

MINUTES

**CITY COUNCIL MEETING**  
January 11, 1988  
**WEST HOLLYWOOD PARK**  
647 N. SAN VICENTE BLVD.  
7:00 P.M.

**CALL TO ORDER:** Mayor Viterbi called the meeting to order at 7:12 P.M.

**PLEDGE OF ALLEGIANCE:** The Pledge was led by Jeri Chenelle, Assistant City Manager.

**ROLL CALL:** PRESENT: Albert, Heilman, Land, Schulte,  
Mayor Viterbi  
ABSENT: None  
ALSO PRESENT: Jan Plum, County Counsel  
Early Lincoln, Sheriff's Dept.  
Paul Self, Business License  
Officer  
Mike Jenkins, City Attorney  
Michele Beal Bagneris, Attorney  
Hal Mintz, Licensee  
Anthony Glassman, Attorney for  
Licensee

**APPROVAL OF AGENDA:** Add discussion of General Plan Hearing dates and a Personnel session at the end of meeting. By consensus of the Council.

**AT THIS POINT IN TIME THE CITY COUNCIL ADJOURNED AND RECONVENED AS THE WEST HOLLYWOOD LICENSE APPEALS BOARD:**

**1. HEARING ON APPEAL:** Twentieth Century Travel Advisors, Inc. dba "Beverly Hills Massage Parlor", 8574 Santa Monica Blvd., West Hollywood: This is a Hearing on an appeal by Twentieth Century Travel Advisors, Inc. to a decision of the City's Business License Commission to revoke the Appellant's Massage Parlor-Adult business license.

**OPTIONS:**

The City Council, acting as the City's License Appeals Board, has the following options in considering this appeal:

1. Uphold the decision of the Business License Commission.
2. Modify the decision of the Commission.
3. Reverse the decision of the Commission.

**RECOMMENDATIONS:**

1. That the License Appeals Board consider all existing exhibits, evidence and transcripts of the accusation hearing before the Business License Commission;

**ORIGINAL**

2. That the Appeals Board allow the introduction of any new evidence from either party, with the conditions on the introduction of new evidence earlier imposed by the City Council;

3. That the Appeals Board uphold the decision of the West Hollywood Business License Commission based on the record of existing evidence and exhibits and the new evidence contained in accusation No. 463-1, amended.

**HEARING:**

Paul Self gave the staff report, which was an overview of the proceedings to date.

City Attorney Jenkins reviewed the following procedure:

The License Appeals Board will hear the appeal on the basis of the record of proceedings before the City's Business License Commission as memorialized by the transcript of proceedings prepared by the Business License office, and including all exhibits and evidence presented before the Commission.

The License Appeals Board will accept new evidence and exhibits only if the new evidence could not have been presented to the Commission during the Accusation hearing because the new evidence or exhibits pertain to events or activities subsequent to the Accusation hearing, or because the new evidence or exhibits were unavailable to present before the Business License Commission.

Each party will be afforded the opportunity to submit a request indicating what, if any, new evidence by way of documents or witnesses, it desires to submit to the Appeals Board, which must include a statement of reasons supporting the request and indicating the approximate length of time that will be required to introduce evidence, exhibits, and/or witnesses before the Board.

Each party may submit written opposition to the other's request to submit new evidence.

Each party will be given the opportunity to make brief oral argument, not to exceed 10 minutes, on whether or not to submit the requested new evidence when the appeal hearing opens. The Appeals Board will then determine what new evidence, if any, to accept. Each party will then be allowed to introduce whatever new evidence the Board has agreed to accept.

After receipt of new evidence, if any, the Appeals Board will accept final oral arguments, but will set a time limit of thirty minutes to present said arguments. All arguments or points of law presented must pertain to the evidence in the record or submitted before the Board. Five minutes each of

final rebuttal will be permitted.

