



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

C-12

333 West Ocean Blvd • Long Beach, California 90802

March 3, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to Hearing Officer the business license revocation appeal for Guadalupe Perez, DBA The Brite Spot Coffee Shop, 412 W. Pacific Coast Highway. (District 1)

DISCUSSION

On December 2, 2008, the Long Beach Chief of Police recommended that the Department of Financial Management revoke business license number BU05063360 issued to Mr. Guadalupe Perez, DBA The Brite Spot Coffee Shop, 412 W. Pacific Coast Highway (Attachment A). The business has violated the Long Beach Municipal Code (LBMC), State law, conditions of its business license, and the Department of Alcoholic Beverage Control recently revoked the ABC license.

Pursuant to the LBMC, a licensee may initially appeal a business license revocation to the Director of Financial Management. Subsequent appeals are made to the City Council. On February 3, 2009, the business owner/operator waived his initial business license appeal to the Department of Financial Management (Attachment B). Whenever it is provided that a hearing shall be conducted by the City Council, the City Council may, in its discretion, refer the matter to a hearing officer.

Deputy City Attorney Cristyl Meyers reviewed this matter on February 4, 2009.

TIMING CONSIDERATIONS

If referred, upon selection of a hearing officer, the matter will be heard on a date to be determined in March 2009.

FISCAL IMPACT

There is no fiscal impact associated with this item.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

LAF:ES:JM
K:\EXEC\COUNCIL LETTERS\COMMERCIAL SERVICES\HEARING LETTERS\03-03-09 ccl - BRITE SPOT - REFER TO HO.DOC


ATTACHMENTS

APPROVED:



PATRICK H. WEST
CITY MANAGER



Date: December 2, 2008
To: Lori Ann Farrell, Director of Financial Management
From: 
Anthony W. Batts, Chief of Police
Subject: **REQUEST FOR REVOCATION OF BUSINESS LICENSE FOR BRITE SPOT
COFFEE SHOP – 412 WEST PACIFIC COAST HIGHWAY**

The Brite Spot Coffee Shop is located at 412 W. Pacific Coast Highway and is owned by Guadalupe Perez and has been in business since 1983. The licensee holds a City of Long Beach Business License (BU05063360) for a restaurant with alcohol, and a Type 41 Alcoholic Beverage Control license (41-161542), to operate as an On Sale Beer and Wine Eating Place.

Mr. Perez also owns Mariscos Brite Spot located at 1616 East Anaheim Street and Mariscos Brite Spot #3 located at 3721 E. Anaheim Street. On September 12, 2008, the Police Department requested revocation of the business license for the Mariscos Brite Spot located at 1616 East Anaheim Street, because of ongoing nuisance activity and the owner's unwillingness to comply with City of Long Beach and State of California laws. The revocation hearing was concluded on November 21, 2008, and the City is currently awaiting a recommendation from a Hearing Officer.

On October 18, 2008, a customer was shot and killed inside the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway. A comprehensive investigation has revealed that incidents similar to those that have occurred at the 1616 East Anaheim Street location are also occurring at the Brite Spot Coffee Shop located at 412 W. Pacific Coast Highway. Many of the problems are related to the owner's non-compliance with conditions of operation, particularly their Alcoholic Beverage Control condition, which permits sales, service, and consumption of alcohol between the hours of 10:00 a.m. and 10:00 p.m. each day of the week. During the murder investigation, police officers observed Styrofoam cups containing beer on several tables. The murder occurred at approximately 3:00 a.m., five hours after the time the Brite Spot Coffee Shop can legally allow sales, service, or consumption of alcohol.

The owner has had four Alcohol Beverage Control accusations made against him, which have resulted in a total of 120 days of suspensions. These accusations were for unauthorized use of food stamps, receiving stolen property (cigarettes), and after hour's consumption of alcohol. The licensee is currently appealing another accusation for sales of alcohol after hours. Alcohol Beverage Control is seeking revocation of their ABC license.

Between January 1, 2006 and October 22, 2008, there were 79 calls-for-service attributable to the business. Nearly all of these calls-for-service were after midnight, and involved unwelcome drunk customers, fights between customers, and possible drug use in the restroom. Several of these calls indicated that beer was being served as late as 4:00 a.m.

