

Minutes
City of Roseville
Hearing Panel
August 8, 2017 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Leilani Fratis called the meeting to order at 9:00 a.m. in the City Council Chambers.

The following Hearing Panel members were present:

Pete Constant
Leilani Fratis
Bruce Hagler

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
Pamela Sisk	Legal Clerk

2) Designation of Chair

Chairperson for the August 8, 2017 hearing was Leilani Fratis.

3) Pledge of Allegiance

Chairperson Fratis led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) Matters to be Heard

Citation #5778

Appellant: Gary Delfino

Roseville Municipal Code Section 7.25.010, Animal Noise

Roseville Municipal Code Section 7.16.010, Failure to License, two counts

The Appellant, Gary Delfino, was not present at the commencement of the hearing. Prior to the hearing, Mr. Delfino informed staff that his wife, Jaqueline Nerutsa will represent him at the hearing, however, she was not present either.

The Complainant, Adam Hagen, was not present at the commencement of the hearing.

The item was trailed to allow 15 minutes from the commencement of the hearing for either party to appear per the Administrative Hearing Procedures.

At the conclusion of the second item on the agenda, staff informed the panel that the appellant contacted the City Attorney's office and stated that Ms. Nerutsa was on her way. The panel agreed to trail the item and move forward with the third item on the agenda.

At the conclusion of the third item on the agenda, neither the appellant, his representative, nor the Complainant had appeared.

A. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego was present, however, the panel accepted her written report as sufficient evidence in Exhibit A and did not require her to offer additional testimony.

Per RMC Section 2.50.606(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:

Due to the Complainant's failure to appear, no statement was made.

B. Appellant's Response:

Exhibit B:

(The 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 April 24, 2017
- Letter to the Board from Gary Delfino, dated August 7, 2017

C. Rebuttals and Panel Questions:

No rebuttal testimony was given.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 5778 for one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise, and for two counts of violating Roseville Municipal Code Section 7.16.010, Failure to License.

In regards to RMC section 7.25.010, a motion was made by Pete Constant and was seconded by Bruce Hagler to grant the appeal and dismiss the charge because the Complainant failed to appear

AYES: Pete Constant, Leilani Fratis, Bruce Hagler

NOES: none

In regards to the two counts of RMC section 7.16.010, a motion was made by Pete Constant and was seconded by Bruce Hagler to deny the appeal and uphold the charge because the appellant failed to appear. After further discussion, the motion was withdrawn and a new motion was made by Pete Constant and was seconded by Bruce Hagler to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 5778, the panel decided to grant the appeal and dismiss the charge because the Complainant failed to appear on the one count of violating Roseville Municipal Code section 7.25.010, Animal Noise.

The panel also decided to deny the appeal and uphold the charges of two counts of violating Roseville Municipal Code section 7.16.010 because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

These decisions were based on the testimony and evidence presented before them at the August 8, 2017 hearing.

Citation #11925

Appellant: Marilyn Marshall

Roseville Municipal Code Section 7.12.010, Animal at Large, two counts

A. Staff Report and Complainant's Statement:

Animal Control Officer Debra Dalton offered testimony in regards to the staff materials in Exhibit A.

Per RMC Section 2.50.606(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 Carol Wilson offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

Exhibit B:

(The 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 July 3, 2017

Marilyn Marshall offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Carol Wilson offered rebuttal testimony and answered panel questions.

Marilyn Marshall declined to offer rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11925 for two counts of violating Roseville Municipal Code Section 7.12.010, Animal at Large.

A motion was made by Bruce Hagler and was seconded by Pete Constant to deny the appeal and uphold the charge because the Complainant proved by a

preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11925, the panel decided to deny the appeal and uphold the charge because the Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party of two counts of violating Roseville Municipal Code section 7.12.010. This decision was based on the testimony and evidence presented before them at the August 8, 2017 hearing.

Chairperson Fratis signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that she may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #11926

Appellant: Steven Faris

Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report and Complainant's Statement:

Animal Control Officer Debra Dalton offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.606(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 George Walker offered testimony in support of the complaint and answered panel questions.

Witness, George Walker Sr., offered testimony in support of the appeal and answered panel questions.

B. Appellant's Response:

Exhibit B:

(The 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 July 5, 2017

Steven Faris and his wife, Autumn Faris, presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Letter dated August 7, 2017 from neighbor Toby and Jennifer Thorp

C. Rebuttals and Panel Questions:

George Walker Jr. offered rebuttal testimony and answered panel questions.

Autumn Faris offered rebuttal testimony.

Animal Control Officer Dalton was recalled by the panel to answer additional questions.

Autumn Faris was granted permission by the panel to offer additional rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11926 for one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise.

A motion was made by Pete Constant and was seconded by Bruce Hagler to grant the appeal and dismiss the charge because the Complainant did not prove by a preponderance of the evidence that the violation occurred; and/or that the appellant is the responsible party.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11926, the panel decided to grant the appeal and dismiss the charge because the Complainant did not prove by a preponderance of the evidence that the violation occurred; and/or that the

appellant is the responsible party of one count of violating Roseville Municipal Code section 7.25.010. This decision was based on the testimony and evidence presented before them at the August 8, 2017 hearing.

Chairperson Fratis signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that he may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #T00984

Appellant: Karen O'Meara

Roseville Municipal Code Section 10.71.030, Social Host Ordinance

On August 4, 2017, the appellant, Karen O'Meara, contacted the Roseville City Attorney's office and asked for her appeal to be withdrawn. The request was granted, and the matter was dropped.

A. Staff Report

Per RMC Section 2.50.606(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 – RPD Case No. 2017-00026762

7) Adjournment

A motion was made by Pete Constant, and was seconded by Bruce Hagler to adjourn the August 8, 2017 Appeal Hearing meeting.

AYES: Pete Constant, Leilani Fratis, Bruce Hagler

NOES: none

Chairperson Sanford adjourned the August 8, 2017 hearing at 9:52 a.m.

Pamela Sisk
Legal Clerk