

CLARK COUNTY ANIMAL ADVISORY COMMITTEE

MINUTES

CLARK COUNTY GOVERNMENT CENTER
500 S. Grand Central Parkway, Commission Chambers
Las Vegas, Nevada 89121
March 13, 2014
6:30 p.m.

MEMBERS PRESENT: LAYNE, KAREN (KL)
SAYEGH, S. SUSAN (SSS)
WHITE, DEBBIE DVM (DW)
MARY GIPAYA (MG)
JANELLE EDWARDS (STUDENT)

1. Call to order

The meeting was called to order at 6:30 p.m. and opened Public Comment. KL advised that each speaker would have 3 minutes to speak. Janay Williams (JW) asked if this was her time to speak and KL advised that she could but, she could present her case during item #5 on the agenda. No further requests to speak. Public comment closed.

2. Approval of agenda

KL stated per Roseanne Conforto Motion to approve minutes by DW, second by SSS, all in favor, no opposition. Motion passed.

3. Approval of January 16, 2014 Minutes

KL points out a correction needed to be made on the top of page #2 with Julie Ciccio, that the pronoun needs to be in agreement and that her testimony uses both 3rd person and 1st person. Everything needs to be changed to reflect the testimony in the 1st person terminology. Motion to approve corrected minutes by MG, second by SSS, all in favor, no opposition. Motion passed.

4. Hear the appeal of Vicious Animal Declaration

Animal Control Chief Jason Allswang (JA) provided history of the item stating on February 6, 2014 Clark County Animal Control responded to a call at 88 block of Crooked Putter Drive at the request of the Las Vegas Metropolitan Police Department. It was stated at that time, a dog bite had occurred and the victim had been transported to Summerlin Hospital Emergency Room. The dog owner stated that the dog was current on its shots and had been to Lied a number of times under her brothers name. Animal Control was unable to locate any information on the dog at that time. A follow up visit for the Animal Control Officer to meet with the victim took place the following day to get an understanding of what type of wounds he suffered. Photographs were taken and it was determined that the severity of the wounds on the victims face constituted substantial bodily harm and therefore the animal was declared viscous. For record clarification, substantial bodily harm is defined per NRS as bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement or protracted loss or impairment of the function of any body member or organ or prolonged physical pain. Due to the nature of the bite and the location it was believed that there would be a substantial period of prolonged physical pain for the victim, and that there would be some type of permanent disfigurement on the victims face. A viscous declaration was served to the dog owner, Janay Williams, and at the same time the owner returned the appeal card. A hearing was set. Currently the dog is still on a legal hold at Lied Animal Foundation pending the outcome of this hearing. JA stated he could answer any questions of the board. SSS asked the question pertaining to the information provided in the report, stating that Animal Control had responded to that address on numerous cases and if a history of what the calls were related to was available. JA stated he could get the history for her. No further questions were asked by the board.

