



MINUTES
May 8, 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

Bruce Hagler

Dan Myers

The following Staff members were present:

Joseph Speaker

Deputy City Attorney

Gretchen Hakala

Paralegal

3. DESIGNATION OF CHAIR

Chairperson for the May 8, 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. 922687

Appellant: Jacqueline Adams

- Roseville Municipal Code Section 10.58.100, Municipal Parking Facilities – Restrictions on Use

A. Staff Report:

Police Officer Gary Cole 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 April 13, 2018

Jacqueline Adams offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Officer Cole offered rebuttal testimony and answered panel questions.

Jacqueline Adams offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 922687.

In regards to Roseville Municipal Code Section 10.58.100, Municipal Parking Facilities – Restrictions on Use, a motion was made by Bruce Hagler and seconded by Dan Myers 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: Pete Constant, Bruce Hagler, Dan Myers

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections 10.58.100, Municipal Parking Facilities – Restrictions on Use, 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 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. 11999

Appellant: Mandeep Dhaliwal on behalf of Gurdip Dhaliwal

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

A. Staff Report:

Animal Control Officer John Bennett was present but did not offer testimony because the appellant did not appear.

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 Jennifer Santry was present but did not offer testimony because the appellant did not appear.

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 March 16, 2018

Mandeep Dhaliwal was not present for the May 8, 2018 hearing.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

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.

Regarding Roseville Municipal Code Section 7.25.010, Animal Noise and Roseville Municipal Code Section 7.16.010, Failure to License, a motion was made by Bruce Hagler 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: Pete Constant, Bruce Hagler, Dan Myers

NOES: none

E. Panel Decision:

Regarding Roseville Municipal Code Sections Roseville Municipal Code Section 7.16.010, Failure to License and Roseville Municipal Code Section 7.25.010, Animal Noise the panel decided to deny the appeal and uphold the charges because the appellant failed to appear.

Chairperson Constant signed the decision form.

8. ADJOURNMENT

A motion was made by Dan Myers and seconded by Bruce Hagler to adjourn the May 8, 2018 Appeal Hearing.

AYES: Pete Constant, Bruce Hagler, Dan Myers

NOES: none

Chairperson Constant adjourned the May 8, 2018 hearing at 9:20 a.m.

April Esparza
Legal Clerk