

# CLARK COUNTY ANIMAL ADVISORY COMMITTEE

## MINUTES

Paradise Community Center  
4775 McLeod Drive, Town Board Conference Room  
Las Vegas, Nevada 89121  
October 7, 2010  
6:30 p.m.

MEMBERS PRESENT:       CONNELL, MICHAEL (MC)  
                                  PENNEY, JANNICE (JP)  
                                  STOBERSKI, HOLLY (HS)  
                                  GREISEN, ERIKA (EG)

### 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 August 26, 2010 Minutes**

A motion to approve the minutes was made and seconded.

### 4.     **Appeal of Vicious Animal Declaration: David Keith McKinley, 1286 S. Mojave #134, Las Vegas, NV 89104**

DAVID MCKINLEY (DK) has a letter from a witness as well as a police report and another witness. DK read letter from Steven Beckworth and a letter from a different witness.

PATSY MORELAND said dogs are not aggressive. They protect the property. As long as David is with them, they are fine. They are loving dogs.

DK – fence is on one side. There are three signs on the gate, one of which says, “Warning, attack dog on premises.” EG – is your dog spayed? Have they been trained to be attack dogs? DK – they are spayed and are more protective of me than the property. When I let them out I am with them. EG asked if trailer park allows him to comply with the fencing requirements for a dangerous dog. DK said yes. HS asked DAVID MARCH (DM) for guidance. DM - if Committee chooses to deem the animal dangerous as opposed to vicious, he would have to keep the animal in an enclosure of sufficient height to prevent the animal from injuring anyone by overreaching or biting under or through whatever it is. We would have to inspect that property to ensure that the enclosure would be done. It would have to be an outdoor enclosure to ensure this type of incident would not occur. There does seem to be discrepancies between what we heard here and what we were told at the time. The victim related that she was in the gate with the friend he spoke of when that person left to go to another trailer because there was a dogfight in progress down the way. His dogs were actually loose in the yard with the two of them. She was attacked as she attempted to retreat inside the trailer because she knew the dogs might attack her. This is not the first incident these dogs have bitten someone in this type of circumstance. DK – the one incident I had a woman staying with me. She knew the rules. She went to get something from a boyfriend she was having problems with. She came back to my trailer and the boyfriend followed her. They started to fight inside my trailer.

JP - you seem rather proud you have “rules” so everybody that comes over knows there are rules at Dave’s house. You also have signs posted that you could have a vicious dog on the other side of the fence. DK – yes

if they don't follow the rules. JP your female dog has bitten before? DK about 2 years ago. After this last attack, I keep the gate locked. I am the only one that has the key so no one comes in or out unless I open the gate. JP so you are asking us to deem this dog dangerous so you can keep her. DK – I believe you have an animal for life. JP – you have been sitting here for a while. You heard about our education programs on responsibility of animal ownership. You don't know why this lady was in your house? DK she was visiting my roommate but my roommate left and she was headed home. I had gone to bed and my dogs always sleep with me. I woke up to all this yelling and the door was open. I couldn't understand that. It was nighttime, maybe 9 or 10 at night. HS – so you were asleep when this incident happened. You don't remember her knocking on the door? You don't know how the dogs got out? DK - The male would have barked if someone knocked on the door. HS so how did the dogs get outside? DK – somebody had to open the door. JP – who would have done that knowing all the rules of Dave's house? Maybe it was somebody who was pretty comfortable, knew you and just happened to catch the dog at the wrong time? DK – no if you see the dogs and are around you would never think they would be aggressive. JP but you know they could be. DK yes my dogs sense when somebody is up to no good. MC - There is no statement saying they were in the house. DK they were in the house. MC - according to you. On your friend's statement, he doesn't say whether they were in or out. EG –the Bite Report says, “dog came out and bit, owner got dog off but got loose again.” DK when I woke up and came running outside I ran down and grabbed my dog and she released. Woman still screaming and she reached out and bit her arm. EG - I understand you have the signs. Is your trailer locked so no one can come in? DK normally I do but my roommate was out visiting a neighbor. HS this is not an easy decision. I have concerns that the dog has previously bit someone and troubled that the dogs were outside without your knowledge. You can't give an explanation on how they got outside. It is not clear she was entering your trailer. DM – from the investigating officer, she was already inside the gate when the roommate left. She went to reenter the trailer because the dogs were in the yard, not in the house. HS – so she is going back into the trailer to get away from the dogs. DM – that is our understanding; she was a guest at the property. HS – as I understand she walked onto the property with her friend, the dogs were outside, the friend leaves and she is now coming into your trailer to get away from the dogs. DK – someone had to open the trailer and let the dogs out. HS – the statements you brought tonight do not say that. MC – neither one of the statements you brought confirm the dogs were inside. HS we have enough information before us. HS asks for a motion from the Committee. MC motioned to uphold the vicious declaration and deny the appeal. Motion seconded. You have ten business days to appeal to the Court for an injunction to stop the proceedings until decided in Court. You will need an attorney.

**5. Appeal of Vicious Animal Declaration: Tracy Lynn Brill, Parcel# 14016202003, Las Vegas, NV 89115**

TRACY LYNN BRILL (TLB) has a storage yard next to the air force base. I was getting ready to go home. It was dark and I heard somebody calling for help. I went out yelling “where are you?” I couldn't see him. I could just barely make out the figure. He had been on a bicycle that was on the ground but he had a flashlight. I could see a few dogs out there and I went out to help him. A lot of people keep dogs out there, they don't keep their gates secured and don't s/n their dogs. If the dog does anything wrong, they don't claim it. My dogs are fixed; they go places with me. When I went out to the yard, the male pit mix (Oggie) and female Rott mix (Lizzy) were there. Oggie likes to chase bicycles and cars. I haven't been able to break him of it so I would keep him attached to a trolley with a cable so he was secure. That night he got out because his collar and chain were still attached to the trolley. He had gotten out of the yard and he fell in with other dogs. When the person came around the corner on a bicycle, they chased and attacked him. I heard him holler for help. Lizzy came out when I came out. I think she ran off the other dogs but Oggie didn't leave because he wasn't afraid of Lizzy. I didn't even recognize Oggie, he didn't have his collar and it was so dark. When I got over to help, he grabbed me around my legs. I think he was panicking and pulled me down on the ground. When I fell, Lizzy saw it as harm being done to me. She has never done anything aggressive unless it was somehow related to me. The Declaration of Vicious dog for them was based on history of biting. There is only one other documented incident and it was a bicycle with Oggie chasing it. They had gotten out of my yard. Last time Lizzy was still nursing puppies and was concerned about the puppies. I got her spayed as soon as I could. Oggie was released from quarantine before the ten-day period because Oggie didn't bite him; all my citations

were dismissed in Court. When the police came the only dogs still in the area were mine. When I was served with the Declaration, I didn't want to appeal it for Oggie because I didn't think I could break him of chasing bicycles. Lizzy just thought she was protecting me. HS – I see the fence the dogs were behind. The gentleman on the bicycle was not on your property but on a common area and the perimeter of your yard is fenced. How did the male dog get free? TLB – his collar was still stuck to the fence with the cable still attached to it. He got out underneath between the spaces under the chain link fence. Lizzy pushed her way between the gates when she knew something was up. HS when you left to see where the sound was coming from, your belief was that she was not going to be able come after you. TLB – yes. When the police showed up, they had something with a red light that went click, click, click. He didn't taser the dogs. This appeal is for Lizzy not Oggie. HS – can you provide us with clarification Dave? DM – if the Committee decides one of the two dogs is vicious and the other is dangerous, that is within your purview. You can separate them out individually. MC asked whether the fencing could be secured to keep the one dog in. TLB has a new gate but hasn't had it installed yet. MC – did they actually determine that Oggie did bite? TLB – I determined that. I saw him. JP – so you keep dogs there to keep your property safe? TLB – to keep the property and me safe.

SEAN WELSH (SW) does security at one of the storage yards at Devary. There were only two dogs. They were in the middle of the street. This isn't the first time they have been out. I have been chased by the Rottweiler once before. The other time, the Rott was in the dirt road. I got off my bike, took my headlight off my bike. The dog growled but let me walk by. This time there were two of them in the middle of the street. I was not going to be able to get around them. I stayed on my bike, moved to one side and they casually walked up to me on each side of the bike and then just boom. This went on for about ten minutes until she came out. There were no other dogs. She had no control over the dogs. If she didn't come out, I probably wouldn't be here today. She was able to keep one dog off me while the other dog attacked and then she would go to that one and the other one would attack. HS asked Sean to describe the two dogs. SW one was a brownish pit mix and the other was a Rottweiler. The Rottweiler usually stands on something and looks down over the fence at you when you go by. HS saw photos of what happened and asked how he was recovering. SW said he was healing pretty well. I was working late that night and was on my way to the store to get a soda. HS asked if he was sure these were the same two dogs he has seen before. SW – absolutely, no question in my mind. HS asked if any dogs followed the owner when she came out? SW – no. When the police came, the Rott ran off but the Pit still had my leg in his mouth. The cop hit his horn, came out and pointed the taser. I could see the dot on the dog's head. I could hear when he tased him. The dog took two steps forward toward the cop. The cop jumped to get back to his car and tased him again. The dog ran off. I have seen the black one out twice before. The dog was in the alleyway as I was riding by, I started pedaling and I looked and he was right there. As I got around that bend, he stopped running. When I got back to the yard, I called Animal Control that night. They said they were familiar with these dogs; there were problems with these dogs before. MC – can you positively state it was these dogs? SW – 100 percent. EG – you have ridden this path before and never saw any other dogs? SW – I have seen dogs up the street but they never chased me. I never had a problem on that corner. If you go the other way, there is an auto body shop. They have a dog there that has been out.

HS do you know if anyone had reports of other loose dogs that night? DM - we have no information on any dogs running loose that night. The question of additional dogs came up later from the dog owner after she was served with the Declaration of Vicious.

DAN DOBECK has a picture on the map and can show where the dogs were sitting on the 26<sup>th</sup>. There are more dogs out there. Lizzy is not aggressive. Oggie is nice but chases bikes. I came in shortly after she called, about a half an hour later when there were 6 cops pointing guns. There is a dog problem in that neighborhood. MC - I think someone being attacked can tell the difference between 2, 3 or 4 dogs. The gentleman who was attacked stated there were only two dogs. I tend to lean on the victim's side. I do not see reversing the Vicious Declaration. JP - dogs were not in your care or possession at the time. I cannot reverse this Declaration. HS – I don't believe they were secure that night. The victim was there, he was the one who had the dogs biting him. He is the one who had closest proximity to the dogs that tore into him pretty good. Vote to uphold Declaration. MC they are in the custody of animal control. Your recourse is to go to Court. HS you have ten

working days to obtain counsel to appeal the decision. Motion to uphold Declaration of Vicious made and seconded.

6. **Educational Outreach** - A letter prepared by Dave March was sent out for review to the Committee members. MC thinks it is a good start. Would like it expanded. Recommends sending a letter to the School District directed to the kids and see if County Critters could be played at around 3 o'clock. Each time they have a new County Critters update, inform them of the new dog laws. Maybe say you should talk to mom and dad about having your dog spayed or neutered. They will be healthier, sweeter and more fun to play with. Make the letter light-hearted. HS – get Kim Yates involved. JP thinks it is a great place to start and if it is accepted, then go into what it takes to take care of the animals in a child's environment. That it is fun and delightful but still a responsibility. EG - have you asked the school district if you would be able to go and have direct interaction with the kids during an assembly? Tell them the rules and ways to help. Elementary schools, high schools are open to it now. Safety rules also, tell them what to do if being attacked by a dog. HS maybe Kim Yates who is in touch with some of the schools can assist. MC could explain and bring in a dog and talk to them about the rules. EG when they are involved, they are interested. HS maybe Lied could come to the assemblies and talk about the day-to-day realities of the animals. HS – can we have EG's school be a test?

