

1/10/'24

To: Hermosa Beach Community Development

Hermosa Beach City Council

Enclosed is a letter dated December 8, 2023 from the Department of ABC imposing a 15 day suspension of alcohol sales on Pedones Pizza for August alcohol violation. In lieu of this ABC 15 day suspension, I am asking that the Community Development & City Council give credit and remove or waive the Planning Commission decision to impose a 7 day suspension of alcohol sales on Pedones Pizza.

Michael Sribney

Pedones Pizza

**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 3927 Lennane Drive, Suite 100, Sacramento, California 95834. On December 8, 2023, I served, by CERTIFIED (unless otherwise indicated) a true copy of the following documents:

NOTICE OF DEFENSE
ACCUSATION UNDER ALCOHOLIC BEVERAGE CONTROL ACT AND STATE CONSTITUTION
COPIES OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6, AND 11507.7
DEPARTMENT'S REQUEST FOR DISCOVERY

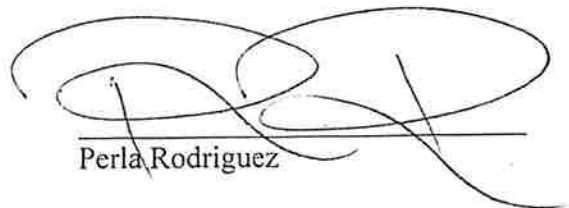
on each of the following, by placing them in an envelope(s) or package(s) addressed as follows:

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

9589 0710 5270 0882 8979 93

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 Sacramento, 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 8, 2023 at Sacramento, California.


Perla Rodriguez

LB/LAKEWOOD DISTRICT OFFICE (INTEROFFICE MAIL)

ABC-116 (04/14)



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
Office of Legal Services



Joseph McCullough, Director

3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Matthew Gaughan, Chief Counsel
Joseph J. Scoleri III, Assistant Chief Counsel, North
John Newton, Assistant Chief Counsel, South

12750 Center Court Drive, Suite 700
Cerritos, CA 90703

Telephone: (916) 419-2551
Facsimile: (916) 419-2504

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

MICHAEL DENNIS SRIBNEY
DBA: PEDONES PIZZA
1332 HERMOSA AVE., STE. 10
HERMOSA BEACH, CA 90254
File: 41-415653
Reg: 23094026

Dear Licensee:

The Department has determined that a violation involving your alcohol license has occurred. As a result, the Department has filed an Accusation against your alcohol license. Enclosed is the Accusation that outlines the facts supporting the charged violation(s). *Please give the enclosed documents your immediate attention.*

Timely response to the Accusation is required. You have the option to acknowledge the violation(s) and settle. You also have the option to dispute the violation(s) by requesting a hearing.

Settlement Option

Enclosed is a settlement offer by the Department for you to settle the Accusation through a document entitled Stipulation and Waiver. The option to settle is voluntary. You may choose to acknowledge the violation(s) and settle by signing, filling in, and returning the enclosed Stipulation and Waiver.

→ The Department's settlement offer is suspension of your license for **fifteen (15) days.** ←

There are two ways to serve a suspension. You can choose to a) serve the suspension of your license for the number of days agreed upon or b) petition (request) to pay a fine instead of suspension. **Please make sure to mark one of the two boxes on the Stipulation and Waiver form.**

The petition to pay a fine is subject to the Department's approval. If the Department does not grant your petition, you will have to serve the suspension. If the Department approves your petition, the amount of the fine will be based on your gross sales of alcoholic beverages (50% of your average daily sales multiplied by the number of days of the suspension). The fine will be neither less than \$750 nor more than \$3,000.

Hearing Option

If you do not wish to accept the settlement offer, you have a right to a hearing before an administrative law judge (ALJ) regarding the violation(s) in the Accusation. If you want to request a hearing to dispute the charges within the Accusation, sign, fill in, and return the enclosed document entitled Notice of Defense. Once the Department receives your signed Notice of Defense, you will receive written notice of a hearing date.

At the hearing, the Department has the burden of proving the charges. You will have the opportunity to offer evidence and present your defenses and arguments. After the hearing, the ALJ will prepare a written Proposed Decision stating whether the violation(s) were proven at the hearing and recommending a penalty to the Director. Please note the ALJ will not determine the recommended penalty based on the Department's settlement offer referred to in this letter. The ALJ's recommended penalties may vary from the Department's settlement offer.

Your Immediate Action is Required to Avoid Default

You must sign either the Stipulation and Waiver or Notice of Defense *within fifteen (15) days* after this packet was mailed to you or personally served on you and return it to this address:

Department of Alcoholic Beverage Control
Attn.: Office of Legal Services
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Please refer to the date on the Declaration of Service by Mail to note when the packet was mailed to you or personally served on you.

Failing to respond in time will result in an administrative default judgment against your alcohol license. A default judgment is a judgment made against you without your participation. *A default judgment means all charges in the Accusation will be sustained or found proven and the Department will impose penalties based on those charges. The penalty from a default judgment can be more severe than the Department's settlement offer.*

In addition to the documents described above, enclosed is a Statement to Respondents that goes into further details regarding your rights and responsibilities in the Accusation process. If you have any questions, please contact me at Bryan.Rouse@abc.ca.gov or (916) 419-2515.

Sincerely,



Bryan D. Rouse
Attorney

Encl.: Statement to Respondents
Accusation
Stipulation and Waiver
Notice of Defense
Request for Discovery
Government Codes