

RESOURCE CITATION



NUMBER

287510C

DEFENDANT COPY

COUNTY OF GILCHRIST (21)		AGENCY FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			LATITUDE N 29 42.2928		INCIDENT/SUMMARY NO FWNC18OFF006354	
CITY OF (IF APPLICABLE) BELL (44)					LONGITUDE W 82 52.9537		COURT CASE NUMBER	
DAY OF WEEK TUESDAY	MONTH OCTOBER	DAY 02	YEAR 2018	TIME OF DAY 11:25	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.			
LOCATION OF OCCURRENCE 2219 SW 45TH AVE					LOCATION DESCRIPTION			

PERSON(S)

DEFENDANT	NAME (FIRST) ROBERT	NAME (MIDDLE) GENE	NAME (LAST) MULLEN	DATE OF BIRTH & AGE 2/28/1966 52	JUV NO	R W	S M	HGT 5'09"	WGT 200	HAIR BRO	EYES BLU
	SCARS/MARKS/TATTOOS		PLACE OF BIRTH OHIO	ID NUMBER M450767660680	STATE FL	TYPE OF I.D. A		ID EXPIRES			
			SPL #	ENDORSEMENTS							
	STREET 2219 SW 45TH AVE				CITY BELL		STATE FL	ZIP CODE 32619	TELEPHONE NUMBER 407-492-3204		
	DATE OF ARREST 10/02/2018 11:25 AM			LOCATION OF ARREST 2219 SW 45TH AVE							

CHARGE(S)

IN VIOLATION OF A ADMINISTRATIVE CODE	VIOLATION 379.4015	VIOLATION LEVEL ADMINISTRATIVE CODE
VIOLATION DESCRIPTION VIOLATION OF FLORIDA ADMINISISTRATIVE CODES PERTAINING TO WILDLIFE AS PERSONAL PETS - GENERAL REGULATIONS, PUBLIC CONTACT; TRANSFER		OTHER DESCRIPTION MULTIPLE CAGES WITH FECAL/FOOD WASTE IN AND AROUND CAGES THAT HAD NOT BEEN REMOVED DAILY INCLUDING A TIGER CAGE AND REPTILE
ADMINISTRATIVE CODE 68A-6.0023(1)		
NO PERSON SHALL MAINTAIN CAPTIVE WILDLIFE IN ANY UNSAFE OR UNSANITARY CONDITION		

IN VIOLATION OF A ADMINISTRATIVE CODE	VIOLATION 379.4015	VIOLATION LEVEL ADMINISTRATIVE CODE
VIOLATION DESCRIPTION VIOLATION OF FLORIDA ADMINISISTRATIVE CODES PERTAINING TO WILDLIFE AS PERSONAL PETS - STANDARD CAGING REQUIREMENTS FOR CAPTIVE		OTHER PER NO ELEVATED PLATFORM IN A TIGERS' CAGE AS REQUIRED PER 68A-6.004(4)(A)1.B., FAC
ADMINISTRATIVE CODE 68A-6.004(1)		
NO CAPTIVE WILDLIFE SHALL BE CONFINED IN ANY CAGE OR OTHER ENCLOSURE WHICH CONTAINS MORE INDIVIDUAL ANIMALS, OR IS SMALLER IN DIMENSION THAN AS SPECIFIED OR IS NOT EQUIPPED AS SPECIFIED		

IN VIOLATION OF A ADMINISTRATIVE CODE	VIOLATION 379.4015	VIOLATION LEVEL ADMINISTRATIVE CODE
VIOLATION DESCRIPTION VIOLATION OF FLORIDA ADMINISISTRATIVE CODES PERTAINING TO WILDLIFE AS PERSONAL PETS - GENERAL REGULATIONS, PUBLIC CONTACT; TRANSFER		OTHER DESCRIPTION
ADMINISTRATIVE CODE 68A-6.0023(5)(e)		
CLEANING AND MAINTENANCE: FAILURE TO RAKE DIRT FLOORS AND REMOVE WASTE A MINIMUM OF ONCE EVERY THREE DAYS		

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the named Defendant, Robert Gene Mullen, on Thursday, the 06 day of September, 2018, committed the above violation(s), of law.

NARRATIVE DATE 09/26/2018 04:53 PM	NARRATIVE TIME	NARRATIVE DESCRIPTION (IF SUPPLEMENTAL) The following violation of law was committed:
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On 09/06/18 at about 1200 hours, I, Inv. Kenneth J. Holmes of the Florida Fish & Wildlife Conservation Commission performed a captive wildlife inspection at 2219 SW 45th Avenue, Bell in Gilchrist County, Florida. Robert G. Mullen (W/M; DOB 02/28/66) had valid commercial licenses (ESA, ESC, App ID 11726) for the possession of captive wildlife to include tigers, cougars, and servals at the location. No one was home at time of inspection; however I later made contact and met with R. Mullen reference the inspection.

I observed and issued this citation for the following criminal misdemeanor violations;

- 1) Maintaining captive wildlife in an unsanitary condition; to wit fecal waste not removed from in and around a tiger cage, a Burmese python cage and Ball python cage per FAC 68A-6.0023(1) and pursuant to FAC 68-6.0023(5)(d).

The tigers' cage had multiple fecal piles within the cage. Some of the piles were starting to degrade into the soil showing the piles were there for greater than 24 hours. Also, behind the tiger cage there was a moist pile of fecal waste, food waste and hair. There was a strong odor in the area and the pile was attracting flies. It appeared the cement floor was hosed off and the waste just left on outside of cage.

The Burmese python and Ball python cages also had multiple piles of feces, in addition to skin sheds. Although it depends on food consumption, these species only defecate once or twice a month and shed their skin even less. This was a clear indicator wastes were not being removed on a daily basis as required.

- 2) Maintaining captive wildlife in an unsanitary condition; to wit multiple cages to include a tiger cage, cougar cage, Fishing cat cage and birds cages not cleaned and/or dirt floors not raked per FAC 68A-6.0023(1) and pursuant to FAC 68-6.0023(5)(e).

In addition to what was previously documented about the waste, the dirt floors in the tiger cage were hard packed showing it had not been raked in sometime. The cages housing the cougar and Fishing cat, as well as the cages that I observed during previous inspections housing a coatimundi and serval, were overgrown with weeds. This made it impossible to rake the floor to remove wastes.

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All the indoor cages housing wildlife, with the exception of the cage housing the American alligator, were unclean. Fecal waste and grime were observed on surfaces on the cages including walls, cage wire, perches and toys. The reptiles' substrate appeared old in most caging. It was matted, discolored and in some instances damp. The floor to the cage previously known to house the monkeys was also covered in fecal waste.

3) Failure to equip a tiger cage as required; no elevated platforms per FAC 68A-6.004(1) pursuant to 68A-6.004(4)(a)1.b.

There was currently no elevated platform in the tiger cage. This has been an on-going issue and he has been advised in the past he was not in compliance with not having an elevated platform and/or the elevated platform was too small.

OFFICER NAME KENNETH HOLMES	OFFICER'S SIGNATURE 
ID NO WK370	RANK INVESTIGAT
ORGANIZATION / UNIT FWNCINC REGIONALACHUA	
Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____.	
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER	

MANDATORY COURT APPEARANCE INFORMATION

IMPORTANT: You are required to appear in court. The following information contains the date and time you must appear.		
COURT NAME GILCHRIST COUNTY COURT	COURT DATE/TIME	COURT PHONE (352) 463-3170
COURT LOCATION 112 S. MAIN STREET, TRENTON, FLORIDA 32693		
Officer Notes/Instructions to Defendant: SWORN COMPLAINT FILED		
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. IN ADDITION TO ANY CIVIL OR CRIMINAL PENALTIES IMPOSED BY THE COURT, THE ABOVE VIOLATION MAY RESULT IN ADMINISTRATIVE PENALTIES IMPOSED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, INCLUDING, BUT NOT LIMITED TO, FINES, LICENSE SUSPENSION, OR LICENSE REVOCATION. LICENSE SUSPENSIONS/REVOCATIONS		
SIGNATURE OF DEFENDANT ▶		

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COURT APPEARANCE INSTRUCTIONS

If you desire to plead NOT GUILTY to the charge, your personal appearance in court is required as indicated on the face of this note. Posting of bail does not relieve you of the requirement of appearance and in the event of nonappearance the court may both forfeit the bail and issue a warrant for your arrest.

If you desire to plead GUILTY or NOLO CONTENDERE (no contest) you need not appear in court as indicated on the face of this notice; however, you may present this notice at:

Location: GILCHRIST COUNTY COURT , 112 S. MAIN STREET , TRENTON, FLORIDA 32693

Any time from: _____ to _____
DATE HOUR DATE HOUR

And pay a fine of \$_____ in [] Cash [] Money Order [] Certified Check [] Personal Check [] Other

NAME ADDRESS

THE WAIVER BELOW MUST BE COMPLETED AND ATTACHED. READ CAREFULLY

Your failure to answer this summons in the manner prescribed will result in a warrant being issued on a separate and additional charge.

APPEARANCE, PLEA OF GUILTY OR NOLO CONTENDERE AND WAIVER

Date:

In consideration of my not appearing in court, I the undersigned, do hereby enter my appearance on the Affidavit for the offense charge on the other side of this notice and WAIVE the reading of the Affidavit in the above named cause and the right to be present at the trial of said action. I hereby enter a plea of :-

[] Guilty (Check Appropriate Plea)
[] Nolo Contendere

and waive the right to prosecute, appeal or error proceedings. I understand the nature of the charge against me; I understand my right to have counsel and I WAIVE this right and the right to a continuance. I WAIVE my right to trial before a judge or jury. I plead:-

[] Guilty (Check Appropriate Plea)
[] Nolo Contendere

to the charge being fully aware that my signature to this plea will have the same effect as a judgment of this court.

\$_____
Total Fine and Costs Defendant's Signature

Address