



Date: November 1, 2005
To: Michael A. Killebrew, Director of Financial Management
From: Anthony W. Batts, Chief of Police
Subject: **REQUEST FOR CONSIDERATION OF SUSPENSION/REVOCATION
MARIPOSA RESTAURANT GROUP, LLC – 100 W. BROADWAY Suite #1200
DBA, MARIPOSA – 135 PINE AVENUE**

Mariposa is a restaurant located on Pine Avenue between Broadway and 1st Street that has been in operation since October of 1999. While, the business is a Limited Liability Company, Mariposa Restaurant Group, LLC, DBA Mariposa, which is owned by Therese and Lyle Sardie. The business mailing address is listed as 100 W Broadway, Suite 1200. The restaurant is located at 135 Pine Avenue. Their Business License (BU99040880) is for a restaurant with alcohol. The licensee holds a permit for Entertainment with Dancing (BU99041410), and an Alcoholic Beverage Control license (47-361466) to operate an On Sale General Eating Place.

Background

On October 27, 1999, Mariposa applied for an Entertainment Permit Without Dancing, which included live amplified music. On January 11, 2000, the Police Department recommended approval of their entertainment permit request. On February 16, 2000, the permittee revised his application to include dancing. On May 11, 2000, the Police Department again recommended approval of the revised permit request. On June 20, 2000, the City Council approved an Entertainment Permit with Dancing, which included live amplified music.

On May 11, 2001, Mariposa re-applied for an Entertainment Permit with Dancing, to include live amplified music, a disk jockey, and karaoke. The permittee also requested an increase in operating hours and days of entertainment. On July 30, 2001, the Police Department recommended denial of their application due to the number of police related incidents at the business, and the permittee's ongoing failure to abide by his operating conditions. On August 20, 2001, the permittee withdrew his application.

On August 24, 2001, Mariposa again re-applied for an Entertainment Permit with Dancing, to include live amplified music, a disk jockey, and karaoke. The permittee again requested an increase in operating hours and days of entertainment. On November 26, 2001, the Police Department recommended denial of the application due to the number of police related incidents, calls for service, and the permittee's failure to abide by his operating conditions. On December 11, 2001, the City Council approved an Entertainment Permit with Dancing, which included live amplified music, a disk jockey, and karaoke, and an increase in hours and days of entertainment.

Calls For Service

Vice Detectives analyzed calls for service that were made to Mariposa since the business opened to verify a nexus to the business. Since receiving their business license in October of 1999, there have been 44 calls for service directly attributable to Mariposa. These calls ranged from loud music, fights, batteries, drunk in public and disorderly conduct. This information was compiled utilizing the Crystal Reports database, a component of Tiburon.

Arrests

Vice Detectives also analyzed arrests and misdemeanor citations that were made at Mariposa since the business opened to verify a nexus to the business. The analysis showed there were forty-one arrests and misdemeanor citations directly related to the business. These incidents ranged from, misdemeanor batteries, drinking and urinating in public, drunk in public, permit violations, overcrowding, and batteries on police officers. Twenty-five of these arrests are also reflected in the crime report analysis.

Crime Reports

Vice Detectives also analyzed actual reported incidents that occurred at Mariposa. The analysis showed there were fifty-nine incidents directly related to the business. These incidents ranged from, misdemeanor batteries, drinking and urinating in public, drunk in public, petty thefts, permit violations, batteries on police officers, domestic violence, and felony assaults. Twenty-five of these crime reports are also reflected in the arrests analysis.

Inspections

Between April 13, 2000 and October 1, 2005, Vice detectives conducted forty-nine uniform and/or undercover inspections of Mariposa. Twenty of these inspections noted violations such as over capacity, extremely loud music, open doors, and not having counters. Four citations were written as a result of these inspections.

ABC

Since receiving their Alcohol Beverage Control license, Mariposa has not had disciplinary action against them by ABC. On September 5, 2001, ABC did admonish them for serving alcohol from a portable cart in the patio area. The licensee was given an official written notice regarding this issue. The licensee subsequently corrected the problem by obtaining a license to serve alcohol on the patio and to serve from a portable bar.

Violent Incidents

In addition to the ongoing nuisance activity, calls for service, and arrests, there have been several violent incidents that have occurred at Mariposa. 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. Several fights broke out inside and outside of Mariposa, and large groups of patrons were throwing beer bottles at each other and at the police. Ultimately seven people were arrested for a variety of offenses including fighting in public, obstructing a police officer, and battery on a police officer.

Permittee Contacts

Since opening his business, the Police Department has attempted to work with the permittee in attempt to alleviate various nuisance problems and gain compliance with operating conditions. Our efforts included meeting with the permittee and apprising him of concerns and violations, providing him with recommendations and suggestions to gain improvement, written notices of violations and concerns, and enforcement action. In addition to the numerous pleas for compliance, the permittee was sent a letter advising him that continued violations of his permit may result in suspension or revocation of his permit. The following are documented contacts with the permittee.

- December 12, 2000 – Memorandum from Sergeant Avila regarding habitual fighting, lack of security, and serving intoxicated patrons. Sergeant Avila also notes several contacts with owner, who said he would take care of the issues.
- December 19, 2000 – Letter from Lyle Sardie to ABC, regarding contacts with Sergeant Cook and his recommendations to avoid potential problems. Lyle also said that he would do whatever needs to be done in order to make sure the police and the City of Long Beach are comfortable with the way we are operating.
- July 18, 2001 – Letter to Lyle Sardie from the police department regarding excessive noise coming from Mariposa, indicating that failure to comply with conditions may result in suspension or revocation of his permit.
- August 16, 2001 – Memorandum from retired Vice Lieutenant, Linda Beardslee, indicating five (5) separate contacts with Lyle Sardie, telling him how he might avoid future violations.
- April 15, 2002 – Memorandum from Corporal Quarn regarding voiding a citation for violating his entertainment permit, and warning to Lyle Sardie about violating his entertainment permit.
- June 1, 2002 – E-mail from Sergeant Beckman regarding contact with Lyle Sardie and subsequent advisement to abide by his licensing regulations. Lyle admitted that he was in violation of his permit by leaving the door open, and said that he usually just pays the fine.

- February 23, 2003 – Memorandum from retired Lieutenant Zabel regarding overcrowding at Mariposa and a subsequent citation issued to Lyle Sardie.
- April 1, 2004 – Report indicating a meeting with Lyle Sardie in regards to needing a hand counter to track patrons on the patio.
- April 6, 2004 – Report indicating a meeting with Lyle Sardie, his attorney, and the Deputy City Attorney, again stressing the need for a hand counter to track patrons on the patio.
- August 14, 2004 – Incident report written by Officer Alu regarding a permit violation at Mariposa and advisement to Lyle Sardie.

In addition to the above documented contacts, Mariposa has been cited twelve times for various Entertainment Permit violations. Ten of these citations were issued to Lyle Sardie. In all, Lyle Sardie has been formally notified and advised over twenty-five times, regarding problems arising from the operations of his business.

Conclusion

Since receiving a business license and entertainment permit, the permittee has demonstrated a regular and substantial disregard and unwillingness to comply with City and State laws, and operating conditions which have led to an increase of calls for service, incidents, and arrests at Mariposa. This failure to comply has collectively attributed to Mariposa becoming a public nuisance, and resulted in the occurrences of several violent crimes associated to the business.

As you are aware, the Director of Financial Management is the issuing authority for business licenses issued pursuant to Long Beach Municipal Code Chapter 3.80. The Director is also empowered to suspend, deny, or revoke Business Licenses, pursuant to §3.80.429.1(A) LBMC, when a licensee has failed to comply with any applicable provision or requirement of law.

Pursuant to this authority, the Police Department respectfully requests that you examine these violations and take appropriate action. Any future violations of State or City ordinances will be forwarded to Financial Management for appropriate action.

If I can be of any further assistance, please contact me, or my Chief of Staff, Commander J.J. Craig at extension 8-7301.