



MINUTES

November 14, 2018

COMPLIANCE ORDER HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Chairperson Hagler called the meeting to order at 9:01 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Pete Constant

Bruce Hagler

Sherry Rutledge

The following Staff members were present:

Joseph Speaker

Deputy City Attorney

April Esparza

Legal Clerk

Gretchen Hakala

Paralegal

3. IDENTIFICATION OF CHAIR

Chairperson for the November 14, 2018 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Chairperson Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. COMPLIANCE ORDER

7.1. Mimosa House – 761 Pleasant Grove Boulevard

Responsible Party: Louis Dedier

Violations: Roseville Municipal Code Section 9.70.020, Election to enforce hazardous materials response plans law and Roseville Municipal Code Section 16.16.020, California Fire Code and International Fire Code – Adopted by reference

A. Staff Report:

Supervising Fire Inspector Rob Arnett offered testimony in regards to the staff materials in Exhibit A, presented Exhibit B, and answered panel questions.

The Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Responsible Party and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative and the following exhibits:

- A). Ten pages of emails between Rob Arnett and Louis Dedier
- B). Four pages of screenshots from CERS database showing submittals and compliance data

Exhibit B:

- Sample letter Rob Arnett sent to Roseville businesses who handle more than 1,000 cubic feet of compressed gas

B. Responsible Party's Response:

Louis Dedier presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Two pages of Airgas statements
- Two photos of carbon dioxide tanks

C. Rebuttals and Panel Questions:

Supervising Fire Inspector Rob Arnett offered rebuttal testimony and answered panel questions.

Louis Dedier offered rebuttal testimony and answered panel questions.

D. Panel Discussion/Decision:

Violations

The panel discussed the evidence and testimony presented.

A motion was made by Pete Constant and seconded by Sherry Rutledge that based on the testimony provided at the hearing, that the violation did occur and that violations were not corrected by the dates specified in the original Compliance Order.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hager, Sherry Rutledge

NOES: none

Administrative Penalties

The panel discussed options for administrative penalties.

Motion by Pete Constant, seconded by Sherry Rutledge that based on the seriousness of the violation, the duration of the violation, the proactive efforts of the fire department to assist in gaining compliance, the continued failure to correct, the failure of good faith efforts to comply with the previous orders, and the potential serious public impacts, that the board impose administrative penalties in the amount of fifty dollars (\$50.00) per day from September 22nd until November 30th. In the event that the Responsible Party comes into compliance as provided in the Order to Correct by November 30, 2018, all but five hundred dollars (\$500.00) of that penalty shall be waived. If compliance is not achieved by November 30, 2018, then the amount of fifty dollars (\$50.00) per day from September 22nd until November 30th shall be immediately due and from December 1st forward, the board will impose administrative penalties of one hundred dollars (\$100.00) per day to a maximum of fifty thousand dollars (\$50,000.00) until the violation is corrected.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hager, Sherry Rutledge

NOES: none

Administrative Costs

The panel discussed and reviewed the request by staff for recovery of administrative costs.

Motion by Pete Constant, seconded by Sherry Rutledge that the board assess administrative costs against the Responsible Party in the amount of seven hundred forty-two dollars and seventy-four cents (\$742.74).

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hager, Sherry Rutledge

NOES: none

Order to Correct

The panel discussed what they considered to be a reasonable timeline for compliance.

Motion by Pete Constant, seconded by Sherry Rutledge that the board issue an Order to Correct the violations as specified in the original Compliance Order. Specifically, Responsible Party must complete an approved business plan and submit it to the CERS database on the regulation of carbon dioxide compliance under California Health and Safety Code sections 25404 (e)(2-5) and 25507(a)(5)(c), or, alternatively, remove the tank. This Order to Correct must be completed by November 30, 2018.

8. ADJOURNMENT

A motion was made by Sherry Rutledge and seconded by Pete Constant to adjourn the hearing.

AYES: Pete Constant, Bruce Hager, Sherry Rutledge

NOES: none

Chairperson Hagler adjourned the November 14, 2018 Compliance Order hearing at 10:36 a.m.

April Esparza
Legal Clerk