

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

In the Matter of the Accusation Against:

VIVI LU, INC.

DBA: FULTON FOOD SHOP

PREMISES: 1801 FULTON ST
SAN FRANCISCO, CA 94117-1213

LICENSE(S): Off-Sale General

File: 21-545496

Reg:

**FIRST AMENDED
ACCUSATION UNDER
ALCOHOLIC BEVERAGE
CONTROL ACT AND
STATE CONSTITUTION**

TO THE ADMINISTRATIVE HEARING OFFICE AND RESPONDENT: Please take notice that the Department of Alcoholic Beverage Control, pursuant to California Government Code section 11507, hereby makes a First Amendment to the Accusation by filing and serving this First Amended Accusation.

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 September 14, 2018, respondent-licensee's agent or employee, Ahmad Touhan Abdul Rahim, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage, to-wit: Four Loko malt beverage, to [REDACTED], a person under the age of 21 years, in violation of Business and Professions Code Section 25658(a).

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 September 14, 2018, respondent-licensee's agent or employee, Ahmad Touhan Abdul Rahim, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage, to-wit: distilled spirits, to [REDACTED], a person under the age of 21 years, in violation of Business and Professions Code Section 25658(a).

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 September 14, 2018, respondent-licensee's agent or employee, Ahmad Touhan Abdul Rahim, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage, to-wit: distilled spirits, to [REDACTED] a person under the age of 21 years, in violation of Business and Professions Code Section 25658(a).

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 November 2, 2018, respondent-licensee's agent or employee, Ahmad Touhan Abdul Rahim, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage, to-wit: distilled spirits, to [REDACTED], a person under the age of 21 years, in violation of Business and Professions Code Section 25658(a).

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 March 15, 2019, respondent-licensee's agent or employee, Osama Qamer, at said premises, sold, furnished, gave or caused to be sold, furnished or given, an alcoholic beverage, to-wit: distilled spirits, to [REDACTED], a person under the age of 21 years, in violation of Business and Professions Code Section 25658(a).

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:

Viol Date	Violation	Reg. Date	Reg. Number	Penalty
10/30/2014	BP 25658(a)	02/18/2015	15081991	15-day suspension
03/03/2017	BP 25658(a)	02/27/2018	18086578	Pending

Licensee(s) Previous Record: Licensed as above since **August 8, 2014**.

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

Dated this 22 day of MARCH 2019.



Matthew Gaughan
Attorney

Department of Alcoholic Beverage Control