

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

**IN THE MATTER OF THE ACCUSATION
AGAINST:**

MICHAEL DENNIS SRIBNEY
PEDONES PIZZA
1332 HERMOSA AVE
STE 10
HERMOSA BEACH, CA 90254

On-Sale Beer And Wine - Eating Place - LICENSE

LB/LAKEWOOD DISTRICT OFFICE

File: 41-415653

Reg: 23094026

**DECISION AND CERTIFICATE OF
DECISION**

Respondent(s)/Licensee(s)
Under the Alcoholic Beverage Control Act

The above-entitled matter having regularly come before the Department for decision and the respondent(s) having filed a stipulation and waiver, on December 15, 2023 (attached hereto and incorporated by reference herein), in connection with the accusation herein in which respondent(s) waives right to hearing, reconsideration and appeal, and good cause appearing, the Department hereby adopts the terms of the stipulation and waiver as its decision in this matter and further finds that, pursuant to said stipulation and waiver, cause for disciplinary action has been established.

Grounds for suspension or revocation have been established under Article XX, Section 22 of the State Constitution and Business and Professions Code section 24200(a&b).

It is hereby certified that the Department of Alcoholic Beverage Control adopted the foregoing as its decision in this matter, effective immediately.

Sacramento, California
Dated: December 19, 2023



Matthew D. Botting
General Counsel

NOTE: If the stipulation and waiver includes suspension or revocation of the license, the suspension or revocation does not start until the license certificate is picked up by the Department and a notice of suspension or revocation is posted at the licensed premises. A representative of the Department will contact you to make the necessary arrangements.

PETITION FOR PAYMENT OF FINE IN LIEU OF SUSPENSION AND FINANCIAL STATEMENT

Licensee: MICHAEL DENNIS SRIBNEY File: 41-415653
DBA: PEDONES PIZZA Reg.: 23094026
Address: 1332 HERMOSA AVE Date:
STE 10
HERMOSA BEACH, CA 90254
LB/LAKEWOOD

IMPORTANT INFORMATION-READ CAREFULLY**YOU MAY BE ELIGIBLE TO PAY A FINE IN LIEU OF THE SUSPENSION IMPOSED**

Business and Professions Code section 23095 establishes that in certain circumstances a licensee may file a petition requesting to pay a fine in lieu of serving a suspension. Fines range from \$750 to \$3,000 for a first offense, \$1,500 to \$6,000 for a second offense within 36 months, and \$2,500 to \$20,000 for a second sale to a minor within 36 months.

The Department will only authorize payment of a fine in lieu of suspension if:

- Allowing a fine would not be contrary to public welfare and morals
- A fine would serve the desired disciplinary purpose of the Department, and
- The records and books of the licensee are kept in such a manner that the fine amount can be properly calculated.

To request payment of a fine in lieu of suspension YOU MUST SUBMIT A PETITION stating the grounds for why you believe a fine is appropriate in your case. Space is provided below for your petition or you may attach a separate document. YOU MUST ALSO complete and submit the financial statement on page 3 below. Submit both documents together.

Your petition must be received by the Department no more than **TWENTY (25) DAYS** after the mailing of this notice. Mail your petition to the LB/LAKEWOOD District Office at 3950 PARAMOUNT BLVD, STE 250, LAKEWOOD, CA 90712 or contact them at (562) 982-1337 if you have any questions.

The Department will commence an investigation into your request that may include a request for sales records. If your petition is accepted you will be notified of the fine amount and payment instructions. If your petition is denied you will be notified of the start date for your suspension.

PETITION FOR PAYMENT OF FINE IN LIEU OF SUSPENSION AND FINANCIAL STATEMENT

Estimate of alcoholic beverage sales, including all State and local sales taxes:

1. Gross sales of all alcoholic beverages for the preceding 12 full months: (1) \$ _____

(If sales of alcoholic beverages are not separated from total sales or you have not operated for a full 12-month period, you may offer a reasonable formula for figuring the amount.)

Period covered in computing offer _____ (Example: 4/1/04 thru 3/31/05)

If offer is based upon markup of purchases, show percentage markup or cost: _____

2. Estimated daily average gross sales: (2) \$ _____
 (Figure in (1) divided by 365 days or the actual number of sales days used in figuring (1))

If open less than 365 days, show number of days used in your computation: _____

3. 50% of estimated daily average gross sales: (3) \$ _____
 (Figure in (2) multiplied by 50%.)

4. Basic offer in compromise: (4) \$ _____
 (Figure in 3 multiplied by the number of days (15) upon which I am proposing to pay the offer in compromise.)

5. You must use either Method (a), (b) or (c), below, for computing the amount for Item 6 below. Department records show you should use Method A .

