



**DOG BOARD OF SUPERVISORS Hearing**  
**Wednesday, April 19, 2023**

**Offense Details:**

Deschutes County Sheriff's Case No. 2023-17996  
Dog Offense: Chasing, Wounding and Killing Livestock  
Officer: Deputy Braden Esquivel  
Dog Owner: Alissa Osborne  
Livestock Owner: Sandra Stanley

Pursuant to Deschutes County Code, two dogs were seized by Deschutes County Sheriff's Deputy Esquivel in response to a report of dogs chasing, injuring and/or killing ducks and chickens owned by Sandra Stanley. The disposition of "Mozes", a pit bull mix owned by Alissa Osborne, is the subject of this hearing. "Bear", a lab/shepherd/husky mix owned by Harley Thuron-Osborne, was voluntarily surrendered to the Humane Society of Central Oregon for disposition on the date of the incident, and so is not the subject of this hearing.

A hearing was held at 5:29 p.m. on Wednesday, April 19, 2023. Pursuant to Deschutes County Code, two dogs ("Mozes" and "Bear") were seized by a Deschutes County Sheriff's Deputy in response to a report of dogs chasing, wounding and killing livestock on April 6, 2023 at/near 19325 Baker Road, Bend. In this matter, the livestock were ducks and chickens. This hearing was audio/video recorded.

*Present:* Assistant Legal Counsel Kim Riley; Board of Commissioners Administrative Assistant Angie Powers; Sheriff's Deputy Braden Esquivel; dog owner Alissa Osborne; livestock owners Sandra and Anglie Stanley; and Dog Control Board Members Sandy Storrie, Robin Ingram and (via Zoom) Michael Pennavaria.

**CALL TO ORDER:** Counsel Kim Riley convened the hearing at 5:29 p.m. Counsel Riley explained the process of the Dog Board Hearing and introductions were made. Robin Ingram served as Dog Board Chair for this Hearing. This is a fact-finding process, to determine if Mozes is a nuisance, and to determine the disposition of the subject dog.

Counsel Riley stated that her purpose is to ensure the process is fair and the Board is collecting all of the relevant evidence that is needed to come to a final decision. The evidentiary standard is preponderance of the evidence which is more likely than not. The issues to be considered is 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. After the hearing, the Board will deliberate and make a final decision. A written decision will be available in the coming days.

Counsel Riley summarized the Exhibits and evidence:

**Exhibit 1:** DCSO Report 2023-00017996

**Exhibit 2:** Dog Owner's Rights form for "Mozes" (p. 7 of DCSO report)

**Exhibit 3:** Complaint form signed by Sandra Stanley (p. 5 of DCSO report)

**Exhibit 4:** Notice of Hearing

**Exhibit 5:** Dog Licensing Information

**Exhibit 6:** Photographs provided by DCSO

**Exhibit 7:** Photograph of Mozes with feathers in his mouth

Stipulations were examined by Kim Riley with the dog owner. The dog owner introduced herself as Alissa Osborne. She stipulated that she is the owner of the dog subject to this hearing. She stipulated that her dog, Mozes, is currently lodged at the Humane Society of Central Oregon, and has been lodged there since the incident occurred on April 6, 2023. Mozes is a pit bull terrier mix, neutered male, 56 pounds and 10 years old. She stipulated that he is licensed with Deschutes County and is up-to-date on his vaccinations. Proof of rabies vaccination was emailed to DCSO by Ms. Osborne.

Dep. Esquivel provided a general overview of the incident. In response to a question by Ms. Storrie, Dep. Esquivel said that he did not examine the dogs' mouths for signs of blood. Sandra Stanley, herein referred to as RP, stated that two dogs came onto her property and killed a number of her ducks and chickens, co-owned with her granddaughter Anglie Stanley. The ducks and chickens are her granddaughter's project animals, and she sells eggs as a source of income. RP contained both dogs on her property following the incident.

