



28

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

MEMORANDUM

TO: LORRAINE MAGANA, CITY CLERK

FROM: DIXIE HOWARD

SUBJECT: APPEAL OF RISING SUN CLUB, NOVEMBER 4, 1987, ITEM NO. 28

DATE: NOVEMBER 2, 1987

If the City Council decides not to hear this appeal, you need to announce that LaVon Loynd will be the Hearing Examiner in lieu of Terence Roberts.

/dah



28

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CITY CLERK

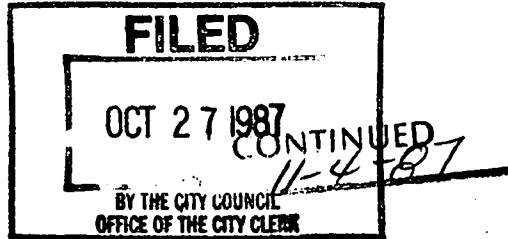
SPECIALIZED SERVICES

CITY OF SACRAMENTO
CALIFORNIA

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

916-449-8200

October 21, 1987



Mayor and City Council
City Hall
Sacramento, CA 95814

APPROVED
BY THE CITY COUNCIL

NOV 4 1987

OFFICE OF THE
CITY CLERK

*Rec. 1
adopted*

Members in Session:

SUBJECT: Appeal of Forrest D. Beck from the decision of the City Manager regarding revocation of a cardroom permit at the Rising Sun Club, located at 3517 Rio Linda Boulevard

SUMMARY

Attached is the appeal of Forrest D. Beck from the decision of the City Manager regarding revocation of a cardroom permit at the Rising Sun Club, located at 3517 Rio Linda Boulevard, as required by Section 5.3-7 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 \$300.00 and would be available from the City Manager's Office 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 Terence Roberts as Hearing Examiner to hear the appeal on November 18, 1987 at the hour of 9:00 a.m. at McGeorge School of Law, 3130 Fifth Avenue, Sacramento, California."

City Council
October 21, 1987
Page 2


- 2. If the Council should decide to consider the appeal itself, it is recommended that the hearing be set for November 17, 1987.

Respectfully submitted,



Anne J. Mason
Assistant City Clerk

Recommendation Approved:



Walter J. Slipe
City Manager

AJM/dah

Attachment

- cc: Terence Roberts, Hearing Examiner
- Forrest D. Beck, Appellant
- Walter M. Thompson, Citizens Assistance Officer
- Diane Balter, Deputy City Attorney
- Lt. Hamilton, Police Department

October 27, 1987
District 2

City Council
October 11, 1987
Page 4

It is recommended that the Planning Board be authorized to consider the proposed plan in its

recommendations.

Anna J. Mason
Assistant City Clerk

Recommendation Approved

Walter M. Thompson
City Manager

10/11/87

Approved

on: Terence R. Brown, Planning Director
Edward J. Egan, Assistant
Walter M. Thompson, City Manager
Diane Balfanz, Deputy City Attorney
L. Hamilton, Board Secretary

RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

NOTICE OF APPEAL

OCT 16 11 14 AM '87

DATE: 10/16/87

Pursuant to Section 2.320, City Code, I wish to appeal the decision Manager
Regarding Revoking Card Room Permit made on 10/8/87
regarding _____

as required by 5.3-7, City Code.

My reason for appealing is as follows: because its not fair i
dont have any police problem out at my place.
i just renewed my Card Room license about three
months ago. Issued by the attorney Generals office
i dont think it fair to me

PLEASE PRINT:

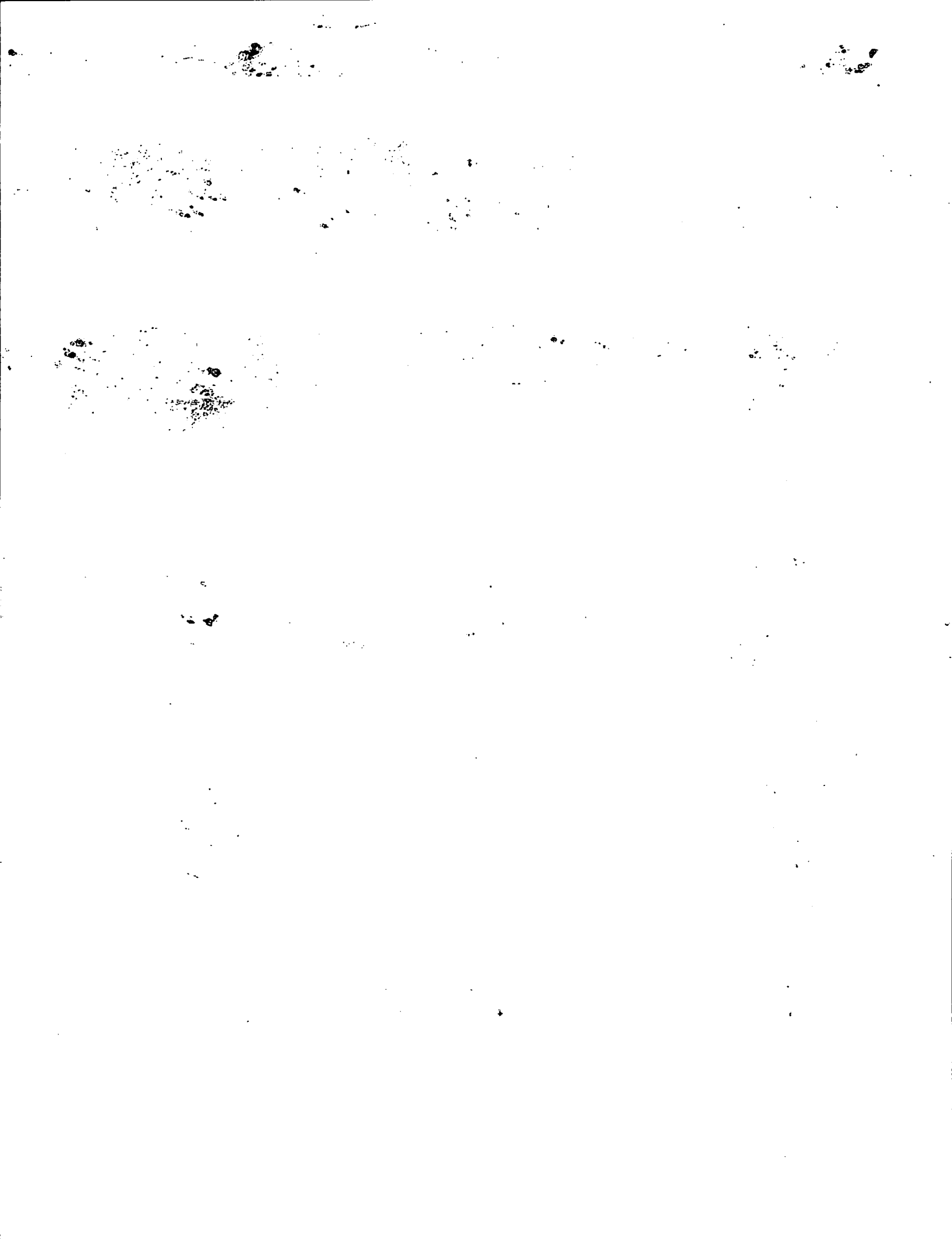
NAME: Forrest D Beck

ADDRESS: 2950 Rip Linda Bl

CITY: Sacramento Calif STATE: Calif ZIP CODE: 95815

TELEPHONE NUMBER: 924-9049

Forrest D Beck
SIGNATURE





28

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

October 8, 1987

916-449-5704

Forrest D. Beck, L.L. Beck,
Willie Edward Crum
3517 Rio Linda Boulevard
Sacramento, CA 95838

Dear Mr. Beck, Mr. G.L. Beck, Mr. Willie Edward Crum:

This is to notify you that the City Manager has determined to revoke your cardroom permit as of the date of this letter.

Your establishment has been permitted, through a lack of effective management, to become a disorderly house, which is injurious to the public welfare, morals, health, convenience and safety of the public. The front of the premises has become a hangout for public drunks and gambling activity. The rear of the premises is known as a "shooting gallery" because of the drugs that are being injected there. Officers of the Police Department have found drug paraphernalia at the rear of the business and numerous drug related arrests have been made inside the premises. The establishment constitutes a police problem, creates a public nuisance, and its continuing operation is contrary to public interest.

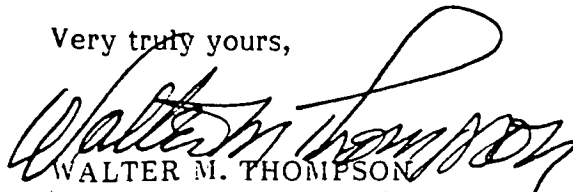
The revocation of your ABC permit has not eliminated these problems. The numerous calls, investigations, arrests and extra patrol concerning the conduct and acts occurring in or about these premises continue to create a law enforcement problem for the Sacramento Police Department.

Our records reflect that your bond for \$1000.00 required per Sacramento City Code, Chapter 5, Article I, Cardrooms, Section 5.3.3 entitled "Fees & Surety Bonds" expired June 21, 1980 and has not been renewed.

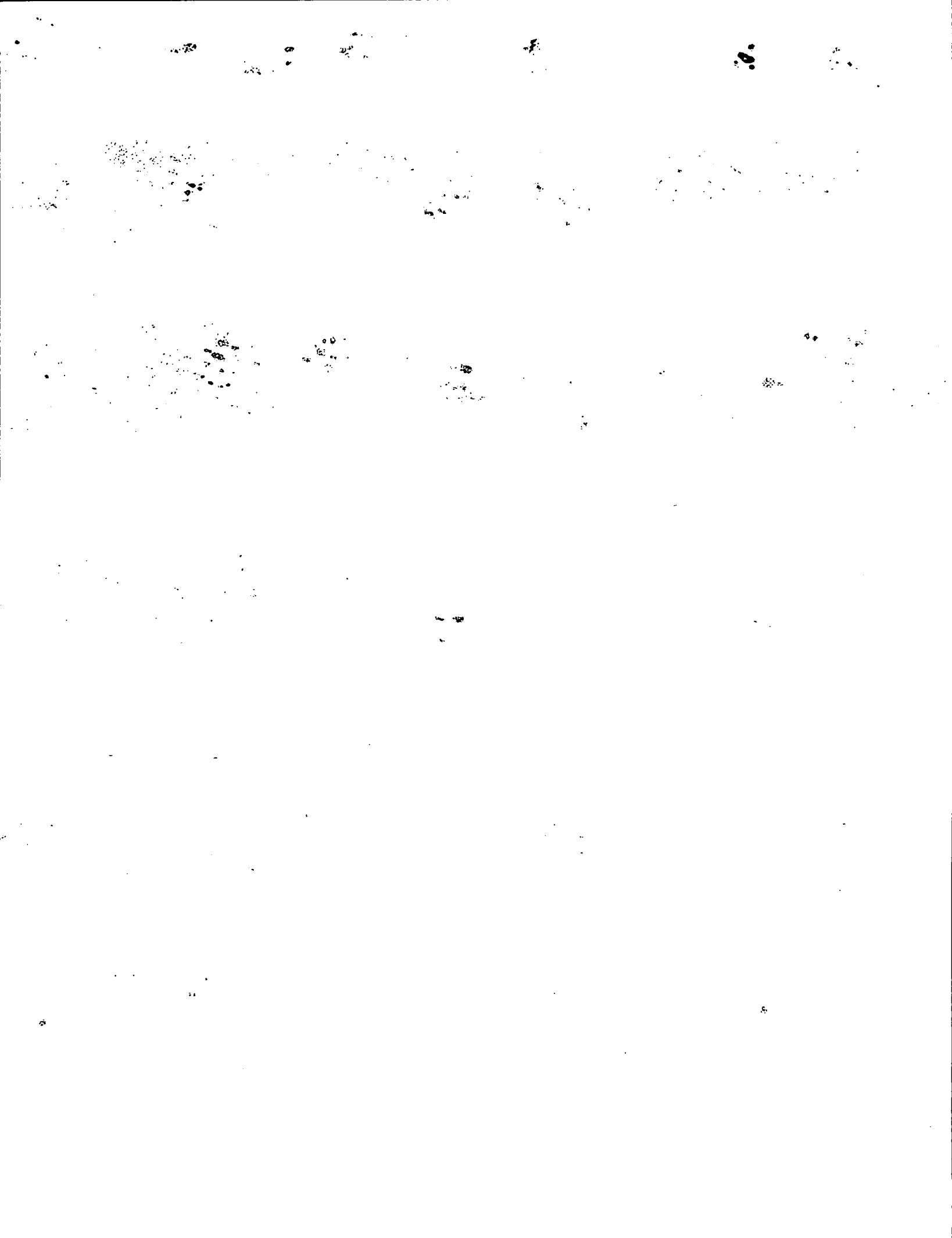
In accordance with the provisions of Article 5.3.8 of the City Code, you may appeal this decision to the City Council. Notice of such appeal shall be filed with the City Clerk, 915 "I" Street, Room 300, within ten days after the date of this letter revoking your permit.

