



City of West Allis

Meeting Minutes

Administrative Appeals Review Board

Monday, August 24, 2020

4:00 PM

City Hall, Room 128
7525 W. Greenfield Ave.

(draft minutes)

A. CALL TO ORDER

The meeting was called to order by Mayor Devine at 4:00 p.m.

B. ROLL CALL

Others Present: Nicholas Cerwin, Ann Marie Neff, Daniel Koralewski, Dana Formanski, Cory Dickmann, Jaron K. Rivera, Andrea and Dave Stuckert, Miguel Angel Limon, Margarita Rivas

Present 3 - Mayor Dan Devine, Wayne Clark, and Martin J. Weigel

C. HEARINGS

[20-0292](#)

Appeal of Dangerous Dog Order by Dana Formanski of 2203 S. 64th St.

Sponsors: Administrative Appeals Review Board

Attachments: [Fomanski](#)
[Formanski DD Order](#)

The appellant and victim were sworn in before their testimony

The appellants, Dana Formanski and Cory Dickmann, presented their case. They stated they were fostering the dog, Billy. After the incident they were going to return the dog and they found out the dog would be euthanized because of the Dangerous Dog Order. Dana stated they then adopted Billy because they knew he was not a danger. The appellants provided pictures and doggie day care documentation, and had already put into place other conditions such as a muzzle, tie out, reinforced fence, and will enroll Billy in training classes if the dangerous dog ordered is lifted. Currently businesses will not take him due to the dangerous dog order.

Attorney Nick Cerwin questioned Dana and Cory for addition information.

Jaron K. Rivera, the victim stated he was walking his two small dogs when the appellant's dog broke through the wooden fence running at a high speed toward him and his dogs. One of Jaron's dogs was flipped into the air when the appellant's dog ran into it. Jaron said he was calling for the owner to get their dog. Jaron stated there no injury markings on his dog, and he did not want anything to happen to the appellant's dog. It all happened very fast and he was scared for the safety of his dogs.

Attorney Nick Cerwin questioned Jaron Rivera for clarification, on the incident and whether Jaron had taken his dogs for medical treatment..

A motion was made by Clark to uphold the dangerous dog order for one year, seconded by Weigel for further discussion.

The Mayor commented Billy was a young dog and that this was an isolated incident. If the

appellant can get Billy into obedience classes and with all the other precautions already met he would like to remove the order. Weigel stated he would be in favor of lifting the order.

Weigel and Clark withdrew their previous motion to uphold the order.

A motion was made by Clark, seconded by Weigel, to lift the Dangerous Dog Order for Billy. The Clerk's Office will mail the Board's determination to the appellant. The motion carried by the following vote:

Aye: 3 - Mayor Devine, Clark, and Weigel

No: 0

[20-0293](#)

Appeal of Dangerous Dog Order by Andrea Stuckert of 2037 S. 84 St.

Sponsors: Administrative Appeals Review Board

Attachments: [Stuckert](#)

[Stuckert DD Order](#)

The appellants were sworn in before their testimony

The appellants, Andrea and Dave Stuckert, presented their case and explained the layout of their yard, the shared driveway, and how in order to get to the house in the back the driveway is utilized. They stated the landlord gave them an eviction notice five days after the incident if they kept the dog. Dave Stuckert stated that the dog, Riley, is living with his father in Milwaukee.

Attorney Nick Cerwin questioned Andrea and Dave for further clarification on Riley's actions and for addition information.

Wayne Clark had additional questions.

The victim did not appear. It was believed she did not seek medical attention.

Dave Stuckert told the Board that if the dangerous dog order was not removed, that his father said he would not keep Riley.

A motion was made by Clark, seconded by Weigel, to uphold the Dangerous Dog Order for Riley. The Clerk's Office will mail the Board's determination to the appellant. The motion carried by the following vote:

Aye: 3 - Mayor Devine, Clark, and Weigel

No: 0

[20-0347](#)

Appeal of Dangerous Dog Order by Miguel Angel Limon of 1804 S. 62 St.

Attachments: [Limon](#)

[Limon DD order](#)

The appellants were sworn in before their testimony

The appellants, Miguel Angel Limon and Margarita Rivas, presented their case and explained what they were told happened. They had a dog sitter at the time of the incident so it is unclear why the leash was let go and why the dog went after the cat that later died from its injuries. They have two dogs and Selena gets along with other animals. Margarita

explained they live in a duplex, have a chain link fenced in yard, have purchased a muzzle, and have Selena on a waiting list to be enrolled in training classes once COVID allows it.

Attorney Nick Cerwin questioned Miguel Angel Limon and Margarita Rivas for further information.

The victims did not appear.

Attorney Cerwin reminded the Board that this was a Prohibited Dangerous Dog order because Selena had killed another domestic animal and would need to be removed from the City.

Mayor Devine stated he would like this Prohibited Dangerous Dog Order modified to a Dangerous Dog Order and that the appellants could request another hearing to appeal the Dangerous Dog Order before December 31, 2021 if there are no further incidents within that time.

Attorney Cerwin reminded the appellants they would need to register Selena with the Police Department, and follow the regulations set forth in the Municipal Code, Chapter 7.126 Dangerous Dogs.

A motion was made by Clark, seconded by Weigel, to modify the Prohibited Dangerous Dog Order to Dangerous Dog Order, if there are no incidents for one year the Dangerous Dog designation may be lifted upon receiving a request from the pet's owner. The Clerk's Office will mail the Board's determination to the appellant. The motion carried by the following vote:

Aye: 3 - Mayor Devine, Clark, and Weigel

No: 0

D. ADJOURNMENT

The meeting adjourned at 5:15 p.m.



All meetings of the {bdName} are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

NON-DISCRIMINATION STATEMENT

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.