

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

**COMPLETED AGENDA
ALCOHOLIC BEVERAGE NUISANCE HEARING**

TUESDAY, JANUARY 17, 2023

1:07 P.M.

THE ALCOHOLIC BEVERAGE CONTROL BOARD

Earl F. Williams, Chairman
Lisa Manning, Vice-Chair
Adonis Exposé
Robert C. Jenkins, Jr.
Nathan Lewis, Jr.
Jonas Nash
Frank Quinn



**CALL TO ORDER
EARL F. WILLIAMS
CHAIRMAN**

**ROLL CALL
ANGELA SARKER
ALCOHOLIC BEVERAGE CONTROL BOARD CLERK**

**PLEDGE OF ALLEGIANCE TO THE FLAG
ADONIS EXPOSÉ**

1. **HEARING NUMBER: 04-22 (A), DISTRICT (C) KING/QUINN**
PERMITTEE: EXECUTIVE 325, LLC
d/b/a THE BACE OF CLUBS
ADDRESS: 323-325 BOURBON STREET, NEW ORLEANS, LA 70130
LICENSE NO.
SUBMITTED: SEPTEMBER 19, 2022

Allegations:

a) Non-Payment of Taxes – Delinquent Sales Tax -04/21, 05/21, 06/21, 07/21, 08/21 09/21, 10/21, 11/21, 12/21, 01/22, 02/22, 03/22, 04/22, 05/22 = (14 months)
New Orleans City Code Section 150-726 to wit: nonpayment of taxes.
New Orleans City Code Section 10-157 (a)(9) to wit: Failure to pay any sales, amusement or other excise taxes due to the city in connection with the licensed premises.

b) New Orleans City Code Section 70-551 – NSF Check: 12/21, 3/22 & 5/22 Total (3 Checks)
If a check used to make payment for an obligation to the city is returned unpaid for any reason by the bank on which it is drawn, such shall constitute a failure to pay the obligation and a specific penalty shall be imposed on the person in addition to and not in place of other penalties provided by law. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were part of the original item, in payment of which the check was given and may be enforced in a separate action or in any instituted for the collection of such item. The specific penalty imposed under this section shall be an amount equal to the greater of one percent of the check or \$15.00. This penalty may be waived if this is a first offense, and the check is satisfied within five working days of its receipt. After receipt of three such checks which are returned unpaid during any two-year period, the director of the department of finance shall require payment of the original amount, interest, or penalties due by the person to be paid by certified check, money order or cash.

RECOMMENDATIONS:

At a settlement conference on January 17, 2023, Dasha Myles, Assistant City Attorney and Lyle Doubler, representative of the permittee reached a consent judgement of \$600.00 payable within 30 days.

Moved-Williams
Seconded- Manning
5/0
-2 Nash, Jenkins

2. **HEARING NUMBER: 05-22 (A), DISTRICT (A) GIARRUSSO/WILLIAMS**
PERMITTEE: LUCKY TAB, LLC
d/b/a THE WILLOW UPTOWN
ADDRESS: 8200 WILLOW STREET, NEW ORLEANS, LA 70118
LICENSE NO.
SUBMITTED: OCTOBER 20, 2022

Allegations:

a) Maintaining or Creating a Public Nuisance
New Orleans City Code Section 10-157 (a)(20) provides to wit: Maintaining or creating a nuisance within the meaning of article 667 of the Louisiana Civil Code.
(10) Violation at the premises of any health or sanitation ordinance of the city or the state.

b) New Orleans City Code Section Improper and Illegal Conduct 10-157 (a)(4) provides to wit: 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.

c) New Orleans City Code Section 10-157 (a)(12)– provides to wit: Violation at the premises of any of the provisions of section 26-111 et seq., 30-651 et seq., 66-136 et seq., 66-241 et seq., and chapters 82 and 138 or any other health or sanitation ordinance of the city or the state sanitary code.

RECOMMENDATIONS:

Dasha Myles, Assistant City Attorney recommended that the case be continued to the meeting of March 21, 2023, with service.

Moved- Williams
Seconded- Quinn

5/0
-2 Nash, Jenkins

3. RATIFICATION OF 1-17-23 SALES TAX HEARING

Moved-Williams
Seconded- Quinn
5/0
-2 Nash, Jenkins

ADJOURNMENT

Moved - Williams
Seconded - Quinn
5/0
-2 Nash, Jenkins

The meeting was adjourned at 1:28 p.m.