



## Legislation Text

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**File #:** 09-0434, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the recommendation to revoke Business License Nos. BU20408690, BU20408700 and BU20406050 for 2706 South Street, LLC, dba Ajas, located at 2706 South Street. (District 9)

The Long Beach Municipal Code (LBMC) requires a hearing be held before the City Council whenever a revocation of a business license and/or entertainment permit is appealed.

The LBMC also requires the City Council to review and consider a hearing officer's written report when the City Council appoints a hearing officer to conduct the appeal proceedings. The City Council may adopt, reject or modify the recommended decision. In its discretion, the City Council may take additional evidence at the hearing or refer the case back to the hearing officer with instructions to consider additional evidence.

Attached for your review is Hearing Officer Elizabeth A. Moreno's April 9, 2009 written report. Hearing Officer Moreno recommends that the business licenses issued to 2706 South Street, LLC, dba Ajas, numbers BU20408690 for a bar, BU20408700 for pool tables and BU20406050 for amusement machines, be revoked. The Hearing Officer's findings determined that:

- Ms. Mannery misrepresented on the initial applications of the business licenses dated January 29, 2004.
- 2706 South Street, LLC, dba Ajas, attempted to seek an entertainment permit in July 2004. Following a Police investigation to determine if an entertainment permit would be approved, the City Council voted to deny 2706 South Street, LLC, dba Ajas' entertainment permit in October 2004.
- In March and May of 2006, the Fire Department noted several violations of the law and LBMC. The violations included: Overcrowding, fire extinguishers, doubled key locks on exit gates and doors, substituted extension cords for wiring and the nonposting of the occupancy load sign. The Fire Marshall testified that overcrowding jeopardizes the patrons' safety if an emergency occurred.
- On November 2, 2007, Police cited Ms. Mannery for providing entertainment without a City-issued permit. On February 2008, the owner pleaded no contest and was convicted of a misdemeanor.
- February to April 2008, Police responded to 2706 South Street, LLC, dba Ajas, seven times to various violations ranging from fights or disputes between patrons, to loud music.
- A criminal complaint was filed against Ms. Mannery on May 21, 2008. In August 2008, Ms. Mannery pleaded no contest and was convicted of misdemeanors of unlawfully selling alcohol beverages to patrons after hours on April 25, 2008, overcrowding and failure to keep count of occupants on January 26, 2008.

· Katia Mannery, the sole owner of 2706 South Street, LLC, DBA Ajas, testified and confirmed that she needed a separate permit for entertainment and that she continued to provide entertainment, even after her permit was denied and she knew she could not have entertainment.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on April 17, 2009.

City Council action on this matter is not time critical.

There is no fiscal impact associated with this item.

Approve recommendation.

LORI ANN FARRELL  
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

NAME  
TITLE

APPROVED:

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PATRICK H. WEST  
CITY MANAGER