



City Attorney's Office  
attorney@westalliswi.gov  
Office: 414.302.8450  
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Kail Decker  
City Attorney  
Sheryl L. Kuhary  
Deputy City Attorney  
Nicholas S. Cerwin  
Rebecca Hammock  
Principal Assistant City Attorneys

January 17, 2020

Tina M. DeQuardo  
S69 W17660 Wildwood Drive  
Muskego, Wisconsin 53150

Re: Matter of the Appeal of the Dangerous Dog Order of the dog, owner,  
Fabian Paul Bendlin

Dear Ms. DeQuardo:

Enclosed please find an original and one copy of a subpoena for you to testify as a witness in regard to the above referenced case. Please sign and date the original and return it to this office in the enclosed, self-addressed, stamped envelope. The copy may be retained for your records.

If you have any questions, please feel free to contact me. Thank you for your cooperation in this matter.

Sincerely,

Nicholas S. Cerwin  
Principal Assistant City Attorney

Enclosures

NSC:mj





Steven A. Braatz, Jr.  
City Clerk  
City Clerk's Office  
sbraatz@westalliswi.gov  
414.302.8220

January 23, 2020

Mr. Fabian Bendlin  
5926 W. Burnham St., Apt. 5  
West Allis, WI 53219

**Subject: Appeal of Dangerous Dog Order, Fabian Bendlin, 5926 W. Burnham St., Apt. 5**

Dear Mr. Bendlin:

The Administrative Appeals Review Board will meet on **Thursday, January 30, 2020 at 5:00 p.m.** to hear your appeal for the removal of the Dangerous Dog Order for your dog, Bandit. The hearing will take place at West Allis City Hall, Art Gallery, 7525 W. Greenfield Ave., West Allis, WI 53214.

The hearing is in regards to your appeal submitted on November 8, 2019 for the Dangerous Dog Order issued on October 16, 2019. You are expected to be present at the time listed above. Should you have any exhibits to present, please bring an additional five (5) copies with you.

Failure to appear will result in dismissal of your appeal, and the Dangerous Dog Order will be upheld.

Please call Laura Ramsak at (414) 302-8205 to confirm your appearance. You can also contact me at (414) 302-8201 if you have any questions. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Steven A. Braatz, Jr.  
City Clerk

ljr



Steven A. Braatz, Jr.  
City Clerk  
City Clerk's Office  
sbraatz@westalliswi.gov  
414.302.8220

December 31, 2019

Mr. Fabian Bendlin  
5926 W. Burnham St., Apt. 5  
West Allis, WI 53219

**Subject: Appeal of Dangerous Dog Order, Fabian Bendlin, 5926 W. Burnham St., Apt. 5**

Dear Mr. Bendlin:

The Administrative Appeals Review Board will meet on **Monday, January 6, 2020 at 5:00 p.m.** to hear your appeal for the removal of the Dangerous Dog Order for your dog, Bandit. The hearing will take place at West Allis City Hall, Room 128, 7525 W. Greenfield Ave., West Allis, WI 53214.

The hearing is in regards to your appeal submitted on November 8, 2019 for the Dangerous Dog Order issued on October 16, 2019. You are expected to be present at the time listed above. Should you have any exhibits to present, please bring an additional five (5) copies with you.

Failure to appear will result in dismissal of your appeal, and the Dangerous Dog Order will be upheld.

Please call Laura Ramsak at (414) 302-8205 to confirm your appearance. You can also contact me at (414) 302-8201 if you have any questions. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Steven A. Braatz, Jr.  
City Clerk

ljr

Fabian Bendlin

RECEIVED  
NOV 8 2019  
CITY OF WEST ALLIS  
CITY CLERK

November 11/8/19

(414) 792-0541

5926 W. Burnham St. 53219  
Apt. 5

West Allis City Hall

To Whom It May Concern

7525 W. Greenfield Avenue

West Allis, Wisconsin 53214

Dear Sir or Madam,

I am writing to you to appeal the decision to label my animal Bandit Bendlin as a "dangerous dog" and given another chance please. I fully acknowledge the harm he caused in that unprecedented moment and apologize deeply on his behalf. I am committed to an incident like that never occurring again. Bandit is currently still a puppy and has a lot of energy and at times fearful. However, he is still very much a family dog and is around women and children often and does well in the home and in smaller social settings. In that one time incident, he was in a playful high energy state and was thrown off guard when the woman wanted to pet him but appeared to get afraid and mistakenly put her hand on him to hold him down. He had an uncharacteristic reaction that day. I am committed to correcting my animal's behavior by continuing to socialize him in structured settings with all different people, including women and children. He is muzzled when outdoors and will not petted by strangers at this time until his dog training courses are complete. I plan to put my animal in dog training courses soon. Once again, I am requesting please, that you reconsider labeling Bandit as a dangerous dog.

Thank you for your time and consideration.

Respectfully,



Fabian Bendlin



# West Allis Police Department

# Incident Report

Incident:  
Dog/Cat/Animal Bite

Incident Report Number: 19-041301      Between: Date - Time      And/At: Date-Time 10/16/19      22:13

Incident Location:  
5712 W Burnham St, West Allis, WI, 53219

CFS Code-1: 7399G	CFS Code-2: ZRO9249	CFS Code-3:	Offense Code-4:
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

OP	Name (Last, First, Middle) Bendlin, Fabian Paul	DOB: 02/15/1987	Race/Sex B/M
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Address: (Address, City, State, Zip) 2530A S BRISBANE AVE, MILWAUKEE, WI, 53207	Phone 1 (414) 429-6864
--	---------------------------

Employer	Phone 2 (414) 627-0009
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Employer Address	Work Phone #
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V	Name (Last, First, Middle) DeQuardo, Tina M	DOB: 09/10/1963	Race/Sex W/F
---	--	--------------------	-----------------

Address: (Address, City, State, Zip) S69 W17660 Wildwood Dr, Muskego, WI, 53150	Phone 1 (262) 327-9779
--	---------------------------

Employer	Phone 2 (414) 545-8311
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Employer Address	Work Phone #
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### SUMMARY

Officer Komorowski reports:

On 10/16/19 at 2215hrs I responded to Speedway, 5712 W. Burnham St, for a dog bite complaint. Upon arrival I spoke with a Speedway employee, Tina M. Dequardo, f/w, 9/10/63, who said she was bitten by a pit bull owned by Fabian P. Bendline, m/w, 2/15/87. Tina said she received permission to pet the dog. When she did the dog lunged and bit her on the left breast causing a large laceration. Tina was transported to AWAMC for medical treatment. Fabian was issued the quarantine and dangerous dog order.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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Reporting Officer(s): Komorowski, Jason	Payroll Number : JK9907	Report Date: 10/16/2019
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Time Received: 22:13:26	Time Cleared: 23:09:39	Unit(s) Assigned: 213, 214, 215, 220	Pages: 1 Of 5
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Reviewed by: Clerical and Coding Manz, Tra	Payroll Number : TM9656	Copy To
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Date: 10/16/2019  
CFS Code-1: 7399G  
Incident Report Number: 19-041301

**West Allis Police Department****Continuation**Incident Report Number  
19-041301Incident Location:  
5712 W Burnham St, West Allis, WI, 53219Incident Date:  
10/16/2019**NAMES****Witness**

Lozada, David J W/M-53 of 1805 S 59 St, West Allis, WI, 53214  
DOB: 10/01/1966  
HT: 509 WT: 216 Hair: Black  
Eyes: Hazel

Phone 1: (414) 213-7398 Phone 2: (315) 536-9692

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**NARRATIVE****INITIAL CALL**

On 10/16/19 at 2215hrs I responded to Speedway, 5712 W. Burnham St, for a dog bite complaint. Upon arrival I spoke with a Speedway employee, Tina M. Dequardo, f/w, 9/10/63.

**CONTACT WITH TINA DEQUARDO**

Tina said she was outside smoking a cigarette with David J. Lozada, m/w, 10/1/66, when a man walking a dog (on a leash) approached them. Tina said she recognized the man as a regular from the store, but did not know his name. The man was walking past with his dog, which the man said was a black lab. David said the dog was friendly, and gave Tina permission to pet the dog.

Tina put her hand out so the dog could smell her. When she did so the dog lunged and bit her on the left breast causing a large laceration. The dog pulled Tina to the ground while biting her. Tina said the bite lasted only a second or two, but she began bleeding. Tina became concerned the bite may have punctured her breast implant. Tina said the man walked around the parking lot, but took off running when Tina said to call police. Tina said the man did tell her the dog was up to date on its rabies vaccination.