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BRITE SPOT COFFEE SHOP – 412 WEST PACIFIC COAST HIGHWAY
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During the same time period, there were 16 incidents attributable to the business. Again, many of these incidents occurred well after midnight and some incidents were directly related to the service and consumption of alcohol after hours. Several notable incidents are as follows:

- On February 12, 2006, at approximately 0250 hours, four Brite Spot employees were cited for allowing after hours consumption of alcohol. For further details, see DR # 06-12348.
- On May 28, 2006, at approximately 0258 hours, police officers observed customers inside the Brite Spot Coffee Shop drinking from plastic cups containing beer. For further details, see DR # 06-41939.
- On September 3, 2006, at approximately 0345 hours, a Brite Spot employee was cited for allowing after hours consumption of alcohol. For further details, see DR # 06-68848.
- On October 27, 2006, at approximately 0236 hours, two Brite Spot customers got into a fight. One customer was arrested for assault with a deadly weapon, drunk driving, carrying a concealed knife and possession of marijuana. For further details, see DR # 06-83359.
- On October 29, 2006, at approximately 0325 hours, a Brite Spot customer was shot by another customer after an argument. For further details, see DR# 06-83947.
- On May 4, 2007, at approximately 0252 hours, a drunken customer got into a fight with other customers. For further details, see DR# 07-34293.
- August 16, 2008, at approximately 0445 hours, a fight inside the Brite Spot resulted in three arrests. Two arrests were for public intoxication and one arrest was for outstanding warrants. For further details, see DR# 08-60788.
- On September 8, 2008, at approximately 0018 hours, two Brite Spot customers got into a fight. One customer was hit on the head with a wooden stick. For further details, see DR # 08-78407.

Based on the Police Department's investigation, the Vice Investigations Section believes the licensee has demonstrated an unwillingness to comply with City and State laws. Because of this substantial disregard for the law, and the licensee's unwillingness to address these problems, The Brite Spot Coffee Shop located at 412 w. Pacific Coast Highway has become a nuisance, and has created an undue burden on patrol resources. It is the Police Department's responsibility to maintain law and order within the City of Long Beach and to ensure the public peace, safety, and welfare is maintained.

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The Director of Financial Management is the issuing authority for business licenses issued pursuant to Long Beach Municipal Code Chapter 3.80. The Director is also empowered to suspend or revoke business licenses, pursuant to LBMC §3.80.429.1(A), when a licensee has failed to comply with any applicable provision or requirement of law.

Based on this authority, the Police Department respectfully requests that the business license held by Guadalupe Perez for the Brite Spot Coffee Shop, located at 412 West Pacific Coast Highway, in the City of Long Beach, be **REVOKED**.

If I can be of any further assistance, please contact me, or my Chief of Staff, Commander Jorge Cisneros, at extension 8-7301.

AWB:CNA:cna
BriteSpotCoffeeShopRev.doc

1 ROBERT E. SHANNON, City Attorney
CRISTYL A. MEYERS, Deputy City Attorney
2 333 West Ocean Blvd., 11th Floor
Long Beach, California 90802
3 Phone: (562) 570-2200
Fax: (562) 436-1579

4
5 **CITY OF LONG BEACH**
ADMINISTRATIVE APPEAL HEARINGS

6
7 GUADALUPE PEREZ, D.B.A. THE BRITE)
SPOT COFFEE SHOP, LOCATED AT)
8 412 W. PACIFIC COAST HIGHWAY,)
LONG BEACH, CALIFORNIA 90813)
9 Appellant,)
vs.)
10 CITY OF LONG BEACH,)
11 Appellee.)
12
13

WAIVER OF LBMC § 3.80.429.1
HEARING FOR BUSINESS LICENSE
REVOCATION, & STIPULATION TO
PROCEED WITH LBMC § 3.80.429.5
BUSINESS LICENSE REVOCATION
HEARING FOR LICENCE BU5063360

13 **THE PARTIES ACKNOWLEDGE AND AGREE AS FOLLOWS:**

- 14 1. Guadalupe Perez as an individual and owner, manager, partner,
15 representative and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific
16 Coast Highway, Long Beach, California 90813, voluntarily agrees to be bound by all terms of
17 this stipulation as follows.
18 2. Guadalupe Perez as an individual and owner, manager, partner, representative
19 and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway,
20 Long Beach, California 90813, knowingly, intelligently and voluntarily waives his legal right,
21 and attendant legal arguments, to convene and participate in an administrative hearing
22 conducted pursuant to Long Beach Municipal Code (LBMC) Section 3.80.429.1 regarding the
23 recommended revocation of Long Beach business license number BU5063360.
24 3. Guadalupe Perez as an individual and owner, manager, partner, representative
25 and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway,
26 Long Beach, California 90813, knowingly, intelligently and voluntarily accepts this stipulation
27 as written notice of his right to appeal revocation of business license number BU5063360
28 pursuant to LBMC Section 3.80.429.5 to the Long Beach City Council, and further agrees to

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1 lodge appeal costs in the amount of \$1,050.00, be means of money order or certified check, not
2 later than close of business February 17, 2009, with the Department of Long Beach Business
3 Services.

