

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

**AGENDA
ALCOHOLIC BEVERAGE NUISANCE HEARING**

WEDNESDAY, JANUARY 22, 2020

1:00 P.M.

THE ALCOHOLIC BEVERAGE CONTROL BOARD

Robert C. Jenkins, Jr., Chairman
Diedre Pierce Kelly, Vice Chair
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 OTHE FLAG
ROBERT C. JENKINS, JR.
CHAIRMAN

1. COMMUNICATION – FROM IKE SPEARS, SPEARS AND SPEARS ATTORNEYS AT LAW

Brief:

Requesting to appear before the Alcoholic Beverage Control Board regarding the *Motion To Dissolve Consent Judgement* for Hearing Number 74-19 (TX) Cajun 411, LLC that was entered into on July 26, 2019.

RECOMMENDATIONS:

2. 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:

3. HEARING NUMBER: 11-19 (A), DISTRICT (C) GISLESON PALMER/GALLAGHER PERMITTEE: TEN-O-ONE CORP.

d/b/a MATASSA’S MARKET

ADDRESS: 1001 DAUPHINE STREET, NEW ORLEANS, LA 70116

LICENSE NO. 191227 and 191228

SUBMITTED: AUGUST 21, 2019

Allegations:

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

(11) Delinquent Sales Tax – 08/2018, 9/2018, 10/2018, 11/2018, 12/2018, 2/2019, 3/2019, 4/2019, and 5/2019; total of 10 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, 5 months.**

RECOMMENDATIONS:

- 4. HEARING NUMBER: 12-19 (A), DISTRICT (D) BROSSETT/SILVESTER
PERMITTEE: 2005 N. BROAD, LLC
d/b/a RAY'S ON THE AVENUE
ADDRESS: 2005 NORRTH BROAD STREET, NEW ORLEANS, LA 70119
SUBMITTED: OCTOBER 15, 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:**

(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:

- 5. HEARING NUMBER: 13-19 (A), DISTRICT (A) BROSSETT/SILVESTER
PERMITTEE: PRIME EXAMPLE, INC.
d/b/a PRIME EXAMPLE NIGHT CLUB
ADDRESS: 1909 NORTH BROAD STREET, NEW ORLEANS, LA 70119
LICENSE NO. 19ABOP-17503
SUBMITTED: OCTOBER 15, 2019**

Allegations:

- a. New Orleans City Code Section 10-47. Delinquent 2019 ABO, 5 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:

6. **HEARING NUMBER: 14-19 (A), DISTRICT (D) BROSSETT/SILVESTER
PERMITTEE: TURTLE CREEK ENTERPRISE, INC.
d/b/a THE SHOWCASE BAR LOUNGE
ADDRESS: 1915 NORTH BROAD STREET, NEW ORLEANS, LA 70119
LICENSE NO. 19ABOP-06541
SUBMITTED: OCTOBER 15, 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:**

(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:

7. **HEARING NUMBER: 15-19 (A), DISTRICT (C) GISLESON PALMER/GALLAGHER
PERMITTEE: CHRIS OWENS, INC.
d/b/a CHRIS OWENS
ADDRESS: 500 BOURBON STREET, NEW ORLEANS, LA 70130
LICENSE NO. 19ABOP-07102
SUBMITTED: OCTOBER 15, 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:**

(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:

**8. HEARING NUMBER: 16-19 (A), DISTRICT (C) BROSSETT/SILVESTER
PERMITTEE: DAT CHICKEN, LLC
d/b/a WE DAT'S NEW ORLEANS OWN CHICKEN & SHRIMP
ADDRESS: 4500 OLD GENTILLY ROAD, NEW ORLEANS, LA 70126
SUBMITTED: OCTOBER 18, 2019**

Allegations:

a. New Orleans City Code Section 10-46. Unlawful to sell without permit or temporary number.

