

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

APPEAL HEARING

9 A.M.

WEDNESDAY, JUNE 2, 2021

I. CALL TO ORDER

II. ITEMS OF BUSINESS

- A. Hearing – OAH Case No. 21-01 – Appeal of the Forfeiture of Jasper – Michael Halla and Diana Fields, Appellants
 - 1. Appellant Opening Statement and Presentation of Evidence (15 minutes collectively)
 - a. Michael Halla and/or Diana Fields
 - 2. Rebuttal by Matanuska-Susitna Borough (5 minutes)
 - a. Denise Michalske, Assistant Borough Attorney
 - 3. Matanuska-Susitna Borough Opening Statement and Presentation of Evidence (15 minutes collectively)
 - a. Denise Michalske, Assistant Borough Attorney
 - b. Matt Hardwig, Chief Animal Care and Regulation Officer
 - 4. Rebuttal by Appellant (5 minutes collectively)
 - a. Michael Halla and/or Diana Fields
 - 5. Appellant Witnesses (5 minutes each)
 - a. None provided
 - 6. Cross Examination of Appellant’s Witness by Borough (5 minutes each)
 - a. None provided
 - 7. Matanuska-Susitna Borough Witnesses (5 minutes each)
 - a. Nick Uphus, Deputy Animal Care and Regulation Officer
 - b. William Craig Wilson, Jr.

- c. Any witnesses designated on appellant's witness list.
 - d. Any witness mentioned in the record on appeal
 - e. Any witness needed to impeach the testimony of another witness
 - f. Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in appellant's | exhibits
 - g. Any rebuttal witnesses as may become apparent at the time of the hearing.
8. Cross Examination of Borough's Witnesses by Appellant (5 minutes each)
- a. Nick Uphus, Deputy Animal Care and Regulation Officer
 - b. William Craig Wilson, Jr.
 - c. Any witnesses designated on appellant's witness list.
 - d. Any witness mentioned in the record on appeal
 - e. Any witness needed to impeach the testimony of another witness
 - f. Any witness necessary to lay the foundation for the admission into evidence of any exhibit or document contained in appellant's | exhibits
 - g. Any rebuttal witnesses as may become apparent at the time of the hearing.
9. Appellant Closing Statement (15 minutes collectively)
- a. Michael Halla and/or Diana Fields
10. Matanuska-Susitna Borough Closing Statement (15 minutes)
- a. 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