

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

AB-10025

File: 20-646722; Reg. 25095219

CMB Petroleum, Inc.
dba Gas for Less
4498 Clairemont Mesa Blvd.
San Diego, CA
Appellant/Licensee

v.

Department of Alcoholic Beverage Control,
Respondent

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

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

ISSUED DECEMBER 26, 2025

Appearances: Veronica Lopez, as counsel for Appellant
Sean Klein, as counsel for the Department

OPINION

I. INTRODUCTION

This appeal arises from the Department of Alcoholic Beverage Control's (Department) decision to revoke appellant's off-sale beer and wine license following the Department's determination that the corporation's sole officer, Mike Kaspolis, was convicted of two criminal offenses involving moral turpitude. The Department found cause for discipline under Business and Professions Code

sections 24200, subdivision (d), and 23405, subdivision (d)¹, based on Kaspolis's April 2024 guilty pleas to receiving stolen property and grand theft.

On appeal, appellant challenges the Department's decision on several grounds. Appellant contends the 1) Department failed to establish that the convictions involved moral turpitude; 2) that the Administrative Law Judge (ALJ) improperly excluded testimony concerning the underlying circumstances of the offenses while admitting other testimony on that subject; 3) that certain exhibits, including the certified plea form, were improperly admitted into evidence; 4) that the findings are unsupported by substantial evidence; and 5) that the Department abused its discretion by imposing revocation despite mitigating factors.

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

II. FACTS AND PROCEDURAL HISTORY

Appellant holds an off-sale beer and wine license. On February 10, 2025, the Department filed a two-count accusation alleging that appellant's sole corporate officer, director, and shareholder, Mike Kaspolis, sustained two criminal convictions involving moral turpitude—receiving stolen property in violation of Penal Code section 496, subdivision (a) and grand theft cargo in violation of Penal Code section 487h, subdivision (a). These convictions were alleged to

¹ All further statutory references are the Business and Professions Code unless stated otherwise.

constitute grounds for suspension or revocation under sections 23405, subdivision (d) and 24200, subdivision (d).

Appellant timely filed a Notice of Defense, and the matter proceeded to a contested evidentiary hearing before ALJ Matthew Ainley on June 5, 2025.

During the hearing, the Department presented evidence establishing that Kaspolis was appellant's sole officer, director, and stockholder, and that he pleaded guilty to receiving stolen property and to grand theft cargo, each involving property valued at more than \$950. The Department also introduced certified court records of these convictions into evidence.

Appellant presented testimony of mitigation, including evidence regarding Kaspolis's extensive community involvement, stable employment history, rehabilitation efforts, and completion of most terms of his plea agreement.

At the outset of the hearing, the ALJ ruled that the underlying facts of the criminal case were not at issue and that the proceeding concerned only the fact of conviction.

Following the receipt of oral testimony, documentary exhibits, and closing argument, the ALJ issued a Proposed Decision on July 7, 2025. The ALJ recommended that appellant's license be suspended. The Director of the Department adopted the Proposed Decision on September 2, 2025, thereby rendering it the Department's final decision.²

² The Department's decision is set forth in the appendix.

Appellant thereafter filed a timely petition for reconsideration, which the Department denied, and then filed this 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, statute, 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. 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. Moral Turpitude

Business and Professions Code section 24200, subdivision (d), authorizes the Department to suspend or revoke a license upon the plea or verdict of guilty to “any public offense involving moral turpitude” committed by a licensee. Section 23405, subdivision (d), extends this same standard to officers, directors, and shareholders of a corporate licensee. Under both statutes, the dispositive fact is the conviction itself. The Department therefore bore the burden to establish that the two offenses to which Kaspolis pleaded guilty—receiving stolen property in violation of Penal Code section 496, subdivision (a) and grand theft cargo in violation of Penal Code section 487h, subdivision (a)—are crimes involving moral turpitude.

Appellant argues that these offenses do not categorically involve moral turpitude, and that the ALJ improperly treated them as such without considering the surrounding circumstances. According to appellant, context and *mens rea*

are central to determining whether a conviction reflects the level of intentional dishonesty or moral depravity required to constitute moral turpitude. Appellant relies on *Kirby v. Alcoholic Beverage Control Appeals Board (Lopez)* (1969) 3 Cal.App.3d 209 to suggest that a plea to receiving stolen property may not automatically establish moral turpitude, particularly where mitigating facts could demonstrate a lack of knowing participation in theft-related activity.

The Department responds that courts have long recognized that crimes involving fraudulent intent, intentional dishonesty, or the pursuit of personal gain constitute moral turpitude as a matter of law. The Department notes that both receiving stolen property and grand theft cargo involve knowing possession or acquisition of unlawfully obtained goods, conduct that reflects intentional dishonesty for financial benefit. The Department further argues that the severity of the conviction—felony versus misdemeanor—does not alter whether the offense is one of moral turpitude because section 24200, subdivision (d), contains no distinction based on punishment level. The Department also contends that the distinctions appellant draws from *Kirby* are unpersuasive because *Kirby* involved a no-contest plea and because the Legislature amended section 24200, subdivision (d), after that case.

In this case, the record establishes that Kaspolis pleaded guilty to both offenses, and appellant does not dispute the existence or validity of those convictions. The Board's task is not to reassess the underlying criminal case but to determine whether the convictions fall within the scope of sections 24200,

subdivision (d), and 23405, subdivision (d). The ALJ concluded that they did, finding that the elements inherent in both offenses—intentional conduct involving the acquisition or handling of stolen goods—reflected the type of dishonest behavior the statute contemplates.

By applying the statutes as they are currently written, the convictions for receiving stolen property and grand theft cargo satisfy the requirement of public offenses involving moral turpitude. Indeed, California courts have held that both crimes constitute moral turpitude. (*People v. Rodriguez* (1986) 177 Cal.App.3d 174, 179 [Penal Code section 496]; *People v. Boyd* (1985) 167 Cal.App.3d 36, 45 [Penal Code section 487].) The Department therefore met its burden under sections 24200, subdivision (d), and 23405, subdivision (d).

2. Testimony About Underlying Criminal Conduct.

At the outset of the hearing, the ALJ stated that “the specifics of the underlying criminal case are not at issue here” and that the fact of conviction, not the surrounding circumstances, was the relevant consideration for purposes of section 24200, subdivision (d). Based on this ruling, the ALJ sustained several objections to appellant’s attempts to offer testimony regarding the details of the investigation, the source of the goods at issue in the criminal case, and appellant’s prior business dealings with the alleged supplier.

Appellant argues the ALJ erred by excluding this testimony while allowing limited references to the investigation through Agent Williams’s testimony and

Exhibit 2. Appellant contends the rulings were inconsistent and prevented him from explaining the circumstances surrounding the convictions.

The Department responds that appellant has not shown prejudice because the ALJ relied solely on the convictions in sustaining the accusation. The Department notes that no findings turned on the disputed evidence and that testimony about the investigation was unnecessary to the ALJ's determination under section 24200, subdivision (d).

Under *Reimel*, the Board may not reverse a department's decision unless the appellant demonstrates that an error was both legal and prejudicial. (*Reimel v. House, supra*, 268 Cal.App.2d 780, 787.) Here, the record and the Proposed Decision make clear that the ALJ found cause for discipline based solely on the fact of Kaspolis's guilty pleas, and not on any disputed evidence concerning the underlying investigation. The Proposed Decision identifies the convictions themselves as the basis for sustaining both counts and contains no findings referencing the details of the criminal conduct, the investigation, or any testimony describing those events. Although the ALJ's evidentiary rulings were not perfectly symmetrical, the critical question is whether those rulings resulted in prejudice. On this record, appellant has not shown that the exclusion of his testimony, or the admission of limited investigative evidence, affected the ALJ's determination that the convictions satisfied the requirements of section 24200, subdivision (d).

Accordingly, appellant has not established prejudicial error arising from the ALJ's evidentiary rulings.

4. Connections Between the Crimes and the Licensed Premises

Appellant argues that revocation was improper because the criminal conduct underlying the convictions did not occur at the licensed premises and did not involve the operation of the business. Appellant contends that, absent a connection between the offenses and the licensed activity, discipline under section 24200, subdivision (d), is unwarranted or should at least be mitigated.

Nothing in the text of section 24200, subdivision (d), requires the Department to prove a connection between the criminal conduct and the licensed premises. The statute focuses solely on whether the licensee, or a qualifying corporate officer, was convicted of a public offense involving moral turpitude. Here, the ALJ found—and appellant does not dispute—that Kaspolis pleaded guilty to two such offenses. Because the statute does not impose a nexus requirement, the absence of a connection to the premises does not preclude discipline under section 24200, subdivision (d).

5. Penalty

Appellant argues that the penalty of revocation is excessive considering the mitigating circumstances presented at the hearing. Appellant emphasizes Kaspolis's lack of prior discipline, long-standing community involvement, stable employment history, efforts toward rehabilitation, and the misdemeanor reductions of the original felony charges. Appellant contends that these factors warranted a lesser penalty, such as a short suspension with a stayed revocation.

The Board's review of a penalty is limited. The question is not whether a different penalty might also have been reasonable, but whether the Department's chosen penalty is so disproportionate to the offense as to constitute an abuse of discretion. Here, the Proposed Decision reflects that the ALJ considered all relevant mitigating and aggravating factors before imposing revocation. The ALJ acknowledged appellant's positive attributes and community involvement but found that the nature of the convictions—two crimes of moral turpitude involving intentional dishonesty—demonstrated a lack of fitness for licensure and warranted revocation under Rule 144.

On this record, appellant has not shown that the penalty imposed was arbitrary, capricious, or beyond the bounds of reason. Accordingly, the Board finds no abuse of discretion in the Department's selection of revocation as the appropriate penalty.

V. CONCLUSION

The Department established that appellant's sole corporate officer pleaded guilty to two offenses involving moral turpitude, and substantial evidence supports the ALJ's determination that these convictions satisfied the requirements of sections 24200, subdivision (d), and 23405, subdivision (d). Appellant has not demonstrated prejudicial error with respect to the ALJ's evidentiary rulings, the admission of the certified plea form, or the ALJ's application of the governing legal standards. The Department was not required to show a connection between the criminal conduct and the licensed premises,

and the penalty of revocation falls within the Department's broad discretion under Rule 144.

ORDER

Pursuant to Business and Professions Code section 23085, the Department's decision is affirmed.³

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

³ 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:**

CMB PETROLEUM, INC.
GAS FOR LESS
4498 CLAIREMONT MESA BLVD
SAN DIEGO, CA 92117-2054

OFF-SALE BEER AND WINE - LICENSE

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

SAN DIEGO DISTRICT OFFICE

File: 20-646722

Reg: 25095219

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 September 2, 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.

