



## **DOG BOARD OF SUPERVISORS Hearing October 11, 2023**

A hearing was held at 5:30 p.m. on Wednesday, October 11, 2023. Pursuant to Oregon Statute, two dogs (Athena and Thor), were seized on September 26, 2023 by a Deschutes County Sheriff's Deputy in response to a report of dogs chasing/wounding/killing livestock on September 13, 2023, at/near 65425 Cline Falls Rd, Bend. In this matter, the livestock was a goat. This hearing was audio/video recorded.

*Present:* Assistant Legal Counsel Kim Riley; BOCC Administrative Assistant Angie Powers; Sheriff's Deputy Zack Johnson; dog owner Daniel Wagner; livestock owner Jackie Wilson (*via Zoom*); and Dog Control Board Members Sandy Storrie, Tom Schuchardt and Mike Pennavaria. In addition, newly appointed alternate dog board members Tamara Kuntz and Greg Brady were present in the audience to observe the hearing.

**CALL TO ORDER:** Kim Riley convened the hearing at 5:31 p.m.

Assistant Counsel Riley stated that the main purpose is for the Dog Board to review the evidence and determine the disposition of the dogs, and to determine whether the dog owner is required to pay any fine or penalty. The issue of compensation to the livestock owner is not part of this Dog Board Hearing and must be pursued through a civil action, such as small claims court. The issues to consider are whether the dogs have 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 dogs. After the hearing, the Board will deliberate and make a final oral decision. A written decision will be prepared by 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.

Assistant Counsel Riley summarized **Exhibits A** through **F** and the Board admitted them into evidence. The Board determined that body worn camera videos would not be necessary to come to a determination.

**Exhibit A:** Deschutes County Sheriff's Office (DCSO) report and supplemental report 2023-50790

**Exhibit B:** Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock, completed by Jackie Wilson

**Exhibit C:** Jackie Wilson's vet bills for "Chevy" the goat's wound care

**Exhibit D:** Three photographs of goat wounds, taken by DCSO Dep. Johnson

**Exhibit E:** Dog Owner's Rights form, completed by Daniel Wagner

**Exhibit F:** Shelter Questionnaire for Athena and Thor

Deputy Johnson provided testimony. He received a call from Jackie Wilson on September 13<sup>th</sup> at approximately 1 a.m. and returned her call at approximately 3 a.m. She reported her daughter hearing the goat bleating, then went outside to see dogs matching the description of Athena and Thor jumping over her fence and running towards Mr. Wagner's property. Dep. Johnson visited Jackie at a later date, on September 25<sup>th</sup>, to take her statement. On that date, he viewed the injured goat and took photographs of its leg wounds, and also inspected the area of the fence where the dogs were believed to have accessed the Wilson's property. He noted the wounded goat was unable to bear weight on its injured front left leg. Dep. Johnson then spoke to the property owner, Mrs. Caballero, on whose property Daniel Wagner resides. On September 26<sup>th</sup>, he visited the dog owner, Daniel Wagner. On that date, the dogs were not with him as they were being boarded. He then met Mr. Wagner at the Humane Society the following day, on September 27<sup>th</sup>, to impound the dogs. Dep. Johnson reported that Jackie said that she witnessed Mr. Wagner's dogs running along her fence line the night prior to the alleged attack. Jackie said that she called DCSO in April 2022 due to seeing these dogs on her property and chasing her goats. Dep. Johnson acknowledged this fact, adding that no deputy physically visited her property in April 2022, so he was unable to verify that these were the same dogs. Dep. Johnson was excused.

