

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

J. WILLIAM HIATT	)	AB-7438
Appellant/Protestant,)	
	)	File: 41-348597
v.	)	Reg: 99045691
)	
JOHN MANUEL URSICH	)	Administrative Law Judge
dba Café K Milano	)	at the Dept. Hearing:
980 North La Cienega Boulevard	)	John P. McCarthy
West Hollywood, CA 90069,)	
Respondent/Applicant, and	)	Date and Place of the
	)	Appeals Board Hearing:
DEPARTMENT OF ALCOHOLIC	)	April 6, 2000
BEVERAGE CONTROL,	)	Los Angeles, CA
Respondent.)	
)	

J. William Hiatt (protestant), appeals from a decision of the Department of Alcoholic Beverage Control which overruled his protest and granted the petition of John Manuel Ursich doing business as Café K Milano (applicant) for the transfer of an on-sale beer and wine public eating place license, under certain conditions.

Appearances on appeal include applicant John Manuel Ursich, appearing through his counsel, Vicki M. Roberts, the Department of Alcoholic Beverage Control, appearing through its counsel, Jonathon Logan, and protestant J. William Hiatt.

FACTS AND PROCEDURAL HISTORY

Applicant filed a petition with the Department for a premises to premises transfer of an on-sale beer and wine public eating place license to his present location. A protest was filed against the issuance of the license.

An administrative hearing was held on April 6, 1999, after which the Department overruled the protest provided applicant consented to certain conditions to be affixed to his license. Protestant thereafter filed a timely notice of appeal.

On January 26, 2000, the Department filed a Motion to Dismiss stating that the intended transferred license had been revoked, therefore, the appeal is moot. The Appeals Board notified appellant and all other parties, that the Department had filed the motion to dismiss the matter, and allowed time to file briefs in opposition to the motion. The matter was set down for oral arguments, for which none of the parties appeared.

ORDER

The Motion to Dismiss the appeal filed by the Department is granted, and the appeal is dismissed.¹

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

¹This 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.