



OFFICE OF THE CITY ATTORNEY
Long Beach, California

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April 4, 2006

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 BU20521140 for Phillina's Beauty Shop & Supply, 1001 E. Pacific Coast Highway #109, Long Beach, 90806. (District 6)

DISCUSSION

Attached please find a copy of the Report, Findings and Recommendations of Hearing Officer Matthew Saunders regarding Phillina Has' Business License Application for Phillina's Beauty Shop & Supply ("Phillina's Beauty Shop") located at 1001 E. Pacific Coast Highway #109, Long Beach, California 90806. This matter was placed on the City Council Agenda for April 4, 2006, to review the attached Hearing Officer Report recommending Denial of Business License Application Number BU20521140.

An administrative hearing occurred on February 9, 2006. During the administrative proceedings, evidence was presented that current business applicant and owner of Phillina's Beauty Shop, Phillina Has, failed to comply with each and every requirement attached to her conditional business license. Additionally, Ms. Has failed to offer any credible evidence or justifiable excuse or explanation for her failure to comply with the following requirements.

The business originally applied for a license on April 22, 2005. On that date, the City issued Ms. Has a conditional business license that required her to submit plans by a licensed plumbing contractor, obtain permits, call for inspections, and obtain final approval by the City for plumbing work and two new spa chairs. The conditional license advised that, "Failure to make the necessary corrections by the expiration date of the conditional business license will result in your application for business license being denied and you will have to stop operations." The conditional license was valid for a period of up to 180 days.

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On May 11, 2005, a City inspection revealed that no corrective actions had been initiated. A notice of inspection was issued again advising Ms. Has of the need for timely compliance, and that failure to complete these measures would result in the denial of her business license application.

On November 22, 2005, based on the fact Ms. Has failed to submit plans and obtain permits as previously instructed, and was therefore conducting business in a manner which violated City and State laws and regulations, business license application number BU20521140 was denied.

Based on the above uncontradicted evidence, coupled with Ms. Has' failure to provide evidence or an explanation for her failure to submit plans, obtain permits, call for inspections, and obtain City approval, Hearing Officer Saunders recommended that Phillina Has' Business License Application Number BU20521140, for Phillina's Beauty Shop and Supply, 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 BU20521140 for Phillina Has, dba Phillina's Beauty Shop and Supply.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

CRISTYL A. MEYERS
Deputy City Attorney

Attachments: Hearing Officer's February 22, 2006 Report,
re Denial of Business License Application Number BU20521140
For Phillina Has, dba Phillina's Beauty Shop and Supply