



MINUTES

Thursday, April 25, 2024

BOARD OF APPEALS HEARING

3:00 p.m.

City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Andrea Seminer 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:

Andrea Seminer
Pete Constant
Arthur Pauly

The following Staff members were present:

Travis Cochran, Deputy City Attorney
Kelly Aye, Board Secretary

3. IDENTIFICATION OF CHAIR

Chairperson for the April 25, 2024 hearing was Andrea Seminer.

4. PLEDGE OF ALLEGIANCE

Chairperson Andrea Seminer led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No.: 21176

Appellant: Kelley Borden, 532 Alola St.

Complainant: Jason Houting, 528 Alola St.

- Roseville Municipal Code Section 7.25.010, Animal Noise (3 counts)
- Roseville Municipal Code Section 7.16.010, Licensing (1 count)

Exhibit 7.1-A:

- Staff Report including case history, narrative and municipal code section printouts.

Exhibit 7.1-B:

- Citation 21176

Exhibit 7.1-C:

(Complaint's Exhibit 7.1-C was provided to the appellant and panel in advance of the hearing)

- Animal Noise Affidavit

Exhibit 7.1-D:

(Appellant's Exhibit 7.1-D 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 January 29, 2024.

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.

B. Complainant's Statement:

Complainant Jason Houting offered testimony in support of the complaint, Exhibit 7.1-C and answered panel questions.

C. Appellant's Response:

Appellant Kelley Borden offered testimony in support of the appeal and answered panel questions.

D. Rebuttals and Panel Questions:

Jason Houting answered panel questions.

Deputy City Attorney Travis Cochran clarified with the panel that video evidence was submitted by the complainant and the panel can request to view the video if they wished to do so. The panel members declined to view the video evidence.

Deputy City Attorney Travis Cochran answered panel questions and stated the definition of "owner" as it is written in Roseville Municipal Code Section 7.04.030.

Animal Control Supervisor answered panel questions.

Kelly Borden answered panel questions.

E. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21176.

In regard to Roseville Municipal Code Section 7.16.010, Failure to License, one count, a motion was made by Panel Member Pete Constant and seconded by Panel Member Arthur J. Pauly to:

GRANT THE APPEAL AND DISMISS THE CHARGE because the Complainant did not prove 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 7.25.010, Animal Noise, three counts, a motion was made by Panel Member Arthur J.

Pauly and seconded by Panel Member Pete Constant to:

DENY THE APPEAL AND UPHOLD THE CHARGE because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: All

NOES: None

Chairperson Andrea Seminer signed the decision form (Exhibit 7.1-E), 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.: 21175

Appellant: Jacob Pennington, 1572 Arncliffe Way

Complainant: Katherine Murphy, 225 Blagdon Ct.

- Roseville Municipal Code Section 7.12.010, Leash Law (2 counts)
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior (2 counts)
- Roseville Municipal Code Section 8.02.240, Animals in City Parks (2 counts)

Exhibit 7.2-A:

- Staff Report including case history, narrative and municipal code section printouts.

Exhibit 7.2-B:

- Citation 21175

Exhibit 7.2-C:

(Appellant's Exhibit 7.2-C 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 January 31, 2024.

Jacob Pennington was sworn in for testimony by Chairperson Andrea Seminer.

A. Staff Report:

Animal Control Supervisor Sarah Cooper offered testimony in regards 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.

B. Complainant's Statement:

Carol Risley, on behalf of Complainant Katherine Murphy, presented Exhibit 7.2-D in support of the complaint.

Exhibit 7.2-D:

- Declaration of Katherine Murphy, Carol Jo Risley, and Nola Jones.

C. Appellant's Response:

Appellant Jacob Pennington presented offered testimony in support of the appeal and answered panel questions.

D. Rebuttals and Panel Questions:

Carol Risley offered rebuttal testimony.

Jacob Pennington offered rebuttal testimony and answered panel questions.

Animal Control Supervisor answered panel questions.

E. Panel Discussion and Decision:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21175.

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large, two counts, a motion was made by Panel Member Pete Constant and seconded by Panel Member Arthur J. Pauly to:

DENY THE APPEAL AND UPHOLD THE CHARGE because the Complainant proved by a preponderance of the evidence that the violations 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 7.12.050, Aggressive Behavior, two counts, a motion was made by Panel Member Arthur J. Pauly and seconded by Panel Member Pete Constant to:

GRANT THE APPEAL AND DISMISS THE CHARGE because the City/Complainant did not prove by a preponderance of the evidence that the violations occurred.

The motion passed with the following vote:

AYES: All

NOES: None

In regard to Roseville Municipal Code Section 8.02.240, Animal in City Park, two counts, a motion was made by Chairperson Andrea Seminer and seconded by Panel Member Arthur J. Pauly to:

DENY THE APPEAL AND UPHOLD THE CHARGE but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Andrea Seminer, Arthur J. Pauly

NOES: Pete Constant

Chairperson Andrea Seminer signed the decision form (Exhibit 7.2-E), 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 Pete Constant and seconded by Panel Member Arthur J. Pauly to adjourn the hearing.

AYES: All

NOES: none

Chairperson Andrea Seminer adjourned the April 25, 2024 hearing at

4:10 p.m.

Kelly Aye
Board Secretary



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Citation No.: 21176 - Kelley Borden - 532 Alola St.
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 4/25/2024
Item #: 7.1.

RECOMMENDATION

Consider the appeal of citation 21176 for the following violations:

Violation: RMC 7.25.010 Animal Noise (3 counts)

Two counts, first offense = \$200

One count, second offense = \$200

A. No person shall own, possess, harbor, control or keep on any premises, any dog, fowl, or other animal, that howls, barks, bays, cries, squawks or makes any other noise so continuously or incessantly for a period of 20 minutes or intermittently for an hour or more as to unreasonably disturb the peace or quiet of any person.

Violation: RMC 7.16.010 Licensing (1 count)

One count, first offense = \$50

A dog over the age of four months must be licensed according to the provisions of this chapter.

BACKGROUND

December 11, 2023 @ approximately 4:10 PM

Roseville Police Animal Control dispatch received an animal noise complaint from complainant Jason Houting regarding 3 barking dogs located at 532 Alola St.

Notes in the call indicated that there had been prior animal noise complaints with an animal noise affidavit completed and a citizen's citation requested by the same complainant. A citizen's citation was issued to dog owner Kelley Borden and had been resolved as of October 29, 2023. This most recent complaint would result in one warning issued to the dog owner, Kelley Borden, before another citizen's cite could be requested.

On December 13th, Animal Control Supervisor S. Cooper mailed an animal noise letter to dog owner, Kelley, notifying her of the barking dog complaint received. There were 2 current dog licenses at the time of this complaint for "Bolt" and "Luna".

January 2, 2024 @ approximately 11:09 AM

Roseville Police Animal Control dispatch received an animal noise complaint from complainant Jason regarding 3 barking dogs located at 532 Alola St.

Supervisor Cooper contacted Jason who requested to move forward with the complaint process. Supervisor Cooper mailed Jason an animal noise affidavit.

January 15, 2024 @ 07:27 AM

Roseville Police Animal Control received a completed animal noise affidavit from complainant Jason. Jason's log noted the most recent alleged violation for animal noise occurred on January 12, 2024, at 8:00 AM, with a total of 40 minutes of animal noise. Jason noted 3 dogs total and described them as one large black Lab dog, one medium yellow dog (unknown breed), and one small brown dog (unknown breed).

Supervisor Cooper completed citizen's citation #21176 on behalf of Jason against Kelley for Animal Noise, 3 counts.

The violation of RMC 7.25.010 Animal Noise is based on the statements of the complainant and appellant and other evidence provided and were not directly witnessed by Supervisor Cooper.

Upon further review, Supervisor Cooper also determined that one of the 3 subject dogs remained unlicensed and added the violation for one count of RMC 7.16.010 Licensing.

As of April 4, 2024, PetData shows that Kelley has 2 current dog licenses with the City of Roseville:

- "Bolt" 1-year-old, male, white, Pit Bull type dog
 - Roseville dog license # 36787 exp's 03-31-2025
- "Luna" 2-year-old, female, tan/black Labrador Retriever type dog
 - Roseville dog license # 36117 exp's 12-31-2024

Respectfully Submitted,

Sarah Cooper, Animal Control Supervisor

ATTACHMENTS:

Description

7.25.010, Animal Noise

7.16.010 Licensing

Citation

Noise Affidavit

Appeal Form

Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.25 ANIMAL NOISE

7.25.010 Animal noise.

A. No person shall own, possess, harbor, control or keep on any premises, any dog, fowl or other animal, that howls, barks, bays, cries, squawks or makes any other noise so continuously or incessantly for a period of 20 minutes or intermittently for an hour or more as to unreasonably disturb the peace or quiet of any person.

B. In determining whether any sound or noise is "unreasonable" under subsection A above, the following shall be considered:

1. The volume of the sound;
2. The proximity of the sound to residential sleeping facilities;
3. The time of the day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is intermittent or constant.

C. Any person who shall keep or permit to remain on any premises any animal as defined in subsection A of this section is guilty of a violation of this chapter, provided that during the time that the animal is making such a noise, no person or other animal is trespassing or threatening to trespass or no person is intentionally provoking or intentionally teasing the animal.

D. After determination that a violation of this provision has occurred and prior to issuance of a citation pursuant to Chapter 2.50 of this code, an enforcement officer shall issue at least one warning to the owner or person having care, custody, control or possession of the animal creating the nuisance.

E. This chapter shall not apply to public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, or humane society shelters. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.16 LICENSING

7.16.010 Licensing.

A dog or cat over the age of four months must be licensed according to the provisions of this chapter. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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Exh: 7.1

B

CITY OF ROSEVILLE
NOTICE OF CITATION

21176

Date	01-15-2024	Time	0800	Day of Week	Monday
Name (First, Middle, Last)	Kelley Laura Borden				
Residence Address	532 Alola St Roseville CA 95678				
Business Address					



Breed:	3 dogs	Color:	1 lg blk lab	Sex:	
Vehicle Make		Model:	1 med yellow unk breed	License #:	
Color:			1 sm brown breed		
Location of Violation	532 Alola St				
Date / Time of Violation	01-12-2024 @ 0800 hrs				
Code / Ordinance	Description of Violation				
PMC 7.16.010 License (x 1 count)					
PMC 7.25.010 Animal Noise (x 3 counts)					

☒ VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: 01-15-2024 Issuing Officer: O. Cooper / 3009
Badge No.

COMPLAINING PARTY

X Signature: Complaint

I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.

X Signature: Complaint

YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.
YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS.

CITY ATTORNEY'S OFFICE (916) 774-5325

1 - City Attorney Copy

2 - Defendant Copy

3 - Issue Dept Copy



COPY



Roseville Police Department
1051 Junction Blvd
Roseville, CA 95678

Troy Bergstrom, Chief of Police

Animal Noise Affidavit

This form must be completed before a citizen complaint can be issued. If you elect to sign a citizen complaint against the animal owner, you will be required to testify under oath before a panel of citizens comprising the City of Roseville's Board of Appeals. If you sign a citizen's complaint, this form and the information provided in it will be shared with the animal owner and the Board of Appeals and is considered a public record.

Contact Information:

Your Name: Jason Houting
Your Address: 528 Alola St 112
Your Telephone Number: [REDACTED]

Name of Animal Owner: _____
Address of Animal Owner: 532 Alola St

Please complete the information below:

1. Number of animals, animal type, breed, and color
1 Large Black lab, 1 Medium Yellow Breed Unknown, 1 small brown Breed Unknown
2. Time of day that animal noise occurred.
All hours
3. Did the animal make noise for more than 20 minutes without stopping?
☒ Yes
☐ No
4. If the answer to number 3 is no, did the animal make noise intermittently for an hour or more?
☒ Yes
☐ No
5. If something other than 3 or 4 above, please describe:

6. Have you spoken to the animal owner about the noise?
☐ Yes
☒ No
7. If yes, please state the dates and method for speaking to the animal owner (i.e. in person, over phone, etc.) and whether there was improvement.

8. Is the animal inside or outside when it is making noise?
Both

9. In relation to your property, where is the noise taking place? (Example: behind home, two doors down, on side of house, etc.)

behind home, two doors down

10. Does there appear to be any reason for the noise? (Example: people coming to house)

not usually

11. Do you or anyone at your property own any animals that go outdoors?

Yes

No

12. Other relevant information you want to share:

The dogs stay on a balcony over-looking an empty parking lot with large walls that reverberate the dog barks. If the dogs were kept in a location where the fence line could dampen the reverberation, it could make matters better.

Please complete the below log describing animal noise (we encourage you to keep a similar log to track the animal noise):

Date	Time	Comments	Duration
12/24	5:00 p	I left at 5:30, the dogs were still barking	7.2
12/25	5:30 p		30. min
12/31	5:00 p	All evening	hours
1/1	10:am		1.5 hours
1/2	10:am		30. min
1/11	3:30 p	During a work meeting	45 min
1/12	8:00 a		40 min

I state under penalty of perjury that the forgoing information in this Animal Noise Affidavit is true and correct.

Signed: [Signature]

Date: January 12th, 2024

Print Name: Jason Honting

Please Return Form To:

City of Roseville Police Department

Attn: Animal Control

1051 Junction Blvd

Roseville, CA 95678

(916) 774-5090 Phone

(916) 781-2344 Fax

[Skip navigation](#)



🖨 A- A+

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View Edit

ADMINISTRATIVE CITATION APPEAL - REQUEST FOR HEARING 2024-01-29 05:19 PM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

***Name:** Kelley Borden

***Citation
Number:** 21176

***Home
Address:** 532 Alola St

***City** Roseville

***Zip** 95678

Mailing
Address

(if
different 532 Alola St
from
above):

***Phone
Number:**

***Email:**



My little sister was living with me from Jan 2023 - Oct 2023 while she went through her initial cancer treatments. Her black lab was barking, and when we initially got the complaint we started to bring him in when no one was home and worked on training him to not bark. Unfortunately he was persistent, and it was causing tension in our relationship so she and the lab moved out in October 2023. Since then, the black lab has not been back.

