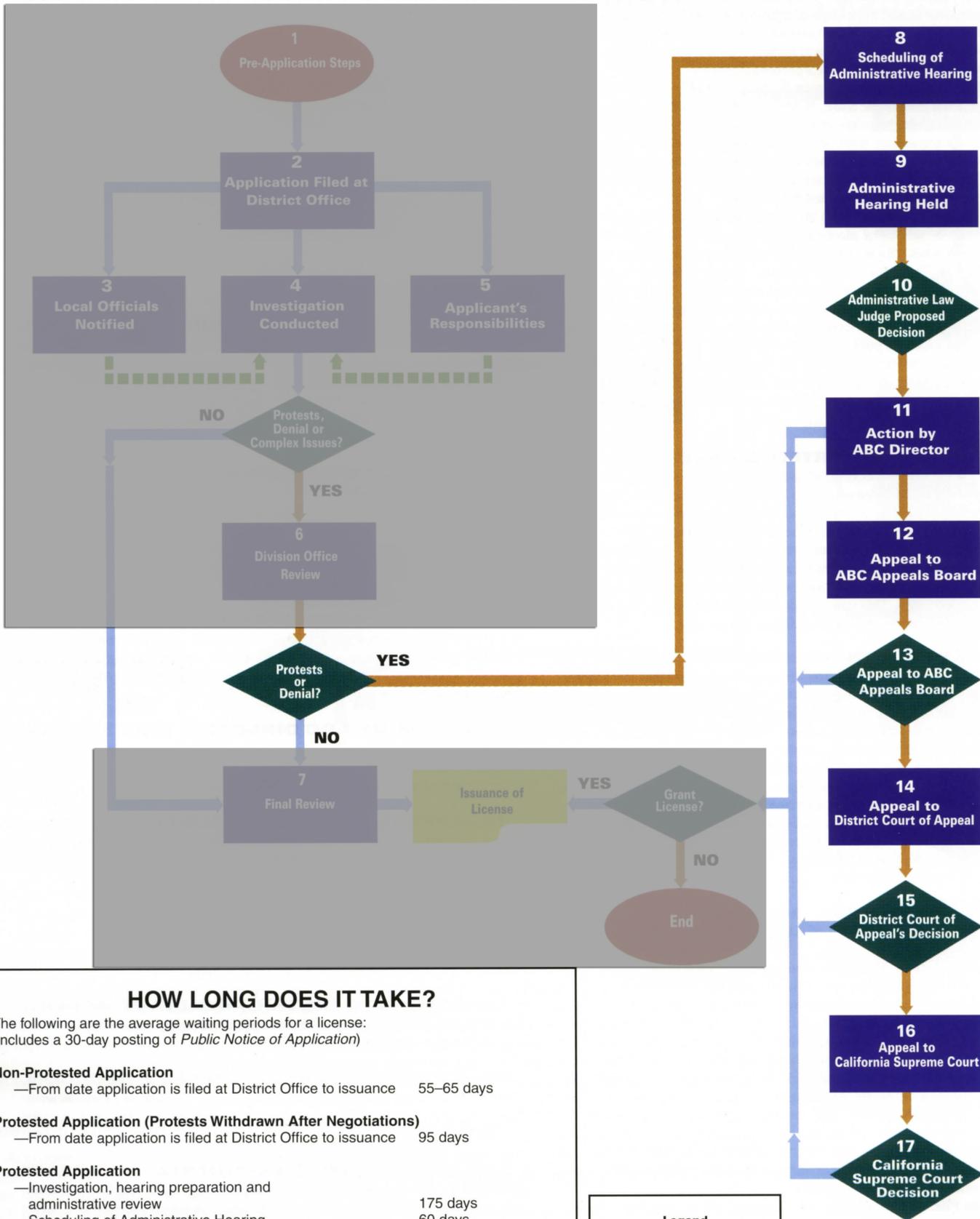


ALCOHOLIC BEVERAGE LICENSE—APPLICATION PROCESS

Includes application for a new license, premises-to-premises transfer, change in license privileges or ownership change (for example, transfer to new owner, change in stock ownership or adding/dropping a partner).



HOW LONG DOES IT TAKE?

The following are the average waiting periods for a license:
(includes a 30-day posting of *Public Notice of Application*)

Non-Proteted Application

—From date application is filed at District Office to issuance 55–65 days

Proteted Application (Protests Withdrawn After Negotiations)

—From date application is filed at District Office to issuance 95 days

Proteted Application

- Investigation, hearing preparation and administrative review 175 days
- Scheduling of Administrative Hearing 60 days
- Administrative Law Judge Proposed Decision 30 days
- Action by ABC Director 3–10 days
- Appeal to ABC Appeals Board 40 days
- ABC Appeals Board Decision 120 days
- Appeal to District Court of Appeal 30 days
- District Court of Appeal's Decision No time mandated
- Appeal to California State Supreme Court 30 days
- Supreme Court Decision No time mandated

Legend

- Action
- Decision
- Start/stop
- Direction of process flow
- Document
- Information flow

1—PRE-APPLICATION STEPS. A person who wants to apply for an ABC license must start with the nearest ABC District Office. An ABC staff member will ask the applicant questions about the proposed operation and determine the type of license needed. The staff member will then advise the applicant what forms and fees are needed to file the application. Some applicants, before filing an application with ABC, must first obtain approval from zoning officials, open an escrow, or go to the office of the County Recorder for a certified copy of a *Notice of Intended Transfer*.

2—APPLICATION FILED AT DISTRICT OFFICE. Generally, all parties must appear at the District Office. This is not generally a "mail-in" process because ABC requires personal information such as personal history affidavits. Fees are paid at this time. The applicant also views a video about ABC laws. A temporary permit may be issued under certain conditions.

