

Minutes
City of Roseville
Hearing Panel
June 14, 2016
9:00 a.m.
City Council Chambers
311 Vernon Street

1) Designation of Chair

Chairperson for June 14, 2016 was Pete Constant.

2) Call to order

Chairperson Constant called the meeting to order at 9:00 a.m. in the City Council Chambers and led the audience in the Pledge of Allegiance.

3) Roll Call

The following Hearing Panel members were present:

Pete Constant
Bruce Hagler
Richard Sweet

The following Staff members were present:

Joseph T. Speaker	Deputy City Attorney
Pamela Sisk	Legal Clerk
Aoibheann Cline	Law Clerk

4) Public Comment

No one from the public offered any public comment.

Chairperson Constant administered the Oath.

5) Citation Appeals

- | | |
|-------------------|--------------------------|
| ▪ Citation #5775 | Appellant: Jeanie Molloy |
| ▪ Citation #14638 | Appellant: Mary Wayne |
| ▪ Citation #14645 | Appellant: Eugene Brill |

Citation #5775

Appellant: Jeanie Molloy

Roseville Municipal Code Section 7.36.020, domestic fowl enclosure

The complainant, Cindy French, was not present. The item was trailed to allow Ms. French 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

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.

Motion by Richard Sweet to deny the appeal and uphold the charge because appellant failed to appear. No second was made on the motion. The motion died.

Motion by Richard Sweet, seconded by Bruce Hagler to grant the appeal and dismiss the charge because the complainant failed to appear.

AYES: Pete Constant, Bruce Hagler, Richard Sweet

NOES: none

Citation #14638

Appellant: Mary Wayne

Roseville Municipal Code Section 7.25.010, animal noise, second offense

The complainant, Nancy Griffin, was not present. The item was trailed to allow Ms. Griffin 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

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.

Motion by Bruce Hagler to grant the appeal and dismiss the charge because the City/complainant did not prove by a preponderance of the evidence that the violation(s) occurred; and/or that the appellant is the responsible party. No second was made on the motion. The motion died.

Motion by Bruce Hagler, seconded by Richard Sweet to grant the appeal and dismiss the charge because the complainant failed to appear.

AYES: Pete Constant, Bruce Hagler, Richard Sweet

NOES: none

Citation #14645

Appellant: Eugene Brill

Roseville Municipal Code Section 7.25.010, animal noise
Roseville Municipal Code Section 7.16.010, failure to license

1. Staff report:

Animal Control Officer Dalton presented her staff report and answered panel questions.

Exhibits A - Written Case Narrative from Animal Control Officer Debra Dalton

Complainant's statement:

Pam Wingo offered testimony in support of the complaint and answered panel questions.

Exhibits B- Barking Log (9/29/15 – 6/11/16), letter from Joel Volsanski dated 6/9/16, letter from Erik Pochy dated 6/8/16, map of properties

2. **Appellant's response:**

Eugene Brill had his wife, Deanne Brill, offer testimony on his behalf in support of the appeal and answer panel questions.

Exhibit C - Animal License Renewal documentation

3. **Rebuttals and questions by panel:**

Pam Wingo offered rebuttal testimony and answered panel questions.

Deanne Brill offered rebuttal testimony and answered panel questions.

4. **Panel discussion/decision:**

Regarding the violation of Roseville Municipal Code section 7.25.010, animal noise, motion by Bruce Hagler, seconded by Richard Sweet to grant the appeal and dismiss the charge because the complainant did not prove by a preponderance of the evidence that the violation occurred.

AYES: Pete Constant, Bruce Hagler, Richard Sweet

NOES: none

Regarding the violation of Roseville Municipal Code section 7.16.010, failure to license, motion by Bruce Hagler, seconded by Richard Sweet to uphold the citation but waive the fine in the interests of justice.

AYES: Bruce Hagler, Richard Sweet

NOES: Pete Constant

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

6) **Adjournment**

Motion by Bruce Hagler, seconded by Richard Sweet to adjourn the June 14, 2016 Appeal Hearing.

Chairperson Constant adjourned the hearing at 9:46 a.m.

Pamela Sisk
Legal Clerk