

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

AB-9375

File: 42-421283 Reg: 13077992

JORGE SANCHEZ MARTINEZ
dba The Turnaround Sports Bar
9060 Woodman Avenue, Arleta, CA 91331,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: Matthew G. Ainley

Appeals Board Hearing: May 1, 2014
Los Angeles, CA

ISSUED JUNE 20, 2014

Jorge Sanchez Martinez, doing business as The Turnaround Sports Bar (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which revoked his license for violations of Business and Professions Code section 24200.5, subdivision (b), and section 25657, subdivision (a) and (b), and further suspended his license for 15 days, with 5 days stayed, for violations of license conditions pursuant to section 23804.

Appearances on appeal include appellant Jorge Sanchez Martinez, appearing through his counsel, Robert J. Ramirez, and the Department of Alcoholic Beverage Control, appearing through its counsel, Kimberly Belvedere.

¹The decision of the Department, dated September 6, 2013, is set forth in the appendix.

FACTS AND PROCEDURAL HISTORY

Appellant's on-sale beer and wine public premises license was issued on April 20, 2005. Appellant's license contained eight conditions, including three at issue in this case:

1. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 AM and 10:00 PM Sunday through Thursday, and 10:00 to 12:00 Midnight Friday and Saturday.

¶ . . . ¶

7. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.

8. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverages from any customer while in the premises.

On February 6, 2013, the Department instituted a twelve-count accusation against appellant. Nine of these counts alleged that, on three separate dates, appellant employed or permitted individuals to engage in drink solicitation activity within the premises, in violation of sections 24200.5, subdivision (b),² and 25657, subdivisions (a)

²Counts 1, 6, 8, and 10 alleged violations of section 24200.5, subdivision (b). That section states, in relevant part:

Notwithstanding the provisions of Section 24200, the department shall revoke a license upon any of the following grounds:

¶ . . . ¶

(b) If the licensee has employed or permitted any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage, salary, or other profit-sharing plan, scheme, or conspiracy.

and (b).³ The remaining three counts allege violations of each of the license conditions cited above.

At the administrative hearing held on July 11, 2013, documentary evidence was received and testimony concerning the violation charged was presented by Sergeant Liferlando Garcia and Officer Jose Monzon of the Los Angeles Police Department (LAPD); by appellant Jorge Martinez; and by Josefina Hernandez Ortiz and Brenda Orozco, both of whom were employed as bartenders at the premises.

Testimony established that on three separate dates between August 3 and September 6, 2012, the two LAPD officers observed solicitation activity as well as condition violations at the premises.

The events underlying counts 1 through 5 took place on August 3, 2012. On that date, Sergeant Garcia entered the premises, took a seat at the bar, and ordered a Victoria beer. Ortiz was working the bar. She served Garcia the beer and charged him \$5, which he paid.

Garcia proceeded to consume his beer alone. A short while later, Ortiz

³Count 2 alleged a violation of section 25657, subdivision (a). Counts 3, 7, 9, and 11 alleged violations of subdivision (b). Section 25657 states:

It is unlawful:

(a) For any person to employ, upon any licensed on-sale premises, any person for the purpose of procuring or encouraging the purchase or sale of alcoholic beverages, or to pay any such person a percentage or commission on the sale of alcoholic beverages on such premises.

(b) In any place of business where alcoholic beverages are sold to be consumed upon the premises, to employ or knowingly permit anyone to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverages for the one begging or soliciting.

approached and asked Garcia why he was alone. Garcia replied that he didn't know anyone. Ortiz asked Garcia to buy her a beer. He agreed. Ortiz picked up a can of Tecate beer. Garcia handed her a \$20 bill. Ortiz placed the money in the register and retrieved some change. She gave \$10 of the change to Garcia and placed the rest in the tip jar. Ortiz began consuming her beer, then moved down the bar counter to a point near appellant Martinez.

Later that night, an individual — allegedly a man dressed as a woman — approached Sergeant Garcia.⁴ She identified herself as "Gabby" and asked Garcia to buy her a beer. Garcia agreed. Gabby called Ortiz over and ordered a beer. Ortiz refused, and indicated that to Gabby that she did not know Garcia. Sergeant Garcia subsequently exited the premises.

