

BEFORE THE PLANNING COMMISSION
FOR COLUMBIA COUNTY, OREGON

In the Matter of Imposing a Civil Penalty)
Against David Helander for Hestekin)
Livestock Chase and Injury, Adopting) Order No. 16-2003
Findings and Conclusions, and)
Authorizing Action)

WHEREAS, on the night of December 12, 2002, Columbia County Animal Control Officer, Shaun Barrett, was called to the house of Mark and Dana Hestekin, 29671 E. Meissner Road, Deer Island, Oregon, 97054. The Hestekins complained that one of David Helander's dogs had attacked two goats, injuring them. Mr. Hestekin reported that he had arrived home that evening and found the goats injured. He noticed that a dog was still in the goat pasture. He recognized the dog as being Mr. Helander's dog, called "Blue". Mr. Hestekin then got his gun and shot and killed the dog in the goat pasture. Shaun Barrett took photos of the dead animal, then placed the animal in his pick-up. Shaun Barrett then drove to Mr. Helander's property located at 29802 E. Meissner Road, Deer Island, Oregon, 97054. Mr. Helander said that he had come home and saw his dogs were off the chains in his yard, and he was not able to find his dog named Blue. Mr. Helander identified the dead dog as being his dog, Blue; and

WHEREAS, Shaun Barrett verified that the goats were injured by dog bites, and took photos of the animals. He then called Midway Veterinary Hospital to the Hestekin's property to treat the goats for their injuries. Midway Veterinary Hospital performed various medical services on the two injured goats for injuries that they sustained during the dog attack, and submitted a bill in the amount of \$559.25 to Columbia County Animal Control; and

WHEREAS, the after hours call out fee for the animal control officer is \$75.00; and

WHEREAS, David Helander was notified by certified mail dated February 3, 2003, that the County was required to make a determination whether the dog was engaged in killing, wounding, injuring or chasing livestock, and that he had 14 days after the date of the letter to request a hearing, or the Board would immediately take action under ORS 609.162 and ORS 609.163; and

WHEREAS, David Helander did not request a hearing within the statutory 14 day period, and is, therefore, conclusively presumed to have admitted the matter alleged pursuant to ORS 609.156; and

WHEREAS, during the public meeting on February 26, 2003, the Board of Commissioners took action under ORS 609.162 and ORS 609.163, considering the complaints and reports made regarding the alleged attacks, as well as photographs taken of the injured goats and of the deceased dog.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts the following findings of fact and conclusions of law:
 - A. The Board of Commissioners finds that on December 12, 2002, David Helander's dog, Blue, entered upon Mark and Dana Hestekin's property, and chased and injured two of the Hestekin's goats thereon.
 - B. The Board of Commissioners finds that Blue was thereafter shot and killed by Mark Hestekin.
 - C. The Board of Commissioners finds no evidence that Blue had previously chased, injured or killed livestock.
 - D. Pursuant to ORS 609.162, the Board of Commissioners finds that because Blue chased and injured the two goats, as alleged, and had not previously killed, wounded, injured or chased livestock, the Board must impose a civil penalty of not less than \$250.00 and not more than \$1000.00.
2. David Helander is hereby ordered to pay to Columbia County, a civil penalty in the amount of one thousand dollars (\$1000.00).
3. Columbia County Animal Control shall notify the State Department of Agriculture of the civil penalty assessed against David Helander as provided in ORS 609.166.

Dated this 5th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Tyson
County Counsel

By: Joe Consiglio
Chair

By: Jeta M. Bernhard
Commissioner

By: _____
Commissioner