



**MINUTES**  
**Animal Control Hearing**

**Tuesday, June 14, 2016**  
**The Intracoastal Room at Palm Coast City Hall**  
**Community Wing Entrance**  
**160 Lake Avenue, Palm Coast, Florida 32164**

**A. Call to Order and Pledge of Allegiance.**

The meeting was called to order at 1:00 P.M. by Nicole R. Turcotte, Esquire, followed by the Pledge of Allegiance.

**B. Swearing-in of Staff and Respondents.**

City Staff: Judith Flammer, Eva Boivin, Heather Priestap.

Respondents: Lisa Dawson Andrzejczyk, Suzette Racine, June Spearman, Richard Fasano, Hugh Oxholm, Luisa Gordon

Complainants: Orville Troesch, Jr.

**C. June 7, 2016 Minutes Approved.**

**D. Case Heard**

**CASE NO. 2016050532**

**Acct. # 662808**

*City of Palm Coast vs. Jacquelyn Sorrentino*

**18 Cherrytree Court/59 Blare Drive**

*Palm Coast Code Section 8-40 Determination of Dangerous Dog Classification*

**SYNOPSIS:**

Bill Reischmann, City Attorney, spoke on behalf of the City. He stated the reason he is present at this meeting is to present the City's position regarding the current case. What brings this case to this Board, is that there is a question of whether the dog was provoked and/or defending/protecting its owner. However, Chapter 767.11 defines a dangerous dog as follows:

"Dangerous dog means any dog that according to the records of the appropriate authority:

(a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

It is clear that this dog aggressively bit and inflicted severe injury on Mr. Kraese.

Chapter 767.11 states (b) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the

property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault .

After reviewing the documentation and evidence, and the fact that this dog has had two previous incidents regarding aggressive behavior, the City feels there is cause to determine this dog dangerous and ask that the Court abides by the Statutes.

Bill Doonan, Animal Control Officer for the City of Palm Coast gave his statement as follows:

I received a call on 5/6/16 from the Flagler County Sheriff's Office regarding a dog bite at 18 Cherry Tree Court. When I initially made contact, the family members were at the hospital with the victim and the dog was contained. I made contact later in the day, and verified the dog was contained. I advised Mrs. Sorrentino, the dog owner and granddaughter of victim, I would arrive in the morning to quarantine the dog. When I arrived at the scene in the morning on May 7, 2016 I explained the quarantine process to Mrs. Kraese. Approximately 10-15 minutes later Mrs. Sorrentino arrived and the dog was placed into the City vehicle by Mrs. Sorrentino. Mrs. Sorrentino followed me to the Flagler Humane Society. She removed the dog and placed him in the quarantine area. The dog was put on quarantine from 5/7-5/17 then released from quarantine, but was held an additional 9 days while the City investigated the case. From what I understand, the other attack happened in 2014 where the dog attacked protecting his owner during a domestic incident. The City was not aware of this case at that time.

During the incident, from what I was told, there was a verbal argument between Mrs. Kraese and her husband which led to some articles being thrown and an open hand was going to be used against Mrs. Kraese. At that time, the dog nipped the back of Mr. Kraese's leg. When the dog turned to leave, Mr. Kraese kicked the dog in the butt and the dog attacked him. This was told to me by Mr. & Mrs. Kraese and dog owner. I was also told that both the dog and Mrs. Sorrentino had been abused since the dog was a puppy and he believes the dog was protecting his owner. End of statement.

Bill Reischmann submitted a packet of documentation into record.

Nicole Turcotte, Animal Control Attorney, called Mrs. Sorrentino, the dog owner, to testify.

