

CLARK COUNTY ANIMAL ADVISORY COMMITTEE

MINUTES

Paradise Community Center
4775 McLeod Drive, Town Board Conference Room
Las Vegas, Nevada 89121
September 18, 2007
6:30 p.m.

MEMBERS PRESENT: BIGGERSTAFF, JAN (JB)
CHEVALIER, YVETTE (YC)
SANJAY, VERMA (VS)
SONDEJ, KEN (KJ)
POOLER, TOM (TP)
YOUNG, BILLIE (BY)

1. Call to order

The meeting was called to order at 6:33 p.m.

2. Approval of agenda

A motion to approve the agenda was made and seconded.

3. Approval of June 19, 2007 Minutes

A motion to approve the minutes was made and seconded.

4. Appeal of Vicious Animal Declaration

On 8/29/07 dogs cared for by Toby Jennings were declared vicious. JULIE LEE-EZOR, 9649 Brooks Lane, dogs' owners, was not there at time of the attack. She understands there are pictures but doesn't see how it died. It happened on 28th on papers, on 28th dogs were impounded, reclaim by owner only. On the 29th they were declared vicious. She does not see her dogs as being vicious. Her dogs were at large. They are not vicious. I don't know how the dog died. I don't see my 3 pit bulls attacking a Japanese Chin. I don't know how the dog died.

SR. OFFICER WALLEN (GW)– no autopsy was done on dog. Regarding question raised about the extent of injuries, it is clear that 3 pit bulls named Chaos, Havoc and Mayhem attacked and killed the dog belonging to Dan and Linda Hayes. Photograph after the fact does not accurately reflect nature of wound that was sufficient to kill the animal. We have a statement from Good Samaritan, Mr. Nicholas Griego who was at scene along with Mr. and Mrs. Hayes. We believe extent of injuries to Gizmo, pet that was killed, were minimized. What she is referring to tearing. Probably minimized by the fact that the Hayes and passerby engaged in fighting the 3 pit bulls getting them away from Gizmo, rescuing the animal. Clearly by statement from Mr. Hayes, the dogs continued to grab and attempt to chew on Gizmo so the extent of injuries was minimized by attempts to rescue Gizmo. TP have you read statements. When a dog attacks another dog, doesn't necessarily chew it up and spit it out. All they have to do is puncture the lungs, crush the larynx or break his neck. Doesn't surprise me that no autopsy done after seeing 3 dogs attack animal. We have witness statements.

GW – on the 28th of August, pit bulls named Chaos, Havoc and Mayhem did attack and kill

Gizmo. On the 28th the dogs were in care and custody of Toby Jennings. Mr. Jennings was watching dogs for their owner Ms. Lee-Ezor who was in custody at CCDC at the time. Mr. Jennings' statement says pits got out of the house. Although he went looking for them, he lost sight of them. Mr. and Mrs. Hayes were out for evening walk with their dogs. Nicholas Griego, Good Samaritan, happened to be driving through neighborhood, saw 3 pits running loose got them in his vehicle. TP – it is not clear how dogs were able to jump out and attack. GW – Mr. Griego was driving through neighborhood trying to find owners. Unfortunately he met up with Mr. and Mrs. Hayes. The 3 pits exited vehicle ran toward Mr. and Mrs. Hayes and ripped Gizmo from Mrs. Hayes' arms and killed it. They indicate all those who were there were trying to fight off the dogs. Metro responded to call and identified Mr. Jennings as caretaker. Animals were impounded, vicious animal declaration was prepared and served on their owner.

TOBY JENNINGS (TJ), 9649 Brooks Lane, was in charge of dogs, not aware they got out. If vicious, how did stranger get into his vehicle? Twenty minutes before I was looking for dogs and spoke to Mr. Hayes and asked if he saw them. He went and walked his dog any way. Doesn't make sense. Dogs never vicious. They might have been scared. From statement, when I talked to Good Samaritan, he said only one dog attacked their dog, not all three. TP – you weren't there at time of attack. TP – a vicious animal doesn't have to be vicious toward you or me but if it kills another animal then by law it is vicious. TJ - you guys want to kill all three. It is not fair to kill all 3.

