



MINUTES

February 22, 2024

BOARD OF APPEALS HEARING

3:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Bruce Hagler 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:

Bruce Hagler
Deanna Erdman
Tom Rutherford

Connor Milligan attended in observance.

The following Staff members were present:

Travis Cochran, Deputy City Attorney
Kelly Aye, Board Secretary

3. IDENTIFICATION OF CHAIR

Chairperson for the February 22, 2024 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Chairperson Bruce Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No.: 20018

Appellant: Erin Kelly, 2073 Rhodes Ln

Complainant: Vanessa Kobilis, 2056 Rhodes Ln

- Roseville Municipal Code Section 7.12.010, Leash law
- Roseville Municipal Code Section 7.16.010, Licensing

A. Staff Report:

Animal Control Supervisor Sarah Cooper offered testimony in regards to the staff materials in Exhibit 7.1-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 7.1-A:

Staff Report including case history and narrative, Municipal Code Printout, Notice of Citation, and Request for Appeal submitted by Appellant.

Complainant's Statement:

Complainant Vanessa Kobilis presented Exhibits 7.1-B and offered testimony in support of the complaint and answered panel questions.

Exhibit 7.1-B:

List of Recorded Events of Erin Kelly's Dog at Large Witness statement from Grace Rodriguez

Witness statement from Steve Adams

Witness statement from Justin Kobilis

Videos 1 & 2

B. Appellant's Response:

Co-Appellant Brian Ludwig presented Exhibit 7.1-C on behalf of Erin Kelly and offered testimony in support of the appeal and answered panel questions.

Exhibit 7.1-C: Video #2 (same video #2 as in Exhibit 7.1-B)

C. Rebuttals and Panel Questions:

Vanessa Kobilis offered rebuttal testimony and answered panel questions.

Brian Ludwig offered rebuttal testimony and answered panel questions.

Vanessa Kobilis was called back up to the podium to answer more panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20018

In regard to Roseville Municipal Code Section 7.12.010, Leash Law, a motion was made by Panel Member Deanna Erdman and seconded by Panel Member Tom Rutherford to DENY THE APPEAL AND UPHOLD THE CITATION 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: ALL

NOES: none

In regard to Roseville Municipal Code Section 7.16.010, Failure to License, a motion was made by Panel Member Thomas Rutherford and seconded by Panel Member Deanna Erdman to GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City.

The motion passed with the following vote:

AYES: All

NOES: None

Chairperson Bruce Hagler signed the decision form (Exhibit 7.1-D), 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.

7.2. Citation No.: 20028

Appellant: Elysha Sowers Richards, 1444 New England Dr.

Complainant: Scott Tabarango, 1204 Chesapeake Dr.

- Roseville Municipal Code Section 7.25.010, Animal Noise, five counts
- Roseville Municipal Code Section 7.20.010, Kennel – License Required

A. Staff Report:

Animal Control Officer Nicole Sammons offered testimony in regard to the staff materials in Exhibit 7.2-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 7.2-A:

Staff Report including case history and narrative, Municipal Code Printout, Notice of Citation, and Request for Appeal submitted by Appellant.

Complainant's Statement:

Complainant Scott and Angela Tabarango presented Exhibits 7.2-B and offered testimony in support of the complaint and answered panel questions.

Exhibit 7.2-B:

Staff Report

Letters from City Attorney to Appellant

Previous hearing Agenda

Email re: Illegal Equine in Residential Backyard

Pictures of horse

Witness statement from Virginia Botica

Witness statement from Rori Alves

Witness statement from Virginia Botica

Witness statement from Robin Greenslade

Picture of 3 dogs
Satellite view printout.
Videos

B. Appellant's Response:

Elysha Richards presented Exhibit 7.2-C and offered testimony in support of the appeal and answered panel questions.

Exhibit 7.2-C:

Witness statement from Linda Navarro
Witness Statement from David Meanor
Satellite view printout.
Picture of horse.
Videos.

C. Rebuttals and Panel Questions:

Scott and Angela Tabarango offered rebuttal testimony and answered panel questions.

Elysha Richards offered rebuttal testimony, played video evidence, and answered panel questions.

Animal Control Officer Nicole Sammons offered rebuttal testimony and answered panel questions.

Scott and Angela Tabarango answered panel questions.

Elysha Richards answered panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No 20028.

In regard to Roseville Municipal Code Section 7.20.010, Kennel – License Required, a motion was made by Panel Member Thomas Rutherford and seconded by Deanna Erdman to GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 7.25.010, Animal Noise, three counts, a motion was made by Panel Member Thomas Rutherford and seconded by Deanna Erdman to DENY THE APPEAL AND UPHOLD THE CITATION 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: All

NOES: None

In regard to Roseville Municipal Code Section 7.25.010, Animal Noise, two counts, a motion was made by Panel Member Thomas Rutherford and seconded by Panel Member Deanna Erdman to GRANT THE APPEAL AND DISMISS THE CITATION at the request of the City.

The motion passed with the following vote:

AYES: All

NOES: None

Chairperson Bruce Hagler signed the decision forms (Exhibit 7.2-D), 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.

7.3. Citation No.: 21173

Appellant: Desiree Apgar, 1708 Kent St. Apt. B

Complainant: Teresa Lasick, 1710 Kent St. Apt. B

• Roseville Municipal Code Section 7.12.010, Leash Law, three counts

A. Staff Report:

Animal Control Officer Nicole Sammons offered testimony in regard to the staff materials in Exhibit 7.3-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 7.3-A:

Staff Report including case history and narrative, Municipal Code Printout, Notice of Citation, and Request for Appeal submitted by Appellant.

Complainant's Statement:

Complainant Teresa Lasick presented Exhibit 7.3-B and offered testimony in support of the complaint and answered panel questions.

Exhibit 7.3-B:

Pictures of dogs.

Picture of fence.

Witness statement from Dana Powers.

B. Appellant's Response:

Desiree Apgar presented Exhibit 7.3-C and offered testimony in support of the appeal and answered panel questions.

Exhibit 7.3-C:

Pictures of fence.

Weather report printout.

C. Rebuttals and Panel Questions:

Teresa Lasick offered rebuttal testimony and answered panel questions.

Desiree Apgar did not offer rebuttal testimony but answered panel questions.

Teresa Lasick answered panel questions.

Animal Control Officer Nicole Sammons answered panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21173.

In regard to Roseville Municipal Code Section 7.12.010, Leash Law, three counts, a motion was made by Panel Member Thomas Rutherford and seconded by Panel Member Deanna Erdman to DENY THE APPEAL AND UPHOLD THE CITATION 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: All

NOES: None

Chairperson Bruce Hagler signed the decision form (Exhibit 7.3-D), 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 Panel Member Thomas Rutherford and seconded by Panel Member Deanna Erdman to adjourn the hearing.

AYES: All

NOES: None

Chairperson Bruce Hagler adjourned the February 22, 2024 hearing at 5:26 p.m.

Kelly Aye
Board Secretary