



ROBERT A. CARMICHAEL | Attorney  
bob@carmichaelclark.com

## MEMORANDUM

**TO:** John Williams, City Administrator  
**FROM:** Robert A. Carmichael and Luke Phifer  
**DATE:** February 24, 2022  
**SUBJECT:** Process for Determining a Dangerous Dog

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This is intended to satisfy your request to outline the process for a dangerous dog or potentially dangerous dog classification from the outset through an appeal to the City Council. The process is fairly well set out in city code, up until it gets to the open record hearing before City Council.

### Overview

- LMC 6.09 addresses dangerous dogs.
- Under the relevant definitions, the dog in this matter would be a "Potentially Dangerous Dog" because it bit another dog (not a human).
- The Police chief has the authority to determine a dog is potentially dangerous.
- Before making a final determination, the Police chief must offer the dog's owner an opportunity to meet (within 15 days) and provide any information relevant to the determination.
- After the Police chief has made a final declaration that a dog is potentially dangerous, the dog's owner has the right to appeal the decision to the city council (within 10 days). The city council must hear a timely appeal within 30 days.
- Once a dog has been declared to be potentially dangerous, a number of regulations concerning the dog kick into effect.

### Definitions

LMC 6.06.020 differentiates between dangerous and potentially dangerous dogs.

A "Dangerous Dog" means any dog that:

1. Inflicts severe injury on a human being without provocation on public or private property; or
2. Kills a domestic animal without provocation while the dog is off the owner's property; or
3. Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans.

Whereas a "Potentially Dangerous Dog" means any dog that when unprovoked:

1. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
2. Inflicts bites on a human or domestic animal either on public or private property; or
3. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise aggressively threaten the safety of humans or domestic animals.

From our understanding of the situation (unprovoked biting of another dog), we believe the dog involved in this matter would fall under subsection (2) of the Potentially Dangerous Dog definition.

Note: while the sections below also address Dangerous Dogs, this analysis is on Potentially Dangerous Dogs.

### **Declaring a dog potentially dangerous**

LMC 6.09.040 authorizes the Lynden police chief to find and declare a dog to be potentially dangerous if there is "probable cause to believe that the animal falls within the respective definitions."

#### Determination:

Once the Lynden police chief has reached a preliminary determination that the dog is potentially dangerous, a declaration must be served on the dog's owner or keeper (pursuant to RCW 16.08.080) that must include:

1. A statement of the statutory basis for the proposed action,
2. The reasons the animal is considered potentially dangerous,
3. A statement if the dog is subject to registration and controls required under the chapter (LMC 6.09.060 - .160), including a recitation of the registration requirements (LMC 6.09.080),
4. An explanation of the owner's rights, and
5. An explanation of the proper procedure for appealing the decision.

#### Meeting with dog's owner:

Prior to issuing a final determination, the Lynden police chief must notify the dog's owner in writing that the owner is entitled to an opportunity to meet with the police chief. The notice to the owner must state the date, time, and location of the meeting, which must be within 15 calendar days. The owner may propose an alternative date & time within that 15-day period.

At this informal meeting, the owner may give any reasons or information as to why the dog should not be declared potentially dangerous. There is no requirement that the meeting be recorded. If the owner declines to meet with the police chief or does not respond within the 15 days, the determination becomes final.

#### Final Declaration:

After the meeting with the owner (or expiration of the 15-day period), the police chief can issue a final order declaring the dog to be potentially dangerous. That order must include:

1. A recital of the authority of the action
2. A brief & concise statement of the facts that support the determination
3. The signature of the person making the determination.

The order must then be sent by regular and certified mail or delivered in person to the owner at the owner's last known address known to the Lynden police department.

## Appeal Process

Once the police chief has issued a final written order declaring the dog to be potentially dangerous, the dog's owner may file an appeal to the city council. The appeal must be filed within 10 days of the mailing of the police chief's final order to the dog's owner. The ordinance does not specifically say with whom the appeal must be filed. We recommend that the final order issued by the police chief also include a statement that any appeal of his decision must be filed with him (police chief) within 10 days of the date of mailing.

After receiving a timely appeal, the city council must conduct an open-record public hearing within 30 days. City code is silent on the details of the process from this point forward. Our recommendation is as follows. The appellant dog owner and the owner of the dog that was attacked should be sent written notice of date of the public hearing, which may also be published in the newspaper at least 10 days before the hearing.

This is a quasi-judicial process, which means that once the appeal is filed neither dog owner, nor the police chief, nor any member of the public, may communicate on the subject of the appeal with any council member. Written material received before the hearing should be in the Council meeting packet and include at minimum the potentially dangerous dog declaration of the police chief and supporting material, the written appeal of the dog owner, and any other written material received on the subject. While more details may be provided, the public hearing should generally be conducted as follows:

- A. The mayor should open the hearing and ask all parties who may speak at the hearing to stand at the same time, raise their right hand, and affirm: "I solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help me God."
- B. Appellant dog owner should be given the opportunity to address the Council first and present relevant information, including additional written information.
- C. The police chief should be given the next opportunity to address the Council in defense of his declaration.
- D. Next, members of the public with relevant information on the incident should be allowed to address the Council on the appeal, including the owner of the dog that was attacked.
- E. Finally, both appellant dog owner and the police chief should be provided an opportunity to rebut any testimony received.
- F. The mayor should allow council members to ask questions of anyone present who has presented testimony.
- G. The mayor will close the public hearing. The Council may at this meeting or its next meeting, retire to closed door session pursuant to RCW 42.30.140(2) for deliberation.
- H. The Council must vote in open session on its decision to either (i) affirm the police chief's declaration; (ii) overturn the police chief's decision; or (iii) remand the matter back to the police chief for further consideration of a specified issue.
- I. The Council must issue its decision in writing, which decision should be mailed to the parties.

## **Regulation of potentially dangerous dogs**

Once the determination the dog is potentially dangerous is finalized, a number of regulations kick into effect (LMC 6.09.060 -.160). These regulations include registering as a potentially dangerous dog with the city, (6.09.080), microchipping the dog (6.09.090(B)), and keeping the dog properly confined (6.09.090(A)).

LMC 6.09.160 imposes a penalty of up to \$1,000 or imprisonment for up to 90 days on any owner or keeper of a potentially dangerous dog found in violation of the chapter.

## PROCEDURAL HISTORY

- Dec. 11<sup>th</sup>, 2021:** Date of incident/report
- Dec 13, 2021:** Officer Johal follow up report.
- Jan 31, 2022:** Ms. Wheeler receives notification of determination
- Feb 4, 2022:** Ms. Wheeler requests meeting with Chief Taylor
- Feb 18, 2022:** Meeting between Ms. Wheeler and Chief Taylor
- Feb 25, 2022:** Letter to Ms. Wheeler upholding determination
- March 2, 2022:** Ms. Wheeler receives letter
- March 9, 2022:** LPD receives letter requesting hearing before Council.

March 8, 2022

Rec'd  
3/9/22

Chief Steve Taylor  
203 19<sup>th</sup> Street  
Lynden, WA 98264

Chief Taylor,

I am writing you to request a public hearing with the Lynden City Council to appeal the determination you have come to regarding my dog, Georgia as a "Potentially Dangerous Dog". I understand my appeal request must be received by you within 10 days of receiving your determination letter so you can notify city council. I also understand the hearing must be scheduled within 30 days. If you could add in your request that the hearing be scheduled as close to 30 days out as possible that would be much appreciated.

Thank you for your time in this matter.

Sincerely,



Katie Wheeler  
860 S. Pine Ct.  
Lynden, WA 98264  
360-220-2901

# CITY OF LYNDEN

POLICE DEPARTMENT  
Steve Taylor, Police Chief  
(360) 354 - 2828



Ms. Katie Wheeler  
860 S. Pine St.  
Lynden, WA 98264

February 25, 2022

Dear Ms. Wheeler,

On December 11, 2021, Lynden Police Officers were called to a report of a dog bite at your house located at 860 S. Pine. The incident involved your dog “Georgia” who had reportedly bitten another dog that was walking by on the sidewalk at the time.

In the subsequent weeks, Officer Johal investigated the incident, to include conversations and interviews with relevant parties, as well as veterinarians, dog trainers etc.

On January 31, 2022, you signed for a registered letter which contained a determination made by Officer Johal that “Georgia” was being declared to be a “Potentially Dangerous Dog” under LMC 6.09. On February 4, 2022, you requested to schedule a meeting with me to review that determination.

On February 18, 2022, we met in my office to discuss the case. You provided me with copies of several statements from various people indicating that their experiences with Georgia were all very positive, and that she had not acted aggressively in any of those contacts.

During our conversation, you did not deny the incident, but questioned the determination that Georgia was “unprovoked” leading up her biting the other dog.

My review of the ordinance led me to conclude that the provocation that seems to be contemplated by the ordinance as an affirmative defense to violation was confined to instances in which the “victim” (which in this case was another dog) was

“trespassing” on the property of the owner; committing a tort or crime, or otherwise “tormenting” the animal in such a way that a bite was a foreseeable outcome. In my experience, this most frequently applies in case where for example, a child is teasing or even hurting a dog, and the dog bites in response to this. The ordinance even refers to the “torment” by an “individual”, which generally refers to conduct of a person rather than that of another animal.

In this case, based on my review of reports and statements, the owner of the dog that was bitten was walking past your house on the public sidewalk. He was walking three small dogs at the time, all of which were leashed. Your daughter was exiting the house with Georgia, who was also leashed.

Upon seeing the other dogs, which may or may not have been barking/growling at the time, Georgia apparently pulled the leash free of your daughter’s grasp, and ran forward, attacking at least one of the other dogs.

According to the reports and photos, the dog Georgia bit sustained at least three puncture wounds to the abdomen, which according to that dog’s owner, required surgery to repair.

I have enclosed an updated determination form with this letter. I did amend the finding that Georgia has “been known to threaten the safety of humans or animals”, as I feel that statements from both owners that the dogs had previously barked/growled at each other in the past are insufficient to sustain that charge. We are then left with the bite itself, which no party denies.

I cannot find from the information I have that this attack was “provoked” under the circumstances contemplated by the ordinance. Accordingly, it is my opinion that Officer Johal’s determination of Georgia as a “Potentially Dangerous Dog” under the relevant ordinance should be upheld.

You have the right to appeal my decision to the Lynden City Council. Such appeal must be requested within 10 days of your receipt of this letter. The Council must then set the matter for a public hearing within 30 days. You may file your request for an appeal with me, and I will notify the appropriate parties at City Hall. Please note that your request for appeal must be made within 10 days of receipt of this letter, otherwise the determination will be final.



As I said when we met, I am sincerely impressed with the efforts you have taken with Georgia's training and care. All the information you provided me will be retained in the file and will be available should you decide to appeal my decision.

It was a pleasure meeting you and your brother, and I only wish it could have been under better circumstances.

Sincerely,

A handwritten signature in black ink that reads "Steve Taylor". The signature is written in a cursive style with a large, stylized "S" and "T".

Steve Taylor  
Chief of Police



## CITY OF LYNDEN ANIMAL CONTROL POTENTIALLY DANGEROUS / DANGEROUS DOG DETERMINATION AND RESPONSIBILITIES

DATE: February 25, 2022

CASE: 21L07103

OWNED BY: Katie Wheeler

LIC: 210579

ADDRESS: 860 South Pine Court

CITY: Lynden, WA. 98264

Phone: 360-202-2901

Following investigation, I have determined that you are the owner of, have care of, or custody/control of an animal described as:

Breed: Boxer/Terrier Mix Sex: Female (spayed) Color: Brown Name: Georgia DOB: 09/06/2017

Other identifying information:

Falls within the definition of LMC 6.09 and RCW 16.08. As of this date your dog is declared a:

**Potentially Dangerous Dog** based upon the following:

When unprovoked:

- bit a human (non-severe injury) on public or private property
- bit an animal on public or private property
- chased or approached humans in a menacing fashion upon the street sidewalk or public grounds
- has been known to attack or cause injury to humans or animals
- has been known to threaten the safety of humans or animals

This "**Potentially Dangerous**" status means that if we receive another report that your dog has bitten, attacked, chased, or threatened a human or domestic animal, your dog may be declared a "**dangerous animal**" requiring you to comply with the dangerous dog provisions outlined below

**Dangerous Dog** based upon the following:

- killed a human
- bit a human (severe injury) without provocation, that resulted in broken bones, or disfiguring lacerations
- killed a domestic animal without provocation while off the owners' property
- has been previously found to be potentially dangerous, the owner given notification of such and the dog again aggressively bites, attacks, or endangers the safety of humans Or domestic animals.

