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December 18, 2020

Director Eric Hirata
Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

Dear Director Hirata,

We write to request that ABC cease enforcement on licensees who continue to operate responsibly during COVID-19. It is our understanding that the Department's administrative and disciplinary actions against licensees are based on the prohibition against permitting a disorderly house, Business and Profession Code § 25601. The disorderly house statute was intended to provide enforcement against establishments actually endangering the public and disturbing the peace, such as enabling or failing to prevent fights, assaults, or public drunkenness. It was *not* intended to warrant enforcement on business operating responsibly, when there is no evidence their operation endangers the public.

On Wednesday, San Diego County suspended enforcement against restaurants and live entertainment establishments after a San Diego Superior Court judge issued an injunction which will allow businesses with restaurant services to remain open. Similarly, in Los Angeles County, the Superior Court recently issued an injunction overturning the ban on outdoor eating in the county for being arbitrary and not based on evidence. Even the Governor's Health Secretary recently conceded there is no empirical basis for the ban. It is clear that the continued operation of these businesses is not a threat to public health or safety, especially if they are following best practices to limit the spread such as outdoor dining, social distancing, use of masks, and robust sanitation.

Already an estimated 30 percent of California's restaurants are at risk of closing permanently. To take arbitrary administrative action against restaurants now will only further damage the industry and destroy the jobs for the 1.4 million Californians who rely on their continued operation.

For these reasons, we ask that you immediately cease enforcement on restaurants who continue operations beyond take-out only service. These businesses and their employees have already suffered greatly as a result of COVID-19 restrictions and have worked to preserve their livelihoods while protecting their community. Thank you for your prompt attention to this matter. If you need further information regarding this request please do not hesitate to contact my office at (916) 319-2003.

Sincerely,



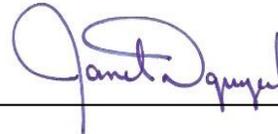
James Gallagher
Assemblyman, 3rd District



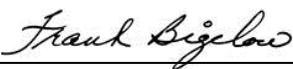
Megan Dahle
Assemblywoman, 1st District



Vince Fong
Assemblyman, 34th District



Janet Nguyen
Assemblywoman, 72nd District



Frank Bigelow
Assemblyman, 5th District



Tom Lackey
Assemblyman, 36th District



Devon Mathis
Assemblyman, 26th District



Jordan Cunningham
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Thurston Smith
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Kevin Kiley
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