Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: January 14, 2014

TO: Public Safety and Livable Neighborhoods Committee

FROM: City Attorney

SUBJECT: Crown Coffee and Hookah Lounge's Request to Hear an Appeal Related to Hearing Officer's Decision Upholding the Revocation of Police Permit Number 2011008326

PROCEDURAL HISTORY

The Crown Coffee and Hookah Lounge holds a police permit to operate as a Tobacco Retailer. The Chief of Police revoked the Tobacco Retailer Permit. The revocation was appealed to the City's Administrative Hearing Program, which is contracted through the University of San Diego School of Law. The Administrative Hearing Program conducted an appeal hearing, and the hearing officer upheld the revocation. Crown Coffee and Hookah Lounge now seeks an appeal to the Committee on Public Safety and Livable Neighborhoods.

ACTION BEFORE THE COMMITTEE

The above-referenced matter is docketed for the limited purpose of determining whether the Committee will hear the appeal of Crown Coffee and Hookah Lounge. The procedure established for the Committee to make its determination is governed by San Diego Municipal Code (SDMC) section 33.0505.

Pursuant to SDMC section 33.0505(d), the Committee may accept an appeal for hearing when any of the following situations are found to exist:

(1) The appellant was denied the opportunity to make a full and complete presentation to the hearing officer.

(2) New evidence is now available that was not available at the time of the hearing officer's hearing.
(3) The hearing officer's decision was arbitrary because no evidence was presented to the hearing officer that supports the decision.
(4) The appeal presents a City-wide issue on which guidance of the Committee on Public Safety and Neighborhood Services (or its successor committee) is required and the matter is of City-wide significance.
(5) The hearing officer's decision is in conflict with adopted Council policy or the Municipal Code.

Further, SDMC section 33.0505(e) describes the manner in which the Committee shall undertake its task:

(e) The Committee on Public Safety and Neighborhood Services (or its successor committee) shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Committee on Public Safety and Neighborhood Services (or its successor committee) by proponents or opponents of the appeal.

BACKGROUND

Tobacco Retailers are a police regulated business, governed by SDMC sections 33.4501-33.4519. *See* Attachment A. Tobacco Retailers are also subject to the General Provisions that govern all Police Regulated Occupations and Businesses, as required by SDMC sections 33.0101-33.0109. *See* Attachment B.

The Crown Coffee and Hookah Lounge applied for a police permit to operate as a Tobacco Retailer. *See* Attachment C. The application was approved, and the Crown Coffee and Hookah Lounge was issued permit number 2011008326. The permit was originally valid from April 30, 2011, until April 30, 2012. *See* Attachment D. Through subsequent renewals, the permit was extended through May 31, 2014. *See* Attachment E.

In addition to the Tobacco Retailer permit, the Crown Coffee and Hookah Lounge also held a police permit to provide Entertainment, with conditions. The Entertainment permit was valid from September 21, 2011, until September 30, 2012. *See* Attachment F. Entertainment permits are governed by SDMC sections 33.1501-33.1514. *See* Attachment G. Upon expiration of the Entertainment permit, the Crown Coffee and Hookah Lounge did not reapply for renewal. However, the Tobacco Retailer permit remained in force.

Regulatory penalties for police regulated businesses are set forth in section 33.0403 of the SDMC. *See* Attachment H. On June 13, 2013, the San Diego Police Department (SDPD) gave Notice of Revocation of the Tobacco Retailer Permit to the Crown Coffee and Hookah Lounge. *See* Attachment I. The decision to revoke the Tobacco Retailer permit came after numerous meetings and warnings, which failed to bring about compliance. *See* Attachment J.

The Crown Coffee and Hookah Lounge requested an appeal of the Police Department's revocation. The appeal process is governed by SDMC sections 33.0501-33.0508. *See* Attachment K. The appeal was conducted over two days (August 8, 2013, and October 22, 2013) before the Honorable William H. Wise, Judge (retired), of the Administrative Hearing Program. Judge Wise issued an Administrative Enforcement Decision and Order, dated November 12, 2013, in which he upheld the revocation of the Tobacco Retailer Permit. *See* Attachment L.

By letter dated November 22, 2013, Dante Pride, Esquire, wrote to the City Clerk on behalf of Crown Coffee and Hookah Lounge requesting an appeal to the Committee on Public Safety and Neighborhood Services (now the Committee on Public Safety and Livable Neighborhoods). *See* Attachment M. This Committee must now determine whether any of the conditions set forth in SDMC section 33.0505(d) exist, and whether to grant the request for an appeal hearing.

During the pendency of the appeal process, the revocation has been stayed allowing Crown Coffee and Hookah Lounge to continue operating as a Tobacco Retailer.

GROUNDS FOR APPEAL

Mr. Pride states two grounds upon which he believes the Committee may hear the appeal of the Crown Coffee and Hookah Lounge. First, he cites SDMC section 33.0505(d)(3) and alleges the hearing officer's decision was arbitrary because no evidence was presented to the hearing officer that supports the decision. Second, citing SDMC section 33.0505(d)(4), Mr. Pride claims the appeal presents a city-wide issue on which guidance of the Committee is required and the matter is of city-wide significance. Each claim is hereby addressed and refuted.

A. Was the hearing officer's decision arbitrary because no evidence was presented to the hearing officer that supports the decision? SDMC § 33.0505(d)(3).

Answer: No. The SDPD presented evidence upon which the hearing officer could rely. The evidence presented by SDPD included documentary evidence and witness testimony, including testimony from officers of the SDPD, members of local business and community groups, and local residents and business owners.

1. Judge Wise found the preponderance of the evidence clearly indicated violations of the following provisions of the SDMC:

    a. SDMC § 33.4501 – The purpose and intent of Division 45 of the Municipal Code which governs Tobacco Retailers.

    b. SDMC § 33.0103(a) – SDPD's right to inspect police regulated businesses.

    c. SDMC § 33.0103(a) –Police regulated businesses may not prevent or hinder SDPD inspection.

d. SDMC § 33.1503(a) – Entertainment may not be provided without a police permit (the Order cites SDMC § 33.0103(a), which is a clerical error).

e. SDMC § 33.1502 – Definitions of Entertainment which includes dancing and music provided by a DJ.

f. SDMC § 33.0101(c) – It is a misdemeanor to operate a police regulated business without a police permit.

g. SDMC § 33.0403(a) – Acts or omissions on the part of a permittee that may subject the permittee to regulatory action by the Chief of Police against the police permit.

2. Judge Wise made the following findings:

a. Crown Coffee and Hookah Lounge is a police-regulated business because it sells tobacco.

b. Crown Hookah expressly agreed to the right of reasonable inspection by signing the Tobacco Retailer application.

c. Crown Hookah's permit only authorized the sale of tobacco products, but it engaged in entertainment and provided functions of an entertainment establishment on multiple occasions after its Entertainment permit had expired, in violation of the SDMC.

d. Crown Hookah prevented the SDPD from carrying out its inspection of the premises in violation of the SDMC.

3. SDPD presented evidence to the hearing officer at the Administrative Hearing. *See* Attachment N.[1]

a. Division 45, Permits for Tobacco Products Sales, is part of Article 3 of the Municipal Code, Police Regulated Occupations and Businesses. The Tobacco Retailer permit application states Tobacco Retailers must have a police permit. The face of the Tobacco Retailer Permit states that it is a Police Regulated Business Permit, in bold letters at the top. SDPD presented the following evidence:

(1) Exhibit 1, Tobacco Retailer permit application.

[1] The evidence cited in this memo (and contained in Attachment N) does not constitute the entire record of evidence presented by SDPD at the Administrative Hearing. Rather, the evidence provided herein is that which directly relates to the hearing officer's "Determination of Issues and Legal Conclusions."

(2) Exhibit 2, Tobacco Retailer permit, 4/30/11 to 4/30/12.
(3) Exhibit 3, Tobacco Retailer permit renewal application.
(4) Exhibit 4, Tobacco Retailer permit, 4/30/12 to 4/30/13.
(5) Exhibit 5, Tobacco Retailer permit renewal application.
(6) Exhibit 6, Tobacco Retailer permit, 5/31/13 to 5/31/14.
(7) Testimony of Officer Cindy Meyer, SDPD Vice Permits and Licensing.

b. Crown Coffee and Hookah Lounge's owner, Mr. Abdulkerim, agreed to the right of SDPD to inspect the business premises by signing the acknowledgment on the Tobacco Retailer permit application. SDPD presented the following evidence:

(1) Exhibit 1, Tobacco Retailer permit application.
(2) Exhibit 3, Tobacco Retailer permit renewal application.
(3) Exhibit 5, Tobacco Retailer permit renewal application.
(4) Testimony of Officer Cindy Meyer, SDPD Vice Permits and Licensing.

c. Crown Coffee and Hookah Lounge had a police permit to provide Entertainment, which was valid for the period 9/21/11 until 9/30/12. After the Entertainment permit expired, the owner did not seek to renew the permit. Nonetheless, Crown Coffee and Hookah Lounge continued to provide entertainment, in violation of the SDMC. SDPD presented the following evidence:

(1) Exhibit 7, Entertainment permit with conditions, 9/21/11 to 9/30/12.
(2) Exhibit 11, Officer Spillane report of 11/16/12: Providing entertainment without an Entertainment permit (charging admission, no security for patron count, exceeding occupancy, loud music over 50 feet).
(3) Exhibits 13, 14, 15, and 16, reports of Officer James, Officer Campbell, Officer Cunanan, and Officer Peterson respectively, all dated 3/8/13: Providing entertainment without an Entertainment permit (DJ, patron dancing, imposing a cover charge for entry)
(4) Exhibit 20, Officer McAndrew report of 5/4/13: Providing entertainment without an Entertainment permit (patron dancing).
(5) Exhibits 21 and 22, reports of Officer Cooley and Officer Williams, respectively, dated 5/17/13: Providing entertainment without an Entertainment permit (patron dancing)
(6) Exhibit 42, Officer Pendleton report of 5/10/13: Providing entertainment without an Entertainment permit (three DJs and patron dancing)
(7) Exhibit 44, screen shots of DJ's tweets on twitter announcing DJ tonight at Crown Hookah Lounge, all after the Entertainment permit expired
(8) Testimony of Officer Cindy Meyer, SDPD Vice Permits and Licensing
(9) Testimony of Officer Bruce Getz, SDPD Vice Permits and Licensing
(10) Testimony of Sgt. Kevin Moyna, SDPD Vice Permits and Licensing

(11) Testimony of Godfrey "Pete" Quiachon

d. The Crown Coffee and Hookah Lounge did not allow SDPD to inspect the premises. SDPD presented the following evidence:

(1) Exhibit 11, Officer Spillane report of 11/16/12: Failure to allow access for inspection.
(2) Exhibit 20, Officer McAndrew report of 5/4/13: Reluctance to allow access for inspection.

B. Does this appeal present a city-wide issue on which guidance of the Committee is required and the matter is of city-wide significance? SDMC § 33.0505(d)(4).

Answer: No. Without citing any legal authority, Mr. Pride claims Mr. Abdulkerim had a constitutionally-protected property right in the Tobacco Retailer Permit. Mr. Pride also concludes, without any legal basis, that Mr. Abdulkerim's permit was unconstitutionally revoked because the SDPD relied upon an obviously constitutionally overbroad section of the Code.

Mr. Pride's constitutional arguments are misplaced. They were irrelevant to the underlying Administrative Hearing, and are not relevant here. The hearing officer's powers are governed by SDMC section 33.0504, which states:

A hearing officer has no power:

(1) to declare an ordinance or statute unenforceable on the basis of it being unconstitutional unless an appellate court has made a determination that the ordinance or statute is unconstitutional;
(2) to declare an ordinance or statute unconstitutional;
(3) to declare an ordinance or statute unenforceable on the basis of its being preempted by another ordinance or statute, unless an appellate court has made a determination that the ordinance or statute is preempted; or
(4) to declare an ordinance or statute preempted by another ordinance or statute.

In conformance with section 33.0502 of the SDMC, the Administrative Hearing was conducted to determine the existence of any facts that constituted grounds for the denial, suspension, placing conditions upon, or revocation of the permit. Mr. Pride's challenge to the constitutionality of the SDMC regulations governing police regulated businesses is beyond the scope of any appeal that may be granted by this Committee.

CONCLUSION

There are no grounds upon which this Committee may grant the request of Crown Coffee and Hookah Lounge to hear an appeal. Neither SDMC sections 33.0505(d)(3) nor 33.0505(d)(4) apply, as those circumstances have not been shown to exist in this case. Evidence was presented to the hearing officer to support his decision. The appeal presents no city-wide issue requiring the guidance of this Committee. The decision of the hearing officer should stand, and this Committee should deny the request for an appeal.

JAN I. GOLDSMITH, CITY ATTORNEY

By _____
Linda L. Peter
Deputy City Attorney

LLP:amt
Attachments
cc: Dante T. Pride, Esq.
Chief William Lansdowne
Assistant Chief Cesar Solis
Capt. Al Guaderrama
Lt. Dan Plein
Doc. No.: 704014_4

MEMORANDUM TO THE PUBLIC SAFETY AND LIVABLE NEIGHBORHOODS COMMITTEE RE: CROWN COFFEE AND HOOKAH LOUNGE

JANUARY 29, 2014

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I. SDPD Notice of Revocation

J. Exh. J- 39 Memo dated 7/20/2012 re: Meeting of 7/16/2012 with Crown Coffee & Hookah Lounge and College Area Economic Development Corporation (2 pages).

Exh. J-32 Mediation Agreement with Crown Coffee & Hookah Lounge, 11/2/12

Exh. J-12 Notes from SDPD Meeting with Crown Coffee & Hookah Lounge, 2/20/13 (2 pages).

Exh. J-17 Warning Letter to Crown Hookah Lounge, dated April 4, 2013, with "return to sender, unclaimed," and proof of service tracking information (5 pages).

Exh. J-18 Notes from SDPD Meeting with Crown Coffee & Hookah Lounge, 4/11/13 (2 pages).

Exh. J-23 Warning Letter to Crown Hookah Lounge, dated May 23, 2013, with acknowledgment of personal service (4 pages). *Note:* This is a duplicate of the letter dated April 4, 2013.

K. SDMC section 33.0501, et seq., Appeal Rights and Procedures

L. Administrative Enforcement Decision and Order of Judge Wise

M. Mr. Pride's Request to PS&LN for appeal on behalf of Crown Coffee and Hookah Lounge

N. Evidence presented by SDPD to the hearing officer at the Administrative Hearing that specifically relate to the hearing officer's "Determination of Issues and Legal Conclusions."

Exh. N-1 Tobacco Retailer Permit Application, dated 4/22/11 (4 pages).

Exh. N-2 Police Regulated Business Permit #2011008326, Tobacco Retailer, valid 4/30/11 through 4/30/12 (1 page).

Exh. N-3 Tobacco Retailer Renewal Application, dated 4/20/12 (2 pages).

Exh. N-4 Police Regulated Business Permit #2011008326, Tobacco Retailer, valid 4/30/12 through 4/30/13 (1 page).

Exh. N-5 Tobacco Retailer Renewal Application, dated 6/20/13 (2 pages).

Exh. N-6 Police Regulated Business Permit #2011008326, Tobacco Retailer, valid 5/31/13 through 5/31/14 (1 page).

Exh. N-7 Police Regulated Business Permit #2011008326, Entertainment, valid 9/21/11 through 9/30/12, with conditions (5 pages).

Exh. N-11 Officer's Report Narrative written by Officer Spillane, dated 11/16/12 (3 pages).

Exh. N-12 Notes from SDPD Meeting with Crown Coffee & Hookah Lounge, 2/20/13 (2 pages).

Exh. N-13 Citation Y1252895, issued by Detective James to Anis Mohammed Abdulkerim, dated 3/8/13, with Investigator's Report (4 pages).

Exh. N-14 Investigator's Report written by Detective Campbell, dated 3/8/13, Incident #13030012779 (1 page).

Exh. N-15 Investigator's Report written by Detective Cunanan, dated 3/8/13, Incident #13030012779 (2 pages).

Exh. N-16 Investigator's Report written by Detective Peterson, dated 3/8/13, Incident #13030012779, with photo (2 pages).

Exh. N-17 Warning Letter to Crown Hookah Lounge, dated April 4, 2013, with "return to sender, unclaimed," and proof of service tracking information (5 pages).

Exh. N-18 Notes from SDPD Meeting with Crown Coffee & Hookah Lounge, 4/11/13 (2 pages).

Exh. N-20 Investigator's Report written by Detective McAndrew, dated 5/4/13, with copy of expired Entertainment Permit and conditions attached (7 pages).

Exh. N- 21 Officer's Report Narrative written by Officer Cooley, dated 5/17/13, Incident # 13050031653, with copy of expired Entertainment Permit and conditions attached (6 pages).

Exh. N-22 Field Interview #2365113, written by Officer Williams re: Anis Mohammed Abdulkerim, dated 5/17/13 (1 page).

Exh. N-23 Warning Letter to Crown Hookah Lounge, dated May 23, 2013, with acknowledgment of personal service (4 pages). *Note:* This is a duplicate of the letter dated April 4, 2013.

Exh. N-32 Mediation Agreement, dated November 2, 2012, with attached email (2 pages).

Exh. N-39 Memo dated 7/20/2012 re: Meeting of 7/16/2012 with Crown Coffee & Hookah Lounge and College Area Economic Development Corporation (2 pages).

Exh. N-42 Investigator's Report written by Detective Pendleton, dated 5/10/13 (2 pages).

Exh. N- 44 Internet screen shots of twitter DJ at Crown Hookah Lounge, posted in 2013

EXHIBIT A

Article 3: Police Regulated Occupations and Businesses

Division 45: Permits for Tobacco Products Sales

("Permits for Tobacco Products Sales" a*dded 11-15-2007 by O–19674 N.S.)*

§33.4501 Purpose and Intent

It is the purpose and intent of this Division to provide for local regulation of tobacco retail businesses by requiring police permits. The intent is to discourage violations of law prohibiting the sale or distribution of tobacco products to minors to protect their health, welfare, and safety. It is also the intent that all costs associated with the administration and enforcement of this Division be borne by tobacco retailer applicants and permittees. It is further the intent that recoveries hereunder shall be used to pay the costs of administering and enforcing this Division.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4502 Definitions

Except as otherwise provided, for purposes of this Division:

"*Person*" has the same meaning as used in Section 11.0210.

"*Police permit*" has the same meaning as used in Municipal Code section 33.0201.

"*Tobacco paraphernalia*" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of *tobacco products,* excluding lighters.

"*Tobacco products*" means any substance containing tobacco leaf, including, but not limited to, cigarettes, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco.

"*Tobacco retailer*" means any *person* who owns or operates, in whole or in part, a business for profit or not for profit who engages in *tobacco retailing.*

"*Tobacco retailing*" means selling, offering for sale, or offering to exchange for any form of consideration, tobacco, *tobacco products* or *tobacco paraphernalia.*

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§ 33.4503 Police Permit Required for Tobacco Retailer

(a) It is unlawful for any *person* to operate as a *tobacco retailer* without a *police permit*.

(b) It is unlawful for any *person* to engage in *tobacco retailing* unless the owner or operator has been issued a *police permit* to operate as a *tobacco retailer* at that location.

(c) A *tobacco retailer* shall obtain a separate *police permit* for each fixed location from which he or she engages in *tobacco retailing*.

(d) No *police permit* shall be issued for any *person* operating as a *tobacco retailer* at any location other than a fixed location.

(e) This section does not apply to sales or exchanges not made to the public.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4504 Enforcement Authority

The *Chief of Police* shall administer and enforce this Division. The *Chief of Police* shall be responsible for accepting applications for a *police permit* to operate as a *tobacco retailer*, and for issuing the permit. The *Chief of Police* shall be responsible for determining the fitness of applicants for a *police permit* to operate as a *tobacco retailer*, investigating any violations of this Division, and for taking administrative action against any *police permit* issued under this Division.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4505 Tobacco Retailer Permit Application Contents

(a) Each applicant for a *police permit* to operate as a *tobacco retailer* shall furnish the following information to the *Chief of Police*:

(1) The full true name and any other names ever used by the applicant.

(2) The current residential address and telephone number of the applicant.

(3) The address of the proposed *tobacco retailer* business location.

(4) Each residential address of the applicant for the five years immediately preceding the date of the application, and the inclusive dates of each address.

(5) All fictitious business names ever used by applicant and the respective addresses of those businesses.

(6) Written proof that the applicant is at least eighteen years of age.

(7) A valid social security number.

(8) Applicant's height, weight, and color of eyes and hair.

(9) Photographs of the applicant as specified by the *Chief of Police.*

(10) Applicant's business, occupation, and employment history for the five years immediately preceding the date of application, including addresses and dates of employment.

(11) Whether the applicant has ever had any *license* or *permit* issued by any agency or board, or any city, county, state or federal agency suspended or revoked, or has had any professional or vocational *license* or *permit* suspended or revoked within five years immediately preceding the application, and the reason for the suspension or revocation.

(12) All criminal *convictions*, including those dismissed pursuant to Penal Code section 1203.4, except traffic infractions, and a statement of the dates and places of such *convictions*.

(13) The name and address of the current owner and lessor of the real property upon which the proposed *tobacco retailing* business is to be conducted, and a copy of the lease or rental agreement.

(14) Copies of all business tax certificates.

(15) Information regarding *licenses* required under the "Cigarette and Tobacco Products Licensing Act of 2003," found in Business and Professions Code sections 22970, et seq., including, but not limited to, copies of applications for *licenses*, *licenses* issued, and any documentation regarding the reasons for the denial of such *license*.

(16) Such other identification and information, including fingerprints, as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application.

(b) In addition to the information required by Municipal Code section 33.4505(a), an applicant for a *tobacco retailing permit* shall furnish the following information to the *Chief of Police*:

(1) If the applicant is a corporation, the name of the corporation exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation, and names and residential addresses of each of its current officers and directors, and of each stockholder holding more than 25 percent of the stock of the corporation;

(2) If the applicant is a partnership, the name and residential address of each of the partners, including limited partners;

(3) If the applicant is a limited partnership, a copy of the limited partnership's certificate of limited partnership as filed with the County Clerk;

(4) If one or more of the limited partners is a corporation, the applicant shall provide the information about that partner required by Municipal Code section 33.4505(b)(1);

(5) If the applicant is a corporation or partnership, the name of the responsible managing officer.

(c) An applicant for a *police permit* to operate as a *tobacco retailer* shall submit a signed declaration certifying that he or she has not been convicted of or faced administrative action based on violations of the offenses listed in Municipal Code section 33.4510.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4506 Corporate Officers and Partners Deemed Applicants

Each corporate officer or partner of a *tobacco retailing* business is deemed an applicant and each shall provide the information required in Municipal Code section 33.4505.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4507 Designation of Responsible Managing Officer, Signature on Applications

An applicant that is a corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. The responsible managing officer may complete and sign all applications on behalf of the corporate officers and partners.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4508 Proof of State Licenses, Permits, and Certifications Required Before Issuance of Tobacco Retailer Permit

In addition to the requirements of Municipal Code section 33.4505, any *person* desiring a *police permit* to operate as a *tobacco retailer* shall furnish to the *Chief of Police* copies of all state *licenses*, *permits*, and certifications related to the sale of *tobacco products* and alcoholic beverages at the fixed location of the proposed *tobacco retailing* business.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4509 Investigation Prior to Issuance of Tobacco Retailer Permit

(a) The *Chief of Police,* or other designated official, shall make an investigation as may be deemed sufficient as stated in Municipal Code section 33.0301 to determine an applicant's fitness to operate as a *tobacco retailer.* The *Chief of Police* shall have authority to grant or deny a *police permit*, and to determine whether to take administrative action against a *police permit* under this Division.

(b) An investigation for a permit to operate as a *tobacco retailer* shall be conducted as prescribed in Municipal Code sections 33.0302, 33.0303(a), 33.0304, 33.0306, 33.0307, 33.0308, 33.0309, 33.0310, 33.0311, 33.0312, and 33.0313.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4510 Grounds for Denial of Tobacco Retailer Permit

In addition to the grounds for denial stated in Municipal Code section 33.0305(a)-(f), an application for a *police permit* to operate as a *tobacco retailer* shall be denied for any of the following reasons: The applicant has within five years immediately preceding the date of the filing of the application been *convicted* of, suffered any civil penalty, or faced administrative action against any type of *license* for violations of any tobacco control law, including, but not limited to, the following offenses: Penal Code section 308, Business and Professions Code sections 22950, et seq. ("Stop Tobacco Access to Kids Enforcement Act" or the "STAKE Act"), Business and Professions Code sections 22970, et seq. ("Cigarette and Tobacco Products Licensing Act of 2003"), or a charge of violating a lesser-included or lesser-related offense including, but not limited to, Penal Code section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed in this section.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4511 Right to Appeal Denial of Tobacco Retailer Permit

Any applicant denied a permit to operate as a *tobacco retailer* shall be afforded an appeal as prescribed in Municipal Code sections 33.0501, 33.0502, 33.0503, 33.0504, 33.0505, and 33.0508.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4512 Permit Fees

(a) All costs associated with administration and enforcement of this Division including, but not limited to, investigating *permit* applications, processing *permit* applications, inspecting, regulating, and enforcing this Division, and providing for appeals, shall be borne by applicants and *permittees*. The Mayor shall assess a fee for a *police permit* to operate as a *tobacco retailer* according to the schedule set in the City Clerk's Composite Rate Book. Fees will be reviewed annually.

(b) A *permit* issued under this Division shall be valid for a period of one year from the date of issuance or from the date of renewal.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4513 Tobacco Retailer Operating Requirements

(a) A *tobacco retailer* shall keep and post his or her *police permit,* issued under this Division, in the manner prescribed in Municipal Code sections 33.0105(a) and (c). This subsection is regulatory only.

(b) *Tobacco retailers* shall not allow, at any location for which they have a *police permit* to operate as a *tobacco retailer,* a violation of any tobacco control law including, but not limited to, the offenses listed in Municipal Code section 33.4510. *Tobacco retailers* shall be responsible for the acts of others who violate tobacco control laws at any location for which the *tobacco retailer* possesses a *police permit* to operate as a *tobacco retailer*. This subsection is regulatory only.

(c) A *tobacco retailer* shall display in a conspicuous and prominent location near *tobacco products*, information, in a manner established by the *Chief of Police*, on how to report violations of tobacco control laws including, but not limited to, reporting sales of *tobacco products* to minors, to the *Chief of Police*.

(d) Clerks who transact *tobacco products* sales in *tobacco retailer* establishments shall themselves be the minimum legal age to purchase *tobacco products* (currently 18 years of age). This subsection is regulatory only.

(e) *Tobacco retailers* shall check the age of purchasers of *tobacco products* who reasonably appear to be under the age of 27. This subsection is regulatory only.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4514 Penalties and Regulatory Action

(a) All penalties and regulatory action related to a *police permit* issued to operate as a *tobacco retailer* shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406.

(b) If a *police permit* issued under this Division is suspended or revoked, all *tobacco products* and tobacco paraphernalia shall be removed from public view for the duration of the suspension or revocation.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4515 Additional Penalties

A *police permit* issued under this Division may be revoked if a *person* operating as a *tobacco retailer* is convicted of a violation of Health and Safety Code section 11364.7, or a lesser-included or lesser-related offense including, but not limited to, Penal Code section 415, in satisfaction of, or as a substitute for, an original charge of Health and Safety Code section 11364.7.
(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)
(Amended 2-26-2010 by O-19928 N.S.; effective 3-28-2010.)

§33.4516 Tobacco Retailer Permit Not Transferable

A *police permit* issued under this Division is not transferable.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4517 Grandfather Clause

Notwithstanding Section 33.4510, *convictions* for offenses listed in Section 33.4510 shall not be used to deny an application for a *police permit* under this Division if the date of the *conviction* was prior to the passage of this Division.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4518 Operative Date, Requirement for Police Permit

For a new business, a *police permit* to operate as a *tobacco retailer* must be obtained upon the issuance of a business tax certificate. For an existing business, a *police permit* to operate as a *tobacco retailer* must be obtained upon renewal of the tax certificate. During the first year in which this ordinance is in effect, any existing business whose tax certificate renewal has not yet become due may operate as a *tobacco retailer* on condition that a currently valid state tobacco license is in effect for each location where *tobacco products* are sold.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)

§33.4519 Reporting

The *Chief of Police* shall, on a yearly basis or as requested by the Public Safety and Livable Neighborhoods Committee, report to the Public Safety and Livable Neighborhoods Committee the following information:

(a) A summary of activity related to the administration and enforcement of this Division, including:

(1) Number of violations,
(2) Number and amount of fines,
(3) Number and type of penalties,
(4) How the fine revenues are being used, and
(5) Detailing the program budget; and

(b) An accounting of all funds received and used for the administration and enforcement of this Division; and

(c) The estimated rate of illegal sales of *tobacco products* to minors within the City of San Diego.

(Added 11-15-2007 by O–19674 N.S.; effective 12-15-2007.)
(Amended 11-28-2013 by O-20316 N.S.; effective 11-28-2013.)

EXHIBIT B

Article 3: Police Regulated Occupations and Businesses

("Police Regulated Business Regulations" retitled to "Police Regulated Occupations and Businesses" on 11–20–2000 by O–18885 N.S.)

Division 1: General Provisions

§33.0101 Certain Businesses and Occupations Police-Regulated; Police Permit Required

(a) The occupations and businesses in The City of San Diego listed in this Article are subject to the City's police power and are classified as "police-regulated."

(b) All police-regulated occupations and businesses, and all *persons* conducting or proposing to engage in a police-regulated occupation or business, are subject to any investigation and regulation required by this Article as a prerequisite to the granting of a *police permit* to conduct the occupation or business.

(c) It is a misdemeanor for any *person* to operate a business or engage in an occupation regulated by this Article without a *police permit*. The *police permit* is in addition to any other *license* or *permit* required under any other provisions of the San Diego Municipal Code, including the business tax certificate in Chapter III, Article 1, or any *license* or *permit* required by law.

(d) It is not a defense in any proceeding brought under this Article that a *license* or *permit* was issued under some other provision of law, nor shall the issuance of a *permit* under this Article be a defense to a *violation* under other sections of this Code.

("Police Regulated" retitled to "Certain Businesses and Occupations Police-Regulated; Police Permit Required" and amended 11–20–2000 by O–18885 N.S.)

§33.0102 Separate Permits Required

(a) A separate police permit is required for each police-regulated business activity carried on at a specific location, except for Secondhand Dealers. Secondhand Dealers are only required to obtain one permit per dealer; however, a copy of the permit must be posted in accordance with this Division.

(b) Unless otherwise stated, any *person* desiring to operate a police-regulated business and to act in a police-regulated occupation must obtain *permits* to do both.

("Inspections and Authority of Peace Officers or Police Employees" renumbered to Sec. 33.0103; "Separate Permits Required" added 11-20-2000 by O-18885 N.S.)

§33.0103 Inspections and Authority of Peace Officers or Police Employees

(a) The *Chief of Police* shall make, or cause to be made, regular inspections of all police-regulated businesses. Any *peace officer* shall have free access to any police-regulated business during normal operating hours. It is unlawful for any *permittee* or *employee* to prevent or hinder any *peace officer* from conducting an inspection.

(b) Any police code compliance officer assigned by the *Chief of Police* to conduct inspections shall have free access to any police-regulated business during normal operating hours. It is unlawful for any *permittee* or *employee* to prevent or hinder any police code compliance officer from conducting an inspection.

(c) The right of reasonable inspection to enforce the provisions of this Article is a condition of the issuance of a *police permit*. The applicant or *permittee* shall acknowledge this right of inspection at the time of application. Refusal to acknowledge this right of inspection is grounds for denial of the application. The right of inspection includes the right to require identification from *responsible persons* or *employees* on the *premises*. The refusal to allow inspection upon reasonable demand or the refusal to show identification by *responsible persons* or *employees* is grounds for the suspension, revocation, or other regulatory action against the *police permit*.

("Posting of Licenses or Permits" renumbered to Sec. 33.0105; "Inspections and Authority of Peace Officers or Police Employees" renumbered from Sec. 33.0102 and amended 11-20-2000 by O-18885 N.S.)

§33.0104 Police Code Compliance Officer Arrest Authorization

Pursuant to Penal Code section 836.5, a police code compliance officer is authorized to arrest without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence that is a violation of a statute or ordinance the police code compliance officer has the duty to enforce.

("Cost of Investigation and Fees" repealed; "Police Code Compliance Officer Arrest Authorization" added 11-20-2000 by O–18885 N.S.)

§33.0105 Posting of Permits

Except as otherwise provided by this Code, all *police permits* must be kept and posted in the following manner:

(a) Any *permittee* engaged in business at a fixed place of business shall keep the *police permit* posted in a conspicuous place upon the *premises* where business is conducted together with the *permit* or a copy of the *permit* for any *person* required to be licensed under the provisions of this Article who is engaged in a police-regulated occupation on the business *premises*.

(b) Any *person* engaged in business in the City of San Diego, but not operating from a fixed place of business, shall keep his or her *police permit* upon their *person* at all times while engaging in such business.

(c) When requested, each *permittee* shall exhibit the *police permit* to any *peace officer*, or any individual who (1) is doing business with the *permittee* or, (2) is considering doing business with the *permittee*, or (3) is seeking employment with the *permittee*.

("Construction and Enforcement" repealed; "Posting of Licenses or Permits" renumbered from Sec. 33.0103, retitled to "Posting of Permits" and amended 11-20-2000 by O–18885 N.S.)

§33.0106 Name of Business

It is unlawful for any *permittee* to operate any police-regulated business or engage in any police-regulated occupation under any name or designation other than the name or designation on the *police permit*. This Section does not preclude the use of stage names by dancers or escorts licensed under Divisions 28 and 36.

("Transition Provisions" repealed; "Name of Business" added 11-20-2000 by O–18885 N.S.)

§33.0107 Chief May Require Security Guards

Whenever authorized by this Article, the *Chief of Police* may require a police-regulated business to employ security guards to provide crowd control. The *Chief of Police* will consider the following factors in determining the number of security guards that will be sufficient:

(a) the nature of the event;

(b) the number in attendance;

(c) the ages of the patrons;

(d) the potential for disorderly conduct;

(e) the nature of the surrounding neighborhood;

(f) the likelihood of interference from other sources or businesses in the area;

(g) the history of the *permittee* for maintaining order and complying with all laws; and

(h) any other factors reasonably related to safety.

The *Chief of Police* may require security guards to be readily identifiable by their attire.
("Constitutionality and Severability" repealed; "Chief May Require Security Guards" added 11-20-2000 by O–18885 N.S.)

§33.0108 Mail Notice from City Authorized

Unless otherwise stated, whenever written notice from the City is required under this Article, it is sufficient to mail the notice via first class mail to the most recent address provided by the *person*. Such mail is presumed delivered five days after its postmark date.
("Mail Notice from City Authorized" added 11-20-2000 by O-18885 N.S.)

§33.0109 Selling or Peddling by Weight; Certificate of Scales; Testing Required

The City may not issue a *permit* to buy, sell, offer for sale, or peddle any goods, wares or merchandise in the City that are bought or sold by weight, unless the

applicant for the *permit* has at the time of application filed a certificate from the County Sealer of Weights and Measures of San Diego County, California, stating that said County Sealer of Weights and Measures has examined and tested the scales proposed to be used by the applicant, and has found them to be accurate.
("Selling or Peddling by Weight; Certificate of Scales; Testing Required" added 11-20-2000 by O-18885 N.S.)

EXHIBIT C

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING
1400 E Street
P O Box 121431, San Diego, CA. 92112-1431
(619) 531-2250

TOBACCO RETAILER PERMIT APPLICATION

San Diego Municipal Code Section 33.0101(c) states you must have a valid police permit to operate a business designated as police regulated. You are responsible for being familiar with and complying with the rules and regulations related to Tobacco Product Sales. Copies of the Tobacco Product Sales Ordinance and General Divisions for police regulated activities may be obtained from the City Clerk's office located at 202 C Street, 2nd Floor, Phone (619) 533-4000 or via the City's website: www.sandiego.gov (Department, City Clerk, Documents, Municipal Code) **SDMC Chapter 3, Article 3, Division 45, Sections 33.4501 to 33.4518**

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

- ☐ **CURRENT BUSINESS TAX CERTIFICATE** (619) 615-1500
- ☐ **CORPORATE OR LLC ARTICLES, OR FICTICIOUS NAME STATEMENT** Certificate as filed with County Clerk (619) 237-0502
- ☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Bd of Equalization (800) 400-7115
- ☐ **IDENTIFICATION** A current U.S. government issued photo identification card (i.e. Driver's License or Military I.D.) is required. Passports are accepted with two supporting documents.
- ☐ **LEASE OR RENTAL AGREEMENT** (to include name and address of current owner and lessor of the retail business property)
  Applicant's retail business premises are: ☐ OWNED ☐ RENTED / LEASED

Anis Abdulkerim [redacted] [redacted]
Property Owner's Name Property Owner's Address Phone No.

[redacted] [redacted]
Lessor's Name Lessor's Address Phone No.

- ☐ **Check type of ownership and provide verification of filing.**

03 0418'11 12:06 N000016 PLU
☐ Sole Owner
☐ Corporation
☐ Limited Liability Partnership (LLP)
☐ Registered Domestic Partnership
☐ Partnership
☐ Other (specify)_____
☐ Husband & Wife Co-Partnership $104.00
☐ Limited Liability Company (LLC)
☐ Limited Partnership (LP)
☐ Responsible Managing Officer

- ☐ **Check, money order or cashier's check payable to CITY TREASURER.** Third party out of state checks and credit cards are not accepted.

03 0418'11 12:06 N000016 PLU
03202 TCERLG $108.00
F03 0418'11 12:06 N000016 TND
CHECK $212.00

Regulatory Permit Fee	**$108.00**	**(annual fee)**
Application Fee	**104.00**	**(per applicant and is NON-REFUNDABLE)**
Total	**$212.00**	

TOBACCO RETAILER (BUSINESS) INFORMATION

Business Name: Crown Coffee & Hookah Lounge dba _____
Business Address: 7059 EL CAJON BLVD SAN DIEGO CA City & Zip 92115
Mailing Address: _____ City & Zip _____
Business Tax Certificate No. 2011008326 Business Phone # 619-807-5415

TOBACCO RETAILER DECLARATIONS

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature PER Phone Conversion Date 04.19.11

Forgot to Sign But acknowledges Inspection

FOR SDPD USE ONLY:

Accepted by: C. Mayo 5893 Date 4.22.11

Approved ☑
Disapproved ☐ By: C. Mayo 5893 Date 4.22.11

Comments:

EXHIBIT D

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 04/30/2012**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
04/30/2011

EXPIRES
04/30/2012

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C. M 5823

CONDITIONS ☐

CONDITIONS

3

EXHIBIT E

THE CITY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING
P.O. Box 121431 MS 735 San Diego, CA 92101
(619) 531-2250

TOBACCO RETAILER APPLICATION

RENEWAL ONLY

CROWN COFFEE & HOOKAH LOUNGE
5465 VINCETTA CT #15
LA MESA CA 91942-2426

PERMIT TYPE: TOBACCO
PERMIT NO.: **2011008326**
EXPIRATION DATE: 4/30/2012
BUS. ADDRESS: **7059 EL CAJON BLVD SAN**

DIEGO CA 92115

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

☐ **BUSINESS TAX CERTIFICATE** (619) 615-1500

☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Board of Equalization (800) 400-7115

- **Check, money order** or **cashier's check payable to CITY TREASURER.** Third party, out of state checks, and credit cards are not accepted. **Regulatory Permit Fee $108.00 (annual fee)**
- It is the responsibility of the permit holder to renew the permit **no later than 10 days** after the expiration date. Failure to renew on time will result in penalty fees **($25 plus 10% of the regulatory fee).** If a renewal is not completed with all fees and penalties paid **within 30 days** after the permit expiration date, the permit expires and activities allowed by the permit must cease. A permittee must then begin the application process as a new applicant. (SDMC §33.0308)

APPLICANT INFORMATION

☐ Check box and initial if there are no changes from the original application and do not complete the below section – INTIALS _____

Applicant's Full Name: Anis (First) Mohammed (Middle) Ambikerim (Last)

Applicant's Relationship to Business / Title Owner

CONTINUE ON BACK PAGE

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature _____ Date 4-10-12

*****E MAIL ADDRESS*****: Anis1214@hotmail.com

DO NOT COMPLETE THE BELOW INFORMATION

FOR SDPD USE ONLY:

Accepted by: C 5853 Date 4.25.12

Approved ☑
Disapproved ☐

By: C 5853 Date 4.26.12

Comments: _____

Crown Hookah Lounge 7059 Cajon Blvd

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 04/30/2013**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
04/30/2012

EXPIRES
04/30/2013

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92116

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C. Mu 5893

CONDITIONS ☐

CONDITIONS

4

THE CITY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING

P.O. Box 121431 MS 735 San Diego, CA 92101 Phone: (619) 531-2250

TOBACCO RETAILER APPLICATION

RENEWAL ONLY

CROWN COFFEE & HOOKAH LOUNGE
5465 VINCETTA CT #15
LA MESA CA 91942-2426

PERMIT TYPE: TOBACCO
PERMIT NO.: **2011008326**
EXPIRATION DATE: 4/30/2013
BUS. ADDRESS:**7059 EL CAJON BLVD SAN DIEGO CA 92116**

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

☐ **BUSINESS TAX CERTIFICATE** (619) 615-1500

01 0516'13 14:38 N000019 PLU
416167TREN $131.00

☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Board of Equalization (800) 400-7115

- **Check, money order** or **cashier's check payable to CITY TREASURER**. Third party, out of state checks, and credit cards are not accepted. **Regulatory Permit Fee $131.00 (annual fee)**
- It is the responsibility of the permit holder to renew the permit **no later than 10 days** after the expiration date. Failure to renew on time will result in penalty fees (**$25 plus 10% of the regulatory fee**). If a renewal is not completed with all fees and penalties paid **within 30 days** after the permit expiration date, the permit expires and activities allowed by the permit must cease. A permittee must then begin the application process as a new applicant. (SDMC §33.0308)
- Contact tobacco@pd.sandiego.gov if you have any questions.

01 0516'13 14:39 N000019 PLU
[illegible] $131.00

01 0516'13 14:39 N000019 TND
CHECK $169.10

APPLICANT INFORMATION

☐ Check box and initial if there are no changes from the original application and do not complete the below section – INTIALS _____

Applicant's Full Name: Anis (First) M. (Middle) Abdulkerim (Last)

Applicant's Relationship to Business / Title Owner

CONTINUE ON BACK PAGE

REQUIRED APPLICANT DISCLOSURES

Have you ever had any *license* or *permit* issued by any agency or board, or any city, county, state or federal agency

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature _____ Date 4.24.13

*****E MAIL ADDRESS*****: Anis1211@hotmail.com

DO NOT COMPLETE THE BELOW INFORMATION

FOR SDPD USE ONLY:

Accepted by: C 5893 Date 6-20-13

Approved ☑
Disapproved ☐ By: C 5893 Date 6-20-13

Comments: _____

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 05/31/2014**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
05/31/2013

EXPIRES
05/31/2014

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92116

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C 5893

CONDITIONS ☐

CONDITIONS

EXHIBIT F

UNIL 3-19-2012

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 09/30/2012**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
09/21/2011

EXPIRES
09/30/2012

BUSINESS TYPE: ENTERTAINMENT NO ALC DANCE 50+

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO, CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER _____

CONDITIONS [X]

CONDITIONS

******SEE ATTACHED CONDITIONS AND KEEP WITH PERMIT AT ALL TIMES******

9

CITY OF SAN DIEGO – ENTERTAINMENT PERMIT CONDITIONS – (NO ALCOHOL)

IN THE MATTER OF: **CROWN COFFEE & AND HOOKAH LOUNGE LOCATED AT 7059 EL CAJON BLVD.**

POLICE PERMIT # **2011008326**

THESE CONDITIONS ARE MADE PURSUANT TO PROVISIONS OF SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 33.1513. PERMITEE MUST RETAIN A COPY OF THESE CONDITIONS ALONG WITH POLICE PERMIT FOR ENTERTAINMENT AND BE PREPARED TO PROVIDE THEM TO ANY LAW ENFORCEMENT OFFICER UPON REQUEST. ANY VIOLATIONS OF THE FOLLOWING CONDITIONS SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF POLICE PERMIT. IMPOSITION, SUSPENSION OR REVOCATION OF ANY PARTICULAR CONDITION IS APPEALABLE THROUGH PROCEDURES SET FORTH IN (SDMC) CHAPTER III, ARTICLE 3, DIVISION 5. THIS POLICE PERMIT FOR ENTERTAINMENT IS CONDITIONED AS FOLLOWS:

MUST COMPLY WITH SDMC CHAPTER III, ARTICLE 3, DIVISION 15 AND THE FOLLOWING CONDITIONS:

(1) ENTERTAINMENT CONSISTING OF A BELLY DANCER OR A DJ MAY BE PROVIDED BETWEEN THE HOURS OF 10:00 AM AND 12:00 MIDNIGHT. PATRON DANCING IS PROHIBITED. [redacted]

(2) NO PERSONS UNDER THE AGE OF EIGHTEEN **(18)** YEARS SHALL ENTER OR REMAIN UPON THE PREMISES AT ANY TIME.

(3) WHEN PROVIDING ENTERTAINMENT, **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSED SECURITY GUARD PERSONNEL, AT A RATIO OF ONE (1) FOR EVERY SEVENTY-FIVE (75) OR FEWER PATRONS. SECURITY PERSONNEL SHALL BE UNIFORM COMPANY ATTIRE AS TO BE EASILY IDENTIFIABLE WITH THE WORD "SECURITY" IN THREE INCH LETTERING ON THE BACK OF A SHIRT AND/OR JACKET.

(4) IN ADDITION, WHEN PROVIDING ENTERTAINMENT,**CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY ONE (1) ADDITIONAL SECURITY GUARD TO ACTIVELY MONITOR AND CONDUCT ROVING PATROLS THROUGHOUT THE VENUE AND THE PREMISE PARKING LOT.

(5) SPECIFIC DUTIES OF SECURITY SHALL BE TO PATROL INTERIOR AND EXTERIOR OF PREMISES AND UP TO **100 FEET** OF THE ESTABLISHMENT'S PROPERTY LINE DURING ENTERTAINMENT HOURS AND ONE HALF HOUR AFTER CLOSING, SECURITY PERSONNEL SHALL BE POSTED OUTSIDE TO MONITOR PATRONS WAITING ADMISSION TO THE PREMISES TO ALLEVIATE POLICE PROBLEMS, EXCESSIVE NOISE, ABUSIVE BEHAVIOR, DISTURBANCES AND ANY OTHER VIOLATIONS OF THE LAW THAT MAY OCCUR ON OR ABOUT THE LICENSED PREMISES. **CROWN COFFEE & AND HOOKAH LOUNGE** SECURITY PERSONNEL SHALL PREVENT LOITERING OUTSIDE OF THE PREMISES AND MAINTAIN THE SIDEWALK AND PARKING LOT FREE OF PATRON NOISE AND DISTURBANCES.

(6) ALL DOORS AND WINDOWS SHALL REMAIN CLOSED WHENEVER MUSIC OR LIVE ENTERTAINMENT IS BEING PROVIDED ON THE PREMISES, EXCEPT FOR NORMAL INGRESS AND EGRESS AND IN CASE OF EMERGENCY.

(7) ALL MUSIC AND/OR NOISE GENERATED BY **CROWN COFFEE & AND HOOKAH LOUNGE** OR ITS PATRONS SHALL BE CONFINED TO THE INTERIOR OF THE BUILDING SO AS NOT TO DISTURB NEARBY RESIDENTS. NO MUSIC WILL BE PIPED INTO ANY OUTSIDE OR ADJACENT AREAS.

(8) SOUND AND AMPLIFICATION EQUIPMENT SHALL BE MONITORED DURING BUSINESS HOURS TO ENSURE THAT AUDIBLE NOISE REMAINS AT ACCEPTABLE LEVELS. NOISE LEVELS SHALL BE IN CONFORMANCE WITH THE NOISE ABATEMENT STANDARDS OF SAN DIEGO MUNICIPAL CODE SECTIONS 59.5.0401, 59.5.0501 AND 59.5.0502. IN THE EVENT OF NOISE COMPLAINTS, THE OWNER SHALL BE RESPONSIBLE FOR HIRING AN ACOUSTICAL ENGINEER TO EVALUATE AND GIVE SUGGESTIONS ON NOISE ATTENUATION.

(9) SERVICE OF PROMOTERS/ (DJ) OR OTHER PERSONS FOR THE PURPOSE OF PROFIT SHARING SHALL NOT BE UTILIZED. MONIES COLLECTED AS A DOOR CHARGE, OR ANY OTHER FORM OF ADMISSION CHARGE, INCLUDING MINIMUM DRINK ORDERS, SHALL BE SOLE PROFIT OF THE LICENSEE. IF SERVICES OF A PROMOTER/ (DJ) ARE TO BE USED, PROMOTER SHALL BE LICENSED WITH THE SAN DIEGO POLICE DEPARTMENT.

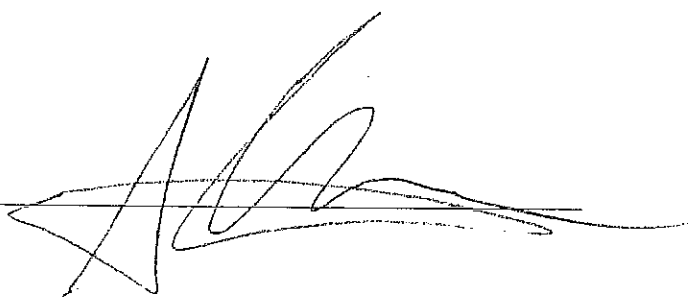
(10) **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL ENFORCE AND MONITOR OCCUPANCY LEVELS ESTABLISHED FOR THE ENTIRE PREMISES SET BY THE FIRE MARSHAL. ANY MODIFICATION OF THE BUSINESS CONFIGURATION OR OCCUPANCY LEVELS MUST BE REPORTED TO THE SAN DIEGO POLICE DEPARTMENT. ALL MODIFICATIONS MUST HAVE PRIOR FIRE MARSHAL APPROVAL.

(11) **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL REQUIRE THAT ALL SECURITY GUARD PERSONNEL BE REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS IN ACCORDANCE WITH THE CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 7574.10, WHICH READS:

NO PERSON SHALL ENGAGE IN THE BUSINESS OF A PROPRIETARY PRIVATE SECURITY OFFICER UNLESS REGISTERED WITH THE DEPARTMENT PURSUANT TO THIS CHAPTER....A PERSON MAY WORK AS A PROPRIETY PRIVATE SECURITY OFFICER PENDING RECEIPT OF THE REGISTRATION CARD IF HE OR SHE HAS BEEN APPROVED BY THE DIRECTOR AND CARRIES ON HIS OR HER PERSON A HARD COPY PRINTOUT OF THE BUREAU'S APPROVAL FROM THE BUREAU'S INTERNET WEB SITE AND VALID IDENTIFICATION.

(12) NO PERSON SHALL ENGAGE IN THE BUSINESS OF PROPRIETARY PRIVATE SECURITY EMPLOYER UNLESS REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS PURSUANT TO BUSINESS & PROFESSIONS CODE SECTION 7574.12.

(13) THESE ENTERTAINMENT CONDITIONS SHALL BE VALID FOR A 90 DAY PERIOD, EXPIRING ON 12/20/2011 AT WHICH TIME THE SAN DIEGO POLICE DEPARTMENT VICE PERMITS/LICENSING UNIT WILL REVIEW AND DETERMINE WHETHER PERMANENT ANNUAL CONDITIONS CAN BE GRANTED.

Signature 

SAN DIEGO POLICE DEPARTMENT - PERMITS AND LICENSING
MS-735, P.O. Box 121431 SAN DIEGO, CA 92101
(619) 531-2250

ENTERTAINMENT PERMIT

San Diego Municipal Code, Section 33.0101(c), states you must have a valid police permit to operate a business designated as police regulated. You are responsible for being familiar with and complying with the rules and regulations related to Entertainment. Copies of the Entertainment Ordinance and General Divisions for police regulated activities may be obtained from the City Clerk's office located at 202 C Street, 2nd Floor, Ph. # (619) 533-4000 or via the City's website: www.sannet.gov/ (Department, City Clerk, Documents, Municipal Code,) SDMC Chapter 3, Article 3, Division 14, Division 8 and Divisions 1-5).

The granting of a police permit does not relieve the applicant from obtaining all appropriate approvals required by the City of San Diego, or state or federal law. **The granting of a permit does not relieve a permittee from the permittee's obligation to comply with all applicable local, state, and federal laws, including those related to building, zoning, and fire, and other public safety regulations.** The granting of a police permit does not vest any development rights in the property or business (SDMC 33.0309). In order to legally operate your business and to establish that your business location is suitable, it is suggested that you first obtain the following:

ZONING APPROVAL can be obtained from the City of San Diego Development Services, 1222 First Avenue (3rd Floor), San Diego, CA 92101 - Phone (619) 446-5000.

FIRE MARSHAL APPROVAL can be obtained from San Diego Fire and Life Services, 1010 Second Avenue (3rd Floor), San Diego, CA 92101 - Phone (619) 533-4400 or www.sannet.gov/fireandems/inspections/index.shtml.

WHEN SUBMITTING YOUR APPLICATION, PLEASE PROVIDE ALL OF THE FOLLOWING:
(Incomplete applications will not be accepted.)

- POLICE PERMIT APPLICATION, BUSINESS ADDENDUM, AND EVIDENCE OF MAXIMUM OCCUPANCY (ie: building/fire inspection certification)
- BUSINESS TAX CERTIFICATE can be obtained from the San Diego City Treasurer's Office, 1200 Third Avenue (1st Floor), San Diego, CA 92101 - Phone (619) 615-1500.
- CONDITIONAL USE PERMIT, *if applicable.*
- ARTICLES OF INCORPORATION from the State of California, *if applicable.*
- STATEMENT OF UNDERSTANDING - Must be signed, dated and submitted with application.
- ALCOHOLIC BEVERAGE CONTROL LICENSE **(with copy of conditions)** from the State of California Department of Alcoholic Beverage Control, 1350 Front Street (Room 5056), San Diego, CA 92101 - Phone (619) 525-4064. (*if applicable*) **NOTE: The conditions have to specify that entertainment is allowed.**
- IDENTIFICATION – copy of valid government issued picture ID (driver's license or military ID).
- PERMIT FEE – as listed below:

ON-GOING ENTERTAINMENT WITH ALCOHOL OR DANCING:
$1,500.00 - ANNUALLY - 99 PERSONS OR LESS
$1,977.00 - ANNUALLY –100-249 PERSONS
$2,987.00 - ANNUALLY –250-399 PERSONS
$3,970.00 - ANNUALLY –400+ PERSONS

ON- GOING ENTERTAINMENT NO ALCOHOL OR DANCING:
$172.00 - ANNUALLY - 49 PERSONS OR LESS
$732.00 - ANNUALLY - 50 OR MORE PERSONS

Payment is accepted in the following forms:* Cash, check, cashier's check or money order payable to the "**City Treasurer**". **OUT OF STATE** checks will not be accepted.

PLEASE NOTE:

- A criminal records check will be conducted on each applicant.
- A 30-day investigation period begins at the time each application is received.

EXHIBIT G

Article 3: Police Regulated Occupations and Businesses

Division 15: Entertainment Establishments

(Retitled from "Cabarets — Dance Halls" to "Entertainment Establishments" on 11-20-2000 by O-18887 N.S.)

§33.1501 Purpose and Intent

The Council of the City of San Diego encourages the development of arts and culture in San Diego, and recognizes that many entertainment venues provide a means for such development. The Council of the City of San Diego further recognizes that the variety of entertainment venues in the City provide a rich and diverse cultural experience for the residents of the City and visitors to the City. The Council also recognizes that many non-alcoholic entertainment venues provide a safe place for families and young adults to gather.

The Council of the City of San Diego finds that the operations of *entertainment establishments* present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse public safety impact on the surrounding business and residential community.

Therefore, it is the purpose of this Division to regulate the operations of *entertainment establishments* for the public safety. All *permittees* will be held responsible for controlling patron conduct in and around the *establishments*, making adequate provisions for security and crowd control, protecting the City's youth from criminal activity and minimizing disturbances as a result of the operation of the *entertainment*.

It is also the intent of this Division to provide options to the *Chief of Police* in regulating the variety of businesses and events which provide *entertainment*. Council finds that the imposition of conditions tailored to the particular *establishment* will allow the business or event to flourish while meeting the City's public safety needs and avoiding unnecessary conditions on existing businesses or organizations which would change the mode of operation of a law-abiding business or organization with a history of compliance with the City laws.
(Retitled to "Purpose and Intent" and amended 11–20–2000 by O–18887 N.S.)

§33.1502 Definitions

For purposes of this Division:

"*ABC License*" means the license issued by the California Department of Alcoholic Beverage Control.

"*Admission Charge*" means any charge for the right or privilege to enter any place of *entertainment* including a minimum service charge, an event charge, a cover charge, a charge for the use of seats and tables, or any other similar charge. It also includes the purchase or presentation of a ticket or token directly or indirectly required as a condition for entrance. It does not include tips, gratuities, voluntary donations, or suggested donations for employees or for any person providing *entertainment*.

"*Bona fide restaurant*" means an eating establishment where a minimum percentage of its food sales are 50% of gross receipts.

"*Conditional use permit*" means any permit issued by the City of San Diego pursuant to Chapter X, Article 1, Division 5, or pursuant to a planned district ordinance, upon which the *Chief of Police* has had a meaningful role in determining conditions on the *permit* related to the operation of a *public dance*, *entertainment*, or amusement *premises*.

"*Dance and dancing*" means movement of the human body, accompanied by music or rhythm.

"*Entertainment*" or "*Entertainment Establishment*" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including:

(a) Presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, musical song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival, rodeo or circus acts, demonstrations of talent; shows, reviews, any other such activity which may be attended by members of the public.

(b) *Dancing* to live or recorded music.

(c) The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as "DJ" or "disc jockey."

"*Theater*" means any commercial establishment where regular theatrical performances, such as performances of literary compositions that tell a story, are given, usually on a stage, and usually with ascending row seating or some arrangement of permanent seating.

("Cabaret — Entertainment Regulated" repealed and "Definitions" added 11-20-2000 by O-18887 N.S.)
(Amended 12-15-2011 by O-20114 N.S.; effective 1-14-2012.)

§33.1503 Entertainment Permit Required

(a) It is unlawful for any person to provide or permit any *entertainment* which is open to the public without a *police permit.*

(b) The issuance of a "Special Event Permit" pursuant to Chapter II, Article 2, Division 40 of this Code, upon which the *Chief of Police* has had input in determining conditions on the *permit* related to the *entertainment*, satisfies the *entertainment permit* requirement of this Division. A separate *entertainment permit* is not required.

("Cabaret — Entertainers" repealed and "Entertainment Permit Required" added 11-20-2000 by O-18887 N.S.)

§33.1504 Exemption from the Permit Requirement

The following types of *entertainment* and events are exempt from the *police permit* required by this Division. This exemption does not relieve any of the *entertainment* and events from complying with all other applicable laws, including the laws related to noise levels, particularly those contained in Chapter V of this Code.

(a) *Entertainment* sponsored by any agency of The City of San Diego, the County of San Diego, the various Boards of Education, or of any other political subdivision of the State of California, or any non-profit organization, such as Girl Scouts, Boy Scouts, Little League, Boys and Girls Club, whose primary objective is the sponsoring and control of youth activities and child welfare. If the event is a dance, the following requirements must be met:

(1) No person eighteen years of age or older may be admitted as a guest, unless such person is a bona fide student at, or member of, the sponsoring agency or organization;

(2) No *alcoholic beverages* may be served, consumed or permitted on the *premises*;

(3) Chaperones from the sponsoring agency are present on the *premises* at the rate of two adults, who are at least twenty-five years of age or older, for every one hundred guests; and

(4) The event must finish by 12:00 a.m. and the *premises* and the adjoining parking lots must be promptly vacated by all the guests.

(b) *Entertainment* sponsored by a City authorized business improvement district when

(1) the business improvement district is created pursuant to and is abiding by state law, Streets and Highways Code sections 36500 and 36600, et. seq., and in compliance with agreements between the business improvement district and the City;

(2) the event is for the purpose of improving the business district of the business improvement district; and

(3) the business improvement district is the *responsible person* for the event.

(c) *Entertainment* limited to the use of a radio, music recording machine, juke box, television, video games, video programs, or recorded music by an *establishment*;

(d) *Entertainment* provided for members and their guests at a private club having an established membership when admission is not open to the public. For purposes of this Section, private club means corporations or associations operated solely for objects of national, social, fraternal, patriotic, political, or athletic nature, membership in which is by application and for which regular dues are charged, and the advantages of which club belong to members, and the operation of which is not primarily for monetary gain;

(e) *Entertainment* provided for invited guests at a private event such as a wedding reception, banquet, or celebration where there is no *admission charge*.

(f) *Entertainment* conducted in connection with a regularly established recreation or theme park;

(g) *Entertainment* conducted by or sponsored by any bona fide club, organization, society or association which is exempt from taxation pursuant to Internal Revenue Code section 501(c)(3), when all proceeds, if any arising from such *entertainment* are used exclusively for the benevolent purposes of such club, society or association;

(h) Performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program;

(i) *Theaters;*

(j) Motion picture theaters not providing live entertainment;

(k) Dance lessons, theatrical and performing arts lessons;

(l) Book readings, book signings, poetry recitations, and any other similar entertainment consisting of the spoken word, including plays;

(m) Fund-raisers for a political cause;

(n) *Entertainment* consisting of ambient or incidental music provided for the guests by musicians such as a piano player, harpist, strolling violinist, mariachi band, guitarist or band. If there is an *admission charge* required to observe such *entertainment*, it will not be considered incidental.

(o) Any establishment, venue or assemblage of 49 persons or less, as described in the maximum occupancy load, provided that all the following conditions exist:

(1) There is no admission charge.

(2) The premises is not licensed and used for the sale of *alcoholic beverages*, such as a bar or restaurant which has an ABC license and serves *alcoholic beverages*.

(3) Customer dancing is not allowed.

(4) The entertainment ceases between the hours of 2:00 a.m. and 6:00 a.m.

