

# Ralph Barat Saltsman

## Honors & Awards

- SuperLawyers – 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004.
- Profiled in Southern California's Top Rated Lawyers 2012 edition

## Current Employment Position

- Partner

## Areas Of Practice:

- Indian Gaming/Sovereignty and ABC Law
- Land Use Planning – Liquor Law
- Administrative/Governmental Relations
- Appellate Law – State and Federal
- Constitutional Law
- Civil Litigation – Business, Personal injury
- Products Liability and Malpractice

## Litigation Percentage:

- 60% of Practice Devoted to Licensing
- 30% of Practice Devoted to Administrative Law
- 10% of Practice Devoted to Personal Injury

## Bar Admissions:

- California, 1974
- U.S. District Court, Southern District of CA
- U.S. District Court, Central District of CA
- U.S. District Court, Northern District of CA
- U.S. Supreme Court
- U.S. Court of Appeals, 9th Circuit
- Intertribal Court of Southern California Bar Association Member

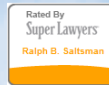
## Education:

- Loyola Law School, Los Angeles, CA 1973
- Honors: Recognition of Service to Student Body, 1973
- University of Southern California, Los Angeles, CA 1970
- Honors: Blackstonean Honor Society, 1968
- Major: English Literature

## Media:

- 2013, Winner, Star Award, Producer, Legal Help Live
- 2012 Los Angeles Emmy Award, Producer, Cheap Eats

Rated 'AV® Preeminent™' by Martindale-Hubbell, the highest rating available for legal ability and general ethics. Details



AVVO™ Ratings:



- 2011 Presenter Los Angeles Area EMMY Awards
- Television Co-host and Co-creator, "Cheap Eats™"
- 2009 to date – Channels 16 & 36
- Television Co-host and Co-creator "Legal Help Live"
- 2005 to Present – Channels 16 & 36
- Television Co-host "It' Your Call"-homeless issues in Southern California
- 2007, 2008 – Channels 16 & 36
- Radio Talk Show Host for "Legal Help Live" on KRLA Radio AM 870 2000 to 2006

## Published Works:

### Recent Articles

- "Marijuana is Here to Stay" – Metropolitan News February 16, 2017
- Government Regulation: Court of Appeal Shines Light on Liquor Licensing Metropolitan News October 20, 2016
- "Inside the Minds: Gaming Law and Litigation Strategies" ISBN 978-0-314-29255-1 – Aspatore Books, Co-Author, Copyright 2014
- "E-Cigarettes – Poison or Panacea? Are Local and State Governments' Regulations Right-On or Overboard?" – Metropolitan News, Co-Author, March 17, 2014
- "Temporary Judges: Critical Asset During Budget Crisis" – Daily Journal, Co-Author, Sept. 2012
- "In a State of Denial About Pot?" – Los Angeles Business Journal, Co-Author, Feb. 6, 2012
- "No Indian Casinos in Los Angeles County? Why Not?" – Indian Country Today, Co-Author, November 22, 2011
- "Letting the Genie Out of the Bottle?" Indian Intrastate Internet Gaming – January 7, 2011, Co-Author
- "Is it an Elephant or a Mouse?" – 2010



Los Angeles Daily Journal, Co-Author

- "Into the Cookie Jar" – 2009 Los Angeles Daily Journal, Co-Author
- "Indian Casino Liquor: Licensing Impacted by Anti-Indian Forces" – 2006 Indian Country, Co-Author
- "The Wal-Mart Way – The Nation's Largest Retailer Should Inspire Respect Instead of Animosity" – 2006 Los Angeles Business Journal, Co-Author
- "Extreme Makeover: Identity Upgrades" – 2006 Los Angeles Daily Journal, Co-Author
- "Who's the Judge? Or, How Those Backroom Decisions Are Made" – 2004 California Beverage News, Co-Author
- "Sovereign Indian Nations and California's ABC" – Nov 5, 2003 Indian Country, Co-Author
- "Native American Nations Should Set Their Own Liquor-Licensing Rules" – 2003 Los Angeles Journal, Co-Author
- "Judges Should Not Permit Consultants to Practice Law" Los Angeles Daily Journal, Co-Author
- "Administrative Law, Alcoholic Beverage licensing" (Chapter 18) – 1994 Matthew Bender, Co-Contributing Editor
- Annual updates, ABC and OLCC Licensee Handbooks



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### **Cases in the United States for the Ninth Circuit Court of Appeal:**

Dash, Inc. v Alcoholic Beverage Control Appeals Board, 682 F.2d 1229 (1982)

California statute restricting review of Department of Alcoholic Beverage Control determination to petitions for writ of review in state appellate court, together with Constitutional section prohibiting administrative bodies from declaring status unconstitutional, did not deny liquor licensees due process of law by forcing them to submit to revocation by an administrative body which could not act on constitutional defenses, while limiting review of the decision to a discretionary petition for writ of review.

