



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

860-713-2501
www.CTGrown.gov

Ronald J. Berbue
124 Hicks St., 2nd Fl.
Meriden, CT 06451
Mailed USPS/certified mail/return receipt
#7019 1120 0000 5096 2317


Sarah Bacon
Meriden Animal Control
50 West Main Street
Meriden, CT 06451
Mailed USPS/certified mail/return receipt
#7019 1120 0000 5096 2324

I am the final decision maker in the matter of the appeal of a Disposal Order for the dog named "Cyprus" owned by Ronald Berube. The Disposal Order was issued by the City of Meriden and its animal control officer on September 14, 2018.

A Proposed Final Decision of the Hearing Officer, Dr. Bruce Sherman, was served upon the parties on or about August 26, 2019, 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.

I have read the entire record in this matter. Upon due consideration of the entire record, I find there is substantial evidence in the record to affirm the Disposal Order and I hereby adopt the Proposed Final Decision of the hearing officer in its entirety as the final decision in this matter.

October 17, 2019



Bryan P. Hurlburt
Commissioner

BPH:dbw

Enclosed: Proposed Final Decision

cc: Chief Jeffry W. Cossette
Meriden Police Department



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

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August 26, 2019

Ronald Berube
124 Hicks Street, 2nd Floor
Meriden, CT 06451

RE: PROPOSED FINAL DECISION IN THE MATTER OF THE APPEAL OF A DISPOSAL ORDER PLACED ON THE DOG "CYPRUS" OWNED BY RONALD BERUBE

Dear Mr. Berube:

Pursuant to Connecticut General Statutes Section 4-179, enclosed is the Proposed Final Decision of the Hearing Officer, Dr. Bruce Sherman, in the above referenced matter.

Any exception or brief, which you may wish me to consider before I render my Final Decision must be submitted to me, in writing, and be received within fifteen (15) days of your receipt of this Proposed Final Decision.

Any request for the scheduling of oral argument must also be submitted to me, in writing, and be received within fifteen (15) days of your receipt of this Proposed Final Decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan P. Hurlburt".

Bryan P. Hurlburt,
Commissioner

BPH:dbw

Enclosures: Proposed Final Decision
Service List

In the Matter of "Cyprus"
Dog owned by Ronald Berube
Appeal of Disposal Order

SERVICE LIST

Ronald J. Berbue
124 Hicks St., 2nd Fl.
Meriden, CT 06451
Mailed via certified return receipt
#7019 1120 0000 5096 2225

Sarah Bacon
Meriden Animal Control
50 West Main Street
Meriden, CT 06451
Mailed via certified return receipt
#7019 1120 0000 5096 2232

Chief Jeffry W. Cossette
Meriden Police Department
50 West Main Street
Meriden, CT 06451
Mailed via certified return receipt
#7019 1120 0000 5096 2249

Hearing Officer
Department of Agriculture
450 Columbus Blvd.
Hartford, CT 06103
Via Email

AAG Matthew Levine, Esq.
Office of the Attorney General
Environment Department
55 Elm Street
Hartford, CT 06106
Via Email

August 27, 2019

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:

APPEAL OF A DISPOSAL ORDER
ISSUED BY THE CITY OF MERIDEN

“CYPRUS”
Dog owned by Ronald Berube

August 26, 2019

PROPOSED FINAL DECISION

I, Dr. Bruce A. Sherman, the designated Hearing Officer in the Appeal of a Disposal Order issued by the City of Meriden, in the Matter of dog named “Cyprus” owned by Ronald Berube, hereby issue the Proposed Final Decision in this matter. I have thoroughly reviewed the entire record, including the transcript of the hearing, all of the admitted exhibits, and all other related submissions of the parties. The Proposed Final Decision recommends affirming the Disposal Order as follows:

FINDINGS OF FACT:

- 1) Commissioner Steven K. Reviczky appointed Dr. Bruce Sherman to act as Hearing Officer in this matter and to issue to him a Proposed Final Decision. Connecticut General Statute (C.G.S.) §4-179. Hearing Officer (“HO”) Exhibit (“Ex.”) 5. On January 22, 2019, the Notice of Hearing was sent via certified mail/return receipt to the City of Meriden (“the Town”) and its representatives and the owner of the animal subject to this appeal, Ronald Berube, for a hearing that was scheduled for and was held and concluded on February 13, 2019. Ex. HO 6. There was no request by the parties to continue the hearing, to call additional witnesses, or for any other reason. Transcript (Tr.) at page 42 and in its entirety.
- 2) At issue is the appeal of a Disposal Order issued by the Town on September 14, 2018 to Ronald Berube (“dog owner”) concerning the dog named Cyprus. The Disposal Order was issued as a result of an August 31, 2018 dog bite incident in which Cyprus attacked Taliya Collins. Cyprus is described as a Pit Bull mix breed, male, brindle in color and approximately 8.5 years of age at the time of issuance of the disposal order. Tr. at page 11. Town (“T”) Exs. T 1 and T 4.

- 3) The Town offered the testimony of Meriden Animal Control Officers Sarah Bacon (ACO Bacon) and Bryan Kline (ACO Kline) and Exs. T 1 through and including T 7. The Town was represented by Meriden City Attorney Deborah Moore.
- 4) The dog owner was properly noticed but neither he or counsel were present. The Department was unsuccessful, even though numerous attempts were made, in contacting the dog owner since the filing of his appeal. Tr. at pages 2 and 7. Exs. HO 4 and HO 6.
- 5) The Town presented evidence of two separate dog bite attack incidents, one occurring on January 8, 2013 and another on August 31, 2018, in which suddenly and without prior warning in both incidents, Cyprus attacked and inflicted significant bite wound injuries to the facial areas of his victims:
 - a) On January 8, 2013, Cyprus bit Scott Biron, an adult male (D.O.B. 10/02/1964), in the face while inside the residence located at 124 Hicks St., 2nd Floor, Meriden, CT. On January 22, 2013, the Town issued a Restraint Order on Cyprus in response to the bite incident. Tr. at pages 16; and 30 - 38 inclusive. Exs. T 5, T 6 and T 7.
 - b) On August 31, 2018, Cyprus bit Taliha Collins, a minor female (D.O.B. 05/10/2010), in the face while in the vicinity of her residence at 117 Hicks St., Meriden, CT. On September 14, 2018, the Town issued a Disposal Order on Cyprus in response to the bite incident, the appeal of which is the subject of this administrative proceeding. Tr. in its entirety. Exs. T 1, T 2, T 3, and T 4.
- 6) ACO Bacon, who conducted the investigation into the August 31, 2018, dog bite incident and issued the Disposal Order on Cyprus, has been employed (as an animal control officer) by the City of Meriden for nearly 5 years. Tr. at page 10.
- 7) On August 31, 2018, Taliha Collins and her cousin Daniel Robichaud, Jr., also a minor (D.O.B. 05/19/2009), were outside of their house at 117 Hicks St., Meriden, CT¹, when they saw a man across the street, later identified as Nicholas Sabo, walking a dog. Collins and Robichaud went across the street to talk to Sabo. While Robichaud was talking to Sabo, Collins was on her bike facing Sabo and in front of the dog. She told ACO Bacon that, when she bent down to pet the dog (Cyprus), he

¹ On August 31, 2018, Taliha Collins resided at 117 Hicks St., 1st Floor and Daniel Robichaud, Jr. resided at 117 Hicks St., 2nd Floor

jumped up bit her in the face. Robichaud told ACO Bacon that he had turned to ride his bike up the street to show Sabo a trick he could do on his bicycle. As he was facing away, he heard Collins scream, turned around and then saw her running into the house. He saw Sabo turn around and walk the other way with the dog.² Exs. T 1 and T 2. Christine Cellano, Taliha Collins' mother, told ACO Bacon that, after being bitten, her daughter came to find her in the house. Cellano put a towel on her daughter's face to stop the bleeding, called 911 and then saw Sabo going back to 124 Hicks St. with the dog. Ex. T 2

8) ACO Bacon testified that on August 31, 2018, she was dispatched to 117 Hicks St. in response to the dog bite incident involving a child cited in # 7) above. When she arrived on the scene, an ambulance and fire truck were in front of the home. Across the street, Meriden Police Officer Adam Kery was speaking with a man who identified himself as Nicholas Sabo. Sabo stated to ACO Bacon that he was walking the dog that he identified as "Cyprus" for a friend, Ronald Berube, when the dog bit a child. Sabo also stated that he was taking care of Cyprus while Berube was out of state and that Cyprus was being kept at 124 Hicks St., 2nd floor, Meriden, CT. Sabo did not know if Cyprus was current on his rabies vaccination and he did not have contact information for Berube.

Tr. at pages 13-16 inclusive. Exs. T 1 and T 2.

9) ACO Bacon observed Taliha Collins, a minor child (D.O.B. 05/10/10) and the victim of the dog bite attack, on a stretcher in the ambulance where she was being treated and that she had blood on her chin. An EMT told ACO Bacon that Taliha Collins suffered bite wounds that included multiple cuts inside her mouth, at least two puncture wounds on her chin and two lacerations under her chin where fatty tissue was coming out. She was transported to Hartford Hospital for further treatment. On September 4, 2018, Christine Cellano told ACO Bacon that her daughter received stitches for her wounds. Tr. at page 14. Exs. T 2 and T 3³.

² ACO Bacon requested and was granted permission from Collins' and Robichaud's mothers to question them about the circumstances of the August 31, 2018 dog bite attack.

³ ACO Bacon testified that Ex. T 3, the photograph depicting the dog bite wounds to Collins' face, was emailed to her by Collins' aunt, Ashley Cellano, a few days after the date of the incident. Tr. at pages 16 – 17.

- 10) While ACO Bacon remained on the scene, a man identified as Steven Biron of 124 Hicks St., Meriden, CT, arrived and called Craig Biron, his uncle, who he knew to be in Rhode Island with Berube. Craig Biron put Berube on his phone to speak with ACO Bacon. Berube could not provide proof of rabies vaccination for Cyprus. ACO Bacon explained the quarantine procedure to him. Sabo removed Cyprus from the house and ACO Bacon transported the dog to the Meriden Animal Control facility for quarantine. Tr. at pages 14 – 16. Ex. T 2.
- 11) ACO Bacon testified that, on the next day (September 1, 2018), she was informed that Cyprus had a previous documented bite history with the town. On January 7, 2013, Cyprus, suddenly and without warning, attacked Scott Biron while in his residence at 124 Hicks St. biting him in the face and causing a broken nose; lacerations to his nose, cheek and eye; and cuts inside his mouth. As a result of the attack, the town issued a Restraint Order to Ronald Berube on his dog Cyprus which he signed when presented to him. The Town presented evidence that Berube failed to comply the provisions of the restraint order and, also, was charged with Failure to Comply with a Quarantine Order, C.G.S. §22-358; Obstruction of the Duties of an Animal Control Officer, C.G.S. §22-365; Dog Nuisance, C.G.S. §22-363; Failure to Provide Proof of Rabies Vaccination, C.G.S. §22-339(b) and Failure to Provide Proof of a License repeatedly failed to comply with state dog licensing and rabies vaccination laws. Tr. at pages 18 - 25 and 30 – 38. Exs. T 5, T 6, and T 7.
- 12) On September 14, 2018, ACO Bacon issued a Disposal Order to Ronald Berube on his dog Cyprus. TR. at page 17-18. Ex. T 4. ACO Bacon testified that Berube's failure to comply with the provisions of the previously issued Restraint Order factored into her decision to issue the Disposal Order, especially with respect to the provision of the Restraint Order prohibiting Cyprus from ever returning to 124 Hicks St. while alive. Tr. at page 16. She added that other considerations influencing her decision to issue the Disposal Order on Cyprus were (1) the dog's propensity to bite having a documented history of two facial bite attacks; (2) Berube's failure to show any indications of being responsible dog owner; and (3) Berube's consistent failure over time to demonstrate any willingness and ability to prevent Cyprus from biting again making the dog a significant danger to the public. Tr. at pages 26 – 27. She stated that she did not think the August 31, 2018 attack on Taliha Collins was provoked. Tr. at page 29.

LEGAL CONCLUSION

Connecticut General Statute §22-358(c) provides that “the commissioner, the Chief Animal Control Officer, any municipal animal control officer . . . may make any order concerning the restraint or disposal of any biting dog 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 careful consideration of the entire record, including the hearing testimony and exhibits, and, after much reflection, I find that there is a preponderance of the evidence in the record to recommend affirming the Disposal Order on the dog Cyprus.

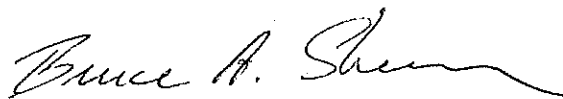
The record establishes that Cyprus has a propensity to bite and inflict serious injuries to his victims. Moreover, the record indicates that his bite attacks were sudden and not preceded by his showing of any warning of an imminent attack that would serve as an alert to his victims. His propensity to bite the face of his victims adds to the severity of the character of his attacks and to the public safety risk he presents. This is especially so considering that a child was one of the victims who could potentially suffer long lasting scars, both physical and emotional, as a result of the Cyprus attack.

The record does not establish sufficient extenuating circumstances associated with either of the two bite attack incidents documented by the town that would rise to a level that could be considered provocation.

The record clearly establishes that Ronald Berube is not a responsible dog owner and that he has not and will not take the measures necessary to control Cyprus in a manner that will adequately prevent future bite attacks. Therefore, Cyprus will continue to be a serious and intolerable danger to the public.

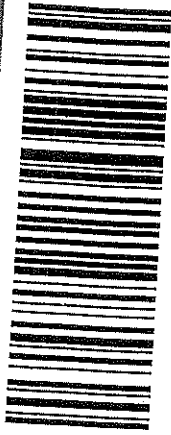
Given the totality of the evidence, I find that there is a preponderance of the evidence in the record to affirm the Town's disposal order and therefore provide this recommendation to the Final Decision maker.

Dated: August 26, 2019



Bruce A. Sherman, DVM, MPH
Hearing Officer

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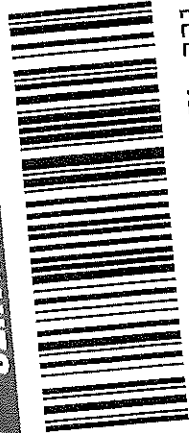
City, State, _____

Sarah Bacon
 Meriden Animal Control
 50 West Main Street
 Meriden, CT 06451

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