



DOG BOARD OF SUPERVISORS Hearing October 2, 2023

A hearing was held at 5:30 p.m. on Monday, October 2, 2023. Pursuant to Oregon Statute, two dogs (Oden and Nova), were seized by a Deschutes County Sheriff's Deputy in response to a report of dogs chasing/wounding/killing livestock on September 22, 2023, at/near 7710 NW Eagle Drive, Redmond. In this matter, the livestock was a goat. This hearing was audio/video recorded.

Present: Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Sheriff's Deputy Barry (*via Zoom*); Sheriff's Deputy Buckwald (*via Zoom*); Field Technician Mariya Leufven; dog owners Brian and Patrick Mann; livestock owners Brianna Peter and Cody Borges; and Dog Control Board Members Sandy Storrie, Tom Schuchardt and Mike Pennavaria.

CALL TO ORDER: Stephanie Marshall convened the hearing at 5:22 p.m.

Stephanie 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 the 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 signed by the Board in the coming days.

Counsel Marshall summarized Exhibits A through J. Exhibits A through J were admitted into evidence by the Board. The Board determined that body worn camera videos would not be necessary to come to a determination.

Counsel Marshall summarized evidence as exhibits. All parties present were provided with print copies of the exhibits.

Exhibit A: Deschutes County Sheriff's Office (DCSO) report 2023-52714

Exhibit B: Dog Owner's Rights form signed by Patrick Mann, for "Oden"

Exhibit C: Dog Owner's Rights form signed by Brian Mann, for "Nova"

Exhibit D: Complaint of Dog(s) Chasing, Injuring and /or Killing Livestock, signed by Brianna Peter

Exhibit E: Uniform Citation and Complaint Issued to Brian Mann, for “Nova”

Exhibit F: Uniform Citation and Complaint Issued to Patrick Mann, for “Oden”

Exhibit G: Photographs taken by livestock owner, Brianna Peter

Exhibit H: Photographs taken by Deschutes County Sheriff’s Office

Exhibit I: Shelter Questionnaire for Brian Mann’s dog, “Nova”

Exhibit J: Shelter Questionnaire for Patrick Mann’s dog, “Oden”

Exhibit K: Still photos from Brianna Peter’s videos taken with her phone

Deputy Barry joined the hearing via telephone (without video) and was sworn in by Assistant Counsel Marshall. He recounted the events which occurred on September 22, 2023. He was the initial responding deputy on the scene following the alleged incident, and was also the one who seized both dogs. When he arrived on the scene, Brianna Peter was inside her vehicle. He saw a deceased white goat and observed Nova and Oden circling around the goat and barking. He attempted to contain the dogs but was unable to do so and they continued running around the property for 10 to 15 minutes. He took Ms. Peter’s statement. Ms. Peter reported that upon her arrival, she observed both dogs on top of the goat upon and they barked aggressively toward her. She reported that she was afraid to exit her vehicle out of fear for her own safety, noting that she is 7 months pregnant. After 10 to 15 minutes of Dep. Barry attempting to contain the dogs, they left the property and Ms. Peter exited her vehicle. He located a low area of the fenced goat pen where he believes the goat may have gotten out or the dogs may have gotten in. He and Ms. Peter observed no other animals injured on the property. Cody Borges, Ms. Peter’s partner, was out of town and Dep. Barry spoke with him over the phone. Mr. Borges was very upset and angry, as he’s had other dogs owned by the Manns on his property before. Dep. Barry advised Ms. Peter and Mr. Borges that he would proceed with seizing the dogs and issuing citations to the dog owners.

