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CITY COUNCIL MEETING

MAY 19, 1982

ENCROACHMENT  
PERMIT GRANTED  
TO BROPHY'S CAFE  
15 S. SCHOOL ST.,  
LODI. COUNCIL  
ALSO APPROVES  
SERVICE OF WINE  
AND BEER AT THAT  
LOCATION

Following receipt of a request from Tim Brophy, Brophy's Cafe, 15 S. School Street, Lodi, Council, on motion of Councilman Pinkerton, Murphy second, granted an Encroachment Permit to Tim Brophy, 15 S. School Street, Lodi (no date of expiration specified) granting permission to encroach into the mall area south of his restaurant for an outdoor cafe, and approved Mr. Brophy's request to serve wine and beer at that location.

May 13, 1982

City of Lodi  
221 W. Pine St.  
Lodi, Ca. 95240  
attn: Ron Stein

Dear Mr. Stein,

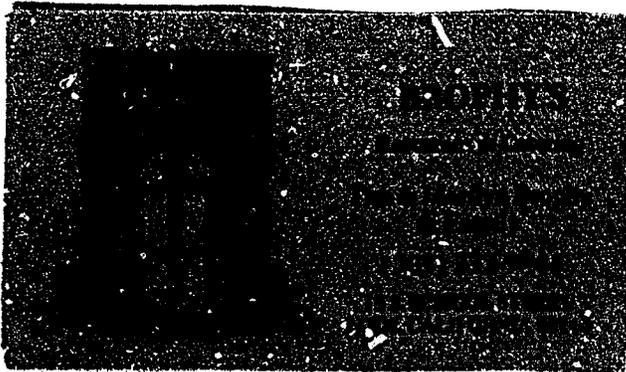
Re. our conversation on May 13, 1982;  
I would like to be able to serve beer  
and wine to my patrons at the outdoor  
tables as well as the indoor tables at  
Brophy's Restaurant.

I feel this would enhance my business  
and would be of no consequence to any  
pedestrian traffic in the mall area.

The area would, of course, be under my  
control and would be supervised so that  
no problems would arise because of  
beer and wine being served there.

Thankyou,

Elm Brophy  
'Tim'



**COPY**

Do not detach—Return all copies

Do Not Write Above This Line—For Headquarters Office Only

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)**

To: Department of Alcoholic Beverage Control  
1215 O Street  
Sacramento, Calif. 95814 Stockton

The undersigned hereby applies for licenses described as follows:

**2. NAME(S) OF APPLICANT(S)**

BROPHY, Edward V., Jr./Marilyn J.

**1. TYPE(S) OF LICENSE(S)**

ON SALE BEER & WINE  
EATING PLACE

Applied under Sec. 24044

Effective Date: Issuance

FILE NO.

FEE NO.

GEOGRAPHICAL  
CODE: 3902

Date  
Issued

Temp. Permit

Effective Date:

**3. TYPE(S) OF TRANSACTION(S)**

New License

Annual Fee

FEE

\$  
300.00

184.80

LIC.  
TYPE

41

**4. Name of Business**  
Brophy's Cafe

**5. Location of Business—Number and Street**

15 S. School

City and Zip Code  
Lodi 95240

County  
San Joaquin

RECEIPT NO. 78403

TOTAL

\$  
484.80

**6. If Premises Licensed,**  
Show Type of License Perm

**7. Are Premises Inside**  
City Limits? Yes

**8. Mailing Address (if different from 5)—Number and Street**  
Same

**9. Have you ever been convicted of a felony?**  
NO

**10. Have you ever violated any of the provisions of the Alcoholic Beverage Control Act or regulations of the Department pertaining to the Act?**  
NO

**11. Explain a "YES" answer to items 9 or 10 on an attachment which shall be deemed part of this application.**

**12. Applicant agrees (a) that any manager employed in on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.**

**13. STATE OF CALIFORNIA**

County of San Joaquin

Date 5-4-82

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is the applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing application and knows the contents thereof and that each and all of the statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant's or applicants' business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or (or any creditor of transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

