

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR CHISAGO COUNTY

In the Matter of the Potentially Dangerous  
Dog of Steven F. Skoglund

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

This matter came before Administrative Law Judge Perry Wilson on July 14, 2016, at the Chisago County Courthouse, Center City, Minnesota. The hearing record closed at the conclusion of the hearing.

Aimee S. Cupelli, Assistant Chisago County Attorney, appeared on behalf of Chisago County (County) and Steven F. Skoglund (Appellant) appeared on his own behalf, and without legal counsel.

**STATEMENT OF THE ISSUE**

Appellant appeals the determination of the Chisago County Sheriff's Office that his dog is a potentially dangerous dog. The question in this proceeding is whether Appellant's dog was properly designated a Potentially Dangerous Dog within the meaning of Chisago County Ordinance 07-3.

**SUMMARY OF RECOMMENDATION**

The Administrative Law Judge respectfully recommends that:

Chisago County find that Appellant's dog has been properly designated as a Potentially Dangerous Dog within the meaning of Chisago County Ordinance 07-3.

Based upon the hearing record and the arguments of counsel, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. Appellant owns an eight-year-old American Bulldog named Spyke.<sup>1</sup> Appellant's dog weighs between 75 and 80 pounds.<sup>2</sup>

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<sup>1</sup> Testimony (Test.) of Steven Skoglund.

<sup>2</sup> *Id.*

2. On June 4, 2016, at approximately 9:00 a.m., Paul Lessard was gardening in his front yard in Harris, Minnesota.<sup>3</sup> Lessard's eight-year-old, 74 pound, Golden Retriever named Nala was with him.<sup>4</sup>

3. Lessard's next door neighbor, Tony Wicklund, has a dog named T.J., also a Golden Retriever.<sup>5</sup>

4. Lessard and Wicklund were talking in Lessard's front yard when they observed Appellant's dog 40 to 50 feet away.<sup>6</sup>

5. Appellant's dog entered Lessard's property, and Lessard's dog barked at Appellant's dog once or twice.<sup>7</sup>

6. Appellant's dog charged Lessard's dog.<sup>8</sup> Appellant's dog bit Lessard's dog in the hind quarter, inflicting two puncture wounds.<sup>9</sup> Appellant's dog then grabbed Lessard's dog by its neck and attempted to drag it across the yard.<sup>10</sup>

7. Lessard dove onto Appellant's dog and began to punch it to cause it to release his dog.<sup>11</sup> Lessard's attempts to get Appellant's dog to release his dog's neck lasted at least ten minutes.<sup>12</sup> Appellant's dog finally released Lessard's dog's neck and snapped at Lessard before leaving Lessard's property.<sup>13</sup>

8. After the dogs were separated, Lessard put his dog in his garage and went to Appellant's house, which is about 450 feet from his home.<sup>14</sup> Lessard confirmed with Appellant that Appellant's dog was up to date on rabies shots.<sup>15</sup>

9. On June 4, 2016, Lessard took his dog to be examined by a veterinarian.<sup>16</sup> The veterinarian treated the puncture wounds on the dog's right rear thigh and indicated that the dog's neck had been bruised around the neck area, but that there were no puncture wounds on the neck.<sup>17</sup> When Lessard returned to his home he called the Chisago County Sheriff to report the injury to his dog caused by Appellant's dog.<sup>18</sup>

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<sup>3</sup> Test. of Paul Lessard.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*; Ex. 3.

<sup>10</sup> Test. of P. Lessard.

<sup>11</sup> *Id.*

<sup>12</sup> Test. of Tony Wicklund.

<sup>13</sup> *Id.*

<sup>14</sup> Test. of P. Lessard.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Exs. 6, 7.

<sup>18</sup> Ex. 2.

10. The Deputy Sheriff assigned to the case contacted Lessard by telephone and determined that additional investigation was needed.<sup>19</sup>

11. On June 4, 2016, the Deputy interviewed Lessard, Wicklund and Appellant.<sup>20</sup> The Deputy also examined the wounds to Lessard's dog and took a picture of the puncture wound site.<sup>21</sup>

12. The Deputy Sheriff determined that Appellant should be issued a Notice of Potentially Dangerous Dog and a Microchipping Order.<sup>22</sup> The Deputy determined that the attack on Lessard's dog was unprovoked and did not occur on Appellant's property.<sup>23</sup>

13. Before June 4, 2016, Appellant's dog had not attacked another dog without provocation.<sup>24</sup> Five Appellant's neighbors indicated they were familiar with Appellant's dog and had not felt threatened by the dog.<sup>25</sup>

14. A service provider to Appellant's home found Appellant's dog to be friendly.<sup>26</sup>

15. Lessard and his wife are afraid of Appellant's dog and do not want their grandchildren exposed to the dog.<sup>27</sup>

16. On June 16, 2016, Appellant provided the Chisago County Sheriff with notice of his appeal of the designation of his dog as potentially dangerous.<sup>28</sup>

Based upon the Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. Minn. Stat. §§ 14.50, 14.55, and Chisago County Ordinance 07-3 provide the Administrative Law Judge and County with the authority to conduct this proceeding and to consider whether the Appellant's dog meets the definition of a potentially dangerous dog set forth in Ordinance 07-3. The role of the Administrative Law Judge is to make findings, conclusions, and recommendations on that subject.

