



Administrative Report

K.1., File # 26-0261

Meeting Date: 2/24/2026

To: MAYOR AND CITY COUNCIL

From: JOY A. FORD, CITY ATTORNEY

TITLE

PUBLIC HEARING FOR CONSIDERATION OF AN APPEAL OF THE REVOCATION OF THE BUSINESS LICENSE FOR THE MANHATTAN BEACH SMOKE SHOP INC. LOCATED AT 2205 ARTESIA BOULEVARD, UNIT A, REDONDO BEACH, CALIFORNIA 90278.

PROCEDURES:

1. Open Public Hearing, take testimony; and
2. Close Public Hearing; and
3. City Council Decision and Findings

EXECUTIVE SUMMARY

On March 18, 2025, the Redondo Beach Police Department coordinated an inspection of the Manhattan Beach Smoke Shop located at Unit A of 2205 Artesia Boulevard with the California Department of Tax and Fee Administration. On December 10, 2025, the results of that inspection were presented by the Redondo Beach Police Department and the Quality of Life Prosecutor at a duly noticed administrative hearing before Luke Smude, Assistant to the City Manager, the Hearing Officer designated by the City Manager for the matter. On December 19, 2025, the Hearing Officer issued an administrative order (see attached) revoking the business license for Manhattan Beach Smoke Shop, Inc. The revocation has been appealed to the City Council by the business owner through his attorney. The appeal is now before the City Council for consideration.

BACKGROUND

Pursuant to Section 6-1.27, subsection (a) of the Redondo Beach Municipal Code, "No license shall be permanently revoked without giving the holder thereof an opportunity to appear before the City Manager (or designee) and be heard in his or her own behalf." Subsection (b) of Section 6-1.27 states, "Any license or holder subject to an administrative hearing decision which suspends, revokes, or imposes new conditions of operation, may within 10 business days, file an appeal with the City Council." The purpose of these hearings is to provide a fair and open opportunity for a party objecting to an administrative action, or decision, by the City to present evidence and arguments in opposition to the action or decision.

A request for an appeal of the December 10, 2025 administrative order was filed by the business owner through their attorney within the ten-day appeal period (see attached). The City Council is now scheduled to consider, as a *de novo* hearing, the appeal and the Hearing Officer's revocation of the business license. The City Council is not bound by the findings of the Hearing Officer. (See *Lagrutta v. City Council* (1970) 9 Cal.App.3d 890, p. 895.) "There is no limitation upon the right of the council to hear new or additional

testimony.” (*Id.*)

Any business license issued by the City may be temporarily suspended, revoked, or have new conditions imposed upon it in any of the following instances:

- (a) Where the City Manager (in this appeal, the City Council) finds and determines that the preservation of the public health, safety, and peace demand revocation of such license or permit;
- (b) Where the licensee or permittee has violated any provisions of this Code, any ordinance of the City or any other provision of law;
- (c) Where a permit or license has been granted on false or fraudulent evidence, testimony, or application;
- (d) Where the license has conducted the business in an immoral or disorderly manner, or has failed to exercise reasonable efforts to maintain order among the customers and patrons and to prevent violation of law or ordinance by them;
- (e) Where the business has been conducted as to be a public nuisance;
- (f) Where acts of sexual misconduct, or prostitution, have been committed within the course and scope of the business operations; or
- (g) Where the licensee has failed to pay the charges imposed by this chapter or to file reports as required by this chapter within 60 days after such charges or reports become delinquent.

(Redondo Beach Municipal Code, § 6-1.26.) If the City Council decides to suspend, revoke or impose new conditions, the reason for the City Council’s decision must be based on one or more of the above instances. A license may be suspended for such time and subject to such conditions as may be imposed in the same manner and for the same reasons that a license may be revoked. (Redondo Beach Municipal Code, § 6-1.27.)

Both the business owner and the Redondo Beach Police Department were given the opportunity to submit additional documentation and materials pertaining to the matter. As of the publishing of this administrative report, no material had been submitted by the business owner. The Redondo Beach Police Department and the Quality of Life Prosecutor, Stephanie Johnson, prepared a packet for City Council consideration (see attached).

Pursuant to the City’s Rules of Conduct for Council Meetings, in a quasi-judicial public hearing, the City Council must open the public hearing and receive and file the affidavit of publication, case file and written correspondence by motion. The proponent, in this case, the City, has a maximum of one (1) hour to present evidence. Similarly, the appellant in this appeal will also have a maximum of one (1) hour to present evidence. Members of the public each have three (3) minutes to make a statement. The appellant has twenty (20) minutes for rebuttal, and then the City will have twenty (20) minutes for rebuttal.

During the appeal, the Council shall have the authority to determine all questions raised on such appeal. (Redondo Beach Municipal Code, § 6-1.14.) The formal rules of evidence and discovery do not apply in this hearing. Witnesses that appear and give testimony do not have to be sworn in. Any witness who does not appear at the hearing will affirm in writing that the testimony statement is true and correct. Such testimony may be subject to further questioning from the City Council. Written testimony submitted in accordance with that affirmation may be admitted into the record. The burden of proof on the City shall be “by a preponderance of the evidence,” that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Once the City has presented and established a case in support of the revocation of the business license, the burden shifts to the appellant, here the business owner, as the objecting party.

After City Council discussion, the City Council may move and vote to reinstate the business license if the City Council finds that the City failed to present sufficient evidence to justify the revocation. However, if the City Council finds that the revocation is supported by substantial evidence, the City Council may temporarily suspend the business license, permanently revoke the business license, or reinstate and impose new

conditions upon the business license. Accordingly, it should be noted, that a short break may be necessary during the hearing to draft a resolution that codifies the City Council's decision and findings before taking final action.

COORDINATION

The City Attorney prepared this administrative report.

FISCAL IMPACT

Funding to conduct the appeal and prepare related materials is included in the involved departments' annual operating budgets.

SUBMITTED BY:

Joy A. Ford, City Attorney

ATTACHMENTS

- Administrative Order
- Request for Appeal dated December 24, 2025
- Record Demand Letter dated December 24, 2025
- Notice for public hearing for Appeal from City Clerk
- Redondo Beach packet in support of business license revocation
- Redondo Beach Municipal Code Sections