



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

C-6

333 West Ocean Blvd • Long Beach, California 90802

July 10, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to Hearing Officer the business license revocation appeal by Key Disposal, Inc., located at 1141 S. Taylor Avenue, Montebello, CA. (Citywide)

DISCUSSION

On June 6, 2012, the Department of Financial Management revoked the business license issued to Key Disposal, Inc., located at 1141 S. Taylor Avenue, Montebello, CA (Attachment A), due to failure to comply with applicable laws and regulations, pursuant to Long Beach Municipal Code (LBMC) Sections 8.60.080, 8.60.089 and 3.80, in addition to violations of the California Public Resources Code Sections 49500-49505.

On May 30, 2012, a business license revocation hearing was conducted, in compliance with LBMC Section 3.80.429.1. On June 6, 2012, the hearing officer recommended the Director of Financial Management to revoke business license number BU20919340 (Attachment B).

Pursuant to LBMC Section 3.80.429.5, a licensee can appeal the revocation of a business license to the City Council. The licensee lodged its written request for appeal on June 14, 2012 (Attachment C). Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer, in accordance with LBMC 2.93.050(A).

This matter was reviewed by Deputy City Attorney Kendra Carney on June 22, 2012.

TIMING CONSIDERATIONS

If referred, upon selection of a hearing officer, the matter will be heard not less than thirty (30) days thereafter.

HONORABLE MAYOR AND CITY COUNCIL
July 10, 2012
Page 2

FISCAL IMPACT

There is no fiscal or local job impact associated with this item.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

JG:ES:SMC
K:\EXEC\COUNCIL LETTERS\BUSINESS RELATIONS\HEARING LETTERS\07-10-12 CCL - KEY DISPOSAL REFER TO HO.DOC

ATTACHMENTS

APPROVED:



PATRICK H. WEST
CITY MANAGER

ACCOUNT: BU20919340

CITY OF LONG BEACH
BUSINESS LICENSE
OWNERSHIP NON-TRANSFERABLE
LICENSE EXPIRES ON 01/01/13

DATE: 01/04/12

THE LICENSEE NAMED BELOW IS AUTHORIZED TO OPERATE THE FOLLOWING TYPE OF
BUSINESS: MOBILE SERVICES - MISC
LOCATED AT: 1141 S TAYLOR AVE

KEY DISPOSAL INC
PO BOX 459
MONTEBELLO CA 90640-0459

AUTHORIZED BY JOHN GROSS
DIRECTOR OF FIN MGMT

.....

=====> LICENSE HOLDER -- PLEASE NOTE <=====

THE TOP PORTION OF THIS FORM IS YOUR LICENSE. YOU MUST DISPLAY THE
LICENSE IN A CONSPICUOUS PLACE ON THE BUSINESS PREMISES.

THE DATE YOUR LICENSE EXPIRES IS INDICATED ON THE FACE OF THE LICENSE.
IF YOU DO NOT RECEIVE A RENEWAL NOTICE BY THE EXPIRATION DATE, CONTACT
THE BUSINESS LICENSE SECTION AT (562) 570-6211.

NOTE: YOU ARE RESPONSIBLE FOR RENEWING THE LICENSE ON OR BEFORE THE
LICENSE EXPIRATION DATE. (PLEASE NOTIFY THE BUSINESS LICENSE
SECTION IF YOU ARE NO LONGER IN BUSINESS.)

PLEASE REPORT IMMEDIATELY ANY CHANGE IN OWNERSHIP, BUSINESS LOCATION,
MAILING ADDRESS, OR BUSINESS ACTIVITY TO THE BUSINESS LICENSE SECTION.

NBR OF VEHICLES: ████



CITY OF LONG BEACH BUSINESS LICENSE APPLICATION
 Fourth Floor, City Hall
 333 W. Ocean Boulevard, Long Beach, CA 90802

ATTACHMENT A
www.longbeach.gov
 (562) 570-6211

GENERAL INFORMATION

OWNER'S NAME (or corporate name, partnership name, or partners) John Katangian		DRIVER'S LICENSE NUMBER	STATE	SOCIAL SECURITY NUMBER	
BUSINESS NAME (D.B.A.) Key Disposal, Inc		TYPE OF BUSINESS (Be specific) Recycling		HOME OCCUPATION	
BUSINESS ADDRESS 1141 S. Taylor Ave	STREET	CITY Montebello	STATE CA	ZIP 90640	AREA CODE/TELEPHONE 323-721-54
BILLING ADDRESS (if different) P.O. Box 459	STREET	CITY Montebello	STATE CA	ZIP 90640	AREA CODE/TELEPHONE
RESIDENCE ADDRESS (if different)	STREET	CITY	STATE	ZIP	AREA CODE/TELEPHONE

LIST OF PRINCIPAL OFFICERS' OR PARTNERS' NAMES AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)

John Katangian	TITLE	% OWNERSH
Dan Katangian	TITLE	% OWNERSH

New Business Address Change Ownership Change Secondary License Sole Owner Partnership Corporation L.L.P. L.L.C.

BUSINESS OPERATIONS INFORMATION

START DATE 5/21/09	NO. OF EMPLOYEES	NO. OF VEHICLES	FEDERAL TAX ID. NUMBER	SALES TAX (SELLER'S PERMIT) NUMBER
Does your business have a Calif State Lic? <input type="checkbox"/> Y <input type="checkbox"/> N	STATE LICENSE NUMBER	CLASSIFICATION(S)	RENEWAL DATE	

FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT

Do you plan to sell or serve food? (including pre-packaged) Y N
 If serving food, how many seats?: _____

Do you plan to sell wholesale food? Y N

Do you plan to sell or serve alcoholic beverages? Y N
 If yes, ABC License number: _____

Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables? Y N
 How many: _____ Type: _____ Owner: _____

Do you plan to sell tobacco products or tobacco paraphernalia? Y N

Will you have:
 Music Dancing Performers Adult Entertainment

SERVICES / FUNDRAISING

Will you offer massage, tanning, body-wrap, escort or other similar personal services? Y N

Will you provide a towing service? Y N

Will you engage in fund raising? Y N

Will you deal in coins, stamps, firearms, jewels, or second-hand property? Y N

BUILDING AND FACILITY INFORMATION

Property Owner's Name: _____

Business sq. ft.: _____ Warehouse on site? Y N

Do you: Own or Rent/Lease your business property?

Does your business require construction and/or remodeling? Y N

HAZARDOUS MATERIALS / MEDICAL WASTE

Will you use, store, or transport chemicals (new or waste state)? Y N

Will you manage or produce bio-hazardous materials or waste? Y N

ACKNOWLEDGMENT

I understand that before I can operate my business in Long Beach, my establishment must comply with applicable City departmental laws and regulations completely and obtain a business license or I will be in violation of L. B. M. C., Section 3.80. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.

• SIGN and return this statement with your remittance. • Make checks payable to City of Long Beach

OWNER(S) OR AUTHORIZED AGENT

Signature: *[Signature]* Date: _____ PRINT NAME/TITLE: **DAN KATANGIAN**

Signature: *[Signature]* Date: _____ PRINT NAME/TITLE: **JOHN KATANGIAN**

DO NOT WRITE BELOW THIS LINE

Inspection(s): <input type="checkbox"/> Bldg <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> HazMat <input type="checkbox"/> PD <input type="checkbox"/> Other	Basic Tax	Exp Date:
Employees # _____ @ _____ \$ _____ =	Prev Lic:	Zoning Review <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Vehicles # _____ @ _____ \$ _____ =	Exp Date:	
Other # _____ @ _____ \$ _____ =	District: 60	By: _____ Date: _____ <input type="checkbox"/> New construction <input type="checkbox"/> Reuse Zone: _____ Comments: _____
PIA _____	CRT: 205504	
PIA Employees # _____ @ _____ \$ _____ =	SIC: 4953	
Regulatory (Investigation)	Entered by: [Signature]	
Misc. Fees	Date: 5/20/09	BU 20919340
Sub Total		
Zoning		2
Building Review		
Total \$ _____		

NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED THIS

ATTENTION LICENSE APPLICANT

Business License Required (L.B.M.C. 3.80.210)

Under the Long Beach Municipal Code (Section 3.80.210), any person operating a business in the City of Long Beach is required to obtain a business license and pay an annual business license tax, prior to the operation of that business.

Term of License (L.B.M.C. 3.80.520)

A business license is valid for one (1) year from the date of issuance (unless otherwise noted) and must be renewed each year. A renewal notice is sent to the licensee ten (10) days prior to the due date, and the licensee has thirty (30) days to pay without penalty. If a notice is received by the licensee, he/she is still responsible for payment by the due date. If the licensee changes his/her mailing address during the year, he/she should contact the Business License Section to report the change.

Penalties (L.B.M.C. 3.80.422)

A penalty equivalent to twenty-five percent (25%) of the payment due applies to all delinquent licenses unpaid after thirty (30) days from the due date. An additional ten percent (10%) penalty is added on the first day of the calendar month following the imposition of the twenty percent (25%) penalty if the tax remains unpaid, up to a maximum of one hundred percent (100%) of the tax due. The postmark will govern the determination of whether or not a tax payment is delinquent. A delinquent tax will be deemed a debt to the City, and the licensee shall be liable for legal action if it remains unpaid.