(p) For any of the following police-regulated businesses and occupations:

(1) "*nude entertainment,*" regulated under Division 36 of this Article;

(2) "*casino parties,*" regulated under Division 41 of this Article;

(3) "*commercial amusement establishments,*" regulated under Division 16 of this Article;

(4) "*peep show establishments,*" regulated under Division 33 of this Article;

(5) "*bingo,*" regulated under Division 34 of this Article;

(6) "*cardrooms,*" regulated under Division 39 of this Article.

(q) Any establishment that is a *bona fide restaurant* provided all of the following conditions exist:

(1) There is no *admission charge.*

(2) There is no required purchase or donation (such as minimum drink order).

(3) The establishment is closed and all customers have vacated the premises between 11:00 pm and 8:00 am.

(4) Customer *dancing* is not allowed.

("Cabaret — Employees Prohibited from Certain Acts" repealed and "Exemption from the Permit Requirement" added 11-20-2000 by O-18887 N.S.)
(Amended 12-15-2011 by O-20114 N.S.; effective 1-14-2012.)
(Amended 1-2-2013 by O-20230 N.S.; effective 2-1-2013.)

§33.1505 Hours of Operation

All *entertainment establishments* shall be closed and all patrons shall vacate the *premises* between 2:00 a.m. and 6:00 a.m., unless the *permittee* also has an after-hours *permit* issued pursuant to Chapter III, Article 3, Division 8. The *Chief of Police* may require additional hours of closure as a condition on the *permit.* It is unlawful for any *responsible person* to fail to abide by the hours of closure.
("Cabaret — Employees Prohibited from Associating with Patrons" repealed and "Hours of Operation" added 11-20-2000 by O-18887 N.S.)

§33.1506 Disturbing the Peace; Disorderly Conduct

The *responsible person* shall make reasonable efforts to prevent the admission of any *person* whose conduct is described in Penal Code section 415 (fighting, loud noise, offensive words in public places) or 647 (disorderly conduct) at the *premises* or on any parking lot or similar facility used by the *establishment*. The *responsible person* shall make reasonable efforts to remove persons exhibiting such conduct from the *establishment*.
("Cabaret — Employees Percentage Compensation Prohibited" repealed and "Disturbing the Peace; Disorderly Conduct" added 11-20-2000 by O-18887 N.S.)

§33.1507 Reasonable Passageway Required

It is unlawful for any *responsible person* to fail to provide a reasonable passageway through any part of a room used by patrons and entertainers for their ingress and egress.
("Minors Prohibited" repealed and "Reasonable Passageway Required" added 11-20-2000 by O-18887 N.S.)

§33.1508 Observation of Noise Abatement Laws Required

The *responsible person* shall observe all laws applicable to noise abatement, including those contained in Chapter V of this Code.
("Notices Posted" repealed and "Observation of Noise Abatement Laws Required" added 11-20-2000 by O-18887 N.S.)

§33.1509 Disorderly Conduct Within 100 Feet Prohibited

The *responsible person* shall control the conduct of patrons so as to prevent or minimize disorderly or unlawful conduct upon the *establishment* and within 100 feet of the *establishment*. The 100-foot distance shall be measured in a straight line from the property line of the licensed *establishment*.
("Cabaret — Hours of Operation" repealed and "Disorderly Conduct Within 100 Feet Prohibited" added 11-20-2000 by O-18887 N.S.)

§33.1510 Orderly Dispersal Required

The *responsible person* shall cause the orderly dispersal of individuals from the vicinity of the *establishment* at closing time, and shall not allow them to congregate in the vicinity in a disorderly fashion.
("Adequate Lighting Required" repealed and "Orderly Dispersal Required" added 11-20-2000 by O-18887 N.S.)

§33.1511 Alcoholic Beverage on Premises

(a) It is unlawful for any *person* to bring an *alcoholic beverage* onto the *premises* unless such action is allowed by the *permittee's ABC license*.

(b) It is unlawful for any *responsible person* to allow any *person* to bring an *alcoholic beverage* onto the *premises* unless such action is allowed by the *permittee's ABC license*.

("Public Dance — Definition" repealed and "Alcoholic Beverage on Premises" added 11-20-2000 by O-18887 N.S.)

§33.1512 Chief of Police Authority Where There is Immediate Threat to Public Safety

(a) The *Chief of Police* may require a *permittee* or *responsible person* to close down operations and disperse all patrons for the remainder of its daily operation whenever conduct by disorderly patrons reaches a magnitude that presents an immediate threat to the public safety and well-being of the patrons and general public in the vicinity.

(b) It is unlawful for any *person* to fail to comply with any directive issued by the *Chief of Police* under authority of Section 33.1512(a).

(Added 11-20-2000 by O-18887 N.S.)

§33.1513 Conditions on Entertainment Permits

(a) The *Chief of Police* may impose conditions relating to the operation of the *entertainment* on the *police permit*. Conditions may relate to:

(1) the days, hours and location of operation;

(2) whether separate entrances, exits, and restroom facilities on the *premises*, or other similar restrictions designed to prevent minors from obtaining alcohol are required;

(3) the age of *persons* allowed on *premises*;

(4) whether licensed security guards are required, and if so, how many;

(5) whether the *Chief of Police* must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; and

(6) other similar conditions related to public safety and welfare;

(b) Conditions shall be based on specific and articulable facts reasonably related to insuring public safety, including the protection of minors from alcohol and other criminal activity.

(c) Conditions will be listed on the *permit*.

(d) Conditions may not be imposed unless the *Chief of Police* has considered the input of the *permittee* on the appropriateness of the conditions.

(e) The *Chief of Police* may not impose conditions that conflict with any local, state or federal law, or that conflict with the permittee's *ABC License*.

(f) Notwithstanding Section 33.1513(a), if the applicant has an *ABC license* or a *conditional use permit* issued since January 1, 1993 upon which the *Chief of Police* has had meaningful input in determining conditions on the *permit* related to the operation of the *entertainment*, including the ages of the patrons, and there has been no change in the manner or type of entertainment offered, those conditions will be the conditions of the *police permit* issued under authority of this Division. Nothing in this subsection is intended to prevent the *Chief of Police* from imposing any condition related to the age of patrons inside an *ABC establishment* if the *ABC license* does not address that issue. The intent of this subsection is to allow the sale and service of food to minors in a bona fide public eating place (*ABC license* types 41, 47, and various club licensed premises) with reasonable conditions placed on the *permit* to prevent curfew violations and protect the minors from alcohol and other criminal activity.

(g) Unless otherwise stated on the *permit*, a *permit's* conditions are subject to change only (1) at the time of renewal of the *permit* and at the request of the *permittee*, or (2) in conjunction with a modification of the same conditions on an *ABC license* or *conditional use permit*. At the time of renewal, the *Chief of Police* may order the removal or modification of any condition as requested. Nothing in Section 33.1513(f) or (g) is intended to prevent the *Chief of Police* from modifying any condition in conjunction with regulatory action taken against the *permittee* pursuant to Division 4 of this Article.

(h) Imposition, suspension or revocation of any particular condition is appealable through the procedures set forth in Division 5 of this Article.

(i) The Chief of Police may not use the conditions to suppress or regulate speech in any manner contrary to the First Amendment.

(Added 11-20-2000 by O-18887 N.S.)

§33.1514 Duration of Validity of Permit

Any *public dance*, cabaret, or commercial recreational assemblage *permit* issued on or before November 20, 2000, shall be valid for one year from the date it was issued, with the exception of a single event, subject to any conditions or restrictions existing at the time it was issued. To obtain a renewed *permit*, an application for renewal shall be submitted to the *Chief of Police*. At the time the application for renewal is submitted, the *Chief of Police* may impose conditions on the permit in accordance with this Division.

(Added 11-20-2000 by O-18887 N.S.)

EXHIBIT H

Article 3: Police Regulated Occupations and Businesses

Division 4: Penalties and Regulatory Action

("Suspension of License" retitled to "Penalties and Regulatory Action" on 11-20-2000 by O-18885 N.S.)

§33.0401 Regulatory and Penal Nature of Laws

(a) Any requirement of this Article is both regulatory and penal in nature, except as to those sections or subsections specifically designated as regulatory only by use of the phrase "regulatory only." Regulatory provisions are enforceable through the issuance, denial, suspension, placing conditions upon, or revocation of the *permit*, and through the issuance of verbal or written warnings, and notices of violation. Penal provisions are enforceable through criminal proceedings. Injunctive remedies are applicable to either.

(b) The specific designation of a provision as regulatory only does not preclude any other section of the San Diego Municipal Code from being penal or regulatory in nature, nor does it otherwise impair the meaning or effect of Chapter I, Article 1, Division 2 of this Code.

(c) Regulatory action may be taken based on an act, omission, or attempt to act, that contravenes the applicable provisions of this Article or of any other provision of law, without regard to whether a criminal complaint is filed or, if a criminal complaint is filed, without regard to the pendency of any proceeding, *conviction* or appeal. The regulatory and penal enforcement of any provision of this Article may proceed separately and independently of each other, and the selection of one method shall not preclude other enforcement methods or proceedings, including injunctive relief, when appropriate.

("Suspension or Revocation of License or Permit" repealed; "Regulatory and Penal Nature of Laws" added 11–20–2000 by O–18885 N.S.)

§33.0402 Criminal Penalties

In addition to any other penalties provided by law, any *person* violating any section of this Article is guilty of a misdemeanor which, upon *conviction* is punishable by a fine not to exceed $1,000, or by imprisonment in the County Jail for not more than six months or both. This Section does not apply to any section of this Article deemed "regulatory only."

("Criminal Penalties" added 11-20-2000 by O-18885 N.S.)

§33.0403 Regulatory Penalties

(a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:

(1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;

(2) Engages in conduct outside of the City which, if committed in this City, would be grounds for regulatory action;

(3) Is convicted of any crime which would have been grounds for denying the application for the *police permit*;

(4) Fails to take corrective action after timely written notice of an observed *violation*;

(5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;

(6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

(b) Regulatory action includes the following:

(1) Issuance of a verbal warning;

(2) Issuance of a written warning;

(3) Issuance of a notice of *violation*;

(4) Placing conditions upon the *permit* which are reasonably related to any *violation*. Unless otherwise stated as part of the condition, all such conditions expire when the *permit* expires, excluding any time stayed during an appeal;

(5) Suspension of the *police permit*;

(6) Revocation of the *police permit*;

(7) Denial of an application for a *police permit*; or

(8) Denial of an application for renewal of a *police permit*;

(c) In lieu of suspension, the *permittee* and *Chief of Police* may negotiate a civil penalty according to the procedure contained in the Police Department's Vice Administration Manual relating to *permit* applications, denials, and penalties. Failure to pay the civil penalty as negotiated will result in reinstatement of the suspension.

(d) The *Chief of Police* may take regulatory action consistent with the severity of the *violation*, or the frequency of the *violations*, regardless of whether the *permittee* has suffered administrative penalties in the past.

("Regulatory Penalties" added 11-20-2000 by O-18885 N.S.)

§33.0404 Notice of Regulatory Action

(a) Whenever regulatory action is taken against a *police permit* as described in Sections 33.0403 (b)(4) through (b)(8), the *Chief of Police* shall send a notice to the *permittee* identifying the Code section(s) violated, describing the circumstances of the *violation*, and explaining the consequences of a failure to correct the *violation*, if appropriate.

(b) Whenever a written warning is issued, the *permittee* shall be afforded an opportunity to meet with the *Chief of Police* regarding the written warning.

("Notice of Regulatory Action" added 11-20-2000 by O-18885 N.S.)

§33.0405 Evidence to be Used in Regulatory Action

(a) Whenever regulatory action against a *permittee* is based on a *violation* of law or this Article by an *employee* that occurs on the *premises* or during the course of employment, it is sufficient to show that a *responsible person* caused or condoned the *violation*, or failed to take reasonable corrective action after timely written notice of the *violation*.

(b) Whenever regulatory action against a *permittee* is based upon a *violation* of law or this Article occurring on the *premises* by a patron, it is sufficient to show that a *responsible person* caused or condoned the *violation* or failed to take reasonable corrective action after timely written notice of the *violation.*

("Evidence to be Used in Regulatory Action" added 11-20-2000 by O-18885 N.S.)

§33.0406 Urgency Action

The *Chief of Police* may take immediate action with respect to a *police permit*, if a subsequent hearing is provided, where there is an urgent need to take immediate action to protect the public from injury or harm, or where a *police permit* was issued based on material misrepresentations in the application and the *police permit* would not have been issued but for the material misrepresentations.

("Urgency Action" added 11-20-2000 by O-18885 N.S.)

EXHIBIT I

THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE
1914141113

June 13, 2013

Via: Personal Service/Acknowledgement

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Blvd.
San Diego, California 92115

Re: REVOCATION – **Police Regulated Tobacco Permit #2011008326.**

Mr. Abdulkerim:

This letter is to inform you that the San Diego Police Department's (SDPD) Permits & Licensing Unit hereby revokes Crown Coffee & Hookah Lounge's (hereinafter Crown Hookah) above-referenced Tobacco Permit, #2011008326. As the holder of a police permit, you are subject to all the rules and regulations applicable to Police Regulated Businesses, found in Article 3 of the San Diego Municipal Code (SDMC). Section 33.4514(a) of the Municipal Code states: All penalties and regulatory action related to a police permit issued to operate as a tobacco retailer shall be conducted as prescribed in Municipal Code §33.0401 through §33.0406. Therefore, revocation of your tobacco retailer permit is authorized pursuant to SDMC §33.0403 which governs regulatory penalties for all police regulated businesses.

In particular, your police permit to operate as a tobacco retailer is being revoked under the following authority:

§33.0403 Regulatory Penalties

(a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:

(1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;

Office of the Chief of Police
1401 Broadway • San Diego, CA 92101-5729
Tel (619) 531-2000

(4) Fails to take corrective action after timely written notice of an observed *violation*;

(5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;

(6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

(b) Regulatory action includes the following:

(2) Issuance of a written warning;

(3) Issuance of a notice of violation;

(6) Revocation of the police permit;

(8) Denial of an application for renewal of a police permit.

The **revocation** of Crown Hookah's Police Regulated Tobacco Permit #2011008326 is based on the following:

Since the opening of your business on April 15, 2011, SDPD has responded to more than one hundred seventy-one (171) Calls For Service, conducted and documented more than eighty-five (85) Field Interviews, and issued various Notice of Violation(s)/Warning Letter(s).

Between September 16, 2011, and March 16, 2013, SDPD has made several arrests and issued numerous citations for violations such as: assault; obstructing/resisting a Police Officer; minors in possession of alcohol; possession of a controlled substance; open container; disorderly conduct; loitering/noise complaints; and failure to post permits/licenses.

On August, 08, 2012, a formal Administrative Hearing was held to address ongoing problems and related regulatory actions. SDPD prevailed at the hearing and you were assessed fine(s)/cost(s) by the Administrative Hearing Officer on August 16, 2012.

On at least two occasions, SDPD Officers were denied access and/or met with resistance when they attempted to conduct compliance inspections of Crown Hookah's premises: On November 16, 2012, an SDPD Officer requested admittance to Crown Hookah to perform a compliance inspection. You personally denied this Officer access stating that you had spoken to your attorney and that Crown Hookah was not a police regulated business, pursuant to Officer Spillane's Report Narrative in support of Incident #12110027957, Further, on May 04, 2013, another SDPD Officer attempted to conduct a compliance inspection based on numerous complaints of large crowds, loud music, fights and excessive noise. Initially, a member of Crown Hookah's designated security staff expressed reluctance to admit this Officer and only did so following a conversation with an SDPD Sergeant, pursuant to Investigator K.

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June 13, 2013
Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE

McAndrew's narrative in support of the Notice of Violation for: security staff not wearing attire that easily identified them as such; providing live entertainment/dancing without a valid permit; inadequate emergency exit; inability to provide an accurate count of patrons inside; and security failing to check patron identification prior to admittance.

The San Diego Police Department hereby asserts that Crown Hookah is, in fact, a police regulated business. (See Chapter 3, Article 3, Division 45, Sections 33.4501 et seq. of the San Diego Municipal Code.) Therefore, for failing to allow free access to inspect the premises, you have violated SDMC § 33.0103(a), which states:

§33.0103 Inspections and Authority of Peace Officers or Police Employees

> (a) The *Chief of Police* shall make, or cause to be made, regular inspections of all police-regulated businesses. Any *peace officer* shall have free access to any police-regulated business during normal operating hours. It is unlawful for any *permittee* or *employee* to prevent or hinder any *peace officer* from conducting an inspection.

Furthermore, as a condition of the granting of a police permit, you expressly agreed to this "right of reasonable inspection," by affixing your signature to the Tobacco Retailer Permit Application, #2011008326.

The San Diego Police Department has made several attempts to work with you to resolve various problems related to your business. In response to the unabated Calls For Service and unresolved issues, SDPD met with you and/or your Attorney of Record to discuss various complaints stemming from illegal alcohol/drug activity, violence, theft, weapons, loitering, noise, parking, security, and other public safety issues. The first meeting was held on February 20, 2013, and the second meeting was held on April 11, 2013. Both times, SDPD offered numerous recommendations to help you mitigate the long-standing problems and establish a better rapport with neighboring businesses and residents. These meetings and recommendations have had little to no positive impact.

On September 07, 2011, Crown Hookah applied for and was granted an Annual Police Regulated Entertainment Permit #2011008326, which was valid from September 21, 2011, and expired on September 30, 2012. After the expiration of your Entertainment Permit, at the aforementioned meeting of February 20, 2013, you stated that Crown Hookah "no longer provides entertainment." However, on May 4, 2013, an SDPD officer observed patron dancing on the premises, and on May 9, 2013, another SDPD officer observed a DJ providing entertainment on site.

Thus, Crown Hookah is in violation of SDMC §33.1503(a) which states: "It is unlawful for any person to provide or permit any *entertainment* which is open to the public without a *police permit.*"

June 13, 2013
Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE

The definition of "entertainment" is found in SDMC § 33.1502, which states:

§33.1502 Definitions

For purposes of this Division:

"*Entertainment*" or "*Entertainment Establishment*" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including:

(b) *Dancing* to live or recorded music.

(c) The presentation of recorded music played on equipment which is operated by an agent or contractor of the establishment, commonly known as "DJ" or"disc jockey."

For providing entertainment without the requisite police permit, Crown Hookah is in violation of SDMC § 33.0101(c) which states, in part: "It is a misdemeanor for any person to operate a business or engage in an occupation regulated by this Article without a police permit." Crown Hookah's Tobacco Retailer Permit only authorizes the sale of tobacco products, it does not authorize entertainment on the premises. Section 33.0102(a) of the Municipal Code requires a separate police permit for each police-regulated business activity carried on at a specific location, except for Secondhand Dealers.

Unfortunately, in spite of SDPD's efforts to assist you in mitigating the aforementioned issues, problems at Crown Hookah remain and continue to adversely impact police resources, public safety, and the quality of life. It is for this reason and pursuant to the authority stated herein, the Permits and Licensing Unit of the San Diego Police Department hereby revokes Crown Hookah's Police Regulated Tobacco Retailer Permit #2011008326.

As such, no action will be taken with respect to the Renewal Application that you submitted on May 16, 2013. In addition, pursuant to SDMC § 33.4514(b), for the duration of this revocation, all tobacco products and tobacco paraphernalia shall be removed from public view.

Should you choose to appeal this action, you may request a hearing by writing to:

San Diego Police Department • Permits and Licensing
Attn: Sonia Vasquez, Administrative Hearing Coordinator
1401 Broadway, MS 735 • San Diego, California 92101
Tel (619) 531-2796 • Fax (619) 531-2177

Your request must be made within ten (10) calendar days from the date of receipt of this action. If you have any questions, please contact Sergeant Kevin Moyna at (619) 531-2282.

June 13, 2013
Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE

Appeals are scheduled and conducted by the Administrative Hearing Program at University of San Diego (USD). The USD coordinator will notify all parties of the date, time and location of the hearing.

Sincerely,

Kevin Moyna, Detective Sergeant
Vice Permits & Licensing Unit

KM/twp

Enclosure: Acknowledgement of Personal Service

cc: Dan Plein, Lieutenant, Vice Permits & Licensing
Chris McGrath, Lieutenant, Vice Operations
Sonia Vasquez, Administration Hearing Coordinator
Dante Pride, Esq., Attorney of Record for Anis M. Abdulkerim

June 13, 2013
Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE

ACKNOWLEDGEMENT
RECEIPT OF REVOCATION LETTER

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Blvd
San Diego, CA 92115

SUBJECT: **REVOCATION LETTER – June 13, 2013**
Police Regulated Tobacco Retailer Permit #2011008326
Crown Coffee & Hookah Lounge, 7059 El Cajon Blvd.

As the Recipient named above, or on behalf of the entity named above, I hereby acknowledge receipt of the subject document(s) referenced herein that was/were hand-delivered to me by the Declarant named below.

RECIPIENT:

Refused To Sign — 4.13.12

Anis M. Abdulkerim, Owner
Crown Coffee & Hookah Lounge
Signature — Date

Witnessed By Lt. McGrath.

On June 13, 2013, I personally served the subject document(s) referenced herein to the person or business named above at the address named above.

DECLARANT:

Bruce Pendleton — 4.13.13

Sgt. Bruce Pendleton, #4706
SDPD Vice Operations - Investigations 1
Signature — Date

EXHIBIT 2

EXHIBIT J

EXHIBIT J-39

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
LINDA L. PETER, Deputy City Attorney
California State Bar No. 195237
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856

Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF JENNIFER FINNEGAN REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, JENNIFER FINNEGAN, declare as follows:

1. I am currently the Executive Director of the College Area Business District. In July 2012, I was the Executive Director of the College Area Economic Development Corporation. In that capacity, I worked closely with business owners and commercial property owners, as well as residents in the College Area to promote local business, to develop positive and cohesive relationships between the businesses and the residents in the College Area, and to help facilitate positive business growth in the College Area.

2. I am familiar with the Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard, and its owner Anis Abdulkerim.

3. On Monday, July 16, 2012, in my capacity as Executive Director of the College Area Economic Development Corporation, I attended a community meeting which was organized to attempt to address problems and complaints relating to the Crown Coffee and Hookah Lounge. And on Wednesday, July 18, 2012, I met personally with Mr. Abdulkerim, one-on-one, to further discuss the issues raised at the meeting of July 16.

4. On Friday, July 20, 2012, I wrote a memo memorializing the July 16 community meeting and my July 18 follow up meeting with Mr. Abdulkerim.

5 I reviewed my memo on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as the Executive Director of the College Area Economic Development Corporation.

6. I wrote the memo on at or near the time of the meetings when the facts and information were still fresh and accurate in my memory.

7. The memo was written within days of my observation of and participation in the events and of my conversation.

8. The memo is based upon my personal knowledge and first-hand observations of the events, and personal conversations.

9. The information in the memo is a true and accurate account of the events that I observed and participated in on July 16, and a true and accurate account of my personal meeting and conversation with Mr. Abdulkerim on July 18.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 6th day of August, 2013, at the City of San Diego, California.

JENNIFER FINNEGAN, Declarant

COLLEGE AREA ECONOMIC DEVELOPMENT CORPORATION
INTEROFFICE MEMORANDUM

TO: EXECUTIVE COMMITTEE

FROM: JENNIFER R. FINNEGAN, EXECUTIVE DIRECTOR

SUBJECT: CROWN COFFEE & HOOKAH LOUNGE

DATE: 7/20/2012

The Crown Coffee & Hookah Lounge (7059 El Cajon Blvd) has been having problems with neighboring businesses since they opened about a year ago. There have been complaints of customers from Crown illegally consuming alcoholic beverages in parking lots of neighboring businesses and in the alley behind the buildings. Nearly every morning reports of urine, vomit, and trash are made from neighboring businesses. Several noise complaints from neighbors have been called in to SDPD.

In an attempt to address these issues a meeting was called on Monday, July 16th at 5:30pm at the Terra Restaurant (7091 El Cajon Blvd.). The following people (businesses) were noted in attendance:

- Anis Abdulkerim (Crown Coffee & Hookah) with 2 employees (Security Guards)
- Mike Rossman (Terra)
- Dr. Kelly & Mrs. Kelly (Boulevard Animal Hospital)
- Chuck Schwimmer (Charco Construction) and 1 employee
- Mike Bond (Bond Automotive)
- Godfried Frachan (Apartment Manager)
- 2 Owners of Ace Budget Motel
- Lara Easton (Neighborhood Prosecutor)
- Luis Roman (Mid-City Community Relations Officer, SDPD)
- Chuck Kaye (Vice, SDPD)
- Laura Reibau (Eastern Area Community Council)
- 3 Residents who live near Crown Coffee & Hookah
- Jennifer Finnegan (College Area Business District

Many complaints were heard from the neighbors and business representatives. Anis stated that many of the issues were the cause of a local gangs, not his customers, and that the SDPD was already aware of the gang activity. Luis Roman reported that over 100 disturbance calls had been recorded over the past year for the Crown Coffee & Hookah lounge. After about an hour of complaints, accusations, and defensive statements it became clear a resolution would not be made that evening.

I summarized the requests from the community to Anis:

- Increase security outside the Crown building and include patrols around the back of the building;
- Reduce hours of operation to close at 12pm (current business is open 4pm-4am);
- Add security cameras to exterior of business to help monitor the situation;
- Assist the police in stopping the criminal activity outside the business by reporting loitering outside the business during night time hours.

I met with Anis again, one on one, at the CAEDC office on Wednesday, July 18th to further discuss the issues. He was very adamant that reducing his hours would put him out of business as most of his customers are taxi drivers who are up throughout the night. He stated that he has made many changes to the operations of the business to try and alleviate the issues: wrist bands for customers who have been ID'd as able to enter; no re-entry after a certain time; no admittance for anyone visibly intoxicated; discontinued DJ/loud music; security outside the building.

In addition he stated that he had been in contact with some of the neighboring businesses that did NOT believe Crown Coffee & Hookah the cause of the issues. I offered to contact the following people if Anis would provide me with their names and phone numbers:

- Duke's Liquor
- Top Value Tire
- Residents directly behind Crown Coffee & Hookah

Finally, Anis has stated more than once that he has tried to meet with Luis Roman (Mid-City CRO) and has been unsuccessful of getting a meeting set-up. I offered to try and facilitate a meeting between the two gentlemen.

2

EXHIBIT J-32

Meyer, Cindy

From: [redacted]
Sent: Monday, July 15, 2013 11:08 PM
To: Roman, Luis; Meyer, Cindy; [redacted]
Subject: [redacted]
Attachments: [redacted]

My schedule is flexible.
Mediation Nov / 02 / 2012 for 7059 ECB (crown hookah lounge) attached.

Property owners and Crown Hookah lounge owner agreed to:

1- Check identification for all patrons not personally known to them and excluded persons under the age of 18.

2- Keep the rear door of the business secured other than at an emergency exit.

3- Maintain a roving security patrol along the block on which the business fronts and around the alley at the rear of the business, at least hourly, from 10 pm to half hour after closing, on Thursday, Friday, and Saturday nights.

4- Post signs at each entrance requesting patrons to respect the peace and quiet of the neighborhood.

Because of lack of surveillance database I was unable to convinced the property owners of 7059 ECB to close the stablishment at midnight.

Mediation document attached.

Warm regards Maurize Rios
Community Council Representative for the College Area and Vice-Chair of the El Cerrito Community Council.

[redacted]

From: "Roman, Luis" <lroman@pd.sandiego.gov>
To: "Meyer, Cindy" <cmeyer@pd.sandiego.gov>; [redacted]
Sent: Monday, July 15, 2013 7:04 PM
Subject: RE: Meeting before the Hearing

I am off on the 26th... Good for 29th & 30th all day from 10 am on to 8pm.
Respectfully...

32

AGREEMENT TO CONFIDENTIAL MEDIATION

California Evidence Code Sections 1115-1128 apply to this mediation. They pertain to confidentiality and admissibility of evidence.

Section 1119, Mediation confidentiality, in summary, provides:

- anything said or writing prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation
- is inadmissible and not subject to discovery in any arbitration, administrative adjudication, civil action or other non-criminal proceeding,
- all communications, negotiations or settlement discussions by and between participants in the course of a mediation or mediation consultation shall remain confidential.

A communication or writing which is confidential under Section 1119 can be admissible or subject to discovery if all persons who conduct or otherwise participate in the mediation expressly agree in writing. (Section 1122)

Evidence otherwise admissible or subject to discovery outside of mediation or a mediation consultation shall not be or become inadmissible or protected from disclosure solely by reason of its use or introduction in the mediation or mediation consultation.(Section 1120)

WE UNDERSTAND AND AGREE THAT NATIONAL CONFLICT RESOLUTION CENTER WILL KEEP CONFIDENTIAL ALL STATEMENTS MADE DURING THE MEDIATION SESSION AND THAT WE SHALL NOT SUBPOENA THE MEDIATOR(S), STAFF OR ANY NATIONAL CONFLICT RESOLUTION CENTER DOCUMENTS IN ANY SUBSEQUENT LEGAL PROCEEDINGS.

Name	Date Nov 2, 2012
Name	Date 11/2/12
Name	Date 11.2.12
Name	Date 11-2-2012
Name	Date 11-2-12
Name	Date 11-02-2012
~~Mediator~~	Date 11/2/12
Mediator	Date 11/2/12
~~Observer~~	Date

(Revised 03/04)

AGREEMENT

This agreement is entered voluntarily by and between

Anis Abdulkerim (Business Owner) and Magaritz Ben, College Area Community Council Representative

We agree to carry out the terms of the agreement in good faith.

With regard to the business known as the Crown Coffee and Hookah Lounge

Business owner agrees to:

1. Check identification of all patrons not personally known to them and exclude persons under the age of 18.
2. Keep the rear door of the business secured other than as an emergency exit.
3. Maintain a roving security patrol along the block on which the business fronts and around the alley at the rear of the business, at least hourly, from 10 pm to a half hour after closing, on Thursday, Friday and Saturday nights.
4. Post signs at each exit requesting patrons to respect the peace and quiet of the neighborhood.

WE ALSO AGREE THAT NATIONAL CONFLICT RESOLUTION CENTER WILL KEEP CONFIDENTIAL ALL STATEMENTS MADE DURING THE MEDIATION SESSION AND THAT WE SHALL NOT SUBPOENA THE MEDIATOR(S), STAFF, OR ANY NATIONAL CONFLICT RESOLUTION CENTER DOCUMENTS IN ANY SUBSEQUENT LEGAL PROCEEDINGS.

Signed

Signed

Signed

Signed

Signed

Mediator

Mediator

Nov. 2, 2012

Date

We agree that this agreement is admissible and enforceable: _____

625 Broadway, Suite 1221 San Diego, CA 92101-5419 www.ncrconline.com P: 619.238.2400 F: 619.238.8041

EXHIBIT J-12

(1)

2/20/13
0230

Crown Coffee & Hookah Lounge, 7059 El Cajon Blvd, San Diego, CA 92115.

