



City of Santa Barbara
Police Department

Memorandum

DATE: November 19, 2015
TO: Fire and Police Commission
FROM: Officer Jaycee Hunter
SUBJECT: Tow Operator Permit for **Ana C. Jacinto, DBA Amisadais Towing**

RECOMMENDATION

Pursuant to Santa Barbara Municipal Code ("SBMC") §5.30.080(c) I conducted the "investigation" into the towing application of Ana Cecilia Jacinto under the business name "Amisadais Towing." Based on the requirements of SBMC §5.30.030(b) and SBMC §5.30.080(c), it is the Department's recommendation that the "Towing of Vehicles" permit be denied.

BACKGROUND

Applicant Ana Cecilia Jacinto is married to Javier Martinez Baena. On March 1, 2004 Javier Baena submitted to the City an application for a "Towing of Vehicles" permit for "Abishai Towing". At its regular meeting on July 22, 2004, the Fire and Police Commission denied the Towing of Vehicles permit for Abishai Towing due to Mr. Baena's criminal history that included convictions for vehicle theft and felony DUI.

In May of 2015 I discovered that Javier Baena had been towing vehicles, without a "Towing of Vehicles" permit, as Abishai Towing for the past 10 years. Upon initiating an investigation into Abishai Towing I found that Javier Baena and Ana Jacinto have been operating their unpermitted tow business out of their apartment at 3965 Via Lucero Rd. #B in Santa Barbara. Based on my observations it is clear that this location does not have "adequate yard for vehicle storage" as required by SBMC §5.30.030 (b). This fact alone provides a sufficient basis to deny the permit.

On May 22, 2015 I issued Javier Baena a citation for operating an unpermitted tow business. The result was a civil compromise where Mr. Baena agreed to pay a fine and to follow all legal requirements regarding the towing of vehicles in the City of Santa Barbara.

On May 15, 2015, Ana Cecilia Jacinto began the application process for a Towing of Vehicles permit for Abishai Towing. Although Ana Jacinto was listed as the sole owner on the City application, a copy of the Fictitious Business Name Statement issued by the Santa Barbara County Clerk (which was included with the City application) stated that the

“Business Is Conducted By: Husband and Wife” and listed both Javier Martinez Baena and Ana Cecilia Jacinto as joint owners. However, that City application was withdrawn before the application process was completed.

On June 1, 2015, Ana Jacinto submitted a new “Towing of Vehicles” application to the City of Santa Barbara under the new business name of Amisadais Towing. Again, she listed herself as sole owner of the business. The supporting documents also list Ana Jacinto as the sole owner of “Amisadais Towing”. Both S.B. County Fictitious Business Name Statement filings, for Abishai Towing and Amisadais Towing, list the business address as 3965 Via Lucero St. #B.

On September 29, 2015 I interviewed Ana Jacinto. She claimed that she had been unaware that Abishai Tow had been unpermitted. She stated that she and Javier Baena decided to submit an application for a permit using a different business name after I cited Mr. Baena for the illegal operation of Abishai Towing. According to Ms. Jacinto, she felt that this would get them around the problem of her husband’s inability to obtain a permit from the City.

Ana Jacinto also stated to me that, if she is granted the permit, Mr. Baena’s and her plan is for Mr. Baena to use one of their tow trucks to continue the Abishai Towing service in the County of Santa Barbara and City of Goleta while she uses the second tow truck to provide tow service to the City of Santa Barbara under the name of Amisadais Towing. Ms. Jancito told me that both tow operations will be run out of their apartment on Via Lucero.

Ana Jacinto told me that Mr. Baena currently provides tow service outside of the City of Santa Barbara and that she (pursuant to having a business license for Amisadais Towing through the County of Santa Barbara) has completed approximately 10 tows outside of the City of Santa Barbara. Ms. Jacinto confirmed that when the two tow trucks are not in use, they are parked at the curb on either Via Lucero Rd. or on Bodega Ln. which is a violation of SBMC §10.44.210. In addition, the rate schedule is not posted as required under SBMC § 5.30.040(A). My investigation also uncovered that Ms. Jacinto continues to act as the tow dispatcher for Abishai Towing by receiving calls from clients on her cell phone then texting Javier Baena the location of the tow call-for-service. To my knowledge, Abishai Towing and Amisadais Towing only provide tow service and not any type of vehicle storage service.

Ms. Jacinto allowed me to conduct a cursory inspection of the tow truck that she plans to use. The tow truck had a fire extinguisher with an expired maintenance tag, which is a violation of the Vehicle Code. Ana Jacinto verbally walked me through the process of connecting a vehicle to the tow truck while pointing to various parts of the tow truck. She demonstrated an extremely rudimentary knowledge of how to use the tow truck to tow vehicles.

CONCLUSION:

It is the Department’s recommendation that the “Towing of Vehicles” permit be denied under SBMC §5.30.030(b) and SBMC §5.30.080(c). Based on the history of this applicant’s joint venture of operating an unpermitted tow operation in the City for ten (10) years, the application should be denied.

ATTACHMENTS:

1. Copy of SBMC §5.30.030 and SBMC §5.30.080.
2. Fire & Police Commission's written denial of the Abishai Towing permit, July 2004
3. Civil compromise, June 2015