

Minutes
City of Roseville
Hearing Panel
March 14, 2017 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

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

The following Hearing Panel members were present:

Pete Constant
Dan Myers
Richard Sweet

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
Pamela Sisk	Legal Clerk

2) Designation of Chair

Chairperson for the March 14, 2017 hearing was Pete Constant.

3) Pledge of Allegiance

Chairperson Constant led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) **Matters to be Heard**

Citation #16267

Appellant: Ronald Beffa

Roseville Municipal Code Section 10.54.020(B), Nuisance, Attractive Nuisance, Second Offense

Roseville Municipal Code Section 10.54.020(C)(1), Nuisance, State of Disrepair, Second Offense

Roseville Municipal Code Section 10.54.020(D)(1), Nuisance, Property Inadequately Maintained, Second Offense

Citation #16268

Appellant: Ronald Beffa

Roseville Municipal Code Section 10.54.020(B), Nuisance, Attractive Nuisance, Second Offense

Roseville Municipal Code Section 10.54.020(C)(1), Nuisance, State of Disrepair, Second Offense

Roseville Municipal Code Section 10.54.020(D)(1), Nuisance, Property Inadequately Maintained, Second Offense

Citation #16269

Appellant: Ronald Beffa

Roseville Municipal Code Section 10.54.020(H), Nuisance, Public Nuisance, Second Offense

A. Staff Report:

Building Inspector James Proper offered testimony in regards to the staff reports in Exhibit A, B, and C and answered panel questions.

Per RMC Section 2.50.606(D), the Staff Reports were submitted to the City of Roseville Attorney's office prior to the hearing and were provided to the appellant and the panel members in advance of the hearing.

Exhibit A (Citation #16267):

- Staff report including Complaint Description and Narrative
- Building Inspection Code Violation List dated 6/30/16
- Administrative Citation Warning dated 9/6/16
- 11 photographs of 1939 Cirby

Exhibit B (Citation #16268):

- Staff report including Complaint description and Narrative
- Building Inspection Code Violation List dated 6/30/16
- Administrative Citation Warning dated 9/6/16
- 3 photographs of 1220 McKinley

Exhibit C (Citation #16269):

- Staff report including Complaint description and Narrative
- Building Inspection Code Violation List dated 7/18/16
- Code Enforcement Notice dated 7/18/16 for 1220 McKinley #4
- 5 photographs of 1220 McKinley #4

B. Appellant's Response:

Randy Beffa and Kinley Beffa offered testimony on behalf of their father Ronald Beffa, who was present at the hearing, in support of the appeal of Citation #16267, Citation #16268, and Citation #16269 and answered panel questions.

Exhibit D:

(The appellant's Exhibit D 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

The panel approved the submission of additional evidence from the appellants in Exhibit E. As a result of not having the required amount of copies available, the item was trailed to allow time for staff to photocopy the documents Appellant's requested. The appellant submitted Exhibit E after the matter was reintroduced before the panel, and the panel took a brief recess to review the documents.

Exhibit E:

- Packet with cover letter from Michael Hogan, PE of Civil Engineering Construction, Inc. marked BD16-3459 (11 pages total)
- Packet with cover letter from Michael Hogan, PE of Civil Engineering Construction, Inc. marked BD16-3460 (16 pages total)
- Building Receipt number 239510; 2013 Residential Energy Installation Certificate – 1939 South Cirby; inspection card for BD16-3166
- Building Receipt number 239917; Building Receipt number 240686; inspection card for BD16-3460
- Building Receipt number 239918; Building Receipt number 240685; inspection card for BD16-3459

C. Rebuttals and Panel Questions:

Randy Beffa was recalled to the podium to answer panel questions.

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

Randy Beffa 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 the following:

Citation #16267

RMC Section 10.54.020(B), Nuisance, Attractive Nuisance, Second Offense
RMC Section 10.54.020(C)(1), Nuisance, State of Disrepair, Second Offense
RMC Section 10.54.020(D)(1), Nuisance, Property Inadequately Maintained,
Second Offense

Citation #16268

RMC Section 10.54.020(B), Nuisance, Attractive Nuisance, Second Offense
RMC Section 10.54.020(C)(1), Nuisance, State of Disrepair, Second Offense
RMC Section 10.54.020(D)(1), Nuisance, Property Inadequately Maintained,
Second Offense

Citation #16269

RMC Section 10.54.020(H), Nuisance, Public Nuisance, Second Offense

A motion was made by Dan Myers to uphold all three citations but waive the fines in the interests of justice. No second was made on the motion, therefore, the motion died.

After further discussion, a motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal on all three citations and uphold the charges because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

AYES: Pete Constant, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation #16267, Citation #16268, and Citation #16269, the panel decided to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party based on the testimony and evidence presented before them at the March 14, 2017 hearing.

Chairperson Constant 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 # 16369

Appellant: Johanne Ryker

Roseville Municipal Code Section 19.08.080, Residential Use Type

A. Staff Report:

Code Enforcement Inspector Ranjit Dosanjh offered testimony in regards to Exhibit A and answered panel questions.

Exhibit A:

- Staff report including Complaint Description, Case Background / History
- Attachment 1 – Letter to Johanne L. Ryker from Assistant Planner Kinarik Shallow dated July 17, 2016
- Attachment 2 – Citation Warning dated 8/24/2016; RMC Section 19.08.080 Residential Use Types; RMC Section 19.08.090 Commercial Use Types
- Attachment 3 – Copy of 8/24/2016 vrbo.com listing for VRBO listing#3916910ha (15 pages); copy of 8/24/2016 flipkey.com listing for TripAdvisor property ID 5033516

Robin Mathies, neighbor, offered witness testimony in support of the citation.

B. Appellant's Response:

Johanne Ryker 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 January 5, 2017

The panel approved the submission of additional evidence in Exhibit C.

Exhibit C:

- Analytics data dated 3/13/17 from vacationrentals.com
- Correspondence with Robin Mathies on July 14, 2016 through vacationrentals.com
- Email dated September 7, 2016 to Ranjit Dosanjh, and letter attachment dated September 6, 2016
- Email dated July 20, 2016 to Johanne Ryker with Subject: City of Roseville – Business License Application Rejected; copy of Business License Online Application for Johanne Ryker dated July 19, 2016

C. Rebuttals and Panel Questions:

Code Enforcement Officer Ranjit Dosanjh offered rebuttal testimony and answered panel questions.

Johanne Ryker 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. 19369 for one count of violating Roseville Municipal Code Section 19.08.080, Residential Use Types.

A motion was made by Richard Sweet and was seconded by Dan Myers to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Pete Constant, Dan Myers, Richard Sweet

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 16369, the panel decided to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party of one count of violating Roseville Municipal Code section 19.08.080, Residential Use Types, based on the testimony and evidence presented before them at the March 14, 2017 hearing.

Chairperson Constant signed the decision form and asked the appellant to see staff for the paperwork and informed the appellant that he/she may file a petition for review with the Superior Court in Placer County within 20 days.

7) Adjournment

Chairperson Constant adjourned the March 14, 2017 hearing at 10:10 a.m.

Pamela Sisk
Legal Clerk