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Long Beach, California

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March 7, 2006

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HONORABLE MAYOR AND CITY COUNCILMEMBERS  
City of Long Beach  
California

RECOMMENDATION:

Recommendation that the City Council adopt the Hearing Officer Recommendations in full and instruct staff to deny Business License Application Number BU20419231 for Gino James Fleming, dba My Tyme Barber Shop, 5658 Paramount Boulevard, Long Beach, 90805. (District 9)

DISCUSSION

Attached please find a copy of the Report, Findings and Recommendations of Hearing Officer Taylor Schneider regarding Gino James Fleming's Business License Application for My Tyme Barber Shop ("My Tyme") located at 5658 Paramount Boulevard, Long Beach, California 90805. This matter was placed on the City Council Agenda for March 7, 2006, to review the attached Hearing Officer Report regarding Denial of Business License Application Number BU20419231.

An administrative hearing occurred on February 6, 2006. During the administrative proceedings, evidence was presented that current business applicant and owner of My Tyme, Gino James Fleming, conducted business without a requisite Long Beach City Business License, California State Barber Establishment License, or California State Licenses issued to individual barbers.

The business originally applied for a Long Beach license on November 14, 2002. At that time, My Tyme was owned by both Gino James Fleming and Gino Antonio Fleming. Thereafter, on May 1, 2004, Gino James Fleming acquired 100% ownership, which required him to apply for a new Long Beach City business license.

On April 22, 2004, Gino James Fleming submitted Long Beach City Business License Application number BU20419231. In the application which was signed under penalty of perjury, Gino James Fleming represented that he held a valid State of California Establishment license required to operate My Tyme.

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However, no such license was ever issued to either Gino James Fleming or Gino Antonio Fleming. Despite the absence of required City and State licenses, Gino James Fleming continued to operate My Tyme.

During this period, Long Beach Police received complaints alleging that illegal drug activity was occurring at My Tyme. Long Beach Police conducted an investigation during which officers observed an undercover informant purchase marijuana apparently retrieved from inside the barber shop. Thereafter, Long Beach Police twice cited Gino James Fleming for continuing to conduct business without a City business license. Additionally, Long Beach Police cited numerous individual barbers, none of whom possessed Long Beach City business licenses, nor did they possess individual State of California barber licenses. Moreover, Gino James Fleming admitted to Police his knowledge as to the absence of required licenses.

At the conclusion of the February 6, 2006 proceedings, the Hearing Officer made findings of fact that there was sufficient evidence to determine that Gino James Fleming, dba My Tyme Barber Shop, failed to comply with applicable laws, legal requirements, and ordinances, and additionally that there were sufficient grounds warranting the denial of Business License Application Number BU20419231.

As a result, Hearing Officer Schneider recommended that Gino James Fleming's Business License Application Number BU20419231, for My Tyme Barber Shop located at 5658 Paramount Boulevard, be denied.

Therefore, the City Attorney and City Staff recommend the City Council adopt the Hearing Officer recommendations in full and instruct Staff to deny Business License Application Number BU20419231 for Gino James Flemming, dba My Tyme Barber Shop.

**SUGGESTED ACTION:**

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
CRISTYL A. MEYERS  
Deputy City Attorney

Attachments: Hearing Officer's February 13, 2006 Report ,  
re Denial of Business License Application Number 20419231  
for Gino James Fleming, dba My Tyme Barber Shop