



## **DOG BOARD OF SUPERVISORS Hearing July 10, 2024**

A hearing was held at 5:30 p.m. on Wednesday, July 10, 2024. Pursuant to Oregon Statute, two dogs "Nara" and "Chaos" under the care of Joshua Smalley, were seized on/around June 27, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing, wounding and killing livestock near Highway 31 in La Pine. In this matter, the livestock were domestic fowl (chickens). This hearing was audio/video recorded.

*Present:* Senior Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Deputy Dylan Hicks; Deschutes County Sheriff's Deputy Evan Kennedy; livestock owner Tambi Sittel (via phone); and Dog Control Board Members Thomas Schuchardt, Michael Pennavaria and Sandy Storrie. Dog owner, Joshua Smalley, was absent.

**CALL TO ORDER:** Senior Assistant Legal Counsel Marshall convened the hearing at 5:32 p.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 dogs have proven to be a nuisance or a hazard to livestock, and if they chased, wounded and/or killed livestock. If the dogs are deemed a nuisance or hazard to livestock, the Board will determine the dogs' 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 dogs, Nara and Chaos, are currently lodged at the Humane Society of Central Oregon in Bend. The Sheriff's Office will provide testimony, followed by the livestock owner(s), the dog owner(s) and any other witnesses. The Dog Board will deliberate, following their decision-making flowchart and render a decision. Counsel Marshall will draft the Board Order for signature by the Board in the coming days.

Deputy Hicks was sworn in and provided testimony. He responded to the Sittel's call for service on June 27, 2024. Upon arrival at their residence, he contacted Chris and Tambi Sittel. Chris explained to him that he noticed that his chickens were killed around 2 p.m. Of 7 chickens owned by the Sittels, 4 were observed dead and 3 were missing. Exhibit 7, a video recording of Chris and Tambi Sittel's security camera video footage, was shown to those in attendance. The video showed two dogs chasing and attacking chickens. He

explained that during the scuffle between the dogs and chickens, the cord to the security camera became disconnected so the video is incomplete. The dogs were determined to belong to, or be under the care of, Joshua Smalley and Susie Bashaw. Dep. Hicks learned from Mr. Smalley that Nara belongs to a couple who are currently residing in sober housing in Bend but was under the care of Smalley and Bashaw at the time of the incident. At the time of the incident, Smalley and Bashaw were the caretakers of both Chaos and Nara and both dogs resided at their home.

Dep. Hicks described the coop as being open during his site visit. He shared that the Sittels expressed concern for their children's safety due to the dogs' aggressive nature and history. Both dogs have frequently roamed at large, entered a neighbor's patio area and killed their pet cat in December 2023.

Responding to Pennavaria, Dep. Kennedy said he was unsure if the citation (Exhibit 5) was paid. The citation is unrelated to the incident subject to this hearing and was issued to Susie Bashaw in December 2023 in response to an incident in which the same two dogs were at large and killed a different neighbor's pet cat.

Tambi Sittel, owner of the chickens, was sworn in and provided testimony. Tambi said that their coop is fully enclosed, but unfortunately on the date of the incident their chickens were outside of their coop. She noted that the photographs in Exhibit 4 are of their woodshed, and the location of where the security camera that captured the footage was mounted. She provided a narrative of what occurred on June 27, 2024. She let her chickens out of their coop around 1 p.m. to roam freely on their property, clarifying that there had been a total of 10 chickens. Her daughter went outside and came back inside to report that their chickens were dead. Tambi went outside to investigate and observed feathers scattered about, and their chickens either killed or missing. The missing chickens were found, all of which were killed except one which returned to the barn the following day. They examined the deceased chickens, and she described them as covered in "slobber", with multiple puncture wounds on each carcass but not very bloody. She reported having these dogs on their property in the past, but responding to Counsel Marshall said that she did not call in a complaint. On previous incidents of having these dogs on her property, she posted on Facebook to determine the dogs' ownership. She stated that other neighbors have reported issues with these dogs on their properties. Prior to watching the security camera video footage, she called the Sheriff's Office. She added that the remaining living chicken(s) is/are traumatized and still not laying eggs.

Responding to Counsel Marshall, Tambi stated that she is concerned for her children's safety outdoors due to the dogs' nature and history of being at-large. She also has a puppy who is kept on a dog run and she's concerned that her children or puppy could be targets of future attacks. She has 58 acres of property and even if her remaining chickens are kept in the coop is fully secured and enclosed coop, she's concerned for their safety. The dogs

killed a neighbor's cat in the past, as described by Dep. Kennedy. She said that the dog owner's gate is always open, and the dogs are frequently at-large. Smalley and Bashaw also own a pig that is frequently roaming off its property, along Highway 31 and on the Sittel's property.

Pennavaria stated that he sees no fault on the Sittel's part, and they have every right to allow their chickens to free range on their own private property.

Schuchardt asked Tambi what she would like to see happen to these dogs. She feels the dogs are malicious and the owners are not responsible pet owners. She is not advocating for euthanasia but is not confident that the dogs could be rehomed to a home where they would not be a nuisance.

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. 2024-35668)

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

**Exhibit 3:** Dog Owner's Rights form signed by Joshua Smalley

**Exhibit 4:** Photographs provided by DCSO

**Exhibit 5:** Redacted Oregon Uniform Citation and Complaint No. 175520, issued to Susie Bashaw related to dogs killing a cat in Dec. 2023

**Exhibit 6:** Map showing distance/proximity of dog/livestock owner's properties

**Exhibit 7:** Video of dogs attacking chickens

**Exhibit 8:** Redacted Amended Dog Owner's Rights form signed by Joshua Smalley, requesting a Dog Board Hearing for both Nara and Chaos, provided by Animal Control Technician Mariyah Leufven

**Exhibit 9:** Shelter Questionnaire, completed by the Humane Society of Central Oregon

Tambi Sittel had no objections to entering all exhibits into the record.

At 6:04 p.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. It was determined that both Nara and Chaos did chase, wound and kill livestock but have not previously killed livestock. It was reiterated that they were involved in the killing of a different neighbor's pet cat in December 2023. Counsel Marshall noted that County Code doesn't reference non-livestock household pets, so this could not be considered a separate incident of a livestock kill.

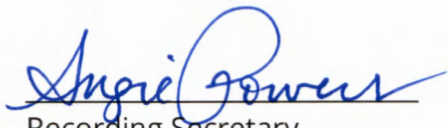
Lengthy discussion ensued related to the dogs' disposition. Storrie advocated for euthanasia due to the dogs' history of seeking the thrill of the kill and having a taste for blood. She's concerned for the safety of the neighborhood, including the children. Schuchardt advocated for the dogs not to be returned to their current owners. There was some discussion about the adoptability and relocation of the dogs. Due to several different people residing in or coming and going from the dog owners' home, Tambi expressed concern that another person in the Smalley/Bashaw household would go to the shelter and adopt the dogs, and they would ultimately continue being a nuisance to their community.

The Board expressed disappointment at the lack of attendance by any of the dogs' owners.

The Dog Board's unanimous decision is summarized below:

- Mandatory penalty of \$1,000 per dog (\$2,000 total) assessed
- Euthanasia of both Chaos and Nara

Adjournment: There being no further discussion, the hearing concluded at 6:22 p.m.



Recording Secretary,

Angie Powers, Administrative Assistant