



DOG BOARD OF SUPERVISORS Hearing October 8, 2024

A hearing was held at 3:00 p.m. on Wednesday, October 8, 2024. Pursuant to Oregon Statute, two dogs "Max" and "Kodak" owned by Brian and Bree Stroud, were seized on/around September 29, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing, wounding and killing livestock near Baker Road in Deschutes River Woods, Bend. In this matter, the livestock were domesticated fowl (chickens). This hearing was audio/video recorded and this matter relates to DCSO case no. 2024-56023.

Present: Senior Assistant Legal Counsel Kim Riley; BOCC Administrative Assistant Angie Powers; DCSO Animal Control Technician Mariyah Leufven; livestock owners Patti Sombilla, Nikki Doggett, and Travis Doggett (via phone); dog owners Bree, Brock, Brian and Brandee Stroud; HSCO Animal Management Director Karen Burns (via Zoom); and Dog Control Board members Michael Pennavaria, Thomas Schuchardt, and Sandy Storrie (Chair).

CALL TO ORDER: Counsel Riley convened the hearing at 3:01 p.m.

Counsel Riley stated that this is an informal hearing governed by Deschutes County Code 6.12, and her main purpose is to facilitate the hearing and serve as an advisor to the Board. Counsel Riley will ensure that the relevant evidence is presented in a timely and efficient manner and the law is followed. The Dog Board's role is that of fact finder. This is an informal administrative hearing and solely concerns the disposition of the dogs, Kodak (husky) and Max (German Shepherd). This hearing concerns an incident which occurred on September 29, 2024. Today's hearing is to determine whether the dog(s) chased, injured and killed livestock and if so, what the appropriate disposition will be for each dog. The citation issued on September 29th and the alleged violations are separate and distinct from the issues determined during today's hearing.

Exhibits 1 through 14 are summarized below and the Board moved their admission into the record. There were no procedural objections by either party. It was requested by Brian and Brandee Stroud that the license plate shown on their car in a few photos be redacted:

Exhibit 1: DCSO redacted report (case no. 2024-56023)

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

Exhibit 3: Redacted Dog Owner's Rights form signed by Brian Stroud for "Max"

- Exhibit 4:** Redacted Dog Owner's Rights form signed by Bree Stroud for "Kodak"
- Exhibit 5:** Redacted Citation No. 176514 issued to Bree Stroud
- Exhibit 6:** Redacted DCSO Report Case No. 2022-25455 (*prior incident*)
- Exhibit 7:** Shelter Questionnaire completed by HSCO
- Exhibit 8:** Photographs provided by DCSO
- Exhibit 9:** Map showing distance/proximity of dog/livestock owners' homes (*copies only provided to Legal, Dog Board, DCSO*)
- Exhibit 10:** Redacted DCSO Supplemental Report (Case No. 2024-56023)
- Exhibit 11:** Redacted Current Deschutes County Dog License for Kodak
- Exhibit 12:** Redacted Current Deschutes County Dog License for Max
- Exhibit 13:** HSCO Medical Report for Max
- Exhibit 14:** HSCO photograph of Max feces with feathers

Animal control Tech Leufven provided testimony. She was on duty on September 29, 2024 and responded to a call for service for dogs chasing chickens. She described her visit to the Doggett/Sombilla residence. She photographed the chicken coop, other structures associated with the pen and some deceased chickens. She was provided with a 9-second video of a husky matching the description of Kodak in the pen, which was posted by Travis Doggett on a neighborhood DRW Facebook page that morning. The Doggetts and Ms. Sombilla described a second dog in their chicken pen, not shown in the video, as a dark-faced German Shepherd. She also summarized two previous incidents in which Kodak and Max were at-large and allegedly killed other neighbors' chickens. Leufven transported the husky, Kodak, to the Humane Society. After speaking with Bree Stroud on the phone, she visited the Stroud residence and impounded the German Shepherd, Max.

Responding to Counsel Riley, Leufven described Kodak's demeanor as "normal". Max was described as more guarded, but within the acceptable range for his breed. He exhibited some wariness and stranger danger. Leufven described the dog kennel and containment structure at the Stroud residence. Photographs were taken of the open-space kennel with dog run and a doghouse in the center. She estimated the size as approximately 40-feet by 35-feet, surrounded by six-foot chain-link fencing with privacy cloth on two sides. The two other sides had no-climb fencing and hotwire across the top portion. Multiple dug holes at the base were observed, most of which were covered with rocks, pallets, and wood scraps. Kodak was described by Brian as an expert at escaping, so he's attached to a tether when in the pen.

Leufven noted the supplemental report which corrected some incorrect information in the original report which stated that Kodak and Max were responsible for killing the Stroud's chickens. Neither Kodak nor Max was responsible for killing the Stroud's chickens.

Responding to Counsel Riley, Leufven confirmed that neither of the prior two incidents were fully adjudicated through Dog Board Hearings.

Patti Sombilla, livestock owner, testified. She reported that on September 29th at approximately 7 a.m., she let out one of her dogs and heard distressed chickens. She went over to the chicken coop, opened the door and found Max, the Stroud's husky, with dead and injured chickens around him. She called for Travis and then saw a German Shepherd near the back of the pen. The German Shepherd pushed over the fence and jumped over it. Prior to the husky leaving, she was able to capture a short video of the husky in the pen. The husky exited the pen and ran away. She said there was a total of five chickens killed on the day in question, three injured, one which subsequently was put out of its misery and another who succumbed to its injuries at a later date. After review of the video and photographs, it was determined that the fencing surrounding the chicken pen was approximately five feet high.

Responding to Pennavaria, Patti Sombilla confirmed that all their chickens were entirely on their property on September 29th when they were injured or killed. Patti Sombilla identified the black-faced German Shepherd shown in Exhibit 8 as the dog in their coop on September 29th.

Nikki Doggett, livestock owner, provided testimony. She described the chickens as having been "chewed on". Patti Sombilla described hearing eating sounds as she approached her chicken pen the morning of September 29th.

Pennavaria reminded the livestock owners that they are here for them. The Board will do everything within their ability to confirm that this never happens again and that Kodak and Max will not visit their property and be a threat to their chickens ever again. Responding to Counsel Riley, there was an opening to the hen house which allows the chickens to exit the pen. Nikki described a total of three layers of fencing between the hen house, chicken run, and fenced free range area.

Bree Stroud, Kodak's owner, provided testimony. She apologized to the livestock owners for their loss. She was not home on the date of the alleged incident. When she returned home from work around 10 a.m. and prior to Leufven's visit, the German Shepherd was home. She located the video posted by Travis Doggett on Facebook and offered to pay Travis for the chickens. She called dispatch who notified her that Kodak was at HSCO and she then phoned Leufven.

Brian Stroud, Max's caretaker, provided testimony. He apologized to the livestock owners. His family had 12 chickens killed by other people's dogs and had the opportunity to shoot them dead but decided against it as he recognized them as someone's pets. He was dog-sitting while Bree was at work and Brian was living elsewhere and apologized for letting this occur. He reported that Max was home and accounted when he left and when he returned, and he was gone for a couple of hours. He is not convinced that Max was at-large on

September 29th or responsible for killing the subject chickens. Brock Stroud noted that Max has an ACL injury in his rear leg, with surgery for repair estimated to cost \$7k.

Brandee Stroud said that Max is 7.5 years old, and Kodak is 4.

Travis Doggett, livestock owner and Nikki Doggett's brother, phoned in and provided testimony. He said that the German Shepherd pushed over the fence around the chicken pen then jumped over it to leave the scene. He didn't notice a limp or injury to Max's back leg. He described the fencing as five feet in height installed on uneven ground. He reported the shepherd as a black shepherd with a little bit of tan, but mostly saw a side profile of him as he jumped over fence.

Responding to Schuchardt, Leufven said that she did not notice any blood or chicken feathers on the shepherd. She did see blood on the husky. She did notice that Max had a limp, and asked Bree and Brian about it. However, she noted that Max jumped into her pickup truck unassisted.

Karen Burns, HSCO Animal Management Director, provided testimony. She commented that Max wasn't examined until October 4th because on October 1st he was growling and hard staring at staff, so they gave him some time to settle in. The exam performed on October 4th noted no abnormalities, but no orthopedic exam was performed. On October 1st, Max's kennel had feces containing mucous and primary bird feathers. Two additional exhibits were received from the Humane Society: Max's Medical Summary Report, marked as **Exhibit 13** and a photo of Max's feces containing feathers, marked as **Exhibit 14**.

Bree Stroud made a statement. She stated that both dogs are emotional support animals who help with her anxiety. Her healthcare provider offered a letter, stating that it would be detrimental to her health if she were to be separated from the dogs. Kodak was described as her baby and Max as her protector. When she's home, both dogs are with her at all times. When no one is home, both dogs are kept outside in their kennel. Related to the relocation option shown on the Dog Board deliberation flow chart, Bree said she has immediate plans to relocate to Coeur d' Alene, Idaho. She recently put in her two weeks' notice at her place of work.

At 4:08 p.m., the evidentiary portion of the hearing was closed.

The Dog Board reviewed the disposition flowchart and deliberated. Counsel Riley noted that the Board cannot consider Max and Kodak's prior incidents as previous incidents per the flowchart as they were not adjudicated through Dog Board Hearings. The prior incidents are relevant in determining reasonable measures to prevent reoccurrence.

The Dog Board's unanimous decision is summarized below:

- Both Kodak and Max did chase, injure and kill livestock (chickens)
- Kodak and Max are to relocate with Bree to Idaho immediately
- A mandatory fine of \$1,000 *per dog* is assessed, to be waived if the following requirements are met within 30 days:
 - Reinforcement of the dog kennel and the tether mechanism, to be verified by DCSO. Brandee suggested that a trench be dug around the kennel and concrete poured around the perimeter, which the Board supported. Leufven suggested the tether mechanism be reinforced with a heavy-duty metal chain and metal carabineer.
- Both dogs will be immediately released to Bree and Brian Stroud upon reimbursement to the County for both dogs' impoundment fees and signature of a Notarized Pledge (Brian for Max and Bree for Kodak) agreeing that should either dog be at-large again in the future, they will be impounded by law enforcement and transported to the shelter. The shelter or Deschutes County Animal Control will determine their disposition.

Adjournment: There being no further discussion, the hearing concluded at 4:30 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant