

# CITY OF LONG BEACH

# C-7

DEPARTMENT OF CITY CLERK

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6101 • FAX (562) 570-6789

November 13, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Authorize the City Clerk to refer the matter to a Hearing Officer and direct the City Clerk to notify the applicant and affected City departments of the date, time and place of the hearing.

## DISCUSSION

On October 16, 2007, the determination of a hearing officer, based on a hearing conducted on October 3, 2007, found that pursuant to Municipal Code 3.80.429.1, there was sufficient evidence to revoke Business License No. BU 20301080 and Retail Sales License No. BU 20301090, issued to Jayantibhai Patel dba The Princess Inn.

On October 24, 2007, the City Clerk received an appeal filed by Frank A. Weiser, thereafter representing Jayantibhai Patel, the operator and licensee of the Princess Inn, located at 1879 Magnolia Avenue, Long Beach.

Pursuant to Municipal Code Sections 2.93.050 and 3.80.429.5, the matter is referred to City Council. Upon referral, the Council may, in its discretion, either conduct the hearing itself or appoint a hearing officer to conduct the hearing.

## FISCAL IMPACT

None.

## SUGGESTED ACTION:

Approve recommendation

Respectively submitted,

LARRY G. HERRERA  
CITY CLERK

Prepared by:  
Irma Heinrichs

LAW OFFICES

**FRANK A. WEISER**

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LEONARD NASATIR  
OF COUNSEL

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October 24, 2007

**BY FEDERAL EXPRESS, PERSONAL DELIVERY  
AND TELEFAX**

City Clerk  
Larry Herrera  
City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802  
Telefax: (562) 570-6789

Re: Jayantibhai Patel/The Princess Inn  
located at 1879 Magnolia Ave.,  
Long Beach, CA/Business License No.  
BU 20301080/Retail Sales License No.  
BU 20301090

Dear Mr. Herrera:

I represent Jayantibhai Patel, the operator and licensee of the Princess Inn ("Motel") located at 1879 Magnolia Ave., Long Beach, CA. My client is in receipt of the letter dated October 23, 2007 from Richard I. Bartlett, the City of Long Beach Business Services Officer, informing him that his Business License No. BU 20301080 and Retail Sales License No. BU 20301090 has been revoked pursuant to Long Beach Municipal Code section 3.80.429.1 based on the administrative hearing that was conducted October 3, 2007 and the report and findings by the administrative hearing officer dated October 16, 2007. My client wishes to appeal the decision immediately to the Long Beach City Council pursuant to Long Beach Municipal Code section 3.80.429.5 and any other applicable sections of the code.

The grounds for the appeal are as follows: (1) There is no credible evidence, let alone substantial evidence that the motel is operating in violation of any local, state or federal laws, or is operating in a manner constituting a public nuisance; (2) the City in revoking the licenses is doing so in violation of my client's federal and state constitutional rights under the First Amendment Petition Clause, Fourth Amendment Search and Seizure Clause, Due Process Clause, Equal Protection Clause and Takings Clause of the United States Constitution and applicable state constitutional provisions.

City Clerk  
Larry Herrera  
City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802  
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located at 1879 Magnolia Ave.,  
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October 24, 2007

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By Telefax: (562) 570-6789

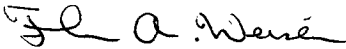
Similarly situated properties in the immediate neighborhood and surrounding community are not enforced as to the City has done here; nor was my client even afforded a procedurally fair hearing. He was never presented before the hearing with the specific allegations and evidence supporting the charges, or a list of the potential witnesses. Additionally, he was never apprised at any time before the hearing that his licenses were in jeopardy.

Mr. Bartlett, and Crystal Myers, the Deputy City Attorney handling the case were aware that I would represent him in this matter, as I have represented him as to his other licensed motel in the City, the Club Motel. Nevertheless, I was never notified of the hearing. Furthermore, other interested parties such as the owner of the motel, Pravin Patel, was never notified of the hearing nor were residing tenants at the motel.

This revocation is clearly retaliatory because my client is exercising his petition rights with regard to disputed transient occupancy tax assessments and license revocation proceedings with regard to the Club Motel, and has refused to settle on unilaterally dictated terms set by Ms. Myers and Mr. Bartlett. Notwithstanding this, the alleged evidence was illegally gathered in violation of the Fourth Amendment.

In sum, this revocation is clearly illegal and an immediate appeal is requested.

Sincerely,

  
Frank A. Weiser  
Attorney at Law

cc: Jayantibhai Patel