

Washoe County Animal Control Board

MINUTES

Tuesday ~ December 11, 2012 ~ 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]

Vice-chair Simmonds called the meeting to order at 6:32 p.m. A quorum was established.

PRESENT: Elaine Carrick, Linda Church, Anne Forbes, Kathryn Hass and Richard Simmonds.

ABSENT: Paul Davis and Dan Olsen.

Terry Shea – Deputy District Attorney, was also present.

Vice-chair Simmonds asked that those wishing to address the ACB (Animal Control Board) complete a request to speak card. Vice-chair Simmonds noted that comments are limited to not more than three (3) minutes and suggested that comments related to a specific agenda item be heard at that time.

2. PUBLIC COMMENT (Non-action item)

There were no public comments.

3. APPROVAL OF SEPTEMBER 11, 2012, MINUTES [For possible action]

It was moved by Member Hass, seconded by Member Church, to approve the September 11, 2012, minutes, as submitted.

Hearing no one wishing to speak, Vice-chair Simmonds called for the vote.

The motion carried: Members Carrick, Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis 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 kennel permit to allow Charles Lilley, to keep seven (7) dogs at 2130 Kinney Lane, Reno, Nevada (unincorporated Washoe County).*

Field Supervisor Robert Smith provided an overview of the request noting that applicant was being proactive in the process. Supervisor Smith provided a copy of the kennel plans (copy on file) and explained that the approval of the permit would not violate any state or local ordinance nor endanger the public health and safety. The kennel, housed in an existing

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barn structure, has its own septic system and HVAC (Heating, Ventilation and Air Conditioning) system. Supervisor Smith explained that the dogs are not currently present on the property and that the single objection had been a request to add additional fencing to the existing three-rail fence surrounding the property to keep the dogs confined to the parcel. Supervisor Smith noted that there were no staff objections to the request.

Responding to member Carrick's inquiry about the size of the property, Supervisor Smith commented that he believes the property is ±3.7 acres, which can be confirmed with the applicant.

Vice-chair Simmonds opened the public hearing.

Charles Lilley stated that he would install additional fencing noting that the dogs will be trained in a specific area he pointed out on the site map. Typically the animals are not allowed to run together as they are trained and exercised individually. The kennel for each of the dogs will be 144-square feet in size. Mr. Lilley explained that he selectively breeds the animals to enhance the breed and generally travels to Great Britain or Scotland to secure a female that he then brings to the United States. Mr. Lilley noted that he would return to the ACB (Animal Control Board) as animals are replaced. Mr. Lilley then explained that the animals are allowed in the residence one at a time and are hunting competition dogs. The kennel consists of separate housing for each animal with doors that are closed in the evening. Thermostatically controlled infrared lights are used to heat the insulated enclosure. Mr. Lilley noted that fire extinguishers and smoke detectors are also part of the design. Anti-barking devices use a buzz, snap or other means to curtail barking as needed and that he has not had a barking complaint during his residency in the City of Portland, Oregon.

Vice-chair Simmonds closed the public hearing and asked for board discussion or a motion.

Members Carrick, Church, Forbes Hass and Vice-chair Simmonds all stated they could support the request as presented.

It was moved by Member Carrick, seconded by Member Hass, to approve the kennel permit to allow Charles Lilley, to keep seven (7) dogs at 2130 Kinney Lane, Reno, Nevada (unincorporated Washoe County). Member Carrick stated she could make the applicable Findings in Washoe County Code 55.420(4) and 55.400(2) based on the testimony provided by Animal Control Officers and the applicant. The motion carried: Members Carrick, Church, Forbes, Hass and Vice-chair Simmonds assenting; and Member Davis and Chair Olsen absent.

Vice-chair Simmonds 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 Lori Castillo-White or Troy White to keep five (5) dogs at 10570 Palm Desert Drive, Sparks, Nevada (unincorporated Washoe County).*

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Member Carrick disclosed that she knows the owner of the Palm Desert Drive property but not the applicant. Therefore, she believes she can make a fair and unbiased decision on the request.

Field Supervisor Robert Smith provided an overview of the application noting that the intent is to use the residence as the kennel. Supervisor Smith noted that the applicant is aware that the dogs cannot be outside without adult supervision if the kennel permit is approved. Supervisor Smith noted that the animals appear to be well cared for and that the officer noted there was minor barking upon arrival that diminished during the inspection. Supervisor Smith outlined the barking complaints and objector who indicated that the main objection is the noise that occurs when the owners are not home. Additionally, the property owner has submitted correspondence allowing the applicant to keep the five (5) dogs on the subject property. Supervisor Smith noted that processes are in place to address future noise complaints should the ACB (Animal Control Board) approve the kennel permit. Supervisor Smith noted that inspection reports typically indicate when chain link fencing is used, it appears that this may be solid wood fence.

Vice-chair Simmonds opened the public hearing.

