

**HARRIS COUNTY BOARD OF COMMISSIONERS  
APPEAL HEARING OF AMBER & JARED MASSEY  
REGARDING CLASSIFICATION OF DOG  
AS POTENTIALLY DANGEROUS DOG**

July 7, 2020  
6:00 PM

Commissioners Present (in person): Becky Langston, Susan Andrews, Rob Grant, Andrew Zuerner.  
Commissioners Present (via telephone): J. Harry Lange. Staff Present: Randy Dowling, County Manager; Russell Britt, County Attorney; Nancy D. McMichael, County Clerk.

**CALL TO ORDER.** Chairman Langston called the Hearing to order, said that it was regarding the “potentially dangerous dog” classification of a dog owned by Amber & Jared Massey, and she asked Russell Britt, County Attorney, to conduct the hearing.

**HEARING.** Mr. Britt said that this is an appeal hearing under the Animal Control Ordinance regarding the “potentially dangerous dog” classification of a dog under the Ordinance. He explained the procedures and definition of “potentially dangerous dog”.

Mr. Britt swore in Anna Donaldson, Animal Control Officer, and asked her to explain her findings regarding the investigation regarding the dog.

Ms. Donaldson explained that she had investigated a complaint from Caitlin and Chris Yarbrough, who live at 345 Gateway Drive, regarding Mr. Yarbrough receiving a bite inflicted by the dog, Ox, owned by Amber & Jared Massey, of 107 Gateway Drive; that Mr. Yarbrough was bit on his side; that Mr. Massey was in the garage at the time of the bite and went out to get the dog; that apparently Mr. Massey was unaware that the dog had bit Mr. Yarbrough; that Mrs. Yarbrough had talked to Mrs. Massey on several occasions about the dog, but nothing was done to prevent the dog from leaving the yard; that complaints were also received from Megan Moore and Stephanie Sizemore about similar issues with the dog coming out of the yard and acting in an aggressive manner; and that due to the complaints and the actions of the dog, it was declared to be potentially dangerous. She also said that Clyde “Bit” Geter, III, Animal Control Officer, also had an issue with the dog, and asked that Mr. Geter explain same.

After being sworn in by Mr. Britt, Mr. Geter said that he received a call on February 3 and went to the Massey property; that upon arrival, the dog charged the truck in which he was sitting, snapping, growling, and its fur standing up on its back; that he was hesitant to get out of the truck, but did so when he noticed people walking down the road and the dog starting toward them; that he took his catch pole with him, but before he got to the dog, Mrs. Massey came out, got the dog, took him into the house, and brought him back out on a lead; that the dog’s demeanor changed at that point; that Mrs. Massey took the dog over to the woman and child who were walking to introduce the dog to them. In conclusion, Mr. Geter said that he has learned to read dogs in all the years he has been Animal Control Officer, and felt the dog was very aggressive.

Ms. Donaldson said that between her and Mr. Geter, there are 30 years of animal control experience; that the dog, Ox, is very territorial and is known for going off the property.

In response to questions from the Board, Ms. Donaldson said that Gateway Drive is off of Brookside Drive (where Ms. Moore lives) and that Mr. Yarbrough did seek medical attention. There being no further questions, Mr. Britt asked Amber Massey if she had any questions for Ms. Donaldson or Mr. Geter. There were none.

Mr. Britt swore in Caitlin and Chris Yarbrough and asked them to make their statements. Mrs. Yarbrough distributed copies of text messages between her and Mrs. Massey; that the texts indicate the dog, Ox, is intimidating to strangers and is territorial; that on April 15 she and friends were walking on the street and the dog came at them barking, barring his teeth, and the hair on his back standing up, in an aggressive manner; that the electric fence signal apparently wasn’t working and Mrs. Massey asked to be texted when they (Yarbroughs) were going to walk down the street; that while the Massey’s installed a professional fence system, it had issues; and that on May 5, the dog bit her husband.

Mr. Yarbrough said that when they were walking on May 5, the dog came off the property toward him, his wife, 6 year-old son, and baby in a stroller; that the dog acted aggressive, barking, growling, and hair standing up on end; that he (Yarbrough) avoided eye contact with the dog who was circling the family; that he (Yarbrough) got in front of the stroller while they were backing away and into the yard across the street; that the dog lunged and bit him on the right side at his hip; that he did not want to alarm his son, who was crying and screaming, so he did not say anything about being bit until he got home; that he did receive medical attention and was on antibiotics for 10 days.

Mrs. Yarbrough said that they also called Animal Control the next day; that once the Masseys were notified, Mrs. Massey was apologetic; that the dog is territorial and there is no reassurance about the dog.

Mr. Britt asked Mrs. Yarbrough if the document she submitted was numbered 3-10, and Mrs. Yarbrough confirmed same. Mr. Britt said that the document will be entered into the record as R-1. He then asked the Masseys if there were any questions for the Yarbroughs, and there were none.

Mr. Britt asked Ms. Donaldson of the documents provided to the Board were labeled A-G, and Ms. Donaldson confirmed same. Mr. Britt said that the documents will be entered into the record as R-2.

Mr. Britt asked if there were any other complainants, and Nicholas Sizemore, who lives at 270 Gateway Drive, said that he had comments. Mr. Britt swore in Mr. Sizemore and asked for his comments.

Mr. Sizemore said that when his family was walking, which included a wagon in which children were riding, the dog approached in an aggressive manner and acting very territorial; that he (Sizemore) got between the dog and the wagon and they slowly backed away from the dog.

Mr. Britt asked the Masseys if there were any questions from Mr. Sizemore, and there were none.

Mr. Britt then swore in Amber and Jared Massey and asked for the comments.

Mrs. Massey said that she did not know about many of the comments made this evening; that they have an electric fence in place on eight (8) acres; that they've tried to adjust to parameters of the fence so that Ox cannot go into the road; that Ox is territorial; that after Ox bit Mr. Yarbrough, they were contacted by the Health Department; that they have installed a wireless fencing system and have had no issues since May 13. Mr. Britt asked Mrs. Massey if she had submitted documents numbered 1-12, and Mrs. Massey said that she have provided same to Mrs. McMichael who indicated she would print out the distribute. Mr. Britt said that the documents will be entered into the record as R-3.

Mr. Massey said that one person being bit is too many people; and that the dog has not been in the front yard since the fence was installed.

Mrs. Massey said that Ox is a rescue dog and a service dog. In response to questions, Mr. and Mrs. Massey said that Ox is not certified, but has had behavioral teaching; that there is a sign regarding the DogWatch fencing; and that there have been no other incidents.

There being no further comments or questions, Mr. Britt closed the Public Hearing, said that the Board can uphold, modify, or overturn the classification of potentially dangerous dog. He then reviewed the requirements for owning a potentially dangerous dog, and turned the meeting back over to the Chairman.

Chairman Langston asked if there were any questions, and there was discussion regarding the definition of proper enclosure.

Commissioner Andrews said that based on testimony and comments, it appears Ox meets the definition of a potentially dangerous dog, and she made the motion to uphold the classification by the Animal Control Officer of potentially dangerous dog. The motion was seconded by Commissioner Zuerner. Regarding the definition of proper enclosure, there was discussion with the consensus being that while the Board believes the definition should be altered, they cannot do so at this time, but if it is amended in the future, it would be retroactive to this case. The motion to uphold the classification of potentially dangerous dog passed unanimously.

(Note: Documents R-1, R-2 and R-3 can be found in "Miscellaneous Documents" file as MD#20-07.)

**ADJOURNMENT**

Attest:

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Becky Langston, Chairman

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Nancy D. McMichael, County Clerk