

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

AB-9922

File: 21-530852; Reg: 20089839

SOUTHWEST LIQUOR, INC.,
dba Southwest Market and Liquor
359 Avenida de los Arboles
Thousand Oaks, CA 91360-2933,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

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

Appeals Board Hearing: October 15, 2021
Telephonic

ISSUED OCTOBER 19, 2021

Appearances: *Appellant:* Jade Quintero, of Solomon, Saltsman & Jamieson, as
counsel for Southwest Liquor, Inc.,

Respondent: Alanna Ormiston, as counsel for the Department of
Alcoholic Beverage Control.

OPINION

Southwest Liquor, Inc., doing business as Southwest Market and Liquor (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ suspending its license for 15 days because its employee sold or furnished an alcoholic beverage to an individual under the age of 21, in violation of Business and Professions Code² section 25658(a).

¹ The decision of the Department under Government Code Section 11517(c), dated June 16, 2021, is set forth in the appendix.

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

FACTS AND PROCEDURAL HISTORY

Appellant's off-sale general license was issued on July 8, 2013. There is no prior record of departmental discipline against appellant's license.

On March 2, 2020, the Department filed a single-count accusation against appellants charging that, on, May 3, 2019, its clerk, Alex Garcia (the clerk), sold an alcoholic beverage to Bontu Wako (the minor), an individual under the age of 21.

At the administrative hearing held on November 2, 2020, oral evidence, documentary evidence, and evidence by oral stipulation on the record was received. The minor, Department Agent Brian Huber, the clerk, and Tony Darghali, appellant's Vice President and shareholder, all testified at the hearing.

Testimony established that the minor went to the licensed premises on May 3, 2019 with two of her friends. The minor selected three cans of Four Loko and a six-pack of raspberry-flavored Smirnoff Ice (exh. 3), which she took to the front counter for purchase. At the counter, the clerk, rang up the sale and asked to see the minor's ID. The minor showed the clerk her Ethiopian ID card, which was printed in Amharic. (Exh. 5.) The clerk, who did not speak or read Amharic, asked about the minor's date of birth. The minor pointed to the date "25/01/1992" on the ID card. (*Ibid.*) Based on that date, the clerk assumed the minor was born on January 25, 1992, and was 27 years old. In actuality, the minor was only 19 years old.³ The clerk completed the sale and the minor paid, after which she and her friends exited the licensed premises.

³ The minor's Ethiopian ID is known as a *kebele* card, which are issued by individual districts in Ethiopia. There are more than 16,000 districts in Ethiopia. The minor's ID card was issued by a district official for District 7 and bears an official government seal. However, the minor's birth date on her *kebele* card does not correspond to the Gregorian calendar used in the United States. Rather, the date of

Once outside, Agent Huber contacted the minor and identified himself. He asked the minor if she had purchased any alcohol, and she showed him the bag containing the Four Loko and the Smirnoff Ice. Agent Huber verified the minor's true age using her Ethiopian passport and her college ID.

Agent Humber entered the licensed premises and contacted the clerk. The clerk remembered selling alcohol to the minor and identified the *kebele* card as the ID he had seen in connection with the sale. The clerk indicated that he had not seen a *kebele* card before.

The administrative law judge (ALJ) issued a proposed decision on December 1, 2020, sustaining the accusation and recommending a 15-day suspension. The Department declined to adopt the proposed decision on January 21, 2021, and notified the parties on February 12, 2021 that it would decide the case pursuant to Government Code section 11517(c). On March 17, 2021, the Director issued a notice asking the parties to address the following questions:

- 1) Is an Ethiopian ID, such as a *kebele* card, a bona fide evidence of majority under Business and Professions Code section 25660(a)?
- 2) If the ID in question is a bona fide evidence of majority [...], was it appropriate for the clerk to rely upon it without understanding what a *kebele* card looked like, what the writing upon it said, or even the calendar it was using?
- 3) What is the appropriate penalty in this case, if any, under the facts within the record?

After receiving written argument from the parties, the Department issued its Decision Under Government Code section 11517(c) on June 16, 2021, adopting the

(fn. 3 cont.) "25/01/1992" corresponds to the 25th day of Maskaram, 1992 under the Ethiopian calendar. Under the Gregorian calendar, the minor was born on October 6, 1999, making her 19 years old at the time of the purchase.

proposed decision. Appellant filed a timely appeal contending that the Department: 1) erred in finding that it had not established a defense under Business and Professions Code section 25660, and; 2) failed to consider mitigating factors under rule 144.

DISCUSSION

I

SUBSTANTIAL EVIDENCE

Appellant contends the Department “erred in determining that Appellant failed to establish a defense under Business and Professions Code 25660.” (AOB, at p. 7.) Specifically, appellant argues that “Clerk Garcia diligently inspected and reasonably relied upon [the minor’s] bona fide ID during the transaction at issue, satisfying the elements for the affirmative defense under Business and Professions Code Section 25660” (*Id.* at p. 11.)

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] 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 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 the instant case, the Department rejected appellant’s section 25660 defense because:

8. [T]he issue at hand is **not** the validity of the ID, but Garcia’s reliance upon it. The parties did not cite any case law dealing with IDs which use a calendar other than the Gregorian calendar,^[fn] which is the standard calendar used in the United States, and the undersigned is unaware of any. Based on Garcia’s own testimony, he relied upon a document which he could not read, did not understand, and had never seen before. He

had no way of knowing if the document was an ID other than the fact that Wako said it was. Further, he had no way of knowing if the numbers “25/01/1992” represented Wako’s date of birth, other than Wako’s word that it did.

9. While the cases interpreting section 25660 indicate that a clerk does not act at his peril, there is no case which holds that a clerk can blindly accept any document presented to him. Yet that [is] exactly what Garcia did. Wako told him that the *kebele* card was an ID which made her out to be over the age of 21—thereby fooling him due to his ignorance of the calendar system being used—and Garcia took her at her word. He had no independent basis for accepting the *kebele* card or the dates written thereon. Accordingly, the Respondent has failed to establish that Garcia’s reliance was reasonable.

(Conclusions of Law, ¶¶ 8-9 [emphasis in original; internal citations omitted].)

Based on the above, the Department’s findings regarding the clerk’s reasonableness are supported by substantial evidence, since they were based upon both the testimony of the clerk and the minor. 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.

II

EXCESSIVE PENALTY

Appellant contends its 15-day penalty is unreasonable because the Department “failed to consider Appellant’s mitigation evidence.” (AOB, at p. 12.) In other words, appellant believes its penalty is excessive.

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 25658(a) is 15 days, which is exactly the penalty appellant received here. (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 is exhaustive; the Department may use its discretion to determine whether other aggravating or mitigating circumstances exist. (*Ibid.*)

Here, appellant takes issue with the fact that the Department did not deviate from the standard 15-day suspension. (AOB, at pp. 11-12.) Specifically, appellant argues that the Department did not consider its new policy to accept only US government-issued IDs and valid passports. (*Id.* at p. 12.) Although the Department noted that appellant “has taken some steps to prevent sales of alcohol to minors,” it found it “problematic that its clerk accepted an ID which he could not read and did not understand.” (Decision, at p. 5.) Based on the Department’s reasoning, the Board cannot say that it 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 standard 15-day suspension for a section 25658(a) violation, which is what appellant received. Rule 144 also allows the Department to exercise discretion to consider aggravation and mitigation. The Department’s rejection of appellant’s mitigation evidence because its clerk relied on an ID that he could not read and had never seen before was reasonable and not an abuse of discretion. Therefore, the penalty must stand.

ORDER

The decision of the Department is affirmed.⁴

SUSAN BONILLA, CHAIR
MEGAN McGUINNESS, 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 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.*

APPENDIX

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

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

SOUTHWEST LIQUOR, INC.
SOUTHWEST MARKET AND LIQUOR
359 AVENIDA DE LOS ARBOLES
THOUSAND OAKS, CA 91360-2933

OFF-SALE GENERAL - LICENSE

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

VENTURA DISTRICT OFFICE

File: 21-530852

Reg: 20089839

CERTIFICATE OF DECISION

NOTICE CONCERNING PROPOSED DECISION

To the parties in the above-entitled proceedings:

You are hereby advised that the Department considered, but did not adopt, the Proposed Decision in the above titled matter and that the Department will itself decide the case pursuant to the provisions of Section 11517(c)(2)(E). A copy of the Proposed Decision has previously been sent to all parties.

The Department has requested that a transcript of the hearing be prepared. A copy of the record will be made available to you. Upon receipt of the hearing transcript, the Department will notify you of the cost of a copy of the record. At that time, you all also be advised of the date by which written argument if any, is to be submitted.

Sacramento, California

Dated: February 12, 2021



Matthew D. Botting
General Counsel

RECEIVED

FEB 12 2021

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:

Southwest Liquor, Inc.
dba Southwest Market and Liquor
359 Avenida de los Arboles
Thousand Oaks, California 91360-2933

Respondent

Off-Sale General License

} File: 21-530852
}
} Reg.: 20089839
}
} License Type: 21
}
} Word Count: 9,000
}
} Reporter:
} Sharon Cahn
} iDepo

PROPOSED DECISION

Administrative Law Judge Matthew G. Ainley, Administrative Hearing Office, Department of Alcoholic Beverage Control, heard this matter at Ventura, California, on October 29, 2020 and November 2, 2020.