Lori Castillo-White commented that she had started to keep the dogs in the house when not home since she was not sure who had filed the barking complaint initially. In addition to keeping the dogs in the house she is also leaving a radio on to screen some of the noise that the dogs may hear associated with the mailbox in front of her home. Ms. Castillo-White noted that she had approached the neighbor who had filed the objection and was told that he would kill her dog the next time one got loose and that he would leave the dog in front of her garage. Ms. Castillo-White noted that only one of the animals had not yet been spayed/neutered and that she does not breed the dogs. Ms. Castillo-White commented that she would investigate the use of anti-bark collars designed for small breeds

Member Carrick noted that since Ms. Castillo-White started to keep the dogs inside with a radio playing that there had been no new barking complaints since June 2012.

John Higley voiced his opposition to the kennel permit noting that the dogs bark incessantly when the applicant is not home. Mr. Higley noted that the applicant tends to leave the windows open during summer months and that one of the dogs apparently bit a neighbor child in the past. Although the dogs have not escaped from the property recently, the one called Chico has come into his garage while he was working on his motorcycle snarling and growling. Mr. Higley noted that the dog had escaped under the wood fence and that he has called Animal Control twice in the past about dogs at-large. Mr. Higley noted that while he has not heard the dogs recently he has not been out working in his garage. Mr. Higley stated that he had not threatened to kill Ms. Castillo-White's dog but had threatened to kick the dog the next time it came into his garage. However, if he does hearing barking he will call Animal Control.

Vice-chair Simmonds closed the public hearing.

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Ms. Castillo-White explained that during summer months she would keep the windows closed and use the central air-conditioning to avoid barking issues as suggested by Member Carrick. Additionally, she will inspect the fencing to identify areas that may allow the dogs to escape and take steps to correct the issue.

During the discussion it was pointed out that by using the house as the kennel that the dogs must be supervised by an adult when they are outside.

Members Carrick, Church, Forbes, Hass and Vice-chair Simmonds expressed support for the permit so long as the applicant takes steps to correct any deficiency in the fencing that may allow a dog to escape and that windows be kept closed during warm weather with a radio on and air-conditioning to limit noise.

It was moved by Member Carrick, seconded by Member Forbes, to approve the kennel permit to allow Lori Castillo-White to keep five (5) dogs at 10570 Palm Desert Drive, Sparks, Nevada (unincorporated Washoe County). Member Carrick stated that she could make the applicable Findings in Washoe County Code 55.420(4) and 55.400(2) based on the testimony provided by Animal Control Officers and the applicant. Member Carrick conditioned the kennel permit to require the windows be kept closed during warm weather, the fence line be repaired so that dogs cannot escape from the yard. The motion carried: Members Carrick, Church, Forbes, Hass and Vice-chair Simmonds assenting; and Member Davis and Chair Olsen absent.

Vice-chair Simmonds read the appeal process into the record and reminded the applicant that any future complaints to Animal Control could result in the ACB reopening the case.

The meeting recessed at 7:12 p.m. reconvened at 7:17 p.m.

- 6. KENNEL PERMIT REVOCATION HEARING** [For possible action] – *A review, discussion and possible action to revoke an uncontested existing kennel permit issued June 16, 2012, allowing Amy Clark to keep six (6) dogs at 6265 Blackwood Drive, Sun Valley, Nevada (unincorporated Washoe County).*

Field Supervisor Robert Smith outlined the revocation request noting that an unfortunate incident occurred on October 30, 2012, in which a call was received from WCSO (Washoe County Sheriff's Office) about a man being attacked by four (4) Pit-bulls. In addition to a WCSO officer, REMSA (Regional Emergency Medical Services Authority) was also dispatched. The dogs involved in the attack belong to Amy Clark who was granted a permit earlier in 2012 to keep six (6) dogs at the 6265 Blackwood Drive, Sun Valley, Nevada (unincorporated Washoe County). The kennel permit was not contested at the time of application and was therefore not brought to the ACB (Animal Control Board) for review. The investigation found that the four (4) dogs involved in the attack were extremely aggressive and that the victim had identified the dog(s) that bit him. A citizen's arrest was done by WCSO and a hearing was held on November 20, 2012, with two (2) of the dogs being identified as dangerous. Ms. Clark has nine (9) days left of the thirty (30) day

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compliance requirement of the hearing order. Supervisor Smith explained that the ACB is being asked to revoke the kennel permit as it is in the best interest of the community to disallow the kenneling of aggressive and dangerous dogs. Supervisor Smith explained that Ms. Clark must comply with muzzling of the dangerous dogs when taken out of an enclosure and that if any violation is identified a criminal complaint will be filed. A revocation of the kennel permit could allow Ms. Clark to keep the two (2) dangerous dogs under the terms and requirements imposed by the Pro-tem judge's order.

There was some discussion about the dog named Bandit and whether it was the same or a different dog involved in the attack on the man.

Vice-chair Simmonds opened the public hearing.

