

# Rules of Procedure for Selectboard Vicious Dog/Wolf Hybrid Hearings

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- A. **Purpose.** The Selectboard of the Town of Windham, VT is required by 20 VSA 3546 and Windham Town Ordinance to conduct a hearing when a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, the person bitten requires medical attention for the attack and the person bitten has filed a written complaint with the Selectboard. The purpose of these rules is to establish uniform procedures for conducting such vicious domestic pet or wolf-hybrid hearings and to ensure compliance with Vermont's Open Meeting Law.
- B. **Application.** These rules of procedure shall apply to all vicious domestic pet or wolf-hybrid hearings conducted by the Town of Windham, VT Selectboard. A copy of these rules shall be provided to each party bringing a complaint before the Selectboard. The Selectboard Chair shall conduct the hearing in the following manner:
- C. **Procedure.**
1. The chair of the Selectboard, or in the chair's absence, the vice-chair, shall chair all vicious domestic pet or wolf-hybrid hearings. The chair may make motions and may vote on all questions before the Selectboard. The chair shall rule on all questions of order and procedure.
  2. The chair may exclude any irrelevant, unreliable or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the innocence or guilt of the domestic pet or wolf-hybrid subject to complain. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.
  3. All vicious domestic pet or wolf-hybrid hearings shall be conducted in the following sequence:
    - a. Open the hearing by reading the warning/notice of the hearing.
    - b. Read the complaint received and remind all present that this hearing is mandated by State law (20 VSA 3546) and Windham Town Ordinance, will be conducted in an orderly manner by the Selectboard as a quasi-judicial body, and that all statements must be directed to the Chair. For clarification:

**A quasi-judicial body is an entity which has powers and procedures resembling those of a court of law or judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action. Such actions can remedy a situation or impose legal penalties, and may affect the legal rights, duties or privileges of specific parties.**
    - c. Ask the complainant/respondent if he/she has received a copy of these Rules of Procedure and whether he/she has any questions about how the hearing will proceed.
    - d. Request disclosure of any conflicts of interest and/or *ex parte* communications. For clarification:

**"Ex parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge**

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- e. Direct the complainant or his/her representative and all other providing evidence thereafter to step forward and take the following oath:

**I hereby solemnly swear (or affirm) that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth.**

- f. Accept written information from the complainant presented to the Selectboard.
- g. Invite the complainant to present oral testimony to the Selectboard.
- h. Invite Selectboard members to ask questions of the complainant.
- i. Invite the domestic pet or wolf-hybrid's owner (respondent) or representative to respond to evidence presented.
- j. Invite Selectboard members to ask questions of the domestic pet or wolf-hybrid owner.
- k. Invite members of the public to present any relevant information regarding the complaint.
- l. Invite more questions or comments from members of the Selectboard.
- m. Allow final comments or questions from the complainant and domestic pet or wolf-hybrid's owner or their representatives or members of the Selectboard.
- n. Upon motion and majority approval, the Chair shall either adjourn the hearing to a time and date certain (e.g. to obtain additional evidence) or close the proceedings by stating that this is the final public hearing on the matter.
- o. The Selectboard shall then conduct public deliberations or may vote to enter deliberative session in which case the written decision of the Selectboard setting forth its findings of facts, conclusion of the law and order for the domestic pet or wolf-hybrid will be rendered in writing to the owner of the domestic pet or wolf-hybrid by certified mail, return receipt requested within 7 days.

These rules may be amended by unanimous vote of the Selectboard.

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M. F. Seawright

\_\_\_\_\_  
Date

\_\_\_\_\_  
P. Kord Scott

\_\_\_\_\_  
Date

\_\_\_\_\_  
Maureen S. Bell

\_\_\_\_\_  
Date

## RE: Vicious Dog

From: maureensbell@gmail.com (maureensbell@gmail.com)  
To: maureenthayer@hotmail.com  
Cc: kordscott@vermontel.net; pcselectboard@gmail.com; joycecumming@yahoo.com  
Date: Sunday, May 24, 2020, 08:33 PM EDT

Thank you Maureen - I know this was difficult to re-live and put down in words.

I hope Peppe continues to heal. And I'm glad you thought him barking at me yesterday was a good sign!

Come to the zoom meeting on Tuesday if you want. You can speak if you want to, but don't feel any pressure to do so.

Hope you have a good night. Maureen

-----Original Message-----

From: Maureen Fitch <maureenthayer@hotmail.com>  
Sent: Sunday, May 24, 2020 2:47 PM  
To: maureensbell <maureensbell@gmail.com>  
Subject: Vicious Dog

On Tuesday May 19 I drove down Old Farm Rd with Peppe, past Becky and Jordan's house. I parked in a pull off area and put Peppe on a leash to take a walk. We walked for a few minutes and then I noticed Becky and Jordan were walking ahead of me. I didn't see their dogs, but thought they were probably with them so I decided to turn back (because of past experiences we have had with Marlow). Within seconds I could hear Marlow and Lola running up on us. I immediately picked up Peppe and Marlow lunged at us. He ripped Peppe out of my arms and in the process bit my left hand, and drew blood. He proceeded to attack and bite Peppe. I tried to get Marlow away from Peppe by kicking at him and screaming. Marlow continued to viciously bite him and pinned him down, not letting up even when Peppe tried to fight back. It wasn't until Jordan arrived and somehow in the chaos Marlow let go of Peppe. Peppe was able to escape and ran away. I quickly got into my car and drove home to find Peppe in my driveway. I could see multiple bite wounds all over Peppe. I was able to rush Peppe over to Springfield Vet. He was there for 2.25 hours, 15 wounds, 10 needing stitches and staples, almost 30 stitches total. The Vet said it would be a long, slow recovery. Hind leg has muscle damage and he will need to return to the vet for more follow ups. Once I got Peppe home and settled I went to Grace Cottage ER. They cleaned my hand wound, X-rayed it and gave me a Tetanus shot.

Becky and Jordan have paid for all of Peppe's care, I have used my Health insurance coverage for my care. We have talked in person about all measures to be taken with Marlow to ensure my safety, Peppe's safety and the safety of my 3 year old grandson who I care for every week. They have talked about installing a fence and putting a muzzle on Marlow. I just want to be able to feel comfortable and safe when I am outside walking. Hopefully these measures will be carried out to ensure this.

Sent from my iPad.

## CERTIFICATE OF RABIES VACCINATION

**Date of Rabies Vaccination:**01-07-2019

**Rabies Tag Number:**19-1445

**Next Rabies Vaccination On:** 01-06-2022

**Vaccine Name:**Defensor 3 Rabies 3-Year (Per Dose)

**Batch Number:**

### VETERINARY CLINIC

Weston Veterinary Clinic  
152 Boston Post Road  
Weston , Massachusetts, 02493  
(781) 899-5377



### OWNER OF ANIMAL

Jordan Eliastam  
55 McCormack Ave  
Medford,MA02155

This is to certify...

**THAT I HAVE VACCINATED THE ANIMAL DESCRIBED BELOW AGAINST RABIES.**

#### **Patient Information...**

**Patient:**Marlo

**Species:**Canine (Dog)

**Breed:**Mix Breed

**Sex:**Male Neutered

**Age:**5 years 10 months 4 days

**Weight:** 41.8878lbs.

**Color and Markings:** White  
With Black

**Microchip:** 982000362923365

**Signed:**

Vet: Sarah Schlesinger

Date: 05-22-2020

**License Number:**