



Brevard County

Animal Services and Enforcement

1515 Sarno Road Bldg. A Melbourne, FL 32935 (321) 633-2024 (321) 255-4375 fax

As of : 1/15/2010 8:03:00AM

ACTIVITY REPORT

Number-Seg A09-024595-1 **Type / Subtype** OWNED / REQUEST **Animal Type** 1 DOG
Requestor FRANCIS KUHN **Received** 12/9/09 9:54 am
 102 E CENTRAL BVD
 CAPE CANAVERAL FL 32920
 (321) 799-3136
Location 102 E CENTRAL BVD 7 CAPE CANAVERAL
Comments DOG PASSED AWAY (HUNG HIMSELF) - AWARE OF \$10.00 PICK UP FEE
Officer ID P999938 **Status** COMPLETED **Results** 1 MC
 1 CITE
 1 RPRT
New Date 12/9/09 9:54 am **Completed** 12/10/09 9:59 am

Owner Information

FRANCIS KUHN
102 E CENTRAL BVD
CAPE CANAVERAL FL 32920
(321) 799-3136

Animal Information

" SAMPSON "
GERM SHEPHERD
TAN&BLACK
N

Number-Seg A09-024595-2 **Type / Subtype** OWNED / REQUEST **Animal Type** 1 DOG
Requestor FRANCIS KUHN **Received** 12/9/09 9:54 am
 102 E CENTRAL BVD
 CAPE CANAVERAL FL 32920
 (321) 799-3136
Location 102 E CENTRAL BVD 7 CAPE CANAVERAL
Comments DOG PASSED AWAY (HUNG HIMSELF) -
Officer ID P999935 **Status** COMPLETED **Results** 1 NACC
 1 COMP
New Date 12/9/09 9:54 am **Completed** 12/9/09 6:43 pm

Owner Information

FRANCIS KUHN
102 E CENTRAL BVD
CAPE CANAVERAL FL 32920
(321) 799-3136

Animal Information

" SAMPSON "
GERM SHEPHERD
TAN&BLACK
N

Tag Information

L09-420027 LIC SN
Issue Date / Expires
 10/03/2008 10/03/2009
Rabies Date / Expires
 10/03/2008 10/03/2011

Notes:

12/09/2009 AEO 38 HARTMAN page 1

On December 9, 2009, I was dispatched to 102 Central Blvd. in the City of Cape Canaveral in Brevard County Florida. When I arrived at location at approximately 10:05 local time I made contact with the owner, Francis Kuhn, who I identified using his Florida Drivers License. Mr. Kuhn stated the dog is just here for protection to keep people out and it was not really a big deal. I asked why he did not bury the dog on the property if he had it for five years and he said the lady on the phone said that I couldn't and that he wanted to just dump it in the trash but the trash company said he could not do that either.

Mr. Kuhn took me to the rear of the building where I observed an overgrown dog run that was erected across the back of the property. There was a cable that ran the length of the run but had a stopper in place at midsection to prevent canine from accessing the entire run. I observed the canine dead lying on the ground next to the holes apparently dug by the dog. The hole was partially blocked by a concrete block in the middle. The dogs tether was caught onto the bottom of the damaged fence on the spring tension. The dog had on a choker collar but it was not pulled tight enough to cause the canine to choke to death. The collar was in fact loose. At a few feet from the canine's neck was a steel piece of re-bar driven into the ground and the tether was wrapped around it several times. There was no indication that the canine could have done this on its own. The pole was too tall and the space between the re-bar and the fence did not allow passage for the canine to wrap itself. The immediate area where the canine was lying was worn down, no grass and just dirt indicating the canine had been restrained to the area for sometime.

cont....

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The remainder of the run was overgrown with grass and weeds approximately one foot high and there was no sign of a canine tracking back and forth or dog waste in the area. I could not find any indication that dog had access to that part of the run. There were no holes dug anywhere except where the canine was restrained. I did not observe any water bowls anywhere in the area where the canine was tethered. There was debris throughout the area where the canine was tethered. I observed a single food bowl full of food on the steps at the back door of the residence. The way the tether was wrapped and secured the canine would not have been able to reach the food bowl. The fencing in the area where the canine was tether was in poor condition and in need of repair. The dog house that was inside the fenced patio area was not accessible by the canine and too small for such a large German Shepard.

During my investigation the owner kept asking how much longer I was going to be and if he could just give me the check because he had somewhere to go. I explained that I needed to find out what happened to the dog and that I was taking photographs and loading them for review by the main office. I asked the owner to write a statement as to what he found and he stated "I should have just buried it". I then contacted AEO's 46 and 26 and briefed him on what I observed and to look at the photos. The discussion came to agreement that this was owner neglect that proper care was not given to the canine while tethered outside and may or may not have lead to the death of the canine. The fact still remained that the canine had no access to shelter, water, or food and that the area the dog was confined was in fact a hazardous condition for the canine. The canine could not exercise because of the confined area. I observed no indication of a hanging or self strangulation. It would be more likely that the dog broke its neck trying to free itself after being entangled in the fence where it apparently had been trying to dig out for some time.

