

# Washoe County Animal Control Board

## MINUTES

Tuesday ~ September 10, 2013 ~ 6:30 P.M.

WASHOE COUNTY REGIONAL ANIMAL SERVICES CENTER

CLASSROOM

2825 LONGLEY LANE, RENO, NEVADA

## MEMBERS

Dan Olsen, Chair  
Richard Simmonds, Vice-chair  
Elaine Carrick  
Linda Church  
Paul B. Davis  
Anne Forbes  
Kathryn Hass

### 1. CALL TO ORDER/ROLL CALL [Non-action item]

Acting Chair Elaine Carrick called the meeting to order at 6:32 p.m. A quorum was established.

**PRESENT:** Elaine Carrick, Linda Church, Paul Davis, Anne Forbes and Katheryn Hass.

**ABSENT:** Dan Olsen and Richard Simmonds.

Terry Shea – Deputy District Attorney, was also present.

### 2. PUBLIC COMMENT (Non-action item)

Veronica Cortes outlined an illegal activity that currently takes place in the Spanish Springs area. Although Ms. Cortes has contacted Animal Control previously on the matter they have indicated they could take no action. Ms. Cortes explained that she believes that the animal torture associated with tailing an animal is illegal and is covered in NRS (Nevada Revised Statutes) Chapter 55 and 574. Ms. Cortes noted that the tailing of a horse involves an individual flipping an animal on its back and has caused broken tails and hair being pulled from the tail. The owners apparently hold a permit to conduct Mexican Rodeo on the property located on Eirne Lane in Spanish Springs.

Acting Chair Carrick expressed her appreciation for Ms. Cortes comments and noted that the ACB (Animal Control Board) could not take any action on the matter and referred Ms. Cortes to Field Supervisor Robert A. Smith.

Ms. Cortes commented that Mr. Smith knows of her and that she would like to meet with him and discuss the activities that occur during the event.

### 3. APPROVAL OF JUNE 11, 2013, MINUTES [For possible action]

Hearing no public comment Acting Chair Carrick asked for board discussion or a motion.

***It was moved by Member Davis, seconded by Member Church, to approve the June 11, 2013, meeting minutes, as submitted. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; and Member Simmonds and Chair Olsen absent.***

### 4. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a proposal to suspend an existing permit issued to Yvonne McGee-McCollum, to keep five (5) dogs at 1435 Ridgeland Drive, Sparks, Nevada (City of Sparks). This permit was originally issued on October 1, 2012, as there were no complaints. However, a suspension is being recommended due to multiple at-large violations since the permit was first approved on October 1, 2012.*

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Field Supervisor Robert A. Smith outlined the request by and subsequent staff recommendation to revoke the existing kennel permit. Supervisor Smith read an email (copy on file) into the record of a telephone call received earlier today in which the appellant Yvonne McGee-McCollum had indicated she could not attend tonight's (September 10, 2013) meeting. Supervisor Smith suggested that the ACB (Animal Control Board) move forward with the matter.

Responding to Member Davis' inquiry as to why the revocation is being sought, Supervisor Smith stated that several issues had been investigated including animals at-large. At that time civil penalties were assessed including a \$100.00, \$200.00 and \$400.00 fine, which have not been paid. Supervisor Smith pointed out that warnings had been issued, including a reminder that the kennel permit could be revoked. Supervisor Smith noted that the appellant had not complied with the warnings. Supervisor Smith explained that the action would be to revoke the permit thus mandating a reduction to not more than three (3) dogs on the property.

Hearing no one wishing to speak, Acting Chair Carrick asked for board discussion or a motion.

Member Davis stated he would support revocation based on the testimony heard.

Members Church, Forbes, Hass and Acting Chair Carrick concurred with Member Davis.

***It was moved by Member Forbes, seconded by Member Hass, to revoke the kennel permit for Yvonne McGee-McCollum to keep six (6) dogs at 1435 Ridgeline Drive, Sparks, Nevada. Member Forbes stated that she could not make the Findings in Washoe County Code 55-420 and 400. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; and Member Simmonds and Chair Olsen absent.***

Acting Chair Carrick read the appeal process into the record.

- 5. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review, discussion and possible action to approve deny or otherwise modify a kennel permit to allow Robyn Seley to keep four (4) dogs at 11 Lincoln Way, Sparks, Nevada (City of Sparks).*

Field Supervisor Robert A. Smith provided an overview of the request noting that the inspection indicated that the permit would not violate any state or location regulations and can be maintained in a safe and sanitary manner. The subject property was free of odor and feces on inspection even in the midst of a remodeling project. Supervisor Smith noted that a more detailed drawing of the subject site had been request but had not yet been received. Supervisor Smith explained that there had been a complaint received on 12/10/2012, 06/01/2013 for too many dogs and a tethering complaint on 06/13/2013 that was subsequently cancelled by the reporting party.

