

STATE OF CALIFORNIA
Department of Alcoholic Beverage Control
3810 Rosin Court, Suite 150
Sacramento, CA 95834

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to

_____ Name (s) of Applicant (s)

For premises at _____
Exact address of proposed premises

on the grounds that:

I, _____, declare under penalty of perjury:
Name of Protestant

That I am the protestant herein: That I have read the above protest and know the contents thereof:
That the same is true of my own knowledge except as to those matters which are therein stated on
information and belief, and as to those matters I believe to be true.

Executed on _____ at _____ California.

_____ Name (printed) Signature of Protestant

_____ Telephone Number

_____ Address of Protestant

**STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
3810 ROSIN COURT, SUITE 150
SACRAMENTO, CALIFORNIA 95834**

**INSTRUCTIONS FOR PREPARING AND FILING PROTESTS
AGAINST APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES**

Protests may be filed with any office of the Department of Alcoholic Beverage Control **WITHIN 30 DAYS** of either the date on which the Public Notice of Application is first posted or the mailing of the notification of the application to every resident of real property within a radius of 500 feet of the premises to be licensed, whichever is later. The law provides that protests received after that time cannot be considered.

The protest must set forth the particular ground of objection and also specify the facts which support these objections. In order that the Department of Alcoholic Beverage Control can identify the particular application, the protest must state the name of the applicant and the exact address of the proposed premises. It must be signed by the protestant. **Additionally, the protestant must sign a declaration, under penalty of perjury, certifying that the statements contained in the protest are true.** (See example page 3.) (If you intend to circulate a petition, each petitioner must sign an individual declaration.)

If the protestant is a public officer, acting in his official capacity, a declaration under penalty of perjury is not required.

The California Constitution provides that the selling, purchasing, and consumption of alcoholic beverages in licensed premises is legal in California; therefore, a license cannot be denied merely because of a protestant's personal feelings against the use of alcoholic beverages.

Under the California Alcoholic Beverage Control Act, a hearing must be held on a valid protest so as to afford the applicant the right to meet the objections with whatever appropriate evidence he or she may have available. This means that the mere submission by you of a protest against issuance of a particular license does not complete the matter. It will be necessary for you to attend the hearing to present testimony and/or evidence to substantiate your protest.

A COPY OF YOUR PROTEST WILL BE GIVEN TO THE APPLICANT.

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.