHBOR'S DOGS. IT'S TWO BULLMASTIFFS.

Q OKAY.

A AND I WATCHED MILES PICK UP REMY WHICH IS LAURA 'N SCOTT'S DOG THE BOXER.

Q OKAY.

A AND IN THE MEANTIME I THINK BLUE THE GREAT DANE HAD COME AROUND THE, THE, WHAT IS THIS THE FRONT?

? YEP.

A YOU CALL IT THE FRONT?

Q LAKESIDE?

A YEAH LAKESIDE UM, I THINK, I CAN'T REMEMBER WHO LET BLUE IN.

L I DID.

A LAURA, LAURA LET THE DOG IN AND THE TWO BULLMASTIFFS BUST THROUGH THE DOOR 'N WE ALL ENDED UP IN THE KITCHEN.

Notes

Q OKAY.

A LAURA WAS KINDA TRAPPED IN THE CORNER. SCOTT GOT INVOLVED 'N HE COULDN'T GET THE DOG OFF BLUE. I GRABBED THE STOOL. THE DOG WOULDN'T BUDGE AND I THINK THE NEIGHBOR FINALLY CAME IN 'N.

Q OKAY. CAN YOU TELL ME WHAT THE DOG LOOKED LIKE?

A VERY LARGE, TAN, EXTREMELY STOCKY. UM..

Q KAY. MALE OR FEMALE DO YOU KNOW?

A AT THAT TIME I DIDN'T KNOW.

Q OKAY.

A SO I GRABBED THE COLLAR.

Q IT HAD A COLLAR ON IT AT THAT TIME?

A YEP.

Q OKAY.

A COULD NOT MOVE THE DOG. UH, 'N THEN THE NEIGHBOR CAME IN 'N GOT 'EM 'N JUST KINDA MAN HANDLED 'EM OUT THE FRONT DOOR 'N.

Q DID YOU SEE ANYBODY GET BIT?

A NO BUT THERE WAS A DEFINITE SCUFFLE.

Q OKAY.

A SO I DON'T, I DIDN'T SEE A BITE BUT I WASN'T THINKING THAT THERE WASN'T A BIT SOMEWHERE IN THAT SO.

Q OKAY.

A 'N THAT WAS BETWEEN THE BIG DOG, BLUE 'N SCOTT.

Q OKAY. ANYTHING ELSE THAT YOU WANNA ADD?

A UH...

Notes

Q THAT I FORGOT TO ASK?

A CAN I ADD AN OPINION OR NOT?

Q JUST THE FACTS. JUST THE FACTS THAT HAPPENED TODAY.

A NO.

Q OKAY.

A THAT'S IT.

Q IS THIS A VOLUNTARY STATEMENT?

A YES.

Q AND YOU TOLD THE TRUTH THE BEST OF YOUR KNOWLEDGE?

A YES I DID.

Q THAT'LL END THE STATEMENT ON THE SAME DATE AT 4:08.

---

WITNESS

PERSON MAKING STATEMENT

DATE

---

WITNESS

I HAVE RECEIVED COPY

DATE

I HEREBY CERTIFY THIS IS AN ACCURATE REPRODUCTION OF ALL QUESTIONS ASKED AND ANSWERED AS BEST I COULD TRANSCRIBE OF THE TAPED STATEMENT TAKEN ON JULY 19, 2014, BY DEPUTY SHERYL COOK OF DOROTHY LOUISE TOTH.

CERTIFICATE OF VACCINATION

Date of Rabies Vaccination: 9/29/2011 Certificate #: 0  
The expiration date for this Canine's most recent rabies vaccine at Bannock Animal Medical Center is: Two weeks after 9/13/2012

Vaccine given at:  
Bannock Animal Medical Center  
5262 Yellowstone Ave.  
Chubbuck, ID 83202  
208 237-3934

OWNER OF ANIMAL  
Andy Crego  
PO Box 60  
Pingree, ID 83262

PATIENT NAME: Brooklynn  
54.00 lbs 3 years old Female Brown Boerboel  
microchip id# ----0A121D144A

SPECIES: Canine  
RABIES TAG NO: 10698

On 9/29/2011 I personally vaccinated the above described animal for rabies.

Signed  9/29/2011

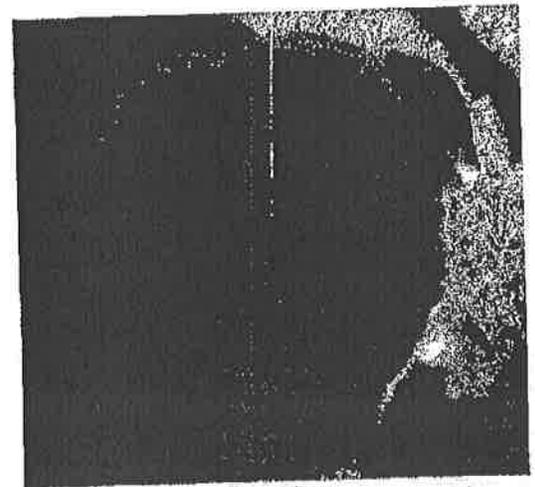
Dr. Jamie Rantala, DVM Idaho License #: V-3746

Vaccinations done...

