

**BEFORE THE ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD OF  
THE STATE OF CALIFORNIA**

**AB-10006**

File: 48-325750; Reg: 24094256

VALENTIN G. JIMENEZ  
dba DYNASTY CLUB,  
730-32 W. Holt Avenue  
Pomona, CA 91768  
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,  
Respondent

Administrative Law Judge at the Dept. Hearing: Matthew G. Ainley

Appeals Board Hearing: January 17, 2025  
Sacramento, CA/Videoconference

**ISSUED JANUARY 22, 2025**

*Appearances:* Appellant: Valentin G. Jimenez, of Dynasty Club, in *propria persona*,

Respondent: Jason Liu, as counsel for the Department of Alcoholic Beverage Control.

**OPINION**

Valentin G. Jimenez, doing business as Dynasty Club (appellant), appeals from a decision of the Department of Alcoholic Beverage Control<sup>1</sup> revoking appellant's license,<sup>2</sup> with revocation stayed for three years on the condition

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<sup>1</sup> The decision of the Department, dated August 29, 2024, is set forth in the appendix.

<sup>2</sup> Appellant's license was also suspended for 30 days.

that no further disciplinary action occurs, because appellant employed or permitted:

- 1) individuals to solicit or encourage others to buy them drinks under a commission, percentage, salary, or other profit-sharing scheme in violation of Business and Professions Code<sup>3</sup> section 24200.5(b);
- 2) individuals for the purpose of procuring or encouraging the purchase or sale of an alcoholic beverage, or paid them a percentage or commission for procuring or encouraging the purchase or sale of an alcoholic beverage, in violation of section 25657(a);
- 3) individuals to loiter in or about the licensed premises for the purpose of begging or soliciting patrons to purchase alcoholic beverages in violation of section 25657(b), and;
- 4) individuals to solicit the purchase or sale of drinks inside the licensed premises, or to accept drinks purchased or sold there, a portion of which was intended for the consumption or use of such individual, in violation of rule<sup>4</sup> 143.

For the reasons below, the Board finds in favor of the Department and affirms the decision.

#### FACTS AND PROCEDURAL HISTORY

The Department issued appellant's on-sale general public premises license on December 16, 1996. There are two records of prior departmental discipline against the license, but neither are relevant to the present appeal.

The Department filed its accusation on March 8, 2024 alleging the solicitation violations as described above. The administrative law judge (ALJ)

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<sup>3</sup> All statutory references are to the California Business and Professions Code unless otherwise stated.

<sup>4</sup> All references to "rules" herein are to sections of title 4 of the California Code of Regulations.

received oral evidence, documentary evidence, and evidence by oral stipulation on the record at the administrative hearing on May 14, 2024.

Evidence established that Department agents visited the licensed premises three times in an undercover capacity: March 16, 2023, March 17, 2023, and April 7, 2023.

### **March 16, 2023**

Department Agents Game, Zapata, and Ortega entered the licensed premises on March 16, 2023. They sat at the bar counter and were approached by Jimena, a bartender, who took their order. The agents ordered beers, and they were charged \$5 per beer. The agents spoke with Jimena for a bit before she left.

Another bartender, Maria Gutierrez ("Gutierrez"), approached the agents. Gutierrez asked Agent Zapata if he would buy her a drink. Agent Zapata agreed, and watched Gutierrez mix a juice and vodka for herself. Gutierrez charged Agent Zapata \$10 for her drink, which he paid.

Later, Gutierrez asked Agent Zapata if he would buy her a second drink. Agent Zapata agreed, and watched Gutierrez mix another juice and vodka. Gutierrez charged Agent Zapata \$10 for the second drink, which he paid.

### **March 17, 2023**

On March 17, 2023, Agents Game, Zapata, and Vergara entered the licensed premises and sat at the bar counter. Gutierrez was working as a bartender and greeted the agents. Gutierrez introduced the agents to Samantha Campos ("Campos") who was also working as a bartender.

Gutierrez asked Agent Game if he would buy drinks for her and Campos. Agent Game agreed, and watched Gutierrez and Campos make themselves a juice and vodka. Gutierrez charged Agent Game \$20 for the two drinks, which he paid. Agent Game also purchased a beer for himself, for which he was charged \$5.

Later, Campos asked Agent Game if he would buy her another drink, which he agreed. Campos made herself a juice and vodka and charged Agent Game \$10. Agent Game gave Campos a \$20 bill to pay for the drink, and he watched Campos make change and place some of it in her purse. Campos gave Agent Game \$10 in change. Campos later asked Agent Game to buy her a third drink, which he declined, but indicated he might do so later.

Agent Zapata asked Gutierrez if she wanted to go to the pool room and she agreed. Campos joined them. Gutierrez asked Zapata if he would buy her and Campos another round of drinks. He agreed and asked them to make him one as well. Gutierrez and Campos made three mixed drinks with juice and vodka and charged Agent Zapata \$30 for the three drinks.

Agent Zapata asked Gutierrez about working at the licensed premises and she told him she works Thursdays, Fridays, and Saturdays. He asked her about payments for the drinks, and she told him that she receives \$8 for each juice and vodka drink and that \$2 goes to the house (licensed premises). For a beer, Gutierrez receives \$7 while the house gets \$3. Gutierrez added that she only gets to drink the cheap vodka, and that if her drink includes expensive vodka, the split becomes 50/50.

A third woman, Martha Marie Sanchez-Guzman ("Sanchez-Guzman"), approached Agent Vergara at the bar counter, and identified herself as "Bianca." Sanchez-Guzman asked Agent Vergara to buy her a beer and he agreed. Agent Vergara paid with a \$20 bill, which Sanchez-Guzman took to another employee who was working the register. Sanchez-Guzman obtained a beer for herself and gave \$10 in change to Agent Vergara. Sanchez-Guzman counted out \$7 for herself, which she tucked away inside her bra.

Sanchez-Guzman later asked Agent Vergara if he would buy her another beer. Agent Vergara declined, excused himself, and exited the licensed premises. The other agents exited a little while later.

#### **April 7, 2023**

On April 7, 2023, agents Game and Zapata returned to the licensed premises while a few other agents remained outside as back-up. Sanchez-Guzman and Jimena were working behind the bar counter. Agents Game and Zapata ordered a couple of beers and were charged \$5 per beer. Agent Zapata asked Sanchez-Guzman if Gutierrez was working and was told that she would be in later.

Gutierrez and Campos entered the licensed premises some time later and began working behind the bar counter. Gutierrez approached Zapata and asked if he would buy drinks for her and Campos. Agent Zapata agreed and the two women made themselves juice and vodkas. Gutierrez charged Agent Zapata \$20 for the two drinks which he paid.

Gutierrez later asked Agent Zapata to buy her another drink and he agreed. Once again, Gutierrez made herself a juice and vodka and charged Agent Zapata \$10. Agent Game contacted the agents outside and informed them of the violations.

Gutierrez also asked Agent Zapata to buy Campos a drink and he agreed. Gutierrez mixed another juice and vodka for Campos and charged Agent Zapata \$10. Agent Zapata handed Gutierrez a \$20 bill but never received change because the back-up team entered at that point. Gutierrez and Campos took their drinks and tried to hide them from the back-up team. Agents Game and Zapata pointed out the drinks to the back-up agents before exiting with the other patrons. Agent L. Zhao took photos of the two drinks (exhibits 4 and 5).

At the hearing, appellant testified that employees are not allowed to drink alcohol and are paid by the hour, not on commission. Beers at the licensed premises are \$6 while mixed drinks are \$10.

Campos testified that her job duties are to serve drinks and pick up bottles. When customers pay, the money is placed in the register.

Gutierrez testified that she does not drink alcohol on the job and did not recall ever asking anyone to buy her a drink. She is paid \$15 per hour.

Zamora testified that she works at the licensed premises and makes sure everything is okay and that people are following the rules. She stated that appellant works two jobs, and she works the register when appellant is away. She has never seen any of the employees drinking alcoholic beverages.

The ALJ issued a proposed decision on July 1, 2024 sustaining all counts in the accusation and recommended that appellant's license be suspended for 30 days and face stayed-revocation for a period of three years. The proposed decision was adopted by the Department on August 22, 2024. The Department issued a certificate of decision on August 29, 2024.

Appellant filed a timely appeal contending that the decision is not supported by substantial evidence.

#### DISCUSSION

Appellant disputes the Department's findings that his employees solicited alcoholic beverages at the licensed premises from undercover Department agents.

This Board is required to defer to the Department's findings so long as they are supported by substantial evidence. (See *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd. (Southland)* (2002) 103 Cal.App.4th 1084, 1094 [127 Cal.Rptr.2d 652, 659] [citing *Kirby v. Alcoholic Beverage Control Appeals Bd.* (1968) 261 Cal.App.2d 119, 122 [67 Cal.Rptr. 628] ["In considering the sufficiency of the evidence issue the court is governed by the substantial evidence rule[;] any conflict in the evidence is resolved in favor of the decision; and every reasonably deducible inference in support thereof will be indulged. [Citations.]" ; see also *Kirby v. Alcoholic Bev. etc. Appeals Bd.* (1972) 25 Cal.App.3d 331, 335 [101 Cal.Rptr. 815] ["When two or more inferences can be reasonably deduced from the facts, the reviewing court is without power to substitute its deductions for those of the department."].) "Substantial evidence" is

“evidence of ponderable legal significance, which is ‘reasonable in nature, credible and of solid value.’ ” (*County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 814 [38 Cal.Rptr.2d 304, 307–308], internal citations omitted.)

In its decision, the Department rejected appellant's testimony and the testimony of his employees. (Conclusions of Law, ¶¶ 7-10.) "The trier of fact . . . is the sole judge of the credibility of the witnesses [and] may disbelieve them even though they are uncontradicted if there is any rational ground for doing so..." (*Pescosolido v. Smith* (1983) 142 Cal.App.3d 964, 970-971 [191 Cal.Rptr. 415].) The Appeals Board may not interfere with an ALJ's credibility determinations absent a clear showing of abuse of discretion.

To support its findings, the Department relied on the testimony of the agents (Conclusions of Law, ¶¶ 7-10.) The testimony established that appellant's employees solicited alcoholic beverages from the agents under a profit-sharing scheme on at least three occasions. As noted above, “we are bound to construe the evidence in the light most favorable to the ALJ's decision” and will uphold the findings so long as they are supported by substantial evidence. (*Southland, supra*, 103 Cal.App.4th at 1087.) The agents' sworn testimony constitutes substantial evidence.

Based on the above, the Department's findings regarding the violations must stand. Both this Board and the courts have consistently found that a licensee may be held liable for the actions of his agents or employees. (See e.g., *Harris v. Alcoholic Beverage Control Appeals Board* (1961) 197 Cal.App.2d 172,

181 [17 Cal.Rptr. 315] [holding that the licensee had the responsibility to see that the license was not used in violation of law].) Ultimately, appellant is asking the Board to second-guess the Department and reach a different result. Extensive legal authority prohibits this Board from doing so. (*Southland, supra*, 103 Cal.App.4th at 1094.)

ORDER

The decision of the Department is affirmed.<sup>5</sup>

SUSAN A. BONILLA, CHAIR  
MEGAN McGUINNESS, MEMBER  
SHARLYNE PALACIO, MEMBER  
ALCOHOLIC BEVERAGE CONTROL  
APPEALS BOARD

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<sup>5</sup> This final order is filed in accordance with Business and Professions Code section 23088 and shall become effective 30 days following the date of the filing of this order as provided by section 23090.7.

