

OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE PROTEST OF:
RUTH WALZ

AGAINST THE ISSUANCE OF A LICENSE TO:

JC WAUGH WINE CO LLC
WAUGH FAMILY WINES
2275 SODA CANYON RD
NAPA, CA 94558-9201

SANTA ROSA DISTRICT OFFICE

File: 02-535163

Reg: 13079708

NOTICE OF HEARING
ON PROTEST

WINEGROWER - LICENSE

under the Alcoholic Beverage Control Act.

To the parties in the above-entitled proceeding:

YOU ARE HEREBY NOTIFIED THAT A HEARING will be held on the protest, listed above, by an Administrative Law Judge of the Administrative Hearing Office at the County Administration Building, 1195 Third Street, Basement Level, Auditor's Conference Room, Napa, California on March 27, 2014 at the hour of 9:30 A.M., or as soon thereafter as the matter can be heard.

The hearing may be postponed (continued) for good cause. If you have good cause, you are obligated to notify the Legal Unit of the Department of Alcoholic Beverage Control within 10 working days after you discover the good cause. Failure to notify the Legal Unit of the Department of Alcoholic Beverage Control within 10 days may deprive you of a postponement (continuance).

For information regarding postponements or continuances, contact the Legal Unit, below.

*Department of Alcoholic Beverage Control, Legal Unit
3927 Lennane Drive, Suite 100, Sacramento, CA 95834
(916) 419-2518 FAX (916) 419-2504*

- You may be present at the hearing.
- You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel.
- You may present any suitable evidence and will be given full opportunity to cross-examine all witnesses testifying against you.
- You are entitled to the issuance of subpoenas to force the attendance of witnesses and the showing of books, documents, or other things. You may ask for subpoenas (for parties representing themselves) by applying to the Department of Alcoholic Beverage Control at the nearest District Office. An attorney representing a party shall issue his/her own subpoena(s) in compliance with Government Code Section 11450.20, in accordance with Sections 1985 to 1985.4, inclusive, of the Code of Civil Procedure.
- If you object to the place of hearing, you must notify the presiding officer at the Administrative Hearing Office within 10 days after this notice is served on you. Failure to notify the presiding officer within 10 days may deprive you of a change in the place of hearing.

To object to the place of hearing, contact the Administrative Hearing Office, below.

*Administrative Hearing Office
P O BOX 348210, Sacramento, CA 95834-8210
(916) 263-7963 FAX (916) 263-7975*

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

**THE MATTER OF THE PROTEST OF:
H WALZ**

AGAINST THE ISSUANCE OF A LICENSE TO:

JC WAUGH WINE CO LLC
WAUGH FAMILY WINES
2275 SODA CANYON RD
NAPA, CA 94558-9201

WINEGROWER - LICENSE

under the Alcoholic Beverage Control Act.

The hearing will be conducted in English. If you need language assistance, it is your responsibility to provide, at your own cost, a court certified interpreter. Information on certified court interpreters may be obtained from:

Administrative Office of the Courts, Court Interpreters Program
455 Golden Gate Avenue, San Francisco, CA 94102-3688.
(866) 310-0689
courtinterpreters@jud.ca.gov
www.courtinfo.ca.gov/programs/courtinterpreters/ctintdb.cfm

TO THE PROTESTANT: If you fail to appear at the hearing, the Department may consider your protest abandoned.

STATEMENT OF ISSUES TO BE DETERMINED

The issues to be determined at said hearing are whether granting of such license(s) would be contrary to public welfare and morals by reason of Article XX, Section 22 of the Constitution of the State of California, Section 23958 of the Business and Professions Code, the Alcoholic Beverage Control Act of the Department of Alcoholic Beverage Control.

Dated at Sacramento, California, January 27, 2014



Senior Legal Typist
Hearing & Legal Unit

SANTA ROSA DISTRICT OFFICE

File: 02-535163

Reg: 13079708

**NOTICE OF HEARING
ON PROTEST**

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

**THE MATTER OF THE PROTEST OF:
RUTH WALZ**

AGAINST THE ISSUANCE OF A LICENSE TO:

JC WAUGH WINE CO LLC
WAUGH FAMILY WINES
2275 SODA CANYON RD
NAPA, CA 94558-9201

File: 02-535163

Reg: 13079708

DECLARATION OF SERVICE
BY MAIL

WINEGROWER - LICENSE

under the Alcoholic Beverage Control Act.

The undersigned declares:

I am over eighteen years of age, and not a party to the within cause; my business address is 3927 Lennane Drive, Suite 100, Sacramento, California 95834. I served by regular mail a copy of the following document(s):

**NOTICE OF HEARING ON PROTEST
DEPARTMENT'S REQUEST FOR DISCOVERY
COPIES OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7**

on each of the following, by placing same in an envelope(s) addressed as follows:

JC WAUGH WINE CO LLC
WAUGH FAMILY WINES
2275 SODA CANYON RD
NAPA, CA 94558-9201

RUTH WALZ
1223 SODA CANYON ROAD
NAPA CA 94558

Each said envelope was then, on January 27, 2014 sealed and deposited in the United States Mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2014 at Sacramento, California.



Declarant

SANTA ROSA DISTRICT OFFICE (INTEROFFICE MAIL)
 DIVISION OFFICE (INTEROFFICE MAIL)

with section 11505 of the Government Code, following are copies of Sections 11507.5, 11507.6, and 11507.7 of the Code.

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this section.

11507.6. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

- (a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to the person is the basis for the administrative proceeding;
- (b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;
- (c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;
- (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
- (e) Any other writing or thing which is relevant and which would be admissible in evidence;
- (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, and (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person, signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

11507.7.

- (a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.
- (b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.
- (c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.
- (d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.
- (e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.
- (f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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

THE MATTER OF THE PROTEST OF:
ARTHUR WALZ

SANTA ROSA DISTRICT OFFICE

AGAINST THE ISSUANCE OF A LICENSE TO:

File: 02-535163

JC WAUGH WINE CO LLC
WAUGH FAMILY WINES
2275 SODA CANYON RD
NAPA, CA 94558-9201

Reg: 13079708

**Department's Request
For Discovery**

WINEGROWER - LICENSE

Respondent(s)/Licensee(s)
under the Alcoholic Beverage Control Act.

Pursuant to Government Code §11507.6, the Department requests the following:

- (1) The names and addresses of witnesses, including, but not limited to, those intended to be called to testify at the hearing, and
- (2) The ability to inspect and make a copy of any of the following in your possession or custody or under your control:
 - (a) Statement(s) of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;
 - (b) Statement(s) pertaining to the subject matter of the proceeding made by any party to another party or person;
 - (c) Statement(s) of witnesses proposed to be called and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included to (a) or (b) above;
 - (d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;
 - (e) Any other writing or thing which is relevant and which would be admissible in evidence;
 - (f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this request, "statement(s)" include written statements, stenographic, mechanical, electrical or other recordings, or transcripts thereof, or oral statement by the person, and written reports or summaries of these oral statements.

Your response must be received at the Department of Alcoholic Beverage Control, Legal Unit,
3927 Lennane Drive, Suite 100, Sacramento, CA 95834
on or before February 26, 2014.

Failure to respond could result in preventing you from testifying or introducing any evidence at the hearing.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.6 in the possession, custody or control of the Department of Alcoholic Beverage Control, you may request such from the address above (Attention: Discovery Request) on or before February 26, 2014.

In addition to the foregoing, this is a continuing request for discovery of any of the above stated matters that may come into your possession, custody, or control at any time before the hearing.
If you have any questions, please call (916) 419-2518.