

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

INSTR #2023011993 BK: 4271 PG: 1725 Page 1 of 3
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Doug Chorvat, Jr., HERNANDO County Clerk of the Circuit Court
Rec Fees: \$27.00

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

vs.

Case No. 2022-07718

MELODY NICHOLE WALLACE,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on May 4, 2022, after notice to the Defendant, on Citations #7718-H and #7718-HV issued by the Plaintiff, HERNANDO COUNTY ANIMAL SERVICES, 19450 Oliver St., Brooksville, Florida 34601, to the Defendant, MELODY NICHOLE WALLACE, 12621 Linden Dr., Spring Hill, FL 34609. The citations, 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 on the Defendant's property and at the Hernando County Courthouse. The Defendant, being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by KYLE J. BENDA, ESQ., Assistant Hernando County Attorney. Proceedings were had in the absence of the Defendant.

The Special Master heard the testimony of Hernando County Animal Services Officer, JESSICA CABANO and Plaintiff's witness, PAULA TURPIN.

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

A. Upon testimony and evidence presented, Officer Cabano testified that on March 16, 2022 she returned to 12613 Linden Dr., Spring Hill, Hernando County, Florida regarding three loose dogs. Officer Cabano made contact with Paula Turpin who stated that three dogs from the Defendant's address ran at her. Ms. Turpin stated the Defendant's dogs are constantly in her back yard. As a result, she put her dog on a leash and leaves her back door open for a quick retreat. Officer Cabano testified she found a hole under the fence and tried to block it off with cement blocks. Officer Cabano testified she did not personally see the dogs loose. Officer Cabano testified she went to the Defendant's house. She heard someone inside but nobody came to the door. She waited 10 minutes.

B. The Special Master heard the testimony of the Complainant, Paula Turpin, who was sworn. Ms. Turpin testified that she saw three dogs from the Defendant's address in her yard. She knows these dogs because the Defendant leaves them out. She has also seen the Defendant with the dogs. Ms. Turpin was asked how the dogs returned home? She answered that she thought they went under the fence or somebody came to the gate. She has had no contact with the Defendant regarding this incident.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #7718-H and the charge of a repeat offense of having three unrestrained dogs, the Defendant, MELODY NICHOLE WALLACE is found GUILTY of a repeat offense of having three unrestrained dogs in violation of Hernando County Code of Ordinances Section 6-24a.

a) The Defendant shall pay a civil penalty in the amount of \$500.00 per dog (\$1,500.00 total) 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).

2. Regarding citation #7718-HV and the charge of a continuing offense of failing to vaccinate three dogs for rabies, the Defendant, MELODY NICHOLE WALLACE, is found GUILTY of a continuing offense of having three dogs 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 \$500.00 per dog (\$1,500.00 total) 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).

b) The Defendant is ordered to obtain rabies vaccinations for the dogs or provide exemptions by a licensed veterinarian on or before ten days after the date of service of this Order and to provide proof of the rabies vaccinations or exemptions to the Animal Services Department at 19450 Oliver St., Brooksville, FL 34601. In the event that the Defendant fails to provide proof of rabies vaccinations or exemptions within ten days after the date of service of this Order, the Sheriff's Office Animal Enforcement Unit or any other authorized Animal Services Officer is directed to impound the Defendant's unvaccinated dogs pursuant to Hernando County Code of Ordinances Section 6-21 and hold them as prescribed in said section, due to public health and safety concerns for harboring animals unvaccinated for rabies.

3. Regarding citation #7718-HV and the charge of a continuing offense of failing to license three dogs the Defendant, MELODY NICHOLE WALLACE, is found GUILTY of a continuing offense of having three unlicensed dogs in violation of Hernando County Code of Ordinances Section 6-22a.

a) The Defendant shall pay a civil penalty in the amount of \$500.00 per dog (\$1,500.00 total) 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).

b) The Defendant is ordered to obtain Hernando County licenses for the dogs within ten days after the date of service of this Order and provide proof of the licenses to the Animal Services Department. In the event that the Defendant fails to so license the dogs Animal Services is authorized to re-cite the Defendant on this charge as a repeat offense.

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

\$140.00, on behalf of the County Attorney in the amount of \$100.00, and certified mailing costs in the amount of \$15.92 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 \$4,755.92. 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.

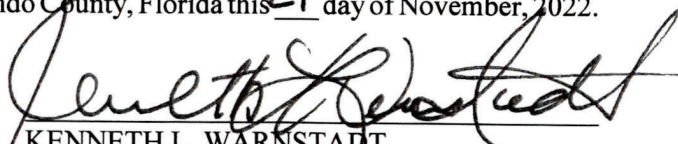
6. If the Defendant fails to comply with this Order within 30 days, pursuant to Section 10 of Ordinance 2004-09, Hernando County Code of Ordinances, a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property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

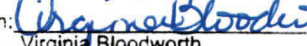
DONE AND ORDERED at Brooksville, Hernando County, Florida this 21ST day of November, 2022.


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 MELODY NICHOLE WALLACE, 12621 Linden Dr., Spring Hill, FL 34609 and by Courthouse Mail to Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 on ~~November~~ 9, 2022.

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: 2-17-2023
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


Clerk to Special Master