

JOHNSON SELECTBOARD
VICIOUS DOG HEARING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MAY 13, 2019

Present:

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood

Others: Brian Story, Shayde Shaffer, Justin Tibbitts, Adare O'Neill, Eric Bailey, Sharon Duffy

The hearing started at 5:01. Eric reviewed the process, explaining that this is a quasi-judicial hearing, similar to a court hearing. Testimony will be provided to the board and each person will be given an opportunity for rebuttals. The board will either make a decision tonight in open meeting or may go into deliberation and send out a finding of fact within 10 days. Doug said state statute gives the selectboard the obligation to judge the case. Eric said any decision of the board is appealable to Superior Court. Mike said the selectboard could levy a fine if the dog owner is in violation of an ordinance.

Sharon Duffy arrived at 5:07. Eric swore everyone in.

Eric asked Sharon to report on what happened. Sharon said on April 30 she got a phone call from Adare O'Neill. Adare said she was bitten by a dog on Railroad Street and that she believed the dog was not in a healthy environment, that it was in a closet in a bedroom in a kennel. She told Sharon that when she went into the house someone mentioned they had a dog and she asked if she could see it. An owner took her in to see it and she opened her hand to the dog and the dog lunged at her. It did not bite her with canines, but it bit her. Adare believed it was the owner's fault, not the dog's fault. Sharon told Adare she would need to file a report with the town and a vicious dog report. Adare wanted no harm to come to the dog. Sharon told her that would be up to the town but that she should keep in mind that a vicious dog report is not against the owners but against the dog. Adare said she would file a vicious dog report. Sharon asked Adare to send her photos and told her she would get facts from the hospital and see the dog herself to determine if it should be quarantined at home or at a kennel. She went to the owners' house with Tracy Myers. They were nice to her. She asked to see the welfare of the dog. They brought the dog out. It barked but didn't lunge or try to hurt her. She put it on quarantine at the owners' house. She didn't feel it was a harm to others. The owners had a Beware of Dog sign in the window. They knew the dog couldn't be outside without someone with it. The owner was going to try to find the vaccination records. Shayde explained to Sharon that neither one of the owners realized Adare went to the hospital because she stayed at the house longer before she left. Adare said she was at the house longer but she was waiting for a ride. The dog had had rabies shots and is now licensed. No tickets have been issued yet. Adare's father called Sharon that night. Sharon went back Thursday night to check the dog. The owners came to the door with the dog. He barked but did nothing aggressive. He stopped at the door with the owners. He didn't growl. He smelled her pant leg. He didn't lunge.

Kyle asked what kind of dog it is. Shayde said it is a mastiff/shepherd mix.

Eric gave Adare an opportunity to testify. Adare said she went to the dog owners' house on April 30 with Eric Bailey to pick up their friend, who is a housemate of the dog owners. She was informed that they had a dog. She has been around dogs her whole life. When she walked in the owners were nice and welcoming and Shayde let her see their dog. She never went into their bedroom. So maybe there was confusion about there being a closet. When Shayde let the dog out she heard a snarl and she felt a big pinch on her belly. She was shocked and the owners grabbed him. She thought he might have urinated on her. It seemed like he had a lot of energy. Shayde put him back in the cage. The owners didn't assess her injury. She sat next to Eric and she unzipped her pants and saw she was bleeding. The injury was right above her vagina. From her understanding of working with dogs, that is a kill spot. She wasn't warned the dog had major aggression. She heard someone saying, "Oh, I know what she did wrong," implying it was her fault their dog attacked her. She went back to campus. She didn't know what to do. She didn't want anything bad to happen to the dog, but she thought about it more and her mother said, "What if it was a little kid?" The dog was huge. He wasn't even trained. He wouldn't stop when they yelled to stop. She has worked with dogs and never seen anything like that. She showed the board pictures of her wounds, which she said had not yet healed. She said now she has permanent scars on her body.

Eric Bailey said he did give Adare a warning. He did say how big the dog was and that he wasn't trained. Eric is dating a roommate of the owners. He has known the dog since October. In his opinion he is not a vicious dog; he just needs training.

Adare said she will admit Eric did warn her but she thinks she was oblivious. She didn't believe how vicious he was. She didn't think twice about it. The owner was indicating it was perfectly fine.

Justin Tibbitts said he agrees that the dog didn't have training. This is his and Shayde's first dog together. He never had the full responsibility for a dog before. They didn't know how to handle a new person coming into the house. They had never had an experience like they did with Adare. They had already made a training appointment for 3 days after the incident as the dog was getting too big for them to handle. That was the dog's first incident. Justin feels that as soon as the dog saw Adare standing there it set his red flags off. He and Shayde had never let someone get that close to him in his bed area.

Shayde said she warned Adare he was skittish but didn't think to tell Adare not to follow her. Usually people stay in the living room and give him space. He is a very insecure dog. The trainer they consulted said his biggest issue is that he doesn't realize he doesn't need to be scary. The trainer (Tom Radford in Williston, who has worked with police dogs) said he is insecure. The dog is making strides. She doesn't believe he is a vicious dog. She thinks a lot of what happened had to do with him feeling cornered. They have a shock collar and it is working wonders. They have a different set-up at the house until the dog is better trained. Their roommates give them warning before bringing someone over so he has his e-collar on. They are figuring out what they need to do as owners to better control him. He has had two training classes and the third will be next week. They have a Beware of Dog sign and two muzzles.

Doug asked whose dog it is. Shayde and Justin said he is both of theirs. Shayde is the one who registered him so she is the owner on paper.

Doug asked how long they have had him. Shayde said it will be a year in June. He just turned one year old on May 2.

Doug asked if there have been people to the home before. Shayde said there have been. There are people coming and going all the time.

Nat asked, when people visit the house, is the dog out? Shayde said yes, he is usually good. He is usually too scared to go up to them. He stands next to the owners and barks. Justin said he usually barks when they first come. After 5 to 10 minutes he usually goes up and sniffs visitors. Once he is used to them if they go to pet him he runs away.

Doug asked why he runs away. Justin said he thinks the dog is not sure if people are trying to hurt him. He usually comes to them.

Doug asked, what is the course of the training? Shayde said they paid for the gold package, which helps with aggression and anything they need help with. They are now working on normal obedience. They did one session at the trainer's facility and the second at their house. They didn't get to work on the aggression portion because the dog barked but didn't show signs of aggression. The trainer said what happened with Adare was not aggression; he felt cornered. There is no training needed but to make him more confident, and to teach obedience and enforce that they are the alpha. Once they do that and the dog has confidence that they can protect him he won't have the issue of lashing out if he feels cornered.

Doug asked how many training sessions there will be. Shayde said 8.

Doug asked if there will be a report after that. Shayde said she could have one done.

Doug said he is interested in continued safety and not having another incident.

Mike asked, there is no closet? Shayde and Justin said no.

Mike asked how long the dog had been crated the day of the incident. Shayde said ten minutes. Mike asked if he has ever been crated all day long. Shayde said in the past there were times when he was in the crate for 3 hours, then let out and crated again by their roommate but he spends most of the time out with them. He doesn't even sleep in the crate.

Mike asked, did the trainer think he suffers from rage aggression? Shayde said no; the trainer thinks he is insecure. He doesn't show aggression when someone comes in the door; he just barks.

Mike asked if Shayde and Justin think the dog gets enough exercise. Shayde said yes; they walk him 2-3 miles a day and spend time with him in the yard on leash.

Doug asked, the dog was not registered at time of the incident? Shayde said no, but she registered him the next day. When they got him she didn't know she had to register a dog. She heard something about it on the radio and the date of April 1 was mentioned. She thought after April 1 she couldn't do it. She thought she would do it before April 1 next year.

Sharon said this is their first dog. Mastiffs and shepherds are protective of their owners. But the dog didn't show aggression to her.

Adare said she was taught from a young age what cornering was like. She was the one that was cornered. She was against the wall and had nowhere to go. She wasn't doing anything to make the dog feel threatened. She had nowhere to go and he had the whole living room.

Eric Bailey said he thinks it was just because most people who come into the house knock and he comes and barks. He was in the cage and didn't know someone was out there so he freaked out when he came out of the cage and she was out there. It would have been better if Adare had been in a better area. She was standing by the door to the room, in his space.

Shayde said the dog couldn't leave because Adare was standing in the doorway. He came running out of the kennel to the doorway. Adare could have backed away but she didn't move fast enough. She wishes it had happened differently.

Kyle asked, the dog has never attacked anyone before, whether biting or not? He has not lunged? Shayde said he has lunged but never bit anyone. He never made contact.

Eric ended the meeting so the selectboard could start its joint meeting with the trustees. He said the selectboard will deliberate at a future time and written findings will be sent to both parties, along with any stipulations that need to be placed on the dog.

Mike moved to recess the meeting until a future date and time, Kyle seconded, the motion was passed and the meeting was recessed at 5:37.

The meeting was reconvened on May 20, 2019 at 6:30 pm. The board went into deliberations, made a decision and will send findings in writing to the parties involved.

The meeting was adjourned at 6:56.