



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

A hearing was held at 5:30 p.m. on Wednesday, April 3, 2024. Pursuant to Oregon Statute, three dogs ("Thor" and "Harper", owned by Seth Cluff and "Griz", owned by Zenos Rodriguez), were seized on March 24, 2024 by Deschutes County Sheriff's Office in response to a report of dogs chasing and wounding livestock at/near 22655 Peacock Lane in Bend. In this matter, the livestock was a goat. This hearing was audio/video recorded.

*Present:* Assistant Legal Counsel Stephanie Marshall; BOCC Administrative Assistant Angie Powers; Deschutes County Sheriff's Office Animal Control Technician Mariya Leufven; livestock owners Joe and Tiffany Farrell; witness Tim Farrell; dog owners Seth Cluff and Zenos Rodriguez; and Dog Control Board Members Sandy Storrie, Robin Ingram and Greg Brady.

**CALL TO ORDER:** Assistant Counsel Marshall convened the hearing at 5:32 p.m.

Assistant Counsel Marshall stated that the main purpose of this hearing is for the Dog Board to review the evidence and determine the disposition of the dogs, and to determine whether the dog owners are required to pay any fine or penalty. Assistant Counsel Marshall is here to facilitate this informal hearing to ensure due process, and the Dog Board members are the ultimate decision makers. The issues to consider are whether the dogs have 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 dogs. After the hearing, the Board will deliberate and make a final oral decision. A written decision will be prepared by Assistant Legal Counsel and will be signed by the Board in the coming days. Each party will have the opportunity to provide testimony. All comments and/or questions should be directed to the Board.

DCSO Animal Control Technician Mariyah Leufven was sworn in and provided her testimony. She recounted the events of March 24, 2024. She responded to a call for service from Tim Farrell, who reported three dogs in his goat pen and the goat, "Zeda", with obvious injuries. Tim took photographs of the three dogs in the goat pen and provided these to Leufven. She learned from Tim that another of their goats was injured on the property at an earlier date. Tim completed a Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock form.

Upon her arrival, the three dogs had already exited the pen and left the property. She took photographs of the goat's injuries and observed a deep laceration on Zeda's hind leg along with other injuries. She observed that Zeda appeared to be in shock. From her observations, it appeared the dogs entered the goat pen by squeezing under the fence. She took photographs of her hand beside dog paw prints in the dirt and additional photos of tufts of fur caught on the fencing. Over the next two days, she visited both dog owners and impounded the three dogs. She summarized some of the photographs taken by herself, as illustrated in Exhibits 6 and 8. She stated that Tim Farrell claimed that Joe and Tiffany Farrell have video footage of the same dogs on their property in the past. On March 24, Joe and Tiffany were out of town and he did not have access to the footage. It was established that Thor and Harper are owned by Seth Cluff and Griz is owned by Zenos Rodriguez.

Leufven reported that she has not responded to any dog-at-large calls related to these three dogs. However, in February 2024 she assisted with the transport of Mr. Cluff's dogs, Thor, Harper and Sasha, from one vehicle back to his residence as part of an unrelated investigation. She described Thor as a large, massive dog who is happy and just wants to "go". Thor was eager to get into her patrol vehicle and she did not feel threatened by him. Harper is a blue-eyed shepherd who is timid and not leash-trained. He is more fearful of people. Griz was described as calm and somewhat nervous. She had no concerns about her own personal safety with any of the three dogs. Neither the livestock owners nor the dog owners had any additional questions for Dep. Leufven.

Robin Ingram asked Leufven if the photograph(s) taken by Tim Farrell of the three dogs in the goat pen was date-stamped. Dep. Leufven responded that she received the photo(s) from Tim Farrell, and he claims to have taken them on March 24, 2024, the date of the incident.

Tiffany Farrell was sworn in and provided testimony. She stipulated that she is the owner of the injured goat known by the name "Zeda". She stated that Exhibit 2, the Complaint form, was completed by her father-in-law, Tim Farrell as she and Joe were out of town on the date of the incident. They have 40 acres and used to own two goats. After two other incidents with dogs chasing/injuring their goats, they moved the goat pen closer to the house. The other goat died two weeks ago, so Zeda is their only surviving goat. She believes the deceased goat died of its internal injuries weeks following a separate dog attack. She said she has photographs, vet bills and security video footage from the last attack, adding that Zeda was also injured during this previous incident. The first attack took place in fall 2023 and there were two other incidents in which dogs subject to this hearing were in the pen. Tim called Tiffany and Joe to let them know that the neighbor dogs returned, and he later discovered that Zeda was injured. Zeda was taken to the emergency vet, where she spent the night and underwent surgery. The veterinarian took photographs during surgery which illustrate other large lacerations, and some of these photographs are included in Exhibit 5, the vet report. Tiffany stated they have called DCSO regarding dogs on property

in the past, but these incidents did not go before the Dog Board for a hearing. These communications with DCSO were as part of an unrelated CODE investigation. Tiffany stated she has photographic records of these other incidents. Aside from the three dogs subject to this hearing, there is one other dog named "Whiskey", owned by another person, who has been on their property. Zeda is currently healing. She belongs to their 17-year-old daughter, who is tasked with administering medication to Zeda every 8 hours. Zeda gets her staples and sutures removed next week. Tiffany noted that her family board dogs as a business and there have been incidents in which staff walking dogs on the property have been fearful of the subject dogs walking the fence line. The dog boarding business is fully contained on the opposite side of the property. Responding to Sandy, Tiffany confirmed that they've had run-ins with at least one of these three dogs in the past. Responding to Greg, Tiffany said that DCSO has visited the property following prior incidents, but no dog hearing took place, and no documentation was provided.

Dep. Leufven clarified that a prior interaction of the dogs on their property with DCSO was related to a CODE investigation, in response to a call from Joe Farrell. The other incident involving Thor at-large, involved Redmond PD. These were two separate incidents.

Seth Cluff was sworn in and provided testimony. He stipulated that he is the owner of the shepherd named "Thor" and is currently the caretaker of the shepherd/husky mix named "Harper". Harper is estimated to be three years old and is owned by his mother, who is currently staying in Roseburg helping his sister. He stated that he did complete the Dog Owner's Rights form (Exhibit 3) and did license Thor (Exhibit 9). He has owned Thor for nearly five years, since he was 4 months old. Thor has lived on his current property since June 2023. When Seth is not at home, Thor is contained in a fenced area with a gate around his trailer and estimated that Thor is alone for 6 to 7 hours per day. He is aware of Thor getting off property on previous occasions. The dangerous dog incident per Redmond PD (per Exhibit 10) occurred when he lived in Redmond and he admitted that their fencing at that residence was old and failing, and the dogs learned how to escape. Seth stated that he's unaware of Thor having chased livestock in the past, but he's had one other incident with a neighbor's chickens, but they were unable to determine if his dogs were responsible and he replaced the chickens. It was noted that the shelter questionnaire (Exhibit 12) states that Thor was at-large in January 2024 and reclaimed the same day.

Responding to Robin, Seth described the fencing at his residence as 1.5"x3" welded wire fencing abutted to a greenhouse and admitted that it's not fully secured. He's installed wiring for a low-voltage electric fence but hasn't turned it on yet. Additionally, chicken wire has been installed on the interior of the fence and he has purchased e-collars. He also has a white husky named Sasha who just had a litter of pups, and to his knowledge, she wasn't involved in this livestock incident. Harper is three years old. He noted that Harper is only temporarily living at his home and when his mother returns, he will return to her. Seth

hasn't seen Harper be aggressive towards other dogs or people and said that he's timid in nature.

Responding to Sandy, Seth clarified that he no longer lives in Redmond and does not have posted that Thor is a dangerous dog as this was a Redmond municipal code requirement. The order doesn't indicate that this warning must be posted at each subsequent residence. The Justice Court ruling (per Exhibit 10) is intended to protect the City of Redmond residents. Additionally, the order does not have any requirements related to chasing, injuring or killing livestock.

Tiffany questioned whether an owner is able to self-administer rabies vaccinations, as Seth claims to have done with Thor.

Zenos Rodriguez was sworn in and provided testimony. He stipulated that he is the owner of the three-year-old husky named "Griz". He clarified that he lives at a separate residence on the same property as Seth, and that there are five residences on the property. Griz is kept in a separate enclosure than Thor and Harper. Zenos has lived on the property for approximately one month longer than Seth. On most days, Griz accompanies Zenos to work. He admitted that Griz had gotten off the property before when the Farrell's goats were kept closer to the property line, and he apologized to Joe Farrell for the prior incident. He emphasized that Griz is like his child, and he doesn't want to lose him. Shelter questionnaire (Exhibit 11) states that Griz has been picked up twice by Bend PD and once by the general public. It was acknowledged by Zenos and the Dog Board that huskies are escape artists and difficult to keep contained if left alone. If left alone, Zenos said that Griz gets anxious and tries, and sometimes succeeds, at escaping. Zenos didn't deny that Griz was at the Farrell's property on March 24, but he is doubtful that Griz participated in injuring their goat. He does not have a fenced area outside his home, but he normally keeps Griz on a lead or by his side.

Tiffany added that it's difficult to get in contact with the dog owners as they are not the property owner. The property owner, Butch, is difficult to communicate with.

Greg stated that, at a minimum, there are five documented incidents of Griz being at large and should he get loose again and injure livestock, the Dog Board's hands are tied in terms of what can be done. Sandy highlighted that huskies can clear a 6-foot fence so if any fencing were to be constructed, she would suggest it be installed with a PVC pipe roll bar at the top.

Assistant Counsel Marshall summarized **Exhibits 1** through **12** and the Board admitted them into evidence, and they became part of the record. Exhibits are summarized below:

**Exhibit 1:** DCSO Report 2024-15881

**Exhibit 2:** Complaint of Dog(s) Chasing, Injuring and/or Killing Livestock form completed by Timothy Farrell

**Exhibit 3:** Dog Owner's Rights form completed by Seth Cluff for dogs "Thor" and "Harper"

**Exhibit 4:** Dog Owner's Rights form completed by Zenos Rodriguez for dog "Griz"

**Exhibit 5:** Bend Animal Emergency Vet Report for goat "Zeda"

**Exhibit 6:** Photographs of Zeda's wounds included with DCSO report 2024-15881

**Exhibit 7:** Photographs of 3 dogs in goat pen and Zeda's wounds, provided by livestock owner Tiffany Farrell

**Exhibit 8:** Additional photographs from DCSO evidence unit, taken by Animal Tech M. Leufven

**Exhibit 9:** Dog License for "Thor", owned by Seth Cluff, provided by Deschutes County Finance/Dog Licensing Department

**Exhibit 10:** Redmond PD Order per Case No. 2022-35601 deeming "Thor" (owner: Seth Cluff) as a dangerous dog under Redmond Municipal Code 5.271, provided by M. Leufven

**Exhibit 11:** Shelter Questionnaire for "Griz" (owner: Zenos Rodriguez)

**Exhibit 12:** Shelter Questionnaire for "Harper" and "Thor" (owner: Seth Cluff)

At 6:53 p.m., the evidentiary portion of the hearing was closed. **Exhibits 1** through **12** were moved into the record. Counsel Marshall again stated she is not the decision-maker, but rather the facilitator.

The Dog Board reviewed the disposition flowchart for each of the three dogs and deliberated. Two separate dog board orders (by owner) will be drafted by County Legal and signed by the Dog Board. It was communicated to the Farrells that, should they wish to pursue financial compensation for their vet bills, they would need to pursue this in small claims court.

The Dog Board's decision is summarized below:

**Zenos Rodriguez (Griz)** – It was determined that Griz has chased and possibly wounded livestock. There are no previous documented incidents with livestock but multiple documented incidents of being at-large.

- A \$500 penalty is imposed, to be waived if, within 60 days, the dog owner licenses Griz (with current rabies certificate) and builds a secure enclosure at the residence. The fence is to be inspected and verified to be acceptable in construction by Deschutes County Sheriff's Office. Fencing is recommended to be 7-foot in height with a PVC roll bar at the top. It was noted that Griz is already microchipped.
- Zenos is to reimburse the County for Griz's shelter lodging fees. The County will send Zenos an invoice for these lodging fees.
- If the above requirements are not met within 60 days, payment of the \$500 penalty is immediately due.

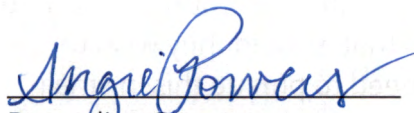


- A Notarized Pledge, signed by Zenos and notarized, acknowledging that, should Griz get loose again he acknowledges that Griz will be impounded by law enforcement, and he will lose ownership of the dog. Shelter to determine what happens to Griz (adoption, euthanasia, etc.).

**Seth Cluff (Thor and Harper)** – It was determined that Thor and Harper have chased and possibly wounded livestock. There are no previous documented incidents with livestock but multiple documented incidents of being at-large.

- One \$500 penalty is imposed, to be waived if, within 60 days, the dog owner licenses Harper (with current rabies certificate) and builds a secure enclosure at the residence. The fence is to be inspected and verified to be acceptable in construction by Deschutes County Sheriff's Office. Fencing is recommended to be 7-foot in height with a PVC roll bar at the top. It was again noted that Thor is already licensed.
- Seth is to reimburse the County for Thor and Harper's shelter lodging fees. The County will send Seth an invoice for these impoundment fees.
- If the above requirements are not met within 60 days, payment of the \$500 penalty is immediately due.
- A Notarized Pledge, signed by Seth and notarized, acknowledging that, should Thor and/or Harper get loose again he acknowledges that the dog(s) will be impounded by law enforcement, and he will lose ownership of the dog. Shelter to determine what happens to the dog(s) (adoption, euthanasia, etc.).

Adjournment: There being no further discussion, the hearing concluded at 7:21 p.m.



Recording Secretary,

Angie Powers, Administrative Assistant