

Item # 3

REQUEST FOR LIQUOR & ENTERTAINMENT BOARD ACTION

DATE SUBMITTED: 04/11/2007

AGENDA DATE REQUESTED: 05/03/2007

TIME REQUESTED: 10 Minutes

TO: Mayor, Supervisors and Sheriff

FROM: Al Kramer, Treasurer

SUBJECT TITLE: Action to approve a request by the Treasurer to have an investigation conducted of the liquor license held by Bhupinder S. Lally, dba Winnie Liquor, to determine whether grounds exist for revocation of their liquor license.

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: Action to approve a request to have an investigation conducted of the liquor license held by Bhupinder S. Lally, dba Winnie Liquor, to determine whether grounds exist for revocation of their liquor license.

Explanation for Recommended Board Action: CCMC 4.13.150 (1) states "The liquor board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this chapter to determine whether grounds for revocation of a license exists. The board may request the assistance of the licensee in such an investigation."

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13.150

FISCAL IMPACT:

FUNDING SOURCE: General Fund

EXPLANATION OF IMPACT:

Reviewed by: [Signature] Date: 4/24/07
(Department Head)

[Signature] Date: 4/25/07
(City Manager)

[Signature] Date: 4/24/07
(District Attorney)

[Signature] Date: 4/24/07
(Finance Director)

BOARD ACTION:

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

(Vote Recorded By)



Memorandum

"Action, Urgency, Excellence"

To: Chief Schuette

From: Deputy Adams

Date: April 6, 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 old. 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 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 checks 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.

Up to April 5, 2007, no one from 262 W. Winnie has made any attempt to pursue alcohol server training.

If possible, I would recommend a temporary suspension of the liquor license 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.