

COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT, BUTLER COUNTY

Tipton v. Butler Cty. Dog Warden

2025-Ohio-5361 · No. CA2025-03-030 · Decided December 1, 2025

SUMMARY

The Twelfth District Court of Appeals of Ohio affirmed the Butler County Area II Court's adoption of a magistrate's decision designating Tipton's dog as a dangerous dog under Ohio law. The court held that Tipton's failure to provide the trial court with a transcript or affidavit supporting his objections limited review of the factual issues and precluded appellate consideration of a transcript later filed on appeal. The court also declined Tipton's requests to create heightened statutory and evidentiary protections, concluding that such changes were beyond the court's authority.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth Appellate District, Butler County
WRITING FOR THE COURT	Matthew R. Byrne, Presiding Judge; Robin N. Piper, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth District, Butler County
DECIDED	December 1, 2025
DOCKET	CA2025-03-030
DISPOSITION	affirmed
PROCEDURAL POSTURE	Civil appeal from the Butler County Area II Court's judgment adopting a magistrate's decision and affirming the Butler County Dog Warden's designation of Tipton's dog as a dangerous dog.
STANDARD OF REVIEW	When a party fails to file a transcript or affidavit of evidence supporting objections to a magistrate's factual findings, appellate review is limited to whether the trial court abused its discretion in applying the law to the magistrate's factual findings. The appellate court reviewed the trial court's adoption of the magistrate's decision for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	LeAnder Tipton v. Butler County Dog Warden

TOPICS

appellate procedure

civil procedure

standard of review

evidence

constitutional law

PRACTICE AREAS

civil procedure

appellate procedure

animal law

constitutional law

QUESTIONS PRESENTED

1. Whether the trial court properly adopted the magistrate's decision when Tipton failed to file a transcript or affidavit of the evidence supporting his objections.
2. Whether the evidence and factual findings supported the designation of T'Challa as a dangerous dog under Ohio law.
3. Whether the court of appeals could change Ohio statutes or rules of practice and procedure to impose additional protections or evidentiary requirements in dangerous-dog designation cases.

HOLDINGS

1. A party objecting to factual findings in a magistrate's decision must support the objections with a transcript of the relevant evidence or, if a transcript is unavailable, an affidavit of that evidence. Without such a submission, the trial court's independent review is limited to the magistrate's legal conclusions and recommendations in light of the findings of fact, and the appellate court cannot independently review the magistrate's hearing transcript filed for the first time on appeal.
2. The trial court did not abuse its discretion in adopting the magistrate's finding that T'Challa was a dangerous dog because the magistrate found, by clear and convincing evidence, that the dog was not provoked, bit Cunningham, and caused him injury.
3. A court of appeals cannot change statutes or rules of practice and procedure; its judicial power permits it to interpret and apply the law, not legislate or amend statutes and procedural rules.

KEY QUOTATIONS

“when a party fails to file a transcript or affidavit of evidence with the trial court, “the appellate court is precluded from considering the transcript of the magistrate's hearing,” even if the party filed the transcript with the appellate court.” (§ 15)

“this court cannot change statutes or rules of practice and procedure.” (§ 29)

FACTUAL BACKGROUND

The Butler County Dog Warden designated Tipton's bull mastiff, T'Challa, as a dangerous dog after a home appraiser, Evan Cunningham, testified that the dog reached over a shared fence and bit his hand while he was photographing a neighboring property. Cunningham received stitches and later developed an infection. A witness testified that she saw Cunningham near the fence while the dog barked but did not see him tease or hit the dog. The magistrate found that Cunningham did not provoke T'Challa and that the bite caused injury.

PROCEDURAL HISTORY

The Butler County Dog Warden designated Tipton's dog, T'Challa, as a dangerous dog after the dog bit a home appraiser. Following a magistrate's hearing, the magistrate upheld the designation. Tipton objected but did not provide the trial court with a transcript or affidavit of the magistrate's evidence; the trial court overruled the objections, adopted the magistrate's decision, and affirmed the designation. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Fontain v. H&R Cincy Props., L.L.C., 2022-Ohio-1000, ¶ 26 (12th Dist.)
- Havens v. Havens, 2022-Ohio-3103, ¶ 18 (12th Dist.)
- Perelman v. Meade, 2021-Ohio-4247, ¶ 22 (12th Dist.)
- Cox v. Zimmerman, 2012-Ohio-226, ¶ 21 (12th Dist.)
- Reyes v. Kiwewa, 2024-Ohio-4524, ¶¶ 20-21 (12th Dist.)
- Levy v. Seiber, 2016-Ohio-68, ¶¶ 17-18 (12th Dist.)
- Singh v. Wadhwa, 2013-Ohio-3997, ¶¶ 13, 20 (12th Dist.)
- Manninen v. Alvarez, 2014-Ohio-75, ¶ 21 (12th Dist.)
- Tate v. Butler Cty. Dog Warden, 2024-Ohio-4732, ¶ 15 (12th Dist.)
- Montoney v. Delaware Cty. Dog Warden, 2023-Ohio-2238, ¶ 15 (5th Dist.)
- Denman v. Carroll Cty. Dog Warden, 2022-Ohio-2081, ¶ 12 (7th Dist.)
- Ali v. Lucas Cty. Dog Warden, 2017-Ohio-2809, ¶ 12 (6th Dist.)
- TWISM Ents., L.L.C. v. State Bd. of Registration for Professional Eng'rs & Surveyors, 2022-Ohio-4677, ¶¶ 30-33
- Erickson v. Morrison, 2021-Ohio-746, ¶ 34