



43

OFFICE OF THE
CITY CLERK

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 301
915 I STREET
SACRAMENTO, CA
95814-2671

SPECIALIZED SERVICES

916-449-8200

May 17, 1988

Mayor and City Council
City Hall
Sacramento, CA 95814

Members in Session:

SUBJECT: Appeal of John Molina dba El Bummelito from the Decision of the Revenue Manager Regarding Revocation of Street Vendor Permits

SUMMARY

Attached is the appeal of John Molina dba El Bummelito from the decision of the Revenue Manager regarding revocation of street vendor permits, as required by Sections 7.68 and 7.70 of the Sacramento City Code.

BACKGROUND

Under Sections 2.323 and 2.324 of the 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 \$450 and would be available from the Revenue Division budget.

APPROVED
BY THE CITY COUNCIL

MAY 24 1988

OFFICE OF THE
CITY CLERK

City Council
May 17, 1988
Page Two

RECOMMENDATIONS

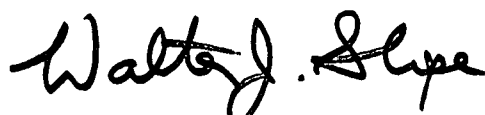
1. If the Council should decide to appoint a hearing examiner, it is recommended that the following motion be adopted: "The Council hereby determines pursuant to Section 2.324, City Code, that this appeal will involve a lengthy factfinding process which will be more appropriately accommodated by a formal hearing before a hearing examiner. Therefore, the Council appoints Terence Roberts as Hearing Examiner to hear the appeal on June 13, 1988, at the hour of 1:00 p.m. at McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California."
2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for June 14, 1988.

Respectfully submitted,



Anne J. Mason
Assistant City Clerk

Recommendation Approved:



Walter J. Slipe
City Manager

AJM/dah

Attachment

cc: John Molina dba El Bummelito, Appellant
Terence Roberts, Hearing Examiner
Diane Balter, Deputy City Attorney
Michael L. Medema, Revenue Manager
Carole Laurenty, Enforcement and Collections
Walter Thompson, Citizen's Assistance Officer

TS88112

May 24, 1988
District One

NOTICE OF APPEAL

RECEIVED:
CITY CLERKS OFFICE
CITY OF SAN FRANCISCO

MAY 12 2 09 PM '88

DATE: MAY 12, 1988

Pursuant to Section 2.320, City Code, I wish to appeal the decision _____

Revenue Manager made on April 25, 1988
regarding Revocation of street vendor permits.

as required by 7.68 & 7.70, City Code.

My reason for appealing is as follows: Issue # 1 - Non Payment; my fee was due

on 3-31-88 - After 25 days my permits were revoked. I believe that
a warning letter, or a Grace period of at least one month could have appeared
somewhat fair before such extreme action was taken, even electric companies
provide for ~~some time~~ adequate time before cutting gas & electricity

Other vendors have been late, so
what constitutes ground for revoking permits, why am I being used as
an example?

2nd Issue: This Issue is a complete lie. Total false. I
have a manager, managing my locations for me; The city has been
aware of it for 12 yrs & approved it; but never a sub-lease or
***** transferred in any way.

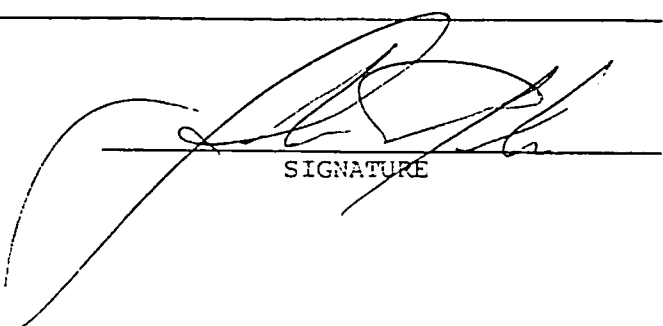
PLEASE PRINT:

NAME: Jotta Molina

ADDRESS: 2619 Laguna St

CITY: SAN FRANCISCO STATE: CALIF ZIP CODE: 94123

TELEPHONE NUMBER: 415-346-1321


SIGNATURE



43

DEPARTMENT OF
FINANCE
REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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

April 25, 1988
RD: 88-025:T&P-MM:dsv

916-449-5454

John Molina
dba/El Bummelito
2619 Laguna St
San Francisco, CA 94123

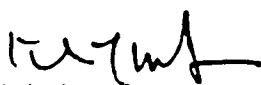
You are hereby notified that the City of Sacramento has revoked your street vendor permits #87-017, 87-022, 87-023, 87-024, 87-026, and 87-027 effective April 25, 1988. The reason for the revocation of the permits is provided below:

Section 7.68 of the Sacramento City Code, Suspension and Revocation of Permit, reads: "The City Manager shall have the right for cause to revoke or suspend any vendor's permit issued hereunder. . . . the failure of the holder of the permit to comply with the provisions of this chapter, other provisions of law, or conditions of the permit shall constitute grounds for revocation or suspension." According to Section 7.66 of the City Code, a fee shall be collected for each vendor's permit issued hereunder per year. Our records indicate that these fees, invoice #4959 for \$1,000 and #4960 for \$500, were due 3/31/88 and currently remain unpaid.

Additionally, our office has been notified that you have leased several of your locations to other parties, in violation of City Code Section 7.70, which states that your permits may not be sold, leased, assigned, hypothecated or transferred in any manner to another person, firm, partnership, or corporation.

Should you wish to appeal the decision of the City Manager in revoking your permits, you may file written notice of appeal with the City Clerk not later than twenty (20) days after the date of revocation.

The pertinent portions of Chapter 7 have been enclosed and highlighted. If you have any questions, contact Carole L. Laurenty or Debra Vaca at (916) 449-5685.


Michael L. Medema
Revenue Manager

cc: Enforcement & Collections
Walt Thompson, Citizen's Assistance Officer