

**CITY OF PORT ST. LUCIE  
ANIMAL CONTROL DEPARTMENT DANGEROUS DOG HEARING  
OCTOBER 15, 2024**

**1. CALL TO ORDER**

A City of Port St. Lucie Animal Control Department Dangerous Dog Hearing was opened by Special Magistrate Keith Davis, Esq. on October 15, 2024, at 9:12 a.m., at Port St. Lucie City Hall Council Chambers, 121 Port St. Lucie Boulevard, Port St. Lucie, Florida.

Present for

City:                                Spencer Scott, Deputy City Attorney  
                                             Page Sanders, Animal Control Officer  
                                             Amparo Jarquin, Victim

Present for

Respondent:                        Constantina Picarello, Respondent

**2. HEARING**

The Special Magistrate announced that this was a Dangerous Dog hearing in reference to a dog named Athena and explained the procedure for the hearing. Special Magistrate Davis swore in individuals who would be providing testimony.

Attorney Scott called Amparo Jarquin as a witness. Upon Attorney Scott's questioning, Ms. Jarquin stated that she was walking on the sidewalk when the tether/leash broke and the dog jumped at her and would not go away. She informed that the dog bit her twice and she discussed her puncture wounds and stitches. She provided photo exhibits of the injuries to the Special Magistrate and Ms. Picarello advised of no objection to the photos being submitted as evidence. **(Clerk's Note:** The Special Magistrate made the exhibits a part of the record for this hearing.)

Ms. Picarello inquired if Ms. Jarquin remembered swinging her jacket at the dog, to which Ms. Jarquin replied that the dog came to her. She also advised that the dog had previously bit her but there were no wounds so she did not address it. Ms. Picarello inquired if Ms. Jarquin remembered coming up from behind them and scaring them, to which Ms. Jarquin replied that she came from east to west. Ms. Picarello inquired if Ms. Jarquin remembered her asking her to stop swinging her jacket, to which Ms. Jarquin replied that she was talking to other people. Attorney Scott asked for clarification on if walking on the sidewalk was on a different day/incident, to which Ms. Jarquin responded in the affirmative.

Attorney Scott called Animal Control Officer Page Sanders as a witness. Upon Attorney Scott's questioning, Officer Sanders stated that he met with the victim who advised of getting bit twice, and that he observed bandages on Ms. Jarquin's ankles and saw photos of the injuries prior to her treatment, which he submitted into case evidence. He stated that after meeting with the

victim he met with the dog owner who explained that the dog was tethered to the back porch when she walked around to the front of the house, and then he saw the dog was off the leash. He stated that the owner informed that she saw the victim using her sweater to swipe the dog because she thought the dog scratched her, and that he collected witness statements from each party.

Ms. Picarello provided testimony and stated that she was taking out the garbage and noticed the dog's collar was broke, so she and her daughter looked for the dog. She stated that the dog was about 10 feet from Ms. Jarquin and was not next to her, and she asked Ms. Jarquin to stop swinging her jacket. She stated that the dog was being protective and did not leave her yard, but that Ms. Jarquin was in her driveway. She reiterated that the dog was leashed up and did not grab onto Ms. Jarquin, but she did get her dog. She exhibited photos of where the dog was standing. Attorney Scott did not object to the exhibits being made part of the record as evidence. **(Clerk's Note:** The Special Magistrate made the exhibits a part of the record for this hearing.)

Attorney Scott inquired if Ms. Picarello was on the side of the house during the incident, to which Ms. Picarello responded in the affirmative. Attorney Scott inquired if there was a period time where she may have lost sight of the dog, to which Ms. Picarello responded in the affirmative. Attorney Scott inquired if it was possible that the dog left the property, to which Ms. Picarello responded in the negative. Attorney Scott inquired if the dog bit Ms. Jarquin, to which she responded in the negative, stating that the dog was aggravated by the sweater, and she did not see the dog grab onto her leg. Attorney Scott stated that Ms. Picarello said in her witness statement that the dog grazed the victim's skin, to which she replied she thought that was what happened, but she did not grab onto her leg. Attorney Scott inquired if she saw Ms. Jarquin's leg bleeding, to which she responded in the affirmative.

Per the Special Magistrate's instruction, Ms. Picarello provided a statement regarding what the outcome of the hearing should be. She discussed the behavior and nature of her dog and that the jacket was what aggravated her, noting that the dog never shows aggression. Attorney Scott provided his closing statements and asked the Special Magistrate to uphold the determination of a dangerous dog for Athena per the statutory requirements. Ms. Picarello cited City Ordinance 92.02(b) and Attorney Scott stated that the evidence suggested that Ms. Jarquin was defending herself.

The Special Magistrate stated that this proceeding was governed by City Code 92.02 in conjunction with Florida Statute 767.11, and that he would uphold the finding that Athena is a dangerous dog. He stated that the unprovoked definition was met and severe injury was met, regardless of the location of the incident.

### **3. PUBLIC TO BE HEARD**

There were no comments from the public.

### **4. ADJOURN**

**ANIMAL CONTROL DANGEROUS  
DOG HEARING MINUTES**

**OCTOBER 15, 2024**

There being no further discussion, the hearing adjourned at 9:54 a.m.

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Jasmin De Freese, Deputy City Clerk