

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

AB-8828

File: 21-425676 Reg: 07065802

SHARMEENS ENTERPRISES, INC., dba La Placita Market
10402 Laurel Canyon Boulevard, Pacoima, CA 91331,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: Ronald M. Gruen

Appeals Board Hearing: March 5, 2009
Los Angeles, CA

ISSUED JUNE 12, 2009

Sharmeens Enterprises, Inc., doing business as La Placita Market (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which suspended its license for 15 days for appellant's clerk selling an alcoholic beverage to a police minor decoy, a violation of Business and Professions Code section 25658, subdivision (a).

Appearances on appeal include appellant Sharmeens Enterprises, Inc., appearing through its counsel, Ralph B. Saltsman and Stephen W. Solomon, and the Department of Alcoholic Beverage Control, appearing through its counsel, Matthew G. Ainley.

¹The decision of the Department, dated February 1, 2008, is set forth in the appendix.

FACTS AND PROCEDURAL HISTORY

Appellant's off-sale general license was issued on June 13, 2005. The Department filed an accusation charging that appellant's clerk sold an alcoholic beverage to 18-year-old David Calderon on February 2, 2007. Although not noted in the accusation, Calderon was working as a minor decoy for the Los Angeles Police Department at the time.

At the administrative hearing held on December 14, 2007, documentary evidence was received, and testimony concerning the sale was presented. Following the hearing, the Department issued its decision which determined that the violation charged was proved and no defense was established.

Appellant filed an appeal contending: (1) the director did not review the administrative record as required by law and (2) the findings are not supported by substantial evidence.

DISCUSSION

The Department requested in its reply brief that this matter be "remanded to the Department for further disposition."

Appellant, in its closing brief, requested oral argument to pursue its desire for the matter to be reversed in its entirety. However, before the Appeals Board hearings commenced, the parties agreed to submit the case on the record without oral argument. We take this to indicate that appellant does not oppose the Department's request for remand.

ORDER

The matter is remanded to the Department for further disposition, in accordance with the Department's request.²

FRED ARMENDARIZ, CHAIRMAN
SOPHIE C. WONG, MEMBER
TINA FRANK, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

²This order of remand is filed in accordance with Business and Professions Code section 23085, and does not constitute a final order within the meaning of Business and Professions Code section 23089.