

**ANIMAL CONTROL BOARD
COUNTY OF MAUI**

DECEMBER 3, 2018
9:00 A.M.

Dept. of Parks & Recreation Conference Room
(Located near the Sakamoto Pool)
700 Halia Nakoa St.
Wailuku, Hawaii 96793

MINUTES

The meeting was called to order at 8:59 a.m. by Vice Chair Anderson. The following members and staff were present:

Members Present: Aimee Anderson, Vice Chair
Patrick Borge
Dr. Paul McCurdy

Members Excused: Dr. Christie Balcomb, Chair
Ron Larsen

Staff Present: Jerrie Sheppard, Deputy Corporation Counsel (DCC)
Kimberly Ferguson, DHHHC, Board support staff

Others Present: Mark Wilson, Maui Humane Society (MHS)
Debbie Redd, MHS
Chris Silva, MHS
Ryan Kaeo Delapinia, Appellant
Tony Lopez, Appellant
Kela Turbin, Witness

I. PUBLIC TESTIMONY

There was no one present for public testimony.

II. APPROVAL OF MINUTES

Vice Chair Anderson entertained a motion to approve the minutes of the September 17, 2018 meeting. Motion moved by Member McCurdy, seconded by Member Borge. All members present voted in favor approving the minutes of the September 17, 2018 meeting. Motion carried unanimously.

III. MARK SIMONDS HEARING HELD SEPTEMBER 17, 2018

A. Approval of Dangerous Dog Appeal Hearing Record

Vice Chair Anderson entertained a motion to approve the dangerous dog appeal hearing record of the Simonds appeal. Motion moved by Member McCurdy, seconded by Member Borge. All members present voted in favor approving the dangerous dog appeal hearing record of the Simonds appeal on September 17, 2018 meeting. Motion carried unanimously.

B. Approval of Findings of Fact / Conclusions of Law and Order related to Dangerous Dog Designation placed on "Kole"

Vice Chair Anderson entertained a motion to approve the Finding of Fact/Conclusions on Law and Order related to the dangerous dog designation placed on Kole. Motion moved by Member McCurdy, seconded by Member Borge. All members present voted in favor approving Finding of Fact/Conclusions on Law and Order related to the dangerous dog designation placed on Kole. Motion carried unanimously. The members present signed the document.

IV. RECESSED FOR HEARINGS

The board meeting was recessed at 9:04 a.m. to conduct the hearings listed on the meeting agenda.

V. HEARINGS HELD

A. RYAN KAELO DELAPINIA appeal of the Dangerous Dog Designation placed on his dog "KHLOE"

B. DISPOSITION OF IMPOUNDED DANGEROUS DOG "MEATY", owned by TONY LOPEZ

Hearing records are available upon submission of a request for government records (per Hawaii Revised Statutes, Chapter 92F). Contact the Department of Housing and Human Concerns, 2200 Main Street, Suite 546, Wailuku, HI 96793.

VI. RECONVENED TO ANNOUNCE HEARING RESULTS

A. Ryan Kaeo Delapinia – Appeal of the Dangerous Dog Designation placed on his dog "KLHOE"

The Board reversed the dangerous dog designation of KHLOE due to insufficient evidence to support the element that the attack occurred while KHLOE was off the owner's property. The Board reiterated that the leash laws

of the County apply at all times to dogs, encouraged owner to spay KHLOE for health reasons, and advised owner to be cognizant of and comply with all dog control obligations in Maui County Code Chapter 6.04.

B. Disposition of Impounded Dangerous Dog "MEATY", owned by Tony Lopez, Pursuant to Maui County Code Section 6.04.050

The Animal Control Board determined that MEATY had been designated a dangerous dog on July 28, 2017, and was impounded by Maui Humane Society while unrestricted/running at large at the Maui Ocean Center. The Board authorized owner, Toney Lopez, to redeem MEATY upon payment of impoundment fees and accrued expenses for boarding and retention by Maui Humane Society, and upon the condition that MEATY be micro-chipped prior to being released to owner. The Board reiterated that the Conditions of Ownership for Dangerous Dog, per Maui County Code 6.04.046C. apply, and owner signed an acknowledgment of receipt of those conditions.

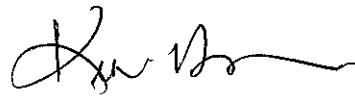
VII. ANNOUNCEMENT OF NEXT MEETING DATE AND AGENDA ITEMS

There are no pending cases to be heard by the board, therefore, the next meeting date will be determined when new cases are received.

VIII. ADJOURNMENT

Vice Chair Anderson entertained a motion to adjourn the meeting. Motion moved by Member McCurdy, seconded by Member Borge. All members present were in favor of adjourning the meeting. Meeting was adjourned by Vice Chair Anderson at 11:10 a.m.

Respectfully submitted:



Kimberly Ferguson
Secretary to the Animal Control Board