

**ALCOHOLIC BEVERAGE CONTROL BOARD  
OF THE CITY OF NEW ORLEANS**

**AGENDA  
ALCOHOLIC BEVERAGE NUISANCE HEARING**

**TUESDAY, APRIL 16, 2019**

**1:00 P.M.**

**THE ALCOHOLIC BEVERAGE CONTROL BOARD**

Robert C. Jenkins, Jr., Chairman  
Diedre Pierce Kelly, Vice Chair  
Adonis C. Expose'  
Dr. Skip Gallagher  
Robert Jones, IV  
LaTanja Silvester  
Earl F. Williams



**CALL TO ORDER**  
ROBERT C. JENKINS, JR.  
CHAIRMAN

**ROLL CALL**  
CARLETTA GRAVES  
ASSISTANT ALCOHOLIC BEVERAGE CONTROL BOARD CLERK

**PLEDGE OF ALLEGIANCE TO THE FLAG**  
ROBERT C. JENKINS, JR.  
CHAIRMAN

1. **HEARING NUMBER: 34-18 (TX), DISTRICT (B) BANKS/EXPOSE'**  
**PERMITTEE: CENTRAL CITY HOLDINGS, LLC**  
**d/b/a GREEN ZEBRA BAR**  
**ADDRESS: 2601 DANEELL STREET, NEW ORLEANS, LA 70113**  
**LICENSE NO. 194652 and 194653**  
**SUBMITTED: OCTOBER 15, 2018; AMENDED: FEBRUARY 19, 2019**

**Allegations:**

- a. New Orleans City Code Section 10-7: Possession of weapons where alcoholic beverages are sold, consumed on the premises.**  
It shall be unlawful for any person to have in his possession a firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, in any premises where alcoholic beverages are sold and consumed on the premises, except the owner or lessee of the premises, or their employees; sheriffs; state police; city police, or persons vested with police power when in the actual discharge of their duties.
- b. New Orleans City Code Section 10-47. Delinquent 2019 ABO, 6 months.**  
Permit prerequisite to engaging in business. It shall be unlawful for any person to sell, offer for sale, import, manufacture, distill, rectify or have in possession, for sale, handling storage or distribution, either at wholesale, retail or alcoholic beverage or to engage in the business of dealer without first having obtained from the department of finance of the city a permit to engage in such business or a temporary number as provided in section 10-108.
- c. New Orleans City Code Section 10-116: All partners, etc., must be qualified.**  
If any applicant for a permit under the provisions of this chapter is a partnership or anyone in partnership with, or financed by another, all members of the partnership or all the persons in any way financially interested in the business must also be qualified to obtain a permit.
- d. New Orleans City Code Section 10-117: Permit not to be issued to agent or associate of unqualified person.**  
If a permit is granted to any person who is or has been engaged in any regulated beverage business with any person whose application for a permit has been denied, the permit may be suspended or revoked. No permit shall be issued to any person who himself may be qualified but who is an interposed person, agent, employee or representative for the owner or proprietor of the business and, if issued, the permit shall be revoked when the facts are discovered.
- e. New Orleans City Code Section 10-128: Maintenance of responsible person on licensed premises.**  
No alcoholic beverage outlet shall operate without someone in attendance with managing authority over such establishment. Every place not directly supervised and managed by the permittee shall designate a manager to exercise responsibility over the establishment. No alcoholic beverage outlet shall remain open unless the owner or the manager is in attendance therein. Owners and managers of such establishments shall notify the department of safety and permits of any change in the managers employed by such establishment within five days of such change. Managers must have all the personal qualifications prescribed by law for owners. Failure of the owner to comply with this section shall constitute a penal violation of this Code.
- f. New Orleans City Code Section 10-157: (a) Any city retail alcoholic beverage permit shall be suspended or revoked, or remedial sanctions as set forth in section 10-160 shall be imposed, for any of the following reasons:**
- (5) Permitting Illegal and Improper Conduct -** Permitting any disturbance of the peace or obscene, lewd, sexually indecent, immoral or improper conduct on the licensed premises. Improper conduct, as specified in this subsection, shall consist of actions which violate the penal provisions of this Code or other penal ordinances of the city.
- (9) Misstating or suppressing any fact in the application for the city permit.**
- (10) Operating a retail alcoholic beverage outlet in the city with any person whose alcoholic beverage permit has been revoked or denied, either as partner, agent, spouse, employer, employee, or interposed party.**
- (11) Delinquent Sales Tax – 2/2018, 3/2018, 4/2018, 5/2018, 6/2018, and 7/2018; total of 6 months.**  
Failure to pay any sales, amusement, or other excise taxes due the city in connection with the licensed premises.

