

**ANIMAL CONTROL BOARD  
COUNTY OF MAUI**

Cameron Center  
Room 1  
95 Mahalani Street  
Wailuku, Maui, Hawaii

April 7, 2016  
9:00 a.m.

**MINUTES**

**I. CALL TO ORDER**

The meeting was called to order at 9:05 a.m. by Vice Chair Forsberg

**II. ATTENDANCE/QUORUM**

**A. ATTENDANCE**

Members Present: Anthony Vargas, Jr.  
Doreen Forsberg  
Larry Shapiro

Excused: Rabbi Larry Winer

Staff Present: Kimberly Ferguson, DHHC  
Jerrie Sheppard, Deputy Corporation Counsel

Maui Humane Society Debbie Redd, Humane Enforcement Officer (HEO)  
Mark Wilson, Director of Humane Enforcement

**III. PUBLIC TESTIMONY**

A. There was no public testimony. Motion to close public testimony entertained by Vice Chair Forsberg, moved by Chair Vargas, seconded by Member Shapiro. All in favor, motion carried.

**IV. APPROVAL OF MINUTES**

A. Vice Chair Forsberg entertained a motion to approve the minutes of the March 3, 2016 meeting. Motion moved by Chair Vargas, seconded by Member Shapiro. All members present were in favor of approving minutes. Motion carried.

## **V. OLD BUSINESS**

### **A. Approval of Finding of Facts/Conclusions of Law for the David Sanchez Appeal**

Vice Chair Forsberg entertained a motion to approve and adopt the Findings of Facts and Conclusions of Law (FOF/COL) for the David Sanchez appeal.

Member Shapiro then pointed out the provision at the end of the FOF/COL ordering MHS to do checks for a six month period and stated he didn't recall seeing that in the FOF/COL before. Member Shapiro asked MHS to explain what their process was for monitoring dogs who have been deemed dangerous.

MHS Director of Humane Enforcement Wilson responded there is a timeline that MHS follows and that once the owner has completed all compliance requirements within the timeframe, the case is closed.

HEO Redd noted that in the past, the board has ordered monthly compliance checks and MHS has complied. She also stated that there is nothing in the law that states how long MHS is required to monitor. HEO Redd stated that MHS advises the owner of the requirements and assumes they will follow them. She then stated if MHS receives a new complaint, they will go out to enforce the requirements and issue violations.

Member Shapiro then asked if MHS checks to see if all dangerous dog requirements have been met. MHS responded yes, as a normal practice MHS follows up until the six months is up. Chair Vargas asked what happens after six months as the dog is still deemed dangerous.

Deputy Corporation Counsel Sheppard stated that the law requires the owner to comply with the law and if they don't comply and are found to be in violation of the law, then MHS will take over. She then explained that MHS doesn't go out on a daily basis to check. Chair Vargas asked if there could be a mandatory one year check. Deputy Corporation Counsel Sheppard explained that the code would need to be changed in order for that to happen and then explained the steps that would need to be taken in order for the code to be changed.

Discussion on procedures related to follow up continued and the board members voiced their concerns about the short period of time MHS is required to perform checks. Deputy Corporation Counsel Sheppard explained the reasoning for the wording in the order. MHS stated the law allows them to impound the dangerous dog if its movement is not restricted but not if the other conditions are not met. In those cases, citations are issued to owners.

Member Shapiro asked MHS to confirm that further compliance checks are incident based to which Mr. Wilson affirmed. HEO Redd stated that the main concern was safety and the dangerous dog laws are set, especially the restraint section, for the neighborhood to be safe.

Motion to approve minutes made by Chair Vargas seconded by Member Shapiro. All were in favor, motion carried. Document was signed by members present and copies to be sent to appellant and MHS.

## **VI. NEW BUSINESS**

### **A. Disposition of Impounded Dangerous Dog, "EKOLU", pursuant to Maui County Code Section 6.04.050**

Deputy Corporation Counsel Sheppard clarified that this was a determination of disposition case and not a hearing. Deputy Corporation Counsel Sheppard noted for the record that there were two attempts to notify the last known owner, Shannon Kaiwi, that the proceedings were underway. Both attempts, one via personal delivery and the other via certified mail, were unsuccessful.

Deputy Corporation Counsel Sheppard read aloud Section 6.04.050 of the Maui County Code relating to impoundment. She then suggested how to proceed with review of the disposition case.

MHS Director of Humane Enforcement Mark Wilson presented the board with the chronological order of events and history of the dog known as EKOLU, license number 16-4018, beginning on March 1, 2015 when the dog was left in the overnight kennels at MHS to present.

HEO Redd noted that on October 8, 2015 when the dog was released back to the owners, there was a clerical error that occurred and as a result, the dog was released without the dangerous dog notice being served. The dangerous dog notice was served to Shannon Kaiwi at 12:00 p.m. on October 22, 2015.

Chair Vargas asked MHS if they figured out how the oversight occurred. Mr. Wilson explained that MHS had recently moved to a new system and that now it flags the animal notifying the front office staff to contact Humane Enforcement before any action is taken.

Vice Chair Forsberg asked MHS if Ekolu was adoptable to which they responded he was not because he was deemed dangerous. MHS was then asked if they performed background checks and home checks prior to adopting an animal. Mr. Wilson responded they currently do not but they do have adoption counselors and if they have concerns, then MHS would go out and conduct an inspection.

Mr. Wilson concluded his presentation of the case and stated that MHS's recommendation was that the board turn over ownership of Ekolu to the Maui Humane Society.

Deputy Corporation Counsel Sheppard asked MHS to provide the total amount of charges that have accrued to date. HEO Redd responded that charges were calculated through the meeting date of April 7, 2016. Staff member Ferguson stated that per email received from MHS, dated March 31, 2016, boarding fees totaled \$750.00. Deputy Corporation Counsel Sheppard read Maui County Code Section 6.04.050, subsections B.3. and I., pertaining to disposition of ownership of impounded dangerous dogs and reiterated MHS's request that ownership be disposed to the MHS and that MHS would make any appropriate decisions about the dog from that point on.

Chair Vargas asked MHS how often this occurs and Mr. Wilson responded that this was the first case of this sort.

Vice Chair Forsberg entertained a motion to dispose ownership of the dog known as EKOLU to the Maui Humane Society. Motion moved by Chair Vargas, seconded by Member Shapiro. All were in favor.

Deputy Corporation Counsel Sheppard noted that she would document the decision in a letter to MHS which would be signed by Chair Vargas if the board approved. Vice Chair Forsberg entertained a motion to authorize Chair Vargas to sign on their behalf. All were in favor, letter to be drafted and delivered to MHS.

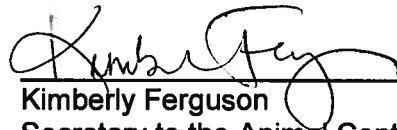
**VII. ANNOUNCEMENT OF NEXT MEETING DATE AND AGENDA ITEMS**

Next meeting is set for May 5, 2016 at 9:00 a.m. Meeting may be cancelled if no there are no appeal requests or other board business.

**VIII. ADJOURNMENT**

Vice Chair Forsberg entertained a motion to adjourn the meeting. Motion moved by Chair Vargas, seconded by Member Shapiro. All in favor, meeting adjourned at 9:53 a.m. by Vice Chair Forsberg.

Respectfully submitted:



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Kimberly Ferguson  
Secretary to the Animal Control Board