

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Livestock Attack by Dogs                     )  
Owned by Benjamin and Kimberly Lebeck                     )         ORDER NO. 53-2014

WHEREAS, on October 17, 2014, Animal Control Officer Roger Kadell arrived at the residence of Jeremy and Brenda Maul, 77817 Woodson Road, Clatskanie, in Columbia County, Oregon, in response to a complaint that dogs had attacked their goat; and

WHEREAS, Officer Kadell interviewed Jeremy Maul, who reported that he witnessed three dogs attacking his goat on his property; that two of the dogs – a white pit bull and a brown pit bull – had pinned his goat down by its throat and dragged it into a ditch; that he tried to call the dogs off; that the two pit-bull-mix dogs ran at him; and that he shot at the dogs with his shotgun; and

WHEREAS, Officer Kadell inspected the Mauls' goat and found wounds on the goat's ears and neck; and

WHEREAS, Officer Kadell identified the dogs as Ace, a border collie mix, Lilli, a white pit bull and Australian Shepherd mix, and Ezio, a brown pit bull Labrador mix, all three of which belong to Benjamin and Kimberly Lebeck, 11683 Carver Road, Clatskanie, Oregon; and

WHEREAS, consistent with Mr. Maul's description of events, both Lilli and Ezio had been shot in the face and chest; and

WHEREAS, based on the information obtained during his investigation, Officer Kadell determined that the dogs were subject to impoundment under ORS 609.155 for harming and chasing livestock. Officer Kadell impounded Ace, and allowed Lilli and Ezio to be retained by the Lebecks until veterinarian care was complete; and

WHEREAS, Officer Kadell also obtained documentation from Clatsop County of a livestock attack by Ace and Lilli in Clatsop County on November 28, 2013; and

WHEREAS, Benjamin and Kimberly Lebeck have voluntarily surrendered Ace and Lilly to Columbia County Animal Control; and

WHEREAS, pursuant to ORS 609.156, Benjamin and Kimberly Lebeck were provided notice of the opportunity to request a hearing in a letter dated October 28, 2014; and

WHEREAS, on October 30, 2014, Benjamin and Kimberly Lebeck timely requested a hearing; and

WHEREAS, the County scheduled a hearing for November 26, 2014, and notified Benjamin and Kimberly Lebeck; and

WHEREAS, the Board of County Commissioners held a hearing on November 26, 2014 and received testimony and evidence into the record, a list of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, following deliberations, the Board voted to impose fines on Benjamin and Kimberly

ORDER NO. 53-2014

Lebeck for the livestock attack carried out by their three dogs, Ace, Lilli and Ezio, to require payment of all impound and shelter fees and costs, and to allow Ezio to return home subject to conditions, as set forth below.

NOW, THEREFORE, based on the evidence before the Board, including the report of the Animal Control Officer, dated November 18, 2014 (as revised on November 25, 2014), attached hereto as Exhibit 2 and incorporated herein by reference, the Board of County Commissioners makes the following findings and conclusions:

1. The Board adopts the above recitals as findings in support of its decision;
2. Benjamin and Kimberly Lebeck are the owners of Ace, a border collie mix, Lilli, a white pit bull and Australian Shepherd mix, and Ezio, a brown pit bull Labrador mix.
3. On October 17, 2014, Ace, Lilli and Ezio harmed a goat belonging to Jeremy Maul on his property at 77817 Woodson Road, Clatskanie, Oregon in violation of ORS 609.155.
4. Jeremy Maul defensively shot both Lilli and Ezio in the face and chest as those dogs ran at him.
5. Ace and Lilli have chased and harmed livestock in a separate occurrence in Clatsop County. Ace and Lilli are therefore subject to the penalties set forth in ORS 609.162(1)(c), which requires the imposition of a minimum fine of \$500 per dog and that the dogs be relocated to another location or euthanized. Benjamin and Kimberly Lebeck have voluntarily surrendered Ace and Lilli to Columbia County Animal Control for disposition.
6. Ezio has no prior record of killing, wounding, injuring or chasing livestock, and is therefore subject to ORS 609.162(1)(b), which requires a minimum fine of \$250 and gives the Board discretion to impose additional penalties. Based on testimony that Ezio is a young, seven-month old dog and susceptible to following along with the pack, the Board finds that Ezio will be less likely to engage in aggressive behavior without other dogs present. Because the Lebecks have surrendered Ace and Lilli, Ezio will be the only dog in the Lebeck household. The Board finds that Ezio can be returned home and will not pose a threat to livestock if he is maintained in the home, and when outdoors, he is kept in a harness and secured on a leash at all times.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Columbia County Animal Control shall release Ezio to Benjamin and Kimberly Lebeck subject to the following conditions:
  - a. Ezio will be maintained within the physical structure of the Lebecks' home.
  - b. When outside the physical structure of the Lebecks' home, Ezio shall be harnessed and secured on a leash at all times.
  - c. Ezio shall be micro chipped and registered with the Oregon Department of Agriculture prior to being returned to the custody of the Lebecks.
  - d. Ezio shall not be rehomed without notification to Columbia County Animal Control of the new owners and their address.

- e. Columbia County Animal Control shall be advised of any address changes for Ezio within 15 days.
  - f. Columbia County Animal Control shall be advised within 15 minutes of the escape of Ezio from the Lebeck residence by calling CCOM at 503-397-1521.
  - g. The Lebecks shall pay all impound, boarding and surrender fees due as of November 26, 2014, which are set forth in Exhibit 2.
  - h. To prevent recurrence as a result of the "pack mentality," to which the Lebecks have admitted Ezio is susceptible, the Lebecks shall not own or keep any other dogs on the property.
- 2. Pursuant to ORS 609.162(1)(c), Benjamin and Kimberly Lebeck shall pay a civil penalty of \$500.00 for Ace and \$500.00 for Lilli; and
  - 3. Pursuant to ORS 609.162(1)(b), Benjamin and Kimberly Lebeck shall pay a civil penalty of \$250.00 for Ezio; and
  - 4. Any penalties or impoundment and boarding costs and fees imposed by this Order shall be paid prior to the release of the dog, unless otherwise agreed to in writing by the County.

DATED this 10<sup>th</sup> day of December, 2014

Approved as to form

By:   
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: 

Anthony Hyde, Chair

By: 

Henry Heimuller, Commissioner

By: 

Earl Fisher, Commissioner

## EXHIBIT A

### Evidence Admitted into the Record

Exhibit #	Description
Exhibit 1	Notice of opportunity to request a hearing (including Animal Control Officer Investigation Report); Notice of hearing date
Exhibit 2	Letter from Benjamin and Kimberly Lebeck requesting a hearing (10/30/14)
Exhibit 3	Report and recommendation of Animal Control Officer (11/18/14)
Exhibit 4	Revised report and recommendation of Animal Control Officer (11/25/2014)
Exhibit 5	Letter from Lebecks' Attorney, Michael Autio (11/13/14)
Exhibit 6	Letter by Steven Powell, submitted by Lebecks ( <b>exempt from disclosure as a public record</b> )



901 Port Ave  
St. Helens, Oregon 97051  
Phone: (503) 366-4614 Fax: (503) 366-3990

Date 11/18/2014 (revised 11/25/2014)

Board of County Commissioners  
230 Strand Ave St. Helens Or  
97051

Re: Benjamin and Kimberly Lebeck- Dogs harming and chasing livestock.

The dog owners in this case has requested that I give consideration in this matter due to one of the dogs at issue being used as a therapy animal for the owners minor daughter. In consideration of the therapy issue, the nature of this attack, and what is permissible under the statutes, I make the following recommendation:

That both the dogs Ace and Lilli be found to having chased and harmed livestock and ordered surrender to Columbia County for disposition as determined by the County.

That both the dogs Ace and Lilli be found to having a prior history of having chased livestock and the minimum civil penalty of \$500 each be ordered paid to the County.

That the dog Ezio be found to having chased and harmed livestock, but be allowed to return to the Lebeck home with special restrictions, these restrictions being:

1. Ezio will be maintained within the Lebeck's homes physical structure.
2. Ezio when outside the physical structure of the Lebeck's home shall be harnessed and on a leash at all time.
3. Ezio shall be micro chipped and registered with the department of Ag prior to being returned to the custody of the Lebeck's
4. Ezio may not be re-homed without notification to the county of the new owner and their address.
5. The County shall be advised of any address changes for Ezio within 15 days.
6. The County shall be advised within 15 minutes of the escape of Ezio from his residents by calling Ccom at 503-397-1521

That the Lebeck's be assessed all impound, boarding and surrender fees due as of November 26<sup>th</sup>.

Roger Kadell  
Columbia County  
Dog Control Officer

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

Fax: (503)366-3990

# FEES DUE NOTICE

**FOR:**

**Animal Shelter fees**  
Dog harming livestock case

CAD | 14073471

**BILL TO:**

Kimberly Lebeck  
11683 Carver Road  
Clatskanie, Oregon 97016

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
10/17/14	After Hour call out fee	1	75.00	75.00
10/17/14	Impound fee / dog Ace / tag 31641	1	30.00	30.00
10/17-21/14	Boarding fee	4	15.00	60.00
10/21/14	Surrender fee / dog Ace / tag 31641	1	65.00	65.00
				<b>\$230.00</b>
				<b>TOTAL DUE</b>

**MAKE CHECKS PAYABLE TO:**

Columbia County Sheriff Office  
Animal Control  
901 Port Ave  
St. Helen's, Oregon 97051

## Columbia County Animal Control

901 Port Ave Street  
St. Helens, Oregon 97051

Fax: (503)366-3990

# FEES DUE NOTICE

**FOR:**

**Animal Shelter fees**  
Dog harming livestock case

**CAD** | 14073471

**BILL TO:**

Kimberly Lebeck  
11683 Carver Road  
Clatskanie, Oregon 97016

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
11/19/14	Impound fee / Lilli	1	30.00	30.00
11/19-26	Boarding fee	7	15.00	105.00
11/26/14	Surrender fee	1	65.00	65.00
				<b>\$200.00</b>
				<b>TOTAL DUE</b>

**MAKE CHECKS PAYABLE TO:**

Columbia County Sheriff Office  
Animal Control  
901 Port Ave  
St. Helen's, Oregon 97051

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901 Port Ave Street  
St. Helens, Oregon 97051

Fax: (503)366-3990

# FEES DUE NOTICE

**FOR:**

**Animal Shelter fees**  
Dog harming livestock case

CAD 14073471

**BILL TO:**

Kimberly Lebeck  
11683 Carver Road  
Clatskanie, Oregon 97016

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
11/6/14	Impound fee / Ezio	1	30.00	30.00
11/6-26/14	Boarding fee	20	15.00	300.00
				<b>\$330.00</b>
				<b>TOTAL DUE</b>

**MAKE CHECKS PAYABLE TO:**

Columbia County Sheriff Office  
Animal Control  
901 Port Ave  
St. Helen's, Oregon 97051