

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

AB-8296

File: 21-331502 Reg: 02052866

ZAHER SAYEGH dba 5th & Ivy Market
645 West Fifth Street, Chico, CA 95928,
Appellant/Licensee

v.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL,
Respondent

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

Appeals Board Hearing: April 7, 2005
San Francisco, CA

ISSUED JUNE 17, 2005

Zaher Sayegh, doing business as 5th & Ivy Market (appellant), appeals from a decision of the Department of Alcoholic Beverage Control¹ which revoked his license, conditionally stayed the order of revocation for 180 days, subject to discipline-free operation during such period, to permit transfer of the license, ordered a 25-day suspension, and imposed conditions on the license, for appellant's clerk, Victor Crispin, having sold beer to Arthur Bortz, an 19-year-old minor, a violation of Business and Professions Code section 25658, subdivision (a).

Appearances on appeal include appellant Zaher Sayegh, appearing through his counsel, Richard D. Warren, and the Department of Alcoholic Beverage Control, appearing through its counsel, Nicholas Loehr.

¹The decision of the Department, dated May 27, 2004, is set forth in the appendix.

PROCEDURAL HISTORY

Appellant's off-sale general license was issued on May 27, 1997. On March 27, 2003, the Department instituted an accusation against appellant charging the sale of an alcoholic beverage to a minor. The accusation also alleged that appellant had been disciplined on two previous occasions for the sale of alcoholic beverages to minors.

An administrative hearing was held on February 4, 2004, 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 as alleged.

Written notice of the opportunity to file briefs in support of the appellant's appeal was given on December 17, 2004. 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 was the duty of 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. (*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].)

ORDER

The decision of the Department is affirmed.²

TED HUNT, CHAIRMAN
SOPHIE C. WONG, MEMBER
FRED ARMENDARIZ, MEMBER
ALCOHOLIC BEVERAGE CONTROL
APPEALS BOARD

² 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.