

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

50 D Street, Suite 400
Santa Rosa, CA 95404
(707) 576-2165



Mary L. Schreuder
Joseph A. Schreuder
2882 Soda Canyon Rd.
Napa, CA 94558

May 24, 2000

Dear Protestant:

I am the Investigator with the Alcoholic Beverage Control assigned to handle the applications for a type 17 / Beer & Wine Wholesaler & a type 20 / Off Sale Beer & Wine licenses at 3265 Soda Canyon Road, in Napa. My name is Kathy Chavez. My work telephone is (707) 576-2493.

In order for me to complete my investigation of the issues of protest with regard to issuing or denying these licenses, I would appreciate your cooperation in filling out the protestant interview information enclosed and returning it me in the stamped envelope enclosed for you as soon as possible. Or if you would prefer to discuss the matter, via phone or in person please feel free to contact me at the telephone number listed in the above paragraph.

Please, understand this agency has only an objective interest in either issuing or denying these licenses based upon the grounds listed on the enclosed ABC-510 form. Therefore, I must prove or disprove the issues listed in your protest that relate solely to alcohol issues.

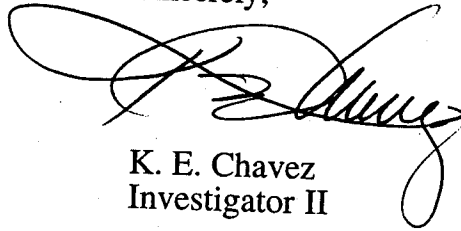
This application is for an office location only. The applicant has signed conditions that would restrict these licenses to the sales of beer and/or wine to be solicited and accepted by direct mail, telephone and/or on-line computer only. The office cannot be used for walk in public traffic to order alcoholic beverages.. There can be no storage, possession and/or delivery of alcoholic beverages to retailers or consumers from this location. Please note: alcoholic beverages used for personal consumption are not included as a part of these conditions. Please, see the enclosed conditions and a copy of the applicant's home occupation permit.

The Department requires that records be kept for sale and distribution of alcoholic beverages. And thus, the Department may make an examination of the books and records of any licensee where records are kept and inspect the premises. Therefore, the Department requires that this office location be licensed. The applicant, Krupp Brothers LLC has applied for additional 17/20 licenses to be issued at a separate shipping location of 747 Skyway Ct., Napa, California. This address is licensed with public warehouse licenses and is suitable for the storage, possession and distribution of alcoholic beverages. This is the address the applicant has chosen from which to store and ship their alcoholic beverages.

If the applicant at a later date, would chose to decide to apply for a type 02 / wine grower's license at this location another public posting would be required and protests would be accepted by this Department. The applicant would also have apply to Napa County Planning Department for approval to build and operate a winery.

I hope I have shed some light on the types of licenses and office operation that this applicant has applied for at this location. If you have questions or would like to talk to me further about your protest at this location please, feel free to call me at (707) 576-2493. Thank you in advance for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. E. Chavez', written in a cursive style.

K. E. Chavez
Investigator II

Enclosures

kc: KC

cc: DR, file, & Krupp Brothers LLC

This is done because the law requires that the applicant be furnished with a statement of issues to be determined at the hearing. The statement of issues identifies the grounds that you and any other possible protestants have submitted which form the basis for your objection to the granting of the license.

Some of the grounds of protest which could relate to public welfare and morals are as follows:

1. The Premises are located within the immediate vicinity of a school, church, hospital, or children's playground and the normal operation of the licensed premises would interfere with their respective functions.

It will be necessary to establish specifically the detrimental factors which would affect the facility. However, mere proximity to such consideration points is not sufficient grounds in and of itself to support a denial.

2. The premises are located in a residential area, and the normal operation of the licensed premises would interfere with the quiet enjoyment of their property by the residents of the area. It will be necessary to identify specifically how the residents will be affected.
3. When the premises have not been operated with the same type license within 90 days of the application, your protest may be based upon Rule 61.4 of title 4, chapter 1, of the California Code of Regulations. The rule provides a basis for denial of the application if the premises or the parking lot is within 100 feet of a residence and the applicant fails to establish that operation of the business would not interfere with the quiet enjoyment of the residents. The rule is available for your review at any Department office or may be purchased for a nominal fee.
4. Licensing the premises would create a public nuisance as defined in Penal Code Section 370, in that : (the specific facts leading to this conclusion must be stated.).
5. Issuance of the license to the premises would result in or add to an undue concentration of licenses.
6. The applicant is not the true or sole owner of the business to be licensed. You must be prepared to present evidence and/or testimony as to the true ownership.

The following are grounds usually cited by city or county enforcement agencies only, but can be used by individuals who have independent, adequate evidence of same:

7. Issuance of the license to the premises would tend to create a law enforcement problem or aggravate an already existing police problem.
8. Licensing the premises would be contrary to the provisions of a valid zoning ordinance.
9. The applicant has been convicted of a felony or of a crime involving moral turpitude or of one of the offenses listed in subdivision (b) of Section 24200 of the Alcoholic Beverage Control Act.
10. The applicant has a record of chronic insobriety.
11. The applicant has a police record which disqualifies him or her for a license.

For your protest to be more effective, it should be specific and not merely a restatement of the above examples.