Alanna K. Ormiston, Attorney, represented the Department of Alcoholic Beverage Control.

Adam N. Koslin, attorney-at-law, represented respondent Southwest Liquor, Inc. Tony Darghali, Vice President and shareholder of the Respondent, was present.

The Department seeks to discipline the Respondent's license on the grounds that, on or about May 3, 2019, the Respondent, through its agent or employee, sold, furnished, or gave alcoholic beverages to Bontu Wako, an individual under the age of 21, in violation of Business and Professions Code section 25658(a).¹ (Exhibit 1.)

Oral evidence, documentary evidence, and evidence by oral stipulation on the record was received at the hearing. The matter was argued and submitted for decision on November 2, 2020.

FINDINGS OF FACT

1. The Department filed the accusation on March 2, 2020.

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

2. The Department issued a type 21, off-sale general license to the Respondent for the above-described location on July 8, 2013 (the Licensed Premises).
3. There is no record of prior departmental discipline against the Respondent's license.
4. This matter was scheduled to be heard on October 29, 2020. Both parties, all witnesses, an interpreter, and the undersigned appeared at the designated time and place. The court reporter was unable to attend because of a last minute medical issue. Due to various time constraints (including the minor's pending departure from the country), the parties agreed to continue the matter to November 2, 2020. To save time and expense, the parties agreed to have the interpreter translate an Ethiopian identification card from Amharic to English on October 29, 2020. The ID and the translation were stapled together and provided to the undersigned. At the hearing on November 2, 2020, the ID and the translation were collectively marked as exhibit 5.
5. Bontu Wako was born on the 25th day of Maskaram, 1992 under the Ethiopian calendar, which corresponds to October 6, 1999 under the Gregorian calendar. On May 3, 2019, she was 19 years old.
6. On May 3, 2019, Wako entered the Licensed Premises with two of her friends. She selected three cans of Four Loko (12% alcohol by volume) and a six-pack of raspberry-flavored Smirnoff Ice (4.5% alcohol by volume). (Exhibit 3.) She took the alcohol to the front counter and set it down.
7. The clerk, Alex Garcia, rang up the sale and asked to see some ID. Wako showed him her Ethiopian ID card. (Exhibit 5). Garcia, who did not speak or read Amharic, asked about Wako's date of birth. Wako pointed to the date "25/01/1992" on the ID. Garcia did not ask Wako how old she was. Based on this date, he assumed that she was born January 25, 1992 and, therefore, was 27 years old. Garcia completed the sale and Wako paid, after which she exited the Licensed Premises.
8. The Ethiopian ID is known as a *kebele* card. *Kebele* cards are issued by individual districts, of which there are over 16,000 in Ethiopia. (Exhibit A-A.) Wako's *kebele* card was issued by a district official for District 7 and bears an official government seal.
9. Outside, Wako was approached by Supv. Agent B. Huber. Supv. Agent Huber contacted Wako and identified himself. He asked her if she had purchased any alcohol; she said that she had and showed him the bag containing the Four Loko and the Smirnoff Ice. Supv. Agent B. Huber verified Wako's true age—19—using her Ethiopian passport and her college student ID.

10. Supv. Agent Huber entered the Licensed Premises and contacted Garcia. Garcia remembered selling alcohol to Wako and identified the *kebele* card as the ID he had seen in connection with the sale. Garcia indicated that he had not seen a *kebele* card before both during his conversation with Supv. Agent Huber and while testifying.

11. Tony Darghali testified that he is a part owner of the Respondent. He works at the License Premises six days a week. The Respondent has posted signage throughout the Licensed Premises reminding clerks to check ID and informing patrons that they check the ID of anyone who appears to be under the age of 30. (Exhibit B.) The Respondent also has a “born before” sign posted near the register. (Exhibit C.) The Respondent has an electronic ID scanner and keeps a copy of an ID checking guide to check the validity of IDs. (Exhibits D & E.) After the sale in this case, the Respondent implemented a new policy concerning IDs. Now, the Respondent only accepts unexpired USA state IDs, USA military IDs, and passports. A sign explaining the new policy is posted inside the Licensed Premises. (Exhibit F.)

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

CONCLUSIONS OF LAW

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

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

3. Section 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. Cause for suspension or revocation of the Respondent’s license exists under Article XX, section 22 of the California State Constitution, and sections 24200(a) and (b) on the basis that, on May 3, 2020, the Respondent’s clerk, Alex Garcia, inside the Licensed Premises, sold or furnished an alcoholic beverage to Bontu Wako, a person under the age of 21, in violation of section 25658(a). (Findings of Fact ¶¶ 4-10.)

