

**BUSINESS LICENSE COMMISSION
CITY OF WEST HOLLYWOOD
MINUTES
Tuesday, February 5, 2013**

1. **CALL TO ORDER:** Chair Rogers called the meeting to order at 7:12 P.M.

PLEDGE OF ALLEGIANCE: No American flag was present in the room; pledge was not recited.

ROLL CALL:

PRESENT: Chair Rogers
Commissioner Kazakos
Commissioner Kay
Commissioner Morgerman
Commissioner Zaden

ABSENT: Commissioner Cooper

ALSO PRESENT: City Attorney Lauren Langer, Jonathan Holub, Staff Attorney, Code Compliance Manager Jeffery Aibel, Code Compliance Officer Janet Jimenez and Staff Liaison, Anne Van Valkenburgh.

2. **APPROVAL OF THE AGENDA:**

Motion by Commissioner Zaden, seconded by Commissioner Kay to approve the February 5, 2013 agenda. The agenda was unanimously approved.

3. **APPROVAL OF MINUTES:**

Motion by Commissioner Kazakos, seconded by Commissioner Kay to approve the minutes for July 3, 2012. The minutes were unanimously approved.

SPECIAL ITEMS:

- A. Elect Steven Kay as Vice-Chair of the Business License Commission for a term through June 30, 2013. **Moved by Commissioner Kazakos, seconded by Commissioner Zaden and unanimously carried.**

4. PUBLIC COMMENT

BOB SHEPARD, WEST HOLLYWOOD, spoke regarding the City's WEHO Cares Community Study, and encouraged all to participate.

5. CONSENT CALENDAR

None.

6. PUBLIC HEARINGS

A. The Business License Commission shall conduct a public hearing to consider an appeal filed by Jose Israel Rivera of the denial of the appellant's application for a peddler business license.

Jeffery Aubel, Code Compliance Manager, provided background information as outlined in the Staff Report dated February 5, 2013.

Chair Rogers opened the discussion to public comment, no speakers came forward.

Commissioner Morgerman asked Staff if the appeal was denied, how long the appellant would have to wait to reapply for a license.

Jeffrey Aubel stated twelve months.

Mr. Rivera needed a translator, therefore Janet Jimenez, Code Compliance Officer translated for Mr. Rivera. City Attorney Langer instructed the Commissioners and Staff on how the questioning would proceed. Commissioners would ask a question, allow Staff to answer, and then the Code Compliance officer would translate for Mr. Rivera.

Commissioner Morgerman asked Staff, if the license would have been denied, even if the applicant answered all the questions on the application truthfully.

Jeffery Aubel stated it would have been based on the Sheriff's approval. However since the license was to operate a food truck, the three DUI convictions stated in the DMV report, could have been a reason for denial.

Commissioner Morgerman asked Staff if the Sheriffs' consideration is based on public safety.

Jeffery Aubel stated yes.

Commissioner Kazakos asked Staff what was the current status of Mr. Rivera's operation.

Jeffery Aubel stated the application has been denied.

Commissioner Zaden asked Staff if the applicant was licensed in Beverly Hills or Los Angeles.

Jeffery Aubel stated the appellant would answer the question when he addressed the Commission.

Commissioner Kay asked Staff, what the dates of appellant's three DUI convictions were.

Jeffery Aubel stated they occurred in November 1993, April 1997, and November 2006. He also stated that the appellant's DMV record shows he was issued a ticket for driving without a license in November 2007.

Commissioner Zaden asked Staff if the violations had been cleared.

Jeffery Aubel stated yes, and that the appellant currently holds a valid driver's license.

Chair Rogers asked if any of the Commissioners had any disclosures regarding the item before them; to which all indicated no to.

Jose Rivera, Los Angeles represented himself. He stated that when he filled out the application he didn't understand the meaning of the question regarding previous arrests. He stated that English is his second language, and he understood the question to mean if he had ever been arrested for a major crime and served time in jail for it. He was arrested by Beverly Hills Police Department for unpaid fees that he was unaware of owing. He has since served his time, paid all necessary dues, and completed all classes required by the Court for his DUI convictions. He stated he currently has a license in Beverly Hills and has been continuously working since 2000. He wants to operate in West Hollywood lawfully, so that is why he is appealing the denial he received.