Any party, before this final order becomes effective, may apply to the appropriate court of appeal, or the California Supreme Court, for a writ of review of this final order in accordance with Business and Professions Code section 23090 *et seq.* Service on the Board pursuant to California Rules of Court (Rule 8.25) should be directed to: 400 R Street, Ste. 320, Sacramento, CA 95811 and/or electronically to: [abcboard@abcappeals.ca.gov](mailto:abcboard@abcappeals.ca.gov).

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF THE ACCUSATION  
AGAINST:**

VALENTIN G. JIMENEZ  
DYNASTY CLUB  
730-32 W. HOLT AVE.  
POMONA, CA 91768

ON-SALE GENERAL PUBLIC PREMISES -  
LICENSE

Respondent(s)/Licensee(s)  
Under the Alcoholic Beverage Control Act

MONROVIA DISTRICT OFFICE

File: 48-325750

Reg: 24094256

**CERTIFICATE OF DECISION**

It is hereby certified that, having reviewed the findings of fact, determination of issues, and recommendation in the attached proposed decision, the Department of Alcoholic Beverage Control adopted said proposed decision as its decision in the case on August 22, 2024. Pursuant to Government Code section 11519, this decision shall become effective 30 days after it is delivered or mailed.

Any party may petition for reconsideration of this decision. Pursuant to Government Code section 11521(a), the Department's power to order reconsideration expires 30 days after the delivery or mailing of this decision, or if an earlier effective date is stated above, upon such earlier effective date of the decision.

Any appeal of this decision must be made in accordance with Business and Professions Code sections 23080-23089. The appeal must be filed within 40 calendar days from the date of the decision, unless the decision states it is to be "effective immediately" in which case an appeal must be filed within 10 calendar days after the date of the decision. Mail your written appeal to the Alcoholic Beverage Control Appeals Board, 400 R St, Suite 320, Sacramento, CA 95811. For further information, and detailed instructions on filing an appeal with the Alcoholic Beverage Control Appeals Board, see: <https://abcab.ca.gov> or call the Alcoholic Beverage Control Appeals Board at (916) 445-4005.

On or after October 9, 2024, a representative of the Department will contact you to arrange to pick up the license certificate.



[https://abcab.ca.gov/abcab\\_resources/](https://abcab.ca.gov/abcab_resources/)

Sacramento, California

Dated: August 29, 2024

**RECEIVED**

**AUG 29 2024**

Alcoholic Beverage Control  
Office of Legal Services

Matthew D. Botting  
General Counsel

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE ACCUSATION AGAINST:

Valentin G. Jimenez  
dba Dynasty Club  
730-32 W. Holt Ave.  
Pomona, California 91768

Respondent

} File: 48-325750  
}  
} Reg.: 24094256  
}  
} License Type: 48  
}  
} Word Count: 450 (5/14/24),  
} 15,500 (5/29/24) & 3,500 (5/30/24)  
}  
} Reporter:  
} Ashley Sanchez, Sandoval Noemi  
} & Dalauna Cardoza  
} Kennedy Court Reporters  
}  
} **PROPOSED DECISION**

On-Sale General Public Premises License

Administrative Law Judge Matthew G. Ainley, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter at by videoconference on May 14, 2024, May 29, 2024, and May 30, 2024.

Jason Liu, Attorney, represented the Department of Alcoholic Beverage Control.

Valentin G. Jimenez appeared and represented himself.

