

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**FELIX CONDE AND GLORIA LAVERDE,
each Individually and as Husband and
Wife,**

Plaintiffs,

v.

MIAMI-DADE COUNTY,

Defendant.

CASE NO.: _____

**INJUNCTIVE RELIEF
JURY DEMAND**

_____ /

COMPLAINT

Plaintiffs, FELIX CONDE and GLORIA LAVERDE sue Defendant, MIAMI-DADE COUNTY, and allege as follows:

INTRODUCTION

Felix Conde is a disabled person under the Americans with Disabilities Act. Until recently, Mr. Conde was accompanied by his service animal, Lucky. Lucky is a pit bull dog. Felix Conde and Plaintiff Gloria Laverde co-own Lucky.

Miami-Dade County has and enforces a municipal ordinance which bans the ownership of pit bull dogs within Miami-Dade County. Miami-Dade County recognizes no exception to its ordinance in favor of pit bull dogs which are service animals under the Americans with Disabilities Act. Miami-Dade County issued a citation and order against Mr. Conde demanding that Lucky be removed from the jurisdiction, and imposing a fine upon Mr. Conde. Pending this action, Mr. Conde has removed Lucky from Miami-Dade County.

Under applicable law, the ordinance is preempted by the ADA and must be declared as a matter of law to be unenforceable due to its inconsistency with the ADA. Upon such

declaration, Mr. Conde will be entitled to injunctive relief preventing further enforcement of the ordinance, prohibiting enforcement of the citation, order and fine, and requiring Miami-Dade County to permit Lucky's return.

Miami-Dade County has and continues to unlawfully discriminate against Mr. Conde, and has otherwise deprived and continues to deprive Mr. Conde and Ms. Laverde of their rights under applicable law.

PARTIES

1. This is an action for declaratory and injunctive relief and money damages.
2. Felix Conde is and at all material times has been a resident of Miami-Dade County, Florida.
3. Gloria Laverde is and at all material times has been a resident of Miami-Dade County, Florida.
4. Miami-Dade County is a political subdivision of the state of Florida.

JURISDICTION AND VENUE

5. Federal question jurisdiction exists in this Court pursuant to 28 U.S.C. §1331.
6. Venue is proper pursuant to 28 U.S.C. §1391(b).

GENERAL ALLEGATIONS

The Americans With Disabilities Act; Felix Conde; Lucky

7. 42 U.S.C. §12132 provides as follows:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

8. 42 U.S.C. §12131(1) provides in pertinent part:

The term “public entity” means—

(A) any State or local government;

9. Miami-Dade County is a “public entity” to which Title II of the Americans with Disabilities Act applies.

10. 42 U.S.C. §12131(2) defines “qualified individual with a disability” as follows:

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

11. The Americans with Disabilities Act is implemented and enforced through regulations enacted by the Department of Justice. 42 U.S.C. §12134. Such regulations are codified at 28 C.F.R. §§35.101 *et seq.*

12. 28 CFR §35.104 defines “disability” in pertinent part as follows:

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase physical or mental impairment means—

*(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, **respiratory** (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;*

(ii) The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental

retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

* * *

(2) The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

13. Felix Conde suffers from a respiratory ailment which exposes him to shortness of breath and the risk of collapsing and passing out. His physician has prescribed for him the service and accompaniment of a service animal. See Exhibit A.

14. Felix Conde is a qualified individual with a disability who is entitled to the protections of Title II of the Americans with Disabilities Act.

15. 26 CFR §35.104 defines "service animal" as follows:

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

16. Lucky is trained, among other things, specifically to recognize when Mr. Conde is short of breath, and in that event, to retrieve a rescue inhaler containing the prescription medicine Proventil. Proventil (albuterol) is a bronchodilator that relaxes

muscles in the airways and increases air flow to the lungs. The Proventil HFA inhaler (albuterol sulfate) is used to treat or prevent bronchospasm in people with reversible obstructive airway disease. Proventil is also used to prevent exercise-induced bronchospasm. It is important for persons with reversible obstructive airway disease to keep Proventil on hand at all times and to refill their prescription before running out of medicine completely. Lucky is always prepared to retrieve Mr. Conde's rescue inhaler.

17. Even though a public entity cannot permissibly inquire into the training of a service animal (*"A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal"*, 28 C.F.R. §35.136(f)), documentation establishing that Lucky is properly trained is attached as Exhibit B to this Complaint.

18. Lucky is a service animal under Title II of the Americans with Disabilities Act.

19. 28 C.F.R. §35.136(g) provides as follows:

***(g) Access to areas of a public entity.** Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.*

20. 28 C.F.R. §35.136 provides as follows:

Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

21. The Defendants are not immune from suit in this action. 42 U.S.C. §12202 provides that:

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

22. LUCKY has no history of aggression and has never demonstrated any aggression so as to raise any concern for public safety.

The Miami-Dade County Ordinance; Citation; Order

23. In 1989 Miami-Dade County enacted a registration and regulatory scheme for pit bulls which resided in Miami-Dade County at that time. See Miami-Dade County Code of Ordinances §§5-17 – 5-17.6. The scheme gave existing pit bull owners ninety (90) days to register their animals and otherwise comply. After expiration of the 90-day registration period for pit bulls then residing in Miami-Dade County, no residents would ever again be permitted to bring a pit bull into or own a pit bull in Miami-Dade County:

(b) No pit bull dogs may be sold, purchased, obtained, brought into Miami-Dade County, or otherwise acquired by residents of Miami-Dade County anytime after the passage of ninety (90) days after the effective date of Ordinance Number 89-22. No such newly-acquired pit bull dogs may be kept, maintained, or otherwise harbored within Miami-Dade County, and each day any such newly-acquired pit bull is so kept, maintained, or harbored shall constitute a separate violation of this section.

(1) Violation of subsection (b) may result in the issuance of a civil violation notice, and

(2) Humane destruction of the pit bull dog by order of a court of competent jurisdiction. The County Manager or his designee may apply to the court for such order pursuant to this paragraph.

Miami-Dade County Code of Ordinances §5-17-6. In a later-passed ordinance, Miami-Dade County acknowledged that §5-17-6 is intended to have broad, blanket application. See §5-17-7 (“It has been illegal to acquire a new pit bull dog since January 1, 1990”).

24. On or about December 20, 2012, Miami-Dade County, pursuant to §5-17-6, issued Civil Violation Notice No. 2012-S009555 to Plaintiff Felix Conde. The Civil Violation Notice assessed a fine against Mr. Conde of \$500.00 along with \$15.00 in costs,

and mandated compliance with the §5-17-6 on or before January 2, 2013. A copy of the Civil Violation Notice is attached as Exhibit C to this Complaint.

