

ISSUED MARCH 21, 2001

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

THE SOUTHLAND CORPORATION	)	AB-7023a
and RAJWINDER S. ATWAL)	
dba 7-Eleven Store	)	File: 20-329169
295 West Central Avenue	)	Reg: 97041572
Brea, CA 92621,)	
Appellant s/Licensees,	)	Administrative Law Judge
	)	at the Dept. Hearing:
v.	)	Rodolfo Echeverria
)	
	)	Date and Place of the
DEPARTMENT OF ALCOHOLIC	)	Appeals Board Hearing:
BEVERAGE CONTROL,	)	September 7, 2000
Respondent.	)	Los Angeles, CA
_____)	

This is an appeal from a decision of the Department which found that appellant, through an employee, had sold an alcoholic beverage to a minor decoy. Appellants have raised four issues: (1) Rule 141(b)(2) was violated (appearance of decoy); Rule 141(b)(5) was violated (face to face identification of seller); and (3) appellants' rights to discovery and a transcript of the hearing on their discovery motion were improperly denied.

The Department has advised the Board that, in light of the Board's decision in Circle K, Inc. (1999) AB-7080, it does not contest or oppose the appeal.

We have reviewed the record and the decision of the Department, and are satisfied that the decision erred with respect to the issues involving Rule 141(b)(2) and appellants' right to discovery.

ORDER

The decision of the Department is reversed and the case is remanded to the Department for such further proceedings as may be necessary and/or appropriate in light of this Board's previous rulings with respect to the Rule141(b)(2) and discovery issues. (See, e.g., Circle K, Inc. (1999) AB-7080; The Circle K Corporation (Jan. 2000) AB-7031a.)¹

TED HUNT, CHAIRMAN
RAY T. BLAIR, JR., MEMBER
E. LYNN BROWN, 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.