

I N D E XAdjourned Special MeetingCity Council - November 21, 1969 - 2:30 P.M.

<u>SUBJECT:</u>	<u>PAGE</u>
<u>OPENING CEREMONIES:</u>	
1. Call to Order	1
2. Roll Call	1
3. APPEAL OF JOHN D. KIRBY'S BUSINESS PERMIT REVOCATION	1 - 8

Adjourned at 4:10 P.M.

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Ava Cripe  
Minute Secretary

Council Minutes  
Adjourned Special Meeting  
November 21, 1969

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MINUTES OF AN ADJOURNED SPECIAL MEETING  
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an Adjourned Special Meeting on Friday, November 21, 1969 at 2:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Responding to roll call by City Clerk Coil were: Councilmen Johnson, Miller, Sciarrotta, Uerkwitz, Wilson, and Mayor Isen.  
Absent: Councilman Beasley.

Also present: City Manager Ferraro, Assistant City Manager Scharfman, City Clerk Coil, and Deputy Attorney Allen.

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Mayor Isen announced that the Regular Order of Business would be dispensed with, this being a Special Meeting of the Council called for the purpose of considering the appeal of John D. Kirby's business permit revocation.

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At Mayor Isen's invitation, Mr. John Kirby came forward and announced that he was without counsel but that he had prepared a statement for the consideration of the Council - said statement serving to save much time for the Council. Mr. Kirby's statement was distributed to the Council and incorporated into the record in this matter.

Councilman Miller MOVED that the Council recess in order to read Mr. Kirby's statement, the hour being 2:35 P.M. The motion was seconded by Councilman Johnson, and there were no objections.

The Council reconvened at 2:40 P.M. to proceed with the meeting, on a MOTION by Councilman Sciarrotta, which was seconded by Councilman Uerkwitz, and unanimously approved.

Mayor Isen requested that Mr. Kirby's statement, now having been read by the Council, be filed, and ruled that the credentials and like attachments were purely self-serving and have nothing to do with the issues: (1) the financial records which Mr. Kirby refuses to furnish the Council, although he had agreed to do so at a previous hearing; and (2) there is nothing pertinent to the issue which is the issuance of a license to collect funds. It was the further comment of Mayor Isen that the waters are being muddied in that this Council will never interfere at any time with the right of anybody to pass a petition for any purpose in the City and to obtain signatures on it; the only issue before the Council is the question of soliciting for money.

Mayor Isen thereupon MOVED that the first page of the subject statement, signed by Mr. Kirby as chairman, indicating that he wants a vote now on the application for a free license, be filed, excluding the rest of the material. The motion was seconded by Councilman

Miller, following his confirmation from Mr. Kirby that he was not requesting withdrawal of his request. There were no objections and Page #1 was ordered filed.

Mr. Kirby requested permission to read aloud Page #1, and it was granted. When concluded, Mr. Kirby thanked the Council for their attention and announced that he would absent himself from the remainder of the meeting because he could see a "blood bath" coming, and in the hope of saving a lot of time for all, he will go; the vote is up to the Council.

Mayor Isen outlined the patience exhibited by the Council in this matter, the hours already dedicated to it. The above statement, the Mayor continued, submitted by Mr. Kirby at this time is completely self-serving, a waving of the flag -- needless to say, all are in favor of strict narcotic enforcement; there is another issue involved, and that is whether or not Mr. Kirby is a responsible individual to collect money in the City of Torrance. It was the suggestion of Mayor Isen that Mr. Kirby remain at the meeting, it is the proper thing to do, the thing owed the public.

It was the comment of Councilman Miller that Mr. Kirby's implication that a vote against him indicates that this Council is in favor of narcotics is too asinine for discussion -- Mr. Kirby with his moral air and righteous attitude, in Mr. Miller's opinion, is obligated to remain at this meeting where his statement is now a matter of record, and permit all testimony likewise to be entered. Mr. Miller added that a prerequisite of the license is a determination regarding the moral character of the applicant.

Councilman Johnson expressed great concern at Mr. Kirby's intent to leave the meeting, pointing out the extensive efforts to see that he had a fair hearing. It is Mr. Johnson's intention to request that every item of evidence regarding Mr. Kirby be put into the record.

The anti-narcotic efforts of this Council are a matter of established record, according to Councilman Sciarrotta, as well as the previous indications by Mr. Kirby that he would comply with the request to furnish financial records, which has failed to materialize, as well as the request of the Council that Mr. Kirby appear with an attorney, which met with agreement at the time it was suggested. Councilman Sciarrotta then assured Mr. Kirby that the citizens of Torrance will be protected where the solicitation of funds is concerned, at all costs.

The attempt to cloud the issue was quite obvious, in the opinion of Councilman Uerkwitz -- whether Mr. Kirby stays or not is of no interest to Mr. Uerkwitz; it is up to Mr. Kirby to determine the extent of his sincerity in whether or not he stays, and Mr. Kirby's statement on the fact that how he votes on this license is going to indicate to anyone his stand on narcotics is without meaning inasmuch as Councilman Uerkwitz has a superior record to Mr. Kirby in the narcotics field. To attempt to intimidate this Council is completely ridiculous, Councilman Uerkwitz concluded.

Questioned by Councilman Wilson was a need for accounting to the State where the collecting of funds is involved -- Deputy Attorney Allen advised that there is such a State law and is the reason Mr. Kirby has been served with a subpoena by the Attorney General. It was the response of Mr. Kirby that he has the desired financial records but he will produce them only when the Republican Women's Club, the Democratic Clubs, any political group, with the exception of a candidate, produces same.

Mayor Isen then inquired if it was the pleasure of the Council that Deputy Attorney Allen produce the evidence in the Kirby matter. The response was unanimously favorable that the hearing proceed.

Mayor Isen requested that the record reflect that Mr. Kirby, at 2:58 P.M., departed from the Council Chambers and could no longer be seen in the corridor. In the event Mr. Kirby returns, Mayor Isen advised that he will interrupt the meeting to so announce. Mayor Isen then requested that Deputy Attorney Allen proceed.

It was stated by Mr. Allen that he has eleven witnesses on call, two witnesses being in attendance. It was ruled by Mayor Isen as to the eleven witnesses that Mr. Allen merely indicate their names and addresses and were they called that Mr. Allen indicate the nature of their testimony. At issue, Mayor Isen stated, is the character, the integrity, the financial responsibility of this applicant to collect money in the City of Torrance.

(At 3:02 P.M. Officer Don Hartel advised that Mr. Kirby had left the building.)

Placed into evidence by Deputy Attorney Allen were the documents and evidence in this matter, including:

Application for employment with ABC and the certification thereto signed by Mr. Kirby: Specifically noted was the reference to employment with Midwest Life Insurance Company, San Diego, August 1958 to January 1959, reason for leaving "agency disbanded". Mr. John B. Allen, Midwest Life Insurance Company, has advised that Mr. Kirby was terminated for the poor quality of his work; money was advanced against future commissions during his employment - the amount of commissions actually earned and applied to his account were not sufficient to repay the amount advanced. According to Mr. Allen they have tried in vain to collect this money, subsequently turning it over to a collection agency; a judgment was obtained but, to his knowledge, it has never been satisfied.

Credit Bureau of Torrance: They have two judgments against Mr. Kirby - one for \$109.12 plus \$12.50 court costs covering telephone service, and one for E. Argenbought for \$516.30, outstanding and unpaid.

Organization "Valor": A letter to W.H. Parker, Chief of Police, Los Angeles, dated August 31, 1964, signed by W S. Sharp, San Diego Chief of Police stating that Mr. Kirby's organization "Valor" was denied a permit by the Chief of Police, El Cajon; the Better Business Bureau, and the City of San Diego as it was felt that it was strictly a promotion and appeared on the surface to be backed by the Police Department.

