



STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE  
Office of the Commissioner



Steven K. Reviczky  
Commissioner

860-713-2501  
www.CTGrown.gov

Torrey Townsend



Mailed USPS/certified mail/return receipt



**NOTICE OF FINAL DECISION**

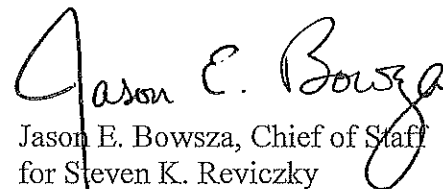
I am the final decision maker in the matter of the appeal of a Restraint Order for the dog named "Spice" owned by Torrey Townsend. The Restraint Order was issued by the City of New Haven and its animal control officer on November 22, 2016

A Proposed Final Decision of the Hearing Officer, Stephen Anderson, was served upon the parties on or about April 30, 2018, 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. There were no requests for oral argument. The Town provided a May 18, 2018 letter that referenced a request for an additional finding of fact.

I have read the entire record in this matter. Upon due consideration of the entire record, I find there is a preponderance of evidence in the record to affirm the Restraint Order and I hereby adopt the Proposed Final Decision of the hearing officer in its entirety as the final decision in this matter with the addition of the following Finding of Fact :

At the April 5, 2018 hearing, New Haven Animal Control Officer Joseph Manganiello testified that on one prior occasion to the November 20, 2016 incident, he went to Ms. Townsend's residence to speak with her about the dog Spice in response to a neighbor's report that Spice was roaming. This is a separate and distinct report from that which is referenced in paragraph 10 Findings of Fact of the Proposed Final Decision.

June 29, 2018

  
Jason E. Bowsza, Chief of Staff  
for Steven K. Reviczky  
Commissioner

SKR:dbw

Enclosed: Service List  
Proposed Final Decision

**STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE**

*IN THE MATTER OF* : *APPEAL OF*  
*"SPICE"* : *RESTRAINT ORDER*  
*DOG OWNED BY Torrey Townsend* : *April 30, 2018*

**PROPOSED FINAL DECISION**

***I***

***SUMMARY***

On November 22, 2016, New Haven Municipal Animal Control Officer, Tammy Hewston, acting under the provisions of Connecticut General Statutes (C.G.S.) §22-358(c), issued a Restraint Order to Torrey Townsend, owner of the dog named Spice. Torrey Townsend timely requested a hearing before the Commissioner of Agriculture pursuant to C.G.S. §22-358. A formal administrative hearing was opened on January 18, 2018, with Steven Jensen serving as Hearing Officer pursuant to designation by Steven K. Reviczky, the Commissioner of Agriculture. Due to the fact that the dog owner had called to postpone due to car trouble, the hearing was continued and subsequently completed on April 5, 2018 with 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, Torrey Townsend, appeared for the hearing and represented herself in the proceedings.

Based on the testimony presented and a full review of the entire record, the Hearing Officer is recommending that the final decision maker *affirm* the Restraint Order issued on the dog Spice owned by Torrey Townsend.

## ***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 Spice, owned by Torrey Townsend (dog owner). Hearing Officer Exhibit [Ex.] HO-10.
2. The Department of Agriculture gave proper notice of the hearing to both parties. Ex. HO-12. Pursuant to Connecticut General Statutes (C.G.S.) §22-358(c), an administrative hearing was held and concluded on April 5, 2018.
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 18, 2018, detailed in HO-6. The dog owner requested a postponement on January 18, 2018 and the Department granted the continuance.
4. At the hearing on April 5, 2018, the City of New Haven presented testimony and exhibits described herein as Town-1 through Town-7, inclusive and they were admitted into the record (See Transcript [Tr.] beginning at page 26).
5. At the hearing on April 5, 2018, the dog owner only had evidence (photos and e-mails) on her computer and although Ms. Townsend had stated in the hearing that she would submit evidence to Dawn Barret-Walsh in the Department of Agriculture by April 12,

2018 (*see Tr. beginning on page 22*), as of the writing of this proposed decision, no such evidence has been submitted.

6. The record shows that Spice, described as a 2 year old male, red brindle American Pit Bull Terrier breed (Ex. Town 2-5) was involved in a November 20, 2016 bite incident in which a human (a minor) was bitten, with injuries sustained on the hand, arm and chest.
7. The incident/investigation report (Ex. Town 5) filed by Officer Christina Altieri describes the incident and the injuries to the victim (*see Tr. beginning page 44*), and the account of the victim concerning the attack, from an interview at Yale Children's Hospital. According to the report, the victim told the Officer "she was outside in front of the residence when the dog from next door had ran up and started barking." The Officer went on to report the victim stated that "she began to run from the dog when it started to chase her", and that "the dog bit her on her hand, arm and chest." The physician attending to the victim told Officer Altieri the victim needed stitches and received an initial rabies shot. Torrey Townsend was issued an infraction for allowing a dog to roam, and Spice was removed by New Haven Animal Control.
8. Spice was subsequently quarantined (Ex. Town-3) and a Restraint Order (Ex. Town-2) was issued on November 22, 2016, which required Spice to be muzzled and leash walked whenever outside of the residence.
9. While Ms. Townsend made a claim at the hearing that no bite had occurred (that injuries were due to a scratch or scratches), she failed to provide evidence to support this claim.
10. It should be noted that the City of New Haven also submitted into evidence record of a previous roaming incident (Ex. Town-1, described in *Tr. at page 39*). This notice was left

at Ms. Townsend's residence, and Ms. Townsend did respond saying the dog got out and it was an accident.

### *III*

#### *CONCLUSIONS OF LAW*

C.G.S. §22-358(c) provides that "[t]he 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 in §22- 358(c) 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(c), the New Haven Municipal Animal Control Officer, Tammy Hewston, issued a Restraint Order to Torrey Townsend, owner of the dog named Spice.

Upon careful consideration of the testimony and exhibits presented in this case, there is a preponderance of evidence in the record to affirm the Restraint Order as a result of the seriousness of Spice's attack and bite(s) to the victim, which resulted in injuries being sustained to the victim's hand, arm and chest.

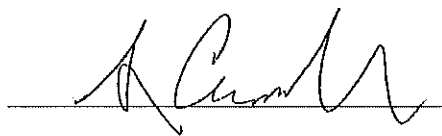
While there are no documented bites or attacks beyond those submitted as evidence, it remains of concern that Spice may either attack another dog or bite a human who is under the assumption that he is approachable. It is the opinion of the Hearing Officer that the existence of the Restraint Order is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

Dated: April 30, 2018

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

Stephen Anderson  
Hearing Officer