3—NOTIFICATION TO LOCAL OFFICIALS. ABC mails a copy of the application to local officials as required by law. If the premises is in the city, a copy goes to the police department, city council and city planning department. If the premises is in the county, a copy goes to the sheriff's department, board of supervisors and district attorney. If local officials have concerns about the issuance of a license, they may request or impose restrictions on the business operation, or they may file a protest.

Common concerns are that the license: (a) Would create a public nuisance, (b) Would cause or add to crime in the area, (c) Would be contrary to a zoning law, or (d) Is in a high-crime area or an area that has too many licenses and would not serve public convenience or necessity. In the case of (d), the City Council or Board of Supervisors has 90 days to determine this and notify ABC. If the City Council or Board of Supervisors does not decide within 90 days, ABC may issue the license if the applicant shows ABC that issuance would serve public convenience or necessity.

4—INVESTIGATION. ABC conducts a thorough investigation, as required by law, to see if the applicant and the premises qualify for a license.

Any person may protest the issuance of a license. The protestant must file a written protest within 30 days of either: (a) The date the *Public Notice of Application* is first posted at the premises, or (b) The date the applicant mails the *Notice of Intention to Engage in the Sale of Alcoholic Beverages* to persons living within a 500' radius, whichever is later.

If a retail license application has been protested and the Department has recommended approval of the license, ABC may issue an *Interim Operating Permit* upon the applicant's written request.

Some grounds for protest or denial of a license are: (a) *Applicant is not qualified.* For example, the applicant falsified his application, has a disqualifying police record, has a record of chronic insobriety, is not the true owner, or is not at least 21 years of age, and/or (b) *Premises is not suitable.* For example the premises is too close to a school, church, hospital, playground, nonprofit youth facility or residence and would disturb the facility or resident; the premises is located in a high-crime area and does not serve public convenience or necessity; the applicant does not have legal tenancy; the license would create a public nuisance; zoning is improper for alcohol sales.

License conditions are special restrictions placed on a license. Conditions may limit the hours of alcohol sales, the type of entertainment allowed or other aspects of the business. Conditions may eliminate the need to deny a license or may cause a protestant to withdraw his protest.

5—APPLICANT'S RESPONSIBILITIES. It is the applicant's responsibility to: (a) Post the *Public Notice of Application* at the premises for 30 days, and (b) Give information to ABC as needed for the investigation. In some cases, ABC may also require the applicant to: (a) Publish a notice in the

newspaper, (b) Mail a notice to all persons living within a 500' radius of the premises, and/or (c) Obtain proof from the local planning department that the zoning permits an ABC license.

6—DIVISION OFFICE REVIEW. The Division Office reviews all applications that are (a) Protested, (b) Recommended for denial by the District Office, or (c) Nonroutine such as multilevel corporations and partnerships.

7—FINAL REVIEW. Headquarters does a final review. The following may delay issuance of a license: (a) Missing or incorrect documents, (b) Missing or incorrect fees, (c) Liens placed against escrow by the Board of Equalization, Franchise Tax Board, Employment Development Department, Cities and Counties, local Health Departments, and/or (d) The premises is under construction and not yet ready to operate.

8—SCHEDULING OF HEARING. A hearing is scheduled (a) When valid protests have been filed against an application and the applicant and protestant are not able to reach any agreements, and/or (b) If ABC has denied the application, and the applicant requests a hearing. The hearing is scheduled within 60 days. ABC mails a *Notice of Hearing* to all parties.

9—ADMINISTRATIVE HEARING. A public hearing is held before an administrative law judge (ALJ). ABC counsel represents ABC. The applicant and any protestant(s) may be represented by an attorney or other person, or they can represent themselves at the hearing. The ABC investigator will testify as to his or her investigation. The applicant and any protestant(s) may testify and/or present other evidence. The protestant must appear at the hearing or the protest is abandoned.

10—ALJ PROPOSED DECISION. The ALJ has 30 days to prepare a *Proposed Decision* for consideration by the ABC Director.

11—ACTION BY ABC DIRECTOR. The ABC Director adopts or rejects the ALJ's *Proposed Decision*. If the ABC Director rejects the *Proposed Decision*, ABC sends a *Notice of Rejection* to the applicant and any protestant(s). Each party has 30 days from the date of the notice to submit written argument.

12—APPEAL TO ABC APPEALS BOARD. The applicant or any protestant(s) may appeal the Director's *Decision* to the ABC Appeals Board within 40 days. The Board is a three-member panel appointed by the Governor.

13—ABC APPEALS BOARD DECISION. The Board reviews the record of the administrative hearing and accepts written or oral arguments. It may not accept any new evidence that was not offered at the administrative hearing. The Board usually makes a decision within 120 days.

14—APPEAL TO DISTRICT COURT OF APPEAL. The applicant, any protestant(s) or ABC may appeal to the California District Court of Appeal (DCA) within 30 days of the Appeals Board Decision.

15—DISTRICT COURT OF APPEAL'S DECISION. The DCA reviews the record and renders a decision. The Attorney General represents ABC at the hearing. There is no mandated time period for the DCA to render its decision.

16—APPEAL TO CALIFORNIA SUPREME COURT. The applicant, any protestant(s) or ABC may appeal to the California Supreme Court within 30 days of the DCA decision. The Attorney General represents ABC before the Supreme Court. There is no time mandated for the Supreme Court to render its decision.

17—CALIFORNIA SUPREME COURT DECISION. The California Supreme Court makes a decision to issue or deny the license.