

SCITUATE ANIMAL CONTROL BOARD HEARING MINUTES

December 6, 2021 at 3:45pm
The Public Safety Complex
Emergency Operation Center
800 Chief Justice Cushing Highway

In attendance:

Animal Control Board: Jim Boudreau, Kevin Cafferty, Carol Sullivan -Hanley, Susan Grondine
Craig Keefe, Animal Control Officer and Cynthia Amara, Town Counsel
Michele Seghezzi, Recorder
Patrick Kelly, Mary Sancinito Witnesses
Kevin Bowker, Dog Owner
Attorney Jeremy Cohen, Boston Dog Lawyers

Animal Control Board Chair, James Boudreau called the meeting to order at 3:52 PM.

The Board approved the minutes from the July 29, 2021 Meeting.

Motion by Mr. Cafferty, Second by Ms. Sullivan-Hanley (Unanimous 3-0)

Mr. Boudreau explained we are here for a dog hearing and noted the following Exhibits:

Exhibit 1. Notice Letter to Mr. Bowker of December 6, 2021 Hearing
Exhibit 2. Police Report
Exhibit 3. Witness photos of injury
Exhibit 4. Findings from the July 29, 2021 Hearing
Exhibit 5. Proof of insurance (provided by Attorney Cohen)
Exhibit 6. Clear Skies Training materials (provided by Attorney Cohen)

Mr. Boudreau swore in witnesses, Patrick Kelly, 506 Country Way, Scituate, Mary Sancinito, 506 Country Way, and Kevin Bowker, 470 Country Way.

Testimony of Officer Keefe

Officer Keefe was brought forward to testify. He explained that Mr. Bowker's dog, Ranger, was involved in another attack. Mr. Bowker was walking Ranger and walked up Mr. Kelly's driveway to say hello and the dog struck Mr. Kelly aggressively knocking him to the ground. Mr. Kelly came to the Police Department for medical attention and to file a report.

Attorney Jeremy Cohen

Attorney Cohen asked if Officer Keefe spoke with Mr. Bowker. While he indicated he did, it wasn't noted in the police report. Mr. Bowker said he told Office Keefe it was a mistake and Attorney Cohen asked why it wasn't in the report. He then asked how Mr. Bowker is violating the order. Officer Keefe noted that the dog is supposed to be in control of the owner and was not. Attorney Cohen also inquired if the report indicated that Mr. Bowker and Mr. Kelly shook hands. Officer. Keefe stated that Mr. Kelly

did not tell him that they shook hands. Attorney Cohen also asked if the leash was measured. Ms. Sullivan-Hanley asked if the dog was neutered. Mr. Bowker confirmed the dog was neutered twelve (12) days before the incident.

Attorney Cohen asked if Officer Keefe receives training by the Commonwealth in which he replied yes. Attorney Cohen noted that part of the investigation should have provided any communication Officer Keefe had with Mr. Bowker. Attorney Cohen is trying to understand whether a violation of the Order as the dog was leashed and muzzled.

Patrick Kelly Testimony

Patrick Kelly came forward to testify. Mr. Boudreau asked him to explain the incident. Mr. Kelly noted he pulled into his driveway as Mr. Bowker and Ranger were walking down the sidewalk. Mr. Bowker stopped to say hello. The dog jumped and put his paws on him, hitting his face, and knocking him to the driveway. He went to the hospital, received stitches on his face and dislocated his shoulder. He is now going to physical therapy 3 times a week.

Mr. Boudreau asked Mr. Kelly if Mr. Bowker was holding the leash and he replied yes.

Ms. Sullivan- Hanley asked if he heard Mr. Bowker yell any verbal commands such as “heel” or “down”. Mr. Kelly responded no.

Ms. Grondine asked Mr. Kelly whether the dog appeared anxious. Mr. Kelly noted he seemed ok but lunged very quickly. He has had no previous interactions with the dog, Ranger.

Attorney Cohen asked to clarify if the dog scratched him, or if his injuries were from hitting the ground in which he replied both. Attorney Cohen asked if Mr. Kelly was trying to pet the dog or shake Mr. Bowker’s hand. Mr. Kelly replied no to both questions.

Witness Mary Sancinito, 506 Country Way, is Mr. Kelly’s daughter. She wanted to make sure the Board had the photo that shows the muzzle imprint on her father’s face. The Board had been provided with the photo.

Mr. Kevin Bowker Testimony

Mr. Bowker came to testify and brought the leash that he uses on the dog. He showed how the leash is attached around his waist (like a belt) and how the leash is also held in his hand. Mr. Bowker said he had the dog under control but that the dog did push Mr. Kelly down. He feels Ranger was a happy dog and had no ill intent when he jumped on Mr. Kelly. He explained it was the first time the dog had been out without wearing a cone since being neutered and felt the dog jumped on Mr. Kelly out of excitement and not aggression. Mr. Bowker felt Ranger was firmly secure and under his control.

Mr. Bowker stated that he called Mr. Kelly’s son, Pat, immediately after the incident to explain what had happened. He also notified his insurance company. Mr. Kelly stated he heard from Mr. Bowker’s insurance company. Mr. Cohen confirmed insurance was put in place on August 31, 2021 for \$300,000.

Mr. Boudreau asked if Mr. Bowker has had any previous interaction with Mr. Kelly and he responded no. Mr. Bowker helped Mr. Kelly get up from the ground and said the dog was not on top of him.

Mr. Cafferty asked if he thought Mr. Kelly instigated anything with the dog. Mr. Bowker said no and feels the dog simply jumped up to say hello.

Ms. Grondine asked how frequently the dog jumps on people and he replied infrequently. She further asked how often Ranger is muzzled? Mr. Bowker said he walks him twice a day, muzzled. Ms. Grondine asked how much off-leash time the dog has. Mr. Bowker said the dog is never off-leash and is always on the run except when he is visiting friends or in the woods not on public ways..

Attorney Cohen noted that Mr. Bowker is exploring additional training options for Ranger, including CGC Training. He explained that the AKC holds CGC training, a multi-part training course that includes a test both the owner and the dog must pass. Upon successful completion of the 10 step training, a certificate of successful completion is issued. He further explained that Maura Porter, a dog trainer able to teach CGC training, is willing to take on such training with Mr. Bowker and Ranger. Attorney Cohen feels there needs to be much more training, than what has been accomplished to date in accordance with the Board's previous Order. It can take up to three (3) months to pass the test and Attorney Cohen recommends that Mr. Bowker explore this avenue. If the dog does not pass the test, the Board would need an explanation for the failure to successfully complete the training from the trainer, Maura Porter.

Mr. Boudreau asked Mr. Kelly for additional comments. Mr. Kelly saw the leash but did not see it wrapped around the owner's body as Mr. Bowker expressed.

Mr. Boudreau closed the public hearing at 4:25 PM. The Board went into deliberation to determine whether the dog is a nuisance or dangerous dog.

Move to find the dog, Ranger, a dangerous dog.

Motion by Mr. Cafferty, Second by Ms. Sullivan -Hanley (4-0) Unanimous.

Mr. Boudreau said severe injuries were caused, despite the muzzle, but there was no bite. Mr. Boudreau asked Town Counsel where we go from here. Mr. Cohen said the dog needs more training. Mr. Bowker said the dog has shown improvement and seems less anxious. He also puts an orange vest on the dog that says "stop, no pet". Ms. Sullivan-Hanley asked if he responds to verbal commands and Mr. Bowker said he does. He feels the dog was so happy because this was his first day out without a cone after being neutered.

Ms. Grondine noted that whether the dog was happy or angry, he caused injury to someone.

Mr. Cafferty noted he felt very uncomfortable with the dog and what occurred. He doesn't see what has changed since the last time. Mr. Bowker said this dog has saved his life and goes everywhere with him. He recalled the testimony from last time.

Attorney Cohen asked if we can place a restriction on the dog until he passes the training. Mr. Bowker tries to take him to the woods or to a friend that has a large fenced yard with 30 acres.

The Board discussed the options: fining, imposing new orders, or euthanizing. Ms. Amara, Town Counsel, explained the Board can order the dog restrained, as it has previously ordered. The Board can confine the dog until successful passing of training. The Board can require the name of the trainer, proof of certification, and request a schedule of the training and how long it will take. The Board can order that the dog not be walked on public streets.

Board members made comments at this time.

Ms. Sullivan was so sorry this happened to Mr. Kelly. If there was assurance of training happening as soon as possible with concrete proof, then she is comfortable with imposing that as an order. Ms. Grondine likes the idea of training but doesn't know enough about it. She feels the key to any successful training is that Mr. Bowker attend training with the dog. She acknowledged how much Mr. Bowker loves the dog. She is concerned that Mr. Bowker doesn't understand the severity of this situation. Mr. Bowker assured them that he will do whatever it takes. Mr. Cafferty noted he did not want to be back here again and is concerned with what happened to Mr. Kelly. He hopes this training will work.

Mr. Boudreau is concerned that despite best intentions the dog could hurt again. However, he doesn't feel we have enough to order the dog euthanized. The Board discussed the training regimen and what would happen if he repeatedly fails the test.

Attorney Cohen noted the test is hard to pass the first time but doesn't know enough about it. The trainer Maura Porter could better explain. He suggests she put together a plan.

Mr. Cohen said you could confine the dog to the property with the exception of the vet. In addition, they can provide a report once the test is taken.

Mr. Boudreau outlined the following conditions to be imposed:

- 1. Ranger must satisfactory pass the CGC training within 60 days of this hearing.**
- 2. The Clear Skies dog trainer must provide a report to the Board to specify the details and schedule of the training, within two (2) weeks**
- 3. Ranger cannot be walked on any public way in Scituate.**
- 4. If after sixty (60) days, the owner of the dog is unable to provide proof of successfully passing the CGC training, then the dog must be confined to the Owner's property on a run, until or unless the owner installs a hard fence around the yard.**
- 5. The Board will impose a fine of \$300 for a violation of the leash law.**
- 6. Should the Board receive proof that the training cannot be completed within sixty (60) days, then the Board will reconvene to determine a new training timeline (Mr. Bowker and Attorney Cohen do not need to attend this meeting).¹**

**The Board conducted a roll call vote to accept all the conditions as outlined above.
(Unanimous 4-0)**

¹ This condition was added to address Attorney Amara's concern that the Board does not know the timeline for completing the training and testing.

Attorney Cohen said that the trainer will provide everything to Officer Keefe who will provide to the Board.

Motion to adjourn at 4:53 PM.

Respectfully Submitted,

Michele Seghezzi, Recorder

EXHIBITS

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