



MINUTES

September 26, 2024

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Andrea Seminer called the meeting to order at 3:00 p.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Andrea Seminer
Thomas Rutherford

The following hearing Panel member was absent:

Deanna Erdman

The following Staff members were present:

Travis Cochran, Deputy City Attorney
Kelly Aye, Legal Assistant

3. IDENTIFICATION OF CHAIR

Chairperson for the September 26, 2024 hearing was Andrea Seminer.

4. PLEDGE OF ALLEGIANCE

Chairperson Andrea Seminer led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

Chairperson Andrea Seminer explained the rules and procedures to all in attendance.

7. MATTERS TO BE HEARD

7.1. Fireworks Violation Report No.: 2024-34256

Appellant: Nashla Aguero Dagdug, 7205 Liverpool Lane

- Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, one count

Nashla Aguero Dagdug was not present at the start of the hearing. Chairperson Andrea Seminer called for item 7.1 to be trailed to give the appellant, Nashla Aguero Dagdug, the required time to arrive.

7.2. Fireworks Violation Report No.: 2024-34253

Appellant: Mihail Tetelea, 5025 Lyrical Way

- Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, one count.

Mihail Tetelea was not present at the start of the hearing. Chairperson Andrea Seminer called for matter 7.2 to be trailed to give the appellant, Mihail Tetelea, the required time to arrive.

7.3. Fireworks Violation Report No.: 2024-34316

Appellant: Octavio Garci Jr., 1306 South Bluff Dr.

- Roseville Municipal Code Section 16.16.140(F), Prohibited Fireworks – Host Liability

A. Staff Report:

Sergeant David Tuggle offered testimony in regards to the staff materials in Exhibits 7.3-A and 7.2-B and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was provided to the Appellant and the panel members in advance of the hearing.

B. Appellant's Response:

Appellant's Request for Hearing form, Exhibit 7.3-C, was provided to the panel in advance of the hearing. The form was received by the Roseville City Attorney's Office on August 14, 2024.

Octavio Garcia Jr. offered testimony in support of the appeal and answered panel questions.

The Panel asked to see the officer's in-car dash camera footage, entered into evidence as Exhibit 7.3-D, supplied by the Roseville Police Department.

Chairperson Andrea Seminer called a brief recess while media personnel worked on equipment in order to play the video evidence.

Chairperson Andrea Seminer called the meeting back to order once the video was available.

C. Rebuttals and Panel Questions:

Sergeant Tuggle answered panel questions in regards to the dash camera footage.

7.1-7.2 Chairperson Andrea Seminer called for a pause in the current hearing to take a roll call in the matters 7.1 and 7.2.

7.1 At 9:25 a.m., the Appellant of Fireworks Violation Report No. 2024-34256, Nashla Aguero Dagdug, 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.

In regard to Fireworks Violation, Report No. 2024-34256, issued to Nashla Aguero Dagdug for violation of Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, a motion was made by Panel Member Thomas Rutherford and seconded by Andrea Seminer to deny the appeal and uphold the citation because the

appellant failed to appear.

The motion passed with the following vote:

AYES: Andrea Seminer, Thomas Rutherford

NOES:

ABSENT: Deanna Erdman

Exhibits 7.1-A, 7.1-B, and 7.1-C were available to all parties prior to the hearing and are attached. Chairperson Andrea Seminer signed the citation appeal decision form, attached as Exhibit 7.1-D, following the adjournment of the hearing.

- 7.2 At 9:26 a.m., the Appellant of Fireworks Violation Report No. 2024-34253, Mihail Tetelea, 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.

In regard to Fireworks Violation, Report No. 2024-34253, issued to Mihail Tetelea for violation of Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, a motion was made by Panel Member Thomas Rutherford and seconded by Andrea Seminer to deny the appeal and uphold the citation because the appellant failed to appear.

The motion passed with the following vote:

AYES: Andrea Seminer, Thomas Rutherford

NOES:

ABSENT: Deanna Erdman

Exhibits 7.2-A, 7.2-B, and 7.2-C were available to all parties prior to the hearing and are attached. Chairperson Andrea Seminer signed the citation appeal decision form, attached as Exhibit 7.2-D, following the adjournment of the hearing.

- 7.3 Chairperson Andrea Seminer called matter 7.3 back to order.

Appellant Octavio Garcia Jr. offered rebuttal testimony answered panel member questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Fireworks Violation Report No. 2024-34316.

In regard to Roseville Municipal Code Section 16.16.140(F), Prohibited Fireworks – Host Liability, a motion was made by Thomas Rutherford and seconded by Andrea Seminer to grant the appeal and dismiss the citation because the City did not prove by a preponderance of the evidence that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Andrea Seminer, Thomas Rutherford

NOES:

ABSENT: Deanna Erdman

Chairperson Andrea Seminer signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

8. ADJOURNMENT

A motion was made by Thomas Rutherford and seconded by Andrea Seminer to adjourn the hearing.

AYES: Andrea Seminer, Thomas Rutherford

NOES: none

ABSENT: Deanna Erdman

Chairperson Andrea Seminer adjourned the September 26, 2024 hearing at 9:33 a.m.

Kelly Aye
Legal Assistant

****Due to file size limitations, the exhibits that correspond to this set of minutes are not enclosed herewith. For a complete copy of the minutes plus the corresponding exhibits, please contact the City Attorney's Office at 916-774-5325 or attorney@roseville.ca.us.****