25. In response to the Civil Violation Notice, Mr. Conde timely requested an administrative hearing. On or about January 23, 2013, Defendant issued a Notice of Administrative Hearing scheduling the hearing for February 27, 2013. A copy of the Notice of Hearing is attached as Exhibit D to this Complaint.

26. Mr. Conde appeared at the hearing with counsel, and offered evidence and testimony and arguments of law. Upon conclusion of the hearing, by order dated February 27, 2013, the Hearing Officer issued Findings of Fact and Conclusions of Law affirming the action taken by Defendant in issuing the Civil Violation Notice. The order extended the time for Mr. Conde to achieve compliance with §5-17-6 to March 27, 2013, and imposed additional costs for the administrative hearing, increasing the total imposed costs to \$590.00. A copy of the Hearing Officer's Findings of Fact and Conclusions of Law is attached as Exhibit E to this Complaint.

27. Following issuance of the Hearing Officer's Findings of Fact and Conclusions of Law, Defendant issued a First Notice Following Administrative Hearing which included a Code Enforcement Administrative Hearing Payment Invoice which assessed an additional \$125.00 in agency costs, increasing the total fines and costs to \$715.00. A copy of the First Notice Following Administrative Hearing with attached invoice is attached as Exhibit F to this Complaint.

28. Following the First Notice Following Administrative Hearing, Mr. Conde filed a Notice of Administrative Appeal. A copy of the Notice of Administrative Appeal is attached as Exhibit G to this Complaint.

29. Throughout the above-described proceedings, Mr. Conde appeared with and through counsel. Even though Miami-Dade County was constantly aware that Mr. Conde was represented by counsel, and even though Mr. Conde's appeal was pending, Defendant pursued, *ex parte*, an enforcement and custody order in the County Court of Miami-Dade County. On May 8, 2013, the Honorable Wendell M. Graham, County Court Judge, entered an Order Granting Ex Parte Petition to Order Removal of Pit Bull Dog Or, in the Alternative, Granting Custody of Pit Bull Dog to Miami-Dade County. The Ex Parte Order:

- a. Required Mr. Conde to remove Lucky from the jurisdiction within ten (10) days; and
- b. Expressly authorized Miami-Dade County to enter into Mr. Conde's premises within (20) days to either confirm that Lucky was removed from the jurisdiction, or to forcibly remove Lucky from the premises and hold him pending further proceedings and potential euthanasia.

A copy of the Order Granting Ex Parte Petition is attached as Exhibit H to this Complaint.

30. On July 23, 2013, Miami-Dade County issued another "First Notice Following Administrative Hearing," a copy of which is attached as Exhibit I. With this notice, Miami-Dade County imposed an additional fine against Mr. Conde of \$10,000. The Notice provides that if the fine is not paid within 30 days of the notice, Miami-Dade County will place a lien against Mr. Conde's real and personal property.

Unlawful Search of Plaintiffs' Home

31. After entry of the Ex Parte Order, ostensibly empowered by the Ex Parte Order, the Miami-Dade Police Department appeared at Mr. Conde's and Ms. Laverde's residence. The circumstances of the police search of the home are as follows:

a. Although the Police were only dispatched to search the home for a single dog, they appeared *en masse* – for no apparent reason, no less than seven officers appeared, at least five of which were with the Miami-Dade Police Department. They arrived in more than three police department patrol cars, all parked in plain sight of Plaintiffs’ neighbors.

b. When the officers arrived at approximately 6:00 a.m., the children were still sleeping. The officers forcibly entered the home, awakening the children, causing one of them to cry, and achieving no end other than instilling great fear in Ms. Laverde and her children and Mr. Conde. Mr. Conde’s fear was exacerbated by the absence of Lucky at his side.

c. The officers did not explain, and at no time since their search has Miami-Dade County explained, why the search of the Plaintiffs’ home became a matter for the police, in that nothing more than a civil penalty was ever assessed against Mr. Conde. The ordinance does not even purport to vest local courts with the power to issue blanket search warrants for purely civil matters; rather, it only vests local courts with the power to order, after all other requirements are met, an otherwise properly seized pit bull dog to be euthanized.

d. At best, the Ex Parte Order which Miami-Dade County induced the County Court to issue was a search warrant without probable cause, because it was *expressly and knowingly issued prior to any violation; even the alleged purely civil violation was on non-final because the appeal was pending.* The Ex Parte Order called for Mr. Conde to remove Lucky from the jurisdiction and further empowered Miami-Dade County to enter the premises on a future date to confirm that Mr. Conde had complied. That is, Miami-Dade

County induced the County Court to issue a warrant permitting Miami-Dade County to search Plaintiffs' premises to confirm that a wrong had not been committed. By definition, Mr. Conde had violated no order at the time of the Ex Parte Order. The Ex Parte Order did not require any supplemental showing of reasonable cause, prior to the officers actually forcibly entering and searching the home, to believe that Mr. Conde had not complied with the Ex Parte Order.

e. As it turned out, before the officers forcibly entered the premises, Mr. Conde had already complied with the Ex Parte Order. Lucky was not found in the residence because he was not there; Mr. Conde had already removed him from the jurisdiction.

f. Because Miami-Dade County obtained the order through *ex parte* proceedings with no effort to notify Mr. Conde's counsel whom Miami-Dade County knew had always appeared for Mr. Conde, Plaintiffs cannot know what representations were made to the County Court Judge. Specifically, Plaintiffs do not know whether Miami-Dade County's attorneys advised the County Court Judge that Mr. Conde does not own the residence; it is solely owned by Ms. Laverde.

32. The Fourth Amendment to the United States Constitution provides as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

At no time did Defendant have cause to intrude upon or violate Plaintiffs' residence, and the act of doing so was a violation of Plaintiffs' right to be free of unreasonable search.

33. In compliance with the Defendant's Orders, Mr. Conde timely removed Lucky from the jurisdiction and is now separated from him. Consequently, Mr. Conde is now at risk of collapsing in respiratory distress without the protection of his trained service animal.

34. After Defendant's conduct required the relocation of Lucky to a location outside Miami-Dade County, Felix Conde traveled to another county for the purpose of visiting with Lucky and experiencing Lucky's service and support. Absent Miami-Dade County's conduct, Mr. Conde would never have had to travel to be with his service animal, who was previously ordinarily always by Mr. Conde's side.

35. On June 23, 2013, Mr. Conde traveled to another county to be with Lucky for a short time. During his return to Miami-Dade County on that date, Mr. Conde was involved in a catastrophic motor vehicle accident. Mr. Conde suffered extensive injuries in the accident, including but not limited to:

- a. Both lungs collapsed;
- b. Substantial head injury, with bleeding and brain swelling;
- c. Both arms/wrists broken;
- d. Facial fractures;
- e. Knee ligaments torn.

