

May 8, 2018

Case # 18-00165249

Juakein Coles
209 W Lakeside Street
Madison, WI 53715

Dangerous Animal Determination

Dear Mr. Coles,

It is the duty of Public Health Madison and Dane County to ensure public safety. We investigate incidents involving animals that cause injury to humans or other animals, or act in a way that would cause a reasonable person to be concerned for their safety. If the incident is serious, or ongoing we may declare the animal dangerous, per Madison General Ordinance 25.22 (**Dangerous Animals Regulated**). When an animal is declared dangerous, restrictions are imposed on the owner for keeping the animal, or the animal may be ordered to be humanely destroyed.

On September 13, 2014, your dog, Magic, a 2 year old, intact male, blue pit bull, was reported to be running at large on Lakeside St when he charged and attacked a dog being leash walked in a public area near the house where Magic is kept.

On September 30, 2014, your dog, Magic, was running at large when he charged from 3 houses away and crossed the street, to attack a dog that was being leash walked by its owner in a public area. Magic jumped on the other dog and would not stop the attack until he was physically pulled off the victim dog.

On October 22, 2014, a Dangerous Animal Warning Letter was sent to your address where Magic is kept warning that Magic should not be allowed to run loose, nor attack or threaten other dogs or people, and advising that future acts of aggression by Magic may result in a Dangerous Animal Investigation.

On June 9, 2015, your dog, Magic, was on leash in a public area when he bit and caused injury to a man who stopped to talk to the person walking Magic outside a grocery store.

On June 17, 2015, a 2nd Dangerous Animal Warning Letter was sent to the address at which Magic was kept. This letter stated that Magic must be prohibited from running at large, attacking or causing injury to another person or pet.

On October 20, 2015, your dog, Magic, was running at large and unattended when he attacked and caused injury to another dog being leash walked by its owner on a public sidewalk.

On November 3, 2015, a Dangerous Animal Investigation was started for your dog Magic.

On December 4, 2015, co owner Bryan Rose attended a Dangerous Animal Meeting at the Public Health Department during which the above incidents were discussed, as were the door to door interviews, owners' explanation of events and ideas for mitigation of future incidents.

During the meeting Mr. Rose reported that the dog actually belonged to his nephew, Juakein Coles, but that Mr. Rose was unable to get Mr. Coles to contact Public Health or attend the meeting. Mr. Rose stated that Mr. Coles should be held responsible for the dog. Public Health Supervisor Hausbeck advised Mr. Rose that they needed to be speaking to whoever owned the dog; and that, so far in this case, Rose has claimed responsibility for the dog by taking the dog to the vet, accepting the citations, and responding to requests for meetings. Rose was further advised that until Mr. Coles claims responsibility for the dog, Mr. Rose is considered the owner of Magic. ASO Comfort also advised that as part of the investigation that he would like to visit Mr. Rose's house and see where and how Magic was kept on a regular basis. Mr. Rose stated that he would contact Public Health in the next week or two and arrange to have ASO Comfort stop out to his house. He also stated that his nephew, Juakein Coles, would contact Public Health and claim ownership of the dog.

As of January 19, 2016, neither Juakein Coles nor Bryan Rose has arranged for a home visit as requested. Mr. Rose did call once to advise that he was very busy and would call again later. No contact from Mr. Coles has been received. An attempt by Public Health to contact Mr. Coles or Mr. Rose by phone was unsuccessful. While useful in the investigation, a home visit is not required to complete a dangerous animal investigation if one cannot be done safely or in a timely manner.

On January 27, 2016, Magic was declared to be a dangerous dog and placed on restrictions by Public Health Madison and Dane County. The declaration and the required restrictions were mailed to the owner that same day.

On January 31, 2016, Magic was reported to be running at large and attacked a family (2 adults, 2 children) walking along Lawrence St. At the time of the attack, Magic came running out of the alleyway behind 209 W Lakeside St and charged the family. Magic was kicked in the head by one of the adults before circling around the group preparing a second attack. Magic broke off the second attack and ran back to the alley before reaching the family.

On February 1, 2016, Magic's dangerous animal determination was reopened in response to the January 31 incident and a redetermination was made that Magic should be humanely euthanized

On February 7, 2016, your uncle Chris Rose submitted an appeal in regard to the euthanasia decision.

On February 11, 2016, after multiple conversations with Public Health in which the Rose family promised they would comply with Magic's dangerous animal restrictions the euthanasia order was rescinded and returned to its restriction status.

On June 24, 2017, your dog, Magic, was running at large and unattended in the front yard and sidewalk area of 209 W Lakeside. This was in violation of your Dangerous Animal Restrictions. A warning letter and copy of your dangerous animal restrictions was mailed to 209 W Lakeside.

From July 2017 to present, multiple email and written attempts to ascertain if you had Magic neutered have been unanswered or answered stating that the dog was still intact.

On July 24, 2017, your dog Magic was tied to your front porch with no adults present to observe him. This was in violation of your Dangerous Animal Restrictions. A warning letter and copy of your restrictions was mailed to 209 W Lakeside St.

On September 20, 2017, your dog Magic was running at large and unattended on the sidewalk and terrace in front of 209 W Lakeside. This was a violation of your Dangerous Animal Restrictions. You were sent a warning letter advising you that future incidents involving magic being aggressive or causing harm could result in a euthanasia decision. Included in the mailing was a copy of your dangerous animal restrictions and citations.

On April 20, 2018, your dog Magic was reported to be running at large and unattended in front of 209 Lakeside when he ran onto the sidewalk and attacked another dog being leash walked by its owner. This was a violation of your Dangerous Animal Restrictions You were sent a dangerous animal restriction violation-warning letter and a copy of your restrictions.

On May 5, 2018, your dog Magic was in the yard at 209 W Lakeside and in the presence of Dennis and Kevin Rose who were sitting on the steps when he left the yard and went onto a public sidewalk where he bit and caused injury to a woman walking there. Magic was later impounded under Madison's Dangerous Animal Ordinance and was removed from the property by an Animal Services Officer.

As outlined in the ordinance "any animal declared by the Department to be a dangerous animal shall be humanely destroyed, removed from the City or placed under restrictions as set forth in Department policies". **At this time we are re-declaring "Magic" to be a Dangerous Animal and are ordering that he be humanely euthanized as a result of this Dangerous Animal Declaration.**

NOTICE OF APPEAL RIGHTS

Pursuant to Madison General Ordinance 25.22(10), "Committee Review of Determination", you may appeal this decision to a subcommittee of the Board of Health for Madison and Dane County. You must file your appeal in writing and it must be postmarked (or hand-delivered) within 7 days of the date the Department's Determination was mailed to you. Your request for an appeal must state the grounds upon which you believe the Department's Determination should be reversed or amended. Please mail (or hand-deliver) your appeal request to the Director of Public Health at the address provided below. We have enclosed a copy of the Ordinance for your review.

Sincerely,

A handwritten signature in cursive script, reading "Janel Heinrich".

Janel Heinrich, MPH, MA
Director
210 Martin Luther King Jr. Blvd Room 507
Madison, WI 53703