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

AB-9544
File: 20-214415 Reg: 15082162

7-ELEVEN, INC. and YONG H. JOE,
dba 7-Eleven #2173-18533
1810 North Cahuenga Boulevard, Los Angeles, CA 90028,
Appellants/Licensees

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

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

Appeals Board Hearing: May 5, 2016
Los Angeles, CA

ISSUED JUNE 6, 2016

Appearances: *Appellants:* Jennifer L. Oden and Michelangelo Tatone, of Solomon Saltsman & Jamieson, as counsel for appellants 7-Eleven, Inc. and Yong H. Joe.
Respondent: Jacob Rambo, Kerry K. Winters, and John P. Newton as counsel for the Department of Alcoholic Beverage Control.

OPINION

7-Eleven, Inc. and Yong H. Joe, doing business as 7-Eleven #2173-18533 (appellants), appeal from a decision of the Department of Alcoholic Beverage Control[1] suspending their license for five days, all conditionally stayed, because their clerk sold an alcoholic beverage to a minor decoy, a violation of Business and Professions Code section 25658, subdivision (a).

1. The decision of the Department, dated September 18, 2015, is set forth in the appendix.

FACTS AND PROCEDURAL HISTORY

Appellants' off-sale beer and wine license was issued on July 1, 1988. On March 25, 2015, the Department filed an accusation against appellants charging that, on January 14, 2015, appellants' clerk, Sachin Mojumder (the clerk), sold an alcoholic beverage to 18-year-old Maria Aguilar. Although not noted in the accusation, Aguilar was working as a minor decoy for the Department of Alcoholic Beverage Control at the time.

On April 14, 2015, appellants filed and served on the Department a Request for Discovery pursuant to Government Code section 11507.6 demanding the names and addresses of all witnesses. On April 28, 2015, appellants received a response providing the address of the Department's Los Angeles/Metro District Office in lieu of the decoy's home address. The following day, appellants sent a letter to the Department demanding that it furnish the decoy's contact information by May 4, 2015. On May 6, 2015, appellants received a response from the Department asserting that the contact information for the District Office was sufficient.

On May 11, appellants filed a Motion to Compel Discovery. On May 15, 2015, the Department responded and opposed the motion.

On June 3, 2015, the ALJ denied appellants' motion, arguing that the statute requires only an "address" and not necessarily a home address, and further, that this Board's decision in *Mauri Restaurant Group* (1999) AB-7276 was on point and mandated denial of the motion.

The administrative hearing proceeded on July 9, 2015. Documentary evidence was received and testimony concerning the sale was presented by Aguilar (the decoy);

by Agent Kimberly Johnson of the Department of Alcoholic Beverage Control; and by Hyun Joe, appellant Yong Joe's son and employee.

Testimony established that on the date of the operation, the decoy entered the licensed premises, followed shortly thereafter by Agent Johnson. The decoy walked to the alcoholic beverage coolers and selected a 24-ounce can of Bud Light beer. She took the beer to the counter. When it was her turn, she set the beer down on the counter. The clerk asked to see her identification. The decoy handed her California identification card to the clerk. The clerk looked at the identification, then tried to swipe it through a card reader a few times. After a brief conversation with another clerk, the clerk proceeded with the sale. The decoy paid for the beer. The clerk gave the decoy some change and bagged the beer, and the decoy exited. Agent Johnson also exited.

Once outside, the decoy met up with various agents to discuss the sale. Agent Johnson reentered the licensed premises and contacted the clerk. Johnson identified herself and explained the violation before escorting the clerk into a back room.

The decoy reentered and joined Agent Johnson and the clerk in the back room. Agent Johnson asked the decoy to identify the person who sold her the beer. The decoy pointed to the clerk and said that he had. The decoy and the clerk were two to four feet apart at the time, facing each other. A photo of the two of them was taken, after which the clerk was cited.

The Department's decision determined that the violation charged was proved and no defense was established.

