



Police Commission

**Thursday, March 20, 2025, 6:15 PM, Sharon Bushor Room, Ground Level of City Hall
Burlington, VT
Zoom**

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89397902977>

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+16469313860,,89397902977# US

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+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

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Webinar ID: 893 9790 2977

International numbers available: <https://us02web.zoom.us/j/kcOwUdb10p>

1. Agenda

1.1. Call to Order

1.2. Roll Call and Determination of Quorum

1.3. Additions or Modifications to Agenda

2. Election of Chair

3. Vicious Dog Hearing

Subject	3.1. Public Hearing on Complaint Regarding Vicious Dog. The purpose of the hearing is to reconsider the allegations in the attached complaint.
Meeting	March 20, 2025 - Re Vicious Dog Hearing - Thursday, March 20, 2025, 6:15 PM, Sharon Bushor Room, Ground Level of City Hall Burlington, VT Zoom
Category	3. Vicious Dog Hearing
Department	Other
Type	Public Hearing
Recommended Action	

4. Adjournment

4.1. Motion to Adjourn

5. Informational and Non-Discrimination Statements

Subject	5.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	March 20, 2025 - Re Vicious Dog Hearing - Thursday, March 20, 2025, 6:15 PM, Sharon Bushor Room, Ground Level of City Hall Burlington, VT Zoom
Category	5. Informational and Non-Discrimination Statements
Department	Council and Board
Type	

NOTICE OF HEARING
Re: Superior Court Remand of Vicious Dog Order
Owner(s)/Caretaker(s): Diane Wheeler; Deborah Lessor
Dog: “Moose”

Please take notice that pursuant to the authority vested in the Burlington Animal Control Committee by City Charter § 48 (20); Burlington Code of Ordinances (BCO) § 5-27; and, as ordered by the Vermont Superior Court – Chittenden Unit, a hearing will be held before the Burlington Animal Control Committee on March 20, 2024 at the Sharon Bushor Room, Ground Floor of Burlington City Hall and via Zoom at 6:15pm. Instructions for accessing the Zoom meeting are attached to this notice.

In March 2024, on complaint of residents and after notice and hearing, the Committee issued an order concluding that ‘Moose’ is a vicious dog within the meaning of Burlington City Ordinance 5-13(e) and ordered certain conditions to protect the public, including that the dog ‘Moose’ be rehomed to location capable of managing his behavioral needs and of containing him to the premises. On order of the Chittenden Superior Court, the Committee’s Order remains in full force and effect, subject to certain modifications that permitted the dog ‘Moose’ to be temporarily placed in the care of Deborah Lessor and transported to a secure facility for onsite training. The Court has now remanded this matter back to the Committee for further review.

The purpose of this hearing is to consider what if any circumstances have changed since the Committee issued its March 2024 order such that any of the conditions currently listed in the order should be modified. Such order may include any further or alternative condition(s) the Committee deems necessary to preserve the safety of the public including any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

You have the right to attend the hearing and to present evidence and argument on the issues before the Committee, by yourself or through an attorney. Enclosed are copies of the records in this case. **Failure to attend this hearing may result in any of the above actions being taken without further opportunity to be heard.**

All correspondence and documents pertaining to this matter should be sent to the Burlington Animal Control Committee, c/o Shibe Couchman, Clerk, Burlington Police Department, 1 North Ave., Burlington, Vermont, 05401 or scouchman@bpdvt.org.

Dated at Burlington, Vermont, this 12th day of March, 2025.

Shibe Couchman, Clerk

Animal Control Committee

Encl: Zoom Meeting Information
March 2024 ACC Order
Interim Order Vermont Superior Court
Remand Order Vermont Superior Court

Cc: Llu Mulvaney-Stanak, Roseade Parkway
Kate Van Wagner, Roseade Parkway
Diane and Carol Wheeler, Roseade Parkway
Deborah Lessor, Burlington, VT
Jennifer Moore & David Nacmaine, Roseade Parkway
Jennifer & Dominic Aloï, Lopes Ave
Shelley Spinner, Roseade Parkway
Bonny & Gar Smith, Blodin Circle
Chad Woods, Burlington, VT
Select Shepards, LLC, Grantham, NH
Pinebrook Kennels, Milton, VT
CSM Cassandra Stirling, BPD
CSO Nicholas Moore, BPD
CSO Thomas Young, BPD
CSO Alexander Hissong, BPD
Recruitment Coordinator (Former CSO) Krista Towne, BPD

BURLINGTON, VERMONT
CHITTENDEN COUNTY, SS.

IN RE: Complaint Regarding Vicious Dog
“Moose”

BURLINGTON POLICE COMMISSION
ANIMAL CONTROL COMMITTEE

FINDINGS, CONCLUSION, AND ORDER

I. BACKGROUND

1. This matter came before the Animal Control Committee (Committee), a sub-committee of the Burlington Police Commission, for a hearing via zoom on March 6, 2024, on a complaint submitted to the Committee by 5 (five) households in and around the vicinity of Roseade Parkway (the Neighbors) regarding the behavior of a dog (Moose) owned by Roseade Parkway resident, Diane Wheeler. It is properly before the Committee pursuant to its authority by virtue of Burlington City Ordinance (BCO) Chapter 5, Section 27. Presiding over the hearing was Committee Chair Shakuntala Rao; also in attendance were Commissioners Jessica Oski and Mary Cox. Acting as counsel to the Committee was Assistant City Attorney Hayley McClenahan; Clerk for the Committee was Police Department Executive Manager Shannon Trammell.
2. Present at the hearing and acting as the prosecuting animal control officers regarding the complaint were Burlington Police Department Community Service Officers Sterling, Moore, and Hisson. Deputy Chief of Operations Wade Labrecque was also present and gave information to the Committee. Assistant City Attorney Erik Ramakrishnan acted as counsel to the Department. Present for the Neighbors and offering information to the Committee were Llu Mulvaney-Stanak; Jennifer Moore and David Nacmaine; and Alex Weinhausen, all of Roseade Parkway; and, Jennifer and Dominic Alois of Lopes Avenue.
3. Present for Respondent and offered information to the Committee was registered dog owner Diane Wheeler (Owner), Carol Wheeler, Diane Wheeler’s mother who also resides with and cares for Moose, and an associate of the Wheelers, identified as Deborah.
4. Before the Committee is whether Moose is a vicious dog as defined by BCO Chapter 27, Section 13(e); and if so, what if any order is necessary to protect the public.

II. FINDINGS OF FACT

5. Diane Wheeler is the registered owner of Moose, an approximately sixty-five (65) pound male brindle mix. Ms. Wheeler and Moose reside at 30 Roseade Parkway, along with Carol Wheeler, Ms. Wheeler's mother. Moose is validly licensed with the City until April 2025, including being up to date on rabies vaccination.
6. The Roseade Parkway area is a residential neighborhood. The lots are of the size to be expected in a semi-urban environment and relatively close together. Roseade Parkway backs up to the section of North Avenue that is highly travelled and in close proximity to shopping and other services.
7. Moose has been residing in the Wheeler household since early 2023 or late 2022. Ms. Wheeler informed the Committee that Moose was abused before he came to live with the Wheelers. She described Moose as a "trauma dog" and indicated that there were special ways of approaching and interacting with Moose that were necessary to prevent reactivity.
8. In early 2023 when Moose first came to live with the Wheelers, the Burlington Police Department responded to the Wheeler residence on at least two occasions to address concerns with Moose. In January 2023, CSO Young responded to the Wheeler residence for a report of Moose being at-large and barking. He issued a warning to Ms. Wheeler at that time. The next occasion was in February 2023, where CSO Towne responded for a similar report. The CSO issued Ms. Wheeler a municipal ticket, citing the City's prohibition on dogs at large.
9. Additionally, in late January or early February 2024, CSOs Moore and Hissong responded to the Wheeler residence to provide Ms. Wheeler a copy of the Neighbors' complaint and the associated notice of hearing. The CSOs informed that Ms. Wheeler did not appear to think Moose being at-large was "a big deal".
10. Between approximately March 2023 and December 2023, the Neighbors had encounters with Moose in the area of Roseade Parkway off of the Wheeler property, ranging from aggressive behavior (including barking and charging) to physical contact. The Committee in particular takes note of the following interactions between the Neighbors and Moose during this timeframe:
 - a. Alex Weinhagen informed the Committee that on one occasion, he was walking his two dogs on leashes on the street out front of the Wheeler home and that Moose and Ms. Wheeler were out front on the sidewalk. Moose was not on a leash. Ms. Wheeler invited him over to introduce the dogs. Moose ended up biting one of his dogs. Mr. Weinhagen knew at the time that there was an aggressive dog in the neighborhood but did not know it was Moose. He stated he would not have gone over had he known. Ms. Wheeler replied that while Moose was not on a leash she had him by either the collar or scruff.

- b. Mr. Weinhagen also stated that on another occasion, after this encounter, he again observed Moose not leashed on the sidewalk in front of the Wheeler residence. Ms. Wheeler replied that Moose was in training with a certified trainer during that incident but did not dispute he was unleashed. Mr. Weinhagen also stated that one morning during this time period, his family saw Moose on their doorstep, looking in through their door barking, without the Wheelers present.
 - c. Llu Mulvaney-Stanak informed the Committee that a neighbor, David Kirk, made a Facebook post stating that he had been bitten by a loose dog and that based on the description in the post, Mx. Mulvaney-Stanak believed that loose dog to be Moose. The Facebook post has since been deleted and the bite remains unconfirmed as attributable to Moose.
 - d. David Nacmaine stated that one night he was out walking in the area Roseade Parkway area and that Moose approached him, alone and not leashed, lunging at him. Mr. Nacmaine stated that he has experience on dealing with dogs and was able to diffuse the encounter, but had concerns about what would have happened had he had a dog with him or if Moose had approached a child in that manner.
11. These incidents culminated in an interaction on December 13, 2023 between Moose and Hugo, Jennifer and Dominic Aloï's dog. Mr. Aloï was walking Hugo on a leash in the Roseade Parkway area near the Wheeler residence; Moose was not restrained and was running in the street. Ms. Wheeler was present and was able to get ahold of Moose to introduce the dogs; however upon introduction, Moose bit Hugo resulting in four (4) puncture marks to Hugo. Mr. Aloï did not realize the extent of the injury until he and Hugo got home. Hugo had to be taken to the vet as a result and was placed on antibiotics to treat the punctures. Ms. Aloï showed two (2) pictures of the wound to the Committee and stated that the vet had been particularly concerned about one of the punctures, given how puffy it was. Ms. Aloï informed that the vet had to shave the wounded area to treat it.
12. In response to information offered regarding the bite to Hugo, Ms. Wheeler replied that a vet had told her that it is not a true bite unless muscle had been hit, and that a puncture does not qualify as a bite. DC Wade Labrecque was a K-9 handler for the Burlington Police Department for seven (7) years prior to his current role and informed the Committee on different types of dog bites, stating that police dogs are trained to bite in and hold as opposed to tear, and if it breaks the skin, it is a bite.
13. Ms. Wheeler indicated that she has taken some actions to improve Moose's behavior and to exercise better control over him:
- a. Ms. Wheeler had installed an electric garage door open to be able to close the garage door more quickly to prevent Moose from escaping;
 - b. Ms. Wheeler has been socializing Moose with a police emotional support dog in St. Albans to work on his social skills;
 - c. Ms. Wheeler has employed the use of an electric collar on Moose when he is outside; and

- d. Ms.Wheeler has employed the services of a trainer to work with Moose.
14. The Wheelers do not have a fenced yard, and the Committee heard no information about plans or ability to put one in. Ms.Wheeler stated that a fence was not needed because of the electric collar. Moose does run down to the edge of the Wheeler property to chase squirrels. He was also allowed by the Wheelers to run to the home of one neighbor because she liked him and would give him treats, but that neighbor has since passed away. Ms.Wheeler told the Committee that Moose has had past trauma with a muzzle and that they cannot muzzle him for that reason.
15. In addition to interactions with Moose, several Neighbors informed the Committee of the atmosphere that has been created in the neighborhood since Moose's arrival. Mx. Mulvaney-Stanak informed the Committee that their young child is afraid to go to the area of the street where Moose lives, and that the neighborhood does not currently feel safe with Moose in the vicinity. Jennifer Moore informed the Committee that she has owned reactive dogs in the past and that many steps can be taken to manage reactivity, including muzzling and a fenced yard, and that those steps have not been taken by the Wheelers. Mr. Weinhagen stated that the Neighborhood is one in which people, kids, and pets walk on the sidewalks in front of each other's homes, and that Moose is not suited to have this activity going on regularly in front of his territory.

III. CONCLUSIONS

16. Moose is a mixed breed male canine and is therefore a dog within the meaning of BCO 5-13(b). Accordingly, his care and keeping is subject to all of the requirements as enumerated by Burlington City Ordinance related to dog ownership in the City, including but not limited to proper licensing, vaccination, and compliance with the City's prohibition on dogs at-large. See BCO 5-15; 14.
17. Upon receiving a written complaint by the Neighbors that Moose is vicious, the Committee properly scheduled a hearing on the facts of such complaint to determine whether or not Moose is in fact a vicious dog as defined by BCO 5-13(e). See BCO 5-27(b). A dog is vicious if it attacks or bites a person or other domestic pet while the dog is off the premises of the owner or keeper, and the person or pet attacked or bitten requires medical attention. BCO 5-13(e).
18. One of the dogfights in particular requires the Committee to conclude that Moose is vicious. That is the dogfight involving the Alois's dog, Hugo, on December 13, 2023, which resulted in a vet visit, shaving of the affected area, and a course of antibiotics. This occurred on the street and off of the Wheeler property. Further, the Committee concludes that the four (4) puncture marks inflicted by Moose on Hugo qualify as a bite within the meaning of the Ordinance and is not persuaded by the purported muscle tear distinction.
19. Additionally, the Committee heard extensive testimony from the animal control officers and the Neighbors regarding a pattern of aggressive, intimidating, and at times, violent behavior of Moose over an approximately one-year period. As detailed above, this included instances of barking, charging, being at-large on the street, sidewalk, and at least on one occasion, on a

neighbor's doorstep. This also included at least two dogfights and one unconfirmed instance of a bite of a person. The Committee takes note of Moose's concerning behavior over this timeline and finds credible the Neighbor's statements that the neighborhood does not feel safe with Moose's presence.

20. Upon a conclusion that a dog is vicious, the Committee is empowered to make an order concerning the dog necessary to protect the public. *See* BCO 5-27(b). "Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted." *Id.*
21. The Committee seeks to make such an order only as stringent as necessary to protect the public. The Committee heard credible information about the multiple opportunities the Owner has had to address the issues with Moose. The Owner was put on notice twice by warning and then citation by the Police Department regarding having the dog at large; yet, the dog continued to be off leash and at large on many occasions thereafter.
22. Further, the Owner has taken some steps to address Moose's unsafe behavior, including engaging the services of a trainer, attempting to socialize him, and use of further restraint measures through the garage door and an electric collar. However, even after these measures were employed, Moose was still able to inflict a bite on another dog that required vet attention. Despite these efforts, Moose's behavior is still unacceptable in a residential setting.
23. In terms of more strict options for physical containment outlined in the Ordinance, which the Committee would ordinarily consider, the Owner has already indicated that muzzling is not an option for Moose and fencing is not able to be considered. Even if these options could be employed, the Committee is not confident they would be sufficient to protect the public given Moose's temperament and history, as well as the dense nature of the neighborhood. The Committee is sympathetic to the challenges that come with owning a dog with a past history of abuse. However and unfortunately, given the repeated and serious nature of the incidents and the remaining options available, the Committee concludes that removing Moose from the Wheeler residence is necessary to protect the public and that no other less severe measure will be sufficient.

ORDER

24. Accordingly, the Committee makes the following order pursuant to BCO 5-27:
 - a. The Owner must rehome Moose from the Wheeler residence on Roseade Parkway within thirty (30) days of the date of this order; and
 - b. Moose must be relocated to a home or facility that can adequately manage his behavioral needs. At a minimum, such location must be able to securely contain Moose such that he cannot roam off of the premises of home or facility; and

- c. The Burlington Police animal control officer(s) is directed to offer support to the Wheelers in rehoming Moose, including suggesting or contacting humane societies, rescues, or individuals known to the officer(s) to be capable of providing assistance in rehoming Moose; however, ultimately, it is up to the Owner to find an appropriate future home for Moose; and,
- d. The City Clerk is directed to revoke Diane Wheeler's licensure of Moose to be effective thirty (30) days from the date of this order. The Clerk's Office shall send notice to Diane Wheeler of such revocation. The City Clerk may not grant any new privilege to license Moose to Diane Wheeler or Carol Wheeler; and
- e. During the thirty (30) day rehoming period, the following precautions must be taken regarding Moose's care and keeping:
 - i. Moose must be contained to the Wheeler property at all times when in the area of Roseade Parkway. Moose shall not be walked, exercised, or otherwise taken off of the Wheeler property in the area of Roseade Parkway or surrounding streets. Moose is permitted to be transported by secure vehicle to a secluded area for purposes of being exercised and must remain on a leash or lead at all times.
 - ii. While outside of the home on the Wheeler property, Moose must be under direct supervision of a capable adult and on a leash or lead. This requirement applies anytime Moose is in the yard, curtilage, porch, deck, patio, open garage, or any other non-secure space adjacent to the Wheeler home. An electric collar is not a sufficient replacement for this requirement.

-Signature page follows-

Dated at Burlington, Vermont this 13th day of March, 2024.

IT IS SO ORDERED.

/s/ Shakuntala Rao*

Shakuntala Rao, Chair
Animal Control Committee
Burlington Police Commission
Duly Authorized

*electronically signed by Assistant City Attorney Hayley McClenahan with permission of Shakuntala Rao

**Failure to abide by this Order is a violation of BCO 5-27(d) and is punishable by a fine of up to five-hundred dollars (\$500.00). You have a right to appeal this Order to the Chittenden Superior Court pursuant to Vermont Rule of Civil Procedure 75 within thirty (30) days of the date of this Order.

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION

IN RE: DIANE WHEELER

DOCKET NO. 24-CV-01384

STIPULATION AND ORDER

NOW COME the Parties, Diane Wheeler, Appellant, and City of Burlington, jointly, and hereby agree and enter the following stipulation in furtherance and support of resolution of the above-captioned matter and respectfully request this Honorable Court to so order:

I. STIPULATION

WHEREAS Appellant has dismissed her appeal of the Burlington City Animal Control Committee Order of March 2024, ordering her to rehome her dog ‘Moose’ on certain terms and conditions, and the Committee Order is now in full force and final effect; and

WHEREAS the Committee Order requires Appellant to rehome ‘Moose’ to a home or facility that can adequately manage his behavioral needs, including at a minimum that the home or facility be sufficient to keep the dog from roaming off of the premises; and

WHEREAS the Committee Order further revoked the licensure of the dog to Appellant or her mother and the privilege of licensing the dog in the future, where such licensure is required by Burlington City Ordinance to lawfully own or keep a dog in the City; and

WHEREAS Appellant’s dog ‘Moose’ is presently impounded at Pinebrook Kennels in Milton, VT (as the kennel in Highgate Center, VT previously indicated by the City as the designated city pound became unable to accept the dog), acting as the city pound, pursuant to the City’s authority according to Burlington City Ordinance 5-25 and in accordance and compliance with this Court’s order; and

WHEREAS this Honorable Court has ordered that the dog remain in the City’s impoundment until and unless such time that Appellant is in compliance with the Committee Order; and

WHEREAS Appellant has proposed a plan for the dog’s rehoming in compliance with the Committee Order and the City agrees that the plan, subject to and as more particularly stated below, meets the requirements of the Committee Order.

NOW THEREFORE it is agreed by the Parties, that the dog ‘Moose’ shall be released from the City’s impoundment according to and on the following terms and conditions, and upon approval and order of this Honorable Court:

1. The dog ‘Moose’ shall be released from impoundment to the care, custody, and management of Mr. and Mrs. Deborah Lessor, Appellant’s sister and her husband, on the following terms:

- a. Mr. and/or Mrs. Lessor shall retrieve the dog from Pinebrook Kennels located at 524 Lake Rd, Milton, VT during the Kennel's regular business hours. It is the responsibility of the Lessors to coordinate a time with the Kennel for retrieval of the dog. The dog shall be transported in a secure vehicle by the Lessors to the Lessor home in the New North End of Burlington, VT. The dog shall be muzzled during transport and leashed prior to entering and exiting the vehicle. The Lessors or Appellant shall provide sufficient proof to the City of procurement of equipment necessary to comply with these requirements prior to release, at a minimum, securely fitting muzzle, prong collar, and sturdy leash.
 - b. Prior to retrieval, the Lessors shall obtain a dog license for 'Moose' from the Burlington City Clerk. The dog shall not be released prior to it being licensed and meeting all requirements thereto.
 - c. Appellant shall also pay all applicable boarding and impoundment fees directly to Pinebrook Kennel. The fees shall be as enumerated in Burlington City Ordinance for the first five days of the dog's impoundment - \$75 for the impoundment and \$10 per day for boarding, for a total of \$125 for the first five days. *See* BCO 5-25(b)-(c). After the fifth day, given that pursuant to BCO 5-25(f) the City would then be authorized to sell or give away the dog, Appellant shall be responsible for the Kennel's advertised daily boarding rate of \$50 per day. Appellant shall also be responsible for any incidental fees. The City shall be responsible for any balance due to the Kennel above \$125 plus \$50 per day starting on day six of impoundment (and any incidental fees).
 - d. The dog shall be kept at the Lessor home under the direct control and management of Mr. and Mrs. Lessor. Any time the dog is outside on the Lessor property, it shall be attached the steel lead installed on the porch by prong collar and shall be muzzled at all times. The dog shall not be left outside unsupervised. Children that are not part of the Lessor household shall not be permitted on the premises while the dog is being kept at the Lessor home.
 - e. If the dog is to be walked, it shall be muzzled and leashed with a prong collar. It shall be under the control of Mr. or Mrs. Lessor at all times. The Lessors shall take great care to avoid other dogs and people while walking the dog.
 - f. The dog shall not leave the Lessor property unless to be walked as described in (e) or to receive veterinary care under the conditions of transport outlined in (a). If the Lessors are traveling or otherwise unable to provide daily care, control, and management of the dog, they shall make arrangements for his boarding at Pinebrook Kennel or other boarding facility to be approved the City. In home dog-sitting or other informal care arrangement shall not be an acceptable substitute for this requirement.
2. The conditions in §1 shall be in effect until on or about November 10, 2024, when the dog is to enter into a fulltime residential board and train program. The dog has been pre-accepted and enrolled into a four week residential program at MotoDog in East Montpelier, VT. The dog shall be transported to the training facility by the Lessors under the conditions outlined in §1(a). The Lessors and Appellant shall fully comply with all recommendations and requirements of the program, including any follow-up requirements. The dog shall not leave the facility prior to the conclusion of the program unless recommended by the trainer and approved by the City. If for any reason the dog does not enter the program as currently anticipated, the conditions outlined in

§1 shall remain in effect until alternative arrangements acceptable to and approved by the City can be made.

3. At the conclusion of the four week program, the dog shall be returned to the Lessors for transport as outlined in §1(a) to their home for continued care, control, and management as outlined in §1. If the dog is to be returned to Appellant or the conditions in §1 are otherwise modified, Appellant must first provide proof satisfactory to the City that the arrangements for the keeping of Moose comply with the Committee Order. This may include photos of the premises, a site visit, interview of concerned persons, or any other reasonable method by which the City may verify the appropriateness of the home or facility for compliance with the Committee Order.
4. If Appellant or the Lessors fail to comply with the conditions enumerated herein, fail to comply with the Committee's Order, or otherwise violate any provision of BCO Chapter 5: Animals and Fowl, the City may impound the dog pursuant BCO 5-25 without further order of this Court. The City may further take all actions by which it is so empowered pursuant to its ordinance, including disposing of the dog as unredeemed pursuant to BCO 5-25(f).

-signature page follows-

IN WITNESS WHEREOF, this Stipulation is executed as of the day and date below written by the City.

DATED at St. Albans, Vermont, this 17 day of October 2024.

APPELLANT

/s/ Ronald Veino
Witness

By: /s/ Diane C. Wheeler
Diane Wheeler, Esq.

DATED at _____, Vermont, this _____ day of October 2024.

INTERESTED PARTY

/s/ Patricia DeVarney
Witness

By: /s/ Deborah W Lessor
Deborah Lessor

DATED at Burlington, Vermont, this 17 day of October 2024.

CITY OF BURLINGTON

CM #282
Witness

By: Chief #387
Jon Murad
Chief of Police
Duly Authorized

Approved as to Form:

H.I. McClenahan
Hayley I. McClenahan, Esq.
Assistant City Attorney

II. ORDER

IT IS SO ORDERED.

DATED at Burlington, Vermont, this 17th day of October 2024.

A handwritten signature in black ink, appearing to read "S. Hoar", is written over a horizontal line.

Samuel Hoar, Jr.
Superior Court Judge

VERMONT SUPERIOR COURT
Chittenden Unit
175 Main Street
Burlington VT 05401
802-863-3467
www.vermontjudiciary.org



CIVIL DIVISION
Case No. 24-CV-01384

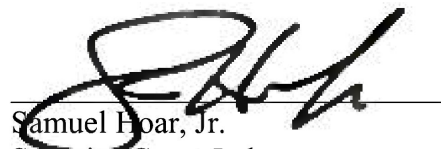
In re: Diane Wheeler

ENTRY REGARDING MOTION

Title: Motion to Modify Court Order - 2ND EMERGENCY (Motion: 6)
Filer: Diane C Wheeler
Filed Date: December 19, 2024

The motion is GRANTED IN PART. The court remands this matter to the Burlington Animal Control Committee for a determination of whether grounds to reopen this matter exist, and if so, to consider any new evidence presented by the parties as to whether circumstances have changed such that the conditions previously ordered as necessary to protect the public should be modified. The committee shall have plenary authority to vacate, modify, reaffirm or otherwise act on its prior orders and the orders of this court with respect to the dog, "Moose." Pending decision of the Committee, all orders of this court shall remain in full force in effect.

Electronically signed pursuant to V.R.E.F. 9(d): 1/3/2025 1:21 PM



Samuel Hoar, Jr.
Superior Court Judge