

**ANIMAL CONTROL BOARD
COUNTY OF MAUI**

Cameron Center
Room 28-2A
95 Mahalani Street
Wailuku, Maui, Hawaii

August 11, 2015
9:00 a.m.

MINUTES

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Chair Vargas

II. ATTENDANCE/QUORUM

A. ATTENDANCE

Members Present: Anthony Vargas, Jr.
Doreen Forsberg
Rabbi Larry Winer

Members Excused: Larry Shapiro

Staff Present: Kimberly Ferguson, DHHC
Jerrie Sheppard, Deputy Corporation Counsel
Linden Joesting, Deputy Corporation Counsel
(Present for Executive Session with Board)

Testifier: Joel Katz

Others Present: Dania Katz
Noah Katz
Miriam Katz

III. PUBLIC TESTIMONY

None

IV. NEW BUSINESS

A. Approval of Minutes of the April 22, 2015 meeting

Motion to approve minutes entertained by Chair Vargas, moved by Member Forsberg, seconded by Member Winer. All members present were in favor of approving minutes.

B. Approval/Adoption of Findings of Fact and Conclusions of Law for the Shawn Pahia-White Appeal

Motion to approve and adopt Findings of Fact and Conclusions of Law entertained by Chair Vargas, moved by Member Forsberg, seconded by Member Winer. All were in favor of approving minutes. Member Shapiro was not present but had reviewed, approved and signed off on the Findings prior to the meeting.

C. Joel Katz Objecting to Maui Humane Society's non-enforcement of dangerous dog designation

Mr. Joel Katz was asked to state his full name by Chair Vargas. Mr. Joel Katz introduced himself, his wife Dania, son Noah and mother Miriam Katz to the board. Mr. Katz began by acknowledging and thanking the board for being present as he knew they were all volunteers. He proceeded with showing a photo of his dog "CC" who was killed as a result of the attack. He stated that he had CC for 11 years and that she was a wonderful dog with a lot of personality who was a part of their family. Mr. Katz began by distributing a packet to each board member which contained the following: 1) Narrative of statement he had prepared to read to Board dated August 9, 2015; 2) Statement from witness Asher Fergusson; 3) Copy of the Maui Humane Society's Dangerous Dog Evaluation Criteria; 4) Invoice from Maui Veterinary Clinic; 5) Maui Police Department Case Summary Report dated 6/22/2015; and 6) Written appeal to the Board from Joel Katz citing Maui County Code, 6.04.046.

Mr. Katz read a document dated August 9, 2015 with the Facts and Description of events out loud to board (Exhibit 1).

Member Winer stated that he served with law enforcement in Florida and asked Mr. Katz why he was not able to obtain a copy of the police report. Mr. Katz responded that he was told that he was not allowed to have it because it contained witness information.

Mr. Katz continued to read from the document noted as Exhibit 1. Mr. Katz passed around a photo from a video frame obtained from one of his neighbors showing the dogs in question being transported unrestrained in the back of a truck on August 6, 2015.

Mr. Katz then passed around 5 photos of the injuries that both he and his dog sustained as a result of the attack. Two photos showing the injuries to his fingers were shared with the board. In addition, board members were shown three graphic photos of injuries to his dog CC.

Mr. Katz then proceeded to read from his written appeal to the board (Exhibit 2). In addition, he stated that the form used by Maui Humane Society (MHS) is not required by law but is something that MHS got from another entity and is used when evaluating the need for deeming a dog as dangerous. Mr. Katz also noted that there was only one dog evaluated by MHS on the form.

Mr. Katz then stated that on October 17, 2013, the Animal Control Officers made an appeal to the County Council to change the language in the Maui County Code. Mr. Katz made specific reference to the word "any" in Section 6.04.046 A1.

Member Winer asked Chair Vargas why there wasn't anyone from the MHS present as this was the first meeting he has attended that there wasn't anyone from MHS present. Chair Vargas deferred to staff member Kimberly Ferguson to respond. Ms. Ferguson advised the board that Mr. Katz had met with MHS prior and that MHS was notified of the meeting and chose not to attend.

