

**STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE**

CARRIE WERNING

APPEAL FROM QUARANTINE ORDER

v.

TOWN OF RIDGEFIELD

JULY 2, 2018

FINAL DECISION

I

Introduction

On June 29, 2018, I conducted a hearing on an appeal from a municipal quarantine order issued to Carrie Werning (dog owner), the owner of a dog named Calvin, by the Ridgefield Animal Control Officer. This appeal, filed by Carrie Werning on June 25, 2018, was made pursuant to Conn Gen. Stat. § 22-358(c), and conducted in accordance with the Connecticut Uniform Administrative Procedure Act (UAPA), Conn Gen. Stat. § 4-166, et. al., and the Connecticut Department of Agriculture's Rules of Practice 22-7-8 through 22-7-47 inclusive.

II

Findings of Fact

The following facts are not in dispute:

1. Those present at the hearing were Christopher Zulkeski, Ridgefield Animal Control Officer (ACO); Carrie Werning, owner of the dog named Calvin (Exhibit ("Ex.") Town-2); and Cindy Prizio, mother of Calvin's co-owner, Jay Prizio.
2. On June 25, 2018, Carrie Werning was advised of an Off Property Quarantine Order issued by Ridgefield Animal Control Officer Christopher Zulkeski. (Ex. Town-1 and 2).
3. On June 27, 2018, Calvin was placed in an Off Property Quarantine at the Wilton Hospital for Animals, in the care of Dr. Hunt (Ex. Town-1).
4. The dog owner appealed the quarantine order on June 25, 2018 (Ex. HO-1).
5. The quarantine order expires on July 7, 2018 (Town-2).
6. Calvin is up to date with his rabies vaccination. (Ex. Town-2).
7. Evidence presented by the town included incident reports, rabies documentation, and sworn statements: (1) by Ms. Werning, the dog owner, (2) by Ms. Werning's boyfriend,

Jay Prizio, and (3) by Mr. Marc Zettl, who is the owner of a dog named Belle and who is the person who was bitten in this instance. Belle was also involved in the bite incident at issue here. In addition, the Town submitted photos of the bite wound and the dog park (provided by Mr. Zettl), and reports from both urgent care and the emergency room where the Mr. Zettl went for medical attention (Ex. Town 4 and 5, respectively).

8. Evidence provided by Ms. Werning included photos of Calvin, statements from Ms. Werning and Jay Prizio, a reference for Calvin from Ridgefield Operation for Animal Rescue, and records of Calvin's care and a reference from Quarry Ridge Animal Hospital.
9. For the purposes of Connecticut General Statutes (C.G.S.) §22-358(c), the complainant is Marc Zettl.
10. The incident took place at the Ridgefield Bark Park.

III

Discussion and Legal Conclusion

C.G.S. §22-358(c) states in relevant part that “If such officer finds that the complainant has been bitten or attacked by such dog...when the complainant was not upon the premises of the owner or keeper of such dog...the officer shall quarantine such dog...in a public pound or order the owner or keeper to quarantine it in a veterinary hospital, kennel or other building or enclosure approved by the commissioner for such purpose.”

In this case, the pertinent elements to institute a quarantine in accordance with C.G.S. §22-358(c) are as follows: (1) a bite was inflicted and (2) the bite occurred off the owner's property.

This case involves an altercation between two dogs at the Ridgefield Bark Park. According to testimony and statements of those involved (Ex. Town-3), there was an altercation between Calvin (a male, 89 pound Lab/Shepherd mix) and Mr. Zettl's dog, Belle (a female Shepherd, similarly sized as Calvin) while both dogs were in the over 40 pound section of the dog park. In the altercation, Calvin became latched to Belle's fur and eventually had to be pulled off by both dog owners – the statements agree on this point. Both dog owners' statements also indicate that Mr. Zettl was bitten, but the statements do not provide enough information to determine which of the two dogs bit Mr. Zettl, and there were no other witnesses or other evidence provided at the hearing to clarify this further.

The Town presented ample evidence to support that there was a dog bite. ACO Zulkeski testified at the hearing and provided written evidence (Ex. Town-1) that on June 24, 2018, he was notified by Marc Zettl that he “had been involved in a dog bite incident.” Mr. Zettl reported

to ACO Zulkeski (Ex. Town-1) that the bite incident involved two dogs and took place at Ridgefield Bark Park. Medical records document Mr. Zettl's bite.

Mr. Zettl and ACO Zulkeski (through testimony) stated that the dog owners were involved in the incident. Ample evidence was also provided to support the fact that Mr. Zettl was bitten off the property of both Calvin and Belle. Since there is evidence in the record that Calvin acted aggressively towards Belle (Ex. Town-3, statements from both Ms. Werning and Mr. Zettl), it would be reasonable to conclude that Calvin bit Mr. Zettl. However, none of the evidence presented to me provides adequate information to determine which dog actually bit Mr. Zettl.

Rabies is a potentially deadly disease and the laws involving rabies, including the one at issue here, were passed in order to protect public safety. In my opinion, because a bite occurred off the premises of the dog owners and was inflicted by either Calvin or Belle, given the seriousness of rabies, **both** dogs should have received Off Property Quarantine Orders.

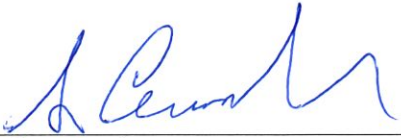
The appeal before me, only involves Calvin. At the hearing, Ms. Werning did not argue or provide evidence that Calvin shouldn't be subject to a Quarantine Order, only that the location of the quarantine should be in her home. Based on the applicable law and on the evidence and testimony provided to me, I can only conclude that Calvin should be subject to an Off Property Quarantine Order. Belle's Quarantine Order, permitting her to be at home, does not form a basis to hold otherwise.

IV

Conclusion

Therefore, based on my review of the entire record, I find that ACO Zulkeski was correct in his issuance of an Off Property Quarantine Order for Calvin. The quarantine order issued to the dog owner, Carrie Werning, by the Ridgefield Animal Control Officer, is affirmed.

Dated: July 2, 2018



Stephen Anderson
Hearing Officer

*In the Matter of "Calvin"
Dog owned by Carrie Werning
Appeal of Quarantine Order*

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July3, 2018