



the Licensing Professional

Serving government administration, business licensing, and code enforcement officials since 1983



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Winter

2010-2011

Seasons Greetings:

By: [Paul Morris](#), ESQ & NBBLO Founder

We hope your Holidays were enjoyable. With furloughs and elimination of positions occurring throughout the nation, those who retained their positions have true cause for thanks.

Those in the legal profession are thankful for those duties we accepted that required us to work during the holidays on client projects. No matter the season, lawyers must ensure their clients receive solid representation.

- » Arrangements for the **2011 Conference** have been made and Registration is available via the NBBLO website at: <http://www.nbblo.org/conferences>
- » The 2011 NBBLO conference in New Orleans offers presentations from Scott Bergthold, David McPherson, Kathy Franklin, Mark Arnold, Glenn Vodhanel and Rebecca Grill.
- » **2011 Membership Renewal Invoices** have been emailed. Should anyone wish to provide us with updated membership information or to register for the conference along with your registration, please fill out and submit the form at: <http://www.nbblo.org/membership/NBBLO-MembershipS.pdf>
- » *Staff is pleased to announce rollout of the NBBLO portal.* It currently offers the new ability to securely renew your membership and pay conference fees via credit card on the

internet (*without a Paypal requirement*).

- » Staff informs me that your membership records will be available for update via the internet in just a few weeks.
- » The NBBLO is much more than just Mark and I. Your expertise and participation is critical to the success and growth of this organization.

- » *We are rolling out our Senior Licensing Official certifications and are interested in those who would like to review the program and to suggest future direction. The NBBLO community greatly benefit when our senior members share our knowledge and expertise. That is why our advanced certifications require submission of written articles and/or live presentations. Send us an email of your interest in this program to: confmgr@nbblo.org*

Many thanks to our vendors for their generous support, Madeline at The Pre-sort, Robert of Revenue Discovery Systems and Chris at Progressive Solutions.

We thank our vendors for the opportunity to hear about their latest offerings and look forward to expanded vendor participation in New Orleans.

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News & Notes

- » The 2011 Conference will be held at the Harrah's Hotel in New Orleans, LA.
- » Paul Morris and Mark Arnold will again serve as our keynote speakers. Paul will present updates in case law. Mark will present his perspective on other legal considerations and opportunities.

Check That, and Hammer, Please

By: [Kathy Franklin](#), City of Wheat Ridge, CO

Situated along a major interstate, between mountains on the west and the capitol city on the east, Wheat Ridge fancies itself a bucolic burg. Indeed, up to about 25 years ago, it was, with a park-like feel to it and a homogenous demographic. At that point in time, the Denver metropolitan area exploded and surrounding small towns became suburbs. More recently, with continued expansion, places like Wheat Ridge are more urban than long-time residents want.

Part of that resident ambivalence comes from the influx of urban evils in large doses - traffic, prostitution, drugs. Not overtaken by them by any means, just the greater, bolder presence of them is distressing to citizens and challenging to the City. Not only is there greater demand on law enforcement, but business licensing becomes the check point and sometimes, the hammer to stop some activities.

Five years ago, Wheat Ridge became a focal point for Denver's expansionist illicit massage operations. Licensing, planning and the police departments worked with City Council to develop an ordinance that fairly effectively filtered prostitutes posing as massage therapists from obtaining a business license. When an illicit operator made it through the thorough, multi-layered process, the ordinance itself was a powerful means of closing the operation and banning future City licensing of the bad apple. The City and its citizens were confident that we had conquered a pressing issue.

When the State of Colorado took over regulation of massage licensing, it was met with sighs of relief. It was understood, wrongly, that the state would exercise diligence similar to the City's in issuing massage licenses. The City imagined, and practiced, reliance on the state-issued document and a shift away from a parade of unsavories through the licensing department to a litany of strict requirements and explanations about denials. Frankly, we enjoyed it and relished moving on to other licensing challenges, like medical marijuana.

