

**STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE**

***IN THE MATTER OF*** : ***APPEAL OF***  
***“SKYLER” AND “DOLLY”*** : ***DISPOSAL ORDERS***  
***DOGS OWNED BY SHERI SPEER*** : ***August 28, 2014***

**PROPOSED FINAL DECISION**

***I***

***SUMMARY***

On October 15, 2013, the Norwich Municipal Animal Control Officer, Michelle Lombardi, formerly Michelle Kellough<sup>1</sup>, acting under the provisions of Connecticut General Statutes (C.G.S.) §22-358(c), issued Disposal Orders to Sheri Speer, owner of the dogs named “Skyler” and “Dolly”. Sheri Speer timely requested a hearing before the Commissioner of Agriculture pursuant to C.G.S. §22-358(c). A formal administrative hearing was held on August 28, 2014 with the undersigned, Bruce A. Sherman, serving as Hearing Officer pursuant to designation by Steven K. Reviczky, the Commissioner of Agriculture. At said hearing, Attorney Jeffrey Buebendorf, representing the City of Norwich, presented testimony, exhibits and arguments. Attorney Edward Bona, representing the respondent dog owner, Sheri Speer, presented testimony, exhibits and arguments.

Based on the testimony presented and a full review of the entire record, the Hearing Officer is, therefore, recommending that the final decision maker *affirm* the Disposal Orders issued on the dogs “Skyler” and “Dolly” owned by Sheri Speer.

## **II**

### **FINDINGS OF FACT**

1. Commissioner Steven K. Reviczky appointed Bruce A. Sherman, an employee of the Department of Agriculture, to act as Hearing Officer and to issue to him a proposed final decision in the matter of the appeal of Disposal Orders issued by the City of Norwich (the City) on the dogs named “Skyler” and “Dolly” owned by Sheri Speer (Owner). Hearing Officer Exhibit [Ex.] HO-3.
2. The Department of Agriculture gave proper notice of the hearing to both parties. Exs. HO-4A and HO-4B. Pursuant to Connecticut General Statutes (C.G.S.) §22-358(c), an administrative hearing was held and concluded on August 28, 2014. There was no request by either party to continue the hearing to call additional witnesses or for any other reason. (*See transcript in its entirety*).
3. The City of Norwich presented the testimony of Lisa Hall, Marquice Downing, Officer Joel Ethier (Norwich Police Department), and Norwich Municipal Animal Control Officer Michelle Lombardi (ACO Lombardi), and Exhibits Norwich 1 through 10 inclusive and 12 and 13 were admitted into evidence as full exhibits. The City of Norwich was represented by Attorney Jeffrey Buebendorf. The owner presented the testimony of Sheri Speer, Amber Cote and Carlos Rivera, and Exhibits DO 2, 3 and 5 were admitted into evidence as full exhibits. The owner was represented by Attorney Edward Bona.
4. The appearance and description of the dogs “Skyler and “Dolly” are very similar. The dog “Skyler” is described as a female Pit Bull, gray and white in color and being 5 years of age on October 8, 2013. The dog “Dolly” is the daughter of “Skyler” and described as

a female Pit Bull, gray and white in color and being 1 year of age on October 8, 2013.

Dolly, being younger, was slightly smaller than “Skyler” at the time of the incident and “Skyler” has cropped ears and “Dolly” does not. Tr. at page 118. Ex. Norwich 5.

