



Written by [Michael Tennant](#) on August 10, 2023

## Beverly Hills Tells Rabbi to Stop Small Religious Gatherings at His Home

The city of Beverly Hills, California, has ordered an Orthodox Jewish rabbi to stop holding small religious gatherings at his home, evidence of which it gathered via police stakeouts and drone surveillance, the rabbi's attorneys allege.

On June 12, Rabbi Levi Illulian received a "Notice of Violations" letter from the city ordering him to "terminate all religious activities" at his home that include "non-residents" and threatening him with civil and criminal proceedings if he fails to comply.



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According to a [letter](#) from Texas-based Gibson, Dunn & Crutcher and First Liberty Institute to Beverly Hills Code Enforcement Attorney/Prosecutor Steven Rosenblit, Illulian hosts a variety of religious activities at his home, from weekly Shabbat services to holiday celebrations to ritual mournings for the dead. These gatherings are always limited to invited guests, primarily friends and family members.

Illulian's "Shabbat gathering began as a means of supporting an aging, home-ridden Holocaust survivor," the lawyers explained, noting that the Shabbat rules require adherents not to work or drive, so they often gather at the home of a family member or friend from Friday night to Saturday. The rabbi's holiday celebrations, such as for Passover or Purim, "are no different than a Christmas, Easter, or Halloween celebration." The ritual mournings, or Kaddish, require "the presence of 10 Jewish males over the age of 13, a minyan."

The letter states:

During any of his religious gatherings, Rabbi Illulian strives to be respectful of the community and the city's law. He therefore instructs his guests to be courteous to neighbors and has even told them to park further away from his home in order to avoid inconveniencing his neighbors in any way. He also makes sure all guests are aware of any city ordinances related to parking. Moreover, Rabbi Illulian has no plans for his gatherings to grow beyond what the home can comfortably and safely accommodate.

Someone complained to the city about Illulian's gatherings in February, alleging that they were creating parking problems, noise, and an excessive amount of garbage in the trash cans behind the house. "After spending nearly a month investigating the complaints," recounted the attorneys, "the city initially (and correctly) concluded that the alleged violations were unfounded and closed its case."

However, after receiving another complaint in March, the city reopened its investigation. "Invoking Orwellian tactics usually reserved for serious criminal investigations, city personnel engaged in multiple stakeouts of the home over many hours," reads the letter. "City officials not only tallied the number of individuals and cars coming and going from the home, but also photographed Rabbi Illulian's



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guests.” In a footnote, the attorneys further allege that the city used “aerial drones without obtaining a warrant.”

Then came the “Notice of Violations.”

“It is chilling that Beverly Hills officials have resorted to surveilling a small group of Jewish residents who meet together for worship,” Elizabeth Kiernan of Gibson, Dunn & Crutcher said in a [press release](#). “The law and Constitution protect [Illulian’s] right to host gatherings of family and friends to meet their spiritual needs.”

Illulian’s attorneys told Rosenblit that Beverly Hills’ actions violate both the First Amendment and the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), both of which require the government to treat secular and religious activities evenhandedly and to narrowly tailor any restrictions on religious activity that it makes to further a “compelling governmental interest,” courts have ruled.

The letter notes that “the number of individuals in attendance” at one of Illulian’s gatherings is “comparable to other gatherings that regularly occur in the neighborhood,” including poker nights and Christmas parties, yet these other events have been “undisturbed by threat of civil and criminal proceedings.”

“Although the city may say it’s responding to complaints by neighbors that Rabbi Illulian’s guests allegedly leave trash (in trash cans) in alleys and take up *public* street parking,” it asserts, “any such alleged interest is undermined by the secular activities that the city continues to allow, such as weekly poker nights and personal parties, which are likely to generate similar mild disturbances in the neighborhood.” (Emphasis in original.)

The letter adds that “upon information and belief, the city maintains the discretion to grant variances on the zoning requirements that it is zealously enforcing against Rabbi Illulian.” Although Illulian does not believe his gatherings require such a variance, the fact that the city can grant them means “the law isn’t generally applicable,” which would constitute a First Amendment violation.

Perhaps the strongest argument in Illulian’s favor is that the 11th Circuit Court of Appeals ruled in *Konikov v. Orange County* (2005) that a city’s attempt “to shut down minyan prayers in a rabbi’s home while allowing gatherings of a social or family-related purpose ... constituted an as-applied RLUIPA equal terms violation, especially because the city had failed to put forward a compelling government interest,” observe the lawyers. “The facts of this case,” they point out, “parallel those of” *Konikov*.

“Rabbi Illulian has a constitutional right to engage in religious exercise at his home with family or friends, free from government burden and interference,” said Ryan Gardner, counsel for First Liberty Institute. “Beverly Hills is a diverse city that should welcome this rabbi and protect his freedom to live out his faith. The city should stop its harassment of Rabbi Illulian immediately.”

Indeed, that is what the letter demands, adding that Illulian “will pursue all available legal options” if the city persists.



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