

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

**AGENDA
ALCOHOLIC BEVERAGE NUISANCE HEARING**

TUESDAY, AUGUST 20, 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: 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:

2. **HEARING NUMBER: 26-19 (TX), DISTRICT (B) BANKS/EXPOSE'**
PERMITTEE: SADDLES BLAZIN, LLC
d/b/a BLAZE PIZZA
ADDRESS: 611 O'KEEFE AVENUE, C-9, NEW ORLEANS, LA 70113
LICENSE NO. 212045 and 212046
SUBMITTED: MAY 20, 2019

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2019 ABO, 12 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 150-953: MCS 17271: Expired 2018 Occupational License, 2 months.**
Relative to an expired license-new business: License required before commencing.

RECOMMENDATIONS:

3. **HEARING NUMBER: 47-19 (TX), DISTRICT (B) BANKS/EXPOSE'**
PERMITTEE: HANDSOME WILLY'S CAFE, LLC
d/b/a HANDSOME WILLY'S CAFE
ADDRESS: 220 SOUTH ROBERTSON STREET, NEW ORLEANS, LA 70112
LICENSE NO. 190871 and 190872
SUBMITTED: JUNE 24, 2019

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2019 ABO, 3 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:**

(11) Delinquent Sales Tax – 6/2018, 7/2018, 8/2018, 9/2018, 10/2018, 11/2018, 12/2018, 1/2019, 2/2019, 3/2019, and 4/2019; total of 11 months.

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

- c. New Orleans City Code Section 30-69: Mayoralty permits required for various callings or occasions (Live Entertainment); Delinquent 12 months.**

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.

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

Non-payment of taxes.

- e. 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:

- 4. HEARING NUMBER: 60-19 (TX), DISTRICT (B) BANKS/EXPOSE'
PERMITTEE: IHOJ, LLC
d/b/a HANDSOME WILLY'S
ADDRESS: 218 SOUTH ROBERTSON STREET, NEW ORLEANS, LA 70112
LICENSE NO. 190873 and 190874
SUBMITTED: JUNE 24, 2019**

Allegations:

- a. New Orleans City Code Section 10-47. Delinquent 2019 ABO, 3 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:**

(11) Delinquent Sales Tax – 6/2018, 7/2018, 8/2018, 9/2018, 10/2018, 11/2018, 12/2018, 1/2019, 2/2019, 3/2019, and 4/2019; total of 11 months.

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

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

Non-payment of taxes.

- d. **New Orleans City Code Section 150-953: MCS 17271: Expired 2019 Occupational License, 1 month.**

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

RECOMMENDATIONS:

- 5. **HEARING NUMBER: 04-19 (A), DISTRICT (B) BANKS/EXPOSE'
PERMITTEE: JAZZ, INC.
d/b/a JAZZ
ADDRESS: 2410 CONTI STREET, NEW ORLEANS, LA 70119
LICENSE NO. 188551 and 188552
SUBMITTED: MAY 20, 2019; AMENDED: JUNE 18, 2019**

Allegations:

- a. **New Orleans City Code Section 10-105: (a) Additional requirements when business to be conducted by manager, etc.**

If an applicant's business permitted under the provisions of this chapter is to be conducted wholly or partly by one or more managers or other representatives, such person must also possess the qualifications required of the applicant, as shown by affidavits, fingerprints and photographs as required of an applicant.

- b. **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..

- c. **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.

- d. **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.

(19) Determination of the existence of a public nuisance, as defined in titles 13, 14 and 40 of Louisiana Revised Statutes or any other applicable law, by a court of competent jurisdiction.

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

- e. **Violation of Consent Judgment**

The Permittee entered into a consent judgment with the City of New Orleans on December 19, 2017. The Permittee has violated the terms of this judgment.

RECOMMENDATIONS:

6. **HEARING NUMBER: 05-19 (A), DISTRICT (A) GIARRUSSO/WILLIAMS**
PERMITTEE: E & C VIP, LLC
d/b/a E & C LOUNGE
ADDRESS: 8639 APPLE STREET, NEW ORLEANS, LA 70118
LICENSE NO. 191388 and 191389
SUBMITTED: MAY 23, 2019

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2017 ABO, 1 month; Delinquent 2018 ABO, 1 month.**
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.
- c. **New Orleans City Code Section 150-953: MCS 17271: Expired 2017 Occupational License, 1 month; Expired 2018 Occupational License, 1 month.**
Relative to an expired license-new business: License required before commencing.

RECOMMENDATIONS:

7. **HEARING NUMBER: 06-19 (A), DISTRICT (B) BANKS/EXPOSE'**
PERMITTEE: SADDLES BLAZIN, LLC
d/b/a BLAZE PIZZA
ADDRESS: 611 O'KEEFE AVENUE, C-9, NEW ORLEANS, LA 70113
LICENSE NO. 212045 and 212046
SUBMITTED: JULY 16, 2019

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2019 ABO, 12 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 150-953: MCS 17271: Expired 2018 Occupational License, 2 months.**
Relative to an expired license-new business: License required before commencing.

RECOMMENDATIONS:

8. **HEARING NUMBER: 07-19 (A), DISTRICT (A) GIARRUSSO/WILLIAMS
PERMITTEE: P & G TAVERN, INC.
d/b/a LOTS OF LUCK
ADDRESS: 203 HOMEDALE STREET, NEW ORLEANS, LA 70124
LICENSE NO. 190578 and 190579
SUBMITTED: JULY 16, 2019**

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2019 ABO, 3 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:**

(11) **Delinquent Sales Tax – 8/2018, 9/2018, 10/2018, 11/2018, 12/2018, 2/2019, and 3/2019; total of 7 months.**
Failure to pay any sales, amusement, or other excise taxes due the city in connection with the licensed premises.
- c. **New Orleans City Code Section 150-726 to wit:**
Non-payment of taxes.
- d. **New Orleans City Code Section 150-953: MCS 17271: Expired 2019 Occupational License, 2 months.**
Relative to an expired license-new business: License required before commencing.

RECOMMENDATIONS:

9. **HEARING NUMBER: 08-19 (A), DISTRICT (C) GISLESON PALMER/GALLAGHER
PERMITTEE: VASO, LLC
d/b/a VASO
ADDRESS: 1407 DECATUR STREET, NEW ORLEANS, LA 70116
LICENSE NO. 185634 and 185635
SUBMITTED: JULY 16, 2019**

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 – Tax Audit for the Audit Period: 01/01/2016 - 01/31/2019; total of 36 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:

**10. HEARING NUMBER: 09-19 (A), DISTRICT (A) GIARRUSSO/WILLIAMS
PERMITTEE: JWILLI GROUP, LLC
d/b/a SPORTS ZONE DAIQUIRIS
ADDRESS: 8020 DOWNMAN ROAD, NEW ORLEANS, LA 70126
LICENSE NO. 190480 and 190481
SUBMITTED: JULY 16, 2019**

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 – 7/2018, 8/2018, 9/2018, 10/2018, 11/2018, 12/2018, 1/2019, 2/2019, 3/2019, and 4/2019; total of 10 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.

- c. New Orleans City Code Section 150-953: MCS 17271: Expired 2019 Occupational License, 3 months.**

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

RECOMMENDATIONS:

**11. HEARING NUMBER: 10-19 (A), DISTRICT (B) BANKS/EXPOSE'
PERMITTEE: MAGNOLIA ENTERPRISES, INC.
d/b/a ST. CHARLES MARKET
ADDRESS: 303 SAINT CHARLES AVENUE, NEW ORLEANS, LA 70130
LICENSE NO. 19ABO-06829
SUBMITTED: JULY 18, 2019**

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:**

(15) Violation at the premises of any special condition, restriction, or proviso relative to land use or sale of alcoholic beverages at the premises imposed by ordinance of the council or specifically contained in any alcoholic beverage permit for the premises.

Count 1: The establishment, which is subject to a conditional use ordinance, violated provisos restricting the amount of alcoholic beverages which may be stocked and displayed on the premises.

Count 2: The establishment, which is subject to a conditional use ordinance, violated provisos prohibiting the sale of single serving alcoholic beverages.

Count 3: The establishment, which is subject to a conditional use ordinance, violated provisos prohibiting the sale or bottles of containers of wine or distilled spirits less than 750 ml shall be prohibited, except any day a parade is occurring in Orleans Parish during the Carnival parade season.

RECOMMENDATIONS:

12. RATIFICATION OF SALES TAX HEARING