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February 22, 2006

Via Federal Airbill Tracking No. 7918 6897 3414

City of Long Beach
Department of City Clerk
333 West Ocean Boulevard
LONG BEACH CA 90802

Attn: Irma Heinrichs


Re: February 9, 2006 Appeal Hearing
Re Business License Application Denial BU20521140
For Phillina's Beauty Shop & Supply Located at
1001 E. Pacific Coast Highway #109, Long Beach, CA 90806

Dear Ms. Heinrichs:

Enclosed please find my Statement of Decision prepared in connection with the Appeal Hearing held on February 9, 2006.

Please let me know the date the recommendation will be considered by the City Council.

Sincerely,



MATTHEW J. SAUNDERS

MJS:lh

Enclosure

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FEBRUARY 9, 2006 APPEAL HEARING
RE BUSINESS LICENSE APPLICATION DENIAL BU20521140
FOR PHILLINA'S BEAUTY SHOP & SUPPLY LOCATED AT
1001 E. PACIFIC COAST HIGHWAY #109, LONG BEACH, CA 90806

STATEMENT OF DECISION

On April 22, 2005 Phillina Has dba Phillina's Beauty Shop & Supplies submitted an application for a business license. On the same date the applicant was issued a Conditional Business License. The Conditional Business License was valid for a maximum of 180 days. The Conditional Business License clearly stated that prior to the issuance of a Permanent Business License the applicant had to obtain permits and approvals from the City's Planning and Building Department. The Conditional Business License was scheduled to expire on October 21, 2005. Importantly, in bold print, the Conditional Business License contained the following language: "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 wil have to stop operations."

The applicant's signature is present at the bottom of the Conditional Business License where it states: "I have read and understand the inspection requirements."

On May 11, 2005 an inspection of the business premises was conducted by Wendy Goetz. As a result of that inspection the business applicant was to submit plans, obtain permits, inspections and approvals for two new spa pedicure chairs; to include: new plumbing work. The business applicant was instructed that a licensed plumbing contractor is required to obtain the permits. The applicant was further instructed to comply with the above corrections by June 11, 2005, for approval of the business license request. The applicant was further advised in the Notice of Inspection that failure to make the necessary corrections will result in the application for a business license being denied and that the business operator would need to stop operations.

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1 As of August 1, 2005 the business license applicant had not submitted any plans nor
2 obtained any permits as instructed in the Notice of Inspection.

3 On August 1, 2005 the Planning and Building Department recommended to the
4 Director of Financial Management that the subject business license application be denied
5 because the applicant had failed to comply with applicable laws and regulations, pursuant to
6 LBMC 3.80.42.1(B). On November 22, 2005 the business license applicant was provided
7 notice that her application to operate a beauty shop business could not be approved because
8 of non-compliance with the applicable laws and regulations as described in the Long Beach
9 Municipal Code section referred to above.

10 The business applicant filed a timely Notice of Appeal and the hearing on the Appeal
11 was held on February 9, 2006.

12 The evidence presented by the City, both through oral testimony and documentary
13 exhibits, was uncontradicted by the appellant. The appellant did not offer any credible
14 evidence or justifiable excuse or explanation for her failure to submit plans, obtain permits
15 and have the inspections and approvals outlined in the Notice of Inspection. On that basis
16 the hearing officer recommends that the Appeal be denied.

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18 DATED: February 22, 2006

Respectfully Submitted,

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MATTHEW J. SAUNDERS, Hearing Officer

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