

Minutes
City of Roseville
Hearing Panel
November 8, 2016 at 9:00 a.m.
City Council Chambers
311 Vernon Street

1) Call to order

Chairperson Pete Constant called the meeting to order at 9:04 a.m. in the City Council Chambers.

The following Hearing Panel members were present:

Pete Constant
Bruce Hagler
Sean Wallentine

The following Staff members were present:

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

2) Designation of Chair

Chairperson for the November 8, 2016 hearing was Pete Constant.

3) Pledge of Allegiance

Chairperson Constant led the audience in the Pledge of Allegiance.

4) Public Comment

No one from the public offered any comments.

5) Swear In

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

6) Matters to be Heard

Citation #11777

Appellant: James Salter

Roseville Municipal Code Section 7.14.010, Removal of dog defecation, two counts

Roseville Municipal Code Section 7.16.010, Failure to license

A. Staff Report and Complainant's Statement:

A staff representative from Animal Control was not present. The item was trailed to allow an Animal Control Officer 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures.

Per RMC Section 2.50.606(D), the Staff Report was submitted to the City Attorney's office prior to the hearing, and was provided to the appellant and the panel members in advance of the hearing.

Exhibit A:

- Animal Control Staff Report including case history and narrative

Complainant Lane Walton offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- 42 photos

B. Appellant's Response:

James Salter and his wife Blanca Salter offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Lane Walton offered rebuttal testimony and answered panel questions.

James Salter declined to offer further rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11777 for two counts of violating Roseville Municipal Code Section 7.14.010, Removal of dog defecation.

A motion was by Bruce Hagler and was seconded by Sean Wallentine to deny the appeal and uphold the charge of two counts of violating Roseville Municipal Code Section 7.14.010, because the Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

AYES: Pete Constant, Bruce Hagler, Sean Wallentine

NOES: none

At 9:15 a.m., staff from Animal Control 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 Sean Wallentine and was seconded by Bruce Hagler to grant the appeal and dismiss the charge of violating Roseville Municipal Code Section 7.16.010 because the City failed to appear.

AYES: Pete Constant, Bruce Hagler, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11777, the panel decided to deny the appeal and uphold the charge of two counts of violating Roseville Municipal Code Section 7.14.010, Removal of dog defecation, because the Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party. The panel also decided to grant the appeal and dismiss the charge of violating Roseville Municipal Code Section 7.16.010 because the Animal Control Officer failed to appear. The decisions were based on the testimony and evidence presented before them at the November 8, 2016 hearing.

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

Citation #11780

Appellant: James Salter

Roseville Municipal Code Section 7.25.010, animal noise, two counts

A. Staff Report and Complainant's Statement:

A staff representative from Animal Control was not present during the hearing.

Per RMC section 2.50.606(D), the Staff Report was submitted 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 Lane Walton offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

James Salter and his wife, Blanca Salter, offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Lane Walton offered rebuttal testimony and answered panel questions.

James Salter declined to offer further rebuttal testimony

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Administrative Citation No. 11780 for two counts of violating Roseville Municipal Code Section 7.25.010, Animal Noise.

A motion was made by Sean Wallentine and was seconded by Bruce Hagler to uphold the citation but waive the fine in the interests of justice.

AYES: Pete Constant, Bruce Hagler, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 11780, the panel decided to uphold the citation but waive the fine in the interests of justice on two counts of violating Roseville Municipal Code section 7.25.010, Animal Noise. The decision was based on the testimony and evidence presented before them at the November 8, 2016 hearing.

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

Citation #5780

Appellant: Lynne Brand-Ebnetter

Roseville Municipal Code Section 7.12.010, Animal at Large

Roseville Municipal Code Section 7.12.050, Aggressive behavior

A. Staff Report and Complainant's Statement:

A staff representative from Animal Control was not present during the hearing.

Per RMC section 2.50.606(D), the Staff Report was submitted 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

The Complainant, Mary Trejo, was also not present during the hearing.

B. Appellant's Response:

The Appellant, Lynne Brand-Ebnetter, was present but did not testify because the complaining party was not present.

C. Rebuttals and Panel Questions:

No rebuttal testimony was made.

D. Panel Discussion:

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.

The panel discussed the evidence presented before them at the hearing in regards to Administrative Citation No. 5780 for one count of violating Roseville Municipal Code Section 7.12.010, Animal at large, and for one count of violating Roseville Municipal Code Section 7.12.050, Aggressive behavior.

A motion was made by Sean Wallentine and was seconded by Bruce Hagler to grant the appeal and dismiss the charges on both violations because the Complainant failed to appear.

AYES: Pete Constant, Bruce Hagler, Sean Wallentine

NOES: none

E. Panel Decision:

Regarding the appeal of Citation No. 5780, the panel decided to grant the appeal and dismiss the charge of one count of violating Roseville Municipal Code Section 7.12.010, Animal at large, and of one count of violating Roseville Municipal Code Section 7.12.050, Aggressive behavior, because the Complainant failed to appear. This decision was based on the evidence presented before them at the November 8, 2016 hearing.

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

7) Adjournment

A motion was made by Sean Wallentine, and was seconded by Bruce Hagler to adjourn the November 8, 2016 Appeal Hearing meeting.

AYES: Pete Constant, Bruce Hagler, Sean Wallentine

NOES: none

Chairperson Constant adjourned the November 8, 2016 hearing at 9:54 a.m.

Pamela Sisk
Legal Clerk