Deborah Horner's Response to the Animal Hearing Board Brief

My statements of the events and the inherent problems within the Gastineau Humane Society, the “Humane Law Enforcement” or dog catcher section thereof, and with the Animal Hearing Board are unchanged.

Any evidence that Louie even killed one of the cats is circumstantial and anecdotal at best. The evidence permitted at the Animal Hearing Board was biased and in many instances a complete violation of my civil rights. I was not permitted to question the way in which Animal Control conducted anything and that is denying me my right to cross examine and denying me the right to present relevant testimony. The chairwoman of the Animal Hearing Board also led the only “witness” for Animal Control and simply made up statements for Ms. Crago. Yet I was completely denied the opportunity to present relevant testimony on the very same subject. Furthermore, Animal Control was allowed to present complete hearsay on one entire half of what they claim are the events. There were no other witnesses to that event and therefore such “evidence” and “testimony” can not be allowed. It is not a supporting piece of evidence – it is the bulk of their evidence. Going even further in denying me my federal rights, Animal Control was permitted to enter “evidence” which to this day, despite my request made under the Freedom of Information Act after Louie’s vet records were not given to me. Complete disclosure of evidence is a requirement for any legal proceeding in the United States and that also was denied to me.

The Animal Hearing Board seems to imply that the actions taken against me and my dog are punitive and somehow this justifies the complete destruction and denial of my civil rights as they pertain to this issue. They would like to indicate that I was given “latitude” in my questioning yet I was completely denied the right to question in any way the manner in which the charges were brought and the actions taken which denied me the use of my property under the law. I questioned Mr. Stepp about his testimony because his verbal testimony completely contradicted the written account of events with respect to the only witness they could get to come in and testify for them. He indicated clearly in his testimony that an entire attack was witnessed when in fact a distraught woman saw a dog with her cat for a few seconds and later “identified” Louie because he was the only dog in the kennel in the isolated gated area at the end marked with a dangerous dog sign and/or marked by omission of the intake information card on all of the other dogs present. That is completely relevant as that is the only real evidence or testimony that Animal Control had to present. To say that questioning someone who’s verbal testimony contradicts their own written testimony is “harassment” and to state “we aren’t going to get into detail here” at the actual hearing is ludicrous. Then there would be no point for a hearing at all.

I could have spent much more money to keep Louie here and permanently increase my insurance rates regardless of the outcome of this entire issue. That is not for the Animal Hearing Board to decide or question. Had I decided to keep Louie here under the restrictions imposed by Animal Control through their labeling of Louie as dangerous, I would still be denied to full use of my property under the law. My beloved dog, a former nursing home pet therapy dog who is so “dangerous” he now lives with a disabled woman, her service dog and her three cats.

The Animal Hearing Board is also under a completely false impression of the law regarding free roaming animals within the City and Borough of Juneau. While there is no law that directly requires responsibility of any kind from the owners of free roaming cats; both the city ordinance regarding a public nuisance (a misdemeanor) and the offensive animal ordinance apply to free roaming cats who in fact destroy property and urinate/defecate on other people’s property to create a public health hazard do apply to the free roaming cats in question here. Every major humane organization in the nation is completely against free roaming pets of any kind. That has been in place for at least 10 years. The Animal Hearing Board has made every attempt to deny me and my witnesses the right to present relevant testimony on this issue, yet Gayle Haines led the only animal control witness by creating statements for Ms Crago on this issue. This entire proceeding could not have been more biased.

The law regarding the exception to dangerous dog labeling in the city code is quite clear. The Animal Hearing Board Brief has wasted your time attempting to indicate I have claimed exceptions to the law that I have not. The specific city law already defines provocation as “teasing, tormenting or inciting to attack”.

It is not within the scope or rights of the Animal Hearing Board to rewrite the law as they see fit. The definitions they provide are again a waste of everyone’s time and an insult to the intelligence of anyone who actually has read, understands and applies the laws as they are written. There is nothing that provides the Animal Hearing Board, or anyone else to change the law as they see fit, or to redefine it to suit their particular desires, no matter how they attempt to justify it.

Throughout the Animal Hearing Board Brief they make the grievous error of anthropomorphizing animals and making complete sweeping generalizations about the horrid danger of dogs in general. It is as fundamental a judgement error as attempting to speak to a 3 year old child and apply discipline as though they were a 16 year old teenager. The 3 year old only has a certain capacity for understanding and will react based on that level. Dogs and cats react based on their nature. The quote “As cat owners will tell you, cats rule the dogs they live with, but no cat approaches a strange dog” is absurd. How do these cats come to rule the dogs they live with? Do these dogs simply see a cat and submit? Do cats simply know the dogs within their home and only challenge them for dominance? No, the reality is that there are a few confrontations and an order of dominance is established within the home. Then can anyone believe that cats who freely roam do not seek to rule the territory in which they roam just as they do at home? No, that is ludicrous. Cats are territorial pride animals. They seek to rule and dominate the area they deem as their territory. That territory is not defined by the owner’s property limits, it is defined by the cat and where they are allowed to roam. We have all seen cats who will tease dogs, walk up and down in front of a dog’s enclosure, stalk birds to attack, turn without warning and swat a paw full of claws at their owner, etc. Cats are avid hunters and stalking and tracking are a natural part of their behavior. Dogs are pack animals that are more focused on pleasing the pack leader – similar to children pleasing their father.

The ridiculous attempt at trying to show that Louie was purposely put into a position whereby I was irresponsible and allowed or even fostered a dangerous situation to occur is absolutely ridiculous and completely contradictory to the Animal Hearing Board’s OWN findings as “matter of law”. They already found me NOT to be an irresponsible owner but after I file an appeal of their decision, I am not only irresponsible, I even plotted for this to happen!

The collar Louie had on was not labeled as break away or anything of the kind. It was clearly weighted for dogs much larger than Louie. The “break away collar”, as described by the Animal Hearing Board is the EXACT same make, size and style of the “dangerous dog” collar the Gastineau Humane Society requires dogs deemed dangerous to wear. Thus, the Animal Hearing Board is also calling the Gastineau Humane Society irresponsible and potentially dangerous.

Just as pathetic is the attempt to indicate that I asked for a refund of money I had not paid. I asked for relief from paying the “board” bill, among the other necessary changes that need to be made to bring the Gastineau Humane Society and “Humane Law Enforcement” within the CBJ up to close to a national standard. I do not and will never pay anyone to be cruel to an animal or to withhold my dog from me without justification or due process of law. Allowing a huge filth encrusted sore to grow on an injured animal’s chest is an inexcusable lack of care. Would it be acceptable for a prisoner in jail to have the same? Of course not. There would be a huge lawsuit against the jail. Please refer back to the photos submitted that show Louie’s filth encrusted sore. What reasonable person would expect that a citizen should pay a boarding bill to incarcerate a dog when it was found that the owner was not irresponsible? If the owner was not irresponsible, there was no reason for the dog to be held there at all.

Even more ridiculous is that the Animal Hearing Board would like me to pay for their incompetence and their failure to refusal to abide by the city ordinance that govern dangerous dogs. As that is the sole purpose of the Hearing Boards’ existence someone might have bothered to read or find out what they were supposed to do. Pathetically, there is an entire paragraph of excuse for their failure to follow the law and an explanation of how their failing to follow the law really doesn’t matter. Gayle Haines quite specifically chose to hide the fact that she herself made a binding agreement with me, under oath, at the hearing whereby she offered that if I would agree to accept the decision by email I would have it within 24 hours. This is clearly in the transcript. There is no excuse of “it doesn’t really matter” or “we didn’t know” or “weren’t certain of the law”. Gayle Haines made a perfectly clear agreement on behalf of the Animal Hearing Board, I accepted it in good faith and she broke it with total disregard. Now, she would like you to
believe that the Animal Hearing Board is simply inexperienced in functioning and did not know they had a deadline they were required to follow by law. Perhaps she did not understand the agreement she made that is clearly written in the transcript. Perhaps she is also so inexperienced in legal matters that she did not know she had to come close to spelling my name correctly on the Animal hearing Board's letter of decision where only 3 letters of my name are correct. This complete lack of good faith and any sincerity on the part of the Animal Hearing Board is also a violation of Alaska State Law whereby anyone entering into a contract must show good faith. There can be NO mistake here. Even more pathetic and transparent is how the apology is made for the city assembly benefit and was never in any way made to me.

All of the events I mentioned in my brief clearly delineated the overabundance of errors, incompetence and outright lies that were told by Humane Law Enforcement and their parent organization, the Gastineau Humane Society. The actual events, as they can best be pieced together, area as follows. Louie was tied outside on a nice morning. There was a bad fight where he was restrained and his entire bedding and platform were torn to shreds. There was a clear chase through tall grass. By all of the testimony, including that of Ms Crago, there was no time for Louie to have been injured at her home. Therefore it is most logical that the injuries occurred where there was a fight, at my home. By Ms Crago's own testimony, she only saw a dog for a few seconds and she was focused on her dead cat. Then by Animal Control's own admission, Louie was put into a cage in the isolated, gated area at the end of the kennels when Ms Crago identified him. No other witnesses feel they know anything enough to be involved. The other cat owner declined to appear or testify. The other supposed witness who's hearsay was entered as evidence in violation of my civil rights also felt he did not have anything relevant he wanted to actually testify about or he would have testified.

It is clearly noted what events were witnessed by people other than myself. Steve Hohensee witnessed the entire encounter with Wade Lyons and Hoytt Stepp at our home. We have both supplied statements and testimony that the written record of the events, made by Animal Control one full week after the day in question are full of false and misleading statements. Louie crawled over to me cowering. He was injured, had NO BLOOD on his mouth or neck at all (after two supposed vicious attacks) and I placed a temporary adoptions leash over his head without even having to touch him. In ALL of my animal shelter experience and education, I have NEVER seen an animal that just attacked another that had NO blood or its mouth or neck and this is within minutes of the supposed attacks. Louie was loose for no more than one half hour. Hoytt Stepp led him to the truck without the slightest struggle from Louie. All of my statements were clear that my dogs have never run loose, I am completely against the public nuisance of free roaming pets, all of my pets are responsibly spayed/neutered and fully vaccinated-not just the rabies required by law. In addition, I stated that if anything Louie was afraid of other animals and that he had never shown any kind of aggression ever. The only possibility in which I say Louie may have been involved is that he was running loose and he was clearly in a fight that occurred on his own property where he was restrained.

No one knows anything more than that. Never in all of the records that I did receive from the Gastineau Humane Society (which did NOT include all of the records which I requested under the Freedom of Information Act) has ANY dog been deemed dangerous when there was no witness and only ONE was deemed dangerous from a witnessed, unprovoked attack on another animal where the attacking dog was uninjured. There have been NO studies that even prove that there is ANY correlation between dog on cat aggression and dog on people aggression. There have been a few that show there is no correlation. Just as there been studies that prove cat on bird aggression has any correlation with cat on people aggression.

There are two witnesses, in addition to myself that have provided testimony as to Louie's condition and behavior while held in custody. Louie was injured, in severe pain, filthy, he could not bear any weight on his leg, had many scratches on his face, a blunt trauma bruise on his head and he had a pretty bad scratch on one eye that had profuse ocular discharge (looked like he was crying) for almost 3 full weeks. There are also the witnessed statements of a Gastineau Humane Society employee, Anna Nilman, stating that Louie "is one of the sweetest dogs to ever walk into this place".

There is also the matter of selective enforcement of the law, which is illegal in the United States. Police Officer Erickson had two dogs that got loose from his yard. They broke into a neighbor's goose pen and
killed a goose. There can be no mistake that there is NO provocation or injury to the dogs there and yet his dogs were NOT deemed dangerous. There is NO justification for selective enforcement of the law, ever.

As for the “newly discovered” signs of Louie’s being dangerous while he was incarcerated; that is miraculous, irrelevant and completely circumstantial. In fact, the Gastineau Humane Society kennel worker Anna Nilman, "Louie is one of the sweetest dogs to ever walk into this place". The law provides a dangerous dog must be kept in a certain escape proof enclosure, muzzled at all times when taken out, etc. If in fact the Gastineau Humane Society did violate the law by allowing this to occur while Louie was injured, forcibly held in custody, forcibly fed medications that expired two years ago (the side effects, safety and efficacy of which are completely unknown) while a large filth encrusted sore was permitted to grow on his chest for 19 days, criminal charges should be filed. If Louie had been in my custody and I allowed such an event to occur, I would MOST certainly have charges filed against me and I would have to pay severe penalties IF I even got Louie back. The Gastineau Humane Society does not have to meet the requirements of the city ordinance for keeping a dangerous dog and they hold the city contract!!! If this event occurred in any way, shape or fraction, it was irresponsible and illegal to allow it to happen.

It clearly states in the letter provided by the owner of the former nursing home that Louie was in their facility on an informal basis, doing what they had pet therapy dogs do before the home owner was fully familiar with them. Nowhere did I nor anyone else ever state that Louie was registered. These waste of time smoke screens constitute most of the Animal Hearing Board’s Brief.

There was and is no clear or reliable evidence that even shows that Louie killed two cats. There are numerous false statements in the Animal Control written report and I have witnesses to verify this. There was no real “investigation” done of any kind by animal control; they only spoke to 3 additional people and wrote out a report one week later. Two of the people with whom they supposedly spoke felt they had nothing relevant or important enough for them to testify themselves or even provide a written statement. I was denied a speedy trial over this as Animal Control took one week to write a report and the Animal Hearing Board took another week before they were demanded to file a response by the city attorney at my urging. Please remember this waste of time took place while an injured dog, Louie was held in custody, while injured, in severe pain, forcibly fed antibiotics that expired two years ago (and upon which the Gastineau Humane Society would like to profit), and while the infected cat bite in his leg was permitted to fester and grow until two large drains had to be cut into his leg in order to prevent permanent damage. My civil rights were repeatedly denied by Gayle Haines of the Animal Hearing Board when she allowed evidence to be entered without full disclosure to me. Gayle Haines denied me my civil rights and those of my witnesses when she denied me the opportunity to cross examine and enter relevant testimony. I was denied a fair and impartial hearing when I was denied the opportunity to question the manner in which accusations were brought against me. I was NOT even permitted to question Animal Control when their OWN testimony contradicted their written reports! Gayle Haines stated she considered that to be “detail and we would not get into detail” at the hearing. Gayle Haines violated the law with no regard for me, my civil rights or the fact that an injured animal was held in custody for an extra week while she disregarded her OWN agreement which I accepted in good faith. Her words on the tape are clear and now she would like you to believe that all of the errors were a matter of not being familiar with procedures. The procedures are clearly written in a very few pages within the dangerous dog section in Title 8 if the city code. Can you really believe she did not know any decent, honest person honors their own agreements? The Animal Hearing Board shows in their brief how they completely disregard the law and ignore the section where the law defines provocation clearly and definitively by forcing us all to read a very long irrelevant paragraph where they choose to redefine the law to support their ruling. They have a clear refusal to acknowledge the law.

Equally false and irrelevant is the paragraph in the Animal Hearing Board Brief that states “Having been told that the fee for an appeal is non-refundable, she demands to have it refunded”. At no time did any representative of the Animal Hearing Board ever discuss or witness any of my preparation or filing for the city assembly appeal. There would be no reason or opportunity for such an event. It CLEARLY states in Chapter 01.50.030, section b, part 7 of the city code regarding appeals procedures that “A filing fee may be established by the assembly by resolution”, “the assembly may as part of any relief awarded to the appellant, order a refund of all or a portion of any such fee”. Again completely false and misleading
statements made in the Animal Hearing Board Brief. Apparently, as long as I and my witnesses were

denied numerous civil rights, why not deny me the rights given by the City and Borough of Juneau as well?

Even more outrageous is where the Animal Hearing Board would like the city assembly to be so swayed by

a misleading statement that I was a candidate for a position so you should disregard everything I or my

witnesses say or submit. Supposedly, I was a candidate for a job there and was turned down because I made up

a bunch of outrageous and misleading statements. I do not lie, my witnesses do not lie and photographs do

not lie. I must also state that this is the first I have heard that I was an actual candidate. I emailed an

application with a short cover letter asking if the position was even still open because the advertisement

was 2-3 months old. I spoke with someone who called to let me know that I was correct and that the

selection had been made. It is also yet another violation of Federal Law (The Privacy Act) for the

Gastineau Humane Society to release such information.

In a completely blatant lie, the Animal Hearing Board Brief states that I had not paid the tickets associated

with Louie running loose. The final checks for the tickets were recorded cashed on 10/24/01 at the Juneau

Police Department. The payment was actually mailed in the first week of October but they take time to

process it. Again, this is yet another false and misleading statement has absolutely no relevance to the labeling

of Louie as dangerous or not. The matter of a public record is clear and unmistakable. These attempts at

slander are truly pathetic.

The Animal Hearing Board Brief has yet another false statement in that Louie was hit in the head twice, by

Ms Crago and another person who’s entire “testimony” is illegal hearsay. There was NO evidence or

testimony presented anywhere that Ms Crago hit any dog. She stated that she tried to pick up a planter to

throw at the dog. Are we all now to accept that only these statements were false and misleading but the rest

of the statements made by the Animal Hearing Board representative are true?

Louie is currently living with Eileen Mahon, a disabled woman who has a service dog and 3 cats. While

she adores him, he clearly misses me and his family and I miss him terribly. There is no evidence that he

even killed the cats, let alone that there IS evidence that he was in a fight on his property while restrained

and he was injured extensively prior to leaving his property. Even if I had complied with the much more

expensive and permanent restrictions regarding a dangerous dog, I would still have been denied the full

unrestricted use of my property without due process. The Animal Hearing Board themselves found that I

was not an irresponsible owner. These hearings and so forth should never have had to happen.

There is NO EXCUSE for denial of a speedy trial (especially while incarcerating an injured animal), threats

to hold him longer if any more appeals are made, falsified evidence, false and misleading statements,

violation of title 8 of the city code, violation of the Privacy Act, violation of the Freedom of Information

Act, denial of the right to cross examine, denial of the right to enter relevant testimony, admission of

complete hearsay, leading the only witness for Animal Control, selective enforcement of the law and denial

of a fair and impartial hearing among other things. There is no excuse for Louie to have been held in a

facility that did not BY LAW have the proper enclosure for him. There is no excuse that Louie was

forcible fed medication that expired 2 years ago. There is no excuse for the Gastineau Humane Society to

profit on vet bills and boarding, particularly given Louie’s treatment and condition and that he should never

have been held there in the first place. Even worse is for the Animal Hearing Board to find that I was not

irresponsible and STILL issue a revised decision at whim to include boarding and vet bills.

If ANY reasonable investigation had been done and the law had been followed, NONE of this would ever

have occurred. There is NO evidence that it actually was Louie who killed the cats. He was clearly injured

(including a bad eye injury) and a fight had occurred on his property prior to anything else happening. No

one except Ms Crago gave any legal testimony that was relevant or could even attempt to point to Louie.

All of this clearly shows provocation even if it could have been Louie. I would still ask for all of the relief

sought in my original Brief.