

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON
Kelleigh Orthmann

VICE CHAIR
Georgia Knazovich



BOARD MEMBERS
Barbara Landi

ALTERNATE BOARD MEMBER

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

APPEAL HEARING

5 P.M.

SEPTEMBER 23, 2021

- I. CALL TO ORDER; ROLL CALL
- II. APPROVAL OF AGENDA
- III. ITEMS OF BUSINESS
 - A. Elect Chair
 - B. Elect Vice Chair
 - C. HEARING: Case No. 21-01, Appeal of Enforcement Order Nos. P00496707, P00496708, P00496709, and the Denial of a Kennel License (*Timeframes for presenting testimony are outlined in MSB 24.30.030, Proceedings; and may be extended only by the Board.*)
 1. **Borough's Motion to Dismiss Appeal (10 Minutes each)**
 - a. Shannon Bodolay, Assistant Borough Attorney
 - b. Tarie Lacher, Appellant
- IV. ADJUDICATORY SESSION FOR MOTION TO DISMISS

2. **Opening Presentation by Borough Staff** *(15 Minutes collectively; The Board and the appellant shall have the opportunity to question all borough staff that make a presentation or otherwise offer testimony to the board)*
 - a. Shannon Bodolay, Assistant Borough Attorney
 - b. Matt Hardwig, Chief Animal Care and Regulation Officer

3. **Opening presentation by Appellant** *(15 minutes; the Board and the Borough shall have the opportunity to question the owner(s)/appellant(s) who make a presentation or otherwise offer testimony to the board)*
 - a. Tarie Lacher

4. **Witness statements, which may include Borough staff members** *(5 minutes; the Board, the Borough staff, and the owner/appellant shall have the opportunity to question witnesses)*
 - a. **Appellant's Witnesses**
 - i. None Submitted

 - b. **Borough's Witnesses**
 - i. Nick Uphus, Deputy Animal Care and Regulation Officer
 - ii. Matthew Hardwig, Chief Animal Care and Regulation Officer
 - iii. Any witness the Borough deems necessary after the Borough receives the Appellant's or any other party or interested parties, pleadings.
 - iv. Any witness the Borough deems necessary based on information discovered

5. **Closing Remarks by Appellant** *(10 Minutes)*
 - a. Tarie Lacher

6. **Closing Remarks by Borough** *(10 Minutes)*
 - a. Shannon Bodolay, Assistant Borough Attorney

V. ADJUDICATORY SESSION

REGULAR MEETING *(Immediately following hearing)*

I. APPROVAL OF MINUTES

A. June 6, 2020

II. REPORTS AND CORRESPONDENCE

A. Chief Animal Care and Regulation Officer

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, June 3, 2020, at the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1 p.m. by Chair Kelleigh Orthmann.

II. ROLL CALL

Board members present and establishing a quorum were:

Kelleigh Orthmann

Barbara Landi

Georgia Knazovich

Staff in attendance were:

Ms. Brenda J. Henry, CMC, Assistant Borough Clerk

Ms. Denise Michalske, Assistant Borough Attorney

Matt Hardwig, Chief Animal Care and Regulation Officer

Mr. Austin Flavin, Animal Care and Regulation Officer

III. APPROVAL OF AGENDA

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

GENERAL CONSENT: The agenda was approved as presented without objection.

IV. ITEMS OF BUSINESS

A. Elect Chair

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

MOTION: Ms. Landi nominated Ms. Orthmann for chair.

VOTE: There was no objection noted.

B. Elect Vice Chair

MOTION: Ms. Landi nominated Ms. Knazovich for Vice Chair

VOTE: There was no objection noted.

Chair Orthmann advised that there were three witnesses who did not provided their request to appear telephonically in a timely manner. Stated that it would be up to the Board to allow them to testify or not. Queried if there was any objection to allowing Amber Richey, Kyle Walsh, or Selina Staelens to testify telephonically.

There was no objection noted.

Chair Orthmann noted that on Monday, the Borough had filed a motion to supplement the record. Stated that because it was filed so near the appeal hearing date, that she requested Ms. Henry to hold on to it and the Board would take it up at the hearing. Advised the supplement consists of 8 photographs and that a courtesy copy was emailed to Mr. Ainsworth to provide him with advance notice of additional rebuttal evidence. Stated that the Board would stay on record, take a brief at ease, and then make a determination.

The Board took an at ease.

Chair Orthmann queried if there was any objection from the Board or from Mr. Ainsworth about supplementing the record with additional pages 19 through 26.

There was no objection noted.

- C. HEARING: Case No. 20-01, Appeal the Level Four Classification of Koa - Heather Becker, 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. Denise Michalske, Assistant Borough Attorney
 - b. Matt Hardwig, Chief Animal Care and Regulation Officer

Ms. Michalske provided her opening statement.

Chief Hardwig provided his opening statement.

Mr. Ainsworth asked question of Chief Hardwig.

- 2. Opening Presentation by Appellant *(15 Minutes)*
 - a. Neal Ainsworth, Attorney for Heather Becker

Mr. Ainsworth provided his opening statement.

Ms. Landi asked questions of Mr. Ainsworth.

Ms. Knazovich asked questions of Mr. Ainsworth.

- 3. **Victim or victim owner's statement** *(5 minutes; the Board, the Borough, and the owner/appellant shall have the opportunity to question the victim or victim owner);*

- a. M.W., minor victim

Ms. Marissa Winnet provided her statement.

4. **Witness statements, which may include Borough staff members** *(5 minutes; the Board, the Borough staff, and the owner/appellant shall have the opportunity to question witnesses)*

APPELLANT'S WITNESSES

- a. Dave Doyle – telephonic

Mr. Doyle provide his testimony.

- b. Amber Richey

Ms. Richey provided her testimony.

- c. Kyle Walsh

Mr. Walsh provided his testimony.

- d. Jessa Bollinder

Ms. Bollinder did not testify.

- e. Selina Staelens

Ms. Staelens provided her testimony.

- f. Shelly Becker

Ms. Becker did not testify.

BOROUGH'S WITNESSES

- a. Austin Flavin, Deputy Animal Care and Regulation Officer

Officer Flavin provided his testimony.

Ms. Ainsworth asked questions of Officer Flavin.

- b. Jennifer Hall, mother of minor victim

Ms. Hall provided her testimony.

Chair Orthmann asked questions of Ms. Hall.

Mr. Ainsworth asked questions of Ms. Hall.

- c. Any individuals named in any pleadings submitted by the Appellant or any other party and/or interested party
- d. Any witnesses the Borough deems necessary after the Borough receives the Appellant's or any other party, or any interested party pleadings
- e. Any witnesses the Borough deems necessary based on information discovered at the hearing

[Clerk's note: There was no testimony provided under items c., d., or e.]

5. **Closing Remarks by Animal Owner** (10 Minutes)
 - a. Neal Ainsworth, Attorney for Heather Becker

Mr. Ainsworth provided his closing remarks.

6. **Closing Remarks by Borough** (10 Minutes)
 - a. Denise Michalske, Assistant Borough Attorney

Ms. Michalske provided her closing remarks.

IV. ADJUDICATORY SESSION

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

VOTE: The motion passed without objection and the Board enter into adjudicatory session at 2:20 p.m.

MOTION: Ms. Landi moved to exit adjudicatory session.

VOTE: The motion passed without objection and the Board exited adjudicatory session at 2:45 p.m.

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

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

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

VOTE: The motion passed without objection.

REGULAR MEETING *(Immediately following hearing)*

I. APPROVAL OF MINUTES

A. December 13, 2018

Ms. Henry stated that the minutes being on the agenda for approval is an error and that these minutes are already archived.

II. REPORTS AND CORRESPONDENCE

A. Chief Animal Care and Regulation Officer *(Dependent Upon Availability Due to Covid-19)*

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

There were no comments provided.

VI. ADJOURNMENT

The meeting adjourned at 3:05 p.m.

MATANUSKA-SUSITNA BOROUGH
ANIMAL CARE AND REGULATION BOARD

KELLIEGH ORTHMANN, Chairperson

ATTEST:

BRENDA J. HENRY, CMC, Assistant Borough Clerk

Minutes Approved: 09/23/21