

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF: APPEAL FROM DISPOSAL ORDER
ISSUED BY THE TOWN OF FAIRFIELD

"RUSSELL"

Owned by: Christopher Santiago

July 30, 2015

PROPOSED DECISION

FINDINGS OF FACT:

1. Commissioner Steven K. Reviczky appointed Wayne Kasacek to act as hearing officer in this matter and to issue a proposed decision in this matter. Notice of a hearing scheduled for April 22, 2015 was provided via certified mail to the Town of Fairfield and its representatives as well as Christopher Santiago the owner of the canine subject of this appeal. (HO-5)
2. That on April 17, 2015 at the request of attorney Stanton H. Lesser, representing the Town of Fairfield, the hearing was continued. (HO-7, HO-6)
3. That on July 2, 2015 a notice of a hearing scheduled for July 30, 2015 was provided via certified mail to the Town of Fairfield and its representatives as well as Christopher Santiago the owner of the canine subject of this appeal.
4. On July 30, 2015 a hearing was held and concluded.
5. At issue was the appeal of a disposal order issued by the Town of Fairfield to Christopher Santiago concerning a dog known as "Russell", a neutered male Pit Bull canine approximately 8 years of age. (T-7)
5. Present at the hearing was bite victim Maureen Beth Reynolds, Fairfield Animal Control Officer Anthony Pennatto. The Town of Fairfield was represented by Attorney Stanton H. Lessor. The owner of the dog "Russell", Christopher Santiago pro se.
6. The testimony revealed that on August 9, 2014 a disposal order was issued pursuant to Connecticut General Statute sections (C.G.S. §) 22-358(c) and 22-358(h), as to the canine in question. (T-7)
7. That the January 23, 2010 the dog "Russell" left the property of Christopher Santiago at 130 Greenbriar Rd. to attack a Maltese mix. The Maltese mix was

bitten while being walked by its owner Brian Sikorski, in vicinity 130 Greenbriar Rd., Fairfield CT. (T-1, TR-pg. 40)

8. That the April 7, 2010 the dog "Russell" left the property of Christopher Santiago at 130 Greenbriar Rd. to attack a Sheltie dog. The Sheltie was bitten while being walked on a leash by its owner Mike Ciardi, in vicinity 130 Greenbriar Rd., Fairfield CT (T-2, T-3, TR-pg. 42)

9. That on August 4, 2014 the dog "Russell" left the property of Christopher Santiago at 130 Greenbriar Rd. and attacked a dog owned by Maureen Beth Reynolds while it was being walked on a public street, Greenbriar Road, by Ms. Reynolds. (T-4, TR-pg. 13, 14)

10. That the attack on the dog owned by Maureen Beth Reynolds resulted in serious injury to her dog. (T-4, TR-pgs. 15-19)

11. That on August 4, 2014 the dog "Russell" bit Maureen Beth Reynolds causing injury to her hand (T-4, T-5, TR-Pgs. 15, 20, 21)

12. That the bite to Maureen Beth Reynolds occurred on a public street, Greenbriar Rd. when the dog "Russell" left the property of Christopher Santiago at 130 Greenbriar Rd. (T-4, TR-Pgs. 13-19)

13. That the Town of Fairfield has provided ample evidence of the aggressive behavior of the dog "Russell" in that on three documented occasions the dog has left the property of Christopher Santiago and attacked dogs being walked under the control of their owners on a public road.

LEGAL CONCLUSION AND RECOMMENDATIONS:

In the context of a dog, cat or other animal that has bitten a person, C.G.S. § 22-358(c) provides, in part, "The 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."

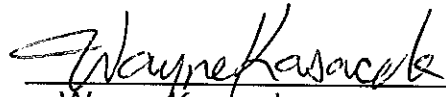
In the context of a dog which has bitten another person's poultry, ratite, domestic rabbit, companion animal or livestock, C.G.S. § 22-358(h) provides, in part , "If such officer finds that the complainant's animal has been bitten or attacked by a dog when the attacked animal was not on the premises of the owner or keeper of the attacking dog and provided the complainant's animal was under the control of the complainant or on the complainant's property, such officer, the commissioner, the Chief Animal Control Officer or any animal control officer may make any order concerning the restraint or disposal of such attacking dog as the commissioner or such officer deems necessary."

C.G.S. § 22-358 further provides that following a hearing on such order "the commissioner may affirm, modify or revoke such order as the commissioner deems proper."

Upon review of the evidence and exhibits of the parties and after much reflection, I propose that the Town of Fairfield after consideration of past events and the vicious propensity of the dog "Russell" has established by a preponderance of the evidence, lawful grounds to have issued the disposal order.

I recommend that the disposal order as to "Russell" be *affirmed*.

Dated: October 28, 2015



Wayne Kasacek
Duly Appointed Hearing Officer