Jackie Wilson, livestock owner, recounted her recollection of events. Her first call was on a cold night in April 2022, when she observed dogs matching the description of Athena and Thor on her property. She called Animal Control on September 13<sup>th</sup> due to her daughter being awakened by the sound of the goat(s) bleating and finding one of them wounded. She observed dog matching the description of Athena and Thor jump over her fence and run off toward Mr. Wagner's property. There was some damage to the hot wire of the fence near where the dogs accessed her property, adding that her fence is a four-foot fence with hotwire and properly contains her 15-foot horse and 2,000-pound steer. She shared that the injured goat's leg wound now has a secondary infection, and it has been unable to bear weight on the injured leg. She has visited the vet for a third time and accrued another bill, in the amount of approximately \$60. It is her belief that these dogs have a propensity to chase livestock, adding that they have also been known to chase another neighbor's cats. Mr. Wagner has since moved off the Caballero's property, so his dogs are no longer a threat to her animals. In response to dog board member Mike P., she reported that a strip of land owned by the Norris family sits in-between her property and the Caballero's property where Mr. Wagner once resided.

Daniel Wagner, dog owner, provided testimony. He reported living on the Caballero's property for 2.5 years and his frustration with the landlord, who promised but failed to secure the fencing and run power to his home. On the night of the alleged attack, his fifth

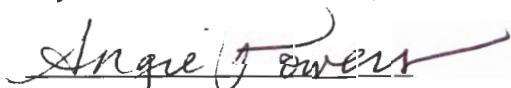
wheel door handle didn't latch properly, and he acknowledged that his dogs managed to get loose. He said that he built a rugged kennel approximately the size of a single car garage where his dogs are contained when he's not home. He shared that he's been splitting his time between Burns and the Cline Falls Rd. property. He said that he plans to pay Jackie for the vet bills incurred due to the goat's injuries, and took full accountability for his dogs' alleged actions, and wishes to make it right. Out of concern for his dogs' safety and the safety of Jackie's livestock, his dogs were boarded off-site at Happy Tails Pet Resort on the night that Dep. Johnson visited his home. He vowed to keep his dogs contained at his house in Burns, which has a secure six-foot tall wood fence. He acknowledged that he's had a lot going on, with managing his recently deceased father's home, animals and tenants. He expressed his wish for his dogs not to be punished due to his negligence at keeping them contained on the night of the alleged attack. He was home asleep on the night of the alleged goat attack, but the door handle popped open. Responding to questioning by the Board, he shared that Athena lost a litter of puppies at an age of one and he was told she could not get pregnant again, so she was not spayed, but Thor is neutered. He will be moving to Burns full-time. Mr. Wagner stated his dogs are current on their vaccinations, including rabies. He emailed copies of both dogs' rabies vaccination certificates to Administrative Assistant Powers. Vaccine records are marked as **Exhibit G**. He acknowledged that his dogs are the likely offenders of the attack on Jackie's goat.

At 6:02 p.m., the evidentiary portion of the hearing was closed. **Exhibits A** through **G** were moved into the record. It was noted that Burns is in Harney County, not Deschutes County.

The Dog Board deliberated, and with Assistant Counsel Riley's guidance, reviewed the disposition flowchart for both dogs. The dogs were found to have injured the goat. This incident was treated as the first offense as the other prior alleged incident wasn't classified as a known determination under Deschutes County Code 6.12.060(c)(9). Jackie acknowledged the receipt of a third vet bill, totaling approximately \$60. The Dog's Board's decision was as follows:

- A \$750 fine was assessed to Mr. Wagner, which will be held in abeyance if dogs are licensed in Harney County (Hines, Oregon) within 30 days *and* Jackie's first two vet bills, totaling \$579.84 are covered. The check from Mr. Wagner will be sent by County staff to Jackie Wilson, along with a copy of the signed Dog Board Order.
- Both dogs are to be microchipped, at Mr. Wagner's expense.
- Mr. Wagner has already moved out of the area. He acknowledged his responsibility for keeping the dogs contained and away from livestock in Harney County, Oregon.

Adjournment: There being no further discussion, the hearing concluded at 6:14 p.m.



Recording Secretary,  
Angie Powers, Administrative Assistant