

CITY OF PORT ORANGE
DANGEROUS DOG BOARD
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE – CITY HALL
APRIL 26, 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 2:05 p.m.

Roll Call Present: James Dougal
Dr. Maggie Carlson
Shawn Geopfert

Also Present Matthew Jones, Deputy City Attorney/Police Legal Advisor
Robin Fenwick, City Clerk

2. Election of Chairperson

Motion was made by Member Carlson to nominate James Dougal for Chairman, Seconded by Member Geopfert. Member Dougal accepted the nomination. Motion carried unanimously by roll call vote.

3. Delegation to approve meeting minutes

Motion to delegate the approval of the meeting minutes to the Chairman was made by Member Geopfert, and Seconded by Member Carlson. Motion carried unanimously by voice vote.

B. BOARD ATTORNEY - Overview of Board Hearing Process

4. Resolution No. 04-18
5. Code of Ordinances Sections 10-3 and 10-9
6. 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 with the Animal Control Officer cross examining, if desired.

OATHS

Christopher Filbert, Animal Control Officer, Bobbie Leigh Miles, Dog Owner, Steven Ward, victim's father, Lori Lightcap, victim's grandmother/witness, were sworn in by Robin Fenwick, City Clerk.

C. PUBLIC HEARING

7. Bobbie Leigh Miles
1156 Tracy Drive
Port Orange, FL 32129

Christopher Filbert, Animal Control Officer, provided the packet to the Panel for review prior to his presentation. ACO Filbert then presented an overview of the case against Bobbie Leigh Miles that determined the dog as dangerous on April 1, 2018. ACO Filbert submitted the witness statements as well as the Incident Report into evidence and was accepted by Chairman Dougal with no objections. This incident is the second bite of a human for Dinky (first incident in September 2013 in Volusia County.) ACO Filbert recommended the dog be deemed dangerous as well as euthanized.

Motion to accept the evidence submitted by the Animal Control Officer by Member Geopfert, and Seconded by Member Carlson. Motion carried unanimously by voice vote.

Lori Lightcap, 57 Webber Lane, Palm Coast, testified as to the incident.

Mary Parker, 1154 Tracy Drive, Port Orange, confirmed the testimony. Cameron Ward is the victim and is still under doctor's care due to infection. Therapy may be needed for the trauma.

Motion to allow the medical records into evidence was made by Member Carlson, and Seconded by Member Geopfert. Motion carried unanimously by voice vote with no objections from the dog owner.

Steven Ward, victim's father, testified as to the injuries received by his son. There is permanent scarring and he believes it is severe. His son is afraid to be in the front yard because of the incident. He doesn't believe the dog owners are able to fully care for the dog appropriately.

Bobbie Leigh Miles, dog owner, did not have any questions as to the testimony given but disputes that she was on the other side of the vehicle in her yard. She also disputed the first incident was unprovoked.

Discussion was held regarding the pictures presented. ACO Filbert testified the pictures were taken from Officer Bigelow's camera.

Ms. Miles provided her testimony as to what happened the day of the incident and asked that Dinky not be determined dangerous. There was no cross examination and no questions from the Panel.

William Corbin, boyfriend of dog owner, testified as to Dinky's behavior. He believes the dog is a good dog that shouldn't be put down. ACO Filbert asked if Mr. Corbin trains the dog. Chairman Dougal advised the issue of training is outside the scope of cross examination. Ms. Miles testified as to the behavior of the dog with the Police Officers.

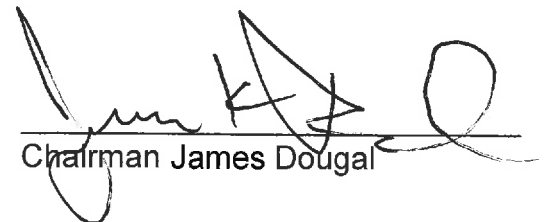
Deliberation was held by the panel members with legal guidance from Mr. Jones.

Motion to uphold the Animal Control Officer's determination based on 1.a, 2, and 3 from the Florida Statute Chapter 767 of Dinky being a dangerous dog was made by Member Geopfert, and Seconded by Member Carlson. Motion carried unanimously by voice vote.

Motion to uphold the Animal Control Officer's recommendation to euthanize based on the unlikeliness of a reoccurrence was made by Member Geopfert, and Seconded by Member Carlson. Motion carried unanimously by voice vote.

Mr. Jones explained the appeal process of 10 days.

D. ADJOURNMENT- 3:13 p.m.


Chairman James Dougal