

Minutes
City of Roseville
Hearing Panel
December 13, 2016 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Pete Constant called the meeting to order at 9:00 a.m. in the City Council Chambers.

The following Hearing Panel members were present:

Pete Constant
Dan Myers
Bruce Hagler

The following Staff members were present:

Joseph T. Speaker	Deputy City Attorney
April Esparza	Legal Clerk
Pamela Sisk	Legal Clerk

2) Designation of Chair

Chairperson for the December 13, 2016 hearing was Pete Constant.

3) Pledge of Allegiance

Chairperson Constant led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

Chairperson Constant administered the Oath to those in attendance who would be offering testimony at the hearing.

6) Matters to be Heard

Citation #11785

Appellant: Patrick Foley

Roseville Municipal Code Section 7.12.010, Animal at large

Roseville Municipal Code Section 7.12.050, Aggressive behavior

Roseville Municipal Code Section 7.16.010, Failure to license

A. Staff Report and Complainant's Statement:

A representative from Animal Control was not present. Their testimony was trailed to allow an Animal Control Officer 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

At 9:08 AM, Animal Control Officer Debra Dalton and Animal Control Supervisor John Bennett arrived at the hearing. At 9:13 AM, Chairperson Constant administered the Oath to Animal Control Officer's Dalton and Bennett prior to their testimony.

Animal Control Officer Dalton offered testimony and answered panel questions.

Per RMC Section 2.50.606(D), the Staff Report was submitted to the City of Roseville Attorney's office prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Animal Control Staff Report including case history and narrative

Complainant's Statement:

Complainant Cathy Getty offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- 4 photos showing dog wounds
- Copy of veterinarian medical record dated September 11, 2016
- Copy of veterinarian invoice and receipts dated September 11, 2016
- Copy of check for "vet charges" from Eileen Foley to Cathy Getty
- Copy of veterinarian medical record from previous incident dated November 7, 2011
- Copy of letter from Thomas Bertsch dated December 11, 2016

B. Appellant's Response:

Patrick Foley offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Written testimony of Patrick Foley
- 4 photos of Rocky's injuries

C. Rebuttals and Panel Questions:

Cathy Getty offered rebuttal testimony and answered panel questions.

Patrick Foley offered rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11785 for one count of violating Roseville Municipal Code Section 7.12.010, Animal at large and one count of violating Roseville Municipal Code Section 7.12.050, Aggressive behavior.

A motion was made by Bruce Hagler and was seconded by Dan Myers to deny the appeal and uphold the charges because the Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Dan Myers, Pete Constant

NOES: none

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11785 for one count of violating Roseville Municipal Code Section 7.16.010, Failure to license.

A motion was made by Bruce Hagler and was seconded by Dan Myers to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred.

AYES: Bruce Hagler, Dan Myers, Pete Constant

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11785, the panel decided to deny the appeal and uphold the charges of one count of violating Roseville Municipal Code Section 7.12.010, Animal at large, and one count of violating Roseville Municipal Code Section 7.12.050, Aggressive behavior. This decision was based on the testimony and evidence presented before them at the December 13, 2016 hearing.

Regarding the appeal of Citation No. 11785, the panel decided to grant the appeal and dismiss the charge for one count of violating Roseville Municipal Code Section 7.16.010, Failure to license. This decision was based on the testimony and evidence presented before them at the December 13, 2016 hearing.

Chairperson Constant signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that he may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #18435

Appellant: Monique and Kevin Sergeeff

Roseville Municipal Code Section 7.12.010, Animal at large

A. Staff Report and Complainant's Statement:

Animal Control staff was present but did not testify because the appellant was not present.

Per RMC section 2.50.606(D), the Staff Report was submitted prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

The complainant, Theresa St. Clair, and her husband, Todd Avenarius, were present, but did not testify because the appellant was not present.

B. Appellant's Response:

The appellant, Monique Sergeeff, and her husband, Kevin Sergeeff, were not present.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Bruce Hagler and was seconded by Dan Myers to deny the appeal and uphold the charge because appellant failed to appear.

AYES: Bruce Hagler, Dan Myers, Pete Constant

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 18435, the panel decided to deny the appeal and uphold the charge of one count of violating Roseville Municipal Code Section 7.12.010, Animal at large, because the appellant failed to appear.

Citation #22774

Appellant: Monique and Kevin Sergeeff

Roseville Municipal Code Section 7.12.050, Aggressive behavior

A. Staff Report and Complainant's Statement:

Animal Control staff was present but did not testify because the appellant was not present.

Per RMC section 2.50.606(D), the Staff Report was submitted prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

The complainant, Theresa St. Clair, and her husband, Todd Avenarius, were present, but did not testify because the appellant was not present.

B. Appellant's Response:

The appellant, Monique Sergeeff, and her husband, Kevin Sergeeff, were not present.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Bruce Hagler and was seconded by Dan Myers to deny the appeal and uphold the charge because the appellant failed to appear.

AYES: Bruce Hagler, Dan Myers, Pete Constant

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 22774, the panel decided to deny the appeal and uphold the charge of one count of violating Roseville Municipal Code Section 7.12.050, Aggressive behavior, because the appellant failed to appear.

Citation #5784

Appellant: Dana Bridges

Roseville Municipal Code Section 7.25.010, Animal noise

A. Staff Report and Complainant's Statement:

Animal Control staff was present but did not testify because the complainant was not present.

Per RMC section 2.50.606(D), the Staff Report was submitted prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

The complainant, Lora Christoffel, was not present.

B. Appellant's Response:

The appellant, Dana Bridges, was present, but did not offer testimony because the complainant was not present.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 9:15 a.m., the Complainant was not present. According to section VII(B) of the rules for Administrative Hearing Procedures, if the complainant fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically granted.

A motion was made by Bruce Hagler and was seconded by Dan Myers to grant the appeal and dismiss the charge because the Complainant failed to appear.

AYES: Bruce Hagler, Dan Myers, Pete Constant

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 5784, the panel decided to grant the appeal and dismiss the charge of violating Roseville Municipal Code Section, 7.25.010, Animal noise, because the Complainant failed to appear.

Chairperson Constant signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that she may file a petition for review with the Superior Court in Placer County within 20 days.

7) Adjournment

A motion was made by Dan Myers, and was seconded by Pete Constant to adjourn the December 13, 2016 Appeal Hearing meeting.

AYES: Dan Myers, Pete Constant, Bruce Hagler

NOES: none

Chairperson Constant adjourned the December 13, 2016 hearing at 9:44 a.m.

Pamela Sisk
Legal Clerk