

**ASSEMBLY BILL**

**No. 1479**

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**Introduced by Assembly Member Mendoza**

February 23, 2007

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An act to amend Section 24210 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as introduced, Mendoza. Alcoholic beverages: licensees.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Under existing law, the Department of Alcoholic Beverage Control may delegate the power to hear and decide with regard to suspension and revocation of licenses to an administrative law judge of the Office of Administrative Hearings appointed by the director of the department for the hearing, as provided.

This bill would provide that when the Department of Alcoholic Beverage Control chooses to delegate its power to an administrative law judge for a hearing, the licensee shall have the right to reject the director's administrative law judge selection, and instead have an administrative law judge appointed by the Office of Administrative Hearings, as provided. This bill would additionally provide that if the licensee chooses to have the office appoint an administrative law judge, all costs of using the administrative law judge shall be borne by the licensee, unless the administrative law judge decides against the department on all of the allegations in the accusation, in that event, the department shall bear the costs.

This bill also makes a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 24210 of the Business and Professions  
2 Code is amended to read:

3 24210. (a) The department may delegate the power to hear  
4 and decide to an administrative law judge appointed by the director.  
5 Any hearing before an administrative law judge shall be pursuant  
6 to the procedures, rules, and limitations prescribed in Chapter 5  
7 (commencing with Section 11500) of Part 1 of Division 3 of Title  
8 2 of the Government Code.

9 (b) The amendments to this section made by ~~the act adding this~~  
10 ~~subdivision Chapter 627 of the Statutes of 1994~~ shall become  
11 operative on July 1, 1995.

12 (c) (1) *When the department delegates its power to hear and*  
13 *decide to an administrative law judge pursuant to subdivision (a),*  
14 *the licensee shall have the right to reject the director's appointed*  
15 *administrative law judge and instead have an administrative law*  
16 *judge appointed by the Office of Administrative Hearings. Any*  
17 *appointment of an administrative law judge under this subdivision*  
18 *shall be conducted pursuant to Chapter 5 (commencing with*  
19 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*  
20 *Code.*

21 (2) *If the licensee chooses to have the Office of Administrative*  
22 *Hearings appoint an administrative law judge pursuant to this*  
23 *subdivision, all costs of using the administrative law judge shall*  
24 *be borne by the licensee, unless the administrative law judge*  
25 *decides against the department on all of the allegations in the*  
26 *accusation, in that event, the department shall bear the costs.*

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