

OFFENDER'S OCCUPATION Bar Owner / Manager		COMPLAINT APPLICATION				<input type="checkbox"/> Traffic Complaint		DR NO. 15-13-			
ALIAS		LAST NAME, FIRST, MIDDLE (FIRM NAME IF BUSINESS) Barrales, Marcelo				DATE & TIME OCCURRED 09/05/2015 2130					
DRIVER'S LIC. NO. A6763648		VEH. YR. MAKE		LOCATION OF OCCURRENCE 7026 S Broadway, Los Angeles, CA 90003 / "El Arroyo Bar"							
VEH. BODY TYPE		LIC. NO.		CHARGE 12.27.1 LAMC - Violation of City Imposed Conditions							
DIRECTION OF TRAVEL		RESIDENCE ADDRESS 345 W 69th St, Los Angeles, CA 90003				PHONE					
VICTS. DR. LIC. NO.		VEH. YR. MAKE		BUSINESS ADDRESS 7026 S Broadway, Los Angeles, CA 90003				PHONE			
VICTS. VEH. BODY TYPE		LIC. NO.		SEX M	DESCENT H	HAIR Blk	EYES Brn	HEIGHT 505	WEIGHT 150	AGE 46	DOB 10/30/1968
DIRECTION OF TRAVEL		* 2-CONNECTED REPORTS						* 1-CANCELLED CITATION NO.			

CODE: V - VICTIM		W - 1, W - 2, ETC. - WITNESSES		If Juv. Vict., P - PARENTS		DAY		
NAME		ADDRESS (R - RESIDENCE, B - BUSINESS)				PHONE		X
		R						
		B						
		R						
		B						
		R						
		B						
		R						
		B						

AT THE TIME OF THIS REPORT, WERE THERE:

ORAL OR WRITTEN STATEMENTS BY OFFENDER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N ; WITS. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	TAPE RECORDINGS OF OFFENDER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N ; WITS. <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	PHOTOGRAPHS OF OFFENDER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N ; VICTIM <input type="checkbox"/> Y <input checked="" type="checkbox"/> N ; OTHER PHOTOS <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
---	--	---

OTHER EVIDENCE (TYPE & DISPOSITION. IF MORE SPACE IS REQUIRED, INCLUDE IN OFFICERS STATEMENT).

STATEMENTS (START WITH OFFICER'S STATEMENT. INCLUDE ESSENTIAL ELEMENTS OF ALL VIOLATIONS. EXPLAIN YES ANSWERS TO ABOVE QUESTIONS ON ORAL STATEMENTS, ETC. IDENTIFY STATEMENTS BY CODE IN MARGIN: O - OFFENDER; V, W-1, ETC.)

OFCR.

See Attached Narrative RD1393

**Location: El Arroyo
License No. 42-480309
Licensee: Amador, Juan Barrales**

Incident No. 150905004846

USE CONTINUATION SHEET, 15.09.00, IF MORE SPACE IS NEEDED.

- * 1. IF A COMPLAINT APPLICATION IS MADE AFTER A CITATION IS COMPLETED OR STARTED, A CITATION CANCELLATION REQUEST, FORM 04.45.00, SHALL BE COMPLETED USING THE COMPLAINT APPLICATION DR NO.. THE COMPLAINT APPLICATION SHALL LIST THE ESSENTIAL ELEMENTS AND LOCATIONS OF ALL VIOLATIONS.
- * 2. A COPY OF ANY REPORT USED TO ESTABLISH PROBABLE CAUSE FOR THIS COMPLAINT MUST BE FORWARDED WITH THE C. A.'S COPIES OF THIS REPORT.

SUPERVISOR APPROVING <i>[Signature]</i> (RAMOS)	SERIAL NO. 33071	OFFICER(S) NAME DeLeon	SERIAL NO. 37962	AREA/TEAM OR DIVISION/DETAIL Newton / 13V5	VACATION 09/05/2015 Past
DATE & TIME REPRODUCED	DIV.	CLERK Solorzano	37982	Newton / 13V5	09/05/2015 Past

EXTRA COPY TO: ABC CID

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 2		TYPE OF REPORT COMPLAINT APPLICATION				BOOKING NO.		DR NO. 1513-	
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)			DOLLAR VALUE

Defendant: Barrales, Marcelo DOB: 10-30-1968

Charge: 12.27.1 LAMC – Violation of a Conditional Use Permit

The “El Arroyo Bar” is subject to a set of operating conditions imposed by the City of Los Angeles’ Zoning Administrator dated August 19, 2015. Prior to conducting our operation, all officers mentioned herein had reviewed the CUP conditions and were familiar with the ongoing revocation case (CUP DIR 2008-3094(RV)(PA3)).

*I, **Officer Sanchez**, have made myself familiar with the ongoing nuisance activities that this location is responsible for. I have worked this location in an undercover capacity, testified at ZA hearings regarding nuisance activities, and have been involved in enforcement efforts with the operator, **Mr. Barrales**. These violations of the local laws and the Los Angeles Municipal Code were against their imposed land-use conditions that included; employing and allowing the solicitation of alcoholic beverages on the premises, solicitation of alcoholic beverages from “Bar Girls” and/or “Ficheras”, loud and raucous music, and conducting activities without the proper endorsements from LAPD’s Commission Investigation Division. I have also reached out to the neighboring community members who complained about patrons drinking in their vehicles prior entering the bar, urinating and defecating on the sidewalks in front of their homes gutters and grass areas, and conducting lewd sex acts in their vehicles. Many of these residence expressed fear and concern that when they confronted these individuals for engaging in these above-mentioned activities, they were threatened with violence and physical harm. The residential area adjacent to this bar have families and young children who live and witness these nuisance activities on a nightly basis.*

On June 30, 2015, the Newton Vice Squad attended Plan Approval three (PA3) with the Zoning Administrator (ZA). The Vice Squad recommended revocation due to the ongoing nuisance activities associated with the location.

On August 19, 2015, the Vice Squad received notification from the ZA requiring the discontinuance of alcoholic beverage sales at the El Arroyo. The determination was based on numerous community complaints, arrests made at the location by the Newton Vice Squad over the years, and testimony provided by the Newton Vice squad.

On August 28, 2015, El Arroyo representatives filed an appeal on the decision made by the ZA. Therefore, El Arroyo can continue to operate until an appeal hearing takes place and a decision is made in this matter.

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 3		TYPE OF REPORT Arrest				BOOKING NO.	DR NO. 1513-
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

Source of Activity:

On 09-05-15 at approximately 2130 hours, **Officer Sanchez, No. 37805**, pre-planned an undercover operation at “El Arroyo Bar” located at 7026 S Broadway. The purpose of this was to ensure that the owners/operators were abiding by their imposed land use conditions dated August 19, 2015.

My partner (**Officer Solorzano #37982**) and I (**Officer DeLeon #37962**) were tasked with working in an undercover capacity inside of the “El Arroyo Bar”. We have both reviewed the land use conditions associated with the property. We are also aware of the ongoing revocation case.

We were being supervised by **Newton Vice OIC Sergeant Hoskins, No. 33396**.

Investigation:

During the above date and time, my partner and I parked our vehicle on the east curb of Broadway, south of 71st St facing north. Upon exiting our vehicle, we could clearly hear loud amplified music coming from the El Arroyo Bar. Our distance from the bar at the time was approximately 30 yards away. This is in violation of **Condition No. 20 – A single jukebox or stereo may be maintained at the bar. However, the music shall not be audible outside of the premises.**

As we approached the front door of the bar, we did not observe a “hot line” phone number located anywhere near the entrance of the location. This is in violation of **Condition No. 33 – A “hot line” phone number available during hours of operation for the receipt of complaints from the community regarding the subject facility shall be posted at the entry of the bar with lettering at least 2 inches in height. The “hot line” number shall be available for callers to report to the management of the subject premises any nuisance activities originating from the premises. The phone number shall be distributed to all abutting properties owners and tenants and to any other interested parties including homeowner groups who request such information.**

A male, Hispanic security guard greeted us at the front door of the bar as we entered. The security guard did not check for identification prior to our entry. This was in violation of **Condition No 10(b) – The guard shall monitor the front door and all patrons as well as check valid identification and patrol the perimeter as necessary.**

We entered the bar through the door located on the southwest corner of the building and sat at a table located on the southern portion of the bar. There appeared to be approximately 30 patrons inside. We observed some patrons dancing in the northeast portion of the bar area. This was in violation of **Condition No. 16 – The bar shall prohibit dancing at the bar and Condition No 17 – The “dance floor” area of the bar shall be covered up by tables, chairs and other items affixed to floor to discourage non-permitted dancing).**

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 4		TYPE OF REPORT Arrest				BOOKING NO.	DR NO. 1513-
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

We observed one additional guard stationed inside of the bar. During the time of our undercover operation, only two security guards were present and working. This is in violation of **Condition No 8(a) – The State licensed guards shall be on duty at the bar beginning at 7 p.m. until 30 minutes after closing as follow: Friday and Saturday: three guards.**

There was loud music inside of the bar that was coming from amplified speakers on the wall. This was in violation of **Condition No 19 – No amplified music.**

We observed three female Hispanics inside that were engaging in *Fichera* or *Bar Girl* activity. This was based on our training and experience and past undercover operations conducted at this location.

We would observe female Hispanics sitting with male Hispanic companions. They would approach the bar together and a conversation would take place between the male Hispanic and bartender. The male Hispanic would give the bartender money and she would accept payment for the purchased alcoholic beverages. The bartender would then give the *Fichera* money in an unknown denomination and a 7-oz alcoholic beverage. Similar transactions such as these happened multiple times over the course of our undercover operation. This behavior is extremely consistent with *Fichera* or *Bar Girl* activity.

This is a practice where females commonly referred to as *Bar Girls* or *Ficheras* will sit with male patrons and offer their “company” to the male patron. The male patron will purchase alcoholic beverages for the *Fichera* and a commission is received for each beer that is purchased by the male patron. We have made several arrests at this bar alone for these activities and City Planning ultimately required this bar to post signage prohibiting these types of activities from occurring. (**Condition No. 15 – Signs shall be prominently posted in English and Spanish stating that California State Law prohibits the soliciting of alcoholic beverages 303(b) PC. Said signs shall be posted in the owner/operator facility and visible for patrons**). “El Arroyo Bar” has several signs displayed throughout the bar that discourages *Fichera* activity although they do not enforce it.

Based on our observations, we formed the opinion that **Barrales** was in violation of his land use conditions dated August 19, 2015.

Arrest:

None

Injury/Medical Treatment:

None

Booking:

None

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 5		TYPE OF REPORT Arrest				BOOKING NO.	DR NO. 1513-
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

Photographs/Recordings/Videos/DICV/Digital Imaging:

None

Evidence:

None

Additional:

Barrales, Marcelo is not listed as the licensee or owner/operator. However, **Barrales** has identified himself as running all day-to-day operations at the El Arroyo Bar. **Barrales** has indicated that his responsibilities include making all cash deposits from the bar into the Bank of America business account, paying all of the bills including Los Angeles Department of Water and Power, rent, payroll taxes, etc. Barrales also indicated that he handles all accounting issues and makes decisions on behalf of the bar directly with their legal representative. It is the opinion of the Newton Vice Squad that **Barrales** is the owner/operator of the bar and responsible for the nuisance activities associated with the location due to his involvement. These statements were made during a prior investigation at the El Arroyo Bar on October 18, 2013.

Barrales was present during this undercover operation.

Court Information:

All above officers can testify to their respective roles contained in this report.

CITY ATTORNEY DISCLOSURE STATEMENT

OFFICERS - FORM TO BE COMPLETED ON ALL FELONY AND MISDEMEANOR ARRESTEES

DETECTIVES - FORM TO BE FILED WITH CITY ATTORNEY ONLY

Answer all questions to the best of your personal knowledge.

Type of Report 12.27.1 LAMC - Viol of City Imposed Conditions	Booking No.	DR No.
--	-------------	--------

1. Reports: To your knowledge, what reports (except personnel investigations) were prepared in relation to this investigation?
- Arrest
 Crime
 Property
 PCD
 Follow-up
 Vehicle (CHP 180)
 CHP 555
 DMV-DS367
 Other: _____

2. The following items exist: **Photographs** (include C#) _____
- Video tape** (including DICV and digital imaging) _____
- Audio tape** (including officer's personal tape) YES NO Other: _____

3. Has there been or is there a pending Use of Force investigation? YES NO
- If YES, provide the name and serial number of supervisor conducting investigation.

Name _____ **Serial No.** _____

4. List the NAME, ADDRESS, PHONE NUMBER and DATE OF BIRTH of all CIVILIAN WITNESSES not named in any report(s), whether interviewed or not.

Name	Address	Phone No.	DOB

5. List the NAME, SERIAL NUMBER, ASSIGNMENT and ROLE of all OFFICERS not named in the report(s) who were percipient witnesses or otherwise involved in this incident:

Officer Name	Serial No.	Assignment	Officer's Role

6. List the NAME, SERIAL NUMBER, DEPARTMENT/AGENCY and UNIT NUMBER of all FIRE DEPARTMENT and EMERGENCY MEDICAL PERSONNEL who responded to this incident, but were not named in any report(s):

Name	Serial No.	Department/ Agency	Unit No.

7. List any SUSPECT(S) STATEMENT(S) not included in any report(s):
- _____
- _____

8. List any CIVILIAN WITNESS(ES) STATEMENT(S) not included in any report(s):
- _____
- _____

9. Are there any RETAINED OFFICER NOTES or DIAGRAMS not included in any report(s)? YES NO
- If YES, identify:

Officer Name	Serial No.	Assignment	Item

10. List any known facts not included in any report(s) that might be considered as favorable to the defense or damaging to the prosecution, or which might negatively reflect on the credibility of any prosecution witness:
- _____
- _____

All of the answers to the above questions are true to the best of my personal knowledge.

Signature	Serial No.	Div. of Assignment	Role in Arrest	Date
SOLORZANO	37982	Newton	U/C	09/05/15
DELAN	37962	Newton	U/C	09/05/15
SANCHEZ	37805	Newton	I/O	09/05/15