

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

RIMOUN A. NUNEZ dba U-Pick Market
16520 Beach Blvd., Huntington Beach, CA 92647,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent
AB-7561

File: 21-298983 Reg: 99046093

Administrative Law Judge at the Dept. Hearing: Rodolfo Echeverria

Appeals Board Hearing: December 12, 2000
Los Angeles, CA

ISSUED: MARCH 5, 2001

Rimoun A. Nunez, doing business as U-Pick Market (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which suspended his off-sale general license for 15 days for permitting the sale of an alcoholic beverage to a person under the age of 21 years, being contrary to the universal and generic public welfare and morals provisions of the California Constitution, article XX, §22, arising from a violation of Business and Professions Code §25658, subdivision (a).

Appearances on appeal include appellant Rimoun A. Nunez, and the Department of Alcoholic Beverage Control, appearing through its counsel, Jonathon E. Logan.

¹The decision of the Department, dated December 2, 1999, is set forth in the appendix.

FACTS AND PROCEDURAL HISTORY

Appellant's off-sale general license was issued on October 26, 1994.

Thereafter, the Department instituted an accusation against appellant charging that a sale had been made to a person under the age of 21 years. An administrative hearing was held on September 22, 1999, at which time oral and documentary evidence was received.

Subsequent to the hearing, the Department issued its decision which determined that the violation had occurred. Appellant thereafter filed a timely notice of appeal.

The Appeals Board on September 13, 2000, notified appellant in writing, of the opportunity to file briefs in support of appellant's cause. However, 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 is the duty of appellant to advise the Appeals Board that the claimed error exists. 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].)

We have reviewed the record and determine that there is substantial evidence to support the findings and decision of 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.