Unfortunately, the time for working with one controversy at a time soon evaporated. Recently, prostitution and human trafficking have re-entered the Wheat Ridge massage industry. Although the State regulatory agency issued a memorandum to law enforcement stating that the massage statute only regulates the massage therapy profession and does not negate cities' rights to regulate massage therapy centers, the City hadn't read the statute the same way. The Wheat Ridge massage ordinance in its entirety had been deemed not applicable. Now, the City wasn't sure if the ordinance's sections relevant to massage therapy centers could be resurrected. Work was begun on amending the existing ordinance.

Meanwhile, down on 38th Avenue, a new massage shop applied for a license using their state issued massage license, and sprung the doors open as soon as it was approved by the planner.

Normally, there's not an issue with the short delay that occurs between approval and the establishment of a license and tax account. However, this time, the delay caused the police to wrongly believe they had a hammer to nail shut the door on a suspected illicit operation with no business license. A citation and cease order were issued only to be dismissed when the operator's attorney presented the fact of the phone notification of approval and the prosecutor verified it against the application document. The massage shop continues to operate and is now well aware that the police are waiting to catch them in the act, as it were. Were it not for an outdated and sluggish licensing system, they wouldn't be, yet funds to move to an entirely electronic process are difficult to wrangle in a time of declining revenues. Police heralding of the crime-preventing value of business licensing may be the answer.

Kathy Franklin, Tax Supervisor (and business licensing authority), City of Wheat Ridge, CO., has over 15 years experience in the business licensing sector.

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4G Wireless—What it means to you and your organization

By: [Glenn R. Vodhanel](#), Progressive Solutions Inc.

A few new cell and smart phones rolled out in the latter part of 2010 support a relatively new service known as 4G. It is the latest and fastest wireless internet offering currently available for a new breed of cell phones and personal data assistants that include the iPhone and Android.

During the first week of January 2011 a slew of other 4G devices will be released at the Consumer Electronic Show (CES) in Las Vegas.

More and more consumers continue to embrace powerful miniature devices that fit in the palm of their

hand. These devices allow access to internet information and access to virtually any computer system.

Demand for high speed access that mimics the speed they obtain at home and work is what has driven implementation of the new 4G standard.

While the prior 3G standard was a marked improvement from the previous even slower standard, neither could rival the much higher speeds many computer users have come to accept as standard.

4G offers the promise of reliable high speed network access to the world and the ability to incorporate portable electronic data capture devices such as the Android and iPhone with software applications.

However there is one fly in the ointment, 4G service coverage has yet to become ubiquitous. Many more cell towers will need to be deployed before the service can reach its full potential and new towers are rolled out daily.

Virtually all phones these days incorporate cameras. Why not use these cameras to easily and seamlessly document code enforcement and parking activities.

With quality integration, transmission of photos to your enterprise code enforcement system can be automatic.

Imagine using your phone to issue code enforcement or parking citations. Why not check on the status of a business licensing application via your Android?

And one of the best factors is that if the device fails, gets run over or lost, replacement of the device is quite affordable.

Expect these devices to become even more readily available and given management support they may even make your job a little easier and more efficient!

Glenn Vodhanel, President of Progressive Solutions Inc., has over 32 years experience in the government sector and often consults and speaks rendering expert advice on efficiency via automation.

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A small leak will sink a great ship

By: [Madeline Navarro](#), Central Valley Presort.

Given the current rather dismal economic environment, it is even more important to look for areas where you can save. Mail related costs may be one place to look. Even a few pennies per piece can make a difference at the end of the year. As Ben Franklin said, "Beware of little expenses. A small leak will sink a great ship."

