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

AB-10030
File: 21-661018; Reg: 25095613

Boozing Bulldog, Inc.
dba University Liquor Deli
1752 East Barstow Avenue
Fresno, CA 93710-6505
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Department Hearing:
Honorable Alberto Roldan

Appeals Board Hearing: April 17, 2026
Sacramento, CA/Videoconference

ISSUED APRIL 22, 2026

Appearances: Adam Koslin, of Solomon, Saltsman & Jamieson, as counsel for appellant;

Sean Klein, as counsel for the Department of Alcoholic Beverage Control.

OPINION

The Boozing Bulldog, doing business as University Deli Liquor, ("appellant") appeals from an order of the Department of Alcoholic Beverage Control[1] (hereinafter referred to as the "Department") suspending its license for 10 days because it sold an alcoholic beverage to a person under the age of 21 years in

[1] The Department's Decision, dated November 17, 2025, is set forth in the appendix.

violation of Business and Professions Code[2] section 25658(a). For the following reasons, the Department's decision is affirmed.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

The Department issued an off-sale general license to appellant on December 31, 2024. There is no prior record of discipline against appellant's license.

On May 5, 2025, Department agents visited the licensed premises on a general enforcement assignment. The licensed premises is located in a strip mall shopping center adjacent to the California State University, Fresno campus. Agent L. Pino and two other agents arrived at the licensed premises in an undercover, plain-clothes capacity to determine if customers purchasing alcoholic beverages were under 21 years of age.

While inside the licensed premises, Agent Pino observed two males that appeared to be under the age of 21 in front of the beer coolers. One of the males selected a 24-ounce can of Twisted Tea and a 375-milliliter bottle of Soon Hari soju, which are both alcoholic beverages. The male, later identified as Ajay Mohan (Mohan), carried the beverages to the register area. Appellant's video system recorded the transaction that occurred (exhibit D-3).

Mohan walked up and placed the beverages in front of the cashier for purchase. The cashier scanned both beverages and asked for Mohan's

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

identification. Mohan reached into his wallet and pulled out some form of card that he held and displayed briefly (a few seconds) in the direction of the cashier. Mohan did not flip the card over to display the back of the card, nor did he hand the card to the cashier. Mohan then placed the card back in his wallet and paid for the beverages. The cashier placed the beverages in a black, plastic bag and handed them to Mohan, who then exited the licensed premises.

Agent Pino confronted Mohan outside the licensed premises. Mohan admitted he was 19 years old and presented his valid California Driver's license (CDL) confirming his age. Because he was under 21 years old, Mohan's CDL was in a vertical format with a red highlighted area that stated he would be 21 in 2026.

Agent Pino asked Mohan if he had a fake identification. Initially Mohan denied it but then allowed Agent Pino to search his wallet. Agent Pino found a purported CDL in horizontal format with an image of Mohan and his name. Mohan's false identification had a birthday that corresponded with him being over the age of 21.

Agent Pino compared the false CDL with Mohan's valid CDL and concluded that the color of the background in the photograph was "off." Agent Pino also noted that the black magnetic stripe on the back of the card did not have a raised edge like a genuine CDL and the font on the front appeared too bold and oversaturated. Further, Agent Pino noted that the false

CDL was matte as compared to a glossy authentic CDL. Agent Pino took a photograph of Mohan on May 5, 2025. (Exh. D-4.)

During the investigation, Agent Pino identified the clerk as Malkeet Singh ("clerk" or "Singh"). Singh did not testify at the hearing, but appellant introduced a signed letter from Singh discussing the incident. (Exh. L-6.) In the letter, Singh described Mohan as a regular customer who he recognized prior to the purchase. Singh asked Mohan for his identification as per store policy. Singh stated that he had seen and physically examined Mohan's identification multiple times previously and that he believed it was genuine. However, Singh did not state which factors had led him to the conclusion that Mohan's false identification was real, nor did he address the security features on genuine CDLs.

R. Singh, appellant's Chief Corporate Officer, also testified at the hearing. R. Singh testified that he also checked Mohan's identification on a previous purchase of an alcoholic beverage and concluded that the identification was authentic.

The Department filed the accusation on June 20, 2025 and the administrative hearing was held on September 25, 2025. The administrative law judge (ALJ) issued a proposed decision on October 1, 2025 sustaining the accusation and recommending appellant's license be suspended for 10 days. The Department adopted the ALJ's proposed decision on November 17, 2025 and issued a certificate of decision the same day. Appellant filed a timely appeal contending the clerk reasonably relied on a "bona fide" identification,

which is an affirmative defense to a violation of section 25658(a). For the following reasons, the Board disagrees with appellant.

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;
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> 2. Whether the Department has proceeded in the manner required by law;
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> 3. Whether the Department's decision is supported by its findings, and;
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> 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 the Department erred in rejecting its section 25660 defense. (Appellant's Opening Brief (AOB), at pp. 5-9.) Specifically, appellant argues that the Department applied the incorrect legal standard to section 25660. (*Id*. at p. 5.) Appellant argues that had the Department applied the correct legal standard, then substantial evidence established that its clerk reasonably relied on the minor's fake identification. (*Id*. at pp. 8-9.) For the following reasons, the Board rejects appellant's argument.

Section 25660(c) provides:

> Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon [a government-issued identification or identification purporting to be

> government-issued[3]] shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

(*Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.* (2004) 118 Cal.App.4th 1429, 1444-1445 [13 Cal.Rptr.3d 826, 837] (*Masani*).) However, section 25660 must be narrowly construed and the licensee has the burden of establishing the defense. (*Lacabanne Properties, Inc. v. Alcoholic Beverage etc. Appeals Board* (1968) 261 Cal.App.2d 181, 189-190 [67 Cal.Rptr. 734] (*Lacabanne*).)

One of the requirements of section 25660 is that a licensee must show that reliance on the false identification was *reasonable*. (*Lacabanne*, *supra*, at p. 189; *5501 Hollywood v. Dept. of Alcoholic Bev. Control* (1957) 155 Cal.App.2d 748, 753-754 [318 P.2d 820] (*5501 Hollywood*).) In other words, a licensee (or employee) must exercise the caution that a reasonable and prudent person

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[3] It is immaterial whether the identification used was actually government-issued. In *Masani*, the court said:

> The licensee should not be penalized for accepting a credible fake that has been reasonably examined for authenticity and compared with the person depicted. A brilliant forgery should not ipso facto lead to licensee sanctions. In other words, fake government ID's cannot be categorically excluded from the purview of section 25660. The real issue when a seemingly bona fide ID is presented is the same as when actual governmental ID's are presented: reasonable reliance that includes careful scrutiny by the licensee.

(*Masani*, *supra* at p. 1445.)

would show in the same or similar circumstances. (*Lacabanne*, *supra*, at p. 189; *Farah v. Alcoholic Bev. Control Appeals Bd.* (1958) 159 Cal.App.2d 335, 339 [324 P.2d 98]; *5501 Hollywood*, *supra*, at p. 753.) Further, reasonable reliance cannot be established if the appearance of the person presenting the identification is "too young in appearance to be 21." (*5501 Hollywood*, *supra*, at p. 754.)

Finally, the Department's findings regarding a section 25660 defense will be upheld so long as those findings are supported by substantial evidence. (*Masani*, *supra*, at p. 1437; *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.]".) Substantial evidence is "evidence of ponderable legal significance, which is 'reasonable in nature, credible and of solid value.' " (*County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 814 [38 Cal.Rptr.2d 304, 307–308], internal citations omitted.)

In rejecting appellant's affirmative defense, the Department found:

> The evidence is not clear on which identification was presented. The Department asserts the genuine CDL was used. The Respondent asserts the fake one was used. The record is not clear in this matter and the Respondent has the burden in this defense. Even if the evidence established that the fake identification was used, the defense burden has still not been met because the Respondent has not shown that the required scrutiny of the purported identification occurred on May 5, 2025, or any day prior. While M. Singh asserts the conclusion that he thought the identification was genuine,

> nowhere in his letter does he address what, if anything, he knows about the security features of a genuine CDL. Further, there is no evidence about what he looked at in the purported CDL to conclude that it was genuine. During the investigation. Pino was able to reference four different features of the purported identification that led her to conclude it was a fake. Two of those four features are apparent even in the limited quality image that was introduced in evidence in this matter. On May 5, 2025, M. Singh barely looked at the identification presented. Given this, it is difficult to accept that M. Singh applied the scrutiny required to meet the Respondent's burden of proof on the prior dates referenced by the Respondent. In short, there is no basis to conclude that any subjective reliance by M. Singh was objectively reasonable, such that a defense can be established. (Findings of Fact ¶¶1-8)

(Conclusions of Law, ¶10.)

Based on the above, the Board agrees with the Department that appellant did not meet its burden to establish a defense under section 25660. Under section 25660, the person inspecting an identification in relation to an alcoholic beverage sale must conduct a reasonable and diligent inspection of that identification. Evidence regarding the clerk's inspection of Mohan's identification is scant, at best. During the transaction, the clerk looked at Mohan's identification "briefly," never held it, and never looked at the back of it. (Findings of Fact, ¶ 4.) The clerk submitted a letter as evidence at the hearing stating he physically examined Mohan's identification on prior occasions and believed it was genuine. (*Id*. at ¶ 7.) However, there were no details in the letter as to what the examination entailed, or what physical characteristics of the identification led the clerk to conclude Mohan's false identification was genuine. (*Ibid*.) As the trier of fact, the ALJ, and ultimately the Department,

considered this evidence and concluded that appellant did not meet its burden to establish bona fide reliance on a false identification. This is an entirely reasonable conclusion based on the evidence. The Board cannot simply second guess the Department and reach a different conclusion based upon its own observations of the evidence. Therefore, the Department's findings must stand.

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

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[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.

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:

BOOZING BULLDOG, INC.
UNIVERSITY DELI LIQUOR
1752 E BARSTOW AVE
FRESNO, CA 93710-6505

OFF-SALE GENERAL - LICENSE

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

FRESNO DISTRICT OFFICE

File: 21-661018

Reg: 25095613

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 November 17, 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 December 29, 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: November 17, 2025

Paul Tupy
Director

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

IN THE MATTER OF THE ACCUSATION AGAINST:

Boozing Bulldog, Inc. DBA: University Deli Liquor 1752 East Barstow Avenue Fresno, California 93710-6505 Respondent	}	File: 21-661018 Registration: 25095613 License Type: 21 Word Count: 17,426 Reporters: Jenn Vallejo Kennedy Reporters
Off-Sale General License	}	**PROPOSED DECISION**

Administrative Law Judge Alberto Roldan, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter, via videoconference, on September 25, 2025.

Sean Klein, Attorney, represented the Department of Alcoholic Beverage Control (Department).

Raman Singh, a corporate officer, represented the respondent, Boozing Bulldog, Inc. (Respondent).

The Department seeks to discipline the Respondent's license, in an Accusation, on the grounds that, on or about May 5, 2025, Respondent-Licensee's agent or employee, Malkeet Singh, at said premises, sold, furnished, gave, or caused to be sold, furnished, or given, an alcoholic beverage to Ajay Mohan, a person under the age of 21 years in violation of section 25658(a).

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). 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). (Exhibit D-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 September 25, 2025.

FINDINGS OF FACT

1. The Department filed the Accusation on June 20, 2025. On December 31, 2024, the Department issued the Respondent a type 21, off-sale general license for the above-described location (the Licensed Premises). There is no record of prior Department discipline against the Respondent's license. (Exhibit D-1)

2. On May 5, 2025, Department agents went to the Licensed Premises on a general enforcement assignment. The Licensed Premises is in a strip mall shopping center adjacent to the California State University, Fresno campus. Department Agent L. Pino (Pino) and two other Department agents arrived at the Licensed Premises location. On that date, the agents were watching customers of the Licensed Premises who purchased alcoholic beverages to determine if they were under 21 years of age. The agents were in plain clothes and in an undercover capacity.

3. Initially, Pino followed a youthful looking male into the Licensed Premises but that person did not buy any alcoholic beverages while there. After entering, Pino noticed two other males that looked potentially under 21 years of age. Pino watched them as they went to the beer coolers. After the two males discussed potential purchases in front of the cooler, one of the males selected a 24 ounce can of Twisted Tea brand hard iced tea, and a 375-milliliter bottle of Soon Hari soju. The male who took possession of both alcoholic beverages was later identified as Ajay Mohan (Mohan). The can of Twisted Tea was 5% alcohol by volume and the Soon Hari soju was 12% alcohol by volume. (Exhibit D-6) Mohan carried both of the containers to the register area while the other male lingered at the back of the store.

4. The Respondent's video system recorded the transaction that occurred. Pino later used her phone to video the recording while it was played on the Respondent's equipment. (Exhibit D-3) Pino stood in line behind and to the right of Mohan while he waited to purchase the alcoholic beverages. After the customer before him finished at the register, Mohan walked up and placed the can and bottle in front of the cashier for purchase. The cashier scanned both purchases. Mohan was asked for identification. Mohan then reached into his wallet and pulled out some form of card that he held and displayed briefly in the direction of the cashier. Mohan only displayed the front for a few seconds. He did not flip over what he displayed or hand it to the cashier. The cashier did not take the item from Mohan. After the brief display, Mohan returned the item to his wallet. Mohan then removed an ATM card and used it to pay for the two alcoholic beverages by tapping the ATM card to the point-of-sale device on the counter. After this transaction processed, the cashier placed the two alcoholic beverages in a black, plastic bag and handed them to Mohan. Mohan then left with the purchases. (Exhibit D-3)

5. Pino walked up to Mohan outside of the Licensed Premises. She verbally identified herself as a law enforcement officer. Pino confronted Mohan about the purchase and said he looked young. Mohan admitted he was 19 years old. He presented his California driver's license (CDL) that showed he was born on October 12, 2005. This made him 19 years old on May 5, 2025. Because of his age, the CDL was in a vertical format with a red highlighted area that stated he would not be 21 until 2026. Pino then asked him if he had a fake identification. Mohan initially denied that

he had a fake identification and he claimed to not have his wallet. Pino challenged him on this because he had just produced his CDL from his wallet. Mohan relented and allowed Pino to search his wallet. Pino found a purported CDL in horizontal format with an image of Mohan and his name. It had a fake date of birth of October 12, 2003, that corresponded with him being over 21. Pino examined the purported identification. Pino concluded that the identification was not real. Pino noted that the color of the purported identification picture background appeared "off" as compared to genuine California driver's license identifications the agent had seen in the past. Pino also noted that the black magnetic strip did not have a raised edge like a genuine CDL and that the font on the front of the purported CDL appeared to be too bold as compared to a genuine CDL. Pino also noted that the purported identification was matte as compared to the genuine CDL, which was noticeably glossier. Pino photographed Mohan's real CDL and the purported CDL next to each other during the investigation. In examining the photograph, the font lettering of the horizontal purported CDL appears oversaturated as compared to the genuine CDL. In addition, the blue backgrounds behind Mohan's photographs in each identification are noticeably different shades. (Exhibit D-5) Neither party moved the seized identifications into evidence. As a result, the magnetic strip and glossiness factors testified to by Pino could not be examined.

6. During the investigation, Pino identified the cashier/clerk as Malkeet Singh (M. Singh). Mohan told Pino that on May 5, 2025, he used his real identification with M. Singh. In testimony in this matter, Mohan admitted to saying that to Pino, but that he had lied to the agent. Mohan, in his hearing testimony, claimed to have used his fake identification on that date. Mohan testified that he used the fake identification in the Licensed Premises, on that date and on prior occasions, with the same cashier and with Raman Singh (R. Singh) when he was behind the counter. Mohan testified that on May 5, 2025, the cashier asked him if the other youthful looking male was with him. Mohan testified that he told the clerk that he was not. Mohan testified that this was also not truthful. During the investigation, Pino photographed Mohan to capture his appearance on May 5, 2025. Mojan appeared consistent with his chronological age of 19 years old. (Exhibit D-4)

7. The Respondent introduced a signed letter from M. Singh that discussed the incident. (Exhibit L-6) M. Singh described Mohan as a regular customer who he recognized prior to the purchase on May 5, 2025. M. Singh said he asked for identification on May 5, 2025, from Mohan, as per store policy. Mohan showed him an identification. M. Singh stated in the letter that he had seen and physically examined Mohan's identification on multiple prior occasions and that he believed it was genuine. M. Singh stated that he concluded the identification was genuine, but he did not state what factors had led him to the conclusion that it was real. M. Singh did not address what security features he was familiar with on genuine CDLs. M. Singh stated in the letter that he genuinely thought Mohan was over 21 years of age and that he took screening customers during alcohol purchases seriously. (Exhibit L-6)

