

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON
Kelleigh Orthmann

VICE CHAIR
Jamie West



BOARD MEMBERS
Sharon Sweeney
Barbara Landi
ALTERNATE BOARD MEMBER
Dave Allen

ANIMAL CARE AND REGULATION BOARD AGENDA ASSEMBLY CHAMBERS 350 EAST DAHLIA AVENUE, PALMER

APPEAL HEARING

5 P.M.

DECEMBER 13, 2018

I. CALL TO ORDER; ROLL CALL

II. APPROVAL OF AGENDA

III. ITEMS OF BUSINESS

- A. HEARING: Case No. 18-05, Appeal the Level One Classification of Molly - Cassandra Moffitt, Appellant (*Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.*)
1. Opening Presentation by Borough Staff (*15 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney
 2. Opening Presentation by Appellant (*15 Minutes*)
 - a. Cassandra Moffitt
 3. Witness Statements (*3 Minutes - witnesses are subject to questioning by the Animal Care and Regulation Board*)
 - a. D.S. (Minor Victim)
 - b. Christine Spinelli
 - c. Devin Spinelli
 - d. Chief Matthew Hardwig
 - e. Deputy Darla Erskine
 - f. Any witness mentioned in the record on appeal
 - g. Any rebuttal witnesses as may become needed at the hearing
 4. Closing Remarks by Appellant (*10 Minutes*)
 - a. Cassandra Moffitt

5. Closing Remarks by Borough *(10 Minutes)*
 - a. Trina Sears, Assistant Borough Attorney

IV. ADJUDICATORY SESSION

REGULAR MEETING *(Immediately following hearing)*

I. APPROVAL OF MINUTES

- A. March 22, 2018
- B. March 28, 2018

II. REPORTS AND CORRESPONDENCE

- B. Chief Animal Care and Regulation Officer Matt Hardwig

III. AUDIENCE PARTICIPATION (Three minutes per person)

IV. ITEMS OF BUSINESS

V. BOARD COMMENTS

VI. ADJOURNMENT

I. CALL TO ORDER

An appeal hearing and regular board meeting was held on Thursday, March 22, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 5 p.m. by Acting Chair Kelleigh Orthmann.

II. ROLL CALL

Board members present and establishing a quorum were:

Kelleigh Orthmann
Sharon Sweeney
Barbara Landi
Dave Allen

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk
Ms. Trina Sears, Assistant Borough Attorney
Chief Matt Hardwig, Animal Care and Regulation Officer
Deputy Austin Flavin, Animal Care and Regulation Officer

III. APPROVAL OF AGENDA

Acting Chair Orthmann queried if there were any changes to the agenda.

The agenda was approved as presented without objection.

IV. ITEMS OF BUSINESS

A. Elect Chair

Acting Chair Orthmann queried if there were any nominations for Chair.

MOTION: Ms. Sweeney nominated Ms. Orthmann for Chair.

VOTE: The motion passed without objection.

B. Elect Vice Chair

Chair Orthmann queried if there were any nominations for Vice Chair.

MOTION: Ms. Sweeney nominated Ms. West for Vice Chair.

VOTE: The motion passed without objection.

C. HEARING: Case No. 18-01, Appeal the Denial of a Kennel License, Deborah Luper, Appellant (*Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.*)

1. Opening Presentation by Borough Staff (*15 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her opening statement.

Ms. Sears requested to allow telephonic witness participation of Sue Wallin, John Tichener, and Robert Lochner.

Mr. Jacobus objected stating that he would like to hear from witnesses before he determines if the telephonic witnesses are necessary.

Ms. Henry advised that it was up to the Board to determine if that would occur.

2. Opening Presentation by Appellant (*15 Minutes*)
 - a. Kenneth Jacobus, on behalf of Appellant Deborah Luper

Mr. Jacobus requested that he be allowed to share his time with his client.

There was no objection noted.

Mr. Jacobus provided his opening statement.

Ms. Luper provided her opening statement.

Mr. Jacobus asked questions of Ms. Luper.

The Board asked question of Ms. Luper.

Mr. Jacobus stated that he did not receive a copy of the Borough's brief.

Ms. Sears requested to have a recess to allow him time to review the document.

Chair Orthmann queried if there was any objection.

There was no objection noted.

(The meeting recessed at 5:37 p.m. and reconvened at 5:48 p.m.)

Ms. Henry advised the dates, times, and what email was used to send case documents to Mr. Jacobus.

3. Witness Statements (3 Minutes - witnesses are subject to examination by the Animal Care and Regulation Board)

a. Paula Davis

Ms. Davis appeared and provided testimony.

The Board asked questions of Ms. Davis.

b. Kenneth Tandecki

Mr. Tandecki appeared and provided testimony.

