

Governor's Commission on The Humane Treatment of Animals
Monthly Meeting Minutes
February 9, 2022

Call To Order

- Having achieved a quorum (8), the regular monthly meeting of the Governor's Commission on The Humane Treatment of Animals was called to order at 1:05pm by Co-Chairs Dr. Jeri Zezula and Jennifer Eber.

Roll Call

Commissioners Present

- Jozi Best – NH Farm Bureau
- Marga Coulp – General Public
- Jennifer Eber – Co-Chair, General Public
- Kurt Ehrenburg – Humane Society of The United States
- Heather Faria – NH Federation of Humane Organizations
- Shelia Johannsen – Animal Control Officers Association of NH
- Chief Dean Rondeau – NH Police Chief's Association
- Tom Seymour – Secretary, General Public
- Steven Sprowl – SPCA Humane Cruelty Investigator
- Dr. Jeri Zezula – Co-Chair, General Public

Commissioners Absent

- Senator Jeb Bradley – NH State Senator
- Cynthia Collins – General Public
- Representative Barbara Comtois – NH State Representative
- George Cook – Dog Owners of The Granite State & NH Musher's Association
- Dr. Steve Crawford – NH State Veterinarian
- Thomas DeRosa – General Public
- Elaina Enzien – UNH Cooperative Extension
- Patricia Morris – NH Equine Association
- Wendy Munroe – NH Veterinarian Technician's Association
- Dr. Jane Barlow-Roy – NH Veterinary Medical Association
- Sheriff William Wright – NH Sheriff's Association

Public Present

- Christine Falbe
- Catherine Falbe

Review and Approval of Meeting Minutes

- During the review of the meeting minutes from January 20, 2022, Jozi Best requested a revision to clarify a statement where she was misquoted. Chief Rondeau motioned to accept the minutes as amended. Jozi Best seconded the motion. The motion passed by unanimous vote.

Old Business

Subcommittee Updates

- *Subcommittee 1 (Data/Laws)*: Dr. Zezula asked Heather Faria, Subcommittee Chair, if the committee would want to be looking for more specific data, perhaps geographically based? Heather indicated the Subcommittee would prefer to put special requests on hold until all survey data was received.

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- *Subcommittee 2 (New Legislation)*: Kurt Ehrenburg said he had spoken with Senator Bradley regarding recent discussions on the possible addition of starvation to existing legislation. Senator Bradley felt that starvation was implied in existing legislation.
- *Subcommittee 3 (ACO Reporting)*: Jennifer Eber reported that Wendy Munroe is looking to see if a new survey to the Chiefs of Police could clarify the number and role of ACOs. Wendy has reached out to Sheila Johannsen and Sheriff Wright and was able to find out background information on ACOs. All agreed that current laws affecting NH ACOs should be reviewed first.
- *Subcommittee 4 (Training)*: This Subcommittee has yet to meet.
- *Subcommittee 5 (Legislation Tracking)*: Please refer to "Legislative Update" under New Business, below...

Right to Know Request for Cost of Care Information

- Jennifer Eber had requested information pertaining to Cost-of-Care applications submitted to the Department of Agriculture. Dr. Crawford provided one application for review. Jennifer will share the actual cost of care information in more detail after she works with Dr. Crawford to obtain a more complete production of applications. Jennifer offered to share the information obtained to date with anyone requesting it. Steve Sprowl asked where the application form might be found should one need to fill one out. Dr. Zezula said they may be found on this Commission's Resource website as well as the Department of Agriculture's website.

Correspondence with Governor's Office

- Jennifer Eber advised that Jonathan Melanson, the Governor's Liaison, has asked this Commission to hold back on taking any position on HB1077 (Renting or Leasing to Pet Owners). Kurt Ehrenburg updated this Commission with news that he believed that this bill was designated as Inexpedient to Legislate (ITL) and will not be moving forward.

Commission Meeting Space Updates

- Jennifer Eber informed this Commission that NH Department of Safety needs the conference room that we use for a special training session with NH State Police on April 13th and that the room is not available for any dates in April. We need to find another location to meet for the April meeting. Kurt Ehrenburg asked if the Legislative Office Building was available? Jennifer said she could inquire, but did not know if the space was yet available.. Jennifer asked Jozi Best if the previous offer of space at the Farm Bureau is still available. Jozi will check ASAP and let Jennifer know. Chief Rondeau reminded the Commission that Sheriff Wright had earlier offered use of his conference room at the Belknap County Sheriff's Department in Laconia. Chief Rondeau also offered his conference room at the Life/Safety Building in Wolfeboro and reserved the room during this conversation for our use if nothing else worked out. Jennifer Eber suggested that the space at the NH Farm Bureau might be the best option as it is in Concord, which is centrally located for most Commission members.

New Business

Legislative Update

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- HB1340 (Definition of Domestic Violence): This Commission previously voted to monitor the legislation. However, it was learned today that the legislation was designated as ITL and will not progress further.
- HB 1226 (Prohibiting Declawing of Cats) This Commission also previously voted to monitor this legislation, but it was designated as ITL and will not be moving forward. Kurt Ehrenburg reported that the possible criminal penalties for veterinarians was a major sticking point.
- HB 1433 (Penalties for Poisoning of Dogs): This Commission previously voted to support this legislation. Dr. Zezula spoke the committee. That committee just received the criminal code book, and the committee chair was in the process of educating the rest of the committee in the subject matter. Dr. Zezula said she had push back with odd and extreme examples. Jozi Best asked if this bill only addresses proven intentional conduct? Chief Rondeau said that mens rea (the intention or knowledge of wrongdoing) versus negligence must be distinguished. Dr. Zezula said recklessness might be added. The committee is still reviewing, and a vote has not been taken. Jozi Best asked about the position on rat poison. Dr. Zezula confirmed that rat poison was still exempt.
- HB 1186 (Companion Animals During States of Emergency): Kurt Ehrenburg told this Commission that the committee is working on language to permit "reasonable" accommodations. With multiple questions asked, it was reaffirmed that the legislation requires the provision of accommodations for companion animals by the designated (human) emergency shelter during a declared state of emergency. There was discussion that while the law references DART vans, these vans are not equipped to handle. The Commission agreed to wait for the proposal to take shape before we review its current position of monitoring.
- SB 368 (Animal Vending Licensing): Chief Rondeau explained to the Commission that police may be required to take animals but questions if smaller townships have resources or capacity to handle the seizure. He further explained that taking such actions may well require funds that smaller municipalities do not have or can afford. There was discussion on whether fines would solve the issue and the resources available to police to help with seizure. This Commission had elected to monitor this legislation.
- All other legislation on this Commission's watch list is still in Committee.

Law Enforcement Survey (Results to Date)

- The bar charts and comments sent to Commission members were compiled from 49 responses. As of this meeting the survey response totals have reached 53. Jennifer Eber would like to know to whom the survey was sent. Dr. Zezula was not sure but would check. Dr. Zezula then led a discussion of the survey responses thus far.
- Chief Rondeau felt there are many stumbling blocks in enhancing law enforcement's ability to respond and react to investigative requests and associated actions and recited an example where a judge struggled to understand the legislative requirements established. The Chief again asked if law enforcement agencies in the state can handle

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the actual seizure? What do law enforcement agencies do to transport, house, or care for seized animals? Jennifer Eber asked how can we use the data to propel change? She also asked if we should follow up with survey participants who offered to give more information and if so, what information do we want.. Chief Rondeau felt that this is what this Commission is doing at this time... identifying the lack of resources, helping to build capacity, and to education thru all law enforcement associates. Chief Rondeau revisited an earlier concern in that too many small municipalities, more rural, exhibit an avoidance of situations due to financial and physical constraints.

- Jennifer Eber wondered if we could take the survey results and use it to address deficiencies in the current system, whether through education, resources, or other identified areas..
- Jozi Best remarked that in rural areas there are more people who will take in animals and help. Jozi provided an example where horses were taken in, cared for, and rehomed by caring citizens. Jozi further suggested that legislation should not be the “go-to” in every incident. Chief Rondeau thought most community emergency plans already include such people. Dr. Zezula said each department should survey available resources and develop plans to include them. Heather Faria considers the NH Federation of Humane Organizations as a state-wide resource. Jennifer Eber asked this Commission to remain focused and submit ideas for further development. Heather Faria suggested it might be best to wait until all details and responses have been received. Steve Sprowl suggested making use of the state's county farms. Steve said they have all the required facilities with inmates provide the care. Many commissioners thought this would be a great use of resources. Steve also advised that this had been presented a few years ago as potential legislation but failed to gain the needed support. Jennifer Eber said perhaps we could get more information and discuss at a future meeting.

Reports on any Cruelty Cases

- Franklin, NH – Tom Seymour reported Police Prosecutor Andrea Muller offered a plea deal based upon recommendations by the veterinarian and Police Chief Goldstein. Mr. Douville, through his lawyer, accepted the plea deal and pled guilty to one (1) count of Class A Misdemeanor of Animal Cruelty (Max penalty of two (2) years in jail and \$2,000 fine). The plea deal states, with agreement and a guilty plea, that a second animal cruelty charge will be nol prossed. Six (6) month jail sentence suspended (due to no prior history of animal cruelty) with good behavior for two (2) years, ongoing appropriate animal care for the dogs (including veterinarian examinations at least once a year), keeping up on required vaccinations (rabies, etc.), registering the dogs with the city of Franklin, and restitution of all shelter fees to be made through Merrimack County Compensation Program. Compensation will require, at a minimum, \$100 each month until the total of \$4,090 is paid (41 months).

Issue of Standard to Alter Companion Animal Provisions in Divorce Decree

- Jennifer Eber brought this forward at the request of an affected citizen, Christine Falbe. Jennifer said NH law allows divorce decrees to be modified based on a change in circumstances only with regard to certain areas such as alimony and child support. A divorce decree may not be modified with regard to property division unless there is showing of fraud, undue influence, deceit, misrepresentation, or mutual mistake. So any award of companion animals is considered property and thus not subject to modification

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based on change of circumstances. Christine Falbe asked the Commission to review this issue and see if it would consider backing legislation to address this difference in standards of review. Jennifer has consulted with Trish Morris on this issue. Jennifer asked if the Commission would consider taking a position to consider reviewing legislation governing the modification of divorce decrees regarding the standard to review provision on companion animals?

- Christine Falbe detailed her personal circumstance and said the dog surrendered due to her divorce decree was being exposed to cruel environment, but the presiding judge says his hands are tied by the restrictions of the applicable laws. Chief Rondeau agreed the law should change and it is a legislative fix. Where divorce decrees are civil, existing criminal laws are not applicable. Chief Rondeau however said that there is still criminal laws that should protect the animal. Chief Rondeau questioned if Sen Bradley might be able to intervene. Christine Falbe said her ex-husband has failed to provide adequate medical care for the dog. Christine further said her ex-husband also obtained another dog that has turned out to be aggressive towards smaller, formally shared, dog.
- Steve Sprowl asked if the divorce decree outweighed criminal law. Chief Rondeau indicated that it did not and there may an opening to pursue under animal cruelty laws. Chief Rondeau further offered to discuss with Christine Falbe's attorney tomorrow. Jozi Best asked if there were vet records of the injuries suffered by the dog? Christine Falbe said there were and that there have been several recorded incidents. Catherine Falbe (Christine's mother) said she was worried that the dog will suffer the worst possible outcome without intervention of some kind. The Commissioners agreed that legislative amendment would provide future relief but would do much to relieve the immediate situation. Jennifer Eber said amending the legislation is an option, but it is a long term solution..
- Jennifer Eber asked once more if the Commissioners wanted to support legislative change. Jennifer also noted that the Commission would need to gain authorization from the Governor's Office. The Commissioners verbally agreed. Accordingly, Steve Sprowl motioned that this Commission formally take a supporting position for the legislation amending of the modification of divorce decree regarding companion animals, with authorization from the Governor's Office. Shelia Johannsen seconded the motion. The motion passed unanimously. RSA 458-a was offered as a reference.

Website Update

- Dr. Zezula reminded the Commission that the state is standardizing its websites. The Commission's website (<https://www.humane.nh.gov>) has public resources, and education links. She advised that some referenced resources would be moving to the NH Police Standards and Training Council's website (<https://www.pstc.nh.gov>). The veterinarian resource references would be moving to the NH Veterinary Medical Association website (<https://www.nhvma.com>). Dr. Zezula said much information was hosted on her personal servers and needed to be relocated to public sources. Jennifer Eber asked if as many links and resources as possible could be included on the Commission website.

Comments from Members/Guests

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- No additional comments were presented.

Adjournment

- With no further business to conduct, Jozi Best motioned to adjourn. Chief Rondeau seconded the motion. The motion passed unanimously. Co-Chairs Dr. Jeri Zezula and Jennifer Eber adjourned the meeting at 2:52pm.

Next Meeting

- Date/Time: March 9, 2022, 1:00pm to 3:00pm pm
- Location: Second-floor conference room at the NH State Department of Safety (33 Hazen Drive, Concord, NH).