

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

AB-10028
File: 47-568540; Reg: 25095157

Parkside Tap House, Inc.
Parkside Tap House
115 3rd Street
Chico, CA 95928
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Department Hearing:
Honorable Alberto Roldan

Appeals Board Hearing: February 13, 2026
Sacramento, CA/Videoconference

ISSUED FEBRUARY 17, 2026

Appearances: Joshua Marks, President of Parkside Tap House, Inc., for
appellant;

Trisha Pal, as counsel for the Department of Alcoholic
Beverage Control.

OPINION

Parkside Tap House, Inc. (“appellant”) appeals from an order of the Department of Alcoholic Beverage Control¹ (hereinafter referred to as the “Department”) revoking its license, with revocation stayed for three years on the condition that no cause for further disciplinary action arises, for creating a law

¹ The Department's Decision, dated September 9, 2025, is set forth in the appendix.

enforcement problem for the officials of the Chico Police Department, in violation of Business and Professions Code² section 24200(a), and for keeping or permitting a disorderly house, in violation of section 25601. In addition to the stayed-revocation, appellant's license was suspended for 30 days. For the following reasons, the Department's decision is affirmed.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

Appellant holds an on-sale general eating place license for a business known as the Parkside Tap House, located in Chico, California. Chico is known as a college-town, given the large presence of students that attend California State University, Chico. Appellant's license was issued on June 23, 2016, and has several conditions to address potential concerns given that the licensed premises is in a college town. For example, appellant is subject to a no loitering clause and there are hour restrictions tied to several holidays and graduation events.

The Department presented evidence at the administrative hearing on May 27 and 28, 2025, primarily through the testimony of Chico Police Department (CPD) officers. Some officers testified generally to the impact the licensed premises had on CPD resources. Other officers testified to law enforcement engagements on seven different occasions: October 29, 2023, November 11, 2023, November 25, 2023, December 3, 2023, January 14, 2024,

² All statutory references are to the California Business and Professions Code unless otherwise stated.

July 20, 2024, and August 11, 2024. A summary of those engagements are as follows:

October 29, 2023: Officers responded to a report of an assault at the licensed premises. A female who identified herself as Davona Fletcher stated that she was punched in the face with a closed fist by an unknown male. Officers observed swelling above her left eyebrow. Despite a search and a physical description of Fletcher's attacker, the unknown male was never located.

November 11, 2023: Officers received a call that a male adult, later identified as Bodie Nichols, was actively being argumentative with people in the licensed premises and was detained by the bouncers. Upon officers' arrival, Nichols was visibly intoxicated; his speech was slurred and thick, his eyes in a blank stare, and he had liquid spilled on his shirt. Officers attempted to detain Nichols in handcuffs, but Nichols resisted, forcing officers to take him to the ground to gain control. Even while on the ground, Nichols physically resisted officers. Nichols was arrested for violation of Penal Code section 148, and he had to be placed in the patrol car with a full-body restraint.

November 25, 2023: Appellant's bouncer, Trevor Gerfen, reported to officers that a large fight was occurring at the licensed premises and that one person was injured. When officers arrived, they did not see a fight in progress or any injured persons. Officers searched the surrounding area, and found a male, later identified as 18-year-old Abedallah Khashman, in the passenger seat of a car with his face covered in blood. Khashman was transported to the hospital for his injuries. Khashman had an open laceration on his forehead and a large lump next to the open wound, as well as swelling to his jaw and cheek area.

The bouncer, Gerfen, told officers that the fight started after Khashman tried provocatively dancing up against a group of women and was chastised by an unknown Hispanic male. Khashman spat at the male before aggressively swinging a beer bottle at him. The male punched Khashman in the face, which led Gerfen to intervene. As he pulled the Hispanic male away from Khashman, a second male punched Khashman in the face again, while a third male swing a beer bottle at Khashman's face. Gerfen

could not tell officers how an 18-year-old Khashman was able to enter the licensed premises.

December 3, 2023: Officers were flagged by one of appellant's employees to assist with a patron who was refusing to leave and kept sneaking back into the licensed premises. The patron, identified as Robert Richards, told officers that he would leave, but needed to get his friend first. Officers noticed Richards smelled like alcohol, and that he repeatedly swayed, then twerked his extremities. Richards' eyes appeared blank, and his pupils were enlarged. Richards refused multiple commands to leave by officers, and he was arrested for Penal Code section 647(f) (public intoxication). During a search of his person, officers found a baggie that appeared to contain cocaine, and they discovered Richards was on probation because of a criminal conviction.

January 14, 2024: Officers were dispatched to the licensed premises because of a report that a patron was being physically hostile to staff and refusing to leave. The male, identified as Brandon Reyes, was being pinned to the ground by staff when officers arrived. Officers observed that Reyes had objective signs of alcohol intoxication, including red and watery eyes, the smell of alcohol about his person, unsteadiness on his feet, and difficulty following instructions. Officers determined that Reyes met the threshold of not being able to care for himself and arrested him for violation of Penal Code section 647(f).

July 20, 2024: Officers responded to the licensed premises due to a report of a fight and a report that a male was knocked unconscious after being punched by another male. Officers spoke to Gerfen, who reported that the unconscious male was punched as another male was kicked out of the licensed premises. Gerfen described the punch as unprovoked. Officers could not locate the attacker.

August 11, 2024: Officers were dispatched to the licensed premises to investigate a report of an ongoing physical fight between two females. Officers contacted one of the women involved and identified her as Ryley Williams. Williams was in the process of filling out a citizen's arrest form. The other alleged party, Heidi Kaps, was contacted by officers. Both women admitted to fighting with one another but gave differing accounts as to who started the conflict and why. Neither woman had visible injuries and officers were unable to determine fault.

In 2022, before any of the above-incidents occurred, CPD Lieutenant J. Durkin had an informal meeting with representatives of the licensed premises to discuss the ongoing unlawful activity at the licensed premises. In September 2024, CPD initiated another meeting with representatives to once again raise their ongoing concerns about the continuing, disproportionate number of law enforcement calls to the licensed premises as compared to other, similar businesses in the immediate area. CPD dispatch reports showed that in a one-year period from September 24, 2023, to September 24, 2024, there were 120 incidents or case entries using the business name "Parkside Tap House." Captain J. Struthers testified that the licensed premises created a repeated stress on patrol resources in July 2024. According to Struthers, responses to the licensed premises were disproportionate to other, nearby licensed establishments.

The Department filed the accusation on January 28, 2025. An administrative hearing was held on May 27, 2025, through May 28, 2025. On July 9, 2025, the administrative law judge (ALJ) issued a proposed decision sustaining the counts of the accusation and recommended a three-year stayed revocation and concurrent 30-day suspension of appellant's license. The Department adopted the ALJ's proposed decision on September 2, 2025 and issued a certificate of decision seven days later. Appellant filed a timely appeal contending that evidence was improperly considered at the hearing and

disagreeing with the weight the Department gave evidence at the hearing, namely incident and dispatch reports. For the following reasons, appellant's appeal is denied, and the Decision is affirmed.

II. STANDARD OF REVIEW

The scope of the Board's review is defined by section 23084. The Board is not a trier of fact, and it does not reweigh evidence, evaluate witness credibility, or substitute its judgment for that of the Department. The Board's review is limited to determining:

1. Whether the Department has proceeded without or in excess of its jurisdiction;
2. Whether the Department has proceeded in the manner required by law;
3. Whether the Department's decision is supported by its findings, and;
4. Whether the findings are supported by substantial evidence in light of the whole record.

Substantial evidence is relevant evidence that a reasonable mind might accept as adequate to support a conclusion. The Board does not reweigh conflicting evidence but instead considers whether the Department's findings are supported by such evidence in light of the whole record. (*Martin v. Alcoholic Beverage Control Appeals Board* (1959) 52 Cal.2d 287, 291.)

The Board also considers whether any procedural error or evidentiary ruling prejudiced the appellant. Reversal is not warranted unless the appellant affirmatively demonstrates that an error resulted in prejudice. (Cal. Const., art. VI,

§ 13; Code Civ. Proc., § 475; *Reimel v. House* (1969) 268 Cal.App.2d 780, 787; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 308.) The burden is on the party seeking reversal to show that it is reasonably probable a more favorable result would have been reached absent the alleged error. (*City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal.App.4th 29, 51–52; *Thornbrough v. Western Placer Unified School Dist.* (2013) 223 Cal.App.4th 169, 200.)

This standard imposes a high threshold. The Board may not overturn a decision simply because different inferences could be drawn from the evidence. The question is not whether the Board would have reached the same result, but whether the Department's findings are supported by substantial evidence and whether appellant has shown prejudicial error.

III. ANALYSIS

Appellant contends that the Department erred by admitting the hearsay statements of CPD officers as testimony at the administrative hearing.

(Appellant's Opening Brief ("AOB") at pp. 1-4.) Appellant also disputes the Department's substantial evidence and argues that the penalty is too harsh. (*Id.* at pp. 4-7.) The Board will discuss these arguments in turn.

A. Hearsay Statements

Appellant argues that it "properly filed its motion in limine to exclude hearsay statements from police reports and non-testifying witnesses." (AOB at p. 1.) It argues that those statements should have been excluded, and without

those statements, the Department has no evidence to sustain the counts against it in the accusation. (*Id.* at pp. 1-4.)

The Department argues that the ALJ properly considered and overruled appellant's hearsay objections at the administrative hearing. (Department's Reply Brief ("DRB") at p. 7.) The Department further responds that the police reports were admitted under California Evidence Code section 1280 as well as Government Code section 11513(d), as exceptions to the general rule excluding hearsay. (*Id.* at pp. 7-8.) Finally, the Department argues that, notwithstanding the evidence challenged by appellant, there is substantial evidence to support the counts in the accusation. (*Id.* at pp. 8-9.) The Department points to the testimony of several CPD officers that appeared and testified at the hearing, giving a personal account of the incidents at the licensed premises. (*Ibid.*)

The general "hearsay rule" in California is that "a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated" is inadmissible. (Cal. Evid. Code § 1200(a)-(b).) However, there are a plethora of exceptions to the hearsay rule.

For example, Evidence Code section 1280 states:

Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered in any civil or criminal proceeding to prove the act, condition, or event if all of the following applies:

(a) The writing was made by and within the scope of duty of a public employee.

(b) The writing was made at or near the time of the act, condition, or event.

(c) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

Appellant has not shown that the law enforcement reports admitted at the hearing fail to qualify as an exception to the hearsay rule under Evidence Code section 1280.

Government Code section 11513(d) states:

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.

Again, appellant has not made a showing that the officers' hearsay statements were not admissible for the purpose of supplementing other evidence under Government Code section 11513(d).

Finally, the Appeals Board is not required to make an independent search of the record to find hearsay statements made by CPD officers. It was appellant's duty to show the Board which statements it sought to exclude. Without such assistance, the Board may treat unsupported and unasserted contentions as waived or forfeited. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852 [57 Cal.Rptr.3d 363, 377] ["When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived."]; *Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 52 [183

Cal.Rptr.3d 654] ["It is the responsibility of the appellant ... to support claims of error with meaningful argument and citation to authority. [Citations.] When legal argument with citation to authority is not furnished on a particular point, we may treat the point as forfeited and pass it without consideration. [Citations.] In addition, citing cases [or statutes] without any discussion of their application to the present case results in forfeiture".])

For the reasons above, appellant's argument that the Department improperly admitted and considered hearsay evidence is rejected.

B. Substantial Evidence

The Department sustained both counts in the accusation, finding that it "established, by a preponderance of the evidence, that the Licensed premises, through its failure to adequately address the circumstances that were impacting law enforcement resources, created conditions contrary to public welfare and morals" (Conclusions of Law, ¶ 25.) The Department also found that its evidence "credibly demonstrated that from October 29, 2023, through August 11, 2024, there were 7 separate incidents of unlawful behavior permitted during the operation of the Licensed Premises." (*Id.* at ¶10.)

The law requires that this Board defer to the Department's findings so long as they are supported by substantial evidence. (*See Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd. (Southland) (2002) 103 Cal.App.4th 1084, 1094 [127 Cal.Rptr.2d 652, 659] [citing Kirby v. Alcoholic*

Beverage Control Appeals Bd. (1968) 261 Cal.App.2d 119, 122 [67 Cal.Rptr. 628] ["In considering the sufficiency of the evidence issue the court is governed by the substantial evidence rule[;] any conflict in the evidence is resolved in favor of the decision; and every reasonably deducible inference in support thereof will be indulged. [Citations.]"; see also *Kirby v. Alcoholic Bev. etc. Appeals Bd.* (1972) 25 Cal.App.3d 331, 335 [101 Cal.Rptr. 815] ["When two or more inferences can be reasonably deduced from the facts, the reviewing court is without power to substitute its deductions for those of the department."].) "Substantial evidence" is "evidence of ponderable legal significance, which is 'reasonable in nature, credible and of solid value.' " (*County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 814 [38 Cal.Rptr.2d 304, 307–308], internal citations omitted.)

To establish the counts in the accusation, the Department called CPD officers Jake Ellis, Tucker Stimac, Travis Voight, Andrew Piersons, Derek Ament, and Cristian Bonilla, as well as CPD Lieutenant Joel Schmid and CPD Captain Jeramie Struthers to testify at the hearing. Additionally, the Department entered 11 exhibits totaling 70 pages as exhibits. The testimony and documentary evidence received constitutes substantial evidence of the Department's findings that appellant created a law enforcement problem for CPD and maintained a disorderly house.

Based on the above, the Department's findings must stand. Ultimately, appellant is asking this Board to second-guess the Department and reach a

different result. Extensive legal authority prohibits this Board from doing so.

(*Southland, supra*, 103 Cal.App.4th at 1094.)

C. Penalty

The main contention of appellant's argument is that it believes the penalty is unreasonable. Appellant questions why it is being penalized for "taking the responsible and mandated course of action – refusing service and calling authorities when necessary." (AOB, at p. 4.) Appellant believes it is being "unfairly targeted," and that CPD gave it "virtually no time to implement or demonstrate the effects of the changes [it] made in good faith." (*Id.* at pp. 6-7.) Finally, appellant argues that the Department did not give requisite weight to its "willingness to cooperate, its proactive corrective measures, and the absence of willful noncompliance." (*Id.* at p. 8.)

This Board may examine the issue of excessive penalty if it is raised by an appellant. (*Joseph's of Cal. v. Alcoholic Bev. Control Appeals Bd.* (1971) 19 Cal.App.3d 785, 789 [97 Cal.Rptr. 183].) However, the Board will not disturb the Department's penalty order in the absence of an abuse of discretion. (*Martin v. Alcoholic Bev. Control Appeals Bd. & Haley* (1959) 52 Cal.2d 287, 291 [341 P.2d 296].) An administrative agency abuses its discretion when it "exceeds the bounds of reason." (*County of Santa Cruz v. Civil Service Commission of Santa Cruz* (2009) 171 Cal.App.4th 1577, 1582 [90 Cal.Rptr.3d 394, 397].) However, "[i]f reasonable minds might differ as to the propriety of the penalty imposed, this fact serves to fortify the conclusion that the Department acted within its

discretion.” (*Harris v. Alcoholic Bev. Control Appeals Bd.* (1965) 62 Cal.2d 589, 594 [43 Cal.Rptr. 633].)

In determining disciplinary action, the Department is required to consider the penalty guidelines incorporated in California Code of Regulations, title 4, section 144. The standard penalty for a first-time violation of section 25601 ranges from 30 days through revocation.³ (Cal. Code Regs., tit. 4, § 144.) Nevertheless, rule 144 allows the Department to deviate from the standard penalty when, “*in its sole discretion*[, it] determines that the facts of the particular case warrant such deviation — such as where facts in aggravation or mitigation exist.” (*Ibid.*, emphasis added.)

Factors in aggravation include prior disciplinary history, prior warning letters, licensee involvement, premises located in high crime area, lack of cooperation by the licensee in investigation, appearance and actual age of minor, and continuing course or pattern of conduct. (Cal. Code Regs., tit. 4, § 144.) Factors in mitigation include the length of licensure at the subject premises without prior discipline or problems, positive action by the licensee to correct the problem, documented training of the licensee and the employees, and cooperation by the licensee in the investigation. However, neither list of factors

³ Creating a law enforcement problem is not a violation with recommendations on the rule 144 schedule. In this matter, the Department found the same penalty recommendations applicable for maintaining a disorderly house. (Decision, at p. 15.)

is exhaustive; the Department may use its discretion to determine whether other aggravating or mitigating circumstances exist. (*Ibid.*)

The Department found:

Despite the repeated incidents over an extended period, mitigation from an outright revocation is warranted. The Respondent has no prior discipline against the license at issue. The Respondent took some concrete actions after the 2022 meeting with CPD. As noted in the decision, these actions were insufficient to prevent recurrences of the incidents that led to the 2022 meeting between the Licensed Premises and the CPD. The Respondent took further actions after the meeting with the CPD in 2024. It is unclear whether these further measures have had a positive effect but they do reflect an effort on the part of the Respondent to correct the problem. These are appropriate factors in mitigation pursuant to Rule 144.

While in the present case, a stayed revocation is warranted, there are factors in aggravation that must be considered. While the Respondent has no prior discipline, the Respondent's ineffective response to the concerns raised by the CPD in 2022 led to repeated incidents of unlawful conduct occurring on the Licensed Premises over an extended period. These incidents were more than just occasional or isolated offenses. In multiple incidents, patrons of the Licensed Premises were injured because of unlawful conduct that the Respondent-Licensee effectively permitted.

(Decision, at p. 15.)

The Board cannot say that the Department abused its discretion. As the Board has said many times over the years, the extent to which the Department considers mitigating or aggravating factors is a matter entirely within its discretion. Rule 144 provides a range of a 30-day suspension up to revocation for the sustained counts. Appellant received a stayed-revocation, as well as a 30-day suspension, within the range of the recommended penalties. This

penalty is consistent with the Department's consideration of both mitigation and aggravation evidence. In short, the Board finds that the penalty is reasonable.

IV. CONCLUSION

For the above reasons, the appeal is denied, and the Department's decision is affirmed.

ORDER

Pursuant to Business and Professions Code section 23085, the decision of the Department is affirmed.⁴

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

⁴ 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.

APPENDIX

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

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

PARKSIDE TAP HOUSE, INC.
PARKSIDE TAP HOUSE
115 3RD STREET
CHICO, CA 95928

ON-SALE GENERAL EATING PLACE - LICENSE

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

REDDING DISTRICT OFFICE

File: 47-568540

Reg: 25095157

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.

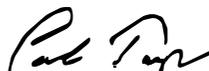
On or after October 20, 2025, a representative of the Department will contact you to arrange to pick up the license certificate.



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:

Parkside Tap house, Inc.
DBA Parkside Tap House
115 3rd Street
Chico, California 95928

Respondent

} File: 47-568540
}
} Reg.: 25095157
}
} License Type: 47
}
} Word Count: 79,189
}
} Reporter:
} Dalauna Cardoza
} Kennedy Reporters
}

On-Sale General Eating Place License

PROPOSED DECISION

Administrative Law Judge Alberto Roldan, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter via videoconference on May 27, 2025, through May 28, 2025.

Trisha Pal, Attorney, represented the Department of Alcoholic Beverage Control (Department).

Lia Juhl-Rhodes, Attorney, represented Parkside Tap House, Inc. (Respondent or Respondent-Licensee).

The Department seeks to discipline Respondent's license pursuant to two counts alleged in the Accusation on the grounds that:

Count 1

On or about and between June 30, 2023 and September 23, 2024, Respondent-Licensee(s) permitted or suffered the above designated premises to be used in a manner which did create a law enforcement problem for the law enforcement officials of the Chico Police Department, in that such officials were required to make numerous calls, investigations, arrests, or patrols concerning the conduct and acts occurring in and about said premises, and which thereby created conditions contrary to public welfare and morals as set forth in Article XX, Section 22 of the California State Constitution and Section 24200(a) of the Business and Professions Code, and

Count 2

On or about and between October 29, 2023 and August 11, 2024, Respondent-Licensee(s) kept or permitted, in conjunction with a licensed premises, a disorderly house, or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which

people abide or resort, which are injurious to the public safety, health, convenience or morals, in violation of Business and Professions Code section 25601. In relation to count 2, the Department specifically alleged that the following incidents occurred on or near the above designated premises location:

#	Date	Incident Report	Call Type
1	10/29/2023	23-007348	Battery
2	11/11/2023	23-007657	Public Intoxication
3	11/25/2023	23-008000	Battery with Serious Bodily Injury
4	12/3/2023	23-008197	Public Intoxication/Possession of Narcotics
5	1/14/2024	24-000324	Public Intoxication
6	7/20/2024	24-005041	Battery with Serious Bodily Injury
7	8/11/2024	24-005663	Battery

In each of the above two counts alleged in the Accusation, the Department further alleged that there is cause for suspension or revocation of the license of the Respondent in accordance with section 24200 and sections 24200(a) and (b) of the Business and Professions Code. The Department further alleged that the continuance of the license of the Respondent would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and sections 24200(a) and (b) of the Business and Professions Code. (Exhibit D-1)

Oral evidence, documentary evidence, and evidence by oral stipulation on the record was received at the hearing on May 27, 2025, through May 28, 2025. The matter was argued and submitted for decision on May 28, 2025.

FINDINGS OF FACT

1. The Department filed the Accusation on January 28, 2025. There is no record of prior Department discipline against the Respondent's license, which was issued on June 23, 2016. The Respondent holds a conditional Type 47 On-Sale General Eating Place License for a business known as Parkside Tap House at 115 3rd Street in Chico, California (Licensed Premises). Several of the conditions accepted by the Respondent on July 11, 2018, are designed to address potential concerns of the Respondent's presence in a university town. The Respondent is subject to a no loitering clause and there are hour restrictions in the license tied to several holidays and graduation events at California State University, Chico. The Licensed Premises is also required to operate as a bona fide food restaurant. (Exhibit D-11)

2. The Department presented evidence primarily through the testimony of Chico Police Department (CPD) officers, and through the introduction of police reports prepared in the ordinary course of the CPD investigations of the specific incidents documented in count 2 of the

Accusation¹. Several of the officers also testified to more generalized information regarding the impact the Licensed Premises had on CPD resources.

3. In 2022, CPD Lieutenant J. Durkin had an informal meeting with representatives of the Licensed Premises to discuss concerns about ongoing unlawful activity at the Licensed Premises that was causing a law enforcement concern. Joshua Marks (Marks), the president of the S corporation that holds the Department license was one of the three representatives of the Licensed Premises at the 2022 meeting. Marks testified in this matter that this was the first he had heard of the law enforcement concerns that were brought up by Durkin. Marks and the other Licensed Premises representatives were told there was a concern some of the activity might be gang related. From that meeting, the Licensed Premises representatives identified some changes in procedure to address the concerns raised. Changes to the music played in the Licensed Premises were made. A dress code to prevent gang colors and gang affiliated jerseys was implemented. The Licensed Premises added extra security on busy nights. Entrance security was provided with wands to check for weapons and the bouncers started to sporadically pat down patrons before entrance. A code of conduct was posted at the Licensed Premises. A private company patron scan was used for a short period, but was abandoned because of reliability issues. Despite these changes, CPD continued to have regular calls to respond to the Licensed Premises because of unlawful activity.

10/29/2023 Incident

4. On October 29, 2023, CPD Officer J. Ellis (Ellis) responded to a report of an assault at the Licensed Premises. The report came in just prior to 12:50 a.m. Ellis was familiar with the Licensed Premises location because he had responded there on multiple prior calls for service. When Ellis arrived, he was directed to a female who identified herself as Davonna Fletcher (Fletcher). Ellis observed that she had swelling above her left eyebrow consistent with having been struck in the face. Fletcher stated that she was trying to enter the restroom when an unknown male punched her in the face with a closed fist. Fletcher immediately sought help from one of the bouncers and asked him to call the police. Ellis was dispatched as a result of the call from the bouncer. Fletcher provided a description of the individual to Ellis. Ellis provided this information to other CPD officers and they conducted an area search without success. Fletcher indicated that she wanted to follow up on prosecution if the attacker was located. Ellis had her sign a citizen's arrest form and he provided Fletcher a victim's resource pamphlet. Fletcher was offered medical aid but she declined it. Ellis photographed the injury and later prepared a report of the investigation. (Exhibit D-2)

¹ The Respondent timely objected to the admission of the reports used in this matter through a written brief submitted prior to the taking of evidence (Exhibit L-11), and through verbal objections. The objections were focused on the hearsay statements contained within the reports since none of these persons were called as witnesses by the Department. The reports received in this matter were admitted pursuant to Evidence Code section 1280. The limited portions of the reports used as evidence in this matter involved either the percipient observations of the reporting CPD officers, non hearsay evidence, or hearsay documented by the officers subject to an exception to the hearsay rule and/or found to be otherwise trustworthy.

11/11/2023 Incident

5. On November 11, 2023, at approximately 1:30 a.m., CPD Officer T. Stimac (Stimac) was dispatched to the Licensed Premises. An unknown male had called dispatch and reported that a shorter male adult wearing a gray hoodie, blue jeans and white sneakers was actively being argumentative with other people in the Licensed Premises. Just before arriving, Stimac received an update that employees of the Licensed Premises were trying to detain the individual. When Stimac arrived, he saw one of the Licensed Premises' bouncers with his arms wrapped around an individual who matched the person described by the caller. During the investigation, Stimac was able to identify him as Bodie Nichols (Nichols). (Exhibit D-4)

6. As Stimac walked up, he could see that Nichols was visibly intoxicated. His speech was thick and slurred. Nichols' eyes had a blank stare and it looked like he had liquid spilled on his shirt. One of the other bouncers stated that Nichols was in this state while in the Licensed Premises and he refused to leave when they asked him to depart. Stimac walked up to Nichols and identified himself as a CPD officer. Stimac was in uniform and he had arrived in a marked patrol vehicle. Because of his agitated state, Stimac attempted to detain Nichols in handcuffs. Stimac grabbed Nichols' left arm and told him to put both hands behind his back so he could be handcuffed. Nichols flexed his left arm and then moved it in the opposite direction he was instructed. He also responded "no" when Nichols told him to put his hands behind his back. Stimac noted the strong smell of alcohol when Nichols spoke. Stimac forced Nichols to the ground to attempt to get control over Nichols. Even while on the ground, Nichols repeatedly refused Stimac's instructions. Stimac had to struggle with Nichols for a short period to get him handcuffed. (Exhibit D-4)

7. Because of his continued non-compliance and active physical resistance, Nichols was arrested for violating Penal Code section 148. Nichols refused to be placed in the patrol vehicle for transportation and hooked his leg on the door of the vehicle to prevent multiple CPD officers from placing him in the vehicle. The officers had to resort to using a full body restraint wrap to prevent Nichols from interfering with his transportation. Nichols was first transported to Enloe Hospital for medical clearance. After he was medically cleared for incarceration, he was transported to the Butte County Jail for booking. (Exhibit D-4)

11/25/2023 Incident

8. On November 25, 2023, Stimac responded to a call for multiple officers to report to the Licensed Premises to address a large fight that was reported to be ongoing. The reporting party was Trevor Gerfen (Gerfen), a bouncer at the Licensed Premises. Gerfen reported that one person was injured. When officers arrived, they did not find any persons engaged in a fight or any injured persons. After searching for potential witnesses or injured parties at the Licensed Premises, the officers dispersed to search the surrounding streets. As Stimac was driving Northbound on Main Street a few blocks from the Licensed Premises, a vehicle drove up behind him and flashed its lights to get Stimac's attention. (Exhibit D-5)

9. The vehicle then pulled up on Stimac's driver side. Stimac could see that a male in the passenger seat had a face covered in blood. Stimac stopped and contacted the other vehicle after it also pulled over. The driver identified himself as Muhammed Shabbar (Shabbar) and stated he was the uncle of the male in the passenger seat. The passenger was identified as Abedallah Khashman (Khashman). (Exhibit D-5)

10. Shabbar told Stimac that he was taking his nephew to Enloe Hospital to get treatment for his nephew's injuries. Shabbar told Stimac that his nephew called him for help and asked him to pick him up in the parking lot of a restaurant near the Licensed Premises called Jack's. Shabbar found him there and he saw that his nephew had multiple injuries to his face. Shabbar told Stimac that his nephew reported being attacked by a group of Hispanic or Black males in the outside area of the Licensed Premises. (Exhibit D-5)

11. Stimac later spoke with Khashman at the hospital. Khashman presented a version of events that involved multiple people attacking him for no reason. Stimac determined that Khashman was 18 years old with a date of birth of April 3, 2005. Stimac noted multiple injuries to Khashman's face. Khashman had both dried and fresh blood in multiple areas. Khashman had an open laceration on his forehead and a large lump next to the open wound. In addition, Khashman had visible swelling to his jaw and cheek area. CPD Officer A. Piersons assisted in the investigation and spoke with a friend of Khashman named Ibrahim Gazali (Gazali) who claimed to be with Khashman just prior to the altercation. Gazali claimed that a large group of up to 40 Hispanic males were yelling at the two of them. Gazali claimed that he became uncomfortable and departed before any physical altercation occurred. (Exhibit D-5)

12. Pierson also spoke with Gerfen, the reporting person. Gerfen confirmed that he was working as a bouncer at the Licensed Premises when he saw the fight start. Gerfen reported a different version of the event than the one reported by Khashman and Gazali. Gerfen's attention was drawn to Khashman when he saw Khashman provocatively dance up against a group of women. A Hispanic male chastised Khashman and told him that was not ok. Gerfen stated that he and other bouncers had to intervene after Khashman spat at the male who chastised him in the patio area of the bar. Khashman then aggressively swung a beer bottle at the male, missing him. The male then punched Khashman in the face which led Gerfen to intervene and pull the man away from Khashman. As Gerfen was pulling the man away from Khashman, another male punched Khashman in the face again. As Gerfen was separating the second man from Khashman, a third male swung a beer bottle at Khashman's face. Gerfen called for additional staff and all of the involved parties were physically removed from the Licensed Premises. Gerfen then immediately called 911 to report the incident. Gerfen told Piersons that he recognized the Hispanic males who fought with Khashman as regular patrons, but he did not know their names. Piersons asked Gerfen how Khashman was able to enter when he was 18 years old and the Licensed Premises was only allowing people over the age of 21 inside. Gerfen did not have an answer for this and denied knowing who had allowed Khashman into the Licensed Premises that evening. (Exhibit D-5)

12/3/2023 Incident

13. On December 3, 2023, at about 1:35 a.m., CPD Officer D. Ament (Ament) was flagged down by one of the employees of the Licensed Premises to assist with a patron who was refusing to leave and had been repeatedly sneaking back in. Ament contacted this patron in the patio area of the Licensed Premises adjacent to the entrance gates. The patron was identified as Robert Richards (Richards) during the investigation. Ament first told Richards that he needed to leave and go home. Richards argued with Ament and said he needed to get his friend first. Ament noted that Richards smelled of alcohol. He repeatedly swayed, then twerked his extremities. His eyes appeared blank and his pupils were enlarged. After multiple rounds of instructing him to leave, and Richards arguing and not complying, Ament warned Richards that he was going to arrest him. Ament determined that Richards met the definition of Penal Code section 647(F) because of his condition. Richards was placed under arrest by Ament. During a search of his person, Richards was found in possession of what appeared to be a baggie of cocaine powder, based on Ament's training and experience. Richards was also found to be on probation because of a criminal conviction. Richards was subject to a no consumption of alcohol clause as a result of a recent driving under the influence conviction. During the booking process for the Penal Code and probation violations, Richards was administered three screening tests with a preliminary alcohol screening device. The first screening was found to be defective because of an insufficient breath attempt. The defective result was a .232% blood alcohol content. The second and third screenings complied with protocols and both resulted in a .259% blood alcohol content. (Exhibit D-6)

1/14/2024 Incident

14. On January 14, 2024, Ellis was on patrol in the vicinity of the Licensed Premises. Ellis was dispatched to the Licensed Premises because of a report of a patron being physically hostile to staff and refusing to leave. Ellis arrived at the Licensed Premises at approximately 1:31 a.m. When Ellis walked up, he noted that Parkside staff had pinned a male to the ground. Ellis later identified the pinned down male as Brandon Reyes (Reyes). This male was arguing with the Parkside staff while they were detaining him. After contacting the male, Ellis observed that he had objective symptoms of alcohol intoxication, including red and watery eyes, the smell of alcohol about his person, unsteadiness on his feet, and difficulty following instructions. Ellis determined that Reyes met the threshold of not being able to care for himself or others and arrested him for violating Penal Code section 647(f). Ellis then transported Reyes for booking in the county jail. (Exhibit D-3)

7/20/2024 Incident

15. On July 20, 2024, CPD Officer T. Voight (Voight) responded to a report of a fight at the Licensed Premises. The report to dispatch came from an employee of the Licensed Premises and the reporting party described one male as having been knocked unconscious after being punched by another male. When Voight arrived, he contacted Gerfen, who was one of the bouncers working at the Licensed Premises that evening. Gerfen reported to Voight that the male who was struck appeared to be unconscious for about 1-2 minutes after the punch. Voight later

interviewed the male who was struck and identified him as Marco Lomelilomeli (Lomelilomeli). Gerfen said that an unknown Black male wearing a white tank top had been kicked out of the Licensed Premises by employees. As he was leaving, he struck Lomelilomeli in the face, rendering him unconscious. Gerfen described the punch to Lomelilomeli as unprovoked. The unknown Black male then ran away. Officers searched in the direction Gerfen saw the male run, but they were unable to locate someone matching the description of the attacker. Lomelilomeli declined medical help, so Voight gave him a case number and a victim's right's pamphlet. (Exhibit D-7)

8/11/2024 Incident

16. On August 11, 2024, CPD Officer C. Bonilla (Bonilla) was dispatched to the Licensed Premises to investigate a reported ongoing physical fight between two females at the Licensed Premises. Bonilla contacted one of the women involved in the fight named Ryley Williams (Williams). The contact occurred in front of an unrelated business adjacent to the Licensed Premises. She was in the process of filling out a citizen's arrest form with another CPD officer. The other alleged party was described and Voight later contacted the other person involved in the fight named Heidi Kaps (Kaps). Both Kaps and Williams admitted to fighting with each other, but both parties gave differing accounts of who had started the conflict and why. Neither of the women had visible injuries. Since the officers were unable to determine fault, neither of the women were arrested. (Exhibit D-8)

17. In September 2024, the CPD initiated another meeting with representatives of the Licensed Premises to raise their ongoing concerns about the continuing, disproportionate number of law enforcement calls to the Licensed Premises as compared to other, similar businesses in the immediate area. CPD Lieutenant J. Shmid (Shmid) was one of the officers present. During the meeting, the CPD representatives communicated to the Respondent's representatives that there were over 180 calls for service to the Licensed Premises location during the period of concern between the 2022 meeting and this meeting. The information was given verbally and the CPD did not provide representatives of the Licensed Premises any written documents supporting this claim. The CPD representatives primarily focused on raising concerns about criminal activity at the Licensed Premises and the impact it was having on CPD resources.

18. Subsequent to the September 2024 meeting with representatives of the CPD, the Licensed Premises implemented additional procedures to address concerns that had been raised during the September 2024 meeting. A newer identification scanner system was put in place that allowed for the flagging of trouble patrons so that they could be identified and banned. (Exhibit L-8) Elevated security boxes were installed that allowed for the security guards to be more visible and for them to see the crowds better. Backpacks were banned. The posted rules of conduct added a notice of a permanent ban for fighting. Last call was moved 15 minutes forward so that patrons from the Licensed Premises and other nearby bars were not spilling onto the streets at the same time.

19. Marks testified in this matter to address issues beyond the control of the Licensed Premises that Marks felt were being unduly lumped in as conduct of the Licensee/Respondent. Marks

testified that two businesses were operating in the immediate area of the Licensed Premises that were attracting people, other than patrons, to the front of the Licensed Premises around closing time. The people who were arriving to get food at Woodstock's or the hot dog vender may be there from adjacent licensed establishments, and they may not have ever entered the Licensed Premises. Directly across the street, a Woodstock's Pizza was open for late night food and drinks. In addition, the city of Chico allowed a hot dog vender to operate a cart near the front entrance of the Licensed Premises. This business operated well past closing time for the Licensed Premises and adjacent bars.

20. During the hearing in this matter, the Department introduced CPD dispatch reports (Exhibit D-10) that were generated by the CPD using either, only the street address of the Licensed Premises, or the business name of the Licensed Premises combined with the street address. The first 2 pages² of the 5-page report capture a period between June 27, 2023, and June 27, 2024. This portion of the report shows 71 incident or case entries of varying types. The raw incident entries do not capture the merits of the underlying incidents or the level of involvement, if any, of the Licensed Premises. The report does document whether an incident or case number was assigned to an incident and it does, in the majority of the incidents, show the primary reporting officer and the nature of the call. The incidents testified to in this matter that fell within the report date parameters were documented in these logs. The last three pages of Exhibit D-10 capture the same information for a period from September 24, 2023, through September 24, 2024, using the business name "Parkside Tap House" combined with the Licensed Premises address. This portion of the report shows 120 incident or case entries of varying types. The two separate sections of Exhibit D-10 are for overlapping periods and for the same location, so multiple, identical, incidents are documented in both reports. (Exhibit D-10)

21. CPD Captain J. Struthers (Struthers) testified in this matter. Struthers administers all 4 watch commands for the CPD and in his capacity, he has a global view of the allocation of resources within that police department. The CPD has approximately 109 law enforcement officers on staff. There are four shifts a day and there are generally six officers per shift to cover the entire city of Chico. Each of the watch commanders of the CPD are a direct report to him. In this capacity, Struthers noted in July 2024 that a repeated stress on patrol resources was driven by responses to the Licensed Premises, particularly around closing time. According to Struthers, responses to the Licensed Premises location were disproportionate to other, nearby licensed establishments³. Struthers testified that a fight call would require a minimum of two officers to respond and larger incidents might require the dispatch of all officers on a shift to a location. The concerns brought by the watch commanders is what led to CPD Chief B. Aldridge writing to the

² The first two pages of this exhibit are pages 1 and 3 of a location history for 115 W. 3rd Street between 6/27/2023 and 6/27/2024. It was determined that page 2 was missing. The Department did not produce the missing page. As a result of the missing page, this portion of the report underrepresents the number of incidents that were responded to by the CPD using the parameters of the search.

³ Several of the officers who testified about the specific incidents alleged by the Department also noted in their testimony that the Licensed Premises was a location that they disproportionately responded to during work shifts.

Department in November 2024 to request the opening of a Department investigation of the Licensed Premises. (Exhibit D-9) The Respondent was not made aware of this request for an investigation by the Department and there were no further meetings between the CPD and the Respondent subsequent to the September 2024 meeting. No evidence was received in this matter regarding whether the additional measures implemented by the Respondent after the September 2024 meeting had any measurable impact on the concerns raised at that meeting.

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. Business and Professions Code 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. Business and Professions Code section 25601 provides that every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety, is guilty of a misdemeanor.
4. *Yu v. Alcoholic Bev. etc. Appeals Bd.* (1992) 3 Cal.App.4th 286 has an extensive discussion of the Department's statutory authority and powers under the State Constitution. In discussing the Department's ability to bring a disorderly house action against a licensee, the court found that:

“[t]he California Constitution authorizes the revocation of a license where the premises have essentially become a public nuisance. The constitutional provision says that the existence on the licensed premises of a condition injurious to the public welfare is enough for revocation. (Cal. Const., art. XX, § 22.) As in applying the law of nuisance, fault is not relevant; the power of the Department derives from the police power, to prevent nuisances regardless of anyone's fault in creating them. Thus, it is said that the licensee is charged with preventing his premises from becoming a nuisance and it will not avail him to plead that he cannot do so. (*Givens v. Dept. Alcoholic Bev. Control, supra*, 176 Cal.App.2d 529.)

This interpretation of the power of the Department dates back to the very earliest decisions interpreting the Alcoholic Beverage Control Act, all of which held that there is no inherent right to sell intoxicating liquors, that the liquor business is fraught with danger to the community, and may therefore be either entirely prohibited, or permitted under such conditions as are prescribed by the regulatory agency, which has broad power in this respect. (See, e.g., *Tokaji v. State Board of Equalization* (1937) 20 Cal.App.2d 612, 615–616; *Empire Vintage Co. v. Collins* (1940) 40 Cal.App.2d 612, 617.) The courts

viewed a liquor license as different from a license to conduct any other business, and believed that a license to sell liquor “is not a proprietary right within the meaning of the due process clause of the Constitution [Citation], nor is it a contract [Citation]; it is but a permit to do what would otherwise be unlawful, and consequently, a statute authorizing its revocation does not violate the due process clause, and it may be revoked without notice or hearing without invading any constitutional guarantees. [Citations.]

The statute was later amended to provide licensees procedural rights in challenging discipline or revocation, but although due process, notice and a hearing became available to the licensee, the fundamental premise for revocation remained, as expressed in the cases cited above such as *Givens*, *Harris*, and *Morell*, the existence of a public nuisance in and about the licensed premises, regardless of the degree of fault of the licensee. Accordingly, a legal finding of good cause for revocation is tested by an abuse of discretion standard (*Hansen v. State Board of Equalization* (1941) 43 Cal.App.2d 176), and a license may be revoked or denied when a licensed premises becomes a nuisance or a police problem. (*Parente v. State Board of Equalization* (1934) 1 Cal.App.2d 238; 297 *Harris v. Alcoholic Bev. Con. Appeals Bd.*, *supra*, 212 Cal.App.2d 106; *Morell v. Dept. of Alcoholic Bev. Control*, *supra*, 204 Cal.App.2d 504.)” *Yu v. Alcoholic Bev. etc. Appeals Bd.* (1992) 3 Cal.App.4th 286, 296–297

5. Penal code section 242 provides that a battery is any willful and unlawful use of force or violence upon the person of another. Penal code section 243(d) provides that when a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. Penal code section 243 further defines “Serious bodily injury” as a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

6. Penal Code section 647 provides, in relevant part, that every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(f) Who is found in a public place under the influence of intoxicating liquor, a drug, controlled substance, toluene, or a combination of an intoxicating liquor, drug, controlled substance, or toluene, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, drug, controlled substance, toluene, or a combination of an intoxicating liquor, drug, or toluene, interferes with or obstructs or prevents the free use of a street, sidewalk, or other public way.

7. Health and Safety Code section 11350 provides, in relevant part, that (a) [e]xcept as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled

substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year.

8. In determining whether a violation of the above sections has been caused or permitted by the licensee, the knowledge of the licensee itself and its agents and/or employees will be examined and weighed. “[T]his knowledge may be either actual knowledge or constructive knowledge imputed to the licensee from the knowledge of his or her employees. (See *Fromberg v. Dept. Alcoholic Bev. Control* (1959) 169 Cal.App.2d 230, 233–234; *Endo v. State Board of Equalization* (1956) 143 Cal.App.2d 395, 401–402.)” *Laube v. Stroh* (1992) 2 Cal.App.4th 364, 367.

9. With respect to Count 1 of the Accusation, cause for suspension or revocation of the Respondent’s license exists under Article XX, section 22 of the California State Constitution and section 24200(a) on the basis that, between June 30, 2023 and September 23, 2024, the Respondent-Licensee permitted or suffered the above designated premises to be used in a manner which did create a law enforcement problem for the law enforcement officials of the CPD, in that such officials were required to make numerous calls, investigations, arrests, or patrols concerning the conduct and acts occurring in and about the Licensed Premises, and which thereby created conditions contrary to public welfare and morals as set forth in Article XX, Section 22 of the California State Constitution and Section 24200(a) of the Business and Professions Code. (Findings of Fact ¶¶ 1-21)

10. With respect to Count 2 of the Accusation, cause for suspension or revocation of the Respondent’s license exists under Article XX, section 22 of the California State Constitution and section 24200(a). In Count 2, the Department pled sub-counts 1-7 to establish liability pursuant to Business and Professions Code section 25601. The Department’s evidence credibly demonstrated that from October 29, 2023, through August 11, 2024, there were 7 separate incidents of unlawful behavior permitted during the operation of the Licensed Premises. These incidents showed that, from October 29, 2023 through August 11, 2024, the Respondent-Licensee, or its agents or employees, kept, permitted to be used, or suffered to be used, the Licensed Premises as a disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety. (Findings of Fact ¶¶ 1-21)

11. Since each of the sub-counts in Count 2 of the Accusation are part of the larger record establishing Count 1, they will be addressed first. The Department established that, on October 23, 2023, (sub-count 1) Fletcher was battered, in violation of Penal Code section 242, by an unknown assailant, inside of the Licensed Premises. Fletcher had swelling above her left eyebrow consistent with having been struck in the face. She made an immediate report of this to a bouncer inside of the Licensed Premises. Multiple officers were involved in this investigation. (Finding of Fact, ¶ 4)

12. The Department established that, on November 11, 2023, (sub-count 2) multiple officers were required to take Nichols into custody, at the Licensed Premises, after he was argumentative and fought with both bouncers and law enforcement officers. Nichols was extremely intoxicated when encountered at the Licensed Premises, to the point that he had to be medically cleared before he could be booked for violating Penal Code section 647(f). One of the bouncers stated that Nichols was in this state while in the Licensed Premises and he refused to leave when they asked him to depart. Because of his continued non-compliance and active physical resistance, Nichols was also arrested for violating Penal Code section 148. (Findings of Fact ¶¶ 5-7)

13. The Department established that, on November 25, 2023, (sub-count 3) Khashman was battered by at least 3 other patrons in violation of Penal Code section 243. The attack occurred inside of the Licensed Premises in the direct presence of Respondent employees. Khashman suffered significant lacerations and injuries to his face as a result of the attack which is why his uncle was taking him to the hospital. This attack occurred after Khashman (who was only 18 years old) himself engaged in assaultive behavior towards patrons inside of the Licensed Premises. Khashman's assault had already been stopped by an employee of the Licensed Premises, so the batteries on Khashman were not in the lawful defense of the attackers or others when they repeatedly struck Khashman in the face, causing his injuries. (Findings of Fact ¶¶ 8-12)

14. The Department established that, on December 3, 2023, (sub-count 4) Richards was at the Licensed Premises in an extreme state of intoxication. Richards was argumentative and did not comply with lawful instructions of the officers who had to respond to remove him from the Licensed Premises. The request to assist with his removal came from an employee of the Licensed Premises. After his arrest, he was found in possession of what appeared to be cocaine and his blood level measured at a .259% blood alcohol content. (Finding of Fact ¶ 13)

15. The Department established that, less than six weeks later, on January 14, 2024, (sub-count 5), CPD officers had to again respond to a report of a patron being physically hostile to staff and refusing to leave. CPD officers arrived at the scene and encountered Reyes arguing with the Respondent's employees while they were detaining him. Reyes met the threshold of not being able to care for himself or others and CPD officers arrested him for violating Penal Code section 647(f). (Finding of Fact ¶ 14)

16. The Department established that, on July 20, 2024, (sub-count 6) CPD officers had to respond to another physical altercation at the Licensed Premises. It was established that a patron who had been expelled by employees, while on his way out, sucker punched Lomelilomeli, another patron, rendering him unconscious. A bouncer who watched it occur said that the attack was unprovoked. This attack was in violation of Penal Code section 243(d) and it occurred in the presence of employees who had already identified the attacker as a problem patron. (Finding of Fact ¶ 15)

17. The Department established that, on August 11, 2024, (sub-count 7) CPD officers had to investigate another physical fight. The evidence established that Kaps and Williams fought with each other inside of the Licensed Premises which led to the law enforcement call to respond.

While it was unclear who initiated the fight, each party engaged in a battery of the other in violation of Penal Code section 242. (Finding of Fact ¶ 16)

18. Prior to these seven enumerated incidents, the Respondent was on notice of the concerns of the CPD when Durkin met with representatives of the Licensed Premises in 2022. After the 2022 meeting, the Respondent instituted some changes in response to the concerns of the CPD. Despite the described changes, incidents continued to occur. The Department presented evidence of seven different incidents, starting on October 29, 2023, and extending through August 11, 2024. In each of the enumerated incidents, CPD officers interacted with the staff of the Licensed Premises. The Respondent was on constructive notice that more incidents of violence and excessive alcohol consumption were occurring at the Licensed Premises. More was needed to curtail further violations. However, other than the changes implemented by the Respondent that occurred after the 2022 meeting (but before the first enumerated incident), the Respondent presented little evidence of what it was doing different to stop these additional incidents. (Findings of Fact ¶¶ 1-21)

19. The Respondent has challenged whether the actions of private parties at, or in front of, the Licensed Premises should be attributable to the Respondent. *Laube v. Stroh* (1992) 2 Cal.App.4th 364 and *Santa Ana Food Market, Inc. v. Alcoholic Beverage Control Appeals Board* (1999) 76 Cal.App.4th 570 are cases that address foreseeability and whether the unexpected conduct of non-employees should be imputed to a licensee or its agents. A close reading of *Laube* and a consideration of the specific facts of this case support the conclusion that imputed liability is appropriate under the facts of this case. In discussing imputed liability, the *Laube* court noted that:

“A licensee has a general, affirmative duty to maintain a lawful establishment. Presumably this duty imposes upon the licensee the obligation to be diligent in anticipation of reasonably possible unlawful activity, and to instruct employees accordingly. Once a licensee knows of a particular violation of the law, that duty becomes specific and focuses on the elimination of the violation. Failure to prevent the problem from recurring, once the licensee knows of it, is to “permit” by a failure to take preventive action.” *Laube v. Stroh* (1992) 2 Cal.App.4th 364, 379

20. A common theme is reflected in each of the seven incidents presented by the Department in Count 2. Agents or employees of the Respondent repeatedly evaded the duties the circumstances called for. The interventions in many of the incidents came *after* the unlawful events had already unfolded. Employees were shown to be repeatedly responding to fights after they have already happened. In multiple incidents, overservice to the offender was a contributing factor. It is noted that every incident occurred after midnight and often close to last call. The Department has established, by a preponderance of the evidence, liability under Section 25601. The Department’s evidence arose from seven separate incidents from October 29, 2023, through August 11, 2024. The Department has shown an ongoing pattern of inaction by the Respondent and its employees, that permitted these incidents to occur. (Findings of Fact ¶¶ 4-16)

21. A Department licensee has an affirmative duty to maintain his or her premises in a lawful and orderly fashion (*Givens v. Department of Alcoholic Beverage Control* (1959) 176 Cal.App.2d 529). A disorderly house charge is synonymous in the law with a nuisance allegation, wherein a person, or licensee in this matter, permits ongoing illegal activity to continue unchecked (*Yu v. Alcoholic Beverage Control Appeals Board* (1992) 3 Cal.App.4th 286). Disorderly house accusations are inherently aimed at stopping persistent violations of the law.

22. The court in *Morell v. Department of Alcoholic Beverage Control* (1962) 204 Cal.App.2d 504, observed; “Where... objectionable behavior in a licensed establishment is of a continuing nature and not merely an isolated or accidental instance, it is an inescapable conclusion that the licensees have permitted and suffered the resultant condition which offends public welfare and morals and violates the statutory prohibition against keeping a disorderly house.” This was addressed in Count 2.

23. Count 1 addresses a corollary issue that often flows from a disorderly house. In Count 1, the Department alleged that, on or about and between June 30, 2023, and September 23, 2024, Respondent-Licensee permitted or suffered the above designated premises to be used in a manner which did create a law enforcement problem for the law enforcement officials of the CPD. The evidence in this matter did establish that, during these dates, the CPD disproportionately had to respond to the Licensed Premises because of dispatches, ongoing investigations, and arrests related to unlawful activity occurring at the Licensed Premises or near the Licensed Premises but involving the Respondent’s patrons. (Findings of Fact ¶¶ 1-21)

24. Separate and apart from the incident logs, multiple officers testified to more intensive patrolling at the Licensed Premises location because of the heightened number of incidents that occurred there, in comparison to surrounding licensed establishments. Not every incident in the logs received as Department Exhibit 10 involved the Licensed Premises. However, given that the search parameters used to generate the incident logs involved the use of the Licensed Premises’ specific business name and its specific street address, it is inescapable that many of the incidents did connect directly to the Licensed Premises location and/or patrons of the Licensed Premises. The testimony from the watch commander captain down through the patrol level officers’ personal experiences also established that the Licensed Premises was a disproportionately large drain on CPD resources during the period at issue in Count 1. (Findings of Fact ¶¶ 1-21)

25. The Department established, by a preponderance of the evidence, that the Licensed Premises, through its failure to adequately address the circumstances that were impacting law enforcement resources, created conditions contrary to public welfare and morals as set forth in Article XX, Section 22 of the California State Constitution and Section 24200(a) of the Business and Professions Code as alleged in Count 1. (Findings of Fact ¶¶ 1-21)

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

PENALTY

Disorderly house violations pursuant to Business and Professions Code section 25601. Rule 144⁴ calls for a 30-day suspension (occasional or isolated offenses) through revocation (recurring or aggravated offenses) depending on the seriousness of the violation. Rule 144 also requires the consideration of additional aggravating and mitigating circumstances in weighing whether there should be an upward or downward departure from the standard penalty schedule. Count 2 is not a violation with recommendations on the rule 144 schedule. Given its inherent relationship to the disorderly house allegations in Count 2, the penalty range for that allegation is appropriate as guidance in calculating the penalty for that violation. Counts 1-2 are also appropriately considered as a single pattern of conduct that is appropriately addressed in a concurrent penalty.

The Department, in recognition of the lack of prior discipline against the license, and efforts by the Respondent to respond to the concerns of the CPD, did not seek outright revocation. They requested that the Respondent's license be revoked, with a stay for 3 years and a 45-day actual suspension, given the repeated pattern of violations in this matter. The Respondent sought an outright dismissal of the allegations.

Despite the repeated incidents over an extended period, mitigation from an outright revocation is warranted. The Respondent has no prior discipline against the license at issue. The Respondent took some concrete actions after the 2022 meeting with CPD. As noted in the decision, these actions were insufficient to prevent recurrences of the incidents that led to the 2022 meeting between the Licensed Premises and the CPD. The Respondent took further actions after the meeting with the CPD in 2024. It is unclear whether these further measures have had a positive effect but they do reflect an effort on the part of the Respondent to correct the problem. These are appropriate factors in mitigation pursuant to Rule 144.

While in the present case, a stayed revocation is warranted, there are factors in aggravation that must be considered. While the Respondent has no prior discipline, the Respondent's ineffective response to the concerns raised by the CPD in 2022 led to repeated incidents of unlawful conduct occurring on the Licensed Premises over an extended period. These incidents were more than just occasional or isolated offenses. In multiple incidents, patrons of the Licensed Premises were injured because of unlawful conduct that the Respondent-Licensee effectively permitted.

The penalty recommended herein complies with rule 144.

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

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

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p>PARKSIDE TAP HOUSE, INC. PARKSIDE TAP HOUSE 115 3RD STREET CHICO, CA 95928</p> <p>ON-SALE GENERAL EATING PLACE - LICENSE</p> <p>under the Alcoholic Beverage Control Act.</p>	<p>File: 47-568540</p> <p>Reg: 25095157</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:

PARKSIDE TAP HOUSE, INC.
PARKSIDE TAP HOUSE
115 3RD STREET
CHICO, CA 95928

LIA M. JUHL-RHODES, ATTORNEY AT LAW
414 SALEM STREET
CHICO, CA 95928

9589 0710 5270 2460 7021 63

9589 0710 5270 2460 7021 70

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

REDDING 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: PARKSIDE TAP HOUSE, INC. PARKSIDE TAP HOUSE 115 3 RD STREET CHICO, CA 95928 ON-SALE GENERAL EATING PLACE - LICENSE under the Alcoholic Beverage Control Act.	File: 47-568540 Reg: 25095157 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:

PARKSIDE TAP HOUSE, INC.
PARKSIDE TAP HOUSE
115 3RD STREET
CHICO, CA 95928

TRISHA PAL
3927 LENNANE DRIVE, SUITE 100
SACRAMENTO, CA 95834

LIA M. JUHL-RHODES, ATTORNEY AT LAW
414 SALEM STREET
CHICO, CA 95928

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

REDDING 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: }

Parkside Tap House, Inc.
Db: Parkside Tap House
115 3rd Street
Chico, CA 95928

FILE: 47-568540
REG: 25095157

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

**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 21, 2025, I mailed from Sacramento:

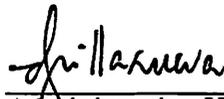
**NOTICE OF CONTINUED HEARING BY VIDEO CONFERENCE ON ACCUSATION
VIDEO CONFERENCE HEARING NOTICE TO PARTIES**

Parkside Tap House, Inc.
Db: Parkside Tap House
115 3rd Street
Chico, CA 95928

Lia M. Juhl-Rhodes, Attorney at Law
414 Salem Street
Chico, CA 95928

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)
 Redding 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 16, 2025

In the Matter of the Accusation Against:

Parkside Tap house, Inc.
DBA Parkside Tap House
115 3rd Street
Chico, California 95928

File: 47-568540
Reg: 25095157

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