

CITY OF PORT ORANGE
DANGEROUS DOG BOARD
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE – CITY HALL
JANUARY 16, 2018

THE DANGEROUS DOG PANEL of the City of Port Orange was called to order by Matthew Jones, Deputy City Attorney/Police Legal Advisor at 2:13 p.m.

Roll Call Present:

Mark Bowling
Dr. Maggie Carlson
Shawn Geopfert

Also Present

Matthew Jones, Deputy City Attorney/
Police Legal Advisor
Michelle Cusella, Sr. Administrative
Assistant

2. Election of Chairperson

Motion was made by Member Bowling to nominate Shawn Geopfert for Chairman, Seconded by Member Carlson. Member Geopfert accepted the nomination. Motion carried unanimously by voice vote.

B. BOARD ATTORNEY - Overview of Board Hearing Process

1. Resolution No. 04-18
2. Code of Ordinances Sections 10-3 and 10-9
3. Florida Statute Chapter 767

Attorney Jones provided a brief overview of the process to be used for the hearing. Cross examination can be done by the dog owner after the case is presented by the Animal Control Officer. The dog owner can then present their case.

OATHS

Jennifer Macsar, Animal Control Officer and Justin Slavin, Dog Owner, were sworn in by Michelle Cusella, City Clerk's office.

C. PUBLIC HEARING

1. Justin Slavin
5921 Boggs Ford Road
Port Orange, FL 32127

Jennifer Macsar, Animal Control Officer, presented an overview of the case against Justin Slavin that determined the dog as dangerous. Ms. Macsar submitted the witness statement as

well as the Incident Report into evidence and was accepted by Chairman Geopfert with no objections.

Mr. Jones asked Ms. Macsar if the victim was noticed of this hearing and if she would be attending. Ms. Macsar stated her partner did notify the victim of this hearing and is unsure of the response.

Mr. Slavin stated he was not present when the alleged incident occurred. He believes his dog is non-violent and since there are no witnesses present to testify as to what happened, there is no telling what really happened. He informed the panel, the dog will no longer pose a threat to the victim, as he is rehoming the dog to a friend.

Paul Slavin, Dog Owner's Father, was sworn in and asked the Board if the dog were to get professionally trained, would they consider making that a stipulation instead of deeming it dangerous.


The panel suggested they do that anyway for the sake of the dog, but they are not to make stipulations but only a final ruling.

Mr. Jones advised the panel that there is not substantial evidence for them to rule the dog as dangerous, as no witnesses were there to testify. The panel has only seen documents of hearsay as to what occurred during this incident.

Deliberation was held by the panel members with legal guidance from Mr. Jones.

Motion to reverse the determination due to the lack of substantial evidence that Jack is a dangerous dog was made by Member Bowling, and Seconded by Member Carlson. Motion carried unanimously by voice vote.

D. ADJOURNMENT; 2:53 p.m.



Chairman Shawn Geopfert