

2.14

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CITY CLERK**

VALERIE A. BURROWES, MMC
CITY CLERK

VIRGINIA K. HENRY, CMC
ASSISTANT CITY CLERK

TERESA FAHNING
CHIEF DEPUTY CITY CLERK

**CITY OF SACRAMENTO
CALIFORNIA**

CITY HALL
915 I STREET
ROOM 304
SACRAMENTO, CA
95814-2671

FAX 916-264-7672

ADMINISTRATION
PH 916-264-5799

OPERATIONS SERVICES
PH 916-264-5427

SPECIALIZED SERVICES
PH 916-264-7200

WWW.CITYOFSACRAMENTO.ORG

April 30, 2002

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Luis Fuentes regarding the denial of a Dance Permit Application by the Department of Finance, Revenue Division, for Scratch Billiards.

LOCATION AND COUNCIL DISTRICT:

The subject address is: 120 "I" Street, Sacramento CA 95814
Council District 1

STAFF RECOMMENDATION: This report is for information only.

CONTACT PERSON: Carolyn E. Hoover, 264-7200
Valerie A. Burrowes, 264-5799

FOR COUNCIL MEETING OF: April 30, 2002

SUMMARY:

On March 21, 2002 the City Clerk determined the appeal may involve a lengthy fact finding process which would be more appropriately accommodated by a formal hearing before a hearing officer. The hearing for this appeal has been scheduled to be held at **9:00 a.m. on Monday, May 13, 2002**, at the McGeorge School of Law, 3455 Fifth Avenue, Sacramento, California, 95817, in **Rooms S-9 and S-10**.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND INFORMATION:

Pursuant to City Code Chapter 1.24.060 of the Sacramento City Code, attached is the appeal of Mr. Luis Fuentes of the action taken by the Revenue Division Manager, as set forth in a letter dated March 11, 2002, attached to this report. The decision to deny at this time was based on recommendation of the Sacramento Police Department's determination that the current alcohol license issued to the business does not allow dancing on the premises. Recommendations from the Fire Department and the Building Department have not yet been received.

FINANCIAL CONSIDERATIONS:

The estimated cost is \$1,780. The funds are available from the Finance Department, Revenue Division.

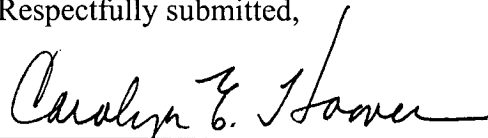
POLICY CONSIDERATIONS:

The current policy regarding administrative appeals is consistent with procedures specified in the Sacramento City Code.

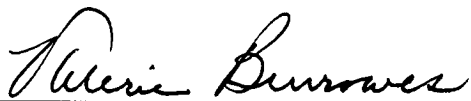
ESBD CONSIDERATIONS:

Not applicable.

Respectfully submitted,



Carolyn E. Hoover, Deputy City Clerk



Valerie A. Burrowes, City Clerk

Attachments:

- cc: Hearing Officer, McGeorge School of Law
- Deputy City Attorney Michon Johnson
- Margaret Freeman, Revenue Division Manager
- Jeffrey Kravitz, Attorney at Law
- File



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WWW.CITYOFSACRAMENTO.ORG

April 3, 2002

Mr. Luis Fuentes, Jr.
120 "I" Street
Sacramento CA 95814

SUBJECT: ADMINISTRATIVE APPEAL HEARING

Dear Mr. Fuentes:

In accordance with Chapter 1.24.060 of the Sacramento City Code, it has been determined that your appeal regarding the denial of a Dance Permit Application for Scratch Billiards by the Department of Finance, Revenue Division will involve a lengthy fact finding process and has been scheduled for a formal hearing before a hearing officer.

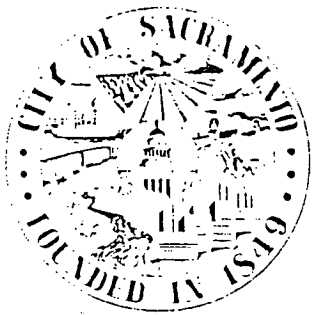
Your appeal will be heard on **Monday, May 13, 2002 at the hour of 9:00 a.m. at McGeorge School of Law, 3455 Fifth Avenue, Sacramento CA 95817, in Room S9-10.** You have the right to bring an attorney or other representative to assist you at the hearing.

