

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

MUNICIPALITY OF ANCHORAGE,)
(ANIMAL CARE AND CONTROL))
Plaintiff,)
)
v.)
)
TALLI VITTETOE,)
Appellant.)
)

July 29, 2025

Administrative Hearing Office No.: 25-008
Animal Control Case No: A25-077500

FINAL DECISION AND ORDER

I. Summary of Proceeding

On May 14, 2025, the Municipality of Anchorage Animal Care and Control (Animal Control) classified a dog belonging to Ms. Talli Vittetoe as a Level 4 animal after determining that the dog caused physical injury to a human while unrestrained. Ms. Vittetoe requested a hearing to contest the classification. After considering the evidence, the Level 4 classification of Ms. Vittetoe's dog Griz is AFFIRMED.

II. Evidence Considered

The hearing was held on July 23, 2025. Ms. Vittetoe was advised of her rights at the hearing, including her right to counsel, and elected to proceed without counsel. The hearing was recorded, and all evidence was presented on the record. Animal Control Officer Smith, the complainant¹ and the complainant's daughter, and Ms. Vittetoe testified under oath. Animal Control offered the following exhibits, which were admitted as evidence without objection:

Exhibit 1: Investigation Report for Case Number A25-077500
Exhibit 2: Activity History for Case Number A25-077500
Exhibit 3: Notice to Comply dated April 23, 2025

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

- Exhibit 4: Phone screenshot of text message and photographs from the complainant
- Exhibit 5: Notice of Violation² and Notice of Level 4 Classification

Ms. Vittetoe submitted a statement, with attached photographs and screenshots, which was marked as Exhibit A and admitted as evidence without objection.

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. Vittetoe lives in Anchorage and owns a Karelian Bear dog named Griz.
3. Ms. Vittetoe's front yard has a chain-link fence with a gate that separates her yard and house from the sidewalk on the street in front.
4. On April 7, 2025, Ms. Vittetoe took her dog Griz to play at a dog park and picked up groceries.
5. She parked her car in front of her house, as shown in Exhibit A, and brought Griz and an armload of groceries into the house.
6. Griz was wearing an E-Collar and Ms. Vittetoe had the remote in her possession.
7. She put the groceries away and put some dog food out for Griz.
8. The front door of her house and the gate on the chain-link fence were still open because Ms. Vittetoe intended to retrieve the rest of the groceries from her car as Griz was eating.
9. At the same time, the complainant and his daughter were walking on the public sidewalk in front of Ms. Vittetoe's house.
10. Griz darted out the open door and ran toward the complainant.

² Officer Smith said during the hearing that this Notice of Violation was voided and no civil fine would be imposed. Therefore, the only issue for the hearing is the level 4 classification of the animal.

11. Griz was growling at the complainant and bit the complainant on the arm. Griz violently shook the complainant's arm. Because Griz's teeth latched onto the complainant's jacket, Griz ripped the complainant's jacket, but did not cause any injury to the complainant's arm.

12. The complainant's daughter said she was worried about her dad and stepped towards them to try to help get the dog off him. When she did so, Griz turned towards her and bit her leg.

13. The complainant poured a can of soda he had in the dog's face, which caused it to stop attacking his daughter.

14. Ms. Vittetoe said she did not use the E-collar remote because she was right behind Griz and was able to intervene right away. She grabbed Griz and put him in his crate inside the house.

15. The complainant testified that the bite to his daughter's leg took off a piece of skin that was about the size of a quarter and is shown in the photograph on page 2 of Exhibit 4.

16. The complainant's daughter testified that her leg is healed now. She has a scar, but the wound did not get infected.

17. The complainant said he and his daughter frequently walk past Ms. Vittetoe's house on the way to a nearby park. He is afraid to walk past her house now and always crosses to the other side of the street.

18. The complainant's daughter said Griz always barks aggressively at people who walk by on the sidewalk.

19. Animal Control Officer Smith testified that he believed the animal displayed level 4 behavior by causing physical injury to a human while unrestrained.

20. He said that animal control considered all the exceptions to classification and determined none of them applied, and that a level 4 classification of the animal was appropriate.

21. Ms. Vittetoe testified that she was not disputing any of the facts the complainant and his daughter testified to.

22. She said that the gate to the sidewalk was open as she was unloading groceries, and this was an unfortunate mistake.

23. She said that Griz may have been startled as the complainant and his daughter walked along the sidewalk because his view was obstructed by a bush, as shown in Exhibit A.

24. She said Griz has been raised around friends, children, and other dogs without issue and that this was an uncharacteristic, situational reaction likely brought on by the dog's surprise and perceived territorial threat of someone approaching the gate to the front yard.

25. She has hired a professional trainer to work with Griz on his reactions. She will continue to work with this trainer to address the behavior and ensure the safety of others.

26. She has implemented tighter control of the gate and does not leave it open. She also put a sign on the gate to warn others of the dog and uses a leash and bite-proof muzzle whenever Griz is in public.

27. She believes an exception to classification is warranted because Griz was defending himself, this was an isolated incident, and Griz can be safely and responsibly managed without the restrictive level 4 classification.

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 animal classifications.

