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

AB-7648b
File: 20-313923 Reg: 00048082

REBHYA ABDELJAWAD dba John's Market
1122 East State Street, Ontario, CA 91761,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: Rodolfo Echeverria

Appeals Board Hearing: November 14, 2002
Los Angeles, CA

ISSUED FEBRUARY 4, 2003

Rebhya Abdeljawad, doing business as John's Market (appellant), appeals from

a decision of the Department of Alcoholic Beverage Control[1] which revoked her license

following her entry of a guilty plea to charges that she violated Penal Code section 488,

a criminal offense involving moral turpitude.

Appearances on appeal include appellant Rebhya Abdeljawad, appearing

through her counsel, Rick A. Blake, and the Department of Alcoholic Beverage Control,

appearing through its counsel, Jonathon E. Logan.

FACTS AND PROCEDURAL HISTORY

This is the third appeal in this matter.   In the initial appeal, the Board reversed

the original decision of the Department, and remanded the matter to the Department to

reconsider the penalty. The Board read the decision, and, more specifically, its order of

---

[1]The decision of the Department, dated June 7, 2002, is set forth in the
appendix.

revocation, as, in some unexplained manner, turning on the type of license held by

appellant, and was unable to determine whether the order represented a proper

exercise of discretion.

Upon remand, the Department issued a revised decision, deleting the reference

to the type of license under consideration, and reaffirming its order of revocation. The

Board again reversed the Department, and criticized the Department for its failure to

remand the matter to the Administrative Law Judge (ALJ) so that he could explain what

he meant when he said "after considering the entire evidence presented at the hearing

as well as the type of license we are dealing with."

The present appeal has been taken from the decision entered by the Department

after it remanded the matter to Judge Echeverria. In a new proposed decision, Judge

Echeverria explained that,

> by including the phrase 'as well as the type of license we are dealing with,' the Administrative Law Judge never intended to suggest or imply that the 'type' of alcoholic beverage license held by the Respondent was or should be a factor in determining whether the instant license should be revoked. By using the above-quoted phrase, this Administrative Law Judge simply wanted to emphasize the fact that we were dealing with 'an' alcoholic beverage license.

Appellant contends the explanation by the Administrative Law Judge (ALJ) of

what he meant when he referred to the type of license should be rejected by the Board.

We do not agree with appellant's speculation that the ALJ ordered the license

revoked because it may have had only nominal value.

Instead, we accept the ALJ's explanation of his use of the phrase "the type of

license we are dealing with" as referring to an alcoholic beverage license rather than

some other kind of license which may not have as much potential impact on the public

welfare and morals. In that context, we can find no fault in his use of the phrase, nor in

2

his ultimate determination that the license should be revoked. Appellant was guilty of criminal offenses involving moral turpitude, for which revocation is an appropriate penalty, and well within the Department's discretion.

<div align="center">ORDER</div>

The decision of the Department is affirmed.[2]

>TED HUNT, CHAIRMAN
>E. LYNN BROWN, MEMBER
>ALCOHOLIC BEVERAGE CONTROL
>APPEALS BOARD

---

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

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