

**MINUTES  
ADMINISTRATIVE FINE HEARING BOARD**

**JULY 9, 2018**

The meeting was called to order at 10:30 a.m. Members present were Jean Soine, Alicia LaBeau, and Renee Eckerly, City Administrator. Also in attendance were Police Chief Paul Wegner, Police Officer Tom Fread, Police Officer Colin Meadows, Kayla Risland-Whiting, Stephanie Risland-Whiting, Jenny Weber, Mike Hubbell, Becky Hubbell, and Kristin Leither, Social Media Specialist.

**ELECTION OF OFFICERS**

**Motion was made by LaBeau to appoint Soine as Chairperson, LaBeau as Vice Chair, and Eckerly as Secretary. Seconded by Soine and unanimously carried.**

**APPEAL OF DESIGNATION OF DANGEROUS DOG**

Eckerly reviewed for the audience the procedure for the meeting. The Board would hear testimony from all parties, then go into a closed session to deliberate and will make a finding of fact statement for sustaining the designation of dangerous dog or for dismissing the designation. This written statement along with a recommendation will be given to the City Council on Monday, July 23, 2018 for final action.

Documents received in by Board were:

1. Five photographs of deceased cat owned by Mike and Becky Hubbell, 109 West Main Street, Paynesville received from Police Officer Tom Fread.
2. Canine Training Institute registration application papers for "Jax/Bandito", 2018 Dog License, and 11 pages of documents from Hawk Creek Animal Shelter, Willmar, MN received from Kayla Risland-Whiting.
3. Letter and invoice from Janice Peterson, DVM in Hawick, MN received from Becky Hubbell.

Paul Wegner, Police Chief gave a summary of why the Police Department has deemed the dog dangerous (per State Statute 347.50 subd. 2) after responding to a dog that was loose from the family's home at 427 Koronis Avenue on June 21, 2018 and without provocation killed a domestic cat at 109 Main St W.

Tom Fread, Police Officer gave a verbal report that on June 21, 2018 at approximately 5:25 p.m., he received a call from Kayla Risland-Whiting that her dog named Jax was let out of the house by her young daughter. Kayla gave a description of the dog and that she was out looking for him, but was unsuccessful in catching him.

At 6:00 p.m. that same day, he was dispatched to the intersection of Washburne Avenue and Main Street for a verbal argument regarding a neighbor's dog killing their 13 year old cat. At the scene were Becky & Mike Hubbell whom were very upset regarding a dog that came into their yard while their cat was laying in the flower garden and killed it. The description of the dog matched that of Kayla Risland-Whitings' dog Jax. He went to Risland-Whiting residence at 427 Koronis Avenue to speak to her regarding her dog. He informed her that her dog had killed a

domesticated cat in the cat owner's yard. He asked her for paperwork regarding the rabies vaccination record for the dog. He was given paperwork from Hawk Creek Animal Shelter which gave the history of the dog's rabies vaccination and requirements for having the dog, which were contained in fenced yard and away of cats (will kill). He also advised Kayla that she should be out looking for the dog. Kayla told him that she wanted to spend time with her children and that she couldn't afford the gas to go looking for the dog. He advised her to go look for the dog before it attacks another cat. He then went to the Hubbell's to take pictures of the deceased cat which suffered a broken neck among other injuries. Hubbell's were extremely upset and wanted something done about the dog.

Officer Fread returned to the Risland-Whiting residence and advised people looking for the dog to use the name "Bandito" which was its name for the last four years.

At approximately 7:20 p.m. a Facebook post stated the dog was located at a residence on Stearns Avenue. Officer Fread went and retrieved the dog. When the dog was returned to Kayla Risland-Whiting she was also given the Dangerous Dog paperwork and Appeal form. The dog could be quarantined at the residence since it was current on rabies. She was also instructed that she would be receiving a citation for the unlicensed dog and that she needed to follow the directions on the paperwork that Fread provided her.

On June 22, 2018, the dog was reported loose again. Kayla was instructed to go find the dog. Officer Bruce Elfering brought the dog home. There was no official report from Officer Elfering available at the hearing.

Kayla Risland-Whiting gave a verbal apology for the dog's behavior, but that the dog has not had a stable home and was bred to kill cats. The dog has been enrolled in behavior classes starting July 19, 2018 for 10 weeks. She has no money for the fence, so she has been taking the dog to the dog park and it has been fine. She knows it has issues with cats. He is a big dog. He is fine around people. She takes him to work with her at a group home and has had no issues. He is very gentle around her kids. When asked what type of fence she would be putting up, she stated an invisible fence because the dog was a digger. She can't afford to license him at \$500.00. Right now he is at home inside the house in a travel kennel with a muzzle on. He only gets out of the kennel to go outside to go to the bathroom.

She adopted the dog 1 ½ months ago and was planning on getting the fence within the first year. She is hoping the Board will give her the 10 weeks to change the dog's behavior and then make their decision.

LaBeau stated that she believes the adoption centers may have played down the aggressive part of the dog's behavior in reviewing the paperwork.

Becky Hubbell gave a verbal report regarding her 13 year old deceased cat and that she is an animal lover. Her grandson comes over and is still looking for the cat. The other 13 year old cat walks around the house crying for the deceased cat. They would like proof that the dog is gone and never coming back to Paynesville or is put down. Hubbell stated that the night the cat was killed Risland-Whiting said to her to "have a nice day". She wasn't and isn't having a nice day with the loss of her cat. The neighbor man saw it all happen. The cat suffered after the attack. It stood up, took 3 steps and fell down. Then the dog is loose again the very next day at the City park. Hubbell stated that you can't blame the child for letting the dog loose. The cat was

like a kid to them. The cat would lay in the garden always by the owner. What if her grandson was holding the cat when the dog attacked? There wouldn't have been any way to save either of them. The cat was never ill and now she is gone because of an irresponsible pet owner. When asked how they got the dog to let the cat go, Mike Hubbell said that the dog had the cat pinned under a car in the street. He was yelling and waving his arms at the dog and finally it ran away. It all took less than five minutes.

Chairperson Soine asked if there was any more testimony or comments before the Board went into closed session to deliberate.

Closed session opened at 11:00 a.m.  
Regular session re-opened at 12:20 p.m.

**Finding of Fact:**

Both the Minnesota State Statute 347.50 Definitions, subd. 2 and the City Ordinance states in Section 10.02, subd. 19, iv (2) definition of a dangerous dog is it killed a domestic animal without provocation while off the owner's property. The adoption paperwork from Hawk Creek Animal Shelter states the dog needs to be in a fenced yard and it kills cats, the owner acknowledged she knew these facts when she brought the dog home. The dog was in the city limits for 1 ½ months and not licensed until after the cat was killed. The dog was loose again the day after the cat was killed when it was supposed to be quarantined. The Board's knowledge there has been no aggressiveness shown toward humans. The Board has concerns of what would have happened if a child was holding the cat when the dog attacked. The Board discussed that you can't change the nature of the dog, so if the nature of the dog is to kill cats and the dog is not in a fenced area this situation will keep happening. The Board understands this is a difficult process for all involved, but precautions should have been put in place prior to the dog being adopted and brought into the City limits.

**Conclusion:**

The dog known as Jaxs/Bandito, a husky mix living at 427 Koronis Avenue, Paynesville and the responsibility of Kayla Risland-Whiting is to be deemed a dangerous dog and the provision in the City Ordinance laid out in Section 10.02 Animal Licensing & Regulation, Subdivision 19 Potentially Dangerous & Dangerous Dogs shall be put into effect immediately and the 14 days for the owner to comply with all the requirements begins.

**Motion was made by LaBeau to deem the dog Jaxs/Bandito a dangerous dog and recommend all requirements as stated in the City Ordinance to identify and protect the public be activated. Seconded by Soine and unanimously carried.**

The Fact and Finding would now go to the City Council for final action.

There being no further business, the meeting was adjourned at 12:25 p.m.