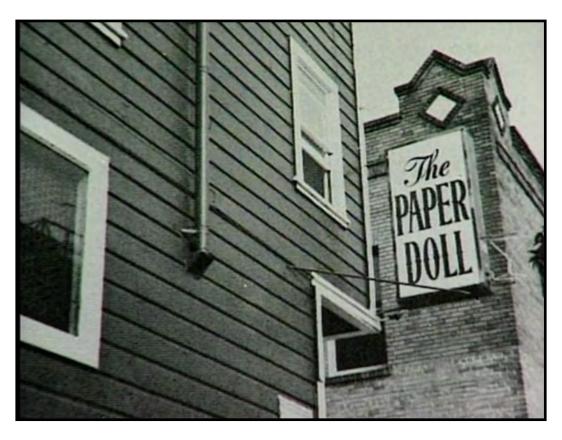
# The Paper Doll Restaurant & Bar

524 Union Street, San Francisco, CA.





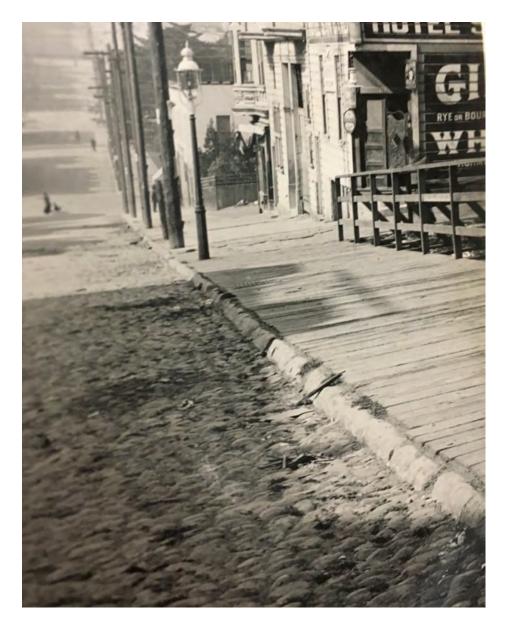
The Paper Doll at 524 Union Street

### **Overview**

"The City's first Gay restaurant" according to Bay Area Reporter founding publisher, Bob Ross.

The Paper Doll Club was a pre-Castro social institution of profound importance as a center of San Francisco Lesbian and Gay life<sup>1</sup> for over thirty years. With lineage dating back to the Barbary Coast era, 524 Union Street was an anchor for the converging communities of North Beach, a crossroads for those who would go on to become influential catalysts of San Francisco's LGBTQ movements, and Women's post-War cultural movements renowned worldwide. As a Restaurant, Bar, and Jazz venue, 524 Union Street's extraordinary San Francisco history centered around Bohemian culture, civic action, resistance, innovation, feminism and Gay liberation as a location that uniquely bridged generations and movements.

The Paper Doll set the blueprint for greater acceptance of Gays and Lesbians, offering not just a refuge for a marginalized hidden community, but a model where people of all walks of life, and mixed sexuality intermingled; where for the span of a meal or a drink, the imposed closet of the era faded away for a predominantly LGBTQ clientele. The Paper Doll foreshadowed the ideals that personify values of an open San Francisco and functioned as a springboard for Gay and Lesbian entrepreneurs<sup>2</sup>. As Grandmother to many of the most important LGBTQ bars, businesses and newspapers, it was one of the foundational sites where the LGBTQ's key figures unified, built community, met life long friends, lovers, surrogate families, and found political allies, giving roots to political and social liberation movements which followed.



# **Construction and Occupant History**

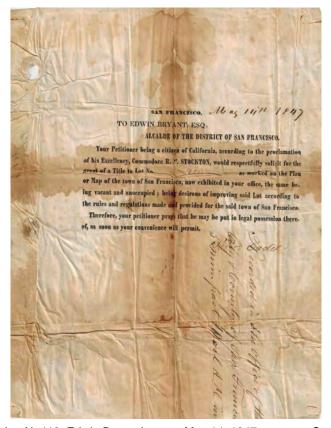
Construction:

Built circa 1846, Rebuilt 1906

Alterations: 1975-1978 Moulton & Clark, Inc. Architecture & Planning

### **Building Description:**

524 Union Street; assessors Lot 009, Block 0103, (previously known as 512 Union Street, and several Cadell addresses), is a two story mixed use Commercial building with finished basement, with ground floor retail restaurant and bar space and rear and second floor offices; fronting on Union Street and Cadell Place; a private passageway and alley with windows and accesses on Union Street and extending along and on Cadell Place.



Original printed title for Lot N. 413, Edwin Bryant Letters, May 14, 1847, courtesy Society of California Pioneers.

Located in the heart of North Beach, within the North Beach Triangle above Washington Square Park, along the Barbary Coast Trail, Peter Cadel (also known as Kadell, and Cadell), a German immigrant and pioneer who started the first commercial brewery in Sacramento, requested purchase of the land from the City on May 14,1847³ to develop and reside on the property. In 1875 there was a brick house and undeveloped lot on Cadell and Union, which he sold.



For sale advertisement San Francisco Chronicle, January 1875.

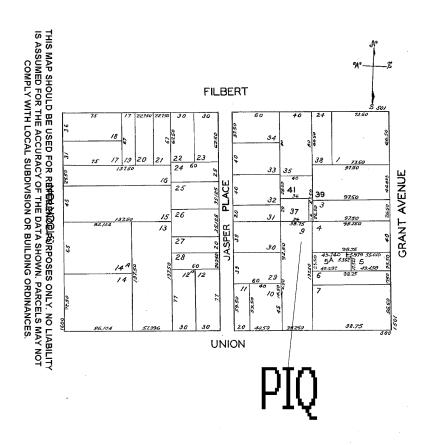
In 1878, a portion of 524 Union Street was leased to house the second location of the groundbreaking Golden Gate Kindergarten Association, inspired by visits from leading Suffragettes and founded by Female philanthropists, the public Hearst Free Kindergartens occupied the property to serve the Barbary Coast<sup>4</sup>.

In 1904-05 as indicated on the the Sanborn Map the property was occupied as a Saloon and Restaurant with a Bocci Ball Court.

### **Interior Description**

The building was renovated and expanded in 1975 to 1978 by Moulton & Clark, Inc., Architecture & Planning. At the end of Cadell Place; a stairway led to the caretakers unit on the second floor; a walking deck with offices was constructed; two subterranean shops were constructed with a exterior public stairway, and the main entry to the restaurant and bar was removed and the secondary entry on Cadell Place became the main entry. In 1978, the restaurant and bar took over the use of the basement, and restored and extended the floor area of the bar over the stairway to the shops, and enclosed with a front window and returned it back to the original floor space with the second stage.

The configuration of the interior restaurant and bar has been preserved with two separate dining rooms, and the original long bar and other details. The windows in the dining room were enhanced during 1975 renovation with Victorian detail windows and stain glass over the front entry and in the back dining room. The back dining room provides the original brick fireplace; updated to gas, and wood paneling reclaimed from the original carriage house. The raised stage in the back dining room still has a trap door from the prohibition era or wine manufacturing. The windows on the second floor offices remain the same size and location.





Paper Doll signage, circa 1945, facing Union and upper Grant Ave, photographer unknown, OpenSFHistory Lee collection/wnp33.00983

### Neighborhood Context - Bohemian North Beach

As a cultural institution, 524 Union Street was one of the most prominent locations that served North Beach's role as a Bohemian and intellectual nexus. As a mainstay of Queer culture before The Castro, North Beach's cheap attracted artists, the would-be artists, poets, and writers, while catering to the remnants of Barbary Coast bohemians, and the infancy of the Beat generation, prototype Hippies, and other counterculture. An enclave formed alongside working class, waterfront laborers, and neighboring high society, including a Gay high society residing on Telegraph Hill, all within a colony of mostly accepting European Italian and Spanish immigrants. It was a place for outsiders and everyday San Franciscans alike. More importantly playing the role of a cultural stop gap, providing a place to go with a sense of humanity at a time when Lesbians and Gays could not readily identity themselves in public without fear of repercussions.

Historically, San Francisco has been a primary catalyst of change, and tolerance sparking national and worldwide discussions. As a precursor to a recognized community of Gays, Lesbians, Bisexual, Transgender the North Beach bars were the country clubs of the marginalized, where the social codes were created that shaped a cultural and political identity.

Once known as the Latin Quarter, the repeal of Prohibition made the North Beach area a bustling hub of activity and a huge draw for locals and tourists, while retaining the international feel of an old world village. Community historian, and representative of the Family Services Agency, Roberta Bobba said the cheap rents, the weather, and the bohemians, who were always "more accepting," drew her to the neighborhood.<sup>5</sup>

Between 1933 and 1965, over twenty nightclubs, bars, and restaurants catering to gay, lesbian, and transgender people opened in North Beach<sup>6</sup> at the base of Telegraph Hill. more men and women moved to the neighborhood, creating the city's first queer residential enclave and establishing the roots of San Francisco's LGBTQ communities. As North Beach resident Charlotte Coleman said "All the gays lived on Telegraph Hill."<sup>7</sup>

Another community figurehead, Reba Hudson, who arrived in the neighborhood in the 1940s and stayed there for the rest of her life, said North Beach "was the most exciting, vital neighborhood in the City. But there was still the old Italians, the old Spaniards that settled in. Boy, you could smell the wine fermenting in the Spring. It was the absolute first working example of Democracy I've ever seen. It wasn't lip service, everyone was living side by side.... no prejudice, no nothing, and [people] could embrace other people's lifestyles. Truly European. [People] didn't care if you were gay or not ... [People] just gravitated to [North Beach] and were accepted in [North Beach]. It was the only place they were accepted. North Beach has always had that reputation". adding that "It didn't matter if they were gay places or not, we all hung out around the same places. North Beach is just full of outlaws of one stripe or another, and there were just a lot of unconventional people. That's why we all like it here. Everybody is just on their own personal merits", "The bohemians" said Reba Hudson, "were always very tolerant of anyone and everyone." and "It was long before the Beat kids arrived. A lot of intellectuals, not only writers and painters, and poets, just a lot of truly intellectuals. And a lot of the artists, and a lot of the political people. It was an interesting, marvelous neighborhood".

The first Gay bars in San Francisco were found along the Barbary Coast, and Waterfront areas. Numerous famed bars of North Beach followed in that tradition, such as Mona's, The Black Cat, Finnochio's and the Beige Room, gaining notoriety for a scene of LGBT identifying patrons, gender bending performances, eventually hosting early prototypes of Gay Parades with drag artists, and floats, traveling a single block. This was the public manifestation of a subculture for many.

The Paper Doll was one of the earliest Queer spaces in San Francisco that functioned as an informal community center, and social clubs, where Gay, Lesbian, and Transgendered people could make friends, find lovers, get information, or plan activities.<sup>9</sup>

#### LGBTQ Historical Context and history of The Paper Doll

As a lost Queer space, the Paper Doll Club's forgotten history was brought back to light by historians, principally Author, Nan Alamilla Boyd (Wide Open Town), who described 524 Union Street as "a bit off the beaten path. It was far enough away from the commercial strip that it was much more of a cultural enclave. It was a Queer bar for Queer people first rather than a Queer bar for tourists first. Alongside the tourist culture were these more community based spaces like Paper Doll through which a cultural community evolved and eventually solidified. The Paper Doll was unique because it was one of the first restaurants catering to the Queer community in San Francisco—if not the first—and because it provided a public alternative to night-clubs and bars" 10.

524 Union Street spanned generations of struggles and pride, offering rare continuity to the Gay Liberation era as it emerged, back to the Barbary Coast influenced era of bars closed long

before their arrival to San Francisco. Where vital organizations such as Daughters of Bilitis, The Mattachine Society, Imperial Council, The Tavern Guild, and others gathered. Where many of the most important LGBT businesses owners and bar owners of San Francisco got their start. They all came out of the Paper Doll. Before the term Gay, and at a time when Lesbians and Homosexuals were ostracized, associated with mental illness, and getting caught could land you in jail, the Paper Doll existed as a place primarily for camaraderie.

Offering multi-course dinners at egalitarian prices, the Paper Doll encouraged an environment where patronage of mixed sexualities and identities converged, playing a role in acceptance of LGBTQ people through demonstration.

Food with drink allowed the Paper Doll to strip away some of the phobias and stigmas connected to other Gay bars of the time. Even so the Paper Doll also became one of the unintentional front lines in the fight for LGBTQ civil rights, and a site of resistance. Listed on the Federal Bureau of Investigation's 1959 report of establishments patronized "exclusively" by "Homosexuals and sex deviates", and the Armed Forces Disciplinary Control Board's list of forbidden establishments as late as 1968, 524 Union Street was targeted by the State Board of Equalization under the California Department of Alcohol Beverage Control vice squad raids. The effects of the morality crusades by special Police commissions, and vigilantes against the vice, prostitution, and so called deviant behavior of the previous Barbary Coast era also persisted.



The building itself, high profile on a corner, long and L shaped down Cadell Alley, offered discretion with several entrances. As customary of establishments serving Gays and Lesbians at the time, windows were obscured. The interior was composed of a long bar on the left and booths and tables on the right. There were two banquet rooms at the back that could seat over 100 people, with a dining room converted from an old interior bocce ball court, and the original prohibition trap doors still intact in a raised area used for additional dining, or live performances.

The famed Paper Doll Restaurant and Bar opened in 1944.

The Paper Doll's first manager and owner was Thomas Arbulich, a longtime North Beach and Tenderloin bar owner/restaurateur and family of future San Francisco District 7 Supervisor, Sean Elsbernd. He owned the business until 1956 and acquired the property through an estate transaction, involving a court ordered guardianship sale of the 524 Union Street property.



Film Still from "The Sniper", view of Cadell Place and Union Street

As a bootlegger at the end of Prohibition, Arbulich acquired bars as a means to care for his family and gravitated towards inventive business opportunities, including a competing "Girl in the Fishbowl" concept contemporary with Bimbo's 365, and the Crystal Nook at the Crystal Palace concession marketplace<sup>11</sup>. Roberta Bobba remembers going to the Paper Doll in 1946 saying it was a sailor bar at first, but was then taken over as a Women's bar. By 1947, the bon vivant Mona Sargent, dubbed "the Queen of Telegraph Hill", known for San Francisco's foundational Lesbian bar Mona's 440 club (440 Broadway) in North Beach, recalled she "got a call from Tom Arbulich asking me to buy or be his partner". Shortly after selling her interest in the original Mona's 440 club, parting ways with partner Charlie Murray, she was recruited to work her magic at 524 Union Street. "I didn't like Charlie and promised myself, 'No more partners,' but I hadn't signed any contract" said Mona about her noncommittal affiliation.<sup>12</sup> "So I made over the Paper Doll on Union and took my name with me".

According to a former patron, "She just sort of turned it on as a gay bar. Everybody liked her." <sup>13</sup> Sargent's first bar, located just a block up the hill, at 451 Union had relocated after only two years, driven out by neighbors, and although Mona's time at the The Paper Doll was equally as short lived, she redesigned the interior, and her clientele followed her. A self-titled bohemian, Mona Sargent said "We're not offended at how the other fellow lives".



"She was straight, but she was really good." remembered former waitress Charlotte Coleman. "If any police came in, she would do anything for you — she would stop them at the door and "You don't touch my women". She was really sweet, but also tough when it came to us. She wouldn't let anybody bother anybody."

Mona Sargent, "Queen of Telegraph Hill", jailed for a "disorderly house", Courtesy San Francisco History Center, SFPL, 1937

Del Martin describes the original Mona's as "really a tourist trap. They used to let us in for free because we were part of the attraction. We were part of the side show. That was about the only way you had of meeting anybody - would be to go to a bar" <sup>14</sup>





Mona's 440 Club, Tourists photo postcard, posing with Mona's female patrons.

Phyllis Lyon recalls the radically important benefits of a place to go, noting the subtle benefits at a time when Women were expected to wear skirts in bars, saying "we got into pants as often as possible", adding that "Because up in North Beach early on, Lesbians were part of the floor show, in a sense. They wanted you to 'look at the Queer". The Paper Doll was one bar that offered sanctuary from the tourism which had grown to include Grayline tour stops, that other establishments were attracting, providing a budding community an alternative where they could eat, talk, and gather.



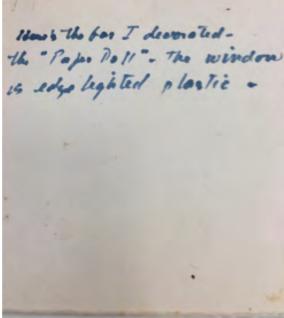
Mona advertised the grand opening opening; Designed and Decorated by the Bay Area Artists Group. The project was led by Emmy Lou Packard; also known as Betty Lou Packard (1914–1998) the Californian post-war artist was known for painting, printmaking and murals, and



Frida Kahlo with Emmy Lou Packard

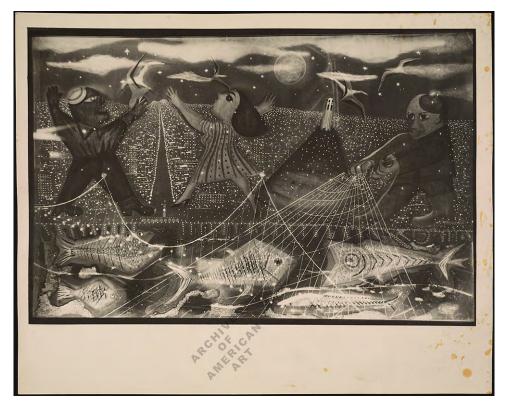
previously acted in the role of chief assistant to Diego Rivera, and a confidante of Frida Kahlo, during Rivera's Bay Area period creating WPA murals. The Paper Doll interior included a two dimensional window of vinyl cut outs depicting San Francisco landmarks, by utilizing a technique which Packard dubbed "edgelighting" using new colored plastic materials, two 4 x 6 x 1/4" sheets and concealed fluorescent tube lighting on the top and bottom, affixed side wall. A candy stripe canopy was suspended above the back bar, and celebrated abstract artist Robert McChesney created murals on the mirrors. Circus themed cut outs, in collage evoked Dadaist imagery, and Balinese shadow puppets. The local North Beach artist colony assisted, painting murals on the interior walls. Community historian Joseph St. Amand recalls the artist Rita Covelick, from the neighborhood's creative colony, also designed "collage window." 15





ABOVE: Artist photo documenting murals, Paper Doll, 1947, Smithsonian Archives of American Art, Mary Lou Packard: Paper Doll Club Murals Project.

LEFT: Hand written Emmy Lou Packard note.



Paper Doll Club Murals Project, Smithsonian Archives of American Art



Unusual for any restaurant, 524 Union Street contained an artist studio where WPA certified mixed media artists worked, right behind The Paper Doll, in close confines; a rare blend of Bohemianism with everyday people. Prior to establishing the famed Vesuvio Cafe, artist agent, and promoter of the Beatnik image, Henri Lenoir, used the Paper Doll as one of his makeshift galleries, capitalizing on a non-traditional curatorial setting to sell works of his Bay Area Artist Group roster. The backdrop was set for all walks of life to commingle in a uniquely San Francisco space

### ART WITH YOUR FOOD

Paintings of Spain and South America by Jose Ramis, until June 15. Twelve Adler Place. Paintings by Melvin Fowler, through June. The Paper Doll, 524 Union street.

Paper Doll ad, San Francisco Chronicle, June 12, 1949



Back Dining Room, The Paper Doll, photo by Marshall Douglas, Opera & Concert, July 1947

Of Mona's opening party at the Paper Doll, Pat Healy said "Yeah. That was - that was The Big Night. The best food in San Francisco. And I'm sure if you talk to anybody, they would back me up on that. I haven't had a prime rib dinner since — Oh, the old prime rib" 16. Openly Lesbian actor Pat Bond said "When the Paper Doll was going full blast, they served great meals for about a buck--buck and a half--so you had a lot of straight people coming into the Paper Doll." 17

"I lived around the corner on Grant and ate there frequently" confirmed Dick Boyd, a North Beach bar owner, and historian that frequented the Lesbian clubs. "The food was excellent. You could get a steak with all the trimmings for \$1.65. I could even afford to tip at those prices." 18

Susan Sontag, the celebrated social critic, activist and writer, recounted formative visits in her diaries; closing out the Paper Doll as a teenager, witnessing bad lounge performances, and "several attractive women who served drinks - all in men's clothes, as at Mona's"<sup>19</sup>.

Mona Sargent set the formula that would make the Paper Doll so renowned, with an identity that would last decades, but she quickly moved on to other projects, saying "These partners couldn't stand that I got all the attention, and I realized it was a big mistake. [...] I stayed [at the Paper Doll] about a year".

Whether initially just a lucrative venture, Bill Elsbernd, the step-grandson of Arbulich, relates a childhood memory indicative of something unintentionally greater at play, saying that when his father tended bar at the Paper Doll "looking like Robert Redford off the farm", having "moving to the big city, religious", he was a draw, noting he "never talked about what they did on the other side of the bar", adding that "dad got on our case if we used the term "Queer", he said don't ever call that name in a nasty way".

The Paper Doll was mentioned in the 1948 version of "Where to Sin in San Francisco" by Lord & Shaw with the less than subtle caption overtly stating that "Stolid Tom Arbulich, pedestrian proprietor of this merry little cesspool, declares it is "a nice place" and, knocking on wood, avers, "We never get any visits from the Shore Patrol". The sensationalist guidebook described the Paper Doll as:

"A rendezvous of the Gay People. You'll see gay women who walk and talk like men, and gay men who walk and talk like girls, and often you'll find it hard to tell whether a gay man is a man or a gay woman is a woman because sometimes a gay woman cuts her hair like a man's and puts on men's clothes and looks more like a gay man than a gay woman, and a gay man sometimes lets his hair grow and plucks his brows and puts on fawn slacks and looks more like a gay woman than a gay man, and maybe they are both so anyway but it is very confusing..."20.

The 1955 book "Bohemian San Francisco" mentions "Another Queer place, which can't make up its mind whether it wants to be strictly pansy or strictly Lesbian is the Paper Doll." but contrasted with other bars hyped as "beehives of perversion", the Paper Doll was described as "a very dull joint at best". <sup>21</sup>

Gay author, tattoo artist, and Kinsey Institute collaborator Samuel Steward cruised the Paper Doll noting in his journal, that by the early 1950's it was "so packed they were drinking outside on the steps." <sup>22</sup> Bobba says women went to the Paper Doll for an elegant dinner. <sup>23</sup> Gerald Fabian, who described the Paper Doll as mostly Lesbian, said it was always packed—"one of the places on the circuit that you went to." <sup>24</sup>

Longtime bar owner, and founding Tavern Guild member, Charlotte Coleman called the Paper Doll her "favorite bar forever...the best one ever happened...the number one place that we went

every Friday and Saturday night. Many of my years I spent in that bar" saying it was "where we all met and grew up." 25

"I don't think there was any class division. We didn't even have that many places to go — and everybody went." explained Charlotte Coleman who appreciated the Paper Doll because it was located away from the more touristy Broadway Street, explaining that "Women used to pick bars that were tucked away, quiet little areas and districts and what not, and the Paper Doll, at that time, was"<sup>26</sup>. It was on the steps of the Paper Doll that Coleman struck a friendship with Roberta Bobba that lasted 61 years<sup>27</sup>.

Bobba recalled that gay men sat at the bar and Lesbians squeezed into the large booths:

"The waitress would say, 'Well ... can we seat two more people with you?' So they'd sit down next to you. And then a little while later it'd get real busy and they'd stick in two more. So there you were, every time you went, you met some new people ... you got to know all the ladies in town"<sup>28</sup>.

"It was the typical sort of young white collar kind of people. Fuzzy sweater, plaid jacket" according to Joe "Baron" Nimidoff, "The places that had restaurants seemed to, you know, they had a different atmosphere" 29.

Reba Hudson reminisced that "it was exciting, we'd sit around shining our shoes, pressing our shirts, waiting for Friday nights. Lots of good times. People were open then". <sup>30</sup>

Dick Boyd offered context observing "the preponderance of bars were Lesbian. Why? Fewer doors were open through normal channels (work, clubs, organizations) for women to meet other women of a like mind." <sup>31</sup>

Radical Lesbian rights activist, Elaine Mikels, the founder of Conard House, San Francisco's first halfway house, recalls in her memoir how the Paper Doll offered her refuge. She connected with an artist colony, found a job, met an older Gay man who took her in with lodging, and portrayed it as the first place she experienced a scene where mature heterosexual Women befriended younger Gay Males:



Elaine Mikels with mentor "Bo" at the Paper Doll, 1951, from memoir

"Settling in San Francisco, Women similar to those I had met in Southern Italy. It was exciting to think that San Francisco would be offering the same colorful experiences that I had enjoyed during my travels. I returned to the Paper Doll dressed in my slacks, turtleneck polo shirt, and corduroy jacket, the Lesbian-identified costume that I had worn when I went to bars in Greenwich Village. Coming into this bar, (Paper Doll) I felt more at ease than I felt the first time at Mona's in the Village two years ago, where I sat in the corner hugging a coke. The group here seem different, evenly divided between Lesbians, and Gay men, all appearing middle class in their dress and manner." [...] " Dressed up in our best slacks and jackets and have dinner at the Paper Doll on Upper Grant Ave. The crowd was quite different from what I had experienced at Mona's; they were middle class Lesbians and Gay men. Eva would order us martinis, a drink I have never had which became my favorite from then on. She would go to the juke box and play our favorite tune, one whose name escapes me but when I hear it now it brings back those lovely candlelight evenings that we spent together at the Paper Doll". 32

North Beach was drawing nationally known top entertainment talent, and as a super club, the Paper Doll Club was beloved by San Franciscans in the know. Nat King Cole spent a week at the Paper Doll before being let go by Tom Arbulich when, as the story goes, he couldn't be heard over the crowds<sup>33</sup>. In 1949, the respected Ragtime revivalist Paul Curtis Lingle, believed to have backed Al Jolson in films "The Singing Fool", and "Mammy", held a residency as the Paper Doll house entertainment, where it's said boasted that he performed for "All three sexes"<sup>34</sup>. In the late Sixties, Ann Weldon, and her sister, recording artist, Maxine Weldon began appearing regularly, to uplift standing room only crowds. Grammy, and NAACP Image Award winner Carmen McRae was also a headliner.



In 1952, the exterior and likeness of the interior of the Paper Doll Club was featured in the film noir cult classic, The Sniper, produced by Stanley Kramer (High Noon, It's a Mad, Mad, World, Guess Who's coming to Dinner).



Still Photos from The Sniper





Additional stills from The Sniper, circa 1952

At any given time, era and incarnation, the usual suspects of the North Beach art and poetry scene, a cross section of San Francisco's life, and someone visiting their first Gay bar. Poet, Artist Weldon Kees might be performing ragtime or dining with shipping magnet and gubernatorial candidate Bill Roth, and his wife Jane Grab Horn, talking about publishing Jane Austen through their imprint Colt Press or the creation of the ACLU, Poet Thom Gunn might be pretending not to recognize closeted students, William Ball, founder of the American Conservatory Theater, might be discovering new talent, and the Ernst Tie Company might be creating their Fall line at a booth across from San Francisco Renaissance poet Jack Spicer.

By 1954, Arbulich began shifting his focus to real estate, and The Paper Doll was sold to one of his tenants, the legendary owner of New Pisa, restaurateur Dante Benedetti, a native son of North Beach born in nearby Jasper Alley. Benedetti, a childhood friend of all the famous San Francisco baseball players, including Joe DiMaggio, was a three sport letterman himself at USF where he went on to coach baseball for \$1.00 a year. His life's passion was acting as a philanthropist of youth sports, and today his efforts are recognized by a foundation, and youth baseball tournament in his name. In 2006 after his passing, having touched so many lives, the San Francisco Giants honored him at AT&T Park. <sup>35</sup> His family business was classic family style Italian restaurants.





Paper Doll matchbook (courtesy of the Benedetti Family)

### Dante Benedetti and The Paper Doll's impact on LGBTQ civil rights

Dante Benedetti, the owner of 524 Union Street for over 20 years, was one of the first, if not the first merchant in San Francisco to openly and unapologetically declare he ran a business for homosexuals. Under his ownership, The Paper Doll would find itself on the front lines of a precursory fight for LGBTQ civil rights.

Dante was a veteran of the US Marines, and US Coast Guard during World War II, where experiences witnessing homophobia towards his bunkmate, and comfortable in his own sexuality, standing up for him, would prove formative<sup>36</sup>. Upon returning home, he rejoined the family restaurant business, and began to purchase neighborhood properties. He wasn't a Bohemian, or associated with artist hangouts, but after a quick glance at the Paper Doll books, he took the reigns from Arbulich, his landlord at New Pisa. Steeped in traditional Italian culture and machismo it was a uniquely San Francisco match<sup>37</sup>. Rebba Hudson said "He was a hell of a guy, all the gay people worked for. Treated people very well. He also had a great sense of right or wrong, and his clientele from New Pisa went down there."

"It was the most popular place in North Beach" claimed Benedetti. "There was the Black Cat, and the Paper Doll. [...] And then I made a restaurant and you know, I put food in there, and by the time when they took my license from me, that was a really popular restaurant. You know, serving steaks and roast beef, all for \$1.65 dinner, you know. And I brought in all kinds of people. The place was packed all the time".

Dante's daughter Sandra Luna, one of two that went into youth education, explains that "Those were the days when businessmen took three-hour lunches in North Beach. Our Restaurant was filled with those businessmen, artists and Italians in the neighborhood" <sup>38</sup>

Of the interior, Dante recounted that "On the inside there was a big long bar, I'd say about 30 stools as you went into the left. And then on the ride side were tables and booths for food. And then you went through the corridor where there was a lady and men's room in the middle. And then in the back there was another room, like a banquet room. There was two banquet rooms actually. They went on an L shape. It was jammed at the time. All the time." Appellate court records referred to photographs depicting the front bar "raised and the tops of the stools well below the level of the bar"<sup>39</sup>

The campaign of harassment against bars accused of morality and vice crimes resulted in a landmark 1951 ruling in favor of the Black Cat Cafe's defense for serving an increasingly Gay clientele. The courts had previously declared that absent "illegal or immoral conduct," Gays were entitled to gather in public places — the first time this right had been affirmed in California, but the Black Cat Cafe hearings in Stoumen vs. Reilly opened the door to a new set of policing

strategies — in particular, the use of undercover police to entrap patrons, and provided language that "immoral" behavior was still grounds for legal action against LGBTQ bars. In 1955 the California State Assembly passed a law authorizing powers to ABC to close any "resort [for] sexual perverts". The legislation was challenged but eventually resulted in the permanent closure of The Black Cat Club and put venues like The Paper Doll at increased risk.

Rikki Streicher, a founding board member of The Tavern Guild, the union formed to avoid such busts, recounted one story: "At the Paper Doll

where I lived, I lived above it, [in the caretakers unit] and was a cocktail waitress in it. One night they got word that they were going to raid the place, because they used to raid places at the drop of a hat. So I told everybody, we were going to be raided, so if they wanted to go home and whatnot - Well I was the only one left."<sup>40</sup>

Pat Healy experienced raids at various bars, throughout the 50's saying "Well, ostensibly it was a vagrant check. But it was a way of harassing Gay people. They could hold them for 72 hours, and then they had to turn 'em loose. [...] I don't know what they did with vagrants in those days, run 'em out of town or something, but it was - they had to verify your employment with your employer. Well, that was horrifying, humiliating thing and probably would cost you your job".<sup>41</sup>

Said Dante, "I was doing a tremendous food business up there when they closed me down, you know "How come there's just men in here?". And they started to bring charges against me, of what kind of place I was operating. So, it was very successful when they closed me down". 42

Keeping a dress code, and a formal Maitre D', Benedetti proudly insisted he ran a clean house, describing "two girls on the door. I had one girl on the door that was good...Her name was Dotty" On Dotty, Reba Hudson said "She was not a real nice person. [...] Boy, I mean she did keep things in control [...] She was real overbearing, she was perfect for her job, She loved her job". Dante adds that "She was about 40 years old and she was married. She was a tough lady [...] And she could spot 'em and she'd keep trouble out before it started". [...] "She knew how to handle people, all different kind of people. She was the best I ever had. And she was the one that kept peace on the floor". Dotty's sister Linda was also a Paper Doll cocktail waitress. 43

# Owner Says Paper Doll 'Gay' Joint

A former University of San Francisco football playcr who owns the Paper Doll Club, 524 Union street, was quoted yesterday as saying his place is patronized exclusively by homosexuals.

The development came at the opening session of a Department of Alcholic Beverage Control hearing to decide whether the tavern's liquor license should be revoked. An accusation charges the Paper Doll is a rendezvous for homosexuals and a "disorderly establishment."

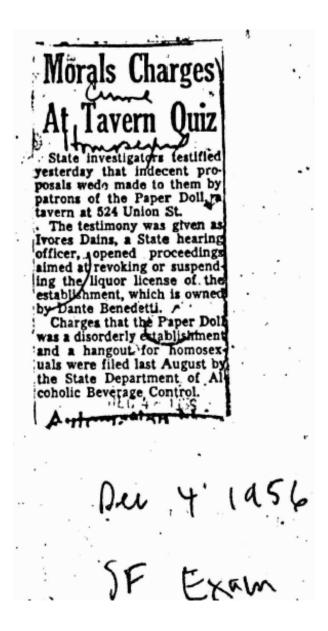
Ronald K. Harris, 28, an undercover liquor officer (estified Dante Benedetti, 38, owner of the Paper Doll and a guard on the USF football team from 1936 to 1940, told him the club estered to homosequels whom he called a "gay" clientele.

"gay" clientele.
The hearing was continued
at the end of yesterday's session and will be scheduled.

It is one of four attempts to revoke liquor licenses of San Francisco taverns on grounds they are hangouts for homosexuals.

Other taverns are the Black Cat, at 710 Montgomery street; the Copper Lantern, 1335 Grant avenue; and the Cross Roads, 109 Steuart street.

Only the charges against the Black Cat have been heard.



# POLICE PROBE OFFER TO 'FIX' BAR LICENSE

S. F. Political Figure Reported Involved

The police and a State liquor agent have been investigating reports that a bar operator here was told his liquor license troubles could be "fixed" for a price, it was learned yester-

day.

The bar operator was identified as Dante Benedetti of the Paper Doll, 524 Union St. His liquor license was ordered revoked last May on charges that the place was a hangout for sexual deviates.

Benedetti is currently ap-

pealing the revocation order.
State Liquor Administrator
Russell Munro assigned his
own special investigator from
Sacramento, Howard H. Meister, to assist the police in the
current investigation.

Reportedly, the name of a prominent San Francisco political figure was injected in the alleged "fix" proposal.

The purported sum involved was "a couple thousand dollars," Meister said.

In an unrelated case, the police last Sunday night arrested Joseph Saunders, formerly of Oregon, after Saunders and his wife allegedly took \$400 from a cigar store owner here on the promise they would get him an off-sale liquor license.

By 1956 Bar raids and harassment resulted in Liquor license suspensions for the Paper Doll Club, alongside the raids that shut down the famed Black Cat Club, including Ethel's, Crossroads, Copper Lantern plus a full license revocation at Miss Smith's Tea Room.<sup>44</sup> Accusations made during undercover stings on August 20, 1956, in a packed house of 175 patrons designated the bars as disorderly houses and hangouts for sexual deviants. There were subsequent hearings on December 3, 1956, April 10 and 11, 1957 and February 15, 1957 and appeals in 1960.

One patron, Vaughn [last name unknown] explained the gossip around the sting at the Paper Doll: "Well, Leo Whitney, Leo was a bartender at the Paper Doll. His wife was the hostess. He was a little guy; he would camp and carry on, and he was pawing someone's arm or something...they arrested him for it". 45

Appeal documents for Benedetti vs. Department of Alcoholic Beverage outline an instance "occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises".

# The Paper Doll Loses License

SACRAMENTO, March
16.—The State Department
of Alcoholic Beverage Control today closed a longstanding case by notifying
a San Francisco liquor licensee that he is out of
business.

Dante Benedetti, owner of the Paper Doll, 524 Union St., was informed his license had been revoked for running a disorderly house, which became a resort for sexual perverts. He had fought the case for five years.

Benedetti claimed he "never had any idea whatsoever that there was anything wrong with operating a Gay bar". Adding that "No one ever told me. It cleared the license, and I thought that's all that was necessary". Benedetti would explain to anyone who asked, that he never made assumptions about gender, or sexuality of his clientele at Paper Doll saying "Gay people are no different than a human — you know, a person that's normal. You show a little acceptance to a normal person and he reacts to it. You know, and I think Gay people did the same thing. That's why they came to San Francisco. They never arrested them. They never, you know, beat 'em up" [...] "That means employment, that means a lot of things. You earn a living".46

Benedetti, who wasn't very big on accounting, and was known to carry large rolls of cash for paying bills to beer suppliers, and meat purveyors <sup>47</sup>, refused to speculate on the possibility he had inadvertently reneged on agreements made by previous owner Arbulich during the time of the "Gayola" scandals where local authorities were found to be extorting Gay bars. Dante still preferred to believe the shut down had more to do with not following unspoken rules for keeping Gay bars open, perhaps hoping to

downplay the prejudices themselves out of embarrassment for having witnessed such intolerance. Mona Sargent's bars were never raided, for example, as she proudly stated the police "knew me. I'd lived on [Telegraph] Hill before that [...] and just knew cops".<sup>48</sup>

In reaction, bars began self policing. One patron, Joe Nimidoff, remembers making a sexual joke that got him bounced from the Paper Doll, and "never allowed in there again", illustrating how tense the climate was. He added that "[they] said there were too many liquor licenses issued in San Francisco, and they were trying to cancel some of them [...] just listening for any kind of information that would give them grounds to revoke a license". <sup>49</sup> As Dante proudly stated: "They had no other evidence whatsoever. It'd be — they had a testimony of an inspector saying that one guy was groping the other guy, but nobody ever made an arrest in the place. There'd never been an arrest in the Paper Doll".<sup>50</sup>

Daughter, Sandra Luna likened it to how the family ran New Pisa where "there was no hanky panky going on. He wouldn't let anyone kiss at the bar. He said he drew the same lines at the Paper Doll. There's nothing going here at the bar, but you can come here and gather". Dante, an amateur boxer and street fighter trained at the San Francisco Boys Club, protected his customers, "he was adamant about whatever patrons he had, they were safe", and was known to grab his fiercely loyal chef, another former Marine, John D'ulio, to go fisticuffs with would be gay bashers, in Cadell alley<sup>51</sup>.

Regarding the Paper Doll losing it's license, Reba Hudson says "They had something like 28 or 29 counts against him, believe it or not. And I say, they came in there with cameras and everything. Well, that was the most openly Gay place." [...] "For Christ sakes, Dante was born and raised in North Beach [...] He's probably the stablest guy in this whole world. He's also a man of great integrity and of great honor and he didn't think he was doing anything that wrong. And that's why he fought it all the way to the Supreme Court. [...] I really respected him for that...He was as straightest Italian in this Beach. But he's a hell of a guy... He just became a [scape] goat, you know, they needed a goat at the time. And this being, you know, flagrant at that time, or considered so at that time, you know. He became the goat."52

After being cited for running a unclean house, with deviant behavior, Benedetti battled the Department of Alcoholic Beverage Control between 1956-1961 arguing that Lesbians and Gays had the right to assemble in bars and restaurants.

Pioneering activist Del Martin explained "they were being constantly raided, you never knew when the paddy wagon was going to show up, officers come in and load you all in, and the charges were absurd like visiting a house of ill repute." <sup>53</sup>Martin who had begun to organize and educate around that time remembers "That was the beginning of some knowledge of the rights that we had, and most Gays initially didn't understand it. That it wasn't against the law to be Gay, that certain displays and acts were". <sup>54</sup>

Benedetti spent years and countless expenses battling to find due process, recounting that "in those days, they had what you call a - a court within the Alcoholic Beverage Control Board. It has nothing to do with the civil court. And I fought it all through those, and then I went into the civil court. And the first civil court I went into, they denied me the right to go ahead and fight it any further than that". [..] "It was expensive, but I just thought I was right. I wasn't doing anything wrong".

Although Benedetti openly admitted The Paper Doll had a Gay and Lesbian patronage, an admission that made headlines in San Francisco newspapers, Dante proudly stated "Nobody ever made an arrest in the place." [...] "In fact, in my remarks in the transcripts, is "Well, if you're going to take away the Paper Doll, which is run better than the New Pisa", I said "you might as well take New Pisa too", putting his families business opened in 1919, on the line. Ultimately the threat against his family business forced his hand.<sup>55</sup>

Don Farber who eventually took over the business alleviates any ambiguity. "Dante wouldn't pay off" he explained. "He didn't think he was doing anything wrong even though he knew it was a different type of business. Where he had sisters, and ex Baseball players at New Pisa, a big family thing, this was the complete opposite" 56.

Luna describes a fearless, principled man. "He was stubborn, he really was. It wasn't that he didn't have the money, he was just like no, it was wrong. He had so much pride, it was like "I run a clean business", these guys just happen to be Gay. He just said there is nothing wrong happening.<sup>57</sup>

The original Paper Doll remained in operation through 1961. Charlotte Coleman said LGBTQ places such as the Paper Doll stayed open longer than most spaces because they doubled as restaurants, and according to Coleman policing agencies were normally more tolerant of bars with restaurants. <sup>58</sup>

Farber recalled that "Dante had a legion of police officers who he fed in the back room on the meat block. They'd tell him "this guy's coming, be careful", but that one police sergeant in particular targeted the Paper Doll routinely. Farber added, "To keep the business going, Dante tried selling Near Beer, practically giving steaks away. Dante, he gave everything away. He was a kind man". Daughter Luna adds "what was really normal was, if you ran a restaurant, you're

opened late, you handle lots of cash, and I know cops might take home some raviolis or steaks, you kind of buttered the bread and make them watch out for you... but with the Paper Doll, that wasn't enough. Dad drew the line, "there are no illicit acts taking place, I refuse to pay you off".

At the same time, The Paper Doll Restaurant advertised dinners in the San Francisco Official Police Association Publications from 1959-63.



### NEW PISA RESTAURANT

1268 Grant Avenue

Telephone: DOuglas 2-4726

Dante Benedetti, Proprietor

Everyone Enjoys Our

SPECIAL STEAK DINNERS

at the

### PAPER DOLL RESTAURANT

524 Union Street

Telephone: DOuglas 2-9835



rancisco

DINE OUT WITH YOUR FAMILY AT THE

### New Pisa Restaurant

1268 Grant Avenue

Telephone: DOuglas 2-4726

Dante Benedetti, Proprietor

Everyone Enjoys Our

SPECIAL STEAK DINNERS

at the

## Paper Doll Restaurant

524 Union Street

Telephone: DOuglas 2-9835

TOP LEFT: San Francisco Police Newsletter, Paper Doll advertising, 1960

TOP RIGHT: San Francisco Police Newsletter, Paper Doll Advertising, 1961

"He and my mother spent every cent of their lives fighting that thing. They lost everything" remembers Dante's daughter.



Dante at New Pisa, age 81, photo by Andrea Perkins

"It was important for me." Dante would say about the Paper Doll episodes. "Not for anything else. Just for my own conscience." he'd say, "I still to this day — I don't think there was anything wrong. No way".  $^{59}$ 



On Dante's passing, some guests at University of San Francisco's memorial service were puzzled because "On one side you had all these old Italians, on the other side, all these "old queens". They were just there", explained daughter Sandra, "Just to honor him. They remembered".<sup>60</sup>

The California Department of Alcohol Beverage Control gave Dante a chance to sell The Paper Doll to Don Farber in 1961. Farber had been a journeyman pro ballplayer with Pacific Coast League teams like the Oakland Oaks, and the Solons in Sacramento where he made a connection with a "remote friend" within the agency who proved helpful. Farber recalled "The only stipulation was I had to change the name" to satisfy the ABC, saying "from the time I took over to the time I left, it was the same people working there. Same cooks, same employees". The Paper Doll remained, renamed as Cadell Place.

"So when my playing days were over, Dante asked me if I wanted to learn the business" Farber explained, "He was tickled to death to get out of there".





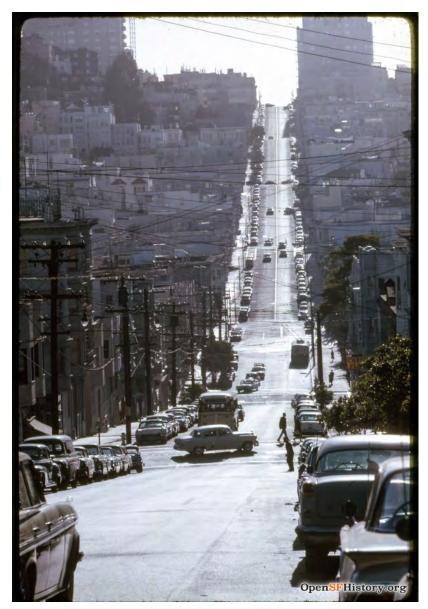


"One day I went into work and everything was gone", according to Farber, elaborating on how Dante had "60, 70 counts against him, he had the best attorneys, and got it down to the 1. He had the best attorneys, they got him on just the one count".

"When I first started", said Farber, "it was during a holiday, when Dante was worried the police were coming. I'd never seen anything like it, they were sardines in there." but despite ongoing popularity "Dante distanced himself when things got sticky. After it opened for the day, Dante never spent much time in there."

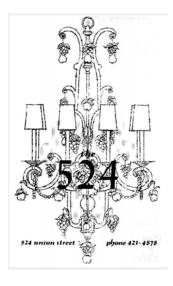
"When it opened up, it was a straight crowd that came in. Then it was kind of like an Etch o' Sketch to a different crowd", Farber said, adding "Guys would come in Brooks Brothers suits one day, then come back in on Friday in leather".

The Paper Doll was doing 280 dinners a day, and Farber immersed himself in the business, working side hours learning the ropes at other classic San Francisco establishments including Fisherman's Grotto #9. At the Paper Doll, he recalls a Chinese cook teaching him how to butcher meat, and teaching him recipes for the house made salad dressings.



"There was never any trouble" to Farber's memory. "The booths were nothing spectacular, nor the plumping" he said, but for what had become a predominantly Male group that visited the newly named Cadell Place, he recognizes in retrospect "the infancy of it all, before the bathhouses, the parade, there weren't many other places to go". Like Benedetti, Farber was a family man, and in his case, he grew tired of the grind. He turned his focus to another business in South San Francisco's Golden Gate produce terminal, at the site of television production for The Green Grocer. Farber would eventually work in racetrack management services for the DeBartolo family, noted for their high profile ownership of the San Francisco 49'ers NFL football team.

LEFT: Cadell Place neon signage visible, Union Street looking towards Columbus. (OpenSFhistory/wnp25/4762)



Still essentially the Paper Doll, 524 Union Street was rebranded by chef/operator Bob Ross, and Samuel Hall as The 524.

Now under Gay ownership, at a time when very few Gay and Lesbian owned bars, Ross creatively began to showcase a growingly visible community at The 524 with events seven nights a week. Ross would also help found the Tavern Guild, acting as it's Director, Secretary, and eventual President, and The 524 employed it's activities director.

Ross proudly recounted that during his ownership "People would line up all the way down the block and get in for 15 cent brunch", wait listing for a bare bones breakfast. "The bar would take in between 11:00 and 2:30, almost \$2,000. Now in those days, that's a lot of money, because the drinks were all under a dollar" remembered Ross, citing brunches as their most profitable day<sup>61</sup>. Write ups at the time still described a place where you could take out of town guests for abalone and a "quiet dining room that was ideal for a conversation that kept apace for a couple of hours over wine and coffee"62.

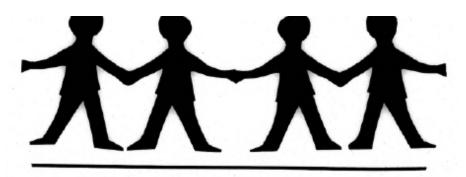
In 1964-65, patrons like Jim Ivory confirm a more male clientele and remembers learning how to disco "by watching the go-go boys". On special Sundays, the Polk Street Queer boutique Town Squire used The 524 to stage flamboyant fashion shows, featuring "well known young men as models" in skimpy outfits, with rapid fire running commentary hosted by Mike Gerry as the celebrated Drag Queen Michelle. Groundbreaking drag performer Michael Greer graced the stage. The Mattachine Society, one of the first Gay rights organizations, who had previously included The Paper Doll on their bar map, sponsored a Sunday stop for the book promotion of "Mr. Madame" Ken Marlowe's unprecedented tell-all book.

524 Club continued a long tradition at the site, of advertising holiday dinners for Thanksgiving, with free turkey door prizes, and Christmas events highlighted by the Tavern Guild's slide shows narrated by Michelle which provided the community a place to gather amongst other strays and find an adopted family, at a time when many LGBTQ were estranged from their families.



As a member of the Tavern Guild, 524 Union hosted community chest charity auctions for the organization, and hosted meetings in 1966.





524 UNION 421-5765

\$2.95 Complete Dinner \$2.95



Soup du jour

or

Toused Green Salad

With Choice of Dressing

Baked Potato or Rice Pilaf

Vegetable and Beverage

Choice Prime Rib of Beef

Top Sirloin Steak

Medallion of Beef

Tenderloin Brochette, Rice Pilaf

Sauted Sweet Breads

Veal Parmigian

Broiled Lobster Tail

BRUNCH SERVED SUNDAY, 12 to 4

Advertisement from Society for Individual Rights' magazine, Vector.

In league with grand Halloween festivities in North Beach at other legendary establishments like The Black Cat, Dick Boyd, author of "Broadway North Beach: The Golden Years", details that "In the late 1950's and early 60's the Paper Doll held Halloween parties over-flowing down Union and up to Grant. There was a contest held for the best costume and drag queens came from as far away as New York to compete for the crown". These were precursors to the formal Halloween Balls, and later parades.

Bob Ross described Halloween spectacles drawing parade buses full of drag queens coordinated by theme.

Bob Ross: "We had an alleyway next to us, Cadell Place, and we used to park cars in there . [...] But on Halloween we parked no cars in there and we'd run a big red carpet down the alleyway and put overhead lights and, you know, spotlights and stuff like that....[...] all these beautifully attired queens would come out of [a big bus] and walk

down the alley on the red carpet, into the packed house on the stage. [...] So they were all trying to get the prize money and also to get the biggest crowds. [...] The 524 has a side entrance, and we were able to get them in the side entrance, and they could leave by the back kitchen entrance. So they could sort of pivot down the stage, do their schtick, circle out and go back out and go back out to their buses. And the straight people on the street were just ecstatic". [...] It lasted probably not quite to the 70's when some of the rowdies started coming in and throwing eggs at people and Christian crazies started coming in doing schticks on peoples heads. And at that time, a drag used to have to wear a button that said "I'm a boy" or "I'm a man". That was part of the law too at that time. And if you didn't have that, they'd lay you off to the jail".64

The US Military continued to list The 524 Club amongst 23 "off limits" San Francisco destinations in 1968, earning it's inclusion in the San Francisco Examiner's own "sin city" list. 65

In a later incarnation, Arlene Arbuckle, owner of several watering holes, including nearby upper Grant Avenue bar The Anxious Asp would take over, and restore the Paper Doll name again in 1968 as Arlene Arbuckle's Paper Doll Tavern.



NOTE: Hundreds of places are listed in "guide books" that are closed or only sometimes gay. This listing is ONLY of strictly gay spots. Each month we will update this listing

- E Entertainment
- B Brunch, Sunday
- R Restaurant also
- D Dancing
- W Women

#### **TAVERNS**

SAN FRANCISCO DOWNTOWN

Blue & Gold, 136 Turk St. 673-2040 Campus, 1551 Mission St. 863-1562 Frolic Room, 141 Mason St. 775-5227, E Gangway, 841 Larkin St. 885-4441

NORTH BEACH

Gold Street, 56 Gold St., 397-5626, R.B.E. Gordon's: See "Sandy's Saloon" below. Greco's, 1335 Grant, 391-7447, D Jackson's, 2237 Powell, 362-2696, R,B Paper Doll, 524 Union, 421-5765, R,B Sandy's Saloon, 840 Sansome, 986-0110

FOLSOM STREET AREA

Dead End, 582 Folsom, 621-9088 Febe's, 1501 Folsom, 621-9450 527 Club, 527 Bryant, 781-9625 Ramrod, 1225 Folsom, 431-9233 Round Up, 6th & Folsom, 863-9628 Speakeasy, 17th & Florida, 621-1911,R,B Stud, 1535 Folsom, 863-2980 The Corner, 15th & Folsom, UN.1-2811

AROUND TOWN

Club Dori, 427 Presidio, 931-5896, R,B Leonarda's, 16 Leland Ave. 585-1796, B The Lion, Divisadero & Sacramento, 567-6565 Paradox, 3041 Geary Blvd., 387-2141, R, B, D The Paper Doll went strong well into 1970 when former chef Wanda Burriesci says they still had that one consistent detail, "lines of people going down Union Street and up around Stockton Street waiting to eat" and fans of the food still included the local Police who would routinely visit the kitchen for a meal, and check to see if "everything was o.k."66.



Temporarily re-dubbed by Ross as Noah's Ark for a period of 1971, serving teriyaki steaks and signature brunches, with entertainment<sup>67</sup>, and then back to The 524 Club by 1972, Bob Ross continued operations while now sitting as the Tavern Guild's President.

# Paper Doll Reborn

-by Julius

If you can't wait until the LOFT ROOM of the SPEAKEASY is ready to serve dinners nightly, perhaps you might dine at San Francisco's oldest bar and restaurant, the PAPER DOLL, serving dinners in a completely redecorated dining room. Second only to the once famous BLACK CAT, and perhaps the forerunner of most every other dinner house in the Bay Area, THE PAPER DOLL has become a tradition and still caters to the discriminating tastes of the Bay Area's select clientele.

We'd like to tell you about the early days at the PAPER DOLL, when Mona's CANDLE LIGHT, Charlotte's FRONT, and KENO's were packing 'em in nightly, but we're saving that for our book which we hope to finish some day. We can tell you that there was no finer restaurant anywhere, at any price, than the original PAPER DOLL. It was from here that Gordon, enjoying the epitome of success as its first chef, branched out

As we were saying before we were so militantly interrupted, dining out in those special restaurants which cater to our own community is still the best bargain around.

We've just returned from the east -New York City to be specific - and we were amazed at the high prices in those few restaurants which cater to the gay community. We were further amazed at the poor selection of entrees and the shoddy atmosphere and manner in which food is served.

We realize that it is not fair to compare New York City with San Francisco and we are making no attempt to do so in this article, except to say to our readers: save your money while in New York for their many excellent stage shows, and enjoy dining out while you are in San Francisco where every restaurant competes with every other restaurant to offer the finest menu possible at the most reasonable prices.



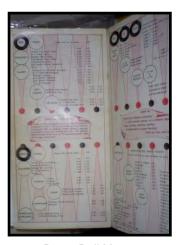
for himself and started a restaurant under his own name.

We are surprised that there are not worn marks in the streets between the RED LIZARD, THE BLACK CAT, GOR-DON'S, and the famed original PAPER DOLL. On Sunday nights the thick pink slices of luscious Prime rib of roasts drew the crowds like a magnet, sharing them only with GORDON'S. They both competed to win the largest volume of hungry and thirsty customers whom they

- Continued on Page 36

Society for Individual Rights publication, Vector, August 1969.





Paper Doll Menu





By 1972, the Paper Doll transitioned to the short lived Rolando's, this time under the ownership of Leo Rossi, a legendary local boy who owned the butcher at Grant & Union, and then The Godfather. Both maintained the same crowd despite attempts to attracts families, promoting kids meals, before shifting back to a Lesbian focused establishment.

The Paper Doll and subsequent incarnations became the only establishment catering to an LGBTQ crowd to survive the undercover busts and bridge the gap into the post-Stonewall Gay Pride era, offering a sense of continuity.

### Legacy of the Paper Doll, notable affiliations and alumni

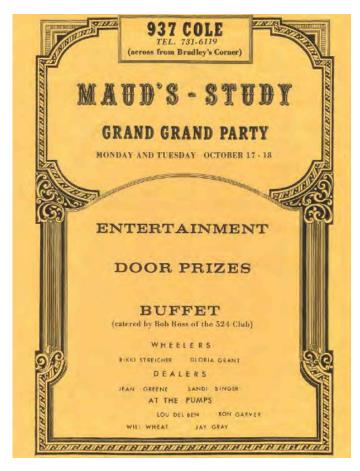
Bob Ross, a pioneering publisher, and activist, began publishing what would become the longest running Gay newspaper, Bay Area Reporter while at 524 Union Street. The first issue of the publication featured a prominent reference to the Paper Doll's brunches, and gossiping about who slept with who, in the second paragraph of the papers first column<sup>68</sup>.



Bob Ross, credit Henri Leleu, courtesy GLBT Archive

As an alternative to the gossip sheets found in bars, the groundbreaking publication transformed LBGTQ communities; and publication was integral to the Gay Pride movements, and early AIDS reporting, unifying the idea of a Gay vote. Recognized by future judges, Sheriffs, Mayors, and Supervisors, such as Harvey Milk, who looked to Ross' endorsement. Bob Ross was said to have been at the top of the shortlist as Milk's successor. Ross also was named the 1978-1979 Emperor of San Francisco, by the Imperial Council, a counterpart to the symbolic drag queen title of Empress of San Francisco, and served on the board of trustees for the San Francisco Ballet. The Bob A. Ross Foundation was established to continue philanthropy in his name.

Another Paper Doll bartender<sup>69</sup>, Richard "Sweet Lips" Walters, went on to prominence as Bay Area Reporter's version of Herb Caen. He provided initiated support to Operation Concern-New Leaf, an early LGBTQ social services, mental health organization.



Maud's Study opening party flyer, with catering by Bob Ross of the 524 Club, circa 1966.

Rikki Streicher, a Paper Doll server and resident of the caretaker's unit at 524 Union, would go on to open Maud's Study in the Haight, the longest running Lesbian bar in the City, if not the world, plus Amelia's, which doubled as a community center in a Feminist Consciousness enclave which existed in the Valencia Corridor of the Mission. Streicher, one of the most important activist figureheads within the community, went on to co-found a Women's Softball League, later earning her a park named in her honor, and also co-founded the Gay Games, which would grow into a worldwide, annual event. Opening night at Maud's carried on the lineage of The Paper Doll, advertising the event's food "catered by Bob Ross of the 524 Club".

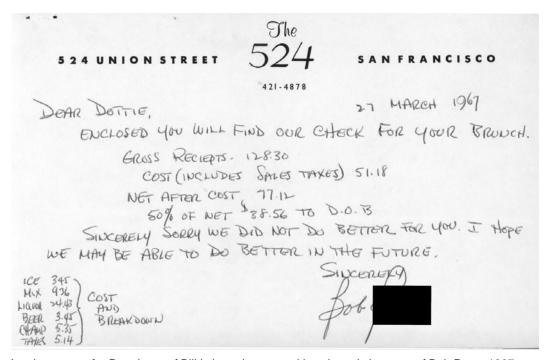
Gordon Jones, a chef, and William L. Bowman, worked together at the Paper Doll prior to opening Gordon's <sup>70</sup> describe at the time by one Gay guidebook as the "most elegant of San Francisco's gay spots [...] The clientele is mainly a lot of older gentleman in business suits". <sup>71</sup> Jones and Bowman were two of the first Gay men to own a Gay establishment in San Francisco. Gordon's transcended barriers and was highly regarded throughout San Francisco, with good food that borrowed heavily from the Paper Doll approach<sup>72</sup>, thanks to chef Fred Lavre poached from 524 Union, to providing a fine dining setting for all.

The Paper Doll also gave birth to the Copper Lantern (1335 Grant Ave.), one of the bars raided alongside it. Opened by two former waitresses, and a bartender, they faked a heterosexual marriage to gain ABC licensing.

Charlotte Coleman, a former server and patron of The Paper Doll opened The Front (600 Front Street at Jackson), plus an unparalleled list of Queer institutions, including the Golden Cask, and The Mint. Coleman was active in Society of Individual Rights, Operation Concern, The Tavern Guild, and the first financial institution established by an LGBT partnership, Atlas Savings and Loan.

Sam Hall, a partner in The 524, and cook at the Paper Doll, opened the trendsetting Toad Hall in 1971, credited as the introduction of Discos to The Castro, and one of the original Gay bars in the Eureka Valley neighborhood.

Amongst Paper Doll's influential patrons the legendary Lesbian and Women's rights pioneers, Del Martin, and Phyllis Lyon co-founded the "all girls closed club" Daughters of Bilitis in 1955 and later included 524 Union Street as one of their approved convention stops, as "reserved gay - very good food. Sunday Breakfast a must!". Much to the ridicule of San Francisco Chronicle Columnist Herb Caen, the focus of their 1st Convention in 1960, one of the largest LGBT convention of it's kind at that point, was in large part a reaction to the struggles of gathering places like The Paper Doll. Forming relationships with legal representation, knowing their rights, and the technicalities of the bar raids, they staged a debate with an ABC representative. While speaking warmly of their time spent at the Paper Doll, the organization's founders actually sought to provide public gathering alternatives to the dangers of the bar scene that had been so fundamental in the formative years of many Lesbians, but detrimental to others. For many, the smoky world of LGBTQ bars was scary and alienating<sup>73</sup>, and Gay Liberation organizations were at times virulently opposed to the idea of LGBT life centering around alcohol and rowdy bars.



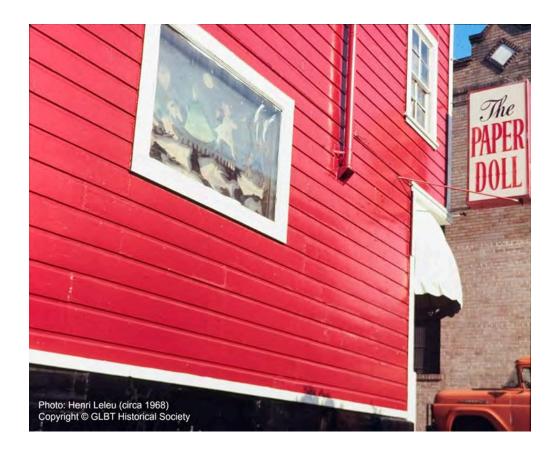
Invoice payout for Daughters of Bilitis brunch event, with redacted signature of Bob Ross, 1967

On the 35th anniversary for the Daughters of Bilitis publication The Ladder, their biographer Marcia M. Gallo painted a picture of the times:

"Spring, 1957. San Franco. You're a lesbian in your late twenties and you've lived in the Bay Area for a few years. You work in an insurance office and rent a small apartment in North Beach. It's a Thursday night around 8, and you're feeling lonely.

You decide to take yourself to the Paper Doll for a drink despite your worries about police raids — it's the only place you know of to be around other lesbians. Maybe tonight you'll meet someone new. Sitting at the bar alone, you overhear a couple talking about a new group they've just heard about.... a social club for women. The Daughters of something...

When they get up to leave, you notice the little mimeographed magazine they left face down on the table."<sup>74</sup>



The Paper Doll continued until 1972 with the same mixture of Gays, Lesbians, friends; and allies, still known for their great food, and entertainment. Despite numerous owners and name changes, the much storied location remained a Queer space at least until 1975, and continued to garner listings in LGBTQ guide books long after.

Former Paper Doll server Reba Hudson reminisced about 524 Union during the 1980's noting "It hasn't changed so much physically, it's always had the same amount of space, and the dining room's in the back, right, and the entrances have changed and this or that" but the spirit remained<sup>75</sup>.

As a cultural monument the Paper Doll space remains configured as it has been for over a Century of use as a bar and restaurant.



Exterior Photo, view of Union and Cadell, San Carlo Hotel/Restaurant/Saloon: Open SF History org. circa 1915 Photographer Unknown.

### **Additional History of 524 Union Street**

### The San Carlo Inn (1904-1935)

The San Carlo Inn was a Barbary Coast era Restaurant and Saloon, established preearthquake and existing for thirty four years. Directories show trade and boarding accommodations as well. Little is known other than the destination's land owner and proprietor; was founded by the liquor, and wine merchant, Lorenzo Bacigalupi. The San Carlo operated for another 8 years after his death in 1927, and was in operation before and after Prohibition.



During Prohibition; the Volstead Act allowed families exemptions to produce and purchase 200 gallons of wine annually, but according to Dante Benedetti "they all cheated". Speaking of the adjacent alley to Cadell Place, Benedetti said "they used to call Jasper Alley "Wine Alley" in

those days". <sup>76</sup> The San Carlo's prohibition years are a mystery, although during a 1923 Prohibition seizure of Tequila smuggled on a Mexican steamer ship named "Chihuahua", the Cadell Alley was raided. <sup>77</sup> The San Carlo was the subject of other prohibition raids <sup>78</sup> and would close a couple years after the repeal.



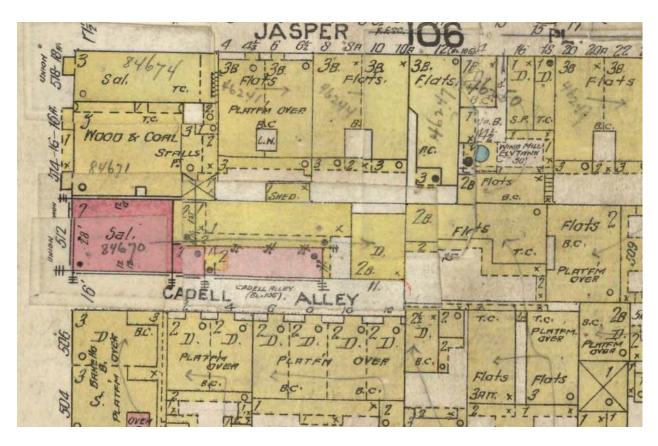
### Mexican Liquor Was Seized on Vessel

Two hundred and fifty bottles of tequila were found yesterday by customs inspectors in various parts of the Mexican steamer Chihuahua. The liquor, worth about \$6 a bottle, had been concealed in double walls, under lifeboats and other hiding places. The freighter Jeptha contained five bottles of narcotics.

Prohibition raids reported yesterday included: V. Bernardino, 524 Union street; R. A. Madero and Milton Boyd, 18 Larkin street: R. Colegari, 453 Union street; Eddie Hanlon, 728 Taylor street; T. J. Turney and George Heath, 2952 Sixteenth street.

LEFT: San Carlo Drink Token courtesy: National Token Association, Auction House Moss Mine Token Catalog, Private collector, Cunningham, Paul A. Military Tokens of the United States.

The two lots which make up 524 Union (then 512 Union) stayed in the Bacigalupi family until the 1950's.



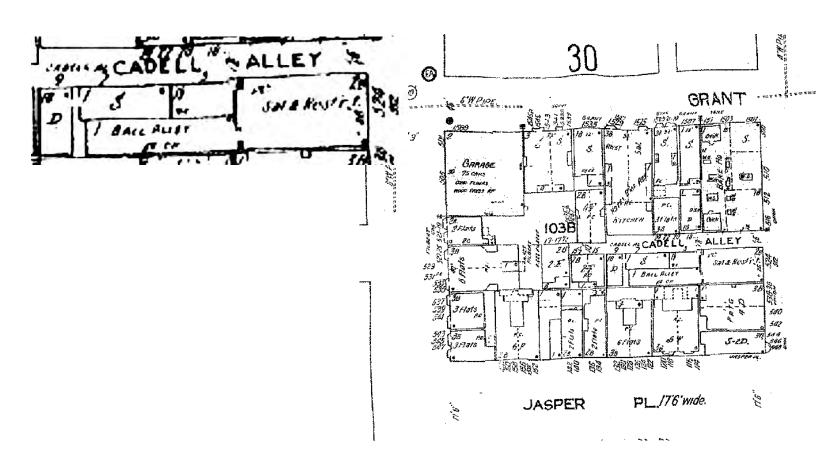
1905 Sanborn Map



Aerial photograph of Union and Cadell Alley circa 1938, Ryker, Harrison. David Rumsey Historical Map Collection.



View of Union towards Grant, 1924, San Carlo on the left

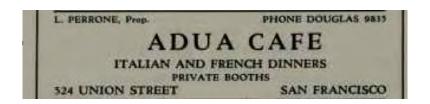


#### The Adua Cafe (1934-1944)

SF Call Bulletin said "The Adua Cafe is to Telegraph Hill what the St. Francis Hotel is to Union Square" 79.

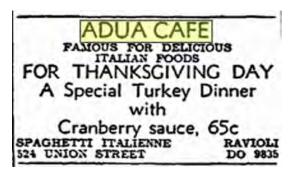
Opened shortly after the conclusion of Prohibition, by Italian immigrants from Milano and Genoa; Leo in 1907, and Elise in 1915, the Adua Cafe was described as "a popular meeting place for young newspaper men and women reporters. One goes there for a good Italian dinner and a game of bocce on the only indoor court in North Beach"<sup>80</sup>

By the 1940's Elise Perrone was a one Woman, sole proprietor with her own column in the San Francisco Chronicle, titled "In The Districts", and affectionately known as "Elise Perrone, boss of North Beach, and the Queen"81.



As a pioneering civic leader, Perrone founded The Adua Betterment Association, one of the first, if not the first community groups representing a Telegraph Hill/North Beach neighborhood now recognized for a long rich history of thriving influential community organizations. Perrone hosted meetings and events at 524 Union Street. As a celebrated community figurehead she was called to put her stamp of approval on the opening of the North Beach post office, and a brand new bus to Coit Tower which still passes 524 Union Street today. The "famed Adua Cafe" also hosted influential legislators, Civic Clubs and Boys Club events. During the wartime years, it became a meeting place for Government officials, maritime big wigs, and International diplomats acting as a virtual political back room. On the anniversary of US military action during WW2, Adua Cafe was listed as a "patriotic firm" sponsoring wartime Navy recruitment ads in the San Francisco Chronicle.

North Beach today views its new Telegraph Hill bus line. Yesterday Elise Perrone watched the first bus leave Cclumbus and Union and said, "Ver-ree pretty."





LEFT: Adua Cafe sponsored patriotic Naval recruitment ad, SF Chronicle

#### FRIDAY, DECEMBER 1940 13,

### In the Districts

## Elise Perrone is Delighted With the Entire Prospect

AR-R-ROUND THE TOWN-N-N: No, we aren't nervous-nothing like that . . . See, we're perfectly composed. See?-Isn't that hand steady? . . . Nothing to be nervous about. It's just that—well, this is all pretty different and everything . . You know how it is, Sure . . . This is Friday the 13th, a very lucky day because it precedes an even luckier day . . . When we stop roaming around this town as a bachelor and start striding sedately about as a married man-well, what will happen then? . . . It isn't that we're trying to be incoherent, it's just that we are incoherent. But that's understandable . . . But we aren't nervous. Not a bit nervous.

old Wollenberg, director of the about tomorrow night? Modern Talking Picture Service, talks on "Practical Americanism" at tonight's public forum in Marina columnists for a week . . . We have Junior High, Fillmore and Chestnut. a good series of sicries here on the A colored sound film, 'The Middle- desk, all ready to be set in type . . ton Family," will be shown . . . If The first one, for Sunday, is by Ed that isn't objectivity, pure and sim-Howden, executive secretary of the ple, then what is? . . . Another: San Francisco Housing Association. Ernest Lloyd Harris talks on "The



ELISE PERRONE "That make me very happy"

Let's be objective, like this: Har- (Notice how cool we are writing

Starting this Sunday, "In the Districts" will be taken over by guest . . . Then we will be back next week Riddle of Russia" at a public forum in time to get the following Sun-

Elise Perrone "In the Districts" column, SF Chronicle, December 13, 1940

## Paper Doll, Cadell Place, 524 Club, Noah's Ark, Rolando's, The Godfather Restaurant (1944-1972)

#### Manhattan Towers (1972-1975)

Owned by Katherine James, and leaning towards a "Lesbian pick-up place" Manhattan Towers advertised Italian food, live entertainment, and New York style pizza, a rarity for San Francisco in that period.





#### **Russo's, Cadell Place (1975-1981)**

Lovingly restored back to it's pre-Victorian and Victorian glory in 1975, by brothers Steve Russo and Dennis Russo, with a West Coast Craft interior utilizing on site salvaged reclaimed carriage house wood, since copied by many other San Francisco establishments. The corner entryway was moved at request of the city, to accommodate earthquake retrofitting, and sprinklers. Basement retail was added.

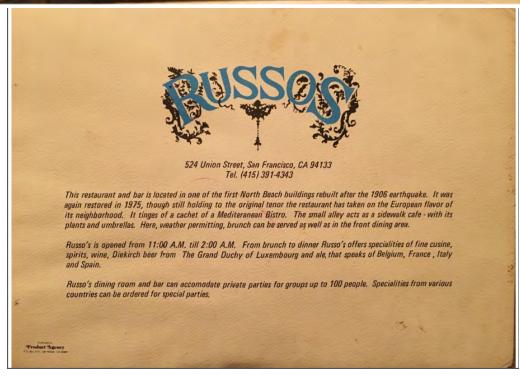


Melvin Belli interviewed outside Russo's circa 1976, courtesy Steve Russo



Russo's was a favorite of food critic Patricia Unterman for it's European/California cuisine. It was also a headline Jazz, and Rock venue. By this time, few remnants remained of the LGBTQ enclave in North Beach existed, aside from Steve Silver's Beach Blanket Babylon located nearby. With a return to Lesbian ownership with a silent partner, who happened to be a former nun; and her longtime parter as chef; 524 once again underwent another incarnation as Cadell Place for the second time, with food, drink, and entertainment, launching many careers including Bobby McFerrin's, with a weekly residency.





### McFerrin: 'Music Seems to Be the Scent of the Rose'

THE NAME of the place is the name of the Place.

In this instance, Cadell Place On the one hand an alley off Umon just east of Stockton; on the other a bar-restaurant which will be playing host this Saturday evening to the not inconsiderable talents assembled for the occasion by vocalist Bobby McFerrin. An instrumental trio will back him.

Begin with the voice.

"Tve got one of those voices that . . . I don't want to 'study' with anybody. I don't think I should. My parents taught me that if you run across something and you can't figure out what it is you . . . you knock down the wall, you find out for yourseld.

"Of course, I've worked out exercises
or rather I haven't worked them out: I
sing intervals; I like to do guttural



Ponder the ambition

"I want a studio — so I can do 32-track overdub. One voice laid over the other; it would start with one voice. I'd love to build something like that on stage. If I had one musical goal that I'd like to reach first it would be the . . . a capella, choral improvisation, scatting, all over the wall such of thing. the wall sort of thing.

"And then for the second half of the

Well and good, but is anybody listening? They seem to be. Bobby McFerrin has been in town less than three months, yet already there seems to be an understanding among the local jazz cognoscent that wherever he's working is the place to be.

## Music and Food — An Age Old Combination

By Patricia Unterman

#### Cadeli Place

524 Union Street, San Francisco. Serving dinner 6 to 11 p.m. every evening except Tuesday, and brunch on Sunday from 11 a.m. to 3 p.m. Full bar. Mastercharge and Visia. Reservations accepted. 391-4343.

USIC and food are an age old combination—the lylipres and flutes of Homeric repasts, the string quartet in Don Glovann's dining room, the supper clubs of the fifties—that sort of thing. Of late, due to specialization, styles and the economics of things, live music and food are seldom available together, outside of the complete of the style and the services. a few pricey hotel operations. Who would want to eat a punk rock meal, anyway? Our modern music goes better with drugs. However, there is a timeless little jazz club in North Beach called Cadell Place that offers food and music that are just right for each other. There's nothing trendy or chic about any of it, but Cadell Place is run by people who care about what they are doing.

I first went to Cadell Place to hear a solo jazz pia Jessica Williams, one night and noted that the club had an intimate, friendly feeling, casual but not tacky. Then I returned Sunday morning for brunch on the advice of eone who had eaten it and raved about it. In the day someone who had eaten it and raved about it. In the day light Cadell Place was even better. Light streamed in from the two large corner windows. The cocktail tables that held drinks the night before were covered in white linen, the bar was blending gins fizzes and to top it off, a great jazz jukebox played in the background.

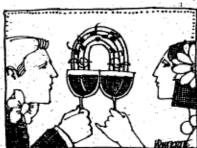
From a small brunch menu that includes mostly omelets and eggs, we chose Eggs Benedict, \$3.75, the test of any kitchen. They turned out to be the best I've had in a restaurant. The eggs were perfectly poached and drained so that there was no water to mar the light, lemony, just made hollandaise that covered them. The thick slice of honey cured Canadian bacon was tender and moist and amazingly enough, the English muffin beneath it all had been crisped on the grill. Each element of this oft abused dish had been carefully prepared.

We also liked Cadeil Place's version of French toast, \$2.75. triangles of French bread spread with chestnut puree and deep fried. The excellent Canadian bacon came with it as well as a fresh fruit garnish. Coffee had been freshly made and our cups were constantly refilled. The only disappointment was not being able to order fresh orange juice.

I immediately made plans to return for dinner, checking first to see if the same chef would be in the kitchen. I was told that there were several.

Dinner is served in a pleasant backroom with a working fireplace, North Beachy oil paintings of San Francisco scenes on the walls, fresh flowers on the tables and candle light. The sounds from a jazz ensemble filtering in from the club, separated from the dining room by a hallway, were at just the right pitch — not so loud as to deter conversation but noticeably and enjoyably there.

We began with tomatoes with anchovies (\$2.25) merely slices of not quite ripe tomatoes with dryish anchovies laid over them and no dressing. Not great. French fried zuechnin (\$2.50) would have been fine had they not been fried in old, strong tasting oil. They came



also a sauce that tasted of raw cooking sherry. A Plump South Carolina Quali (\$8.36) had been split and skillfully grilled but it was painted with a sweet and sour barbeque sauce that I felt didn't do it justice. The plates came with crisp slices of yellow and Italian squash tossed with butter and hits of red pepper and tender but not mushy boiled new potatoes. My general feeling was that the kitchen had down the basics and even some sophisticated dishes but they were screwing up on the frills.

So I came back for another dinner and ordered the simplest items on the menu. It worked.

We split a nightly special of linguine and clams (\$7.95) composed of al dente pasta, an unctuous cream and clam liquor sauce loaded with whole baby clams and garaished with fresh clams in the shell. The portions were huge but we finished them both.

A huge top sirloin steak (\$11.95) came rare as requested. It had been rubbed in herbs and olive oil. requested. It had been rubbed in herbs and drive on. Whole fresh green beans were buttery, crunchy and sweet and the new potatoes, again, were firm but fork tender. My half chicken (\$7.95) also had been marinated with rosemary and thyme and cooked slowly on the grill until its skin was crisp and its meat succutent. We took most of our dinner home and they were just as good cold the next day.

From a small, carefully chosen California wine list we selected a Fetzer Zinfandel, 1978, \$7, round, full and smooth and were glad to see the likes of a Geyser Feat Chardonnay, \$7, Dry Creek Chenin Blanc, \$5,50 and Robert Mondavi Fume Blanc, \$10, all reasonably priced.

Other dishes likely to be as successful might be fresh snapper broiled and brushed with herb butter (\$7.95) or double cut pork chops (\$7.95) broiled and finished with an apricot and brandy glaze. Cadell's kitchen knows how to grill. They don't overcook their food and they use good ingredients.

Service is a bit amateurish, but everything will get to you eventually, especially with a little reminding

After dinner you can have a drink in the club while you listen to the music. This arrangement makes for a nice evening out. You only need to park once and you don't pay a cover charge when you go for dinner.

Cadell Place is one of the few local places that's figured out how to offer both food and music and do it



ABOVE: Chronicle review of Bobby McFerrin residency at Cadell Place

RIGHT: Advertisement in Plexus Bay Area, Women's newspaper, January 1980

LEFT: Patricia Unterman review, Cadell Place, circa 1980

#### Silhouette's, The Field of San Francisco, Le Bordeaux (1981-2012)

In subsequent years, 524 Union Street became a popular 50's themed restaurant and retro sock hop dance club with lines around the corner. It's local cultural influence could be seen on KOFY-TV 20's Fifties "Dance Party". The Field, Irish Restaurant and Bar, known for brunches, and a French bistro concept called Le Bordeaux that became a temporary home to the private collection of paintings once housed in the legendary Washington Square Bar & Grill & Moose's. All acted as a destination for private parties in the back room, a polling location for elections, hosted toy drives, wedding parties, holiday parties for SFFD, Telegraph Hill Dweller's Christmas parties, neighborhood meetings, and more special events.



Le Bordeaux, with oak coolers and original long bar.



Back Dinning Room LeBordeaux with reclaimed and preserved carriage house wood paneling, circa 1880.



#### **Commercial Offices**

Used as a trades quarters, few details are known. The back carriage house space was the original location of the Emily Faithfull Kindergarten established under the inspiration and guidance of Women's rights activist, and Suffragette Emily Faithfull while on a rare visit to the United States, and a temporary site for philanthropist Phoebe A. Hearst's Golden Gate Kindergarten. The site also hosted the Union Street Experimental Kindergarten, The Helping Hand Free Kindergarten No.1 & No. 2, and Kahler Free Kindergarten; all pioneering institutions of the Golden Gate Kindergarten Association<sup>83</sup> founded by San Francisco Suffragette Sarah B. Cooper to serve the Barbary Coast<sup>84</sup>.

John Sweet was tasked to organize "a class of children between five and six years of age, in a vacant room, kept the school running for three months under the entire charge of pupils from the normal class, and finally, with Mrs. Cooper's assistance, succeeded in 1880 in making it a free public school under the name of the "Experimental Class." One year later a second class was opened in connection with Mrs. Cooper's kindergarten school on Union Street."



Sarah B. Cooper Source: SF Public Library SF HistoryDigital Archive

For many years the back carriage house space in the rear, behind the Restaurant and Bar, contained an interior Bocce Ball court.





Contemporary with LGBT establishments at 524 Union in the early 50's, the ground floor served as studios for WPA Federal Art Project artists and other internationally showcased artists, including:

Sargent Claude Johnson, the first African American artist on the West Coast to achieve a national reputation<sup>85</sup>, considered one of the finest sculptors of the Harlem Renaissance, though he spent most of his life in the Bay Area<sup>86</sup> he has received multiple retrospectives at the San Francisco Museum of Modern Art. Notable work includes the exteriorreliefs, and lobby mosaics at the San Francisco Maritime Museum/Aquatic Park Bathhouse building. Later work while at Cadell Place included African masks.

Architectural photographer William Abbenseth, acknowledged for documenting Northern California buildings for the WPA, was a member of photography collective Group f.64, credited for changing the course of art photography, alongside Ansel Adams, Imogen Cunningham and Edward Weston.



Photo by Abbenseth, from SF MOMA



Spero Anargyros, a public works sculptor, creator of the bronze bust of George Moscone sitting in City Hall, a 21 ton seal of the City and County of San Francisco; his work sits atop the California State Capitol, amongst other high profile commissions commemorating Hawaii's statehood, Mount Rushmore, Yellowstone National Park, and the Alaska Centennial.



Gurdon Woods, a sculptor and visionary arts educator who would go on to become President of the San Francisco Art Institute (previously known as California School of fine Arts), and founded the art department at UC Santa Cruz. Abstract artist Charles Safford, John P. Waltz and Richard Van Wingerden, an expressionist artist who worked alongside WPA muralists, and for a time, as the Paper Doll janitor.

M. Sherman, known just as Sherman, was an abstract artist described a "the grand Dyke mentor of my youth" by Lydia Millett, the defining architect of second wave Feminism.<sup>87</sup> Sherman's mid 70's art studio was described as "condemned" by Millet, symbolizing an end of an era<sup>88</sup>.

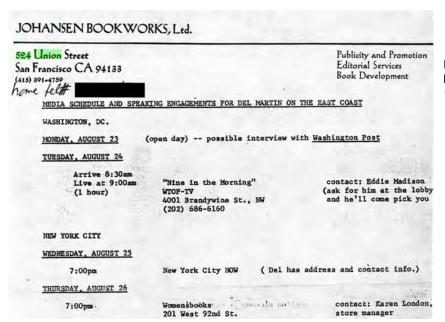
Frederic Hobb's, an experimental b-movie filmmaker with cult acclaim, satirist and madman visual artist considered the father of the modern movement of "art car" parade sculptures now synonymous with Burning Man, purchased and renovated 524 Union, dubbing the building "Hobb's Cottage Industries", to rent short term commercial, artisan and retail, including a delicatessen on the deck level. He was known to let himself in to the former Paper Doll space and help himself and friends to a few rounds, and work of that period reflects collaborations with Ann Weldon, who was synonymous with sell out shows there, and legendary LGBTQ performance art group The Cockettes.

As a hub for small business, and creativity, tenants included Chronicle/Examiner columnist, and Rampart's editor, Warren Hinckle with his Basset Hound, and digs covered in astroturf. Additionally it was the home for the groundbreaking early personal computing microchip manufacturer, the one man tech operation of Micromation: li



Hobbs, Hinckle, and crew

microchip manufacturer, the one man tech operation of Micromation; literary agencies, publicists, gaming designers, and a Women run small press publishing house responsible for releasing Del Martin's pioneering work "Battered Wives" and a campaign for greater media exposure outside San Francisco. 524 Union was also where award winning branding/packaging work for Apple, Napa's burgeoning world class Wineries, and countless recognizable household products were created making it central to North Beach's emerging graphic design district.



LEFT: Promotional schedule for Del Martin NYC, book tour, tv appearance, by Johansen Bookworks, 1976

Additionally, the basement level had two subterranean retail spaces accessible from the street, housing The North Beach Chess Club, and The Enchanted House, an Asian antique store which later relocated to Grant Avenue.

In more recent years, 524 has housed Immigrant Rights legal assistance, a socially conscious green Ad agency, tech strategy companies, web designers, film production development and coworking office space for small business and cottage industry startups.

#### The Kiosk

One of San Francisco's oldest European style kiosks, the charming space is rumored to have been the original marquee, or ticket window for the Paper Doll. Retail use has included flower stands, bakery, tea shops, chocolates, a locksmith, handmade jewelry, and currently Hole in the Wall Coffee.





LEFT: Kiosk in SF Chronicle Style, Fall Fashion Guide, photo, Russel Yip, The Chronicle, August 18, 2016

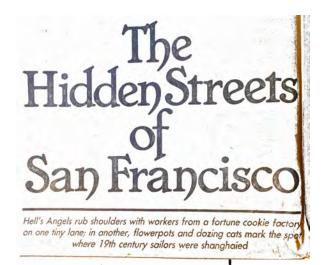
RIGHT: "Step Back: A walking tour of Queer Old North Beach, Radar + City Lights Present, 2014

#### Cadell Place Alley (aka Cadell Alley)

One of San Francisco's rare privately owned alleys, 524 Union Street extends most of it's length, sharing the alley with the back bakery doors to the wood burning ovens of the former French Italian Bakery. The Paper Doll and all that came after have at times utilized the outdoor space for holiday events.



Cadell Place Alley, circa 1990



### CADELL PLACE

Off Union between Grant and Stockton

Tightly clustered houses exist side by side with a Chinese fortune cookie factory (the door is usually open, and you can watch the cookies being stuffed) and an old time San Francisco real estate agency. The corner restaurant, named for the street, has had numerous owners and is currently for sale again. Cadell is a sometimes hangout for the Hell's Angels.



524 Union Street, illustration by Thompson Design, D. Thompson, circa early 1980's.

All research created under the guidance of Shayne E. Watson, and inspired by the Citywide Historic Context Statement for LGBTQ History in San Francisco, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015

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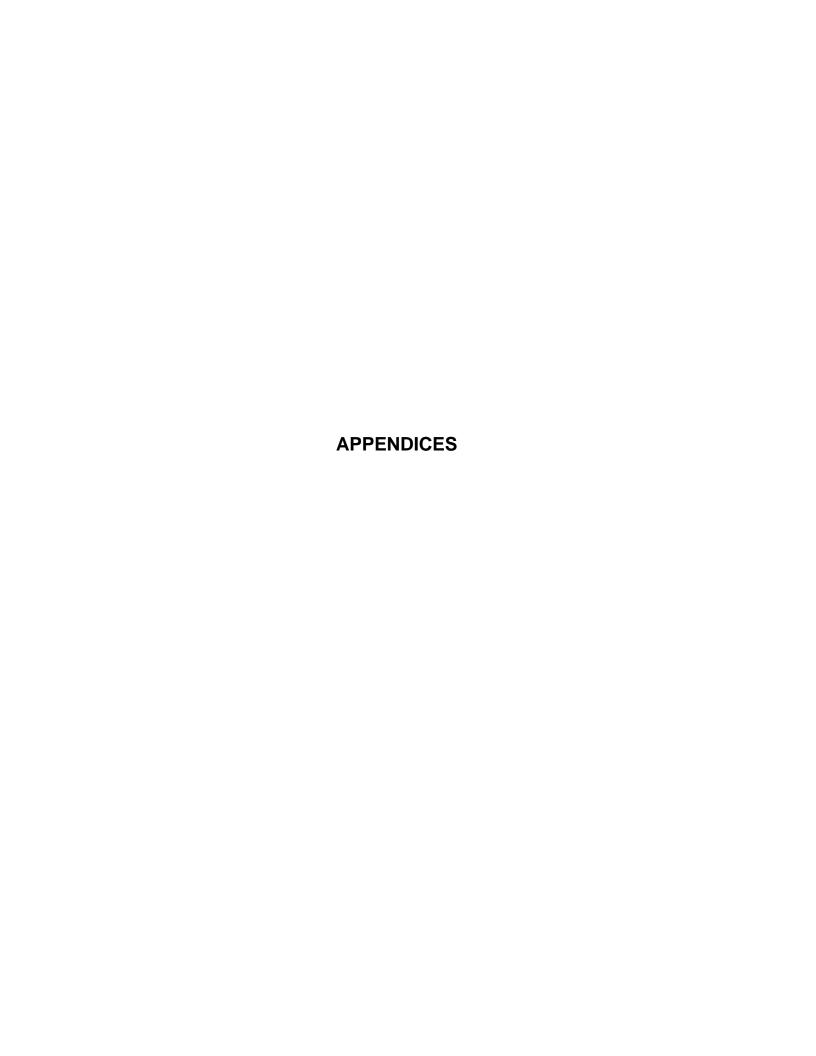
- <sup>1</sup> "Remember the Paper Doll?", The Society Newsletter, San Francisco Bay Area Gay & Lesbian Historical Society, June 1986. Vol. 1, Issue 4
- <sup>2</sup> Wide Open Town: A history of Queer San Francisco to 1965, Nan Alamilla Boyd, UC Press, 2005
- <sup>3</sup> Society of California Pioneers, Edwin Bryant Letters, printed title for Lot no. 413, in San Francisco, May 14, 1847, C057738
- <sup>4</sup> Public Education in California, Its Origins and Development, John Sweet, American Book Company, 1911, pages 224-226
- <sup>5</sup> Roberta Bobba, interviewed by Joanne Castillo, 1981, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>6</sup> Boyd, Wide Open Town, 245. Cited in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>7</sup> Charlotte Coleman, interviewed by Paul Gabriel, 1997, The Gay, Lesbian, Bisexual, Transgender Historical Society, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>8</sup> Reba Hudson, interviewed by Roberta (last name not given), October 31, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>9</sup> Boyd, Wide Open Town, 82 and 1992 interview archive GLBT Archives, quoted by LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>10</sup> Nan Alamilla Boy, walking tour brochure for "Gay Ghosts of Queer Old North Beach".
- <sup>11</sup> Bill Elsbernd interviewed by Barak Soval Smucha, Paper Doll Preservation project, August 28, 2018
- <sup>12</sup> Mona (Sargent) Hood, interviewed by Nan Alamilla Boyd, July 25, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>13</sup> Charlotte Coleman, interviewed by Paul Gabriel, 1997, The Gay, Lesbian, Bisexual, Transgender Historical Society, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>14</sup> The Lesbian Underground, KPFA Radio, aired December 11, 1978
- <sup>15</sup> Joseph St. Amand, interviewed by Nan Alamilla Boyd, August 2, 1991, The Gay, Lesbian, Bisexual, Transgender Historical Society, cited in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>16</sup> Pat Healy, interviewed by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>17</sup> The Lesbian Underground, KPFA Radio, aired December 11, 1978
- <sup>18</sup> Broadway North Beach: The Golden Years, Dick Boyd, The Semaphore #189, Winter 2010
- <sup>19</sup> "Reborn, Journals and Notebooks, 1947-1963, Susan Sontag, edited by David Rieff, Farrar Straus Giroux, 2008

- <sup>20</sup> "Remember the Paper Doll?", The Society Newsletter, San Francisco Bay Area Gay & Lesbian Historical Society, June 1986. Vol. 1, Issue 4
- <sup>21</sup> Bohemian San Francisco, Henry Evans, Porpoise Bookshop, 1955
- <sup>22</sup> Quoted in Spring, Secret Historian, 197.
- <sup>23</sup> Roberta Bobba, interviewed by Joanne Castillo, 1981.
- <sup>24</sup> Jerry Fabian, interviewed by Willie Walker, 1989-1990.
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- <sup>26</sup> Charlotte Coleman, interviewed by Nan Alamilla Boyd, 1992, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>27</sup> "Trailblazer Charlotte Coleman remembered", Obituaries, Bay Area Reporter, March 9, 2016
- <sup>28</sup> Roberta Bobba, interviewed by Joanne Castillo, 1981.
- <sup>29</sup> Joe Nimidoff, interviewed by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>30</sup> Reba Hudson, interviewed by Roberta (last name not given), October 31, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>31</sup> Broadway North Beach: The Golden Years, Dick Boyd,. The Semaphore #189, 2010.
- <sup>32</sup> Just Lucky I Guess: From Closet Lesbian to Radical Dyke, Elaine Mikels, Desert Crone Press, 1993
- <sup>33</sup> Bill Elsbernd interviewed by Barak Soval Smucha, Paper Doll Preservation project, August 28, 2018
- <sup>34</sup> "Guide to Post-Ragtime and Traditional Jazz Composers", Bill Edwards, 2017.
- <sup>35</sup> "Dante Benedetti Beloved Restauranteur and USF Coach", San Francisco Chronicle November 18, 2015
- <sup>36</sup> Sandra Luna, interviewed by Bev Smucha, September 17, 2018, Paper Doll Preservation project.
- <sup>37</sup> Sandra Luna, interviewed by Bev Smucha, September 17, 2018, Paper Doll Preservation project.
- <sup>38</sup> San Francisco Examiner, "Dante Benedetti honored at Italian Athletic Club" by Antonia Ehlers, November 26, 2015
- <sup>39</sup> Dante Benedetti, interviewed by Nan Alamilla Boyd, July 10, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>40</sup> Charlotte Coleman, Rikki Streicher, Mona Hood, and Reba Hudson, interviewed by Nan Alamilla Boyd, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>41</sup> Pat Healy, interviewed by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.

- <sup>42</sup> Dante Benedetti, interviewed by Nan Alamilla Boyd, July 10, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>43</sup> Dante Benedetti, interviewed by Nan Alamilla Boyd, July 10, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>44</sup> Gay and Lesbian San Francisco, Dr. William Lipsky, Arcadia Publishing, 2006
- <sup>45</sup> Vaugh (last name unknown), from Fernando Feliciano, interviewed by Kurt Schroeder, Uncles Project, 1995, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>46</sup> Dante Benedetti, interviewed by Nan Alamilla Boyd, July 10, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>47</sup> "Dante Benedetti Beloved Restauranteur and USF Coach", San Francisco Chronicle November 18, 2015
- <sup>48</sup> Mona (Sargent) Hood, interviewed by Nan Alamilla Boyd, 1992, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
- <sup>49</sup> Joe Nimidoff, interviewed by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>50</sup> Dante Benedetti, interviewed by Nan Alamilla Boyd, July 10, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>51</sup> Sandra Luna, interviewed by Bev Smucha, September 17, 2018, Paper Doll Preservation project.
- <sup>52</sup> Reba Hudson, interviewed by Roberta (last name not given), October 31, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>53</sup> Del Martin and Phyliss Lyon interview by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.
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- <sup>58</sup> Charlotte Coleman, interviewed by Paul Gabriel, 1997, quoted in LGBTQ Historic Context Statement, Donna J. Graves & Shayne E. Watson, City and County of San Francisco, 2015
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- <sup>67</sup> Bay Area Reporter, volume 1, issue 1, April 1, 1971, GLBT Historical Society archive
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- <sup>69</sup> Bay Area Reporter, Celebrating Sweet Lips, Michael Flanagan, March 22, 2016.
- <sup>70</sup> Jim Ivory interview by Nan Alamilla Boyd, The Gay, Lesbian, Bisexual, Transgender Historical Society.
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- <sup>72</sup> John Burks, San Francisco, April 1970; Gordon's, Sites Database, The Gay, Lesbian, Bisexual, Transgender Historical Society, Version
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- <sup>74</sup> Celebrating the years of "The Ladder", Marcia M. Gallo, Off Our Backs, Vol. 35, No. 5/6, 2005 pp.34
- <sup>75</sup> Reba Hudson, interviewed by Roberta (last name not given), October 31, 1992, The Gay, Lesbian, Bisexual, Transgender Historical Society.
- <sup>76</sup> The Life and Times of Dante Bendetti: Baseball, business and a babe named Chubs, by Andrea Perkins, for Coast News.
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- <sup>78</sup> San Francisco Chronicle, January 16, 1935
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- <sup>82</sup> "Before the Castro: North Beach, a Gay Mecca, Boyd, Dick, The Semaphore #189, Winter 2010
- 83 Golden Gate Kindergarten Association, Annual Report, Volumes 7-13, 1886
- <sup>84</sup> Public Education in California, its origin and development, John Sweet, American Book Company, 1911.
- 85 San Francisco Museum of Modern Art Website, collection notes on Sargent Johnson
- <sup>86</sup> "Berkeley's Artwork Loss is a Museum's Gain", Carol Pagosh, New York Times, February 20, 2012, Page C1

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- 88 "Sherman", Lydia Millet, Spit in the Ocean Vol. 2, Pg. 53, Ken Kesey, 1976





#### Appendix (A)

List of previous bars/restaurants.

Summary Permits Bars & Restaurant.

City Permits records.

Architecture drawings and plans.

Current Floor Plans.

#### Appendix (B)

City Directories

(circa 1846 to circa 1970's)

#### Appendix (C)

Dante Benedetti Legal Documents

(Legal briefs/Appeals Alcoholic Beverage Control)

### Appendix (D)

Acknowledgements and Popular Culture.

Barbary Coast Designation/

Tour Historian Nan Alamilla Boyd/ The Gay Ghosts of Old North Beach.

Selected literary references to the Paper Doll.

### Previous bars/restaurants in the building

# 524 Union Street, previously known as 512 Union Street alternate addresses on Cadell Place, aka Cadell Alley

San Carlo Inn Saloon & Restaurant	est.	1904
(also known as San Carlos) with Bucci Ball Court Adua Cafe	est.	1936
Restaurant & Bar with Bucci Ball Court		
Paper Doll Club	est.	1944
(Mona's) Paper Doll	est.	1947
Cadell Place	est.	1961
(Don Farber's formerly the Paper Doll)		
The 524 Club	est.	1964
The 524		
(Owner/Operator: Bob Ross)		
Paper Doll	est.	1968
(Arlene Arbuckle)		40=4
The Godfather	est.	1971
Rolando's	est.	1971
Noah's Ark	est.	1971
524 Club	est.	1972
Manhattan Towers	est.	1972
The 524		
Russo's	est.	1975
Cadell Place (Russo's Inc)	est.	1980
Silhouettes	est.	1981
Patzi's (Silhouettes Inc.)		
Ping Bodie's (Silhouettes Inc.)		
Silhouettes	est.	1996
The Field of SF Pub & Restaurant	est.	1999
Le Bordeaux	est.	2011

<sup>\*</sup>LGBTQ affiliation in bold

### Summary 524 Union Street

Building Permit Records	<u>Owner</u>	<u>Usage</u>	<u>Dated</u>
Dept. Public Works Alternations Signage	San Carlos Inn	Bar Restaurant	June 22, 1934
Dept. Public Works Alterations Signage	San Carlos Rest.	Bar Restaurant	Oct. 22, 1934
Dept. Public Works Alterations Signage	Adua Cafe	Bar Restaurant	Nov. 19, 1936
Dept. Public Works Alterations Signage	Paper Doll Club	Bar Restaurant	Nov. 13, 1944
Dept. Public Works Alterations Kitchen	Paper Doll Club	Bar Restaurant	Sept. 17, 1952
Dept. Public Works Alterations Kitchen	Abulich	Bar Restaurant	Feb. 5, 1954
Dept. Public Works Alterations Signage	Cadell Place	Bar Restaurant	July 19,1961
Dept. Public Works Alterations Health Dept. Remodel Compliance Nightclub Restaurant	524 Club	Bar Restaurant	Nov. 25, I966 Feb 2, 1967
Dept. Public Works Compliance Bar	524 Club	Bar Restaurant	Nov. 14, 1968
Dept Public Works Compliance Work	524 Club	Bar Restaurant	Nov 24, 1968
Dept. Public Works Alterations Health Dept Compliance	524 Club	Restaurant Tavern	Nov. 25, 1968
Dept. Public Works Restore-New Foundation Floors, Walls, Electrical Plumbing, Sprinkler System	Russo's	Bar & Restaurant	April 14, 1975 July 3, 1975
Dept. Public Works Sprinkler System Building	Russo's	Bar & Restaurant	June 5, 1975
page 1 of 3			

Building Permit Records	<u>Owner</u>	<u>Usage</u>	<u>Dated</u>
Dept. Public Works Restored Commercial Use Only	Russo's	Bar & Restaurant	Feb. 26, 1976
Dept. Public Works Restore Extension Enclose	Russo's	Bar & Restaurant	April 13 1978
Dept. Public Works Alteration Ceiling	Cadell Place Russo;s Inc.	Bar & Restaurant	April 24, 1980
Dept. Public Works Remodel Kitchen	Silhouettes	Bar & Restaurant	Dec. 11, 1984
Dept. Public Works Signage Electrical	Silhouettes	Bar & Restaurant	March 17, 1985
Dept Public Works Alterations Health Dept. Remodel Kitchen	Silhouettes	Bar & Restaurant	March 23, 1992
Dept. Building Inspection Plumbing Remodel Bathrooms	The Field	Bar & Restaurant	Dec. 24, 1998
Dept. Building Inspection Remodel Kitchen	The Field	Bar & Restaurant	Jan. 24, 1999
Dept. Building Inspection S.F. Fire Dept. Compliance Kitchen Hood	The Field	Bar & Restaurant	June 18, 1999
Dept. Building Inspection Exterior Lighting Replacement Compliance	The Field t	Bar & Restaurant	July 08, 1999
Dept. Building Inspection Exhaust	The Field	Bar & Reataurant	July 13, 1999
Dept. Building Inspection Occupancy Load Fire Dept. Compliance	The Field	Bar & Restaurant	July 15, 1999
Dept. Building Inspection Hood Ansul System	The Field	Bar & Restaurant	Oct. 7, 1999
page 2 of 3			

### Summary 524 Union Street

Building Permit Records	<u>Owner</u>	<u>Usage</u>	<u>Dated</u>
Dept.Building Manufacture and Install Awning Front Business	The Field	Bar Restaurant	June 10, 2003
Dept. Planning Public Health	Le Bordeaux	Full Service Restaurant	May 25, 2011
Dept. Planning ON-SALE BEER & WINE, EATING PLACE - TYPE 41	Le Bordeaux	Full Service Restaurant	Dec. 9, 2011

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### AND COUNTY OF SAN FRANCISCO CENTRAG PERMIT BUREAU PUBLIC WORKS APPLICATION FOR BUILDING PERMIT OCT 19 1934 ALTERATION of Public Works of the City and County of San Francisco plans and specifications submitted herewith and according to set forth: Application is hereby made to the Department for parmission to build in accordance with the to the description and for the purpose herel (2) For what perpose is present building now use (8) For what purpose will building be used herestist (4) Total Cost \$-(5) Description of work to be don 60 semore Workmen's Compensation Insufficient It (DOES) (DOES NOT) (6) Contractor Supervision of construction I hereby certify and agree, if a permit is issued, that all the provisions of the BUILDING LAW, THE BUILDING ZONE ORDINANCES, SET BACK LINE REQUIREMENTS AND THE FIRE ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO and the STATE HOUSING ACT OF NANCES OF THE CITY AND COUNTY OF SAN FRANCISCO and the STATE HOUSING ACT OF CALIFORNIA will be complied with, whether herein specified or not; and I hereby sures to save, including and keep harmless the City and County of San Francisco equived all liabilities, judgments, demnify and keep harmless the City and County of San Francisco equived all liabilities, judgments, demnify and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses which may in anywise accrue against said city and county in consequence of the grant-coats and expenses. (8) Architect. ... Certificate No....... State of California City and County of San Francisco Address... (9) Engineer .... License No. City and County of San Francisco Certificate No. State of California Plans and specifications prepared by Other than Architect or Engineer Address (11) Continctor. License No. 7 City and County of San Francisco License No. State of California WINDERLITE NEON PRODUCTS CO. TO OHER HELDER TO THE TOTAL OF THE PARTY OF

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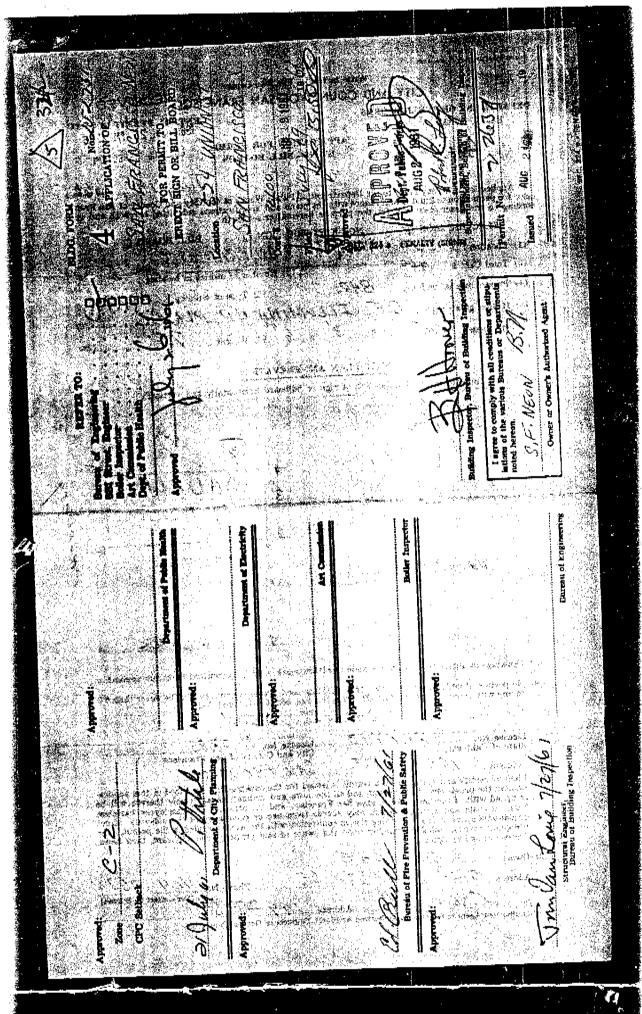
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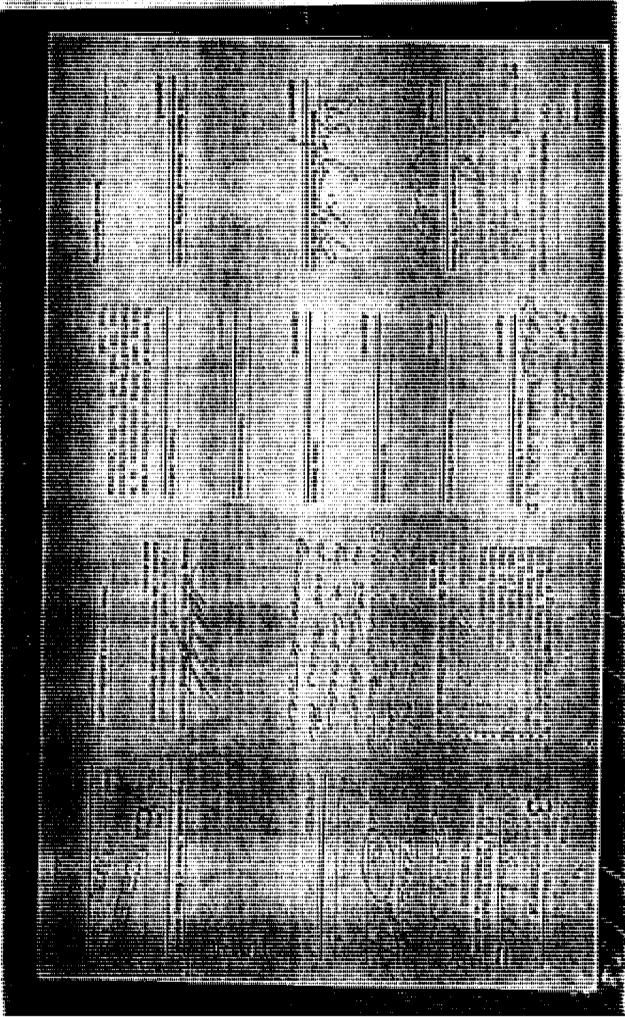
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AND 809, SAN FRANCISCO BUILDING CODE, BEFORE BUILDING IS OCCUPIED. Pursuant to Sec. 804, San Francisco Ruilding Code, the building permit shall be posted on job.

Owner is responsible for approved plans and application being kept at building site.

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Pursuant to Sec. 304. San Francisco Building Code, the building permit shall be posted on job.

Owner is responsible for approved plans and application being kept at building site.

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- 2. Sphis building lacks & concliques economy or conclude foundation. Sect 701 00, 3107.1 pp. Sebelt plan for approval and provide a population.
- The footings (or the wood columns are alle, the teyern floor ore locking. 2905 pc. 403(a) Ht. From its ground footings.
- The foundation well for portions of the beilding in less than the minimum required help's above affected ends, cousing damage to execute. See, 40 BC. 2115, 15., Fairs the foundation well to a height of toolee (12%) inches above adjacent grade in an approve against a replicability damaged metarials and connections.
- 5. A Structural matters in the catter appearing the tayour floor have been altered water to each the terrains of the halding. And He. tob pc. helder with proper mid opproved sequenced another with proper connections.
- 6. Inspection of orit #7. Cadell Place wis not possible of the time of The process or the time of The process of the time of the time of the process of the time of the time of the process of the time of time of time of the time of time of the time of time
- Roof supports as of insufficient size to carry haposed loads with safety. Provide proper support. 503 HC. Arty ty BC.
- B. Wood studding in the various walls throughout are spaced more than 16" on center. 2507.D. h Ec. 403(c) lic. Provide additional study of proper size and spacing.
- yood siding is changed or missing. 40%(c) HE. 104 DC.
  Repair or replace with approved associal.
- 10. You are hereby requested to submit a detailed report from a licensed engineer or architect, varifying the structural soundness of the building, together with details of recommended repairs to the underpinning and foundation walls.
- The doors at Union Street entrance of upper front unit and to entrance of 77 Cadell Place are broken. 608(b) EC. 10/ BC. Repair or replace the doors.

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524 Union Street 3-7-9 Codell Flace

### Page Three

- 13. At several locations the roof is in bad condition and needs repair. 403(c) HC. 104-3201 BC. Repair the roof with waterproof and fire-retardant materials.
- 14. The roof drain downspouts throughout are not connected to the sanitary sewer system. 509 HC. Provide adequate connections.
- 15. The roof drain downspouts throughout are deteriorated or missiong. 507 HC. 104 BC. Restore the roof drain downspouts to an approved condition.
- 16. The roof gutters throughout are missing or defective. 507 HC. 104 EC. Replace the required outers.
- 17. The drying platform on the roof is not properly covered.
  712 HC. 104 BC. Cover the drying platform with approved materials or remove the platform.
- 18. \* The window area for the following locations are inadequate (1) guest room located north of entrance stair at #3 Cadell Place; (2) bedroom of the front unit at #3 Cadell; (3) bedroom and livingroom kitchen of #9 Cadell Place. 501.4 HC. 1305.A BC. Provide a window 1/12 the floor area, one-half of which must be openable.
- 19. \* The bothrooms of the front unit at #3 Cadell Place and #9 Cadell Place are lacking the required window area and have no substitute approved fan exhaust system. 502.1 HC. 1305.A BC. Provide proper ventilation.
- 20. \* The kitchen of the front unit at #3 Cadell Place lacks legal light and ventilation. 1305.Λ 501.4 HC. Provide legal light and ventilation.
- 21. \* The public hallway for #3 Cadell Place lacks proper ventilation.

  Sec. 502 HC. Provide proper ventilation.
- 22. \* The stairway to #3 Cadell Place does not have a minimum vertical headroom clearance of 7'-0". 801 HC. Art. 33 BC. Provide proper clearance.

**52**5 Union direct (1 **257-9** Gair 11 Elecce

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- 13c At soverel loggious the roof is in bed condition and ecose repair. however the 10h-320 is. in all the roof with we construct and firetree relate the relate.
- The roof drain Johnspouls throughout are not connected to the semistry seven system. SOS NA. Provide averyone connections:
- 15. The roof drawn downspouts throughout are vergotorated or missions. 507,946 of 0) BC. Restore the roof drawn downspouts to an approved condition.
- 16. The roof auttors throughout are missing or delegitive. 507 Hz. 100 No. heplace the regained on ters.
- 17: The drying platform on the reof is not properly covered, 712 Hg. 100 NG. Cheer the drying platform with approved materials or repoys the platform.
- The window free for the following locations are inaded see

  (i) guest room located north of entrance stair at \$3 Couchi
  Place: (2) bedroom of the front unit etg. 3 Couchi
  and livingroom as kitchen of \$3 Codell Place. \$501.4 HC.

  1305.4 GC. Provides window 1/12 the floor great one half
  of which must be openable.
  - 19.\* The bethreens of the front unit at #3 todati Place and #9
    Gadell place are lacking the required window area and have
    no substitute approved for exhaust system 802.1 HC.
    1305.A BC. Provide proper ventilation.
  - 20. \* The titchen of the front unit at #3 Codell Place locks legal light and ventilation. 1305.λ 501. HG. Provide legal light and ventilation.
  - 21: \* The public hallway for /3 Cadell Place tooks proper ventilation.
    Sec. 502 No. (Provide proper ventilation.)
  - 22. \* The stairway to //3 Cadell Place does not have a minimum vertical headroom elegrance of 7'-0". 801 HC. Art. 33 BC. Provide proper clearance.

- 23. \*\* Handebil's on the front and side entrances sepies to /3 Cadell Proce are missing. 802(4) HC. Art. 3 MC. Replace or repoir the handrails.
- 2:, The stairs of 79 Grade Place have been although and are now sobstanded one to the varying helpha of the risers so Sec. 330550 UC. Provide a property constructed stairway.
- 25. \* The malls and collings of the stenging recome at various tocations are not finished and/or covered in an approved manner. 1001 HG. Refinish in a groper manner.
- 26. The walls and celling in the bathroom at several locations are improperly finished. 1602(m) HC. Provide an approved non-absorbant covering.
- 27. The celling and real covering at various locations for #3 and #7 cedell Water is of an unaparticed material, #10 HC. Art 17 Bt. Provide an approved covering.
- 28. A The heating facilities in #9 Cadell Place and guest room to be #3 Cadell Place or lecking Hadequate or unapproved or improperly located. 402(4) HG. 1311 BG: Provide proper facilities, properly installed.
- 29. Garbage and debrie has eccumulated in Cadell Place along side property. 411 BC. Correct this unsan tary condition.
- 30. There is no second means of egress from center unit and quest room at /3 Cadell Place and for #9 Cadell Place . 801 Hc. 3302.0.1 hc. Plans must be submitted with the application for a building permit to correct this condition.
- 3). \* The existing wall and calling separating the public assumbly and the dwelling units is substandard and does not provide the required fire-resistant occupancy separation. Table 5-B BC Provide an approved I hour separation.
- 32. Fire extinguishers are lacking in the public corridors and the public assembly area. Sec. 90% Hc. 1310.2.F BG. Provide approved type extinguishers as directed by the Linguisters.
- 33. Automotic sprinklers are lacking in the storage areas
  throughout. 903 HC. Art. 38 BC. Provide an approved
  automotic sprinkler system. Note: Plans must be submitted
  for approval before work is done and must accompany an
  application for a cuilding permit.

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- The guy wires and times on the root ore creating a hecardous condition. 100 No. Operact his here reduce constition,
- 3670 to The plaque showing the plan of exits and the bilowabless of ecupon: loud remissing for the public assembly area.

  3301.1 nc. Shoult a floor plan of the essently area for approval and determination of ecupon lead and install approval and determination of ecupon lead and install approval as directed by inspector.
- The cellar area under the public ascendity is not sprinkled.
- The public corridor serving the units of /3 Cadall Flace is not constructed of three runings of mitorials; Sec. 701 NC. 3304. PRO. Provide approved line-runistant waterials for the both sides of the walls or an approved system of sprinklers to cover both the corridor and the adjoining rooms opening thereon.
- 18 Clearance from combustible materials in inadequate for the few vents/flues serving the gas ranges or gas heaters in the contact and front units of /3 Cadell Place, in units/9 Cadell Place, and also for the water hater in the restaurants and itself 51 A.B. 8C. Provide proper clustrance.
- The vent serving the gas heater in #3 and #9 Coccil Place to down not extend above the roof. 407 HC. 4109.4 UC., 4
- 40 & The gas-fired water heaters located in the "bathroom-clothes 2 closet" of the guest room in #3 Cedell Floce and also under the stairs in the public assembly area are in an unapproved location. 5125 BC. Remove or relocate the water heaters.
- All to The floor surfaces in the bothroom are not properly to the covered. 104 BC. 104 BC. 1711.A BC. Provide an approved to the parents of floor surface.
- Work was done installing two electric signs at the entrance of the public assembly area without proper points of the solutions and solutions. Apply for permits with plans showing connections and supports.
- 193 \* MOTE: An approved Parmit of Occupancy is required for this appartment bouse. 1302 MS. 195.2 BC. Pake application for and obtain the required bornit or Occupancy.

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- 17. Fig. Upopproved conduction, the been backness in the building, supplying clock this to substantiate for the conduction of the first of the structure of the substantial building for the substantial conduction of the substantial building for the substantial conduction.
- 48. The lighting fixtures in various locations are improperly wanted the defection or dissing. hos in. sec. h. 376.
- 19. Every room with running enter shall be a swill suited to control lighting entires. 505 RC.
- 50. Electrical andiances are observed introductions carfeed [Figure and a ber locations. Fig. 10. Et in. 170. Heplug these continues of all and a second plants.
- 51. Every believed to see stall have by less, one increase the classical plug outles and every filed a shell have by less two opproved blug outless, bushless, Either plug outless, bushless as proved bushless the classical provession of the control of the contro
- 52. Popul cover is mission becomen infrio reciper. EE Sec. 36, 37, 505 HC. Install missing cover.
- 53. Provide caress lighting as per Building imperior's Report. 506 HC.
- 54. The use of this building has been changed by converting into appertments without parallel Sec. 51, 405 HE. There opening in compliance with the applicable sections of the San Francisco Electrical Code.
- 55. Substandard wiring including outside electric signs exists throughout the structure. 405 NC. EC Sec. 21, 36, 37d.

  All substandard wiring must be recoved.

The Items of correction listed harein are those which were posserved, and do not include violations which may be concooled and become evident when work is begun.

### RECONNENDATIONS

Based on the above report, it is required that the violations be corrected by a registered flactrical Contractor subject to permit and inspection. N O ELECTRICAL WORK OF ANY KIND SESTIMALLY BE PRINCIPLED UNITE, OR UNITES A BUILDING PRINCIPLES OF PRINCIPLES.

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- 56. Extend cost from right on lander place to 5'-0" class ground on leader Cadell Place for 50 Union Street. PC 313.1.
- 57. The roof dieth down sponts on Cadell Flace for 536 Union are a defective. 507 Ho. 150 Pc. Restore Cown sponts in councillo.
- 58. The most drain down species for #37 #9 Codell are not commerced to the sanirory sever system. 500 HC. Provide of quita connections.
- The wester piping in Litetain of 52H Union is not properly supported. Properly support piping. 406 Ht. 320 ff.
- 60. The 2" weste piping free for sinklin 524 Union. Due is improperly installed (plantic giping) and supported.

  That all guid support piping properly.
- 61. The few yent piping rear of 524 Major is not properly extended Extend the pipe to above the roof. 406 HC. 502 PC.
- 62. The sink in east continue and the lavatory in west operations of #3 Cadell are not properly worted. Vent the fintures properly, 406 Hc. 601 PC.
- 63. The lavatory in bathroom of #9 Cadell is not properly wested. Properly waste plumbing fixture, 301 PC. 406 NC.

The items of correction listed herein are those which were observed and does not include violations which may be concealed and become evident when work is begun.

## RECOMMENDATIONS.

Based on the above report, It is required that the violations be corrected by a licensed Plumbing Contractor, subject to permit and inspection. NO PLUMBING WORK OF ANY KIND SHALL BE PERFORMED UNTIL, OR UNLESS A BUILDING TERMIT HAS TIRST BEEN ISSUED.

