




Date: July 14, 2006

To: Michael A. Killebrew, Director of Financial Management

From: 
Anthony W. Batts, Chief of Police

Subject: **REQUEST FOR CONSIDERATION OF A DENIAL OF ADULT ENTERTAINMENT PERMIT AND BUSINESS LICENSE APPLICATION FOR M.J.S., INC. DBA FLAMINGO - 2421 EAST ARTESIA**

Background

On March 10, 2006, the City notified V.M. and Associates, Inc. dba Flamingo Gentlemen's Club (V.M.), located at 2421 E. Artesia Blvd., that effective December 29, 2005 its adult entertainment permit was no longer valid pursuant to LBMC 5.72.145(C). (Attachment 1) One week later, on March 17, 2006 M.J.S. was incorporated with Sabina and Jatinder Singh as officers and shareholders. Pursuant to a 20-year commercial lease agreement between M.J.S. and property owner Bhajan Kaur Makkar, March 18, 2006 was the date M.J.S. acquired possession of 2421 E. Artesia Blvd.

On March 19, 2006 Vice Detectives cited the club for providing entertainment without a permit. When undercover officers entered the business, they were charged an entrance fee. Inside, they observed a disc jockey playing amplified music, bare breasted on-stage dancers, and off-stage lap dances consisting of physical contact with customers in the form of simulated sex. Lap dances were provided in a semi-secluded area.

On March 20, 2006, Sabina Makkar (aka Sabina Singh) signed as CEO an amended Statement of Information for the corporation known as V.M. & Associates, Inc. The Amended Statement of Information was filed with the Secretary of State on March 28, 2006. Yet, according to V.M.'s February 13, 2006 Director and Shareholder Meeting minutes, Sabina Singh became sole officer/director and shareholder of V.M. on February 13, 2006.

On March 29, 2006, Jatinder Singh submitted an application for a California State Board of Equalization seller's permit for M.J.S. The signed and certified application listed the "former" business owner as V.M.

On March 30, 2006, Jatinder Singh submitted a business license application that was signed under penalty of perjury and stated that M.J.S. was owned and operated by Sabina Singh (aka Sabina Makkar) and Jatinder Singh, and began business operations at 2421 E. Artesia Blvd. on March 20, 2006 with 6 employees.

Also on March 30, 2006, Jatinder Singh submitted an adult entertainment permit application, signed under penalty of perjury, which stated that M.J.S. would provide and continue to provide adult entertainment in the form of "stage dancing by female entertainers pursuant to Dept. of Alcoholic Beverage Control regulations, and all applicable laws constitutionally permissible."

On March 31, 2006, V.M. withdrew and closed its California State Board of Equalization Sales and Use Tax Permit.

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On April 1, 2006, the California State Board of Equalization issued a Sales and Use Permit to Jatinder Singh for M.J.S. The California State Board of Equalization application stated M.J.S. began business on April 1, 2006, and purchased the business from V.M. Associates, Inc. for "zero" dollars.

On April 5, 2006, Long Beach Police conducted another operation at 2421 E. Artesia Blvd. in which undercover police were charged an entrance fee and entered the club without age verification, and observed a disc jockey playing amplified music, patrons with alcoholic drinks, bare breasted on-stage dancers, and off-stage lap dances consisting of physical contact with customers in the form of simulated sex. Lap dances were provided in a semi-secluded area.

After the manager was again cited for operating without an adult entertainment permit, he advised police that during his 6 months of employment, "Paul Singh" was the club owner along with another individual with the same last name. When asked to speak with Paul Singh via telephone, the manager called club representative Majid Ahmadi (aka Max Ahmadi). Ahmadi stated that the new owners (the Singhs) had not taken control of the establishment.

On April 7, 2006, the City issued a notice of incomplete application that again warned M.J.S. of its unpermitted operations, requested clarification on business ownership/operation and affiliation with V.M., and also requested clarification on the type of stage dancing that would be performed. Because operational conditions also require adult entertainment businesses to maintain minimum stage heights and distances from entertainers, the City also requested M.J.S. provide adequate floor plans to ensure compliance.

Additionally, the City's April 7, 2006 notice of incomplete application requested a statement confirming whether or not the Singhs had ever been licensed by any governmental agency in this or any other county, city, or state to engage in business.

On April 10, 2006, M.J.S. responded in writing to the notice of incomplete Adult Entertainment Application. The responsive letter contradicted the original application and advised that M.J.S. was "in the process of acquiring all business interest from VM Associate Inc." In this same letter, Jatinder Singh then stated "VM Associate Inc. has agreed to provide initial training to the buyers." The letter was hand delivered to Business Services by Mohan Makkar (aka Paul Makkar, Paul Singh) and Majid Ahmadi (aka Max Ahmadi).

The April 10, 2006 letter also stated that "[a]ny assumption on the part of ... the City ... construing that VM Associate has abandoned it's ownership, control, entitlement, etc until completion of sale are wrong and are categorically denied."

