

**SCHD Advisory Committee
Dangerous Dog Appeal Hearing Minutes
January 27, 2021**

Attendance in Person

Board Members: Yire Hernandez, Robert Butler, Jacqueline Howard, Charlotte Harrell, Linda Peterson, Elizabeth Bryan, Cynthia Davis

Attendance Via Conference Call: Mckayla Richmond

County Employees attendance in person: Sgt. Jessica Byrd, Wanda Robinson, Joel Starling, and Martina Copeland

I. **Call to Order:**

Mrs. Elizabeth Bryan called hearing to order.

II. **Dangerous Dog Hearing:**

a. **Overview of Dangerous Dog Hearing Process:**

Mrs. Elizabeth Bryan reviewed Article 1A. Dangerous Dogs sections (a) (1) a. and b; (2) a. b. and c. (See attached).

b. **Public Comment:**

Mckayla Richmond verbally agreed to have appeal remotely, Mrs. Bryan administered affirmation. Ms. Richmond made the following statements. "I just want to prove that my dog is not dangerous. She has played with that puppy several times and I honestly feel that since I was not out there with her at the time, I feel like she was playing too rough with her and did not mean to hurt. We have cats and other dogs in the yard, and she has never hurt any of our other animals. I just honestly think that she was playing too hard with the puppy since I was not out there with her to watch her. She has played with the puppy several time and so has my other puppy, she is not an aggressive dog or anything. We went to the animal shelter to see her last week, and we were talking to them and they said, they hadn't any problems with her and she has not shown any aggression or anything."

Mrs. Elizabeth Bryan asked, "Do you believe that the incident happen as stated, or can you tell us what happen at the incident?"

Ms. Richmond continued with the following statements. "I'm not sure what happened, I didn't see anything that happened. I saw her near the other puppies, my other dog was also outside, and he was not around I did not see him. The neighborhood dog which is a big white dog I did not see him around it, but they were in the neighbors' yard near the concrete behind the other neighbors.

Mrs. Bryan asked, "So the dog was off of your property?"

Ms. Richmond answered "Yes, both of them were,"

Mrs. Bryan asked, "Do you have anything else to say?" Otherwise, I will open for questions from the board.

Ms. Richmond answered, "No"

Mrs. Bryan asked the board, "Do anyone have questions?"

Robert Butler questioned, "I read in the documents, that the accident occurred on 16 Payne St, was the dog in her yard, the neighbor's yard or was both dogs somewhere off the property period; or in roaming?"

Mrs. Bryan asked, "Ms. Richmond Do you know where the incident actually occurred, and can you explain the relationship between your house and the complainants house?"

Ms. Richmond answered yes and stated, "Our properties are directly beside each other, but my dog was next to their house next to the concrete part.

"So, both dogs were off of their own properties"? asked Ms. Bryan. "Yes," answered Ms. Richmond.

Mrs. Bryan called Sgt. Byrd and administered affirmation with Sgt. Byrd.

Sgt. Byrd testimony: "Speaking with the complainant, Ms. Alexander Campos she stated that the chihuahua was in the accompaniment of children from the residence they were playing back and forth between the residence of Payne St. and Sharon St. the chihuahua was with the children. Sgt. Byrd stated that the dog can be unleashed if it is under the care and control of the owner. The statement that was given to me was Skylar the dog that belong to Ms. Richmond came and approach the chihuahua and attacked it without propagation. The injuries to the chihuahua were a silvertracka, and a collapsed lung resulting in the dog having to euthanized. I will agree that the dog does have an excellent temperament she has not shown any signs of aggressive towards people. However, it was stated that she came off the property and attacked without propagation.

Mrs. Bryan questioned, "There was witnesses there that saw it was Skylar for sure?"

Sgt Byrd answered "Yes, and when I took it to Ms. Campos home they also identified as Skylar being the one who attacked the dog.

Also questioned, "Was it adults or was it all children?"

Sgt. Byrd stated, "There were 3 adults and children ranged from ages 11 down. It was the ten-year old nephew who identified Skylar who was the one that came and attacked the other dog.

Mr. Robert Butler questioned, "So, the dog left Ms. Richmond yard and went to Ms. Campos yard?"

Sgt. Byrd stated, "I will say in absolute fairness that the distance between the two yards is only far enough to fit a car in."

Wanda Robinson asked Sgt. Byrd, "So the dog was not provoked or anything?"

Sgt. Byrd answered, "The witnesses that I asked, and I asked was there growling, any play fighting, or direct charging. What I was told is that Skylar which is not even a big dog around a thirty-five pounder immediately went up to the chihuahua. I have 3 photographs of the deceased, of the neck and ear. It was stated it was not play fighting it was more forced."

Mrs. Bryan asked Ms. Richmond if she had anything else to say after hearing Sgt. Byrd testimony.

Ms. Richmond stated, "I want to say I didn't hear the kids outside playing, I heard them an hour prior to everything happening they were outside my window playing. I never heard them playing with dogs or anything until they came to my door knocking on my dog saying that Skylar attacked their dog. She has played with the dog several times."

Mrs. Bryan asked, "Is this the first time this behavior has happened?"

"Yes" Ms. Richmond answered.

It was questioned, "How do you normally restrain your dog on your property is it behind a fence, is it on a tie-out, on a leash, or is it allowed to free-roam?"

Ms. Richmond answered, "Normally she is on a leash, like a runner it's two put together because one is too short. For some reason if I do that, she will not use the bathroom out there she will come back in the house and use the bathroom. I was just letting her go for a little bit, but she normally stays right here close to the house. But, with the other dog that runs around in the yard and stuff he started getting her going down the road, so I started having her come back up toward the house and have her up on a chain. That day I was not paying her any attention I couldn't get out the bed half the time that day."

It was questioned, "Is it common for the dog to be turned out unsupervised?"

"No", answered Ms. Richmond.

Mrs. Bryan stated, "Now its time for the board to decide based on the evidence before us, and the report we have before us, whether to uphold if Skylar is considered a potentially dangerous dog based on the North Carolina General Statute. Do anyone have questions or anything they want to say before we make a vote?" asked Mrs. Bryan.

Mrs. Bryan asked, "All in favor of voting Skylar as a potentially dangerous dog? Please state "I" vote was unanimous.

Mrs. Bryan told Ms. Richmond, "Based on the evidence we have determined that Skylar is a potentially dangerous dog, and Mrs. Robinson will be in contact with you."

Mrs. Robinson stated to her, "You will receive a letter within the next ten days with the decision made tonight."

Ms. Richmond questioned, "Her homeowners' insurance was not her name."

Sgt Byrd answered, "It does not have to be housed at the Payne St address, it can be housed at another address."

Ms. Richmond stated, "I will find someone with home insurance."

Mrs. Robinson stated, "You will need to be in contact with Sgt. Byrd from this point forward."

Meeting adjourned.

Jerry G Bur 3-29-21
Chair Date

Wade Rehw 3/29/21
Secretary Date