

~~NEWS~~

## FOR IMMEDIATE RELEASE:

April 3, 2006

Contact: Laura Castillo 562.951.9711



135 Pine Ave.  
Long Beach, CA 90802  
(562) 951-9711

### LATINO BUSINESSES ARE NOT WELCOME ON PINE AVE IN LONG BEACH

**Long Beach, Calif.** – Lyle and Therese Sardie, owners of Mariposa, a family restaurant with dancing and entertainment catering to the businesses, tourists and Latino communities of Long Beach, have been victims of discrimination. On Tuesday April 4, 2006, at 5pm, Lyle Sardie will go before the City Council to ask the following:

#### **Mr. Sardie wants to know WHY:**

1. Lyle Sardie was charged publicly with being involved with a murder at Mariposa by one of the LBPD Sergeants that manages Pine Ave., who later admitted to his superiors, that he had fabricated the entire incident. City officials did not respond to any of Sardie's demands to investigate this matter. **Sardie Wants to Know WHY.** (see attached)
2. **"I will not allow you to have a little Tijuana on Pine Ave,"** exclaimed a popular fellow Pine Avenue Business Owner to Lyle Sardie. (see attached)
3. Mariposa/Sardie has not been allowed to operate under the same conditions as their competitors. **Sardie Wants to Know WHY.** (see attached)
4. The same LBPD Sergeant that falsely charged Mr. Sardie with being involved with a murder at Mariposa Restaurant has brought charges against Sardie/Mariposa, as he had promised on many occasions, to have **Mariposa's Entertainment Permit Revoke, which would bankrupt Mariposa.** (see attached) The City Council has decided to have this matter handled by a Special Hearing Officer and not in a public forum before the City Council. **This could cost the Sardie's up \$100,000.00 in attorney fees.** **Sardie Wants to Know Why?**

"Enough is enough; all I ever asked was to be treated equally and be allowed to operate on a level playing field with other business on Pine," said Mr. Sardie.

**For additional information call (562) 951-9711**

September 16<sup>th</sup>, 2004

City Attorney's Office  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Atten: Robert E. Shannon

**SUBJECT: NOTICE OF CONFLICT OF INTEREST.**

At about 10:00 AM this morning, I was told by one of my employees that the police were in the rear of the building investigating blood stains that were around the fountain. One of the security guards in the building told me that someone had been killed and it was connected with Mariposa. By the time I arrived in the rear of the building, the police had left and the clean up crew had just about completed the removal of the blood.

I immediately called the police to find out what had happen and I was told that Ernie Kohagura was investigating the case. He would not come to the phone but he told me by way of the operator that he had spoken to all the people that he needed to.

I went back out to the rear of the building and Ernie had just pulled up. Ernie told me that on Monday morning two people pulled him over and told him about the blood around the fountain. Ernie stated publicly in front of witnesses:

1. He had two persons witness a stabbing at the rear of Mariposa on Sunday morning between 2:00 and 2:30 AM. (this statement was false)
2. The body was dragged across the court yard and that is where all the blood came from. (this statement was false)

I told Ernie in no uncertain terms that it was an impossibility because of the following;

1. There were at least 75 to 100 people around the fountain at that time.
2. We had 7 Fox security guards on duty and at lease 5 of them stayed around Mariposa until approximately 2:45 AM.
3. We did not leave Mariposa until 4:00 AM Sunday morning and there was no one to be seen in front of or in the rear of Mariposa.

We spoke to all of our employees, the security guards from Fox that worked that night, the parking lot attendants, and several of our customers that were at Mariposa between 2:00 and 2:30 AM on Sunday morning. NOTHING AT ALL HAPPEN BEFORE 4:00 AM.

~~\_\_\_\_\_~~  
This attempt by Ernie to try and intimidate me publicly went far beyond anything at all that can be taken lightly. He made statements to me publicly, there was a crime, and I was trying to cover it up. This is a very serious criminal offense. This was done without interviewing me or any of my employees. Also, he had spoken to fox security and their management team, and they assured him that nothing had taken place that night.

He also told me that he had filed a crime report documenting everything that he had just accused me of. (this statement was false)

Because of his actions and statements, we now have a nasty rumor going around that Mariposa was involved or connected in some way to a violent crime, where a person was murdered, and we are trying to cover it up. (and I am the one who is being sued for slander)

I would like to put the city on notice that Ernie Kohagura is indirectly involved with a pending lawsuit against me and his actions towards me are a total conflict of interest. I am being threatened with a lawsuit for slander by Ron Quarn, who works directly under Ernie. Ernie would be one of the main witnesses to testify against me and he was directly responsible for me filing the complaints against Quarn. If Ernie had been doing his job in the first place, and assuring that everyone was treated equally on Pine, there wouldn't be any lawsuit.

What am I suppose to do file a complaint against Ernie and make matters worst. If I file another complaint, I will be faced with another lawsuit and with Ernie's direct attempts to put me out of business.