Ultimately, Mr. Conde was placed into a medically-induced coma, which continued for several months. Mr. Conde remained hospitalized and less than totally cogent until late October, 2013. He is now, at the time of filing this Complaint, cogent, but remains hospitalized. But for the Defendant's conduct, Mr. Conde would never have been required

to travel out of Miami-Dade County to be with his service animal. Even in the hospital, Mr. Conde suffers from the absence of Lucky.

36. All conditions precedent to filing this action, including those which relate to notice, have occurred or have been waived.

37. To regain possession of Lucky, to restore the support and confidence that the service animal brings to Mr. Conde, and to pursue any other relief which may be available to Plaintiffs, Plaintiffs have retained the services of undersigned counsel. Plaintiffs have agreed to pay counsel a reasonable attorneys' fee and have agreed to reimburse counsel's reasonable costs incurred.

38. 42 U.S.C. §12202 provides as follows:

In any action or administrative proceeding commenced pursuant to this chapter, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

COUNT I

Felix Conde: Declaratory Judgment Under 28 U.S.C. §2201

39. Plaintiff Felix Conde incorporates and realleges the allegations of paragraphs 1 through 36 above.

40. This is an action pursuant to 28 U.S.C. §2201, which provides in pertinent part:

In a case of actual controversy within its jurisdiction. . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

41. An actual controversy exists, and Mr. Conde is an interested party, because Miami-Dade County's conduct continues to deprive Mr. Conde of the support of his service animal, in that Mr. Conde is prohibited from bringing his service animal back into Miami-Dade County at the risk of being further penalized and Lucky being taken from him and euthanized.

42. Miami-Dade County's conduct continues to violate Mr. Conde's rights under federal law.

43. Miami-Dade County's ordinance establishes on its face that Miami-Dade County could at any time have created an exception for pit bull dogs. The fact that Miami-Dade County has created other exceptions to its ordinance but has not created an exception for service animals establishes incontrovertibly that Miami-Dade County is acting knowingly and recklessly in violating Plaintiff's rights under federal law. See §5-17.2(c) (exception to pit bull prohibition for dogs at dog shows) and §5-17.6(d) (exception to pit bull prohibition for dogs used in sport hunting).

44. Throughout the underlying proceedings Plaintiff repeatedly made Miami-Dade County officials aware of the pertinent requirements and provisions of the ADA. Defendant was also expressly advised of judicial authorities which establish beyond any doubt that Miami-Dade County's ordinance is unenforceable. Notwithstanding Defendant's specific knowledge of the ADA and its related regulations and interpretations, Miami-Dade County continued to plow forward for the sole purpose of removing Lucky from Mr. Conde's side.

45. The Court should issue a declaratory judgment declaring that:
- a. Miami-Dade County's Ordinance §5-17.6 facially violates Title II of the Americans with Disabilities Act in that it prohibits ownership or possession of a pit bull dog in Miami-Dade County, and makes no exception for service animals as that term is defined in the Americans' with Disabilities Act.
 - b. Miami-Dade County's conduct in enforcing its ordinance further violates Title II of the Americans with Disabilities Act in that it prevents anyone disabled persons like Mr. Conde from visiting any part of Miami-Dade County in the company of a service animal.
 - c. Miami-Dade County has discriminated against Mr. Conde under federal law by depriving him of the support of his service animal, and by refusing him a reasonable accommodation under the ADA.
 - d. Miami-Dade County's fine and cost assessment against Mr. Conde, totaling \$10,715.00, is unlawful and unenforceable.
 - e. Miami-Dade County continues to so discriminate against Mr. Conde, with each and every minute of each and every day.
 - f. Miami-Dade County's disregard for Title II of the Americans with Disabilities Act has been and is knowing, deliberate and in reckless disregard for Mr. Conde's rights under federal law.

WHEREFORE, this Honorable Court should enter a declaratory judgment in favor of Plaintiff Felix Conde and against Defendant Miami-Dade County, declaring the parties'

rights and non-compliance with applicable law as outlined above, and granting to Plaintiff his costs incurred and such other relief as may be just and equitable.

COUNT II

Felix Conde: Violation of the Americans with Disabilities Act

42 U.S.C. §12132

46. Plaintiff Felix Conde incorporates and realleges the allegations of paragraphs 1 through 38 above.

47. This is an action for injunctive relief and monetary damages under Title II of the Americans with Disabilities Act.

48. Miami-Dade County must be enjoined from further similar violations of Title II of the ADA. Specifically, the Court should enter an order requiring that Miami-Dade County ordinance §5-17-6 cannot be enforced against disabled persons who are served by service animals which are pit bull dogs, and should enjoin Miami-Dade County to lift its assessment of fines and costs against Mr. Conde which total \$10,715.00.

49. As a result of Defendant's discrimination against Mr. Conde in violation of Title II of the Americans with Disabilities Act, Mr. Conde has suffered, and continues to suffer, damages. Such damages include but are not limited to:

a. The loss of the support and service of Lucky, Mr. Conde's service animal;

b. Attorneys' fees and costs incurred in the prior proceedings, in a then-unsuccessful effort to convince Miami-Dade County of the err of its ways;

c. Embarrassment, humiliation, and emotional trauma associated with: the loss of Lucky's service and support; the loss of Lucky's companionship; the unlawful

search of Mr. Conde's home; experiencing his wife's and children's trauma during the unlawful search of Mr. Conde's home.

WHEREFORE, Plaintiff Felix Conde prays that this Honorable Court enter judgment in his favor and against Defendant Miami-Dade County, for injunctive relief as outlined above and for all damages sustained, along with attorneys' fees, costs, interest, and such other relief as may be just and equitable.

COUNT III

Felix Conde and Gloria Laverde:

Violation of Plaintiffs' Civil Rights, 42 U.S.C. §1983

50. Plaintiffs Felix Conde and Gloria Laverde incorporate and reallege the allegations of paragraphs 1 through 38 above.

51. This is an action for monetary damages under the Civil Rights Act.

52. Defendant has violated Plaintiffs' rights under federal law, including the Fourth Amendment to the United States Constitution and Title II of the Americans with Disabilities Act.

53. As a result of Defendant's discrimination against Plaintiffs in violation of federal law, Plaintiffs have suffered, and continue to suffer, damages. Such damages include but are not limited to:

- a. The value of Lucky, the wrongful taking of which creates a substantial loss for Plaintiffs;
- b. The loss of the support and service of Lucky, Mr. Conde's service animal;

- c. Unlawful assessment of fines and costs totaling \$10,715.00, and the express threat of the filing of liens against their property for such fines and costs;
- d. Attorneys' fees and costs incurred in the prior proceedings, in a then-unsuccessful effort to convince Miami-Dade County of the err of its ways;
- e. Embarrassment, humiliation, and emotional trauma associated with:
 - i. The loss of Lucky's service and support;
 - ii. The loss of Lucky's companionship;
 - iii. The unlawful search of Plaintiffs' home;
 - iv. Each experiencing the other Plaintiff's traumas, and their children's traumas, in connection with the unlawful search of Mr. Conde's home.

