

Honorable Members of the City Council
C/O Ms. Shannon Hoppes, Division Manager
Council and Public Services Division
City Clerk
Los Angeles City Hall
200 North Spring Street, Room 395
Los Angeles, California 90012

Public Comment

Title: Street Vending / Special Sidewalk Vending District Program
Council File: 13-1493

In response to Councilman Joe Buscaino and Councilman Curren D. Price, Jr. letter dated November 22, 2016.

Simply put, the current City Council is promoting a parallel regulatory system and instituting social immigrate engineering to unconscionability compete, penalize, and bankrupt retail establishments. Promotion of this ordinance, as written, lacks understanding of life and business skills.

Most of the City of Los Angeles departments constantly create bureaucratic or union justification for continued disappointment and follow-through. THERE IS NO CUSTOMER SERVICE & ACCOUNTABILITY!

Attached are two prime examples, which there are many, on the blind inaction towards public safety, inconsonance license/permit enforcement, and fragmented systematic tracking.

L.A. officials set oil drilling terms but fail to enforce them



Rosario Galicia, who lives near the AllenCo oil drilling site, said her family was unable to escape the smell, even with the windows shut. Her older daughter complained of constant headaches. (Genaro Molina / Los Angeles Times)



By **Emily Alpert Reyes**

OCTOBER 14, 2015, 4:00 AM

When oil companies wanted to drill wells at a South Los Angeles site decades ago, city planners set out a long list of requirements intended to ensure that oil production was "strictly controlled to eliminate any possible odor, noise" and other hazards.

Nearly a half-century later, neighbors complained about a foul stench, headaches and nosebleeds. Hundreds of complaints were filed with regional air quality regulators.

Years after concerns first erupted, following a public outcry, the current operator of the site voluntarily suspended production. And the city attorney sued to prevent the firm, AllenCo Energy Inc., from resuming drilling, arguing it had created a "public nuisance."

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But what the city didn't do as the problems arose was investigate whether AllenCo was complying with the requirements originally imposed by the city.

Los Angeles' apparent lack of follow-through on its operating conditions, which The Times found in files in a government archive, points to broader weaknesses in city oversight of roughly 1,000 active wells across the city, many of them nestled near homes and schools.

In the past, city planners crafted rules on a case-by-case basis that were meant to minimize problems at each drilling site. But Los Angeles has no systematic way to ensure those requirements are being followed. City officials say they initiate investigations only in response to complaints.

Planning officials acknowledged in a report last year that they needed a new system to "monitor and regularly enforce current conditions of compliance of existing oil and gas operations." But so far, no such process has been established.

Environmental activists say those enforcement gaps underscore the need for reforms, especially as AllenCo presses to restart drilling.

Neighbors said they weren't aware of the requirements imposed by the city and took their grievances about odors to a regional air quality agency. But the Los Angeles Department of Building and Safety, which is responsible for investigating possible violations of city conditions, doesn't coordinate with that agency, according to building department spokesman David Lara. So it didn't receive the complaints that neighbors were filing with air quality regulators.

And Lara added that even if the odor complaints had come to his agency, its staff lacks the expertise to properly investigate such issues.

Liberty Hill Foundation program manager Daniela Simunovic, whose organization funds grass-roots groups concerned about environmental hazards, said the city hasn't taken responsibility for enforcing the conditions it places on oil facilities.

"Our city has fallen asleep at the wheel," she said.

In a statement, AllenCo said it has "worked cooperatively with local, state and federal agencies to address concerns raised by the community." It has spent more than \$1 million on fines and improvements under settlements with regulators. The company also is trying to negotiate a settlement with City Atty. Mike Feuer, who said any deal to resume operations must protect the neighborhood.

Critics contend that AllenCo is not an isolated example but part of a chronic failure to hold oil companies to their promises. Community groups complain the city has failed to investigate alleged violations of operating requirements at other sites, including a facility on Jefferson Boulevard west of USC.

"If the city won't meet its responsibilities and use its powers when people get sick, as at AllenCo, then it means the whole system has imploded," said Michael Salman, a West Adams resident who maintains the city has skirted legally mandated reviews of oil projects.

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Councilman Gil Cedillo, who represents part of the South Los Angeles neighborhood near the site, said he had never seen the 1966 document that set operating conditions until The Times found it. He and his aides said they could have demanded action earlier if they had known about the requirements. "This should have been posted on a wall or something for people to look at," the councilman said.

Officials in the city planning department, which mandated the original conditions when the drilling site was approved, said they didn't need to get involved in the AllenCo case because other government agencies charged with regulating oil drilling were responding to complaints. The city's zoning authority "is limited in scope relative to those agencies and their police powers," Chief Zoning Administrator Linn Wyatt wrote in an email.

Federal and county agencies were investigating the drilling operation when it shut down. The regional South Coast Air Quality Management District had repeatedly cited the company for violations, including failing to control emissions from a wastewater tank and other equipment. And the Los Angeles Fire Department issued violations to AllenCo, saying it neglected to repair its fire protection systems.

Ultimately, Feuer stepped in on behalf of the city, Wyatt noted.

Environmental activists say the city could have — and should have — done more sooner, especially because other agencies failed to take more aggressive steps.

What happened at the AllenCo site "suggests that it has completely abandoned any meaningful oversight of oil extraction operations in the city," said Angela Johnson Meszaros, a staff attorney with the nonprofit law firm Earthjustice. "There appears to be no mechanism for enforcing [rules adopted by the city] even when they know that there's a problem."

Los Angeles first imposed rules for the 23rd Street drilling location when it was operated by Atlantic Richfield Co. and Standard Oil Co. of California. The city approval says if the drilling site is assigned to another oil company, it must assume the same conditions. AllenCo took over the site six years ago.

Feuer and AllenCo officials declined to discuss the original conditions imposed by the city. A planning official did not respond directly to questions about whether the conditions still applied and referred a reporter to city files. The Times reviewed files related to the drilling site, using a list provided by planning officials in response to a Public Records Act request, and found no evidence of any significant changes to the initial operating requirements.

The original conditions mandated "effective housekeeping" to prevent fumes that could affect neighbors. They also authorized the chief zoning administrator to impose more conditions or demand corrective action if needed to protect neighbors. Violations of the rules could lead to legal action.

If oil facilities became a nuisance, "the city could theoretically take action to shut them down," said Jeff Druyun, who served as the city's petroleum administrator in the 1970s and 1980s.

After AllenCo took over the site, it ramped up production.

Residing in a lilac-colored apartment building down the street, Rosario Galicia said her family was unable to escape the smell, even with the windows shut. Her older daughter complained of constant headaches.

Community organizers at Esperanza Community Housing, which operates that building and other affordable housing projects nearby, said they didn't know about the city conditions when they mobilized residents to complain to the regional air quality agency. "We just knew that our people were getting sick," said Executive Director Nancy Halpern Ibrahim. "Our focus was shutting them down."

Two years ago, as public concern mounted about AllenCo, emails show, Cedillo's deputy Sharon Lowe repeatedly asked the planning department what kind of conditions were in effect at the site, saying it was "essential" to know in order to take action. Aides to Mayor Eric Garcetti also asked for information about such conditions.

Planning officials said they would have to comb through old files to find them, according to a briefing memo prepared by mayoral aides. But the search appears to have stopped shortly afterward, when AllenCo announced it was suspending production. The action came at the urging of Sen. Barbara Boxer (D-Calif.) after federal officials got sick while visiting the site.

Neither Garcetti nor Cedillo received copies of the original conditions from city planners, according to their aides.

After The Times shared them with Cedillo, his office asked the building department to determine whether AllenCo is in compliance with all of its operating conditions.

The councilman also said the city should be regularly monitoring oil company operations to make sure they comply with requirements included in city approvals. Garcetti said he plans to expand the kinds of businesses covered by a new inspection program targeting restaurants and bars that serve alcohol to ensure they are complying with operating rules imposed by the city.

Additionally, Lowe said city departments need better coordination with other regulatory agencies to ensure community complaints don't "fall through the cracks."

"It shouldn't come to community members having to come to our office to tell us what their concerns are," Cedillo said. "The role of government is to protect the public."

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A version of this article appeared in print on October 14, 2015, in the News section of the Los Angeles Times with the headline "City sets oil drilling rules but doesn't enforce themLack of follow-through is seen as a systemic problem" — Today's paper | [Subscribe](#)

Man posing as attorney lied to immigrants seeking legal help



Oliver Ortega, a Guatemalan immigrant, is shown outside Jesus Lozano's office in Van Nuys. Ortega said he paid Lozano \$400 to help him file a wage claim. (Katie Falkenberg / Los Angeles Times)



By **Kate Linthicum**

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Jesus Lozano took money from immigrants for years, falsely claiming to be an attorney, records show

JUNE 2, 2015, 4:30 AM



ive years ago, a Guatemalan immigrant named Oliver Ortega sought help from Jesus Lozano.

Lozano's business card advertised a range of legal services next to a picture of the scales of justice. His bookshelves were lined with two sets of the California Penal Code.

Lozano told Ortega he was an attorney and promised to help him file a wage claim against a former employer, according to a lawsuit filed against Lozano. Ortega said he paid Lozano \$400 in cash to begin work.

But soon, Lozano stopped returning calls and showing up for meetings, Ortega said. When Ortega went to the state Labor Commissioner, he found out no claim had been filed — and that Lozano wasn't actually a lawyer.

Lozano, it turned out, had been taking money from immigrants for years, falsely claiming to be an attorney who could represent them in an array of court proceedings, including labor, personal injury and immigration cases, according to court records and interviews.

In December, two undercover Los Angeles County investigators went to Lozano's office and recorded him agreeing to help on an immigration case, according to criminal charges filed this year by Los Angeles City Atty. Mike Feuer. This spring, Lozano pleaded no contest to three misdemeanor criminal counts: practicing law without a license, acting as an immigration consultant without registering with the state, and violating an earlier injunction.

Investigators say fraud targeting immigrants is widespread in California. In the last decade, for example, the L.A. County Department of Consumer Affairs received 328 complaints about people illegally giving immigration advice. More than 30 of those cases resulted in prosecutions, according to the department.

“

It's a tragedy. I almost lost my house. I hope this time he has to pay.

— Oliver Ortega, who sought help from Jesus Lozano

Language and cultural barriers make immigrants susceptible to scams, said Onica Cole, who works in the consumer protection unit in the city attorney's office. Those who are in the country illegally are especially vulnerable because they may be afraid to report wrongdoing, Cole said, making it "in some ways the perfect crime."

Lozano took advantage of such fears, records show, sometimes threatening to report unhappy clients to immigration agents if they complained.

His conviction was the result of a new city-county task force targeting those who prey on immigrants. Rigo Reyes, chief of investigations for the county's consumer affairs department, said the task force fills a hole, since there is no state agency focused on prosecuting crimes against immigrants.

Lozano, Reyes said, simply exploited an opening.

"People trusted him," Reyes said. "And he told them what they wanted to hear."

First ordered by a judge to stop providing legal services in 2003, Lozano continued to pose as an attorney for more than a decade, court records show. He was twice found in civil court to have violated that injunction. In court settlements, he agreed to pay back 10 victims, including Ortega, although he has yet to fully repay any of them.

Ortega, who said he lost out on the recovery of two years of back pay because of the delay in filing his Labor Commission claim, said it was an injustice that Lozano was able to continue operating for so long, even after he came on the radar of the legal system.

"It's a tragedy," Ortega said. "I almost lost my house. I hope this time he has to pay."

Under a plea deal, Lozano agreed to serve at least 90 days in jail and be placed on three years' probation. Sentencing is scheduled to take place this month after investigators tally the restitution owed to victims. The state bar, which is notifying Lozano's clients of the case against him, has seized files on nearly 200 clients in two raids on Lozano's office, according to bar spokeswoman Laura Ernste.

Lozano was ordered to stay away from his office, in a third-floor corner suite overlooking Van Nuys Boulevard, as part of the deal. But on a recent morning he was there, seated at a large desk strewn with tax documents and what appeared to be legal paperwork.

Short and wide-waisted, with gold rings on both hands, Lozano seemed tired and aggrieved. "There's a big injustice being done to me," he began. "I'm being picked on."

Lozano said he had settled with the victims and agreed to the plea deal with the city only because he didn't have the resources to fight the cases against him. He said he wasn't out to hurt anybody, and was simply meeting a demand for legal services in Spanish.

He said he recognized the need for such services early, at age 12, when an uncle brought him along to traffic court to help translate. Back then, the courts weren't required to provide Spanish interpreters.

Born in Mexico and brought to the U.S. at a young age by his parents, Lozano said he had picked up English quickly at his Van Nuys elementary school. He said the judge complimented his language skills. So he returned to court the following week, offering to translate for other Spanish speakers for 50 cents or a dollar.

Later, he went to work for lawyers, he said, interpreting and bringing them Latino clients. Lozano said he thought about law school, but by then he had a wife and two children. "I didn't have the money," he said.

Eventually Lozano opened his own business, West Coast Legal Services. He said most of his work was referring people to legitimate lawyers, but said he also filed out various legal forms, including immigration documents, for people who couldn't afford professionals. He wasn't licensed to do so. California's Immigration Consulting Act requires consultants to be bonded and to pass a background check conducted by the secretary of State.

Delfina and Faustino Donato, an immigrant couple who lost some of their possessions in a 2001 apartment fire, said Lozano told them he was a licensed attorney. In a civil lawsuit filed on their behalf in 2002 by Neighborhood Legal Services of Los Angeles County, they said they gave Lozano \$800 to sue their landlord, but that he did nothing for their case.

Rosalio Solis, another plaintiff in the lawsuit, said he had paid Lozano to seek damages after he was involved in a car accident. According to the lawsuit, Lozano told Solis to appear in court six times for trial, but each Lozano did not appear.

In 2003 a Superior Court judge permanently barred Lozano from doing any legal work, including "assisting individuals to fill out pleadings, motions, and court forms or other documents and providing counsel or advice related to any legal matter." Lozano settled, agreeing to pay the Donatos \$15,000 and Solis \$10,000.

But even after being found in contempt of that order a year later and serving 10 days in jail, Lozano continued his operation, according to a second contempt case filed against him by Neighborhood Legal Services in 2012.

That year, Lozano showed up in a Northern California courtroom and presented himself as an attorney working for the family of a man who was facing drug charges, according to court statements by Jessica Delgado, a Santa Clara County public defender who was representing the man on trial.

Delgado said she became angry when she found out that the drug defendant's mother had paid Lozano about \$4,000 for help on the case.

"There is an absolute shortage of bilingual criminal defense attorneys," Delgado said. "This is a vulnerable population. You have people who are disadvantaged, and on top of that you have someone who is predatory. It's just adding an injustice."

In 2013, Lozano was found in contempt of court again, and he agreed to serve more jail time and to pay restitution to seven additional victims, including more than \$16,000 to Ortega.

But instead of paying back his former clients — or showing up to serve his jail time — Lozano filed for bankruptcy later that year. In filings, he reported a monthly income of \$800 and few possessions besides a 1991 Mercedes-Benz. He sought to discharge the debts he owed his victims.

The victims, including Ortega, Solis and the Donatos, have argued in bankruptcy court that the debts should not be dismissed.

Lozano said he plans to support his family and pay back his debts with monthly Social Security payments. He insisted that he is closing his office.

"I'm gonna lock up shop and that's it, forget it," Lozano said. "I'm retired, I'm getting my check."

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