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BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

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

INSTR #2020001022 BK: 3792 PG: 1520 Page 1 of 3
FILED & RECORDED 1/7/2020 10:17 AM TLM Deputy Clk
Doug Chonai, Jr., HERNANDO County Clerk of the Circuit Court
Reg Fees: \$27.00

vs.

Case No. 2019-07017

NICHOLAS ALLEN COVELL,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on June 3, 2019, after notice to the Defendant, on Citations #7017-H and #7017-HV, issued by the Plaintiff, HERNANDO COUNTY ANIMAL SERVICES, 19450 Oliver St., Brooksville, Florida 34601, to the Defendant, NICHOLAS ALLEN COVELL, 166 Dolly Dr., Brooksville, FL 34601. 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 signed for at the Defendant's address. The Defendant was then mailed an Amended Notice of Hearing by certified mail, return receipt requested, and was signed for at the Defendant's address. The Defendant 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 Defendant.

The Special Master heard the testimony of Hernando County Animal Services Officer, JENNIFER ELSWICK.

At the beginning of the hearing the Special Master was advised that the Complaining witness had failed to appear. Officer Elswick did not personally observe the events leading to the public nuisance violation and, therefore, that violation was DISMISSED.

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

A. Upon testimony and evidence presented, the Plaintiff established that on March 1, 2019 Officer Elswick responded to 161 Dolly Dr., Brooksville, Hernando County, Florida regarding a dog bite of a cat. When Officer Elswick arrived the Complainant had left with the cat for a veterinarian's office. Officer Elswick was advised that both dogs involved lived at the Defendant's address, 166 Dolly Dr., Brooksville, Hernando County, Florida. Officer Elswick met with the Defendant and advised the reason for the visit. Both dogs were confined in the house at the time. The Defendant stated he was unaware of the incident. He heard a disturbance but both dogs were in his yard when he called them in. The Defendant was unsure if they were vaccinated. He thought they were vaccinated at Pet Luv but a record of the vaccinations was not in the County system for rabies vaccinations and licenses. Officer Elswick contacted the complainant on the phone. The Complainant was at the store for more supplies for the cat. The cat had a broken jaw and other injuries.

The Complainant advised that the incident happened in her yard and the cat ran away to a neighbor's property to get away. Due to the extent of the injuries the cat was euthanized.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #7017-H and the charge of having two public nuisance dogs, the violation is DISMISSED for the lack of a complaining witness.

2. Regarding citation #7017-HV and the charge of failing to vaccinate two dogs for rabies, the Defendant, NICHOLAS ALLEN COVELL, is found GUILTY of having two 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 \$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 Defendant is 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 Defendant 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 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 #7017-HV and the charge of failing to license two dogs, the Defendant, NICHOLAS ALLEN COVELL, is found GUILTY of having two 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 \$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 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 \$70.00, and certified mailing costs in the amount of \$7.22 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 \$1,217.22. 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.

Pursuant to Section 100.01, 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: Kaitly Soriano
Date: 12-31-19
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


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 NICHOLAS ALLEN COVELL, 166 Dolly Dr., Brooksville, FL 34601 and by Courthouse Mail to Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 on June 25, 2019.


Clerk to Special Master