Pursuant to LMC 6.09 and RCW 16.08. The following restrictions and conditions for the maintenance of a DANGEROUS DOG shall apply for the remainder of the life of the dog and shall be enforced throughout the State of Washington. The animal control authority of the city or county in which an owner has a DANGEROUS DOG shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

(1) A DANGEROUS DOG or POTENTIALLY DANGEROUS DOG must be securely confined indoors or in a securely locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen shall be inspected by the animal control authority.

(2) The Owner shall post on the premises a clearly visible sign that there is a DANGEROUS DOG on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a DANGEROUS DOG.

**CITY OF LYNDEN ANIMAL CONTROL**  
**POTENTIALLY DANGEROUS / DANGEROUS DOG**  
**DETERMINATION AND RESPONSIBILITIES**

( ) (3) The owner of a DANGEROUS DOG must obtain a surety bond issued by a surety insurer qualified under chapter 48.28. RCW in a form acceptable to the animal control authority in the sum of at least two hundred and fifty thousand dollars, ensuring the owner for any personal injuries inflicted by the dangerous dog; or a policy of liability insurance, such as homeowners' insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

(X) (4) It is unlawful for an owner of a DANGEROUS DOG or POTENTIALLY DANGEROUS DOG to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(X) (5) Any dog which is declared to be a DANGEROUS DOG or POTENTIALLY DANGEROUS DOG shall be required to have a microchip implant for monitoring purposes implanted by a veterinarian of the owner's choice, at the owner's expense. This must be accomplished within 30 days after receipt of the dangerous dog or potentially dangerous dog declaration issued by the Lynden Police Chief.

( ) (6) No person shall keep a DANGEROUS DOG over the age of six months at their premises unless such dog has been spayed or neutered and the city has been provided a copy of a veterinarian's certificate as to the sterilization.

(X) (7) No person shall keep a DANGEROUS DOG, POTENTIALLY DANGEROUS DOG or ANY DOG at their premises unless such dog has been vaccinated against rabies within the last three years and the city has been provided a copy of a veterinarian's certificate of rabies vaccination. (Changed January 2012)

I have read and understand the above. Further, I agree to allow the Lynden Animal Control to photograph the dog for identification. I will also permit Animal Control to inspect the dog's residence for verification of continued compliance at intervals determined by the Animal Control. I also agree that I will notify Lynden Animal Control prior to the sale or transfer of ownership, so that Animal Control may determine that any new owner can comply with the provisions of the law.



Dated this: February 25, 2022,

Chief Steve Taylor

Dog Owner, Harbored or Keeper

**Overview:**

**Potentially Dangerous Dog Owners Must Comply with Sections: 1, 4, 5, and 7.**

**Dangerous Dog Owners Must Comply with the Potentially Dangerous Dog Sections plus Sections: 2, 3, and 6.**

February 4, 2022

Chief of Police  
C/O Lynden Police Department  
203 19th Street  
Lynden, WA 98264

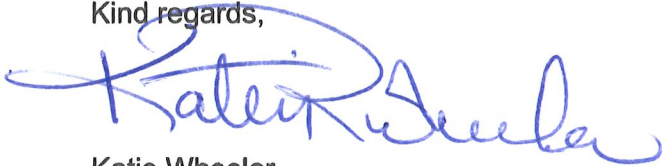
Chief of Police, Steve Taylor,

This letter is to formally request a review of the Codes Enforcement Officer's decision related to my dog Georgia, CASE 21L07103.

I'm not sure how this process works, but the letter I received in the mail instructed me to contact you in writing. My phone number is listed incorrectly on the case documents. My correct phone number is 360-220-2901.

I look forward to hearing from you.

Kind regards,

A handwritten signature in blue ink that reads "Katie Wheeler". The signature is written in a cursive style with a large, looped initial "K".

Katie Wheeler  
860 S. Pine Ct.  
Lynden, WA 98264

## Georgia Training & Socializing (not an exhaustive list)

### Georgia born Sept. 6, 2017

- Became member of our family Oct. 26, 2017
- Tails-a-Wagging; Puppy Preschool, Thursday evenings Nov.-early Dec 2017
- Kulshan Vet; Puppy Party to socialize puppies, Dec. 19, 2017
- Bossdogs Training LLC; Baby Boss 4 week puppy training program (stay and train) Georgia lived inside the home of owner, Dani Witman, for 4 consecutive weeks from age 12 weeks to 16 weeks old to learn the expectations of how to be a well behaved dog with training for proper obedience, house training, crate training, socialization with dogs/children/adults, leash training and more! Dec. 2017-Jan. 2018
- Home visit from Dani Witman (Bossdogs) to check in on Georgia and provide a 1-hr refresher course. Jan. 22, 2018
- Refresher Training with Bossdogs; Feb 18-28, 2018 (board & train)
- Dog Handler sessions throughout summer
- Oct. 6, 2018 Dog Handler Session @ Bossdogs
- Oct. 27, 2018 Dog Handler Session @ Bossdogs
- Many trips to local dog parks to socialize with new dogs
- Many play dates with my friends' dogs as recommended by professionals to include dogs of all sizes and varied locations
- Board & Trains @ BossDogs
  - Feb 18-28, 2018
  - Aug 17-22, 2018
  - Dec 23-26, 2018
  - Mar 30-Apr 8, 2019
  - Dec 6-7, 2019
  - Jan 14, 2020
  - Jul 2-6, 2020
  - Jul 21-28, 2020
  - Nov 24-26, 2020
  - Dec 24-26, 2020
  - Mar 22-31, 2021
  - Nov. 19-22, 2021
  - Dec 27-30, 2021
  - Upcoming Mar 11-14, 2022
- Doggy Day Care @ Hyline began June 2019
- Doggy Day Care @ Bossdogs has been ongoing since graduating Baby Boss Training in January 2018
- Many hikes throughout Whatcom County, on and off leash
- Dog Days Festivals - Whatcom Humane Society (Each August)
- "Doggy Date Nights" @ Thirsty Badger Brewery on Badger Rd., Lynden
- Off Leash bike rides at Galbraith Mountain
- Dog Parks
  - Lake Padden
  - Squalicum
  - Lynden
- Visits Tractor Supply in Lynden for indoor walks and dog treats!!

