

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

**July 14, 2015  
6:30 PM**

MEMBERS PRESENT: Bryan Wilson  
Stephen Browne, Chairman  
Marianne King  
Heather Smith  
Gayle Hair, Vice Chairman

MEMBERS ABSENT: Theresa Dickinson

OTHERS: Bob Hunter, Animal Services Manager  
Ann Colby, Assistant County Attorney  
Denise Sims, Clerk to the Board

The following is a non-verbatim transcript of the Seminole County Animal Control Board Public Hearing held July 14, 2015, at 6:30PM, at the UF/IFAS Extension, Agricultural Center, 240 County Home Rd, Sanford, Florida, for the purpose of hearing an appeal of the determination to declare as dangerous a dog named "Lady" owned by Karen Heriot of 1006 Corbin Ct, Oviedo.

- I. Prehearing instructions
  - a. Ann Colby, 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.<sup>1</sup>

- II. Call to Order, 7:04pm

- A. Roll Call and Determination of Quorum.

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

- II. Invocation of the Rule.

Stephen Browne asked if either side wanted to invoke the rule. Bob Hunter, Animal Services Manager, responded affirmatively.

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<sup>1</sup> 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 were sworn in by the Clerk, then Ms. Colby directed the witnesses to wait outside the hearing room until called to give their testimony.

A. Opening statement of County.

Bob Hunter, Animal Services Manager, introduced himself. He gave an overview of the investigation report and supporting documents. He reviewed the statutory foundation to declare "Lady" a dangerous dog.

B. Opening Statement of Dog Owner.

Ms. Heriot gave her opening statement to include owning two other dogs, and medical issues proving that Lady is incapable of injuring another dog, and that the victim is known to go on her property.

III. Presentation of County's Case.

- A. County's direct examination of each of its witnesses.
  - a. Mr. Larew, Owner of Jack (chihuahua)
  - b. Det. Stephen Rogers, Oviedo Police Dept.
  - c. Officer Shari Covell, Seminole County Animal Services
  - d. Officer Albert Adams, Seminole County Animal Services
  - e. Officer Anthony Bloodgood, Seminole County Animal Services
- B. Dog Owner's cross examination of each of the County witnesses.
- C. Board's examination of each of the County witnesses.

Mr. Hunter began to present his case.

He questioned Mr. Larew, (through interpreters from Interpretetek), as to his recollection of the three(3) different incidents involving Jack and Lady.

Ms Heriot cross examined Mr. Larew, as to his recollection of the three (3) incidents.

The Board then questioned Mr. Larew for clarification of the three (3) incidents.

Mr. Larew was held for possible recall.

Mr. Hunter called Det. Stephen Rogers,(Oviedo Police Dept), to recall the incident which occurred on 12/28/12.

Ms. Heriot cross examined Det. Rogers as to his testimony regarding the incident on 12/28/12.

The Board was given opportunity to cross exam Det. Rogers for clarity of the incident on 12/28/12.

Det. Rogers was released as a witness.

The Chairman called for a 5 minute Recess at 8:15pm

The hearing reconvened at 8:20pm.

Mr. Hunter Called Ms. Shari Covell, (Animal Services Officer), to recall and clarify the activity (A11-057548) she responded to on 12/30/11.

Ms. Heriot cross examined Ms Covell as to her testimony of the incident of 12/30/11.

The Board was given opportunity to question Ms. Covell.

Ms Covell was released as a witness.

Mr. Hunter called Mr. Albert Adams, (Animal Services Officer), to recall and clarify the activity (A12-058035-1, A12-058035-2, and A12-058035-3), delivery of citations.

Ms. Heriot cross examined Mr. Adams as to his testimony.

The Board was given opportunity to question Mr. Adams

Mr. Adams was released as a witness.

Mr. Hunter Called Mr. Anthony Bloodgood, (Animal Services Officer), to recall and clarify the activity (A15-113439-2) he responded to on 5/31/15.

Ms. Heriot cross examined Mr. Bloodgood as to his testimony of the incident of 5/31/15.

The Board was given opportunity to question Mr. Bloodgood.

Mr. Bloodgood was released as a witness.

Mr. Hunter called Ms. Heriot as witness, and questioned her as to her recollection of the three (3) incidents reported to Seminole County Animal

Services. She testified that she was only present for the first incident in 2011, but not present for the 2012 or 2015 incidents

The Board questioned Ms. Heriot for clarification of the three (3) incidents.

Ms. Heriot then asked the Board for a recess.

The Chairman called for a 3 minute recess at 9:02pm.

The hearing reconvened at 9:05pm.

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

A. Ms Heriot was given the opportunity to call witness, but instead she presented her own testimony and evidence.

Ms Heriot gave picture evidence of her neighborhood, her front yard and Lady the dog in question, (exhibits B, C, F, G). She also provided a medical statement for "Lady" from a "vet". She also provided video evidence and medical x-rays on a thumb drive.

Mr Hunter cross examined Ms Heriot for clarity on her testimony about "Lady's" medical conditions, and statements involving her other dog named "Molly".

The Board was given the opportunity to question Ms. Heriot.

Ms. Heriot was released as a witness.

All witnesses were release from testimony at 10:05pm

#### V. Closing Statement by the County.

Mr. Hunter closed by restating that "Lady" left property and attacked a leashed dog causing injury to the dog on three (3) separate occasions, and also asked the Board to grant a pickup order if they upheld the Dangerous Dog declaration if Ms Heriot did not comply within 30 calendar days.

#### VI. Closing Statement by the Dog Owner.

Ms. Heriot closed by admitting that "Lady" did attack "Jack" in 2011 on her property, but only pinned "Jack" to the ground in 2012, but concluded that due to medical reason "Lady" was unable to attack "Jack" in 2015.

#### VII. Close of the evidentiary portion of the hearing.

A. 10:15pm deliberation by the Board begins.

The Board began its deliberations by trying to clarify the definition of Dangerous Dog and definition of severe injury.

Ms. Colby advised the Board as to the statutory definition of Dangerous Dog and Severe and their relationship to the law.

Board then began to deliberate the questions concerning private versus public property, where one ends and the other begins, leading to the discussion as to whether "Jack" was on Ms. Heriot's property and whether "Lady" was off property during the 2011 incident.

Bryan Wilson motioned not to uphold the Dangerous Dog declaration, but then withdrew the motion after further discussion by Gayle Hair who made her own motion to not uphold the Dangerous Dog declaration that was 2<sup>nd</sup> by Bryan Wilson.

Discussion of written statement by Dana (neighbor), included within the Oviedo Police Report (#2011CJ013272) comes into discussion. Gayle Hair's motion failed.

Marianne King motioned to uphold Dangerous Dog with severe injury while off the owner's property, with 2<sup>nd</sup> by Heather Smith. Stephen Browne requested discussion if dog was actually off the property or unsupervised, and if attacks were possibly provoked.

Marianne King's motion failed.

Stephen Browne motioned to overturn Dangerous Dog declaration due to no definitive facts regarding the 2011 incident, 2<sup>nd</sup> by Gayle Hair. Board passed the motion to overturn Dangerous Dog declaration.

X. Adjournment.

Respectfully submitted,

Clerk to the Board