PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 8, 2015 **ITEM NUMBER:** PH-3

SUBJECT: **PLANNING APPLICATION PA-15-17 FOR MAISON (FORMERLY LION'S DEN) 719 WEST 19TH STREET**

DATE: **MAY 28, 2015**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MEL LEE, SENIOR PLANNER**

FOR FURTHER INFORMATION CONTACT: **MEL LEE, AICP (714) 754-5611**
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DESCRIPTION

Conditional use permit to allow:

- An existing cocktail bar/club (formerly Lion's Den, now Maison) to have live entertainment past 11:00 pm within 200 feet of residentially-zoned properties. Live entertainment is proposed in the form of jazz trios, solo performers, and 4 and 7 piece brass bands. A public entertainment permit currently allows a DJ and dancing. Proposed hours of operation are 7:00 am to 2:00 am, seven days a week.
- Legalization of a shipping container for storage in the parking lot behind the building.

APPLICANT

The applicant is Lisa Salisbury, representing Mark Pange, the property owner.

RECOMMENDATION

Staff recommends that the Planning Commission select one of the following:

1. Approve the project by adoption of Planning Commission resolution for approval, subject to conditions; or

2. Deny the project by adoption of Planning Commission resolution for denial.

BACKGROUND

Project Site/Environs

The subject property is located on the south side of West 19th Street, between Wallace Avenue and Pomona Avenue. The site is bounded by a commercial use to the east (Smart and Final Market) and west (a multi-tenant commercial building) and to the north across West 19th Street (various commercial uses). The site abuts residential properties to the south. The subject site and surrounding commercial properties are zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial. The residential properties to the rear are zoned R2-HD (Multiple Family Residential-High Density) and has a General Plan Land Use Designation of High Density Residential.

Site History

Retail Center

The subject property contains two multi-tenant commercial buildings on two separate parcels originally constructed in the early 1960's. The parcels are under the same owner and are also tied together via a recorded reciprocal access agreement. Other uses within the retail center includes restaurants, a laundromat, a medical clinic, and retail shops.

The site is currently striped with 80 on-site parking spaces at the front of both buildings; the parking spaces at the rear of the subject building (adjacent to the residential properties) are not striped. Vehicular access is provided from two driveways on West 19th Street and a single driveway on Wallace Avenue. The rear drive aisle and parking area of the subject building (abutting the residential properties) has rolling vehicle gates at both ends of the building; the gate at the easterly end of the building abuts the Smart & Final property and allows trash and delivery vehicles to access the subject property through the Smart and Final parking lot when the gate is open or unlocked. The subject property is separated from the existing residential properties to the south by a 5-foot high block wall with 2 feet of wood fencing on top of the block wall, and mature trees on the residential side of the property (see site photos attached).

Lion's Den/Maison

Cocktail Bar

According to the City's building permit records, the subject tenant space has been used as a cocktail bar since 1963, when it was also used as a restaurant. Prior to its current name (Maison), it was previously known as Lion's Den.

Zoning Code Section 13-47 requires eating and drinking establishments with alcoholic beverage sales, entertainment, and dancing within 200 feet of residentially-zoned property, and open past 11:00 pm, to have a conditional use permit; however, as the

business was established in the early 1960's, it predates this requirement and is nonconforming.

Public Entertainment Permit

Although the establishment does not have a conditional use permit, it is required to have a Public Entertainment Permit (PEP) in accordance with Costa Mesa Municipal Code (CMMC) Title 9, Article 11 (Regulatory Permits for Public Entertainment). The PEP for this establishment has been issued annually by the Code Enforcement Division since the 1980's. The current PEP allows the establishment to have recorded music (DJ) and dancing; the PEP does not allow the establishment to have live music (i.e., bands or performers). A copy of the current PEP, which expired on April 21, 2015, is attached to this report for reference (Attachment 3). The applicant is intending to renew the PEP once the establishment is permitted to reopen by the Building Safety Division and Fire Prevention (see Building Safety and Fire Prevention discussion below).

It should be noted that prior to 2010, the PEP allowed Lion's Den to have live entertainment; however, when the PEP was renewed in November of that year, the operator at the time (Beverly Corrigan) discontinued providing live entertainment, deciding to provide recorded music (DJ) and dancing only. A copy of the November 2010 PEP, with the operator's request to discontinue live entertainment, is also attached to this report for reference (Attachment 3).

State Alcoholic Beverage Control (ABC) License

The establishment is permitted to operate with a State Alcoholic Beverage Control (ABC) License Type 48 (On-Sale General, Public Premise). According to the license query system on the State ABC website, a copy of which is attached to this report (Attachment 4), the license is currently active and there are no disciplinary actions related to the license on file with ABC. The conditional use permit, whether it is approved or denied, will not affect the existing ABC license.

Building Safety and Fire Prevention

According to City records, the interior layout of the establishment has been unchanged under Beverly Corrigan (the prior operator) as Lion's Den. A copy of the original floor plan layout is attached to this report as Attachment 6. The current operator, Roland Barrera, acquired the lease and assumed operation of the establishment in October 2014. On March 18, 2015, the Building Safety Division, based on a resident complaint, conducted an inspection and issued a Stop Work Notice for construction that was occurring within the tenant space without building permits. On March 20, 2015, after further inspection by the Building Safety and Fire Prevention inspectors, the building was determined to be unsafe to occupy and issued a "Red Tag". As part of the stop work and red tag notices, the applicant is required to do the following:

- Submit plans to the Building Safety Division for plan check and obtain the necessary Building Safety and Fire Prevention permits;
- Once permits have been issued, obtain any required inspections and approvals;

- Obtain approval of a Conditional Use Permit from the Planning Division for live entertainment.

The establishment cannot reopen to the public as a venue with live entertainment until all of the above items have been approved. However, the business may resume as a cocktail bar with a DJ and dancing once the building/fire safety issues are rectified and the Public Entertainment Permit is renewed.

Tenant improvement plans were submitted to the Building Safety Division for plan check on May 7, 2015 and are currently being reviewed for code compliance. The application for the use permit (PA-15-17) was submitted to the Planning Division on May 4, 2015. With regard to the process of legalizing the unpermitted construction, the applicant has complied with the requests from the Building Safety and Fire Prevention Divisions to date.

Code Enforcement History

The Code Enforcement cases in the past 12 months for the establishment is summarized in the table below.

Code Case #	Date Opened	Type of Complaint	Notice of Violation/Citation Issued?	Case Closed?
CD-14-0217	3/25/14	Property Maintenance	Yes (NOV)	Yes (6/27/14)
CD-14-0503	10/24/14	Noise (Rear Door Open During Evening Hours)	No	Yes (10/24/14)
C15-0200	3/18/15	Construction w/o Permits & Live Entertainment	Yes/Red Tag Issued by Building	No (Current)

Police Calls for Service

Between May 1st, 2014 and May 26th, 2015 there were 31 Calls for Service for Lions' Den with 6 of them resulting in a case being generated. Municipal Ordinance Violation calls consisted of unregistered bike calls and disturbance calls from construction being done on building. Ten calls were taken in March 2015 regarding the noise (construction and music). The Police Department indicated that the extent and nature of these calls for service for this type of use is considered about average.

Lion's Den Calls for Service
05/01/2014-05/26/2015

Call Time	Nature	Business	Service
12/06/2014 11:52:15	PERSON DOWN	LIONS DEN	LAW
10/06/2014 13:31:19	SUBJECT STOP	LIONS DEN	LAW
10/06/2014 11:09:56	SUBJECT STOP	LIONS DEN	LAW
06/05/2014 10:15:35	PATROL CHECK	LIONS DEN	LAW
05/13/2015 19:19:35	SUSPECT PRESENT OR IN AREA	LIONS DEN	LAW
04/23/2015 09:51:13	MUNICIPAL ORDINANCE VIOLATION	LIONS DEN	LAW

Call Time	Nature	Business	Service
04/21/2015 09:38:02	SUBJECT STOP	LIONS DEN	LAW
04/14/2015 11:37:33	PATROL CHECK	LIONS DEN	LAW
04/08/2015 14:17:19	MUNICIPAL ORDINANCE VIOLATION	LIONS DEN	LAW
04/08/2015 13:56:39	TRESPASSING	LIONS DEN	LAW
04/07/2015 12:05:39	INTOXICATED MALE	LIONS DEN	LAW
03/20/2015 17:56:18	MUTUAL AID	LIONS DEN	LAW
03/20/2015 17:55:11	FIRE PUBLIC ASSIST ENGINE	LIONS DEN	FIRE
03/19/2015 09:35:01	COMMUNICATIONS CITIZEN ASSIST	LIONS DEN	LAW
03/15/2015 00:52:07	DISTURBANCE OCCURRING AGAIN	LIONS DEN	LAW
03/15/2015 00:06:34	DISTURBANCE MUSIC	LIONS DEN	LAW
03/14/2015 22:53:12	DISTURBANCE MUSIC	LIONS DEN	LAW
03/14/2015 21:45:16	DISTURBANCE MUSIC	LIONS DEN	LAW
03/13/2015 23:03:06	DISTURBANCE NOISE	LIONS DEN	LAW
03/13/2015 19:10:49	MUNICIPAL ORDINANCE VIOLATION	LIONS DEN	LAW
03/12/2015 20:09:16	DISTURBANCE OCCURRING AGAIN	LIONS DEN	LAW
03/12/2015 19:39:50	MUNICIPAL ORDINANCE VIOLATION	LIONS DEN	LAW
03/08/2015 20:21:37	DOMESTIC VIOLENCE REPORT	LIONS DEN	LAW
03/01/2015 22:42:43	DISTURBANCE MUSIC	LIONS DEN	LAW
02/26/2015 15:29:04	MUNICIPAL ORDINANCE VIOLATION	LIONS DEN	LAW
02/26/2015 12:56:28	TRANSIENT	LIONS DEN	LAW
02/25/2015 15:06:49	MEDICAL AID	LIONS DEN	FIRE
02/25/2015 14:51:08	PERSON DOWN	LIONS DEN	LAW
02/07/2015 12:46:16	911 WIRELESS NO VOICE CONTACT	LIONS DEN	LAW
02/06/2015 14:54:01	OUT FOR INVESTIGATION	LIONS DEN	LAW
01/17/2015 12:18:24	911 WIRELESS NO VOICE CONTACT	LIONS DEN	LAW

Top Five Calls for Police Service Types

Nature of Call	Number of Calls
MUNICIPAL ORDINANCE VIOLATION	**5**
DISTURBANCE MUSIC	**4**
SUBJECT STOP	**3**
911 WIRELESS NO VOICE CONTACT	**2**
DISTURBANCE OCCURRING AGAIN	**2**

Source: Costa Mesa Police-Crime Prevention

ANALYSIS

CUP for Live Entertainment Venue

The Zoning Code requires a Conditional Use Permit for a cocktail bar/lounge with live entertainment past 11 pm within 200 feet of residentially-zoned properties. As indicated earlier, live entertainment was discontinued at the establishment in late 2010; however, recorded music and dancing is currently permitted. Because the current operator is reintroducing live music into an establishment open past 11:00 pm and within 200 feet of residentially-zoned properties, approval of a conditional use permit is required.

According to the applicant's project description (Attachment 2), the establishment is proposing to provide live entertainment in the form of jazz trios, solo performers, and 4 and 7 piece brass bands. The 4,500 square foot space is divided into two areas as described below:

- Phase 1: Maison Bar – a 3,300 square foot space with raised stage dance floor, 2 raised seating areas, main bar and kitchen.
- Phase 2: Holiday Bar – a 1,200 square feet space with a smaller stage and circular bar available by reservation only.

The applicant indicates that the Maison Bar (Phase 1) Area would open first once the appropriate approvals have been granted by Building Safety and Fire Prevention, and assuming the live entertainment is approved through PA-15-17, with the Holiday Bar (Phase 2) opening at a later date once approved by Building Safety and Fire Prevention.

The hours of operation are 7:00 am to 2:00 am, 7 days a week. The applicant indicates that the kitchen will serve light breakfast and lunch items, however, the main use (bar/lounge) begins operating after 8:00 pm, so as to reduce parking conflicts with the other businesses in the center (see operating hours below).

Current Uses/Hours of Operation in Retail Center

Business Name	Square Footage	Hours of Operation
Maison (Formerly Lion's Den)	4,483 SF	7:00 am-2:00 am 7 Days
Costa Brava Seafood Restaurant	2,118 SF	11:00 am-9:00 pm Sun-Sat
Gloria's Mexican Food	908 SF	6:00 am-10:00 pm Sun-Sat
Lavanderia Coin Laundry	1,785 SF	7:00 am-10:00 pm Mon-Fri 6:00 am-10:00 pm Sat-Sun
El Toro Bravo Market	2,269 SF	8:00 am-9:00 pm Sun-Sat
El Toro Bravo Tortilleria	1,600 SF	6:00 am-9:00 pm Sun-Sat
Costa Mesa Medical Clinic	1,900 SF	8:00 am-8:00 pm Mon-Fri 9:00 am-7:00 pm Sat-Sun
Eva's Beauty Salon	800 SF	9:00 am-7:00 pm Mon-Fri 9:00 am-7:00 pm Sat-Sun
Jem Check Cashing	800 SF	9:00 am-7:00 pm Mon-Sat 10:00 am-3:00 pm Sun
Simply Prepaid	800 SF	10:00 am-7:00 pm Mon-Sat
Acapulco Restaurant	1,700 SF + 514 SF Patio	6:00 am-9:00 pm Sun-Sat

Based on the City's Shared Parking Analysis (Attachment 7), 112 parking spaces are required for the center based on the current mix of uses; 107 parking spaces are proposed. However, because all of the uses are existing and no new floor area is being added, the current number of on-site parking spaces is considered to be legal nonconforming.

The applicant further states that bar patrons park within the parking areas on the subject property (including the rear portion of the lot abutting the residential properties) as well as in the adjacent Smart & Final parking lot. This parking arrangement has not changed since the applicant assumed operation of the business from the prior operator (Beverly Corrigan) as Lion's Den.

CUP includes Request to Legalize Storage Container

The establishment has a shipping container 9 feet wide by 35.5 feet long, or 319.5 square feet total, at the rear of the building (see site photos attached). The height is 9.5 feet. Zoning Code Section 13-44 includes the following provisions for outdoor storage and shipping containers:

- The container does not interfere with required parking or vehicular access;
- The container is not located in a required setback area abutting a public right-of-way;
- The container does not decrease the amount of required landscaping;
- The container is screened from view from street or adjacent properties;
- The container complies with the development standards for Floor Area Ratio (FAR), building setbacks, and parking; and
- The container is on a permanent foundation.

According to the applicant, the placement of the shipping container provides needed storage space as well as a visual/noise buffer between the rear of the bar and the adjacent residential properties.

Per Section 13-44, containers that do not comply with the above criteria requires a minor conditional use permit. A development standard comparison for the shipping container is provided below.

DEVELOPMENT STANDARD COMPARISON
(Shipping Container)

Development Standard	Required/Allowed	Proposed/Provided
Lot Area	NA	56,000 SF (1.29 AC)
FAR (Floor Area Ratio)	.30 (16,800 SF)	.22 (12,408 SF)(1)
Setbacks		
Front	20 FT	235 FT
Side (left/right)	0 FT/15 FT	10 FT/150 FT
Rear	18 FT	46 FT
Parking (Including Container)	112 Spaces	107 Spaces (2)
Permanent Foundation?	Yes	No (2)

NA = Not Applicable or No Requirement
(1) Includes shipping container.
(2) Minor conditional use permit required.
(Processed as a component of the CUP request)

Although the container complies with most of the above provisions (the container complies with FAR and building setbacks, does not interfere with on-site parking or vehicle circulation, is not visible from the street, and is painted a neutral color so as to be sufficiently screened from abutting properties), the container is not on a permanent foundation and, as noted earlier, the site is nonconforming with regard to on-site parking; as a result, the minor conditional use permit is required.

Although minor conditional use permits are typically reviewed by the Zoning Administrator, it has been incorporated into the request for live entertainment under PA-15-17 for the Commission's consideration.

Policy Decision by the Planning Commission

Consideration of this request for live entertainment would largely be based on compatibility with the abutting residential area. Staff believes that this application represents a policy decision by the Planning Commission to weigh:

- Whether (or not) the live entertainment would be an over intensification of the nonconforming use.
- Whether the live bands would cause increasing noise disturbances compared to the historic allowance for DJ music and dancing.
- Whether compliance with the conditions of approval would ensure the quiet enjoyment of the neighborhood (R2-HD zoned properties along Center St.)
- Whether the live entertainment would support the viability of the business while being compatible with the multi-family residential neighbors.

As noted earlier in this report, the current operator was altering the tenant space and operating the establishment without City approvals, which was brought to the attention of the Planning Commission and City Council by one the abutting residential neighbors. A primary role of the Planning Commission is to implement the General Plan and Zoning

Code through its decision-making, and therefore, provide leadership and insight on land uses and development in the City. The Planning Commission plays an important role in administering the Zoning Code by applying adopted ordinances to particular development proposals.

The Commission's decisions are:

- Based in regulatory compliance, fact and science;
- Consistent with related General Plan policies and Zoning Ordinances;
- Clearly linked to stated community objectives; and
- Compliance with State, Federal, and local laws.

Existing Bars/Restaurants with Live Entertainment Within 200-feet of Residential Area

Planning Commission has made past decisions to allow establishments with live entertainment and dancing (most recently, for the relocation of Sutra Lounge at the Triangle), subject to operating conditions of approval to minimize impacts to surrounding properties and uses. In this case, policy direction is needed for this use as it involves the re-introduction of live entertainment for an establishment that is within 200 feet of residentially-zoned properties, is open past 11:00 pm, and for which resident complaints were brought to the attention of the Planning Commission and City Council.

Following are approved CUPs for establishments with live entertainment within 200 feet of residentially-zoned properties:

Name	Location	Type of Entertainment	CUP?
Wayfarer/Detroit	843 W. 19th Street	Bands	Y (PA-07-45)
Shark Club	841 Baker Street	Bands, dancing	Y (PA-98-18)
The Boulevard	1824 Newport Blvd.	Bands, Solo Performers	Y (PA-14-03)
Social	512 W. 19th Street	4 piece bands, karaoke	Y (PA-05-17)

Public Entertainment Permits that Include Live Entertainment

Additionally, when Public Entertainment Permits were first issued in the 1980's, the purpose was to legalize live entertainment, DJs, and dancing in existing establishments. Code currently requires a CUP for these types of activities in proximity to residential uses. The following list provides some examples of existing businesses with PEPs for live entertainment.

Existing PEPs with Live Entertainment

- Garibaldi De Noche, 810 W. 19th Street.
- Big Belly Deli (formerly Avalon Bar), 512 W. 19th Street.
- Tiki Bar, 1700 Placentia Avenue.
- Sutra Lounge, 1870 Harbor Boulevard (The Triangle).

It should also be noted that, even if the application were to be denied, the applicant could still continue to operate the establishment with recorded music (via DJ) and dancing under the current City approvals once the required building permits and inspections have been obtained. The applicant would be required to remove the storage container.

FINDINGS TO APPROVE OR DENY THE PROJECT

Pursuant to Title 13, Section 13-29(g)(2), Findings (Conditional Use Permit and Minor Conditional Use Permit), of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings.

Staff is seeking policy direction from the Planning Commission with regard to the approval or denial of this project based on code compliance and a determination of compatibility with the residential area. Findings for approval and denial are provided and also reflected in the draft resolutions as highlighted below:

Findings for Approval

- *The proposed use is substantially compatible with the multi-family residential development along Center Street (R2-HD zone) and would not be materially detrimental to other properties within the area*. The proposed use, with the recommended conditions of approval, will be consistent with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

  The applicant shall be required to comply with the following conditions, the complete list of which are included in the draft approval resolution:

  Music & Live Entertainment

  - Live entertainment shall be limited to jazz trios, solo performers, and 4 and 7 piece brass bands.
  - Entertainment, including a DJ and/or dancing, may only be permitted subject to City issuance of a "public entertainment permit" on an annual basis.
  - The operation of the business shall comply with the City's Noise Ordinance with specific regard to acceptable outdoor noise levels in residential areas.
  - The rear doors shall remain closed during any performance of live entertainment, pre-recorded music (DJ), and dancing.
  - Within six months of the approval of the CUP, applicant shall remit a noise study by an acoustical engineer which identifies the noise levels at the rear property line abutting the residential properties. Noise monitoring shall occur for a four hour period from 9AM to 1AM for a minimum of 12 events where live entertainment is offered. Study shall provide conclusions as to whether or not the operations of the bar/lounge comply with the City's Noise Ordinance with regard to the adjacent residences. Study shall make recommendations that

shall be implemented by the applicant to reduce noise levels (as applicable) to ensure compliance with the Noise Ordinance.

Parking Management

- Parking for patrons and employees of the business shall occur on-site. Employee or patron parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the conditional use permit.
- The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.

Crowd Control/On-Site Security

- An adequate number of security personnel, as determined by the Police Department Crime Prevention Bureau and/or the Development Services Director, shall be provided to ensure that all parking lots are monitored during the days and hours the business is in operation.

Lighting

- Operator shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering.
- The intensity and location of lights shall be limited to minimize nighttime light and glare to residents and shall be subject to the Development Services Director's approval.
- All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
- Lighting design and layout shall limit light spillage to no more than 0.5 foot-candles at the property line of residential properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site. Light standards near residential properties shall be shielded in such a way as to minimize light spillage onto surrounding properties.

- *Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood*. The use is an existing commercial project consistent with the C1 zoning of the property and residentially-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

- *Granting the conditional use permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property*. The use is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project, as

conditioned, is consistent with the applicable provisions of the General Commercial General Plan Designation. The request, as conditioned, is consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

If the Planning Commission believes that the conditions of approval are adequate to address impacts to the residential neighborhood, the proposal would be in conformance with this General Plan objective.

However, if the addition of live entertainment at the Maison Bar would involve an overintensification of the use in proximity to a residential zone, the proposal would therefore not be in conformance with the General Plan.

- *Additional upgrades to the overall property shall be required of the property owner as part of the CUP request.*

Property Maintenance

Rather than address the existing property maintenance violations as a code enforcement matter per the provisions of Title 20, Article 1 (Property Maintenance Standards), staff is recommending the following condition of approval to expedite code compliance. It should be noted that the property owner, not the applicant, is responsible for addressing issues related to property maintenance; however, as this project is being brought to the Planning Commission for consideration, they may also be incorporated as conditions of approval for compliance by the property owner, should the Commission approve the project. Specifically, the condition of approval (No. 20) states the following:

No later than 30 days from the effective date of approval, the property owner or his/her designee shall contact the Planning Division to establish a timeline to address the following property maintenance issues at the subject property per Title 20, Article 1, including, but not limited to, the following:

a) *Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to residential areas.*
b) *Parking areas at the front and rear of the site shall be resurfaced and restriped.*
c) *Non-permitted banner signs shall be removed.*
d) *Landscape planters shall be planted with trees and groundcover which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-105 through 13-107.*
e) *The existing freestanding pole at the northeast corner of the site shall be removed.*
f) *The exterior public telephone at the northerly portion of the site (near the kiosk) shall be removed.*

Photos of some of the site's property maintenance issues are included in the site photos attached to this report (Attachment 8).

Failure of the property owner to address the above property maintenance issues in a timely manner could result in the issuance of citations and fines by the Code Enforcement Division. However, with regard to the implementation of this condition, any delayed compliance with this condition by the property owner will not restrict the applicant from business operations.

Findings for Denial

- *The proposed use is not substantially compatible with developments in the same general area and would be materially detrimental to other properties within the area*. The proposed use, is not consistent with the other uses in the immediate vicinity.

- *Granting the conditional use permit and minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood*. The use is not consistent with residentially-zoned properties in the vicinity. The use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood due to noise impacts.

- *Granting the conditional use permit and minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property*. The use is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project is not consistent with the applicable provisions of the General Commercial General Plan Designation. The request is not consistent with the following goals and objectives of the General Plan:

    - **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

ENVIRONMENTAL DETERMINATION

If the Planning Commission approves the project, it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. The project site contains an existing building with no increase in total floor area for the use proposed. If the Planning Commission denies the project, the denial is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

LEGAL REVIEW

The draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

PUBLIC NOTICE:

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. *Mailed notice.* A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. *On-site posting.* A public notice was posted on each street frontage of the project site.
3. *Newspaper publication.* A public notice was published once in the Daily Pilot newspaper.

ALTERNATIVES

- *Approve the project with modifications*. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

- *Deny the project.* If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

NOTE: If the application were to be denied, the applicant could still continue to operate the establishment with recorded music and dancing under the current City approvals once the required building permits and inspections have been obtained. The applicant would be required to remove the storage container. Any property maintenance issues would be followed up with the property owner separately by Code Enforcement.

CONCLUSION

Consideration of this request for live entertainment would largely be based on code compliance and compatibility with the abutting residential area. Staff believes that this application represents a policy decision by the Planning Commission to weigh whether or not the proposal to add live entertainment should be approved for Maison Bar. On the one hand, the recommended conditions of approval in the CUP may adequately address

impacts to residential uses. On the other hand, the option for live entertainment may be considered an overintensification of the existing use in proximity to a multi-family residential zone (R2-HD).

MEL LEE, AICP
Senior Planner

CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachments:
1. Draft Planning Commission Resolutions
2. Applicant's Project Description
3. Public Entertainment Permits (2009-2010, and Current)
4. State Alcoholic Beverage Control (ABC) License Query Results
5. Radius, Vicinity, and Zoning Map
6. Project Plans, Including Original and Proposed Floor Plan Layout
7. Shared Parking Analysis
8. Site Photos

Distribution:
Director of Economic & Development Services/Deputy CEO
Assistant Development Services Director
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Public Services Director
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ATTACHMENT 1
DRAFT RESOLUTIONS

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-17 FOR LIVE ENTERTAINMENT AND A STORAGE CONTAINER AT MAISON (FORMERLY LION'S DEN) AT 719 W. 19TH STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Lisa Salisbury, representing Russell Pang, the property owner, requesting approval of a conditional use permit for the following:

- An existing cocktail bar/club (formerly Lion's Den, now Maison) to have live entertainment past 11:00 pm within 200 feet of residentially-zoned properties. Live entertainment is proposed in the form of jazz trios, solo performers, and 4 and 7 piece brass bands. A public entertainment permit currently allows a DJ and dancing. Proposed hours of operation are 7:00 am to 2:00 am, seven days a week.
- Legalization of a shipping container for storage in the parking lot behind the building.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 8, 2015 with all persons having the opportunity to speak for and against the proposal.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-15-17.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-15-17 and upon the applicant's compliance with each and all of the conditions in Exhibits B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 8th day of June, 2015.

_____

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 8, 2015 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (APPROVAL)

A. The proposed project complies with Title 13, Section 13-29(g)(2), conditional use permit and minor conditional use permit, of the Municipal Code due to the following:

- *The proposed use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area*. The proposed use, with the recommended conditions of approval, will be consistent with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

- *Granting the conditional use permit and minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood*. The use is an existing commercial project consistent with the C1 zoning of the property and residentially-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

- *Granting the conditional use permit and minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property*. The use is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project, as conditioned, is consistent with the applicable provisions of the General Commercial General Plan Designation. The request, as conditioned, is consistent with the following goals and objectives of the General Plan.

    - **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

B. The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. This project site contains an existing building with no increase in total floor area for the building proposed. The project, as conditioned, is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng.

1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation indicated, 7:00 am-2:00 am, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. Entertainment shall be limited to jazz trios, solo performers, and 4 and 7 piece brass bands, a disc jockey for pre-recorded music, and dancing. Any change to the operational characteristics including, but not limited to, amplified live music, shall require approval of an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
3. Entertainment, including music and/or dancing, may only be permitted subject to City issuance of a "public entertainment permit." Contact Code Enforcement (754-5623) for application information.
4. Music or other entertainment shall not be audible beyond the area under the control of the licensee.
5. The rear doors shall remain closed during any performance of live entertainment, pre-recorded music, and dancing.
6. The conditions of approval and ordinance or code provisions of planning application PA-15-17 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
7. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
8. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
9. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
10. There shall be no sales of alcoholic beverages for off-site consumption.
11. For establishments with a State Alcoholic Beverage Control (ABC) License, all sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic

Beverage Control. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.

12. Parking for patrons and employees of the business shall occur on-site. Employee or patron parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the conditional use permit.
13. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
14. An adequate number of security personnel, as determined by the Police Department Crime Prevention Bureau and/or the Development Services Director, shall be provided to ensure that all parking lots are monitored during the days and hours the business is in operation. Security personnel shall provide parking management, noise control, loitering prevention, as well as general security of all parking areas on and immediately abutting the subject site.
15. Within six months of the approval of the CUP, applicant shall remit a noise study by an acoustical engineer which identifies the noise levels at the rear property line abutting the residential properties. Noise monitoring shall occur for a four hour period from 9AM to 1AM for a minimum of 12 events where live entertainment is offered. Study shall provide conclusions as to whether or not the operations of the bar/lounge comply with the City's Noise Ordinance with regard to the adjacent residences. Study shall make recommendations that shall be implemented by the applicant to reduce noise levels (as applicable) to ensure compliance with the Noise Ordinance.
16. Operator shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
17. The intensity and location of lights shall be limited to minimize nighttime light and glare to residents and shall be subject to the Development Services Director's approval.
18. All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
19. Lighting design and layout shall limit light spillage to no more than 0.5 foot-candles at the property line of residential properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site. Light standards near residential properties shall be shielded in such a way as to

minimize light spillage onto surrounding properties.

20. No later than 30 days from the effective date of approval, the property owner or his/her designee shall contact the Planning Division to establish a timeline to address the following property maintenance issues at the subject property per Title 20, Article 1, including, but not limited to, the following:
    a) Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to residential areas.
    b) Parking areas at the front and rear shall be resurfaced and restriped.
    c) Non-permitted banner signs shall be removed.
    d) Landscape planters shall be planted with trees and groundcover which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-105 through 13-107.
    e) The existing freestanding pole at the northeast corner of the site shall be removed.
    f) The exterior public telephone at the northerly portion of the site (near the kiosk) shall be removed.
21. The operator shall maintain free of litter all areas of the premises under which applicant has control.
22. A copy of the conditions of approval shall be kept on the premises and presented to any authorized City Official upon request. New business/property owners shall be notified of conditions of approval upon Transfer of business or ownership of land.
23. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
24. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

Plng.

1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
3. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
4. All exits shall be clearly marked with "EXIT" signs.
5. All conditions of the California Alcoholic Beverage Control Board shall be complied with.
6. All exterior lighting shall be shielded and/or directed away from residential areas.
7. Outdoor public communication systems shall not be audible in adjacent residential areas.
8. The landscape planter area at the rear of the property (adjacent to residential) shall contain appropriate plant materials to provide an immediate and effective screen. Plant materials shall meet with the approval of the Planning Division.

Bldg.

9. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

Sani.

1. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.

AQMD

2. Applicant shall contact the Air Quality Management District (AQMD) at

(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.

Water 3. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

State 4. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-15-17 FOR LIVE ENTERTAINMENT AND A STORAGE CONTAINER AT MAISON (FORMERLY LION'S DEN) AT 719 W. 19TH STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Lisa Salisbury, representing Russell Pang, the property owner, requesting approval of the following:

- An existing cocktail bar/club (formerly Lion's Den, now Maison) to have live entertainment past 11:00 pm within 200 feet of residentially-zoned properties. Live entertainment is proposed in the form of jazz trios, solo performers, and 4 and 7 piece brass bands. A public entertainment permit currently allows a DJ and dancing. Proposed hours of operation are 7:00 am to 2:00 am, seven days a week.
- Legalization of a shipping container for storage in the parking lot behind the building.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 8, 2015 with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** Planning Application PA-15-17.

PASSED AND ADOPTED this 8th day of June, 2015.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 8, 2015 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

A.

- *The proposed use is not substantially compatible with developments in the same general area and would be materially detrimental to other properties within the area*. The proposed use, is not consistent with the other uses in the immediate vicinity.

- *Granting the conditional use permit and minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood*. The use is not consistent with residentially-zoned properties in the vicinity. The use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood due to noise impacts.

- *Granting the conditional use permit and minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property*. The use is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project is not consistent with the applicable provisions of the General Commercial General Plan Designation. The request is not consistent with the following goals and objectives of the General Plan:

    - **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

B. The Costa Mesa Planning Commission has denied Planning Application PA-15-17. Pursuant to CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2
APPLICANT'S PROJECT DESCRIPTION

SALISBURY GROUP, INC.

Law Group | Property Group
CA Bar License #172353 | CA Broker License #01212552
3720 S. Susan Street, Suite #110
Santa Ana, California 92704
Tel 949.251.4600 | Fax 949.251.4604

MAISON
LE SALLE de MUSIQUE
REVIVING a GOLDEN ERA
719 West 19th Street, Costa Mesa, CA 92627

City of Costa Mesa, Development Services Department
77 Fair Drive
P.O. 1200 Coast Mesa, CA 92628-1200

RE: Conditional Use Permit Application

Detailed Project Description and Justification for Approval:

MAISON is comprised of 4,500 square feet with an additional 350 square feet of storage, and is divided into two phases. MAISON is phase one offering performing arts in approximately 3,300 square feet. In this location patrons obtain admittance for shows only with a ticket for each event, allowing complete control of occupancy. Reservations may also be made online and are capped; once capacity is reached, the online system no longer accepts reservations. The atmosphere that depicts the 1920s, 1930s, and 1940s, with period fixtures, original photography, ceiling murals done by local artists, and hand crafted furniture. In fact local painter Melissa Murphy just completed new sky scene which will showcase a Sistine chapel inspired center piece.

Phase two occurs in the remaining 1,200 square feet of space and offers a bar and lounge style area designed for intimate, cozy socializing away from the performance hustle and bustle. The atmosphere depicts the 1890s and 1910s with original fixtures from this era. Phase two is reservations only, allowing complete control of occupancy.

Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the general area and how the proposed use would not be materially detrimental to other properties in the same area.

The proposed use is entirely compatible with developments in the same general area and would not be materially detrimental to other properties within the area. For nearly four (4) decades 719 West 19th Street has been used to provide live music and entertainment. Originally, in the 1970s, it was Colorado Mining Company (owned by Larry Smith), which offered live music and dining; later it became Ronstadt's (owned by celebrity

musician Linda R[illegible]stadt) a rock and roll entertainment venue

In the 1980's until late 2014, the property was operated by Beverly Corrigan, who operated "The Lion's Den," an establishment offering live music and dancing.
MAISON will not only be providing live entertainment and dancing, in the form of jazz trios, solo performers, and four and seven piece brass bands, but MAISON is escalating the sophistication of the premises; this will attract the type of patrons to the area that provide business to surrounding Costa Mesa establishments.

It is also worth noting that properties adjacent to MAISON, such as Wayfarer and Geribaldi de Noche, are also providing live entertainment consistent with Westside Costa Mesa's commitment to the arts in a diverse culture. MAISON will be adding to this burgeoning arts scene in Costa Mesa, and do so legally and professionally in partnership with the City of Costa Mesa.

Granting this minor use permit will not be materially detrimental to the health, safety and general welfare of the public, nor will it be injurious to property or improvements within the immediate neighborhood.
Lastly, the granting this conditional use permit for the use of MAISON will not allow a use, density or intensity which is not in accordance with the General Plan designation and any specific plans for the property

MAISON
LE SALLE de MUSIQUE
REVIVING a GOLDEN ERA
719 West 19th Street, Costa Mesa, CA 92627

City of Costa Mesa, Development Services Department
77 Fair Drive
P.O. 1200
Costa Mesa, CA 92628-1200

Re: Minor Conditional Use Permit Application

Detailed Description and Justification for Approval:

MAISON will utilize a storage container which is 35.5' x 9' x 9' placed behind the building. This container will be used to accommodate furniture and other structures required to provide the diverse, eclectic preforming arts that MAISON will bring to Costa Mesa.

The structure does not interfere with required parking or vehicular access, as the position of the unit allows for the use of three (3) parking spaces, striped north to south, which will be used as employee parking. The time at which patrons will most frequently visit MAISON is after 8:00 p.m., during which other businesses operating in the area are closed and there is ample parking in the vicinity.

The storage container also offers additional sound abatement in the back of the building, offering a benefit to other properties and residents in the area.

Granting this minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public, nor will it be injurious to property or improvements within the immediate neighborhood.

Lastly, the granting a minor conditional use permit for the use of the storage container will not allow a use, density or intensity which is not in accordance with the General Plan designation and any specific plans for the property.

ATTACHMENT 3
2010 AND CURRENT PUBLIC ENTERTAINMENT PERMITS

CITY OF COSTA MESA
PUBLIC ENTERTAINMENT PERMIT
DEVELOPMENT SERVICES DEPARTMENT
P. O BOX 1200
COSTA MESA, CA 92628-1200

COPY

Beverly Corrigan
Lion's Den
719 West 19th St.
Costa Mesa, CA 92627

Date this permit approved: December 2, 2009

PERMIT PERIOD: December 2, 2009 to December 2, 2010

PERMIT # PEP09-0010 **THIS PERMIT EXPIRES DECEMBER 2, 2010**

RE: PERMIT FOR LIVE BAND AND DJ RECORDED MUSIC

Your application for a Public Entertainment Permit has been:

☐ Returned as an incomplete application. The items listed below were found to be inadequately described or were missing from the application.

X **Approved with conditions listed below that are subject to provisions of Costa Mesa Municipal Code, Article 11, Chapter IV, Title 9.**

☐ Denied, based on the items below:

☐ Zoning ☐ Uniform Fire Code ☐ Uniform Building Code ☐ Security Plan for Prevention of Unlawful Conduct
☐ Liability Insurance ☐ Security Plan for Control of Pedestrian/Vehicles ☐ Parking Plan ☐ Seating Plan
☐ Noise Control Plan ☐ Other
☐ Conditional Use Permit Required

CONDITIONS OF APPROVAL: SEE ATTACHED

A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.

The last date on which an appeal may be filed is 5 P.M., DECEMBER 9, 2009.

If you have any questions about this permit, please contact WILLA BOUWENS-KILLEEN AT 714.754.4952.

Person taking action on this permit: WBouwens-Killeen
WILLA BOUWENS-KILLEEN

NOTICE TO APPLICANT

Notice should be sent to you by mail, within forty-five (45) working days of your filing a completed application, that your application has been granted or denied. If you receive notice that your application has been denied or has been granted subject to conditions, you may appeal to the City Council from the denial or from any of the conditions by filing a written appeal with the City Clerk within seven (7) days from the time the notice was deposited in the mail or was personally delivered to you.

ENTERTAINMENT PERMIT CONDITIONS

1. DOORS MUST REMAIN CLOSED AT ALL TIMES DURING ENTERTAINMENT HOURS.
2. HOURS OF ENTERTAINMENT ARE MONDAY THROUGH SUNDAY 11:00 AM TO 2:00 AM.
3. MUSIC SHALL NOT EXCEED CITY NOISE STANDARDS.
4. A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.
5. IT IS THE APPLICANT'S RESPONSIBILITY TO RENEW THIS PERMIT AT LEAST **30 DAYS** PRIOR TO THE EXPIRATION DATE.
6. PATRONS ARE PROHIBITED FROM LOITERING IN THE REAR PARKING LOT. THE BUSINESS OPERATOR SHALL USE ALL MEANS POSSIBLE TO PREVENT PATRONS FROM LOITERING IN THE REAR PARKING LOT.

APPLICATION FOR PUBLIC ENTERTAINMENT PERMIT PEP10-0015

RECEIVED
NOV 30 2010
CODE ENFORCEMENT

City of Costa Mesa
Development Services Department
P.O. Box 1200, Costa Mesa, CA 92628-1200
(714) 754-5625

No changes

Check One: ☐ New Yearly permit ☐ New One day permit ☑ Yearly Renewal permit - Processing Fee:$ $675.00

(Applications shall be filed and must be complete a minimum of forty five (45) calender days prior to the date requested for issuance of the permit.)

1. Business name: Lion's Den
2. Address: 719 West 19th St Calif
3. Contact person: Beverly Corrigan Phone: (714-839-5457
4. Legal entity submitting application: Sterling Liquor Inc.
5. Names of Partner(s), officer(s), director(s), or shareholder(s): Beverly Corrigan - Pres.

   Address: 10196 Sunn Ave F.Y. Calif Phone: (714-839-5457
6. Describe the exact nature of the type entertainment you will be providing: D.J. - Dancing - Cocktail Lounge
7. Days entertainment scheduled: [M T W TH F S SU] Date: _____ Hours: _____
   (Circle appropriate day(s)) (Begin) (End)

7a. Other days scheduled: [M T W TH F S SU] Date: _____ Hours: _____
   (Circle appropriate day(s)) (Begin) (End)

7b. Other days scheduled: [M T W TH F S SU] Date: _____ Hours: _____
   (Circle appropriate day(s)) (Begin) (End)

8. Does your establishment serve alcohol? yes Maximum legal occupancy of the premises: 425
9. Does your establishment have a Conditional or Minor Conditional use permit regarding entertainment? — *If yes, please provide a copy of the Conditional or Minor Conditional use permit when submitting this form.*
10. ***Required documents:***
    A. Fully dimensioned floor plan showing interior or exterior of your establishment showing the area where proposed entertainment will be situated. It shall Include seating arrangements, fire exits, dance floor area and bar location, if applicable.
    B. Noise control plan with special attention to prevention of noise nuisance to nearby premises and/or residences , if any.
    C. A security plan which should included:
       1) crowd control, pedestrian foot traffic and vehicle traffic if applicable.
       2) prevention of unlawful conduct by patrons and employees, including but not limited to assaults, disturbances, vandalism, littering, theft, sale or use of controlled substances, and the consumption of alcohol by persons under twenty-one (21) years of age, within the building(s) and outside in the areas affected by the public attending the event.
11. **I herby declare under penalty of perjury that the above information and submitted documents are true and correct.**

Date: 11-27-2010 Signature: Beverly Corrigan
Applicant

36

NOTICE TO APPLICANT

Notice should be sent to you by mail, within thirty (30) working days of filing a complete application, that your application has been granted or denied. If you recieve notice that your application has been denied or has been granted subject to conditions, you may appeal the denial or any of the conditions by filing a written appeal with the city clerk, within seven (7) days from the time the notice was deposited in the mail or personally delivered to you.

attention
Willa,

I have no live
entertainment.

Beverly
Corrigan

CITY OF COSTA MESA
PUBLIC ENTERTAINMENT PERMIT
DEVELOPMENT SERVICES DEPARTMENT
P. O BOX 1200
COSTA MESA, CA 92628-1200

COPY

Beverly Corrigan
Lion's Den
719 West 19th St.
Costa Mesa, CA 92627

Date this permit approved: December 22, 2009

PERMIT PERIOD: December 2, 2010 to December 2, 2011

PERMIT # PEP10-0015

THIS PERMIT EXPIRES DECEMBER 2, 2011

RE: PERMIT FOR DJ MUSIC AND DANCING

Your application for a Public Entertainment Permit has been:

☐ Returned as an incomplete application. The items listed below were found to be inadequately described or were missing from the application.

X **Approved with conditions listed below that are subject to provisions of Costa Mesa Municipal Code, Article 11, Chapter IV, Title 9.**

☐ Denied, based on the items below:

☐ Zoning ☐ Uniform Fire Code ☐ Uniform Building Code ☐ Security Plan for Prevention of Unlawful Conduct
☐ Liability Insurance ☐ Security Plan for Control of Pedestrian/Vehicles ☐ Parking Plan ☐ Seating Plan
☐ Noise Control Plan ☐ Other
☐ Conditional Use Permit Required

CONDITIONS OF APPROVAL: SEE ATTACHED

A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.

The last date on which an appeal may be filed is 5 P.M., 3 JANUARY 2011.

If you have any questions about this permit, please contact WILLA BOUWENS-KILLEEN AT 714.754.4952.

Person taking action on this permit: W Bouwens-Killeen

WILLA BOUWENS-KILLEEN

NOTICE TO APPLICANT

Notice should be sent to you by mail, within forty-five (45) working days of your filing a completed application, that your application has been granted or denied. If you receive notice that your application has been denied or has been granted subject to conditions, you may appeal to the City Council from the denial or from any of the conditions by filing a written appeal with the City Clerk within seven (7) days from the time the notice was deposited in the mail or was personally delivered to you.

ENTERTAINMENT PERMIT CONDITIONS COPY

1. DOORS MUST REMAIN CLOSED AT ALL TIMES DURING ENTERTAINMENT HOURS.
2. HOURS OF ENTERTAINMENT ARE MONDAY THROUGH SUNDAY 11:00 AM TO 2:00 AM.
3. MUSIC SHALL NOT EXCEED CITY NOISE STANDARDS.
4. A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.
5. IT IS THE APPLICANT'S RESPONSIBILITY TO RENEW THIS PERMIT AT LEAST **30 DAYS** PRIOR TO THE EXPIRATION DATE.
6. PATRONS ARE PROHIBITED FROM LOITERING IN THE REAR PARKING LOT. THE BUSINESS OPERATOR SHALL USE ALL MEANS POSSIBLE TO PREVENT PATRONS FROM LOITERING IN THE REAR PARKING LOT.

CITY OF COSTA MESA
PUBLIC ENTERTAINMENT PERMIT
DEVELOPMENT SERVICES DEPARTMENT
P. O BOX 1200
COSTA MESA, CA 92628-1200

FILE COPY

Beverly Corrigan
Lion's Den
719 West 19th St.
Costa Mesa, CA 92627

Date this permit approved: **April 21, 2014**

Permit Period: **ONE YEAR**

PERMIT # PEP14-0003 **THIS PERMIT EXPIRES APRIL 21, 2015**

RE: PERMIT FOR DJ MUSIC AND DANCING

Your application for a Public Entertainment Permit has been:

☐ Returned as an incomplete application. The items listed below were found to be inadequately described or were missing from the application.

X **Approved with conditions listed below that are subject to provisions of Costa Mesa Municipal Code, Article 11, Chapter IV, Title 9.**

☐ Denied, based on the items below:

☐ Zoning ☐ California Fire Code ☐ California Building Code ☐ Security Plan for Prevention of Unlawful Conduct
☐ Liability Insurance ☐ Security Plan for Control of Pedestrian/Vehicles ☐ Parking Plan ☐ Seating Plan
☐ Noise Control Plan ☐ Other
☐ Conditional Use Permit Required

CONDITIONS OF APPROVAL ATTACHED

A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.

The last date on which an appeal may be filed is *5 pm, Monday, April, 28, 2014.*

If you have any questions about this permit, please contact me at either Willa.Bouwens-Killeen@costamesaca.gov or 714.754.5153.

Person taking action on this permit: _____

WILLA BOUWENS-KILLEEN
Chief of Code Enforcement

NOTICE TO APPLICANT

Notice should be sent to you by mail, within forty-five (45) working days of your filing a completed application, that your application has been granted or denied. If you receive notice that your application has been denied or has been granted subject to conditions, you may appeal to the City Council from the denial or from any of the conditions by filing a written appeal with the City Clerk within seven (7) days from the time the notice was deposited in the mail or was personally delivered to you.

CONDITIONS OF APPROVAL
LION'S DEN – 719 WEST 19TH STREET

1. DOORS MUST REMAIN CLOSED AT ALL TIMES DURING ENTERTAINMENT HOURS.
2. HOURS OF ENTERTAINMENT ARE MONDAY THROUGH SUNDAY 11:00 AM TO 2:00 AM.
3. MUSIC SHALL NOT EXCEED CITY NOISE STANDARDS.
4. A COPY OF THIS PERMIT MUST BE KEPT ON THE PREMISES AND PRESENTED TO ANY AUTHORIZED CITY OFFICIAL UPON REQUEST.
5. IT IS THE APPLICANT'S RESPONSIBILITY TO RENEW THIS PERMIT AT LEAST ***30 DAYS*** PRIOR TO THE EXPIRATION DATE.
6. PATRONS ARE PROHIBITED FROM LOITERING IN THE REAR PARKING LOT. THE BUSINESS OPERATOR SHALL USE ALL MEANS POSSIBLE TO PREVENT PATRONS FROM LOITERING IN THE REAR PARKING LOT.

ATTACHMENT 4
ABC LICENSE QUERY RESULTS

California Department of Alcoholic Beverage Control

License Query System Summary as of 5/19/2015

License Information
License Number: 547675
Primary Owner: MAISON WEST 19TH STREET, LLC
ABC Office of Application: 11 - SANTA ANA
Business Name
Doing Business As: LIONS DEN
Business Address
Address: 719-21-23 W 19TH ST **Census Tract:** 0636.05
City: COSTA MESA **County:** ORANGE
State: CA **Zip Code:** 92627
Licensee Information
Licensee: MAISON WEST 19TH STREET, LLC
Company Information
Officer: BARRERA, ROLAND MICHAEL (MANAGING MEMBER)
Stock Holder: 141 HEIGHTS, LLC
Stock Holder: BARRERA, ROLAND MICHAEL
Stock Holder: OBBAGE, DAVID WILLIAM
License Types
1) License Type: 48 - ON-SALE GENERAL PUBLIC PREMISES
License Type Status: ACTIVE
Status Date: 10-NOV-2014 **Term:** 12 Month(s)
Original Issue Date: 07-NOV-2014 **Expiration Date:** 31-OCT-2015
Master: Y **Duplicate:** 0 **Fee Code:** P40
Condition: OPERATING RESTRICTIONS
License Type was Transferred On: 07-NOV-2014 **FROM:** 48-196209
Current Disciplinary Action
. . . No Active Disciplinary Action found . . .
Disciplinary History
. . . No Disciplinary History found . . .
Hold Information
. . . No Active Holds found . . .
Escrow
. . . No Escrow found . . .

43

- - - End of Report - - -

For a definition of codes, view our glossary.

ATTACHMENT 5
VICINITY AND ZONING MAPS

BEACH
ALLEY
TRACT
242
SEE PAGE 2 FOR DETAIL
LOTS 3 TO 20 INCL. STACKED VERTICALLY
LOT 1
2.472 AC.
NO. 17606
NO. 612
NO. 1986
BLK. G
S.E. COR.
NINETEENTH
STREET
NEWPORT MESA
LOT 501
2.67 AC
LOT 601
1.29 AC.
P. M. 189-29
2.00 AC
TRACT
PLUMER
ALLEY
CENTER
POMONA
AVENUE
WALLACE
(BALBOA)
STREET
NO. 1865
NO. 2394
POR. LOT 603
WEELD
DRIVE
LOT 701
LOT 703
2.022 AC. (c)
201
202
203
204
171
173
174
500

46

City of Costa Mesa

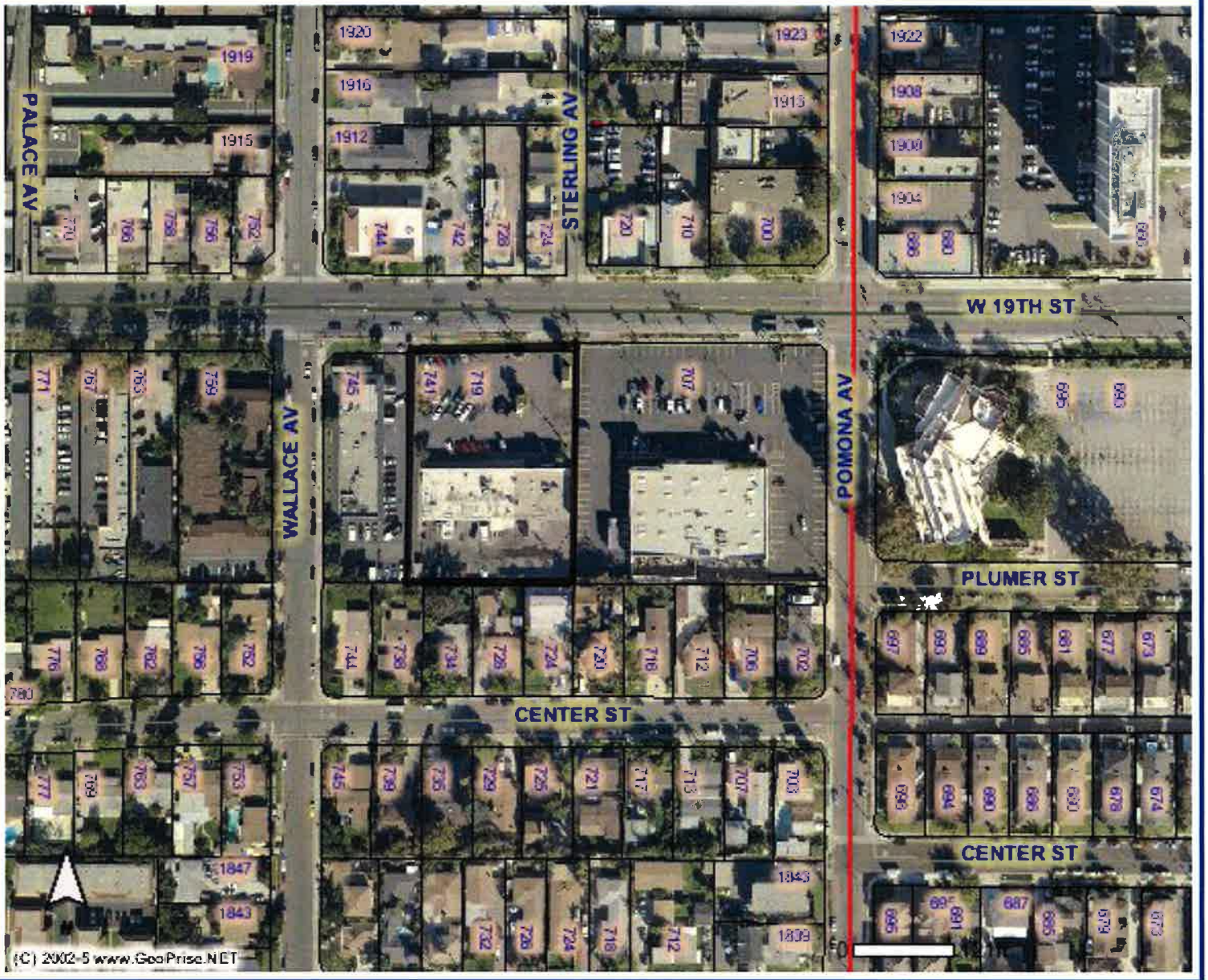
CITY OF COSTA MESA - [Created: 5/19/2015 1:12:55 PM] [Scale: 234.08] [Page: 8.5 x 11 / Landscape]

Overview Map

Legend

- Address Small
- Address Points
- Freeway
- Roads
  - Collector
  - Freeway
  - Major
  - Newport BLVD (cont)
  - Primary
  - SECONDARY
  - Hydrology
  - Channels
  - Street Names
  - Street Centerlines

Map Display



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City of Costa Mesa

CITY OF COSTA MESA - [Created: 5/19/2015 1:14:34 PM] [Scale: 234.07] [Page: 8.5 x 11 / Landscape]

Overview Map

Legend

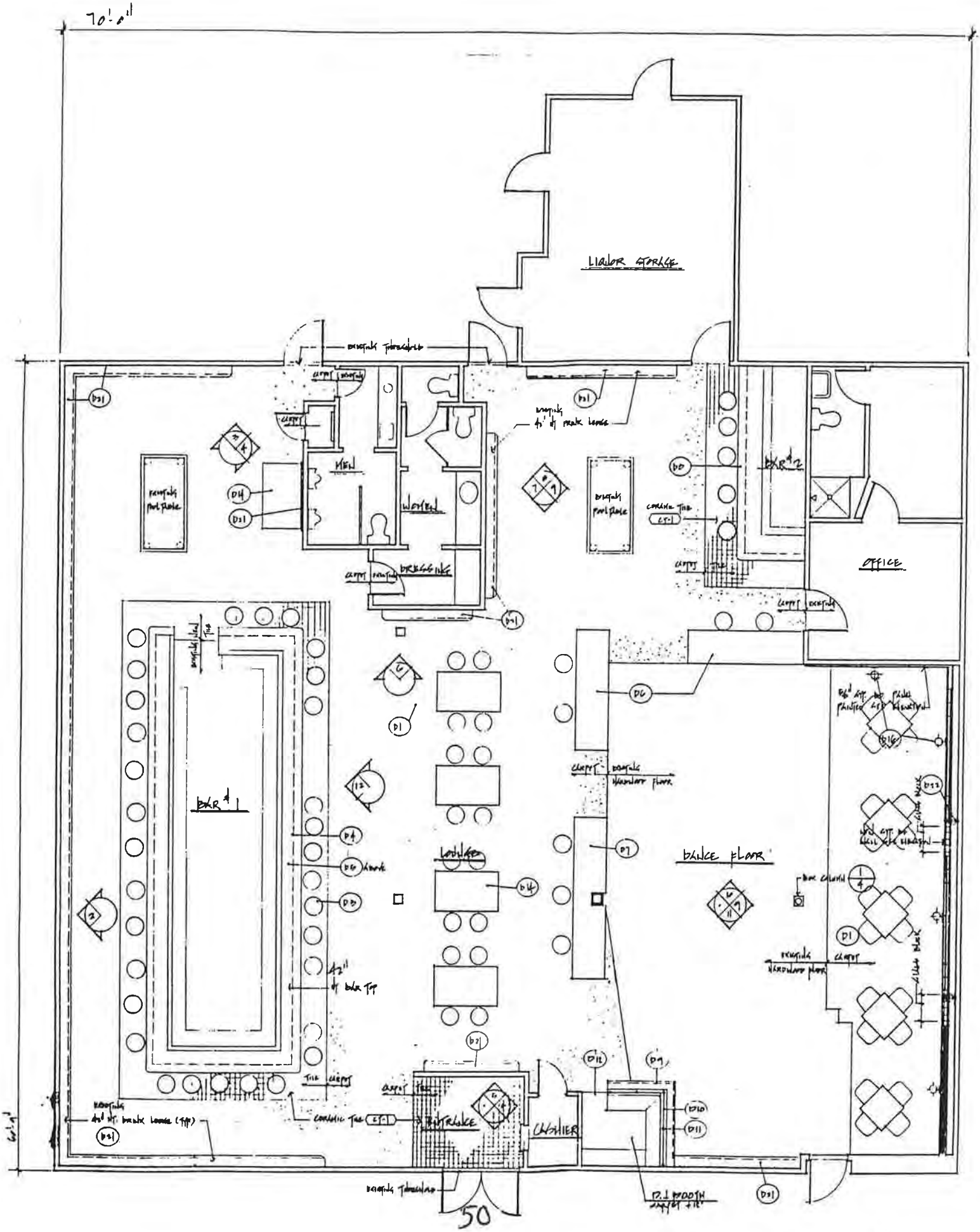
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
  - AP
  - C1
  - C1-S
  - C2
  - CL
  - I&R
  - I&R-S
  - MG
  - MP (cont)

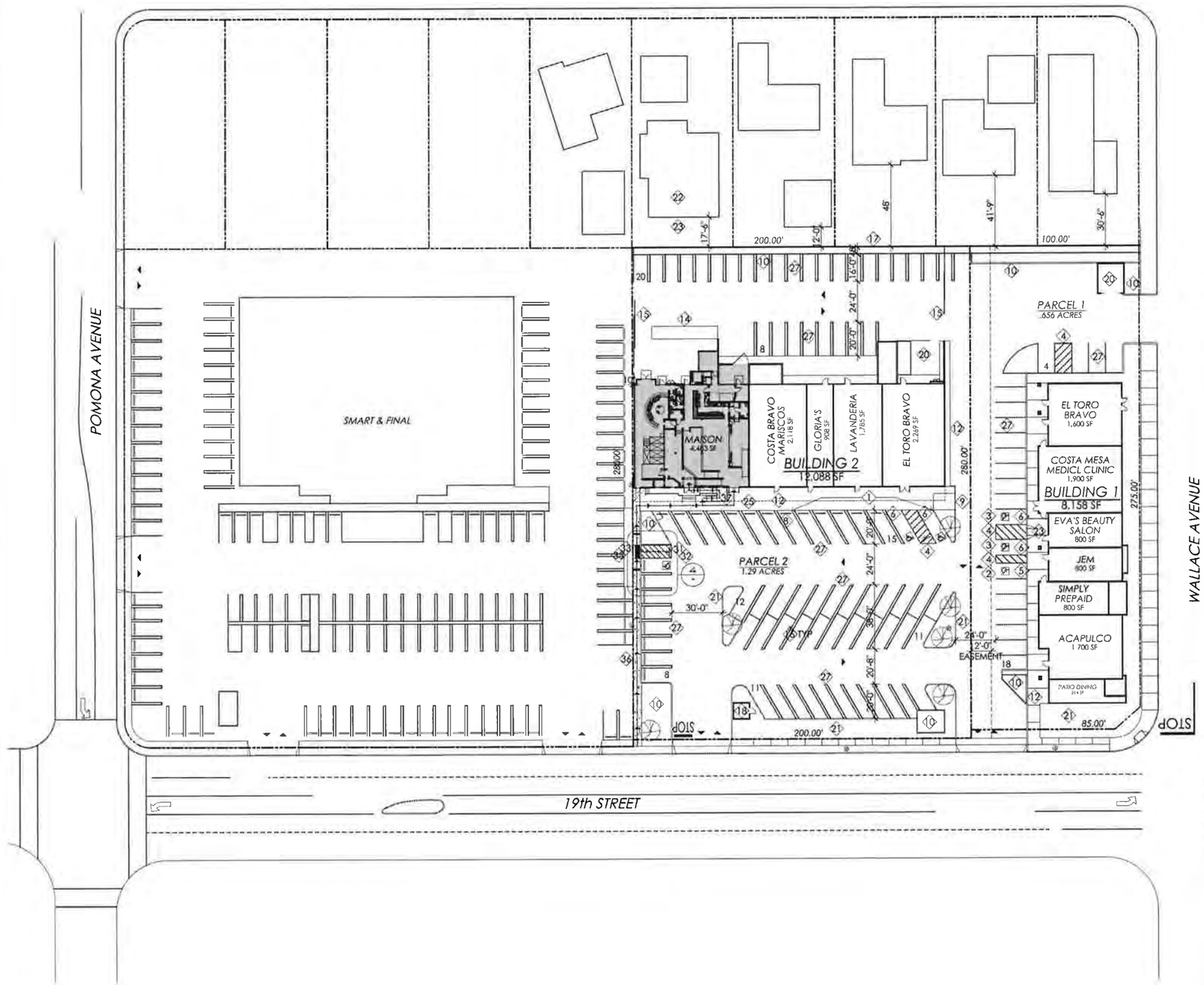
Map Display

(C) 2002-5 GeoPrise.net (GeoVec, Inc.) - (866)422-2505

ATTACHMENT 6
PROJECT PLANS

ORIGINAL LION'S DEN FLOOR PLAN





SITE PLAN SCALE: 1"=30'-0"

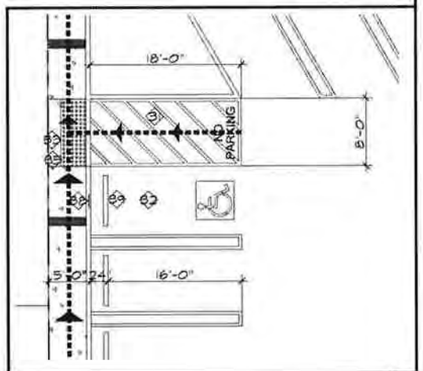
SITE PLAN KEY NOTES:

1. ZERO CURB FACE
2. ACCESSIBLE STALL
3. ACCESSIBLE VAN STALL
4. LOADING ZONE
5. ACCESSIBLE STALL SIGNAGE
6. VAN ACCESSIBLE STALL SIGNAGE
7. ACCESSIBLE STALL SYMBOL
8. CONCRETE WHEEL STOP
9. ASPHALT RAMP
10. PLANTER
11. TRASH ENCLOSURE
12. CONCRETE WALK
13. CURB RAMP
14. CONTAINER
15. WROUGHT IRON FENCE W/ ROLLING GATE
16. LIGHT POLE W/ CONCRETE BASE
17. 6'-0" CMU WALL W/ 24" WOOF FENCE ABOVE
18. KIOSK
19. NOT USED
20. TRASH ENCLOSURE and STORAGE AREA.
21. TURF
22. 2 STORY RESIDENCE
23. 2ND FLOOR WINDOWS
24. NOT USED
25. ROOF ABOVE
26. OUTDOOR DINING PATIO
27. STRIPED STANDARD STALLS
28. NOT USED
29. NOT USED
30. NOT USED
31. (N) ACCESSIBLE VAN STALL
32. (N) LOADING ZONE
33. (N) CURB RAMP
34. (N) PLANTER
35. (N) TRUNCATED DOMES
36. (N) CONCRETE WALKWAY
38. (N) ACCESSIBLE STALL SIGNAGE
39. (N) CONC. WHEEL STOP
40. (N) WARNING GROOVES

NOTES:
1. ALL ITEMS ARE EXISTING U.N.O.
2. THERE SHALL BE NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL.
3. THE ACCESSIBLE STALL SHALL NOT EXCEED 2% CROSS SLOPE IN ANY DIRECTION.

SITE SUMMARY

LAND AREA	
PARCEL 1	*656 ACRES*
	28,588 SF
PARCEL 2	*1.946 ACRES*
LAND AREA	*58,004 SF*
TOTAL LAND AREA	*84,768 SF*
	1.946 ACRES
GROSS BUILDING AREA	
BUILDING 1	*8,158 SF*
BUILDING 2	*12,088 SF*
ACAPULCO PATIO DINING	*514 SF*
KIOSK	*100 SF*
TOTAL SQUARE FOOTAGE	*20,860 SF*
BUILDING COVERAGE	*24.61 %*
STALLS PROVIDED	*107 STALLS*
PARKING RATIO	*5.13 STALLS/ 1000*



NEW ACCESSIBLE STALL SCALE: 1/4"=1'-0"

4

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ARCHITECTURE PLANNING INTERIORS WILLIAM MASON, ARCHITECT INC. 3276 DAKOTA AVE COSTA MESA, CALIFORNIA 92626 O:714.427.0688 M:714.724.3990 EMAIL:Bill@WilliamMasonArchitect.com

ARCHITECT'S STAMP

△	DATE	REVISION

OWNER:

MAISON WEST 19th STREET, LLC
719 WEST 19TH STREET
COSTA MESA,
CALIFORNIA 92627
714/290-0375

PROJECT:

MAISON BAR

719 WEST 19TH STREET
COSTA MESA,
CALIFORNIA 92627

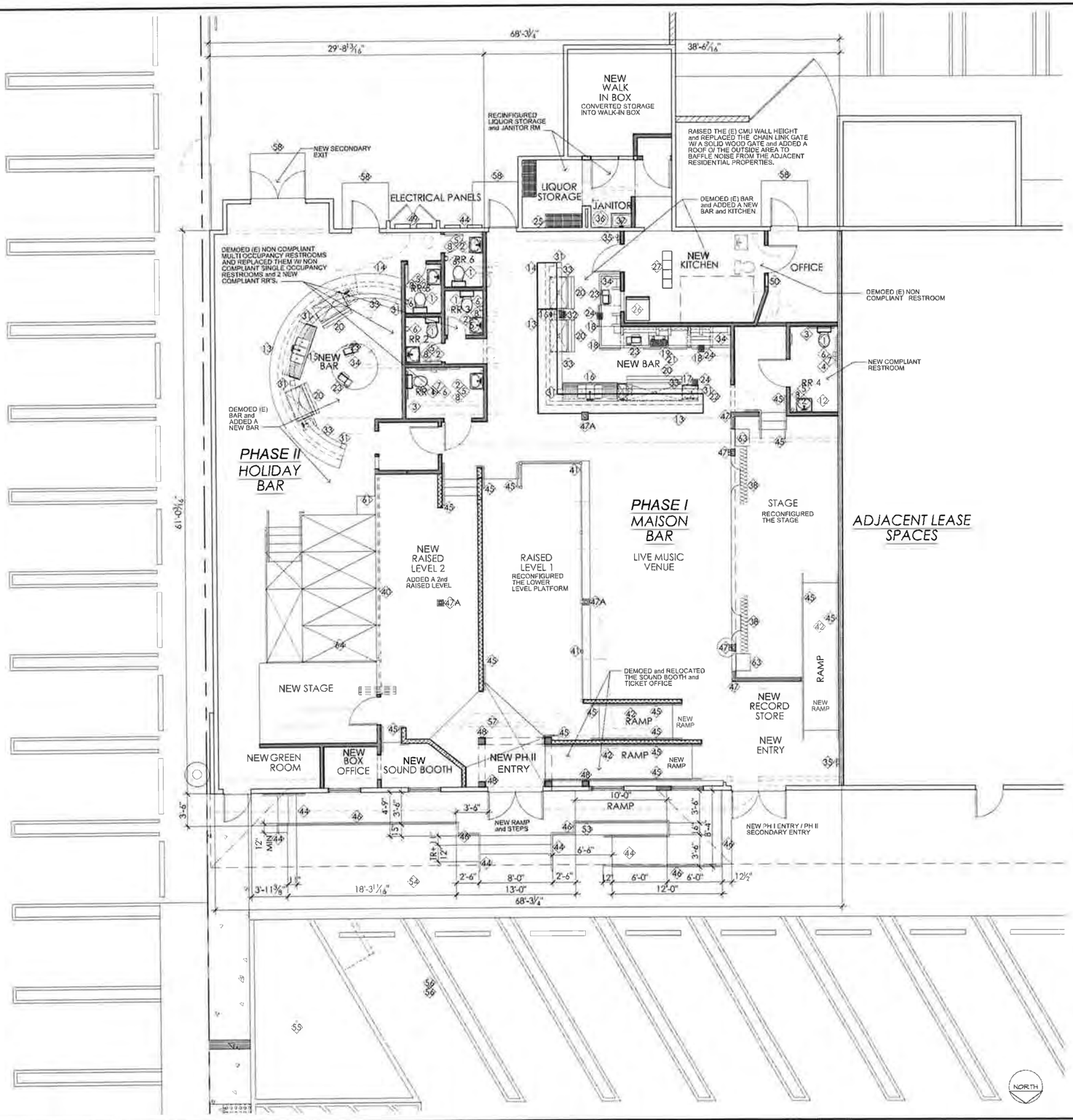
PROJECT NO.:	15.012.00
SCALE:	AS NOTED
DATE:	5/19/15
DRAWN BY:	

SHEET TITLE:

SITE PLAN NOTES and DETAILS

SHEET NO.

SP-1



EXISTING / DEMO / T.I. FLOOR PLAN / 4,114 SF SCALE: 1/16"=1'-0" | 8

1	TOILET: +17" A.F.FL. W/ LEVER ON THE WIDE SIDE
2	SINK: +34" A.F.FL.
3	42" GRAB BAR: +33" A.F.FL. TO CL
4	36" GRAB BAR: +33"-36" A.F.FL. TO CL
5	MIRROR: +40" A.F.FL. 1/4" PLATE/ FLOAT GLASS
6	TOILET PAPER DISPENSER: +19" MIN TO CL OF DISPENSER
7	TOILET SEAT COVER DISPENSER: +40" A.F.FL.
8	SOAP DISPENSER: +40" A.F.FL. "O" PLUNGER.
9	PAPER TOWEL DISPENSER +40" TO THE OPERABLE PART OF THE EQUIPMENT
10	TILE SANITARY COVE BASE
11	BEAD BOARD WAINSCOT
12	URINAL
13	42" HIGH FRONT BAR / REF TO DETAIL 12A/TD-3
14	34" HIGH FRONT BAR / REF TO DETAIL 12B/TD-3
15	3 COMPARTMENT SINK GLASS WASHING SINK
16	STAINLESS STEEL HAND SINK
17	UNDER COUNTER REFRIGERATOR
18	UNDER COUNTER REFRIGERATOR
19	UNDER COUNTER KEG REFRIGERATOR
20	JOCKEY DUMP
21	BEER TAPS
22	SPEED RAILS
23	P.O.S.
24	(E) FLOOR SINK
25	18"X27"X72", 18"X48"X72" STAINLESS STEEL RACKS
26	ICE MACHINE
27	LOCKERS
28	PAPER TOWEL DISPENSER
29	SOAP DISPENSER
30	TRASH
31	GLASS WASHER
32	FLOOR SINK
33	PERFORATED CHROME DRINK RAIL
34	BACK BAR W/ LIQUOR DISPLAY
35	FIRE EXTINGUISHER
36	WATER HEATER
37	RELOCATED JANITOR SINK
38	FLAME RETARDANT STAGE VALANCE and DRAPES "SEW WHAT", PER NFPA 701 (1996 VERSION), CA REGISTRATION No. CA-1391-01
39	NOT USED
40	1 HR OPERABLE WALL, HUFFCOR MODEL # 868740, PER UNDERWRITERS INC. FILE No. R11069
41	VINYL RAIL SYSTEM
42	WOOD RAMP
43	CONCRETE RAMP
44	1½" DIA. METAL HAND RAIL
45	1½" DIA. WOOD HAND RAIL
46	WROUGHT IRON GUARDRAIL
47	(E) STEEL COLUMN
47A	(E) STEEL COLUMN W/ (N) ¾" PAINTED MDF CLADDING
47B	(N) STEEL COLUMN
48	(E) 4X4 WOOD POST W/ ¾" PAINTED MDF CLADDING
49	RELOCATED 200 AMP ELECTRICAL PANEL
50	ELECTRICAL SUB PANEL
51	(E) PHONE PANELS
52	ROOF ABOVE
53	PLANTER
54	(E) CONC. WALKWAY
55	(E) TURF
56	STALL STRIPING
57	WARP THE FLOOR AS NECESSARY TO ACHIEVE 7" MAX AT THE STEP W/ MAX SLOPE 2%
58	MIN 60" SQUARE CONC. LANDING W/ 2% MAX. CROSS SLOPE. FLARE AS NECESSARY TO ADJACENT GRADES
59	NOT USED
60	NOT USED
61	WAITRESS STATION
62	AUDIO CONTROL
63	AUDIO EQUIPMENT
64	6'-0" X 8'-0" X 24" HIGH STEEL DECK STAGING W/ METAL GUARDRAILS, STAIRS and HANDRAILS. REFER TO NOTE 2.

NOTES
1. ALL ITEMS ARE NEW U.N.O.
2. METAL DECK WILL BE INSTALLED FOR LARGER CAPACITY OCCUPANCIES WHEN THE OPERABLE WALLS ARE OPENED

FLOOR PLAN KEY NOTES | 1

3

- DEMO (E) WALL
- (E) 2X4 @ 16" O/C WOOD STUD WALL TO REMAIN W/ ⅝" GYP BOARD ON THE INTERIOR FACE and 1X8 SIDING ON THE EXTERIOR NORTH ELEVATION and ⅞" EXTERIOR PLASTER ON THE SIDE and REAR WALLS
- (E) CMU WALL TO REMAIN
- (N) 2X4 @ 16" O/C WOOD STUD WALL W/ ⅝" GYP BOARD ON THE INTERIOR FACE and 1X8 SIDING ON THE EXTERIOR NORTH ELEVATION and ⅞" EXTERIOR PLASTER ON THE SIDE and REAR WALLS
- (N) 2X6 @ 16" O/C WOOD STUD LOW PARTITION WALL W/ ⅛" MASONITE FINISH ON ONE (1) SIDE OPEN ON THE BACK SIDE
- (E) 2X WOOD STUD DEMISING WALL W/ ⅝" TYPE "X" DRYWALL BOTH SIDES

WALL LEGEND | 4

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ARCHITECT'S STAMP

△	DATE	REVISION

OWNER:

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719 WEST 19TH STREET
COSTA MESA,
CALIFORNIA 92627
714/290-0375

PROJECT:

MAISON BAR

719 WEST 19TH STREET
COSTA MESA,
CALIFORNIA 92627

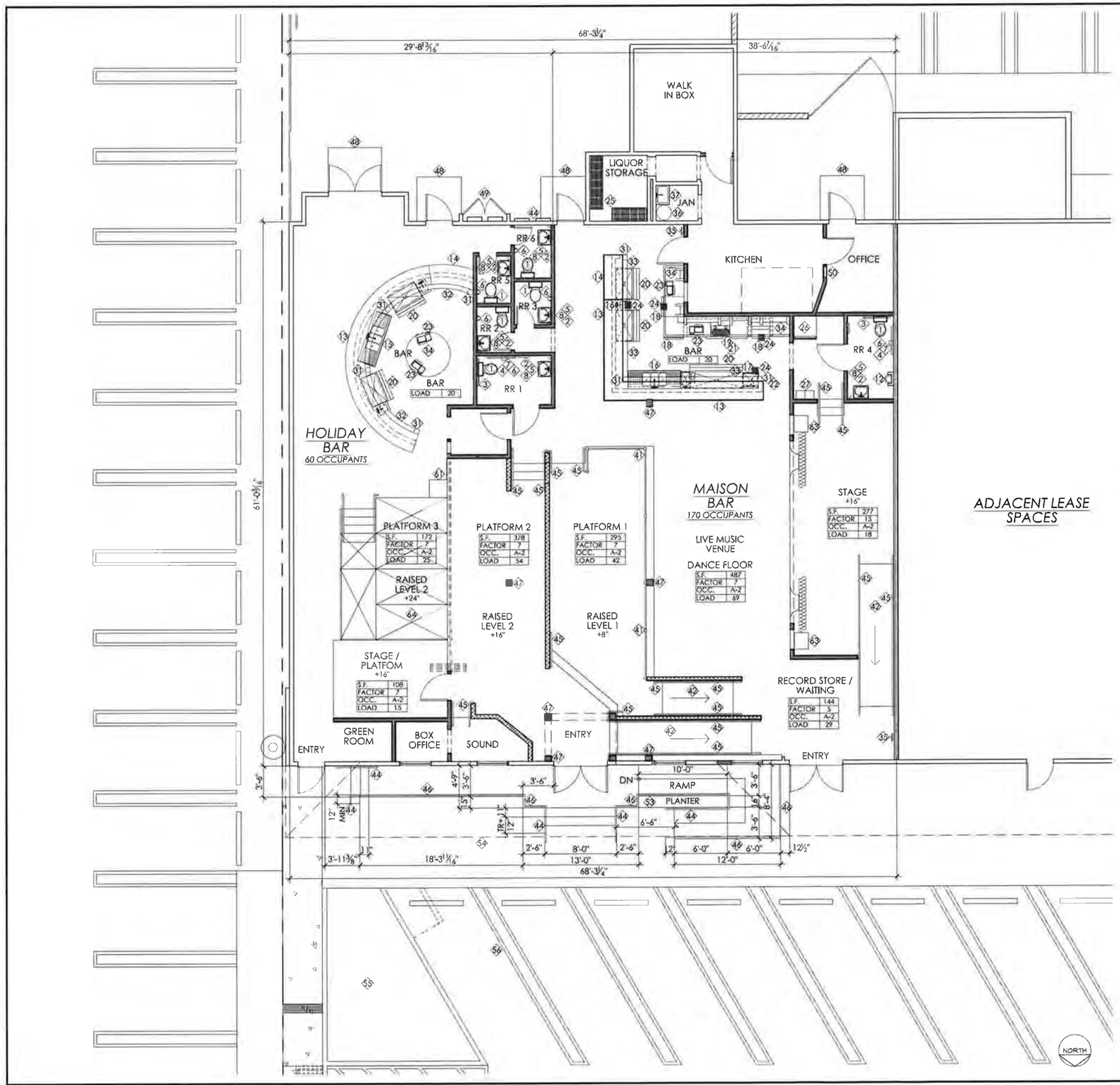
PROJECT NO.:	15.012.00
SCALE:	AS NOTED
DATE:	5/19/15
DRAWN BY:	

SHEET TITLE:

EXISTING / DEMO / T.I. FLOOR PLAN

SHEET NO.

A-0



FLOOR PLAN / 4,114 SF SCALE: 1/8"=1'-0" 8

1	TOILET: +17" A.F.FL. W/ LEVER ON THE WIDE SIDE
2	SINK: +34" A.F.FL.
3	42" GRAB BAR: +33" A.F.FL. TO CL
4	36" GRAB BAR: +33"-36" A.F.FL. TO CL
5	MIRROR: +40" A.F.FL. 1/4" PLATE/ FLOAT GLASS
6	TOILET PAPER DISPENSER:+19" MIN. TO CL OF DISPENSER
7	TOILET SEAT COVER DISPENSER: +40" A.F.FL.
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9	PAPER TOWEL DISPENSER: +40" TO THE OPERABLE PART OF THE EQUIPMENT
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11	BEAD BOARD WAINSCOT
12	URINAL
13	42" HIGH FRONT BAR
14	32" HIGH FRONT BAR
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26	ICE MACHINE
27	LOCKERS
28	PAPER TOWEL DISPENSER
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31	GLASS WASHER
32	NOT USED
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34	BACK BAR W/ LIQUOR DISPLAY
35	FIRE EXTINGUISHER
36	WATER HEATER
37	JANITOR SINK
38-39	NOT USED
40	OPERABLE WALL
41	VINYL RAIL SYSTEM
42	WOOD RAMP
43	CONCRETE RAMP
44	1½" DIA. METAL HAND RAIL
45	1½" DIA. WOOD HAND RAIL
46	WROUGHT IRON GUARDRAIL
47	WOOD CLAD STEEL COLUMN
48	MIN 60" SQUARE CONC. LANDING W/ 2% MAX. CROSS SLOPE. FLARE AS NECESSARY TO ADJACENT GRADES
49	RELOCATED 200 AMP ELECTRICAL PANEL
50	ELECTRICAL SUB PANEL
51	(E) PHONE PANELS
52	ROOF ABOVE
53	PLANTER
54	(E) CONC. WALKWAY
55	(E) TURF
56	STALL STRIPING
57-60	NOT USED
61	WAITRESS STATION
62	AUDIO CONTROL
63	AUDIO EQUIPMENT
64	4'-0" X 8'-0" X 24" HIGH STEEL DECK STAGING W/ METAL GUARDRAILS, STAIRS and HANDRAILS. REFER TO NOTE 2
60	OPERABLE WALL

NOTES
1. ALL ITEMS ARE NEW U.N.O.
2. METAL DECK WILL BE INSTALLED FOR LARGER CAPACITY OCCUPANCIES, WHEN THE OPERABLE WALLS ARE OPENED.

1

APPROXIMATE SQUARE FOOTAGE 4,114 SF

OCCUPANCY CALCULATIONS

ROOM		TOTAL SF	# OF OCCUPANTS
MAISON			
DANCE FLOOR	7/7 LOAD FACTOR	487 SF	70 OCCUPANTS
PLATFORM 1	7/7 LOAD FACTOR	295 SF	43 OCCUPANTS
PLATFORM 2	7/7 LOAD FACTOR	378 SF	54 OCCUPANTS
BAR			20 OCCUPANTS
RECORD STORE/ WAITING	5/5 LOAD FACTOR	144 SF	29 OCCUPANTS
STAGE	5/15 LOAD FACTOR	277 SF	18 OCCUPANTS
TOTAL OCCUPANTS			233 OCCUPANTS
EXITS REQUIRED			2
EXITS PROVIDED			3
EXIT WIDTH REQUIRED			233 X .2 = 47
EXIT WIDTH PROVIDED			90
HOLIDAY			
PLATFORM 3	7/7 LOAD FACTOR	172 SF	25 OCCUPANTS
STAGE / PLATFORM	7/7 LOAD FACTOR	108 SF	15 OCCUPANTS
BAR			20 OCCUPANTS
TOTAL OCCUPANTS			60 OCCUPANTS
EXITS REQUIRED			2
EXITS PROVIDED			3
EXIT WIDTH REQUIRED			60 X .2 = 12
EXIT WIDTH PROVIDED			144"
COMBINED SPACES			
TOTAL OCCUPANTS			293 OCCUPANTS
EXITS REQUIRED			3
EXITS PROVIDED			3
EXIT WIDTH REQUIRED			293 X .2 = 58.6
EXIT WIDTH PROVIDED			240"

EXITING/ OCCUPANCY LOAD CALCS 3

- (E) 2X4 @ 16" O/C WOOD STUD WALL, TO REMAIN W/ ⅝" GYP BOARD ON THE INTERIOR FACE and 1X8 SIDING ON THE EXTERIOR NORTH ELEVATION and ⅞" EXTERIOR PLASTER ON THE SIDE and REAR WALLS
- (E) CMU WALL TO REMAIN
- (N) 2X4 @ 16" O/C WOOD STUD WALL W/ ⅝" GYP BOARD ON THE INTERIOR FACE and 1X8 SIDING ON THE EXTERIOR NORTH ELEVATION and ⅞" EXTERIOR PLASTER ON THE SIDE and REAR WALLS
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WALL LEGEND 4

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DRAWN BY:	

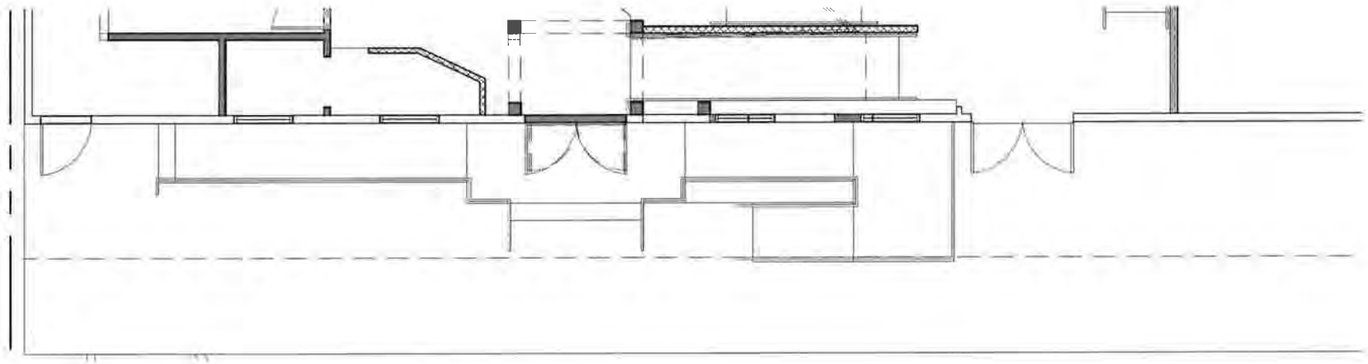
SHEET TITLE:

T.I. FLOOR PLAN

SHEET NO.

A-1

SCHEME 1



SCHEME 2

54

FLOOR PLAN SCALE: 1/4"=1'-0" 4

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SHEET TITLE:

ELEVATIONS

SHEET NO.

A-2

ATTACHMENT 7
SHARED PARKING ANALYSIS

SHARED PARKING DEMAND
MIXED USE DEVELOPMENT

USE	General Office: Up to 100,000 (Sq. Ft.)	General Office: >100,000 (Sq. Ft.)	Banks (Sq. Ft.)	Medical Office (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant (include food service for bowling alleys): Small Restaurant 300 max (Sq. Ft.)	Restaurant: Fine/Casual Dining >300: 1st 3,000 (Sq. Ft.)	Restaurant: Fine/Casual Dining >300: >3,000 (Sq. Ft.)	Restaurant: Family Restaurant >300: 1st 3,000 (Sq. Ft.)	Restaurant: Family Restaurant >300: >3,000 (Sq. Ft.)	Restaurant: Fast Food >300: 1st 3,000 (Sq. Ft.)	Restaurant: Fast Food >300: >3,000 (Sq. Ft.)	Bowling Alley (lanes)	Fitness Studios/Gyms/Health Club >10,000: Up to 10,000 (Sq. Ft.)	Fitness Studios/Gyms/Health Club >10,000: to 30,000 (Sq. Ft.)	Fitness Studios/Gyms/Health Club >10,000: >30,000 (Sq. Ft.)	Nightclub (Sq. Ft.)	Cinemas (seats)	Perf. Arts Theater (seats)	Hotel/Motel: Guest Rooms: Motel (rooms)	Hotel/Motel: Guest Rooms: Business Hotel (rooms)	Hotel/Motel: Guest Rooms: Leisure Hotel (rooms)	Hotel/Motel: Restaurant/Lounge: 1st 3,000 (Sq. Ft.)	Hotel/Motel: Restaurant/Lounge: >3,000 (Sq. Ft.)	Hotel/Motel: Conference/Convention: 1st 3,000 (Sq. Ft.)	Hotel/Motel: Conference/Convention: >3,000 (Sq. Ft.)	TOTAL
SIZE				1,900	6,554				3,000	3,840							4,803											
RATIO	4	3	5	6	4	min of 6	10	12	10	12	10	12	3	10	6.7	5.5	19.0	0.23	0.33	1	0.5	0.5	10	12	10	12	
PEAK DEMAND	0	0	0	11	26	6	0	0	30	46	0	0	0	0	0	0	91	0	0	0	0	0	0	0	0	0		210
WEEKDAY																												
6:00 AM	0	0	0	0	1	0	0	0	6	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		17
7:00 AM	0	0	0	0	2	1	0	0	11	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		31
8:00 AM	0	0	0	9	5	1	0	0	14	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		50
9:00 AM	0	0	0	10	10	2	0	0	17	26	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		65
10:00 AM	0	0	0	11	16	3	0	0	18	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		76
11:00 AM	0	0	0	11	21	5	0	0	19	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		85
NOON	0	0	0	6	23	6	0	0	21	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		88
1:00 PM	0	0	0	10	23	6	0	0	19	29	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		88
2:00 PM	0	0	0	11	23	5	0	0	12	18	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		70
3:00 PM	0	0	0	11	22	4	0	0	11	16	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		65
4:00 PM	0	0	0	10	22	3	0	0	11	16	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		63
5:00 PM	0	0	0	10	22	4	0	0	17	26	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0		82
6:00 PM	0	0	0	7	22	5	0	0	17	26	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0		81
7:00 PM	0	0	0	3	22	5	0	0	17	26	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0		78
8:00 PM	0	0	0	2	19	3	0	0	17	26	0	0	0	0	0	0	24	0	0	0	0	0	0	0	0	0		91
9:00 PM	0	0	0	0	13	2	0	0	13	20	0	0	0	0	0	0	42	0	0	0	0	0	0	0	0	0		90
10:00 PM	0	0	0	0	8	1	0	0	12	18	0	0	0	0	0	0	60	0	0	0	0	0	0	0	0	0		99
11:00 PM	0	0	0	0	3	1	0	0	11	17	0	0	0	0	0	0	79	0	0	0	0	0	0	0	0	0		111
MIDNIGHT	0	0	0	0	0	0	0	0	6	9	0	0	0	0	0	0	79	0	0	0	0	0	0	0	0	0		94
																											PEAK WEEKDAY DEMAND:	111
WEEKEND																												
6:00 AM	0	0	0	0	1	0	0	0	5	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		13
7:00 AM	0	0	0	0	2	1	0	0	10	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		28
8:00 AM	0	0	0	9	4	1	0	0	15	23	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		52
9:00 AM	0	0	0	10	10	2	0	0	22	34	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		79
10:00 AM	0	0	0	11	15	3	0	0	28	42	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		100
11:00 AM	0	0	0	11	18	5	0	0	28	42	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		105
NOON	0	0	0	6	22	6	0	0	30	46	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		111
1:00 PM	0	0	0	0	24	6	0	0	26	40	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		97
2:00 PM	0	0	0	0	26	5	0	0	21	32	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		85
3:00 PM	0	0	0	0	26	3	0	0	14	21	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0		65
4:00 PM	0	0	0	0	25	3	0	0	15	23	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0		68
5:00 PM	0	0	0	0	24	3	0	0	20	30	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0		81
6:00 PM	0	0	0	0	21	5	0	0	23	35	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0		89
7:00 PM	0	0	0	0	20	5	0	0	23	35	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0		90
8:00 PM	0	0	0	0	17	3	0	0	21	32	0	0	0	0	0	0	28	0	0	0	0	0	0	0	0	0		101
9:00 PM	0	0	0	0	14	2	0	0	11	17	0	0	0	0	0	0	49	0	0	0	0	0	0	0	0	0		93
10:00 PM	0	0	0	0	10	1	0	0	10	15	0	0	0	0	0	0	70	0	0	0	0	0	0	0	0	0		106
11:00 PM	0	0	0	0	4	1	0	0	7	10	0	0	0	0	0	0	91	0	0	0	0	0	0	0	0	0		113
MIDNIGHT	0	0	0	0	0	0	0	0	4	6	0	0	0	0	0	0	91	0	0	0	0	0	0	0	0	0		101
																											PEAK WEEKEND DEMAND:	113

ATTACHMENT 8
SITE PHOTOS

PHOTOS OF FRONT PARKING AREA

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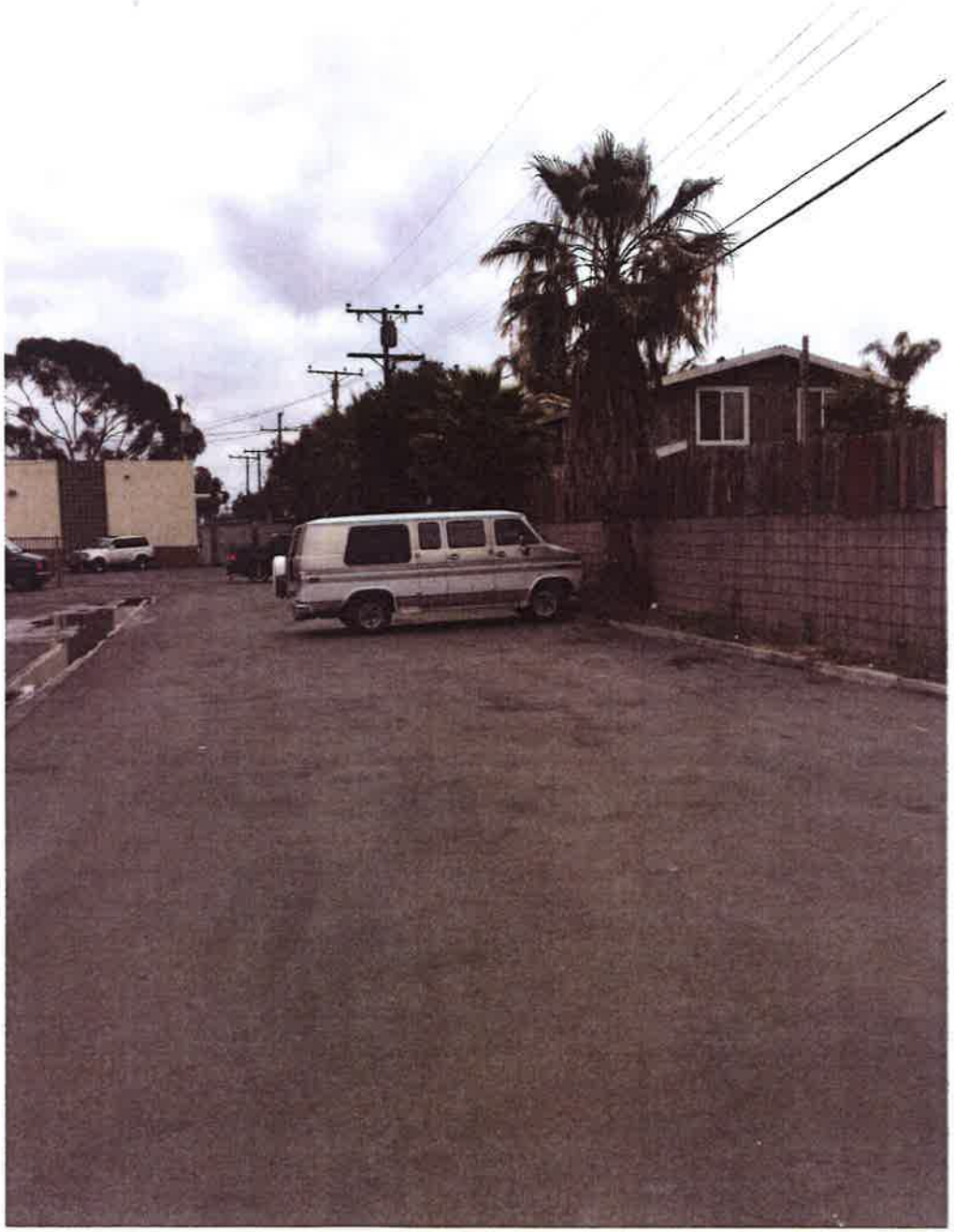
PHOTOS OF REAR AREAS
(ADJACENT TO RESIDENTIAL)



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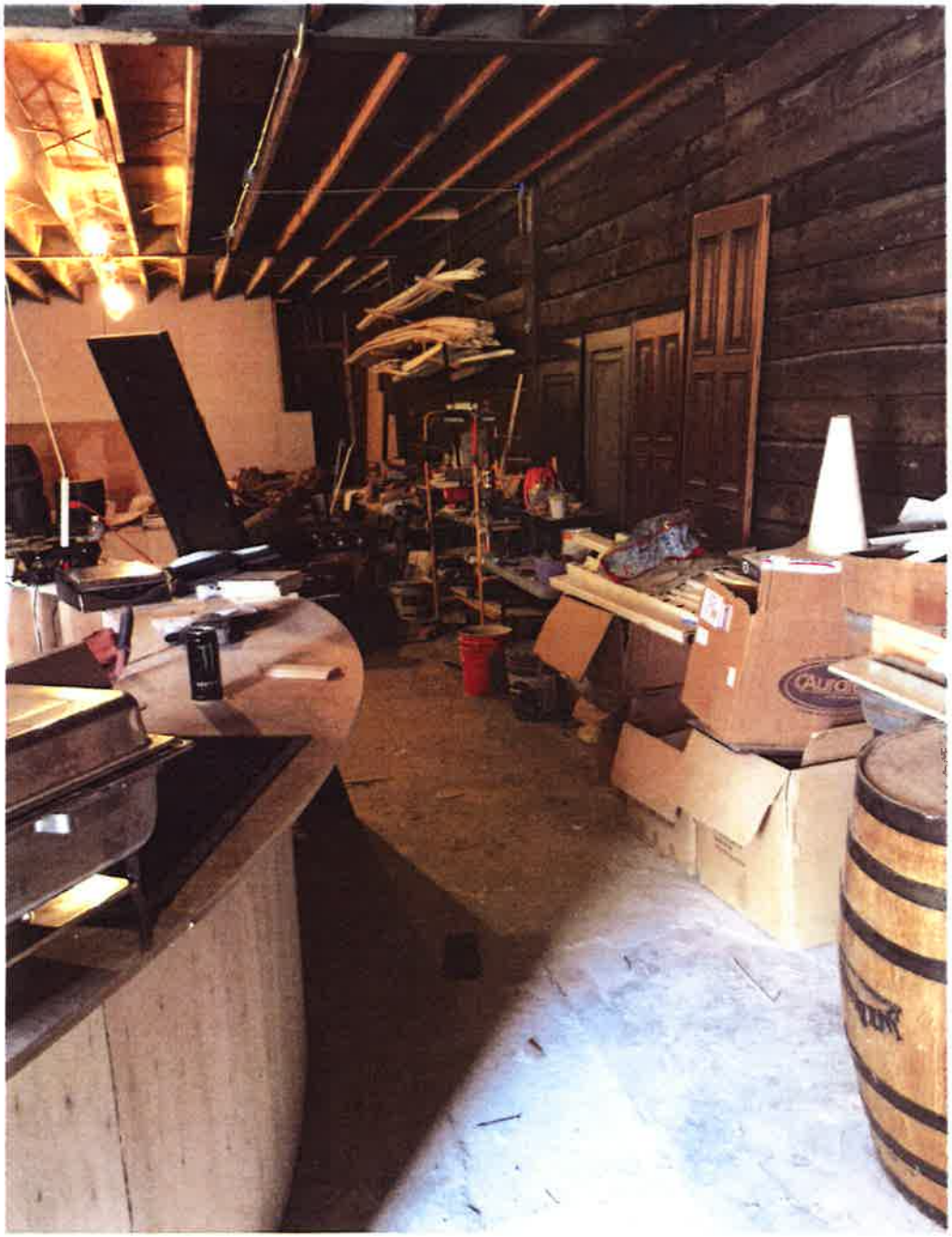
PHOTOS OF INTERIOR AREAS OF BAR/LOUNGE



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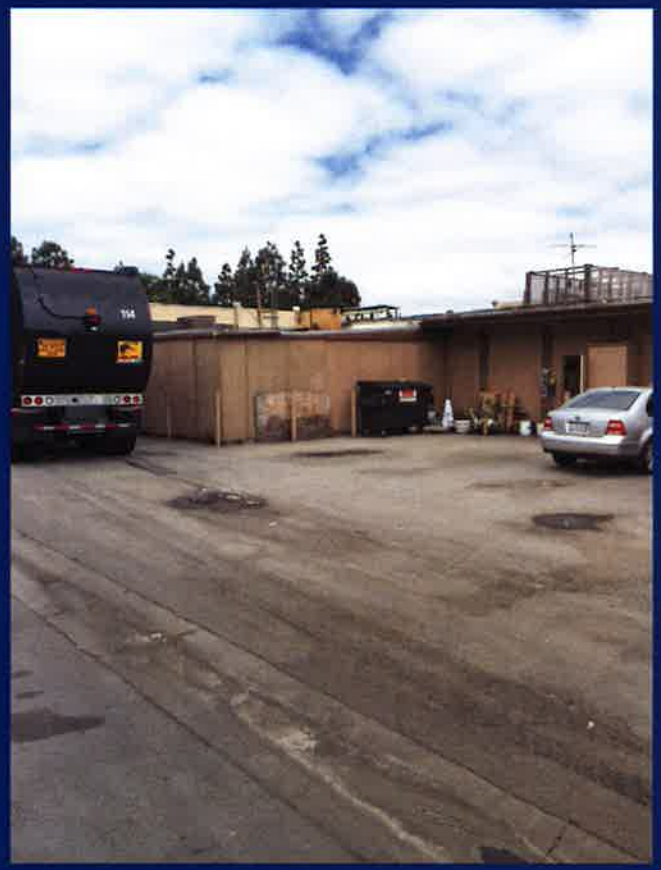
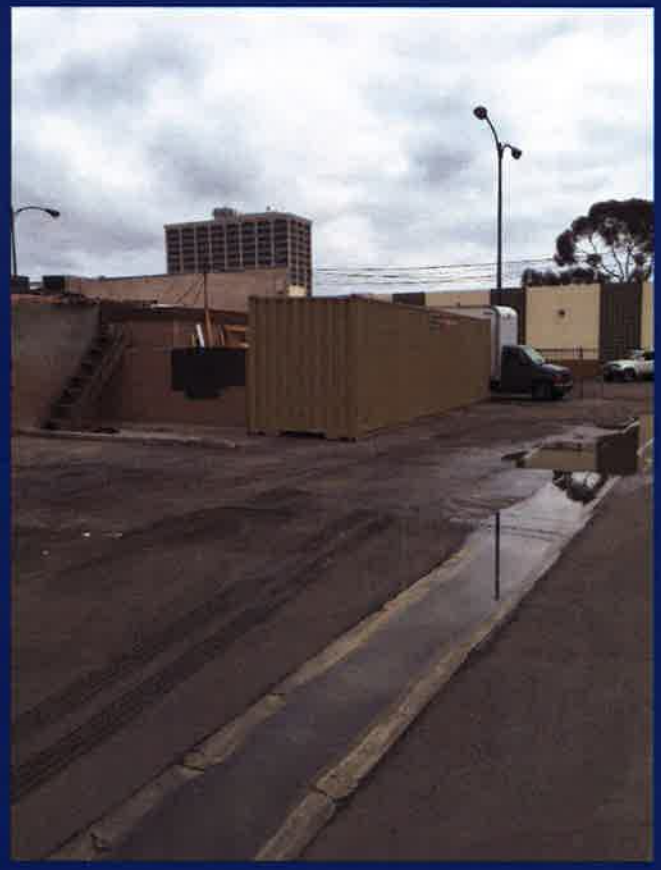
PHOTOS OF TITLE 20
PROPERTY MAINTENANCE ISSUES

TITLE 20 PROPERTY MAINTENANCE ISSUE – MISSING LANDSCAPING





TITLE 20 PROPERTY MAINTENANCE ISSUE – PARKING LOT NEEDS RESURFACING AND TRASH ENCLOSURES NEEDED

TITLE 20 PROPERTY MAINTENANCE ISSUE – SIGN POLE AND PAY PHONE BOOTH NEED TO BE REMOVED

PH-3

COLGAN, JULIE

Subject: FW: Lions Den working sunday 5-31-15
Attachments: 20150531_134004.jpg

From: Steven A Chan [mailto:chan.steven.a@gmail.com]
Sent: Sunday, May 31, 2015 11:01 AM
To: SAITO, DAVID; ARMSTRONG, GARY; NGUYEN, KHANH
Cc: SANDRA GENIS; MONAHAN, GARY; RIGHEIMER, JIM; colinkmccarthy@yahoo.com; rdickson.cmpc@gmail.com; Stephan Andranian; aventrue@ca.rr.com; twsesler@gmail.com; FLYNN, CLAIRE; FOLEY, KATRINA
Subject: Lions Den working sunday 5-31-15

This operation agressively broke every rule including skipping the fire inspection. The Planning commission has agendized an application for them, and it is back to damn the rules.

Where do they get this privilege?

Now they are working on Sundays again. This is their modus operandi. Now that the pc has toured the place more renovation is going on.

We seek equal protection under the laws:

Per our code CMMC 13-279 They are allowed from 7am-7pm Mon-Fri , 9am-6pm Sat and none on Sun for construction and activity.

Please do something for the residents.

STORAGE CONTAINER.COM
RENT ME
1-800-LA-STORE

PH-3

L'Abri MANAGEMENT, INC.

"we set the standard"

June 1, 2015

City of Costa Mesa
City Hall
Planning Division-2nd Floor
77 Fair Drive
Costa Mesa, CA

Re: Application No. PA-15-17
Site Address: 719 W. 19th Street, Costa Mesa

To Whom It May Concern

This letter is to notify you that the addition of live entertainment including bands, vocals/singing and other types of live musical performances at 719 W. 19th Street, Costa Mesa, would be detrimental to the quiet enjoyment of the residents of the Wallace Woods Apartments located at 759 W. 19th Street, Costa Mesa. We are requesting that the Conditional Use Permit for live entertainment be denied.

If you have any questions or comments, please do not hesitate to contact the undersigned at 714/826-9972.

Sincerely,

Jim Strickland
Property Supervisor

8141 East 2nd Street, Suite 300 • Downey, California 90241 • (562) 861-9294 • (714) 826-9972 • Fax (714) 826-0681

PH-3

ROSALES, MARTHA

From: FLYNN, CLAIRE
Sent: Friday, June 05, 2015 2:37 PM
To: ROSALES, MARTHA; COLGAN, JULIE; LEE, MEL; BOUWENS-KILLEEN, WILLA
Subject: FW:
Attachments: 2015-06-05 17.28.57.jpg

From: Steven A Chan [mailto:chan.steven.a@gmail.com]
Sent: Friday, June 05, 2015 2:32 PM
To: planningcommissioners@cityofCostamesa.gov; FLYNN, CLAIRE
Subject:

Honorable Planning Commissioners

Thank you for your time.

At public comment at the June 2, 2015 City of Costa Mesa City Council meeting I read the following into the record: (if you want to trail to the end if you have already listened go to the hashtags)

I've come to mention the agenda item PA 15-17 on next weeks planning commission agenda

This application is from the Roland Barerra team, and the application seeks a permit from the Planning Commission for live entertainment at the former Lion's Den.

In light of the potentially precedent setting nature of the request, we are actively drafting petitions in support of or in opposition of, this applicants endevours. We've had meetings and have signature promises. We'd like to point out that the meeting date is only a few days away, and we do feel extremely disadvantaged for time to respond properly to this application.

Why is a proper response required? Because this could set a very big precedent for the city of Costa Mesa. This applicant proposes a live venue operation where there was none before. The back of the bar building is 90 feet! Some folks could easily argue 65 feet, from a less than ten year old single family home. In fact 6 out of the ten homes on that side of the block are single family homes most every one owner occupied.

An application for nightclub operation like this is a rare hearing here, I haven't heard one in many years of watching council and planning meetings. Especially one under 90 feet building to building to nice homes. If the planning commission approves this, absent a successful appeal, any nightclub or bar owner will be able to justify a similar request.

So we in the neighborhood understand that we now have to shoulder the burden of defending a quality of life and potentially, a flood of 90 feet away bar applications to become nightclubs. The inclusion of this on the agenda is a special dispensation to the applicant, and as residents shouldering the burden of this precedent

setting application, we understand the tough job we have against a professionally represented party (they lawyered up!) It would be nice to have some additional time to prepare the proper response

end of public comment delivered June 2, 2015

Commissioners, I repeat this request to you individually for the reasons stated above. In addition I will note the factual discrepancies in the site plans submitted by the applicant, importantly being a representation of distance that is off by a significant margin of error… near 50%

*see attached jpg of Maison's architect Mason depiction of residence directly behind the subject site – the setback is 10.5 feet, not over 17. This can be verified by the city's own records for 724 Center Street rebuild from a few years ago.

The law clearly states the distance requirements for an establishment of this nature is 300 feet, and a variance is required when the 200 feet mark is reached.

This applicant proposes under 90 feet. Bar Structure to residence structure. This application needs to be continued so that a proper response can be mounted to the professionally represented applicant. No response by the public can be adequate in the time frame available for this item if it is heard on June 8.

Sincerely

Steven Chan

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CITY OF COSTA MESA
BY

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NEIGHBORHOOD PETITION OPPOSED TO PROPOSED MAISON

Nosotros los residents firmantes de Costa Mesa, instamos al dia al consejo de honor la siguiente aplicacion
Creemos que esto es incompatible detrimneto ofensiva con el vecindario

We the undersigned residents of Costa Mesa. Urge the Honorable Planning Commission deny Application PA-15-17 in its entirety and to open abatement proceedings against the applicant and his tenant.

We believe that this is incompatible, offensive and detrimental to the neighborhood

Name	Address	Phone #	signature
J. Martin Lopez	716 Center ST	(949)293 8781	J. M Lopez
DAVID HEL	712 Center ST	(949)701 9539	
Antonio S Lopez	706 Center ST	9496458[illegible]	Antonio S Lopez
Steve Chan	720 Center	9496506698	
Stacy Alyson	738 Center	9499224798	
Tim Gutierrez	744 Center	(949) 274-572[illegible]	
Patsy Latsch	734 Center St	945 274 1143	
Tim Martin	720 Center		

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Name	Address	Phone #	signature
INES	706 Center		INES
MARTINEZ			MARTINEZ
Ryan Upton	738 Center		
Lethu Tran	707 Center	714 261 63[illegible]	

CENTER STREET
POMONA AVENUE
WALLACE AVENUE
19th STREET
SMART & FINAL
PARCEL 1
.056 ACRES
PARCEL 2
1.29 ACRES
BUILDING 2
12,088 SF
BUILDING 1
8,158 SF
COSTA BRAVO MARISCOS
2,118 SF
GLORIA'S
908 SF
LAVANDERIA
1,785 SF
EL TORO BRAVO
2,269 SF
EL TORO BRAVO
1,600 SF
COSTA MESA MEDICL CLINIC
1,900 SF
EVA'S BEAUTY SALON
800 SF
JEM
800 SF
SIMPLY PREPAID
800 SF
ACAPULCO
1,700 SF
PATIO DINING
STOP
200.00'
100.00'
85.00'
280.00'
275.00'
24'-0"
20'-0"
30'-0"
12'-0" EASEMENT

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CITY OF COSTA MESA
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NEIGHBOR PETITION AGAINST PA 15-17

Nosotros los residents firmantes de Costa Mesa, instamos al dia al consejo de honor la siguiente aplicacion. Abate esta molestia.

Creemos que esto es incompatible ofensivo detriment con el vecindario

We the undersigned residents of Costa Mesa. urge the Honorable Planning Commission deny Application PA-15-17 in its entirety and to abate the project as a nuisance.We believe that this is incompatible offensive and detrimental to the neighborhood

Name	Address	Phone	Signature	Key Map
Carole Wurr	729 Center St C.M. 92627	949-548-8678	Carole Wurr	204-4
Joyce Thomas St	762 Center	949-646013	Costa Mesa	201-10
[illegible]	763 Center	949 2593586	[illegible]	203-8
Trevor Warner	769 center	(714) 904-4881	[illegible]	203-7
Drew Brahs	769 center	(949) 422-1725	[illegible]	203-8
Sam Rockwell	788 center	310 804 0038	[illegible]	201-14
MORDECAI KISSINGER	788 CENTER	857-3099	[illegible]	201-14
Sergio Espinoza	753 Center	2058314	Sergio E.	203-10
MICHELLE MCMASTER	745 CENTER	673 1805	[illegible]	204-1
Debi Angiano	745 Center	714 313 1918	[illegible]	204-1

Nombre Name	Direction Address	telephono Phone	Firma Signature	
Elvira Beatris	728 Center	NO	Beatris Elvira	209-6
Carlos Mendoza	1847 Wallace Ave	9499035835	Carlos Mendoza	171-13
ED TANAKA	742 WEELO DR COSTA MESA	949 548-5829	Ed T	173-1
Yo TANAKA	1846 WALLACE COSTA MESA CA 92627	548-2922	Yo Tanaka	173-1
Terry Coakley	1837 Wallace COSTA MESA	8367084	T C	
LIZ Coakley	1837 Wallace. Costa Mesa	651-6479	L C	
Pamela Ellis	733 Weelo Dr Costa Mesa	642-1237	P Ellis	
Louvicie Easterling	733 Weelo Dr. Costa Mesa	642-1237	L Easterling	
ANGEL OCHOA	736 WEELO DR CM #A	714 791-3939	A O	
Maynardo Dominguez	costamesa #A 732 weelo Dr.	949) 307-92-97	M Dominguez	
alba	costamesa #A 732 weelo Dr.	"	Alba D	
Jose G.	726 weelo Dr	949) 929.2654	Jose	
Audelia Perez	726 Weelo Dr	949) 929-2654	Audelia	
	2194 Placentia Ave	949) 228-0731		
Blanca	726 Weelo Dr	(949) 591-9606	B	
Erick	1954 wallace	949-357-8112	Erick FRANCO [FC]	
Maria Pimentel	712 Weelo	(949) 335-8382	Maria Pimentel	
FRANCISCO JAVIER	753 center "A" Costa mesa	(949) 378 2996	F.J.G.	

Blanca Gutierrez	753 W. St Costa Mesa	(949) 949 3887	Blanca Gutierrez
Jose Berrope	753 W Center St Costa Mesa	(949) 935-3582	Jose Berrospe
Sara Bourgeois	756 Center St	(949) 645-2688	Sara Bourgeois
Lauren Pedersen	769 Center St	(949) 400-7473	Lauren Pedersen
Jennifer Webster	735 Center St	(949) 548 9412	Jennifer Webster
Brad Webster	735 Center St	949 548 9412	[illegible]
Morten Dominguez	739 Center St	949-560-2463	Morten Dominguez
ARCELIA ZACAPA	739 center st	(949) 307-1799	Arcelia Z.
NORMA JUÁREZ	739 center St "B"	(949) 548-17-98	[illegible]
Emil Muñoz	739 center st	949 548-1798	[illegible]
Sindy Muñoz	739 Center St. "B"	(949) 548-1798	Sindy Muñoz
Mario Cuamatzi	739 center St "B"	(949) 548-1798	M Cuamatzi
Austin Webster	735 Center St.	(949) 903-5417	[illegible]
Derek Webster	10771 COLIMA LN	(714) 536-2789	D. Webster

201-9

NEIGHBOR PETITION AGAINST PA 15-17

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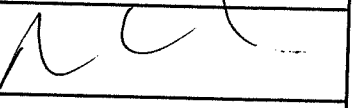
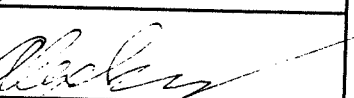
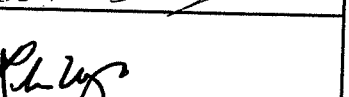
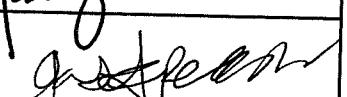
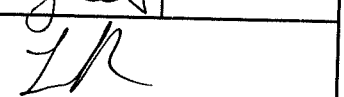
NAME	ADRESS	PHONE	SIGNATURE	Map Loc
JAVIER CHAVEZ	1843 POMONA AVE - C COSTA MESA CA 92627	(949) 283-5886		173-9
Nicole Graby	1839 Pomona Ave Costa Mesa, CA,	(949) 315-1875		173-10
Alex Scholz	695 Center St. Unit B Costa Mesa CA 92627	619 517 2024		
ROBERT WAYNE	693 PLUMER ST. COSTA MESA, CA 92627	(949) 642-0180		PLUMER & POMONA
Armando Perez	1843 pomona Ave Costa Mesa CA Apt A	(949) 322-8135		
Luis Reyes	1830 Wallace Ave #A Costa Mesa CA	949) 375-7116		

NEIGHBORHOOD PETITION OPPOSED TO PROPOSED MAISON

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We believe that this is incompatible, offensive and detrimental to the neighborhood

Name	Address	Phone #	signature
Marissa Rodgers	724 Center St.	661-644-6113	Marissa Rodgers
LOGAN HARRIGER	724 Center st.	765-532-3556	Logan Harriger
Lizzie LaPonsey	724 Center St.	562) 343-3789	[illegible]

NEIGHBORHOOD PETITION OPPOSED TO PROPOSED MAISON

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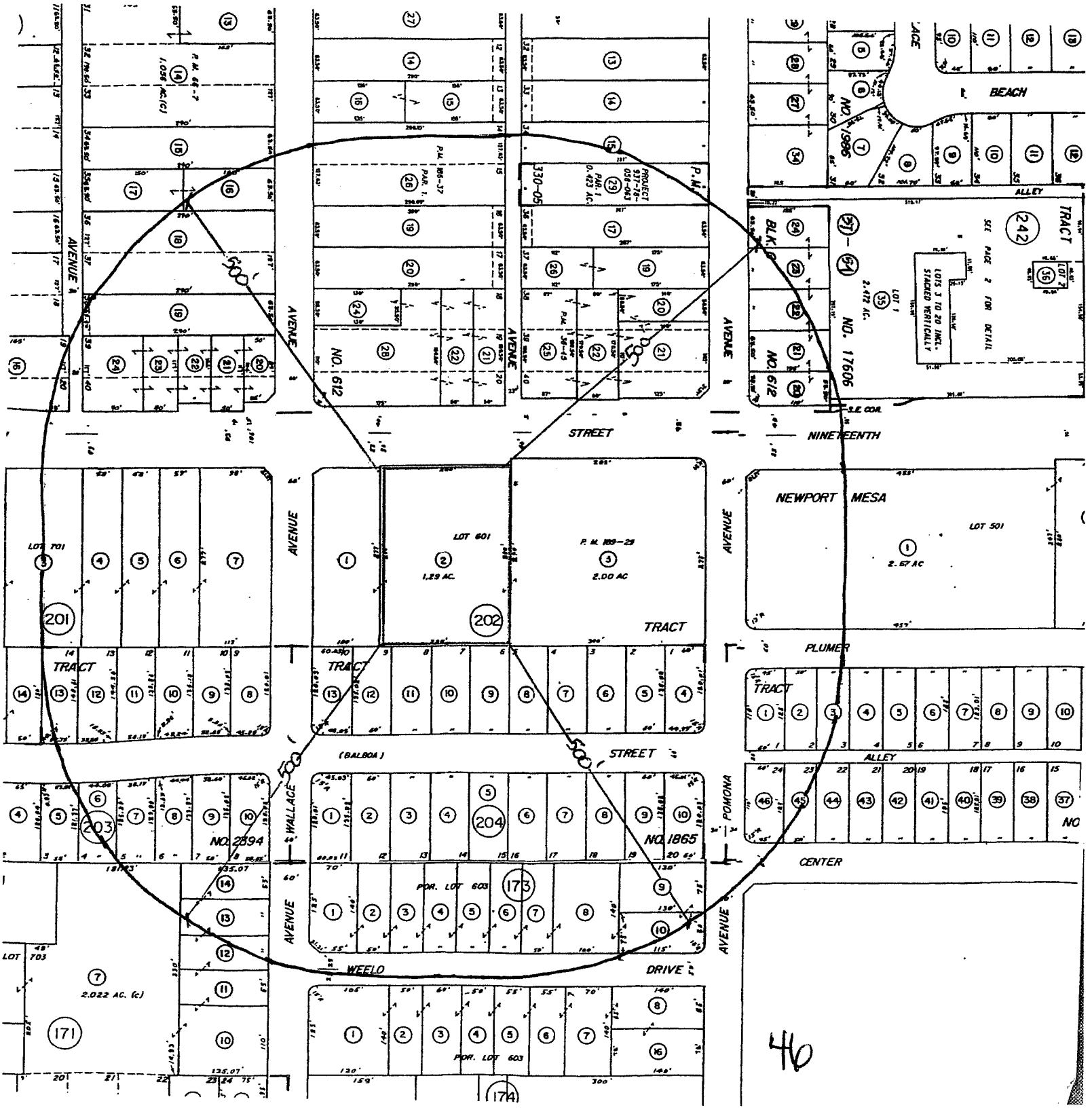
Name	Address	Phone #	signature
Jose Carandia	721 Cente. St Costa Mesa Ca. 92627	(949) 903-5287 714 842-3436	Jose
Yesenia Fajardo		949) 903-5287	Yesenia Fajardo
Evelyn Carandia			
Jeremiah carandia			



BEACH
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TRACT
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SEE PAGE 2 FOR DETAIL
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NO. 612
NO. 1986
BLK. G
AVENUE A
AVENUE
STREET
NINETEENTH
NEWPORT MESA
LOT 501
2.67 AC
LOT 601
1.29 AC.
P. M. 189-29
2.00 AC
LOT 701
201
202
TRACT
PLUMER
(BALBOA)
STREET
ALLEY
WALLACE
POMONA
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NO. 1865
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CENTER
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CITY OF COSTA MESA
BY_____

Honorable Planning Commissioners
City of Costa Mesa

I am the owner of the property located at 724 Center Street, Costa Mesa, CA.

This property is located directly adjacent to the subject property for public hearing for the application PA-15-17, Lions Den.

This is not a project that can be supported. It is offensive and detrimental to the neighborhood. Based upon the track record of the applicant's tenant, please abate this nuisance. Please deny the application in its entirety.

Note also the applicant has provided the city staff with factually inaccurate dimensions of the living structures on my property. This property was redeveloped within the last ten years. The Planning Department also has detailed approved drawings showing the correct dimensions, and it is obvious simply from looking at the property from the rear of the Lions Den that the setback is the legal minimum – TEN FEET from the property line.

Thank you

x _____
Su Chen, Chen

Costa mesa Planning Division
App-15-17
719 W 19th Street
I oppose the request submitted to change the existing conditional use permit for 719 W. 19th St. to include:
"Live entertainment" 7 days per week, during hours of 7am to 2 am. As well as a shipping container behind the property.
As an owner and a resident I strongly oppose all of these changes.
1. It is a mixed residential and business area.
2. Many school children and working people living in the area will be affected by noise, bad language, smoking and other disturbances. Quality of life would be altered and disturbance of peace.
Most homes and apartments are not air conditioned and windows must be open at night.
3. Parking is already an issue for residents and overflow of cars in the area. The addition of numerous sober living, recovery homes and meetings has already created an issue for owners and renters.
One business is working towards helping people with addictions, bringing in entertainment and noise of such carries far and also affects those in sober living facilities. Temptation to be a part of that is a powerful determent to those with the goal of recovering.
The comment that triangle square is close does not weigh into this in my estimation.
1. Not close to residential homes.
2. Plenty of parking
3. Noise does not carry. (even if in the garage). Only one facility has music that I know of.
4. Has sound conditioning to meet required allowed decibels. Built for such use.

My desire is to improve the Westside of Costa Mesa. Preserve and improve the quality of life in our beautiful city. Protect and advance those goals for the future of positive growth for all.

Marilyn Louis
1856 Pomoma
Costa Mesa, calif. 92627

Tenants opposing:
Kaysha Vander Hayden
Jonathan Vander Hayden
Kim Loung
Albert Troung
Renee Conrad
Max Conrad

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BY

PLEADING YOUR LICENSE AWAY

By Ralph B. Saltsman with Stephen Warren Solomon
and Stephen A. Jamieson

File this scenario under "Just when you think your troubles are over." You "accidentally" place a bunch of socks in your pockets as you clear the check-out line at the local department store. A few moments later out in the parking lot, you tell store security you were observing their system to see if you could install something like that in your small liquor store. Store security personnel do not laugh, but they do call the police. Several months later, in order to avoid the cost of trial, you plead guilty to Petty Theft and pay a nominal fine as arranged by your criminal lawyer. Petty Theft is a crime involving moral turpitude, so here comes the ABC after your license. Or....

You have just pled no contest to felony driving under the influence of alcohol. This is the third or even fourth DUI plea in seven years, but your criminal lawyer got you the minimum fine and jail. A little rest at the government facility and you can get back to your office and run that corporate machine that has ten or twelve ABC licensed premises. You are the major shareholder and the corporate president, and life will be back to normal in no time. Right? Not so fast there. What your criminal lawyer

didn't tell you because he didn't know was that felony DUI with three or more priors in seven years constitutes a crime involving moral turpitude (see People v. Forster, 1994). Since the ABC is empowered to revoke a liquor license based on a licensee's plea to a crime involving moral turpitude, now the ABC will begin its task of revoking all the licenses issued to your corporation. Or....

How about this one: Your business partner who is also your co-licensee is out for an evening on the town and engages in some extra curricular activity that results in the District Attorney filing felony charges of kidnapping and rape as well as the lesser charge of misdemeanor sexual battery. The details will not be discussed here, but after a long and heated trial, your business partner and co-licensee is convicted by the jury only of the misdemeanor. Although the more serious charges resulted in a verdict of acquittal, the jury did find that your partner engaged in activity that constituted misdemeanor sexual battery. Your partner celebrates a near complete victory. The ABC files an accusation to revoke your license since misdemeanor sexual battery is a crime involving moral turpitude.

By Constitutional mandate, the Department of Alcoholic Beverage Control has the power to deny, suspend or revoke a license where the licensee or applicant has "violated any law involving moral turpitude." By

statute the Department may suspend or revoke a license where a licensee has sustained "a plea, verdict, or judgment of guilty or the plea of nolo contendere to any public offense involving moral turpitude."

Exactly what is a crime involving moral turpitude? The Court of Appeal in People v. Chavez (2000) advised:

> "The California Supreme Court has divided crimes of moral turpitude in to two groups. The first group includes crimes in which dishonesty is an element (i.e. fraud, perjury, etc.). The second group includes crimes that indicate a general readiness to do evil...Crimes in the latter group are acts of 'baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general...'(citation omitted)."

The Department has revoked licenses where the licensees were convicted of issuing checks with insufficient funds. The Department has revoked licenses where the licensees were convicted of filing false income tax returns. Certainly pleas or convictions for trafficking in, or manufacturing, or selling supplies to manufacture narcotics will result in Department revocation proceedings. Any crime where fraud is an underlying element will constitute a crime involving moral turpitude (See Kirby v. Alcoholic Beverage Control 1969).

Let's go back to the criminal court for a moment. After that plea to a crime involving moral turpitude, misdemeanor petty theft for example, you

are sentenced to 30 days in the county jail with the sentence suspended (that is, no jail time) on condition that you pay a fine, and you are placed on one year informal probation and ordered to obey all laws. The year passes, and you complete probation. Your lawyer files a petition under Penal Code Section 1203.4 to release you "from all penalties and disabilities resulting from the offense or crime for which [you have] been convicted." Your record expunged, now you can't lose your ABC license, right? Wrong. In Copeland v. Department of Alcoholic Beverage Control (1966) the Court of Appeal specifically answered this question, stating:

> "As used in section 1203.4 of the Penal Code, the words 'penalties and disabilities' have reference to criminal penalties and disabilities or to matters of a kindred nature. But the disciplining of licensees...is for the protection of the public in the exercise of police power and not for the purpose of punishing any licensee (Citations omitted). It is settled that proceedings to suspend or revoke business or professional licenses are not included among the penalties and disabilities that are released by a dismissal pursuant to section 1203.4"

Just how close does the average licensee get to a crime involving moral turpitude in the normal course of doing business? The answer is: too close and too often. Filling out an ABC application under penalty of perjury; submitting tax (including sales tax) statements; making representations of material fact to the State Board of Equalization or the Department of Alcoholic Beverage Control; if these statements are knowingly incorrect, their submission over your signature may be perjury. Getting someone else

to knowingly submit false information to one of these state agencies or to federal agencies under oath may be subornation of perjury.

Perjury in and of itself involves moral turpitude. The California Supreme Court in Martin v. Appeals Board (Haley) (1959) upheld the Department's right to revoke a license where a licensee's application contained a misrepresentation of a material fact. The courts have consistently determined that perjury is a crime involving moral turpitude.

Penal Code Section 118 states, in part, every person who testifies under oath, willfully and contrary to the oath, states as true any material matter which he or she knows to be false is guilty of perjury.

Penal Code Section 118a states, in part, any person who, in any affidavit taken before any person authorized to administer oaths, swears, in any particular manner, or to any particular fact, and in such affidavit willfully and contrary to such oath states as true any material matter which he knows to be false, is guilty of perjury.

One last nightmare: The District Attorney files a perjury case against you based on the form you signed and submitted to the ABC two years ago when you were applying for the license you now have.

Knowing that a plea of guilty can endanger your license, you insist on a trial. You are charged with perjury because the application contained false

information about, for example, who really owns the business that was to be and is now licensed. In trial you testify that you couldn't read the information on the form, because the room was dark when you signed it. You tell the jury that you assumed all information was correct, but it was too dark to see. Your lawyer argues to the jury: "If the words aren't lit, you must acquit." And they do. Not guilty.

Are you off the hook? No, because the Department can still file an accusation alleging the underlying charge. Then the Department must prove the facts of the offense in order to sustain that accusation. Obviously this is a more difficult burden on the Department.

Where there is a guilty or no contest plea to a crime of moral turpitude, the Department files its accusation and the ABC attorney typically just brings to the administrative hearing a certified copy of the docket sheet and sentencing documents showing the charge and plea and then enters the court papers into evidence and rests.

You haven't lost yet. The Department has presented its case in five minutes and argues for revocation. But now it's your turn. Skilled experienced counsel can still save your license. There's myriad defenses and procedural issues that can be pursued, and the propriety of the penalty is

California ABC

PENALTY GUIDELINES

POLICY STATEMENT

It is the policy of this Department to impose administrative, non-punitive penalties in a consistent and uniform manner with the goal of encouraging and reinforcing voluntary compliance with the law.

PENALTY POLICY GUIDELINES

The California Constitution authorizes the Department, in its discretion, to suspend or revoke any license to sell alcoholic beverages if it shall determine for good cause that the continuance of such license would be contrary to the public welfare or morals. The Department may use a range of progressive and proportional penalties. This range will typically extend from Letters of Warning to Revocation. These guidelines contain a schedule of penalties that the Department usually imposes for the first offense of the law listed (except as otherwise indicated). These guidelines are not intended to be an exhaustive, comprehensive or complete list of all bases upon which disciplinary action may be taken against a license or licensee; nor are these guidelines intended to preclude, prevent, or impede the seeking, recommendation, or imposition of discipline greater than or less than those listed herein, in the proper exercise of the Department's discretion.

Higher or lower penalties from this schedule may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances.

Aggravating factors may include, but are not limited to:

1. Prior disciplinary history
2. Prior warning letters
3. Licensee involvement
4. Premises located in high crime area
5. Lack of cooperation by licensee in investigation
6. Appearance and actual age of minor
7. Continuing course or pattern of conduct

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Mitigating factors may include, but are not limited to:

1. Length of licensure at subject premises without prior discipline or problems
2. Positive action by licensee to correct problem
3. Documented training of licensee and employees
4. Cooperation by licensee in investigation

PENALTY SCHEDULE

Note: For purposes of this schedule of penalties, "revocation" includes any period of stayed revocation as well as outright revocation of the license.

Sales to minors - § 25658 B&P:	
Sales of alcoholic beverages to person(s) under 21	15 day suspension
Permitting person(s) under 21 to consume	15 day suspension
Furnishing or causing to be furnished alcoholic beverages to person(s) under 21	15 day suspension
2nd violation of Section 25658 within 36 months	25 day suspension
3rd violation of Section 25658 within 36 months	Revocation
(Note: priors must be final – B & P § 25658.1)	
Minor(s) on public premises – 25665 B&P	10 day suspension
Employment of minor(s) – 25663 B&P	10 day suspension
Unsupervised sales by person(s) under 18 – 25663(b) B&P	10 day suspension
Sales to obviously intoxicated person(s) – 25602 B&P	15 day suspension
2nd violation of 25602 within 3 years	25 day suspension
3rd violation of 25602 within 3 years	45 day suspension to revocation
Sale and/or Consumption After Hours – 25631 & 25632 B&P:	
By public	15 day suspension
By employees and friends only	10 day suspension
By employees only	5 day suspension
Illegal Solicitation of Alcoholic Beverages:	
Violation of Section 24200.5(b)	Revocation
Violation of Section 25657(a)	Revocation
Violation of Section 25657(b) and Section 303a PC	30 day suspension To revocation
Employees accepting alcoholic drinks – Rule 143 CCR	15 day suspension
Refilling – 25176 & 25177 B&P Code:	
With different brand	15 day suspension
With same brand	5 day suspension
Contaminated Bottles (insects, etc.) – 347b PC	5 day suspension
Substitution of Brands – 25609 & 23614 B&P	15 day suspension

Club Licenses, Sale to Public – 23431 B&P	10 day suspension
Sale to Purchase Between Retailers – 23402 B&P	15 day suspension
Not Operating Bona Fide Eating Place – 23038 & 23396 B&P	10 day suspension indefinite until compliance
Licensee or Bartender Working In Premises While Intoxicated -24200(a) B&P	30 day suspension
Licensee or Employee Resisting Arrest or Interfering With Investigation on The Premises – 24200(a) B&P & 148 PC	35 day suspension to revocation
Licensee or Employee Not Permitting Inspection Of:	
Premises – 25755 B&P	30 day suspension
Records – 25616 B&P	30 days and indefinite until records produced
Alcoholic Beverage Not Permitted By License – 25607 & 23355 B&P:	
Sale	15 day suspension
Possession	10 day suspension
Gambling – 24200(a) B&P and 330 PC:	
Organized (bookmaking, football cards, etc.)	30 day suspension
Local (cards, dice, football & baseball pools, etc.)	10 day suspension
Electronic/video games (slot machines, Poker, 21, etc.) – possession	15 day suspension
Electronic/video with payoffs	30 day suspension, with 15 days stayed for 2 years
Disorderly House, Prostitution, Lewd Conduct – 25601 B&P:	
Occasional or isolated offenses	30 day suspension
Recurring/aggravated offenses	Revocation
Nude Entertainers, etc. – Rule 143.2 & .3	30 day suspension to revocation
Narcotics – B&P 24200.5 and H&S Violations:	
Transactions on licensed premises	Revocation
Paraphernalia, possession for sale	Revocation, stayed for 3 years and a 20 day suspension

Failure to correct objectionable conditions -24200(e) and (f) B&P	30 day suspension to revocation
Undisclosed Ownership – 23300 & 23355 B&P:	
Hidden owner qualified	15 day suspension Indefinite until ownership corrected
Hidden owner not qualified	Revocation
Hidden owner-priority license	Revocation
Commission of Crime Involving Moral Turpitude – 24200(a) B&P:	
Committed on premises	Revocation
Committed away from premises (petty theft/shoplifting)	Revocation stayed 3yrs
Committed away from premises (other than petty theft)	Revocation
Conviction of a crime involving moral turpitude – 24200(d) B&P	Revocation
Violation Of Conditions – B&P 23804	15 day suspension with 5 days stayed for one year
Rule 65 – Chapter 1, Title 4 of the CCR	Revocation stayed for 180 days to permit transfer or reactivation of license
Rule 107 – Chapter 1, Title 4 of the CCR	5 day suspension
Rule 108 – Chapter 1, Title 4 of the CCR	5 day suspension to a suspension equal to double the original suspension
Exceeding license privileges – 24200(a), 23300, 23355 B&P	5 day suspension to revocation
PC 313.1 – Harmful matter	5 day suspension
Sale of alcoholic beverages while under suspension	Double the original suspension to revocation
Receiving Stolen Property – 24200(a) and 664 & 496 PC:	
By license on premises	Revocation
By employee on premises	Revocation stayed for 3 years, and a 20 day suspension

Food Stamp Violations – 24200(a) B&P:	
Allowing purchases of alcoholic beverages	10 day suspension
Food stamp trafficking (i.e. purchasing stamps at discount):	
By licensee	Revocation
By employee, with premises involvement	Revocation, stayed for one year and a 20 day suspension.
Keg Registration violations	10 day suspension
Operating Condition Violations – Section 25612.5 B&P:	
Subsections (c) (3), (4), (5), (6), (7), (10)	5 day suspension
Subsections (c) (1), (2), (8), (9)	10 day suspension indefinite until compliance
Misrepresenting Material Fact on Application – 24200(c) B&P	Revocation

PETITION FOR OFFER IN COMPROMISE ("POIC"):

Business and Professions Code Section 23098 authorizes the Department may accept a Petition for Offer in Compromise ("POIC") in lieu of the service of a suspension of 15 days or less. For purposes of determining whether the Department may accept a POIC in lieu of suspension, the total penalty imposed must be for 15 days or less, and shall not include any period of stayed suspension that would result in the potential suspension being for a period of greater than 15 days, nor can it include any period of stayed revocation. In the event that the suspension is for a period of 15 days or less with some portion thereof stayed, the POIC shall be calculated based upon the period of actual suspension (not including the stayed portion). In such cases, if the stayed period of suspension is later reimposed, the Department will generally not accept a POIC in lieu of serving the reimposed period of suspension.

Abbreviation legend:

B&P	California Business and Professions Code
PC	California Penal Code
H&S	California Health & Safety Code
CCR	California Code of Regulations
POIC	Payment of Offer in Compromise (B&P Sections 23095 & 23096)

Title 4 California Code of Regulations,
Section 144. Penalty Guidelines

In reaching a decision on a disciplinary action under the Alcoholic Beverage Control Act (Bus. and Prof. Code Sections 23000, et seq.), and the Administrative Procedures Act (Govt. Code Sections 11400, et seq.), the Department shall consider the disciplinary guidelines entitled "Penalty Guidelines" (dated 12/17/2003) which are hereby incorporated by reference. Deviation from these guidelines is appropriate where the Department in its sole discretion determines that the facts of the particular case warrant such a deviation – such as where facts in aggravation or mitigation exist.

Note

Authority cited: Section 25750, Business and Professions Code; and Section 22, Article XX, California Constitution. Reference: Section 23001, Business and Professions Code; and Section 11425.50(e), Government Code.

History

1. New section filed 4-13-2004 as an emergency; operative 4-13-2004 (Register 2004, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-11-2004 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 68, No. 46.

2. Certificate of Compliance as to 4-13-2004 order transmitted to OAL 8-11-2004; disapproved by OAL and order of repeal and deletion filed 9-23-2004 (Register 2004, No. 39).

3. New section filed 9-23-2004 as an emergency; operative 9-23-2004 (Register 2004, No. 39). A Certificate of Compliance must be transmitted to OAL by 1-21-2005 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 9-23-2004 order, including amendment of section, transmitted to OAL 11-18-2004 and filed 12-16-2004 (Register 2004, No. 51).

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CITY OF COSTA MESA
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SECURITIES AND EXCHANGE COMMISSION,	§	
Plaintiff,	§	
vs.	§	
ROBERT A. HELMS, ET AL.,	§	
Defendants,	§	**Civil Action No.: 1:13-cv-1036-LY**
and	§	
WILLIAM L. BARLOW, and GLOBAL CAPITAL VENTURES, LLC,	§	
Relief Defendants, solely for the purposes of equitable relief.	§	

CLERK'S ENTRY OF DEFAULT AS TO DEFENDANT ROLAND BARRERA

According to the official Court file in the above-captioned action, the *Complaint* of the Plaintiff Securities and Exchange Commission ("Commission") was filed on December 3, 2013, in the office of the United States District Clerk for the Western District of Texas, Austin Division, ("Clerk"), against Defendant Roland Barrera and others, Civil Action 1:13-cv-1036-LY.

Service of the *Complaint* was made upon Defendant Roland Barrera ("Defendant") on December 5, 2013. Dkt. 34 at 2. The executed service of the Summons and Complaint upon Defendant was filed with the Court on December 11, 2013. *Id.*

As of the date of this entry, no answer has been filed with the Clerk on behalf of Defendant nor has Defendant otherwise defended herein.

WHEREFORE the default of Defendant Roland Barrera is hereby entered on this 18th day of April 2014.

WILLIAM G. PUTNICKI Deanna Massie
Clerk, United States District Court Deputy Clerk
Western District of Texas

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SECURITIES AND EXCHANGE COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
ROBERT A. HELMS,	§	
JANNIECE S. KAELIN,	§	
DEVEN SELLERS,	§	
ROLAND BARRERA,	§	
VENDETTA ROYALTY PARTNERS, LTD.,	§	
VENDETTA ROYALTY MANAGEMENT, LLC,	§	
VESTA ROYALTY PARTNERS, LP,	§	
VESTA ROYALTY MANAGEMENT, LLC,	§	
IRON ROCK ROYALTY PARTNERS, LP,	§	**Civil Action No.:**
IRON ROCK ROYALTY MANAGEMENT, LLC,	§	**1:13-cv-1036-LY**
ARCADY RESOURCES, LLC,	§	
BAREFOOT MINERALS, G.P.,	§	
G3 MINERALS, LLC,	§	
HALEY OIL COMPANY, INC.,	§	
LAKE ROCK, LLC ,	§	
SEBUD MINERALS, LLC, and	§	
TECHNICOLOR MINERALS, G.P.,	§	
	§	
Defendants,	§	
	§	
and	§	
	§	
WILLIAM L. BARLOW, and	§	
GLOBAL CAPITAL VENTURES, LLC,	§	
	§	
Relief Defendants, solely for the purposes of equitable relief.	§	
	§	

AGREED PRELIMINARY-INJUNCTION

This matter came before the Court this _____ day of December, 2013, on the unopposed motion of the Securities and Exchange Commission ("Commission") to enter an Agreed Preliminary Injunction against Defendants Robert A. Helms, Janniece S. Kaelin, Deven Sellers,

Roland Barrera, Vendetta Royalty Partners, Ltd. ("Vendetta Partners"), Vendetta Royalty Management, LLC("Vendetta Management"), Vesta Royalty Partners, LP("Vesta Partners"), Vesta Royalty Management, LLC("Vesta Management"), Iron Rock Royalty Partners, LP("Iron Rock Partners"), Iron Rock Royalty Management, LLC("Iron Rock Management"), Arcady Resources, LLC("Arcady Resources"), Barefoot Minerals, G.P. ("Barefoot Minerals"), G3 Minerals, LLC("G3 Minerals"), Haley Oil Company, Inc. ("Haley Oil"), Lake Rock, LLC("Lake Rock"), SeBud Minerals, LLC("SeBud Minerals"), and Technicolor Minerals, G.P. ("Technicolor Minerals") (collectively, "the Defendants").

Without admitting or denying the allegations contained in the Complaint, each Defendant has agreed that this Court has jurisdiction over the Defendant and over the subject matter of this action and has agreed to waive a hearing and the entry of findings of fact and conclusions of law.

The Court having considered the Commission' motions, the parties' agreement, and all premises, the Commission's motion is **GRANTED**.

IT IS THEREFORE ORDERED:

I.

During the pendency of this case, the Defendants, and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are enjoined, in the offer or sale of any securities by use of any means or instruments of transportation or communication in interstate commerce, or of the mails, from, directly or indirectly:

(a) employing any device, scheme or artifice to defraud;

(b) obtaining money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements

made, in light of the circumstances under which they were made, not misleading; or

(c) engaging in any transactions, practices or courses of business which operate or would operate as a fraud or deceit upon any purchaser or prospective purchaser.

[Securities Act § 17(a) (15 U.S.C. § 77q(a))].

II.

During the pendency of this case, the Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are enjoined from making use of any means or instrumentalities of interstate commerce, or of the mails or of any facility of a national security exchange, directly or indirectly, in connection with the purchase or sale of any security:

(a) to employ any device, scheme or artifice to defraud;

(b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person; or

(d) to use or employ any manipulative or deceptive device or contrivance in contravention of a rule or regulation prescribed by the Securities and Exchange Commission.

[Exchange Act § 10(b) and Rule 10b-5 thereunder (15 U.S.C. § 78j(b) and 17 C.F.R. § 240.10b-5)].

III.

During the pendency of this case, Defendants Sellers and Barrera agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are enjoined from violating Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)], by using the mails or any means or instrumentality of interstate commerce, while acting as a broker or dealer, effecting transactions in or inducing or attempting to induce the purchase or sale of securities while not registered with the Commission as a broker or dealer or while not associated with an entity registered with the Commission as a broker or dealer.

IV.

Defendants Helms, Kaelin, Sellers, and Barrera and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are preliminarily enjoined from participating, directly or indirectly, including, but not limited to, through any entity owned or controlled by Helms, Kaelin, Sellers, or Barrera, in the issuance, purchase, offer, or sale of any security, provided, however, that such injunction shall not prevent Helms, Kaelin, Sellers, or Barrera from purchasing or selling securities for their own accounts to the extent such accounts are not otherwise controlled by the Receiver appointed in this case.

V.

The hearing on the Commission's motion for a preliminary injunction, scheduled to take place 9 o'clock a.m. December 23, 2013, in Courtroom 7 (see minute entry dated December 11, 2013.), is **CANCELLED.**

VI.

The time to file the sworn statements and accounting referred to in paragraphs 9 and 10 of the Receivership Order (Dkt. 11) is extended to January 31, 2014.

VII.

Nothing in this order shall affect the right of any Defendant to move the Court for relief from the Receivership Order (Dkt. 11), including the asset freeze therein.

VIII.

This order shall remain in effect until further order of the Court.

Dated: _____ 2013

_____
Lee Yeakel
UNITED STATES DISTRICT JUDGE

Without admitting or denying the allegations in the complaint, except as to personal and subject-matter jurisdiction, which each Defendant admits, the undersigned Defendants approve the form of the foregoing Agreed Preliminary Injunction, waive a preliminary-injunction hearing and the entry of findings of fact and conclusions of law, and request this Court to enter it.

Robert A. Helms
Pro Se

Janiece Kaelin
Pro Se

Deven Sellers
Pro Se

Roland Barrera
Pro Se

Thomas L. Taylor III
Receiver, on behalf of Defendants
Vendetta Royalty Partners, Ltd.,
Vendetta Royalty Management, LLC,
Vesta Royalty Partners, LP,
Vesta Royalty Management, LLC,
Iron Rock Royalty Partners, LP,
Iron Rock Royalty Management, LLC,
Arcady Resources, LLC,
Barefoot Minerals, G.P.,
G3 Minerals, LLC,
Haley Oil Company, Inc.,
Lake Rock, LLC,
SeBird Minerals, LLC, and
Technicolor Minerals, G.P.

FILED
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SECURITIES AND EXCHANGE COMMISSION, Plaintiff, vs. ROBERT A. HELMS, JANNIECE S. KAELIN, DEVEN SELLERS, ROLAND BARRERA, VENDETTA ROYALTY PARTNERS, LTD., VENDETTA ROYALTY MANAGEMENT, LLC, VESTA ROYALTY PARTNERS, LP, VESTA ROYALTY MANAGEMENT, LLC, IRON ROCK ROYALTY PARTNERS, LP, IRON ROCK ROYALTY MANAGEMENT, LLC, ARCADY RESOURCES, LLC, BAREFOOT MINERALS, G.P., G3 MINERALS, LLC, HALEY OIL COMPANY, INC., LAKE ROCK, LLC , SEBUD MINERALS, LLC, and TECHNICOLOR MINERALS, G.P., Defendants, and WILLIAM L. BARLOW, and GLOBAL CAPITAL VENTURES, LLC, Relief Defendants, solely for the purposes of equitable relief.	§ §

A13CV1036 LY

Civil Action No.:

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COMPLAINT

For its Complaint, Plaintiff Securities and Exchange Commission ("Commission") alleges as follows:

I. Summary

1. Defendants Robert A. Helms and Janniece S. Kaelin are engaged in fraudulent securities offerings from an office in Austin, Texas. Since at least July 2011, they have offered investors securities issued by Defendant Vendetta Royalty Partners, Ltd. ("Vendetta Partners"), a limited partnership they control. Through December 31, 2012, they have raised at least $17.9 million from at least 80 investors in at least 13 states, promising them that Vendetta Partners would use more than 99% of the investment proceeds to acquire a lucrative portfolio of oil-and-gas royalty interests.

2. In reality, Helms and Kaelin misappropriated the vast majority of the Vendetta Partners offering proceeds, using the funds to cover personal expenses, payments to Relief Defendants William L. Barlow and Global Capital Ventures, LLC ("Global Capital"), payments to other entities they control—Haley Oil Company, Inc. ("Haley Oil"), Technicolor Minerals, G.P., ("Technicolor Minerals"), and Barefoot Minerals, G.P. ("Barefoot")—and payments to investors of approximately $5.9 million in so-called "Partnership income." They derived the so-called Partnership income, however, primarily from offering proceeds. In other words, Helms and Kaelin operated a Ponzi scheme through Vendetta Partners.

3. In the course of the scheme, Helms and Kaelin misrepresented and omitted to disclose material facts to investors. They grossly understated bank-loan payments made with offering proceeds. They concealed Vendetta Partners' imminent bank-loan default. And they represented that there were no material legal proceedings pending against them or Vendetta Partners when, in fact, they and Vendetta Partners were defendants in a civil case alleging they

defrauded the plaintiff of $1.2 million, and were subject to other legal proceedings.

4. In addition, Helms and Kaelin paid combined commissions totaling $423,500 to Defendants David Sellers and Roland Barrera, who sold Vendetta Partnership securities to an investor for $3,050,000. Sellers and Barrera falsely represented to the investor that they would receive only "small" commissions—in keeping with Vendetta Partners offering documents stating that promotional expenses would not exceed $50,000—when their actual commission was nearly 14% of the purchase price.

5. After Vendetta Partners, Helms and Kaelin launched two more fraudulent offerings, Vesta Royalty Partners, LP ("Vesta Partners") in 2012 and Iron Rock Royalty Partners LP ("Iron Rock Partners") in 2013. For each of these limited partnerships, they control the general partner, Vesta Royalty Management, LLC ("Vesta Management") and Iron Rock Royalty Management, LLC ("Iron Rock Management"), respectively. In the Vesta Partners offering, they have touted potential investment returns ranging from 300% to 500% to be achieved in just five to seven years. In reality, their return projections are baseless.

6. They are promoting the Iron Rock Partners offering through Iron Rock Management and other companies they control, specifically Defendants SeBud Minerals, LLC ("SeBud Minerals"), Lake Rock, LLC ("Lake Rock"), G3 Minerals, LLC (G3 Minerals), and Arcady Resources, LLC ("Arcady Resources"). In the Iron Rock Partners offering, they describe their intent to raise $300 million by April 2014 and tout their "honesty and trustworthiness" and Vendetta Partners' "successful performance." In reality, Vendetta Partners is a Ponzi scheme, and they are dishonest and untrustworthy.

7. By committing the acts alleged in this Complaint, the Defendants directly and indirectly engaged in, and unless restrained and enjoined by the Court will continue to engage in,

acts, transactions, practices, and courses of business that violate the anti-fraud provisions of the federal securities laws, specifically Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]. Defendants Sellers and Barrera also violated Exchange Act Section 15(a) [15 U.S.C. § 78o(a)] by being unregistered brokers in the offerings described herein.

8. The Commission brings this action seeking permanent injunctions, disgorgement plus prejudgment interest, and civil penalties, as to each Defendant and disgorgement as to each Relief Defendant and all other equitable and ancillary relief to which the Court determines the Commission is entitled.

II. Jurisdiction and Venue

9. The Court has jurisdiction over this action under Section 20(d) and 22(a) of the Securities Act [15 U.S.C. §§ 77t(d) and 77v(a)] and Sections 21(d), 21(e), and 27 of the Exchange Act [15 U.S.C. §§ 78u(d), 78u(e) and 78(aa)]. Venue is proper because the Defendants and Relief Defendants reside in, and a substantial part of the events and omissions giving rise to the claims occurred in, the Western District of Texas.

III. The Parties

10. Plaintiff Commission is an agency of the United States government.

11. Defendant Robert A. Helms is a natural person residing in Austin, Texas.

12. Defendant Janniece S. Kaelin is a natural person residing in Austin, Texas.

13. Defendant Deven Sellers is a natural person residing in Arvada, Colorado.

14. Roland Barrera is a natural person residing in Costa Mesa, California.

15. Defendant Vendetta Partners is a Texas limited partnership in Austin, Texas.

16. Defendant Vendetta Management is a Texas limited liability company in Austin, Texas.

17. Defendant Vesta Partners is a Texas limited partnership in Austin, Texas.

18. Defendant Vesta Management is a Texas limited liability company in Austin, Texas.

19. Defendant Iron Rock Partners is a Delaware limited partnership principally operating in Austin, Texas.

20. Defendant Iron Rock Management is a Delaware limited liability company principally operating in Austin, Texas.

21. Defendant Arcady Resources is a Texas limited liability company in Austin, Texas.

22. Defendant Barefoot Minerals is a Texas general partnership in Austin, Texas.

23. Defendant G3 Minerals is a Texas limited liability company in Austin, Texas.

24. Defendant Haley Oil is an Illinois corporation principally operating in Austin, Texas.

25. Defendant Lake Rock is a Texas limited liability company in Austin, Texas.

26. Defendant SeBud Minerals is a Texas limited liability company in Austin, Texas.

27. Defendant Technicolor Minerals is a Texas general partnership in Austin, Texas.

28. Relief Defendant William Barlow is a natural person residing in Austin, Texas.

29. Relief Defendant Global Capital is a Texas limited liability company in Austin, Texas.

V. Facts

A. Background

benefits obtained illegally, or to which that Defendant or Relief Defendant otherwise has no legitimate claim, as a result of the violations alleged, plus prejudgment interest on that amount.

IV.

Order each Defendant to pay a civil penalty in an amount determined by the Court pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)] for the violations alleged herein.

V.

Order such other relief as this Court may deem just and proper.

December 3, 2103

Respectfully submitted,
/s/Timothy S. McCole
TIMOTHY S. McCOLE
Plaintiff's Lead Attorney
Mississippi Bar No. 10628
United States Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit 18
Fort Worth, Texas 76102
Telephone: (817) 978-6453
FAX: (817) 978-4927
E-mail: McColeT@SEC.gov

30. Helms and Kaelin, through entities they control, have offered and sold and continue to offer and sell securities in the form of limited-partnership interests issued by Defendants Vendetta Partners, Vesta Partners, and Iron Rock Partners. Helms and Kaelin control each entity through its general partner—Defendants Vendetta Management, Vesta Management, and Iron Rock Management, respectively.

31. Helms and Kaelin operate each limited partnership from an office at 8101 Cameron Rd. Suite 109, in Austin, Texas. They utilize a sales team, including Sellers and Barrera, to offer the securities for sale to investors by telephone, by email, and by in-person presentations. Helms and Kaelin also directly offer and sell the securities to investors in person at the Austin office and through emails and phone calls.

B. The Vendetta Partners Offering

32. Helms and Kaelin formed Vendetta Partners in 2009. At or about that time, Vendetta Partners acquired certain oil-and-gas royalty interests, along with limited partners, from another limited partnership associated with Helms and Kaelin. From January 1, 2011, through December 31, 2012, Vendetta Partners' royalty interests generated income totaling approximately $1.4 million.

33. On August 15, 2011, Vendetta Partners filed with the Commission a securities-offering notice on Form D, signed by Helms, stating that Vendetta Partners sought to raise $50 million by selling limited-partnership interests. The Form D falsely stated that Vendetta Partners had not yet sold any securities in the offering. In reality, Vendetta Partners sold securities to two investors on July 29 and 30, 2011, in exchange for $275,000 combined. Moreover, the Form D listed Vendetta Management, Helms, and Kaelin as the offering's only "promoters" and falsely stated that no promoter had received, or would receive, any offering proceeds. In fact, at the

time of filing Helms and Kaelin had already misappropriated nearly half of the $275,000 received on July 29 and 30, 2011. Upon receipt, they transferred $135,000 of these funds to Vendetta Management and, from there, withdrew $19,450 in cash and transferred an additional $18,000 to Helms.

34. In the Vendetta Partners offering, Helms and Kaelin distributed to prospective investors a private-placement memorandum ("PPM"), which purported to explain the Vendetta Partners investment. The PPM represented that Vendetta Partners had two "principal objectives": (1) to purchase oil-and-gas "Royalty Interests" and (2) "to generate Partnership income from such Royalty Interests." It also represented that the "Partnership will distribute Partnership income quarterly."

35. The PPM contained several false and misleading statements. It touted Helms' oil-and-gas experience, representing that he had "worked with various mineral companies over the last 10 years advising management on issues involving the acquisition and management of royalty interests, mineral properties and related legal and financial issues." This statement was misleading because it did not disclose that Helms the oil-and-gas experience came almost entirely from operating Vendetta Partners and its affiliated or predecessor companies.

36. Under the heading, "Accounting," the PPM also falsely stated that Vendetta Management would furnish investors periodic reports on Vendetta Partners' property acquisitions and operational results. In fact, it never furnished investors such reports.

37. Finally, under the heading "Litigation," the PPM falsely stated: "There are no material pending legal proceedings against the Partnership, the General Partner or its Affiliates." In reality, Vendetta Partners, Vendetta Management, Technicolor Minerals, Helms, Kaelin, and other entities affiliated with them were engaged in material litigation during the Vendetta

Partners offering. A private party sued them in December 2011, alleging that they committed fraud by purporting to sell mineral interests that they did not even own in exchange for $1.2 million. The Illinois EPA initiated action against Haley Oil in May 2012, alleging illegal "release incidents." And the IRS initiated action against Kaelin in October 2012, relating to a tax liability.

38. The PPM further represented that Vendetta Partners would use the anticipated $50 million offering proceeds solely for three purposes: (i) to purchase royalty interests; (ii) to pay 10% of Vendetta Partners' $3,795,000 credit facility; and (iii) to pay promotional expenses. The PPM contained a summary of the "estimated application and use of the proceeds," which stated that Vendetta Partners would apply and use the $50 million as follows:

	Application of Maximum Proceeds	Percent of Subscriptions
Purchase Costs of Royalty Interests	$49,570,500	99.14%
Loan Repayment	$ 379,500	.76%
Promotional Expenses	$ 50,000	.10%

39. From July 29, 2011, through December 31, 2012, Helms and Kaelin raised at least $17.9 million through the Vendetta Partners offering from at least 80 investors in at least 13 states. Apart from the offering proceeds and the $1.4 million in cash generated from legitimate royalty interests, which combined totaled approximately $19.3 million, Vendetta had no significant cash assets. Rather than honor the PPM representations regarding the use of proceeds, Helms and Kaelin, through a number of entities under their control, misappropriated the vast majority of the funds.

40. Helms and Kaelin controlled and oversaw the use of all funds that came into Vendetta Partners. They shared signatory authority on its bank accounts and on the bank accounts of Vendetta Management. From January 1, 2011, through December 31, 2012, Vendetta Partners, at the direction of Helms and Kaelin, transferred approximately $4.4 million to Vendetta Management. Because this was far in excess of the $1.4 million generated from legitimate royalty interest income, at least $3 million was misappropriated investor funds. Out of the $4.4 million transferred to Vendetta Management, they transferred approximately $1.4 million to Helms and an additional $102,000 to Barefoot Minerals.

41. In addition to the $4.4 million transferred to Vendetta Management, Helms and Kaelin transferred approximately $702,000 directly to Helms' bank account. They transferred an additional $193,000 to Technicolor Minerals. They paid approximately $1.6 million to cover promotional expenses, approximately 32 times the amount promised in the PPM. They used approximately $1.1 million for loan repayment, approximately four times the amount promised in the PPM. And they spent approximately $1.6 million to purchase royalty interests, more than 90% less than promised in the PPM.

42. Vendetta Partners, at the direction of Helms and Kaelin, also used approximately $5.9 million to make so-called partnership-income distributions to investors. They used money from later investors to pay these distributions to earlier investors. In this fashion, Helms and Kaelin created the illusion that Vendetta Partners was a profitable enterprise when, in fact, it was a fraudulent Ponzi scheme.

43. Vendetta Partners, at the direction of Helms and Kaelin, transferred approximately $86,737 combined to Relief Defendant Barlow and his company, Relief Defendant Global Venture. Neither Barlow nor Global Venture had any legitimate claim to the

proceeds. Barlow and Global Venture acquired at least some of these proceeds in round-trip transactions with companies that Helms and Kaelin controlled. Helms orchestrated these transactions was to create fictitious income to support the fraudulent partnership-income distributions.

44. For example, on November 17, 2011, Helms and Kaelin transferred $2,208,800 from Vendetta Partners to Barlow. The next day, Barlow transferred $2,200,300 to Defendant Haley Oil, a company that Helms controlled, retaining $8,500. On December 5, 2011, Helms transferred $1.4 million from Haley Oil to Vendetta Partners and falsely recorded it as royalty income in Vendetta Partners' accounting system. On February 1, 2012, Helms transferred $550,000 from Haley Oil to Vendetta Partners and falsely recorded it as "lease bonus" income on Vendetta Partners' accounting system. Helms and Kaelin distributed the nearly $2 million from the roundtrip transactions to Vendetta Partners investors, falsely characterizing these payments as partnership-income distributions. Haley Oil retained investor funds totaling $245,300 that it received in the roundtrip transactions.

45. On several occasions, Helms and Kaelin provided investors tours of their Austin office to promote their securities offerings. On at least one such tour in August 2012, they falsely represented to two investors that Vendetta Partners paid its operating expenses, including Helms and Kaelin's salaries, from the ongoing revenue stream generated by Vendetta Partners' royalty interest portfolio. They falsely represented that the investors would earn a return of 150% to 200% on the investment within several months. And they represented that they would use the proceeds from the investors' limited-partnership purchase—$3,050,000—to buy out another investor's limited-partnership interest. In reality, Helms and Kaelin misappropriated part of the investors' money, using it to cover undisclosed expenses and to pay commissions to

Sellers and Barrera, rather than buying out another investor.

46. During office tours, Helms and Kaelin introduced potential investors to Vendetta Management's financial analyst, who was a student at the University of Texas and who had not yet attained a degree. Helms and Kaelin falsely stated to potential investors that the financial analyst had a degree from the University of Texas. Helms and Kaelin prohibited the financial analyst, under threat of demotion, from telling investors that he did not actually have a degree.

47. Vendetta Partners, at the direction of Helms and Kaelin, paid Defendants Sellers and Barrera approximately $400,000 in commissions, which they split almost evenly, for the $3,050,000 investment described in **paragraph 45**, above. When offering the investment, Sellers and Barrera represented to the investors that they would split a "small" commission. In reality, their combined commission was more than 13% of the investment and more than eight times the PPM's $50,000 limit for promotional expenses. Because they did not disclose the actual size of their commission, their statement that it would be "small" was misleading. Sellers and Barrera never corrected this misstatement, even as they continued to promote other offerings—including Vesta Partners and Iron Rock partners—to the same investors.

C. The Vesta Partners Offering

48. Since at least, July 2012, Helms, Kaelin, Sellers, and Barrera have offered to sell investors securities issued by Defendant Vesta Partners. At Helms and Kaelin's direction through Vesta Management, Defendants Sellers and Barrera emailed two prospective investors a Vesta Partners presentation, describing the company and its offering. According to the presentation, Vesta Partners would provide investors "predictable quarterly cash distributions with attractive yields (targeted 15% - 20% gross annual yields)" and a 300% to 500% return within five to seven years. It described Vesta Partners management—including Helms and

Kaelin—as having a "Proven track record of consistent investor cash-flows and overall market performance." And it said that Helms and Kaelin had experience "managing and successfully exiting royalty . . . interest investments, including . . . Vendetta Royalty Partners, Ltd."

49. These statements in the Vesta Partners presentation were false. Helms and Kaelin had no reasonable basis to expect that Vesta Partners would provide attractive cash-distribution yields or a 300% to 500% return within seven years. Indeed, their track record included the Vendetta Partners Ponzi scheme—promoted as a business model virtually identical to that of Vesta Partners—in which they had never earned a legitimate profit for investors. And Vendetta Partners was not a successful investment by any reasonable standard.

D. The Iron Rock Partners Offering

50. On April 25, 2013, Iron Rock Partners filed with the Commission a Form D, signed by Helms as manager for Iron Rock Partners' general partner, Iron Rock Management. The Form D indicates that Iron Rock Partners seeks to raise $300 million over a period not to exceed one year. In addition to Helms, it lists the following affiliate entities as the offering promoters: Defendants Iron Rock Management, SeBud Minerals, Lake Rock, G3 Minerals, and Arcady Resources. It further says that the offering will only be solicited in Florida, New York, North Carolina, and Pennsylvania.

51. The Iron Rock Form D is false and misleading. Kaelin and Sellers have actively promoted the Iron Rock Partners offering, but they are not disclosed as promoters on the Form D. And Iron Rock Partners, through Helms, Kaelin, Sellers, and other affiliated promoters is offering the securities in states beyond the four states listed—including in California.

52. On March 1, 2013, Sellers emailed an investor located in California, attaching a "Proposal" in which Sellers offered for sale Iron Rock Partners securities. The Proposal falsely

stated that investors could expect a 300% to 500% return in five to seven years. As is evident in Helms and Kaelin's disastrous Vendetta Partners oil-and-gas project, these earnings projections were baseless. It further said the Iron Rock Partners management team—including Helms and Kaelin—has an "industry reputation of honesty and trustworthiness." In fact, Helms and Kaelin were dishonest and untrustworthy, a fact their industry reputation reflected. Indeed others in the industry sued them for fraud and conspiracy.

FIRST CLAIM
Violations of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5thereunder [17 C.F.R. § 240.10b-5]

53. Plaintiff Commission realleges and incorporates by reference paragraphs 1 through 54 of this Complaint as if set forth verbatim.

54. Each Defendant, by engaging in the conduct described above, directly or indirectly, singly or in concert with others, in connection with the purchase or sale of a security, by the use of means or instrumentalities of interstate commerce, or of the mails, or of the facilities of a national securities exchange, knowingly or severely recklessly:

a. employed a device, scheme, or artifice to defraud;

b. made an untrue statement of a material fact or omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

c. engaged in an act, practice, or course of business which operated or would operate as a fraud or deceit upon a person.

55. By engaging in the conduct described above, each Defendant violated, and unless restrained and enjoined will continue to violate, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5thereunder [17 C.F.R. § 240.10b-5].

SECOND CLAIM
Violations of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)]

56. Plaintiff Commission realleges and incorporates by reference paragraphs 1 through 54 of this Complaint as if set forth verbatim.

57. Each Defendant, by engaging in the conduct above, singly or in concert with others, in the offer or sale of securities, by the use of means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

a. knowingly or severely recklessly employed a device, scheme, or artifice to defraud, or

b. (b) knowingly, recklessly, or negligently obtained money or property by means of an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

c. (c) knowingly, recklessly, or negligently engaged in a transaction, practice, or course of business which operated or would operate as a fraud or deceit upon the purchaser.

58. By reason of the foregoing, each Defendant violated, and unless enjoined, will continue to violate Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)].

THIRD CLAIM
Violations of Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)]

59. Plaintiff Commission realleges and incorporates by reference paragraphs 1 through 54 of this Complaint as if set forth verbatim.

60. Defendants Sellers and Barrera, by engaging in the conduct described above, directly or indirectly made use of the mails or means or instrumentalities of interstate commerce

to effect transactions in, or to induce or attempt to induce, the purchase or sale of securities, without being registered as a broker or dealer, or being associated with a registered broker or dealer in accordance with Section 15(a) (1) of the Exchange Act [15 U.S.C. § 78o(a) (1)].

61. Accordingly, Defendants Sellers and Barrera were brokers within the definition of that term in Section 3(a)(4) of the Exchange Act which defines "broker" as any person "engaged in the business of effecting transactions in securities for the account of others." Defendants Sellers and Barrera were never so registered and, acted as brokers which included: (1) solicitation of investors to purchase securities; (2) involvement in negotiations between the issuer and the investor; and (3) receipt of transaction-related compensation.

62. By reason of the foregoing, Defendants Rizvi and Strategy Partners violated and, unless enjoined, will continue to violate Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a) (1)].

REQUEST FOR RELIEF

Plaintiff respectfully requests that this Court:

I.

Permanently enjoin each Defendant from violating Section 17(a) of the Securities Act [15 U.S.C. § 77e(a)] and Section 10(b) of the Exchange Act [15 U.S.C. §§ 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder.

II.

Permanently enjoin Defendants Sellers and Barrera from violating Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)(1)].

III.

Order each Defendant and Relief Defendant to disgorge an amount equal to the funds and

benefits obtained illegally, or to which that Defendant or Relief Defendant otherwise has no legitimate claim, as a result of the violations alleged, plus prejudgment interest on that amount.

IV.

Order each Defendant to pay a civil penalty in an amount determined by the Court pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)] for the violations alleged herein.

V.

Order such other relief as this Court may deem just and proper.

December 3, 2103

Respectfully submitted,
/s/Timothy S. McCole
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U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:13-cv-01036-ML

Securities and Exchange Commission v. Helms et al
Assigned to: Judge Mark Lane
Related Case: 1:14-cv-00965-LY-ML
Cause: 15:77 Securities Fraud

Date Filed: 12/03/2013
Jury Demand: Defendant
Nature of Suit: 850 Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

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Defendant

Vendetta Royalty Partners, LTD.

U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:13-cv-01036-ML

Securities and Exchange Commission v. Helms et al
Assigned to: Judge Mark Lane
Related Case: 1:14-cv-00965-LY-ML
Cause: 15:77 Securities Fraud

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Vendetta Royalty Management, LLC

Defendant

Vesta Royalty Partners, LP

Defendant

Vesta Royalty Management, LLC

Defendant

Iron Rock Royalty Partners, LP

Defendant

Iron Rock Royalty Management, LLC

Defendant

Arcady Resources LLC

Defendant

Barefoot Minerals, G.P.

Defendant

G3 Minerals, LLC

Defendant

Haley Oil Company, Inc.

Defendant

Lake Rock, LLC

Defendant

Sebud Minerals, LLC

Defendant

Technicolor Minerals, G.P.

Defendant

William L. Barlow

Defendant

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Intervenor

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Date Filed	#	Docket Text
12/03/2013	1	COMPLAINT, filed by Securities and Exchange Commission. (Attachments: # 1 Civil Cover Sheet)(dm) (Entered: 12/03/2013)
12/03/2013	3	MOTION for Preliminary Injunction, Ex Parte Temporary Restraining Order, MOTION to Appoint Receiver and Other Emergency and Ancillary Relief by Securities and Exchange Commission. (Attachments: # 1 Proposed Order, # 2 Proposed Order)(dm) (Entered: 12/03/2013)
12/03/2013	4	FACT BRIEF in Support of 3 MOTION for Preliminary Injunction, Ex Parte Temporary Restraining Order, MOTION to Appoint Receiver and Other Emergency and Ancillary Relief by Securities and Exchange Commission. (dm) (Entered: 12/03/2013)
12/03/2013	5	APPENDIX to 3 MOTION for Preliminary Injunction, Ex Parte Temporary Restraining Order, MOTION to Appoint Receiver and Other Emergency Relief by Securities and Exchange Commission. (Attachments: # 1 Exhibit A, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit B, # 12 Exhibit 1, # 13 Exhibit 2, # 14 Exhibit 3, # 15 Exhibit 4, # 16 Exhibit C, # 17 Exhibit 1, # 18 Exhibit 2, # 19 Exhibit 3, # 20 Exhibit 4, # 21 Exhibit D, # 22 Exhibit E, # 23 Exhibit 1, # 24 Exhibit 2)(dm) (Entered: 12/03/2013)

12/03/2013	6	Certificate of Interested Parties by Securities and Exchange Commission. (dm) (Entered: 12/03/2013)
12/03/2013	7	NOTICE of Filing, Certification by Securities and Exchange Commission. (dm) (Entered: 12/03/2013)
12/03/2013	8	Summons Issued as to Arcady Resources LLC, Barefoot Minerals, G.P., William L. Barlow, Roland Barrera, G3 Minerals, LLC, Global Capital Ventures, LLC, Haley Oil Company, Inc., Robert A. Helms, Iron Rock Royalty Management, LLC, Iron Rock Royalty Partners, LP, Janniece S. Kaelin, Lake Rock, LLC, Sebud Minerals, LLC, Deven Sellers, Technicolor Minerals, G.P., Vendetta Royalty Management, LLC, Vendetta Royalty Partners, LTD., Vesta Royalty Management, LLC, Vesta Royalty Partners, LP. (dm) (Entered: 12/03/2013)
12/03/2013	10	ORDER GRANTING 3 Motion for Preliminary Injunction; GRANTING 3 Motion for Temporary Restraining Order; GRANTING 3 Motion to Appoint Receiver. Signed by Judge Lee Yeakel. (dm) (Entered: 12/03/2013)
12/03/2013		Motion Hearing: 3 MOTION for Preliminary Injunction, Motion Hearing set for 12/13/2013 02:00 PM before Judge Lee Yeakel. (dm) (Entered: 12/03/2013)
12/03/2013	11	ORDER APPOINTING RECEIVER. Signed by Judge Lee Yeakel. (dm) (Entered: 12/03/2013)
12/03/2013	12	Minute Entry for proceedings held before Judge Lee Yeakel: Motion Hearing held on 12/3/2013 re 3 MOTION for Preliminary Injunction, Ex Parte Motion for Temporary Restraining Order, MOTION to Appoint Receiver filed by Securities and Exchange Commission, 2 SEALED EX PARTE MOTION filed by Securities and Exchange Commission. Preliminary Injunction Hearing Set for December 13, 2013 at 2:00pm. (Minute entry documents are not available electronically.). (Court Reporter Arlinda Rodriguez.)(dm) (Entered: 12/03/2013)
12/05/2013	13	NOTICE of Expiration of Temporary Seal by Securities and Exchange Commission. (dm) (Entered: 12/05/2013)
12/10/2013	14	Minute Entry for proceedings held before Judge Lee Yeakel: Motion Hearing/Status Conference held on 12/10/2013 re 3 MOTION for Preliminary Injunction MOTION Ex Parte Temporary Restraining Order MOTION to Appoint Receiver filed by Securities and Exchange Commission (Minute entry documents are not available electronically.). (Court Reporter Alinda Rodriguez.)(dm) (Entered: 12/11/2013)
12/11/2013	15	Unopposed MOTION *To Extend Temporary Restraining Order As To All Defendants* re 10 Order on Motion for Preliminary Injunction, Order on Motion for Miscellaneous Relief, Order on Motion to Appoint Receiver by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	16	SUMMONS Returned Executed by Securities and Exchange Commission. Deven Sellers served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	17	SUMMONS Returned Executed by Securities and Exchange Commission. Arcady Resources LLC served on 12/4/2013, answer due 12/26/2013. (Attachments: # 1

		Affidavit)(McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	18	SUMMONS Returned Executed by Securities and Exchange Commission. Robert A. Helms served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	19	SUMMONS Returned Executed by Securities and Exchange Commission. Janniece S. Kaelin served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	20	SUMMONS Returned Executed by Securities and Exchange Commission. William L. Barlow served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	21	SUMMONS Returned Executed by Securities and Exchange Commission. Barefoot Minerals, G.P. served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	22	SUMMONS Returned Executed by Securities and Exchange Commission. G3 Minerals, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	23	SUMMONS Returned Executed by Securities and Exchange Commission. Global Capital Ventures, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	24	SUMMONS Returned Executed by Securities and Exchange Commission. Haley Oil Company, Inc. served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	25	SUMMONS Returned Executed by Securities and Exchange Commission. Iron Rock Royalty Management, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	26	SUMMONS Returned Executed by Securities and Exchange Commission. Iron Rock Royalty Partners, LP served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	27	SUMMONS Returned Executed by Securities and Exchange Commission. Lake Rock, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	28	SUMMONS Returned Executed by Securities and Exchange Commission. Sebud Minerals, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	29	SUMMONS Returned Executed by Securities and Exchange Commission. Technicolor Minerals, G.P. served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	30	SUMMONS Returned Executed by Securities and Exchange Commission. Vendetta Royalty Management, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	31	SUMMONS Returned Executed by Securities and Exchange Commission. Vendetta Royalty Partners, LTD. served on 12/4/2013, answer due 12/26/2013.

		(McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	32	SUMMONS Returned Executed by Securities and Exchange Commission. Vesta Royalty Management, LLC served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	33	SUMMONS Returned Executed by Securities and Exchange Commission. Vesta Royalty Partners, LP served on 12/4/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	34	SUMMONS Returned Executed by Securities and Exchange Commission. Roland Barrera served on 12/5/2013, answer due 12/26/2013. (McCole, Timothy) (Entered: 12/11/2013)
12/11/2013	35	ORDER GRANTING 15 Motion to Extend Temporary Restraining Order. Signed by Judge Lee Yeakel. (dm) (Entered: 12/12/2013)
12/11/2013		Motion Hearing Reset: 3 MOTION for Preliminary Injunction. Motion Hearing reset for 12/23/2013 09:00 AM before Judge Lee Yeakel. (dm) (Entered: 12/12/2013)
12/18/2013	36	Unopposed MOTION for Preliminary Injunction *as to Each Defendant and to Cancel Preliminary-Injunction Hearing* by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(McCole, Timothy) (Entered: 12/18/2013)
12/18/2013	37	ORDER GRANTING 36 Motion for Preliminary Injunction. Signed by Judge Lee Yeakel. (dm) (Entered: 12/19/2013)
01/09/2014	38	NOTICE of Attorney Appearance by Timothy S. McCole on behalf of Securities and Exchange Commission (McCole, Timothy) (Entered: 01/09/2014)
01/31/2014	39	STATUS REPORT *for Quarter Ending 12.31.2013* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Littlefield, Donald) (Entered: 01/31/2014)
01/31/2014	40	STATUS REPORT *for Quarter Ending 12.31.2013 (corrected)* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Littlefield, Donald) (Entered: 01/31/2014)
02/14/2014	41	MOTION *First Interim Fee Application* by Thomas L. Taylor (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Supplement SFAR, # 5 Proposed Order) (Littlefield, Donald) Modified on 4/23/2014 (dm). (Entered: 02/14/2014)
02/21/2014	42	MOTION for Entry of Default against Robert A. Helms by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 Declaration of Tmothy S. McCole, # 2 Exhibit 1 Servicemembers Relief Act Report, # 3 Proposed Order Clerks Entry of Default)(McCole, Timothy) (Entered: 02/21/2014)
02/21/2014	43	MOTION for Entry of Default against Janniece S. Kaelin by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 Declaration of Timothy S. McCole, # 2 Exhibit 1 Servicemembers Relief Act Report, # 3 Proposed Order for Clerks Entry of Default)(McCole, Timothy) (Entered: 02/21/2014)
02/24/2014	44	***SET ASIDE (See Order #79) Clerk's ENTRY OF DEFAULT as to Robert A. Helms. (dm) Modified on 5/28/2014 (dm). (Entered: 02/24/2014)

02/24/2014	45	***SET ASIDE - See Order #83** Clerk's ENTRY OF DEFAULT as to Janniece S. Kaelin. (dm) Modified on 6/4/2014 (dm). (Entered: 02/24/2014)
02/28/2014	46	MOTION to Permit Pro Se Defendant Janniece S. Kaelin to Register with CM/ECF system, by Janniece S. Kaelin. (jk) (Entered: 02/28/2014)
02/28/2014	47	MOTION to Permit Pro Se Defendant Robert A. Helms to Register with CM/ECF system, by Robert A. Helms. (jk) (Entered: 02/28/2014)
03/03/2014	48	ORDER GRANTING 46 Motion to Register with CM/ECF System. Signed by Judge Lee Yeakel. (dm) (Entered: 03/03/2014)
03/03/2014	49	ORDER GRANTING 47 Motion to Register with CM/ECF. Signed by Judge Lee Yeakel. (dm) (Entered: 03/03/2014)
03/03/2014	50	NOTICE -- *Receivers Proposed Liquidation Plan* by Thomas L. Taylor (Goforth, Andrew) (Entered: 03/03/2014)
03/06/2014	51	NOTICE of Appearance of Pro Se Defendant Janniece S. Kaelin. (dm) (Entered: 03/07/2014)
03/06/2014	52	ANSWER to 1 Complaint with Jury Demand by Janniece S. Kaelin.(dm) (Entered: 03/07/2014)
03/06/2014	53	NOTICE of Appearance of Pro Se Defendant Robert A. Helms. (dm) (Entered: 03/07/2014)
03/06/2014	54	ANSWER to 1 Complaint with Jury Demand by Robert A. Helms.(dm) (Entered: 03/07/2014)
03/07/2014	55	SUBMISSION of Certified Statement of Whiting Oil and Gas Corporation. (dm) (Entered: 03/10/2014)
04/17/2014	56	MOTION for Entry of Default against Rolland Barrera by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 Declaration of Timothy S. McCole, # 2 Exhibit 1 Servicemembers Relief Act Report, # 3 Proposed Order for Clerks Entry of Default)(McCole, Timothy) (Entered: 04/17/2014)
04/17/2014	57	MOTION for Entry of Default against Deven Sellers by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 Declaration of Timothy S. McCole, # 2 Exhibit 1 Servicemembers Relief Act Report, # 3 Proposed Order for Clerks Entry of Default)(McCole, Timothy) (Entered: 04/17/2014)
04/18/2014	58	Clerk's ENTRY OF DEFAULT as to Roland Barrera. (dm) (Entered: 04/18/2014)
04/18/2014	59	Clerk's ENTRY OF DEFAULT as to Deven Sellers. (dm) (Entered: 04/18/2014)
04/23/2014	60	Opposed MOTION to Amend/Correct 11 Order *Appointing Receiver* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Proposed Order)(Goforth, Andrew) (Entered: 04/23/2014)
04/28/2014	61	ANSWER to 1 Complaint by Deven Sellers.(dm) (Entered: 04/29/2014)
04/28/2014	62	NOTICE of Appearance of Pro Se Defendant Deven Sellers. (dm) (Entered: 04/29/2014)
04/28/2014	63	Certificate of Interested Parties by Deven Sellers. (dm) (Entered: 04/29/2014)

04/28/2014	64	ANSWER to 1 Complaint by Roland Barrera.(dm) (Entered: 04/29/2014)
04/28/2014	65	NOTICE of Appearance of Pro Se Defendant Roland Barrera. (dm) (Entered: 04/29/2014)
04/28/2014	66	Certificate of Interested Parties by Roland Barrera. (dm) (Entered: 04/29/2014)
04/30/2014	67	STATUS REPORT *for the Calendar Quarter Ending March 31, 2014* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Goforth, Andrew) (Entered: 04/30/2014)
05/12/2014	68	ORDER, Set Motion Hearing for 60 Opposed MOTION to Amend/Correct 11 Order *Appointing Receiver*, 41 MOTION (Motion Hearing set for 5/27/2014 02:00 PM before Judge Lee Yeakel,). Signed by Judge Lee Yeakel. (dm) (Entered: 05/13/2014)
05/13/2014	69	Opposed MOTION *(1) for Authority to Sell Oil and Gas Interests; (2) for Authority to Retain Sales and Marketing Firm; and (3) for Approval of Sales Procedures* by Thomas L. Taylor. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(Goforth, Andrew) (Entered: 05/13/2014)
05/15/2014	70	MOTION for Attorney Fees *Incurred by the Receiver and Other Professionals* by Thomas L. Taylor. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit A, # 6 Proposed Order)(Goforth, Andrew) (Entered: 05/15/2014)
05/20/2014	71	ORDER, Set Motion Hearing for 69 Opposed MOTION *(1) for Authority to Sell Oil and Gas Interests; (2) for Authority to Retain Sales and Marketing Firm; and (3) for Approval of Sales Procedures*, 70 MOTION for Attorney Fees *Incurred by the Receiver and Other Professionals* (Motion Hearing set for 5/27/2014 02:00 PM before Judge Lee Yeakel,). Signed by Judge Lee Yeakel. (dm) (Entered: 05/20/2014)
05/20/2014	72	MOTION to Set Aside 44 Clerk's Entry of Default by Robert A. Helms. (Attachments: # 1 Declaration, # 2 Proposed Order)(dm) (Entered: 05/21/2014)
05/27/2014	73	MOTION to Enforce Automatic Stay Against Receiver and for Emergency Hearing, by Janniece S. Kaelin. (Attachments: # 1 Exhibits). (jk) (Entered: 05/27/2014)
05/27/2014	74	Minute Entry for proceedings held before Judge Lee Yeakel: Motion Hearing held on 5/27/2014 re 72 MOTION to Set Aside 44 Clerk's Entry of Default filed by Robert A. Helms, 41 MOTION filed by Thomas L. Taylor, 69 Opposed MOTION *(1) for Authority to Sell Oil and Gas Interests; (2) for Authority to Retain Sales and Marketing Firm; and (3) for Approval of Sales Procedures* filed by Thomas L. Taylor, 60 Opposed MOTION to Amend/Correct 11 Order *Appointing Receiver* filed by Thomas L. Taylor, 70 MOTION for Attorney Fees *Incurred by the Receiver and Other Professionals* filed by Thomas L. Taylor (Minute entry documents are not available electronically.). (Court Reporter Arlinda Rodriguez.) (dm) (Entered: 05/28/2014)
05/27/2014	75	ORDER GRANTING 41 First Interim Application to Pay Fees. Signed by Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/27/2014	76	ORDER GRANTING 60 First Amended Order Appointing Receiver. Signed by

		Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/27/2014	77	ORDER GRANTING 69 Receiver Authority to Sell Oil and Gas Interests, Approving Engagement of Sales and Marketing Firm and Approving Sales Procedures. Signed by Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/27/2014	78	ORDER GRANTING 70 Second Interim Application to Pay Fees Incurred by the Receiver and Other Professionals. Signed by Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/27/2014	79	ORDER GRANTING 72 Motion to Set Aside Entry of Default. Signed by Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/28/2014	80	ORDER GRANTING IN PART AND DENYING IN PART 73 Motion to Enforce Automatic Stay Against Receiver and for Emergency Hearing. Signed by Judge Lee Yeakel. (dm) (Entered: 05/28/2014)
05/29/2014	81	MOTION to Set Aside 45 Clerk's Entry of Default by Janniece S. Kaelin. (Attachments: # 1 Declaration, # 2 Proposed Order)(dm) (Entered: 05/30/2014)
06/03/2014	82	MOTION to Set Aside 80 Order on Motion by Charles Martin Kaelin. (dm) (Entered: 06/04/2014)
06/04/2014	83	ORDER GRANTING 81 Motion to Set Aside Entry of Default. Signed by Judge Lee Yeakel. (dm) (Entered: 06/04/2014)

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Description:	Docket Report	**Search Criteria:**	1:13-cv-01036-ML End date: 6/5/2014
Billable Pages:	7	**Cost:**	0.70

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Charles Martin Kaelin
TERMINATED: 06/09/2014

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Movant

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/09/2014	84	ORDER DENYING 82 Motion to Set Aside. Signed by Judge Lee Yeakel. (dm) (Entered: 06/09/2014)
06/18/2014	85	Proposed Scheduling Order by Securities and Exchange Commission. (McCole, Timothy) (Entered: 06/18/2014)
06/20/2014	86	ORDER, (Initial Pretrial Conference set for 8/15/2014 02:30 PM before Judge Lee Yeakel,). Signed by Judge Lee Yeakel. (dm) (Entered: 06/20/2014)
07/30/2014	87	STATUS REPORT *of the Receiver for the Quarter Ending June 30, 2014* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Goforth, Andrew) (Entered: 07/30/2014)
08/14/2014	88	Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Proposed Order) (Goforth, Andrew) (Entered: 08/14/2014)
08/14/2014	89	MOTION *for Order Approving Third Interim Application to Pay Fees* by Thomas L. Taylor. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit A, # 6 Proposed Order)(Goforth, Andrew) (Entered: 08/14/2014)
08/15/2014	90	Minute Entry for proceedings held before Judge Lee Yeakel: Initial Pretrial

		Conference held on 8/15/2014 (Minute entry documents are not available electronically.). (Court Reporter Arlinda Rodriguez.)(dm) (Entered: 08/15/2014)
08/28/2014	91	Proposed Scheduling Order *"Joint Proposed Scheduling Order"* by Securities and Exchange Commission. (McCole, Timothy) (Entered: 08/28/2014)
08/28/2014	92	MOTION *to Dissolve Asset Freeze As To Certain Residential Property* by Thomas L. Taylor. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Proposed Order)(Ballard, Jack) (Entered: 08/28/2014)
08/29/2014	93	MOTION for Leave to Exceed Page Limitation by Thomas L. Taylor. (Attachments: # 1 Proposed Order, # 2 Exhibit A & Proposed Order, # 3 Exhibit A(1), # 4 Exhibit A(2))(Goforth, Andrew) (Entered: 08/29/2014)
08/29/2014	94	SCHEDULING ORDER:Final Pretrial Conference set for 12/18/2015 10:00 AM and Jury Trial in the month of January 2016 before Judge Lee Yeakel, ADR Report Deadline due by 1/7/2015, Amended Pleadings due by 3/5/2015, Discovery due by 4/27/2015, Motions due by 6/30/2015,. Signed by Judge Lee Yeakel. (dm) (Entered: 08/29/2014)
08/29/2014		Notice of Correction: re 93 MOTION for Leave to Exceed Page Limitation . The Judges for the Austin Division of the Western District of Texas allow for the filing of over the page limit pleadings. The Motion for Entry of an Order should have been filed as a separate pleading from the Motion for Leave to Exceed Page Limit. We will take the necessary steps to pull the Motion for Entry of an Order and get it added to the docket record. No further action is required. Please note this information for future filing purposes. (dm) (Entered: 08/29/2014)
08/29/2014	95	MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances by Thomas L. Taylor. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(dm) (Entered: 08/29/2014)
09/02/2014	96	ORDER GRANTING 93 Motion for Leave to File Excess Pages. Signed by Judge Lee Yeakel. (jk) (Entered: 09/03/2014)
09/04/2014	97	MOTION to Appear Pro Hac Vice *for attorney Charles Miller* (Filing fee $ 100 receipt number 100021994) by Clovis Capital Ventures, LLC. (jk) (Entered: 09/04/2014)
09/05/2014	99	MOTION to Intervene by Clovis Capital Ventures, LLC. (jk) (Entered: 09/05/2014)
09/05/2014	100	MOTION for Extension of Time to File Response/Reply as to 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances by Clovis Capital Ventures, LLC. (jk) (Entered: 09/05/2014)
09/05/2014	101	MOTION for Leave to Exceed Page Limitation by Clovis Capital Ventures, LLC. (jk) (Entered: 09/05/2014)
09/08/2014	103	ORDER GRANTING 97 Motion to Appear Pro Hac Vice as to Charles Miller. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for

		electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (dm) (Entered: 09/09/2014)
09/09/2014	104	ORDER GRANTING 101 Motion for Leave to File Excess Pages. Signed by Judge Lee Yeakel. (dm) (Entered: 09/10/2014)
09/10/2014	105	RESPONSE to Motion, filed by Securities and Exchange Commission, re 99 MOTION to Intervene filed by Movant Clovis Capital Ventures, LLC (Davis, Chris) (Entered: 09/10/2014)
09/10/2014	106	RESPONSE to Motion, filed by Thomas L. Taylor, re 99 MOTION to Intervene filed by Movant Clovis Capital Ventures, LLC -- *Receiver's Joinder in SEC's Response* (Goforth, Andrew) (Entered: 09/10/2014)
09/15/2014	108	REPLY to Response to Motion, filed by Clovis Capital Ventures, LLC, re 99 MOTION to Intervene filed by Movant Clovis Capital Ventures, LLC (Miller, Charles) (Entered: 09/15/2014)
09/18/2014	110	MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions* by Thomas L. Taylor. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Goforth, Andrew) (Entered: 09/18/2014)
09/19/2014	111	ORDER Setting Hearing on 100 MOTION for Extension of Time to File Response/Reply as to 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims an, 92 MOTION *to Dissolve Asset Freeze As To Certain Residential Property*, 110 MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions*, 89 MOTION *for Order Approving Third Interim Application to Pay Fees*, 99 MOTION to Intervene, 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances, 88 Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.*; Motion Hearing set for 9/29/2014 03:00 PM before Judge Lee Yeakel. Signed by Judge Lee Yeakel. (jk) (Entered: 09/19/2014)
09/22/2014	112	MOTION *to Reschedule Hearing* re 111 Order Setting Hearing on Motion,,,, by Thomas L. Taylor. (Attachments: # 1 Proposed Order)(Goforth, Andrew) (Entered: 09/22/2014)
09/22/2014	113	Response in Opposition to Motion, filed by Clovis Capital Ventures, LLC, re 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances filed by Receiver Thomas L. Taylor (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Miller, Charles) (Entered: 09/22/2014)
09/23/2014	114	ORDER GRANTING 112 Motion to Reset Hearing. Signed by Judge Lee Yeakel. (dm) (Entered: 09/23/2014)
09/23/2014		Motion Hearing: 100 MOTION for Extension of Time to File Response/Reply as to 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests

		Free and Clear of all Liens, Claims an, 92 MOTION *to Dissolve Asset Freeze As To Certain Residential Property*, 110 MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions*, 89 MOTION *for Order Approving Third Interim Application to Pay Fees*, 99 MOTION to Intervene, 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances, 88 Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.*. Motion Hearing RESET for 10/8/2014 02:00 PM before Judge Lee Yeakel. (dm) (Entered: 09/23/2014)
09/23/2014	115	CONSENT to Trial by US Magistrate Judge by Securities and Exchange Commission. (Davis, Chris) (Entered: 09/23/2014)
09/29/2014	118	ORDER REASSIGNING CASE. Case reassigned to Judge Mark Lane for all proceedings. Judge Lee Yeakel no longer assigned to case. Signed by Judge Lee Yeakel. (dm) (Entered: 09/29/2014)
09/29/2014	119	REPLY to Response to Motion, filed by Thomas L. Taylor, re 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances filed by Receiver Thomas L. Taylor (Attachments: # 1 Exhibit A)(Goforth, Andrew) (Entered: 09/29/2014)
09/30/2014	120	Due to the case transfer, the undersigned hereby ORDERS the parties to appear for the motion hearing at the above date and time in Courtroom No. 8, on the Seventh Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas 78701. Signed by Judge Mark Lane. (dm) (Entered: 09/30/2014)
10/01/2014	121	NOTICE of Attorney Appearance by David Kent Bissinger on behalf of Clovis Capital Ventures, LLC. Attorney David Kent Bissinger added to party Clovis Capital Ventures, LLC(pty:mov) (Bissinger, David) (Entered: 10/01/2014)
10/02/2014	122	DEFICIENCY NOTICE: re 121 Notice of Appearance (dm) (Entered: 10/02/2014)
10/02/2014	123	CERTIFICATE OF SERVICE by Clovis Capital Ventures, LLC *to* 121 Notice of Appearance (Bissinger, David) (Entered: 10/02/2014)
10/02/2014	124	MOTION to Appear Pro Hac Vice by William R. Terpening for Clovis Capital Ventures, LLC. (dm) (Entered: 10/03/2014)
10/02/2014	125	MOTION to Appear Pro Hac Vice by Jonathan E. Schultz for Clovis Capital Ventures, LLC. (dm) (Entered: 10/03/2014)
10/02/2014	128	Pro Hac Vice Fee Paid by William R. Terpening. Filing fee $ 100, receipt number 100022258. (dm) (Entered: 10/03/2014)
10/02/2014	129	Pro Hac Vice Fee Paid by Jonathan E. Schulz. Filing fee $ 100, receipt number 100022257. (dm) (Entered: 10/03/2014)
10/03/2014	127	MOTION *to Intervene* by Clovis Capital Ventures, LLC. (Attachments: # 1 Exhibit A - Proposed Order, # 2 Exhibit B - Opposition Brief)(Miller, Charles) (Entered: 10/03/2014)

10/06/2014	131	REPLY to Response to Motion, filed by Thomas L. Taylor, re 88 Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.* filed by Receiver Thomas L. Taylor, 110 MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions* filed by Receiver Thomas L. Taylor (Attachments: # 1 Exhibit A) (Goforth, Andrew) (Entered: 10/06/2014)
10/07/2014	132	ORDER, Reset Motion Hearing for 110 MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions*, 99 MOTION to Intervene, 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances, 88 Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.* (Motion Hearing reset for 10/22/2014 09:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 10/07/2014)
10/07/2014		Text Order MOOTING 100 Motion for Extension of Time to File Response/Reply entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 10/07/2014)
10/07/2014	133	ORDER GRANTING 124 Motion to Appear Pro Hac Vice as to William R. Terpening. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Mark Lane. (dm) (Entered: 10/07/2014)
10/07/2014	134	ORDER GRANTING 125 Motion to Appear Pro Hac Vice as to Jonathan E. Schulz. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Mark Lane. (dm) (Entered: 10/07/2014)
10/08/2014	135	ORDER GRANTING 92 Motion to Dissolve Asset Freeze as to Certain Residential Property. Signed by Judge Mark Lane. (dm) (Entered: 10/08/2014)
10/08/2014	136	SUPPLEMENT to 89 MOTION *for Order Approving Third Interim Application to Pay Fees -- Supplement to Exhibit 3 [89-3]* by Thomas L. Taylor. (Goforth, Andrew) (Entered: 10/08/2014)
10/08/2014	137	ORDER GRANTING 89 Motion Approving Interim Application to Pay Fees Incurred by the Receiver. Signed by Judge Mark Lane. (dm) (Entered: 10/08/2014)
10/08/2014	138	DEFICIENCY NOTICE: re 136 Supplement (dm) (Entered: 10/08/2014)
10/08/2014	139	SUPPLEMENT -- *Corrected Supplement to [89-3] Exhibit 3* by Thomas L. Taylor. (Goforth, Andrew) (Entered: 10/08/2014)
10/16/2014	142	NOTICE of Attorney Appearance by Yasmin Islam Atasi on behalf of Amegy Bank National Association. Attorney Yasmin Islam Atasi added to Movant Amegy Bank National Association(pty:mov) (Atasi, Yasmin) (Entered: 10/16/2014)
10/16/2014	143	ORDER Regarding Consent. Signed by Judge Mark Lane. (dm) (Entered:

		10/16/2014)
10/17/2014	144	CONSENT to Trial by US Magistrate Judge by Clovis Capital Ventures, LLC. (Terpening, William) (Entered: 10/17/2014)
10/22/2014	145	Minute Entry for proceedings held before Judge Mark Lane: Motion Hearing held on 10/22/2014 re 88 Opposed MOTION *for Approval of Settlement between Receiver and Amegy Bank N.A.* filed by Thomas L. Taylor, 110 MOTION *for Entry of Order Confirming Sale of Receivership Assets and Motion for Expedited Treatment of Related Motions* filed by Thomas L. Taylor, 99 MOTION to Intervene filed by Clovis Capital Ventures, LLC, 127 MOTION *to Intervene* filed by Clovis Capital Ventures, LLC, 95 MOTION for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of all Liens, Claims and Encumbrances filed by Thomas L. Taylor (Minute entry documents are not available electronically.). (Court Reporter ERO.)(dm) (Entered: 10/22/2014)
10/23/2014	146	ORDER GRANTING 99 Motion to Intervene; MOOTING 127 Motion to Intervene. Signed by Judge Mark Lane. (dm) (Entered: 10/23/2014)
10/23/2014	147	ORDER GRANTING 88 Motion for Approval of Settlement between Receiver and Amegy Bank N.A. Signed by Judge Mark Lane. (dm) (Entered: 10/23/2014)
10/23/2014	148	***VACATED (See Order #150)*** ORDERED that Clovis unopposed oral motionfor court-ordered arbitration is GRANTED. Arbitration must be completed by Wednesday, January 7, 2015.. Signed by Judge Mark Lane. (dm) Modified on 10/23/2014 (dm). (Entered: 10/23/2014)
10/23/2014	149	ANCILLARY SCHEDULING ORDER, (Motion Hearing set for 1/21/2015 08:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 10/23/2014)
10/23/2014	150	ORDER Regarding Alternative Dispute Resolution. Signed by Judge Mark Lane. (dm) (Entered: 10/23/2014)
10/27/2014	151	ORDER, (Jury Selection set for 1/25/2016 09:00AM before Judge Mark Lane, Jury Trial set for 1/25/2016 09:00 AM before Judge Mark Lane, Pretrial Matters set for 1/25/2016 08:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 10/27/2014)
11/05/2014	154	STATUS REPORT by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Goforth, Andrew) (Entered: 11/05/2014)
11/18/2014	155	Sealed Transcript filed (This transcript is not available electronically) (Rodriguez, Arlinda) (Entered: 11/18/2014)
11/18/2014	156	MOTION *for Order Approving Interim Application to Pay Fees Incurred by the Receiver and Other Professionals for the Quarter Ending September 30, 2014* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit A, # 7 Proposed Order)(Goforth, Andrew) (Entered: 11/18/2014)
12/01/2014	157	ORDER GRANTING 156 Motion for Order Approving Interim Application to Pay Fees. Signed by Judge Mark Lane. (dm) (Entered: 12/01/2014)
12/19/2014	159	STATUS REPORT *Regarding the Sale of Receivership Asset, the Ozona Interests*

		by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 12/19/2014)
12/24/2014	160	MOTION to Compel *and Notice of Unresolved Discovery Disputes* by Clovis Capital Ventures, LLC. (Attachments: # 1 Exhibit A- CLOVIS REQUESTS TO SEC, # 2 Exhibit B - CLOVIS REQUESTS TO RECEIVER, # 3 Exhibit C - SEC OBJECTIONS, # 4 Exhibit D - SEC DISCOVERY RESPONSES, # 5 Exhibit E - RECEIVER'S OBJECTIONS, # 6 Exhibit F - RECEIVER'S DISCOVERY RESPONSES, # 7 Exhibit G - DISCOVERY CORRESPONDENCE)(Terpening, William) (Entered: 12/24/2014)
12/24/2014	161	DEFICIENCY NOTICE: re 160 MOTION to Compel *and Notice of Unresolved Discovery Disputes*. (jk) (Entered: 12/24/2014)
12/24/2014	162	MOTION to Compel *Production of Documents from Clovis Capital Ventures, LLC and Philip Gaucher* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Proposed Order)(Goforth, Andrew) (Entered: 12/24/2014)
12/24/2014	163	CERTIFICATE OF SERVICE by Clovis Capital Ventures, LLC 160 MOTION to Compel *and Notice of Unresolved Discovery Disputes* (Terpening, William) (Entered: 12/24/2014)
12/29/2014	164	Unopposed MOTION for Leave to Exceed Page Limitation by Clovis Capital Ventures, LLC. (Attachments: # 1 Exhibit A - Proposed Order)(Miller, Charles) (Entered: 12/29/2014)
12/29/2014		Text Order GRANTING 164 Motion for Leave to File Excess Pages entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 12/29/2014)
12/30/2014	165	Response in Opposition to Motion, filed by Clovis Capital Ventures, LLC, re 162 MOTION to Compel *Production of Documents from Clovis Capital Ventures, LLC and Philip Gaucher* filed by Receiver Thomas L. Taylor, III (Attachments: # 1 Exhibit Attachment A, # 2 Exhibit Attachment B, # 3 Exhibit Attachment C, # 4 Exhibit Attachment D, # 5 Exhibit Attachment E, # 6 Exhibit Attachment F, # 7 Proposed Order Attachment G)(Terpening, William) (Entered: 12/30/2014)
12/30/2014	166	Unopposed MOTION *to Intervene* by Philip E. Gaucher. (Attachments: # 1 Exhibit A, # 2 Proposed Order B)(Terpening, William) (Entered: 12/30/2014)
12/30/2014	167	ORDER Setting Motion Hearing for 160 MOTION to Compel *and Notice of Unresolved Discovery Disputes*, 162 MOTION to Compel *Production of Documents from Clovis Capital Ventures, LLC and Philip Gaucher*; Motion Hearing set for 1/8/2015 09:00 AM before Judge Mark Lane. Signed by Judge Mark Lane. (jk) (Entered: 12/30/2014)
12/31/2014	168	Unopposed MOTION for Leave to Exceed Page Limitation *for Receiver's Response to Clovis' Motion to Compel* by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 12/31/2014)
12/31/2014	169	RESPONSE to Motion, filed by Thomas L. Taylor, III, re 160 MOTION to Compel *and Notice of Unresolved Discovery Disputes* filed by Intervenor Clovis Capital Ventures, LLC (Attachments: # 1 Exhibit A)(Goforth, Andrew) (Entered: 12/31/2014)

01/05/2015		Text Order GRANTING 168 Motion for Leave to File Excess Pages entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 01/05/2015)
01/05/2015	170	ORDER GRANTING 166 Motion to Intervene. Signed by Judge Mark Lane. (dm) (Entered: 01/05/2015)
01/06/2015	172	MOTION *FOR ORDER APPROVING PROPOSED SETTLEMENT AND FOR ENTRY OF ANCILLARY ORDERS* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit 1 - Settlement Agreement, # 2 Exhibit A - Notice, # 3 Exhibit B - Proposed Order, # 4 Exhibit C - Potential Claimants)(Goforth, Andrew) (Entered: 01/06/2015)
01/07/2015	173	MOTION to Withdraw 162 MOTION to Compel *Production of Documents from Clovis Capital Ventures, LLC and Philip Gaucher pursuant to agreement between the parties* by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 01/07/2015)
01/07/2015	174	ADR Report Filed - by Securities and Exchange Commission(Davis, Chris) (Entered: 01/07/2015)
01/07/2015	175	MOTION to Withdraw 160 MOTION to Compel *and Notice of Unresolved Discovery Disputes* by Clovis Capital Ventures, LLC. (Attachments: # 1 Proposed Order)(Miller, Charles) (Entered: 01/07/2015)
01/07/2015	176	Joint MOTION to Extend Scheduling Order Deadlines *re: 149 Ancillary Scheduling Order* by Clovis Capital Ventures, LLC, Philip E. Gaucher, Securities and Exchange Commission, Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Goforth, Andrew) (Entered: 01/07/2015)
01/07/2015	177	ADR Report Filed - *Joint ADR Report* by Clovis Capital Ventures, LLC, Thomas L. Taylor, III(Goforth, Andrew) (Entered: 01/07/2015)
01/07/2015	178	ORDER GRANTING 173 Motion to Withdraw ; GRANTING 175 Motion to Withdraw. Signed by Judge Mark Lane. (dm) (Entered: 01/07/2015)
01/07/2015	179	ORDER AMENDING ANCILLARY SCHEDULING ORDER, Hearing Reset for 2/12/2015 09:00 AM before Judge Mark Lane.. Signed by Judge Mark Lane. (dm) (Entered: 01/07/2015)
01/09/2015	180	Letter/Correspondence regarding Vendetta Royalty Receivership. (dm) (Entered: 01/09/2015)
01/15/2015	182	STATUS REPORT *Regarding the Sale of Receivership Asset, the Ozona Interests* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A)(Goforth, Andrew) (Entered: 01/15/2015)
01/21/2015	183	Transcript filed of Proceedings held on October 22, 2014, Proceedings Transcribed: Motion Hearing. Court Reporter/Transcriber: Lily I. Reznik, Telephone number: 512-391-8792. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 2/11/2015,

		Redacted Transcript Deadline set for 2/23/2015, Release of Transcript Restriction set for 4/21/2015, (Reznik, Lily) (Entered: 01/21/2015)
01/28/2015	184	ORDER EXTENDING DEADLINES. Signed by Judge Mark Lane. (dm) (Entered: 01/28/2015)
02/04/2015	185	Unopposed MOTION for Leave to Exceed Page Limitation *of Pre-Trial Brief* by Clovis Capital Ventures, LLC. (Attachments: # 1 Proposed Order)(Terpening, William) (Entered: 02/04/2015)
02/04/2015		Text Order GRANTING 185 Motion for Leave to File Excess Pages entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 02/04/2015)
02/06/2015	186	TRIAL BRIEF by Thomas L. Taylor, III. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit)(Ballard, Jack) (Entered: 02/06/2015)
02/06/2015	187	Exhibit List *for February 12, 2015 Hearing* by Thomas L. Taylor, III.. (Goforth, Andrew) (Entered: 02/06/2015)
02/06/2015	188	Witness List by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 02/06/2015)
02/06/2015	189	Proposed Findings of Fact by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 02/06/2015)
02/06/2015	190	Witness List by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 02/06/2015)
02/06/2015	191	TRIAL BRIEF by Clovis Capital Ventures, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18)(Terpening, William) (Entered: 02/06/2015)
02/06/2015	192	Proposed Findings of Fact by Clovis Capital Ventures, LLC. (Terpening, William) (Entered: 02/06/2015)
02/06/2015	193	MOTION in Limine by Clovis Capital Ventures, LLC. (Terpening, William) (Entered: 02/06/2015)
02/06/2015	194	WITNESS/EXHIBIT LIST by Clovis Capital Ventures, LLC. (Terpening, William) (Entered: 02/06/2015)
02/09/2015	195	NOTICE of Filing of Deposition Transcript and Errata Sheet (Deposition of Receiver) by Thomas L. Taylor, III (Attachments: # 1 Exhibit Exhibit A)(Goforth, Andrew) (Entered: 02/09/2015)
02/09/2015	196	NOTICE of Filing CORRECTED Notice of Filing of Deposition Transcript and Errata Sheet (Deposition of Receiver) *(Correcting Doc. No. 195)* by Thomas L. Taylor, III (Attachments: # 1 Exhibit Exhibit A)(Goforth, Andrew) (Entered: 02/09/2015)
02/11/2015	197	NOTICE of Filing of Receiver's Deposition Transcript Comparison *to 191 Clovis Trial Brief* by Thomas L. Taylor, III (Attachments: # 1 Exhibit Exhibit A) (Goforth, Andrew) (Entered: 02/11/2015)
02/11/2015	198	STATUS REPORT *of the Receiver for the Quarter Ending December 31, 2014* by

		Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Goforth, Andrew) (Entered: 02/11/2015)
02/12/2015		Text Order MOOTING 193 Motion in Limine entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 02/12/2015)
02/12/2015	199	ORDER APPROVING SETTLEMENT, BAR ORDER AND INJUNCTION. Signed by Judge Mark Lane. (dm) (Entered: 02/12/2015)
02/12/2015	201	Minute Entry for proceedings held before Judge Mark Lane: Hearing held on 2/12/2015 (Minute entry documents are not available electronically.). (Court Reporter ERO.)(dm) (Entered: 02/17/2015)
02/12/2015	202	Witness List by Clovis Capital Ventures, LLC, Philip E. Gaucher, Thomas L. Taylor, III. (dm) (Entered: 02/17/2015)
02/12/2015	203	EXHIBITS by Thomas L. Taylor, III.. (dm) (Entered: 02/24/2015)
02/12/2015	204	EXHIBITS by Clovis Capital Ventures, LLC.. (dm) (Entered: 02/24/2015)
02/26/2015	205	MOTION *for Order Approving Interim Application to Pay Fees Incurred by the Receiver and Other Professionals for the Quarter Ending December 31, 2014* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit A, # 6 Proposed Order)(Goforth, Andrew) (Entered: 02/26/2015)
03/06/2015	206	ORDER GRANTING 205 Motion for Order Approving Interim Application to Pay Fees Incurred by the Receiver and Other Professionals. Signed by Judge Mark Lane. (dm) (Entered: 03/06/2015)
03/10/2015	207	ORDER GRANTING 95 Motion for Entry of Order; GRANTING 110 Motion for Entry of Order Confirming Sale of Certain Oil and Gas Interests of Receivership Estate. Signed by Judge Mark Lane. (dm) (Entered: 03/10/2015)
04/17/2015	208	MOTION for Leave to Exceed Page Limitation by Thomas L. Taylor, III. (Goforth, Andrew) (Entered: 04/17/2015)
04/17/2015	209	MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Goforth, Andrew) (Entered: 04/17/2015)
04/20/2015		Text Order GRANTING 208 Motion for Leave to File Excess Pages entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 04/20/2015)
04/22/2015	210	Transcript filed of Proceedings held on February 12, 2015, Proceedings Transcribed: Motion Hearing. Court Reporter/Transcriber: Lily I. Reznik, Telephone number: 512-391-8792. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of

		this notice to parties not electronically noticed Redaction Request due 5/13/2015, Redacted Transcript Deadline set for 5/26/2015, Release of Transcript Restriction set for 7/21/2015, (Reznik, Lily) (Entered: 04/22/2015)
04/30/2015	212	CERTIFICATE OF SERVICE by Thomas L. Taylor, III *in accordance with Fed. R. Civ. P. 4(e)(2) of* 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* (Attachments: # 1 Exhibit A)(Goforth, Andrew) (Entered: 04/30/2015)
05/14/2015	213	DEFICIENCY ORDER re 209 MOTION for Order of Sale. ORDER for service of documents. Signed by Judge Mark Lane. (klw) (Entered: 05/14/2015)
05/14/2015	214	NOTICE *of Proposed Order* by Thomas L. Taylor, III re 213 Order, 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* (Attachments: # 1 Proposed Order)(Goforth, Andrew) (Entered: 05/14/2015)
05/20/2015	216	STATUS REPORT *for the Calendar Quarter Ending March 31, 2015* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Goforth, Andrew) (Entered: 05/20/2015)
05/20/2015	217	LETTER/MOTION to Quash, MOTION to Appoint Counsel by Janniece S. Kaelin. (No attachments filed). (dm) (Entered: 05/20/2015)
05/20/2015	218	Opposed MOTION to Join *for Limited Purpose of Opposing Motion for Entry of Order Enforcing Sale of Receivership Assets* by JAL Interests, LLC. (Groves, Charles) (Entered: 05/20/2015)
05/21/2015	219	ORDER GRANTING 217 Motion to Quash Deposition of Janniece S. Kaelin. Signed by Judge Mark Lane. (td) (Entered: 05/21/2015)
05/22/2015	220	RESPONSE to Motion, filed by Thomas L. Taylor, III, re 218 Opposed MOTION to Join *for Limited Purpose of Opposing Motion for Entry of Order Enforcing Sale of Receivership Assets* filed by Defendant JAL Interests, LLC (Attachments: # 1 Exhibit A, # 2 Proposed Order)(Goforth, Andrew) (Entered: 05/22/2015)
05/26/2015	221	RESPONSE in Support, filed by JAL Interests, LLC, re 218 Opposed MOTION to Join *for Limited Purpose of Opposing Motion for Entry of Order Enforcing Sale of Receivership Assets* filed by Defendant JAL Interests, LLC (Attachments: # 1 Exhibit Exhibit A)(Groves, Charles) (Entered: 05/26/2015)
05/26/2015	222	Response in Opposition to Motion, filed by JAL Interests, LLC, re 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* filed by Receiver Thomas L. Taylor, III (Attachments: # 1 Exhibit Exhibit A)(Groves, Charles) (Entered: 05/26/2015)
05/26/2015	223	PROPOSED ORDER for Response in Opposition to Motion, filed by JAL Interests, LLC, re 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* filed by Receiver Thomas L. Taylor, III *PROPOSED ORDER* (Groves, Charles) Modified on 5/27/2015 (dm). (Entered: 05/26/2015)
5/27/2015	224	DEFICIENCY NOTICE: re 221 Response in Support of Motion, (dm) (Entered: 05/27/2015)
2015	225	DEFICIENCY NOTICE: re 222 Response in Opposition to Motion, (dm)

		(Entered: 05/27/2015)
05/27/2015	226	ORDER GRANTING 218 Motion to Join for Limited Purpose. Signed by Judge Mark Lane. (dm) (Entered: 05/27/2015)
05/27/2015	227	ORDER, Set Motion Hearing for 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* (Motion Hearing set for 6/4/2015 10:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 05/27/2015)
05/28/2015	229	MOTION to Compel *the Disposition of Defendant Janniece Kaelin, to Permit Limited Discovery, and to Extend the Dispositive-Motion Deadline* by Securities and Exchange Commission. (Attachments: # 1 Proposed Order to Motion to Compel, # 2 Proposed Order to Permit Limited Discovery, # 3 Proposed Order to Extend Motion Deadline)(McCole, Timothy) (Entered: 05/28/2015)
05/28/2015	230	ORDER, (Oral Hearing set for 6/4/2015 11:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 05/28/2015)
05/28/2015	231	Unopposed MOTION *to Reset Hearing* re 227 Order, Set Motion Hearings by Thomas L. Taylor, III. (Attachments: # 1 Proposed Order)(Goforth, Andrew) (Entered: 05/28/2015)
05/28/2015	232	APPENDIX to 229 MOTION to Compel *the Disposition of Defendant Janniece Kaelin, to Permit Limited Discovery, and to Extend the Dispositive-Motion Deadline* by Securities and Exchange Commission. (Attachments: # 1 Appendix 1-13, # 2 Appendix 14-34, # 3 Appendix 35-50, # 4 Appendix 51-57, # 5 Appendix 58-63, # 6 Appendix 64-73, # 7 Appendix 74-83, # 8 Appendix 84-96, # 9 Appendix 97-121, # 10 Appendix 122-152, # 11 Appendix 153-170, # 12 Appendix 171-178, # 13 Appendix 179-188)(McCole, Timothy) (Entered: 05/28/2015)
05/28/2015	233	NOTICE *to Correct Appendix Cover Page* by Securities and Exchange Commission re 232 Appendix,, (McCole, Timothy) (Entered: 05/28/2015)
05/29/2015	234	DEFICIENCY NOTICE: re 232 Appendix. (dm) (Entered: 05/29/2015)
05/29/2015	235	NOTICE *Certificate of Service* by Securities and Exchange Commission re 232 Appendix,, (McCole, Timothy) (Entered: 05/29/2015)
05/29/2015	236	MOTION *for Entry of Order Confirming Sale of Receivership Assets* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Proposed Order re Tuscaloosa Marine Shale, # 13 Proposed Order re Southern Louisiana Assets, # 14 Proposed Order re Vermilion Assets)(Goforth, Andrew) (Entered: 05/29/2015)
05/29/2015	237	ORDER, Reset Motion Hearing for 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* (Motion Hearing reset for 6/16/2015 10:30 AM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 05/29/2015)
06/01/2015	238	SUPPLEMENT *Certificate of Service for 221 and 222* by JAL Interests, LLC. (Groves, Charles) (Entered: 06/01/2015)
06/03/2015		Text Order MOOTING 231 Motion entered by Judge Mark Lane. (This is a text-

		only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 06/03/2015)
06/03/2015	239	MOTION to Expedite *re 236 Motion to Confirm Sale re Vermilion Assets* by Thomas L. Taylor, III. (Attachments: # 1 Exhibit A)(Goforth, Andrew) (Entered: 06/03/2015)
06/04/2015	240	REPLY to Response to Motion, filed by Thomas L. Taylor, III, re 209 MOTION for Order of Sale , *Enforcing Sale of Ozona Interests to JAL Interests, LLC* filed by Receiver Thomas L. Taylor, III (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Goforth, Andrew) (Entered: 06/04/2015)
06/04/2015	241	Minute Entry for proceedings held before Judge Mark Lane: Motion Hearing held on 6/4/2015 re 229 MOTION to Compel *the Disposition of Defendant Janniece Kaelin, to Permit Limited Discovery, and to Extend the Dispositive-Motion Deadline* filed by Securities and Exchange Commission. Motion Hearing Reset to June 22, 2015 at 2:30pm, written order forthcoming. (Minute entry documents are not available electronically.). (Court Reporter ERO.)(dm) (Entered: 06/04/2015)
06/04/2015	242	ORDER, (Oral Hearing set for 6/22/2015 02:30 PM before Judge Mark Lane,). Signed by Judge Mark Lane. (dm) (Entered: 06/04/2015)
06/04/2015	243	ORDER DENYING 229 MOTION to Extend the Dispositive-Motion Deadline filed by Securities and Exchange Commission. Signed by Judge Mark Lane. (dm) (Entered: 06/04/2015)
06/04/2015	244	MOTION to Expedite *Discovery* by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(McCole, Timothy) (Entered: 06/04/2015)
06/04/2015	245	ORDER DENYING 217 Motion to Appoint Counsel. Signed by Judge Mark Lane. (dm) (Entered: 06/05/2015)
06/05/2015	246	ORDER on Motion to Permit Limited Discovery. Signed by Judge Mark Lane. (Attachments: # 1 Appendix A) (dm) (Entered: 06/05/2015)
06/05/2015		Notice of Correction: re 246 Order. Please note that Order is granting MOTION TO PERMIT LIMITED DISCOVERY Only. (dm) (Entered: 06/05/2015)
06/05/2015		Text Order MOOTING 244 Motion to Expedite entered by Judge Mark Lane. (This is a text-only entry generated by the court. There is no document associated with this entry.) (dg) (Entered: 06/05/2015)

PACER Service Center

Transaction Receipt

06/06/2015 15:24:02

PACER Login:	nahcanevets:3457406:0	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	1:13-cv-01036-ML Start date: 06/06/2014
Billable Pages:	13	**Cost:**	1.30

PH-3

Smart&Final.

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General Counsel
(323) 869-7697

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Commerce, California 90040
Telefax (323) 869-7862
don.alvarado@smartandfinal.com

June 8, 2015

Transmitted via email: mel.lee@costamesaca.gov

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, 92628

Re: PLANNING APPLICATION PA-15-17 FOR MAISON (FORMERLY LION'S DEN)
719 WEST 19TH STREET, COSTA MESA, CA
http://www.costamesaca.gov/ftp/planningcommission/agenda/2015/2015-06-08/PH-3.pdf
Smart & Final #389, 707 W. 19th St., Costa Mesa, CA 92627

Dear Mr. Lee:

Pursuant to our telephone conversation this morning, Smart & Final has no record of an "unwritten" or written Agreement between Maison Bar (Formely Lion's Den) to allow the usage of Smart & Final's parking lot located at; 707 W. 19th St., Costa Mesa, CA 92627 as overflow for any businesses or patrons of other businesses at any time.

Please be advised that unless or until a written agreement has been fully executed between the parties, we will not allow patrons from other businesses to park in our lot.

If you have any questions, please feel free to contact my office.

Very truly yours,

Donald G. Alvarado

PH-3

To Who it ay Concern:

I am Patsy Latscha, living at 734 Center Street, Costa Mesa.

I am writing this to strongly reject the request of Maison Le Salle de Musique being able to have any live entertainment including bands, concerts and performing arts.

I have lived at this address for some 40 years and do not think this establishment represents anything appropriate for the area, quite the opposite, that it will be a detriment to the area, causing undo loud music that will disrupt all the homes adjacent to the property as well as across the street.

There is already a serious drug problem in the area, countless homeless sleeping in peoples yards, on the bus benches and camping in a tent adjacent to this property as well as significant gang activity. The city has thus far refused to help with the homeless camping on the street, sleeping there and urinating in out yards, this establishment will encourage more pan analog by the homeless. There is also a very bad drug problem in the shopping center both in sales and use.

There is already an establishment that plays very loud music on weekends as well as Mariachi bands in the parking areas on weekends, I strongly believe we as neighbors should not be subjected to anymore noise.

In the past restaurants/bars there have had the restrictions of no live music and that the back door must be kept closed and any DJ must not makes sounds beyond the establishment. This should be te ruing for this establishment as well.

Thank yo

Patsy Latscha

Patsy Latscha 6-8-15

Received
City of Costa Mesa
Development Services Department

JUN 08 2015

PLANNING COMMISSION SUPPLEMENTAL MEMO

MEETING DATE: JUNE 8, 2015 **ITEM NUMBER** PH-3

SUBJECT: **PLANNING APPLICATION PA-15-17 FOR MAISON (FORMERLY LION'S DEN) 719 WEST 19TH STREET**

DATE: **JUNE 5, 2015**

FROM: **PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

PRESENTATION BY: **MEL LEE, SENIOR PLANNER**

FOR FURTHER INFORMATION CONTACT: **MEL LEE, AICP (714) 754-5611**
mel.lee@costamesaca.gov

The purpose of this memo is to provide the following changes as requested by the applicant within the draft resolution and recommended conditions of approval for the project, should the Planning Commission approve the request.

Applicant/Authorized agent

- The applicant/authorized agent is Maison West 19th LLC, representing Mark Pange, the property owner. Lisa Salisbury is the legal counsel for Maison, not the applicant.

Revised conditions of approval in strikethrough format

#2. Entertainment shall ~~be limited to jazz trios, solo performers, and 4 and 7 piece brass bands~~, primarily consist of jazz trios, solo performers, 4 to 7 piece brass brands, folk, blues, dance, house, country, blue grass, alternative, indie, and R&B types of bands. Entertainment may also include, a disc jockey for pre-recorded music, and dancing. Any change to the operational characteristics including, but not limited to, amplified live music, shall require approval of an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.

#12. Parking for patrons and employees of the business shall occur on-site. Employee or patron parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the conditional use permit, unless for private property (Smart & Final), overflow parking is authorized after 9:00 PM.

Distribution: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst

File (2)

Note: This supplemental memo was distributed to the Commissioners and the below interested parties via email on June 5, 2015.

Lisa Salisbury
c/o Salisbury Group Inc.
3720 S. Susan Street, Suite #110
Santa Ana, CA 92704

Maison West 19th Street, LLC
PO Box 1612
Newport Beach, CA 92659

William Mason Architect Inc.
3276 Dakota Avenue
Costa Mesa, CA 92626

Mark Pange
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Costa Mesa, CA 92627

Steven A. Chan
720 Center Street, #A
Costa Mesa, CA 92627