



OFFICE OF THE CITY ATTORNEY
Long Beach, California

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ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

August 23, 2005

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 revoke Business License Permit Numbers BU20134560 and BU20447180 issued to ACCO Enterprises, Inc., d.b.a. Gameplay.

DISCUSSION

Attached please find a copy of the Report, Findings and Recommendations of Hearing Officer Clive S. Martin regarding ACCO Enterprises, Inc., d.b.a. Gameplay, located at 6543 E. Spring Street, Long Beach, California 90808. This matter was placed on the City Council Agenda for August 23, 2005, to review the attached Hearing Officer Report regarding revocation of business license numbers BU20134560 and BU20447180. The licenses were issued during August 2001 and October 2005 respectively.

An administrative hearing commenced April 6, 2005, and concluded on June 21, 2005, following a lengthy police investigation regarding the illegal purchase and sale of stolen merchandise by Gameplay. During the administrative proceedings, evidence was presented that Gameplay repeatedly purchased stolen merchandise, and then sold this merchandise for profit at 6543 E. Spring Street.

Evidence was presented that Gameplay often provided an individual, known to them only by the alias Pancho, with lists of new release DVDs, games, and systems desired by Gameplay. Pancho would in turn steal the listed items and return to 6543 E. Spring Street with bags or boxes of stolen merchandise. There, Pancho was instructed to place the stolen merchandise behind the front store counter where it was picked up and taken into the back of the store to be inventoried. Gameplay then paid Pancho in cash.

Such a transaction was captured on video tape and showed Pancho enter 6543 E. Spring Street, walk up to the front counter where he was given a "list" by one of Gameplay's owners, after which Pancho left the store. Only minutes later Pancho appeared on a Target surveillance tape breaking into that store, and shortly

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes

DEPUTIES

Gary J. Anderson
Richard F. Anthony
Alan D. Bennett
Christina L. Checel
Randall C. Fudge
Charles M. Gale
Everett L. Glenn
Donna F. Gwin
Monte H. Machit
Lisa Peskay Malmsten
Barry M. Meyers
Cristyl Meyers
Susan C. Oakley
J. Charles Parkin
Howard D. Russell
Carol A. Shaw

thereafter, leaving with an entire shopping cart filled with stolen merchandise. A few minutes later, Pancho reappeared on Gameplay's video tape this time with two large comforter bags filled with the brand new DVDs and games he had just stolen from Target. Every item remained in the original packaging with Target's inventory and pricing labels. After Pancho placed the bags behind the counter, they were taken into the back and inventoried. Pancho was then given an envelope of cash.

Additionally, evidence established that both Walter and Griselda Sandoval were jointly involved in the business and corporate operations of ACCO Enterprises, Inc., d.b.a. Gameplay between the time frames of August 3, 2001 through November 11, 2004. However, on October 8, 2004, only days before Gameplay was to appear before the Director of Financial Management's Designee, for a hearing to show cause why business license BU20134560 should not be revoked, Griselda Sandoval submitted the BU20447180 business license permit application in which she alleged ACCO Enterprises, Inc., d.b.a. Gameplay was a new business. Although license permit number BU20447180 was issued in error, evidence was presented during the administrative hearing that Griselda Sandoval had been an owner, officer, director, and manager of ACCO Enterprises, Inc., d.b.a. Gameplay from its inception.

At the conclusion of these proceedings, the Hearing Officer made findings of fact that there was sufficient evidence to determine that Gameplay failed to comply with applicable laws, legal requirements, and ordinances, and additionally that there were sufficient grounds which would have warranted the denial of business license BU20447180 had they been known at the time of application. As a result, Hearing Officer Martin recommended that both business licenses BU20134560 and BU20447180 issued to ACCO Enterprises, Inc. d.b.a. Gameplay be revoked.

Therefore, the City Attorney and City Staff recommend the City Council adopt the Hearing Officer recommendations in full and instruct Staff to revoke Business License Permit Numbers BU20134560 and BU20447180 issued to ACCO Enterprises, Inc., d.b.a. Gameplay.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


CRISTYL A. MEYERS
Deputy City Attorney

Attachments: Hearing Officer's Report for August 23, 2005,
re Acco Enterprises, Inc. dba Gameplay