

Minutes
City of Roseville
Hearing Panel
March 23, 2017 at 3:00 p.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Bruce Hagler called the meeting to order at 3:00 p.m. in the City Council Chambers.

The following Hearing Panel members were present:

Bruce Hagler
Dan Myers
Sean Wallentine

The following Staff members were present:

Joseph T. Speaker	Deputy City Attorney
Pamela Sisk	Legal Clerk

2) Designation of Chair

The Chairperson for the March 23, 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 #11786

Appellant: Barbara Olson

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:

Animal Control Officer Debra Dalton offered testimony in regards to the staff report 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 narrative

Complainant's Statement:

Complainant Leanne Dial offered testimony in support of the complaint and answered panel questions. The panel approved the submission of evidence in Exhibit B.

Exhibit B:

- Animal noise log from May 18, 2016 to October 18, 2016

B. Appellant's Response:

Barbara Olson offered testimony in support of the appeal and answered panel questions. The panel approved the submission of evidence in Exhibit D.

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 30, 2017

Exhibit D:

- Animal License documentation

C. Rebuttals and Panel Questions:

Animal Control Officer Dalton declined to offer rebuttal testimony.

Leanne Dial offered rebuttal testimony.

Barbara Olson 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. 11786 for one count of violating Roseville Municipal Code Section 7.25.010, Animal Noise and one count of violating Roseville Municipal Code Section 7.16.010, Failure to license.

In regards to RMC section 7.16.010, a motion was made by Dan Myers and was seconded by Sean Wallentine to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred; and/or that the appellant is the responsible party.

AYES: Bruce Hagler, Dan Myers, Sean Wallentine

NOES: none

In regards to RMC section 7.25.010, a motion was made by Sean Wallentine and was seconded by Dan Myers 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, Dan Myers, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11786, the panel decided to deny the appeal and uphold the charge of RMC section 7.25.010 because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party, and the panel decided to grant the appeal and dismiss the charge of RMC section 7.16.010 because the City did not prove by a preponderance of the evidence that the violation occurred; and/or that the appellant is the responsible party. The decisions were based on the testimony and evidence presented before them at the March23, 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 #11879

Appellant: Raquel Colter and James Colter

Roseville Municipal Code Section 11.20.110(B), Parking on private property prohibited, parked vehicle on unimproved surface

Deputy City Attorney Joe Speaker explained to the panel that the appellant was not present, but had contacted the City Attorney's office just prior to the hearing and paid the fine. Due to the appellant conceding the charges by paying the fine and their absence at the hearing, the item was removed from the agenda.

Citation #3015

Appellant: Daniel Larocca and Sally Larocca

Roseville Municipal Code Section 10.54.020(A)(2), Nuisance, abandoned building or structure due to expired permit

A. Staff Report:

Building Inspector James Proper offered testimony in regards to the staff report 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 complaint description and case narrative
- Expired permit notification letter dated November 18, 2016
- RMC section 10.54.020, Nuisances described
- Administrative Citation Warning notice dated January 10, 2017
- Citation Notification letter dated February 1, 2017
- Citation #3015

B. Appellant's Response:

Daniel Larocca offered testimony in support of the appeal and answered panel questions.

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 February 7, 2017

C. Rebuttals and Panel Questions:

James Proper was recalled to the podium to answered panel questions.

Panel Member Dan Myers asked Deputy City Attorney Joe Speaker legal questions pertaining to the Board of Appeal's authority.

James Proper was recalled to the podium to answer questions and offered rebuttal testimony.

Daniel Larocca 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. 3015 for one count of violating Roseville Municipal Code Section 10.54.020(A)(2), Nuisance, abandoned building or structure due to expired permit.

A motion was made by Dan Myers and was seconded by Sean Wallentine to uphold the citation but waive the fine in the interests of justice.

AYES: Bruce Hagler, Dan Myers, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 3015, the panel decided to uphold the citation, but waive the fine in the interests of justice of one count of violating Roseville Municipal Code section 10.54.020(A)(2), Nuisance, abandoned building or structure due to expired permit, based on the testimony and evidence presented before them at the March 23, 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.

7) Adjournment

A motion was made by Sean Wallentine, and was seconded by Dan Myers to adjourn the March 23, 2017 Appeal Hearing meeting.

AYES: Bruce Hagler, Dan Myers, Sean Wallentine

NOES: none

Chairperson Hagler adjourned the March 23, 2017 hearing at 4:00 p.m.

Pamela Sisk
Legal Clerk