MINUTES
Alcoholic Beverage Control Board
City of Baton Rouge and Parish of East Baton Rouge
Regular Meeting, Thursday, March 28, 2019 4:30 pm
9048 Airline Highway, Second Floor

I. Call to Order- The regular scheduled meeting of the Alcoholic Beverage Control Board was called to order at 4:37 pm.

II. Roll Call- Ms. Phillis Johnson called the roll. Members present were: Mr. Chase Tettleton, Mr. Scott Wilfong, Ms. Pamela Sandoz, Mr. Chase Shelton, Mr. Mike Russell, Mr. Keith Courville, and Mr. Chard Richard. Member absent was Mr. Anthony Lascaro and Mr. Adam Enamorado.

ABC Staff members present were: Ms. Lynn Long, Ms. Phillis Johnson, Ms. Casandra Jeanlouis, Director Chris Cranford, Agent Larry Cooper, Agent Michael Montgomery, Agent Jayda Sanders, Agent Barry Durbin, Agent Williams Grahams and Administrative Prosecutor Paolo Messina.

III. Invocation – Led by Agent Graham.

IV. Pledge of Allegiance- Led by Mr. Wilfong.

V. Introductions and Acknowledgments- None.

VI. Adoption of the Minutes from the March 14, 2019 meeting.- A motion was made by Mr. Shelton and seconded by Mr. Richard to approve the minutes. Hearing no objections, the motion passed.

VII. Public Comment Note: Public comments may be made on all agenda items.

VIII. Review
A. Approved. Hannah Q Smokehouse LLC d/b/a Hannah Q Smokehouse, 4808 Government Street, review the Notice of Intent application to allow the business to proceed with a Class A Beer & Liquor license. Motioned by Mr. Russell and seconded by Mr. Shelton to approve. Hearing no objections, the motion passed. Councilman LaMont Cole – District 7

A. Approved. Kimbeng Enterprise LLC d/b/a K Villa Event Center, 6308 Quin Drive, review the Notice of Intent application to allow the business to proceed with a Class A Beer & Liquor license. Motioned by Mr. Shelton and seconded by Ms. Sandoz to approve. Hearing no objections, the motion passed. Councilwoman Denise Amoroso – District 8

B. Approved. Famous K & C Restaurant LLC d/b/a Famous K & C Restaurant, 6031 Siegen Lane Suite H, review the accountant’s report for issuance of a permanent Class A Restaurant license. Motioned by Mr. Courville and seconded by Ms. Sandoz to approve. Hearing no objections, the motion passed. Councilman Matt Watson – District 11

IX. Opposition Hearings- None.

X. Hearings
*Note: At 4:56 p.m. a motion was made by Mr. Russell and seconded Ms. Sandoz to go into executive session. Hearing no objections, motion passed. Session was call back to order at 5:05 p.m.

A. Deferred. Citation #4127 issued to Tropical Lounge & Nightclub LLC d/b/a Tropical Lounge & Nightclub, 10455 Rieger Road, violation of the Wine, Beer & Liquor Ordinance. Section 9:1006 (A)(3) – Closing hours (2nd Offense); Section 9:1013 (K)(1) – Forbidden promotional practices (2 Counts); Section 9:1017 (B)(2) – Sales of alcoholic beverages to persons 18, 19 or 20 years of age. The alleged violations occurred on or about September 28, 2018. Motioned by Mr. Richard and seconded by Mr. Russell to defer the Item to April 25th Board meeting. Hearing no objections, motion passed.
B. Deferred. Citation #4130 issued to Tropical Lounge & Nightclub LLC d/b/a Tropical Lounge & Nightclub, 10455 Rieger Road, violation of the Wine, Beer & Liquor Ordinance. Section 9:1006 (A) – Hours of operation; Section 9:1017 (B) (2) – Sales of alcoholic beverages to persons 18, 19 or 20 years of age (2 Counts); and City Code of Ordinances, Section 1:152(10) – Operation adverse to public health, safety and morals. The alleged violations occurred on or about March 1, 2019. Motioned by Mr. Richard and seconded by Mr. Russell to defer the Item to April 25th Board meeting. Hearing no objections, motion passed.

C. Approved. Citation #4126 issued to Ivelisse Capeles, 13915 Arbor Walk Drive, violation of the Wine, Beer & Liquor Ordinance, Section 9:1014 (B) – Misstatement of fact; and Section 9:1014 (C) – Interposed person. The alleged violations occurred on or about May 18, 2018.

Present and speaking on the behalf of Ms. Ivelisse Capeles: Attorney Chris Alexander, Ms. Ivelisse Capeles, Mr. Luis Anthony Colon, and Mr. Jonathan Vargas-Abrea.

Present and speaking on the behalf of ABC Office: Administrative Prosecutor Paola Messina, Agent Larry Cooper, and Agent Michael Montgomery.

Mr. Messina presented evidence in the matter before the board. Agent Cooper and Agent Montgomery testified and presented evidence in the case.

Mr. Alexander presented his case before the board. He called Ms. Capeles, Mr. Capeles, and Mr. Vargas-Abrea to testify before the Board.

After all testimony was presented, a motion was made by Mr. Tettleton stating that the violations occurred, assess the applicable fine and disqualify Ms. Capeles from the business. The motion failed due to lack of second. A second motion was made by Mr. Tettleton and seconded by Mr. Richard stating that the violations occurred, assess a fine of $500, and suspend license for one year. The motion was withdrawn.

