



DOG BOARD OF SUPERVISORS Hearing July 23, 2024

A hearing was held at 2:00 p.m. on Tuesday, July 23, 2024. Pursuant to Oregon Statute, one dog, "Buck", under the care of Kathleen Winnie and owned by Michael Winnie, was seized on July 12, 2024 by Deschutes County Sheriff's Office in response to a report of a dog chasing livestock at/near 25260 Bachelor Lane in Bend. In this matter, the livestock was one horse. This hearing was audio/video recorded.

Present: Senior Assistant Legal Counsel Kim Riley; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Deputy Trey Plamondon; livestock owners Sarah and Jared Green; dog owner Michael Winnie and Tina Stanley; Buck's caretaker Kathleen Winnie; and Dog Control Board Members Dan Holland, Greg Brady and Tamara Kuntz (Chair); and Humane Society of Central Oregon staff member Lori Weber.

CALL TO ORDER: Senior Assistant Legal Counsel Riley convened the hearing at 2:01 p.m.

Counsel Riley stated that this hearing is pursuant to Deschutes County Sheriff's Office Case Number 2024-38877. This case concerns an incident which allegedly occurred on the morning of July 12, 2024. This is an informal administrative hearing governed by Deschutes County Code 6.12. The purpose of this hearing is solely the disposition of "Buck", a black lab currently lodged at the Humane Society. The Board will determine what will happen to the dog following review of the evidence and testimony. Allegations before the Board are whether the dog in question chased a horse ridden by Sarah Green. The Board will determine the disposition of the dog (return to owner, adoption/relocation, euthanasia), fines (\$0 to \$1000), microchipping and licensing of the dog and reasonable measures to prevent reoccurrence. The Dog Board consists of three members at this hearing. Members of the Board introduced themselves. The Dog Board serves as the factfinders, while Counsel Riley will serve as an advisor to the Board, ensuring that relevant evidence is presented to the Board in a timely manner and the law is followed.

Deschutes County Animal Control Technician Trey Plamondon provided testimony. He provided two additional exhibits for consideration, including an invoice in the amount of \$340 from Tumalo Ridge Equine for the horse's vet care and a receipt from BestMed Urgent Care (\$40 copay) and patient treatment paperwork for Sarah Green's care following the alleged incident. Counsel Riley noted that damages for livestock injuries are not

normally considered during Dog Board Hearings, but it is relevant and will be given whatever weight the Board deems necessary.

Tech Plamondon testified that Sarah Green reported that she and her horse both sustained minor injuries following the encounter. Ms. Green completed and signed the Livestock Owner Complaint form. He photographed the injuries of both the horse and Ms. Green, then visited the Winnie residence to impound the dog. Kathleen Winnie completed and signed the Dog Owner's Rights form, on behalf of Michael Winnie who was not present. Plamondon described the demeanor of Buck as friendly and easy to handle, and vocal but not aggressive. He is not aware of any other incidents related to Buck, and believes the dog is easily excitable and was likely excited at the approach of Ms. Green and her horse.

Sarah Green, livestock owner, provided testimony. On the morning of July 12 while returning home from trail riding, she encountered an off-leash dog while riding her horse. Despite her attempts to keep her horse's attention off of the dog, her horse was ultimately spooked by the dog and took off running in the opposite direction. She fell off her horse and sustained minor injuries, noting that she was wearing a helmet and luckily did not suffer a head injury. She called her husband, Jared, for assistance. She observed that her horse's right hoof was bleeding. She visited BestMed Urgent Care for her own treatment and evaluation. Her left femur was x-rayed due to swelling and bruising, but not broken. She then took her horse to the Veterinarian for evaluation. They trimmed the hair around a superficial injury to its right front hoof, treated with antibiotics and bandaged. She testified that this is the third time she has been confronted by this particular dog while riding her horses and recounted one such incident in September 2023. She reported that this dog is frequently seen at-large in front of her home.

Responding to Kuntz, Ms. Green said the dog did not react when she yelled at it, and although this is the third encounter with this dog, this is the first time she has called law enforcement.

Ms. Green reported that other neighbors ride horses in the neighborhood, and others have had issues with this and other dogs at-large, but to her knowledge, have not reported the incidents.

The dog owner, Michael Winnie, was apologetic. He shared that he's in the process of constructing a 5.5-foot fence on his lot to enclose his yard. He said that this incident should not have occurred and pledged that it will not happen again. He acknowledged that building a fence was on his to-do list, but it should have been his top priority. He stated that Buck will be either kept inside the house or in their fully contained yard once the fence is completed.

Responding to Holland, Sarah reported feeling better and her injuries have healed.

Michael Winnie, dog owner, provided testimony. He again apologized for the event and pledged that it will not happen again. He testified that Buck will be kept either fully contained in their yard when the fence is completed, or inside of the house. He takes this event seriously and wants his neighbors to be able to walk in front of their house without fear. He estimated Buck to be 4 or 5 years old, approximately 75 pounds in weight, and described him as “rambunctious”. He provided photographs of the in-progress fence.

Lori Weber from the Humane Society of Central Oregon, described Buck, while being housed at the Humane Society, as “nervous”, with some fear, anxiety and stress but not aggressive.

Counsel Riley summarized **Exhibits 1** through **8**. Neither party had objections to the exhibits. The Board admitted them into evidence, and they became part of the record. Exhibits are summarized below:

Exhibit 1: DCSO redacted report (case no. 2024-38877)

Exhibit 2: Redacted Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock form signed by Sarah Green

Exhibit 3: Dog Owner’s Rights form signed Kathleen Winnie for Michael Winnie

Exhibit 4: Shelter Questionnaire, completed by the Humane Society of Central Oregon

Exhibit 5: Photographs provided by the Deschutes County Sheriff’s Office

Exhibit 6: Invoice from Tumalo Ridge Equine for horse’s medical care

Exhibit 7: Patient paperwork from BestMed Urgent Care for Sarah Green’s care

Exhibit 8: Photographs of constructed fence at Winnie residence, provided by Michael Winnie.

At 2:30 p.m., the evidentiary portion of the hearing was closed. **Exhibits 1** through **8** were moved into the record.

The Dog Board reviewed the disposition flowchart and deliberated. It was determined that Buck is in violation of Deschutes County Code, as he was off property and did chase livestock but there are no other reported incidents of him chasing/wounding/killing livestock.

Brady and Holland expressed appreciation towards the dog owner for taking responsibility for the incident and for taking measures to prevent future occurrences.

Chair Kuntz noted that reimbursement for the horse owners’ vet bills and Urgent Care copay is a matter between the two parties or for small claims court.

The Dog Board’s unanimous decision is summarized below:

- A statutory fine of \$500 was assessed to Michael Winnie, to be waived if within 30 days he complies with the following:
 - Complete construction of the fence, to be verified by DCSO with photographs to be provided to the Board
 - Payment of all HSCO lodging fees for Buck since his impoundment on July 12, 2024 related to this incident (prior to Buck's release)
 - Proof of current Deschutes County dog license (prior to Buck's release)

Adjournment: There being no further discussion, the hearing concluded at 2:39 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant