



CITY OF LONG BEACH

C-21

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802

May 16, 2002

Libra Partners-LLC
DBA Hamburger Mary's Long Beach
740 E. Broadway
Long Beach, CA 90802

Dear Sir or Madam:

At its meeting of April 30, 2002, the City Council approved your application for a permit for entertainment with dancing by patrons at 740 E. Broadway, Long Beach, CA 90802, with the following conditions:

1. The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation which exceeds the parameters of the approved permit will require that a new permit application be submitted to the City Council for its review and approval.
2. The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
3. It shall be left to the permittee's discretion to determine the level of security necessary to prevent violations of law and other disturbances arising out of or in connection with their business operations. Should the permittee's operations give rise to a substantial increase in complaints/calls-for-service, the permittee shall increase security as directed by the Chief of Police.
4. If any noise, disturbance complaints or trash left in the parking lot and surrounding area of the business can be attributed to being caused by the operation of said business, the Police Department can determine and impose requirements for security officer presence to routinely police and handle these problems.
5. The permittee shall not convert the restaurant or any portion thereof, into a dance/night club. All entertainment activities shall be conducted in conjunction with regular dining or pre-planned banquet activities. A banquet is defined as a function held at a bona fide eating place wherein complete and substantial meals are provided to the persons in attendance by the management of the restaurant where the function is being held. Fast food, snacks and hors d'oeuvres shall not constitute a complete meal.
6. Entertainment shall not be offered on any day that the restaurant is closed.
7. The door(s) shall be kept closed at all times during the operation of the business except in cases of emergency and to permit deliveries. Said door(s) are not to consist solely of a screen or ventilated security door.

COMMERCIAL SERVICES
(562) 570-7031
Fax (562) 570-6867

BUDGET MANAGEMENT
(562) 570-6425
Fax (562) 570-5260

CITY CONTROLLER
(562) 570-6450
Fax (562) 570-6780

CITY TREASURER
(562) 570-6845
Fax (562) 570-5836

ADMINISTRATIVE SERVICES
(562) 570-5045
Fax (562) 570-5099

8. No sound shall be audible from the exterior of the premise in any direction.
9. All promoters must have or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters.
10. The permittee must provide all promoters hired to conduct entertainment activities with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
11. The premises shall be maintained as a full service restaurant providing an assortment of full meals normally offered in such establishments. In the event that the restaurant ceases operations, the entertainment permit becomes null and void.
12. The permittee shall provide adequate lighting in the overflow parking lot and signs directing where to park, and signs directing patrons to use the crosswalk.
13. The permittee shall maintain full compliance with all applicable laws, ABC Laws, ordinances and stated conditions.
14. The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80).
15. The Fire Department finds that the building/location meets Department requirements for the proposed use, subject to the following condition to replace the extension cord in the kitchen with a power strip.

Approved
5-18-02

Failure to comply with condition 15 by October 30, 2002 shall render the City Council approval of your permit null and void. In the event that any of the recommended conditions attached to any permit or license are in conflict, the permittee shall adhere to the most strict of the applicable conditions.

Should you have any questions, please contact Jeannine Montoya, Business License Supervisor, at (562) 570-6211.

Sincerely,



JAMES A. GOODIN
Business Services Officer
Commercial Services Bureau

JG:tl

cc: Chief of Police
Council Office, 2nd District
Fire Department

Entertainment - Restaurant Entertainment - Tavern (bar) [] Entertainment - Other []

Does the Proposed Activity have:

- Outdoor entertainment? * Yes [] No
- Dancing by patrons, guests, customers, participants, attendees? Yes [] No
- Dancing by performers? Yes [] No
- Live music by more than two (2) performers? Yes [] No
- Amplified music (live)? Yes [] No
- Amplified music (recorded)? Yes [] No
- Disc Jockey? Yes [] No
- Karaoke? Yes [] No
- Adult Entertainment as defined by L.B.M.C Section 21.15.110? [] Yes No
- Will the establishment serve as a family pool/billiard hall as provided in Section 5.72.180 of the Long Beach Municipal Code? [] Yes No
- Any other type of entertainment not listed above? [] Yes No

If yes, briefly describe the entertainment activity.