9/29/2011	NDT	Bordetella injectible	NO REMINDER	
				9/10/2011
9/29/2011	NDT	DHPP+CV+L	1 YR	9/10/2011
9/29/2011	NDT	Rabies	1yr	9/13/2012
8/13/2011	NDT	DHPP+CV	1MO	
8/13/2011	NDT	Bordetella Inj	1MO	
7/21/2011	NDT	Bordetella Intranasal	1YR	7/5/2012

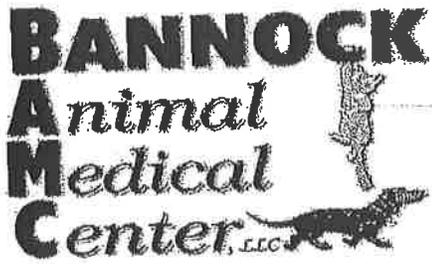
Rabies Vaccine Information...

MFG BY: PFIZ VACCINE NAME: DEFENSOR  
VACCINE TYPE: KV SER.NO: S165819B  
KV = Killed Virus  
LCV = Live Canarypox Vector



Brooklynn

142800



5262 N Yellowstone Ave.  
 Chubbuck, Idaho 83202  
 208-237-3934 Office  
 208-637-8150 Fax

DATE: 7-21-14

TO:

Attn: F COOK

Fax Number: 218-927-6887

FROM: BAmc

# OF PAGES INCLUDED:

2

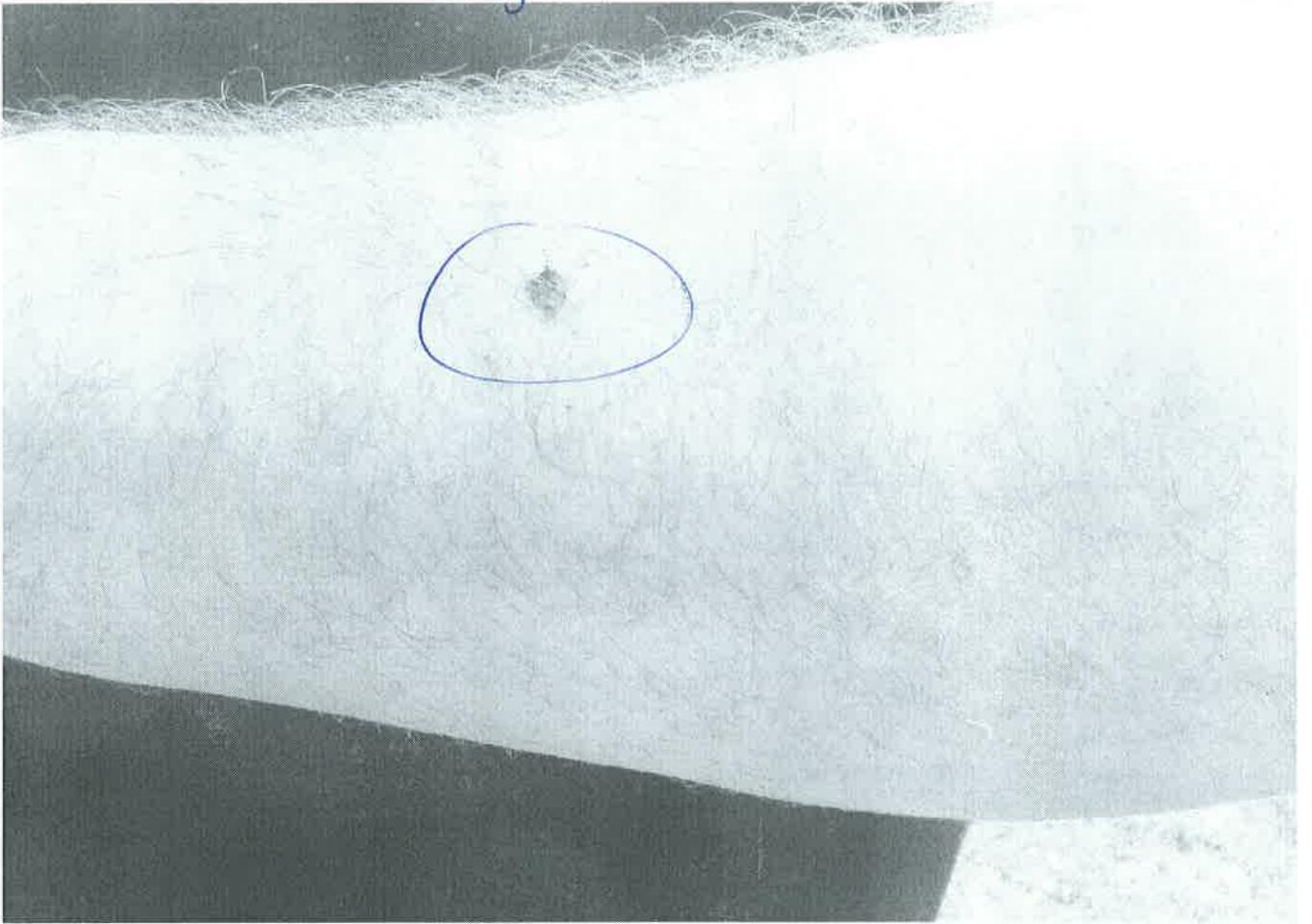
COMMENTS:

Here are vacc. history for  
 Brooklyn Grego.

"Compassionate Care for Pets & their People"

victim's arm + dog

# 14-2800



Craig's dog - Brooklyn

# 14-2800



victim's dog

# 14-2800



Victim's home

# 14-2800



Crego kennel in background

# 14-2800



Wenner's  
kennel ↗

# 2013 Minnesota Statutes

## Regulation of Dangerous Dogs

### **347.50 DEFINITIONS.**

#### **Subdivision 1. Terms.**

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

#### **Subd. 2. Dangerous dog.**

"Dangerous dog" means any dog that has:

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

#### **Subd. 3. Potentially dangerous dog.**

"Potentially dangerous dog" means any dog that:

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

#### **Subd. 4. Proper enclosure.**

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

### **Subd. 5.Owner.**

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

### **Subd. 6.Substantial bodily harm.**

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

### **Subd. 6a.Great bodily harm.**

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

### **Subd. 7.Animal control authority.**

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

### **Subd. 8. Provocation.**

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

### **History:**

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

## **347.51 DANGEROUS DOGS; REGISTRATION.**

### **Subdivision 1.Requirement.**

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

### **Subd. 2. Registration.**

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

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

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

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

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

### **Subd. 2a. Warning symbol.**

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

### **Subd. 3. Fee.**

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

### **Subd. 3a. Dangerous dog designation review.**

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

### **Subd. 4. Law enforcement; exemption.**

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

### **Subd. 5. Exemption.**

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

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

## **Subd. 6.**

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

## **Subd. 7. Tag.**

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

## **Subd. 8. Local ordinances.**

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

## **Subd. 9. Contracted services.**

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

## **History:**

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

## **347.515 MICROCHIP IDENTIFICATION.**

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

***History:***

1Sp2001 c 8 art 8 s 19

## **347.52 DANGEROUS DOGS; REQUIREMENTS.**

- (a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- (b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.
- (d) An animal control authority shall require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 days, the animal control authority shall seize the dog and have it sterilized at the owner's expense.
- (e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- (f) A person who transfers ownership of a dangerous dog must notify the new owner that the animal control authority has identified the dog as dangerous. The current owner must also notify the animal control authority in writing of the transfer of ownership and provide the animal control authority with the new owner's name, address, and telephone number.

**History:**

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

## **347.53 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

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

## **History:**

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

## **347.54 CONFISCATION.**

### **Subdivision 1. Seizure.**

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

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52; or

(5) the dog is not sterilized within 30 days, pursuant to section 347.52, paragraph (d).

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

### **Subd. 2.Reclaimed.**

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

### **Subd. 3. Subsequent offenses; seizure.**

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

## **History:**

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

## **347.541 DISPOSITION OF SEIZED ANIMALS.**

### **Subdivision 1. Hearing.**

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

### **Subd. 2. Security.**

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

### **Subd. 3. Notice.**

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

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

### **Subd. 4. Right to hearing.**

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

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

## **History:**

2008 c 325 s 12

## **347.542 RESTRICTIONS.**

### **Subdivision 1. Dog ownership prohibited.**

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

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

### **Subd. 2. Household members.**

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

### **Subd. 3. Dog ownership prohibition review.**

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

## **History:**

2008 c 325 s 13

## **347.55 PENALTY.**

- (a) A person who violates a provision of section 347.51, 347.515, or 347.52 is guilty of a misdemeanor.
- (b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or change of location where the dog will reside, to sign a false affidavit with respect to a dangerous dog's death or change of location where the dog will reside, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.
- (c) A person who is convicted of a second or subsequent violation of paragraph (a) or (b) is guilty of a gross misdemeanor.
- (d) An owner who violates section 347.542, subdivision 1, is guilty of a gross misdemeanor.
- (e) Any household member who knowingly violates section 347.542, subdivision 2, is guilty of a gross misdemeanor.

## **History:**

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

## **347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

### **Subdivision 1. Circumstances.**

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

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

## **Subd. 2. Hearing.**

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

### **History:**

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

## **347.565 APPLICABILITY.**

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

### **History:**

2008 c 325 s 16