

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

**AB-10024**

File: 47-519846; Reg: 24094898

BJ's Restaurants, Inc.  
dba BJ's Restaurant & Brewhouse  
30208 Haun Road  
Menifee, CA,  
Appellant/Licensee

v.

Department of Alcoholic Beverage Control,  
Respondent,

Administrative Law Judge at the Dept. Hearing: Hon. Doris Heubel

Appeals Board Hearing: December 19, 2025  
Sacramento, CA/Videoconference

**ISSUED DECEMBER 26, 2025**

Appearances:     Ralph Saltsman, as counsel for Appellant  
  
                          Joseph Scoleri, as counsel for the Department

**OPINION**

**I. INTRODUCTION**

This appeal arises from the Department of Alcoholic Beverage Control's (Department) decision to suspend appellant's liquor license for 25 days. The suspension followed the Department's determination that appellant's employee

sold alcoholic beverages to a person under the age of 21, in violation of Business and Professions Code section 25658, subdivisions (a), (c), and (d).<sup>1</sup>

On appeal, appellant raises three arguments. First, appellant contends the Department misapplied section 25658, subdivision (c), to an ordinary retail sale of alcohol. Second, appellant asserts the Department relied on section 24200.8 even though that statute was not in effect on the date of the violation. Third, appellant argues the Department applied an incorrect definition of proximate cause under section 25658, subdivision (c).

For the reasons explained below, the Department's decision is affirmed.

## **II. FACTS AND PROCEDURAL HISTORY**

On November 14, 2024, the Department filed an accusation alleging that appellant's employee 1) sold and furnished alcoholic beverages to a minor, 2) permitted the minor to consume alcohol on the licensed premises, and 3) that the minor thereafter caused great bodily injury to herself and two others. The licensed premises is an on-sale general eating place located in Menifee, California. Appellant has held the license since 2012 and has no prior disciplinary history.

An administrative hearing was held on April 29, 2025, before Administrative Law Judge (ALJ) Doris Huebel. At the hearing, the Department presented testimony from three law enforcement officers and a department agent.

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

The Department also admitted surveillance footage, police reports, audio and video recordings of interviews, and various other documents into evidence. Appellant appeared through counsel and presented testimony from its Director of Operations as well as admitting portions of its Responsible Beverage Service (RBS) training materials and policies into evidence.

The evidence showed that on November 20, 2023, at approximately 8:19 p.m., a 17-year-old patron, Serenity Milo, and her companion, 23-year-old Jairo Perez, ordered multiple alcoholic beverages from appellant's employee, Geneive Aleman. Milo provided her true California identification card, which was vertically oriented and clearly indicated she would not reach the age of 21 until 2027. Aleman viewed the identification briefly but did not physically examine it. Aleman also asked Perez for identification; he stated he did not have his wallet, yet Aleman permitted the order to proceed. Over the next 90 minutes, Milo and Perez were served and consumed three lemon drop martinis and three double cognac shots.

The Department's evidence further established that Aleman interacted with Milo and Perez repeatedly during their visit and had multiple opportunities to observe their increasing impairment. Surveillance footage showed both patrons were swaying, holding onto one another for balance, and exhibiting other signs of intoxication as they left the premises around 10:14 p.m.

Shortly thereafter, at approximately 10:20 p.m., Milo drove a Nissan Altima out of the parking lot without headlights, and after reaching a high speed,

collided head-on with another vehicle. Milo, Perez, and the other driver, Michael Gerardi, sustained significant injuries. Law enforcement officers testified that Milo exhibited signs of intoxication at the scene, admitted to consuming alcohol at the restaurant, and later produced blood-alcohol readings of .097 and .085.

The Department's Agent, Agent Holsapple, also testified about his TRACE<sup>2</sup> investigation. After being notified on November 21, 2023, that a 17-year-old involved in an alcohol-related collision was suspected of coming from the licensed premises, he conducted a back-track investigation and prepared a written report. Agent Holsapple reviewed surveillance footage and transaction records from the licensed premises, confirmed that the identification recovered from the vehicle was Milo's valid California identification, and interviewed Perez. During that interview, Perez confirmed that Aleman served Milo alcoholic drinks. Agent Holsapple also interviewed Aleman. During that interview, Aleman admitted to serving Milo and Perez multiple alcoholic beverages. She said she looked at Milo's vertically oriented ID for only a second or two. She also acknowledged that she did not check Perez's ID after he said he did not have it with him. Holsapple also confirmed through Department records that Aleman completed the Department's RBS training in December 2022.

Following the hearing, the ALJ issued a proposed decision sustaining all five counts of the accusation, concluding that Aleman's service of alcohol to Milo violated section 25658, subdivisions (a), (c), and (d), and that appellant was

<sup>2</sup> Target Responsibility for Alcohol Connected Emergencies.

responsible for its employee's acts and omissions. The ALJ recommended a 25-day suspension. The Department adopted the proposed decision on August 11, 2025.<sup>3</sup> Appellant filed a timely appeal.

### III. STANDARD OF REVIEW

The Board's scope of review is defined by Business and Professions Code section 23084 and is further informed by the California Constitution, statutes, and relevant appellate authority. (Cal. Const., art. XX, § 22; Bus. & Prof. Code, §§ 23083, 23085.) When reviewing the Department's decision, the Board determines whether the Department proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in light of the whole record. (Bus. & Prof. Code, § 23084, subs. (b)–(d).)

Substantial evidence is evidence that a reasonable mind might accept as adequate to support a conclusion—evidence that is “reasonable in nature, credible, and of solid value.” (*County of San Diego v. Assessment Appeals Bd. No. 2* (1983) 148 Cal.App.3d 548, 555, quoting *Ofsevit v. Trustees of California State University and Colleges* (1978) 21 Cal.3d 763, 773, fn. 9; see also *Hosford v. State Personnel Bd.* (1977) 74 Cal.App.3d 302, 307.) The Board may not independently reweigh the evidence or substitute its judgment for that of the Department. (*Kirby v. Alcoholic Beverage Control Appeals Bd.* (1970) 7 Cal.App.3d 126, 129; *Reimel v. Alcoholic Beverage Control Appeals Bd.* (1967) 255 Cal.App.2d 40, 43; *Harris v.*

<sup>3</sup> The Department's decision is set forth in the appendix.

*Alcoholic Beverage Control Appeals Bd.* (1963) 212 Cal.App.2d 106, 113–114.) All conflicts in the evidence must be resolved in favor of the Department's decision, and the Board must accept all reasonable inferences supporting that decision. (*Harris, supra*, at p. 113.)

Even where error is shown, the Board may not reverse unless the appellant demonstrates that the error was prejudicial. (*Reimel v. House* (1969) 268 Cal.App.2d 780, 787.) Under the California Constitution, a decision may be set aside only if the error resulted in a miscarriage of justice. (Cal. Const., art. VI, § 13; see *Leal v. Gourley* (2002) 100 Cal.App.4th 963, 968.)

#### IV. ANALYSIS

##### 1. Business and Professions Code section 25658, subdivision (c)

Appellant first argues that the Department misapplied section 25658, subdivision (c), by treating the transaction at issue as something more than an ordinary retail sale of alcohol. Appellant maintains that subdivision (c) does not apply to licensed retailers, and that the Department was prohibited from charging or sustaining a violation of subdivision (c) based on the Supreme Court's decision in *In re Jennings* (2004) 34 Cal.4th 254.

The Department responds that appellant misstates both the statute and the holding in *Jennings*. According to the Department, subdivision (c) applies to "any person" who furnishes alcohol to a minor, and nothing in the statutory text limits its application to non-retail settings or to persons other than licensees and their employees. The Department further explains that *Jennings* interpreted an earlier

version of section 25658, subdivision (c) that applied only to a “person who purchases” alcohol for a minor. The Legislature amended the statute in 2004 to replace that narrow phrasing with the broader term “furnishes,” thereby extending subdivision (c) to the unlawful furnishing of alcohol in licensed premises.

The version of section 25658, subdivision (c) at the time of the incident read as follows:

Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to themselves or any other person, is guilty of a misdemeanor.

(Bus. & Prof. Code, § 25658, subdivision (c), Stats. 2019, c. 505 (S.B. 485), § 1, eff. Jan. 1, 2020.) This language contains no exception for commercial transactions, retail settings, or licensees. Rather, it imposes liability whenever any person unlawfully furnishes alcohol to a minor in violation of subdivision (a), and the statutory elements that follow are met.

Given this plain wording, appellant's reliance on *Jennings* is misplaced. The statute interpreted in *Jennings* is not the statute before the Board. The current version of section 25658, subdivision (c) unambiguously applies to the furnishing of alcohol by a licensee or its employees, and nothing cited by appellant supports reading into the statute a limitation that does not exist. Because employees' acts are imputed to the licensee, the Department was permitted to charge and sustain a violation of section 25658, subdivision (c) based on the conduct of appellant's server.

Accordingly, we conclude the Department did not err in determining that section 25658, subdivision (c) applied to the conduct in this case.

## **2. Business and Professions Code section 24200.8**

Appellant next argues that the Department improperly applied section 24200.8. As appellant correctly points out, section 24200.8 was not a law at the time of the incident in this case. Appellant contends the Department relied on this statute to consider post-violation events when determining whether discipline was warranted, thereby applying section 24200.8 retroactively. Section 24200.8 provides:

In determining the level of discipline for a violation of Section 25602 or 25658, the department may consider as a factor whether there is subsequent death or great bodily injury to the person who is sold, served, furnished, or given the alcoholic beverage, to any other person, or to both.

(Bus. & Prof. Code, § 24200.8.) This statute became effective on January 1, 2024. The incident in this case occurred on November 20, 2023.

