

BUSINESS LICENSE COMMISSION

Minutes

Regular Meeting

Tuesday, July 8th 2008

1. CALL TO ORDER:

Chair Zaden called the meeting to order at 7:00 PM.

2. PLEDGE OF ALLEGIANCE: Vice-chair Barker led the pledge.

3. ROLL CALL:

Commissioners Present: Chair Sibyl Zaden, Vice-chair Erik Barker, Pat Rogers, Gary Reichard, Jim Kazakos, Neill Murchison and Robert Kalonian.

Commissioners Absent:

Staff Present: Oscar Delgado, Director, Public Works, Susan Healy Keene, Director, Community Development, Jeffrey Aubel, Interim Code Compliance Manager; Assistant City Attorney Christi Hugin, Code Compliance Officer Daniel Mick, and Bruce Robertson, Administrative Staff Assistant.

Others Present: None.

4. APPROVAL OF AGENDA:

ACTION: Commissioner Reichard moved the approval of the agenda. The motion was seconded by Commissioner Kazakos and carried unanimously.

5. CONSENT CALENDAR:

A. Approve the minutes of March 4th, 2008.

ACTION: Vice-chair Barker moved the approval of the minutes. The motion was seconded by Commissioner Rogers and carried unanimously.

6. PUBLIC COMMENT:

A. **Kevin Mangold, West Hollywood**, commented on excessive peddlers in West Hollywood, safety, public urination by peddlers.

7. PUBLIC HEARINGS:

A. **Modification, Suspension or Revocation of Regulatory License #000004, Restaurant Ten-Masa, 9016 Sunset Blvd., West Hollywood, CA 90069:**

The Business License Commission held a public hearing to consider modification, suspension or revocation of Regulatory license #000004, held by Restaurant Ten-Masa, 9016 Sunset Blvd., West Hollywood, CA 90069.

Daniel Mick presented the staff report.

Mr. Mick stated that during inspections, by the City's Code Compliance division, various violations were witnessed including the sales & service of alcohol to minors and smoking within the establishment. Mr. Mick also stated that similar inspections, conducted by ABC (Alcohol Beverage Control) officers resulted in a 15-day suspension of Restaurant Ten-Masa's liquor license.

Subsequent inspections, by West Hollywood Code Compliance officers resulted in citations being issued for smoking violations inside the restaurant. Additionally, the WHSD conducted inspections resulting in the detainment and/or arrests of minors for having fake ID and drinking by minors.

Mr. Robert Russo, attorney representing Restaurant Ten-Masa presented testimony on behalf of the licensee.

Mr. Russo assured the Commission that smoking is not permitted by the license holders. He commented that the business owners now understand the severity of the situation and will take measures to prevent future violations.

Mr. Russo also presented an exhibit showing that the business recently purchased an electronic device to assist employees in ascertaining whether or not patrons are of legal drinking age.

In conclusion, Mr. Russo asked the Commission for lenience as the business is his client's sole source of income and only means by which to support their family, again assuring the Commission that the licensee now understands the severity of this situation and will work to ensure that no further violations, of this nature, will occur.

Commissioner Kazakos disclosed that he lives within 500' of the business.

Commissioner Rogers asked staff whether or not the City took measures to outreach and work with the business owners regarding the noted violations, in an effort to gain compliance prior to the public hearing?

Mr. Aubel stated that City officials met with the business owners on multiple occasions recommending measures such as posting "No Smoking" signs, hire security, check the ID's of all patrons and even suggesting that restaurant employees, who serve alcohol, attend

education classes offered by the ABC.

Public Works Director, Oscar Delgado, added that additional meetings were held with the business owners, the City Prosecutor, representatives of the Sunset BID and City Officials in which the severity of the ongoing violations were emphasized underscoring the proposed recommendation, by staff, should the business continue to be in violation of City Codes.

At the direction of Assistant City Attorney Christi Hogin, Commissioner Kazakos recused himself from the proceedings, of this hearing, noting his previous disclosure of living within 500' of Restaurant Ten-Masa.

Public Testimony

a. Jeanne Dobrin, West Hollywood, commented on the violations enumerated by Staff and favors revocation as recommended in the Staff report.

Rebuttal

Mr. Russo again assured the Commission that the business owners now understand the severity of this hearing and would comply with all State and City Codes, in the future.

Commissioner Reichard asked staff if the business could reapply for a Public Eating (without alcohol) license, should the Commission decided to revoke the current business license as recommended by staff.

Asst. City Attorney Christi Hogin responded, offering the Commission alternatives to the staff recommendation:

- 1) Adopt the staff recommendation revoking the business license
- 2) Modify the license
- 3) Suspend the license for a period of time.
- 4) Suspend the sales/service of alcohol for a determined period, requiring Commission review prior to reinstating alcohol sales/service

Commission Discussion

Commissioner Rogers commented on the business' disregard of State and City Codes.

Commissioner Reichard expressed concern about the public's perception of permissiveness regarding drinking by underage patrons.

Vice-chair Barker expressed reservation due to the business' continued effort to place blame on their patrons' rather than accept responsibility for noted violations.

Commissioner Kalonian highlighted the lack of plan to resolve the existing problems, noting the lack of leadership from the business owners/operators.

ACTION: Commissioner Reichard moved to direct staff to prepare a resolution with the required findings that would modify the business license to allow the restaurant to continue operating if there was no sales/service of alcohol. Vice-chair Barker seconded the motion.

Commissioner Kalonian proposed a friendly amendment, recommending that the license be temporarily modified to restrict the sales/service of alcohol and requiring that a security plan be developed and implemented and that the business return to the Commission for a full review in six (6) months.

Commissioner Reichard rejected the friendly amendment.

Vice-chair Barker offered a friendly amendment to prohibit alcohol sales/service after 8:00 PM daily.

Commissioner Reichard also rejected this proposed amendment, to the motion.

After further Commission discussion and legal advice from Ms. Hogin, Commissioner Reichard amended his motion as follows:

ACTION: To direct staff to prepare a resolution with required findings that would allow the restaurant to continue operating as long as there was no sales/service of alcohol for one (1) year, with the understanding that the business may request the Commission remove the restriction in the future.

This modification was accepted by Vice-chair Barker, the seconder of the motion.

Roll Call:

Murchison	Yea
Reichard	Yea
Kalonian	Yea
Rogers	Yea
Vice-chair Barker	Yea
Chair Zaden	Yea

Motion Carried, noting Commissioner Kazakos' recusal.

B. Modification, Suspension or Revocation of Regulatory License held by Abiodun Iredia, Citywide Peddler license #002972:

The Business License Commission will hold a public hearing to consider modification, suspension or revocation of Citywide Peddler license #002972, held by Mr. Abiodun Iredia.

Jeffrey Aubel, Interim Code Compliance Manager presented the staff report.

Mr. Aubel summarized the licensing history for Mr. Iredia.

Mr. Aubel presented testimony that, on numerous occasions, Mr. Iredia was cited, by Commercial Code Compliance, for violating city codes i.e., working without a required business license and working past 2 AM. Mr. Aubel also stated that, as of this date, no payment or effort to make payment has been received for any citations issued to Mr. Iredia.

Mr. Iredia testified before the Commission.

Mr. Iredia, Santa Monica, testified that, on occasion, he did operate his business past 2 AM, as stated by Staff. He also contended that on one occasion, in which he was cited for working past 2 AM, he was not operating. Mr. Iredia clarified stating that a street fight resulted in his belongings being strewn about and that he was just arranging his merchandise in an effort to pack prior to leaving the location.

Public Testimony

- a. Jeanne Dobrin, West Hollywood, spoke in support of the staff recommendation.
- b. Kevin Mangold, West Hollywood, testified that he has regularly witnessed Mr. Iredia on Santa Monica Blvd., at 4 AM selling not just sunglasses, but something else. He also testified of public urination, by Mr. Iredia.

Rebuttal

Mr. Iredia presented a rebuttal stating that he is an upstanding community member and has lived and worked in West Hollywood for many years.

ACTION: Commissioner Rogers moved the staff recommendation, directing staff to prepare a resolution with the required findings to revoke Peddler license 002972. Commissioner Murchison seconded the motion.

Roll Call:

Murchison	Yea
Reichard	Yea
Kalonian	Yea
Rogers	Yea

Kazakos	Yea
Vice-chair Barker	Yea
Chair Zaden	Yea

Motion Carried.

8. **New Business:** None.

9. **Unfinished Business:** None.

10. **Items from Staff:** None.

11. **Public Comment:**

A. Jeanne Dobrin, West Hollywood, commented that it is not within the purview of this commission to revoke an alcohol license, noting this action can only be taken by the ABC.

12. **Items from Commissioners:**

Barker: recommended appointing a sub-committee to review the Business License Code regarding license revocation. The Vice-chair suggested that a provision be added requiring Commission review, prior to the issuance of a new license, of any license revoked by this body.

Rogers: Commended staff on the packet.

Zaden: Suggested that the Commission meet on a regular basis.

13. **Adjournment:** The Business License Commission will adjourn to the next required meeting of this body, August 5, 2008, and to be held in West Hollywood Park Auditorium at 6:30 PM., 647 No. San Vicente Blvd., West Hollywood, CA. **Motion carried by a consensus of the Commission.**



CHAIRPERSON

ATTEST:



BUSINESS LICENSE OFFICER

PASSED, APPROVED AND ADOPTED THIS DAY OF

July 8, 2008.

CHAIRPERSON: _____

ATTEST:
BUSINESS LICENSE OFFICER: _____