Appellants then filed an appeal contending (1) the ALJ abused his discretion by denying appellants' motion to compel release of the decoy's contact information, (2) the

Department failed to comply with Government Code section 11507.6 when it provided the address of its District Office, rather than the decoy's home address, and (3) the ALJ abused his discretion by failing to understand, analyze, or address facts pertinent to appellants' rule 141(b)(5) defense. The first and second issues will be addressed together.

DISCUSSION

I

Appellants contend that the Department failed to comply with section 11507.6 of the Government Code when it provided the address of its District Office, rather than the decoy's home address, during pre-hearing discovery. (App.Br. at pp. 9-11.) Appellants favor a plain-language interpretation of this provision that would require the Department to provide the decoy's actual name and contact information. (App.Br. at p. 9.)

Appellants further contend that the ALJ abused his discretion by denying their motion to compel disclosure of the minor decoy's home address. (App.Br. at pp. 6-8.) They accurately observe that this Board has held that the burden of proving an affirmative defense falls on the party raising it, and that "[p]re-hearing discovery is necessary to have a meaningful chance to meet that burden." (App.Br. at p. 8.) Appellants contend that the Department's refusal to provide the decoy's address, coupled with the ALJ's denial of their motion to compel, deprived them of the ability to meaningfully defend themselves. (*Ibid*.)

Section 11507.6 provides, in relevant part:

> After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party . . . is entitled to (1) obtain the names and addresses of

> witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing . . . .

(Gov. Code, § 11507.6.) There is little judicial authority interpreting the statute, and certainly none addressing the question of whether the Department is required to disclose decoys' home addresses in the course of discovery preceding an administrative disciplinary hearing.

Moreover, in denying appellants' motion, the ALJ relied on *Mauri Restaurant Group*, *supra* — a decision from this Board that provides some reasoning, but no authority, for its conclusion that the Department need not disclose the decoy's home address. *Mauri* concluded, as the ALJ did, that the statute only required an address — not any address in particular, and not necessarily a residential address. (*Id.* at p. 8.) The statute, however, requires the "names and addresses *of* witnesses" — that is, an address belonging to the witness, commonly understood to be the location where they reside or receive mail. (Gov. Code, § 11507.6, emphasis added.) Absent an exception, the provision of an address that does not belong to the decoy — such as the address of a Department District Office — would run afoul of the statute. Moreover, *Mauri* concluded, based solely on analogy and without resort to law, that the provision of a police station address was sufficient because that is the address supplied for police officers. (*Id.* at pp. 7-8.) Ultimately, *Mauri* held — again, without authority — that "any requirement that a decoy's home address be disclosed must be conditioned upon a showing that the address itself has a material connection to the issues, and not simply as a means of contacting the decoy." (*Id.* at p. 8.)

This Board treats its previous decisions as persuasive authority. Generally, administrative agencies in California are bound by chapter 4.5 of the Administrative Procedure Act (APA), which precludes an agency's reliance on its previous decisions for precedent "unless the agency designates and indexes the decision as precedent as provided in Section 11425.60." (Gov. Code, § 11425.10(a)(7); see also Gov. Code, § 11425.60 [outlining procedures for designating precedential decisions].) Decisions of this Board, however, are exempted by statute from the limitations of chapter 4.5. Section 23083 of the Business and Professions Code provides, in relevant part: "Notwithstanding Section 11425.10 of the Government Code, Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the determination." (Bus. & Prof. Code, § 23083(b).) We interpret this to mean that the legislature intended to free this Board from the restrictions placed on other agencies, and allow it to rely on previous decisions as it finds appropriate. Moreover, this Board seeks to apply the law efficiently and consistently. Therefore, where a prior decision is on point and is based on a sound interpretation of current law, this Board will cite to and rely on it,[2] and we expect counsel appearing before us to do the same.

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2. At oral argument, the Department analogized the Board's previous cases to unpublished decisions of the courts of appeal, which are not to be cited or relied on except in related cases. (See Cal. Rules of Court, rule 8.115(a) & (b).) The Department indicated its attorneys will no longer cite to previous Board decisions.