Some suggestions:

- » Check to see if you are using the least expensive Postal service that will suit your needs. For example, don't send something Certified with Return Receipt if all you need is to be able to say you mailed the piece. A Certificate of Mailing can serve the objective at a fraction of the cost.
- » Keep on top of postal changes and when compliance is mandated so that you can continue to obtain the lowest postal rates even after a change of requirements.
- » Being open to new ideas when

printing and mailing can result in opportunities to save.

- » Don't print in full color when two color printing or black ink only printing will do.
- » Try to keep your mailings letter size (no larger than 6-1/8x11-1/2) to save postage.
- » Use a 6x9 envelope if the material won't fit in a #10 window envelope. You will save half the postage.
- » A City recently designed and mailed a stripped down business license to save in printing and mailing. They now pay an average of \$0.21 in postage--a huge saving for them.

How you can cut costs:

- » Find knowledgeable mailing professionals that you can trust.
- » Invite them to review your mailing operation to see where you can save.

Mailing is their business so they will ensure you mail at the lowest postage rate. Remember that printing, mailing, and postage is a big chunk of your mailing budget. There are many ways to save. You just need to find out how you can do it.

Madeline Navarro, Account Manager at Central Valley Presort., has over 30 years experience in the mailing services sector and often consults.

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Refund of San Diego Processing Fees may become a Federal Case

By: [Ken Musgrave](#), NBBLO Conference Manager

Superior Court Judge Ronald Prager dismissed a lawsuit filed by landlords seeking refund of \$13.5 million in fees that were deemed **unconstitutional** by a different court last year.

At issue was a business tax processing fee authorized by the San Diego Council in 2004. The \$15 fee was assessed on taxes collected for business licenses and rental units.

San Diego Council repealed the processing fee last year when the state 4th District Court of Appeal ruled the fee on rental-unit taxes was essentially a tax on top of a tax and required the city to seek voter approval.

As a result of that ruling, San Diego refunded nearly \$2 million collected from landlords during the prior 12 months. San Diego claimed

that was all that was required by the statute of limitations **despite their unconstitutional acts.**

Landlords subsequently filed a second lawsuit seeking refunds for the entire period that the fee was assessed. They alleged the city collected the money fraudulently by demanding payment under the threat of legal action.

On December 12th 2010, Judge Prager ruled that under California State Law, the Government Claims Act specifically provides immunity to public entities for the intentional or negligent misrepresentations of its officers and employees. **“Thus, [under state law] the city cannot be held liable for this claim,”** he wrote.

In response to that ruling, a proposed amended complaint has been

submitted to Judge Prager with additional claims based upon Federal Law 42 US Code Section 1983.

Will Judge Prager continue to overlook San Diego’s unconstitutional behavior and allow them off on a technicality? Will he require this matter to be heard by a Federal Judge or will he reconsider his ruling and order San Diego to disgorge all of their unconstitutional receipts.

Only time will tell and we will keep you informed!

Ken Musgrave is the NBBLO Conference Manager and the son of a Federal Judge. Some of his father’s love for the law has rubbed off in this article. He may be contacted at: Ken@nbblo.org

Credit Card Security-A higher bar for software vendors?

By: [Glenn R. Vodhanel](#), President of Progressive Solutions Inc

Those who accept credit cards are required to document their security acceptance procedures. Typically this is required by the Payment Card Industry Data Security Standard (PA-DSS) in order to process credit cards without the threat of huge fines.

Progressive engaged in a rather expensive and extensive project to certify a payment connector for the entire PSI line of software. The net result is that users may now report to

the security standards boards that all security standards for both over the counter and internet payment acceptance are fully accommodated by the PSI software.

After months of regularly changing standards and what seemed to be a never-ending and resource intensive endeavor, PSI has finally received a Report on Validation for their Payment Connector and expects to receive PA-DSS certification shortly.

Glenn Vodhanel, President of Progressive Solutions Inc., has over 32 years experience in the government sector and often consults and speaks rendering expert advice on efficiency via automation.

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Sponsors of the July 2010-Las Vegas Conference:

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2013 Conference Proposals Requested:

Proposals are currently being accepted from all cities desiring to host the 2013 NBBLO Conference to be held on July 17th-19th 2013. Please provide a designated host city contact and proposed host hotel contact information.

Upcoming Events:

Association Name	Conference	Website
Florida Association Business Tax Officials	Apr 12-15, 2011	www.fabto.org
Code Enforcement officials of Alabama	May 1-5, 2011	www.coaa.com
Georgia Business Tax Officials	June 2011	www.gabto.org
Florida Association Code Enforcement	June 21-24, 2011	www.face-online.org
National Bureau of Business Licensing Officials	July 13-15, 2011	www.nbblo.org
Alabama Municipal Revenue Officers Association	July 20-22, 2011	www.amroa.org
California Association of Code Enforcement Officers	Sept 6-9, 2011	www.caceo.us
California Municipal Revenue & Tax Association	Oct 11-14, 2011	www.cmrt.org
South Carolina Business Licensing Officials Association	Oct 26-28 2011	www.masc.sc

2011 CERTIFIED LICENSING OFFICIAL CANDIDATES:

			<i>RECERTIFICATION REQUIRED (Red-Requirements Lapse)</i>		
JENNIFER	ALTHOFF	CITY OF GOOSE CREEK	JAMES T	BOWIE	CITY OF SHREVEPORT
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JONI	BRUN	CITY OF HENDERSON	SAMUEL	BROWN	CITY OF PEORIA
SCOTT	ELLERTSON	CITY OF PORTLAND REVENUE BU- REAU	LESLEY	CASARIL	CITY OF SANDY
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T. ANN			CAROL	MEYER	CITY OF LAS VEGAS
AGUON	PEREZ	CLARK COUNTY	WILLIAM T	O'MARA	CITY OF LEXINGTON
VICTORIA	ROSEMORE	CITY OF LAS VEGAS	CYNTHIA	ROLLINS	CITY OF NORTH CHARLESTON
DEDRICK	STEPHENS	CITY OF CLEVELAND	SHARON	SERRANO	CITY OF COLORADO SPRINGS
TERRI	STEVENSON	CLARK COUNTY	BRUCE	SMITH	CITY OF TEMPE
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			MARCIA	WARD	CITY OF GULF SHORES

We welcome all article submissions. Any effort to share the editorial and content load is greatly appreciated!



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Becoming a Member

NBBLO membership enables you access to information regarding code enforcement, regulatory and revenue raising business licensing at the local level of government.

Individual Membership is only \$50 and entitles you to a discounted annual conference registration and two newsletters a year. Entity level membership offers additional benefits. NBBLO also sponsors several national certifications.

For more information go to www.nbblo.org. There are links for membership, certification, and the annual conference.

Save the dates for the 2011 Conference in New Orleans LA

Sign up for the 27th Annual NBBLO State and Local Conference for Business Licensing, Code Enforcement and Administration to be held July 13-15, 2011 at the Harrah's Hotel in New Orleans LA is now available via our website.

The best discounts with early registration are available until 2/18/2011.

Just go to www.nbblo.org and click on "[Conferences](#)" and then "[Conference Registration](#)." There you

may fill out the form online and submit it. Thereafter, you may send the appropriate fee to the address shown. Above. Or should you wish to pay by credit card, transmit your registration and fax your credit card information to 866/936-0963.

We have an outstanding conference agenda. Come hear discussions of regulatory licensing issues as well as issues germane to tax collection. Local business licensing is a unique specialty and it's difficult to find re-

sources applicable to your needs.

What is particularly helpful, is associating with your peers from across the country who have similar issues that you are confronting.

In addition to the substantive material there is a great opportunity to see and experience the food and nightlife of New Orleans as well as its history and architecture.

We look forward to seeing you in New Orleans LA !

If you observe any errors in this publication, please transmit such information via email to: Moderator@nbblo.org

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