

STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:

APPEAL FROM DISPOSAL ORDER  
ISSUED BY TOWN OF SOUTHLINGTON

"BUBBA"

Owned by DONALD ANDERSON

PROPOSED DECISION

FINDINGS OF FACT

1. That the Connecticut Department of Agriculture ("the Department") received an appeal from Donald Anderson ("Mr. Anderson" or "the dog owner") from a disposal order issued on his dog "Bubba".
2. That on 3/23/2016, the Commissioner of Agriculture, Steven K. Reviczky, designated Wayne Kasacek as the Hearing Officer (HO) in this matter and to render a proposed decision. HO-3
3. That on June 24, 2015 all parties were noticed of the receipt of appeal. HO-2
4. That on June 24, 2015 all parties were noticed that mediation in this matter was available from the Department. HO-2
5. That on January 22, 2018 all parties were noticed of the scheduled hearing date of February 22, 2018. HO-4
6. That on February 22, 2018 a full evidentiary hearing was held and concluded. TR
7. That the Hearing Officer entered into the record a letter signed by Commissioner Reviczky that detailed the timeline to the hearing and the actions taken by the parties. HO-5
8. Representing the Town of Southington ("the Town") was Attorney Paul Bedard. The Town presented one witness, Southington Animal Control Officer Joshua Karabin ("ACO Karabin").
9. Representing Mr. Anderson, the dog owner, was Attorney Thompson Page. Mr. Anderson spoke through an interpreter, his son Jared Carroll.

10. The testimony revealed that on June 6, 2015 a disposal order was issued as to the dog in question. The order was based upon four (4) incidents dating from August 25, 2013 through May 23, 2015. T-1, TR-12
11. The testimony revealed that on May 15, 2015 a restraint order was issued as to the dog in question. T-1, TR-16
12. On May 23, 2015 Southington Animal Control Officer Karabin investigated a complaint concerning the dog "Bubba" T-1, TR-9
13. On May 23, 2015 a Sharon Williams was bitten on her leg by the dog "Bubba" while walking in the area of 72 Homestead Avenue. T-1, TR-10
14. That the May 23, 2015 incident was the fourth incident where the dog "Bubba" had bitten a person. T-1, TR-11
15. On May 23, 2015 while walking the dog "Bubba" in a wooded area that is traversed by power lines Mr. Anderson let "Bubba" off his leash so he could run. TR-48
16. On May 23, 2015 the dog "Bubba" ran off while being walked in the wooded area and bit Sharon Williams. TR-51
17. On May 1, 2015 Louis LaRoche was bitten by the dog "Bubba" while he was walking on Connecticut Light and Power property. T-1
18. On December 29, 2015 David Conable while delivering mail was bitten on the property of Mr. Anderson. TR-1
19. Animal Control Officer Karabin testified that he issued the disposal order based on the bite that occurred on May 23, 2015 and past incidents. TR-11,12, TR-17
20. Animal Control Officer Karabin testified that he has received extensive training including training required by law of Animal Control Officers. TR-30, TR-40
21. Animal Control Officer Karabin testified that he issued the disposal order in the interest of public safety. TR 17-18
22. That despite the restraint order, Mr. Anderson allowed the dog "Bubba" to roam and the dog "Bubba" subsequently bit Sharon Williams. TR-52
23. That the dog owner, Mr. Anderson does not dispute that "Bubba" has bitten four times. TR-52
24. This hearing officer finds that the conclusions reached by Animal Control Officer Karabin are soundly reasoned, that he has sufficient training and experience to reach these

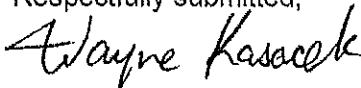
conclusions, and that he had a substantial and proper basis to support the disposal order subject to this appeal. TR-40, 41

LEGAL CONCLUSION AND RECOMMENDATION:

Connecticut General Statute 22-358 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." It 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 transcript, evidence and exhibits of the parties and after much reflection, I propose that the Town of Southington has established by a preponderance of the evidence that the issuance of the disposal order subject to this appeal meets the legal tests provided in Connecticut General Statute section 22-358, and should be affirmed.

Respectfully submitted,



Wayne Kasacek  
Hearing Officer

17 May 2018  
Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Donald Anderson, Jr.  
71 Homestead Avenue  
Southington, CT 06489



9590 9402 3759 8032 3829 25

2. Article Number (Transfer from service label)  
7017 1450 0001 8985 3845

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Thompson G. Page  
1 Linden Place, Ste 108  
Hartford, CT 06106



9590 9402 3759 8032 3829 18

2. Article Number (Transfer from service label)  
7017 1450 0001 8985 3852

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  *Carol M. M...*  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  *[Signature]*  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery *9-13-18*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

John Karabin, David Ireland  
Southington Animal Control  
69 Lazy Lane  
Southington, CT 06489



9590 9402 3759 8032 3829 01

2. Article Number (Transfer from service label)  
7017 1450 0001 8985 3869

PS Form 3811, July 2015 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Chief Daly  
Southington Police Dept.  
69 Lazy Lane  
Southington, CT 06489



9590 9402 3759 8032 3828 95

2. Article Number (Transfer from service label)  
7017 1450 0001 8985 3876

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  *Kathy Huber*  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery *9-12-18*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

SEP 13 2018  
BUREAU OF REGULATORY SERVICES

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Insured Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  *Kathy Huber*  Agent
- B. Received by (Printed Name)  Addressee
- C. Date of Delivery *9-12-18*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

SEP 13 2018  
RECEIVED

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Insured Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt