



Legislation Text

File #: 13-0117, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the hearing officer's recommendation to revoke Business License No. BU07066691 issued to Augie Doggie Enterprises LLC, located at 3401 Orange Avenue. (District 7)

Augie Doggie Enterprises, LLC, holds a commercial/industrial business license issued to the property located at 3401 Orange Avenue, Long Beach, CA 90807 (Parcel/Tax ID #: 7146-026-021 and 5,362 square footage). The commercial business license was issued in accordance with the Long Beach Municipal Code (LBMC) Section 3.80.236 - Tax on Rental of Nonresidential Property. This commercial business license governs multiple business addresses on the parcel, including 1175 East Wardlow Road. Organic Market Garden (OMG), a medical marijuana dispensary and cultivation site, has been operating at 1175 East Wardlow Road since March 2011. In accordance with LBMC Chapter 5.89, adopted February 14, 2012, this type of activity is prohibited. In February 2012, the City initiated enforcement measures to seek compliance, including mailing and posting of cease and desist letters to the property owner, issuing administrative citations, criminal citations and compiling liens. To date, the City has issued 65 administration citations, totaling over \$32,000. Due to non-compliance, the citation amounts have become property liens.

Due to the on-going violations, the City began the business license revocation process to revoke business license number BU07066691, in accordance with LBMC Section 3.80.429.1.

The following is a chronology of the process to date:

- On May 16, 2012, a business license revocation hearing was conducted, in compliance with LBMC Section 3.80.429.1. On May 30, 2012, the hearing officer recommended to the Director of Financial Management to revoke business license number BU07066691 (Attachment A).
- On June 6, 2012, the Department of Financial Management revoked the business license issued to Augie Doggie Enterprises, LLC, located at 3401 Orange Avenue (Attachment B), due to violations of the LBMC and state law.
- The licensee lodged its written request for appeal on June 13, 2012 (Attachment C). Pursuant to LBMC Section 3.80.429.5, a licensee can appeal the revocation of a business license to the City Council. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer, in accordance with LBMC 2.93.050(A).
- On July 10, 2012, the City Council referred the appeal of the business license revocation for Augie Doggie Enterprises, LLC, to a second hearing officer.

- On October 17, 2012, the revocation appeal hearing was held. The hearing officer randomly assigned by the City Clerk's Office to hear the matter was Cynthia S. Floyd, Esq.
- On December 4, 2012, the hearing officer recommended that the business license issued to Augie Doggie Enterprises, LLC, be revoked due to violations of LBMC Section 3.80.429.1(Attachment D).

LBMC Section 2.93.050 requires that the City Council set a hearing to review and consider the hearing officer's report and recommendation. After review of the hearing officer's report, the City Council may adopt, reject or modify the recommended decision. If the license is revoked, the legal and conforming businesses currently occupying the other business addresses will not be affected; however, pursuant to LBMC 3.80.429, any new business license applications will not be accepted for a period of one-year following the revocation.

This matter was reviewed by Deputy City Attorney Kendra Carney on January 7, 2013.

The hearing date of February 12, 2013 has been posted on the business location, and the property owner has been notified by mail.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER