

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

AB-7749

File: 21-338679 Reg: 00048783

ELIZABETH I. REITER dba 8 Ball Liquor & Mini Market
111 E. Avenue K, Lancaster, CA 93535,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

Administrative Law Judge at the Dept. Hearing: Ronald. M. Gruen

Appeals Board Hearing: October 4, 2001
Los Angeles, CA

ISSUED NOVEMBER 29, 2001

Elizabeth I. Reiter, doing business as 8 Ball Liquor & Mini Market (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which revoked her license for refusing to permit inspection of her books and records, for misrepresenting a material fact in connection with her application for this license, and for her spouse not having the qualifications of a holder of an alcoholic beverage license, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, arising from violations of Business and Professions Code §§ 23950; 23951; 24200, subdivisions (a)-(d); and 25753; and §58 of title 4, California Code of Regulations (Rule 58).

Appearances on appeal include appellant Elizabeth I. Reiter, appearing through her counsel, Stephen Lawton, and the Department of Alcoholic Beverage Control, appearing through its counsel, Matthew Ainley.

¹The decision of the Department, dated December 7, 2000, is set forth in the appendix.

FACTS AND PROCEDURAL HISTORY

Appellant's off-sale general license was issued on March 10, 1998. Thereafter, the Department instituted a five-count accusation against appellant charging that she was not the true owner of the licensed premises (count 1); she refused to allow inspection of her books and records (count 2); she misrepresented material facts on her license application (counts 3 and 4); and her husband had been convicted of crimes which would disqualify him from holding an alcoholic beverage license (count 5).

An administrative hearing was held on July 19 and September 29, 2000, at which time oral and documentary evidence was received. At that hearing, the Department moved to dismiss count 4.

Subsequent to the hearing, the Department issued its decision which determined that counts 2, 3, and 5 had been proven; that count 1 was not proven; and that count 4 should be dismissed. The license was ordered revoked for each of the three counts proven, "and for all of them." Appellant thereafter filed this timely appeal.

Appellant's notice of appeal lacks information sufficient to allow this Board to review the appeal. Written notice of the opportunity to file briefs in support of the appellant's position was given on June 14, 2001, but none has been filed.

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

A review of the record shows that the ALJ's findings and determinations were supported by substantial evidence. It appears that appellant stated on her application that she was not married, when, in fact she was married to Jaber A. Haddad, whom she listed only as landlord for the premises.

Haddad was convicted in 1994 of perjury and forging or falsifying a vehicle registration. Rule 58 requires that an unlicensed spouse have the qualifications of a license holder.

Appellant only partially complied with an October 4, 1999, notice to produce certain documents for examination by the Department.

ORDER

The decision of the Department is affirmed.²

TED HUNT, CHAIRMAN
E. LYNN BROWN, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

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

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