Board of Health Dangerous Dog Appeal Hearing

December 11, 2017

Board members present: Chairman Paul Bradshaw, Allie Ray McCullen, Dr. Beth Turner Jacqueline Howard, Linda Heath, Dr. Beth Bryan, Commissioner Harry Parker and Robert Butler.

1. **Call to Order:**

Chairman Paul Bradshaw called meeting to order.

1. **Dangerous Dog Hearing:**
2. Overview of Dangerous Dog Hearing Process.

Chairman Paul Bradshaw reviewed Article 1 A Dangerous Dogs, giving the definitions and procedures.

1. Public Comment:

Crystal Hall: Only had 1 encounter with the Jay and Sandy’s dogs and that was that night. She has seen the dogs in her son’s yard and heard him holler at them and send the dogs back through the woods to their house. She let her dog, a Yorkshire terrier, “Jada” out in her yard, when “Jada” went around the deck, she started barking and trying to squat at the same time. One dog grabbed her by her neck and on by her back and just ripped the hide clean off of her. Passed around some pictures of “Jada”. She initially took “Jada” to Dr. Oglesby-but was told her was unable to do anything for “Jada” and that she needed to make a decision as to what to do. She decided to take “Jada” to the Cary Hospital. She has had multiple surgeries on her back and chest. Brought “Jada” home this past Thursday (12/7/17), Jada came home 1 time on a Thursday and had to take her back on Saturday for a high fever worried about infection. Repeated only had one encounter with the two dogs. She knows they have been getting out of their underground fence, because she had seen them. Did not bother her, just told them to go back home and they would through the woods. “Jada” is only 7/12 pounds Yorkie. Unsure of weight of other dogs but guesses about 40 or 50 pounds apiece. Question was asked if she (Ms. Hall) had let the dogs out. Yes, she and her husband were outside with the dog. Ms. Hall was on the deck and her husband was in the yard with “Jada”, he went running and hollering toward the dogs and that is when they let go of “Jada”. Ms. Hall expressed a concern that she has small grandchildren next door what would they do a child.

Mr. Allie Ray McCullen asked how far apart does she live from the dogs. Ms. Hall stated that her son lives in between her and the dog’s home. Dr. Beth Turner asked Ms. Hall if it was dark out when this happened. Ms. Hall spoke that it was dark, but there was a night light has the whole back yard was lite up. Dr. Turner asked if she could see clearly what the two dogs looked like, see colors and collars? Ms. Hall nodded yes.

Commissioner Harry Parker asked Ms. Hall you witnessed this and was this the only dogs  
in the area at the time. Ms. Hall said only 2 dogs and her dog. Commissioner Parker asked was this the only encounter she has had with “Sampson” and “Sheba”; Ms. Hall said it was the first time she had seen them in her yard; she had seen the dogs in her son’s yard and had been in the yard with him and he would run them back through the woods. Dr. Turner asked Ms. Hall if the dogs had every shown aggression toward her son. Ms. Hall said, No, the dogs were at a distance and her son would holler and throw something at them and they would run back through the woods. Dr. Turner asked if there were any other dogs that would get loose in the neighborhood or near her house. Ms. Hall said, neighbors Donna and Mark’s little dog come down and use the bathroom and then go back home. Commissioner Harry Parker asked Ms. Hall, you positively, without a doubt in your mind know these were the dogs that attacked your dog that night. Ms. Hall responded, “Yes, without a doubt”. Commissioner Harry Parker asked about medical damages that were incurred from that night. Ms. Hall and Mr. Gatlin said yes, over $20,000.

Ashton Gatlin-son of Ms. Hall. Mr. Gatlin received a hysterical, crying phone call from his mother that night. Mr. Gatlin was not present that night, his brother was home and told him to get his mother a change of clothes, and she had blood all over her and meet them on Hwy 421 at Naylor’s Produce. He meet them there on their way to Cary. Mother explained about the dog attack. He had a report about 6-7 pages, did not know that realize it was going to get that high in Cary. $20,000 vet bill that had to be paid before the dog could come home.

