

**SEMINOLE COUNTY
ANIMAL CONTROL BOARD
SPECIAL MEETING**

**March 20, 2012
6:30 PM**

AND

**DANGEROUS DOG PUBLIC HEARING
TO APPEAL INITIAL DETERMINATION OF FINDING SUFFICIENT CAUSE TO
CLASSIFY A DANGEROUS DOG
OWNED BY CURTIS LEE
FILE NUMBER FL SC DD 1700095**

**March 20, 2012
7:00 PM**

MEMBERS PRESENT: Jennifer Finch
Bryan Wilson
Stephen Browne, Vice Chairman
Gayle Hair, Chairman
Dr. Giovanni Vergel
Keith Weissman

MEMBERS ABSENT: Debra Garrambone

OTHERS: Morgan Woodward, Animal Services Manager
Ann Colby, Assistant County Attorney
Elaine RiCharde, Clerk to the Board

The following is a non-verbatim transcript of the Seminole County Animal Control Board special meeting held March 20, 2012, at 6:30 PM to review the processes and procedures relative to a dangerous dog public hearing, and of the Seminole County Animal Control Board public hearing held March 20, 2012, at 7:00 PM to hear an appeal of the initial determination of finding sufficient cause to classify a dangerous dog owned by Curtis Lee, file number FL SC DD 1700095. The special meeting and public hearing were held at the Sheriff's Office/Public Safety Building, 150 Bush Boulevard Sanford, Florida.

Ms. Hair called the meeting to order at 6:35 PM. Roll Call was taken by the Clerk. A quorum was present.

Ann Colby, Assistant County Attorney, introduced herself and proceeded to review the procedures, state law and county ordinances applicable to a public hearing.

Keith Weissman joined the meeting at 6:55 PM.

I. Call to Order.

A. Roll Call and Determination of Quorum.

Ms. Hair called the public hearing to order at 7:03 PM. The Clerk did not take another roll call. A quorum was present.

B. Introduction of Board Members and Review of Hearing Process.

II. Invocation of the Rule.

Ms. Hair explained the meaning of invoking the rule.¹

Ms. Hair asked if either side wanted to invoke the rule. Morgan Woodward, Animal Services Manager, responded affirmatively.

Witnesses Guy Dagostino, Gina Knaggs, Melissa Fazio, Terri Bryant, Morgan Woodward, Curtis Lee and Kenneth Lee² stated their names and were sworn. Ms. Colby directed the witnesses to wait outside the hearing room until called to give their testimony.

A. Opening statement of County.

Morgan Woodward, Animal Services Manager, introduced himself. He gave an overview of the investigation report and supporting documents. He reviewed the statutory foundation to declare “Brock” a dangerous dog.

B. Opening Statement of Dog Owner.

Curtis Lee made an opening statement speaking to each incident in the investigation. Kenneth Lee made an opening statement speaking to the dog’s behavior.

III. Presentation of County’s Case.

A. County’s direct examination of each of its witnesses.

B. Dog Owner’s cross examination of each of the County witnesses.

C. Board’s examination of each of the County witnesses.

¹ Invoking the rule requires witnesses to wait outside the hearing room except when giving testimony and to refrain from speaking with each other or discussing the case except when giving their testimony.

² Upon inquiry by Ms. Hair, Kenneth Lee stated he is the co-owner of the dog “Brock”.

Mr. Woodward called Gina Knaggs to give testimony about the bite incident on May 13, 2011. Mr. Woodward, Curtis Lee, Kenneth Lee and the Board questioned Ms. Knaggs.

Ms. Knaggs was released as a witness.

Mr. Woodward called Guy Dagostino to give testimony about the bite incident on May 13, 2011. Mr. Woodward, Curtis Lee, Kenneth Lee and the Board questioned Mr. Dagostino.

Mr. Dagostino was released as a witness.

Mr. Woodward called Melissa Fazio to give testimony about the bite incident on November 27, 2011. Mr. Woodward and the Board questioned Ms. Fazio.

Ms. Fazio was released as a witness.

Mr. Woodward called Theresa Bryant. Ms. Bryant, who is employed at Seminole County Animal Services as a vet tech, gave testimony about the dog's behavior while impounded at Seminole County Animal Services. Mr. Woodward, Curtis Lee, Kenneth Lee and the Board questioned Ms. Bryant.

Ms. Bryant was released as a witness.

Ms. Hair called for a recess at 8:13 PM.

Ms. Hair reconvened the hearing at 8:25 PM.

IV. Presentation of Dog Owner's Case.

- A. Dog Owner's direct examination of each of its witnesses.
- B. County's cross examination of each of the Dog Owner's witnesses.
- C. Board's examination of each of the Dog Owner's witnesses.

Curtis Lee and Kenneth Lee gave their testimony as their witnesses in the form of statements.

Mr. Woodward and the Board questioned Curtis Lee and Kenneth Lee.

V. Closing Statement by the County.

Mr. Woodward made closing remarks by summarizing the investigation. He asked the Board to uphold the dangerous dog declaration as based on the provisions in the Florida Statutes and the Seminole County Code to include upholding that the dog inflicted a severe injury. He asked the Board to uphold his recommendation to euthanize the dog.

VI. Closing Statement by the Dog Owner.

Curtis Lee and Kenneth Lee made closing remarks that spoke to the incident on February 15, 2012, not being a bite, that the dog is neither vicious nor aggressive, their past activities to confine/restrain the dog and their future plans to confine/restrain the dog when it is released to them.

Closing remarks led to Curtis Lee showing the Board a picture on his cell phone of the bite wound inflicted on February 15, 2012. Curtis Lee sent the picture by Email to Ms. Colby who forwarded it to the Clerk as a matter of record.

VII. Close of the evidentiary portion of the hearing.

Ms. Hair announced the evidentiary portion of the hearing was closed.

A. Deliberation by the Board.

Ms. Colby asked to review with the Board once again the laws the Board was enforcing. She reviewed the definitions of a dangerous dog and of a severe injury. She advised the Board they must first make a finding as to whether or not the dog meets the definition of a dangerous dog. Second, the Board must decide if the dog inflicted a severe injury. And third, if the Board declares the dog to be dangerous they must decide the disposition of the dog.

The Board commenced with their deliberations.

Motion by Mr. Wilson that the Board finds that "Brock" has bitten people and there have been injuries but they don't rise to the level of severe injuries. That "Brock" should be released to the owner with the conditions as stated in 20.27 with the extra conditions that if "Brock" leaves the county he will be neutered within 30 days if "Brock" can't be neutered before leaving Animal Services. That the owner follow the advisories that "Brock" must be crated whether "Brock" is at the owner's house or wherever "Brock" goes and that the owner get a portable crate for him. That the guardians get aggressive dog training so they understand what they are dealing with with "Brock". That the foregoing and the 20.28 section E all of those conditions are followed even if "Brock" is moved into Volusia County. That the Board finds "Brock" is dangerous and that the facts the Board has seen do justify declaring "Brock" a dangerous dog but not to the level of requiring euthanasia but requiring section 20.28 section E with the additional conditions of neutering "Brock" and that "Brock" is

always confined within a crate whether at the owner's residence or anywhere else. Second by Dr. Vergel. Mr. Wilson's motion failed four votes (by Mr. Weissman, Mr. Browne, Ms. Hair and Ms. Finch) to two votes (by Mr. Wilson and Dr. Vergel).

Motion by Ms. Hair that based on the facts the Board has heard that the Board makes a finding that "Brock" has aggressively bitten, attacked or endangered a human being on public or private property. Second by Ms. Finch. Ms. Hair's motion carried four votes (by Mr. Weissman, Mr. Browne, Ms. Hair and Ms. Finch) to two votes (by Mr. Wilson and Dr. Vergel).

Motion by Mr. Weissman that the dog "Brock" did, according to the statutes, inflict a severe injury with permanent disfigurement on a human being. Second by Mr. Browne. Mr. Weissman's motion carried four votes (by Mr. Weissman, Mr. Browne, Ms. Hair and Ms. Finch) to two votes (by Mr. Wilson and Dr. Vergel).

Motion by Mr. Wilson that the dog "Brock" is declared a dangerous dog according to the definitions the Board has. Second by Ms. Finch. The motion passed unanimously.

Ms. Hair called for a recess at 10:10 PM.

Ms. Hair reconvened the hearing at 10:15 PM.

Motion by Mr. Wilson that this incident that the facts do not support that this rose to the level of an attack but were incidental bites so the facts do not support an attack. Second by Dr. Vergel. Mr. Wilson's motion failed three votes in support of the motion (by Mr. Weissman, Mr. Wilson and Dr. Vergel) to three votes in opposition to the motion (by Mr. Browne, Ms. Hair and Ms. Finch).

Motion by Ms. Hair that the facts and the information the Board heard are sufficient to enter an order that the dog "Brock" needs to be euthanized. Second by Ms. Finch. Ms. Hair's motion carried four votes (by Mr. Weissman, Mr. Browne, Ms. Hair and Ms. Finch) to two votes (by Mr. Wilson and Dr. Vergel).

B. Announcement of the Board's decision.

C. Direction to staff for preparation and issuance of the Board Order.

Ms. Hair directed the Clerk to prepare an order finding that based on the facts "Brock" is a dangerous dog, that "Brock" did inflict a severe injury, that the Board recommends euthanasia and that "Brock" be held a minimum of ten (10) days in order for the owner to have the opportunity to file an appeal.

VIII. Adjournment.

Motion by Mr. Browne to adjourn the meeting at 10:37 PM. Second by Ms. Finch. The motion passed unanimously.

Respectfully submitted,

Clerk to the Board

OFFICIAL