

Minutes
City of Roseville
Board of Appeals Hearing Panel
January 9, 2018 at 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.

The following Hearing Panel members were present:

Bruce Hagler
Sherry Rutledge
Dan Myers

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

2. Designation of Chair

Chairperson for the January 9, 2018 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 No. 12413

Appellant: Danielle Bramer

- **Roseville Municipal Code Section 7.12.010, Animal at Large**
- **Roseville Municipal Code Section 7.12.050, Aggressive Behavior**

Appellant Danielle Bramer was not present. The item was trailed to allow her 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

Prior to the hearing, Complainant Jon Carson informed staff that his wife, Sarah Carson, would represent him at the hearing.

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. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego was present but did not offer testimony because the Appellant was not present.

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 Sarah Carson was present, submitted Exhibit B for the record, but did not offer testimony because the Appellant was not present.

Exhibit B:

- Statement dated January 8, 2018 from Jon Carson
- Letter dated December 1, 2017 from Danielle Bramer to the Carson's

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 December 5, 2017.
- Letter dated December 1, 2017 from Danielle Bramer to the Carson's

Appellant Danielle Bramer was not present.

C. Rebuttals and Panel Questions:

No rebuttal testimony was given.

D. Panel Discussion and Decision:

In regards to the violation of Roseville Municipal Code Section 7.12.010, Animal at Large and Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Sherry Rutledge and was seconded by Dan Myers to deny the appeal and uphold the charges because the Appellant failed to appear.

The motion passed with the following vote:

AYES: Sherry Rutledge, Dan Myers, Bruce Hagler

NOES: none

Citation No. 11967

Appellant: Stacy Landrus

Roseville Municipal Code Section 7.14.010, Removal of Dog Defecation

A. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego 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 William Espanola presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Six photographs

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 November 22, 2017

Stacy Landrus offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

No rebuttal testimony was given.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for the violation of Roseville Municipal Code Section 7.14.010, Removal of Dog Defecation.

A motion was made by Sherry Rutledge to grant the appeal and dismiss the charge because the City/Complainant did not prove by a preponderance of the evidence that the violation occurred.

The panel discussed the evidence and testimony further.

A motion was renewed by Sherry Rutledge and was seconded by Dan Myers to grant the appeal and dismiss the charge because the City/Complainant did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Sherry Rutledge, Dan Myers, Bruce Hagler

NOES: none

Chairperson Hagler informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

Citation No. 11968

Appellant: Monica Wade

Roseville Municipal Code Section 7.14.010, Removal of Dog Defecation

A. Staff Report and Complainant's Statement:

Animal Control Officer Debra Dalton offered testimony in regards to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(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 William Espanola presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Eleven photographs

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 December 1, 2017

Monica Wade offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

William Espanola offered rebuttal testimony and answered panel questions.

Monica Wade offered rebuttal testimony and answered panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for the violation of Roseville Municipal Code Section 7.14.010, Removal of Dog Defecation.

A motion was made by Sherry Rutledge and was seconded by Dan Myers to grant the appeal and dismiss the charge because the City/Complainant did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Sherry Rutledge, Dan Myers, Bruce Hagler

NOES: none

Chairperson Hagler informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7. Adjournment

A motion was made by Dan Myers and was seconded by Sherry Rutledge to adjourn the hearing.

The motion passed with the following vote:

AYES: Sherry Rutledge, Dan Myers, Bruce Hagler

NOES: none

Chairperson Hagler adjourned the January 9, 2018 hearing at 9:47 a.m.

April Esparza
Legal Clerk