5. Lisa Hall, of 9 Goldberg Ave., Norwich, CT, is the grandmother of the three minor children Audrena Downing (Audrena) [D.O.B. 10/19/08], Marlana Downing (Marlena) [D.O.B. 10/19/08] and Marquice Downing, Jr. (Marquice, Jr.) [D.O.B. 1/19/13] who resided at 123 Talman St., Norwich, CT on October 8, 2013. Tr. at page 21. Ex. Norwich 7 and 8. Marquice Downing and Carlena Hall are the parents of the three minor children. Tr. at pages 60-61.
6. At approximately 1632 hours on October 8, 2013, Hall left the residence at 123 Talman Street, Norwich, CT (123 Talman St.) with her three grandchildren (named above in #4.) to accompany them on a walk to a park in the vicinity of Bishop School. The route of their walk required them to pass by the next residence on Talman St. which is 151 Talman St., Norwich, CT (151 Talman St.) and owned by Sherri Speer. Tr. pages 22-23. Exs. Norwich 2 and 5.
7. When walking on the sidewalk by 151 Talman St. and after hearing dogs barking, two dogs, described as Pit Bulls by Hall, ran from the yard of 151 Talman St. crossing the street toward her and her grandchildren. One dog initiated an attack on nine-month old Marquice, Jr. knocking over a stroller with him in it and inflicting a wound over his eye. Ex. Norwich 1. Marlana, in an effort to protect her brother, put her arm in between him and the attacking dog. Audrena ran to escape with the other dog chasing her in pursuit. She successfully sought safety with Judy Sanchez inside one of the other apartments, Apartment #2, at 123 Talman St. Tr. at pages 23-27 inclusive. Exs. Norwich 2 and 5.

Sanchez later told Norwich Animal Control Officer Michelle Lombardi that Audrena was loudly banging on her door and, when Sanchez let her in the house, she was so terrified that she ran and hid behind a sofa. Tr. at page 122. Ex. Norwich 5.

8. The dog that initiated the attack on Marquice Downing, Jr. then attacked the arm of Marlana inflicting severe bite injuries that resulted in deep soft tissue injuries and a broken arm. Ex. Norwich 1. Hall testified that the dog continued to attack Marlana's arm and described the character of the bite attack as taking out chunks of meat (from her arm) and the dog not releasing Marlana. Hall attempted to force the dog to stop the attack by kicking at it and, at some point in the process, the dog inflicted a bite wound to Hall's leg. Tr. at pages 24–28 inclusive and page 123. Exs. Norwich 2, 5 and 7.
9. Joseph Barron, a passerby motorist who observed the incident taking place, exited his car where he picked up a stick and repeatedly struck the dog in an attempt to make it release Marlana's arm which it finally did. Delmarie Steffen, a passenger in Barron's car, stated to Norwich Police Department (NPD) Officer Kyle Long, that she observed the dogs run across the street and begin to attack the little girls and she observed Barron exit the vehicle and strike the dogs before they finally returned to their yard. Tr. at page 27. Exs. Norwich 2 and 5.
10. Hall testified and indicated in a written statement that Carlos Rivera, who was working on Sherri Speers' house, appeared and called one of the dogs back and the dog went to him while at the same time Rivera was saying "sorry, sorry". Tr. at pages 27-28 and 33. Ex. Norwich 2.
11. NPD officers and EMS personnel arrived on the scene. NPD Officers Meikle and Ethier located Audrena at 123 Talman St., Apartment #2, where she was staying with Judy

Sanchez. Sanchez reported that Audrena had appeared at her door and appeared scared and shaken up. Officer Ethier stated that Audrena was extremely terrified. Officer Meikle was able to confirm that Audrena was not injured and returned her to Lisa Hall. Tr. at pages 34 and 91. Ex. Norwich 5.

12. NPD Officer Joel Ethier's testimony and the narrative of an NPD Incident Report, written by NPD Officer Kyle Long, indicate that Officer Ethier, along with other NPD officers, located the two dogs inside the house at 151 Talman St. where the owner, Sheri Speer was also. The officers knocked on the rear door of the house off of the deck and initially Carlos Rivera came to the door. The officers informed Rivera that they needed to take the dogs. A short time later, a woman identified as Sheri Speer came to the door and refused to provide the officers with her dogs but later did so after speaking with the NPD Lieutenant that was present. Speer stated to the officers that she was inside during the incident and did not know what happened; that Carlos Rivera who was doing construction on her house was asked to watch the dogs for her; that her dogs were up to date on their "shots"; and that the dogs had never been aggressive in the past and were friendly. Ex. Norwich 5. Tr. at page 91.

13. Carlos Rivera walked the two dogs to a Norwich animal control van and placed them in a cage in the van. NPD Officer Ethier then transported the dogs to the Norwich dog pound. He testified that, in the process of moving the dogs from the van into the pound, they exhibited extremely vicious behavior. Officer Ethier testified that he felt a need to add a supplement to the NPD Incident Report to document the vicious nature of the dogs. Tr. at pages 91-96 inclusive. Ex. Norwich 5. He stated that, in his experience, the two dogs ranked at the top as far as being vicious with the possible exception of one other dog that

may have been as vicious. He also stated that, from the perspective of community safety, he would not be comfortable if the dogs were released. Tr. at pages 103-104.

14. NPD Officer Ethier stated that the height of the deck at one end was sufficiently low to the ground that that the dogs could have escaped from that end of the deck. Tr. at pages 110-112 inclusive.

15. NPD Officer Wright spoke with Carlos Rivera who told him that he secured the dogs on the back deck which is fenced in. He said that the door leading inside the home was closed and that he was inside the residence doing construction work. Ex. Norwich 5.

16. Lisa Hall, Marquice Jr., Marlana and Audrena were all transported to Backus Hospital by ambulance. Marquice Downing and Carlana Hall, parents of the three children, arrived at Backus Hospital. Hall testified that she was given something to clean her wound but that she refused an offer for further treatment because of her concern for Marlana's injuries and that Backus Hospital staff told her that they "were not equipped to help her (Marlana)". Marlana, accompanied by Lisa Hall, was then transferred by ambulance to the Connecticut Children's Medical Center in Hartford, CT. Tr. at pages 35-36. Ex. Norwich 5. Marquice Downing testified that, while at Backus Hospital, he observed a laceration over Maurice Jr.'s eye that was not present prior to the dog bite attack. Tr. at page 66.

17. Lisa Hall testified that, upon arrival at the Connecticut Children's Medical Center, Marlana was seen by a number of doctors including surgeons and an infection control doctor. Dr. Lee told Hall that x-rays taken revealed that Marlana's arm was broken and the repair would involve placing a screw in her arm. He also explained to her his concern about the dog bite wounds resulting in a bone infection and the rabies vaccination status

of the dogs because he did not want Marlana to have to undergo rabies post exposure treatment. Hall testified that a doctor informed her that they were having difficulty in ascertaining the rabies vaccination status of the dogs from Sheri Speer and the Norwich ACO and that Speer initially told the doctors that the dogs were not hers but she later told them that neither of the dogs had a current rabies vaccination. Hall said she knew the dogs were Sheri Speer's because she saw them come from Speer's yard. Marlana was hospitalized for 4 days at the Connecticut Children's Medical Center. Tr. at pages 38-39 and 51-56 inclusive. Marquice Downing stated that the bite attack was on Marlana's left arm, her dominant side, and that she was in a cast for 8 weeks. Tr. at pages 66-67.

18. Marquice Downing stated that he, along with Carlana Hall and their three children had walked by 151 Talman St. (the Speer residence) earlier in the day on October 8, 2013 and that he had observed two gray pit bulls on the back patio (deck) of the house. (Downing used the terms "patio", "porch" and "deck" to refer to what is the deck on the on the house at 151 Talman St.) According to Downing, the dogs could see them and were barking and snarling and acting vicious and agitated. At the time, he also observed Carlos Rivera fixing a window. He walked by 151 Talman St. again later on in the day and observed the dogs displaying the same behavior. Downing said that the dogs have always acted aggressive when he has walked by the house on previous occasions prior to October 8, 2013. Tr. at pages 63-64. Ex. Norwich 3. He also stated that, in his opinion, the dogs could escape from the back deck and back on to it if they wanted to do so. Tr. pages 72-73 and 86-87. Ex. Norwich 3.

19. Marquice Downing stated that he was at 123 Talman St. the next day (October 9, 2013) when Carlos Rivera came to the house and apologized saying he knew those were your

(Downing's) kids that were attacked by the dog and that he was sorry; that he took one of the dogs off the scene back to the house; and that he thought it was "Skyler" that did the biting and not "Dolly". Tr. pages 68-69 and 82-83. Ex. Norwich 4.

20. On October 9, 2013, ACO Lombardi, who has been Senior Animal Control Officer for the City of Norwich for 11 years and an animal control officer for 20 to 25 years (Tr. at page 114), was assigned the case after being informed of the dog bite/attack incident that occurred on the previous day by two NPD officers. She stated that the officers, who were present at the scene of the incident, told her that they almost shot the dogs but there wasn't a safe backdrop to do so. Tr. at page 117.

