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April 4, 2006

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HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

RECOMMENDATION:

Recommendation that the City Council adopt the Hearing Officer Recommendations in full and instruct staff to deny Business License Application Number BU20460110 for Jackie Nails & Spa, 1982 Atlantic Avenue, Long Beach, 90806. (District 6)

DISCUSSION

Attached please find a copy of the Report, Findings and Recommendations of Hearing Officer Kathleen Hateley, regarding Hoa Thuy Hang's Business License Application for Jackie Nails & Spa, located at 1982 Atlantic Avenue, Long Beach, California 90806. This matter was placed on the City Council Agenda for April 4, 2006, to review the attached Hearing Officer Report recommending Denial of Business License Application Number BU20460110.

An administrative hearing occurred on February 8, 2006. During the administrative proceedings, evidence was presented that current business applicant and owner of Jackie Nails & Spa, Hoa Thuy Hang, failed to comply with state and local laws and regulations required to convert the existing tobacco shop into a nail salon all of which were requirements attached to her conditional business license, and also failed to obtain a State of California Cosmetology Establishment License.

The business originally applied for a license on December 12, 2004, and a conditional license was issued for a period of up to 180 days following an onsite inspection. Following the inspection which occurred during January 2005, the City issued Ms. Hang a Notice of Inspection listing outstanding violations. The Notice also advised Ms. Hang that failure to comply with and make all necessary corrections by May 15, 2005 would result in denial of her business license application, and would also require Ms. Hang to cease all business operations.

However, during this period, Ms. Hang requested an extension to complete the requisite improvements associated with the change in use including submission of building, electrical, mechanical and plumbing plans. The City extended the conditional license through September 10, 2005.

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Despite the extension, a subsequent September 2005 inspection revealed that the business remained in violation of State and local building, plumbing, electrical, and mechanical codes for interior modifications. Moreover, Ms. Hang failed to submit any plans for the necessary electrical work. Based on the continued failure to comply with requirements of the conditional permit, the City denied business license application number BU20460110.

Although evidence was presented that Ms. Hang, between September 2005 and February 8, 2006, submitted plumbing plans, the plans were never approved, and thus neither permits nor final inspections were achieved for the required work. Ms. Hang did provide testimony she recently obtained a new contractor who is attempting to complete the required work.

Aside from the issues of construction and tenant improvements, Ms. Hang failed to apply for and obtain the requisite California State Establishment license required to operate a nail salon.

Based on this evidence, coupled with the more than 13 months which have passed since Ms. Hang's initial conditional business license was issued, Hearing Officer Hateley recommended that Ms. Hang's Business License Application Number BU20460110 for Jackie Nails and Spa be denied.

Therefore, the City Attorney and City Staff recommend the City Council adopt the Hearing Officer recommendations in full and instruct Staff to deny Business License Application Number BU20460110, for Jackie Nails & Spa.

**SUGGESTED ACTION:**

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By



CRISTYL A. MEYERS  
Deputy City Attorney

Attachments: Hearing Officer's February 9, 2006 Report , Re: Denial of Business License Application Number BU20460110, for Jackie Nails & Spa