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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1313**

In the Matter of the Administrative Citation:
V19-002353 June 29, 2019 Issued to: Lawrence Johnson.

**Filed May 26, 2020
Affirmed
Bjorkman, Judge**

City of Minneapolis
File No. V19-002353

Lawrence Johnson, Minneapolis, Minnesota (pro se relator)

Erik Nilsson, Interim Minneapolis City Attorney, Joel M. Fussy, Burt Osborne, Assistant City Attorneys, Minneapolis, Minnesota (for respondent City of Minneapolis)

Considered and decided by Bjorkman, Presiding Judge; Bratvold, Judge; and Florey, Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Relator challenges administrative citations and a civil penalty for harboring pigs in the City of Minneapolis and interfering with an animal-control worker in violation of city ordinances. Because substantial evidence supports the citations and civil penalty, we affirm.

FACTS

On June 29, 2019, Minneapolis Animal Care and Control (animal control) received a report of three pigs running loose at the Hiawatha Golf Course. A uniformed animal-control officer, Susan Baker, responded to the call in a marked vehicle. She encountered relator Lawrence Johnson, a sow, and two piglets at the golf course. As soon as Johnson saw Officer Baker, he grabbed the sow and threw it into his vehicle. When asked to identify himself, he declined, told Officer Baker to “[l]eave me alone,” and said, “You’re going to have to call the police if you want me to cooperate.” He then grabbed a piglet that had run up to Officer Baker and put it in his vehicle. And he physically prevented Officer Baker from securing the sow that he released from his vehicle to find the other piglet.

Officer Baker enlisted assistance from another animal-control officer and a Minneapolis police officer. After the police officer restrained him, Johnson claimed that he was transporting the pigs to a farm and had merely stopped at the golf course to allow them to cool off. Officer Baker cited Johnson for (1) harboring or keeping a hoofed animal in the city and (2) interfering with city staff “engaged in animal care and control duties or functions,” in violation of two city ordinances. Officer Baker fined Johnson \$200 for each violation, and impounded the piglet she recovered.

On July 17, police executed a search warrant at Johnson’s Minneapolis home. They discovered a sow and piglet living in squalor inside what they described as “an extreme hoarding house.” The house was littered with animal feces and had such a strong odor of ammonia that it had to be vented before the officers could enter. Animal control impounded the sow and piglet.

Johnson challenged both the citations and the impoundment of his pigs. At the combined administrative hearing, the hearing officer received reports and photographs and heard testimony from the animal-control and police officers, and Johnson. Johnson initially testified that he was merely transporting the pigs to a farm outside the city, but he later stated that the sow was his “support animal” and admitted that the pigs slept inside his home. The city offered evidence that four “livestock complaints” were issued to Johnson—three in 2017 and one on May 1, 2018—and that some of these complaints involved Johnson harboring pigs in the city. The hearing officer credited the evidence submitted by the city, ordered Johnson to pay a civil penalty of \$400 for the ordinance violations, and directed animal control to retain the pigs.

Johnson seeks certiorari review of the administrative order upholding his citations and civil penalty.¹

D E C I S I O N

A city acts in a quasi-judicial capacity when it investigates a disputed claim and weighs evidentiary facts, applies the facts to a prescribed standard, and issues a binding decision. *Minn. Ctr. for Env'tl. Advocacy v. Metro. Council*, 587 N.W.2d 838, 842 (Minn. 1999). Because that is what occurred here, and there is no other avenue of review, we review the decision by certiorari. *County of Washington v. City of Oak Park Heights*, 818 N.W.2d 533, 539 (Minn. 2012). On certiorari review of a quasi-judicial decision, we are

¹ Johnson also sought certiorari review of the impoundment order. A special term panel of this court dismissed that portion of the appeal because Minn. Stat. § 343.235, subd. 3(b) (2018), provides for district court review of an impoundment order.

limited to considering jurisdiction and the regularity of proceedings, and “whether the order or determination . . . was arbitrary, oppressive, unreasonable, fraudulent, under an erroneous theory of law, or without any evidence to support it.” *Dietz v. Dodge County*, 487 N.W.2d 237, 239 (Minn. 1992) (quotation omitted). We do “not retry facts or make credibility determinations, and . . . will uphold the decision if the lower tribunal furnished any legal and substantial basis for the action taken.” *Staeheli v. City of St. Paul*, 732 N.W.2d 298, 303 (Minn. App. 2007) (quotation omitted).

Johnson contends that the evidence does not support the citations.² We begin our analysis by considering the two ordinances at issue. Minneapolis, Minn., Code of Ordinances (MCO) § 63.120 (2019) provides: “No person shall keep, harbor, or maintain care, custody, or control over any horse, cow, sheep, pig, or any other hooved animal any place in the city. This section shall not prohibit hooved animals from being transported expeditiously through the city.” MCO § 62.50 (2019) provides: “No person shall in any manner molest, hinder, or interfere with [animal control] staff, its agents, any police officer, or any animal control official engaged in animal care and control duties or functions while such person is acting in their official capacity on behalf of the City of Minneapolis.” Our review of the record persuades us that substantial evidence supports the hearing officer’s decision that Johnson violated both ordinances.

First, substantial evidence supports the hearing officer’s determination that Johnson kept or harbored pigs within the City of Minneapolis. Animal-control and law-enforcement

² On appeal, Johnson does not contest the amount of the civil penalty.

officers observed the pigs in Johnson's care at the golf course. Johnson explained that he was simply transporting the pigs through the city; the search of his home demonstrated otherwise. Not only did officers find a sow and piglet in the home, but the home's condition, including the presence of animal feces and urine, suggested that the pigs lived there. After initially testifying that he was only transporting the pigs through Minneapolis, Johnson acknowledged the sow was his support animal and stated four times that the pigs slept inside his home. In the contemporaneous impoundment order,³ the hearing officer specifically found "not credible" Johnson's conflicting testimony that the pigs did not live with him. *See Staeheli*, 732 N.W.2d at 303 (deferring to administrative decision-maker's credibility determinations). And the city had received four livestock complaints, some involving pigs, against Johnson during the previous two years.

Second, ample evidence supports the hearing officer's determination that Johnson interfered with Officer Baker's efforts to engage in animal-control functions. It is undisputed that Officer Baker was acting in her capacity as an animal-control officer on behalf of the city when she arrived at the golf course. Johnson refused to identify himself, told Officer Baker she would need to call the police to secure his cooperation with her investigation, and threw one piglet and the sow into his vehicle to evade her efforts to impound them. When the police officer arrived, he had to briefly detain and handcuff Johnson so that Officer Baker and the other animal-control officer could do their jobs.

³ Johnson correctly points out that the impoundment order mistakenly references the animal in question as a dog in one instance. This isolated error does not affect the validity of the separate order at issue here.

Johnson asserts that he was not “interfering” with or “hindering” Officer Baker because he ultimately did not prevent her from impounding one piglet. While this is true, interference and hindering are premised on actions taken to thwart the officers, not on whether those actions were successful. Johnson’s conduct necessitated a combined response from three city employees, and went beyond what Johnson characterized as a mere “disagreement” with an animal-control officer. On this record, we are satisfied that Johnson interfered with and hindered the animal-control officers as they carried out their duties in violation of MCO § 62.50.

Affirmed.