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**CF 15-1239**

**ITEM 1, PLUM 11/24/15**

S. Dickinson

**STATEMENT of J.H. McQUISTON on  
ICO to PROHIBIT BUILDING PERMITS in CD10 AREA**

Honorable Chairman and Members of the Committee:

**The State Government Code already prohibits “out-of-sale” construction.** The City’s General Plan already prohibits out-of-scale construction.

**What is missing is that the City Attorney is not prosecuting offenders of the above Codes: City Councilpersons who ignore the above laws and intimidate the Executive Branch into violating them.**

ICOs are not going to control violations as long as the CDs command exceptions to the ICO’s, as they now do.

**It is overdue for the Council to realize they are NOT EXECUTORS OF LAW. The Charter securely-put execution of law in the Mayor’s control.** Council may amend a law per State permission, but not for piecemeal destruction of the General Plan as prescribed by the State. Piecemeal destruction is defined in LAMC as a crime.

Moreover, the United States Supreme Court said in *I.N.S. v Chadha* decades ago, the United States Constitution separates powers in the U.S, prohibiting Legislators from executing the laws they enact.

**Our forefathers said to let legislators execute laws is a form of tyranny abhorrent in our United States.**

Likewise, the California Constitution prohibits legislators from executing laws. Only if there is no executive branch may legislators execute law (as no other entity is capable of doing-so). **That is not the case in Los Angeles; the Charter clearly divides the power as the Constitution commands<sup>1</sup>.**

**Don’t look to ICO for control; itwon’t do the job. Council should ask instead of the City Attorney: Why not enforce LAMC Section 11.00 against City-personnel who abet law-violators?**

**That will stop out-of-scale developments immediately. That is what the Charter requires of the City Attorney already.** And that gives City inhabitants the Equal Protection of Law our Constitutions command.

Respectfully submitted,

J. H. McQuiston

c: Interested parties

<sup>1</sup>Except that Charter Section 245 is clearly violating the *Chadha* decision and the U.S. and State Constitutions.