

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

AB-8964

File: 20-450352 Reg: None

BEN LAHLOU, dba Arco Gasoline & Market
17312 Foothill Boulevard, Fontana, CA
92335, Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: None

Appeals Board Hearing: March 5, 2009
Los Angeles, CA

ISSUED JUNE 2, 2009

Ben Lahlou, doing business as Arco Gasoline & Market (appellant), appeals from the Department of Alcoholic Beverage Control's refusal to reinstate a license which had automatically been cancelled for non-payment of renewal fees.

Appearances on appeal include appellant Ben Lahlou, appearing in propria persona, and the Department of Alcoholic Beverage Control, appearing through its counsel, David W. Sakamoto.

There was no administrative hearing in this matter, and no record for the Board. The following discussion is based on claims in appellant's unsworn appeal letter and statements made by him during oral argument.

An off-sale beer and wine license which had been issued to appellant but sold to a Sajjad Khan along with the business was revoked by the Department following non-payment of renewal fees by Khan. When Kahn failed to pay for the business, appellant

sued and recovered the business on September 2, 2008,, only to learn a few days later that the license had earlier been revoked. His appeal letter asserts that an application for reinstatement was filed by Khan on September 24, 2008, and that Khan also signed a license transfer request on September 10, 2008.

The Board advised appellant that his appeal would be tentatively accepted, but he would bear the burden of proving that he, rather than Khan, was the person entitled, if at all, to appeal from the denial of reinstatement.

We do not know how much time passed while Khan was the erstwhile owner of the business. It is undisputed that the renewal fees were not paid when due, and that the license was properly revoked. Since Khan was the owner of the license when it was revoked, he would have been the only person entitled to appeal from the Department's action. Appellant held no interest in the license.

We are satisfied that the appeal must be dismissed. Appellant lacks standing to appeal.

ORDER

The appeal is dismissed for lack of standing.¹

FRED ARMENDARIZ, CHAIRMAN
SOPHIE C. WONG, MEMBER
TINA FRANK, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

¹ 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.