

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA #: \*A-2

AGENDA DATE: September 27, 2016

**SUBJECT:**

Approval to Set a Public Hearing on October 25, 2016 at 9:15 a.m., to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

**BOARD ACTION AS FOLLOWS:**

No. 2016-484

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: PAM VILLARREAL, Assistant Clerk

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Board of Supervisors

Urgent  Routine



BOARD AGENDA #: \*A-2

AGENDA DATE: September 27, 2016

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Set a Public Hearing on October 25, 2016 at 9:15 a.m., to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

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**STAFF RECOMMENDATIONS:**

1. Set a public hearing on October 25, 2016 at 9:15 a.m., to consider an appeal of the Treasurer-Tax Collector's Department denial of a Dance Hall Permit for El Paraiso Night Club.

**DISCUSSION:**

On July 18, 2016 El Paraiso Night Club was notified by the Treasurer-Tax Collector Department that their application for a dance hall permit was denied based upon the recommendation of the Stanislaus County Sheriff's Department. An appeal of the denial was submitted by Jorge Bustos, Co-Owner of El Paraiso Night Club to the Clerk of the Board of Supervisors on August 29, 2016. In accordance with Stanislaus County Code Section 6.44.080, dance hall application appeals are filed with the Board of Supervisors. Upon receiving an appeal, the Board of Supervisors places an item setting a hearing date and time on their agenda for consideration. Once a hearing date is approved, the Clerk of the Board will publish a Notice of Public Hearing in a newspaper of general circulation and notify surrounding property owners by mail.

At this time, this item simply sets the date and time for a hearing on the matter before the Board of Supervisors to consider the appeal.

**POLICY ISSUE:**

Stanislaus County Code Chapter 6.44 outlines the dance hall permit application process and specifies that in the event the Treasurer-Tax Collector does not issue a permit, the applicant may appeal to the Board of Supervisors.

**FISCAL IMPACT:**

There is a nominal fiscal impact associated with setting this hearing for newspaper publishing and the notification of property owners by mail which will be covered within existing appropriations in the Board of Supervisors budget.

Approval to Set a Public Hearing on October 25, 2016 at 9:15 a.m., to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

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**BOARD OF SUPERVISORS' PRIORITY:**

Setting a public hearing to consider an appeal of the Treasurer-Tax Collector's Department denial of a Dance Hall Permit is consistent with the Board's priority of A Safe Community.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

Elizabeth A. King, Clerk of the Board of Supervisors

Telephone: 209-525-4494

**ATTACHMENT(S):**

1. Treasurer-Tax Collector Denial Letter
2. Appeal Letter from Mr. Bustos with enclosures
3. Letter from Clerk of the Board confirming receipt of appeal



OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford

Treasurer / Tax Collector

P. O. Box 859, Modesto, CA 95353-0859

Phone: 209.525.6388 Fax: 209.525.7868

July 18, 2016

EL PARAISO NIGHT CLUB  
C/O JORGE BUSTOS



RE: APPLICATION FOR DANCE HALL PERMIT

Dear Mr. Bustos:

We regret to inform you that your application for a Stanislaus County Dance Hall Permit has not been approved. Your application was denied by the Stanislaus County Sheriff's Department.

We have forwarded this information to code enforcement. If you have any questions or need further explanation, please contact me at (209) 525-6388.

Sincerely,

Gordon B. Ford  
Treasurer – Tax Collector  
Stanislaus County

Joan Corwin  
Accounting Technician

GBF:jc

Jorge Bustos  
EL PARAISO NIGHT CLUB  
5112 Crows Landing Rd.  
Modesto, California 95351  
(209)

BOARD OF SUPERVISORS

2016 AUG 29 P 3:47

DATE: August 25, 2016

HAND DELIVERED

TO: Clerk of the Board of Supervisors  
Gordon Ford, Office of the Treasurer

I am informed that my business application for a dance hall permit has been "denied by the Stanislaus County Sheriff's Department." Copy attached.

I discussed the matter with the Sheriff's Department.

I hereby appeal the denial in accordance with Chapter 6.44.080.

Dated: 8/29/16

Signed: Jorge Bustos  
Jorge Bustos, Co-Owner, Applicant

## CHAPTER 6.44. DANCE HALLS

1. Application referred for investigation to Sheriff. 6.44.050
  - a) No time limit to conduct investigation.
  - b) Vague review standard. What is “safe and proper”. Leaves it to discretion of Sheriff.
  - c) Sheriff shall “report.” No definition of report. No written report. No access to the report to determine accuracy and fairness.
2. Tax Collector shall “grant or “refuse” permit.
  - a) No time limit to review required. Can take weeks.
  - b) No reason for denial required.
  - c) No documentation required.
  - d) The “Comments” section of the Application is not released to applicant.
  - e) Process flawed for lack of transparency and disclosure.
  - f) No LETTER OF DENIAL delivered to applicant with reasons. Only a phone call after checking.
3. Concerns
  - a) Denial of permit has caused loss of 90% per cent of business. Workers terminated.
  - b) Requested proof of complaints, service calls and reports. Non provided.
  - c) Sheriff shut down the business without providing reasons and documentation
  - d) No opportunity to meet and confer to discuss remedial action by the applicant.
4. Remedies: Review and Revise Chapter 6.44. Include the following:
  - a) Take the process out of Tax Collector process. Not expertise.
  - b) Move to Planning Commission.
  - e) If not set up a quick internal process before review by the Board of Supervisors that is quick and low cost. Streamline the process.
  - d) Require specific time period for review of the application. Example: 30 days.
  - c) Require Sheriff, Fire Department, and Environmental Resources to
    1. Meet and confer with applicant and make recommendations for improvement
    2. Allow for remedial action by the applicant as recommended.
    3. Explain in writing and provide documentation of problems.
5. 6.44.080 Denial Appeal: Process not defined. How?



921

OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford  
 Treasurer / Tax Collector  
 P. O. Box 859, Modesto, CA 95363-0859  
 Phone: 209.525.6368 Fax: 209.525.7668

**APPLICATION FOR PERMIT TO CONDUCT A PUBLIC DANCE HALL**

NAME OF DANCE HALL: EL PARAISO NIGHT CLUB

ADDRESS OF DANCE HALL: 1550 CROWS LANDING RD

The undersigned hereby makes an application for a Permit to keep and conduct a Public Dance Hall in the County of Stanislaus, State of California, at the place and address set forth above, from date of issuance of Permit, to and including one year.

It is hereby expressly agreed that in the event that this Permit shall be issued, that said Dance Hall should be conducted in strict accord with the provisions of the law subject to the provisions of this application, and that he/she will be held responsible for violation of any provision of law or ordinance regulation Public Dance Halls. There are ~~500~~ 500 square feet of dancing space in said hall.

The undersigned is the proprietor of the hall located at the above address in which hall, an application for keeping and conducting a Public Dance Hall is hereby made.

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

Executed on 7-7-16 at Modesto, California

Signed: Jorge Bustos Print Name: Jorge Bustos

For Office Use Only

Sheriff's Office

YES	<input checked="" type="checkbox"/> NO	Date <u>7/14/16</u>	Signature: <u>[Signature]</u>
ABC PERMIT			Comments: <u>ISSUED</u>

Number of attendants required to be present when said dance hall is open to the public is \_\_\_\_\_

Fire Department

YES	<input checked="" type="checkbox"/> NO	Date	Signature:
Fee: \$195.00			Comments:

Environmental Resources

YES	<input checked="" type="checkbox"/> NO	Signature:
Kitchen Facility:		Food Prepared: if caterer state name
YES	<input checked="" type="checkbox"/> NO	On-Site Caterer
	Water System	
	Public Private Well	

Tax Collector

Issue Date:	Fees Collected: <u>\$295.00</u>	Receipt No.: <u>160678</u>
Date: <u>7/7/16</u>	Signature: <u>[Signature]</u>	

Permit #13-001



CLERK OF THE BOARD OF SUPERVISORS

*Elizabeth A. King*

1010 Tenth Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

September 21, 2016

Mr. Jorge Bustos  
El Paraiso Night Club  
5112 Crows Landing Rd  
Modesto CA 95351

RE: Appeal of Treasurer-Tax Collector's Denial of Dance Hall Permit

Dear Mr. Bustos:

We received your Letter of Appeal regarding the Treasurer-Tax Collector's denial of Dance Hall Permit. An item requesting that the Board of Supervisors schedule a public hearing on Tuesday, **October 25, 2016 9:15 a.m.**, to consider this appeal, will be on the Board of Supervisors' September 27, 2016, agenda.

Sincerely,

Elizabeth A. King  
Clerk of the Board of Supervisors

cc: Supervisor Jim DeMartini, District 5  
Law Office of Armando M. Flores





CLERK OF THE BOARD OF SUPERVISORS

*Elizabeth A. King*

1010 Tenth Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

**NOTICE OF PUBLIC HEARING  
APPEAL OF THE TREASURER - TAX COLLECTOR'S  
DENIAL OF PUBLIC DANCE HALL PERMIT  
EI PARAISO NIGHT CLUB – CROWS LANDING RD**

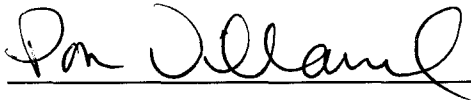
NOTICE IS HEREBY GIVEN that on October 25, 2016 at the hour of 9:15 a.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Treasurer - Tax Collector's denial of an application for a permit to Conduct a Public Dance Hall at El Paraiso Night Club, Permit 13-001, which was a request to keep and conduct a Public Dance Hall on over 500 square feet of dancing space within the El Paraiso Night Club. The El Paraiso Night Club is located at 1550 Crows Landing Road.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: September 27, 2016

ATTEST: ELIZABETH A. KING, Clerk of  
the Board of Supervisors  
of the County of Stanislaus,  
State of California.

BY:   
Pam Villarreal, Assistant Clerk

PROOF OF SERVICE BY MAIL – CCP 1013A, 2015.5

I declare that:

I am employed in the County of Stanislaus, California

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

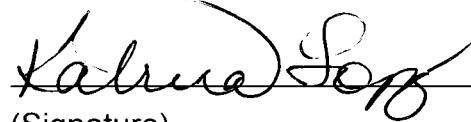
Stanislaus County Administration Building  
Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto CA 95354

On October 13, 2016, I served the attached Notice of Public Hearing for Appeal of the Treasurer – Tax Collector’s denial of application for a permit to Conduct a Public Dance Hall at El Paraiso Night Club, Permit 13-001 on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on October 13, 2016, at Modesto, California.

Katrina Lopez \_\_\_\_\_  
(Type of print name)

  
(Signature)



CLERK OF THE BOARD OF SUPERVISORS

*Elizabeth A. King*

1010 Tenth Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

October 13, 2016

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT** the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, October 25, 2016**, starting at **the hour of 9:15 a.m. or as soon thereafter as the matter may be heard**, in the Joint Chambers, 1010 10<sup>th</sup> Street, Basement Level, Modesto, California, to consider the following:

Appeal of the Treasurer - Tax Collector's denial of an application for a permit to Conduct a Public Dance Hall at El Paraiso Night Club, Permit 13-001, which was a request to keep and conduct a Public Dance Hall on over 500 square feet of dancing space within the El Paraiso Night Club. The El Paraiso Night Club is located at 1550 Crows Landing Road.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-4494.

El Paraiso Night Club  
APN: 086-010-035

W HATCH RD

E HATCH RD

OLIVERO RD

AMADOR AVE

CROWS LANDING RD

PRIMO WY

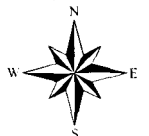
GOBEL WY

BUTTE AVE



**LAND OWNER NOTIFICATION,  
October 12, 2016**

0 150 300 Feet



**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Oct 14, 2016

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I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

October 14th, 2016

(By Electronic Facsimile Signature)

  
\_\_\_\_\_

STANISLAUS COUNTY  
NOTICE OF PUBLIC HEARING

APPEAL OF THE TREASURER - TAX  
COLLECTOR'S DENIAL OF PUBLIC  
DANCE HALL PERMIT EI PARAISO  
NIGHT CLUB - CROWS LANDING RD

NOTICE IS HEREBY GIVEN that on October 25, 2016 at the hour of 9:15 a.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Treasurer - Tax Collectors denial of an application for a permit to Conduct a Public Dance Hall at El Paraiso Night Club, Permit 13-001, which was a request to keep and conduct a Public Dance Hall on over 500 square feet of dancing space within the El Paraiso Night Club. The El Paraiso Night Club is located at 1550 Crows Landing Road.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS. DATED: September 27, 2016. ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.  
BY: Pam Villarreal, Assistant Clerk.  
Pub Dates Oct 14, 2016