



DOG BOARD OF SUPERVISORS Hearing October 22, 2024

A hearing was held at 3:00 p.m. on Tuesday, October 22, 2024 for Deschutes County Sheriff's Office Case No. 2024-54876. Pursuant to Deschutes County Code section 6.12, one dog, a Labrador/Pit Bull mix, "Bud", owned by Ryan Town, was seized on October 10, 2024 by Deschutes County Sheriff's Office in response to a report of a dog chasing, wounding and killing livestock on/around September 24, 2024 on Sunrise Court in La Pine. In this matter, the livestock were four goats. This hearing was audio/video recorded.

Present: Senior Assistant Legal Counsel Chris Bell; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Office Animal Control Officer (ACO) Mariya Leufven; dog owner Ryan Town; dog owner's girlfriend Rylee Hoover (via phone); livestock owner April Moritz (via Zoom); eyewitness and April Moritz's mother Sandra "Sandy" Moritz (via Zoom); Humane Society of Central Oregon Lori Weber; and Dog Control Board Members Sandy Storrie, Daniel Holland and Tamara Kuntz.

CALL TO ORDER: Counsel Bell convened the hearing at 3:02 p.m.

Counsel Bell outlined the allegation. While off the property of its owner, Ryan Town, and not within Town's control, one dog, on/about September 24, 2024, "Bud" allegedly broke through the perimeter fence on April Moritz's property and killed four goats owned by and April Moritz. The incident occurred on Sunrise Court in La Pine, in unincorporated Deschutes County. There are no other allegations of prior incidents of Bud chasing, injuring, or killing livestock.

Counsel Bell stated this hearing is governed under Oregon Law ORS 609.010-609.190 and Deschutes County Code 6.12. The purpose of this hearing concerns solely the disposition of Bud, the dog who has been lodged at the Humane Society of Central Oregon (hereafter, HSCO) since October 10, 2024. If a civil or criminal citation was issued to Mr. Town, that matter will go before the Deschutes County Circuit Court at a later date and is separate and distinct from this hearing.

Based on the evidence and testimony presented at this hearing, the Dog Board will deliberate and has the authority to determine the disposition of Bud. Their options depend upon whether they find that Bud chased, injured, or killed livestock while away from Ryan Town's property and whether the Board finds that he has chased, injured or killed livestock

in the past. The allegation is that four goats owned by April Moritz were killed on the date of the alleged incident, September 24, 2024. The more severe the outcome, the more severe the penalty. Counsel Bell referred to the Dog Board deliberation flow chart.

Counsel Bell stated the Board's role is as the factfinders and they will determine the disposition of Bud. They may apply penalties as the allowed by law and they have discretion to craft remedial measures to prevent reoccurrence. Counsel Bell's role is to ensure that relevant evidence and testimony is presented in a timely manner and the law is followed. Counsel Bell described the format of the hearing and the order in which testimony will be provided and evidence presented: law enforcement, Humane Society, livestock owner (complainant) and witnesses, then dog owner and witnesses.

This hearing is informal, and discourse will be kept civil and orderly. This hearing is video/audio recorded should there be an appeal. Once the evidence is closed the Board will deliberate and make findings. They will come to an oral decision on the disposition of the dogs and make any remedial findings. Counsel Bell will prepare the written order in the coming days, to be signed by the Board and sent to both parties. Should either party disagree with the decision, they may choose to appeal, per DCC 6.12 or ORS Chapter 609.

Counsel Bell summarized **Exhibits 1** through **7** and entered into the record without objection. **Exhibit 8** was provided by HSCO Shelter Manager, Lori Weber, and entered into the record later in the hearing.

