

**SEMINOLE COUNTY
ANIMAL CONTROL BOARD
DANGEROUS DOG PUBLIC HEARING
AND REGULAR MEETING MINUTES**

**September 15, 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 and regular meeting held September 15, 2011, at 7:00 PM, at the Sheriff's Office/Public Safety Building, 150 Bush Boulevard, Sanford, Florida.

The purpose of the public hearing was to hear an appeal of the violation by two dangerous dogs, respectively named "Jenny" and "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.

II. Invocation of the Rule.

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

Joseph Guarino, the dog owner, asked to invoke the rule.

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.

Witnesses Gael Self, Tom Heinis and Shari Covell were asked 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 violation committed by both dogs on August 30, 2011.

B. Opening Statement of Dog Owner.

Joseph Guarino declined to give an opening statement.

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.

Mr. Woodward called Gael Self to give testimony about the violation that occurred on August 30, 2011, when both dogs were running at large and attacked a person. Ms. Self stated her name and was sworn. Mr. Woodward questioned Ms. Self. Neither Mr. Guarino nor the Board questioned Ms. Self.

Ms. Self was released as a witness.

Mr. Woodward called Tom Heinis to give testimony about the violation that occurred on August 30, 2011, when both dogs were running at large and attacked him. Mr. Heinis stated his name and was sworn. Mr. Woodward, Mr. Guarino and the Board questioned Mr. Heinis.

Mr. Heinis was released as a witness.

Ms. Wittmer polled the Board relative to Ms. Nagan's request to continue the hearing and re-notice the hearing in order for the Board to convene at the Animal Services shelter where the dogs are impounded in order for the Board to see the dogs. A majority of the Board (Ms. Hair, Ms. Prince, Ms. Wittmer, Dr. Vaughan and Ms. Garrambone) did not support this request.

Mr. Woodward called Shari Covell, Animal Services Officer, to give testimony about the violation that occurred on August 30, 2011, when both dogs were running at large and attacked a person. Ms. Covell stated her name and was sworn. Mr. Woodward, Mr. Guarino and the Board questioned Ms. Covell.

Ms. Covell was released as a witness.

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.

Joseph Guarino stated his name and was sworn. Mr. Guarino gave his testimony about the violation that occurred on August 30, 2011, when both dogs were running at large and attacked a person. Mr. Woodward and the Board questioned Mr. Guarino.

V. Closing Statement by the County.

Mr. Woodward made a closing statement asking the Board to review the information relative to the violation and to make the decision as to the disposition of the dogs. Mr. Woodward declined to make his own disposition recommendation.

VI. Closing Statement by the Dog Owner.

Mr. Guarino declined to make a closing statement.

VII. Close of the evidentiary portion of the hearing.

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

Ms. Wittmer called for a recess at 8:05 PM.

Ms. Wittmer reconvened the hearing at 8:15 PM.

Ms. Wittmer announced Phyllis Ayoob was scheduled under New Business to make a presentation relative to the No Kill Nation conference. Ms. Ayoob asked to reschedule her presentation to the next Board meeting (scheduled 12/8/11) in consideration of this evening's time constraints.

Motion by Ms. Nagan for the Board to meet sooner than three months, maybe in October. Ms. Wittmer called for a second. There was no second. The motion failed for lack of a second.

- A. Deliberation by the Board.

The Board began its deliberation.

B. Announcement of the Board's decision.

Motion by Ms. Nagan that the dogs "Jenny" and "Shamu" neither attacked nor injured a person and the violation should be dismissed. Ms. Wittmer called for a second. There was no second. The motion failed for lack of a second.

Motion by Dr. Vaughan that the dogs "Jenny" and "Shamu" were running loose based on a sworn statement from Oviedo Police Officer Nelson Figueroa, and the dogs "Jenny" and "Shamu" did violate the Certificate of Registration for Dangerous Dog. Second by Ms. Prince. Ms. Wittmer called for discussion. There was no discussion. The motion passed unanimously.

Motion by Dr. Vaughan that the dog "Jenny" was declared a dangerous dog on June 8, 2010, and the dog "Shamu" was declared a dangerous dog on April 14, 2011. Second by Ms. Wittmer. Ms. Wittmer called for discussion. There was no discussion. The motion passed unanimously.

Motion by Ms. Wittmer that the dog "Jenny", a declared dangerous dog, did in fact aggressively attack Tom Heinis in violation of the Certificate of Registration for Dangerous Dog and that "Jenny" be euthanized. There was no second. The motion failed for lack of a second.

Motion by Ms. Hair that "Jenny", a declared dangerous dog, attacked Tom Heinis without provocation. Second by Ms. Wittmer. Ms. Wittmer called for discussion. There was no discussion. The motion passed five votes (Ms. Hair, Ms. Prince, Ms. Wittmer, Dr. Vaughan, Ms. Garrambone) to one vote (Ms. Nagin).

Motion by Dr. Vaughan that the dog "Shamu" was running loose but did not attack. Second by Ms. Prince. Ms. Wittmer called for discussion. There was no discussion. The motion passed unanimously.

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

Motion by Ms. Wittmer to direct the Animal Services staff to prepare an order in accordance with the Board's findings of fact. Second by Dr. Vaughan. The motion passed five votes (Ms. Hair, Ms. Prince, Ms. Wittmer, Dr. Vaughan, Ms. Garrambone) to one vote (Ms. Nagin).

VIII. Minutes: April 14, 2011 and June 9, 2011.

Motion by Ms. Prince to approve the minutes of April 14, 2011. Second by Dr. Vaughan. The motion passed five votes (Ms. Hair, Ms. Prince, Ms. Wittmer, Dr. Vaughan, Ms. Garrambone) to one vote (Ms. Nagan).

Motion by Ms. Prince to approve the minutes of June 9, 2011. Second by Dr. Vaughan. The motion passed five votes (Ms. Hair, Ms. Prince, Ms. Wittmer, Dr. Vaughan, Ms. Garrambone) to one vote (Ms. Nagan).

IX. Public Commentary.

Debra Bates, 1017 Sarita Street, Sanford, addressed the Board about dangerous dogs.

Christine Logan, 300 Rose Drive, Sanford, addressed the Board about rabies statistics.

X. Old Business.

Ms. Wittmer called for old business. There was none.

XI. New Business.

A. Phyllis Ayoob Presentation Relative to No Kill Nation Conference.

Ms. Ayoob's presentation was rescheduled for the December 8, 2011, Board meeting.

B. Future Agenda Items.

There were no future agenda items.

XII. Reports.

A. Transport Statistics.

B. Kennel Statistics (Intakes & Outcomes).

C. Customer Contact Statistics.

D. Pet Data, Inc. Statistics.

There was no discussion on the reports.

XIII. Confirmation of Next Meeting.

Ms. Wittmer reviewed the meeting dates.

- December 8, 2011
- March 8, 2012
- June 14, 2012

XIV. Adjournment.

Motion by Dr. Vaughan to adjourn the meeting at 9:01 PM. Second by Ms. Prince. The motion passed unanimously.

Respectfully submitted,

Clerk to the Board

OFFICIAL