



CONNECTICUT DEPARTMENT OF AGRICULTURE
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February 28, 2022

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IN THE MATTER OF:
APPEAL FROM RESTRAINT ORDER ISSUED BY THE TOWN OF STAFFORD SPRINGS FOR
THE DOG VELCRO

Final Decision

I am the final decision maker in the matter of the appeal of a Restraint Order for the dog named Velcro owned by Teiju Lahti. The Restraint Order was issued by the Town of Stafford and its animal control officer on October 1, 2020.

A Proposed Final Decision of the Hearing Officer was served upon the parties on or about February 3, 2022. The notice afforded each party the opportunity to present exceptions or briefs and requests for oral arguments to the final decision maker. Oral Argument was not requested.

I have read the entire record in this matter. Upon due consideration of the entire record, I find there is not substantial 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. The Restraint Order is revoked.

Bryan P. Hurlburt
Commissioner

Enclosed: Proposed Final Decision



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**IN THE MATTER OF: APPEAL FROM RESTRAINT ORDER
ISSUED BY THE TOWN OF STAFFORD SPRINGS
FOR THE DOG VELCRO**

PROPOSED FINAL DECISION

I. SUMMARY

On October 1, 2020, the Town of Stafford Springs Animal Control Officer (ACO) Tammy Thompson, acting under the provisions of Connecticut General Statutes (C.G.S.) §22-358(c), issued a Restraint Order to Teiju Lahti, owner of the dog named Velcro. Ms. Lahti timely requested a hearing before the Commissioner of Agriculture pursuant to C.G.S. § 22-358.

An evidentiary administrative hearing was held on November 23, 2021, and December 16, 2021, with Cody N. Guarnieri, Esq. serving as Hearing Officer pursuant to designation by Bryan P. Hurlburt, the Commissioner of Agriculture.

At the hearing, Attorney Edward Muska represented the Town of Stafford Springs and presented testimony, exhibits and arguments for the Town. The respondent and dog owner, Teiju Lahti, represented herself, was present at the hearing and presented testimony, exhibits and argument.



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II. FINDINGS OF FACT

1. Commissioner Bryan P. Hurlburt appointed Cody N. Guarnieri to act as Hearing Officer and to issue a proposed decision in the matter of the appeal of a Restraint Order issued by the Town of Stafford Springs on the dog named Velcro, owned by Teiju Lahti (dog owner). Hearing Officer ("HO") Exhibit ("Ex.") HO-3.
2. The Department of Agriculture gave proper notice of the hearing to both parties pursuant to Connecticut General Statutes (C.G.S.) § 22-358(c). An administrative hearing was held on November 23, 2021, continued to and concluded on December 16, 2021. (Ex. HO-7, HO-10, HO-11, HO-12).
3. The dog Velcro, described as a black and white Pitbull, is owned by Teiju Lahti (11/23/2021 Transcript Page (Tr.-Pg.) 79).
4. Ms. Lahti resides on a 22.5-acre lot that is mostly wooded with hiking trails and a 50-foot easement along its southern boundary, located in the town of Stafford Springs. (12/16/2021 Transcript Volume 2, Page (Tr.v2-Pg.) 42-43, T-35).
5. Former ACO Gary Wilson testified that he was contacted regarding a roaming and nuisance incident on April 29, 2012. (Tr.-Pg. 106).
6. In investigating that complaint, ACO Wilson learned that Ms. Lahti's dogs had confronted two woman who were walking up and down Colburn Road. (Tr.-Pg. 106).
7. ACO Wilson testified being familiar with Ms. Lahti from numerous roaming issues involving her dogs before this complaint. (Tr.-Pg. 107, Town Exhibit ("T") 27 through T-34).
8. ACO Wilson testified that following his investigation of this complaint he concluded that Ms. Lahti's dog had bit an elderly woman on the ankle. (Tr. 108-110, 118, T-23, T-25).
9. ACO Wilson issued a restraint order on behalf of the Town of Stafford Springs on May 3, 2012, that required, among other things, that Ms. Lahti's dog to be leashed at all times. (Tr.-Pg. 111-112, T-24).
10. ACO Wilson explained the terms of the 2012 restraint order to Ms. Lahti and that she must comply with the conditions described in it for the life of the dog. He believed that Ms. Lahti understood the order. (Tr.-Pg. 112, 127).
11. ACO Stephen Clark testified that he was contacted regarding a dog bite incident on January 5, 2020, at Ms. Lahti's residence and that he investigated the same. (Tr.-Pg. 35).



