



MINUTES

August 14, 2018

BOARD OF APPEALS 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 9:00 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Bruce Hagler
Drew Haydu
Sean Wallentine

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the August 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. MATTERS TO BE HEARD

7.1. Citation No. 14733

Appellant: Shannon and Tyler Pierce

- Roseville Municipal Code Section 7.12.010, Animal at Large, second offense
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior

The Complainant, Chad Worrell was not present. The item was trailed to allow Chad Worrell his 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

A. Staff Report:

Animal Control Officer Sarah DeRego was present but did not offer testimony.

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's Statement:

Complainant Chad Worrell was not present for the hearing.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 May 17, 2018 with the following attachments:
 - One page letter from the Pierce Family
 - One page timeline
 - Four pages of Home Depot receipts
 - Six pages of photos and narrative
 - Two page letter dated January 29, 2018 written by Shawna Acree

Shannon and Tyler Pierce were present at the hearing but did not offer testimony because the Complainant did not appear.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

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 Sean Wallentine and was seconded by Drew Haydu to grant the appeal and dismiss the charge because the Complainant failed to appear.

The motion passed with the following vote:

AYES: Sean Wallentine, Drew Haydu, Bruce Hagler

NOES: none

E. Panel Decision:

The panel decided to grant the appeal of Administrative Citation No. 14733 and dismiss the charge of Roseville Municipal Code Section 7.12.010, Animal at Large, second offense and Section 7.12.050, Aggressive Behavior, because the Complainant failed to appear.

7.2. Citation No. 14731

Appellant: Crystal Hernandez

- Roseville Municipal Code Section 7.16.010, Failure to License, three counts, second offense
- Roseville Municipal Code Section 7.25.010, Animal Noise, one count, first offense and two counts, second offense

A. Staff Report:

Animal Control Officer Sarah DeRego offered testimony in regards 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's Statement:

Complainant Steven Kuhlman presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- DVD with video clips of dogs barking

B. Appellant's Response:

Exhibit C:

(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 June 11, 2018 with the following attachments:
 - Two page letter dated June 6, 2018 written by Crystal Hernandez
 - Five pages of email correspondence with PetData
 - Four photographs

Crystal Hernandez presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Four witness statements

C. Rebuttals and Panel Questions:

Steven Kuhlman offered rebuttal testimony and answered panel questions.

Crystal and Robert Hernandez offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14731.

In regards to Roseville Municipal Code Section 7.16.010, Failure to License, three counts, second offense a motion was made by Sean

Wallentine and seconded by Drew Haydu to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sean Wallentine, Drew Haydu, Bruce Hagler

NOES: none

In regards to Roseville Municipal Code Section 7.25.010, Animal Noise, one count, first offense and two counts, second offense a motion was made by Sean Wallentine and seconded by Drew Haydu to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sean Wallentine, Drew Haydu, Bruce Hagler

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 14731 and uphold the charges of Roseville Municipal Code Section 7.16.010, Failure to License, three counts, second offense and Roseville Municipal Code Section 7.25.010, Animal Noise, one count, first offense and two counts, second offense because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

Chairperson Hagler 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.

7.3. Citation No. 11966

Appellant: Grant Monson

- Roseville Municipal Code Section 7.25.010, Animal Noise, two counts

A. Staff Report:

Animal Control Officer Sarah DeRego was present but did not offer testimony because the Complainant did not appear.

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's Statement:

Complainant Kelly Garner was not present at the August 14, 2018 hearing.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 May 24, 2018

Grant Monson was present at the hearing but did not offer testimony because the Complainant did not appear.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

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.

Regarding Roseville Municipal Code Section 7.25.010, Animal Noise, two counts, a motion was made by Sean Wallentine and was seconded by Drew Haydu to grant the appeal and dismiss the charge because the Complainant failed to appear.

The motion passed with the following vote:

AYES: Sean Wallentine, Drew Haydu, Bruce Hagler

NOES: none

E. Panel Decision:

The panel decided to grant the appeal of Administrative Citation No. 11966 and dismiss the charge of Roseville Municipal Code Section 7.25.010, Animal Noise, two counts because the Complainant failed to appear.

8. ADJOURNMENT

A motion was made by Sean Wallentine and seconded by Drew Haydu to adjourn the August 14, 2018 Appeal Hearing.

AYES: Sean Wallentine, Drew Haydu, Bruce Hagler

NOES: none

Chairperson Hagler adjourned the August 14, 2018 hearing at 9:53 a.m.

April Esparza
Legal Clerk