Amy Clark noted that she had two (2) conflicting statements one of which says four (4) dogs and one that says only two (2) dogs were involved in the attack. Ms. Clark explained that while a home had been found for Bandit the dog was returned to her due to it chewing of the children's toys. Ms. Clark noted that she had taken numerous photographs and that the dogs were in quarantine at her home. Ms. Clark explained that her father is interested in the installation of an electrified fence to protect the property from lions and coyotes as the property abuts public lands. Ms. Clark also noted that her somewhat elderly father and 15-year old sometimes have difficulty in remembering to close the gates. Ms. Clark noted that she was in need of an extension to meet the requirements set forth in the hearing order and that friends were assisting with expenses and provision of materials needed to secure the property. Ms. Clark asked that she be allowed to retain her kennel license so that she can show a good faith effort to comply. In part the extension is needed due to weather conditions that prevented concrete work and rain that washed out the trench work done by her son.

Terry Shea – Deputy District Attorney, explained that the issue before the ACB is the revocation of the kennel permit and that the issue of dangerous dogs is not within the jurisdiction of the ACB.

During the discussion it was explained by Ms. Clark that only Panda had not been altered and that she owns the mother and father that produced Bruce. Ms. Clark also explained that she and her son are living with her father on a fixed income.

Member Carrick noted that the living arrangement and monetary issue were not within the purview of the board for consideration. Member Carrick emphasized that the ACB can only deal with the kennel permit.

Ms. Clark noted that she does have seven (7) dogs and that she does not understand why Bandit, who is still a puppy, was deemed dangerous. Ms. Clark noted that the older dogs generally stay in the house most of the time and that she does play ball with one of the dogs that is on a cable. Ms. Clark noted that she had obtained dogs through the dog pound and that, in her opinion, the American Staffordshire Terrier (Pit-bull) had a bad reputation. Ms. Clark explained that she has numerous friends that love the breed.

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Member Forbes commented that she remained undecided on this particular case as it will be difficult to place the dogs in other homes. Although Member Forbes has some concern about the aggressive dogs, the owner is not a breeder selling puppies for money.

Responding to member Forbes concern about finances, Ms. Clark explained that friends were donating additional fencing that will raise the height to about eight (8) feet with an electrified fence on the backside. Other friends are donating concrete and other work and that she has a concern about the two (2) conflicting reports on the incident in regards to the exact number of dogs involved in the attack.

Mr. Shea pointed out that the transfer of the dangerous dogs to another person is considered a criminal offence.

Supervisor Smith reiterated that the original kennel permit was issued as no objections were received. Based on the history of complaints received by Animal Service staff, he would have preferred to bring the matter to the ACB for review with a recommendation to deny the permit. However, no formal objections to the permit were brought forward. Animal Services is now seeking a revocation of the kennel permit due to the danger present in the neighborhood as evidenced by the October incident. Supervisor Smith noted that a failure by Ms. Clark to meet the requirements set forth in the dangerous dog action could lead to other action. Supervisor Smith noted that electrified fencing is allowed but is not a code requirement for a kennel permit.

Member Carrick stated she could not ignore the number and scope of complaints and that she supports Animal Services recommendation for revocation.

Member Church that she too found the history troubling and that the number of dogs is difficult to manage and that she supports the revocation of the kennel permit.

Member Hass concurred with the revocation request noted that the historical evidence suggests that the applicant is unable to maintain proper control of the animals.

Member Forbes commented that while she feels badly for the animals she cannot support the kennel permit.

Vice-chair Simmonds noted that the dangerous dog issue had been heard by a qualified judge and that he too cannot support continuation of the kennel permit.

It was moved by Member Carrick, seconded by Member Church, to revoke the kennel permit issued to Amy Clark to keep six (6) dogs at 6265 Blackwood Drive, Sun Valley, Nevada (unincorporated Washoe County) based on the facts and evidence presented at this hearing. The motion to revoke the kennel permit carried: Members Carrick, Church, Forbes, Hass and Vice-chair Simmonds assenting; and Member Davis and Chair Olsen absent.

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Vice-chair Simmonds read the appeal process into the record and noted that the appellant has thirty (30) days to file an appeal on the kennel permit revocation and only nine (9) days to comply with the dangerous dog order.

Responding to Ms. Clark's comments about the previous noise complaints, Vice-chair Simmonds stated that was not pertinent to the current issue and recommended she talk to Supervisor Smith.

7. **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 Smith commented that he believes there are three or four in process.

8. **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 tentatively scheduled for March 12, 2013.*

Responding to Vice-chair Simmonds' inquiry about the reopening of Chapter 55 for revision, Field Supervisory Robert Smith explained that it is still being reviewed along with the merger and that there is no public information available as yet.

No new agenda items were identified.

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

Brad Tenplin questioned whether there is a waiting period when a kennel license is revoked to come to terms with the dangerous animals.

Terry Shea – Deputy District Attorney, explained that this is public comment and that the board cannot answer questions.

Mr. Tenplin noted that he had known Amy Clark and her dogs for five (5) years and that he had stayed with Ms. Clark and her dogs after having broken his neck. Mr. Tenplin stated that he had never found the American Staffordshire Terrier to be dangerous unless provoked.

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

Vice-chair Simmonds adjourned the meeting 7:55 p.m.

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**AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION
ON MARCH 12, 2013.**