Dep. Barry, Animal Technician Leufven and Dep. Buckwald went over to the Mann’s property. Brian Mann owns Nova and Patrick Mann owns Oden. Upon arrival, he spoke to Brian Mann. He observed Nova secured to a tree nearby. Brian was compliant. It was his belief that Oden was the leader and Nova likely followed him over to the Peter/Borges property. Dep. Barry looked over Nova and couldn’t definitively say whether she may or may not have had some faint blood on the fur of her shoulder. Oden was contained in a shop/garage structure, and Brian led them to the location. Dep. Barry described Oden as skittish and agitated and appeared to be the same dog he observed at Ms. Peter’s property. He was not secured, and Brian was holding onto him by the collar. He described Oden as difficult to contain and to corral into the DCSO transport vehicle. Dep. Buckwald, Tech Leufven, Brian Mann and another male on the property worked together to contain the dog and get him into the transport vehicle, and Brian was issued a citation.

Dep. Barry then went to Patrick Mann's workplace to speak to him about the incident, notify him of the seizure of his dog and issue him a citation. Patrick reported there was a hole in the fence where the dogs likely got out. Patrick was upset and frustrated that their dogs got loose again, as he just dealt with a similar issue with another of his dogs, Finn, a Great Dane. He expressed further frustration with Brian and the others residing at the property for not repairing the fence to keep the dogs contained. Patrick was issued a citation. Responding to Tom S., Dep. Barry said there is no doubt in his mind that the dogs he saw near the goat are the same dogs as those at the Mann's property. Nova (estimated at 45 pounds) was docile on her own property but was barking when on the Peter/Borges property. Oden was described as very difficult to handle, and estimated to be approximately 75 pounds, and was a lot to handle. Responding to Mike P., Dep. Barry said that he believes both dogs were responsible for the death of the goat. On an aggressiveness scale of 1-10, he placed Oden at a 7-8. He described both dogs as skittish and scared at the Mann property, and aggressive (barking and growling) when near the goat kill. Responding to Sandy S., Dep. Barry said that, out of concerns for his own safety, he was unable to get close enough to Oden to observe blood. Dog and livestock owners had no further questions for Dep. Barry and his testimony concluded.

Animal Control Technician, Mariya Leufven was sworn in. She's served DCSO for 5 years. She assisted Dep. Barry with capturing and transporting the dogs to Brightside on September 22, 2023. She arrived on the scene after Dep. Barry, around 1:30 p.m. She noted that she responded to an incident in July 2023 at the same property, and based on the dogs' description, she understood the dogs were likely from the same property. The July incident also included chasing, injuring and/or killing livestock (chickens). Patrick Mann's *other* dog, a Great Dane named Finn, was transported to Brightside on that date. Upon arrival on September 22nd, she saw a deceased goat in the driveway of Ms. Peter's property. Two other goats appeared unharmed. Ms. Peter also checked on her pigs who appeared to be unharmed. Upon arrival at the Mann's property, she observed a dog matching the description of Nova tethered to a tree near Brian Mann's truck. Tech Leufven described Nova as shy, timid and not used to vehicles. She crouched down and didn't want to walk to the transport vehicle. Brian assisted in locating Oden, acknowledging he would be more difficult to load. Oden was yelping with a high-pitched crying when being led outside from the shop. Oden became fearful and escaped Brian. Mariyah used the catch pole to safely handle Oden and get him loaded into the transport vehicle. Once they arrived at the shelter, Oden was fearful and unloaded first. She observed him bleeding out of his nose with a torn nail, likely from fighting the catch pole. He calmed down when put into the kennel at Brightside. Nova was also easier to unload than Oden. She was nervous but not aggressive. The catch pole was used to unload both dogs, out of safety concerns for herself and shelter staff. She had no recollection of either dogs' weight upon arrival at the shelter. Tech Leufven noted that she had been to the Mann's property for horse-related matters in the past. Mike P. asked if an acceptable alternative could have been for the owners to transport their own dogs, but Mariyah said that it is not an option, and the dogs must be

seized by Deschutes County Sheriff's Office in dogs vs. livestock matters. Responding to Sandy S. asking about the dogs, Tech Leufven said that the dogs' skittish and timid nature is likely due to lack of socialization, and it was apparent that both dogs understood that they were in trouble. Vehicle transport and leashes were unfamiliar to both dogs. Dog owners had no questions for Mariyah. Mr. Borges asked how many dogs she observed at the property, as they often hear a lot of barking coming from the property. She responded that there are multiple residences on the acreage, and it is unclear how many dogs reside at each home. Dep. Barry added that a dog indoors had a litter of puppies.

Dep. Buckwald was sworn in, but his video feed was not working. He has worked for DCSO for over three years. On September 22, 2023, Dep. Barry reported the dogs as aggressive, so Tech Leufven and Dep. Barry arrived on the scene to assist in loading the dogs for transport to the shelter. He saw a large white goat deceased in the driveway of Ms. Peter's residence. Upon arrival at the Mann property, he observed Dep. Barry conversing with Brian Mann. He observed Nova tethered to a tree near a pickup truck and a camper. She seemed calm and got excited when she saw him approach. He may have observed some light blood on her right front shoulder area but acknowledged it may have been pink skin through her coat. He did not assist with loading the dogs into the transport vehicle. He observed Oden growling and barking, showing extreme signs of displeasure at being handled. Oden got loose and barricaded himself amongst items in the shop. Tech. Leufven resorted to the use of a catch pole to handle Oden. He was agitated, barking, growling and flopping around. He held Oden with the catch pole while Tech Leufven got her vehicle. After learning that Dep. Barry would be working on a citation, he left the premises.

Livestock owner, Brianna Peter, was sworn in and described her recollection of events which occurred on September 22, 2023, at 7710 NW Eagle Drive in Redmond. On this date, she came home for lunch break. She drove down her driveway and observed one of her goats lying on the ground with two dogs on top of it barking aggressively toward her. Her partner, Cody Borges, was out of town so she called the Deschutes County non-emergency line. After calling non-emergency, she also called her workplace to let them know that she would be late returning from lunch and Cody, but he had no cell service, so she left a voicemail. She remained in her car while Dep. Barry attempted to capture the dogs but got out of her vehicle after the dogs left the property. With Tech Leufven's assistance over the phone, Ms. Peter completed the livestock complaint form. Tech Leufven advised her to take photographs of the dogs. She described the dogs as "guarding" the goat until Dep. Barry arrived. She checked on her other livestock. Some of their chickens are free-range and were not immediately located but she found them when she got home from work around 5:30 – 6 p.m. She checked to make sure her other two goats and two pigs were o.k. Responding to Tom S., Ms. Peter said that this was the first time she'd seen these two dogs on her property. The previous two incidents of dogs from the Mann property with their livestock were reported. In July 2023, Patrick Mann's Great Dane was on her property and allegedly killed some of her chickens. As the chickens were free-range, a Dog Board

Hearing wasn't warranted. In March 2022, Patrick Mann's dogs, Finn and another pit bull (not Oden or Nova), were on her property and allegedly killed one of her pigs and injured another. There was no hearing for this incident.

Still photos from Ms. Peter's videos were admitted into Evidence as **Exhibit K**.

Livestock owner, Cody Borges, was sworn in. He was not home on the date of the incident. He identified himself as Ms. Peter's partner of ten years. He spoke to Dep. Barry on the phone following the incident with his goat and reported two other incidents on his property with the Mann's dogs. He expressed frustration that there have now been three incidents with the Mann's dogs. He shared that they have a three-year-old son and Brianna is 7 months pregnant, noting that he fears for his family's safety. He reports having shot at Finn during a previous incident. They captured security video footage of the pig incident in March 2022. The incident on September 22nd is the first time they've had Nova and Oden on their property. He reported having fencing around his property and having invested \$4K in fencing. The pens he built for his pigs and goats have no-climb fencing and six strands of barbed wire. His efforts are to keep his animals in, and not necessarily to keep other animals out. It is unclear how exactly the dogs got in or the goat got out.

The dog owner, Patrick J. Mann, was sworn in. He is the owner of Oden. He reported that they have five acres of property and Oden had gotten out of his property before but has not killed livestock before. His Great Dane, Finn, is a service animal, and he said that he is in the process of training Oden to be a service animal. The dog pen is inside the shop. Their dogs are let out to be fed, watered and to relieve themselves in a fenced backyard area. Oden is 8 months old and has been around farm animals (horses and chickens). He reported that a horse pushed over the fence and there is a spot where Oden likely got out by burrowing as he's not a jumper. The hole is in the 4-foot pig wire fence (not hog panel, but stronger than chicken wire). He reported that he and Brian have agreed to rehome the dogs or put them up for adoption, as Patrick has grown tired of the dogs getting loose. Sandy S. said that if he's training Oden to be a service animal, service animals should not have these tendencies, as she owns multiple service animals of her own. He acknowledged that Oden was at the Mann's property. Mike P. spoke about a dog's intrinsic prey drive, and that pit bulls are in the top ten dog breeds with high prey drives. He asked if Oden has had any formal training to reduce his prey drive, but Patrick said that Oden's training has been limited to positive reinforcement training from Patrick himself. He'd like to relinquish Oden to be rehomed or put up for adoption and shared that the litter of puppies currently at their property will all be adopted out.

Dog owner, Brian Mann, was sworn in. He resides at 7935 W. Hwy 126 in Redmond. He is the owner of Nova. He described the behavior of her on top of a killed goat as unusual. He has a two-year-old and a six-year-old and reported Nova as gentle towards them. It is his belief that Nova followed Oden's lead. She is kept in the backyard, but he acknowledged a

hole in the fence. She is also 8 months old and is Oden's littermate. They would like to rehome Nova, as his wife is pregnant and due in December. He reported that Nova has not escaped before and hasn't shown aggression towards people. He acknowledged that she was on the Peter/Borges property on September 22nd. He is currently in communication with a potential adopter for Nova. They haven't had the opportunity to fix the hole in the fence. Mike P. noted that prey drive is distinct from a dog's behavior towards small children.

At 7:12 p.m., the evidentiary portion of the hearing was closed.

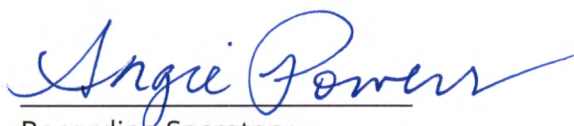
The Dog Board deliberated, and with Counsel Marshall's guidance, they reviewed the disposition flowchart for each dog and dog owner individually. The Dog's Board's decision was as follows:

- Patrick Mann's dog, Oden, will be relinquished to Brightside for potential adoption and will not return to the Mann's property. A \$1,000 penalty will be assessed. The entirety of the fine will be stayed if, within 30 days, the entire length of fencing for the dog enclosure is secured and all holes are repaired. Fencing to be inspected and verified by Deschutes County Sheriff's Office. The property must be secure. There will be no requirement for reimbursement to the County for shelter lodging fees.
- Brian Mann's dog, Nova, will be relinquished to Brightside for potential adoption and will not return to the property. A \$500 penalty will be assessed. The entirety of the penalty will be stayed if, within 30 days, the entire length of fencing for the dog enclosure is secured and all holes are repaired. Fencing to be inspected and verified by Deschutes County Sheriff's Office. The property must be secure. There will be no requirement for reimbursement to the County for shelter lodging fees.

Sandy S. advised the Manns to have any parties interested in adopting either dog to reach out to Brightside to express interest, as soon as possible. Stephanie Marshall will write up the Board Order and the Dog Board will sign. Copies will be provided to all parties in the coming days.

There were no further statements from the livestock owners. The dog restated their goal to rehome both dogs.

Adjournment: There being no further discussion, the hearing concluded at 7:31 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant