



Bryan P. Hurlburt
Commissioner

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



Via Email AND Certified Mail, Return Receipt Requested

August 20, 2025

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**RE: FINAL DECISION IN THE MATTER OF APPEAL FROM DISPOSAL ORDER ISSUED
BY THE CITY OF NEW HAVEN FOR THE DOG KAI KEPT BY JESSE JAMES
FITZMAURICE**

FINAL DECISION

I am the Final Decision Maker in the above referenced matter which is a Conn. Gen. Stat. § 22-358 administrative appeal of the September 9, 2024 Disposal Order issued by the City of New Haven, through its Municipal Animal Control Officer, against the dog Kai kept by Jesse James Fitzmaurice (appellant.) I hereby adopt the Proposed Final Decision issued on June 3, 2025, and affirm the Disposal Order. This Final Decision therefore constitutes both this document, dated August 20, 2025, and the attached Proposed Final Decision.

In issuing this Final Decision, I have read the entire record in this matter, including all the transcripts, exhibits and party filings. I find that the record supports that the Disposal Order issued by the City of New Haven municipal animal control officer against Kai was necessary, and necessarily issued in the interest of public health and safety.

A Proposed Final Decision of the Hearing Officer was served upon the parties on or about June 3, 2025. With that Proposed Final Decision, notice was afforded each party the opportunity to present exceptions or briefs and also the ability to request oral arguments before the final decision maker. I was designated Final Decision Maker by the Commissioner of the Connecticut Department of Agriculture, and I oversaw oral argument on July 30, 2025.

The appellant submitted a June 20, 2025, Response of the Appellant Jesse Fitzmaurice to the Proposed Final Decision and also a Request for Oral Argument. Of note in his Response, appellant acknowledged that “the circumstances of his life and his capabilities prevent him from providing the training, oversight and commitment necessary to successfully address Kai’s current issues . . . so that he will not be an unacceptable risk to public safety.” Response at p. 1. As Final Decision maker, I appreciate this candor.

Both parties were represented by counsel at oral argument. At oral argument, counsel for appellant admitted that Kai bit the minor victim, who sustained injuries from the bite(s). Counsel for the appellant admitted that Mr. Fitzmaurice absolutely does not have the capability to manage Kai in a safe fashion to ensure public safety.

I find no evidence in the record that would support the appellant’s argument that Kai was provoked to bite the minor victim here. Appellant’s argument that Kai might have been provoked is just that – I find that it is argument only. Furthermore, attempts to stop Kai from biting and attacking the minor child do not, in my estimation, constitute provocation. It is not a statutory requirement that the municipality must prove the absence of provocation, and here, the record simply does not support a finding that Kai was provoked.

I further find that the evidence presented by City of New Haven municipal animal control officer Lopez was credible and I credit his determination that given the nature of the attack at issue and the resulting subsequent bite injuries, that Kai is certainly a risk to public safety.

I also credit the evidence in the record provided by Brittany Tompkins, the mother of the minor victim regarding what occurred, including the extent of the seriousness of her son’s bite attack and that her son was seriously injured from Kai’s bite(s).

I also find that the evidence in the record regarding the injuries sustained as a result of Kai’s attack reveal that the bite attack was serious and dangerous, rising to the level of vicious, and that the minor victim’s injuries were severe.

Connecticut General Statutes, Section 22-358(c) provides, in pertinent part that a municipal animal control officer, here the municipal animal control officer of the City of New Haven, may make any Order concerning the restraint or disposal of any biting dog or other animal as such officer deems necessary.¹ The Commissioner may affirm, modify or revoke such Order as the Commissioner deems proper.

¹ Conn. Gen. Stat. § 22-358 has subsequently been amended with PA 24-108, sec. 28.



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Pursuant to that authority, Municipal Animal Control Officer Luis Lopez necessarily issued a disposal order for the dog Kai for public safety. Based upon the preponderance of record evidence, the Disposal Order is the appropriate and proper remedy. I do not think it is proper and do not support an alternative restraint order for the dog Kai to be in appellant's care, because it is clear that the appellant does not have the ability to keep the public safe. I also do not think it is proper or support the alternative proposed by the appellant that Kai be re-homed with a New York State rescue organization. Again, given the record here that supports the dangerous nature of Kai, I do not believe that such an alternative is proper.²

The Disposal Order is hereby AFFIRMED.

Amy M. Fernand, Esq.
Final Decision Maker
Connecticut Department of Agriculture

August 20, 2025

Enclosed: Proposed Final Decision, which is attached and incorporated as part of the Final Decision.

² It is unclear if Mr. Fitzmaurice, as keeper of the dog Kai, but not necessarily the legal owner of Kai, has the authority to re-home and send Kai out of State to any rescue organization. Nevertheless, even if Mr. Fitzmaurice is the legal owner, again, I do not believe that such an alternative is the proper remedy for public safety here.



