



MINUTES

July 26, 2018

BOARD OF APPEALS HEARING

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

1. CALL TO ORDER

Chairperson Constant 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:

Samson Badal
Pete Constant
Sherry Rutledge

The following Staff members were present:

Joseph Speaker Deputy City Attorney
April Esparza Legal Clerk

3. DESIGNATION OF CHAIR

Chairperson for the July 26, 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. 14755

Appellant: Anna Swanson

- 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 May 14, 2018

Anna Swanson presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- PetData email regarding "Tyrone's" license status (2 pages)
- PetData email regarding "Tyco's" license status (1 page)

C. Rebuttals and Panel Questions:

Officer DeRego offered rebuttal testimony and answered panel questions.

Anna Swanson offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented.

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, Pete Constant

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 14755 and uphold the charge of Roseville Municipal Code Section 7.16.010, Failure to License, 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. 14764

Appellant: Amanda Morgan

- Roseville Municipal Code Section 7.12.010, Animal at Large
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior

A. Staff Report:

Animal Control Officer Sarah DeRego was present, but did not testify because the Complainant 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, Braham Dev was not present at the hearing.

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 May 14, 2018

Amanda Morgan was present at the hearing but did not testify because the Complainant did not appear.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 3:15 p.m., Complainant Braham Dev 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.

A motion was made by Samson Badal and seconded by Sherry Rutledge to grant the appeal and dismiss the charges because the Complainant failed to appear.

The motion passed with the following vote:

AYES: Sherry Rutledge, Samson Badal, Pete Constant

NOES: none

E. Panel Decision:

The panel decided to grant the appeal of Administrative Citation No. 14764 and dismiss the charges of Roseville Municipal Code Section 7.12.010, Animal at Large and Section 7.12.050, Aggressive Behavior, because the Complainant failed to appear.

Chairperson Constant signed the decision form.

7.3. Citation No. 14763

Appellant: Tracey Willey

- Roseville Municipal Code Section 7.12.010, Animal at Large

A. Staff Report:

Animal Control Officer Sarah DeRego was present, but did not testify because the Complainant 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 James McNellis was not present at the hearing.

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 May 18, 2018

Tracey Willey was present at the hearing but did not testify because the Complainant did not appear.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

At 3:15 p.m., Complainant Jason McNellis 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.

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, Pete Constant

NOES: none

E. Panel Decision:

The panel decided to grant the appeal of Administration Citation No. 14763 and dismiss the charge of Roseville Municipal Code Section 7.12.010, Animal at Large, because the Complainant failed to appear.

Chairperson Constant signed the decision form.

7.4. Citation No. 5788

Appellant: Karen Kelly

- Roseville Municipal Code Section 7.12.010, Animal at Large

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

Exhibit B:

- Sketch of the path Karen Kelly's dog took across Beverly Camus' property
- One photograph of displaced rocks in Beverly Camus' front yard

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 June 15, 2018

Karen Kelly offered testimony in support of the appeal and answered

panel questions.

C. Rebuttals and Panel Questions:

Beverly Camus offered rebuttal testimony and answered panel questions.

Karen Kelly offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented.

A motion was made by Sherry Rutledge and seconded by Samson Badal to deny the appeal and uphold the charge of Roseville Municipal Section 7.12.010, Animal at Large, because the City/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: Sherry Rutledge, Samson Badal, Pete Constant

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 5788 because the City/Complainant 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.

8. ADJOURNMENT

A motion was made by Sherry Rutledge and seconded by Samson Badal to adjourn the July 26, 2018 Appeal Hearing.

AYES: Sherry Rutledge, Samson Badal, Pete Constant

NOES: none

Chairperson Constant adjourned the July 26, 2018 hearing at 3:41 p.m.

April Esparza
Legal Clerk