

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF THE ACCUSATION  
AGAINST:**

NABIL AHMED ALHARBY  
MIDWAY MARKET  
1629 MIDWAY AVE  
MODESTO, CA 95358

OFF-SALE GENERAL - LICENSE

STOCKTON DISTRICT OFFICE

File: 21-467116

Reg: 17086101

**DECISION AND CERTIFICATE OF  
DECISION**

Respondent(s)/Licensee(s)  
Under the Alcoholic Beverage Control Act

The above-entitled matter having regularly come before the Department for decision and the respondent(s) having filed a stipulation and waiver, on March 7, 2018 (attached hereto and incorporated by reference herein), in connection with the accusation herein in which respondent(s) waives right to hearing, reconsideration and appeal, and good cause appearing, the Department hereby adopts the terms of the stipulation and waiver as its decision in this matter and further finds that, pursuant to said stipulation and waiver, cause for disciplinary action has been established.

Grounds for suspension or revocation have been established under Article XX, Section 22 of the State Constitution and Business and Professions Code section 24200(a&b).

It is hereby certified that the Department of Alcoholic Beverage Control adopted the foregoing as its decision in this matter, effective immediately.

The license(s) issued to respondent(s) at the above-mentioned premises is hereby revoked, with said revocation stayed for a period of 180 days from the effective date of the Department's decision until September 7, 2018 upon the conditions listed on the stipulation and waiver attached.

**PURSUANT TO THE REQUEST OF THE DISTRICT OFFICE, THE SUSPENSION MAY BE SERVED IMMEDIATELY UPON SERVICE OF THIS DECISION.**

Sacramento, California  
Dated: March 7, 2018



Matthew D. Botting  
General Counsel

**NOTE:** If the stipulation and waiver includes suspension or revocation of the license, the suspension or revocation does not start until the license certificate is picked up by the Department and a notice of suspension or revocation is posted at the licensed premises. A representative of the Department will contact you to make the necessary arrangements.

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE ACCUSATION AGAINST

NABIL AHMED ALHARBY  
MIDWAY MARKET  
1629 MIDWAY AVE  
MODESTO, CA 95358

**RECEIVED**

**MAR 07 2018**

Alcoholic Beverage Control  
Office of Legal Services

STOCKTON

FILE 21-467116

REG. 17086101

**STIPULATION  
AND WAIVER  
FOR PREHEARING  
SETTLEMENT**

**Respondent(s)**

Licensee(s) under the Alcoholic Beverage Control Act

The above-named respondent(s) does hereby:

- (1) Acknowledge receipt of the accusation (with printed statement to respondent) and forms for notice of defense and stipulation and waiver in the above-entitled action.
- (2) Stipulate that disciplinary action may be taken on the accusation and that such discipline may be determined on the basis of the facts contained in the investigative reports on file with the Department.
- (3) Waive all rights to a hearing, reconsideration and appeal, and any and all other rights which may be accorded pursuant to the Alcoholic Beverage Control Act or the Administrative Procedure Act.
- (4) Acknowledge that the licensee(s) understand(s) that by waiving said rights the Director of the Department of Alcoholic Beverage Control may, without further notice, enter an order revoking the Off-Sale General License(s) at the above-mentioned premises, the effective date to be set by further order of the Director of the Department of Alcoholic Beverage Control, said revocation to be stayed for a period of 180 days to permit the transfer of the license to persons and premises acceptable to the Department. Relatives and members of the licensees' immediate family and persons related to the licensee(s) by blood or marriage will not be considered acceptable persons. In addition, the license shall forthwith be suspended indefinitely until the license is transferred. If the license has not been transferred as ordered herein, on or before the expiration of the stayed period, the Director may, without further notice, revoke the stay and enter an order revoking the license.

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NABIL AHMED ALHARBY  
21-467116

Signed: Nabil Alharby Dated: March 7th 20 18

1004 Parklawn Ave Modesto Ca 95358  
ADDRESS (Street number and name) City State Zip Code

( 209 ) 622-6769  
TELEPHONE NUMBER (including area code)

(If licensee is an individual, he/she must sign. If licensee is a partnership, at least one general partner must sign. If licensee is a corporation, an executive officer must sign showing his/her title.) **This prehearing settlement offer is made solely to promote an early resolution and to eliminate the uncertainty and cost of litigation. If you choose not to accept this settlement offer and, instead, take this matter to hearing, the penalty recommended by the Department may be more or less severe depending upon the evidence presented at hearing. This offer shall expire at 3:00 p.m. on Friday February 16, 2018.**