- **Calls for service, from 9/20/2012 to 2/17/2013 show a total of 41 calls and 33.07 hours of out of service time.**
- This does not reflect the call for service related to the business on **2/8/2013 at 0239 hours** for shooting incident with rival gang factions. Fight broke out, vehicle pulled up, yelled "5/9 Brim" and fired shots. Officers responded and stopped the vehicle. Driver wearing a bullet proof vest and a loaded .357 mag revolver was recovered in the back seat. A total of 10 suspects were arrested as a result of the investigation (Gangs handling case). Security stated the victims and suspects were all in the business that night. 99.64
    - ***Patrol officers saw what appeared to be minors inside the business.*** (Tobacco Permit valid until 4/30/2013)
    - ***SDMC section 33.4503 requires a police permit for a tobacco retailer.***
    - ***SDMC section 58.04 prohibits a minor (under the age of 18) to possess tobacco.***
    - ***SDMC section 58.0101 defines curfew as the period from 10pm any evening of the week until 6am the following day. This applies to any person under the age of 18.***
    - ***SDMC section 58.0102 makes it unlawful for any minor to be present in any public place or on the premises of any establishment within the City of San Diego during curfew hours.***
    - ***The business was either serving alcohol or allowing patrons to bring alcohol as numerous drunks were observed inside. SDMC section states it is unlawful for any person to bring an alcoholic beverage onto the premises unless the action is allow by the permittee's ABC license.***
    - ***2330 B&P- Must have an ABC license to sell or provide alcohol. Applied for ABC Type 41 license- On sale beer and wine-eating place. Status shows as withdrawn as of 8/24/2012.***
    - ***A patron said he was charged a $10 cover before 11pm which goes up to $20 after 11pm. 3 security guards working. 2 were somewhat uncooperative. The Entertainment, no alcohol, dance 50+ expired on 9/30/2012. Owner chose not to renew permit.***
    - ***The out of service time for this incident was 99.64 hours for a total of 132.71 hours during a 5 month period.***
- **11/16/2012 at 0050 hours** - Bike team cleared the sidewalk due to persons blocking the sidewalk and having to step into the street to pass. Security said the business is charging a cover of $10 per person with an increase to $20 after 2200 hours. A/Sgt spoke to the owner. The music was turned off and the house lights were back on. Owner said his attorney told him he is not a police regulated business and refused access to the A/Sgt bike team when told he was going to conduct an inspection.
    - ***SDMC, Article 3, section 33.0103 grants authority to peace officers or police employees to conduct inspections of all police regulated businesses. The A/Sgt believed entertainment was being provided by way of the cover charge cover for***

* Follow-Up with Owner/Business for Issues to ensure Success (2)
Owner (not Tobacco)

entry and audible music coming from the business by over 50 feet with the doors closed.

- ***SDMC section 33.1503 makes it unlawful for any person to provide or permit any entertainment which is open to the public without a police permit.***
  - Officers counted 202 persons leave the business with 46 still inside for a total of 248 patrons. Owner had previously told the A/Sgt the count was 100 heads and a maximum occupancy of 100.

- **8/2012**- Complaint to vice regarding loitering on the sidewalk in front of the business and cars parked in his parking spots designated as Tow Away. Littering and concern for safety.
- **8/2012**-Owner attended an appeal for an administrative citation resulting from a noise complaint on 5/4/2012. Finding of facts upheld. Fined civil penalty of $1,000 plus admin costs of $2,173.89 for a total of $3,173.89.
- **5/12/2012**, Owner cited for failing to post permits during Vice Op overt inspection.
- **3/12/2012**, subject cited for open container related to the business
- **3/3/2012**, Notice of Violation for noise abatement
- **2/15/2012**, after 0200 hours, officers responded to a disturbance call at the business. Report of people yelling in the alley and parking lot. Officers found several empty alcohol bottles littered in the parking lot.
- **2/16/2012**- Arrest for possession of a controlled substance and arrest of a person for drunk in public in the south alley of the business.
- **1/22/12**- Arrest for possession for sales of a controlled substance in the business parking lot.
- **In 2012**, 11 field interviews for subjects loitering around the business.

EXHIBIT J-17

THE CITY OF SAN DIEGO

M E M O R A N D U M

IN REPLYING
PLEASE GIVE
1914141113

SENT VIA CERTIFIED MAIL: 7008 0150 0002 4314 0353

April 4, 2013

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
5465 Vincetta Court #15
La Mesa, CA 91942

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
7059 El Cajon Boulevard
San Diego, CA 92115

Subject: Warning letter for Crown Hookah Lounge Tobacco Police Permit #2011008326

This letter is to serve as a ***written warning*** issued against your police permit. It also is to identify and describe the circumstances of the violations and explain the consequences of failure to correct the violations. The written warning is issued against the permit pursuant to San Diego Municipal Code (SDMC) section 33.0403(b)(2).

The Crown Hookah Lounge located at 7059 El Cajon Blvd., San Diego, California 92115, accumulated numerous calls for service from September 1, 2012 through January 31, 2013. These calls consisted of five disturbances, twelve noise complaints, one drunk in public, one for discharging of firearm, two persons down, one theft and a rival gang-related shooting. The total out of service time for police services was 108.78 hours. In addition to the calls for service, the business has been the subject of citizen complaints for parking issues, loitering and excessive noise. The above are violations of the SDMC, California Penal Code and California Business and Professions Code.

In response to the above issues, on February 20, 2013, you, the owner, Anis Mohammed Abdulkerim, of the Crown Hookah Lounge, your counsel, Dante Pride, and members of the San Diego Police Department (SDPD) Vice, Permits & Licensing Unit met at Police Headquarters, to discuss the above mentioned issues. The topics also covered the sections of the SDMC relating to entertainment, noise and tobacco. SDPD made several recommendations which included

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improved lighting, additional security guards, alarm system, public safety security, developing and training employees on fraudulent documentation and proper identification and the possible use of outside consultants.

At the meeting you stated that Crown Hookah Lounge no longer provided entertainment. The SDMC sections defining entertainment was clearly explained. To date, Crown Hookah Lounge continues to advertise the hosting of DJ's on the website: www.crownhookahlounge.com

Since the meeting, SDPD responded to Crown Hookah Lounge because of the same issues and in March 2013, you were issued a citation for providing entertainment in the business without possessing a police permit. In addition, a customer of the business was cited for possession of an open alcoholic beverage, another customer was cited for possession of alcohol by a person under 21 years old, and one person was arrested for drunk in public.

As the owner of Crown Hookah Lounge, you are responsible for your business operations and the operating requirement of your tobacco permit. And your staff is also responsible for the operations of your business. A *responsible person* as defined in the SDMC means not only the person who holds the police permit, but each person who is otherwise responsible for the operation, management, direction, or policy of a police-regulated business. It also includes an employee who is in apparent charge of the premises. See SDMC § 33.0201, Definitions of Police Regulated Businesses and Occupations.

SDMC section 33.4514 (a), entitled Penalties and Regulatory Action states that: All penalties and regulatory action related to a police permit issued to operate as a tobacco retailer shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406. SDMC section 33.0403(a) reads in pertinent part:

> **§33.0403 Regulatory Penalties**
>
> (a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:
>
> (1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;
>
> (5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;
>
> (6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

Based on the aforementioned incidents, you and your staff at the Crown Hookah Lounge have shown a pattern of conduct demonstrating a flagrant inability to manage patrons and minimize disorderly/unlawful conduct. You and your staff have violated or allowed the violation of the SDMC and other laws, you have negligently failed to supervise the business resulting in a pattern

of violations, and you have manifested an inability to properly perform the duties related to the police-regulated activity.

Further violations of this nature may result in suspension or revocation of your tobacco police permit. If you have any questions or wish to request a meeting regarding this warning letter, please contact me, Sergeant Moyna at (619) 531-2282 or kmoyna@pd.sandiego.gov.

Sincerely,

Kevin Moyna, Detective Sergeant
San Diego Police Department
Vice Unit, Police Permits & Licensing

KM/km

cc: Dan Plein, Lieutenant, Vice Permits & Licensing
Chris Mcgrath, Lieutenant, Vice Operations

CERTIFIED MAIL

THE CITY OF SAN DIEGO
San Diego Police Department
Police Permits and Licensing, MS 735
P.O. Box 121431 • San Diego, California 92112-1431

Hasler

016H26525682
$06.110
04/05/2013
Mailed From 92102
US POSTAGE

7008 0150 0002 4314 0353

RETURNED
05/15/13

4/24

4/28

closed till 4 or 6 pm
NL
1/24

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
7059 El Cajon Boulevard
San Diego, C

NIXIE 918 SE 1 00 05/02/13
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 92112143131 *1504-04785-05-44

9921181625

4

English Customer Service USPS Mobile Register / Sign In

USPS.COM

Search USPS.com or Track Packages

Quick Tools
Track & Confirm
Enter up to 10 Tracking # Find
Find USPS Locations
Buy Stamps
Schedule a Pickup
Calculate a Price
Find a ZIP Code
Hold Mail
Change of Address

Ship a Package Send Mail Manage Your Mail Shop Business Solutions

Track & Confirm

You entered: 70080150000243140360

Status: Delivered

Your item was delivered at 2:51 pm on April 6, 2013 in LA MESA, CA 91942. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

Restore

Find Another Item

What's your label (or receipt) number?

Find

LEGAL
Privacy Policy
Terms of Use ›
FOIA ›
No FEAR Act EEO Data ›

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

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Sent To
CROWN HOOKAH C/O ANIS ABDULKERIM
Street, Apt. No.; or PO Box No. 5465 VINCETTA CT #15
City, State, ZIP+4 LA MESA, CA 91942

PS Form 3800, August 2006 See Reverse for Instructions

5

EXHIBIT J-18

(2)

04/11/2013 at 1000 hours at 7059 El Cajon Blvd: Scheduled Meeting with Anis Mohammed Abdulkerim and his employees in the recognition of false identification. Also, included in this meeting was to come up with some solutions to lesson calls for service and citizen complaints about noise, disorderly conduct, and criminal activity.

Sgt. Mensior-Facilitated the class on recognition of false identification.

Officer Roman (Community Service Officer) and Officer Meyer-Evaluated the property inside and out for Security and ideas in making Anis Mohammed Abdulkerim have a successful business for himself and the community surrounding his Hookah Lounge.

Officer Getz spoke to several business owners in and around the area of the Crown Hookah Lounge. The biggest complaint to the business owners was the constant clean up vomit. They (business owners) elaborated, in the past they could just hose the vomit down the gutter, but now by law they have to call Hazmat. The cost of Hazmat or a fine for hosing the vomit can be expensive. Officer Getz also educated Anis Mohammed Abdulkerim on entertainment again.

Anis Mohammed Abdulkerim arrived at 1018 hours with no other employees. Therefore, Sgt. Mensior gave a one on one class on the recognition of false identification to Anis Mohammed Abdulkerim. Anis Mohammed Abdulkerim said he would relay what he learned about the class to his employees at 1600 hours that day.

The following were some ideas to help and support Anis Mohammed Abdulkerim in his security and to lesson calls for service. See Officer Roman's Report for more details on the evaluation of the Crown Hookah Lounge.

- Patrons to only use front door.
- Patrons never enter from back door.
- Fence in back parking lot and parking lot used only by employees. Anis Mohammed Abdulkerim commented people throw their old furniture in his dumpster. This will also take care of this issue.
- Keep both back doors closed while open for business.

(18)

- Install a camera in the back parking lot.
- Do not allow reentry.
- Fix surveillance camera monitor in office. (Has cameras inside business but main computer in office is not working)
- Educated Anis Mohammed Abdulkerim, by law he must ask for ID up to the age of 27 years old.
- Have Anis Mohammed Abdulkerim get to know his surrounding businesses and owners.
- Fix lock on back security gate.

Conclusion: Anis Mohammed Abdulkerim said he would educate his employees at 1600 hours that day 4/11/2013, and would take into consideration all that was mentioned.

If the above mentioned recommendations were to be accomplished, Anis Mohammed Abdulkerim will have a reduction in calls for service and at the same time have a successful business for himself and the surrounding community.

EXHIBIT J-23

THE CITY OF SAN DIEGO

M E M O R A N D U M

IN REPLYING
PLEASE GIVE
1914141113

VIA: PERSONAL SERVICE

May 23, 2013

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Boulevard
San Diego, CA 92115

Subject: WARNING LETTER - Crown Hookah Lounge
Police Regulated Tobacco Permit #2011008326

This letter is to serve as a ***written warning*** issued against your police permit. It also is to identify and describe the circumstances of the violations and explain the consequences of failure to correct the violations. The written warning is issued against the permit pursuant to San Diego Municipal Code (SDMC) section 33.0403(b)(2).

The Crown Hookah Lounge located at 7059 El Cajon Blvd., San Diego, California 92115, accumulated numerous calls for service from September 1, 2012 through January 31, 2013. These calls consisted of five disturbances, twelve noise complaints, one drunk in public, one for discharging of firearm, two persons down, one theft and a rival gang-related shooting. The total out of service time for police services was 108.78 hours. In addition to the calls for service, the business has been the subject of citizen complaints for parking issues, loitering and excessive noise. The above are violations of the SDMC, California Penal Code and California Business and Professions Code.

In response to the above issues, on February 20, 2013, you, the owner, Anis Mohammed Abdulkerim, of the Crown Hookah Lounge, your counsel, Dante Pride, and members of the San Diego Police Department (SDPD) Vice, Permits & Licensing Unit met at Police Headquarters, to discuss the above mentioned issues. The topics also covered the sections of the SDMC relating

to entertainment, noise and tobacco. SDPD made several recommendations which included improved lighting, additional security guards, alarm system, public safety security, developing and training employees on fraudulent documentation and proper identification and the possible use of outside consultants.

At the meeting you stated that Crown Hookah Lounge no longer provided entertainment. The SDMC sections defining entertainment was clearly explained. To date, Crown Hookah Lounge continues to advertise the hosting of DJ's on the website: www.crownhookahlounge.com

Since the meeting, SDPD responded to Crown Hookah Lounge because of the same issues and in March 2013, you were issued a citation for providing entertainment in the business without possessing a police permit. In addition, a customer of the business was cited for possession of an open alcoholic beverage, another customer was cited for possession of alcohol by a person under 21 years old, and one person was arrested for drunk in public.

As the owner of Crown Hookah Lounge, you are responsible for your business operations and the operating requirement of your tobacco permit. And your staff is also responsible for the operations of your business. A *responsible person* as defined in the SDMC means not only the person who holds the police permit, but each person who is otherwise responsible for the operation, management, direction, or policy of a police-regulated business. It also includes an employee who is in apparent charge of the premises. See SDMC § 33.0201, Definitions of Police Regulated Businesses and Occupations.

SDMC section 33.4514 (a), entitled Penalties and Regulatory Action states that: All penalties and regulatory action related to a police permit issued to operate as a tobacco retailer shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406. SDMC section 33.0403(a) reads in pertinent part:

> **§33.0403 Regulatory Penalties**
>
> (a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:
>
> (1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;
>
> (5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;
>
> (6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

Based on the aforementioned incidents, you and your staff at the Crown Hookah Lounge have shown a pattern of conduct demonstrating a flagrant inability to manage patrons and minimize

disorderly/unlawful conduct. You and your staff have violated or allowed the violation of the SDMC and other laws, you have negligently failed to supervise the business resulting in a pattern of violations, and you have manifested an inability to properly perform the duties related to the police-regulated activity.

Further violations of this nature may result in suspension or revocation of your tobacco police permit. If you have any questions or wish to request a meeting regarding this warning letter, please contact me, Sergeant Moyna at (619) 531-2282 or kmoyna@pd.sandiego.gov.

Sincerely,

Kevin Moyna, Detective Sergeant
San Diego Police Department
Vice, Permits & Licensing Unit

KM/km

cc: Dan Plein, Lieutenant, Vice, Permits & Licensing
Chris McGrath, Lieutenant, Vice Operations

THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE OUR REF NO
1914141113

ACKNOWLEDGEMENT
RECEIPT OF WARNING LETTER

May 23, 2013

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Blvd
San Diego, CA 92115

SUBJECT: **WARNING LETTER – May 23, 2013**
Crown Coffee & Hookah Lounge, #2011008326

As the Recipient named above, or on behalf of the entity named above, I hereby acknowledge receipt of the subject document(s) referenced herein that was/were hand-delivered to me by the Declarant named below.

RECIPIENT:

Anis Abdulkeem — Signature — 5-23-13

Anis M. Abdulkerim, Owner — Signature — Date

On May 23, 2013, I personally served the subject document(s) referenced herein to the person or business named above at the address named above.

DECLARANT:

Bruce Pendleton — Signature — 5.23.13

Sgt. Bruce Pendleton, #4706
SDPD Vice, Permits & Licensing — Signature — Date

EXHIBIT K

Article 3: Police Regulated Occupations and Businesses

Division 5: Appeal Rights and Procedures

(Incorp. 1–22–1952 by O–5046 N.S., contained in O–3683 N.S., adopted 3–9–1948.)
("Appeal to Council" retitled to "Appeal Rights and Procedures" on 11-20-2000 by O-18885 N.S.)

§33.0501 Right of Appeal to Hearing Officer; Time Limits

(a) Except as provided in Sections 33.0506 and 33.0507, any *person* who has been denied a *permit*, has had conditions placed on the *permit* as a result of regulatory action against the *permittee*, has had conditions placed on the *permit* which the *permittee* did not agree to, or any *person* who has regulatory action taken by the *Chief of Police* against the *permit* as described in Sections 33.0403(b)(4) through (8), may request a hearing conducted by a hearing officer selected by the *City Manager*.

(b) The request for a hearing must be in writing to the *City Manager* and must be made within ten calendar days from the date of the receipt of the notice of action denying, suspending, revoking or placing conditions on the *permit*.

(c) Upon receiving a written request for a hearing, or upon the granting of a hearing pursuant to Section 33.0501(f), the *City Manager* shall set a hearing not less than five nor more than thirty calendar days from the date of receipt of the appeal or from the granting of the hearing.

(d) The *City Manager* shall notify the applicant or *permittee* of the date, time and place of the hearing by means of registered mail, certified mail or hand delivery.

(e) Except as provided in Section 33.0501(f), failure to file the request for a hearing within the ten calendar day period shall result in the denial of a hearing by the *City Manager*.

(f) The appellant may request that the hearing be granted despite noncompliance with the ten-day filing rule. The appellant must demonstrate good cause for noncompliance in writing. The *City Manager* must forward the written request to a hearing officer, who will decide whether a hearing should be granted. The *Chief of Police* shall be afforded the opportunity to set forth his or her position in writing on this issue to the hearing officer.

(g) Any requests for a hearing that occur after thirty calendar days from receipt of the notice of regulatory action will not be forwarded to a hearing officer and must be denied by the *City Manager*.

("Right of Appeal — Hearing Officer" retitled to "Right of Appeal to Hearing Officer; Time Limits" and amended 11-20-2000 by O-18885 N.S.)

§ 33.0502 Conduct of the Appeal Hearing

(a) A hearing shall be conducted to determine the existence of any facts that constitute grounds for the denial, suspension, placing conditions upon or revocation of the *permit*.

(b) The applicant or *permittee* may have the assistance of counsel or may appear by counsel and shall have the right to present evidence.

(c) If the applicant or *permittee*, or counsel representing the applicant or *permittee*, fails to appear at the hearing, the appeal is abandoned and the action of the *Chief of Police* is final.

("Right of Appeal to City Council" retitled to "Conduct of the Appeal Hearing" and amended 11-20-2000 by O-18885 N.S.)

§ 33.0503 Appeal Hearing Decision

(a) The hearing officer may uphold the denial, suspension, revocation or other decision of the *Chief of Police*, may allow that which has been denied, reinstate that which has been suspended or revoked, reverse or modify any other decision of the *Chief of Police* that is the subject of the appeal.

(b) A copy of the decision of the hearing officer specifying findings of fact and the reasons for the decision shall be furnished to the applicant, *permittee*, or the designated representative and the *Chief of Police* within thirty calendar days of the hearing. If the hearing officer determines the complexity of the case requires additional time in which to render a decision, the time in which to render the decision is automatically extended another thirty calendar days.

This subsection does not apply to *permittees* governed by Section 33.0507.

(c) The decision of the hearing officer shall be final ten calendar days from the action of the hearing officer, except

(1) in the event of an appeal brought under Section 33.0505; or

(2) if the *permittee* is governed by Section 33.0507.

(d) Except as to the emergency provisions of Section 33.0406, the effect of a decision by the *Chief of Police* shall be stayed while an appeal to the hearing officer is pending or until the time for filing such appeal has expired.

(e) (1) The decision of the hearing officer shall be the final administrative remedy, unless an appeal to the Committee on Public Safety and Neighborhood Services (or its successor committee) is made in writing with the City Clerk within ten calendar days of receipt of the hearing officer's written decision.

(2) However, if the hearing involves an applicant or *permittee* of a business or occupation that is a First Amendment protected business or occupation, including businesses and occupations governed by Chapter III, Article 3, Divisions 33 and 36 of this Code, the decision of the hearing officer is the final administrative remedy.

(f) In decisions involving businesses and occupations protected by the First Amendment, including businesses and occupations governed by Chapter III, Article 3, Divisions 33 and 36 of this Code, the effect of a decision by the hearing officer is stayed pending judicial review of the hearing officer's decision, or until the time to file for such review has expired. If judicial review of the hearing officer's decision is sought, the effect of the decision by the hearing officer is stayed until the judicial review is complete. In decisions involving the denial of a *police permit*, if the decision of the hearing officer is

to uphold the denial, the denial remains in effect until otherwise modified or overturned by a court of competent jurisdiction.

("Appeal Hearing Decision" added 11-20-2000 by O-18885 N.S.)

§ 33.0504 Limits on Hearing Officer's Power

A hearing officer has no power:

(1) to declare an ordinance or statute unenforceable on the basis of it being unconstitutional unless an appellate court has made a determination that the ordinance or statute is unconstitutional;

(2) to declare an ordinance or statute unconstitutional;

(3) to declare an ordinance or statute unenforceable on the basis of its being preempted by another ordinance or statute, unless an appellate court has made a determination that the ordinance or statute is preempted; or

(4) to declare an ordinance or statute preempted by another ordinance or statute.

("Limits on Hearing Officer's Power" added 11-20-2000 by O-18885 N.S.)

§ 33.0505 Right of Appeal to the Committee on Public Safety and Neighborhood Services; Procedure; Decisions

(a) The applicant, *permittee*, and the *Chief of Police* have the right to appeal a hearing officer's decision to the Public Services and Safety Committee of the City Council (or its successor committee).

(b) The effect of a decision by the hearing officer shall be stayed while an appeal to the Committee on Public Safety and Neighborhood Services (or its successor committee) is pending or until the time for filing such appeal has expired.

(c) When an appeal is filed with the City Clerk, it shall be placed on the Committee on Public Safety and Neighborhood Services (or its successor committee) agenda for the limited purpose of determining whether the Committee will hear the appeal.

(d) The Committee may accept an appeal for hearing when any of the following situations are found to exist:

(1) The appellant was denied the opportunity to make a full and complete presentation to the hearing officer.

(2) New evidence is now available that was not available at the time of the hearing officer's hearing.

(3) The hearing officer's decision was arbitrary because no evidence was presented to the hearing officer that supports the decision.

(4) The appeal presents a City-wide issue on which guidance of the Committee on Public Safety and Neighborhood Services (or its successor committee) is required and the matter is of City-wide significance.

(5) The hearing officer's decision is in conflict with adopted Council policy or the Municipal Code.

(e) The Committee on Public Safety and Neighborhood Services (or its successor committee) shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Committee on Public Safety and Neighborhood Services (or its successor committee) by proponents or opponents of the appeal.

(f) A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal.

(g) If at least three members of the Committee vote in favor of hearing the appeal, the Chair to the Committee on Public Safety and Neighborhood Services (or its successor committee) shall set the appeal for hearing before the Committee.

(h) A majority vote of the Committee is required to overturn the decision of the hearing officer.

(i) The decision of the Committee to grant or deny the appeal is the final administrative remedy.

(j) Section 33.0505 does not apply to applicants or *permittees* who are seeking to engage in, or are engaged in, a business or occupation protected by the First Amendment. This includes the businesses and occupations regulated in Divisions 33 (*peep show establishments*) and 36 (*nude entertainment*).

("Right of Appeal to the Committee on Public Safety and Neighborhood Services; Procedure; Decisions" added 11-20-2000 by O-18885 N.S.)

§ 33.0506 Review for Denials of Permits to Engage in First Amendment Activity

Any *person* who has been denied a *police permit* for a business or occupation that is a First Amendment protected business or occupation, as defined in *FW/PBS v. City of Dallas,* 493 U.S. 215 (1990) or other controlling case law, shall have prompt judicial review of the decision to deny the *permit.*

The decision to deny such *permit* is the final administrative action for the applicant, who may then immediately seek writ review in Superior Court pursuant to local court rules, the California Rules of Court, and the Code of Civil Procedure. The businesses and occupations regulated in Divisions 33 (*peep show establishments*) and 36 (*nude entertainment*) are governed by this Section.

("Review for Denials of Permits to Engage in First Amendment Activity" added 11-20-2000 by O-18885 N.S.)

§ 33.0507 Review for Regulatory Action Taken Against Permit Holders Engaged in First Amendment Activity

Any person who holds a *police permit* for a business or occupation that is protected by the First Amendment, and who has had regulatory action taken against them, shall have the same appeal rights as those contained in Sections 33.0501 through 33.0503, except that:

(a) The hearing officer shall issue and mail his or her decision within fifteen calendar days of the completion of the appeal hearing to suspend or revoke the *permit.* The time to render a decision may not be extended unless all parties agree to such an extension; and

(b) The decision of the hearing officer shall be final five calendar days from the mailing of the decision to the parties; and shall be the final administrative remedy; and

(c) There is no appeal to the City Council or any subcommittee thereof; and

(d) Either party may seek prompt judicial review of the hearing officer's decision pursuant to the California Code of Civil Procedure; and

(e) If the *permittee* seeks judicial review, the effect of the decision of the hearing officer shall be stayed while the *permittee* seeks prompt judicial review. If no judicial review is sought, the effect of the decision of the hearing officer is final as soon as the final date for seeking such review has passed.
("Review for Regulatory Action Taken Against Permit Holders Engaged in First Amendment Activity" added 11-20-2000 by O-18885 N.S.)

§ 33.0508 Other Administrative Appeals Not Applicable

The appeal hearings contained in this Division are the only administrative appeal hearings which apply to police-regulated businesses. The appeal process provided for in Section 22.0101 of this Code does not apply to police-regulated businesses.
("Other Administrative Appeals Not Applicable" added 11-20-2000 by O-18885 N.S.)

EXHIBIT L

Hon. William H. Wise, ret.
ADMINISTRATIVE HEARING PROGRAM
110 West C Street, Ste. 2002
San Diego, CA 92101
Administrative Hearing Officer

ADMINISTRATIVE HEARING PROGRAM

FOR THE CITY OF SAN DIEGO

In the Matter of the Revocation of the Tobacco Permit of Anis Mohammed Abdulkerim, dba. Crown Coffee & Hookah Lounge (7059 El Cajon Blvd.) Tobacco Permit No. 2011008326 Appellants/Applicants v. City of San Diego, San Diego Police Department, Complainant.	AHP Case No. 2011008326 **ADMINISTRATIVE ENFORCEMENT DECISION AND ORDER** Date: August 8,2013 Time: 1:00 p.m. Hearing Officer: ☒ Hearing by Personal Appearance ☐ Hearing by Written Declaration

ADMINISTRATIVE HEARING DECISION

I. STATEMENT OF THE CASE

Hon. William H. Wise, Ret., was assigned as the Administrative Hearing Officer for this matter, in accordance with the San Diego Municipal Code (SDMC) § 12.0405.

On August 8, 2013 and October 22, 2013, evidence was received, testimony was presented, the record was closed, and the matter submitted.

The Pride Law Firm, Dante T. Pride, appeared for applicant and appellant, Anis Mohamed Abdulkerim, dba. Crown Coffee and Hookah Lounge's (Crown Hookah). Merrill Jacobson, Colin Smith, and Saul Vareda appeared as witnesses for applicant appellant. Anis Mohammed Abdulkerim was not present.

Linda L. Peter, Deputy, appeared in her official capacity as Deputy City Attorney on behalf of the San Diego Police Department (SDPD). Also appearing on behalf of the San Diego Police Department were: Cindy Meyer, Vice Administration-Custodian of Records; Officer Bruce Getz; Officer Luis A. Roman, Community Liaison Officer; Detective Sergeant Kevin Monya, Vice Administration; Tracy Wherry-Phillips, Compilation of Statistics and Service Calls; Maurizo Bouchard Rios, Community Council Representative for College Area and Vice Chair of El Cerrito Community Council; Dr. Clark Kelly, local resident and business owner; Charles Schwimmer, local business owner; Bruce Nolan, local resident; Godfrey Quiachon, local resident; Jennifer Finnegan, College Area Business Maintenance District. All appeared as witnesses for complainant, City of San Diego.

Appellant and complainant submitted written witness declarations and exhibits.

The Pride Law Firm, Dante T. Pride, appealed the San Diego Police Department's revocation of Crown Hookah's tobacco permit #2011008326.

II. ISSUE STATEMENT

1. Whether the revocation of Police Regulated Tobacco Permit #2011008326 should be reversed?

2. Whether the reapplication for renewal of Crown Hookah's police regulated tobacco permit should be granted?

III. FACTUAL FINDINGS

A. Application and Procedural History

1. On June 13, 2013 the police regulated tobacco permit #2011008326 of Crown Hookah's was revoked.

2. Pursuant to this revocation the renewal application of Crown Hookah was not acted upon and revocation remains in full force and effect.

3. The permit was revoked for the following reasons:

(a) Numerous police service calls resulting in arrests and citations;

(b) SDPD denied access for compliance inspections;

(c) Providing live entertainment/dancing without a valid permit;

(d) Failure to provide adequate security.

4. Crown Hookah has appealed the revocation and non-action on its renewal application.

B. General Facts

5. Crown Hookah is located at 7059 El Cajon Blvd., San Diego, California 92115.

6. Crown Hookah was issued a police regulated tobacco retailer permit, April 30, 2011, permit #2011008326. The permit expired April 30, 2012.

7. On April 30, 2012 Crown Hookah's renewal application was extended to April 30, 2013.

8. On May 31, 2013 Crown Hookah's renewal application was extended to May 31, 2014.

9. On September 21, 2011 Crown Hookah applied for and was granted an entertainment permit conditional upon no alcohol consumption or dancing on the premises. It was also conditional on security guard personnel at a ratio of one for every 75 or lower patrons, and one security guard to actively monitor and conduct roving patrols throughout the venue and premises parking lot. This permit expired September 30, 2012.

10. On November 16, 2012, and other occasions, SDPD officers requested and were denied admittance to Crown Hookah to perform compliance inspections.

11. On May 4, 2013 SDPD officers conducted a compliance inspection after numerous complaints of large crowds, loud music, fights, excessive noise, and inadequate security. Notice of violations issued for: staff not wearing attire that easily identified them; providing live entertainment/dancing without a valid permit; inadequate emergency exits; inability to provide an accurate account of patrons inside the establishment; and security failing to check patron identification prior to admittance.

12. Service calls for SDPD have resulted in numerous notices of violation and/or warning letters issued to Crown Hookah.

13. Between September 16, 2011 and March 16, 2013 numerous arrests and citations were issued. These included: assault; weapons (gun on premises); minors in possession of alcohol and false identification; disorderly conduct; excessive noise; loitering; possession of controlled substances; and failure to post permits/licenses.

14. A July, 2012 meeting was held with Jennifer Finnegan, College Area and Business Heights Maintenance District, to discuss keeping the area around Crown Hookah clean

of vomit, urine, feces, condoms, and used syringes. Recommendations to accomplish this were suggested.

15. A mediation agreement was reached between Crown Hookah's owner, Anis Mohammed Abdulkerim, and Maurizo Bouchard Rios, College Area Community Service Representative, November 2, 2012. The conditions enumerated therein were to be instituted by Crown Hookah.