Exhibit 1: Redacted DCSO Report Case No. 2024-54876

Exhibit 2: Redacted DCSO Supplemental Report Case No. 2024-54876

Exhibit 3: Redacted Complaint of Dog(s) Chasing, Injuring, and/or Killing Livestock, completed and signed by April Moritz

Exhibit 4: Redacted Dog Owner's Rights Form, completed by Ryan Town for "Bud"

Exhibit 5: Map showing proximity of dog and livestock owner's properties (copies provided only to DCSO, Dog Board and Legal)

Exhibit 6: Shelter Questionnaire, completed by Humane Society of Central Oregon (HSCO) staff

Exhibit 7: Photos taken at livestock owner's property, provided by Deschutes County Sheriff's Office

Exhibit 8: Photo of Bud provided by HSCO

Counsel Bell made stipulations which were accepted, without objection and entered into the record.

ACO Mariya Leufven was sworn in and provided testimony. She has worked in this capacity for six years, and for DCSO for eight years. She summarized her training and experience. She noted there was one additional supplemental report she had prepared which was not included in the exhibits, which summarizes the statement taken from Mr. Town. She

summarized her recollection of events on September 24, 2024 (hereafter, 9/24) after responding to a call for service from April Moritz at approximately 8:30 a.m. She visited April's property and identified, documented and photographed four deceased goats. She identified puncture wounds on the goats' necks and hind ends. She described the smallest of the goats which had been killed on the far end of the property and dragged approximately 60 feet to the outer wall of the barn. The outer field fence was described as 4.5-feet high. ACO Leufven took statements from April and Sandra, then submitted her report. She described the fence as a reasonable means to keep the goats in, but not reasonable to keep coyotes and other predators out (they can jump 6 feet so a 4.5-foot fence could easily be breached). She described a portion of fencing in the hay barn where the fence had been bent upwards allowing a predator underneath. Upon her arrival, the goats were cold and stiff so had likely been deceased for several hours. She estimated that she arrived on the property around 9:30 a.m. and spent 30-40 minutes on the property.

ACO Leufven noted photos of paw prints on pages 40 and 43 of Exhibit 7, describing the size as that of a canine. She believes the cause of death for the goats were due to their neck injuries. Page 54 illustrates two puncture wounds to have likely come from a larger predator. She described the approximate size/weight of the goats. Exhibit 7 photos showing the drag marks were highlighted. Photo 42 shows that the predator attempted to bury or cover up one of the goats. Pigs owned by April were unharmed and kept in a separate enclosure. ACO Leufven was unable to find any fur samples on any of the fencing or other structures.

It was ACO Plamondon who responded to the call for service on October 10, 2024 (hereafter, 10/10) when Bud was found in April's back yard. Based on photos provided by April, Sandra identified Bud as looking like the dog who was on their property on the night of the incident on 9/24. Responding to Counsel Bell, Leufven established that Ryan and Bud did reside at their current property on 9/24. At Town's property, Bud uses a doggy door to access the back yard and escaped on 10/10. The yard is fenced in with fencing of varying heights. In her professional opinion, the existing fencing is not adequate to keep a 4 to 5-year-old lab mix contained.

Additionally, on October 8, 2024 (hereafter, 10/8), Bud was picked up from Wickiup Animal Hospital after a community member brought him in to scan for microchip when he was at-large, found walking along Sunrise Blvd. Leufven described Bud as a happy, big boy with a "let's go" attitude. He is intact, strong and muscular, and pulls when leashed. He is a large Labrador Retriever/Pit Bull mix, with relaxed ears, long tail, chocolate brown in color with no collar or harness worn. His head is larger than that of a purebred lab.

April Moritz was sworn in and provided testimony. She recalled the incidents of 9/24. She was asleep when her mom notified her that she observed a dog exit the barn and property. She went out to the barn and observed all four of her goats deceased. She called the

Sheriff's Office and ACO Leufven called back and visited the property. She did not personally observe the dog on her property on 9/24. She stated she can speak to the value of the goats, based on purchase price and age. Fair market value for females is \$200-\$300 and males are \$300. There were 3 females (2 were pregnant) and 1 male. They were dairy goats, not meet goats. Her male was 75 pounds, and the older females were 50 pounds. Cookie, the smallest one, was 35 pounds. Two years ago, she had a neighbor's 60-pound female Rottweiler dog jump into the goat pen and kill a baby pig. Other costs incurred following the incident on 9/24 include fence repair labor and materials.

