



CITY OF SACRAMENTO

41

OFFICE OF THE CITY CLERK

915 I STREET

SACRAMENTO, CALIFORNIA 95814

CITY HALL ROOM 203

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

February 27, 1980

Honorable Mayor and City Council
City Hall
Sacramento, California 95814

Members in Session:

SUBJECT: Appeal of Ms. Evelyn Purdis from the Decision of Chief of Police
Regarding denial of application for Massage Technician Permit

SUMMARY

Attached is the appeal of Evelyn Purdis from the Decision of the Chief of Police denying an application for Massage Technician permit as required by Chapter 28, Article IV, City Code.

Under Sections 2.323 and 2.324, City Code, the Council may appoint a hearing examiner to hear the appeal if it finds that "the appeal may involve a lengthy factfinding process which would be more appropriately accommodated by a formal hearing before a hearing examiner".

FINANCIAL DATA

The estimated cost would be \$60.00/hour and would be available from the Police Department's budget.

RECOMMENDATIONS

1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: The Council hereby determines pursuant to Section 2.324, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner. Therefore, the Council appoints David McMurtry as a hearing examiner to hear the appeal on March 13, 1980, 9:00 a.m., Room 207, City Hall.
2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for March 18, 1980, 7:30 p.m..

Respectfully submitted,

Jaci Pappas
Jaci Pappas
Acting City Clerk

APPROVED
BY THE CITY COUNCIL *ALT. 1*

MAR 4 1980

OFFICE OF THE
CITY CLERK

JP:HO'

cc: Chief of Police

March 4, 1980

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CITY OF SACRAMENTO

FEB 22 2 46 PM '80

February 22, 1980

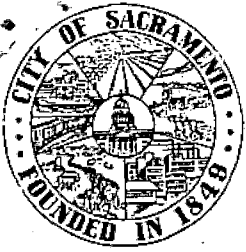
I am filing an appeal of the Police Department denial of my application for a Massage Technician permit (Section 28.50(a), Sacramento City Code).

I herewith render the appeal fee of \$50.00 for this purpose.

Evelyn Purdis
7384 Franklin Blvd. 4
391-4616 95823

Evelyn Purdis

A.M. - MO WSC.



CITY OF SACRAMENTO

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DEPARTMENT OF POLICE

HALL OF JUSTICE
813 - 6TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

13 February 1980
Ref: SIS-80-12

Miss Evelyn Purdis
7384 Franklin Blvd., #4
Sacramento, California

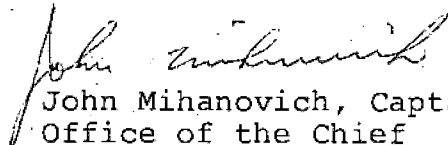
Dear Miss Purdis:

Pursuant to Section 28.50, paragraph (a) of the Sacramento City Code, your application for a Massage Technician permit has been denied.

Under Section 28.51, paragraph (b) of the Sacramento City Code, you have the right to appeal this decision. Your appeal must be filed with the City Clerk within ten (10) days of the date of this letter.

If you have any questions regarding this matter, please contact Sgt. Dave Richer at 449-5439 between the hours of 1:00 and 3:00 P.M.

Sincerely,


John Mihanovich, Captain
Office of the Chief

cc: City Clerk
JM:al



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OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

March 5, 1980

Ms. Evelyn Purdis
7384 Franklin Boulevard, #4
Sacramento, CA 95823

Dear Ms. Purdis:

On March 4, 1980, the City Council appointed Mr. David McMurtry as hearing examiner to hear the appeal from the decision of the Chief of Police regarding denial of application for Massage Technician Permit.

The hearing will be held at 9:00 a.m., City Engineer's Conference Room, Room 207, City Hall, 915 I Street, Sacramento, CA, on Thursday, March 13, 1980.

Sincerely,

Jaci Pappas
Acting City Clerk

JP:HO'

cc: David McMurtry
Chief of Police
City Manager (W. Thompson)
Finance Department
City Engineer

Item No. 41

RODDA and McMURTRY
Attorneys at law

RECEIVED
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3-4-88

March 18, 1980

Ms. Jaci Pappas
Acting City Clerk
915 I Street, Room 203
Sacramento, CA 95814

Re: Appeal of Evelyn Purdis

Dear Ms. Pappas:

Enclosed is the hearing officer's findings and determination of reference to the above mentioned appeal. I am sending a copy of the enclosed findings and determination to Ms. Purdis.

Very truly yours,

David W. McMurry

DAVID W. McMURTRY

DWM:eg
Enclosure
cc: Ms. Evelyn Purdis w/enclosure

3-21-80

COPIES OF F. OF F.

SENT TO:

CITY MGR (W. THOMPSON)
FINANCE (DOROTHY)

POLICE 1. LT REYNOLDS
2. LT. BANTON

1 In the Matter of the Appeal of)
2 EVELYN PURDIS from the Decision) HEARING OFFICER'S
3 of the Chief of Police) FINDINGS AND
4) DETERMINATIONS
5)

6 This matter came on to be heard on March 13, 1980, at
7 9:00 a.m. in the Engineering Conference Room, Room 207, City
8 Hall, 915 I Street, Sacramento, California.

9 SUBJECT OF APPEAL

10 This was an appeal by EVELYN PURDIS from a decision
11 of the Chief of Police denying the application filed by
12 Ms. Purdis for a Massage Technician Permit.

13 SUMMARY OF EVIDENCE PRESENTED AT HEARING

14 Lt. R. Dee Reynolds, of the Sacramento Police
15 Department was present at the hearing. The Appellant did not
16 appear. Lt. Reynolds introduced into evidence a certified
17 copy of court records indicating that the Appellant had been
18 convicted in Los Angeles, California of a violation of
19 Section 647(b) of the Penal Code of the State of California and
20 that said conviction occurred within five years of the date of
21 her application for a Massage Technician Permit. Lt. Reynolds
22 testified that the application of Miss Purdis was denied by
23 the Chief of Police on the basis of said conviction, as provided
24 in Section 28.50(a) of the Sacramento City Code. The hearing
25 officer received for the record a memorandum from Harry O'Hagin,
26 Deputy City Clerk, stating that Miss Purdis called him at
27 2:30 p.m. on March 12, 1980 indicating that she had been
28 advised by her attorney to have the hearing postponed to a
later date. Mr. O'Hagin's memo indicated that he advised the

1 Appellant that if she submitted written requests for such a
2 postponement prior to 5 p.m. on March 12, 1980, that the
3 Office of the City Clerk would attempt to arrange for such a
4 postponement. The memorandum indicated that Mr. O'Hagin also
5 advised the Appellant that unless a written request was filed
6 with the Office of the City Clerk before 5:00 p.m. on March 12,
7 1980, the hearing would take place as scheduled on March 13,
8 1980.

9 Mr. O'Hagin was present at the hearing and testified
10 that the memorandum was a true statement of the conversation
11 that occurred between himself and the Appellant on March 12,
12 1980.

13 FINDINGS AND CONCLUSIONS

14 The hearing officer finds that Appellant was convicted
15 in Los Angeles, California of a violation of Section 647(b) of
16 the California Penal Code and that said conviction occurred
17 within five years of the date of the application filed by
18 Appellant for issuance of a Massage Technician Permit.

19 DISPOSITION OF APPEAL

20 Appeal is hereby denied.

21 DATED: March 18, 1980.

22
23 *David W. McMurry*

24 DAVID W. McMURTRY
25 Hearing Examiner

26
27 08. MW 90 11 02 MW
28 CITY CLERKS OFFICE
CITY OF SACRAMENTO
RECEIVED



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OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

March 12, 1980, 2:30 p.m.

MEMO FOR THE RECORD

Ms. Evelyn Purdis called and said that she had been advised by her attorney to have the 9:00 A.M. March 13, 1980 hearing with the hearing examiner postponed to a later date.

I advised her that if she submitted a written request signed by her before 5:00 p.m., today, that the Clerk would try to help her. I advised her, Ms. Purdis, that the Clerk has to finalize all hearings set by the Council before hearing examiners within 30 days. I also told her that if she did not submit a written request as specified here, that the hearing would take place as scheduled on March 13, 1980.

Ms. Purdis did not come to this office as of closing time of 5:00 p.m., this date.

Harry O'Hagin
Deputy City Clerk