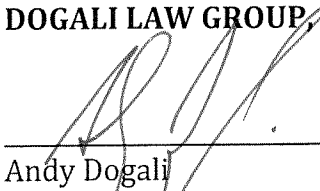
WHEREFORE, Plaintiffs Felix Conde and Gloria Laverde pray that this Honorable Court enter judgment in their favor and against Defendant Miami-Dade County, for all damages sustained, along with attorneys' fees, costs, interest, and such other relief as may be just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury for all issues so triable.

Dated: 11/12/13

DOGALI LAW GROUP, P.A.



Andy Dogali
Florida Bar No. 0615862
4301 Anchor Plaza Parkway, Suite 300
Tampa, FL 33634

Telephone: (813) 289-0700
Facsimile: (813) 289-9435
Primary Email: adogali@dogalilaw.com
Secondary Email: reception@dogalilaw.com

167 th STREET MEDICAL CENTER
909 NE 167 STREET SUIT #101
NORTH MIAMI BEACH, FL 33162
TEL :(305)945-1288 FAX :(305)949-7479

January 31, 2012

To Whom It May Concern:

Re: Mr. Felix Conde

This letter certifies that Mr. Felix Conde is a patient of our office. Mr. Conde has medical condition which is requires animal support. In order to help alleviate these difficulties, and enhance patient's ability to live normal life in his daily base he will benefit from having a service dog.

Registration number for this service dog is: RF3365. Dog must have all required immunization and all supporting documentations.

From my medical opinion, Mr. Conde is recommended to have an animal, such as service dog, which should stay with him at all the time.

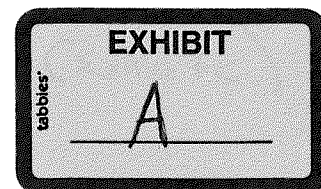
If you have any questions please call our office 305-945-1288.

Sincerely

Yukhanan Benjamin, M.D.



167TH STREET MEDICAL CENTER
909 N.E. NORTH MIAMI BEACH BLVD., #101
N. MIAMI BEACH, FL 33162
(305)945-1288



To whom it may concern:

This letter is in reference to the American Pit Bull Terrier, Lucky, owned by Mr. Felix Conde and his wife, Gloria La Verde.

As an animal behaviorist and Lucky's trainer, I personally trained this dog as a Service Dog for Mr. Conde's specified medical conditions or disabilities. It has come to my concern that Lucky has not been able to provide the learned services to his owner. It is a well known fact, that a dog, in order to provide the adequate services, has to have repetitive training of his taught behavior or his training at least once a week. Lucky has not been with his owner for months and will be asked to show his learned tasks. Further more, the dog has been separated from his owner and is most likely suffering from depression and anxiety. This condition alters the dogs performance and response.

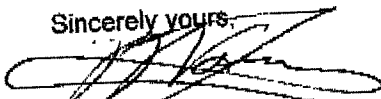
In order for this dog to perform a tasks means that his owner has to intentionally bring his health issues forth, so the dog can react and perform tasks, seemingly putting Mr. Conde's life in danger. For example, a diabetic has to raise his sugar levels and then has to bring them really low.

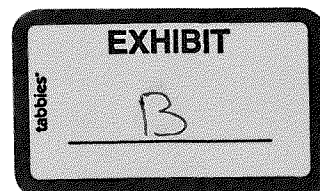
Mr. Conde unfortunately, as a direct result of his recent motorcycle accident, will have other disabilities. These disabilities will be dealt with and Lucky will have to be retrained to the specifics of his owner's needs.

In reference to Lucky's temperament, which has been raised, this dog does not have an ounce of aggression or anger of any sort within him. I personally have rehabilitated fighting dogs and I recognize any traits or indications of such behavior. Lucky does not posses any whatsoever, with humans or other canines.

If I may be of further assistance, please do not hesitate to contact me. For credentials, they are available upon request.

Sincerely yours,


Mitchos Doane
Animal Behaviorist and Trainer.





State of Georgia
 Department of Agriculture
 Gary W. Black, Commissioner
 Atlanta, GA

License Number
 34105153

Date Issued: 12/11/2012
 Expires: 12/31/2013

KENNEL

MITCHOS DOANE & DIMITRA KOSMAS

Street Address: 236 BEAVER CHASE LANE

City: GAY State: GA Zip Code: 30218 County: MERIWETHER

This license enables the above business to operate in the State of Georgia as a kennel subject to the Laws of Georgia and the Rules and Regulations promulgated by the Commissioner of Agriculture, thereunder.

This license is subject to revocation by the Commissioner of Agriculture for violation of the Georgia laws, or the Rules and Regulations promulgated by the Commissioner of Agriculture.

This license is not transferable, and is issued for the person and premises named above, and must be posted in a conspicuous place on the business premises.

Gary W. Black
 Gary W. Black
 Commissioner of Agriculture

Mark V. Murrah
 Mark V. Murrah
 Animal Protection Manager

MD

“Humane Dog Training For Responsible Owners”

To whom this may concern:

This is to certify that the dog (canine) “LUCKY CONDE” belonging to Mr. Felix Conde, has been trained with obedience on and of leash intensive training. In addition, Lucky has also been trained to perform a specific number of tasks to accompany Mr. Conde as a Certified Service Dog.


Registration # 3365

Sincerely yours,



Mitchos Drape

Certified Dog Obedience Trainer/ Training Instructor

SDCA Service Dog



Lucky Conde
D.O.B: 10/01/2010
Breed: Amer. Bull Terrier
Registration # RF3365
Expiration: NONE
Handler: Conde

SDCA ID: RF3365 

This identification card has been presented to **Lucky** in recognition of completing all requirements of Service Dog Certification of America's **Service Dog Program** on the 2nd day of November, two thousand and eleven.

(Exhibit D)



SERVICE DOG CERTIFICATION OF AMERICA

confers upon

Lucky Bonde

RF3365

this certificate in recognition of completing all
requirements of Service Dog Certification of Americas

Service Dog Program,

on the 2nd day of November, two thousand and eleven.

Adam W. Sadlowski,
President

Beverly Johnson - S.,
Vice-President



ANIMAL SERVICES DEPARTMENT - (305)629-7387
MIAMI-DADE COUNTY, FLORIDA

FIRST NOTICE

DECEMBER 20, 2012

CONDO, FELIX JOSE
3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180

RE: CIVIL VIOLATION NOTICE NO. 2012- 5009555

DEPT. NO.: 05 ANIMAL SERVICES DEPARTMENT
BADGE NO.: 618 LUIS SALGADO
VIOLATION ADDR.: SAME

THIS IS TO NOTIFY YOU THAT THE ABOVE MENTIONED CIVIL VIOLATION NOTICE THAT WAS ISSUED TO YOU ON DECEMBER 3, 2012, HAS BEEN FORWARDED TO THE CODE ENFORCEMENT, INTERGOVERNMENTAL SERVICES DIVISION.

