



## **DOG BOARD OF SUPERVISORS Hearing December 3, 2024**

A hearing was held at 11:00 a.m. on Tuesday, December 3, 2024. Pursuant to Oregon Statute, two dogs "Bruno and "Joey" owned by Kristi Schaffner, were seized on November 15, 2024 by Deschutes County Sheriff's Office in response to a report of dogs killing livestock near Arid Avenue in Tumalo. In this matter, the livestock were domesticated fowl (chickens). This hearing was audio and video recorded, and this matter relates to DCSO case no. 2024-66056.

*Present:* Senior Assistant Legal Counsel Kim Riley; BOCC Administrative Assistant Angie Powers; DCSO Animal Control Technician Treyton Plamondon; livestock owner Samantha Cresto (via Zoom); Jennifer Baxter, livestock owner's sister (via Zoom); dog owner Kristi Schaffner (via Zoom); Tammy Gallagher, dog owner's roommate (via Zoom); Humane Society of Central Oregon (HSCO) Shelter Manager Karen Burns (via Zoom); and Dog Control Board members Daniel Holland, Michael Pennavaria (Chair), and Sandy Storrie.

**CALL TO ORDER:** Counsel Riley convened the hearing at 11:00 a.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 serve as an advisor to the Board and 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, Bruno and Joey. This hearing concerns an incident which occurred on November 15, 2024. Today's hearing is to determine whether the dogs chased, injured and killed livestock and if so, what the appropriate disposition will be for each dog. Counsel Riley noted that if a citation were issued on/around November 15<sup>th</sup> following the alleged incident, these violations are separate and distinct from the issues determined during today's hearing.

**Exhibits 1 through 10** are summarized below and the Board moved their admission into the record. There were no procedural objections by either party.

**Exhibit 1:** DCSO redacted report (case no. 2024-66056)

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

**Exhibit 3:** Redacted Dog Owner's Rights form signed by Kristi Schaffner for her dogs "Bruno" and "Joey"

**Exhibit 4:** Map showing distance/proximity of dog/livestock owners' homes (*copies only provided to Legal, Dog Board, DCSO*)

**Exhibit 5:** Photos provided by DCSO, and taken at livestock owner's property

**Exhibit 6:** Redacted email re. Bruno and Joey's dog license status

**Exhibit 7:** Shelter questionnaire, completed by Humane Society of Central Oregon staff

**Exhibit 8:** Photos of fencing on dog owner's property, provided by Kristi Schaffner

**Exhibit 9:** Video of two dogs in chicken enclosure, provided by Samantha Cresto

**Exhibit 10:** Photos of Bruno and Joey, provided by the HSCO

The Board admitted Exhibits 1 through 10 into the record.

Animal Control Technician (ACT) Plamondon provided testimony. He received a call for service from Samantha Cresto on November 15<sup>th</sup>. He visited her property and took photographs of eight deceased chickens and the chicken pen's enclosure and fencing. He was provided a video of the two dogs, matching the description of Bruno and Joey, on Ms. Cresto's property in her chicken coop with chickens in their mouths. The video was taken by Ms. Cresto's babysitter. Ms. Baxter, Ms. Cresto's sister, completed the Complaint form on behalf of Ms. Cresto. ACT Plamondon then visited Kristi Schaffner's property, where he impounded Joey and Bruno. Ms. Schaffner completed the Dog Owner's Rights form requesting a Dog Board Hearing.

Responding to Counsel Riley, ACT Plamondon described both pups as young and rambunctious. They were cooperative when loaded into his vehicle for transport to HSCO. He did not observe any notable blood or feathers on either dog. In addition to the eight dead chickens, he also observed one rooster, which he stated was uninjured but was unaware of the rooster's current state.

Livestock owner, Samantha Cresto, testified. She confirmed that eight of her chickens were killed on November 15<sup>th</sup>, by two dogs believed to be and matching the description of Ms. Schaffner's dogs Joey and Bruno. She was away from home during the incident and received a call from her babysitter just after 3 p.m. Her babysitter witnessed two dogs attacking her chickens, and Ms. Cresto directed her babysitter to record a video with her cell phone, which was provided to ACT Plamondon. She then called Animal Control. This is the first time she has reported Bruno and Joey's presence on her property, adding that these two dogs are "constantly on [their] property." She confirmed that in addition to eight chickens, their rooster succumbed to its injuries. Two days prior to the incident, she and her son observed two dogs, believed to be Bruno and Joey, at their chicken coop. Although at the time they believed that all of their chickens were alive and accounted for, the next day they found one deceased chicken in the corner of the coop.

