



LOS ANGELES POLICE COMMISSION POLICE PERMIT REVIEW PANEL REGULAR MEETING AGENDA

Police Administration Building
Police Commission Board Room
100 West 1st Street, Los Angeles, CA 90012

August 17, 2011
Wednesday, 2:30 p.m.

Panel Members:

- Rickey M. Gelb, Chairperson
- William A. Delgado, Vice-Chairperson
- Joy Atkinson
- Anita Castellanos
- Diego de la Garza
- Angela S. Haskins
- William O. Kil

Members of the public are invited to address the Panel on any item of the agenda prior to action by the Panel on that specific item. Members of the public may also address the Panel on any police permit related matter. Such comments will be entertained as the last item of regular business. Public comment will be limited to two (2) minutes per individual for each item addressed, unless there are more than ten (10) comment cards for each item, in which case the public comment will be limited to one (1) minute per individual. The aforementioned limitation may be waived by the Chairperson of the Panel.

Members of the public who wish to address the Panel are urged to complete a Speaker Card and submit it to the Board Secretary prior to commencement of the public meeting. The cards are available to address a matter while the meeting is in progress, a card may be obtained from the Sergeant-At-Arms, who will submit the completed form to the Board Secretary prior to final consideration of the matter.

Sign language interpreters, assistive devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend.

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR LA OFICINA CON 24 HORAS POR ANTICIPADO.

NOTE: **The meeting is tape-recorded and the tape is kept for 30 days.**

1. **COMMISSION BUSINESS**

2. **BOARD ACTION ON PERMITS PURSUANT TO LOS ANGELES MUNICIPAL CODE (LAMC) SECTION 103.29**

Discussion and consideration of Commission Investigation Division calendar for [non-alarm permits](#) August 17, 2011.

CONTINUED FROM AUGUST 3, 2011

3. **BOARD ACTION ON PERMITS PURSUANT TO LAMC 103.31**

Discussion and consideration of Commission Investigation Division's recommendation to DENY the Endorsement of Ms. Carla Sanger, LA's Best. [\[PPRP #11-0027\]](#)

4. **BOARD ACTION ON PERMITS PURSUANT TO LAMC 102.19**

Discussion and consideration of Commission Investigation Division's recommendation to APPROVE the STIPULATION regard settlement of accusation between the Commission Investigation Division and Shunji Zhu, 2959 Leeward Ave., #213, Los Angeles, CA 90005, relative to Massage Therapist Police Permit, PC No. 109237. [\[PPRP #11-0028\]](#)

5. **BOARD ACTION ON PERMITS PURSUANT TO LAMC 103.31**

Discussion and consideration of the Hearing Examiner's recommendation to DENY the Tow Operation and Tow Unit Operator Police Permits for 5 Star Towing, Inc., Owner: Haim David Abergel, PC No.'s 138710 & 138711. [\[PPRP #10-0052\]](#)

6. **PUBLIC COMMENT PERIOD**

7. **NEXT MEETING DATE**

The next meeting will be August 31, 2011 at 2:30 p.m.

8. **ADJOURNMENT**

Support materials relative to Open Session agenda items are available for public inspection in Room 134, Police Administration Building.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

PPR # 11-0087
Edh R. Vega

INTRADEPARTMENTAL CORRESPONDENCE

July 13, 2011
1.0

TO: The Honorable Members of the Police Permit Review Panel

FROM: Commanding Officer, Commission Investigation Division

**SUBJECT: DENIAL OF REQUEST FOR ENDORSEMENT PURSUANT TO
SECTION 44.15 (a) (1) THROUGH (9) OF THE LOS ANGELES
MUNICIPAL CODE**

The governing body of LA's BEST requested Endorsed Agency status, and voluntarily submitted to investigation by the Charitable Services Section (CSS) of the Commission Investigation Division (CID) to establish that the organization meets the requirements specified in Section 44.15(a) (1) through (9) of the Los Angeles Municipal Code. The application was submitted on or about March 25, 2010.

