



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** August 27, 2013

From: Marc Puckett, Assistant Town Manager **Item No:** 10
Finance and Administration

Subject: **APPEAL OF THE INTENT TO REVOKE BUSINESS LICENSE
#00011876 ISSUED TO ROYAL INTERNET CAFE**

Owner: Mr. John Hawara

Location: The business is located at 21560 Bear Valley Road, Apple Valley, CA
92307

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

1. **Find** the Facts presented within the staff report for the Council hearing of August 27, 2013 and the record as a whole as discussed by the Council, support the recommendation to revoke Business License #00011876; and
2. **Deny** the appeal of Mr. John Hawara, Royal Internet Café, and uphold the recommendation of the Town of Apple Valley.

SUMMARY:

On May 21, 2013, the Town of Apple Valley contacted Mr. John Hawara regarding the renewal of his Business License Number 00011876. In order to complete the renewal process, Mr. Hawara was asked to submit verification that his establishment was not a gambling/gaming operation and that it was in compliance with state law. Mr. Hawara submitted a Investigation Report from the State of California, Bureau of Gambling Control dated July 9, 2013; however the report failed to verify that his establishment was not a gambling/gaming operation and that it was in compliance with state law as requested.

On August 1, 2013, the Town of Apple Valley, by certified mail, notified Mr. John Hawara of its intent to revoke Business License Number 00011876 per Municipal Code 5.02.110 "License Does Not Permit Prohibited Business; Compliance Required" and Municipal Code 5.02.232 (a) "All licenses issued under their provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America.

On August 13, 2013, the owner of the business filed an appeal within the time allotted requesting a hearing by the Town Council. At this time Mr. Hawara will have the opportunity to formally present information to the Town Council regarding this matter.

ATTACHMENTS:

1. Letter to Royal Internet Cafe dated August 1, 2013
2. Request for Appeal dated August 13, 2013
3. Letter to Royal Internet Cafe dated August 14, 2013



A Better Way of Life

Town of Apple Valley

14955 D:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

August 14, 2013

Mr. John Hawara
 Royal Internet Cafe
 21560 Bear Valley Road
 Apple Valley CA 92307

1. Article Addressed to:

Mr. John Hawara
 Royal Internet Cafe
 21560 Bear Valley Road
 Apple Valley CA 92307

2. Article Number
 (Transfer from service label) 7010 0780 0006 4248 5129

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) Yes
 No

C. Date of Delivery 8/16/13

D. Is delivery address different from item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes
 No

Dear Mr. Hawara,

On August 13, 2013, your representative presented a letter to the Town of Apple Valley in response to our initiation of the revocation process for Business License #00011876 issued to Royal Internet Cafe. As the owner of this business, Apple Valley Municipal Code Section 5.02.230(b) allows the license holder fifteen (15) days to file a written request with the Town Clerk to appear before the Town Council and show cause as to why such license should not be revoked. Your letter satisfies that requirement.

Your hearing before the Apple Valley Town Council has been scheduled for Tuesday, August 27, 2013 at 6:30 p.m. in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley. If after the hearing, the Town Council finds good and sufficient cause of revocation, or if you choose not to attend the hearing as scheduled, your license shall be revoked.

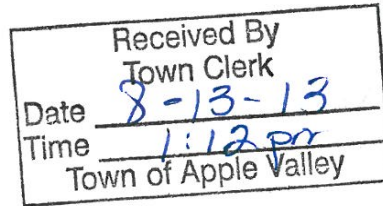
If you have any questions or concerns regarding this action, please contact the undersigned at (760) 240-7000, ext. 7800.

Sincerely,

**TOWN OF APPLE VALLEY
 OFFICE OF THE TOWN CLERK**

La Vonda M-Pearson
 Town Clerk

August 13, 2013



Royal Internet Cafe
John Hawara
21560 Bear Valley Rd.
Apple Valley, CA92307

Re: Business License No. 00011876

To the town of Apple Valley ,

I would like to file an appeal against the decision revoking my business license. I feel that this decision was unfairly made even after I provided proof of compliance with the town guidelines for my business. I also spoke with the bureau of gambling control and i was told its up to the town official.

I have invested a large amount of money into my business now after just one year into my two year contract with the landlord i will be forced to pay more for fines. So please consider reinstating my license and i will be in full compliance with the rules and new ordinance of the town of apple valley.

thank you,

sincerely John Hawara.



A Better Way of Life

Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

August 1, 2013

Royal Internet Café
John Hawara
21560 Bear Valley Rd.
Apple Valley, CA 92307

Certified Mail No. – 7013 0600 0000 8002 5877

Re: Business License No. 00011876

Located: 21560 Bear Valley Café

Dear Mr. Hawara:

Please be advised that the revocation process has been initiated as of August 1, 2013, for Business License No. 00011867 issued to Royal Internet Café owned by John Hawara, and operating from 21560 Bear Valley Road. in Apple Valley, CA.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, as provided below;

5.02.230 Revocation

- (a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in 5.02.230 (b).

- (b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder

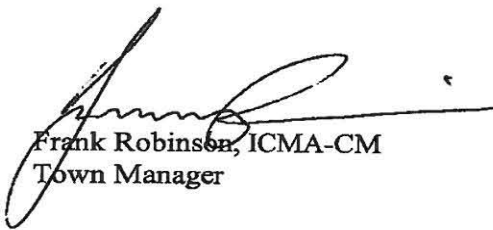
John Hawara
August, 2013
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may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

Please be advised that you cannot conduct business in the Town of Apple Valley without a valid Town of Apple Valley Business License.

For further questions, please contact Dawn Simmons at (760) 240-7000 ext. 7707.

Sincerely,



Frank Robinson, ICMA-CM
Town Manager

xc: Finance Department
Police Department
Town Attorney
File