



DOG BOARD OF SUPERVISORS Hearing March 5, 2024

A hearing was held at 5:30 p.m. on Tuesday, March 5, 2024. Pursuant to Oregon Statute, one dog (Freya), was seized on February 25, 2024 by a Deschutes County Sheriff's Deputy in response to a report of a dog chasing, wounding, and/or killing livestock at/near 1086 Central Avenue in Terrebonne. In this matter, the livestock were domesticated fowl (chickens). This hearing was audio/video recorded.

Present: Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Sheriff's Deputy Matt Houston; dog owner Eric Fisher; livestock owners Brandi McLaren, Reese Endicott, Jr. and Gavvin McLaren; and Dog Control Board Members Tom Schuchardt (via Zoom), Dan Holland and Greg Brady.

CALL TO ORDER: Assistant Counsel Marshall convened the hearing at 5:33 p.m.

Assistant Counsel Marshall stated that the main purpose is for the Dog Board to review the evidence and determine the disposition of the dog, and to determine whether the dog owner is required to pay any fine or penalty. Assistant Counsel Marshall is here to facilitate this informal hearing to ensure due process. The Dog Board members are the ultimate decision makers. The issues to consider are whether the dog has proven to be a nuisance or a hazard to livestock and if that is determined, the Board will determine what the ultimate disposition is for the dog. After the hearing, the Board will deliberate and make a final oral decision. A written decision will be prepared by Assistant Legal Counsel and will be signed by the Board in the coming days. Each party will have the opportunity to provide testimony. All comments and/or questions should be directed to the Board.

Eric Fisher was sworn in. He stipulated that he is the owner of the subject dog, Freya, and admitted that Freya was at large during the alleged livestock attack. Brandi McLaren and Reese Endicott, Jr. were sworn in and stipulated they are the owners of the deceased chickens subject to the alleged attack.

Deputy Matthew Houston was sworn in as a Deschutes County deputy and provided testimony. He stipulated that he completed the DCSO report no. 2024-10454 and stated that on February 25 around midnight, he was dispatched to a call for service for a dog killing livestock. Brandi McLaren made the call to 911, reporting a dog present in her chicken pen that was actively killing her chickens. Upon arrival at the livestock owners'

property, Dep. Houston located the livestock owners who were attempting to secure the dog who was in the chicken pen. He noted approximately 5' high fencing enclosing the pens, which were covered with a combination of plywood and/or tarp roofing. The dog, which he described as a tan and white St. Bernard mix weighing 90-100 pounds, snarled at Dep. Houston, Brandi, and Reese as they attempted to secure the dog. They attempted to draw it out with food and a leash but failed. Dep. Houston stated that he did not observe the dog actively killing chickens, but he did observe four deceased chickens. Reese stated a fifth deceased chicken was found in the pen the following morning. Using a loop pole, Dep. Houston was able to capture the dog and move it into a patrol vehicle where it was then transported to Brightside Animal Center and secured in an outdoor kennel with completed paperwork until opening hours the following morning. Dep. Houston stated that Brandi completed the Complaint of Dog(s) Chasing, Injuring and/or Wounding Livestock form. Dep. Houston described the dog as scared and aggressive during their attempt at capturing her. The body-worn camera (BWC) video was shown, without sound due to technical difficulties, and marked as **Exhibit G**.

Assistant Counsel Marshall summarized **Exhibits A** through **G** and the Board admitted them into evidence.

Exhibit A: Deschutes County Sheriff's Office (DCSO) report 2024-10464

Exhibit B: Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock, completed by Brandi McLaren

Exhibit C: Dog Owner's Rights form, completed by Eric Fisher

Exhibit D: Email correspondence regarding dog license status

Exhibit E: Shelter Questionnaire, completed by Brightside Director, Taylor Campbell

Exhibit F: Photos entered DCSO Evidence by Dep. Houston

Exhibit G: BWC footage

Neither livestock owners nor the dog owner had any further questions for Dep. Houston. Responding to Tom Schuchardt, Dep. Houston said the dog calmed down after her transport to Brightside. He was not comfortable handling the dog, out of fear for his own safety.

Livestock owner Brandi McLaren provided testimony. She reported hearing her roosters and hens crowing around midnight. Her son, Gavven, was the first to go outside to investigate. She said the dog was barking and growling aggressively, so she didn't want to let it out of the pen. Reese Endicott, Jr. also feared being bitten by the dog and feared for the dog's safety should it escape the pen, due to the property's proximity to the highway. Brandi said the dog seemed scared, but she was intimidated by its behavior due to its lunging and growling. She stated they've had chickens killed by hawks and owls in the past when they were free range. Gavvin observed the metal portion of the fence to the chicken pen was bent inwards and the tarp was damaged, and guessed this was likely where the dog got in. He noted the dog was wearing a cone that was pushed inward, likely resulting

from pushing through the gate. The livestock owners testified they own no other domesticated fowl or livestock.

Dog owner, Eric Fisher, provided testimony. His dog's name is Freya, and she will be two years old in July. She's half Great Pyrenees, half Bernese Mountain Dog and weighs approximately 81.4 pounds. Freya is fully vaccinated but does not currently have a Deschutes County license. He reported that she's gotten loose on one other occasion, when she was in heat and a neighborhood Pitbull was roaming at large on their property. She's since been spayed, which is why she was wearing a cone on the night of the alleged chicken attack. On February 25, his best guess is that she got up onto a boulder near the fence and jumped over. He and his family have since relocated the 500-pound boulder further away from the 5' tall fence to prevent her from getting loose again. Additionally, they've piled rocks along the bottom of the fence line, inside and outside, to keep her from going under. They typically have Freya on a dog run, but on February 25 their son let her out into the yard. The family noticed her missing around 7 p.m. and searched for her until 9:30 p.m. They resumed their search the following morning and received a call from Brightside that her microchip had been scanned. Eric apologized to Brandi, Reese, and Gavvin, stating that his family also own chickens. He verbally offered to either replace the lost chickens with some of his chickens, or to pay them for the replacement cost. The two properties are approximately 0.5 miles apart. Eric stated they'll utilize the dog run with Freya until they're confident the fence will contain her. He noted she hasn't exhibited aggressive behavior towards other people or other dogs, and they have three children at home. As Freya was just recovering from being spayed, she was likely scared and experiencing some post-surgical pain. Eric made a closing statement, again apologizing to Brandi and Reese for the loss of their chickens.

At 6:12 p.m., the evidentiary portion of the hearing was closed. **Exhibits A through G** were moved into the record.

Dep. Houston added that a citation was issued to Eric and Jennifer Fisher through the Justice Court with a presumptive fine of \$440.

Responding to Tom Schuchardt, Stephanie Marshall read the updated definition of Deschutes County Code 6.12.020. The Dog Board reviewed the disposition flowchart for Freya and deliberated. The dog was found to have been responsible for chasing, wounding, and killing domesticated fowl (chickens). This incident was treated as the first offense as there were no other records of Freya having come before the Dog Board in the past. The Dog's Board's decision was as follows:

- The Board imposed a \$500 civil penalty on Eric Fisher. There will be no additional fees to reimburse the County for Freya's shelter impoundment.

- The dog owner shall sign a notarized pledge stating that, should the dog be at large again, they understand the dog will be seized and impounded at the humane society without any due process.
- Freya shall be returned to Eric and Jennifer Fisher after providing proof of Deschutes County dog licensing.

Adjournment: There being no further discussion, the hearing concluded at 6:26 p.m.


Recording Secretary,
Angie Powers, Administrative Assistant