The events underlying counts 6 and 7 took place on August 30, 2012. On that date, Sergeant Garcia returned to the premises with Officer Monzon. They took seats at the bar and ordered two beers, a Victoria and a Modelo. Orozco was working the bar. She served them the beers and charged them \$5 each.

Gabby again approached and asked Sergeant Garcia to buy her a beer. Garcia agreed and Gabby called Orozco over. Gabby ordered a beer, and Orozco served it to her. Garcia handed Orozco a \$20 bill. Orozco took the money to the register and obtained some change. She gave \$10 of the change to Garcia and \$7 to Gabby.

Gabby subsequently asked Garcia to buy her another beer. Garcia agreed.

⁴During the administrative hearing, there was some discussion as to what pronoun to use when referring to the individual identified as Gabby. The department's decision uses the masculine pronoun, in keeping with the request of the department's attorney at the hearing. [See RT 23-24.] The testimony, however, suggests that regardless of her biological sex, Gabby intended to present herself as female. We shall therefore use the feminine pronoun when referring to Gabby throughout this opinion.

Gabby called Orozco over. Gabby ordered a beer from Orozco, and Orozco served it to her. Garcia paid with a \$10 bill. Orozco took the money to the register and retrieved \$7 in change, which she gave to Gabby.

The events underlying counts 8 through 12 took place on September 6, 2012. On that date, Sergeant Garcia, Officer Monzon, and Officer Coreas entered the licensed premises and sat down at a table together. Orozco came over and asked to see Coreas' identification. He showed it to her, and the officers ordered three beers. Orozco served them the beers, and Garcia paid her a total of \$15.

An individual named Blanca Birrueta approached them while they sat at the table. She said she was busy, but would return. Officers Monzon and Coreas got up from the table and began to play pool.

After 20 or 30 minutes, Birrueta returned to the table and asked Sergeant Garcia to buy her a beer. He agreed. Birrueta asked Garcia for some money, and he handed her a \$50 bill. Birrueta went to the bar and obtained a beer from Orozco. She returned with the beer and \$40 in change. She handed the change to Garcia and proceeded to drink the beer.

After she had finished the beer, Birrueta suggested to Garcia that they move to the bar counter, which they did. Birrueta then asked Garcia to buy her another beer. He agreed. Birrueta called Orozco over and ordered a beer. Garcia ordered a beer as well. Orozco obtained two beers and served them. Garcia paid Orozco with a \$20 bill. Orozco took the money to the register and retrieved \$12 in change. She gave \$5 of the change to Garcia and \$7 to Birrueta.

Birrueta asked Garcia to buy her a third beer. He agreed, and Birrueta called Orozco over. Garcia handed Orozco a \$20 bill. Orozco obtained some change from

the register. She handed the beer and \$7 of the change to Birrueta. She gave the remaining \$10 to Garcia.

After finishing her third beer, Birrueta asked Garcia to buy her another. He agreed. Birrueta ordered the beer from Orozco, and Orozco served it to her. Garcia again paid with a \$20 bill. Orozco again took the money to the register, retrieved some change, gave \$10 of the change to Garcia, and gave \$7 to Birrueta.

When Officer Monzon finished playing pool, he took a seat at the bar and entered into a conversation with an individual named Gabriela Rodriguez. Rodriguez called Orozco over and declared that Monzon was going to buy her a beer. Monzon ordered a beer at the same time and handed Orozco a \$20 bill. Orozco returned with two beers and some change. She gave \$7 to Rodriguez and \$5 to Monzon.

At 10:00 p.m., Orozco locked the front and back doors and turned off the exterior lights.

Subsequently, Birrueta asked Sergeant Garcia to buy her a fifth beer. He agreed. Birrueta ordered a Tecate Light from Orozco. Orozco served Birrueta the beer, at which point Garcia handed Orozco a \$20 bill. Orozco took the money to the register and retrieved some change. She gave \$7 of the change to Birrueta and \$10 to Garcia.

Rodriguez asked Officer Monzon to buy her a beer. He agreed. Rodriguez ordered a beer from Orozco, who served it to her. Monzon paid with a \$10 bill. Orozco took the money to the register. When Orozco returned, she stated that she owed Rodriguez \$7. Rodriguez pulled \$33 from her purse, handed it to Orozco, and asked for \$40 back. Orozco appeared confused at first, but ultimately took the money to the register. She returned with \$40, which she gave to Rodriguez.

Subsequent to the hearing, the Department issued its decision, which sustained all counts. At the time of the violation, appellant was serving a stayed revocation for previous solicitation activity.⁵ Accordingly, appellant's license was revoked. The ALJ imposed a separate, concurrent penalty of 15 days' suspension, with 5 days stayed, for the condition violations alleged in counts 4, 5, and 12.

Appellant filed a timely appeal raising the following issues: (1) with the exception of count 12, the evidence is insufficient to sustain the charges, and (2) the penalty is excessive.

DISCUSSION

I

Appellant contends that there is insufficient evidence to support the Department's decision with regards to all counts except count 12. Appellant asserts that the testimony presented by Sergeant Garcia and Officer Monzon is wholly contradicted by the testimony of appellant's own witnesses. Moreover, certain factual circumstances make the events as Garcia testified to them unlikely, and further erode Garcia's credibility.

"Substantial evidence' is relevant evidence that a reasonable mind might accept as adequate to support a conclusion." (*San Diego Unified School Dist. v. Comm. on Prof. Competence* (2013) 214 Cal.App.4th 1120, 1142 [154 Cal.Rptr.3d 751], citing *Hosford v. State Personnel Bd.* (1977) 74 Cal.App.3d 302, 307 [141 Cal.Rptr. 354].) "It is sufficient if any reasonable trier of fact could have considered it reasonable, credible, and of solid value." (*Kazensky v. City of Merced* (1998) 65 Cal.App.4th 44, 52 [76

⁵See File No. 42-421283, Reg. No. 11074146.

Cal.Rptr.2d 356].)

When, as here, the findings are attacked on the ground that there is a lack of substantial evidence, the Appeals Board, after considering the entire record, must determine whether there is substantial evidence, even if contradicted, to reasonably support the findings in dispute. (*Bowers v. Bernards* (1984) 150 Cal.App.3d 870, 873-874 [197 Cal.Rptr. 925].) Appellate review does not "resolve conflicts in the evidence, or between inferences reasonably deducible from the evidence." (*Brookhouser v. State of Cal.* (1992) 10 Cal.App.4th 1665, 1678 [13 Cal.Rptr.2d 658].)

We cannot interpose our judgment on the evidence, and we must accept as conclusive the Department's findings of fact. [Citations.] We must indulge in all legitimate inferences in support of the Department's determination. Neither the Board nor an appellate court may reweigh the evidence or exercise independent judgment to overturn the Department's factual findings to reach a contrary, although perhaps equally reasonable, result. [Citations.] The function of an appellate board or Court of Appeal is not to supplant the trial court as the forum for consideration of the facts and assessing the credibility of witnesses or to substitute its discretion for that of the trial court. An appellate body reviews for error guided by applicable standards of review.

(*Dept. of Alcoholic Bev. Control v. Alcoholic Bev. Control Appeals Bd. (Masani)* (2004) 118 Cal.App.4th 1429, 1437 [13 Cal.Rptr.3d 826].)

We emphasize that it is the province of the ALJ, as the trier of fact, to make determinations as to witness credibility. (*Lorimore v. State Personnel Bd.* (1965) 232 Cal.App.2d 183, 189 [42 Cal.Rptr. 640]; *Brice v. Dept. of Alcoholic Bev. Control* (1957) 153 Cal.App.2d 315, 323 [314 P.2d 807].) The Appeals Board will not interfere with those determinations in the absence of a clear showing of abuse of discretion.

Appellant's attack on counts 1 through 5 is, in its entirety, an attack on Sergeant Garcia's credibility. Appellant points out that Garcia's testimony is "wholly contradicted by the testimony of Josefina Hernandez Ortiz." (App.Br. at p. 4.) Appellant posits that it

is

not credible to believe that with at least 20 customers inside the location, some seated at the opposite end of the bar counter, that the only bartender on duty could be able to take care of business, servicing orders while dedicating 15 minutes or so specifically to Sergeant Garcia, which would, at the same time, obviously, place her job in jeopardy, by soliciting a drink and putting a couple of dollars into a tip jar.

(App.Br. at p. 7.)

The ALJ, on the other hand, expressly found Sergeant Garcia's testimony to be more credible than Ortiz's. (Conclusions of Law ¶ 8.)

Appellant cannot reasonably argue that it would be impossible for a bartender to converse with a customer for fifteen minutes while simultaneously attending to her duties. Bartenders are often hired specifically for their ability to manage a number of tasks at once. Moreover, both this Board — and, no doubt, the ALJ — have seen many cases in which a bartender or other employee has undeniably risked his or her job for a couple of dollars. Because the ALJ's credibility assessment is reasonable, it must stand.

Appellant launches a similar credibility attack against counts 6 and 7, pointing out that "Sergeant Garcia's testimony is contradicted by the testimony of Brenda Orozco, and others." (App.Br. at p. 9.) Appellant's argument hinges on Orozco's testimony that she "never gave change to anybody who did not make an order," as well as the purported misidentification of the individual known as Gabby. (*Ibid.*)

Again, the ALJ makes an express credibility finding: "the testimony of Sgt. Garcia is expressly relied upon and Orozco's is rejected." (Conclusions of Law ¶ 9.)

Moreover, the ALJ addresses testimony surrounding Gabby's identity:

Although the Respondent argued that Gabby must have been Oscar [T.], any such conclusion is speculative. Sgt. Garcia was never shown a

photograph of [Oscar] and the Respondent's witnesses claimed not to know a cross-dressing male named Gabby. While it is possible that they are one and the same, it is also possible that they are not. Regardless of the name used, the man in question solicited two beers from Sgt. Garcia and was paid a commission in connection with each one.

(*Ibid.*) While appellant has now changed tack and argues that Gabby was in fact Gabriela Rodriguez, the same reasoning must apply. An individual identified as Gabby solicited drinks and received a commission. The ALJ's decision to credit Garcia's testimony over Orozco's was reasonable, and must stand.

With regard to counts 6 and 7, appellant also contends that, during the second purported solicitation by Gabby on August 30, the bartender merely put the change on the counter, and that Sergeant Garcia "made no attempt to grab the money," nor did he "make an inquiry to the bartender regarding the change." (App.Br. at p. 9.)

The ALJ made the following finding regarding Gabby's second solicitation:

10. Gabby subsequently asked Sgt. Garcia to buy [her] another beer. Sgt. Garcia agreed. Gabby ordered a beer from Orozco, which she served to him. Sgt. Garcia paid with a \$10 bill. Orozco took the money to the register and obtained \$7 in change. Orozco gave all the change to Gabby.

(Findings of Fact ¶ 10.) This Board is bound by the ALJ's findings, provided they are supported by the evidence.

There are two problems with appellant's argument. First, granting Garcia's testimony credibility per the ALJ's assessment, the Department has already proven counts 6 and 7 based on the first of Gabby's two solicitations, because in that instance, Orozco handed the money directly to Gabby and did not place it on the counter. [RT 24-25; 75-76.] Counts 6 and 7 both stand based on Gabby's first solicitation alone.

Second, Garcia's testimony reasonably supports the ALJ's finding that Orozco gave the money to Gabby. On cross-examination, Garcia first testified that he and

Officer Monzon conversed with Gabby at the bar following the first solicitation. [RT at pp. 77.] The following exchange then took place:

Q: Okay. Was any change given to you?

[Garcia]: No.

Q: Did you request any change from the bartender, regarding the purchase of beer for Gabby?

A: The only change I was given was given to Gabby. I was not given any change. I did not request any change.

Q: Now, the \$7, was it put on the bar counter itself?

A: Yes. It was put on the bar in front of Gabby.

Q: At this time Gabby was seated -- was she seated or standing?

A: Gabby was standing. I believe Gabby was standing the entire time.

Q: So when it's put on the bar counter, was she standing behind you?

A: At this point she's standing between the two of us.

