

**Minutes**  
**City of Roseville**  
**Hearing Panel**  
*June 13, 2017 at 9:00 a.m.*  
**City Council Chambers**  
**311 Vernon Street**

**1) Call to order**

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

The following Hearing Panel members were present:

Bruce Hagler  
Richard Sweet

The following Staff members were present:

|                   |                      |
|-------------------|----------------------|
| Joseph T. Speaker | Deputy City Attorney |
| Pamela Sisk       | Legal Clerk          |

**2) Designation of Chair**

Chairperson for the June 13, 2017 hearing was Bruce Hagler.

**3) Pledge of Allegiance**

Chairperson Hagler led the audience in the Pledge of Allegiance.

**4) Public Comment**

No one from the public offered any comments.

**5) Swear In**

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

**6) Matters to be Heard**

**Citation #11385**

**Appellant: Lita Chance**

**Roseville Municipal Code Section 7.25.010, Animal Noise**

**Roseville Municipal Code Section 7.16.010, Failure to License**

A. Staff Report and Complainant's Statement:

The Appellant, Lita Chance, was not present. The item was trailed to allow 15 minutes from the commencement of the hearing for Lita Chance to appear per the Administrative Hearing Procedures.

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 Nina Noldon presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Graph of barking duration
- Log of dog barking
- Google map of subject properties

B. Appellant's Response:

Exhibit C:

(The 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 January 3, 2017

Lita Chance gave permission for her husband, Aeneas Chance, to testify on her behalf. Aeneas Chance offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Animal Control Officer Dalton declined rebuttal testimony.

Nina Noldon offered rebuttal testimony.

Chairperson Bruce Hagler administered the Oath to Lita Chance, who then offered rebuttal testimony and answered panel questions.

Aeneas Chance offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11835 for one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise and one count of violating Roseville Municipal Code Section 7.25.010, Failure to License.

In regards to the violation of RMC section 7.25.010, a motion was made by Richard Sweet and was seconded by Bruce Hagler to deny the appeal and uphold the charge because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Richard Sweet

NOES: none

In regards to the violation of RMC section 7.16.010, a motion was made by Richard Sweet 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 violation occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11385, the panel decided to deny the appeal and uphold the charges of RMC section 7.25.010 and RMC section 7.16.010 because the City and Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party. This decision was based on the testimony and evidence presented before them at the June 13, 2017 hearing.

Chairperson Hagler 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 #12431**

**Appellant: Tavit Kassardjian**

**Roseville Municipal Code Section 7.25.010, Animal noise, two counts**

**Roseville Municipal Code Section 7.16.010, Failure to License**

**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 Deborah Free presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Two letters in support of the complaint

**B. Appellant's Response:**

Tavit Kassardjian offered testimony in support of the appeal and answered panel questions.

Exhibit C:

(The 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 April 18, 2017

**C. Rebuttals and Panel Questions:**

Animal Control Officer Dalton declined rebuttal testimony.

Deborah Free offered rebuttal testimony and answered panel questions.

Tavit Kassardjian offered rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 12431 for two counts of violating Roseville Municipal Code Section 7.25.010, and one count of violating Roseville Municipal Code Section 7.16.010, Failure to License.

In regards to the charges of two counts of violating RMC Section 7.25.010, Animal noise, a motion was made by Richard Sweet and was seconded by Bruce Hagler to uphold the citation but waive the fine in the interests of justice.

AYES: Bruce Hagler, Richard Sweet

NOES: none

In regards to RMC Section 7.16.010, Failure to license, a motion was made by Richard Sweet 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 violation occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 12431, the panel decided to uphold the citation but waive the fine in the interests of justice on two counts of violating RMC section 7.25.010, Animal noise. The panel also decided to deny the appeal and uphold the charge of violating RMC section 7.16.010, Failure to License, because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party. This decision was based on the testimony and evidence presented before them at the June 13, 2017 hearing.

Chairperson Hagler 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 #3025**

**Appellant: Les Braner**

**Roseville Municipal Code Section 10.54.020(A)(2), Nuisance, abandoned work due to expired permit, third offense**

A. Staff Report:

Building Inspector James Proper was present but did not offer testimony because the appellant did not appear.

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

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 3, 2017

The appellant, Les Braner, was not present for the June 13, 2017 hearing.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

At 9:15 a.m., the Appellant was not present. According to section VII(A) of the rules for Administrative Hearing Procedures, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

A motion was made by Richard Sweet and was seconded by Bruce Hagler to deny the appeal and uphold the charge because appellant failed to appear.

AYES: Bruce Hagler, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 3025, the panel decided to deny the appeal and uphold the charge of violating RMC Section 10.54.020(A)(2), Nuisance,

abandoned work due to expired permit, third offense, because appellant failed to appear.

**Citation #12478**

**Appellant: Susannah Aldana**

**Roseville Municipal Code Section 11.20.460, Parking in residential area, no permit**

**A. Staff Report:**

Community Services Officer Nina Phelps 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 description and narrative
- Three photographs of the parked vehicle

**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 March 27, 2017

Susannah Aldana presented Exhibit C, offered testimony in support of the appeal and answered panel questions.

Nathaniel Aldana offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- CDL – Nathaniel Aldana
- City of Roseville Parking Permit#05-16:12
- Smartphone screenshot dated February 21 4:40 PM
- Geico Insurance card and reference information, CDL – Susannah Aldana

**C. Rebuttals and Panel Questions:**

CSO Phelps 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. 12478 for one count of violating Roseville Municipal Code Section 11.20.460, Parking in residential permit parking zone without permit prohibited.

A motion was made by Richard Sweet 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 violation occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 12478, the panel decided to deny the appeal and uphold the charge of RMC section 11.20.460, Parking in residential permit parking zone without permit prohibited, because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party. This decision was based on the testimony and evidence presented before them at the June 13, 2017 hearing.

Chairperson Hagler 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.

**7) Adjournment**

A motion was made by Richard Sweet, and was seconded by Bruce Hagler to adjourn the June 13, 2017 Appeal Hearing meeting.

AYES: Bruce Hagler, Richard Sweet

NOES: none

Chairperson Hagler adjourned the June 13, 2017 hearing at 10:19 a.m.

Pamela Sisk  
Legal Clerk