



DOG BOARD OF SUPERVISORS Hearing September 10, 2024

A hearing was held at 10:00 a.m. on Tuesday, September 10, 2024. Pursuant to Oregon Statute, one dog "Maverick" owned by Darwin Hemmingson, was seized on/around September 1, 2024 by Deschutes County Sheriff's Office in response to a report of a dog chasing, wounding and killing livestock near 16350 Mule Deer Lane in Bend. In this matter, the livestock was domesticated fowl (a chicken). This hearing was audio/video recorded and this matter relates to DCSO case no. 2024-50004.

Present: Legal Counsel Dave Doyle; BOCC Administrative Assistant Angie Powers; DCSO Deputy Shawn Heierman (via Zoom); livestock owners Wes Walsh (in-person) and Danielle Walsh (via Zoom); property owner of livestock owner's residence Shannon "Shane" Osborne, Jr.; dog owners Darwin Hemmingson and Brenda Carroll; Mr. Hemmingson's daughter Alisha Hemmingson; and Dog Control Board members Michael Pennavaria, Sandy Storrie, and Greg Brady.

CALL TO ORDER: Counsel Doyle convened the hearing at 9:58 a.m.

Counsel Doyle stated that this is an informal hearing, and his main purpose is to facilitate. The Dog Board, appointed by the Board of County Commissioners, has the authority to impose sanctions on the dog via the dog owner. The allegation is that Mr. Hemmingson's dog, Maverick, was off his property and went onto the Walsh's property and killed a chicken. Responding to Counsel Doyle, Alisha Hemmingson stated they are not contesting that Maverick was off their property on/around September 1, but they are contesting that he killed one of the Walsh's chickens.

Livestock owner, Wes Walsh, provided testimony. He testified that approximately one month ago he witnessed Maverick attempting to get into their chicken coop. He confronted Mr. Hemmingson to bring it to his attention and advised him that the matter would be escalated should Maverick return to their property again, and unfortunately Maverick did return. He stated that it is his belief that Maverick has killed several of their chickens over the past several weeks. He doesn't wish to see Maverick euthanized nor does he want to have to shoot Maverick if he appears on their property again in the future. Mr. Walsh wants Mr. Hemmingson to take the proper steps to keep Maverick on his own property and away from the Walsh's chickens.

Livestock owner, Danielle Walsh, provided testimony via Zoom. She stated that Mr. Hemmingson visited their property on August 31, identified himself as "Dwayne" and said that his dog, Maverick, killed one of their chickens. He offered to pay for the chicken but despite Danielle providing him with her phone number he did not follow up to pay for the chicken. She said that Mr. Hemmingson entered their property through a closed gate and ignored multiple "No Trespassing" signs. On September 1st, she saw Mr. Hemmingson's dog with one of their chickens in its mouth. She testified that Mr. Hemmingson regularly bikes around the neighborhood with Maverick off leash. She wants Mr. Hemmingson to take the issue seriously and take responsibility for keeping his dog contained, on his property, and leashed when off his property.

Mike Pennavaria noted this will be treated as Maverick's first offense due to lack of any documentation of prior alleged incidents.

Alisha Hemmingson apologized for the incident and for her father's behavior. She testified that Mr. Hemmingson suffers from Parkinson's disease and can be combative in nature due to some cognitive decline. She stated that her father, Darwin, and his partner, Brenda, are taking the matter seriously. Maverick is a 3.5-year-old bird-hunting dog. The Hemmingsons are not contesting that Maverick was off their property on the date of the alleged incident, but they are contesting that Maverick is responsible for killing one or more of the Walsh's chickens. Mr. Walsh interjected that Mr. Hemmingson has already admitted that Maverick killed one of their chickens. Alisha described some of the steps her father and Brenda have taken on their property, including installation of an underground fence at their property and reinforcement of the front wraparound porch enclosure and gate. Additionally, they are not allowing Maverick outside of the home without being leashed. Alisha noted that there are many areas on the Walsh's property where their chickens can leave the property, and she is not confident that Maverick retrieved the chicken on the Walsh's property as the chicken may have been taken off the Walsh's property.

Sandy Storrie doesn't believe that underground electric fences are fail-safe. Her preference is for a physical enclosure to be constructed outside the Hemmingson's property. Alisha stated that Brenda will not allow Maverick outside the home off-leash and has arranged for a trainer to train Maverick on his new underground fence. She has located a designated off-leash dog area at La Pine State Park, where she plans to take Maverick for off-leash play.

Greg Brady said that some dogs will chase birds and small animals despite all the training in the world. He stressed that should this happen again, then Maverick will not be returned to the Hemmingson's. Alisha said she will take Maverick from Darwin and Brenda, should they not follow the requirements set by the Board, and Maverick can live with her and her family where he will not be a threat to livestock. Brady shared that he visited with Maverick

while volunteering at the HSCO over the weekend and described Maverick's demeanor as friendly. Alisha shared that Maverick is an emotional support (not service) dog for Darwin.

Mr. Walsh stated their overall goal is for the problem to end but not for Maverick to be euthanized or taken away from his home.

Exhibits 1 through **7** are summarized below:

Exhibit 1: DCSO redacted report (case no. 2024-50004)

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

Exhibit 3: Dog Owner's Rights form signed by Darwin Hemmingson for "Maverick"

Exhibit 4: Redacted Citizen Citation no. 176977, issued to Darwin Hemmingson and signed by Danielle Walsh and Dep. Heierman

Exhibit 5: Map showing distance/proximity of dog and livestock owner's homes (copy for Dog Board, Legal and DCSO only)

Exhibit 6: Shelter Questionnaire, completed by HSCO staff

Exhibit 7: Redacted email re. Maverick's dog license status

At 10:32 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:

- Maverick was at-large.
- Maverick engaged in killing a chicken but has not previously killed livestock.
- The Board assessed a civil penalty of \$500, to be waived if the dog owner meets the following requirements within 30 days:
 - Signature of a Notarized Pledge stating that, should Maverick be impounded again due to being at large, chasing/injuring/killing livestock, ownership will be surrendered for the shelter to determine his disposition.
 - Sufficiently restrain Maverick at the Hemmingson's property, either within their enclosed front porch/wraparound deck or maintained under leash control when he's outside of the secure porch area.
 - Payment of acceptable restitution to the livestock owner.
 - Reimbursement to the County for Maverick's HSCO impoundment fees.

Adjournment: There being no further discussion, the hearing concluded at 10:45 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant