

ISSUED OCTOBER 18, 1999

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

HJM, INC.	)	AB-7213
dba Mr. Lee-Ona (formerly Kokpit))	
301 Turk Street	)	File: 48-307663
San Francisco, CA 94102,	)	Reg: 98042537
Appellant/Licensee,)	
	)	Administrative Law Judge
v.	)	at the Dept. Hearing:
	)	Michael B. Dorais
)	
DEPARTMENT OF ALCOHOLIC	)	Date and Place of the
BEVERAGE CONTROL,	)	Appeals Board Hearing:
Respondent.	)	July 22, 1999
	)	San Francisco, CA

ORDER

HJM, Inc., doing business as Mr. Lee-Ona (formerly Kokpit) (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which suspended its license for 25 days for appellant's bartender selling an alcoholic beverage to a minor and permitting a minor to enter and remain in the licensed premises without lawful business there, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, arising from violations of Business and Professions Code §§25658, subdivision (a),

¹The decision of the Department, dated July 30, 1998, is set forth in the appendix.

and 25665.

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 no face-to-face identification of the seller by the decoy took place as required by Rule 141(b)(5), and that the decision of the Department must be reversed.

ORDER

The decision of the Department is reversed.²

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

²This final order is filed in accordance with Business and Professions Code §23088, and shall become effective 30 days following the date of the filing of this order as provided by §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 §23090 et seq.