

**State of California
Office of Administrative Law**

In re:

Department of Alcoholic Beverage Control

Regulatory Action:

Title 4, California Code of Regulations

Adopt sections:

Amend sections:

Repeal sections: 61.3

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

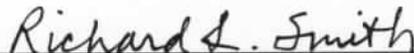
California Code of Regulations, Title 1,
Section 100

OAL File No. 2012-0412-01 N

The Department of Alcoholic Beverage Control (DABC) submitted this Section 100 action to repeal title 4, California Code of Regulations, section 61.3, which pertains to the term "undue concentration" with regard to the amount of retail alcoholic beverage licenses within a given area. Business and Professions Code section 23958 prohibits the issuance of a retail alcoholic beverage license whenever a determination of undue concentration is found except as provided in Business and Professions Code section 23958.4, which defines undue concentration and provides exceptions when DABC may issue a license notwithstanding a finding of undue concentration. DABC proposes to repeal Section 61.3 due to an inconsistency in the exceptions to undue concentration in the Section 61.3 and in the language of Business and Professions Code section 23958.4 and the fact the Business and Professions Code section 23958.4 is duplicative and supersedes Section 61.3.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 5/15/2012



Richard L. Smith
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Director

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