BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of a Livestock Attack by Dogs Owned by Donald Denham

ORDER NO. 11-2021

WHEREAS, Columbia County Animal Control Deputy Roger Kadell's investigation report, attached hereto as Exhibit "A" and incorporated herein by this reference, provides relevant facts in this matter; and

WHEREAS, on March 4, 2021, Deputy Kadell received a call from Cheryl Knight, who reported that three husky dogs owned by her neighbor, Donald Denham, were attacking another neighbor's livestock and she fired a shot to scare the dogs away from her property; and

WHEREAS, on March 4, 2021, Deputy Kadell received a call from Shannon Garcia, who reported that her daughter, Alayna Cary, chased the three dogs away from her property, located at 16130 River Front Rd, Clatskanie, OR 97016, and two of her pigs were injured by the dogs; and

WHEREAS, on March 4, 2021, Shannon Garcia sent Deputy Kadell photographs of the pigs' injuries and stated she was concerned for the safety of her livestock because the dogs were loose on Donald Denham's pasture and appeared to be watching her property. Copies of these photographs are included in Deputy Kadell's investigation report on this matter, attached hereto as Exhibit "A"; and

WHEREAS, on March 5, 2021, Deputy Kadell interviewed Shannon Garcia, Alayna Cary, Cheryl Knight and Donald Denham separately; and

WHEREAS, during the interview with Shannon Garcia, Deputy Kadell observed that two of Shannon Garcia's pigs were injured; one of the pigs had several bite marks down its back, a large chuck of flesh removed, missing a tail and several bite marks near the tail area; and

WHEREAS, Alayna Cary provided Deputy Kadell a diagram and a written statement about the incident, which stated that she watched the dogs run from her mother's property to Donald Denham's property as he yelled out for the dogs to come home and as the dogs ran home they would stopped and look back at her mother's property; and

WHEREAS; Deputy Kadell found that all three of the dogs attacked the pigs; and

WHEREAS, Cheryl Knight reported to Deputy Kadell that she observed three or four dogs going towards Shannon Garcia's property; she then began hearing geese making a warning noise and pigs squealing; and heard Alayna Cary yelling at the dogs to leave; and

WHEREAS; Donald Denham reported to Deputy Kadell that when the incident occurred he was inside of his house and noticed on his property camera that something was happening with his dogs in the field; he called out for the dogs, and he then went into the field to retrieve the dogs; and

WHEREAS; Donald Denham informed Deputy Kadell that three of his dogs, named Brownie, Mocha and Cookie, husky mixed breed, were involved in the incident; and

WHEREAS; Deputy Kadell found that all three dogs attacked and injured the pigs; and

WHEREAS, based on the information obtained during Deputy Kadell's investigation, he impounded the dogs under ORS 609.155 for chasing and harming livestock; and

WHEREAS, on March 16, 2021, pursuant to ORS 609. 156, the County mailed Donald Denham notice of an opportunity to request a hearing on this matter; and

WHEREAS, on March 22, 2021, Donald Denham provided the County with a written request for a hearing on this matter; and

WHEREAS, on March 23, 2021, the County mailed Donald Denham notice that a hearing was scheduled on this matter; and

WHEREAS, on March 31, 2021, the Board of County Commissioners held a hearing and considered the testimony and evidence presented; and

WHEREAS, Deputy Kadell recommended that the Board of County Commissioners impose a civil penalty under ORS 609.162(1)(b) in the amount of \$500.00 per dog and payment of impoundment and boarding fees; and

WHEREAS, the Board of County Commissioners considered Deputy Kadell's investigation report on this matter, along with his recommendation;

NOW, THEREFORE, based on the evidence presented, including Deputy Kadell's investigation report on this matter, attached hereto as Exhibit "A", and the above recitals, the Board of County Commissioners makes the following findings and conclusions:

- 1. Donald Denham is the owner of dogs named Brownie, Cookie, and Mocha, husky mixed breed.
- 2. On March 4, 2021, Brownie, Cookie, and Mocha chased and injured two pigs, belonging to Shannon Garcia, at 16130 River Front Rd, Clatskanie, OR 97016.
- 3. According to Deputy Kadell, Brownie, Cookie, and Mocha have no prior record of killing, wounding, injuring or chasing livestock under ORS 609.162(2). There is no evidence in the record for this matter to find that Brownie, Cookie, and Mocha previously killed, wounded, injured or chased livestock. Therefore, the Board of

County Commissioners finds that Brownie, Cookie, and Mocha have not previously killed, wounded, injured or chased livestock.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS: that Columbia County Animal Control shall release Brownie, Cookie and Mocha to Donald Denham, subject to the following conditions:

- 1. Within 30 days of the date of this Order, Donald Denham shall relocate Brownie, Cookie and Mocha to a location where, in the Columbia County Animal Control Deputy's sole opinion, the dogs will not present a threat to livestock.
- 2. Brownie, Cookie and Mocha shall not be located anywhere in Columbia County where the dogs may present a threat to livestock.
- 3. Brownie, Cookie and Mocha shall not return to the property located at 78429 Point Adams Rd, Clatskanie, OR 97016.
- 4. Pursuant to ORS 609.162(1)(b), a civil penalty of \$500.00 per dog is imposed on Donald Denham for the livestock attack carried out by Brownie, Cookie and Mocha.
- 5. Pursuant to ORS 609.155(3)(a), in addition to the civil penalty imposed above, Donald Denham shall pay \$1,125.00 in fees arising from the impoundment of Brownie, Cookie and Mocha, as described in the Fee Due Notice, attached hereto as Exhibit "B" and incorporated herein by this reference, and all boarding fees at a daily rate of \$15.00 per dog for the period of March 19, 2021 through March 31, 2021. Boarding fees will continue to incur until the dogs are released in accordance with this Order.
- 6. Donald Denham shall pay all penalties, impoundment, boarding fees imposed by this Order, prior to the release of the dogs, unless otherwise agreed to in writing by the County.
- 7. Brownie, Cookie and Mocha shall be deemed surrendered to the County if Donald Denham does not retrieve the dogs within 30 days of the date of this Order. In the event that any of the dogs are surrendered to the County, the County may rehome or euthanize the surrendered dog and Donald Denham shall pay a relinquishment fee of \$65.00 per dog and euthanasia fee, if applicable, of \$85.00 per dog.
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8. Donald Denham shall make a payment of at least 25 % of the total civil penalties, impoundment and boarding fees imposed by this Order prior to the release of Brownie, Cookie and Mocha, unless otherwise agreed to in writing by the County. Donald Denham shall pay the remaining balance in equal payments within six months of retrieving the dogs.

DATED this _____ day of _____ 2021. BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON By: Margaret Magruder, C hair Approved as to form By: Casey Garrett, Commissioner By: Office of County Counsel By: Henry Heimuller, Commissioner

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Person	ITEM 2: N/A							EM 6: ADOI	Cicklent being n		ali office	ara prea	ent and ic	lentify their i	nvolvement with
	ITEM 3: N/A						п	EM 7: SUM	MARY - A sho		s neces	sary if ti	he namsli	ve is more th	an ona full page
			ILESS DOCUMEN						ATIVE - List I			er, all of	the relev	ant details of	the incident and/
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	COLUMBIA COUNTY SHERIFF'S OFFICE INVEST	IGAT	ION REPO	RT			PAGE/OF			
0.35	pending review by the Board of Commissioners	s under	ORS 609.155.							
	ACTION TAKEN:									
	On 03/04/2021, Ccom received a call fro dogs were loose and attacking another neighbor to scare the dogs away from her property. I spo me that the owner Mr. Denham was out in the home.	ors lives oke with	tock animals. S n Ms. Knight on	he reporte the phone	ed in the c e at the ti	all, that she had fire me of her call. She a	ed a shot dvised			
	During this same time period I received a mess work and that her daughter had chased the do advised me that she was going to take off worl made arrangements to meet with her in the fo	gs away c in Port	. She told me t land and head	hat two of	her pigs l	nad been injured. Sh	ne			
CENT RECORDS D.A.	Later in the evening, I received Facebook message from the victim, Ms Garcia. She sent me photos of the injuries to the two pigs and expressed her concerns that she has many farm animals and the dogs are out in the owners pasture and appear to be watching her place. I advised her I would come in the morning to take the complaint and work to see what could be done in this case.									
□ P & P □ CCMH □ JUV □ DHS	On 03/05/2021, I made contacted with the victim, Shannon Garcia at her home. The contact was video taped. She took me to the barn where we check the two injured pigs. One had several bite marks down the back and a large chuck of flesh removed. The tail area had also been attached and the tail was missing with several bite marks around the anal area. The damage to the animals indicated that several dog had attacked at the same time and were packing up to take the animal down.									
□SPD □SHPD □CPD	Alaya Cary the daughter of the pig owners was home at the time of the attack. She provided me with a diagram and a written statement on what had happened. In her statement you can see clearly that the dogs had packed up on the pig and were in the process of killing the animal when she ran out and chased them away.									
	Ms. Cary statement showed that two of the dogs had attacked the more seriously injured pig and had the pig down in the ditch. The third was up by the barn area attempting to get into the goat and chicken area. All three dogs were considered involved in this attack. Ms Cary said she watched the dogs run back home as the owner was out yelling for them. She said that the however would stop and look back at her and the pigs.									
	I then drove to the reporting witness Cheryl Knight home at 78473 Point Adams road. She is the neighbor to the dog owner Don Denham and has had livestock attack issues with the same group of dogs in 2019. Ms. Knight told me that she had just arrived home when she saw a third pig in her back pasture area. That the pig had walked over near the fence line with the neighbors dogs. She said that the dogs were all getting worked up and repeatedly hit the fence line. This third pig had been owner by a person down the River front Road area and had escaped. The owner had been unable to load the pig to return it home.									
COMPUTER ENTRY	Ms. Knight said that she grabbed her gun and ran out into the field as the dogs were seen repeatedly hitting the fence line. By the time she got to the area of the pig one of the dogs had jumped the fence and two more were									
OPR	— Within a few minutes she saw three to four dogs going through the grass area towards the Garcia's property. She said she then began to hear the geese making a warning noise and then the pigs squealing, clearly being what she thought was killed. She also heard the daughter of the neighbors out yelling at the dogs.									
OPR Crime/ Prop	Ms. Knight said that the neighbor got the dogs and told her what was going on and that the p									
Prop	was heading home.									
OPR	Ms. Knight expressed concerns over the 9-10 H animals can not be kept fenced. We discussed									
OPR	REPORTING OFFICER(S) Roger Kadell	DPSST 15106	DATE 03/09/2021	PREC / DIV STS	ASSN / DIST	SUPERVISOR'S SIGNATURE				

			TION REP				PAGE/OF	
98	advised her of the procedure that was going	to be fo	llowed in this o	case.				
	I then made contact with Mr. Denham at his contact. I asked him about what had happend that something was going on with his dogs in confrontation with Ms Knight, but went to th	ed. He t the fiel	old me that he d. That he ran	was inside out and be	e the hom	e and saw on his came	ng the ra's	
CASE NUMBER	Mr. Denham said that he could not see where one of the neighbors pigs. Mr. Denham confit Then Cookie and then Mocha. The rest of the running the fence line aggravated the dogs in	e the th med th dogs h	ree dogs had g at three dogs i e was able to k	one, but ti	hat he hea	ard that they had attac	ked ence.	
	Mr. Denham expressed frustration over the n has several sections fenced, cameras and elec	eighboi tric fen	next door allo cing to keep th	wing her h e dogs ins	norses to l side.	knock down his fence.	That he	
CENT	I advised Mr Denham of the fact that this was Commissioners. That I most likely would most until the hearing date. I advised him that at th	going t	o be proceede	d as a live	stock case	three door and to hale	l them cess.	
□ JUA □ CCWH	On Monday march 8th, I returned to the locat owner and lots of work the animals were load was provided copies of the impound paper we Attorney. That he could then request a hearin penalties due to his prior issue with livestock	tion wit led into ork and ig in the	h animal care s my truck and t advised that h matter. He wa	pecialist K transporte e would re	eeanna Si d to the C	tansbury. With the help county Shelter. Mr. Der	p of the ham	
UHS								
SHPD	Case pending filing complaint with the County Board of Commissioner. ANIMAL CONTROL FILE HISTORY:							
- 1	Mr. Denham's dogs were all found to possess	current	rabies and do	s licenses				
	Mr. Denham was found to having been issued							
''ıven l'	obs.055 Public nuisance in 2019, That case inv	/olved a	livestock atta	∿k/kill but	which of t	Vis Donham O dogo wa	re	
P	motived was not known and the only witness	to the e	events was Mr.	Denham i	the dag a	unar in that area be-		
- i	Denham was convicted of public nuisance and been killed by the two dogs during the attack.	paid re	estitution for o	ne goat, oi	ne turkey	and four chickens all the	nat had	
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B-SSD-GD	loger Kadell	15106	03/09/2021	STS	STS		7/28/2010)	

Owner Detail

Owner 16164

Name: DENHA Senior Citizen: FALSE Kennel: Inspection I			M, DONALD	Limit:			
78429	Address: POINT AE SKANIE, O	DAMS					
Phone) :						
Drive	's License	o/ID#					
Notes	:						
Adop	tion Notes	:	×	Disall	ow Adoption:		
Anima	als:						
ID	Name		Breed	Color	License	issue Date	Exp. Date
29711	MS PICKLE	S	HUSKY X	BLACK	40243	9/3/2019	5/30/2022
29712	WIGGLES		HUSKY X	TAN	40244	9/3/2019	5/30/2022
29713	BROWNIE	(1)	HUSKY X	BLACK	40245	9/3/2019	5/30/2022
29714	MOCHA	(3)	HUSKY X	BLACK	40246	9/3/2019	5/30/2022
29715	SANDY	6	HUSKY X	TAN	40247	9/3/2019	5/30/2022
29716	PEANUT		HUSKY X	BLACK	40248	9/3/2019	5/30/2022
29717	NIBBLES/D	INKUS	HUSKY X	BLACK	40249	9/3/2019	10/30/2021
29718		MMA/DING BAT	HUSKY X	TAN	40250	9/3/2019	10/30/2021
29719			HUSKY X	TAN	40251	9/3/2019	5/30/2022
29720	COOKIE	(27	HUSKY X	TAN	40252	9/3/2019	5/30/2022
Comp	plaints:						
Complaint: 2724 Date: 8/30/2018 11:30:00 AM		Type: DOG vs LIVESTOCK		Status: CLOSED			
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Incident Detail Report Data Source: Data Warehouse Incident Status: Closed Incident number: OP210009782 Case Numbers: Incident Date: 3/4/2021 16:18:34 Benot Generaled: 3/5/2021 14:59:24 Report Generated: 3/5/2021 14:59:24

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3/5/2021

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				OF THE FENCE
3/4/2021	16:19:52	55312	Response	[5] OWNER- DON 78469 POINT ADAMS
3/4/2021	16:20:18	55312	Response	[6] RP SAYS SHE HAS HAD TO SHOOT AT THEM TO GET THEM AWAY
3/4/2021	16:20:21	55312	Response	[7] RP DOES HAVE HER GUN ON HER
3/4/2021	16:20:26	46098	Response	[8] 148: ON THE PHONE W/ LIVESTOCK OWNER NOW
3/4/2021	16:20:35	55312	Response	0 RP IS TRYING TO PROTECT A PIG THAT WANDERED ONTO HER YARD
3/4/2021	16:21:00	55312	Response	[10] NOT POSITIVE WHERE THEY WENT
3/4/2021	16:21:12	55312	Response	111 RP LOST SIGHT OF THEM
3/4/2021	16:21:49	55312	Response	[12] RP CONCERNED - SHE HAS A SPECIAL NEEDS PERSON IN HER HOME THAT SHE NEEDS TO BE W/ BUT CANT LEAVE THE PIG ALONE

Address Changes No Address Changes

Priority Changes No Priority Changes

Marm Level Changes No Alarm Level Changes

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3/4/2021	16:19:0	9	Query Sent	78473 Point A	dams Rd	Location Query sent for address 784 Point Adams Rd, CLATSKANIE	73 QS	
3/4/2021	16:19:0	9	Incident Transfer	78473 Point A	dams Rd	Incident has been has been transfer fusion ID 604178fd5190370e9c4b58		
3/4/2021 3/4/2021 3/4/2021 3/4/2021	16:19:1 16:20:1 16:21:5 16:41:4	8 148 0	Read Incident Dispatched UserAction	78473 Point A	dams Rd	Incident 036 was Marked as Read. User clicked Exit/Save	39404 46098 55312	
3/4/2021	16:41.4	-	UserAction Enroute	78473 Point A	dams Rd	User clicked Exit/Save Status bypassed by user due to	39404 148	
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3/4/2021	16:45:0		Available	78473 Point A		Unit Cleared From Incident OP210009782	148	
3/4/2021	16:45:0	1 148	Response Closed	78473 Point A	dams Rd	Response Disposition: W3 - PERSC	DN 148	
3/4/2021	16:45:2	7	UserAction			ADVISED/REFERRED User clicked Exit/Save	46098	
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3/4/2021	16:18:33	Agency Name		PD	Viewer) (Response	Incident	C911-3 553	12
3/4/2021	16:18:33	Call Back Phone		503-410-6600	Viewer) (Response	Incident	C 911-3 553	312
3/4/2021	16:18:34	Address	(Blank)	(Blank)	Viewer) New Entry	Response_Master_Incident	C911-3 553	112
3/4/2021	16:18:34	Address	(Blank)	46°08'02.27"N / 123°14'02.89"W	New Entry	Response_Master_Incident		
3/4/2021	16:18:35	Jurisdiction		Columbia PD	(Response Viewer)	Response_Master_Incident	C911-3 553	112
3/4/2021	16:18:35	Division		Clatskanie SO	(Response Viewer)	Response_Master_Incident	C911-3 553	312
3/4/2021	16: 18 :35	Battalion		Clatskanie SO	(Response Viewer)	Response_Master_Incident	C911-3 553	312
3/4/2021	16: 18 :35	Response_Area		O CSO O CFD 83		Response_Master_Incident	C911-3 553	312
3/4/2021	16:18:35	ResponsePlanTyp	e0	0	(Response Viewer)	Response_Master_Incident	C911-3 553	312
3/4/2021	16:18:35	Address	46°08'02.27"N / 123°14'02.89"W	78473 POINT ADAMS RD	Entry Selected/Re from GeoLo		C911-3 553	312
3/4/2021 3/4/2021	16:18:35 16:18:35	City Latitude	0	CLATSKANIE 46133964	Updated Ci Entry Selected/Re from GeoLo	ly Response_Master_Incident Response_Master_Incident eturned		

- At 4:17 pm my mom called and said the huskies were in our field. I went outside and heard a pig screaming. I ran toward the field and saw three huskies in our field. Two huskies were attacking the pig, biting him and holding him in the drainage ditch. The third husky was near the fence and gate that leads to the bourn stalls. - I ran at the dogs while yelling "Gohome" - All the dogs ran towards the back of the Field, but didn't leave completely The pig got up and started walking towards the barn. - The dogs were looking at the pig and I kept yelling until they ran home. - I found all six of our goats hiding in a stall and locked the pig in with them.

Alayna Cary March 14/2021 16130 River Front road Clatskanie, Oregon

Pig is Peter Fence -Both dogs biting the pig and holding him in the water -I ran at the dogs shouting "go home" -Didvit see what third husky was doing. Fhusky (husky) Fence Shap shed me



COLUMBIA COUNTY SHERIFF'S OFFICE

Brian E. Pixley, Sheriff

	0009		DATE: 3/8/20	21	Shelter ID# 👙	# 21- 27-26				
ANIMAI	INFORM	ATION:								
Name		Description	(Breed, color, sex)	Breed, color, sex) Tags/chip identifiers						
#1 BROW		Hus	Stry X 4	try X black 40245						
#2 COOK	I と INFORM	Hust	<u>ryx-ta</u>	N	40	0252				
Vame:		ATION: Address								
		Address			Pho	ne#				
ocation found:										
REASON	FOR IMP	OUND: Check a	all that apply. See re	everse side for	details.					
tray or at large	Nuisance	Quarantine rabies		Owner request	Owner arrest	Livestock attack				
						XX				
ANIMAL	BEHAVIC	R INFORMATI	ON: Medical, Bite, A	gression or a	ther issues.					
OFFICER	HOLD: D	O NOT RELEAS	E:							
E / NO	Boar	d Hold	PENding 1	+ PADIA						
			, <u>, , , , ,</u> ,	1 Citer no	1					
Transferring Acknowledg Acknowledg	g all posses: ging that I n ging that th	sion rights to the a nay be billed fees e surrender of the	to the above described animal to Columbia Cou for the surrender, impo e animal does not precise authanized without add	unty. Dund and/or quai ude the County fr	om taking enfo	nimal by the County. And the County of the c				
Signature				Date						
ficer R K	adel		Radio # 148	Date 3	[4/21	Time) 2/5-				
DISPOST	ITION OF	ANIMAL (RETU	IRNING OFFICER TO	FILL OUT)						
eturned owner		Transferred CHS	Transfer OHS	Other	1	Euthanized				
wner's name: 🏌	DON (ENHON	Address	78429	Point 1	rdams Rd				
WHITE: Sh			nary: Place on kennel g			ler or dog owner.				

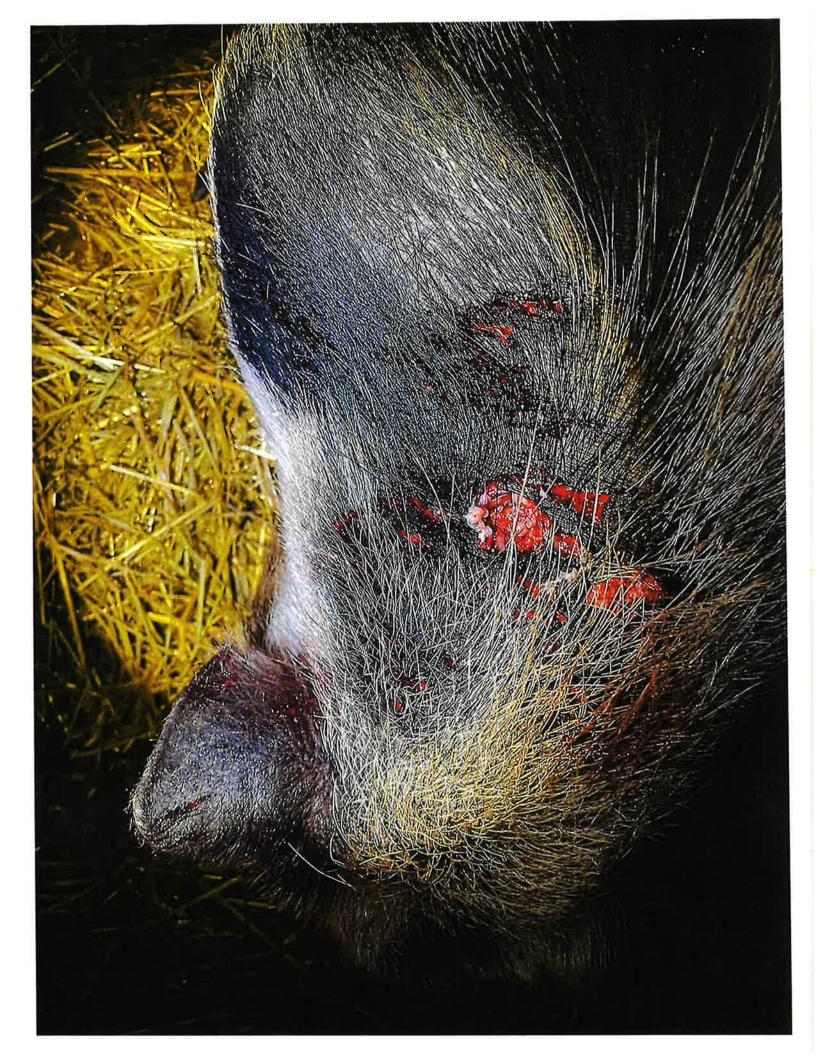


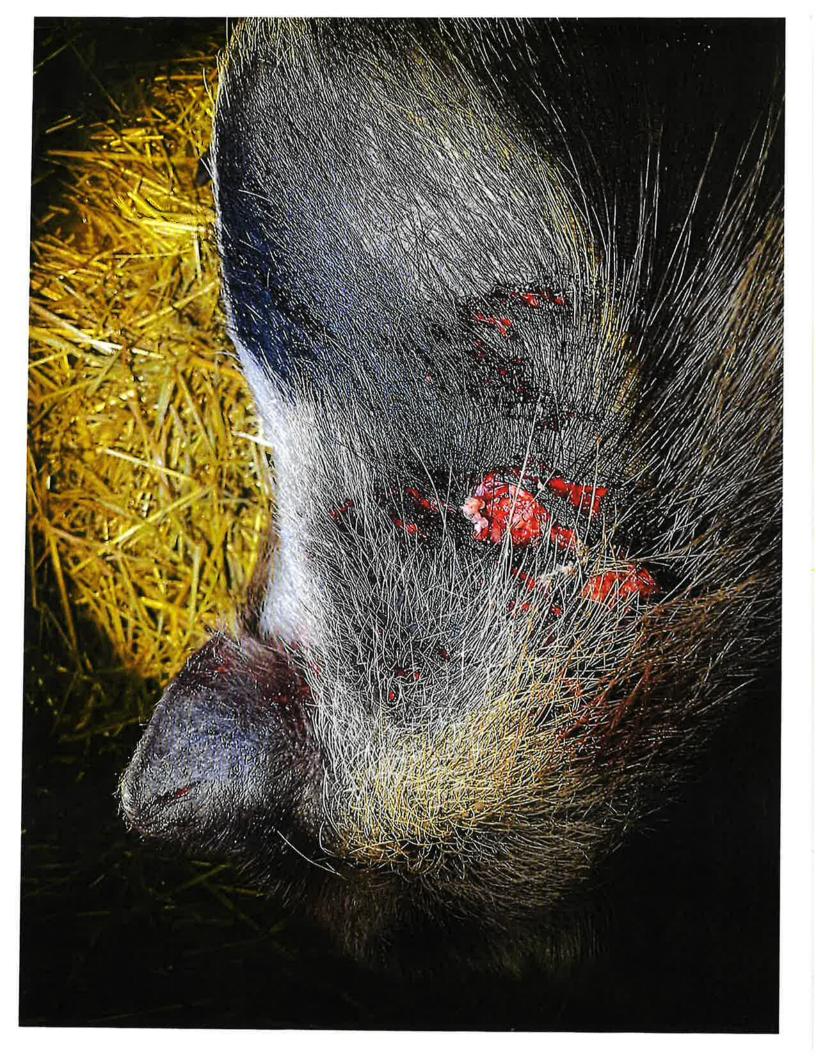
COLUMBIA COUNTY SHERIFF'S OFFICE

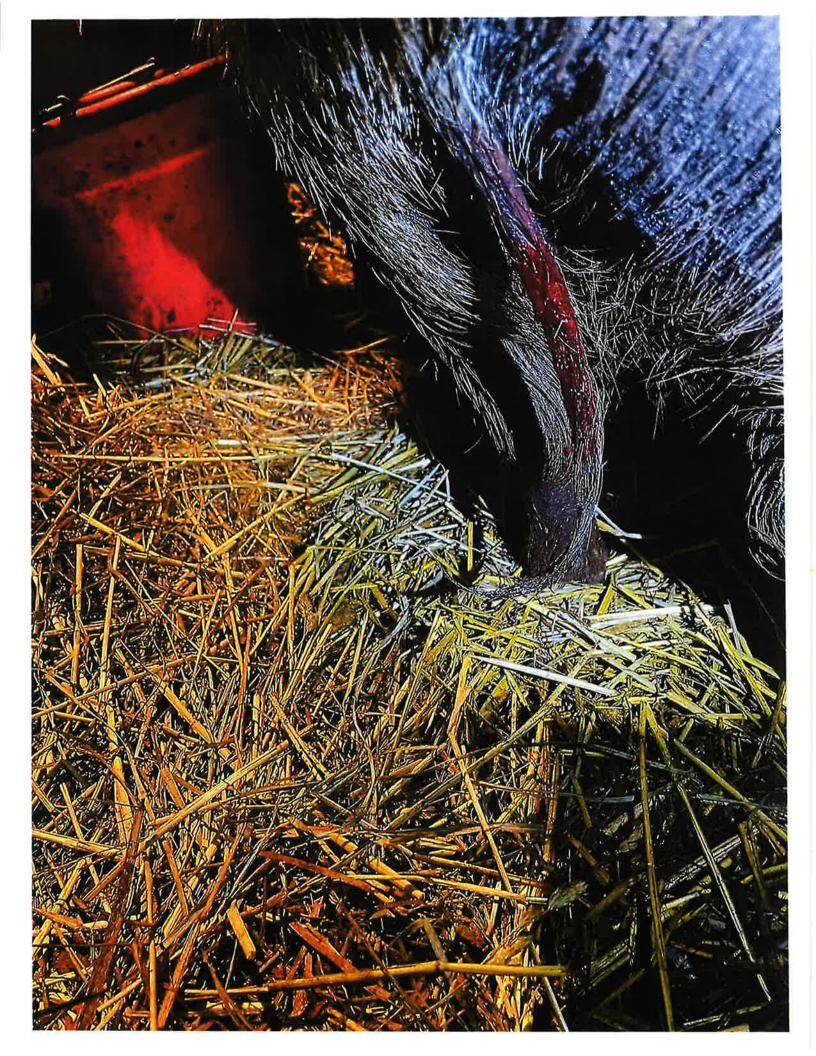
Brian E. Pixley, Sheriff

CAD# 2/0	00097	752	DATE: 3/4/0	R/	Shelter ID# 2/-029			
ANIMAL	INFORM	ATION:	• •					
Name		Description	(Breed, color, sex)		Tag	Tags/chlp identifiers		
#1 MOL	HA	HUST	ty X- B	lack		40246		
#2								
	INFORM				1			
Name:		Address			Pho	ne#		
Location found:								
REASON	FOR IMP	OUND: Check a	ll that apply. See re	verse side for	details.			
Stray or at large	Nuisance	Quarantine rables	Neglect/police holds	Owner request	Owner arrest	Livestock attack		
						XX		
ANIMAL	BEHAVIC	OR INFORMATIC	N: Medical, Bite, A	ggression or c	ther issues.			
A		O NOT RELEASE	A					
ES / NO	Boal	a Hold I	ENding H	ZATING				
Giving up n Transferrin Acknowled Acknowled	ny ownersh g all posses ging that I i ging that th	ip/rights/custody f ision rights to the a may be billed fees f he surrender of the	I and have the right to to the above described inimal to Columbia Cou for the surrender, impo animal does not precis uthanized without add	animal. Inty. Dund and/or qua Lude the County fi	rantine of the a rom taking enfo	nimal by the County. rcement action against me		
Signature		39990 DWP 19 00 00 PRINT DX 20 PR 2		Date				
officer A	<i>cade</i>	1	Radio # 148	Date 3	18/21	Time 1215		
DISPOST		ANIMAL (RETU	RNING OFFICER TO	FILL OUT)				
Returned owner		Transferred CHS	Transfer OHS	Other		Euthanized		
Owner's name:	DON (DENHAM	Address	78429	Point 1	thams Rol		
WHITE: SI	ielter in bo	x Ca	nary: Place on kennel g	ate	Pink: Fin	der or dog owner.		









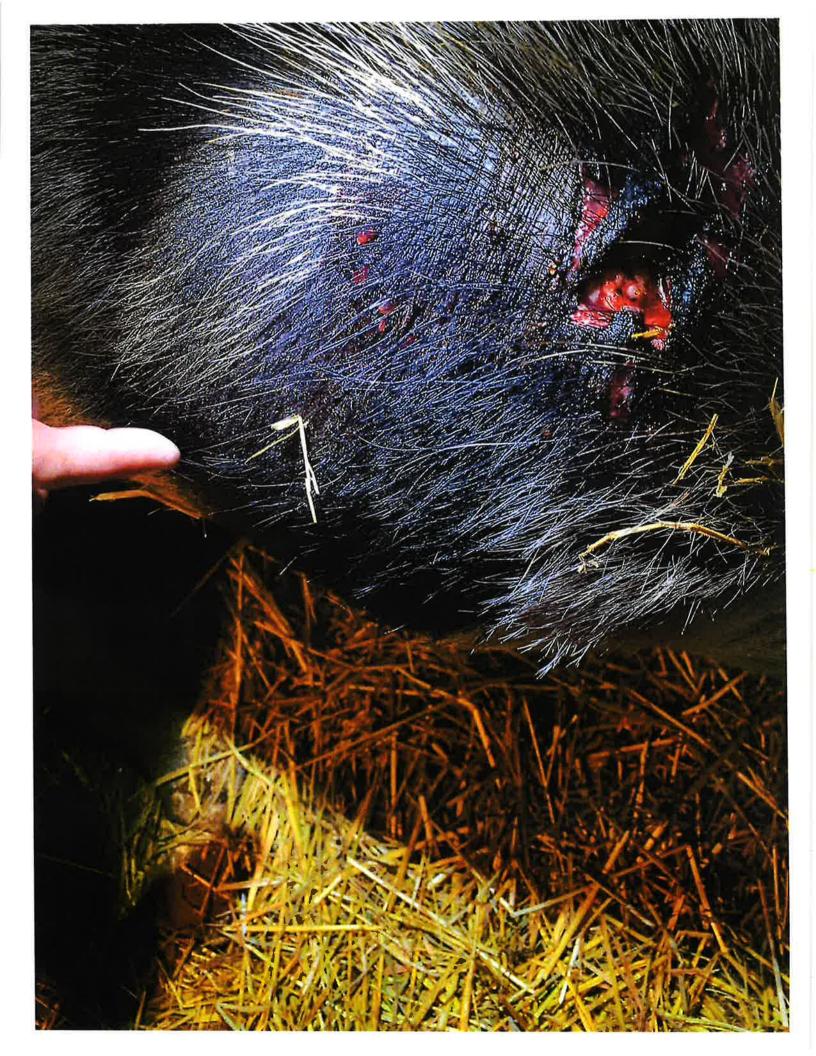


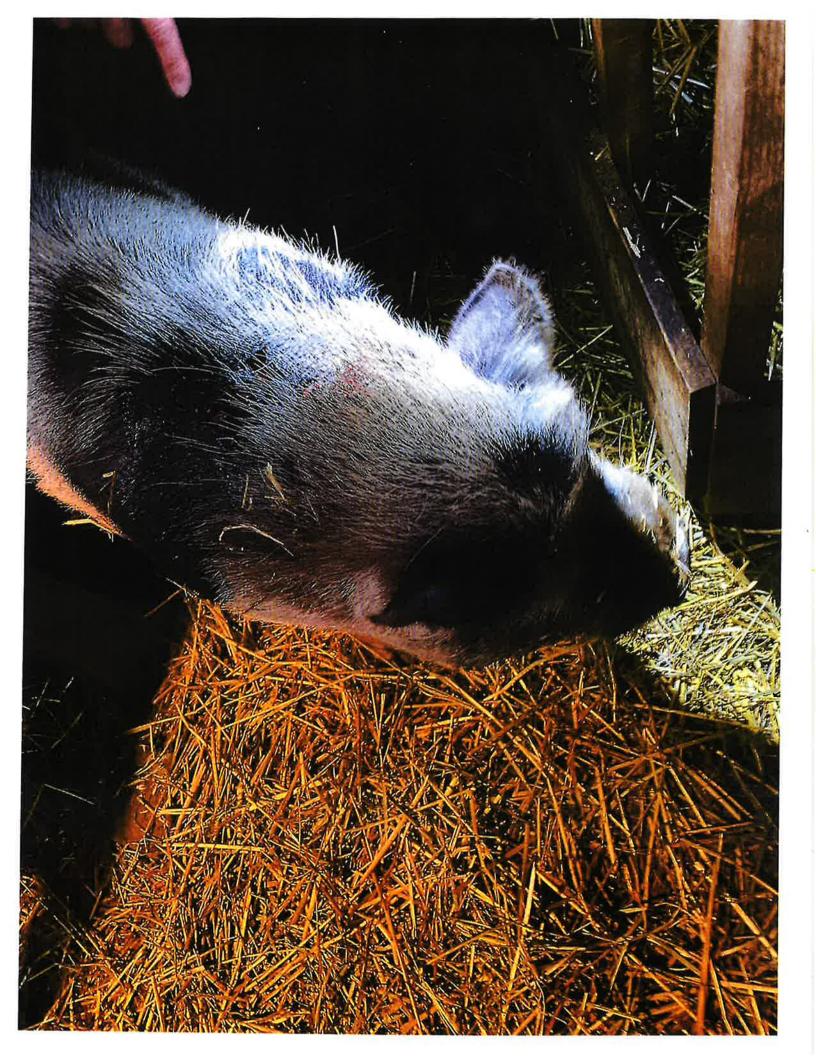




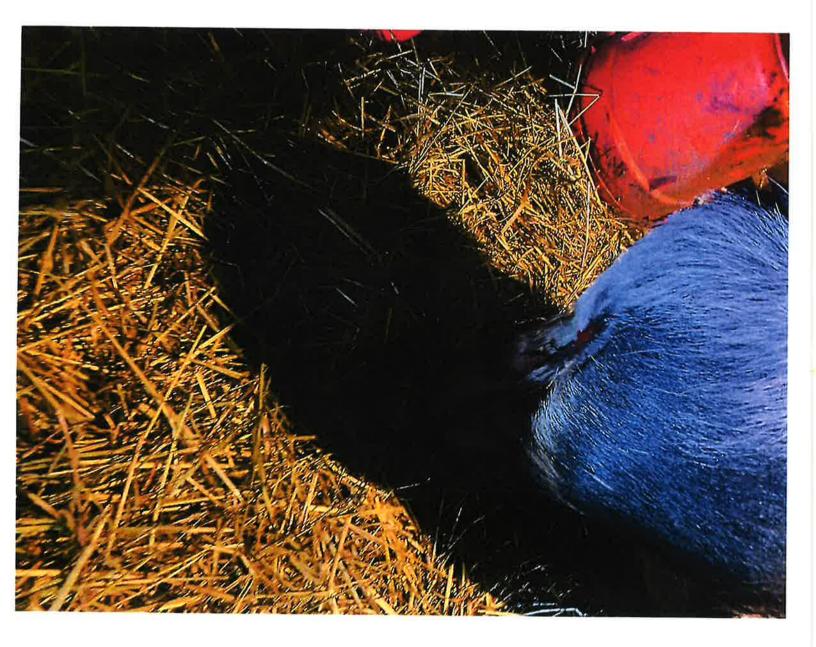


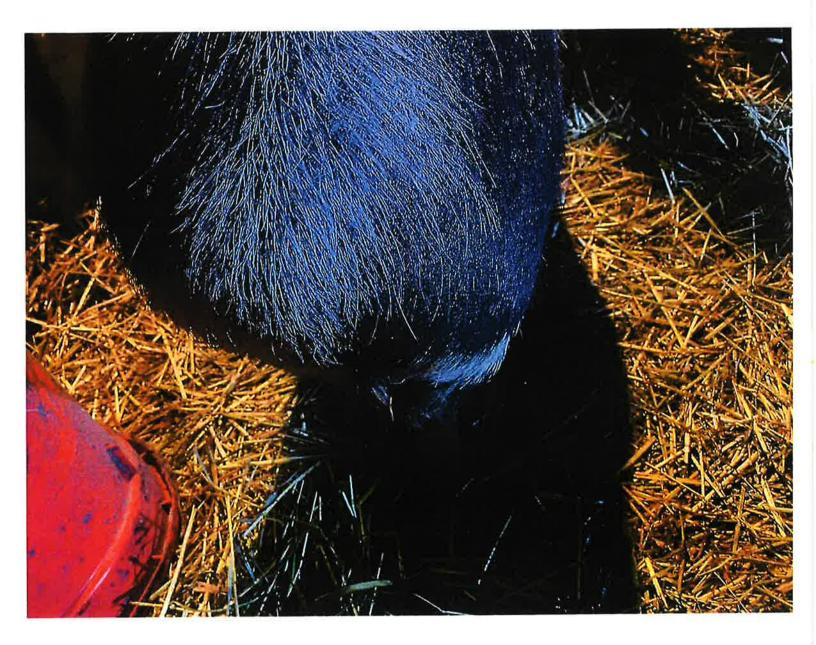




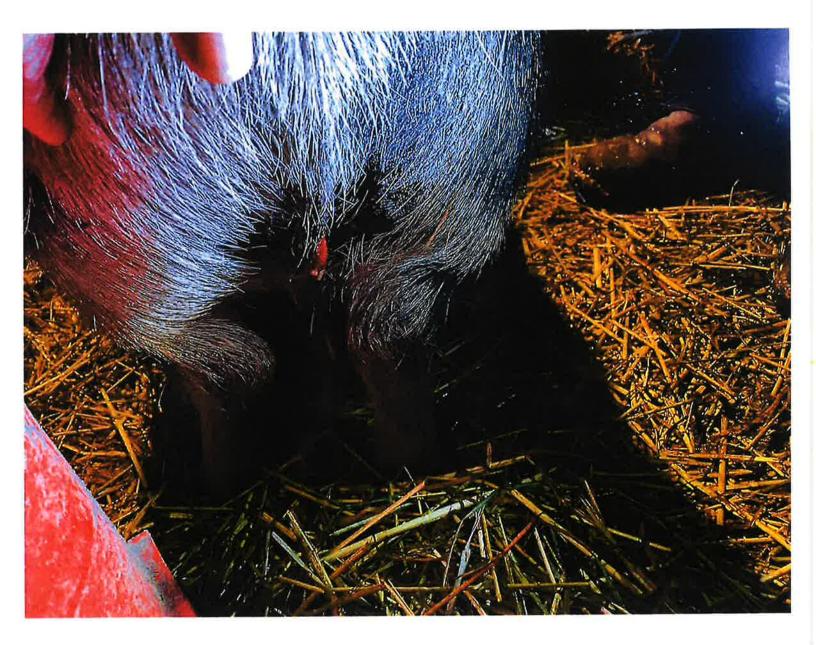








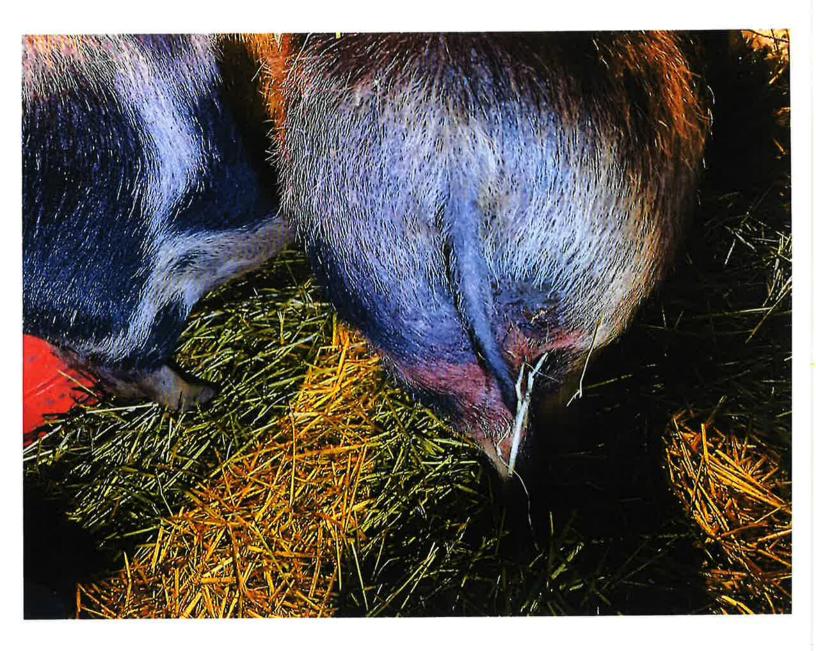


























COLUMBIA COUNTY SHERIFF'S OFFICE

Brian E. Pixley, Sheriff

FOR:

NOTICE 03/31/2021

DATE

Animal Shelter fees

BILL TO:

Donald Denham 78429 Point Adams Road Clatskanie Oregon 97016

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
03/08/21	Impound fees / Brownie Impound fees / Cookie Impound fees / Mocha	1 1 1	\$30.00 \$30.00 \$30.00	\$30.00 \$30.00 \$30.00
03/08-3/31/21	Boarding fees/ Brownie Boarding fees / Cookie Boarding fees / Mocha	23 days 23 days 23 days	\$15.00 \$15.00 \$15.00	\$345.00 \$345.00 \$345.00
	54 (F)			
			-	\$1,125.00 TOTAL DUE

MAKE CHECKS PAYABLE TO:

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