

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

AB-9851

File: 48-597174; Reg: 19089459

LB ENTERTAINMENT, INC.,
dba Candela
607 7th Street
Modesto, CA 95334-3410,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: No Hearing

Appeals Board Hearing: N/A

ISSUED APRIL 8, 2020

Appearances: *Appellant:* Servando R. Sandoval, of Pahl & McCay, A Professional Law Corporation, as counsel for LB Entertainment, Inc.,

Respondent: Colleen Villarreal, as counsel for the Department of Alcoholic Beverage Control.

OPINION

LB Entertainment, Inc., doing business as Candela (appellant), appeals from a default decision of the Department of Alcoholic Beverage Control¹ (Department) revoking its license, because its employees or agents solicited patrons under a profit-sharing scheme in violation of Business and Professions Code² sections 24200.5(b),

¹The Department's Decision Following Default, dated December 12, 2019, is set forth in the appendix.

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

25657(a), and rule 143 of title 4 of the California Code of Regulations, and loitered at the licensed premises for the purpose of soliciting patrons, in violation of section 25657(b).

FACTS AND PROCEDURAL HISTORY

On November 1, 2019, the Department filed a 19-count accusation against appellant charging that on three occasions—November 1, 2018, November 8, 2018, and November 29, 2018—appellant’s employees or agents loitered about the licensed premises and solicited patrons under a profit-sharing scheme. The accusation, along with the Notice of Defense, Statement re Discovery, and the Department’s Request for Discovery were served on appellant at the licensed premises via registered mail on November 1, 2019. (Exhs 1-2.) There is nothing in the record showing that appellant filed a response.

On December 12, 2019, the Department issued a default decision under Government Code section 11520 revoking appellant’s license. There is nothing in the record establishing that appellant requested the Department to vacate the default decision. Instead, appellant filed a timely appeal to this Board contending that the default decision should be set aside because appellant did not have actual notice of the accusation. (AOB at pp. 1-2.) Appellant contends the accusation and other forms were returned to the Department as undeliverable, and that its due process rights will be violated if the default is not set aside. (*Ibid.*)

DISCUSSION

Under Government code section 11520(c), the recipient of a Decision Following Default may serve a written motion on the Department requesting that the decision be vacated. After receiving said motion, the Department has discretion to vacate the

decision and grant a hearing—provided the respondent has demonstrated good cause. (*Ibid.*) "Good cause" includes (but is not limited to): failure to receive notice, mistake, inadvertence, surprise, or excusable neglect. (*Ray Kizer Constr. Co. v. Young* (1968) 257 Cal.App.2d 766, 65 [Cal.Rptr. 267] (“[A] default may not be set aside unless the moving party fulfills the burden of showing its entry through mistake, inadvertence, surprise, or excusable neglect.”))

Here, however, there is nothing in the record showing that appellant requested the Department to vacate its default decision. Thus, there is no finding by the Department of whether good cause existed to vacate the default (e.g. that appellant did not receive proper notice of the accusation). Without that finding, there is nothing for the Board to review; the Board 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].)

Here, the record established that the Department sent notice of the accusation to the licensed premises via registered mail, which is permitted under 4 CCR section 145. There is nothing in the record to establish that appellant failed to receive the Department’s registered mail at the licensed premises, or evidence establishing that appellant requested notice to be sent to an address other than the licensed premises. Therefore, on appeal, the Department is entitled to the inference that appellant received proper notice of the accusation. (*Kirby v. Alcoholic Beverage Control Appeals Bd.* (1968) 261 Cal.App.2d 119, 122 [67 Cal.Rptr. 628] “[E]very reasonably deducible inference in support [of the Department’s decision] will be indulged. [Citations.]” In short, the Department did not err by issuing a default decision after appellant failed to

timely respond to a properly mailed accusation, and where the record does not establish good cause for setting aside the default. (Gov. Code, §§ 11520(a), (c).)

Based on the above, the Board determines that sufficient cause exists to dismiss the appeal under title 4, section 199(d) of the California Code of Regulations. The Board has no jurisdiction to consider the merits of the instant appeal, where appellant failed to request the Department to vacate the default decision and failed to offer any evidence in the record to establish "good cause."

ORDER

The instant appeal is dismissed under 4 CCR section 199(d).

SUSAN A. BONILLA, CHAIR
MEGAN McGUINNESS, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

APPENDIX

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

RECEIVED

DEC 13 2019

Alcoholic Beverage Control
Office of Legal Services

IN THE MATTER OF THE ACCUSATION
AGAINST:

LB ENTRETAINMENT INC
CANDELA
607 7TH ST
MODESTO, CA 95354-3410

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}
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}

FILE: 48-597174
REG: 19089459

**DECISION FOLLOWING
DEFAULT**

under the Alcoholic Beverage Control Act.

This proceeding is conducted pursuant to Government Code section 11520. An Accusation against the above-referenced Respondent-licensee was registered by the Department November 1, 2019.

According to Department records the Accusation, Notice of Defense, Statement re Discovery and Department's Request for Discovery were served on Respondent-licensee on November 1, 2019.

According to Department records, no timely Notice of Defense has been filed. Accordingly, it is hereby found that Respondent licensee is in default and the Department makes the following Findings of Fact, Conclusions of Law, and Order:

Exhibits:

1. A true and correct copy of the Accusation registered in this matter is identified and admitted into evidence as Exhibit 1. Official Notice is taken of the license history as outlined in said Accusation.
2. A true and correct copy of the Proof of Service of Notice of Defense, Accusation, Department's Request for Discovery and Statement re Discovery, establishing service on Respondent-licensee, is identified and admitted into evidence as Exhibit 2.
3. A true and correct copy of the Department form ABC-333, Report of Investigation, and related documents are identified and admitted into evidence as Exhibit 3.

Findings of Fact:

1. Pursuant to Exhibit 2 as well as Government Code section 11505 and Miller Family Home, Inc. v. Department of Social Services (1997) 57 Cal.App.4th 488, it is found that Respondent-licensee was properly served with the Accusation, Notice of Defense, Statement re Discovery and Department's Request for Discovery in this matter. No timely Notice of Defense has been received.

2. Pursuant to Exhibits 1 and 3 it is found that Respondent-licensee did violate the Alcoholic Beverage Control Act.

Conclusions of Law:

1. Pursuant to Finding 1 above, Respondent-licensee has defaulted in this matter and the Department is authorized pursuant to Government Code section 11520 to conduct this default proceeding.
2. Pursuant to Finding 2 above, Respondent-licensee did violate the Alcoholic Beverage Control Act as alleged in said Accusation.
3. That by reason of the foregoing Findings of Fact and Conclusions of Law, grounds for suspension or revocation of such license(s) exist and the continuance of such license(s) would be contrary to public welfare and morals, as set forth in Article XX, Section 22, State Constitution, and Section(s) 24200(a) and (b) of the Business and Professions Code.

Order:

WHEREFORE, it is hereby ordered that Respondent-licensee's license be, and hereby is, revoked.

This Decision Following Default is hereby adopted and is effective immediately. A representative of the Department will call on Respondent-licensee on or after DEC 24 2019 to pick up the license certificate.

Dated:

12/12/19


Matthew Botting
General Counsel

Should you have any questions regarding the penalty imposed herein contact your local Alcoholic Beverage Control office.

Any Motion to Vacate this default decision must be made in accordance with Government Code section 11520, subdiv. (c), which states:

(c) Within seven days after service on the respondent of a decision based on the respondent's default, the respondent may serve a written motion requesting that the decision be vacated and stating the grounds relied on. The agency in its discretion may vacate the decision and grant a hearing on a showing of good cause. As used in this subdivision, good cause includes, but is not limited to, any of the following:

- (1) Failure of the person to receive notice served pursuant to Section 11505.
- (2) Mistake, inadvertence, surprise, or excusable neglect.

If you wish to file a Motion to Vacate this default decision, it must be directed to the General Counsel. In addition, any other parties in the matter, including the Department's Office of Legal Services, must be served. The Motion must be sent by mail, but you may also e-mail it. The addresses for filing and service are:

ABC General Counsel
c/o Administrative Records Secretary
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

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

Mark.Kinyon@abc.ca.gov

Beth.Matulich@abc.ca.gov

Any appeal of this decision must be made in accordance with Business and Professions Code sections 23080-23089. For further information, call the Alcoholic Beverage Control Appeals Board at (916) 445-4005, or mail your written appeal to the Alcoholic Beverage Control Appeals Board, 1325 J Street, Suite 1560, Sacramento, CA 95814.

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

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p>LB ENTRETAINMENT INC. CANDELA 607 7TH ST MODESTO, CA 95354-3410</p> <p>ON-SALE GENERAL PUBLIC PREMISES - LICENSE</p> <p>under the Alcoholic Beverage Control Act.</p>	<p>File: 48-597174</p> <p>Reg: 19089459</p> <p style="text-align: center;">DECLARATION OF SERVICE BY MAIL</p>
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The undersigned declares:

I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On December 13, 2019, I served, by CERTIFIED mail (unless otherwise indicated) a true copy of the following documents:

DECISION FOLLOWING DEFAULT

on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

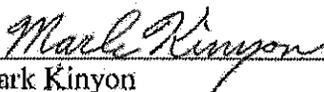
LB ENTRETAINMENT INC.
CANDELA
607 7TH ST
MODESTO, CA 95354-3410

Office of Legal Services
Headquarters, Inter Office Mail

7019 2280 0000 9326 5190

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 December 13, 2019 at Sacramento, California.



