



Meeting Minutes - Draft

Liquor License Authority

Tuesday, April 3, 2018

1:00 PM

Room 3109

1. Call To Order/Roll Call - 1:00 p.m.

Hearing Officer Ablao called the meeting to order at 1:02 p.m.

2. Approval of Minutes

Min 18-24 Meeting Minutes of March 20, 2018

Hearing Officer Ablao approved the minutes of March 20, 2018.

3. Public Hearings

Pres 18-182 Notice of nonrenewal hearing and order to show cause for the hotel and restaurant license of Double JRV Inc d.b.a. El Viva Villa located at 5411 Quebec St

Hearing Officer Ablao opened the public hearing.

Entering their appearance:

Nick Avila, attorney for licensee

Jose Rosales, on behalf of the licensee

Jesus Rosales, on behalf of the licensee

Senior Assistant City Attorney Rachel Allen, on behalf of the city.

Attorney Avila submitted a motion to stay the hearing, or alternatively strike testimony pending the outcome of the underlying murder investigation.

Attorney Allen stated that this is an administrative hearing and at no point has the city alleged that the licensees were involved with the shooting, nor are any criminal charges being filed against the licensee. The licensing violations became apparent during the course of the shooting investigation.

Attorney Allen objected.

Hearing Office Ablao denied the motion to stay the hearing. She explained that this is a licensing matter and not a criminal matter. There is a constitutional right to due process; however, due process in the licensing, or regulatory administrative, arena requires a licensee be given notice and opportunity to be heard prior to any action taken against the license. The affidavit, in support of the motion for show cause, does provide sufficient notice of the facts relied upon.

Prior to the start of the hearing, city exhibits 1-8 were admitted into evidence by stipulation of the parties and Hearing Officer Ablao approved Attorney Allen's request that the police witnesses be allowed to leave after they testify and are cross-examined. Attorney Avila had no objection.

Attorney Allen gave an opening statement on behalf of the city regarding no-renewal citing numerous violations discovered during a recent shooting investigation: sale to minor, sale to an intoxicated person, failure to report a disturbance to the police department, hidden ownership interest and failure to produce records. Ms. Allen noted that this is not the licensee's first violation.

William Schoepflin was sworn in and testified that he is a police sergeant in the investigation division of the police department. He was called to the licensed establishment on December 2, 2017, in response to a shooting in the parking lot. He was present during the interview of the shooting suspects, one of whom was only 19 and very intoxicated. The minor had stated that he was at the bar and had been asked to leave.

Brian Lippa was sworn in and testified that he is an officer assigned to the investigation division of the police department. He testified that he was called to the licensed establishment on December 2, 2017, in response to a shooting in the parking lot. He interviewed the shooting suspects, one of whom was 19 and intoxicated. Officer Lippa also testified to interviewing two witnesses associated with the shooter who were both 19 years of age and regular patrons of the bar.

David Bores was sworn in and testified that he is a detective with the police department. Detective Bores stated that he interviewed witnesses at the police station in regards to the shooting incident. Two witnesses interviewed were minors and indicated they are regular customers of the bar.

James Zamora was sworn in and testified that he is a detective assigned to the investigation division of the police department. Detective Zamora conducted follow-up interviews to the shooting incident. He interviewed someone who introduced himself as the manager who was only 19 years old. Detective Zamora asked for receipts and records and was told by the manager he didn't have access and would have to call his father. A Martin Rosales showed up and identified himself as an owner. Upon arrival he appeared intoxicated and explained that he couldn't access the business records for the night of the shooting. As of the date of this hearing, the requested records have not been produced.

Greg Sadar was sworn in and testified that he is a commander over investigations in the police department. He stated that he responded to the licensed establishment several hours after the shooting incident. It was reported at briefing that a number of calls, regarding the shooting, were made to dispatch from patrons. Commander Sadar went to the licensed establishment on January 3, 2018, to obtain the business records from the night of the shooting in an attempt to locate more witnesses. He contacted a man who identified himself as the manager, but he didn't have access to the records. Martin Rosales arrived, introduced himself as the owner and appeared intoxicated. He too could not produce any business records.

Commander Sadar reviewed the exhibits submitted by the city and Mr. Martin Rosales is not listed on any official paperwork as an owner. Commander Sadar went back to the licensed premises again and made contact with Jesus and Jose Rosales in another attempt to obtain the business records from the night of the shooting incident

and again was unable to get them. Commander Sadar did learn that both owners were at the licensed premises the night of the incident and had kicked out an individual during the night. In viewing the video of the parking lot of the licensed premises on the night of the shooting, the victim projectile vomited before being shot. Commander Sadar stated that there have been 85 calls for service since this license was issued in 2007.

Jesus Rosales was sworn in and testified that his brother Martin is not an owner of the business and the requested records have been available and are available now.

Jose Rosales was sworn in and testified that his brother Martin is not an owner and Uriel, Martin's son, is not a manager, but merely an employee. Mr. Rosales stated that he was present the night of the shooting incident and was made aware of by the security guard and called an ambulance. He stated that he has had TIPS training in the past and trains his staff. He and his brother Jesus have agreed to implement the following changes: no minors allowed after 9:00 p.m. and install more lights in the parking lot.

There was no public testimony and the public hearing portion was closed.

Attorney Allen stated that because of the pattern and repetitiveness of the violations, the city is seeking revocation of this license.

Attorney Avila stated that nothing was proven regarding the unavailability of records, hidden ownership, or sale to minor since the focus was on a murder investigation.

Hearing Officer Ablao noted that she would issue a ruling within 30 days.

4. Adjourn

The meeting adjourned at 3:39 p.m.