



DOG BOARD OF SUPERVISORS Hearing August 6, 2024

A hearing was held at 5:30 p.m. on Tuesday, August 6, 2024. Pursuant to Oregon Statute, one dog "Blue" owned by Kenya Wisecarver, was seized on/around July 28, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing and wounding livestock near 22655 Peacock Lane in La Pine. In this matter, the livestock were goats. This hearing was audio/video recorded. This matter relates to DCSO case no. 2024-42265.

Present: Senior Assistant Legal Counsel Kim Riley; BOCC Administrative Assistant Angie Powers; DCSO Animal Control Technician Mariya Leufven; livestock owners Joe Farrell; eyewitness Tim Farrell; dog owner Kenya Wisecarver (via Zoom); witness Jessica Aldrich (via Zoom); Lori Weber, Shelter Manager Humane Society of Central Oregon; and Dog Control Board members Tamara Kuntz (Chair), Michael Pennavaria, and Thomas Schuchardt.

CALL TO ORDER: Senior Assistant Legal Counsel Riley convened the hearing at 5:36 p.m.

Counsel Riley stated that this is an informal hearing, and her main purpose is to facilitate the hearing. The purpose of this hearing is solely the disposition of the dog. The Dog Board members are the ultimate decision-makers. The Chair of this hearing is Tamara Kuntz. The main purpose of this hearing is a full and fair determination of the issues and to determine whether the dog has proven to be a nuisance or a hazard to livestock, and if the dog chased, wounded and/or killed livestock. If the dog is 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 dog, Blue, is 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 Riley will draft the Board Order for signature by the Board in the coming days.

The citation Kenya Wisecarver was issued for this incident is separate from this Hearing and will be heard by the Deschutes County Circuit Court at a later date.

Counsel Riley summarized **Exhibits 1** through **9** and the Board overruled the objections made by Wisecarver and admitted them into evidence, and they became part of the record. Exhibits are summarized below:

Exhibit 1: DCSO redacted report (case no. 2024-42265)

Exhibit 2: Redacted Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock form signed by Timothy Farrell on July 28, 2024

Exhibit 3: Dog Owner's Rights form signed by Kenya Wisecarver for "Blue" on July 28, 2024

Exhibit 4: Redacted Oregon Uniform Citation and Complaint No. 176504

Exhibit 5: Aerial photo showing distance between travel trailer and goat pen

Exhibit 6: Shelter questionnaire, completed by Humane Society of Central Oregon

Exhibit 7: Redacted copy of email from HSCO

Exhibit 8: Redacted email from Deschutes County dog licensing

Exhibit 9: Photographs provided by DCSO, and one photo of two dogs provided by Tim Farrell

Kenya Wisecarver objected to her puppy, Blue, being charged with allegedly chasing and wounding the Farrell's goats. She testified that Blue was on her property during the incident. She also testified that the photograph of two dogs provided by Tim Farrell, as part of exhibit 9 is of Harper and Thor, two dogs subject to a March 2024 hearing related to an attack on the Farrell's goats. She testified that the photograph was not taken on July 27, 2024, as Tim Farrell testifies to later in the hearing.

Deschutes County Sheriff's Office (DCSO) Animal Control Tech Mariya Leufven introduced herself and provided testimony. On July 28, 2024, she was dispatched to perform a follow-up visit on a dogs vs. livestock incident which occurred on July 27, 2024. This incident involved two dogs that were observed in the Farrell's goat pen at around 7 p.m., one of which was shot by Tim Farrell. The dogs believed to have been responsible were believed to reside on Nelson Road, belonging to Seth Cluff. It was later determined that the puppy named "Blue" belongs to Kenya Wisecarver. Leufven photographed the Farrell's goat's injuries and the goat pen. She completed a citation and issued it to Wisecarver (Exhibit 4). Because Leufven did not witness the incident, she had Tim Farrell sign the citation and referred to it as a "citizen citation". She obtained a photo from Tim Farrell's mobile phone showing two dogs on the Farrell's property, and this photo is included in Exhibit 9.

Leufven later visited Wisecarver's property, and Wisecarver completed the Dog Owner's Rights form. She then transported Blue to the Humane Society. She acknowledges she may have made an error when attaching photos to her report, and the third photo in the series is of another dog by the name of "Harper". Responding to Chair Kuntz, Blue was described as nervous but cooperative when boarding into her truck for transport. Responding to Counsel Riley, Leufven stated that she is unaware of any prior livestock incidents with Blue.

Responding to Schuchardt, Tim Farrell said that he took the photo of the two dogs on his property on July 27, 2024, following the incident with the goats and prior to shooting one of the two dogs.

