

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY

CASE NO. 2018IN212  
2018 IN 212

State of Florida,  
Plaintiff,

vs.

Sara Mathews,  
Defendant.

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FILED FOR RECORD  
TRAFFIC/MSJDE/EA/NOR  
2018 MAR 16 AM 10:33  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY, FL  
BY [Signature] D.C.

Hearing Order

The County cited the defendant for two counts of Failure to License Animal, an alleged violation of the County Code of Ordinances §302.04. Testimony was taken from Officer West, Ms. Fuller and Dr. Mathews, a veterinarian with an office in Vero Beach. Ms. Fuller was the complainant concerning feral cats on her property. Officer West trapped two cats and delivered them to the Humane Society. The cats were redeemed by Dr. Mathews as agent of Indian River Animal Advocates, Inc. (IRAA). Dr. Mathews was subsequently cited for Failure to License, two counts.

The cats, several months prior to Officer West's capture of them, were treated and sterilized by Dr. Mathews at her clinic. This was done in furtherance of the mission of IRAA to sterilize feral cats which is intended to result in the diminishment of the feral cat population due to the inability to reproduce. The cats are captured by volunteer trappers and brought to Dr. Mathews for treatment. The cats are then returned to the trapper who releases them. The cats are also implanted with a chip indicating IRAA as owner. The purpose of the chip is to allow IRAA to be alerted if one of the treated cats would end up at the Humane Society. Apparently, the Humane Society's policy is to kill feral cats that are captured and delivered to the Society, which the IRAA is trying to prevent.

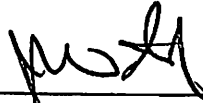
The facts are undisputed that the cats were not licensed. The facts also establish that the cats did not have an owner, as defined by the ordinance, at the time they were captured by Officer

West. Once they were in the custody of the Humane Society, IRAA took possession of the cats, including obtaining the proper licensing, and becoming the owner. Even if an argument could be sustained that the chip bearing the name of the owner as IRAA was enough to establish that IRAA was the owner, the County did not cite IRAA, but cited Dr. Mathews. At all times, in fact, Dr. Mathews acted as an agent of IRAA. In addition, IRAA is exempt from the licensing regulation by the plain language of the County Code.

Therefore, the facts do not establish that Sara Mathews, in her individual capacity, was the owner of the cats. Even if the citation had been given to IRAA, the facts did not establish that IRAA was an owner within the meaning of the ordinance. Even if IRAA was found to be the owner, IRAA is exempt from the licensing regulation.

The defendant, Sara Mathews, is not guilty on both charges. The County is assessed non-prevailing party fees in the amount of \$80.00, payable to the Clerk of Court.

DONE AND ORDERED in Indian River County, Florida, on March 15, 2018.



Joe Wild, County Judge

cc: Virginia Sherlock, Esq.  
P.O. Box 1197  
Stuart, FL, 34995

IR County Attorney

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