

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY, a political
subdivision of the State of Florida,
Plaintiff,

INSTR #2021012293 BK: 3956 PG: 681 Page 1 of 3
FILED & RECORDED 2/24/2021 8:58 AM CVW Deputy Clk
Doug Chorvat, Jr., HERNANDO County Clerk of the Circuit Court
Rec Fees: \$27.00

vs.

Case No. 2020-17120

DAVID RODRIGUEZ,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on November 2, 2020, after notice to the Defendant, on Citations #17120-H and #17120-HV issued by the Plaintiff, HERNANDO COUNTY ANIMAL SERVICES, 19450 Oliver St., Brooksville, Florida 34601, to the Defendant, DAVID RODRIGUEZ, 16070 Lauderdale St., Brooksville, FL 34604. The citation, with the date and time of the hearing inscribed thereon were mailed to the Defendant by certified mail, return receipt requested, and were subsequently posted at the Defendant's address and at the Hernando County Courthouse. The Defendant, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by GARTH C. COLLER, ESQ., Hernando County Attorney. Proceedings were had in the absence of the Defendant.

The Special Master heard the testimony of Hernando County Animal Services Officer, KASEY JOHNSON.

Upon **CONSIDERATION**, the Special Master finds as follows:

A. Upon testimony and evidence presented, the Plaintiff established that on June 7, 2020 Officer Johnson responded to 4207 Orlando Ave., Brooksville, Hernando County, Florida where she tried to contact Karen Langley who reported a loose Pit Bulldog in the area. Officer Johnson search at the end of Orlando Ave. and Putnam Street where she found an adult female Lab cur mix standing at the end of the road. Officer Johnson called to the dog and it came to her. She restrained it and went to the residence at the nearest intersection which happened to be the Defendant's address. Mitchell Roberts and his son, Anthony, advised that the dog lived at the Defendant's address and the owner of the dog was the Defendant. Mr. Roberts advised that the Defendant was wanted by law enforcement and left the residence three to four weeks prior and abandoned the dog. Anthony said he heard the Defendant refer to the dog as Ava. The dog was not micro chipped. There was no record of the dog having been vaccinated for rabies or possessing a County license. A search of County records showed that the Defendant lived at this address and had an active warrant issued for him. The dog was impounded and a citation was issued to the Defendant.

UPON THESE FINDINGS, it is therefore **ORDERED**:

1. Regarding citation #17120-H and the charge of abandoning one dog, the Defendant, DAVID RODRIGUEZ, is found GUILTY of one violation of animal abandonment, in violation of Hernando County Code of Ordinances Section 6-30a.

a) The Defendant shall pay a civil penalty in the amount of \$500.00 payable to the Hernando County Animal Services Department, 19450 Oliver St., Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

2. Regarding citation #17120-HV and the charge of having one dog unvaccinated for rabies the Defendant, DAVID RODRIGUEZ, is found GUILTY of having one dog unvaccinated for rabies in violation of Hernando County Code of Ordinances Section 6-21a.

a) The Defendant shall pay a civil penalty in the amount of \$250.00 payable to the Animal Services Department, 19450 Oliver St., Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

3. Regarding citation #17120-HV and the charge of failing to license one dog the Defendant, DAVID RODRIGUEZ, is found GUILTY of having one unlicensed dog in violation of Hernando County Code of Ordinances Section 6-22a.

a) The Defendant shall pay a civil penalty in the amount of \$250.00 payable to the Animal Services Department, 19450 Oliver St., Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

4. That pursuant to authority granted by Chapter 2, Article III, Section 2-54(k) of the Hernando County Code of Ordinances and Section 162.09(2)(d), Florida Statutes, the Defendant is hereby ordered to pay administrative and investigative costs on behalf of the Animal Services Department in the amount of \$70.00, on behalf of the County Attorney in the amount of \$70.00, and certified mailing costs in the amount of \$15.00 payable to the Hernando County Animal Services Department.

5. **The total of penalties and costs due and payable to the Plaintiff, Hernando County Animal Services Department, 19450 Oliver St., Brooksville, Florida 34601 is \$1,155.00. This order shall bear interest at the legal rate established pursuant to Section 55.01, Florida Statutes, beginning 30 days after the clerk signs this order, FOR WHICH LET EXECUTION NOW ISSUE. In the event that this Special Master's Order is recorded in the public records pursuant to paragraph 6, herein, Hernando County shall be entitled to collect for their actual costs of recording this Order and a Satisfaction, which additional costs shall be added to the total of penalties and costs stated herein.**

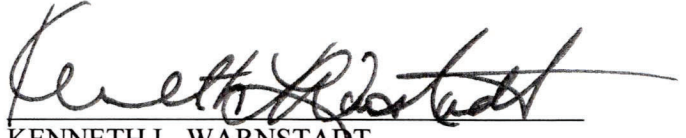
6. If the Defendant fails to comply with this Order within 30 days, pursuant to Section 10 of Ordinance 2004-09, Hernando County Code of Ordinances, a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendant.

REQUESTS FOR FURTHER REVIEW shall be addressed as follows:

An aggrieved party, including the local governing body, may appeal a decision of the Special Master to the Circuit Court. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

YOU ARE FURTHER advised that if you decide to seek further review of any decision made by the Special Master with respect to any matter considered at such hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the further review is to be based. Production of verbatim transcripts shall be the responsibility and at the personal expense of the party seeking review of the Special Master's Order.

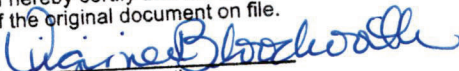
DONE AND ORDERED at Brooksville, Hernando County, Florida this 10th day of December, 2020.


KENNETH L. WARNSTADT
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Special Master's Order has been sent by Regular U.S. Mail and certified mail, return receipt requested, to DAVID RODRIGUEZ, 16070 Lauderdale St., Brooksville, FL 34604 and by Courthouse Mail to Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 on December 28, 2020.

Pursuant to Section 119.07, Florida Statutes as amended from time to time, as Record Custodian for this document, I hereby certify that this is a true and correct copy of the original document on file.

Record Custodian: 
Print Name: Virginia Bloodworth
Date: 2.3.21
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


Clerk to Special Master