

**Minutes**  
**City of Roseville**  
**Hearing Panel**  
*August 27, 2015*  
*3:00 p.m.*  
**City Council Chambers**  
**311 Vernon Street**

**1) Designation of Chair**

Chairperson for August 27, 2015 was Scott Sanford.

**2) Call to order**

Chairperson Sanford called the meeting to order at 3:00 p.m. in the City Hall Council Chambers and led the audience in the Pledge of Allegiance.

**3) Roll Call**

The following Hearing Panel members were present:

Mark Elmquist  
Scott Sanford  
Sean Wallentine

The following Staff members were present:

Joseph T. Speaker	Deputy City Attorney
Gretchen Hakala	Paralegal
Pamela Sisk	Legal Clerk

**4)** Chairperson Sanford reviewed the agenda.

**5) Public Comment**

No public comment was offered.

Chairperson Sanford administered the Oath.

**6) Citation Appeals**

- |                   |                              |
|-------------------|------------------------------|
| ▪ Citation #1993  | Appellant: Thomas Barnao     |
| ▪ Citation #15709 | Appellant: KC Fuerstenberger |
| ▪ Citation #13424 | Appellant: Cathy Galbraith   |
| ▪ Citation #5773  | Appellant: Irene Duarte      |

**Citation #1993**

**Appellant: Thomas Barnao**

RMC 10.54.020(G), nuisance activities in areas zoned for residential use

1. **Staff report:**  
Code Enforcement Inspector Ranjit Dosanjh presented her staff report and answered panel questions.

Exhibits A - written testimony of case overview and photographs demonstrating the violation

2. **Appellant's response:**  
Thomas Barnao offered testimony in support of the appeal and answered panel questions.

3. **Rebuttals and questions by panel:**  
Ranjit Dosanjh offered rebuttal testimony and answered panel questions.

The oath was administered to Roseville Police Officer Jim Aguirre, and he was called to the podium to offer testimony and answer panel questions.

4. **Panel discussion/decision:**  
Motion by Sean Wallentine, seconded by Mark Elmquist 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.

AYES: Mark Elmquist, Scott Sanford, Sean Wallentine

NOES: none

5. Chairperson Sanford signed the decision form and asked Mr. Barnao to see staff for the paperwork and informed him that he may file a petition for review with the Superior Court in Placer County within 20 days.

**Citation #15709**

**Appellant: KC Fuerstenberger**

RMC 7.25.010, animal noise

1. **Staff report:**  
Animal Control Officer Debra Dalton presented her staff report and answered panel questions.

Exhibit A – written testimony of case overview

Daniel Otter offered testimony in support of the complaint and answered panel questions.

Exhibits B – photographs of the area, and a schedule of dates and times

2. **Appellant's response:**  
KC Fuerstenberger offered testimony in support of the appeal and answered panel questions.

Exhibit C - written testimony of seven exhibits and one attachment including letters from neighbors, measurements of property, noise level data, time of sunrise, neighbor conflict details

3. **Rebuttals and questions by panel:**  
Daniel Otter offered rebuttal testimony and answered panel questions.

KC Fuerstenberger offered rebuttal testimony and answered panel questions.

4. **Panel discussion/decision:**  
The panel recalled Animal Control Officer Debra Dalton to the podium to answer questions.

Motion by Mark, seconded by Sean to grant the appeal and dismiss the charge because the Complainant did not prove by a preponderance of the evidence that the violation occurred.

AYES: Mark Elmquist, Scott Sanford, Sean Wallentine

NOES: none

5. Chairperson Sanford signed the decision form and asked Ms. Fuerstenberger to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

**Citation #13424**

**Appellant: Cathy Galbraith**

RMC 7.25.010, animal noise

1. **Staff report:**  
Animal Control Officer Debra Dalton presented her staff report and answered panel questions.

Exhibit A - written testimony of case overview

John Farahani offered testimony in support of the complaint and answered panel questions.

Exhibit B – written testimony including letters from City Attorney's office, photo of property with measurements, date and time logs of dogs barking

2. **Appellant's response:**  
Cathy Galbraith offered testimony in support of the appeal and answered panel questions.  
  
Exhibit C – written testimony including letter from neighbor, appellant's statement, sketched map of property  
  
Patricia Tapia, neighbor of Cathy Galbraith, provided testimony in support of the appeal and answered panel questions.
3. **Rebuttals and questions by panel:**  
John Farahani offered rebuttal testimony and answered panel questions.  
  
Cathy Galbraith offered rebuttal testimony and answered panel questions.  
  
John Farahani offered rebuttal testimony and answered panel questions.
4. **Panel discussion/decision:**  
Motion by Mark Elmquist, seconded by Sean Wallentine to uphold the citation but waive the fine in the interests of justice.  
  
AYES: Mark Elmquist, Scott Sanford, Sean Wallentine  
  
NOES: none
5. Chairperson Sanford signed the decision form and asked Ms. Galbraith to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

**Citation #5773**

**Appellant: Irene Duarte**

RMC 7.25.010, animal noise

At 3:15 p.m., the complainant, the Complainant 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.

1. Motion by Mark Elmquist, seconded by Sean Wallentine to grant the appeal and dismiss the charge because the Complainant failed to appear.  
  
AYES: Mark Elmquist, Scott Sanford, Sean Wallentine  
  
NOES: none

2. Chairperson Sanford signed the decision form and asked Ms. Duarte to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

7) **Adjournment**

Motion by Mark Elmquist, seconded by Sean Wallentine to adjourn the August 27, 2015 Appeal Hearing meeting.

AYES: Mark Elmquist, Scott Sanford, Sean Wallentine

NOES: none

Chairperson Sanford adjourned the meeting at 4:26 p.m.

**Pamela Sisk  
Legal Clerk**