The Board asked questions of Mr. Tandecki.

Mr. Jacobus asked questions of Mr. Tandecki.

e. Stacie Garrabrant

Ms. Garrabrant appeared and provided testimony.

The Board asked questions of Ms. Garrabrant.

Mr. Jacobus asked questions of Ms. Garrabrant.

Ms. Sears asked questions of Ms. Garrabrant.

f. Jeffery Ryle

Mr. Ryle did not appear and did not provide testimony.

g. Doug Sopko

Mr. Sopko appeared and provided testimony.

Mr. Jacobus asked questions of Mr. Sopko.

h. Ann Robison

Ms. Robison did not appear and did not provide testimony.

i. Jeffrey Robison

Mr. Robison did not appear and did not provide testimony.

j. Amanda Kula

Ms. Kula did not appear and did not provide testimony.

k. Chief Matthew Hardwig

Chief Hardwig appeared and provided testimony.

The Board asked questions of Chief Hardwig.

l. Deputy Austin Flavin

Deputy Flavin appeared and provided testimony.

Mr. Jacobus asked questions of Deputy Flavin.

m. Jonathan Leece

Mr. Leece did not appear and did not provide testimony.

n. Any witness designated on Appellant's witness list

o. Any witness mentioned in the record on appeal

Ms. Sears stated that she would like to call the telephonic witnesses for testimony.

Mr. Jacobus noted his objection if the testimony would be repetitive.

Chair Orthmann queried if there was any objection by the Board to hearing from the telephonic witnesses.

There was no objection noted.

Ms. Henry called each witness for the Board.

Mr. John Tichener appeared telephonically and provided testimony.

p. Any witness needed to impeach testimony of another witness

q. Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in the record

No other witnesses were called under p. or q.

c. Susan Wallin

Ms. Wallin appeared telephonically and provided testimony.

No questions were asked of Ms. Wallin.

d. Robert Lochner

Mr. Lochner appeared telephonically and provided testimony.

No questions were asked of Mr. Lochner.

Mr. Jacobus requested a recess so that he could talk to his client.

There was no objection noted.

(The meeting recessed at 6:35 p.m. and reconvened at 6:39 p.m.)

4. Closing Remarks by Appellant *(10 Minutes)*
 - a. Kenneth Jacobus, on behalf of Appellant Deborah Luper

Mr. Jacobus provided his closing remarks.

5. Closing Remarks by Borough *(10 Minutes)*
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her closing remarks.

IV. ADJUDICATORY SESSION

MOTION: Ms. Sweeney moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the Board entered adjudicatory session at 6:51 p.m.

MOTION: Ms. Sweeney moved to exit adjudicatory session.

VOTE: The motion passed without objection and the Board exited adjudicatory session at 7:16 p.m.

Chair Orthmann requested that Ms. Henry read the draft final order into the record.

Ms. Henry read the draft final order into the record.

MOTION: Ms. Sweeney moved to adopt the final order as read into the record by the Clerk.

VOTE: The motion passed without objection.

Chair Orthmann queried if the Board would like to have a recess prior to starting the regular board meeting.

The Board decided to continue without a recess.

REGULAR MEETING (*Immediately following hearing*)

I. APPROVAL OF MINUTES

A. November 28, 2016

Chair Orthmann queried if there were any changes to the minutes.

The minutes were approved as presented without objection.

II. REPORTS AND CORRESPONDENCE

A. Animal Care Manager or Chief Animal Care and Regulation Officer

Chief Hardwig reported on the activities of the shelter.

III. AUDIENCE PARTICIPATION (Three minutes per person)

There was no one present who wished to testify.

II. ITEMS OF BUSINESS

There were no items of business.

III. BOARD COMMENTS

Mr. Allen complimented Chief Hardwig on a job well done.

Chair Orthmann thanked the Board for their hard work on the appeal.

VI. ADJOURNMENT

The meeting adjourned at 7:19 p.m.

KELLEIGH ORTHMANN, Chair

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: 12/13/18

I. CALL TO ORDER

An appeal hearing was held on Thursday, March 28, 2018, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 10 a.m. by Vice Chair Jamie West.

II. ROLL CALL

Board members present and establishing a quorum were:

Jamie West
Sharon Sweeney
Barbara Landi
Dave Allen

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk
Ms. Trina Sears, Assistant Borough Attorney
Chief Matt Hardwig, Animal Care and Regulation Officer
Deputy Austin Flavin, Animal Care and Regulation Officer

II. APPROVAL OF AGENDA

Vice Chair West queried if there were any changes to the agenda.

The agenda was approved as presented without objection.

