

**BEFORE THE ADMINISTRATIVE HEARING OFFICE  
FOR THE MUNICIPALITY OF ANCHORAGE**

MUNICIPALITY OF ANCHORAGE,                     )  
(ANIMAL CARE AND CONTROL)                     )  
Plaintiff,   )  
   )  
v.   )  
   )  
EVA BRINK,   )  
Appellant.   )  
   )

Administrative Hearing Office Numbers: 25-003 and 25-004  
Animal Control Case Numbers: A25-077221 and A25-077371

**FINAL DECISION AND ORDER**

**I. Summary of Proceeding**

On March 31, 2025, Anchorage Animal Care and Control (Animal Control) issued two separate notices of violation to Eva Brink. One citation alleged Ms. Brink violated Anchorage Municipal Code (AMC) 17.10.015A by allowing her dog to make chronic animal noise on March 21, 2025, and the other alleged the same violation on March 29, 2025. Animal Control alleged that the violations were Ms. Brink's 2<sup>nd</sup> and 3<sup>rd</sup> offense within a one-year period and sought to impose civil fines of \$100 (2<sup>nd</sup> offense) and \$400 (3<sup>rd</sup> offense) for the two violations. Pursuant to AMC 17.10.015A.3, Animal Control also issued a Notice of Forfeiture to Ms. Brink ordering her to forfeit her dog to the municipality or rehome it immediately based on her accruing three or more violations of chronic animal noise within a year. Ms. Brink requested a hearing within fifteen days. After consideration of the evidence, notice of violation V25-012730 and a \$400 civil fine is AFFIRMED. Notice of violation V25-012729 and the notice of forfeiture are NOT AFFIRMED and are hereby VOIDED.

**II. Evidence Considered**

The hearing was held on April 21, 2025. Animal Control Officer Wyatt represented the municipality. Ms. Brink was advised of her rights at the hearing, including her right to counsel, and she elected to appear without counsel via Microsoft Teams. The hearing was recorded, and all evidence presented on the record. Officer Wyatt, the complainants<sup>1</sup>, and Ms. Brink all testified under oath. Animal Control submitted the following exhibits, which were admitted into evidence without objection:

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<sup>1</sup> Names of complainants are redacted pursuant to AMC 3.90.040D.

Case # 25-003

- Exhibit 1: Investigation Report for Case Number A25-077371 (5 pages)
- Exhibit 2: Activity History for Case Number A25-077371 (4 pages)
- Exhibit 3: CD containing video files made by the complainant and email
- Exhibit 4: Notice of Violation V25-012730 and Notice to Surrender

Case #25-004

- Exhibit 1: Investigation Report for Case Number A25-077221 (3 pages)
- Exhibit 2: Activity History for Case Number A25-077221 (3 pages)
- Exhibit 3: CD containing video files made by the complainant and email
- Exhibit 4: Notices and photographs of service
- Exhibit 5: Notices of Violation and photographs of service (5 pages)

Ms. Brink submitted the following exhibits, which were admitted as evidence without objection:

- Exhibit A: Screen shots from Ms. Brink's cell phone showing phone calls and contacts
- Exhibit B: Police Report (2 pages)
- Exhibit C: Photo of damaged bark collar
- Exhibit D: Voicemail from Officer Perez on January 17, 2025
- Exhibit E: Amazon order for bark collar ordered on March 22, 2025
- Exhibit F: Records from Animal Control for other dogs barking in neighborhood
- Exhibit G: Photos of violations on door handle
- Exhibit H: Photos of late fee notices

During the hearing, Ms. Brink argued that she had not received notice of two prior citations. Sergeant Wyatt testified that the notes in the investigation indicated that Officer Nuttle had served the prior citations by affixing them to Ms. Brink's door, and there were photographs in the case file documenting this fact. Sergeant Wyatt said she did not bring those photographs to the hearing because they pertained to older citations, but she could easily obtain them from her laptop at the animal control office. I allowed Sergeant Wyatt to provide those photos after the hearing, rather than delaying the hearing. About an hour after the hearing, Sergeant Wyatt emailed eight photographs (pages 4-5 of Exhibit 5), which were provided to Ms. Brink. I also informed Ms. Brink that she would have an opportunity to respond to these photographs, as well as raise other arguments in writing she said she was not comfortable raising during the hearing in the presence of the complainants. Her nine-page response and additional argument is Exhibit I, which was also considered as evidence.



### **III. Findings of Fact**

The following findings are based on a preponderance of the evidence in the record.

1. The Municipality of Anchorage Animal Care and Control is charged with enforcing Title 17 concerning animals.
2. Ms. Brink lives at [REDACTED] Eagle River.
3. The complainants, Mr. and Ms. G, live in the same duplex as Ms. Brink and their houses share a common wall and fence that separates their yards.
4. Ms. Brink owns a Shepherd/Husky mix named Sierra.
5. Mr. G testified that Sierra barks a lot, day and night.
6. He said when Sierra is outside barking he can routinely hear other neighbors yell "Sierra. Cut it out."
7. He said the dog's barking is most annoying when it happens in the middle of the night or early morning.
8. On March 21, 2025, Mr. G made a video recording of Sierra barking. The video is Exhibit 3 for case number 24-004.
9. Mr. G said he made the video recording standing inside his house behind his sliding glass door. He said he intentionally stands there because he wants to document Sierra's barking without Sierra seeing him so there cannot be any allegation that his presence was causing Sierra to bark at him.
10. The video has a time stamp starting at 5:33 p.m. and is 6 minutes and 21 seconds long.
11. Mr. G said he is certain that the dog barking in the video is Sierra because he has lived next door for several years and clearly recognizes the dog and her bark. He also saw her in the backyard barking when he made the video. He reiterated that the reason he did not change positions to capture the dog's image in the video is because he did not want the dog to see him.
12. I reviewed the video in its entirety. A medium-to-large dog can be heard barking somewhere near the complainant's house. Although the dog is not pictured, it sounds like it is nearby, most likely on the other side of the fence.

13. The dog barks almost continuously for the first 3 minutes and 58 seconds. Then, there is a pause until 4 minutes and 51 seconds where no barking is audible. The dog then barks several times from 4:51 – 4:56 of the video. At 5:40 of the video, Mr. G turns the camera to show that his two dogs are resting quietly on the floor inside and were not outside provoking Sierra to bark. He then goes outside to document that no other neighbors are outside and captures a brief image of Sierra going back inside Ms. Brink's house through a dog door.

14. On March 29, 2025, Mr. G made another video of a dog barking in the same manner. This video is Exhibit 3 of case number 25-003.

15. The video has a time stamp of 5:53 p.m. and is 5 minutes and 18 seconds long.

16. This video was made from the upstairs balcony and shows more of Ms. Brink's backyard than the first video. A dog can be heard barking throughout the video. The dog's bark sounds the same as the barking recorded on March 21<sup>st</sup>.

17. At 2:52 in the video, a dog that looks like a white husky is visible in Ms. Brink's backyard. This dog is clearly shown barking and the barking sounds like it was the same as all the other barks that were audible, when no dog was pictured. The dog barks in the direction of Mr. G.'s backyard. Mr. G confirms that the dog is Sierra. He then pans the camera to show there is nothing in the yard provoking the dog to bark.

18. The dog continues barking until the 5:10 mark in the video. Mr. G then opens the sliding glass door and walks outside. The video shows Sierra walking on Ms. Brink's back porch. Sierra appears to briefly notice Mr. G open the glass door and step outside but does not bark at him.

19. Sergeant Wyatt said she reviewed the two videos and determined they met the definition of chronic animal noise. Therefore, she issued two citations, one for the barking on March 21<sup>st</sup>, and one for the barking on March 29<sup>th</sup>.

20. Ms. G. said the problem with Ms. Brink's barking dog has gone on for a long time. She said that she tried to talk to Ms. Brink for several months before getting animal control involved but was not able to fix the problem. She said that it has been a long process involving multiple animal control officers to get action taken. On March 22, 2025, Ms. G. sent an email to animal control (page 1 of Ex. 3 for case #25-004) in which she said that Ms. Brink's dog was outside barking at nothing at midnight, 6 a.m., 8 a.m., and 8:30 a.m., and that this has been going on for a full year. She said she was nine months pregnant and is unable to get rest because of the excessive barking.



21. Sergeant Wyatt testified that there have been numerous cases involving Ms. Brink's dog barking. She said animal control issued "barking letters" to Ms. Brink in November and December of 2024, which are essentially warning letters.

22. She said there were other barking complaints handled by Animal Control Officer Perez in which he reviewed the evidence and determined the barking did not persist for at least 5 minutes and did not meet the definition of chronic animal noise.

23. She said Officer Nuttle issued a first offense for chronic animal noise on February 12, 2025, for an offense that occurred on February 5, 2025. This citation is page 3 of Exhibit 5 and carries a \$50 fine for a first offense. She said Officer Nuttle called Ms. Brink and left voice messages for her on February 9, 2025, at 5:42 p.m. and February 11, 2025, at 2:03 p.m. and left door notices affixed to her front door. When he was unable to reach her, he left the two citations affixed to her door on February 12, 2025, at 5:02 p.m.

24. Officer Nuttle issued a second offense for chronic animal noise on March 4, 2025, for an offense that occurred on February 14, 2025. This citation is page 2 of Exhibit 5 and carries a \$100 fine for a second offense. Sergeant Wyatt testified that Officer Nuttle's notes show he went to Ms. Brink's house on February 25, 2025, at 2:35 p.m., and again on March 2, 2025, at 1:47 p.m. Both times he called and left voice messages and posted a notice on Ms. Brink's door when he could not reach her. Finally, on March 4, 2025, he affixed the citation to her front doorknob. His notes and the photographs he took show that the older citations and notices were still hanging from the doorknob.

25. On March 31, 2025, Sergeant Wyatt called Ms. Brink to discuss the two citations in this case. Ms. Brink informed Sergeant Wyatt that she was not aware of the prior citations issued by Officer Nuttle.

26. Ms. Brink testified that she moved into her house in August of 2022. She had an initial conversation with Mr. G where she mentioned that his dogs were jumping on the fence and inducing Sierra to bark. She suggested introducing the dogs to each other.

27. She testified that there are at least eight dogs in the neighborhood that routinely bark, and many of the barks sound similar. She said the dog to the left of her house sounds very similar to Sierra.

28. She said she talked to Mr. G sometime last year when he complained about Sierra barking continuously at night. She also received a complaint from another neighbor, which caused her to buy a bark collar for Sierra and complete some anti-bark training. The training involved titrating up the bark collar response from vibrate to shock.

29. In December of 2024, she had her first contact with animal control officer Perez. She said animal control was investigating complaints that the dog was being

mistreated by being left outside all day – which were unfounded – as well as noise complaints.

30. Ms. Brink's house has a garage door and front door facing the street. She testified that she enters her house through the garage door when she is inside her vehicle and does not use the front door.

31. On December 28, 2024, Officer Perez talked to Ms. Brink about several notices and warning letters he left attached to her front door. She told him that she does not use the front door and that he should leave a voice message for her whenever he leaves something at her front door. Officer Perez said he would do so.

32. On January 17, 2025, Officer Perez called Ms. Brink and told her that he had received another video from the complainants alleging that her dog was creating chronic animal noise. Officer Perez said he reviewed the video and determined it did not meet the definition of chronic animal noise, so he would not be issuing a citation.

33. On February 13, 2025, Ms. Brink saw that Mr. G taped a piece of paper facing her house that said Sierra's bark collar was not working.

34. Mr. G said he went to talk to Ms. Brink in the evening because her dog was barking excessively, and he knew she was home and was not stopping it. Ms. Brink said Mr. G "pounded" on her door at 10 p.m. when her dog was sleeping in its crate. She did not answer the door.

35. The next morning at 6 a.m., Mr. G met Ms. Brink outside her door as she was leaving for work. Mr. G said he wanted to catch her as she was leaving because that was the only way to talk to her. Mr. G testified that he drew Ms. Brink's attention to the numerous notices from animal control that were hanging from her front doorknob.

36. Several weeks later, Ms. Brink made a police report related to this conversation, alleging that Mr. G harassed her. (Exhibit B). In the report, she claimed that Mr. G was "yelling and ranting" during this conversation, that his narrative was bizarre and disjointed, and that he seemed to be "fishing for information" about her schedule. She said Mr. G knew her fence was broken. She believes he could only know this information if he attempted to enter her yard. During the hearing, she testified that she believed Mr. G was likely trying to enter her yard to poison her dog.

37. On March 16, 2025, Ms. Brink said she received letters from animal control showing she had unpaid citations that were being assessed late fees (Exhibit H). She said that was the first contact she had with animal control since January 17, 2025, when she talked to Officer Perez.



38. Sergeant Wyatt testified that Officer Nuttle's case notes indicate he left voice messages for Ms. Brink on February 9, 11, and 25, and March 2, 2025 (See Page 3 of Ex. 1 for case 25-003).

39. Ms. Brink testified that she never received voice messages from Officer Nuttle. She presented screen shots from the call logs on her phone. (Ex. A) which do not show phone calls or voice messages from Officer Nuttle.