16. SDPD held meetings with Crown Hookah February 20, 2013 and April 11, 2013 to mitigate problems and to establish better rapport with neighbors and the business community.

17. During the February 20, 2013 meeting Crown Hookah indicated it no longer provided entertainment.

18. Crown Hookah provided patron dancing and DJ entertainment after its entertainment permit expired.

19. Crown Hookah's Tobacco Retailer Permit was revoked June 13, 2013.

20. Crown Hookah's reapplication for permit has resulted in non-action by SDPD and the revocation remains in full force and effect.

IV. DETERMINATION OF ISSUES AND LEGAL CONCLUSIONS

1. SDMC section 33.4501 reads as follows.

> It is the purpose and intent of this Division to provide for local regulation of tobacco retail businesses by requiring police permits. The intent is to discourage violations of law prohibiting the sale or distribution of tobacco products to minors to protect their health, welfare, and safety. It is also the intent that all costs associated with the administration and enforcement of this Division be borne by tobacco retailer applicants and permittees. It is further the intent that recoveries hereunder shall be used to pay the costs of administering and enforcing this Division.

2. SDPD has free access to regular inspections of all police regulated businesses during normal working hours. SDMC § 33.0103(a)

3. It is unlawful for any permitee or employee to prevent or hinder any Peace Officer from conducting an inspection. SDMC § 33.0103(a)

4. SDMC section 33.0103(a) reads, "It is unlawful for any person to provide or permit entertainment which is open to the public without a public permit."

5. SDMC section 33.1502 reads as follows.

> "Entertainment" or "Entertainment Establishment" means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of amusing guests or patrons, including:
>
> . . .
>
> (b) DANCING to live or recorded music.
>
> (c) The presentation of recorded music which is played on equipment which is operated by an agent or contractor of the establishment, commonly known as "DJ" or "Disc Jockey"

6. SDMC section 33.0101(c) reads, "It is a misdemeanor for any person to operate a business or engage in an occupation regulated by this article without a police permit.

7. SDMC section 33.0403(a) reads as follows.

> (a) In addition to other penalties provided by law, any PERMITEE who does any of the following is subject to regulatory action by the Chief of Police against his or her Police Permit.
>
> 1. Violates or allows the violation of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the permit.
>
> 2. Negligently fails to supervise the business resulting in a pattern of violations described by patrons, employees, or both.
>
> 3. Manifests an inability to properly perform the duties relating to the police regulated activity as evidenced by the omission of an act or series of acts.

8. Crown Hookah is a police regulated business because it sells tobacco.

9. Crown Hookah, by affixing its signature to the Tobacco Retailers Permit Application, expressly agreed to the right of reasonable inspection as a condition of granting said permit.

10. Crown Hookah's Tobacco Retailers Permit only authorizes the sale of tobacco products, but it engaged in entertainment and provided the functions of an entertainment establishment on multiple occasions after it's entertainment permit had expired in violation of the SDMC.

11. Crown Hookah also prevented the SDPD from carrying out its inspection of the premises in violation of the SDMC.

12. Therefore, the preponderance of the evidence clearly indicates violations of provisions of the SDMC as described above. The revocation of Crown Hookah's tobacco permit as well as the denial of its reapplication for Police Regulated Tobacco Permit is warranted.

V. ORDER

THEREFORE, the following order(s) are made:

1. The revocation of Crown Coffee and Hookah's Police Regulated Tobacco Permit #2011008326 is affirmed and remains in full force and effect.

2. Administrative Hearing Officer hereby relinquishes jurisdiction in this matter.

Hon. William H. Wise, Ret.

DATED: November 12, 2013, 2013

BY: _____

Hon. William H. Wise, Ret.
Administrative Hearing Officer

EXHIBIT M

RECEIVED
CLERK'S OFFICE
13 NOV 22 PM 1:36
SAN DIEGO, CALIF.

The PRIDE LAW FIRM
2534 State Street, Suite 411
San Diego, CA 92101

RECEIVED
NOV 27 REC'D
COMMITTEE
CONSULTANTS

November 22, 2013

Elizabeth Maland, City Clerk

Office of the City Clerk

202 C Street, 2nd Floor

San Diego, CA 92101

Re: Administrative Hearing Case No. XXXXXXXX; Crown Coffee & Hookah Lounge Appeal Hearing Request with Committee on Public Safety and Neighborhood Services

Greetings Ms. Maland,

This firm represents Crown Coffee & Hookah Lounge and its owner, Anis Abdulkerim, in the above-listed matter. This letter is Mr. Abdulkerim's formal request for an appeal of the hearing officer's decision to the Committee on Public Safety and Neighborhood Services. While Mr. Abdulkerim has yet to receive personal service of the decision, this firm received electronic notice on November 12, 2013. As such, this request is being made - in an abundance of caution - within the 10-day time period as provided in the San Diego Municipal Code ("the Code").

Briefly, Mr. Abdulkerim's Tobacco Retailer's Permit was revoked by the San Diego Police Department ("SDPD"). As is his right under the Code, Mr. Abdulkerim timely filed an appeal to said revocation. At the appeal hearing - the written and/or recorded transcript of which is available to you from the hearing officer - various "evidence" and testimony was presented related to noise complaints and some unruly and noisy patrons leaving Mr. Abdulkerim's business. Also, evidence was presented related to Mr. Abdulkerim possibly providing entertainment on the premises, possibly without the necessary entertainment permit. Throughout the hearing, Mr. Abdulkerim attempted to elicit testimony of any violation of a tobacco control law, as it relates to his Tobacco Retailer's Permit. Mr. Abdulkerim was unable to elicit such testimony from any of the SDPD officers or witnesses who testified against Mr. Abdulkerim. Even the hearing

officer noted that there did not seem to be any allegation of a violation of a tobacco control law as it relates to the Tobacco Retailer's Permit.

The purpose of the Tobacco Retailer's Permit, as outlined by the Code is:

"...to provide for local regulation of tobacco retail businesses by requiring police permits. The ***intent is to discourage violations of law prohibiting the sale or distribution of tobacco products to minors to protect their health, welfare, and safety...***"

(*S.D.M.C. section 33.4501*; ***emphasis added.***) As more fully set out in the underlying hearing, Mr. Abdulkerim obtained a constitutionally-protected property right in the Tobacco Retailer's Permit by virtue of his monetary investment in obtaining the business to use the permit and also by virtue of SDPD's requirement that Mr. Abdulkerim obtain the permit in order to engage in his profession. Mr. Abdulkerim did not violate the letter nor the intent of the Tobacco Retailer's Permit. A quick read through this section of the Code supports this assertion. This point was very clearly made and agreed with by the hearing officer.

Instead, the SDPD relied upon an obviously constitutionally overbroad section of the Code, stating that they could revoke a conditional use permit of any person who:

section 33.0403(a)(1): "Violates or allows the violation of ***any section of this Article***, any law or regulation pertaining to the business, or violates any condition imposed on the permit;" (***emphasis added.***)

Even the hearing officer opined something to the effect that "the City Council should be informed about this section of the Code because the City is definitely going to have some constitutional issues as it relates to this section." As argued by the SDPD, and as apparently supported by the Code, ANY violation of ANY portion of the Code can be the basis for the revocation of a special use permit, even if the purpose and intent of the special use permit has NOTHING to do with any alleged violations. This is how Mr. Abdulkerim's permit was unconstitutionally revoked.

According to the Code, the Committee on Public Safety and Neighborhood Services has the authority to accept appeals when it finds that certain conditions exist. (*S.D.M.C. section 33.0505(d).*) In this instance, the following conditions exist:

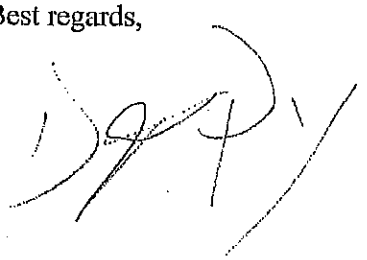
(3) The hearing officer's decision was arbitrary because no evidence was presented to the hearing officer that supports the decision.

(4) The appeal presents a city-wide issue on which guidance of the Committee on Public Safety and Neighborhood Services is required and the matter is of city-wide significance.

Here, as mentioned above, ZERO evidence was presented that Mr. Abdulkerim violated any tobacco control laws as they relate to his Tobacco Retailer's Permit. As such, the hearing officer's decision is arbitrary. As well, because of the obvious constitutional issues with the provision of the Code relied upon by the SDPD, this appeal presents an issue which has city-wide applicability and importance. This issue will be one that will be revisited by permit-holders throughout the City, if not addressed now. The money which the City will expend to defend both this and future constitutional claims, based on the specific provision outlined above will be better used in other services and areas of the City's operating budget.

Based on the foregoing, the original appeal and the recorded and/or written transcript of the appeal hearing, Mr. Abdulkerim requests an appeal hearing to the Committee on Public Safety and Neighborhood Services to determine the validity of SDPD's revocation of his Tobacco Retailer's Permit.

Best regards,



Dante T. Pride, Esq.

Office: (619) 516-8166 • Fax: (619) 422-1341 • dpride@pridelawfirm.com

EXHIBIT N

EXHIBIT N-1

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING
1400 E Street
P O Box 121431, San Diego, CA. 92112-1431
(619) 531-2250

TOBACCO RETAILER PERMIT APPLICATION

San Diego Municipal Code Section 33.0101(c) states you must have a valid police permit to operate a business designated as police regulated. You are responsible for being familiar with and complying with the rules and regulations related to Tobacco Product Sales. Copies of the Tobacco Product Sales Ordinance and General Divisions for police regulated activities may be obtained from the City Clerk's office located at 202 C Street, 2nd Floor, Phone (619) 533-4000 or via the City's website: www.sandiego.gov (Department, City Clerk, Documents, Municipal Code) **SDMC Chapter 3, Article 3, Division 45, Sections 33.4501 to 33.4518**

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

- ☐ **CURRENT BUSINESS TAX CERTIFICATE** (619) 615-1500
- ☐ **CORPORATE OR LLC ARTICLES, OR FICTICIOUS NAME STATEMENT** Certificate as filed with County Clerk (619) 237-0502
- ☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Bd of Equalization (800) 400-7115
- ☐ **IDENTIFICATION** A current U.S. government issued photo identification card (i.e. Driver's License or Military I.D.) is required. Passports are accepted with two supporting documents.
- ☐ **LEASE OR RENTAL AGREEMENT** (to include name and address of current owner and lessor of the retail business property)
  Applicant's retail business premises are: ☐ OWNED ☐ RENTED / LEASED

Anis Abdulkerim
Property Owner's Name | Property Owner's Address | Phone No.

Lessor's Name | Lessor's Address | Phone No.

- ☐ **Check type of ownership and provide verification of filing.**

03 0418'11 12:06 N000016 PLU
[illegible] $104.00

- ☑ Sole Owner
- ☐ Corporation
- ☐ Limited Liability Partnership (LLP)
- ☐ Registered Domestic Partnership
- ☐ Partnership
- ☐ Other (specify)_____
- ☐ Husband & Wife Co-Partnership
- ☐ Limited Liability Company (LLC)
- ☐ Limited Partnership (LP)
- ☐ Responsible Managing Officer

03 0418'11 12:06 N000016 PLU
03202 CBRED $108.00
F03 0418'11 12:06 N000016 TND
CHECK $212.00

- ☐ **Check, money order or cashier's check payable to CITY TREASURER.** Third party, out of state checks, and credit cards are not accepted.

Regulatory Permit Fee	**$108.00**	(annual fee)
Application Fee	**104.00**	(per applicant and is NON-REFUNDABLE)
Total	**$212.00**	

TOBACCO RETAILER (BUSINESS) INFORMATION

Business Name: Crown Coffee & Hookah Lounge dba _____

Business Address: 7059 EL CAJON Blvd SAN DIEGO CA City & Zip 92115

iling Address: _____ City & Zip _____

Business Tax Certificate No. 2011008326 Business Phone # 619.807.5415

PD-2054 07/01/2009

1

TOBACCO RETAILER DECLARATIONS

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature PER Phone Conversion Ans Date 04.19.11

Forgot to Sign But Acknowledges inspection

FOR SDPD USE ONLY:

Accepted by: C. Meyer 5893 Date 4.22.11

Approved ☑
Disapproved ☐ By: C. Meyer 5893 Date 4.22.11

Comments: [illegible]

PD-2054 07/01/2009

EXHIBIT N-2

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 04/30/2012**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
04/30/2011

EXPIRES
04/30/2012

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C. Mc 5823

CONDITIONS ☐

CONDITIONS

(2)

EXHIBIT N-3

THE CITY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING
P.O. Box 121431 MS 735 San Diego, CA 92101
(619) 531-2250

N000011 PLU
73202TOBREN $108.00

TOBACCO RETAILER APPLICATION

RENEWAL ONLY

CROWN COFFEE & HOOKAH LOUNGE
5465 VINCETTA CT #15
LA MESA CA 91942-2426

PERMIT TYPE: TOBACCO
PERMIT NO.: **2011008326**
EXPIRATION DATE: 4/30/2012
BUS. ADDRESS: **7059 EL CAJON BLVD SAN DIEGO CA 92115**

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

- ☐ **BUSINESS TAX CERTIFICATE** (619) 615-1500
- ☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Board of Equalization (800) 400-7115
  - **Check, money order** or **cashier's check payable to CITY TREASURER.** Third party, out of state checks, and credit cards are not accepted. **Regulatory Permit Fee $108.00 (annual fee)**
  - It is the responsibility of the permit holder to renew the permit **no later than 10 days** after the expiration date. Failure to renew on time will result in penalty fees **($25 plus 10% of the regulatory fee).** If a renewal is not completed with all fees and penalties paid **within 30 days** after the permit expiration date, the permit expires and activities allowed by the permit must cease. A permittee must then begin the application process as a new applicant. (SDMC §33.0308)

APPLICANT INFORMATION

☐ Check box and initial if there are no changes from the original application and do not complete the below section – INTIALS_____

Applicant's Full Name: Anis (First) Mohammed (Middle) Abdulkerim (Last)

Applicant's Relationship to Business / Title owner

CONTINUE ON BACK PAGE

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature _____ Date 4-10-12

*****E MAIL ADDRESS*****: Anis121c1@hotmail.com

DO NOT COMPLETE THE BELOW INFORMATION

FOR SDPD USE ONLY:

Accepted by: C 5853 Date 4.20.12

Approved ☐
Disapproved ☐ By: C 5853 Date 4.20.12

Comments: _____

EXHIBIT N-4

Crown Hookah Lounge 2 Garnet Ave

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 04/30/2013**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
04/30/2012

EXPIRES
04/30/2013

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92116

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C. Mu 5893

CONDITIONS ☐

CONDITIONS

4

EXHIBIT N-5

THE CITY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT – VICE PERMITS AND LICENSING
P.O. Box 121431 MS 735 San Diego, CA 92101 Phone: (619) 531-2250

TOBACCO RETAILER APPLICATION

RENEWAL ONLY

CROWN COFFEE & HOOKAH LOUNGE
5465 VINCETTA CT #15
LA MESA CA 91942-2426

PERMIT TYPE: TOBACCO
PERMIT NO.: **2011008326**
EXPIRATION DATE: 4/30/2013
BUS. ADDRESS:**7059 EL CAJON BLVD SAN DIEGO CA 92116**

APPLICANTS MUST SUBMIT A COMPLETE APPLICATION AND THE FOLLOWING ITEMS

- ☐ **BUSINESS TAX CERTIFICATE** (619) 615-1500

01 0516'13 14:38 N000019 PLU
416167TREN $131.00

- ☐ **STATE RETAILER CIGARETTE & TOBACCO PRODUCTS LICENSE** Board of Equalization (800) 400-7115
  - **Check, money order or cashier's check payable to CITY TREASURER.** Third party, out of state checks, and credit cards are not accepted. **Regulatory Permit Fee $131.00 (annual fee)**
  - It is the responsibility of the permit holder to renew the permit **no later than 10 days** after the expiration date. Failure to renew on time will result in penalty fees **($25 plus 10% of the regulatory fee).** If a renewal is not completed with all fees and penalties paid **within 30 days** after the permit expiration date, the permit expires and activities allowed by the permit must cease. A permittee must then begin the application process as a new applicant. (SDMC §33.0308)
  - Contact tobacco@pd.sandiego.gov if you have any questions.

01 0516'13 14:39 N000019 PLU
[illegible] $131.00

01 0516'13 14:39 N000019 TND
CHECK $169.10

APPLICANT INFORMATION

☐ Check box and initial if there are no changes from the original application and do not complete the below section – INTIALS _____

Applicant's Full Name: Anis (First) M. (Middle) Abdulkerim (Last)

Applicant's Relationship to Business / Title Owner

CONTINUE ON BACK PAGE

REQUIRED APPLICANT DISCLOSURES

Have you ever had any *license* or *permit* issued by any agency or board, or any city, county, state or federal agency

RIGHT TO INSPECT PER SDMC § 33.0103

I acknowledge the right to inspection as required pursuant to San Diego Municipal Code section 33.0103.

Applicant's Signature _____ Date 4.24.13

*****E MAIL ADDRESS*****: Avis1211@hotmail.com

DO NOT COMPLETE THE BELOW INFORMATION

FOR SDPD USE ONLY:

Accepted by: C 5893 Date 6-20-13

Approved ☑
Disapproved ☐ By: C 5893 Date 6-20-13

Comments: _____

EXHIBIT N-6

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 05/31/2014**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
05/31/2013

EXPIRES
05/31/2014

BUSINESS TYPE: TOBACCO RETAILER

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO CA 92116

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER C 5893

CONDITIONS ☐

CONDITIONS

EXHIBIT N-7

UNIL 3-19-2012

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 **Expires 09/30/2012**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
09/21/2011

EXPIRES
09/30/2012

BUSINESS TYPE: ENTERTAINMENT NO ALC DANCE 50+

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO, CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER _____

CONDITIONS
[X]

CONDITIONS

******SEE ATTACHED CONDITIONS AND KEEP WITH PERMIT AT ALL TIMES******

CITY OF SAN DIEGO – ENTERTAINMENT PERMIT CONDITIONS –
(NO ALCOHOL)

IN THE MATTER OF: **CROWN COFFEE & AND HOOKAH LOUNGE LOCATED AT 7059 EL CAJON BLVD.**

POLICE PERMIT # **2011008326**

THESE CONDITIONS ARE MADE PURSUANT TO PROVISIONS OF SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 33.1513. PERMITEE MUST RETAIN A COPY OF THESE CONDITIONS ALONG WITH POLICE PERMIT FOR ENTERTAINMENT AND BE PREPARED TO PROVIDE THEM TO ANY LAW ENFORCEMENT OFFICER UPON REQUEST. ANY VIOLATIONS OF THE FOLLOWING CONDITIONS SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF POLICE PERMIT. IMPOSITION, SUSPENSION OR REVOCATION OF ANY PARTICULAR CONDITION IS APPEALABLE THROUGH PROCEDURES SET FORTH IN (SDMC) CHAPTER III, ARTICLE 3, DIVISION 5. THIS POLICE PERMIT FOR ENTERTAINMENT IS CONDITIONED AS FOLLOWS:

MUST COMPLY WITH SDMC CHAPTER III, ARTICLE 3, DIVISION 15 AND THE FOLLOWING CONDITIONS:

(1) ENTERTAINMENT CONSISTING OF A BELLY DANCER OR A DJ MAY BE PROVIDED BETWEEN THE HOURS OF 10:00 AM AND 12:00 MIDNIGHT. PATRON DANCING IS PROHIBITED. [redacted]

(2) NO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS SHALL ENTER OR REMAIN UPON THE PREMISES AT ANY TIME.

(3) WHEN PROVIDING ENTERTAINMENT, **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSED SECURITY GUARD PERSONNEL, AT A RATIO OF ONE (1) FOR EVERY SEVENTY-FIVE (75) OR FEWER PATRONS. SECURITY PERSONNEL SHALL BE UNIFORM COMPANY ATTIRE AS TO BE EASILY IDENTIFIABLE WITH THE WORD "SECURITY" IN THREE INCH LETTERING ON THE BACK OF A SHIRT AND/OR JACKET.

(4) IN ADDITION, WHEN PROVIDING ENTERTAINMENT,**CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY ONE (1) ADDITIONAL SECURITY GUARD TO ACTIVELY MONITOR AND CONDUCT ROVING PATROLS THROUGHOUT THE VENUE AND THE PREMISE PARKING LOT.

POLICE PERMIT # **2011008326**

(5) SPECIFIC DUTIES OF SECURITY SHALL BE TO PATROL INTERIOR AND EXTERIOR OF PREMISES AND UP TO **100 FEET** OF THE ESTABLISHMENT'S PROPERTY LINE DURING ENTERTAINMENT HOURS AND ONE HALF HOUR AFTER CLOSING, SECURITY PERSONNEL SHALL BE POSTED OUTSIDE TO MONITOR PATRONS WAITING ADMISSION TO THE PREMISES TO ALLEVIATE POLICE PROBLEMS, EXCESSIVE NOISE, ABUSIVE BEHAVIOR, DISTURBANCES AND ANY OTHER VIOLATIONS OF THE LAW THAT MAY OCCUR ON OR ABOUT THE LICENSED PREMISES. **CROWN COFFEE & AND HOOKAH LOUNGE** SECURITY PERSONNEL SHALL PREVENT LOITERING OUTSIDE OF THE PREMISES AND MAINTAIN THE SIDEWALK AND PARKING LOT FREE OF PATRON NOISE AND DISTURBANCES.

(6) ALL DOORS AND WINDOWS SHALL REMAIN CLOSED WHENEVER MUSIC OR LIVE ENTERTAINMENT IS BEING PROVIDED ON THE PREMISES, EXCEPT FOR NORMAL INGRESS AND EGRESS AND IN CASE OF EMERGENCY.

(7) ALL MUSIC AND/OR NOISE GENERATED BY **CROWN COFFEE & AND HOOKAH LOUNGE** OR ITS PATRONS SHALL BE CONFINED TO THE INTERIOR OF THE BUILDING SO AS NOT TO DISTURB NEARBY RESIDENTS. NO MUSIC WILL BE PIPED INTO ANY OUTSIDE OR ADJACENT AREAS.

(8) SOUND AND AMPLIFICATION EQUIPMENT SHALL BE MONITORED DURING BUSINESS HOURS TO ENSURE THAT AUDIBLE NOISE REMAINS AT ACCEPTABLE LEVELS. NOISE LEVELS SHALL BE IN CONFORMANCE WITH THE NOISE ABATEMENT STANDARDS OF SAN DIEGO MUNICIPAL CODE SECTIONS 59.5.0401, 59.5.0501 AND 59.5.0502. IN THE EVENT OF NOISE COMPLAINTS, THE OWNER SHALL BE RESPONSIBLE FOR HIRING AN ACOUSTICAL ENGINEER TO EVALUATE AND GIVE SUGGESTIONS ON NOISE ATTENUATION.

(9) SERVICE OF PROMOTERS/ (DJ) OR OTHER PERSONS FOR THE PURPOSE OF PROFIT SHARING SHALL NOT BE UTILIZED. MONIES COLLECTED AS A DOOR CHARGE, OR ANY OTHER FORM OF ADMISSION CHARGE, INCLUDING MINIMUM DRINK ORDERS, SHALL BE SOLE PROFIT OF THE LICENSEE. IF SERVICES OF A PROMOTER/ (DJ) ARE TO BE USED, PROMOTER SHALL BE LICENSED WITH THE SAN DIEGO POLICE DEPARTMENT.

POLICE PERMIT # 2011008326

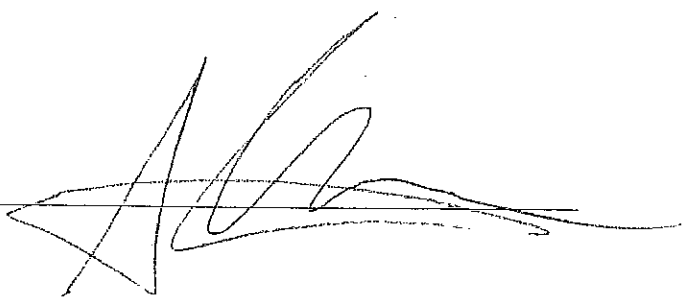
(10) **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL ENFORCE AND MONITOR OCCUPANCY LEVELS ESTABLISHED FOR THE ENTIRE PREMISES SET BY THE FIRE MARSHAL. ANY MODIFICATION OF THE BUSINESS CONFIGURATION OR OCCUPANCY LEVELS MUST BE REPORTED TO THE SAN DIEGO POLICE DEPARTMENT. ALL MODIFICATIONS MUST HAVE PRIOR FIRE MARSHAL APPROVAL.

(11) **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL REQUIRE THAT ALL SECURITY GUARD PERSONNEL BE REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS IN ACCORDANCE WITH THE CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 7574.10, WHICH READS:

NO PERSON SHALL ENGAGE IN THE BUSINESS OF A PROPRIETARY PRIVATE SECURITY OFFICER UNLESS REGISTERED WITH THE DEPARTMENT PURSUANT TO THIS CHAPTER....A PERSON MAY WORK AS A PROPRIETY PRIVATE SECURITY OFFICER PENDING RECEIPT OF THE REGISTRATION CARD IF HE OR SHE HAS BEEN APPROVED BY THE DIRECTOR AND CARRIES ON HIS OR HER PERSON A HARD COPY PRINTOUT OF THE BUREAU'S APPROVAL FROM THE BUREAU'S INTERNET WEB SITE AND VALID IDENTIFICATION.

(12) NO PERSON SHALL ENGAGE IN THE BUSINESS OF PROPRIETARY PRIVATE SECURITY EMPLOYER UNLESS REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS PURSUANT TO BUSINESS & PROFESSIONS CODE SECTION 7574.12.

(13) THESE ENTERTAINMENT CONDITIONS SHALL BE VALID FOR A 90 DAY PERIOD, EXPIRING ON 12/20/2011 AT WHICH TIME THE SAN DIEGO POLICE DEPARTMENT VICE PERMITS/LICENSING UNIT WILL REVIEW AND DETERMINE WHETHER PERMANENT ANNUAL CONDITIONS CAN BE GRANTED.

Signature 

SAN DIEGO POLICE DEPARTMENT - PERMITS AND LICENSING
MS-735, P.O. Box 121431 SAN DIEGO, CA 92101
(619) 531-2250

ENTERTAINMENT PERMIT

San Diego Municipal Code, Section 33.0101(c), states you must have a valid police permit to operate a business designated as police regulated. You are responsible for being familiar with and complying with the rules and regulations related to Entertainment. Copies of the Entertainment Ordinance and General Divisions for police regulated activities may be obtained from the City Clerk's office located at 202 C Street, 2nd Floor, Ph. # (619) 533-4000 or via the City's website: www.sannet.gov/ (Department, City Clerk, Documents, Municipal Code,) SDMC Chapter 3, Article 3, Division 14, Division 8 and Divisions 1-5).

The granting of a police permit does not relieve the applicant from obtaining all appropriate approvals required by the City of San Diego, or state or federal law. **The granting of a permit does not relieve a permittee from the permittee's obligation to comply with all applicable local, state, and federal laws, including those related to building, zoning, and fire, and other public safety regulations.** The granting of a police permit does not vest any development rights in the property or business (SDMC 33.0309). In order to legally operate your business and to establish that your business location is suitable, it is suggested that you first obtain the following:

ZONING APPROVAL can be obtained from the City of San Diego Development Services, 1222 First Avenue (3rd Floor), San Diego, CA 92101 - Phone (619) 446-5000.

FIRE MARSHAL APPROVAL can be obtained from San Diego Fire and Life Services, 1010 Second Avenue (3rd Floor), San Diego, CA 92101 - Phone (619) 533-4400 or www.sannet.gov/fireandems/inspections/index.shtml.

WHEN SUBMITTING YOUR APPLICATION, PLEASE PROVIDE ALL OF THE FOLLOWING:
(Incomplete applications will not be accepted.)

- POLICE PERMIT APPLICATION, BUSINESS ADDENDUM, AND EVIDENCE OF MAXIMUM OCCUPANCY (ie: building/fire inspection certification)
- BUSINESS TAX CERTIFICATE can be obtained from the San Diego City Treasurer's Office, 1200 Third Avenue (1st Floor), San Diego, CA 92101 - Phone (619) 615-1500.
- CONDITIONAL USE PERMIT, *if applicable.*
- ARTICLES OF INCORPORATION from the State of California, *if applicable.*
- STATEMENT OF UNDERSTANDING - Must be signed, dated and submitted with application.
- ALCOHOLIC BEVERAGE CONTROL LICENSE (with copy of conditions) from the State of California Department of Alcoholic Beverage Control, 1350 Front Street (Room 5056), San Diego, CA 92101 - Phone (619) 525-4064. *(if applicable)* NOTE: The conditions have to specify that entertainment is allowed.
- IDENTIFICATION – copy of valid government issued picture ID (driver's license or military ID).
- PERMIT FEE – as listed below:

ON-GOING ENTERTAINMENT WITH ALCOHOL OR DANCING:
$1,500.00 - ANNUALLY - 99 PERSONS OR LESS
$1,977.00 - ANNUALLY –100-249 PERSONS
$2,987.00 - ANNUALLY –250-399 PERSONS
$3,970.00 - ANNUALLY –400+ PERSONS

ON- GOING ENTERTAINMENT NO ALCOHOL OR DANCING:
$172.00 - ANNUALLY - 49 PERSONS OR LESS
$732.00 - ANNUALLY - 50 OR MORE PERSONS

Payment is accepted in the following forms:* Cash, check, cashier's check or money order payable to the "City Treasurer". **OUT OF STATE** checks will not be accepted.

PLEASE NOTE:

- A criminal records check will be conducted on each applicant.
- A 30-day investigation period begins at the time each application is received.

EXHIBIT N-11

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
LINDA L. PETER, Deputy City Attorney
California State Bar No. 195237
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856

Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF OFFICER SCOTT SPILLANE REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, SCOTT SPILLANE, declare as follows:

1. I have been employed by the San Diego Police Department for approximately eight years and am currently a member of the Mid-City Bicycle Team. On November 16, 2012, I was assigned to the Mid-City Bicycle Team, focusing on quality of life issues in Mid-City, and having special training in vice operations.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

(11)

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to Entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15; and regulations applicable to Tobacco Retailers are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 45.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and I know that on November 16, 2012, the business had a police permit for Tobacco, but not for Entertainment.

7. I know that as a business providing entertainment, despite not having an Entertainment permit, the Crown Hookah Lounge would be required to have one guard per 50 patrons, and that as a police regulated business the establishment was subject to inspection.

8. On November 16, 2012, I visited Crown Coffee and Hookah Lounge and observed the violations documented in my report. I also contacted and spoke with the owner, Abdulkerim.

9. I wrote a Report on November 16, 2012.

10. I reviewed my report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

11. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

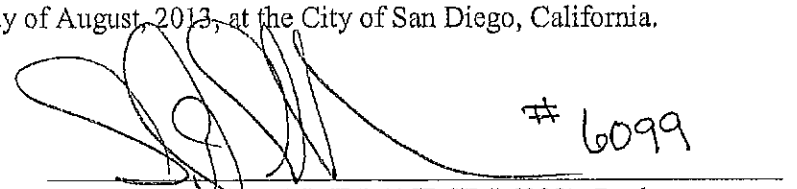
12. The report was written within 24 hours of my observation of the events.