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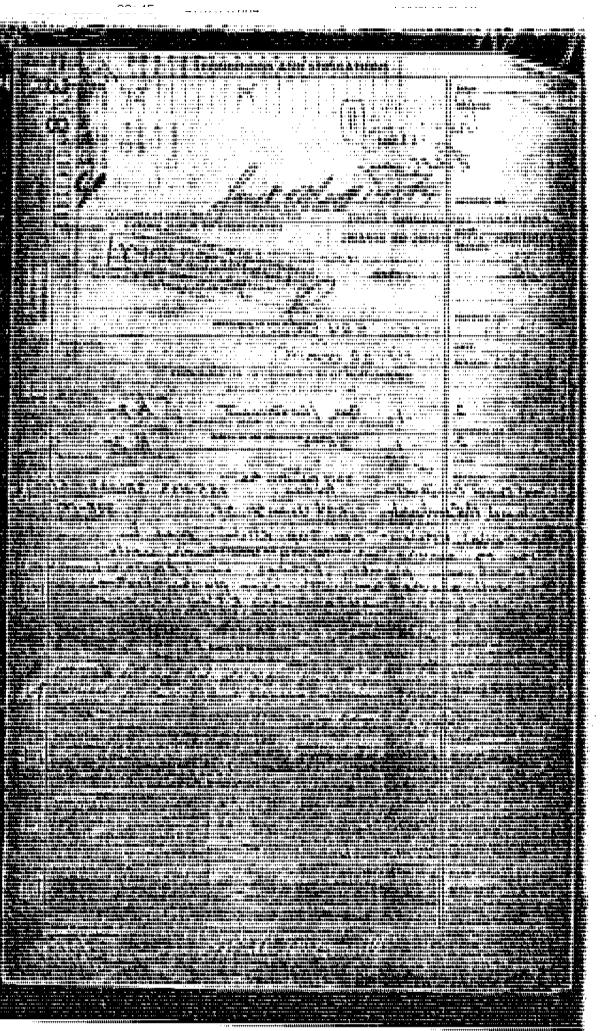
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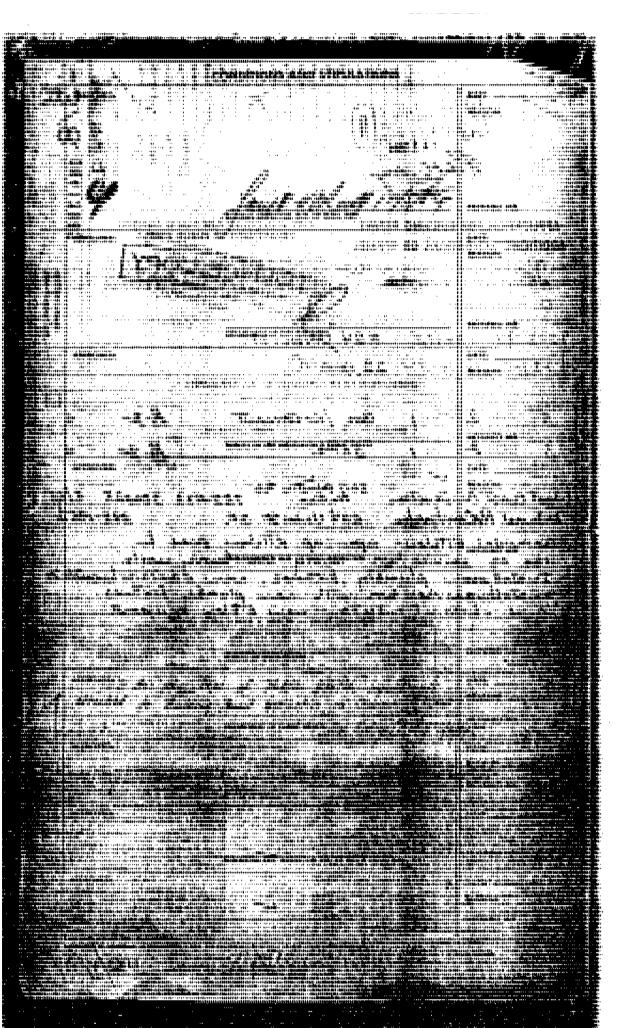
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# **Plumbing Permit Details Report**

**Report Date:** 

3/7/2010 11:19:14 PM

Application Number: 376517

Address(es): 0103/009: 524 UNION ST

Description: REMODEL EXISTING BATHROOM

**Stage: Action Date Stage Comments** 

12/24/1998 ISSUED

Contractor Details: License Number: 498866

Name: Company Name:

EMERALD PLUMBING & FIRE

Address: P.O. BOX 2026 \* BURLINGAME CA, 94011

Phone: 650-344-9370

Change your options to hide images within all messages.

# Online Permit and Complaint Tracking

Permit Details Report

Report Date: 5/26/2011 3:34:22 PM

Application Number: 9902987

Form Number:

Address(es): 0103/009/0 524 UNION S

Description: INSTALL GREASE FLUE, NEW FRESH AIR RETURN EXISTING HOOD

Cost: \$4,000.00

Occupancy Code: E

Building Use: 05 - FOOD/BEVERAGE HNDLNG

Disposition / Stage:

 Action Date
 Stage
 Comments

 2/16/1999
 FILED

 5/17/1999
 APPROVED

 6/7/1999
 ISSUED

 8/25/1999
 COMPLETE Final Inspection/Approved

Contact Details:

RP HEATING & SHEETMETAL -

Contractor Details:

## Addenda Details:

Description:

:	Step	Station	Arrive	Start	In Hold	Out Hold	II- inish	Checked By	Hold Description
-	1	PAD-MECH	3/4/99	3/16/99	3/18/99		4/23/99	DTH	
-	1	PAD-PC	2/17/99	3/4/99	3/16/99		5/10/99	YYC	
-	2	SFFD	5/13/99	5/14/99			5/14/99	JG	
	3	ONE-STOP	5/17/99	5/17/99			5/17/99	VR	TO YOLANDA FOR APPOVAL
-	4	CPB	5/17/99	5/17/99					

## Appointments:

Appointment	Appointment	Appointment	Appointment	Description Time
Date	AM/PM	Code	Туре	Description Slots

# Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
6/22/1999	Dermott Sullivan	FLUES/VENTS/DUCTS	PRE-FINAL
6/10/1999	Dermott Sullivan	ROUGH FRAME	OK TO COVER

# Special Inspections:

Addenda No. Completed Date Inspected By Inspection Code Description Remarks

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

# Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

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4152397004

# SOVALREALTY

# DEPARTMENT OF BUILDING INSPECTION

INSPECTION RECORD

		_	/ \7
APPLICATION NO. 99 0 092-3	PERMIT NO. <u>870 32</u>	7 ISSUED	1/29/49
JOB ADDRESS: 574 UNION		BLOCK:	/ <sub>LOT:</sub>
/			
NATURE OF WORK.			

D	o Not Pour CONCRETE until	he followin	g are signed		ADDITIONAL WORK REQ	UIRING API	PROVALS	
	INSPECTIONS Dates Inspectors				INSPECTIONS Dates			
	Foundation Forms				Special			
	Foundation Steel				Special			
	Grounding Electrode				Special			
	O.K. TO POUR				Shower Pan			
Do No	ot Pour CONCRETE SLAB unt	til the follov	ving are signed		Standpipes (wet/dry)			
	INSPECTIONS	Dates	Inspectors		Fire Alarm			
	Plumbing Underground				Security Ordinance			
	Electrical Underground				Energy Ordinance			
	Fire Service Underground				Smoke & Heat Detectors			
	Do Not COVER until the following are signed			FINAL INSPECTIONS REQUIRED				
	INSPECTIONS	Dates Inspectors			INSPECTIONS	Dates	Inspectors	
	Rough Framing	\$28/99	Dewey.	1	Special			
X	Rough Electrical	8-17-99	Fax Mayros.	13.	Code Enforcement			
	Rough Plumbing	<i>7-23-99</i>	J. Farrow		Disabled Access			
	Insulation				Housing		<u> </u>	
	Sound Transmission				Mechanical			
	Rough Sprinklers [PLBG]				Plumbing	7-14-29	Robbin	
	Rough Sprinklers [FIRE]			X	Electrical	8.19.99	Verest 2	
	Flue & Vents [PLBG]				Street Use & Mapping			
	Flue, Vents, Ducts [BLDG]				Fire Department			
	Hydrostatic Test				Health Department	8/10/99	CUS	
	Lath		"		Building	8-24-99	T" " 77 / 77 T	
	O.K. TO COVER	c/2/99	Du		CERTIFICATE OF FINAL COMPLETION			

WARNING: THE PROVISIONS OF YOUR BUILDING INSPECTION PERMIT WILL BE NULLIFIED UNLESS ALL FINAL INSPECTIONS ARE SIGNED OFF ABOVE BY THE APPROPRIATE INSPECTORS.

# CITY AND COUNTY OF SAN FA. DEPARTMENT OF BUILDING INSPEC.

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CENTRAL PERMIT BUREAU 11660 Mission Street

9003-18 (Rev.10/95)

an Francisco, California 94103		(415) 558-6088
ERMIT IS GRANTED TO:		
·		A # 10.0

(10)	
PERMIT IS GRANTED TO:	
ERECT X ALTER BUILDING ERECT SIGN DATE OF ISSUE: 01/29/99	
APPLICATION NO: 9900923	THIS PERMIT IS GR
LOWER CURB OCCUPY STREET SPACE FILING FEE RECEIPT #: 302259	
EXCAVATE STREET OR SIDEWALK	PROVISIONS OF THE THE CITY AND COUNT
POST NOTICE	THE CURRENT STANG
HOUSE NUMBER CERTIFICATE	DEPARTMENT OF BUILDI
PEPAIR OR CONSTRUCT SIDEWALK	
SUPPLEMENTAL FEE PAID:	★ ADDITIONAL INFORMATION OF PERMITS IS GIVEN
FINAL PLAN CHECK X EXPEDITER FEE PENALTY	
STRUCTURALLTR X DCP FEE	
	DBI P/C PAID AT FILING
OWNER: JOHN LENIHAN (650)342-7531	
LOCATION OF JOB: HOUSE NUMBER: EXISTING: ASSIGNED	AUDITED FOR REFUND
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SIDEWALK SQ. FTGEST. SPACE LINEAR FT 9 F1, CORD SECT. TO BE SOME IN	
WORK MUST COMMENCE ON BUILDING WITHIN 90 DAYS OF DATE OF ISSUANCE OF THIS	
PERMIT, UNLESS EXTENSION AUTHORIZED. IF UNDER ENFORCEMENT ORDERS SPECIAL TIME PERIODS WHERE	
SPECIFIED WILL APPLY.	THE STATE OF
	(1511) (1550) (1511) (1512) (1513)
TIME FOR COMPLETION OF WORK UNDER THIS BUILDING PERMIT EXPIRES 6 MONTHS AFTER DATE OF	
ISSUANCE IF LINDER ENFORCEMENT ORDERS SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY.	2000年1月1日 - 100 -
(NOTE: STREET SPACE PERMIT EXPIRES ON COMPLETION OF WORK OR WHEN REVOKED BY DIRECTOR OF	
PUBLIC WORKS. SEE BACK OF FORM FOR OTHER TIME LIMITS.)	
879327	
THE FIELD OF SAN FRANCIS(650)342-7531 PERMIT # 879327	
· · · · · · · · · · · · · · · · · · ·	
ADDRESS CENTRAL	
REPRINCAME CA 94010 PERMIT SURFAU-D.B.I. MVA	
CITY	-
SEPARATE PERMITS MUST BE OBTAINED FOR ELECTRICAL, PLUMBING OR OTHER RELATED WORK	

NO 870327

s107.90

THIS PERMIT IS GRANTED IN ACCORDANCE WITH PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO AND/OR THE CURRENT STANOARD SPECIFICATIONS OF THE DEPARTMENT OF BUILDING INSPECTION

\* ADDITIONAL INFORMATION REGARDING SPECIFIC PERMITS IS GIVEN ON THE BACK OF THIS FORM.

AUDITED FOR REFUND	FEE (Francisco)
70B1 DCP PLAN CHECK	
7212 STRUCTURAL	
7217 DEMOLITION	(14) (13) (14)
7223 BUALDING	18
7223 GRADING	<u></u>
7224 POSTING	<del></del>
クランティング A PLAN CHECK	<u> </u>

7235 HDUSE # 7237 ST. SPACE 7842 SIDIEWALK

2231 ST/SW EXCAV

. 26.00 7899 EXPEDITER

SURCHARGE SUBTOTAL FEES

9.68 224.83

BARRAN C

(1) [1] [1]

EXCAV. DEP. \* 029062 ST. SPACE 029538 SMP FEE

SUBTOTAL

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(14) GENERAL CONTRACTOR	· · · · · · · · · · · · · · · · ·	TESS	ZIP	PHONE P	CALIF. LIC. NO.	EXPIRATION DATE
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(45) OWNER LESSEE (CROSS OUT ONE)	والمتركب والمستدي	ADDRESS	B. C. ZIP	/	тяс <i>»</i> — рног - hSO:	NE (FOR CONTACT BY DEPT.)
(18) WRITE IN DESCRIPTION OF ALL WORK	TO BE PERFORMED UNDER THIS APPLIC	ATION (REFERENCE TO PLANS IS	NOT SUFFICIENT	CA ALOID	63.0	3,42 /331
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(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES (18) IF (17) IS YES, ST NEW HEIGHT AT NO / DO CENTER LINE OF		(79) DOES THIS ALTERATION OF HEATENSION TO BUIL	IORIZ.	METT GROOMD	
(21) WILL SIDEWALK OVER	VES (22) WILL BUILDING	, vee	(23) ANY OTHER EXISTIN	IG BLDG.	(24) DOES THIS ALTERATI	ON YES
SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	NO A PROPERTY LINE	, NO	ON PLOT PLAN)	, NO 🗆	OF OCCUPANCY?	NO J
(25) ARCHITECT OR ENGINEER (DESIGN (1	CONSTRUCTION(C)	A009	E\$\$	The second secon	CAL	F. CERTIFICATE NO.
(26) CONSTRUCTION LENDER (ENTER NAMI	E AND BRANCH DESIGNATION IF ANY			ADDRESS	<u> </u>	
IF THERE IS NO KNOWN CONSTRUCTION			•	ADONESS		
	ODTANT NOTICE		X 74.50	so A Nettoe to	ADDUGANT	
No change shall be made in the chars	ORTANT NOTICES	out first obtaining a Building	HOLD HARMLESS	CEAUSE: The permittee(s)	APPLICANT	ermit, agree(s) to indemn
Permit authorizing such change. See Code.			and hold harmless/	the City and County of Sai ns for damages resulting	r Francisco from and a	against any and all clain
No portion of building or structure or	್ರಕ scaffolding used during constructi	on, to be closer than 6'0" to	negligence of the C	ity and County of San Francisco against all such claims	ciaco, and to assume t	he defense of the City a
any wire containing more than 750 vo	its. See Sec. 385, California Pena	Code.	in conformity with th	: ne provisions of Section 380	O of the Labor Code of	the State of California, t
Pursuant to San Francisco Building owner is responsible for approved pla	ns and application being kept at b	uilding alte.	applicant shall have or (V), whichever is	coverage under (I), or (II) d applicable. If however item	esignated below or sha (V) is checked item (IV	all indicate item (III), or (I'
Grade lines as shown on drawings a actual grade lines are not the same a			Mark the appropriate	method of compliance belo	WI	in an
and fills together with complete det submitted to this department for appro	tails of retaining walls and well-		The second secon	r penalty of perjury one of the and will maintain a cei	—	for the last of the second of
ANY STIPULATION REQUIRED HER		EALED.	V cömpen	sation, as provided by Secti k for which this permit is issu	on 3700 of the Labor C	ode, for the performance
BUILDING NOT TO BE OCCUPIED I			Arr Ind won	A ser which this permit is 1880		

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS, A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

I have and will maintain workers' compensation insurance, as required by Secti 2700 of the Labor Code, for the performance of the Work for which this permit leaved. My workers' compensation insurance carrier and policy number are:

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02/17/2010 <u>23</u> :29 4152397004	SOVALREALTY PAGE 05	
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APPLICATION FOR BUILDING PERMIT	CITY AND COUNTY OF SAN FRANCISCO	ğ
	DEPARTMENT OF BUILDING INSPECTION	<u> </u>
ADDITIONS, ALTERATIONS OR REPAIRS	·	
FORM 3 OTHER AGENCIES REVIEW REQUIRED	APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR	
4	PERMISSION TO BUILD IN ACCORDANCE WITH THE	ز.
FORM 8 OVER-THE-COUNTER ISSUANCE		ğŚ
J. CK Tistas	ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH,	
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DESCRIPTION OF BU	UILDING AFTER PROPOSED ALTERATION (05)	<u> </u>
(4) TYPE OF CONSTR. (6) NO. OF (7) PROPOSED USE (U	(LEGAL USE) (8) OCCUP, CLASS (9) NO. OF -	<del></del>
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED YES  OR ALTERED?  OR ALTERED?  (11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	ALC: 5-1 PERFORMENS	es (
(14) GENERAL CONTRACTOR ADDRESS	NO SP PERFORMED? NO PERFORMED? NO	برد
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OR STORY TO BUILDING? NO CENTER LINE OF FRONT  (21) WILL BIDEWALK OVER  (22) WILL BIDEWALK OVER  (22) WILL BIDEWALK OVER	FT. EXTRNSION TO BUILDING? NO TO FLOOR AREA // S	S.F.
SUB-BIDEWALK SPACE BE YES Q EXTEND BEYOND REPAIRED OR ALTERED? NO Q PROPERTY LINE?	NO DI AMBIETTIAN	s q
(25) ARCHITECT OR ENGINEER (DEBIGN Q. CONSTRUCTION Q)	NO (L) ON PLOT PLAN) NO E) OF OCCUPANCY? NO ADDRESS CALIF. CERTIFICATE NO.	<u> </u>
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(%) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN").	ADDRES8	O-A
IMPORTANT NOTICES	the control of the co	,225.
No change shall be made in the character of the occupancy or use without first obtaining	DA BUILDING HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit, agree(s) to inde	
Permit authorizing such change. See San Francisco Building Code and San Francisco	on Housing and hold harmless the City and County of San Francisco from and against any and all ci	aims
No portion of building or structure or scaffolding used during construction, to be closer the any wire containing more than 750 volts. See Sec. 385, California Penal Code.	than 6'0" to negligence of the City and County of San Francisco, and to assume the defense of the City County of San Francisco against all such claims, demands or actions.	anc
Pursuant to Sen Francisco Building Code, the building promis shall be restricted.	In conformity with the provisions of Section 3500 of the Labor Code of the Sent of College	ı, th∈
owner is responsible for approved plans and application being kept at building site.	e job. The applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or	(iV)

Grade lines as shown on the wing's accompanying this application are assumed to be correct. If it is considered to the same as shown revised drawings showing correct grade lines, cuts and dills together with complete desiglator, retailing walls and will footings required must be showned to this department for approval.

The single single shows a shown revised drawings showing correct grade lines, cuts the appropriate method of complete desiglator, retailing walls and will footings required must be showned for approval.

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The single shows and will precious the sound shows a shown revised the sound shows a shown revised by section 3700 of the Labor Code, for the performance of the work for which this pennil is issued.

02/17 10	7/2010 23:29 4152397004 SOVALREALTY	PAGE 06
	Contact the district building inspector at the start of work call 558-6096. For plumbing inspection scheduling call 558-6054, for electrical inspection scheduling call 558-6030. This application is approved without site inspection, detailed plumbing or electrical plan review and does not constitute an	REASON:
	approval of the building. Work authorized must be done in strict accordance with all applicable codes. Any electrical or plumbing work shall require appropriate separate permits  BUILDING INSPECTOR, DEPT. OF BLDG, INSP.	6/18/99 NOTIFIED MR
	APPROVED:	DATE:
	XXX 20 V	REASON:
.n.	DEPARTMENT OF CITY PLANNING	NOTIFIED MR.
	APPROVED:	DATE:
.***	PIFACE MARKET AND	REASON:
	PLEASE NOTIFY FIRE INSPECTOR AT THE START OF WORK 558-3300	
•	Brawn	
	BUPEAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR.
`.,	AMAINTAIN PIPE PROTECTION  SYSTEMS PER CHAPTER 9, SEBC  INTERIOR WALL AND CEILING FINISH PER CHAPTER 8, SEBC  FIRE-RESISTIVE RELATIONSIP, AND REQUIREMENTS PER CHAPTER 6  AND TABLE NO. 6A, SEBC  CIVIL ENGINEER, DEPT OF BLDG. INSPECTION	DATE:
	APPROVED:	DATE:
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	DEPARTMENT OF PUBLIC HEALTH	NOTIFIED MR.
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(4) TYPE OF CONSTR. (5) NO. OF STORIES OF OCCUPANCY	BASEMENTS AND CELLARS:	Rox	terent	~4410	03	DWELLING UNITS:	<del></del>
(10) IS AUTO FLINWAY.  TO BE CONSTRUCTED  OR ALTERED?	YES (11) WILL STREET BE USED DUR CONSTRUCTION	ING .	YES D (12) SLECTRICAL WORK TO BE PERFORMED	<del>a ya</del> maka kalenda wa 24 a ma	YES WORK TO BE PERFORMED	7	YES O
No T CHOS	• " .	ODRESS **	ZIP	PHONE	CALIF. LIG. NO.		ON DATE
(15) OWNER LESSEE (CROSS OUT ONE)	500	ADDRESS	.∵ zip <b>⊄</b> √	A11	BYRC#	PHONE (FOR CONTAC	
(16) WRITE IN DESCRIPTION OF ALL WORK TO	DEE PERFORMED UNDER THIS APP	CICATION (REFERENCE TO PL	ANS IS NOT SUPPICIENT	00923	OCCUPA	<del>-</del>	()
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		ADDITION	AL INFORMAT	ION -	- N	<u> </u>	····
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES (18) IF (17) IS YES, NEW HEIGHT NO 531 CENTER LINE	<b>A</b> T	(19) DOES THIS AL CREATE DECI	¢oR HoRIZ}	YES (20) IF (19) IS YES NEW GROUN	D	· . · · ·
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE SE	YES CI (22) WILL BUILDING	5 · · ·	FT. EXTENSION T	XISTING BLDG.	NO 20 FLOOR AREA THES D (24) DOES THIS A CONSTITUTE	TERATION /	YES -Q
REPAIRED OR AUTERED7	NO 21 PROPERTY LI	NE?	NO S ON PLOT PLAI		NO D OF OCCUPAN		MÓ∕ DD
		in the second					
(36) CONSTRUCTION LENDER (ENTER NAME IF THERE IS NO KNOWN CONSTRUCTION	AND BRANCH DESIGNATION IF ANY I LENDER, ENTER "UNKNOWN").		· · · · · · · · · · · · · · · · · · ·		ADDRESS 7/64		
IMPC to change shall be made in the character	PRTANT NOTICES				ICE TO APPLICA	( 4) Sul	<i></i>
emit authorizing such change. See ode.  lo portion of building or structure or so	San Francisco Building Code	and San Francisco Hou	sing and hold harm demands and	ess the City and Cou	rmittee(s) by acceptance or unty of San Francisco from resulting from operations San Francisco, and to as:	ı and ağışmısı, ağıy aı under Meis Merchit ∢ı	nd all claims.
ny wire containing more than 750 volts ursuant to San Francisco Building C wher is responsible for approved plans	3. See Sec. 385, California Per	nai Code.	The applicant shall	rrancisco against all si ith the provisions of S have coversos under i	uch claims, demands or acti ection 3800 of the Labor C (I), or (II) designated below	ons.  ode of the State of (	California, the
irade lines as shown on drawings ac ctual grade lines are not the same as nd fills together with complete detail	companying this application a shown revised drawings sho is of retaining walls and wa	are assumed to be correct	t, if Mark the appro	bilate method of comb	(C)	em (IV) must be che	cked as well.
ubmitted to this department for approv NY STIPULATION REQUIRED HERE	al.		ြိန့်ရ() (၂) မြို့၍ (der	nave and will maint repensation as provide	ain a certificate of cons od by Section 3700 of the L	ant to rollingura	for workers'
UILDING NOT TO BE OCCUPIED UI INTHE BUILDING OR PERMIT OF O	NTIL CERTIFICATE OF FINA CCUPANCY GRANTED WHE	L COMPLETION IS POST N REQUIRED.	the FED ( ) II. II.h 370	ework for which this pe ave and will maintain 30 of the Labor Code	mit is issued. workers' compensation in , for the performance of t	surance, as required	d by Section
PPROVAL OF THIS APPLICATION LECTRICAL WIRING OR PLUMBING MUST BE NEWER IS "YES" TO ANY OF ABOVE	OBTAINED SERABATE DE	ARATE PERMIT FOR T	THE PE	ued. My workers' comp	ensation insurance camer.	and policy number ar	e:
HIS IS NOT A BUILDING PERMIT.	NO WORK SHALL BE STA	19) (22) OH (24). ARTED UNTIL A BUILDI	NG Pol	lcy Number	<u> </u>	7	V red page
dwellings all insulating materials me ectrical wires or equipment.		•	all (2) IV. Ce	cost of the work to be erlify that in the perform	nance of the work for which	this permit is issue	d, i shall not
HECK APPROPRIATE BOX	OT SACTO		con	ploy any person in npensation laws of Ca nt that I should becom	any manner so as to be lifornia, I further scknowler ne subject to the workers	ecome subject to t ge that I understant Compensation notyl	the workers' of that in the sions of the
ALESSEE AGENT		A STATE OF THE STA	5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -	O of the Labor Code, t	and fall to comply forthwith the parmit horself applies	for shall be deemed	revoked.

# CENTRAL PERMIT BUREAU

CITY AND COUNTY OF SAN FA.
DEPARTMENT OF BUILDING INSPEC

11660 Mission Street Stan Francisco, California 94103

(415) 558-6088

#### OCCMIT IS GRANTED TO:

9003-18 (Rev.10/95)

PERMIT IS GRANTED TO
ERECT X ALTER BUILDING ERECT SIGN DATE OF ISSUE: 01/29/99
APPLICATION NO: 9900943
DEMOLISH BUILDING GRADE  OCCUPY STREET SPACE FILING FEE RECEIPT #: 302259
EXCAVATE STREET OR SIDEWALK
POST NOTICE
HOUSE NUMBER CERTIFICATE
REPAIR OR CONSTRUCT SIDEWALK
SUPPLEMENTAL FEE PAID:
FINAL PLAN CHECK X EXPEDITER FEE PENALTY  STRUCTURAL LTR X DCP FEE
OWNER: JOHN LENIHAN (650)342-7531
LOCATION OF JOB: HOUSE NUMBER: EXISTING: ASSIGNED
BLOCK/LOT
524 UNION ST 0000 0103 7009
METES AND BOUNDS
SIDE OF FEET FROM
2 5 N B
BOUTAGE T PETONES TYPE LEGAL OCCUPANCIES
BUILDING USE FOOD / BEVERAGE HNDLNG ESTIMATED COST \$ 10,000
SIDEWALK SO, FTGE ST. SPACE LINEAR FT 9 FT. CURB SECT, TO BE LOWERED
WORK MUST COMMENCE ON BUILDING WITHIN 90 DAYS OF DATE OF ISSUANCE OF THIS WORK MUST COMMENCE ON BUILDING WITHIN 90 DAYS
PERMIT, UNLESS EXTENSION AUTHORIZED. IF UNDER ENFORCEMENT OFFICE OF THE PERMIT OFFICE OF THE PERMIT
SPECIFIED WILL APPLY.
ON THE SERVE EXPIRES 6 MONTHS AFTER DATE OF
THE FOR COURTEDON OF MORK HNDER THIS BUILDING PERMIT EXPINES
ISSUANCE. IF UNDER ENFORCEMENT ORDERS SPECIAL TIME PERIODS WHERE SPECIFIED WILL APPLY.
ISSUANCE. IF UNDER ENFORCEMENT CHOCKED OF COMPLETION OF WORK OR WHEN REVOKED BY DIRECTOR OF
PUBLIC WORKS. SEE BACK OF FORM FOR OTHER TIME LIMITS.)
THE FIELD OF SAN FRANCIS(650)342-7531 PERMIT # 879327
FEE PAYOR
508 PENINSULA AVE.
ADDRESS CENTRAL PERMIT
BURLINGAME, CA 94010 BUREAU-O.B.L MVA
O.T.
► SEPARATE PERMITS MUST BE OBTAINED FOR ELECTRICAL, PLUMBING OR OTHER RELATED WORK

NO 870327

THIS PERMIT IS GRANTED IN ACCORDANCE WITH PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY AND COUNTY OF SAN FRANCISCO AND/OR THE CURRENT STANDARD SPECIFICATIONS OF THE DEPARTMENT OF BUILDING INSPECTION

\* ADDITIONAL INFORMATION REGARDING SPECIFIC PERMITS IS GIVEN ON THE BACK OF THIS FORM.

	\$107.90
DRI PAC PAID AT FILING	

AUDITED FOR REFUND TOB! DCP PLAN C	
7212 STRUCTUR 7217 DEMOUTION 7223 BUILDING 7223 GRADING	2817
7224 POSTING 7226 PLAN CHEC 7227 CURB 7231 STISN EXC	77.0
7235 HOUSE # 7237 ST. SPACE 7842 SIDEWALK 7899 EXPEDITE	26.00
SURCHA SUBTOTAL F	. 924.83
EXCAV	T. SPACE
TOTAL	\$227.2

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APPLICATION FOR BUILDING PERMIT	CITY A	INSPECTION COUNTY C	F SAN FRA	NCISCO		¥ ≥ ×
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ADDITIONS, ALTERATIONS OR REPAIRS	APPLICATION IS	S HEREBY MAD	E TO THE DE	PARTMENT	OF	
FORM 3 OTHER AGENCIES REVIEW REQUIRED	BUILDING INS	SPECTION, OF	SAN FHA	ИПО БОО ТЕ	COVAN L	
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NUMBER OF PLAN SETS	RITE ABOVE THIS LINE. ▼					
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PERMIT NO. 15\$UED (2A) @\$TIMATED CO		REVISED COST:			J	_
870327 01/29/99 A10,00	BY:	<u> </u>	ITAD	<u> </u>	<u>.                                      </u>	<u> </u>
INFORMATION TO	BE FURNISHED	BY ALL APPL	ICANTS			
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### DESCRIPTION OF ### (6) NO. QF   (7) PROPOSED US		OPOSED ALTER		UP, CLAS#	(6) NO. 0	F 27-3
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED  YES  (11) WILL STREET BACE BE USED DURING	YES (12) ELECT	(TO 9E)		I3) PLUMBING ,WOAK TO BE { PERFORMED? * ::	ŌΛ.	YES X
OR ALTERED? NO 20 CONSTRUCTION?	NO DEL PERFO	ORMED? PHON	NO\ <u>(□1</u>	ALIF. LIC. NO.	EXP	NO [
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FORM I FAMHANSOS PENINSULA A	UBJU-Buralin	gane / CA	'ବ୍ୟଗ <u>୍ର</u>	650	<u>≺</u> ,∟.	7 123
(16) WRITE IN DEBCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFER	ENCE TO PLANS IS NOT SUFFICIE	:NT) : :		er en		. A garage year and a second
C \5	A Secretary of the second of t	1 - 1 - 1 - 1 - 1			1	Carlotte Comment
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(17) DOES THIS ALTERATION VEC. D. (18) # (17) IS YES, STATE	(19) DOES	THIS ALTERATION	YES O	20) IF (18) IS YES/3/7/ NEW GROUND	TE FOR HAR	<b>►</b> / /
OR STORY TO BUILDING? NO DO CENTER LINE OF FRONT	FT. EXTE	NBION TO BUILDING? OTHER EXIBTING BLDG.	NO SO	FLOOR AREA 24) DOES THIS AUTER	ATION	. 80.F
(22) WILL SIDEWALK OVER BUB-BIDEWALK SPACE 6E REPAIRED OR ALTEREO?  NO (22) WILL SUILDING EXTEND BYYOND PROPERTY LINE?	YES UNION	LOT PLAN)	NO D	CONSTITUTE A CI OF OCCUPANCY?	HANGE	YES NO 3
(25) ARCHITECT OR ENGINEER (DESIGN G CONSTRUCTION (C)	ADDAESS		Janes Company		ALIF. CERTIFIC	CATE NO
			ADDAESS	<u>- : </u>		
(28) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNINOWN").	Andrew State Company		ADDRESS			·
IMPORTANT MOTICES		1200 ESB	NOTICE TO		<u> </u>	, c. mer.
IMPORTANT NOTICES  No change shall be made in the character of the occupancy or use without first obta	ining a Building HOLD I	HARMLESS CLÁÚSEÚ	The permittee(s) by	acceptance of the	e permit, aqu	ree(s) to indemo
Permit authorizing such change. See San Francisco Building Code and San Fran Code.	ncisco Housing and holi demand	d harmless the City a is and actions for da	mages resulting fro	om operations un	der this per	mit, regardiess
Ne portion of building or structure or scaffolding used during construction, to be closely wire containing more than 750 volts. See Sec. 365, California Penal Code.	serthan 60 to County	nce of the City and Co of San Francisco again	nst all such claims, d	lemands or actions	B.,	
Pursuant to San Francisco Building Code, the building permit shall be posted of	n the god. The applicar	smity with the provision	under (I), or (II) de:	signated below or	shali indicat	e Item (III), or (I
owner is responsible for approved plans and application being kept at building site.  Grade lines as shown on drawings accompanying this application are assumed to actual grade lines are not the same as shown revised drawings showing correct grade.		e appropriate method o	of compliance below		1	e checked as w
actual grade lines are not the same as shown revised drawings showing correct gi	rade lines, cuts I hereby	effirm under penalty of	f perjury one of the	following declareti	ons:	

and fills together with complete details of retaining walls and walls footings required must be aubmitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED,

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF

I hereby affirm under penalty of perjury one of the following declarations:

I have and will maintain a certificate of consent to self-insure for works compensation, as provided by Section 3700 of the Labor Code, for the performance the work for which this permit is issued.

