

**ANIMAL CONTROL BOARD  
DANGEROUS DOG PUBLIC HEARING**

**July 25, 2019  
6:00 PM**

MEMBERS PRESENT: Bryan Wilson  
Stephen Browne, Chairman  
Marianne King  
Robert Hunter, Vice Chairman

MEMBERS ABSENT: John McGrath  
Dr. Stephen Wiseman

OTHERS: Carole Coleman, Animal Services Administrator  
Melissa Hernandez, Assistant County Attorney  
Albert Adams, Clerk to the Board

The following is a non-verbatim transcript of the Seminole County Animal Control Board Public Hearing held July 25, 2019 at 6:00PM, at the Sheriff's Office/Office of Emergency Management Community Room 100 Eslinger Way, Sanford FL 32773, for the purpose of hearing an appeal of the determination to declare as dangerous a dog named "Ben" owned by Shannon Von Loh of 221 Woodmere Blvd, Sanford

I. Call to Order, 6:00pm

A. Roll Call and Determination of Quorum.

Roll Call was taken by the Clerk. A quorum was present.

B. Introduction of Board Members and Review of Hearing Process

Stephen Browne explained the Function of the Board. Melissa Hernandez explained the process of the hearing. Melissa explained that if anyone is going to testify that they needed to be sworn in. Melissa asked that each witness to state their name. Witnesses were sworn in by the Clerk.

II. Invocation of the Rule.

Stephen Browne asked if either side wanted to invoke the rule. Both sides asked to invoke the rule. Stephen Browne directed the witnesses to wait outside the hearing room until called to give their testimony.

A. Opening statement of County.

Carole Coleman, Animal Services Administrator, introduced herself. She gave an overview of the investigation report and supporting documents. She advised that due to the severity of the injuries sustained to Mr. DeTommaso, it was her initial declaration to have the dog "Ben" humanly euthanized and as the Animal Control official she signed the initial declaration of dangerous dog on July 3, 2019. On July 5, 2019 her letter of declaration was hand delivered by Field Supervisor Shari Covell.

B. Opening Statement of Dog Owner.

Attorney Gary Siegel, who will be representing Ms. Shannon Von Loh gave his opening statement. He advised that his client lives in a residence which the victim is the landlord. Mr. Siegel advised Ms. Von Loh has a lease on the resident which specifically provides that the rent is to be paid at the owner or owner's agents at the address of 241 Abbott Ave, Lake Mary, FL, not at the address of where his client lives. On the date of the incident Mr. Siegel advised that his client was not home, only her 3 kids (3, 5 and 14 year old). Mr. Siegel advised that at some point the kids heard the doorknob turning which alerted them. He advised that the 3 year old goes to the door and opens it and Mr. DeTommaso was standing there with a gun. Mr. Siegel said that the landlord steps onto the threshold of the property. Mr. Siegel advised that very quickly after that the dog jumped up and knocked down the 3 year old and they are outside and while outside the landlord is backing up and he slips on the grass and steps into a hole which is actually the water meter and falls back and hits his head on his vehicle. Mr. Siegel advised that one of the children asked landlord if the dog bit you. He replied "no". Mr. Siegel advised basically what we have here is a guy who had no legal right to be there since the lease specifically provides that he cannot go onto the property other than the purpose of inspections or alterations. Mr. Siegel advised the dog is not a dangerous animal.

III. Presentation of County's Case.

- A. County's direct examination of each of its witnesses.
  - a. Leonard DeTommaso, 241 Abbott Ave, Lake Mary
- B. Dog Owner's cross examination of each of the County witnesses.
- C. Board's examination of each of the County witnesses.

Ms. Coleman began to present her case.

She asked Mr. DeTomasso, to explain in his own words what happened on the day of the incident involving Ms. Von Loh dogs.

Mr. Siegel cross examined Mr. DeTommaso. He asked Mr. DeTommaso if he had a lease for his client's property. He replied "yes". Mr. Siegel had submitted a copy of the residential lease. Mrs. Hernandez marked the residential lease as exhibit "1". Mr. Siegel asked Mr. DeTommaso questions about the lease. Mr. Siegel asked questions about his testimony regarding the incident involving Ms. Von Loh dogs on June 11, 2019.

The Board then questioned Mr. DeTommaso for clarification on incident from June 11, 2019. Mr. Hunter asked a couple of questions about sections of lease.

Mr. DeTommaso was not released as a witness and may be recalled as a witness.

Ms. Coleman called Shari Covell, (Animal Services Field Supervisor), she asked Ms. Covell if Animal Services was called to 221 Woodmere Blvd on the date of the incident. Shari replies "no." Ms. Coleman also asked if the dog was impounded on the day of the incident. She answered "no". She asked Ms. Covell how we were notified. She replied that we had received a fax from the hospital.

Mr. Siegel cross examined Ms. Covell. He asked Ms. Covell if she ever spoke to the Mr. DeTommaso. She replied, not until a few days later when he came to the shelter to drop off his statement.

The Board was given opportunity to cross examine Ms. Covell. Bryan Wilson asked Ms. Covell if there were any other incidences involving these dogs. "Not that she is aware of," she replied.

Ms. Covell was released as a witness.

#### IV. Presentation of Dog Owner's Case.

- A. Dog Owner's direct examination of each of its witnesses
  - a. Alexis Shingler, 221 Woodmere Blvd, Sanford
  - b. Londa Hershey, 2815 Grove Dr, Sanford
  - c. Shannon Von Loh, 221 Woodmere Blvd, Sanford

Mr. Siegel began to present his client's case.

Mr. Siegel called Alexis Shingler, to recall the incident that happened in June of this year.

Ms. Coleman was given the opportunity to cross examine Ms. Shingler as to his recollection of incident. She advised that due to she was a minor, she does not have any questions.

The Board was given opportunity to cross examine Ms. Shingler on the incident.

Ms. Shingler was released as a witness.

The Chairman called for a 5 minute Recess at 7:05pm

The hearing reconvened at 7:10pm.

Mr. Siegel called Londa Hershey, to recall if she witnessed seeing anything the day of the incident. She replied "she didn't see anything, only heard barking."

Ms. Coleman cross examined Ms. Hershey as to her testimony regarding the incident that happened.

The Board was given opportunity to cross examine Ms. Hershey. Gayle Hair asked if these dogs were a problem for the neighborhood. She replied "no".

Ms. Hershey was released as a witness.

Mr. Siegel called Shannon Von Loh, to recall if she has ever gave landlord permission to come to her house to pick up the rent. She answered "never". Mr. Siegel ask Ms. Von Loh if "Ben" was a service dog. She replied "yes".

Ms. Coleman cross examined Ms. Von Loh as to whether the video that she showed was of the incident or after the incident. She stated that the video was taken after the incident.

The Board was given opportunity to question Ms. Von Loh.

Ms. Von Loh was released as a witness.

V. Closing Statement by the County.

Ms. Coleman closed by stating that she has provided the board with testimonies and evidence that the dog named "Ben" owned by Shannon Von Loh did aggressively attach Mr. DeTommaso causing severe injury which meets the dangerous dog definition of Florida State Law 767.111(A). This injury was verified as a dog bite by several medical personnel. She asked if the Animal Control Board could uphold her initial Declaration of Dangerous Dog and follow the requirements of the board under Seminole County code 20.27 (B&C).

VI. Closing Statement by the Dog Owner.

Mr. Siegel closed by stating that the testimonies are clear that he did not get bit by a dog. Mr. Siegel said that the testimony of the 14 year old was a

credible. He said that Mr. DeTommaso jiggled the doorknob and was technically in the house. He stated probably what happened was that Mr. DeTommaso opened the door and the dogs jumped out and fell on the grass and stepped into the water meter and hit his face. He stated there is no proof that there was a dog bite or expert witnesses. Mr. Siegel said based on the evidence that was presented tonight, the dog should not have to be put down and the dog is not dangerous.

VII. Close of the evidentiary portion of the hearing.

Before the board began deliberations, Stephen Browne offered anyone of the public to speak if they had anything to say. Tammi Carter advised that she is the one who drove Mr. DeTommaso to the hospital. She also stated that Mr. DeTommaso has a concealed weapon permit. She advised that Mr. DeTommaso did not have his weapon on the day of the incident.

A. 7:40pm deliberation by the Board begins.

The Board began its discussion by letting everyone know that they are here to determine whether the dog is to be dangerous or not based on the evidence presented. Stephen then stated that they needed to look at three things: 1. If there is severe injury, 2. If aggressively attacked. 3. Without provocation. Gayle then stated that in the State Law section 767.12 (2) it states that the dog cannot be declared dangerous if: a. the injury was sustained by a person who is unlawfully on the property or b. the dog was protecting or defending a human being on its own property. Gayle believes the dog was protecting the family. Ms. King asked for clarity from Assistant County Attorney Ms. Hernandez. Ms. Hernandez stated the rule of the board is to hear the evidence of the case and make the determination if they think the dog fits the definition of a dangerous dog. Mr. Browne said that they needed to go through Seminole County codes before they went to State Law. The board advised the State Law supersedes the County ordinances. Mrs. Hernandez read the definition of a dangerous dog.

Gayle Hair made a motioned that based on the evidence and hearing the testimonies, it did appear that the dog did injure Mr. DeTommaso but that the injury occurred at a time when Mr. DeTommaso was unlawfully on the property. Gayle motioned to overturn the Dangerous Dog declaration. Bryan Wilson 2nd the motion. Board passed the motion to overturn Dangerous Dog declaration.

Ms. Hernandez asked the board for clarification as to why they determined that the dog caused severe injury. The board said it was based on the medical record, testimonies and pictures.

X. Adjournment.

Stephen Browne adjourned the meeting at 8:05pm

Respectfully submitted,

Clerk to the Board

OFFICIAL