8. R. Singh is the chief corporate officer for the Licensed Premises and was actively involved in the day-to-day operations of the Licensed Premises prior to the May 5, 2025, incident and through the hearing in this matter. He testified to the practices used by employees at the Licensed Premises. Employees are taught to check all purchasers of alcoholic beverages and to check the identifications against the person being screened. R. Singh testified that he himself had checked

Mohan's identification on a purchase of alcohol prior to May 5, 2025, and that he had thought it was genuine. In response to this incident, R. Singh himself and M. Singh both obtained LEAD training certificates from the Department. (Exhibits L-1 and L-2) In addition, R. Singh invested in a scanning system for the Licensed Premises that now prompts the clerk to go through a more detailed age verification process with alcohol sales. The prompt system automatically provides the clerk with the date of birth threshold for establishing whether someone is over 21 on a particular transaction date. This system was not in place on May 5, 2025.

CONCLUSIONS OF LAW

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

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

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

4. Section 25660 provides that:

(a) Bona fide evidence of majority and identity of the person is any of the following:

(1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person.

(2) A valid passport issued by the United States or by a foreign government.

(3) A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

(b) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

5. 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) as to the

Accusation, which relates to the sale of alcoholic beverages to Mohan by M. Singh inside of the Licensed Premises. The Department has established that on May 5, 2025, the Respondent's employee, M. Singh, sold a can of Twisted Tea hard iced tea and a bottle of Soon Hari soju to Mohan, a person who was 19 years old, in the Licensed Premises, in violation of section 25658(a), as alleged in the Accusation. Further, the evidence in this matter does not establish a defense pursuant to the provisions of section 25660, despite the assertions of the Respondent. (Findings of Fact ¶¶ 1-8)

6. The evidence established that on May 5, 2025, Mohan was 19 years old, and he purchased a can of Twisted Tea hard iced tea and a bottle of Soon Hari soju, both alcoholic beverages, in the Licensed Premises, a location subject to the responsibilities of an establishment holding a type 21, off-sale general license. The Respondent's employee, M. Singh, sold Mohan these items while only briefly glancing at his identification. It is unclear whether Mohan presented his actual license or the fake identification. He had both in his wallet when he was detained by Pino shortly after the purchase. If he presented his genuine license, (which is what he represented to Pino that he did) it would have communicated to M. Singh that he was only 19 years old because of the clearly visible age information on its face. If Mohan presented his fake identification, the evidence still does not establish the due diligence required for a defense pursuant to the provisions of section 25660. M. Singh did not engage in the level of scrutiny required to demonstrate reasonable reliance upon bona fide evidence of majority. M. Singh barely glanced at the identification. He did not take it in his own hands and go through the security features present in the purported CDL that corresponded with a genuine CDL. (Findings of Fact ¶¶ 1-8)

7. The Respondent asserts that its cashier reasonably relied on prior interactions with the purported CDL presented by Mohan and that the provisions of section 25660 should apply as a defense to his interaction with Mohan on May 5, 2025. Section 25660 provides a defense to any person who was shown and acted in reasonable reliance upon bona fide evidence of majority in permitting a minor to enter and remain in a public premises in contravention of section 25665, a sale forbidden by section 25658(a), or in permitting a minor to consume in an on-sale premises in contravention of section 25658(b).

8. The defense offered by this section is an affirmative defense. As such, the Respondent, as the licensee, has the burden of establishing all of its elements, namely, that evidence of majority and identity was demanded, shown, and acted on as prescribed.[1] This section applies to identifications actually issued by government agencies as well as those which purport to be.[2] A licensee or his or her employee is not entitled to rely upon identification if it does not appear to be a bona fide government-issued identification or if the personal appearance of the holder of the

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[1] *Lacabanne Properties, Inc. v. Department of Alcoholic Beverage Control*, 261 Cal. App. 2d 181, 189, 67 Cal. Rptr. 734, 739 (1968); 27 Ops. Atty. Gen. 233, 236 (1956).

[2] *Dept. of Alcoholic Beverage Control v. Alcoholic Control Appeals Bd. (Masani)*, 118 Cal. App. 4th 1429, 1444-45, 13 Cal. Rptr. 3d 826, 837-38 (2004).

identification demonstrates, above mere suspicion, that the holder is not the legal owner of the identification.[3]

9. In this matter, the purported CDL possessed by Mohan had his image and that the age information on the identification depicted him as being over the age of 21. It is undisputed that the identification was a fabrication and not a "document issued by a federal, state, county, or municipal government." The Respondent asserts that its cashier had a subjective belief that it was genuine. The remaining question is whether the identification, *if* it was presented by Mohan, was something that M. Singh could have reasonably relied on because it *appeared* to be a bona fide government-issued identification. The Respondent has not met its burden regarding this. (Findings of Fact ¶¶ 1-8)

10. The evidence is not clear on which identification was presented. The Department asserts the genuine CDL was used. The Respondent asserts the fake one was used. The record is not clear in this matter and the Respondent has the burden in this defense. Even if the evidence established that the fake identification was used, the defense burden has still not been met because the Respondent has not shown that the required scrutiny of the purported identification occurred on May 5, 2025, or any day prior. While M. Singh asserts the *conclusion* that he thought the identification was genuine, nowhere in his letter does he address what, if anything, he knows about the security features of a genuine CDL. Further, there is no evidence about what he looked at in the purported CDL to conclude that it was genuine. During the investigation, Pino was able to reference four different features of the purported identification that led her to conclude it was a fake. Two of those four features are apparent even in the limited quality image that was introduced in evidence in this matter. On May 5, 2025, M. Singh barely looked at the identification presented. Given this, it is difficult to accept that M. Singh applied the scrutiny required to meet the Respondent's burden of proof on the prior dates referenced by the Respondent. In short, there is no basis to conclude that any subjective reliance by M. Singh was objectively reasonable, such that a defense can be established. (Findings of Fact ¶¶ 1-8)

11. The Department has proven the Accusation. The Respondent has an affirmative duty to determine the bona fides of all identifications used in its establishment in order for a defense under section 25660 to be available. The Respondent has failed to establish a defense pursuant to section 25660. (Findings of Fact ¶¶ 1-8)

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

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[3] *Masani*, 118 Cal. App. 4th at 1445-46, 13 Cal. Rptr. 3d at 838; *5501 Hollywood, Inc. v. Department of Alcoholic Beverage Control*, 155 Cal. App. 2d 748, 753, 318 P.2d 820, 823-24 (1957); *Keane v. Reilly*, 130 Cal. App. 2d 407, 411-12, 279 P.2d 152, 155 (1955); *Conti v. State Board of Equalization*, 113 Cal. App. 2d 465, 466-67, 248 P.2d 31, 32 (1952).

PENALTY

The presumptive penalty, pursuant to Rule 144,[1] for a violation of section 25658(a) is a 15-day suspension, absent aggravating and mitigating factors. The Department sought a penalty of 15 days, after the weighing of aggravating and mitigating factors. No aggravating factors have been identified. The Respondent has no prior discipline, but it has only been licensed for less than a year. As such, this is not a significant factor in mitigation.

The violation in this matter appeared to be the product of a gap in the Respondent's alcohol sales protocols, rather than willful misconduct. The Respondent screens purchasers. Unfortunately, in this instance, closer scrutiny of the identification presented was warranted. The Respondent has responded to the incident by purchasing and adding a scanning protocol to its alcohol sales process to prevent future sales to minors. The Respondent and the clerk at issue both went through recent LEAD training to improve outcomes, as well. The Respondent appears to be trying to improve. These efforts to avoid future incidents are a significant factor in mitigation.

It is hopeful that the Respondent will use this situation to improve its alcohol sales protocols. Given its proximity to a university, the Respondent must improve its efforts to avoid underage sales. The underaged student population will undoubtedly continue to test the boundaries of this Licensed Premises and the Licensee has a duty to respond.

No other factors in aggravation or mitigation are applicable to this violation beyond what has been discussed.

The penalty recommended herein complies with rule 144.

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[1] All rules referred to herein are contained in Title 4 of the California Code of Regulations unless otherwise noted.

ORDER

The Department has proven a violation of section 25658(a). The Respondent's off-sale general license is suspended for a period of 10 days.

Dated: October 1, 2025

Alberto Roldan
Administrative Law Judge

☒ Adopt

☐ Non-Adopt: _____

_____

By: _____

Date: 11/17/2025