American Institute of Narcotics Education, P O. Box 141, San Diego: Mr. Kirby was refused a permit by the San Diego Police Department, and denied by the Better Business Bureau and the San Diego Department of Social Services.

FBI Commendation: Mr. Robert W. Evans, head of the FBI office in San Diego checked on whether Mr. Kirby had received any commendation from the FBI, and reported that a complete search had been made of all files between 1953 and 1959 and there is no record of such commendation, nor could FBI headquarters in Washington, D.C. locate any such commendation. There is further no record of same in the San Diego Police Department files.

American Institute of Narcotics, P.O. Box 61202, Los Angeles: Deputy Attorney Allen noted that Mr. Kirby had advised at the last hearing that "Project Prevention" was worked out of his home, 2403 West Carson. Next asked him was "does the American Institute of Narcotics work out of the same place?" Mr. Kirby replied, "no, it is worked out of P.O. Box 61202, Los Angeles, 90061." At Mr. Allen's question as to where the work was done, Mr. Kirby had replied that it was inactive at this time. To the License Review Board Mr. Kirby stated (reading from a transcript of those hearings) that the American Institute was <sup>not</sup> out of business, only that lectures are not being given. Mr. Kirby also told the License Review Board, on Sr. Administrative Assistant Jackson's question as to where the offices of the American Institute are that "any mail that we get comes to my house". It has been learned that P.O. Box 61202 was secured on October 13, 1969 - six days before the Council hearing. Mr. Kirby has also listed as the address for "Project Prevention", the day before yesterday, with the Better Business Bureau in Long Beach the address of P.O. Box 61202, Los Angeles, according to Deputy Attorney Allen.

Employment with Manpower: The manager, Mr. Carlton, would have testified at this meeting that on August 6, 1967 Mr. Kirby filled out an application for Manpower, which omits many places of former employment. Mr. Carlton would further testify that Mr. Kirby was discharged from Manpower in January 1969 because of repeated shortages in the funds with Mr. Kirby having difficulty keeping his books straight -- also, Mr. Carlton would advise that since Mr. Kirby has been replaced they have had no problems at all with their books.

"Associated Services of the South Bay": Margaret Lindsey, who would have appeared as a witness, formed a partnership with Mr. Kirby and Mr. Glen Smelden for the business, "Associated Services of the South Bay" - it being understood that Mr. Kirby would bring in substantial business because of his many contacts. Mrs. Lindsey would testify that Mr. Kirby brought absolutely no business into the partnership, and that in the period from October 1965 until January 1966 the rent for the premises at 11616 Hawthorne Boulevard was paid by the Association Services of South Bay. Deputy Attorney Allen pointed out the importance of this testimony in that Mr. Kirby's financial statement to the Los Angeles Social Services, he stated that the rent was paid by the American Institute of Narcotic Education during most of this period.

Residence at 1812 Plaza del Amo, Apt. 3, Torrance: Deputy Attorney Allen presented a certified copy and true accurate record of Mr. Kirby's account, which indicated consistent overdue rent and checks issued with insufficient funds. Of importance, noted by Mr. Allen, was a copy of a check titled "Project Punishment", P.O. Box 4101, Torrance, dated May 26, 1967, pay to the order of Del Amo Village (the apartment) in the amount of \$25.00 -- this is the first trace of "Project Punishment" funds being used. There was another check, according to Deputy Attorney Allen, dated August 2, 1967 in the amount of \$125.00 to the Del Amo Village, drawn on the American Institute of Narcotic Education. Mr. Kirby ultimately was evicted on February 9, 1969, owing \$133.33 which has not been paid.

Bank Accounts: Deputy Attorney Allen presented voluminous records on a number of bank accounts maintained by Mr. Kirby indicating great activity in deposits, withdrawals, and checks returned for insufficient funds.

