

ISSUED OCTOBER 19, 2000

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

| | | |
|-------------------------|---|--------------------------|
| GURBACHAN SINGH SANDHU |) | AB-7458 |
| dba Arco AM/PM |) | |
| 16090 Arrow Blvd. |) | File: 20-288219 |
| Fontana, CA 92335, |) | Reg: 99045923 |
| Appellant/Licensee, |) | |
| |) | Administrative Law Judge |
| v. |) | at the Dept. Hearing: |
| |) | John P. McCarthy |
| DEPARTMENT OF ALCOHOLIC |) | |
| BEVERAGE CONTROL, |) | Date and Place of the |
| Respondent. |) | Appeals Board Hearing: |
| |) | August 3, 2000 |
| |) | Los Angeles, CA |

Gurbachan Singh Sandhu, doing business as Arco AM/PM (appellant), appeals from a decision of the Department of Alcoholic Beverage Control which suspended his off-sale beer and wine license for 15 days, for his clerk selling an alcoholic beverage to a person under the age of 21 years, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, and Business and Professions Code §24200, (a) and (b), arising from a violation of Business and Professions Code §25658, subdivision (a).

Appearances on appeal include appellant Gurbachan Singh Sandhu, appearing through his counsel, Joshua Kaplan, and the Department of Alcoholic Beverage Control, appearing through its counsel, John W. Lewis.

FACTS AND PROCEDURAL HISTORY

Appellant's license was issued on October 12, 1993. Thereafter, the Department instituted an accusation against appellant charging the violation of selling alcoholic beverages to a person under the age of 21 years.

An administrative hearing was held on June 16, 1999, at which time oral and documentary evidence was received. Subsequent to the hearing, the Department issued its decision which determined that the allegations of the accusation were true, and suspended the license.

Appellant thereafter filed a timely notice of appeal. Appellant has not filed a brief, but in his notice of appeal, essentially raised the issues that the findings are not supported by substantial evidence and the penalty is excessive.

Subsequently, the Department filed a motion to dismiss the appeal as the license was revoked in another unrelated matter, and therefore the appeal is moot.¹

ORDER

The motion to dismiss by the Department is granted, and the appeal is

¹A copy of the motion to dismiss is set forth in the appendix

dismissed.²

TED HUNT, CHAIRMAN
RAY T. BLAIR, JR., MEMBER
E. LYNN BROWN, 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.