Mark Kinyon

STOCKTON DISTRICT OFFICE (INTEROFFICE MAIL)
 DIVISION OFFICE (INTEROFFICE MAIL)

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

In the Matter of the Accusation Against:

LB ENTRETAINMENT INC

DBA: CANDELA

PREMISES: 607 7TH ST
MODESTO, CA 95354-3410

LICENSE(S): On-Sale General Public Premises

FILED

NOV 01 2019

ALCOHOLIC BEVERAGE CONTROL

File: 48-597174

Reg: **19089459**

**ACCUSATION UNDER
ALCOHOLIC BEVERAGE
CONTROL ACT AND
STATE CONSTITUTION**

I hereby complain and accuse the above respondent(s), holding the above license(s), based on the following statement of facts:

COUNT 1

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee's agent or employee, "Viviana," solicited or encouraged, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 2

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee(s) employed upon the licensed on-sale premises, "Viviana," for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or paid such person a percentage or commission for procuring or encouraging the purchase or sale of alcoholic beverages on the premises, in violation of Business and Professions Code Section 25657(a).

OK

COUNT 3

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee's agent or employee, "Viviana," solicited upon the licensed premises, the purchase or sale of a drink intended for her consumption, in violation of California Code of Regulations, Title 4, Division 1, Section 143.

COUNT 4

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee(s) employed or knowingly permitted "Viviana," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

COUNT 5

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee's agent or employee, "Maria," solicited or encouraged, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 6

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee(s) employed upon the licensed on-sale premises, "Maria," for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or paid such person a percentage or commission for procuring or encouraging the purchase or sale of alcoholic beverages on the premises, in violation of Business and Professions Code Section 25657(a).

COUNT 7

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee's agent or employee, "Maria," solicited upon the licensed premises, the purchase or sale of a drink intended for her consumption, in violation of California Code of Regulations, Title 4, Division 1, Section 143.

COUNT 8

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 1, 2018, respondent-licensee(s) employed or knowingly permitted "Maria," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

COUNT 9

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 8, 2018, respondent-licensee's agent or employee, Diana Segura Tovar aka "Diana," permitted "Nidia," to solicit or encourage, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 10

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 8, 2018, respondent-licensee's agent or employee, Astrid Miranda aka "Astrid," permitted "Nidia," to solicit or encourage, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 11

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 8, 2018, respondent-licensee's agent or employee, "Gaby," permitted "Nidia," to solicit or encourage, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 12

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 8, 2018, respondent-licensee(s) employed or knowingly permitted "Nidia," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

COUNT 13

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee's agent or employee, Julieth Garcia Martinez aka "Julieta," permitted Astrid Miranda aka "Astrid," to solicit or encourage, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 14

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee's agent or employee, Julieth Garcia Martinez aka "Julieta," permitted Diana Segura Tovar aka "Diana," to solicit or encourage, directly or indirectly, to buy her drinks in the licensed premises under a commission, percentage, salary or other profit-sharing plan, scheme or conspiracy, in violation of Business and Professions Code Section 24200.5(b).

COUNT 15

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee(s) employed upon the licensed on-sale premises, Julieth Garcia Martinez aka "Julieta," for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or paid such person a percentage or commission for procuring or encouraging the purchase or sale of alcoholic beverages on the premises, in violation of Business and Professions Code Section 25657(a).

COUNT 16

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee's agent or employee, Julieth Garcia Martinez aka "Julieta," solicited upon the licensed premises, the purchase or sale of a drink intended for her consumption, in violation of California Code of Regulations, Title 4, Division 1, Section 143.

COUNT 17

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee(s) employed or knowingly permitted Julieth Garcia Martinez aka "Julieta," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

COUNT 18

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee(s) employed or knowingly permitted Astrid Miranda aka "Astrid," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

COUNT 19

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about November 29, 2018, respondent-licensee(s) employed or knowingly permitted Diana Segura Tovar aka "Diana," to loiter in or about said premises for the purpose of begging or soliciting patrons or customers in such premises to purchase alcoholic beverages for her, in violation of Business and Professions Code Section 25657(b).

Licensee(s) Previous Record: Licensed as above since October 22, 2018.

WHEREFORE, I recommend that a hearing be held on this accusation.

Dated this 31 day of October 2019.



Attorney
Department of Alcoholic Beverage Control