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

AB-10033
File: 47-659335; Reg: 25095922

Rhonda Belville
Appellant/Protestant

v.

The Cathedral, LLC
dba The Cathedral
350 N Garey Avenue, Suites 207-214
Pomona, CA 91767-5432
Respondent/Licensee

and

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Department Hearing: Honorable Alberto Roldan

Appeals Board Hearing: October 9, 2026
Sacramento, CA/Videoconference

ISSUED OCTOBER 14, 2026

Appearances: Rhonda Belville, in *propria persona*;

Malinda Cancio, authorized representative for the Cathedral LLC, and;

Jennifer Marsing, as counsel for the Department of Alcoholic Beverage Control.

OPINION

Rhonda Belville ("appellant") appeals from an order of the Department of Alcoholic Beverage Control[1] (hereinafter referred to as the "Department") overruling her protest and issuing an on-sale general eating place license to The Cathedral, LLC DBA: The Cathedral ("licensee"). For the following reasons, the Department's decision is affirmed.

I. FACTUAL BACKGROUND & PROCEDURAL HISTORY

On May 24, 2024, the licensee filed an application for an On-Sale General Eating Place license for the premises located at 350 N Garey Ave, Suites 207-214, Pomona, California (the "licensed premises"). Department Licensing Representative ("LR") Gina Gamez was assigned to investigate the application.

LR Gamez visited the licensed premises three times as part of her investigation. LR Gamez determined the licensed premises was properly zoned for the intended use as required by Business and Professions Code[2] section 23790. LR Gamez also determined that the census tract where the licensed premises is located currently has twenty-three existing licenses. Only five licenses are permitted for the census tract by statute. Therefore, the licensee provided a letter of convenience and necessity.

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[1] The Department's Decision, dated April 21, 2026, is set forth in the appendix.

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

LR Gamez also contacted the Pomona Police Department ("PPD"), which indicated there were no issues with the issuance of a license and the licensed premises. LR Gamez contacted the three residences located within 100 feet of the licensed premises but did not receive any response.

The licensee petitioned the Department for an interim operating permit and agreed to a petition for conditional license ("PCL") which included six conditions:

1) The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period;
2) Entertainment provided shall not be audible beyond the area under the licensee's control;
3) The licensee shall actively monitor its area in an effort to prevent loitering;
4) A sign shall be posted at the entrance and exit to the meeting halls stating, "NO ALCOHOLIC BEVERAGE BEYOND THIS POINT";
5) The licensee shall provide uniformed security guards when utilizing the event hall/meeting rooms, and;
6) An employee will be present when the licensee is utilizing the mezzanine level of the licensed premises for the sale, service, and consumption of alcoholic beverages.

A single protest on the grounds of undue concentration was filed objecting to the issuance of the license. LR Gamez investigated the protest and

completed a report. (Exhibit D8.) LR Gamez recommended that the application be approved, subject to the six conditions on the PCL.

An administrative hearing was held on February 9, 2026. After evidence was received by the Administrative Law Judge ("ALJ"), the ALJ issued a proposed decision recommending the protest be overruled and the license should issue, subject to the six conditions on the PCL. The Department adopted the proposed decision and the appellant filed a timely appeal.

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 filed an Initial Opening Brief on August 17, 2026 ("AOB 1"), as well as a second brief on August 24, 2026 ("AOB 2"). Most of the substance in appellant's opening briefs pertain to facts that are not in the Department's record and not presented as evidence at the administrative hearing.

As a preliminary matter, the Appeals Board is not required to make an independent search of the record for error not pointed out by appellant. It was appellant's duty to show the Board that some error existed. 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"].)

Further, The Board's scope of review is limited; it may only review a Department's decision based upon "insufficiency of the evidence, excess of jurisdiction, errors of law, or abuse of discretion." (*Boreta Enterprises, Inc. v.*

Dept. of Alcoholic Bev. Control (1970) 2 Cal.3d 85, 95, [84 Cal.Rptr. 113].) Further, the Board is not a fact finding body. Appellant fails to cite any authority that allows this Board to consider the statements in her opening briefs as evidence to consider on appeal. Absent that authority, the Board is limited to the evidence in the record.

Appellant's only viable challenge on appeal is as stated in her Notice of Appeal, which states that the Department's Decision is not supported by substantial evidence. On this point, the Board disagrees.

In its decision, the Department found:

> 4. The Protestant has operated a business for well over a decade that is within 300 feet of the Premises. She raised concerns regarding the appropriateness of issuing the sought license because of the overconcentration of licenses in the census tract. She expressed related concerns involving potential noise, littering and loitering being created by the operation of the Premises. The concerns expressed by the Protestant regarding crime, noise, littering and homelessness in the area appear to be credible. They were taken seriously by the Department and conditions were added to the PCL to prevent the Applicant from contributing to these concerns. It is noted that the Premises has operated without incident for an extended period. Further, the Premises location in a building that had sat abandoned for several years appears to be a positive development that has the potential to reduce, not exacerbate, problems in the surrounding area. The nature of the Premises' operation was weighed by local law enforcement and was not a concern to the PPD.
>
> 5. The Applicant appears to have taken its responsibilities under the interim license seriously and it has identified an operational plan consistent with complying with the duties of a Department licensed operation. The type 47 PCL has restrictive and enforceable conditions. The impact of the sought license on the Protestant's quiet enjoyment was an appropriate consideration the Department had a duty to weigh. It is determined that the Department did

appropriately weigh the Protestant's concerns by imposing six conditions on the type 47 PCL. The legitimate concerns of the Protestant are addressed by ensuring the Applicant's compliance with the PCL. A failure to comply can be addressed by law enforcement or Department investigations. Since the restrictions are clearly defined, there is a mechanism for compliance in disciplinary proceedings. A failure to comply would be grounds for the suspension or revocation of the license sought. (Findings of Fact ¶¶ 1-18)

6. The Department, through its licensing representative, made several visits to the Premises and consulted with the appropriate resources to determine whether the sought license should issue. The Department observed no issues that would support denying, outright, the license sought. The Department determined that there was an appropriate basis to find PCN was established, despite the overconcentration of licenses in the census tract. The Department established that the location was properly zoned for the nature of the business. The Department determined there was no opposition from law enforcement or the identified consideration points. The Applicant has no history of violations and the Premises was found to be operating appropriately during the visits made by the Department during its investigation. (Findings of Fact ¶¶ 1-18)

7. The Department properly considered the quiet enjoyment of the residences that were in proximity to the Premises. The Department determined that conditions were required to protect the Protestant's quiet enjoyment in her place of business. As a result, the Applicant will be subject to additional conditions set forth in the Petition for Conditional License held by the Applicant. Enforcement of the Type 47 license conditions will give the Department sufficient authority over the Applicant's operation of the business should the operation of the Premises become a concern. (Findings of Fact ¶¶ 1-18)

8. The Protestant and her witnesses testified credibly about general crime and homelessness issues in the area. While matters of legitimate concern, no nexus to the Applicant has been shown to establish that the issuance of this license would contribute to those concerns. The evidence did not support a finding that the Applicant was disregarding its duties during its operation as an interim type 47 license holder. It is expected that license holders will exercise their privileges responsibly and that enforcement will occur

> to further encourage compliance. The type 47 PCL includes an agreement to additional conditions that address concerns reasonably connected to the potential issuance of this license. The Applicant will have the duty to comply with all of these requirements to remain licensed. The burden of the Applicant has been met in this matter and the evidence presented by the Protestant has not rebutted the findings relied on by the Department in determining that this license should issue, with conditions. (Findings of Fact ¶¶ 1-18)

(Conclusions of Law, ¶¶ 4-8.)

Based on the above, the Board finds that the Department proceeded lawfully in issuing a license to the licensee. The Department complied with section 23958 by conducting a thorough investigation into the licensed premises and determining whether the licensee qualified for a license and whether it complied with the provisions of the Alcoholic Beverage Control Act. To support its investigation, the Department offered documentary evidence and oral testimony. Ultimately, the Department found that the licensee qualified for an on-sale general eating place license, which was supported by substantial evidence. As stated above, the Board does not have the authority to receive or consider new evidence not stated in the record. To that extent, the evidence that appellant wishes to introduce in her opening briefs cannot be considered by the Board.

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.[3]

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

[3] This final order is filed in accordance with Business and Professions Code section 23088, and it shall become effective 30 days following the date of the filing of this order as provided by section 23090.7.

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

APPENDIX

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

IN THE MATTER OF THE PROTEST OF:

RHONDA BELVILLE

AGAINST THE ISSUANCE OF A LICENSE TO:

THE CATHEDRAL, LLC
THE CATHEDRAL
350 N GAREY AVE., STES. 207-214
POMONA, CA 91767-5432

ON-SALE GENERAL EATING PLACE - LICENSE

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

MONROVIA DISTRICT OFFICE

File: 47-659335

Reg: 25095922

CERTIFICATE OF DECISION

RECEIVED
APR 23 2026
Alcoholic Beverage Control
Office of Legal Services

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 April 20, 2026. 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.

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

Sacramento, California

Dated: April 21, 2026

Paul Tupy
Director

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

IN THE MATTER OF THE PROTEST OF:

Rhonda Belville	}	File: 47-659335
	}	
AGAINST THE ISSUANCE OF AN ON-SALE GENERAL EATING PLACE LICENSE TO:	}	Reg.: 25095922
	}	License Type: 47
The Cathedral, LLC DBA: The Cathedral 350 North Garey Avenue. Suites 207-214 Pomona, CA 91767-5432	}	Word Count: 32,002
	}	Reporter: Dalauna Cardoza Kennedy Reporters
Under the Alcoholic Beverage Control Act	}	**PROPOSED DECISION**

Administrative Law Judge Alberto Roldan, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter, via videoconference, on February 9, 2026.

Jennifer Marsing, Attorney, represented the Department of Alcoholic Beverage Control (Department).

The Cathedral, LLC (Applicant) appeared via Galo Galvan and Ray Adamyk, a holder of the LLC.

Protestant Rhonda Belville (Protestant) personally appeared. The Protestant was allowed to appear and participate in the hearing as a party pursuant to Government Code section 11500(b).

Oral and documentary evidence was received at the hearing. The matter was argued and submitted for decision on February 9, 2026.

ISSUES

To be determined on the merits of the issue raised by the Protestant are whether issuance of the applied-for license would be contrary to public welfare or morals on the basis that the operation of The Cathedral, LLC, doing business as The Cathedral at 350 North Garey Avenue, Suites 207-214, Pomona, CA 91767-5432 (Premises) with the applied for license:

(1) would create or add to an overconcentration of licenses, and if so, whether public convenience or necessity would justify issuance of the sought license, despite the overconcentration. (Exhibit D-1)

FINDINGS OF FACT

1. The applied for Premises is an event hall that is operated within the confines of a free-standing building with other active businesses. This building is a repurposed structure that had been vacant for several years prior to its revitalization. The location of the Premises is on the first floor of the refurbished multiple story building. The building itself is located on a main thoroughfare in the city of Pomona. The building is in a mixed commercial and residential area. The Applicant has not held a Department license at the Premises location previously. The present application for a type 47 license was initiated with the Department in May 2024. (Exhibit D-8)

2. The Premises is currently operating with an interim type 47 license. The interim license was initially issued on March 6, 2025, and has been renewed since. There have been no reported instances of violations of the interim license since its issuance. The type 47 application seeks privileges for only an interior space identified as the Premises in the Licensed Premises Diagram. (Exhibit D-2) The Premises footprint within the building is approximately 106 feet by 157 feet. This space is subdivided into four meeting rooms and a kitchen. (Exhibits D-2 and D-8) The Premises is zoned for its current use and a conditional use permit (CUP) was required and issued by the city of Pomona for the Premises. (Exhibits D-3, D-4, D-5 and D-10)

3. The application is to obtain Department privileges for alcoholic beverage service by the Applicant within the confines of the interior space during scheduled events. There is no application for privileges to be exercised in the exterior of the building that houses the Premises. (Exhibit D-8)

4. In accordance with the count formula contained in Business and Professions Code section 23958.4, five on-sale licenses are permitted in census tract 4088.00 where the proposed Premises is located. Issuance of this license would result in twenty-four on-sale licenses in the census tract. With the issuance of this license, this census tract would remain statutorily over concentrated with Department issued on-sale licenses. (Exhibit D-8)

5. Section 23958 states, "The department...shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result or add to an undue concentration of licenses, except as provided in Section 23958.4. Section 23958.4 provides that the Department may issue a license under certain circumstances. In this matter, the

Department investigator sought to determine if public convenience or necessity (PCN) would be served by issuance of the license. This would be a statutorily permissible reason for the license to issue, despite the over-concentration. The Department may grant a license to the Applicant if this is found to be the case.

6. The Department conducted a PCN investigation and the Applicant also submitted information about its operation in support of a PCN finding. (Exhibits D-7 and D-8) The letter established the Premises will operate as a multi-use event venue. There are no other Department licensed event venues within the census tract. (Exhibit D-8) The Premises was presented as unique in its operation in that it is the only venue that would offer alcohol service at a booked special event in the census area. The Department investigator concluded that the Premises fulfilled a PCN not met by the other on-sale retail licensed businesses in the census tract and that issuance would be justified for this reason. (Exhibit D-8)

7. Because of the requirements of section 23958.4, the Pomona Police Department (PPD) was also notified in writing of the application. The PPD provided crime statistics in this matter and the census tract was determined to be a high crime location. The Protestant and several witnesses called by the Protestant also testified credibly that the area surrounding the Premises location is high crime and that there are persistent drug, litter and other crime problems impacting the surrounding area. (Exhibit P-3) The calls for service information provided by the PPD for May 2024 through April 2025 supported this finding. (Exhibits D-6 and D-8) The PPD was aware of the location of the proposed Premises in a high crime area but did not object to the license issuing. (Exhibit D-8)

8. During its investigation, the Department found that there were three residential units within 100 feet of the Premises. (Exhibit D-8) Given that the Premises is adjacent to residential units within 100 feet, the Department required that the Applicant submit a letter of non-interference (LNI). (Exhibit D-4) The Applicant addressed in its LNI that it had protocols to prevent noise, loitering, and littering issues. The Applicant's servers would be subject to Department approved responsible beverage service (RBS) training. The LNI established that the Premises location has an ongoing private security contract and that private security would be utilized during all event bookings. The Applicant's security plan was approved by the city of Pomona during the CUP application. The Premises would be actively monitored with security cameras and by employees to prevent loitering or littering concerns. (Exhibits D-4 and D-8)

9. As part of its investigation into compliance with section 23790, the Department investigated the City of Pomona zoning requirements for the Premises. The Department established that the Premises' operation is consistent with the zoning of the lot and that a CUP was required and approved. (Exhibit D-8)

10. There were three consideration points within 600 feet of the Premises during the Department's investigation pursuant to section 23789. First Presbyterian Church of Pomona is approximately 287 feet northeast of the Premises. One Lord Memorial Church is approximately 535 feet southeast of the Premises, and The School of Arts and Enterprise is approximately 295 feet southwest of the Premises. The consideration points were contacted by the Department, but

no objections were received. The Department considered the impact of the Premises on these consideration points despite the lack of contact from them. The Department determined that the nature of the Premises' operation within the conditions identified in the Petition for Conditional License (PCL) would not raise concerns regarding these consideration points. (Exhibit D-8)

11. In addition to the consideration points, there are several residences located within 100 feet of the Premises. (Exhibit D-8) These residences were contacted by letter. No protests from these residents were received. One verified protest was received and considered during the course of the Department's investigation from Protestant Rhonda Belville. Belville operates a stained-glass business located approximately 220 feet east of the Premises. (Exhibit D-8)

12. Beyond limitations set by the city of Pomona in the CUP and the Applicant's representations in the LNI, the Department determined that additional conditions needed to be included in the license to ensure non-interference. The type 47 license conditions identified by the Department were accepted by the Applicant in the March 3, 2025, execution of Petition for Conditional License (PCL) for the type 47 license sought. (Exhibit D-7) The PCL will limit the Applicant's day-to-day business operations should the applied-for license issue. In the petition, the Applicant acknowledged factors that could be grounds for the denial of the license. In particular:

- There is an overconcentration of licenses in the census tract,
- The area is in a high crime district,
- The Premises, without restrictions, could potentially interfere with the normal operations of consideration points located within its immediate vicinity; and
- The Premises is located within 100 feet of residences.

13. In the PCL, the Department noted that issuance of the applied-for license, without conditions, would interfere with the quiet enjoyment of nearby residents' properties, and that these could constitute grounds for denial of the application under the provisions of California Code of Regulations, Title 4, Chapter 1, Rule 61.4[1]. The Department also noted that issuance of an unrestricted license would be contrary to public welfare and morals. In recognition of the above, the Applicant agreed to the imposition of six operating restrictions on the license.[2] (Exhibit D-7)

14. The PCL requires the following of the Applicant:

- The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the

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[1] See California Code of Regulations, Title 4, Division 1, Article 11, § 61.4.

[2] The Department, as required by law, investigated all issues arising from the application, not just those raised by the Protestants. Many of the conditions which will attach to the license (should it issue) relate to these other issues identified by the Department.

licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

- Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.
- The Applicant shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253.
- A sign shall be posted in a conspicuous space at the entrance/exit point of said Event Hall/Meeting Rooms, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". Said sign shall measure no less than seven inches by eleven inches (7" x 11"), and contain lettering no less than one (1) inch height.
- At any time the premises is utilizing Event Hall/Meeting Rooms, the petitioner(s) shall provide four uniformed security guards for Suite 207, and one uniformed security guard for Suites, 210, 211, and 214for Suite 207 to maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents or the surrounding community. The licensed uniform security guards must be licensed by the State of California, Department of Consumer Affairs.
- When the said mezzanine area of the premises is being utilized for the sales, service, and consumption of alcoholic beverages, a premises employee shall be in attendance and maintain continuous supervision at all times of said area.

15. The Department determined that the above conditions, combined with the type of license, and the nature and scale of the Premises' operation, were sufficient to address the concerns regarding the consideration points, the number of licenses in the census tract, and the quiet enjoyment of the persons living in the surrounding area, including nearby residences. As a result, the Department recommended issuance of the license with conditions on the license as set out in the PCL. (Exhibits D-7 and D-8)

16. Protestant Belville was a witness in support of her protest. Belville owns a business nearly adjacent to the Premises. Belville also called several witnesses and submitted exhibits in support of her protest. Belville and the witnesses credibly described the area around the Premises location as high crime. The witnesses gave many examples of loitering, criminal activity and drug use occurring in the area. The witnesses identified the area as negatively impacted by homelessness. Belville testified to general concerns regarding noise, littering and loitering that would potentially result from the Premises' operation. Neither Belville, nor any of the witnesses called, identified any instances of violations by the Applicant, even though it has been operating with an interim permit since March 6, 2025.

17. As noted above, the Premises has operated with an interim, type 47 conditional license, since March 5, 2025, through the hearing in this matter, without any reported incidents of violating the terms and conditions of the license. The Applicant has only operated with privileges in the interior space. The Department licensing representative was aware of the Protestant's concerns during her review and investigation of the application. During the Department's investigation, the Department licensing representative visited the Premises on multiple occasions. During her

visits, the licensing representative did not observe any violations of the Applicant's license conditions.

18. The Department concluded that the concerns of the Protestant, regarding overconcentration and its potential to contribute to noise, littering, and loitering were adequately addressed by the conditions included in the PCL.

CONCLUSIONS OF LAW

1. Article XX, section 22 of the California Constitution delegates the exclusive power to license the sale of alcoholic beverages in this state to the Department of Alcoholic Beverage Control.