The issue in this case is whether Animal Control properly classified Griz as a level 4 animal because the dog caused physical injury to a human while unrestrained. Animal Control bears the burden of proving that its classification decision was proper by a

preponderance of the evidence,³ which is the equivalent of showing that something is “probable” -i.e., more likely than not.⁴

For most issues, administrative hearings are quasi-judicial proceedings in which the administrative hearing officer may hear and decide *de novo* all matters appealed and may exercise independent judgment as to the weight of evidence supporting the decision that is being appealed.⁵ Thus, whether Griz caused physical injury to a human while unrestrained is a factual issue that is reviewed *de novo*.

However, once level 4 behavior is established, the standard of review for whether an exception to classification applies is more complex. AMC 17.40.020(B) gives Animal Control “discretionary authority to refrain from classifying an animal” if one of the exceptions to classification applies. Because the code gives Animal Control discretionary authority, Animal Control’s determination should be given deference so long as it is reasonable, supported by the evidence in the record as a whole, and there is no abuse of discretion.⁶ Therefore, while the ultimate issue of whether the animal was properly classified is reviewed *de novo*, Animal Control’s discretionary decision that an exception to classification either applies or does not apply receives deference if there is a reasonable basis for the decision.

B. Griz was unrestrained and displayed level 4 behavior

AMC 17.40.020A.4 establishes the standard for classifying an animal based on level 4 behavior. Pursuant to that section, level 4 behavior is established if any of several sets of circumstances exist, including “[a]n unrestrained animal inflicts an aggressive bite or

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

⁴ 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.

⁵ AMC 3.60.050.

⁶ See *Cook Inlet Pipe Line Co. v. Alaska Public Utilities Com’n*, 836 P.2d 343, 348 (Alaska 1992) (applying reasonable basis standard to issues involving agency expertise and specialized knowledge.).

causes physical injury to any human.”⁷ Restrain or restraint means to confine or control an animal.⁸ Animals may be under control by any of the five methods listed in the definition of “control” in AMC 17.05.010. Relevant to this case, a dog under control by command must respond promptly and accurately to verbal or visual commands; a dog under control by confinement in an enclosure such as a house must not be able to exit the confined space on the animal’s own volition; and a dog under control by leash or electronic collar requires the leash or control device to be in the secure possession of a person physically capable of monitoring, directing, and restricting the animals movements.⁹ Regardless of the method of control 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.”¹⁰ *Physical injury* means an impairment of physical condition or pain either of which is accompanied by visible scrapes, cuts, punctures, bruising, or other evidence of similar injuries.¹¹

In this case, Griz was unrestrained when he bolted out the front door of his own volition and attacked the complainant and his daughter on a public sidewalk. Although Ms. Vittetoe may have used the electronic collar as a proper control device at other times, in this case she did not have time to use it, and she was not able to prevent Griz from running off her property to attack the complainant and bite his daughter. Therefore, the dog was not under restraint.

Griz also caused physical injury to the complainant’s daughter because the bite caused a visible puncture or scrape to the skin. Therefore, Animal Control proved that Griz engaged in level 4 behavior by causing physical injury to a human while unrestrained.

⁷ AMC 17.40.020A.4.

⁸ AMC 17.05.010 (Definition of restraint)

⁹ AMC 17.05.010 (Definition of control)

¹⁰ *Id.*

¹¹ AMC 17.05.010 (Definition of physical injury)

C. Animal Control's discretionary decision that no exception to classification applied was correct and supported by the evidence

Even if an animal displays behavior that would support a classification, Animal Control has the discretion under AMC 17.40.020.B to not classify an animal if the Chief Animal Control Officer determines that an exception to classification applies. The code gives Animal Control broad discretionary authority in the classification of animals¹² in recognition of the specialized expertise that Animal Control has in animal behavior.

Here, Officer Smith testified that Animal Control examined each exception and determined that none applied. I agree. Ms. Vittetoe said that an exception to classification should apply because Griz was defending himself and perceived a territorial threat as the complainant and his daughter walked past the open gate near the front of Ms. Vittetoe's house. AMC 17.40.020B.2 does create an exception for an animal that was protecting or defending itself or owner "from attack or assault while under control or confined." But the complainant and his daughter were not committing any assault or attack on Ms. Vittetoe. Neither were they trespassing on her property or doing anything to tease or provoke the animal.¹³ They were simply walking on a public sidewalk in front of Ms. Vittetoe's house. Many dogs perceive passersby as a territorial threat and bark at them. But the fact that Griz physically attacked the complainant by biting his jacket and biting the complainant's daughter on the leg does show a need to protect the public health, safety, and welfare of other people, especially children. Animal Control's decision that no exception to classification applied was reasonable and well supported by the evidence.

The corrective actions Ms. Vittetoe took after this incident are commendable and demonstrate responsible dog ownership. Enrolling her dog in obedience training with a professional trainer will hopefully fix this dog's behavior. It is admirable that she recognizes the need to protect the public and is pursuing this training. If Griz completes the obedience training and has no further incidents within the next two years, Ms. Vittetoe may apply to Animal Control to reduce or remove the level four classification pursuant to

¹² AMC 17.40.020.B.9

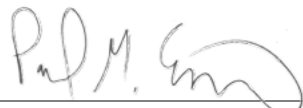
¹³ AMC 17.40.020.B.1

AMC 17.40.085. But for now, level 4 classification is warranted by the code and appropriate under the facts.

FINAL ORDER

The undersigned hereby orders, based on the evidence presented, that the level 4 classification of Ms. Vittetoe's dog Griz is AFFIRMED.

DATED and effective as of this 29th day of July 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:

Talli Vittetoe



Animal Care and Control

on this 29th day of July, 2025 ,
