



DOG BOARD OF SUPERVISORS Hearing May 23, 2024

A hearing was held at 5:30 p.m. on Thursday, May 23, 2024 for Dog Board Case No. 2024-006 / DCSO case no. 2024-25152. Pursuant to Deschutes County Code section 6.12, two dogs, a husky, and a malamute mix ("Blue" and "Midas"), owned by Mary Lou Hamilton, were seized on May 9, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing and wounding livestock at/near Tumalo Reservoir. In this matter, the livestock was a horse by the name of "Faith". This hearing was audio/video recorded.

Present: Senior Assistant Legal Counsel Chris Bell; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Office Animal Control Technician Treyton Plamondon; livestock handler Bethany Rice; horse owner Mindy Wolfe; dog owner Mary Lou Hamilton; and Dog Control Board Members Sandy Storrie, Michael Pennavaria, and Tamara Kuntz.

CALL TO ORDER: Counsel Bell convened the hearing at 5:30 p.m.

Counsel Bell stated the facts of the case. While off the property of their owner, M. Lou Hamilton, and not within the control of Hamilton, two dogs, Blue and Midas allegedly confronted a horse, Faith, being ridden by trainer Bethany Rice. Both dogs lunged at the horse's neck, chest and hind legs causing at least three puncture wounds and one laceration to her hind legs. The incident occurred at/near Tumalo Reservoir in the unincorporated Deschutes County. There are no other allegations of prior incidents of Blue or Midas chasing, injuring, or killing livestock.

This hearing is governed under Oregon Law ORS 609.010-609.190 and Deschutes County Code 6.12. The purpose of this hearing solely concerns the disposition of Blue and Midas, both being held at the Humane Society of Central Oregon. If a citation was issued to Ms. Hamilton, that matter will go before the Deschutes County Circuit Court at a later date and is separate and distinct from this hearing.

Based on the evidence presented at this hearing, the Dog Board will deliberate and has the authority to determine what happens to Blue and Midas. Their options depend upon whether they find that Blue and/or Midas chased, injured, or killed livestock and whether they have chased, injured or killed livestock in the past.

A copy of the Dog Board decision flowchart was distributed to both parties and Counsel Bell explained the Board's decision-making process. The Dog Board is authorized by the Deschutes County Board of Commissioners and acts as the factfinder, weighing the evidence and making findings consistent with the flow chart. They determine the disposition of the dogs and order penalties under the law. They have discretion to craft remedial measures to prevent an incident such as this one from occurring again in the future.

Counsel Bell's role is to ensure evidence is presented to the Board in a timely and efficient manner and the Board follows the law. The manner in which this hearing will proceed is that stipulations will first be established, then law enforcement will testify, then witnesses and the complainant will testify, then the dog owner will testify. Counsel Bell will ask questions, and the Board will ask follow-up questions and weigh the evidence. Either party may cross-examine witnesses.

The hearing is informal, and discourse will be kept civil and orderly. This hearing is video/audio recorded should there be an appeal. Once the evidence is closed the Board will deliberate. They will come to an oral decision on the disposition of the dogs and make any remedial findings. Counsel Bell will prepare the written order in the coming days, to be signed by the Board and sent to both parties. Should either party disagree with the decision, they may choose to appeal, per DCC 6.12 or ORS Chapter 609.

Counsel Bell summarized **Exhibits 1** through **8**. These exhibits were entered into the record individually. Exhibits are summarized below:

Exhibit 1: DCSO Report 2024-25152 (redacted). *Tech Plamondon noted that page 3 of the report has an incorrect date under his name (April 27 should read May 9, 2024).*

Exhibit 2: Complaint of Dog(s) Chasing, Injuring, and/or Killing Livestock, completed by Bethany Rice. Ms. Hamilton objected to the accuracy of Ms. Rice's narrative on this form. Counsel Bell clarified that this form is being admitted into the record, but they are not stating that it is true and accurate.

Exhibit 3: Dog Owner's Rights Form, completed by M. Lou Hamilton for Midas and Blue

Exhibit 4: Photographs of Faith's injuries, provided by DCSO

Exhibit 5: Shelter Questionnaire for Midas and Blue, completed by Humane Society of Central Oregon.

Exhibit 6: Bill from Bend Equine Medical Center for treatment of Faith

Exhibit 7: Two videos taken by Rice during the incident

Exhibit 8: Current rabies vaccinations for Blue and Midas

Counsel Bell made stipulations which were accepted and are summarized below:

Stipulation 1: Tumalo Reservoir, the area at which this incident occurred, is in Deschutes County.

Stipulation 2: Blue and Midas are owned by M. Lou Hamilton.

Stipulation 3: On/about May 9, 2024, Midas bit and injured a horse ridden by Bethany Rice at/near Tumalo Reservoir, causing puncture wounds and distress to the horse.

Stipulation 4: Blue and Midas are currently kept at the Humane Society after being transported there by DCSO Tech Plamondon.

Deschutes County Sheriff's Office Animal Control Technician Treyton Plamondon was sworn in and provided testimony. He recalled the events of May 9, 2024. He stated that around 11:40 a.m. he was dispatched to Tumalo Reservoir. He had made phone contact with Rice, and he met her at the property where the horse was returned. He took photographs of the horse's wounds, marked as Exhibit 4. Rice shared with him videos she had taken of the incident. Assisting Officers, Deputy Simpson, and Deputy Steinbrecher, went to Tumalo Reservoir and located Hamilton. Tech Plamondon then went to Tumalo Reservoir and seized the dogs.

He spoke about each of the photographs marked as Exhibit 4. He took each of these photos, approximately 30 minutes after he was dispatched to the scene. Responding to Pennavaria, he described the cuts as superficial and likely to have been caused by dogs. He described Blue and Midas' demeanor as happy and well-behaved, and observed no signs of aggression from either dog. They were able to leash both dogs and load them up easily. He did not inspect either dog's mouths for blood/fur. He then transported to the Humane Society of Central Oregon, and the dogs became more talkative, but their behavior remained stable. He examined Exhibit 2, the Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock form which Rice completed and signed. He stated the complaint was consistent with what Rice reported to him on May 9th.

Responding to Pennavaria asking about how many bite marks appeared on Faith, Plamondon stated he observed three puncture wounds and one laceration on Faith, and in his opinion, the wounds could have been caused by one dog. Plamondon was excused.

Hamilton thanked Plamondon for his compassion and communicating with HSCO about Midas' separation anxiety.

Livestock caretaker/trainer, Bethany Rice, was sworn in and provided testimony. She shared her background as a professional horse trainer for the past 16 years. She is a certified animal osteopath and has worked with both horses and dogs daily. She's also worked at OSU's Veterinary Hospital and has a degree in Animal Science. She described Faith as an exceptional mare, and an endurance horse with 30K trail miles. She believes that if this incident had involved a different rider and horse, the outcome would have been much different/worse. She read through an incident report she wrote after the May 9th incident. She recollected the events of May 9th. Around 11:20 a.m. she saw a lone dog, described as a husky, approaching. She came to a halt to discourage it from approaching. She saw no owner in sight, but then saw a second dog described as a husky. They

approached her and Faith “with intent”, described as showing some intensity with a predatory posture. She then saw the owner 300 yards away and asked the owner to call off her dogs. The dogs began circling her and Faith, then separated front and back in a pack behavior, got more assertive and proceeded to vocalize, and to crouch and lunge at different ends. Rice dismounted to protect Faith’s neck and attempted to protect her hocks by backing her into the bushes. The dogs continued lunging at Faith’s back legs. Faith did not kick the dogs. After asking M. Lou to leash her dogs, she responded, “but it’s the reservoir” and made attempts to call off, leash and offer treats to the dogs. She dismissed her dogs’ behavior, stating “they’re just dogs being dogs”, as they lunged and increased in intensity. She explained that she took out her phone and took videos of the incident. The dogs eventually tired and became overheated, seeking shade under a tree across the road. At this time Hamilton was able to leash both dogs. Rice investigated Faith’s wounds to determine if she needed to call a trailer or if Faith was able to carry her home. Faith was able to walk home. She snapped photographs of the license plates in the parking lot and saw two other horse trailers in the lot. She then called dispatch.

Rice described Exhibit 2 and stipulated she completed and signed the form and that her statement is true and accurate to the best of her knowledge and recollection. She did clarify that the statement reads “She failed to ever get the dogs on leash” but clarified that following the incident, when the dogs crossed the road to seek shade Hamilton was able to leash both dogs.

Both videos were marked as **Exhibit 7**. Counsel Bell suggested Rice save both videos for at least 30 days after the date the Board Order is signed, should an appeal be filed.

Rice described Faith’s wounds and stated that she believes there to have been 2-3 separate bites on Faith. She stated the horse barn is approximately one mile from the reservoir, and she was able to walk Faith home although the horse showed some hesitation. Upon arrival at the barn, Rice cleaned and treated the wounds, then reached out to Mindy Wolfe’s veterinarian who prescribed medication to prevent infection.

Counsel Bell described the vet bill. Aside from the vet bill, he asked if there were any additional costs incurred. Rice responded that her additional time and expertise was required. Responding to Kuntz, Rice said Faith completed her course of antibiotics and there was no lameness or swelling in Faith’s legs. Rice said the lacerations were simple and did not result in excessive bleeding.

Hamilton apologized to Rice and Wolfe for the incident. Responding to Hamilton, Rice reported that Faith is sound and happy, and her scabs are beginning to fall off. Hamilton offered reimbursement of the charges incurred from the Veterinarian. Hamilton asked Rice a series of questions. Hamilton referenced Exhibit 2, as her recollection is that she leashed the dogs while they were talking, Hamilton was apologizing and providing Rice with her

name and contact information. She stated it's important to her that both dogs be treated separately. Midas is a 4-year-old 75-pound malamute mix and Blue is a 2-year-old 50-pound husky. It is her belief that Midas was the only dog who was responsible for biting Faith. She said that Blue likely thought the incident was a game. Hamilton shared two photos with Rice/Wolfe, one of a husky malamute (Midas) with a little girl and a husky or malamute mix (Blue) with a Bernese Mountain dog and a black dog with floppy ears.

Rice denied kicking one of the dogs in the stomach but admitted to smacking him on the head with the horse reins. Hamilton stated that she asked Rice to please stop hitting her dog as he was getting more afraid. Responding to Hamilton, Rice said she began taking videos because it was clear Hamilton had no control of the dogs and if Faith was injured, Hamilton's dogs were liable as the situation was escalating. The videos were to be used as evidence should Faith be wounded by the dogs. Despite Hamilton's apology, Rice thought it was necessary to call law enforcement.

Rice stated that she wants Hamilton to understand the severity of what occurred and wants her to ensure that it never happens again.

Mindy Wolfe, owner of Faith, was sworn in and provided testimony. During the incident, Mindy was out of the country and had authorized Bethany Rice to seek medical treatment for Faith in her absence. She described the vet bill (Exhibit 6), consisting of charges totaling \$120.40 for antibiotics and probiotics. There were no additional vet bills incurred, aside from Rice's extra time/expertise from. She shared that it was disturbing for her to watch and listen to the videos.

Dog owner, M. Lou Hamilton, was sworn in and provided testimony. She recalled the events of May 9th. She thanked the Board for their time and for keeping animals safe. She apologized for the inconvenience, then apologized to Rice and Wolfe. Now that she's aware that Midas is unsafe to be around horses while off-leash, she will not allow him to be off leash again. She has no knowledge of either dog having had any incidents with horses in the past and vowed to never put either dog in this situation again.

She shared that both dogs were adopted from shelters in Utah. Midas is 4, Blue is 2 and she wants the dogs to be spoken about as individuals. She's new to the area and had read that Tumalo Reservoir is a safe area for dogs to hike off-leash. Blue had just returned from a ten-day board-and-train session, and she wanted to practice some of his skills. She saw Midas take off and heard someone yelling. She noted that she has hearing loss and was unable to make out what was being shouted and the source of the noise. Blue followed Midas. She acknowledged that both dogs were out of her control, and both were harassing the horse. She reported that neither dog has had an incident with horses in the past. She reported that Rice whipped Midas' head with her reigns and kicked him in the chest and stomach, but she did not attempt to hurt Blue. She saw Midas go behind and under the

horse's tail and bite it. The altercation lasted a total of 4-5 minutes. After leashing the dogs, she apologized and provided Rice with her name and phone number, offering to reimburse her for the horse's injuries. She noted this behavior is out of character but vowed that neither dog will be off leash around horses again. She acknowledged that Blue did play along but that she's confident that he didn't bite Faith. She denied that the dogs displayed pack behavior.