+ e-collar  
trained  
ecollar.com  
\*mini educator

AKC trainer  
Adam  
Pack 9 Training  
208-640-0963  
observed  
Georgia 2/17/22

February 16, 2022

To whom it may concern,

I am writing this letter as a testament of my professional and personal opinion in regards to the Wheeler family and their family dog, Georgia.

I am the owner/operator of Bossdogs Training LLC in Lynden, Wa. My business has served Whatcom and surrounding counties since late 2016 for training and boarding needs. Prior to opening Bossdogs, I was employed by local dog boarding and daycare facilities from 2010-2016, which allowed for extensive experience with hundreds of dogs, dog breeds, dog behavior and dog handling.

I met the Wheelers in 2017 when Katie reached out for puppy training for their, at the time, 12 week old dog, Georgia. Right from the start, the family was committed and determined to provide the best life for their dog, knowing the stigma surrounding Georgia's breed. They were actively involved in Georgia's training while she was here from age 12-16 weeks, coming once a week for upkeep, maintenance and practice before taking Georgia back home once graduating puppy training.. Once Georgia was home, they provided her with effective and efficient mental and physical stimuli to meet her individual needs to form her into the social, playful and confident dog she is now. I maintained a relationship with the family, met several times for refreshers on basic obedience, new tricks and tips and overall upkeep of Georgia's manners.

Over the years, Georgia has become a regular at Bossdogs for boarding, daycare and refreshers for training, as necessary when the family is on vacation or at work. She stays with my family (including my 4 kids and multiple dogs) and not once have we ever been concerned about Georgia's behavior. She is social in the yard with dogs of all sizes and breeds, including large breeds, medium breeds and small dogs. Georgia responds well to direction, and she uses good judgment when in social environments.

Katie and her family actively take part in social gatherings that Bossdogs puts on, including group training classes meant to improve the relationship/communication techniques between owners and their dogs, as well as group gatherings at local brewerys for "Doggy Date Night" where there are anywhere from 5-15 dogs of any size and personality, and Georgia maintains polite and social behavior.

In my personal opinion, Georgia is not a threat to society, or potentially dangerous by any means. She is a kind, well intentioned dog that loves other animals and humans of all sorts.

In my professional opinion, Georgia is not a threat to society and what happened is an incident based on circumstance and unfortunate events. The Wheelers are actively involved in making sure this does not happen again, and signed up for more training and hands on techniques so we can further their education on de-escalating situations where Georgia feels provoked by another dogs ill mannered behavior.

I ask that you take my opinion and professionalism into consideration when determining what kind of life Georgia will have after this. She is a phenomenal dog with a dedicated family.

Thank you.

Dani Witman  
Bossdogs Training LLC



katie wheeler <katiefamily3@gmail.com>

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## Georgia

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**Dani Witman** <bossdogs365@yahoo.com>  
To: katiefamily3@gmail.com

Thu, Feb 17, 2022 at 8:00 AM

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 **Georgia.docx**  
14K



To Whom It May Concern:

I am writing this letter as a pet industry professional who has personally interacted with Katie Wheeler's dog "Georgia" on multiple occasions. What follows is a description of the behavioral assessment that we performed, as well as our observations of "Georgia" when interacting with other dogs.

On Georgia's first day of daycare with us, she was reserved and observant. She would politely sniff to greet the other dogs, but mostly kept to herself as she became more comfortable and confident with her new surroundings. We did not witness any behavior that was concerning or inappropriate when interacting with the other dogs in her group play of 8 dogs during her assessment. We determined that she was interested in socializing, but likely did not have much prior experience, hence the observant behavior. Further social experience was recommended, and her owner Katie Wheeler proceeded to sign Georgia up for more days of daycare with us.

After her first day with us, Georgia became more confident and displayed appropriate playful behavior. She began attending our dog daycare program intermittently in June 2019. For our internal play group organizational purposes, Georgia was labeled as a "medium energy-playful" dog. Each day that she plays with us she meets new dogs of all sizes and has never displayed any reactive, aggressive, or inappropriate behaviors. She is regularly placed in a play group of up to 9 other dogs of varying sizes. One of her friends that she interacted with several times is a 15-pound Shih Tzu who is polite and playful. Georgia is skilled at adapting her play style to match that of a much smaller dog.

At no point during her days with us did we see any rough play, inappropriate behavior, or negative reactions towards other dogs or our staff. She is welcome to attend our daycare program at any time, we are confident that she is not dangerous toward other dogs as witnessed by our supervising staff. We have no reason to believe that Georgia is a danger to dogs or humans.

Please do not hesitate to contact me with questions or for further information.

Morgan Berkan, General Manager at Hyline Hotel for Dogs

hylinehotelmanagement@gmail.com – 360.398.0174



February 6, 2022

To whom it may concern,

I would like to share my experience with Georgia, Katie Wheeler's dog. I have known Katie and Georgia for about 4 years now and have had many interactions with Georgia over the years. As a friend that would come over to visit and bring my very skittish children Georgia was always very sweet and playful. Both my young boys were not used to larger dogs and were so scared of her because she was a dog, and she would just sit and stay while they got comfortable.

