



AGENDA

September 26, 2024

BOARD OF APPEALS HEARING

3:00 p.m.

City Council Chambers

311 Vernon Street

Roseville, CA 95678

www.roseville.ca.us

THE CITY OF ROSEVILLE WELCOMES YOUR PARTICIPATION

If an agenda item is open to public comment, such public comment shall be addressed to the chair of the meeting.

Public Comment - Speakers have three minutes under Public Comment to speak on issues that are not listed on the agenda and are within the City's jurisdiction. The Brown Act does not permit any action or discussion on items not listed on the agenda.

Consent Calendar - If applicable, the Consent Calendar consists of routine items that may be approved by one motion. Any person can remove an item from the Consent Calendar to be discussed separately.

Agenda Items - Speakers have five minutes to address items that are listed on the agenda.

Levine Act Provisions - The Levine Act requires a Party (or its agent (s)) to a Proceeding before the City of Roseville that involves any action or consideration to their contract, license, permit, or other entitlement for use, to disclose any campaign contribution made to City elected or appointed officers (including Councilmembers, Planning Commissioners, and members of other City boards and commissions) totaling more than \$250 within the 12 months before the City decision.

Americans with Disabilities Act - Notify the City Clerk or Secretary at least 72 hours in advance if special assistance is required to participate in a meeting including the need of auxiliary aids or services.

Audio/Visual Presentations - If making a presentation regarding an agenda item, audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance.

Roseville City Clerk 311 Vernon Street, Roseville, CA 916-774-5200 TDD 916-774-5220

1. CALL TO ORDER

- 2. ROLL CALL (SILENT)**
- 3. IDENTIFICATION OF CHAIR**
- 4. PLEDGE OF ALLEGIANCE**
- 5. PUBLIC COMMENTS**
- 6. SWEAR IN**
- 7. MATTERS TO BE HEARD**

7.1. Appeal of Fireworks Violation - Report No.: 2024-34256 - Nashla Agüero Dagdug - 7205 Liverpool Lane

Appellant: Nashla Agüero Dagdug, 7205 Liverpool Lane

Roseville Municipal Code Section:

16.16.140(B), Prohibited Fireworks, one count

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

7.2. Appeal of Fireworks Violation - Report No.: 2024-34253 - Mihail Tetelea - 5025 Lyrical Way

Appellant: Mihail Tetelea, 5025 Lyrical Way

Roseville Municipal Code Section:

16.16.140(B), Prohibited Fireworks

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

7.3. Appeal of Fireworks Violation - Report No.: 2024-34316 - Octavio Garcia Jr. - 1306 South Bluff Dr.

Appellant: Octavio Garcia Jr.

Roseville Municipal Code Section:

16.16.140(F), Prohibited Fireworks - Host Liability

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Fireworks Violation - Report No.: 2024-34256 - Nashla Aguero Dagdug - 7205 Liverpool Lane
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 9/26/2024
Item #: 5.1.

RECOMMENDATION

Consider the appeal of Fireworks Violation, Report No. 2024-34256, submitted by Nashla Aguero Dagdug, for the following violation:

Violation: RMC 16.16.140(B) – Prohibited Fireworks – 1 Count (\$750)

“Except as otherwise provided in this section, no person shall possess, manufacture, sell, use, display or explode any dangerous fireworks, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, or any altered safe and sane fireworks within the city.”

BACKGROUND

Police Officer Danielle Eriksen issued a fireworks violation (report no.: 2024-34256) to Nashla Dagdug on July 4, 2024. Nashla Dagdug appealed the violation on July 20, 2024.

Respectfully Submitted,

Kelly Aye, Legal Assistant

Travis Cochran, Deputy City Attorney

ATTACHMENTS:

Description

Staff Report

Fireworks Violation Report #24-34256

Picture

Appeal Form



Roseville Police Department

1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

**Administrative Citation Appeal Hearing
Staff Report**

Date of Hearing: Thursday, September 26th, 2024, at 3:00 PM
Appellant: Nashla Aguero Dagdug (7205 Liverpool Lane)
Case Number: 12437 (Report No. 2024-34256)

Violation: RMC 16.16.140(B) – Prohibited Fireworks – 1 Count

“Except as otherwise provided in this section, no person shall possess, manufacture, sell, use, display or explode any dangerous fireworks, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, or any altered safe and sane fireworks within the city.”