13. The report is based upon my personal knowledge and first-hand observations of the events.

14. The information in the report is a true and accurate account of the events that I observed on November 16, 2012.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 7 day of August, 2013, at the City of San Diego, California.



SCOTT SPILLANE (ID# 6099), Declarant

Continued From: Other	San Diego Regional Officer's Report Narrative	Incident Number: 12110027957	
Page 1 of 3		Case Number:	
Code Section And Description (one incident only) ZZ 981153 - MISCELLANEOUS REPORTS - 153	Date: 11/16/2012	Day of Week: Fri	Time: 00:50
Location Of Incident (Or Address): 7059 EL CAJON BL San Diego, Ca 92115	City	District	Beat: 821
Person(s) Involved: Victim:			
Suspect (If Named): [redacted]			
Property Tag No.(s):			

OFFICER'S STATEMENT:

On 11-16-2012 at about 0050 hours I was on patrol in the Rolando Area. I was in full uniform and on a fully marked City of San Diego patrol bicycle. I was also the acting sergeant in charge of the Mid City Bicycle Team.

The Mid City Bicycle Team is a proactive team that deals with quality of life issues in Mid City. The team has also received training in vice operations dealing with rules, regulations and permitting of bars and establishments licensed for entertainment and other police regulated businesses.

On this date the team deployed to the area of 7000 El Cajon Boulevard, specifically 7059 El Cajon Boulevard, The Crown Hookah Bar. 7059 El Cajon Boulevard has generated 38 calls for service in the last six months mostly for noise and violent disturbances at the location. Based on the numerous establishments the bike team deals with, this number is higher than most establishments that provide entertainment.

When the team arrived in the 7000 block of El Cajon Boulevard we were first met by a SDPD beat officer who informed the team the bar had lots of activity and the officer had already cited citizens in the parking lot of the establishment for separate violations of smoking marijuana in public and having open containers of alcohol in public. Music from the business was audible by over 50' with the doors to the business closed.

The team immediately took enforcement action and had to clear the sidewalk in front of the business for the minor violation of blocking the sidewalk for pedestrians walking and having to avoid going into the street to avoid the crowd. I also made contact with the two security guards out front and introduced myself. As with all establishments providing entertainment I asked the guard what the number of people he had inside the business. The guard told me he did not know. All establishments I have contacted in the past, security out front always has a, "clicker" and can give me an accurate number of patrons inside. The guard also told me the business was charging a, "Cover charge" to patrons at $10.00 per person and the price had gone up to $20.00 per person after 2200 hours.

I asked the guard what the maximum occupancy of the business is? Again security told me he did not know. At this point I told to guard to go inside and bring out the owner or on duty manager.

Code Section And Description (one incident only)	Date:	Day of Week:	Time:
ZZ 981153 - MISCELLANEOUS REPORTS - 153	11/16/2012	Fri	00:50

Location Of Incident (Or Address):	City	District	Beat:
7059 EL CAJON BL San Diego, Ca 92115			821

Person(s) Involved: Victim:

Suspect (If Named):
Abdulkerim, Anis

Property Tag No.(s):

After about ten minutes of waiting a male came outside and identified himself to me as the sole proprietor of the business. He identified himself as **ANIS ABDULKERIM (DOB 04-05-1981).** I had spoken to **ABDULKERIM** the previous night while familiarizing myself of the area prior to deploying my team on this night.

During the previous night, **ABDULKERIM** had called for police assistance for two females who were intoxicated and inside the business refusing to leave.

On this night, I asked **ABDULKERIM** how many persons were inside? **ABDULKERIM** told me, "100". I asked **ABDULKERIM** how he knew this and **ABDULKERIM** told me he had given out wristbands to stomers. I asked **ABDULKERIM** what his maximum occupancy was? **ABDULKERIM** told me, "100". I sked **ABDULKERIM** if he had a sign inside clearly visible, per fire code stating his maximum occupancy. **ABDULKERIM** told me he did.

I told **ABDULKERIM** as a business providing entertainment; in this situation he needed to have one (1) guard per 50 patrons. **ABDULKERIM** told me he knew this and essentially had four guards inside. As our conversation continued various people came out and listened to the questions I was asking **ABDULKERIM** about code regulations and quickly went back inside the business. I noted the music had shut off and the house lights in the establishment had come on. The business regularly has entertainment until 0200 hours and the time was only 0105 hours.

I told **ABDULKERIM** since he is a police regulated business; my team and I would be entering the establishment to perform an inspection of permits and licensing. **ABDULKERIM** informed me he had spoken to his attorney and he is not a police regulated business and would not grant me access to the business for the inspection. **ABDULKERIM** then accused me of harassment based on my previous contact the night before when I introduced myself to **ABDULKERIM,** and now being back tonight informing him of the violations I was seeing. I assured **ABDULKERIM** the inspection I was going to perform is the same inspection I have done to numerous establishments in the mid city area that are police regulated or a business providing entertainment (i.e. charging money for entry with audible music).

Continued From: Other	San Diego Regional Officer's Report Narrative		Incident Number: 12110027957	
Page 3 of 3			Case Number:	
Code Section And Description (one incident only) ZZ 981153 - MISCELLANEOUS REPORTS - 153		Date: 11/16/2012	Day of Week: Fri	Time: 00:50
Location Of Incident (Or Address): 7059 EL CAJON BL San Diego, Ca 92115		City	District	Beat: 821
Person(s) Involved: Victim:				
Suspect (If Named): Abdulkerim, Anis				
Property Tag No.(s):				

When the house lights came on, patrons began to exit the establishment. I positioned Officer T. Hoskins #6650 at the front door and asked him to keep a head count of persons leaving. I also positioned an officer in the rear of the establishment to ensure no persons left through rear exit. As my explanation and conversation continued with **ABDULKERIM**, Officer Hoskins notified me of his count several times. At one point, I was told ***151*** persons had exited the establishment. When I told **ABDULKERIM** this number he told me I was wrong and Officer Hoskins count was incorrect.

After about 30 minutes of persons exiting the establishment I saw the crowd inside was minimal compared to when we had first arrived. I told **ABDULKERIM** we were going to make entry and I wanted to see all licenses related to his business from the City of San Diego. **ABDULKERIM** told me, "I will get them, stay here." I told **ABDULKERIM** no, the team would be coming inside to inspect the licenses. When we entered the business Officer Hoskins had a count of ***202*** persons who had exited the establishment. When we were inside, I tasked Officer B. Devore #6742 to count the remaining customers inside the business. Officer Devore told me he had counted 46 patrons inside. The total number of patrons in the business had been ***248***.

ABDULKERIM did produce a City of San Diego business license clearly visible on the wall but did not produce a standard entertainment permit. After performing the inspection of the licenses the team exited the establishment. When we were outside I had bike team members inspect the guard cards of security at the front door, this is a basic check we perform of all establishments during the course of our inspections. Both guards did have valid cards. I asked **ABDULKERIM** to go into the business and bring out the security he spoke of originally when we arrived, so I could inspect the guard cards. **ABDULKERIM** told me, "There is no security working inside."

I questioned **ABDULKERIM** about his original statement to me about having security inside and knowing the code for the patron to security ratio. **ABDULKERIM** began to deny the conversation we had, but Officer Reinhold #6223 interrupted and told **ABDULKERIM** he had questioned a male inside during the inspection who informed Officer Reinhold he works at the establishment as security. Again **ABDULKERIM** was asked if the guards inside had guard cards? **ABDULKERIM** told me, "No".

At this time the majority of the crowd had cleared out and left the area. The bike team concluded its inspection at this time and left the area.

EXHIBIT N-12

(1)

2/20/13
0230

Crown Coffee & Hookah Lounge, 7059 El Cajon Blvd, San Diego, CA 92115.

- **Calls for service, from 9/20/2012 to 2/17/2013 show a total of 41 calls and 33.07 hours of out of service time.**
- This does not reflect the call for service related to the business on **2/8/2013 at 0239 hours** for shooting incident with rival gang factions. Fight broke out, vehicle pulled up, yelled "5/9 Brim" and fired shots. Officers responded and stopped the vehicle. Driver wearing a bullet proof vest and a loaded .357 mag revolver was recovered in the back seat. A total of 10 suspects were arrested as a result of the investigation (Gangs handling case). Security stated the victims and suspects were all in the business that night. 99.64
    - ***Patrol officers saw what appeared to be minors inside the business.*** (Tobacco Permit valid until 4/30/2013)
    - ***SDMC section 33.4503 requires a police permit for a tobacco retailer.***
    - ***SDMC section 58.04 prohibits a minor (under the age of 18) to possess tobacco.***
    - ***SDMC section 58.0101 defines curfew as the period from 10pm any evening of the week until 6am the following day. This applies to any person under the age of 18.***
    - ***SDMC section 58.0102 makes it unlawful for any minor to be present in any public place or on the premises of any establishment within the City of San Diego during curfew hours.***
    - ***The business was either serving alcohol or allowing patrons to bring alcohol as numerous drunks were observed inside. SDMC section states it is unlawful for any person to bring an alcoholic beverage onto the premises unless the action is allow by the permittee's ABC license.***
    - ***2330 B&P- Must have an ABC license to sell or provide alcohol. Applied for ABC Type 41 license- On sale beer and wine-eating place. Status shows as withdrawn as of 8/24/2012.***
    - ***A patron said he was charged a $10 cover before 11pm which goes up to $20 after 11pm. 3 security guards working. 2 were somewhat uncooperative. The Entertainment, no alcohol, dance 50+ expired on 9/30/2012. Owner chose not to renew permit.***
    - ***The out of service time for this incident was 99.64 hours for a total of 132.71 hours during a 5 month period.***
- **11/16/2012 at 0050 hours** - Bike team cleared the sidewalk due to persons blocking the sidewalk and having to step into the street to pass. Security said the business is charging a cover of $10 per person with an increase to $20 after 2200 hours. A/Sgt spoke to the owner. The music was turned off and the house lights were back on. Owner said his attorney told him he is not a police regulated business and refused access to the A/Sgt bike team when told he was going to conduct an inspection.
    - ***SDMC, Article 3, section 33.0103 grants authority to peace officers or police employees to conduct inspections of all police regulated businesses. The A/Sgt believed entertainment was being provided by way of the cover charge cover for***

* Follow-Up with Owner/Business for Ideas to Ensure Success

(12)

entry and audible music coming from the business by over 50 feet with the doors closed.

- ***SDMC section 33.1503 makes it unlawful for any person to provide or permit any entertainment which is open to the public without a police permit.***
  - Officers counted 202 persons leave the business with 46 still inside for a total of 248 patrons. Owner had previously told the A/Sgt the count was 100 heads and a maximum occupancy of 100.

- **8/2012**- Complaint to vice regarding loitering on the sidewalk in front of the business and cars parked in his parking spots designated as Tow Away. Littering and concern for safety.
- **8/2012**-Owner attended an appeal for an administrative citation resulting from a noise complaint on 5/4/2012. Finding of facts upheld. Fined civil penalty of $1,000 plus admin costs of $2,173.89 for a total of $3,173.89.
- **5/12/2012**, Owner cited for failing to post permits during Vice Op overt inspection.
- **3/12/2012**, subject cited for open container related to the business
- **3/3/2012**, Notice of Violation for noise abatement
- **2/15/2012**, after 0200 hours, officers responded to a disturbance call at the business. Report of people yelling in the alley and parking lot. Officers found several empty alcohol bottles littered in the parking lot.
- **2/16/2012**- Arrest for possession of a controlled substance and arrest of a person for drunk in public in the south alley of the business.
- **1/22/12**- Arrest for possession for sales of a controlled substance in the business parking lot.
- **In 2012**, 11 field interviews for subjects loitering around the business.

EXHIBIT N-13

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Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF DETECTIVE SCOTT JAMES REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, SCOTT JAMES, declare as follows:

1. I have been employed by the San Diego Police Department for approximately thirteen years and am currently assigned to the Narcotics Unit. When I was a Detective assigned to Vice Operations, part of my job was to work undercover and inspect the day-to-day operations of police-regulated businesses. I held this position from July 2012 to March 2013.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and I know that on March 8, 2013, the business had a police permit for Tobacco, but not for Entertainment because the Entertainment Permit had expired on September 30, 2012.

7. I know that a DJ is not permitted on the premises, and that the establishment is subject to inspection as a police regulated business.

8. On March 8, 2013, in the capacity of a Vice Detective with the San Diego Police Department, I visited Crown Coffee and Hookah Lounge and observed the violations documented in my report. I also contacted and spoke with the owner, Abdulkerim.

9. I wrote an Investigator's Report on March 8, 2013, and issued Abdulkerim a citation.

10. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

11. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

12. The report was written within 24 hours of my observation of the events.

13. The report is based upon my personal knowledge and first-hand observations of the events.

14. The information in the report is a true and accurate account of the events that I observed on March 8, 2013.

15. My report was reviewed and approved by Sgt. Holden.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 6th day of August, 2013, at the City of San Diego, California.

Scott C. James

SCOTT JAMES (ID# 5663), Declarant

FILE COPY

SAN DIEGO POLICE DEPARTMENT

☐ MISDEMEANOR

NOTICE TO APPEAR

☐ Traffic ☒ Nontraffic

Y1252895

Date of Violation	Time	Day of Week	Case No.
03/08/13	0110 ☐ AM ☐ PM	S M T W T F S	

Name (First, Middle, Last): ANIS MOHAMMED DIBDULKERIM ☐ Owner's Responsibility (Veh. Code, § 40001)

Address: [redacted]

City: [redacted] State: [redacted] ZIP Code: [redacted]

Driver Lic. No.	State	Class	Commercial	Age	Birth Date
[redacted]	[redacted]	C	☐ Yes ☐ No	31	[redacted]

Sex	Hair	Eyes	Height	Weight	Race	☐ Const. Zone ☐ School Zone
[redacted]						

Veh. Lic. No. or VIN: PED State:

Yr. of Veh.	Make	Model	Body Style	Color

Evidence of Financial Responsibility:

☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Registered Owner of Lessee: ☐ Same as Driver

Address: N/A ☐ Same as Driver

City: State: ZIP Code:

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☒	33.1503(a) SDMC		M
☐	☐	ENTERTAINMENT W/OUT		M
☐	☐	A PERMIT		M
☐	☐			M

Speed Approx.	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	☐ Continuation Form Issued	N
>						

COMMENTS: (Weather, Road & Traffic Conditions) ☐ COLLISION W N/A E

CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s) at 7059 EL CATON BL. S

☐ CITY OF SAN DIEGO, CA ☐ OTHER

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Arresting or Citing Officer	I.D. No.	Command/Shift	Beat
S. JAMES	5663	INV	821

Date	Name of Arresting Officer, if different from Citing Officer	I.D. No.	Command/Shift	Beat
/ /				

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature

WHEN: ON OR BEFORE THIS DATE: 05/07/13 TIME: 8:00 ☒ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

☐ JUVENILE COURT, DEPT. 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600	☒ MISDEMEANOR ARRAIGNMENT DEPT. 220 W. BROADWAY SAN DIEGO, CA 92101 (619) 450-5400
☐ SAN DIEGO TRAFFIC COURT 8950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 634-1600 NIGHT COURT-CONTACT COURT FOR INFO	☐ SOUTH BAY COURT 500 3RD AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO
APPEAR AT: ☐	

☐ To be notified

☐ YOU MUST APPEAR AT THE SAN DIEGO POLICE DEPARTMENT FOR FINGERPRINTING PRIOR TO YOUR COURT APPEARANCE.

Notice to Appear form approved by the Judicial Council of California. SEE REVERSE

PD-177 (3-09) (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) TR-130

13

SAN DIEGO POLICE DEPARTMENT
VICE UNIT
INVESTIGATOR'S REPORT

DATE:	03-08-2013
TIME:	0110 hours
LOCATION:	Crown Hookah Lounge 7059 El Cajon Blvd San Diego, Ca.
SUBJECT:	Entertainment without a Permit IH #13030012779

CHARGES:	**33.1503(a) MC** – Providing Entertainment without a Permit
SUSPECT:	Name: Anis Mohammed Abdulkerim Address: [redacted]
DISPOSITION:	Suspect was arrested and released on his signed promise to Appear – Citation #Y1252895
WITNESS:	Detective S. James #5663 S.D.P.D. Vice Unit (619) 531-2451

EVIDENCE:

1) Original voice recording of the conversation was downloaded and impounded at the headquarters property room.
2) Original video disc of the DJ was downloaded and impounded at the headquarters property room.

INVESTIGATION:

On 03-08-2013, at approximately 0100 hours, Sergeant Holden #4997, Detectives Peterson #5605, Cunanan #4863, Brinkerhoff #5717, Campbell #6367, Mid-City patrol units and I conducted an inspection at the Crown Hookah Lounge. On 09-30-2012, the owner Anis Abdulkerim let his entertainment permit expire. The community has complained about noise problems and narcotics activity coming from the business causing numerous radio calls for patrol. We have had patrol units from the division advise us they believed the business was providing entertainment.

Detective Cunanan and I drove past the front and it appeared the business was charging a cover charge. Detective Cunanan and I then drove in the south alley behind the business and we saw a male who appeared to be conducting security checks in the back parking lot. I rolled my window down and I asked the male what was going on at the business. The male said, "It's a hookah club." I asked him if there was a DJ inside and he replied, "Yeah, there's a DJ."

As we walked in, the music was loud and I could see a disc jockey set up on the south wall directly ahead of me. In the middle of the business, in front of the DJ booth, there were approximately 20 to 30 people dancing. The business was so crowded, it took me a couple of minutes to make my way to the cash register counter on the southeast side of the business. I spoke with the employees and I asked to see the owner. One of the employees said the owner was in the DJ booth.

The employee walked over to the DJ booth and I followed her. The only male in the DJ booth was the DJ. The employee walked back to the counter and looked in the back. I asked the employee if he might be in the office. I followed the employee to the office. The employee knocked on the door several times but there was no answer. She tried to open the door but it was locked. I looked at the back door by the office and it was closed with a padlock on it.

I started to walk to the front when I saw a male exit the bathroom. I recognized him as the owner and I confirmed it with him. I asked for his identification and he gave me his California driver's license that identified him as Anis Abdulkerim. I asked Abdulkerim to step out front with me and he walked outside. Abdulkerim was on his cell phone.

Detective Peterson spoke to the DJ and took a statement from him. For more information, see Detective Peterson's report. Detective Cunanan spoke to two customers and took a statement. Detective Cunanan told me that one customer paid a $20 dollar cover charge and the other paid a $5 dollar cover charge because he had a VIP card. For more information on the interview of the customers, see Detective Cunanan's report.

Once outside, I asked Abdulkerim to hang up his phone while we were talking with him and he complied. I advised Abdulkerim he was being cited for providing entertainment without a permit. As I was filling out the citation and conducting a records check on Abdulkerim, he said, "Here's my attorney." A male walked up and Detective Campbell allowed Abdulkerim's attorney to stand next to Abdulkerim.

I advised Abdulkerim the citation was for providing entertainment without a permit and I needed him to sign the citation. I advised him by signing the citation, he was not admitting guilt but promising to appear in court. Abdulkerim was released on his signed promise to appear. I did not take a statement from Abdulkerim.

CONCLUSION:

Based on the above information, I am requesting Abdulkerim be charged with one count of providing entertainment without a permit. I am forwarding this report to the City Attorney's Office for review.

Reporting Investigator: S. James ID#5663 Section: Vice Operations

Approved By: Sgt M. Holden #4997 Date of Report: 03-08-2013 Time: 0250 Hrs

EXHIBIT N-14

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BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF DETECTIVE J. CAMPBELL REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, JUDSON CAMPBELL, declare as follows:

1. I have been employed by the San Diego Police Department for approximately six years and am currently a detective in the Child Abuse Unit. Prior to working in Child Abuse, I was an acting detective in Vice Operations. In my capacity as an acting detective in Vice Operations, part of my job was to work undercover and inspect the day-to-day operations of police-regulated businesses. I held this position from approximately March 2012 through April 2013.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and I know that on March 8, 2013, the business had a police permit for Tobacco, but not for Entertainment.

7. I know that a DJ is not permitted on the premises, and that the establishment is subject to inspection as a police regulated business.

8. On March 8, 2013, in the capacity of a Vice Detective with the San Diego Police Department, I assisted Detective James and visited Crown Coffee and Hookah Lounge and observed the violations documented in my report. I also contacted the owner, Abdulkerim.

9. I wrote an Investigator's Report on March 8, 2013.

10. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

11. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

12. The report was written within 24 hours of my observation of the events.

13. The report is based upon my personal knowledge and first-hand observations of the events.

14. The information in the report is a true and accurate account of the events that I observed on March 8, 2013.

15. My report was reviewed and approved by Sgt. Holden.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 7th day of August, 2013, at the City of San Diego, California.

JUDSON CAMPBELL (ID# 6367), Declarant

SAN DIEGO POLICE DEPARTMENT
VICE UNIT
INVESTIGATOR'S REPORT

DATE:	March 8, 2013
TIME:	0100 Hours
LOCATION:	Crown Hookah Lounge, 7059 El Cajon Blvd, San Diego CA
SUBJECT:	Incident #13030012779

On 03/08/13, at approximately 0100 hours, I assisted Det. James with an investigation at the Crown Hookah Lounge at 7059 El Cajon Boulevard. During the investigation, I used a digital audio recorder to record my surroundings. I later transferred that recording to CD. Det. James impounded the CD at Headquarters.

When we entered the business, there was loud music playing. I saw a DJ on the south wall of the business. In front of the DJ was a group of approximately 20 to 30 people dancing. After looking for several minutes and asking several employees, Det. James located the owner of the business, Anis ABDULKERIM in the men's restroom of the building. Det. James, ABDULKERIM, and I stepped outside the business.

While Det. James was issuing a citation to ABDULKERIM, customers began to exit the business. ABDULKERIM wanted to walk over and talk to a security guard. I told him he had to stay where he was while Det. James issued the citation. ABDULKERIM yelled at a security guard. The guard walked over to talk to him. ABDULKERIM asked him to tell someone (I could not make out the name) to play "Pandora" – a streaming internet music service. The security guard responded, "She's telling everybody to leave." ABDULKERIM told the security guard not to tell people to leave.

ABDULKERIM's attorney arrived. I allowed him to stand next to ABDULKERIM while Det. James issued the citation. For further details, please see Det. James' Investigative Report.

Reporting Investigator: J. Campbell #6367 **Section:** Vice Operations

Approved By: _____ **Date of Report:** 03/08/2013 **Time:** 0230 hrs

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EXHIBIT N-15

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Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF DETECTIVE ROLITO CUNANAN REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, ROLITO CUNANAN, declare as follows:

1. I have been employed by the San Diego Police Department for over twenty years and am currently a detective in Vice Operations. In this capacity, part of my job is to work undercover and inspect the day-to-day operations of police-regulated businesses. I have held this position since July 2012;

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California.

7. On March 8, 2013, in the capacity of a Vice Detective with the San Diego Police Department, I visited Crown Coffee and Hookah Lounge as part of an undercover detail, and spoke with patrons who claimed to have paid an entrance fee to get into the establishment.

8. I wrote an Investigator's Report on March 8, 2013.

9. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

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10. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

11. The report was written within 24 hours of my observation of the events.

12. The report is based upon my personal knowledge and first-hand observations of the events.

13. The information in the report is a true and accurate account of the events that I observed on March 8, 2013.

14. My report was reviewed and approved by Sgt. Holden.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 5th day of August, 2013, at the City of San Diego, California.

ROLITO CUNANAN (ID# 4863), Declarant

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE (occur): March 8, 2013

TIME (occur): 0110 hours

LOCATION: 7059 El Cajon Blvd, San Diego, CA

SUBJECT: **Arrest of ABDULKERIM, Anis** (Incident Number #13030012779)

INVESTIGATION:

On 03/08/2012, I and the detectives listed below were working in our capacity as undercover Vice Section detectives. We were dressed in casual attire and driving an undercover police vehicle. Our specific assignment during this operation was to investigate if entertainment is being provided at the Crown Hookah Lounge located at 7059 El Cajon Blvd and if a current entertainment permit existed at this establishment. There have been numerous noise complaints from citizens residing in close proximity from this location. The following detectives were involved during this detail: Sgt. Holden #4997 and Detectives Campbell #6367, James #5663, Peterson #5608 and Brinkerhoff #5717. Mid-City Bicycle Team headed by Sgt Cooley also assisted during this operation.

Upon entry, I spoke to (2) patrons of Crown Hookah Lounge identified as [redacted] having a date of birth of [redacted] and [redacted] having a birth date of 04-03-1992. The [redacted] brothers were identified by their California driver's licenses.

[redacted] told me he paid a $20.00 entrance fee to get in to the establishment while [redacted] told me he only paid a $5.00 entrance fee to get in because he was a V.I.P. card holder. [redacted] paid $40.00 for his V.I.P. card.

TRAINING AND EXPERIENCE:

I am a peace officer employed by the San Diego Police Department and have been so employed for over 21 years. I am currently assigned as a Detective to the Vice Unit. During this time, I have received training regarding street level prostitution which includes their tactics, jargon and methods of operating here locally. I have also received training regarding internet based prostitution which includes in call and outcall services. I have participated in numerous undercover operations targeting both the prostitutes and the subjects ("johns") who employ them. I have observed and assisted prostitution related investigations numerous times. Additionally, I enforce Alcoholic Beverage Control related offenses and City of San Diego related ordinances.

Reporting Officer Detective R. Cunanan ID# 4863 Vice Unit

Approved By: M HOLDEN #4997 Date: 03/08/13/rm Time: 02:38 AM

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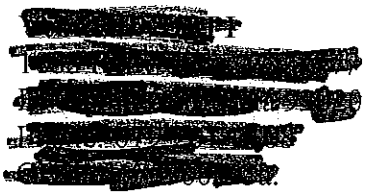
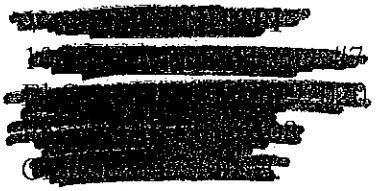
ADDITIONAL INFORMATION:





Investigator: Roli Cunanan #4863 Vice Unit **Date:** 03/08/2013 2:38 AM

Report Date: 03/08/2013 at 0200 hours

EXHIBIT N-16

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
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Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF DETECTIVE VERNON PETERSON REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, VERNON PETERSON, declare as follows:

1. I have been employed by the San Diego Police Department for approximately 14 years and am currently a detective in Internal Affairs. When I was a detective in Vice Operations, part of my job was to work undercover and inspect the day-to-day operations of police-regulated businesses. I was in Vice Operations from June 2012 to March 2013.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and knew that on March 8, 2013, they did not have an Entertainment permit.

7. On March 8, 2013, in the capacity of a Vice Detective with the San Diego Police Department, I visited Crown Coffee and Hookah Lounge as part of an undercover detail, and contacted a DJ who was operating a digital turntable. I also observed patron dancing.

8. I wrote an Investigator's Report on March 8, 2013.

9. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

10. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

11. The report was written within 24 hours of my observation of the events.

12. The report is based upon my personal knowledge and first-hand observations of the events.

13. The information in the report is a true and accurate account of the events that I observed on March 8, 2013.

14. My report was reviewed and approved by Sgt. Holden.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 5th day of August, 2013, at the City of San Diego, California.

VERNON PETERSON (ID# 5605), Declarant

SAN DIEGO POLICE DEPARTMENT
VICE UNIT
INVESTIGATOR'S REPORT

DATE: March 8, 2013

TIME: 0100 hours

LOCATION: Crown Hookah Lounge, 7059 El Cajon Blvd San Diego, CA

SUBJECT: Incident # 12030012779

On 03/08/12, at approximately 0100 hours, I assisted Detective James with an investigation at the Crown Hookah Lounge located at 7059 El Cajon Blvd. During this investigation, I spoke with and took the statement of the disc jockey (DJ).

When I entered the business with my fellow detectives I could hear loud music playing. There were people throughout the business dancing. The DJ was positioned along the south wall and looked to be elevated as if he was on some type of platform. I walked up to the DJ identified as [redacted] and took a photo of him, along with a brief video of him playing music. Mascardo had headphones on and his hands were moving along the digital turntables. A female employee walked up to [redacted] and with a hand motion told [redacted] to turn off the music. [redacted] lifted his headphones a little from his ears to hear what the female was telling him. The female told [redacted] to turn the music off. After [redacted] turned the music off, I asked [redacted] if I could speak with him and he stated I could.

I asked [redacted] if he knew the Crown Hookah was operating without an entertainment permit and he stated he didn't know anything about a permit. [redacted] stated he was a customer and the regular DJ stepped outside. Before going outside, the regular DJ asked [redacted] to watch the equipment. [redacted] stated the owner, Anis knew he also DJ's, so Anis asked him to DJ for a little bit. [redacted] stated he was only playing music for 5 minutes. [redacted] stated he was on his 2nd song.

[redacted] stated for the past few months Crown Hookah has a DJ playing music every Thursday.

Detective James issued the owner, Anis Abdulkerim a citation for entertainment without a permit. See Detective James investigative report.

Submitted by: V. Peterson ID#: 5605 Division: Inv I - Vice
Approved by: Sgt. Holden #4997 Date of this Report: 3/8/2013 Time: 2000

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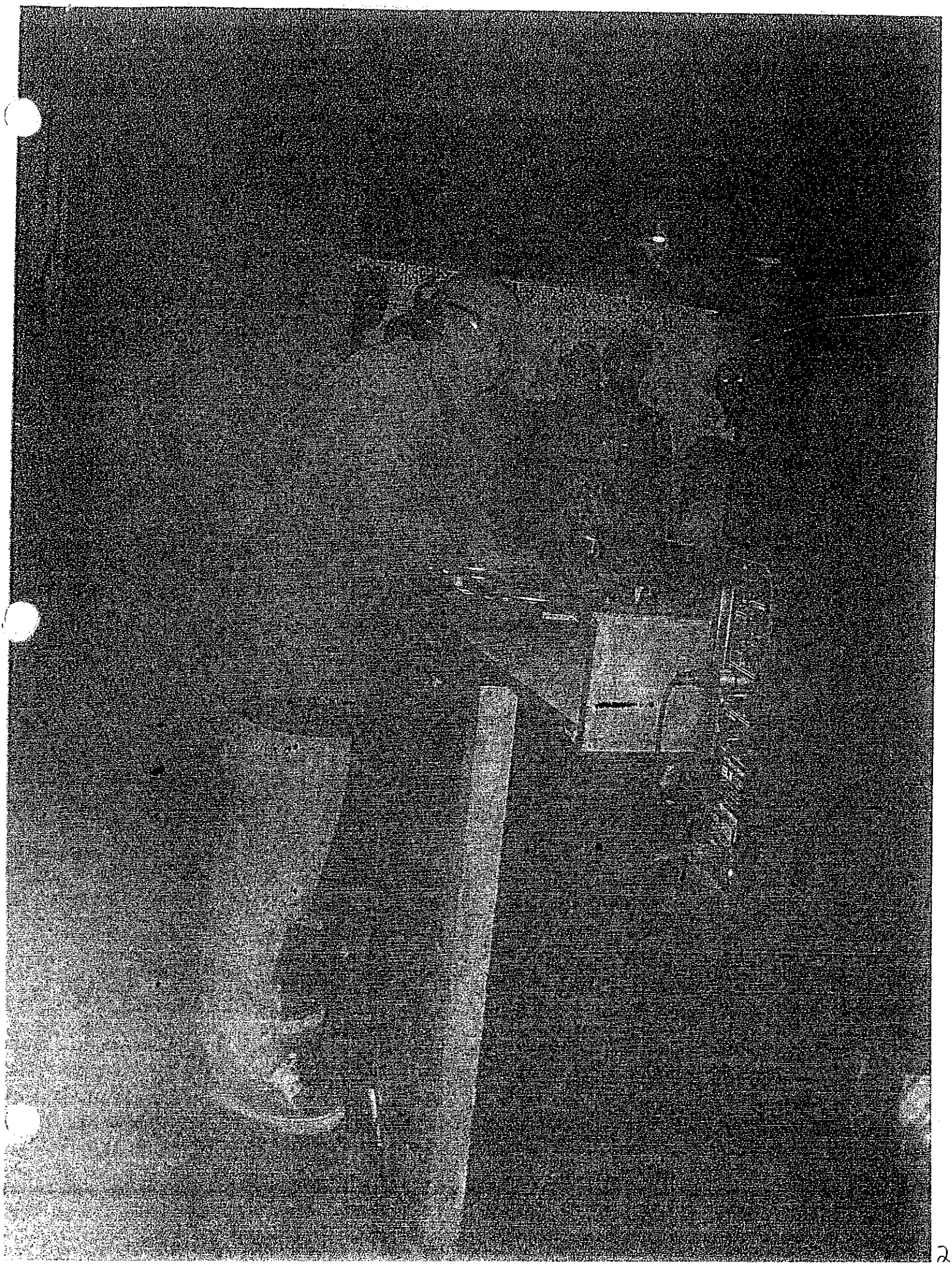

EXHIBIT N-17

THE CITY OF SAN DIEGO

M E M O R A N D U M

IN REPLYING
PLEASE GIVE
1914141113

SENT VIA CERTIFIED MAIL: 7008 0150 0002 4314 0353

April 4, 2013

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
5465 Vincetta Court #15
La Mesa, CA 91942

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
7059 El Cajon Boulevard
San Diego, CA 92115

Subject: Warning letter for Crown Hookah Lounge Tobacco Police Permit #2011008326

This letter is to serve as a ***written warning*** issued against your police permit. It also is to identify and describe the circumstances of the violations and explain the consequences of failure to correct the violations. The written warning is issued against the permit pursuant to San Diego Municipal Code (SDMC) section 33.0403(b)(2).

