



MINUTES

August 13, 2019

BOARD OF APPEALS HEARING

9:00 a.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Bruce 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

Basil Deem

Arthur Pauly, Jr.

The following Staff members were present:

Joseph Speaker

Deputy City Attorney

Lynda Risucci

Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the August 13, 2019 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Commissioner Arthur Pauly, Jr. 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. T06269

Appellant: Shuying Xu

- Roseville Municipal Code Section 9.10.190(A), Operating Requirements for Massage Businesses – General Conditions – Owner/Manager Not Present, second offense

A. Staff Report:

Roseville Police Officer Michael Cooper 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.

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 June 04, 2019.

Appellant Shuying Xu, by and through interpreter Kitty Shek, offered testimony in support of the appeal and answered panel questions.

At the request of the Board, witness Yi Huang was called to testify, by and through interpreter Kitty Shek, and offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Roseville Police Officer Michael Cooper offered rebuttal testimony and answered panel questions.

Appellant Shuying Xu offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. T06269.

In regard to Roseville Municipal Code Section 9.190(A), Operating Requirements for Massage Businesses – General Conditions – Owner/Manager Not Present, second offense, a motion was made by Basil Deem and seconded by Arthur Pauly, Jr. to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Bruce Hagler, Basil Deem, Arthur Pauly, Jr.

NOES: None.

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. T06269 and uphold the charge of Roseville Municipal Code Section 9.10.190(A), Operating Requirements for Massage Businesses – General Conditions – Owner/Manager Not Present, second offense, because the City proved by a preponderance of the evidence that the violation 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.

7.2. Citation No. 20135

Appellant: Janine Annette LaBranch

- Roseville Municipal Code Section 7.12.010, Animal at Large-Leash Law, One Count
- Roseville Municipal Code Section 7.16.010, Failure to License, Three Counts

The Citation was paid in full prior to the hearing and the Appeal was withdrawn.

7.3. Citation No. 20093

Appellant: Shiloh Rebozzi

- Roseville Municipal Code Section 7.25.010, Animal Noise, One Count

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's Statement:

Complainant John Austin offered testimony in support of the complaint and answered panel questions.

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 June 06, 2019.

Appellant Shiloh Rebozzi presented Exhibit B, and offered testimony in support of the appeal and answered panel questions.

Exhibit B-1:

- Statements of neighbors.

C. Rebuttals and Panel Questions:

Complainant John Austin offered rebuttal testimony and answered panel questions.

Appellant Shiloh Rebozzi did not offer rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20093.

In regard to Roseville Municipal Code Section 7.25.010, Animal Noise, a motion was made by Basil Deem and 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: Bruce Hagler, Basil Deem, Arthur Pauly, Jr.

NOES: None.

E. Panel Decision:

The panel decided to uphold Administration Citation No. 20093, but waived the fine in the interest of justice.

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.

8. ADJOURNMENT

A motion was made by Arthur Pauly, Jr. and seconded by Basil Deem to adjourn the hearing.

AYES: Bruce Hagler, Basil Deem, Arthur Pauly, Jr.

NOES: None

Chairperson Hagler adjourned the August 13, 2019 hearing at 10:23 a.m.

Lynda Risucci
Legal Clerk