40. Ms. Brink said that Sierra's bark collar broke at some point. She also did not know that it was having issues with the battery. Exhibit C is a photo of the broken collar.

41. On March 22, 2025, she ordered a Garmin "BarkLimiter Deluxe" bark collar. (Exhibit E). She said she spent extra money on this bark collar so that it would stay charged and the collar would not get damaged like the last one.

42. In her written statement, Ms. Brink said that Sierra is a medical alert dog.

43. I observed both complainants testify and found their testimony to be credible. Their demeanor was appropriate, and their answers were logical and supported by other evidence. While they are obviously frustrated by having a new baby and living next door to a dog that is always barking, they both appeared to be offering factually accurate testimony free from emotion. In short, I do not believe Mr. G was harassing Ms. Brink or is about to poison her dog, nor do I think he is lying or fabricating evidence.

#### **IV. Conclusions of Law**

##### *a. Jurisdiction*

The administrative hearing officer has jurisdiction pursuant to AMC 17.05.100, which affords a right to contest a notice of violation or administrative decision by animal control (such as a notice of forfeiture) by requesting a hearing within 15 business days after service of the NOV or administrative decision. Failure to request a hearing within the time required waives the right to a hearing.<sup>2</sup> However, the administrative hearing officer may accept a late filed request upon a showing of good cause.<sup>3</sup>

Here, Ms. Brink requested a hearing on April 3, 2025, to contest the two citations issued by Sergeant Wyatt (V25-012729 and V25-012730), as well as the earlier citations that Officer Nuttle issued on February 12<sup>th</sup> and March 3<sup>rd</sup>. Sergeant Wyatt served the two citations on Ms. Brink on March 31, 2025, so Ms. Brink's request to appeal those citations was timely. However, the other two issued by Officer Nuttle were served on her more than

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<sup>2</sup> AMC 14.30.050C

<sup>3</sup> AMC 14.30.050D



fifteen business days before her request for a hearing. Therefore, I can only accept her late filed request upon a showing of good cause.

Ms. Brink argued that she was not aware of the citations that Officer Nuttle issued until she talked to Sergeant Wyatt on March 31<sup>st</sup>. Sergeant Wyatt testified that she reviewed Officer Nuttle's case file, and her notes from that review are on pages 3-4 of Ex. 1 for case 25-003. Sergeant Wyatt said the investigative file shows that Officer Nuttle arrived at Ms. Brink's house on February 9, 2025, at 5:42 p.m. He called Ms. Brink and left a voicemail. When no one answered the door, he left a notice on the garage door and another notice on the front door. He took pictures of these notices, which are shown in Exhibit 5. On February 11, 2025, at 2:03 p.m., Officer Nuttle returned to the residence and left a voicemail for Ms. Brink. He posted another door tag, which is also photographed in Exhibit 5. When he was unable to reach Ms. Brink on these occasions, he returned on February 12, 2025, at 5:02 p.m. and posted the first citation for animal noise.

On February 25, 2025, at 2:25 p.m., Officer Nuttle arrived at Ms. Brink's residence and called Ms. Brink. When she did not answer the door or her phone, he left a voicemail for her. He then posted a notice on her door, which he photographed. He returned on March 2<sup>nd</sup> (Sunday) at 1:47 p.m., again calling Ms. Brink and leaving a voicemail before arriving, as well as posting a notice on her door. After being unable to reach her several times, he returned on March 4, 2025, at 4:39 p.m. and left the citation attached to her front door.

Ms. Brink argued that Officer Nuttle had not called her or left voice messages for her as he claimed. She provided screenshots from what appears to be an iPhone showing there were no incoming calls or voice messages during the times Officer Nuttle says he called her. Of course, the screenshots she provided are not official phone records and anyone can easily swipe a specific call or message to delete it. I am not saying that Ms. Brink did that. But I find it equally unlikely that Officer Nuttle would note specific times for phone calls that he made if he in fact had never made them. Regardless, even if there were some errors and Ms. Brink never received the phone calls, they were merely courtesy calls that were not required. They show that animal control was trying to get a hold of Ms. Brink to talk to her and get her side of the story before issuing a citation.