**(22) Maintaining or Creating a Public Nuisance** - Maintaining or creating a nuisance within the meaning of article 667 of the Louisiana Civil Code.

**g. New Orleans City Code Section 10-431: Lewd, etc., behavior prohibited.**

If any applicant for a permit under the provisions of this chapter is a partnership or anyone in partnership with, or financed by another, all members of the partnership or all the persons in any way financially interested in the business must also be qualified to obtain a permit.

**h. New Orleans City Code Section 10-434: Nudity, sexual conduct of employees.**

**(b)** It shall be unlawful for any alcoholic beverage permittee to permit any person on the licensed alcoholic beverage outlet premises to perform acts of or acts which simulate:

**(3)** The displaying of the pubic hair, anus, vulva, genitals, nipple of the female breast.

**i. New Orleans City Code Section 30-69: Mayoralty permits required for various callings or occasions (Live Entertainment).**

Permits shall not be required for the sale by an individual of tickets at or below face value to athletic contests or other amusement events, provided that tickets are not sold or offered for sale within 750 feet of the grounds of the Superdome when the event related to the ticket is being conducted or within six hours of the scheduled commencement of such event.

Except for such sale by an individual of tickets at or below face value to athletic contests or other amusement events, within said 750-foot buffer zone, every person who shall desire to use the public streets, sidewalks or other public or private places of business establishments for the conduct of any of the businesses or callings hereinafter set forth shall first apply to and obtain from the department of finance a permit. Such permit shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other tax or license to which permittee may be liable. Except as otherwise provided, annual permits expire on December 31. Such permits, however, are not valid within the central business district area bounded by the river on the east, Claiborne Avenue on the west, Esplanade Avenue on the north, and Howard Avenue on the south, except as provided in this article.

**j. New Orleans City Code Section 150-726 to wit:**

Non-payment of taxes.

**k. New Orleans City Code Section 150-953: MCS 17271: Expired 2018 Occupational License, 1 month.**

Relative to an expired license-new business: License required before commencing.

**RECOMMENDATIONS:**

2. **HEARING NUMBER: 04-19 (TX), DISTRICT (A) GIARRUSSO/WILLIAMS  
PERMITTEE: BAR LA LA'S, LLC  
d/b/a BAR LA LA'S  
ADDRESS: 2802 CHERRY STREET, NEW ORLEANS, LA 70118  
LICENSE NO. 190179 and 190180  
SUBMITTED: DECEMBER 18, 2018**

**Allegations:**

**a. New Orleans City Code Section 10-157: (a) Any city retail alcoholic beverage permit shall be suspended or revoked, or remedial sanctions as set forth in section 10-160 shall be imposed, for any of the following reasons:**

**(11) Delinquent Sales Tax – 5/2018, 6/2018, 8/2018, and 10/2018; total of 4 months.**

Failure to pay any sales, amusement, or other excise taxes due the city in connection with the licensed premises.

**b. New Orleans City Code Section 150-726 to wit:**

Non-payment of taxes.

**RECOMMENDATIONS:**

3. **HEARING NUMBER: 01-19 (A), DISTRICT (D) BROSSETT/SILVESTER**  
**PERMITTEE: CLUB 3921, LLC**  
**d/b/a PASSIONS**  
**ADDRESS: 3921 DOWNMAN ROAD, NEW ORLEANS, LA 70126**  
**LICENSE NO. 190766 and 190767**  
**SUBMITTED: DECEMBER 18, 2018, AMENDED: JANUARY 15, 2019**

**Allegations:**

- a. **New Orleans City Code Section 10-47. Delinquent 2017 ABO, 2 months.**  
Permit prerequisite to engaging in business. It shall be unlawful for any person to sell, offer for sale, import, manufacture, distill, rectify or have in possession, for sale, handling storage or distribution, either at wholesale, retail or alcoholic beverage or to engage in the business of dealer without first having obtained from the department of finance of the city a permit to engage in such business or a temporary number as provided in section 10-108.
- b. **New Orleans City Code Section 10-157: (a) Any city retail alcoholic beverage permit shall be suspended or revoked, or remedial sanctions as set forth in section 10-160 shall be imposed, for any of the following reasons:**

**(5) Permitting Illegal and Improper Conduct** - Permitting any disturbance of the peace or obscene, lewd, sexually indecent, immoral or improper conduct on the licensed premises. Improper conduct, as specified in this subsection, shall consist of actions which violate the penal provisions of this Code or other penal ordinances of the city.

**(22) Maintaining or Creating a Public Nuisance** - Maintaining or creating a nuisance within the meaning of article 667 of the Louisiana Civil Code.

**RECOMMENDATIONS:**

4. **RATIFICATION OF SALES TAX HEARING**