

CITY OF RUTLAND, VERMONT
Board of Animal Control Minutes
Tuesday, June 29, 2021

Members present; Sean Sargeant, Jeanette Langston, and Carrie Savage. Also present, Attorney Matt Bloomer, ACO Jones, City Clerk Heck, Chief Kilcullen, Troy & Danielle Ebbighausen and Mary Gardner.

Chair Sargeant called the meeting to order at 5:30 PM and noted that the Board was asked to hear a vicious dog complaint from ACO Jones who investigated the incident with a dog named Tank, owned by Troy & Danielle Ebbighausen (respondent) and a dog named Rocco owned by Mary Gardner (complainant). Chair Sargeant introduced all members and participants present and asked Clerk Heck if the rules of the meeting had been distributed. Clerk Heck acknowledged they had. Chair Sargeant asked if there were any conflicts or ex-parte communications from the Board. Seeing none, Chair Sargeant asked Clerk Heck to swear in anyone giving testimony or evidence. All participants giving testimony were sworn in.

ACO Jones read the Vicious Dog Complaint form and brief history of the attack that occurred on May 23, 2021. ACO Jones presented evidence including sworn statements (Ebbighausen & Gardner) and medical records for Mary Gardner. ACO Jones presented his evidence and reviewed the documents prior to submitting them to the Chair. Chair Sargeant noted the documents and placed them into evidence. There was brief discussion on if dogs were licensed and vaccinated.

Mary Gardner was asked to comment on the incident and gave verbal testimony of the incident. Ms. Gardner noted she and her dog were walking in the road in front of the Ebbighausen home when the Ebbighausen dog Tank came charging at them. Ms. Gardner noted that she got tangled in her dogs leash and fell and was bitten several times, though she did note, she could not tell by which dog.

Danielle Ebbighausen spoke and gave evidence stating that her dog Tank perked up and ran out into the road after Rocco. Mrs. Ebbighausen noted the breed of her dog and stated that she tried to separate the dogs, noting Ms. Gardner had been knocked down. Troy Ebbighausen noted that his dog is large and there would be no doubt if Tank bit someone. Mr. Ebbighausen noted that he travels around with the dog and stated young children in the neighborhood pet Tank and there has never been an incident. Mr. Ebbighausen noted testimony from neighbors supporting the positive behavior of Tank. Ron Fredette spoke about the dog and noted it never had been an issue. Chair Sargeant noted he would place the new evidence into the record if there was no objections. There were none and the Board continued with questions.

After testimony from both Gardner & Ebbighausen, Chair Sargeant went back to ACO Jones who noted a ticket was issued to the Ebbighausens for their dog not being on a leash. There was brief debate again from Mary Gardner and Danielle Ebbighausen.

At this point, Chair Sargeant offered all evidence presented, to Clerk Heck.

With no further questions from the Board, testimony or evidence from either party, the Board closed the open meeting at 5:53 PM.

Members of the Board then spent about 15 minutes reviewing all evidence before moving into deliberative session at 6:07 PM

Respectfully submitted,
Henry Heck
Rutland City Clerk