



STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE  
Office of the Commissioner



Steven K. Reviczky  
Commissioner

860-713-2501  
www.CTGrown.gov

Anna Tomaszewska



Mailed USPS/certified mail/return receipt



Dear Ms. Tomaszewska:

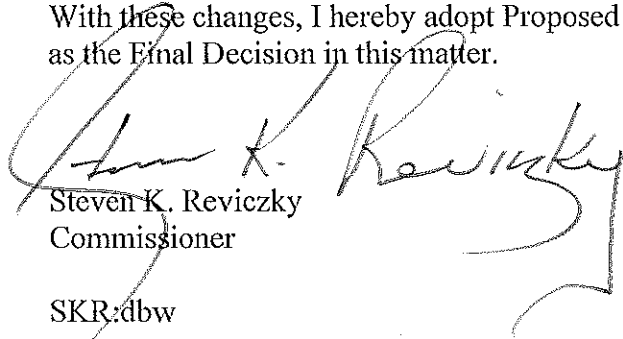
I am the final decision maker in the matter of the appeal of a Restraint Order for the dog named "Fokus". The Restraint Order was issued by the City of Stamford and its animal control officer on October 22, 2015.

A Proposed Final Decision of the Hearing Officer, Wayne Kasacek, was served upon the parties on or about August 18, 2017, through notice from the undersigned. The notice afforded each party the opportunity to present exceptions or briefs and requests for oral arguments to the Commissioner, as the final decision maker.

I have read the entire record in this matter. Upon due consideration of the entire record, I find there is substantial evidence in the record to Modify the Restraint Order by:

1. inserting the words "and off the property of Anna Tomaszewska" after "outside" in condition 1; and
2. striking the words "& neutered immediately" in condition 3.

With these changes, I hereby adopt Proposed Final Decision of the hearing officer in its entirety as the Final Decision in this matter.

  
Steven K. Reviczky  
Commissioner

SKR:dbw

Enclosed: Service List  
Proposed Final Decision



STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE  
165 CAPITOL AVENUE - ROOM G8-A  
HARTFORD, CONNECTICUT 06106

BUREAU OF REGULATION AND INSPECTION

AG. COMMODITIES  
860-713-2513  
ANIMAL CONTROL  
860-713-2506  
ANIMAL POP. CONTROL  
860-713-2507  
DAIRY / MILK SAFETY  
860-713-2508  
GAP / GHP AUDITS  
860-713-2580  
LICENSING  
860-713-2512  
LIVESTOCK / POULTRY  
860-713-2504  
STATE VETERINARIAN  
860-713-2505

IN THE MATTER OF: AN APPEAL FROM RESTRAINT ORDER  
ISSUED BY THE TOWN OF STRATFORD

"FOKUS"

Owned by: Anna Tomaszewska

11 August 2017

**PROPOSED DECISION**

In response to an appeal of a Restraint Order issued by the Town of Stratford on 10/22/2015 to Anna Tomaszewska on her dog named "Fokus" an administrative hearing was held and completed 8/3/2017.

Findings of fact:

1. The petitioner Anna Tomaszewska properly filed an appeal of the Restraint Order issued 10/22/2015 on 11/4/2015. Ex. HO1
2. Wayne Kasacek was designated to hear the appeal by Commissioner of Agriculture, Steven K. Reviczky on 6/27/2017. Ex. HO3
3. All parties were properly noticed of the hearing time and date. Ex. HO4
4. The hearing was held and completed 8/3/2017.

Discussion:

During the course of the hearing this hearing officer learned that Anna Tomaszewska primarily objected to a clause in the restraint order that required her to neuter her dog Fokus. This hearing officer inquired as whether Anna Tomaszewska had an alternative solution. Ms. Tomaszewska stated on the record that she would agree to muzzling her dog Fokus while they were off her property. This hearing officer inquired with the Animal Control Officer for the Town of Stratford as whether this would be an acceptable resolution to this matter. Both Animal Control Officer Angelique Fitzmorris and Attorney Sean Plumb representing the Town of Stratford agreed that this would be an acceptable resolution to this matter. TR Pages 78-81.

It appears from the record and testimony that Anna Tomaszewska is a responsible dog owner. She has complied with all conditions of the restraint order except for her objection to neutering Fokus. Anna Tomaszewska has enrolled Fokus in an American Kennel Club Canine Good Citizen course which he successfully passed. Ex. P8

Anna Tomaszewska has maintained current rabies vaccination of Fokus. Ex. P4

Anna Tomaszewska had microchipped Fokus prior to the the issuance of the restraint order. Ex. P4

This hearing officers' questioning of Animal Control officer Fitzmorris revealed that she had no information that indicates any violation of law or breach of the restraint order since it was issued.

Conclusion/recommendation:

It is the strong recommendation of this hearing officer based on the statements made on the record, that the Commissioner modify the Restraint Order by:

1. inserting the words "and off the property of Anna Tomaszewska" after "outside" in condition 1; and
2. striking the words "& neutered immediately" in condition 3.



Wayne Kasacek  
Hearing Officer