

# TOWN OF WILMINGTON VICIOUS DOG/DOMESTIC PET BITE HEARING DECISION WITH PROTECTIVE ORDER

---

In re: Bob, 4-year-old male, Weimaraner, 81-lbs, color grey

Owner/keeper of dog/domestic pet: Henry & Linda Darlington

Complainant/victim: Bevin Pennings, parent of victim EP, age 9

## INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a vicious dog/domestic pet bite complaint pursuant to 20 V.S.A. § 3546 and initiated by Bevin Pennings. The Selectboard received the complaint on 3/26/2025.
2. On March 26, 2025, public notice of this vicious dog/domestic pet bite hearing was posted in or near the town clerk's office, River Valley Market and OSEC, given to each member of the Board, Deerfield Valley News, and made available to any person upon request.
3. On March 26, 2025, notice of this vicious dog/domestic pet hearing was mailed, emailed or hand-delivered to Henry and/or Linda Darlington, owner/keeper of "Bob."
4. On March 26, 2025 notice of this vicious dog hearing was mailed, emailed or hand-delivered to Bevin Pennings.
5. Present at the hearing were the following members of the *Board*:

Tom Fitzgerald

Vince Rice

Tony Tribuno

Charlie Foster

6. During the hearing the following evidence (i.e., oral testimony, written documents, pictures, reports, etc.) were submitted to the Board:

*[insert and identify – by party and exhibit # - evidence submitted]:*

- Exhibit A; Eight (8) Photographs of injury

- Exhibit B; Wilmington Police Department Report # 25WM000571
- Exhibit C; Bevin Pennings' complaint
- Exhibit D; Vaccination Records
- Exhibit E; Town Health Officer bite form
- Exhibit F; complainant didn't submit (urgent care visit)
- Exhibit G; two additional photos from the Darlington's

## **RELEVANT EVIDENCE**

### **FINDINGS OF FACT**

Two parties met while leisurely walking on Mowing Way in Wilmington, VT. Party #1, Henry Darlington, was accompanied by his dog that was unleashed but sported a training collar whereby the animal's behavior may be modified by administering a shock via remote control, should a situation arise. The dog in question (named Bob) is a full blood Weimaraner that is approximately four years of age and has resided with party #1 for the past two years. Party #2 was Mrs. Bevin Pennings and her nine-year old daughter, E.P. who upon meeting party #1 commented on his dog and asked if he was a Weimaraner, etc. The dog made it around to the rear of party #2 and come in contact with E.P. resulting in marks on her left leg. E.P. was wearing leggings and upon their removal, abrasions to the skin were obvious to both parties. Party #2 states it was a dog bite but party #1's wife thought it appeared to be a paw mark as no puncture of the soft tissue was evident. Party #1's wife, Linda Darlington, was not present when this incident occurred.

Regardless of the method of injury sustained, E.P. was injured and required medical attention. There was no denial from either party that the dog was the cause of the injury. Party #2 sought medical attention for E.P. and will arrange follow-up visits if necessary. Party #1 produced valid rabies verification from the West Mountain Animal Hospital- rabies tag #241556 issued in December of 2024 is on file.

The complainant, Mrs. Pennings, hopes that by virtue of this hearing the dog will not threaten others and individuals may feel safe walking Mowing Way. A police report was completed as well as reporting to the Town Health Officer.

## CONCLUSIONS OF LAW

Wilmington's Animal Control Ordinance of 2010 was adopted for the purpose of protecting public health, safety, order and the resident's right to the quiet enjoyment of their property. This ordinance has been promulgated under the authority granted by the Town's Legislative Body by 20 VSA 3549, 24 VSA 2291 (10), (14 and 15), and 24 VSA Chapter 59.

Section 4-3 Running at Large: Neither dog nor wolf-hybrids shall lawfully run at large.

Section 4-4 Vicious Animals: It shall be unlawful for any dog or wolf-hybrid to attack and/or bite a person or other animal.

## DECISION

Based on the foregoing findings of fact and conclusions of law, the Selectboard finds that the bite was without provocation and, therefore, a protective order is necessary.

---

## PROTECTIVE ORDER

*[Only applicable if the legislative body decides the bite was without provocation. Check all that apply.]*

Based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), the Selectboard hereby orders that the dog/domestic pet named Bob owned/kept by Henry and Linda Darlington is to be (check all that apply):

- ☐ Muzzled: [insert where, when, duration]
- ☒ Chained, tethered or leashed: when outside or unaccompanied. This shall remain in effect for the duration of ownership of said animal.
- ☐ Confined: [insert where, when, duration]
- ☐ Spayed/neutered: no later than [insert deadline date]
- ☐ Transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home: no later than [insert deadline date]
- ☐ Disposed of in a humane way: no later than [insert date]

☐

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Failure to comply fully with the conditions set forth in this order shall subject the dog/domestic pet's owner/keeper to the penalties provided for in Title 20 Section 3546.

This decision/order was approved by the Selectboard on April 15, 2025.



Chair or Vice Chair's Signature

Thomas Fitzgerald

*NOTICE: This decision may be appealed to the Vermont Superior Court Civil Division within 30 days of the date of this decision, pursuant to Rule 75(c) of the Vermont Rules of Civil Procedure.*



















# WILMINGTON POLICE DEPARTMENT INVESTIGATIVE REPORT

**CASE #:** 25WM000571

**OFFICER:** Chief Matt Murano

**INCIDENT:** Dog Bite

**DATE/TIME COMPLAINT RECEIVED:** 3/19/2025 1230 hrs

**DATE/TIME OF INCIDENT:** 3/18/2025 1830 hrs

**COMPLAINANT:** Bevin Pennings DOB:04/16/1981  
401 Luther Rd  
Harrisburg, PA 17111  
914-805-1645

**VICTIM:** E. P. 9 year old

**DOG OWNER:** Henry Darlington DOB: 5/14/1963  
PO Box 82  
82 Mowing Way  
Wilmington, VT 05363  
802-464-8121  
802-780-8384

Linda Darlington DOB:10/30/1967  
PO Box 82  
82 Mowing Way  
Wilmington, VT 05363  
802-464-8121  
802-384-0004 cell

DOG: "Bob" 4 year old male, Weimaraner, 81 lbs.  
Rabies Expires: 12/12/27  
Vet Clinic: West Mountain Animal Hospital  
Wilmington Tag #: 70

Quarantine Period ten (10) days starting 3/19/25 and ending 3/29/25

**DESCRIPTION OF SCENE:** Mowing Way

**PROPERTY STOLEN:** N/A

**MODUS OPERANDI:** N/A

**TANGIBLE EVIDENCE:** Vaccination certificate (2 pages), eight digital photos

## **NARRATIVE:**

On March 19, 2025 Officer Driscoll and I responded to Mowing Way for a report of dog that had bit a child. The victim's mother, Bevin Pennings called WPD on 3/19 to report that her 9 year old daughter (victim) had been bit by a dog yesterday (3/18/25) while they were walking on Mowing Way.

## WILMINGTON POLICE DEPARTMENT INVESTIGATIVE REPORT

**CASE #:** 25WM000571

The complainant, during subsequent conversations advised me that while walking on Mowing Way a man with a dog (unleashed) approached. She told me that the dog was unleashed and was several yards ahead of the man. She told me that she asked him if it was a Weimaraner and then asked him if the dog was friendly and he responded, yes. She told me the dog immediately went around her and aggressively went after her daughter and bit her daughter on her leg. She told me that was a completely unprovoked attack on the victim by the dog. She told me that her daughter was screaming and that she was trying to get the dog away from her daughter. She described the dog as a gray Weimaraner named "bob" and that it was a large dog. She told me that the man did not even have a leash with him. I spoke with the complainant about the procedure for a dog bite and recommended that she have her daughter seen by a medical professional. Complainant told me that she had been provided a copy of the vaccination records by the dog owners and that she had sent them a photo of the injury.

Officer Driscoll and I attempted to make contact with the owners of the dog at 82 Mowing Way but did not have contact. The dog could be seen in a window of the residence. I left a business card in the door and attempted to contact Henry Darlington's cell number and left him a VM. Officer R. O'Neil was able to make contact with Linda Darlington at the residence later that evening and provided instruction on the 10 day quarantine requirement. He was also provided a two page copy of the vaccination records which have been added to this case file.

On 3/24/25 I spoke with the Complainant who advised that she had taken her daughter to an Urgent Care after speaking with me last week. She advised that the victim received treatment but it was not recommended to start the rabies treatment at that time. She told me that as the injury developed over the days following the attack that it is clearly a bite mark and that she could see the upper and lower jaw marks in victim's injury.

On 3/24/25 I spoke with Linda Darlington by phone who requested she meet with me.

On 3/25/2025 at approximately 0720 hrs L. Darlington came into the WPD to speak with me. During our conversation about the incident L. Darlington denied several times that her dog had bit the victim. She also told me that her dog is always leashed when off their property and alleged that the dog was on leash during this incident. She told me that she had seen the pictures from the victim's mother and that they were putting a "spin" on them. She told me that her dog had scratched the child. I explained that the victim and the victim's mother who had to pull her dog off the victim indicated it was a bite and not a scratch. I also explained that the victim was seen at Urgent Care for the dog bite. I explained that I had seen the photos of the injuries and that it was clearly a dog bite. I explained it was an unprovoked dog attack in a public place and that the VT Dept of Health had protocol that we follow for these incidents. I explained several times the importance of maintaining the proper (10 day) quarantine and during which the dog should not have any contact with outside animals or other pets that are indoor/outdoor. I explained that if there is concern about a rabies exposure the victim could have to start the rabies treatment. I requested that as there had been an unprovoked dog attack that they maintain their dog on a leash when in public places as we do not want a second incident to occur. I issued VCVC#4135620 for a violation of Animal Ordinance 4-4, penalty 7-4 Vicious Animal.

During my conversation with L. Darlington she was defensive and made several allegations including that it was not a bite, the victim had called the dog over, that the dog was on-leash at the time of the attack and that the complainant was putting a "spin" on the pictures. She also seemed to not understand the importance of the 10 day quarantine and stated that she knows at the end of it her dog will be fine. I had to explain several times the reason for the quarantine and the seriousness of the possibility of the victim having to start a rabies treatment if the quarantine was not complied with. L. Darlington

Quarantine (10 day) to end on the evening of 3/29/25. I will check in with the dog owner's and advise Complainant of the end result of the quarantine.

m/m

**From:** Bevin Pennings <[bevinpennings@yahoo.com](mailto:bevinpennings@yahoo.com)>  
**Sent:** Wednesday, March 26, 2025 11:11 AM  
**To:** Jessica DeFrancesco <[jdefrancesco@wilmingtonvt.us](mailto:jdefrancesco@wilmingtonvt.us)>  
**Cc:** Bevin Pennings <[wjpennings@yahoo.com](mailto:wjpennings@yahoo.com)>  
**Subject:** Select Board Hearing Request- Dog Bite/Attack 03.18.2025

Good morning,

I am writing to formally request a hearing for a dog bite incident involving my nine-year-old daughter that occurred on Tuesday, March 18th, at approximately 6:30 PM on Mowing Way. While walking with my daughter, we encountered an unleashed dog several yards ahead of its owner. Without provocation, the dog attacked my daughter, biting her on the left leg near her knee. My daughter immediately began screaming, after the dog bit her. The dog then started barking and aggressively growling at us. The owner tried to subdue his dog, and eventually gained control of the animal.

After the owner gained control of the dog, I quickly assessed my daughter, noted that her left leg was bitten. I obtained the owner's contact information, and verbal verification that the dog was vaccinated and its records were current. I brought my daughter back to where we were staying and did a more thorough evaluation of her wound, once I ensured she was safe and stable, my husband and I met the owner to secure the dog's vaccination records and exchange contact information.

The next day I attempted to verify these records with the listed veterinarian, but was unsuccessful. The veterinarian directed me to report it to animal control. Further inquiries with local authorities revealed that Wilmington does not have a dedicated animal control department, leading us to report the incident to the Wilmington Police Department.

Due to the worsening condition of my daughter's wound, we sought medical attention at an urgent care facility on Wednesday, March 19th, where a Vermont Department of Health animal bite report was completed.

Given this unprovoked attack, I respectfully request a Select Board hearing to discuss this matter. My goal is to ensure appropriate safeguards are implemented to prevent similar incidents from occurring. As I reside in Pennsylvania, I am happy to participate in the hearing remotely if necessary.

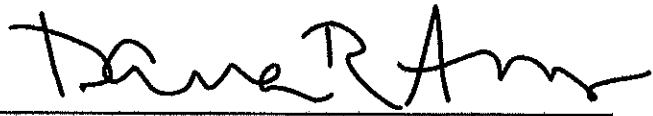
Thank you for your time and consideration.

Sincerely,

Bevin Pennings



## RABIES VACCINATION CERTIFICATE

		RABIES TAG # <b>241556</b>	
		MICROCHIP #	
Owner's Name & Address <b>Linda Darlington</b>		TELEPHONE # (802) 384-0004	
Address: PO Box 83		City, State WILMINGTON, VT	Zip: 05363
Animal Name: <b>BOB</b>		Weight: 81.4 pounds	Predominant Breed: WEIMARANER
Species: CANINE	Age: 4 Yrs. 3 Mos. Sex: Neutered	Markings:	
DATE VACCINATED: 12/12/2024	Product Name: Canine Rabies Booster 3 year	Veterinarian's Name: Dana Ames, DVM	
NEXT VACCINATION DUE BY: 12/12/2027	Manufacturer: Boehringer Imrab 3TF Killed Virus	License Number: 052.0134068 Vermont	
	Vaccine Serial (Lot) No 18628		
		Veterinarian's Signature	
		Address: WEST MOUNTAIN ANIMAL HOSPITAL 1726 Harwood Hill Bennington, VT 05201	
		Phone: (802) 447-7723	



**WEST MOUNTAIN ANIMAL HOSPITAL**

1726 Harwood Hill  
Bennington, VT 05201  
(802) 447-7723

Page 1 / 1

Linda Darlington  
PO Box 83  
WILMINGTON, VT 05363

Client ID: 14631  
Invoice #: 552902  
Date: 12/12/2024  
(802) 384-0004  
lindac802@gmail.com

Patient ID: 14631-1	Species: CANINE	Weight: 81.40 pounds
Patient Name: BOB	Breed: WEIMARANER	Birthday: 08/15/2020 Sex: Neutered

	<u>Description</u>	<u>Quantity</u>	<u>Total</u>
12/12/2024	Brief Exam	1.00	\$44.00
	Canine Rabies Booster 3 year	1.00	\$22.50
	Canine DHPP (3 year vaccine)	1.00	\$24.65
	Nail trim courtesy	1.00	\$0.00
	<b>Patient Subtotal:</b>		<b>\$91.15</b>

Instructions

Your visit today was with Dr. Dana Ames.

Your veterinary technician today was Traci.

Bob received his rabies and distemper/parvo boosters today. He did pretty well for his nail trim as well despite being a bit nervous. Let us know if any other questions or concerns come up.

Vaccine reactions are very uncommon. Should you notice swelling, vomiting, diarrhea, lethargy or discomfort please let us know. We are here to help. Do not give any medication unless you are directed to do so by a veterinarian.

Reminder

03/13/2025 Wellness Visit  
Canine Lyme Vaccine - Annual  
Canine Lepto Vaccine Annual  
4DX HW/Lyme/Ehrlichia/Anaplasmosis  
Bordetella Vaccine Annual (injectable)  
12/12/2027 Canine DHPP (3 year vaccine)  
Canine Rabies Booster 3 year

<b>Invoice Total:</b>	<b>\$91.15</b>
Total:	\$91.15
Balance Due:	\$91.15
Previous Balance:	\$0.00
Balance Due:	\$91.15
VISA Card Number: ...XXXX7303:	(\$91.15)
Less Payment:	(\$91.15)
<b>Balance Due:</b>	<b>\$0.00</b>

Thank you for choosing West Mountain Animal Hospital! We appreciate and thank you for putting your trust in us to care for your animal family. It is truly an honor.

file as H > DAVIS M. OSI



**Town Health Officer #180**  
**Animal Bite Report Form**

AFF

180

HERE

**Reporting Information**

Date of report: 03 / 25 / 25 Town: Wilmington Health Officer name: Jessica Roberts  
Work phone: ( 802 ) 464 - 8591 Alternative phone: ( ext ) 124 - \_\_\_\_\_

Person reporting bite: ☐ Health care provider ☐ Veterinarian ☐ Bite victim/parent or guardian ☒ Other  
Reporter name: Wilmington Police Dept. Facility: \_\_\_\_\_ Phone: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Bite Victim Information**

Last name: P First name: E (age 9) MI: \_\_\_\_\_  
Street address: 401 Luther Road Town: Harrisburg  
State: PA Zip: 17111 Phone: ( 914 ) 805 - 1645  
Sex: ☐ Male ☒ Female ☐ No answer Age: 9 Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Bite Information**

Date of bite: 03 / 18 / 25 Where bite occurred: Mowing Way Provoked bite? ☐ Yes ☒ No ☐ Unknown

Location of bite: ☒ Leg ☐ Head ☐ Torso ☐ Arm ☐ Hand/Finger ☐ Other: \_\_\_\_\_

Animal type: ☒ Dog ☐ Cat ☐ Cow ☐ Horse ☐ Sheep ☐ Ferret ☐ Unknown  
☐ Raccoon ☐ Skunk ☐ Bat ☐ Fox ☐ Other: \_\_\_\_\_

Animal status: ☒ Owned ☐ Stray ☐ Wild ☐ Unknown

If owned, owner's name: Henry Darlington If owned, animal's name: Bob, aged 4 Weimaraner

Street address: 82 Mowing Way (PO Box 82) Town: Wilmington

State: VT Zip: 05363 Owner telephone: ( 802 ) 464 - 8121

Animal disposition: ☒ 10-day confinement ☐ Euthanized and tested ☐ At large/unavailable ☐ Unknown

Veterinarian name: Dana Ames Facility: West Mtn Animal Hospital Phone: ( 802 ) 447 - 7723

Has the animal received a rabies vaccine in the past? ☒ Yes ☐ No ☐ Unknown

If yes, date of last rabies shot: 12 / 12 / 24 Rabies Tag #: 241556

**Describe bite scenario:**

Evening, walking on vacation skiing, rented 33 Mowing Way, walking back to lodging, saw a man several yards away and dog was loose, no leach. Asked "is your dog friendly?" and the dog darted behind mom and bit daughter on leg, barking and growling. Owner (Linda Darlington) says they asked for permission, dog got excited and barked and bit or scratched her.

**Action taken by Health Officer:**

Assured dog was being quarantined by owner (Linda), had a long talk about the importance and reasons for this, and she will call me Monday (end of 10 days) with a report of the dog's health.

**Report animal bites to the local Town Health Officer.**

**Health Officers: Please keep a completed copy of this form in your town clerk's office.**

**Direct questions to the Infectious Disease Epidemiology Program at (802) 863-7240.**

