

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

MUNICIPALITY OF ANCHORAGE,)
(ANIMAL CARE AND CONTROL))
Plaintiff,)
)
v.)
)
KARL SCHAFF,)
Appellant.)
)

August 1, 2025

Administrative Hearing Office No.: 25-009
Animal Control No: A25-078216

FINAL DECISION AND ORDER

I. Summary of Proceeding

On June 2, 2025, the Municipality of Anchorage Animal Care and Control (Animal Control) issued a notice of violation to Mr. Karl Schaff for violating Anchorage Municipal Code (AMC) 17.10.050 by not following required standards for a multi-animal facility. The notice of violation alleged this was Mr. Schaff's third offense and sought to impose a civil fine of \$175.00 for the violation. That same day, Animal Control also revoked Mr. Schaff's license to operate a multi-animal facility. Mr. Schaff requested an administrative hearing to contest the notice of violation and the revocation of his license. After considering the evidence, the notice of violation, \$175.00 civil fine, and license revocation are all AFFIRMED.

II. Evidence Considered

The hearing was held on July 30, 2025. Mr. Schaff was advised of his rights at the hearing, including his right to counsel, and he elected to proceed without counsel. The hearing was recorded, and all evidence was presented on the record. Animal Control Officer Nix, the complainants,¹ and Mr. Schaff all testified under oath. Mr. Schaff did not

¹ Complainants' names are redacted pursuant to AMC 3.90.040.D.

offer any exhibits. Animal Control offered the following exhibits, which were admitted as evidence without objection:

- Exhibit 1: Investigation Report for Case Number A25-078216
- Exhibit 2: Activity History for Case Number A25-078216
- Exhibit 3: Email from complainants with 2 video files and 10 photographs attached
- Exhibit 4: Notice to deny license and notice of violation
- Exhibit 5: 11 prior citations issued to Mr. Schaff

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. Mr. Schaff lives in southeast Anchorage.
3. Mr. Schaff has kept between seven and eight dogs on his property at various times. He testified that he once had thirteen dogs on his property when several of his dogs had puppies. He got rid of the puppies and currently owns four dogs.
4. One of his dogs is a tan labrador retriever named Casper.
5. Mr. Schaff said he moved to Anchorage from the Mat-Su valley. He said his dogs were accustomed to roaming outside and he was unfamiliar with many of the requirements in the Anchorage Municipal Code related to dogs.
6. The two complainants are a married couple who live next door to Mr. Schaff. They said that Mr. Schaff's dogs have been a problem since they moved into their house two and a half years ago.
7. They said Mr. Schaff's dogs are constantly wandering around the neighborhood or walking loose on the road by themselves.
8. They said Mr. Schaff's dog Casper routinely defecates in their yard as well as coming onto their front porch and urinating on shoes that are left on the porch.
9. The complainants said they have young grandchildren and they do not like dogs coming onto their property when their grandchildren are outside.

10. They said they understand that sometimes accidents happen and there may be an occasional problem with a neighbor's dog getting loose. They often overlook this when it happens. However, they said that Mr. Schaff's dogs have caused problems because they are loose so frequently.

11. They eventually started reporting the situation to animal control. They said they have spent a great amount of time over the last year or so taking pictures of Mr. Schaff's dogs loose on their property and sending those pictures to animal control. They also testified that they only involved animal control a fraction of the times that Mr. Schaff's dogs were loose on their property. There were many incidents they did not report.

12. In late 2023, animal control started issuing Mr. Schaff notices of violation for violating AMC 17.10.020 by allowing his dogs to be off his property uncontrolled. From late 2023 to early 2025, animal control issued Mr. Schaff nine separate notices of violation. (Pages 1-9 of Ex. 5). These citations have escalating fines for repeat offenses, which resulted in Mr. Schaff being assessed \$2,300 in fines for all the citations. Each time, he paid the fine and did not contest the violation.

13. AMC 17.15.060 requires any person keeping four or more dogs at their house to obtain a multi-animal facility license.

14. At some point when animal control was issuing Mr. Schaff the citations, they also informed him that he would need to obtain a multi-animal facility license or reduce the number of dogs at his house to three.

15. Mr. Schaff elected to obtain a license.

16. Under AMC 17.10.050A.7, an owner of a multi-animal facility must keep the animals confined or in control on the premises where the animals are kept.

17. On March 21, 2025, Casper left Mr. Schaff's property and wandered onto the complainants' property. Animal Control issued Mr. Schaff a notice of violation for violating multi-animal facility requirements. (Page 10 of Ex. 5). Mr. Schaff paid the \$100.00 fine and did not contest the violation.

18. On April 1, 2025, Animal Control issued Mr. Schaff a notice to deny or revoke his multi-animal facility license. (Page 1 of Ex. 4). The notice informed him that if

he violated AMC 17.10.050 again after April 15, 2025, his license would be revoked. The notice indicates that Mr. Schaff discussed the potential consequences of non-compliance with Animal Control Sergeant Wyatt.

19. On April 13, 2025, Casper once again got loose and went on the complainants' property. Animal control issued another notice of violation imposing a \$150.00 civil fine. Mr. Schaff paid the fine and did not contest the violation.

20. On May 21, 2025, at 4:17 a.m., the complainants were woken up when their security system alerted them of movement on their front porch. Their security camera took two videos of Casper on their front porch.

21. These two videos were played during the hearing. Mr. Schaff admitted that the videos show his dog Casper on the complainants' porch.

22. Animal Control issued Mr. Schaff a notice of violation for violating multi-animal facility requirements a third time by allowing his dog to be uncontrolled. (Page 3 of Ex. 4). Animal Control also revoked Mr. Schaff's multi-animal facility license. (Page 2 of Ex. 4). These are the two actions Mr. Schaff is contesting in this case.

23. Mr. Schaff testified that Casper was friends with another dog who used to live at the complainants' house prior to the complainants moving in. He said Casper became accustomed to going over there.

24. He said Casper does like to bolt out of the house and get outside.

25. He spent thousands of dollars putting up a fence around his yard last October. He believes the number of times that Casper is getting loose has gone down since then.

26. He also installed a dog gate inside the house before the front door. He said his roommate sometimes lets Casper out of the house accidentally.

27. He said he had multiple stressors in his life when this was occurring. Before his girlfriend passed away, he promised her that he would take care of the dogs. He views the dogs as his children and does not want to get rid of any dogs. He said it is very difficult to rehome a dog, and he would have to get rid of Casper if his multi-animal license was revoked.

28. Officer Nix testified that revoking a license is not something animal control takes lightly. She said it is always the last resort and animal control strives to keep animals with their owners. In this case, Officer Nix testified that in addition to concerns with respecting the complainants' property and the safety of their grandchildren, animal control was also concerned with Casper's safety as well. She said dogs that are uncontrolled can get hit by a car or attacked by a wild animal or another dog. She said the repeated violations made it clear that revoking the license was appropriate in this case.

IV. Conclusions of Law

A. Jurisdiction and burden of proof

The Administrative Hearing Officer has jurisdiction over this appeal pursuant to AMC 17.05.100, which affords the right to an administrative hearing on decisions of Animal Control, including notices of violation and decisions to revoke a license. Animal Control bears the burden of proving each element in the notice of violation as well as proving that its decision to revoke Mr. Schaff's license was proper by a preponderance of the evidence,² which is the equivalent of showing that something is "probable" -i.e., more likely than not.³

B. Animal Control proved the notice of violation

The notice of violation alleged that Mr. Schaff violated AMC 17.10.050, the standards for operating animal facilities. One of these standards requires the owner or operator of a facility to "[e]nsure all animals are confined or in control on any premises where the animals are kept."⁴ Animals may be under control by any of the five methods listed in the definition of "control" in AMC 17.05.010. Regardless of the method of control

² See AMC 14.30.090C; *West v. Municipality of Anchorage*, 174 P.3d 224, 227-28 (Alaska 2007).

