



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CH-1

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Michael J. Mais
Belinda R. Mayes

November 23, 2004

HONORABLE MAYOR AND CITY COUNCILMEMBERS
City of Long Beach
California

Re: Staff Report for November 23, 2004
Council Agenda Item Regarding V.M. Associates, Inc.
DBA: Flamingo Gentleman's Club, 2421 E. Artesia Blvd.

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Attached please find a copy of the Report, Findings and Recommendations of Hearing Officer Thomas Ramsey regarding V.M. Associates, Inc., doing business as Flamingo Gentleman's Club, located at 2421 E. Artesia Boulevard, Long Beach, California 90805. This matter was placed on the City Council agenda for November 23, 2004, to review the attached Hearing Officer Report regarding revocation of business license No. BU20253430 and Adult Entertainment Permit No. BU20253680. The license and permit were issued to V.M. Associates during December 2002 and February 2003 respectively.

An administrative hearing convened June 28, 2004, July 21, 2004, and September 7, 2004. Throughout the proceedings, evidence was presented of repeated and consistent adult entertainment permit condition violations. These violations included but were not limited to nude dancers exposing genitals, topless dancers, lap dances performed on patrons, patron access to dancers on stage, as well as failure to check identification upon entry into the club. Further, evidence was presented that as of September 7, 2004, V.M. Associates advertised totally nude entertainment.

At the conclusion of these proceedings, the Hearing Officer made findings of fact as to whether V.M. Associates violated conditions imposed upon their business license and entertainment permit, and whether such violations warranted suspension and/or revocation of the license and permit presently in effect.

As to V.M.'s Adult Entertainment Permit No. BU20253680, the Hearing Officer determined the evidence established a pattern of conduct which repeatedly violated conditions of the permit. There was no evidence presented that V.M. made or intended to make any efforts to change its business practices and comply with the agreed upon adult entertainment permit conditions. Therefore, the Hearing Officer properly recommended Adult Entertainment Permit No. BU20253680 be revoked.

As for Business License No. BU20253430, the Hearing Officer determined the matter was not properly before him based upon a procedural defect. As a result, the Hearing Officer correctly determined the matter was prematurely sent to City Council. Thus, neither the City Council nor the Hearing Officer were empowered to determine whether the business license should be revoked or suspended.

Therefore, the City Attorney and City Staff recommend the City Council adopt the Hearing Officer recommendations in full and instruct Staff to revoke Adult Entertainment Permit No. BU20253680 issued to V.M. Associates, Inc., and take no action as a result of this hearing with regard to Business License No. BU20253430.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By



CRISTYL A. MEYERS
Deputy City Attorney