I would like to put the City of Long Beach on notice, by allowing the above mention to happen, the City is liable, and the impression given is that the city condones this type of behavior. ( (

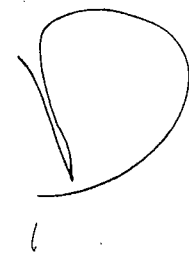
Sincerely,

Lyle Sardie  
100 W. Broadway #1500  
Long Beach, CA 90802  
(562) 551-9711

cc. City Manager, Police Chief Batts

October 28<sup>th</sup>, 2004

Long Beach Police Department  
City of Long Beach  
100 Long Beach Blvd.  
Long Beach, CA 90802



Atten: Chief Anthony W. Batts Fax: 562.570.7114

SUBJECT: LETTER DATED SEPTEMBER 16<sup>TH</sup> 2004:

Per my previous letter, copy attached, I would like to know if anyone from your department investigated the complaints and concerns that I had regarding Officer Ernie Kohagura.

I am still being harassed by Ron Quan and Ernie Kohagura. On this past Friday night, October 22, 2004, Ron Quan was on patrol on Pine Avenue. We were giving a pre Halloween party for Cal State students and we were ask to shut down the entire party because one of the guys who was helping us promote did not have a City Business License. This would not have happen to any other business on Pine. Certain persons can operate without permits or in constant violation of their permits, and I am shut down for this?

This was orchestrated by Ron Quan with Ernie standing across the street in civilian cloths observing everything that was going on. After the ticket was written, Ron Quan drove by on his bike with a grin on his face as if to say got-you on this one.

This happen in the same week that I received papers from Quan suing me in Small Claims demanding that I pay him \$5,000.00 for the complaint that I filed against him. The impression is, if I would have given Ron Quan the \$15,000.00 that he demanded in the first place, he wouldn't be harassing me now. Ron Quan overseeing my business on Pine Avenue is a total conflict of interest with him having a pending lawsuit against me. It is obvious that this guy will do everything in his power to make life miserable for me.

Two weeks ago, a supervisor from Fox Security was being talked down to and treated like a second class citizen because one of our a-signs was to close to the sidewalk.

This all seems petty and incousaquesial but what this all broils down to is just alright harassment. If other business on the street were treated in the same manner, they would all be closed down.

Sincerely,

Lyle Sardie  
562.244.5246

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1591

October 7, 2004

DEPARTMENT OF JUSTICE  
Criminal Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66018  
Washington, D.C. 20035-6018

ATTN: JANET BUNDE

**SUBJECT: CRIMINAL ALLEGATION AGAINST ERNIE KOHAGURA**

WHILE ACTING UNDER THE COLOR OF LAW;

Ernie Kohagura made statements to me publicly, and in front of witnesses, charging me with the cover up of a crime that involved a murder. It is my opinion, this was done in retaliation against me for not giving in to demands for money, pertaining to a lawsuit that I am being threaten with.

Ernie Kohagura is indirectly involved with a pending lawsuit against me and his actions towards me are a total conflict of interest. I am being threatened with a lawsuit for slander by Ron Quarn, who works directly under Ernie. Ernie would be one of the main witnesses to testify against me in the lawsuit, and he was directly responsible for me filing the complaints against Quarn. (please see attached).

For the past four years I have been harassed by this particular officer. His intent, though selective prosecution, is to build a case against me that would eventually lead to the lost of my entertainment permit. This would put me out of business. By Ernie Kohagura Charging me with this crime, I would not only have lost my business but I could have ended up in jail.

The City of Long Beach seems to ignore this problem, and I have to deal with this officer on a daily basic, and I don't know what to expect next.

Sincerely,

Lyle Sardie

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# Incident Report

Wednesday, September 22, 2004

Ernie  
Dead  
Bodies  
\_\_\_\_\_

We talked to Adrian Brown (parking structure attendant) on Wednesday September 22, 2004 about the incident that had happened on Saturday 11, Sunday 12, Monday 13.

He said that when he came in on Monday morning Sept. 13<sup>th</sup>, at 6 am he didn't really notice anything unusual. When he came in on Tuesday morning at 6 am he saw the front double doors glass broken. That's when he walked the perimeter and he did notice what he thought was blood. "He asked us why the crime scene unit didn't come and investigate".

We also talked to another parking attendant and he said that he had noticed the blood till Wednesday morning. He even drew us a sketch of were he had seen the puddles of blood. (Under the tree and beside the bicycle racks.)

Paul (Electrician at Arden Realty) noticed the blood when he got back from vacation which was Monday morning. He told us that most of the security guards were going to get fired due to the reason that they didn't write up a report on Saturday 11, Sunday 12. (What report if nothing happened on Saturday night, Sunday morning. This incident happened on either Sunday night, or Monday.) He also told us that when they pressure wash on Wednesday morning, first they scrubbed with Clorox (because if it was blood then it would have turned black) and that most of it came off when they pressure wash, there was a few that was actually blood since it did turn black.

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U.S. Department of Justice

Civil Rights Division

ANM:jb:lfb  
DJ 144-12C-0

Criminal Section - PHB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

DEC 15 2004

Mr. Lyle Sardie  
Mariposa  
Suite 1500  
100 West Broadway  
Long Beach, CA 90802-4431

Dear Mr. Sardie:

This is a response to your letter dated October 7, 2004, in which you allege that Long Beach Police Officers Ernie Kohagura and Ron Quarn have wrongfully accused you of covering up a serious crime and that they have issued you and your business fraudulent citations, among other allegations.

The Criminal Section of the Civil Rights Division has the responsibility of enforcing federal criminal civil rights statutes. The enforcement activity involves deprivation of civil rights under color of law, generally police brutality (18 U.S.C. §§ 241 and 242). Remaining enforcement efforts are directed at the forcible interference of specifically enumerated federally protected activities based upon race, color, religion and national origin (18 U.S.C. §§ 245, 247 and 42 U.S.C. § 3631), as well as allegations of human trafficking, forced labor, involuntary servitude or peonage (18 U.S.C. § 1581, § 1584, §§ 1589-1594) and forcible interference with clinics under the Freedom of Access to Clinic Entrances Act (18 U.S.C. § 248).

