



**CITY OF NEW SMYRNA BEACH
ANIMAL CONTROL BOARD
NOTICE OF PUBLIC MEETING**

Wednesday, September 15, 2010 – 2:00 P.M.

**CITY COMMISSION CHAMBER, CITY HALL,
210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC HEARING – Appeal of Initial Dangerous Dog Determination pursuant to 767.12(1)(C), *Florida Statutes* – Case No. 2010-08-0111, KING, Kaylee, 11302 Limestone Court.**
- 4. OTHER BUSINESS**
- 5. PUBLIC COMMENTS**
- 6. ADJOURNMENT**

Pursuant to *Florida Statutes* 286.0150, if an individual decides to appeal any decision made by the Animal Control Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 424-2112, prior to the meeting.

**NOTICE OF DANGEROUS DOG HEARING
BEFORE THE ANIMAL CONTROL BOARD
FOR THE CITY OF NEW SMYRNA BEACH
PURSUANT TO §767.12 (1)(C), FLORIDA STATUTES**

**TO: KAYLEE KING .
11302 LYMESTONE COURT
NEW SMYRNA BEACH, FLORIDA 32168**

The Animal Control Officer for the City of New Smyrna Beach has conducted a dangerous dog investigation concerning the incident which occurred on August 6, 2010, in the vicinity of 11204 Limestone Court, the City of New Smyrna Beach, Florida, involving your dog pursuant to §767.12(1)(a), *Florida Statutes*, and has made an initial dangerous dog determination pursuant to §767.12(1)(c), *Florida Statutes*, and Chapter 18, Article VII, of the Code of Ordinances of the City of New Smyrna Beach.

You have made a request on August 27, 2010, for a hearing to contest the initial dangerous dog determination. Please be advised that a hearing will be held before the Animal Control Board of the City of New Smyrna Beach, Florida, pursuant to §767.12(1)(c), *Florida Statutes*, and Chapter 18, Article VII, of the Code of Ordinances of the City of New Smyrna Beach on Wednesday, September 15, 2010, at 2:00 P.M. in the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of making a final determination whether your dog is to be classified as a dangerous dog within the meaning of Chapter 767 of the *Florida Statutes*. If your dog is classified as a dangerous dog, your dog will be subject to the dangerous dog provisions of Chapter 767 of the Florida Statutes. Prior to the hearing, you will be entitled to examine all the City's records on this case (please contact the City Clerk to examine and make copies of the records). At the hearing, you will have the right to be represented by an attorney, an opportunity to be heard, present evidence, cross-examine witnesses, and be informed of all the facts upon which the Animal Control Board acts.

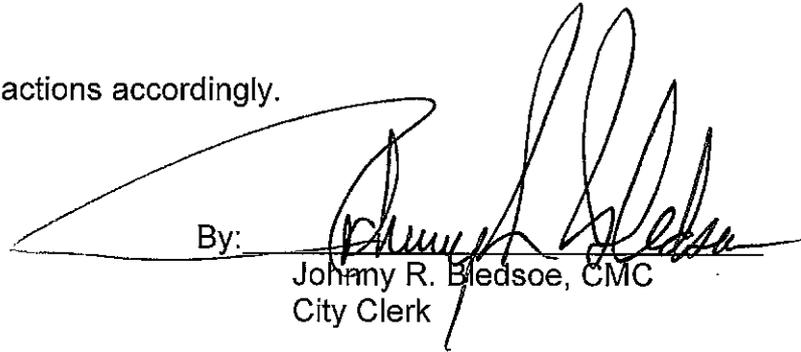
RECORD IS REQUIRED TO APPEAL

Pursuant to §286.0105, *Florida Statutes* (2006), you are advised that should you decide to appeal the decision made by the City's Animal Control Board, you will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, telephone (386) 424-2112, prior to the proceeding.

Please govern your actions accordingly.