Mr. Gatlin had a statement from his brother, not here tonight. He was actually there, next door and ran over there to help with the dog. When he call he said it was Jay’s dog, they have a new fence with flags up. Mr. Gatlin said that he and his wife sees this every Friday night, when he and his wife and his mother cleans the house, never sees the dogs, wonders where they were at, from what he understands keeps the dogs in the shop. Mr. Gatlin said that his brother lives in between, distance less than ½ a block. Mr. Gatlin said his brother always runs the dogs home because he has small children, ages 8 and 5 and now has a newborn. Children are scared to death of dog, except small dogs. Mr. Gatlin read the letter from his brother: “He says he lives between Mr. Shertzer and Ms. Hall. We have seen Mr. Shertzer dogs at our yard several occasions. We do not let our children go out in the yard to play, unless we know for sure the dogs are not out there. John Robert Gatlin went to Mr. Shertzer house to inform him that his dogs had broken out of the underground fence again. He said that he thought they were running a deer that night in the yard and he knew about it. I told him that it had happened several times and he said he knew about it, that his wife had a new underground fence and he did not know what to do to get the dogs acclimated to the boundaries. Then, I told him about the dogs attacking my mother’s dog. “

Then he left and went straight to Clinton and I met them and gave my mother clean clothes.

Question was asked by Dr. Turner if his brother witnessed the attack. Mr. Ashton Gatlin said he was not sure, he did not get that from his statement. Ms. Hall spoke up that she called Mr. John Gatlin and he came over where she was at and then thinks he went and talked with Jay and told him what the dogs had done. Ashton Gatlin said he did not think John Gatlin saw the attack, he (Ashton) was not there. Mr. Hall spoke from the back and said only he and his wife saw the attack.

Dr. Turner asked if the Veterinary Hospital did not give an estimate before hand about how things were accumulating. Mr. Gatlin did speak a lot with the doctors. The doctors said they would do an initial assessment. Mr. Gatlin said that when he first saw the dog, he didn’t think it was that bad when they met at HWY 421 and when she stood up from her chair and the dog’s chest fell open and you could see the heart beating. After they left he and his brother did not think she was not going to make it. When they called, initial be $1,000 IV’s, assess, x-rays and go from there. That day turned into 3 days and we were thinking she was going to come home, then it was an additional $1,000. Here is where we are at…kept occurring already have $2,000 in, what is it going to take to get her home. There were no punctured organs, but risk of infection, there was a lot of infection. When they brought her home and she had to go back, that was an additional bill. Dogs are like family to his mother. He is concerned about his niece and nephew that stay next door. Mr. Ashton does not live in the area and does not see the dogs every day, does not know how they act.

Mr. Gordan Hall- He and his wife let the dog out. He walked out to his truck about 8 to 10 feet from the front door steps. She goes around the corner and starts screaming and comes back around corner and then the dogs attacked her, 4 or 5 from the edge of the deck. As soon as he sees them, he hollered, the dogs turned loose and takes off and goes back and that’s when he goes and tells Mr. Jay that his dogs attacked our dog. Mr. Paul Bradshaw asked Mr. Hall if he was sure that it was these two dogs that attacked. Mr. Hall said, “Yes sir, it was well lite”. Dr. Turner asked if he had seen the dogs enough to ID the dogs. Mr. Hall said that he had seen them out in the yard many a time. Dr. Turner asked if they had any distinguishing marks on them to make them stand out. Mr. Hall spoke that one may have a little white on him, not really sure; never seen them that close up. Has seen them riding by. He thinks that one may have some brindle not really sure.

Mr. Jeffrey Smith- He states he has know Mr. Shertzer for a long period of time and has know the dogs for a long period of time. He owns a 45-pound husky that he takes down to Mr. Shertzer all the time with no show of aggression toward him or his dog. Dr. Beth Turner asked if they interacted with his dog by playing. Mr. Smith responded that yes, they play. Dr. Turner asked what colors he thought “Sampson” and “Sheba” are. Mr. Smith replied that he thinks “Sampson” is black and “Sheba” is a brindle color maybe.

Dr. Turner asked so they are both dark in general. Mr. Smith answered “Yes”.

Linda Heath asked Mr. Smith if he lived in the community; Mr. Smith stated that he did. Ms. Heath asked, “If he had seen the dogs out on owners’ property before?” Mr. Smith stated “Yes”. They are on an underground fence wire, and stay there in the yard. Ms. Health asked if he had seen them off the owners’ property. Mr. Smith stated seen only if they had seen a deer that they would go chasing after the deer.

Dr. Turner asked if Mr. Smith lived near the owners and where did he live? He replied “Yes, he lives in the first house in the development”.