Tim Farrell provided testimony. He was at Joe and Tiffany Farrell's residence when the dogs came onto the property and began chasing their goats. Joe and Tiffany were away from the house. Tim observed two dogs in the goat pen cornering the goats in their pen and the goats were head-butting the dogs. He phoned Joe and Joe urged him to shoot the dogs. Tim attempted to photograph the dogs in the goat pen. The dogs exited the gate, went around the side of the building and one of them drank out of the canal. He then shot one of the dogs. This dog later succumbed to his wounds. He estimated 30 seconds between taking the photograph and shooting one of the dogs. The dogs were believed to have entered the goat pen by burrowing a hole in the chain link fencing of the gate (photograph contained in Exhibit 9). During the incident, one goat was bit several times. Tim did not witness either dog bite the goat, but did see both dogs, including Blue, in the goat pen harassing the goats. It is his belief that once the dogs get in, they'll keep coming back. Tim and Joe would like to see Blue rehomed. He added that another incident occurred in March 2024, in which Harper and another dog from the same property seriously injured another of their goats.

Counsel Riley stated the evidence is clear that this is Blue's first alleged incident of chasing and wounding livestock.

Kenya Wisecarver provided testimony. She spent the day repairing the fence on her property. After she was alerted to a gunshot, she performed a headcount and accounted for her dogs while outside. She testified that Blue could not have left her property on July 27, 2024.

Witness, Jessica Aldrich, provided testimony. Another neighbor heard a gunshot, and she saw one single dog running back towards Wisecarver's property. This was described as the injured dog, Harper. She was aware of a previous incident with Harper attacking and injuring the Farrell's goats in March 2024. She assisted Harper in getting home before he succumbed to his wounds. She testified that it is her belief that Blue was home during the incident with the Farrell's goats on July 27, 2024 because he was present for the headcount that Wisecarver performed after the gunshot. She has assisted Wisecarver with repairing the fencing on her property to prevent this from occurring again. She testified that they located the hole in their fence where Harper got out and it has since been repaired.

Responding to Pennavaria, Aldrich stated that she did not observe Blue on Wisecarver's property 3 to 5 minutes prior to the gunshot. She reported pulling up to Wisecarver's property as the gunshot rang out then observed Harper running back home, alone. At that time, Blue was inside the fenced area outside of Wisecarver's trailer.

Due to a disconnection with Wisecarver, a brief break was taken and the Board reconvened at 7:08 p.m.

Lori Weber, Shelter Manager with the Humane Society of Central Oregon, provided testimony. Blue was described as a nice friendly dog who shows no signs of aggression. Shelter staff estimate his age at 8 months, based on a dental evaluation. It is her professional opinion that Blue is an Australian cattle dog and is very adoptable. She describes Blue as having some speckles on his white chest and legs. In her professional opinion, the rear dog in the photo provided by Tim Farrell matches the description of Blue. Responding to Pennavaria, young dogs put up for adoption are typically in the shelter for 2 weeks to one month before being adopted. The majority of their adopters are from Deschutes County. They are unable to validate that dogs go to homes with suitable fencing, and they typically do not put restrictions on potential adoptive homes such as being away from livestock.

Due to a disconnection with Wisecarver, a brief break was taken and the Board reconvened at 7:20 p.m.

At 7:33 p.m., the evidentiary portion of the hearing was closed. **Exhibits 1** through **9** were moved into the record.

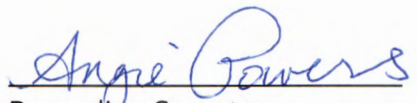
Based on a preponderance of evidence, the Board determined that the photograph provided by Tim Farrell was taken on July 27, 2024 and that Blue is shown in the photograph.

The Dog Board reviewed the disposition flowchart and deliberated.

The Dog Board's unanimous decision is summarized below:

- Blue was found to have chased livestock.
- The Board was not able to determine that Blue was responsible for biting the goat.
- Blue has not chased, injured or killed livestock previously.
- Blue is to remain impounded at HSCO until the following requirements are met:
 - Within two weeks, Wisecarver is to repair her fence, to be inspected by DCSO.
 - Wisecarver must reimburse the County for all impound fees.
 - Blue is to be microchipped, licensed and vaccinated against rabies.
 - If the above requirements are met within two weeks, Blue may be released to Wisecarver.
 - No statutory fine is assessed.

Adjournment: There being no further discussion, the hearing concluded at 7:50 p.m.

A handwritten signature in blue ink that reads "Angie Powers". The signature is written in a cursive style and is positioned above a horizontal line.

Recording Secretary,
Angie Powers, Administrative Assistant