



MINUTES

MARCH 22, 2018

BOARD OF APPEALS HEARING

3:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

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

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Sean Wallentine
Samson Badal
Sherry Rutledge

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
April Esparza	Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the March 22, 2018 hearing was Sean Wallentine.

4. PLEDGE OF ALLEGIANCE

Chairperson Wallentine led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No. 3044

Appellant: Johanne Ryker

- Roseville Municipal Code Section 19.08.080, Residential Use Type - Lodging, third offense

A. Staff Report:

Exhibit A:

- Staff Report including case history and narrative

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 B:

- Updated Staff Report including case history and narrative
- July 18, 2016 letter from City to Johanne Ryker (Attachment #1)
- July 24, 2016 Administrative Citation Warning with RMC sections attached (Attachment #2)
- Copy of Citation No. 16369, copy of decision letter and case disposition form (Attachment #3)
- December 6, 2016 letter from City Attorney's Office to Johanne Ryker and Citation Appeal Decision Form dated March 14, 2017 (Attachment #4)
- Copy of Citation No. 3041, June 16, 2017 letter from City Attorney's Office to Johann Ryker and Case Disposition Form (Attachment #5)
- VRBO reservation confirmation for July 13-17, 2017 (Attachment #6)
- Copy of Citation No. 3044, December 5, 2017 letter from City Attorney's Office, Case Disposition Form (Attachment #7)

Code Enforcement Officer Ranjit Dosanjh offered testimony in regards to the staff materials in Exhibit B and answered panel questions.

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

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 January 3, 2018.

Johanne Ryker presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Letter Administrative Appeal from Johanne Ryker dated March 19, 2018
- Copy of letter dated July 31, 2017 from Johanne Ryker to Joe Speaker (2 pages)
- Photo of property from VRBO
- 2017 Guest Registry
- 2017 Calendar of Vacation Rentals/Reservations
- Google Calendar with names of guests and dates of reservation (12 pages)
- Guest Registry of reservations made by friends/family
- Guest Reviews (6 pages)

C. Rebuttals and Panel Questions:

No rebuttal testimony was given.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 3044.

In regards to Roseville Municipal Code Section 19.08.080, Residential Use Type - Lodging, third offense, a motion was made by Sherry Rutledge and seconded by Samson Badal 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: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections 19.08.080, 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.

Chairperson Wallentine 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. 11976

Appellant: Troy Beard

- Roseville Municipal Code Section 7.16.010, Failure to License
- Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report:

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

At 3:15 p.m., Complainant Jeff Witsch was not present. According to Section VII(B) of the rules for Administrative Hearing Procedures, if the Complainant fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically granted.

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 February 7, 2018.

Troy Beard offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Sarah DeRego offered rebuttal testimony and offered to dismiss the licensing charge.

Due to technical difficulties, the Board of Appeals took a five minute recess.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 11976.

In regards to Roseville Municipal Code Section 7.25.010, Animal Noise, a motion was made by Sherry Rutledge and seconded by Samson Badal to grant the appeal and dismiss the charge because the Complainant failed to appear.

The motion passed with the following vote:

AYES: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

In regards to Roseville Municipal Code Section 7.16.010, Failure to License, a motion was made by Samson Badal and seconded by Sherry Rutledge to grant the appeal and dismiss the charge at the request of the City.

The motion passed with the following vote:

AYES: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Section 7.16.010, the panel decided to grant the appeal and dismiss the charge at the request of the City.

Regarding Roseville Municipal Code Section 7.25.010, the panel decided to grant the appeal and dismiss the charge because the Complainant failed to appear.

Chairperson Wallentine 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. 11984

Appellant: Emily Hendersen

- Roseville Municipal Code Section 7.16.010, Failure to License

A. Staff Report:

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

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 February 12, 2018.

Emily Hendersen offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Sarah DeRego offered rebuttal testimony and answered panel questions.

Emily Hendersen offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 11984.

In regards to Roseville Municipal Code Section 7.16.010, Failure to License, a motion was made by Samson Badal to grant the appeal and dismiss the charge because the City/Complainant did not prove

by a preponderance of the evidence that the appellant is the responsible party and that the violation occurred.

Samson Badal withdrew his motion.

A new motion was made by Sean Wallentine and seconded by Samson Badal to uphold the citation but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections 7.16.010, Failure to License, the panel decided to uphold the citation but waive the fine in the interest of justice.

Chairperson Wallentine 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.

7.4. Citation No. 11979

Appellant: Tyler and Shannon Pierce

- Roseville Municipal Code Section 7.12.010, Animal at Large
- Roseville Municipal Code Section 7.14.010, Removal of Dog Defecation

A. Staff Report:

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

Exhibit B:

- Four pages of security camera 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 February 22, 2018.

Tyler and Shannon Pierce presented Exhibit D and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Letter to Board of Appeals from Shannon and Tyler Pierce
- Map of neighbors names and address numbers
- Neighbors signature form
- Screenshots of text messages between Shannon Pierce and neighbors
- Photos of Shannon's written communication to Coree Keenan
- Two photographs of property line and dog defecation
- Eight pages of Nextdoor Posts re: missing dogs
- Private Nextdoor Message from Shannon Pierce to Coree Keenan
- Timeline

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 11979.

In regards to Roseville Municipal Code Section 7.12.010, Animal at Large and Code Section 7.14.010, Removal of Dog Defecation, a motion was made by Sherry Rutledge and seconded by Samson Badal to uphold the citation but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections 7.12.010 and 7.14.010 the panel decided to uphold the citation but waive the fine in the interest of justice.

Chairperson Wallentine 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 Sherry Rutledge and seconded by Samson Badal to adjourn the March 22, 2018 Appeal Hearing.

AYES: Sherry Rutledge, Samson Badal, Sean Wallentine

NOES: none

Chairperson Wallentine adjourned the March 22, 2018 hearing at 4:26 p.m.

April Esparza
Legal Clerk