

In Re Appeal of Lora Hipp –Dangerous Dog Determination: Turbo	ORDER AFFIRMING DANGEROUS DOG DETERMINATION
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THIS MATTER, coming before the ANIMAL SERVICES ADVISORY COMMITTEE (“ASAC”) for the City of Hendersonville on January 19, 2024 and January 29, 2024 for a quasi-judicial public hearing to consider the appeal submitted by LORA HIPPI, appealing the determination given by the City of Hendersonville Chief of Police that the dog in question meets the definition of a dangerous dog.

1. The following ASAC members were present at the hearing: Angela Prodrick (Vice-Chair), Jean Greeson, Katie Weibel, and Melissa Vazquez.
2. The following persons were present at the hearing: Lora Hipp, appellant; Vicky Copeland; Otto Kurt Gratzol; Teresa Hunter; C. Blair Myhand, Hendersonville Chief of Police; Alexis Barker; Animal Services Officer for the Hendersonville Police Department; Angela S. Beeker, Hendersonville City Attorney; Daniel Heyman, Staff Attorney for the City of Hendersonville; Melissa Justus, Administrative Assistant III for the Hendersonville Police Department.
3. The record for the administrative hearing consists of the following:
 - a. Testimony of Otto Kurt Gratzol, Police Chief C. Blair Myhand, Animal Services Officer Alexis Barker, Appellant Lora Hipp, and Vicky Copeland.
 - b. Appeal letter dated 01/09/2024 submitted by Lora Hipp,
 - c. Photograph of Turbo,
 - d. Photographs of victim animal, Gigi,
 - e. Records of Gigi from Upstate Vet Emergency & Specialty Care,
 - f. Aerial image of Chadwick Square Court, Hendersonville, NC,
 - g. Dangerous dog determination letter dated January 5, 2024 signed by Police Chief C. Blair Myhand, and
 - h. Certified copy of Chapter 10 of the Code of Ordinances for the City of Hendersonville (“City Code”).
4. As a preliminary matter, Hendersonville City Attorney Angela S. Beeker made a disclaimer that she was present to represent ASAC, that she had no prior involvement in the matter, and that she had not discussed the matter with Staff Attorney Daniel Heyman or any others.

FINDINGS OF FACT

Based on the evidence submitted, the ASAC makes the following findings of fact:

1. The Appellant Lora Hipp is the owner of a dog named Turbo, a German Shepherd Dog (“Turbo”).
2. Otto Kurt Gratzol is the owner of a dog named Gigi, a Maltese (“Gigi”).

3. Ms. Hipp and Mr. Gratzol are residents of the Chadwick Square Court apartments in Hendersonville, NC.
4. Mr. Gratzol was walking Gigi in the parking lot of 100 Chadwick Square Court, an office building adjacent to the Chadwick Square Court apartments, on December 19, 2023.
5. Ms. Hipp was present in the same location at the same time with Turbo near her vehicle, a tan sedan.
6. As Mr. Gratzol and Gigi passed by them, Ms. Hipp attempted to put Turbo in her vehicle. However, Turbo leapt out of the driver's side door and attacked Gigi.
7. Turbo's attack ended when Ms. Hipp restrained him and put him in her vehicle.
8. Ms. Hipp does not own or have an interest in 100 Chadwick Square Court.
9. As a result of the attack, Gigi suffered chest punctures, broken ribs, a broken leg, and her eyeball was injured.
10. Gigi was treated at Upstate Vet Emergency & Specialty Care in Greenville, SC. She had thoracic surgery, a portion of her lung permanently removed, and her eyeball permanently removed.
11. Animal Services Officer Alexis Barker responded to the incident on December 19, 2023, and subsequently conducted an investigation.
12. Police Chief C. Blair Myhand issued a written determination that Turbo is a Dangerous Dog according to the definition contained in the Code of Ordinances for the City of Hendersonville.
13. Ms. Hipp submitted a written appeal of Chief Myhand's determination.

CONCLUSIONS

1. All parties and other persons entitled to notice were given proper notice of the hearing and afforded the right to be heard, to present evidence, to call and cross-examine witnesses, and to inspect the documents and evidence presented.
2. Section 10-2 of the City Code states that the term "dangerous dog" means, in pertinent part:

Is determined by the chief of police, their designee, or the animal services advisory committee to have engaged in one or more of the following behavior... Has killed or inflicted severe injury upon a domestic animal when not on the owner's real property...
3. The term "severe injury" is defined in NCGS 67-4.1(a)(5) as "any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization."
4. The injuries Turbo inflicted on Gigi were unprovoked.
5. The injuries she sustained as a result of the attack by Turbo constitute disfiguring lacerations because the injuries required surgery, the loss of Gigi's eye, resulted in visible scarring, and required Gigi to be hospitalized.
6. The injuries sustained by Gigi as a result of the attack constitute severe injury because the injuries resulted in disfiguring lacerations and hospitalization as described herein.

7. Gigi is a domestic animal.
8. The attack by Turbo occurred on real property that is not owned by Lora Hipp.
9. Turbo is a dangerous dog pursuant to Section 10-2 of the City Code.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS it is ORDERED:

1. The Animal Services Advisory Committee hereby AFFIRMS Police Chief C. Blair Myhand's determination that the dog, a German Shepherd Dog owned by Lora Hipp named "Turbo," is a dangerous dog as defined by the Code of Ordinances for the City of Hendersonville.
2. Any person owning, keeping, harboring, possessing or acting as custodian, however, temporarily, of Turbo is required to comply with the provisions of Section 10-185 of the City Code related to the keeping or transferring of a dangerous dog.
3. Pursuant to Section 10-184(4) of the City Code, the owner of Turbo has the right to appeal this determination to the Superior Court of Henderson County.

This the ____ day of _____ 2024

**CITY OF HENDERSONVILLE
ANIMAL SERVICES ADVISORY COMMITTEE**

BY: _____
Angela Prodrick, Vice-Chair