The record does not support appellant's claim. As the Department notes in its reply brief, section 24200.8 was neither cited nor applied by the ALJ in sustaining the charges or determining the penalty. Instead, the ALJ relied on statutory provisions and penalty principles that long predate section 24200.8. Nothing in the proposed decision suggests that the ALJ invoked section 24200.8 to assess either liability or penalty, and appellant identifies no portion of the decision that demonstrates otherwise. Indeed, the ALJ expressly stated in her decision that "section 24200.8 is inapplicable to the matter at hand." (Proposed Decision at p. 21.)

Because the Department did not apply section 24200.8, the Board does not need to address the question of retroactivity. The penalty imposed was based solely on authority already in effect at the time of the violation and on the evidentiary findings made at hearing.

### **3. Proximate Cause**

Appellant lastly argues that the Department applied an incorrect definition of proximate cause when determining whether the minor's consumption of alcohol "thereby proximately cause[d] great bodily injury" under section 25658, subdivision (c). Appellant contends that the collision was too attenuated from the employee's service of alcohol to satisfy the statutory requirement.

The Department responds that the ALJ applied the correct standard. As noted in the Department's reply brief, the ALJ relied on the traditional definition of proximate cause, drawn from the criminal jury instruction approved in *People v. Bland* (2002) 28 Cal.4th 313. Under that standard, an act is a proximate cause of harm if it was a substantial factor in bringing about the injury and if the harm was a natural and probable consequence of the act.

Substantial evidence supports the ALJ's determination that the proximate cause requirement was met. The record shows that appellant's employee unlawfully furnished multiple alcoholic beverages to a 17-year-old minor, observed her increasing impairment, and nonetheless continued service. The minor then left the premises within minutes, drove a vehicle without headlights, and collided head-on with another car, causing great bodily injury to herself and

others. These facts support the ALJ's conclusion that the employee's unlawful service was a substantial factor in bringing about the injuries that followed.

Appellant's remaining arguments do not undermine the ALJ's reasoning. The minor's decision to drive, the presence of marijuana earlier in the evening, and other circumstances cited by appellant do not break the causal chain under the standard articulated in *Bland*. As the Department notes, none of these circumstances constitutes a superseding cause that would relieve appellant of liability.

On this record, the ALJ applied the correct legal standard and reasonably determined that the proximate cause requirement of section 25658, subdivision (c) was satisfied.

## **V. CONCLUSION**

The Department established that appellant's employee unlawfully furnished alcoholic beverages to a minor, and substantial evidence supports the Department's finding that the statutory elements of section 25658, subdivisions (a), (c), and (d), were satisfied. Appellant's arguments regarding the applicability of section 25658, subdivision (c), the Department's consideration of section 24200.8, and proximate cause lack merit. The ALJ applied the correct legal standards, and the Department's decision is supported by substantial evidence when considering the record as a whole.

**ORDER**

Pursuant to Business and Professions Code section 23085, the Department's decision is affirmed.<sup>4</sup>

MEGAN McGUINNESS, CHAIRPERSON  
HON. FRANK C. DAMRELL JR. (Ret.),  
MEMBER  
SHARLYNE PALACIO, MEMBER  
ALCOHOLIC BEVERAGE CONTROL APPEALS  
BOARD

<sup>4</sup> This final order is filed in accordance with Business and Professions Code section 23088, and it 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.

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

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

BJS RESTAURANTS, INC.  
BJS RESTAURANT & BREWHOUSE  
30208 HAUN ROAD  
MENIFEE, CA 92584-6809

**ON-SALE GENERAL EATING PLACE - LICENSE**

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

RIVERSIDE DISTRICT OFFICE

File: 47-519846

Reg: 24094898

**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 11, 2025. 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 September 24, 2025, 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 14, 2025

**RECEIVED**

**AUG 14 2025**

**Alcoholic Beverage Control  
Office of Legal Services**

Paul Tupy  
Director

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

IN THE MATTER OF THE ACCUSATION AGAINST:

BJs Restaurants, Inc.	}	File: 47-519846
Dbas: BJs Restaurant & Brewhouse	}	
30208 Haun Road	}	Reg.: 24094898
Menifee, California 92584-6809	}	
	}	License Type: 47
Respondent	}	
	}	Word Count: 39,002
	}	
	}	Kennedy Court Reporters:
	}	Court Reporter: Robin Johnson
	}	Video Host: Alex Burke
	}	
	}	
<u>On-Sale General Eating Place License</u>	}	<b>PROPOSED DECISION</b>

Administrative Law Judge D. Huebel, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter by video conference on April 29, 2025.

Bryan Rouse, Attorney, represented the Department of Alcoholic Beverage Control (the Department).

Ralph Saltsman and Adam Koslin, Attorneys, represented Respondent, BJs Restaurants, Inc. Respondent's general counsel, Kendra Miller, and senior manager, Matthew Reilly, were present.

The Department seeks to discipline the Respondent's license on the grounds that, on or about November 20, 2023:

1. the Respondent-Licensee's agent or employee, Genevieve Aleman, at said premises, violated Business and Professions Code sections 25658(a) and (c) <sup>1</sup> by furnishing, giving or giving away an alcoholic beverage to Serenity Milo, a person under the age of 21 years, after which Serenity Milo consumed the alcoholic beverage and thereby proximately caused great bodily injury to herself. (Count 1);
2. the Respondent-Licensee's agent or employee, Genevieve Aleman, at said premises, violated Business and Professions Code sections 25658(a) and (c) by furnishing, giving or giving away an alcoholic beverage to Serenity Milo, a person

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

- under the age of 21 years, after which Serenity Milo consumed the alcoholic beverage and thereby proximately caused great bodily injury to Jairo Perez. (Count 2);
3. the Respondent-Licensee's agent or employee, Genevieve Aleman, at said premises, violated Business and Professions Code sections 25658(a) and (c) by furnishing, giving or giving away an alcoholic beverage to Serenity Milo, a person under the age of 21 years, after which Serenity Milo consumed the alcoholic beverage and thereby proximately caused great bodily injury to Michael Gerardi. (Count 3);
  4. the Respondent-Licensee's agent or employee, Genevieve Aleman, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage to Serenity Milo, a person under the age of 21 years, in violation of section 25658(a). (Count 4);
  5. the Respondent-Licensee's agent or employee, Genevieve Aleman, caused or permitted Serenity Milo, a person who was then under 21 years of age, to consume an alcoholic beverage upon the above-captioned on-sale premises, in violation of section 25658(d). (Count 5).  
(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 April 29, 2025.

### **FINDINGS OF FACT**

1. The Department filed the accusation on November 14, 2024.
2. The Department issued a type 47, on-sale general eating place license to the Respondent for the above-described location on June 20, 2012 (the Licensed Premises).
3. There is no record of prior departmental discipline against the Respondent's license.
4. On November 20, 2023, at approximately 7:37 p.m. Serenity Milo and Jairo Perez entered the Licensed Premises and thereafter waited outside the premises until they were called to be seated. On that date Milo was 17 years old and Perez was 23. At approximately 8:07 pm they re-entered the Licensed Premises and the hostess escorted them to a small table in the dining room. At approximately 8:08 p.m. Respondent's waitress, Genevieve Aleman, approached them at the table and subsequently escorted them to a larger booth table, at which they sat.<sup>2</sup> Milo entered the booth first, sitting on

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<sup>2</sup> Exhibit 11 - video of interior front entrance of Licensed Premises. Exhibit 12 – video of Licensed Premises' dining room.

the inside, and Perez sat at the end of the booth. Aleman walked away and returned to their table with water and left. At approximately 8:14 p.m. Aleman returned to their table to check on them and left. Aleman returned again to their table at approximately 8:19 p.m. with an electronic tablet in hand and took Milo and Perez' drink and food orders.<sup>3</sup> Milo ordered three lemon drop martini cocktails and Perez ordered three double shots of Hennessy brandy cognac, all alcoholic beverages. They also ordered a salmon entrée, and a filet mignon entrée. Aleman entered the order into her electronic tablet, which displayed check 333 and reflected the entire order being placed at 8:19 p.m. at table 504. (Exhibit 5 – photo of BJ's guest check.) Aleman asked for their IDs. Perez informed Aleman he did not have his wallet and ID. Aleman informed him that it was okay. There was no evidence that 23-year-old Perez appeared over 30.<sup>4</sup> At 8:20 p.m. Aleman asked Milo for her identification (ID). Milo reached into her purse and retrieved her true, valid California ID card, which was in a vertical format, had her correct date of birth of January 22, 2006, a red stripe which read, "AGE 21 IN 2027," and a blue stripe which read, "AGE 18 in 2024." The ID's physical descriptors listed Milo's height at 5 feet 2 inches and weight of 110 pounds. (Exhibit 7 – color photo of Serenity Milo's California ID Card.) Milo held her ID up and Aleman glanced at the ID, while in Milo's hand, for one second without taking the ID in her own hand to properly examine it.<sup>5</sup>

5. At 8:33 p.m. Aleman served Milo and Perez their first round of alcoholic beverages (a lemon drop martini to Milo and a double shot of Hennessy brandy cognac to Perez). At about 8:35 p.m. Perez and Milo switched seats, with Perez on the inside and Milo on the outside/edge of the booth. At approximately 8:50 p.m. another server delivered food plates to Milo and Perez. Perez engaged the server in conversation, whereupon the server removed Perez' food plate from the table and walked away with it. Perez was not happy with the way his filet mignon was cooked. At approximately 8:53 p.m. Aleman returned to Milo and Perez' table, spoke with them and walked away. At 9:06 p.m. Aleman returned with Perez' food plate, placed it in front of Perez, spoke to them, and walked away. Aleman later comped Perez' filet mignon because he had complained it was not cooked to his liking. At approximately 9:08 p.m. Aleman returned to Milo and Perez' table, spoke with them at length, and then walked away. At approximately 9:13 p.m. a server wearing a green jersey placed a beverage on their table. At approximately 9:14 p.m. Aleman carried a martini glass, which she placed in front of Milo. At approximately 9:25 p.m. Aleman checked on Milo and Perez at their table and walked away.<sup>6</sup> At approximately 9:36 p.m. Aleman checked on Milo and Perez at their table and walked away. Aleman again checked on them at approximately 9:48 p.m. and again at 9:52 p.m.,

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<sup>3</sup> Exhibit 12 – video.

<sup>4</sup> Respondent's policy at the time was to request the ID of patrons attempting to purchase alcoholic beverages who appeared 30 years of age or younger.

<sup>5</sup> Exhibit 12- video.

<sup>6</sup> Exhibit 13 – video Licensed Premises' dining room.

whereupon she bent over slightly, leaned close to Milo, had a brief conversation and appeared to shake her head in the affirmative. At approximately 10:01 p.m. Aleman placed two alcoholic beverages on the table, a lemon drop martini glass in front of Milo and the second drink in front of Perez.<sup>7</sup> While seated at their table Milo and Perez ate and consumed the alcoholic beverages they were served.<sup>8</sup>

6. At approximately 10:10 p.m. as Aleman approached the table next to Milo and Perez she saw Milo and Perez get up from their table and walk away, as she was just a few feet away from them. At that time, in view of Aleman, Milo held onto Perez and they both swayed as they walked away and left the dining room.<sup>9</sup> Aleman thought they were leaving without paying and went after them. At approximately 10:11 p.m. Aleman met up with Milo and Perez near a waitress station, whereupon Perez handed Aleman what appeared to be a cash payment. Milo and Perez were holding onto each other in view of Aleman. Aleman walked across the dining room to a cash register. Aleman closed out Milo and Perez' guest check at 10:13 p.m. (Exhibit 5 – photo of BJ's guest check.) Aleman returned at approximately 10:13 p.m. and showed Perez the bill. Perez appeared to provide cash to Aleman, who gave Perez the bill and walked a few feet to the waitress station. Perez walked a few steps to the station, and Aleman gave Perez change. At approximately 10:14 p.m. Perez and Milo walked to the exit and walked out of the Licensed Premises into the parking lot.<sup>10</sup>

7. In the parking lot Milo and Perez walked to a silver Nissan Altima. At the vehicle they had a short conversation, then Milo walked to the driver side of the car and Perez to the front passenger side, whereupon Perez handed something over the top of the vehicle to Milo and they both entered the vehicle. Milo and Perez sat in the vehicle a couple of minutes before Milo started the car and waited a few minutes before she pumped the brake lights which were engaged for a couple of minutes. She turned the reverse lights on and off a few times. After a short period of time went by, at approximately 10:20 p.m., with no break lights, Milo ultimately backed the vehicle out of the parking spot and drove out of the parking lot without any headlights on.<sup>11</sup>

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<sup>7</sup> Exhibit 14 – video Licensed Premises' dining room.

<sup>8</sup> Exhibits 13 and 14 – videos.

<sup>9</sup> Exhibits 14 and 15 – videos; Licensed Premises' dining room and center dining room, respectively. Exhibit 15 - time stamp when Perez and Milo start to get up from their table is approximately 22:10:19; Aleman walking toward them at 22:10:30; Aleman repeatedly looking directly at Milo and Perez swaying as they walk away with Milo holding onto Perez beginning at approximately 22:10:39.

<sup>10</sup> Exhibits 15, 16 and 17 – videos; Licensed Premises' center dining room, interior front entrance, and exterior rear parking lot, respectively.

<sup>11</sup> Exhibit 17 – video.

8. Milo drove southbound on Menifee Road, in the number one lane, at a high rate of speed. Milo lost control of the vehicle, which crossed over and entered the northbound lane into oncoming traffic and collided head-on with another vehicle, a blue Hyundai Accent, travelling northbound on Menifee Road in the number one lane. The driver of the blue Hyundai was 64-year-old Michael Gerardi. Perez was ejected from the Nissan and landed 50 feet away in the middle of the roadway and was unconscious. Milo and Gerardi were trapped in their vehicles and were unconscious.

9. Officer Robles, with the Menefee Police Department (MPD), appeared and testified at the hearing. Officer Robles has been a sworn peace officer for approximately seven years, having worked for the MPD for the last two years. He is currently a detective assigned to special enforcement. He has received training in standard field sobriety and advance roadside impaired driving. In his experience as a police officer, he has investigated in upwards of approximately 200 DUI investigations. Officer Robles testified to his observations, investigation and findings related to the traffic accident of November 20, 2023.

10. On November 20, 2023, Officer Robles was called to the scene of the said major traffic collision involving Milo and Gerardi on Menifee Road, north of Camino Cristal<sup>12</sup> in the City of Menifee. Upon arriving at the scene, Officer Robles observed the result of the said two-car, head-on collision, with major front-end damage to both the Hyundai and Nissan. Traffic debris was scattered throughout all four lanes of the north and southbound traffic on Menifee Road. Officer Robles observed that Milo, Perez and Gerardi were all unconscious, with Milo and Perez trapped in their vehicles and Perez laying 50 feet away from the Nissan in the middle of the roadway. Fire Department and medical personnel were attending to each of them. Once the fire personnel were able to extract Milo and she regained consciousness, they sat her on the curb. Officer Robles approached Milo, upon doing so, Officer Robles smelled the odor of alcohol coming from Milo's breath and observed that her eyes were watery. Milo admitted to being drunk and having consumed alcoholic beverages. Milo appeared confused and was questioning if she had been in an accident. Officer Robles obtained her name and personal information, which revealed Milo was a juvenile. He conducted a records check which further revealed Milo had never been issued a driver's license. Eventually Milo, Perez and Gerardi were transported by ambulance to Inland Valley Regional Medical Center in the City of Wildomar. Officer Robles followed.

11. At the hospital Officer Robles obtained a statement from Milo. Milo confirmed she and Perez were at BJ's Restaurant at 30208 Haun Road in Menifee, prior to the collision. Milo said they were on their first date. Milo told him she had two "martini" shots at BJ's,

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<sup>12</sup> 495 feet south of the south curb line of New Arrowhead Drive and approximately 19 feet west of the east curb of Menifee Road.

which she ordered herself. Milo said when they left the restaurant she drove because Perez was “more drunk than me.” Officer Robles conducted a sobriety test upon Milo using a stimulus, which was the tip of his pen. On the first pass Officer Robles noticed Milo had lack of smooth pursuit in both eyes, a distinct and sustained nystagmus at maximum deviation as well as prior to 45-degree onset. Officer Robles informed Milo she would need to submit to a Preliminary Alcohol Screening (PAS) test due to her age and she agreed thereto.

12. Officer McNinch, with the MPD, appeared and testified at the hearing. Officer McNinch has been a sworn peace officer since April of 2019 and has worked for the MPD since September of 2021. He is currently assigned to patrol on the night shift. Officer McNinch received training in detecting whether persons are under the influence of drugs or alcohol, by attending a week-long Impaired Driving Apprehension Program (IDAP) hosted by the Los Angeles Police Department. He received a Field Sobriety Test Certification after completing said training. Officer McNinch thereafter gained experience as a sworn police officer investigating persons under the influence of drugs and alcohol, which experience includes many driving while under the influence (DUI) arrests. He has conducted between 50 to 100 PAS tests at traffic stops, traffic collisions and other officer stops. Officer McNinch testified to his observations, investigation and findings related to the traffic accident of November 20, 2023.

13. On November 20, 2023, at approximately 10:30 p.m., Officer McNinch was dispatched to the scene of the said major traffic collision. Upon arriving at the scene, Officer McNinch observed the result of the said two-car, head-on collision, with major front-end damage to both vehicles. Officer McNinch observed Cal-Fire providing medical aid to Perez who was still laying in the middle of the roadway. The Hyundai was located in the bushes on Menifee Road, with Gerardi trapped inside and the vehicle emitting smoke. Cal-fire was actively attempting to extract Gerardi from the Hyundai. Officer McNinch observed that Gerardi was bleeding from his head and after Gerardi was extracted from his vehicle Officer McNinch observed Gerardi’s bone protruding from his leg. The Nissan was in the middle of Menifee Road with Milo still trapped in the vehicle. After Milo, Perez and Gerardi were transported by ambulance to the hospital, Officer McNinch followed.

14. Officer McNinch drove to the Inland Valley Regional Medical Center and performed two PAS tests upon Milo, two minutes apart, with results of .097 BAC (blood alcohol content) at 11:58 p.m. and .085 BAC at midnight. Officer Robles placed Milo under arrest for DUI. A Mcknealy warrant was served on Milo and thereafter a phlebotomist was ordered to do a blood draw on Milo. (Exhibit 2 - Officer McNinch Report, 2 pages; Exhibit 3 - Officer Robles report, 12 pages.)

15. At approximately 1:18 am on November 21, 2023, an American Forensic Nurse M. Camacho arrived in Milo's hospital room and Milo voluntarily submitted to the blood draw, which blood was later booked into evidence at the MPD. Milo's nurse advised Officer Robles that Milo had a broken lumbar disc. Officer Robles attempted to speak with Perez and Gerardi, but both were heavily sedated and unable to provide statements. Separate MPD authorizations for use and disclosure of medical records were completed. Hospital staff informed Officer Robles that Perez suffered a brain bleed and was pending surgery, and that Gerardi had a fractured knee and ankle and would require surgery. (Exhibit 3 – Officer Robles report.)

16. Officer Balcazar, with the MPD, appeared and testified at the hearing. He has been a sworn peace officer for approximately 11 years, initially with the San Bernardino PD for approximately five years, then approximately four and one-half years with the MFD, and currently with the Murietta PD for approximately two months. Officer Balcazar testified to his observations, investigation and findings related to the traffic accident of November 20, 2023.

17. On November 20, 2023, Officer Balcazar was working the traffic division of the MPD. At approximately 10:30 p.m. Office Balcazar was assigned as the main investigator to the said major traffic collision. He arrived on scene at approximately 10:39 p.m. Eventually the Nissan and Hyundai were towed to the MPD station as evidence. Based on Officer Balcazar's investigation he concluded that Milo displayed the objective signs and symptoms to be under the influence of alcohol in violation of CVC 23152 (a) DUI with an associated factor of CVC 22350 basic speed. Officer Balcazar's investigation revealed Perez' injuries included brain swelling and a fractured right ankle. Milo had lower back pain and possible spinal fracture. (Exhibit 4 – Officer Balcazar's Report, 6 pages; Exhibit 8 – Office Balcazar's Supplemental Report, 8 pages.)

18. On November 25, 2023, Officer Balcazar interviewed Genevieve Aleman in the outdoor patio of the Licensed Premises about her service of alcoholic beverages to Milo and Perez on November 20, 2023. Aleman said she was 21 years old. She told him she worked for BJ's for two years having transferred from the Moreno Valley BJ's Restaurant to the Menifee BJ's Restaurant, at which she was a new employee. Aleman said the Respondent has a policy to serve only two drinks an hour to customers. Aleman acknowledged serving Milo and Perez on November 20, 2023, and that they ordered and drank three alcoholic beverages each, with Milo consuming three Lemon Drops and Perez three double Hennessey's with a Pepsi. Aleman claimed she checked their IDs and claimed she made sure they were 21 years old. Aleman had a difficult time remembering whether Milo's ID card was in the vertical or horizontal format and eventually claimed it was horizontal. Aleman claimed Perez showed her his ID on his cellular phone. Aleman asked Officer Balcazar if Milo and Perez were both 21 years old. Aleman said she did

not personally know Milo and Perez. (Exhibit 6 – Officer Balcazar’s Bodycam interview of Aleman; Exhibit 8 – Office Balcazar’s Supplemental Report.)

19. On December 8, 2023, Officer Balcazar conducted a search of the Nissan Altima and located Milo’s true California ID card. (Exhibit 7 – color photo of Serenity Milo’s California ID Card.) It was the only ID he found of Milo’s during his investigation. Gerardi provided his medical records to Officer Balcazar. Gerardi sustained multiple injuries as a result of the traffic collision including broken legs, a spinal fracture, fractured ribs, and an orbital fracture. (Exhibit 8 – Office Balcazar’s Supplemental Report.)

20. Department Agent Holsapple appeared and testified at the hearing. Agent Holsapple has been a sworn peace officer for approximately 15 years. His current assignment with the Department is in the TRACE<sup>13</sup> unit. TRACE receives notification from first responders to alcohol-related emergencies when an incident involves a person under 21 and alcoholic beverages, which result in great bodily injury or death. TRACE also receives notifications of people over 21 years of age in which they are arrested for vehicular manslaughter or murder. TRACE conducts back track investigations to determine if minors are served or persons are overserved alcoholic beverages at a Department licensed premises and whether persons or premises should be held accountable for either the sales and service to minors or service to an obviously intoxicated person.

21. On November 21, 2023, Agent Holsapple received information from MPD Sergeant Bloch about the above-described major traffic collision. Sergeant Bloch advised him that Milo was involved in the traffic collision, she was 17 years old and was suspected of coming from the Licensed Premises. Agent Holsapple immediately conducted an investigation into said matter on November 22, 2023, and later wrote a report of his investigation. (Exhibit 20 – ABC 333 Investigation Report with attachments.)

22. On November 22, 2023, Agent Holsapple went to Milo’s residence located at 27922 Hide Away Ct., in Menifee, California and spoke with Milo’s father, David Milo. Agent Holsapple requested to speak with Serenity Milo. David Milo informed agent Holsapple he was in the process of getting an attorney for his daughter and that until he hired an attorney Serenity would not be speaking with law enforcement. David Milo said that Serenity Milo’s belongings were still in the Nissan Altima, including her true, vertically oriented California ID card. David said that Serenity only had a learner’s permit on November 20, 2023.

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<sup>13</sup> Target Responsibility for Alcohol Connected Emergencies (TRACE).

23. In early January of 2024, Agent Holsapple received from Officer Balcazar a photograph of Milo's California ID card. (Exhibit 7.) Agent Holsapple conducted a search<sup>14</sup> through the CLETS<sup>15</sup> law enforcement resources and obtained a DMV Cal-Photo for Milo. (Exhibit 9.) The MPD provided Agent Holsapple with all the video surveillance footage from November 20, 2023, which the MPD had obtained through a search warrant to the Licensed Premises. (Exhibits 10, 11, 12, 13, 14, 15, 16, and 17.) Agent Holsapple reviewed each video and was able to identify Milo, Perez and Aleman in said videos. Based on his investigation Agent Holsapple determined the time stamps in the videos were accurate.

24. Agent Holsapple interviewed Jairo Perez on January 3, 2024, at a Starbucks Coffee store located in Sacramento. Agent Holsapple audio recorded the interview. (Exhibit 20 – ABC 333 Investigation Report; Exhibit 18 audio recording of interview<sup>16</sup>.) Perez was using crutches, and his mother accompanied him to physically assist him. Perez said that he was still having physical complications from the injuries he sustained from the traffic accident. He said January 3rd was the first day since the traffic collision he had been out of bed due to still recovering from his injuries. Perez was unable to write because of his injuries, so Agent Holsapple wrote down Perez' statement on a Witness Affidavit form (ABC-147) at Perez' request. Agent Holsapple wrote verbatim what Perez said. Perez reviewed the affidavit and verified it as accurate and complete. Perez signed the affidavit despite pain in his hand. Perez provided Agent Holsapple with his diagnosis from the hospital. Perez's injuries from the November 20, 2023, traffic collision included, but were not limited to, an abdominal contusion, multiple abrasions, fracture to his right ankle, a head contusion, nasal fracture, occipital skull bone fracture with loss of consciousness, traumatic hemorrhage, arterial hypotension, hypoxia, and a broken tooth. (Exhibit 20 at page 21 - photo of Perez' hospital diagnosis printout.)

25. Perez said that he could not recall anything that happened after the car accident, except that he recalled Milo had visited him at the hospital once. He said their conversation was brief because he had to go into surgery, and Milo was mostly apologizing to him. While Perez had some recollection of the events prior to the accident, there were a few details he could not recall. Of the things he did recall, Perez said he and Milo had met at a Halloween party in 2023. November 20, 2023, was the first time Perez and Milo got together as friends thereafter. They had made reservations at BJ's Restaurant. After arriving at the Licensed Premises and looking at the menu Perez

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<sup>14</sup> In March of 2025.

<sup>15</sup> California Law Enforcement Telecommunications System (CLETS) is a computerized network which connects law enforcement and criminal justice agencies in California to databases.

<sup>16</sup> Agent Holsapple testified that for some reason at the time of the interview the audio recording of Perez' interview stopped approximately 17 minutes into the interview.

and Milo discussed ordering alcoholic beverages. When waitress Aleman took their alcohol drink orders Perez told Aleman he did not have his wallet and ID. Perez confirmed that Aleman asked Milo for her ID, which Perez said Milo retrieved from her wallet and displayed to Aleman. Perez said Aleman was “cool with it.” Perez recalled that he and Milo ordered alcoholic beverages, but did not recall the names of the drinks, only that Milo’s had vodka in it and it was in a martini glass, and he had gotten a dark alcoholic beverage. He recalled he ordered a steak, but did not recall what Milo ordered to eat. Agent Holsapple showed Perez a copy of the BJ’s guest check (Exhibit 5), and Perez confirmed that it listed what they ordered that night and that he paid cash. Perez recalled he had refused the filet mignon when it was initially brought to the table because it was not cooked per his request. (Exhibits 18 and 20.)

26. Agent Holsapple, with Agent Alcazar, interviewed Genevieve Aleman on February 9, 2024, in an outdoor patio of an expresso bar in Moreno Valley per Aleman’s request. Agent Holsapple audio recorded the interview. (Exhibit 19.) Agent Holsapple read Aleman her Miranda rights. She acknowledged she understood each of her rights and proceeded with the interview. Aleman said she did not currently work for BJ’s Restaurant Inc. She clarified she had worked for BJ’s Restaurant for three years and two days as a server. She first worked three years at the BJ’s Restaurant in Moreno Valley and thereafter transferred to the Menifee BJs Restaurant, where she worked two days, with November 20, 2023, being her second day of employment at the Licensed Premises. Aleman said she was a server at both locations for the entire three years. While employed she received Responsible Beverage Service (RBS) training through the Department. Agent Holsapple confirmed Aleman’s RBS training with the Department records, which reflected she completed the same as of December 6, 2022. (Exhibit 20 at page 25 depicts those search results.)

27. Aleman said that on November 20, 2023, she worked as a server at the Licensed Premises until closing and that it was a pretty busy night. Aleman said Perez and Milo were seated at a smaller table and she offered to move them to a larger booth because they were originally seated on the same side of the smaller table. Aleman confirmed that Milo ordered three Lemon Drop cocktails and Perez ordered three double shots of Hennessey Cognac with Pepsi. Aleman said she requested ID from both Milo and Perez. She said Perez told her he did not have his wallet and ID on him. Aleman said she forewent checking Perez’s ID because she claimed Perez looked older to him, and she told him it was “okay” she did not check his ID. Aleman said that BJ’s policy is to check ID if someone appears under 30. Aleman said she then asked Milo for her ID. She acknowledged that Milo pulled her ID out of her wallet, reached her hand out, holding the ID up, and Aleman leaned in for about a second or two to look at the ID. Aleman

said that Milo showed her a California ID that was in vertical format.<sup>17</sup> Aleman did not recall the birth date on the ID. Agent Holsapple showed Aleman a color photo of Milo's valid California ID, which Aleman said it appeared to be the same ID Milo showed her on November 20, 2023. Aleman then claimed it was not the same ID because she claimed seeing a different date of birth. Aleman later claimed that she may have made a mistake when looking at the red and blue bars on Milo's ID, mistaking that it indicated Milo was of age to purchase alcoholic beverages. Aleman said she did not ask Milo and Perez any questions during her process of identifying whether Perez and Milo were 21 years of age or older (other than asking for their IDs). Aleman said the reason she asked Perez and Milo for ID was because Milo looks young. She said Perez ordered the steak and Milo ordered the salmon entre and they were in the restaurant for about two and one-half hours or so. Agent Holsapple showed Aleman a copy of Perez and Milo's BJ's guest check, which she confirmed as correct. (Exhibit 5.) Aleman claimed that she served the first and second round of alcoholic beverages to Milo and Perez and that another staff member served the last round. Aleman said Milo and Perez completely consumed their first two rounds of alcoholic beverages. She claimed they did not fully consume their third round of alcoholic beverage, that Milo consumed 25 percent of her drink and Perez consumed 75 percent of his. Aleman acknowledged that in the beginning when she approached Milo and Perez she smelled marijuana and thought they had been smoking marijuana before they came into the restaurant. She chose to serve them alcohol despite her observations.

**(Respondent's Witness)**

28. Beth Velarde appeared and testified at the hearing. Ms. Velarde has worked for BJ's Restaurants, Inc. for 17 years. From August of 2012 to February 12, 2013, she was assistant manager at the Licensed Premises and was part of the opening management team for the Licensed Premises. Thereafter Ms. Velarde did not have any oversight over the Licensed Premises between February 13, 2013, to December 31, 2024. Ms. Velarde became aware of the said violation in December of 2024. Ms. Velarde was promoted to Director of Operations (DO) in December of 2016. She began overseeing the Licensed Premises as of January 1, 2025. As the DO Ms. Velarde is currently responsible for overseeing six BJ's Restaurants. Her job duties include overseeing the day-to-day operations of the restaurants, advising the management team with team member issues, she is in charge of enforcing and following-up on safety and sanitation procedures, rollouts or initiatives, hiring, training and the financial reporting (making sure the restaurants are hitting targets). Ms. Velarde is a long-time resident of the City of Menifee and is very familiar with it.

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<sup>17</sup> The video surveillance time stamp beginning with 20:19:40 to 20:20:59 depicts the instance where Aleman approaches the Milo and Perez' table, Aleman takes their drink order, requests their ID and Milo displays her ID to her. (Exhibit 12.)

29. BJ's Restaurants Inc.'s alcohol training policy begins on day one for new hires, in orientation where the general manager reviews the Responsible Alcohol Service (RAS) policy and identifies procedures. Manager, bartenders and servers learn about RAS since they are involved with alcohol service. The RAS policy trains team members on standards for carding guests who appear 35 years of age or under<sup>18</sup> who are ordering any type of alcohol, which includes physically holding and examining the ID for authenticity markers, its quality, expiration date, photograph and date of birth. Due to the violation at hand, the RAS policy was revised in November of 2024, requiring all vertical IDs be reviewed by a manager for their approval prior to serving alcohol. Prior to the revision the latter was not required. Also prior to the revision team members had the discretion to card guests who they believed appeared 30 years of age or under. (Exhibit E at pages 2 to 8.)

30. BJ's Restaurants, Inc. has safety topics and daily briefings. Each month there is a safety topic for all the restaurants across the company, on topics ranging from kitchen safety to alcohol awareness, where the management team reviews the information with team members during a briefing on each shift (lunch and dinner) and employees must acknowledge and sign off on each safety topic for that month. There was a safety topic training emphasized in the month of November 2024 relating to RAS. (Exhibit E at page 1.) The safety topics regarding RAS recurs every November. (Exhibits E and C.)

31. As a result of the violation on November 20, 2023, Aleman's employment was terminated for the said violation and BJ's Restaurants Inc. requires servers, take-out, and bartender team members to sign off on the RAS daily briefings. This includes but is not limited to team members acknowledging they understand their employment will be terminated if they fail to verify a guest is of legal age before serving alcohol and they may receive a citation from local law enforcement. The Respondent produced a sampling of Daily Briefing sign off sheets for various days and shifts. (Exhibit A – reflecting dates from May 8 through 14, 2024, August 23 through 27, 2024, and September 21 through 30, 2024.) Ms. Velarde testified that the RAS policy will come up in team member briefings approximately eight to 10 times a year. The Respondent produced two samples of Weekly Team Member Briefs which related to the RAS policy for other weeks. (Exhibits F and G.)

32. BJ's Restaurants, Inc. recently added in March of 2025, a digital RAS acknowledgment for team members to sign for all of its restaurants nationwide, including the Licensed Premises. It requires team members to acknowledge the RAS policy digitally on the POSi cash register sales system when they clock in. (Exhibit B.)

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<sup>18</sup> The policy prior to November of 2024 was 30 years of age or under.

33. BJ's Restaurants also distribute emails to each restaurant's management of reminders during specific times of the year, including reminders to take the RAS policy seriously with the upcoming holidays, and instructs management to review such policy with team members. (Exhibit C.)

34. Part of the RAS policy discusses "Liquor Liability," which provides that, "BJ's Restaurants, Inc. recognizes that service of alcohol is a privilege granted to it by the communities in which it operates and, with this privilege, comes the responsibility to take positive steps to prevent over-consumption and the risks associated with driving under the influence. No manager or team member of the Company shall serve alcohol to a person who is a minor, visibly intoxicated, ...or without proper identification. It is the responsibility of every team member involved with the serving of alcohol beverages to be familiar with the signs of intoxication and the terms of this policy." Under "Checking Identification," the policy states that "team members "may not serve alcohol to a person (a) who is a minor or (b) who appears 30 years and under and who does not present proper identification." (Exhibit C at page 3.) The RAS policy further states, under "Signs of Intoxication," "Count alcoholic beverages but be aware that guest may have consumed alcohol prior to being served by you, that alcohol affects each individual differently, and that the same number of drinks may affect an individual differently today than it did yesterday. The effects of alcohol may differ depending on the guest's size, gender, or mood, the time of day, how much food the guest has consumed and when the food was consumed, how fast the guest has consumed alcoholic drinks, the alcohol per volume of the drinks consumed, the types of mixers used, and use of other medications or drugs, among other factors." "Team members who sell or serve alcoholic beverages must be aware of the following signs of intoxication: Decreased coordination, staggering, swaying while attempting to stand still, holding on to a bar, chair, etc. to avoid falling." (Exhibit C at page 6.) That policy goes on to state that team members should notify management if a guest has had too much too drink and the manager "must determine if a visibly intoxicated guest has a designated driver and, if not, offer to call a cab." (Exhibit C at page 7.)

35. The Respondent presented an email sent to management on November 8, 2023, which included an attachment of a color photograph of BJ's Restaurants specific glassware used for alcoholic and non-alcoholic beverages. (Exhibit C at page 2.) This glassware is used at the restaurants throughout California. This was done to ensure that any server or manager would know just by looking at the glassware whether or not it contained alcohol, and thus would require the team member to verify the ID of the person being served. Ms. Velarde did not know whether this glassware change had been effective at the Licensed Premises on November 20, 2023, and said that a lemon drop alcoholic beverage would have either been served in the martini glass or the coupe glass on that

date. After the new specific glassware changes were made the lemon drop alcoholic beverage was switched from a martini glass to a coupe glass.

36. BJ's Restaurants also distributes emails to each restaurant's management which contain specific Weekly Action Items to be distributed to management and team members to review on their own. For the week of July 12 to 18, 2023 the RAS policy was the Weekly Action Item topic briefing item. (Exhibit D at pages 1, 2 and 8.)

37. Ms. Velarde acknowledged that the Licensed Premises' lemon drops contain vodka, and are a vodka-based drink.

### **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 25658(a) provides that every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

4. Section 25658(c) provides that any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to themselves or any other person, is guilty of a misdemeanor.

5. Section 25658(d) provides that any on-sale licensee who knowingly permits a person under 21 years of age to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under 21 years of age, is guilty of a misdemeanor.

6. 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) on the basis that on November 20, 2023, Respondent's employee, bartender Genevieve Aleman, inside the Licensed Premises, sold, furnished, gave or caused to be sold furnished or

given alcoholic beverages to Serenity Milo, a person under the age of 21, in violation of Business and Professions Code section 25658(a). (Count 4.) (Findings of Fact ¶¶ 2, 4-6.)

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) on the basis that on November 20, 2023, Respondent's agent or employee, Genevieve Aleman, caused or permitted Serenity Milo, a person who was then under the age of 21 years, to consume alcoholic beverages upon the Licensed Premises on-sale premises, in violation of section 25658(d). (Count 5.) (Findings of Fact ¶¶ 2, 4-6.)

8. 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) on the basis that on November 20, 2023, Respondent's employee, Genevieve Aleman, at said premises, violated sections 25658(a) and (c), by furnishing, giving, or giving away alcoholic beverages to Serenity Milo, a person under the age of 21 years, after which Serenity Milo consumed the alcoholic beverages and thereby proximately caused great bodily injury to herself, to Jairo Perez and to Michael Gerardi. (Counts 1, 2 and 3.) (Findings of Fact ¶¶ 2, 4-29, 34-37.)

**(Proximate Cause)**

9. CALJIC No. 17.19.5 (2025 rev.) defines a proximate cause of great bodily injury or death as "an act or omission that sets in motion a chain of events that produces as a direct, natural and probable consequence of the act or omission the great bodily injury or death and without which the great bodily injury or death would not have occurred."

10. The preponderance of the evidence established that despite Aleman's acknowledgement that 17-year-old Milo looked young, Aleman, with utter disregard for policy, took Milo's order of three lemon drop martini alcoholic beverages at 8:19 p.m., without diligently looking at Milo's true, vertically-oriented minor's ID, which alone was a red flag. Thereafter Respondent's employee furnished all cocktails to Milo, within one and one-half hours. Milo thereafter consumed that alcohol, exited the Licensed Premises impaired and some minutes later thereby proximately caused great bodily injury to herself, Jairo Perez, and Michael Gerardi. Aleman's act of furnishing excessive alcoholic beverages to a slight underaged Milo, whom she observed to be impaired, set in motion a chain of events that produced as a direct, natural and probable consequence of the act, Milo's impairment and great bodily injury and without which the great bodily injury would not have occurred.

11. The Respondent did not dispute the section 25658(a) and (d) violations in counts 4 and 5.

12. The Respondent argued that counts 1, 2 and 3 relating to section 25658(c) should be dismissed, citing AB-9158.<sup>19</sup> The Respondent argued that subsection (c) was not intended to apply to a retail licensee or hold a licensee responsible but is intended to hold responsible the person furnishing or giving alcohol to a minor, someone other than a retail seller because subsection (c) does not contain the word “sell.”

13. This argument is rejected. “The holder of a liquor license has the affirmative duty to make sure that the licensed premises are not used in violation of the law and the knowledge and acts of his employees are imputable to the licensee.”<sup>20</sup>

14. A licensee cannot draw any protection from its lack of knowledge of violations committed by its employees or from the fact the licensee has taken reasonable precautions to prevent such violations. “There is no requirement . . . that the licensee have knowledge or notice of the facts constituting its violation.[Citations.]” (*Reimel v. Alcoholic Beverage Control Appeals Bd.* (1967) 252 Cal.App.2d 520, 522 [60 Cal. Rptr. 641].) This principle has given rise to several corollaries. A single act is sufficient to justify a suspension. (*Reimel supra*, at p. 523 [bartender took a bet]; *Harris supra*, at p. 172 [employee directed customer to a house of prostitution].) The licensee can have actual or constructive knowledge to be found to have permitted unacceptable conduct. *Laube v. Stroh* (1992) 2 Cal.App.4th 364, 377.

15. The Respondent did not dispute that Milo showed her valid, vertically oriented minor’s California ID to Aleman, its employee, who only looked at the ID for one second without handling it and examining it herself. While there was testimony presented that a male server furnished one of the lemon drops to Milo,<sup>21</sup> the video surveillance depicts that Aleman furnished all three martini beverages to Milo, not just two as Aleman claimed.<sup>22</sup> Regardless, Respondent’s employee(s) furnished a total of three alcoholic

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<sup>19</sup> *RA Sushi Torrance Corp. v Dept of ABC* (Feb. 28, 2012) AB-9158 at page 10.

<sup>20</sup> *Morell v. Department of Alcoholic Beverage Control* (1962) 204 Cal. App. 2d 504, 514, [22 Cal. Rptr. 405, 411]; *Munro v. Alcoholic Beverage Control Appeals Board* (1960) 181 Cal.App.2d 162, 164 [5 Cal.Rptr. 527]; *Givens v. Department of Alcoholic Beverage Control, supra*, 176 Cal.App.2d 529, 534; *Fromberg v. Department of Alcoholic Beverage Control* (1959) 169 Cal.App.2d 230, 234 [337 P.2d 123]; *Mantzoros v. State Board of Equalization* (1948) 87 Cal.App.2d 140, 144 [196 P.2d 657]; *Swegle v. State Board of Equalization, supra*, 125 Cal.App.2d 432, 438; *Mercurio v. Department of Alcoholic Beverage Control, supra*, 144 Cal.App.2d 626, 630; *Cooper v. State Board of Equalization* (1955) 137 Cal.App.2d 672, 678 [290 P.2d 914]; *Endo v. State Board of Equalization* (1956) 143 Cal.App.2d 395, 401-402 [300 P.2d 366].

<sup>21</sup> Agent Holsapple based on his viewing the video footage, and his interview of Aleman.

<sup>22</sup> The record, including the surveillance video evidence, clearly established that Aleman served Milo all three lemon drop martinis, despite Aleman’s claim otherwise. (Exhibit 13 at 20:33:11 - 1<sup>st</sup> martini glass Aleman places in front of Milo, which Milo pulls toward her while Milo is

beverages to Milo, which the Respondent did not dispute and which beverages its own witness testified contained vodka. Assuming for the sake of argument the male server did furnish Milo with a lemon drop, that male server did not ask to see Milo's ID before serving her the alcoholic beverage, despite Milo's youthful appearance. Either way, Aleman and the male server's actions and knowledge are imputed to the Respondent.

16. In determining the credibility of a witness, as provided in section 780 of the Evidence Code, the administrative law judge may consider any matter that has any tendency in reason to prove or disprove the truthfulness of the testimony at the hearing, including the manner in which the witness testifies, the extent of the capacity of the witness to perceive, to recollect, or to communicate any matter about which the witness testifies, a statement by the witness that is inconsistent with any part of the witness's testimony at the hearing, the extent of the opportunity of the witness to perceive any matter about which the witness testifies, the existence or nonexistence of any fact testified to by the witness, and the existence or nonexistence of a bias, interest, or other motive.

17. The Respondent and Aleman's contentions that (1) Milo appeared 21 years of age, (2) Aleman recalled the date of birth on Milo's ID, (3) Aleman did not observe Milo and Perez to be impaired, (4) that Milo's ID as depicted in exhibit 7, was not the same ID Milo showed Aleman on November 20, 2023, with the intimation that Milo had shown a fake ID to Aleman, and (5) the lemon drops served to Milo did not contain alcohol, and are disbelieved for the following reasons.

18. Aleman's statements were not credible because she made inconsistent statements during the interview with Agents Holsapple and Alcazar and exhibited a bias or motive to protect her own interests. When asked why Aleman asked for Perez and Milo's IDs, she said it was because Milo looks young. Aleman referred to Milo as a "girl," in both her interviews with Agent Holsapple and Officer Balcazar. Aleman later claimed to Agent Holsapple she believed Milo was the same age as herself, 21 years old.

19. During her interview with Agents Holsapple and Alcazar, Aleman initially admitted she did not recall the date of birth listed on Milo's vertical ID. Thereafter, when shown a color photo of Milo's true CA ID, Aleman said it looked like the same ID. She then claimed she remembered seeing a different date of birth. Later Aleman claimed that she may have made a mistake when looking at the red and blue bars on Milo's ID mistaking that it indicated Milo was of age to purchase alcoholic beverages. There is no evidence

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seated inside the booth; Exhibit 13 at 21:14 – Aleman places the second martini glass on the table near and in front of Milo, who is now seated at the end of the table after having switched seats with Perez at approximately 20:35:43; Exhibit 14 at 22:01:08 – Aleman places two drinks, a martini glass in front of Milo and another drink in front of Perez).

that Milo had shown Aleman a fraudulent ID. A search of the Nissan vehicle Milo drove, which was impounded after the accident, resulted in only one ID being found, Milo's true CA ID card. The weight of the evidence indicates that Milo showed Aleman her true and valid California ID on November 20, 2023.

20. The preponderance of the evidence established that Milo and Perez were impaired in the Licensed Premises after consuming alcohol therein. Milo had consumed three vodka-based martini cocktails in a short period of time, for her small stature and build. Perez had also consumed all three of his distilled spirits in that short time. Approximately 15 minutes after Milo left the Licensed Premises, Officer Robles, at the scene of the accident, smelled the odor of alcohol on Milo's breath. Milo admitted to him she was drunk and said that Perez was "more drunk than [her]." With Milo's BAC level high just one and one-half hours after leaving the Licensed Premises, it is more likely than not that her impairment and BAC level were even higher while inside the Licensed Premises. Aleman had a plethora of opportunity to observe Milo and Perez' impairment based on her numerous interactions with them after serving them distilled spirits. At approximately 9:52 p.m. Aleman approached their table, bent over slightly and leaned close to Milo and had a brief conversation with her. At that distance Aleman should have smelled the alcohol on Milo's breath as she had already consumed two lemon drop martinis, since it was more likely than not that Milo was requesting their third round of drinks because Aleman shortly thereafter brought their last drink order to them. Aleman also stated she observed them when they got up from their table and walked away. At approximately 10:10 p.m. the video depicts as Milo and Perez were getting up from their table Aleman approached the table next to Milo and Perez and was just a few feet away from Milo and Perez. At that time, the video shows Aleman repeatedly looking at them with Milo holding onto Perez and both of them swaying as they walked away. Milo was also hanging onto Perez in view of Aleman when Aleman approached them at the waitress station after going after them. These are signs of intoxication which Respondent's RAS policy covers, and which, based on Ms. Velarde Respondent's team members would have been trained on. Aleman interacted closely with Perez in payment of the bill and would thusly have an opportunity to observe these signs of intoxication.

21. On cross-examination of Agent Holsapple, Respondent's counsel posed questions about Milo's street address on exhibit 7 reflecting "Hide Away Ct." as opposed to her DMV Cal-Photo address in exhibit 9, with the intimation that the "Hide Away Ct." address was a fake address. Agent Holsapple credibly testified that on November 22, 2023, he went to Milo's residence located at 27922 Hide Away Ct., in Menifee, California and spoke with Milo's father, David Milo.

22. The preponderance of the evidence established that the lemon drops served to Milo at the Licensed Premises did contain alcohol. Respondent's own witness, Ms. Velarde,

acknowledged that the Licensed Premises' lemon drops are a vodka-based drink, a distilled spirit as the key ingredient. There was no credible evidence whatsoever that Milo ordered a non-alcoholic drink. Aleman admitted she asked to see Perez and Milo's IDs after they ordered their beverages because Milo looked young, and Aleman claimed she confirmed they were 21 years of age. The video footage shows Milo displaying her ID to Aleman. Aleman would not have asked to see Milo's ID if Milo had ordered non-alcoholic drinks. Milo even displayed impairment in the Licensed Premises parking lot, engaging the brake and the reverse lights on and off and failing to turn on the headlights in the dark of the evening when she drove off. Again, at the scene of the accident, Officer Robles smelled the odor of alcohol on Milo's breath, after she had exited the Licensed Premises. There also was Milo's admission to Officer Robles to being drunk and having consumed martini shots at the Licensed Premises. Non-alcoholic beverages would not make her drunk and impaired.

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

### **PENALTY**

1. The Department recommended a 30-day suspension of Respondent's license, which it said is consistent with rule 144's guideline penalties and based on the totality of the circumstances specific to the case. The Department argued the aggravation counterbalances Licensee's mitigation. The Department cited the following aggravating factors: (1) the lack of due diligence by the Licensee and its employees, (2) the age and appearance of the 17-year old juvenile, Milo, involved, (3) the multiple sales and service of alcohol to Milo, and (4) the Licensee should have been aware and on notice that that the traffic collision and injuries sustained were more likely to occur due to the amount of alcohol served to Milo's table. The Department further argued that aggravation is warranted because the facts surrounding the service of alcohol to Milo resulted in a reasonably foreseeable collision, for which the Licensee should bear the responsibility based on its role therein. The Department did not provide a breakdown of the penalty among the counts.

2. The Respondent recommended a penalty of less than 15 days, given Respondent's mitigation efforts after the said violation, including but not limited to implementing new systems and employee education and training.

3. The Respondent argues, citing AB-9121,<sup>23</sup> that the penalty should not be enhanced due to the traffic collision and resulting injuries because the aggravating and mitigating

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<sup>23</sup> *Ralph's Grocery Co. v. Dept of ABC* (Aug. 29, 2011) AB-9121 at page 9.

factors listed in rule 144 relate to a licensee's behavioral actions and not a post-transaction event out of their control. The Respondent further argues, citing AB-9121 at page 10, that, "It is illogical and inconsistent with a disciplinary process intended to encourage licensee compliance to consider as an aggravating factor a post-transaction event beyond the control of a licensee."

4. Respondent's argument is rejected. While the appeals board decisions the Respondent cited are not precedential, the undersigned will point out that the Appeals Board in AB-9121 at page 10, noted that the Appellant in that matter (Ralph's Grocery Company dba Food 4 Less #778), was no different at the moment the minor left the store with his beer purchase "than any other licensee whose employee was duped by false identification. Only the tragedy that occurred several hours later made things different."

5. The facts of the matter at hand are not analogous to those in AB-9121. Respondent's employees were not "duped by false identification," and the major head-on traffic collision occurred moments after Milo left the Licensed Premises and was reasonably foreseeable given the facts known to Respondent's employees. Milo showed her true, vertically formatted minor's ID, which revealed she was 17, to Aleman, who looked at it for one second without taking the ID in her hand as Respondent's policy requires. Milo was allowed to order, be served and consume all three distilled spirit cocktails, despite appearing young to Aleman.

6. The major head-on collision was not beyond the control of Respondent. Furnishing an excessive amount of alcohol to a slight-statured, underaged Milo over a short time frame exacerbated the likelihood that a fatality or great bodily injury would follow the violation. But for Aleman disregarding policy and accepting at 8:19 p.m. Milo's order of three lemon drop martinis, furnishing the first round to Milo at 8:33 p.m., and within only one and one-half hours<sup>24</sup> having served all three distilled spirits to Milo, which she consumed before leaving at 10:14pm, set in motion a chain of events that produced as a direct, natural and probable consequence of those acts, her impairment, driving under the influence and traffic accident (sometime between 10:20 p.m. and 10:30 p.m.) resulting in great bodily injury and without which the great bodily injury would not have occurred.

7. It was within Respondent's employee's control to conduct a due diligent reasonable inspection of Milo's true, vertically formatted minor's ID, which revealed she was only 17, and had a red stripe indicating she would not be 21 until 2027, let alone 18 in 2024. It was within Respondent's employee's control not to serve 17-year-old Milo, who Aleman acknowledged looked young, so much so she asked to see her ID. A reasonable employee, under similar circumstances, would have declined alcohol service to youthful

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<sup>24</sup> Findings of Fact ¶5. (Exhibit 20 at PDF pages 12 and 13; Exhibit 12).

appearing Milo and Perez who were trying to order excessive alcohol with Milo's valid ID and Perez unable to provide proof of his age. An employee's on-premises acts and knowledge are imputed to the Respondent,<sup>25</sup> and as such it was within the Licensee's control.

8. Respondent further argued that section 24200.8, which became effective January 1, 2024, and would authorize the Department to consider post-violation events outside the licensee's control and/or knowledge as an aggravating factor in determining what penalty to impose, is inapplicable in this case. The Department concurred with the Respondent, and stated that it is not seeking aggravation under section 24200.8 for the resulting great bodily harm but is alone looking to the Penalty Guidelines under rule 144, which allows aggravation based on what was known or reasonably should have been known to the Licensee at the time, and argued the traffic accident was foreseeable given the facts and circumstance known to the Respondent's employees.

9. In assessing an appropriate measure of discipline, the Department's Penalty Guidelines are in California Code of Regulations, Title 4, Division 1, Article 22, section 144, commonly referred to as rule 144. Under rule 144, the presumptive penalty for a first violation of selling or furnishing an alcoholic beverage to a minor in violation of section 25658 is a 15-day license suspension and progresses up to revocation for a third violation with a three-year period. Rule 144 also permits imposition of a revised penalty based on the presence of aggravating or mitigating factors. Rule 144 states that "aggravating factors may include, but are not limited to," a short list of aggravating factors. It further provides that, "These guidelines are not intended to be an exhaustive, comprehensive or complete list of all bases upon which disciplinary action may be taken against a license or licensee; nor are these guidelines intended to preclude, prevent, or impede the seeking, recommendation, or imposition of discipline greater than or less than those listed herein, in the proper exercise of the Department's discretion."

10. The Respondent is correct that mitigation is warranted for positive action by the Licensee to correct the problem and documented training of its employees. Mitigation is also warranted for its length of licensure without disciplinary action. The Respondent is also correct that section 24200.8 is inapplicable to the matter at hand. However, rule 144 allows for aggravation based on Respondent's employees acts and knowledge at the time, which acts and knowledge are imputed to the Respondent.

11. The goal of the disciplinary process is to ensure compliance with the law and to protect public welfare or morals. Based on the facts and circumstances of the matter at

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<sup>25</sup> *Yu v. Alcoholic Bev. etc. Appeals Bd.* (1992) 3 Cal.App.4th 286, 295 [4 Cal.Rptr.2d 280]; *Laube v. Stroh* (1992) 2 Cal.App.4th 364, 377 [3 Cal.Rptr.2d 779]; *Kirby v. Alcoholic Bev. Etc. Appeals Bd.* (1973) 33 Cal.App.3d 732, 737 [109 Cal.Rptr. 291].

hand aggravation is warranted for the following reasons. (1) Milo's appearance and actual age of only 17 years. (2) Aleman's disregard for nearly every aspect of Respondent's policy.<sup>26</sup> (3) Aleman's complete disregard for Milo's vertically oriented minor's ID and failure to diligently examine it per policy, especially given Milo's youthful appearance. (4) Despite the foregoing and being shown that ID, Aleman took their order, for not just one alcoholic beverage each, but for all six distilled spirits, at once, three for Milo whom Aleman said looked young and three for Perez, who Aleman allowed to be served after disregarding Respondent's policy to card anyone who appears 30 years of age or younger, and policy not to serve alcohol to those who do not present proper ID. (Findings of Fact ¶ 33.) There was no evidence that 23-year-old Perez appeared over 30. (5) All six alcoholic beverages were furnished to Milo and Perez within only one and one-half hours, which Aleman observed they consumed. This despite Aleman's claim Respondent has a policy limiting service to two drinks an hour. Whether or not that is Respondent's policy, any reasonable person would agree three drinks each served within such a short period of time, is excessive, especially given Milo's youthful appearance and slight build. (6) The record established that Aleman went to Milo and Perez' table on numerous occasions throughout the nearly two and one-half hours Milo and Perez were in the Licensed Premises. Each time Aleman had the opportunity to observe Milo and Perez, to reassess her original failure to properly check Milo's ID, to re-examine it properly and refuse to serve Milo any further alcoholic beverages. (7) There were signs Milo and Perez were impaired, which Aleman observed. (8) It is reasonably foreseeable that after consuming so much alcohol within such a short period of time if either Milo or Perez got behind the wheel of a car and drove, they more likely than not would be involved in a traffic collision and sustain great bodily injury or death.

12. The types of misconduct historically imputed to a licensee are those that are foreseeable in the operation of a licensed premise. The Licensee cannot turn a willful blind eye to the foreseeable consequences of its employees' violations. Aleman knew or should have known Milo and Perez were too impaired to drive. Officer Robles observed signs of intoxication from Milo at the scene of the traffic accident and smelled alcohol emitting from her breath. Milo had a high BAC level at the time she was tested in the hospital which was one and one-half hours after the accident. Respondent's employees, and thus Respondent, knew or should have known it was foreseeable that should either Milo or Perez drive after consuming that number of distilled spirits they would be severely impaired, and a traffic collision would most likely occur. The Licensee has an

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<sup>26</sup> Of the many policies she disregarded one requires its team members consider whether customers have consumed alcohol or drugs prior to ordering and observe for signs of intoxication. Aleman acknowledged that when she first approached Milo and Perez she smelled marijuana and thought they had been smoking marijuana before they came into the restaurant. She clearly did not consider this policy as she placed the order for and furnished six distilled spirits cocktails to Milo and Perez anyway.

obligation to prevent such vagrant misconduct that would foreseeably lead to great bodily harm. Furthermore, Respondent acknowledges that foreseeability in its RAS policy which states, "BJ's Restaurants, Inc. recognizes that service of alcohol is a privilege granted to it by the communities in which it operates and, with this privilege, comes the responsibility to take positive steps to prevent over-consumption and the *risks associated with driving under the influence.*" (Findings of Fact ¶33, emphasis added by italics.)

13. In carefully weighing the foregoing, the aggravation outweighs the mitigation, and the penalty recommended herein complies with rule 144.

**ORDER**

Counts 1, 2, 3, 4, and 5 are sustained. With respect to each count the Respondent's on-sale general eating place license is hereby suspended for 25 days, with all penalties as to those counts to be served concurrently with one another, in other words for a total of 25 days.

Dated: June 11, 2025



D. Huebel  
Administrative Law Judge

<input checked="" type="checkbox"/> Adopt
<input type="checkbox"/> Non-Adopt: _____
By: <u>                    <i>De J</i>                    </u>
Date: <u>                    08/11/20, 25                    </u>

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

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p><b>BJS RESTAURANTS, INC.</b> BJS RESTAURANT &amp; BREWHOUSE 30208 HAUN ROAD MENIFEE, CA 92584-6809</p> <p>ON-SALE GENERAL EATING PLACE - LICENSE</p> <p>under the Alcoholic Beverage Control Act.</p>	<p>File: 47-519846</p> <p>Reg: 24094898</p> <p style="text-align: center;">DECLARATION OF SERVICE BY MAIL</p>
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The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On August 14, 2025, I served, by CERTIFIED mail (unless otherwise indicated) a true copy of the following documents:

**DECISION AND CERTIFICATE OF DECISION**

on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

**BJS RESTAURANTS, INC.**  
7755 CENTER AVE, STE 300  
HUNTINGTON BEACH, CA 92647-3084

9589 0710 5270 2460 7019 06

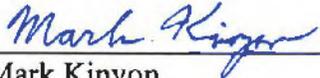
**RALPH SALTSMAN, ATTORNEY AT LAW**  
426 CULVER BLVD  
PLAYA DEL REY, CA 90293

9589 0710 5270 2460 7018 90

Office of Legal Services  
Headquarters, Inter Office Mail

and placing said envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this department's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, County of Sacramento, State of California, in an envelope with the postage fully prepaid. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 14, 2025 at Sacramento, California.

  
\_\_\_\_\_  
Mark Kinyon

RIVERSIDE DISTRICT OFFICE (INTEROFFICE MAIL)  
 DIVISION OFFICE (INTEROFFICE MAIL)

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL



July 1, 2025

To all parties:

Please find enclosed a copy of the proposed decision prepared by the Administrative Law Judge (“ALJ”) in this matter. This is being provided to all parties pursuant to Government Code section 11517(c)(1), and the proposed decision is hereby filed as a public record.

**PLEASE NOTE:** This proposed decision has not been adopted by the Department. The Director has up to 100 days from the date it was received from the Administrative Hearing Office to act on the proposed decision. Such action may include, among other things, adoption or rejection of the proposed decision. (See Government Code section 11517(c)(2).)

There is no provision in the Government Code that specifically authorizes parties to submit written comments to the Director regarding the proposed decision. However, there is also no restriction in the law that prohibits parties from doing so, and it is not uncommon for parties to submit such comments, identifying asserted errors or flaws in the proposed decision.

The Director is limited to reviewing the proposed decision based upon the record developed at the hearing. As such, if you do choose to send comments, the Director can only consider them to the extent that they identify alleged error based on the law and/or on the evidence presented at hearing. In addition, any comments should be sent to the Administrative Records Secretary and must be served on all parties (which includes the attorney representing the Department at the hearing) and be accompanied by a proof of service establishing that this was done. Failure to do so will result in the comments being considered an *ex parte* communication, which is prohibited pursuant to Government Code sections 11430.10, *et seq.*, and the Director will not review such comments.

Although proposed decisions are typically acted on within 30 to 60 days following receipt, action may be taken earlier than this. As such, if you do decide you wish to submit comments, you should do so promptly. Action on proposed decisions will not be delayed awaiting receipt of comments.

Whether or not comments are submitted, parties have all rights to request reconsideration (Government Code section 11521), to appeal a decision to the ABC Appeals Board, or to pursue such other legal remedies as provided by law.

Sincerely,

A handwritten signature in blue ink that reads "Mark Kinyon".

Mark Kinyon

Administrative Records Secretary  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834

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

IN THE MATTER OF THE ACCUSATION  
AGAINST:

BJS RESTAURANTS, INC.  
BJS RESTAURANT & BREWHOUSE  
30208 HAUN ROAD  
MENIFEE, CA 92584-6809

ON-SALE GENERAL EATING PLACE - LICENSE

under the Alcoholic Beverage Control Act.

File: 47-519846

Reg: 24094898

DECLARATION OF SERVICE BY MAIL

The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On July 1, 2025, I served, by regular mail (unless otherwise indicated) a true copy of the following documents:

PROPOSED DECISION

on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

BJS RESTAURANTS, INC.  
7755 CENTER AVE, STE 300  
HUNTINGTON BEACH, CA 92647-3084

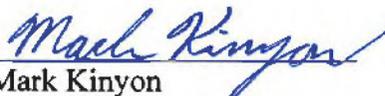
RALPH SALTSMAN, ATTORNEY AT LAW  
426 CULVER BLVD  
PLAYA DEL REY, CA 90293

BRYAN ROUSE  
3927 LENNANE DRIVE, SUITE 100  
SACRAMENTO, CA 95834

MATTHEW GAUGHAN  
CHIEF COUNSEL  
3927 LENNANE DRIVE, SUITE 100  
SACRAMENTO, CA 95834

and placing said envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this department's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, County of Sacramento, State of California, in an envelope with the postage fully prepaid. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2025 at Sacramento, California.

  
Mark Kinyon

RIVERSIDE DISTRICT OFFICE (INTEROFFICE MAIL)  
 DIVISION OFFICE (INTEROFFICE MAIL)

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

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

BJS RESTAURANTS, INC.  
Db: BJ's Restaurant & Brewhouse  
30208 Haun Road  
Menifee, CA 92584-6809

On-Sale General Eating Place - License  
Under the Alcoholic Beverage Control Act.

FILE: 47-519846  
REG: 24094898

**PROOF OF SERVICE BY MAIL  
(CCP §§ 1013(A), 2015.5)**

I, the undersigned, hereby certify as follows:

I am a citizen of the United States and employed in the County of Sacramento, California. I am over the age of eighteen (18) years and I am not a party to the above-captioned action. My business address is P.O. BOX 348210, Sacramento, CA 95834.

On March 13, 2025, I mailed from Sacramento:

**NOTICE OF CONTINUED HEARING BY VIDEO CONFERENCE ON ACCUSATION  
VIDEO CONFERENCE HEARING NOTICE TO PARTIES**

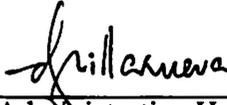
BJS RESTAURANTS, INC.  
Db: BJ's Restaurant & Brewhouse  
30208 Haun Road  
Menifee, CA 92584-6809

Ralph Barat Saltsman, Attorney at Law  
Solomon, Saltsman & Jamieson  
426 Culver Boulevard  
Playa Del Rey, CA 90293

BJS RESTAURANTS, INC.  
7755 Center Ave., Ste. 300  
Huntington Beach, CA 92647-3084

**{X} BY MAIL** - I served the documents by enclosing them in an envelope and: placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Administrative Hearing Office  
Diana Villanueva

OLS (Inter-Departmental Mail)  
 Riverside District Office (Inter-Departmental Mail)



Frank Robles  
Acting Director



Gavin Newsom  
Governor

Department of Alcoholic Beverage Control  
Administrative Hearing Office  
P.O. BOX 348210  
Sacramento, CA 95834-8210

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June 20, 2025

In the Matter of the Accusation Against:

BJs Restaurants, Inc.  
DBA: BJ's Restaurant & Brewhouse  
30208 Haun Road  
Menifee, CA 92584-6809

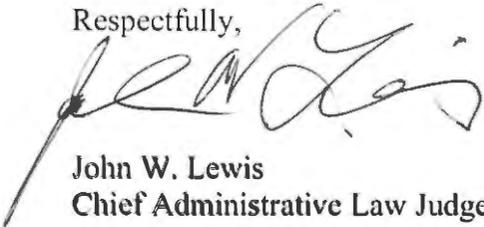
File: 47-519846  
Reg: 24094898

Director, Department of Alcoholic Beverage Control,

Enclosed is the Proposed Decision resulting from the hearing before the Department of Alcoholic Beverage Control, Administrative Hearing Office in the above-entitled matter.

This Proposed Decision is submitted for your review and action.

Respectfully,



John W. Lewis  
Chief Administrative Law Judge

**RECEIVED**  
JUL 01 2025  
Alcoholic Beverage Control  
Administrative Records Office