II. I have land will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit issued. My workers' compensation insurance carrier and policy number are:

Carrier ...

# Permits, Complaints and Boiler PTO Inquiry

Permit Details Report

Report Date: 10/6/2012 3:06:01 PM

Application Number: 200304152314

Form Number:

Address(es): 0103 / 009 / 0 524 UNION ST

MANUFACTURE & INSTALL ONE AWNING ON FRONT OF BUSINESS-

Description: MANUFACTURE & INSTALL ONE AWNING ON FROM DIMENSIONS ARE 17'-4" ACROSS X 4'-4"HIGH X 3'0

Cost: \$2,120.00

Occupancy Code: B

Building Use: 05 - FOOD/BEVERAGE HNDLNG

# Disposition / Stage:

Action Date	Stage	Comments
4/15/2003	TRIAGE	
4/15/2003	FILING	
4/15/2003	FILED	
4/15/2003	APPROVED	
4/15/2003	ISSUED	
6/10/2003	COMPLETE	Final Inspection/Approved

## Contact Details:

Contractor Details:

License Number: 467247

Name: TIMOTHY MCGILL
Company Name: AMER. CANVAS & AWNING

Address: 1600 CORTLAND AV \* SAN FRANCISCO CA 94110

Phone: 8267515

## Addenda Details:

# Description:

Step	Station	Arrive	Start	Out Hold	Finish	Checked By	Hold Description
1	CP-ZOC	4/15/03	4/15/03		4/15/03	TULLY JEFFREY	
2	CNT-CE	4/15/03	4/15/03		4/15/03	WONG IRENE	
3	СРВ	4/15/03	4/15/03		14/15/113	BALAMIENTO YOLANDA	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

#### Appointments:

Appointment   Appointment   Appointment   Appointment   Date   AM/PM   Code   Type   Description   Slots	
--	--

## Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
6/10/2003	Daniel Lowrey	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
5/15/2003	Wellington Wong	FINAL INSPECT/APPRVD	NO ENTRY/NO PROGRESS

# Special Inspections:

Addenda No. Completed Date Inspected By Inspection Code Description Remarks

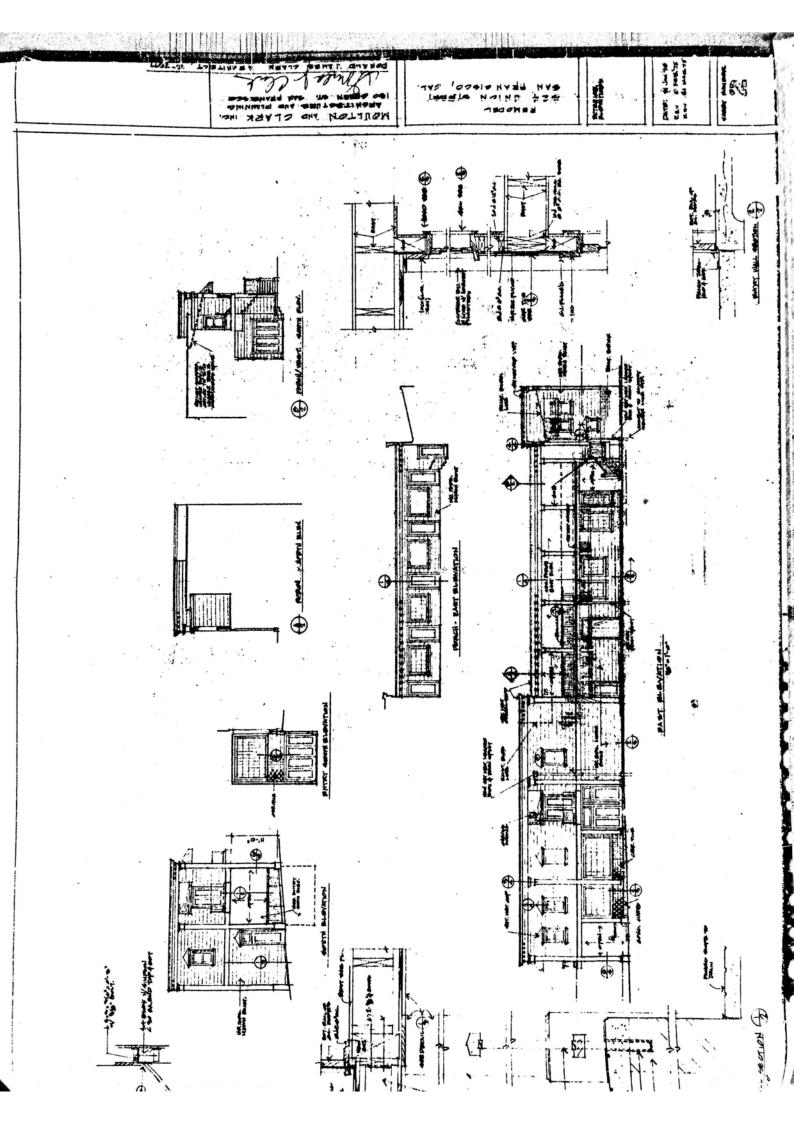
For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

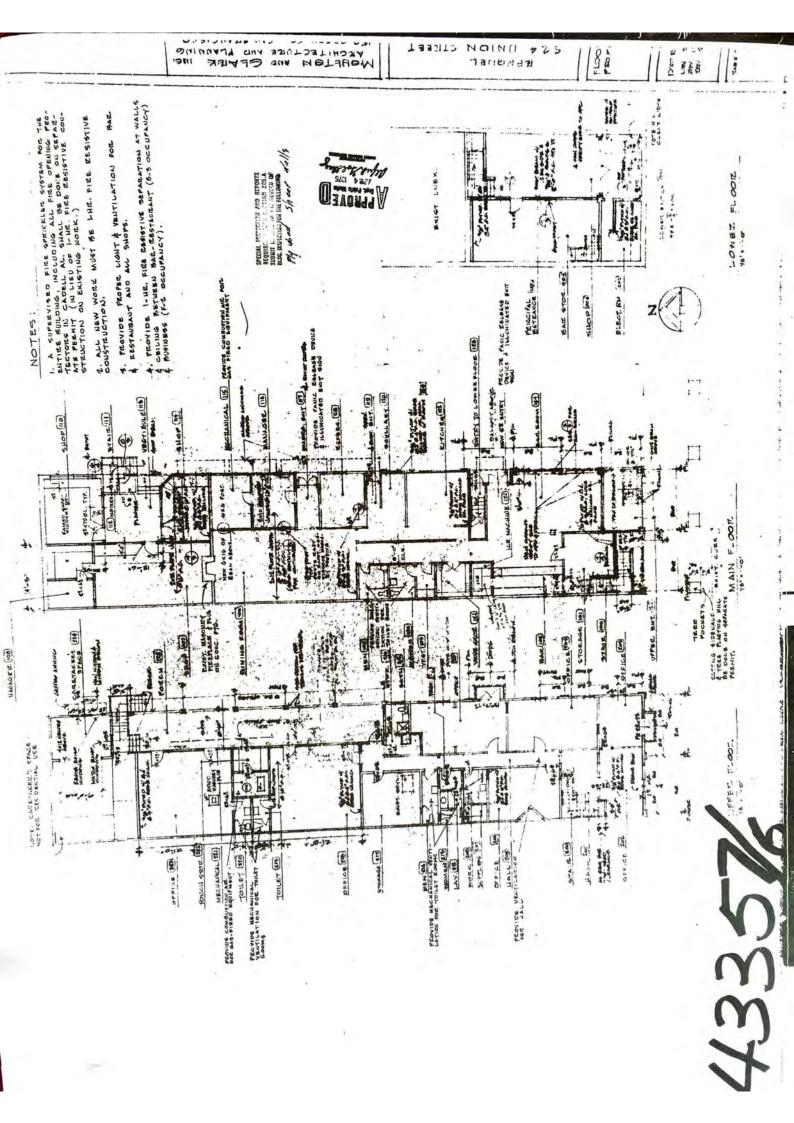
Station Code Descriptions and Phone Numbers

# Online Permit and Complaint Tracking home page.

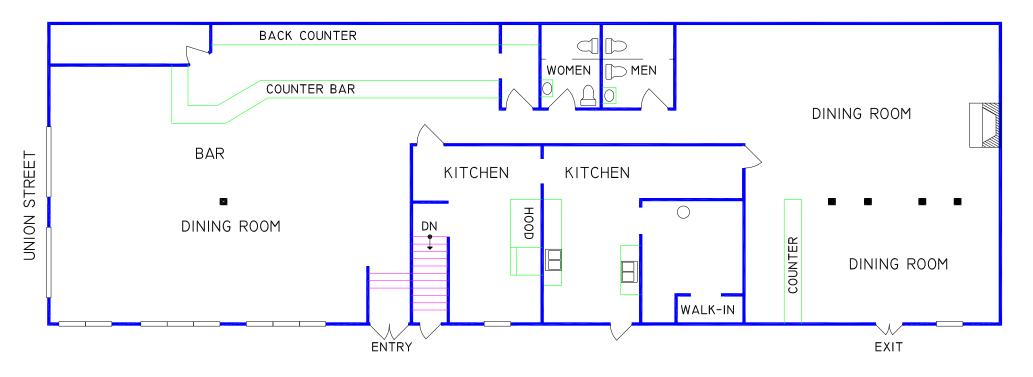
Technical Support for Online Services

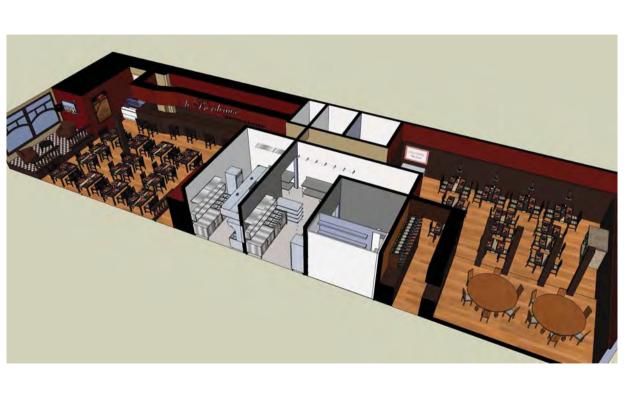
If you need help or house a question about this convice inlesses visit our EAO area



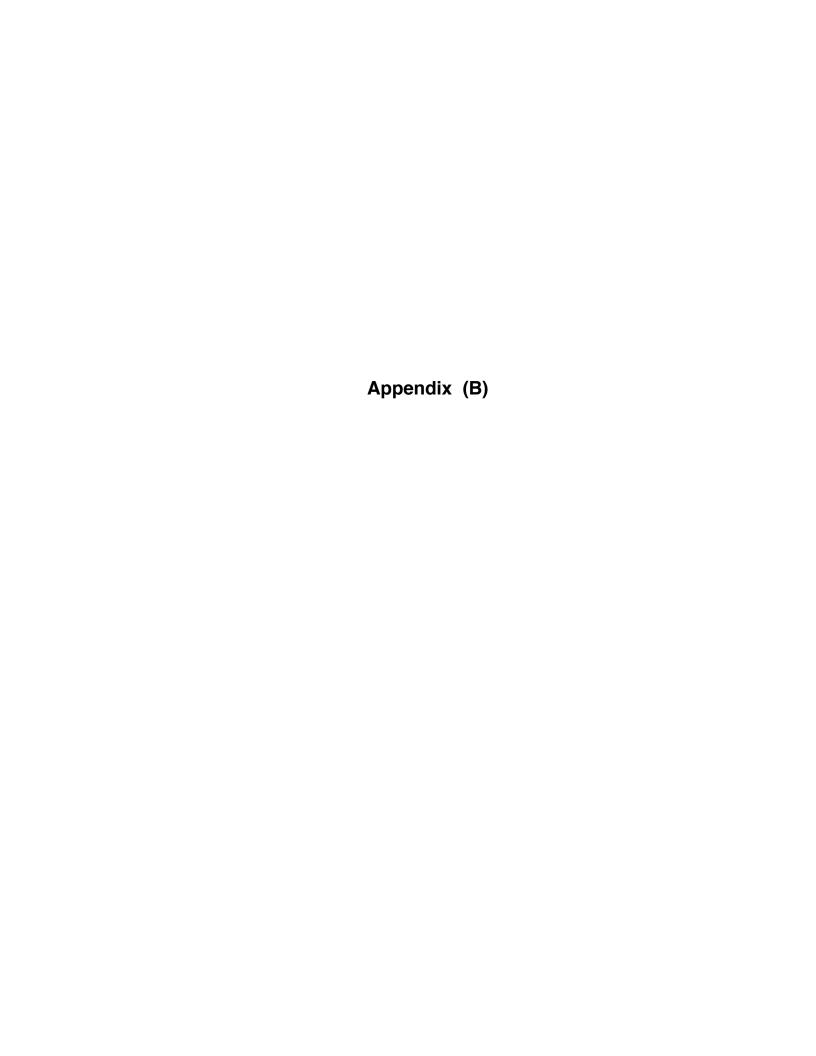


# GROUND FLOOR RETAIL 524 UNION STREET









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Bottler J. H. at W. C. Alfen & Co. a. 140 Char, N. Conf. on Blacon P. Loyanne, paper, 176 Want'r. Wome Cal and Dayout Entley & Ox produce and com melety 28 Clay

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- City Ball, 34 floor Cony R. T. machinest, Pacific Freezilly.

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Cutrey Men. H. 182 Femil

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> California Balocy, Washin & Western papers. con Valleys and Darrey

> California Directoral Office, F. Lorder office, 200. Property 2d floor

California Knights, Co. 4, K. v. Market, Jun Strasense and marries

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CALIFORNIA STRAM NAVIGATION COM-PANY; office N. E. our Judmon and Progt

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California State Tolograph Co. W. R. Bannon separateudent, office 141 Marriant

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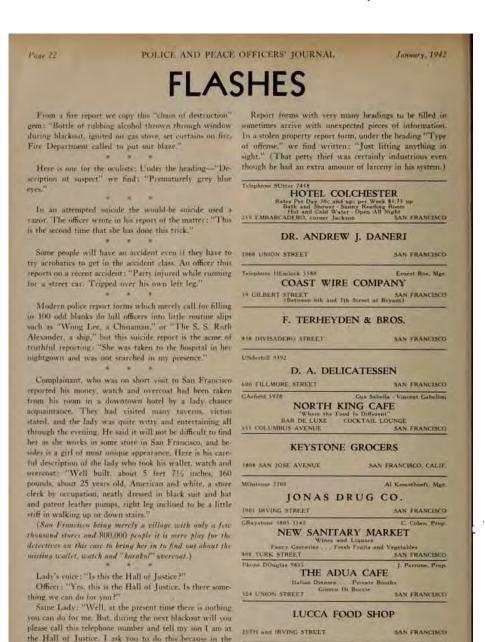
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in to come to me, and the bartenders gave him a terrible

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"Geo (Ann; George's Arizona Club) h3124 SanBruno av
"June Mr waitress Mattha's Stop & Eat 1500 Lis-

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Papaulatos Steve h20 Nortion
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"Petros (Frances; Peter's Comb & Shears Shop) h628
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"Garifalia R h2543 46th av
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"Georgia bepr Bank of Am r426 Ralston
"Molly twid Sam C) 12547 46th av
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"Martin jan h550 Larkin apt 504
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"Paple Frank h1939 23d
"Helen R 1239 Noc
"Wirghia weld Lawrence R) h33 Park
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Gambler

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"Milena tudi Vladimiri vik Theatre Management h1200. 35th av.

"Milena tudi Vladimiri vik Theatre Management h1200. As the produce h1055. Bow Renew h1065. B

20th av

Geo L Juanda R; George Anthony Ross Home Furnishers) h6 Higuera
Papazian Ben h1414 Taraval apt 1

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H Dally Citl Antranig; h1662 27th av

Harty artist Call-Bullotin r Redwood City

Marty artist Cail-Buildin Facewood City Kach (Ploteene; Diana Market) 1363 28th av Nicholas (Sarah; Nick's Florist) 1874 34th av Richd (Mary) 1365 28th av Rose (wid Andrew 1874 34th av Ruth rept 1640 Post apt 505 Walter (Zavelle) pres Lucky Strike Brokerage Co Inc r Freemont City

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PAPAZIAN

"Zahelle Mrt v-pres Lucky Strike Brokerage Co Inc r
Fremont City
Papazoni Erke (Margt; Anchor Drug Co) r LosAdios
Papa Amelia Mrs r323 Lincoln way

"Arth W (Ethel F; Mission Pfelie Meats) h1661 17th
"Cherryl P ip Acuse Past Freight r66 Collingwood

"Clara M Mrs emp Presidio h2005 VanNess av apt

302

Glayton (Mary) mech Royal Norelty r Redwood City
Elve S Mrs h1659 20th av
Florence Mrs h2455 Union apt 307
Frank M (Frances M; Pape Bros Barrel Co) h337
Baden
Geo H (Edna J) sec-treas Sheedy Drayage Co Inc h
100 Flinchurst way
Henry E assi chi materials ofer US Army Corps of
Enge r Cupretino
100 Mary 1 100 Mary 1

32d av
Howard H pntr Raiph R Stone r4076 24th
Howard W eng Tidwater Oli r1695 Palou av
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"Josepher T) tehr SF Unified Sch Diet h34 Portola for the American Section of 
Papermaster Geo E depl. mgr City of Parls h854 Callfornia

"Myer G Mrs r2530 Great Hwy
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Papez Donald W enn Mation Navagation
Papia Anmarose L Bank of Am r Daly City
Dominic J (Marte L) mach A Lietz Co h1873b Lom"Frank J (Helen) wheemn Best Food Corp h2046 46th
Sami (Pisherman's Wharf Parkin Loli r611 Silver av
"Thos J (Virginia) wheemn Walkup Dray h339 Missouri

"The J (Virginia) whsems Walkup Drsy h339 Missour!

Papile John M (Mary R) mech h9.14 Vermont

Papilia AH (France) serv mgr Speedometer Electric

Co h03 Forest View draw

Co h03 Forest View draw

Camilio W (Lyvila L, P&C Saw Works) h17.23 34th av

Fred P (June) mech Marin Dalry Assn h19.19 2.3d av

Jas H (Dorothy A) routemn Arden Milk h21.39

40th av

Mary Ann sten State Div of Mines r Nicasio

Papini Albhia (wild Peter) h17.59 28th av

Rous h23.32 Jones and

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Papish Bessle Mrs h16a Henry

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Papis II (Vera) purt Matson Navigation h13.7a Albion

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Papo Elish (Sara R; City Bag & Supply Co) h847

32d
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> DANTE BENEDETTI, Appellant, v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL et al., Respondents Civ.

> > No. 19205

Court of Appeal of California, First Appellate District, Division Two 187 Cal. App. 2d 213; 9 Cal. Rptr. 525; 1960 Cal. App. LEXIS 1374

December 8, 1960

SUBSEQUENT HISTORY: A Petition for a Rehearing was Denied January 6, 1961.

PRIOR-HISTORY: APPEAL from a judgment of the Superior Court of the City and County of San Francisco. Orla St. Clair, Judge.

Proceeding in mandamus to review a decision of the Department of Alcoholic Beverage Control revoking a liquor license.

COUNSEL: James Murray and Markuse & Murray for Appellant.

Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

**JUDGES:** McGoldrick, J. pro tem. \* Draper, Acting P. J., and Shoemaker, J., concurred.

Assigned by Chairman of Judicial Council.

#### OPINION

On August 20, 1956, the Department of Alcoholic Beverage Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed premises, Count I(1) alleging disturbance of the neighborhood, Count I(2) injury to the public welfare and morals ( Bus. & Prof. Code, § 25601). \*Count II charged the keeping of a resort for sexual perverts (§ 24200, subd. (e)). The accusation further charged that by reason of the facts therein alleged, the continuance of Benedetti's license would be contrary to public welfare and morals as set forth in section 22, article XX, of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted the decision of its hearing officer, thereby dismissing the first part of Count I, and revoking Benedetti's on-sale general license on the bases of Counts I(2) and II severally.

+ All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

Benedetti then appealed to the department's decision to the Alcoholic Beverage Control Appeals Board (hereinafter referred to as "board") which concluded that each of the counts was supported by substantial evidence. However, although affirming the decision as to Count I(2), the board reversed as to Count II, stating as grounds for said reversal that since the department had elected to revoke the license on the basis of Count I(2) and a violation of section 25601, it could not, on the same evidence, impose the same penalty on the basis of Count II upon the theory that Benedetti was guilty of a second and separate offense. In Vallerga v. Department of Alcoholic Beverage Control (1959), 53 Cal.2d 313 [347 P.2d 909], the Supreme Court held section 24200, subdivision (e), to be unconstitutional, and any question as to the correctness of this ruling is now most

Benedetti subsequently sought review of the decision by the court below in a petition for writ of mandamus. The court issued an order staying enforcement of the order of revocation, whereupon a hearing occurred and the cause was submitted. The court subsequently filed findings of fact and conclusions of law wherein it upheld the board's decision, and judgment was entered setting aside the alternative writs and denying a peremptory writ of mandate. Benedetti appeals from this judgment.

The board's decision, affirmed by the court below, upheld the department's order of revocation on the sole ground of a violation of section 25601. Appellant contends, first, that in a prosecution under that section, proof of knowledge by the licensee or his agents of proscribed acts is necessary; second, that the evidence is insufficient to establish such knowledge

in the instant case.

In Swegle v. State Board of Equalization (1954), 125 Cal.App.2d 432 [270 P.2d 518], appellant made a similar contention with regard to section 58 of the then Alcoholic Beverage Control Act (now § 25601). In finding this proposition to be without merit, the court said ". . . Appellant cites numerous cases from other jurisdictions to the effect that 'permit' means knowledge, consent, acquiescence, willingness, as distinguished from passive sufferance. However, in Dorris v. McKamy, 40 Cal.App. 267, 274 [180 P. 645], it is said that 'as defined by Webster and others, "permit" implies no affirmative acts. It involves no intent. It is mere passivity, abstaining from preventive action." (P. 438.)

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In Givens v. Department of Alcoholic Beverage Control (1959), 176 Cal.App. 2d 529, 534 [1 Cal.Rptr. 446], the appellant argued that inasmuch as the findings of the hearing officer showed that he had made reasonable attempts to control his customers, those findings did not support the determination that he was guilty of a violation of section 24200, subdivisions (a) and (b), and section 25601. The court, however, found that as used in the context of section 25601, "suffers" means "to permit, allow, or not to forbid activities which constitute the premises a 'disorderly house.' Since an onsale licensee has an affirmative duty to maintain properly operated premises [citation], and since acquiescence is nonetheless permission or sufferance within the purview of section 25601 [citing Swegle], Givens failed to perform his statutory duty. The law requires more than that a licensee make some colorable efforts toward the maintenance of lawfully conducted premises. The law demands that he in fact so conduct his business that it meets the minimum requirements of decency and morality. If, as in this present case, the overwhelming evidence shows that the tavern is in fact a 'disorderly house,' there can be but one conclusion: that the licensee has permitted or suffered such a condition to exist. . . . ."

Since appellant does not contest that the evidence is sufficient to support the judgment, although refusing to concede its accuracy, we deem it unnecessary to summarize the evidence produced before the hearing officer. The rule that although the factual determinations of the department may be set aside upon a showing of a lack of substantial evidence, a court may not reweigh the evidence or assess the credibility of witnesses ( Mercurio v. Department of Alcoholic Beverage Control, supra; Brice v. Department of Alcoholic Beverage Control (1957), 153 Cal.App.2d 315 [314 P.2d 807]), therefore obviates further discussion in this regard.

In addition, the appellant claims that the hearing officer erred in receiving testimony to the effect that the premises in question have a reputation for being a "hangout for homosexuals," and in this connection, he urges that this was inadmissible hearsay and its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid section 24200, subdivision (e), provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked

Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises. Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section 11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. ( Swegle v. State Board of Equalization, supra; 19 Cal.Jur.2d, § 383, p. 116; 2 Cal.Jur.2d, § 147, p. 251.) Therefore, no effective objection to its introduction could have been interposed even in lieu of section 24200, subdivision (e). While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct

herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more.

Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX, of the Constitution of California. In Vallerga v. Department of Alcoholic Beverage Control, supra, the Supreme Court reversed a judgment denying a writ of mandamus to compel the department to set aside its revocation grounded to a violation of the invalid section 24200, subdivision (e), despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that case, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to have sustained the revocation under the constitutional provision would have violated due process of law. Neither the accusation nor the findings present such an impediment in the instant case. Appellant refrains from contending otherwise, and from charging that the licensee's knowledge of the facts is required under section 22, article XX, of the Constitution of California, confining his objection to the argument that because the board sustained the department on a different ground, this court is restricted to a consideration of that ground only. It is our view that no such restriction exists. Judgment is affirmed.

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## Benedetti v. Dept. Alcoholic Bev. Control

[Civ. No. 19205. First Dist., Div. Two. Dec. 8, 1960.]

DANTE BENEDETTI, Appellant, v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL et al.,

Respondents. COUNSEL

James Murray and Markuse & Murray for Appellant.

Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

OPINION

McGOLDRICK, J. pro tem. fn. \*

On August 20, 1956, the Department of Alcoholic Beverage Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed premises, Count I(1) alleging disturbance of the neighborhood, Count I(2) injury to the public welfare and morals (Bus. & Prof. Code, § 25601). fn. Count II charged the keeping of a resort for sexual perverts (§ 24200, subd. (e)). The accusation further

XX, of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted the decision of its hearing officer, thereby dismissing the first part of Count I, and revoking Benedetti's on-sale general license on the bases of Counts I(2) and II severally.

Benedetti then appealed to the department's decision to the Alcoholic Beverage Control Appeals Board (hereinafter referred to as "board") which concluded that each of the counts [187 Cal. App. 2d 215] was supported by substantial evidence. However, although affirming the decision as to Count I(2), the board reversed as to Count II, stating as grounds for said reversal that since the department had elected to revoke the license on the basis of Count I(2) and a violation of section 25601, it could not, on the same evidence, impose the same penalty on the basis of Count II upon the theory that Benedetti was guilty of a second and separate offense. In Vallerga v. Department of Alcoholic Beverage Control (1959), 53 Cal. 2d 313 [347 P.2d 909], the Supreme Court held section 24200, subdivision (e), to be unconstitutional, and any question as to the correctness of this ruling is now moot.

Benedetti subsequently sought review of the decision by the court below in a petition for writ of mandamus. The court issued an order staying enforcement of the order of revocation, whereupon a hearing occurred and the cause was submitted. The court subsequently filed findings of fact and conclusions of law wherein it upheld the board's decision, and judgment was entered setting aside the alternative writs and denying a peremptory writ of mandate. Benedetti appeals from this judgment.

The board's decision, affirmed by the court below, upheld the department's order of revocation on the sole ground of a violation of section 25601. [1] Appellant contends, first, that in a prosecution under that section, proof of knowledge by the licensee or his agents of proscribed acts is necessary; second, that the evidence is insufficient to establish such knowledge in the instant case.

In Swegle v. State Board of Equalization (1954), 125 Cal. App. 2d 432 [270 P.2d 518], appellant made a similar contention with regard to section 58 of the then Alcoholic Beverage Control Act (now § 25601). In finding this proposition to be without merit, the court said "... Appellant cites numerous cases from other jurisdictions to the effect that 'permit' means knowledge, consent, acquiescence, willingness, as distinguished from passive sufferance. However, in Dorris v. McKamy, 40 Cal. App. 267, 274 [180 P.645], it is said that 'as defined by Webster and others, "permit" implies no affirmative acts. It involves no intent. It is mere passivity, abstaining from preventive action.' " (P. 438.)

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that "a licensee can be held to have permitted acts constituting a ... [violation] by a showing that the acts themselves took place. Further on in the opinion, the court said "The very fact that rules and laws providing for violations for which disciplinary action may be taken, provide that some violations must be 'knowingly' done [§ 24200.5, subd. (a)] and as to others the word 'knowingly' is omitted, indicates that in the latter cases there is no requirement that the violations be knowing ones. 'Knowingly' not being required in either rule 143 or section 24200, the use of that word in the accusation was immaterial and is not necessary to be found." (Pp. 630-631.) (Brodsky v. California State Board of Pharmacy (1959), 173 Cal. App. 2d 680-688 [344 P.2d 68], cited by appellant, is in harmony with this decision.

