

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

TALAB QARAJA)	AB-6570
dba Hi and Bye)	
2371 University Avenue)	File: 21-265082
East Palo Alto, CA 94303)	Reg: 94030787
Appellant/Licensee,)	
)	Administrative Law Judge
v.)	at the Dept. Hearing:
)	Stewart A. Judson
THE DEPARTMENT OF ALCOHOLIC)	
BEVERAGE CONTROL,)	Date and Place of the
Respondent.)	Appeals Board Hearing:
)	June 5, 1996
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		Sacramento, CA

Talab Qaraja, doing business as Hi and Bye (appellant), appealed from a decision of the Department of Alcoholic Beverage Control¹ which suspended his off-sale general license for ten days for appellant having sold an alcoholic beverage to a nineteen-year-old minor decoy in violation of Business and Professions Code §25658(a).

Appearances on appeal included appellant Talab Qaraja, appearing through his

¹The decision of the department dated August 24, 1995, is set forth in the appendix.

counsel, Timothy J. Sullivan; and the Department of Alcoholic Beverage Control, appearing through its counsel, Robert Murphy.

FACTS AND PROCEDURAL HISTORY

Appellant's off-sale general license was issued on December 19, 1987.

Thereafter, the department instituted an accusation against appellant on August 10, 1994.

An administrative hearing was held on July 5, 1995, at which time oral and documentary evidence was received. At that hearing, it was established that appellant had sold an alcoholic beverage to a person under 21 years of age in a "decoy" operation conducted by the San Mateo Sheriff's Department.

Subsequent to the hearing, the department issued its decision suspending appellant's license for 10 days. Appellant thereafter filed a timely notice of appeal.

In the present matter, written notice of the opportunity to file briefs in support of the appellant's position was given on January 9, 1996, and, after a continuance was granted to allow the appellant's counsel to receive and review the transcript, written notice of a new briefing schedule was sent to appellant's counsel on February 14, 1996. No brief has been filed by appellant. We have reviewed the notice of appeal and have found nothing in that document that would aid this board's review.

The appeals board is not required to make an independent search of the record for error not pointed out by the appellant. It was the duty of the 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. See 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 so hold.

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CONCLUSION

The decision of the department is affirmed.²

RAY T. BLAIR, JR., CHAIRMAN
JOHN B. TSU, MEMBER
BEN DAVIDIAN, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

²This final order is filed as provided by Business and Professions Code §23088 and shall become effective 30 days following the date of this filing of the final order as provided by §23090.7 of said statute for the purposes of any review pursuant to §23090 of said statute.