



MINUTES

July 12, 2022

BOARD OF APPEALS HEARING

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

1. CALL TO ORDER

Chairperson Brian Stenklyft 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:

Thomas Rutherford
Andrea Seminer
Brian Stenklyft

The following Staff members were present:

My Tien Doan Deputy City Attorney
Lynda Risucci Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the July 12, 2022 hearing was Brian Stenklyft.

4. PLEDGE OF ALLEGIANCE

Chairperson Brian Stenklyft led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

None.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No. 21213

Appellant: Dennis Hendrickson

- Roseville Municipal Code Section 7.12.010, Animal at Large, Two Counts
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior, Two Counts

The Appellant, Dennis Hendrickson, was not present. Per the Administrative Standards procedures, the item was trailed to allow Dennis Hendrickson 15 minutes from the commencement of the hearing to appear.

At 9:15 a.m., the Appellant, Dennis Hendrickson, was not present. According to the Administrative Standards procedures, if the Appellant fails to appear for the hearing within 15 minutes after the hearing commences, the Appellant's appeal will be automatically denied.

A. Staff Report:

Animal Control Officer Gabriel Sorenson was present but did not offer testimony because the Appellant was not present.

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 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 28, 2022.

C. Rebuttals and Panel Questions:

No rebuttal testimony or panel questions were presented.

D. Panel Decision:

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large, two counts, a motion was made by Andrea Seminer and seconded by Thomas Rutherford to deny the appeal and uphold the citation because the appellant failed to appear.

The motion passed with the following vote:

AYES: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

In regard to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, two counts, a motion was made by Andrea Seminer and seconded by Thomas Rutherford to deny the appeal and uphold the citation because the appellant failed to appear.

The motion passed with the following vote:

AYES: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

Chairperson Brian Stenklyft signed the decision form, which includes notice to the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No.: 21205

Appellant: Dominic Magadia

- Roseville Municipal Code Section 7.12.010, Animal at Large, Two Counts
- Roseville Municipal Code Section 7.16.010, Failure to License, Two Counts
- Roseville Municipal Code Section 8.02.240, Animals in City Parks, Two Counts

A. Staff Report:

Animal Control Sarah 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
- Roseville Police Department Animal Control Pamphlet "Information For You and Your Pet," which was provided to Dominic Magadia on May 11, 2022 by Animal Control Officer John Bennett

Complainant's Statement:

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

Exhibit B:

- Map of H.C. Elliott Park

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 13, 2022.

Appellant, Dominic Magadia, presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Map of H.C. Elliott Park
- Copy of July 05, 2022 email from Dominic Magadia to the Roseville Police Department

C. Rebuttals and Panel Questions:

Animal Control Officer Sarah Cooper answered panel questions.

Complainant Susan Colaw offered rebuttal testimony.

Appellant Dominic Magadia did not offer rebuttal testimony.

D. Panel Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21205.

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large, two counts, a motion was made by Thomas Rutherford and seconded by Andrea Seminer to deny the appeal and uphold the citation because the City/Complainant 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: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

In regard to Roseville Municipal Code Section 7.16.010, Failure to License, two counts, a motion was made by Thomas Rutherford and seconded by Andrea Seminer to deny the appeal and uphold the citation because the City/Complainant 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: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

In regard to Roseville Municipal Code Section 8.02.240, Animals in City Parks, two counts, a motion was made by Thomas Rutherford and seconded by Andrea Seminer to deny the appeal and uphold the citation because the City/Complainant 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: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

Chairperson Brian Stenklyft 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 Andrea Seminer and seconded by Thomas Rutherford to adjourn the hearing.

AYES: Thomas Rutherford, Andrea Seminer, Brian Stenklyft

NOES: None

Chairperson Brian Stenklyft adjourned the July 12, 2022 hearing at 9:34 a.m.

Lynda Risucci
Legal Clerk