Chair Rogers asked the Commissioners if they had any comments or questions for the appellant.

Commissioner Kazakos asked Mr. Rivera if he was asked the same questions regarding past violations on the Beverly Hills and Los Angeles applications and if so, what did he answer.

Mr. Rivera stated he recalls answering no to those types of questions on both applications.

Commissioner Kazakos asked Mr. Rivera when he obtained his licenses for the City of Beverly Hills and Los Angeles.

Mr. Rivera stated he believes they were issued to him in the year 2000.

Commissioner Kazakos asked Mr. Rivera if his DUI violations occurred after he was issued such licenses.

Mr. Rivera stated he was convicted of two DUI's before 2000, and one DUI after 2000.

Commissioner Kazakos asked Mr. Rivera if there had been any issues with the applications in Beverly Hills or Los Angeles

Mr. Rivera stated that there had not been any issues with the applications.

Commissioner Morgerman asked Mr. Rivera, if the licenses he holds in Beverly Hills and Los Angeles were for peddling.

Mr. Rivera stated yes.

Commissioner Morgerman asked Mr. Rivera how long he had been licensed in each city.

Mr. Rivera stated he had his Beverly Hills license with him, but that it simply stated that it was current for the year 2013, and not how many years it has been active.

Commissioner Morgerman asked Mr. Rivera, how long had he been continuously and legally peddling in the City of Beverly Hills and Los Angeles.

Mr. Rivera stated; he has held a license in the City of Beverly Hills since 2000, and approximately the same time in Los Angeles.

Commissioner Morgerman asked Mr. Rivera, if his DUIs occurred while he was operating his business truck.

Mr. Rivera stated that all three DUIs were issued when he was driving his personal vehicles.

Commissioner Morgerman asked Mr. Rivera if there were any issues that occurred while he was operating his truck for the business.

Mr. Rivera stated, no.

Commissioner Rogers asked Mr. Rivera why he had been arrested, and if it was due to not paying a fine.

Mr. Rivera stated he was unaware that he had an outstanding balance with the Court.

Commissioner Rogers asked of Staff if that during Mr. Rivera's application process if his licenses with the City of Beverly Hills and Los Angeles were verified for validity and any violations.

Jeff Aubel stated that those licenses were not verified.

Commissioner Morgerman asked Staff, what the benefits to the City were if the Commission denied Mr. Rivera's appeal.

Jeff Aubel stated that the benefit to the City is a decision for the Commission to make; and that the staff recommendation is based upon the fact that Mr. Rivera did not answer the questions of the application truthfully.

Commissioner Kay asked Mr. Rivera if he was active in AA meetings and if he was still drinking when not working.

Mr. Rivera stated that he attended the court ordered AA classes, and attends church meetings twice a week and that he is not drinking.

Chair Rogers closed the public hearing for deliberations.

Commissioner Kazakos stated Mr. Rivera is a hard working individual just trying to make a living. The fact that he has an active license in Los Angeles and Beverly Hills speaks well for him, and he has since paid his dues. He is in favor of issuing Mr. Rivera a license.

Commissioner Morgerman stated he had concerns about the application and the fact that Mr. Rivera was not truthful in his answers. He would like staff to verify Mr. Rivera's licenses records with the City of Beverly Hills and Los Angeles and verify those agencies have not had any issues/problems with him.

Commissioner Kay stated he had concerns that Los Angeles and Beverly Hills may have not done their due diligence when Mr. Rivera submitted his applications, and had concerns for public safety.

Commissioner Zaden asked Staff how long the license would be in effect for if issued.

Jeff Aubel stated, 12 months.

Commissioner Kay asked Staff if they could verify Mr. Rivera's peddler licenses in both the City of Beverly Hills and Los Angeles before the Commission makes a decision.

Jeff Aubel stated Mr. Rivera does have valid license for the City of Beverly Hills, and that staff could verify if any violations have taken place in that City. The Los Angeles's license Mr. Rivera made mention of is a license to operate, but it is not a regulatory license like the City of West Hollywood.

Commissioner Kay asked Staff if they could verify what Mr. Rivera notated on his Beverly Hills license application.

Chair Rogers reopened the Public hearing for item 6A.

Commissioner Kay asked Mr. Rivera what he had notated on his Beverly Hills and Los Angeles applications regarding his DUI convictions.

Mr. Rivera stated, that when he filled out the Beverly Hills application he noted one DUI. However, that the application in Los Angeles is for the Health Department and that it does not require disclosure of past convictions.

Jeff Aubel clarified that the Los Angeles license that Mr. Rivera has been referring to is in fact an operating permit issued by the Los Angeles County Health Department, not a regulatory license with the City of Los Angeles.

Commissioner Kay asked Staff if it is possible to get an opinion from the Sheriff's Department. Specifically if Mr. Rivera had disclosed all his DUIs convictions on his application, would the Sheriffs have approved his application.

Jeff Aubel stated he could check with the Sheriff's department.

Commission Roger asked Commissioners if they have a proposal for a resolution.

Commissioner Morgerman felt there should be a punitive measure for Mr. Rivera not having disclosed his DUI convictions on his application.

Commission Roger asked that the resolution be postponed until staff verified with the Sheriff's Investigator on what his opinion of the matter was, as well as check Mr. Rivera's background with the City of Beverly Hills for any possible issues and/or violations.

Commissioner Kazakos asked Staff what the staff recommendation had been.

Jeff Aubel stated the recommendation was to deny Mr. Rivera's appeal and not issue him a license.

Motion by Commissioner Kazakos to direct staff to look into Mr. Rivera's Los Angeles and Beverly Hills licenses, and to check with the West Hollywood Sheriff's Investigator; then report back to the Business License Commission on their findings before a decision is made. Motion was seconded by Commissioner Zaden. Motion carried unanimously.

7. **NEW BUSINESS:**
None.
8. **UNFINISHED BUSINESS**
None.
9. **EXCLUDED CONSENT CALENDAR**
None.
10. **ITEMS FROM STAFF**
None

11. PUBLIC COMMENT

None.

12. ITEMS FROM COMMISSIONERS/SUBCOMMITTEE REPORTS

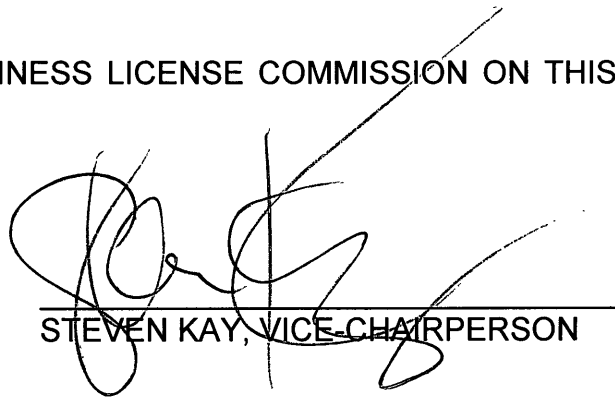
Commissioner Kazakos asked Staff what was the status of the business Red Rock on Sunset Boulevard.

Jeff Aubel stated that Red Rock had closed and it had been purchased by a neighboring business owner.

13. ADJOURNMENT

A motion was made by Commissioner Kazakos and seconded by Commissioner Zaden at 7:51 P.M to adjourn to the next meeting of the Business License Commission on March 12, 2013 at 7PM in City Hall.

APPROVED BY A MOTION OF THE BUSINESS LICENSE COMMISSION ON THIS
12TH DAY OF March, 2013.



STEVEN KAY, VICE-CHAIRPERSON

ATTEST:



JANET JIMENEZ, BUSINESS LICENSE OFFICER