

CLARK COUNTY ANIMAL ADVISORY COMMITTEE
Paradise Community Center
4775 McLeod Drive, Town Board Conference Room
Las Vegas, Nevada 89121
June 28, 2012 at 6:30 p.m.
MINUTES

MEMBERS PRESENT: CONNELL, MICHAEL (MC)
 GIPAYA, MARY (MG) (left early)
 LALOR, DIANA M. DVM (DL)
 LAYNE, KAREN (KL)
 GOTHARD, KAYLA (KG)

1. Call to order

The meeting was called to order at 6:30 p.m

2. Approval of agenda

A motion to approve the agenda was made and seconded

3. Approval of April 19 and April 26, 2012 Minutes

A motion to approve the Minutes of April 19, 2012 was made and seconded. Approval for the Minutes of April 26, 2012 meeting were held until next meeting. Motion made and approved.

4. Discussion of proposal to allow pet shops to adopt out only rescue animals and take appropriate action.

Assistant District Attorney STEVE SWEIKERT (SS) looked at this issue a couple months ago. You cannot ban pet sales at pet stores and only allow animal adoptions as it would conflict with NRS Chapter 574. There are several types of preemptions. There is a comprehensive scheme in the NRS that allows for the sale of pets and there is a lot of regulation as to what type of pets they can sell, insuring they do not come from puppy mills. The legislature established this guidance for you to follow as to how the pet shops should be run. A comprehensive scheme is different from another kind of preemption which is called occupy the entire field which leaves no room for you to regulate whatsoever. In that situation you do have authority to do some regulation as long as it doesn't conflict with the NRS. After looking at this issue, it seems to me there is no prohibition against importing animals from out of state that don't meet the requirements of the NRS. That is something you can address. You can make more stringent controls as to what type of animals could be sold. An outright ban would conflict with the NRS. KL – if we want to change this to allow for this proposal, we would have to go to the State Legislature to get changes at the state level? SS – that is correct. KL – but we can adopt more stringent requirements for the animals that are put up for sale. SS – as to any specific control, I have to look at the NRS but generally that is true. KL – right now in the County we require humane groups who adopt in the county to s/n the animals. So it would seem if we require those groups to s/n the animals, we might also require pet shops to s/n their animals. SS - That is a possibility. I don't know off the top of my head if 574 has provisions about neutering. If it doesn't, then certainly you could. KL – I know it doesn't for pet shops but it certainly does have a requirement for s/n of animals adopted at a shelter. SS – you have to consider that the legislature made an exception for breeders too so an outright prohibition would conflict with that but a procedure that allows for the sale of animals that potentially could be bred but others that would have to be neutered, I think you can do that. MC – with 574 on the books, how can CC enforce mandatory s/n of their citizens if pet stores can sell intact animals? SS – you would have to get the BCC to prohibit the sale. I don't know if that would conflict. I have

to look at the specific provision but you would pass a provision in Title 10 of County Code. You could do it if appropriately tailored. There is a provision that allows for breeders. Maybe the stores would have to get permits for specific puppies that are sold for breeding and have to pay some additional license for it KL – if we want to address this issue and we voted to submit this proposal to the BCC, we will have to come up with another way to address this issue. We are trying to adopt out only rescue animals as a way to reduce the number of animals. Is it possible you could get back to us in terms of requiring pet shops to s/n animals? Is that something we could pass and if they don't s/n, then they would have to get a permit. SS – we can look at that issue. I will discuss it with Jennifer. MG likes that idea. KL – the people who made that proposal are not here tonight. We need to get back with them to explain the situation and make sure they understand we can't do what they proposed but may be able to accomplish something similar. SS – there is also the issue I suggested before - somehow plugging the out of state puppy mills. A possibility would be, and I don't know if this is feasible, is taking the animals out of the shelter and giving them to the pet shops, maybe with an option, maybe with an allocation that may dig into somebody else's pocket. It is a possibility. KL – under SB199 passed in the last legislative session, there is an issue of puppy mills so there may be something we can do in terms of where the puppies are coming from. SS – the puppy mill legislation in the NRS only covers dogs bred here in NV so the ones bred in some other state and brought in is a gap in the regulation. Officers out in the field looking at these stores might know. KL asked committee members to get their thoughts on this matter to her and she would speak with the person who originally made the proposal to let them know what is going on.

