

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

|                              |   |                          |
|------------------------------|---|--------------------------|
| JAMES LISSNER                | ) | AB-7495                  |
| Appellant/Protestant         | ) |                          |
|                              | ) | File: 47-348590          |
| v.                           | ) | Reg: 99046054            |
|                              | ) |                          |
| SOUTH BAY HOLDINGS, LLC      | ) | Administrative Law Judge |
| dba Barcelona                | ) | at the Dept. Hearing:    |
| 934 Hermosa Ave., Units 7-10 | ) | Rodolfo Echeverria       |
| Hermosa Beach, CA 90254, and | ) |                          |
|                              | ) | Date and Place of the    |
| DEPARTMENT OF ALCOHOLIC      | ) | Appeals Board Hearing:   |
| BEVERAGE CONTROL,            | ) | September 7, 2000        |
| Respondent.                  | ) | Los Angeles, CA          |

James Lissner, (protestant), appeals from a decision of the Department of Alcoholic Beverage Control which overruled his protest against the transfer of a license to applicant South Bay Holdings, LLC, doing business as Barcelona, provided applicant files with the Department a Petition For Conditional License consenting to a modification of a condition previously imposed, and consenting that additional conditions be imposed on its person to person/premises to premises transfer of an on-sale general public eating place license.

Appearances on appeal include appellant/protestant James Lissner, applicant South Bay Holdings, LLC, appearing through its representative Kevin Wall, and the

Department of Alcoholic Beverage Control, appearing through its counsel, Jonathon Logan.

#### FACTS AND PROCEDURAL HISTORY

Applicant filed an application for the transfer of a license from another entity and location to the intended location. An administrative hearing was held on May 25, 1999, at which time oral and documentary evidence was received. Subsequent to the hearing, the Department issued its decision which determined that if applicant would add conditions to the license to be transferred, and modify a condition existing on the license, the license would be issued.

Appellant thereafter filed a timely notice of appeal. Subsequent to filing of the appeal, applicant withdrew its application. The Department has filed a motion to dismiss the appeal on the ground it is now moot.<sup>1</sup>

#### ORDER

The motion by the Department to dismiss the appeal is granted and the appeal is dismissed.<sup>2</sup>

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

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<sup>1</sup>A copy of the Motion To Dismiss is set forth in the appendix.

<sup>2</sup>This 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.