Method (a)	Method (b)	Method (c)
Use this method if you <i>have not</i> had another accusation filed against your license within three years prior to the date you first requested permission to petition the Department.	Use this method if you <i>have</i> had an accusation filed against your license within three years prior to the date you first requested permission to petition the Department.	Use this method if this petition involves a violation of Section 25658 and you have had a previous violation of Section 25658 within 36 months.
If amount in Item (4) is more than \$3,000, enter \$3,000 in Item (6) below. If amount in Item (4) is less than \$750, enter \$750 in Item (6) below. If amount in Item (4) is less than \$3,000, and more than \$750, enter that amount in Item (6) below.	If amount in Item (4) is more than \$6,000, enter \$6,000 in Item (6) below. If amount in Item (4) is less than \$1,500, enter \$1,500 in Item (6) below. If amount in Item (4) is less than \$6,000, and more than \$1,500, enter that amount in Item (6) below.	If amount in Item (4) is more than \$20,000, enter \$20,000 in Item (6) below. If amount in Item (4) is less than \$2,500, enter \$2,500 in Item (6) below. If amount in Item (4) is less than \$20,000 and more than \$2,500, enter that amount in Item (6) below.

6. Sum offered in payment: (6) \$ _____
 (Please place this amount on Line 2, Page 1 of this form.)

If this form is prepared or reviewed by a public accountant, the account must sign the statement below:

THIS FORM PREPARED IN ACCORDANCE WITH RULES PRESCRIBED BY THE CALIFORNIA STATE BOARD OF ACCOUNTANCY.

_____ License Number _____

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

IN THE MATTER OF THE ACCUSATION AGAINST:

MICHAEL DENNIS SRIBNEY
DBA: PEDONES PIZZA
1332 HERMOSA AVE., STE. 10
HERMOSA BEACH, CA 90254

RECEIVED

DEC 18 2023

Alcoholic Beverage Control
Office of Legal Services
Respondent(s)

Licensee(s) under the Alcoholic Beverage Control Act

The above-named respondent(s) does hereby:

- (1) Acknowledge receipt of the accusation (with printed statement to respondent) and forms for notice of defense and stipulation and waiver in the above-entitled action.
- (2) Stipulate that disciplinary action may be taken on the accusation and that such discipline may be determined on the basis of the facts contained in the investigative reports on file with the Department.
- (3) Waive all rights to a hearing, reconsideration and appeal, and any and all other rights which may be accorded pursuant to the Alcoholic Beverage Control Act or the Administrative Procedure Act.
- (4) Acknowledge that the licensee(s) understand(s) that by waiving said rights the Director of the Department of Alcoholic Beverage Control may, without further notice, enter an order suspending the On-Sale Beer And Wine - Eating Place License(s) at the above-mentioned premises for a period of 15 days, the effective date to be set by further order of the Director of the Department of Alcoholic Beverage Control.

(I) (We) wish to serve the suspension and waive any and all rights to file a petition to pay a fine.

(I) (We) wish to petition to pay a fine in lieu of serving the suspension. (I) (We) understand that the petition may be denied, resulting in a suspension of the license.

Signed: _____

Dated: 12/15 2023

1332 Hermosa Ave Ste. #10, Hermosa Beach CA 90254
ADDRESS (Street number and name) City State Zip Code

(310) 308-8575
TELEPHONE NUMBER (including area code)

(If licensee is an individual, he/she must sign. If licensee is a partnership, at least one general partner must sign. If licensee is a corporation, an executive officer must sign showing his/her title.) This prehearing settlement offer is made solely to promote an early resolution and to eliminate the uncertainty and cost of litigation. If you choose not to accept this settlement offer and, instead, take this matter to hearing, the penalty recommended by the Department may be more or less severe depending upon the evidence presented at hearing. This offer shall expire 15 days from the date this form was mailed to you.

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

<p>IN THE MATTER OF THE ACCUSATION AGAINST:</p> <p>MICHAEL DENNIS SRIBNEY PEDONES PIZZA 1332 HERMOSA AVE STE 10 HERMOSA BEACH, CA 90254</p> <p>On-Sale Beer And Wine - Eating Place - LICENSE under the Alcoholic Beverage Control Act.</p>	<p>File: 41-415653</p> <p>Reg: 23094026</p> <p style="text-align:center">DECLARATION OF SERVICE BY MAIL</p>
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The undersigned declares that I am employed at the Department of Alcoholic Beverage Control. I am over 18 years of age and not a party to this action. My business address is 12750 Center Court Drive, Suite 700, Cerritos, CA 90703. On December 19, 2023, I served, by CERTIFIED mail (unless otherwise indicated) a true copy of the following documents:

DECISION AND CERTIFICATE OF DECISION

on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

MICHAEL DENNIS SRIBNEY
1332 HERMOSA AVE
STE 10
HERMOSA BEACH, CA 90254

9589 0710 5270 0499 3322 90

and placing said envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with this department's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, County of Los Angeles, State of California, in an envelope with the postage fully prepaid. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 19, 2023 at Cerritos, California.



Graham Cook

X LB/LAKEWOOD DISTRICT OFFICE (INTEROFFICE MAIL)