5. Discuss the confidentiality requirements created by SB 223 and take appropriate action.

SS – The confidentiality requirement was incorporated into the NRS in chapter 574.053. It was modeled after almost identical language in the NRS dealing with confidentiality of records for multiple victims and children. The other laws have very detailed and lengthy exceptions to this confidentiality requirement. It expressly says this information can be turned over to people who are doing legitimate studies or to doctors, things like that. There are no exceptions written into this law and maybe that is what you are looking at. If there is something in particular you have in mind, you have to approach the NRS about that. The other issue is this law was written after another law - the public records law that calls for a particular type of construction of limitations in sharing information, confidentiality. They are supposed to be construed in such a way as would promote discussion. The way this reads it is actually a crime to willfully release any data or information concerning a report of cruelty. Cruelty is written so broadly that it can cover almost any type of adverse treatment to an animal. Data information concerning a report sounds very broad. What isn't data information the concerns a report? Clearly the legislative intent is to protect people who report such activity. There was a lot of discussion at the legislature about how some of these people turn into serial killers or otherwise just bad people. When I get these requests, I clear the requests as to whether or not they should be turned over or whether they should be redacted. There is not a lot of rope. If there is an example you want me to consider where there is a problem concerning confidentiality, I will be happy to address it. KL has a couple issues. Many times we receive cruelty complaints we often forward to Animal Control because we cannot handle them. We can't take any action in terms of issuing citations so we send them to Animal Control. If they are confidential and the person calls me back and says nothing has been done, Animal Control has not taken any action, I can't go to Animal Control to find out what action has been taken and get back to that person. They may not understand that even though they reported it, Animal Control may go and see the situation is bad and take care of it without notifying that person. The issue that just happened with the two kittens that were drowned, you have a person who witnessed those kittens being drowned by these two boys. A local organization that deals with cruelty issues, like any number of non-profits in the valley, will want to make sure this case is followed through and want to know when it goes to court so they can have people there and draw attention to what is happening. They will not be able to obtain any information about the case so they can follow it through the court system. In talking to some of the Reno people, they are not releasing this information to anybody. Once a cruelty case goes to Animal Control, that's it. There is this cone of silence that comes over these cases. For most of the groups, if they feel Animal Control is not pursuing a case they think should be pursued, they have no idea what is happening in that case. SS doesn't

know how he can construe the information to address that issue. Clearly, if you are deliberating and want to recommend some type of new law to address cruelty or make a recommendation for stronger enforcement maybe we can come up with some aggregate information that can't in any way identify who the complainant is, sanitize it, take it away from the case. We can probably do something like that. When you are talking about interacting with the complainant or witnesses, you probably need to change the NRS. That would be consistent with the other laws this was modeled after with all the numerous exceptions they have. KL – have you talked to any other localities in terms of what their issues are with that requirement? That was put on that bill at the last minute and Gina Greisen, the author of that bill, had to work tonight, would have a much better perspective on some of the issues we are seeing. Her understanding is that Northern NV is going to try to make some changes to that proposal at the next legislative session. SS spoke briefly with an attorney from Reno and he did have a very strict interpretation of it. I came across a situation worth sharing. There was a cruelty complaint. Animal Control wanted to know if they could turn over to a vet the violator's address and telephone number. There was some issue about getting medical information about the pet. I was able to say they could turn over that information. It wouldn't identify the complainant and would avoid harm to the animal. There are animal cruelty laws so it would have been an absurd result to interpret a law that avoids harm as requiring harm to be done to the animal by failure to act where medically necessary. There will not be too many situations like that. With respect to no follow-up, I think for now repeated complaints is the way to go. If you know about repeated complaints, letting Animal Control know that it is the second time, you could do something like that. It is difficult because the law is very broad. KL – we may want to explore this further in terms of making some changes. Suggests the Commissioners make some changes to that law. It is a big issue. I deal with these things almost every day and it gets to be frustrating when you can't ask them to give you information because it is confidential. A lot of people will not talk about cruelty if they are afraid their names will be used. It was a good idea but they went overboard.

6. Receive a report from the Educational subcommittee; and take appropriate action.

KL – RA is not here tonight so we will skip this agenda item.

7. Receive a report from the Humane/Rescue Group subcommittee; and take appropriate action.

DL met a couple times with the Subcommittee. Another meeting is scheduled a week from today. We had 13 groups fill out a questionnaire and gave us a lot of data. In discussing goals, the rescue groups are not specifically interested in adoptions but in controlling pet overpopulation and s/n issues. We are compiling ideas for controlling pet overpopulation. We will discuss that at the next meeting. I have a compilation of the questionnaire that everyone filled out which I will send out if you give me your e-mail address. Thirteen groups responded and have given us data such as how many animals they take in a calendar year, how many they adopt out, the percentage of those that are fixed, where they keep the animals until they are adopted, where they get those animals from. Do they work with other groups to get animals adopted, where do they actually do the adoptions? Do they do them at PetSmart, PetCo., their own facility or other locations, over the internet. Also very pertinent to us was what geographical adoption range. Are they local, only in state, or do they do in and out of state. What steps do they take before adopting an animal, steps included questionnaire, personal interview, home visit and everyone so far was interested in creating a regional "Do Not Adopt" list and some of them within their groups have their own personal "Do Not Adopt" list. I compiled a work document of mission statements for all the groups so we have a better idea of what the local rescue groups are doing, what their goals are and we have the questionnaire which is a series of excel spreadsheets with a summary page I can send to the Committee members so we know where we are with this Subcommittee. Each page is a compilation of the information given by each group. The first sheet is

the summary of all the groups and the information for the 13 groups who have filled out their own individual questionnaires. We had a good turn out and people are interested in continuing these meetings. Each time we get a larger group of people. AFI is about the only group interested in increasing adoptions. Everyone else says they can't afford it; it is costly. One of the things we did not talk about is adoption for horses and other animals. We have a group that deals with dogs, cats and turtles. We may want to set up a separate group dealing with horses since that seems to be a big issue right now. KL - If I can get the Committee to agree with this, I would like you to work with MG and Jen Hlavacek from the Humane Society who does horses as well to talk about increasing adoptions for animals outside of that.

8. Hear the appeal of Vicious Animal Declaration by Joshua Gomez for Mr. G, a white Pit Bull, 3412 Sheep Canyon, Las Vegas, NV; and take appropriate action.

GREG WALLEN (GW) - On May 23, 2012, a pit bull belonging to Joshua Gomez attacked and killed a dachshund belonging to the residents at 3365 Sheep Canyon. The owners of that animal are not present this evening. The pit bull belonging to Mr. Gomez was not properly nor adequately confined or contained to the owner's property in that the dog entered the property at 3365 Sheep Canyon where this incident occurred. You have photos of the victim dog and the aggressor. The photos were taken on scene before the animal was removed and similarly the photos of the pit bull were taken on scene as the ACO had leashed it in the backyard where the victim dog lived. You also have photos of the fenced side of the house with what we believe are the teeth marks and the tearing which is how we believe the pit bull entered the backyard at 3365 Sheep Canyon. The bar was torn away from the gate and the pit bull was able to get into the backyard. The officer arrived and from the inside of the house, he observed through the glass door that the pit bull was in the backyard with the deceased animal. I approved the Vicious Animal Declaration. We attempted service at the owner's home, no one was present so we sent a copy of that declaration by certified mail. We never received a return receipt. On two separate occasions the officer made contact and was notified about the hearing. KL – the dog is intact? GW – if this declaration is upheld, whether the dog is intact or not is irrelevant. If this declaration is overturned and the owner retrieves the dog from the shelter, it then will be sterilized.

JOSHUA GOMEZ (JG) is the owner of Mr. G. I was not home when this happened. The mother of my child was moving out of my house. She did not have him secured in the backyard when she had the door open and he ran out. She didn't notice. She called me on the phone hysterical, something about my dog got out. I came home and realized what was going on. He is not an outside dog. I never let him outside. If he does go outside he is on a leash. It is a total lack of responsibility on our part. We are really sorry about the incident. He is a family dog and has been around my daughter since she was born. He is older than my daughter and she is 5 years old now. I never had a problem with him aside from another occasion when somebody put him in a backyard and he got into a fight with another dog. Other than that, I have never had an incident. What happened is a tragedy. I am sorry about their animal. I take full responsibility for it but he didn't know any better. It was a mistake. I beg that my dog doesn't get euthanized. I'll take care of everything I need to take care of so it doesn't happen again. I will make sure of it. KL – have you met with the person whose dog was killed? Have you talked to those people? JG – they don't have anything to say to me. They didn't come down to my house. When I came home, the police and Animal Control were there. My dog was in their backyard. They wouldn't let me get my dog. I don't know how he got in the backyard. Nobody saw him go into their backyard. I don't know how he ended up in their backyard to get that dog. He got out because the mother of my child didn't secure him properly. KL – so you haven't spoken to them? JG – I haven't.

DL – I have seen the pictures. There are a lot of chew marks on one of the slats on the gate and it looks like a real effort went into pulling this apart. JG – our gates are made out of plastic. They actually come right out so you can break them. Even when I did have other animals, he has never done anything like this. DL – one thing

that is sort of an aside but essential to the case. You said he is an indoor dog and he doesn't go outside at all. I am a little surprised. This is an active breed that requires a lot of exercise to maintain a healthy mental state. Does he play outside in your yard? JG – when I take him out he is on a leash. He isn't one of those dogs that runs around and is cool with all my neighbors. I walk him on a leash or ride a bike when we do walk him but other than that, he is never outside without a leash unless he is in a backyard. JG – if you spend 5 minutes with him, you can see there is nothing to worry about, you would fall in love with him. I guarantee it. DL – I am torn about this case. It really bothers me that he went into the other dog's territory; the other dog's home and destroyed this dog in the manner that he did. I understand what you are saying about him being a good family dog and he is good with your 5-year-old daughter. The pictures indicate this was a ferocious attack. The owners were home at the time. When they tried to go out and stop the attack, they could not interrupt the attack. It appeared to be so ferocious they called 911. The operator told them to stay in the house because they were concerned for the people's safety. That doesn't indicate a friendly dog to me. JG – I understand that but when dogs get into it, it happens, it is instinct. This never happened before. Maybe because the dog was such a smaller dog maybe that is why it seems to be more ferocious than normal.

KG – has this dog lived with other dogs? JG – I used to have 3 together. KG – has he ever been aggressive? JG – not one problem. One of the other dogs is with my baby's mother and the other got stolen. I have never had a problem. KL – you said you walked the dog on a leash. Is the dog aggressive to other dogs when you walk the dog on a leash? JG – not for the most part unless they are being aggressive towards him. When he sees a dog, he won't try to attack it. Once a dog barks at him, he does the same back just like any other dog would. I don't get close to the other dogs at all. They don't know each other. KL – basically you stay away from other dogs when walking your dog. JG – I don't know the other dogs. I don't know if they are aggressive or what is going to happen, plus he is not neutered. I will neuter him if I have to. DL – you seem remorseful and appropriately so today but I want to ask you about your comments on the day of the event and then subsequently when Animal Control talked with you. You did not appear remorseful and I was curious when that changed. JG – I was very flustered at the time. I didn't know what was going on. All I was aware of was that somebody had my animal in their backyard and Animal Control wasn't even there at the time. The police were there and they are the ones that told me I couldn't get my dog. I don't know what they are doing to my animal in their backyard; I don't have any idea what is going on. At that point in time I was really flustered. I don't know of any comments I made that were disrespectful. I have numerous quotes where you said "I don't give a f... about their dog, what about my dog. It has never harmed a person." There were several times when you said "I don't give a f... about their dog." JG – I do remember saying that's what dogs do, they fight. I don't remember saying anything about "I don't give a f... about their dog." If you read the police report, they were the ones I was talking with and said I am sorry this even happened but I am worried about my dog. I kept saying I am sorry it killed another dog but I want to know what is going on with my dog. He is like a child of mine; one of my babies. At that point in time, it is like my child in their backyard and I don't know what is going on. I was so flustered at the time. I was gone and come back to this. At the time I was really upset but I don't remember saying anything like that. I recall talking to the police officers. I was apologizing about their dog. It was a tragedy. I did say that happens, dogs fight and that happens. As I recall I was trying to get my dog back, that is all I was worried about. I didn't know if he was hurt. I didn't know what was going on. I could not see my dog. They would not let me. I still have not seen my dog. This is the first picture I have seen. They didn't let me see him. They took him from the house and put him in the truck. I didn't know what was going on. They kept telling me he killed another dog but didn't tell me what was wrong with him. If I did say that, it was in that sense. I do care about their dog. It is sad. I am very sorry about their dog. I moved out of the house because of the situation. KL – you are going through the process now that has been established and you understand the process, is that correct? JG – I understand that now. KL – when you say that's what dogs do, they fight, do you..... JG – not like they fight, it happens. All animals fight, it happens. That is what I meant. I am sorry. I didn't want their animal to die. My dog just didn't know any better. He shouldn't have got out. It was irresponsible; I should have been there to help. I don't feel like my dog should be killed over this situation.

DL feels that we as a society have to have a certain outlook on our dogs and not accept that this is normal dog behavior. When we have a dog in our home, it is a responsibility we have that at the first sign of any aggression that we nip it in the bud, not by being aggressive, but by using appropriate training techniques, even Chihuahuas. No matter what size the dog is, that is not normal or acceptable animal behavior. DL makes a motion to uphold the Vicious Declaration. MC seconds the motion, all were in favor. KL - Vicious Declaration is upheld. As part of this process you do have the opportunity to go to Justice Court and have an appeal heard.

GW – JG received written information about how to proceed with regard to seeking relief in the Court and he will be receiving a written decision within 3 business days of this Committee's decision and we will then wait the 10 days as prescribed in the ordinance.

9. Discuss emerging issues and information among Advisory Committee Members; and take appropriate action.

None

10. Discuss moving the location of Animal Advisory Committee meetings

KL – it has been suggested that we meet at the County Government Center instead of at Paradise because there is security, more parking. Since there are only 3 of us here to make the decision, maybe we should wait until the other members are present to address the issue. KG – I like that. DL – I like security, especially when we have the vicious declarations. People get emotional, a little angry. It would be a good idea. MC thinks Paradise is a good location. KL would like to hear from the other Committee members. Item is tabled until next meeting.

11. Comments by the General Public

AEYSHA DEFESTA wonders why the gentleman was not informed about training his dog to be socialized and having an intact dog. We just take pit bulls and destroy them. It is not fair. I have a Pit Bull, a Chihuahua and a coyote mix and they all get along. I don't know why the fellow did not neuter his animal. I asked him if his dog was neutered and he said no. There was no excuse. Why didn't he fix his property more securely? He has a dog that is aggressive. Not all pit bulls are aggressive. The Committee is always saying destroy, destroy, destroy and I object to it.

12. Set date, time and agenda of next meeting

Next meeting is scheduled for August 23, 2012 at 6:30 p.m. at Paradise Community Center.

13. Adjournment

The meeting was adjourned at 7:30 p.m.