By: 
Johnny R. Bledsoe, CMC
City Clerk

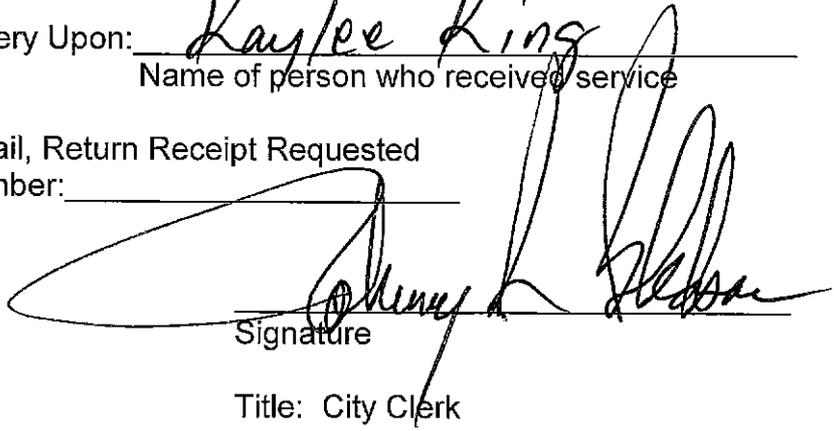
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the foregoing **Notice of Dangerous Dog Hearing Before the Animal Control Board for the City of New Smyrna Beach pursuant to §767.12(1)(C), Florida Statutes**, was served on the 7th day of September, 2010, on the parties described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or, in the case of commercial premises, upon the manager or other person in charge; or, by U.S. Certified Mail, Return Receipt Requested, in accordance with §162.12(1), *Florida Statutes* (2006).

Please check form of service:

Hand Delivery Upon: Kaylee King
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: _____


Signature
Title: City Clerk

8-25-10

RECEIVED

OFFICE OF THE CITY CLERK

DATE Aug 27, 2010
3:36PM

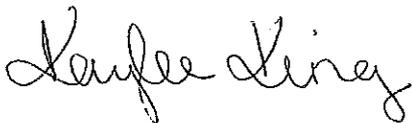
Dear Johnny R Bledsoe,

My name is Kaylee King and my dog was recently involved in an altercation with another dog. I would like to request a hearing for this incident. I do not believe this dog is dangerous, I believe this was a complete accident, and would like to do whatever I can so this dog is not classified as a dangerous dog.

Thank you very much for your time.

Sincerely,

Kaylee King

A handwritten signature in cursive script that reads "Kaylee King".

CERTIFICATE OF SERVICE

Aug 30th deadline

The undersigned Official hereby certifies that the foregoing **NOTICE OF INITIAL DANGEROUS DOG DETERMINATION PURSUANT TO §767.12 (1)(C), FLORIDA STATUTES** was served on the 23rd day of August, 2009, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by U.S. Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), F.S.

Please check form of service:

Hand Delivery Upon: Kylee King, Kylee King
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: _____

CF Norman ID 615
Christopher F. Norman
Animal Control Officer

**NOTICE OF
INITIAL DANGEROUS DOG DETERMINATION
PURSUANT TO §767.12 (1)(C), FLORIDA STATUTES**

**TO: KAYLEE KING
146 DOUGLAS STREET
EDGEWATER, FLORIDA 32141**

The Animal Control Officer for the City of New Smyrna Beach has conducted a dangerous dog investigation concerning the incident which occurred on August 6, 2010, on or near 11204 Limestone Court in the City of New Smyrna Beach, Florida, involving the dark brown female pit bull mix ("Cookie") belonging to you pursuant to §767.12 (1)(a), Florida Statutes and has made an initial dangerous dog determination pursuant to §767.12 (1)(c), Florida statutes. The report and affidavit of the incident are attached.

