

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Livestock)
Attack On a Pig Owned) ORDER NO. 1-2008
by Jason and Laura Yazzolino)

WHEREAS, on November 13, 2007, Animal Control Officer Roger Kaddell received a report of a livestock attack on November 12, 2007 by two dogs at 67970 Carl Road, Deer Island, Oregon where, as a result of the attack, a pig died and one of the two dogs was killed; and

WHEREAS, the Animal Control Officer investigated the reports and, based on the following information:

- Statements provided by Laura and Jason Yazzolino, owners of the killed pig;
- Statements by Karen and Mike Marble, neighbors who witnessed the attack and in response Mike Marble shot one of the attacking dogs;
- Statements by Michelle McKinney, owner of the dogs allegedly involved in the attack;
- Photographs of the pig carcass and shot dog carcass;
- Personal viewing of the pig carcass and shot dog carcass and location of the alleged attack;

the Animal Control Officer concluded that the surviving dog belonging to Michelle McKinney named "Jamie" was likely involved in the livestock attack on the Yazzolino's pig; and

WHEREAS, after being contacted by the Animal Control Officer, Ms. McKinney refused to surrender the dog to Animal Control and was therefore served an animal seizure notice under ORS 609.055 and the dog was impounded; and

WHEREAS, pursuant to ORS 609.156, Ms. McKinney was provided notice of the opportunity to request a hearing and accordingly requested a hearing on the complaint within the statutory 14 day period; and

WHEREAS, a hearing on the matter was scheduled for December 19, 2007 at the Board's regularly scheduled weekly meeting; and

WHEREAS, Ms. McKinney was provided notice of the scheduled hearing: and

WHEREAS, a hearing was opened at the Board of County Commissioners' regular meeting on December 19, 2007, where the Board received documents into a record developed in order to provide a full and fair inquiry into the facts necessary to determine the matter alleged; and

WHEREAS, at the hearing the Animal Control Officer provided a summary of his investigation to the Board, after which the hearing was opened to public testimony from Ms. McKinney and members of the public, and testimony was provided by Ms. McKinney and her attorney as well as members of the public; and

WHEREAS, at the end of the public testimony portion of the hearing, Ms. McKinney was given an opportunity to rebut testimony provided by members of the public, and in fact Ms. McKinney and her attorney did provide such rebuttal; and

WHEREAS, at the conclusion of the public testimony portion of the hearing, the Board continued the matter to December 21, 2007 at 10:00 A.M., leaving the record open until December 20, 2007 at 5:00 P.M.. for further written rebuttal testimony by Ms. McKinney; and

WHEREAS, on December 20, 2007, Ms. McKinney's attorney submitted a written request for the Board to hold the record open for written rebuttal testimony until the following day; and

WHEREAS, no further written rebuttal testimony was submitted on December 20, 2007 or December 21, 2007; and

WHEREAS, at the continued hearing on December 21, 2007 the Board deliberated on the matter;

NOW, THEREFORE, based on the testimony provided and other record evidence submitted and received, the Board of County Commissioners makes the following findings:

1. Michelle McKinney was the owner of "Jamie" on November 12, 2007, the dog impounded by the Animal Control Officer on November 13, 2007.
2. "Jamie" engaged in wounding and injuring livestock owned by Jason and Laura Yazzolino on November 12, 2007, based on testimony received at the hearing from multiple members of the public, including several eye witnesses to the event; the Animal Control Officer report; and photographic evidence submitted into the record.
3. Although testimony to the contrary was received, there is no record evidence to establish a history that "Jamie" has killed, wounded, injured or chased livestock in the past under ORS 609.162(2). The Board therefore finds that "Jamie" has not previously killed, wounded, injured or chased livestock.
4. The dog is unlicensed.

NOW, THEREFORE, IT HEREBY ORDERED as follows:

1. A \$250.00 penalty is imposed on Ms. McKinney pursuant to ORS 609.162(1)(b).

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2. Pursuant to ORS 609.055(3)(a), in addition to the \$250.00 penalty assessed, Ms. McKinney shall pay all impound costs and fees arising from the impoundment of her dog in this matter.
3. Ms. McKinney shall take specific measures, subject to approval by the Animal Control Officer, to adequately confine the dog, and provide a signed and notarized written pledge that she will prevent the dog from chasing livestock again.
4. Ms. McKinney shall obtain a license for the dog.

DATED this 2nd day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Chair

By: _____

Commissioner

By: _____

Commissioner

Approved as to form

By: _____

Office of County Counsel