Mrs. Sorrentino reiterated what the officer stated regarding the attack back in 2013 when a physical altercation occurred. She was in an abusive relationship, and in December her ex came home drunk and started beating her. The argument moved into the kitchen where her ex continued to abuse her. She stated she feels the dog saved her life. The man did have to go to the hospital. When she initially got the puppy at 2 months old, she stated she had to hide the dog while she hid to avoid being abused. She stated that is all the dog knew was to defend her throughout all his five

years. The night she and her grandmother got into an argument, her grandfather got involved trying to diffuse the situation. They were yelling and her grandmother picked up something to throw it and her grandfather was reaching over the counter to reach whatever her grandmother had in her hand. The dog came around the counter and started barking. He is very protective of her grandmother. She stated she didn't see the initial nip in the back of the leg, but when she got around the counter, she witnessed her grandfather nudging the dog in the butt to get him to go into the other room, and the dog bit her grandfather. Mrs. Sorrentino then took the dog and put him in the garage. She then called 911 and they came and took her grandfather to the hospital. End of statement.

Attorney Turcotte inquired regarding the previous incident in 2013, when the dog bit her ex in the arm, as to the extent of the injuries and whether surgery was required.

Mrs. Sorrentino stated it was a puncture wound, no stitches were necessary.

Attorney Turcotte asked who else Mrs. Sorrentino brought with her to testify.

Mrs. Sorrentino stated she brought her grandparents and her daughter and inquired as to whether her daughter would need to testify. She requested her daughter not testify if not necessary. Mrs. Sorrentino also read the City's documentation about an animal who is protecting its owner.

Attorney Turcotte requested Mr. & Mrs. Kraese give their testimony.

Mrs. Kraese stated that the situation was pretty much what her granddaughter said. She didn't feel it was an angry type of confrontation and was annoyed that her husband was telling her not to talk about it now. It was a minor point. She stated she got angry with her and they exchanged words, and she took a glass, a pencil jar, and slammed it on the floor and broke it on his side of the counter. At that point, something else was said to her she got angrier. She picked up something else to throw it and her husband picked up his hand to stop me, and the dog came in and seemed to scare him. She states she has been the main caretaker of the dog since he came to them, he sleeps by her and she feeds him, he lays his head on her lap. She feels he was protecting her because he loves her. End of statement.

Attorney Turcotte asked about the normal temperament of the dog.

Mrs. Kraese stated the dog has a great temperament and is very vocal. He is definitely vocal. He could sound scary she believes but if you know the dog you know he is not vicious. His tail is usually wagging and she doesn't believe he meant to be really aggressive.

Mr. Kraese gave his testimony. He stated that the event happened pretty much the way it was heard except that when that was happening, and his my wife was about to throw something at him, he put his hand up to stop her, he thinks the dog thought he was going to hit her, and he gave him a warning and bit my shoe. He got mad at that and gave the dog a kick in his hip area. He stated his wife is right, and that the dog

loves his wife and he thought he was protecting her. He stated the dog was also his buddy, but likes Mrs. Kraese more than him.

Attorney Turcotte inquired as to his thoughts on the dog's demeanor.

Mr. Kraese stated the dog's way of greeting people is barking. He will greet neighbors he knows for years and barks to greet them.

Attorney Turcotte asked if Mr. Kraese was present to witness the incident in 2013.

Both Mr. & Mrs. Kraese stated they were not present.

Attorney Turcotte inquired as to what happened once at the hospital.

Mr. Kraese stated a special bandage was put on so that the wound would heal from the inside out. It allows it to heal that way, which it is healed now. He also got stitches on his hand from the dog's jaws.

Attorney Turcotte stated that understanding that Mr. Kraese was distracted right after the incident, but inquired as to the dog's demeanor immediately following the incident.

Mr. Kraese stated he was immediately brought into the garage, quiet, calm. He couldn't hear him barking or carrying on.

Attorney Turcotte asked Mr. Kraese if he agreed with his wife's assessment that the dog was protecting her?

Mr. Kraese stated he agreed totally, because he didn't do anything until he put my hands up and he was definitely protecting her.

Attorney Reischmann stated that this is a difficult case. The reason is that you have a strong animal, and the dog did attack, and he is clearly a dangerous dog. He is around children. He attacked two adults prior. The City feels that unfortunately the circumstances in this case, because of the history of the life of this dog, this is going to happen again and that's what the statute is for. He is dangerous to its family, its neighbors, and the community and the city asks that you abide by the statute.

Attorney Turcotte addressed Ms. Amy Carotenuto who was sworn in. Ms. Carotenuto is the Director of the Flagler Humane Society and presented an Affidavit.

Ms. Carotenuto gave her testimony, stating she wasn't there during the night of the incident, but during the days the dog was with them, he was very well behaved. She stated he was a little depressed the first few days, but after that, as they have many different kennel staff, and after the quarantine period, he was handled by untrained people, he was around other dogs and cats, and she didn't see anything at all that would lead her to believe he was a dangerous dog. Sometimes kennel can bring out worse in dogs, a dominant dog would jump at fence. Biscuit did none of that, he was

well behaved. She stated she has been the Director for 3 years, also for 15 years from 2000-2015.

Attorney Turcotte asked if it was fair to say she is familiar with all types and breeds of dogs and how the Humane Society can affect their demeanor. She also stated she has some affidavits signed by your employees, and asked if she could certify that they are her employees.

Ms. Carotenuto verified the affidavits and stated the other employees agreed with her assessment of the dog's demeanor and behavior.

Attorney Turcotte asked Mrs. Sorrentino how much the dog weighs?

Mrs. Sorrentino stated the dog weighs 56 pounds.

Attorney Turcotte inquired as to the December 2013 attack, she indicated her ex boyfriend punched her in the face and the dog bit him. Did she remember whether the dog was hit by her ex boyfriend at that time.

Mrs. Sorrentino stated that when her ex boyfriend came home, her dog was sleeping in the living room. She and the dog were in the bedroom and she tried to walk back and the dog came into the kitchen barking at us, and my ex did hit the dog. Then the dog bit. Since the dog was a puppy, he has been around kids and other dogs his whole entire life and he has never had any issue with them. He doesn't have an aggressive manner all the time, just if there is arguing or fighting, he will bark. He presently plays with three other dogs that they live with and they get along fine and with the kids.

Attorney Turcotte asked about the issue of her dog having friendly relationships with other dogs. She stated she has an affidavit provided by the City signed by Tracy who lives at 5 Seville Way, who states she was walking past the house in August 2015 on the other side of the street with her dog, a labradoodle, and she stated Biscuit attacked her dog. She states however that the dog did not break skin or injure them.

Mrs. Sorrentino stated she wasn't there but didn't speak to her about it. The first time she heard about it was when this case happened. Her grandmother mentioned it to her.

Attorney Turcotte asked Mrs. Kraese what she knew about the Affidavit.

Mrs. Kraese stated she was inside vacuuming and babysitting. The children knew not to let the dog out but they did. The dog was outside playing with the kids. The neighbor was walking with her dog and her dog did run across the street. She was not aware the dog bit or scratched the neighbor. She believed the dog was looked at and no injuries were found. She did not see the incident. When she got out of the house, after one of the children called her, the dog was back on her property and just barking. The dog was attacked when he was a puppy was attacked by a retriever.

Attorney Turcotte stated as pertains to her decision today, the City met all requirements and thanked everyone for coming and testifying. She is familiar with the City Code and the Statutes and in that regard, in defining what a dangerous dog is. After reviewing the City of Palm Coast Ordinances Section 8-28 and Florida Statutes Section 767.12 (2a)(2b), and based on the evidence and testimony received, the determination of the dog being declared a dangerous animal has been overturned. The dog is not considered a dangerous dog. This is the final action regarding this matter. An Order will be sent to the owners in the mail.

**UNFINISHED BUSINESS:**

**E. None to report.**

**OLD BUSINESS:**

**F. None to report**

**NEW BUSINESS:**

**G. None to report.**

**ANNOUNCEMENT OF NEXT MEETING:**

**H. Next Animal Control License Hearing – 8/2/2016 @ 1:00 P.M.**

**ADJOURNMENT**

**There being no further business, the meeting was adjourned at 3:00 P.M.**

*In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact Wendy Cullen, at 386-986-3718 at least 48 hours prior to the meeting or visit Palm Coast City Hall, 160 Lake Avenue, Palm Coast, FL 32164. If any person decides to appeal a decision made by the Animal Control Hearing with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made. The City of Palm Coast is not responsible for any mechanical failure of recording equipment.*

*All pagers and cell phones are to remain OFF while the Animal Control Hearing is in session.*