



MINUTES
September 26, 2019

BOARD OF APPEALS HEARING
3:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Bruce Hagler called the meeting to order at 03:00 p.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:
Bruce Hagler
Scott Larson

The following Staff members were present:
Joseph Speaker Deputy City Attorney
Lynda Risucci Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the September 26, 2019 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 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. 20214

Appellant: Brad Bailey

- Roseville Municipal Code Section 7.25.010, Animal Noise, one count, second offense

A. Staff Report:

Animal Control Officer Gabriel Sorenson offered testimony in regard to the staff materials in Exhibit 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 A:

- Staff Report including case history and narrative

Complainants' Statement:

Complainants Jeff and Loretta Boling offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on August 27, 2019.

Appellant Brad Bailey presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Six color photographs.
- Written statement of Jesse Duran.
- Letter to Brad Bailey from Jeff and Loretta Boling.
- Video footage.

C. Rebuttals and Panel Questions:

Jeff and Loretta Boling offered rebuttal testimony and answered panel questions.

Appellant Brad Bailey offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20214.

In regard to Roseville Municipal Code Section 7.25.010, Animal Noise, one count, second offense, a motion was made by Scott Larson and seconded by Bruce Hagler to grant the appeal and dismiss the charge because the Complainant did not prove by a preponderance of the evidence that the violation occurred.

The motion passed with the following vote:

AYES: Bruce Hagler, Scott Larson

NOES: None

E. Panel Decision:

The panel decided to grant the appeal of Administration Citation No. 20214 and dismiss the charge of Roseville Municipal Code Section 7.25.010, one count, second offense, because the Complainant did not prove by a preponderance of the evidence that the violation occurred.

Chairperson Hagler signed the decision form, 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 Scott Larson and seconded by Bruce Hagler to adjourn the hearing.

AYES: Bruce Hagler, Scott Larson

NOES: None

Chairperson Hagler adjourned the September 26, 2019 hearing at 03:45 p.m.

Lynda Risucci
Legal Clerk