5. Section 25660 provides a defense to any person who was shown and acted in reliance upon bona fide evidence of majority in permitting a minor to enter and remain in a public premises in contravention of section 25665, in making 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).

The defense offered by this section is an affirmative defense. As such, 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.² This section applies to IDs actually issued by government agencies as well as those which purport to be.³ A licensee or his or her employee is not entitled to rely upon an identification if it does not appear to be a bona fide government-issued ID or if the personal appearance of the holder of the identification demonstrates above mere suspicion that the holder is not the legal owner of the identification.⁴ The defense offered by section 25660 is not established if the appearance of the minor does not match the description on the identification.⁵

6. It is undisputed that Wako's *kebele* card was issued by a government official. It bears her true date of birth under the Ethiopian calendar, the 25th of Maskaram, 1992. To anyone familiar with the Ethiopian calendar, the ID is not confusing and clearly indicated that Wako was 19 years old at the time of the sale.

7. When Garcia, who could not read Amharic, asked Wako about her date of birth, she pointed to the date "25/01/1992." While this was, in fact, her date of birth under the Ethiopian calendar, Garcia, ignorant of the difference between the Ethiopian calendar and the Gregorian calendar, assumed that she was born on January 25, 1992. Accordingly, he sold the alcohol to her.

8. Thus, the issue at hand is **not** the validity of the ID, but Garcia's reliance upon it. The parties did not cite any case law dealing with IDs which use a calendar other than the Gregorian calendar,⁶ which is the standard calendar used in the United States, and the undersigned is unaware of any. Based on Garcia's own testimony, he relied upon a document which he could not read, did not understand, and had never seen before. He had no way of knowing if the document was an ID other than the fact that Wako said it

² *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).

³ *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).

⁴ *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).

⁵ *5501 Hollywood*, 155 Cal. App. 2d at 751-54, 318 P.2d at 822-24; *Keane*, 130 Cal. App. 2d at 411-12, 279 P.2d at 155 (construing section 61.2(b), the predecessor to section 25660).

⁶ The problem is not unique to the Ethiopian calendar. Other calendars in use include the Chinese calendar, the Hebrew calendar, and the Islamic calendar.

was. Further, he had no way of knowing if the numbers “25/01/1992” represented Wako’s date of birth, other than Wako’s word that it did.

9. While the cases interpreting section 25660 indicate that a clerk does not act at his peril, there is no case which holds that a clerk can blindly accept any document presented to him. Yet that is exactly what Garcia did. Wako told him that the *kebele* card was an ID which made her out to be over the age of 21—thereby fooling him due to his ignorance of the calendar system being used—and Garcia took her at her word. He had no independent basis for accepting the *kebele* card or the dates written thereon. Accordingly, the Respondent has failed to establish that Garcia’s reliance was reasonable.

10. At its most basic, the violation in this case is not unusual. Wako showed Garcia an ID which indicated that she was 19 years old. Because Garcia could not read the ID and did not understand it, he erroneously concluded that it showed Wako to be 27 years old. Based on his mistake, he sold alcohol to Wako. In this respect, this case is no different from other cases where a clerk mistakenly relies upon an actual ID (e.g., misreads the date of birth).

PENALTY

The Department requested that the Respondent’s license be suspended for a period of 15 days. The Respondent argued that, if the accusation were not dismissed, a mitigated penalty (possibly all stayed) was appropriate given the circumstances, its efforts to prevent sales to minors, and the changes it implemented after the sale in this case. (Findings of Fact ¶ 11.)

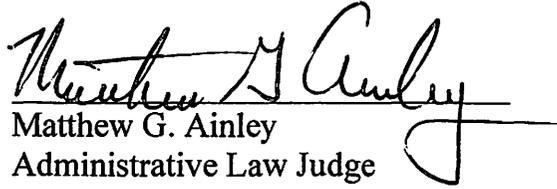
The standard penalty for a first-time sale-of-alcohol-to-minors violation under rule 144⁷ is a 15-day suspension. Although the Respondent has taken some steps to prevent sales of alcohol to minors, it is problematic that its clerk accepted an ID which he could not read and did not understand. The penalty recommended herein complies with rule 144.

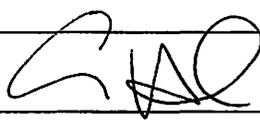
⁷ All rules referred to herein are contained in title 4 of the California Code of Regulations unless otherwise noted.

ORDER

The Respondent's off-sale general license is hereby suspended for a period of 15 days.

Dated: December 1, 2020


Matthew G. Ainley
Administrative Law Judge

| |
|---|
| <input type="checkbox"/> Adopt |
| <input checked="" type="checkbox"/> Non-Adopt: _____ |
| By:  _____ |
| Date: <u>01/21/21</u> _____ |