

Washoe County Animal Control Board

Minutes

Tuesday ~ December 9, 2014~ 6:30 P.M.

WASHOE COUNTY REGIONAL ANIMAL SERVICES CENTER

CLASSROOM

2825 LONGLEY LANE, RENO, NEVADA

MEMBERS

Richard Simmonds, Vice-chair

Linda Church

Paul B. Davis

Anne Forbes

Kathryn Hass

2 vacant

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

Vice-chair Simmonds called the meeting to order at 6:30 p.m. A quorum was established.

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

ABSENT: Paul Davis.

VACANT: Two.

Jen Gustafson and Terry Shea, Deputy District Attorneys, were also present.

Vice-Chair Simmonds outlined the meeting protocol pointing out that public comment is limited to three (3) minutes per speaker with slightly more time allotted to appellants.

2. PUBLIC COMMENT (Non-action item)

There were no public comments.

3. APPROVAL OF OCTOBER 21, 2014, MINUTES [For possible action]

It was moved by Member Hass, seconded by Member Forbes, to approve the October 21, 2014, minutes, as submitted. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

4. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to suspend or revoke a previously approved kennel permit (September 23, 2014) to allow Jennifer Walsh to keep eight (8) dogs at 500 Gold Nugget Court, Reno, Nevada (unincorporated Washoe County) for non-compliance with the requirements for the kennel permit.*

Lead Animal Control Officer Nancy Ueda commented that the appellant had been unable to meet the conditions set forth at the September 23, 2014, meeting. The most recent inspection indicated that insulation had been added to the enclosures and that the appellant had been fined by the HOA (Homeowners Association) for having more than the allowable number of dogs. However, Ms. Walsh has come to an agreement with the HOA that will allow her to keep four (4) dogs with the remaining four (4) dogs being relocated to another property no later than mid-February 2015. Ms. Walsh has been notified that she is still required to increase the height of the fencing to 6-feet as required and is aware that the Washoe County Animal Control Board may revoke or approve an extension to bring the property into compliance.

Vice-chair Simmonds opened the public hearing.

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Jennifer Walsh explained that she had paid the fines and met with the HOA and will be allowed to keep four (4) dogs on the property after February 15, 2015. By that time the other four (4) dogs will have been relocated to another property. Ms. Walsh stated she would keep Spirit, RJ, Maggie and Shine.

Vice-chair Simmonds pointed out that the relocating of the other four (4) dogs requires the new owners to apply for a kennel permit and that Ms. Walsh must increase the fence height by the February 15, 2015 deadline.

Ms. Walsh stated that these are outside dogs and that the enclosure now has insulation and a roof. Additionally, Shine is now staying indoors. Ms. Walsh explained that she does not intend to breed the dogs and that while Maggie has been spayed Spirit has not. Ms. Walsh noted that she had had the dogs since they were puppies and were kept in separate cages.

Vice-chair Simmonds closed the public hearing.

Member Forbes stated she was willing to continue the matter through February 15, 2015.

Member Church concurred and stated that if the increased fence height and other conditions are not met than “we are done.”

Member Hass concurred.

Vice-chair Simmonds concurred and drew attention the agreement with the HOA.

It was moved by Member Forbes, seconded by Member Hass, to approve the kennel permit to allow Jennifer Walsh to keep eight (8) dogs at 500 Gold Nugget Court, Reno, Nevada (unincorporated Washoe County), basis that the Findings required by Washoe County Code Chapter 55 can be made based on the evidence provided by Animal Control Officer and the applicant. Member Forbes conditioned the approval as follows: 1) the number of dogs will be reduced to four (4); 2) the kennel and fencing height meet Washoe County Code requirements; and 3) Conditions be met by February 15, 2015. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

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 Sandra Gerhardt and Leon Carrol to keep six (6) dogs at 1801 Solari Drive, Reno, Nevada (City of Reno).*

Lead Animal Control Officer Nancy Ueda provided an overview of the inspection report noting that the residence has a large open floor plan that allows the animals full access to the upstairs areas of the home and that the animals appeared to be well cared for. Officer Ueda noted that the inspection did not reveal any odor or feces and that some dogs had bark collars. The attached kennel has a concrete floor and that the applicant is aware that dog doors must be closed and that adult supervisor must accompany the dogs when they are outside. Officer Ueda noted that there was a notice to

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reduce issued May 7, 2014 with a fine issued on May 14, 2014, for barking. There have been no additional complaints since that time.

Vice-chair Simmonds opened public comment.

Sandra Gerhardt commented that there had been no intent to have six dogs originally. However she inherited her mother's dogs on her passing as had her husband upon the passing of one of his relatives. Ms. Gerhardt noted that upon notification that the dogs were barking again she purchased additional anti-bark collars. Ms. Gerhardt assured the board that there was no intent to breed or obtain additional dogs. Additionally, all dogs have been spayed/neutered.

Ken Pierson stated he would withdraw his objection to the kennel permit based on his discussions with Officer Jeff Brooks and the response by Ms. Gebhardt in resolving the noise issue.

Vice-chair Simmonds closed public comment.

Member Forbes stated she could support the kennel permit noting that all the dogs were spayed/neutered and that the applicant had taken steps to address the noise issue.

Member Hass agrees and stated she too can support the request.

Member Church concurred.

It was moved by Member Forbes, seconded by Member Hass, to approve the kennel permit to allow Sandra Gerhardt and Leon Carrol to keep six (6) dogs at 1801 Solari Drive, Reno, Nevada (City of Reno). Member Forbes stated she can make the Findings required by Washoe County Code Chapter 55 can be made based on the evidence provided by Animal Control Officer, the applicant and others. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

Vice-chair Simmonds complimented the applicant and the neighbors present on their ability to reach an accommodation and then read the appeal process in to 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 Iliana Gochez to keep five (5) dogs at 9920 Sandhaven Court, Reno, Nevada (City of Reno).*

Lead Animal Control Officer Nancy Ueda provided an overview of the request noting that the inspection report indicates that the existing dog runs do not meet the Washoe County Code requirements as it is partially a shared wood fence and the building. Officer Ueda pointed out that the kennel must be constructed using minimum 11 gauge chain link fencing. Additionally, the kennel cannot be separated but can have divided sections. The inspection report also indicates that the dogs all appear to be healthy and well cared for. Officer Ueda then outlined the Notice of Civil Penalty for barking issued in May 2014 and a notice to reduce. Another fine was issued in November 2014 for a dog at large in response to a citizen request.

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Iliana Gochez noted that she has five (5) dogs and that Tity is spayed whereas Gorda is not. However, it is Ms. Gochez's intent to spay Gorda. Ms. Gochez explained that Gordo, Little Boy and Tamo are not neutered. Ms. Gochez explained that the dogs are outside dogs and that she understands what is required for the kennel.

Leana Conrady recalled that when she first moved in there were six (6) Min-Pins at the applicant's house. Currently there are three (3) Min-Pins and two (2) Labs. Ms. Conrady noted that she believes the dogs to be neglected and that Ms. Gochez had been ordered on September 19, 2014, to have bark collars on all the dogs. Ms. Conrady outlined an incident in which one of the at-large dogs had jumped on top of her car and barked aggressively. Additionally, all of the dogs bark aggressively at the fence. Ms. Conrady noted that she had not witnessed any litters of puppies but the possibility is there with the number of dogs that are not yet neutered/spayed.

Scott Samon commented that he has written letters of complaint to the HOA (Homeowners Association) several times about excessive barking. It is Mr. Samon's belief that a fine was paid and that Ms. Gochez was informed that she had to comply with Washoe County Code on the number of dogs. Mr. Samon recalled the court order to place bark collars on all dogs within four (4) days of the hearing. Mr. Samon also pointed out that Ms. Gochez does not repair or maintain the fence when damaged by her animals.

Lucy Gochez commented that the dogs are well treated and cared for and that she does not believe that her dog jumped on Ms. Conrady's vehicle.

Ms. Gochez explained that the court order had been to purchase bark collars when she had the money to do so. Ms. Gochez noted that she has the funds for the necessary upgrades but not the additional bark collars.