Ms. Brink offered various conflicting arguments regarding whether she received the notices and citations affixed to her front door and garage door. She said she always entered the house through the garage door and it was dark outside when she left for work and when she returned (indicating she never saw them), that she thought the notices might be junk mail from solicitors, and that the prior notices left by animal control had all been informational "warning letter" type notices, which created a "boy who cried wolf" response. None of these arguments are compelling, especially considering the complainant's credible testimony that when he talked to Ms. Brink on February 14, 2025, he specifically pointed out the notices from animal control hanging from her door that she



was choosing to ignore. She knew at that time the complainant believed her dog's bark collar was not working, and they discussed the problem of her dog barking. If she had simply read the information affixed to her door, instead of ignoring it, she would have seen Officer Nuttle's citation issued on February 12<sup>th</sup>. I believe Ms. Brink was intentionally ignoring the citations under the mistaken belief that if she refused to acknowledge them, the problem would go away. Willful ignorance does not constitute good cause. Therefore, she waived her right to contest the citations Officer Nuttle issued by not requesting a hearing within 15 business days. Since these citations were not timely appealed, they established that Ms. Brink was issued a first offense for chronic animal noise on February 12, 2025, and a second offense on March 4, 2025. Therefore, any further violation would be a third offense.

*b. Standard of Proof for citations*

The issue in this appeal is whether Ms. Brinks violated AMC 17.10.015A concerning chronic animal noise. Animal Control bears the burden of proving each element of the alleged violation by a preponderance of the evidence,<sup>4</sup> which is the equivalent of showing that something is "probable" - i.e., more likely than not.<sup>5</sup>

AMC 17.10.015A is the Municipality's chronic animal noise ordinance. The ordinance states, "It shall be unlawful for any owner or custodian of an animal to permit it to make chronic animal noise."<sup>6</sup> A custodian "means a person entrusted by the owner with the full responsibility for an animal under this title."<sup>7</sup> "Chronic animal noise" is defined in AMC 17.05.010, in pertinent part, as:

repeated vocalization by an animal or animals from the time the noise begins for more than five consecutive minutes during the daytime noise period from 7:00 a.m. to 10:00 p.m. and more than five consecutive minutes during the nighttime noise period from 10:00 p.m. to 7:00 a.m. where such vocalizations unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibilities. There is a presumption that repeated vocalization by a dog barking for more than five minutes unreasonably disturbs a person of ordinary sensibilities unless proved to the contrary. . . .

Considering the ordinance language, Animal Control has the burden of establishing by a preponderance of the evidence that Ms. Brink is the owner or custodian of a dog that

<sup>4</sup> See AMC 14.30.090C; *West v. Municipality of Anchorage*, 174 P.3d 224, 227-28 (Alaska 2007).

<sup>5</sup> See AMC 14.30.090C; *Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 699 (9<sup>th</sup> Cir. 2007); *Holton v. States*, 602 P. 2d 1228, 1238 & n. 17 (Alaska 1979); see also Alaska Civil Pattern Jury Instruction §2.04.

<sup>6</sup> Violations of Title 17, including 17.10.015A, are strict liability offenses, regardless of a person's mental state or intent. See AMC 17.05.070F,

<sup>7</sup> AMC 17.05.010

made chronic animal noise on March 21, and March 29, 2025, by making repeated vocalizations for more than five consecutive minutes, where such vocalizations unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibilities.

*c. Animal Control did not prove the violation on March 21, 2025*

The last bark that I could hear on the video from March 21, 2025, was at the 4 minutes and 56 seconds mark of the video. Although this is only a few seconds short, the code specifically defines chronic animal noise as vocalizations by an animal from the time the noise begins for “more than” five consecutive minutes. In the video, the complainant seemed to be hurrying down the stairs to start the recording, probably because he wanted to ensure his recording captured five minutes of barking. It is certainly possible for someone to pick up their phone and start a recording in 5 seconds or less. Even though the video only records 4 minutes and 56 seconds of consecutive barking, I could have upheld the citation if there was clear testimony that the barking began at least 5 seconds before the video started. Since it seems equally likely that the complainant started the recording within five seconds of when the barking began, I do not find that animal control proved the violation by a preponderance of the evidence. Notice of Violation V25-012729 is VOIDED.

*d. Animal Control proved the violation on March 29, 2025*

It was undisputed that Ms. Brink is the owner or custodian of a white Shephard/Husky mix dog named Sierra. It was conclusively proven that Sierra was barking repeatedly on March 29, 2025, from 5:53 p.m. to just after 5:58 p.m. The video clearly shows Sierra barking from Ms. Brink’s backyard. Although Sierra is not visible for the entire video when she is walking around the yard, the audio of the barks during the times she is off-camera sounds identical. Mr. G also testified credibly that he is very familiar with Sierra’s bark from living next door to her and he had no doubts the dog barking in the video was Sierra. I found Ms. Brink’s arguments that this could have been another dog barking to be implausible and plainly contradicted by the weight of the evidence. The dog barking is Sierra.

