

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

In the Matter of the Accusation Against:

DALE ENTERTAINMENT LLC

DBA: PARLARE EURO LOUNGE

PREMISES: 1009 TENTH ST
SACRAMENTO, CA 95814

LICENSE(S): On-Sale General Public Premises

FILED

AUG 11 2017

ALCOHOLIC BEVERAGE CONTROL

File: 48-437564

Reg: 17085830

**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 18, 2016, respondent-licensee's agent or employee, John Doe, violated condition # 2 on the license which states, "The petitioner shall not allow its patrons or the general public to loiter or congregate on any sidewalks adjacent to the licensed premises," in that the licensee and/or licensee's employee or agent did allow patrons or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 18, 2016, respondent-licensee's agent or employee, John Doe, violated condition # 3 on the license which states, "Entertainment provided shall not be audible beyond the area under control of the licensee(s)," in that the licensee and/or licensee's employee or agent did allow entertainment to be audible beyond the area under the control of the licensee(s) such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 December 4, 2016, respondent-licensee's agent or employee, John Doe, violated condition # 2 on the license which states, "The petitioner shall not allow its patrons or the general public to loiter or congregate on any sidewalks adjacent to the licensed premises," in that the licensee and/or licensee's employee or agent did allow patrons or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 January 15, 2017, respondent-licensee's agent or employee, John Doe, violated condition # 2 on the license which states, "The petitioner shall not allow its patrons or the general public to loiter or congregate on any sidewalks adjacent to the licensed premises," in that the licensee and/or licensee's employee or agent did allow patrons or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 January 15, 2017, respondent-licensee's agent or employee, John Doe, violated condition # 3 on the license which states, "Entertainment provided shall not be audible beyond the area under control of the licensee(s)," in that the licensee and/or licensee's employee or agent did allow entertainment to be audible beyond the area under the control of the licensee(s) such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 February 24, 2017, respondent-licensee's agent or employee, John Doe, violated condition # 2 on the license which states, "The petitioner shall not allow its patrons or the general public to loiter or congregate on any sidewalks adjacent to the licensed premises," in that the licensee and/or licensee's employee or agent did allow patrons or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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 April 10, 2017, respondent-licensee's agent or employee, John Doe, violated condition # 2 on the license which states, "The petitioner shall not allow its patrons or the general public to loiter or congregate on any sidewalks adjacent to the licensed premises," in that the licensee and/or licensee's employee or agent did allow patrons or the general public to loiter or congregate on the sidewalks adjacent to the licensed premises such being a violation of the license condition and ground for license suspension or revocation under Business and Professions Code Section 23804.

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:

Between the dates of on or about June 1, 2016 and on or about August 11, 2017, respondent-licensee(s), directly or by and through its agents, employees, or servants, permitted or suffered the above-designated premises to be used in a manner which did create a law enforcement problem for the law enforcement officials of the Sacramento Police Department, in that such officials were required to make numerous calls, investigations, arrests, or patrols concerning the conduct and acts occurring in or about said premises, and which thereby created conditions contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Section 24200(a) of the Business and Professions Code.

Without limitation to the foregoing, it is more specifically alleged that the following incidents occurred at or near the premises, necessitating officers of the Sacramento Police Department to respond to calls for service, make arrests, and/or take police reports as follows:

| # | DATE | INCIDENT NUMBER | CALL TYPE | OFFICER |
|---|------------|-----------------|--------------------|-----------|
| 1 | 06/01/2016 | 2016-157565 | BATTERY | TERSTEEGE |
| 2 | 11/18/2016 | 2016-333210 | BATTERY | POWELL |
| 3 | 12/04/2016 | 2016-347617 | BATTERY | THEBEAU |
| 4 | 01/15/2017 | 2017-17371 | BATTERY | POWELL |
| 5 | 01/15/2017 | 2017-13184 | BATTERY | BEVINS |
| 6 | 02/22/2017 | 2017-51673 | BATTERY | WEBB |
| 7 | 02/24/2017 | 2017-53546 | BATTERY | HUGHES |
| 8 | 04/10/2017 | 2017-100695 | BATTERY | GREENWOOD |
| 9 | 08/11/2017 | 2017-228756 | ATTEMPTED HOMICIDE | GIGANTE |

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:

Between the dates of on or about June 1, 2016 and on or about August 11, 2017, respondent-licensee(s) kept or permitted, in conjunction with a licensed premises, a disorderly house, or to which people resort, to the disturbance of the neighborhood or in which people abide or resort which is injurious to the public morals, health, convenience or safety, in violation of Business and Professions Code Section 25601.

Without limitation to the foregoing, it is more specifically alleged that the following incidents occurred at or near the premises:

| # | DATE | INCIDENT NUMBER | CALL TYPE | OFFICER |
|---|------------|-----------------|--------------------|-----------|
| 1 | 06/01/2016 | 2016-157565 | BATTERY | TERSTEEGE |
| 2 | 11/18/2016 | 2016-333210 | BATTERY | POWELL |
| 3 | 12/04/2016 | 2016-347617 | BATTERY | THEBEAU |
| 4 | 01/15/2017 | 2017-17371 | BATTERY | POWELL |
| 5 | 01/15/2017 | 2017-13184 | BATTERY | BEVINS |
| 6 | 02/22/2017 | 2017-51673 | BATTERY | WEBB |
| 7 | 02/24/2017 | 2017-53546 | BATTERY | HUGHES |
| 8 | 04/10/2017 | 2017-100695 | BATTERY | GREENWOOD |
| 9 | 08/11/2017 | 2017-228756 | ATTEMPTED HOMICIDE | GIGANTE |

For purposes of imposition of penalty, if any arising from this accusation, it is further alleged the respondent-licensee(s) has/have suffered the following disciplinary history:

| Disposition Date | Violation | Reg. Number | Penalty |
|------------------|--|-------------|--|
| 05/31/2011 | B&P 24200(A&B), B&P 23300, B&P 23355 | 1007331 | 15-Day Suspension (5 Days stayed) |
| 07/13/2012 | B&P 25601, B&P 23300, B&P 23355, B&P 24200(A&B) | 11075738 | Revocation (Stayed one year), 10-day suspension |

Licensee(s) Previous Record: Licensed as above since November 27, 2006, with the above record of disciplinary action.

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

Dated this 11th day of August 2017.



Chief Counsel
Department of Alcoholic Beverage Control