Bryan P. Hurlburt
Commissioner

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Via Email only

June 4, 2025

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Re: Appeal of Disposal Order issued by New Haven against the dog Kai owned by Jesse James Fitzmaurice

PROPOSED FINAL DECISION

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

Connecticut General Statute Section 4-179(a) provides that “[w]hen, in an agency proceeding, a majority of the members of the agency who are to render the final decision have **not** heard the matter or read the record, the decision, if adverse to a party, shall not be rendered until a proposed decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members of the agency who are to render the final decision.” You are being apprised that the final decision **will be** decided by a final decision maker who has either heard the matter or who has or will read the entire

record. However, in order to provide the parties with the additional due process outlined in Conn. Gen. Stat. Section 4-179(a), the Department is nevertheless providing both parties with the following opportunities:

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

If you would like to have an oral argument before the Final Decision maker prior to issuance of a Final Decision, the request for 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,

A handwritten signature in black ink, appearing to read "Bryan P. Hurlburt", with a stylized flourish at the end.

Bryan P. Hurlburt,
Commissioner

Enclosures: Proposed Final Decision

**STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE**

IN THE MATTER OF:

**APPEAL FROM DISPOSAL ORDER
ISSUED BY THE CITY OF NEW HAVEN
FOR THE DOG KAI KEPT BY
JESSE JAMES FITZMAURICE**

PROPOSED FINAL DECISION

I, Edward C. Taiman, Jr., the Proposed Final Decision Maker in the Appeal of a Disposal Order issued by the City of New Haven (the “City”), in the Matter of a Dog named Kai, kept by Jesse James Fitzmaurice (“Appellant” or “Mr. Fitzmaurice”), hereby issue my Proposed Final Decision in this matter. This Proposed Final Decision concerns itself with whether the Disposal Order should be affirmed, modified or revoked. For the reasons set forth below, and for the necessity of the safety of the community, I recommend that the Disposal Order be affirmed.

FINDINGS OF FACT

1. On September 22, 2024, Jesse James Fitzmaurice, the caretaker of a dog named Kai, appealed a disposal order (“Disposal Order”) entered by the City of New Haven Animal Control Officer (“ACO”) Luis Lopez. Exhibit HO-1.
2. On September 23, 2024, Commissioner Brian P. Hurlburt appointed me as the Proposed Final Decision Maker in this matter to render a proposed final decision. Exhibit HO-3.
3. At issue is the appeal of the Disposal Order issued by the City’s ACO Lopez on September 9, 2024, to the Appellant and Adam Bunovsky concerning a dog named Kai. Adam Bunovsky did not appeal the Disposal Order or participate in any of the hearings.
4. On March 7, 2025, a Notice of Hearing was sent by email to the City’s attorney, ACO Lopez, and the dog owner’s attorney, Thompson Page, for a hearing on this matter scheduled for March 26, 2025. Exhibit HO-17.
5. Hearings were held on March 26, 2025, and concluded on April 9, 2025, after the City and Appellant, through their legal counsel, testified and/or called all of the respective witnesses, put in all their exhibits, and stated that they did not have any other evidence to be submitted into the record. At the conclusion of the April 9, 2025 hearing, the parties were

given the opportunity to file post hearing briefs. I am in receipt of the briefs filed by both parties and have reviewed the same.

6. The hearings were conducted in accordance with the Uniform Administrative Procedures Act and the Department's Rules of Practice pertaining to contested cases, all of which were provided to the parties. Exhibit HO-17.

7. Although not central to this Decision, there is a dispute concerning the ownership of Kai. The City has submitted extensive documentation, including police reports, which tends to establish that the dog was stolen from Adam Bunovsky by Appellant. However, for purposes of this appeal, Mr. Fitzmaurice is the keeper of the dog Kai and therefore has standing to pursue this appeal.

8. Kai had been brought to the home of Brittany Tompkins by her boyfriend, Appellant Jesse James Fitzmaurice Exhibit T-3, pg 5. She told Appellant that she did not want Kai in her house because it was dangerous and asked him to get rid of the dog. Exhibit T-3, pg. 5. Instead, Appellant tied Kai up in her back yard. Exhibit T-3, pg. 5. Ms. Tompkins notified police that Kai's owner is Adam Bunovsky. Exhibit T-3, pg. 5.

9. At the hearing, ACO Lopez testified he received an initial call from New Haven Officer Salvati concerning a dog bite incident at the home of Brittany Tompkins involving her and her 7-year-old son which took place on June 5, 2024. 3/26/25 Hearing Transcript at pg. 25. At the time, Ms. Tompkins lived with Appellant who kept the dog Kai tied up in the rear of her property or in a garage while at work. Id. 3/26/25 Hearing Transcript at pg. 104. On the date in question, Ms. Tompkins came home from grocery shopping and was putting her groceries away in her house while her son played outside. "Kai broke free from the rear of the property and attacked her son." Id. Ms. Tompkins ran out to protect her son. The Appellant's father, James Fitzmaurice, and a neighbor attempted to pull the dog off both Ms. Tompkins and her son and somehow the dog broke free and reattacked the child at which time his arm was ripped open. The child's "injuries were extensive to the point of requiring stiches." Exhibit T-3, pg. 4. Ms. Tompkins informed ACO Lopez "that this dog should in fact be euthanized." Exhibit T-3 at pg. 5.

10. Photos of the injuries to the child were presented at the hearing. He suffered injuries to his buttocks and arm. See, Exhibits T-6, T-7, T-8, T-9, T-10 & T-11. As a result of

the attack, the child has been traumatized and needs therapy. See generally, 3/26/25 Hearing Transcript at pg. 34.

11. ACO Lopez also testified to a prior incident involving the dog Kai where a woman by the name of Katherine Bennett was attacked while riding her bicycle causing her to fall and suffer a concussion requiring medical attention. 3/26/25 Hearing Transcript at pgs. 34-35, Exhibits T-3, T-4. ACO Lopez interviewed Ms. Bennet who communicated “that if she didn’t have a helmet on she could have died from a bite to the head and did express concern surrounding this dog.” Exhibit T-3 at pg. 8. “Based on Katherine’s account of the incident, it was determined that because Kai bit her in the head area, it is considered extremely dangerous because he attacked ... such a vital area of the body. Id.

12. ACO Lopez testified why he issued the Disposal Order:

Well, I issued it because I believe the dog is a danger to the public. The dog attacked 3 different people and one was an elderly lady. If she didn’t have her helmet on, she would have probably sustained serious injuries to her head.... And the fact that this dog, unprovoked, attacked a 7-year-old kid and pretty much mauled him and, you know, he’s traumatized by this.... So, my belief [is] the dog should not be put back out into the public.

3/26/25 Hearing Transcript at pg. 37.

13. Since the attack at issue, the dog Kai has been housed at a New Haven dog shelter where ACL Lopez has had the opportunity to observe its behavior:

Initially when [Kai] came... he’d give you whale eyes, attack the front of the kennel, hackles would be raised, very stiff. We did do a food test on him and he failed. He attacked the hand that was put into his kennel.

* * *

If they don’t, you know, show well or act right, if they’re not safe for the staff, myself, the public, they’re going to be euthanized, yes.

3/26/25 Hearing Transcript at pg. 38, 47.

14. The Appellant also testified at the March 26, 2025 hearing. He stated he has provided no training for the dog Kai during the 4 – 5 months he owned it prior to the attack on Ms. Tompkins and her son. The dog was kept chained up in his father’s backyard or in a garage while the Appellant went to work. 3/26/25 Hearing Transcript at pg. 104.

15. In his post-trial brief, Appellant argued that it was not necessary to euthanize the dog. However, the Appellant provided no testimony as to how he would keep or restrain the dog

should the Disposal Order be overturned, nor did he provide testimony as to how he would keep the public safe from further attacks by the dog Kai.

16. At the April 9, 2025 hearing, the Appellant offered the testimony of a Debra Sheridan who is a certified dog behavioral consultant and dog bite behavior educator. 4/9/2025 Hearing Transcript at pg. 120. She testified that the attack on the cyclist, Ms. Bennett, “was probably a fearful response.” *Id.* at 126. Concerning the attack on Brittany Tompkins and her son, Ms. Sheridan acknowledged she wasn’t there, and that any reasoning as to why the dog attacked Ms. Tompkins and her son is “all speculation.” *Id.* at 129. When asked by counsel for the City for a determination of whether the dog Kai is dangerous or not, she did not provide a response. *Id.* at pg. 158-59.

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.”

There is no dispute that the attack on Brittany Tompkins and her 7-year-old son was vicious and unprovoked. One can infer from the entirety of the record that the dog broke loose from its chain and attacked the child and then his mother when she came to his aid. The child suffered multiple, serious bite wounds and was traumatized. ACO Lopez’s testimony supports the conclusion that the Disposal Order should be upheld. The dog Kai attacked 3 different people, and Appellant provided no assurance that he would do anything different should the Disposal Order be converted to a restraint order. Appellant had the opportunity to describe the steps he would take to protect the public’s welfare and safety from further attacks by Kai. He offered none and resisted attempts by the City to probe this issue. The Disposal Order is affirmed.

Dated June 4, 2025


Edward C. Taiman, Jr.