Upon failure to file such notice within the ten day period, the action of the City Manager shall be final and conclusive.

Very truly yours,


WALTER M. THOMPSON
Citizens Assistance Officer

cc: Lorraine Magana, City Clerk
Diane Balter, Attorney's Office
Mike Medema, Revenue
Carole Laurenty, Revenue
Chief John Kearns, Police Department



28



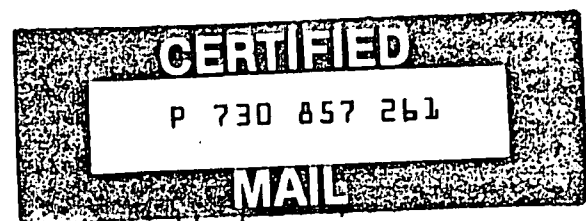
CITY OF SACRAMENTO
CALIFORNIA

TYPE OF MAIL
Claim Check
No. **686841**
 Hold
Date **10/14**
1ST Notice
2ND Notice
Return
Detached from
PS Form 3849-A,
Oct. 1985

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684



Forrest D. Reck
3517 Rio Linda Boulevard
Sacramento, CA 95838







28

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

October 30, 1987

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

916-449-5704

Mayor & Councilmembers
Sacramento, California

Dear Mayor & Councilmembers:

RE: Inventory of Cardroom Permits and Pending Permits Within the City

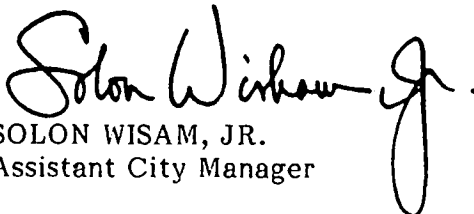
The City Council continued an appeal by a Forrest D. Beck from the decision of the City Manager regarding revocation of a cardroom permit at the Rising Sun Club located at 3517 Rio Linda Boulevard. The Council decided to continue the permit in order to obtain more information about existing and pending applications for cardroom permits within the the City limits prior to the recent amendment of Section 5.3-4 of the City Code.

The attachments to this letter include an inventory of ten active cardroom permits within the City limits and a list of three pending applications for cardroom permits. A copy of the letter to the current owner of one of the ten active cardrooms within the City limits granting a transfer due to undue hardship to the elderly owner, Mrs. Lucy J. Beierle is attached. Ten active cardroom permits is all that is permitted by the current City Code (one cardroom per 30,000 population).

The three applicants for additional cardrooms have been notified that their applications are denied and that a priority list has been established assigning positions to each of the three. All three applicants have appeal rights and have been so notified.

The City Attorney expects to discuss the appeal of Forrest D. Beck with the City Council in executive session. The City Council has the option of appointing a hearing officer for the Beck appeal or hearing the appeal itself at a future date.

Respectfully submitted,


SOLON WISAM, JR.
Assistant City Manager

Attachments

cc: Walter Slipe, City Manager
Jack Kearns, Chief of Police
Walter Thompson, Citizens Assistance Officer
Mike Medema, Revenue Officer
Marty Van Duyn, Planning Director

28

THE FOLLOWING IS THE
STATE OF CALIFORNIA GAMING REGISTRATION
LIST OF ACTIVE CARDROOMS IN THE CITY LIMITS

- | | |
|---|---|
| 1. BILL'S PLACE
3617 Rio Linda Boulevard

Jason D. Wilborn | 2. DUFFY'S
1944 El Camino Avenue

Douglas Hutchings |
| 3. GEORGIAN'S
1901 J Street

Carnick Georgian | 4. LIMELIGHT CARD CLUB
1014 Alhambra Boulevard

Peter Matt Mikacich |
| 5. PERKINS STATION
8294 Folsom Boulevard

Floyd Byron West | *6. RISING SUN CLUB
3517 Rio Linda Boulevard

Forrest David Beck |
| 7. SILVER FOX CARDROOM
5350 Fruitridge Road

Darold Dwayne Stone
Kenneth Douglas Worsham | 8. SOUTH BOWL CARDROOM
5005 Stockton Boulevard

Theodore Gail Brown
Robert F. McGlone, Sr. |
| **9. SUN DOWN CLUB
2217 Del Paso Boulevard

Lucy J. Beierle
Wanda Lucille Beierle | 10. MITCH'S CARDROOM
3535 Rio Linda Boulevard

John D. Mitchell |

- * Letter dated October 8, 1987 informing Mr. Forrest D. Beck of the City's intention to revoke his cardroom permit Mr. Beck has since filed an appeal with the City, Item 29, City Council agenda, October 27, 1987.
- ** Letter dated October 28, 1987, notifying Vernon K. Deming, Esquire of the City Manager's decision to grant undue hardship to Mrs. Beierle, operator/owner in the sale of business that will permit her cardroom license to be transferred. The new applicants must file a new application and the City will process as usual, requiring all inspections and approvals.

28

APPLICATIONS PENDING

ROUNDER'S
1911 El Camino Avenue

Jess Leal (Applicant)
Richard Stark (Applicant)

STARLITE CLUB
5200 Stockton Boulevard

Yoeng C. Chang (Applicant)

SACRAMENTO CASINO
2062 Auburn Boulevard

Barbara Clayton (Applicant)



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CALIFORNIA

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

916-449-5704

October 29, 1987

Vernon K. Deming, Esquire
930 Alhambra Boulevard
Sacramento, CA 95816

**RE: BEIERLE'S SUNDOWN, INC./PROPOSED TRANSFER OF EXISTING
CARDROOM LICENSE AT 2217 DEL PASO BOULEVARD BASED ON
UNDUE HARDSHIP**

Dear Mr. Deming:

This is to notify you that the City Manager will consider granting the transfer of the existing cardroom license at 2217 Del Paso Boulevard based on undue hardship.

Application for a cardroom license must be submitted by all principals to whom the transfer would be made. Routine inspections for code compliance would also be made. A decision would be made by the City Manager after review of these matters.

Applications may be obtained from and filed with the Revenue Division, City Hall, 915 I Street, Room 104.

Very truly yours,

WALTER M. THOMPSON
Citizens Assistance Officer



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CALIFORNIA

CITY HALL
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95814-2684

916-449-5704

October 29, 1987

Jess Leal
Richard T. Stark
4725 Papaya
Fair Oaks, CA 95628

RE: APPLICATION FOR CARDROOM LICENSE AT 1911 EL CAMINO AVENUE

Dear Mr. Leal and Mr. Stark:

This is to notify you that your application for a cardroom license at 1911 El Camino Avenue is hereby denied.

On September 23, 1987, the City Council enacted an emergency ordinance, effective immediately, which amended Section 5.3-4 of the City Code to provide for a maximum of one cardroom per 30,000 population according to the latest population figures from the California Department of Finance.

The number of cardrooms duly licensed in the City is ten. Based on on the current population figure of 327,000, no additional licenses may be issued.

The City Manager's office is creating a waiting list of cardroom applications. Your application is first on that list. As a license slot becomes available, the applicant at the top of the waiting list will be offered an opportunity to reactivate its application. We anticipate that population figures to become available in approximately April 1988 will permit issuance of one additional license.

We have evaluated your request that your permit be "grandfathered" without regard to the numerical limitation because you began operating in 1986 with the understanding that a valid permit had been or would be issued by the City Manager. We have concluded that such a result is not justified by the fact of such unauthorized operation. In any event, in early August, your business was closed and you surrendered and abandoned your cardroom license. In September, 1987, your gaming registration with the California Department of Justice was revoked.



28

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

October 29, 1987

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

916-449-5704

Barbara Clayton
227 Flower Court
Bakersfield, CA 93305

SUBJECT: APPLICATION FOR CARDROOM LICENSE AT 2060 AUBURN BOULEVARD

Dear Ms. Clayton:

This is to notify you that your application for a cardroom license at 2060 Auburn Boulevard is hereby denied.

On September 23, 1987, the City Council enacted an emergency ordinance, effective immediately, which amended Section 5.3-4 of the City Code to provide for a maximum of one cardroom per 30,000 population according to the latest population figures from the California Department of Finance. No special provision was made for pending applications.

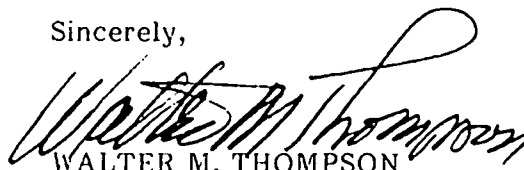
The number of cardrooms licensed in the City is ten. Based on the current population figure of 327,000, no additional licenses may be issued.

The City Manager's office is creating a waiting list of cardroom applicants. Your application places number two on that list. As a license slot becomes available, the applicant at the top of the waiting list will be offered an opportunity to reactivate its application.

Because you filed an updated and revised application as recently as September 8, 1987, this application has been classified as a new application.

Should you desire to appeal this decision denying your application for a cardroom license to the City Council, you must file a written notice of appeal accompanied by the applicable appeal fee with the City Clerk, 915 I Street, Room 300, no later than ten (10) days after the date of this letter.

Sincerely,


WALTER M. THOMPSON
Citizens Assistance Officer

DB:WT:lao



28

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

October 29, 1987

916-449-5704

Mr. Yoeng C. Chang
222 Statz Street, #1
North Las Vegas, NV 89030

SUBJECT: APPLICATION FOR CARDROOM LICENSE AT 5200
STOCKTON BOULEVARD

Dear Mr. Chang:

This is to notify you that your application for a cardroom license at 5200 Stockton Boulevard is hereby denied.

The subject premises are located in an area of the City such that the granting of a license might tend to cause a police problem or create a public nuisance, and would be contrary to the public interest. There are two existing cardrooms within a block of the subject premises. Were this application to be approved, there would be three cardrooms located in a two-block area, which is already a high "call for service" area for the police department. Cardrooms tend to serve as a magnet for criminal conduct, such as prostitution and narcotics activities.

Further, the Fire Department recommends denial because as of October 12, 1987, information requested by the Fire Marshal had not been provided by you or your agent.

Although this application is being denied upon the factors set forth above, you should also be aware that the City Council, effective September 23, 1987, amended the City Code to provide for a maximum of one cardroom per 30,000 population according to the latest population figures from the California Department of Finance. No special provisions were made for pending applications. Based on current population figures, no additional licenses may be issued. If your application were not being denied on its merits, your placement on a waiting list ranked in chronological order of application would be number three.

As an alternative to this denial, you may withdraw your application at this time and be placed on the waiting list in the number three position. As a license slot becomes available, the applicant at the top of the waiting list will be offered an opportunity to reactivate its application. Any reactivated application would be evaluated at that time.