

**ANIMAL CONTROL BOARD  
COUNTY OF MAUI**

OCTOBER 7, 2019  
9:00 A.M.

Mayor's Conference Room  
(Located on the 9<sup>th</sup> Floor of the County Building)  
200 S. High Street  
Wailuku, Hawaii 96793

**MINUTES**

The meeting was called to order at 9:10 a.m. by Chair Balcomb. The following members and staff were present:

Members Present: Dr. Christie Balcomb, Chair  
Aimee Anderson, Vice Chair  
Patrick Borge

Members Excused: Dr. Paul McCurdy  
Ron Larsen

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

Others Present: Mark Wilson, Maui Humane Society (MHS)

**I. PUBLIC TESTIMONY**

Chair Balcomb opened the floor for public testimony. There was no one present for public testimony. Public testimony was closed at 9:12 a.m.

**II. APPROVAL OF MINUTES**

Chair Balcomb entertained a motion to approve the minutes of the February 25, 2019 meeting. Motion moved by Vice Chair Anderson, seconded by Member Borge. There was no further discussion. All members present voted in favor approving the minutes of the February 25, 2019 meeting. Motion carried unanimously.

### **III. DISPOSITION OF IMPOUNDED DANGEROUS DOG "RETRO" PURSUANT TO MAUI COUNTY CODE SECTION 6.04.050**

Mark Wilson, MHS Director of Humane Enforcement, was called upon by Chair Balcomb to summarize the case. A copy of a timeline prepared by MHS (attached hereto) which summarized the events that led up to the impoundment of Retro was distributed to the members and was read out loud by Mr. Wilson.

Mr. Wilson also advised the board that the owner, Ms. Tilley, did not make contact with either MHS or the board since being served the notice on 9/12/19 and therefore the matter was now in the hands of the board.

DCC Sheppard read the pertinent sections of Maui County Code (MCC) Chapter 6.04.050 out loud to the board and noted that ownership of Retro was forfeited by owner Tilley per MCC 60.04.050B.3. due to Tilley's failure to report to the board despite written notice to do so. DCC Sheppard asked Mr. Wilson for the total amount of boarding fees which had accumulated to date. Mr. Wilson did not have the exact amount available but informed the board the normal fee was \$20/day.

DCC Sheppard then informed the board it was now their duty to decide how to dispose ownership of Retro per MCC 6.04.050B.3. Chair Balcomb responded that the only option under the law was to relinquish ownership to MHS and asked Mr. Wilson if Retro had displayed any aggressive behavior while at MHS. Mr. Wilson responded by informing the board that Retro would be euthanized if disposition was granted to MHS.

Vice Chair Anderson asked Mr. Wilson for clarification on the notice referenced dated 9/12/19 and Mr. Wilson confirmed the notice as given to the owner's daughter as the owner refused to come to the door. A copy of that notice was passed around to the Board for review.

DCC Sheppard informed the board that a motion and the vote process was needed to act on the disposition matter, and that a draft letter was available if the Board determined disposition today.

Chair Balcomb entertained a motion to order disposition of ownership of Retro to MHS for MHS' further action as deemed necessary. Motion to award ownership of Retro to MHS moved by Vice Chair Anderson, seconded by Member Borge. All members voted in favor. Motion carried unanimously.

Ms. Ferguson read the draft letter to MHS documenting the disposition out loud to the board.

Chair Balcomb entertained a motion to approve the letter to the Maui Humane Society documenting the disposition and noting the outcome. Motion moved by Vice Chair Anderson, seconded by Member Borge. All members voted in favor

of approving the letter to the Maui Humane Society. Motion carried unanimously. Letter was signed by Chair Balcomb and a copy will be sent to MHS once boarding fee information is received. The amount of fees due will be completed by Staff Member Ferguson upon further confirmation from MHS.

**IV. SUNSHINE LAW AND ETHICS TRAINING PRESENTED BY DEPUTY CORPORATION COUNSEL J. SHEPPARD**

Deputy Corporation Counsel Jerrie Sheppard delivered a PowerPoint training presentation regarding the Sunshine Law and Ethics and its applicability to the board members and staff.

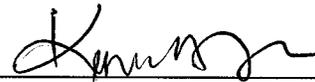
**V. ANNOUNCEMENT OF NEXT MEETING DATE AND AGENDA ITEMS**

There were no pending cases before the board. Next meeting date was set for Monday, November 18, 2019, at 9:00 a.m., with specific location to be determined.

**VI. ADJOURNMENT**

Chair Balcomb entertained a motion to adjourn the meeting. Motion moved by Member Borge, seconded by Vice Chair Anderson. All members present were in favor of adjourning the meeting. Meeting was adjourned by Chair Balcomb at 10:04 a.m.

Respectfully submitted:



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Kimberly Ferguson  
Secretary to the Animal Control Board

Attachment

Retro timeline.

12/15/17 8:55 AM Retro was reported often loose and acts aggressively by trying to bite complainant on two occasions and the dog reportedly attacked a neighbors dog yesterday. MHS had not received any reports of these incidents.

11:35 am, Tilley surrendered Retro to MHS.

Retro showed aggression toward the officers and the kennel staff at MHS.

Retro had to be sedated to check for a mc and/or tattoo.

12/21/2017. Retro was released to Christian Fiedler. Turns out Fiedler was the actual owner and Tilley did not have standing to surrender even though they live at the same residence. This was actually the only option for Retro.

12/22/17: Complainant reported Christian Fiedler assaulted them for reporting Retro loose and aggressive. An unverified photo of the Retro was shown. Feidler was eventually arrested and Tilley had control, custody and care of Retro.

**C04642992**

3/18/2018: Complaint Retro was loose off its property. Complainant stated Retro was loose and at her house. Her dog followed the complainant outside and her dog was attacked by Retro. **C04761699**

08/13/2018 reports of the dogs from 900 Hoomalolo PI (Retro, Ragnar, & Ball) are currently in her yard and she's afraid to go outside whenever they are loose. The dogs have also killed her rabbits in the past however she doesn't know which dog that did it.

6:30 pm. Officers met with the owner Tilley. They found her under the influence. All three of her dogs were loose and there were holes in the fence allowing the dogs to escape. She was cited for 3 counts of leash law. Retro was confined on the porch at this time.

**C04950098**

9/13/2018. 9:15 am. Reports of Tilley's dogs out which included Retro. Retro was at the complainants gate attempting to gain entry to her property.

When Officers arrived at 9:40 am Retro and another dog was loose in the road.

The officers tried to catch them but both ran back into their yard. The officer closed the gate and left a notice for the owner Tilley.

12:49 pm, another call the dogs were out, including Retro chasing cars. Officers arrived back at 1:05 pm. The gate was wide open and all the dogs loose. One dog was caught and placed in an air carrier, and Retro charged the officers. Officers used a noise device to keep Retro away. Retro was impounded for constantly being loose, aggressive behavior toward complainants and officers and reported bites.

9/14/2018. Retro was to be deemed dangerous and whomever reclaimed Retro would be served the paperwork and Retro would be licensed to them. Tilley chose to reclaim Retro, Off. Wilson served her the dangerous dog deeming paperwork and explained it to her thoroughly.

Tilley complied with requirements with the exception of showing proof of obedience.

**C04993905**

No complaints of Retro.

9/11/2019. Retro was unrestrained and off its property when it attacked causing injury to a neighbor.

MPD responded as did Off. White. Retro was impounded per CCMs and Tilley was cited for the leash law and the attack.

**C05514796**

9/12/2019 at 10:00 am, Officer Riggs responded to the Tilley residence with the notice to contact the ACB as required by law. She would not come to the door, her daughter took the paperwork and had Tilley sign. A photograph was taken of the final notice and the original was left with Tilley.

**C05516210**

9/27/2019

Tilley was given 10 business days, ending the end of business day on Sept 26. 2019 Tilley failed to contact ACB as required. According to County Code of Maui, (CCM) ownership of Retro is deemed forfeited and the board may thereafter order disposition of the dog as it deems appropriate.