Under Chapter 1.24.090 of the Sacramento City Code, the decision of the Hearing Officer is final and no appeal may be taken to the City Council. If you have any questions concerning this matter, you may call me at 264-7200.

Sincerely,

Carolyn E. Hoover
Deputy City Clerk

cc: Hearing Officer, McGeorge School of Law
Michon Johnson, Deputy City Attorney
Margaret Freeman, Revenue Manager
Jeffrey Kravitz, Attorney at Law
File



RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

MAR 21 2 31 PM '02

NOTICE OF APPEAL
PLEASE PRINT

DATE: March 21, 2002

Pursuant to Section 2.320, City Code, I wish to appeal the decision of Margaret Freeman
made on March 11, 2002 regarding Dance Permit Application as required
by 5.108.280 City Code.

MY REASON FOR APPEALING IS AS FOLLOWS:

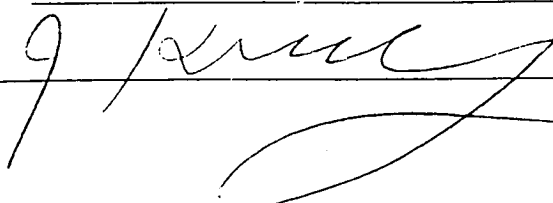
The decision is both illogical and violates due process. The City
Dance License is not related to the ABC license and the decision
regarding the dance license should be made independently. The delay
of almost one year in making the decision violates due process.

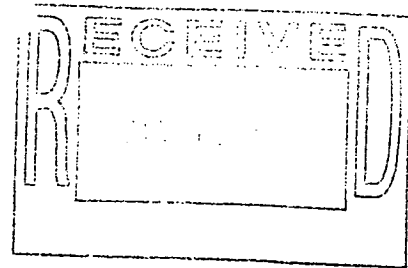
NAME: Jeffrey S. Kravitz, Attorney at Law

ADDRESS: 1007 7th Street, Suite 600

CITY: Sacramento STATE California ZIP 95814

Attorney for Luis Fuentes/Scratch, 120 I Street, Sacramento, CA 95814
TELEPHONE NUMBER: (916) 553-4072

SIGNATURE: 



DEPARTMENT OF
FINANCE

REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

March 11, 2002
RA02016:MLF:ljc

CITY HALL
ROOM 104
915 I STREET
SACRAMENTO, CA
95814-2696

REVENUE
ADMINISTRATION
916-264-5724

Mr. Luis Fuentes, Jr.
120 I Street
Sacramento, CA 95814

Re: Dance Permit Application for Scratch Billiards - 120 I Street.

Dear Mr. Fuentes:

This letter is your formal notification that your permit application for a dance permit at 120 I Street, Scratch Billiards, has been denied.

The decision to deny is based on the recommendation of the Sacramento Police Department as follows:

The investigation of the Police Department of the application for a dance permit at Scratch Billiards, 120 I Street, determined that the current alcohol license issued to the business does not allow dancing on the premises. There is a current conditional agreement on the alcohol license, agreed upon by Mr. Fuentes, that states "There shall be no dancing permitted on the premises at any time." Due to that condition, the City cannot issue a dance permit.

The permit requirements for the Planning Department were met and recommendations from the Fire Department and Building Department have not been received.

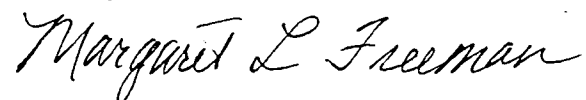
If at a later date, the alcohol license is changed and no longer includes a condition of no dancing or if there is no alcohol license, please contact the City and your dance permit application can be considered at that time.

In accordance with Sacramento City Code Section 5.108.280, you may appeal the decision to the City Council by filing a written notice with the City Clerk. The appeal must be filed with the City Clerk, 915 I Street, Room 304, accompanied by a \$250.00 appeal fee, no later than ten (10) days after the date of this letter. A copy of the applicable City Code is attached.

Luis Fuentes, Jr.
March 11, 2002
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If you have any questions, you may contact me at 264-5724.

Sincerely,

A handwritten signature in cursive script that reads "Margaret L. Freeman".

Margaret L. Freeman
Revenue Manager

Attachments

c: Sharon Watson, Sacramento Police Department
Valerie Burrows, City Clerk
Jeffrey Kravitz, Attorney at Law