



Laurie Smith, Sheriff

**LAW ENFORCEMENT RELEASE
One Day Liquor Permit**

NAME OF ORGANIZATION: _____

Address: _____

TYPE OF EVENT: _____

Location: _____

Address: _____

Date of Event: _____ Time: From _____ To _____

Number of years event has been held: _____ Approximate attendance expected: _____

Attendance last year: _____ Attendance two (2) years ago: _____

Type of security: Sheriff Private Paid Volunteer

LICENSEE: Person responsible for the organization and operation of this event.

This person must be present at all times that alcohol will be served. This person has personally read the summary of alcohol laws provided by the Sheriff's Office and understands that he/she is the licensee for the sale/dispensing of alcoholic beverages at this event.

Licensee Name: _____ Driver's License or DOB: _____

Address: _____ Organization Title: _____

Daytime Telephone: _____ Phone Number during event hours: _____

It is understood that the Licensee will conduct the sale of alcoholic beverages in strict accordance with the provisions of the application for the permit issued by the Department of Alcoholic Beverage Control, or this permit may be suspended or revoked.

Signature of Licensee: _____ Date: _____

We have no objection to the issuance of the One Day Liquor Permit

Administration – Office of the Sheriff

Date

Original: Department of Alcoholic Beverage Control
100 Paseo de San Antonio #119
San Jose, California 95113
(408) 277-1200

Copy: Permits/Operations
City Manager

County of Santa Clara
Office of the Sheriff

Liquor Permit Fee: \$25

Receipt # _____

(OVER)

County of Santa Clara
Office of the Sheriff
Office of the Sheriff - West Valley Division
1601 S. De Anza Boulevard, Cupertino California 95014



Laurie Smith, Sheriff

The Sheriff's Department wishes to inform you of sections of the Business and Professions Code – Alcoholic Beverage Control Act that may apply to your event.

The selling or providing of alcoholic beverages requires a sincere effort to understand and comply with state law. This document does not attempt to include City Ordinances that may further restrict the use of alcoholic beverages. If you have any questions, please contact the Sheriff's Office or the State of California Department of Alcoholic Beverage Control.

Section 23001. Purpose of Act. This division is an exercise of the police powers of the State for the protection of the safety, welfare, health, peace, and morals of the people of the State, to eliminate the evils of unlicensed and unlawful manufacture, selling, and disposing of alcoholic beverages, and to promote temperance in the use and consumption of alcoholic beverages. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral well-being and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes.

Section 25619. Enforcement by Local Authorities. Every peace officer and every district attorney in this State shall enforce the provisions of this division and shall inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this division. Every such officer refusing or neglecting to do so is guilty of a misdemeanor.

Section 23004. Alcoholic Beverage. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Section 23008. Person. "Person" includes any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

Section 23009. Licensee. "Licensee" means any person holding a license issued by the department.

Section 23025. Sell or Sale. "Sell" or "sale" and "to sell" includes any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and includes the delivery of alcoholic beverages pursuant to an order placed for the purchase of such beverages and soliciting or receiving an order for such beverages, but does not include the return of alcoholic beverages by a licensee to the licensee from whom such beverages were purchased.

Section 23396.5. Removal of Opened Wine Bottle. Notwithstanding any other provision of law, any on-sale licensee, which maintains a bona fide eating place in conjunction with such license, may allow any person who has purchased and partially consumed a bottle of wine to remove such partially consumed bottle from the premises upon departure.

Section 25601. Disorderly House. Every licensee, or agent or employee of a licensee, who keeps, permits to be used, or suffers to be used, in conjunction with a licensed premises, any disorderly house or place in which people abide or to which people resort, to the disturbance of the neighborhood, or in which people abide or to which people resort for purposes which are injurious to the public morals, health, convenience, or safety, is guilty of a misdemeanor.

Section 25602. (a) Obviously Intoxicated Person. Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

Section 25607. (a) Unlawful Possession on Licensed Premises. Except as provided in subdivision (b), it is unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at the premises under his or her license. It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom the licenses were issued. Every person violating the provisions of this section is guilty of a misdemeanor. The department may seize any alcoholic beverages found in violation of this section.

(OVER)

Section 25658. (a) Sales to Minors. Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

Section 25658. (d) Permitting Consumption. Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

Section 25660. Documentary Evidence of Age and Identity. Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in reliance upon such bona fide evidence in any transaction, employment, use or permission forbidden by Sections 25658, 25663 or 25665 shall be a defense to any criminal prosecution therefore or to any proceedings for the suspension or revocation of any license based thereon.

The licensee must have demanded and have been shown and have acted in reliance upon such documentary evidence of identity and majority prior to:

- Furnishing any alcoholic beverage to a person under 21 years of age.
- Employing or using a minor.
- Permitting a minor to remain on premises licensed as a public premises

This documentary evidence may be:

- Motor vehicle operator's license or California Identification Card
- An Armed Forces identification card
- Other bona fide documentary evidence of majority and identity of the person

To be "bona fide," the documentary evidence of majority and identity must:

- Be of official issue of some governmental agency;
- Contain evidence of majority and identity;

Must include:

- | | | |
|---------------------|--------------------------|----------------------------|
| ○ Photograph | ○ Color of eyes and hair | ○ Age and/or Date of Birth |
| ○ Weight and Height | ○ Sex | ○ Signature (optional) |

- Be currently valid

Comment: Birth certificates and Selective Service Act registration certificates are **not** bona fide identification as they do not include evidence of identity by description and picture of the person named. No defense will exist if an I.D. card has obviously been altered or if the description of the card does not reasonably fit the person presenting the card.

Section 25663. (a) Employment of Minors in On-Sale Premises. Every person who employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

Section 25667. Service by Minors. Nothing in this division shall be construed to prohibit the service of any alcoholic beverage by any person between 18 and 21 years of age in any bona fide public eating place, as defined in Sections 23038 and 23038.1, which is licensed for the on-sale of alcoholic beverages, where such person is not acting in the capacity of a bartender and the service occurs in an area primarily designed and used for the sale and service of food for consumption on the premises.

23152. (a) California Vehicle Code. It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.

This is only a partial list of numerous laws covering alcoholic beverages. Specific situations or questions should be directed to the proper authority. It must be understood that the person requesting a one day liquor license clearly has the responsibility to assure compliance with all laws covering the control of alcohol.