You as the owner of the animal which is the subject of this notice may file a written request for a hearing before the City's Animal Control Board to contest the initial determination of dangerous dog within 7 calendar days from the date of receipt of this notification of the sufficient cause finding and, if requested, a hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from you. You may request a hearing by sending your request to Johnny R. Bledsoe, City Clerk for the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

If you fail to request a hearing in accordance with the preceding paragraph your dog shall be classified as a dangerous dog pursuant to §767.12, Florida Statutes.

Please govern your actions accordingly.

By:

Christopher F. Norman
Animal Control Officer

New Smyrna Beach Police Department

Case# 201008-0111

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D					
R					
U					
G					
S					

Assisting Officers

Suspect Hate / Bias Motivated: *None (No bias)*

NARRATIVE

The victim advised she was bitten by a dog while walking her dog in the grassy area behind her residence. The necessary information was gathered for this report. The victim completed a statement affidavit of the incident.

REPORTING OFFICER NARRATIVE

New Smyrna Beach Police Department

OCA <i>201008-0111</i>
Date / Time Reported <i>Fri 08/06/2010 15:04</i>

Victim
GOMES, MELISSA ANN

Offense
ANIMAL BITE



Ms. Gomes advised she was bitten by a dog while walking her dog in the grassy area behind her residence. Ms. Gomes advised that Ms. King was walking her two dogs in the area when they began barking at her and her dog. Ms. Gomes advised she bent down to pick her dog up when suddenly Ms. Kings dog began biting her and her dog.

Ms. Gomes completed one statement affidavit of the incident. Ms. King declined to complete a statement affidavit.

I observed the injuries on Ms. Gomes and her dog. She sustained one puncture wound to her right forearm. Her dog sustained several punctures and may have internal injuries.

Ms. Gomes advised she would receive medical attention from Bert Fish Medical Center. Ms. Gomes dog was transported to Edgewater Animal Clinic for medical attention. The extent of the injuries to Ms. Gomes dog was not known at the time of this report.

Ms. Gomes advised that Ms. Kings other dog only barked during incident.

Ms. Gomes dog is a brown in color male Chihuahua breed, four years old.

Ms. Kings dog that was involved in the biting portion of this incident is a dark brown in color female Pit Bull mixed breed dog, seven months old, named Cookie.

Ms. Kings other dog is a tan and white in color female Pit Bull mixed breed dog, also seven months old, named Roxy.

Both of Ms. Kings dogs were current on vaccinations and will be quarantined for ten days.

This incident meets the minimum criteria for an initial dangerous dog determination. The dangerous dog investigation will be conducted in accordance with FL Statue 767.11 and 767.12.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF NEW SMYRNA BEACH

DATE 8/6/10
CASE NUMBER 201008011
PAGE NUMBER _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED, Melissa Gomes, 27
FULL NAME AND AGE

11204 Limestone Court, NSB, FL 32168 (386)314/069 WHO BEING DULY SWORN, DEPOSES AND SAYS:
ADDRESS AND TELEPHONE NUMBER

About 3:00 I went to walk my dog and there was a neighbor walking two dogs outside also. The dogs started to bark at each other, I went down to pick up my dog and the next thing I knew the dark brown dog was biting my arm. I dropped my dog & the brown dog grabbed him & had him in his mouth. We tried to separate the dogs. My dog ran upstairs and I managed to get him in the apartment. I have a puncture wound on my Right forearm & my dog has puncture wounds on his back and was bleeding from the groin area. My dog was rushed to the vet and I am going to the hospital to get a shot. I exchanged numbers with the girl and she agreed to pay my hospital bill and the vet bill.

[Handwritten signature]

Sworn to and subscribed before me
the undersigned authority, this 6th
day of August 20 10
[Signature]
NOTARY PUBLIC ID 615
CEO

I swear all information provided in the
above affidavit is true and correct to
the best of my knowledge and belief.
[Signature]
Affiant's Signature
Melissa Gomes
NAME (Printed or Typewritten)