We have carefully reviewed the information that you furnished. However, we have determined that your complaint does not involve a prosecutable violation of federal criminal civil rights statutes. Accordingly, we are unable to assist you.

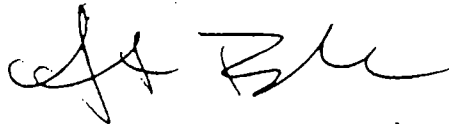
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We can only suggest that you continue working with your attorney to determine what remedies may be available to you.

Sincerely,

Albert N. Moskowitz  
Section Chief  
Criminal Section  
Civil Rights Division

By:



Janet Bunde  
Paralegal Specialist  
Criminal Section

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U.S. Department of Justice

Civil Rights Division

SYC:MSM:GG:ch  
DJ 207-12c-0

Special Litigation Section - PHB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

October 20, 2004

Lyle Sardie  
100 W. Broadway #1500  
Long Beach, CA 90802

Dear Mr. Sardie:

This is in reply to your October 7, 2004 correspondence regarding the Long Beach Police Department in California. In your letter, you allege you are a victim of harassment by two Long Beach Police Department officers.

Under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Special Litigation Section of the Department of Justice, Civil Rights Division, is authorized to investigate law enforcement agencies that may be engaging in a pattern or practice of conduct that deprives persons of constitutional or other federal rights. We are also authorized to examine allegations that a police department receiving Department funds is engaging in a pattern or practice of discrimination on the basis of race in its treatment of civilians, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d.

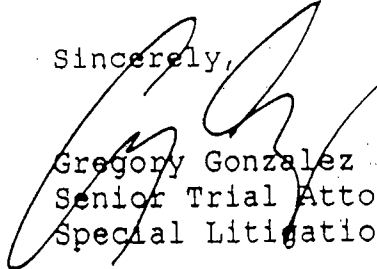
However, the Section's authority does not extend to investigating the personal grievances of a single individual. The Department of Justice is not authorized to give legal assistance to private citizens. We suggest that you seek the assistance of a private attorney or legal services office.

Consistent with our statutory authority, we will carefully consider all of the information you provided regarding an alleged pattern or practice of police misconduct, in particular, we will consider such information to determine whether a pattern or practice investigation of the Long Beach Police Department is warranted.

(8)

Thank you for bringing this matter to our attention.

Sincerely,



Gregory Gonzalez  
Senior Trial Attorney  
Special Litigation Section

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(9) of 9  
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Aug 3, 2001

August 3, 2001

Jeff King  
Chairman of the Board  
King's Seafood Company  
100 West Broadway, Suite 550  
Long Beach, California 90802

Dear Jeff:

At the last Downtown Long Beach Associates meeting on July 25, representatives from the police department - Commander Jacobs, Sergeant Ernie Kohagura and Lieutenant Jeff Cooper - were present. The discussion opened with Sergeant Kohagura stating it was the police department's responsibility to service the needs of the DLBA members.

John Morris, past president of DLBA, was first to speak. He said he had received a letter from the Long Beach Police Department and was extremely upset about it. When I tried to inform him that we would all be receiving the same type of letter, Morris was rude and basically told me to keep my mouth shut.

Morris was allowed to read portions of the letter, which stated the police department had complaints against his establishment for loud music. He said this was "totally ridiculous," and that he had never heard of such complaints. Sergeant Kohagura stated they had never received any complaints regarding Morris's establishment. Morris said that in the "old days," police officers would personally come and discuss any problems or complaints with him.

Sergeant Kohagura and Commander Jacobs agreed that the letter did not come from their division. They said it must have come from vice, as vice is the department which handles the enforcement of permits. John Morris walked over to them and showed them the letter. Kohagura and Jacobs basically apologized to Morris, and acted like they couldn't believe he had received such a letter.

When it was my turn to speak, I asked why Kohagura and Jacobs personally took it upon themselves to enforce my permits if it was the responsibility of the vice detail. Not only did I receive a letter; the police department has also cited me on more than one occasion. I have been ticketed for not having a counter at the door, and not having a proper permit for dancing/entertainment on Sunday. The Sunday prior to the DLBA meeting, I was cited for having the music too loud. This has all occurred while other restaurants are allowed to operate their businesses without proper permits, and in violation of existing permits.

Jacobs told me that we had discussed these matters in the past, and we could discuss it after the meeting. I stated that I wanted to discuss the matter now, as the whole purpose of this meeting was to discuss any problems or concerns that we had.

Jeff, you immediately spoke up and said these matters had been dealt with. You stated I would not be allowed to continue this line of questioning and that the meeting would be adjourned if I wanted to discuss this. I responded by saying it was an ongoing problem and that the issues had never really been dealt with in an open forum.

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John Morris was allowed to question and discuss the letter he had received, but I, in turn, could not question and discuss the tickets I received by police officers under Jacobs' command. I also couldn't discuss what seems to be ongoing selective enforcement of permits by certain members of the police department.

You also said you would not tolerate my questioning of the police officers in your establishment. You raised your voice, saying that you would put an end to the entire meeting if I continued this line of questioning. You stated that you were "the only ally I had in the room."

As you walked out of the meeting, you continued to refer to me in a very offensive manner, as if I was not entitled to the same consideration afforded to other restaurant owners on Pine. You even turned to Commander Jacobs and apologized to him for my "behavior." This took place in the presence of my fellow business associates on Pine Avenue, representatives from Councilman Dan Baker's office, and representatives from the Press Telegram.

The impression given by you and others is that I am a troublemaker and am constantly disrupting DLBA meetings by bringing up the same issues. The reason I continue to bring these issues up is that the issues are never justly dealt with. All I am asking, and all that I will continue to ask for, is that I am treated equally and in a fair manner.

Mariposa has a largely Latino client base. John Morris states publicly that he will not allow the type of "element" I deal with on Pine Avenue. Privately, I am being told that I will not be allowed to have "a little Tijuana on Pine." The impression given is that Latinos are not welcome on Pine Avenue, and this is the reason that we are being singled out and selectively prosecuted.

I am also being told by a certain police officer that I am "one stubborn bastard," and will have "hell to pay" if I do not follow the police department's instructions. I was told that he would recommend against the modifications to my entertainment permits, which I recently applied for, if I did not comply with his orders.

To put an end to the entire matter, all you would have to do is make one statement:

"The enforcement of permits should not be done in a selective manner, but rather, should be done fairly and equally. Mariposa should not be singled out by certain members of the police department and should be treated with the same respect as others on the street."

I have written this letter to clarify that I am not the "troublemaker" others have stigmatized me as. I am a business owner like all the others on Pine Avenue, and should be treated the same. Mariposa's "element" is the same "element" that can be found along all of Pine Avenue - an "element" of people on the street here to enjoy their time and spend money, an "element" of people that is good for all of our businesses.

If I am not wanted as a DLBA member and this is the type of treatment I can expect to receive when all I am asking is to be treated fairly, then I will resign and not attend any future meetings. Please tell me how to receive a refund for monies I have contributed to an organization that does not equally represent its members.

Sincerely,



Lyle Sardie  
Mariposa Restaurant

CC: Parties in Attendance on July 25, 2001: Mark Taylor/Dan Baker's Office, Joshua Orenstein/Dan Baker's Office, Jimmy Loizides/George's Deli, Mosha Rastgar/M-Bar, Bob Truseau/The Madison, John Morris/Mum's, Greg Pederson/Press-Telegram, J. Orthmayer/Renaissance, Jill Calhoun/DLBA, Shawna Lola Taylor/DLBA and Kraig Kojain/DLBA



August 1, 05

# Pine Ave. gun victim died as his dad did

## Crime: Poly grad killed after fight lost father to violence, leaves young daughter

By **Samantha Gonzaga**  
Staff writer

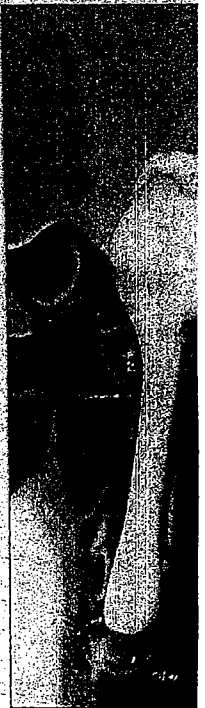
*Cobia - Masabi*

**LONG BEACH** — The death of Poly High School graduate Augustine Calhoun III echoes an earlier family tragedy

The 24-year-old Long Beach resident was killed in downtown Long Beach at 2:45 a.m. Saturday after an argument and fistfight with a group of men over his female companion, police said. He was chased into an alley in the 200 block of Pine Avenue, shot in the upper torso and left for dead. He leaves behind a 15-month-old daughter named Austin.

In September 1982, his father, Augustine Calhoun Jr., was also embroiled in a dispute. But it was over a VCR, an expensive item at the time of his killing. He was shot in the neck and the face, his body dumped in a Los Angeles alley. He was 20, and his son was only 2, family mem-

PLEASE SEE **VICTIM / A7**



**Paramount Patrick Wes** city's dairy h he becomes opment direc Steven Geor

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**YOUR GUIDE TO INSIDE**

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**TODAY'S WEAT**

**Mostly sunny**

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# A troublesome club

When a downtown Long Beach club owner gets singled out unfairly at a City Council meeting, other owners tend to show up in support. Don't expect anybody there tonight.

The council has to decide whether to go ahead with the process of suspending or revoking the entertainment license of Mariposa, a Pine Avenue club whose entertainment tends to spill out into the street. According to Long Beach Police Chief Anthony Batts, since the club's opening in 1999 there have been 44 calls for service for such untidiness as fights, batteries, public drunkenness and

disorderly conduct.

Vice officers say there have been 41 arrests or citations related to the Mariposa, including a brawl that brought 17 police units to the club. Problems at other Pine Avenue clubs and restaurants: so far, zero, or close to it.

The owner of the Mariposa says in effect that police are picking on him. What do the other owners say in his support? So far, zero.

Police are right, the council should tidy up this problem.

## NICK ANDERSON



COAL MINER'S DAUGHTER

NICK ANDERSON  
www.nickanderson.com  
© 2001



# VICTIM: Suspect held

Aug 1, 05

CONTINUED FROM A1

bers said.

"He didn't get to grow up with his dad, and now (his daughter) doesn't get to see her dad," said Sandra Calhoun, the older Calhoun's sister.



