



MINUTES

October 8, 2024

BOARD OF APPEALS HEARING

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

1. CALL TO ORDER

Chairperson 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:

Bruce Hagler
Connor Milligan
Arthur Pauly, Jr.

The following Staff members were present:

Travis Cochran, Deputy City Attorney
Kelly Aye, Legal Assistant

3. IDENTIFICATION OF CHAIR

Chairperson for the October 8, 2024 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Chairperson Bruce Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Fireworks Violation Report No.: 2024- 34262

Appellant: Nicholas Edens, 1026 Kensington Dr.

- Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks

A. Staff Report:

Police Officer Devon Smith offered testimony in regards to the Staff Report (Exhibit 7.1-A) and Notice of Violation (Exhibit 7.1-B) 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.

B. Appellant's Response:

Request for Hearing:

Appellant's Request for Hearing form (Exhibit 7.1-C) was received by the Roseville City Attorney's Office on July 21, 2024 and was provided to the panel in advance of the hearing for review.

Appellant Nicholas Edens offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Police Officer Devon Smith offered rebuttal testimony and answered panel questions.

Appellant Nicholas Edens refused to offer rebuttal testimony.

Police Officer Devon Smith answered panel questions.

Appellant Nicholas Edens answered panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Fireworks Violation Report No. 2024-34262.

In regard to Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, a motion was made by Panel Member Arthur Pauly, Jr. and seconded by Panel Member Connor Milligan to

☒ DENY THE APPEAL AND UPHOLD THE CITATION because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

☐ 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; and/or

☐ That the appellant is the responsible party.

☐ DENY THE APPEAL AND UPHOLD THE CITATION but waive the fine in the interest of justice.

☐ DENY THE APPEAL AND UPHOLD THE CITATION because the appellant failed to appear.

☐ GRANT THE APPEAL AND DISMISS THE CITATION because the City/Complainant failed to appear.

☐ GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City/Complainant.

The motion passed with the following vote:

AYES: All

NOES: None

E. Panel Decision:

The panel decided to deny the appeal of Fireworks Violation Report No. 2024-34262 and uphold the violation of Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Chairperson Bruce Hagler signed the decision form (Exhibit 7.1-D), 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.

7.2. Fireworks Violation Report No. 2024-34357

Appellant: Mandeep Kaur, 732 Merengue Ct.

- Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks

A. Staff Report:

Police Officer Nicholas Hom offered testimony in regards to the Staff Report (Exhibit 7.2-A) and Notice of Violation (Exhibit 7.2-B) 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 panel members in advance of the hearing.

B. Appellant's Response:

Request for Hearing:

Appellant's Request for Hearing form (Exhibit 7.2-C) was received by the Roseville City Attorney's Office on July 22, 2024 and was provided to the panel in advance of the hearing for review.

Gupreet Singh, husband of Appellant Mandeep Kaur, acted as Ms. Kaur's interpreter during the hearing. Both Gupreet Singh and Mandeep Kaur offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Police Officer Nicholas Hom refused to offer rebuttal testimony.

Appellants Gupreet Singh and Mandeep Kaur answered panel questions.

Body worn camera footage (Exhibit 7.2-D) of the incident was played at this time at the request of the panel.

Police Officer Nicholas Hom answered panel questions.

The panel closed testimony and moved to discussion.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Fireworks Violation Report No. 2024-34357.

In regard to Roseville Municipal Code Section 16.16.140(B), Prohibited Fireworks, a motion was made by Panel Member Arthur Pauly, Jr. and seconded by Panel Member Connor Milligan to

- ☐ DENY THE APPEAL AND UPHOLD THE CITATION because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.
- ☒ 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; and/or
 - ☒ That the appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE CITATION but waive the fine in the interest of justice.
- ☐ DENY THE APPEAL AND UPHOLD THE CITATION because the appellant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CITATION because the City/Complainant failed to appear.

- ☐ GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City/Complainant.

The motion passed with the following vote:

AYES: All

NOES: None

E. Panel Decision:

The panel decided to grant the appeal of Fireworks Violation Report No. 2024-34357 and dismiss the violation of Roseville Municipal Code Section 16.16.140 (B), Prohibited Fireworks, because the City did not prove by a preponderance of the evidence that the Appellant is the responsible party.

Chairperson Bruce Hagler signed the decision form (Exhibit 7.2-E), 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.

7.3. Fireworks Violation Report No. : 2024-34239

Appellant: Gerald Ralston, 320 Sixth Street

- Roseville Municipal Code Section 16.16.140(F), Prohibited Fireworks – Host Liability

A. Staff Report:

Police Officer Marc Nuevo offered testimony in regards to the Staff Report (Exhibit 7.3-A) and Notice of Violation (Exhibit 7.3-B) 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.

B. Appellant's Response:

Request for Hearing:

Appellant's Request for Hearing form (Exhibit 7.3-C) was received by the Roseville City Attorney's Office on July 22, 2024 and was provided to the panel in advance of the hearing for review.

Gerald Ralston presented offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Officer Marc Nuevo refused rebuttal testimony.

Officer Marc Nuevo was called back to the podium to answer panel questions.

The panel closed testimony and moved to discussion.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Fireworks Violation Report No. 2024-34239.

In regard to Roseville Municipal Code Section 16.16.140(F), Prohibited Fireworks – Host Liability, a motion was made by Panel Member Arthur Pauly, Jr. and seconded by Panel Member Connor Milligan to

☐ DENY THE APPEAL AND UPHOLD THE CITATION because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

☒ 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; and/or

☒ That the appellant is the responsible party.

☐ DENY THE APPEAL AND UPHOLD THE CITATION but waive the fine in the interest of justice.

☐ DENY THE APPEAL AND UPHOLD THE CITATION because the appellant failed to appear.

- ☐ GRANT THE APPEAL AND DISMISS THE CITATION because the City/Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City/Complainant.

The motion passed with the following vote:

AYES: ALL

NOES: None

E. Panel Decision:

The panel decided to grant the appeal of Fireworks Violation Report No. 2024-34239 and dismiss the violation of Roseville Municipal Code Section 16.16.140(F), Prohibited Fireworks – Host Liability, because the City did not prove by a preponderance of the evidence that the appellant was the responsible party.

Chairperson Bruce Hagler signed the decision form (Exhibit 7.3-D), 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 Panel Member Arthur Pauly, Jr. and seconded by Chairperson Bruce Hagler to adjourn the hearing.

AYES: All

NOES: None

Chairperson Bruce Hagler adjourned the October 8, 2024 hearing at 9:45 a.m.

Kelly K. Aye
Legal Assistant

****Due to file size limitations, the exhibits that correspond to this set of minutes are not enclosed herewith. For a complete copy of the minutes**

plus the corresponding exhibits, please contact the City Attorney's Office at 916-774-5325 or attorney@roseville.ca.us.**