Senior Auditor of CSS, Lourdes Saldares met with Mr. Steven D. Mocalis, Chief Financial Analyst of LA's BEST on September 29, 2010 to discuss the Application for Endorsement. Ms. Saldares provided Mr. Mocalis with a questionnaire about Assumptions and Standards followed by LA's BEST, which was completed by Mr. Mocalis and signed by Ms. Carla Sanger, President and CEO of LA's BEST.

Per the request of Ms. Saldares, Mr. Mocalis provided copies of the Board Minutes of the meetings on September 15, 2009, November 17, 2009, February 23, 2010 and May 11, 2010, as well as the organization's Tax Returns for 2007 and 2008 (Form 990s) and the Directory of the Board of Directors.

A review was conducted of the Report of Independent Auditors, Quezada and Company, that includes the statement of financial position of LA's BEST as of June 30, 2009, and the related statement of activities, cash flows and functional expenses for the year then ended.

An analysis was done of Form 990 Part VII – Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors, in order to see if board members were paid.

The Senior Auditor's Findings and Recommendations are as quoted below.

FINDINGS:

There were no exceptions noted in this examination, except for the following:

IRS Form 990 (Return of organization Exempt from Income Tax) showed compensation paid to CARLA SINGER, President and CEO by LA's BEST for year 2009 as follows:

Source: W-2/1099-MISC

2009 \$205,179.00

Article IV of the bylaws of LA's BEST has described important requirements for DIRECTORS –**“The Directors shall serve, as such, without salary or other remuneration.** Directors may be reimbursed for expenses actually and reasonably incurred by them in connection with attendance of meetings and with the performance of other authorized duties in connection with the business and affairs of the Corporation, provided that such expenses shall have been approved by the Chief Financial Officer and/or Chairperson.”

Ms. Carla Sanger is the key person on the staff of the Corporation to whom the Board of Directors shall delegate authority for the overall administration of the Corporation and who must provide the leadership for the effective functioning of staff employed. The President and Chief Executive Officer is evaluated annually by the Chair of the Board of Directors and members of the Executive Committee.

RECOMMENDATION:

LA'S BEST cannot be endorsed by the Police Commission because the Chief Executive Officer, Carla Sanger is compensated and is also a member of the Board of Directors.

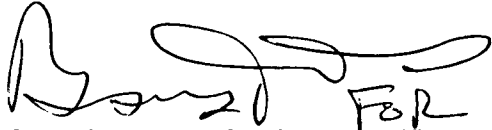
LAMC Section 44.15(a) (5) specifically provides that the compensated administrative head of the organization is not a member of the Board of Directors or Trustees.

It is recognized that Carla Sanger, is a key person in the overall administration of LA's BEST. However, to be in compliance with the requirements of Endorsement, it is critical that Carla Sanger not be a member of the Board.

On June 28, 2011 a letter of Denial was sent to Ms. Sanger, stating that LA's BEST had not sufficiently met all the requirements as stated in the Los Angeles Municipal Code Section 44.00 and Subsection 44.15. Per 44.15(a)(5) – The compensated administrative head of the organization is not a member of the board of directors or trustees.

Per written communication, on July 6, 2011 the Department received an appeal of the denial from Ms. Sanger. As an appeal has been filed, per LAMC Section 44.15 the Department shall withhold making a final decision until the report of the Police Permit Review Panel has been received.

The Department has conducted due diligence required and is prepared to move forward with a hearing before the Panel. Attached are all documents pertaining to this case for your review.

A handwritten signature in black ink, appearing to read "Chris Waters". The signature is stylized with a large, looped "C" and a long, horizontal stroke extending to the right.

CHRIS WATERS, Lieutenant II
Commanding Officer
Commission Investigation Division

Attachments

PPRP #11-0028

INTRADEPARTMENTAL CORRESPONDENCE

RECEIVED

JUL 25 2011

POLICE DIVISION

July 21, 2011
1.0

TO: The Honorable Members of the Police Permit Review Panel

FROM: Commanding Officer, Commission Investigation Division

**SUBJECT: REQUEST TO ACCEPT STIPULATION FOR SHUNJI ZHU,
FOR MASSAGE THERAPIST, PC NO. 109237, LOCATED AT
2959 LEEWARD AVENUE NO. 213, LOS ANGELES, CA 90005**

Permittee Shunji Zhu has possessed a Massage Therapist police permit since 2005, and has successfully renewed her permit each year up to the year 2009. As permittee Zhu attempted to renew her permit for 2010, an adverse history was discovered. The case was then assigned to Commission Investigation Division for further investigation. The investigating officer's findings are as follows:

- A. On April 22, 2008, during a prostitution investigation at the Sunset Health Center located at 1460 N. Vine Street, Los Angeles, CA, permittee Zhu massaged an undercover police officer. During the massage permittee Zhu solicited the undercover officer for a "handjob", (street vernacular for masturbation), for an extra \$60.00. This act violates Penal Code (PC) Section 647(b) (prostitution). Ms. Zhu was arrested and charged with PC 647(b) (prostitution) and Los Angeles Municipal Code (LAMC) Section 103.205.1(b) (operating without a permit). In the ensuing court case permittee Zhu was allowed to plead to the lesser charge of LAMC Section 103.205.1(b) (operating without a permit). Permittee Zhu was found guilty, and was sentenced to 24 months of summary probation and community service.
- B. On January 7, 2010, permittee Zhu submitted a Massage Therapist police permit renewal application, and checked the "no" box in answer to the question No. 6 in Section 8 of the renewal form. Question No. 6 reads, *"Have you within the five years immediately preceding the date of the filing of this application, been convicted of a charge of violating any lesser included or lesser related offense, including California Penal Code Section 415, in satisfaction of or as a substitute for, an original charge of any of the offenses listed in questions 3 and 4 of category 8 of the renewal form."* Her failure to disclose her prior conviction makes her guilty of submitting a False Application, a violation of LAMC Section 103.205.1(c)(1)(e).

Con

Stipulation for Disciplinary Action Against Police Permit
Pursuant to Section 102.19 Los Angeles Municipal Code

) STIPULATION IN RE
) PERMIT OF:
)
)
)
)
)
) PC No. 109237
) Business: 2959 Leeward Avenue, No. 213
) Los Angeles, CA 90005
) Residence: 2959 Leeward Avenue, No. 213
) Los Angeles, CA 90005
)
)

1. To waive any and all rights to a hearing that I may now have, or in the future accrue, under the Constitution, laws or ordinances of the City of Los Angeles, the State of California or the United States with regard to the matter set forth in the Accusation for Revocation Action, dated January 13, 2011, to the factual accuracy of the counts listed below.

A computer inquiry through the City of Los Angeles, Office of Finance, LATAX Database, revealed that Shunji Zhu, possesses a Massage Therapist permit. The permit is active as of January 1, 2005.

ACCUSATION

Complainant makes and files this Accusation in his official capacity as Lieutenant, Commanding Officer, Commission Investigation Division, and not otherwise.

Chris Waters, Lieutenant, for causes of discipline against Respondent, alleges:

COUNT 1

On or about April 22, 2008, Los Angeles Police Department, Detective Support Vice Division (DSVD), conducted an undercover prostitution investigation at 1460 N. Vine Street, Los Angeles, CA, DBA Sunset Health Center. The undercover officer entered the location and requested a massage. The massage was performed by permittee Shunji Zhu. During the massage, permittee Zhu agreed to engage in an act of prostitution with an undercover Los Angeles police officer, by agreeing to perform a "handjob", street vernacular for masturbation, for \$60.00, in violation of Massage Board Rule No. 6e (the massage therapist must not agree to engage in any act for purposes of sexual arousal or gratification). Permittee Zhu was arrested and booked for 647(b) Penal Code (PC) (prostitution).

In the ensuing court proceedings on August 26, 2008, count 1, 647(b) was dismissed due to a plea negotiation, and permittee Zhu plead nolo contendere to count 2, and was convicted of 103.205.1(b) of the Los Angeles Municipal Code (LAMC), On-Premises Massage Business Permit required. Permittee Zhu was, fined, ordered to perform community service, and placed on 24 months summary probation with the following conditions: ***do not offer to engage and do not engage in any form of sexual activity for money or any other consideration, do not engage or offer to engage in any sexual activity in a public place or a place open to the public or exposed to public view, the defendant may not perform massage therapy without a permit, obey all laws and orders of the court, defendant acknowledges to the court that the defendant understands and accepts all the probation conditions, and defendant agrees to abide by same.***

COUNT 2

On January 7, 2010, applicant Shunji Zhu submitted a Massage Therapist Police Permit Renewal Application and answered "No" Section 8, Background, Question #6- ***Have you, within the five years immediately preceding the date of the filing of this application, been convicted or a charge of violating any lesser included or lesser related offense, including California Penal Code Section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed above(647(b)?***, a violation of LAMC 103.205.1(c)(1)(e), The applicant has knowingly made a false, misleading, or fraudulent statement of fact to the City in the permit application process.

Stipulation
Shunji Zhu

2. I acknowledge that I received copies of Los Angeles Municipal Code (LAMC) Section 103.102, and a copy of the Massage Therapist Board Rules. Should I require that these documents be translated into a language in which I am fluent in order for me to understand them, I will provide this translation for myself. I understand that I must know the rules regarding the Massage Therapist permit that I am privileged to possess.
3. I will accept a 60 day suspension of my Massage Therapist police permit, and a 6 month probationary period to begin after the completion of my suspension. Should I be arrested for any offense that relates to my Massage Therapist permit during this suspension period, I realize that a hearing will be convened to revoke my permit.
4. That no appeal will be made by me regarding the specifics of this stipulation.

Shunji Zhu
Shunji Zhu

07-06-2011
Date

Chris Waters
CHRIS WATERS, Lieutenant
Commanding Officer
Commission Investigation Division

06-20-11
Date

Approved and Adopted by the Los Angeles Police Commission Permit Review Panel at its meeting of _____

Signed for the Board _____

MARIA SILVA
Commission Executive Assistant

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

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100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

July 27, 2011

Mr. Joseph T. Vodnoy, Attorney
643 South Olive Street, Suite 600
Los Angeles, California 90014

PPRP 11-0028
Permit No. 109237

Dear Mr. Vodnoy:

The Stipulated Settlement relative to a sixty (60) day SUSPENSION of Shunji Zhu's Massage Therapist Police Permit at 2959 Leeward Avenue, No. 213, Los Angeles, CA 90005, which was agreed upon and signed by Ms. Zhu will be considered by the Police Permit Review Panel on:

Wednesday, August 17, 2011, at 2:30 p.m.
Police Administration Building
Board of Police Commissioners Hearing Room
100 W. 1st Street, Los Angeles, CA 90012

You may, but need not, be represented by counsel for the Panel to render a decision; your presence is not required. However, it is highly recommended that you appear. A request for continuance must be submitted in writing to the Panel Secretary at least six (6) business days prior to the hearing date. A request for continuance must include proof of hardship and rarely will be honored on the day of the hearing due to scheduling conflicts. Once a continuance request has been granted, no subsequent requests will be accepted.

When the Panel considers the permit at its public meeting, it may at its discretion, entertain discussion, oral argument, or taking of evidence.

If you have any questions regarding this notice or if you are in need of an interpreter, please contact our office at (213) 236-1400, and we will provide you with one.


EVA R. VEGA, Senior Management Analyst II
Police Permit Review Panel

Attachments

c: Commanding Officer, Commissioner Investigation Division
Shunji Zhu