



Legislation Text

File #: 12-0554, **Version:** 2

Recommendation to receive supporting documentation into the record, conclude the hearing and adopt the hearing officer's recommendation to revoke Business License Nos. BU00083820 and BU20208110 issued to Dorothy Shubin, dba 24 Hour Cafe, located at 1715 West Anaheim Street. (District 1)

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 Dorothy Shubin to a hearing officer and the revocation hearing was held on August 9, 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 Alexander M. Dai's August 24, 2012 written report (Attachment A). Hearing Officer Dai recommends that the business licenses issued to Dorothy Shubin, operating at 1715 W Anaheim Street (BU00083820 for restaurant with alcohol and BU20208110 for one pool table) be revoked. The hearing officer found as follows:

- On February 21, 2002, while investigating a complaint, Long Beach Police Department (LBPD) Vice Detectives recovered seven illegal slot machines from inside the business. The City Prosecutor's Office filed one misdemeanor count for gambling, a violation of California Penal Code 330B(1) and LBMC Section 9.24.010, case #2LM0127001, against Paul Shubin, Manager.
- On June 24, 2009, while investigating a complaint, LBPD Vice Detectives recovered ten illegal slot machines from inside the business. The City Prosecutor's Office filed one misdemeanor count for gambling, a violation of California Penal Code 330B(1) and LBMC Section 9.24.010, case #9LG0840401, against Paul Shubin, Manager.
- On July 19, 2010, while investigating a complaint, LBPD Vice Detectives recovered ten illegal slot machines from inside the business. The City Prosecutor's Office filed one misdemeanor count for gambling, a violation of California Penal Code 330B(1) and LBMC Section 9.24.010, case #0LG0226201, against Paul Shubin, Manager.
- On December 30, 2011, while investigating a complaint, LBPD Vice Detectives determined that Paul Shubin was providing adult entertainment without an adult entertainment permit. The City Prosecutor's Office filed a misdemeanor count for providing adult entertainment without a valid permit, a violation of LBMC Section 5.72.110(A), case #2LG00318, against

Paul Shubin, Manager.

- On January 27, 2012, LBPB Vice Detectives, along with other City representatives from the Health Department and Financial Management Department, Business License Section, conducted an inspection of the business. Investigators determined that Paul Shubin was providing and charging for additional services without a valid business license, including hot showers and overnight truck parking. The City Prosecutor's Office filed one misdemeanor count for a violation of LBMC Section 3.80.210, case #2LG00431, against Paul Shubin, Manager.
- On February 28, 2012, LBPB Vice Detectives assisted El Monte Police Department Special Investigations Detectives with a search warrant at 1715 West Anaheim Street. Detectives recovered an illegal slot machine, illegal firearms and cash from inside the business. Paul Shubin was arrested and booked for gambling and possession of illegal weapons by El Monte Police Department, report #12CR2101.
- On March 14, 2012, LBPB recommended that the Financial Management Department revoke the business licenses issued to Dorothy Shubin, dba 24 Hour Café.
- On August 9, 2012 the revocation hearing was held.

This matter was reviewed by Deputy City Attorney Kendra Carney on September 5, 2012.

City Council action on this matter is not time critical.

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

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER