

April 7, 2021

**MINUTES OF THE MEETING OF THE BROWN DEER BOARD OF APPEALS
HELD VIRTUALLY - <https://us02web.zoom.us/j/81941505866>
1-312-626-6799 Meeting ID: 819 4150 5866**

The meeting was called to order at 5:00 p.m.

I. ROLL CALL

Present: Eric Bahr, Tracie Horton, Crystal Strong

Also Present: Marisha Davis - Appellant, Case No. 998; Michael Hall, Village Manager; Nathaniel Piotrowski, Community Development Director; John Fuchs, Village Attorney; Jonathan Schmitz, Interim Brown Deer Police Chief; Andrew Rauterberg, Brown Deer Police Officer

Excused: Cecily Keys-Kelly, Sherry Yusef

II. CONSIDERATION OF NOVEMBER 9, 2020 MINUTES

It was moved by Eric Bahr and seconded by Tracie Horton to approve the minutes. The motion carried unanimously.

III. CASES TO BE HEARD

A) Case No. 998 – 5007 W. Fairy Chasm Court, Vicious Dog

Chief Schmitz reviewed the case and police report. He introduced doorbell video footage that showed the attack in four different clips.

Officer Rauterberg described his investigation once arriving on scene and showed pictures of the victim and victim's clothing. Chief Schmitz questioned Officer Rauterberg and asked if the wounds and marks on the clothing seemed consistent with dog bites. Officer Rauterberg replied that he believed the marks to be bites. Chief Schmitz asked about the dogs demeanor during the investigation. Officer Rauterberg stated the dogs were calm when he made contact.

Chief Schmitz reviewed the criteria for determining a vicious dog and stated that it was the Police Department's opinion that the two dogs should be deemed vicious for the attack on the young victim.

Ms. Davis, the dog owner stated that she believed her dogs should not be declared vicious. She noted that they have been professionally trained. She added that her stepsons were in charge of the dogs that afternoon and that their shock collars were deactivated which allowed them to get out of control. She added that the children regularly play at the end of her driveway and were provoking the dogs. She stated that she believed the markings on the victim were scratches and not bites.

Ms. Horton asked if the Police Department had medical records indicating a bite. Officer Rauterberg stated that the victim's parents took the child to the doctor and they confirmed puncture wounds but could not confirm bites.

Ms. Strong asked if any similar occurrence with the two dogs has ever occurred. Ms. Davis stated no.

Chairperson Bahr asked about other penalties for the owner in lieu of the vicious dog declaration. Chief Schmitz stated that the owners received citations with a forfeiture estimate around \$600.

Chairperson Bahr stated that he felt the video displayed the dogs being somewhat playful and he believed that the citation was a sufficient penalty. He added that it was not clear if the wounds were bite marks. Ms. Strong stated that she agreed with this opinion.

Case No. 998: A motion was made by Eric Bahr and seconded by Crysal Strong to not declare the two dogs vicious.. The motion passed unanimously.

IV. Adjournment

It was moved by Chairperson Bahr and seconded by Ms. Strong to adjourn. The motion carried unanimously at 5:40 P.M.



Nate Piotrowski, Community Development Director