

BEFORE THE OREGON FISH AND WILDLIFE COMMISSION

IN THE MATTER OF DENNIS LEE
STURGELL
Hammond, Oregon

) DECLARATION OF KELLY SMITH
) IN SUPPORT OF AMENDED PETITION
) FOR HEARING AND FOR
) DETERMINATION OF APPLICABILITY
) OF THE 60-DAY PERIOD TO REQUEST A
) HEARING OF THE DEPARTMENT'S
) NOTICE OF INTENT TO REVOKE
) COMMERCIAL FISHING LICENSES

UNDER PENALTY OF PERJURY:

I, **KELLY SMITH**, do hereby declare that the statements herein are made based on personal knowledge and I am competent to testify.

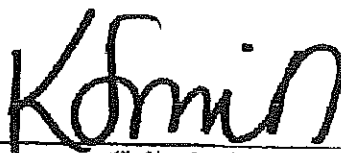
1. I am self-employed as a bookkeeper and I work out of my home in Seaside, Oregon. I work about 25 hours per week doing the books for Dennis Sturgell. I do not have a Power of Attorney for Mr. Sturgell, but I do have access to his post office box in Hammond, Oregon, and I pick up the mail for him when he is out commercial fishing.

2. I did pick up and sign for the letter from the Oregon Department of Fish and Wildlife containing the Notice of Intent to Revoke Commercial Fishing Licenses, but I do not recall on exactly what date I did so. I believe it was probably sometime around May 21, 2009.

3. Mr. Sturgell was out fishing, and I went camping with my family over the Memorial Day weekend, and believe I dropped off the mail at Mr. Sturgell's home on Tuesday, May 26, or Wednesday, May 27, 2009. He was still out commercial fishing at that time.

4. I believe that Mr. Sturgell returned from commercial fishing later in the week, and he would not have seen the Notice until Friday, May 29, or Saturday, May 30, 2009. I did not speak with him at any time about my receipt of the Notice, and to my knowledge, he did not know about the Notice until he went through his mail on May 29 or May 30, 2009.

DATED this 21st day of August, 2009.



Kelly Smith

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2009, I served the foregoing **SMITH DECLARATION IN SUPPORT OF AMENDED PETITION FOR HEARING AND FOR DETERMINATION OF APPLICABILITY OF 60-DAY RULE** on the following individual(s):

DeAnna Erickson
Oregon Dept. of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Marla Rae, Chair
Oregon Dept. of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Roy Elicker, Director
Oregon Dept. of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Stephen Sanders
Oregon Department of Justice
1515 SW 5th Avenue, Ste. 410
Portland, OR 97201

via first class mail.

DATED this 21st day of August, 2009.



Jeri G. Zwick, Legal Asst. to Thane W. Tienson
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