The Crown Hookah Lounge located at 7059 El Cajon Blvd., San Diego, California 92115, accumulated numerous calls for service from September 1, 2012 through January 31, 2013. These calls consisted of five disturbances, twelve noise complaints, one drunk in public, one for discharging of firearm, two persons down, one theft and a rival gang-related shooting. The total out of service time for police services was 108.78 hours. In addition to the calls for service, the business has been the subject of citizen complaints for parking issues, loitering and excessive noise. The above are violations of the SDMC, California Penal Code and California Business and Professions Code.

In response to the above issues, on February 20, 2013, you, the owner, Anis Mohammed Abdulkerim, of the Crown Hookah Lounge, your counsel, Dante Pride, and members of the San Diego Police Department (SDPD) Vice, Permits & Licensing Unit met at Police Headquarters, to discuss the above mentioned issues. The topics also covered the sections of the SDMC relating to entertainment, noise and tobacco. SDPD made several recommendations which included

improved lighting, additional security guards, alarm system, public safety security, developing and training employees on fraudulent documentation and proper identification and the possible use of outside consultants.

At the meeting you stated that Crown Hookah Lounge no longer provided entertainment. The SDMC sections defining entertainment was clearly explained. To date, Crown Hookah Lounge continues to advertise the hosting of DJ's on the website: www.crownhookahlounge.com

Since the meeting, SDPD responded to Crown Hookah Lounge because of the same issues and in March 2013, you were issued a citation for providing entertainment in the business without possessing a police permit. In addition, a customer of the business was cited for possession of an open alcoholic beverage, another customer was cited for possession of alcohol by a person under 21 years old, and one person was arrested for drunk in public.

As the owner of Crown Hookah Lounge, you are responsible for your business operations and the operating requirement of your tobacco permit. And your staff is also responsible for the operations of your business. A *responsible person* as defined in the SDMC means not only the person who holds the police permit, but each person who is otherwise responsible for the operation, management, direction, or policy of a police-regulated business. It also includes an employee who is in apparent charge of the premises. See SDMC § 33.0201, Definitions of Police Regulated Businesses and Occupations.

SDMC section 33.4514 (a), entitled Penalties and Regulatory Action states that: All penalties and regulatory action related to a police permit issued to operate as a tobacco retailer shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406. SDMC section 33.0403(a) reads in pertinent part:

> **§33.0403 Regulatory Penalties**
>
> (a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:
>
> (1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;
>
> (5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;
>
> (6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

Based on the aforementioned incidents, you and your staff at the Crown Hookah Lounge have shown a pattern of conduct demonstrating a flagrant inability to manage patrons and minimize disorderly/unlawful conduct. You and your staff have violated or allowed the violation of the SDMC and other laws, you have negligently failed to supervise the business resulting in a pattern

of violations, and you have manifested an inability to properly perform the duties related to the police-regulated activity.

Further violations of this nature may result in suspension or revocation of your tobacco police permit. If you have any questions or wish to request a meeting regarding this warning letter, please contact me, Sergeant Moyna at (619) 531-2282 or kmoyna@pd.sandiego.gov.

Sincerely,

Kevin Moyna, Detective Sergeant
San Diego Police Department
Vice Unit, Police Permits & Licensing

KM/km

cc: Dan Plein, Lieutenant, Vice Permits & Licensing
Chris Mcgrath, Lieutenant, Vice Operations

CERTIFIED MAIL

THE CITY OF SAN DIEGO
San Diego Police Department
Police Permits and Licensing, MS 735
P.O. Box 121431 • San Diego, California 92112-1431

016H26525682
Master
$06.110
04/05/2013
Mailed From 92102
US POSTAGE

7008 0150 0002 4314 0353

RETURNED
05/15/13

4/24

4/28

closed till 4 or 6 pm
NL
1014

Crown Hookah Lounge
c/o Anis Mohammed Abdulkerim
7059 El Cajon Boulevard
San Diego, C

NIXIE 918 SE 1 00 05/02/13
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 92112143131 *1504-04785-05-44

9921181625

4

English Customer Service USPS Mobile Register / Sign In

USPS.COM

Search USPS.com or Track Packages

Quick Tools
Track & Confirm
Enter up to 10 Tracking #s Find
Find USPS Locations
Buy Stamps
Schedule a Pickup
Calculate a Price
Find a ZIP Code
Hold Mail
Change of Address

Ship a Package Send Mail Manage Your Mail Shop Business Solutions

Track & Confirm

You entered: 70080150000243140360

Status: Delivered

Your item was delivered at 2:51 pm on April 6, 2013 in LA MESA, CA 91942. Additional information for this item is stored in files offline.

You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

Restore

Find Another Item

What's your label (or receipt) number?

Find

LEGAL
Privacy Policy
Terms of Use
FOIA
No FEAR Act EEO Data

ON USPS.COM
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

M5735 MONA

Postmark Here

Sent To: CROWN HOOKAH C/O ANIS ABDULKARIM
Street, Apt. No.; or PO Box No.: 5465 VINCETTA CT #15
City, State, ZIP+4: LA MESA, CA 91942

PS Form 3800, August 2006 See Reverse for Instructions

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EXHIBIT N-18

(2)

04/11/2013 at 1000 hours at 7059 El Cajon Blvd: Scheduled Meeting with Anis Mohammed Abdulkerim and his employees in the recognition of false identification. Also, included in this meeting was to come up with some solutions to lesson calls for service and citizen complaints about noise, disorderly conduct, and criminal activity.

Sgt. Mensior-Facilitated the class on recognition of false identification.

Officer Roman (Community Service Officer) and Officer Meyer-Evaluated the property inside and out for Security and ideas in making Anis Mohammed Abdulkerim have a successful business for himself and the community surrounding his Hookah Lounge.

Officer Getz spoke to several business owners in and around the area of the Crown Hookah Lounge. The biggest complaint to the business owners was the constant clean up vomit. They (business owners) elaborated, in the past they could just hose the vomit down the gutter, but now by law they have to call Hazmat. The cost of Hazmat or a fine for hosing the vomit can be expensive. Officer Getz also educated Anis Mohammed Abdulkerim on entertainment again.

Anis Mohammed Abdulkerim arrived at 1018 hours with no other employees. Therefore, Sgt. Mensior gave a one on one class on the recognition of false identification to Anis Mohammed Abdulkerim. Anis Mohammed Abdulkerim said he would relay what he learned about the class to his employees at 1600 hours that day.

The following were some ideas to help and support Anis Mohammed Abdulkerim in his security and to lesson calls for service. See Officer Roman's Report for more details on the evaluation of the Crown Hookah Lounge.

- Patrons to only use front door.
- Patrons never enter from back door.
- Fence in back parking lot and parking lot used only by employees. Anis Mohammed Abdulkerim commented people throw their old furniture in his dumpster. This will also take care of this issue.
- Keep both back doors closed while open for business.

(18)

- Install a camera in the back parking lot.
- Do not allow reentry.
- Fix surveillance camera monitor in office. (Has cameras inside business but main computer in office is not working)
- Educated Anis Mohammed Abdulkerim, by law he must ask for ID up to the age of 27 years old.
- Have Anis Mohammed Abdulkerim get to know his surrounding businesses and owners.
- Fix lock on back security gate.

Conclusion: Anis Mohammed Abdulkerim said he would educate his employees at 1600 hours that day 4/11/2013, and would take into consideration all that was mentioned.

If the above mentioned recommendations were to be accomplished, Anis Mohammed Abdulkerim will have a reduction in calls for service and at the same time have a successful business for himself and the surrounding community.

EXHIBIT N-20

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
LINDA L. PETER, Deputy City Attorney
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Facsimile: (619) 533-5856

Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF OFFICER KRISTOPHER MCANDREW REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, KRISTOPHPER MCANDREW declare as follows:

1. I have been employed by the San Diego Police Department for approximately seven years and am currently a uniformed Police Officer with the Mid City Bike Team. In this capacity, part of my job is to inspect the day-to-day operations of police-regulated businesses. I have held this position since May 2013;

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and know that on May 4, 2013, the establishment did not have an Entertainment Permit.

7. I know that as a police-regulated business on May 4, 2013, the Crown Hookah Lounge was subject to police inspection, and was required to post its police permit in a conspicuous place upon the premises, and exhibit the permit upon request of a peace officer.

8. On May 4, 2013, I accompanied Sergeant Higdon and several other uniformed officers to conduct an inspection of Crown Coffee and Hookah Lounge.

9. I wrote an Investigator's Report on May 4, 2013.

10. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

11. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

12. The report was written within 24 hours of my observation of the events.

13. The report is based upon my personal knowledge and first-hand observations of the events.

14. The information in the report is a true and accurate account of the events that I observed on May 4, 2013.

15. My report was reviewed and approved by Sgt. Sharki.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 5 day of August, 2013, at the City of San Diego, California.

KRISTOPHER MCANDREW (ID# 6199), Declarant

SAN DIEGO POLICE DEPARTMENT
INVESTIGATOR'S REPORT

DATE: May 4, 2013

TIME: 2330 Hours

LOCATION: 7059 El Cajon Blvd (Crown Hookah Lounge)

SUBJECT: Notice of violation for Crown Coffee & Hookah Lounge

ESTABLISHMENT:

Crown Hookah Lounge
City of San Diego Permit 2011008326

DISPOSITION:

Regulatory report submitted to Police Permits & Licensing

INVESTIGATION:

The owner/manager of Crown Hookah Lounge told me, during the time of the inspection that he had a permit with the city of San Diego but refused to provide it to me upon request.

On May 4, 2013, I conducted an inspection, in full police uniform of Crown Hookah Lounge with Sergeant Higdon and several other uniformed police officers. My specific assignment was to conduct an inspection at this establishment to make sure it is in compliance with all regulatory statues.

We have received several complaints surrounding the Crown Hookah Lounge regarding large amounts of patrons, loud music as well as fights and noise in the surrounding neighborhood.

Upon arrival at Crown Hookah Lounge, I could hear loud music emitting from inside the establishment. When I first noticed the music, I was standing on the sidewalk just east of the establishment. The front door was closed. I estimated the distance to be over 75 feet. I could see several people standing on the sidewalk outside of the front door to the Crown Hookah Lounge. I also noticed two males who stated they were "security" but was not wearing marked "security" shirts and could not be identified as security.

I contacted one of the security guards who was standing at the main entrance and identified myself as Officer McAndrew, with the San Diego Police Department. I informed them I was going to conduct an inspection of the establishment. The security guard was hesitant to grant me access. Sergeant Higdon spoke to the security guard and I walked inside the establishment.

INVESTIGATOR: K. McAndrew #6199 **Date:** May 4, 2013

APPROVED BY: HARCH 5990 **Date Approved:** 5/20/13

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Once I was inside the establishment I noticed there were about 100 people inside. I saw a DJ booth located against the back (south) wall facing the entrance. The DJ booth was empty but had backpacks and what appeared to be personal items in the both. Loud music was coming from large speakers mounted around the inside of the establishment.

In front of the DJ booth was a large cleared out space where several people were dancing. I walked around the establishment but did not locate a DJ.

The rear fire exit door was locked with a pad lock and could not be accessed during an emergency. The rear door was also not monitored by security.

Based on my knowledge of the Crown Hookah Lounge, I knew the use of a DJ and dancing was not allowed because they did not have an entertainment permit. I exited the establishment and requested to speak with the manager that was currently on duty.

Several minutes later I was greeted by the on duty manager. I told the manager he was not allowed to have a DJ or have dancing at his establishment. The manager assured me no one was dancing inside. At that moment the front door was opened by a patron and I could see several people still dancing inside. I pointed to the people dancing to bring it to his attention. The manager closed the door and told me they were not dancing.

I asked the manager, as well as the security guards, how many people were currently inside the establishment. They were unable to provide me with an accurate count of the pedestrians but estimated the number to be around 88.

While I was outside speaking with the manager and security guards I observed several people walk into the establishment without having their identification checked by the door man. When I asked why they have an "18 and up only" sign in the window but didn't check identification they were unable to provide me with an answer. The manager mad a statement about stamps but was unable to explain how it worked or show me the stamps they give.

I asked if he had a permit with the city of San Diego. He stated he did but refused to provide it to me. He then removed his cell phone from his pocket and began to text his lawyer. From that point forward he refused to answer any further questions and would not acknowledge me.

33.1513. Permitee must retain a copy of these conditions along with police permit for entertainment and be prepared to provide them to any law enforcement officer upon request. Any violations of the following conditions shall be grounds for suspension or revocation of police permit. Imposition, suspension or revocation of any particular condition is appealable through procedures set forth in (SDMC) Chapter III, Article 3, Division 5. This police permit for entertainment is conditioned as follows:

Must comply with SDMC Chapter III, Article 3, Division 15 and the following conditions:

INVESTIGATOR: K. McAndrew #6199 **Date:** May 4, 2013

APPROVED BY: [signature] **Date Approved:** 5/24/13

(1) Entertainment consisting of a belly dancer or a DJ may be provided between the hours of 10:00 AM and 12:00 Midnight. **Patron dancing is prohibited.**

(2) No Person under the age of eighteen (18) years shall enter or remain upon the premises at any time.

(7) All music and/or noise generated by Crown Coffee & Hookah Lounge or its patrons shall be confined to the interior of the building so as not to disturb nearby residents. No music will be piped into any outside or adjacent areas.

(10) Crown Coffee & Hookah Lounge shall enforce and monitor occupancy levels established for the entire premises set by the fire marshal.

(11) Crown Coffee & Hookah Lounge shall require that all security guard personnel be registered with the department of consumer affairs in accordance with the California Business & Professions code section 7574.10.

INVESTIGATOR: K. McAndrew #6199 Date: May 4, 2013

APPROVED BY: [signature] Date Approved: 5/20/13

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 Expires 09/30/2012

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
09/21/2011

EXPIRES
09/30/2012

BUSINESS TYPE: ENTERTAINMENT NO ALC DANCE 50+

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO, CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER _____

CONDITIONS
[X]

CONDITIONS

******SEE ATTACHED CONDITIONS AND KEEP WITH PERMIT AT ALL TIMES******

CITY OF SAN DIEGO – ENTERTAINMENT PERMIT CONDITIONS –
(NO ALCOHOL)

IN THE MATTER OF: CROWN COFFEE & AND HOOKAH LOUNGE LOCATED AT 7059 EL CAJON BLVD.

POLICE PERMIT # 2011008326

THESE CONDITIONS ARE MADE PURSUANT TO PROVISIONS OF SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 33.1513. PERMITEE MUST RETAIN A COPY OF THESE CONDITIONS ALONG WITH POLICE PERMIT FOR ENTERTAINMENT AND BE PREPARED TO PROVIDE THEM TO ANY LAW ENFORCEMENT OFFICER UPON REQUEST. ANY VIOLATIONS OF THE FOLLOWING CONDITIONS SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF POLICE PERMIT. IMPOSITION, SUSPENSION OR REVOCATION OF ANY PARTICULAR CONDITION IS APPEALABLE THROUGH PROCEDURES SET FORTH IN (SDMC) CHAPTER III, ARTICLE 3, DIVISION 5. THIS POLICE PERMIT FOR ENTERTAINMENT IS CONDITIONED AS FOLLOWS:

MUST COMPLY WITH SDMC CHAPTER III, ARTICLE 3, DIVISION 15 AND THE FOLLOWING CONDITIONS:

(1) ENTERTAINMENT CONSISTING OF A BELLY DANCER OR A DJ MAY BE PROVIDED BETWEEN THE HOURS OF 10:00 AM AND 12:00 MIDNIGHT. PATRON DANCING IS PROHIBITED.

(2) NO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS SHALL ENTER OR REMAIN UPON THE PREMISES AT ANY TIME.

(3) WHEN PROVIDING ENTERTAINMENT, **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS LICENSED SECURITY GUARD PERSONNEL, AT A RATIO OF ONE (1) FOR EVERY SEVENTY-FIVE (75) OR FEWER PATRONS. SECURITY PERSONNEL SHALL BE UNIFORM COMPANY ATTIRE AS TO BE EASILY IDENTIFIABLE WITH THE WORD "SECURITY" IN THREE INCH LETTERING ON THE BACK OF A SHIRT AND/OR JACKET.

(4) IN ADDITION, WHEN PROVIDING ENTERTAINMENT,**CROWN COFFEE & AND HOOKAH LOUNGE** SHALL EMPLOY ONE (1) ADDITIONAL SECURITY GUARD TO ACTIVELY MONITOR AND CONDUCT ROVING PATROLS THROUGHOUT THE VENUE AND THE PREMISE PARKING LOT.

POLICE PERMIT # 2011008326

(5) SPECIFIC DUTIES OF SECURITY SHALL BE TO PATROL INTERIOR AND EXTERIOR OF PREMISES AND UP TO 100 FEET OF THE ESTABLISHMENT'S PROPERTY LINE DURING ENTERTAINMENT HOURS AND ONE HALF HOUR AFTER CLOSING, SECURITY PERSONNEL SHALL BE POSTED OUTSIDE TO MONITOR PATRONS WAITING ADMISSION TO THE PREMISES TO ALLEVIATE POLICE PROBLEMS, EXCESSIVE NOISE, ABUSIVE BEHAVIOR, DISTURBANCES AND ANY OTHER VIOLATIONS OF THE LAW THAT MAY OCCUR ON OR ABOUT THE LICENSED PREMISES. **CROWN COFFEE & AND HOOKAH LOUNGE** SECURITY PERSONNEL SHALL PREVENT LOITERING OUTSIDE OF THE PREMISES AND MAINTAIN THE SIDEWALK AND PARKING LOT FREE OF PATRON NOISE AND DISTURBANCES.

(6) ALL DOORS AND WINDOWS SHALL REMAIN CLOSED WHENEVER MUSIC OR LIVE ENTERTAINMENT IS BEING PROVIDED ON THE PREMISES, EXCEPT FOR NORMAL INGRESS AND EGRESS AND IN CASE OF EMERGENCY.

(7) ALL MUSIC AND/OR NOISE GENERATED BY **CROWN COFFEE & AND HOOKAH LOUNGE** OR ITS PATRONS SHALL BE CONFINED TO THE INTERIOR OF THE BUILDING SO AS NOT TO DISTURB NEARBY RESIDENTS. NO MUSIC WILL BE PIPED INTO ANY OUTSIDE OR ADJACENT AREAS.

(8) SOUND AND AMPLIFICATION EQUIPMENT SHALL BE MONITORED DURING BUSINESS HOURS TO ENSURE THAT AUDIBLE NOISE REMAINS AT ACCEPTABLE LEVELS. NOISE LEVELS SHALL BE IN CONFORMANCE WITH THE NOISE ABATEMENT STANDARDS OF SAN DIEGO MUNICIPAL CODE SECTIONS 59.5.0401, 59.5.0501 AND 59.5.0502. IN THE EVENT OF NOISE COMPLAINTS, THE OWNER SHALL BE RESPONSIBLE FOR HIRING AN ACOUSTICAL ENGINEER TO EVALUATE AND GIVE SUGGESTIONS ON NOISE ATTENUATION.

(9) SERVICE OF PROMOTERS/ (DJ) OR OTHER PERSONS FOR THE PURPOSE OF PROFIT SHARING SHALL NOT BE UTILIZED. MONIES COLLECTED AS A DOOR CHARGE, OR ANY OTHER FORM OF ADMISSION CHARGE, INCLUDING MINIMUM DRINK ORDERS, SHALL BE SOLE PROFIT OF THE LICENSEE. IF SERVICES OF A PROMOTER/ (DJ) ARE TO BE USED, PROMOTER SHALL BE LICENSED WITH THE SAN DIEGO POLICE DEPARTMENT.

POLICE PERMIT # 2011008326

(10) CROWN COFFEE & AND HOOKAH LOUNGE SHALL ENFORCE AND MONITOR OCCUPANCY LEVELS ESTABLISHED FOR THE ENTIRE PREMISES SET BY THE FIRE MARSHAL. ANY MODIFICATION OF THE BUSINESS CONFIGURATION OR OCCUPANCY LEVELS MUST BE REPORTED TO THE SAN DIEGO POLICE DEPARTMENT. ALL MODIFICATIONS MUST HAVE PRIOR FIRE MARSHAL APPROVAL.

(11) CROWN COFFEE & AND HOOKAH LOUNGE SHALL REQUIRE THAT ALL SECURITY GUARD PERSONNEL BE REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS IN ACCORDANCE WITH THE CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 7574.10, WHICH READS:

NO PERSON SHALL ENGAGE IN THE BUSINESS OF A PROPRIETARY PRIVATE SECURITY OFFICER UNLESS REGISTERED WITH THE DEPARTMENT PURSUANT TO THIS CHAPTER....A PERSON MAY WORK AS A PROPRIETY PRIVATE SECURITY OFFICER PENDING RECEIPT OF THE REGISTRATION CARD IF HE OR SHE HAS BEEN APPROVED BY THE DIRECTOR AND CARRIES ON HIS OR HER PERSON A HARD COPY PRINTOUT OF THE BUREAU'S APPROVAL FROM THE BUREAU'S INTERNET WEB SITE AND VALID IDENTIFICATION.

(12) NO PERSON SHALL ENGAGE IN THE BUSINESS OF PROPRIETARY PRIVATE SECURITY EMPLOYER UNLESS REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS PURSUANT TO BUSINESS & PROFESSIONS CODE SECTION 7574.12.

(13) THESE ENTERTAINMENT CONDITIONS SHALL BE VALID FOR A 90 DAY PERIOD, EXPIRING ON 12/20/2011 AT WHICH TIME THE SAN DIEGO POLICE DEPARTMENT VICE PERMITS/LICENSING UNIT WILL REVIEW AND DETERMINE WHETHER PERMANENT ANNUAL CONDITIONS CAN BE GRANTED.

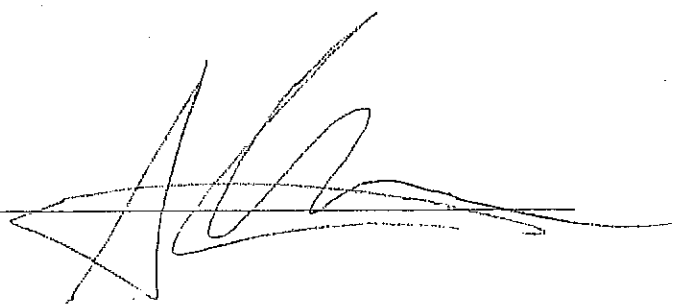
Signature 

EXHIBIT N-21

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Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF SERGEANT PATRICK COOLEY REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, PATRICK COOLEY declare as follows:

1. I have been employed by the San Diego Police Department for approximately twenty-one years and am currently a patrol Sergeant at Mid-City Division. I have held this position since October 2009.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, because of a history of police activity, radio calls, and violent incidents at that location.

7. On May 17, 2013, at approximately 23:45 hours, SDPD officers and I responded to a radio call that La Mesa PD had observed a fight in front of Crown Coffee and Hookah Lounge. I returned to the location at about 01:20 hours to determine how long to keep my squad on special enforcement detail. As I approached the establishment, I could hear loud music and I could see customers dancing inside. I contacted the owner, Anis Mohammed Abdulkerim.

8. I wrote a report on May 17, 2013.

9. I reviewed my report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police sergeant with the San Diego Police Department.

10. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

11. The report was written within 24 hours of my observation of the events.

12. The report is based upon my personal knowledge and first-hand observations of the events.

13. The information in the report is a true and accurate account of the events that I observed on May 17, 2013.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 3rd day of August, 2013, at the City of San Diego, California.

PATRICK COOLEY (ID# 4870), Declarant

Continued From: Officer's Report Only	San Diego Regional Officer's Report Narrative	Incident Number: 13050031653
Page 1 of 2		Case Number: 13019314

Code Section And Description (one incident only)	Date:	Day of Week:	Time:
ZZ 981153 - MISCELLANEOUS REPORTS - 153	5/17/2013	Fri	01:25

Location Of Incident (Or Address):	City	District	Beat:
7059 EL CAJON BL San Diego, Ca 92115			821

Person(s) Involved: Victim:

Suspect (If Named):
Abdulkerim, Anis Mohammed

Property Tag No.(s):

SYNOPSIS:

I observed dancing taking place inside the Crown Hookah Lounge at 7059 El Cajon Bl.

ORIGIN:

I was on duty and in uniform, driving a marked patrol vehicle. La Mesa Police apparently observed a fight in front of the Crown Hookah Lounge at 7059 El Cajon Bl and notified our dispatch. I responded to that radio call along with several of my officers (Inc #1305031604 at 23:45 hours). When my officers arrived, the participants in the fight had left, and no victims could be located.

BACKGROUND:

There is a history of police problems associated with the Crown Hookah Lounge, and we have had violent incidents here. According to dispatch, there have been 82 radio calls to that exact address in the past year. This does not include radio calls to close by locations or intersections that are related to the Crown Hookah Lounge. I know from my own experience that Thursday nights are a busy night at this lounge. There appeared to be a large crowd in the lounge, a lot of customers coming and going, and frequent cars driving slowly passed observing the crowd in front of the address. I was concerned there may be more violence here if we did not take action. I directed my squad to conduct high visibility enforcement in the area of 7000 El Cajon Bl and surrounding blocks. They made several traffic stops, conducted Field Interviews etc.

VIOLATION:

At about 01:20 hours I drove to the lounge to ask security when they closed so I could make a determination of how long to keep my squad on the special enforcement detail. I drove over alone, as I was only planning on asking that question. I parked about 50 feet West of the front door to the lounge, on the South curb line of El Cajon Bl and walked up toward the front door. I could hear music coming from inside the lounge. The music had a strong beat, like dance music. As I walked adjacent to the West most windows of the lounge, I could see through the lace/mesh type curtains inside. I observed a group of customers inside obviously dancing. Everyone I could see, about a dozen people, were standing and dancing. It appeared there were more people dancing beyond them, but I could only see about that many people as they blocked any further view into the lounge. After perhaps five seconds, one of the several security guards outside and next to the front door yelled something inside and slammed the lounge door shut. The music immediately stopped and the dancing subsequently stopped. It was clear security knew the dancing was a violation and intended to get it stopped immediately when they realized I was observing it. As the music stopped almost instantaneously when security called into the lounge, there had to be

Continued From: Officer's Report Only	San Diego Regional Officer's Report Narrative		Incident Number: 13050031653	
Page 2 of 2			Case Number: 13019314	
Code Section And Description (one incident only) ZZ 981153 - MISCELLANEOUS REPORTS - 153		Date: 5/17/2013	Day of Week: Fri	Time: 01:25
Location Of Incident (Or Address): 7059 EL CAJON BL San Diego, Ca 92115		City	District	Beat: 821
Person(s) Involved: Victim:				
Suspect (If Named): Abdulkerim, Anis Mohammed				
Property Tag No.(s):				

someone in immediate control of the music, possibly a DJ. I did not enter the lounge beyond the entry way, so I was unable to verify the source of the music or whether there had been a DJ.

I spoke to the lounge owner (Abdulkerim, Anis Mohammed, 04/05/1981, CDL # D1322520). I told him I had observed dancing, and that was a violation. He did not dispute that. I also recommended that he consider implementing a dress code to reduce the likelihood of gang incidents at his business.

Reporting Officer COOLEY	I.D.# 4870	Division: MC3	Approved By	Date of Report: 05/17/2013	Time: 02:08

COPY - 05/17/2013

POLICE REGULATED BUSINESS PERMIT

Permit # 2011008326 Expires 09/30/2012

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED. THIS PERMIT IS VALID ONLY AT THE LOCATION SHOWN.

MAILING ADDRESS
5465 VINCETTA CT 15
LA MESA, CA 91942-2426

THIS LICENSE IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED ON THE BUSINESS PREMISE

VALID FROM
09/21/2011

EXPIRES
09/30/2012

BUSINESS TYPE: ENTERTAINMENT NO ALC DANCE 50+

BUSINESS NAME: CROWN COFFEE & HOOKAH LOUNGE
BUSINESS LOCATION: 7059 EL CAJON BLVD SAN DIEGO, CA 92115

ISSUED BY POLICE PERMITS AND LICENSES

SIGNATURE OF ISSUING OFFICER _____

CONDITIONS
[X]

CONDITIONS

******SEE ATTACHED CONDITIONS AND KEEP WITH PERMIT AT ALL TIMES******

CITY OF SAN DIEGO – ENTERTAINMENT PERMIT CONDITIONS –
(NO ALCOHOL)

IN THE MATTER OF: **CROWN COFFEE & AND HOOKAH LOUNGE LOCATED AT 7059 EL CAJON BLVD.**

POLICE PERMIT # **2011008326**

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POLICE PERMIT # **2011008326**

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POLICE PERMIT # 2011008326

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(11) **CROWN COFFEE & AND HOOKAH LOUNGE** SHALL REQUIRE THAT ALL SECURITY GUARD PERSONNEL BE REGISTERED WITH THE DEPARTMENT OF CONSUMER AFFAIRS IN ACCORDANCE WITH THE CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 7574.10, WHICH READS:

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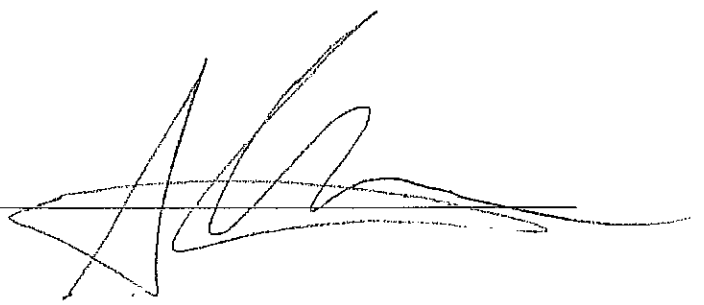
Signature 

EXHIBIT N-22

JAN I. GOLDSMITH, City Attorney
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Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF OFFICER MARK WILLIAMS REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, MARK WILLIAMS declare as follows:

1. I have been employed by the San Diego Police Department for approximately 4 years and am currently a PO2 at Mid-City. I have held this position since December 2011.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, because of a history police activity, radio calls, and violent incidents at that location.