Counsel Bell asked if, in the year prior to this incident, either dog was found to chase, wound, or kill livestock. Hamilton answered "no" but said that Midas' shelter notes read that he's not good around chickens, rabbits, and cats. She has two certified trainers who work with Midas and Blue, one of whom was present at the hearing. The Board determined that testimony from the trainer is not relevant to this hearing.

Letters provided by Hamilton were marked as **Exhibit 8**. The letters speak to the friendly demeanor of the dogs and were admitted into evidence for purposes of establishing that both dogs are up to date on their rabies vaccination.

Pennavaria noted that of 300 dog breeds, huskies and malamutes are in the top 10 of those with a high prey drive, and it's important for owners of these breeds to acknowledge their high prey drive and take precautions to ensure these sorts of incidents don't occur. It's an intrinsic behavior. Hamilton's apology does go a long way.

Hamilton acknowledged the risk of Midas and Blue being off leash around horses. Kuntz advised keeping them away from *all livestock*, not only horses. Neither dog is licensed in Deschutes County, as Hamilton is visiting here temporarily, staying in an AirB&B and not living here permanently.

Responding to Rice, Hamilton said that Blue and Midas are her first dogs of the husky/malamute breed. She said they're great with horses and livestock across the fence. Rice wants Hamilton to understand that there's a big difference between having a fence between horses and her dogs and not having a fence between them. Responding to Rice, Hamilton said that she hasn't had experience with dogs who have prey drive, outside of a controlled environment noting that she volunteered at a shelter with reactive dogs for many years. She said Midas has had an issue with cats and they worked with a behavior specialist/trainer.

At 7:23 p.m., the evidentiary portion of the hearing was closed. **Exhibits 1 through 8** were moved into the record.

The Dog Board reviewed the disposition flowchart and deliberated. Counsel Bell noted that the dog board order will be drafted by County Legal and signed by the Dog Board in the coming days. The Board found that the incident occurred at Tumalo Reservoir in Deschutes

County on May 9th. The dogs were not on Ms. Hamilton's property. Both Midas and Blue were outside the control of Ms. Hamilton. Midas chased Faith. Blue chased Faith. Midas injured Faith. Blue did not injure Faith. Neither Midas nor Blue have chased/injured/killed livestock in the previous year.

Pennavaria noted the Dog Board doesn't get involved with the vet bills and that's typically a civil matter.

The Dog Board's unanimous decision for Blue is summarized below:


1. A Notarized Pledge, signed by M. Lou Hamilton, stating that while in Deschutes County, Blue will not be off leash except on her own property or at a designated dog park.
2. A \$250 penalty is assessed, to be held in abeyance and waived if within 30 days, proof of payment to Mindy Wolfe for vet bills (\$120.40) and any time/effort fees from Rice.
3. Payment of HSCO impoundment fees, in the form of reimbursement check made payable to Deschutes County. Blue to be released to owner after reimbursement to the County for these impoundment fees.

The Dog Board's unanimous decision for Midas is summarized below:

1. A Notarized Pledge, signed by M. Lou Hamilton, stating that while in Deschutes County, Midas will not be off leash except on her own property or at a designated dog park.
2. A \$500 penalty is assessed, to be held in abeyance and waived if within 30 days, proof of payment to Mindy Wolfe for vet bills (\$120.40) and any time/effort fees from Rice.
3. Payment of HSCO impoundment fees, in the form of reimbursement check made payable to Deschutes County. Midas to be released to the owner after reimbursement to the County for these impoundment fees.

Counsel Bell emphasized that Blue now has a history of chasing and Midas now has a history of injuring livestock, so should it happen again, the dog likely would not be returned, and Midas could be euthanized.

Adjournment: There being no further discussion, the hearing concluded at 7:45 p.m.



Recording Secretary,
Angie Powers, Administrative Assistant