

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

**AB-9102**

File: 21-397498 Reg: 09072053

MUSA MUSA SALEH, dba Bob's Liquor & Grocery  
2999 Harrison Street, San Francisco, CA 94110,  
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,  
Respondent

Administrative Law Judge at the Dept. Hearing: None

Appeals Board Hearing: July 1, 2010  
San Francisco, CA

**ISSUED AUGUST 12, 2010**

Musa Musa Saleh, doing business as Bob's Liquor & Grocery (appellant), appeals from a decision of the Department of Alcoholic Beverage Control<sup>1</sup> which suspended his license for five days for a violation of Business and Professions Code section 24200, subdivisions (a) and (b).

Appearances on appeal include appellant Musa Musa Saleh, appearing through his counsel, Richard D. Warren, and the Department of Alcoholic Beverage Control, appearing through its counsel, Robert Wieworka.

**FACTS AND PROCEDURAL HISTORY**

The Department instituted an accusation against appellant charging violations of Business and Professions Code section 24200, subdivisions (a) and (b). Appellant failed to file a notice of defense, and the Department entered its decision following default, concluding that appellant had committed the violation charged in the

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<sup>1</sup>The decision of the Department, dated April 1, 2010, is set forth in the appendix.

accusation. Appellant's license was suspended for five days. This appeal followed.

#### DISCUSSION

Written notice of the opportunity to file briefs in support of the appellant's position was given on April 20, 2010. 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].)

#### ORDER

The decision of the Department is affirmed.<sup>2</sup>

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

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<sup>2</sup> 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.