**14. APPLICANT  
SIGN HERE**

**APPLICATION BY TRANSFEROR**

**15. STATE OF CALIFORNIA**

County of \_\_\_\_\_

Date \_\_\_\_\_

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is the licensee, or an executive officer of the corporate licensee, named in the foregoing transfer application, duly authorized to make this transfer application on its behalf; (2) that he hereby makes application to surrender all interest in the attached license(s) described below and to transfer same to the applicant and/or location indicated on the upper portion of this application form, if such transfer is approved by the Director; (3) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor of transferor or to defraud or injure any creditor of transferor; (4) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

**16. Name(s) of Licensee(s)**

**17. Signature(s) of Licensee(s)**

**18. License Number(s)**

**19. Location**

**Number and Street**

**City and Zip Code**

**County**

**Do Not Write Below This Line; For Department Use Only**

Attached:  Recorded notice,  
 Fiduciary papers,  
 \_\_\_\_\_

COPIES MAILED

5-4-82

Renewal: Fee of \_\_\_\_\_ Paid at \_\_\_\_\_

Office on \_\_\_\_\_

Receipt No. \_\_\_\_\_

## GENERAL INSTRUCTIONS

A. **NOTICE TO APPLICANT:** You are hereby notified that the provisions of Section 3700 of the Labor Code require every employer to be insured against liability for workers' compensation.

B. All applications shall be typewritten.

C. Applications may be filed at any of the Department's district offices. Time will be saved by filing the application at the district office serving the county in which the premises are located.

D. In cases of transfer the original license or licenses must be returned with this application.

E. An executor or administrator must submit a certified copy of letters testamentary or letters of administration; a guardian or trustee with a certified copy of the order of appointment; a surviving partner or spouse with a certified death certificate; an assignee for the benefit of creditors with the consent of the assignor.

F. Fees submitted shall be payable to the Department of Alcoholic Beverage Control and shall accompany the application, and shall be in the form of a check or money order.

G. Notice of this application must be posted in a conspicuous place at the entrance to the premises. The form of the notice prescribed by the Director can be obtained from a district office.

H. **Publication of Notice.** All applicants for On Sale licenses shall within ten (10) days after filing their application with the Department, cause a notice of such application giving the name or names of the applicant and the premises where the business is to be conducted, to be published once in a newspaper of general circulation in the city in which such premises are situated, or if such premises are not in a city then such publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of such notice shall be prescribed by the Director. Affidavit of publication shall be filed with the Department prior to the issuance of any license.

## INSTRUCTIONS FOR COMPLETING SPECIFIC ITEMS

- Names of licenses should be identified exactly as listed on the license certificate, e.g.: RETAIL ON SALE BEER.
- Place capitalized surname first followed by given names. In the event that there are additional partners, repeat this process in alphabetical order, e.g.: GILLIAM, Irene J. and Kenneth O. and SMITH, Carl R. and Mary T.  
Include names of principal officers and directors if corporation not presently licensed. When a Section 24071.1 stock transfer occurs, name the new stockholder(s).
- Each transaction is to be listed separately, e.g.: Premises-to-premises transfer, exchange, stock transfer, person-to-person transfer. Fees should be shown separately for each transaction involved.
- Self explanatory.
- Address, as complete as possible, including city, or nearest city or town and 5-digit zip code. In rural areas, without numbers, designate location as exactly as possible, using a reference point which is permanent, e.g.: E/S HWY 49, 150' N. of DRY CREEK RD., AUBURN.
- Show all licenses currently issued for the premises.
- "Yes" or "No." Answer carefully for proper distribution of license fees.
- Mailing Address. If mail is to be sent to some place other than the address of the premises, so specify. Wherever feasible the premises address should be used as the mailing address and the entry "Same" shall be typed therein. Where a temporary mailing address is needed prior to the opening of the premises, it shall be marked "Temporary" and will not be used after the mailing of the license. Seasonal licensees, multiple premises operators, and other persons having need for special mailing addresses may use them. Be sure to include zip code.
- "Yes" or "No."
- "Yes" or "No."
- Explain briefly a "Yes" answer to 9 or 10 outlining date of arrest, location, and offense charged.
- Self explanatory.
- Show county where signing of application occurs and date of signature in Item 13.
- The signatures of all persons named in Item 1 of this application form. Corporate officers shall show as the applicant the corporation, indicate their capacity as President, Vice President, or Secretary and affix the corporate seal.
- Show county where signature of transferor occurs and date of signature in Item 19.
- List the names exactly as shown on the license to be transferred.
- The signatures of all persons listed on the license to be transferred. Corporate officers must use the corporate seal and indicate their capacity as President, Vice President, or Secretary.
- List the license number of the license to be transferred, e.g.: 48-12345.
- Show the address exactly as shown on the license to be transferred, including zip code.

