

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

CIRCLE K STORES, INC.	)	AB-7171
dba Circle K Store #5207	)	
280 East 40th Street	)	File: 21-295734
San Bernardino, CA 92404,	)	Reg: 97040447
Appellant/Licensee,	)	
	)	Administrative Law Judge
v.	)	at the Dept. Hearing:
	)	John P. McCarthy
	)	
DEPARTMENT OF ALCOHOLIC	)	Date and Place of the
BEVERAGE CONTROL,	)	Appeals Board Hearing:
Respondent.	)	July 1, 1999
	)	Los Angeles, CA
	)	

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ORDER

Circle K Stores, Inc., doing business as Circle K Store (appellant), has appealed from a decision of the Department of Alcoholic Beverage Control<sup>1</sup> which suspended its license for 15 days, for its clerk, Ibrahim Gamal Mohamed, in violation of Business and Professions Code §25658, subdivision (a), having sold an

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<sup>1</sup> The decision of the Department, dated June 25, 1998, is set forth in the appendix.

alcoholic beverage (a 24-ounce can of Budweiser beer) to Roy Smallridge, then a 19-year-old minor participating in a decoy operation conducted by the San Bernardino Police Department.

The Department has stated in its reply brief that, based upon its review of the record and in light of the decision in Acapulco Restaurants, Inc. v. Alcoholic Beverage Control Appeals Board (1998) 67 Cal.App.2d 575 [79 Cal.Rptr.2d 126], it elects not to contest or oppose the appeal.

We have conducted our own review of the record and are satisfied that the appeal has merit and that the decision of the Department must be reversed.

TED HUNT, CHAIRMAN  
RAY T. BLAIR, JR., MEMBER  
JOHN B. TSU, MEMBER  
ALCOHOLIC BEVERAGE CONTROL  
APPEALS BOARD