Calhoun

Police said they arrested a suspect in connection with the shooting Saturday but no other details were released. Calhoun's death came 24 hours after an unrelated shooting at the parking lot across from the Club 49 near the Pike at Rainbow Harbor. At 12:45 a.m. Friday, police found about 30 people involved in a fight. According to officers at the scene, shots from more than one weapon were heard. A person reportedly seen leaning out of his car's driver's side window to shoot into the crowd was later arrested, police said.

Several other individuals were also arrested that night on charges such as public intoxication and resisting arrest.

Ricky Akaby, a manager at a Pine Avenue restaurant near the alley, saw a different kind of chaos the

night of Calhoun's death.

"People scattered in each direction," he said.

One of them, a woman in her 20s, sobbed her pleas to stunned witnesses at the west-facing mouth of the alley. "Please, please help us," he quoted her as saying.

When Akaby peeked into the alley, he saw Calhoun's body slumped under a flight of stairs leading to the lofts above Z Gallerie. A pool of blood darkened the asphalt beneath him.

"I never expected this would happen here," said Akaby, who spoke on condition that his restaurant wouldn't be identified. "We have cops here often, they're pretty nice, they protect us. I've seen fights but never anyone getting killed."

Like Akaby, Wasabi manager Matthew Perry was cleaning and preparing his restaurant for the next day when he saw the fight leading up to the shooting. He said he went outside to investigate the cause of a fire alarm set off in the building.

He saw a group of adults in their mid-20s fighting, he said. One of the men was punched in the face before the group took the action to the alley, he said.

It's unclear whether it was Calhoun who got hit.

But according to his uncle, the Rev. Verdell Calhoun, his nephew wasn't the type to pick fights.

"He was a jolly kid," he said. "Always jolly, never arguing with anyone."

Calhoun played football and basketball on and off for Poly High School, said his aunt, Long Beach resident Dora Jones. He wanted to attend college but worked instead as a part-time employee for the city's parks and recreation department.

"He was very outgoing," Jones said. "He always smiled. He was a leader, a very kind person. He was someone who was good with children."

He was scheduled to start a second job next week at Pepsi Co. in Altadena. Calhoun was motivated to provide for Austin.

He wasn't affiliated with gangs, said the minister.

"He's quiet ... He didn't pick fights," he said.

Calhoun enjoyed parties, but the crowd he hung out with was stable, Sandra said. His friends worked and were responsible parents.

"I don't know if the guy who killed my nephew knows how much we're affected," she said. "My mother is affected, his grandmother is affected. When they catch this guy, his mother will be affected."

**INTERSTATE THEATRE**  
ALL SHOWS TUESDAY  
**LA MIRADA DOL**  
15296 Rosecrans Ave.  
15296 Rosecrans Ave.  
LAMO OF THE DEAD (R)  
12:30 2:30 4:30 7:00 9:00  
UNLEASHED (R)  
17:45 2:55 6:15 7:25 9:35  
MONSTER IN LAW (PG13)  
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THE PERFECT MAN (PG)  
12:40 2:50 5:10 7:30 9:40  
**BROOKHURST**  
2299 W. Ball Road  
KICKING AND SCREAMING (PG)  
1:00 3:00 5:00 7:05 9:10  
MONSTER IN LAW (PG13)  
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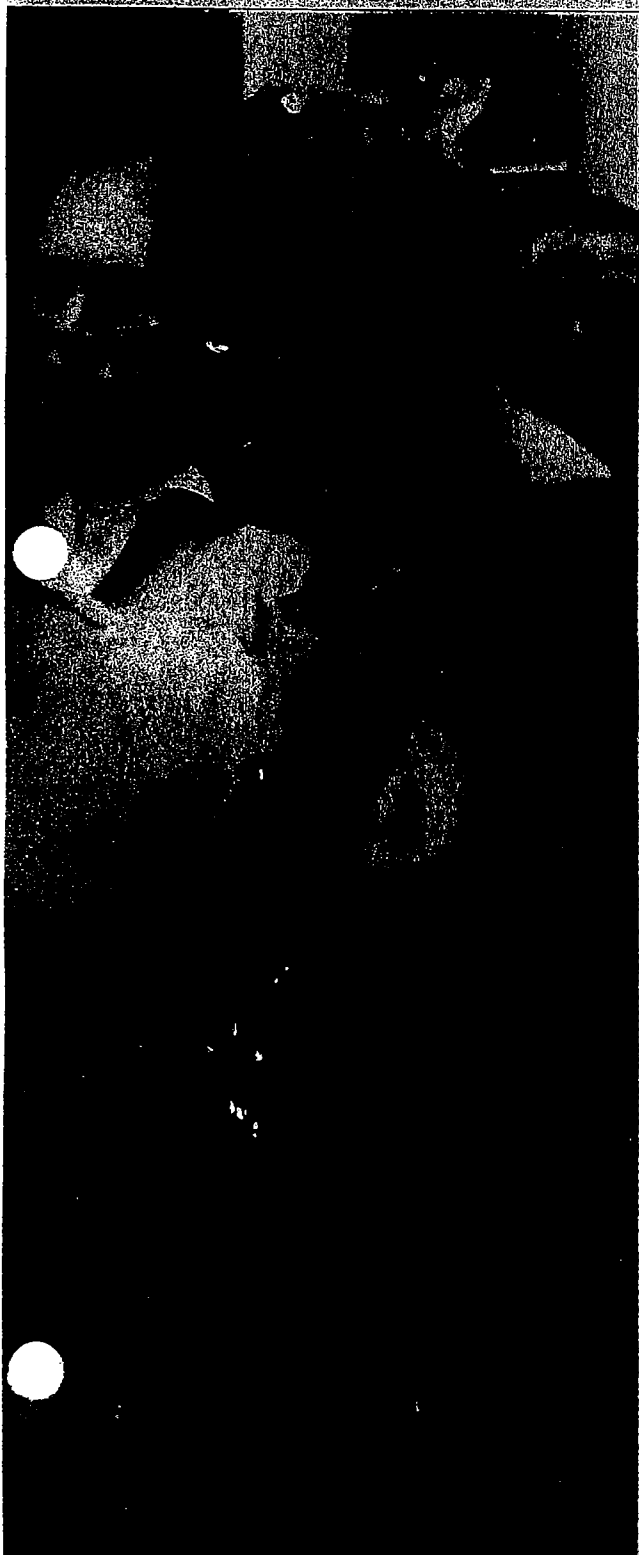
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# Clubgoers dodge gunshots near Pike

