



MINUTES

March 25, 2021

VIRTUAL BOARD OF APPEALS HEARING

3:00 p.m.

1. CALL TO ORDER

Chairperson Pete Constant called the meeting to order at 3:02 p.m.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Pete Constant
Bruce Hagler
Arthur Pauly, Jr.

Observing:
Andrea Seminer

The following Staff members were present:

Joseph Speaker	Senior Deputy City Attorney
Lynda Risucci	Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the hearing was Pete Constant.

4. PLEDGE OF ALLEGIANCE

Chairperson Constant led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation Nos. 20364 & 950297:

Appellant: Kai Singleton

- Roseville Municipal Code Section 10.71.030, Social Hosting of Minors Prohibited, Two Offenses

The Appeal was withdrawn.

7.2. Citation No. 20410

Appellant: Julie Elward

- Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report:

Animal Control Officer Gabriel Sorenson offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(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:

- Staff Report including case history and narrative.

Complainant Melinda Waszak presented Exhibit B, and offered testimony in support of the complaint and answered panel questions. Complainant also presented witness, Suzanne Waszak, who testified in support of the complaint.

Exhibit B:

- Five Videos – Dog barking at fence.
- Four photographs of text messages exchanged between Complainant and Appellant regarding barking.
- Three photographs of Bark Box in tree and on fence.
- Two photographs of side yard.
- Five photographs of text messages exchanged between Complainant and Appellant regarding Bark Boxes.

- Emails (4) forwarding Bark Box Photographs, text messages and Videos.
- Witness Statement – Juliana Garcia
- Witness Statement – Chris Merrill
- Witness Statement – Matthew Tozer
- Witness Statement – Jonathan Taylor

B. Appellant's Response:

Exhibit C:

(The Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on April 08, 2020.
- Video – Dog at Front Door
- Video – Dog at Slider
- Video – Gardener's Arrive
- Video – Collage of Two Videos and a text message (corrupted)
- Witness Statement – Terri Cassidy
- Witness Statement – Emily Sooter
- Witness Statement – Rita Fisher
- Witness Statement – Terri Cassidy
- Photograph of Medications
- Two Collages of Photographs of Side Yard/Dog Door
- Two Collages of Dog Photographs
- Collage of Text Messages
- Collage of Wag Times Photographs

Appellant Julie Elward offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Appellant was recalled and answered panel questions.

Animal Control Officer Gabriel Sorenson was recalled to answer panel questions.

Complainant Melinda Waszak was recalled to answer panel questions.

Complainant Melinda Waszak and witness Suzanne Waszak offered rebuttal testimony.

Appellant provided rebuttal testimony and also produced two witnesses, Terri Cassidy and Rita Fisher, who testified and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20410.

In regard to the violation of Roseville Municipal Code Section 7.25.010, Animal Noise, a motion was made by Bruce Hagler and was seconded by Arthur Pauly, Jr. to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None.

E. Panel Decision:

The panel decided to uphold Administration Citation No. 20410, but waived the fine in the interest of justice.

Chairperson Constant signed the decision form electronically 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 Arthur Pauly, Jr. and seconded by Bruce Hagler to adjourn the hearing.

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None

Chairperson Constant adjourned the March 25, 2021 hearing at 3:45 p.m.

Lynda Risucci
Legal Clerk