

Date: 10/20/2015

Submitted in PLUM Committee

Council File No: 13-0919

Item No. 4

Deputy: Commissioner Public

**El Arroyo Bar
7026 S Broadway
Revocation Case Dir 2008-3094
Officer Robert Berumen**

INTRO

- Detective Support & Vice Division/Citywide Nuisance Abatement Unit
- Identify/address nuisance properties in the City of Los Angeles
- Our efforts are focused on vice related and general nuisance abatements
- We work with property, business owners as well as with other city and state agencies to mitigate identified nuisance locations and activity.

- Police Officer 14 years
- Newton Patrol 2002-2004
- Newton Area Vice 2004-2008
- DSVD/CNAU since 2008

****Appellant made reference to the 1994 bar operation in PLUM Appeal Application.**

-While assigned to Newton Vice 2004-2008 I have conducted investigations in this location (formally Los Amigos) as an undercover officer. During those investigations I observed the solicitation of alcoholic beverages, obviously intoxicated patrons, loud music and possible narcotics activity.

-Prior operator vacated business on or about June 2009 and the Appellant assumed responsibly for the bar operation.

- This location was deemed to be a nuisance by the City Attorney Office approximately 6 years ago. In 2009 the City imposed conditions on this property to mitigate the nuisance activity.

-Since the conditions were imposed I have been overseeing this case which included meeting and communicating with the Appellant and/or his representative(s) regarding the bar operation.

-2-15-2013 My partner and I conducted an upfront investigation at the bar. We observed obviously intoxicated patrons entering and exiting the bar. Loud music was audible as I stood at the south sidewalk of the 71st St. I also observed Dancing inside the bar. I located and met with the Appellant (Mr. Barrales). Advised him of the condition violations and issued him a citation for 12.27.1 LAMC. He did not appear to reflect our concerns with the operation of the business that evening.

-4-16-2013 ABC sent the operator a warning letter for employees soliciting alcoholic beverages

-12-2014 ABC served the Appellant with a 45 day suspension with revocation stayed for 3 years for allowing the solicitation of alcoholic beverages.

-2-26-2014 Officer Fuller and I, along with Newton Vice met with Appellant (Barrales) and explained to him the importance of him and his business coming into compliance of the imposed conditions. We provided another copy of conditions to the Appellant.

LOCATION/HISTORY

Applicant has demonstrated an unwillingness to adhere to a majority of the imposed conditions. This was revealed by numerous investigations conducted by Newton Vice, DSVD, Operation ABC, and City Planning Staff investigators. Also made apparent by ongoing community complaints.

Example:

Condition 4 Graffiti removal – Ongoing non-compliance

Several instances of graffiti not being removed as required.

Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015. One month before city initiated plan approval hearing.

Condition 8 State Licensed Security Guards-Ongoing non-compliance

Sun-Thurs two guards

Friday-Saturday three guards

Assure the performance of their duties and maintaining of a security log.

Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015

Condition 12 STAR (Standardized Training for Alcohol Retailers)

Not in compliance. Provided free by the LAPD

Valuable training for how to be a responsible abc retailer

Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015

Condition 16 The bar shall prohibit dancing- Ongoing non-compliance

Not in compliance

Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015

Condition 19 No live entertainment ** no speakers shall be attached to the jukebox/stereo equipment other than what is provided by the manufacturer - Ongoing non-compliance

Two speakers connected to jukebox and secreted inside the eastern interior wall. Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015

Condition 20 A single jukebox or stereo may be maintained at the bar. However, the music shall not be audible outside of the premises. Ongoing non-compliance. Simply set a lower volume

Condition 22 Hours of operation

10AM to 11PM Sun-Thursday

10AM to 12 Midnight Friday & Saturday

Not in compliance day of Newt, DSVD and planning staff investigator inspection on 5/22/2015

*** One of the security logs submitted at public hearing this year indicated hours of closing between the hours of 1:45 and 2:00 AM**

Newton Vice has conducted investigations where the location was operating sometimes as late as 5 in the morning.

Condition 30 Lighting maintained and damaged or worn out immediately replaced

Broken light day of Newt, DSVD, and planning staffing investigator inspection on 5/22/2015

Condition 33 "Hot Line" for receipt of complaints

Ongoing non-compliance. Non-compliant day of Newt, DSVD, staff investigator inspection 5/22/2015

Condition 34 Make a copy available of conditions to all employees

Not in compliance day of Newt, DSVD, staff investigator inspection 5/22/2015. Ongoing non-compliance.

Condition 35 File plan approval - Ongoing non-compliance

Not in Compliance

Initial determination 6 month plan approval 17 months after the 6 months, they applied. After the reminder sent to appellant by City Planning

Plan approval 1 given 11 months, came back 4 months late. After reminder sent to the appellant by City Planning

Plan approval 2 gave the appellant 9 months to file Plan Approval that was due June 23, 2014 and not submitted. City of LA initiated the plan approval for this location on April 29, 2015

The Appellant stated several times in their written appeal that they have achieved substantial compliance with the imposed conditions. I fail to see the reasoning behind that statement when on any given night 16-20 of the 39 conditions are being violated at this bar. This is far from substantial compliance.

Our ongoing efforts, investigations and meetings with the Appellant have made it apparent that the Appellant doesn't want to do anything that is going to interfere with his day to day operations of his B-girl bar.

These results are just from the past 2-3 years. The problems at this location have been ongoing for 10+ years. LAPD investigations have made clear that there is a direct nexus connecting the bar operation and the nuisance activity affecting the surrounding community. This is due to their inability and/or lack of desire to operate within the city imposed conditions.

Bar patrons loiter and drink alcoholic beverages in front of surrounding residences before and after going to this bar.

Once in the bar patrons are enticed and encouraged by bargirls (soliciting alcoholic beverages) to consume more alcohol than they might normally. And overconsumption of alcohol is sometimes the case with the B-girls.

Once the bar decides to close these patrons and B-girls are released out in the surrounding neighborhood where they are forced to endure:

- loud music from their vehicles and sometimes blocking driveways
- arguing, fighting, property damage
- Patrons urinating, defecating, leaving trash and broken bottles for the families and their children to deal with in the morning.

CLOSING

The Los Angeles Police Department has given the Appellant every opportunity to come into compliance.

The LAPD has been extremely lenient when it came to enforcement of the imposed conditions and other violations observed during our investigations. This is apparent by LAPD choosing not to make custodial arrest or even on occasion not issuing citations. Often choosing instead to document observed violations.

The Applicant has disregarded our efforts to bring them into compliance and continued to operate this B-girl bar with a sense of impunity. The Appellant has shown absolutely no regard or hesitation when violating the LAMC, B&P code, Labor code and the Penal Code. Also showing no regard the adverse effects his actions have on the surrounding community.

The Los Angeles Police Department fully supports the Zoning Administrators determination to Revoke the allowed use to serve alcoholic beverages at this bar.

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