July 30, 05

**Crime:** Two arrested soon after police fire at fleeing vehicle.

By Kevin Butler

Staff writer

LONG BEACH — Gunfire erupted outside a nightclub near The Pike at Rainbow Harbor in downtown Long Beach early Friday morning, prompting police to shoot at a suspect fleeing in a vehicle, authorities said.

No one was seriously injured in the incident, and police later located the fleeing vehicle and arrested two people in connection with the gunfight, said Officer Jackie Bezart, a spokeswoman for the Long Beach Police Department.

The melee occurred at about 12:45 a.m. in a parking lot on the northeast corner of Seaside Way and Pine Avenue, across the street from Club 49, a restaurant and nightclub that closes at midnight.

The fight involved more than 30 people, Bezart said, and at least one gun. At least 25 shell casings were found at the scene.

Ignacio Ortiz, a Club 49 employee, said he and other staff members were just leaving the club, at 49 Pine Ave., when they heard gunshots.

"We started hearing 'boom, boom, boom,' a lot of shooting," he said. "And all I could do was to call 911."

Ortiz said he took cover and left after the police arrived. He said that it appeared that some of the

PLEASE SEE SHOTS / A8

## Labor board

1-082



# Hearing To Decide Future Of Pine Avenue's Mariposa

By Kurt Helin  
Editor

Mariposa long has been one of the lightning rods of controversy on Pine Avenue.

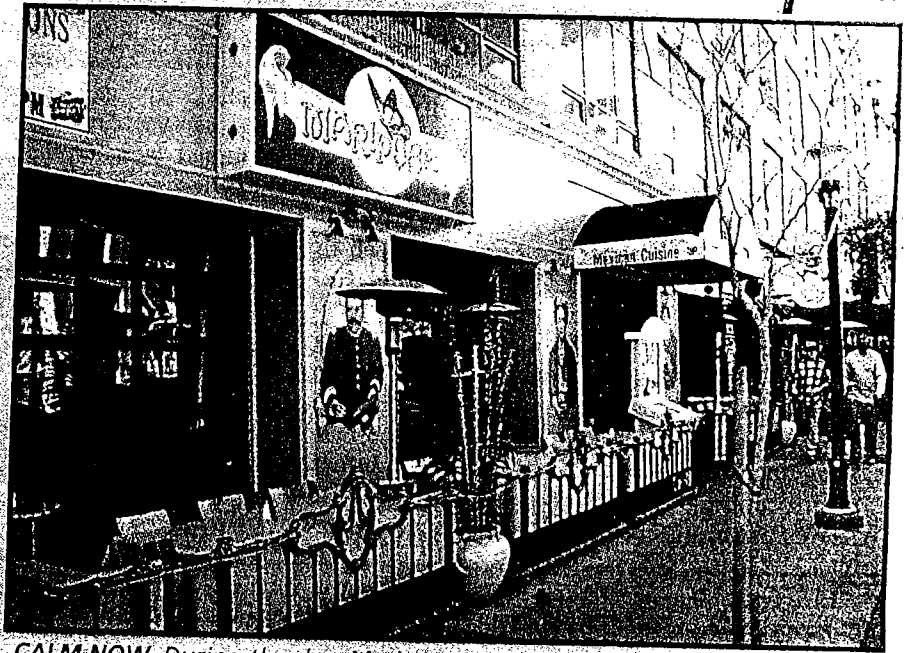
While a restaurant part of the time, its dance clubs on weekend nights have drawn a young and, at times, rambunctious crowd to a block of Pine Avenue that includes higher-end establishments such as L'Opera, Alegria, King's Pine Avenue Fish House and Smooth's (formerly Mum's).

Mariposa was the name brought up when downtown leaders talked about the challenges of melding the different crowds that come to downtown. It was the name mentioned when some questioned the element being drawn to Pine.

Now, the Long Beach Police Department has had enough of those challenges, and has called for the revocation of the Mariposa business license.

Last Tuesday night, the City Council sent the issue to a hearing officer.