Q: [She]'s standing between the two of you and the money is put between the two of you?

A: Correct.

[RT at pp. 80-81.] If, as Garcia testified, Orozco put the money on the bar in front of Gabby, where she stood between Garcia and Officer Monzon, then the ALJ's finding that Orozco gave the change to Gabby is reasonable and we have no grounds to reverse it. The fact that she paid a commission to Gabby establishes Orozco's knowledge of and complicity in the solicitation scheme. Counts 6 and 7 therefore survive on the strength of the evidence supporting either of Gabby's solicitations.

We know of no authority — and appellant cites none — that requires an officer to question the distribution of change following a drink solicitation and apparent

commission payment. Appellant's argument on this point is meritless.

Regarding counts 8 and 9, appellant's challenge again hinges on Sergeant Garcia's credibility and on the placement of the money on the bar. During testimony, Orozco stated that Birrueta was not soliciting and was in fact stealing beer at the premises. [RT at pp. 194-196.] Moreover, appellant claims that Garcia's memory of where Orozco placed the change was flawed, and that Birrueta may simply have stolen the change off the counter. (App.Br. at pp. 15-16.)

As above, appellant's credibility argument fails. The ALJ rejected Orozco's testimony and expressly stated that he was relying on the testimony offered by Sergeant Garcia. (Conclusions of Law ¶ 9.) Given that Orozco admitted she did not tell the police of Birrueta's alleged theft, it was entirely reasonable for the ALJ to reject her testimony on this point. [See RT at pp. 201-202.]

Moreover, Sergeant Garcia's testimony provides substantial support for the ALJ's conclusion that Orozco paid Birrueta commissions for the solicitation of alcohol. It is true that the first of Birrueta's five beers was solicited away from the bar, and that there was no evidence of any commission paid. The ALJ acknowledges this. (See Conclusions of Law ¶ 10.) There is no dispute on this point.

Sergeant Garcia's testimony regarding Birrueta's remaining four solicitations, however, does support a finding that Birrueta was paid a commission. On direct examination, Sergeant Garcia testified that during the second and fifth transactions, Orozco handed \$7 directly to Blanca, who put it in her bra. [RT at pp. 33-34, 39-40.] During the third transaction, Garcia testified that Orozco set the money on the bar, and Birrueta picked it up and put it in her bra. [RT at p. 35.] Finally, Garcia stated that during the fourth transaction, Orozco set the money on the bar in front of Birrueta, and

again, Birrueta picked it up and put it in her bra. [RT at pp. 37-38.] On cross-examination, Garcia was less certain whether Orozco placed the money on the bar or gave it to Birrueta directly during the second and fifth transactions. [RT at pp. 104, 118.] He was nevertheless clear that in each instance, Orozco separated out \$7 and gave it to Birrueta, either directly or by placing it on the bar in front of her. [RT at pp. 104, 106-107, 114, 118.] Garcia's testimony is sufficient to uphold the ALJ's finding that Orozco paid Birrueta commissions in connection with the solicitation of drinks.

Appellant contends that there is no evidence Birrueta was an employee of the premises. It is true that the Department cannot prove that Birrueta was an employee. Counts 8 and 9, however, allege violations of sections 24200.5(b) and 25657(b), respectively. Section 24200.5(b) requires only that the Department show that "the licensee has employed *or permitted*" a person to solicit drinks. (Emphasis added.) Section 25657(b) states that "[i]t is unlawful . . . to employ *or knowingly permit* anyone to loiter in or about" the premises for purposes of solicitation. (Emphasis added.) The Department did not need to prove that Birrueta was an employee in order to establish a violation of these sections.

Finally, appellant again contends that Sergeant Garcia did not question the distribution of change. Again, this argument is meritless. He was not required to do so.

Regarding counts 10 and 11, appellant attacks Officer Monzon's credibility, and further challenges the inference of a commission on Rodriguez's second drink. Additionally, appellant contends that Rodriguez's first drink was not solicited.

Appellant's argument regarding the first of Rodriguez's two drinks is moot. The ALJ held that because the first drink was not solicited, it did not constitute a violation, regardless of whether Rodriguez was paid a commission. (Conclusions of Law ¶ 10.)

