

Communication from Public

Name: STARLINE TOURS OF HOLLYWOOD, INC.

Date Submitted: 02/25/2020 07:38 AM

Council File No: 17-1115

Comments for Public Posting: February 25, 2020 The Honorable Nury Martinez, President Los Angeles City Council 200 N. Spring Street, Room 340 Los Angeles, CA 90012 RE: TOUR BUS ROUTE RESTRICTIONS (COUNCIL FILE 17-1115) & LAMC § 80.36.11 Dear Council President Martinez, Thank you for the opportunity to address the Los Angeles City Council (Council) with respect to the proposed Los Angeles Municipal Code (LAMC) § 80.36.11. Starline Tours of Hollywood, Inc. (Starline) has provided sightseeing tours in Los Angeles for over 85 years, longer than any other tour company in California. Starline employs hundreds of Los Angeles residents and strives hard to provide excellent service to domestic and international tourists. Starline appreciates recent recommendations and revisions proposed by the Council's Transportation Committee and the Council's Trade, Travel and Tourism Committee. One issue not addressed in the revisions and recommendations, however, is the issue regarding the type of criminal liability tour bus operators can incur. Starline seeks to draw the Council's attention to an important procedural ambiguity within the statute that leaves open the possibility that individual directors and managers who are instructing employees / drivers to obey the new ordinance can be personally criminally liable and face non-monetary consequences such as a sentence of custody in the county jail (as opposed to corporations or other business entities being held criminally liable, where consequences are limited to conviction and monetary penalties). The current language of the proposed LAMC § 80.36.11(b)(1) defines an "[o]perator.. [as] any person or corporation who conducts a business or enterprise that operates one or more Tour Buses.." When the proposed ordinance defines an "[o]perator" and includes the word "person" in that definition, the ordinance becomes unclear as to whether individual persons (managers, directors, etc.) or business entities (partnerships, corporations, etc.) would be criminally liable for fourth and subsequent violations of the ordinance. State and federal law are clear that business entities such as corporations can be held criminally liable (with monetary penalties only) for the acts of employees and agents. However, the way the proposed ordinance is written, it is ambiguous as to whether attempts will be made to hold individual managers and corporate officers personally criminally liable (i.e.,

face jail time, etc.) if the ordinance is violated absent gross disregard for the ordinance or affirmative unlawful acts by operators. The ambiguity discussed above is obviously concerning, as everything will be done by reputable operators such as Starline to avoid any violations, while honest mistakes (especially with a large fleet of vehicles, in contrast to operators with a single vehicle or a small number of vehicles), are inevitable in the normal course of business. Starline respectfully requests this ambiguity be resolved. Finally, Starline has additional practical and legal concerns about the proposed ordinance with respect to the manner in which the accumulation of violations prior to criminal liability attaching is calculated, and the notice provisions and procedures within the ordinance. Those additional concerns, along with the issues outlined above, are addressed in previous public comments submitted by Starline and the Hollywood Chamber of Commerce before the Council's Transportation Committee and the Council's Trade, Travel and Tourism Committee. Thank you in advance for your time and consideration with respect to the points raised in this letter. Sincerely, Noonosh Sapir, Chief Operating Officer Starline Tours of Hollywood, Inc. Please allow this correspondence to be posted to Council File 17-1115



February 25, 2020

The Honorable Nury Martinez, President
Los Angeles City Council
200 N. Spring Street, Room 340
Los Angeles, CA 90012

RE: TOUR BUS ROUTE RESTRICTIONS (COUNCIL FILE 17-1115) & LAMC § 80.36.11

Dear Council President Martinez,

Thank you for the opportunity to address the Los Angeles City Council (Council) with respect to the proposed Los Angeles Municipal Code (LAMC) § 80.36.11.

Starline Tours of Hollywood, Inc. (Starline) has provided sightseeing tours in Los Angeles for over 85 years, longer than any other tour company in California. Starline employs hundreds of Los Angeles residents and strives hard to provide excellent service to domestic and international tourists.

Starline appreciates recent recommendations and revisions proposed by the Council's Transportation Committee and the Council's Trade, Travel and Tourism Committee.

One issue not addressed in the revisions and recommendations, however, is the issue regarding the type of criminal liability tour bus operators can incur.

Starline seeks to draw the Council's attention to an important procedural ambiguity within the statute that leaves open the possibility that individual directors and managers who are instructing employees / drivers to obey the new ordinance can be personally criminally liable and face non-monetary consequences such as a sentence of custody in the county jail (as opposed to corporations or other business entities being held criminally liable, where consequences are limited to conviction and monetary penalties).

The current language of the proposed LAMC § 80.36.11(b)(1) defines an "[o]perator.. [as] any person or corporation who conducts a business or enterprise that operates one or more Tour Buses.."

When the proposed ordinance defines an “[o]perator” and includes the word “person” in that definition, the ordinance becomes unclear as to whether individual persons (managers, directors, etc.) or business entities (partnerships, corporations, etc.) would be criminally liable for fourth and subsequent violations of the ordinance.

State and federal law are clear that business entities such as corporations can be held criminally liable (with monetary penalties only) for the acts of employees and agents. However, the way the proposed ordinance is written, it is ambiguous as to whether attempts will be made to hold individual managers and corporate officers personally criminally liable (i.e., face jail time, etc.) if the ordinance is violated absent gross disregard for the ordinance or affirmative unlawful acts by operators.

The ambiguity discussed above is obviously concerning, as everything will be done by reputable operators such as Starline to avoid any violations, while honest mistakes (especially with a large fleet of vehicles, in contrast to operators with a single vehicle or a small number of vehicles), are inevitable in the normal course of business. Starline respectfully requests this ambiguity be resolved.

Finally, Starline has additional practical and legal concerns about the proposed ordinance with respect to the manner in which the accumulation of violations prior to criminal liability attaching is calculated, and the notice provisions and procedures within the ordinance. Those additional concerns, along with the issues outlined above, are addressed in previous public comments submitted by Starline and the Hollywood Chamber of Commerce before the Council’s Transportation Committee and the Council’s Trade, Travel and Tourism Committee.

Thank you in advance for your time and consideration with respect to the points raised in this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noonooch Sapir".

Noonooch Sapir,
Chief Operating Officer
Starline Tours of Hollywood, Inc.

Please allow this correspondence to be posted to Council File 17-1115