Additionally, Jatinder Singh's April 10, 2006 response listed 9 employees as opposed to the 6 set forth in the original application, and failed to disclose who is actually operating the business and/or employing the 9 named employees. As for the floor plan, M.J.S. provided a diagram previously provided to the Dept. of Alcoholic Beverage Control, which was not fully dimensioned.

With respect to the on-stage dancing, Jatinder Singh's April 10, 2006 letter stated that "stage dancing by female entertainers pursuant to Dept. Of Alcoholic Beverage Control Regulations" is reflective of such requirements by state law

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which also is required of anyone operating an alcohol establishment." Although ABC regulations allow for topless dancing, the LBMC prohibits topless dancing.

M.J.S.'s April 10, 2006 letter also advised "Mr. and Mrs. Singh have not been licensed in the past by any agency in area enumerated by your code." Yet, Sabina Singh, as previously discussed, is sole officer and shareholder of V.M., and as such holds a business license issued to V.M. by the City. Additionally, Sabina Singh is listed as a corporate officer for a business named LA Millennium, which was issued Board of Equalization Seller's Permit No. 100-375737 on April 1, 2004. Sabina Singh (aka Sabina Makkar) also holds business license number 29113 issued to her by the City of Chino for her business entitled Pacific Trading."

On April 19, 2006, Vice conducted a third investigation during which officers were charged an entrance fee, purchased beer and observed a disc jockey playing amplified music, patrons with alcoholic drinks, bare breasted on-stage dancers, and off-stage lap dances provided in a semi-secluded area. At no time was security personnel observed by police. Officers issued a third citation for operating without an adult entertainment permit.

However this time, the property owner Bhajan Kaur Makkar's husband Mohan Makkar (aka Paul Makkar, Paul Singh) was also present and was observed operating the club's security video system. Mohan Makkar told officers that V.M. owned the business, and advised the police they needed to speak with Max Ahmadi. At that point, Mohan Makkar asked the manager to retrieve a copy of the Long Beach adult entertainment permit. The document provided was issued to V.M. while owned and operated by Vasken Tatarian, and clearly read on its face that it was only valid pursuant to LBMC section 5.72.145A, and was not transferable upon change in ownership.

Although, Mohan Makkar (aka Paul Makkar, Paul Singh) told police he was not involved in the business, and that his only affiliation was based on the fact his wife owned the property, he was listed in M.J.S.'s March 30, 2006 application as an agent and/or employee authorized to negotiate or represent M.J.S. in negotiations with the City. Paul Singh also signed numerous V.M. Board of Equalization tax returns. On or about September 9, 2005, he signed as "Paul Maker" V.M.'s July 2005 Board of Equalization tax prepayment form. On January 27, 2006, he signed (as Paul Singh) V.M.'s October through November 2005 Board of Equalization tax return indicating that he was V.M.'s business's manager. Prior to that, on September 7, 2004, Paul Makkar (aka Mohan Makkar, Paul Singh) appeared at V.M.'s administrative hearings to testify as a defense witness.

On April 26, 2006 the City provided additional advisements that M.J.S. was neither licensed to conduct business nor to provide entertainment, and again requested further information including a fully dimensioned interior floor site plan, and an additional request for clarification as to whether any M.J.S. corporate officers and shareholders were also corporate officers and/or shareholders of V.M.

On April 27, 2006 Jatinder Singh submitted an additional letter, which merely reiterated the above referenced April 10 correspondence, and failed to clarify whether or not M.J.S. officers/shareholders were also V.M. officers/shareholders.

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Floor plans were not provided until May 18, 2006, and they did not depict the distance of the stage from the patron seating or the semi-secluded lap dance area.

Findings

Based on the above information, it appears that M.J.S. was operating without a business license or adult entertainment permit in violation of Long Beach Municipal Code sections 3.80.210 and 5.72.110A.

Additionally, the on-stage topless entertainment violated LBMC section 5.72.140(C)(1). The off-stage lap dances violated LBMC section 5.72.140(C)(2). The existence of the semi-private semi-secluded area used for these lap dances violated LBMC sections 5.72.140(C)(3) and 5.72.140(C)(5).

The patron seating situated approximately six inches from the stage violated LBMC section 5.72.140(C)(3). The fact an undercover officer was able to lean forward from his seat and place his elbows on the stage platform during performances without objection by club personnel also violated LBMC section 5.72.140(C)(3).

Failure to provide at least one authorized security guard violated LBMC section 5.72.140(C)(6), and failure to check photo identification of persons entering the establishment violated section 5.72.140(C)(15).

Recommendation

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) LMBC, 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 William Blair at extension 8-7301.