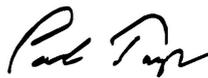
On or after October 20, 2025, a representative of the Department will contact you to arrange to pick up the license certificate.



https://abcab.ca.gov/abcab_resources/

Sacramento, California

Dated: September 9, 2025


Paul Tupy
Director

RECEIVED

SEP 09 2025

Alcoholic Beverage Control
Office of Legal Services

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

IN THE MATTER OF THE ACCUSATION AGAINST:

CMB Petroleum, Inc.
dba Gas For Less
4498 Clairemont Mesa Blvd.
San Diego, California 92117-2054

Respondent

} File: 20-646722

} Reg.: 25095219

} License Type: 20

} Word Count: 20,000

} Reporter:

} Shelby Maaske

} Kennedy Court Reporters

Off-Sale Beer and Wine License

PROPOSED DECISION

Administrative Law Judge Matthew G. Ainley, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter at by videoconference on June 5, 2025.

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

Veronica Lopez, attorney-at-law, represented respondent CMB Petroleum, Inc. Mike Kaspolis, Respondent's sole officer and director, was present.

The Department seeks to discipline the Respondent's license on the grounds that Mike Kaspolis, an officer, director, or person holding 10% or more of the corporate stock, was the subject of a plea, verdict, or judgment of guilty or pled nolo contendere to a public offense involving moral turpitude (receiving stolen property under Penal Code section 496(a) and grand theft cargo under Penal Code section 487h(a)) in violation of Business and Professions Code sections 24200(d) and 23405(d).¹ (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 June 5, 2025.

FINDINGS OF FACT

1. The Department filed the accusation on February 10, 2025.

¹ All statutory references are to the Business and Professions Code unless otherwise noted.

2. The Department issued a type 20, off-sale beer and wine license to the Respondent for the above-described location on June 20, 2023 (the Licensed Premises).
3. There is no record of prior departmental discipline against the Respondent's license.
4. The Respondent is a corporation of which Mike Kaspolis is the sole director, officer, and owner. (Exhibits 5-6.)
5. On December 28, 2023, a felony complaint was filed against Mike Kaspolis alleging that he had violated Penal Code sections 496(a) and 487h(a). (Exhibit 2.) On April 25, 2024, Kaspolis pled guilty to both counts, which were to be reduced to misdemeanors upon completion of community service and payment of restitution. Kaspolis was not sentenced to any jail time. (Exhibit 3.)
6. Kaspolis fully complied with the terms of his sentence, having performed more hours of community service than required.
7. Kaspolis was born on June 5, 1984 according to the information on file with the Department of Motor Vehicles and the Department. (Exhibits 4-5 & 7.) The same date of birth is listed for Kaspolis in the court documents. (Exhibit 2.)
8. Kaspolis testified to his business background, operating both licensed and non-licensed businesses. The circumstances which led to his conviction arose from his dealings with Mr. Istambouli, a person whom he had known for 15 years. None of the dealings related to his licensed businesses.
9. Kaspolis further testified that, although he did not believe he had done anything wrong, he pled guilty to avoid prison time.
10. Kaspolis is active in the local community, including the Chaldean community. He presented letters demonstrating his involvement in organizations such as the Chaldean Community Council, the Knights of Columbus, and Hope for Iraqi Christians. (Exhibit A.)
11. Kaspolis is married with two small children. He is the sole source of income for his family, primarily through the Respondent. Had he been sent to jail, the impact upon his family would have been severe.
12. Except as set forth in this decision, all other allegations in the accusation and all other contentions of the parties lack merit.

CONCLUSIONS OF LAW

1. Article XX, section 22 of the California Constitution and section 24200(a) provide that a license to sell alcoholic beverages may be suspended or revoked if continuation of the license would be contrary to public welfare or morals.
2. Section 24200(b) provides that a licensee's violation, or causing or permitting of a violation, of any penal provision of California law prohibiting or regulating the sale of alcoholic beverages is also a basis for the suspension or revocation of the license.
3. Section 24200(d) provides that the Department may suspend or revoke a license upon the plea, verdict, or judgment of guilty, or the plea of nolo contendere to any public offense involving moral turpitude charged against the licensee.
4. Section 23405(d) provides that "[t]he department may deny any application or suspend or revoke any license of a corporation subject to the provisions of this section where conditions exist in relation to any officer, director, or person holding 10 percent or more of the corporate stock of that corporation which would constitute grounds for disciplinary action against that person if the person was a licensee."
5. Penal Code section 487h(a) provides that "[e]very person who steals, takes, or carries away cargo of another, if the cargo taken is of a value exceeding nine hundred fifty dollars (\$950), except as provided in Sections 487, 487a, and 487d, is guilty of grand theft."
6. Penal Code section 496(a) provides that

"[e]very person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, if the value of the property does not exceed nine hundred fifty dollars (\$950), the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290."

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 Mike Kaspolis, the Respondent's sole owner, officer and director, pled guilty and was convicted of violating Penal Code sections 496(a) and 487h(a), both of which are crimes involving moral turpitude, in violation of sections 24200(d) and 23405(d). (Findings of Fact ¶¶ 4-7.)

PENALTY

The Department requested that the Respondent's license be revoked, arguing that section 24200(d) makes no distinction between felonies and misdemeanors. The Respondent argued that there were extenuating circumstances related to the plea. In particular, the Respondent argued that the reduction of the offenses from felony to misdemeanor indicated that the offenses were not that severe and, further, that the plea was for the purpose of avoiding jail time. The Respondent also noted that neither offense was related to the Licensed Premises. (Findings of Fact ¶¶ 8-11.)

There is no basis for allowing a collateral attack on the judgment. Kaspolis' reason for pleading guilty is irrelevant—the focus of section 24200(d) is on the conviction itself. Under rule 144,² the standard penalty for a violation of this section—whether a misdemeanor or a felony—is revocation. However, if the Department had pled the underlying facts instead of the conviction, rule 144 provides that the standard penalty for a misdemeanor committed away from the Licensed Premises is revocation stayed for three years.

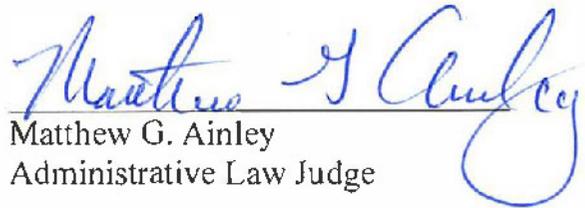
It is within the Department's discretion to decide which charges to file in any given case. The mere fact that a different set of charges might have led to a lesser penalty does not qualify as mitigation. Examining the aggravating and mitigating factors listed in rule 144, they mostly offset one another. Among the aggravating factors are the short time of licensure and the direct involvement of the Respondent's sole shareholder. Among the mitigating factors are Kaspolis' charitable efforts and lack of any disciplinary history connected to this or any prior licensed business. Accordingly, there is no reason to depart from the standard penalty set forth in rule 144.

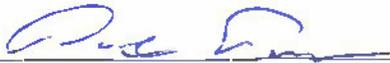
² All rules referred to herein are contained in title 4 of the California Code of Regulations unless otherwise noted.

ORDER

The Respondent's off-sale beer and wine license is hereby revoked.

Dated: July 7, 2025


Matthew G. Ainley
Administrative Law Judge

<input checked="" type="checkbox"/> Adopt
<input type="checkbox"/> Non-Adopt: _____
By:  _____
Date: <u>09/02/2025</u> _____

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

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p>CMB PETROLEUM, INC. GAS FOR LESS 4498 CLAIREMONT MESA BLVD SAN DIEGO, CA 92117-2054</p> <p>OFF-SALE BEER AND WINE - LICENSE</p> <p>under the Alcoholic Beverage Control Act.</p>	<p>File: 20-646722</p> <p>Reg: 25095219</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 September 9, 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:

CMB PETROLEUM, INC.
GAS FOR LESS
4498 CLAIREMONT MESA BLVD
SAN DIEGO, CA 92117-2054

9589 0710 5270 2460 7021 49

MATTHEW SHEENA, ATTORNEY AT LAW
GARMO & GARMO, LLP
5464 GROSSMONT CENTER DR., THIRD FLOOR
LA MESA, CA 91942-3035

9589 0710 5270 2460 7021 56

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 September 9, 2025 at Sacramento, California.


Mark Kinyon

SAN DIEGO DISTRICT OFFICE (INTEROFFICE MAIL)
 DIVISION OFFICE (INTEROFFICE MAIL)

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL



July 22, 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: CMB PETROLEUM, INC. GAS FOR LESS 4498 CLAIREMONT MESA BLVD SAN DIEGO, CA 92117-2054 OFF-SALE BEER AND WINE - LICENSE under the Alcoholic Beverage Control Act.	File: 20-646722 Reg: 25095219 DECLARATION OF SERVICE BY MAIL
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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 July 22, 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:

CMB PETROLEUM, INC.
GAS FOR LESS
4498 CLAIREMONT MESA BLVD
SAN DIEGO, CA 92117-2054

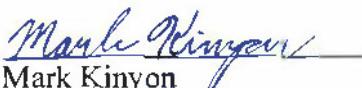
MATTHEW SHEENA, ATTORNEY AT LAW
GARMO & GARMO, LLP
5464 GROSSMONT CENTER DR., THIRD FLOOR
LA MESA, CA 91942-3035

JASON LIU
12750 CENTER COURT DRIVE, SUITE 700
CERRITOS, CA 90703

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 22, 2025 at Sacramento, California.


Mark Kinyon

SAN DIEGO 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: }

CMB Petroleum, Inc.
Dbas: Gas For Less
4498 Clairemont Mesa Blvd.
San Diego, CA 92117-2054

Off-Sale Beer and Wine - License
Under the Alcoholic Beverage Control Act.

