



## **DOG BOARD OF SUPERVISORS Hearing August 8, 2024**

A hearing was held at 11:00 a.m. on Thursday, August 8, 2024. Pursuant to Oregon Statute, one dog "Bear" owned by Aric and George Mendoza, was seized on/around July 19, 2024 by Deschutes County Sheriff's Office (DCSO) in response to a report of dogs chasing, wounding, and killing livestock near 5812 SW Mesa Way in Redmond. This incident is summarized in DCSO Case No. 2024-40388. In this matter, the livestock were domesticated fowl (turkeys, ducks, chickens, and guinea hens). This hearing was audio/video recorded.

*Present:* Senior Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Office Animal Control Technician Treyton Plamondon; livestock owner Morgan Sloan; dog owners Aric and George Mendoza; Brightside Animal Center staff member Kaylin Roth; and Dog Control Board Members Michael Pennavaria, Sandy Storrie and Lynn McAward (via Zoom).

**CALL TO ORDER:** Senior Assistant Legal Counsel Marshall convened the hearing at 11:03 a.m.

Counsel Marshall stated that this is an informal hearing, and her main purpose is to facilitate the hearing. The Dog Board members are the ultimate decision-makers. The main purpose of this hearing is a full and fair determination of the issues and to determine whether the dog in question has proven to be a nuisance or a hazard to livestock, and if they chased, wounded and/or killed livestock. If the dog is deemed a nuisance or hazard to livestock, the Board will determine the dog's ultimate disposition. A full and fair determination of the issues will take place. The evidentiary standard for this hearing is preponderance of the evidence. The dog, Blue, is currently lodged at Brightside Animal Shelter in Redmond. The Sheriff's Office will provide testimony, followed by shelter staff, livestock owner, dog owner(s) and any other witnesses. The Dog Board will deliberate, following their decision-making flowchart, and will render a decision. Counsel Marshall will draft the Board Order for signature by the Board in the coming days. Award of damages to the livestock owner is not part of this hearing and may be pursued in civil court.

DCSO Animal Control Technician Treyton Plamondon was sworn in and provided testimony. He stated that he has been with DCSO for three years and with Animal Control since the first of this year. He summarized the narrative in his report dated July 19, 2024 (case no. 2024-40388). Following Morgan Sloan's call for service, he visited her property and

photographed the scene of the incident, piles of feathers and deceased birds. Sloan provided him with a photograph of the dog who was on her property, and it was believed to belong to the Mendoza's. Plamondon later visited the Mendoza's property, and seized a dog named "Bear", matching the appearance of the dog in the photograph and who was off their property at some point during the day. This dog looked familiar to Plamondon, from an incident in May 2024, in which two dogs killed free range chickens at a different property. Following this incident, the dogs were not located or seized. The livestock owner, in the May 2024 incident, described the dogs as belonging to the Mendoza's.

The DCSO report for Case No. 2024-40388 references another incident which occurred in September 2023 in which two dogs went onto Sloan's property and killed a rooster, two chickens and a turkey. No report was written for that incident and no dogs were seized. Plamondon noted that on the date that Bear was impounded, Mr. Mendoza walked the property and fence line with an assisting officer to show him any repairs and issues.

Responding to McAward, Counsel Marshall said that because the September 2023 incident occurred before the Deschutes County Code 6.12.030 change allowing free range domesticated fowl to be subject to Dog Board Hearings, this could not be considered a separate offense, or "strike one", of chasing, injuring or killing livestock when deliberating using the flowchart.

Brightside Animal Center staff member Kaylin Roth was sworn in and provided testimony. Upon his arrival at Brightside, she described Bear as "nervous". At intake, he was administered Bordetella (kennel cough) and DTaP vaccines, as standard protocol. She testified that Bear prefers female dogs over males and has had no negative interactions with humans (Brightside staff). Although he has not had nose-to-nose interactions with other dogs but does well with female dogs kenneled next to him. Roth testified that she completed Exhibit 4, the Shelter Questionnaire and it is accurate.

Livestock owner, Morgan Sloan, was sworn in and provided testimony. She's owned domesticated fowl for a long time and has raised all birds from a young age. She considers them family and beloved pets. On July 19, 2024, she heard a chicken call out, so she went outside to see a dog on her property with one of her turkeys in its mouth. She chased the dog off her property and walked the property with her boyfriend, Daynon Jones, and they found two more dead turkeys, three ducks, one rooster, and three chickens. They located an area where the fence had appeared to have been pushed down by the dog. She called non-emergency and Animal Control showed up, walked the property and took photographs. Up until September 2023 when one of her pigs "Wilbur" was killed, they hadn't experienced issues with dogs coming onto their property. Following that incident, they made repairs to their fencing to reinforce it. Following that incident, she shared photos (shown in Exhibit 8) on social media of the dog responsible to determine who owned it. There are three layers of no-climb fencing around her bird yard, which was

confirmed by Plamondon. She also owns five dogs who do a good job at keeping away predators, but unfortunately were inside the house during the incident which occurred on July 19, 2024.

Pennavaria commended the livestock owner for taking multiple measures to prevent her birds from being injured or killed by dogs or other predators.

Aric and George Mendoza were sworn in and provided testimony. George testified that he completed the Dog Owner's Rights form on July 19, 2024. The Mendoza's have three acres that is fenced (6-foot height) and it is reinforced with perimeter hot wire used in conjunction with a shock collar worn by their dogs. Additionally, the fence has been reinforced with additional wire after Bear escaped on multiple occasions. He has owned Bear since he was a pup and estimates him to be 1 year 2 months of age. He described Bear as an escape artist. He provided photographs of his fencing and shock collar, marked as Exhibit 9. Aric and George described multiple attempts at repairing and reinforcing their fencing, but Bear continues to escape.

Plamondon noted other neighbors in the vicinity who own cattle but there have not been complaints of the Mendoza's dogs harassing them. Pennavaria emphasized that many dogs subject to these hearings are husky breeds. Roth noted that Bear is intact, and male dogs will escape and travel miles in search of intact females.

Counsel Marshall summarized **Exhibits 1** through **9** and the Board admitted them into evidence, and they became part of the record. Exhibits are summarized below:

**Exhibit 1:** DCSO redacted report (case no. 2024-40388)

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

**Exhibit 3:** Dog Owner's Rights form signed by George Mendez for "Bear"

**Exhibit 4:** Shelter questionnaire, completed by Brightside Animal Center

**Exhibit 5:** Redacted copy of email from Deschutes County Dog Licensing

**Exhibit 6:** Photographs provided by DCSO

**Exhibit 7:** Map showing proximity / distance between dog owner and livestock owner's properties (Provided to Dog Board, Legal and DCSO)

**Exhibit 8:** Photos provided by livestock owner, Morgan Sloan, of Sept. 2023 incident.

**Exhibit 9:** Photos provide by George Mendoza of the fencing on his property

At 11:46 a.m., the evidentiary portion of the hearing was closed. **Exhibits 1** through **9** were moved into the record.

The Dog Board reviewed the disposition flowchart and deliberated. Pennavaria noted that compensation towards the livestock owner is not part of this hearing. Storrie described a

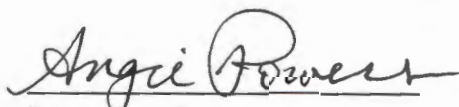
smaller fenced-in, covered enclosure for Bear with a PVC roll bar at the top to make it no-climb. Pennavaria said that underground fences aren't foolproof as the collar's batteries can die. The Mendoza's described having a dog run, that runs tree to tree, utilized with Bear harnessed to it. McAward emphasized that Bear must be neutered to discourage him from escaping.

The Board's determination was that Bear did chase, wound, and kill livestock. While there is evidence of potential previous incidents, these incidents cannot be considered. Therefore, this is Bear's first offense, and it was ultimately determined that for purposes of the flowchart, Bear has not previously killed livestock.

The Dog Board's unanimous decision is summarized below:

- A \$500 mandatory fine was assessed, to be held in abeyance if the following requirements are met within 30 days. Each of these requirements must be met prior to Bear's release to his owner(s) from Brightside:
  - Signature of a Notarized Pledge stating that, should Bear be impounded again due to chasing, injuring or killing livestock, ownership will be surrendered for the shelter to determine Bear's disposition.
  - Construction of a smaller enclosed, covered kennel structure with PVC roll bar at the top.
  - License Bear with Deschutes County (with current rabies vaccination).
  - Neuter Bear.
  - Reimburse the County for Bear's impoundment fees (less 7 days of charges @ \$30/day). Invoiced amount to be calculated just prior to Bear's release after all other above requirements have been met.

Adjournment: There being no further discussion, the hearing concluded at 12:12 p.m.



Recording Secretary,  
Angie Powers, Administrative Assistant