



## DOG BOARD OF SUPERVISORS Hearing August 7, 2025

A hearing was held at 12:00 p.m. on Thursday, August 7, 2025. Pursuant to Oregon Statute, five dogs, "Basil", "Monkey", "Sage", "Simba", and "Yogi", owned by Michael Winner and David Ardito, were seized on August 3, 2025 by Deschutes County Sheriff's Office in response to a report of dogs attacking and severely injuring a human on July 24, 2025 in the 56000 block of Sandpiper Road in Bend. This hearing was audio and video recorded, and this matter relates to DCSO case no. 2025-40402.

*Present:* County Legal Counsel Dave Doyle; BOCC Administrative Assistant Angie Powers; dog owners Michael Winner and David Ardito; victim Kristyn Varcoe; victim's fiancé Xavier Harnoe; victim's mother Shelby Varcoe; Humane Society of Central Oregon (HSCO) Shelter Manager Lori Weber; and Dog Control Board members Michael Pennavaria, Sandy Storrie and Liz Allen.

**CALL TO ORDER:** Counsel Doyle convened the hearing at 12:00 p.m.

Counsel Doyle stated this hearing is related to Deschutes County Sheriff's Office (DCSO) Case No. 2025-40402. The purpose of the hearing is to ascertain whether the five dogs in question were a nuisance, were menacing and/or were dangerous dogs as defined by state statute. If the five dogs are found to be in violation, the appropriate sanctions will be determined by the Dog Board.

On July 24, 2025, five dogs, owned by Michael Winner and David Ardito, engaged in an attack on Kristyn Varcoe, resulting in serious injury. Law enforcement filed reports with the District Attorney's (DA's) Office, who determined there was insufficient evidence to establish negligence on the part of the dog owner. The DA's Office then referred this matter to the Dog Board, who has jurisdiction over the dogs but not the dog owner.

Counsel Doyle summarized the categories of evidence in this case and noted his recent receipt of medical records from St. Charles Medical Center.

Counsel Doyle stated that a dog is a **nuisance** in Oregon if it bites, injures or attacks a person. A dog is a **menace** in Oregon if it exhibits behavior that causes a reasonable person to fear for their safety. A dog is a **dangerous dog** in Oregon if, without provocation, and in an aggressive manner, it inflicts injury on a person.

Counsel Doyle summarized considerations for the Board, and potential sanctions. Counsel Doyle asked the dog owners if they were agreeable to surrendering all five dogs to the County, noting that if so, the County would then have all five dogs euthanized immediately. The dog owners declined to surrender all five dogs.

Counsel Doyle asked the dog owners if they were willing to stipulate to the following facts:

- The dog owner authorized Ms. Varcoe to enter the house for the purpose of feeding the dogs – yes, dog owners agreed
- All five dogs participated in the unprovoked attack on Ms. Varcoe on July 24, 2025- **no, dog owners disagreed**
- During the unprovoked attack, Ms. Varcoe was bitten and injured by all five dogs – yes, dog owners agreed
- During the attack, the dogs behaved in such a way to make Ms. Varcoe to reasonable fear for her safety – yes, dog owners agreed
- All five dogs acted without provocation in an aggressive manner, resulting in serious physical injury to Varcoe – yes, dog owners agreed
- Over the course of the attack, Varcoe sustained 100 wounds to all four extremities and her trunk, including 40 lacerations – yes dog owners agreed
- During the attack, Varcoe sustained a fractured right foot injury – yes dog owners agreed

**Exhibit 1:** Redacted DCSO redacted report (case no. 2025-40402)

**Exhibit 2:** Redacted rabies certificates for dogs Basil, Monkey, Simba and Yogi

**Exhibit 3:** Redacted medical records release form, signed by Kristyn Varcoe

**Exhibit 4:** DCSO photographs of dog owner's residence

**Exhibit 5:** DCSO photographs of victim's injuries

**Exhibit 6:** Redacted email from Deschutes County Dog Licensing

**Exhibit 7:** Photographs of dogs and shelter questionnaires completed by HSCO staff

**Exhibit 8:** Ring doorbell camera videos (3) from dog owner's residence

**Exhibit 9:** DCSO BWC videos

**Exhibit 10:** Redacted DCSO supplemental report (case no. 2025-40402)

**Exhibit 11:** Medical records for Kristyn Varcoe

Deputy Slater provided testimony. She interviewed Ms. Varcoe at the hospital and observed her injuries. She was not present at the scene of the incident. She provided testimony on what Ms. Varcoe shared with her while she interviewed her at the hospital. She then described the extent of Ms. Varcoe's injuries.

Deputy Rainwater provided testimony. He performed a follow-up interview with the victim the day following the incident. He said that Ms. Varcoe told him that all 5 dogs participated in the attack, it was unprovoked, and she feared for her life. The attack started with one

dog nipping at her foot, then progressed to biting with a dog pulling on each of her four limbs, and a fifth biting at her back.

