



Animal Welfare Institute

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VIA ELECTRONIC AND REGULAR MAIL

Mr. Bo Rivard, Chairman
Florida Fish and Wildlife Conservation Commission
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Dear Chairman Rivard, Director Horvath, Mr. Minter, and Superintendent Maier:

On behalf of the Animal Welfare Institute (AWI), I am writing to request a full investigation into the alleged drowning of multiple animals in front of students by a faculty member at Forest High School in Ocala, Florida. It is our belief that Mr. Dewie Brewton's actions violate regulations of Florida Fish and Wildlife Conservation Commission, Florida animal cruelty laws, and Marion County school board policies. Each of your agencies is responsible for the enforcement of laws and policies that AWI alleges have been violated in this case. Should your investigations verify that laws and policies have been violated, AWI respectfully requests that Mr. Dewie Brewton, the teacher/advisor who engaged in the heinous acts against animals described below, be charged pursuant to all relevant Florida laws.



According to numerous articles, which provide eyewitness accounts of the incident, and a video recording taken by a student, Mr. Brewton allegedly trapped and, with student participation, killed two raccoons and an opossum. The animals reportedly were killed because they were deemed by Mr. Brewton to be “nuisance” wildlife. In the case of at least one raccoon, once the animal was trapped in a wire cage, Mr. Brewton placed the cage inside a large garbage bin, which he then filled with water. When the animal tried to come up for air through the top of the cage, Mr. Brewton had students use metal rods to push the animal back into the water. If the animal succeeded in pushing his or her nose up for air, the students would spray water into the animal’s face to prevent breathing. The animals were reportedly subjected to this cruel treatment for several minutes until they died.

If these allegations are true, Mr. Brewton is in violation of Florida Fish and Wildlife Conservation Commission (FWC) regulations. Under Florida state law, it is legal to take “nuisance” wildlife; however, there are limitations on legal methods of taking nuisance wildlife and what can be done by civilians once the nuisance animal has been taken. Any nuisance wildlife captured should be released or euthanized within 24 hours of capture, and euthanasia of such wildlife must be humane as defined by the American Veterinary Medical Association (AVMA) or the American Association of Zoo Veterinarians. F.A.C. §68A-9.010(3)(a) and (c). The AVMA provides that euthanasia must be carried out in the most rapid, painless, and distress-free manner. *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* at 6 (AVMA Guidelines). Furthermore, the AVMA Guidelines expressly state that drowning is an inhumane approach to euthanasia. *Id.* at 46. Consequently, because Mr. Brewton allegedly killed these “nuisance” animals by drowning, which is not a humane method for killing “nuisance” wildlife, he violated state law.

Mr. Brewton is also likely in violation of Florida’s animal cruelty law. Under Florida’s animal cruelty law, any person who intentionally commits an act to any animal that results in cruel death or unnecessary pain or suffering is guilty of aggravated animal cruelty, a third-degree felony. Fla. Stat. §828.12(2). An “animal” under the law is defined “to include every living dumb creature.” Fla. Stat. §828.02. Animal cruelty under state law is a general intent crime. *See Reynolds v. State*, 842 So.2d 46 (Fla. 2002); *see also Lukaszewski v. State*, 111 So.3d 212 (Fla. Dist. Ct. App. 2013). The statute only requires that the offender “intentionally commit an act.” *Reynolds*, 842 So.2d at 49; Fla. Stat. §828.12(2). There is no requirement that the offender had “the mental intent to inflict a cruel death or unnecessary suffering.” *Reynolds*, 842 So.2d at 49. Mr. Brewton’s actions were intentional acts allegedly committed against three animals. His actions resulted in both unnecessary pain or suffering of these animals, as well as a cruel death, because drowning of animals is *per se* “inhumane” according to the AVMA Guidelines. Thus, Mr. Brewton should be cited and prosecuted for animal cruelty. Animal cruelty is a third-degree felony, and Mr. Brewton is therefore subject to a \$10,000 fine, a maximum of 5-year imprisonment for each offense, or both. *See id.*; Fla. Stat. §775.082(3)(e). Furthermore, a person who commits aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal. Fla. Stat. §828.12(3). Since Mr. Brewton has allegedly killed three animals, he may be charged with three counts of aggravated cruelty, and therefore may be subject to a sentence of up to 15 years if the sentences are imposed consecutively.



In addition to the potential criminal charges outlined above, we believe Mr. Brewton's alleged actions violate provisions of the Florida Administrative Code that deal with Educator Standards and Performance, Florida's Principles of Professional Conduct for the Education Profession, and Marion County school board rules. While we are gratified to learn that Mr. Brewton has resigned his position at Forest High School, we urge the School District not to take any action to reinstate him and to continue its investigation of the incident. Conducting a formal investigation is a crucial step because, without one, Mr. Brewton could pursue future employment with another district and not be held accountable for his actions.

F.A.C. §6A-5.056 permits the suspension or dismissal of any school personnel for "just cause," which is defined as "cause that is legally sufficient." Examples of "just cause" to suspend or dismiss a teacher include "immortality," "misconduct in office," and "incompetency." *Id.* at (1)(2) and (3). "Immortality" means "conduct that is inconsistent with the standards of public conscience and good morals" ... and "that brings ... the education profession into public disgrace or disrespect." *Id.* at (1). "Misconduct in office" includes: violation of "the Principles of Professional Conduct for the Education Profession in Florida" (*see* F.A.C. 6A-10.081); violation of "adopted school board rules"; "behavior that disrupts the student's learning environment"; or "behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties." *Id.* at (2). Finally, "incompetency" means "the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity" while an example of "inefficiency" is the "failure to perform duties prescribed by law." *Id.* at (3).

Mr. Brewton's heinous act of animal cruelty is inconsistent with standards of public conscience and good morals, demonstrates misconduct in office, and satisfies the definition of "incompetency" by engaging in – and subjecting students to – an incident that violates state laws. Mr. Brewton also violated several provisions of Florida's Principles of Professional Conduct for the Education Profession, including the requirement that educational professionals exercise the "best professional judgment and integrity" to "achieve and sustain the highest degree of ethical conduct" and to protect students "from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety." F.A.C. §6A-10.081 at (1)(b), (1)(c), and (2)(a)(1).

Moreover, Mr. Brewton violated a number of Marion County school board rules by doing the following: (1) ignoring the requirement that the "principal or designee shall be responsible for contacting local animal control authorities if any wild or stray animal(s) are found in a school building or on the school campus" (Policy 3.47 Animals on Campus); (2) violating a state law regarding school board property as summarized in this letter (Policy 6.30 Violation of Local, State, and/or Federal Laws); and (3) systematically causing psychological distress on one or more students or employees by engaging in physical behavior "that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation" (Policy 2.15 Bullying and Harassment).

Based on the evidence summarized in this letter, AWI requests a full investigation of Mr. Brewton's actions, and those of anyone else determined to have been involved in such actions, and the filing of legal charges where appropriate. In addition, we request that FWC contact the



Marion County Public School Board and Forest High School to offer to send a qualified expert to educate the students about the proper treatment of “nuisance” wildlife and to provide guidance on how to humanely resolve wildlife-human conflicts.

Thank you for considering this request. I look forward to receiving, in writing, a response to this request once your investigation has concluded.

Cathy Liss

Cathy Liss
President