

DUI Arrests
in the Downtown Hayward Business District Area

June 19th Mission and A Street

July 4th Western Blvd

September 29th Foothill and D Street

October 13th Jackson Street

***Homicide alcohol related**

October 27th Jackson St. and Watkins

November 23rd Mission and D Street

November 24th Mission and C Street

Not an inclusive list.

Please reference crime mapping HDP



Hayward cyclist hits, kills pedestrian

Michael Cabanatuan

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A 66-year-old Hayward man crossing the street was struck by a motorcycle and killed Saturday night, police said.

Police and firefighters responding to reports of an accident between a motorcyclist and pedestrian found a Hayward man whose name has not yet been released, lying on the ground near the southwest corner of Jackson Street and Silva Avenue. The motorcyclist, a 26-year-old Hayward man, was also found lying on the ground on Jackson Street, several feet east of

the intersection.

Both men were taken to Eden Hospital's trauma center for treatment. The pedestrian died at the hospital. The motorcyclist is being treated for non-life-threatening injuries.

According to police, the motorcyclist was traveling east on Jackson Street at high speed when he struck the pedestrian in a marked crosswalk. The collision caused the motorcyclist, who was wearing a helmet, to be ejected from the bike.

Police said that alcohol appears to be a factor in the collision but offered no further information. An investigation into the collision is continuing.

Anyone with information about the collision is asked to contact the Hayward Police traffic unit at 510-293-7099.

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**QUICK SUMMARY OF SELECTED LAWS FOR
RETAIL LICENSEES**



Introduction

This pamphlet explains, in simple terms, some State laws and rules that retail licensees must follow. There are other State and local laws not listed here. When in doubt, call your local ABC office. You can also buy the entire set of ABC laws and rules from your local ABC office for \$11.50 plus tax.

ABC Penalties. ABC decides penalties for licensees on a case-by-case basis. ABC gives consideration to the type of violation, the licensee's past record, and the facts of each case. ABC penalties may be probation, suspension of the ABC license, a fine of \$750-\$6,000, or revocation of the ABC license.

Definitions. "B&P" means the Business and Professions Code. "CCR" means the California Code of Regulations. "PC" means the Penal Code. "H&S" means the Health and Safety Code. The term "licensee" as used here, means licensees, their agents, and employees. "Alcohol" means an alcoholic beverage. "On-sale" means bars, restaurants, taverns, clubs, hotels, motels, etc. "Off-sale" means liquor stores, grocery stores, convenience stores, etc. "Minor" means person under age 21.

Subject	Possible Penalties
<p>1. After Hours Licensees may not sell, give, or deliver alcohol (by the drink or by the package) between 2:00 a.m. and 6:00 a.m. of the same day. No person may knowingly purchase alcohol between 2:00 a.m. and 6:00 a.m. (Sec. 25631 B&P) Licensees may not permit patrons or employees to consume alcohol between 2:00 a.m. and 6:00 a.m. of the same day (even if someone bought the drinks before 2:00 a.m.). (Sec. 25632 B&P) Some ABC licenses have special conditions (restrictions) as to hours of sale that are stricter than the law. Those licenses are marked "Conditional." (23800-23805 B&P)</p>	<p><i>Criminal:</i> For the licensee or employee who sells or permits consumption after hours and for the patron who knowingly purchases after hours, the penalty is a maximum \$1,000 fine and/or six months in county jail. (Sec. 25617 B&P)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>2. Attire and Conduct On-sale licensees may not permit these acts: "(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals. (2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (1) above. (3) To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person. (4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof." (Rule 143.2 CCR. Also violates Sec. 311.6 PC if conduct is "obscene;" e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.2 CCR carries no criminal penalty. For violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>

<p>14. Entertainers and Conduct</p> <p>On-sale licensees who offer entertainment must abide by the following rules:</p> <p>“(1) No licensee shall permit any person to perform acts of or acts which simulate:</p> <p>(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.</p> <p>(b) The touching, caressing or fondling on the breast, buttocks, anus or genitals.</p> <p>(c) The displaying of the pubic hair, anus, vulva or genitals.</p> <p>(2) Subject to the provisions of subdivision (1) hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>No licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.</p> <p>No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.”</p> <p>(Rule 143.3 CCR. Also violates Sec. 311.6 PC if conduct is “obscene;” e.g., intercourse, sodomy, masturbation, etc.)</p>	<p><i>Criminal:</i> Violation of Rule 143.3 CCR carries no criminal penalty. For a violation of Sec. 311.6 PC, the penalty is a maximum six months in county jail and/or a maximum \$1,000 fine. (Sec. 19 PC)</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>
<p>15. False I.D. (Possession or Use of)</p> <p>Minors may not possess or use identification that is altered, borrowed, stolen, counterfeit, or fraudulently obtained using false birth documents. (Sec. 25661 B&P)</p>	<p><i>Criminal:</i> For the minor, the penalty is a minimum \$250 fine and/or 24-32 hours of community service. Second offense is a maximum \$500 fine and/or 36-48 hours community service. (Sec. 25661 B&P)</p> <p><i>ABC:</i> Not applicable</p>
<p>16. Food Requirements</p> <p>Type 41, 47, and 49 licensees must operate and maintain their licensed premises as a bona fide eating place. They must make actual and substantial sales of meals, during the normal meal hours that they are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m. lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.</p> <p>The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.</p> <p>Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. “Meals” means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish or ribs, and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.</p> <p>The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. “Prepared” means any processing preliminary to the final serving of food. (Note: Some licensees have a “conditional” license that requires food sales to be 50% or more of the total gross sales.) (Secs. 23038 and 23787 B&P)</p>	<p><i>Criminal:</i> None</p> <p><i>ABC:</i> Decided on a case-by-case basis</p>