



CITY OF LONG BEACH

C-6

DEPARTMENT OF CITY CLERK

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6101 • FAX (562) 570-6789

May 20, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive and file the Hearing Officer's February 20, 2008 report regarding stipulated conditions and issuance of business license number BU2064061 to Sunwood Doors, Inc., located at 700 W. 16th Street. (District 1)

DISCUSSION

In accordance with Section 2.93.050, of the Long Beach Municipal Code, please find enclosed the final findings and recommendations of the Hearing Officer, from the hearing concluded on February 20, 2008. The Hearing Officer has submitted his report for review. All evidence submitted at the evidentiary hearing is available for review by City Council upon request.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation

Respectively submitted,

LARRY G. HERRERA
CITY CLERK

Prepared by:
Irma Heinrichs

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CITY OF LONG BEACH
ADMINISTRATIVE HEARING

WESLEY SIMMONS AND OSCAR ALVAREZ,
DBA SUNWOOD DOORS, INC.,

Appellant,

vs.

CITY OF LONG BEACH,

Appellee

INITIAL HEARING DATE: JUNE 4, 2008
TIME: 10:00 AM
LOCATION: LONG BEACH
LIBRARY

HEARING OFFICER:
STACIE C. MACDONALD

RE: DENIAL OF BUSINESS LICENSE FOR
SUNWOOD DOORS, INC., 700 WEST 16TH
STREET and 2130 WEST 15TH STREET,
LONG BEACH, CALIFORNIA

FACTUAL SUMMARY

This matter arose out of denial of a business license on or about March 22, 2007, by the City of Long Beach (hereafter referred to as "City") to Wesley Simmons and Oscar Alvarez, DBA Sunwood Doors, Inc. (hereafter referred to as "Sunwood") Sunwood doors failed to obtain City required permits and inspections, resulting in outstanding Building and Fire Code violations for their 2 locations at 700 West 16th Street and 2130 West 15th Street, Long Beach, CA (District 1). Upon recommendation by the City Planning and Fire Departments, Sunwood's business license application was denied. In a letter dated April 2, 2007, Sunwood appealed the denial of their application for a business license. Stacie C. MacDonald, Attorney at Law was assigned as the Hearing Officer to hear the appeal. A Hearing was scheduled by the City Clerk's office for June 4, 2007.

1 HEARING

2 On June 4, 2007, at 10:00 AM, the Hearing Officer, upon request by the
3 parties and their counsel, conducted an informal Hearing. The 3-hour session
4 was conducted similar to mediation with the goal of agreeing upon a binding,
5 ongoing stipulation outlining the steps necessary for Sunwood to complete
6 along with a strict timeline in order to obtain a valid City Business
7 License.

8 The following parties and counsel were present at the Hearing.
9 For the Appellant, Sunwood: Brian McDonald, Wesley Simmons, Oscar Alvarez,
10 Debra Simmons, Mike Monet, Maty Zarobi and Edgar Paz.
11 For the Appellee, City: Cristyl Meyers (Deputy City Attorney), Moe Simsley,
12 Bob Espinosa, Ryan Ellis, Hank Teran, Wendy Goetz, Bill Gatoff, Jeanene
13 Montoya, and Richard Barlett.

14 Documents were presented and all parties and counsel gave oral
15 statements as to the issues and deadlines necessary for a comprehensive
16 stipulation. Sunwood agreed to waive its rights to appeal after the Hearing,
17 in lieu of a stipulation. It was thoroughly explained to Sunwood that should
18 they fail to timely abide by all the terms of the stipulation, their business
19 license application would not be granted and there would be no further appeal
20 to the City on the matter. Sunwood agreed to waive its right to appeal on
21 all conditional license issues. Sunwood further agreed to pay all fees owed
22 in arrears to the City regarding business licenses, permits and related
23 taxes.

24 The Hearing Officer took approximately 12 pages of notes on the issues
25 presented as well as the deadlines proposed. The Hearing Officer and all

1 parties agreed that the Hearing Officer would review her notes and the
2 documents presented and draft a proposed stipulation within 2 days.

3
4 **STIPULATION**

5 On June 6, 2007, The Hearing Officer drafted and e-mailed all counsel a
6 draft of the proposed stipulation. Counsel for both parties reviewed the
7 proposed stipulation, forwarded proposed changes/corrections to the Hearing
8 Officer. The Hearing Officer reviewed and incorporated appropriate
9 suggestions by counsel and completed a final draft of the stipulation. The
10 final stipulation was agreed to by all parties and counsel and executed on or
11 about July 6, 2007. (Exhibit "A")

12
13 **SUBSEQUENT CONFERENCE CALLS AND AMENDMENTS TO THE STIPULATION**

14 In order to monitor Sunwood's obligations under the stipulation,
15 periodic follow-up conference calls were scheduled and conducted by the
16 Hearing Officer. The conference calls included participation by all parties'
17 counsel and the interested parties and witnesses. The conference calls
18 minimized legal fees and costs to the City for the Hearing Officer's time.
19 The dates of the conference calls were as follows: June 13, 2007, September
20 10, 2007, November 15, 2007 and December 13, 2007.

21 2 Amended Stipulations and correspondence between counsel and the
22 Hearing Officer memorialized the conference calls. The 2 Amended
23 Stipulations dated September 17, 2007 and November 15, 2007 are attached as
24 Exhibits "B" and "C" respectively.

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5. On January 10, 2008, the City of Long Beach issued a "Business License" to Sunwood Doors to conduct manufacturing at the premises located at 700 W. 16th Street, Long Beach, California 90813. The Business License Account is: BU2064061 and expires on September 1, 2008. (See attached Exhibit "E")

Dated: February 20, 2008

Respectfully submitted,


Stacie C. MacDonald
Attorney at Law
Hearing Officer