

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

**COMPLETED AGENDA
ALCOHOLIC BEVERAGE NUISANCE HEARING**

TUESDAY, MAY 16, 2023

1:40 P.M.

THE ALCOHOLIC BEVERAGE CONTROL BOARD

Earl F. Williams, Chairman- Present

Lisa Manning, Vice-Chair- Present

Adonis Exposé- Present

Robert C. Jenkins, Jr. - Absent

Nathan Lewis, Jr.-Present

Jonas Nash- Present

Frank Quinn- Present



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

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

**PLEDGE OF ALLEGIANCE TO THE FLAG
NATHAN LEWIS**

1. **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:

A motion was made by Williams to continue item 05-22 A to the meeting of 6/20/23 and was seconded by Nash.

Williams/Nash

6/0

A motion was made by Lewis to recess and seconded by Quinn. (2:16 p.m.)

Lewis/Quinn

6/0

A motion was made by Williams to resume the meeting and seconded by Nash. (2:57 p.m.)

Williams/Nash

6/0

2. **HEARING NUMBER: 01-23 (A), DISTRICT (B) HARRIS/EXPOSÉ**
PERMITTEE: ALLISON & GLENN, INC.
d/b/a NICE GUYS NOLA
ADDRESS: 7910 EARHART BOULEVARD, NEW ORLEANS, LA 70125
LICENSE NO.
SUBMITTED: APRIL 17, 2023

Allegations:

a) Maximum Permissible Sound Levels

City of New Orleans Code Section 66-202 (a) provides to wit: No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use.

b) Specific Nuisance Noises Prohibited

City of New Orleans Code Section 66-203(5) provides to wit: It shall be unlawful to use or operate any loudspeaker, loudspeaker system or similar device that is plainly audible upon any street, alley, sidewalk, park or public property for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or vehicle.

c) 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.

d) Permitting or Allowing Disturbances of Peace

New Orleans City Code Section 10-157 (a)(4) provides to wit: Allowing or permitting any disturbance of the peace or improper conduct on the permitted premises. Improper conduct, as

specified in this subsection, shall consist of convictions of chapter 54 of the Code of the City of New Orleans - the city's Criminal Code.

e) 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:

A motion was made by Williams to continue this item to 6/20/23 and was seconded by Nash.
Williams/Nash
6/0

3. **HEARING NUMBER: 02-23 (A), DISTRICT (C) King/Quinn**
PERMITTEE: JENSEN BREW LAB, LLC
d/b/a PARLEAUX BEER LAB
ADDRESS: 634 LESSEPS STREET, NEW ORLEANS, LA 70117
LICENSE NO.
SUBMITTED: APRIL 17, 2023

Allegations:

a) Sales of Alcohol Without License June 1, 2020 – Present

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 otherwise, any alcoholic beverage or to engage in the business of dealer without first having obtained from the department of safety and permits a permit to engage in such business.

b) Maximum Permissible Sound Levels

City of New Orleans Code Section 66-202 (a) provides to wit: No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use.

c) 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.

d) 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:

A motion was made by Quinn to reduce the Permittee's fine from \$5000.00 to \$2400.00. and to be made payable within 30 days. The motion was seconded by Lewis.
Quinn/Lewis
6/0

4. **RATIFICATION OF 5-18-23 SALES TAX HEARING**

A motion was made by Manning to accept the ratification of the sales tax hearing and was seconded by Lewis.

Manning/Lewis
6/0

ADJOURNMENT
3:18 P.M.