

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Livestock Attack by)
a Dog Owned by James Leroy Goodman) ORDER NO. 64-2015

WHEREAS, on November 3, 2015, Brent and Kerry Knight captured the dog "Pete" in the act of killing 9 of their chickens on their property at 32534 Pittsburg Road, St. Helens, Oregon. The Knights took the dog to the Columbia County Animal Shelter and filed a complaint; and

WHEREAS, "Pete," a cream-colored Weimaraner mix dog, is owned by James Leroy Goodman who resides at 32671 Pittsburg Road, St. Helens, Oregon; and

WHEREAS, Columbia County Animal Control Roger Kadell investigated the Knights' complaint and found 9 dead chickens on the Knight property and a pile of chicken feathers on the front door steps of the Goodman home; and

WHEREAS, based on the information obtained during his investigation, Officer Kadell determined that the dog Pete was subject to impoundment under ORS 609.155 for harming and chasing livestock; and

WHEREAS, pursuant to ORS 609.156, Mr. Goodman was provided notice of the opportunity to request a hearing in a letter dated November 10, 2015; and

WHEREAS, Mr. Goodman waived his right to a hearing and voluntarily elected to enter into a settlement agreement with the County on December 9, 2015, admitting that Pete harmed livestock and agreeing to certain conditions regarding the keeping of Pete; and

WHEREAS, the Board of County Commissioners considered the Animal Control Officer's report on this matter and approves the Settlement Agreement with Mr. Goodman.

NOW, THEREFORE, based on the report of the Animal Control Officer on this matter, 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. James Leroy Goodman, who resides at 32671 Pittsburg Road, St. Helens, Oregon, is the owner of Pete, a cream-colored Weimaraner mix dog.
2. On November 3, 2015, Pete killed nine chickens on Brent and Kerry Knight's property at 32534 Pittsburg Road, St. Helens, Oregon. Pete therefore harmed livestock in violation of ORS 609.155.
3. According to Columbia County Animal Control, Pete has no prior record of killing, wounding, injuring or chasing livestock.

NOW, THEREFORE, IT IS HEREBY ORDERED that Columbia County Animal Control shall release Pete to James Leroy Goodman, subject to the following conditions:

1. Mr. Goodman shall take shall take measures to ensure Pete is not a threat to livestock, including compliance with the conditions set forth in the Settlement Agreement, attached hereto as Exhibit "B" and incorporated herein by this reference.
2. Pursuant to ORS 609.162(1)(c), a civil penalty of \$500.00 is imposed on Mr. Goodman for the livestock attack carried out by his dog Pete. Mr. Goodman shall immediately pay \$100.00; the remaining \$400.00 of the civil penalty shall be suspended provided Mr. Goodman continues to comply with the Settlement Agreement.
3. Pursuant to ORS 609.155(3)(a), in addition to the civil penalty imposed, above, Mr. Goodman shall pay all costs and fees arising from the impoundment of the dog, as described in the Settlement Agreement, and all boarding fees for Pete, accruing from the date of impoundment to the date of release.
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 16th day of December, 2015

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Henry Heimuller, Chair

By: 

Anthony Hyde, Commissioner

By: 

Earl Fisher, Commissioner

Approved as to form

By: 

Office of County Counsel

COLUMBIA COUNTY SHERIFF'S OFFICE

INVESTIGATION REPORT

PAGE/OF
1 / 3

CASE NUMBER	REFER CASE NUMBER	CAD INCIDENT NUMBER	CLASSIFICATION	CLR
		15079771	ORS 609.155 Dog killing livestock	
DATE / TIME REPORTED	DATE / TIME OCCURRED (START)	DATE / TIME OCCURRED (END)	<input type="checkbox"/> RADIO (R) <input type="checkbox"/> S/I (S) <input checked="" type="checkbox"/> PHONE-IN (P)	
11/03/2015 1054	11/03/2015 07:00	11/03/2015 07:15		

LOCATION OF OCCURRENCE
32534 Pittsburg Road St. Helens Oregon 97051

PREMISE TYPE: 100 - Dwelling, Residence
PRECINCT OF OCCURRENCE: NOV 03 2015

ONE SENTENCE SUMMARY OF INCIDENT
Dog Pete was caught by the RP's killing nine of their chickens in their coop.

PERSONS BU - Business Complainant KN - Person w/Knowledge OW - Owner PF - Property Finder SB - Subject RP - Reporting Person VI - Victim WI - Witness

- COPIES**
- DET
 - CENT
 - RECORDS
 - D.A.
 - OSP
 - P & P
 - CCMH
 - JUV
 - DHS
 - SPD
 - SHPD
 - CPD
 - RPD
 - VPD
 - CCPD
 - Book**
- COMPUTER ENTRY**
- Person
 - OPR
 - Vehicle
 - OPR
 - Crime/ Prop
 - OPR
 - Book
 - OPR

CODE	NAME (Last, First Middle)	CRN	SEX	RACE	DOB
RP	Knight, Kerry		F	W	

HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE
32534 Pittsburg Road	St. Helens	Oregon	97051	503-396-6670

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	Knight, Brent		M	W	

HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE
32534 Pittsburg Road	St. Helens	Oregon	97051	503-397-5452

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	Goodman, James Leroy		M	W	03/05/1982

HOME ADDRESS	CITY	STATE	ZIP	HEIGHT	WEIGHT	HAIR	EYES	CUSTODY?
32671 Pittsburg Road	St. Helens	OR	97051					<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

AKA/MONIKER	<input type="checkbox"/> WRK PHN	<input type="checkbox"/> MSG PHONE	MOBILE PHONE	HOME PHONE
			971-203-3477	

OTHER DECSRIPTION
ODL 2443275

VEHICLE S - Stolen R - Recovered L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle

OUTSIDE AGENCY NOTIFIED/REFERRED TO?
County Commissioners

PROPERTY S - STOLEN L - LOST F - FOUND D - DAMAGED K - SAFEKEEPING R - RECOVERED E - EVIDENCE

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 11/03/2015, at around 7 am, the Knight family caught the dog Pete in the act of killing several of their chickens. They were able to catch the dog while he was killing the chickens and take him to the shelter in Saint Helens. The owner, James Goodman came to the shelter and redeemed the dog prior to a hold being placed on the dog. The investigation found that nine chickens had been killed in this event. Mr. Goodman returned the dog to the shelter upon request. Case pending board review.

NARRATIVE:

On 11/03/2015 at 11:13 hours, I spoke with Kerry Knight regarding her call of a dog having killed

REPORTING OFFICER(S)	DPSST	DATE	PREC / DIV	ASSN / DIST	SUPERVISOR'S SIGNATURE
Roger Kadell	15106	11/03/2015	STS	STS	

CASE
NUMBER

several of their chickens. Ms. Knight told me that around 7 Am this date, they heard a commotion outside and her husband ran out to see what was the issue. Outside, he found the dog later identified as Pete, in their coop killing their chickens. She said that at one point her husband had the dog by the collar, but the dog broke free and grabbed and killed another chicken right in front of them.

Ms. Knight said her husband was able to get the dog into a dog crate. That in the fenced coop area they found 8-9 chickens dead. She told me that they had to leave so they left the chickens where they had fallen. She then granted me permission to go to the property and take photos of the deceased animals.

Ms. Knight told me that she took the dog to the shelter and they informed her that the dog, Pete was known to them and had been in the shelter in the past. She then left the dog with the shelter and proceeded on to work, where she called in the complaint. I contacted the shelter after speaking with Ms. Knight and found that the dog Pete had already been released to Mr. Goodman.

I drove to the Knight home on Pittsburg Road. At the home, I found that the chicken and turkey area had two sections of fencing with gates. I could see that the dog had pushed a hole in the fence area next to the second gate in order to enter the coop. In side the coop building I found 8 dead chickens. A 9th dead chicken was found in the front yard to the home. An item of concern was that there are still around 20 alive chickens remaining on the property. I took photos of the area, as well as my time at the location was video taped.

After completing my inspection of the property, I contacted the Columbia Humane Society and obtained the redemption agreement signed by James Goodman for the dog Pete. This dog was confirmed to be the one that Ms. Knight had brought to the shelter. They advised that they informed Mr Goodman of the livestock complaint and he had indicated that he would pay for the loss of the chickens.

I then proceeded to the Goodman property on Pittsburg Road. At the location, I did not find anyone home. I did note that there was a pile of chicken feathers on the front door steps. I posted an impound notice for livestock kill case with a note that the dog needed to be returned to the shelter for an impound hold. Photos of the notice and the feathers was taken.

A check of animal control records, found that Mr. Goodman had redeemed this same dog from the shelter on 09/29/2015 after the dog had been impounded for running loose in the Pittsburg Road area. At the time, Mr. Goodman signed the redemption form indicating that he would vaccinate and license the dog within ten days. The records showed that he had not licensed the dog and a recent citation had been mailed to him for the unlicensed dog.

Based on information in this case the dog, Pete will need to be held and processed by the Board for having KILLED livestock without a prior for having harmed or killed livestock. As a citation was already issued in regards to the licensing of the dog on a prior date, no addition fine for unlicensed dog would need to be included with this action.

On 11/04/2015, the shelter advised that Mr Goodman brought the dog Pete to the shelter this AM as per the notice placed on his door.

RECOMENDATIONS

The owner has demonstrated that they are willing to work with the dog to control the issue and have responded to the issues at hand. I would recommend that the dog be allowed to be relocated to a location away from a livestock area with a secured area for the dog. Consideration on returning the dog to the current

COPIES

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

COMPUTER ENTRY

- Person
- OPR**
- Vehicle
- OPR**
- Crime/ Prop
- OPR**
- Book

REPORTING OFFICER(S) Roger Kadell	DPSST 15106	DATE 11/03/2015	PREC / DIV STS	ASSN / DIST STS	SUPERVISOR'S SIGNATURE
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location would require that the dog have a secured, locking kennel for when the owners are not home. The dog could be allowed within the home when the dog is under supervision of the owner but must be secured in a locked kennel when they are not home.

If the dog is allowed to return to the home, a notation that any violation of the dog running at large, or being a public nuisance would require that the dog be surrendered to the County for euthanasia.

The Impound fee has already been paid. All boarding fees due the Columbia Humane Society should be made due and payable to the Columbia Humane Society, prior to return of the dog or within 21 days of the determination by the board. All civil fees should be directed payable to the County Animal Control at 901 Port Ave, St Helen's 97051 within 21 days of the boards determination.

CASE
NUMBER

COPIES

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

**COMPUTER
ENTRY**

Person

OPR

Vehicle

OPR

Crime/
Prop

OPR

Book

REPORTING OFFICER(S) OPR Roger Kadell	DPSST 15106	DATE 11/03/2015	PREC / DIV STS	ASSN / DIST STS	SUPERVISOR'S SIGNATURE
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Redemption Form

PO Box 845, 2084 Oregon Street, St. Helens, Oregon, 97051 Phone: (503) 397-4535 Email: info@columbiahunane.org Website: www.columbiahunane.com

Reference Number 990D

First & Last Name James Goodman
Address, City, State, Zip 32671 Pittsburg Rd, St Helens, OR, 97051
Daytime Phone: , Evening Phone Number: 971-203-3477
DECLARATION

Redemption of: Dog

Microchip:

Breed: Weimaraner

Age: 11 months

Sex: Male

Color: cream

I, James Goodman of 32671 Pittsburg Rd

The above dog was impounded for being in violation of State Laws: ORS 609.060 prohibits dogs from running at large off the property of the owner.

ORS 609.095/035 prohibits dogs from trespassing upon the property of another.

ORS 609.095/035 prohibits dogs from engaging in an aggressive act while off property.

ORS 609.100 requires that all dogs in the state be licensed by the county.

ORS 433.365 requires that all dogs have current proof of rabies vaccination.

As the keeper of the dog you are subject to being issued a citation for violation of one or more of the above status. This citation may be sent to you by US Mail Service.

Rabies Vaccination expiration date: Veterinarian: Dog License Number: County:

If at the time that dog was redeemed you are unable to provide proof of a valid dog license and proof of current rabies vaccinations, you will be required to provide 10 business days. Failure to license the dog within a Ten Day period may result in a citation for unlicensed dog and or unvaccinated dog being mailed to the keep or the dog without additional notification.

I certify that I am the owner/keeper of the above listed dog and that I will comply with the terms and information contained within this notice

Date: Signed By: In presence of: Lori

Oregon Drivers License: 3443275 Date of Birth: 3/5/82



**COLUMBIA COUNTY
SHERIFF'S OFFICE**
Jeffrey M. Dickerson, Sheriff

Dog Control

Address: 901 Port Ave., St. Helens, OR 97051
Phone: (503) 366-4614 Fax: (503) 366-4644
Web Address: www.co.columbia.or.us/sheriff

ANIMAL IMPOUND NOTICE

Owner/Keeper: James Goodman Home # 971-203-3470
Address 32671 Pittsburg Rd City: St Helens Zip: 97051
Date of violation: 11/3/15 Date of impound: Needs Delivered
Dogs name: Pete Description: cream color

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: [Signature] Date: 11/3/15

Dog needs returned to shelter - Hold -



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

Date 11/04/2015

Kerry Knight-Marshall
32534 Pittsburg Road
St Helens Oregon 97051

609.140 Right of action by owner of damaged livestock. (1) The owner of any livestock which has been damaged by being injured, chased, wounded or killed by any dog shall have a cause of action against the owner of such dog for the damages resulting therefrom, including double the value of any livestock killed and double the amount of any damage to the livestock.

Owner info:

Dog Info.

James Goodman
32671 Pittsburg Road
St. Helens, Oregon 97051

Pete

Respectfully

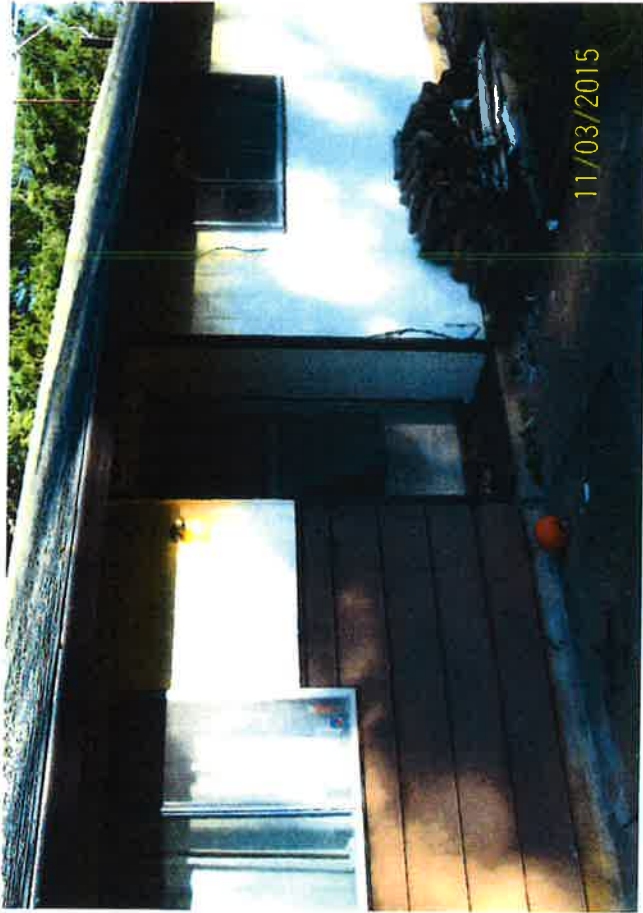
Roger Kadell
Columbia County
Dog Control Officer





Dog owners Home

4 Dogowners Home



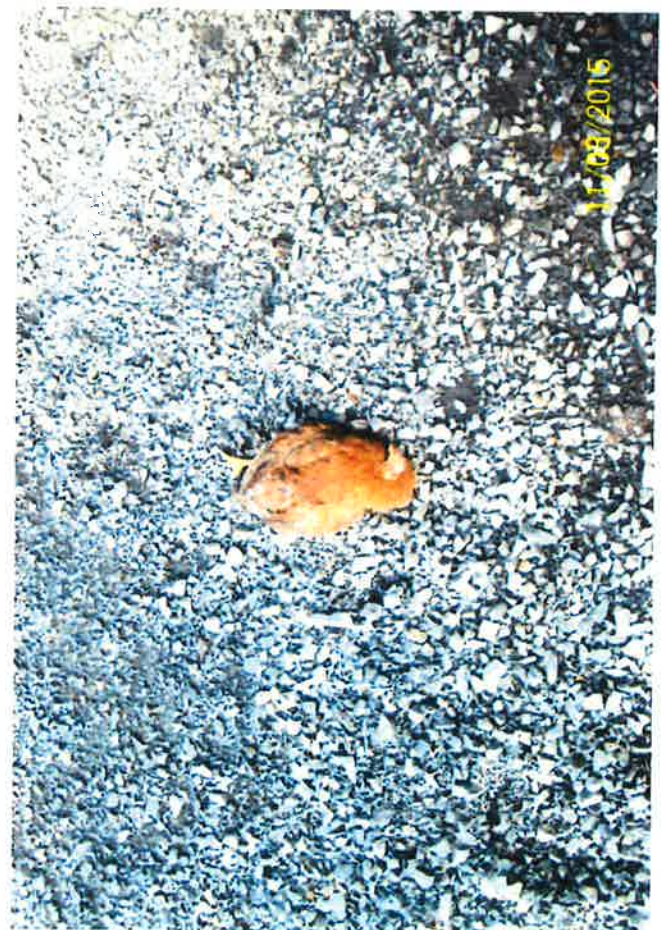
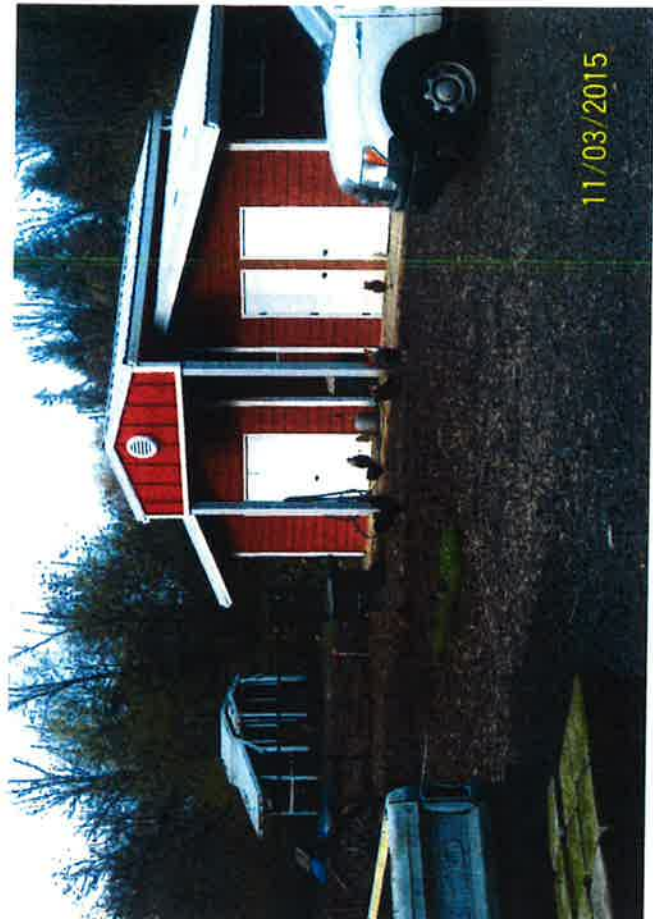








EXHIBIT B

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is entered into by and between Columbia County, a political subdivision of the State of Oregon, and James Goodman.

RECITALS

WHEREAS, James Goodman, who resides at 32671 Pittsburg Road, St. Helens, Oregon, is the owner of the dog “Pete ,” described as a cream-colored Weimaraner mix; and

WHEREAS, evidence shows that on November 3, 2015, Pete chased, attacked, and killed nine chickens, belonging to Kerry Knight, within a fenced enclosure on Kerry Knight’s property at 32534 Pittsburg Road, St. Helens, Oregon; and

WHEREAS, Pete was impounded at the Columbia County Animal Shelter pursuant to ORS 609.155 for harming and killing livestock; and

WHEREAS, Columbia County Animal Control initiated a proceeding before the Columbia County Board of Commissioners to determine whether Pete’s actions constitute a violation of ORS 609.155 and to determine costs and fees; and

WHEREAS, Mr. Goodman has elected to waive his right to a hearing on the violation and enter into this Settlement Agreement with Columbia County for the release of Pete and disposition of the violation; and

WHEREAS, Mr. Goodman has advised Columbia County Animal Control that he will properly secure Pete at his residence to prevent additional violations.

AGREEMENT

In consideration of the mutual promises set forth below, the parties hereby agree as follows:

- A. James Goodman hereby admits that his dog, Pete, chased and killed livestock, and agrees to the following:
 1. Pete will be secured within the home or a secured kennel when not engaged in activities under the control of an adult person.
 2. When under the control of an adult and not engaged in lawful hunting activities, the dog Pete shall be on a leash.
 3. Pete will be neutered and micro chipped, and the chip information will be registered with the Department of Agriculture as required under ORS 609.168.

4. In the event Pete escapes, the Animal Control agency with jurisdiction will be immediately notified and advised of Pete's history of killing chickens.
 5. Columbia County Animal Control will be immediately notified if Pete is sold, transferred or re-homed.
 6. Any acts of aggression by Pete towards any person or livestock animal will be reported to Animal Control within 24 hours at 503-397-3935.
 7. ORS 609.162(c) requires a minimum civil penalty of \$500.00. Mr. Goodman shall pay \$100 to the County. The remaining \$400 shall be suspended provided Mr. Goodman continues to comply with this agreement.
 8. Mr. Goodman shall pay all impound, boarding, civil penalties prior to the release of Pete. The boarding fees shall be paid directly to the Columbia Humane Society prior to release of the dog Pete.
 9. Failure to comply with any of the above terms will constitute a violation of ORS 609.095 (maintaining a dog as a public nuisance). Pete will also be subject to impoundment, and suspended penalties may be sought.
 10. Mr. Goodman further agrees to release and hold harmless Columbia County, its officers, agents and employees for any and all claims, suits or actions of any nature, including claims of injury to any person or persons or of damage to property arising out of the County's impoundment of the dog Pete and enforcement of ORS 609.155.
- B. Columbia County hereby agrees to release Pete upon payment of all penalties, fees and costs.

By: _____
James Leroy Goodman

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Date: _____

By: _____
Henry Heimuller, Chair

Date: _____

Approved as form

By: _____
Office of County Counsel