

Minutes
City of Roseville
Hearing Panel
June 22, 2017 at 3:00 p.m.
City Council Chambers
311 Vernon Street

1) Call to order

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

The following Hearing Panel members were present:

Bruce Hagler
Scott Sanford
Brian Stenklyft

The following Staff members were present:

Michelle Sheidenberger	Assistant City Attorney
Pamela Sisk	Legal Clerk

2) Designation of Chair

Chairperson for the June 22, 2017 hearing was Scott Sanford.

3) Pledge of Allegiance

Chairperson Sanford led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) **Matters to be Heard**

Citation #12443

Appellant: Daniel Palos

Roseville Municipal Code Section 7.25.010, Animal Noise, Third offense

On June 19, 2017, the Complainant, Theresa Kawel, contacted the City Attorney's office and requested that the hearing be rescheduled due to a work emergency. Ms. Kawel's request was granted, and the matter was dropped and will be rescheduled at a date to be determined by the City Attorney's office.

Citation #3038

Appellant: Richard Ryan

Roseville Municipal Code Section 16.35.110(13), Dangerous Building, Second offense

Roseville Municipal Code Section 16.04.110, California Building Standards Code, Second offense

A. Staff Report:

Deputy City Attorney Joseph Speaker offered arguments in regards to the staff materials in Exhibit A.

Building Inspector Lorne Green offered testimony in regards to the staff materials in Exhibit A.

Joseph Speaker and Lorne Green answered questions from the panel in regards to the violations being charged and the work associated with the original permit.

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 background
- Attachment 1: Code Enforcement warning notice dated 12/1/16
- Attachment 2: Administrative Citation Warning dated 12/23/16
- Attachment 3A: Letter from Joseph T. Speaker dated 1/26/17
- Attachment 3B: Citation No. 3008
- Attachment 4A: Citation No. 3038
- Attachment 4B: Letter from Joseph T. Speaker dated 5/23/17
- Attachment 5: Page 45, 2013 California Plumbing Code & Page 191, 2013 California Plumbing Code
- Attachment 6: Commercial Construction Comment Form dated 4/5/02
- Attachment 7: City of Roseville Building Permit receipt, Permit #BD-098071 issued on 4/5/02

- Attachment 8: Permit Inspection Form for Permit No. BD-098071, Date submitted: 4/3/02
- Attachment 9: Sketch of property composition
- Attachment 10: Plot plan
- Attachment 11: Google map of properties

B. Appellant's Response:

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 June 7, 2017

Richard Ryan presented Exhibit C and offered testimony in support of the appeal.

Exhibit C:

- 2 page document to Hearing Board from Richard Ryan dated June 22, 2017

Douglas Bromell, Attorney for Richard Ryan, presented Exhibit D and offered arguments in support of the appeal.

Exhibit D:

- Field-Escandon v. DeMann (1988)

The panel asked Richard Ryan questions regarding the violations as outlined in the staff report, and to clarify his argument pertaining to the Prescriptive Easement. The panel asked Mr. Ryan about the original drawing he submitted with his permit submittal in 2002, and what follow-up he had done with the City after the first citation to understand the violations and the corrective action required to remedy the situation.

C. Rebuttals and Panel Questions:

Joseph Speaker offered rebuttal arguments/testimony and answered panel questions regarding correcting the existing issues and work done on the sewer line.

The panel asked Assistant City Attorney Michelle Sheidenberger questions regarding Prescriptive Easements and the historical context of the work in relation to the plumbing code.

Douglas Broomell offered rebuttal arguments/testimony and answered panel questions relating to the possession of any easement documents.

Richard Ryan offered rebuttal testimony and answered panel questions regarding the possession of recorded easement documents, whether or not Mr. Ryan has looked into rectifying the violations since the last hearing date of April 11, 2017, and a summary of a recent meeting with Lorne Green.

Michelle Sheidenberger clarified statements made by Richard Ryan regarding the ownership of the lot next door to Richard Ryan's property.

Lorne Green was recalled by the panel to answer questions regarding his meeting and conversations with Richard Ryan, his knowledge of historical references to the plumbing code and to Prescriptive Easements, and what was necessary in order for Richard Ryan to correct the violations.

Joseph Speaker offered rebuttal arguments/testimony.

Lorne Green was recalled by the panel to answer questions regarding approximate time tables for the permitting process.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 3038 for one count of violating Roseville Municipal Code Section 16.35.110(13), Dangerous Building, Second offense, and one count of Roseville Municipal Code Section 16.04.110, California Building Standards Code, Second offense.

A motion was made by Brian Stenklyft and was seconded by Bruce Hagler to deny the appeal 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: Bruce Hagler, Scott Sanford, Brian Stenklyft

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 3038, the panel decided to deny the appeal 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 of one count of violating Roseville Municipal Code section 16.35.110(13), Dangerous Building, Second offense, and one count of violating Roseville Municipal Code Section 16.04.110, California Building Standards Code, Second offense. This decision was based on the testimony and evidence presented before them at the June 22, 2017 hearing.

Chairperson Sanford 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 Brian Stenklyft, and was seconded by Bruce Hagler to adjourn the June 22, 2017 Appeal Hearing meeting.

AYES: Bruce Hagler, Scott Sanford, Brian Stenklyft

NOES: none

Chairperson Sanford adjourned the June 22, 2017 hearing at 3:58 p.m.

Pamela Sisk
Legal Clerk