



DOG BOARD OF SUPERVISORS Hearing June 6, 2024

A hearing was held at 2:00 p.m. on Thursday, June 6, 2024. Pursuant to Oregon Statute, one dog "Madyln" owned by Donna Houston, was seized on May 24, 2024 by Deschutes County Sheriff's Office in response to a report of a dog chasing, wounding and killing livestock at/near 15495 Federal Road in La Pine. In this matter, the livestock were chickens. This hearing was audio/video recorded.

Present: Senior Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Deputy Parik Singh (via phone); Deputy Steven Lombardo (via phone); livestock owner Jeannie Tipton; dog owner Donda Houston; and Dog Control Board Members Lynn McAward, Thomas Schuchardt and Tamara Kuntz.

CALL TO ORDER: Assistant Counsel Marshall convened the hearing at 2:00 p.m.

Counsel Marshall stated that this is an informal hearing, and her main purpose is to facilitate the hearing. The Dog Board are the ultimate decision-makers. The main purpose of this hearing is a full and fair determination of the issues and determine whether the dog has proven to be a nuisance or a hazard to livestock. If the dog is deemed a nuisance or hazard to livestock, the Board will determine the dog's ultimate disposition. The evidentiary standard for this hearing is preponderance of the evidence. The dog, Madyln, 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 according to their decision-making flow chart and render a decision. Marshall will draft the order for signature by the Board in the coming days. It was noted that damages are not part of this hearing.

Dep. Steven Lombardo was sworn in and provided testimony. He stated that he is Dep. Singh's field training officer. He summarized the narrative on DCSO report no. 2024-28573 as shown in Exhibit 1. On May 24, he responded to a report of a dog chasing livestock. Upon arrival, they interviewed livestock owner Jeannie Tipton who reported a neighbor's dog killed 7 of her chickens (plus 1 chicken was missing and unable to be located), some of which were found on her property, and some were located on the adjacent BLM property. Her property is fully fenced and although there is a coop for the chickens were out in the yard when the incident occurred. Dep. Lombardo observed a portion of the Tipton's fence bent down, and this is believed to be where the dog accessed the property.

Dep. Lombardo also spoke with neighbor and witness, Theodore Capman II, who reported seeing Madyln running back to its property with a chicken in its mouth.

Dep. Lombardo then contacted the dog owner, Donda Houston. She was issued a citation and provided with a Dog Owner's Rights form. Responding to Marshall, Dep. Lombardo said that the dog, "Madyln", was inside its home upon his arrival at Houston's home. No blood was observed on the dog's mouth or fur.

Responding to Schuchardt, to Dep. Lombardo's knowledge, this is the first time a call for service was made to DCSO related to Madyln. However, he said that Mrs. Tipton reported the dog coming onto her property multiple times in the past. Madyln did not display any aggressive behavior towards deputies. From what he could see in the dark, there is a fence between the Houston's residence and the Tipton's residence, but he wasn't able to discern from where Madyln may have escaped.

Dep. Parik Singh was sworn in and provided testimony. Marshall asked him if he made any additional observations that may be helpful in this case. He noted that the call came in around 7 p.m. and they arrived around 9:30 p.m. in the dark. The dog owners were cooperative, they were issued a citation and Donda's partner helped escort Madyln to the patrol car for transport to the shelter. The dog's demeanor was normal. There were no additional questions for either deputy.

Jeannie Tipton and Matthew Tipton were sworn in. Jeannie provided a narrative of what occurred on May 24. Upon her arrival home from work at around 5:15 p.m., she observed Madyln on her property and shoo-ed her away. All fences were closed, so she believes the dog jumped the fence. At around 5:45 p.m., she observed a chicken which she thought to be sleeping, but upon further inspection observed it to be dead, then saw many other dead chickens on their property. She noted that they do have a coop, but the coop door was open, and the chickens were in the yard when the incident occurred. She believes they did everything right as livestock owners, as the chickens were within the confines of their own yard where the incident occurred. She doesn't believe the dog deserves a second chance, as the dog has been a menace in their neighborhood for a long time and said that it roams at-large frequently. She described the Houston's field fencing as boards with large gaps. The Tipton's have resided on their property for 5 years and have owned chickens for 1 year.

Responding to Marshall, Jeannie said they now keep their front gate closed. This is the first time they've called DCSO in response to this dog on their property. Matthew reported that he has seen the dog on the adjacent BLM property on other instances, and it will bark at them and run back towards its home. He added that the dog has been in their neighbor Dan's yard rummaging through the garbage and in another neighbor, Theodore Capman's yard, chasing his cats. He fears that now the chicken has a taste for chicken, it will happen again. Although the dog has been on their property before, they haven't called DCSO.

Responding to McAward, Jeannie and Matthew said that the dog has observed chickens on their property before, so it likely knew there were chickens there and may return for more chickens in the future.

Responding to Schuchardt, to their knowledge, no other neighbors have reported losing livestock to this dog previously. Other neighbors own chickens but they are securely contained in a fenced run.

In deliberations, the Board stated it will treat this incident as the dog's first occurrence of chasing, wounding or killing livestock.

Dog owner, Donda Houston, was sworn in and provided testimony. Deanna Sawder, Donda's daughter, was also sworn in. Responding to Marshall, Houston stated that Madyln was adopted four years ago from Brightside and described her as a loving dog (husky breed) who spends time on a dog run surrounded by a 6-foot fence. She occasionally slips out the mud room door, but following this incident, they described a double door that was installed in this location. Once she gets out this door, Houston acknowledged the property is not fully enclosed by a fence. The backside of the property abuts BLM land and is unfenced. On May 24, Madyln slipped out from between Donda's husband's legs and bolted. He went out looking for her, but it was Sawder who found her and drove her home.

Responding to Schuchardt, Sawder reported that she doesn't believe Madyln killed the chickens because she's a "sweetheart" and if she did get to the chickens, she was likely playing with them. Additionally, no blood was observed on Madyln. Schuchardt and McAward responded that a dog can kill a chicken without any blood present by breaking a neck or other means.

The Tipton's described where the dog got into the coop, through an 8"x12" opening in the siding as shown in one of the photos in Exhibit 7.

Assistant Counsel Marshall summarized **Exhibits 1** through **7** and the Board admitted them into evidence, and they became part of the record. Exhibits are summarized below:

Exhibit 1: DCSO redacted report (case no. 2024-28573)

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

Exhibit 3: Dog Owner's Rights form signed by Donda Houston

Exhibit 4: Redacted Oregon Uniform Citation and Complaint no. 176352 issued to Donda Houston by Deputy Singh

Exhibit 5: Shelter Questionnaire, completed by Humane Society of Central Oregon

Exhibit 6: Map showing distance/proximity of dog/livestock owner's properties

Exhibit 7: Photographs provided by DCSO

Exhibit 8: Bodycam video of witness/neighbor Theodore Capman II

Bodycam video was shown of neighbor, Theodore Capman II, who reported seeing the dog belonging to the Houston's with a chicken in its mouth on May 24. The dog was described as a white husky mix dog who goes by the name of Maddie or Madelyn and belonging to the Houston's. He also reported that he's seen the dog running loose frequently and he now keeps his front gate closed to keep the dog out of his yard.

Schuchardt emphasized that there are now two neighbors who have the authority to shoot Madyln should she be on their property again chasing livestock, and should it happen again the Board would have very limited options. Houston stated she's spoken to Brightside Animal Shelter in Redmond, and they are willing to take the dog and rehome for a \$100 surrender fee.

At 2:58 p.m., the evidentiary portion of the hearing was closed. **Exhibits 1** through **8** were moved into the record.

Responding to Mr. Tipton, Marshall said that reimbursement to the livestock owners for their losses is not part of this hearing and this would be a civil matter for small claims court.

Responding to McAward, Houston acknowledged that she's not confident that Madyln wouldn't escape again, despite their efforts. In the best interests of Madyln, Houston determined that she would surrender her to the shelter for adopting out into a suitable home away from livestock.

The Dog Board reviewed the disposition flowchart and deliberated. It was determined that Madyln did chase, wound and kill livestock but has not previously killed livestock.

The Dog Board's unanimous decision is summarized below:

- Mandatory penalty of \$500 assessed, to be waived in full should Houston surrenders her dog, Madyln, to the Humane Society.
- Reimburse the County for 5 nights of impoundment fees @ \$30/night = \$150.

Adjournment: There being no further discussion, the hearing concluded at 3:15 p.m.


Recording Secretary,
Angie Powers, Administrative Assistant