Animal Control Officer Plamondon followed up with the dog owners the day after the incident. Mr. Winner and Mr. Ardito were out of town at the time and were able to provide him with rabies certificates for four of the five dogs. Sage is the only dog without a current rabies vaccination. On day 7 of the dogs' 10-day quarantine, DCSO picked up the dogs and Mr. Winner assisted them with loading and transporting the dogs to the shelter. He noted the dogs were well-mannered while in the presence of Mr. Winner.

Victim, Kristyn Varcoe, provided testimony. Upon entering the home, three dogs met her at the door and were described as friendly. Two were in kennels, and she let them out. She then let all of the dogs outside to the backyard. After some time had passed, she then let all five dogs inside the home to feed them. One dog started nipping at her foot, and it soon progressed to biting. At some point, she fell onto the floor and described herself as a "starfish" with four dogs, each pulling on one limb, and a fifth dog snapping and biting at other areas on her body, including her trunk. She screamed and managed to get one leg free and started kicking at the dogs in defense. She managed to get to the front door, and eventually the dogs stopped biting her. She was unsure what caused them to stop. While on the ground, she opened the front door, exited the home and drove to a neighbor's house to seek help.

No witnesses provided testimony.

Dog owner, David Ardito, provided testimony. He and his husband, Michael Winner, have lived in La Pine since 2015 and they breed Rottweilers. He described their dogs' demeanor as socialized and under voice command. They frequently take the dogs out in public and have experienced no issues. He described themselves as responsible, reasonable dog owners. Responding to Liz Allen, Mr. Ardito said that should he get his dogs back, he would be comfortable having another dog sitter come to his home and would also be comfortable taking his dogs out in public. He was not able to explain why the attack occurred, describing it as a very unfortunate circumstance.

Responding to Sandy Storrie, Mr. Ardito confirmed that the five dogs are not licensed with Deschutes County, but four of the five have current rabies vaccinations. Storrie noted that the report reads that multiple neighbors expressed fear of the dogs, and they have been loose at-large roaming the neighborhood on multiple occasions. Responding to Liz Allen, Mr. Ardito said that none of the dogs have received formal training.

Lori Weber, HSCO Shelter Manager, provided testimony. She described the dogs as "unpredictable". On several different occasions and with several different staff members, the dogs have lunged and snarled, hitting the front of the kennel with their bodies. One

may behave friendly at first, but if another in an adjacent kennel displays any sign of aggression, the others join in.

Bridget Sittel, Licensed Vet Tech, provided testimony from the audience. She described how dogs in a shelter setting "go crazy" in the stressful environment.

Shelby Varcoe, Kristyn's mother, provided testimony. She expressed regret that her daughter covered her dog-sitting duties and wishes the attack hadn't occurred. She said she has never experienced aggression issues with these five dogs, but if she were to dog sit again, she would fear for her safety.

Mike Pennavaria emphasized that it is the Dog Board's job to ensure this never happens again.

Responding to Bridget Sittel, Lori Weber highlighted her 15 years of experience, noting that these five dogs are not simply stressed in the shelter environment, but are exhibiting extreme and unpredictable behavior.

Deputy Conard provided testimony. She knows these dogs personally, describing them as friendly. She described David and Michael as good dog owners. She said that the dogs' dads were gone, and they were "on-duty", presumably protecting their home.

Liz Allen expressed concern for the dogs' unpredictable behavior.

Off-duty Deschutes County Animal Control Office Michelle White provided testimony. She visited HSCO the day prior and described one of the dogs initially laying down quietly but then started aggressively barking which "ignited" the others.

Responding to Liz Allen, Lori Weber said that none of these five dogs are adoptable.

Xavier Harnoe, Kristyn's fiancé, noted that although Kristyn's physical injuries were discussed during this hearing, he wished to emphasize her mental trauma. She has not been sleeping and is having flashbacks and nightmares. She is currently undergoing counseling therapy.

The Dog Board deliberated. Counsel Doyle posed the following questions to the Dog Board:

- Were the dogs a nuisance? Yes (3-0)
- Were the dogs menacing? Yes (3-0)
- Are the dogs dangerous dogs? Yes (3-0)

Counsel Doyle urged the consideration of controls in their decision, should the Dog Board's decision result in the dogs being returned to the dog owners.

Sam and Sue Winner, Michael's parents, testified that they had cared for these dogs in the past, when Mr. Winner and Mr. Ardito were out-of-town, and had experienced no issues. They would be willing to dog-sit in the future.

The Dog Board deliberated regarding appropriate sanctions.

**Motion:** Mike Pennavaria moved euthanasia for all five dogs.

**Votes:** All yes. Motion passed.

Counsel Doyle stated that a written decision (Board Order) will be drafted. He told Mr. Winner and Mr. Ardito they have 21 days to Appeal to Circuit Court.

Lori Weber noted her concern that Monkey's seizure disorder, regardless of receiving his medication on-schedule, would end up in the Emergency Vet should he seize.

Adjournment: There being no further discussion, the hearing concluded at 12:57 p.m.

  
Recording Secretary