

ONEIDA JUDICIARY
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TRIAL COURT

**Oneida Nation / Oneida Police Department,
Petitioners**

**Case No: 23-CT-065
23-CT-066
23-CT-067**
Date: November 7, 2023

v.

**Screen M. Frion,
Defendant**

FINAL ORDER

This case has come before the Oneida Trial Court, the Honorable John E. Powless, III presiding.

Appearing In-person: Petitioners' Attorney, Krystal L. John, Defendant, Screen M. Frion.

Background

In accordance with the Oneida Nation Domestic Animals Law, Defendant was issued 304.6-6, Failure to Comply with Ordered Quarantine, 304.6-4, Animal Running at Large, and 304.6-3, Exceeding Limit of Allowed Animals. All alleged violations are first offenses. The alleged violations are the result of incidents that occurred on June 5, 2023, and June 16, 2023. On September 21, 2023, a pre-trial hearing was held, at which time, the parties met to discuss a stipulation and agreement, but the parties did not reach an agreement. Instead, Defendant contested each citation, and the Court ordered a scheduling order and set a trial for November 3, 2023.

Principles of Law

Title 3. Oneida Judiciary – Chapter 304: Domestic Animals

304.6. Dogs and Cats

304.6-6. *Failure to Comply with Ordered Quarantine.* The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.

(a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

- (1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.
- (2) Ensure all information provided is correct.
- (3) Contact the Environmental, Health, Safety, and Land Division to provide notification of the domestic animal bite.
- (4) If the cat or dog has current rabies vaccinations, order the owner to:

- (A) Quarantine the animal for ten (10) days; and
 - (B) Present the animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day.
- (5) If the cat or dog does not have current rabies vaccination, order the owner to:
- (A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day; or
 - (B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.
- (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine.
- (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:
- (1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.
 - (2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.

304.6-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

- (a) A stray dog or cat running at large may be referred to the Oneida Police Department or Oneida Conservation Department.
- (b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat running at large, the officer and/or warden shall, if possible, pick up and impound such animal.
- (c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

304.6-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2) dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single residential household.

(a) Exception. The limit on the number of dogs and cats a person may keep or possess does not apply to a person who:

- (1) is eligible for any grandfather provisions included in this law's adopting resolution;
- (2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period not exceeding five (5) months from birth;
- (3) resides on property zoned agricultural; and/or
- (4) obtains a permit for the additional dog or cat.

(b) Permit for Additional Dogs or Cats. A person may keep more than two (2) dogs or three cats (3) in a single residential household if the owner obtains a permit from the Environmental, Health, Safety, and Land Division for the additional animal. The application for the permit must be signed by the owner and contain the signature of the homeowner of the residential household if the homeowner is not the applicant.

(1) By seeking a permit for an additional dog or cat the owner agrees that he or she shall reduce the number of licensed dogs or cats on the premises if there are two (2) or more nuisance complaints against the residential household within one (1) calendar year caused by, or related to, the number of dogs or cats housed on the premises.

(2) If two (2) or more nuisance complaints are received against the residential household due to the number of dogs or cats housed on the premises, the owner shall reduce the number of animals within thirty (30) days.

Analysis

304.6-6, Failure to Comply with Ordered Quarantine, 1st Offense

In accordance with 304.6-6, upon a domesticated animal biting another animal or human, it is the dog owner's responsibility to notify the Oneida Police Department (OPD) of such bite. The responding OPD Officer is responsible for verifying the domestic animal is current with licensing requirements and vaccinations. It is also the responsibility of the Officer to contact the Oneida Environmental, Health, Safety, Land, and Agriculture Division (OEHSLAD) to provide notice of the domestic animal bite. This law also identifies procedures the dog owner is responsible for regardless of whether the dog owner provide proof of current vaccinations or not. In any event, the owner is required to quarantine the domestic animal for ten (10) days, present the animal for examination by a veterinarian within twenty-four (24) hours from the bite, on the tenth day of quarantine, and on one (1) day between the first and last day of the ten (10) day quarantine, totaling three (3) examinations within a ten (10) day period.

Here, on June 5, 2023, OPD was dispatched to an animal bite complaint, where it was alleged, a child was bit by two separate dogs, a white pug, named Babygirl, and a blonde terrier mix named Buddy. The Defendant did not deny that she is the owner of both dogs. Defendant also emailed the OPD Officer a copy of Babygirl and Buddy's animal medical history showing they both

received their vaccinations on June 20, 2020. According to the OPD Officer, the dog vaccinations are valid for three (3) years. Therefore, both dogs were current with vaccinations until June 20, 2023. Next, OPD Officer reviewed the Animal Bite Form with Defendant, identifying it is her responsibility to comply with quarantine requirements outlined in 304.6-6. On June 16, 2023, an OPD Officer followed up with Defendant's required quarantine compliance. The Officers initial inquiry was unsuccessful in contacting Defendant, but a second attempt resulted in the OPD Officer speaking with Defendant's husband, Jonathan E. Frion. Jonathan notified the OPD Officer that Defendant was home but did not want to speak to the Officer. The Officer asked Jonathan if they completed the Animal Bite Form, he responded, no. Jonathan also stated neither dog was taken to see a veterinarian. Defendant eventually talked to the OPD Officer, stating she did not take the dogs to the veterinarian because she did not have the money. The Officer asked Defendant if she inquired about payment options, she said she did not. At Trial, Defendant reiterated she did not comply with the Animal Bite Form requirements because she did not have the money to take the dogs to see a veterinarian, as outlined in the law. In conclusion, the OPD Officer complied with his responsibilities outlined in the law, but Defendant did not. As a result, Plaintiff proved by clear and convincing evidence that Defendant did not comply with an ordered quarantine. Therefore, the Court finds Defendant guilty of Failure to Comply with an Ordered Quarantine, 1st Offense and shall order in favor of Plaintiffs, Defendant to pay \$150.00 fine and \$25.00 court costs.

304.6-4, Animal Running at Large, 1st Offense

Pursuant to 304.6-4, domestic animals shall not run at large outside of owner's premise. A stray dog running at large may be referred to the OPD. In this case, it was reported that on June 16, 2023, a small dog ran up to Kiley J. Nolan and bit her leg while walking on Metoxen Lane. Defendant admitted to this violation at the trial on November 3, 2023. As a result of the admission, the Court finds Defendant guilty of Animal Running at Large, 1st Offense and shall order in favor of Plaintiffs, Defendant to pay \$75.00 fine and \$25.00 court costs.

306.6-3, Exceeding Limit of Allowed Animals, 1st Offense

This law allows that an individual may keep no more than two (2) dogs and three (3) cats, a total of no more than four (4) dogs and cats combined, in a single residential household. One exception that is relevant to this case is the limit on the number of dogs a person may keep or possesses unless a person obtains a permit for additional dogs. In accordance with 3 O.C. 304.6-3(b), an individual may keep more than two (2) dogs in a single household if the owner obtains a permit from the OEHLAD for additional animals. The application for permit shall be signed by the homeowner. Here, at trial, Defendant admitted to the violation, as a result, the Court finds Defendant guilty of Exceeding Limit of Allowed Animals, 1st Offense, and shall order in favor of Plaintiffs, Defendant shall pay \$125.00 fine and \$25.00 court costs.

Also at trial, the parties agreed to, and the Court granted, a thirty (30) day extension in which Defendant must provide one of the following:

1. Defendant will file her application results from the OEHLAD, which allow Defendant to maintain the current six (6) dogs at her residential household, or
2. Identify which two (2) dogs will remain at her residence and confirm that the other four (4) dogs are no longer at Defendant's residential household.

Additionally, On November 3, 2023, at 2:12 p.m., Defendant filed her approved request to keep six (6) dogs at her residence to the Court. The request was approved by the Village of Hobart. However, at no time during the hearing or in the presented stipulation for the thirty (30) days extension to provide her application results to keep her six (6) dogs at her residence, did the parties agree to any authority or jurisdiction other than OEHLAD. Defendant was required to file her approved application from the OEHLAD, that would allow her to keep her six (6) dogs at her residence, within thirty (30) days from a signed court order. As a result, Defendant has not complied with the requirement to provide her approved application results from the OEHLAD, which would allow Defendant to maintain the current six (6) dogs at her residential household. Therefore, Defendant is still required to either:

1. File her application results from the OEHLAD, which allow Defendant to maintain the current six (6) dogs at her residential household, or
2. Identify which two (2) dogs will remain at her residence and confirm that the other four (4) dogs are no longer at Defendant's residential household.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice of this hearing.
3. Defendant was issued the following citation:
 - a. 304.6-6, Failure to Comply with Ordered Quarantine, 1st Offense.
 - b. 304.6-4, Animal Running at Large, 1st Offense.
 - c. 304.6-3, Exceeding Limit of Allowed Animals, 1st Offense.
4. At the pre-trial hearing, the Defendant contested Failure to Comply with Ordered Quarantine, Animal Running at Large, and Exceeding Limit of Allowed Animals alleged violations.
 - a. As a result, the Court ordered a scheduling order and set a trial on November 3, 2023.
5. Plaintiffs proved by clear and convincing evidence that Defendant Failed to Comply with an Ordered Quarantine, 1st Offense.
 - a. As a result, the Court shall order \$150.00 fine and \$25.00 court costs.
6. At Trial, Defendant Admitted to Animal Running at Large, 1st Offense.
 - a. Therefore, the Court shall order \$75.00 fine and \$25.00 court costs.
7. At Trial, Defendant Admitted to Exceeding Limit of Allowed Animals, 1st Offense, as a result, Defendant is guilty of this violation.
 - a. As a result, the Court shall order \$125.00 and \$25.00 court costs.

- b. At Trial, the parties agreed to, and the Court granted, the following:
 - i. Defendant will file her approved request from the OEHSLAD that allows Defendant to maintain her six (6) dogs at her residential household,
 - ii. Identify which two (2) dogs will remain at Defendant's residence and confirm that the other four (4) dogs are no longer at Defendant's residential household.
- 8. The parties agree the total fine and court costs amount of \$425.00 shall be paid by **January 16, 2024, by 4:00 p.m.** to the Oneida Judiciary.

Order

The Court orders the following:

1. 23-CT-065; Defendant is GUILTY of 304.6-6, Failure to Comply with Ordered Quarantine, 1st Offense.
 - a. As a result, Defendant shall pay \$150.00 fine and \$25.00 court costs to the Oneida Judiciary by **January 16, 2024, by 4:00 p.m.**
2. 23-CT-066; Defendant ADMITTED to and therefore found GUILTY of 304.6-4, Animal Running at Large, 1st Offense.
 - a. As a result, Defendant shall pay \$75.00 fine and \$25.00 court costs to the Oneida Judiciary by **January 16, 2024, by 4:00 p.m.**
3. 23-CT-067; Defendant ADMITTED to and therefore found GUILTY of 304.6-3, Exceeding Limit of Allowed Animals, 1st Offense.
 - a. Defendant shall pay \$125.00 fine and \$25.00 court costs to the Oneida Judiciary by **January 16, 2024, by 4:00 p.m.**
 - b. The Court also APPROVED and GRANTED the following request by the parties:
 - i. Defendant shall submit proof the OEHSLAD authorizes Defendant to maintain six (6) dogs at her residential household, or
 - ii. Defendant shall identify which two (2) dogs will remain at her residence and confirm that the other four (4) dogs are no longer at Defendant's residential household.
 - iii. Either option shall be filed to the Court within thirty (30) days from this signed court order.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council this Order was signed on November 7, 2023.



John E. Powless III, Trial Court Judge