Mr. Shelton made a motion stating that the violations occurred, assessed a fine of $250 for each violation, suspend the license indefinitely until re-application is made, retroactive to March 11, 2019. The motion was seconded by Mr. Tettleton. Hearing no objections, motion passed.

D. Deferred. Citation #4128 issued to Luis Anthony Colon, 13915 Arbor Walk Drive, violation of the Wine, Beer & Liquor Ordinance, Section 9:1014 (B) – Misstatement of fact; Section 9:1014 (C) – Interposed person; and Section 9:1014 (G) – Failure to comply with provisions of the ordinance (Class A qualifications). The alleged violations occurred on or about July 19, 2018. Motioned by Mr. Richard and seconded by Mr. Russell to defer item to April 25th Board meeting. Hearing no objections, motion passed.

E. Deferred. Citation #4134 issued to Jonathan Vargas-Abreu, 7071 Perkins Road, A, violation of the Wine, Beer & Liquor Ordinance, Section 9:1017 (B)(1) – Sales of alcoholic beverages to persons 18, 19 or 20 years of age (2 Counts). The alleged violation occurred on or about September 28, 2018 while employed at Tropical Lounge & Nightclub. Motioned by Mr. Richard and seconded by Mr. Russell to defer item to April 25th Board meeting. Hearing no objections, motion passed.

F. Approved. Citation #3875 issued to Crestline Hotels and Resorts LLC d/b/a Double Tree by Hilton Hotel, 4964 Constitution Ave., violation of the Wine, Beer & Liquor Ordinance, Section 9:1013 (E) – Operating without a permit. The alleged violation occurred on February 14, 2019. A motion was made by Mr. Tettleton and seconded by Mr. Courville to merge items F and G. Hearing no objections, motion passed. Mr. Gary Jupiter was present for the business. Motion was made by Mr. Russell and seconded by Mr. Courville that requirements have been met and give business back their permit. Hearing no objections, motion passed.
G. Approved. Citation #3967 issued to Crestline Hotels and Resorts LLC d/b/a Double Tree by Hilton Hotel, 4964 Constitution Ave., violation of the Wine, Beer & Liquor Ordinance, Section 9:1013 (E) – Operating without a permit (Second Offense). The alleged violation occurred on February 15, 2019. A motion was made by Mr. Tettleton and seconded by Mr. Courville to consolidate items F and G. Hearing no objections, motion passed. Mr. Gary Jupiter was present representing the business. Motion was made by Mr. Russell and seconded by Mr. Courville that requirements had been met. Hearing no objections, motion passed. The business license was then returned to the business.

H. Approved. Citation #3897 issued to Rachel Scallan, 6243 Chippendale Ave., violation of the Wine, Beer & Liquor Ordinance, Section 9:1007 (A) – Classified Employee license required. The alleged violation occurred on February 2, 2019 while employed at Jim & Lu’s Grocery. Agent Graham gave a brief description of the incident prior to citation being issued. Ms. Scallan was not present. Motioned by Mr. Tettleton and seconded by Ms. Sandoz that the violation did occur and assessed a fine of $100. Hearing no objections, motion passed.

I. Approved. Citation #4104 issued to Michael Zerbane, 2136 Ardandale Road, #109, violation of the Wine, Beer and Liquor Ordinance, Section 9:1013 (A) by City Code of Ordinances, Section 12:601.2 (d) - Clean Air Act. The alleged violation occurred on February 27, 2019 while employed at Jim & Lu’s Grocery. Agent Durbin gave a brief description of the incident prior to citation being issued. Mr. Zerbane was not present. Motioned by Mr. Tettleton and seconded by Ms. Sandoz that violation did occur and assessed a fine of $50 and suspend license until paid. Hearing no objections, motion passed.

J. Approved. Citation #3988 issued to Latyiahnae White, 1707 Jasper Ave., violation of the Wine, Beer and Liquor Ordinance, Section 9:1017 (B)(1) – Sales of alcoholic beverages to persons 18, 19 or 20 years of age. The alleged violation occurred on February 5, 2019 while employed at Circle K #2707659. Agent Cooper gave a brief description of the incident prior to citation being issued. Ms. White had setup a payment plan with the office and to date she had paid $125. Ms. White was not present. Motioned by Mr. Shelton and seconded by Mr. Tettleton that violation occurred and assessed the applicable fine and pay the remaining balance of $125. By a vote of 4 yeas (Russell, Shelton, Tettleton, and Wilfong) to 3 Nays (Richard, Sandoz, and Courville), the motion passed.

K. Deferred. Citation #4132 issued to Ryane Gonzales-Travieso, 7071 Perkins Road #A, Violation of the Wine, Beer & Liquor Ordinance, Section 9:1017 (B)(1)-Sales of alcoholic beverages to persons 18, 19, or 20 years of age. The alleged violation occurred on September 28, 2018 while employed at Tropical Lounge and Nightclub. Motioned by Mr. Richard and seconded by Mr. Russell to defer item to April 25th Board meeting. Hearing no objections, motion passed.

XI. Business Applications – Permanent License

A. Approved. Rockn Ouut Enterprise LLC d/b/a Rockn Ouut Save & Go, 4160 Mohican Prescott Crossover, Class B Beer & Liquor license. Motioned by Mr. Shelton and seconded by Mr. Richard to approve. Hearing no objections, the motion passed.

Councilman LaMont Cole – District 7

XII. Pending Litigation - None.

XIII. Administrative Matters - None

XIV. Adjourn- There being no further business, the meeting adjourned on a motion by Mr. Russell and seconded by Mr. Tettleton to adjourn. Hearing no objections, meeting was adjourned at 8:13 p.m.