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**BUSINESS LICENSE COMMISSION  
CITY OF WEST HOLLYWOOD  
MINUTES  
Tuesday, July 3, 2012**

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1. **CALL TO ORDER** : Chair Barker called the meeting to order at 7:03 P.M.

**PLEDGE OF ALLEGIANCE**: Commissioner Morgerman led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Chair Barker  
Commissioner Kazakos  
Commissioner Rogers  
Commissioner Zaden  
Commissioner Cooper  
Commissioner Morgerman  
Commissioner Kay

**ABSENT:** NONE

**ALSO PRESENT:** City Attorney Lauren Langer, Code Compliance Manager Jeffery Aabel, Business License Officer Janet Jimenez, and Code Compliance Officer Yessica Benitez.

2. **APPROVAL OF THE AGENDA:**

**Motion by Commissioner Rogers, seconded by Commissioner Kazakos to approve the July 3, 2012 agenda. The agenda was unanimously approved.**

3. **APPROVAL OF MINUTES:**

**Motion by Commissioner Rogers, seconded by Commissioner Kazakos to approve the amended minutes for February 7, 2012. The minutes were unanimously approved.**

**SPECIAL ITEMS:**

**A.** Oath of Office was administered to newly appointed Commissioner Morgerman & Commissioner Kay by Business License Officer Janet Jimenez

**B.** Elect Pat Rogers as Chair of the Business License Commission for a term through June 30, 2013. **Moved by Commissioner Kazakos, seconded by Commissioner Barker and unanimously carried.**

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

#### 4. PUBLIC COMMENT

DAVID EICHMAN, LOS ANGELES, Welcomed the newly appointed Commissioners Kay & Morgerman, and congratulated Chair Rogers. Invited all to attend the Transportation Commission meeting, which are held the third Wednesday of each month at 7:00pm at City Hall.

#### 5. CONSENT CALENDAR

None.

#### 6. PUBLIC HEARINGS:

- A. The Business License Commission shall conduct a public hearing to consider modifying, suspending, or revoking Public Eating with Alcohol, License #004276 and Entertainment License #004278 for the business known as Tradition Tapas Kitchen/Forbidden Bar & Lounge located at 8512 Santa Monica Boulevard, West Hollywood, CA 90069.**

Jeffery Aubel, Code Compliance Manager, provided background information as outlined in the Staff Report dated July 3, 2012.

Commissioner Cooper asked staff if the business owners were indeed advised that they could apply to make changes to their current Conditional Use Permit (CUP), and potentially be able to operate until 2am with alcohol service and dancing.

Jeffery Aubel stated that upon his first meeting with the business owners on 11/29/11, he shared with them what a Special Event permit was and how they could amend their CUP (both were explained in depth). He then escorted them to the Planning Counter, so that the Planning Division could assist them through the process of amending their CUP.

Commissioner Kazakos asked staff how many site inspections had been conducted at the business.

Officer Benitez stated that approximately 55 inspections had been conducted.

Commissioner Morgerman asked when it was made clear to the business owners that their CUP approvals took precedent over their ABC approvals.

Jeffery Aubel stated that the business owners were advised of such on their 2<sup>nd</sup> meeting with staff, which took place on 2/20/12.

Officer Benitez stated that during her multiple visits/inspections of the business, the owners had questions about their CUP and hours of operation. She expressed to them that they would need to speak to the City's Planning Division

to amend their CUP, and in the interim to refer to their actual Business License since it clearly stated the hours they were allowed to operate each day.

Commissioner Morgerman asked how many Special Event Permits (SEP) are allowed per year for a particular business.

Jeffery Aubel stated that 12 Special Event Permits are allowed per year.

Commissioner Morgerman asked if the business had used its allotment of Special Event Permits for the year.

Jeffery Aubel stated that the business had been issued 11 Special Event Permits to date, and was allowed one more for the calendar year of 2012.

Commissioner Kay asked staff that of the 55 inspections conducted, how many times was an owner present/onsite?

Officer Benitez stated that one or both of the owners were present for all the inspections conducted.

Commissioner Kay disclosed that he knew the business owner's representative, and she had represented him on separate business matters in the past.

City Attorney Langer disclosed that she did not participate in any of the presentation of the evidence, and is present to represent the Commission.