The Department seeks to discipline the Respondent's license on the grounds that,

- (1) on various occasions between March 16, 2023 and April 7, 2023, the Respondent employed or permitted women to solicit or encourage others to buy them drinks in the licensed premises under a commission, percentage, salary, or other profit sharing scheme in violation of Business and Professions Code section 24200.5(b);<sup>1</sup>
- (2) on March 16, 2023, March 17, 2023, and April 7, 2023, the Respondent employed Maria, Samantha, and Bianca for the purpose of procuring or encouraging the purchase or sale of an alcoholic beverage, or paid them a percentage or commission for procuring or encouraging the purchase or sale of an alcoholic beverage, in the licensed premises in violation of section 25657(a);
- (3) on March 16, 2023, March 17, 2023, and April 7, 2023, the Respondent employed or knowingly permitted Maria, Samantha, and Bianca to loiter in or

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<sup>1</sup> All statutory references are to the Business and Professions Code unless otherwise noted.

- about the licensed premises for the purpose of begging or soliciting patrons to purchase alcoholic beverages for her in violation of section 25657(b);and
- (4) on March 16, 2023, March 17, 2023, and April 7, 2023, the Respondent permitted Maria, Samantha, and Bianca to solicit the purchase or sale of any drink inside the licensed premises, or to accept any drink purchased or sold there, a portion of which was intended for the consumption or use of such employee, in violation of rule 143.<sup>2</sup>

As is typically the case with solicitation violations, these counts overlap to some degree. (Exhibit 1.)

Oral evidence, documentary evidence, and evidence by oral stipulation on the record was received at the hearing. The matter was argued and submitted for decision on May 14, 2024.

### **FINDINGS OF FACT**

1. The Department filed the accusation on March 8, 2024.
2. The Department issued a type 48, on-sale general public premises license to the Respondent for the above-described location on December 16, 1996 (the Licensed Premises).
3. The Respondent's license has been the subject of the following discipline:

<u>Date Filed</u>	<u>Reg. No.</u>	<u>Violation</u>	<u>Penalty</u>
7/8/1998	98044016	BP §25665	10-day susp.
10/13/1999	99047453	4 CCR §§143.2(3), 143.3(1)(a), 143.3(2)	10-day susp.

The foregoing disciplinary matters are final. (Exhibits 2-3.)

### **March 16, 2023 (Counts 1-4)**

4. On March 16, 02023, Agent A. Game, Agent O. Zapata, and Agent Ortega entered the Licensed Premises. They sat at the bar counter and were approached by a bartender, Jimena, who took their order. They ordered beers, for which they were charged \$5 each. They spoke for a bit, then she left.

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<sup>2</sup> All rules referred to herein are contained in title 4 of the California Code of Regulations unless otherwise noted.

5. Another bartender, Maria Gutierrez, subsequently approached them. Gutierrez asked Agent Zapata if he would buy her a drink. Agent Zapata agreed. Gutierrez mixed a juice and vodka for herself, and charged Agent Zapata \$10, which he paid.
6. Later, Gutierrez solicited a second drink from Agent Zapata. Once again, he agreed. She mixed another juice and vodka, then charged him \$10. He paid.
7. The agents subsequently exited.

**March 17, 2023  
(Counts 5-13)**

8. On March 17, 2023. Agent Game, Agent Zapata, and Agent D. Vergara entered the Licensed Premises. They sat at the bar counter. Gutierrez was working as a bartender. She greeted them and introduced them to Samantha Campos, who was also working as a bartender.
9. Gutierrez asked Agent Game if he would buy drinks for the two of them. He agreed. They each made themselves a juice and vodka. Gutierrez charged Agent Game \$20 for the two drinks, which he paid.
10. Agent Game purchased a beer for himself. He was charged \$5.
11. Campos asked Agent Game to buy her another drink. He agreed. She made herself a juice and vodka, for which she charged Agent Game \$10. He paid with a \$20 bill, which Campos took to the register. Campos made change, placed some of it in her purse, and gave Agent Game \$10.
12. Campos asked Agent Game to buy her another drink. He declined, but indicated he might do so later.
13. Agent Zapata asked Gutierrez if she wanted to go to the pool room. She agreed. Campos joined them. Gutierrez asked Agent Zapata if he would buy Campos and her another round of drinks. He agreed and asked them to make him one as well. Gutierrez and Campos made themselves a juice and vodka each and made another juice and vodka for Agent Zapata. Gutierrez charged him \$30.
14. Agent Zapata asked Gutierrez about working at the Licensed Premises. She stated that she worked Thursdays, Fridays, and Saturdays. He asked her about payments for the drinks. She stated that she receives \$8 for each juice and vodka drink and that \$2 goes to the house. For beer, she receives \$7 and the house gets \$3. She also stated that she only

gets to drink the cheap vodka; if her drink includes the expensive vodka, then the split is 50/50.

15. Agent Vergara, while at the bar counter, was approached by a bartender who identified herself as Bianca (later determined to be Martha Marie Sanchez-Guzman). She asked him to buy her a beer and she agreed. He paid with a \$20 bill, which she took to another employee who was working the register. She obtained a beer for herself. She gave \$10 in change to Agent Vergara and counted out \$7 for herself, which she tucked away inside her bra.

16. Sanchez-Guzman asked him to buy her another beer. He declined and excused himself. He exited. The other agents exited a little while later.

**April 7, 2023**  
**(Counts 14-16)**

17. On April 7, 2023, Agent Game and Agent Zapata returned to the Licensed Premises with a number of other agents. Agents Game and Zapata entered, while the others remained outside as back-up.

18. Sanchez-Guzman and Jimena were working behind the bar counter. Agents Game and Zapata ordered a couple of beers, for which they were charged \$5 each. Agent Zapata asked if Gutierrez was working; Sanchez-Guzman said that she would be in later.

19. Gutierrez and Campos entered and began working behind the bar counter. Gutierrez approached Zapata and asked if he would buy drinks for her and Campos. Agent Zapata agreed and the two women made themselves juice and vodkas. Gutierrez charged Agent Zapata \$20 for the two drinks, which he paid.

20. Gutierrez asked Zapata to buy her another drink. He agreed. She made herself a juice and vodka. She charged Agent Zapata \$10, which he paid.

21. Agent Game informed the back-up team of the violations.

22. Gutierrez asked Agent Zapata to buy Campos a drink. He agreed. Gutierrez mixed a juice and vodka and charged Agent Zapata \$10. He handed her a \$20 bill, but never received any change because the back-up team entered at that point. Gutierrez and Campos took their drinks and tried to hide them from the back-up team. Agents Game and Zapata pointed out the drinks to the back-up agents before exiting with the other patrons. Agent L. Zhao took photos of the two drinks. (Exhibits 4-5.)

23. Valentin Jimenez testified that the employees are allowed to drink juice or water, but not alcohol. Employees are paid by the hour, not on commission. The employees denied that they had been soliciting drinks. Beers cost \$6, while drinks cost \$10.

24. Samantha Campos testified that her job duties are to serve drinks and pick up bottles. Beers cost \$6, other drinks cost \$10. When customers pay, the money is placed in the register.

25. Maria Gutierrez testified that she does not drink alcohol on the job. She did not recall ever asking anyone to buy her a drink. Beers cost \$6, mixed drinks and shots cost \$10. When customers pay, the money is placed in the register. She is paid \$15 per hour.

26. Sandra Zamora testified that she works at the Licensed Premises. She makes sure everything is OK and that people are following the rules. The Respondent works two jobs and, when he cannot be at the Licensed Premises, she is. When she works, she handles the register. She has never seen any of the employees drinking alcoholic beverages.

27. Except as set forth in this decision, all other allegations in the accusation and all other contentions of the parties lack merit.

### **CONCLUSIONS OF LAW**

1. Article XX, section 22 of the California Constitution and section 24200(a) provide that a license to sell alcoholic beverages may be suspended or revoked if continuation of the license would be contrary to public welfare or morals.

2. Section 24200(b) provides that a licensee's violation, or causing or permitting of a violation, of any penal provision of California law prohibiting or regulating the sale of alcoholic beverages is also a basis for the suspension or revocation of the license.

3. Section 24200.5(b) provides that the Department shall revoke a license "[i]f the licensee has employed or permitted any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage, salary, or other profit-sharing plan, scheme, or conspiracy."

4. Section 25657(a) provides that it is unlawful "[f]or any person to employ, upon any licensed on-sale premises, any person for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or to pay any such person a percentage or commission on the sale of alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises."

5. Section 25657(b) provides that it is unlawful “[i]n any place of business where alcoholic beverages are sold to be consumed upon the premises, to employ or knowingly permit anyone to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverages for the one begging or soliciting.”

6. Rule 143 prohibits a licensee’s employees from soliciting, in the licensed premises, the purchase or sale of any drink, any part of which is for, or intended for, the consumption or use of such employee. Rule 143 further prohibits a licensee’s employees from accepting, in the licensed premises, any drink purchased or sold there, any part of which is for, or intended for, the consumption or use of any employee.

7. Cause for suspension or revocation of the Respondent’s license exists under Article XX, section 22 of the California State Constitution, and sections 24200(a) and (b) for the violations of section 24200.5(b), section 25657(a), section 25657(b), and rule 143 alleged in counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16. (Findings of Fact ¶¶ 4-26.)

8. With respect to Gutierrez (counts 1-7 & 14-16), the evidence established that she was employed at the Licensed Premises as a bartender. On March 16, 2023, March 17, 2023, and April 7, 2023, she solicited alcoholic beverages from Agent O. Zapata and Agent A. Game for herself and for other employees. Gutierrez detailed for Agent Zapata the split of money between the employees and the Licensed Premises. (Findings of Fact ¶¶ 4-26.)

9. With respect to Campos (counts 1 & 8-10), the evidence established that she was employed at the Licensed Premises. On March 17, 2023, she solicited alcoholic beverages from Agent Game for herself. She placed some of the change for the drink in her purse. (Findings of Fact ¶¶ 8-16.)

10. With respect to Sanchez-Guzman (counts 1 & 11-13), the evidence established that she was employed at the Licensed Premises. On March 17, 2023, she solicited an alcoholic beverage from Agent D. Vergara. She placed a portion of the change for the drink in her bra strap. (Findings of Fact ¶¶ 8-16.)

### **PENALTY**

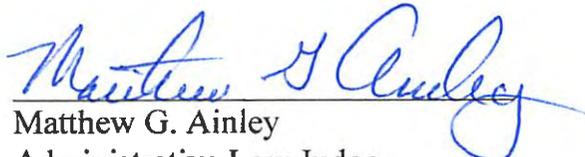
The Department requested that the Respondent’s license be revoked, with the revocation stayed for three years, coupled with a 30 day suspension. The Department noted that there were multiple solicitations over a number of days and that one employee even detailed the split between them. The Respondent disputed the underlying facts and argued that the accusation should be dismissed because his employees always follow the

rules, but did not recommend a penalty in the event that the accusation were sustained. The penalty recommended herein complies with rule 144.

**ORDER**

The Respondent's on-sale general public premises license is hereby revoked, with revocation stayed, upon the condition that no subsequent final determination be made, after hearing or upon stipulation and waiver, that cause for disciplinary action occurred within three years from the effective date of this decision; that should such determination be made, the Director of the Department of Alcoholic Beverage Control may, in his or her discretion and without further hearing, vacate this stay order and reimpose the stayed penalty; and that should no such determination be made, the stay shall become permanent. In addition, the Respondent's license shall be suspended for 30 days.

Dated: July 1, 2024

  
Matthew G. Ainley  
Administrative Law Judge

<input checked="" type="checkbox"/> Adopt
<input type="checkbox"/> Non-Adopt: _____
By: <u>J. McCallum</u>
Date: <u>08/22/24</u>