KL opened the hearing asking Janay Williams JW if she wanted the opportunity to speak and state her appeal. JW stated that before this incident, Animal Control had never been to her house. She stated that her dog had never been in any altercations with any kid or animal. She spoke with her attorney the first day it happened. She and her 3 daughters went to the victim's home to apologize and talk with him and his parents. She introduced her 3 daughters to the board and stated they have had the dog since he was 6 weeks old. JW stated the dog has never attacked the girls or any of their friends that have come to the home. At the victims home, they spoke to the brother asked him if the dog had bit Anthony, the brother stated no that the dog had scratched him. She stated "are you positive" and the brother stated "yes, I'm positive. It's a scratch, not a bite". She claims the dog is a 100lb pit-bull puppy, 2 years old. JW further claims that when Animal Control was at her home, she asked numerous times if the dog had bit the boy, because he likes to jump up and play. The dog thinks he is a lap dog. When JW observed the victims wounds, it was approximately 4 days after the incident. JW claims the boy had stitches and the wound was completely closed. She had taken pictures with her phone. JW claimed the stitches were removed within a week. She asserted while looking at Anthony's face tonight, at the hearing, (interrupted by KL to only address the board during her presentation). JW currently believes the boy did not sustain substantial bodily injury as described by JA. JW reiterated that she apologized and gave the boy her phone number and stated she would pay for all medical bills. JW declares she did not receive a response from Anthony's family. Later, JW received a letter in the mail from the boy's family informing her they are suing her for the vicious attack. She repeated the dogs act was of a scratch when jumping up and pawing the boy on the side of his face and again advised she had photos in her phone. JW went on to explain it was the dew claw that does not hit the ground that caused the nick/scratch on his face. She spoke with her attorney and he advised her that he was 100% sure it was not a bite but a scratch. She claims that she Googled vicious pit-bull bites and none them resembled the injury sustained by the boy. She assured the board that the dog is 100lbs and would have taken off half of the boys face. She protested that there were no canine marks upon inspection of the victim. She repeated that the dog is playful and did not attack the victim. JW expressed that the dog is the man of the house, she is a single mother of three children. He has never tried to attack anyone in the house. JW states she delivered the pup and weaned him from his mother at 6 weeks. She expressed the thought of euthanizing him because of a scratch on the face is incomprehensible. JW feels the dog is a brother to her children. The girls are the dogs siblings. According to her daughter, she said the boy was the only one to walk up on the dog and the dog thought he wanted to play. JW affirms she has two affidavits from people who have been in contact with the dog, see attached. First affidavit is from a neighbor, Harly Johnson, who lives across the street and has had pit-bulls for 40 years. JW advises that her children go to the same school as Anthony and they were told by other children that his mother is telling all the kids at the school to tell Animal Control that the dog bit Anthony rather than scratched him. JW feels her kids have been bullied at school since this incident occurred. They don't want to go to the school anymore; they are being verbally attacked by the other kids at the school. The neighbors have ran the Williams' out of the neighborhood. Carlos Campan provided a second affidavit. See attached. KL questioned if Carlos was a witness. It was confirmed by the oldest daughter that he was at the scene of the incident. JW informed the board that her daughters and brother were in attendance if questioning is needed. KL asked if the 14 year old daughter was there when the incident occurred. The daughter was not involved in the incident, but became involved after the fact. DW asked if there was an affidavit from a veterinarian as to the demeanor of the dog. JW stated she didn't think a vet could make that determination. DW advised it was standard practice for a vet or trainer to observe a dog's behavior and make a determination. JW offered that her brother is a breeder and has been breeding dogs for years. He is currently in the process of getting his breeders license in California and has observed the dog behavior for years. DW asked for clarification if the dog had ever been seen by the vet for vaccinations and checkups. She maintains the dog had Parvo and has a regular doctor at the West Charleston Hospital but could not produce the doctor's name. DW asked JA if it were common practice to get an evaluation from a vet on incidences such as this one. Regarding the pet's behavior. MG asked if the Animal Foundation had evaluated the dog's

behavior. JA stated the Animal Foundation had not evaluated the behavior of the dog, should the board decide to overturn the vicious declaration and declare the animal dangerous you may want to look at behavior. Generally the Animal Foundation does not send in a behavioral team at this time. It will get the standard feeding, watering and vet checkups. JW claims the dog has been in solitary confinement and has not been evaluated. She believes that after the 30 day quarantine the dog's behavior may be altered. JW is expecting the dog's attitude to be different once he comes home because of the confinement and being away from his family. KL asked if the dog was neutered when he was brought to the shelter. JW said he was intact and was going to be a stud in California once her brother received the breeding license. Her brother initially started a breeding license in Nevada but the dogs were removed because of some issues that came about. A number of the animals were removed by Animal Control from her brother's possession, this dog included, but were all returned intact due to his pending business license. KL questioned who the owner of the dog was and JW stated it was her dog. MG had a question regarding the dog not being neutered. MG stated, based on her own experience with pit-bulls, that an unneutered male is more aggressive than that of a neutered male, and if this is a family dog and JW does not have a breeder's license, why was this dog still intact. MG questioned why he was kept intact if the intent was to keep him as a family dog. JW claimed that the plan was to move to in California and run the business on their 20 acre farm and Leo, the dog, was the only diluted fawn blue male and he was going to be the stud. SSS asked that based on the testimony of the dog being 100lbs that she is wondering which daughter was walking the dog at the time of the incident. JW stated that the daughter who was walking the dog is 115lbs but that she also lets her younger daughter who is 70lbs walk the dog and that there has never been a problem. SSS further asked if the dog has ever had any obedience training. JW stated that the dog has been under training since he was 6 weeks old and will sit on command and confirmed that it was both the 115lb and the 70lb daughters who were walking the dog at the time of the incident. JW repeated that the victim walked upon the dog after he was told not to. SSS paraphrased the statement made by JW, that the dog is never walked unsupervised and asked if JW believed that the two daughters could properly supervise this animal. JW confirmed that she has never had a problem like this before, and that her 10 year old daughter is definitely capable of holding her own. SSS further questioned that if this is standard activity for the family and the dog, should the dog be returned to her, what will be done to prevent anything like this from happening again. JW stated that she knows the only way the dog can be returned to her is if he is deemed dangerous, and that means the dog must be muzzled every time he leaves the house, therefore there is no way he will be able to bite someone. She does not intend to let her 10 year old walk the dog again, stating this is a tragic situation and has apologized a great deal to the family. JW expresses that the family wants to take a member of her family, meaning Leo, and have him killed because of an alleged attack which is not true and that this is unfair to her and her daughters. MG (?) asked if the dog was declared dangerous, does JW understand that it will require the dog be neutered, which will prevent him from being the stud for their breeding business in California. JW stated she is aware of all the requirements and that whatever has to happen in order for her to prevent her dog from being killed will happen. SSS stated she believes both families live on the same street and asked how long they have been neighbors. JW stated that it is her intent to move but that they have lived on the same street for about 1 year. SSS asked that during that year, had the victim ever had any contact with the dog. JW stated no, not that she is aware of. No one is ever in contact with the dog, other than Harley from across the street and the friends of her social daughter who come over to their house. MG asked what JW believed to be the cause of this incident. JW states that it is her belief that because the dog is out of shape and while laying down and taking a break, the group of boys surrounded him as he was panting and lying on the ground. The boys were asking if they could pet the dog and were told no but the boy approached the dog. There was too much going on and the dog thought it was a game and wanted to play and jumped up. KL asked if any of the committee members had any other questions. They did not and KL thanked JW for her testimony.

KL asked if the victim and/or the victims' family wanted the opportunity to address the committee. The boy's family stated that they would like the opportunity to address the committee, Patrick, the victim's stepfather and mother, Candace, approached the podium and introduced themselves. Patrick stated that the testimony given by JW had some mistruth to it and that they do not want to see the dog be put down. Patrick expressed that the incident was not of a playful act, it was an aggressive act and that it is in fact not a scratch but a bite. Patrick advised that the victim, Anthony, was in attendance and that he is willing to answer any questions that the committee may have. Anthony was told to be truthful and would be glad to dispute some of the things that had been said during JW's testimony. Patrick assured the committee that in no way is it true that any member of his family had harassed any other kids or told them to ever harass any kids but that in fact it is the opposite. Police reports have been filed. Patrick went on to talk about an incident of when JW's oldest daughter assaulted a young girl and pushed a boy to the ground. Candace advised that the pictures that she has on her phone are from when JW blocked her son on the street, forcefully taking the bandage off of his face. KL stopped the back and forth allegations, stating that the committee has pictures taken by Animal Control and can clearly see that this was more than just a scratch. KL stated that the committee also had the written statements that were made from the day of the incident and that she know that it may be hard for a boy of Anthony's age to come up and speak but he was welcome to if he would like. Unless the committee members had any further questions for the victim it was her belief that all of their questions had been answered. SSS stated that she had a question, trying to get clarity of the photos. SSS asked how many times did the dog jump up. Patrick stated it was only 1 time, that Anthony was standing upright and that the dog leapt up, grabbed and bit his face. Anthony was able to pull away. Candace advised that her son has been around pit-bulls his entire life. Patrick stated that Anthony is aware of pit-bulls and asked if he could pet the dog and that the little girl said she didn't know. The bite happened as he was standing there asking the girl. Patrick expressed that this was an aggressive act and as you can see in the photos, the injury was very close to the jugular. According to Anthony the dog kind of went a little crazy and the little girl was trying to control it. The dog was barking at all the kids and the little girl took it away. SSS asked how many children were surrounding the dog; Candace advised that this incident occurred as the bus let the kids out and the boys were walking home from school, therefore there were several kids walking everywhere. Anthony advised that it was himself and his 2 friends along with the girls who were walking the dog. During this time, from the audience JW asked if she could speak. KL advised that it was now the victims and his family's time to speak. JW asked if she could speak when they were done, KL stated she did not think it would be necessary and that they were just getting clarification on a few things. SSS thanked Anthony for being so brave and speaking to the committee. SSS asked Anthony to clarify how many children were around the dog. Anthony stated that there were 3 boys, including himself and the 2 little girls. A total of 5 children. SSS asked if any of the kids came toward the dog in any kind of menacing way, such as calling, shaking or clapping. Anthony stated that they walked straight to the dog, no running around, zigzagging or clapping. Anthony was asked what the dog was doing when he approached the dog, he advised the dog was standing there. The incident happened in front of Anthony's home, and when he saw the dog he said "hey a pit-bull, I grew up with these dogs, I haven't seen one in a long time." Anthony and his friends approached the dog without scaring it. KL asked Anthony if going through what he did, was he afraid at that time that the dog was going to do more damage to him than what actually happened? Anthony stated he was afraid. KL stated to Anthony that based on the definition of Substantial Bodily Harm, did he feel that this is what happened to him? Anthony answered that if it means getting stitches and having a scar then yes. Anthony was asked if he is now scared of dogs. Anthony stated that he was scared to go back to his dad's house because he still has 2 pit-bulls. But then he started to not be afraid anymore and has since gone to play with his uncles dogs. SSS asked the parents if the medical records diagnosed this injury as a dog bite or a scratch. Candace advised it was recorded as a dog bite. DW stated that as an animal professional, dogs have 6 incisors and that there are 6 equally spaced scratches along with a puncture on the lateral side of that, which is where the position of the canine is. The scratches are far too close to be from toe

nails. KL asked if the committee had any other questions. They did not and KL thanked the family for their testimony.

KL asked the committee members if they had any other questions for Animal Control or comments before a motion is made in this particular case. MG stated that being a dog owner means that you are a responsible person and sometimes it means that you have to do things that you may not want to do. MG stated that her concerns are always that of the animal and that the animal always ends up being the victim of bad behavior on the part of humans. MG wanted on the record, she believes the victim of this case, either way it goes, is the animal because of what it is being accused of. KL stated her concern with this issue is the question of Substantial Bodily harm, she states clearly there was harm done to Anthony in the fact that he had 15 stitches and that based on Dr. Whites determination with the puncture wounds that this was clearly a bite. KL states that she is concerned that even though the wound has begun to heal there still may be some disfigurement, and possibly some scarring. This would qualify as Substantial Bodily Injury. SSS concurs with KL. SSS further states that she is in agreement with what MG stated, dogs respond to situations the way they know how to respond. The dog is going to behave the way it feels it needs to protect his home and that the boy in this case seems lucky that the injuries were not much worse. SSS is fearful this dog may be put in another situation like this and someone will get hurt.

KL asked JA of the options for motions, stating the options are to either uphold the Viscous Declaration or to not uphold the Viscous Declaration but to declare this animal Dangerous. Jason concurred with KL, further advising that the committee could recommend other action that they may seem fit.

SSS asked that JA clarify what would need to be done should the dog be declared Dangerous. JA read from the code and stated:

The animal shall be kept, confined or housed within an enclosure deemed adequate by the animal control officer:

(1)

That will ensure the animal's retention and comfort, is of a size to permit the animal to stand upright, and is of a dimension deemed adequate by the animal control officer; and

(2)

That is secure enough so that the animal cannot bite, harm or injure anyone overreaching the top of the fence or other enclosure.

(c)

At no time shall the animal be allowed to leave the private property confines of the owner or person in charge of the animal unless it is muzzled, leashed and under the effective control of an adult.

(d)

The private property shall be adequately and properly posted with conspicuous warning signs, with a listing of the name and telephone number of the owner of the animal.

(e)

The animal must be sterilized by a licensed veterinarian. The owner or keeper shall maintain all sterilization records, including the type of animal sterilized, the

name of the veterinarian performing the procedure, and the date the sterilization was performed.

(f)

The animal shall be implanted with an electronic microchip from a manufacturer approved by the animal control officer. The implantation must be performed by a licensed veterinarian and must conform to procedures recommended by the manufacturer. The owner or keeper shall register the microchip number in a national database in accordance with instructions from the manufacturer, and shall provide the number to the animal control officer.

(g)

The owner or keeper shall obtain and maintain in effect a policy of liability insurance in the amount of not less than one hundred thousand dollars insuring against possible injuries inflicted by the dangerous animal. The liability insurance shall be maintained in effects long as the owner or keeper maintains possession of the dangerous animal.

(h)

The owner of a dangerous animal may not sell, relocate or give away the animal without first obtaining prior written approval from an animal control officer. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of one hundred dollars for inspection of the new location for the animal. The owner or transferee shall also have the national microchip number updated in the national database to reflect the change in ownership and shall provide evidence of the update to the animal control officer.

SSS wanted confirmation that this means that the children can no longer walk the dog without an adult. JA explained that the children would not be able to walk the dog at all; the children can be with an adult but would not ever be able to hold the leash.

DW motions to dismiss the Viscous Declaration and to request a Dangerous animal declaration. MG second the motion.

KL asked if there were any other comments from the committee. MG stated that she wanted it understood that this does not reflect on what Anthony has been through and she feels he did sustain bodily harm. KL advised she is very torn on this decision because she is not convinced that JW is a responsible pet owner in the sense that she is concerned about the plans they had and there may not still be a move to California even though we have a Dangerous Declaration against this dog. KL is very bothered by the fact that she has allowed her brother to make some decisions that should not have been made. JW and the dog live in Clark County and the law states the animal should have been neutered at 4 months. KL states she takes issue with people who plan on breeding who don't maintain proper responsibility. KL concur with MG stating they wanted Anthony and his family to know they do understand and sympathize with what Anthony went through and the impact it may have on him. No further comments made. KL asked for the vote.

All in favor. No opposition. Chair votes with the majority. Motion passes.

JA advised the paperwork with the provisions will be served tomorrow and JW has 14 days to comply and reclaim the animal. JW asked if she could go get the dog at this time. JA advised she

would need the permit and have all provisions met before she could reclaim the dog. KL asked that JW waits for her opportunity to ask her questions. JW apologized, as she thought the meeting was over.

5. Comments by the General Public

Annoula Wylderich (AW) would like to share good news with the committee. The Humane Society of the United States is coming to Las Vegas to provide free training on animal fighting investigations, particularly dog and cock fighting, during a one-day session this Fall. The course is POST approved so the attending officers will get credit. AW extended the invitation to Park Police, City Marshals and to Pahrump officers as well. This program was originally slated for the spring but due to the trainers personal issues, they have moved it to the Fall. The program has been very successful on the east coast and AW anticipates the South West to be as successful. AW thanked JW for co-hosting this event along with Henderson Police who have offered their facility for the location. AW states that Animal Control and Police academies don't cover animal fighting in their curriculum. This training is in response to a dramatic increase and interest in animal fighting investigations. Due to the nature of the training, they are only offering it to accommodate those who are directly involved in the official investigation and prosecution of these types of crimes. It is only open to law enforcement and prosecutors.

No more comments by the public.

6. Set date, time and agenda of next meeting

April 17, 2014

7. Adjournment

DW motioned adjournment. MG second the motion. Meeting adjourned.