JASON SMITH (JS) has a test school, Robison Middle School, and has been in there at least six months. We are going back in the fall semester. Once a month we go into the 6<sup>th</sup> grade Life Science class all day. I had the opportunity to address an assembly. They were very interested and asked a lot of questions. To my knowledge, the teachers have a lot of latitude to include different things as long as they are course related. There is an overlap between Biology and animal welfare. They can create a course outline that merges the two. They have to submit it to the school district to get it permanently approved. We did this successfully in Illinois. We brought in a humane educator that was made part of the curriculum. After I left, he told me the animal part was now part of the curriculum for every school. It was developed with the school system in mind. This community seems fractured. We are not all going in different directions but we are doing it individually. The Committee should consider being a spearhead for this type of thing. We used the Humane Educator for HCW. We have had animal control officers come in and will be having someone from the LVVHS. We haven't been able to get into education the way we want due to staffing issues. We hired a Development Director the end of last year and are starting to work on message, on education. We did a test run on a two hour animal care class discussing medical care for your pet, half hour on animal control issues, properly housing, the laws and then a hour on behavior. We tie this to a \$50 discount on adoptions. Hate to have us individually try to secure the people, places and advertisements. Several months ago Harold Vosko put forward a vision statement. We need to work together on a collaborative effort. HS – what about a subcommittee, invite different groups to join. MC- get all the groups together who want to do something. JS – communities that are making a difference do so because everyone is working together. If we work as a group with community involvement, get the County behind us to help liaison with the schools, it could be totally different. A subcommittee would be fantastic. HS – what types of help do you think we would need from the County? JS - everybody needs to see it is important. For us, we had a teacher that cared. She walked it through the school system to make it happen. It would be different if it came from the top down, telling them it is important. Ask teachers if they are willing to get involved. AHA has an entire education outfit with lesson plans, coloring books. We are not short of expertise or motivation, just short of cohesiveness, someone who has an unwavering vision. To have someone who is outside of the "operation system" that can keep that vision will be huge. We need to break the cycle. We can't let this generation grow up not knowing how to take care of animals. At the same time, let's not forget our professionals either. There are a lot of veterinarians, business owners, and people in municipal and county government who don't get it. If you think of all the different ways the cities and county come into contact with the constituents and we don't utilize those medias to pass along our message, it is because we are not all on the same page. Who better than the subcommittee to pick the brains of other organizations. It would be nice to have someone totally dedicated to that. HS – do you know how we set up a subcommittee? DM - it is within your purview as long as no more than 2 members are a part of this subcommittee. You can determine who you want to invite to join in those discussions.

HS to JANA WRIGHT (JW) – do you think this is something the Commission would be interested in us following up on? JW thinks anything you can do to educate the people and kids on s/n, proper dog and cat care would be a wonderful outreach for this Committee to take under advisement. HS – can the Commission assist us in dealing with CCSD? JW – BCC has no jurisdiction over CCSD. SS is a schoolteacher and would be a wonderful outreach resource, Kim Yates from HCW as well. Different commissioners could give you names of whom you need to talk to. MC – we should put it together and present it to the Clark County School Board and get their backing. Motion to form subcommittee with all entities involved made and seconded. HS asked that the formation of this subcommittee be put on the next agenda.

## **7. Comments by the General Public**

KAREN LAYNE, LVVHS, has issues about what and how we are doing things. I heard DM say we have been out there multiple times chasing dogs. In situations where people are obviously irresponsible, dogs are continually running loose in an area, we should look at enforcing the rules already on the books, checking to make sure the dogs are s/n, that they have their rabies tag. If we know there is a problem and it has been a continuing problem, we need to approach this in a different fashion. I know it is hard because of manpower but I am not convinced we are doing this. Law enforcement has the same issue. They spend all their time responding to calls with no time for proactive work. Maybe AC can work with this Committee, some of the rescue groups to see if we can go in there and provide some education. Some of these owners are walking away and leaving the dogs. The dogs are not being socialized. They do not appear to be responsible pet owners. Don't expect a different result from doing the same thing over and over again.

EG agrees with Karen. We need educational outreach for the public, explain there is a leash law. If you send someone out, tell them the rules. MC goes through there quite a bit. During the daytime these animals are secured so those folks can do business without their guard dogs getting in the way. At night when they leave the property, the dogs are turned loose to roam and protect the property. They have a lot of valuable scrap iron, cooper and everything else out there. It is an ongoing problem, securing the fences so the dogs don't get out but you will not see them during the day. The only time they do is at night and AC does not have the facilities, the manpower or the money to do that. EG maybe they can go in the daytime and test the facility to make sure everything is secure.

TLB had already decided not to defend Oggie when she got the Declaration. She has to pay for the upkeep and it doesn't seem fair. HS – your complaint is that you have to pay for the upkeep for Oggie when you had already said go ahead and euthanize him. TLB told them she didn't want to fight for one, just for the other and wasn't given that option. It is not so much the question of money but dragging it out. I still love him. DM – this is the first I have heard that she was willing to relinquish one of the dogs. We would have allowed her to do that. It never came to administration, that she only wanted to challenge one Declaration and relinquish the other dog. That certainly was an option. Originally, there were three appeals but one of the owners decided to forgo the process and allowed the animal to be euthanized. This was certainly her option. We would have complied with her request to euthanize one dog and continue this process for the other. TLB – I asked when they gave it to me. They had the form filled out. I was being told under duress to sign it. There was only one appeal form. DM said he would follow up with Officer Petralia.

## **8. Set date, time and agenda of next meeting**

Meeting will be scheduled after Committee selection by the BCC.

## **9. Adjournment**

Motion for meeting to adjourn made at 8:50 p.m. Motion seconded.