Narrative:

On July 4th, 2024, at approximately 9:32 p.m., Roseville Police Officer Danielle Eriksen observed a female subject standing on a ladder and holding a prohibited firework (a roman candle-type firework). The female subject proceeded to light the prohibited firework into the air. Officer Eriksen then contacted the subject who stated she lived at 7205 Liverpool Lane in Roseville and identified herself as Nashla Aguero Dagdug through photo identification. Ms. Dagdug then showed Officer Eriksen three (3) other prohibited fireworks that were already used and eight (8) additional unspent prohibited fireworks, and informed Officer Eriksen that the fireworks belonged to her. The remaining unspent prohibited fireworks were confiscated, and a Notice of Violation/Administrative Citation was issued to Ms. Dagdug for one (1) count of violating Roseville Municipal Code Section 16.16.140(B).

Attached to this Report is a picture taken by Officer Eriksen of the four (4) spent and eight (8) unspent prohibited fireworks. This incident was also captured on Officer Eriksen's body worn camera and the video is available for viewing at the request of the Board.

Respectfully Submitted,
Officer Danielle Eriksen, Badge #1208

JUL 09 2024

NOTICE OF VIOLATION- FIREWORKS

ROSEVILLE
CITY ATTORNEY

Report#: 24-34256

Location of Violation: 7205 LIVERPOOL LN

Date: 7/4/24 Time: 2132

Responsible Party Info:

Name: NASHUA AGUIERO DAGDUG

Address: 7205 LIVERPOOL LN

City: ROSEVILLE State: CA

(If known) Birth Date:

Driver's License #

DECLARATION

1. This declaration pertains to a violation of Roseville Municipal Code ("RMC") § 16.16.140 related to regulation of fireworks. I personally observed a violation of:

- ☒ RMC § 16.16.140(B) "Prohibited Fireworks"- Illegal possession, manufacture, sale, use, display and/or exploding of dangerous fireworks. 1 **Counts** (each illegal firework may be charged as a separate violation).
- ☐ RMC § 16.16.140(F) "Host Liability"- A host that knowingly allowed a violation of RMC § 16.16.140 (including possession, manufacture, sell, use, display and/or exploding of dangerous fireworks) on their property and/or at a gathering they hosted, organized, supervised, officiated, and/or conducted. _____ **Counts** (each illegal firework may be charged as a separate violation).
- ☐ RMC § 16.16.140(E) "Safe and Sane Fireworks"- Possession, use, display or discharge of "safe and sane" fireworks outside of noon on June 28 to 11:59 pm on July 4th. _____ **Counts** (each illegal firework may be charged as a separate violation).
- ☐ OTHER: _____

2. On the date and time above, I was serving as an enforcement officer for the City of Roseville ("City") and, amongst other things, tasked with enforcement of RMC § 16.16.140 related to regulation of fireworks.

3. I observed the following: I WAS PARKED DOWN THE STREET AND OBSERVED A FEMALE SUBJECT STANDING ON A LADDER, HOLDING A ROMAN CANDLE. SHE LIT THE FIREWORK AND HOLD THE

- ☒ Continued on back if more information is needed.
Photo(s)/Video(s) attached and incorporated.

4. To the best of my knowledge, the information contained on this declaration is true and correct and I reasonably believe a violation has occurred. If called as a witness, I would testify thereto.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Roseville, California this 4th day of July 2024.

Daniel M. E. H.
Declarant Signature

DANIEL ERIKSEN #1208
Name and Title POLICE OFFICER

NOTICE OF VIOLATION- FIREWORKS

Report#: 24-34256

Additional information:

FIREWORK ~~WAS~~ ~~THE~~ IN THE AIR. I CONTACTED THE
SUBJECT WHO STATED SHE LIVED AT 7205 LIVERPOOL
LN. SHE SHOWED ME 3 OTHER ROMAN CANDLES THAT
WERE ALREADY USED, AND TWO ADDITIONAL PACKAGES
WITH 8 MORE NEW ROMAN CANDLES. SHE STATED THE
FIREWORKS BELONGED TO HER. THE REMAINING FIREWORKS
WERE CONFISCATED.



ADMINISTRATIVE CITATION APPEAL - REQUEST FOR HEARING 2024-07-20 09:01 PM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

***Name:** Nashla Aguero Dagdug

***Citation Number:** 2024-34256

***Home Address:** 7205 Liverpool Lane

***City** Roseville

***Zip** 95747

Mailing Address
(if different from above):
7205 Liverpool Lane

***Phone Number:**

***Email:**



The officer on scene informed us that we would not get fined at all and would just be issued a warning. We would just like to understand why we were lied to and now have to pay such a large fine when we were told we would not even been getting a ticket.

***Reason
for
Appeal:**

☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.

☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit

Cancel



LET'S CHAT





BOARD OF APPEALS COMMUNICATION

Title: Appeal of Fireworks Violation - Report No.: 2024-34253 - Mihail Tetelea - 5025 Lyrical Way
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 9/26/2024
Item #: 5.2.

RECOMMENDATION

Consider the appeal of citation 2024-34256, submitted by Mihail Tetelea, for the following violation:

Violation: RMC 16.16.140(B) – Prohibited Fireworks – 1 Count

“Except as otherwise provided in this section, no person shall possess, manufacture, sell, use, display or explode any dangerous fireworks, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, or any altered safe and sane fireworks within the city.”

BACKGROUND

Sergeant David Tuggle cited Mihail Tetelea for one count of 16.16.140(B), Prohibited Fireworks (Report No. 2024-34256) on July 4, 2024. Mihail Tetelea appealed the violation on August 12, 2024.

Respectfully Submitted,

Kelly Aye, Legal Assistant

Travis Cochran, Deputy City Attorney

ATTACHMENTS:

Description

Staff Report

Notice of Violation

Appeal Form



Roseville Police Department

1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

**Administrative Citation Appeal Hearing
Staff Report**

Date of Hearing: Thursday, September 26th, 2024, at 3:00 PM
Appellant: Mihail Tetelea (5025 Lyrical Way)
Case Number: 12445 (Report No. 2024-34253)

Violation: RMC 16.16.140(B) – Prohibited Fireworks – 1 Count

“Except as otherwise provided in this section, no person shall possess, manufacture, sell, use, display or explode any dangerous fireworks, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, or any altered safe and sane fireworks within the city.”

Narrative:

On July 4th, 2024, at approximately 9:21 p.m., Roseville Police Sergeant David Tuggle observed a prohibited firework (aerial firework) being launched from the bed of a pickup truck parked at 5025 Lyrical Way. Officer Tuggle contacted a male subject next to the truck, who had a lighting device (torch) in his hand. This individual was subsequently identified as Mihail Tetelea, who informed Sergeant Tuggle that he was the homeowner and that this was his only aerial firework. Mr. Tetelea was issued a Violation/Administrative Citation for one (1) count of violating Roseville Municipal Code Section 16.16.140(B).

The launching of the prohibited aerial firework and Officer Tuggle's initial contact with Mr. Tetelea was recorded on Sergeant Tuggle's department-issued cell phone and the video is available for viewing at the request of the Board.

Respectfully Submitted,
Sergeant David Tuggle, Badge #1090

JUL 09 2024

ROSEVILLE

CITY ATTORNEY
of Violation: 500

Time: 21:21

NOTICE OF VIOLATION- FIREWORKS

Report#: 24-34253

Additional information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no vertical margin lines, text, or other markings on the paper.

Print This Page

View

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[Report](#)

[Activity](#)

Administrative Citation Appeal – Request For Hearing 2024-08-12 01:09 PM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

***Name:** Mihail Tetelea

***Citation
Number:** 12445

***Home
Address:** 5025 Lyrical Way

***City** Roseville

***Zip** 95621

Mailing
Address

(if
different
from
above):

***Phone
Number:**

***Email:**

On 4th of July, also known as US Independence. We had some friends visit us from Las Vegas NV. As typically celebration include activities such fireworks, they brought some fireworks to celebrate. Normally, being the owner of the house, I lit those fireworks not knowing that fireworks are illegal in California, seeing in previous years that the neighbors use them. To later find out from the police officer that I received a citation in my name for lit fireworks.

***Reason
for
Appeal:**

- ☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.
- ☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit

Cancel



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Fireworks Violation - Report No.: 2024-34316 - Octavio Garcia Jr. - 1306 South Bluff Dr.

Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 9/26/2024

Item #: 5.3.

RECOMMENDATION

Consider the appeal of citation 2024-34316, submitted by Octavio Garcia Jr., for the following violation:

Violation: RMC 16.16.140(F) – Prohibited Fireworks Host Liability – 1 Count

No host shall knowingly allow any person to violate a provision of this section on the host's property. For purposes of this section, "host" means: (i) any person having ownership, control, the right to use, and/or possess a property; and/or (ii) is responsible for hosting, organizing, supervising, officiating, conducting, and/or accepts responsibility for a gathering. Additionally, for purposes of this section, "knowingly" shall mean that a person knew or reasonably should have known, looking at the totality of the circumstances. The provisions of this section shall not apply to:

1. The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal law, state law, and/or this section;
2. A host who seeks immediate assistance from any law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this section, or to terminate the gathering because the host has been unable to prevent violation of this section, despite having taken reasonable steps to do so;
3. A host who seeks immediate medical assistance to provide care for a person in danger, due to a violation of this section.

BACKGROUND

Sergeant David Tuggle issued a fireworks host violation (Report No. 2024-34316) for the residents of 1306 South Bluff Dr. on July 4, 2024. Octavio Garcia Jr., owner of 1306 South Bluff Dr., appealed the violation on August 14, 2024.

Respectfully Submitted,

Kelly Aye, Legal Assistant

Travis Cochran, Deputy City Attorney

ATTACHMENTS:

Description

Staff Report

Notice of Violation

Appeal Form



Roseville Police Department

1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

**Administrative Citation Appeal Hearing
Staff Report**

Date of Hearing: Thursday, September 26th, 2024, at 3:00 PM
Appellant: Octavio Garcia Jr. (1306 South Bluff Dr.)
Case Number: 12457 (Report No. 2024-34316)

Violation: RMC 16.16.140(F) – Prohibited Fireworks Host Liability – 1 Count

No host shall knowingly allow any person to violate a provision of this section on the host's property. For purposes of this section, "host" means: (i) any person having ownership, control, the right to use, and/or possess a property; and/or (ii) is responsible for hosting, organizing, supervising, officiating, conducting, and/or accepts responsibility for a gathering. Additionally, for purposes of this section, "knowingly" shall mean that a person knew or reasonably should have known, looking at the totality of the circumstances. The provisions of this section shall not apply to:

1. The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal law, state law, and/or this section;
2. A host who seeks immediate assistance from any law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this section, or to terminate the gathering because the host has been unable to prevent violation of this section, despite having taken reasonable steps to do so;
3. A host who seeks immediate medical assistance to provide care for a person in danger, due to a violation of this section.

Narrative:

On July 4th, 2024, at approximately 10:30 p.m., Roseville Police Sergeant David Tuggle observed a large gathering of people in front of 1306 South Bluff Drive in Roseville, who were observing prohibited aerial fireworks being launched from that location. At the conclusion of the prohibited aerial fireworks, Sergeant Tuggle observed the crowd disperse and multiple individuals walked into the garage of the residence at 1306 South Bluff Dr. and closed the garage door behind them. Sergeant Tuggle issued a Notice of Violation/Administrative Citation for one (1) count of violating Roseville Municipal Code Section 16.16.140(F), which was referred to the Roseville City Attorney's Office. The City Attorney's Office verified that the current registered owner of the property (1306 South Bluff Dr.) is Appellant, Octavio Garcia Jr.

The launching of the prohibited aerial fireworks was recorded by Officer Tuggle and the videos are available for viewing at the request of the Board.

Respectfully Submitted,
Sergeant David Tuggle, Badge #1090

RECEIVED

JUL 09 2024

ROSEVILLE
CITY ATTORNEY

NOTICE OF VIOLATION- FIREWORKS

Report#: 24-34316

Location of Violation: 1306 South Bluff Dr.

Date: 7/4/24

Time: 22:30

Responsible Party Info:

Name: HOME OWNER

Address: 1306 South Bluff Dr

City: Roseville

State: CA

(If known) Birth Date:

Sex:

Driver's License #

DECLARATION

I hereby declare and state:

1. This declaration pertains to a violation of Roseville Municipal Code ("RMC") § 16.16.140 related to regulation of fireworks. I personally observed a violation of:

☐ RMC § 16.16.140(B) "Prohibited Fireworks"- Illegal possession, manufacture, sale, use, display and/or exploding of dangerous fireworks. _____ **Counts** (each illegal firework may be charged as a separate violation).

☒ RMC § 16.16.140(F) "Host Liability"- A host that knowingly allowed a violation of RMC § 16.16.140 (including possession, manufacture, sell, use, display and/or exploding of dangerous fireworks) on their property and/or at a gathering they hosted, organized, supervised, officiated, and/or conducted. 1 **Counts** (each illegal firework may be charged as a separate violation).

☐ RMC § 16.16.140(E) "Safe and Sane Fireworks"- Possession, use, display or discharge of "safe and sane" fireworks outside of noon on June 28 to 11:59 pm on July 4th. _____ **Counts** (each illegal firework may be charged as a separate violation).

☐ OTHER: _____

2. On the date and time above, I was serving as an enforcement officer for the City of Roseville ("City") and, amongst other things, tasked with enforcement of RMC § 16.16.140 related to regulation of fireworks.

3. I observed the following: Large gathering at listed location with several bystanders present. Turned on ICC to record aerial fireworks. Subjects dispersed at the conclusion. Several left in cars & a few walked back into the residence. closing the garage behind them.

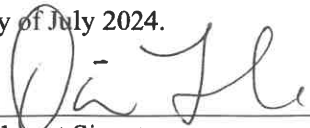
☐ Continued on back if more information is needed.

☒ Photo(s)/Video(s) attached and incorporated.

4. To the best of my knowledge, the information contained on this declaration is true and correct and I reasonably believe a violation has occurred. If called as a witness, I would testify thereto.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Roseville, California this 4 day of July 2024.


Declarant Signature

D. Tuggle / Sgt.

Name and Title

Report#: 24-34316

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Administrative Citation Appeal Form
Request For Hearing

RECEIVED

AUG 14 2024

ROSEVILLE
CITY ATTORNEY



Name Octavio Garcia
Address 1306 South Bluff Dr.

Email

Phone

City

Roseville

Zip

95678

Mailing Address (if different from above)

City

Zip

Citation Number

12457

Date of Citation

Reason for appeal?

(Include all information to support your appeal here. Continue on second page if needed.)

Wasnt My fire work I didnt light the fire work
fire work wasnt in front of My house. Someone
else lit the fire work Me and My family watched
as they were leaving my house wich is why everyone
left as soon as it was done. If the officer has video
you will see no chairs no other fire works done at my house
or out Front of My house. I dont spend Money on Fireworks
basically burning money.

Octavio Garcia

Signature of Appellant

8-14-24

Date

**Please mail or personally deliver this form within 30 days after the date of the
citation notification letter to the Roseville City Attorney's office located at:**

**City of Roseville
City Attorney's Office
311 Vernon Street
Roseville, CA 95678
(916) 774-5325 • FAX (916) 773-7348**

**Forms received later than 30 days after the date of the citation notification
letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.**