Responding to Mike Pennavaria, Samantha said that neither Bruno nor Joey show aggression towards humans. Aside from their driveway approach, their lot is fully fenced, and the dogs are believed to have entered the chicken coop from their driveway. Responding to Dan Holland, Ms. Cresto said the dogs have chased their pony on a different occasion, but this is the first time they've had livestock killed and this is the first time they have reported the issues with these dogs.

Ms. Schaffner disputed Ms. Cresto's claim that Bruno and Joey are frequently on the Cresto's property.

Jennifer Baxter identified herself as Samantha's sister and provided testimony. Although she was not present during the alleged attack, she witnessed the aftermath. Aliyah Jeffries, the Cresto's babysitter, was identified as the person who took the cell phone video.

The video was then examined by the Board.

Owner of dogs Bruno and Joey, Kristi Schaffner, testified. She reported being away from home for no more than one and a half hours on the date of the incident, and reported that upon her return home, both dogs were in the yard. She has seen the video and does not dispute that it is Bruno and Joey in the video. She apologized and offered to pay for the chickens. When ACT Plamondon visited her property, they walked to the property together to find where the dogs may have escaped. He recommended she fortify her fencing and take photos to provide to the Board in advance of the hearing. She stated that her property is fully electrically fenced, and they are in the process of changing out the gate. She noted that Bruno and Joey are raised around her own chickens, and they have never attacked any of them. Responding to Sandy Storrie, Ms. Schaffner said they are not relying on the electric fencing to keep the dogs contained, adding that neither dog is altered.

Responding to Mike, Kristi said she owns a total of 3 dogs: Bruno, Joey and a 3-month-old chihuahua.

Tammy Gallagher, Kristi Schaffner's roommate, provided testimony. She said they have folded hog wire and put rocks on top of it, at the bottom of their property's fence, as her heelers have escaped multiple times. Their property is near a wildlife refuge, so they are trying hard to keep coyotes and foxes off their property. Her own dogs are kept on a dog run or attached to a lead and are not allowed to roam free on their property.

Humane Society of Central Oregon Shelter Manager, Karen Burns, provided brief testimony. Responding to Mike, neither dog's vomit nor feces showed any obvious signs of having ingested chickens. Since their arrival at the shelter, both dogs have been stressed and reactive, frequently barking in their kennel. There are no red flags in terms of

behavioral issues. Neither dog is microchipped, neutered or licensed, and neither dog has a rabies tag.

Responding to Mike, ACT Plamondon did not write citations for this occurrence due to the additional financial burden on Ms. Schaffner.

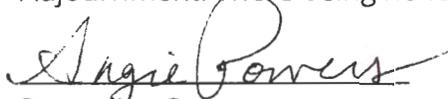
At 11:41 p.m., the evidentiary portion of the hearing was closed.

The Dog Board reviewed the disposition flowchart and deliberated.

The Dog Board's unanimous decision is summarized below:

- Both Bruno and Joey engaged in killing livestock (chickens).
- Prior to both dogs' release from the shelter, Ms. Schaffner shall reimburse the County for both dogs' impoundment fees and purchase Dog License vouchers (\$22/each) from HSCO at time of pick up. Additionally, Ms. Schaffner shall sign a Notarized Pledge.
- A Mandatory Penalty of \$500 per dog (\$1,000 total) is hereby assessed, and will be held in abeyance if within 30 days, all the following requirements are met:
  - Upon release, both dogs are to be microchipped, rabies vaccinated and neutered.
  - ACT Plamondon to visit the property and verify that the fence fortification at the Schaffner's property is sufficient to keep the dogs contained.

Adjournment: There being no further discussion, the hearing concluded at 12:00 p.m.



Recording Secretary,

Angie Powers, Administrative Assistant