Multiple Businesses at one Location (L.B.M.C. 3.80.420.6)

When more than one business activity is engaged in at the same location, and the activity falls into a classification other than that of the original license, the licensee is required to obtain an additional license for each different business activity. If the licensee has more than one business license at the same location, he/she may choose to pay for all employees on one license. If so, the licensee will pay for all employees on the license with the higher employee rate.

Definition of an Employee (L.B.M.C. 3.80.150)

For the purpose of Business License taxation in the City of Long Beach, an employee is defined as: Every person engaged in the operation or conduct of any business in Long Beach, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, every person employed or working in such business, whether full-time, part-time, permanent or temporary, for a wage, salary, commission and board.

Change of Location (L.B.M.C. 3.80.424)

Every person possessing a City of Long Beach Business License who changes the location of his place of business shall, prior to engaging in such a business at the new location, have the City endorse the new location on the license.

Display of License (L.B.M.C. 3.80.425.5)

Every person having a license shall prominently display the license at the place of business. If the business is operated from a vehicle, an identifying decal issued by the City shall be affixed to the vehicle, and the business license shall be carried by the licensee.

Refunds Prior to Start of Business (L.B.M.C. 3.80.427.5.F)

Any application for refund must be made by the person entitled to the money within one year after payment of the money to the City. A refund shall be made of any moneys paid for the issuance or renewal of any license unless it is determined that such licensee has not engaged in, nor held himself out as being engaged in, such business or occupation at any time after the effective date of the license. The amount of refund shall be the full amount of the license tax paid, less an amount determined by the Director of Financial Management, which shall cover the cost of investigation and issuance of the license.

Sales or Use Tax

Sales or Use Tax may apply to your business activity. You may seek advice regarding the application of the tax to your business by writing or calling the State Board of Equalization at:

680 W. Knox St., 2nd Floor
Torrance, CA 90508
(310) 516-4300

-or-

12440 E. Imperial Hwy.
Norwalk, CA 90651
(562) 466-1694

Inspections (The business license application must be available on site at time of inspection).

When a business license inspection is scheduled, the business must be fully prepared to operate, and the business owner or operator must be on site for the entire scheduled time of inspection. If the business owner or operator is unprepared for or misses a scheduled business license inspection without giving a minimum of 24 hours notice to the appropriate City agency, a re-inspection fee will be assessed.

I have read and understand the Inspection requirements.

Signature

Date



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 W. Ocean Boulevard, 4th Floor • Long Beach, CA 90802 • (562) 570-6212 FAX (562) 570-6180

BUSINESS RELATIONS BUREAU
BUSINESS LICENSE SECTION

June 6, 2012

Key Disposal Inc.
P.O. Box 459
Montebello, CA 90640

RE: Notice of Business License Revocation
Business License Number: BU20919340

Dear Sir or Madam:

Please be advised that **business license number BU20919340**, issued to Key Disposal Inc., office at 1141 S. Taylor Avenue, Montebello, CA 90640 **has been revoked**, pursuant to Long Beach Municipal Code Section 3.80.429.1, Subsection (b), **effective June 6, 2012**. Pursuant to LBMC Section 3.80.429.1, you have 10 calendar days from the date of this letter to request an appeal, otherwise the revocation will be final. If an appeal is filed within the guidelines of LBMC Section 3.80.429.1, Key Disposal Inc. may continue to conduct business in Long Beach until an appeal decision is rendered.

If an appeal is not filed in accordance with LBMC Section 3.80.429.1, failure to cease operations in the City of Long Beach after June 16, 2012 shall constitute a criminal offense pursuant to Long Beach Municipal Code Sections 3.80.429.1, Subsection (a) and 3.80.210.

Pursuant to Long Beach Municipal Code Section 3.80.429.5, a request to appeal must be submitted in writing, must set forth the specific ground or grounds on which it is based, and must be accompanied by a non-refundable cashier's check or money order, made payable to the City of Long Beach, in the amount of \$1,205. The request for appeal must be submitted to the Office of the Long Beach City Clerk, located at 333 W. Ocean Boulevard, Long Beach, California, not later than 4:00 p.m. June 16, 2012. Should you have any questions, please contact me at (562) 570-6663.