Upon arrival at the scene, Dep. Esquivel observed numerous deceased ducks and chickens on the property. While he was writing up the report, Ms. Osborne arrived on scene looking for her dogs. He asked her to please return to her home, and told her he would follow up with her upon completion of the investigation on scene. During his investigation, he learned that the livestock owner, Sandra Stanley, received two bites from Mozes during the incident, and while she was attempting to contain the dogs in a kennel. Both dogs were impounded. On the date of the incident, Dep. Esquivel explained the process to both parties, and issued citations to both dog owners. He obtained additional photographs from Ms. Stanley of her bites. Dep. Esquivel reported the demeanor of the dogs was calm and friendly towards people upon his arrival at the scene. He is not aware of a prior record of incidents of chasing, wounding or killing livestock. However, there was a prior contact (DCSO dog-at-large call) for Mozes, at which no enforcement action was taken.

In response to a question by Michael Pennavaria, Dep. Esquivel said that he did not touch the birds to see if they died recently, but he did see fresh blood and active bleeding, so in his opinion the animals died recently. Upon his arrival at the scene, birds were returning to the property after having fled. Broken necks on ducks and puncture wounds were observed. The chickens and birds he observed were consistent with a recent large animal or dog attack.

The owner of the ducks and chickens was introduced as Sandra Stanley. Chair Ingram asked for a brief synopsis of what happened on April 6 and what she saw and heard or witnessed. She explained the incident. Her granddaughter, Anglie, alerted her to the dogs on their property and the chicken/duck attack in progress. She described the kennel structure, into which she contained both dogs before calling law enforcement. While herding both dogs into the kennel, she sustained approximately three dog bites. After she shut the gate, she described both dogs as calm and gentle. Mozes had chicken feathers in his mouth (photo admitted into evidence as Exhibit 7), and she reported observing some blood on the other dog's mouth. Shortly after, DCSO arrived. Ms. Stanley described her chicken coop, which is a converted greenhouse approximately 20 ft. x 30 ft. in size. There are two fenced areas for the chickens and ducks. One is contained and one has a man door that can be opened to allow them to access the yard. The ducks were killed in the laying house. Her property is fenced on three sides. She owns two border collies, but reported that neither of them interacted with the other dogs. In response to a question by Mr. Pennavaria, she said that her chickens do not have clipped wings.

In response to Counsel Riley, Ms. Stanley said that Bear bit her leg, Mozes bit her breast, and she's unsure which dog bit her hand as she was corralling them into the kennel.

Counsel Riley asked about any incurred expenses for those injured and traumatized ducks and chickens that are currently being cared for. Ms. Stanley said that the chickens were not taken to the veterinarian. The injured chickens are currently being kept separate from the others for their own safety, as chickens are prone to pecking other injured chickens to death. They will gradually be reintroduced. The chickens have stopped laying eggs due to the trauma. She has incurred medical expenses due to shoulder strain after a recent shoulder surgery, in addition to knee strain from restraining the dogs. She is experiencing no complications from the dog bites. She shared that selling eggs has been an important source of income for Anglie. They have co-owned the chickens and ducks for one year and one day. She doesn't wish for Mozes to be euthanized, and would like to see him given a chance if this is his first offense. She placed fault on the owner for not properly containing the animals. She emphasized that both dogs had a calm demeanor following the attack, and they were not in a frenzy. She reported having recently visited Bear at the Humane Society. She expressed hope that the dog owner would take responsibility for her dog. The dog needs to be contained and not be allowed to escape and roam freely.

Alissa Osborne, Mozes' owner, was introduced. She provided her account of the incident on April 6. Upon realizing that Mozes and Bear were not home, she got in her car and started driving around the neighborhood looking for them. As she was on the phone with the non-emergency number, she drove past Ms. Stanley's home and saw multiple law enforcement vehicles in the driveway. Dep. Esquivel confirmed with her that her dog and Bear were both on the property and a livestock kill had taken place with an active investigation underway. He asked her to please return home and he would follow-up with her after completion of the investigation.

Ms. Osborne reported that her property is fully-fenced and the fencing itself has no issues. She's owned Mozes since he was a puppy. She left for a year to go to school and just returned in December and since she was gone, he started getting loose and running away because she felt Mozes missed her and may have felt abandoned. There is a side gate, which her 15-year-old brother sometimes neglects to close. There is also a metal gate that slides open and the latch can sometimes freeze up, preventing it from sliding closed. She reported that the dogs have gotten out four times now.