FILE: 20-646722
REG: 25095219

**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 April 22, 2025, I mailed from Sacramento:

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

CMB Petroleum, Inc.
Dbas: Gas For Less
4498 Clairemont Mesa Blvd.
San Diego, CA 92117-2054

Matthew Sheena, Attorney at Law
Garmo & Garmo, LLP
5464 Grossmont Center Dr., Third Floor
La Mesa, CA 91942-3035

{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)
 San Diego 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

July 21, 2025

In the Matter of the Accusation Against:

CMB Petroleum, Inc.
Dbas: Gas For Less
4498 Clairemont Mesa Blvd.
San Diego, California 92117-2054

File: 20-646722
Reg: 25095219

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 22 2025

Alcoholic Beverage Control
Administrative Records Office



**GARMO &
GARMO**
Attorneys at Law LLP

5464 GROSSMONT CENTER DRIVE,
SUITE 300
LA MESA, CALIFORNIA 91942
TELEPHONE (619) 441-2500
FACSIMILE (619) 631-6444
WWW.GARMOLAW.COM

FREDDY A. GARMO
ROBERT A. GARMO*
VERONICA D. LOPEZ
WILLIAM P. EPSTEIN
MATTHEW M. SHEENA
*ALSO LICENSED IN MICHIGAN

VERONICA D. LOPEZ, ATTORNEY AT LAW
E-MAIL: vlopez@garmolaw.com

August 22, 2025

VIA U.S.P.S. MAIL TO 4 ADDRESSES BELOW AND EMAIL TO: AHO@abc.ca.gov;
frank.robles@abc.ca.gov; matthew.gaughan@abc.ca.gov; jason.liu@abc.ca.gov;
mayra.flores@abc.ca.gov; yuri.jafarinejad@abc.ca.gov; Mark.Kinyon@abc.ca.gov;

Department of Alcoholic Beverage Control
Attn: Administrative Hearing Office
P.O. Box 348210
Sacramento, CA 95834

Department of Alcoholic Beverage Control
Attn: Office of Legal Services
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Jason Liu, Attorney III
Office of Legal Services
12750 Center Court Drive, Ste. 700
Cerritos, CA 90703

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

RE: Proposed Decision Written Comments
Our Client: CMB Petroleum, Inc.
File No.: 20-646722
Reg. No.: 25095219

Dear Sir or Madam:

RECEIVED
AUG 22 2025
Alcoholic Beverage Control
Administrative Records Office

Please recall this office represents CMB Petroleum, Inc. (“CMB” or “Respondent”), with respect to the above-listed matter.

Our office acknowledges receipt of the Proposed Decision issued following the June 5, 2025 ALJ hearing (the “Hearing”). Although the Proposed Decision is dated July 7, 2025, we received the Proposed Decision on or about July 22, 2025. Upon receipt, we immediately notified all parties of our intent to request a copy of the hearing transcript and to submit written comments to the Director. Our office has received a copy of the hearing transcript, which we have enclosed with these comments.

Our office respectfully submits the following written comments to the Director for consideration, which identify and address errors and flaws in the Proposed Decision.

1. At the inception of the hearing, the Administrative Law Judge (“ALJ”) found that the only issue was the fact of conviction and that the underlying facts were not at issue. However, the ALJ improperly allowed certain testimony from the Department as to the underlying facts.

The charges set forth by the Department against CMB state:

Count 1: “On or about April 25, 2024, respondent-licensee's, officer, director or person holding 10% or more of the corporate stock, namely Mike Kaspolis, was the subject of a plea, verdict or judgment of guilty or pled nolo contendere to a public offense involving moral turpitude, to-wit: Penal Code 496(a), such conviction being grounds for suspension or revocation of the license under Business and Professions Code Sections 23405(d) and 24200(d).”

Count 2: “On or about April 25, 2024, respondent-licensee's, officer, director or person holding 10% or more of the corporate stock, namely Mike Kaspolis, was the subject of a plea, verdict or judgment of guilty or pled nolo contendere to a public offense involving moral turpitude, to-wit: Penal Code 487(h), such conviction being grounds for suspension or revocation of the license under Business and Professions Code Sections 23405(d) and 24200(d).”

At the inception of the hearing, the ALJ made the following preliminary finding: “I will just note that the specifics of the underlying criminal case are not at issue here. What went on that led up to the plea conviction, whatever, isn’t relevant; it’s the fact that the conviction occurred.” (*Transcript, p. 12, lines 2-6*).

The ALJ then proceeded to allow Department witnesses to testify as to some of the facts underlying the criminal conviction. Specifically, the Department allowed:

1. Agent Teronda Williams to testify that: “My conclusion after the investigation, the detectives were able to confirm the missing items were part of the stolen cargo and they were able to recover 17 pallets of the pistachios and approximately 35 pallets of miscellaneous alcoholic beverages such as the Fortaleza Tequila, Masterson's Whisky, and Tito's Vodka.” (*Transcript, p. 17, lines 15-20*)

2. Agent Teronda Williams to testify that: “Well, I was a part of the investigation, because the - some of the cargo that was stolen was also – that we investigated it, and we went to the actual location.” (*Transcript, p. 34-35, lines 25, 1-2*)

With respect to Agent William’s testimony above, Respondent’s counsel made a hearsay objection and also mentioned foundational and authentication issues. The ALJ noted that the testimony was not entirely relevant, but allowed the testimony in anyway as administrative hearsay. (*Transcript, p. 18, lines 19-21*).

Additionally, the ALJ allowed the criminal charges to be entered as Exhibit 2, which document contains a recitation of the underlying facts alleged against Mr. Kaspolis. Respondent’s counsel objected to Exhibit 2 on the grounds of lacking foundation, lacking personal knowledge, and lacking authentication. The ALJ overruled Respondent’s counsel’s objection.

Based on the ALJ own comments, no evidence of the facts underlying the criminal case should have been considered by the ALJ. Clearly, the ALJ permitted some introduction of the underlying facts via Agent Williams’ testimony and the introduction of Exhibit 2. This was procedurally improper and an abuse of the ALJ’s discretion.

2. The ALJ should have permitted Respondent’s testimony and evidence related to the underlying facts.

Because the ALJ allowed the above-referenced testimony of Agent Williams and Exhibit 2 into evidence, Respondent should have also been permitted to testify and introduce evidence responding to the underlying facts. During Respondent’s presentation, Respondent tried to introduce testimony related to the facts underlying the criminal charges against Mr. Kaspolis, which as noted above, had already been presented by the Department and entered in as evidence.

The ALJ did allow some limited testimony from Mr. Kaspolis regarding his history of owning the wholesale business that was involved in the underlying criminal allegations, and his practice of purchasing products for that business. However, the ALJ abused its discretion by not allowing the Respondent to fully and completely testify as to the sources of products purchased for the wholesale business and the transaction procedures for these sellers. For example, Mr. Kaspolis testified that he occasionally purchased products advertised online, but he was not permitted to testify as to whether he had a preexisting relationship with these online sellers, or how they would be purchased. (*Transcript, p. 67, lines 5-14*)

Further, the ALJ permitted Mr. Kaspolis to testify that he knew the identity of one of the individuals from whom he purchased the allegedly stolen products, George Istambouli, and that he had known Mr. Istambouli for about 15 years. (*Transcript, p. 68, lines 16-20*) However, Mr. Kaspolis was not allowed to testify about the scope of his prior relationship with Mr. Istambouli or the history of his dealings with Mr. Istambouli. Respondent’s counsel stated that as an offer of proof, Mr. Kaspolis would testify that he had a 15-year business relationship with Mr. Istambouli, that he had purchased products from him many times before, and that Mr. Istambouli is a licensed wholesaler of alcohol and other products. (*Transcript, p. 69, lines 3-15*) The ALJ sustained the Department’s objection, noting that the testimony was directly related to the underlying facts. (*Transcript, p. 70, lines 4-6*)

Our client was explicitly prohibited from presenting all the facts or information concerning the underlying circumstances of the conviction. When the Respondent attempted to offer context or explain the factual background relevant to the offense, the ALJ denied the opportunity to be heard. This refusal effectively barred our client from providing a full and fair account of the events, thereby undermining the ability to fully demonstrate significant mitigating factors.

The ALJ's categorical exclusion of the underlying facts deprived our client of the opportunity to demonstrate the conduct was less egregious than the statutory elements suggest, and/or that mitigating circumstances exist.

3. The ALJ allowed an incorrectly certified Plea Form to be entered as Exhibit 3, which lacked authentication and is unreliable.

During the hearing, Respondent established that the Plea Form entered into evidence as Exhibit 3, lacked proper certification by the court. The certification date on Exhibit 3 clearly states January 21, 2024, while the Department's witness Agent Austin Choy testified that he obtained the certification on January 21, 2025. Even Agent Choy admitted that the certification was incorrect. (*Transcript, p. 46, lines 13-14*)

Respondent's counsel objected to the entry of Exhibit 3 into evidence on the grounds that it lacked foundation, lacked personal knowledge, lacked authentication, and was not reliable based on the certification date that was admittedly incorrect. The ALJ overruled the objection and referenced Evidence Code Hearsay Exception Sec. 1280. Respondent's counsel responded by referring to Government Code Sec. 11513(d), which states that hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Respondent's counsel asserted that Exhibit 3 with the obviously incorrect certification would not be reliable or admissible in superior court. The ALJ essentially brushed off the objection and admitted Exhibit 3 into evidence, noting that it was consistent with other documents and simply a 'typo' by the court clerk. (*Transcript, p. 51-52, lines 7-25, 1-15*)

Exhibit 3 is not properly certified, therefore it is inadmissible under California Evidence Code Sections 452.5, 1530 and 1280. Entering Exhibit 3 into evidence was improper and an abuse of discretion by the ALJ.

4. The Department did not establish the crime to which our client pled guilty was a crime involving moral turpitude.

While theft-related crimes can sometimes involve moral turpitude, the context and mens rea matter greatly. In AB-6860, the ABC Appeals Board held that a plea to receiving stolen property did not automatically qualify as moral turpitude. The Board followed the Cartwright precedent, noting that such pleas may not reliably demonstrate the intent component critical to moral turpitude. (https://abcab.ca.gov/wp-content/uploads/sites/27/2020/02/AB6860_Issued_Decision.pdf?utm_source=)

Because Mr. Kaspolis's testimony related to the underlying facts was excluded, the Respondent was prevented from introducing important evidence about the context and mens rea, which are crucial for a determination of whether the plea constituted a crime of moral turpitude. As previously noted, Mr. Kaspolis would have testified that he had a 15-year business relationship with the source of the allegedly stolen products, Mr. Istambouli, that he had purchased products from him many times before, and that Mr. Istambouli is a licensed wholesaler of alcohol and other products. This context would have provided a reasonable explanation as to why Mr. Kaspolis purchased the products from Mr. Istambouli and would have established that Mr. Kaspolis had no reason to believe that the products had not been legitimately acquired.

In AB-8163 and AB-8985, the ABC Appeals Board noted that even with a criminal conviction involving intent, the moral turpitude inquiry is not automatic, it's tied to whether the conduct shows moral depravity or unfitness for licensure in the alcohol industry. Although theft may generally be considered turpitudinous, the circumstances of this particular incident do not demonstrate ongoing unfitness or a present risk to the public.

Again, the Respondent was prevented from introducing testimony and evidence about the underlying facts, which would have demonstrated that Mr. Kaspolis knew Mr. Istambouli was licensed to wholesale alcohol and other products, and that he had purchased products from Mr. Istambouli on prior occasions. Moreover, Mr. Kaspolis testified that he does not have any more affiliation with Mr. Istambouli. (*Transcript, p. 72-73, lines 24-25, 1-3*)

The criminal case did not involve the Respondent-business whatsoever, and the overall circumstances do not demonstrate any moral unfitness or present risk to the public. Mr. Kaspolis testified that he operated CMB separately from his other businesses, that he buys convenience market products from a company called CoMart, and that he always gets an invoice or receipt. He also testified that the products sold at CMB that were not acquired from other businesses he is affiliated with. (*Transcript, p. 73, lines 14-25, 1-5*)

In AB-6542 and AB-6564, although theft was considered moral turpitude, the penalty analysis changed where the conviction was less severe or reduced. The reduction from felony to misdemeanor reflects a judicial determination that the crime was less serious—an important point in penalty mitigation.

The ALJ received testimony and evidence (See Plea Form, Exhibit 3) establishing that the plea agreement entered into by Mr. Kaspolis reduced the two felonies that he was originally charged with to misdemeanors. In closing argument, Respondent's counsel stated that this action is similar to the case of *Kirby v. Appeals Board*, 3 Cal. App 3d 209. In that case, a liquor licensee's entry of a plea of no contest in a prosecution for receiving stolen property did not constitute a plea verdict or judgment of guilty to a public offense involving the moral turpitude within the meaning of Business and Professions Code 24200(d), providing for suspension or revocation of that license where the imposition of the sentence in that case was suspended by court and the licensee was placed on probation for three years, and thereafter the offense was adjudicated a misdemeanor.

The only difference between this action and *Kirby v. Appeals Board* is that Mr. Kaspolis's plea was guilty versus a no contest plea. Otherwise, there is a striking similarity in both cases, in that in both

cases the same penal code offense was reduced to a misdemeanor and probation was imposed. The ALJ should have found that the criminal conviction was not a crime of moral turpitude based on this precedent.

5. The penalty imposed by the ALJ was an abuse of discretion.

Our client presented significant mitigating circumstances. The ALJ made the following findings in terms of mitigation: (1) CMB has had no prior departmental discipline; (2) the criminal conviction was for two misdemeanors; (3) Mr. Kaspolis did not serve any jail time and fully complied with his sentence, including paying all restitution and performing more hours of community service than required; (4) None of Mr. Kaspolis' s dealings with Mr. Istambouli related to CMB's license; (4) Mr. Kaspolis is actively in local Chaldean community and has supported at least 3 organizations; (5) Mr. Kaspolis is married with 2 children and is the sole provider, primarily through CMB; (6) Had Mr. Kaspolis been sent to jail the impact on his family would have been severe.

The ALJ failed to find that no departmental discipline has ever been issued against Mr. Kaspolis for any other ABC license he has held. This is a very important mitigating factor because there was uncontroverted evidence that Mr. Kaspolis held another ABC license from 2009 through 2020, without any departmental discipline whatsoever.

The ALJ found that "Kaspolis further testified that, although he did not believe he had done anything wrong, he pled guilty to avoid prison time." This finding does not accurately represent Mr. Kaspolis's testimony. Mr. Kaspolis testified that at the time he accepted the plea agreement reflected in Exhibit 3, he believed he was innocent. In response to the question as to why he signed the please form in light of this belief, Mr. Kaspolis stated that he "...was afraid to go to prison and leave my wife and my children behind – my family." He further testified there was a risk that he could go to jail for 3-6 years, and if he went to prison, he believed that his family would be "in ruins" and "homeless." (*Transcript, p. 71, lines 13-25*) Mr. Kaspolis was not permitted to respond to the question of whether he felt like he had any other choice but to accept the plea agreement. (*Transcript, p. 84, lines 15-20*) Respondent contends that Mr. Kaspolis would have testified that he only accepted the plea agreement because he felt the risk to his wife and family was too much. Mr. Kaspolis's wife corroborated this testimony when she confirmed that Mr. Kaspolis is the sole provider for their family, that she has never worked or been involved in any of his businesses, that if he were to go to jail they would "lose everything because we don't have any other person to provide for us," and that she encouraged her husband to accept the plea agreement. (*Transcript, p. 89, lines 1-2*)

While the ALJ did consider some of the mitigating circumstances, not all mitigating factors were considered. First, the ALJ failed to acknowledge that Mr. Kaspolis held a prior ABC license for 11 years, without any disciplinary history whatsoever. Second, Mr. Kaspolis was not permitted to fully testify as to the reasons why he accepted the plea agreement. This testimony should have been introduced and considered as a mitigating factor. And third, because the ALJ did not allow testimony into the underlying facts or actions taken post-arrest, CMB was not provided the opportunity to show facts that would have demonstrated responsibility, reform, and actions taken to prevent absence of ongoing wrongdoing.

Based on the foregoing, we respectfully request the Director find that the proposed penalty is excessive. The penalty imposed was not warranted considering the mitigating circumstances and should have been reduced from the standard penalty set forth in rule 144. CMB respectfully requests that the penalty imposed by the ALJ be reconsidered by the Department, and that a less stringent penalty be imposed. Following the Kirby decision, a more appropriate penalty would be a one to three-year stayed revocation, perhaps with a short suspension. This penalty would be fairer considering the facts and argument presented in these comments and at the hearing, and would serve to sufficiently discipline CMB and Mr. Kaspolis.

Thank you for your cooperation and professional courtesy. Please feel free to contact our office any time.

Very Truly Yours,
GARMO & GARMO LLP

By: 
Veronica Lopez, Esq.

1 **PROOF OF SERVICE**

2 **CASE NAME:** CMB PETROLEUM, INC.
3 DBA Gas For Less

4 **FILE NO.** 20-646722
5 **REG.** 25095219

6 I, the undersigned, declare that: I am over the age of eighteen years and not a party to the
7 cause; I am employed in, or am a resident of, the County of San Diego, California; where the
8 electronic occurs; and my business address is: 5464 Grossmont Center Dr., Suite 300, La Mesa,
CA 91942. My electronic service address is alaina@garmolaw.com.

9 On August 22, 2025, I caused the foregoing documents titled:

10 **CMB'S ADDITIONAL WRITTEN COMMENTS TO PROPOSED ALJ**
11 **DECISION**

12 **PROOF OF SERVICE** to be served on the person(s) identified below, at their respective
13 business and electronic service addresses, by the below-indicated means:

14 (MAIL) I served the foregoing documents by enclosing them in an envelope and mailing
15 them to the following address:

16 Department of Alcoholic Beverage Control
17 Office of Legal Services
3927 Lennane Drive, Suite 100
18 Sacramento, CA 95834

19 Department of Alcoholic Beverage Control
20 Attn: Administrative Hearing Office
P.O. Box 348210
21 Sacramento, CA 95834

22 Department of Alcoholic Beverage Control
23 Attn: Administrative Records Secretary
3927 Lennane Drive, Suite 100
24 Sacramento, CA 95834

25 Jason Liu, Attorney III
26 Office of Legal Services
12750 Center Court Drive, Ste. 700
27 Cerritos, CA 90703

28

1 [x] (BY ELECTRONIC SERVICE) I electronically served the foregoing documents and
2 transcript in PDF format on behalf of CMB Petroleum, Inc. to the following email addresses:

3 AHO@abc.ca.gov
4 Matthew Gaughan matthew.gaughan@abc.ca.gov
5 Mayra Flores mayra.flores@abc.ca.gov
6 Frank Robles frank.robles@abc.ca.gov
7 Jason Liu jason.liu@abc.ca.gov
8 Yuri Jafarinejad yuri.jafarinejad@abc.ca.gov
9 Mark Kinyon Mark.Kinyon@abc.ca.gov

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed on August 22, 2025, at La Mesa, California.



12 David Preisch

Kinyon, Mark@ABC

From: De Ruyter, Robert@ABC
Sent: Tuesday, July 29, 2025 1:38 PM
To: Kinyon, Mark@ABC
Subject: RE: File: 20-646722 - Reg: 25095219 - CMB Petroleum Inc dba Gas for Less

That should be fine, but no need to respond. We have 100 days to act so we don't have to take any action other than to hold it at this point.

From: Kinyon, Mark@ABC <Mark.Kinyon@abc.ca.gov>
Sent: Tuesday, July 29, 2025 1:34 PM
To: De Ruyter, Robert@ABC <robert.deruyter@abc.ca.gov>
Subject: FW: File: 20-646722 - Reg: 25095219 - CMB Petroleum Inc dba Gas for Less

Hey Robert,

I'm not sure if I should respond to this email or not. No one has ever requested this before. I suppose if they want to pay Kennedy for the transcripts, that's their prerogative. I typically hold the PDs for 3 weeks before putting them in the basket in the GC office anyway.

From: Freddy Garmo <freddy@garmolaw.com>
Sent: Tuesday, July 29, 2025 1:23 PM
To: Liu, Jason@ABC <Jason.Liu@abc.ca.gov>; Kinyon, Mark@ABC <Mark.Kinyon@abc.ca.gov>; Flores, Mayra@ABC <Mayra.Flores@abc.ca.gov>; Jafarinejad, Yuri@ABC <yuri.jafarinejad@abc.ca.gov>; Gaughan, Matthew@ABC <Matthew.Gaughan@abc.ca.gov>; Robles, Frank@ABC <Frank.Robles@abc.ca.gov>
Cc: Matthew Sheena <matt@garmolaw.com>; Veronica Lopez <VLopez@garmolaw.com>
Subject: File: 20-646722 - Reg: 25095219 - CMB Petroleum Inc dba Gas for Less

CAUTION: External Email. Do not click on links or attachments unless you recognize the sender and know the content is safe.

Good afternoon everyone.

Our office represents the Respondent, CMB Petroleum, Inc. DBA Gas for Less located at 4498 Clairmont Mesa Blvd, San Diego, CA 92117-2054 with regards to the above subject matter.

We just received the ALJ proposed decision and intend on submitting written comments. We have also ordered a copy of the hearing transcript from Kennedy Court Reporting. According to their invoice, the transcript takes 10-15 business days. We are requesting an opportunity to receive and review the transcript and submit comments before the proposed ALJ decision is adopted and/or acted upon, probably no more than 30 days.

Thank you for your cooperation and professional courtesy.

Very truly yours,
Freddy Garmo, Esq.
Garmo & Garmo, LLP
Attorneys at Law
5464 Grossmont Center Drive, Suite 300
La Mesa, California 91942
Telephone (619) 441-2500
Fax (619) 631-6444

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