

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Claim by Richard Burdett
for Damages Resulting from the Killing of a
Llama by Dogs Owned by Melissa Senior

ORDER NO. 50-2021

WHEREAS, ORS 609.170 provides that an owner of any livestock killed, wounded, chased or injured by a dog may present a claim for damages on account thereof to the county governing body, which shall hold a hearing in accordance with ORS 609.180 to determine whether the livestock has been damaged; and

WHEREAS, if the governing body finds that livestock has been damaged, the governing body shall determine the value of the livestock and order a warrant for the amount of damages, or any portion thereof that it considers just, to be paid by the county treasurer out of the Dog License Fund; and

WHEREAS, Richard Burdett submitted a timely claim pursuant to ORS 609.170, which is attached hereto as Exhibit A and incorporated herein by this reference, stating that his llama was seriously injured by two dogs owned by Melissa Senior, that the llama had to be put to death as a result of the injuries caused by the dogs, and that he suffered \$1,500 in damages for the value of the llama; and

WHEREAS, the Board held a hearing on August 25, 2021, to determine whether the dogs owned by Melissa Senior killed, wounded, injured or chased livestock, during which Melissa Senior admitted that both of her dogs were involved in harming the llama, resulting in the llama's ultimate death; and

WHEREAS, after considering the testimony and evidence on the matter, the Board found that Melissa Senior's dogs killed the llama belonging to Richard Burdett. The Board's decision was adopted under Order No. 38-2021; and

WHEREAS, the Board then considered the claim by Richard Burdett and found the llama to be valued at \$400 based on information submitted by Animal Control Officer Roger Kadell, which is attached hereto as Exhibit B and incorporated herein by this reference;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The above recitals are incorporated herein as findings in support of the Board's decision.
2. Richard Burdett's llama was damaged by being wounded and killed by Melissa Senior's dogs.

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3. Pursuant to ORS 609.170 and 609.180, the county treasurer shall pay Richard Burdett \$400 out of the Dog License Fund for the damages to his livestock.

DATED this 13 day of October, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

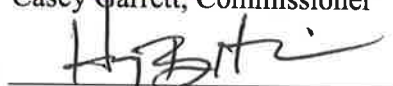
By:


Margaret Magruder, Chair

By:


Casey Garrett, Commissioner

By:


Henry Helmuller, Commissioner

Approved as to form

By:


Office of County Counsel

EXHIBIT A

Date 08/05/2021

To; County Board of Commissioners.

From: Richard Burdett. 450 S. 10th Ave Saint Helens Oregon 97051 Ph. 503-410-9269

On July 27th 2021, the Llama Viola that was owned by me and loaned to the Scappoose Inn was attacked and killed by two dogs. My understanding is that the County Animal Control Officer investigated the incident and determined that a Melissa Senior from Vancouver Washington was the owner of the two dogs: Loki and Shadow and that he had substantial v=evidence to proof that these were the two dogs that caused the death of my Llama.

I am filing a claim for damages from the County Dog Control fund in the amount of \$ 1500.00
Under ORS 609.170 Claim by owner of livestock.

These events were witnessed by Dave Curtis and Dawn Womack. An affidavit of disinterested person will be filed and attached with this claim.

Dog Owner: Melissa Senior
12715 NE 38th Circle
Vancouver Washington

Richard Burdett. *Richard Burdett*



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

Date: 08/19/2021

TO; County Board of Commissioners

From: Deputy Kadell, ACD Columbia County

Re: Recommendation in regards to Ms. Senior livestock dogs:

Re: Recommendation in regards to Mr. Burdett's livestock claim upon the County.

First There is no dispute over the facts that these dogs two dogs did harm chase and cause the death of the Llama. Eye witness account place both dogs attacking the Llama at the time of the incident. The owner does not dispute the claims of the attack, but feels that the dog Loki to be the instigator in these events.

My penalty recommendation is the following:

1. A civil penalty for having killed livestock in the amount of \$500.00 for the dog Loki.
2. A civil penalty for having killed livestock in the amount of \$500.00 for the dog Shadow.
3. Payment of \$60 in impound fees (\$30 per dog)
4. Payment of Boarding fees in the amount of \$ 30 per days for 35 days Total \$1050.00
5. Payment of \$15 per days per dog until animal's confinement is resolved.
6. Repayment to the County of any funds paid under ORS 609.170 to Mr. Burdett.

My investigation of Ms. Senior found that she does not reside at the location stated in Washington. Thus I can not recommend that the dogs be allowed to return to this location. Ms. Senior has been advised to plead her situation directly to the board for consideration. While I think the dogs have redeeming value, due to the questions raised, I would not recommend that the dogs be returned to her for relocation in Washington.

The Columbia Humane Society has also expressed an interest in these two animals. They will be attending the hearing to offer their recommendations. As always, I have no objection to the CHS obtaining these animals and relocating them to a proper location and proper home. Transfer of the animals to the CHS would be contingent upon the owner agreeing to such transfer and owners payment of the estimated \$2500 in fees due.

CLAIMS UNDER 609.170

Mr. Burdett has filed a claim for damages from the county. The investigation showed that Mr. Burdett has not cared for the animal for over six years and that as a whole the animal had little value to him. My investigation into livestock values found that the stated value for the animal of \$1500 does not match with the current markets. This animal was older and also had little years remaining. Based on the information I located and speaking with Chip at the Department of Ag office I placed the value of this animal at \$400.00

Mr. Burdett has the option to reject this claim and seek a hirer amount and double damages from the dog owner in a civil court.