



CONNECTICUT DEPARTMENT OF AGRICULTURE

450 Columbus Blvd, Suite 701 | Hartford, Connecticut 06103 | 860.713.2500
Office of the Commissioner
An Equal Opportunity Employer



Via email and certified mail
January 30, 2023

Raymond Gagnon
612 Albany Tpk.
Canton, CT 06019
rgagnon454@aol.com

Canton Police Department
ACO Katherine Meskun
45 River Road
Canton, CT 06019
KMeskun@TownofCantonCT.org

Staci Murphy
c/o Attorney Cassandra Dulepski
Polinsky Law Group
890 West Blvd.
Hartford, CT 06105
cld@polinsky-law.com

IN THE MATTER OF: APPEAL OF RESTRAINT ORDER ISSUED BY TOWN OF CANTON
FOR THE DOG NAMED KING OWNED BY RAYMOND GAGNON

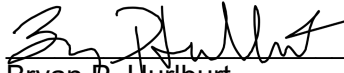
Dear Parties:

I am the final decision maker in the matter of the appeal of a Restraint Order for the dog named King owned by Raymond Gagnon. The Restraint Order was issued by the Town of Canton and its animal control officer on May 24, 2022.

A Proposed Final Decision of the Hearing Officer was served upon the parties on or about January 6, 2022, 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. No exceptions, briefs or requests for oral arguments were received.

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 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 hereby affirmed.


Bryan P. Hurlburt
Commissioner

BPH:dbw

Enclosed: Proposed final decision



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Affirmative Action/Equal Employment Opportunity Employer

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**IN THE MATTER OF: APPEAL OF RESTRAINT ORDER ISSUED BY TOWN OF CANTON FOR THE DOG
NAMED KING OWNED BY RAYMOND GAGNON**

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

Any exception or brief, which you may wish the final decision maker to consider before rendering a Final Decision must be submitted, in writing, and be received within fifteen (15) days of your receipt of this Proposed Final Decision.

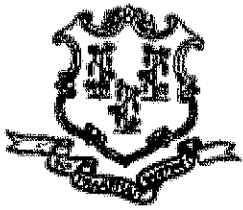
Any request for the scheduling of oral argument must also be submitted to, in writing, and be received within fifteen (15) days of your receipt of this Proposed Final Decision.

Sincerely,

Bryan P. Hurlburt,
Commissioner

BPH:dbw

Enclosures: Proposed Final Decision



Bryan P. Hurlburt
Commissioner

**STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner**



Via email only

January 6, 2023

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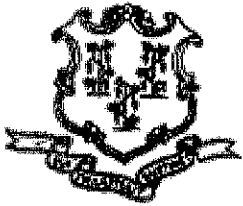
IN THE MATTER OF:

**APPEAL OF RESTRAINT ORDER ISSUED BY TOWN OF CANTON
FOR THE DOG NAMED KING
OWNED BY RAYMOND GAGNON**

PROPOSED FINAL DECISION

I, Edward C. Taiman, Jr., the designated Hearing Officer in the Appeal of a Restraint Order issued by the Town of Canton Animal Control Officer ("the Town"), in the matter of a dog named "King" owned by Raymond Gagnon (referred to as "owner"), hereby issue the Proposed Final Decision in this matter. I have thoroughly reviewed the entire record, all the admitted exhibits, and all other related submissions of the parties. The Proposed Final Decision recommends affirming the Restraint Order as follows:

FINDINGS OF FACT:

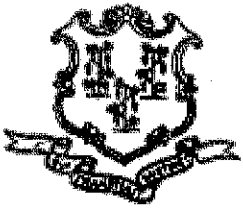


Bryan P. Hurlburt
Commissioner

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1. On June 6, 2022, Commissioner Bryan P. Hurlburt appointed me as Hearing Officer in this matter to issue to him a Proposed Final Decision. Connecticut General Statute § 4 – 179. Exhibit Hearing Officer (“HO”) 2.
2. On June 3, 2022, Raymond Gagnon, owner of a dog named King, filed his appeal (HO Exhibit 1) with the Connecticut Department of Agriculture, to appeal a May 24, 2022, Restraint Order issued by a Canton Animal Control Officer for a dog named King. Exhibit Town (“T”) 6.
3. Staci Murphy, acting by and through her legal counsel, claimed to have been attacked and bitten by the dog King, and requested to intervene in the appeal. On August 23, 2022, Staci Murphy was granted intervenor status by the Department. Exhibit HO 5.
4. On September 23, 2022, a Notice of Hearing was sent by email to the Town’s animal control officer (“ACO”), Mr. Gagnon and Staci Murphy’s attorney, Cassandra Dulepski, for a hearing that was scheduled for November 22, 2022. Exhibit HO 12.
5. The hearing was conducted on November 22, 2022, after the Town, Staci Murphy and Mr. Gagnon each called their respective witnesses, submitted all their exhibits, and stated that they did not have any other evidence for the record.
6. The hearing was conducted in accordance with the Uniform Administrative Procedures Act, and the Department’s Rules of Practice pertaining to contested cases, which regulations were provided to the parties. Exhibit HO 12.
7. At issue is Restraint Order issued by the Town on May 24, 2022, to Owner Raymond Gagnon concerning his dog named King. Exhibit T 3.
8. The dog, King, is owned by the appellant, Raymond Gagnon of Canton, CT. Staci Murphy, the intervenor and dog bite victim, resides at the Whispering Woods Condominiums located in Canton, CT, as does Raymond Gagnon’s ex-wife, Michelle Gagnon. Ms. Gagnon occasionally cares for King who is an 8-year-old boxer. Exhibit Intervenor (“I”) 2, Transcript at pg. 129.
9. On May 15, 2022, Staci Murphy and her boyfriend, Tyler Silva, had just arrived back from an evening out and were walking towards her condominium which is two doors down from that of



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Michelle Gagnon's. Transcript at pgs. 21-22. At the time, Ms. Gagnon was outside with her 2 dogs, one of which is King who she occasionally shared custody of with her ex-husband, Raymond Gagnon. On the date in question both of the dogs were leashed, however, King broke loose from Ms. Gagnon's control and proceeded to attack and bite Ms. Murphy on her arm causing her a deep wound as well as tremendous pain and discomfort. Id. at pgs. 21 – 22, 32. There is nothing in the record to indicate that either Ms. Murphy or Mr. Silva did anything to provoke King. Transcript at pgs. 36, 48. Ms. Murphy was then taken to the hospital where she received two layers of stitches and other medical treatment. Upon release, Ms. Murphy notified the Canton police of the incident. Id. at pg. 26.

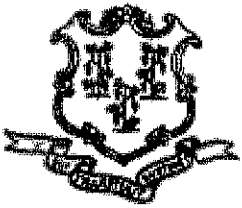
10. On May 16, 2022, the Town of Canton's former animal control officer, Beverly LaPlume, began her investigation. She first spoke to Ms. Murphy to get her side of the story. After unsuccessfully attempting to contact Ms. Gagnon, ACO LaPlume spoke to the dog's owner, Raymond Gagnon, who also resides in Canton. Through her investigation, ACO LaPlume learned that although the dog was vaccinated, it was not licensed with the town. Transcript at pg. 41. She instructed Mr. Gagnon to get King licensed and to place the dog in a 10-day quarantine. Id. at pg. 40. Mr. Gagnon fully complied, however, due to safety reasons the dog was later removed from a local kennel and served the remainder of his quarantine at Mr. Gagnon's Canton property.

11. On May 24, 2022, ACO LaPlume issued a restraint order requiring that King be leashed and wear a basket muzzle whenever the dog is off of Mr. Gagnon's property. Exhibit T 3. As she testified:

At that time, due to all the reports of – all the statements from [a neighbor] and also the severity of Staci's bite, and the fact that Michelle could not control the dog[], I thought it was in the best interest of the town and the residents of the town to issue a restraint order making sure that King had a muzzle on whenever he was off property so this couldn't happen again.

And I did speak to Ray [Gagnon] about this prior to the end of the quarantine, and Ray did mention to me that he was already considering getting a muzzle for the dog....He just said that it was something that he had thought of already.

Transcript at pgs. 44-45.



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12. King's owner, Raymond Gagnon, also testified at the hearing. Although King had never been to obedience training, this was the first time King bit anyone, and previously, King interacted with the public without issue. Transcript at pgs. 120-22. Mr. Gagnon requested that there be an end game with respect to the requirement that King be in a muzzle when off his property. "He has the harness. He has the muzzle. I complied with every request [of the ACO]. I just don't feel he should be in a muzzle for the rest of his life.... [A] modification and an end is what I would request, is what I'm asking...." He also testified that he is well aware of what is at stake:

And I understand the circumstances around this, that this basket muzzle – and believe me, I will ...have him wear a muzzle in certain situations. I will state that and make that a fact, to prevent anybody from ever – he goes to the vet with a muzzle.

And unfortunately, Michelle [Gagnon] does not handle the dog anymore... He is a very strong dog and I just can't ever put her or the dog in the situation again, or more importantly, anybody in this community.... This is a situation that could happen again, and I will not allow her to be put in that situation, or the dog, or anybody else. So I've eliminated that, unfortunately. She wants to see this dog. She comes and visits him...at my house.

Again, he isn't allowed and I won't allow him on [the Whispering Woods Condominiums] property outside of my vehicle.... [T] he only one that handles the dog now is myself....He's not aggressive towards people he's introduced to properly.

Transcript at pgs. 113 –116.

13. Staci Murphy, through her attorney, requested that the restraint order be modified such that the dog King and its owner, Raymond Gagnon, get dog obedience training, as well as "some additional safety measures to protect the public at large." Transcript at pg. 142.

LEGAL DISCUSSION:

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."



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Commissioner

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The evidence before this tribunal is uncontroverted. That is, on the date in question, King, without provocation, attacked and bit Staci Murphy who was seriously injured and brought to the hospital where she was treated for her injury.

Connecticut Gen. Stat. § 22 – 358 grants an animal control officer with broad discretion. The Restraint Order at issue is tailored to prevent another attack by King any time it is off Mr. Gagnon’s property. It is one of the least restrictive forms of restraint that an animal control officer can impose. To his credit, Mr. Gagnon’s testimony has assured this hearing officer that he will never put the dog in a position to harm the public at large. His ex-wife, Michelle Gagnon, no longer cares for the dog at the condominium complex. The dog will wear a basket muzzle whenever it is off his property. There is also nothing in ACO LaPlume’s testimony to suggest that additional, more restrictive measures are necessary. She instructed Mr. Gagnon that he was not to bring King back to the condominium complex. (“I informed him at this point the dog should not be back on the property, the condo property, due to the severity of the bite incident.” Transcript at pg. 40.) She also informed Mr. Gagnon that she was going to issue a restraint order requiring that King wear a muzzle, to which he replied, “I was going to get a muzzle anyway.” Transcript at pg. 51.

RULING RE: RESTRAINT ORDER:

Having carefully reviewed all the evidence in the record, including testimony presented, I find the Town has satisfied its burden that by a preponderance of the evidence the Restraint Order issued by Canton Animal Control Officer Beverly LaPlume should be upheld without further modification.

Dated January 6, 2023

A handwritten signature in blue ink, appearing to read "Edward C. Taiman, Jr.", written over a horizontal line.

Edward C. Taiman, Jr.,
Hearing officer