



CITY OF PACIFIC GROVE

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FOR IMMEDIATE RELEASE

Court Upholds City of Pacific Grove's Administrative Decision

Superior Court Judge Susan J. Matcham today issued a Statement of Decision in *Hanes v. City of Pacific Grove*, Case No. 16CV002523, concluding the City of Pacific Grove's Administrative Hearing Officer did not abuse her discretion in determining a nuisance resulted from Petitioners' failure to properly maintain their pig.

In the Statement of Decision, the Court determined the Hearing Officer proceeded in a manner required by law, the decision was supported by the findings, and the findings were supported by the evidence. Judge Matcham stated "the Hearing Officer's actions were well within her discretion." She further stated "substantial evidence supports the Hearing Officer's implicit conclusion that Mr. Magsalay was [a credible witness]."

Judge Matcham cited the Hearing Officer, stressing "it is not the city's obligation to resolve [the nuisance]. If remedies offered by the city have not abated the nuisance, it falls to [Petitioners] to find remedies that do." The Judge agreed with the Hearing Officer, stating "pig feces that creates an offensive smell... has accumulated to the point of constituting a nuisance."

Judge Matcham emphasized the Decision relied on "five findings of fact, including, critically, findings that Petitioners allowed a recurrent of odor of feces and flies in their yard, and that Petitioners allowed accumulation of feces to occur in their yard in a manner that created a nuisance."

The City is pleased the Court recognized and agreed with the careful considerations given to this matter by the City's Administrative Hearing Officer.

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