It shall be unlawful for any person, whether as a manufacturer, rectifier, distiller, importer, manufacturer's agent, wholesaler or retail dealer, knowingly to sell, donate or deliver in any place to any person alcoholic beverages unless such person holds a city permit for the sale of such alcoholic beverage or a temporary number.

b. New Orleans City Code Section 10-47. 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 10-48. Permits prior to purchase of alcoholic beverages.

All retail dealers must possess a permit as a condition precedent to purchasing, receiving, or engaging in the business of dealing in alcoholic beverages. The location of such business shall be approved by the department of safety and permits for compliance with the comprehensive zoning ordinance and building code prior to issuance of a permit. An application may be withheld and a solicitor or his wholesaler who sells or delivers alcoholic beverages to the applicant may have their permits suspended or revoked for violation hereof.

d. New Orleans City Code Section 10-132. Applications for permit renewals.

- a.** Every alcoholic beverage outlet permit issued under the authority of the chapter shall expire on May 31 of each year, and must be recertified annually by the department of safety and permits. Applications for renewal shall be submitted by April 1 of each year. The original permit shall be renewed by the permittee to whom it was issued.
- b.** If a person holding permits under this chapter fails to file an application for renewal in accordance with this chapter by April 1, the department of safety and permits may temporarily withhold the issuance of a renewed alcoholic beverage outlet permit pending proceedings before the alcoholic beverage control board.
- c.** Renewals are subject to all the rules and provisions of this chapter and may be withheld or denied accordingly.

RECOMMENDATIONS:

9. **HEARING NUMBER: 17-19 (A), DISTRICT (B) BANKS
PERMITTEE: SALOON PROMOTIONS, INC.
d/b/a UGLY DOG SALOON & BBQ
ADDRESS: 401 ANDREW HIGGINS DRIVE, NEW ORLEANS, LA 70130
LICENSE NO. 214584 and 214585
SUBMITTED: NOVEMBER 19, 2019**

Allegations:

- a. **New Orleans City Code Section 10-47. Delinquent 2019 ABO, 16 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.

RECOMMENDATIONS:

10. **HEARING NUMBER: 63-19 (TX), DISTRICT (D) BROSSETT/SILVESTER
PERMITTEE: JACK MEAT MARKET, INC.
d/b/a JACK MEAT MARKET
ADDRESS: 2279 DERBIGNY STREET, NEW ORLEANS, LA 70117
LICENSE NO. 188772 and 188773
SUBMITTED: JULY 16, /2019**

Allegations:

- a. **New Orleans City Code Section 150-953; MCS 17271: Expired 2019 Occupational License, 4 months.**
Relative to an expired license-new business: License required before commencing.

RECOMMENDATIONS:

11. **HEARING NUMBER: 84-19 (TX), DISTRICT (C) GISLESON PALMER/GALLAGHER
PERMITTEE: M.R. JR., LLC
d/b/a JR'S PLACE
ADDRESS: 1200 TECHE STREET, NEW ORLEANS, LA 70114
LICENSE NO. 156255 and 156256
SUBMITTED: 8/16/2019**

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 – 1/2019, 2/2019, 3/2019, 4/2019, 5/2019, 6/2019 and 7/2019; total of 7 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 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 – 1/2018, 2/2019, 3/2019, 4/2019, 5/2019, 6/2019 and 7/2019; 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, 1 month.**

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

RECOMMENDATIONS:

- 12. HEARING NUMBER: 01-20 (A), DISTRICT (C) GISLESON PALMER/GALLAGHER
PERMITTEE: HAWTHORNE LOUNGE, INC.
d/b/a FOX BAR III
ADDRESS: 3801 WASHINGTON AVENUE, NEW ORLEANS, LA 70125
LICENSE NO. 19ABOP-17421
SUBMITTED: 12/17/2019**

Allegations:

- a. New Orleans City Code Section 10-47. Delinquent 2019 ABO, 5 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: