

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

**August 14, 2018
6:00 PM**

MEMBERS PRESENT: Bryan Wilson
Stephen Browne, Chairman
Marianne King
Robert Hunter
Gayle Hair, Vice Chairman
John McGrath
Stephen Wiseman

MEMBERS ABSENT:

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 August 14, 2018, at 6:00PM, at the UF/IFAS Extension, Agricultural Center, 240 West County Home Rd, Sanford, Florida, for the purpose of hearing an appeal of the determination to declare as dangerous a dog named "Munich" owned by Colin Smith of 1021 Camelia Dr, Oviedo.

- I. Prehearing instructions
 - a. Melissa Hernandez, Assistant County Attorney, instructed the Animal Control Board, (here after ACB) on making a determination on the facts and relevant issues pertaining to the hearing. She also explained the meaning of invoking the rule. ¹

II. Call to Order, 6:08pm

- A. Roll Call and Determination of Quorum.

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

II. Invocation of the Rule.

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.

Stephen Browne asked if either side wanted to invoke the rule. Colin Smith, responded affirmatively.

Witnesses were sworn in by the Clerk, then Ms. Hernandez 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 reviewed the statutory foundation to declare "Munich" a dangerous dog.

B. Opening Statement of Dog Owner.

Mr. Smith gave his opening statement to include owning three other dogs. He advised his dogs did not kill the victim's cat, and added that the cat is a stray, but if his dog did kill the cat, the cat provoked the dog.

III. Presentation of County's Case.

- A. County's direct examination of each of its witnesses.
 - a. Vicky Hilburn, 1031 Camelia Drive, Casselberry
 - b. Officer Renzo Rincon, Casselberry Police Dept
 - c. Officer James Pyle, Seminole County Animal Services
 - d. Colin Smith, 1021 Camelia Drive, Casselberry
 - e. Brian Shumacher, 525 Georgetown Drive Apt. E, Casselberry
 - f. Deborah Dalagelis, 1041 Bluebell Drive, Casselberry
 - g. Officer Chris Jones, Casselberry Police Dept
 - h. Dr. Sheila Morris, Contracted Veterinary for Seminole County
 - i. Officer Ence Spann, Casselberry Police Dept
 - j. David Rydzewski, 1039 Bluebell Drive, Casselberry
- 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 questioned Ms. Hilburn, about incident involving Mr. Smith's dogs on March 13th, 2018.

Mr. Smith cross examined Ms. Hilburn, as to his testimony regarding the incident on 03/13/18.

The Board then questioned Ms. Hilburn for clarification on incident from 03/13/18.

Ms. Hilburn was released as a witness.

Ms. Coleman called Officer Rincon, (Casselberry Police Dept), to recall the incident which occurred on 03/13/18.

Mr. Smith cross examined Officer Rincon as to his testimony regarding the incident on 03/13/18.

The Board was given opportunity to cross exam Officer Rincon for clarity of the incident on 03/13/18.

Officer Rincon was released as a witness.

Ms. Coleman called Mr. James Pyle, (Animal Services Officer), to recall the incident which occurred on 03/13/18.

Mr. Smith cross examined Officer Pyle as to his testimony regarding the incident on 03/13/18.

The Board was given opportunity to cross exam Officer Pyle for clarity of the incident on 03/13/18.

Officer Pyle was not released as a witness and will be called back for more questioning.

Ms. Coleman called Mr. Smith as a witness, to recall his recollection of the incident that occurred on 03/13/18.

The Board was given opportunity to cross exam Mr. Smith for clarity of the incident on 03/13/18.

Ms. Coleman called Brian Shumacher, to recall the incident which occurred on 06/07/18.

Mr. Smith cross examined Mr. Shumacher as to his testimony regarding the incident on 06/07/18.

The Board was given opportunity to cross exam Mr. Shumacher for clarity of the incident on 06/07/18.

Mr. Shumacher was released as a witness.

Ms. Coleman called Ms. Dalagelis, to recall the incident which occurred on 06/07/18 to a cat named "Ginger".

Mr. Smith cross examined Ms. Dalagelis as to her testimony regarding the incident that occurred on 06/07/18.

The Board was given opportunity to cross exam Ms. Dalagelis for clarity of the incident on 06/07/18.

Ms. Dalagelis was not released as a witness and will be recalled for more questioning.

Ms. Coleman called Officer Jones, (Casselberry Police Dept), to recall the incident which occurred on 06/07/18. Ms. Coleman advised she was aware that he was not present but responded later.

Mr. Smith cross examined Officer Jones as to his testimony regarding the incident on 06/07/18.

The Board was given opportunity to cross exam Officer Rincon for clarity of the incident on 06/07/18.

Officer Jones was released as a witness.

Ms. Coleman called Dr. Morris, to decipher the paperwork that was submitted by Ms. Dalagelis for the cat named "Ginger".

Mr. Smith cross examined Dr. Morris reference her finding on the cat named "Ginger" from the vet visit.

The Board was given opportunity to cross exam Dr. Morris on her finding on the cat named "Ginger".

Dr. Morris was not released as a witness and will be recalled as a witness.

The Chairman called for a 5 minute Recess at 8:36pm

The hearing reconvened at 8:45pm.

Ms. Coleman recalled Ms. Dalagelis, to recall incident on 7/8/18 reference her cat named "Bunkin".

Mr. Smith cross examined Ms. Dalagelis as to her testimony regarding the incident that occurred on 7/8/18.

The Board was given opportunity to cross exam Ms. Dalagelis for clarity of the incident on 7/8/18.

Ms. Dalagelis was released as a witness.

Ms. Coleman called Officer Spann, (Casselberry Police Dept), to recall the incident which occurred on 7/8/18.

Mr. Smith cross examined Officer Spann as to his testimony regarding the incident on 7/8/18.

The Board was given opportunity to cross exam Officer Spann for clarity of the incident on 07/8/18.

Officer Spann was released as a witness.

Ms. Coleman called Mr. Rydzewski, to ask him if he allows Ms. Dalagelis cats to run free on his property. He replied "yes". Ms. Coleman then asked if these cats have to cross the street to get to his property. He replied "no", because they all live on the same side of the street.

Mr. Smith cross examined Mr. Rydzewski as to his testimony reference the cats allowed to run free.

The Board was given opportunity to cross exam Mr. Rydzewski reference statement he wrote from incident from 7/8/18.

Mr. Rydzewski was released as a witness.

Ms. Coleman recalled Officer James Pyle, (Animal Services Officer), to recall the incident which occurred on 7/8/18.

Mr. Smith cross examined Officer Pyle as to his testimony regarding the incident on 7/8/18.

The Board was given opportunity to cross exam Officer Pyle for clarity of the incident on 7/8/18.

Officer Pyle was released as a witness.

Ms. Coleman recalled Dr. Morris, to decipher the paperwork that was submitted by Ms. Dalagelis for the cat named "Bunkin".

Mr. Smith cross examined Dr. Morris reference her finding on the cat named "Bunkin".

The Board was given opportunity to cross exam Dr. Morris on her finding on the cat named "Bunkin".

Dr. Morris was released as a witness.

Ms. Coleman called Shari Covell, (Animal Services Field Supervisor), not for any particular incident but just to clarify what the different codes are for Animal Services and also when did we originally start having incidences with Mr. Smith's dogs.

Mr. Smith cross examined Ms. Covell as to incidences regarding his dogs.

The Board was given opportunity to cross exam Ms. Covell for clarity of the incident on 7/8/18.

Ms. Covell was released as a witness.

IV. Presentation of Dog Owner's Case.

A. Mr. Smith was given the opportunity to call witness, but instead he presented her own testimony and evidence.

The Board was given the opportunity to question Mr. Smith

V. Closing Statement by the County.

Ms. Coleman closed by stating that she has provided the board with testimonies that the male Rottweiler "Munich" owned by Colin Smith while off property has severely injured two cats on two (2) separate occasions, one of which caused severe enough injuries resulting in the cat having to be humanely euthanized. Ms. Coleman also asked that the Animal Control Board uphold her Declaration of Dangerous Dog, in addition that they grant a pickup order if they upheld the Dangerous Dog declaration if Mr. Smith did not comply within 30 calendar days.

VI. Closing Statement by the Dog Owner.

Mr. Smith did not have a closing statement.

VII. Close of the evidentiary portion of the hearing.

A. 10:00pm deliberation by the Board begins.

The Board began its discussion by trying to clarify the definition of domestic animal.

Dr. Wiseman motioned to uphold the Dangerous Dog declaration. Marianne King 2nd the motion.

Discussion was made that there is evidence of 2 cats being injured but there was not enough evidence that both of the incidences were caused by "Munich". Dr. Wiseman's motion failed.

Bryan Wilson motioned to overturn Dangerous Dog declaration because we cannot specifically identify "Munich" as the offender in both incidences, 2nd by John McGrath. Board passed the motion to overturn Dangerous Dog declaration.

X. Adjournment.

Stephen Browne adjourned the meeting at 10:21pm

Respectfully submitted,

Clerk to the Board