



MINUTES

February 13, 2018

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Constant 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:

Pete Constant
Leilani Fratis
Bruce Hagler

The following Staff members were present:

Joseph Speaker, Deputy City Attorney
April Esparza, Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the February 13, 2018 hearing was Pete Constant.

4. PLEDGE OF ALLEGIANCE

Chairperson Constant led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No. 22808

Appellant: Hongshu Shi

- Roseville Municipal Code Section 9.10.190(E), Operating Requirements - General Conditions (Employee Certificates)
- Roseville Municipal Code Section 9.10.190(F), Operating Requirements - General Conditions (Employee Dress Code)
- Roseville Municipal Code Section 9.10.200(C), Operating Requirements - Services List
- Roseville Municipal Code Section 9.10.210(H), Operating Requirements - Records
- Roseville Municipal Code Section 9.10.230(A), Display of Permit

A. Staff Report:

Police Officer Michael Ryland 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

B. Appellant's Response:

Exhibit B:

(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 December 21, 2017

Hongshu Shi introduced her interpreters: Mary Zhang and Siddhartha Maharaj.

Through interpreters, Hongshu Shi, presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- 2-page statement from Hongshu Shi
- 10 photographs
- Sample customer information form
- Blank room and time log

C. Rebuttals and Panel Questions:

Officer Ryland offered rebuttal testimony and answered panel questions.

Through interpreters, Hongshu Shi offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 22808.

In regards to Roseville Municipal Code Section 9.10.190(E), Operating Requirements - General Conditions (Employee Certificates), a motion was made by Leilani Fratis and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

In regards to Roseville Municipal Code Section 9.10.190(F), Operating Requirements - General Conditions (Employee Dress Code), a motion was made by Leilani Fratis and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler

NOES: Pete Constant

In regards to Roseville Municipal Code Section 9.10.200(C), Operating Requirements - Services List, a motion was made by

Leilani Fratis and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

In regards to Roseville Municipal Code Section 9.10.210(H), Operating Requirements – Records, a motion was made by Leilani Fratis and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

In regards to Roseville Municipal Code Section 9.10.230(A), Display of Permit, a motion was made by Leilani Fratis and seconded by Bruce Hagler to uphold the citation but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections 9.10.190(E), 9.10.190(F), 9.10.200(C), and 9.10.210(H), the panel decided to deny the appeal and uphold the charges because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Regarding Roseville Municipal Code Section 9.10.230(A), the panel decided to uphold the citation but waive the fine in the interest of justice.

Chairperson Constant signed the decision form, 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. Citation No. 14864

Appellant: Mengsha Li

- Roseville Municipal Code Section 9.10.190(A), Operating Requirements - General Conditions (Manager/Owner Present)
- Roseville Municipal Code Section 9.10.210(C), Operating Requirements - Living Quarters Prohibited

A. Staff Report:

Police Sergeant Darren Kato 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

B. Appellant's Response:

Exhibit B:

(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 2, 2018

Mengsha Li (Manager of Aroma Day Spa) and Xingui Guo (Owner of Aroma Day Spa) presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Letter from Xingui Guo
- Five photographs

C. Rebuttals and Panel Questions:

Sergeant Darren Kato offered rebuttal testimony and answered panel questions.

Xingui Guo offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14864.

In regards to Roseville Municipal Code Section 9.10.190(A), Operating Requirements - General Conditions (Manager/Owner Present), a motion was made by Bruce Hagler and seconded by Leilani Fratis to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Pete Constant

NOES: none

In regards to Roseville Municipal Code Section 9.10.210(C), Operating Requirements - Living Quarters Prohibited, a motion was made by Bruce Hagler and seconded by Leilani Fratis to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Bruce Hagler, Leilani Fratis, Pete Constant

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Section 9.10.190(A), the panel decided to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Regarding Roseville Municipal Code Section 9.10.210(C), the panel decided to grant the appeal and dismiss the charge because the City did not prove by a preponderance of the evidence that the violation occurred.

Chairperson Constant signed the decision form, 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. Citation No. 11970

Appellant: Jeremy Fritts

- Roseville Municipal Code Section 7.12.010, Animal at Large (Two Counts, Third Offense)

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 Jack Dorman presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Five photographs

B. Appellant's Response:

Exhibit C:

(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 20, 2017

Jeremy Fritts offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Jack Dorman offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 11970.

In regards to the two counts of violating Roseville Municipal Code Section 7.12.010, Animal at Large, third offense, a motion was made by Leilani Fratis and seconded by Bruce Hagler 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.

The motion passed with the following vote:

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

E. Panel Decision:

The panel decided to deny the appeal and uphold the charge of two counts of violating Roseville Municipal Code Section 7.12.010, Animal at Large, third offense.

Chairperson Constant signed the decision form, 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 Bruce Hagler and seconded by Leilani Fratis to adjourn the February 13, 2018 Appeal Hearing meeting.

AYES: Leilani Fratis, Bruce Hagler, Pete Constant

NOES: none

Chairperson Constant adjourned the February 13, 2018 hearing at 10:54 a.m.

April Esparza
Legal Clerk