Officer Ueda noted that the most recent inspection had been on September 30, 2014, and that the existing dog runs do not meet Washoe County Code. At the time of inspection the dogs appeared to be healthy and well cared for and that the runs were clean and free of debris. Officer Ueda pointed out that this had been a scheduled inspection and that there had not been an inspection since the one in September (2014).

Vice-chair Simmonds closed public comment.

Member Church outlined her concerns about leaving dogs outside and expressed her belief that Ms. Gochez might not fully understand the situation. Member Church explained that the improvements needed to be made to keep the dogs safe and make the neighbors happy. Therefore, she believes that the number of dogs needs to be reduced as this is not a good situation for the dogs.

Member Hass concurred that the situation is not good and that the situation is not fully understood. Of particular concern is if the applicant cannot afford to purchase the bark collars how will she be able to make the necessary improvements. Therefore, Member Hass cannot support the permit request.

Member Forbes agreed with Member Hass and explained that no dog deserves to live outside. Of particular concern is the ability of the dogs to breed since not all of the dogs are spayed/neutered. Although Member Forbes believes Ms. Gochez to be sincere, she cannot support the request.

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Officer Ueda explained that the November 17, 2014, dog at large citation was in response to a citizen request.

It was moved by Member Forbes, seconded by Member Hass, to deny the kennel permit to allow Iliana Gochez to keep five (5) dogs at 9920 Sandhaven Court, Reno, Nevada (City of Reno). Member Forbes stated that she could not make the required Findings in Washoe County Code 55.400(3) and 55.420 due to dogs being left outside, not all dogs spayed/neutered and that the kennel does not meet Washoe County Code requirements. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

Vice-chair Simmonds read the appeal process in to the record.

- 7. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Christian Brown, Martie Voos and Bryan Rankin, to keep four (4) dogs at 435 East Patrician Drive, Reno, Nevada (Unincorporated Washoe County).*

Lead Animal Control Officer Nancy Ueda summarized the September 12, 2014, inspection report that indicates the property is adequate to keep the dogs. The applicant has submitted plans for a kennel that can be adequately maintained. Officer Ueda noted that the dogs did bark upon arrival of the inspecting officer but quieted on command. A NCP (Notice of Civil Penalty) was issued on November 15, 2014, for a dog at large. It is unclear how the dog escaped from the property as all fencing is in good repair. Officer Ueda explained that a search of records did not indicate any dog bite incident.

Vice-chair Simmonds noted that the applicant was not present at tonight's (December 9, 2014) meeting.

Cindy Miller spoke in opposition to the request noting that there had been as many as five (5) Pit-bull dogs at the applicant's house that tend to get loose. On those occasions the dogs are aggressive and tend to lunge and scratch at doors. Therefore she is afraid of the animals. Ms. Miller commented that it was a neighbor on the cul de sac that was bitten by one of the dogs.

Steve Hilton also spoke in opposition and noted that the dogs had done the same thing to his spouse and that a neighbor's son had been bitten on the back of the leg by one of the dogs. Mr. Hilton also noted that he has been told that there may be intent to breed the dogs and recalled that he had euthanized an aggressive dog that he once owned. Mr. Hilton asked that the permit be denied.

Vice-chair Simmonds closed public comments.

Member Forbes stated that she could not support the request unless all of the dogs were spayed/neutered.

Vice-chair Simmonds pointed out that spay/neuter would not correct aggressive behavior.

Member Forbes stated that she cannot support the request.

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Member Hass concurred that she could not support the request and pointed out that the applicant was not present to answer questions/concerns.

Member Church concurred with Members Forbes and Hass noting that she could not support the request and questioned why the applicant was not present.

Vice-chair Simmonds noted that if the fencing is in good repair the only way the dog could escape would be through an open gate.

It was moved by Member Forbes, seconded by Member Church, to deny the kennel permit to allow Christian Brown, Martie Voos and Bryan Rankin to keep four (4) dogs at 435 East Patrician Drive, Reno, Nevada (unincorporated Washoe County). *Member Forbes stated that she could not make the required Findings in Washoe County Code 55.400(3) and 55.420 due to the number of at-large complaints and the number of dogs that are not spayed/neutered. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.*

Vice-chair Simmonds read the appeal process in to the record.

- 8. KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Claudette Andrews to keep five (5) dogs at 3465 Nowlin Lane, Sparks, Nevada (City of Sparks).*

Lead Animal Control Officer Nancy Ueda outlined the inspection report noting that the applicant had been advised that the dogs cannot be left outside without adult supervision. The residence will serve as the kennel and can be maintained in a clean and sanitary manner. The dogs all appear to be well cared for and in good health. Officer Ueda drew attention to a dog that had been impounded (copy of the impound notice on file) and as of this morning had not been retrieved by the applicant. The impounded dog was adopted from the Nevada Humane Society earlier in 2014. Officer Ueda noted that it is unclear if there is a modification to the permit application as the dog shown in the impound report has a different description than any of the dogs listed on the application.

Responding to Vice-chair Simmonds' inquiry about how to proceed, Terry Shea – Deputy District Attorney, explained that the ACB (Animal Control Board) could approve or deny the request but the more prudent approach might be to continue the matter until the next regular meeting (March 10, 2015).

Officer Ueda noted that Animal Services had not heard from the applicant and that the impounded dog was still on site. Officer Ueda explained that the date shown on the impound notice was the date the dog would be placed for adoption if unclaimed by the owner. In this instance the dog has a micro-chip, which identified the owner.

Members Church, Forbes Hass and Vice-chair Simmonds concurred that the permit should be denied.

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It was moved by Member Forbes, seconded by Member Church, to deny the kennel permit for Claudette Andrews to keep five (5) dogs at 3465 Nowlin Lane, Sparks, Nevada (City of Sparks). Member Forbes stated that she could not make the required Findings in Washoe County Code 55.400(3) and 55.420 based on what may be an incomplete application, absence of the applicant and a dog owned by the applicant that is currently impounded at Washoe County Animal Services. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

Vice-chair Simmonds read the appeal process in to the record.

9. **KENNEL PERMIT APPEAL HEARING** [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow Jaime Rashoff to keep four (4) dogs at 17895 Thunder River Drive, Reno, Nevada (unincorporated Washoe County).*

Lead Animal Control Officer Nancy Ueda summarized the August 11, 2014, inspection report noting that the applicant was aware that the dogs could not be outside without adult supervision since the residence will be used as the kennel. Officer Ueda noted that the owner has a full sized gate to keep the dogs from escaping through the front door and has indicated that all dog doors will be blocked. A research on the subject address revealed three (3) complaints dating back to December 2013. Officer Ueda noted that this is one of the older permits on hand and that Animal Services has 120 days from date of receipt to make contact.

Vice-chair Simmonds opened the public hearing.

Jamie Rashoff commented that the fourth dog had been adopted in November 2013 and had received its rabies vaccination in January 2014. Ms. Rashoff pointed out that a retaining wall had been constructed to prevent her dogs from seeing and interacting with neighboring dogs and that all dog doors to the outside had been removed. Ms. Rashoff noted that dogs and cats were kept separated and the yard is being cleaned more often. Additionally all animals will be spayed/neutered. Ms. Rashoff stated that there was no intent to replace elderly dogs upon their passing.

Charity Burns owner of the property commented that she is available if there are any questions. Ms. Burns explained that Jamie is her daughter and currently resides with her and that two (2) of the dogs are hers.

Vice-chair Simmonds closed public comment.

Member Forbes stated she could support the permit based on the testimony heard.

Member Hass concurred.

Responding to Member Church's inquiry about the barking and aggressive behavior, Vice-chair Simmonds pointed out that the retaining wall that separates the two properties appears to have alleviated the problem. However, the objector is not present.

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It was moved by Member Forbes, seconded by Member Hass, to approve the kennel permit for Jaime Rashoff to keep four (4) dogs at 17895 Thunder River Drive, Reno, Nevada (Unincorporated Washoe County). Member Forbes stated she could make the Finding in Washoe County Code Chapter 55 based on the evidence provided by Animal Control Officers and the applicant. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

Vice-chair Simmonds read the appeal process into the record.

10. KENNEL PERMIT APPEAL HEARING [For possible action] – *A review discussion and possible action to approve, deny or otherwise modify a kennel permit to allow John and Debra Jones to keep five (5) dogs at 2145 Probasco Way, Sparks, Nevada (City of Sparks).*

Lead Animal Control Officer Nancy Ueda outlined the request and subsequent inspection report dated September 9, 2014. The kennel plan submitted meets Washoe County Code requirements with the dogs having full use of the majority of the residence. Additionally, the applicant is aware that the dogs cannot be left outside without adult supervision. The dogs appeared to be well maintained with no evidence of odor or other clutter. Officer Ueda then outlined the calls for service at the address including a noise complaint that resulted in a notice to reduce, which prompted the application for a kennel permit. The most recent complaint was received October 17, 2014 with others dating back to 2013.

Vice-chair Simmonds opened public comment noting that the applicants were not present.

Charles Donohue spoke in opposition to the kennel permit noting that the barking had been going on for more than a year. The only time the barking stops is when the dogs go inside the house. At no time has he ever heard anyone tell the dogs to stop barking and the one time he asked them to quiet the dogs the response had been to put a loudspeaker outside the home and turn it up. Mr. Donohue noted that the applicants had not appeared at the Administrative Hearing on December 5, 2014. It is Mr. Donohue's belief that this is an example of "poor dog ownership."

Teresa Croy expressed her strong opposition to the kennel permit noting that there are no bad dogs only bad owners. Ms. Croy also stated that she has never heard any attempt at discipline when the dogs bark for hours on end. Although the noise levels have improved somewhat the entire neighborhood can hear the barking.

Vice-chair Simmonds pointed out that in the absence of a kennel permit the applicant will have to reduce to not more than three (3) dogs with the ACB (Animal Control Board) having no further jurisdiction. However, if the kennel permit is approved the dogs could not be outside unless supervised by an adult.

Ms. Croy noted that in the past ten (10) years the applicants have not demonstrated that they are responsible pet owners. Although she suspects that they may be breeding dogs, she has never seen puppies.

Mr. Donohue commented that he had seen a cardboard sign with a telephone number offering puppies for sale.

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Vice-chair Simmonds closed the public hearing.

Members Church, Hass and Forbes commented that they could not support the request and pointed out that the applicants did not seem to care if the application was or approved or not by their absence.

It was moved by Member Forbes, seconded by Member Church, to deny the kennel permit to allow John and Debra Jones to keep five (5) dogs at 2145 Probasco Way, Sparks, Nevada (City of Sparks). Member Forbes stated she could not make the applicable Findings in Washoe County Code 55.400(3) and 55.420 based on the absence of the applicants. The motion carried: Members Church, Forbes, Hass and Vice-chair Simmonds assenting; Member Davis absent, and two positions vacant.

Vice-chair Simmonds read the appeal process into the record.

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

Lead Animal Control Officer Nancy Ueda noted that seven (7) kennel permits had been issued with no objections with two (2) permits slated for the March 10, 2015, meeting. Officer Ueda commented that there are seven (7) in process with three (3) possible exotic permits and six (6) scheduled inspections.

Responding to Vice-chair Simmonds inquiry about whether the Chair or Vice-chair can require additional meetings, Deputy District Attorney Terry Shea opined that the next step would be to discuss the issue with the incoming Director and County Manager as the frequency could affect staffing and other issues that may need to be addressed.

Vice-chair Simmonds stated he would meet with the incoming Director, County Manager and perhaps County Commissioners to discuss the start time and frequency of meetings.

- 12. 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 and 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 March 10, 2015.*

The March 10, 2015, meeting agenda may include, but is not limited to: 1) Election of Officers 1) Chair and 2) Vice-chair.

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

There were no public comments.

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14. ADJOURNMENT [Non-action item]

Vice-chair Simmonds adjourned the meeting at 8:06 p.m.

**AS APPROVED BY THE WASHOE COUNTY ANIMAL CONTROL BOARD IN SESSION IN
MARCH 10, 2015.**