Acting Chair Carrick opened the public hearing.

Robyn Seley commented that she had faxed the requested detailed drawing and would provide the information. Ms. Seley explained that the dogs are not typically unattended when outdoors and that the dog had been tethered outside due to separation anxiety, which she thought would be alleviated by having the dog outside. However, that action resulted in the dog howling and generation of a

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complaint. Ms. Seley noted that the dog that had been killed by an automobile had gotten under the driveway gate, which has now been modified. Ms. Seley noted that her adult children and sometimes friend also bring their dogs to visit. Ms. Seley stated she would endeavor to reduce the barking and not let it get out of control and pointed out the proximity of the neighbor's bedrooms. Ms. Seley noted that she would also have the Husky neutered/spayed.

Hearing no other public comments, Acting Chair Carrick closed the public hearing and asked for board discussion or a motion.

Members Church, Davis, Forbes, Hass and Acting Chair Carrick expressed their support for the kennel permit noting that the issues and complaints had been dealt with by the appellant.

Acting Chair Carrick pointed out that Ms. Seley could not replace dogs but would have to update the permit to include any new animals.

***It was moved by Member Forbes, seconded by Member Church, to approve the kennel permit to allow Robyn Seley to keep four (4) dogs at 11 Lincoln Way, Sparks, Nevada. Member Forbes stated she could make the Findings in Washoe County Code 55.420 and 55.400(3) based on the evidence presented by Washoe County Animal Control, the applicants and other witnesses. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; and Member Simmonds and Chair Olsen absent.***

Deputy District Attorney Terry Shea recommended that a separate motion be made to add a condition that requires Ms. Seley to submit the detailed drawings requested by Animal Control Officers.

***It was moved by Member Hass, seconded by Member Church, to require that Robyn Seley submit the detailed drawing of the property to Field Supervisor Robert A. Smith – Washoe County Animal Services. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; and Member Simmonds and Chair Olsen absent.***

Acting Chair Carrick read the appeal process into the record.

- 6. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review, discussion and possible action to approve deny or otherwise modify a kennel permit to allow Jonathan Fregoso to keep six (6) dogs at 206 Alexandrite Court, Sun Valley, Nevada (unincorporated Washoe County). This is a reapplication that will add one additional and change the dogs (original application was for five (5) dogs) allowed in a permit granted in August 2010.*

Field Supervisor Robert A. Smith provided an overview of the reapplication that was originally approved August 13, 2010. Supervisor Smith noted the number of complaints, drawing attention to the dogs' at-large complaints on March 11, 2010 and on July 24, 2013. Supervisor Smith explained that previous renewal inspections had indicated that the animals had changed from the original permit and that the appellant had been advised that such changes required a new kennel permit. Additionally, a failure to remit fees had resulted in a warning that the kennel permit would be suspended. Another inspection again revealed that the animals had again changed. It is unclear as to whether the permit holder Jonathan Fregoso resides at the subject site. Therefore, staff is recommending that the kennel permit be revoked.

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During a brief discussion it was pointed out that the original permit had been for six (6) dogs and that the dogs had changed from what was listed in the original permit application. The current request is for five (5) dogs.

Acting Chair Carrick opened the public hearing.

Jonathan Fregoso explained that there were five (5) dogs at the location and that he does not reside at the property that is rented from his mother. However, he does try to visit the property on a daily basis. Mr. Fregoso commented that he would like to add his brother Salvador to the kennel permit.

Terry Shea - Deputy District Attorney, opined that since the kennel permit holder no longer resides at the subject site the permit holder should reapply for a kennel permit at the new location. Additionally, the current resident at the site should apply for a kennel permit if he so chooses.

Salvador Fregoso noted that his brother had married and was purchasing a new home. Mr. Fregoso stated that he does show the dogs and lives at the property listed for the existing kennel permit.

Acting Chair Carrick explained that Mr. Fregoso (Salvador) would need to file an application for his own kennel permit as the existing kennel permit is listed under the name of Jonathan Fregoso.

Mr. Shea explained that the dogs listed in the original application were no longer present at the subject site and that Mr. Fregoso (Salvador) would need to file a kennel permit application under his own name so that surrounding neighbors can be notified of the application and have an opportunity to challenge the application and express their concerns.

Mr. Fregoso (Salvador) further explained that he has been a breeder of this particular breed since 2000. Mr. Fregoso noted that he only breeds his females once per year in an ongoing effort to improve the breed.

Acting Chair Carrick closed public comment and asked for discussion or motion.

Member Church pointed out that the holder of a kennel permit cannot replace dogs listed on an application without seeking a new permit.

***It was moved by Member Hass, seconded by Member Davis, to revoke the kennel permit issued to Jonathan Fregoso in 2010. Member Hass stated that she could not make the Findings outlined in Washoe County Code 55.420 and 55.400(3) based on the testimony presented. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; and Member Simmonds and Chair Olsen absent.***

Acting Chair Carrick read the appeal process in to the record.

The meeting recessed at 7:22 p.m. and reconvened at 7:30 p.m.

- 7. EXOTIC PERMIT APPEAL HEARING** [For possible action] – *A review, discussion and possible action to approve, deny or otherwise modify an Exotic Animal permit to allow Don*

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*McQuarrie to keep one (1) Monitor Lizard, at 509 Pyramid Way, Sparks, Nevada (City of Sparks).*

Field Supervisor Robert A. Smith provided an overview of the request noting that the inspecting officer had indicated that the subject site exceeded Washoe County regulations for this species. Currently the Monitor Lizard has its own room (formerly a bedroom) complete with a bathroom tub for soaking. The subject site is free of debris and is surrounded by a wood and chain link fencing that has privacy slats installed.

Acting Chair Carrick opened the public hearing.

Don McQuarrie noted that he has had the Monitor Lizard for several years and that it is as smart as a dog, in his opinion. Mr. McQuarrie noted that the Monitor Lizard refuses to eat live animals and is therefore fed a diet of omelets, chicken and other meats to balance the nutritional needs. Mr. McQuarrie noted that the Monitor Lizard is now six (6) years of age and is quite obvious when showing affection. Currently the Monitor Lizard is about 6-feet in length.

Acting Chair Carrick closed the public hearing.

Members Church, Davis, Forbes, Hass and Acting Chair Carrick expressed support for the exotic animal permit.

***It was moved by Member Hass, seconded by Member Davis, to approve the exotic animal permit for Don McQuarrie to keep one (1) Monitor Lizard at 509 Pyramid Way, Sparks, Nevada. Member Hass stated she could make the findings in Washoe County Code 55.650. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; Member Simmonds and Chair Olsen absent.***

Acting Chair read the appeal process into the record.

- 8. EXOTIC PERMIT APPEAL HEARING** [For possible action] – *A review, discussion and possible action to approve, deny or otherwise modify an Exotic Animal permit to allow Daniel Gray to keep two (2) Coatimundis, three (3) Wallabies and two (2) Lemurs at 4964 Broken Spur, Reno Nevada (City of Reno).*

Field Supervisor Robert A. Smith provided an amended map (copy on file). Supervisor Smith noted that the applicant has indicated that the enclosures will have climate control equipment and that the proposed enclosures meet the requirements set forth in Washoe County Code. Supervisor Smith explained that it is staff's opinion that approval of the permit will not create a nuisance. Supervisor Smith stated that the number of dogs is unknown and is not pertinent to this application as the residence is located in an uncongested area of Washoe County that does not limit the number of dogs an individual may have. Additionally, information was received earlier today (September 10, 2013) that the horses were no longer on the property.

Acting Chair Carrick opened the public hearing.

Daniel Gray explained that the horses had been moved to his cousin's property and that he also

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raises pigs for meat. The photographs included in the staff report were taken during construction, which has since been completed. Mr. Gray noted that he would install a top on the Wallabies enclosure if required as a condition of the permit. Mr. Gray explained that he uses the animals in an educational program that has already been to several schools this year, including TMCC (Truckee Meadows Community College). To his knowledge the CC&R's are no longer in effect. Mr. Gray noted that Washoe County Animal Services had indicated that he could butcher animals since this area is not located within an incorporated city.

Bruce Cote commented that while he does not personally know Mr. Gray there have been several noise complaints due to loud music. Of particular concern was the pig squealing at 3:00 a.m. that went on for some 25-minutes. Mr. Cote noted that the pig sounded like it was in great distress. Mr. Cote pointed out that the CC&R's are in effect until 2016 and that property owners are limited to not more than two (2) 4-H animals on their property.

Acting Chair Carrick explained that the CC&R's were not part of the purview of the ACB (Animal Control Board) when considering any permit.

Mr. Cote commented that he does not believe that Mr. Gray cares about the animals.

Responding to an inquiry about the number of dogs, Terry Shea – Deputy District Attorney, explained that there is no limit on the number of dogs as this is located in an uncongested rural area of Washoe County.

Maureen Glaser read a prepared statement into the record (copy on file), which outlines her concerns, calls to Animal Control and objections to the request. Ms. Glaser explained that while she does not know Mr. Gray he does not, in her opinion, take care of the animals.

Nick Glaser commented that while he has nothing against Mr. Gray he does not believe that Mr. Gray exhibits any concern for the animals. Stated that what he has seen take place on Mr. Gray's property reduces his ability to enjoy his own.

Nevada Storey recalled an incident about 1.5-years ago in which dogs had gotten out and killed an animal. Mr. Storey noted that Mr. Gray has had up to ten (10) dogs in the past and that he has witnessed animals not have access to food or water. Mr. Storey commented that his residence is about 30 feet from Mr. Gray's property and that a Pit-bull came onto his property. Of particular concern is the safety of his grandson that lives with him and his spouse. Mr. Storey stated that while he has nothing against Mr. Gray he does not believe approval of the permit would be fair for the animals.

Deborah Lumbert acknowledge that she does not know Mr. Gray and that while she does not live as close to Mr. Gray as previous speakers she has witnessed underweight horses and dogs that are not being properly cared for. Of particular concern is the care of the more exotic species pointing out that the primates can learn how to get out of an enclosure. Another concern is if the permit is granted can Mr. Gray bring in other animals.

Jean Roznos recalled that her son (Daniel Gray) had been interested in animal rescue since he was a small child. Ms. Roznos noted that the horses were owned by cousins who had not indicated that the

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horses had been maltreated in any way. Ms. Roznos explained that she had moved to the area from California to help her son as he is a single father. Ms. Roznos stated that her son does care for the animals and has done several education presentations and works with other organizations.

Acting Chair Carrick closed the public hearing and asked for discussion or a motion.

Member Davis commented that he found the opponents to the permit persuasive and convincing. Therefore, he cannot support the permit.

Member Church explained that she too could not support the request as there is nothing worse than having a caged animal that has no access to food or water.

Member Forbes stated she cannot support the request as she finds the opponents sincere in their concerns.

Member Hass commented that she cannot support the request as there is too much testimony against it.

Acting Chair Carrick stated she could not support the request as exotic animals deserve to be in the wild. Acting Chair Carrick pointed out that zookeepers now model enclosures to mimic the wild rather than cages where animals were kept in the 20<sup>th</sup> century.

***It was moved by Member Hass, seconded by Member Church, to deny the Exotic Permit request to allow Daniel Gray to keep two (2) Coatimundis, three (3) Wallabies and two (2) Lemurs at 4964 Broken Spur, Reno Nevada. Member Hass stated that she could not make the applicable Finding in Washoe County Code 55.650. The motion carried: Members Church, Davis, Forbes, Hass and Acting Chair Carrick assenting; Member Simmonds and Chair Olsen absent.***

Acting Chair Carrick read the appeal process into the record.

The meeting recessed at 8:19 p.m. and reconvened at 8:24 p.m.

- 9. EXOTIC PERMIT APPEAL HEARING** [For possible action] – *A review, discussion and possible action to approve, deny or otherwise modify an Exotic Animal permit to allow Sierra Aquatics to keep twenty-one (21) snakes at 295 Kietzke Lane, Reno, Nevada (City of Reno).*  
[Continued from June 11, 2013]

Field Supervisor Robert A. Smith provided an overview of the request to keep 21 snakes as listed in the application. Supervisor Smith noted that the enclosures meet standards set forth in Washoe County Code and are kept in a separate climate controlled room not commonly visited by patrons of Sierra Aquatics. Supervisor Smith noted the snakes appear to be well cared for and that the snakes are used as part of an education program that does not constitute a nuisance of public health hazard. Supervisor Smith pointed out that a secondary building is indicated on the drawing that will eventually house the snakes. Supervisor Smith explained that this is similar to the process used for Animal Ark so that Washoe County Animal Services is aware of the locations and types of animals that are not

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legal within Washoe County without a permit. While other animals are available for sale at this location that is not factor in this application. Additionally, there have been no issues with this location.

Acting Chair Carrick opened the public hearing.

Jean Roznos – Manager, Sierra Aquatics, explained that the snakes had come into the possession of the store as individuals decided to relinquish their snakes. This provides a viable and more humane method to relinquish the snakes than having them abandoned in the wild. Ms. Roznos noted that she and her son Daniel Gray work with Officer Jeff Brooks closely to find homes for the abandoned snakes where possible. Additionally, the store maintains licensure with NDOW (Nevada Department of Wildlife) and the USDA (United States Department of Agriculture) to assure that things are done properly. Ms. Roznos noted that the more docile of the snakes are used in education programs provided to local schools so that children can learn about various species. Ms. Roznos stated that she is the store manger and believes that all permits are in Daniel Gray's name. Ms. Roznos pointed out that emergency plans are in place in case of loss of electricity, and security systems. Carriers are in place and meetings held to discuss emergency procedures on a regular basis. Ms. Roznos explained that there are individuals that prefer larger snakes and that snakes are rehomed with proper permitting procedures. Ms. Roznos emphasized that snakes listed in the application are not for sale but will be rehomed to a household with proper permitting in place.

Supervisor Smith commented that Mr. Gray would not return to the meeting.

Terry Shea – Deputy District Attorney, commented that Mr. Gray's refusal to return to the meeting presented an issue and that the use of Sierra Aquatics name as the permit applicant is not appropriate as permits are typically issued to individuals that can be held responsible for any issues that may arise.

Acting Chair Carrick recalled Mr. Gray's testimony at the previous meeting and stated that she could not support a permit for someone who is unwilling to address the ACB.

Supervisor Smith explained that should the ACB (Animal Control Board) decide to deny the permit that it would be prudent to allow Animal Control and the applicant a timeline to rehome the snakes as the alternative would be euthanasia.

Member Davis stated that he has no issue with the permit and that he believes the store manager (Jean Roznos) has presented the case well.

Acting Chair Carrick noted that she has a somewhat different perspective and that if the individual was ill or unable to attend a meeting that is somewhat different that refusing to talk to the board.

Responding to Member Davis' inquiry about whether it is a requirement that applicants speak to the board, Mr. Shea opined that it was not.

Member Forbes commented that she agrees with Member Davis and that she can support the permit as presented.

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Member Hass concurred and noted that Mr. Gray did speak at the previous meeting about the proposal and can support the request as presented.

Member Church agreed that Ms. Roznos presented the case well and that she can support the request even though Mr. Gray did not wish to speak on his own behalf.

In response to Acting Chair Carrick's question about whether the permit should be issued to Sierra Aquatics or an individual, Mr. Shea explained that, in his opinion, it would be difficult to enforce action on a fictitious entity and that it is his recommendation that it be issued to the individual. Mr. Shea pointed out that while businesses dealing with pets are not within the purview of the ACB, Animal Services and the ACB does have jurisdiction over kennel and exotic permits. Therefore, he suggests that the permit be issued to either Daniel Gray or Jean Roznos if she is amenable.

Ms. Roznos stated she would act as the applicant for the Sierra Aquatics Exotic permit.

Acting Chair Carrick denied a request by Member Church to ask Ms. Roznos to see if she could encourage Mr. Gray to return to the meeting.

Mr. Shea noted, in his opinion, the ACB could issue the permit in the name of Jean Roznos as it appears that none of the pertinent information in the application would change.

Ms. Roznos stated that she would make the change to reflect that she, Jean Roznos, is the applicant.

***It was moved by Member Forbes, seconded by Member Davis, to approve the exotic Permit to Jean Roznos to keep twenty-one (21) snakes at 295 Kietzke Lane, Reno, Nevada (City of Reno). Member Forbes stated she could make the applicable Finding in Washoe County Code 55. The motion carried: Members Church, Davis, Forbes and Hass assenting; Acting Chair Carrick dissenting; and Member Simmonds and Chair Olsen absent.***

Acting Chair Carrick read the appeal process into the record.

Member Davis left the meeting at 8:49 p.m.

**10. UNCONTESTED KENNEL PERMIT APPLICATION APPROVALS** [Non-action item] – *An informational update on the number of uncontested cattery/kennel permits issued by Animal Services.*

Field Supervisor Robert A. Smith commented that only one (1) of the five (5) applications had received an objection and that an additional seven (7) applications were pending.

**11. WASHOE COUNTY ANIMAL CONTROL BOARD MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS** [Non-action item] – *Limited to items not addressed elsewhere on the agenda. While the Washoe County Animal Control Board may not engage in discussion or take action on any item identified under this topic the matter may be placed on a future agenda for discussion and possible action. The next regular meeting of the Washoe County Animal Control Board is scheduled for December 10, 2013.*

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No new items were identified.

**12. PUBLIC COMMENT** [Non-action item]

There were no additional public comments.

**13. ADJOURNMENT** [Non-action item]

Acting Chair Carrick adjourned the meeting at 8:53 p.m.

**AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION ON  
DECEMBER 10, 2013.**