

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

In the Matter of the Accusation Against:

COSTANZOS GENCO OLIVE OIL COMPANY INC

DBA: TOBY & JACKS

PREMISES: 764 9TH ST
ARCATA, CA 95521-6206

LICENSE(S): On-Sale General Public Premises

FILED
ALCOHOLIC BEVERAGE CONTROL
MAY 02 2018

File: 48-582810

Reg: 18086874

**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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron(s) to possess, within the premises, a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11350.

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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Scott Gamar aka "Scoot" to sell, furnish or offer to sell or furnish, within the premises, a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11352.

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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron(s) to possess, within the premises, a controlled substance, to-wit: MDMA methamphetamine, in violation of Health and Safety Code Section 11377.

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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron "Haven" to possess, within the premises, a controlled substance, to-wit: MDMA methamphetamine, for purpose of sale, in violation of Health and Safety Code Section 11378.

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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron "Haven" to sell, furnish or offer to sell or furnish within the premises, a controlled substance, to-wit: MDMA methamphetamine, in violation of Health and Safety Code Section 11379.

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 October 19, 2017, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Scott Gamar aka "Scoot" to sell, furnish or offer to sell or furnish within the premises, a controlled substance, to-wit: MDMA methamphetamine, in violation of Health and Safety Code Section 11379.

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 October 19, 2017, respondent-licensee(s) knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

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 9, 2017, respondent-licensee's manager, officer or person holding 10% or more of the corporate stock, namely Nicole Costanzo, was within the licensed premises, an aider or abettor, as defined in Section 31 of the California Penal Code, in the selling or furnishing or in the offering to sell or furnish a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11352.

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 9, 2017, respondent-licensee's manager, officer or person holding 10% or more of the corporate stock, namely Nicole Costanzo, permitted patron Elijah Calvin Browning to possess, within the premises, a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11350.

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 October 19, 2017, respondent-licensee(s) knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Jeff Shields, Jr. to possess, within the premises, a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11350.

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Jeff Shields, Jr. to possess, within said premises, a controlled substance, to-wit: cocaine, for purpose of sale, in violation of Health and Safety Code Section 11351.

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Jeff Shields, Jr. to sell, furnish or offer to sell or furnish, within the premises, a controlled substance, to-wit: cocaine, in violation of Health and Safety Code Section 11352.

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron(s) to possess, within the premises, a controlled substance, to-wit: MDMA methamphetamine, in violation of Health and Safety Code Section 11377.

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, permitted patron Jasmine Oakeshott to possess, within the premises, a controlled substance, to-wit: MDMA methamphetamine, for purpose of sale, in violation of Health and Safety Code Section 11378.

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 January 25, 2018, respondent-licensee's agent or employee, Joshua Cuppett, was within the licensed premises, an aider or abettor, as defined in Section 31 of the California Penal Code, in the selling or furnishing or in the offering to sell or furnish a controlled substance, to-wit: MDMA methamphetamine, in violation of Health and Safety Code Section 11379.

COUNT 17

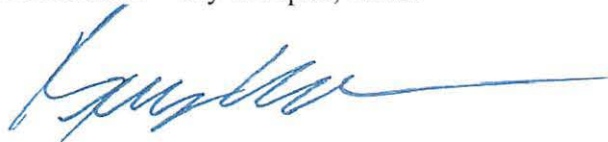
By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals 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 January 25, 2018, respondent-licensee(s) knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

Licensee(s) Previous Record: Licensed as above since **August 8, 2017**.

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

Dated this 9th day of April, 2018.



Deputy Chief Counsel
Department of Alcoholic Beverage Control