In regards to my animals, the white deaf dog and the tan pit/lab mix, they do not make a habit of barking unless provoked. The deaf dog can't hear things to worry about, and my tan dog does not bark unless she sees a stranger or a cat. Since moving into 532 Alola St and getting these dogs, the homeless/transient activity in the Genesis church parking lot has dropped to almost zero. We have been here long enough where the church traffic does not bother my dogs, and they rarely bark Sundays during the traffic. I am a single mom, and having that assurance that my dogs will let me know when a person (or sometimes a stray cat) is in the parking lot that has access to my backyard has given me a lot of relief. Anytime they do bark, it is not for more than a few minutes and only when there is something to bark at. They do play together, and so some play sounds may be heard but nothing out of hand. I have spoken to my next door neighbors (between me and the complaining neighbor) and they have not had any issues.

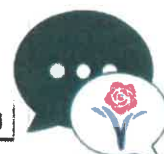
***Reason for Appeal:** Additionally, my schedule is such that my dogs are inside by 5pm or 8pm at the latest and sleep through the night, so there is no way that they would be the offending party between 8pm - 7am. My neighbors on all sides also have dogs, some large and some small. I think that I have been unfairly targeted since the lab is gone and complaints remain.

As I have my animals licensed, and no other dogs live here, the licensing citation should be waived. As the problem dog does not reside at the home, and no issues existed prior to the black lab living here, I assert that the neighbor is assuming other dogs that bark are mine and/or has some kind of vendetta against me despite never meeting me because that dog was annoying.

☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.

☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit Cancel



LET'S CHAT

CITATION APPEAL DECISION

Name of Appellant: Kelley Borden

Citation Number: 21176

FIRST VIOLATION

Roseville Municipal Code Section: 7.25.010, Animal Noise

- ☒ DENY THE APPEAL AND UPHOLD THE VIOLATION because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.
- ☐ GRANT THE APPEAL AND DISMISS THE VIOLATION because the City/Complainant did not prove by a preponderance of the evidence:
 - ☐ That the violation(s) occurred; and/or
 - ☐ That the appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE VIOLATION but waive the fine in the interest of justice.
- ☐ DENY THE APPEAL AND UPHOLD THE VIOLATION because the appellant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE VIOLATION because the City/Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE VIOLATION at the request of the City/Complainant.

Name of Appellant: Kelley Borden

Citation Number: 21176

SECOND VIOLATION

Roseville Municipal Code Section: 7.16.010, Failure to License

- ☐ DENY THE APPEAL AND UPHOLD THE VIOLATION because the City/Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the appellant is the responsible party.
- ☒ GRANT THE APPEAL AND DISMISS THE VIOLATION because the City/Complainant did not prove by a preponderance of the evidence:
- ☐ That the violation(s) occurred; and/or
- ☐ That the appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE VIOLATION but waive the fine in the interest of justice.
- ☐ DENY THE APPEAL AND UPHOLD THE VIOLATION because the appellant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE VIOLATION because the City/Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE VIOLATION at the request of the City/Complainant.

Dated: 4/25/2024

By:


Hearing Panel Chairperson

Notice to Appellant: Under California Government Code Section 53069.4, any appeal of today's Hearing Panel decision must be filed with Placer County Superior Court within twenty (20) days of today's date.



BOARD OF APPEALS COMMUNICATION

Title: Appeal of Citation No.: 21175 - Jacob Pennington - 1572 Arncliffe Way
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 4/25/2024
Item #: 7.2.

RECOMMENDATION

Consider the appeal of citation 21175 for the following violations:

Violation: RMC 7.12.010 Leash law (2 counts)

Two counts = \$100

No person shall permit or allow any dog to run at large.

RMC Section 7.04.060 defines "at large" as follows:

A. "At large" means the following:

1. Off the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by a leash or adequate enclosure. The leash shall not exceed six feet in length and shall be of sufficient strength to restrain the dog and must be held continuously by a responsible person capable of controlling the dog.
2. On the premises of the owner or the person having care, custody, control, or possession of the dog unless such dog is restrained by means adequate and sufficient to prevent the dog from leaving the premises or under the control and in the immediate presence of the owner or person having care, custody, control, or possession of the dog.

Violation: RMC 7.12.050 Aggressive Behavior (2 counts)

Two counts = \$200

No person shall permit or allow any dog, when unprovoked, to engage in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are not on the property of the owner or keeper of the dog.

Violation: RMC 8.02.240 Animals in City Parks (2 counts)

Two counts = \$100

A. Except as otherwise provided in this section, it is unlawful for any person to bring, have, allow,

suffer, or free any animal within the perimeter of any city park or golf course, including but not limited to, any dog, cat, horse, fowl, bovine or other domestic animal, or any reptile or other wild animal. This section does not apply to programs authorized or conducted by the city or to the proper use of a guide dog or assistance animal.

B. The director of parks, recreation and libraries shall have the discretion to designate areas within the city's park system and shall maintain and make available to the public a map identifying such designated areas, where dogs may be exercised on-leash. However, no designated preserve areas owned or managed by the city in accordance with approved operation and management plans may be included in such areas designated for on-leash exercise of dogs, except that Class I bicycle trails may be designated for on-leash exercise of dogs, without regard to whether such trails are located within a preserve area.

Any licensed dog, when accompanied by its owner or by another responsible person capable of controlling the dog, will be allowed in off-leash dog parks so designated as part of the city's park system. It shall be a violation of this section to have, allow, suffer, or free any unlicensed dog within any off-leash dog park.

BACKGROUND

December 20, 2023 @ approximately 2:40 PM

Roseville Police dispatch received a call from complainant Kathe Murphy requesting contact from Animal Control for report of loose, aggressive dogs at HC Elliott Park located at 1421 Cushendall Dr.

Animal Control is not a witness to the reported violations. The violations of RMC Section 7.12.010, 7.12.050, and 8.02.240 are based on the statements of the complainant and appellant.

Animal Control Supervisor S. Cooper contacted Kathe who stated that on November 29th at approximately 4:20 PM, she was at HC Elliott Park in the bark area located on the north-west side of the park, walking back to her house on Blagdon Ct., with her dog "Goose" on leash. She stated there are no walking paths in that park of the park. "Goose" is a 1-year-old, neutered male, blue merle, mini-Aussie, with a current Roseville dog license. A white, male, adult, thin to medium build, jeans, brown hair, facial hair (possibly a mustache), had two dogs off leash. One dog was smaller/medium in size, blue heeler type dog mostly black. The other dog was medium/larger in size, unknown breed, white with black spots and a long tail. The male dog owner was in the grassy area of the park, approximately 50 feet from Kathe, and was on his phone with his back turned. His two dogs, while off leash, ran toward her and her dog. Both dogs circled her and her dog, and the white and black dog tried attacking her dog, biting his rear end. Her dog fought back while she was kicking at the white and black dog during the incident. Her dog's leash wrapped around her, but she didn't fall. The male dog owner was able to quickly grab his dogs and put them in his vehicle. His vehicle was described as a white truck with a large cab and the two dogs' heads were looking outside of the window. She took a photograph of the two dogs in the truck. The male dog owner walked back to grab his chuck-it stick. She asked him if his dogs had current rabies vaccinations, he told her they did, and left. She checked her dog and did not see any injuries, but there was some hair missing on his rear-end. She provided the license plate of the truck and requested the male dog owner be issued a citizen's citation on her behalf for the violations of leash law, aggressive behavior, and animals in city parks.

AC Supervisor S. Cooper located a possible dog owner based on the information from the vehicle's license plate provided by Kathe. The male dog owner's description matched the vehicle's registered owner's CA DL photo. One of the dog's descriptions matched an expired Roseville dog license for a dog at the vehicle's registered owner's address. AC Supervisor S. Cooper attempted to contact the vehicle's registered owner Jacob Pennington via telephone but was unable to leave a voicemail due to the voicemail box not being set up. She attempted to contact another individual at the same residence, Stefania Grana (shown as the dog owner on the expired Roseville dog licenses), via telephone, left a voicemail message regarding the complaint, provided the incident number, and requested Jacob call Animal Control back. Additionally, she mailed a Notice to Comply to Jacob and Stefania's address, warning Jacob for leash law, aggressive behavior, animals in city parks, and to also license his dogs within 10 days. AC Supervisor S. Cooper noted that she had tried to call Jacob regarding an incident that occurred on November 29th, provided the incident number, and requested he call Animal Control to discuss the reported incident.

AC Supervisor S. Cooper completed citizen's citation #21175 on behalf of Kathe, regarding dog owner Jacob, and forwarded the citation to the City Attorney's office for review.

AC Supervisor S. Cooper did not hear back from Jacob nor Stefania.

As of March 27, 2024, PetData shows dog owner Stefania Grana submitted dog license renewals for two dog licenses on January 19, 2024.

"Doc Holliday" is a neutered male, 8-year-old, tri-color Australian Cattle dog.

"Johnny Ringo" is a neutered male, 7-year-old, blue merle Australian Shepherd/Australian Cattle dog mix.