4 4. Guadalupe Perez as an individual and owner, manager, partner, representative
5 and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway,
6 Long Beach, California 90813, knowingly, intelligently and voluntarily accepts this stipulation
7 as written notice that on March 3, 2009, or as soon as possible thereafter, the appeal will be
8 placed on the Long Beach City Council consent calendar requesting that the City Council refer
9 the administrative LBMC Section 3.80429.5 appeal proceeding to a hearing officer pursuant to
10 LBMC Chapter 2.93.

11 5. In the event the Long Beach City Council moves to refer the matters to an
12 independent hearing officer pursuant to LBMC Chapter 2.93, Guadalupe Perez as an individual
13 and owner, manager, partner, representative and business operator of the Brite Spot Coffee
14 Shop, located at 412 W. Pacific Coast Highway, Long Beach, California 90813, knowingly,
15 intelligently and voluntarily agrees to have the appeal hearing presided over by a randomly
16 selected independent hearing officer selected by lot from a list of qualified candidates
17 maintained by the Office of the Long Beach City Clerk.

18 6. In the event Long Beach City Council moves to refer the matter to an
19 hearing officer pursuant to LBMC Chapter 2.93, Guadalupe Perez as an individual and owner,
20 manager, partner, representative and business operator of the Brite Spot Coffee Shop, located at
21 412 W. Pacific Coast Highway, Long Beach, California 90813, knowingly, intelligently and
22 voluntarily agrees to convene the appeal hearing on date(s) to be determined in March or April
23 of 2009, at City Hall, 333 West Ocean Boulevard, in a conference room to be determined, and
24 shall be conducted during the hours from 9:00 a.m. to 5:00 p.m. and, if necessary, shall be
25 continued as scheduled.

26 7. Guadalupe Perez as an individual and owner, manager, partner, representative
27 and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway,
28 Long Beach, California 90813, knowingly, intelligently and voluntarily agrees to return the

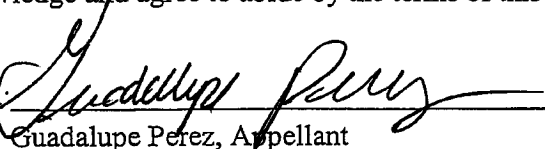
Robert E. Shannon
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1 signed, dated and fully executed stipulation to the City of Long Beach, Office of the Long
2 Beach City Attorney, attention of Deputy City Attorney Cristyl Meyers, not later than 11:30
3 a.m., Tuesday February 3, 2009, and that failure to timely submit the fully signed and executed
4 stipulation shall result in the scheduling and convening of a LBMC Section 3.80.429.1 business
5 license revocation hearing on date(s) to be determined by the City, wherein Guadalupe Perez as
6 an individual and owner, manager, partner, representative and business operator of the Brite
7 Spot Coffee Shop, located at 412 W. Pacific Coast Highway, Long Beach, California 90813,
8 knowingly, intelligently and voluntarily agrees to pay all associated hearing officer fees
9 rendered at an hourly rate of \$150, with a minimum payment of three hours, as well as other
10 associated costs and expenses, with payment, in the form of a money order or certified check,
11 made not later than 15 calendar days following the date upon which the hearing officer renders
12 his/her final written decision.

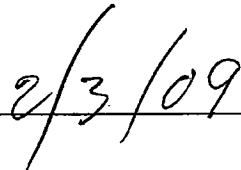
13 ~~8. Guadalupe Perez as an individual and owner, manager, partner, representative~~
14 ~~and business operator of the Brite Spot Coffee Shop, located at 412 W. Pacific Coast Highway,~~
15 ~~Long Beach, California 90813, knowingly, intelligently and voluntarily agrees to pay three~~
16 ~~hours of hearing officer costs incurred today, February 3, 2009, for the previously scheduled~~
17 ~~LBMC section 3.80.429.1 hearing which he now waives, at a rate of \$150 per hour for a total~~
18 ~~of three (3) hours, and payment shall be made to the City of Long Beach Department of~~
19 ~~Business Services not later February 3, 2009, 11:30 am.~~

20 **WHEREAS**, this stipulated agreement may be executed in one or more counterparts,
21 all of which, taken together, shall constitute the same instrument, and shall be governed in
22 accordance with the laws of the State of California. **THEREFORE**, the parties named below
23 acknowledge and agree to abide by the terms of this stipulation.

24
25 Signed:


Guadalupe Perez, Appellant

Dated:



26
27
28 Signed:


Cristyl Meyers, Deputy City Attorney

Dated:

