

TITLE 4. ARTICLE 11. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL PROPOSED REGULATIONS

Text of amendments proposed for adoption.

Text removed in the initial proposal is in ~~striketrough~~.

Text added to the initial proposal is underlined.

§ 61. Administrative Withdrawal of an Application and Disbursement of Refundable Fees License Limitations.

- (a) If an applicant for any alcoholic beverage license or permit abandons its application while the Department is performing its thorough investigation, the Department may deem an application administratively withdrawn.
- (1) To be considered abandoned, an applicant must fail to respond to the Department's formal written request for contact for a period not less than sixty (60) calendar days.
- i. A response from an applicant following a formal written request by the Department is considered received the day it is delivered to the Department either electronically, in person, or by mail.
- (2) If a license pending transfer to a new applicant is revoked or canceled, the transfer application for that license will be considered abandoned due to the inability of a non-existent license to be transferred to a new licensee or location.
- (b) If an applicant's application has been administratively withdrawn, the Department shall notify the former applicant in writing the amount of the fees taken during the application from the former applicant that can be refunded. This written notice shall also include how the former applicant can request a refund and the date by which the former applicant must request their refund. The written notice shall be sent using the contact information the former applicant placed upon their license application.
- (c) If the Department issues a refund check to a former applicant and the check goes uncashed for a full calendar year, the check will expire and be cancelled. The Department shall provide written notice to the former applicant of the refund check expiration and the amount of the fees taken during the application from the former applicant that can still be refunded. This written notice shall also include how the former applicant can request a refund and the time limit for the former applicant to request their refund. The written notice shall be sent using the contact information the former applicant placed upon their license application.

(d) If a former applicant does not request a refund of the fees taken during the application they are owed within sixty (60) calendar days of a written notice from the Department pursuant to either subsection (b) or (c), the refund shall be deemed abandoned and be reverted to the ABC fund balance.

(1) A request for a refund is deemed received the day it is delivered to the Department either electronically, in person, or by mail as described in the written notice pursuant to either subsection (b) or (c).

(e) If a refund check is re-issued due to an applicant request received pursuant to subsection (c) above goes uncashed for a full calendar year, the check will again expire and be cancelled. The Department will then consider the refund abandoned and the funds shall be reverted to the ABC fund balance.

(1) Nothing in this section prohibits the Department from cancelling and reissuing a refund check to a former applicant upon a legitimate request prior to fund being considered abandoned pursuant to subsection (e) of this section.

Authority: Sections 23320, 23958, and 25750 Business and Professions Code; Section 22, Article XX, California Constitution.

Reference: Section 23054, 23320, 23958, 23959, 23961, 23985, 24044, 24045, 24045.5, 24048, 24070, 24072 and 25761 Business and Professions Code