



MINUTES

June 27, 2019

BOARD OF APPEALS HEARING
03:00 P.M.
311 Vernon Street
Roseville, CA 95678
www.roseville.ca.us

1. CALL TO ORDER

Chairperson Sherry Rutledge 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:

Sherry Rutledge
Andrew Haydu
Arthur Pauly, Jr.

The following Staff members were present:

Joseph Speaker, Deputy City Attorney
Lynda Risucci, Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the June 27, 2019 hearing was Sherry Rutledge.

4. PLEDGE OF ALLEGIANCE

Chairperson Rutledge led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENTS

No one from the public offered any comments.

6. SWEAR IN

Chairperson Rutledge administered the Oath to those in attendance who would

be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No.: 14746

Appellant: Gerardo Sanchez

- Roseville Municipal Code Section 7.12.010, Animal at Large-Leash Law, One Count

- Roseville Municipal Code Section 7.12.050, Aggressive Behavior, One Count

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

A. Staff Report

Animal Control Officer Sarah DeRego offered testimony in regard 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 Glenda Hay presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Photograph of subject property.

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 May 15, 2019.

Appellant Gerardo Sanchez offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Complainant Glenda Hay offered rebuttal testimony and answered panel

questions.

Animal Control Officer Sarah DeRego offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 14746.

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large-Leash Law, one count, a motion was made by Andrew Haydu and seconded by Arthur Pauly, Jr., to deny the appeal and uphold the charge because the Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sherry Rutledge, Andrew Haydu, Arthur Pauly, Jr.

NOES: None.

In regard to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, one count, a motion was made by Andrew Haydu and seconded by Arthur Pauly, Jr., to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Andrew Haydu, Arthur Pauly, Jr.

NOES: None.

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 14746 and uphold the charge of Roseville Municipal Code Section 7.12.010, Animal at Large-Leash Law, one count, because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Regarding Roseville Municipal Code Section 7.12.050, Aggressive Behavior, one count, the panel decided to uphold the citation but waive the fine in the interest of justice.

Chairperson Rutledge 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 Arthur Pauly, Jr. and seconded by Andrew Haydu to adjourn the hearing.

AYES: Sherry Rutledge, Andrew Haydu, Arthur Pauly, Jr.

NOES: None

Chairperson Rutledge adjourned the June 27, 2019 hearing at 3:35 p.m.