21. ACO Lombardi stated that her first priority was to determine the rabies (vaccination) status of the biting dog based on her past experience of doctors treating patients with dog bite wounds wanting that information. On October 9, 2013, ACO Lombardi called Speer and left a message requesting that she provide the rabies vaccination status of each dog. ACO Lombardi called All Friend's Animal Hospital, Speer's Veterinarian, and obtained a rabies vaccination record indicating that "Dolly" was currently vaccinated for rabies but no vaccination record was found for "Skyler". Speer initially indicated that "Skyler" was also currently vaccinated for rabies but did not provide the information that "Skyler" was not current on her rabies vaccination until after the following weekend. Tr. at pages 119-120. Exs. Norwich 5, 7 and 8.

22. Because Sheri Speer did not respond to ACO Lombardi's telephone message, ACO Lombardi went to Speer's residence and spoke directly with her. ACO Lombardi informed Speer that Dr. Ware, Marlana Downing's doctor, wanted the dogs euthanized and tested for rabies because, due to Marlana's compromised condition, he did not want



her to undergo rabies post exposure treatment. Speer refused to have the dogs tested for rabies. Even after re-interviewing witnesses, ACO Lombardi could not determine which of the two dogs, “Skyler” or “Dolly”, inflicted the bite wounds because they both have similar appearances but all witnesses reported that only one dog participated in the bite attack. As a result, she informed Sheri Speer that both dogs would be quarantined (pursuant to C.G.S. §22-358(c)). Speer read and signed two forms for off property quarantine orders issued pursuant to C.G.S. §22-358(c). ACO Lombardi advised Speer that, if she did not choose to have the dogs euthanized and tested for rabies, Disposal Orders would be issued on the dogs due to the severity of the attack. Tr. at pages 119-120 and 131. Ex. Norwich 5. Ex. DO 5

23. On October 10, 2013, ACO Lombardi issued Sheri Speer the following infractions:

- C.G.S. §22-364      Dogs Roaming at Large      2 counts
- C.G.S. §22-363      Nuisance (vicious disposition)      2 counts
- C.G.S. §22-349      Unlicensed Dogs      2 counts
- C.G.S. §22-339(b)      Rabies Vaccination Required      1 counts

Tr. at pages 125-129 inclusive. Exs. Norwich 5 and 6.

A Superior Court record, dated August 12, 2014, indicates that Sheri Speer pleaded guilty to all counts cited above. Tr. at page 196. Ex. Norwich 12.

24. ACO Lombardi stated that she determined from her investigation that two dogs were involved in the incident. One dog caused the bite injuries. The other dog chased Audrena Downing, and in ACO Lombardi’s opinion, Audrena would have been attacked had she not made it to the safety of Judy Sanchez’s residence before that dog caught up with her. Tr. at pages 122 and 139. ACO Lombardi stated that both dogs roamed off

their property, both dogs viciously went after people, and when they were at the pound, both dogs were very people aggressive and animal aggressive. Tr. at pages 123 and 139.

25. ACO Lombardi issued Animal Dog Bite/Attack Reports for each of the victims bitten, Lisa Hall, Marquice Downing, Jr. and Marlana Downing for the dog “Dolly” and the dog “Skyler”. She stated that she issued one for each dog because she was not able to determine which dog did the biting. Tr. at pages 129-131 inclusive. Exs. Norwich 7 and 8.
26. ACO Lombardi testified that a pit bull dog could escape and return to the deck on the Speer residence at 151 Talman St. because one end of the deck is in close proximity to the ground. Tr. at pages 136-137.
27. ACO Lombardi testified that there was sufficient evidence gathered in her investigation to support the conclusion that Sheri Speer’s dogs “Skyler” and “Dolly” were the attacking dogs in this case. Tr. at page 138.
28. ACO Lombardi, after consulting her supervisor and others in her Department and under the authority of C.G.S. §22-358(c), issued Disposal Orders on the dogs “Skyler” and “Dolly” on October 15, 2014 and stated that, in the interest of public safety, she had no other choice than to do so. Tr. at pages 138, 143 and 148. Ex. Norwich 5. ACO Lombardi also testified that she does not take lightly a decision to issue disposal orders and that, in her 25 years as an animal control officer, she has issued only two or three disposal orders previously. Tr. at pages 116 and 143. ACO Lombardi indicated that a lot of the reason for issuing the disposal orders was based on the dogs’ behavior but, also, that she didn’t think that the dogs’ owner, Sheri Speer, would comply with the conditions

of restraint orders on the dogs based on her past history of not being cooperative and not being a responsible dog owner. Tr. at pages 143-148 inclusive.

29. Sheri Speer owned the dog “Dolly” since she was a puppy but obtained the dog “Skyler” from her daughter Amber Cote approximately two weeks before the incident and had plans to call for an appointment for “Skyler’s” vaccinations. Tr. at pages 174,176, 187, and 194. Amber Cote testified that, when she brought “Skyler” to Speer, she told Speer that “Skyler” needed to be vaccinated and that it was Speer’s responsibility to have the dog vaccinated. Tr. at page 216.
30. Speer testified that the deck on her house is in the rear of the house; that the deck tapers down to the ground at one end; and that there is a door from the laundry room to access the deck. Referring to the railing on the deck attached to her house, she stated that she has never seen the (her) Pit Bulls jump over the fence or any other fence. Tr. at pages 175-176 and 185-186. Speer also testified that there is a half-acre back yard at her property with a metal enclosure (kennel) with a lock. Tr. at pages 174-177 inclusive, 187 and 194.
31. Sheri Speer testified that, over the years, she has seen other dogs roaming the neighborhood on twelve to fifteen occasions and has called the “dog warden”. She stated that a man that lives approximately three houses away on Talman St. from her residence has or had pit bulls but that she was not certain if he still lived there. Carlos Rivera provided similar testimony with regard to seeing other dogs around 151 Tallman St. and with regard to the man on Tallman St. that also owned pit bulls. Tr. at pages 178-181 inclusive and 221-224 inclusive.

32. On October 8, 2013 between 6:00 PM and 6:30 PM, Sheri Speer was at her residence when she was told by Carlos Rivera, a maintenance man working in her yard and in the laundry room at her house, that there was a commotion outside and police were present and wanted her dogs because there was an incident. She stated that she observed the dogs on the deck at the time. When questioned if she had asked Rivera to do anything regarding the dogs when he came to work that day, Speer stated that Rivera was watching the dogs on the deck. Tr. at pages 183-185 inclusive.
33. Sheri Speer described her dogs “Skyler” and “Dolly” as sweet and very docile. She stated that the dogs never showed any aggression toward her daughter, Amber Cote, Amber Cote’s children, Speer’s Maltese dog or her cat and that the dogs had never bitten or scratched anyone. Amber Cote also testified that she and her three children never had a problem with the two dogs and that she had owned “Skyler” since the dog was 6 months of age. Tr. at pages 186-188 inclusive and 210-211.
34. Sheri Speer testified that she had to evict David Perkins for non-payment of rent from the house (she owned) at 123 Talman St. and that the people living at 123 Talman St. who filed the complaint against her dogs were under eviction at the time of the bite incident. Tr. at page 189.
35. Sheri Speer testified that she had Carlos Rivera deliver flowers and a sympathy card to the family of the child that had been bitten, but that the gesture did not constitute an apology or an admission of guilt. Tr. at pages 190-192 inclusive.
36. Carlos Rivera was at 151 Talman St., the residence of Sheri Speer on October 8, 2013. He was there doing maintenance work that included fixing a washer and dryer in the laundry room of the residence adjacent to the deck. He testified that Speer had told him

to watch, supervise and keep an eye on the dogs. Rivera asked Speer to move the dogs out of the house and onto the deck when he started work in the laundry room but he couldn't remember whether it was he or Speer who moved the dogs onto the deck. Rivera stated that the railing on the deck was 38 inches high and that he has never seen "Skyler" or "Dolly" jump over it to escape from the deck but that they could. Tr. at pages 218-221 inclusive, 228 and 238.

