

**SEMINOLE COUNTY
ANIMAL CONTROL BOARD
DANGEROUS DOG PUBLIC HEARING**

**April 14, 2011
7:00 PM**

MEMBERS PRESENT: Gail Nagan
Marylin Wittmer, Chairman
Debra Garrambone
Kathleen Prince
Gayle Hair, Vice Chairman
Dr. Joe Vaughan

MEMBERS ABSENT: Keith Weissman

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 public hearing held April 14, 2011, at 7:00 PM, at the Sheriff's Office/Public Safety Building, 150 Bush Boulevard, Sanford, Florida, for the purpose of hearing an appeal of the determination to declare as dangerous a dog named "Shamu" owned by Joseph Guarino.

I. Call to Order.

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.

Ms. Wittmer asked Board members to introduce themselves.

II. Invocation of the Rule.

Ms. Wittmer introduced Ann Colby, Assistant County Attorney, who explained the meaning of invoking the rule.¹

Ms. Wittmer asked if either side wanted to invoke the rule. Joseph Guarino, the dog owner, responded affirmatively.

¹ Invoking the rules 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.

Witnesses Gael Self, Richard Self, Scott Hyatt, Steve Oggeri and Carole Coleman 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 "Shamu" a dangerous dog.

B. Opening Statement of Dog Owner.

Mr. Guarino gave his opening statement to include owning another dog that is a dangerous dog, that he can disprove the alleged incidents in the investigation report, and that a law suit has been filed against him by his neighbors.

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.

Morgan Woodward stated his name and was sworn.

Mr. Woodward began to present his case. He reviewed the investigation documents to include complaint/activity calls at Mr. Guarino's address and citations and written warnings issued to Mr. Guarino relative to violations of the Seminole County Code, Chapter 20.

Mr. Woodward next reviewed the following incidents upon which he made the dangerous dog declaration.

Mr. Woodward reviewed documents and sworn statements relative to a bite incident on November 29, 2009, involving multiple dogs owned by Mr. Guarino.

The bite victim, Lauren Hyatt, was not present to give testimony. Her husband, Scott Hyatt, was in attendance.

Scott Hyatt was called and released as a witness without giving any testimony.

Mr. Woodward called Steve Oggeri to give testimony about an incident on May 2, 2010, when “Shamu” was running at large and charged Mr. Oggeri who was on his property at the time. Mr. Woodward, Mr. Guarino and the Board questioned Mr. Oggeri.

Steve Oggeri was released as a witness.

Mr. Woodward called Carole Coleman, Animal Services Field Supervisor, to give testimony about an incident on June 24, 2010, when “Shamu” was running at large and attacked a dog owned by Carole Piscopo. Mr. Woodward and the Board questioned Ms. Coleman.

Ms. Coleman was retained as a witness.

Mr. Woodward called Richard Self to give testimony about an incident on September 19, 2010, when “Shamu” was running at large and attacked Mr. Self who was on his property at the time. The witness was temporarily unavailable.

Mr. Woodward called Gael Self to give testimony about an incident on September 19, 2010, when “Shamu” was running at large and attacked Richard Self who was on his property at the time. Mr. Woodward and the Board questioned Ms. Self.

Ms. Self was retained as a witness.

Mr. Woodward called Richard Self to give testimony about an incident on September 19, 2010, when “Shamu” was running at large and attacked Mr. Self who was on his property at the time. Mr. Woodward, Mr. Guarino and the Board questioned Mr. Self.

Mr. Self was retained as a witness.

Mr. Woodward reviewed documents and sworn statements relative to an incident on March 18, 2011, when “Shamu” was running at large and attacked Tyler Hayden who was on his property at the time. Mr. Woodward advised the three witnesses to this incident, Tyler Hayden, Diane Hayden and Jon Stires, were unable to attend the public hearing.

Mr. Woodward advised the Board that Richard Self and Gael Self observed “Shamu” running at large on March 18, 2011, around the time Tyler Hayden was attacked, and submitted sworn statements attesting to same.

Mr. Woodward did not call witnesses to give testimony relative to the incident involving Tyler Hayden on March 18, 2011.

Ms. Wittmer called for a recess at 8:35 PM.

Ms. Wittmer reconvened the hearing at 8:45 PM.

IV. Presentation of Dog Owner's Case.

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

Mr. Guarino, who was not sworn, reviewed the incidents that occurred on November 29, 2009, June 24, 2010, September 19, 2010, and March 18, 2011.

Richard Self was recalled. Mr. Guarino questioned Mr. Self relative to the incident on March 18, 2011, and then about the incident on September 19, 2010.

Mr. Woodward and the Board questioned Mr. Self about the March 18, 2011, incident.

Richard Self was released as a witness.

Gael Self was recalled.

Mr. Guarino and the Board questioned Ms. Self relative to the March 18, 2011, incident.

Gael Self was released as a witness.

Carole Coleman was recalled. Mr. Guarino questioned Ms. Coleman relative to the dangerous dog investigation on his dog "Jenny".

Mr. Woodward questioned Ms. Coleman about her job duties and responsibilities relative to dangerous dog investigations and property inspections.

Carole Coleman was released as a witness.

V. Closing Statement by the County.

Mr. Woodward clarified the rabies vaccination records on Mr. Guarino's dogs relative to when those vaccinations were given. Mr. Woodward advised the investigation on "Shamu" was initiated by and based upon citizen complaints.

At the conclusion of Mr. Woodward's initial remarks the Board questioned both Mr. Guarino and Mr. Woodward.

Mr. Woodward made his final closing remarks by summarizing the investigation and asking the Board to uphold the dangerous dog declaration as based on the provisions in the Florida Statutes and the Seminole County Code.

VI. Closing Statement by the Dog Owner.

Mr. Guarino made closing remarks and asked the Board to void the dangerous dog declaration.

VII. Close of the evidentiary portion of the hearing.

Ms. Wittmer announced the evidentiary portion of the hearing was concluded.

A. Deliberation by the Board.

The Board began its deliberation to include clarifying the conditions to confine a dangerous dog.

Ms. Colby reviewed the definition of a dangerous dog. 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 establish conditions to confine the dog.

Ms. Wittmer called for a motion to declare the dog to be a dangerous dog.

Motion by Dr. Vaughan finding the dog "Shamu" is a dangerous dog pursuant to Florida Statutes, Chapter 767.11(d) based on incidents that occurred on September 19, 2010 (Richard Self incident); March 18, 2011 (Tyler Hayden incident); and May 2, 2010 (Steve Oggeri incident); finding the dog did not inflict a severe injury; and ordering the dog to be confined with conditions specified in the Florida Statutes and the Seminole County code with additional conditions requiring the dog be spayed and be implanted with microchip identification. Second by Ms. Prince.

Motion made by and then rescinded by Ms. Hair to require training e.g. obedience training.

Dr. Vaughan's motion carried four votes (by Ms. Wittmer, Dr. Vaughan, Ms. Prince and Ms. Hair) to two votes (by Ms. Nagan and Ms. Garrambone).

B. Announcement of the Board's decision.

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

Ms. Wittmer directed the Clerk to prepare an order for her signature in accordance with the Board's decision.

VIII. Sunshine Law, Ethics and Public Records Training Conducted by Ann Colby, Assistant County Attorney.

There was a consensus to defer this training to the next Board meeting in consideration of the late hour.

IX. Confirmation of Next Meeting.

- June 9, 2011
- September 8, 2011
- December 8, 2011

X. Adjournment.

Motion by Ms. Hair to adjourn the meeting at 10:25 PM. Second by Ms. Prince. The motion passed unanimously.

Respectfully submitted,

Clerk to the Board

OFFICIAL