There is no dispute on this point.

With regard to the distribution of change during the second transaction, however, appellant attacks Officer Monzon's credibility and argues that "Orozco was adamant that change was given to the party who tendered the money, not another party." (App.Br. at p. 18.) Alternatively, appellant challenges the inference that the money Orozco gave to Rodriguez was a commission: "It could be inferred from the exchange of monies between them that possibly a commission was paid. However, it could also be inferred that the parties had an unresolved debt unrelated to the Turnaround Sports Bar." (App.Br. at p. 18.)

This Board, however, is bound by the credibility findings and inferences reached by the ALJ. The ALJ specifically rejected Orozco's testimony on this point and relied on the officers' testimony instead. (Conclusions of Law ¶ 10.)

The ALJ made the following factual findings regarding Rodriguez's second drink:

19. Rodriguez asked Ofcr. Monzon to buy her a beer. He agreed. Rodriguez ordered a beer from Orozco, who served it to her. Ofcr. Monzon paid with a \$10 bill. Orozco took the money to the register. When Orozco returned, she stated that she owed Rodriguez \$7. Rodriguez pulled \$33 from her purse, handed it to Orozco, and asked for \$40 back. Orozco appeared confused at first, but ultimately took the money back to the register. She returned with \$40, which she gave to Rodriguez.

(Findings of Fact ¶ 19.) Testimony supports these findings.

Based on these findings, the ALJ concluded that Orozco paid Rodriguez a commission. This finding was reasonable, particularly since it is unlikely that Orozco would pay a private debt with money from the Turnaround Sports Bar's cash register. The findings on Rodriguez's second drink are sufficient to sustain counts 10 and 11.

Lastly, appellant reiterates the argument that Officer Monzon did not question

the distribution of change, and contends that there is no evidence that Rodriguez was an employee. As above, these arguments are irrelevant. First, Monzon was not required to question the transaction. Second, Counts 10 and 11, like counts 8 and 9, were brought under sections 24200.5(b) and 25657(b). Employment is not a necessary element of either violation.

Appellant has given us no cause to reconsider the ALJ's factual or credibility findings, and his findings support his decision to impose discipline for counts 1 through 11. Appellant does challenge count 12. Accordingly, we affirm all counts.

II

Appellant contends that the penalty is excessive. Appellant argues that the penalty of revocation mandated in sections 24200.5(b) and 25657 can be satisfied by a stayed revocation with some period of suspension. Appellant does not challenge the concurrent suspension imposed for condition violations.

The Appeals Board may examine the issue of excessive penalty if it is raised by an appellant. (*Joseph's of Cal. v. Alcoholic Bev. Control Appeals Bd.* (1971) 19 Cal.App.3d 785, 789 [97 Cal.Rptr. 183].) However, the Board will not disturb the Department's penalty order in the absence of an abuse of discretion. (*Martin v. Alcoholic Bev. Control Appeals Bd. & Haley* (1959) 52 Cal.2d 287, 291 [341 P.2d 296].) If the penalty imposed is reasonable, the Board must uphold it, even if another penalty would be equally, or even more, reasonable. "If reasonable minds might differ as to the propriety of the penalty imposed, this fact serves to fortify the conclusion the Department acted within the area of its discretion. (*Harris v. Alcoholic Bev. Control Appeals Bd.* (1956) 62 Cal.2d 589, 594 [43 Cal.Rptr. 633].)

At the time of the present violation, appellant was serving a suspended

revocation for previous violations of section 24200.5, section 25657(a) and (b), and rule 143. The terms of that decision make it clear that the revocation will only be stayed upon the condition that no cause for disciplinary action occurs within the stayed period. (Exhibit 2.) Appellant has patently violated that condition. He has no room to negotiate the same penalty here. Revocation is, in the present case, both reasonable and necessary.

ORDER

The decision of the Department is affirmed.⁶

BAXTER RICE, CHAIRMAN
FRED HIESTAND, MEMBER
PETER J. RODDY, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

⁶This final order is filed in accordance with Business and Professions Code section 23088, and shall become effective 30 days following the date of the filing of this order as provided by section 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 section 23090 et seq.