Specifically noted by Deputy Attorney Allen was the copy of a check - Pay to the order of "Project Prevention", the amount of \$100 from the Southern California Carton Company, dated October 7, 1969 - it is endorsed "Pay to the order of Union Bank, The Challenger, Official Publication of Project Punishment". It will be recalled, Mr. Allen continued, that Mr. Kirby testified that The Challenger is also the official publication of Project Prevention. Further, Mr. Kirby has an account at Union Bank for "The Challenger" opened on February 21, 1969.

Mr. Allen noted that a number of overdrafts are indicated, and deemed it important that the checks for one month, itemized below, be noted, inasmuch as it will indicate where the money is going:

Craig Pharmacy	\$ 12.00	J. Walters	\$ 8.00	J. Walters	\$ 10.00
James Walters		Cash	10.00	Cash	10.00
(works for him)	5.00	Cash	10.00	?	4.20
J. Walters	52.50	Stamps	3.00	Al's Ranch	24.76
L.A. Press Club	24.00	Cash	10.00	Market	
J. Walters	11.00	J. Walters	37.50	Cash	20.00
Cash	10.00	Cash	10.00	J. Walters	30.00
Cash	10.00	Al's Ranch		Cash	10.00
Lucky Market	20.00	Market	14.94	J. Walters	21.50
Cash	10.00	Mr. Dousing	150.00	Cash	10.00
J. Walters	20.00	(landlord)		J. Walters	10.00
J. Walters	15.00	J. Walters	19.50	Cash	5.00
Postmaster	3.00	Cash	35.00	Craig	4.75
J. Walters	46.00	J. Walters	35.00	Pharmacy	
Cash	25.00	Thrifty	8.29		
J. Walters	13.00	Drug			

Los Angeles Social Services: Mr. Kirby filed a financial statement with the Los Angeles Social Services stating that he received income from March 31, 1965 to April 1, 1966, with a total income for his Narcotics Education Institute for \$7,445.00. Bank records indicate that from March 12, 1965 through January 26, 1966, deposits totalled \$9,099.13 for just nine months. Continuing, Mr. Allen stated that a statement that \$1150 was paid in rent cannot be substantiated inasmuch as information on hand indicates that \$800 was paid by the Associated Services of South Bay.

The statement further indicates: printing books, brochures, stationery, etc., \$2,630. Mr. Allen advised that there are two unpaid judgments during this period - Hawthorne Printing Company, on which only \$400 was paid of a \$1389 bill; the other from Burns Typesetting Service for \$63.00 for printing

Mr. Harry Levy: A letter has been received from Mr. Levy re: a promissory note for \$225.00 for rent at 11616 Hawthorne Blvd. signed by Mr. Kirby; he outlined his experience with Mr. Kirby stating that

there has never been a dime paid on this long overdue bill, with many attempts being made to collect from Mr. Kirby.

Endorsement by prominent citizens: Evidence was presented by Deputy Attorney Allen regarding the unapproved use of names of prominent people by Mr. Kirby in his various activities.

U.S. Army Medical Records: Mr. Allen found no information that Mr. Kirby had at any time been wounded in action, nor was there any such information in any of the files at the Veterans Administration.

A copy of Mr. Kirby's record indicates honorable discharge; decorations and citations: Europe, Africa, Middle Eastern theatre campaign ribbon with two service stars.

Wounds received in action: 3/8/1945, derangement of an internal left knee, the injury having occurred on March 7, 1945 when Mr. Kirby fell off a machine gun mount in Germany.

A further check of the records at the Separated Persons Record Section, St. Louis, Missouri, revealed that Mr. Kirby has been awarded the European-Asian-African campaign medal, American Defense Medal, and World War II Victory Medal. There was no record, according to Mr. Allen, of the award of the Purple Heart. On December 8, 1966, Mr. Kirby was advised by the Department of the Army, Washington, D.C., that he was not entitled to wear the Purple Heart.

Information was also received from the Veterans Administration that as of October 17, 1945 Mr. Kirby has received compensation in the amount of \$43.00 per month for a knee condition, not as a result of hostile action against an enemy (a requirement for a Purple Heart).