In Givens v. Department of Alcoholic Beverage Control (1959), 176 Cal. App. 2d 529, 534 [1 Cal. Rptr. 446], the appellant argued that inasmuch as the findings of the hearing officer showed that he had made reasonable attempts to control his customers, those findings did not support the determination that he was guilty of a violation of section 24200, subdivisions (a) and (b), and section 25601. The court, however, found that as used in the context of section 25601, "suffers" means "to permit, allow, or not to forbid activities which constitute the premises a 'disorderly house.' Since an on-sale licensee has an affirmative duty to maintain properly operated premises [citation], and since acquiescence is nonetheless permission or sufferance within the purview of section 25601 [citing Swegle], Givens failed to perform his statutory duty. The law requires more than that a licensee make some colorable efforts toward the maintenance of lawfully conducted premises. The law demands that he in fact so conduct his business that it meets the minimum requirements of decency and morality. If, as in this present case, the overwhelming evidence shows that the tavern is in fact a 'disorderly house,' there can be but one conclusion: that the licensee has permitted or suffered such a condition to exist. ..."

Since appellant does not contest that the evidence is sufficient to support the judgment, although refusing to concede its accuracy, we deem it unnecessary to summarize the evidence produced before the hearing officer. [2] The rule that although the factual determinations of the department may be set aside upon a showing of a lack of substantial evidence, a court may not reweigh the evidence or assess the credibility of witnesses (Mercurio v. Department of Alcoholic [187 Cal. App. 2d 217] Beverage Control, supra; Brice v. Department of Alcoholic Beverage Control (1957), 153 Cal. App. 2d 315 [314 P.2d 807]), therefore obviates further discussion in this regard.

its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid section 24200, subdivision (e), provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises. Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section 11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. (Swegle v. State Board of Equalization, supra; 19 Cal.Jur.2d, § 383, p. 116; 2 Cal.Jur.2d, § 147, p. 251.) Therefore, no effective objection to its introduction could have been interposed even in lieu of section 24200, subdivision (e).

While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over [187 Cal. App. 2d 218] objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct evidence herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more.

[4] Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX,

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24200, subdivision (e), despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that case, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to have sustained the revocation under the constitutional provision would have violated due process of law.

Neither the accusation nor the findings present such an impediment in the instant case. Appellant refrains from contending otherwise, and from charging that the licensee's knowledge of the facts is required under section 22, article XX, of the Constitution of California, confining his objection to the argument that because the board sustained the department on a different ground, this court is restricted to a consideration of that ground only. It is our view that no such restriction exists.

Judgment is affirmed.

Draper, Acting P.J., and Shoemaker, J., concurred.

FN \*. Assigned by Chairman of Judicial Council.

FN . All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

#### 187 Cal.App.2d 213 (1960)

#### **DANTE BENEDETTI, Appellant,**

V.

#### **DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL et al., Respondents.**

Civ. No. 19205.

#### California Court of Appeals. First Dist., Div. Two.

Dec. 8, 1960.

James Murray and Markuse & Murray for Appellant.

Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

McGOLDRICK, J. pro tem. [fn. \*]

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[3] In addition, the appellant claims that the hearing officer erred in receiving testimony to the effect that the premises in guestion have a reputation for being a "hangout for homosexuals," and in this connection, he urges that this was inadmissible hearsay and its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid section 24200, subdivision (e), provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises. Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section 11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. (Swegle v. State Board of Equalization, supra: 19 Cal.Jur.2d, 383, p. 116; 2 Cal.Jur.2d, 147, p. 251.) Therefore, no effective objection to its

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introduction could have been interposed even in lieu of section 24200, subdivision (e).

While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over \*218 objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct evidence herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more.

[4] Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX, of the Constitution of California. In <u>Vallerga v. Department of Alcoholic Beverage Control.</u> supra, the Supreme Court reversed a judgment denying a writ of mandamus to compel the department to set aside its revocation grounded to a violation of the invalid section 24200, subdivision (e), despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that case, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to have sustained the revocation under the constitutional provision would have violated due process of law.

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Judgment is affirmed.

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Draper, Acting P. J., and Shoemaker, J., concurred.

[fn. \*] \*. Assigned by Chairman of Judicial Council.

[fn.]. All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

## DANTE BENEDETTI, Appellant, v. DEPARTMENT OF ALCOHOLIC BEVER-AGE CONTROL et al.,

#### Respondents Civ. No. 19205

#### Court of Appeal of California, First Appellate District, Division Two

187 Cal. App. 2d 213; 9 Cal. Rptr. 525; 1960 Cal. App. LEXIS 1374

#### **December 8, 1960**

**SUBSEQUENT HISTORY:** A Petition for a Rehearing was Denied January 6, 1961.

PRIOR-HISTORY: APPEAL from a judgment of the Superior Court of the City and County of San Francisco. Orla St. Clair, Judge.

Proceeding in mandamus to review a decision of the Department of Alcoholic Beverage Control revoking a liquor license.

**COUNSEL:** James Murray and Markuse & Murray for Appellant.

Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

JUDGES: McGoldrick, J. pro tem. Draper, Acting P. J., and Shoemaker, J., concurred.

\* Assigned by Chairman of Judicial Council.

#### OPINION BY: McGOLDRICK

#### OPINION

On August 20, 1956, the Department of Alcoholic Beverage Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed

premises, Count I(1) alleging disturbance of the neighborhood, Count I(2) injury to the public welfare and morals (Bus. & Prof. Code, \$25601). Count II charged the keeping of a resort for sexual perverts (\$24200, subd. (e)). The accusation further charged that by reason of the facts therein alleged, the continuance of Benedetti's license would be contrary to public welfare and morals as set forth in section 22, article XX, of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted the decision of its hearing officer, thereby dismissing the first part of Count I, and revoking Benedetti's on-sale general license on the bases of Counts I(2) and II severally.

+ All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

Benedetti then appealed to the department's decision to the Alcoholic Beverage Control Appeals Board (hereinafter referred to as "board") which concluded that each of the counts was supported by substantial evidence. However, although affirming the decision as to Count I(2), the board reversed as to Count II, stating as grounds for said reversal that since the department had elected to revoke the license on the basis of Count I(2) and a violation of section 25601, it could not, on the same evidence, impose the same penalty on the basis of Count II upon the theory that Benedetti was guilty of a second and sep-

arate offense. In Vallerga v. Department of Alcoholic Beverage Control (1959), 53 Cal.2d 313 [347 P.2d 909], the Supreme Court held section 24200, subdivision (e), to be unconstitutional, and any question as to the correctness of this ruling is now moot.

Benedetti subsequently sought review of the decision by the court below in a petition for writ of mandamus. The court issued an order staying enforcement of the order of revocation, whereupon a hearing occurred and the cause was submitted. The court subsequently filed findings of fact and conclusions of law wherein it upheld the board's decision, and judgment was entered setting aside the alternative writs and denying a peremptory writ of mandate. Benedetti appeals from this judgment.

The board's decision, affirmed by the court below, upheld the department's order of revocation on the sole ground of a violation of section 25601. Appellant contends, first, that in a prosecution under that section, proof of knowledge by the licensee or his agents of proscribed acts is necessary; second, that the evidence is insufficient to establish such knowledge in the instant case.

In Swegle v. State Board of Equalization (1954), 125 Cal.App.2d 432 [270 P.2d 518], appellant made a similar contention with regard to section 58 of the then Alcoholic Beverage Control Act (now § 25601). In finding this proposition to be without merit, the court said ". . . Appellant cites numerous cases from other jurisdictions to the effect that 'permit' means knowledge, consent, acquiescence, willingness, as distinguished from passive sufferance. However, in Dorris v. McKamy, 40 Cal.App. 267, 274 [180 P. 645], it is said that 'as defined by Webster and others, "permit" implies no affirmative acts. It involves no intent. It is mere passivity, abstaining from preventive action.'" (P. 438.)

In Mercurio v. Department of Alcoholic Beverage Control (1956), 144 Cal.App.2d 626, 630 [301 P.2d 474], the court interpreted the Swegle case as holding that the permission required by the statute does not have to be a "knowing" one and that "a licensee can be held to have permitted

acts constituting a . . . [violation] by a showing that the acts themselves took place. Further on in the opinion, the court said "The very fact that rules and laws providing for violations for which disciplinary action may be taken, provide that some violations must be 'knowingly' done [§ 24200.5, subd. (a)] and as to others the word 'knowingly' is omitted, indicates that in the latter cases there is no requirement that the violations be knowing ones. 'Knowingly' not being required in either rule 143 or section 24200, the use of that word in the accusation was immaterial and is not necessary to be found." (Pp. 630-631.) ( Brodsky v. California State Board of Pharmacy (1959), 173 Cal.App.2d 680-688 [344 P.2d cited by appellant, is in harmony with this decision.

In Givens v. Department of Alcoholic Beverage Control (1959),

Cal.App.2d 529, 534 [1 Cal.Rptr. 446], the appellant argued that inasmuch as the findings of the hearing officer showed that he had made reasonable attempts to control his customers, those findings did not support the determination that he was guilty of a violation of section 24200, subdivisions (a) and (b), and section 25601. The court, however, found that as used in the context of section 25601, "suffers" means "to permit, allow, or not to forbid activities which constitute the premises a 'disorderly house.' Since an on-sale licensee has an affirmative duty to maintain properly operated premises [citation], since acquiescence is nonetheless permission or sufferance within the purview of section 25601 [citing Swegle], Givens failed to perform his statutory duty. The law requires more than that a licensee make some colorable efforts toward the maintenance of lawfully conducted premises. The law demands  $% \left( \frac{1}{2}\right) =\frac{1}{2}\left( \frac{1}{2}\right) +\frac{1}{2}\left( \frac{1}{2}\right) +\frac{1}$ that he in fact so conduct his business that it meets the minimum requirements of decency and morality. If, as in this present case, the overwhelming evidence shows that the tavern is in fact a 'disorderly house,' there can be but one conclusion: that the licensee has permitted or suffered such a condition to exist. . . . "

Since appellant does not contest that the evidence is sufficient to support the judgment, although refusing to concede its accuracy, we deem it unnecessary to summarize the evidence produced before the hearing officer. The rule that although the factual determinations of the department may be set aside upon a showing of a lack of substantial evidence, a court may not reweigh the evidence or assess the credibility of witnesses (Mercurio v. Department of Alcoholic Beverage Control, supra; Brice v. Department of Alcoholic Beverage Control (1957), 153 Cal.App.2d 315 [314 P.2d 807]), therefore obviates further discussion in this regard.

In addition, the appellant claims that the hearing officer erred in receiving testimony to the effect that the premises in question have a reputation for being a "hangout for homosexuals," and in this connection, he urges that this was inadmissible hearsay and its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid  $section\ 24200$ ,  $subdivision\ (e)$ , provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did leave the premises. Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section

11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. (Swegle v. State Board of Equalization, supra; 19 Cal.Jur.2d, § 383, p. 116; 2 Cal.Jur.2d, § 147, p. 251.) Therefore, no effective objection to its introduction could have been interposed even in lieu of section 24200, subdivision (e).

While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct evidence herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more.

Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX, of the Constitution of California. In Vallerga v. Department of Alcoholic Beverage Control, supra, the Supreme Court reversed a judgment denying a writ of mandamus to compel the department to set aside its revocation grounded to a violation of the invalid section 24200, subdivision (e), despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that case, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to have sustained the revocation under the constitutional provision would have violated due process of law.

Neither the accusation nor the findings present such an impediment in the instant case. Appellant refrains from contending otherwise, and from charging that the licensee's knowledge of the facts is required under section

22, article XX, of the Constitution of California, confining his objection to the argument that because the board sustained the department on a different ground, this court is restricted

to a consideration of that ground only. It is our view that no such restriction exists.

Judgment is affirmed.

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petitioner's favor in the original proceedings would negate the wife's right to support and remove the basis for the separate maintenance action, and, conversely, an order in the wife's favor negates the right to the final decree, affirms the basis for the wife's right to support, and affords the ground for a separate maintenance action.

In order to achieve her objective of separate maintenance, the wife faced the necessity of removing any asserted final decree. [3] Obviously, the final decree "grants the divorce, dissolves the marriage, restores the parties to the status of single persons, and permits each to marry again," (Estate of Durgie (1912), 162 Cal. 51, 53 [121 P. 320].) [4] Unless the final decree provides for support, the wife, after its rendition, can claim none. (Calhoun v. Calhoun (1945), 70 Cal. App.2d 233, 236-237 [160 P.2d 923]; Bancroft v. Bancroft (1935), 9 Cal. App. 2d 464 [50 P.2d 465].) On the other hand, petitioner's success in consolidating his position on the final decree and in establishing it, would obliterate any claim for support.

In the wife's attempt to set aside the final decree the factor of reconciliation becomes vital. [5] As is stated in Estate of Abila (1948), 32 Cal.2d 559, 561 [197 P.2d 10], "When parties become reconciled after an interlocutory decree and live together as husband and wife, the right to a final decree is destroyed. . . . " Indeed, as Abila holds, the right to support is restored upon reconciliation; consequently, the question of reconciliation bears directly upon the wife's right to support.

[6] Upon showing a reconciliation and thereby eliminating the final decree, the wife reestablishes her right to support. [7] The right to separate maintenance " 'rests on the fact that the relation of husband and wife exists and a decree awarding such maintenance contemplates the existence of the marital relation . . . when the decree is made. . . . ' " (Chirgwin v. Chirgwin (1938), 26 Cal.App.2d 506, 508-509 [79 P.2d 772].) The integral role played, then, by the issue of reconciliation cogently affects the right to separate maintenance. [8] The dispute as to the right to the final decree directly concerns the right to the separate maintenance. Petitioner in asserting the former cannot successfully exclude defense of the latter. Petitioner, laving hold of the marriage relationship and seeking to terminate it by the final decree. cannot coincidentally claim immunity from an action of his wife which rests upon that relationship and would seek to enforce it.

The alternative writ of prohibition is discharged and the petition for a peremptory writ of prohibition is denied.

Bray, P. J., and Duniway, J., concurred.

3496 [Civ. No. 19205. First Dist., Div. Two. Dec. 8, 1960.]

DANTE BENEDETTI, Appellant, v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL et al., Respondents.

- [1] Intoxicating Liquors-Revocation of License,-Under Bus. & Prof. Code, § 25601, making it a misdemeanor for a liquor licensee to keep, permit to be used, or suffer to be used, in connection with licensed premises, any disorderly house, no proof of knowledge by the licensee or his agent of the proscribed acts is necessary, it being sufficient that the evidence show that such acts took place in the licensed premises. Under evidence sufficient to make such a showing, a licensee's license was properly revoked.
- [2] Id .- Revocation of License-Review .- Though a factual determination of the Department of Alcoholic Beverage Control may be set aside on a showing of lack of substantial evidence. a court may not reweigh the evidence or assess the credibility of witnesses.
- [3] Id. Revocation of License Evidence. On a hearing respecting revocation of a liquor license, it was not error for the hearing officer to admit testimony that the premises in question had a reputation for being a "hangout for homosexuals." where there was no objection to such testimony during the hearing on the ground that Bus. & Prof. Code, § 24200, subd. (e) (later held invalid), made such evidence admissible, and where, even in the absence of that statute, hearsay evidence would have been admissible under Gov. Code, § 11513, making hearsay evidence, such as that relating to reputation, admissible in an administrative hearing.
- [4] Id .- Revocation of License-Review .- The fact that the Alcoholic Beverage Control Appeals Board sustained a decision by the Department of Alcoholic Beverage Control revoking a liquor license on the ground of violation of Bus. & Prof. Code. \$ 25601, did not limit the reviewing court to consideration of that ground only where the original decision was also based on

<sup>[1]</sup> See Cal.Jur.2d, Alcoholic Beverages, § 33 et seq. McK. Dig. References: [1, 3] Intoxicating Liquors, § 9.9; [2, 4] Intoxicating Liquors, § 9.10,

a determination that continuance of the license would be contrary to public welfare and morals within the meaning of Const., art. XX, § 22, and the accusation put the licensee on notice that his license might be revoked under the constitutional provision and there was a finding to that effect.

APPEAL from a judgment of the Superior Court of the City and County of San Francisco. Orla St. Clair, Judge. Affirmed.

Proceeding in mandamus to review a decision of the Department of Alcoholic Beverage Control revoking a liquor license. Judgment denying writ, affirmed.

James Murray and Markuse & Murray for Appellant.

Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

McGOLDRICK, J. pro tem.\*-On August 20, 1956, the Department of Alcoholic Beverage Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed premises, Count I(1) alleging disturbance of the neighborhood, Count I(2) injury to the public welfare and morals (Bus. & Prof. Code, § 25601).† Count II charged the keeping of a resort for sexual perverts (§ 24200, subd. (e)). The accusation further charged that by reason of the facts therein alleged, the continuance of Benedetti's license would be contrary to public welfare and morals as set forth in section 22, article XX, of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted the decision of its hearing officer, thereby dismissing the first part of Count I, and revoking Benedetti's on-sale general license on the bases of Counts I(2) and II severally.

Benedetti then appealed to the department's decision to the Alcoholic Beverage Control Appeals Board (hereinafter referred to as "board") which concluded that each of the counts

was supported by substantial evidence. However, although affirming the decision as to Count I(2), the board reversed as to Count II, stating as grounds for said reversal that since the department had elected to revoke the license on the basis of Count I(2) and a violation of section 25601, it could not, on the same evidence, impose the same penalty on the basis of Count II upon the theory that Benedetti was guilty of a second and separate offense. In Vallerga v. Department of Alcoholic Beverage Control (1959), 53 Cal.2d 313 [347 P.2d 909], the Supreme Court held section 24200, subdivision (e), to be unconstitutional, and any question as to the correctness of this ruling is now moot.

Benedetti subsequently sought review of the decision by the court below in a petition for writ of mandamus. The court issued an order staying enforcement of the order of revocation, whereupon a hearing occurred and the cause was submitted. The court subsequently filed findings of fact and conclusions of law wherein it upheld the board's decision, and judgment was entered setting aside the alternative writs and denying a peremptory writ of mandate. Benedetti appeals from this judgment.

The board's decision, affirmed by the court below, upheld the department's order of revocation on the sole ground of a violation of section 25601. [1] Appellant contends, first, that in a prosecution under that section, proof of knowledge by the licensee or his agents of proscribed acts is necessary; second, that the evidence is insufficient to establish such knowledge in the instant case.

In Swegle v. State Board of Equalization (1954), 125 Cal. App.2d 432 [270 P.2d 518], appellant made a similar contention with regard to section 58 of the then Alcoholic Beverage Control Act (now § 25601). In finding this proposition to be without merit, the court said "... Appellant cites numerous cases from other jurisdictions to the effect that 'permit' means knowledge, consent, acquiescence, willingness, as distinguished from passive sufferance. However, in Dorris v. McKamy, 40 Cal.App. 267, 274 [180 P. 645], it is said that 'as defined by Webster and others, "permit" implies no affirmative acts. It involves no intent. It is mere passivity, abstaining from preventive action." (P. 438.)

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<sup>\*</sup>Assigned by Chairman of Judicial Council.

<sup>†</sup>All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

and that "a licensee can be held to have permitted acts constituting a . . . [violation] by a showing that the acts themselves took place. Further on in the opinion, the court said "The very fact that rules and laws providing for violations for which disciplinary action may be taken, provide that some violations must be 'knowingly' done [§ 24200.5, subd. (a)] and as to others the word 'knowingly' is omitted, indicates that in the latter cases there is no requirement that the violations be knowing ones. 'Knowingly' not being required in either rule 143 or section 24200, the use of that word in the accusation was immaterial and is not necessary to be found."

(Pp. 630-631.) Brodsky v. California State Board of Phar-

macy (1959), 173 Cal.App.2d 680-688 [344 P.2d 68], cited by appellant, is in harmony with this decision.

In Givens v. Department of Alcoholic Beverage Control (1959), 176 Cal.App.2d 529, 534 [1 Cal.Rptr. 446], the appellant argued that inasmuch as the findings of the hearing officer showed that he had made reasonable attempts to control his customers, those findings did not support the determination that he was guilty of a violation of section 24200, subdivisions (a) and (b), and section 25601. The court, however, found that as used in the context of section 25601, "suffers" means "to permit, allow, or not to forbid activities which constitute the premises a 'disorderly house.' Since an on-sale licensee has an affirmative duty to maintain properly operated premises [citation], and since acquiescence is nonetheless permission or sufferance within the purview of section 25601 [citing Swegle], Givens failed to perform his statutory duty. The law requires more than that a licensee make some colorable efforts toward the maintenance of lawfully conducted premises. The law demands that he in fact so conduct his business that it meets the minimum requirements of decency and morality. If, as in this present case, the overwhelming evidence shows that the tavern is in fact a 'disorderly house,' there can be but one conclusion: that the licensee has permitted or suffered such a condition to exist. . . . '

Since appellant does not contest that the evidence is sufficient to support the judgment, although refusing to concede its accuracy, we deem it unnecessary to summarize the evidence produced before the hearing officer. [2] The rule that although the factual determinations of the department may be set aside upon a showing of a lack of substantial evidence, a court may not reweigh the evidence or assess the credibility of witnesses (Mercurio v. Department of Alcoholic

Beverage Control, supra; Brice v. Department of Alcoholic Beverage Control (1957), 153 Cal.App.2d 315 [314 P.2d 807]), therefore obviates further discussion in this regard.

[3] In addition, the appellant claims that the hearing officer erred in receiving testimony to the effect that the premises in question have a reputation for being a "hangout for homosexuals," and in this connection, he urges that this was inadmissible hearsay and its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid section 24200, subdivision (e), provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest. Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises. Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section 11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. (Swegle v. State Board of Equalization, supra; 19 Cal.Jur.2d. § 383, p. 116: 2 Cal.Jur.2d. § 147. p. 251.) Therefore, no effective objection to its introduction could have been interposed even in lieu of section 24200, subdivision (e).

While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct evidence herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more.

[4] Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX, of the Constitution of California, In Vallerga v. Department of Alcoholic Beverage Control, supra, the Supreme Court reversed a judgment denving a writ of mandamus to compel the department to set aside its revocation grounded to a violation of the invalid section 24200, subdivision (e). despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that ease, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to have sustained the revocation under the constitutional provision would have violated due process of law.

Neither the accusation nor the findings present such an impediment in the instant case. Appellant refrains from contending otherwise, and from charging that the licensee's knowledge of the facts is required under section 22, article XX, of the Constitution of California, confining his objection to the argument that because the board sustained the department on a different ground, this court is restricted to a consideration of that ground only. It is our view that no such restriction exists.

Judgment is affirmed.

Draper, Acting P. J., and Shoemaker, J., concurred.

A petition for a rehearing was denied January 6, 1961.

[Crim. No. 7095. Second Dist., Div. One. Dec. S, 1960.]

THE PEOPLE, Respondent, v. GEORGE NOTHNAGEL, Appellant.

- [1] Criminal Law—Rights of Accused—Discovery and Inspection: Production of Evidence and Papers.—Defendant can compel the prosecution to permit the inspection and copying or production in court of certain written statements of the accused and other papers and instruments. Where, however, no proper demand is made by defendant for the desired document or report, the prosecution cannot be expected to volunteer the information to defendant.
- [2] Id.—Appeal—Questions of Law and Fact—Evidence Inherently Improbable.—Evidence for the prosecution was not inherently improbable merely because the victim disliked defendant and said so.
- [3] Lewdness—Appeal—Review of Evidence.—In a prosecution for lewd conduct with an S-year-old girl, any inconsistencies in the girl's testimony would not necessarily constitute improbability; it was the province of the jury to determine her credibility.
- [4] Witnesses—Cross-examination—Restriction.—In a prosecution for lewd conduct with an S-year-old girl, defendant was not unduly restricted in his cross-examination of the girl's mother where there was nothing in the mother's direct examination from which it might be inferred that she had any improper relations with defendant or that she caused the victim to make a false charge against defendant.
- [5] Lewdness—Evidence.—To sustain a conviction of lewd conduct with a child, it is not necessary that rape be established, that there be an attempt to commit rape, or that there be "penetration" as used by a doctor to mean "into the, beyond the entrance to the vagina."
- [6] Id.—Elements of Offense.—The corpus delicti of the crime of lewd conduct with a child (Pen. Code, § 288) consists of any

<sup>[2]</sup> See Cal.Jur.2d, Appeal and Error, § 610; Am.Jur., Appeal and Error, § 891.

<sup>[3]</sup> See Cal.Jur.2d, Lewdness, Indecency and Obscenity, § 46.

<sup>[6]</sup> See Cal.Jur.2d, Lewdness, Indecency and Obscenity, § 9 et seq.; Am.Jur., Lewdness, Indecency and Obscenity, § § 2, 3.

McK. Dig. References: [1] Criminal Law, §§ 104.5, 271, 272; [2] Criminal Law, § 1322(1); [3] Lewdness, § 22; [4] Witnesses, § 134(5); [5] Lewdness, § 18; [6] Lewdness, § 5; [7, 8] Criminal Law, § 952.

1 following charges were made: 2 2. Between October 11, 1955 and the date hereof, the above-named licensee kept, permitted 3 to be used and suffered to be used, in connection with the above-described licensed premises, a 4 disorderly house or place to which people resorted for purposes contrary to the public 5 welfare and morals in that the said licensee permitted or suffered the following acts to 8 occur in the said premises: 7 (a) Males kissing and caressing other males. 8 (b) Males engaging in lewd and indecent acts with other males. 8 (c) Lewd and indecent conversations. 10 (d) On or about May 13, 1956, John E. 11 Cowgill, a patron, invited Agent James R. Johnson to engage in a lewd act." (C.T. 33:1-15) 12 After a hearing as required by law the following 13 findings of fact were made by the hearing officer and 14 adopted by the Department: 15 "(2): It is true that between October 11, 16 1955 and August 20, 1956, the above-named licensee kept, permitted to be used, and 17 suffered to be used, in connection with the above-described licensed premises, a dis-18 orderly house and place to which people resorted for purposes contrary to public 19 welfare and morals in that the said licensee permitted and suffered the following acts to 20 occur in the said premises: (a) Males kissing and caressing other males; (b) 21 Males engaging in lewd and indecent acts with other males; (c) Lewd and indecent conversations; and (d) on or about May 13, 22 1956, John E. Cowgill, a patron, invited 23 Agent James R. Johnson to engage in a lewd act." (C.T. 34:14-25) 24 On the basis of these findings, the hearing officer 25

made, and the Department adopted, the following determination

26

I

#### HISTORY OF CASE.

Appellant, Dante Benedetti, was, at the time the Accusation was filed herein, the possessor of on-sale General License No. P-5655-C, issued by the Department of Alcoholic Beverage Control of the State of California.

On August 20, 1956, an Accusation Under Alcoholic Beverage Control Act and State Constitution was filed against appellant, who had been, and still is, doing business as the "Paper Doll" at 524 Union Street, San Francisco, California.

Hearings were held on December 3, 1956; April 10 and 11, 1957; and February 15, 1957.

The Accusation was as follows:

"Count One

- 1. Between October 11, 1955 and the date hereof, the above named licensee kept, permitted to be used and suffered to be used, in connection with the above designated licensed premises, a disorderly house or place to which people resorted to the disturbance of the neighborhood in that:
  - (a) Excessive noise was created by patrons in and about the premises during late and unusual hours.
  - (b) Numerous fights and disturbances occurred in and about the premises.
- 2. Between October 11, 1955, and the date hereof, the above named licensee kept, permitted to be used and suffered to be used, in connection with the above described licensed premises, a dis-

orderly house or place to which people resorted for purposes contrary to the public welfare and morals in that the said licensee permitted or sufferred the following acts to occur in the said premises:

- (a) Males kissing and caressing other males.
- (b) Males engaging in lewd and indecent acts with other males.
  - (c) Lewd and indecent coversations.
- (d) On or about May 13, 1956, John E. Cowgill, a patron, invited agent James R. Johnson to engage in a lewd act.

#### Count II

The portion of the above designated licensed premises of the above named licensee upon which the activities permitted by the on-sale General Licensee are conducted has been since October 11, 1955, and is now, a resort for sexual perverts."

The Department of Alcoholic Beverage Control (hereinafter called "the Department") rendered a decision dismissing the Accusation as to Count I (1) and finding the allegations of Count I (2) and Count II to be true.

Appellant's license was revoked twice—once for the offense found to be true in Count I (2) and once again for the offense found to be true in Count II.

Appellant appealed to the Alcoholic Beverage Control Appeals Board (hereinafter called "Appeals Board"). That body affirmed the Department as to Count I (2) and reversed the Department as to Count II.

Appellant sought review of the decision in a first amended petition for Writ of Mandamus, filed on December 2, 1958.

The Department sought review of the Appeals Board's reversal as to Count II. Both suits were consolidated.

The Superior Court vacated the alternative writs and denied peremptory Writs of Mandate.

The effect of this judgment was to place all the parties in the position they occupied when the Appeals Board rendered its decision on November 8, 1958.

Appellant herein appealed to the District Court of Appeal and the Department likewise appealed.

On March 16, 1960, the Department's request that its appeal be dismissed was granted.

That action leaves only Benedetti as an appellant.

#### II

#### UPON WHAT GROUNDS WAS THE LICENSE REVOKED?

The Department adopted the Proposed Decision of the Hearing Officer. In that Decision, in which appellant herein was respondent therein, the following appears:

"Determination of Issues Presented:

Count I (1): Respondent did not violate §25601 of the Alcoholic Beverage Control Act.

(2): The above named Respondent and licensee did violate §25601 of the Alcoholic Beverage Control Act.

Count II: Grounds constituting a basis for the suspension or revocation of the license, held by the above named licensee for the above described premises, under the provisions of §24200 (a) and (e) of the Alcoholic Beverage Control Act have been established with a reference to Count II. It is further determined that the continuance of the license of said respondent would be contrary to the public welfare and morals within the meaning of said terms as used in Article XX, §22, of the California Constitution. Grounds for the suspension or revocation of the license of respondent under the provisions of §24200 (a) and (e) of the Alcoholic Beverage Control Act have been established with reference to Count I (2)."

Thus, it would seem, the Department found that appellant had violated Business and Professions Code §25601 and §24200 (a) and (e). As to Count II, appellant had violated Business and Professions Code §24200 (a) and (e) and Article XX, §22 of the California Constitution. In the original Accusation, appellant was informed that "additional grounds" for suspension or revocation existed under Business and Professions Code §24200 (b) but the decision is silent as to any finding under that sub-section.

The Appeals Board, in affirming revocation based upon the allegations contained in Count I and reversing the revocation based upon the allegations of Count II, found that revocation could be based only upon one violation.

"The Hearing Officer. Well, the things take place on the licensed premises. The licensee is supposed to be aware of what is going on there either through him personally or through his agents."

The bartenders did not loiter to talk to anyone (T.R. (a) p. 86, line 12). The bartenders were going back and forth tending bar (T.R. (a) p. 89, lines 8-10). There were people in back of these two men (T.R. (a) p. 92, lines 11-13). They used normal conversational tones (T.R. (a) p. 93, lines 23).

(c) Agent Harris testified that on April 4, 1956. he saw two men, one of whom was seated at the bar and another standing, and he observed the "standing male rubbing and fondling the inside of the thighs of the seated male" (T.R. (a) p. 25, lines 7-10). The bar stools were 30-33" in height (T.R. (a) p. 60. line 9). The agent was present for nearly an hour (T.R. (a) p. 57, line 8) and, once again, he saw only one "incident" (T.R. (a) p. 57, lines 16-18). Two bartenders were on duty (T.R. (a) p. 57, lines 14 and 15). At the time of that "incident," the agent did not know where one bartender was (T.R. (a) p. 58, line 21). Wherever that bartender was, it was the opinion of the agent, that that bartender could not have seen this incident (T.R. (a) p. 59, line 3). The other bartender was "looking in all direction" and was six to eight feet away at different times (T.R. (a) p. 59, lines 15-18) and he was busy mixing drinks. The agent was not allowed to give his opinion as to whether or not the other bartender could see the "incident" (T.R. (a) p. 59, lines 4-7).

Another look at the photographs of the bar will show that it was physically impossible for that bartender to have seen these alleged acts since the front edge of the bar is raised and the tops of the stools are well below the level of the bar.

There is no evidence of the presence of petitioner or any other employee. The agent did not call the attention of any employee to what he saw or take statements from participants.

- (d) On April 14, 1956, when the licensed premises contained 175 customers (T.R. (a) p. 25, lines 19 and 20), these same agents saw two men standing between the bar and the booths and saw one of them reach over to the other and "fondle and tap the buttocks of the second male" (T.R. (a) p. 26, lines 4-7). Once again, that was the only "observation" made that night. (T.R. (a) p. 26, lines 1-2). There were people all around these two men (T.R. (a) p. 61, lines 24-25; p. 62, lines 2-4). The people closest to these two were "almost touching them" and were between them and the bar (T.R. (a) p. 62, lines 5-9). In the area between the bar and the booths there were about 100 people (T.R. (a) p. 64, lines 15-16). There is absolutely no testimony as to the location of the bartenders, the petitioner or any other of his employees.
- (e) On May 11, 1956, Mr. Tregoning of the San Francisco Police Department saw one man give a "prolonged lift" lasting 15 to 20 seconds, to the buttocks of another (T.R. (b) p. 41, lines 13-16). There were from 100 to 150 persons upon the licensed pre-

mises (T.R. (b) p. 32, lines 17-18). The policeman was there one hour (T.R. (b) p. 33, line 1).

The witness believed there were two bartenders there but he "couldn't say for sure" if they had "fixed stations or moved about" (T.R. (b) p. 41, lines 23-26; p. 42, lines 1-2). There was no testimony as to the presence of any other employees at the time of this "incident," although the Hearing Officer attempted to elicit such testimony (T.R. (b) p. 42, lines 5-13).

In fact, this "incident" was done in a "sneaky, intimate manner," according to Officer Tregoning (T.R. (b) p. 45, line 23), despite the Attorney General's argument, set forth in his brief to the Superior Court, that "there is no evidence that the acts were 'furtively done'." (Department's Brief p. 8, lines 23-24). The Attorney General's definition of "furtive" is an act "done, obtained or characterized by stealth; hence sly; secret; stealthy...and" (Department's Brief p. 8, lines 24-25).

There was no evidence that petitioner or any employee saw or could have seen this "incident."

(f) On May 12, 1956, an employee of the Department allowed a man named Cowgill, who had been drinking (T.R. (b) p. 7, lines 2-26), to rub the privates of the Department employee (T.R. (b) p. 7, lines 2-26).

Mr. Cowgill was standing at the bar and there were "two persons behind the bar but just who they were I don't know," the agent said (T.R. (b) p. 5, lines

16-20). There were some 100 to 150 persons upon the licensed premises (T.R. (b) p. 11, lines 25-26). The agent was sitting at the bar during this "incident" (T.R. (b) p. 7, line 23). There is grave doubt as to whether or not, Mr. Cowgill was a customer of the licensee. There is no evidence that he made a purchase although he seemed to have a drink in his hand. The agent was turned three quarters away from the bar (T.R. (b) p. 20, lines 23-24). There were people sitting by Mr. Cowgill and by the agent at the bar (T.R. (b) p. 21, lines 3-4). Between the bar and the booth there were people standing. People were all around (T.R. (b) p. 21, lines 15-21). People were pretty close to each other (T.R. (b) p. 21, line 19). The agent was "facing away from the bar" (T.R. (b) p. 22, line 6). As Mr. Cowgill made an advance, the agent "moved closer" but that was not done to encourage Mr. Cowgill, the agent claimed (T.R. (b) p. 23, lines 8-14). The agent repeated that he did not encourage Mr. Cowgill (T.R. (b) p. 25, lines 7 and 9). Then he stated that he "knew what the ultimate results of his actions would be" (T.R. (b) p. 25, lines 18-19), but when asked the following questions, he gave these answers (T.R. (b) p. 25, lines 20-23).

"Q. But you didn't move away?

"A. No, sir I didn't move away.

"Q. Why din't you move away?

"A. That's something I can't answer sir."

The agent, obviously, was not telling the truth. Either this "incident" didn't happen at all or he entrapped Mr. Cowgill, who pleaded not guilty (Exhibit No. 2), although he was found guilty. The agent did not see the appellant (T.R. (b) p. 28, lines 20-22). There is no evidence at all that any employee saw this incident, if it happened, or could have. Certainly these acts, if they occurred, were furtive.

As to conversation, the Appeals Board decision shows the following took place:

"On March 23, 1956, about 9:15 p.m. Agent Harris overheard a conversation at the bar wherein a male, seated at the bar, stated to a number of women that 'he knew all the lesbians in town', and further that 'I am married now; I have a husband now' (T.R. (a) 20:24-21:3). The bartender 'Tex' was as close to the speaker as was the agent (T.R. (a) 22:1-3).

"Both Agents Harris and Morrison overheard males addressing one another by way of endearing terms, e.g., 'honey', 'dear', 'dearie' (T.R. (a) 41:22-42:3; 80:18-23).

"Officer Tregoning, on March 11, 1956, at about 10 p.m. had a conversation with a person named 'Phil' who stated that he was living with a 'faggot' (T.R. (b) 37:6-10), who is, apparently, a male who takes the part of the female in homosexual behavior (T.R. (b) 39:18-26). 'Phil' described the 'love act' in which he and his associate engaged, which is set out in full in the transcript but may not be repeated here (T.R. (b) 39:5-17)."

Following is the evidence as to "knowledge" of those conversational incidents:

(a) There were 40 people in the bar area and two bartenders (T.R. (a) p. 20, lines 13-17; p. 35, lines

5-6). The agent was four to five feet away (T.R. (a) p. 21, line 21). He did not observe one of the bartenders at the time of the conversation but the other was "in the immediate vicinity. He was as close as I, if not closer" (T.R. (a) p. 22, lines 1-3). The men used a "conversational tone" (T.R. (a) p. 21. line 18). On cross-examination, the agent testified that that bartender could not be seen by the agent at all times "because he was partially hidden from my view by the bar" and that the bartender was preparing drinks and drying glasses (T.R. (a) p. 37, lines 13-15). The bartender was within six feet of the man talking (T.R. (a) p. 38, lines 9-11). The agent thought the juke box was playing but he was not positive (T.R. (a) p. 39, lines 2-7). The agent was trying to hear all conversations (T.R. (a) p. 41, line 11). The juke box was somewhat loud (T.R. (a) p. 46, line 6).

(b) and (c) Evidence as to the location of the bartenders as to these conversations is contained above under B, (b) and (e).

#### V

#### REPUTATION EVIDENCE WAS INADMISSIBLE.

Appellant argues that the testimony by Captain Charles Borland and Officer John Doherty as to the reputation of the licensed premises was inadmissable hearsay and that its admission into evidence was so prejudicial as to require revocation to be set aside or a new hearing ordered.

In that case many witnesses gave their opinion that racetracks create police problems, etc.

- 2. To admit certain evidence under §24200 (e) and then to revoke a license under §25601, under which such reputation evidence would be inadmissible, is prejudicial error. (Objection could not have been made to the testimony of Officer Doherty, (T.R. (a) p. 13, lines 9-14) and Captain Borland (T.R. (a) p. 16, lines 12-16) because it was, at that time, admissible by statute).
- 3. As to the issue of knowledge of the appellant and his employees, this reputation evidence did not supplement or explain any direct evidence, because reputation evidence could not possibly do so. Therefore, if an objection had been made, it should have been sustained.

#### VI

#### ADMISSIONS BY BENEDETTI DID NOT SHOW KNOWLEDGE OF ACTS.

The alleged statement made by appellant (but denied by him) to an agent that all of his patrons were "gay" (T.R.(a) p. 71, line 25) and that, as to the employees, only the cook and appellant were "square or straight" (T.R.(a) p. 72, lines 6-7) is an admission only of the presence of persons of homosexual tendencies on the premises, harmless under Stoumen, and not an admission of knowledge of any immoral acts.

#### VII

#### CONCLUSION.

The Department should concede that there is not substantial evidence that appellant or his employees actually knew of any immoral or wrongful act. A more difficult question is: Should they have known? To answer that in the affirmative, the mere presence of persons of homosexual tendencies on the premises is not enough. There should be evidence that appellant or his employees actually participated in immoral acts, as in Kershaw, where an employee was seen grabbing one of the dancers in the buttocks, or observed them, as in Vallerga, where a waitress asked one woman to go to the restroom if she wanted "to continue such activity".

In Benedetti, there were no males dancing with males, no females dancing with females.

The history of sex pervert cases under the Department and its predecessor, the Board of Equalization, shows that there has been a continuing effort to revoke licenses merely because the licensed premises were a hangout for persons said to be sex perverts. There has been a constant struggle between the Department and the Board of Equalization, on the one hand, and the courts, on the other, on this issue.

It is the law, of course, that licenses may be revoked upon substantial evidence. Brice v. Department of Alcoholic Beverage Control, 153 C.A. 2d 315, 314 P. 2d 807. Appellant argues that this type of case has produced two extremes so far as the factual consideration is concerned. One extreme is demon-

strated by the Stoumen case. In that case there were no prohibited acts. At the other extreme are the Kershaw and the Nickola cases. In each of the latter, clearly, there were flagrantly immoral acts observed without question by the licensee or his agents. But the Benedetti case stands in between these extremes. In this case, there is evidence of what the agents have termed "wrongful acts". But the Appeals Board has conceded that neither the appellant nor his employees noticed any objectionable conduct. And there is no substantial evidence they did.

It would not be difficult to obtain information as to the knowledge of the licensee or his agents concerning immoral conduct. If this revocation is not set aside, appellant urges the District Court of Appeal to refer this case to the Department for further hearing in accordance with appropriate directions.

Dated, San Francisco, California, April 5, 1960.

Respectfully submitted,

James Murray Frankise & Murray, Attorneys for Appellant. IN THE DISTRICT COURT OF APPEAL OF THE STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

DIVISION TWO

DANTE BENEDETTI.

Petitioner and Appellant,

vs.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, et al.,

Respondents.

Dist. Court of Appeal - First Dist.

FILE D

DEC. 3,1960

LAWRENCE R. ELKINGTON, Clerk

By Deputy

1 Civ. 19205

Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed premises, Count I(1) alleging disturbance of the neighborhood, Count I(2) injury to the public welfare and morals (§25601, Bus. & Prof. Code).\* Count II charged the keeping of a resort for sexual perverts (§24200, subd. (e)). The accusation further charged that by reason of the facts therein alleged, the continuance of Benedetti's license would be contrary to public welfare and morals as set forth in Section 22, Article XX of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted

<sup>\*</sup>All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

# ORIGINAL

# ORIGINAL

1 Crvn. No.

19,205

In the

## District Court of Appeal

State of California

FIRST APPELLATE DISPIRICONT of Appeal . First Dist.

Division Two

DANTE BENEDETT

LAYRENCE R. ELKING

Petitioner and Appellant

DEPARTMENT OF ALCOHOLIC BEVERAGE CON-TROL; RUSSELL MUNRO, Director, Department of Alcoholic Beverage Control, State of California; Gus Phillips. Acting Supervising Agent, Department of Alcoholic Beverage Control, State of California; ALCOHOLIC BEVERAGE CON-TROL APPEALS BOARD; COLEMAN E. STEWART, Chairman, Alcoholic Beverage Control Appeals Board,

#### APPELLANT'S OPENING BRI

Defendant's and Respondents.

Appeal from the Judgment Entered on July 3, 1959, Denying Petition for Writ of Mandamus, by the Superior Court of the State of California, in and for the City and County of San Francisco. Honorable Orla St. Clair, Judge.

> JAMES MURRAY, MARKUSE & MURRAY. 821 Market Street San Francisco 3, California, Attorneys for Appellant.

Benedetti v. Dept. Alcoholic Bev. Control [187 Cal.App.2d 213]

Benedetti v. Dept. Alcoholic Bev. Control, 187 Cal.App.2d 213 [Civ. No. 19205. First Dist., Div. Two. Dec. 8, 1960.]

DANTE BENEDETTI, Appellant, v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL et al., Respondents. COUNSEL

James Murray and Markuse & Murray for Appellant. Stanley Mosk, Attorney General, and Albert W. Harris, Jr., Deputy Attorney General, for Respondents.

OPINION McGOLDRICK, J. pro tem. fn. \*

On August 20, 1956, the Department of Alcoholic Beverage Control (hereinafter referred to as "department") filed an accusation against one Dante Benedetti, doing business as "Paper Doll," as an on-sale general licensee of the department, charging violations in two counts of the Alcoholic Beverage Control Act. Count I was subdivided into two parts. Both charged the keeping of a disorderly house in conjunction with licensed premises, Count I(1) alleging disturbance of the neighborhood,

Count I(2) injury to the public welfare and morals (Bus. & Prof. Code, ?25601). fn. ? Count II charged the keeping of a resort for sexual perverts (? 24200, subd. (e)). The accusation further charged that by reason of the facts therein alleged, the continuance of Benedetti's license would be contrary to public welfare and morals as set forth in section 22, article XX, of the Constitution of California. Hearings were conducted, the matter was submitted, and on May 16, 1957, the department adopted the decision of its hearing officer, thereby dismissing the first part of Count I, and revoking Benedetti's on-sale general license on the bases of Counts I(2) and II severally. Recent Attorneys

Benedetti v. Dept. Alcoholic Bev. Control 187 Cal.App.2d 213 <a href="http://www.lawlink.com/research/caselevel3/36967">http://www.lawlink.com/research/caselevel3/36967</a> Benedetti then appealed to the department's decision to the Alcoholic Beverage Control Appeals Board (hereinafter referred to as "board") which concluded that each of the counts [187 Cal.App.2d 215] was supported by substantial evidence. However, although affirming the decision as to Count I(2), the board reversed as to Count II, stating as grounds for said reversal that since the department had elected to revoke the license on the basis of Count I(2) and a violation of section 25601, it could not, on the same evidence, impose the same penalty on the basis of Count II upon the theory that Benedetti was guilty of a second and separate offense. In Vallerga v. Department of Alcoholic Beverage Control (1959), 53 Cal.2d 313 [347 P.2d 909], the Supreme Court held section 24200, subdivision (e), to be unconstitutional, and any question as to the correctness of this ruling is now moot. Benedetti subsequently sought review of the decision by the court below in a petition for writ of mandamus. The court issued an order staying enforcement of the order of revocation, whereupon a hearing

occurred and the cause was submitted. The court subsequently filed findings of fact and conclusions of law wherein it upheld the board's decision, and judgment was entered setting aside the alternative writs and denying a peremptory writ of mandate. Benedetti appeals from this judgment. The board's decision, affirmed by the court below, upheld found." (Pp. 630-631.) (Brodsky v. California State Board of Pharmacy (1959), 173 Cal.App.2d 680-688 [344 P.2d 68], cited by appellant, is in harmony with this decision. In Givens v. Department of Alco the department's order of revocation on the sole ground of a violation of section 25601. [1] Appellant contends, first, that in a prosecution under that section, proof of knowledge by the licensee or his agents of proscribed acts is necessary; second, that the evidence is insufficient to establish such knowledge in the instant case. In Swegle v. State Board of Equalization (1954), 125 Cal. App. 2d 432 [270 P.2d 518], appellant made a similar contention with regard to section 58 of the then Alcoholic Beverage Control Act (now? 25601). In finding this proposition to be without merit, the court said "... Appellant cites numerous cases from other jurisdictions to the effect that 'permit' means knowledge. consent, acquiescence, willingness, as distinguished from passive sufferance. However, in Dorris v. McKamy, 40 Cal.App. 267, 274 [180 P. 645], it is said that 'as defined by Webster and others, "permit" implies no affirmative acts. It involves no intent. It is mere passivity, abstaining from preventive action.' " (P. 438.) In Mercurio v. Department of Alcoholic Beverage Control (1956), 144 Cal.App.2d 626, 630 [301 P.2d 474], the court interpreted the Swegle case as holding that the permission required by the statute does not have to be a "knowing" one [187 Cal.App.2d 216] and that "a licensee can be held to have permitted acts constituting a ... [violation] by a showing that the acts themselves took place. Further on in the opinion, the court said "The very fact that rules and laws providing for violations for which disciplinary action may be taken, provide that some violations must be 'knowingly' done [? 24200.5, subd. (a)] and as to others the word 'knowingly' is omitted, indicates that in the latter cases there is no requirement that the violations be knowing ones. 'Knowingly' not being required in either rule 143 or section 24200, the use of that word in the accusation was immaterial and is not necessary to be Alcholic Beverage Control (1959), 176 Cal.App.2d 529, 534 [1 Cal.Rptr. 446], the appellant argued that in as much as the findings of the hearing officer showed that he had made reasonable attempts to control his customers, those findings did not support the determination that he was guilty of a violation of section 24200, subdivisions (a) and (b), and section 25601. The court, however, found that as used in the context of section 25601, "suffers" means "to permit, allow, or not to forbid activities which constitute the premises a 'disorderly house.' Since an on-sale licensee has an affirmative duty to maintain properly operated premises [citation], and since acquiescence is nonetheless permission or sufferance within the purview of section 25601 [citing Swegle], Givens failed to perform his statutory duty. The law requires more than that a licensee make some colorable efforts toward the maintenance of lawfully conducted premises. The law demands that he in fact so conduct his business that it meets the minimum requirements of decency and morality. If, as in this present case, the overwhelming evidence shows that the tavern is in fact a 'disorderly house,' there can be but one conclusion: that the licensee has permitted or suffered such a condition to exist. ..." Since appellant does not contest that the evidence is sufficient to support the judgment. although refusing to concede its accuracy, we deem it unnecessary to summarize the evidence produced before the hearing officer. [2] The rule that although the factual

determinations of the department may be set aside upon a showing of a lack of substantial evidence, a court may not reweigh the evidence or assess the credibility of witnesses (Mercurio v. Department of Alcoholic [187 Cal.App.2d 217] Beverage Control, supra; Brice v. Department of Alcoholic Beverage Control (1957), 153 Cal.App.2d 315 [314 P.2d 807]), therefore obviates further discussion in this regard. [3] In addition, the appellant claims that the hearing officer erred in receiving testimony to the effect that the premises in question have a reputation for being a "hangout for homosexuals," and in this connection, he urges that this was inadmissible hearsay and its receipt in evidence constituted reversible error. It is to be noted that there was no objection to this testimony during the hearing because the now invalid section 24200, subdivision (e), provided that in addition to any other legally competent evidence, the character of the premises as "a resort" for sexual perverts might be proved by general reputation. There is evidence in the record placing appellant's employees in the near proximity of the wrongful acts. There is also evidence which supports an inference that the employees were aware of the continuing misconduct, viz., on the instance occurring on May 13, 1956, following the occasion when a patron named John Cowgill invited Agent Johnson to engage in a lewd act. After Johnson left the bar with Cowgill and placed him under arrest, Johnson returned to the bar and asked Police Officer Tregoning to come outside. At this time, the bartender, Rick, warned Tregoning, who was not known to be a police officer, not to go outside with Johnson. The bartender said that several arrests had been made the night before; it would be all right as long as he did not leave the premises.

Moreover, there was also evidence, unobjected to and clearly admissible in view of the acts alleged in the accusation, that appellant himself had characterized the patrons of the "Paper Doll" as being "gay" (synonymous with homosexual). Appellant also stated that in the "Paper Doll," only he and the cook named Johnny were "straight" or "square." Furthermore, section 11513 of the Government Code makes hearsay admissible in this type of administrative hearing and this applies to evidence of reputation as well as to any other type of hearsay. (Swegle v. State Board of Equalization, supra; 19 Cal.Jur. 2d, ? 383, p. 116; 2 Cal.Jur.2d, ? 147, p. 251.) Therefore, no effective objection to its introduction could have been interposed even in lieu of section 24200, subdivision (e). Benedetti v. Dept. Alcoholic Bev. Control 187 Cal.App.2d 213

While it is true that section 11513 specifies that whereas hearsay may be used for the purpose of supplementing or explaining any direct evidence, it shall not be sufficient in itself to support a finding unless it would be admissible over [187 Cal.App.2d 218] objections in civil actions. However, as we have noted above, no contention is made as to the substantiality of the direct evidence herein of such homosexual activities on the premises which has been repeatedly held to be within the purview of section 25601. It is our view that the complained-of hearsay is merely supplementary thereto and nothing more. [4] Finally, it should be noted that in the department's original decision, it was determined that the continuance of appellant's license would be contrary to public welfare and morals within the meaning of those terms as used in section 22, article XX, of the Constitution of California. In Vallerga v. Department of Alcoholic Beverage Control, supra, the Supreme Court reversed a judgment denying a writ of mandamus to compel the department to set aside its revocation grounded to a violation of the

invalid section 24200, subdivision (e), despite the fact that there was sufficient evidence to sustain a revocation on said constitutional grounds. However, in that case, the trier of fact had made no findings with regard to this evidence and, furthermore, the accusation failed to put the licensees on notice that their license might thereby be revoked. Thus, to

have sustained the revocation under the constitutional provision would have violated due process of law. Neither the accusation nor the findings present such an impediment in the instant case. Appellant refrains from contending otherwise, and from charging that the licensee's knowledge of the facts is required under section 22, article XX, of the Constitution of California, confining his objection to the argument that because the board sustained the department on a different ground, this court is restricted to a consideration of that ground only. It is our view that no such restriction exists.

Judgment is affirmed.

Draper, Acting P. J., and Shoemaker, J., concurred. Assigned by Chairman of Judicial Council. All section references hereinafter are to be the Business and Professions Code, unless otherwise indicated.

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## Historian Nan Alamilla Boyd & the Gay Ghosts of Queer Old North Beach

Posted June 9, 2014 by RADAR in RADAR General Interest 683 0 0

We caught up with Nan Alamilla Boyd, author of <u>Wide Open Town</u> and our resident historian for the June 21 event <u>Step Back: A Walking & Reading Tour of Queer Old North Beach</u>, at the airport as she was heading to DC. She was invited to participate in a convening of 12 historians, hosted by the Department of the Interior and National Parks Service, to talk about the possibility of establishing LGBT landmarks through the National Parks Service. #Exciting! She said that as she's prepared for this meeting, queer old North Beach hasn't been far from her mind:

"Historic queer north beach is a space that has been completely forgotten about. When you think about San Francisco's queer history you think about the Castro, maybe you think about Valencia because of Michelle Tea's book, and maybe if you have a good historical memory you think about Polk Street. But most people have no idea that North Beach has such really vibrant queer history. This tour enables us as a collectivity to think of queer history in a much more complex fashion because North Beach was always understood to be an Italian neighborhood or a tourist neighborhood or the place where the Beat Movement happened but there was quite a bit of queer history there."

#### Sexuality, vaudeville, tourism & Freud...

"North Beach was a tourist space; it was a space where sexualized entertainment was permissible. It was also a liminal space where queer space evolved – at the border of Chinatown and North Beach, which were both cultural enclaves but also tourist spaces where the notions of what was proper or normal were stretched. And there was a commoditized sexualized tourist culture in both Chinatown and North Beach. So the environment was ripe for the emergence of queer culture and communities. They started with gender transgressive entertainment, like male and female impersonator shows. These were holdouts from late 19th century/early 20th century vaudeville. Vaudeville was a form of popular American entertainment that wasn't really understood to be queer, but in the early 20th century those forms of entertainment were queered by sexology and Freudian theory."

#### And then came the repeal of Prohibition...

"With the repeal of Prohibition in 1933 there was this opportunity for people to make money from the sale and consumption of alcohol again. One way this happened in North Beach was through staging these queered versions of old Vaudeville female impersonator shows. This male impersonator show at Mona's evolved and caught on and was super popular. It was through this bending – or queering – of a holdout from Vaudeville entertainment style that we had this emergence of a nascent queer culture. From these commoditized tourist spaces more 'authentic' queer spaces began to emerge."

#### One of the stops on our walking tour is...

"The Paper Doll, super popular in the early 1950s, was a little bit off the beaten path. It was far enough away from the commercial strip that it was much more of a cultural enclave. It was a queer bar for queer people first rather than a queer bar for tourists first. Alongside the tourist culture were these more community based spaces like Paper Doll through which a cultural community evolved and eventually solidified. I argue in my book, *Wide Open Town*, that in these community spaces there began to evolve a political awareness. It took place inside bars rather than in formal spaces where other movements were convening. That these communities were forming at bars – where everyday people hang out – indicates the populist roots of queer culture, rather than seeing the politicization of queer culture through some elite enterprise. This process was really democratic, cut across class, and was really gender transgressive as well. It wasn't that clean, gender-appropriate movement that emerged in the 1950s. I think the roots of San Francisco's strong queer political movement is in these truly queer and gender transgressive populist spaces, which at that time were the bars of North Beach."



Join RADAR on Saturday, June 21, 2014, 4pm (PROMPTLY) at City Lights Books – 261 **Columbus Avenue in** San Francisco as we reclaim queer space and salute the gay ghosts of North Beach on a walking tour that explores the neighborhood's queer history. Nan Alamilla Boyd, author of Wide Open Town: A History of Queer San Francisco to 1965, leads the way, revealing the secret histories of today's local businesses and painting a picture of a place once

swinging with lesbian and trans nightlife. Featuring special pop-up performances by Lil Miss Hot Mess, Kat Marie Yoas, Maryam Rostami, Mason J, Miss Rahni, Rhiannon Argo and Raquel Gutierrez.

#### San Francisco Historical Society P.O. Box 420569 San Francisco, California 94142-0569 415.775.1111

January 10, 2001

524 Union Street 76 Brentwood Ave San Francisco, CA 94127-2237

Dear San Francisco Property Owner:

The San Francisco Historical Society has applied to the Department of Public Works for a permit to install additional bronze plaques in the sidewalk to mark the Barbary Coast Trail. We have applied for this permit to make it easier for walkers to follow the route and to raise awareness of the trail, which connects twenty of San Francisco's most important historic sites. Since the trail passes in front of your property at 524 Union Street, we may wish to install a bronze trail plaque in the sidewalk fronting your building. We are notifying you for two reasons:

First, if you have any concerns or objections to a Barbary Coast Trail plaque being set in the sidewalk fronting your property, please contact Nick Elsner of the Department of Public Works. Mr. Elsner can be reached by phone at 415 554-6199 or by mail at Department of Public Works; Bureau of Street Use and Mapping; 875 Stevenson Street, Room 460; San Francisco, CA 94103. Also, the Department of Public Works has scheduled a public hearing on Wednesday, January 31, 2001 at 9:00 AM at City Hall, 1 Dr. Carlton B. Goodlett Place (formerly 400 Van Ness Avenue), Room 400 to consider this proposal.

Second, we are offering you the first opportunity to sponsor a plaque in front of your property. These durable bronze plaques were honored with an award by San Francisco Beautiful. Should you decide to become a sponsor, your name or any name(s) you chose up to 45 letters and spaces will be permanently cast into the plaque. To see an example of this, please walk to either corner of the block where your property is located. The cost to sponsor a plaque is \$2,200.

We hope you will join our efforts to preserve and promote San Francisco history. The San Francisco Historical Society is a non-profit 501(c)(3) organization, chartered by the State of California. If you have questions please call us at 415 775-1111 and leave your name and number. Your call will be returned promptly. Thank you for your support.

Sincerely,

Daniel Bacon

Executive Director, Barbary Coast Trail

#### Selected literary references to the Paper Doll.

A Restricted Country: Essays and short stories

by Joan Nestle

A Place For Ourselves: Lesbian, Gay, and Bisexual Community Histories

edited by Brett Beemyn

A Touch of Noir By L.M. Giannone

Baby, You are My Religion: Women, Gay Bars, and Theology Before Stonewall

By Marie Cartier

Bohemian San Francisco by Henry Herman Evans

Creating a Place For Ourselves: Lesbian, Gay, and Bisexual Community

Histories edited by Brett Beemyn

**Cultural Studies** 

edited by Lawrence Grossberg, Cary Nelson, Paula Treichler

Gay and Lesbian San Francisco

By William Lipsky

Gaylaw: Challenging the Apartheid of the Closet

By William N Eskridge

Naked in the Promised Land

By Lillian Faderman

Poet Be Like God: Jack Spicer and the San Francisco Renaissance

By Lewis Ellingham, Kevin Killian

Portable Childhoods

By Ellen Klages

Reborn: Early Diaries by Susan Sontag

San Francisco, Open Your Golden Gate!: Memoir

By Larry R. Oberg

San Francisco Noir: The City in Film Noir from 1940 to the Present

By Nathaniel Rich

Sapphistries: A Global History of Love Between Women

By Leila J. Rupp

The Empress Is a Man: Stories from the Life of José Sarria

by Michael Robert Gorman

#### Selected literary references to the Paper Doll.

The Birth of the Beat Generation: Visionaries, Rebels, and Hipsters, 1944-1960 by Steven Watson

The Fabulous Sylvester: The Legend, the Music, the Seventies in San Francisco By Joshua Gamson

The Streets of San Francisco: Policing and the Creation of a Cosmopolitan ... By Christopher Lowen Agee

The Voice of My Brother's Blood: A Love Story By David Charles Craley

Vanished Act: The Life and Art of Weldon Kees By James Reidel

Weldon Kees and the Midcentury Generation: Letters, 1935-1955 By Weldon Kees

Wide-Open Town: A History of Queer San Francisco to 1965 by Boyd, Nan Alamilla

Infinite City: A San Francisco Atlas by Rebecca Solnit, 2010