Deputy Corporation Counsel Sheppard asked Mr. Katz for the date of his meeting with MHS. Mrs. Katz responded that the meeting took place on Thursday, June 14, 2015 at 2:00 p.m. Member Forsberg noted that June 14, 2015 was the day of the incident. Mrs. Katz then corrected her statement and said that the meeting occurred on June 18, 2015. Chair Vargas asked how many MHS officers responded. Mr. Katz responded that Beverly Green was the only Animal Control Officer (ACO) who responded.

Mr. Katz stated that he was looking for some change in the way that MHS does things. He stated that he was dumbfounded by what he heard in his meeting with MHS. Mr. Katz also stated that it was said that Mark Wilson just finished his 30 year career as a California Highway Patrol and "he's still learning the laws". Mr. Katz continued to read the last paragraph of his appeal statement. He stated that it should be taken into consideration that the owner of the dogs was unable to control them and stop the attack. Mr. Katz also stated that the owner actually bit his dog in the ear trying to get it to unlock its jaws from his dog's head. Mr. Katz stated that the owner has shown that he is not able to control these vicious dogs and that this category doesn't exist on the MHS form and that it should be. Mr. Katz said the owner continues to transport his dogs in the back of his truck. Mr. Katz advised the board that he has more documentation but is listing the items that he distributed in the packet.

Mr. Katz stated that he understood that the Animal Control Board has the authority to reverse the Maui Humane Society's irresponsible handling of his case. He is asking that all four dogs in this incident be classified as dangerous and that the owner be required to abide by the dangerous dog conditions of ownership set forth in the code.

Chair Vargas asked Mr. Katz if he could positively identify all four dogs. Mr. Katz responded yes, but that he doesn't know their names. Mr. Katz then stated that the whole neighborhood has seen the image so many times it's just notorious and everybody knows this and that there's no question that this is the truck and that they've done this several times a day for years.

Member Forsberg asked Mr. Katz for the breed of the dogs in question. Mr. Katz replied that he thinks they're classified as mixed breed pit bulls.

Mr. Vargas clarified the reason he was asking about being able to positively identify the dogs is because it would be a major factor. Mr. Katz asked if Chair Vargas was asking him if the same dogs in the truck were the same dogs that attacked his dog. Mr. Katz then responded that he's not a dog person, that he's a musician and that he hears and knows the sounds when they drive by. Mr. Katz replied that he could not pick out the dogs in a "dog lineup".

Member Winer asked Mr. Katz if he could recognize the dogs and Mr. Katz responded "the image of the four dogs in the truck, with one dog standing up in one spot, I don't think they'd be a denial". Mr. Katz pointed out that the photo with the dogs in the back of the truck had been taken by a neighbor who is an attorney.

Deputy Corporation Counsel Sheppard asked Mr. Katz if the dog owner owned any other dogs besides the four. Mr. Katz responded "not that I'm aware of". She then asked for the address of Mr. Hall's residence. Mrs. Katz responded with the address of 1272 W. Hiahia Place. Mr. Katz stated that it was in the police report.

Mrs. Dania Katz requested to add to her husband's statement. She proceeded to tell the board that after the attack, she walked around. She said they've lived in the house and neighborhood for 30 years and are well respected and loved. Mrs. Katz then stated that there is one neighbor in particular who lives across the street who has lost numerous animals from attacks by these dogs. Her name is Sutherland, who after seven police reports and MHS reports she stopped because they did nothing to help her. In addition, there is another neighbor that lives at the very end of the cul de sac who also had an attack by these four dogs on their dog. They no longer keep their dog leashed in the carport and now keep it inside their house. She then stated that it is a small community and that there has to be something done at this point.

Deputy Corporation Counsel Sheppard asked Mr. Katz if all the information that was provided to the board was provided to MHS and to the police to augment their reports. Mr. Katz stated that he contacted Detective Nishida who was one of his students at the college as he was frustrated with the joke of a police report. He stated that Det. Nishida interviewed him along with his neighbor Robert Gault. Mr. Katz also referred to the statement by Asher Fergusson who was walking up the street and saw the dogs struggling and noted the particular part of the statement in which the witness stated that the owner was trying to pull the dogs off their prey but not having much success.

Deputy Corporation Counsel Sheppard again asked Mr. Katz if all the information that was provided to the board was provided to MHS and to the police to augment their reports. Mr. Katz responded that he provided everything to Det. Nishida. Deputy Corporation Counsel Sheppard asked for clarification on what was provided. Mr. Katz responded that the information Det. Nishida had was from her interview with him. He then stated that he gave her photos which have been turned over to the prosecutor as there is an arraignment for leash law violations only on August 25, 2015. Mr. Katz noted that Jared Auna was the Prosecutor. Deputy Corporation Counsel Sheppard again stated that her bigger question was that she wanted to know if Mr. Katz had provided a copy of everything that he provided to the board to MHS and to the police to augment their reports. Mr. Katz replied that he has not given it to MHS. He then stated that after his meeting with MHS it was like a done deal with them, case closed, this is it and that was why he was here before the board. Deputy Corporation Counsel Sheppard confirmed that the answer was no and Mr. Katz stated that he had not given the MHS any of this information. Deputy Corporation Counsel Sheppard then asked Mr. Katz if he had given a copy to the police department to augment his police report. Mr. Katz answered that he had not given the statement that he had typed out but that he had given Jared Auna a similar statement to what was given to the board along with about five photos including the

one with the dogs in the back of the truck. Deputy Corporation Counsel Sheppard then asked Mr. Katz if he knew for sure what the charges were, if there were just leash law violations, no cruelty to animals or anything else. Mr. Katz responded no, that he didn't know what the charges are and that the prosecutor wouldn't tell him. Mr. Katz stated that he dropped off the documentation and asked that the appropriate charges be brought forward.

Mr. Katz stated that he thinks there should be assault charges but that he's not the police. Member Winer commented that it could be assault with a deadly weapon as the dogs are deadly weapons. Mr. Katz commented perhaps reckless endangerment.

Chair Vargas called for a short recess at 9:40 a.m. The meeting was reconvened and back on record at 9:42 a.m.

Chair Vargas asked to hear from Mr. Katz's son. Chair Vargas began by asking Noah Katz his age and Noah responded that he was eighteen. Chair Vargas asked Noah to state his full name and tell the board what he witnessed.

Noah Katz stated his name and that he'd grown up in the neighborhood and was actually friends with a boy that lived in the house where the dogs were. He stated he would play with the dogs as puppies when he was 10 or 11 years old, he couldn't remember exactly though. Noah stated that the owner did that ever since he'd had them, babied them and loved them but a vicious dog is a vicious dog. He also commented that he knows what his mom was saying about how all the neighbors have had countless attacks and it mind boggles him how MHS just doesn't even see what's going on and it's almost like they don't feel like doing this. He stated that MHS only wants to help those who want to take a dog if that makes sense but that's how he was seeing it. Noah Katz then stated that he wasn't around when the attack happened and that he came home right after. He stated that when he got there he was completely devastated when he saw his dog bleeding and torn up and just chilling there. He stated he was really amazed and didn't think it was that serious. Noah then asked to back up to the question asked earlier about identifying the dogs. He stated just by seeing the dogs in the back of the truck regularly that he could easily identify them in a group.

Chair Vargas stated that was irrelevant as Noah was not present during the attack. Noah Katz affirmed that he was not there and didn't see the attack at all but heard about it.

Deputy Corporation Counsel Sheppard asked Mr. Katz to confirm that there was a witness who saw the dogs run from Mr. Hall's property to his property and if that was true. Mr. Katz responded that he wasn't sure that the witness saw the dogs running as the witness keeps his dog on his lanai which is about 30 feet above Mr. Katz's house and looks down from the hillside. Mr. Katz stated he thinks, he knows from talking to his neighbor that it was the sounds of the attack that drew his neighbor's attention so he wasn't sure if he saw the dogs running before the attack.

Chair Vargas commented that he read something to that effect. Deputy Corporation Counsel Sheppard clarified that there was a statement from Asher Fergusson that said words to that effect and also commented that Mr. Katz had stated that he was

correcting this statement to the police that he thought the dogs came out from the truck and then into his property.

Mr. Katz showed the board a photo of the corner of his garage with a paint can to show the location of the attack. He also stated that he had more photos.

Chair Vargas asked to hear from Mr. Katz's mother and asked her to state her full name. Miriam Katz stated her name and told the board that she waits outside of their house for the MEO bus almost every day to take her to volunteer work. She then said that since the incident happened she is afraid because she has seen the truck drive by with the dogs loose and that she now waits closer to the door to the house.

Chair Vargas then asked Mr. Katz if his neighbors would be willing to come forward and testify as to the dogs being loose. Mr. Katz responded that he knows that the two witnesses to the incident would testify. Mrs. Katz commented that Debbie Sutherland would, along with the neighbors at the end of the cul de sac.

Member Forsberg asked for clarification on the location of the Katz's residence. Mr. Katz described that there were two entrances into his neighborhood, one from Lower Beach Road and the other was from Kahikili Highway. Member Forsberg then asked Mr. Katz if Mr. Hall had admitted to his dogs attacking. Mr. Katz responded yes.

Mr. Katz stated that he wanted to criticize the form used by MHS for deeming and the way it was used. Chair Vargas commented that he'd never seen the form. Mr. Katz commented on confinement measures and said that the idea was that if the dog gets ten points it's dangerous. Points are either added or subtracted and they ended up with a zero.

Deputy Corporation Counsel Sheppard asked who filled out the form. Mr. Katz responded ACO Beverly Green. Member Forsberg questioned why there was only one dog named Tank noted on the form. Mr. Katz responded that was the form he was given in his meeting. Mr. Katz requested to make his one point, referring back to confinement measures. He stated that because the owner has a confinement area on his property, MHS deducted 5 points meaning that the dog is safe and he said it is absurd. Mr. Katz commented that those were just two of the ways that MHS's use of the form is just incredibly ridiculous. One that they ignore the attack on him and one that they give the dogs credit for the confinement area on the property that is not used.

Mrs. Katz asked the board if they were familiar with the form. The board members responded that this was the first time they had seen the form. Mrs. Katz stated that she understood that the form was fairly new and that it was established this year because the flow of complaints coming in was so great that MHS needed to create a form to separate what was really important and what wasn't and that they were deemed not important and she wanted to note that.

Mr. Katz stated that he wanted to point out how inconsistent MHS is in using the ruling that dogs are dangerous. Mr. Katz referred to testimony by MHS at the October 17, 2013 Council meeting. He stated it was long and he wasn't going to read it all to the board. Mr. Katz commented that the board should know that MHS questioned the authority and competence of the board to make decisions and that is

why MHS needed the authority. He stated testimony was given by Jocelyn Bouchard of MHS. He then stated that MHS was making their point mainly to change the wording of the regulation from "shall" to "may". Mr. Katz then commented that the Animal Control Officers are coming off giving examples of why they have the authority and why they should do it. Mr. Katz also said that one of the ACO's said that he designated a dog as dangerous because it was barking through a screen door of someone's house and said that was considered imminent threat or harm so it was ruled as a dangerous dog. Mr. Katz then commented that to rule that incident as dangerous and not this is crazy.

Mr. Katz said that MHS is out of control, they have no policy, the head of enforcement is admittedly untrained and it is really a chaotic situation that needs to be addressed immediately. He also mentioned that so many people have come forward since this incident and everybody has stories. Mr. Katz told the board that they had a cat mauled several years ago and that people sort of accept it as life on Maui. He said it is accepted that nothing will happen, it's a bad situation and action needs to be taken. Mr. Katz referred back to the Council hearing and that he didn't go but now that it's happened to him he's affected and upset and wants to do something. He stated that the hearing pushed it back even more. Mr. Katz commented that MHS is arrogant in stating they're the only ones who are capable of having this common sense. Member Winer commented that he would be interested in knowing what kind of training they have had.

Deputy Corporation Counsel Sheppard reminded Chair Vargas that she had a mandatory 10:00 a.m. appointment that she had to be at and asked if there was any legal advice that the board needed from her before she departed. Chair Vargas answered that there was not. Mr. Katz then asked Deputy Corporation Counsel Sheppard if his understanding was correct, that the board could reverse the decision and declare all four dogs as dangerous. Deputy Corporation Counsel responded that she could only give legal advice to the board.

Member Forsberg asked Mr. Katz to state what he was looking for by coming before the board. Mr. Katz replied that he wanted the board to declare all four dogs involved in the attack as dangerous and to require the owner to meet the conditions of dangerous dog ownership as set forth in the Maui County Code. Member Forsberg repeated Mr. Katz's request; declaring all four dogs dangerous, holding the owner accountable with the dangerous dog laws and then she asked if there was anything else. Mr. Katz replied "meeting the conditions of dangerous dog ownership". Member Forsberg then asked if there was a current legal matter pending. Chair Vargas also asked if there was a civil suit going on for this case. Mr. Katz responded that they've talked to someone and asked if it was relevant. Deputy Corporation Counsel Sheppard was asked by Member Forsberg if it was relevant and she clarified that it was not something that the board would factor into the case.

Mr. Katz stated that Jared Auna, the county prosecutor, encouraged them do to that but that he was present to address the board in their role and that his understanding was that the board has the authority to reverse the decision. Mr. Katz also stated that he understood that it was pretty unusual for someone to come in and do it backwards as most people are here because they want to tell the board that their dog had a bad day when it mauled the neighbor's animal but he was here doing it the other way.

Member Winer commented that this would be a wakeup call for MHS as well as law enforcement as at least he would like to think it would be as it is grossly....(rest of sentence was inaudible). Member Winer then commented that there was a lack of competence but then again we're on Maui, what can I tell you, no insult intended but this is not the mainland.... (Rest of sentence was inaudible).

Chair Vargas entertained a motion to enter into executive session. Deputy Corporation Counsel Sheppard was excused.

The meeting was called back to order at 10:05 a.m. Chair Vargas advised Mr. Katz that the board will give him an opportunity to make any closing statements and that they would reconvene in executive session once Deputy Corporation Counsel Sheppard returned in about an hour. Mr. Katz stated that he was available until about 3:30 p.m. if any questions arose. Mr. Katz stated that he starts instruction at the college in a couple of weeks and that it would be harder for him to schedule so he would like to resolve rather than put off the matter if possible.

Member Winer commented that Mr. Katz is entitled to a decision one way or another. He also commented that perhaps MHS knew they had made a mistake in this case. Mr. Katz replied that in his conversations with Jerleen Bryant, she had stated that his case was so extreme that it has forced them to take a closer look at their policy, and that was almost a quote of what she told him. Member Winer responded that was good and maybe they need to change the policy.

Chair Vargas commented that there needs to be some resolution not just a look at the policy. Chair Vargas said that right now there are four dogs running around that could be a potentially a big danger to our community and they need to get to the bottom of this. He stated that was the board's main concern right now. Chair Vargas acknowledged Mr. Katz's loss but again reiterated that the board's concern was the four dogs. Mr. Katz agreed and made reference to the document which begins "On June 14" as his specific appeal to the board and that it explains clearly why he is here and what he is asking of the board. Mr. Katz also encouraged the board to take it to the next level and somehow begin to address how messed up it is. Mr. Katz then referred back to the bill sponsored by Gladys Baisa in 2013 as a step backwards as it states that only MHS has the experience and knowledge to make dangerous dog determinations. Chair Vargas stated that the board will get to the bottom of the matter.

Member Forsberg had a few more questions to ask. Mr. Katz was asked if CC passed on June 14, 2015, if the date of the meeting with the CEO of MHS took place on June 18, 2015 and where the meeting took place. Mr. Katz confirmed both dates and stated that they met at MHS. Member Forsberg then asked when the reports by MHS and the police were taken. Mr. Katz stated that both reports were done on June 14, 2015. Member Forsberg then asked if Dennis Hall was around when the reports were taken and if that is when he admitted that his four dogs attacked CC. Mr. Katz responded no, that he believed that the police report where Mr. Hall admitted was taken at Mr. Hall's home by the police. Member Forsberg asked if this occurred within the four days after the attack.

Mrs. Katz responded that once CC was taken to the vet and Mr. Katz went to the emergency room at Kaiser, she called the police and MHS and neither one showed up in a reasonable amount of time. She then stated that she called them again and

then the police came out and took her statement. Mrs. Katz stated that she had to call MHS three times before they sent an ACO out. It was later in the afternoon about 2:00 p.m. or 3:00 p.m. before MHS came on June 14, 2015. MHS took her statement and she made it clear that she didn't see the attack but that her husband was incapacitated at the time. Mrs. Katz told MHS who owned the dogs and that they needed to go down the street and talk to them. Chair Vargas asked if they did and Mrs. Katz responded that she believed so. Mrs. Katz stated that she didn't hear from MHS on Monday or Tuesday and that she called them again to see what was going on. She stated that she started demanding answers and that as when MHS invited them to meet because she kept calling. She stated that she couldn't image that nothing was being done. Mrs. Katz stated that when she got in touch with someone from MHS she was told that they were really busy with a fundraiser. She said she went overboard at that point as she was emotionally distraught.

Chair Vargas commented that MHS basically blew them off. Mrs. Katz answered yes. Mrs. Katz commented that she had to call and call again before getting a response but she wasn't aware of what other emergencies were occurring at MHS. Mr. Katz asked Chair Vargas to clarify his comment, if what he was referring to was what occurred at the meeting with MHS. Chair Vargas asked Mr. Katz if he received any solid answers from MHS on why the dogs weren't deemed dangerous and if it was because of the form. Mr. Katz responded yes, MHS said that the form is their guideline and that is what they use. Chair Vargas asked if the decision was at the sole discretion of the ACO. Mr. Katz responded yes and then stated that he thinks Jerleen read the report and apparently met with the ACO and discussed the report. Mr. Katz stated that MHS went over the form they used with him at their meeting and explained the point system and that certain criteria canceled out others and why the dogs were not deemed dangerous.

Member Winer asked how MHS could do that with a straight face knowing that the dogs killed an (Rest of sentence inaudible). Mr. Katz said that he asked MHS "Do you hear what you're saying to me that I invited...?" and that he was dumbfounded and felt like he was on another planet. Chair Vargas stated that the board will get to the bottom of this and whatever power they have they will exercise it. Mr. Katz replied "Thank you".

Member Winer commented that MHS seems to be covering their bottom so to speak as they depend on donations. Mrs. Katz commented that in her opinion, MHS's operating budget is 2.2 million dollars, 1.8 million is received from the County budget and they have to raise the balance to be operational and that she understands that. She also stated that they got their dog from MHS and it was a wonderful experience. Mrs. Katz said that they've donated and that Mr. Katz has played music for their events. Mrs. Katz stated that she doesn't want those dogs to hurt anyone or another animal. Chair Vargas stated that is what the board was there for and it is their job to protect the general public. Chair Vargas also stated that the board will do whatever it takes to get it done. The Katzs were excused and Chair Vargas entertained a motion to enter into executive session to meet with Deputy Corporation Counsel Joesting. All members were in favor. The Board went into executive session at 10:15 a.m.

Meeting was reconvened at 10:35 a.m. After an executive session, Chair Vargas moved, and the Board voted unanimously to send letters to Jerleen Bryant, CEO of the Maui Humane Society, Chief of Police Tivoli Faaumu, Maui Police Department,

and Carol Reimann, Director of Housing and Human Concerns requesting additional information, supporting documents and reports.

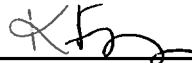
D. Standing Meeting Schedule

A standing monthly meeting schedule was proposed to facilitate scheduling and assure quorums. As the Animal Control Board meets on an "as needed" basis, meetings would be canceled if there are no request for appeals or other board business. Members decided to meet on the first Thursday of each month beginning on September 3, 2015. Motion to accept standing meeting schedule entertained by Chair Vargas, moved by Member Forsberg, seconded by Member Winer. All were in favor of a standing monthly meeting schedule.

V. ADJOURNMENT

Motion to adjourn entertained by Chair Vargas, moved by Member Forsberg, seconded by Member Winer. Meeting adjourned at 11:10 a.m.

Respectfully submitted:



Kimberly Ferguson
Secretary to the Animal Control Board

Joel Katz

August 9, 2015

Facts and Description of events :

On Sunday Morning June 14, 2015 I put our dog CC on a rope that attaches to her harness so she could be in our front yard. The rope extends from the railing on our front steps to just before the sidewalk. I was inside our house and I remember hearing our neighbor's dogs in the back of the pickup truck barking as they drove by. These dogs are regularly unleashed in the back of this pickup truck and it is common to hear them continually barking as they go past on Hiahia Place and then on Lower Waiehu Beach Road.

At around 7:30^{AM} I was sitting in our living room and heard a horrible noise of CC yelping. I ran outside and the four large dogs were attacking CC. She was on the ground with her head near the corner of our garage that is closest to the street and driveway. At that time I did not pay attention to anything other than the attack. I ran to the dogs and started punching them in the head. I especially remember the dog on my left with its mouth clamped on to CC's head. It looked like its tooth went through her ear and she was yelping in fear and pain. I saw that much of her fur and skin was ripped off of her front leg and near her head. This went on for a minute or two. I had scratches on my face and neck and bite punctures on my left wrist and elbow. At one point the dogs pulled me forward, making me lose my balance. This may be where I got the deep scrapes to my knees and feet.

At one point, the dog furthest on my right had my right hand in its mouth clamping down on it. I was punching its head with my left hand. This is when I got the bite injuries to my right hand. I was able to intermittently get some of the dogs to let go except for the dog with its mouth on her head. But as soon as I started hitting another dog the other dogs would go back to biting CC and me.

Dennis Hall arrived and I looked up and saw him facing me and on the street side of his dogs. His truck was in the street in front of our house facing north on Hiahia. I remember screaming at him "get them off they're killing her". He was struggling with the dogs and trying to pull them off, but couldn't at first. I remember him biting the ear or head of the dog on my left that had its jaw clamped on CC's head the whole time.

EXHIBIT | _____

He finally got them to stop and I picked CC up, carried her inside and set her on her pillow. The photographs of our dog show the severity of her mutilation. The x ray shows her broken neck, crushed jaw, and skull fracture. Her front leg was also ripped out and hanging by some skin. I do not recall Dennis Hall saying anything to me.

There are two witnesses that saw the attack. Robert Gault of 941 Iwaena saw the attack before and after I got outside while looking down from his lanai. I understand that He made a statement to detective Theresa Nishida. The second witness is Asher Fergusson who was walking up the street from surfing. He also made a statement to Detective Nishida. I have not seen the police or Maui Humane Society detailed reports.

I called veterinarian Dr. Kot at 7:48 and left a message with his answering service and pager. Dr. Kot called back within 15 minutes and drove down from Kula to his office in Wailuku. My son Noah, my wife Dania, and I went to Dr. Kot's office with CC to wait. Dr. Kot arrived with two assistants and we left CC there. My son Noah took me to Kaiser Maui Lani where Dr. Ben Massenberg treated me for the tear in my finger and several bite punctures and scrapes.

My Wife Dania called the police and met with two police officers to make a report while I was still at Kaiser. A few hours later I gave a report to the Maui Humane Society officer Beverly Green.

We happened to see the police officers that took the report later that day at about 2 PM. Our dog CC was dead at that point. The police had not spoken to any witnesses or me so I asked the police if they would like a detailed account of what happened. They said that it would not make any difference since the most serious offense they could apply was a leash law violation. The dog owners had admitted the dogs were unleashed.

Mr, Hall's failure to properly secure his large, violent dogs created and continues to create a deadly hazard. Such failure was and is tantamount to leaving a loaded gun available to an irresponsible or mentally deranged individual. His behavior was both deadly and caused great bodily injury.

Mr. Hall continues to transport his dogs unrestrained in his truck as he did the day he lost control of them. This photo is from a video frame taken on August 6, 2015 (see photo).

I made a mistake in my statement to detective Nishida and the animal control officer. I had assumed that the dogs jumped out of the truck in front of our house. After speaking with witnesses I learned that the dogs got out of the truck at Dennis Hall's residence at 1272 Hiahia Place, about eight houses away. The dogs then ran down the street to attack CC.

(Please see attached photos and veterinary report)

Medical Consequences:

The gash from the bite in my right index finger joint became seriously infected by the next morning June 15, 2015. I was given a stronger batch of antibiotics. I still have scar tissue in the joint that inhibits my range of motion. I need to keep my finger wrapped in a compression bandage to help reduce the chronic swelling. I have been going to physical therapy for treatments to break up the scar tissue and reduce swelling. My finger is continually painful and stiff and is a constant reminder of this incident. I still have scabs and scars from bites and scrapes. I will continue to request updated detailed medical reports from Kaiser Permanente and make them available to you.

(Please see attached medical reports)

Employment/Business/Financial Consequences:

I make my living as a professional musician and work regularly as a guitar and keyboard player. I am an instructor of music at the University of Hawaii, Maui College. I also run a recording studio. As one might imagine, the loss of feeling, strength, and chronic swelling in my right index finger and hand is detrimental to every aspect of my work.

In addition, my recording work is an essential part of my music career as a performer and teacher. My last two CD projects were Na Hoku Hanohano award finalists in three categories. I am unable to play music at the level of proficiency necessary to continue my recording work. The swelling and decreased control and feeling in my finger make this impossible.

Please know that I am available to cooperate fully in this matter, and am prepared to testify under oath to all statements made in this memo.

Thank you:

Yours truly,

Joel Katz

On June 14, 2015 four dogs came on to our property on 1320 Hiahia Place and attacked our dog CC and myself. CC died from her injuries and I was seriously hurt from bites and scratches. The Maui Humane Society report given to me only mentions one dog named "tank" and concluded that the dog is NOT dangerous. I am here to appeal this decision and have all four dogs in this attack be designated as dangerous, and for the owner be required to meet the dangerous dog *conditions of ownership* in section 6.04.046.C.

There were four dogs involved in the attack as indicated in the police report. The dog on my right that mauled my hand is not mentioned in the Humane Society report. I had scratches and bites from all four dogs and all four dogs attacked our dog.

It is not disputed that all four dogs were involved in this attack on our dog and I on our property. Two eyewitness reports support this. All conditions in this section for designating all four dogs as *dangerous* are clearly met.

From the Maui Municipal code:

6.04.046 - Dog regulations—dangerous dogs.

A. Dangerous dog designation.

- 1. An enforcement or animal control officer may designate a dog as dangerous if the officer has probable cause to believe that the dog has committed any of the following:
 - a. While on or off the owner's property, attack a person, causing bodily injury to the person;*
 - b. While off the owner's property, attack a pet animal, equine animal, goat, sheep, other domesticated animal, or any animal that is listed as threatened or endangered by the United States Fish and Wildlife Service, causing serious bodily injury or death to the animal;*
 - c. While off the owner's property, behave in a manner that a reasonable person would believe poses an imminent threat of bodily injury to one or more persons;*
 - d. While off the owner's property, behave in a manner that a reasonable person would believe poses an imminent threat of serious bodily injury or death to a pet animal, equine animal, goat, sheep, other domesticated animal, or any animal that is listed as threatened or endangered by the United States Fish and Wildlife Service.**
- 2. A dog's breed shall not be considered when making the determination of whether a dog is dangerous.*
- 3. Mere growling or barking or a combination of both shall not constitute grounds upon which to designate a dog dangerous.*

The Maui Humane society chooses, at their discretion, to ignore the clear intent of these regulations and to use the attached form to evaluate whether dogs are dangerous. The use and conclusions of this form by the Maui Humane Society are flawed and absurd.

For example: The area for attack on a human is blank. In our meeting with Jerleen Bryant CEO, and Mark Wilson, Director of Humane Enforcement, I was told that this area is blank because I "invited" the attack on myself by trying to save our dog. The attack on me is not a factor in their conclusion!

In the confinement area of the form the dogs and owners are given maximum credit for having a confinement area on their property. This is irrelevant to this incident since the dogs were obviously loose and out of control.

It should be taken into consideration that the owner of the dogs was unable to control them and stop the attack. The owner actually bit one of his dogs on the ear in an attempt to unlock its jaw from our dog's head. The owner has shown that he is not in control of his vicious dogs. This category does not exist on the form, and it should be there. Mr. Hall continues to transport his dogs unleashed in the back of his pickup truck as seen in this photo frame from a video in August 2015 (see photo).

EXHIBIT 2

Joel Katz

I am including some photos and supporting documents.

1. Maui Humane Society Report given to me
2. Original Police report summary given to me
3. Statement from one of two eyewitnesses
4. My detailed account of these events
5. Veterinarian report and invoice

I have more documentation such as specific medical reports if needed.

As stated in 6.04.095 - Animal control board section C, This animal control board has the authority to reverse the Maui Humane Society's irresponsible handling of my case. I am asking that all four dogs in this incident be classified as **dangerous** and that the owner be required to abide by the dangerous dog **conditions of ownership** including confinement, leashing, and liability insurance.

C. Powers, duties, and responsibilities.

1. *The jurisdiction of the board shall be:*
 - a. *To hear and determine appeals from decisions concerning dangerous dogs as set forth in sections 6.04.046 and 6.04.050, and from any order issued by an enforcement or animal control officer relating thereto.*
 - b. *To conduct hearings on notices issued pursuant to subsections 6.04.046.B and 6.04.050.B.3, and thereafter determine the status and disposition of the dog.*
 - c. *After hearing the appeal, the board shall notify the owner in writing of its decision.*
2. *The board may reconsider, reverse, affirm, or modify, wholly or partly, any decision appealed from.*