Chair Rogers opened the Public Hearing for Item 6.A.:

DIANE ABBITT, LOS ANGELES, representing the owner, stated that everything that staff has shared is factual and can't be denied. She stated that the business owners were new to the restaurant business, and were not fully aware of all that pertains to running a new restaurant. In addition they counted on limited capital, as they were just getting the business off the ground. She expressed that of the 55 inspections conducted by staff; only 4 of them resulted in violations. She stated that one of the violations was for noise, and the other 3 for not closing the restaurant at the time set forth by their CUP. Consequently since May the business has been in full compliance. The business owners have adopted & implemented an Employee Manual, and a closing procedure has also been implemented. Additionally the speakers that were installed on exterior of the venue have been removed, and no dancing is allowed (unless with a SEP). She further stated that the business owners have set-up a payment plan for the outstanding fees owed to the City for the citations they have received.

KEVIN, WEST HOLLYWOOD, Spoke in support of staff's recommendation.

VICTOR OMELCZENKO, WEST HOLLYWOOD, Spoke in support of staff's recommendation and welcomed the newly appointed Commissioners.

Jeffery Aubel submitted into the record a letter from JEANNE DOBRIN, CITY OF WEST HOLLYWOOD, in which she supports staff's recommendation. He stated that a copy was provided to each of the Commissioners.

Chair Rogers expressed to the Commissioners to review the letter that was presented to them on behalf of JEANNE DOBRIN, CITY OF WEST HOLLYWOOD.

DIANNE ABBITT, LOS ANGELES, representing the business owners, provided a rebuttal. She stated that the business owners have been in contact with Boe Trumbell (at SBE); so he can assist with further employee training and overall management. She stated that a 30 day suspension of the business license would be detrimental to the longevity of the business.

Jeffery Aubel stated that the 55 inspections conducted by Officer Benitez were part of her routine rounds of the City, and were not necessarily all complaint driven.

Chair Rogers closed the Public Hearing for Item 6.A., and proceeded to ask if there were any comments from the Commissioners.

Commissioner Kazakos stated he had a question for Ms. Abbitt.

Chair Rogers re-opened the Public Hearing for Item 6.A.:

Commissioner Kazakos asked Ms. Abbitt if Aaron Young and Sirine Adlouni were the sole owners of the establishment.

Ms. Abbitt allowed Mr. Young to respond to Commissioner Kazakos' question. Mr. Young stated that he, Ms. Adlouni, and Mr. Lavar Sommerville are the sole owners of the business. He stated that they have a sublease from Samaha LLC, as they have the main lease of the property.

Commissioner Cooper asked of staff what the fee to amend a CUP is.

Jeffery Aubel stated that the fee is roughly \$7500, and it's a minimum 3 month process. It can either be a public hearing at the Director level or go in front of the Planning Commission, and is not guaranteed approval.

City Attorney Langer stated that the approval is at the discretion of the Director or Planning Commission.

Commissioner Cooper asked that if the requested amendment is denied does the applicant then receive a refund of the monies paid.

Jeffery Aubel stated that there is no refund of monies paid as it is a non-refundable fee.

Commissioner Morgerman asked the speaker KEVIN, WEST HOLLYWOOD, if he had recently heard music from the venue and if so where does the music emit.

KEVIN, WEST HOLLYWOOD, stated that the music bounces off all the neighboring buildings and projects all over the neighborhood. He stated that the past Saturday and Sunday he had to call the Sheriff's Station as there was amplified music being emitted from the venue.

Chair Rogers asked Ms. Abbitt if she would like to respond to the comments made by KEVIN, WEST HOLLYWOOD.

Ms. Abbitt stated that for the event on Saturday night the City had issued the business a Special Event Permit that allowed for amplified music, and on Sunday the business was closed.

Commissioner Kay asked the speaker KEVIN, WEST HOLLYWOOD where exactly he lives.

KEVIN, WEST HOLLYWOOD, stated that he lived on Rugby, but that his partner lives on West Knoll (just South of Santa Monica Blvd and the Koo Koo Roo restaurant).

Commissioner Kay asked Ms. Abbitt what she means by amplified vs. non-amplified music.

Ms. Abbitt stated that amplified music is that which would be emitted out of speakers; where non-amplified is that where a musician playing a guitar and singing.

Commissioner Kazakos asked Ms. Abbitt if the establishment was basing their business solely on Special Event Permits.

Ms. Abbitt stated that since it was a new business, the owners were attempting to build a clientele and attract new patrons. They felt that by staying late longer they could generate more revenue, so that's why they obtained numerous Special Event Permits. She expressed that the owners obtained the permits so as to not apply for an amendment to their CUP.

Commissioner Morgerman asked Ms. Abbitt what is different now about the operation of the business, compared to how it originally began operating.

Ms. Abbitt stated that the business owners are now clearly aware of what is expected of them, and want to be good business owners moving forward. She expressed that upon opening the business the owners were overwhelmed with all that is entailed with running a business; but have since streamlined the process.

Commissioner Cooper asked the business owners why they did not move forward with applying for an amendment to their CUP.

Mr. Young stated they wanted to apply for an amendment to their CUP, but they didn't have the monies available for the application process and

Chair Rogers closed the Public Hearing for Item 6.A.

Chair Rogers stated that it appears that the lack of experience by the business owners has contributed to the numerous issues that have arisen; however not being familiar with the rules is not an excuse. He feels that the business owners are being proactive, as they have hired Ms. Abbitt to assist them in moving

forward with streamlining operations. He understands that suspending the license for 30-days would be detrimental to the business, but that if no action is taken the business will continue to operate outside of their approvals and be brought back before the Commission in the future. He expressed that some type of reprimand needs to occur, and would like to discuss with the other Commissioners what the reprimand should be.

Commissioner Morgerman stated he agrees with Chair Rogers. He stated that he's torn, as he does not want to close down a business on the boulevard but wants to move forward with punitive action that is not detrimental to the business.

Vice-Chair Barker stated he is inclined to recommend a 180-Day probation period, and if any violation takes place during that time the business will be suspended for the remainder of the probation or 30 days (whichever is greater).

Commissioner Zaden agreed with Vice-Chair Barker's recommendation.

Commissioner Cooper stated that she is torn about disciplining the business. As a business owner she understands how detrimental a suspension is, but at the same time feels that the business owners have been irresponsible in not following the rules.

Commissioner Morgerman agreed with Vice-Chair Barker's recommendation.

Vice-Chair Barker stated that the business owners should have done more due diligence prior to opening their business. Due to the economic times, he stated that the business should be given one last chance and expect a severe penalty if they continue to disregard their operating requirements.

Commissioner Kay stated that the business owners have shown lack of regard for the City's rules and regulations; however they wouldn't only be penalizing the owners but all their employees. He stated that he agrees with the recommendation made by Vice-Chair Barker.

Chair Rogers stated that the City needs to get the owner's attention, and not let them escape scot free. Therefore, a 7-day suspension would get their attention, but not be detrimental to their business.

**Vice-Chair Barker moved to suspend license #004276 & #004278 for 7-days, and further implement a 180-day probationary period. If any new violation occurs during the probationary period, the business will be brought back before the commission.**

**Seconded by Commissioner Kazakos.**

Chair Rogers asked if there was any discussion.

Commissioner Kay shared his reservations regarding the motion. His fear is that if the business is found in violation during their probationary period, they may simply postpone their hearing date before the Commission and remain open for a longer period of time. He would prefer to have a definite answer set,

and not allow them to come back to the Commission until they complete the probationary period.

City Attorney Langer stated that the business would have to come back before the Commission, since the new evidence would have to be presented at a hearing and then any new disciplinary action could be implemented at that point in time.

**ACTION:** Adopt Resolution No. BL 12-001 as presented: "A RESOLUTION OF THE BUSINESS LICENSE COMMISSION OF THE CITY OF WEST HOLLYWOOD SUSPENDING FOR A PERIOD OF 7 DAYS THE PUBLIC EATING WITH ALCOHOL LICENSE 004276 AND ENTERTAINMENT LICENSE 004278 AND FURTHER IMPLEMENTING A 180 DAY PROBATIONARY PERIOD FOR THE BUSINESS KNOWN AS TRADITION TAPAS KITCHEN/ FORBIDDEN BAR AND LOUNGE LOCATED AT 8512 SANTA MONICA BOULEVARD, WEST HOLLYWOOD"

**Moved by Vice-Chair Barker, seconded by Commissioner Kazakos and unanimously carried.**

**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**

Commission Zaden asked from staff new business cards, and an updated list of all Commissioners.

**13. ADJOURNMENT**

A motion was made by Commissioner Zaden and seconded by Commissioner Cooper at 8:12 P.M. to adjourn to the next required meeting of the Business License Commission, to be determined by the Director, and to be held at West Hollywood City Hall at 7:00 p.m., 8300 Santa Monica, West Hollywood, CA 90069.

APPROVED BY A MOTION OF THE BUSINESS LICENSE COMMISSION ON THIS  
5<sup>TH</sup> DAY OF February, 2013.



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PAT ROGERS, CHAIRPERSON

ATTEST:



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JANET JIMENEZ, BUSINESS LICENSE OFFICER