

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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May 13, 2011
PR 11-19

ABC Revokes Licenses at Two Locations in Morgan Hill

ABC Licensed Businesses Violated Several Laws

(Morgan Hill) - On May 12, 2011, ABC investigators posted two Notices of Revocation at two businesses located in the City of Morgan Hill. The licenses of Ernie's Bar and Grill, located at 19140 Monterey Highway, and La Oficina, located at 19020 Monterey Highway, in Morgan Hill have been revoked for multiple violations of the Alcoholic Beverage Control Act and the California Penal Code. As a result, neither location can sell alcohol anymore.

At Ernie's Bar and Grill, ABC investigators discovered that the business permitted an employee to negotiate illegal drug sales, allowed a minor to consume alcoholic beverages in the bar, failed to operate as a bona fide public eating place, did not notify the department of the true and sole owner, and also had an owner who was convicted of battery on a spouse.

At La Oficina, Morgan Hill Police discovered the bar was selling drinks after hours, and ABC investigators found that the business allowed the illegal solicitation of alcoholic beverages, purchased alcohol from someone other than a licensed wholesaler, and illegally possessed a slot machine, which is a gambling violation.

The violations at Ernie's Bar and Grill included allowing possession for sale or purchase of a controlled substance, which is a violation of Section 24200.5(a) of the California Business and Professions Code and Section 11360 of the California Health and Safety Code. Allowing a minor to consume alcoholic beverages on the premises is a violation of Section 25658 (b) and Section 24200 (a) of the California Business and Professions Code. Not operating as a bona fide public eating place is a violation of Sections 23038 and 23396 of the California Business and Professions Code, failure to notify the ABC of the true and sole owner is a violation of Sections 23300 and 23355 of the California Business and Professions Code, and the bar violated Section 24200 (d) of the California Business and Professions Code and because the licensee was convicted of a crime of moral turpitude involving battery on a spouse, a violation of Section 242/243 (e) of the California Penal Code. ABC investigated these violations between April and July of 2010.

At La Oficina, Morgan Hill Police Department discovered in February 2010 that the bar was serving drinks after its' operating hours, which is a violation of Section 25632 of the California Business and Professions Code, and the bar faced a 15 day suspension. Between March and July

2010, ABC investigators found violations involving the illegal solicitation of alcoholic beverages, a violation of Sections 24200.5 (b) and 25657 (b) of the California Business and Professions Code, and the illegal possession of a slot machine, a violation of Section 330.1 of the California Penal Code. The bar also purchased alcoholic beverages from someone other than a licensed wholesaler, which is a violation of Section 23402 of the California Business and Professions Code. As a result of the violations, the alcoholic beverage license of La Oficina has been revoked, and alcohol sales must stop immediately.

“We appreciate all the efforts by our investigators and the officers at the Morgan Hill Police Department,” said ABC San Jose District Administrator Karyn Nielsen. “As a result of the cooperation between the two police agencies, two problem locations will no longer be operating.”

ABC is a Department of the Business, Transportation and Housing Agency