Sincerely,

Erik Sund
Manager, Business Relations Bureau

I have received notification of the above:

Attachments
ES:smc

Name/Title

cc: Kendra Carney, Deputy City Attorney
Amy Webber, Deputy City Attorney
Shelline Katangian, Agent for Service
James R. Kuhl, Manager, Environmental Services Bureau

3.80.429.1 - Suspension or revocation.

- A. Whenever any person fails to comply with any provision of this chapter pertaining to business license taxes or any rule or regulation adopted pursuant thereto or with any other provision or requirement of law, including, but not limited to, this municipal code and any grounds that would warrant the denial of initial issuance of a license hereunder, the director of financial management, upon hearing, after giving such person ten (10) days' notice in writing specifying the time and place of hearing and requiring him or her to show cause why his or her license should not be revoked, may revoke or suspend any one or more licenses held by such person. The notice shall be served in the same manner as notices of assessment are served under Section 3.80.444. The director shall not issue a new license after the revocation of a license unless he or she is satisfied that the registrant will thereafter comply with the business license tax provisions of this chapter and the rules and regulations adopted thereunder, and until the director collects a fee, the amount of which shall be determined by director in an amount to recover the actual costs of processing, in addition to any other taxes that may be required under the provisions of this chapter.
- B. Any person who engages in any business after the business license issued therefor has been suspended or revoked, and before such suspended license has been reinstated or a new license issued, shall be guilty of a misdemeanor.

(Ord. C-6259 § 1 (part), 1986).

3.80.429.5 - Appeal of license revocation.

Any licensee whose license is revoked under this chapter shall have the right, within ten (10) days after the date of mailing of the written notice of revocation, to file a written appeal to the city council. Such appeal shall set forth the specific ground or grounds on which it is based. The city council shall hold a hearing on the appeal within thirty (30) days after its receipt by the city, or at a time thereafter agreed upon, and shall cause the appellant to be given at least ten (10) days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of its appeal. The determination of the city council on the appeal shall be final.

(Ord. C-6259 § 1 (part), 1986).

LAW OFFICES OF THOMAS A. NITTI
1250 SIXTH STREET, SUITE 205
SANTA MONICA, CALIFORNIA 90401
(310) 393-1524

RECEIVED
CITY CLERK
LONG BEACH, CA
12 JUN 15 AM 11:09

June 15, 2012

City of Long Beach
Attn: City Clerk
333 W. Ocean Blvd., 1st Floor
Long Beach, CA 90802

Re: Notice of Business License Revocation
Business License Number: BU20919340

APPEAL OF REVOCATION OF BUSINESS LICENCE FOR KEY DISPOSAL, INC

Dear Honorable Members of City Council:

Key Disposal, Inc. appeals the revocation of its business license based on the following:

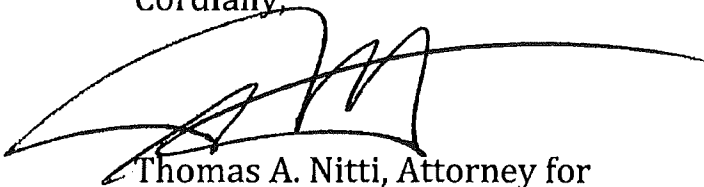
GROUND FOR APPEAL

- 1) Long Beach Municipal Code 3.80.146 does not draw a distinction between "hauling" and "recycling". The only definition is "private waste collection". Since both hauling and recycling fit under that definition, Key disposal should be considered in compliance with its permit/license.
- 2) The appellant has a permit/license to recycle, issued by the City of Long Beach. In the course of recycling, incidental hauling of non-recyclables occurs, because refuse generators do not carefully segregate their refuse. Appellant should not be punished for this incidental hauling.
- 3) Appellant used to have a hauling license many years ago, which lapsed. Since then, Appellant has attempted to reinstate it. Appellant has been

denied repeatedly. For some mysterious reason, other haulers have received licenses, even though appellant has been patiently waiting in line.

- 4) The limitation of haulers licenses to 14 is arbitrary and capricious. No standards are articulated as to why some haulers get licenses, and some do not, which allows improper favoritism.
- 5) It is improper to revoke an unrelated license for activity which may require another license. Key has a vested right in its license. The appropriate sanction for unlicensed activity is a penalty, which is all that would be applied to someone similarly situated without a recycling permit/license.
- 6) The proof supplied at the hearing showed one ambiguous pickup of trash, since only the top of the trash bin was photographed. Appellant should not have his license revoked for only one instance of an unpermitted pick-up, which was ambiguous at best.

Cordially,

A handwritten signature in black ink, appearing to read 'T. Nitti', with a long horizontal flourish extending to the right.

Thomas A. Nitti, Attorney for
Key Disposal Inc.