The Department's analogy defies the law. As noted above, the APA procedures for designating precedent do not apply to this Board. Moreover, failure to cite previous Board decisions would result in a tremendous waste of effort for both the parties and this Board, particularly where so many appeals raise legally indistinguishable issues. We do not think the legislature, in enacting either chapter 4.5 of the Administrative

(continued . . .)

However, while *Mauri* may be on point, it cites no actual law. We will therefore supply the legal reasoning that *Mauri* lacks. In the end, the result is the same.

Resolution of the matter is simple if we assume the decoy qualifies as a "peace officer" under the Penal Code. There are specific provisions of law protecting the confidentiality of peace officer personnel information, including the officer's home address. (See Pen. Code, §§ 832.7 and 832.8(a) [defining "personnel records" to include "any file maintained under that individual's name by his or her employing agency and containing records" related to, inter alia, "home addresses and similar information"].)

Penal Code section 832.7 provides that "[p]eace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code."[3] (Pen. Code, § 832.7.) While it is possible to acquire an officer's contact information through section 1043 or 1046 of the

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Procedure Act or the provision exempting this Board, intended to induce such an egregious waste of time and resources. If a prior decision of this Board is on point, failing to cite it only forces a potentially endless reinvention of the wheel. Our frustration with the Department's position is perhaps best articulated by Bill Murray's character in the 1993 film, *Groundhog Day*: "What would you do if you were stuck in one place and every day was exactly the same, and nothing that you did mattered?"

3. The statute does not apply to "investigations or proceedings concerning the conduct of peace officers or custodial officers, or any agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office." (Pen. Code, § 832.7.)

Evidence Code, doing so requires either a written motion accompanied by "[a]ffidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation" (Evid. Code, § 1043 [applying in any case in which discovery or disclosure of peace officer personnel records is sought]) or a showing that the litigation involves allegations of excessive force by the officer in question (Evid. Code, § 1046).[4] (See generally *City of Santa Cruz v. Municipal Ct.* (1989) 49 Cal.3d 74 [260 Cal.Rptr. 520] [describing interaction of statutes]; see also *People v. Lewis* (2006) 39 Cal.4th 970 [47 Cal.Rptr.3d 467] [defendant's allegations that police engaged in "grandiose conspiracies to frame and murder him did not meet the standard for permitting discovery of information from police personnel files"]; *Michael v. Gates* (1995) 38 Cal.App.4th 737, 744 [45 Cal.Rptr.2d 163] [holding that section 1043 does not bar review of officer personnel information by agency holding the records; agency's review of its own records is not discovery].)

Case law is unequivocal that sections 1043 and 1046 of the Evidence Code take precedence over general discovery rules provided by the Code of Civil Procedure. (See, e.g., *County of Los Angeles v. Superior Ct.* (1990) 219 Cal.App.3d 1605, 1611 [269 Cal.Rptr. 187] ["[A] party may not excuse his noncompliance with those specific provisions by 'resorting to a waiver provision in the inapplicable and more generalized procedure which he chose to use. '"].) These procedures also apply in administrative

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4. These methods of obtaining confidential peace officer information are, throughout case law, referred to as *Pitchess* motions. (See *Pitchess v. Superior Ct.* (1974) 11 Cal.3d 531 [113 Cal.Rptr.2d 897, superseded by statute as stated in *People v. Breaux* (1991) 1 Cal.4th 281 [3 Cal.Rptr.2d 81].)

actions, and ALJs are implicitly authorized to rule on motions brought under these two sections of the Evidence Code. (*Riverside County Sheriff's Dept. v. Stiglitz* (2014) 60 Cal.4th 624, 647-648 [181 Cal.Rptr.3d 1].)

Finally, Penal Code section 832.7 applies to protect peace officer information in *all* circumstances, including those outside of criminal or civil litigation. (*Copley Press, Inc. v. Superior Ct.* (2006) 39 Cal.4th 1272, 286 [48 Cal.Rptr.3d 183] [holding that section 832.7 cannot be circumvented by operation of the Public Records Act].) In fact, some authority suggests that the improper disclosure of peace officer information protected under section 832.7 may constitute a criminal offense. (See 82 Ops.Cal.Atty.Gen. 246 (2016) [improper disclosure may violate Government Code § 1222, resulting in a misdemeanor].)

In sum, if the decoy was indeed serving as a "peace officer" within the meaning of the Penal Code during the course of the operation, then the Department had no authority to disclose her home address in discovery absent a proper motion — including an affidavit attesting to the materiality of the information.

A volunteer decoy assisting with a short-term Department operation does not expressly fall under the Penal Code definition of a "peace officer." Section 830 provides a broad definition: "Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and not withstanding any other provision of law, no person other than those designated in this chapter is a peace officer." (Pen. Code, § 830.) Subsequent sections provide a detailed delineation of which occupations fall under the definition, none of which reference minor decoys in particular. (See Pen Code, §§ 830.1 through 830.9.)

Section 830.6(c), however, provides that "[w]henever a person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that are otherwise reasonably necessary to properly assist the officer." (Pen. Code, § 830.6(c); see also *Forro Precision, Inc. v. IBM* (9th Cir. 1982) 673 F.2d 1045, 1054 [1982 U.S. App. LEXIS 20438] [holding that under California law, immunity from suit arising out of execution of search warrant extends to citizen aiding officer].)

The minor decoy qualifies as a peace officer under section 830.6(c). She is expressly delegated investigatory powers by a Department agent, who is indisputably a peace officer, in order to properly assist in the enforcement of the state's alcoholic beverage laws. Any personal information the Department gleaned in the course of her assistance — including, but not limited to, her home address — is explicitly protected under section 832.7 of the Penal Code. Appellants could only request disclosure of this information through the process outlined in section 1043 of the Evidence Code.

Appellants did file a Motion to Compel Discovery. (See Exh. 1.) They did not, however, file "[a]ffidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation."[5] (Evid. Code, § 1043(b)(3).) Even if they had, it was well within the ALJ's discretion to deny the motion.

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5. Indeed, at no point do appellants even *contend* that the decoy's home address is material to these proceedings.

We note, however, that in order to comply with section 11507.6, the Department must supply an address *at which the decoy may actually be reached*. In this case, the Department provided the address of its District Office, and we have no cause to believe that the District Office did not forward appellants' communications to the decoy.

Appellants claim, however, that in two unrelated cases, they were given the address of the law enforcement agency responsible for the decoy operation, rather than the decoy's personal address. In both cases, the law enforcement agency indicated via telephone that it was either unwilling or unable to put appellants in contact with the decoy.

In order to comply with the statute, the Department must supply "the names and addresses of witnesses." While the Penal Code protects the personal contact information of certain peace officers, it does not permit the Department to supply a sham address; the decoy must *actually be reachable* at the address provided. If a licensee establishes that it attempted to reach a decoy at the address provided by the Department,[6] and the law enforcement agency at that address indicated it could not or would not forward the licensee's communications to the decoy, then the Department is in violation of the statute until it supplies a valid address, and the licensee may seek

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6. The burden of proving the Department's failure to comply with section 11507.6 falls with the licensee demanding the decoy's address. (See Gov. Code, § 11507.7(a) [a party's motion to compel "shall state facts showing the respondent party failed or refused to comply with Section 11507.6"].) We suggest licensees facing discipline under section 25658(a) attempt to contact the decoy in writing, and preserve both the original communication and any response indicating a law enforcement agency's unwillingness or inability to contact the decoy. This would be sufficient to show that the decoy was indeed unreachable at the address provided.

recourse through a motion to compel. (See Gov. Code, § 11507.7.) In short, the unique protections afforded peace officers may not be used to sidestep a licensee's right to a fair hearing and pre-hearing discovery pursuant to law.

II

Appellants contend the ALJ failed to analyze facts relevant to their rule 141(b)(5) defense. Appellants write, "The identification . . . was overly suggestive and thus improper because the minor decoy was asked to identify Appellants' clerk in a small room with only three agents, the clerk and the decoy." (App.Br. at p. 11.) They argue that "[w]hile single person show-ups are not inherently unfair, an unduly suggestive one person show-up is impermissible in the context of a decoy operation." (App.Br. at p. 12, citing *Dept. of Alcoholic Bev. Control v. Alcoholic Bev. Control Appeals Bd.* (*Keller*) (2003) 109 Cal.App.4th 1687, 1698 [1 Cal.Rptr.3d 339].) Appellants direct this Board to findings in which the ALJ addressed the presence of three agents in the room, but failed to address the fact that there was no one else in the room for the clerk to identify. (App.Br. at pp. 12-13.)

Rule 141(b)(5) provides:

> Following any completed sale, but not later than the time a citation, if any, is issued, the peace officer directing the decoy shall make a reasonable attempt to enter the licensed premises and have the minor decoy who purchased alcoholic beverages make a face to face identification of the alleged seller of the alcoholic beverages.

(Cal. Code Regs., tit. 4, § 141(b)(5).) As appellants correctly point out, the rule requires "strict adherence." (See *Acapulco Restaurants, Inc.* (1998) 67 Cal.App.4th 575, 581 [79 Cal.Rptr.2d 126] [finding that no attempt, reasonable or otherwise, was made to identify the clerk].) The rule, however, provides an affirmative defense, and the burden of proof

lies with the party asserting it. (*Chevron Stations, Inc.* (2015) AB-9445; *7-Eleven, Inc./Lo* (2006) AB-8384.)

In *Chun* (1999) AB-7287, this Board observed:

> The phrase “face to face” means that the two, the decoy and the seller, in some reasonable proximity to each other, acknowledge each other’s presence, by the decoy’s identification, and the seller’s presence such that the seller is, or reasonably ought to be, knowledgeable that he or she is being accused and pointed out as the seller.

(*Id.* at p. 5.)

In *Keller* — a case appellants rely on — the court of appeals overturned a decision of this Board and found compliance with rule 141(b)(5) where police escorted a clerk outside in order to conduct what was "essentially a lineup containing a single individual." (*Keller*, *supra*, at p. 1690.) This Board had concluded that "'presumably' [rule 141(b)(5) was designed at least in part to ensure an unbiased identification process," and while there was no evidence of a misidentification of the clerk, it found that the identification nevertheless violated the rule. (*Ibid.*)

In reversing this Board, the court of appeals held:

> [S]ingle person show-ups are not inherently unfair. (*In re Carlos M.* (1990) 220 Cal.App.3d 372, 386 [269 Cal.Rptr. 447].) While an unduly suggestive show-up is impermissible (*ibid.*), in the context of a decoy buy operation, there is no greater danger of such suggestion in conducting the show-up off, rather than on, the premises where the sale occurred.

(*Keller*, *supra*, at p. 1698.)[7] Moreover, it observed:

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7. As the Department points out, appellants have in fact construed this passage of *Keller* to mean the precise opposite of the court's unambiguous language. (Compare (continued . . .)

> There is nothing in the language of the Regulations section 141, subdivision (b)(5), in the history of section 25658, subdivision (f), or in the arguments advanced by the Appeals Board that suggest the section was written to require any particular kind of identification procedure except that it be face-to-face. There is no suggestion the section was promulgated to correct identification procedures which resulted in a history of misidentification of sellers. Indeed, there is no suggestion that correct identification of sellers by decoys presented any problem whatsoever.

(*Ibid.*)

In *Carlos M.* — a criminal case subject to a higher standard of proof than an administrative disciplinary proceeding — the court of appeals wrote:

> A single-person show-up is not inherently unfair. [Citation.] The burden is on the defendant to demonstrate unfairness in the manner the show-up was conducted, i.e., to demonstrate that the circumstances were unduly suggestive. [Citation.] *Appellant must show unfairness as a demonstrable reality, not just speculation*. [Citation.]

(*In re Carlos M.* (1990) 220 Cal.App.3d 372, 386 [269 Cal.Rptr. 447], emphasis added.)

It is not enough for an appellant to contend that the circumstances of a face-to-face identification *might* have led the decoy to misidentify the clerk or *might* have left her feeling pressured to identify whatever individual stood before her. An appellant must show — with evidence — that such an effect *did in fact take place*.

The ALJ made the following relevant findings of fact:

> 7. Once outside, [the decoy] met up with various agents to discuss the sale. Agent Johnson re-entered the Licensed Premises and contacted [the clerk]. She identified herself and explained the violation before escorting him to a back room.

App.Br. at p. 12 with *Keller*, *supra*, at p. 1698; see also Dept.Br. at p. 6.) At a minimum, this suggests extreme carelessness; at worst, it evinces an intent to mislead this Board.

> 8. [The decoy] re-entered and joined Agent Johnson and [the clerk] in the back room. Agent Johnson asked her to identify the person who sold her the beer. [The decoy] pointed to [the clerk] and said that he had. [The decoy] and [the clerk] were two to four feet apart at the time, facing each other. A photo of the two of them was taken (exhibit 6), after which [the clerk] was cited.

(Findings of Fact, ¶¶ 7-8.) Based on these findings, the ALJ reached the following conclusion of law:

> 6. With respect to rule 141(b)(5), the Respondents argued that that [*sic*] the identification was overly suggestive on the basis that [the decoy] was asked to identify the person who sold her the beer while he was surrounded by a number of agents. This argument is rejected. There is no evidence that [the decoy] was led (or misled) into identifying anyone. Rather, the evidence established that [the decoy] identified the person who had sold her the beer a short time before.

(Conclusions of Law, ¶ 6.)

On appeal, appellants' sole objection is that the ALJ failed to mention that there was no one in the room other than the agents, the decoy, and the clerk. They write:

> The identification was improper because not only was Appellants' clerk brought in a small room, but the only individuals in that room were the clerk, the three agents and [the decoy]; thus, there was nobody else for the decoy to identify. However, in his Proposed Decision, the ALJ failed to analyze Appellants' entire argument.
>
> [¶ . . . ¶]
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> Based on the ALJ's conclusion, it is clear that he failed to understand Appellants' argument. In their closing argument, Appellants argued that the face-to-face identification was in violation of Rule 141(b)(5) because Appellants' clerk was identified in a small back room with no other individuals but law enforcement agents. However, the ALJ's conclusion appears to only consider Appellants' argument that the identification was overly suggestive on the fact that the clerk was surrounded by agents. The ALJ's analysis should have not only included the fact that the clerk was surrounded by three agents during the identification, but that the clerk was taken in a small back room with nobody else to identify other than law enforcements. The ALJ therefore failed to understand the crux of Appellants' Rule 141(b)(5) [defense], thus abusing his discretion.

(App.Br. at pp. 12-13.)

As noted in both *Carlos M.* and *Keller*, however, single-person show-ups are "not inherently unfair." (*Carlos M.*, *supra*, at p. 386; *Keller*, *supra*, at p. 1698.) Moreover, appellants produced no evidence whatsoever that the decoy was in fact pressured into misidentifying the seller. There is no indication that the decoy's identification was motivated by anything other than a clear recollection of which clerk sold her alcohol. As noted, the burden of proving a rule 141(b)(5) defense falls on appellants, and it is a burden they have failed to carry.

Moreover, this case is largely indistinguishable from *Keller*, in which the clerk was removed from the premises and a single-person lineup was conducted, with officers present, outside. (*Keller*, *supra*, at p. 1690.) In that case, the court rejected the contention that this arrangement was necessarily unfair. (*Id.* at p. 1698.)

Where, as here, there is no indication that the decoy was *actually* — and not simply *potentially* — pressured or misled, the fact that the lineup involved only a single person has little relevance. The omission of an unpersuasive or irrelevant fact from a decision does not constitute error. As we have stated many times over in the context of defenses brought under rule 141(b)(2), the ALJ is not required to "provide a 'laundry list' of factors he found inconsequential." (See, e.g., *7-Eleven, Inc./Convenience Group, Inc.* (2014) AB-9350, at p. 4.)

ORDER

The decision of the Department is affirmed.[8]

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

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8. This 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.