

**Department of
Alcoholic Beverage Control**

INITIAL STATEMENT OF REASONS

UPDATED APRIL 18, 2025

**PROPOSED ADOPTION OF REGULATIONS FOR FILING A PROTEST AGAINST THE
ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE**

PROPOSED ADOPTIONS TO TITLE 4:

SECTION 146 - 146.5

PROBLEM STATEMENT AND PURPOSE

When a business decides to engage in the sale of alcohol, they must submit an application. During the application process, prospective licensees are required to post a notice on the premises informing the public of the businesses intent to sell alcohol at that location. Within 30 days of the posting, an individual or public agency may submit a form protesting the issuance of the alcohol license.

Currently the process by which protests are submitted to the Department of Alcoholic Beverage Control (ABC) is relatively straightforward. However, the parameters that ABC may use to reject a protest are unclear. Promulgating regulations to create guidelines for the rejection of protests will establish a uniformed system and create a fair process for all who seek to protest the issuance of an alcohol license. This proposed regulation will also give ABC more discretion to address unreasonable or frivolous protests submitted to ABC.

The Initial Statement of Reasons has been updated to reflect changes included in the second modification of the proposed regulation text.

BENEFITS

This proposed regulation will define commonly used terms that pertain to protests. This is beneficial because it will assist in making the protest process more accessible and understandable to those who intend to file a protest with ABC. This regulation is also beneficial because it will clarify the process by which an individual or public entity may submit a protest and what parameters ABC may use to reject those protests. This allows for a greater level of transparency in the protest rejection process, contributing to a fair and just process for prospective licensees and those filing protests.

AUTHORITY

Authority: Sections 25750 and 24013 of the Business and Professions Code; and Section 22, Article XX, California Constitution.

Reference: Sections 23001, 23958, 23958.1, 23958.2, 23985, 23985.5, 23987, 24013, 24013.1, 24013.2, 24014, and 24015 of the Business and Professions Code.

NECESSITY

The specific purpose for each proposed section is as follows:

§ 146(a) This subsection establishes legal definitions and terms to notify applicants, ABC licensees, the public, protestants, and ABC staff what varying terms within the regulation and protest process should mean. The definitions are for use in Article 23 in Division 1 in Title 4 of the California Code of Regulations and Chapter 6 in Division 9 of the Business and Professions Code. This subsection is necessary in discussing protests for alcoholic beverages licenses. Common definitions will ensure understanding of the term by ABC staff, licensees, and the public.

§ 146(a)(1)

The proposed subparagraph establishes a definition for the term “applicant.” This subparagraph is necessary because it specifies that an applicant can be a person or entity applying for a license and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(2)

The proposed subparagraph establishes a definition for the term “department.” This subparagraph is necessary because it specifies that “department” refers to the California Department of Alcoholic Beverage Control and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(3)

The proposed subparagraph establishes the definition for the term “file.” This subparagraph is necessary because it specifies how an individual may file protests of an application with the department outside of an established formal hearing process.

§146(a)(4)

The proposed subparagraph establishes the definition for the term “governing body.” This subparagraph is necessary because it specifies what political entities qualify as a governing body under the proposed regulations and referenced statutes and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(5)

The proposed subparagraph establishes the definition for the term “local law enforcement agency.” This subparagraph is necessary to clarify what types of entities are considered local law enforcement agencies in the protest process for an application and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(6)

The proposed subparagraph establishes the definition for the term “organization.” This subparagraph is necessary because it specifies what entities qualify to file a protest with the department and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(7)

The proposed subparagraph establishes the definition for the term “owner of real property.” This subparagraph is necessary because it specifies what persons must be noticed pursuant to law in connection with a license from ABC. This definition will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(8)

The proposed subparagraph establishes the definition for the term “protest.” This subparagraph is necessary to clarify that the act of submitting a statement of opposition to an application for the sale of alcohol is considered a protest and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(9)

The proposed subparagraph establishes the definition for the term “protest period.” This subparagraph is necessary to clarify that the protest period when a protest may be filed and is outlined by statute and further clarified in Sections 146.1(e) and 146.2(a) of the proposed regulations. The definition will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(10)

The proposed subparagraph establishes the definition for the term “protestant.” This subparagraph is necessary to distinguish who is in opposition to an application from other parties involved in the application process and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(11)

The proposed subparagraph establishes the definition for the term “public agency.” This subparagraph is necessary to clarify what types of entities are considered public agencies in the protest process for an application and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(12)

The proposed subparagraph establishes the definition for the term “public official.” This subparagraph is necessary to clarify what individuals are considered public officials in the protest process for an application and will ensure understanding of the term by ABC staff, licensees, and the public.

§146(a)(13)

The proposed subparagraph establishes the definition for the term “resident.” This subparagraph is necessary because it specifies what persons must be noticed pursuant to law in connection with a license from ABC. This definition will ensure understanding of the term by ABC staff, licensees, and the public.

§146.1(a)

The proposed subsection is necessary to establish who may file an individual or organizational protest for an application under investigation by ABC. This subsection is necessary to clarify that an individual or organizational protest under this section shall only be comprised of one person or entity. This subsection is also necessary to ensure that a protest on behalf of an organization must be signed by an individual authorized to act on behalf of the organization. This subsection is also necessary to establish the basic parameters of who is protesting the application for ABC staff, applicants, and the public to know how a protest is established.

§146.1(b)

The proposed subsection is necessary to explain the required grounds of a protest made by an individual or organization. This is necessary to inform ABC staff and the public what can be considered grounds for a protest and what criteria shall not be considered grounds for a protest of a potential licensed premises. This subsection is necessary to establish that protests must object to the application for the proposed premises based on the factors of public safety, welfare, health, peace, or morals outlined in the Alcoholic Beverage Control Act.

§146.1(c)

The proposed subsection establishes the burden for verification of a protest upon the protestant, and the method for verification of a protest under statute. This subsection is necessary to address how a protest becomes “verified” under law as required by statute to be accepted by ABC. It is also necessary to ensure ABC staff and the public know what a verified protest is, and what the evidential burden is upon potential protestants of a proposed licensed premises under investigation by ABC.

§146.1(d)

The proposed subsection establishes that a protest of an alcohol license cannot be anonymous and to be accepted must include contact information which, at a minimum, must include a mailing address and an email address. This subsection is necessary to allow ABC staff and applicants the opportunity to contact a protestant if further information is needed for the licensing investigation into their valid protest issues. This subsection is also necessary to allow ABC staff to contact the protestant and notify them of their hearing rights if ABC determined the license will properly issue over the objections raised in the protest.

§146.1(e)

The proposed subsection establishes a timeline for when a protest must be filed with ABC to be considered timely under statute. It provides an individual or organization with a 30-calendar-day period to make a protest from the date of the public posting of notice on the proposed licensed premises, the notice by mail required by statute to all residents and real property owners within a 500-foot radius of the proposed licensed premises, or the date of the Department’s notice to public officials, whichever date is later. This subsection is necessary to further clarify what begins and ends the protest period for ABC staff, applicants, the public, and protestants.

This subsection was modified to further clarify that this subsection sets the protest period as defined pursuant to Business and Professions Code section 24013(a). This additional clarity conforms the proposed language with ABC's original intent published in the initial statement of reasons.

§146.1(e)(1)

The proposed subparagraph establishes that one of the triggers of the thirty-calendar-day protest period for a timely protest begins when notice is posted by the applicant on the proposed licensed premises as required by law. This subparagraph is necessary to inform individuals or organizations when the protest period occurs within which they must file their protest to ABC to be considered timely.

§146.1(e)(2)

The proposed subparagraph establishes one of the triggers of the thirty-calendar-day period for a timely protest when notice is sent to all nearby residences, schools, churches, and property owners in the areas surrounding the proposed licensed premises. This subparagraph also places the burden for showing the mailing occurred and was sent to the correct location. This subparagraph is necessary to inform applicants that all residents and real property owners required by law to receive notice pursuant to Business and Professions Code section 23985.5 must receive the notice for the protest period to begin. This subparagraph is also necessary to establish that it is the applicant, and not ABC, which has the burden to show when the mailing occurred, and that it was sent to the correct location if there is a dispute about when the 30-calendar-day period begins pursuant to this subparagraph.

This subparagraph was modified to further clarify that the individuals and organizations mentioned were meant to be the residents and real property owners outlined in 23985.5. This additional clarity conforms the proposed language with ABC's original intent published in the initial statement of reasons.

§146.1(e)(2)(i)

The proposed subparagraph was removed to simplify the protest period calculation and ensure that all persons have the same protest period as specified pursuant to Business and Professions Code section 24013(a). This change was necessary to allow for easier calculations of the protest period by ABC staff, applicants, protestants, and the public.

§146.1(e)(3)

This proposed subparagraph reiterates that the date the Department sends the notice to public officials with jurisdiction over the proposed licensed premises location is one of the triggers to begin the 30-calendar-day protest period. This is necessary to determine if a protest is received within the protest timeframe the same as the other two triggers that occur to establish the end of the thirty-calendar-day protest period.

§146.1(f)

This proposed subsection establishes where an emailed protest should be filed. This is necessary to clarify the email address for the jurisdiction in which the protest should be filed.

§146.1(g)

This proposed subsection was modified to establish that ABC will only accept a protest if all criteria in the noted subsections are met and that a protestant may correct and re-file their protest within the protest period if their initial protest was not accepted. This is necessary to clarify what criteria is needed for a valid protest and when a re-filed protest will be accepted.

§146.1(h)

This proposed subparagraph clarifies that ABC will provide a list of protests made during the protest period to applicants along with establishing the timeframe this list will be provided. This is necessary to clarify when an applicant will receive the protest list and the procedure to request full and complete copies of the protests by the applicant.

§146.1(i)

This proposed subsection establishes that ABC may reject a protest in its entirety or in part given specified factors. This is necessary because in the case that a protest has valid complaints and frivolous complaints, or is missing key information, ABC may reject the invalid complaints and continue to proceed with the valid complaints in the protest.

§146.1(i)(1)

This proposed subparagraph establishes that an issue raised in an otherwise accepted protest that are outside ABC's jurisdiction within its licensing investigation, such as parking or transit outside the licensed premises, can be rejected by ABC since it is irrelevant to the issuance of the ABC license by ABC. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that issues outside ABC's jurisdiction can be rejected as invalid protests to help streamline the protest hearing process since ABC cannot base its licensing decisions on these issues.

§146.1(i)(2)

The proposed subparagraph establishes that an issue that is raised generally and not specifically tied to the application being protested can be rejected by ABC in an otherwise accepted protest. This subparagraph is necessary because some protestants do not protest specifically to the application but to licensed premises in general. This is a form of frivolous or vexatious protests that are prohibited pursuant to statute. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that issues raised in a general way and not tied specifically to the applied for licensed premises can be rejected as invalid protests to help streamline the protest hearing process since ABC should not base its licensing decisions on issues that are not specific to the proposed licensed premises.

§146.1(i)(3)

The proposed subparagraph establishes that an issue that has no evidentiary backing, even if specifically attributed to the application being protested, can be rejected by ABC in an otherwise accepted protest.

This subparagraph is necessary because accusations of harm that are attributed to a proposed licensed premises with no specific or probable evidence of the harm attributed to the proposed licensed premises can be raised by a protestant. This is a form of invalid or unreasonable protests that are prohibited pursuant to statute. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that issues raised without any probable evidence for the harm specifically tied to the applied for licensed premises can be rejected as invalid protests to help streamline the protest hearing process since ABC should not base its licensing decisions on issues that are not backed by probable evidence for the harm created by the proposed licensed premises.

§146.1(i)(4)

The proposed subparagraph establishes that a protest issue brought by a protestant with a preceding antagonistic relationship with the applicant, unrelated to the application, can be rejected by ABC in an otherwise accepted protest. This subparagraph is necessary because protestants with preceding antagonistic relationships, unrelated to the application, are often biased and based on issues other than the application itself. This is a form of vexatious, frivolous, or unreasonable protests that are prohibited pursuant to statute. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that a protest issue brought by a protestant with a preceding antagonistic relationship with the applicant, unrelated to the application, can be rejected as an invalid protest to help streamline the protest hearing process since ABC should not base its licensing decisions on complaints that are biased due to previous relationships between a protestant and an applicant.

§146.1(i)(5)

The proposed subparagraph establishes that a protest that is untimely filed may be rejected in whole or in part if the protest is untimely. If a protest untimely, it is prohibited from being accepted by statute. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that a protest that is untimely will not be accepted by ABC.

§146.1(i)(6)

The proposed subparagraph establishes that a protest may be rejected in whole or in part if the protest is unverified by the protestant. If a protest is unverified, it is prohibited from being accepted by statute. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand that a protest that is unverified by the protestant will not be accepted by ABC.

§146.1(j)

The proposed subsection establishes that ABC shall notify a protestant within 5 business days that any portion of their protest has been rejected. It also requires that the notice shall include the reasons ABC rejected the protest in whole or in part. This subsection is necessary to ensure that protestants receive notice when their protest is rejected in whole or in part and understand the reasons why ABC made that determination. This subsection is also necessary to ensure that the protestant has enough time to prepare to renew their objection through the accusation hearing process outlined in statute and the following subsections of the proposed regulations.

§146.1(k)

The proposed subsection establishes that if a protest is wholly rejected by ABC and issues the license to the applicant, the protestant may file an accusation against the applicant within 10 days after the issuance of the license, and that this accusation must have the protest grounds as the alleged violation as the cause of revocation of the issued license. This subsection is necessary to allow a protestant who has had their protest wholly rejected the ability to bring an accusation against the applicant/licensee over their protest grounds when the license issues to seek revocation if the licensee is harming the public contrary to ABC's determination and issuance. This ensures that any protest that was improperly rejected can still receive a hearing if the protestant wishes to continue forward after the license is issued.

This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand the hearing process for a rejected protest as a citizen accusation against the newly issued license.

§146.1(l)

The proposed subsection requires that ABC set a hearing to adjudicate an accusation made by a rejected protestant if filed within ten days from the date the license is issued. This subparagraph is necessary to ensure that ABC staff, the public, licensees, applicants, and protestants understand the hearing process for a rejected protest as a citizen accusation against the newly issued license and that the hearing is properly set by ABC.

§146.1(m)

The proposed subsection establishes that a protestant may request a hearing to determine if their accepted protest should bar the issuance of the license over ABC's recommendation. This subsection is necessary to ensure ABC staff, the public, licensees, applicants, and protestants understand how a hearing on a protest is created and to clarify the rights of protestants who want to request a hearing.

§146.1(m)(1)

The proposed subparagraph establishes a required timeline that an individual protestant must request a hearing in writing to ABC. The timeline created in this subsection begins upon the notice being sent to the protestant by ABC pursuant to Business and Professions Code section 24015. This subparagraph is necessary to establish when the 15-day period for a protestant to request a hearing upon their accepted protest issues begins to notify ABC staff, the public, licensees, applicants, and protestants when the right of a protestant to request a hearing will expire.

§146.1(m)(2)

The proposed subparagraph requires ABC to set a hearing on the issues raised in an accepted protest for any protestant who timely requests a hearing pursuant to the previous subparagraph. This subparagraph is necessary to ensure that ABC sets a hearing if timely requested by a protestant with any valid protest issues accepted under this section.

§146.1(m)(3)

The proposed subparagraph requires ABC to accept an untimely hearing request by a protestant with an accepted protest if the protestant can show good cause. This subsection also has an exception, if the license has already been issued, even if the protestant can show good cause that a hearing should be set for an untimely filing, ABC cannot revoke the license based on that once it has been issued. This subparagraph is necessary to ensure that if a protestant has issues meeting the required timeline to request a hearing upon a showing of good cause, ABC must set the hearing as if the request was timely made, unless the license has already been issued, because ABC does not have the authority to set a hearing on a protest for a license already issued and the protest issue becomes moot. This subparagraph does not limit the Department from bringing an accusation against the issued license for any conduct or actions taken by the licensee effecting the protestant's ability to respond in a timely manner.

§146.1(m)(4)

This proposed subparagraph establishes that the issues to be determined and at issue during a hearing on a protest will be limited to the issues raised by an accepted protest and cannot be expanded at the time of the hearing. This subparagraph is necessary to maintain an orderly hearing process and ensure a timely process for applicants subject to a protest. This subparagraph also ensures that ABC staff, administrative law judges, protestants, applicants, and the public know what issues can be presented at a protest hearing.

§146.2(a)

The proposed subsection establishes a timeline for when a protest must be filed with ABC to be considered timely under statute. It provides an individual or organization with a 30-calendar-day period to make a protest from the date of the public posting of notice on the proposed licensed premises, the notice by mail required by statute to all residents and real property owners within a 500-foot radius of the proposed licensed premises, or the date of the Department's notice to public officials, whichever date is later.

This subsection is necessary to inform public agencies, governing bodies, ABC staff, the public, applicants, and protestants the proper time for a public agency or governing body to protest the issuance of an alcohol license application within their jurisdiction.

§146.2(a)(1)

The proposed subparagraph establishes that one of the triggers of the thirty-calendar-day protest period for a timely protest begins when notice is posted by the applicant on the proposed licensed premises as required by law. This subparagraph is necessary to inform individuals or organizations when the protest period occurs within which they must file their protest to ABC to be considered timely. This is repeated from 146.1(e)(1) to ensure those looking at the protest period for public agencies or governing bodies are aware of all the triggers for the protest period for them.

§146.2(a)(2)

The proposed subparagraph establishes one of the triggers of the thirty-calendar-day period for a timely protest when notice is sent to all nearby residences, schools, churches, and property owners in the areas surrounding the proposed licensed premises. This subparagraph also places the burden for showing the mailing occurred and was sent to the correct location. This subparagraph is necessary to inform applicants that all residents and real property owners required by law to receive notice pursuant to Business and Professions Code section 23985.5 must receive the notice for the protest period to begin. This subparagraph is also necessary to establish that it is the applicant, and not ABC, which has the burden to show when the mailing occurred, and that it was sent to the correct location if there is a dispute about when the 30-calendar-day period begins pursuant to this subparagraph. This is repeated from 146.1(e)(2) to ensure those looking at the protest period for public agencies or governing bodies are aware of all the triggers for the protest period for them.

§146.2(a)(3)

This proposed subparagraph reiterates that the date the Department sends the notice to public officials with jurisdiction over the proposed licensed premises location is one of the triggers to begin the 30-calendar-day protest period. This is necessary to determine if a protest is received within the protest timeframe the same as the other two triggers that occur to establish the end of the 30-calendar-day protest period. This is repeated from 146.1(e)(3) to ensure those looking at the protest period for public agencies or governing bodies are aware of all the triggers for the protest period for them.

§146.2(b)

The proposed subsection establishes a burden upon ABC to notify the applicant of all accepted protests by public agencies or governmental bodies during the investigation of the application. This subsection is necessary to ensure that an applicant is notified of all protested issues during the investigation and might be able to proactively address those issues raised by protestants prior to the final determination by ABC staff. This is necessary to better resolve issues early, streamline the application and hearing process, and ensure fairness to all parties involved.

§146.2(c)

The proposed subsection establishes that a local law enforcement agency protesting an application may request up to an additional 20 days through a written request, they include a statement and reason for their need of an extension of time. The proper need to request and extension is limited to being in the process of preparing a protest or proposing conditions with respect to the application. This subsection is necessary to inform public agencies, governing bodies, ABC staff, the public, applicants, and protestants the proper way to request additional time for a public agency or governing body to protest the issuance of an alcohol license application within their jurisdiction.

This subsection was separated from the above subsection and updated to comply with statutory authority for extension of time for local law enforcement agencies to request extensions of time to the protest period.

§146.2(d)

The proposed subsection establishes that if ABC recommends issuance of the license over the protest of a public agency or governing body, it shall inform the protestant, set a hearing on the accusation, and serve notice of the hearing on the protest. This notice must be sent to the protestant within 5 business days of the recommendation to issue the license despite the protest. This subsection is necessary to inform public agencies, governing bodies, ABC staff, the public, applicants, and protestants the procedure if ABC recommends the issuance of a license even though the public agency, or governing body protested the issuance of a license to an applicant. This hearing is triggered from the time of ABC's recommendation and does not require the public agency or governing body to request a hearing as per statute.

§146.2(e)

The proposed subsection establishes that ABC shall notify a protestant within 5 business days that any portion of their protest has been rejected. It also requires that the notice shall include the reasons ABC rejected the protest in whole or in part. This subsection is necessary to ensure that protestants receive notice when their protest is rejected in whole or in part and understand the reasons why ABC made that determination. This subsection is also necessary to ensure that the protestant has enough time to prepare to renew their objection through the accusation hearing process outlined in statute and the following subsections of the proposed regulations. This is repeated from 146.1(j) to ensure those looking at the protest procedures for public agencies or governing bodies are aware of this requirement.

§146.3(a)

This subsection establishes that in any hearing set by section 146.1(m), any accepted protests that were notified who either did not respond and request a hearing, or responded requesting a hearing in an untimely manner, shall be deemed withdrawn as a matter of law. This subsection is necessary to ensure protestants who either do not request a hearing, or do so untimely, cannot prejudice against the applicant at a potential hearing brought by a different protestant and renew protest issues not to be determined at the hearing. This subsection is necessary to inform ABC staff, administrative law judges, protestants, applicants, and the public what happens to an accepted protest of a protestant that does not request a hearing, or one that does so untimely.

§146.3(b)

This subsection establishes that if no request for hearing is filed by any of the protestants who filed an accepted protest, all accepted protests will be deemed withdrawn under the previous subsection and ABC may issue the license to the applicant without further proceedings. This subsection is necessary to inform ABC staff, administrative law judges, protestants, applicants, and the public about the procedure for an application where accepted protests exist but none of the protestants request a hearing on ABC's recommendation to issue the license to the applicant.

§146.3(c)

The subsection establishes that any protestant with an accepted protest that requests a hearing, but fails to appear at the scheduled hearing, will be deemed to have withdrawn their accepted protest, and ABC may issue a ruling granting the applicant their license without the need for further proceedings to occur. This subsection is necessary to inform ABC staff, administrative law judges, protestants, applicants, and the public about the procedure when a request for hearing was made by a protestant with an accepted protest but they fail to appear at the scheduled hearing.

§146.3(d)

The subsection establishes the ability for a public agency or governing body protestant to withdraw their protest at any time, and that upon such a withdrawal any hearing set to hear the issues contained in the protest levied by a public agency or governing body is also vacated. This subsection is necessary to inform ABC staff, administrative law judges, protestants, applicants, public agencies, governing bodies, and the public about the procedure if a protestant public agency or governing body withdraws their accepted protest and what occurs to a hearing set to adjudicate the issues raised in that protest.

§146.4(a)

The subsection establishes that an applicant may voluntarily withdraw their application due to any protest received, but if they make a withdrawal with a protest on file, the applicant cannot file an application for a license at the address of the proposed licensed premises for a period of one year after the date of the withdrawal. This subsection is necessary to ensure an applicant has the right to withdraw their application in response to any protests received by ABC in response to their application, but also implements a one-year prohibition on a subsequent application at the same location by the same applicant. This prohibition is necessary to ensure that applicants do not repeatedly apply and withdraw to stop protesters from protesting their application for a license due to repeated applications and withdrawals in a short period of time.

§146.4(b)

The subsection establishes that when an applicant withdraws their applications due to a protest under this section, any accepted protests by either individuals, or a public agency or governing body shall remain active against any subsequent applications by different applicants for the same location for a period of one-year after the date of the withdrawal. This subsection is necessary to ensure that any protest given to ABC in response to an application at a potential licensed premises that is withdrawn by the applicant, will be renewed and apply to a subsequent application made within a year by a different applicant. This is necessary to ensure that protestants cannot be dissuaded by repeated applications by different applicants for the same location.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS RELIED UPON.

Articles

There are no articles that pertain to these proposed regulations.

Department and Appeals Board Decisions

There are no Appeals Board decisions that affect these regulations.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

ABC has determined that these regulations have a negligible economic impact. Any cost associated with these regulations will be absorbed in ABC's current budget.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

ABC has determined that this regulation has a negligible economic impact. It is anticipated that there will be no additional costs associated with implementing this proposed regulation on the ABC budget. If there are any unforeseen costs associated with this regulation, they will be absorbed in ABC's current budget. If this regulation is adopted there will be no creation or elimination of jobs within the state, no creation or elimination of current businesses within the state, no expansion of current businesses within the state, no impact on the health and welfare of California residents, worker safety, and the environment in the state of California. However, through the protest process, some applicants for alcoholic beverage licenses may be denied preventing some new jobs from being created. The further regulation of this process will not increase or decrease the number of alcoholic beverage licenses available, just create a more transparent process by which protests can be made, accepted, or rejected.

ALTERNATIVES CONSIDERED FOR THE FURTHER REGULATION OF THE PROTEST SUBMISSION PROCESS

There is no economic impact through the proposed regulatory package. There are no alternatives to the proposed regulations as they institute the policy and procedure for the protest process for license applications. ABC invites commenters to submit alternatives in their comments if they determine that ABC can institute these policies in a less restrictive but as effective manner, or in a more effective manner.

REGULATORY MANDATES

This regulatory package creates no new duties or regulatory mandates for licensees, local governments, or ABC.