Respectfully Submitted,

Sarah Cooper, Animal Control Supervisor

ATTACHMENTS:

Description

7.12.010 Leash Law

7.12.050 Aggressive Behavior

8.02.240 Animal in City Park

Citation

Appeal Form

Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.12 DOGS-RUNNING AT LARGE

7.12.010 Leash law.

No person shall permit or allow any dog to run at large. This section may be cited as the "leash law." (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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Roseville, California Municipal Code

Title 7 ANIMALS

Chapter 7.12 DOGS-RUNNING AT LARGE

7.12.050 Aggressive behavior.

No person shall permit or allow any dog, when unprovoked, to engage in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are not on the property of the owner or keeper of the dog. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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Title 8. Parks and Recreation

Chapter 8.02. PARK REGULATIONS

Article II. Regulations

§ 8.02.240. Animals in city parks.

- A. Except as otherwise provided in this section, it is unlawful for any person to bring, have, allow, suffer, or free any animal within the perimeter of any city park or golf course, including but not limited to, any dog, cat, horse, fowl, bovine or other domestic animal, or any reptile or other wild animal. This section does not apply to programs authorized or conducted by the city or to the proper use of a guide dog or assistance animal.
- B. The director of parks, recreation and libraries shall have the discretion to designate areas within the city's park system, and shall maintain and make available to the public a map identifying such designated areas, where dogs may be exercised on-leash. However, no designated preserve areas owned or managed by the city in accordance with approved operation and management plans may be included in such areas designated for on-leash exercise of dogs, except that Class I bicycle trails may be designated for on-leash exercise of dogs, without regard to whether such trails are located within a preserve area.

Any licensed dog, when accompanied by its owner or by another responsible person capable of controlling the dog, will be allowed in off-leash dog parks so designated as part of the city's park system. It shall be a violation of this section to have, allow, suffer, or free any unlicensed dog within any off-leash dog park.

(Ord. 1728 § 1, 1983; Ord. 4154 § 2, 2004)

CITY OF ROSEVILLE
NOTICE OF CITATION

21175

Date	Time	Day of Week
12-22-2023	12:05pm	Friday
Name (First, Middle, Last)		
Jacob Alan Pennington		
Residence Address		
1572 Arncliffe Way Roseville CA 95747		
Business Address		

Description of Animal (if Applicable)		
Breed:	Age:	Sex:
2 dogs: #1 medium Heeler blue/blk		
Vehicle Make	License #	
Model:	#2 med lg wht/blk spots	
Color:	Year:	
Location of Violation		
HC Elliott Park @ 1421 Cushtendall Dr.		
Date / Time of Violation		
11-29-2023 / approx. to 4:20pm		
Code / Ordinance	Description of Violation	

RMC 7.12.010 Leash law x2 counts
RMC 7.12.050 Aggressive behavior
x2 counts
RMC 8.02.240 Animals in city Parks x2 counts

X VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.

Date: 12-22-2023 Issuing Officer: S. Cooper #309
Badge No.

COMPLAINING PARTY

X Signature: Complaint

I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.

X Signature: Complaint

YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.
YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS.
CITY ATTORNEY'S OFFICE (916) 774-5325

1 - City Attorney Copy 2 - Defendant Copy 3 - Issue Dept Copy

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A- A+

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View Edit

ADMINISTRATIVE CITATION APPEAL - REQUEST FOR HEARING 2024-01-31 05:56 PM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

Name:** Jacob PenningtonCitation
Number:** 21175***Home
Address:** 1572 Arncliffe Way***City** Roseville***Zip** 95747

Mailing
Address
(if
different
from
above):

***Phone
Number:*****Email:**

I was throwing the ball for my 2 dogs at the north end of HC Elliot park away from any person or other animal. Unknow to me, Kathe Murphy comes up behind me with her dog. She approached me. One of my dogs runs up to Kathe's dog who was barking at my dog yanking on the leash. My dog did not come in contact with her or her dog. At this moment I turn around and command to my dog "load up". My dogs immediately walk to my truck with me behind and I put my dogs in the truck. As I pull away Kathe takes a picture of my license plate.

RMC 7.12.50: My dog in no way engaged in behavior that required defensive action. Kathe stood there completely still while her dog barked at my dog. Also, I was cited for 2 counts. My other dog was by me the whole time.

RMC 8.02.240: I was unaware it was unlawful to "bring, have, allow, suffer, or free" a dog in a Roseville city park. Kathe is apparently unaware of this as well because she was also in the park with her dog.

RMC 7.12.050: I was unaware of the "leash law"

To be clear this is my first offence of having my dogs in a park unleashed and I find the ticketed amount of \$400 completely absurd, especially base of the fact that it was issued with out any proof and was based of 1 individuals untruthful statements.

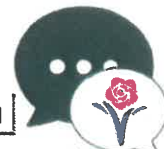
***Reason for Appeal:** I would like to add that I am a law abiding citizen, a business owner who operates with in the city of Roseville and a service disabled veteran. I try and hold myself to a higher standard than the general public and in no way would I knowingly break any rules or laws.

☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.

☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit

Cancel



LET'S CHAT



DECLARATION OF KATHERINE MURPHY

Exh: 7.2 D

My name is Katherine Lynn Murphy.

I currently reside in Roseville, but will be moving to Oregon mid April 2024.

I retired in 2014.

I worked for the State of California for 30 years, most of that time spent as a Senior Legal Analyst for the California Department of Social Services.

I worked with attorneys to provide assistance on our cases involving child abuse and vulnerable adult abuse.

On November 29, 2023, at approximately 4:40pm, I was finishing my walk with my puppy Goose. He was collared and on a six foot leash.

Goose had just turned one year old and was approximately 34 pounds.

We entered Elliot Park on the Northwest corner of the park heading south where there is a slight incline at approximately 4:40pm. It was still light out.

Upon going up the incline, I noticed a medium built man with his back to me. He was on the phone, and in the other hand was a blue "chucker" which is used to lob balls to dogs.

There were two panting dogs laying at his feet. One dog was a Blue Heeler (black in color) and a bigger white dog with black spots.

The dogs locked eyes on us and started running full speed towards us. It was then I realized the man's dogs were unleashed.

I screamed at least twice "get your dogs" and I don't remember what else I yelled.

The dogs began lunging, barking and growling, attempting to grab Goose.

I tried pulling him behind me to protect him, but they circled us like Coyotes do.

As I did this I bounced on my right foot, kicking at the dogs with my left foot, and twisting to keep my attention on the dogs.

Goose was now behind me with the dogs still barking, lunging, and circling us. Goose's leash was wrapped on my leg and I was afraid of falling and getting injured.

The black dog grabbed Goose in the rump and pulled out a bunch of hair. Goose had just been groomed that day.

To my left, I saw the man grab the black dog. I do not remember where the white dog was at this point as I was focused on the black dog.

DECLARATION OF KATHERINE MURPHY

I turned my back to the man to see if Goose was bleeding. I did not see any blood or obvious injury.

I looked up to see the man walking past me at a fast pace to collect his "chucker".

He glanced at me and said "sorry".

He continued walking. I asked him if his dogs were vaccinated. He replied "yes".

He then hurried to his truck parked facing south. I observed both dogs in the truck.

I got a quick photograph of his license plate and the dogs in the car. I could not see him.

That evening I spoke with my friend Carol Risley about this attack.

Later that evening, my back, hip, and right leg became very sore and spasmed.

I did receive some medical treatment, including a shot in my hip and physical therapy.

I have a history of 17 orthopedic surgeries, multiple broken bones and joint issues due to hyper mobility.

I am 72 years old at the time of this writing.

Mr. Pennington did not ask me if my dog was injured, or if I was injured, nor did he provide any contact information.

A few weeks later I saw him and a woman walking the dogs in the street by the park and both were leashed. He said hi or hello. Goose and I were on the sidewalk heading in the opposite direction. Again, the white dog lunged at us and barked. Goose was sitting down but shaking. They continued walking away.

The above statement is signed under penalty of perjury under the laws of the State of California.

Signed and dated:  03/24/2024

Declaration

My name is Carol Jo Risley and I reside at 1916 Hilmerton Circle, Roseville, California 95747.

I am currently retired, however prior to my retirement I worked for 39 years for the State of California in various positions and agencies. At the time of my retirement, I was the Executive Director of the State Council on Developmental Disabilities headquartered in Sacramento, California. For the past five years I volunteer with the Roseville Police Department as a Citizen on Patrol, Badge # 975, my duties include, but are not limited to, patrolling Roseville parks for adherence to city dog leash requirements in the parks and public streets of Roseville.

I first met Katherine Murphy in 2015 when we both volunteered at Sutter Roseville Medical Center and I was the President of the SRMC Auxiliary which recruited, trained, assigned, and managed approximately three-hundred volunteers at the medical center/hospital. While COVID closed volunteering activities at SMRC, Katherine and I have maintained a friendship since meeting.

I met Katherine's dog "Goose" shortly after she brought him home as a puppy and have interacted with him on many occasions since that time, including transporting him to and from the vet and other locations. I am aware that she walks Goose, on a leash, nearly every day in Elliot Park since he joined her household. I am also aware that Goose is in training to become a service dog for Katherine.

On November 29, 2023, Katherine called me to report that she and Goose had been attacked by two unleashed dogs in Elliot Park while the dogs' owner had his back turned and not in physical or sight control of the dogs. Katherine explained that the two dogs aggressively ran up to her and Goose in a menacing manner and she was forced to attempt to keep the dogs from attacking while protecting herself and Goose who was on his leash. She said she kicked out and turned trying to avoid being molested by the dogs. She indicated that the owner finally turned around and came to retrieve his loose dogs. At that instance she was unsure if the dogs had caused any damage and thus asked the owner if the dogs had their vaccinations, she said the owner yes, and walked off and placed his two dogs in the cab of this pickup. She was able to get pictures of the dogs in the cab window as well as the license plate number on the truck, I advised her, that if she had not already, to file a complaint with Animal Control at the Roseville Police Department and share the pictures she had taken.

