

**Minutes of Meeting  
Vicious Dog Hearing  
October 21, 2019  
10:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Civil Deputy Prosecuting Attorney Darrin Murphey, KCSO Deputy Alana Hunt, KCSO Animal Control Officer Sandra Osburn and Deputy Clerk Tina Ginorio. Also present were Kootenai County Resident Robert Darakjy, Kootenai County Resident Lauren Hayden and Coeur d’Alene Press Reporter Keith Erickson.

**A. Call to Order:** Chairman Chris Fillios called the meeting to order at 10:03 a.m.

**B. Changes to the Agenda (Action):** There were no changes to the agenda.

**C. Swearing in of Participants in Attendance (Done by Clerk):**

Deputy Clerk Tina Ginorio swore in Kootenai County Resident Robert Darakjy, Kootenai County Resident Lauren Hayden and KCSO Animal Control Officer Sandra Osburn.

**D. Business (Action Items):**

**Hearing for Impounded Animal Set for Destruction, Robert Darakjy**

Chairman Fillios noted that the destruction of the dog in question had been set for October 22, 2019, unless otherwise determined by the Board.

Mr. Darakjy expressed his dissatisfaction that Chairman Fillios had previously declined to comment on this case when asked by a reporter. He also expressed his dissatisfaction with his treatment during his previous arrest on July 4, two years ago and during his subsequent incarceration.

Mr. Darakjy explained that his dog, Ranger, escaped because elk and deer broke down part of the fence around his yard. He said he had left the gate open to accommodate his wife, who was disabled. He stated that the dog had been frightened by thunder and lightning, bolted and ended up at Ms. Hayden’s property. He acknowledged that the dog broke through Ms. Hayden’s door, attacked her cat and bit Ms. Hayden when she tried to intervene. Mr. Darakjy admitted that the dog had not been current on its rabies shots, so it had to be quarantined for fifteen days after the attack.

Mr. Darakjy stated that his dog was normally friendly toward people, including children. He stated that this was not a service dog; it was an emotional support dog. He concluded that he wanted his dog back. He advised the Board that he would file a lawsuit to regain his dog if necessary.

Mr. Darakjy praised KCSO Animal Control Officer Sandra Osburn for her prior assistance with his mules and with Ranger.

Chairman Fillios responded that he had not rendered an opinion when previously asked by the reporter because he had to sit as a judge in this quasi-judicial proceeding and it would not have been appropriate.

Commissioner Leslie Duncan asked Mr. Darakjy how many dogs he had and whether there had been other escapes. Mr. Darakjy said he had a young female of the same breed, Duchess, and she had recently climbed his fence and gotten out. He stated he would have to build a taller fence, but predicted that no fence would keep the deer or elk from breaking into his yard to feed. He said it would take time to build better fences because he was disabled and on a fixed income, despite having substantial non-liquid assets.

Commissioner Duncan asked what steps had been taken to ensure the dog would not escape again, after the official declaration that it was considered dangerous on August 14, 2019. Mr. Darakjy said he put the fence back up.

Commissioner Duncan asked if he had a plan to keep Ranger confined for the interim period before he got the improved fences. Mr. Darakjy said he would keep the dog in its kennel, in the house, tied up or leashed. He added that he would keep a stick handy to spank the dog if needed to make him obey.

Commissioner Bill Brooks stated that Mr. Darakjy had been directed to confine the dog, use a leash, a muzzle and post warning signs on his property then asked why this had not been done. Mr. Darakjy said his wife would not let him. Commissioner Brooks noted that since the requirements had not been met, his dog could not be returned.

Mr. Darakjy complained that he had not been able to find someone to tattoo his dog's ear.

Commissioner Brooks stated that he was himself a dog lover who had owned dogs of this breed. He added that he was also a hunter and a disabled vet, but these did not excuse the need for a dog's owner take responsibility for it. He said he did not see that Mr. Darakjy had done this. Commissioner Brooks expressed his concern for public safety if the dog were returned.

Mr. Darakjy became agitated and was warned to restrain himself by Chairman Fillios.

Commissioner Brooks noted that Mr. Darakjy had received a number of calls from the County but had refused to answer the phone and yet had immediately answered when the Coeur d'Alene Press reporter had called him. Mr. Darakjy blamed this on his Verizon Wireless service.

Commissioner Brooks pointed out that on October 8, 2019, Mr. Darakjy had claimed the dog was a service dog. Mr. Darakjy admitted that was a mistake and stated that Ranger was an emotional support dog.

Chairman Fillios asked if the dog had ever been kenneled. Mr. Darakjy said he had an indoor/outdoor kennel. Chairman Fillios asked whether the deer or elk had broken down the kennel as well. Mr. Darakjy said they had not. Chairman Fillios asked why the dog

had been loose in the yard on the day of the attack. Mr. Darakjy stated the kennel was not large enough for the dog to run. He added that he had a 200-foot tether he could put the dog on in the future.

Chairman Fillios recognized Lauren Hayden, of 2500 East Harrison Avenue, and asked her to speak.

Ms. Hayden reported that she lived about a block from Mr. Darakjy's home and was very familiar with the dog. She described the events of May 31, 2019 when the dog tore through her screen door, killed her cat and bit her on the hand when she tried to intervene. Ms. Hayden noted that it had been a sunny, warm afternoon, with no lightning or thunder. She said she had encountered the dog before and had called Mr. Darakjy on at least one occasion to come get it when it was running loose on her property.

Ms. Hayden said she took her cat to the emergency vet after the attack, but it was pronounced dead. She stated she then went to Urgent Care where she received two stitches in her hand, a tetanus booster and course of antibiotics. She added she had to have another round of antibiotics two weeks later. Ms. Hayden said she had her screen door replaced and cleaned the blood from her house, but she would never be able to replace her companion cat, named The Doorman. She added that she was a dog lover as well, but felt the ongoing situation with the dog had been absolutely unacceptable.

Ms. Hayden reported that on August 5, 2019, the dog was loose again and she confined him in her garage until Animal Control could come get him.

In response to a question from Chairman Fillios, Ms. Hayden confirmed that the dog did not behave in an aggressive way toward her on the August incident.

Mr. Darakjy asked Ms. Hayden why she had not sued him after her cat was killed. She responded that the statute of limitations had not run out so legal action was still a possibility.

In response to a question from Commissioner Duncan, Ms. Hayden reported that she had not received compensation for the screen door, medical expenses or veterinary expenses. She added that she had compiled a complete list of damages and turned it over to the Prosecutor's Office but did not know precisely what was being done with it.

Deputy Osburn reported that there had been a long history of Ranger running loose, regardless of citations or warnings that had been given. She said she had spoken to three different victims whose cats had been attacked and all three had stated that they had seen the dog running loose multiple times before but had not reported it to law enforcement. She stated that it was her opinion that the dog was dangerous to other small animals. She added that she had also been told that Ranger had attacked a deer once.

Mr. Darakjy confirmed that the dog had previously mortally wounded a large fawn in his yard and he had finished it off with a shotgun.

Deputy Osburn stated that she believed the dog was likely to chase other small animals in the future, due to its training or nature. She said she had issued two citations to Mr. Darakjy for permitting a dog to chase or injure another domestic animal and two citations for dog at large. She said she thought there had also been at least two warnings issued, possibly more, by other officers.

Deputy Osburn confirmed that she had not been informed of any other attacks on people.

Mr. Darakjy insisted that there had been a thunderstorm with lightning on the night in question. He said three Deputies had come to his house at 2 o'clock or 3 o'clock in the morning and told him his dog had been picked up. He stated he did not want his dog to harm people but said it would kill cats because that was the nature of the breed. He concluded that he wanted his dog back and did not want him to be destroyed.

Deputy Osburn stated there was a pattern of the dog chasing and attacking other animals, but not of it going after people. She offered her opinion that it might be possible to spare the dog if it could be rehomed with a more responsible owner. She said she would not recommend that Ranger be returned to Mr. Darakjy because she had not seen him accepting responsibility or following through with requirements.

Mr. Darakjy said that a woman who lives down the street from him fed a number of feral cats and his dog had attacked one of them but he had been able to prevent Ranger from killing it. He said the dog had killed four and a half cats, in total.

Commissioner Duncan asked if Mr. Darakjy would permit the dog to be rehomed. He responded that he would.

Ms. Hayden noted that Mr. Darakjy's previous dog, Red, had also attacked a small dog that was being walked on a leash by its owner. She said the owner had been able to drive Red off, but the small dog had been seriously injured. She added that Red had been seen multiple times chasing deer and turkeys. She pointed out this showed a pattern of behavior in all his dogs. Mr. Darakjy replied that Red was rehomed by his veterinarian.

Commissioner Duncan moved that the Board end public testimony and enter into deliberations. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Chairman Fillios explained the process of deliberations and decision to Mr. Darakjy and that he was not allowed to make further comments from that point.

Commissioner Duncan stated she was against returning the dog to the neighborhood but she would be open to having Ranger adopted out, so long as the new owner agreed to comply with the requirements.

Commissioner Brooks agreed that it would not be appropriate to return Ranger to Mr. Darakjy. He expressed his concern that the dog might someday target a fast moving toddler instead of a small animal. He also expressed his regret that the dog should have to pay for the actions of its owner. He stated he was inclined to require the dog to be euthanized because of the potential for causing harm in the future.

Chairman Fillios remarked he was a long time dog owner, primarily of Dobermans. He said he had adopted one dog some years ago that he had been compelled to have euthanized due to behavioral issues that were not correctable by treatment or training. He said he had had another dog that had to be rehomed because of its aggression toward other dogs and a third one that had seemed to turn aggressive but turned out to have a treatable condition. He stated he would be in favor of allowing a maximum of fifteen days to try to rehome the dog, but if a new home were not found during that time, it would have to be euthanized. He also expressed his concern that Mr. Darakjy had recently gotten another dog of the same breed.

Commissioner Duncan expressed her concern about the circumstances of rehoming Ranger and stressed that his full history would have to be disclosed and the new owner would have to sign a statement acknowledging those facts and accepting certain conditions. She said she would require the dog to remain in custody until the rehoming was completed and added that the new family should be made aware that if the dog attacked again, it would have to be euthanized.

Commissioner Duncan moved that the Board allow the rehoming of Ranger within the next fifteen days, with the understanding that the dog would be destroyed if not rehomed within that time limit. She further moved that the new owners would have to sign the dangerous dog notification agreement as presented by Animal Control, with the understanding that if the dog attacks again in the future, it would have to be euthanized. She further moved that the Sheriff's Office would be responsible for the rehoming and that the dog would not be returned to the current owner. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Nay

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

In response to a question from Commissioner Brooks, Chairman Fillios confirmed that the decision could not be further appealed.

- E. Public Comment (Discussion):** This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing.

Mr. Darakjy accused the Board of denying him his right to freedom of speech and indicated that he was personally angry with the Chairman.

**F. Adjournment (Action):** Chairman Fillios adjourned the meeting at 10:51 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk

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