Responding to Counsel Bell, April stated she did not observe Bud on her property prior to 10/8. After the goat kill incident on the 9/24, she invested in security cameras. On 10/10, her camera alerted her, and she went outside to find Bud on her property. He ran along the fence line then alternated between her and her neighbor's properties. When she approached, Bud ran towards her growling. She was able to leash him and contain him in the garage until Animal Control arrived. She photographed Bud and sent to her mom, Sandy, asking her if he was the same dog as the one, she had witnessed on the property on 9/24, to which her mom replied, "it definitely could be". Sandra's level of certainty was *not* with 100% confidence. Once leashed, Bud's demeanor changed and he was happy and ready to go. Upon review of her security camera footage, on 10/8, a neighbor came to April's door with Bud on-leash and left a note asking if Bud was April's dog.

Responding to Kuntz, April stated she has a total of eight dogs and described their sizes, ages and breeds. They interact with her livestock only when fully supervised, and her dogs sleep in crates in her bedroom. She has no reason to believe that any of her dogs were not in their crate the night of the alleged incident.

Sandra Moritz, April's mother, and eyewitness to the dog on April's property on 9/24, was sworn and provided testimony. She testified that she woke up at 7:45 a.m. on 9/24 and let April's 14-year old dog out to potty, and she stood on the back patio where she saw a dog walking slowly down the driveway away from the barn. The dog turned its head, saw her and kept walking. She then told April that a dog was walking away from the barn, April went out to the barn to find her goats deceased. April got in her truck to go out looking for the dog, described by Sandra as tall with long legs like a Great Dane and dark brown in color. No markings, no collar and dark (brown) eyes. Coat was short but not shiny. She mostly got a profile view of the dog as it walked down the driveway, describing it as a "fleeting glance". In total, she estimated to have observed the dog for 10-15 seconds. She described the barn as an RV parking garage converted to goat and pig pens, where the goats and pigs are kept apart and separated. Responding to Counsel Bell, Sandra said has good vision and had cataract surgery in years past.

On 10/10, April sent Sandra a photo of a dog on the property and Sandra said it was similar to the one that was on the property on 9/24, but she cannot say with 100% certainty that the dog in the photo was the one on the property on the 9/24.

Responding to Counsel Bell, April said on the 10/10 Bud was not wearing a collar. She estimated the distance between where Sandy was standing on the morning of the 9/24 to the barn entrance to be approximately 50 feet, and the driveway length to be 100-150 feet.

Dog owner, Ryan Town was sworn in and provided testimony. He resides on Shelly Lane in La Pine and has lived there since early September 2024. On September 9/24 he lived at this residence. The morning of 9/24, he was out of town on a hunting trip near John Day and his girlfriend was home with their dogs. He said that sometimes Bud can be trusted and sometimes he cannot, and that he has a history of escaping and taking off. To his knowledge, he is only aware of Bud escaping on 10/8, 10/10 and in December 2022 when they lived at a different residence. He described the fencing as varying heights of cedar, chain link and no climb fencing, and acknowledged that Bud could easily jump over a 4-foot section of the fencing. Bud was described as not calm, not aggressive towards humans but sometimes towards their other male dog. He's kind towards cats and children but likes to wander. Bud has no history of aggression towards livestock, including chickens. He is a trained bird dog, so he has a soft mouth for birds and has been trained as such. He hasn't chased deer, nor does he have a strong prey drive and doesn't chase the large gray squirrels in their yard. His girlfriend did not mention that there was any blood observed on Bud the morning of 9/24.

Responding to Counsel Bell, regarding Sandy's description of the dog on April's property on 9/24, Ryan described Bud as having long legs and a thin, lean muscular build with a Pit bull head and fur. He wouldn't describe him as resembling a Great Dane. He's brown in color with a white patch from under his chin down his neck and chest. He also has a white patch on his left rear paw. Lori from HSCO provided a photo of Bud and it was marked as **Exhibit 8**.

Sandra viewed the photo in Exhibit 8 and stated that she doesn't believe she would have seen the white patch on his chest based on her profile view.

At this time, Ryan Town called his girlfriend, Rylee Hoover, and Counsel Bell swore her in she provided testimony. She resides with Mr. Town on Shellie Lane, and they moved in early September 2024. She described Bud. On the morning of September 9/24, she was home until 8:30 a.m. She testified that she took a mirror selfie photo of she and Bud at 8:18 a.m. She said there's no chance he was off property the morning of September 9/24. The dog door was not installed when Ryan was out of town as she has concerns with people breaking in. It was not installed until he returned home on September 26th and there was no other way for Bud to get outside. He slept on the bed with her the night of September

23rd-24th with her with the bedroom door closed. She did not observe blood on Bud that morning, nor any injuries/limping, etc. She fed the dogs breakfast and let them out to potty before 8:18 a.m. He was not out of her sight, and the dogs were outside for under ten minutes to do their business. There was no indication that he left the property. Counsel Bell explained the gravity of perjury. Rylee emailed photos from her phone that were date time stamped, but later admitted to changing the date and time on the photos. The photo stamped 8:18 a.m. on 9/24 was taken on 9/19. She stated the ACO said it would help their case if they had photographs available, and Rylee changed the date because she thought it would help their case. The photograph of the three dogs on the bed was altered to read 9/23, from the actual date taken of 9/19. Mr. Town was unaware that Rylee changed the date on the photos. The photos were not admitted into evidence. Responding to Counsel Bell, she said Bud was with her on 9/24 at 8:18 a.m. She wakes up at 7:00 a.m. and leaves for work at 8:30 a.m. No one told her to alter the date/time stamps of the photographs. On 10/8 and 10/10 the dog door was installed and left open, and that's how Bud escaped. However, Rylee testified that the dog door was not operable on 9/24, and Bud would not have been able to use the dog door on the morning of the 9/24.

HSCO Shelter Manager, Lori Weber was sworn in and provided testimony. She described Bud as a large 75-pound intact male, lab pit bull mix, with a white patch on his chest. In 12/22, he jumped over his kennel into the kennel next to him. She said assessments and dog testing would need to be conducted to determine if Bud is a suitable candidate for adoption. Responding to Mr. Town, Lori stated that Bud is doing well, and he is eating. Responding to Sandy Moritz, no injuries were noted on 10/8 or 10/10 other than ear discharge.

At 6:01 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.

The following unanimous determinations were made by the Board:

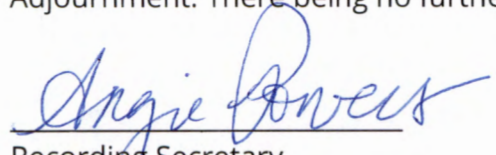
- Ryan Town is the owner/keeper of Bud
- April Moritz received a copy of the Dog Owner's Rights form, as required by law
- April requested a hearing within 14 days
- Bud was impounded
- Bud was not off the premises of his owner/keeper at the time in question
- Bud did not kill livestock on the morning of September 24, 2024

The Board's unanimous finding was that it was not more than likely that Bud was off the premises on 9/24. The evidence is insufficient to determine that Bud was off his owner's premises and responsible for killing four goats owned by April Moritz. Bud is to be released to Ryan Town at the earliest reasonable time. A decision letter will be drafted tomorrow, to

be signed by the Dog Board and copies will be distributed to Ryan Town, April Moritz and the Humane Society. Angie Powers will communicate to HSCO to release the dog to his owner. Ryan said the fencing situation at his property has already been taken care of. Bell stated the gravity of the situation and should Bud get out again, it is possible that he will be euthanized.

If April Moritz disagrees with the outcome, Counsel Bell explained her right to appeal under DCC and ORS 609.010-609.190. Should she wish to appeal, she can consult with an attorney of her own choosing.

Adjournment: There being no further discussion, the hearing concluded at 6:09 p.m.

A handwritten signature in blue ink that reads "Angie Powers". The signature is written in a cursive style and is positioned above a horizontal line.

Recording Secretary,
Angie Powers, Administrative Assistant