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12. ACO Clark learned that two juveniles were riding dirt bikes on Ms. Lahti's property. Ms. Lahti waved them over to her. When they approached her and stopped, the dog Velcro, which was off-leash at the time, bit one of the juveniles on the thigh. (Tr.-Pg. 36-37; T-17, T-18).
13. Ms. Lahti acknowledges that Velcro was off-leash on January 5, 2020 on Ms. Lahti's property when it bit the juvenile on the thigh. (Tr.-Pg. 35-37; T-17, T-18; Tr.v2-Pg. 25, 48-49).
14. Mr. Alexander Suprin, a neighbor of Ms. Lahti's testified that he was cutting down small brush with a machete on an easement in his favor on Ms. Lahti's property on September 9, 2020. (Tr.-Pg. 44-45, T-16, T-3).
15. A black Pitbull ran over to Mr. Suprin, barked at him, and ultimately bit his pants while he was attempting to fend it off with the blunt side of the machete. (Tr.-Pg. 45, T-3, T-16, T-4, T-8 through T-14). The dog was described as darting towards Mr. Suprin's legs and trying to bite him. (Tr.-Pg. 46-47, and 55; T-16).
16. Ms. Lahti was present at the time and the dog ran away from her to approach Mr. Suprin. (Tr.-Pg. 46). The dog was again off-leash. (Tr.-Pg. 80, Tr.v2-Pg. 50-51). When Ms. Lahti called for the dog, it did not immediately return to Ms. Lahti. (Tr.-Pg. 66).
17. Mr. Suprin reported and testified that he has a young child and that his fear of Ms. Lahti's dog impacted his use of his property. (Tr.-Pg. 63-64, 83, T-16).
18. Assistant Animal Control Officer (AACO) Jennifer Miller was contacted on September 9, 2020 regarding a dog bite on Colburn Road and investigated the same. (Tr.-Pg. 77-78).
19. Ms. Lahti acknowledged to AACO Miller that her dog was off-leash and that she was not sure whether her dog bit Mr. Suprin, as she did not see it happen. (Tr.-Pg. 80).
20. Ms. Lahti testified that she did not believe that Mr. Suprin was bit by her dog and that he was motivated to falsely claim so by a knowledge of insurance claims related to dog bites and anger for being asked to leave her property. (Tr.v2-Pg. 27, 33-34, DO-34 and 35).
21. Ms. Lahti also testified that Mr. Suprin chased after her while carrying his machete and cursed at her, which caused her great fear. (Tr.v2-Pg. 27-29).
22. Ms. Lahti acknowledged to AACO Miller that she was aware of a prior restraint order issued by the town of Stafford Springs in 2012 that required, among other things, that her dog to be leashed at all times and that she knew she was in violation of that order. (Tr.-Pg. 82, 90-91, T-24).



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23. AACO Miller testified that her research into the dog Velcro indicated three prior bite incidents, as well as seven prior roaming complaints associated with the dog dating back to 2012. (Tr.-Pg. 84).
24. Following its investigation, the Town Stafford Springs concluded that a restraint order should be issued to keep the dog and others safe in the future, particularly in light of the dog's previous bite history. (Tr. Pg. 88, 103, T-2).
25. The 2020 restraint order at issue here includes additional conditions, including who the dog is permitted to be in contact with, muzzling, leash lengths and tethering. (Tr.-Pg. 88-89, T-2).
26. AACO Miller testified that the dog was well behaved when she was there investigating. (Tr.-Pg. 100). ACO Wilson also indicated that he had a good relationship and no issues with the dog. (Tr.-Pg. 125).
27. Dr. Ashley Diaz testified that she has been the dog's veterinarian since 2019 and has found the dog to be very good and happy dog. (Tr.-Pg. 31, Dog Owner Exhibit ("DO") 36).
28. Tania Ruland testified that in her experience the dog had not been threatening or aggressive. (Tr.-Pg. 131-132, DO-28).
29. Laura Nimtz testified that she has interacted with the dog many times and found him to very nice (Tr.-Pg.134, DO-23).
30. Ashley Murdock testified that she is a neighbor of Ms. Lahti's and knows the dog to be friendly and kind. She testified that she never felt threatened by the dog or saw the dog acting aggressively, except when acting defensively against other dogs. (Tr.-Pg.138, DO-21).
31. Kelly Pinney testified that she was familiar with the dog and trusted Ms. Lahti to watch her young son in Ms. Lahti's home where the dog was present. (Tr.-Pg. 145).
32. Ms. Lahti testified that Velcro is a good and obedient dog, as well as offered a number of exhibits of statements from other individuals who are familiar with the dog and have not known it to be aggressive but, instead, have found it to be well-mannered and friendly. (Tr.v2-Pg. 8, 12-13, 27, DO-20 through DO-30).
33. Ms. Lahti testified that she is a responsible dog owner who knows how to take care of her dogs. (Tr.v2-Pg. 9)
34. Ms. Lahti also testified and presented evidence that she had installed a five-foot fence around a portion of her property in 2019 that cost her \$9,500 for her dogs' use. (Tr.v2-Pg.



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- 30, DO-38). She also offered evidence of having purchased a collar, cable and padlocks in 2012, reportedly to comply with the restraint order imposed by ACO Wilson. (Tr.v2-Pg. 41, DO-44).
35. Ms. Lahti presented evidence relating her former relationship with a Mr. Frederick Pinney, who was described as having acted belligerently towards Ms. Lahti. (Tr.-Pg. 145).
36. Ms. Lahti testified that she is the victim of domestic abuse and submitted various police documents and news reports relating to Mr. Pinney. (Tr.v2-Pg. 11, 17, DO-1 through DO-3, DO-32 and 33).
37. Ms. Lahti testified that she is fearful of Mr. Pinney, who lives in the same town as Ms. Lahti, including some of Mr. Pinney's family living on the same street at Ms. Lahti. (Tr.v2-Pg. 11, 15-16, Do-36 through DO-39, DO-41, DO-42, DO-50).
38. Ms. Lahti testified that her fear of Mr. Pinney and wild animals in the woods behind her house are the bases for her concern regarding the muzzle requirement of the restraint order imposed on the dog. (Tr.v2-Pg. 15).
39. During the 2020 incident with Mr. Suprin, the Town presented evidence that Velcro bit Mr. Suprin's pants and left a bite mark on the pants, but that there were no holes in Mr. Suprin's pants. Tr. at p. 55. The Town's photos provided in Exhibits 12 and 13 did not depict that Velcro bit or punctured or bruised Mr. Suprin. Testimony and argument in the record reflects that Velcro did not bite or puncture or bruise Mr. Suprin. Tr. at p. 17-18, 45-47.

III. APPLICABLE LAW AND DISCUSSION

Connecticut General Statute § 22-358(c) provides, in pertinent part, that "... any municipal animal control officer . . . may make any order concerning the restraint or disposal of any biting dog . . . as . . . such officer deems necessary."

This statute further provides "Any person aggrieved by an order of any municipal animal control officer... may request a hearing before the commissioner... After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper."

Acting under the authority of C.G.S. § 22-358(c), the Town of Stafford Springs ACO Tammy Thompson issued a Restraint Order to Teiju Lathi owner of the dog named Velcro. This order, exhibit T-2, specifically and only references the bite incident of 9/9/2020 which occurred at 60 Colburn Road in the Town of Stafford as the reason for issuance of this particular Restraint Order. However, the Town failed to present any evidence that Mr. Suprin was, in fact, bit by the dog Velcro on that day. The only evidence of a bite on 9/9/2020 was that Velcro left a bite mark on Mr. Suprin's pant leg, but there was no evidence presented that the dog otherwise caused Mr.



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Suprin any bite-related harm or injury of any kind. While Velcro's bite history before 9/9/2020 is certainly relevant, and indicates that Ms. Lathi is not in compliance with the conditions of the existing 2012 Restraint Order, the Order now before the Department states that it was issued because of the incident on 9/9/2020.

It is certainly troubling that Ms. Lahti acknowledged on the record that she was subject to a prior 2012 Restraint Order that is still presumably in effect on Velcro, but nevertheless, despite her awareness of the 2012 Restraint Order and its conditions, the evidence in the record reflects that Ms. Lahti has continuously failed to comply with its terms, for example, by allowing Velcro to be off-leash and not under control on 9/9/2020. As an aside, Conn. Gen. Stat. § 22-358 provides other statutory avenues of recourse to a municipality to address ongoing concerns regarding non-compliance with an existing Restraint Order, and a municipality may decide to pursue other public safety statutes related to dogs, including, for instance, roaming, or nuisance. However, in the absence of a preponderance of evidence in the record that Velcro bit Mr. Suprin on September 9, 2020, the Town has not presented the statutory elements for issuance of an Order that by its terms, was issued for the incident that took place on September 9, 2020.

Upon careful consideration of the testimony and all the evidence presented in this case, this Hearing Officer finds there is not a preponderance of evidence in the record to affirm the Restraint Order.

IV. PROPOSED FINAL DECISION

Upon much reflection and after consideration of the entire record in this case, I recommend that the final decision maker in this matter *revoke* the Restraint Order issued by the Town of Stafford Springs on the dog named Velcro, owned by Ms. Teiju Lathi.

February 2, 2022


Cody Guarnieri, Hearing Officer