

MATANUSKA-SUSITNA BOROUGH

350 E. Dahlia Ave., Palmer, Alaska 99645

HEARING OFFICER

Scott A. Sterling



AGENDA OFFICE OF ADMINISTRATIVE HEARINGS ASSEMBLY CHAMBERS 350 EAST DAHLIA AVENUE, PALMER

LEVEL 5 RECOMMENDATION 9 A.M. WEDNESDAY, DECEMBER 15, 2021
HEARING

I. CALL TO ORDER

II. ITEMS OF BUSINESS

- A. Hearing – OAH Case No. 21-05 – Recommendation of Level 5 Classification of the animal “Max.” Charles Nuglene, Animal Owner/Respondent
 - 1. Opening Remarks (*15 Minutes Each*)
 - a. Denise Michalske, Assistant Borough Attorney
 - b. Charles Nuglene, Respondent
 - 2. Victim Statements and Cross Examination (*3 Minutes Each*)
 - a. Austin Flavin, Animal Care and Regulation Officer
 - b. Christopher Loscar, Animal Care And Regulation Director
 - c. Reggie Davis, Parent of Minor Victim (telephonic)
 - d. Tina Davis, Parent of Minor Victim (telephonic)
 - e. Any witness designated on Respondent’s Witness List
 - f. Any witness needed to impeach the testimony of another witness
 - g. Any witness needed to lay the foundation for the admission into evidence of any exhibit or document contained in Respondent’s exhibits
 - h. Any rebuttal witness as may become apparent at the time of the hearing

3. Closing Remarks (*15 Minutes Each*)
 - a. Charles Nuglene, Respondent
 - b. Denise Michalske, Assistant Borough Attorney

III. POSSIBLE ORAL FINDING OR NOTICE TO TAKE UNDER ADVISEMENT PER MSB 2.29.090(H)

- A. *Findings and decision.* The administrative hearing officer's findings are limited to rejecting or upholding the forfeiture of the animal that is the subject of the appeal. If the administrative hearing officer rejects the chief animal care and regulation officer's decision on the animal forfeiture, the matter shall be remanded to the chief animal care and regulation officer to set conditions of release prior to releasing the animal to its owner. The administrative hearing officer has the discretion to make an oral finding to uphold or reject the chief animal care and regulation officer's decision at the conclusion of the hearing or to take the matter under advisement. If the administrative hearing officer takes the matter under advisement, a written decision shall be issued within ten calendar days of the hearing. If the administrative hearing officer makes an oral finding at the conclusion of the hearing, the oral finding shall be supplemented with written findings within five calendar days of the hearing. The administrative hearing officer shall support the decision through written findings of fact. The administrative hearing officer shall provide the written decision to the clerk. The clerk shall serve the final written decision on the appellant, the law department, and the chief animal care and regulation officer in the most effective, efficient manner available within two days after receiving the decision.

IV. ADJOURNMENT