



OFFICE OF THE CITY ATTORNEY
Long Beach, California

C-4

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

December 20, 2005

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

RECOMMENDATION:

Approve terms of a proposed settlement between the City and Libra Partners, LLC relative to the revocation of Entertainment Permit No. BU20147980. (740 East Broadway) (District 2)

DISCUSSION

On August 2, 2005, the City Council referred this matter, involving the revocation of Entertainment Permit No. BU20147980 issued to Libra Partners, LLC, (dba "Choices," formerly "Hamburger Mary's") to a hearing officer. A hearing was scheduled for December 6, 2005 to address repeated entertainment permit violations stemming from un-permitted adult entertainment performances. On that date, a tentative settlement was reached between the City and Libra Partners, LLC ("Libra"), subject to approval by the City Council.

The proposed settlement entails a voluntary agreement between the City and Libra. Libra has voluntarily admitted to violating previously understood and agreed to conditions of its Entertainment Permit No. BU20147980 by providing adult entertainment, and has agreed to stipulate to a factual basis as to each alleged violation of its permit. By the agreement, Libra has also agreed to waive its right to present evidence and/or cross examine witnesses regarding the violations in any subsequent proceeding, and has agreed to waive its right to further revocation hearings, reconsideration and/or appeal, and any other claims involving Long Beach Entertainment Permit No. BU20147980 as it pertains to the alleged violations.

Libra has also agreed to henceforth prohibit all agents, employees and independent contractors from providing adult style entertainment at 740 East Broadway. Further, Libra has agreed to suspend all forms of permitted entertainment activity for a period of thirty (30) consecutive days. The suspension shall commence no earlier than January 6, 2006, and shall be completed on or before March 31, 2006. Additionally, Libra has agreed to pay hearing officer costs, one (1) hour of prevailing wages for City staff who were prepared to testify at the hearing, and an administrative penalty in the amount of \$1,500.00.

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes

DEPUTIES

Gary J. Anderson
Richard F. Anthony
Alan D. Bennett
Christina L. Checel
Randall C. Fudge
Charles M. Gale
Eberett L. Glenn
Donna F. Gwin
Monte H. Machit
Lisa Peskay Malmsten
Barry M. Meyers
Cristyl Meyers
Susan C. Oakley
J. Charles Parkin
Howard D. Russell
Carol A. Shaw


In the event the tentative stipulation is not approved by the City Council, or in the alternative, Libra violates any term of the approved stipulation, an agreed upon "evidence packet" will be provided to the hearing officer for use as the exclusive and uncontested evidence for review, findings, conclusions, and recommendations to the City Council regarding the suspension/revocation of Entertainment Permit No. BU20147980.

Therefore, the City Attorney and City Staff recommend that the City Council approve the terms of the proposed settlement with Libra regarding Entertainment Permit No. BU20147980.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By



CRISTYL A. MEYERS
Deputy City Attorney