

JOHNSON SELECTBOARD  
VICIOUS DOG HEARING MINUTES  
ALL PARTICIPATION BY ZOOM TELECONFERENCING  
THURSDAY, FEBRUARY 18, 2021

**Present:**

Selectboard Members: Mike Dunham, Nat Kinney, Doug Molde, Kyle Nuse, Eric Osgood  
Others: Brian Story, Tracy Myers, Hiram Hoag, Isaac Hoag, Lucy Hoag, Inga Luebke

Eric started the meeting at 7:00. He explained that in this hearing the board acts in quasi-judicial fashion. The board needs to determine whether to declare the dog as vicious or not and whether to impose any restrictions up to and including ordering the dog destroyed. The board will take testimony. Parties can call witnesses or provide evidence. Following the hearing the board will go into private deliberations and a written decision of the findings will be sent to Isaac.

Eric said the vicious dog report form identified Isaac Hoag as the owner of the dog and Hiram Hoag as the father of the victim. The incident happened on February 14 at about 4:30 pm. The location was 496 Hoag Road. The victim's name was Lucy Hoag. Hiram said the location was actually 600 Hoag Road.

Eric swore in everyone who planned to give testimony.

Tracy Myers said Isaac has licensed the dog since the incident and he has provided proof that the dog had a rabies vaccine. She met the dog. It seems very healthy and was very friendly to her. She got a call Monday morning from Hiram stating that his daughter was bitten by the dog, a South African Boerboel. Tracy was told she got about 30 stitches and has a follow-up with a plastic surgeon.

Hiram said the kids went over to his mom's to let the dogs out. They have done this many times. They both came back crying. Lucy had been bitten. She told him Pugsley had bitten her. He was good when she let him out and she put him back in and turned around to say goodbye and he jumped up and bit her in the face. He is normally a good dog. Hiram took his daughter to the hospital as soon as it happened.

Lucy's mother Inga Luebke said the dog has a history of biting other people. He bit an adult male a few years back (Hiram and Isaac's cousin) and he bit Hiram's girlfriend's 6 year old son on the hand last year, which was never reported. Her understanding is that the child was hitting the dog in the face so the dog bit him. The Hoags have had other dogs in the past that were known to be vicious or at least scary, so delivery drivers will not come to the Hoags' home. Her understanding is that a delivery driver was bitten.

Lucy described what happened. She went over to her grandma's house to let out her dogs. She didn't realize Pugsley was over there, but that's not a problem. She let them all out. They were all walking around. Then she let Pugsley inside like usual and said goodbye and he jumped up and bit her in the face. She didn't shut the door so he was out with the other 2 dogs running around afterwards and he seemed happy. Lucy said she does not want the dog to be destroyed.

Isaac Hoag said he has had Pugsley for 6 years now. He thinks he is 8 years old. He adopted him from a family that couldn't have him anymore. He always adopts dogs. He tends to get larger dogs and sometimes they are not well mannered. That has caused problems in the past. He had a large dog that chased a FedEx driver and FedEx would not deliver to them for a couple of years. The 6 year old did get bitten by Pugsley but the child was antagonizing him, slapping him in the face. He kept doing it when Isaac told him to stop and then Pugsley latched onto his hand. In general, Pugsley is a well mannered dog but clearly he has moments when he isn't such a great dog. Isaac will leave the decision making up to the board.

Nat asked whose dog this is. Isaac said it is his. His mother sometimes brings it up to her house during the day to hang out with her dogs.

Nat asked if any adult was present with Lucy and her brother when she was bitten. Lucy and Hiram said no.

Nat asked Lucy if the dog bit once and then retreated or continued to be aggressive after he bit her. She said he bit her once and then retreated.

Mike asked Isaac if he had said that the dog clearly has moments when he is not a good dog. Isaac said yes.

Doug asked if there are other instances than this where the dog appears not to have been provoked and acted in an aggressive fashion. Isaac said not that he has witnessed.

Doug asked whose property Pugsley was on when he was let out. Isaac said he was at 600 Hoag Road on the family farm, owned by Robert and Sandra Hoag. Doug asked how he came to be there. Isaac said his mother walked or drove him there. Doug asked, so she would be considered Pugsley's keeper when he was there? Isaac said he doesn't know if she was there at the time. She may have been gone to work but the dog was at her address. Doug asked if there is a normal place where Pugsley is kept. Isaac said at 496 Hoag Road. Doug asked how often he is at Sandra and Robert's place. Isaac said he is there 4 or 5 days a week during Isaac's workday.

Doug asked how often Lucy or other people come to let him out of her home. Isaac said he was unaware that happened. He doesn't know. Doug asked if Hiram knows. Hiram said it has been an ongoing thing that he and his kids let the dogs out. It is one of the chores his kids do a lot.

Doug asked if Hiram had any apprehension about the children going there. Hiram said no. He has never seen Pugsley have an unprovoked reaction like that. His kids have slept with this dog. They have known all these dogs and let them out. There was never a fear this was going to happen. It was outside the norm.

Kyle asked Lucy, it sounds like she has never felt afraid of Pugsley before and trusted being around him? She said yes.

Kyle asked Isaac if Pugsley has a fenced in area or where he is when he is outside. Isaac said he pretty much just roams free. He usually stays within 50 or 100 feet of Isaac. Kyle asked, when he is away from you do the dogs pretty much all stay together within the property bounds? Isaac said yes; he's never had them leave the property.

Nat said he is compelled by Lucy's statement that she does not want the dog destroyed. But he is also hearing Isaac's testimony that the dog has moments when he is not a good dog. The selectboard will need to make a determination that is in the interest of public safety for delivery drivers, children, neighbors, etc. He asked what Isaac would advise as far as ensuring public safety around the dog. Isaac said he was considering muzzling him when he went outside. Any time he was outside of his home he would have a muzzle on. He could also leash him, which he has almost never done. If that was a requirement he would be happy to do that.

Eric thanked everyone for handling this so civilly. That is not always the case in dog hearings.

Nat moved to enter into deliberations, Doug seconded, the motion was passed and the board entered into deliberations at 7:30. The board came out of deliberations at 8:45.

*Minutes submitted by Donna Griffiths*