III. ITEMS OF BUSINESS

A. HEARING: Case No. 18-02, Appeal the protective order for Luna, Anna, Poppy, and Vixen, Nancy and Jim Oliver, Appellants (*Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.*)

1. Opening Presentation by Borough Staff (*15 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her opening statement.

No questions were asked of Ms. Sears.

2. Opening Presentation by Appellant (*15 Minutes*)
 - a. Nancy or Jim Oliver

Mr. Oliver provided his opening statement.

Ms. Oliver provided her opening statement.

The Board asked questions of Ms. Oliver.

Ms. Sears noted that her only witnesses for this hearing would be Chief Hardwig and Deputy Uphus.

3. Witness Statements (*5 Minutes - witnesses are subject to examination by the Animal Care and Regulation Board*)

[Clerk's Note: Witness names with strike-throughs did not appear and did not provide testimony.]

- a. ~~James Proctor~~
- b. ~~Cherrie Hoppe~~
- c. ~~Lena Oliver~~
- d. ~~Judith Runyan~~
- e. ~~Karen Blackmore~~

f. Chief Matthew Hardwig

Chief Hardwig appeared and provided testimony.

The Board asked questions of Chief Hardwig.

Ms. Oliver asked questions of Chief Hardwig.

Mr. Oliver asked questions of Chief Hardwig.

Ms. Sears asked questions of Chief Hardwig.

- g. ~~Officer Darla Erskine~~
- h. Officer Nick Uphus

Officer Uphus appeared and provided testimony.

Ms. Oliver asked questions of Officer Uphus.

Mr. Oliver asked questions of Officer Uphus.

- i. ~~Officer Austin Flavin~~
- j. ~~Any witness designated on Appellant's witness list~~
- k. ~~Any witness mentioned in the record on appeal~~
- l. ~~Any witness needed to impeach testimony of another witness~~
- m. ~~Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in the record~~

4. Closing Remarks by Appellant (*10 Minutes*)
 - a. Nancy or Jim Oliver

Mr. Oliver provided his closing remarks.

Ms. Oliver provided her closing remarks.

(The parties took a brief at ease.)

5. Closing Remarks by Borough (*10 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her closing remarks.

IV. ADJUDICATORY SESSION (For AC&R 18-02)

MOTION: Mr. Allen moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the Board entered into adjudicatory session at 11:48 a.m.

MOTION: Mr. Allen moved to exit adjudicatory session.

VOTE: The motion passed without objection and the Board exited adjudicatory session at 12:43 p.m.

Vice Chair West requested Ms. Henry to read the draft final order into the record.

MOTION: Mr. Allen moved to approve the final order as read into the record by the Clerk.

VOTE: The motion passed without objection.

POSSIBLE BOARD RECESS (time to be announced by Board)

The Board announced that they would take a recess between hearings and advised the parties to remain in the building.

(The meeting recessed at 12:46 p.m. and reconvened at 12:53 p.m.)

APPEAL HEARING AC&R 18-03 (Immediately following hearing for 18-02)

I. ITEMS OF BUSINESS

A. HEARING: Case No. 18-03, Appeal the level 1 classification of Vixen, Quentin, Maddie, Linus, Bucky, Maggie, Timmie, and Griz, Nancy and Jim Oliver, Appellants (*Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.*)

1. Opening Presentation by Borough Staff (*15 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her opening statement.

2. Opening Presentation by Appellant (*15 Minutes*)
 - a. Nancy and Jim Oliver, Appellants

Mr. Oliver provided his opening statement.

Ms. Oliver provided her opening statement.

The Board asked questions of Ms. Oliver.

The Board asked questions of Mr. Oliver.

3. Witness Statements (*5 Minutes - witnesses are subject to examination by the Animal Care and Regulation Board*)
 - a. James Proctor

Mr. Proctor appeared and provided testimony.

Mr. Oliver asked questions of Mr. Proctor.

The Board asked questions of Mr. Proctor.

[Clerk's Note: Names with strike-throughs did not appear and did not provide testimony.]

- b. ~~Cherrie Hoppe~~
- e. ~~Lena Oliver~~
- d. ~~Judith Runyan~~
- e. ~~Karen Blackmore~~
- f. Chief Matthew Hardwig

Chief Hardwig appeared and provided testimony.

Ms. Oliver asked questions of Chief Hardwig.

Mr. Oliver asked questions of Chief Hardwig.

Vice Chair West reminded Mr. and Mrs. Oliver that this was their opportunity to ask questions of witnesses, not to make statements.

g. Officer Darla Erskine

Officer Erskine appeared and provided testimony.

Mr. Oliver asked questions of Officer Erskine.

Vice Chair West reminded Mr. and Mrs. Oliver to keep their questions germane to the appeal.

MOTION: Ms. Sweeney moved to end questioning by the appellant's as it is repetitive and not germane to the appeal.

Ms. Henry advised that the Board should do a roll call vote to be clear for the record.

VOTE: The motion passed unanimously.

~~h. Officer Nick Uphus~~

~~i. Officer Austin Flavin~~

~~j. Any witness designated on Appellant's witness list~~

~~k. Any witness mentioned in the record on appeal~~

~~l. Any witness needed to impeach testimony of another witness~~

~~m. Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in the record~~

4. Closing Remarks by Appellant (*10 Minutes*)

a. Nancy or Jim Oliver

Mr. Oliver provided his closing remarks.

Ms. Oliver provided her closing remarks.

5. Closing Remarks by Borough (*10 Minutes*)

a. Trina Sears, Assistant Borough Attorney

II. ADJUDICATORY SESSION (for AC&R 18-03)

MOTION: Mr. Allen moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the Board entered into adjudicatory session at 2:53 p.m.

MOTION: Mr. Allen moved to exit adjudicatory session.

VOTE: The motion passed without objection and the Board exited adjudicatory session at 3:09 p.m.

Vice Chair West requested that Ms. Henry read the draft final order into the record.

MOTION: Mr. Allen moved to approve the final order as read into the record by the Clerk.

VOTE: The motion passed without objection.

POSSIBLE BOARD RECESS (time to be announced by Board)

The Board announced that they would take a recess between hearings and advised the parties to remain in the building.

(The meeting recessed at 3:10 p.m. and reconvened at 3:16 p.m.)

APPEAL HEARING AC&R Case No. 18-04 (immediately following hearing for 18-03)

I. ITEMS OF BUSINESS

A. HEARING: Case No. 18-04, Appeal the Denial of a Kennel License, Nancy and Jim Oliver, Appellants *(Time frames for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.)*

1. Opening Presentation by Borough Staff *(15 Minutes)*
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her opening statement.

2. Opening Presentation by Appellant *(15 Minutes)*
 - a. Nancy or Jim Oliver

Mr. Oliver provided his opening statement.

Ms. Oliver provided her opening statement.

MOTION: Ms. Sweeney moved to limit questioning of witnesses to five minutes total to eliminate repetitive questioning and questioning that is not germane to the appeal.

Ms. Henry advised that the Board should do a voice vote in order to be clear for the record.

VOTE: The motion passed unanimously.

3. Witness Statements *(3 Minutes - witnesses are subject to examination by the Animal Care and Regulation Board)*

[Clerk's Note: names with strike-throughs did not appear and did not provide testimony.]

a. ~~James Proctor~~

- b. ~~Cherrie Hoppe~~
- c. ~~Lena Oliver~~
- d. ~~Judith Runyan~~
- e. ~~Karen Blackmore~~
- f. Chief Matthew Hardwig

Chief Hardwig appeared and provided testimony.

The Board asked questions of Chief Hardwig.

Ms. Oliver asked questions of Chief Hardwig.

- g. ~~Officer Darla Erskine~~
- h. ~~Officer Nick Uphus~~
- i. ~~Officer Austin Flavin~~
- j. ~~Any witness designated on Appellant's witness list~~
- k. ~~Any witness mentioned in the record on appeal~~
- l. ~~Any witness needed to impeach testimony of another witness~~
- m. ~~Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in the record~~

[Closing remarks went out of order, with the Borough going first, therefore the Board allowed the appellant extra time to provide closing remarks.]

- 4. Closing Remarks by Appellant (*10 Minutes*)
 - a. Nancy or Jim Oliver

Mr. Oliver provided his closing remarks.

Ms. Oliver provided her closing remarks.

- 5. Closing Remarks by Borough (*10 Minutes*)
 - a. Trina Sears, Assistant Borough Attorney

Ms. Sears provided her closing remarks.

II. ADJUDICATORY SESSION (for AC&R 18-04)

MOTION: Mr. Allen moved to enter into adjudicatory session.

VOTE: The motion passed without objection and the Board entered into adjudicatory session at 3:51 p.m.

MOTION: Mr. Allen moved to exit adjudicatory session.

VOTE: The motion passed without objection and the Board exited adjudicatory session at 4:05 p.m.

Vice Chair West requested that Ms. Henry read the draft final order into the record.

MOTION: Ms. Sweeney moved to approve the final order as read into the record by the Clerk.

VOTE: The motion passed without objection.

III. BOARD COMMENTS

There were no comments provided.

IV. ADJOURNMENT

The meeting adjourned at 4:06 p.m.

KELLEIGH ORTHMANN, Chair

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: 12/13/18