37. Carlos Rivera testified that, from the time he started working laundry room, he had direct sight of the two dogs on the deck including during the time that the three victims were attacked. He stated that he did not call one of the dogs back onto the property and that he did not apologize to Lisa Hall at the time of the bite attack for the behavior of the dogs. Rivera stated that he apologized to Marquice Downing when he went to 123 Talman St. on October 9, 2013, but that the apology was only for the victims being attacked and not for any involvement of "Skyler" or "Dolly" in the attack. Rivera offered conflicting testimony as to whether it was his responsibility to watch the dogs on October 8, 2013. When asked if it was his job to take care of the dogs he replied, "No. My job was not to watch the dogs or nothing. My job was to fix my work." He then went on to state that, since he did not put them in the pen (kennel) in the back yard, it was his responsibility to watch them on the deck. Tr. at pages 228-235 inclusive, 237 and 240-241.

### *III*

#### *CONCLUSIONS OF LAW*

C.G.S. §22-358(c) provides that “[t]he commissioner, the Chief Animal Control Officer, any animal control officer, any municipal animal control officer or any regional animal control officer may make any order concerning the restraint or disposal of any biting dog, cat or other animal as the commissioner or such officer deems necessary.” It further provides in §22- 358(c) that following a hearing on such order “the commissioner may affirm, modify or revoke such order as the commissioner deems proper.”

### *IV*

#### *DISCUSSION*

Acting under the authority of C.G.S. §22-358(c), the City of Norwich (City) quarantined the dogs “Skyler” and “Dolly” owned by Sheri Speer at the Norwich dog pound as a result of the October 8, 2013 dog bite incident in which the victims were not on the premises of the dogs’ owner at the time of the incident. On October 15, 2013 and again acting under the authority of C.G.S. §22-358(c), the City issued Disposal Orders on the dogs “Skyler” and “Dolly”.

Upon careful consideration of the entire record, including oral testimony and the exhibits of the parties, there is ample evidence in the record to affirm the Disposal Orders on the dogs “Skyler” and “Dolly” considering the severity of the attack and the number of victims involved.

The unprovoked dog bite attack on October 8, 2013 caused injuries to Lisa Hall, Marquice Downing Jr. and Marlena Downing. Of the three victims, Marlena’s injuries to her left (dominant side) arm were particularly severe in that she suffered deep soft tissue wounds and a broken arm while attempting to protect her brother, Marquice Jr., from the attack. Marquice Jr.

suffered a wound over his eye but, by all accounts, he would likely have suffered more severe injuries after the attacking dog tipped him over while in his stroller if Marlena had not interceded to take protective actions. Lisa Hall suffered a bite injury on her right leg below her knee characterized by puncture wounds and bruising.

The extent of Marlena's injuries required her immediate referral and transfer from Backus Hospital in Norwich, CT, the health care facility to which she first presented, to the Connecticut Children's Hospital in Hartford, CT. The record indicates that an attending physician at the Connecticut Children's Hospital was extremely concerned about her condition. This concern arose not only from the extensive soft tissue and bone damage that Marlena suffered, but also due to the complications of deep wound infection that would lessen the chances for a positive outcome from the surgical procedure required for the orthopedic repair of her fractured arm. The physician's concern over Marlena's compromised condition was such that he wanted to avoid an additional complication by the administration of rabies post exposure treatment. In order to avoid such treatment, he and ACO Lombardi made efforts early on to timely ascertain the rabies vaccination status of the offending dogs. Those efforts to quickly ascertain this information for "Skyler" were unsuccessful due to lack of cooperation from the dog owner, Sheri Speer. (ACO Lombardi determined that "Dolly" had a current rabies vaccination status after contacting the dog's veterinarian).

The type and character of the wounds suffered by Marlena Downing, considered apart from any other evidence, and that there were two additional victims, clearly support the conclusion that the unprovoked bite attack was severe and vicious. This conclusion is even further supported by other evidence in the record including witness statements, oral testimony and exhibits. The offending dog, while biting Marlena, would not release her arm from the grip

of its teeth and, at the same time, was shaking her arm inflicting even more injury. That Marlana's twin sister, Audrena Downing, ran to escape the attack and was chased by the second dog requires consideration in the ultimate disposition of both dogs. If the second dog had caught up to Audrena before she reached safety at the residence of Judy Sanchez, there is a strong probability that Audrena would have suffered a bite attack based on evidence that both dogs exhibit aggressive behavior. ACO Lombardi testified that Audrena had a pretty good head start on the dog that was chasing her and was lucky that she outran the dog.

The dog owner, Sheri Speer, based her appeal of the disposal orders, in large part, on the claim that it was not either of her dogs, "Skyler" or "Dolly", that were the offending dogs in the October 8, 2013 bite attack incident. The claim that it was not her dogs is not supported by the evidence in the record. However, there is ample evidence in the record to conclude that it was "Skyler" and "Dolly" that were the offending dogs. The City presented the testimony of credible witnesses, statements from witnesses and information in the Norwich Police Department Incident Report that provided substantial evidence that "Skyler" and "Dolly" were the dogs involved in the incident. A Superior Court record, dated August 12, 2014 and entered as evidence by the City, provides additional support that "Skyler" and "Dolly" were the offending dogs. At the court proceeding, Sheri Speer pleaded guilty to all counts of violations (infractions) issued by the City in conjunction with the October 8, 2013 bite attack incident. Included in the counts to which she pleaded guilty, were two counts for violation of C.G.S. §22-364, *Dogs Roaming at Large*, and two counts for violation of C.G.S. §22-363, *Nuisance (vicious disposition)*.

Conversely, this Hearing Officer found that no credible evidence was presented on behalf of the dog owner to substantiate her claim that it was dogs other than hers that were the offending dogs. The testimony offered by those on behalf of the dog owner, especially that of



Carlos Rivera, did not provide this Hearing Officer with an adequate level of confidence in its credibility. Carlos Rivera, who was central to the dog owner's case, offered testimony in which he made inconsistent statements in regard to his actions and responsibilities on October 8, 2013 relative to the two dogs and the dog bite attack on the same date. In addition, statements made in his testimony as to his observations, actions and what he said at the scene of the incident to witnesses, including victim Lisa Hall, to police officers and later to Marquice Downing are in direct conflict with testimony and statements from other credible sources.

The issue of which of the two dogs, "Skyler" or "Dolly", attacked and bit the three victims and which dog chased Audrena is not resolved. The record shows that the dogs are very similar in appearance. None of the witnesses to the incident, when interviewed by ACO Lombardi, were able to distinguish which dog inflicted the bite wounds on the victims. There is evidence that Carlos Rivera made the statement that it was probably "Skyler" and not "Dolly" that did the biting, but he denied saying that in his testimony. Based on the evidence that both dogs are a danger to the public, irrespective of the testimony of Sheri Speer and Amber Cote that the dogs are not aggressive toward people with whom they are familiar, the City was justified in issuing Disposal Orders on both "Skyler" and "Dolly" in the interest of public safety.

The evidence also justifies the conclusion reached by ACO Lombardi, who has extensive experience serving as an animal control officer, that Restraint Orders would not adequately provide the necessary measures to protect the public from "Skyler" and "Dolly" considering the aggressive behavior of the dogs. In addition, the record supports ACO Lombardi's reservations that that dogs' owner, Sheri Speer, would comply with the provisions of Restraint Orders based on documented instances in which she was uncooperative with animal control officials and failed to comply with animal control laws. Taking into account the above factors that are clearly

demonstrated in the record, the Hearing Officer does not find the actions of Sheri Speer to be those of a responsible dog owner and does not find that she has taken responsibility for the actions of her dogs “Skyler” and “Dolly” with regard to the October 8, 2013 dog bite attack incident.

V

***PROPOSED FINAL DECISION***

After consideration of testimony and exhibits presented by the parties, I strongly recommend that the final decision maker in this matter, in order to protect the public, *affirm* the Disposal Orders issued by the City of Norwich on the dogs named “Skyler” and “Dolly” owned by Sheri Speer.



Dated: November 20, 2014

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Bruce A. Sherman, DVM, MPH  
Hearing Officer

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<sup>1</sup>Norwich Animal Control Officer Michelle Lombardi’s former name, prior to her recent marriage, was Michelle Kellough. References are made in the record, specifically in certain exhibits, to her former name, Michelle Kellough. Tr. at page 114.