



Legislation Text

File #: 12-0555, **Version:** 2

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the hearing officer's recommendation to revoke Business License No. BU93014571 issued to Bentech, LLC, located at 3721 E. Anaheim Street. (District 4)

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

On July 10, 2012, the City Council referred the appeal of the business license revocation for Bentech, LLC, to a hearing officer and the revocation hearing was held on September 12, 2012. When the City Council appoints a hearing officer to conduct the appeal proceedings, the LBMC also requires the City Council to review and consider the hearing officer's written report. 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 Joel T. Glassman's October 5, 2012 written report (Attachment A). Hearing Officer Glassman recommends that the business license (BU93014571) issued to Bentech, LLC, located at 3721 E Anaheim Street, for commercial/industrial space rental be revoked.

In addition, below is a chronological order of events leading up to the hearing officer's decision:

- 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 BU93014571 (Attachment B).
- On June 6, 2012, the Department of Financial Management revoked the business license issued to Bentech, LLC, located at 3721 E. Anaheim Street, Long Beach, CA 90804 (Attachment C), due to violations of the Long Beach Municipal Code (LBMC) and state law.
- The licensee lodged its written request for appeal on June 14, 2012 (Attachment D). 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 Bentech, LLC, to a hearing officer.

- On September 12, 2012, the revocation appeal hearing was held. The hearing officer that was assigned by the City Clerk's Office to hear the matter was Joel T. Glassman, Esq.
- On October 5, 2012, the hearing officer recommended that the business license issued to Bentech, LLC, should be revoked due to violations of LBMC Section 3.80.429.1.

LBMC Section 2.93.050 requires that the City Council set a time for 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.

This matter was reviewed by Deputy City Attorney Kendra Carney on October 8, 2012.

The hearing date of October 23, 2012, 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