



STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE

Office of the Commissioner

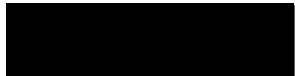


Steven K. Reviczky  
Commissioner

860-713-2501  
www.CTGrown.gov

December 28, 2018

Scott Winer



Mailed USPS/certified mail/return receipt



Dear Mr. Winer:

I am the final decision maker in the matter of the appeal of a Restraint Order for the dog named "Roscoe" owned by Scott Winer. The Restraint Order was issued by the City of East Haven and its animal control officer on September 12, 2017.

A Proposed Final Decision of the Hearing Officer, Wayne Kasacek, was served upon the parties on or about November 16, 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.

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 modify the restraint order, using the language both parties have agreed to, repeated verbatim below. I hereby adopt the Proposed Final Decision of the hearing officer in its entirety as the Final Decision in this matter.

"The parties agree the restraint order shall remain in full force and effect, except that the terms of muzzling shall be modified as follows:

1. Until 4/1/2019, Roscoe shall be muzzled consistent with the terms of the restraint order as originally issued;
2. As of 4/2/2019 Roscoe shall be muzzled when he exits the house to leave the property, from the time he exits the front of the house (prior to crossing the threshold) until he is out of sight of the house or 250 feet away, whichever is further. Roscoe shall be re-muzzled when returning to property, from the time he is within sight of the property or 250 feet away, whichever is further, until he crosses the interior threshold and the door is closed behind him.
3. These terms shall not be construed to require Roscoe to be muzzled when on the property (i.e. short walks within the boundary of the property or being outside to relieve himself), but only to require muzzling when leaving or returning to the property."

Steven K. Reviczky  
Commissioner

SKR:dbw

Enclosed: Service List  
Proposed Final Decision

STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:

APPEAL FROM RESTRAINT ORDER  
ISSUED BY TOWN OF EAST HAVEN

"ROSCOE"

Owned by SCOTT WINER

PROPOSED DECISION

FINDINGS OF FACT

1. The Connecticut Department of Agriculture ("the Department") received an appeal from Scott Winer ("Mr. Winer" or "the dog owner") from a restraint order issued on his dog "ROSCOE". See Exhibit HO-1.
2. That in response to the request for a hearing and the question as to whether the appeal was filed in a timely manner the Commissioner requested both parties provide briefs and argument. Subsequently the Commissioner ruled on the request for a hearing. HO-2, HO-3, HO-4, HO-5, HO-6, HO-7 and HO-8
3. That Commissioner of Agriculture, Steven K. Reviczky, designated Wayne Kasacek as the Hearing Officer (HO) in this matter and to render a proposed decision. HO-9
4. That all parties were noticed of this scheduled hearing date. HO-10
5. On September 25, 2018 a hearing was held and concluded. ("TR")
6. That after the opening statement by Attorney Joseph Zullo, representing the Town of East Haven, Mr. Winer agreed that the Town of East Haven acted in good faith in issuing a restraint order on his dog ROSCOE September 12, 2017. Mr. Winer stated that he was requesting a partial modification of the restraint order. TR-7
7. That this hearing officer recessed the hearing to provide both parties with an opportunity to reach a mutual agreement. TR-9
8. That both parties reached an agreement, which was placed in the record. TR-9 through 12 and per the attached email correspondence.

9. That by email correspondence dated September 26, 2018 and October 22, 2018 Scott Winer, the dog owner and Attorney Joseph Zullo representing the Town of East Haven concurred in writing the modifications to the restraint order. See email printout

RECOMMENDATION:

As both parties have come to a mutually acceptable agreement I propose that the modification to the restraint order language they have agreed to be accepted as the final decision. Repeated below verbatim.

"The parties agree the restraint order shall remain in full force and effect, except that the terms of muzzling shall be modified as follows:

1. Until 4/1/2019. Roscoe shall be muzzled consistent with the terms of the restraint order as originally issued;
2. As of 4/2/2019 Roscoe shall be muzzled when he exits the house to leave the property, from the time he exits the front of the house (prior to crossing the threshold) until he is out of sight of the house or 250 feet away, whichever is further. Roscoe shall be re-muzzled when returning to property, from the time he is within sight of the property or 250 feet away, whichever is further, until he crosses the interior threshold and the door is closed behind him.
3. These terms shall not be construed to require Roscoe to be muzzled when on the property (i.e. Short walks within the boundary of the property or being outside to relieve himself), but only to require muzzling when leaving or returning to the property."

Respectfully submitted,



Wayne Kasacek  
Hearing Officer

16 Nov 2018  
Date