Ms. Kathy Conrad- Has know Jay and Sandy since they moved into the development. Ms. Conrad lives in the development 2 houses down and across from Jay and Sandy. States she knows their dogs, watches the dogs when the Shertzers leave, takes care of and feeds the dogs. Ms. Conrad states she has had dogs all her life, trained police dogs and knows what they act like. She can not see how these dogs are dangerous dogs. She has seen the dogs interact with other dogs in the neighborhood, at parties with 20 some people, neighbors’ dogs, family dogs, never any aggression towards any person or other animal; or toward her or her daughter when she was young. Question was asked if she had ever seen the dogs running free. Ms. Conrad responded, she had. Stated that they had taken off on her when she had watched them.

Dr. Turner asked if the dogs were intact male and female. Ms. Conrad stated she did not know. It was determined by a report from Sgt. Kittrell that dogs were spaded and neutered. Ms. Conrad said that both are dark “Sampson” black and “Sheba” is black with tinge of brindle but mostly black. They do have collars that they wear with the underground fence to contain them and with the remote shockers. Dr. Turner asked if the dogs had the collars on at all times. Ms. Conrad stated when they are outside. Linda Heath asked how long they had had the underground fence. Ms. Conrad stated she was not positive, but 5-6 years, long period of time. Ms. Conrad stated that it is more of the occasion that the dogs run off, not every time they are out. Ms. Jacqueline Howard asked how often a deer would come up to cause them to leave the premises. Ms. Conrad said there were lots of deer around, have fox and lots of other stray dogs. A number of dogs that run through the neighborhood, a little Chihuahua that runs constantly and has seen the little Chihuahua interact with the dogs. Dr. Turner asked about the other stray dogs, were there any that look similar to “Sampson” and “Sheba”.

There are other dark dogs, husky, shepherds that do run the neighborhood replied Ms. Conrad.

Mr. Mark Arrington-Neighbor-lives in the woods down from the Halls. Came because Jay and Sandy asked him to come. He did not see the dog attack. Has been to Jay and Sandy’s house several times, the dogs run and bark at him like they are going to attack, but just smell him and want him to pet them. Commissioner Harry Parker asked if he had dealings/contact with the dogs. Mr. Arrington replied that the dogs came up his driveway one time and scared him, because he did not want the dogs to get to his dogs. One of the dogs is on a chain. Mr. Arrington has 4 small animals and the Shertzer’s dogs did not attack his dogs. His dogs ran around them and all the Shertzer’s dogs want to do was play with them.

Mr. Jay Shertzer-

Has lived in this neighborhood for 10 years. He has had “Sheba” for 8 years and “Sampson” for 3 years, has had since puppies. His dogs have never seen the dogs show aggression toward and people or other animals. Mr. Shertzer talked about having cats come up in his yard, and the dogs would run over toward the cats, the cats would arch and hiss at the dogs and the dogs would turn and run back to Mr. Shertzer. His sons have dogs and has brought the dogs and families over and left their dogs with the Shertzers for the weekend. The dogs spent all weekend and he never saw any aggression then, the dogs all just played together. They have 3 little granddaughters, when they come over to see them, he watches the dogs real close, the dogs will go up to the little girls and lick their faces. He doesn’t worry about the dogs with the granddaughters. Very unfortunate situation, has done his best to keep the dogs in their yard. Mr. Shertzer states it is his responsibility to keep the dogs in his yard. This is the 3rd fence that he has put in and the dogs were doing real well with it. Mr. Shertzer stated that he let his guard down a little bit, was not watching as close as he should. The dogs did get out on the 18th and were gone about an hour. Normally they are locked up in the garage with a pet door that connects to a 10’ by 10’ pen. Mr. Shertzer stated that dogs are only let out when he is outside with them. Mr. Shertzer stated that he does agree that the dogs should be kept on his property. He thought that this fence would work, but the dogs had gotten out several times. Usually, when a deer or something runs up through, the dogs run right through it and get shocked.

Mr. Shertzer spoke of going down to the shelter to see the dogs. Kenny the Animal Shelter Manager, has been letting him take the dogs out back of shelter on a leash. Mr. Shertzer had a letter from Kenny that he’s wife will present. The animal shelter has a mascot dog, a pit bull that has the run of the shelter. Mr. Shertzer spoke of his visit today, at the animal shelter, the mascot dog somehow got through the fence and came running up to Sampson. They touched noses, Sampson licked him in the face and Kenny told him that there was no problem there.