PLEASE ELECT TO EITHER COMPLY WITH ITEM #1(PAY AND CORRECT), OR COMPLY WITH ITEM #2(APPEAL), ACCORDINGLY ON OR BEFORE THE DEADLINES AS INDICATED HEREIN TO AVOID ACCUMULATIVE PENALTIES OF UP TO TWENTY (20) TIMES THE CIVIL PENALTY AMOUNT FOR CORRECTABLE VIOLATIONS:

- 1. PAY A TOTAL OF \$515.00 ON OR BEFORE JANUARY 2, 2013. THIS INCLUDES THE CIVIL PENALTY OF \$500.00 AND A \$10.00 SURCHARGE (PURSUANT TO COUNTY ORDINANCE 99-55) AND A \$5.00 SURCHARGE (PURSUANT TO COUNTY ORDINANCE 08-10).

INCLUDE THE VIOLATION NOTICE NUMBER AND MAIL A CHECK OR MONEY ORDER PAYABLE TO:

CLERK OF COURTS, CODE ENFORCEMENT
111 N.W. 1ST STREET - SUITE 1750
MIAMI, FLORIDA 33128-1981

OR YOU MAY PAY BY CREDIT CARD EITHER IN PERSON OR BY CALLING THE CLERK OF COURTS AT (305)375-2333.

AND

CORRECT THE VIOLATION OF SECTION 5-17.6 OF THE MIAMI-DADE COUNTY CODE ON OR BEFORE JANUARY 2, 2013 (IF APPLICABLE)

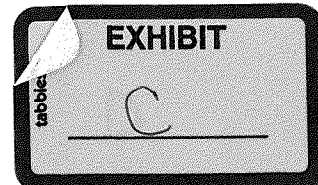
OR

- 2. TO APPEAL THE CIVIL VIOLATION NOTICE, YOU MUST REQUEST IN WRITING AN ADMINISTRATIVE HEARING ON OR BEFORE DECEMBER 24, 2012 AT THE ADDRESS ABOVE. ONLY THE PERSON NAMED ON THE CIVIL VIOLATION NOTICE OR THEIR LEGAL REPRESENTATIVE MAY REQUEST AN APPEAL. PLEASE INCLUDE YOUR VIOLATION NOTICE NUMBER ON YOUR APPEAL REQUEST. THE FACT FINDING DETERMINATION OF THE HEARING SHALL BE LIMITED TO WHETHER THE VIOLATION ALLEGED DID OCCUR AND, IF SO, WHETHER THE PERSON NAMED IN THE VIOLATION NOTICE CAN BE HELD RESPONSIBLE FOR THAT VIOLATION. HEARING COST OF \$75.00 SHALL BE IMPOSED IF YOU ARE FOUND GUILTY.

PLEASE NOTE THAT THE ABOVE COMPLIANCE DEADLINES ARE ASSUMED TO BE FOR AN IMMEDIATE VIOLATION NOTICE SERVED THE DATE IT WAS ISSUED. IF YOU WERE SERVED THROUGH THE MAIL, THE COMPLIANCE AND APPEAL DEADLINES WILL BE ADJUSTED TO COMMENCE WITH THE DATE OF SERVICE AS INDICATED ON THE CERTIFIED MAIL RETURN RECEIPT.

IF YOU RECEIVED THIS NOTICE AND HAVE NOT RECEIVED THE CIVIL VIOLATION NOTICE, YOU ARE STILL LIABLE FOR COMPLIANCE WITH THE STATED VIOLATION OF COUNTY CODE AND PAYMENT OF THE FINE. IF YOU HAVE ANY QUESTIONS CONCERNING THE CIVIL VIOLATION, PLEASE CALL THE ISSUING DEPARTMENT AT (305)629-7387. THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

J527060 /CEFB061 /NOT1 / 12-19-2012



MIAMI-DADE COUNTY, FLORIDA
CODE ENFORCEMENT, INTERGOVERNMENTAL SERVICES DIVISION
111 N.W. 1ST STREET, SUITE 1750, MIAMI, FL 33128-1981 (305) 375-2333

NOTICE OF ADMINISTRATIVE HEARING

ALLEGED VIOLATOR: CONDO, FELIX JOSE
ADDRESS: 3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180-0000

CITATION # 2012- S009555

DEPARTMENT-DIVISION: ANIMAL SERVICES DEPARTMENT
INSPECTORS NAME: LUIS SALGADO

BADGE # 618

YOUR REQUEST FOR AN ADMINISTRATIVE HEARING, REFERENCE ALLEGED VIOLATION OF CODE SECTION: 5-17.6, REFERENCE #: 268, ACQUISITION OR KEEPING OF PIT BULL DOG ON 11/30/2012 AT 03:58 P.M. HAS BEEN SCHEDULED FOR HEARING BEFORE A CODE ENFORCEMENT HEARING OFFICER AS NOTED HEREIN BELOW:

HEARING DATE: FEBRUARY 27, 2013 PLACE: STEPHEN P. CLARK CENTER
ROOM: E
TIME: 10:00 A.M. 6TH FLOOR
111 N.W. 1ST STREET DOWNTOWN MIAMI

YOU HAVE A RIGHT TO LEGAL REPRESENTATION AND A RIGHT TO PRESENT WITNESSES AND SUBMIT EVIDENCE ON YOUR OWN BEHALF.

A HEARING DATE SHALL NOT BE POSTPONED OR CONTINUED UNLESS A REQUEST FOR CONTINUANCE, SHOWING GOOD CAUSE FOR SUCH CONTINUANCE, IS RECEIVED IN WRITING BY THE HEARING OFFICER AT LEAST TEN (10) CALENDAR DAYS PRIOR TO THE DATE SET FOR THE HEARING.

YOUR FAILURE TO ATTEND THE HEARING ON THE DATE ABOVE SHALL CONSTITUTE A WAIVER OF YOUR RIGHT TO A HEARING. SUCH WAIVER SHALL CONSTITUTE AN ADMISSION OF THE VIOLATION AND MAY RESULT IN ADDITIONAL PENALTIES WITHOUT THE NEED FOR ISSUANCE OF ADDITIONAL CIVIL VIOLATION NOTICE.

IF YOU ARE FOUND GUILTY OF THE CIVIL VIOLATION CHARGED, AN IMMEDIATE PAYMENT FOR BOTH THE ADMINISTRATIVE FEE AND THE FINE ASSESSED IS TO BE MADE TO THE CLERK IN ATTENDANCE.

HEARING NOTICE MAILED: JANUARY 24, 2013 BY DEPUTY CLERK AMIE CUFFY *[Signature]*

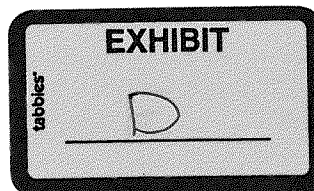
◇ NON-ENGLISH SPEAKING: THE CODE ENFORCEMENT UNIT CAN NOT GUARANTEE THE AVAILABILITY OF A TRANSLATOR FOR THE HEARING SCHEDULED OF THIS NOTICE. THEREFORE, IT IS RECOMMENDED THAT YOU MAKE ARRANGEMENTS TO BRING YOUR OWN TRANSLATOR TO THE HEARING.

◇ AMERICANS WITH DISABILITIES ACT OF 1990: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, PLEASE CONTACT OUR OFFICE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE AT (305)375-2333. INDIVIDUALS WITH HEARING OR VOICE IMPAIRMENTS MAY CONTACT THE TELEPHONE NUMBER PROVIDED VIA THE FLORIDA RELAY SERVICE AT 1-800-955-8771 OR BY CALLING 711.

NOTICE:

- ◇ BRING THIS NOTICE WITH YOU TO THE HEARING AND A PICTURE IDENTIFICATION.
- ◇ ALL PERSONS APPEARING BEFORE A HEARING OFFICER WILL BE REQUIRED TO TESTIFY UNDER OATH. ALL HEARINGS WILL BE RECORDED BY AUDIO/VISUAL EQUIPMENT.
- ◇ AN INDIVIDUAL REPRESENTATIVE NOT ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF FLORIDA MUST HAVE A NOTARIZED "POWER OF ATTORNEY" SIGNED BY THE ALLEGED VIOLATOR.

JS27020 /CEFB023 /MIRG / 01-23-2013



MIAMI-DADE COUNTY, FLORIDA CODE ENFORCEMENT
111 N.W. 1ST STREET, SUITE 1750, MIAMI, FL 33128-1981 (305)375-2333

INTERGOVERNMENTAL
SERVICES DIVISION

HEARING OFFICER'S FINDINGS
OF FACT AND CONCLUSIONS
OF LAW

HEARING DATE
02/27/2013

CONDO, FELIX JOSE
3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180

COPY MAILED TO
VIOLATOR(S)
ON: MAR 04 2013

LUZ M. DELGADO *LD*
DEPUTY CLERK

CITATION # 2012- S009555

FINDINGS OF FACTS

I. THE FOLLOWING ARE APPLICABLE TO THIS HEARING (CHECK APPROPRIATE BOXES)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> VIOLATOR(S) PRESENT | <input checked="" type="checkbox"/> VIOLATOR'S AGENT PRESENT | <input type="checkbox"/> NO SHOW |
| <input type="checkbox"/> NON-COMPLIANCE | <input type="checkbox"/> NON-PAYMENT OF CIVIL PENALTY | <input type="checkbox"/> REPEAT VIOLATION |
| <input type="checkbox"/> CONTINUING VIOLATION | <input type="checkbox"/> HEARING CONTINUED (DATE): | <input type="checkbox"/> VIOLATION DISMISSED BY DEPARTMENT |
| <input type="checkbox"/> HEARING RESCHEDULED | <input type="checkbox"/> APPEAL WITHDRAWN | |
| <input type="checkbox"/> DECISION DEFERRED | | |

II. THE FOLLOWING DEMONSTRATIVE EVIDENCE WAS OFFERED: (CHECK APPROPRIATE BOXES)

- | | | |
|---|--|---|
| <input type="checkbox"/> INSPECTOR'S AFFIDAVIT | <input checked="" type="checkbox"/> OTHER AFFIDAVIT(S) | <input checked="" type="checkbox"/> FIELD REPORT(S) |
| <input type="checkbox"/> PLAN(S) MAP(S) | <input type="checkbox"/> INVOICE(S) | <input checked="" type="checkbox"/> CORRESPONDENCE |
| <input type="checkbox"/> INDEPENDENT APPRAISAL(S) | <input type="checkbox"/> BUILDING AND/OR AERIAL PHOTO(S) | |
| <input checked="" type="checkbox"/> PHOTOGRAPH(S) | <input checked="" type="checkbox"/> PROOF OF OWNERSHIP (REAL AND/OR PERSONAL PROPERTY) | |

III. SUMMARY OF EVIDENCE PRESENTED:

A. BY DEPARTMENT: VIOLATION WAS ISSUED IN ACCORDANCE WITH THE PENALTY AND THE CODE OF MIAMI-DADE COUNTY, FLORIDA.

OTHER

B. BY VIOLATORS: TESTIMONY (UNDER OATH) NO TESTIMONY OFFERED

OTHER

IV. BASIC AND UNDERLYING FACTS: DEPARTMENT IS IS NOT CORRECT IN ITS ASSESSMENTS OF THE SUBJECT VIOLATION. (FURTHER EXPLANATION, IF ANY)

CONCLUSIONS OF LAW

V. FUNDAMENTAL ISSUE: WHETHER THE DEPARTMENT PRESENTED A PREPONDERANCE OF EVIDENCE TO INDICATE THAT THE VIOLATOR(S) IS/ARE RESPONSIBLE FOR THE SUBJECT VIOLATION?

YES NO

VI. ULTIMATE FINDINGS:

A. IT IS THE DETERMINATION OF THIS HEARING OFFICER THAT THE SUBJECT VIOLATION WAS... WAS NOT... ISSUED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER BCC OF THE CODE OF MIAMI-DADE COUNTY.

B. BASED ON THE FOREGOING, THIS HEARING OFFICER AFFIRMS.... REVERSES.... THE CODE INSPECTOR'S DECISION.

C. IT IS HEREBY ORDERED THAT THE FOLLOWING ACTIONS BE TAKEN:

1. VIOLATOR(S) SHALL PAY TO THE CLERK	\$500.00 (CIVIL PENALTY) AND
AND	\$10.00 (SURCHARGE) AND \$75.00 (ADMINISTRATIVE COST)
AND	\$5.00 (DEPT. SURCHARGE)
	TOTALING \$590.00

(NOTE: IF THE FULL AMOUNT OF THE CIVIL PENALTY INCURRED AND ADMINISTRATIVE COST ASSESSED REMAINS UNPAID AFTER THE EXECUTION OF THIS ORDER, A CERTIFIED COPY OF SAID ORDER MAY BE RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY WHICH SHALL CONSTITUTE A LIEN AGAINST THE VIOLATOR'S PROPERTY, REAL OR PERSONAL. MIAMI-DADE COUNTY MAY FORECLOSE ON ANY SUCH LIEN WHICH REMAINS UNPAID AFTER ONE YEAR FROM THE TIME THE LIEN IS FILED.)

2. DEADLINE FOR COMPLIANCE.....

SHALL BE EXTENDED TO (DATE): 03/27/2013 SHALL NOT BE EXTENDED.

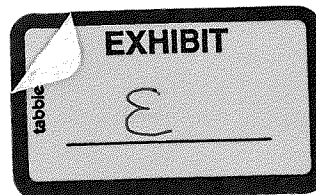
(NOTE: IF THE VIOLATION SUBJECT TO THIS ACTION REMAINS UNCORRECTED AFTER THE DEADLINE FOR COMPLIANCE INDICATED HEREIN ABOVE, AN ADDITIONAL CIVIL PENALTY IN THE SAME AMOUNT SPECIFIED IN THIS ORDER SHALL BEGIN TO ACCRUE FOR EACH DAY FOLLOWING THE DEADLINE FOR COMPLIANCE AND SHALL CONTINUE TO RUN UNTIL THE VIOLATION IS CORRECTED.)

DATE DECISION RENDERED: 02/27/2013

HEARING OFFICER: PETER J. KOUCHALAKOS

NOTE: IF YOU WISH TO APPEAL THE HEARING OFFICER'S DECISION, YOU MUST DO SO IN THE MANNER PROVIDED IN SECTION BCC-8 OF THE CODE OF MIAMI-DADE COUNTY, NO LATER THAN 30 DAYS FROM THE DATE THE HEARING OFFICER'S DECISION WAS RENDERED. YOU MUST ALSO FILE A COPY OF ANY DOCUMENT FILED PURSUANT TO SECTION BCC-8 WITH THE OFFICE OF CODE ENFORCEMENT AT THE ABOVE ADDRESS AND WITH THE COUNTY ATTORNEY'S OFFICE, 111 N.W. FIRST STREET, 28TH FLOOR, MIAMI, FLORIDA 33128.

CEP046 / 1527045 / 1527045 / 02/27/2013



ANIMAL SERVICES DEPARTMENT - (305)629-7387
MIAMI-DADE COUNTY, FLORIDA

FIRST NOTICE FOLLOWING ADMINISTRATIVE HEARING

FEBRUARY 28, 2013

CONDO, FELIX JOSE
3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180

RE: CIVIL VIOLATION NOTICE NO 2012- S009555
VIOLATOR : CONDO, FELIX JOSE
DEPT NO. 05 ANIMAL SERVICES DEPARTMENT.
BADGE NO.: 618 LUIS SALGADO
VIOLATION ADDR.: SAME

AT THE ADMINISTRATIVE HEARING HELD ON FEBRUARY 27, 2013 THE HEARING OFFICER HAS DETERMINED THAT THE VIOLATION OF CODE SECTION 5-17.6 WAS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER BCC OF THE CODE OF MIAMI-DADE COUNTY.

AS A RESULT, THE HEARING OFFICER HAS FOUND YOU GUILTY OF THE ABOVE VIOLATION AND HAS ORDERED YOU TO CORRECT THE VIOLATION (IF APPLICABLE) AND PAY THE FOLLOWING:

1. ORIGINAL CIVIL PENALTY	0	500.00
2. HEARING ADMINISTRATIVE COST		75.00
3. SURCHARGE PER ORDINANCE 99-55		10.00
4. DEPT ADMINISTRATIVE COST BAL.		125.00
5. SURCHARGE PER ORDINANCE 08-10		5.00
PAYMENTS & ADJUSTMENTS		.00
TOTAL AMOUNT DUE	0	715.00

IF PAYMENT IS NOT RECEIVED WITHIN THIRTY (30) DAYS FROM THE DATE THE DECISION WAS RENDERED, FEBRUARY 27, 2013 AND/OR THE VIOLATION OF CODE SECTION 5-17.6 NOT CORRECTED, YOU WILL BE REQUIRED TO PAY ACCUMULATIVE PENALTIES OF UP TO TWENTY (20) TIMES THE ORIGINAL CIVIL PENALTY INDICATED ABOVE.

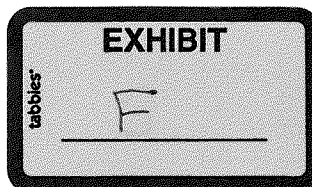
MAIL YOUR CHECK PAYABLE TO:

CLERK OF COURTS, CODE ENFORCEMENT
111 N.W. 1ST STREET - SUITE 1750
MIAMI, FLORIDA 33128-1981

IF YOU WISH TO APPEAL THE HEARING OFFICER'S DECISION, YOU MUST APPEAL TO THE CIRCUIT COURT APPELLATE DIVISION NO LATER THAN THIRTY (30) DAYS FROM THE DATE THE DECISION WAS RENDERED.

IF YOU HAVE ANY QUESTIONS CONCERNING THE CIVIL VIOLATION NOTICE, PLEASE CALL THE ISSUING DEPARTMENT AT (305)629-7387.

J527060 /CEFB062 /NT26 / 02-27-2013



MIAMI-DADE COUNTY, FLORIDA
CODE ENFORCEMENT-INTERGOVERNMENT SERVICES DIVISION

Citation No.: 2012-S009555

FELIX JOSE CONDE,

Respondent/Appellant,

v.

~~NOTICE OF ADMINISTRATIVE APPEAL~~

MIAMI-DADE COUNTY,

Petitioner/Appellee.

THE ORIGINAL FILED
ON APR 01 2013
IN THE OFFICE OF
CIRCUIT COURT DADE CO

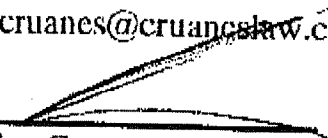
NOTICE IS GIVEN that ~~FELIX JOSE CONDE~~, Appellant, appears to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, the order of this Code Enforcement Hearing Officer, for Miami-Dade County, Florida rendered February 27, 2013. A conformed copy of the Order is attached hereto and is made a part hereof in accordance with Rules 9.110(d) and 9.160(c) of the Florida Rules of Appellate Procedure. The nature of the order is that a pit bull dog was acquired or kept in violation of code section §5-17.6 Ref. #268, of the Miami-Dade County Code of Ordinances, and that the dog in question ("Lucky") did not qualify for exemption as a service dog as that term is defined under the Americans with Disabilities Act, ("ADA").



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail and First Class Mail to all parties on the attached Service List on April 1, 2013.

Carlos Cruanes
The Law Offices of Carlos Cruanes
PA
5941 NW 173rd Dr Ste B4
Hialeah, Florida 330155109
Phone: 305.557.3161
Fax: 305.557.3052
E-Mail: ccruanes@ccruaneslaw.com

By: 
Carlos Cruanes
Florida Bar No.: 121940

SERVICE LIST

Counsel for Appellee Miami-Dade Animal Services:

Robert A. Cuevas, Jr.
Miami-Dade County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Phone: (305) 375-5151
Fax: (305) 375-5634
E-mail: atty@miamidade.gov

With a copy to:

Alex Muñoz
Director
Miami-Dade Animal Services
7401 NW 74 Street
Miami, Florida 33166

IN THE COUNTY COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 13-08031 CC 05 (08)

MIAMI-DADE COUNTY,

Petitioner,

vs.

FELIX JOSE CONDE,

Respondent.

ORDER

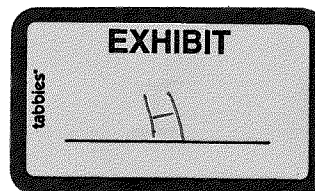
GRANTING EX PARTE PETITION TO ORDER REMOVAL OF PIT BULL DOG OR, IN THE ALTERNATIVE, GRANTING CUSTODY OF PIT BULL DOG TO MIAMI-DADE COUNTY

This cause is before the Court upon Miami-Dade County's Ex Parte Petition to Order Removal of Pit Bull Dog or, in the Alternative, Granting Custody of Pit Bull Dog to Miami-Dade County. Upon considering the petition and being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED that the Petition is **GRANTED**.

1. Respondent, Felix Jose Conde, is hereby ordered to remove his pit bull dog from Miami-Dade County during the pendency of his code enforcement appeal, *Conde v. Miami-Dade County Code Enforcement*, Case No. 13-140 AP, and to provide the County with a verifiable address to which his dog is relocated. The dog shall be removed within 10 days of the service of this order.

2. Within 20 days after service of this order, the County, through its animal control officers or other agents, is hereby authorized to enter and search the premises of 3370 Hidden



CASE NO. 06-17103 CC 05 (02)

Bay Drive #1105, Aventura, FL 33180, and the curtilage thereof, in the daytime or as exigencies require, to verify that the pit bull dog has been removed from Miami-Dade County.

3. If the dog has not been removed, the County is hereby authorized to seize the pit bull dog and impound it at an appropriate location pending the outcome of Respondent's code enforcement appeal.

4. If the County prevails in the code enforcement appeal, Respondent shall permanently remove his pit bull dog from Miami-Dade County.

5. If the County prevails in the code enforcement appeal and ~~has seized the dog~~ *Respondent fails to comply with this order, then* ~~because Respondent has failed to comply with this Order,~~ the County shall be entitled to permanent custody of the pit bull dog for disposition pursuant to the law as the County sees fit, including humane euthanasia.

6. This Court retains jurisdiction to enforce the terms of this Order.

DONE AND ORDERED in Miami-Dade County, Florida, this 09 day of May, 2013.

Wendell M. Graham
MAY 9 2013
WENDELL M. GRAHAM
COUNTY COURT JUDGE

Copy furnished to:
Dennis A. Kerbel
Miami-Dade County Attorney's Office
111 N.W. 1st Street
Ste. 2810
Miami, Florida 33128

ANIMAL SERVICES DEPARTMENT - (305)629-7387
MIAMI-DADE COUNTY, FLORIDA

SECOND NOTICE FOLLOWING ADMINISTRATIVE HEARING

JULY 30, 2013

CONDO, FELIX JOSE
3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180

RE: CIVIL VIOLATION NOTICE NO. 2012- S009555
VIOLATOR : CONDO, FELIX JOSE
DEPT. NO.: 05 ANIMAL SERVICES DEPARTMENT
BADGE NO.: 618 LUIS SALGADO
VIOLATION ADDR.: SAME FOLIO: 2822030570810

OUR RECORDS INDICATE THAT VIOLATION OF CODE SECTION 5-17.6
HAS NOT BEEN CORRECTED (IF APPLICABLE) AND/OR THE PAYMENT HAS NOT BEEN
RECEIVED. ALSO, NO SUIT HAS BEEN FILED IN CIRCUIT/COUNTY COURT TO APPEAL THE
DECISION OF THE HEARING OFFICER.
AS A RESULT, THE TOTAL AMOUNT DUE IS AS FOLLOWS:

CIVIL PENALTY AMOUNT	\$	500.00
ACCRUED PENALTY		10,000.00
SURCHARGE PER ORDINANCE 99-55		10.00
ADMINISTRATIVE COST		75.00
DEPT. ADMINISTRATIVE COST		125.00
SURCHARGE PER ORDINANCE 8-10		<u>5.00</u>
TOTAL AMOUNT DUE	\$	10,715.00

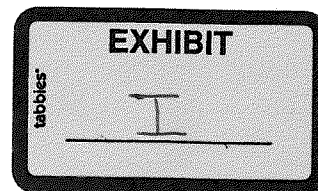
IF BOTH OF THESE CONDITIONS ARE NOT MET (PAYMENT RECEIVED AND VIOLATION
CORRECTED) 30 DAYS FROM THE DATE OF THIS NOTICE JULY 30, 2013,
A LIEN SHALL BE PLACED AGAINST YOUR PROPERTY (REAL OR PERSONAL) PURSUANT TO
THE PROVISIONS OF CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY.

MAIL YOUR CHECK PAYABLE TO:

CLERK OF COURTS, CODE ENFORCEMENT
111 N.W. 1ST STREET - SUITE 1750
MIAMI, FLORIDA 33128-1981

IF YOU HAVE ANY QUESTIONS CONCERNING THE CIVIL VIOLATION NOTICE, PLEASE CALL
THE ISSUING DEPARTMENT AT (305)629-7387.

J527090 /CEFB092 /NT3G / 07-29-2013



ANIMAL SERVICES DEPARTMENT - (305)629-7387
MIAMI-DADE COUNTY, FLORIDA

FIRST NOTICE FOLLOWING ADMINISTRATIVE HEARING

JULY 30, 2013

CONDO, FELIX JOSE
3370 HIDDEN BAY DR #1105
AVENTURA, FL 33180

RE: CIVIL VIOLATION NOTICE NO 2012- S009555
VIOLATOR : CONDO, FELIX JOSE
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BADGE NO.: 618 LUIS SALGADO
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1. ORIGINAL CIVIL PENALTY	\$	500.00
2. HEARING ADMINISTRATIVE CDST		75.00
3. SURCHARGE PER ORDINANCE 99-55		10.00
4. DEPT ADMINISTRATIVE COST		125.00
5. SURCHARGE PER ORDINANCE 08-10		5.00
PAYMENTS & ADJUSTMENTS		.00
TOTAL AMOUNT DUE	\$	715.00

IF PAYMENT IS NOT RECEIVED WITHIN THIRTY (30) DAYS FROM THE DATE THE DECISION WAS RENDERED, JUNE 19, 2013 AND/OR THE VIOLATION OF CODE SECTION 5-17.6 NOT CORRECTED, YOU WILL BE REQUIRED TO PAY ACCUMULATIVE PENALTIES OF UP TO TWENTY (20) TIMES THE ORIGINAL CIVIL PENALTY INDICATED ABOVE.

MAIL YOUR CHECK PAYABLE TO:

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