Ms. Storrie asked Ms. Osborne if there is an area on her property where a securely-enclosed smaller kennel can be constructed, or an enclosed outdoor area Mozes can access from his dog door. Ms. Osborne said this is feasible, and they also have a zip line which can be converted to a dog run to which Mozes can be tethered when outdoors, while the secure kennel enclosure is being constructed.

Counsel Riley asked Ms. Osborne if there is an alternate residence at which Mozes could live, as she had mentioned Mozes having lived with her sister for a while. Ms. Osborne responded that it was stressful on her sister in the past, as Mozes had gotten loose on at least one occasion. Her sister already owns three other dogs and has a small child. She shared that when she is away at school, her dad and his wife work away from home daily.

In response to a question by Mr. Pennavaria, and under the philosophy "predictable is preventable", Ms. Stanley reported that she does plan to complete fencing her property, but she doesn't feel there's any fool-proof way to keep dogs from getting to her ducks and chickens if they really want to get in. Ms. Stanley wants the dog to be safe and not to be at-large again.

Ms. Osborne said they can put up metal fencing immediately, in the coming week to two weeks. She can keep Mozes on a dog run when she's away from home and he's outside unattended. She will take any extra precautions necessary, to keep Mozes in a home where he is loved.

The Dog Board deliberated.

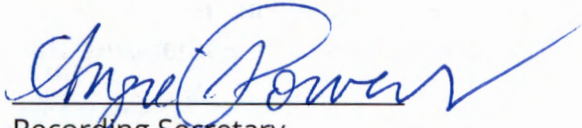
Counsel Riley asked the Board to consider whether or not the dog is deemed to be a nuisance from chasing, wounding and/or killing livestock.

- It is the Board's unanimous finding that the dog is deemed a nuisance and it has chased, wounded and killed livestock.
- If the dog is returned to Ms. Osborne, and if livestock is killed again, there is no discretion on the second incident; the dog would be ordered to be euthanized. This is dictated by County Code.

Ms. Riley asked the Board to consider the dogs' disposition: return to owner, relocation/adoption or euthanasia.

- The Board's unanimous finding is to return Mozes to its owner with certain conditions.
- The Board determined that the dog owner must make reasonable efforts to contain the dog to prevent future incidents by ensuring that if he is out, he is tethered on the dog run or in the house, until the smaller secured fenced enclosure or kennel is completed. An internal break preventing him from reaching the gate is important. Mr. Pennavaria suggested an electric collar with electric fencing as an optional upgrade, but the Board determined this would not be a requirement. DCSO would be required to visit the property and verify the fencing and enclosure upgrades are completed and acceptable.
- The Board will require a notarized pledge signed by the dog owner stating that in the interim, Mozes must be on the tether/dog run or on a leash if outdoors until the kennel is completed. She acknowledges that this will not happen again and accepts that should it reoccur, the dog would be subject to being removed and euthanized.
- County Code has a mandatory penalty of \$500-\$1000. If conditions are met, this penalty can be held in abeyance until a suitable kennel is constructed. The Board wasn't supportive of imposing additional cash penalties. It must be imposed but can be held in abeyance and waived if the notarized pledge is met. The Board determined that a \$1000 fine will be assessed, but will be held in abeyance. The fine will be waived if the areas of the notarized pledge are met.
- A penalty for the loss of livestock and income from egg-laying hens was briefly discussed by Counsel and the Board. Sandra estimates approximately \$60 per day is being lost due to lost egg sale revenue. Ms. Stanley also mentioned some medical expenses incurred due to her prior shoulder and knee injuries acting up following the incident. Counsel Riley said that full restitution for these financial losses would need to be taken up in civil court, and these matters are outside the scope of this hearing.
- The Notarized Pledge will be provided to Ms. Osborne and must be returned before Mozes can be released to her by HSCO. Ms. Osborne must pay the HSCO lodging fees.
- The Board's written decision will go out to the Board for signature, then will be provided to both dog and livestock owner.

*Adjournment:* There being no further discussion, the hearing was adjourned at 6:54 p.m.

A handwritten signature in blue ink that reads "Angie Powers". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Recording Secretary,  
Angie Powers, Board of Commissioners Administrative Assistant