N/A

Dance floor Yes [] No

If yes, provide dimensions and type of material of dance floor. L 14 x W 18 = 252 sq. ft.

Describe floor material and surface type: WOOD - PARKAY

Schedule of entertainment. Please provide days of the week and time of day. If entertainment is not provided the same days and times every week, please provide a detailed schedule of the specific dates and times of the entertainment. Attach an additional sheet if necessary.
(please fill out completely)

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Entertainment Type	ALL THE ABOVE LISTED ACTIVITIES						
Start Time	10 AM	10 AM	10 AM	10 AM	9 AM	9 AM	9 AM
End Time	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

Comments: * No AMPLIFIED ENTERTAINMENT. CELEBRITIES VISITING TABLES ON PATIO



Date: May 27, 2005
To: Michael A. Killebrew, Acting Director of Financial Management
From: Anthony W. Batts, Chief of Police
Subject: **REQUEST FOR CONSIDERATION OF SUSPENSION/REVOCAION:
HAMBURGER MARY'S - 740 EAST BROADWAY**

Libra Partners LLC, DBA Hamburger Mary's, has been doing business at 740 East Broadway since November 2000. Their business license (BU20042630) is for a restaurant with alcohol. The licensee holds a permit for Entertainment with Dancing (BU-20147980), and an Alcoholic Beverage Control license (47-372295) to operate an On Sale General Eating Place.

On November 26, 2001, Libra Partners LLC applied for an entertainment permit with dancing, which allows live amplified music, karaoke, and a disk jockey. On page #7 of their application they indicated there would be no adult entertainment as defined by L.B.M.C. 21.15.110 (Zoning restriction prohibit Adult Entertainment at this location).

Hamburger Mary's has since violated its entertainment permit by allowing its dancers to perform nude, simulate sexual intercourse, performed actual and simulated masturbation, and other sex acts. Based on the below listed reports and documentation, it is apparent this is not an occasional or isolated violation. Hamburger Mary's has demonstrated a regular and substantial disregard for the law.

- December 20, 2004, Vice detectives observed dancers simulate sexual intercourse, anal intercourse and oral copulation. Detectives also observed a dancer masturbate his partially exposed penis. (LBPD-DR# 04-104652)
- January 24, 2005, ABC investigators observe dancers simulate sexual intercourse and oral copulation, exposing their bare buttocks, pubic hair and caressing a female patrons exposed breasts. (ABC-DR# LB-0475502)
- March 3, 2005, -ABC receives a citizen complaint regarding disorderly house, lewd conduct, and minors drinking alcohol.
- March 5, 2005, ABC sends letter to licensee regarding the above accusations.
- March 8, 2005, ABC supervisor Debbey Logan speaks with licensee Jon Quevedo regarding the complaint. Mr. Quevedo advised that he would speak with his dancers regarding the complaint.

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Michael A. Killebrew, Acting Director of Financial Management

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- April 18, 2005, ABC investigators, along with Vice detectives, observe dancers simulate sexual intercourse and oral copulation, expose their bare buttocks, genitals and pubic hair, fondle a female patrons breast over her clothing, and fondle a male patrons penis over his clothing. (ABC-DR# LB-475502)

As you are aware 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, deny, or revoke business licenses, pursuant to §3.80.429.1(A) LBMC, when a licensee has failed to comply with any applicable provision or requirement of law.

Pursuant to this authority, the Police Department respectfully requests that you examine these violations of law committed by Hamburger Mary's, and take appropriate action. The Police Department will continue to monitor performances at Hamburger Mary's to ensure compliance with State and City ordinances. Documentation of any additional violations will be forwarded to Financial Management for appropriate action.

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

AWB:CNA:cna
HamburgerMarys