About two years ago we got a puppy and when she was only a little pup, we brought her over to meet Georgia and she was gentle and playful with our puppy Zoe. Sadly, we moved away shortly after we got our puppy and dashed our hopes of having our dogs be best friends, however I have come back to Lynden every 3-4 month over the past year and a half to visit friends and run my business. I have a mobile salon, The Judd Parlor, so I am licensed to do hair on location. Due to my situation Katie offered her house as a location for me to take appts while in town. Each time I was in town, for over a 3 day period, I would have 10-15 clients coming into Katie's home to get their hair done. Some would bring their kids and Georgia was sweet and playful to EVERY single person that came into her home. I am not Georgia's owner. I am not who she is used to and yet when I would bring strangers into her home she was always friendly. When I brought my now much larger dog back with me this past summer, her and Georgia played together for hours and hours.

Georgia is not a threat to Lynden. Georgia is a very good dog. Please don't make your decision on Georgia's future based on one incident with a neighbor.

Thank you

Kelsey Judd

480-789-3771

Kelsey.judd@yahoo.com

Owner and operator of The Judd Parlor



katie wheeler <katiefamily3@gmail.com>

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**letter**

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**Kelsey Judd** <kelsey.judd@yahoo.com>  
To: Katie Wheeler <katiefamily3@gmail.com>

Sun, Feb 6, 2022 at 4:33 PM

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 **georgia.docx**  
13K



Katie Wheeler <katiewheeler382@gmail.com>

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## Letter request-Georgia Wheeler

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**Happy Pooch** <happypoochstyling@yahoo.com>  
To: Katie Wheeler <katiewheeler382@gmail.com>

Sat, Feb 12, 2022 at 4:46 PM

To Whom it may concern-

Georgia Wheeler has been coming into our busy shop since May of 2019- She has been here 18-24 times primarily to have her nails trimmed. She has always been sweet and well behaved. I have never seen any signs of aggression. Her owner has always had her leashed and under control at all times in our lobby/parking lot-

Melissa Wiltse  
Happy Pooch Styling & Spa, Inc  
shop 360-318-9949  
cell 425-238-5101

[Quoted text hidden]



# Kulshan Veterinary Hospital, PLLC

Serving you at: 8880 Benson Road • Lynden, Washington 98264 & 6220 Portal Way • Ferndale, Washington 98248  
Phone: 360.354.5095 • Fax: 360.354.3740 • www.KulshanVet.com • We.Care@KulshanVet.com

2/14/2022

Jacob  
Brandvold, DVM

Gale  
DeJong, DVM

Robin  
Eggenberger, DVM

Kevin  
Erickson, DVM

Denise  
Hodge, DVM

Paul  
MaGrath, DVM

Mandy  
Murdock, DVM

Jacob  
Murphy, DVM

Isadora  
O'Brien, DVM

David  
Sauter, DVM

April  
Schattner, DVM

Holly  
Smith, DVM

Dylan  
Spargo, DVM

Perry  
Stanfield, DVM

Brad  
Stirling, DVM

To Whom It May Concern,

I examined Georgia on 12/15/2021 for signs of an ear infection. A comprehensive exam was performed at that time. During her exam with myself, Georgia was very friendly and showed no obvious signs of aggression. Please let me know if you have any further questions/concerns.

Regards,

Dr. Paul Magrath  
Associate Veterinarian Kulshan Veterinary Hospital

*A proud member of*





City of Lynden Police Department  
Longarm Case Report

Investigator:  
HOLLAND,  
TANNER

**21L07103 ANIMAL PROBLEM**

**HEADER**

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**Primary**

*Author:* **HOLLAND, TANNER**

*Appvd:* **068**

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*Location:* **860 S PINE CT** *Apt Unit No:*

*Incident Date:* **Dec 11, 2021 1:45 PM**

*Date Reported:* **Dec 11, 2021 1:50 PM**

*Press Summary:*

ANIMAL PROBLEM



**City of Lynden Police Department**  
**Longarm Case Report**

*Investigator:*  
**HOLLAND,  
TANNER**

**21L07103 ANIMAL PROBLEM**

**ASSOCIATES**

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**Primary** *Author:* **HOLLAND, TANNER** *Rpt Date:* **Dec 11, 2021 1:50 PM** *Appvd:* **068**

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**P1 WHEELER, KATIE RAE** *DOB:* Mar 12, 1982 *Age:* 39 *Sex:* F *Race:* W *Ht:* 501 *Wt:* 135  
*Drivers:* WHEELKR183DK *Lic. St:* WA *Eyes:* GRN *Hair:* Brown  
*Res Address:* 860 S PINE COURT, LYNDEN, WA 98264  
*Bus Address:*  
*Res Phone:* (360) 812-1880 *Bus Phone:*  
*Cell Phone:* *Ethnicity:*  
*Arrest Type:* *Armed with:*

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**R1 HAWORTH, DAVID DALE** *DOB:* Apr 20, 1957 *Age:* 64 *Sex:* M *Race:* W *Ht:* 511 *Wt:* 235  
*Drivers:* HAWORDD434J0 *Lic. St:* WA *Eyes:* BRO *Hair:* Gray  
*Res Address:* 812 PINE CT, LYNDEN, WA 98264  
*Bus Address:*  
*Res Phone:* *Bus Phone:*  
*Cell Phone:* (360) 778-2803 *Ethnicity:*  
*Arrest Type:* *Armed with:*

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**R2 TRAVIS, TAYLA RAE** *DOB:* Aug 25, 2007 *Age:* 14 *Sex:* F *Race:* W *Ht:* *Wt:*  
*Drivers:* *Lic. St:* *Eyes:* *Hair:*  
*Res Address:* 860 S PINE COURT, LYNDEN, WA 98264  
*Bus Address:* , WA  
*Res Phone:* *Bus Phone:*  
*Cell Phone:* *Ethnicity:* Not Of Hispanic Or Latino Origin  
*Arrest Type:* *Armed with:*

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City of Lynden Police Department

Longarm Case Report

Investigator:  
HOLLAND,  
TANNER

21L07103 ANIMAL PROBLEM

NARRATIVE

Primary

Author: HOLLAND, TANNER

Rpt Date: Dec 11, 2021 1:50 PM

Appvd: 068

On December 11, 2021, Lynden Police were dispatched to the area of 860 S. Pine Court within Lynden Washington for an animal problem.

I arrived in the area and was met by KATIE WHEELER (P1) who lives at 860 S. Pine Court. KATIE WHEELER (P1) advised me her daughter TAYLA TRAVIS (R2) was going to take the family dog out on a walk. When TAYLA TRAVIS (R2) walked through the driveway, the neighbor DAVID HAWORTH (R1) was walking his three dogs on the sidewalk in front of TAYLA TRAVIS (R2) residence. TAYLA TRAVIS (R2) had her dog on a leash and her dog pulled the leash out from her hand and proceeded to bite one of DAVID HAWORTH (R1) dogs. TAYLA TRAVIS (R2) was able to get her dog away from DAVID HAWORTH (R1) dog but did observe DAVID HAWORTH (R1) dog was bleeding from the stomach area. TAYLA TRAVIS (R2) advised me she had not made it out of the driveway when the dog pulled the leash out of her hand and advised me her dog is a Boxer Mix who is 4 years old. KATIE WHEELER (P1) advised me this is not the first incident with DAVID HAWORTH (R1) dogs, but their dog has not bit his dog before but has lunged at his dogs.

I met DAVID HAWORTH (R1) at Kulshan Veterinary where he had brought his dog after the bite. DAVID HAWORTH (R1) advised me he was on a walk like he does every day with his three small dogs. When he was walking past KATIE WHEELER (P1) residence he saw their dog running out of their driveway and he was unable to get his dog in time. DAVID HAWORTH (R1) advised me KATIE WHEELER (P1) dog bit and began shaking his small dog before he was able to release the boxer's bite from his dog. DAVID HAWORTH (R1) advised me his dog weighed 6lbs and is a Maltese poodle named Jude. DAVID HAWORTH (R1) advised me his dog was currently in the operating room and he was unsure how it was doing. DAVID HAWORTH (R1) advised his dog had three puncture wounds to his stomach and was bleeding when he transported it.

Kulshan Vet advised me they would be sending a bite report to the police department for Codes Enforcement which I also advised both parties of.

KATIE WHEELER (P1) was advised to keep her dog inside or in the backyard until Codes Enforcement can contact her and DAVID HAWORTH (R1).

I advised both parties that Codes Enforcement will be provided with a report and will follow up with both parties.

Please forward to Codes Enforcement for follow up.



City of Lynden Police Department  
Longarm Case Report

Investigator:  
HOLLAND,  
TANNER

**21L07103 ANIMAL PROBLEM**

**HEADER**

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**Follow-Up**

*Author:* JOHAL, RICHARD

*Appvd:* 081

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*Location:* **860 S PINE CT** *Apt Unit No:*

*Incident Date:* **Dec 11, 2021 1:45 PM**

*Date Reported:* **Dec 13, 2021 2:30 PM**





City of Lynden Police Department

Longarm Case Report

Investigator:  
HOLLAND,  
TANNER

21L07103 ANIMAL PROBLEM

ASSOCIATES

Follow-Up Author: JOHAL, RICHARD Rpt Date: Dec 13, 2021 2:30 PM Appvd: 081

C1 KULSHAN VETERINARY HOSPITAL, Drivers: Lic. St: Eyes: Hair: DOB: Age: Sex: Race: Ht: Wt:

Res Address: Bus Address: 8880 BENSON RD, LYNDEN 98264 Res Phone: Bus Phone: (360) 354-5095 Cell Phone: Ethnicity: Arrest Type: Armed with:

C2 WITMAN, DANIELLE CHARLYSE Drivers: Lic. St: Eyes: Hair: DOB: Oct 10, 1989 Age: 32 Sex: F Race: W Ht: Wt:

Res Address: 7827 ENTERPRISE RD, FERNDAL, WA 98248 Bus Address: , WA Res Phone: (360) 927-2932 Bus Phone: Cell Phone: Ethnicity: Not Of Hispanic Or Latino Origin Arrest Type: Armed with:



# City of Lynden Police Department

## Longarm Case Report

Investigator:  
**HOLLAND,  
TANNER**

### 21L07103 ANIMAL PROBLEM

### NARRATIVE

Follow-Up

Author: JOHAL, RICHARD

Rpt Date: Dec 13, 2021 2:30 PM

Appvd: 081

12/13/2021 I contacted DAVID HAWORTH (R1). A brief synopsis of the incident was discussed, I could see that DAVID HAWORTH (R1) was still somewhat distraught over the attack. I asked DAVID HAWORTH (R1) if he would complete a written statement detailing the events that lead up to the attack. He said he would. I left (2) blank statement forms for him to complete. Prior to clearing, (2) photos of his dog, a Maltese Poodle Mix (aka Maltipoo) named "Jude", were taken. See evidence.com for photos.

Attempts to contact KATIE WHEELER (P1) at her residence were met with negative result. Shortly thereafter KATIE WHEELER (P1) called, we agreed to meet at the Police Department on 12/15/2021 at 1500 hrs. Re: dog vs dog attack.

Note: My dog license data base shows no dog(s) licensed to KATIE WHEELER (P1) or to TAYLA TRAVIS (R2), or at 860 South Pine Court. DAVID HAWORTH (R1) dog is currently licensed with the city.

12/15/2021 DAVID HAWORTH (R1) dropped off his completed statement form. See attached statement from DAVID HAWORTH (R1).

I met with KATIE WHEELER (P1) and TAYLA TRAVIS (R2) at the Police Department. KATIE WHEELER (P1) advised that she is the owner of "Georgia", a boxer mix breed dog. When asked what the mix breed was, KATIE WHEELER (P1) said the mix was possibly an American terrier. KATIE WHEELER (P1) added that "Georgia" had completed a (4) week basic training class through Boss Dogs Training, on Enterprise Rd, in Ferndale, WA. approximately (3) years ago. KATIE WHEELER (P1) said that she takes "Georgia" back to Boss Dogs every year for a retention refresher. I advised KATIE WHEELER (P1) that I would be following-up with Boss Dogs. KATIE WHEELER (P1) directed me to contact DANIELLE WITMAN (C2), the owner and trainer.

I then asked TAYLA TRAVIS (R2) if she could tell what lead up to the incident. This is what TAYLA TRAVIS (R2) told me: She had her dog "Georgia" on a leash, in hand, when they walked out of the house (front door). As they approached the driveway, they encountered DAVID HAWORTH (R1) and his (3) dogs, they too were on leashes. TAYLA TRAVIS (R2) said in hindsight that she didn't have a good grasp of "Georgia's" leash. "Georgia" suddenly lunged forward, and in doing so, TAYLA TRAVIS (R2) said she lost hold of the leash and "Georgia" went after the (3) dogs. "Georgia" got a hold of one of DAVID HAWORTH (R1) dog's and started attacking it. It happened so fast, TAYLA TRAVIS (R2) said. When asked where the attack occurred ( i.e. in the street, sidewalk or driveway), TAYLA TRAVIS (R2) said it happened near the sidewalk portion of her driveway. I asked TAYLA TRAVIS (R2) if she had taken "Georgia" for walks in the past without any issues, she advised many walks without issues.

KATIE WHEELER (P1) interjected a comment that DAVID HAWORTH (R1), in her opinion, tries to antagonize her dog by always walks his dogs in front of her house. This was not the first encounter between ours dogs, KATIE WHEELER (P1) said. When asked if the prior encounters were reported, KATIE WHEELER (P1) said "no". Nothing more from TAYLA TRAVIS (R2) or KATIE WHEELER (P1). Subsequent to the end of our conversation, KATIE WHEELER (P1) licensed her dog.



## City of Lynden Police Department

### Longarm Case Report

Investigator:  
**HOLLAND,  
TANNER**

Note: KATIE WHEELER (P1) had mentioned that she had taken "Georgia" to KULSHAN VETERINARY HOSPITAL (C1) on the December 11th, 2021, after the incident for an updated rabies inoculation.

12/16/2021 I met with DANIELLE WITMAN (C2) the owner and trainer of Boss Dogs Pet Training, the meeting took place at her residence, in Ferndale, WA. DANIELLE WITMAN (C2) was surprised after I advised her that KATIE WHEELER (P1) dog "Georgia" had attacked another dog. We then discussed what training "Georgia" had gone through. DANIELLE WITMAN (C2) said that KATIE WHEELER (P1) and "Georgia" had completed a (4) week basic training course approximately (3) years ago. KATIE WHEELER (P1) and her dog return every year for a retention refresher. " I just had KATIE WHEELER (P1) dog here two weeks ago for the retention training", DANIELLE WITMAN (C2) said. " Georgia" has done great, we've never had any problems or issues with her. I'm going to contact KATIE WHEELER (P1) to see if I can help her", DANIELLE WITMAN (C2) added. End of conversation and I cleared.

I contacted KULSHAN VETERINARY HOSPITAL (C1) and the Doctor that had treated "Georgia", both the Doctor and the staff at the hospital advised having no issues with the dog.

01/24/2022 In DAVID HAWORTH (R1) statement and KATIE WHEELER (P1) initial admission to Officer Hollander, that this attack was not an isolated incident. I am declaring KATIE WHEELER (P1) dog a Potentially Dangerous Dog (PDD). Based on the known threat to public safety and unprovoked attack.

KATIE WHEELER (P1) was mailed via registered mail (with a Domestic Return Receipt ) a copy of the Lynden Washington Animal Control Potentially Dangerous / Dangerous Dog Determination and Responsibility Declaration packet. A copy of LMC 6.09, the City of Lynden's Dangerous Dog Ordinance and RCW 16.08, The State of Washington's Chapter on Dangerous Dogs was also included in KATIE WHEELER (P1) Declaration packet.

01/31/2022 The Domestic Return Receipt was signed by KATIE WHEELER (P1).

02/01/2022 The signed Domestic Return Receipt was received.

**VOLUNTARY STATEMENT**

Last Name <b>HAWORTH</b>	First <b>DAVID</b>	Middle <b>DALE</b>	Date of Birth <b>4/20/1957</b>	Age <b>64</b>
Address <b>812 S. PINE CT. LYNDEN</b>			State <b>WA.</b>	Zip <b>98264</b>
			Phone Number <b>360-303-5213</b>	

I volunteer the following information of my own free will, for whatever purposes it may serve.

ON SATURDAY, 12/11/21 I WAS WALKING MY <6# MULTI-PURPOSE DOG ALONG WITH MY SONS. 2 DOGS NORTH OUT OF THE SOUTH PINE CT CURB-SIDE IN LYNDEN. ALL 3 DOGS WERE ON LEASHES & WE WERE WALKING IN THE STREET. IN AN INSTANT WHEN NEARING THE HOME ON THE NE CORNER OF THE CURB-SIDE, A DOG DARTED OUT OF AND OFF THE FRONT LAWN OF THAT RESIDENCE. IN WHAT SEEMED LIKE A SPLIT SECOND SAID DOG VIOLENTLY ATTACKED MY DOG. THE ATTACK DOG CONTINUED BY FLAILING MY DOG WILDLY UNTIL HER OWNER WAS ABLE TO PULL THE DOG AWAY. BY THIS TIME EXTENSIVE DAMAGE WAS DONE TO MY DOG AND HE APPEARED TO BE DEAD. I IMMEDIATELY PICKED MY DOG UP OUT OF THE GUTTER WHERE HE LAY LIFELESS AND PRESSED HIS BLOODY BODY AGAINST MINE AS TO TRY AND STOP THE BLEEDING. COMPLETE PANIC HAD SET IN AS NOW I THOUGHT MY DOG WAS EITHER DECEASED OR CLOSE TO IT, AS WELL AS ONE OF MY SONS DOGS HAD RAN OFF DURING THE CHAOS. UPON RETRIEVING BOTH THE OTHER DOGS I RAN BACK TO MY HOME AND DROVE MY DOG TO KULSHRAN VETERINARY HOSPITAL IN LYNDEN WHERE HE IS STILL RECEIVING CARE. THIS IS THE 2ND TIME THIS DOG CAME OFF ITS PROPERTY, UN-RESTRAINED TO ATTACK MY DOG, COMPLETELY UNPROVOKED. IT IS COMPLETELY AND TOTALLY UNFAIR TO THINK THAT I CAN NO LONGER WALK MY DOG ON A PUBLIC STREET BECAUSE ANOTHER DOG OWNER REFUSES TO KEEP THEIR DOG RESTRAINED, A DOG WITH AN OBVIOUS VIOLENT TENDENCY. THIS IS THE ONLY HOME MY 9YR OLD DOG HAS EVER KNOWN AND THERE IS NO FAIRNESS IN A COMPLETE BULLY DOG WITH COMPLETELY

RCW 42.56.240 (2) allows victims, witnesses, or reporting parties to request, at this time, non disclosure of your identity in the event of a public disclosure request. Do you wish to make this request? YES \_\_\_\_\_ NO X \_\_\_\_\_ Not a victim, witness or reporting party \_\_\_\_\_

I have read each page of this statement consisting of 2 page(s). Each page bears my signature, and any corrections, if any, bear my initials. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the entire statement is true and correct. I further certify that I made no request for the advice or presence of an attorney before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also certify that I was not told what to say in this statement.

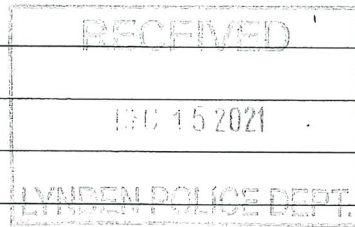
This statement was completed at 812 S. PINE CT. LYNDEN, on the 14TH day of DECEMBER, 2021

Signature: David Dale Haworth Witness \_\_\_\_\_

Last Name <b>NAWORTH</b>	First <b>DAVID</b>	Middle <b>DALE</b>	Date of Birth <b>4/20/1957</b>	Age <b>64</b>
Address <b>812 S. PINE CT.</b>	City <b>LYNDEN</b>	State <b>WA</b>	Zip <b>98264</b>	Phone Number <b>360-303-5213</b>

I volunteer the following information of my own free will, for whatever purposes it may serve.

UNCARING OWNER BEING ABLE TO NOT EVEN ADHERE TO A LEASE  
LAW. WE DID NOTHING WRONG AND DON'T DESERVE THESE CONSEQUENCES.  
IN CLOSING: IT'S BEEN NEARLY 3 1/2 DAYS SINCE THE INCIDENT AND  
THERE HAS BEEN NO CONTACT FROM THE DEB OWNER, ABSOLUTELY NO  
REMORSE!



RCW 42.56.240 (2) allows victims, witnesses, or reporting parties to request, at this time, non disclosure of your identity in the event of a public disclosure request. Do you wish to make this request? YES \_\_\_\_\_ NO X Not a victim, witness or reporting party \_\_\_\_\_

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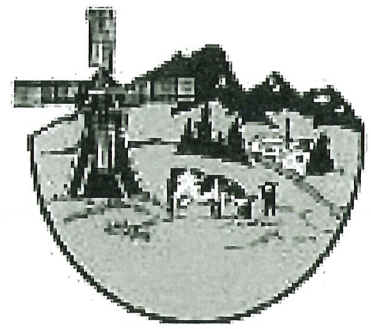
This statement was completed at 812 S. PINE CT. LYNDEN, on the 14<sup>TH</sup> day of DECEMBER, 2021

Signature David Dale Naworth

Witness \_\_\_\_\_







**LYNDEN WASHINGTON ANIMAL CONTROL  
POTENTIALLY DANGEROUS / DANGEROUS DOG  
DETERMINATION AND RESPONSIBILITIES**

DATE: December 11<sup>th</sup>, 2021

CASE: 21L07103

OWNED BY: Katie Wheeler

LIC: 210579

ADDRESS: 860 South Pine Court

CITY: Lynden, WA. 98264

Phone: 360-202-2901

Following investigation, I have determined that you are the owner of, have care of, or custody/control of an animal described as:

Breed: Boxer/Terrier Mix Sex: Female (spayed) Color: Brown Name: Georgia DOB: 09/06/2017

Other identifying information:

Falls within the definition of LMC 6.09 and RCW 16.08. As of this date your dog is declared a:

**Potentially Dangerous Dog** based upon the following:

When unprovoked:

- bit a human (non-severe injury) on public or private property
- bit an animal on public or private property
- chased or approached humans in a menacing fashion upon the street sidewalk or public grounds
- has been known to attack or cause injury to humans or animals
- has been known to threaten the safety of humans or animals

This "**Potentially Dangerous**" status means that if we receive another report that your dog has bitten, attacked, chased, or threatened a human or domestic animal, your dog may be declared a "**dangerous animal**" requiring you to comply with the dangerous dog provisions outlined below

**Dangerous Dog** based upon the following:

- killed a human
- bit a human (severe injury) without provocation, that resulted in broken bones, or disfiguring lacerations
- killed a domestic animal without provocation while off the owners' property
- has been previously found to be potentially dangerous, the owner given notification of such and the dog again aggressively bites, attacks, or endangers the safety of humans Or domestic animals.

Pursuant to LMC 6.09 and RCW 16.08. The following restrictions and conditions for the maintenance of a DANGEROUS DOG shall apply for the remainder of the life of the dog and shall be enforced throughout the State of Washington. The animal control authority of the city or county in which an owner has a DANGEROUS DOG shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

(1) A DANGEROUS DOG or POTENTIALLY DANGEROUS DOG must be securely confined indoors or in a securely locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen shall be inspected by the animal control authority.

(2) The Owner shall post on the premises a clearly visible sign that there is a DANGEROUS DOG on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a DANGEROUS DOG.