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<sup>19</sup> Test. of Steve Pouti.

<sup>20</sup> *Id.*; Ex. 2.

<sup>21</sup> Test. of S. Pouti; Ex. 3.

<sup>22</sup> Test. of S. Pouti; Ex. 5.

<sup>23</sup> Test. of S. Pouti.

<sup>24</sup> Test. of S. Skoglund.

<sup>25</sup> Exs. 100-104.

<sup>26</sup> Ex. 105.

<sup>27</sup> Ex. 2.

<sup>28</sup> Ex. 1.

2. The County gave the Appellant proper and timely notice of the hearing in this matter, and the County has complied with all of the law's substantive and procedural requirements. This matter is properly before the Administrative Law Judge.

3. Chisago County Ordinance 07-3, section 3(K) defines a potentially dangerous dog as: "a dog which: 1. When unprovoked, has bitten a human or a domestic animal on public or private property:..."

4. Chisago County Ordinance 07-3, section 3(N) defines unprovoked as: "the condition in which the animal is not purposefully excited, stimulated, agitated or disturbed."

5. Appellant's dog was unprovoked when it attacked and bit another dog.

6. Appellant's dog is a potentially dangerous dog as defined in Chisago County Ordinance 07-3, section 3(K).

7. Minnesota Statutes, section 347.515 (2016) provides:

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.

8. If he has not already done so, Appellant should be ordered to comply with Minn. Stat. § 347.515 based on the designation of his dog as a potentially dangerous dog.

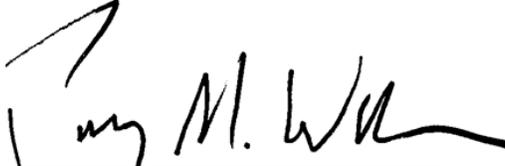
9. Appellant should be required to comply with the conditions on the continued ownership of his potentially dangerous dog set forth in Ordinance Number 07-3, section 5(C).

## RECOMMENDATION

Based upon these Findings of Fact and Conclusions of Law, and for the reasons set forth in the attached Memorandum, the Administrative Law Judge respectfully recommends that:

The Board of Commissioners of Chisago County **AFFIRM** the determination of the Chisago County Sheriff that Appellant's dog is a potentially dangerous dog, order Appellant to **COMPLY** with Minn. Stat. § 347.515, if he has not, and that it **IMPOSE** the conditions on Appellant's continued ownership of his dog listed in Ordinance 07-3, section 5(C).

Dated: August 3, 2016



PERRY M. WILSON  
Administrative Law Judge

Reported: Digitally Recorded; not transcribed.

## NOTICE

This Report is a recommendation, not a final decision. The hearing process has been conducted and this Report has been prepared pursuant to Chisago County Ordinance 07-3. The Board of Commissioners of Chisago County will make the final decision after a review of the record. The Board may adopt, reject, or modify the Findings of Fact, Conclusions of Law, and Recommendation. Parties should contact the Chisago County Board of Commissioners, 313 North Main Street, Center City, Minnesota 55102 to ascertain the procedure for filing exceptions or presenting argument to the Board.

## MEMORANDUM

The undisputed evidence presented at the hearing showed that Appellant's dog made an unprovoked attack and bit another dog on the property of the other dog's owner. The attack and bite resulted in two puncture wounds to the right rear flank of the victim dog and a bruising injury to the victim dog's neck. Details of the attack and its unprovoked nature were confirmed by two witnesses and documented in the report of the Chisago County Deputy Sheriff. The injured dog was treated by a veterinarian for its injuries and the medical records of the dog's treatment confirm the nature and extent of its injuries.

The facts presented at the hearing showed that Appellant's dog meets the definition of a potentially dangerous dog provided in Chisago County Ordinance 07-3, section 3(K).

The evidence at the hearing showed that five of Appellant's neighbors do not feel threatened by Appellant's dog. Two of Appellant's neighbors do feel threatened by Appellant's dog after they observed it attack another dog without provocation. The evidence also showed that the attack by Appellant's dog on June 4, 2016 was the first unprovoked attack by Appellant's dog.

The designation of Appellant's dog as a potentially dangerous dog compels Appellant to comply with the microchipping requirements stated in Minn. Stat. § 347.515. This designation also requires that Appellant comply with the conditions set forth in Ordinance Number 07-3, section 5(C). There was no evidence to show that other conditions should be imposed on Appellant's continued ownership of his dog Spyke.

**P. M. W.**