



DOG BOARD OF SUPERVISORS Hearing June 4, 2024

A hearing was held at 11:00 a.m. on Tuesday, June 4, 2024. Pursuant to Oregon Statute, one dog "Oso" owned by Obdulia Murdoch, was seized on May 22, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing, wounding and killing livestock at/near 8657 7th Street in Terrebonne. In this matter, the livestock was a chicken. This hearing was audio/video recorded.

Present: Senior Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Deputy Hank Majetich (via Zoom); dog owners Obdulia and Joseph Murdoch; and Dog Control Board Members Sandy Storrie, Michael Pennavaria and Greg Brady.

CALL TO ORDER: Assistant Counsel Marshall convened the hearing at 10:57 a.m.

Counsel Marshall stated that this is an informal hearing. The main purpose of this hearing is a full and fair determination of the issues, and whether the dog has 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 dog. The evidentiary standard for this hearing is preponderance of the evidence. The dog, Oso, is currently lodged at Brightside Animal Shelter in Redmond. Should the matter proceed to hearing, the Sheriff's Office will provide testimony, followed by the dog owners and any other witnesses as the livestock owner is not present. The Dog Board will deliberate according to their decision-making flow chart and render a decision.

Counsel Marshall's understanding is that the dog owners are not disputing that their dog, "Oso", was off their property and at large, and attacked Mr. Burss' chicken resulting in the death of the chicken. This took place in Deschutes County. Counsel Marshall provided the dog owners and the Board with a proposed Stipulated Order and Notarized Pledge. The purpose of the Stipulated Order is to reach resolution without proceeding with the entire hearing. The Stipulation is an agreement to the statements that Oso was off their property within Deschutes County and attacked Mr. Burss' chicken resulting in its death. These items were brought forth for consideration, and if agreeable to the Board and the dog owners, they can sign in lieu of a formal hearing. This is a means to reach resolution, if resolution is possible.

The Stipulated order imposes a statutory fine of \$500, to be suspended and vacated/suspended if the following actions taken by the dog owner:

- Signature of a Notarized Pledge which states that the owners will keep Oso properly contained on their property, and if he is found off the premises, may be collected by Deschutes County Sheriff's Office, delivered to the shelter for disposition as determined by the shelter.
- Reimbursement to the County for Oso's partial impoundment fees (\$150) at Brightside Animal Center.

Joseph Murdoch spoke about some improvements that have been made to his residence. Should the front door be left open in the future, there is now an enclosed area sectioned off in the immediate vicinity. They've repaired some of the gaps in the fencing, acknowledging that their residence is a rental, and they must get approval from their landlord to make improvements. They have plans to reinforce the fence between their property and Mr. Burss' property, as well as the other fence line abutting another neighbor.

Additionally, Mr. Murdoch spoke to Mr. Burss and his stepson, Curtis, the co-owner of the deceased chicken "Henrietta". They've come to an agreement that Mr. and Mrs. Murdoch will treat them to dinner at The Pumphouse Restaurant. He mentioned that Mr. Burss and his stepson plan to relocate soon. As the fence improvements require time and money, in the short-term, the Murdochs plan to set up a tie-out/tether, acknowledging the dog is strong and 120 pounds. Obdulia said that she was out of the country during the incident and either her sons left the front door open, or the wind pushed the door open. This allowed Oso and another of their dogs to get loose. She said that Oso is up to date on his immunizations, and she has licensed him with Deschutes County. He's a well-trained and well-mannered service dog, who has been trained to carry her oxygen tanks. He is two years of age. Although Oso is kind to humans, Mr. Murdoch said that the movement of small animals such as birds, squirrels and rabbits do pique his curiosity and he likes to chase them.

Responding to Pennavaria, Mrs. Murdoch stated that Oso will *not* be off leash when he's in service mode. Mr. Murdoch said that Oso suffers from separation anxiety when away from Mrs. Murdoch, so searching for her may have been another reason for him to leave the property on May 22. They plan to follow up with their service dog trainer to determine if they can work on Oso's prey drive. He has also researched underground fences and perimeter training.

Storrie cautioned the Murdochs on underground fences, as the collars can burn dogs' necks. With service animals, this can result in many steps backwards in their training and responsiveness.

Pennavaria applauded the Murdochs for reaching out to Mr. Burss and apologizing for Oso's behavior and for looking into future training opportunities. He suggested reinforcing the fence as time/money allows. Responding to Pennavaria, the Murdochs said there are other chickens in the neighborhood, but they are fully contained within coops or hutches, as opposed to free-range in the owner's yard. He emphasized to the Murdochs that Oso now has a record, so if he should chase/wound/kill livestock, including chickens, it is "two strikes you're out". He highlighted the Dog Board decision flowchart for reference. He suggested the Murdochs focus on keeping Oso contained and preventing him from getting loose again.

Brady noted there are several places in which the fence may be vulnerable to penetration, so he advocated for a dog run or tie-out as the Murdochs immediate course of action.

Powers stated that impoundment fees to-date are estimated at \$210. It was agreeable to the Board to reduce the impoundment fees to cover 5 nights of lodging at \$30/night, for a total of \$150. It was stated that Brightside may release Oso upon receipt of the \$150 payment.

Mr. Murdoch expressed appreciation to the Board for their sage advice and their flexibility.

Adjournment: There being no further discussion, the hearing concluded at 11:33 a.m.


Recording Secretary,
Angie Powers, Administrative Assistant