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CAO

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

INSTR #2019074555 BK: 3777 PG: 1849 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. 2019-05735

JOSEPH or DONNA GOLDEN,
Defendants.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on May 1, 2019, after notice to the Defendants, on Citations #5735-H and #5735-HV, issued by the Plaintiff, HERNANDO COUNTY ANIMAL SERVICES, 19450 Oliver St., Brooksville, Florida 34601, to the Defendants, JOSEPH or DONNA GOLDEN, 21360 Canal Dr., Brooksville, FL 34601. The citations, with the date and time of the hearing inscribed thereon, were mailed to the Defendants by certified mail, return receipt requested and were subsequently posted at the Defendants' address, 21630 Canal Dr., Brooksville, FL 34601 and at the Hernando County Courthouse. The Defendants being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by GARTH C. COLLIER, ESQ., Hernando County Attorney. Proceedings were had in the absence of the Defendants.

The Special Master heard the testimony of Hernando County Animal Services Officer, KYLE FINDLEY.

At the beginning of the hearing the Special Master took judicial notice of a Final Judgment in a Fitness Petition filed by the Plaintiff.

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

A. Upon testimony and evidence presented, the Plaintiff established that on February 18, 2019 at 2:00 p.m. Officer Findley responded to the area of 21379 Canal Drive, Brooksville, Hernando County, Florida regarding an animal complaint. Officer Findley observed a tan shepherd and a tan Dachshund running loose on Canal Drive. The dogs ran to the Defendants' address, 21360 Canal Dr., Brooksville, Hernando County, Florida. The property was fenced and gated. There was nobody home. The dogs belonged to the Defendants. Officer Findley determined that the dogs were unvaccinated for rabies and did not have County licenses. A neighbor witnessed the dogs unrestrained and completed a Complaint Affidavit.

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

1. Regarding citation #5735-H and the charge of having two unrestrained dogs, the Defendants, JOSEPH or DONNA GOLDEN, are found **GUILTY** of having two unrestrained dogs, in violation of Hernando County Code of Ordinances Section 6-24a.

a) The Defendants shall pay a civil penalty in the amount of \$250.00 per dog (\$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 #5735-HV and the charge of failing to vaccinate two dogs for rabies, the Defendants, JOSEPH or DONNA GOLDEN, are found GUILTY of having two dogs unvaccinated for rabies, in violation of Hernando County Code of Ordinances Section 6-21a.

a) The Defendants shall pay a civil penalty in the amount of \$250.00 per dog (\$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 Defendants are ordered to obtain a 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 Defendants fails to provide proof of rabies vaccinations or exemption 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 Defendants'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 #5735-HV and the charge of failing to license two dogs, the Defendants, JOSEPH or DONNA GOLDEN, are found GUILTY of having two unlicensed dogs in violation of Hernando County Code of Ordinances Section 6-22a.

a) The Defendants shall pay a civil penalty in the amount of \$250.00 per dog (\$500.00 total), 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).

b) The Defendants are 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 Defendants fails to so license the dogs Animal Services is authorized to re-cite the Defendants 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 Defendants are 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 \$14.80 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 \$1,654.80. 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.

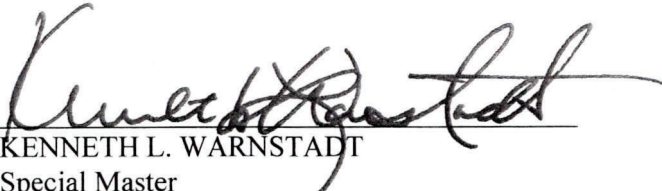
6. If the Defendants fail to comply with this Order within 30 days, pursuant to Section 10 of Ordinance 2004-09, Hernando County Code of Ordinances, a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendants may live or own property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

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 30th day of May, 2019.


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 JOSEPH or DONNA GOLDEN, 21360 Canal Dr., Brooksville, FL 34601 and by Courthouse Mail to Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 on ~~May~~/June 25, 2019.

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: Kelly Soreng
Date: 10-29-19
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


Clerk to Special Master