



MINUTES

January 10, 2023

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

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:

Pete Constant

Bruce Hagler

Arthur Pauly, Jr.

The following Staff members were present:

Travis Cochran

Deputy City Attorney

Kelly Aye

Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the January 10, 2023 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Bruce Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Bruce 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. 20400

Appellant: Brandon Ruano

- Roseville Municipal Code Section 7.12.010, Leash Law, Two Counts
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior, Two Counts
- Roseville Municipal Code Section 7.16.010, Licensing, Two Counts

A. Staff Report:

Animal Control Officer S. Cooper offered testimony in regards 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 Collin McCarthy presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Video evidence played on Council Chamber's media screen.

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 October 31, 2022.

Sheila Bragerhall, interpreter for appellant, was identified.

Brandon Ruano presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Pictures were shown to panel members via cell phone images. Complainant waived option to view.

C. Rebuttals and Panel Questions:

ACO S. Cooper offered rebuttal testimony and answered panel questions.

Collin McCarthy offered rebuttal testimony and answered panel questions. He stated there was a miscommunication somewhere, only one dog was ever loose and therefore he only wanted one dog to be cited for being loose and aggressive.

Brandon Ruano offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20400.

In regards to Roseville Municipal Code Section 7.12.010, Leash Law, first count, a motion was made by Pete Constant to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

The panel discussed the motion. The motion was retracted and amended by Pete Constant and seconded by Arthur Pauly to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Pauly, Constant, Hagler

NOES:

In regards to Roseville Municipal Code Section 7.12.010, Leash Law, second count, a motion was made by Pete Constant and seconded by Arthur Pauly to grant the appeal and dismiss the charge because the City/Complainant did not prove by a preponderance of the evidence.

The motion passed with the following vote:

AYES: Pauly, Constant, Hagler

NOES:

In regards to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Arthur Pauly to grant the appeal and dismiss the citation because the City/Complainant did not prove by a preponderance of the evidence that the violation(s) occurred.

The panel discussed the motion. The panel decided to restate the motion adding clarification.

In regards to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Arthur Pauly and seconded by Pete Constant to grant the appeal and dismiss the charges because the City/Complainant did not prove by a preponderance of the evidence that the violations occurred.

The motion passed with the following vote:

AYES: Pauly, Constant, Hagler

NOES:

In regards to Roseville Municipal Code Section 7.16.010, Licensing a motion was made by Pete Constant and seconded by Arthur Pauly to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Pauly, Constant, Hagler

NOES:

E. Panel Decision:

Regarding Roseville Municipal Code Section 7.12.010, first count, the panel decided to uphold the charge but waive the fine in the interest of justice.

Regarding Roseville Municipal Code Section 7.12.010, second count the panel decided to grant the appeal and dismiss the charge because the City or Complainant did not prove by a preponderance of the evidence that the violation occurred.

Regarding Roseville Municipal Code Section 7.12.050, two counts, the panel decided to grant the appeal and dismiss the charges because the City or Complainant did not prove by a preponderance of the evidence that the violation occurred.

Regarding Roseville Municipal Code Section 7.16.010, two counts, the panel decided to uphold the charges but waive the fine in the interest of justice.

Bruce 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.