



DOG BOARD OF SUPERVISORS Hearing September 10, 2024

A hearing was held at 2:00 p.m. on Tuesday, September 10, 2024. Pursuant to Oregon Statute, one dog "Maisie" owned by Mary Robinson, was seized on/around August 28, 2024 by Deschutes County Sheriff's Office in response to a report of a dog killing livestock near 19610 Manzanita Lane in Bend. In this matter, the livestock were a turkey and two chickens. This hearing was audio/video recorded. This matter relates to DCSO case no. 2024-48976.

Present: Legal Counsel Dave Doyle; BOCC Administrative Assistant Angie Powers; DCSO Deputy Mikaela Koellermeier (via Zoom); livestock owner Sara Battey (via Zoom); property owner Shannon "Shane" Osborne, Jr. (via Zoom); dog owner Mary Robinson; Lori Weber, Shelter Manager Humane Society of Central Oregon (via Zoom); and Dog Control Board members Michael Pennavaria, Sandy Storrie, and Tamara Kuntz.

CALL TO ORDER: Counsel Doyle convened the hearing at 1:59 p.m.

Counsel Doyle stated that this is an informal hearing, and his main purpose is to facilitate. The Dog Board members are a panel of volunteers with experience dealing with dog and livestock matters. The Dog Board will hear testimony from the dog owner, livestock owner and Sheriff's Office representative. By statute and County Code, the Dog Board has jurisdiction over the dog and may impose sanctions. He clarified that citations are separate matters for the dog owner and are managed through the circuit court. In this case, Maisie allegedly left her owner's property on the evening of August 27 and was found in the early morning hours of August 28 confined within the chicken coop on the livestock owner's property.

Livestock owner, Sara Battey, provided testimony. Early on the morning of August 27, Ms. Robinson appeared at her door notifying her that her dog, Maisie, was stuck inside Ms. Battey's chicken coop. Maisie was found in the coop and it was discovered that two hens and one turkey were killed after Maisie apparently entered through an opening in the fence between properties. She noted ongoing issues of both parties' dogs showing aggression towards one another across the fence line. Her goal is for better fencing between the properties to prevent any further incidents from occurring.

Shannon "Shane" Osborne, Jr. stated that he is the property owner of Ms. Battey's residence. He described some ongoing neighborly disagreement with Ms. Robinson over pointing fingers for the fence repair responsibility. He has communicated with Ms. Robinson that her fence needs fortified but testified it has been met with resistance. He described a hole in the cedar privacy fence boards that appeared to have been chewed by Maisie. Photographs of the fencing provided by the Sheriff's Office were displayed, as were portions of a body-worn camera video highlighting the area where the two neighbors' fences meet.

Deputy Koellermeier described the fencing between properties, in particular an area where a tree meets the privacy fence on Ms. Battey's side which is loose allowing Maisie to squeeze through. If the fence were extended all the way down to eliminate the gap and the loose spot at the tree, it would likely prevent future access. She described Maisie as shy but non-aggressive when they loaded her up into Animal Control Tech Leufven's vehicle.

Dog owner, Mary Robinson, provided testimony. She noted she has filed complaints with the Community Development Department (CDD) regarding Ms. Battey's chicken coop, due to perceived lack of compliance with setback requirements. Counsel Doyle responded that the Dog Board has no jurisdiction over CDD non-compliance issues. She described the vulnerable area of the fences and the challenges to fortification posed by existing concrete-poured posts. She denies the wood fence boards were chewed by Maisie, noting that she used a hand saw to saw through the boards attempting to retrieve Maisie on the morning of August 28. She admitted that Maisie was responsible for killing Ms. Battey's turkey and two hens. On a separate occasion, one of Ms. Battey's chickens made its way over the fence and onto Ms. Robinson's property which piqued curiosity in Maisie. Including Maisie, Ms. Robinson owns a total of five dogs.

Mike Pennavaria noted that Ms. Battey has every right to free range her chickens and turkey on her property. Additionally, the Dog Board has no jurisdiction over setback requirements for chicken coops and redirected her focus. He noted it is clear to him that Ms. Robinson loves her dog, and the fence fix seems simple and straightforward. However, the Dog Board has no bearing on disputes amongst neighbors and CDD will address these complaints separately.

Exhibits 1 through 7 are summarized below:

Exhibit 1: DCSO redacted report (case no. 2024-48976)

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

Exhibit 3: Dog Owner's Rights form signed by Mary Robinson for "Maisie"

Exhibit 4: Redacted Deschutes County Dog License for Maisie

Exhibit 5: Shelter Questionnaire, completed by Humane Society of Central Oregon staff

Exhibit 6: Photographs provided by Deschutes County Sheriff's Office

Exhibit 7: Photographs provided by HSCO of Maisie's vomit containing feather quills

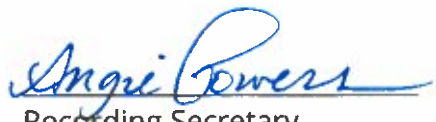
At 2:30 p.m., the evidentiary portion of the hearing was closed.

The Dog Board reviewed the disposition flowchart and deliberated.

The Dog Board's unanimous decision is summarized below:

- Maisie was off the property of her owner.
- Maisie killed two chickens, and one turkey owned by Ms. Battey, but has not previously killed livestock.
- Maisie is current on immunizations, licensed and spayed.
- A mandatory penalty of \$500 was assessed to Mary Robinson, to be waived if each of the following requirements are met within 30 days:
 - Seal the gap in the fence by adding/securing no-climb fencing, to be inspected by DCSO. It is noted that this modification was verbally authorized by Shane Osborne during the hearing. Additionally, Ms. Robinson is to inspect the entire perimeter fencing of the property and fortify any vulnerable areas.
 - Reimburse the County for Maisie's impoundment fees.
 - Signature of Notarized Pledge.
 - It is noted that the livestock owner waived any restitution for her loss of two chickens and one turkey.

Adjournment: There being no further discussion, the hearing concluded at 2:45 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant