

Misdemeanor proves embarrassing for island violators

## Dog lovers Shell shocked

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### PANAMA CITY

At age 42, Cynthia Hewitt has maintained a law-abiding record — with the exception of a speeding ticket nearly 20 years ago and a citation last month for bringing her dog to Shell Island.

The citation is a second-degree misdemeanor, for which Hewitt had a mandatory court appearance on Wednesday. Everything about the courtroom experience was unsettling, she said.

“I was sitting next to people charged with sex crimes,” Hewitt said.

Equally frustrating, she said, is that she has a probation officer for the offense and must write a letter of apology to the Florida Department of Environmental Protection.

In an interview with The News Herald on Thursday, Hewitt could not utter the words “probation officer” without laughing and alternately expressing aggravation and shame by placing her hand on her forehead.

The “I’m sorry” letter must cover six points, all stressing understanding that dogs are not permitted on Shell Island or any public beaches in Bay County.

Hewitt, of Panama City Beach, has prepared her letter and plans to send it immediately to DEP. In it, she writes, “I will not have my dog on any beach or park in Bay County in the future. I made a mistake and am sorry if this caused any harm to any species or wildlife while we were on the beach.”

The DEP must deem her letter acceptable before Hewitt is relieved of paying \$35 a month for up to six months for the offense. Her first payment went out this week, she said.

Letters are one form of atonement for offenders. Some chose community work hours, or some pick a combination of both, said Lisa Hallmon, a clerk in the misdemeanor section of the Bay County Courthouse. Such options are possible under the pretrial intervention program of judicial corrections.

Most offenders of the dog ordinance are writing letters or performing community service, she said. Those who plead guilty or no contest to the charge are handed a fine, while the “not guilty” pleas are assigned a hearing date.

DEP’s Bureau of Florida Park Patrol has been monitoring activity on weekends on Shell Island since late May and will continue for an unspecified time, said Capt. David King, district commander for the bureau. State park officials requested additional enforcement on the island after biologists with the Florida Fish and Wildlife Conservation Commission noticed dogs had destroyed numerous shore bird nests.

Previously, only St. Andrews State Park rangers were patrolling the island, but they cannot cite violators, King said.

The officer who cited Hewitt on June 17 said her dog — part Labrador and basset hound — was not on a leash and urinated on the beach near two families. Hewitt said she did not see her dog urinate near any family, but the dog was unleashed.

Stephanie Somerset, founder and president of Bay Families with Dogs, which advocates some designation of public beach where dogs should be allowed, objects to the DEP requiring offenders to promise to refrain from carrying dogs to the beaches or parks in the future.

“There may be changes” to the county ordinance, she said, referring to the County Commission’s recent decision to try to work with DEP and other state agencies for the county to obtain oversight and enforcement on county-owned lots on the island. The commission also

voted to search for mainland county property with beaches that could allow dogs.

Commissioners' comments at their July 6 meeting indicated they felt the ban on dogs at all beaches in the county was extreme and reversed the spirit of Shell Island as a recreational destination.

Some local residents and outof-towners have called DEP's enforcement unnecessary and unfair, saying there is not adequate signage indicating what behavior is not permissible. Hewitt said she had no idea dogs were not allowed.

"This is an example of the heavy hand of government spinning out of control. These people are not criminals," Somerset said.

While visiting Shell Island for the first time with his family on July 2, Bill Morgan, who lives in Enterprise, Ala., said he saw a sign indicating, in his interpretation, that dogs were not allowed on certain parts of the island where bird nesting was concentrated. He said he kept his miniature schnauzer away from the protected areas, so he did not believe he was in violation of any state law or county ordinance.

"We were on land for 30 minutes; then we left" after the citation, he said.

Morgan also appeared in court on Wednesday, pleading not guilty to the citation. He has been assessed a \$500 fine, which he refuses to pay.

"I don't think I'm in the wrong," said Morgan, whose hearing before a judge is Aug. 24.

Since June, the DEP has written 82 warnings to Shell Island visitors, none of which concerned dogs on the beach. Citations totaled 22, 14 of which were for dogs on the beach.



Photos by Andrew Wardlow / The News Herald Party boats anchor near the shore on the bay side of Shell Island recently.



Cynthia Hewitt has to write an "I'm sorry" letter, report to a probation officer and pay a fine after receiving a citation for taking her dog to Shell Island.

