



MINUTES

September 10, 2024

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA

1. CALL TO ORDER

Chairperson Arthur Pauly, Jr called the meeting to order at 9:01 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Bruce Hagler
Bob Schmitt
Arthur J. Pauly, Jr.

The following Staff members were present:

Travis Cochran, Deputy City Attorney
Kelly Aye, Legal Assistant

3. IDENTIFICATION OF CHAIR

Chairperson for the September 10, 2024 hearing was Arthur J. Pauly, Jr.

4. PLEDGE OF ALLEGIANCE

Chairperson Arthur J. Pauly, Jr. led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Arthur Pauly, Jr. administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No.: 21343

Appellant: Melanie Hirsch, 1220 San Simeon Dr.

Complainant: Phillip Lee

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

At 9:01 a.m., the appellant, Melanie Hirsch, was not present. The item was trailed to allow Melanie Hirsch her 15 minutes from the commencement of the hearing to appear per the Administrative Hearing Procedures. The complaining party, Phillip Lee, was present.

7.2. Citation No. 21396

Appellant: Hui Li, Footy Rooty, 8300 Sierra College Blvd, Ste D

- Roseville Municipal Code Section 9.10.190(A), Massage Business – Owner/Manager Not present
- Roseville Municipal Code Section 9.10.030(A), Massage Business – Massage Business Permit Required
- Roseville Municipal Code Section 9.10.190(E), Massage Business – Certificate of Training
- Roseville Municipal Code Section 9.10.230(A), Massage Business – Display Massage Business Permit
- Roseville Municipal Code Section 9.10.210(H), Massage Business – Client Register
- Roseville Municipal Code Section 9.10.210(A), Massage Business – Sanitation
- Roseville Municipal Code Section 9.10.210(A), Massage Business – Sanitation
- Roseville Municipal Code Section 9.10.210(C), Massage Business – Living Quarters
- Roseville Municipal Code Section 9.10.210(F), Massage Business – Video Equipment
- Roseville Municipal Code Section 9.10.080(B)(5), Massage Business – Certificate of Occupancy

A. Staff Report:

Community Services Officer Erika Broussard offered testimony in regards to the staff materials in Exhibit 7.2-A and Exhibit 7.2-B and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report (Exhibit 7.2-A) 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 along with the written citation (Exhibit 7.2-C).

Photo evidence (Exhibit 7.2-B) was handed out during the hearing to all parties.

B. Appellant's Response:

The Appellant's Request for Hearing form (Exhibit 7.2-D) was received by the Roseville City Attorney's Office on July 21, 2024 and was provided to the panel in advance of the hearing for review.

Chairperson Arthur J. Pauly, Jr. paused the current hearing for matter 7.2 to address matter 7.1.

- 7.1 At 9:16 a.m., Appellant of matter 7.1, Melanie Hirsch, 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.

In regard to Roseville Municipal Code Section 7.12.010, Leash Law, three counts, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the appellant failed to appear.

The motion passed with the following vote:

AYES: All

NOES: None

*The appeal decision form was signed after both hearings by Chairperson Arthur J. Pauly, Jr. and was mailed to the appellant. The form has been included as Exhibit 7.1-D. Exhibits 7.1-A through 7.1-C were provided in advance of the hearing to all parties.

7.2 Item 7.2 is now continued:

Appellant Hui Li presented documents (Exhibit 7.2-E) as evidence and offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered by the City.

Community Services Officer Erika Broussard answered panel questions.

Code Enforcement Inspector Taras Kokhanyuk was sworn in and answered panel questions.

Appellant Hui Li offered rebuttal testimony and answered panel questions.

D. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No 21396.

In regard to Roseville Municipal Code Section 9.10.030(A), No Valid Massage Business Permit, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation 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 9.10.080(B)(5), No Certificate of Occupancy, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation 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 9.10.190(A), No Onsite Manager, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation 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 9.10.190(E), Failure to Notify Police Chief, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation 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 9.10.210(A), Sanitary Conditions, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to grant the appeal and dismiss the citation because the City did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 9.10.210(B), Linens, a motion was made by Panel Member Bruce Hagler and seconded by

Panel Member Bob Schmitt to grant the appeal and dismiss the citation because the City did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 9.10.210(C), Living Quarters Prohibited, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to grant the appeal and dismiss the citation because the City did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Bruce Hagler, Bob Schmitt

NOES: Arthur J. Pauly, Jr.

In regard to Roseville Municipal Code Section 9.10.210(F), Warning Devices Prohibited, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 9.10.210(H), Business Records, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation 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 9.10.230, Display of Permit, a motion was made by Panel Member Bruce Hagler and seconded by Panel Member Bob Schmitt to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: All

NOES: None

Arthur J. Pauly, Jr. signed the decision form (Exhibit 7.2-F), 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 Bruce Hagler and seconded by Panel Member Bob Schmitt to adjourn the hearing.

AYES: All

NOES: None

Chairperson Arthur J. Pauly, Jr. adjourned the September 10, 2024 hearing at 10:21 a.m.

Kelly K. Aye
Legal Assistant

****Due to file size limitations, the exhibits that correspond to this set of minutes are not enclosed herewith. For a complete copy of the minutes plus the corresponding exhibits, please contact the City Attorney's Office at 916-774-5325 or attorney@roseville.ca.us.****