

CERTIFIED COPY

PUBLIC HEARING ON
NEWPORT COAST RECOVERY, LP
BEFORE THOMAS W. ALLEN, ESQ., HEARING OFFICER
NEWPORT BEACH, CALIFORNIA
MONDAY, DECEMBER 8, 2008

1
2
3
4
5
6
7 Public hearing was taken on behalf of
8 the City of Newport Beach at 3300 Newport Boulevard,
9 Newport Beach, California, beginning at 4:00 p.m., and
10 ending at 5:50 p.m., on Monday, December 8, 2008, before
11 LAURA A. MILLSAP, RPR, Certified Shorthand Reporter No.
12 9266.
13
14
15
16
17
18
19
20
21
22
23
24
25

1 APPEARANCES:

2
3 For The City of Newport Beach:

4 RICHARDS, WATSON, GERSHON
5 BY: PATRICK K. BOBKO, ESQ.
6 355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
(213) 626-8484

7
8 CITY OF NEWPORT BEACH
BY: DAVE KIFF, Assistant City Manager
DEBBIE LINN, Associate Planner
9 SHIRLEY OBORNY, Administrative Assistant
3300 Newport Boulevard
10 Newport Beach, CA 92658-8915
(949) 644-3002
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 NEWPORT BEACH, CALIFORNIA; MONDAY, DECEMBER 8, 2008

2 4:00 P.M. - 5:50 P.M.

3
4 MR. ALLEN: Good afternoon. We're going to
5 open the proceedings here. My name is Thomas W. Allen,
6 and I've been designated by the City as a Hearing Officer
7 for this particular hearing involving 1216 West Balboa
8 Boulevard.

9 I am not employed by the City except in the
10 capacity as a Hearing Officer, and I don't have any
11 interest in or involvement with group homes or recovery
12 homes. So my role is as an independent Hearing Officer.
13 The matter today, as I said, involves the 1216 West
14 Balboa Boulevard and is designated a use permit 2008-003.

15 Before we commence, does anybody have any
16 motions or requests or requirements?

17 MR. KIFF: Nope.

18 MR. ALLEN: Then we'll proceed with the
19 hearing, and we'll commence with presentation of the
20 application by City staff, and I expect Mr. Kiff will
21 proceed first.

22 MR. KIFF: Yes. Thank you, Mr. Allen.

23 And I'm going to present a brief background on
24 this material. For those in the audience who were,
25 including the Hearing Officer, at the last hearing, it

1 will be somewhat repetitive, so I apologize for that.
2 But for those who are new, it won't be, and I think it's
3 valuable information.

4 When I'm done, Debbie Lynn, who is with our
5 Planning Department will provide specific information
6 about this application. So if you will excuse me, I need
7 to turn some lights off.

8 So this is the use permit hearing for Newport
9 Coast Recovery, LP. At today's hearing, there will be
10 this presentation by the City staff. Then following a
11 specific discussion about the Newport Coast
12 application -- for those you in the audience, it should
13 be available outside. It was also available on the Web
14 site.

15 Then the Applicant gets up and speaks, and the
16 Applicant may offer comments about the operation. The
17 Applicant's time is not constrained. This is how we do
18 any use permit hearing.

19 Then the public comments are open, and those
20 comments are limited to three minutes, unless the Hearing
21 Officer determines otherwise. Then he closes the public
22 hearing.

23 And the Applicant can return to rebut or
24 clarify comments made. And again, there are no time
25 constraints on the Applicant's presentation, because it

1 really is their use permit application.

2 And then there are questions from the Hearing
3 Officer to the Applicant and the City staff, and then the
4 Hearing Officer can make one of three determinations. It
5 can approve with conditions, deny the application, or
6 continue the hearing to a date certain.

7 So to give folks an additional background of
8 why we are where we are, this is a use permit hearing
9 under the Newport Beach Municipal Code that relates to
10 use permits in residential districts.

11 And this chapter was amended into the Code in
12 February of 2008, which calls out a specific process that
13 most existing group residential uses had to apply for a
14 use permit to stay in operations, and they had to apply
15 by May 22nd. Newport Coast Recovery did apply for that
16 use permit.

17 A Hearing Officer can then make a determination
18 to approve or deny the use permit. The Hearing Officer's
19 decision, either way, can be appealed to the City
20 Council. The City Council's decisions may not be
21 appealed, but a reasonable accommodation may be
22 requested.

23 Reasonable accommodation is a concept in
24 federal law involving persons are who entitled -- who are
25 disabled, like persons in recovery, and entitled to fair

1 housing opportunities. And those reasonable
2 accommodation requests would go before a Hearing Officer
3 and a hearing substantially similar to this one and can
4 also be appealed to the City Council. So you can see
5 there are a number of steps in this process. This is
6 just one of them.

7 Now, the ordinance exempts one type of home
8 from the use permit process, and that is a state licensed
9 treatment home, and the state agency that licenses these
10 I'll refer to as ADP. That's the Department of Alcohol
11 and Drug Programs.

12 And it allows homes that house six or fewer
13 persons and which do not operate integrally with other
14 facilities, so you couldn't have six next door to six
15 under the same ownership. That's what our ordinance
16 literally said.

17 In May of 2008, we were in court on this item,
18 and the Federal Court blocked the City from enforcing
19 this requirement that we have in our ordinance that
20 allows to us consider linked or networked state licensed
21 homes with six or fewer people from going through a use
22 permit process.

23 Now, the major company in town that does this
24 is Sober Living by the Sea. The subject of the hearing
25 today does not do this. This is a

1 one-home -- sorry -- one facility with 29 beds in it. So
2 it is clearly subject to the use permit process.

3 And just as a reminder, I showed this to the
4 folks on Thursday, this is a map for the Hearing
5 Officer's benefit as well that shows where homes are
6 located on the central Balboa peninsula.

7 And I'm going point out, for instance, this is
8 Balboa Horizons with 11 beds. This is Ocean Recovery
9 with 22 beds across the street. This is the subject
10 property, 29 beds at 1216 West Balboa.

11 You'll see a couple of hash mark spots. These
12 are homes that could have applied but did not apply for
13 the use permit -- for a use permit. These are subject to
14 abatement by February of 2009.

15 There's another Ocean Recovery facility up here
16 with 16 beds that did apply for a use permit. And then
17 that's Narconon Southern California with 49 occupants.
18 They are subject to a different kind of abatement. They
19 have agreed to leave town effective February of 2010
20 without going through a use permit process, and, again,
21 agreed to leave. So the City has entered into an
22 agreement with them to do just that.

23 This is the immediate vicinity of the area for
24 Newport Coast Recovery. This is 1216 West Balboa.
25 You'll see the property uses around it. I may,

1 Mr. Hearing Officer, refer back to these maps if you have
2 questions. And then with that, I'll have Debbie discuss
3 a little bit about the specific application.

4 MS. LINN: Thank you, Mr. Kiff.

5 The application before you this afternoon is
6 use permit number 2008-033, which is an application by
7 Newport Coast Recovery for approval of the use permit at
8 1216 West Balboa Boulevard.

9 The project site, as David explained, is a
10 seven-unit apartment building in an R3 zone currently,
11 with an occupancy -- permitted occupancy of 29 residents.

12 The Applicant submitted their application on
13 May the 20th. And subsequent to that, the City issued a
14 letter of -- a Notice of Incomplete Application to the
15 Applicant on June 16, 2008.

16 The contents and requirements of the use permit
17 application for group homes are the same requirements and
18 content requirements as for other use permits in the
19 City.

20 And, in fact, to help facilitate the assembly
21 of the application materials, the requirements for the
22 use permit in group home situations have been somewhat
23 simplified in the form of a checklist, so that Applicants
24 would have a little easier time of getting their
25 applications in.

1 On August the 4th, the City sent a follow-up
2 letter to the Applicant requesting that the application
3 materials that were outlined in the Notice of Incomplete
4 Application be submitted by September 2, 2008, and also
5 advised the Applicant that the failure -- the reason that
6 these application requirements are necessary were in
7 order conduct and completely evaluate their applications,
8 and that failure to obtain the use permit could result in
9 an abatement proceeding taking place.

10 Since the August the 4th letter to the
11 Applicant, staff conducted a series of telephone -- tried
12 to make contact by telephone with Applicant on several
13 occasions. In October, the Applicant and City staff
14 discussed the status of the application.

15 And at that time, the Applicant stated that the
16 remaining materials as outlined in the June 16th Notice
17 of Incompleteness would be submitted to the City by the
18 first week of December 2008.

19 And at that time, staff also offered to assist
20 the Applicant in any way necessary in order to facilitate
21 the submittal of the materials to the City, so that we
22 could bring the application forward with a good and
23 complete analysis.

24 On November 14, this Applicant did submit the
25 required fee for the application. And by November 25th,

1 some of the additional materials that were requested in
2 the Notice of Incompleteness were submitted. Those are
3 included as Exhibit 5 to the staff report.

4 Staff evaluated the materials submitted and has
5 determined that the application is still incomplete for
6 the reasons stated in the staff report.

7 As an addendum to the staff report, we'd like
8 to mention that, as part of the staff report, some of the
9 letters that were received from residents in the city
10 were included as exhibits to the staff report.

11 And we'd like to augment that with some
12 additional letters that have been received since the
13 publication of the staff report, which are
14 available -- these letters are available both outside the
15 Council chambers here and have been delivered to the
16 Hearing Officer.

17 In addition, staff has received a police report
18 from the City of Newport Beach Police Department listing
19 a chronological history -- a chronology of the calls that
20 have been made since 2005 regarding the specific address
21 at 1216.

22 Because the application is incomplete at this
23 time, staff has been unable to prepare a comprehensive
24 analysis of the project; however, it is presented to the
25 Hearing Officer at this time as a form of an update and

1 to direct the next steps regarding this application.

2 The Hearing Officer has the authority to either
3 approve this application, conditionally approve the
4 application or disapprove the application. In order to
5 approve or conditionally approve the application, the
6 finding as stated in the staff report need to be made by
7 the Hearing Officer.

8 At this time, staff is recommending that this
9 hearing be continued to a date certain in order allow the
10 Applicant to submit the remaining materials, but also
11 to -- needed for this application to be deemed complete,
12 but also to direct the Applicant to provide all the
13 materials within 21 days prior to the scheduled continued
14 hearing date.

15 That concludes our presentation on this
16 particular application, and staff is available to answer
17 any questions.

18 MR. ALLEN: Can you indicate what items are
19 still outstanding or -- I mean, in the staff report,
20 there's item one through six. I believe that some of
21 those have been submitted, but what specifically is still
22 lacking here?

23 MS. LINN: Well, actually, all of those items,
24 one through six, which I can enumerate for the public's
25 benefit, those items are all still outstanding.

1 We did not -- a signed affidavit from the
2 property owner needs to be submitted. A comprehensive
3 site plan is required, as is required of any use permit.
4 The Applicant submitted some form of a plan that's not
5 really what's considered to be a site plan. The site
6 plan needs to show the facility's building footprint, the
7 property lines, adjacent parcels, and building footprints
8 on adjacent parcels.

9 We had not yet received a preliminary title
10 report. They did submit a preliminary what we call
11 routing plan. This is item number four. However,
12 we -- the requirements for the routing plan for shuttle
13 service to and from the project site require that we also
14 be provided with times of departure and return for -- and
15 the travel destinations of the shuttle service or bus
16 service that is providing service to the site. And that
17 was not included on the route map that we received.

18 We received a sort of directional map in
19 response to our request for a building diagram and floor
20 plan of all the rooms. We can provide an Applicant of
21 the example of the type of floor plan and building
22 diagram that is needed for the application when and if
23 the Applicant requests it. But to date, that has not
24 been supplied.

25 And then the last item is a statement as to

1 whether or not the facility disposes of medical and/or
2 bio waste, and if so, to also include a plan for the
3 disposal of these materials.

4 And if the facility does not dispose of medical
5 and/or bio waste, really all we need in that regard is a
6 statement in letter format that says, "We do not deal
7 with those sorts of materials." So those are the
8 outstanding items to date.

9 Additionally, the Fire Marshal will request a
10 comprehensive code analysis before the use permit is
11 valid. We have requested and received a Form 850, which
12 is a fire clearance, from the Fire Marshal. However,
13 up-to-date fire codes -- the Fire Marshal is now
14 requiring a complete and comprehensive code analysis as
15 part of a condition of approval or complete -- prior to
16 the sign-off on the CUP.

17 MR. ALLEN: Have there been discussions with
18 the Applicant regarding the fire requirements and the
19 need to have an analysis or study done to commence that
20 process?

21 MR. KIFF: Yes, Mr. Allen. And not directly
22 with the Applicant himself, but we've had a couple of
23 discussions since the Balboa Horizons' hearing on
24 Thursday. And this requirement will require
25 modification. I'll speak that to that later in the

1 hearing, depending on what your direction is as the
2 hearing goes forward.

3 But it has involved a legal review with Special
4 Counsel and our own City Attorney with the Fire Marshal.
5 I apologize. I wasn't able to let Debbie know that
6 before the hearing.

7 MR. ALLEN: Thank you.

8 Okay. I think we're at a point where we can
9 ask the Applicant to come forward and, hopefully,
10 commence by addressing the issues here that are on point,
11 primarily the code requires there be a diligent effort to
12 comply with the use permit requirements, and it looks
13 like it's been about six months.

14 So where do we stand?

15 MR. NEWMAN: Where we stand is that I believe
16 we'll have it all in this week. We had somebody that we
17 had hired to do all of this, was working with a few of
18 the different facilities. And unfortunately, he failed
19 to get this all completed.

20 We have since gotten the title reports. We
21 have site plans. We had to have an architect come in and
22 redraw the site plans. The site plan that I actually
23 submitted with the application was one that I ran by Dave
24 Kiff, and we thought that it might suffice, but
25 apparently it didn't. It was one that was in the City

1 records.

2 The building is over 50 years old, so it's very
3 difficult to -- actually, older than that. It's very
4 difficult to find anything on record, so we've had to
5 start from scratch. But I do believe we have most of the
6 information completed.

7 The City requested is that we not piecemeal
8 any more information, and for it to all come in at one
9 piece, and that's what we intend to do this week. And
10 I'll go on from here.

11 You know, I've never walked into a place before
12 where I know everyone's against me. I'm usually on that
13 side of it. And I realize what's going on here, and I'm
14 going to address a few of these things right now.

15 My name is Mike Newman, and I'm a partner in
16 Newport Coast Recovery. My partner to Newport Coast
17 Recovery is --

18 MR. ALLEN: I'm sorry. We have a problem, and
19 I've forgotten already the first time. Everybody that
20 comes up to talk needs to give their name and -- there's
21 no address requirement, I take it?

22 MR. KIFF: Name is fine.

23 MR. ALLEN: -- their name and spell the last,
24 so that it can be made a part of the record. Thank you.

25 MR. NEWMAN: My name is Mike Newman. My last

1 name is spelled N-e-w-m-a-n. I'm a partner in Newport
2 Coast Recovery. My partner in Newport Coast Recovery is
3 Dr. Albert Pizzo.

4 Dr. Pizzo has lived and practiced medicine in
5 Newport Beach for over 50 years. I've lived in Newport
6 Beach for over 45 years. My wife and I both graduated
7 from Newport Harbor High School, and our kids have all
8 attended and graduated Newport Beach public schools.

9 I'm a founding board member of the Newport
10 Harbor Baseball Association. And my wife and I are
11 involved in numerous local charities. My partner and I
12 are not profiteers the came into the City with bad
13 intentions. Our roots in this community are deep.

14 Newport Coast Recovery is a State licensed and
15 City licensed facility. We have never tried to
16 manipulate the system in any way.

17 Newport Coast Recovery has been in business at
18 our current location for over five years. The building
19 was previously a recovery home for men operating under a
20 different name five years prior to my involvement.

21 When my partner and I took over the facility,
22 it was in a horrible state of disrepair. We've literally
23 invested several hundred thousand dollars of improvements
24 to the building. We came in and cleaned up the mess that
25 was a visual stain on the street. We really are trying

1 to be good neighbors.

2 It's tough in this business, because neighbors
3 don't like the business. So it's tough for anyone to
4 look at us with a friendly eye. And this is a first time
5 that I've ever come up and really associated myself with
6 this business. I've lived here my whole life, and, you
7 know, I don't want to be enemies with my neighbors.

8 I want to address a few of the specific
9 concerns that the new ordinance calls out.

10 Noise. We do our best to control the noise.
11 No music is to be played after lights out, which is 11
12 p.m., and nothing before 9 a.m. We encourage our clients
13 to use headphones and found that this has solved a lot of
14 the noise issues.

15 But when you get 20 men together, it can get
16 loud sometimes. We try to keep it orderly. If the
17 neighbors can hear it and I know that our people who work
18 for us can hear it, we try to take care of it as quickly
19 as possible.

20 Secondhand smoke. Our clients may only smoke
21 within the properly designated areas. We have areas
22 inside the facility where our clients do smoke. People
23 in rehab smoke. We'd like for them to stop. We'd like
24 for them to do a lot of things, but it's not easy to
25 change someone's life in 90 days completely.

1 Traffic congestion. Newport Coast Recovery
2 owns one van for transporting our clients. At any given
3 time, we may have five staff members on-site. We can
4 generally accommodate most of our employee's parking
5 on-site.

6 Our clients are not allowed to have cars during
7 the first 30 days of treatment. And generally, they must
8 have a valid reason to have a car thereafter. A valid
9 reason would be a job. Currently, we have 14 clients in
10 the facility and not one of our clients has a car.

11 Excessive trash. The only outside service that
12 actually comes to our facility is Waste Management. We
13 have a dumpster where we get rid of all our trash. We
14 don't utilize the City trash. And they come twice a
15 week.

16 Excess of debris on the sidewalks. Along with
17 our no smoking policy in front and rear of the facility,
18 our employees every morning go in front and the rear of
19 the facility and sweep up and clean. They want the place
20 to look very good. It doesn't look good when there's
21 garage, cigarette butts, out in front. And generally, we
22 make every effort to keep that as clean as possible.

23 Police activity. The Newport Beach Police
24 Department Records Division can verify they have
25 responded in 2008 to no calls or complaints from the

1 public regarding our operation.

2 We've had five incidents that have involved
3 police activity in our facility. Three of them were
4 medical aid that they followed up for one person that was
5 having a diabetic seizure three times in a 90-day period.
6 Two of the calls were from us for vandalism to our
7 vehicles.

8 In closing, I'd like to offer something to the
9 City and concerned citizen of Newport Beach. I would
10 immediately offer to reduce our ADP licensed bed count by
11 20 percent. I really hope that this offer is taken in
12 the spirit that we're making it. We're not looking to
13 load up our building and make millions of dollars. It
14 just doesn't happen. We really want to be responsible
15 neighbors.

16 I've met with Denys. I've given her my pledge
17 that I would work with their group the best I could. And
18 I still believe that we can work together as neighbors,
19 and I'm willing to do that. I'm happy to answer any
20 questions.

21 MR. ALLEN: Before any questions, if anybody
22 else has a cell phone that's going to go off, will you
23 please turn it off? It really does interfere with the
24 orderly operations.

25 I don't know. Staff may well have questions,

1 but my concern in looking at this application -- and this
2 is only the second one I've looked at, so I'm not
3 entirely up to speed -- is that I don't see in the
4 application enough detail to give the staff the ability
5 to say that you've presented a plan of operation and
6 management. And I think that's a really important
7 element of these operations.

8 You began to address you're doing your best,
9 you know, and you mentioned cars and smoking, and
10 sweeping and cleaning. And in all that plan of
11 operation, those are only small parts of it. Really give
12 the City and you a level of knowledge about what your
13 plans are and what you're obligated to do and operate.

14 And certainly, I mean, if I had total control
15 here, I wouldn't approve one of these facilities until
16 there was an operating plan in place so that we knew what
17 the permit was going to say in pretty good detail.
18 Because, as you can see, we know there's a lot of
19 conflict here. And the more detail we can get, the
20 better off everybody is, I think.

21 MR. NEWMAN: Is that something that is omitted
22 from our application right now?

23 MR. ALLEN: Pardon me?

24 MR. NEWMAN: Is there something in our
25 application that's supposed to cover that that we didn't

1 do, or is that something in addition that you're looking
2 for, or something for me right now?

3 MR. KIFF: I'll help answer that, Mr. Allen.

4 There is a section of the application, if I
5 have the correct one in front of me in the packet, that
6 basically starts at page 14, or so, and then moves to
7 page 17. And that section is not filled out. And those
8 are some of the issues that Mr. Allen raised about --

9 MR. NEWMAN: Okay.

10 MR. KIFF: -- about the quiet hours that you
11 spoke to.

12 You mentioned, for instance, 11 to 9. And I
13 think the 9 o'clock is something that we're supportive
14 of. We may want to try to pull back to 10 or so, but
15 these are the kinds of things that we'd like to see
16 discussed.

17 MR. NEWMAN: Then, Dave, what I can tell you
18 right now, as of today, I will get on that, and I will
19 have that in addition to the other things that are
20 omitted that I believe we have in place right now.

21 I will personally fill that out and have that
22 into your office before the week. They are not things we
23 have to create or make up. It is part of our operation.
24 So I'm sorry it was omitted, because it should be
25 relatively easy to fill out.

1 MR. KIFF: Okay.

2 MR. NEWMAN: We did have a lot of hands
3 touching. I'm not generally the person that fills out
4 these things. I did hire an attorney to handle this, as
5 you know. And, unfortunately, when your attorney stops
6 returning your phone calls, and he's cashed your check,
7 it's a difficult situation. So we've had a difficult
8 time with our Counsel, and we're hoping to rectify
9 that.

10 MR. LISKIN: Do you have a note from your
11 mother? This is ridiculous.

12 MR. NEWMAN: All I'm looking for is some
13 dignity and respect, sir.

14 MR. LISKIN: Give to the communities --

15 MR. ALLEN: No more of that. Thank you.

16 Anyway, I thought that that would be helpful.

17 Let's see. At this point, I don't think we're
18 prepared to go on and talk about specific deadlines or
19 anything. I think we need to hear from anyone else.

20 Do you have any other -- any other people other
21 than the Applicant to --

22 MR. NEWMAN: I do not. I can answer any
23 questions that many people are definitely going to have.
24 I don't know if the questions are mostly statements, like
25 the last gentleman. But again, you know, I'm happy to

1 answer anything. I'm not here to create any more
2 problems. I'm sorry for whatever was created with this
3 whole situation. I'd like to help.

4 MR. ALLEN: I think it would be really
5 important while the hearing is going on if you would
6 think about what kind of time commitment you can make to
7 put a complete wrap on this presentation.

8 Because if we agree to a continuance, which is
9 probably the case, I think, in substantial part for legal
10 reasons but also to give you an opportunity get it done
11 right, it needs to be pretty quick.

12 MR. NEWMAN: We'll have it done.

13 THE COURT: It needs to be comprehensive.

14 MR. NEWMAN: It will be comprehensive. We have
15 one through six pretty well completed, and I can have
16 this all completed by Friday of this week.

17 MR. ALLEN: Well, okay. You know how that
18 goes. You submit it, and then the staff says, well,
19 that's not really complete-complete. And so -- but if
20 you can commit to make your submittal by Friday, and then
21 we go from there, and I bet you the staff has some
22 recommendations on that.

23 Why don't we hold off on that for the time
24 being, and let's hear from the public, and then we'll ask
25 you to come back up, and you'll have an opportunity.

1 So, we're going to open the public hearing now.
2 And as Mr. Kiff mentioned, we have got a time limitation
3 on three minutes for each speaker, and please stay with
4 that. We aren't using this light system, but there's a
5 little buzzer that goes off at the end of three minutes,
6 and please just put a wrap on it at that point, I mean,
7 10 or 15 words at the most. Because, otherwise, you're
8 just being rude to other people that want to have the
9 opportunity to talk.

10 So with that, let's start an orderly
11 progression here. And please remember to give your name
12 and spell the last before you start speaking. Thanks.

13 MR. LISKIN: My name is Matt Liskin, and I want
14 to apologize -- L-i-s-k-i-n. And I want to apologize to
15 everyone here.

16 But after the speaker from the facility got up,
17 I lost my temper. The reason I lost my temper is because
18 it's clear to me that the attitude of this gentleman is
19 the attitude that all of us are is so disturbed about,
20 and that's really rationalizing bad behavior.

21 And if this -- my background is about 20 years
22 ago I started a company in health care which became the
23 third largest provider of acute care hospitals in the
24 country, 50 hospitals.

25 And from the facility level up, health care is

1 a local business. At each facility, you have an
2 administrator who is responsible for very basic
3 operations. And the fact that there is not a plan that
4 was submitted to you after all the consternation and what
5 you've been asking for speaks volumes about this
6 individual and its operation.

7 My view is that if they can't respond to the
8 City, how are they ever going to respond in a respectful
9 way to their neighbors? It makes no sense.

10 And again, excuse, after excuse, after excuse.
11 This business depends on running a tight ship with
12 difficult people. If you cannot have a partnership with
13 the City, given the time they have been given, again, how
14 can they respect our community?

15 So again, without specifics -- and finally, I
16 think what we've seen today is why all of us are so upset
17 with the operators and, perhaps, this one in particular.
18 And it's clear this gentleman is being an absentee owner,
19 and I don't care if the doc who has been here for 50
20 years is associated with the facility.

21 How many hours a week is the doctor there?
22 What is he responsible for? Is this JACO certified, this
23 facility? I don't know.

24 But again, foremost I want to apologize to
25 everyone here. But with all these people here, all the

1 time that they have put in, all we're getting is excuse,
2 excuse, excuse, my lawyers, this people, that people.

3 Sir, if you are an owner, this is your
4 responsibility.

5 MR. ALLEN: No, you need to address up here.

6 MR. LISKIN: Excuse me.

7 As an owner, it is his responsibility. We are
8 homeowners. This is our community. I don't care if he
9 lives in Newport. Let him live 24/7 in the facility, and
10 then I will respect that as an owner. Let him have a use
11 plan, and then he'll respect the City. But this is
12 nonsense. And to give him a continuance is disrespectful
13 to everyone in this room. Thank you.

14 MR. BATLEY: My name Craig Batley, B-a-t-l-e-y.
15 Mr. Allen, City staff, and all of these fine people out
16 here who came out today for this hearing.

17 You know, I think everybody here feels the same
18 way here. We have all this City time taken, we have all
19 the time of the people out here, and I probably imagine
20 not one person out here is for this facility being
21 approved.

22 And I just can't even believe that this process
23 can even have a hearing without a complete
24 process -- a completed application. I think we shouldn't
25 even have a hearing. This is ridiculous. From

1 henceforth, I would recommend that the City staff, if you
2 don't have a completed application, just postpone the
3 hearing.

4 You, as the -- and your time is being wasted,
5 too, Mr. Allen. You have no choice but to continue this,
6 no choice whatsoever, or just not approve it. On its
7 face, this is not approved. I would just not approve
8 this thing. I'm totally against any operator who not
9 organized and can't even make a responsible presentation.
10 This application should be flat turned down.

11 And another thing, we have this development
12 agreement being approved, and the operator has agreed to
13 not have the facility within a thousand feet of a school.
14 This is within a thousand feet of a school It's in a
15 wrong location. How can you have one operator not
16 operate within a thousand feet of the school and the
17 other one you can? That makes no sense either. This
18 whole process makes no sense.

19 I recommend that you flat reject this
20 application.

21 MR. MILLER: My name is John Miller,
22 M-i-l-l-e-r. And I live in the block that the Applicant
23 is presenting here today. And I think from my own self,
24 and my wife too, we discussed it, we think that this
25 whole idea is bad.

1 And some of the reasons are, to begin with,
2 it's less than a block to the school. Now, I know these
3 people that stay in here are not hardened criminals, but
4 still, they are criminals. And for them to wonder around
5 close to this open school yard -- our school yard at
6 Newport Elementary School is not fenced in. Anybody can
7 walk up there at any time. So I'm not against sober
8 living, but I'm against this location.

9 Also, when they have trucks come up to deliver
10 things and take waste away, the alley behind there is
11 quite narrow, and there's no way a fire truck can get
12 through there in case of an emergency. So that's a bad
13 thing.

14 And also, even though he says that maybe some
15 of the people -- a few might have cars, man, there's no
16 parking and especially in the summertime. And these
17 people are going to have family and friends come to visit
18 them. There's no place to park.

19 But anyway, I just think it's a bad location,
20 and thank you very much for letting me address you.

21 MR. LOPEZ: My name is Paul Lopez, and I live
22 at 1125 1/2 West Balboa Boulevard with my wife.

23 MR. ALLEN: Could you spell your last name?

24 MR. LOPEZ: L-o-p-e-z.

25 And I actually have to say that I'm probably a

1 pretty good person to comment on this house and others
2 only because I feel as though I've been in rehabilitation
3 for five years. And I've got a facility on both sides of
4 my house and have for, I think, one for three years and
5 another for five years.

6 And in reading the report from last week, I
7 know we're comment commenting on this one, but when
8 someone says that there is no negative impact to a
9 neighborhood, it's somebody that doesn't understand
10 what's going on in these houses.

11 The gentleman that spoke, I guess, Mr. Newman,
12 who talked about it's like having 20 guys together, and
13 we do our best to manage them, another way I would call
14 that would be a fraternity, basically. And it's very
15 dependent upon the individual that they put in charge of
16 managing those individuals.

17 And I drive by that place every day. And in
18 all respect to Mr. Newman, I don't see him sweeping. I
19 see him smoking, okay, and gathering out front in the
20 morning. It's within -- it's less than a thousand feet
21 from the school.

22 I thought that the City had reached a
23 negotiation, and -- and I thought a good understanding
24 that we wouldn't put these facilities close to schools
25 and potentially jeopardize our kids. How does one

1 enforce, you know, these?

2 Again, I'm probably a little bit different in
3 that I've got one on each side of me. I've got 1132
4 across the street, which I understand is on its way to
5 approval. And then this one, that's 400 feet across the
6 street. All of those four facilities are within a
7 thousand feet of the elementary school.

8 The parking down there. And again, in respect
9 to Mr. Newman, I've heard everybody say that they don't
10 allow their people to use cars. And I know we're going
11 to hear a few more applications come up. But for anybody
12 that lives between 11th and 12th Street over the last
13 three or four years, to see the density of parking there,
14 and we've got four facilities there, I see these folks
15 get in their cars every morning.

16 So I would just say as part of the application
17 process, that we're able to validate what these owners
18 are saying about their clients being able to have cars
19 on-site. I can tell you the two on each side of me, all
20 those kids have cars that they park out in the street.

21 Noise? Again, I must be living to next to the
22 two worse facilities in Newport Beach, because I don't
23 see any type of time code. They are down at the
24 courtyard at 11:30 at night joking and smoking. God,
25 must have bad managers there.

1 And, you know, the littering and the like. I
2 think all the stuff will be documented by other people
3 that speak here. But what I would suggest as part of
4 process and a part of somebody that's running the
5 business that this group has had ample time to submit a
6 full application.

7 Okay. So we're sitting here. Mr. Newman
8 talked about how he's going to run his facility. And my
9 question to him and others is how you can make a
10 commitment to the community here that you're going to run
11 an orderly facility when you can't even fill out an
12 application.

13 I think that's quite disrespectful to the City
14 and to the neighbors. And I urge the City -- I
15 understand that you're recommending a continuance. I
16 don't know why we just don't reject the application. If
17 they can't put the time and effort and respect into doing
18 it, as others have in the community, I see no reason why
19 we should entertain their permit any longer. Thank you.

20 MR. MATHENA: I'm Larry Mathena. I submitted
21 written comments, M-a-t-h-e-n-a.

22 Just very briefly, because I think there's a
23 number of things to focus on here. Number one, you have
24 not had diligent pursuit, whatsoever.

25 Number two, you have had a clear example, as

1 Paul has rightly said, as to, from my perspective,
2 utterly poor management.

3 Number three, I live in the same building as
4 Paul, so everything he said is also true for me.

5 MR. ALLEN: I'm sorry. What's your address?

6 MR. MATHENA: 1125 West Balboa Boulevard.

7 Number three, you have an interesting
8 comparison here. On some levels, I'd almost suggest that
9 these folks at least consider the 1132 Balboa Horizons'
10 efforts in the comparison, by the way, of someone who
11 appears to be a responsible operator compared to someone
12 who, on the face of things -- I don't want to make any
13 direct judgments.

14 But having said that, I want to make a very
15 clear point. If you go back and look at the proposed
16 statement of conditions of Balboa Horizons' conditions,
17 there's nothing in there that precludes them from having
18 100 car permits tomorrow. So I totally agree with your
19 observation that there should be a plan of operation and
20 management.

21 But it should end up, if you did have a
22 responsible operator -- and by the way, if you did have
23 one more than a thousand feet from a school, because, to
24 me, that really does trouble me. It troubled me from
25 Balboa Horizons, and it troubles me for anybody -- that

1 they follow those specifics. And if they don't, that
2 they are subject to potentially losing their permit.

3 Next thing I want to put out there -- and I
4 hear sort of the waffling already. You know, I've been
5 involved in real estate. And to me, I've had fire
6 departments shut down operations. And I hear this sort
7 of, well, we're going to do this and that and the other.

8 Is that a policy decision by the City of
9 Newport Beach? Because if it is, I think you should go
10 all the way to the City Council and allow the public to
11 speak to it. I mean, you are talking a fire safety
12 issue, not who.

13 You know, frankly, we could have prevented
14 these businesses or else put them in safely to begin with
15 years ago. And from my perspective, it looks like we're
16 trying to bury the point potentially because we should
17 have dealt with it properly to begin with.

18 Last thing -- I have two more things. We've
19 got a building that, unfortunately, is 14 occupants at
20 the moment. That's terrible, so we have somebody that's
21 willing to sacrifice 29 down to 5. Big deal. It's a
22 meaningless gesture.

23 Last point is, I totally agree with the
24 observation, but just to reiterate, one, the planning
25 director has the absolute authority in the context of a

1 failure to accurately and with due diligence submit an
2 application to dismiss it. Should have been done.
3 Alternatively, they shouldn't have wasted your time.
4 They shouldn't have wasted my time by dragging us in
5 here.

6 And three, it's the last important point, if
7 they do do an application, and we do get conditions out
8 of the City, I sincerely think we would have a full
9 hearing all over again, so that the public is given the
10 opportunity to respond.

11 Having said all that, if you can't terminate
12 this one, there's none that you can terminate at all.
13 And this is -- if that's the case, this is a complete and
14 total charade.

15 MS. OTTING: Hi. Good evening -- I mean, good
16 afternoon. Happy Holidays, Merry Christmas. My name is
17 Dolores Otting, O-t-t-i-n-g. I live in Newport Beach.

18 My concern is for the health and safety and the
19 fire code issues. This building was stated that it's
20 50-plus years old, and that there's an inside area which
21 allows for smoking of 29 men. So that has to be a
22 considerable amount of cigarettes.

23 A couple of years ago, my husband was on the
24 peninsula. We have two properties on the peninsula,
25 including the family home, and there was a fire. And I

1 don't know if you've driven down there, sir, but in the
2 meantime, the density is quite intense.

3 Basically, you can get two fire engines down
4 there, but then you had 13 or 15 fire engines from all
5 the other areas in the county that came to help, but you
6 can't really get them near the fire.

7 So if you go to the staff report, page 67, it's
8 a letter dated January 29, and it's from Steve Lewis, the
9 Fire Chief, which is signed by Steve Bunting. And I want
10 to read these paragraphs. It says,

11 "Notwithstanding that the current California
12 Building Code, which took effect in Newport
13 Beach on January 1, 2008, contains new
14 provisions for the group home uses which may
15 allow you to have an operation that complies
16 with current codes. It also contains several
17 newly adopted regulations for group homes with
18 more than six residents."

19 It goes on to say,

20 "Because the California Department of
21 Alcohol and Drug Programs, ADP, requires you to
22 seek fire clearance from me, as Newport Beach's
23 Fire Marshal. I may be unable to do so without
24 having a comprehensive code analysis by a
25 qualified architect in hand as I complete my

1 review of each situation. As such, I strongly
2 encourage you to seek this comprehensive code
3 analysis by a qualified architect prior to your
4 next licensing renewal."

5 Then it goes on to another letter of June 6th,
6 okay, which states,

7 "To date, I have not received the analysis
8 for your facility. Please be advised that I
9 need to review your code analysis and make a
10 plan for corrections, if necessary, prior to
11 the issuance of the fire clearance. That is
12 part of your use permit application and part of
13 the ADP application if you're seeking a new or
14 extended ADP license."

15 Then I heard -- and I want some more clarity on
16 this, because I think that we're putting the cart before
17 the horse with this. They get to get a permit, and then
18 we get to understand what the fire codes are? It has to
19 be the other way around.

20 I think that the public needs to feel secure
21 that the building has been maintained or has been
22 upgraded to such a condition that they don't feel that
23 there's a fire hazard for their children or for
24 themselves. And so to say that you're going to give them
25 a permit, and then later on, you're going to go after all

1 of this, and -- I don't think this process is handled
2 properly.

3 And part of the reason that we got here is
4 because of the lack of code enforcement within the City
5 of Newport Beach. And I've been involved in these
6 hearings since 2003, and it's now 2008. And that's a
7 long time, it's a lot of units, and it's a lot of fire
8 code in an area that has a lot of density. And I think
9 that's the number one issue, and I think the way you do
10 this needs to be redone.

11 Thank you very much for your time.

12 MR. WETHERHOLT: Mr. Allen, my name is Drew
13 Wetherholt, W-e-t-h-e-r-h-o-l-t. My family and I have
14 been residents here for 15 years on the Newport
15 peninsula.

16 Newport Coast Recovery, as we all know, is
17 literally adjacent to Newport Elementary School. How
18 does this have a negative impact about the school and the
19 community? Under no circumstances should a drug rehab be
20 located this close to an elementary school.

21 The safety of the children of this school, and
22 all of the schools, are of the utmost importance. I have
23 two school-age children who would have gone -- who would
24 not only go past Newport Coast Recovery but would also go
25 past several other rehabs to get to school.

1 Given the typical rehab client profile of
2 Newport Coast Recovery, this is certainly not a good mix.
3 It is not an environment that I wish to subject my
4 children to.

5 That fact has been a major consideration why
6 our family will not be attending Newport El. I
7 personally know three other families that will be not be
8 attending Newport El. They have chosen to select other
9 schools or private schools.

10 How does this impact Newport El.? Less
11 students, less funding, the District -- less money the
12 District receives.

13 Also, the client of Newport -- a lot of clients
14 out of Newport Coast Recovery have often found the
15 Newport Elementary School playground located on the
16 beach. On the weekends, my kids like to go to this
17 playground and have often found rehab clients playing on
18 the equipment before and after their meetings at the
19 beach. These clients are often full of tattoos, rude,
20 using vulgar language, obscenities, as well as smoking.

21 When parents have asked them to tone down the
22 language, these clients have been intimidating to
23 parents. And in several cases, the police have been
24 called. I have been cussed at personally by various
25 rehab clientele.

1 Many of these clients are on behavior
2 controlling drugs. I've personally been to Lido Drug
3 when the operators are picking up their drugs for their
4 clients. What happens when one of Newport Coast
5 Recovery's clients falls off his medication and then
6 decides to take it out on a passing Newport Elementary
7 student? I don't think it's a question of if, I think
8 it's a question of when this happens.

9 The operator claims to have a medical director,
10 Dr. Michael Ludoff (phonetic), M.D., but he certainly is
11 not overseeing all these patients all the time. I find
12 it funny that this doctor is also on the staff of some of
13 those rehab operators.

14 I question whether there's much medical
15 oversight with this operator. Given his responsibility,
16 why -- irresponsibility, why would you locate the rehab
17 this close to an elementary school, especially if he's
18 been a resident of Newport Beach and understands how the
19 peninsula operates in the close -- the high densities
20 that we have down there?

21 Is it really in the best interest of the
22 patients, the school, as well as the community to have
23 this operator this close to an elementary school? They
24 don't even have the responsibility to put their
25 application together in a timely fashion. Do we not

1 understand deadlines? Time lines?

2 Given that, I would request you deny their use
3 permit. Thank you.

4 MR. BACICH: My name is Nick Bacich, and thank
5 you, Mr. Allen, for taking time --

6 MR. ALLEN: Spell the last name.

7 MR. BACICH: B-a-c-i-c-h.

8 And we have a residence that's 1213 behind the
9 facility in which we have had for awhile, and -- more
10 than the five years that he's been operating there.

11 We have been effected by the facility in
12 several different ways. One is traffic. They may only
13 have one van, but I've been in the garage -- we don't
14 live there. This is a rental.

15 But I have been in the garage and working, and
16 in a 45-minute period, there was 18 vehicles that came
17 up. And several of them were white vans, so they must
18 have been picking up quite frequently.

19 But there was electricians or just different
20 people that would pull up and run in and run out. And
21 sometimes there would be multiple cars blocking the
22 alleyway while people ran in and out. So the car
23 transport is a factor.

24 And the different times that we've had problems
25 with them, we have gone over and spoken to them. And

1 they have been very receptive and said, "Fine. We'll try
2 to work on this." But it's at the point that we stopped
3 doing it.

4 We finally decided it would be better to try to
5 work with the City to get them to do something about it,
6 because it's not up to us, as neighbors, to supervise
7 their business, and every time there's a problem, go over
8 and knock on their door and tell them to, "Please,
9 would you watch this?" or "Please, watch that?"

10 They do have trash pick-up, but somehow we
11 always seem to get cigarettes and different things in the
12 trash cans of our tenants. And since -- one time I went
13 over, one of the time we were working at our place, and
14 opened up -- because all the trash cans were full, and
15 one as full the lasagna and probably a couple -- hundreds
16 of cigarettes butts.

17 And so -- since none of my tenants at that time
18 smoked, I went over, and they apologized. They didn't
19 mean to be using it. This is all within the five-year
20 period that that gentleman has owned the facility.

21 And everything else, I conclude with. I have
22 no reason to repeat. The main thing is I totally agree
23 that if they run their business in the same way
24 they -- it's showing you in the same way they are doing
25 their application, it's not very business like.

1 It seems like if you were doing paperwork that
2 meant you were going to be in business or not in
3 business, you'd be pretty diligent. And they certainly
4 haven't been diligent.

5 And police activity, he mentioned. We've seen
6 cars, police cars, out there before. We've stopped going
7 down Balboa Boulevard. One time, there were at least six
8 police cars. We asked the police, "What is going on?"

9 And they said, "Do you live in that facility?"

10 We said, "No."

11 And they said, "Well, we can't talk to you
12 about it." We went back and tried to pull up on -- the
13 police is supposed to do information reports within a
14 couple hours after they go to a site. Nothing was done.

15 So anyway, I think it's relatively easy to deny
16 this application, because they haven't followed through
17 as they should, and I hope you take that impetus now and
18 do it.

19 MS. DEININGER: My name is Mary Deininger,
20 D-e-i-n-i-n-g-e-r. I've lived here 35 years.

21 I'm one of the parents. I did take my children
22 out of Newport Elementary because of the atmosphere
23 there. But I would also ask that you deny this request
24 and turn my two minutes left of whatever time over to
25 Denys Oberman, because she has a longer presentation.

1 MR. ALLEN: You took your children out of
2 Newport Elementary because of the conduct of the --

3 MS. DEININGER: Because of the atmosphere
4 there.

5 MR. ALLEN: -- rehab facilities?

6 MS. DEININGER: Yes.

7 MS. OBERMAN: Good afternoon, Mr. Allen. Denys
8 Oberman, O-b-e-r-m-a-n.

9 I'm a resident, and I live approximate to
10 Newport Coast Recovery. And I'm a daily beneficiary, and
11 have been for the last five years, of impacts of the
12 20-plus men wandering around that are, as the operator
13 admitted, difficult to control.

14 I do want to say that I'm a little bit nervous,
15 and I know people aren't used to me being like that. I
16 have been -- there are been efforts, and I've been
17 subject to certain efforts to intimidate. And my family
18 fears for their personal safety associated with this
19 situation.

20 And you said that there is a reason -- you
21 expected to see this place filled with parents and people
22 at the church and teachers if there was -- at this
23 hearing, as evidence, if you will, that there was an
24 issue with this operator.

25 I'm here to tell you that the reason those

1 people are not here is because they have been
2 intimidated, and there have been threats of intimidation,
3 and there's been confrontational behavior. There is a
4 history of confrontational behavior.

5 And it's unacceptable to me and inequitable to
6 expect us to continue to put up with that. So I feel I'm
7 taking a personal risk by standing here. But I'm going
8 to move on to some other substantive issues associated
9 with this application.

10 I do agree with others that the Applicant has
11 had over six months to complete the application and has
12 substantially failed to do. So this amount of time is
13 more than what we would consider to be reasonable.

14 Relative to the representations thus far made
15 and submitted, I have some additional comments. One is I
16 noticed on page 1, and this is relative to the
17 application submitted as of December 4th, that the
18 Applicant left blank items questioning compliance with
19 state and local law.

20 We contend that the Applicant has been in
21 violation of state and local law based on the following:

22 One, a neighbor's organization, of which I'm a
23 member called Concerned Citizen of Newport Beach, had
24 professional representations administering a number of
25 Public Records Act requests during the period February

1 2007 through June 2008 time frame.

2 The reviews demonstrated that Newport Coast
3 Recovery had never applied for or received conditional
4 use permits or FEP's that they were supposed to within
5 the various time frames, even though local ordinances
6 required this operation and legally required the
7 operation to do so.

8 Two, the Applicant operated a second facility
9 across the street from 1216 West Balboa -- I apologize
10 I'm going quickly, but I'm trying to beat the clock -- at
11 1219 West Balboa, whose residence confirmed that they
12 received counseling from Newport Coast Recovery staff at
13 the 1216 location.

14 And so we feel that the Applicant has attempted
15 to circumvent the state law requirements and residential
16 care, which have to have a supervisor on staff by
17 repeatedly claiming that this facility was good boys or,
18 as in the application, a "transitional care" facility.

19 The Applicant does hold an ADP license for 1216
20 West Balboa but not a license to provide counseling for
21 1219 West Balboa. And there is some evidence in the file
22 coming from me, and we did submit complaints and request
23 for investigation from the City, myself and other
24 residents.

25 Is that my three minutes? I get two left.

1 Thank you. Okay. I feel like Dolores here. She does it
2 better than I do. Okay.

3 Three, the Applicant obtained a local business
4 license which represented the business as a "personal
5 service miscellaneous," rather than a residential care
6 and treatment facility.

7 And also on that license, the person named as
8 the responsible operator was the man whose name is
9 Richard Perlin. And I do have a copy of that. I thought
10 it was in the application. I couldn't find it, but I do
11 have a copy of that.

12 Dave, do you have your map? Could you flash
13 that just quickly?

14 It wasn't Dr. Pizzo. It wasn't the name,
15 clinical director, that's on the application. Mr. Perlin
16 has an unlicensed facility, not ADP licensed, facility at
17 1129 West Balboa. I don't believe that's on the map,
18 Dave.

19 MR. KIFF: I believe it's one of my
20 strike-outs?

21 MS. OBERMAN: Okay. Okay. Is it gone?

22 MR. KIFF: It needs to be abated by the end of
23 February.

24 MS. OBERMAN: Okay. Very good.

25 The other thing tied to Mr. Perlin is that

1 Mr. Perlin is -- he does provide intake services to
2 another operator. Why does this matter? Because there's
3 a representation on the Web site associated with Newport
4 Coast Recovery -- and I'll submit it herein -- which
5 names Richard Perlin as an executive director of Newport
6 Coast Recovery. So I'm confused. I'm confused.

7 Okay. Going on. On page 14, the Applicant
8 doesn't respond to a lot of the questions in the
9 application concerning total occupancy, smoking,
10 operations, et cetera. It doesn't respond to the
11 disability compliance. And the Applicant's business is
12 actually within 300 feet of Newport Elementary School.

13 Had the Applicant submitted to what he was
14 legally required to submit to, in terms of the local
15 review, chances are it would be very likely that he would
16 not have gotten a conditional use permit in the first
17 place.

18 But having said that, we now have a permit for
19 29-plus men, many of whom have been coming out of the
20 court system. So they have been involved with
21 alternative sentencing and other types of conditional
22 programs, which definitely has added to the risk and
23 inappropriateness or incompatibility to have a facility
24 like this so close to Newport Elementary School, and a
25 facility, I may add, as with other facilities but

1 particularly this one, where people are moving around
2 largely unsupervised.

3 I had -- you know, I've had upwards of 20-plus
4 people in front of my house, particularly in the summer
5 season, loitering, smoking, being vulgar, and creating
6 this -- the smoking thing, by the way, does not just
7 create a fire hazard for the particular facility.

8 When you have large numbers of people throwing
9 little cigarette butts on your property, meaning my
10 property, it creates a fire hazard for me. And I talked
11 to my insurance company about that, and they suggested --

12 MR. ALLEN: I think it's time to do a wrap, all
13 right?

14 MS. OBERMAN: Okay.

15 MR. ALLEN: We're out of time.

16 MS. OBERMAN: I will wrap. I will wrap.

17 MR. ALLEN: Pardon?

18 MS. OBORNY: Almost seven minutes.

19 MR. ALLEN: Seven minutes? It's wrapped. It's
20 done.

21 MS. OBERMAN: Okay. I'm a wrap, baby.

22 MR. ALLEN: Thank you.

23 MS. OBERMAN: Excuse me. I don't mean to be
24 disrespectful. This is late in the afternoon. So I also
25 respectfully request that this application be denied, and

1 that it be denied today.

2 Mr. Allen, may I submit an inaccuracy in the
3 application also today for this reference? There's a
4 letter addressed to the manager of Sober Living by the
5 Sea and Newport Coast Recovery package.

6 MR. KIFF: Sure.

7 MS. OBERMAN: Thank you.

8 MR. KIFF: I got it from you. Thank you,
9 Denys.

10 MR. ALLEN: Mr. Kiff, just while we have that
11 map up on the board, and -- what is the facility that's
12 just north of that? Looks like it faces on Bay Avenue of
13 this facility.

14 MR. KIFF: Let me go back to this page here.

15 This facility is Newport Coast. This facility
16 is 1217 West Bay. It's not a facility today. They have
17 submitted an application to ADP for a six and under, and
18 that's why I had it as a smaller icon on this map.

19 MR. ALLEN: Okay.

20 MR. KIFF: This is the class of homes that is
21 except from local regulations.

22 MR. ALLEN: But the probability is that one
23 will locate there, then. Is that fair to say?

24 MR. KIFF: That would be fair to say, yes.
25 That's why I put it on the map.

1 MR. ALLEN: The one that you referred to
2 earlier that was commented on, that one is subject to
3 abatement but will, presumably, go through the abatement
4 process?

5 MR. KIFF: Maybe I'm being overly optimistic,
6 but some of the operators have told me that they intend
7 to close their facilities. They have until February 2009
8 to do that. And where they have approached us for any
9 kind of assistance in closing, we've been happy to do
10 that.

11 My understanding is that this facility will
12 close or has already been closed, but it's not something
13 we go out and knock on their door everyday and say, "Are
14 you still open?" Because February 28th, sorry, February
15 22nd is the deadline at which that would occur.

16 MR. ALLEN: Okay. Thanks.

17 MR. STEEL: Good afternoon. My name is Parker
18 Steel, S-T-E-E-L. I'm a lifetime Orange County resident,
19 and I've in Newport Beach for four years.

20 I lived in the Newport Coast Recovery house for
21 60 days. I also identify myself today as an alcoholic.
22 I'd like everybody to know this place changed my life.
23 You talk about criminals being there, I have a Master's
24 degree in business and environmental law from one of the
25 highest ranked colleges in the nation.

1 There are people there -- it's -- obviously
2 it's a difficult time. Is there smoking going on? Yeah.
3 But I'll tell you what, the other three-plus years that I
4 have lived in Newport Beach, we were doing drugs, and the
5 thrash we created was way worse and much less manageable
6 than any refuge that may be created here.

7 Want to talk about parking problems? This is a
8 seven-person -- there's seven-unit apartment complex, you
9 know. Even if it was not a recovery house, there's
10 parking problems. It's Newport Beach. I mean, you've
11 just got to deal with that, I think. I think that in my
12 opinion, that's an non-issue.

13 I'm just here to say, you know, what? I think
14 what this is a case of, based on what I've seen from
15 sitting in this room today, is that these folks
16 absolutely know what they are doing with recovery. That,
17 I can tell you. And I've seen this in a lot of different
18 businesses before where, you know what? They are not
19 good at paperwork. I've seen that.

20 Well, you'll have your moment, ma'am, so please
21 let me have mine.

22 So, you know, I would implore the business
23 owners to get better at their administrative practices.
24 And I can tell you, as someone who went through this
25 program, there are very strict regulations with regard to

1 curfew and noise and smoking and clean up and
2 responsibilities. And those are things that are not
3 imposed on any other residents within Newport Beach.

4 Thank you very much.

5 MS. NUGENT: My name is Joyce Nugent
6 (phonetic), and I live on the peninsula.

7 And I want to say that that gentleman who was
8 just up here who was talking about that he was an
9 alcoholic and all this, what happens is after they are in
10 these facilities for their -- their 29 men in these
11 facilities, they are out of the facility, but they
12 perhaps stay in the neighborhood. They start drinking
13 again. They start taking drugs. And this is their home,
14 the Newport peninsula, and it only causes trouble.

15 If the City really does have an ordinance that
16 is designed to curb the spread of rehabilitation homes in
17 this peninsula, this is the time to start it now and
18 close this facility.

19 And let's go forward with the plan so we can
20 have a decent life here and not have to hear people
21 screaming at 2 o'clock in the morning, because they are
22 drunk, because they are on drugs, walking up and down the
23 street with no consideration for any of us who are just
24 trying live a normal, peaceful, happy life and enjoy the
25 ocean.

1 Thank you.

2 MR. KIFF: Mr. Allen, before the next speaker
3 comes up, I wanted to make a moment to state the City's
4 position that we would reject a certain amount of Ms.
5 Nugent's comments. I think it's unfair to make a blanket
6 statement about persons in recovery, that they
7 immediately fall off the wagon and are unable to maintain
8 recovery.

9 We certainly have seen good instances where
10 people stay in recovery and stay in sobriety the rest of
11 their lives. These are folks who are disabled.

12 MS. NUGENT: I'd like to know what the
13 percentage is --

14 MR. KIFF: Ms. Nugent, your time has come and
15 gone to speak.

16 We have -- these folks are a disabled class.
17 They are entitled to fair housing opportunities. This
18 ordinance builds in an opportunity for folks who are
19 disabled to stay in the community with the goal of
20 eliminating an overconcentration of such facilities in
21 certain neighborhoods.

22 Thank you.

23 MR. ALLEN: Anyone else wish to speak?

24 MR. MYERS: I would. Can I submit stuff to the
25 record? Is it all right?

1 MR. KIFF: Sure.

2 MR. MYERS: Okay. My name is Jeff Myers,
3 M-y-e-r-s. I live adjacent to the facility with my wife
4 and two young children. And we've lived there over ten
5 years.

6 And I just have to say the facility, before
7 five years ago, was horrendous. It was a jail house gym.
8 It was people making comments to my wife. It was just
9 incredible. Now, I'd like to give you a little bit of
10 thanks for cleaning up the situation.

11 But the fact of the matter is, it's still
12 basically a fraternity, and we have problems associated
13 with a fraternity. So -- let's see. I brought a DVD
14 that I'd like to show that explains some stuff, but maybe
15 I will have to give it to you for later evaluation or
16 whatever.

17 The first thing is fire danger. My house,
18 along with three of my neighbors, are built on zero lot
19 lines. That means we're literally 3 feet from the
20 adjacent facilities.

21 The 1216 West Balboa facility actually had a
22 fire several years ago during the summer. I believe it
23 was on a Saturday or Sunday. I have some information on
24 it. But let me tell you about the heavy black smoke that
25 was coming out of the back bedroom and how close that is

1 to our facilities.

2 And what really bothers me is, in addition to
3 that fire occurring there and our houses being so close,
4 I learned later -- one of my neighbors give me some
5 information, which I'd also submit to the record, which
6 is of City permits.

7 And apparently, they were doing some work in
8 the garage converting the two -- there's two two-car
9 garages there, along with another garage, like carport.
10 Both of those two-car garages have never been used as
11 long as I've been down there.

12 In fact, what they were doing is converting one
13 of the garages into -- originally it was a gym. Now, I
14 guess, it's a laundry room or whatever. But they were
15 actually moving a gas pipe to a washer and dryer without
16 the proper City permits.

17 So that type of information, in addition to,
18 you know, the smoking and everything else, and the
19 proximity of our houses, gives me an extreme amount of
20 uneasiness. Because there is a potential -- not
21 potentiality, but there is probability of fire, and it
22 actually has occurred at that facility.

23 Now, thank God Newport Beach Fire Department is
24 so fantastic and able to put it out so quickly. Thank
25 God it was an Saturday or Sunday when people noticed it

1 quickly and didn't go on and become something worse.

2 The second thing I'd like to discuss on the
3 fire issue is I don't understand why they don't have to
4 resubmit a new fire clearance to the City every time they
5 get relicensed. So that's very interesting.

6 And for them to have, what is it, two or three
7 correspondences from the Fire Marshal asking for this
8 stuff and them not to respond to that, that's negligent.
9 I mean, that's negligent. So I fear that.

10 I mentioned earlier about my two young kids,
11 ages 9 and 7. Well, there's constant profanity that
12 occurs from the facility.

13 I'll wrap it up real quick and submit on this.
14 Let me tell you. See this, please, and listen to this,
15 and you'll see exactly what I'm talking about.

16 Jeff, you've gone good work in helping out this
17 neighborhood. It's much better than it was five years
18 ago. But it's still a fraternity, and it's still an
19 environment that's not conducive to family and children.

20 Thank you.

21 And then I'll submit this also, which is what
22 she was talking about regarding the recidivism of the
23 facility.

24 MR. KIFF: Thank you.

25 MR. ALLEN: Anyone else wish to be heard?

1 DR. ALKIRE: I do. My name is Dr. Gloria J.
2 Alkire. I'm a former superintendent and principal, and
3 I'd like to talk to two issues. Both have to do with --

4 MR. ALLEN: Would you spell your last name,
5 please?

6 DR. ALKIRE: Alkire, A-l-k-i-r-e.

7 One is the application process. And this is
8 something that we need to deal with within the City in
9 anything that we do, whether it's code enforcement,
10 application or running for City Council.

11 When I ran for City Council just to get my
12 paperwork in, I had to cross every "T" and do every
13 single thing right, or I could not run. And I spent an
14 entire week on the application, or I wouldn't have been
15 able to run. When I got permits from my home, I had to
16 do the same thing for all three projects that I did, or I
17 wouldn't be able to proceed with the things that I did.

18 I think as a City, the larger issue here is we
19 either all follow the law, follow the codes and we turn
20 things in on time, and we don't have exceptions. When we
21 give people exceptions, then I wonder, why is it okay for
22 one person to get away with this, or one business, or
23 not.

24 I think all of us in the City needs to be
25 consistent about when we turn things in, and whether or

1 not we get considered or not based on that, because those
2 are the rules. So let's be consistent.

3 This application shouldn't be accepted because
4 it's not complete. And if you were filling out anything
5 for the State of California, as a superintendent or a
6 principal, you don't get your money until your
7 application is finished and in on time. No exceptions
8 unless the State makes a problem or they have something
9 that they didn't do properly.

10 So as a principal and a former superintendent,
11 I would be denied millions of dollars for my school
12 district if I missed a deadline or had an incomplete
13 application. So I think this is a basis right here.

14 Secondly to that and most importantly is
15 school safety. This is very unique campus that's on the
16 beach. It's very difficult to secure. It has no fence,
17 and it's an old building, so it makes it even harder to
18 secure. There are not enough personnel in any school to
19 do the kinds of safety issues that we need now but yet we
20 are required to.

21 As I ran for City Council, I had to go to Cox
22 Cable to do an interview. I also went to the Times and
23 did an interview. Both places would not allow me in
24 without a badge, my name, parking stickers, and all kinds
25 of information about me first.

1 Schools are not allowed to ask for that kind of
2 information or do those kinds of things as schools sites
3 to keep kids safe. I was appalled at how much safer
4 businesses are allowed to be than school districts and
5 schools are. That's how much things have changed.

6 We have to continue as schools districts to be
7 open, because we serve the public, and we're not allowed
8 to have barriers. Even when I wanted to talked to
9 somebody at the City, I have a barrier always that's
10 between me until time invited in. Very seldom does that
11 happen in schools.

12 So from this point of view, I say two things.
13 You reject the application, because it's not complete.
14 You don't have the information you need, because that's
15 following procedure.

16 And secondarily to that, this is a no-brainer
17 when it comes to having a facility this close to a
18 school, because you are asking for trouble, and you're
19 putting that principal and those parents and all site
20 supervision people and teachers in a difficult situation.

21 And for those reasons, I think that in itself
22 are enough to consider. Thank you.

23 MR. ALLEN: Anyone else?

24 MR. SCHOONOVER: My name is Mark Schoonover.
25 I'm a property owner of 1400 West Ocean Front, and --

1 MR. ALLEN: Can you spell the last name,
2 please?

3 MR. SCHOONOVER: Yes. It's
4 S-c-h-o-o-n-o-v-e-r.

5 I'm not going to have much to say. It's just I
6 noticed on Saturdays and Sundays, there's big group
7 meetings right in front of my house. They bring your
8 vans over, drop off all their residents right in front of
9 my house. The van also stops right in front of my
10 property, which blocks my tenants from getting out of the
11 garage, in and out.

12 Also, there's continuous, continuous smoking.
13 I mean, there's clouds and clouds and clouds of
14 cigarettes. There are cigarette smoke in front of my
15 house, and my son has to deal with this shit -- excuse my
16 French. It's just very frustrating, and there's not much
17 I can do. I called the cops, and they can't do much.

18 It's definitely not the way it used to be.
19 Back when I was a kid, my grandparents, you know -- I
20 would come up here all the time when I was a little kid
21 and see my grandparents, and they wouldn't put up with
22 any of that from what I remember. There's no way.

23 They are very disrespectful. The gentleman
24 that was talking earlier, he's definitely right. The
25 playground, they all hang out there. They use profanity

1 all day long. My truck has been stolen in front of my
2 house. It's been graffitied on. It's been broken into
3 three and four times. My stereo's been stolen.

4 It's just non-stop, you know. And I'm a couple
5 blocks away. I can only imagine what's going on with
6 these people right in front of their house. Excuse me.

7 So I have to say I agree, and I think that this
8 application should be denied.

9 MR. LONGYEAR: My name is Willis Longyear,
10 L-o-n-g-y-e-a-r. The first name is W-i-l-l-i-s.

11 I am amazed, first of all, to hear that you've
12 been calling and calling and calling somebody to plead
13 with them to bring the information in. Every time I've
14 wanted a permit, I had to turn the permit in. If it
15 wasn't in, it wasn't there, and that was the end of it.

16 Why six months of coddling this thing? Why is
17 there even a question if there's a limitation of a
18 minimum of a thousand feet away from the school? Do you
19 have to wait for something bad to happen to suddenly
20 realize there's a reason for it? This is a no-brainer.
21 They should not be permitted.

22 Thank you.

23 MR. ALLEN: Anyone else?

24 MR. MYERS: Can I make one more quick comment?

25 MR. ALLEN: Sure. Quick.

1 MR. MYERS: Sorry. I also wanted to state for
2 the record --

3 THE REPORTER: Your name again, please?

4 MR. MYERS: Jeff Myers, M-y-e-r-s.

5 I've lost tenants in my rental unit because of
6 the proximity and the noise and profanity coming from
7 this place. So I've had a financial burden.

8 MR. ALLEN: Anyone else?

9 MR. MCKENZIE: Well, my name is Terry McKenzie,
10 M-c-K-e-n-z-i-e. And I own and live in the property at
11 1149 West Balboa.

12 And I just want to add my voice to the chorus
13 of citizens and neighbors who basically -- I think a
14 number of us have a problem with recovery homes, and I
15 think they do a lot of good. But the concentration, I
16 think, is very unsettling and upsetting to us.

17 And certainly, it goes without saying, that the
18 issue of the proximity to Newport El. -- my children went
19 to school there, and, you know, it's a wonderful school.
20 And it's -- basically it's a legacy, and it's an
21 important part of the community.

22 And alternative would be to move Newport El.,
23 and I don't think any of us want to do that. So that's
24 it. I agree with -- and I'm a local builder. And yet,
25 God forbid that I would try to get a permit without

1 having all my ducks in a row, and -- which I think is
2 great, and I think that's the way it should be.

3 Thank you.

4 MR. ALLEN: If someone's waiting to be the
5 last, come on up.

6 MR. SIGALOS: My name is Tony Sigalos,
7 S-i-g-a-l-o-s. I live at 1019 West Balboa Boulevard.

8 I'm amazed that that there's any consideration
9 even for these people to get a permit when they haven't
10 filled out their paperwork. Several years ago, when I
11 was a young kid, I was in business. And I was in the
12 City of Newport Beach. And the license department caught
13 me and said, "Do you have a licensed?"

14 And I said, "No, I haven't."

15 They said, "Well, you can't operate in Newport
16 without a license."

17 So the place I was doing business with said,
18 "Don't worry about that. We'll take care of it. You
19 come back tomorrow." I went back the next day.

20 City license man was there and said, "You can
21 follow me back to the police department, or I call the
22 police and have you arrested. In Newport Beach, we don't
23 do business without business licenses."

24 I had friend build a house on Lido Via Lido.
25 He submits plans to the City. They went through all the

1 proper channels and the fire department. Everything was
2 approved. The house was completed.

3 He came in to get his permit to move into the
4 house, and the fire department came and looked, and
5 looked in one of the closets and said, "Well, we want to
6 put another sprinkler outlet in the closet."

7 And my friend said, "Why? I gave you all the
8 plans and the permits, and got all the permits and
9 everything was approved."

10 "Well, we're looking at a closet that's bigger
11 than we realized, so we are not going to give you a
12 permit to move into your house until you get this
13 sprinkler -- add a second sprinkler." So the fire
14 department seemed to be tough in some instances and kind
15 of turn their back on others.

16 That's all I have to say. I think the permit
17 should be denied.

18 MR. ALLEN: All right. Anyone else?

19 (No audible response.)

20 MR. ALLEN: Hearing none and seeing none, we'll
21 close the public hearing, then, and commence some
22 discussion from staff. There certainly has been a lot of
23 issues raised.

24 Any suggestions where to start here, Mr. Kiff?

25 MR. KIFF: Mr. Allen, a couple of options for

1 you. You can certainly have Mr. Newman come back at this
2 time. There were a number of issues that I think would
3 address more the City and the City regulation. I'd be
4 happy to address those earlier or later, depending on
5 what you'd like.

6 MR. ALLEN: How about having Mr. Newman come
7 back up and give his rebuttal, if you will, or whatever
8 additional comments he'd like to make, and then we'll do
9 that. Thank you.

10 MR. NEWMAN: Well, I don't know how I can
11 follow that up. Basically, this hearing -- Newport Coast
12 Recover at this hearing is definitely, you know -- we
13 messed up on this application. I mean, I delegated it,
14 it didn't work out, and it's my fault. It doesn't mean
15 that we're -- that the facility isn't managed properly.

16 Our people are under strict time constraints.
17 They have to be in meetings. They have to sign in and
18 out when they leave. They are not just running around,
19 sitting, causing havoc.

20 There is a meeting on Saturday and Sundays that
21 is a Narcotics Anonymous meeting. Maybe one or two of
22 our clients attend that meeting. But that's a meeting
23 that is every rehab in Newport Beach and outside of
24 Newport Beach.

25 And I don't think it's fair that, you know,

1 that we're going to take the brunt of every rehab that
2 comes -- when there's a problem on the beach. Our
3 clients don't smoke on the beach. They'd get a ticket.
4 It's against the law in Newport Beach to smoke on the
5 beach.

6 And, you know, it's -- I think that to be fair,
7 I don't know that, unless you want to ask me specific
8 things, that I can address -- I'm, obviously, in a
9 position here where nobody wants the business. I
10 understand that.

11 It's been there a long time, and we were there
12 before Sober Living by the Sea had 180 beds, before
13 Coastal -- before any of these other recovery homes were
14 there, Newport Coast was there.

15 We don't get citizen complaints to the police
16 department. I mean, you can go to the records. There
17 are no citizen complaints in 2008 about our facility.
18 Not one on record from the Newport Beach Police
19 Department.

20 Yet, everyone's here voicing these problems. I
21 would have been glad to meet with anyone. I've met with
22 some of these people. I appreciate my neighbor at least
23 acknowledging that we've tried. I'm talked with him
24 before. We are not perfect, you know. We're trying to
25 make progress. We are not perfect.

1 I've talked to some other people before who
2 kind of professed friendship, and they are going to work
3 with us. And then they came up here today and told me
4 how horrible, and they feel threatened.

5 Yet, I sat across from one of these people in
6 an attorney's office, and we agreed that, hey, we're
7 going to disagree on the use, but let's try work to a
8 resolution. And all of a sudden, you know, I don't know
9 what's happened to that relationship. I thought it was
10 friendly, but this is an unfriendly situation right now.

11 And I do understand when people are dealing
12 with their homes. It's very personal, and I do
13 understand. I just want to try to work with all these
14 people to rectify things that we can. And there are
15 certain things that we're never going to be able to
16 appease our neighbors.

17 You know, I hear about when a Waste Management
18 is coming to pick our garage up in our alley, that now
19 fire trucks can't get through. But when there's four
20 City garage trucks in a row, a tiny car can't get
21 through. So this isn't a problem just because we decided
22 to take the burden off of the garage collectors in
23 Newport Beach. We've gone private, so we don't have a
24 problem.

25 But, you know, it's very easy to twist

1 everything we're trying to do positive into a negative,
2 and it's a very difficult situation. And I wish I could
3 tell you that I can address all these things and fix all
4 these people's concerns about our business, and I can't.
5 But I will do my best, and I would meet with every single
6 one of these people individually.

7 I came to this City three years ago, and I
8 talked with the City Council member when some of these
9 things were just coming up. And I said to that Council
10 member, "Please, let me talk to the concerned citizens.
11 Please, let me get involved in this process."

12 They said, "No, that would just infuriate the
13 situation."

14 You know, I really don't know -- other than
15 what we've done in not having this application complete,
16 which is a pretty obviously thing that is a real hot
17 point, and we should have had a done, and I take
18 responsible for that, but it is what it is now, and we're
19 going to try to fix that. We're going to to get
20 everything in this week.

21 But besides that, there's just too many things
22 that came up. And again, if you would like to go
23 individually, I'd be happy to try to address them
24 individually.

25 MR. ALLEN: Well, no. I don't see any point in

1 that. Unless there are any specific questions of the
2 Applicant, I don't think that's appropriate.

3 One thing I would say is that it's certainly
4 clear from almost everyone that's spoke that your
5 proximity to the school is a big concern. And it seems
6 like there needs to be some special attention paid to
7 that if there's any hope of making this approval work.

8 MR. NEWMAN: Can I address that a bit?

9 MR. ALLEN: You certainly can.

10 MR. NEWMAN: You know, I hear over and over
11 about all the criminals and all the criminal element.
12 You know, our facility does take DUI a fenders. No
13 question about it. We take drug offenders. That's are
14 not violent. We don't take any violent criminals
15 whatsoever.

16 Our people are really regulated. I mean, the
17 people that come in are required to sign in and out. And
18 if it's less than 30 days, they can't even leave the
19 facility without a staff member.

20 All that vandalism and all these things that
21 people want to attribute to a facility where people pay a
22 great deal of money to come to for a short period of
23 time, these aren't people that are stealing and causing
24 vandalism.

25 But, you know, I read in one of these letters

1 that when a complaint was made, next thing they found
2 out, their car was keyed. You know, it's just not what
3 we do. It's just not our MO. We don't let the
4 complaints get to the clients.

5 The complaints about us, we don't address them
6 with our clients and say, "This person said you did
7 this." We know how to address those things. We don't
8 want any confrontation between our clients and our
9 neighbors. That's not what we're about at all.

10 My one neighbor who has problems with us but he
11 was nice enough to say he's seen some progress, I've
12 talked with him a couple times, and I would be glad to
13 try to work with him more to try to work things out.

14 But we are near the school. We have been.
15 It's been near the school for as long as I've been
16 involved and prior to that. And it was near the school
17 before this proliferation of all these other facilities.

18 And I think if you go to the school and ask
19 them if they have had any run-ins with us, I think you'll
20 find, at least in the history that I have know of in the
21 five years I've been there, we've never had a problem
22 with the school.

23 And I do want to address the one thing Denys
24 Oberman mentioned about 1219 West Balboa. We did operate
25 Sober Living there with six or less people. As soon as

1 all this came up with the City on the Sober Living, we,
2 as Denys knows -- she speaks as though we still have this
3 facility -- we gave it up well over the year ago.

4 And we have not -- it's owned by a Newport
5 Beach businessman. He lives next door, and he rents it
6 out to a group of people. We haven't been there in a
7 year, and she knows that. But real easy to throw
8 innuendo in here and false statements, and we have to try
9 to explain our way out of it.

10 Again, I would be happy to work with anyone in
11 the City outside, concerned citizens, as I've tried to,
12 to try to make this thing work. We're not there trying
13 to cause problems. It is what it is now. We'll try to
14 rectify anything we can.

15 MR. ALLEN: Okay. Thanks.

16 MS. OBERMAN: May I ask a question, Mr. Newman,
17 please?

18 MR. ALLEN: Why don't you come up and ask the
19 question to me and sees if he hears it, and he can
20 respond.

21 MS. OBERMAN: Okay. I apologize. I apologize,
22 sir. Denys Oberman.

23 On the application, there is a statement that
24 was made that says there is a "transitional facility"
25 that's in the application located at 1219 West Balboa.

1 Mr. Newman did tell me, and I'm open to admit it and
2 happy to admit it, he did tell me that he was closing
3 down the facility, and that's why I said past tense.
4 However, I note it in the application.

5 MR. ALLEN: You said you wanted to ask him a
6 question --

7 MS. OBERMAN: Yes.

8 MR. ALLEN: -- so state the question.

9 MS. OBERMAN: The question is, is there a
10 facility or is there not at 1219 that he operates? If it
11 is not, why is it in the application? Thank you, sir.

12 MR. ALLEN: Mr. Newman, would you quickly
13 respond to that, please?

14 MR. NEWMAN: Certainly.

15 There is no operation there. And the
16 application asked if you've operated any facilities other
17 than the one you have in the past so many years, and --

18 MR. KIFF: Five.

19 MR. NEWMAN: -- in the past five years. So
20 rather than being dishonest and say no, we absolutely put
21 it down. And Denys knows we closed it down, because I
22 met with Ms. Oberman over six months ago and told her it
23 had been closed.

24 MR. ALLEN: Okay. Thanks.

25 All right. Let's return to staff here again.

1 Mr. Kiff, do you have some comments to make?

2 MR. KIFF: I do, Mr. Allen, and understanding
3 the lateness of the hour, I don't want to take too many
4 folks' time.

5 I wanted to talk a little bit about why we set
6 the hearing based on an incomplete application. And
7 actually, whenever anyone comes in for a use permit
8 application, what -- usually they are coming in because
9 he they want to open something and start some activity.
10 So they are anxious to complete the application.

11 This is not the case with the use permits for
12 existing uses in residential zones. Had we anticipated
13 this kind of activity before -- sorry -- this kind of
14 maybe I'll get my application and information in soon or
15 maybe I won't, we would have put a deadline in the
16 ordinance.

17 We didn't put in a deadline in the ordinance
18 except the abatement deadline, and that's February of
19 2009. So everyone is under a deadline to get their
20 information in and have their hearing.

21 We felt that, at a staff level, it would be an
22 encouragement to the various applications -- applicants
23 who have not turned in their information to actually set
24 the hearing, so there is a deadline before the February
25 deadline to at least give them due process.

1 So this has been completely consistent with
2 what we do with other permit applications. Give someone
3 time to get their application in, hold the hearing, and
4 if the application isn't there, they are not getting a
5 use permit. They may get a continuance or a denial. So,
6 hoping that addresses some of the questions in the
7 audience about that.

8 Also, someone raised an issue of, well, are
9 they operating without a license or without a business
10 license, and that would never otherwise be allowed? I
11 think Mr. Sigalos spoke of that.

12 Newport Coast Recovery does have a license. It
13 has a license from State ADP. It also got a clearance
14 from the fire department about probably four years ago to
15 allow them to file for their application.

16 Now, another gentleman, I think it was
17 Mr. Myers, raised the question, well, why does ADP
18 allow -- he didn't ask it quite this way, but let me tell
19 you something that ADP does.

20 The State accepts an old fire clearance, as old
21 as it could be, because the fire clearance form that the
22 State provides does not have an expiration date on it.
23 They don't allow us to change the form to add an
24 expiration date.

25 So, therefore, folks who operate a recovery

1 facility like Mr. Newman -- and I'm not targeting him
2 specifically because it's commonplace -- is to file an
3 old fire clearance based on older fire codes with a
4 renewal.

5 I wish the State wouldn't do that. I wish the
6 State would say you need to check in with your current
7 codes and your current operations and get an update. The
8 State doesn't to that. That's something we may work on
9 legislatively, but that's the practice as it is today.

10 Finally, unless you had any other questions,
11 Mr. Allen, I wanted to start about the school proximity
12 issue that you addressed. In our ordinance, we did not
13 put in a hard and fast distancing from schools. And we
14 did that for a specific reason; that to do so would be
15 facially discriminatory against persons in recovery.

16 What we did do is we allowed the Hearing
17 Officer to look at the proximity to a school and to look
18 at the proximity of other uses, and use that in your
19 decision-making process to decide whether or not that
20 this -- this use is an appropriate one in that area. But
21 this isn't a hard and fast distance in the ordinance.

22 There is a hard and fast distance in the Sober
23 Living by the Sea settlement, because they voluntarily
24 agreed to it. They also voluntarily agreed not to
25 challenge the ordinance on a facial basis.

1 So when someone volunteers take that
2 distancing, we're happy to accept it. But we did not put
3 that in the ordinance for a specific reason. And this
4 ordinance is, therefore, held up in court for, what,
5 we're already into December, so a good ten months of very
6 tough legal challenges precisely because we didn't adopt
7 anything that was facially discriminatory.

8 So with that, Mr. Allen, unless you had any
9 other questions, those are at least my initial notes.

10 I'm sorry. I conclude, just in kicking this
11 back to you, that we do recommend a continuance. We do
12 recommend a hard and fast time line by which Mr. Newman
13 should provide this information, because we want to be
14 completely fair and give him every opportunity to provide
15 a complete application in advance of the abatement
16 deadline, so he can have that fair hearing.

17 And when that information is complete, the City
18 staff may make a different recommendation, whether it is
19 to approve or do deny that application. But because we
20 don't have the information in front of us, we think a
21 continuance is best.

22 MR. ALLEN: Were you going to have -- discuss
23 anything about the fire issue and the permitting beyond
24 what you've already mentioned?

25 MR. KIFF: I can a little bit. I mentioned how

1 Mr. Newman has a complete and signed fire clearance that
2 ADP accepts, and -- meaning that the State recognizes
3 that as local clearance for this facility, the same
4 building. It has not been all altered since that time.

5 Our legal Counsel and our Fire Marshal have
6 talked long and hard about that, and we believe that that
7 clearance is something that stands on its own. It stands
8 outside the use permit process.

9 There's nothing in the ordinance that says that
10 the mere fact that a 29-bed operation is coming
11 in -- that's operating right now and comes in and gets a
12 use permit to remain in operations, that nothing about
13 the use changed that would trigger a new code
14 requirement, a new review by the Fire Marshal.

15 Our application, unfortunately, does have a
16 section in there for a fire clearance. That it needed
17 for new applicants. We can apply this for someone coming
18 in new. They have to get current with the current fire
19 codes.

20 Someone who is an existing facility that has an
21 existing State clearance acceptable to the State, we
22 cannot step in, when their use didn't change, and require
23 them to do something that we wouldn't require of any
24 other business and any other homeowner.

25 For instance, if you're a homeowner in town

1 today, the fire codes may change every two years or every
2 four years. We don't go to every home in the City and
3 say, "You know what? The fire code's changed. You've
4 got to now install sprinklers, for instance, even though
5 your use didn't change." So we are trying to be
6 consistent with that interpretation citywide.

7 MR. ALLEN: That seemed particularly relevant
8 in as much as I heard Mr. Myers say he's on a zero lot
9 line, which means he's built onto the zero lot line,
10 which is -- anyway, we'll have to look at that part of
11 it.

12 UNIDENTIFIED SPEAKER: What about building
13 permits and lack of them?

14 MR. KIFF: Let me address that question.

15 No matter who you are in town today, if you are
16 doing work without a permit and we find out about it, we
17 do a couple things.

18 One, we will notify you, and typically we'll do
19 a stop work order. You do have an opportunity to remedy
20 that. You have an opportunity to come in and get the
21 stop work order lifted by filing for the appropriate
22 permit. Some cases, ripping out the work. We don't
23 require that universally, though. That depends on the
24 building official's decision. And oftentimes, you're
25 required to pay a fee that is, what, twice the cost of

1 the permit.

2 And again, attempting to apply that ordinance,
3 that practice, across every use, including group homes,
4 to be consistent, to be non-discriminatory, Mr. Newman
5 has that same opportunity, and imagine did when he did
6 work without a permit.

7 He is entitled to come in and get that fixed.
8 If that means, again, paying a fine, lifting the stop
9 work order, that's what he'd indeed have to do. The same
10 thing we'd allow for anybody, any resident, any business
11 in town.

12 UNIDENTIFIED SPEAKER: -- (inaudible) fire
13 inspection?

14 MR. ALLEN: I don't think we need to get into a
15 debate. It sounds like a separate issue that needs to be
16 worked on, but not in this context.

17 MR. KIFF: I will try to answer one more time.
18 Mr. Newman's use did not change; therefore, we cannot
19 require an additional fire inspection up to current
20 codes.

21 MR. ALLEN: Thank you.

22 UNIDENTIFIED SPEAKER: What happened to the
23 fire code speaker last week?

24 MR. KIFF: I can talk about that in another
25 format -- form.

1 UNIDENTIFIED SPEAKER: Would that apply to
2 Balboa Recovery?

3 MR. KIFF: If you don't mind, Mr. Allen, I'm
4 happy to address that, too.

5 There is an assertion that our current Fire
6 Marshal has made that previous fire clearances may, we
7 don't know for sure, but may have been issued in error.
8 The interpretation is very challenging, as the Fire
9 Marshal stated at the Balboa Horizons hearing; that Fire
10 Marshals up and down the State have misinterpreted this.

11 So the question for us -- but it's outside of
12 the use permit process, because we legally cannot
13 interject it in the use permit process.

14 The question for us will be, do we go back to
15 any use that was issued an inappropriate fire clearance
16 and attempt to give them an opportunity to remedy. The
17 situation by bringing their building up to code, or to
18 cease the use that is otherwise prohibited without
19 current -- without the proper codes.

20 We will make that decision outside of the use
21 permit process. It may or may not apply to Mr. Newman's
22 facility. It may or may not apply to Balboa Horizons.
23 We cannot interject it into the use permit process,
24 however.

25 MR. ALLEN: So there has been a change in

1 interpretations since the last hearing?

2 MR. KIFF: That's correct, Mr. Allen. In
3 conference with legal Counsel, they believe that this
4 should be separate entirely from the use permit process,
5 and the City Attorney and Special Counsel agreed on
6 that.

7 MR. ALLEN: That flows with me, too, from a
8 legal standpoint.

9 Okay. At this point, my decision is to follow
10 the staff recommendation and continue this matter. I
11 don't believe that the timing is right to deny this, and
12 I don't think the timing is right to approve it. Clearly
13 we can't approve it.

14 I would like, to the extent possible, to get
15 further input from staff to the extent they feel they can
16 on both the overconcentration issue at this location and
17 the proximity to the school, and I will, myself, work on
18 that some more in the interim.

19 It's a compelling issue. It's the reason that
20 so many people are here, and the reason there's been so
21 much consternation in this community over these uses, and
22 we need to look at this one hard. It's my observation at
23 this point.

24 Having said that, I think we need to move
25 forward as quickly to get a continuance date, and I

1 believe Ms. Brown indicated in the staff report that
2 there's a 21-day lag time from the time that the
3 information is submitted before we can set the hearing.

4 But can you kind of clarify that a little bit,
5 so we get a feel here for how we can do time-wise?

6 MS. BROWN: Yes, Mr. Allen, thank you.

7 Staff would like the information in 21 days in
8 advance of the hearing to allow us adequate time to
9 review the contents of the application and prepare a
10 comprehensive analysis and make recommendations to you,
11 the Hearing Officer.

12 MR. ALLEN: So that being the case, Mr. Newman
13 has indicated that he can get that information in by the
14 end of this week; is that correct?

15 MR. NEWMAN: Yes, sir.

16 MR. ALLEN: So the end of this week is the
17 12th, and there's going to be some give and take after
18 the 12th.

19 Mr. Kiff, I'll bet you're looking at the
20 calendar up there that's pretty convenient.

21 MR. KIFF: We do have our official Council
22 calendar up there. Sorry the audience can't see it.
23 It's just the next three month,
24 including -- sorry -- including the current one.

25 So conceivably we can set this hearing for that

1 week that most folks return from the holidays, assuming
2 our planning staff has adequate time. So, I'm looking to
3 Janet and Debbie, and if the week of -- and to the
4 Hearing Officer, because obviously you would want to
5 continue with this case -- from January 5 through 9,
6 versus January 12 through 16.

7 MR. ALLEN: I have availability during that
8 time, so --

9 MR. KIFF: Okay.

10 MR. ALLEN: -- that's fine.

11 MR. KIFF: I'm hearing Debbie say because of
12 noticing that it's probably more appropriate to try it
13 the week of 12th through the 16th. There's a Council
14 meeting on the 13th, so conceivably we can do it on
15 Monday the 12th. This room would be available at that
16 time.

17 MR. ALLEN: I guess the Applicant, are you in
18 town, Mr. Newman?

19 MR. NEWMAN: I will be here.

20 MR. KIFF: So that would be, if your calendar
21 works, Mr. Allen, at 4 o'clock, this same location on
22 January 12th.

23 MR. ALLEN: Would we have -- would we have the
24 two-hour limit? Not that I'm anticipating we would have
25 to go beyond that, but we will want to put a wrap on this

1 application at that time, and if we need to go a little
2 bit longer, do you think we could?

3 MR. KIFF: It looks like the room is available
4 that night, if that calendar is correct.

5 MR. ALLEN: We'll make that an order; that this
6 use permit for Newport Coast Recovery is continued until
7 January 12th, same location, at 4 p.m.

8 And we'll preserve all the testimony that's
9 been given. It's been strong and compelling and easily
10 understood I think. And so it's a case of having it in
11 our minds and on paper. We have a Court Reporter here
12 taking it all down, which is a very distinct advantage,
13 because that means it's permanent for us.

14 So those of you that can't make that hearing,
15 you can rest assured that at least your testimony tonight
16 will be considered, and it's not that far away that we
17 won't forget it.

18 So with that, is there any other comments or
19 need for a continuation of this hearing?

20 MR. KIFF: Mr. Allen, very briefly. A reminder
21 to the public from the Kramer Center and the Balboa
22 Horizons' Part 2 hearing is this Wednesday at 4 o'clock,
23 in this same location.

24 MR. ALLEN: All right. Thank you.

25 With that, we'll adjourn.

(Ending time: 5:50 p.m.)

1
2
3 I, the undersigned, a Certified Shorthand
4 Reporter for the State of California, do hereby certify:

5 That prior foregoing proceedings were taken
6 before me at the time and place herein set forth; that
7 any witnesses in the foregoing proceedings, prior to
8 testifying, were placed under oath; that a verbatim
9 record of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; further, that the foregoing is an accurate
12 transcription thereof.

13 I further certify that I am neither financially
14 interested in the action nor a relative or employee of
15 any attorney of any of the parties.

16 IN WITNESS WHEREOF, I have this date subscribed
17 my name.

18
19 Dated: DEC 22 2008

20
21 
22 Laura A. Millsap, RPR
23 CSR No. 9266
24
25

Word Index

A	75:23	44:13	aid 20:4	85:5, 20, 24
abated 47:22	added 48:22	adopt 77:6	Albert 17:3	alley 29:10
abatement	addendum	adopted	Alcohol 7:10	68:18
8:14, 18	11:7	36:17	36:21	alleyway
10:9 51:3	addition	ADP 7:10	alcoholic	41:22
51:3 74:18	11:17 22:1	20:10	51:21 53:9	allow 12:9
77:15	22:19 56:2	36:21	Alkire 58:1	31:10
ability 21:4	56:17	37:13, 14	58:2, 6, 6	34:10
able 15:5	additional	46:19	Allen 1:9	36:15
31:17, 18	6:7 11:1	47:16	4:4, 5, 18	59:23
56:24	11:12	50:17	4:22 12:18	75:15, 18
58:15, 17	45:15 66:8	75:13, 17	14:17, 21	75:23
68:15	80:19	75:19 78:2	15:7 16:18	80:10 83:8
absentee	Addition...	advance	16:23	allowed 19:6
26:18	14:9	77:15 83:8	20:21	60:1, 4, 7
absolute	address	advantage	21:23 22:3	75:10
34:25	11:20	85:12	22:8 23:15	76:16
absolutely	16:14, 21	advised 10:5	24:4, 17	allows 7:12
52:16	18:8 21:8	37:8	27:5, 15	7:20 35:21
73:20	27:5 29:20	affidavit	28:5 29:23	altered 78:4
accept 77:2	33:5 66:3	13:1	33:5 38:12	alternative
acceptable	66:4 67:8	afternoon	41:5, 6	48:21
78:21	69:3, 23	4:4 9:5	44:1, 5, 7	63:22
accepted	70:8 71:5	35:16 44:7	49:12, 15	Alternat...
59:3	71:7, 23	49:24	49:17, 19	35:3
accepts	79:14 81:4	51:17	49:22 50:2	amazed 62:11
75:20 78:2	addressed	agency 7:9	50:10, 19	64:8
accommodate	50:4 76:12	ages 57:11	50:22 51:1	amended 6:11
19:4	addresses	ago 25:22	51:16 54:2	amount 35:22
accommod...	75:6	34:15	54:23	45:12 54:4
6:21, 23	addressing	35:23 55:7	57:25 58:4	56:19
7:2	15:10	55:22	60:23 61:1	ample 32:5
accurate	adequate	57:18	62:23, 25	analysis
87:11	83:8 84:2	64:10 69:7	63:8 64:4	10:23
accurately	adjacent	72:3 73:22	65:18, 20	11:24
35:1	13:7, 8	75:14	65:25 66:6	14:10, 14
acknowledge...	38:17 55:3	agree 24:8	69:25 70:9	14:19
67:23	55:20	33:18	72:15, 18	36:24 37:3
Act 45:25	adjourn	34:23	73:5, 8, 12	37:7, 9
action 87:14	85:25	42:22	73:24 74:2	83:10
activity	administ...	45:10 62:7	76:11 77:8	and/or 14:1
19:23 20:3	45:24	63:24	77:22 79:7	14:5
43:5 74:9	administ...	agreed 8:19	80:14, 21	Angeles 3:5
74:13	3:9 52:23	8:21 28:12	81:3, 25	Anonymous
acute 25:23	administ...	68:6 76:24	82:2, 7	66:21
add 48:25	26:2	76:24 82:5	83:6, 12, 16	answer 12:16
63:12	admit 73:1, 2	agreement	84:7, 10, 17	20:19 22:3
65:13	admitted	8:22 28:12	84:21, 23	23:22 24:1

80:17	15:9 23:21	73:4,11,16	18:21 36:5	87:15
anticipated	28:22	74:6,8,10	arrested	attorney's
74:12	45:10,18	74:14 75:3	64:22	68:6
anticipa...	45:20 46:8	75:4,15	asked 39:21	attribute
84:24	46:14,19	77:15,19	43:8 73:16	70:21
anxious	47:3 48:7	78:15 83:9	asking 26:5	audible
74:10	48:13 70:2	85:1	57:7 60:18	65:19
anybody 4:15	84:17	applicat...	assembly	audience
20:21 29:6	applicants	9:25 10:7	9:20	4:24 5:12
31:11	9:23 74:22	31:11	assertion	75:7 83:22
33:25	78:17	74:22 75:2	81:5	augment
80:10	Applicant's	applied 8:12	assist 10:19	11:11
anyway 23:16	5:17,25	46:3	assistance	August 10:1
29:19	48:11	apply 6:13	51:9	10:10
43:15	application	6:14,15	Assistant	authority
79:10	4:20 5:6	8:12,16	3:8,9	12:2 34:25
apartment	5:12 6:1,5	78:17 80:2	Associate	availabi...
9:10 52:8	9:3,5,6,12	81:1,21,22	3:8	84:7
apologize	9:14,17,21	appreciate	associated	available
5:1 15:5	10:2,4,6	67:22	18:5 26:20	5:13,13
25:14,14	10:14,22	approached	44:18 45:8	11:14,14
26:24 46:9	10:25 11:5	51:8	48:3 55:12	12:16
72:21,21	11:22 12:1	appropriate	Association	84:15 85:3
apologized	12:3,4,4,5	70:2 76:20	17:10	Avenue 3:5
42:18	12:11,16	79:21	assuming	50:12
appalled	13:22	84:12	84:1	awhile 41:9
60:3	15:23 21:1	approval 9:7	assured	A-l-k-i-r-e
apparently	21:4,22,25	14:15 31:5	85:15	58:6
15:25 56:7	22:4 27:24	70:7	atmosphere	a.m 18:12
appealed	28:2,10,20	approve 6:5	43:22 44:3	
6:19,21	31:16 32:6	6:18 12:3	attempt	B
7:4	32:12,16	12:3,5,5	81:16	baby 49:21
APPEARANCES	35:2,7	21:15 28:6	attempted	Bacich 41:4
3:1	37:12,13	28:7 77:19	46:14	41:4,7
appears	40:25	82:12,13	attempting	back 9:1
33:11	42:25	approved	80:2	22:14
appease	43:16 45:9	27:21 28:7	attend 66:22	24:25
68:16	45:11,17	28:12 65:2	attended	33:15
Applicant	46:18	65:9	17:8	43:12
5:15,16,23	47:10,15	approximate	attending	50:14
6:3 9:12	48:9 49:25	44:9	39:6,8	55:25
9:15 10:2	50:3,17	architect	attention	61:19
10:5,11,12	58:7,10,14	15:21	70:6	64:19,19
10:13,15	59:3,7,13	36:25 37:3	attitude	64:21
10:20,24	60:13 62:8	area 8:23	25:18,19	65:15 66:1
12:10,12	66:13	35:20 38:8	attorney	66:7 77:11
13:4,20,23	69:15	76:20	15:4 23:4	81:14
14:18,22	72:23,25	areas 18:21	23:5 82:5	background
				4:23 6:7

25:21	19:23 20:9	30:13	broken 62:2	52:18 60:4
bad 17:12	31:22 34:9	40:21 69:5	brought	businessman
25:20	35:17	77:21	55:13	72:5
28:25	36:13 38:5	bet 24:21	Brown 83:1,6	butts 19:21
29:12,19	39:16,19	83:19	brunt 67:1	42:16 49:9
31:25	40:18	better 21:20	build 64:24	buzzer 25:5
62:19	45:23	42:4 47:2	builder	B-a-c-i-c-h
badge 59:24	51:19 52:4	52:23	63:24	41:7
Balboa 4:7	52:10 53:3	57:17	building	B-a-t-l-e-y
4:14 8:6,8	56:23	beyond 77:23	9:10 13:6	27:14
8:10,24	59:16	84:25	13:7,19,21	
9:8 14:23	64:12,22	big 34:21	16:2 17:18	C
29:22 33:6	66:23,24	61:6 70:5	17:24	CA 3:5,10
33:9,16,25	67:2,3,4,5	bigger 65:10	20:13 33:3	Cable 59:22
43:7 46:9	67:18	bio 14:2,5	34:19	calendar
46:11,20	68:23 72:5	bit 9:3 31:2	35:19	83:20,22
46:21	Beach's	44:14 55:9	36:12	84:20 85:4
47:17	36:22	70:8 74:5	37:21	California
55:21	beat 46:10	77:25 83:4	59:17 78:4	1:10 2:9
63:11 64:7	bed 20:10	85:2	79:12,24	4:1 8:17
71:24	bedroom	black 55:24	81:17	36:11,20
72:25 81:2	55:25	blank 45:18	builds 54:18	59:5 87:4
81:9,22	beds 8:1,8,9	blanket 54:5	built 55:18	call 13:10
85:21	8:10,16	block 28:22	79:9	30:13
barrier 60:9	67:12	29:2	Bunting 36:9	64:21
barriers	began 21:8	blocked 7:18	burden 63:7	called 39:24
60:8	beginning	blocking	68:22	45:23
Baseball	2:9	41:21	bury 34:16	61:17
17:10	behalf 2:7	blocks 61:10	bus 13:15	calling
based 45:21	behavior	62:5	business	62:12,12
52:14 59:1	25:20 40:1	board 17:9	17:17 18:2	62:12
74:6 76:3	45:3,4	50:11	18:3,6	calls 6:12
basic 26:2	believe	BOBKO 3:4	26:1,11	11:19 18:9
basically	12:20	bothers 56:2	32:5 42:7	19:25 20:6
22:6 30:14	15:15 16:5	Boulevard	42:23,25	23:6
36:3 55:12	20:18	2:8 3:9	43:2,3	campus 59:15
63:13,20	22:20	4:8,14 9:8	47:3,4	cans 42:12
66:11	27:22	29:22 33:6	48:11	42:14
basis 59:13	47:17,19	43:7 64:7	51:24	capacity
76:25	55:22 78:6	boys 46:17	52:22	4:10
Batley 27:14	82:3,11	brief 4:23	58:22	car 19:8,10
27:14	83:1	briefly	64:11,17	33:18
Bay 50:12,16	beneficiary	32:22	64:23,23	41:22
beach 1:10	44:10	85:20	67:9 69:4	68:20 71:2
2:8,9 3:3	benefit 8:5	bring 10:22	75:9 78:24	care 18:18
3:7,10 4:1	12:25	61:7 62:13	80:10	25:22,23
6:9 11:18	best 18:10	bringing	businesses	25:25
17:5,6,8	20:17 21:8	81:17	34:14	26:19 27:8
				46:16,18

47:5 64:18	challenges	19:21 49:9	69:7,8	31:18
carport 56:9	77:6	61:14	72:1,11	39:13,17
cars 19:6	challenging	cigarettes	77:17 79:2	39:19,22
21:9 29:15	81:8	35:22	82:5	40:1,4,5
31:10,15	chambers	42:11,16	citywide	66:22 67:3
31:18,20	11:15	61:14	79:6	71:4,6,8
41:21 43:6	chances	circumst...	City's 54:3	clinical
43:6,8	48:15	38:19	claiming	47:15
cart 37:16	change 18:25	circumvent	46:17	clock 46:10
case 24:9	75:23	46:15	claims 40:9	close 29:5
29:12	78:22 79:1	citizen 20:9	clarify 5:24	30:24
35:13	79:5 80:18	45:23	83:4	38:20
52:14	81:25	67:15,17	clarity	40:17,19
74:11	changed	citizens	37:15	40:23
83:12 84:5	51:22 60:5	63:13	class 50:20	48:24 51:7
85:10	78:13 79:3	69:10	54:16	51:12
cases 39:23	channels	72:11	clean 19:19	53:18
79:22	65:1	city 2:8 3:3	19:22 53:1	55:25 56:3
cached 23:6	chapter 6:11	3:7,8 4:6	cleaned	60:17
caught 64:12	charade	4:9,20	17:24	65:21
cause 72:13	35:14	5:10 6:3	cleaning	closed 51:12
causes 53:14	charge 30:15	6:19,20	21:10	73:21,23
causing	charities	7:4,18	55:10	closes 5:21
66:19	17:11	8:21 9:13	clear 25:18	closet 65:6
70:23	check 23:6	9:19 10:1	26:18	65:10
cease 81:18	76:6	10:13,17	32:25	closets 65:5
cell 20:22	checklist	10:21 11:9	33:15 70:4	closing 20:8
Center 85:21	9:23	11:18 15:4	clearance	51:9 73:2
central 8:6	Chief 36:9	15:25 16:7	14:12	clouds 61:13
certain 6:6	children	17:12,15	36:22	61:13,13
12:9 44:17	37:23	19:14 20:9	37:11 57:4	Coast 1:8
54:4,21	38:21,23	21:12 26:8	75:13,20	5:9,11
68:15	39:4 43:21	26:13	75:21 76:3	6:15 8:24
certainly	44:1 55:4	27:11,15	78:1,3,7	9:7 16:16
21:14 39:2	57:19	27:18 28:1	78:16,21	16:16 17:2
40:10 43:3	63:18	30:22	81:15	17:2,14,17
54:9 63:17	choice 28:5	32:13,14	clearances	19:1 38:16
65:22 66:1	28:6	34:8,10	81:6	38:24 39:2
70:3,9	chorus 63:12	35:8 38:4	clearly 8:2	39:14 40:4
73:14	chosen 39:8	42:5 46:23	82:12	44:10 46:2
certified	Christmas	53:15 56:6	client 39:1	46:12 48:4
2:11 26:22	35:16	56:16 57:4	39:13	48:6 50:5
87:3	chronolo...	58:8,10,11	cliente	50:15
certify 87:4	11:19	58:18,24	39:25	51:20
87:13	chronology	59:21 60:9	clients	66:11
cetera 48:10	11:19	64:12,20	18:12,20	67:14
challenge	church 44:22	64:25 66:3	18:22 19:2	75:12 85:6
76:25	cigarette	66:3 68:20	19:6,9,10	Coastal

67:13 coddling 62:16 code 6:9,11 14:10,14 15:11 31:23 35:19 36:12,24 37:2,9 38:4,8 58:9 78:13 80:23 81:17 codes 14:13 36:16 37:18 58:19 76:3 76:7 78:19 79:1 80:20 81:19 code's 79:3 collectors 68:22 colleges 51:25 come 15:9,21 16:8 18:5 19:14 24:25 29:9 29:17 31:11 54:14 61:20 64:5 64:19 66:1 66:6 70:17 70:22 72:18 79:20 80:7 comes 16:20 19:12 54:3 60:17 67:2 74:7 78:11 coming 46:22 48:19 55:25 63:6 68:18 69:9 74:8 78:10	78:17 commence 4:15,19 14:19 15:10 65:21 comment 30:1 30:7 62:24 commented 51:2 commenting 30:7 comments 5:16,19,20 5:24 32:21 45:15 54:5 55:8 66:8 74:1 85:18 commit 24:20 commitment 24:6 32:10 commonplace 76:2 communities 23:14 community 17:13 26:14 27:8 32:10,18 38:19 40:22 54:19 63:21 82:21 company 7:23 25:22 49:11 compared 33:11 comparison 33:8,10 compelling 82:19 85:9 complaint 71:1 complaints 19:25 46:22	67:15,17 71:4,5 complete 10:23 12:11 14:14,15 24:7 27:23 35:13 36:25 45:11 59:4 60:13 69:15 74:10 77:15,17 78:1 completed 15:19 16:6 24:15,16 27:24 28:2 65:2 completely 10:7 18:25 75:1 77:14 complete... 24:19 complex 52:8 compliance 45:18 48:11 complies 36:15 comply 15:12 comprehe... 11:23 13:2 14:10,14 24:13,14 36:24 37:2 83:10 conceivably 83:25 84:14 concentr... 63:15 concept 6:23 concern 21:1 35:18 70:5 concerned 20:9 45:23	69:10 72:11 concerning 48:9 concerns 18:9 69:4 conclude 42:21 77:10 concludes 12:15 condition 14:15 37:22 conditional 46:3 48:16 48:21 conditio... 12:3,5 conditions 6:5 33:16 33:16 35:7 conducive 57:19 conduct 10:7 44:2 conducted 10:11 conference 82:3 confirmed 46:11 conflict 21:19 confront... 71:8 confront... 45:3,4 confused 48:6,6 congestion 19:1 consider 7:20 33:9 45:13 60:22 consider... 35:22	consider... 39:5 53:23 64:8 considered 13:5 59:1 85:16 consistent 58:25 59:2 75:1 79:6 80:4 constant 57:11 constern... 26:4 82:21 constrained 5:17 constraints 5:25 66:16 contact 10:12 contains 36:13,16 contend 45:20 content 9:18 contents 9:16 83:9 context 34:25 80:16 continuance 24:8 27:12 32:15 75:5 77:11,21 82:25 continua... 85:19 continue 6:6 28:5 45:6 60:6 82:10 84:5 continued 12:9,13 85:6 continuous 61:12,12 control 18:10
---	--	---	--	--

44:13	courtyard	Dave 3:8	6:20	67:16,19
controlling	31:24	15:23	decision...	75:14
40:2	cover 21:25	22:17	76:19	departments
convenient	Cox 59:21	47:12,18	deemed 12:11	34:6
83:20	Craig 27:14	David 9:9	deep 17:13	departure
converting	create 22:23	day 30:17	definitely	13:14
56:8,12	24:1 49:7	62:1 64:19	23:23	dependent
cops 61:17	created 24:2	days 12:13	48:22	30:15
copy 47:9,11	52:5,6	18:25 19:7	61:18,24	depending
correct 22:5	creates	51:21	66:12	15:1 66:4
82:2 83:14	49:10	70:18 83:7	degree 51:24	depends
85:4	creating	deadline	Deininger	26:11
corrections	49:5	51:15	43:19,19	79:23
37:10	criminal	59:12	44:3,6	designated
correspo...	70:11	74:15,17	delegated	4:6,14
57:7	criminals	74:18,19	66:13	18:21
cost 79:25	29:3,4	74:24,25	deliver 29:9	designed
Council 6:20	51:23	77:16	delivered	53:16
7:4 11:15	70:11,14	deadlines	11:15	destinat...
34:10	cross 58:12	23:18 41:1	demonstr...	13:15
58:10,11	CSR 87:22	deal 14:6	46:2	detail 21:4
59:21 69:8	CUP 14:16	34:21	denial 75:5	21:17,19
69:9 83:21	curb 53:16	52:11 58:8	denied 49:25	determin...
84:13	curfew 53:1	61:15	50:1 59:11	6:17
Council's	current	70:22	62:8 65:17	determin...
6:20	17:18	dealing	densities	6:4
Counsel 15:4	36:11,16	68:11	40:19	determined
23:8 78:5	76:6,7	dealt 34:17	density	11:5
82:3,5	78:18,18	debate 80:15	31:13 36:2	determines
counseling	80:19 81:5	Debbie 3:8	38:8	5:21
46:12,20	81:19	5:4 9:2	deny 6:5,18	development
count 20:10	83:24	15:5 84:3	41:2 43:15	28:11
country	currently	84:11	43:23	diabetic
25:24	9:10 19:9	debris 19:16	77:19	20:5
county 36:5	cussed 39:24	December	82:11	diagram
51:18		1:11 2:10	Denys 20:16	13:19,22
couple 8:11	D	4:1 10:18	43:25 44:7	different
14:22	daily 44:10	45:17 77:5	50:9 71:23	8:18 15:18
35:23	danger 55:17	decent 53:20	72:2,22	17:20 31:2
42:15	date 6:6	decide 76:19	73:21	41:12,19
43:14 62:4	12:9,14	decided 42:4	department	41:24
65:25	13:23 14:8	68:21	5:5 7:10	42:11
71:12	37:7 75:22	decides 40:6	11:18	52:17
79:17	75:24	decision	19:24	77:18
court 7:17	82:25	6:19 34:8	36:20	difficult
7:18 24:13	87:16	79:24	56:23	16:3,4
48:20 77:4	dated 36:8	81:20 82:9	64:12,21	23:7,7
85:11	87:19	decisions	65:1,4,14	26:12

44:13 52:2	14:3	Dr 17:3,4	efforts	21:3 82:4
59:16	dispose 14:4	40:10	33:10	entitled
60:20 69:2	disposes	47:14 58:1	44:16,17	6:24,25
dignity	14:1	58:1,6	either 6:19	54:17 80:7
23:13	disrepair	dragging	12:2 28:17	enumerate
diligence	17:22	35:4	58:19	12:24
35:1	disrespe...	Drew 38:12	El 39:6,8,10	environment
diligent	27:12	drinking	63:18,22	39:3 57:19
15:11	32:13	53:12	electric...	environm...
32:24 43:3	49:24	drive 30:17	41:19	51:24
43:4	61:23	driven 36:1	element 21:7	equipment
direct 12:1	distance	drop 61:8	70:11	39:18
12:12	76:21,22	drug 7:11	elementary	error 81:7
33:13	distancing	36:21	29:6 31:7	especially
direction	76:13 77:2	38:19 40:2	38:17,20	29:16
15:1 87:11	distinct	70:13	39:15 40:6	40:17
directional	85:12	drugs 40:2,3	40:17,23	ESQ 1:9 3:4
13:18	district	52:4 53:13	43:22 44:2	estate 34:5
directly	39:11,12	53:22	48:12,24	et 48:10
14:21	59:12	drunk 53:22	eliminating	evaluate
director	districts	dryer 56:15	54:20	10:7
34:25 40:9	6:10 60:4	ducks 64:1	emergency	evaluated
47:15 48:5	60:6	due 35:1	29:12	11:4
disability	disturbed	74:25	employed 4:9	evaluation
48:11	25:19	DUI 70:12	employee	55:15
disabled	Division	dumpster	87:14	evening
6:25 54:11	19:24	19:13	employees	35:15
54:16,19	doc 26:19	DVD 55:13	19:18	everybody
disagree	doctor 26:21	D-e-i-n-...	employee's	16:19
68:7	40:12	43:20	19:4	21:20
disapprove	documented		encourage	27:17 31:9
12:4	32:2	E	18:12 37:2	51:22
discrimi...	doing 21:8	earlier 51:2	encourag...	everyday
76:15 77:7	32:17 42:3	57:10	74:22	51:13
discuss 9:2	42:24 43:1	61:24 66:4	enemies 18:7	everyone's
57:2 77:22	52:4,16	easier 9:24	enforce 31:1	16:12
discussed	56:7,12	easily 85:9	enforcement	67:20
10:14	64:17	easy 18:24	38:4 58:9	evidence
22:16	79:16	22:25	enforcing	44:23
28:24	dollars	43:15	7:18	46:21
discussion	17:23	68:25 72:7	engines 36:3	exactly
5:11 65:22	20:13	effect 36:12	36:4	57:15
discussions	59:11	effected	enjoy 53:24	example
14:17,23	Dolores	41:11	entered 8:21	13:21
dishonest	35:17 47:1	effective	entertain	32:25
73:20	door 7:14	8:19	32:19	exceptions
dismiss 35:2	42:8 51:13	effort 15:11	entire 58:14	58:20,21
disposal	72:5	19:22	entirely	59:7
		32:17		

Excess 19:16	30:24 31:6	26:3 39:5	45:6 46:14	fire 14:9,12
Excessive	31:14,22	55:11	47:1 68:4	14:12,13
19:11	44:5 48:25	56:12	82:15 83:5	14:13,18
excuse 5:6	51:7 53:10	78:10	feels 27:17	15:4 29:11
26:10,10	53:11	factor 41:23	feet 28:13	34:5,11
26:10 27:1	54:20	failed 15:18	28:14,16	35:19,25
27:2,2,6	55:20 56:1	45:12	30:20 31:5	36:3,4,6,9
49:23	71:17	failure 10:5	31:7 33:23	36:22,23
61:15 62:6	73:16	10:8 35:1	48:12	37:11,18
executive	facility 8:1	fair 6:25	55:19	37:23 38:7
48:5	8:15 14:1	50:23,24	62:18	49:7,10
exempts 7:7	14:4 17:15	54:17	felt 74:21	55:17,22
Exhibit 11:3	17:21	66:25 67:6	fence 59:16	56:3,21,23
exhibits	18:22	77:14,16	fenced 29:6	57:3,4,7
11:10	19:10,12	fall 54:7	fenders	65:1,4,13
existing	19:17,19	falls 40:5	70:12	68:19
6:13 74:12	20:3 25:16	false 72:8	FEP's 46:4	75:14,20
78:20,21	25:25 26:1	families	fewer 7:12	75:21 76:3
expect 4:20	26:20,23	39:7	7:21	76:3 77:23
45:6	27:9,20	family 29:17	file 46:21	78:1,5,14
expected	28:13 30:3	35:25	75:15 76:2	78:16,18
44:21	32:8,11	38:13 39:6	filing 79:21	79:1,3
expiration	37:8 41:9	44:17	fill 22:21	80:12,19
75:22,24	41:11	57:19	22:25	80:23 81:5
explain 72:9	42:20 43:9	fantastic	32:11	81:6,8,9
explained	46:8,17,18	56:24	filled 22:7	81:15
9:9	47:6,16,16	far 45:14	44:21	first 4:21
explains	48:23,25	85:16	64:10	10:18
55:14	49:7 50:11	fashion	filling 59:4	16:19 18:4
extended	50:13,15	40:25	fills 23:3	19:7 48:16
37:14	50:15,16	fast 76:13	finally	55:17
extent 82:14	51:11	76:21,22	26:15 42:4	59:25
82:15	53:11,18	77:12	76:10	62:10,11
extreme	55:3,6,21	fault 66:14	financial	five 17:18
56:19	56:22	fear 57:9	63:7	17:20 19:3
eye 18:4	57:12,23	fears 44:18	financially	20:2 30:3
	60:17	February	87:13	30:5 41:10
F	66:15	6:12 8:14	find 16:4	44:11 55:7
face 28:7	67:17	8:19 45:25	40:11	57:17
33:12	70:12,19	47:23 51:7	47:10	71:21
faces 50:12	70:21 72:3	51:14,14	71:20	73:18,19
facial 76:25	72:24 73:3	74:18,24	79:16	five-year
facially	73:10 76:1	federal 6:24	finding 12:6	42:19
76:15 77:7	78:3,20	7:18	fine 16:22	fix 69:3,19
facilitate	81:22	fee 10:25	27:15 42:1	fixed 80:7
9:20 10:20	facility's	79:25	80:8 84:10	flash 47:12
facilities	13:6	feel 30:2	finished	flat 28:10
7:14 15:18	fact 9:20	37:20,22	59:7	28:19
21:15				

floor 3:5 13:19,21	39:14,17 71:1	G	40:15 41:2 85:9	48:7 52:2 61:5 62:5
flows 82:7	founding 17:9	garage 19:21 41:13,15	gives 56:19	65:11 67:1
focus 32:23	four 13:11 31:6,13,14	56:8,9 61:11	glad 67:21 71:12	68:2,7,15 69:19,19
folks 6:7 8:4 31:14	51:19 62:3 68:19	68:18,20 68:22	Gloria 58:1	77:22
33:9 52:15	75:14 79:2	garages 56:9 56:10,13	go 7:2 16:10 19:18	83:17
54:11,16	frame 46:1	gas 56:15	20:22	good 4:4
54:18 74:4	frames 46:5	gathering 30:19	23:18	10:22 18:1
75:25 84:1	frankly 34:13	generally 19:4,7,21	24:21	19:20,20
follow 34:1 58:19,19	fraternity 30:14	23:3	33:15 34:9	21:17 30:1
64:21	55:12,13	gentleman 23:25	36:7 37:25	30:23
66:11 82:9	57:18	25:18	38:24,24	35:15,15
followed 20:4 43:16	French 61:16	26:18	39:16 42:7	39:2 44:7
following 5:10 45:21	frequently 41:18	30:11	43:14	46:17
60:15	Friday 24:16	42:20 53:7	50:14 51:3	47:24
follow-up 10:1	24:20	61:23	51:13	51:17
footprint 13:6	friend 64:24 65:7	75:16	53:19 57:1	52:19 54:9
footprints 13:7	friendly 18:4 68:10	GERSHON 3:4	59:21	57:16
forbid 63:25	friends 29:17	gesture 34:22	67:16	63:15 77:5
foregoing 87:5,7,11	friendship 68:2	getting 9:24 27:1 61:10	69:22	gotten 15:20
foremost 26:24	front 19:17 19:18,21	75:4	71:18 79:2	48:16
forget 85:17	22:5 30:19	give 6:7 16:20 21:4	81:14	graduated 17:6,8
forgotten 16:19	49:4 60:25	21:11	84:25 85:1	graffitied 62:2
form 9:23 11:25 13:4	61:7,8,9	23:14	goal 54:19	Grand 3:5
14:11	61:14 62:1	24:10	God 31:24	grandpar... 61:19,21
75:21,23	62:6 77:20	25:11	56:23,25	great 64:2
80:25	frustrating 61:16	27:12	63:25	70:22
format 14:6 80:25	full 32:6 35:8 39:19	37:24 55:9	goes 15:2 24:18 25:5	group 4:11
former 58:2 59:10	42:14,15	55:15 56:4	36:19 37:5	6:13 9:17
forth 87:6	funding 39:11	58:21	63:17	9:22 20:17
forward 10:22 15:2	funny 40:12	65:11 66:7	going 4:4,23 7:21 8:7	32:5 36:14
15:9 53:19	further 82:15	74:25 75:2	8:20 16:13	36:17 61:6
82:25	87:11,13	77:14	16:14	72:6 80:3
found 18:13		81:16	20:22	guess 30:11
		83:17	21:17	56:14
		given 19:2 20:16	23:23 24:5	84:17
		26:13,13	25:1 26:8	guys 30:12
		35:9 39:1	29:17	gym 55:7
			30:10	56:13
			31:10 32:8	
			32:10 34:7	H
			37:24,25	hand 36:25
			43:2,6,8	handle 23:4
			45:7 46:10	handled 38:1

hands 23:2	4:6,7,10	hire 23:4	hour 74:3	35:6 63:21
hang 61:25	4:12,19,25	hired 15:17	hours 22:10	importantly
happen 20:14	4:25 5:8,9	history	26:21	59:14
60:11	5:18,20,22	11:19 45:4	43:14	imposed 53:3
62:19	6:2,4,6,8	71:20	house 7:12	improvement...
happened	6:17,18	hold 24:23	30:1,4	17:23
68:9 80:22	7:2,3,24	46:19 75:3	49:4 51:20	inaccuracy
happens 40:4	8:4 9:1	holidays	52:9 55:7	50:2
40:8 53:9	11:16,25	35:16 84:1	55:17 61:7	inappropriate...
happy 20:19	12:2,7,9	home 7:7,9	61:9,15	81:15
23:25	12:14	9:22 17:19	62:2,6	inappropriate...
35:16 51:9	14:23 15:1	35:25	64:24 65:2	48:23
53:24 66:4	15:2,6	36:14	65:4,12	inaudible
69:23	24:5 25:1	53:13	houses 30:10	80:12
72:10 73:2	27:16,23	58:15 79:2	56:3,19	incidents
77:2 81:4	27:25 28:3	homeowner	housing 7:1	20:2
Harbor 17:7	35:9 44:23	78:24,25	54:17	include 14:2
17:10	65:20,21	homeowners	hundred	included
hard 76:13	66:11,12	27:8	17:23	11:3,10
76:21,22	74:6,20,24	homes 4:11	hundreds	13:17
77:12 78:6	75:3 76:16	4:12 7:12	42:15	including
82:22	77:16 81:9	7:21 8:5	husband	4:25 35:25
hardened	82:1 83:3	8:12 9:17	35:23	80:3 83:24
29:3	83:8,11,25	36:17		83:24
harder 59:17	84:4,11	50:20	I	incompatible...
hash 8:11	85:14,19	53:16	icon 50:18	48:23
havoc 66:19	85:22	63:14	idea 28:25	incomplete
hazard 37:23	hearings	67:13	identify	9:14 10:3
49:7,10	38:6	68:12 80:3	51:21	11:5,22
headphones	hears 72:19	hope 20:11	imagine	59:12 74:6
18:13	heavy 55:24	43:17 70:7	27:19 62:5	Incomplete...
health 25:22	held 77:4	hopefully	80:5	10:17 11:2
25:25	help 9:20	15:9	immediate	incredible
35:18	22:3 24:3	hoping 23:8	8:23	55:9
hear 18:17	36:5	75:6	immediately	independent
18:18	helpful	Horizons 8:8	20:10 54:7	4:12
23:19	23:16	14:23 33:9	impact 30:8	indicate
24:24	helping	33:16,25	38:18	12:18
31:11 34:4	57:16	81:9,22	39:10	indicated
34:6 53:20	henceforth	85:22	impacts	83:1,13
62:11	28:1	horrendous	44:11	individual
68:17	hey 68:6	55:7	impetus	26:6 30:15
70:10	he'll 27:11	horrible	43:17	individu...
heard 31:9	Hi 35:15	17:22 68:4	implore	69:6,23,24
37:15	high 17:7	horse 37:17	52:22	individuals
57:25 79:8	40:19	hospitals	importance	30:16
hearing 1:7	highest	25:23,24	38:22	inequitable
1:9 2:7	51:25	hot 69:16	important	45:5
			21:6 24:5	

information	82:18	81:7,15	57:10 60:3	44:15 49:3
5:3,5 16:6	interject	issues 15:10	Kiff 3:8	51:22 52:9
16:8 43:13	81:13,23	18:14 22:8	4:17,20,22	52:13,16
55:23 56:5	interpre...	35:19 45:8	9:4 14:21	52:18,22
56:17	79:6 81:8	58:3 59:19	15:24	54:12
59:25 60:2	interpre...	65:23 66:2	16:22 22:3	56:18
60:14	82:1	item 7:17	22:10 23:1	61:19 62:4
62:13	interview	12:20	25:2 47:19	63:19
74:14,20	59:22,23	13:11,25	47:22 50:6	66:10,12
74:23	intimidate	items 12:18	50:8,10,14	66:25 67:6
77:13,17	44:17	12:23,25	50:20,24	67:7,24
77:20 83:3	intimidated	14:8 45:18	51:5 54:2	68:8,8,17
83:7,13	45:2		54:14 55:1	68:25
infuriate	intimida...	J	57:24	69:14,14
69:12	39:22	J 58:1	65:24,25	70:10,12
initial 77:9	intimida...	JACO 26:22	73:18 74:1	70:25 71:2
innuendo	45:2	jail 55:7	74:2 77:25	71:7,20
72:8	invested	Janet 84:3	79:14	79:3 81:7
input 82:15	17:23	January 36:8	80:17,24	knowledge
inside 18:22	investig...	36:13 84:5	81:3 82:2	21:12
35:20	46:23	84:6,22	83:19,21	knows 72:2,7
inspection	invited	85:7	84:9,11,20	73:21
80:13,19	60:10	Jeff 55:2	85:3,20	Kramer 85:21
install 79:4	involved	57:16 63:4	kind 8:18	
instance 8:7	15:3 17:11	jeopardize	24:6 51:9	L
22:12	20:2 34:5	30:25	60:1 65:14	lack 38:4
78:25 79:4	38:5 48:20	job 19:9	68:2 74:13	79:13
instances	69:11	John 28:21	74:13 83:4	lacking
54:9 65:14	71:16	joking 31:24	kinds 22:15	12:22
insurance	involvement	Joyce 53:5	59:19,24	lag 83:2
49:11	4:11 17:20	judgments	60:2	language
intake 48:1	involves	33:13	knew 21:16	39:20,22
integrally	4:13	June 9:15	knock 42:8	large 49:8
7:13	involving	10:16 37:5	51:13	largely 49:2
intend 16:9	4:7 6:24	46:1	know 15:5	larger 58:18
51:6	irrespon...		16:11,12	largest
intense 36:2	40:16	K	18:7,17	25:23
intentions	issuance	K 3:4	20:25 21:9	Larry 32:20
17:13	37:11	keep 18:16	21:18 23:5	lasagna
interest	issue 34:12	19:22 60:3	23:24,25	42:15
4:11 40:21	38:9 44:24	keyed 71:2	24:17	late 49:24
interested	57:3 58:18	kicking	26:23	lateness
87:14	63:18 75:8	77:10	27:17 29:2	74:3
interesting	76:12	kid 61:19,20	30:7 31:1	laundry
33:7 57:5	77:23	64:11	31:10 32:1	56:14
interfere	80:15	kids 17:7	32:16 34:4	Laura 2:11
20:23	82:16,19	30:25	34:13 36:1	87:21
interim	issued 9:13	31:20	38:16 39:7	law 6:24
		39:16		45:19,21

46:15	75:13	9:24 25:5	49:5	L-o-p-e-z
51:24	licensed 7:8	31:2 44:14	long 38:7	29:24
58:19 67:4	7:20 17:14	49:9 55:9	56:11 62:1	
lawyers 27:2	17:15	61:20 74:5	67:11	M
learned 56:4	20:10	77:25 83:4	71:15 78:6	machine 87:9
leave 8:19	47:16	85:1	longer 32:19	main 42:22
8:21 66:18	64:13	live 27:9	43:25 85:2	maintain
70:18	licenses 7:9	28:22	Longyear	54:7
left 43:24	64:23	29:21 33:3	62:9,9	maintained
45:18	licensing	35:17	look 18:4	37:21
46:25	37:4	41:14 43:9	19:20,20	major 7:23
legacy 63:20	Lido 40:2	44:9 53:6	33:15	39:5
legal 15:3	64:24,24	53:24 55:3	76:17,17	making 20:12
24:9 77:6	life 18:6,25	63:10 64:7	79:10	55:8 70:7
78:5 82:3	51:22	lived 17:4,5	82:22	man 29:15
82:8	53:20,24	18:6 43:20	looked 21:2	47:8 64:20
legally 46:6	lifetime	51:20 52:4	65:4,5	manage 30:13
48:14	51:18	55:4	looking	manageable
81:12	lifted 79:21	lives 27:9	20:12 21:1	52:5
legislat...	lifting 80:8	31:12	22:1 23:12	managed
76:9	light 25:4	54:11 72:5	65:10	66:15
letter 9:14	lights 5:7	living 7:24	83:19 84:2	management
10:2,10	18:11	29:8 31:21	looks 15:12	19:12 21:6
14:6 36:8	limit 84:24	50:4 67:12	34:15	33:2,20
37:5 50:4	limitation	71:25 72:1	50:12 85:3	68:17
letters 11:9	25:2 62:17	76:23	Lopez 29:21	manager 3:8
11:12,14	limited 5:20	load 20:13	29:21,24	50:4
70:25	line 77:12	local 17:11	Los 3:5	managers
letting	79:9,9	26:1 45:19	losing 34:2	31:25
29:20	lines 13:7	45:21 46:5	lost 25:17	managing
let's 23:17	41:1 55:19	47:3 48:14	25:17 63:5	30:16
24:24	linked 7:20	50:21	lot 18:13,24	manipulate
25:10	LINN 3:8 9:4	63:24 78:3	21:18 23:2	17:16
53:19	12:23	locate 40:16	38:7,7,8	map 8:4
55:13 59:2	Liskin 23:10	50:23	39:13 48:8	13:17,18
68:7 73:25	23:14	located 8:6	52:17	47:12,17
level 21:12	25:13,13	38:20	55:18	50:11,18
25:25	27:6	39:15	63:15	50:25
74:21	listen 57:14	72:25	65:22 79:8	maps 9:1
levels 33:8	listing	location	79:9	mark 8:11
Lewis 36:8	11:18	17:18	loud 18:16	60:24
license	literally	28:15 29:8	LP1 8 5:9	Marshal 14:9
37:14	7:16 17:22	29:19	Ludoff 40:10	14:12,13
46:19,20	38:17	46:13	Lynn 5:4	15:4 36:23
47:4,7	55:19	82:16	L-i-s-k-i-n	57:7 78:5
64:12,16	littering	84:21 85:7	25:14	78:14 81:6
64:20 75:9	32:1	85:23	L-o-n-g...	81:9
75:10,12	little 9:3	loitering	62:10	Marshals
				81:10

Mary 43:19	meet 67:21	minimum	55:2,2	need 5:6
Master's	69:5	62:18	62:24 63:1	12:6 14:5
51:23	meeting	minutes 5:20	63:4,4	14:19
material	66:20,21	25:3,5	75:17 79:8	23:19 27:5
4:24	66:22,22	43:24	M-a-t-h-...	37:9 58:8
materials	84:14	46:25	32:21	59:19
9:21 10:3	meetings	49:18,19	M-c-K-e-...	60:14 76:6
10:16,21	39:18 61:7	miscella...	63:10	80:14
11:1,4	66:17	47:5	M-i-l-l-e-r	82:22,24
12:10,13	member 17:9	misinter...	28:22	85:1,19
14:3,7	45:23 69:8	81:10	M-y-e-r-s	needed 12:11
Mathena	69:10	missed 59:12	55:3 63:4	13:22
32:20,20	70:19	mix 39:2	M.D 40:10	78:16
33:6	members 19:3	MO 71:3		needs 13:2,6
Matt 25:13	men 17:19	modifica...	N	16:20
matter 4:13	18:15	14:25	name 4:5	24:11,13
48:2 55:11	35:21	moment 34:20	16:15,20	37:20
79:15	44:12	52:20 54:3	16:22,23	38:10
82:10	48:19	Monday 1:11	16:25 17:1	47:22
ma'am 52:20	53:10	2:10 4:1	17:20	58:24 70:6
McKenzie	mention 11:8	84:15	25:11,13	80:15
63:9,9	mentioned	money 39:11	27:14	negative
mean 12:19	21:9 22:12	59:6 70:22	28:21	30:8 38:18
21:14 25:6	25:2 43:5	month 83:23	29:21,23	69:1
34:11	57:10	months 15:13	35:16	negligent
35:15	71:24	45:11	38:12 41:4	57:8,9
42:19	77:24,25	62:16	41:6 43:19	negotiation
49:23	mere 78:10	73:22 77:5	47:8,14	30:23
52:10 57:9	Merry 35:16	morning	51:17 53:5	neighbor
61:13	mess 17:24	19:18	55:2 58:1	67:22
66:13,14	messed 66:13	30:20	58:4 59:24	71:10
67:16	met 20:16	31:15	60:24 61:1	neighbor...
70:16	67:21	53:21	62:9,10	30:9 53:12
meaning 49:9	73:22	mother 23:11	63:3,9	57:17
78:2	Michael	motions 4:16	64:6 87:17	neighbor...
meaningless	40:10	move 45:8	named 47:7	54:21
34:22	Mike 16:15	63:22 65:3	names 48:5	neighbors
means 55:19	16:25	65:12	Narconon	18:1,2,7
79:9 80:8	Miller 28:21	82:24	8:17	18:17
85:13	28:21	moves 22:6	Narcotics	20:15,18
meant 43:2	millions	moving 49:1	66:21	26:9 32:14
medical 14:1	20:13	56:15	narrow 29:11	42:6 55:18
14:4 20:4	59:11	multiple	nation 51:25	56:4 63:13
40:9,14	Millsap 2:11	41:21	near 36:6	68:16 71:9
medication	87:21	Municipal	71:14,15	neighbor's
40:5	mind 81:3	6:9	71:16	45:22
medicine	minds 85:11	music 18:11	necessary	neither
17:4	mine 52:21	Myers 54:24	10:6,20	87:13
			37:10	

nervous	19:1,23	note 23:10	obligated	12:2,7
44:14	20:9 27:9	73:4	21:13	76:17
networked	29:6 31:22	notes 77:9	OBORNY 3:9	83:11 84:4
7:20	34:9 35:17	Notice 9:14	49:18	Officer's
never 16:11	36:12,22	10:3,16	obscenities	6:18 8:5
17:15 46:3	38:5,14,16	11:2	39:20	official
56:10	38:17,24	noticed	observation	83:21
68:15	39:2,6,8	45:16	33:19	official's
71:21	39:10,13	56:25 61:6	34:24	79:24
75:10	39:14,15	noticing	82:22	oftentimes
new 5:2 18:9	40:4,6,18	84:12	obtain 10:8	79:24
36:13	43:22 44:2	notify 79:18	obtained	okay 15:8
37:13 57:4	44:10	Notwiths...	47:3	22:9 23:1
78:13,14	45:23 46:2	36:11	obviously	24:17
78:17,18	46:12 48:3	November	52:1 67:8	30:19 32:7
newly 36:17	48:5,12,24	10:24,25	69:16 84:4	37:6 47:1
Newman 15:15	50:5,15	no-brainer	occasions	47:2,21,21
16:15,25	51:19,20	60:16	10:13	47:24 48:7
16:25	52:4,10	62:20	occupancy	49:14,21
21:21,24	53:3,14	Nugent 53:5	9:11,11	50:19
22:9,17	56:23	53:5 54:12	48:9	51:16 55:2
23:2,12,22	63:18,22	54:14	occupants	58:21
24:12,14	64:12,15	Nugent's	8:17 34:19	72:15,21
30:11,18	64:22	54:5	occur 51:15	73:24 82:9
31:9 32:7	66:11,23	number 7:5	occurred	84:9
66:1,6,10	66:24 67:4	9:6 13:11	56:22	old 16:2
70:8,10	67:14,18	32:23,23	occurring	35:20
72:16 73:1	68:23 72:4	32:25 33:3	56:3	59:17
73:12,14	75:12 85:6	33:7 38:9	occurs 57:12	75:20,20
73:19 76:1	nice 71:11	45:24	ocean 8:8,15	76:3
77:12 78:1	Nick 41:4	63:14 66:2	53:25	older 16:3
80:4 83:12	night 31:24	numbers 49:8	60:25	76:3
83:15	85:4	numerous	October	omitted
84:18,19	noise 18:10	17:11	10:13	21:21
Newman's	18:10,14	N-e-w-m-a-n	offenders	22:20,24
80:18	31:21 53:1	17:1	70:13	one-home 8:1
81:21	63:6		offer 5:16	on-site 19:3
Newport 1:8	nonsense	O	20:8,10,11	19:5 31:19
1:10 2:8,8	27:12	oath 87:8	offered	open 4:5
2:9 3:3,7	non-disc...	Oberman	10:19	5:19 25:1
3:9,10 4:1	80:4	43:25 44:7	office 22:22	29:5 51:14
5:8,11 6:9	non-issue	44:8 47:21	68:6	60:7 73:1
6:15 8:24	52:12	47:24	Officer 1:9	74:9
9:7 11:18	non-stop	49:14,16	4:6,10,12	opened 42:14
16:16,16	62:4	49:21,23	4:25 5:21	operate 7:13
17:1,2,5,5	Nope 4:17	50:7 71:24	6:3,4,17	21:13
17:7,8,9	normal 53:24	72:16,21	7:2 9:1	28:16
17:14,17	north 50:12	72:22 73:7	11:16,25	64:15
		73:9,22		

71:24	65:25	40:11	Parker 51:17	people 7:21
75:25	Orange 51:18	oversight	parking 19:4	18:17,22
operated	order 10:7	40:15	29:16 31:8	23:20,23
46:8 73:16	10:20 12:4	owned 42:20	31:13 52:7	25:8 26:12
operates	12:9 79:19	72:4	52:10	26:25 27:2
40:19	79:21 80:9	owner 13:2	59:24	27:2,15,19
73:10	85:5	26:18 27:3	part 11:8	29:3,15,17
operating	orderly	27:7,10	14:15	31:10 32:2
17:19	18:16	60:25	16:24	41:20,22
21:16	20:24	owners 31:17	22:23 24:9	44:15,21
41:10 75:9	25:10	52:23	31:16 32:3	45:1 49:1
78:11	32:11	ownership	32:4 37:12	49:4,8
operation	ordinance	7:15	37:12 38:3	52:1 53:20
5:16 20:1	7:7,15,19	owns 19:2	63:21	54:10 55:8
21:5,11	18:9 53:15	o'clock	79:10	56:25
22:23 26:6	54:18	22:13	85:22	58:21
33:19	74:16,17	53:21	particular	60:20 62:6
36:15 46:6	76:12,21	84:21	4:7 12:16	64:9 66:16
46:7 73:15	76:25 77:3	85:22	26:17 49:7	67:22 68:1
78:10	77:4 78:9	O-b-e-r-...	particul...	68:5,11,14
operations	80:2	44:8	49:1,4	69:6 70:16
6:14 20:24	ordinances	O-t-t-i-n-g	79:7	70:17,21
21:7 26:3	46:5	35:17	parties	70:21,23
34:6 48:10	organiza...		87:15	71:25 72:6
76:7 78:12	45:22	P	partner	82:20
operator	organized	package 50:5	16:15,16	people's
28:8,12,15	28:9	packet 22:5	17:1,2,11	69:4
33:11,22	originally	page 22:6,7	17:21	percent
40:9,15,23	56:13	36:7 45:16	partnership	20:11
44:12,24	Otting 35:15	48:7 50:14	26:12	percentage
47:8 48:2	35:17	paid 70:6	parts 21:11	54:13
operators	outlet 65:6	paper 85:11	passing 40:6	perfect
26:17 40:3	outlined	paperwork	patients	67:24,25
40:13 51:6	10:3,16	43:1 52:19	40:11,22	period 20:5
opinion	outside 5:13	58:12	PATRICK 3:4	41:16
52:12	11:14	64:10	Paul 29:21	42:20
opportun...	19:11	paragraphs	33:1,4	45:25
7:1 54:17	66:23	36:10	pay 70:21	70:22
opportunity	72:11 78:8	parcels 13:7	79:25	Perlin 47:9
24:10,25	81:11,20	13:8	paying 80:8	47:15,25
25:9 35:10	outstanding	Pardon 21:23	peaceful	48:1,5
54:18	12:19,25	49:17	53:24	permanent
77:14	14:8	parents	peninsula	85:13
79:19,20	overconc...	39:21,23	8:6 35:24	permit 4:14
80:5 81:16	54:20	43:21	35:24	5:8,18 6:1
optimistic	82:16	44:21	38:15	6:8,14,16
51:5	overly 51:5	60:19	40:19 53:6	6:18 7:8
options	overseeing	park 29:18	53:14,17	7:22 8:2
		31:20		

8:13,13,16	perspective	played 18:11	56:20	15:11
8:20 9:6,7	33:1 34:15	playground	potentia...	principal
9:16,22	phone 20:22	39:15,17	56:21	58:2 59:6
10:8 13:3	23:6	61:25	potentially	59:10
14:10	phonetic	playing	30:25 34:2	60:19
15:12	40:10 53:6	39:17	34:16	prior 12:13
21:17	pick 68:18	plead 62:12	practice	14:15
32:19 34:2	picking 40:3	please 20:23	76:9 80:3	17:20 37:3
37:12,17	41:18	25:3,6,11	practiced	37:10
37:25 41:3	pick-up	37:8 42:8	17:4	71:16 87:5
48:16,18	42:10	42:9 52:20	practices	87:7
62:14,14	piece 16:9	57:14 58:5	52:23	private 39:9
63:25 64:9	piecemeal	61:2 63:3	precisely	68:23
65:3,12,16	16:7	69:10,11	77:6	probability
74:7 75:2	pipe 56:15	72:17	precludes	50:22
75:5 78:8	Pizzo 17:3,4	73:13	33:17	56:21
78:12	47:14	pledge 20:16	preliminary	probably
79:16,22	place 10:9	point 8:7	13:9,10	24:9 27:19
80:1,6	16:11	15:8,10	prepare	29:25 31:2
81:12,13	19:19	23:17 25:6	11:23 83:9	42:15
81:21,23	21:16	33:15	prepared	75:14
82:4 85:6	22:20	34:16,23	23:18	84:12
permits 6:10	29:18	35:6 42:2	present 4:23	problem
9:18 33:18	30:17	60:12	presenta...	16:18 42:7
46:4 56:6	42:13	69:17,25	4:19 5:10	59:8 63:14
56:16	44:21	82:9,23	5:25 12:15	67:2 68:21
58:15 65:8	48:17	police 11:17	24:7 28:9	68:24
65:8 74:11	51:22 63:7	11:18	43:25	71:21
79:13	64:17 87:6	19:23,23	presented	problems
permitted	placed 87:8	20:3 39:23	11:24 21:5	24:2 41:24
9:11 62:21	places 59:23	43:5,6,8,8	presenting	52:7,10
permitting	plan 13:3,4	43:13	28:23	55:12
77:23	13:5,6,11	64:21,22	preserve	67:20
person 20:4	13:12,20	67:15,18	85:8	71:10
23:3 27:20	13:21 14:2	policy 19:17	presumably	72:13
30:1 47:7	15:22 21:5	34:8	51:3	procedure
58:22 71:6	21:10,16	poor 33:2	pretty 21:17	60:15
personal	26:3 27:11	position	24:11,15	proceed 4:18
44:18 45:7	33:19	54:4 67:9	30:1 43:3	4:21 58:17
47:4 68:12	37:10	positive	69:16	proceeding
personally	53:19	69:1	83:20	10:9
22:21 39:7	Planner 3:8	possible	prevented	proceedings
39:24 40:2	planning 5:5	18:19	34:13	4:5 87:5,7
personnel	34:24 84:2	19:22	previous	87:9
59:18	plans 15:21	82:14	81:6	process 6:12
persons 6:24	15:22	postpone	previously	7:5,8,22
6:25 7:13	21:13	28:2	17:19	8:2,20
54:6 76:15	64:25 65:8	potential	primarily	14:20

27:22,24	8:10,25	25:6 27:1	46:10	rear 19:17
28:18	13:2,7	30:15,24	47:13	19:18
31:17 32:4	49:9,10	32:17 34:3	56:24 57:1	reason 10:5
38:1 51:4	60:25	34:14	73:12	19:8,9
58:7 69:11	61:10	40:24 45:6	82:25	25:17
74:25	63:10	50:25	quiet 22:10	32:18 38:3
76:19 78:8	proposed	56:24	quite 29:11	42:22
81:12,13	33:15	61:21 65:6	32:13 36:2	44:20,25
81:21,23	provide 5:5	73:20	41:18	62:20
82:4	12:12	74:15,17	75:18	76:14 77:3
profanity	13:20	76:13 77:2		82:19,20
57:11	46:20 48:1	84:25	R	reasonable
61:25 63:6	77:13,14	putting	raised 22:8	6:21,23
professed	provided	37:16	65:23 75:8	7:1 45:13
68:2	13:14	60:19	75:17	reasons 11:6
professi...	provider	p.m 2:9,10	ran 15:23	24:10 29:1
45:24	25:23	4:2,2	41:22	60:21
profile 39:1	provides	18:12 85:7	58:11	rebut 5:23
profiteers	75:22	86:1	59:21	rebuttal
17:12	providing		ranked 51:25	66:7
program	13:16	Q	rational...	received
52:25	provisions	qualified	25:20	11:9,12,17
programs	36:14	36:25 37:3	reached	13:9,17,18
7:11 36:21	proximity	question	30:22	14:11 37:7
48:22	56:19 63:6	32:9 40:7	read 36:10	46:3,12
progress	63:18 70:5	40:8,14	70:25	receives
67:25	76:11,17	62:17	reading 30:6	39:12
71:11	76:18	70:13	real 34:5	receptive
progression	82:17	72:16,19	57:13	42:1
25:11	public 1:7	73:6,8,9	69:16 72:7	recidivism
prohibited	2:7 5:19	75:17	realize	57:22
81:18	5:21 17:8	79:14	16:13	recognizes
project 9:9	20:1 24:24	81:11,14	62:20	78:2
11:24	25:1 34:10	questioning	realized	recommend
13:13	35:9 37:20	45:18	65:11	28:1,19
projects	45:25 60:7	questions	really 6:1	77:11,12
58:16	65:21	6:2 9:2	13:5 14:5	recommen...
prolifer...	85:21	12:17	17:25 18:5	77:18
71:17	publication	20:20,21	20:11,14	82:10
proper 56:16	11:13	20:25	20:23 21:6	recommen...
65:1 81:19	public's	23:23,24	21:11 24:4	24:22
properly	12:24	48:8 70:1	24:19	83:10
18:21	pull 22:14	75:6 76:10	25:20	recommen...
34:17 38:2	41:20	77:9	33:24 36:6	12:8 32:15
59:9 66:15	43:12	quick 24:11	40:21	record 16:4
properties	pursuit	57:13	53:15 56:2	16:24
35:24	32:24	62:24,25	69:14	54:25 56:5
property	put 24:7	quickly	70:16	63:2 67:18
		18:18		

87:9	57:22	76:4	required	26:8
records 16:1	regulated	rental 41:14	10:25 13:3	respectf...
19:24	70:16	63:5	13:3 46:6	49:25
45:25	regulation	rents 72:5	46:6 48:14	respond 26:7
67:16	66:3	repeat 42:22	59:20	26:8 35:10
Recover	regulations	repeatedly	70:17	48:8,10
66:12	36:17	46:17	79:25	57:8 72:20
recovery 1:8	50:21	repetitive	requirement	73:13
4:11 5:9	52:25	5:1	7:19 14:24	responded
6:15,25	rehab 18:23	report 11:3	16:21	19:25
8:8,15,24	38:19 39:1	11:6,7,8	78:14	response
9:7 16:16	39:17,25	11:10,13	requirem...	13:19
16:17 17:2	40:13,16	11:17 12:6	4:16 9:16	65:19
17:2,14,17	44:5 66:23	12:19	9:17,18,21	responsi...
17:19 19:1	67:1	13:10 30:6	10:6 13:12	53:2
38:16,24	rehabili...	36:7 83:1	14:18	responsi...
39:2,14	30:2 53:16	Reporter	15:12	27:4,7
44:10 46:3	rehab s 38:25	2:11 63:3	46:15	40:15,24
46:12 48:4	reiterate	85:11 87:4	requires	responsible
48:6 50:5	34:24	reports	15:11	20:14 26:2
51:20 52:9	reject 28:19	15:20	36:21	26:22 28:9
52:16 54:6	32:16 54:4	43:13	requiring	33:11,22
54:8,10	60:13	represen...	14:14	47:8 69:18
63:14	relates 6:9	48:3	residence	rest 54:10
67:13	relation...	represen...	41:8 46:11	85:15
75:12,25	68:9	45:14,24	resident	resubmit
76:15 81:2	relative	represented	40:18 44:9	57:4
85:6	45:14,16	47:4	51:18	result 10:8
Recovery's	87:14	request	80:10	return 5:23
40:5	relatively	13:19 14:9	residential	13:14
rectify 23:8	22:25	41:2 43:23	6:10,13	73:25 84:1
68:14	43:15	46:22	46:15 47:5	returning
72:14	relevant	49:25	74:12	23:6
redone 38:10	79:7	requested	residents	review 15:3
redraw 15:22	relicensed	6:22 11:1	9:11 11:9	37:1,9
reduce 20:10	57:5	14:11 16:7	36:18	48:15
refer 7:10	remain 78:12	requesting	38:14	78:14 83:9
9:1	remaining	10:2	46:24 53:3	reviews 46:2
reference	10:16	requests	61:8	Richard 47:9
50:3	12:10	4:16 7:2	resolution	48:5
referred	remedy 79:19	13:23	68:8	RICHARDS 3:4
51:1	81:16	45:25	respect	rid 19:13
refuge 52:6	remember	require	23:13	ridiculous
regard 14:5	25:11	13:13	26:14	23:11
52:25	61:22	14:24	27:10,11	27:25
regarding	reminder 8:3	78:22,23	30:18 31:8	right 16:14
11:20 12:1	85:20	79:23	32:17	21:22 22:2
14:18 20:1	renewal 37:4	80:19	respectful	22:18,20

24:11	sacrifice	82:17	seek 36:22	show 13:6
49:13	34:21	schools 17:8	37:2	55:14
54:25	safe 60:3	30:24	seeking	showed 8:3
58:13	safely 34:14	38:22 39:9	37:13	showing
59:13 61:7	safer 60:3	39:9 60:1	seen 26:16	42:24
61:8,9,24	safety 34:11	60:2,5,6	43:5 52:14	shows 8:5
62:6 65:18	35:18	60:11	52:17,19	shut 34:6
68:10	38:21	76:13	54:9 71:11	shuttle
73:25	44:18	school-age	sees 72:19	13:12,15
78:11	59:15,19	38:23	seizure 20:5	side 16:13
82:11,12	sat 68:5	Schoonover	seldom 60:10	31:3,19
85:24	Saturday	60:24,24	select 39:8	sides 30:3
rightly 33:1	55:23	61:3	self 28:23	sidewalks
ripping	56:25	scratch 16:5	sense 26:9	19:16
79:22	66:20	screaming	28:17,18	Sigalos 64:6
risk 45:7	Saturdays	53:21	sent 10:1	64:6 75:11
48:22	61:6	Sea 7:24	sentencing	sign 66:17
role 4:12	saying 31:18	50:5 67:12	48:21	70:17
room 27:13	63:17	76:23	separate	signed 13:1
52:15	says 14:6	season 49:5	80:15 82:4	36:9 78:1
56:14	24:18	second 21:2	September	sign-off
84:15 85:3	29:14 30:8	46:8 57:2	10:4	14:16
rooms 13:20	36:10	65:13	series 10:11	similar 7:3
roots 17:13	72:24 78:9	secondarily	serve 60:7	simplified
route 13:17	scheduled	59:14	service	9:23
routing	12:13	60:16	13:13,15	sincerely
13:11,12	school 17:7	Secondhand	13:16,16	35:8
row 64:1	28:13,14	18:20	19:11 47:5	single 58:13
68:20	28:16 29:2	section 22:4	services	69:5
RPR 2:11	29:5,5,6	22:7 78:16	48:1	sir 23:13
87:21	30:21 31:7	secure 37:20	set 74:5,23	27:3 36:1
rude 25:8	33:23	59:16,18	83:3,25	72:22
39:19	38:17,18	see 7:4 8:11	87:6	73:11
rules 59:2	38:20,21	8:25 21:3	settlement	83:15
run 32:8,10	38:25	21:18	76:23	site 5:14
41:20,20	39:15	22:15	seven 49:18	9:9 13:3,5
42:23	40:17,22	23:17	49:19	13:5,13,16
58:13,15	40:23	30:18,19	seven-pe...	15:21,22
running	48:12,24	31:13,14	52:8	15:22
26:11 32:4	59:11,15	31:23	seven-unit	43:14 48:3
58:10	59:18 60:4	32:18	9:10 52:8	60:19
66:18	60:18	44:21	ship 26:11	sites 60:2
run-ins	62:18	55:13	SHIRLEY 3:9	sitting 32:7
71:19	63:19,19	57:14,15	shit 61:15	52:15
R3 9:10	70:5 71:14	61:21	short 70:22	66:19
	71:15,16	69:25	shorthand	situation
S	71:18,22	83:22	2:11 87:3	23:7 24:3
S3:5	76:11,17	seeing 65:20	87:10	37:1 44:19

55:10	32:4 34:20	25:12	25:10,12	stolen 62:1
60:20	60:9 62:12	29:23 41:6	53:12,13	62:3
68:10 69:2	someone's	58:4 61:1	53:17	stop 18:23
69:13	18:25 64:4	spelled 17:1	65:24 74:9	79:19,21
81:17	somewhat 5:1	spent 58:13	76:11	80:8
situations	9:22	spirit 20:12	started	stopped 42:2
9:22	son 61:15	spoke 22:11	25:22	43:6
six 7:12,14	soon 71:25	30:11 70:4	starts 22:6	stops 23:5
7:14,21	74:14	75:11	state 7:8,9	61:9
12:20,24	sorry 8:1	spoken 41:25	7:20 17:14	street 8:9
15:13	16:18	spots 8:11	17:22	17:25 31:4
24:15	22:24 24:2	spread 53:16	45:19,21	31:6,12,20
36:18 43:7	33:5 51:14	sprinkler	46:15 54:3	46:9 53:23
45:11	63:1 74:13	65:6,13,13	59:5,8	strict 52:25
50:17	77:10	sprinklers	63:1 73:8	66:16
62:16	83:22,24	79:4	75:13,20	strike-outs
71:25	sort 13:18	staff 4:20	75:22 76:5	47:20
73:22	34:4,6	5:10 6:3	76:6,8	strong 85:9
small 21:11	sorts 14:7	10:11,13	78:2,21,21	strongly
smaller	sounds 80:15	10:19 11:3	81:10 87:4	37:1
50:18	Southern	11:4,6,7,8	stated 10:15	student 40:7
smoke 18:20	8:17	11:10,13	11:6 12:6	students
18:20,22	speak 14:25	11:17,23	35:19 81:9	39:11
18:23	32:3 34:11	12:6,8,16	statement	study 14:19
55:24	54:15,23	12:19 19:3	13:25 14:6	stuff 32:2
61:14 67:3	speaker 25:3	20:25 21:4	33:16 54:6	54:24
67:4	25:16 54:2	24:18,21	72:23	55:14 57:8
smoked 42:18	79:12	27:15 28:1	statements	subject 7:24
smoking	80:12,22	36:7 40:12	23:24 72:8	8:2,9,13
19:17 21:9	80:23 81:1	46:12,16	states 37:6	8:18 34:2
30:19	speaking	65:22	status 10:14	39:3 44:17
31:24	25:12	70:19	stay 6:14	51:2
35:21	speaks 5:15	73:25	25:3 29:3	submit 10:24
39:20 48:9	26:5 72:2	74:21	53:12	12:10
49:5,6	special 15:3	77:18	54:10,10	13:10
52:2 53:1	70:6 82:5	82:10,15	54:19	24:18 32:5
56:18	specific 5:5	83:1,7	stealing	35:1 46:22
61:12	5:11 6:12	84:2	70:23	48:4,14
sober 7:24	9:3 11:20	stain 17:25	Steel 51:17	50:2 54:24
29:7 50:4	18:8 23:18	stand 15:14	51:18	56:5 57:13
67:12	67:7 70:1	15:15	step 78:22	57:21
71:25 72:1	76:14 77:3	standing	steps 7:5	submits
76:22	specific...	45:7	12:1	64:25
sobriety	12:21 76:2	standpoint	stereo's	submittal
54:10	specifics	82:8	62:3	10:21
solved 18:13	26:15 34:1	stands 78:7	Steve 36:8,9	24:20
somebody	speed 21:3	78:7	stickers	submitted
15:16 30:9	spell 16:23	start 16:5	59:24	9:12 10:4

10:17 11:2	supportive	57:15,22	54:1,22	15:8 21:6
11:4 12:21	22:13	61:24	56:23,24	21:20
13:2,4	supposed	targeting	57:20,24	22:13
15:23 26:4	21:25	76:1	60:22	23:17,19
32:20	43:13 46:4	tattoos	62:22 64:3	24:4,6,9
45:15,17	sure 50:6	39:19	66:9 73:11	26:16
48:13	55:1 62:25	teachers	80:21 83:6	27:17,24
50:17 83:3	81:7	44:22	85:24	28:23,24
subscribed	sweep 19:19	60:20	thanks 25:12	29:19 30:4
87:16	sweeping	telephone	51:16	32:2,13,22
subsequent	21:10	10:11,12	55:10	34:9 35:8
9:13	30:18	tell 22:17	72:15	37:16,20
substantial	system 17:16	31:19 42:8	73:24	38:1,8,9
24:9	25:4 48:20	44:25 52:3	thereof	40:7,7
substant...	S-c-h-o-...	52:17,24	87:12	43:15
7:3 45:12	61:4	55:24	They'd 67:3	49:12
substantive	S-i-g-a-...	57:14 69:3	thing 28:8	52:11,11
45:8	64:7	73:1,2	28:11	52:13 54:5
sudden 68:8	S-T-E-E-L	75:18	29:13 34:3	58:18,24
suddenly	51:18	temper 25:17	34:18	59:13
62:19		25:17	42:22	60:21 62:7
suffice	T	ten 55:4	47:25 49:6	63:13,15
15:24	T 58:12	77:5	55:17 57:2	63:16,23
suggest 32:3	take 16:21	tenants	58:13,16	64:1,2
33:8	18:18	42:12,17	62:16	65:16 66:2
suggested	29:10 40:6	61:10 63:5	69:16 70:3	66:25 67:6
49:11	43:17,21	tense 73:3	71:1,23	70:2 71:18
suggestions	64:18 67:1	terminate	72:12	71:19
65:24	68:22	35:11,12	80:10	75:11,16
summer 49:4	69:17	terms 48:14	things 16:14	77:20
55:22	70:12,13	terrible	18:24	80:14
summertime	70:14 74:3	34:20	22:15,19	82:12,24
29:16	77:1 83:17	Terry 63:9	22:22 23:4	85:2,10
Sunday 55:23	taken 2:7	testifying	29:10	third 25:23
56:25	20:11	87:8	32:23	Thomas 1:9
Sundays 61:6	27:18 87:5	testimony	33:12	4:5
66:20	talk 16:20	85:8,15	34:18	thought
superint...	23:18 25:9	thank 4:22	42:11 53:2	15:24
58:2 59:5	43:11	9:4 15:7	58:17,20	23:16
59:10	51:23 52:7	16:24	58:25 60:2	30:22,23
supervise	58:3 69:10	23:15	60:5,12	47:9 68:9
42:6	74:5 80:24	27:13	67:8 68:14	thousand
supervision	talked 30:12	29:20	68:15 69:3	17:23
60:20	32:8 49:10	32:19	69:9,21	28:13,14
supervisor	60:8 67:23	38:11 41:3	70:20 71:7	28:16
46:16	68:1 69:8	41:4 47:1	71:13	30:20 31:7
supplied	71:12 78:6	49:22 50:7	79:17	33:23
13:24	talking	50:8 53:4	think 5:2	62:18
	34:11 53:8			

thrash 52:5	54:14 57:4	totally 28:8	33:25	type 7:7
threatened	58:20 59:7	33:18	truck 29:11	13:21
68:4	60:10	34:23	62:1	31:23
threats 45:2	61:20	42:22	trucks 29:9	56:17
three 5:20	62:13 66:2	touching	68:19,20	types 48:21
6:4 20:3,5	66:16	23:3	true 33:4	typical 39:1
25:3,5	67:11	tough 18:2,3	try 18:16,18	typically
30:4 31:13	70:23 74:4	65:14 77:6	22:14 42:1	79:18
33:3,7	75:3 77:12	town 7:23	42:4 63:25	
35:6 39:7	78:4 80:17	8:19 78:25	68:7,13	U
46:25 47:3	83:2,2,8	79:15	69:19,23	unable 11:23
55:18 57:6	84:2,8,16	80:11	71:13,13	36:23 54:7
58:16 62:3	85:1 86:1	84:18	72:8,12,13	unaccept...
69:7 83:23	87:6	traffic 19:1	80:17	45:5
three-plus	timely 40:25	41:12	84:12	undersigned
52:3	times 13:14	transcribed	trying 17:25	87:3
throw 72:7	20:5 41:24	87:10	34:16	understand
throwing	59:22 62:3	transcri...	46:10	30:9 31:4
49:8	71:12	87:12	53:24	32:15
Thursday 8:4	time-wise	transiti...	67:24 69:1	37:18 41:1
14:24	83:5	46:18	72:12 79:5	57:3 67:10
ticket 67:3	timing 82:11	72:24	turn 5:7	68:11,13
tied 47:25	82:12	transport	20:23	understa...
tight 26:11	tiny 68:20	41:23	43:24	30:23
time 5:17,24	title 13:9	transpor...	58:19,25	51:11 74:2
9:24 10:15	15:20	19:2	62:14	understands
10:19	today 4:13	trash 19:11	65:15	40:18
11:23,25	7:25 22:18	19:13,14	turned 28:10	understood
12:8 16:19	26:16	42:10,12	74:23	85:10
18:4 19:3	27:16	42:14	twice 19:14	uneasiness
23:8 24:6	28:23 50:1	travel 13:15	79:25	56:20
24:23 25:2	50:3,16	treatment	twist 68:25	unfair 54:5
26:13 27:1	51:21	7:9 19:7	two 20:6	unfortun...
27:18,19	52:15 68:3	47:6	31:19,22	15:18 23:5
28:4 29:7	76:9 79:1	tried 10:11	32:25	34:19
31:23 32:5	79:15	17:15	34:18	78:15
32:17 35:3	today's 5:9	43:12	35:24 36:3	unfriendly
35:4 38:7	told 51:6	67:23	38:23	68:10
38:11	68:3 73:22	72:11	43:24 46:8	UNIDENTI...
40:11 41:1	tomorrow	trigger	46:25 55:4	79:12
41:5 42:7	33:18	78:13	56:8,8	80:12,22
42:12,13	64:19	trouble	57:6,10	81:1
42:17 43:7	tone 39:21	33:24	58:3 60:12	unique 59:15
43:24	tonight	53:14	66:21 79:1	unit 63:5
45:12 46:1	85:15	60:18	two-car 56:8	units 38:7
46:5 49:12	Tony 64:6	troubled	56:10	universally
49:15 52:2	total 21:14	33:24	two-hour	79:23
53:17	35:14 48:9	troubles	84:24	unlicensed
				47:16

unsettling 63:16	16:12 74:8	W	10:20	63:11 64:7
unsuperv... 49:2	utilize 19:14	W1:9 4:5	17:16 26:9	71:24
update 11:25	utmost 38:22	waffling 34:4	27:18	72:25
76:7	utterly 33:2	wagon 54:7	29:11	Wetherholt 38:12,13
upgraded 37:22	V valid 14:11	wait 62:19	30:13 31:4	we'll 4:18
upset 26:16	19:8,8	waiting 64:4	33:10,22	4:19 15:16
upsetting 63:16	validate 31:17	walk 29:7	34:10	24:12,24
upwards 49:3	valuable 5:3	walked 16:11	37:19 38:9	42:1 64:18
up-to-date 14:13	van 19:2	walking 53:22	42:23,24	65:20 66:8
urge 32:14	41:13 61:9	wandering 44:12	49:6 52:5	72:13
use 4:14 5:8	vandalism 20:6 70:20	want 18:7,8	61:18,22	79:10,18
5:18 6:1,8	70:24	19:19	64:2 72:9	85:5,8,25
6:10,14,16	vans 41:17	20:14	75:18	we're 4:4
6:18 7:8	61:8	22:14 25:8	ways 41:12	15:8 20:12
7:21 8:2	various 39:24 46:5	25:13,14	Web 5:13	20:12
8:13,13,16	74:22	26:24	48:3	22:13 23:8
8:20 9:6,7	vehicles 20:7 41:16	33:12,14	Wednesday 85:22	23:17 25:1
9:16,18,22	verbatim 87:8	34:3 36:9	week 10:18	27:1 30:7
10:8 13:3	verify 19:24	37:15	15:16 16:9	31:10,17
14:10	versus 84:6	44:14 52:7	19:15	32:7 34:7
15:12	vicinity 8:23	53:7 63:12	22:22	34:15
18:13	view 26:7	63:23 65:5	24:16	37:16
27:10	60:12	67:7 68:13	26:21 30:6	49:15
31:10	violation 45:21	70:21 71:8	58:14	55:19 60:7
37:12 41:2	violent 70:14,14	71:23 74:3	69:20	65:10
46:4 48:16	visit 29:17	74:9 77:13	80:23	66:15 67:1
61:25 68:7	visual 17:25	84:4,25	83:14,16	67:24 68:6
74:7,11	voice 63:12	wanted 54:3	84:1,3,13	68:15 69:1
75:5 76:18	voicing 67:20	60:8 62:14	weekends 39:16	69:18,19
76:20 78:8	volumes 26:5	63:1 73:5	went 42:12	71:9 72:12
78:12,13	voluntarily 76:23,24	74:5 76:11	42:18	77:2,5
78:22 79:5	volunteers 77:1	wants 67:9	43:12	we've 14:22
80:3,18	vulgar 39:20	washer 56:15	52:24	16:4 17:22
81:12,13	49:5	wasn't 15:5	59:22	20:2 23:7
81:15,18		47:14,14	63:18	26:16
81:20,23		62:15,15	64:19,25	31:14
82:4 85:6		waste 14:2,5	West 4:7,13	34:18
uses 6:13		19:12	8:10,24	41:24 43:5
8:25 36:14		29:10	9:8 29:22	43:6 51:9
74:12		68:17	33:6 46:9	55:4 67:23
76:18		wasted 28:4	46:11,20	68:23
82:21		35:3,4	46:21	69:15
usually		watch 42:9,9	47:17	71:21
		WATSON 3:4	50:16	whatsoever 28:6 32:24
		way 6:19	55:21	70:15
			60:25	WHEREOF

87:16	58:14,17	zero 55:18	168:16 9:15	29-bed 78:10
white 41:17	61:21 76:5	79:8,9	84:6	29-plus
wife 17:6,10	78:23	zone 9:10	16th 10:16	48:19
28:24	wrap 24:7	zones 74:12	84:13	
29:22 55:3	25:6 49:12		17 22:7	3
55:8	49:16,16	1	18 41:16	3 55:19
willing	49:21	136:13	180 67:12	30 19:7
20:19	57:13	45:16		70:18
34:21	84:25	1/2 29:22	2	300 48:12
Willis 62:9	wrapped	10 22:14	2 10:4 53:21	3300 2:8 3:9
wish 39:3	49:19	25:7	85:22	35 43:20
54:23	written	100 33:18	20 18:15	355 3:5
57:25 69:2	32:21	1019 64:7	20:11	
76:5,5	wrong 28:15	118:8 18:11	25:21	4
WITNESS	W-e-t-h-...	22:12	30:12	4 84:21 85:7
87:16	38:13	11th 31:12	20th 9:13	85:22
witnesses	W-i-l-l-i-s	11:30 31:24	20-plus	4th 10:1,10
87:7	62:10	1125 29:22	44:12 49:3	45:17
wonder 29:4	Y	33:6	2003 38:6	4:00 2:9 4:2
58:21	yard 29:5,5	1129 47:17	2005 11:20	40th 3:5
wonderful	Yeah 52:2	1132 31:3	2007 46:1	400 31:5
63:19	year 72:3,7	33:9	2008 1:11	45 17:6
words 25:7	years 16:2	1149 63:11	2:10 4:1	45-minute
work 18:17	17:5,6,18	12 84:6	6:12 7:17	41:16
20:17,18	17:20	12th 31:12	9:15 10:4	49 8:17
42:2,5	25:21	83:17,18	10:18	
56:7 57:16	26:20 30:3	84:13,15	19:25	5
66:14 68:2	30:4,5	84:22 85:7	36:13 38:6	5 11:3 34:21
68:7,13	31:13	1213 41:8	46:1 67:17	84:5
70:7 71:13	34:15	1216 4:7,13	2008-003	5:50 2:10
71:13	35:20,23	8:10,24	4:14	4:2 86:1
72:10,12	38:14	9:8 11:21	2008-033 9:6	50 16:2 17:5
76:8 79:16	41:10	46:9,13,19	2009 8:14	25:24
79:19,21	43:20	55:21	51:7 74:19	26:19
79:22 80:6	44:11	1217 50:16	2010 8:19	50-plus
80:9 82:17	51:19 52:3	1219 46:11	21 12:13	35:20
worked 80:16	55:5,7,22	46:21	83:7	
working	57:17	71:24	21-day 83:2	6
15:17	64:10 69:7	72:25	213 3:6	6th 37:5
41:15	71:21	73:10	22 8:9	60 51:21
42:13	73:17,19	13 36:4	22nd 6:15	626-8484 3:6
works 84:21	75:14 79:1	13th 84:14	51:15	644-3002
worry 64:18	79:2	14 10:24	24/7 27:9	3:10
worse 31:22	young 55:4	19:9 22:6	25th 10:25	67 36:7
52:5 57:1	57:10	34:19 48:7	28th 51:14	
wouldn't	64:11	1400 60:25	29 8:1,10	7
21:15		15 25:7 36:4	9:11 34:21	7 57:11
30:24	Z	38:14	35:21 36:8	
			53:10	8

81:11 2:10 4:1 85014:11 9 918:12 22:12,13 57:11 84:5 9018:25 90-day 20:5 90071-3101 3:5 92658-8915 3:10 92662:12 87:22 9493:10				
---	--	--	--	--