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I then went and asked the owner to come back outside and return to the area of the incident so I could explain my observations and when I stated the canine did not have access to the entire run the owner became argumentative. He then called me several obscene words and started untangling the tether from the re-bar and the fence. I returned to my vehicle because the owner was yelling "I was a cop for thirty-five years and I treated this dog good" I felt he had lost control and he would escalate even further. I notified dispatch and requested police assistance. While sitting in my vehicle he came over and I rolled down my window so he could talk. He continued yelling at me saying he just wants the fucking dog picked up. The owner then placed both arms and hands toward me into my vehicle and said "fucking arrest me for animal cruelty". I replied "Sir I am not arresting you I am just issuing a citation for inhumane treatment of an animal". The owner then replied "you're out of your fucking mind". I then asked if he would sign the citation and he said "fuck you". The owner then went toward the house and I left the property because I felt he would further escalate the situation before the police arrived.

The first deputy arrived and I explained what was going on. The deputy made contact with the owner inside the residence at the front door. The owner became argumentative with the deputy and a second deputy arrived on location and they both went into the home. I could hear the owner arguing that if he gets this citation he is fucked because we all know how this works; the officer is always right when it goes to court. The deputy then came outside and asked if it would be alright if he hands the owner the citation and gets the signature and I agreed but that the deputy would be summoned to court for the signature and he agreed. Several minutes later the deputies came back out and the man started yelling at me to get the fuck off his property and don't ever fucking come back. The deputy warned him to stop the remarks. The man was asked if he still wanted me to take the dog and he said yes at first then recanted and requested his check back which I gave to the deputy. The deputy then inquired with me about failing to sign if he could arrest on that and I said yes. The deputy then stated to make sure that if Animal Services comes back out here ever again to make sure a deputy is with them because of the way the owner acted.

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I notified dispatch after I cleared the scene and requested that the owner's file number be flagged to warn future response and contact with this individual. The deputies specifically stated that are department should not respond unless a deputy was accompanying the AEO due to this person irate attitude. I advised dispatch, AEO 46 and AEO 26 the call would be left open until I had the time to finish loading photographs and write a complete report after I attended the mandatory training. My field supervisor AEO 46 also was briefed on status of the open activity. At the completion of the mandatory training I was informed the citation was ordered to be withdrawn and voided by the Acting Director and Capt Brown based on lack of evidence. This incident was still an open activity and only the first paragraph of the first draft of my report was on the notes. The photographs had not been completely up loaded to the data base. I was not made audience to this decision.

A review of this individuals past history with this department reveals other irate behavior toward other employees. After clearing my lunch break I requested overtime approval to complete my report and I was denied. I had to write this report on my own time to ensure proper documentation was properly entered into public record.

AE 71726 issued for 14-53 Inhumane Treatment of Animals (14-53 (c)(1) and (d). FS 828.13

12/10/2009 OWNER INFORMATION:

Francis Joseph Kuhn
102 E Central Blvd. Apt 7
Cape Canaveral FL 32920
(321) 799-3136
FLDL K500-250-36-408-0
DOB 11-08-1936

Owner has prior history of abuse toward BASE employees, see A07-012163.

Dispatch was advised upon initial review of call that this was a possible S110 and that I was investigating the incident.

12/10/2009 Officer Hoff #35, (Dispatched to pick up DOA and retrieve citation).

Arrived on scene and met with requestor, "Francis Kuhn". Mr. Kuhn was visibly upset, and walked me back to where his deceased dog "Sampson" was located. Mr. Kuhn stated that officer Hartman was out earlier and issued him a citation for inhumane treatment. He stated that that officer Hartman was an "idiot". Mr. Kuhn did not believe a citation was warranted. Mr. Kuhn was upset that Captain Brown would not respond to observe the scene. He stated that the scene was exactly the same as when Officer Hartman was there. I picked up "Sampson" and transported to NACC for disposal.

After clearing scene, and looking at the photo's attached by AEO #38, it was obvious that Mr. Kuhn had indeed changed the appearance of the scene. A photograph of the dog's head with a cable attached and hung up on the fence, is not what I observed on scene. When I observed scene, there was a large ball of red cable inches from the dog's head.

A09-024595

BREVARD COUNTY ANIMAL SERVICES & ENFORCEMENT

BITE REPORT # _____

NAME (Print) FRANCIS J. Kubon MALE/FEMALE C
ADDRESS 102 Central Plaza
CITY CC STATE FL ZIP 32920
PHONE NO. (Home) 390-3136 WORK _____ (Other) _____

PLEASE FILL OUT THE FORM BELOW, DESCRIBE THE INCIDENT BY INCLUDING WHO? WHAT? WHEN? WHERE?

STATEMENT: VICTIM OWNER WITNESS OTHER

I got up this morning, I put out his food. when he did not come to eat, I went into the dog room. and found him dead, I called Animal Control and they send a truck to pick him up. The dog looked to me that he strangled himself by being hung up.

[Signature]
SIGNATURE

12-09-2009
DATE/TIME

STATE OF FLORIDA,
COUNTY OF BREVARD

SWORN TO OR AFFIRMED AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____ 20____

BY _____ PERSONALLY KNOWN TO ME OR PRESENTED

THE FOLLOWING FOR IDENTIFICATION _____

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE