

Item # 4B

REQUEST FOR LIQUOR & ENTERTAINMENT BOARD ACTION

DATE SUBMITTED: 05/8/2007

AGENDA DATE REQUESTED: 05/17/2007

TIME REQUESTED: 10 Minutes

TO: Mayor, Supervisors and Sheriff

FROM: Al Kramer, Treasurer

SUBJECT TITLE: Action to determine, based upon the investigation conducted by the Sheriff's Department, and evidence and testimony presented before the Liquor and Entertainment Board whether sufficient cause exists to schedule a Show Cause Hearing for the liquor license held by Bhupinder S. Lally, dba Winnie Liquor.

STAFF SUMMARY: See attached report.

TYPE OF ACTION REQUESTED: (Check One)

- () Resolutions
- () Ordinance
- (X) Formal Action/Motion
- () Other (Specify)

Does This Action Require a Business Impact Statement: () Yes (X) No

RECOMMENDED BOARD ACTION: I find, based upon the investigation conducted by the Sheriff's Department, and evidence and testimony presented before the Liquor and Entertainment Board that sufficient cause exists to schedule a Show Cause Hearing for the liquor license held by Bhupinder S. Lally, dba Winnie Liquor.

Explanation for Recommended Board Action: The Liquor Board will need to consider all the evidence, testimony and argument presented at the hearing in order to make its discretionary decision.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13

FISCAL IMPACT:

FUNDING SOURCE: General Fund

EXPLANATION OF IMPACT:

Reviewed by: Al Kramer Date: 5/8/07
 (Department Head)

[Signature] Date: 5/8/07
 (City Manager)

Melanie Burkette Date: 5/8/07
 (District Attorney)

[Signature] Date: 5/8/07
 (Finance Director)

BOARD ACTION:

Motion: _____ 1: _____ (Aye) : (Nay)
 _____ 2: _____

 (Vote Recorded By)



Memorandum

"Action, Urgency, Excellence"

To: Board of Supervisors
From: Deputy Adams
Date: May 9, 2007
Subject: Winnie Liquor at 262 W. Winnie.

I have received numerous anonymous complaints about juveniles being able to purchase alcohol at 262 W. Winnie. On March 22, 2007, I conducted an alcohol compliance check on 262 W. Winnie. The cashier, later identified to me as Shea Davis, while selling alcohol to the seventeen year old female decoy, told the decoy, "You don't look twenty one, but I will sell to you this time." Davis was issued a citation and released on scene. A letter was left with Davis with information on upcoming server training.

On March 24, 2007, I conducted surveillance on 262 W. Winnie.

At about 2100 hours, I watched a group of juveniles enter 262 W. Winnie. The juveniles exited the store with a case and several bottles of beer. The juveniles were stopped outside the store. I confirmed the juvenile's ages and they were all less than twenty one years of age. Citations were issued to the juveniles for "minor in possession of alcohol". The alcohol was disposed of. The juveniles said that 262 W. Winnie was an easy place to buy beer and they can get beer anytime they want to there.

At approximately 2130 hours, I watched another two juveniles enter 262 W. Winnie. The juveniles exited the store with a case of beer. The juveniles were stopped outside the store. I confirmed the two juvenile's ages and they were both sixteen years old. The juveniles told me that 262 W. Winnie never check their identification and they can always buy alcohol there. The two sixteen year olds were issued citations for "minor in possession of alcohol".

I returned to 262 W. Winnie. Davis was working as the cashier. I took Davis into custody. I had the manager of the store, Davis' father, come to the store and meet me. I notified him about upcoming server training. The manager made a statement to me saying, "The problem with the server training is the owner" but then the manager would not elaborate any further.

As of May 9, 2007, I have not received any contact from 262 W. Winnie to pursue alcohol server training.

I recommend a *permanent* suspension of the liquor license for the current licensee at 262 W. Winnie. The owner of the 262 W. Winnie is Bhupinder Lally, who lives in Yuba City, California. Lally purchased the business from D and S Food and Liquor in August of 2006.

On May 8, 2007 I spoke to the District Attorneys Office in reference to the citation issued to Shea Davis on March 22, 2007. The citation was dropped as part of a plea agreement, on the condition that Davis pleads guilty to the arrest on March 24, 2007.