On this same date Katherine joined by my sister from out-of-town, and me for dinner where she reiterated the events in the park, including Goose's timidity since the event. Her description, as outlined above, at dinner matched that given to me on the phone and she was complaining of significant pain in her back and hip as she used her legs, arms and twisted her body to ward off the attacking dogs, we both advised that she should see a doctor.

The above statement is signed under penalty of perjury under the laws of the State of California. Signed and dated on March 17, 2024, in Roseville, California.

Signed:

A handwritten signature in cursive script, appearing to read "Carol Jo Risley".

Carol Jo Risley

Declaration of Nola Jones

My name is Nola Jones.

I live in Pleasant Grove, California.

I'm self employed. My business I run on my property is Performance Dogs in Action.

I teach herding, agility, swimming and obedience. I also work with dogs with behavioral issues, as well as I provide foster care and dog placement. I've trained dogs to be service dogs to disabled veterans.

I have worked with dogs for over 35 years.

Kathe has used my facility since 2008, starting with her dog Jack.

Both of her dogs are smaller Australian Shepards, weighing less than 40 pounds.

Goose has been coming here starting his socialization at eight weeks old in January of 2023 when she first got him. He learned to socialize with people, as well as other dogs.

Gooses temperament is soft and reserved.

He started with puppy training. He now does agility, herding, swimming, and socialization with other dogs.

All of this training, along with his service dog training elsewhere, has taken a lot of time and expense and adds value to Goose.

I remember sometime in the fall, Goose and Kathe were attacked because it set him back in his training.

The best I recall, Kathe told me in December 2023, that Goose and she were attacked in a park by two unleashed dogs. She said one dog was a Blue Heeler.

I have watched the video she took of Goose a few days after the attack. The video shows anxiety and concern of being attacked again.

Goose then stayed with me several days to regain some of his confidence.

Over the years, I have worked with hundreds of heelers, also called Australian Cattle Dogs. I am very familiar with the temperament of those dogs.

They are bred to nip and bite the legs of kicking cows and bulls which weigh between 1,000 pounds and 2,000 pounds, thus the name Heelers.

I myself have been nipped by cattle dogs. It is very common these dogs are aggressive.

The above statement is signed under penalty of perjury under the laws of the State of California.

Nola M. Jones
March 21, 2024

CITATION APPEAL DECISION

Name of Appellant: Jacob Pennington

Citation Number: 21175

FIRST VIOLATION

Roseville Municipal Code Section: 7.12.010, Leash Law

- ☒ DENY THE APPEAL AND UPHOLD THE CHARGE because the City or Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the Appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE CHARGE because the Appellant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant did not prove by a preponderance of the evidence:
 - ☐ That the violation(s) occurred; and/or
 - ☐ That the Appellant is the responsible party.
- ☐ CITATION UPHELD but fine waived in the interest of justice.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE at the request of the City/Complainant.

Name of Appellant: Jacob Pennington

Citation Number: 21175

SECOND VIOLATION

Roseville Municipal Code Section: 7.12.050, Aggressive Behavior

- ☐ DENY THE APPEAL AND UPHOLD THE CHARGE because the City or Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the Appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE CHARGE because the Appellant failed to appear.
- ☒ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant did not prove by a preponderance of the evidence:
 - ☒ That the violation(s) occurred; and/or
 - ☐ That the Appellant is the responsible party.
- ☐ CITATION UPHELD but fine waived in the interest of justice.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE at the request of the City/Complainant.

Name of Appellant: Jacob Pennington

Citation Number: 21175

THIRD VIOLATION

Roseville Municipal Code Section: 8.02.240 Animal in City Park

- ☐ DENY THE APPEAL AND UPHOLD THE CHARGE because the City or Complainant proved by a preponderance of the evidence that the violation(s) occurred and that the Appellant is the responsible party.
- ☐ DENY THE APPEAL AND UPHOLD THE CHARGE because the Appellant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant did not prove by a preponderance of the evidence:
- ☐ That the violation(s) occurred; and/or
- ☐ That the Appellant is the responsible party.
- ☒ CITATION UPHELD but fine waived in the interest of justice.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE because the City or Complainant failed to appear.
- ☐ GRANT THE APPEAL AND DISMISS THE CHARGE at the request of the City/Complainant.

Dated: 4.25.24

By: 

Hearing Panel Chairperson

Notice to Appellant: Under California Government Code Section 53069.4, any appeal of today's Hearing Panel decision must be filed with Placer County Superior Court within twenty (20) days of today's date.