That officer will give a detailed report back to the council, with recommendations, but it is the council that



**CALM NOW.** During the day Mariposa is a Mexican restaurant, but its night-time clubs have been more controversial.

—Gazette photo by Kurt Helin

will have the final say

Police listed a litany of reasons to pull the Mariposa business license: 44 calls for service in the last five years (for incidents such as from loud music to fights), 41 arrests tied to the site, 59 police reports on issues at the location

(often related to excessive drinking) and 20 violations of its operating code (such as being over capacity).

More important, police say, is the violent nature of the problems, detailed in the report to the Council.

(Continued on Page 23)

## DOWNTOWN GAZETTE

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### Mariposa

(Continued from Page 1)

"Since they began operation, there have been five assault with deadly weapon incidents where victims were severely injured by beer bottles and violent fights where kicks to face were involved. In addition there was a traffic accident, involving a drunk driver who left Mariposa that took the life of another motorist. Most recently, there was a large disturbance involving numerous patrons inside Mariposa that took seventeen (17) police units to control the problem," the report said.

Mariposa's owner, Lyle Sardie, could not be reached for comment.

He has said in the past that his business has been unfairly singled out for heavy enforcement.

All of the incidents listed by

police date back to the first half of 2004 or earlier.

Sardie was part of the negotiations that created the new Entertainment District downtown, which has a mechanism to deal with concerns about operations that come from community members or other business owners.

Sardie also owned the now-closed Cousin Jack's, a place that had similar run-ins with police and city officials about noise complaints and public drunkenness. Part of the problem, police said, stemmed from 18-and-over club nights, when some minors were allowed in. Those events have been stopped at Mariposa.

Long Beach has revoked the business license of a number of other "troublesome" establishments through similar hearings. The most recent was in 2004, when the former Live Bait on Pacific Coast Highway

### ON EDGE...



High school and college sailors from around the nation were in Long Beach Jan. 7 and 8 for the annual Rose Bowl Regatta, won this year by Boston College. —Photo by Geronimo Quitoriano

in east Long Beach was shut down. That club had 365 police calls for service in one year and had a shooting tied to the loca-

tion three days before the hearing. Another high profile closure by this method was the Chief Motel.

## Setting the Record Straight

By Ron Quarr

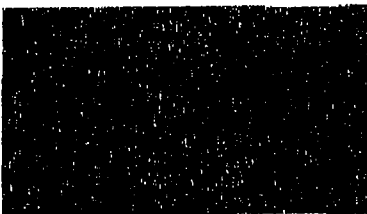
On November 27<sup>th</sup> an article appeared in the Press-Telegram accusing myself and other Long Beach police officers of mistreatment towards a restaurant owner on Pine Avenue. The person making the allegation was Lyle Sardie. He and his wife and their company own two restaurants on Pine Avenue. The first restaurant, Mariposa, at 135 Pine Avenue, opened about three years ago. The second, Cousin Jack's, at 217 Pine Avenue, opened several months ago. Both restaurants serve lunch, but during the evening hours, they are converted to DINING with DANCING.

On November 25<sup>th</sup>, Mr. Sardie directed his employees to hang a large banner on the front of Cousin Jack's. When building management became aware of the banner, they contacted Mr. Sardie and ordered him to refrain from hanging it. Exemplifying his contempt for authority, he decided to hang the banner during the night in defiance of the management's orders.

On the morning of November 26<sup>th</sup>, reported Chad Greene from the Press-Telegram covered the events surrounding the banner. He wrote an article quoting Mr. Sardie, which appeared in the newspaper the next day. This article is my response to Mr. Sardie and the total disregard he has for any type of authority. I also want to challenge the statements on the banner, and its implications about other officers and myself.

The large banner showed two enlarged misdemeanor citations that I issued to Mr. Sardie. It also shows an enlargement of a citizen's complaint Mr. Sardie filed with the Long Beach Police Department. Below the citations was a personal statement from Mr. Sardie that infers that I, along

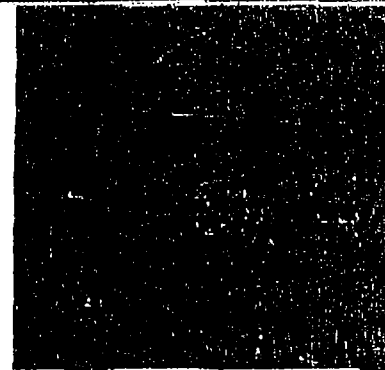
with a small group of officers, am trying to put him out of business. He implies that minority businesses and their Latino customers are not welcome on Pine Avenue. He also gives the impression that his safety, along with that of his family, is in jeopardy from this same group of officers.



Off-duty and retired Long Beach police officers heard about the banner. The content of the banner enraged them. Word got back to POA President Steve James, who rallied the troops. Within a few hours (and at the peak of what would normally be Mr. Sardie's lunch rush), they were picketing in front of Mr. Sardie's restaurants.

The picketing obviously worked because within a few days, the large sign was removed, and the owner closed Cousin Jack's for several days. The owner also posted a second sign with a backhanded apology.

I have worked Downtown Long Beach on bike patrol, which includes Pine Avenue for the past thirteen years. During that time, there have been businesses not



in compliance with their City business licenses or entertainment permits. When we (Bike/Community Policing officers) learn of the non-compliance, we make contact with the owner/manager of the business and attempt to rectify the situation. The vast majority of the time, a reminder is all that is needed to bring the business into compliance.

This is not the case with Mr. Sardie. I personally have spoken to Mr. Sardie dozens of times, trying to get him to comply with his City-issued entertainment permit. Other Long Beach police officers and City officials have also spoken to him about his non-compliance. Several Pine Avenue restaurant owners have tried to persuade Mr. Sardie to comply with his City permit for the betterment of Pine Avenue, but he continually refuses to do so.

The Press-Telegram article states correctly that Mr. Sardie has been cited multiple times for violating his entertainment permit, but it fails to mention the other types of citations he has received. An example of this is that earlier this year, the Fire Marshal issued a citation for over-crowded conditions at Mariposa. The capacity of the restaurant is 135; that night its occupancy was 280, over twice its capacity.

# Setting the Record Straight

The capacity limit is set by the Fire Marshal with patrons' safety in mind. In the event of an emergency. Let us not forget April 5<sup>th</sup> of this year, when an overcrowded nightclub in Rhode Island went up in flames, and 100 people died in the fire.

It appears to me that Mr. Sardie is driven by the almighty dollar, and to hell with the consequences. Several times he has made the statement that he will not be bound by the capacity limit set up for his restaurants. He has stated that he doesn't care if he gets ticketed for being over crowded; he's going to let as many people into his restaurant as it takes to survive in business.

I issued the two most recent citations to Mr. Sardie at Cousin Jack's on November 16<sup>th</sup> and November 23<sup>rd</sup>. The radio station Power 106 had a promotion at the restaurant on both nights. On the 16<sup>th</sup> Mr. Sardie knowingly violated his entertainment permit by turning his entire business from a restaurant into a nightclub. A week later, for unexplained reasons, and in blatant disregard for the first citations, he did it again. After I witnessed this violation, I wrote Mr. Sardie the second citation.

On the 16<sup>th</sup> the Long Beach Fire Department responded and inspected Cousin Jack's. They found the upstairs rear exit doors blocked with chairs. The restaurant's maximum capacity sign, for which it is mandatory that it be posted in every restaurant and bar, had been removed. The employee using a counter at the front door showed me that there were 311 customers inside. All these are fire code violations.

On the 23<sup>rd</sup>, the same employee using the counter again showed me that the customer count inside the restaurant was 297. The

maximum capacity inside Cousin Jack's is 275.

Mr. Sardie has made it clear that he wants me removed from patrolling Pine Avenue. He has stated to other police officers that the more Internal Affairs complains he files against me, the faster I will get moved off Pine Avenue. He has gone as far as to contact the Police Department administration, demanding that I be removed from Pine Avenue.

At no time while issuing a citation to Mr. Sardie has he ever claimed that he was innocent of the violations. He defends his actions by accusing the other restaurants on Pine Avenue of committing the same offenses without being cited. When one tries to advise Mr. Sardie that his allegations are totally unfounded, he becomes defensive and refuses to accept the explanation.

Sooner or later, the City of Long Beach needs to address Mr.

Sardie's total disregard for the laws regulating his restaurants. He must not be allowed to continue the practice of exceeding the maximum occupancy of his restaurants. He must be held accountable for his actions, which at times border on criminality. There are lives at stake, as there were in Rhode Island. The liability to the City is too great, especially now that they know the conditions exist.

It is my understanding that Mr. Sardie attended the trial of John

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# Setting the Record Straight

Morris's lawsuit against the City of Long Beach. It's common knowledge that Mr. Sardie has hired an attorney to explore the possibility of filing a lawsuit against his business.

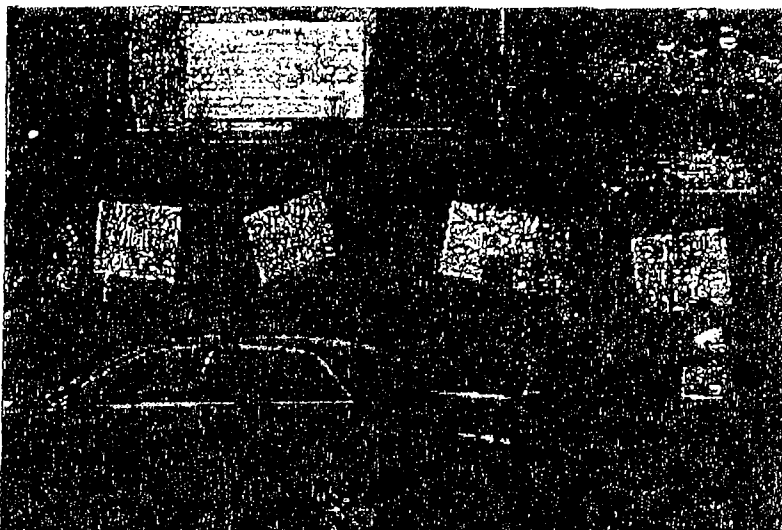
I have come to the realization that if Mr. Sardie does file a lawsuit, I will most likely be named as one of the defendants. Even with this in mind, my actions in dealing with Mr. Sardie would not have been any different.

The Department investigated the dozen complaints Mr. Sardie filed against me. They cleared me of any wrongdoing. I guess Mr. Sardie will be upset to hear that his demands for my transfer off of Pine Avenue were not honored. He might need to take some antacid when he learns that I have at least three more years until retirement. He and I will be interacting frequently, if he continues to ignore the law and per-

sists in his irresponsible behavior.

This article was written to let my version of events be known, but also to express my appreciation to our Police Officers Association,

President Steve James, and all the other dedicated people affiliated with the organization. I would like to thank the picketers and all the others that work behind the scene to make our organization the support system it is today.



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