RICK GRAHAM, 9649 Brooks Lane, knows and lives and accepts dogs as part of family. Unfortunate incident is out of character. They don't get out of the yard; indoor domesticated dogs exposed to different people. There has never been any problem. Not acquainted with other animals. Willing to go beyond precautions. A tragic and unfortunate incident has taken place. Please let it end with one loss and not 4.

CHERYL CRUM, 7013 Junction Village, was present 10 minutes after attack occurred. Condolences to family. Have to agree if one dog was attacked then maybe one dog should pay the price rather than lose all 4 dogs. There is no compensation that can be made for loss of dog. Offered to pay for cremation, burial but cannot replace the dog. We did what we could to offer monetary compensation to ease loss. Known dogs since they were puppies. Have never known to be vicious or aggressive. I'm not saying it didn't happen by all means something happened. Their little dog was dead but agree that Chaos, Havoc and Mayhem are large dogs. Had they all 3 attacked, it would have been messier. Assuming their dog's neck is broke, don't know. On behalf of owners of dogs, nothing gained by these dogs being exterminated. She knows she needs to take precautions to make sure the dogs don't get out again. Take classes. It was a beautiful little dog. Please don't take all 3 of her dogs. They are her family. Had them since they were puppies. There is nothing to be gained by exterminating the dogs. TP - are you friend or neighbor. Cheryl – a friend.

DR. MYRA GLASSMAN (Dr.G), 9194 Highland Springs, would like to address board. It was fine that people involved offered to pay expenses involved in loss of Gizmo. We are taking on question of law, not a question of people involved. Under the law these animals are vicious and that is the issue before the Committee. By euthanizing them we are preventing another disaster. That's what the whole question of vicious animals is: to remove them before they cause another death. I beseech the Committee to address that question and that question alone.

DAN HAYES (DH), 9725 Kampsville, first of all none of them was there. I was. As far as Toby coming by, my wife was already at the park with a red heeler and our Japanese Chin. We also have a miniature Pekinese. When he came by, I asked if they were friendly, he said yes. Told him

if I found them, I would put in my garage. Just gotten group together and saw Good Samaritan. Before he could get words out of his mouth, the dogs were out of his truck. Dogs jumped into his truck. He didn't coax them into it. Before he could ask if anyone lost 3 pit bulls, they jumped out of the window. First thing that happened, my wife picked up Mei Ling and Gizmo and had the leash wrapped around her arm. Yelled no. The dog in middle jumped on my wife; put paw on her, took Gizmo out of her arms, yanking the leash out of her hands. The other two dogs were coming after my wife. Dog in middle had gotten Gizmo away from my wife. Turned and picked up Kaz and told her to go home now with Kaz. The 3 pits started chewing on Gizmo, parading around like look what we have. I stood there watching the 3 pits dragging my dog around the park. They took him out to the middle of the street, chewed on him a few more times and then took off. Took off 50, 60 yards and turned. They were hunting, not walking. I was scared they were going to go after my other 2 dogs and my wife. Ambulance showed up first. One of the pits tried to jump into the ambulance. Other 2 came over. Told police officer what had happened. He pulled his gun and said if they move he would shot. Toby showed up, AC showed up, we explained what happened. Toby put dogs into his car. AC officer told him to put in truck. They were like puppies when he showed up. If they did it once, they will do it again. Genes have certain things in them. It wasn't fun. TP have you been offered compensation? Toby offered to buy another dog. How do you put a price on a pet that has been with us for 12 years? Told him he couldn't replace Gizmo. He was 12 years old. He never hurt anybody. Dogs came into our neighborhood, viciously attacked us and killed my dog right in front of me and then played around with him. It was a vicious kill. They will do it again. VS – was your wife holding Gizmo? DH- yes, their dog grabbed Gizmo by his neck. I said, “NO, Mr. Griego was saying no, I was kicking the dog. When they pulled the leash out her arm, they went right to Gizmo. They had targeted Gizmo. They didn't go to Mei Ling or Kaz. They were like normal dogs after Toby showed up. Mei Ling was in my wife's arm and Gizmo in the other arm. The dog pulled Gizmo out of her arm and pulled the leash off her arm. All three were so fast and so vicious. Nothing we could have done. Have nothing to defend myself, in my neighborhood park, walking dogs; don't worry about stuff like that. I get up 4:30 in the morning to walk my dogs and now I carry a pipe with me.

VS – your wife had 2 other dogs and went home? NH - dogs were playing with Gizmo and that's when we made a break. I made my wife go home with the other 2 dogs to go to safety. She was hysterical. YV – just to clarify, were all 3 dogs were involved? NH – one of them started it but they all followed. But when that switch went on in the Pits, there was nothing he could do. Have a photo of bruises. We were scared, didn't know what to do, paramedic came and was concerned about my well being, my wife's well being. She had no skin broken. No medical treatment but she was bruised. VS - was the bruising from the leash? He put left paw on her, pushed her back to get Gizmo out of her arm. The dog was oblivious to anything but Gizmo. VS - when they jumped, did she fall back? NH – adrenaline was up, fear megafold; all you are thinking about is safety and I am going to die. Happened to fast. It was so vicious. You react. You stand no chance if these dogs decide they want you.

JB – weight of pits – 80 lbs for one and other 2 were close. They were big. When a pit attacks, it is a bigger dog.

KOREY HICKMAN, 9649 Brooks Lake, doesn't see how they could have done that and not leave marks on it. Dogs were playing. They weren't trying to get that dog. Guy who runs shelter says the dogs are not vicious. Guy who grooms every single night says they would not hurt anybody. YV – we are looking at a black and white picture. It is very evident that there are serious injuries because of the wetness around the neck. You can see injuries around the neck by looking. KOREY - They were just playing with the dog.

GW – reference current testimony; this is not a court of law however; she has provided hearsay testimony about what may or may not have been said to her. TP - people at the shelter are not qualified to make those statements besides they are only talking about human/animal relationships not animal/animal. They don't put animals together to see if they bite. None of them are qualified to make that statement.

BY – This is absolutely an emotional issue on both sides and very difficult to make a decision, pro or con, without being emotionally taken by the situation. We are here because we are animal lovers and care very deeply. Many of us have had experiences or seen things that have moved us to make decisions to help animals in one way or another. As it was clearly pointed out, we should not be looking at emotions but at facts and what is put in front of us is pretty clear. As the Chair pointed out, we are only advisors, we will give an opinion and you will still have options available to you hereafter.

YC – motion to uphold AC's declaration of vicious. Motion seconded and approved.

TP – if you wish to pursue it further you can go to court.

5. **Information-sharing by Committee Members**

JB – at last meeting brought up revamped language in section 1 about unsterilized animals. It hasn't moved forward. Roseanne asked to check with Dave March to see about going forward with change recommended last time. Also asked to let JB know where hold up is.

6. **Comments by the General Public**

YC – OH Supreme Court rendered an opinion. I thought it was interesting that they found they could find certain breeds dangerous, relates to what we just went through. Find it interesting way argument was phrased. KS – this decision is 2nd appeal, 1st time unconstitutional, now constitutional, appears evidence not presented by DA. Got lost. Was present in first appeal but not second. Motion to FBI and Department Of Justice to look into improprieties of OH Supreme Court and missing evidence. Building case to go to US Supreme Court. YC do you know what evidence is. KS – packet one of attorneys took home to check and lost it. Don't know what was in there. It is back on 3rd appeal to OH Supreme Court. Lost evidence presented on 3rd appeal. May go to Supreme Court of US.

Dr G has copies of this court case if anyone interested in looking at it. Two separate issues to address. First is on this case, the importance of this case is not whether factual material in evidence is right or wrong, decision makes an important statement about constitutionality of declaring an animal dangerous and vicious. Important point they make is yes you have private property rights under constitution but they are limited when your private property rights endanger public and it is constitutional for institution like AC to declare your animal dangerous to public. Other important thing is one of the justices wrote a separate opinion that the OH statute is breed specific, separate opinion opposed breed specific legislation. It is not because they are pit bulls they are vicious. Yes when Pit attacks you are a goner, when Chin attacks you will get a little bite. We are not looking to label a specific breed as vicious just because it is that breed. The reason I brought it is on several occasions when vicious animal declarations and s/n legislation come before committee, members expressed concerned about constitutional rights to keep animal intact, to keep vicious animal and we need to recognize that all of our constitutional rights have limits when they infringe on the safety of the public.

Lied Animal Shelter – last year Mark Fierro on behalf of Lied came before Committee asking their county contract be amended so that Lied could charge \$150 or so on county animals. Originally contract was limited to \$13. Committee heard arguments and approved ability to charge more with provision that seniors would revert to no more than \$13. Lied is not living up to that agreement. When they are called on it, Chris Robinson and Darrin Landrum, they are claiming they know nothing about stipulation. Have been referred to meeting minutes referred to Roseanne to get copies and still claiming they know nothing about that situation. Since raising adoption fees, adoptions have gone way down. I believe this is part of why they got so overcrowded. Numbers show adoptions have gone down since raising fees. Have personally referred people to adopt an animal and come back saying they want \$150. Neighbor just bred dog and selling puppies for \$125 why go to them. Providing ready customers for backyard breeders

YC – heard about how this Committee made remarks about constitutional rights of public to breed and have vicious. In the time I have been on this Committee, I have never heard anyone make protective rights to have vicious animals. My remarks have been to protect public. We are a government of enumerated powers. If an animal poses harm to welfare of public, we can act on it, but if not causing harm then property rights are in full force.

MIKE CONNELL, 6105 E. Carey, has read OH opinion closely. They are not banning Pits but limiting to 1 per household and when taken out, they must be muzzled. At Lied Animal Shelter don't know what they say price is but I still get for \$13. They are doing a much better job. TP asked Roseanne to let us know the outcome and status of working with seniors and low income Committee asked for resolution for \$13 for seniors and low income citizens. Report for next meeting.

KAREN LAYNE, 3395 S. Jones, from info we got at the last focus group, the City is in negotiations, trying to make all contracts same, ongoing effort, part of issue right now. Renegotiation with City had not been brought before City Council. With respect to \$13, my understanding that animals would be spayed and neutered before came out and hearing that not the case, going to rescue groups w/o spay/neuter and given 10 days to s/n animals. Has been a bone of contention in the past. Committee asked for a report for next meeting

MIKE CONNELL - every one I have gotten out have been s/n. Shibas, Borzois, had their shots and were s/n. TP – when I was there that was a bone of contention but apparently something has slipped through the cracks. Adopt a Rescue Pet certified as being spayed went into heat or got pregnant. Mike Connell - they told him girl Shiba had been spayed but it was a boy not a girl and had been neutered. TP they get in a hurry and don't look at it closely and accidentally say the wrong thing. Words are different. The apparatus is different.

YC invite Gizmo's parents to go to shelter. NH - Kaz's actual owner died and her sister was going to have her euthanized so I went down there to get the dog. We only had him 3 days. He was in Lied for a week. They charged \$67 and he is a lot of sunshine in our life. TP - I know how emotional that situation can be.

LINDA HAYES, 9725 Kampsville, Mei Ling is just a tiny thing and when I saw the dogs jumping out of the van, I grabbed Gizmo and twisted his leash around my arm. When the dog pulled Gizmo, the first time I almost had him back but they got him again. They broke his neck. And then they flopped him around (NH).

7. Set date, time and agenda of next meeting

The next meeting is scheduled for 11/20/07 at 6:30 p.m. at the Paradise Community Center.

8. Adjournment

The meeting was adjourned at 7:43 p.m.