

**BEFORE THE ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD
OF THE STATE OF CALIFORNIA**

AB-8441a

File: 20-348067 Reg: 04058298

JASMIN KANJ ABOUOMAR dba Frontera Market
600 Third Street, Calexico, CA 92231,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: None

Appeals Board Hearing: August 2, 2007
Los Angeles, CA

ISSUED OCTOBER 19, 2007

Jasmin Kanj Abouomar, doing business as Frontera Market (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which determined she was not qualified to hold an alcoholic beverage license. The appeal followed the remand of an earlier appeal upholding a Department order revoking the license jointly held by appellant and her husband for his violation of Health and Safety Code section 11379.

There is no appearance on behalf of appellant. The Department of Alcoholic Beverage Control, appears through its counsel, Matthew G. Ainley.

DISCUSSION

In the original appeal in this matter, the Department's order of revocation was affirmed as to the husband, but the case was reversed and remanded to the

¹The decision of the Department, dated February 22, 2007, is set forth in the appendix.

Department with instructions to reconsider its order of revocation in light of the spouse's claim under Rule 58. The Department reaffirmed its original order after determining that she had failed to prove she was qualified to be a licensee.

Written notice of the opportunity to file briefs in support of the appellant's position was given on May 4, 2007. No brief has been filed by appellant. We have reviewed the notice of appeal and have found insufficient assistance in that document which would aid in review.

The Appeals Board is not required to make an independent search of the record for error not pointed out by appellant. It was the duty of appellant to show to the Appeals Board that the claimed error existed. Without such assistance by appellant, the Appeals Board may deem the general contentions waived or abandoned. (*Horowitz v. Noble* (1978) 79 Cal.App.3d 120, 139 [144 Cal.Rptr. 710] and *Sutter v. Gamel* (1962) 210 Cal.App.2d 529, 531 [26 Cal.Rptr. 880, 881].)

Additionally, the Appeals Board was informed by Department counsel at oral argument that the license has been revoked upon non-payment of license renewal fees.

Given the state of the record, we can only conclude that the appeal lacks merit.

ORDER

The decision of the Department is affirmed.²

TINA FRANK, ACTING CHAIRPERSON
SOPHIE C. WONG, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

² This final decision is filed in accordance with Business and Professions Code §23088 and shall become effective 30 days following the date of the filing of this final decision as provided by §23090.7 of said code.

Any party may, before this final decision becomes effective, apply to the appropriate district court of appeal, or the California Supreme Court, for a writ of review of this final decision in accordance with Business and Professions Code §23090 et seq.