

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

FARZANEH F. BAHMANSHIR and	)	AB-7453
SAEED C. BAHMANSHIR)	
dba Circle Seven	)	File: 20-335653
2299 West 190th Street	)	Reg: 98045346
Redondo Beach, CA 90278,)	
Appellant s/Licensees,	)	Administrative Law Judge
	)	at the Dept. Hearing:
v.	)	Sonny Lo
)	
	)	Date and Place of the
DEPARTMENT OF ALCOHOLIC	)	Appeals Board Hearing:
BEVERAGE CONTROL,	)	July 6, 2000
Respondent.	)	Los Angeles, CA

Farzaneh F. Bahmanshir and Saeed C. Bahmanshir, doing business as Circle Seven (appellants), appeal from a decision of the Department of Alcoholic Beverage Control¹ which revoked their license, with revocation stayed for a probationary period of two years, and suspended their license for 20 days for appellants' employee selling drug paraphernalia on the licensed premises, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, and Business and Professions Code §24200,

¹The decision of the Department, dated July 15, 1999, is set forth in the appendix.

subdivision (a), arising from a violation of Health and Safety Code §11364.7, subdivisions (a) and (d).

Appearances on appeal include appellants Farzaneh F. Bahmanshir and Saeed C. Bahmanshir, appearing through their counsel, Maziar Mafi, and the Department of Alcoholic Beverage Control, appearing through its counsel, Matthew G. Ainley.

FACTS AND PROCEDURAL HISTORY

Appellants' off-sale beer and wine license was issued on November 12, 1997. Thereafter, the Department instituted an accusation against appellants charging that on October 23, 1998, appellants' clerk sold drug paraphernalia to a Department investigator.

An administrative hearing was held on May 4, 1999, at which time oral and documentary evidence was received. At that hearing, testimony was presented concerning the transaction.

Subsequent to the hearing, the Department issued its decision which determined that the violation had occurred as charged.

Appellants thereafter filed a timely notice of appeal. Written notice of the opportunity to file briefs in support of the appellant's position was given on March 22, 2000, and an extension of time to file an opening brief was granted on April 27, 2000. No brief has been filed by appellants. We have reviewed the notice of appeal and have found nothing in that document to aid our review.

The Appeals Board is not required to make an independent search of the record for error not pointed out by appellants. It was appellant's duty to show the Appeals Board that the claimed error existed. Without such assistance by

appellants, the 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 in this matter, and it appears that there is substantial evidence to support the findings of the Department and that no obvious errors of any consequence occurred. This is a drug paraphernalia case involving the small glass tubes that have appeared in a number of other similar cases. In this case, the investigator asked the clerk if they sold marijuana pipes, and the clerk replied, "No, but we sell those," and pointed to a display of glass tubes. This appeal is very similar to others in which the Board sustained decisions of the Department finding illegal sales of drug paraphernalia. (See, e.g., Chang (1998) AB-6830; The Southland Corporation (Assefa and Woldermariam) (1999) AB-7176; Zakher (1999) AB-7211; Hinnant (1999) AB-7101.)

ORDER

The decision of the Department is affirmed.²

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

Board Member Ray T. Blair, Jr., did not participate in the deliberation of this appeal.

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.