2. Business and Professions Code section 23958 requires that the Department conduct a thorough investigation to determine, among other things, if the Applicant and the Premises qualify for a license, if the provisions of the Alcoholic Beverage Control Act have been complied with, and if there are any matters connected with the application which may affect public welfare or morals. It provides, in part, that the Department shall deny an application for a license if the Applicant or the Premises do not qualify for a license under the Act.

3. In a protest matter, the Applicant bears the burden of establishing that he or she is entitled to a liquor license from the start of the application process until the Department makes a final determination.[3] The Applicant, in this instance, is seeking an original type 47 license to serve alcoholic beverages in the operation of the Premises. The Applicant has operated the Premises, discipline free, with an interim type 47 license since March 6, 2025. (Findings of Fact ¶¶ 1-18)

4. The Protestant has operated a business for well over a decade that is within 300 feet of the Premises. She raised concerns regarding the appropriateness of issuing the sought license because of the overconcentration of licenses in the census tract. She expressed related concerns involving potential noise, littering and loitering being created by the operation of the Premises. The concerns expressed by the Protestant regarding crime, noise, littering and homelessness in the area appear to be credible. They were taken seriously by the Department and conditions were added to the PCL to prevent the Applicant from contributing to these concerns. It is noted that the Premises has operated without incident for an extended period. Further, the Premises location in a building that had sat abandoned for several years appears to be a positive development that has the potential to reduce, not exacerbate, problems in the surrounding area. The nature of the Premises' operation was weighed by local law enforcement and was not a concern to the PPD.

5. The Applicant appears to have taken its responsibilities under the interim license seriously and it has identified an operational plan consistent with complying with the duties of a Department licensed operation. The type 47 PCL has restrictive and enforceable conditions. The impact of the sought license on the Protestant's quiet enjoyment was an appropriate consideration the Department had a duty to weigh. It is determined that the Department did appropriately weigh the Protestant's concerns by imposing six conditions on the type 47 PCL.

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[3] *Coffin v. Alcoholic Beverage Control Appeals Board* (2006) 139 Cal. App. 4th 471.

The legitimate concerns of the Protestant are addressed by ensuring the Applicant's compliance with the PCL. A failure to comply can be addressed by law enforcement or Department investigations. Since the restrictions are clearly defined, there is a mechanism for compliance in disciplinary proceedings. A failure to comply would be grounds for the suspension or revocation of the license sought. (Findings of Fact ¶¶ 1-18)

6. The Department, through its licensing representative, made several visits to the Premises and consulted with the appropriate resources to determine whether the sought license should issue. The Department observed no issues that would support denying, outright, the license sought. The Department determined that there was an appropriate basis to find PCN was established, despite the overconcentration of licenses in the census tract. The Department established that the location was properly zoned for the nature of the business. The Department determined there was no opposition from law enforcement or the identified consideration points. The Applicant has no history of violations and the Premises was found to be operating appropriately during the visits made by the Department during its investigation. (Findings of Fact ¶¶ 1-18)

7. The Department properly considered the quiet enjoyment of the residences that were in proximity to the Premises. The Department determined that conditions were required to protect the Protestant's quiet enjoyment in her place of business. As a result, the Applicant will be subject to additional conditions set forth in the Petition for Conditional License held by the Applicant. Enforcement of the Type 47 license conditions will give the Department sufficient authority over the Applicant's operation of the business should the operation of the Premises become a concern. (Findings of Fact ¶¶ 1-18)

8. The Protestant and her witnesses testified credibly about general crime and homelessness issues in the area. While matters of legitimate concern, no nexus to the Applicant has been shown to establish that the issuance of this license would contribute to those concerns. The evidence did not support a finding that the Applicant was disregarding its duties during its operation as an interim type 47 license holder. It is expected that license holders will exercise their privileges responsibly and that enforcement will occur to further encourage compliance. The type 47 PCL includes an agreement to additional conditions that address concerns reasonably connected to the potential issuance of this license. The Applicant will have the duty to comply with all of these requirements to remain licensed. The burden of the Applicant has been met in this matter and the evidence presented by the Protestant has not rebutted the findings relied on by the Department in determining that this license should issue, with conditions. (Findings of Fact ¶¶ 1-18)

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

ORDER

The protest of Rhonda Belville is overruled. The type 47, on-sale general eating place license shall issue to The Cathedral, LLC DBA: The Cathedral, subject to the conditions set forth in the Petition for Conditional License.