The barking lasted for just over five minutes. Although there is a 20-30 second period with no barking, just after the one-minute mark, the barking in the video still qualifies as “repeated” vocalizations of an animal for five “consecutive” minutes. Although those words are not defined in the code, dictionaries provide a useful starting point in determining their meaning because they provide the common and ordinary meaning of words.<sup>8</sup> The Oxford language dictionary defines “Repeated” as “done or

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<sup>8</sup> *Alaskans for Efficient Gov., Inc. v. Knowles*, 91 P.3d 273, 276, n.4 (Alaska 2004).



occurring again several times in the same way.” “Consecutive” means “following one after the other in order.”

Using those common-sense definitions, a dog barking in the manner Sierra is barking for over five minutes does qualify as “repeated” vocalizations of an animal. The code does not require the vocalizations to be non-stop without pause. Any animal that is making noise must pause to catch its breath or might pause periodically for other reasons. Animal Control has sought to draw a bright line so that the ordinance may be enforced fairly in different cases. They have consistently interpreted the ordinance to mean that when there is a gap of one-minute or more between an animal’s vocalizations, those vocalizations will not be counted as repeated. This seems reasonable, and consistent with the language of the code.

Because the barking lasted for more than five minutes, it is presumed that it would unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibilities unless proven otherwise. Here, nothing overcomes that presumption. The complainants were both disturbed by the barking and anyone of ordinary sensibilities living next door to this dog would similarly be unreasonably disturbed. Ms. Brink argued that Mr. G found the pitch of Sierra’s barking unusually disturbing. I did not notice anything unusual about the barking. She sounds like what anyone would imagine a large Husky/Shepard dog sounds like, and a person of ordinary sensibilities would be disturbed by repeatedly listening to this barking. Notice of Violation V25-012730 imposing a \$400 civil fine is AFFIRMED.

*e. The notice of forfeiture is not affirmed.*

An animal owner issued three or more notices of violation for chronic animal noise within one year may be required to forfeit the animal to the municipality.<sup>9</sup> However, a forfeiture order may not be sought against an owner who has taken verifiable steps to correct the problem prior to receipt of a third NOV.<sup>10</sup> “Verifiable steps” include, but are not limited to, acquisition and use of a bark collar.<sup>11</sup>

Here, Sierra’s bark collar was not working during the time period between the second and third citations. She purchased a new and better bark collar on March 22, 2025, which was prior to the receipt of the third NOV. Therefore, her purchase and use of the new bark collar is a “verifiable step” under the code, and the municipality cannot proceed with requiring her to forfeit the animal at this point. However, Ms. Brink should still be

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<sup>9</sup> AMC 17.10.015A.3

<sup>10</sup> AMC 17.10.015A.3.a

<sup>11</sup> *Id.*

aware that if the problem continues, she may be issued further violations (carrying fines of \$400 for each offense).

Ms. Brink should also be mindful of the fact that it is her responsibility as Sierra's owner to prevent Sierra from creating chronic animal noise. Sierra is obviously a dog that barks a lot and is probably territorial, like many dogs are. When she is home, especially alone, she is going to bark at noises such as people or other dogs walking by or in adjacent yards. Many people in this situation would keep Sierra inside and only allow her to go outside attended, such as having someone take her for a walk during the day when they are at work. Ms. Brink elects to have a dog door so Sierra can come and go outside as she pleases. If the bark collar does not prevent Sierra from barking, then it is up to Ms. Brink to find another solution.

### **FINAL ORDER**

Notice of violation V25-012730 and a \$400 civil fine are AFFIRMED. Notice of violation V25-012729 and the notice of forfeiture are NOT AFFIRMED and are hereby VOIDED.

DATED and effective as of this 29<sup>th</sup> day of April, 2025, Anchorage, Alaska.

By: 

Paul M. Ervasti  
Administrative Hearing Officer

### **APPEAL RIGHTS**

This decision is final. Persons may appeal this order to the Alaska Superior Court, Third Judicial District in Anchorage, Alaska within thirty (30) days of issuance pursuant to Alaska Rules of Appellate Procedure. Any person seeking reconsideration shall serve all parties with a copy of same and with proof of that service.

#### Certificate of Service

I, Kathi Flanders, hereby certify that I mailed a true and correct copy of the foregoing to:

Eva Brink



Animal Care and Control

on this 25 day of April, 2025

Kathi Flanders