

Minutes
City of Roseville
Hearing Panel
August 9, 2016 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Designation of Chair

The Chairperson for the August 9, 2016 Appeal Hearing was designated as Pete Constant.

2) Call to order

Chairperson Constant called the meeting to order at 9:00 a.m. in the City Council Chambers and led the audience in the Pledge of Allegiance.

3) Roll Call

The following Hearing Panel members were present:

Pete Constant
Leilani Fratis
Dan Myers

The following Staff members were present:

Joseph T. Speaker	Deputy City Attorney
April Esparza	Legal Clerk
Pamela Sisk	Legal Clerk

4) Public Comment

No one from the public offered any public comment.

Chairperson Constant administered the Oath to those who would be offering testimony at the hearing.

5) Citation Appeals

- | | |
|-------------------|-----------------------------------|
| ▪ Citation #15954 | Appellant: Leniece Johnson |
| ▪ Citation #14646 | Appellant: Elysha Sowers Richards |
| ▪ Citation #22756 | Appellant: Meta Hartono-Trubridy |
| ▪ Citation #14648 | Appellant: Stacci Filla-Bear |

Citation #15954

Appellant: Leniece Johnson

Roseville Municipal Code Section 14.09.060(A), water waste

1. Staff report:

Water Conservation Specialist John Shannon presented his staff report and answered panel questions.

Water Conservation Helper Billy Higgins offered testimony supporting the violation.

Exhibit A:

- Written testimony on case narrative
- Six photos of 337 Hemphill dated May 9, 2016, 08:29, May 16, 2016, 07:43 (2), May 16, 2016, 07:45, June 16, 2016, 08:18, June 16, 2016, 08:19
- Water Conservation service call history report
- Water usage report

Exhibit B:

- Two sample “Door Hanger” notices utilized by the Water Conservation Division of the Environmental Utilities Department to notify homeowners and businesses of water issues

2. Appellant’s response:

Leniece Johnson had her husband, Emanuel Johnson come before the panel to offer testimony on her behalf in support of the appeal and answer panel questions. Emanuel Johnson requested that his appeal could be continued to allow him an opportunity to present DVD evidence supporting his case. Mr. Johnson testified the DVD had been sent to the City several days before, however City staff confirmed it was never received. Based on this, Mr. Johnson requested a continuance to allow him time to provide the DVD.

3. Panel discussion/decision:

A motion was made by Leilani Fratis, and seconded by Dan Myers to support a deferral of the appeal hearing for citation #15954 to allow the appellant time to provide the DVD evidence, so long as the new hearing date is before September 14, 2016.

AYES: Pete Constant, Leilani Fratis, Dan Myers

NOES: none

Citation #14646

Appellant: Elysha Sowers Richards

Roseville Municipal Code Section 7.25.010, animal noise

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.

1. Panel discussion/decision:

A motion was made by Leilani Fratis, and seconded by Dan Myers to deny the appeal and uphold the charge because appellant failed to appear.

AYES: Pete Constant, Leilani Fratis, Dan Myers

NOES: none

Citation #22756

Appellant: Meta Hartono-Tubridy

Roseville Municipal Code Section 7.25.010, animal noise
Roseville Municipal Code Section 7.16.010, failure to license

The violation of Roseville Municipal Code Section 7.25.010, animal noise was based on a citation signed by a third party Complainant. At 9:15 a.m., 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. Based on this, the hearing focused on the violation of Roseville Municipal Code Section 7.16.010, failure to license, as this charge was brought by City staff.

1. Staff report:

Animal Control Officer Debra Dalton presented her staff report and answered panel questions.

Exhibit A:

- Written testimony of violation history and case narrative from July 8, 2015 to May 10, 2016

2. Appellant's response:

Meta Hartono-Tubridy offered testimony in support of the appeal and answered panel questions.

Exhibit B:

- Copy of May 26, 2016 letter from City Attorney's office
- Copy of Citation #22756
- Copy of Request for Hearing form dated June 7, 2016
- Photo of dog
- Email correspondence from PetData dated May 2, 2016 with hand written notes
- Email correspondence from PetData dated May 3, 2016 and June 3, 2016
- Copy of Rabies Vaccination Certificate
- Copy of City of Roseville Animal License Receipt
- Copy of letter from Mark and Jean Lacher dated August 7, 2016
- Copy of letter from Debbie Schimke dated August 7, 2016.

3. **Rebuttals and questions by panel:**

Officer Dalton offered rebuttal testimony and answered panel questions.

Meta Hartono-Tubridy offered rebuttal testimony and answered panel questions.

4. **Panel discussion/decision:**

Meta Hartono-Tubridy was recalled to answer questions from the panel.

In regards to Roseville Municipal Code section 7.25.010, animal noise, a motion was made by Leilani Fratis, and seconded by Dan Myers to grant the appeal and dismiss the charge because the Complainant failed to appear.

AYES: Pete Constant, Leilani Fratis, Dan Myers

NOES: none

In regards to Roseville Municipal Code section 7.16.010, failure to license, a motion was made by Leilani Fratis, and seconded by Dan Myers to uphold the citation but waive the fine in the interests of justice.

AYES: Pete Constant, Leilani Fratis, Dan Myers

NOES: none

5. Chairperson Constant signed the decision form and asked Meta Hartono-Tubridy 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.

Roseville Municipal Code Section 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 violation history and case narrative from September 11, 2015 to June 1, 2016

2. Complainant's statement:

Tyson Raner offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Copy of letter from Kevin and Julie Green dated August 6, 2016
- Copy of letter from Wayne Alger, no date
- Copy of letter from Erin Hay dated August 8, 2016

3. Appellant's response:

Stacci Filla-Bear offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Written testimony from Stacci Filla-Bear
- Copy of calendar month April 2016
- Copy of Citation #14648
- Photo of dogs
- Six photos showing appellant's and complainant's property

4. Rebuttals and questions by panel:

Tyson Raner declined to offer rebuttal testimony.

Officer Dalton was recalled to offered rebuttal testimony and answered panel questions.

Stacci Filla-Bear declined to offer rebuttal testimony.

Tyson Raner offered rebuttal testimony and answered panel questions.

5. **Panel discussion/decision:**

A motion was made by Leilani Fratis, and seconded by Dan Myers 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: Pete Constant, Leilani Fratis, Dan Myers

NOES: none

6) **Adjournment**

A motion was made by Dan Myers, and seconded by Leilani Fratis to adjourn the August 9, 2016 Appeal Hearing meeting.

Chairperson Constant adjourned the meeting at 10:11 a.m.

Pamela Sisk
Legal Clerk