

**STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE**

***IN THE MATTER OF*** : ***APPEAL OF***  
***"PESHI"*** : ***RESTRAINT ORDER***  
***DOG OWNED BY Jennifer DeLucia*** : ***April 27, 2018***

**PROPOSED FINAL DECISION**

***I***

***SUMMARY***

On July, 5, 2016, New Haven Municipal Animal Control Officer, Tammy Hewston, acting under the provisions of Connecticut General Statutes (C.G.S.) §22-358(h), issued a Restraint Order to Jennifer DeLucia, owner of the dog named Peshi. Jennifer DeLucia timely requested a hearing before the Commissioner of Agriculture pursuant to C.G.S. §22-358. A formal administrative hearing was held on March 20, 2018, with the undersigned, Stephen Anderson, serving as Hearing Officer pursuant to designation by Steven K. Reviczky, the Commissioner of Agriculture. At said hearing, Roderick R. Williams, Assistant Corporation Counsel for the City of New Haven presented testimony, exhibits and arguments. The Respondent and dog owner, Jennifer DeLucia, failed to appear for the hearing and did not submit a written request for a continuance.

It should also be noted that this was the second time that the parties attempted to hold this hearing. The first hearing date was noticed and scheduled for January 24, 2018. However, as detailed in HO-5, on January 23, 2018 the dog owner requested the hearing be postponed due to an elder care appointment conflict.

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 Restraint Order issued on the dog Peshi owned by Jennifer DeLucia.

## **II**

### ***FINDINGS OF FACT***

1. Commissioner Steven K. Reviczky appointed Stephen Anderson, 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 a Restraint Order issued by the City of New Haven on the dog named Peshi, owned by Jennifer DeLucia (owner). Hearing Officer Exhibit [Ex.] HO-3.
2. The Department of Agriculture gave proper notice of the hearing to both parties. Ex. HO-4. Pursuant to Connecticut General Statutes (C.G.S.) §22-358(h), an administrative hearing was held and concluded on March 20, 2018. The dog owner did not appear at the hearing. 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. A previous hearing was scheduled by the Department of Agriculture in this case. The Department also gave proper notice to both parties in the first hearing, which was scheduled for January 24, 2018, detailed in HO-5. The dog owner requested a postponement on January 23, 2018 and the Department granted the continuance.
4. At the hearing on March 20, 2018, the City of New Haven presented the exhibits described herein as Town-1 through Town-10, inclusive and they were admitted into the record (*See Transcript [Tr.] beginning at page 6*).

5. The record shows that Peshi, described as a neutered male, 5 years of age, tan and white American Pit Bull Terrier breed (Ex. Town 1-10) was involved in a July 1, 2016 bite incident in which another dog (named Alexis, a yellow Pomeranian, 9 years of age) was attacked and bitten by Peshi, and the dog Alexis was found to be deceased due to attack and bite injuries sustained in the attack.
6. The incident/investigation report filed by Officer Steven Spoffard and a supporting video recording were submitted as evidence (Ex. Town-3 and Town-7A). According to the incident/investigation report, Jennifer DeLucia was issued an infraction for allowing a dog to roam, and Peshi was removed by New Haven Animal Control.
7. Peshi was subsequently quarantined (Ex. Town-4) and a Restraint Order (Ex. Town-6) was issued on July 5, 2016, which required Peshi to be muzzled and leash walked, even on the property of the dog owner.
8. The dog owner did not attend or provide evidence in this hearing, and it should be noted that the dog owner also has not requested a further continuance in this matter as of the drafting of this proposed decision.

### *III*

#### *CONCLUSIONS OF LAW*

C.G.S. §22-358(h) provides that “[t]he 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.” It further provides in §22-358(h) 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(h), the New Haven Municipal Animal Control Officer, Tammy Hewston, issued a Restraint Order to Jennifer DeLucia, owner of the dog named Peshi.

Upon careful consideration of the entire record, there is a preponderance of evidence in the record to affirm the Restraint Order as a result of the seriousness of Peshi's attack and bite(s) to the dog Alexis, which resulted in Alexis's death, as reported by witnesses and documented by a video submitted as evidence of the attack.

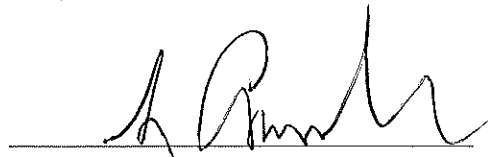
While there are no documented bites or attacks beyond those submitted as evidence, it remains of concern that Peshi may either attack another dog or bite a human who is under the assumption that he is approachable. It is the opinion of the Hearing Officer that the existence of the Restraint Order is necessary for public safety.

*V*

***PROPOSED FINAL DECISION***

After consideration of the entire record in this case, I recommend that the final decision maker in this matter, in order to protect the public, *affirm* the Restraint Order issued by the City of New Haven on the dog named Peshi, owned by Jennifer DeLucia.

Dated: April 27, 2018

A handwritten signature in black ink, appearing to read "Stephen Anderson", written over a horizontal line.

Stephen Anderson  
Hearing Officer