

In the Matter of the Livestock Attack by)
Dogs Owned by David Hellberg) ORDER NO. 10-2014

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2014, he voluntarily surrendered his dogs, Bella and Kodiak, to the Columbia Humane Society and paid impound and boarding fees.

NOW, THEREFORE, based on Animal Control Officer's report, attached hereto as Exhibit A and incorporated herein by reference, and the above recitals, the Board of County Commissioners makes the following findings and conclusions:

1. David Hellberg, who resides at 53180 Flint Drive, Scappoose, Oregon, is the owner of Bella, brindle-colored Mastiff, and Kodiak, a Husky mix.
2. On March 27, 2014, Bella and Kodiak chased and harmed chickens on Lori Shober's property at 53131 Flint Drive, Scappoose, Oregon, in violation of ORS 609.155.
3. According to Columbia County Animal Control, Bella and Kodiak have no prior record of killing, wounding, injuring or chasing livestock.

NOW, THEREFORE, IT IS HEREBY ORDERED that Columbia County Animal Control shall release Bella and Kodiak to the Columbia Humane Society, subject to the following conditions:

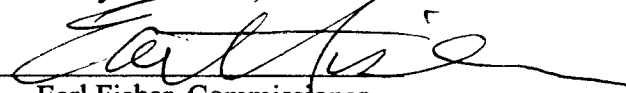
1. Pursuant to ORS 609.162(1)(b), a civil penalty of \$250.00 per dog is imposed on David Hellberg for the livestock attack carried out by Bella and Kodiak.
2. Pursuant to ORS 609.155(3)(a), in addition to the civil penalty imposed, above, David Hellberg shall pay all costs and fees arising from the impoundment of the dog, as described in the Invoice, attached hereto as Exhibit B and incorporated herein by this reference, and all boarding fees at a rate of \$15 per day for Bella and Kodiak, accruing from March 27, 2014.

DATED this 23rd day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Henry Heimuller, Commissioner

By: 
Earl Fisher, Commissioner

Approved as to form

By: 
Office of County Counsel

ORDER NO. 10-2014

CASE NUMBER	COLUMBIA COUNTY SHERIFF'S OFFICE		INVESTIGATION REPORT				EXHIBIT A		PAGE/OF 1 / 4	
	CASE NUMBER		REFER CASE NUMBER		CAD INCIDENT NUMBER 14019545		CLASSIFICATION Violation. ORS 609.155 Impound			CLR
	DATE / TIME REPORTED 3/27/2014 2:49 Pm		DATE / TIME OCCURRED (START) 03/27/2014 1:10 Pm		DATE / TIME OCCURRED (END) 03/27/2014 1:30 Pm		<input type="checkbox"/> RADIO (R) <input type="checkbox"/> S/I (S) <input checked="" type="checkbox"/> PHONE-IN (P)			
	LOCATION OF OCCURRENCE 53131 Flint Drive Scappoose Oregon 97056									
	PREMISE TYPE 100 - Dwelling, Residence						PRECINCT OF OCCURRENCE Scappoose			
ONE SENTENCE SUMMARY OF INCIDENT Neighbors dog attacked and killed Rp's chickens.										
COLUMBIA COUNTY COUNTY COUNSEL										
PERSONS BU - Business Complainant KN - Person w/Knowledge OW - Owner PF - Property Finder SB - Subject RP - Reporting Person VI - Victim WI - Witness										
COPIES <input type="checkbox"/> DET <input type="checkbox"/> CENT <input checked="" type="checkbox"/> RECORDS <input type="checkbox"/> D.A. <input type="checkbox"/> OSP <input type="checkbox"/> P & P <input type="checkbox"/> CCMH <input type="checkbox"/> JUV <input type="checkbox"/> DHS <input type="checkbox"/> SPD <input type="checkbox"/> SHPD <input type="checkbox"/> CPD <input type="checkbox"/> RPD <input type="checkbox"/> VPD <input type="checkbox"/> CCPD <input checked="" type="checkbox"/> County <input checked="" type="checkbox"/> County Counsel	CODE	NAME (Last, First Middle)				CRN	SEX	RACE	DOB	
	RP	Shober, Lori					F	W	11/15/1959	
	HOME ADDRESS				CITY	STATE	ZIP	HOME PHONE		
	53131 Flint Drive				Scappoose	Oregon	97056	503-543-3777		
	BUSINESS/SCHOOL ADDRESS					<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MSG. PHONE		MOBILE PHONE		
	CODE	NAME (Last, First Middle)				CRN	SEX	RACE	DOB	
	WI	Shober, James					M	W	07/30/1987	
	HOME ADDRESS				CITY	STATE	ZIP	HOME PHONE		
	53131 Flint Drive				Scappoose	Oregon	97056	503-543-3777		
	BUSINESS/SCHOOL ADDRESS					<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MSG. PHONE		MOBILE PHONE		
CODE	NAME (Last, First Middle)				CRN	SEX	RACE	DOB		
KN	Eyestone, Launa					F	W			
HOME ADDRESS				CITY	STATE	ZIP	HOME PHONE			
5216 N Amhurst				Portland	Oregon	97203	503-289-6085			
BUSINESS/SCHOOL ADDRESS					<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MSG. PHONE		MOBILE PHONE			
X1,X2, - X9 - SUSPECTS MI - Missing RW - Runaway DK - Drunk DE - Deceased AS - Attempt Suicide ME - Mental										
CODE	NAME (Last, First Middle)				CRN	SEX	RACE	DOB		
X1	Hellberg, David					M	W			
HOME ADDRESS				CITY	STATE	ZIP	HEIGHT	WEIGHT	HAIR	EYES
53180 Flint Drive				Scappoose	OR	97056				
AKA/MONIKER					<input type="checkbox"/> WRK PHN <input type="checkbox"/> MSG PHONE		MOBILE PHONE	HOME PHONE		
					971-400-7609		503-679-4891			
OTHER DECSRIPTION										
VEHICLE S - Stolen R - Recovered L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle										
OUTSIDE AGENCY NOTIFIED/REFERRED TO?										
PROPERTY RECEIPT NUMBER(S)										
COMPUTER ENTRY <input type="checkbox"/> Person <input type="checkbox"/> Vehicle <input type="checkbox"/> Crime/ Prop <input type="checkbox"/> Book	PROPERTY S - STOLEN L - LOST F - FOUND D - DAMAGED K - SAFEKEEPING R - RECOVERED E - EVIDENCE									
	CODE	QTY.	ITEM							
	K	2	Canines: Bella female Mastiff and Kodiak male Husky mix.							
	BRAND		MODEL / STYLE				SERIAL NUMBER		COLOR	
	ENGRAVINGS / PECULIARITIES						SIZE		VALUE	
REPORTING OFFICER(S) Roger Kadell										
DPSST		DATE		PREC / DIV		ASSN / DIST		SUPERVISOR'S SIGNATURE		
15106		03/30/2014		STS		STS				

NARRATIVE-The order of appearance for additional information will be:

ITEM 1: N/A

ITEM 2: N/A

ITEM 3: N/A

ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS - Record multiple worthless documents on a fraud supplemental form. Record in the narrative the total number of worthless documents written.

ITEM 5: N/A

ITEM 6: ADDITIONAL OFFICERS - List all officers present and identify their involvement with the incident being reported.

ITEM 7: SUMMARY - A short summary is necessary if the narrative is more than one full page in length.

ITEM 8: NARRATIVE - List in chronological order, all of the relevant details of the incident and/or elements of the crime or violation.

NARRATIVE

SUMMARY:

On 03/27/2014, two dogs belonging to Mr. Hellberg were apprehended by the Shober family as the animals were attacking and killing their chickens. Both dogs were impounded and taken to the shelter to be held pending the outcome of a complaint to the Board of Commissioners for the dogs having chased or harmed livestock. The Hellberg's family was advised of the impound and of the pending notification from the County Board on the procedure for requesting a hearing. A impound notice was also placed in the Monday March 31st outgoing mail.

NARRATIVE:

On 03/27/2014 at 3:03 Pm, I was dispatched to the address of 53131 Flint Drive Scappoose Oregon on a report that 2 dogs had been secured in a shop building after the dogs had been observed killing the callers chickens. I arrived at the address to find the property to be a rural farm outside the city limits of Scappoose with pasture areas, shop buildings, barns and a chicken coop with fencing. I then made contacted with several people who were at the location.

The victim, Lori Shober, told me that this was not the first issue she had had with the neighbors dogs over the dogs killing her chickens. That in the past when she confronted the dog owner, he had told her that unless he himself witnessed the dogs killing the chickens then it did not happen. She said that he made this statement despite the fact that one of her dead chickens was inside his dog kennel at the time. She told me that she believed his name to be Dave Hanson, but that the last time she tried to speak with him regarding the issues he told her to get off the property.

Mrs. Shober continued that yesterday they added 13 new chicken to her flock of around 6 birds. That today she was in her bedroom at around 1:10 Pm when she heard noises through the window coming from the chicken coop. That she ran outside in her bare feet to see both dogs coming out of the chicken coop chasing a black chicken towards the shop room. She told me that at the time the Mastiff dog was in the lead and ran inside the shop building after the bird. That the second dog had turned off and ran into the barn area. She told me that both dogs were chomping at the chickens as they ran after it. She told me that she began screaming at the dogs and that the second dog also ran into the shop room. She told me she then secured the shop door to contain the two dogs as numerous chickens were running around the yard area.

Mrs. Shober told me that she then went to check the chicken coop area and found one dead chicken inside and 6 others up high on the roost area. She stated that numerous chickens were now missing and that she found piles of feathers on her property outside of the chicken coop. I then took photos of the deceased chicken in the coop, the chicken coop and of the piles of feathers found outside the coop.

Mrs. Shober stated that at the time the neighbors were not home and she waited for her husband to come home to help her decide what action to take. It was then decided that she would call in and file a complaint regarding the incident.

I then secured the two dogs, a brindle colored Mastiff believed to be named Bella and a Black and brown

REPORTING OFFICER(S)

Roger Kadell

DPSST

15106

DATE

03/30/2014

PREC / DIV

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CASE
NUMBER

COPIES

- ☐ DET
☐ CENT
☐ RECORDS
☐ D.A.
☐ OSP
☐ P & P
☐ CCMH
☐ JUV
☐ DHS
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☐ SHPD
☐ CPD
☐ RPD
☐ VPD
☐ CCPD
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COMPUTER
ENTRY☐ Person

OPR

☐ Vehicle

OPR

☐ Crime/
Prop

OPR

☐ Book

OPR

PPB-SSD-GD

767 (07/28/2010)

Husky Rott believed to be named Kodiak in my animal control truck. These two dogs were the two dogs in the Rp shop building. A license registration check found that these two dogs were registered to David Hellberg at 53180 Flint Drive Scappoose Oregon. The location indicated by the Rp in this complaint.

Inside the shop building, we located a black chicken that was torn to pieces. I took photos of the deceased chicken to add to my other photos. I asked at this time if anyone else had witnessed the events and Mrs. Shober's son James Shober told me that he had.

James then told me that he had been in the living room when his mom yelled and ran out of the house. That he grabbed a gun and ran out towards the coop. That when he got outside he saw the two dogs chasing the chicken across the yard and into the shop building. That his mom secured the door to the shop with the two dogs inside. James said that he was with his mom when she found the dead chicken in the coop. James also identified the dogs as belonging to the neighbor across from them.

I then proceeded with the two dogs to the address of 53180 Flint Drive, Scappoose Oregon which was the reported dog owners location. At the location, I found Launa Eyestone and her husband caring for the Hellberg's remaining dog. Ms. Eyestone told me that the dogs owner was her son in law David Hellberg and that he was out of town so they were coming to the location to care for the home and dogs.

Ms. Eyestone told me that it appeared that the dogs had pushed out the side of the kennel and escaped. Her husband at the time was working on fixing the side panel to contain the remaining dog. I advised her of the complaint and that I had both dogs contained in my truck. I then asked her if she has seen any deceased chickens near the kennel and she told me that yes she had.

Ms. Eyestone then lead me over to the kennel area. The kennel is located to the right of the main entrance door to the property on the back side of the home. The kennel was found to be constructed of a lower gage wire and contains a well built dog house inside with bedding material. I could see several large pans of dog food inside the kennel. The back yard while mostly fenced, had a low wall area that the dogs could easily enter and exit the property.

In the back yard near the kennel, I could see and took photos of two parts of a chicken. The color configuration matched birds remaining at the Shober home. I also located and photographed a chicken foot next to the kennel as well as I took photos of the kennel. During the time I was speaking with Mrs. Eyestone, I noted that Mr. Eyestone was working on the side wall of the kennel. It appeared that the dogs had forced their way out of the kennel at this spot as the bottom was bent out.

I then explained the process for cases involving dogs having harmed and chased livestock. I advised them that the report would be sent to the board of Commissioners and that the board would send a packet of materials to the owners advising them of the procedures to request a hearing in this matter. I advised her that the dogs would need to remain in custody pending their decision. I did also advise her that in some cases a compromise agreement, if all parties can agree, can be worked out thus avoiding the long process required by the hearing process.

I then departed and transported the two dogs to the shelter where they were secured and will be cared for by the Columbia Humane Society.

On 03/28/2014, I received information from dispatch that David Hellberg had called regarding his two dogs. I then returned his call and was placed on speaker phone with Mr Hellberg and a unknown female voice. I

CASE
NUMBER

COPIES

- ☐ DET
☐ CENT
☐ RECORDS
☐ D.A.
☐ OSP
☐ P & P
☐ CCMH
☐ JUV
☐ DHS
☐ SPD
☐ SHPD
☐ CPD
☐ RPD
☐ VPD
☐ CCPD
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COMPUTER
ENTRY

- ☐ Person
OPR
☐ Vehicle

- OPR
☐ Crime/
Prop

- OPR
☐ Book

REPORTING OFFICER(S)

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SUPERVISOR'S SIGNATURE

found Mr Hellberg to be offensive and argumentative. He started out demanding that I return his dogs to him. That the neighbors knew he was out of town and staged this whole event. He expressed to me as if his information was fact that the neighbors had baited the dogs to come up to their property and that they had placed the chicken part in his yard so as to accuse him.

Mr. Hellberg told me that the neighbor had falsely accused him in the past of his dogs having killed her chickens. That if he did not himself see the dogs kill the chickens then it did not happen. As I explained to him the information and things I had witnesses at the location, he disputed them all as a staged event and demanded his dogs back.

As I attempted to explain the process to him, he threatened to bring civil suit against me, the county and the complaining people. His complaint was that there was no evidence that his dogs had done these things and that the only evidence was the neighbors and they were lairs. That how did he not know if the dogs killed the chickens on his property that borders the Shober's. When I tried to explain that the decision is based on the statements plus what is seen and that I had witnessed the dead chicken in the coop and in the shop building, plus all the feathers around the property. Not on the Hellberg property. He disputed that this did not matter.

Mr. Hellberg continued to argue that we could not keep his dogs. I explained to him at this point the statues requiring that the dogs be impounded and held pending the hearing with the board of commissioners. He asked about the compromise agreement I spoke of and I advised him that that only works in situation where the parties can agree and that it would appear in this case that that was not possible.

I advised Mr Hellberg that I would forward his request to speak to my supervisor to the Sheriff, but that I did not know if he would be on duty today and would be available to call him. I later spoke with the Sheriff and he had made contact with Mr Hellberg.

Case referred to County Board of Commissioners.

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COMPUTER
ENTRY☐ Person

OPR

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REPORTING OFFICER(S)

Roger Katell

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SUPERVISOR'S SIGNATURE



901 Port Ave
St. Helens, Oregon 97051
Phone: (503) 366-4614 Fax: (503) 366-3990
www.co.columbia.or.us/sheriff/animalcontrol

ANIMAL IMPOUND NOTICE

Owner/Keeper: David Hellberg Home# 971-400-7609

Address 53180 Flint Drive St: OR Zip: 97056

Bella Mastiff Brindle License # 31046

Kodiak Husky/Rott Mix Black/Brown License # 31054

Date of violation: 03/27/2014 Date of impound: 03/27/2014

A complaint has been filed indicating that a dog owned by you has been involved in the harming or chasing of livestock in violation of ORS 609.155. **ORS 609.155 provides that upon complaint of evidence of a dog harming or chasing livestock that the dog "shall be impounded" pending the a determination by the county if the dog harmed, or chase livestock.**

You will receive notice of an opportunity to request a hearing under ORS 609.156 and information on the hearing process from the County Attorney. Pending the outcome of the hearing the dog at issue will remain in the custody and care of the Columbia County Animal Control.

The penalty and fees for actions of a dogs found to having harmed and chased livestock can be considerable. Serious consideration regarding the hearing process should be considered. Failure to request a hearing within the notification process will result in the finding that the owner is conclusively presumed to have admitted the matter alleged and the county may take action under ORS 609.162 and 609.163.

In this case you may have also been issued a citation for violation of ORS 609.095 dog as a public nuisance, ORS 609.100 unlicensed dog, and /or ORS 609.060 dog running at large. These violation will be separate issue directed to the Justice Court and independent of the harming or chasing livestock issues before the County Board of Commissioner.

If you have any questions, you may contact the Animal Control Officer at 503-366-4614, any correspondences should be directed to Columbia County Counsel, 230 Strand Ave Saint Helens Oregon 97051

Animal Control Officer: R Kodler Date: 3/27/14

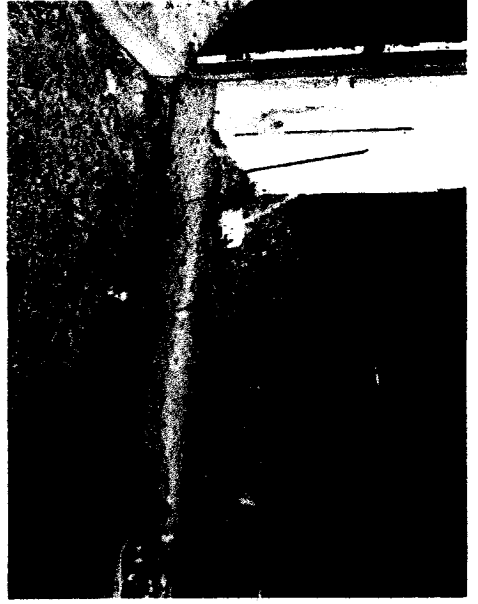
Call 14019545 Date 03/27/14 Time 14:46:53 Opr hvaughn
 Location: 53131 FLINT DR
 Call type ANM Agcy CCSO Area 100 Dist
 Remarks: Anim Compl Map: 5332C How rcvd: DISP
 Case No.: CLR: C1 TUC: Juris COL

CROSS STREETS:
 APPLE VALLEY RD END

2 DOGS LOCKED IN RPS SHOP 14:47:11
 BELONG TO THE NEIGHBORS 14:47:16
 KILLED RPS CHICKENS TODAY 14:47:30
 1 DEAD FOUND 15 MISSING 14:47:38
 ENGLISH MASTIFF AND HIBRED WOLFE 14:51:16
 OWNER DAVE HANSON - HE IS NOT AWARE NOT HOME 14:51:59
 IS AWARE HAS OCCURED IN PAST AND HAVE TRIED 14:52:11
 TO HANDLE BETWEEN THEMSELVES BUT ITS GONE TOO 14:52:19
 FAR 14:52:22
 RP WANTS ANM CONTROL TO RESPOND 14:52:29
 GOING TO UNK ADDRESS, 1 BELOW RP'S 15:49:05
 RP WANTS YOU TO KNOW SHE FOUND ANOTHER DEAD 15:57:40
 CHICKEN 15:57:40
 PER RP 148 IS AT THE NEIGHBORS 15:57:57
 148 Enroute 2084 OREGON ST #1; CDLUMBIA HUMANE 16:14:18
 SOCIETY DOG SHELTER ANIMAL CONTROL 16:14:18
 148: X2 16:14:25
 Call 14019545 has been linked to call 14019709. 07:50:28

Last: SHOBER First: LORI Phone: 503-543-3777
 ADDRESS: 53131 FLINT DR

Date	Time	Unit	Status	Operator
03/27/14	15:03:20	148	Dsptch	hvaughn
03/27/14	15:03:27	148	Enroute	hvaughn
03/27/14	15:18:18	148	Arrived	dgurlen
03/27/14	15:23:57	148	Code 4	hvaughn
03/27/14	15:31:02	148	Code 4	hvaughn
03/27/14	15:43:27	148	Code 4	dgurlen
03/27/14	15:48:47	148	Code 4	dgurlen
03/27/14	15:54:48	148	Code 4	philsing
03/27/14	15:58:24	148	Code 4	philsing
03/27/14	16:09:31	148	Code 4	philsing
03/27/14	16:14:21	148	Enroute	philsing
03/27/14	16:29:03	148	10-53	hvaughn
03/27/14	16:29:06	148	10-53	hvaughn
03/27/14	16:29:16	148	Arrived	hvaughn
03/27/14	16:34:49	148	10-53	philsing
03/27/14	16:38:05	148	Clear	hvaughn



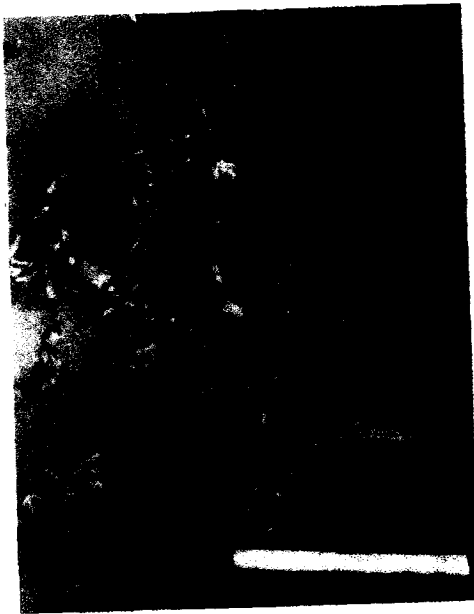
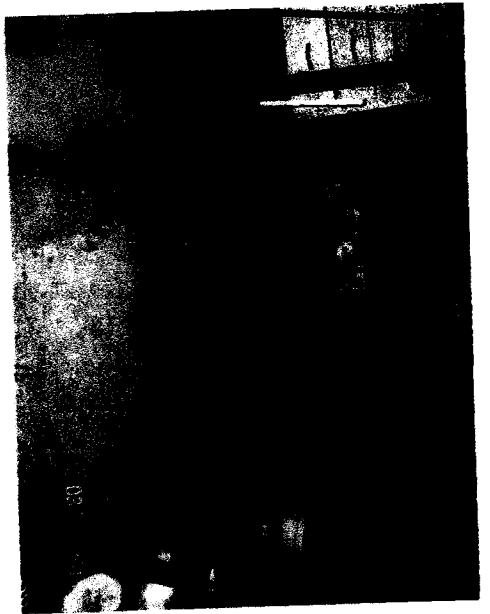




EXHIBIT B**FEES DUE
NOTICE**

Columbia County Animal
Control
901 Port Ave
St. Helens, Oregon 97051

Fax: (503)366-3990

FOR:

NOTICE DATE April 15th, 2014

Animal Shelter fees

OWNER NUMBER

BILL TO:

David Hellberg
53180 Flint Drive
Scappoose, Oregon 97056

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
3/27/14	Impound fee	2	30.00	60.00
3/27-4/16	Boarding fee (\$15 per day per dog)	20	30.00	600.00
3/27/14	Restitution fee (valued \$20 per laying hen doubled)	3	40.00	120.00

\$780.00
TOTAL DUE

MAKE CHECKS PAYABLE TO:
Columbia County Animal Control
901 Port Ave
St. Helen, Oregon 97051