7. On May 17, 2013, at approximately 23:45 hours, I responded along with Sergeant Cooley to a radio call that La Mesa PD had observed a fight in front of Crown Coffee and Hookah Lounge.

8. I contacted the owner, Anis Mohammed Abdulkerim, and completed a Field Interview Report on May 17, 2013, for providing entertainment without a police permit.

9. I reviewed my FI again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

10. I wrote the FI at the time of the event when the facts and information were still fresh and accurate in my memory.

11. The FI was written contemporaneously with my observation of the events.

12. The FI is based upon my personal knowledge and first-hand observations of the events.

13. The information in the FI is a true and accurate account of the events that I observed on May 17, 2013.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 6th day of August, 2013, at the City of San Diego, California.

MARK WILLIAMS (ID# 6769), Declarant

SAN DIEGO REGIONAL
FIELD INTERVIEW REPORT

2365113

AGENCY	DATE	TIME	DR NUMBER
SDPD	5-17-13	0215	140500

LOCATION OF INTERVIEW
[illegible] EC CASTOR DR [illegible]

NAME (LAST NAME FIRST)
[illegible]

NICKNAME / AKA

PHONE #
[redacted]

RESIDENCE ADDRESS (CITY / STATE)
[redacted]

SOC. SEC. NO.

RACE	SEX	HAIR	EYES	HT.	WT.
[redacted]					

D.O.B. [redacted]

DRIVER'S LICENSE

STATE
[redacted]

PHYSICAL ODDITIES (SCARS, ETC.)

CLOTHING WORN
DK SHIRT DK JEANS

VEH. LIC. NO / STATE

VEH	YEAR	MAKE	MODEL	COLOR	TYPE
				/	

COMPANION 1 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

COMPANION 2 (LAST NAME FIRST)

RACE	SEX	D.O.B.	HAIR	EYES	HT.	WT.

CRIME POTENTIAL (2 VIOL. MAXIMUM)
33 1503(a) SDMC

REMARKS (REASON FOR CONTACT)

VEHICLE
- ☐ DAMAGE - FRONT
- ☐ DAMAGE - FRONT
- ☐ DAMAGE - RIGHT
- ☐ DAMAGE - LEFT
- ☐ FRONT LOWERED
- ☐ FRONT RAISED
- ☐ REAR LOWERED
- ☐ REAR RAISED
- ☐ RUST / PRIMER
- ☐ CUSTOM WHEELS
- ☐ VINYL TOP
- ☐ DECAL / EMBLEM
- ☐ UNIQUE EXT.
- ☐ UNIQUE INT.
- ☐ CUSTOM COLOR
- ☐ CAMPER SHELL

INT. COLOR ( )

HAIR LENGTH
- ☐ LONG
- ☐ SHORT
- ☐ BALD / THINNING

HAIR STYLE
- ☐ AFRO / NATURAL
- ☐ WAVY / CURLY
- ☐ BRAIDED / PONY TAIL

FACE
- ☐ MUSTACHE
- ☐ BEARD
- ☐ GOATEE

COMPLEXION
- ☐ LIGHT
- ☐ DARK
- ☐ ACNE

BUILD
- ☐ THIN
- ☐ HEAVY
- ☐ MUSCULAR

- ☐ GLASSES

OFFICER(S)	I.D. NO.(S)	BEAT OF OCCURRENCE
MARK WILLIAMS	6769	821

ARJIS-1 (REV 3-92)

22

EXHIBIT N-23

THE CITY OF SAN DIEGO

M E M O R A N D U M

IN REPLYING
PLEASE GIVE
1914141113

VIA: PERSONAL SERVICE

May 23, 2013

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Boulevard
San Diego, CA 92115

Subject: WARNING LETTER - Crown Hookah Lounge
Police Regulated Tobacco Permit #2011008326

This letter is to serve as a ***written warning*** issued against your police permit. It also is to identify and describe the circumstances of the violations and explain the consequences of failure to correct the violations. The written warning is issued against the permit pursuant to San Diego Municipal Code (SDMC) section 33.0403(b)(2).

The Crown Hookah Lounge located at 7059 El Cajon Blvd., San Diego, California 92115, accumulated numerous calls for service from September 1, 2012 through January 31, 2013. These calls consisted of five disturbances, twelve noise complaints, one drunk in public, one for discharging of firearm, two persons down, one theft and a rival gang-related shooting. The total out of service time for police services was 108.78 hours. In addition to the calls for service, the business has been the subject of citizen complaints for parking issues, loitering and excessive noise. The above are violations of the SDMC, California Penal Code and California Business and Professions Code.

In response to the above issues, on February 20, 2013, you, the owner, Anis Mohammed Abdulkerim, of the Crown Hookah Lounge, your counsel, Dante Pride, and members of the San Diego Police Department (SDPD) Vice, Permits & Licensing Unit met at Police Headquarters, to discuss the above mentioned issues. The topics also covered the sections of the SDMC relating

to entertainment, noise and tobacco. SDPD made several recommendations which included improved lighting, additional security guards, alarm system, public safety security, developing and training employees on fraudulent documentation and proper identification and the possible use of outside consultants.

At the meeting you stated that Crown Hookah Lounge no longer provided entertainment. The SDMC sections defining entertainment was clearly explained. To date, Crown Hookah Lounge continues to advertise the hosting of DJ's on the website: www.crownhookahlounge.com

Since the meeting, SDPD responded to Crown Hookah Lounge because of the same issues and in March 2013, you were issued a citation for providing entertainment in the business without possessing a police permit. In addition, a customer of the business was cited for possession of an open alcoholic beverage, another customer was cited for possession of alcohol by a person under 21 years old, and one person was arrested for drunk in public.

As the owner of Crown Hookah Lounge, you are responsible for your business operations and the operating requirement of your tobacco permit. And your staff is also responsible for the operations of your business. A *responsible person* as defined in the SDMC means not only the person who holds the police permit, but each person who is otherwise responsible for the operation, management, direction, or policy of a police-regulated business. It also includes an employee who is in apparent charge of the premises. See SDMC § 33.0201, Definitions of Police Regulated Businesses and Occupations.

SDMC section 33.4514 (a), entitled Penalties and Regulatory Action states that: All penalties and regulatory action related to a police permit issued to operate as a tobacco retailer shall be conducted as prescribed in Municipal Code sections 33.0401 to 33.0406. SDMC section 33.0403(a) reads in pertinent part:

§33.0403 Regulatory Penalties

(a) In addition to any other penalties provided by law, any *permittee* who does any of the following is subject to regulatory action by the *Chief of Police* against his or her *police permit*:

(1) Violates or allows the *violation* of any section of this Article, any law or regulation pertaining to the business, or violates any condition imposed on the *permit*;

(5) Negligently fails to supervise the business resulting in a pattern of *violations* described by patrons, *employees*, or both;

(6) Manifests an inability to properly perform the duties relating to the police-regulated activity as evidenced by the commission or omission of an act or series of acts.

Based on the aforementioned incidents, you and your staff at the Crown Hookah Lounge have shown a pattern of conduct demonstrating a flagrant inability to manage patrons and minimize

disorderly/unlawful conduct. You and your staff have violated or allowed the violation of the SDMC and other laws, you have negligently failed to supervise the business resulting in a pattern of violations, and you have manifested an inability to properly perform the duties related to the police-regulated activity.

Further violations of this nature may result in suspension or revocation of your tobacco police permit. If you have any questions or wish to request a meeting regarding this warning letter, please contact me, Sergeant Moyna at (619) 531-2282 or kmoyna@pd.sandiego.gov.

Sincerely,

Kevin Moyna, Detective Sergeant
San Diego Police Department
Vice, Permits & Licensing Unit

KM/km

cc: Dan Plein, Lieutenant, Vice, Permits & Licensing
Chris McGrath, Lieutenant, Vice Operations

THE CITY OF SAN DIEGO

IN REPLYING
PLEASE GIVE OUR REF NO
1914141113

ACKNOWLEDGEMENT
RECEIPT OF WARNING LETTER

May 23, 2013

Anis Mohammed Abdulkerim, Owner
CROWN COFFEE & HOOKAH LOUNGE
7059 El Cajon Blvd
San Diego, CA 92115

SUBJECT: **WARNING LETTER – May 23, 2013**
Crown Coffee & Hookah Lounge, #2011008326

As the Recipient named above, or on behalf of the entity named above, I hereby acknowledge receipt of the subject document(s) referenced herein that was/were hand-delivered to me by the Declarant named below.

RECIPIENT:

Anis Abdulkerim — Signature — 5-23-13

Anis M. Abdulkerim, Owner | Signature | Date

On May 23, 2013, I personally served the subject document(s) referenced herein to the person or business named above at the address named above.

DECLARANT:

Bruce Pendleton — Signature — 5.23.13

Sgt. Bruce Pendleton, #4706
SDPD Vice, Permits & Licensing

Signature | Date

EXHIBIT N-32

Meyer, Cindy

From: [redacted]
Sent: Monday, July 15, 2013 11:08 PM
To: Roman, Luis; Meyer, Cindy; [redacted]
Subject: [redacted]
Attachments: [redacted]

My schedule is flexible.
Mediation Nov / 02 / 2012 for 7059 ECB (crown hookah lounge) attached.

Property owners and Crown Hookah lounge owner agreed to:

1- Check identification for all patrons not personally known to them and excluded persons under the age of 18.

2- Keep the rear door of the business secured other than at an emergency exit.

3- Maintain a roving security patrol along the block on which the business fronts and around the alley at the rear of the business, at least hourly, from 10 pm to half hour after closing, on Thursday, Friday, and Saturday nights.

4- Post signs at each entrance requesting patrons to respect the peace and quiet of the neighborhood.

Because of lack of surveillance database I was unable to convinced the property owners of 7059 ECB to close the stablishment at midnight.

Mediation document attached.

Warm regards Maurize Rios
Community Council Representative for the College Area and Vice-Chair of the El Cerrito Community Council.

[redacted]

From: "Roman, Luis" <lroman@pd.sandiego.gov>
To: "Meyer, Cindy" <cmeyer@pd.sandiego.gov>; [redacted]
Sent: Monday, July 15, 2013 7:04 PM
Subject: RE: Meeting before the Hearing

I am off on the 26th... Good for 29th & 30th all day from 10 am on to 8pm.
Respectfully...

32

AGREEMENT TO CONFIDENTIAL MEDIATION

California Evidence Code Sections 1115-1128 apply to this mediation. They pertain to confidentiality and admissibility of evidence.

Section 1119, Mediation confidentiality, in summary, provides:

- anything said or writing prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation
- is inadmissible and not subject to discovery in any arbitration, administrative adjudication, civil action or other non-criminal proceeding,
- all communications, negotiations or settlement discussions by and between participants in the course of a mediation or mediation consultation shall remain confidential.

A communication or writing which is confidential under Section 1119 can be admissible or subject to discovery if all persons who conduct or otherwise participate in the mediation expressly agree in writing. (Section 1122)

Evidence otherwise admissible or subject to discovery outside of mediation or a mediation consultation shall not be or become inadmissible or protected from disclosure solely by reason of its use or introduction in the mediation or mediation consultation.(Section 1120)

WE UNDERSTAND AND AGREE THAT NATIONAL CONFLICT RESOLUTION CENTER WILL KEEP CONFIDENTIAL ALL STATEMENTS MADE DURING THE MEDIATION SESSION AND THAT WE SHALL NOT SUBPOENA THE MEDIATOR(S), STAFF OR ANY NATIONAL CONFLICT RESOLUTION CENTER DOCUMENTS IN ANY SUBSEQUENT LEGAL PROCEEDINGS.

Name	Date
Name Inez Jacobson	Date Nov 2, 2012
Name Sylvia Nalibroff	Date 11/2/12
Name	Date 11-2-12
Name	Date 11-2-2012
Name	Date 11-2-12
~~Mediator~~	Date 11-02-2012
Mediator	Date 11/2/12
~~Observer~~ Mediator	Date 11/2/12

(Revised 03/04)

AGREEMENT

This agreement is entered voluntarily by and between

Anis Abdulkerim (Business Owner) and Mayra Bautista, College Area Community Council Representative

We agree to carry out the terms of the agreement in good faith.

With regard to the business known as The Crown Coffee and Hookah Lounge

Business owner agrees to:

1. Check identification of all patrons not personally known to them and exclude persons under the age of 18.
2. Keep the rear door of the business secured after them as an emergency exit.
3. Maintain a roving security patrol along the block on which the business fronts and around the alley at the rear of the business, at least hourly, from 10 pm to a half hour after closing, on Thursday, Friday and Saturday nights.
4. Post signs at each exit requesting patrons to respect the peace and quiet of the neighborhood.

WE ALSO AGREE THAT NATIONAL CONFLICT RESOLUTION CENTER WILL KEEP CONFIDENTIAL ALL STATEMENTS MADE DURING THE MEDIATION SESSION AND THAT WE SHALL NOT SUBPOENA THE MEDIATOR(S), STAFF, OR ANY NATIONAL CONFLICT RESOLUTION CENTER DOCUMENTS IN ANY SUBSEQUENT LEGAL PROCEEDINGS.

Signed

Signed

Signed

Signed

Signed

Mediator

Mediator

Nov. 2, 2012

Date

We agree that this agreement is admissible and enforceable: _____

625 Broadway, Suite 1221 San Diego, CA 92101-5419 www.ncrconline.com P: 619.238.2400 F: 619.238.8041

EXHIBIT N-39

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
LINDA L. PETER, Deputy City Attorney
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Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101-4100
Telephone: (619) 533-5800
Facsimile: (619) 533-5856

Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF JENNIFER FINNEGAN REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, JENNIFER FINNEGAN, declare as follows:

1. I am currently the Executive Director of the College Area Business District. In July 2012, I was the Executive Director of the College Area Economic Development Corporation. In that capacity, I worked closely with business owners and commercial property owners, as well as residents in the College Area to promote local business, to develop positive and cohesive relationships between the businesses and the residents in the College Area, and to help facilitate positive business growth in the College Area.

2. I am familiar with the Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard, and its owner Anis Abdulkerim.

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3. On Monday, July 16, 2012, in my capacity as Executive Director of the College Area Economic Development Corporation, I attended a community meeting which was organized to attempt to address problems and complaints relating to the Crown Coffee and Hookah Lounge. And on Wednesday, July 18, 2012, I met personally with Mr. Abdulkerim, one-on-one, to further discuss the issues raised at the meeting of July 16.

4. On Friday, July 20, 2012, I wrote a memo memorializing the July 16 community meeting and my July 18 follow up meeting with Mr. Abdulkerim.

5 I reviewed my memo on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as the Executive Director of the College Area Economic Development Corporation.

6. I wrote the memo on at or near the time of the meetings when the facts and information were still fresh and accurate in my memory.

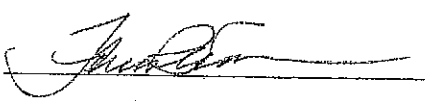
7. The memo was written within days of my observation of and participation in the events and of my conversation.

8. The memo is based upon my personal knowledge and first-hand observations of the events, and personal conversations.

9. The information in the memo is a true and accurate account of the events that I observed and participated in on July 16, and a true and accurate account of my personal meeting and conversation with Mr. Abdulkerim on July 18.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 6th day of August, 2013, at the City of San Diego, California.



JENNIFER FINNEGAN, Declarant

COLLEGE AREA ECONOMIC DEVELOPMENT CORPORATION
INTEROFFICE MEMORANDUM

TO: EXECUTIVE COMMITTEE

FROM: JENNIFER R. FINNEGAN, EXECUTIVE DIRECTOR

SUBJECT: CROWN COFFEE & HOOKAH LOUNGE

DATE: 7/20/2012

The Crown Coffee & Hookah Lounge (7059 El Cajon Blvd) has been having problems with neighboring businesses since they opened about a year ago. There have been complaints of customers from Crown illegally consuming alcoholic beverages in parking lots of neighboring businesses and in the alley behind the buildings. Nearly every morning reports of urine, vomit, and trash are made from neighboring businesses. Several noise complaints from neighbors have been called in to SDPD.

In an attempt to address these issues a meeting was called on Monday, July 16th at 5:30pm at the Terra Restaurant (7091 El Cajon Blvd.). The following people (businesses) were noted in attendance:

- Anis Abdulkerim (Crown Coffee & Hookah) with 2 employees (Security Guards)
- Mike Rossman (Terra)
- Dr. Kelly & Mrs. Kelly (Boulevard Animal Hospital)
- Chuck Schwimmer (Charco Construction) and 1 employee
- Mike Bond (Bond Automotive)
- Godfried Frachan (Apartment Manager)
- 2 Owners of Ace Budget Motel
- Lara Easton (Neighborhood Prosecutor)
- Luis Roman (Mid-City Community Relations Officer, SDPD)
- Chuck Kaye (Vice, SDPD)
- Laura Reibau (Eastern Area Community Council)
- 3 Residents who live near Crown Coffee & Hookah
- Jennifer Finnegan (College Area Business District

Many complaints were heard from the neighbors and business representatives. Anis stated that many of the issues were the cause of a local gangs, not his customers, and that the SDPD was already aware of the gang activity. Luis Roman reported that over 100 disturbance calls had been recorded over the past year for the Crown Coffee & Hookah lounge. After about an hour of complaints, accusations, and defensive statements it became clear a resolution would not be made that evening.

I summarized the requests from the community to Anis:

- Increase security outside the Crown building and include patrols around the back of the building;
- Reduce hours of operation to close at 12pm (current business is open 4pm-4am);
- Add security cameras to exterior of business to help monitor the situation;
- Assist the police in stopping the criminal activity outside the business by reporting loitering outside the business during night time hours.

I met with Anis again, one on one, at the CAEDC office on Wednesday, July 18th to further discuss the issues. He was very adamant that reducing his hours would put him out of business as most of his customers are taxi drivers who are up throughout the night. He stated that he has made many changes to the operations of the business to try and alleviate the issues: wrist bands for customers who have been ID'd as able to enter; no re-entry after a certain time; no admittance for anyone visibly intoxicated; discontinued DJ/loud music; security outside the building.

In addition he stated that he had been in contact with some of the neighboring businesses that did NOT believe Crown Coffee & Hookah the cause of the issues. I offered to contact the following people if Anis would provide me with their names and phone numbers:

- Duke's Liquor
- Top Value Tire
- Residents directly behind Crown Coffee & Hookah

Finally, Anis has stated more than once that he has tried to meet with Luis Roman (Mid-City CRO) and has been unsuccessful of getting a meeting set-up. I offered to try and facilitate a meeting between the two gentlemen.

EXHIBIT N-42

JAN I. GOLDSMITH, City Attorney
MARY JO LANZAFAME, Assistant City Attorney
LINDA L. PETER, Deputy City Attorney
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Telephone: (619) 533-5800
Facsimile: (619) 533-5856

Attorneys for the City of San Diego and the San Diego Police Department

BEFORE THE

ADMINISTRATIVE HEARING PROGRAM

ON BEHALF OF

THE CITY OF SAN DIEGO MAYOR'S OFFICE

IN THE MATTER OF; ANIS MOHAMMED ABDULKERIM, CROWN COFFEE HOOKAH LOUNGE (7059 El Cajon Blvd.), Appellant, vs. CITY OF SAN DIEGO, POLICE DEPARTMENT, VICE PERMITS & LICENSING UNIT, Complainant.	AHP CASE NO. 20130718-SD-PD-WW POLICE PERMIT #2011008326 **DECLARATION OF BRUCE PENDLETON REGARDING POLICE PERMIT #2011008326** Date: August 8, 2013 Time: 1:00 p.m. Hearing Officer: Hon. William Wise

I, BRUCE PENDLETON, declare as follows:

1. I have been employed by the San Diego Police Department for approximately twenty-three years and am currently a Detective Sergeant in Vice Operations. In this capacity, part of my job is to work undercover and inspect the day-to-day operations of police-regulated businesses. I have held this position since April 2013.

2. I am familiar with the policies, procedures, and customs of the San Diego Police Department and the City of San Diego that have been in effect since I joined the Department. Specifically, I am familiar with the policies, procedures, customs, regulations, and licensing

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requirements of the City and San Diego Police Department relating to police-regulated occupations and businesses, including entertainment establishments.

3. Certain occupations and businesses require a police permit, in addition to any other license or permit required by law, to operate within the City of San Diego. San Diego Municipal Code, Chapter 3, Article 3, entitled "Police Regulated Occupations and Businesses," sets forth the regulations applicable to these occupations and businesses.

4. Regulations specifically applicable to entertainment establishments are set forth in San Diego Municipal Code, Chapter 3, Article 3, Division 15.

5. I know that characteristics of entertainment establishments include imposing an admission or cover charge for the right or privilege to enter; allowing patron dancing to live or recorded music; and having a DJ on site.

6. I am familiar with Crown Coffee and Hookah Lounge, located at 7059 El Cajon Boulevard in San Diego, California, and I know that on May 10, 2013, the business had no police permit for Entertainment.

7. On May 10, 2013, I was working in an undercover capacity targeting prostitution activity on El Cajon Boulevard. I drove by the Crown Hookah Lounge. I heard loud music coming from the establishment and decided to conduct a covert inspection to determine the source of the music.

8. Before I could enter Crown Hookah Lounge, I was stopped and told there was a cover charge. Inside the establishment, I saw patrons dancing and three DJs.

9. I wrote an Investigator's Report on May 10, 2013.

10. I reviewed my Investigator's Report again on the date of me signing this declaration, and I know it to be a report written by me within the scope of my duty as a police officer with the San Diego Police Department.

11. I wrote the report near the time of the event when the facts and information were still fresh and accurate in my memory.

12. The report was written within 24 hours of my observation of the events.

13. The report is based upon my personal knowledge and first-hand observations of the events.

14. The information in the report is a true and accurate account of the events that I observed on May 10, 2013.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this 3rd day of August, 2013, at the City of San Diego, California.

BRUCE PENDELTON (ID# 4706), Declarant

SAN DIEGO POLICE DEPARTMENT
VICE UNIT
INVESTIGATOR'S REPORT

DATE:	May 10, 2013
TIME:	0045 Hours
LOCATION:	Crown Coffee & Hooka Lounge 7059 El Cajon Blvd. San Diego, Ca. 92115
SUBJECT:	Notice of Violation

WITNESS:	Sgt. Bruce Pendleton, #4706 SDPD Vice Operations (619) 531-2461

INVESTIGATION:

I am a Sergeant, currently assigned to the Vice Unit. I am the supervisor in charge of Vice Team I.

On May 10, 2013, I was working as an undercover detective sergeant, targeting prostitution activity on El Cajon Blvd. I was driving an unmarked police vehicle and dressed in casual attire.

As my team and I were driving east on 7000 El Cajon Blvd, I saw a large group of people outside of the Crown Hooka Lounge. The crowd was made up of males and females. Most of them were casually dressed.

I rolled down my vehicle window as I drove past and could hear loud music coming from inside. I decided to conduct a covert inspection to determine the source of the music.

At about 0045 hours, I parked my vehicle in the parking lot on the corner of 71st and El Cajon Blvd. I walked down the sidewalk, westbound towards the Crown Hookah Lounge. I was about 125 feet away from the business and I could clearly hear the music from inside. As I reached the door, I could see that the people outside were young adults and appeared to be in their early 20's.

The door opened and I started to walk inside. I was stopped by a male who appeared to be either Hispanic or Pacific Islander. He was approximately 25 to 30 yrs old, clean shaven, short black hair, approximately 6ft tall and approximately 220 lbs. He told me there was a 10 dollar cover charge. I asked him if there was an ATM inside. He said, yes and that he would have to come

Reporting Officer D/Sgt. B. Pendleton ID# 4706 Vice Unit

Approved By: _____ Date: 5/10/13 Time: 0230

with me if I wanted to use it. I said ok and he followed me inside. Immediately after entering I could see there were about 30 to 40 people dancing in the middle of the room. Beyond them, on the south side of the business, I could see three DJs. They appeared to be on an elevated platform because they were clearly standing above the people who were dancing in front of them. I could see a laptop computer and two of the males appeared to be concentrating on something that was on the table in front of them. There were no females on the platform and the males were not dancing.

On May 10, 2013 I verified that Crown Hookah does not have a valid entertainment permit. On February 4, 2013 a letter was sent to the permit holder, informing them permit #20110063326 expired on September 30, 2012.

Crown Coffee and Hooka Lounge is in violation of the following:

33.1503 **SDMC-** It is unlawful to provide or permit *entertainment* which is open to the public without a police permit.

ENTERTAINMENT- Dancing to live or recorded music. Recorded music played on equipment operated by an agent or contractor of the establishment, commonly known as a "DJ".

EXHIBIT N-44

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Trends near you: Egypt, Russell Simmons, Harriet Tubman, #PrettyBrownEyes, #votemiley, Darren Young

DJ CJG's Twitter pic (@DJCJG) [FOLLOW]

DJin tonight at crownhookahlounge .....ohhhh and bombbbb $1 tacos on deck the whoooo @ Crown Hookah Lounge
http://t.co/SpgTUbXB - 2013-01-22 23:14:38

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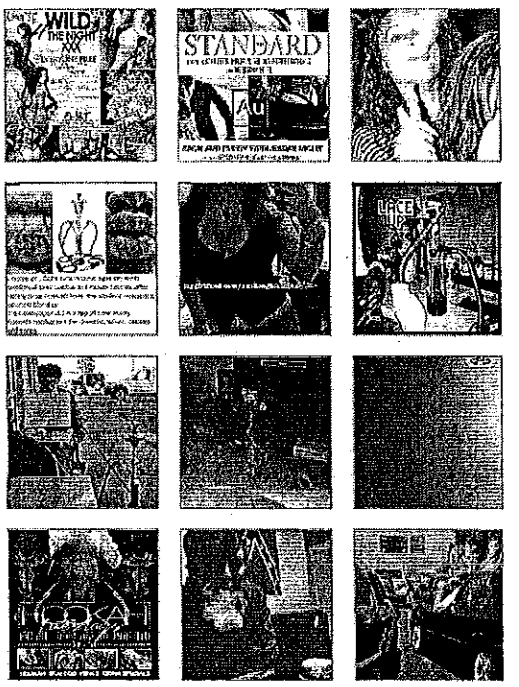

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Ha

DJ C-RIZ
@DJC_RIZ

Follow

DJin tonight at crownhookahlounge .....ohhhh and bombbbb $1 tacos on deck the whoooo @ Crown Hookah Lounge instagr.am/p/UzdWzgBunU/

Reply Retweet Favorite More

3:14 PM - 22 Jan 13 from San Diego, CA

Don't miss any updates from DJ C-RIZ
Join Twitter today and follow what interests you!

Full name Email Password

Text follow DJC_RIZ to 40404 in the United States

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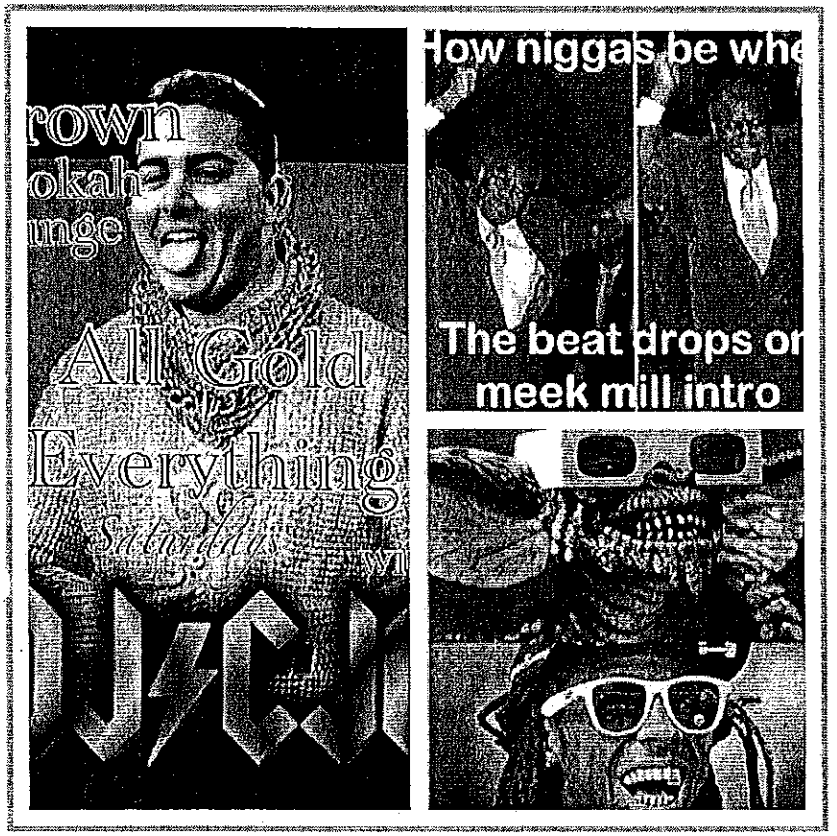
DJ CJG's Twitter pic (@DJCJG) [FOLLOW]

DJin tonight at crownhookahlounge from 11-2am expect a lot of this cuz we getting #TU !!! @ Crown Hookah...
http://t.co/4UFQ5sBr5B - 2013-03-10 03:21:21



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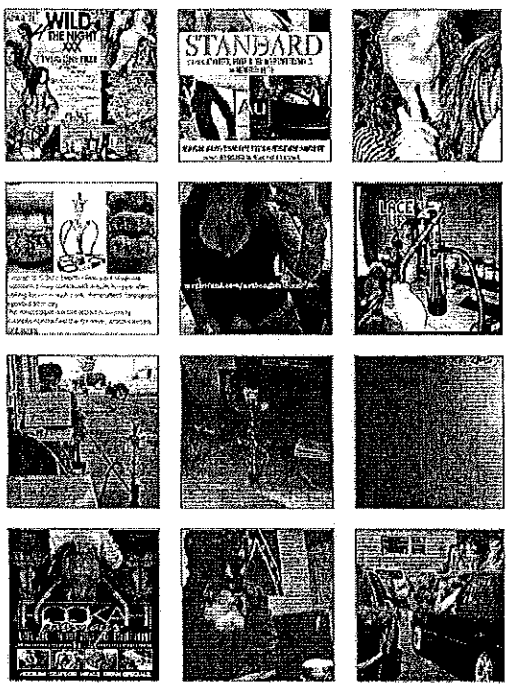

Ha

DJ C-RIZ
@DJC_RIZ

Follow

DJin tonight at crownhookahlounge from 11-2am expect a lot of this cuz we getting #TU !!! @ Crown Hookah... instagr.am/p/WqPS5uBuhy/

Reply Retweet Favorite More

6:21 PM - 9 Mar 13 from San Diego, CA

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