Reporting Officer(s):  
Komorowski, JasonPayroll Number :  
JK9907Pages:  
2 Of 5

**West Allis Police Department****Continuation**Incident Report Number  
19-041301Incident Location:  
5712 W Burnham St, West Allis, WI, 53219Incident Date:  
10/16/2019

Tina described the man as Hispanic, in his late 20s, about 5'10", 170lbs, with blonde dreadlocks, and said she believed the dog was a pit bull.

**CONTACT WITH DAVID LOZADA**

David said he was outside with Tina smoking a cigarette when the man approached them with the dog. Tina and David each recognized the man as living in the area. The man said the dog was friendly, so Tina asked to pet the dog. When the dog approached Tina it jumped up and bit Tina on her breast. The dog pulled Tina to the ground before the owner was able to pull the dog away.

The man remained on scene briefly, but took off running with the dog when police were called. David described the man as Hispanic, about 6'2", in his 20s, with dreadlocks. David said the man lived above the In and Out Grocery store on the northeast corner of S. 60th St/W. Burnham St.

**CONTACT WITH JACOB DICKINSON**

See Officer Schrandt's supplemental report.

**OFFICER OBSERVATIONS/ACTIONS**

Tina had a large gash under her left breast. Tina was able to stop the bleeding using a paper towel which was soaked in blood by the time I arrived. Tina was transported to Aurora West Allis Medical Center for treatment, so I responded with other officers to the area where the suspect was last observed.

Officers were able to determine the address of the residence above the grocery store as 5926 W. Burnham St. Officer Baumgart located a piece of mail listing to

Reporting Officer(s):  
Komorowski, JasonPayroll Number:  
JK9907Pages:  
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**West Allis Police Department****Continuation**Incident Report Number  
19-041301Incident Location:  
5712 W Burnham St, West Allis, WI, 53219Incident Date:  
10/16/2019

Fabian P. Bendlin, m/w, 2/15/87, in apartment five.

I located Fabian's name in our local Phoenix system with a booking photo. Fabian matched the physical description given by Tina and other witnesses. Officers knocked on the door to apartment five and made contact with Fabian.

**CONTACT WITH FABIAN BENDLIN**

Fabian said it was he and his dog that were involved in the incident at Speedway. Fabian said he knows Tina because lives in the area and walks his dog regularly past the store. Tina said the dog looked good, and asked to pet the dog.

Fabian said his dog is a 10 month old male Staffordshire pit bull/black lab mix, and was friendly. Fabian told Tina she could pet the dog. Tina put her hand out, and the dog sniffed her. Tina put her hand out and stiffened her arm; possibly to prevent the dog from jumping up.

The dog suddenly lunged at Tina and bit her, but Fabian did not know where. Tina said she was bleeding, but Fabian did not see any blood at the time. Fabian said he left to put the dog away, and find his rabies paperwork. Fabian told Tina he would be back, and said the dog had its rabies vaccination.

Fabian said he knew Tina, and did not run to get away. He wanted to quickly find the rabies paperwork and return to the scene. Fabian was unable to locate the rabies paperwork, but did locate the rabies tag. Fabian said he had the dog in its harness and on a leash while he was walking it.

**OFFICER ACTIONS**

Fabian showed me the rabies tag dated 2019 from the Human Society Milwaukee Campus license number 9082. Officer Borree served Fabian with the quarantine and

Reporting Officer(s):  
Komorowski, JasonPayroll Number:  
JK9907Pages:  
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**West Allis Police Department****Continuation**

Incident Report Number

19-041301

Incident Location:

5712 W Burnham St, West Allis, WI, 53219

Incident Date:

10/16/2019

dangerous dog order. Fabian was advised that since he provided the rabies tag he could quarantine the dog at home, but that he would need to find the paperwork to show health department personnel.

Fabian was advised to have the dog seen by a veterinarian with the following 24hrs in accordance with the quarantine paperwork. Fabian read over the paperwork, said he understood, and signed the form. He was provided copies of the quarantine and dangerous dog order.

**MEDICAL TREATMENT**

Later in the evening I spoke with Tina at Aurora West Allis Medical Center about her injury. Tina said she was waiting to receive a scan of her breast to verify if her implant was punctured or not. Tina said she had not yet received any stitches or sutures. I gave Tina my card with the case number, and told her I would contact her the next day. Tina said she did not want Fabian cited for the dog bite.

On 10/17/19 I called Tina and left her a message asking about her injury. At the time this report was submitted I had not yet heard back from Tina. I will add a supplement if/when I hear from Tina.

**CASE DISPOSITION**

Tina was transported to AWAMC for medical treatment. Fabian was issued the quarantine and dangerous dog order. I emailed Daniel Koralewski at the health department advising him of this incident. The paperwork was scanned/attached to this case.

Reporting Officer(s):

Komorowski, Jason

Payroll Number:

JK9907

Pages:

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**West Allis Police Department****Supplemental Report**

Incident Report Number: 19-041301	Incident Location: 5712 W Burnham St, West Allis, WI, 53219	Incident Date: 10/16/2019
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

**NAMES****Witness**

Dickinson, Jacob Joshua W/M-27 of 1937 S 56 St, West Allis, WI, 53219

DOB: 12/10/1991

HT: 601 WT: 192 Hair: Brown

Eyes: Blue

Phone 1: (414) 333-9449

Phone 2: (414) 699-4861

**NARRATIVE**

At the time of this investigation I was wearing my WAPD issued body camera, which was functional and activated. The body worn camera footage was categorized as (municipal). See video recording for precise details as the following is a summary based off little or no review.

Officer Schrandt reports:

**INITIAL CALL FOR SERVICE**

On 10/16/19 at 2215hrs, officers were dispatched to Speedway at 5715 W. Burnham St. for a report of the manager being bit by a dog.

**CONTACT WITH JACOB J. DICKINSON**

On arrival, I spoke with a witness, Jacob J. Dickinson (m/w, 12/10/91), and asked him what he observed. Jacob said that he was outside of the business with the manager and a few other people, when a m/h approached with a dog. Jacob said the dog was large and black in color. Jacob said that the male told people that the dog was friendly, and that the dog was on a leash.

Jacob said that the manager had her back to the dog, and the dog jumped up and bit her on the side of her breast. I asked Jacob what happened next, and he said that the male started walking in circles with the dog. After a short while, the male began walking off with the dog, west on W. Burnham St. I asked Jacob if he said anything to the male, and he said that he asked the male where he was going and that he told him he needed to stick around.

Jacob said he last saw the male walking north in the alley between S. 59 St.

Reporting Officer(s): Schrandt, Justin	Payroll Number: JS2554	Report Date: 10/16/2019
Reviewed by: Orlowski, Rick, Jr.	Payroll Number: RO9249	Copy To: Page: 1 Of 2

**West Allis Police Department****Continuation**

Incident Report Number

Incident Location:

Incident Date:

19-041301

5712 W Burnham St, West Allis, WI, 53219

10/16/2019

and S. 60 St., in the 1800blk. Jacob described the male as follows: m/h, 20-30yoa, medium build, yellow braids, black hoody with white stripes. Jacob said that he heard from a friend that the m/h lives in an apartment above or near the liquor store at S. 60 St./W. Burnham St.

**LOCATION OF DOG OWNER**

Officers spoke with a neighbor 5930 W. Burnham St. who said that a m/h named "Fabian" with "yellow hair," who owns a large black dog, lives at 5926 W. Burnham St. Officers were able to determine that a "Fabian Bendlin" lives at 5926 W. Burnham St.

Reporting Officer(s):

Payroll Number:

Pages:

Schrandt, Justin

JS2554

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Public Health  
Protect. Promote. Prevent.  
West Allis Health Department

## West Allis Health Department Rabies Quarantine Order

Animal Owner's Name: Fabian Bandlin

Animal Owner's Address: 5926 W. Burnham St #5

Animal Owner's Telephone Number: 414-792-0541

Name of Animal: Dog Type of Pet:  Dog  Cat  Other (List) \_\_\_\_\_

Date Bite Occurred: 10/16/19 Was a person bitten?  N Did the Bite Break the Skin?  N

Date of Animal's Rabies Vaccination: 2019 Dog/Cat License Tag Number: 9082

Victim's Name: Tina DeGuardo Victim's Address: 569 W 7660 W. Oldwood Or Mushgo

Victim's Phone/Cell: 262-327-9779 Treated by:  Medical Provider  Self  Parent  NA

Per the Revised Municipal Code of the City of West Allis 7.12(5) the animal identified above and owned/harbored by you at the indicated address is hereby ordered confined, under the conditions defined below, for purposes of quarantine for possible rabies exposure.

- This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus and is quarantined for a minimum of **10 days** from the date of the incident. Animal owner is responsible for all costs associated with quarantine/impoundment of the animal.
  - Proof of valid rabies vaccination provided. In home quarantine ordered. See Quarantine conditions below.
  - Proof of valid rabies vaccination is **NOT** provided. Animal is ordered to be impounded at:
    - MADACC
    - Local Veterinarian Clinic: \_\_\_\_\_
- This animal has bitten or otherwise potentially exposed a person or other animal to rabies virus **AND** is exhibiting symptoms consistent with rabies. This animal is ordered to be euthanized for rabies testing. Animal owner is responsible for all costs associated with euthanization and testing.

### Quarantine conditions:

- The animal must be seen by a veterinarian within 24 hours for a health clearance. A copy of the veterinarian's report must be submitted to the West Allis Health Department.
- The animal must be confined at all times in an enclosed space that prevents contact with people, other pets, and wild animals. Animal may only be outside only for purposes of toileting and must be kept on a leash.
- At no time may the animal be removed from the premises without prior written permission of the West Allis Health Department. In an emergency, the animal may be taken to a vet. Immediately notify the Health Department.
- If at any time during the quarantine period the animal becomes ill, shows signs of abnormal behavior, or dies, the West Allis Health Department must be notified immediately. The Health Commissioner may authorize, at any time that the animal be euthanized for purposes of laboratory testing for rabies.
- Animals without a valid rabies vaccination must be vaccinated after the quarantine period, prior to being released to the owner. Also, if the animal does not have a valid Milwaukee County Animal License the owner must obtain the license and submit proof of license to the West Allis Health Department.
- The animal will be released from quarantine only upon completion of the prescribed requirements and by written authorization of the West Allis Health Department.

*I understand and agree to abide by the conditions under which the above named animal, for which I am the responsible owner or custodian, is to be quarantined. I understand that violation of the conditions of this quarantine order, whether by volition or negligence, is punishable under the Revised Municipal Code for the City West Allis.*

Fabian Bandlin  
Animal owner name (print)

[Signature] 10/16/19  
Animal owner signature Date

Komorowski  
Serving official name (print)

[Signature] 10/16/19  
Serving official signature Date

White - Police Department Copy

Pink - Health Department Copy

Yellow - Owner's Copy

**Submit completed report to the Health Department within 24 hours.**

7120 W National Ave, West Allis, WI 53214  
Fax - 414-302-8628

# ORDER DANGEROUS DOG

Date: 10-16-19Owner's Name(s): Fabian ~~Bennett~~ BendlinAddress: 5926 W. Burnham #5

Address: \_\_\_\_\_

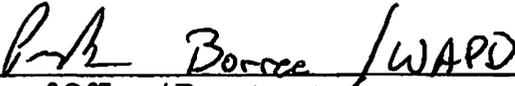
Name of Dog: BanditDescription of Dog: Staffordshire/Black Lab, ~~Poodle~~Male 10 months

Pursuant to West Allis Revised Municipal Code Section 7.126, your dog, described above, is hereby declared to be a **dangerous dog**.

Within **30 days** of the date of this order, you must comply with the requirement of 7.126(6) (see back sheet). A West Allis police officer will conduct a follow-up investigation to ensure compliance with the requirements.

If you wish to contest this order or any of the requirements of 7.126(6), you must, within 30 days after receipt of the order, deliver to the City Clerk a written objection to the order stating specific reasons for contesting the order. The City Clerk is located at City Hall at 7525 West Greenfield Avenue, West Allis, Wisconsin.

If you have questions about this order, please contact the City Attorney's Office at (414) 302-8450.

Signature:  / WAPD  
Name of Officer / Department**Service: (check one)**Date/Time: 10-16-19Name of person served: Fabian BendlinLocation: 5926 W. Burnham