City Attorney Jenkins also stated that the County Counsel has indicated in writing its intent to present new evidence, and that the licensee intends to call new witnesses. Mr. Jenkins also stated that the licensee has made a motion to dismiss because of failure by the County to file briefs. The City Attorney recommended that the motion be denied.

**REQUEST TO PRESENT NEW EVIDENCE:**

COUNTY COUNSEL: Jan Pluim, Deputy County Counsel, appearing on behalf of the County Sheriff's Department, requested to be allowed to present as new evidence two new counts, Count 7 and Count 8, of Accusation 463-1, amended. Count 7 was the result of an arrest which occurred on August 13, 1987, at Beverly Hills Massage Parlor. Count 8 was the result of an inspection by the fire department which occurred on September 23, 1987. Both Count 7 and Count 8 were based on incidents which occurred after the Business License Commission made its ruling on July 21, 1987; and therefore it was impossible for the Sheriff's Department to have presented this evidence.

Anthony Glassman, Attorney representing the appellant, Beverly Hills Massage Parlor: Mr. Glassman stated that any unadjudicated arrest ought not to be the basis of any accusation because it has not been adjudicated. If presented in the form of a report, it would be appropriate to have all evidence come in because it would be inappropriate to permit a one-sided view. (He is) prepared to go forward, without waiving the objection, if Council is desirous of hearing this evidence.

The City Attorney asked that Counsel indicate how many witnesses they intended to call, both in presenting the case and if any in rebutting the evidence.

Mr. Glassman stated he will offer evidence if the Sheriff's Department is permitted to go forward, in terms of cross-examination of the deputy who will be called; and will offer evidence that the fire code violations referred to have been corrected; and will offer additional witnesses basically to show the conduct of the deputies for a period of time.

Mr. Glassman stated that Paul Self had referred to Count 5-- the Business License Commission had rejected Count 5 because it had not been adjudicated in a criminal court.

Paul Self replied that he had been technically in error--Count 5 was sufficient evidence to place a condition on the license but not revoke it.

At this time the City Attorney asked Mr. Glassman if he had anything to say regarding his Motion to Dismiss.

Mr. Glassman argued that the business had a vested right; the County Counsel had the obligation to file a written brief both to benefit the Council and give the Counsel for applicant the opportunity to know in advance the arguments the County Counsel wished to make--the Council in fairness should dismiss this or at very least the Business License revocation should be continued or hearing continued.

Rebuttal by Jan Pluim: Jan Pluim, Deputy County Counsel, stated that he has reviewed the papers and is at a loss as to what the County Counsel has failed to do; Counsel did submit new evidence; there is nothing that required a briefing; he sees no merit in this motion to dismiss.

COUNCIL ACTION: To deny the Motion to Dismiss made by Mr. Glassman, Attorney for Licensee. Motion Heilman, second Land. Hearing no objection it was so ordered.

MOTION: Councilmember Land made a motion not to accept new testimony, seconded by Councilmember Schulte. Councilmember Heilman felt Council should consider the August allegation (Count 7). Mayor Viterbi requested that the motion be divided. Councilmember Land withdrew this motion and made a new motion.

MOTION: To not take evidence on Count 7. Motion Land second Schulte. AYES: Albert, Land, Schulte. NOES: Heilman, Viterbi. Motion carried.

MOTION: To not accept new evidence regarding Count 8. Motion Heilman second Land. AYES: Albert, Heilman, Land, Schulte, Viterbi. Motion carried.

Jan Pluim stated he would submit his argument on the record.

RECESS: The Council recessed at 7:55 p.m.  
The Council reconvened at 8:05 p.m.

After the recess, Councilmember Albert stated that she wished to reconsider the motion regarding Count 7.

ACTION: To reconsider the motion to not take evidence on Count 7. Motion Albert second Viterbi. AYES: Albert, Heilman, Land, Schulte, Mayor Viterbi. NOES: None. Motion carried.

FURTHER ACTION: To accept evidence regarding Count 7. Motion ALbert second Land. Hearing no objection it was so ordered.

At this time Mr. Glassman, attorney for licensee, stated that he had sent home his witnesses.

Mayor Viterbi stated that Council will accept the new evidence, allow cross-examination of any witnesses, and then

continue the hearing so that the appellant can present witnesses.

**EVIDENCE PRESENTED BY COUNTY REGARDING COUNT 7:**

At this time Jan Pluim, Deputy County Counsel, called on Deputy Charles B. Anderson, Detective, Vice Bureau, Los Angeles County Sheriff's Department.

Deputy Anderson was sworn in by City Attorney Jenkins.

Jan Pluim questioned Deputy Anderson regarding a visit made on July 22, 1987, and arrests made on August 13, 1987, at the Beverly Hills Massage Parlor.

Mr. Pluim asked that the six-page Complaint Report, by Deputy Anderson, be received as evidence, and handed a copy of the report to the City Clerk.

Mr. Glassman objected to introduction of the report, and Michelle Bagneris stated that the City Attorney's office would overrule that objection.

At this time Mr. Pluim asked to have received into evidence a two-page misdemeanor complaint as filed by the District Attorney charging Lena Ragsdale, Diane Amato, Enriqueta Gehon with violations of the criminal code arising out of the arrest.

Mr. Glassman objected, saying that he had received a copy, and it was irrelevant and immaterial because it is an unadjudicated criminal charge presently pending.

Michele Bagneris stated that the City Attorney's office would overrule that objection.

Jan Pluim then asked that a docket sheet arising out of these charges be admitted and received into evidence.

Michelle Bagneris stated, "So received."

At this time Anthony Glassman cross-examined Deputy Anderson.

Mr. Glassman requested that Deputy Anderson's original handwritten notes of July 22, 1987 be made available.

Michelle Bagneris recommended against granting the request.

Direction was given to Deputy Anderson to find his handwritten notes and bring them back at the next hearing.

Mr. Glassman also requested that Deputy Anderson's handwritten report of August 13, 1987, if existing, be made available to Counsel and members of the City Council.

Deputy Anderson stated that he and Deputy Ward have many more notes which they could bring back.

Direction was given to Deputy Anderson to bring back the handwritten notes.

At this time Mr. Glassman requested that Deputy Lincoln be asked to testify on investigative techniques and how many investigations (of the massage parlor) were undertaken.

City Attorney Jenkins recommended against the request--this could have been submitted before the Commission.

By consensus of Council, Mr. Glassman's request was denied.

City Attorney Jenkins asked Mr. Plum if he rested with respect to Count 7.

Mr. Plum replied that that is correct.

Mr. Jenkins questioned Mr. Glassman whether it was still his desire and intent to call witnesses in rebuttal to the Sheriff's case regarding Count 7, and also asked if he could identify names and how long it would take.

Mr. Glassman said yes, that he expects three or possibly four witnesses, and it would not take more than forty-five minutes.

Mr. Jenkins stated that Council has the option of continuing the matter to a date certain.

The Council decided, after discussion, to continue the hearing to January 19, 1988, at 6:30 p.m., following a closed session at 5:30 p.m. By consensus.

At this time the Council considered dates to discuss the General Plan. It was decided to hold a public hearing on Tuesday, February 2, 1988, at 7:00 p.m., and also to meet on Wednesday, February 3, 1988, at 8:00 p.m. By consensus.

The City Council adjourned to a closed session at 9:30 p.m. to discuss a matter of personnel. Council reconvened at 9:42 p.m.

The Council meeting was adjourned at 9:43 p.m. to Tuesday, January 19, 1988, at 5:30 p.m. to discuss a matter of personnel, and then to continue the hearing on the Beverly Hills Massage Parlor at 6:30 p.m., to be followed by the regular meeting.

APPROVED BY MOTION OF THE CITY COUNCIL THIS 6TH DAY OF SEPTEMBER, 1988.

  
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MAYOR

ATTEST:

  
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CITY CLERK