

STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF : *APPEAL OF*
"SISSY" : *RESTRAINT ORDER*
DOG OWNED BY DORIE ANN GREGORY : *AUGUST 16, 2018*

PROPOSED FINAL DECISION

I

SUMMARY

On October 24, 2017, Bristol Municipal Animal Control Officer (ACO), Brian Skinner, acting under the provisions of Connecticut General Statutes (C.G.S.) §22-358(h), issued a Restraint Order to Dorie Ann Gregory, owner of the dog named Sissy. Dorie Ann Gregory timely requested a hearing before the Commissioner of Agriculture pursuant to C.G.S. §22-358.

A formal administrative hearing was opened on July 26, 2018 with Stephen Anderson serving as Hearing Officer pursuant to designation by Steven K. Reviczky, the Commissioner of Agriculture.

At said hearing, Richard Lacey, Assistant Corporation Counsel for the City of Bristol presented testimony, exhibits and arguments. The Respondent and dog owner, Dorie Ann Gregory, 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 Sissy, owned by Dorie Ann Gregory.

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 Bristol on the dog named Sissy, owned by Dorie Ann Gregory. 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 July 26, 2018.
3. At the hearing on July 26, 2018, the City of Bristol presented testimony and exhibits described herein as City-1 through City-5, inclusive and they were admitted into the record (See Transcript [Tr.] beginning at page 9).
4. At the hearing on July 26, 2018, the dog owner did not present any evidence to be placed into the record.
5. The record shows that Sissy, described as an 8 year old female Boxer breed (Ex. City 1-5) was involved in at least three (3) bite incidents in which another dog was attacked and bitten, at least one of which took place off the property of the dog owner, between October 3, 2015 and October 21, 2017.
6. After the third incident, which took place on October 21, 2017, the City of Bristol Animal Control Officer (ACO) Brian Skinner issued an Animal Restraint Order, dated October 24, 2017.

7. The Restraint Order issued on October 24, 2017 requires that (1) when not on the property of the dog owner, Sissy must be on a secure leash not more than 6 feet in length and under the control of a responsible individual not less than 18 years of age, and (2) that Sissy shall be muzzled securely, and (3) when on the property of the dog owner, the dog owner is allowed under the Restraint Order to confine Sissy to a 6 ft. x 10 ft. x 10 ft., escape proof, self-closing gate structure made of 11.5 gauge anchor fence.
8. The dog owner, in appealing the Restraint Order, asked that the order be modified to allow for a runner to be used while Sissy was on the property of the dog owner.

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 City of Bristol Animal Control Officer, Brian Skinner, issued a Restraint Order to Dorie Ann Gregory, owner of the dog named Sissy.

Although the dog owner believes the existing Restraint Order is excessive, ACO Skinner provided credible testimony against modifying the order to allow for a run to be used, due to the danger to public health and safety should Sissy break free of the run or should the run itself break

free from wherever it is to be fastened, and the need for consistent application of the requirements of Restraint Orders. It should also be noted that the dog owner clearly acknowledged on the record the need for consistency cited above.

Given that Sissy has attacked and bitten on at least three occasions since November 2015, it is the opinion of the Hearing Officer that there is a clear public safety issue. 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 based on the attack and bite incidents documented in City-1 through City-3, at least one of which took place off the dog owner's property.

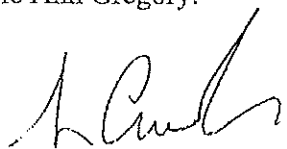
Therefore, it is the opinion of the Hearing Officer that the evidence in the record leads to a reasonable conclusion that Sissy may either attack another dog or bite a human who is under the assumption that she is approachable, and that the Restraint Order is necessary for public safety.

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 Bristol on the dog named Sissy, owned by Dorie Ann Gregory.

Dated: August 16, 2018



Stephen Anderson
Hearing Officer