Alberto Roldan
Administrative Law Judge

☒ Adopt

☐ Non-Adopt: _____

_____

By: _____

Date: 04/20/2026

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

IN THE MATTER OF THE PROTEST OF: RHONDA BELVILLE AGAINST THE ISSUANCE OF A LICENSE TO: THE CATHEDRAL, LLC THE CATHEDRAL 350 N GAREY AVE., STES. 207-214 POMONA, CA 91767-5432 ON-SALE GENERAL EATING PLACE - LICENSE under the Alcoholic Beverage Control Act.	File: 47-659335 Reg: 25095922 DECLARATION OF SERVICE BY MAIL

The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On April 21, 2026, 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:

THE CATHEDRAL, LLC
350 N GAREY AVE., STE. 101
POMONA, CA 91767-5432

9589 0710 5270 2638 2161 57

RHONDA BELVILLE
177 EAST MONTEREY AVE.
POMONA, CA 91767

9589 0710 5270 2638 2161 64

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 April 21, 2026 at Sacramento, California.

Mark Kinyon

Mark Kinyon

_X_ MONROVIA DISTRICT OFFICE (INTEROFFICE MAIL)
___ DIVISION OFFICE (INTEROFFICE MAIL)

March 12, 2026

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,

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 PROTEST OF: RHONDA BELVILLE AGAINST THE ISSUANCE OF A LICENSE TO: THE CATHEDRAL, LLC THE CATHEDRAL 350 N GAREY AVE., STES. 207-214 POMONA, CA 91767-5432 ON-SALE GENERAL EATING PLACE - LICENSE under the Alcoholic Beverage Control Act.	File: 47-659335 Reg: 25095922 DECLARATION OF SERVICE BY MAIL

The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On March 12, 2026, 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:

THE CATHEDRAL, LLC
350 N GAREY AVE., STE. 101
POMONA, CA 91767-5432

RHONDA BELVILLE
177 EAST MONTEREY AVE.
POMONA, CA 91767

JENNIFER MARSING
12750 CENTER COURT DRIVE, SUITE 700
CERRITOS, CA 90703

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

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

Executed on March 12, 2026 at Sacramento, California.

Mark Kinyon
Mark Kinyon

X MONROVIA 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 PROTEST OF: Rhonda Belville Against The Issuance of a License To: The Cathedral, LLC Dba: The Cathedral 350 N Garey Ave., Stes. 207-214 Pomona, CA 91767-5432 On-Sale General Eating Place - License Under the Alcoholic Beverage Control Act.	FILE: 47-659335 REG: 25095922 **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 January 8, 2026, I mailed from Sacramento:

NOTICE OF CONTINUED HEARING BY VIDEO CONFERENCE ON PROTEST
VIDEO CONFERENCE HEARING NOTICE TO PARTIES

The Cathedral, LLC
Dba: The Cathedral
350 N Garey Ave., Stes. 207-214
Pomona, CA 91767-5432

Rhonda Belville
177 East Monterey Ave.
Pomona, CA 91767

The Cathedral, LLC
350 N Garey Ave., Ste. 101
Pomona, CA 91767-5432

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

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

Administrative Hearing Office
Diana Villanueva

x OLS (Inter-Departmental Mail)
x Monrovia District Office (Inter-Departmental Mail)

Paul Tupy
Director

Gavin Newsom
Governor

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

March 12, 2026

RECEIVED
MAR 12 2026
Alcoholic Beverage Control
Administrative Records Office

In the Matter of the Protest Against:

The Cathedral, LLC
DBA: The Cathedral
350 North Garey Avenue. Suites 207-214
Pomona, CA 91767-5432

File: 47-659335
Reg: 25095922

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,

Matthew G. Ainley
Administrative Law Judge