

**HARRIS COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING OF W. H. GINN
REGARDING CLASSIFICATION OF DOGS
AS DANGEROUS DOGS**

August 18, 2015
6:00 PM

Commissioners Present: J. Harry Lange, Joey Loudermilk, Martha Chewning, Becky Langston, Jim Woods. Staff Present: Greg Wood, County Manager; John Taylor, County Attorney; Nancy D. McMichael, County Clerk.

CALL TO ORDER. Chairman Lange called the Hearing to order, said that it was regarding the “dangerous dog” classifications of two dogs owned by W. H. Ginn, and asked John Taylor, County Attorney, to conduct the hearing.

HEARING. Mr. Taylor said that this is an appeal hearing under the Animal Control Ordinance regarding the “dangerous dog” classifications of two dogs under the Ordinance. He explained the procedures and definition of “dangerous dog”.

Mr. Taylor swore in Anna Donaldson, Animal Control Officer, W. H. Ginn, and Ted Ginn.

Anna Donaldson, Animal Control Officer, in response to questions from Mr. Taylor, explained that there were two incidents involving cats being killed, although she was notified only about one incident that took place on June 9, 2015. In addition, Ms. Donaldson reviewed exhibits A through D, as follows: (A) the investigation of the complaint of June 9 indicates that two dogs (Lucky and Candy), owned by Mr. Ginn, attacked and killed a cat belonging to William Henry Ginn; (B) that the notice for each dog regarding the “dangerous dog” classification was mailed to Mr. Ginn via certified mail; (C) that Mr. Ginn received the notices and submitted the appeal notice; and (D) that Nancy McMichael, County Clerk, had advised Mr. Ginn of the appeal hearing taking place tonight. Mr. Taylor accepted the exhibits into record.

Mr. Taylor asked the Board if there were any questions for Ms. Donaldson. In response to questions from the Board, Ms. Donaldson said that there was no fencing for the animals; that the houses on the two properties are about 100 yards apart; that she was not involved with the incident that took place prior to June 9; that the two people mentioned on the complaint investigation, Rodney Allen Langford and Ronald Duane Langford, are son and father; that there are photographs of the cat from the first incident; and that she took photographs of the cat in the second incident. Copies of the photographs from both incidents were entered into the record.

There being no further questions from the Board, Mr. Taylor asked Mr. W. H. Ginn if he had any questions for Ms. Donaldson. Mr. Ginn replied that he had no questions for Ms. Donaldson.

Mr. Taylor then asked Rodney Allen Langford to take a seat at the table and swore him in. He then asked Mr. Langford several questions, to which Mr. Langford replied that he did not see the first incident but did witness the one that took place on June 9; that the dogs involved were “Lucky” and “Candy” owned by Mr. W. H. Ginn, his next door neighbor; and that while he hasn’t been attacked by the dogs, one of them did grab his pants leg one time.

Mr. Taylor asked the Board if there were any questions for Mr. Langford. In response to questions from the Board, Mr. Langford said that he did not see the dogs that killed the cat during the first incident; and that the second incident on June 9 happened by the steps in his back yard. He also described the attack on the cat by the two dogs.

There being no further questions for Mr. Langford, Mr. Taylor asked Ms. Donaldson if other than the four exhibits and the two sets of photographs did she have any other information to submit, to which Ms. Donaldson replied that she did not. (All evidence documents A-D plus copies of photographs can be found in “Miscellaneous Documents” file as MD# 15-06.)

Mr. Taylor asked Mr. W. H. Ginn for his comments. Mr. Ginn said that the Langford’s cats come into his backyard; that he was not home when the cat was killed on June 9; that Mr. Langford cuts across his yard all the time; that Mr. Langford harasses him (Ginn) and other neighbors; that when Mr. Langford cuts across the yard, he provokes the dogs by making gestures and saying things to them; that Mr. Langford has harassed other neighbors in the area; and that he (Ginn) did not see anything regarding the attack on either cat.

Ted Ginn said that he did not witness the attack on either cat and asked if the hearing was about having the dogs “put down”. Mr. Taylor said that the hearing was not for that purpose but to determine whether or not the classification of “dangerous dog” was appropriate.

Jane Ginn, wife of Mr. W. H. Ginn, appeared before the Board and Mr. Taylor swore her in. Mrs. Ginn said that there are many other dogs running loose in the neighborhood, as well as coyotes; that the Langfords also have dogs; and that the older Mr. Langford is her husband’s brother-in-law. In response to a question from Mr. Taylor, Mrs. Ginn confirmed that this was a family situation. Mrs. Ginn said that they went out of town for three days and left their dogs and cat inside during that time; that their dogs and cat get along fine; and that their dogs are not aggressive to other people. Greg Wood, County Manager, commented that the dangerous dog classification does not distinguish between aggression toward humans or aggression toward animals; and that in this case, it is regarding aggression toward other animals. In response to other questions, Mrs. Ginn said that they do not live in a neighborhood but across from Pine Ridge Elementary School; that a lot of dogs roam the area; and that there are a lot of cats as well.

In response to questions from the Board, Mr. W. H. Ginn said that Mr. Langford always aggravates his dogs when he is crossing the corner of his (Ginn) yard; and that Mr. Langford is his nephew.

There being no further comments, Mr. Taylor closed the Public Hearing, said that submitted into evidence were the four exhibits, photographs of the first cat, and photographs of the second cat. He then reminded the Board that it could uphold the classification of both dogs as dangerous dogs by the Animal Control Officer, modify the classification, or over rule/overturn the classification. He then reviewed the requirements for owning a dangerous dog. He then turned the meeting back over to the Chairman.

Chairman Lange asked for a motion. Commissioner Loudermilk said that he was concerned with the provocation; that the ordinance talks about attacks being without provocation; and that it sounds as if there has been provocation by Mr. Langford. He then made the motion to overturn the classification of dangerous dogs as determined by the Animal Control Officer. Commissioner Chewning seconded the motion. Commissioner Woods said that the provocation issue is separate from the attack on the cats; that he feels that Mr. Langford (the elder) should have been able to testify regarding the first incident; that he believes it is important that people keep animals where they cannot attack other animals; and that the classification should be upheld. Chairman Lange said that he while he is conflicted as to what to do, in general, if a dog attacks another animal or person it’s hard to not uphold something dangerous, but the provocation issue does come into play. Commissioner Chewning said that knowing dogs and cats and the nature of the way animals act, especially if not in the same household, dogs may not be necessarily dangerous; that cats are allowed to roam and go onto the property of others; there has been no testimony that the dogs attacked other animals or are harmful to humans; and that to classify these dogs as dangerous is too strong. The vote on the motion to overturn the dangerous dog classification of these two dogs made by the Animal Control Officer was three in favor (Loudermilk, Chewning, Lange) and two opposed (Langston, Woods).

Commissioner Loudermilk said to Anna Donaldson, Animal Control Officer, that even though the classification was overturned she handled herself very well and professionally during the hearing.

ADJOURNMENT

Attest:

J. Harry Lange, Chairman

Nancy D. McMichael, County Clerk