

**BOARD OF HEALTH MEETING
CITY OF DE PERE, WISCONSIN – August 20, 2019**

The Board of Health of the City of De Pere, Wisconsin met in special session in the Riverview Conference room at City Hall, on Monday, August 20th at 7:00 p.m.

1. Call to Order

The meeting was called to order by Dennis Hibray at 7:00 pm.

2. Roll Call

Roll call was taken and the following members were present: Casey Nelson, Dennis Hibray, Ryan Jennings and Dr. Michael McHenry. Dr. Erdman was absent. Also present were Kristen Johnson, Deborah Armbruster, and Kelly Burke. Public attendees were Julio Reyes, Kharen Reyes, Christopher Reyes and Joe Zehren. Officer Tony Phelps from the De Pere Police Department was also in attendance.

3. Hearing on the City of De Pere Determination of Dangerous Animal Order issued by the De Pere Health Director, Deborah Armbruster on 7/19/2019

Dennis Hibray read the Dangerous Dog Order indicating that on three occasions (June 13, 2019, June 18, 2019 and June 28, 2019) the dog owned by Julio Reyes allegedly chased or approached a person in a menacing fashion with an apparent attitude of attack without provocation on public or private property. Dennis Hibray read the rules of the hearing out loud and Kristin Johnson further detailed the format of the meeting.

Debbie Armbruster reported that she learned of 3 reports involving Jacko (dog) at 2090 Charles Street.

On June 13th, a man was out for a walk when the dog left the owners property, crossed the sidewalk and jumped up on him. The dog was aggressive and snarling. The dog bit at the man's shirt sleeve, causing him to back up and trip over the curb, falling into the road and hurting his head and wrist. The incident occurred on public property without provocation.

Debbie reported that on June 18th, an 11 year old girl was riding her bike past 2090 Charles Street. The dog was sitting in the front yard and was not attached to a leash. As the girl rode past, the dog charged at her without provocation and bit her in the upper left thigh and left calf area. The bites caused a large bruise and two puncture marks on her thigh as well as two puncture marks and a large cut on her calf. This incident occurred on public property without provocation.

The third incident involved a 16 year old girl that was walking past 2090 Charles Street. She saw the dog in the driveway. The dog then left the driveway, went through the yard, crossed the street and bit her in the buttocks on her upper right thigh, causing four puncture wounds which were bleeding. The dog also bit her in the lower right leg area, but there was no injury to this area. The victim did

receive medical care for her injuries. This incident occurred on public property without provocation.

At that time the owner, Kharen Reyes was issued a citation for animal at large. Due to these three incidents, it was determined that the dog was a dangerous dog to the public.

Kharen Reyes explained that after the first incidence on 6-13-19, a police officer called her husband at night. In this case, there was no bite and no blood. The dog just grabbed the person's sleeve. With the second incident, the family was aware of it and saw the bite. Kharen reported that she and her son went to the victim's house and apologized to the girl for the incident.

Kharen stated that in regards to the third incident, the Reyes family is not convinced that the dog involved is their dog. The police officer said it was a brown and white dog. Kharen reported that this is not the characteristics of her dog as her dog is black and white. She said her son was home alone when the officer and the victim (girl) came to the house and the girl pointed at Jacko to identify him as the dog that bit her. Kharen Reyes reported that her son said he did not let the dog out of the house at the time the incident occurred. Per Kharen, the family made sure Jacko wasn't on their property without a leash and supervision. He (Jacko) was in quarantine and the family followed the rules they were asked to do. The family proved that Jacko had his rabies vaccinations and had 3 visits to the veterinarian. Kharen was working at the time of the third incident and her husband had just left the house. Since Kharen's son said he did not let the dog out, they are wondering what happened. Kharen reported that her neighbor has a brown and white border collie, which her husband had witnessed trying to bite somebody walking in front of the house.

Julio Reyes reported that his son told him that the officer was looking for a white and brown Collie, and Jacko is black and white. Kharen suggested that it may be a possibility that the dog involved in this incident was not their dog. Kharen feels sorry for the girl and is not trying to be disrespectful, but Julio and Kharen believe their son when he says he did not let the dog out.

Kharen reported that Jacko only chases after people to play, so they don't know why he bit in the first 2 incidents. Kharen reported that they had taken Jacko to the grooming place in De Pere and the boarding place, and they have never had a bad report, so this is a new situation occurring in a period of 2 weeks.

Kharen Reyes stated that her family came to the hearing because they wanted to give their opinion. They understand that the city has rules and because there were 3 incidents, the dangerous dog order was given. Kharen (and family) believe that the 3rd incident may not involve their dog, which would mean there is only 2 incidents involving Jacko.

Dennis Hibray clarified that the Reyes were admitting that their dog was involved in the first two incidents, but were questioning the 3rd incident.

Kharen Reyes added that she never talked to the man in the 1st incident, but did talk to the neighbor girl from the 2nd incident. Kharen repeated that they are questioning if the third incident involved their dog, Jacko.

Dennis asked the age of the dog. Kharen responded that the dog is 2 years 8 months old.

Dennis Hibray questioned if the dog attacked the first 2 victims without any provocation by the victims. Kharen didn't witness the incidents but acknowledged that they happened. Kharen explained that when Jacko is playing with her son and his friends, he chases them and plays rough with them.

Julio Reyes added that they never had issues like this prior to these recent events. The family bought the dog to assist with their son. Their son's doctor recommended getting a dog. The son, Christopher, had been very sad and went to therapy, and the dog brought about a positive change in him. Julio stated he will take the dog to more training if needed. Julio said the dog is normally friendly.

Dr. McHenry asked Christopher Reyes if the dog ever bit or chased him. Christopher said Jacko is a herding dog, so he will chase him when he runs. He does not try to bite him. The dog has scratched him, but has not bit him.

Dennis Hibray asked if the dog was still in quarantine when it bit the 3rd person. Christopher Reyes responded that Jacko was in the last day of quarantine. The dog had been placed in quarantine after the 2nd incident.

Officer Phelps clarified that in the first incident the gentleman was walking by and the dog jumped up on him. He fell and hit his head and hurt his arm. The man did not want the dog owners to get in trouble. There was no bite, so no quarantine was issued. With the 3rd incident, Julio had turned in the quarantine rabies control order form on that date. Officer Phelps investigated the third incident. He explained that he thought the girl had reported it was a brown and white dog, so when he talked to Mrs. Reyes, he said brown and white. After he was informed that the Reyes dog was black and white, he called the girl involved and her mother. The girl identified the dog as a black and white dog, so the incorrect coloring was an error by Officer Phelps. The girl met the officer at the incident site and identified the dog's address as 2090 Charles St. They walked up to the front of the house and saw the dog through the door. She identified the dog (Jacko) as the one that bit her. Officer Phelps added that as they were walking up to the door, the dog made a loud snarling noise. Officer Phelps believes the Reyes dog was the dog involved in the 3rd incident. The 3rd incident appears to have happened about the time Julio left the residence to deliver the completed rabies control order to the city of De Pere Health Department.

Julio Reyes added that the 3rd incident occurred across the street in front of a house that has 2 brown and white Collies.

Dennis Hibray asked the family how the dog was quarantined. Kharen explained that the family took Jacko to the Humane Society because they were out of town for a wedding. They dropped him on June 20th and picked him up on the 25th. The quarantine was completed on June 28th. The dog was inside the Reyes house from the 25th to the 28th. He was only outside to relieve himself. Kharen again stated that Christopher said he never let Jacko out on the date of the third incident. She doesn't think her son is lying.

Joe Zehren, the victim in the first incident, was present at the meeting. He described what occurred during his incident. He reported that he usually bikes or walks every morning. Sometime between 7:00 and 8:00 in the morning, he was walking at a brisk pace. The dog came up behind him and he felt 2 paws hit him in the back. This jolted him forward. The dog is probably 50 -60 pounds. Then, the dog ran in front of him and Joe stopped. The dog then jumped at his face and was nipping at his face. Joe then put his arm up and the dog bit his sleeve and was pulling at his shirt. Joe was hoping the dog had a shock collar on so he stepped off the sidewalk towards the road. The dog kept coming after him. Joe took some steps backward and tripped on the curb, hit his tailbone, rolled up on his back and cracked his head on the street. He scratched up his hand and elbow. When he fell down, the dog took off. He didn't want a family to lose their dog over 1 incident, but thought he should report it since many children walk through the neighborhood. Joe reported that the dog attacked him aggressively. It was more than playful.

Officer Phelps clarified that the 2nd bit victim reported that the dog was in the driveway at 2090 and crossed the street to bite her while she was walking.

Dennis Hibray took a vote to go into closed session. Casey Nelson, Dr. Michael Mc Henry Dennis Hibray and Ryan Jennings were in favor.

The hearing went briefly into closed session.

The hearing re-opened. Dennis Hibray reported that after deliberation the board has determined that the allegation contained in the determination of a dangerous animal order issued July 19, 2019 are sustained. The dog owned by Julio and Kharen Reyes, known as Jacko, was dangerous. Therefore the animal must be removed from city limits within 48 hours of receiving written notification of this determination. The decision of the Board may be appealed in circuit court. A motion was made by Ryan Jennings to uphold this order. The motion was seconded by Dr. McHenry. All Board members were in favor. The motion passed.

Kharen Reyes asked if the dog could reside in Green Bay. Kristin Johnson responded, telling Kharen that she would have to check with Green Bay to see what their ordinances are based on what happened in De Pere.

4. Adjournment

Dennis Hibray made a motion to adjourn the meeting. The motion was seconded by Casey Nelson. The motion passed unanimously. The meeting adjourned at 7:45 pm.

Respectfully Submitted,
Kelly Burke
Health Department Office Assistant