

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

**AB-8757**

File: 21-412051 Reg: 06063209

MOHINDER and SATYA PAL, dba Chima Liquor Store  
5049 Franklin Boulevard, Sacramento, CA 95820,  
Appellants/Licensees

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,  
Respondent

Administrative Law Judge at the Dept. Hearing: Michael B. Dorais

Appeals Board Hearing: October 2, 2008  
San Francisco

**ISSUED JANUARY 7, 2009**

Mohinder and Satya Pal, doing business as Chima Liquor Store (appellants), appeal from a decision of the Department of Alcoholic Beverage Control<sup>1</sup> which suspended their license for 15 days for having sold an alcoholic beverage to a minor, a violation of Business and Professions Code section 25658, subdivision (a).

Appearances on appeal include appellant Mohinder Pal, representing himself and Satya Pal, and the Department of Alcoholic Beverage Control, appearing through its counsel, Nicholas R. Loehr.

**FACTS AND PROCEDURAL HISTORY**

Appellants' off-sale general license was issued on May 3, 2004. On June 21, 2006, the Department instituted an accusation against appellants charging the sale of alcoholic beverages to a minor.

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<sup>1</sup>The decision of the Department, dated October 11, 2007, is set forth in the appendix.

At the administrative hearing held on August 21, 2007, documentary evidence was received and testimony concerning the violation charged was presented by Jose Serrato, the minor, and Department investigators Kobia West and Kate Newman. Mohinder Pal testified on appellants' behalf. The evidence established that the clerk did not ask Serrato his age or for any identification. Mohinder Pal testified that Serrato had not made the purchase at his store. Subsequent to the hearing, the Department issued its decision which determined that the violation had been established, and ordered a 15-day suspension.

Appellants have not filed a brief. Written notice of the opportunity to file briefs in support of the appellants' position was given on June 24, 2008. No brief has been filed by appellants. 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 appellants to show to the Appeals Board that the claimed error existed. Without such assistance by appellants, 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].

We have reviewed the record and are satisfied that there was substantial evidence to support the determination of the Department. Appellants' decision not to file a brief is understandable.

ORDER

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

FRED ARMENDARIZ, CHAIRMAN  
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.