CITY OF LONG BEACH

ATTACHMENT B

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Blvd • Long Beach, California 90802

July 14, 2006

M.J.S., Inc.
DBA Flamingo Adult Sports Bar
Attn: Jatinder & Sabina Singh, President/Secretary
2421 E. Artesia Blvd.
Long Beach, CA 90805

**RE: Business License Application 20627700
& Adult Entertainment Permit Application
20633990 for Business Address:
2421 E. Artesia Blvd.**

Dear Mr. and Mrs. Singh:

Thank you for your interest in establishing a business in the City of Long Beach. Unfortunately, your applications to operate a bar and to provide adult entertainment cannot be approved at this time due to noncompliance with applicable laws, regulations, and conditions of operation pursuant to Long Beach Municipal Code (LBMC) sections 3.80.421.5, 5.04.030, 5.06.020, 5.72.110 and 5.72.145.

These acts do not stand alone.

The City of Long Beach provided written notice on March 10, 2006, to V.M. and Associates Inc., DBA Flamingo Gentleman's Club, 2421 E. Artesia Boulevard, that entertainment permit BU20253680 was revoked and to immediately cease entertainment activities at 2421 E. Artesia Boulevard. On April 7, April 26, and May 10, 2006 written notice was provided to M.J.S., Inc. that they were not licensed to conduct business or offer entertainment at 2421 E. Artesia Boulevard.

On March 19, 2006, Long Beach Police Officers observed a bar business with entertainment being operated at 2421 E. Artesia Boulevard in violation of the LBMC sections 5.72.140(C), subsections (1), (2) and (5).

On March 28, 2006, and again on April 10, 2006, Jatinder Singh, President of M.J.S., Inc., signed a statement that he understood the requirements for conducting adult entertainment in the City of Long Beach, which was further evidenced by his initials placed next to each requirement. Yet, on April 5 and April 9, 2006, Long Beach Police Officers observed violations of LBMC sections 5.72.140(C), subsections (1), (2), (3), (5), (6), and (15) all of which are adult entertainment requirements acknowledged by Jatinder Singh on March 28 and April 10, 2006.

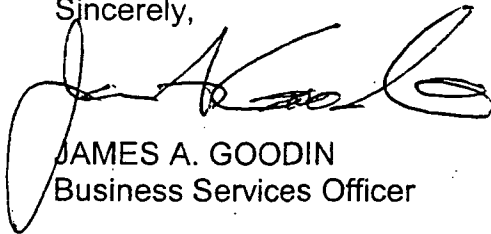
Even after four written notices from the Department of Financial Management, three verbal notices and one citation by the Long Beach Police Department, and two written acknowledgements by Jatinder Singh, President of M.J.S., Inc. that he understood and would comply with the requirements of the LBMC, M.J.S., Inc., continued to operate a bar business and provide entertainment in violation of the LBMC.

For these reasons the applications for business license 20627700 and adult entertainment 20633990 are denied. Any and all business operations at 2421 E. Artesia Boulevard are required to cease immediately. Continued business operations would constitute misdemeanor violations of the Long Beach Municipal Code.

Should M.J.S., Inc., wish to appeal these determinations to the Long Beach City Council, it may do so by filing written notices of appeal, for the business license and adult entertainment permit application denials/rejections, with the Director of Financial Management within ten days from the date of this letter. The notices of appeal should state the reasons for the denials/rejections and the grounds for the appeals. The notices should be sent to the undersigned along with two nonrefundable filing fees each in the amount of \$1,050.

Please direct any questions to the undersigned at (562) 570-7073 or the Business License Supervisor, Jeannine Montoya, at (562) 570-5598.

Sincerely,



JAMES A. GOODIN
Business Services Officer

Received
7/14/06
[Signature]

July 14, 06
APPEAL REQUEST
City of Long Beach
Department of financial management
333 w. Occan Blvd.
Long Beach, California 90803

Dear Mr. Goodin: Fax #562-570-6783 At 4:10 P.M.

We received your letter dated July 14, 2006 denial our applications for adult bar business. We strongly protest the denial and relay on our constitutional rights and case law particularly rights vested under "Baby Tam" 9th Circuit Court. And the "Prompt Judicial Review" Doctorin Granted under the Law.

Please take into consideration that the denial was "Administrative" in nature and a full hearing by City Council is requested.

Submitted Respectfully

[Signature]
Jatinder Singh
Flamingo Adult Sports Bar
MJS Inc.
2421 E. Artesia Blvd.
Long Beach CA 90805

GLOBAL TRADING
3233 GRAND AVE., STE. N42
CHINO, CA 91709

2711
16-24/1220 4290
9032659444

7-14-06
Date

Pay to the Order of City of Long Beach \$ 1050.-
One thousand fifty & no/100 Dollars

WELLS FARGO
Wells Fargo Bank, N.A.
California
wellsfargo.com

[Signature]

BU2062770

GLOBAL TRADING
3233 GRAND AVE., STE. N42
CHINO, CA 91709

2712
16-24/1220 4290
9032659444

7-14-06
Date

Pay to the Order of City of Long Beach \$ 1050.-
One thousand fifty & no/100 Dollars

WELLS FARGO
Wells Fargo Bank, N.A.
California
wellsfargo.com

[Signature]

BU20633990