Mr. Shertzer spoke of being sorry about the situation. That he was not there, that the dogs were gone at that time. He does not know what happened. Mr. Shertzer spoke, if it did happen, he did not know. He had never seen his dogs in mode a like that, but they are animals. Question from Allie Ray McCullen that Mr. Shertzer is saying that his dogs did get out during the timeframe that we are talking about. Mr. Shertzer answered Yes, they were out. Mr. Shertzer spoke of getting the new fence probably 3 weeks before this. He was training the dogs and walking them around the flags. Mr. Shertzer said the dogs were doing real well. Mr. Shertzer stated that they had friends over and were cooking out, the dogs were doing so well, that he was not paying attention like he normally does and guess that something or a deer ran out. Mr. Shertzer stated, “They chased them into a field, but the dogs kept going, must have been on trial of that deer. About an hour later they came back. There were no signs of blood, fur or anything. Did not have anything over their faces. They looked just like they normally looked when they come back. Thought that there would have some signs of something on them if they had been involved.

Dr. Turner asked question, they ran in the direction of the field. Was this the same direction of the dog attack? Mr. Shertzer replied, “No, it is actually the opposite direction” Mr. Shertzer spoke of a potato field about 40 to 50 acres next to his house. The deer run up through his yard and up into that field next to them. His dogs will run out there after the deer. Dr. Turner asked if he knew the direction the dogs came from. Mr. Shertzer stated that he did not know, that his wife might be able to tell the board that answer.

Linda Heath ask, just for clarity, your dogs are either in the garage, have a doggie door to a kennel, so they are contained, unless you are putting them the area with the underground fence. Mr. Shertzer stated yes, unless he lets them out to go the bathroom, then he puts the collars on them. Linda Heath asked if Mr. Shertzer had tried to increase the intensity of the shock collars. Mr. Shertzer replied, yes, he had, but does not have it at the highest setting yet. Did not want to shock them too bad. Linda Health recommended going to the highest setting, that they would not break through. Dr. Turner ask about the collars being noticeable when wearing them. Mr. Shertzer stated that the collars are very bright colors. The board was able to view pictures of the dogs wearing the collars. Ms. Jacqueline Howard asked if the dogs wear the collars all the time. Mr. Shertzer answered only when he lets them out in the yard. Mr. Shertzer state that he does not let dogs out without their collars. Mr. Shertzer stated that in the future he thinks he will have to put up a 6 foot fence. Does not want to do this, but cannot have his dogs getting out.

Mrs. Sandy Shertzer spoke of the phone call about having the Dangerous Dog Appeal Hearing-hard to get reversed. She began thinking about how the dogs were raised and in her heart she would not have dangerous dogs, if so she would have to put down herself. She has granddaughters and 3 & 4 kids playing next door all the time, her dogs never go across. She spoke that she would not have aggressive dogs. Spoke that she has had dogs all her life and used to raise golden retrievers. Ms. Shertzer spoke of not knowing exactly what happened. “Sampson” came in as a stray, there are stray dogs all over the neighborhood. Mrs. Shertzer stated that the same day that Sgt. Kittrell of Animal Control picked up her dogs, that an officer had moved and left his dogs there and Animal Control picked up that dog the same day. Mrs. Shertzer wanted to recollect a few things that Mrs. Hall had said. Mrs. Shertzer stated, “she does not think the dogs were chasing a deer, she saw them take off, she was standing in the garage. The dogs were sitting in the yard and all of a sudden the dogs took off toward the shed in Ms. Linda Davis’s yard. Mrs. Shertzer started chasing the dogs and running through the field, a neighbor ran with her. Mrs. Shertzer thinks they saw the mother

1. Vote:

Chairman Paul Bradshaw call for a vote of Uphold the decision of Animal Control to deem “Sampson” and “Sheba” as dangerous dogs. Chairman asked for a show of hands, 2 show of hands from board members.

Chairman Paul Bradshaw informed the Griffin’s that “Ivory” has been declared dangerous and they would be receiving a letter from the Health Director, Wanda Robinson with instructions about keeping a dog that has been deemed dangerous.

1. Adjournment

Chairman Paul Bradshaw adjourned the meeting.

Chairman Date Secretary Date