### **Cases in California Supreme Court:**

Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board (Quintanar) 40 Cal.4th 1 (2006)

The Court unanimously held:

Department of Alcoholic Beverage Control prosecutor's submitting to Department's director of chief counsel reports of hearings from three license suspension cases violated prohibition in Administrative Procedure Act (APA) against prosecutor's secretly communicating with agency decision maker or decision maker's advisor about the substance of the case, even if director or chief did not consider reports.

### **Cases in California Court of Appeal:**

Hovanesyan v. Glendale Internal Medicine & Cardiology Group, (2017 WL2391688) Not Officially Published

The Court held:

Plaintiff tort claims were not covered by an arbitration agreement. The Court determined the arbitration agreement was unconscionable.

Nick v. City of Lake Forest (Real Party in Interest – 7-Eleven) 202 Cal.App.4th 871 (December 2014)

Court of Appeal upheld Superior Court determination that City properly issued Public Convenience or Necessity determination allowing 7-Eleven to obtain its ABC license to sell alcoholic beverages.

Nick v. Department of Alcoholic Beverage Control (7-Eleven Real Party in Interest) 233 Cal.App.4th 194 (December 2014)

ABC properly exercised its discretion to issue 7-Eleven an ABC license to sell alcoholic beverages based upon the Agency's reliance on the City of Lake Forest finding of Public Convenience or Necessity which was issued timely based on statutory limits.

Rondon v. Alcoholic Beverage Control Appeals Board, 151 Cal. App.4th 1274 (2007)

The Court held:

(1) Evidence concerning whether report of hearing was distributed or made available to decisionmaker would be allowed;

(2) Department's practice of allowing its ultimate decisionmaker to have access to prosecuting attorneys' reports of hearing violated statutory prohibitions against ex parte communications;

(3) Department's practice of allowing its ultimate decisionmaker access to prosecuting attorneys' hearing reports violated Administrative Procedure Act (APA), which prohibited use of extra-record information; and

(4) No showing of prejudice was required to warrant reversal.

Chevron Stations, Inc. v. Alcoholic Beverage Control Appeals Board, 149 Cal. App.4th 116 (2007)

The Court held:

(1) Once licensee established prima facie case of Administrative Procedure Act (APA) violation, it was Department's burden to refute case;

(2) Department could not present refuting evidence for first time on review; and

(3) Rule that Department violated APA by having prosecuting attorney send "report of hearing" to decision-maker applied whether decision-maker rejected or adopted proposed decision of administrative law judge (ALJ).

Acapulco Restaurants, Inc. v. Alcoholic Beverage Control Appeals Board, 67 Cal.App.4th 575 (1998)

Right of Department of Alcoholic Beverage to "interpret" rules governing its enforcement activities did not encompass ignoring explicit rule requirement that peace officers make reasonable attempt to have underage decoy make face-to-face identification of seller of alcohol after sale.

Board of Police Commissioner v. Superior Court (Chippendales) 168 Cal. App.3d 420 (1985)

Under municipal ordinance providing for suspension or revocation of cafe entertainment permit on grounds of inadequate condition of building, city board of police commissioners had no authority to revoke permit on basis of alleged overcrowding at licensed premises, which related to "use," rather than "condition" of building.

### **Classes/Seminars Taught:**

- Speaker, 2012 IMLA Annual Conference in Austin, Texas
- Seminar Leader/Instructor, ABC Law Seminars
- Lecturer, ABC Law and Land Use Planning Seminars, 1993 – 1995
- Lecturer, Live Adult Entertainment Seminar, 1995

### **Professional Associations and Memberships:**

- Certificate of Appreciation – Los Angeles Superior Court Temporary Judge Program 2011 to date
- American Bar Association, Member
- CA Bar Association, Member
- CA Trial Lawyers Association, Member
- LA County Bar Association, Member
- The Loyola Student Rep. to the Community Legal Assistance Center Executive Board
- Governing Board of Loyola University-Community Service Program. 1973, Member
- Student-Faculty Clinical Education Committee, 1972-1973, Member
- Loyola Law School: Judge, Moot Court Competition