CITY COUNCIL

FRED M. REID, Mayor  
ROBERT C. MURPHY,  
Mayor Pro Tempore  
EVELYN M. OLSON  
JAMES W. PINKERTON, Jr.  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

*Alice*

HENRY A. GRAVES, Jr.  
City Manager

ALICE M. REIMICHE  
City Clerk

RONALD M. STEIN  
City Attorney

May 25, 1982

Mr. Tim Brophy  
15 South School Street  
Lodi, California 95240

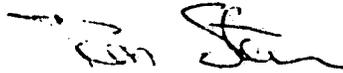
Re: Request for Encroachment Permit/Wine and Beer  
Sales - Brophy's Restaurant & Catering -  
Outdoor Cafe

Dear Mr. Brophy:

This will confirm the action of the City Council of the City of Lodi at its regular meeting which was held May 19, 1982 wherein Council granted an Encroachment Permit to Tim Brophy, 15 South School Street, Lodi, California, granting permission to encroach into the mall area south of Brophy's Restaurant for an outdoor cafe, and further, approved the request of Tim Brophy to serve wine and beer at said location.

A certified copy of the City Council minutes of the May 19, 1982 meeting relating to this matter will be forwarded to you upon completion of the preparation of same.

Sincerely yours,



RONALD M. STEIN  
CITY ATTORNEY

RMS:vc

follow-up

May 26, 1982

Mr. Edward W. (Tim) Brophy  
Brophy's Restaurant  
15 S. School Street  
Lodi, CA 95240

Dear Mr. Brophy:

Your May 13, 1982 letter requesting permission to serve beer and wine to your patrons at the outdoor tables as well as the indoor tables at Brophy's Restaurant was presented to the Lodi City Council at its May 19, 1982 regular meeting. It was determined that the encroachment permit that you had been granted approximately one year ago for permission to encroach into the mall area south of the restaurant was due to expire on May 31, 1982. Following Council discussion on the matter, the City Council by motion action granted you an indefinite encroachment permit for permission to encroach into the mall area and, further, consented to the sale of beer and wine in both the outdoor area and in the indoor area of your restaurant.

Should you have any questions regarding the action taken by the City Council in this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche  
City Clerk

AR:dg

CITY COUNCIL MEETING

MAY 19, 1982

17  
20-21  
ENCHROACHMENT  
PERMIT GRANTED  
TO BROPHY'S CAFE  
15 S. SCHOOL ST.,  
LODI. COUNCIL  
ALSO APPROVES  
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LOCATION

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June 17, 1982

Department of Alcoholic Beverage Control  
1215 O Street  
Sacramento, CA 95814

Re: Application for Alcoholic Beverage License -  
Edward W. Brophy, Jr. and Marilyn J. Brophy,  
Brophy's Cafe, 15 S. School Street, Lodi, CA

Gentlemen:

Enclosed please find a copy of a letter sent to Mr. Edward W. (Tim) Brophy, Brophy's Cafe, 15 S. School Street, Lodi, indicating action taken by the City Council of the City of Lodi at a regular meeting held May 19, 1982, whereby Council by motion action granted an indefinite encroachment permit for permission to encroach into the mall area and consented to the sale of beer and wine in both the outdoor area and in the indoor area of Brophy's Cafe.

If you have any questions regarding this action, please do not hesitate to contact this office.

Very truly yours,

Alice M. Reimche  
City Clerk

AR:dg

Enc.

CITY COUNCIL

FRED M REID, Mayor  
ROBERT C. MURPHY,  
Mayor Pro Tempore  
EVELYN M OLSON  
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City Manager

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RONALD M STEIN  
City Attorney

May 26, 1982

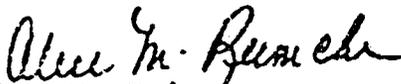
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Brophy's Restaurant  
15 S. School Street  
Lodi, CA 95240

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Should you have any questions regarding the action taken by the City Council in this matter, please do not hesitate to call this office.

Very truly yours,

  
Alice M. Reimche  
City Clerk

AR:dg