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

⁴ AMC 17.10.050A.7

used, the control of an animal must “simultaneously monitor, direct, and restrain an animal’s movements and activities, in a humane manner, so as to prevent violations of title 17.”⁵

In this case, it was uncontested that Mr. Schaff had a multi-animal facility license to keep four dogs at his house, and that one of the dogs, Casper, was not confined or under control on Mr. Schaff’s premises on March 21, 2025, when the dog got loose and went to the complainants’ property. Because the notice of violation sought to impose a \$175.00 fine, animal control was also required to prove that this was Mr. Schaff’s third violation. This was also uncontested and Pages 10-11 of Exhibit 5 document the two prior violations, which Mr. Schaff did not contest. Therefore, animal control proved all elements of the notice of violation, none of which were contested by Mr. Schaff at the hearing.

C. Animal Control’s decision to revoke Mr. Schaff’s multi-animal facility license was proper

The procedures to revoke a multi-animal facility license are outlined in AMC 17.15.080, which reads as follows:

17.15.080 - Revocation or denial of application for license.

A. The chief animal control officer may deny or revoke a special purpose license on the following grounds:

1. The manner or method of keeping animals constitutes a health hazard to humans or animals;
2. The manner or method of keeping the animals violates any ordinance or regulation under this title; or
3. A present or prior violation of a term, condition or limitation of the license issued under this title.

B. An animal control officer shall issue a notice to revoke or deny, a special purpose license for any violation of this title or failure to adhere to conditions of a special purpose license. The notice shall state in writing the steps the applicant may take, with a set reasonable time period, to correct any violations stipulated. If the officer observes conditions that immediately threaten an animal's or the public's health, safety or welfare, an order to cease and desist operation may be issued in lieu of a notice to revoke or deny. Following the time period stipulated in the notice to revoke or deny, an

⁵ *Id.*

inspection shall be made by the animal care and control center to determine if the violation is abated or corrected. If the violation remains or other violations have occurred, the chief animal control officer may deny or revoke the license.

C. If a special purpose license is denied or revoked, the animal care and control center shall prepare a written report which includes:

1. Reasons for denial or revocation; and
2. Time periods the animal care and control center allowed the applicant to comply with any notices to correct conditions required to obtain or keep a license.

D. The applicant shall receive a copy of the report within fourteen business days of the denial or revocation.⁶

Animal control followed those procedures in this case. The notice that Animal Control gave to Mr. Schaff on April 1, 2025, (Page 1 of Ex. 4) informed him that the manner he was keeping the dogs on his property violated AMC 17.10.050.A.7 because he was not keeping the dogs under control or confinement. The notice informed him he must keep the dogs under control or confinement and that his license would be revoked if he had further violations after April 15, 2025. This was a reasonable amount of time because Mr. Schaff had always been under the obligation to keep his dogs under control and had received numerous citations for failing to do so. The notice did not impose any new requirements. Mr. Schaff then violated the code again on May 21, 2025, by allowing his dog Casper to be uncontrolled. The complainants also testified that while this case was pending, there have been numerous other times in June where the dog was loose on their property. It seems like as long as Mr. Schaff owns dogs, he is going to allow them to roam free outside and will not keep them under control. Animal Control's decision to revoke his multi-animal facility license was reasonable and supported by the evidence considering the numerous violations Mr. Schaff has accrued.

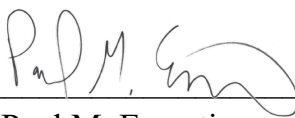
⁶ AMC 17.15.080

FINAL ORDER

The undersigned hereby orders, based on the evidence presented, that notice of violation V25-012917 imposing a \$175.00 civil fine is AFFIRMED. Animal Control's decision to revoke Mr. Schaff's multi-animal facility license is also AFFIRMED.

The \$175.00 fine is due and payable to the Anchorage Animal Care and Control Center, 4711 Elmore Road, Anchorage, Alaska 99507 as of the effective date set forth below. If not paid in full within thirty (30) days from the date of this final order, a one-time late payment fee of \$25.00 will be assessed. Interest on fines and assessments not paid within 30 days of the decision shall accrue at the rate of 8% per year pursuant to code. Pursuant to AMC 6.70.125 adopted November 9, 2010, if your account is referred to an outside collection agency, a collection fee will be added to the outstanding balance of the account.

DATED and effective as of this 1st day of August 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.