

ISSUED OCTOBER 19, 2000

BEFORE THE ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD
OF THE STATE OF CALIFORNIA

GURBACHAN SINGH SANDHU	)	AB-7414
dba Redhill Liquor)	
8939 Foothill Blvd.	)	File: 21-212058
Rancho Cucamonga, CA 91730,	)	Reg: 98045374
Appellant/Licensee,)	
	)	Administrative Law Judge
v.	)	at the Dept. Hearing:
	)	John P. McCarthy
DEPARTMENT OF ALCOHOLIC)	
BEVERAGE CONTROL,	)	Date and Place of the
Respondent.	)	Appeals Board Hearing:
	)	August 3, 2000
	)	Los Angeles, CA

Gurbachan Singh Sandhu, doing business as Redhill Liquor (appellant), appeals from a decision of the Department of Alcoholic Beverage Control which revoked his off-sale general license for his clerk selling an alcoholic beverage to a person under the age of 21 years, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, and Business and Professions Code §24200, (a) and (b), arising from a violation of Business and Professions Code §25658, subdivision (a).

Appearances on appeal include appellant Gurbachan Singh Sandhu, appearing through his counsel, Joshua Kaplan, and the Department of Alcoholic Beverage

Control, appearing through its counsel, John W. Lewis.

FACTS AND PROCEDURAL HISTORY

Appellant's license was issued on February 8, 1988. Thereafter, the Department instituted an accusation against appellant charging the violation of selling alcoholic beverages to a person under the age of 21 years.

An administrative hearing was held on March 25, 1999, at which time oral and documentary evidence was received. It was shown that three such violations occurred within a 36-month period, and pursuant to Business and Professions Code §25658.1, subdivision (b), the Department is authorized to revoke the license. Subsequent to the hearing, the Department issued its decision which determined that the allegations of the accusation were true, and based on the prior disciplinary history of appellant, the license was revoked.

Appellant thereafter filed a timely notice of appeal, in which he raised various issues.

Subsequently, the Department filed a motion to dismiss the appeal as the license was revoked in a prior and unrelated matter, and therefore the appeal is moot.¹

On July 21, 2000, the Appeals Board gave notice of the filing of the motion to dismiss and invited written comments or opposition to the motion. The motion had been served on counsel for appellant. No comment or brief was forthcoming.

ORDER

¹A copy of the motion to dismiss is set forth in the appendix

The motion to dismiss the appeal by the Department is granted, and the appeal is dismissed.²

TED HUNT, CHAIRMAN
RAY T. BLAIR, JR., MEMBER
E. LYNN BROWN, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

²This final order is filed in accordance with Business and Professions Code §23088, and shall become effective 30 days following the date of the filing of this order as provided by §23090.7 of said code.

Any party, before this final order becomes effective, may apply to the appropriate court of appeal, or the California Supreme Court, for a writ of review of this final order in accordance with Business and Professions Code §23090 et seq.