College Education: College education indicated on an employment application by Mr. Kirby: Boston University, two years. It has been verified that he attended Boston University Continuing Education Division from September 1948 to January 1949; Mr. Kirby was not enrolled in any degree program.-- it was a night school course in insurance.

Deputy Attorney Allen's presentation concluded and with no one else desiring to be heard, Councilman Miller moved that the hearing be closed. His motion was seconded by Councilman Wilson, and there were no objections.

MOTION: Councilman Miller moved to concur with the recommendation of the License Review Board for DENIAL of the license requested by Mr. John D. Kirby for "Project Prevention". The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable, "yes" being for denial. (Councilman Beasley absent.)

It was the comment of Councilman Wilson that it is unfortunate that the cause which Mr. Kirby elected to serve has been dealt such a devastating blow, and that future projects of this nature will have great difficulty in securing funds because of the misrepresentation of a few.

Mayor Isen stated that the evidence proved simply overwhelming, and he would hope that Mr. Kirby will not apply for any more licenses to collect funds in Torrance for whatever the cause inasmuch as he would have to be turned down as a result of the evidence presented this Council. This is a somewhat sad matter as well, the Mayor continued, in that the cause has indeed been dealt a blow -- it would have to be acknowledged, however, that Mr. Kirby demonstrates degrees of brilliance, were that it directed in the proper direction -- further, Mr. Kirby has his credentials; he does have a war record and he did fight for our country, certainly not to be belittled -- he has references from the School Districts, from dozens of churches, etc. to look at the constructive side of this matter. Nobody would criticize the cause pursued by Mr. Kirby; he undoubtedly is inspired, but, on the other hand, it would appear that he is using it as a source of livelihood, and that is not fair to the people of Torrance or any community.

It was noted by Councilman Miller that many people in this community follow what they feel is a proper cause; this makes it extremely imperative that one look into the background of the solicitors for such causes. Mr. Miller then discussed the composition of the License Review Board, and the possible need for revising same, to the end that it would be composed of lay people rather than City employees. Councilman Miller stated that he will present this matter again at the next regular Council meeting for further discussion at that time.

Councilman Sciarrotta was in agreement that this is a sad case -- the aim of the work is not to be belittled, and the action of the Council is in a direction to discourage anyone else from pursuing this cause in other than the proper manner. Mr. Sciarrotta acknowledged that Mr. Kirby had previously made a most favorable impression on him, and the entire situation is most regrettable.

Concern for the number of hours spent on this matter was expressed by Councilman Uerkwitz. He added that at the time of reviewing the License Review Board composition it might be well to give consideration to some method of expediting this type of situation.

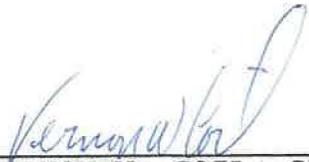
Councilman Johnson stated that he had worked very hard to make sure that Mr. Kirby had an opportunity to be heard on a very fair basis. Mr. Johnson acknowledged past interest in the program offered by Mr. Kirby, but when Mr. Kirby left the Council Chambers after dropping his "motherhood and apple pie" letter he showed his unwillingness to participate on a two-sided basis in a fair and open hearing. It seems to Mr. Johnson that Mr. Kirby wanted only to leave his impression and his thoughts in a one-sided

hearing. In Councilman Johnson's opinion, Mr. Kirby abdicated his status as a responsible citizen, and, therefore, reduced himself to a level of non-responsibility. It is on this point of non-responsibility, Councilman Johnson concluded, that he was compelled to concur with the recommendation for denial -- the Council would be abdicating its responsibility to the people of Torrance if they permitted such solicitation without proper controls.

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The meeting was regularly adjourned at 4:10 P.M.

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VERNON W. COIL, Clerk of the  
City of Torrance, California

APPROVED:

  
Mayor of the City of Torrance

Ava Cripe  
Minute Secretary

8. Council Minutes  
Adjourned Special Meeting  
November 21, 1969