



The Council
City of Shreveport

August 17, 2020

Riteway Liquor Store
1750 Dr. Martin Luther King Drive
Shreveport, LA 71107

Hasan Awad
208 Riverbrooke Drive
Shreveport, LA 71115

Re: Revocation of an Alcohol Beverage Permit for Riteway Liquor Store, 1750 Martin Luther King Drive, Shreveport, LA 71107

To Whom it May Concern:

The Shreveport City Council will convene to consider the request by the Shreveport Police Department to revoke an Alcohol Beverage Permit for, **Riteway Liquor Store, Shreveport, Louisiana. The meeting will be held in the Governmental Chamber, 505 Travis Street, Shreveport, Louisiana, on Tuesday, September 8, 2020, at 3:00 p. m.** Your case will be heard near the end of the meeting.

You are hereby subpoenaed to appear at the above date and time to show cause why the permit should not be revoked.

The Chief of Police for the City of Shreveport has notified the City Council, by letter dated March 3, 2020 (attached), that Riteway Liquor Store does not meet all of the qualifications to hold a liquor permit as outlined in Section 10-102 of the Code of Ordinances of the City of Shreveport, specifically as follows:

Sec 10-102. Prohibited acts on retail sales premises generally.

- (a) No person holding a retail dealer's permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:
 - (1) Sell or serve alcoholic beverages to any person under the age of 21 years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as 21 years or older. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the driver's license, state identification card or lawful identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as lawful identification for the purposes of this paragraph.
 - (2) Sell or serve alcoholic beverages to any intoxicated person or, if the retail dealer's permit is for consumption off the premises only, allow any person under the influence of alcohol or any illegal drug to be on the premises.

- (10) Illegally sell, offer for sale, possess or permit the sale and/or consumption on or about the licensed premises of any kind or type of narcotics or habit-forming drugs. If notified of illegal activity on the premises, it is the owner/manager's responsibility to ensure the activity ceases.

Sec 10-103 Grounds for suspension or revocation.

- (a) In addition to any other causes enumerated in this chapter, the city council may suspend or revoke any permit or alcoholic beverage handling employee card for any one of the following causes:
- (8) Any other prohibited acts as defined by section 10-102.

Sec. 10-105. Conviction by court not essential to withholding, suspending or revoking permits.

Conviction by a court of violation of the provisions of this chapter is not a condition precedent to the withholding suspension or revocation of a permit under this chapter for a violation of any of the provisions of this chapter. However, when there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension or revocation of a permit is being considered, evidence of a conviction or an acquittal in a court of competent jurisdiction is admissible in a proceeding before the city council.

Sec. 10-132. Conviction by court not essential to withholding, suspending or revoking permits.

- (a) A request for the suspension or revocation of a permit shall be in writing and shall be filed with the clerk of council by the chief of police with the approval of the mayor and the city attorney.
- (b) A petition which contains at least 100 signatures of the property owners/residents of the neighborhood surrounding an establishment which has a permit to sell or serve high or low content alcohol may be filed with the clerk of council requesting a hearing before the city council for the purpose of suspending or revoking the liquor permit.
- (c) The request shall state the name and address of the permit holder, the location of the permitted premises, and the cause or causes for suspending or revoking the permit.

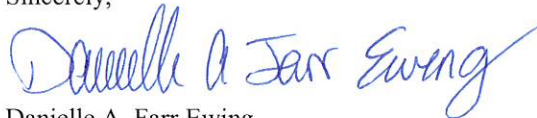
A copy of Section 12 (Alcoholic Beverage Hearings) of the City of Council Rules of Procedure is attached. You will see that the rules encourage, but do not require the permit holder to be represented by legal counsel.

Questions may be directed to the Clerk of Council or the City Attorney as follows.

Danielle A. Farr Ewing, Clerk of Council
Post Office Box 31109, Shreveport. LA 71130
(318) 673-5262

City Attorney
Post Office Box 31109, Shreveport. LA 71130
(318) 673-5200

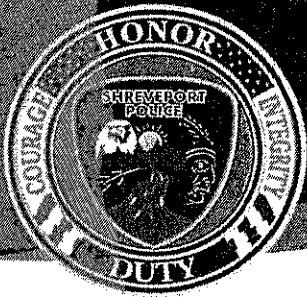
Sincerely,



Danielle A. Farr Ewing

DAFE/tb

E-COPY: Members of the Shreveport City Council
Chief Raymond



SHREVEPORT POLICE DEPARTMENT

March 3, 2020

Shreveport City Council
505 Travis Street, Suite 410
Shreveport, LA 71101

Dear Council Members:

I submit to you the below listed information concerning the Riteway Liquor Store.

During the last two years, beginning 2018 through the end of 2019, the business has been one of the most dangerous places in the city of Shreveport. The business has had over 100 calls for service, which include being the location of two homicides in a 14-month period (October 2018 – November 2019). Prior to the new ownership, there were fewer than 20 calls in a five-year timespan. The business property is a known and well documented location for open-air drug sales. Narcotics has received numerous complaints and made multiple arrests. This business has committed Prohibited Acts underlined in the city ordinance Sec.10-102. The facts produced in this packet provide a clear picture that this business has become an issue of public safety for the citizens of Shreveport, specifically those that are located in the Martin Luther King, Jr. community.

I hereby respectfully request the revocation of the alcohol permit for the Riteway Liquor Store. In addition, I am requesting the provisions of City Ordinance 10-103 (b) be utilized and all alcohol sales are suspended for a period of one (1) year.

I greatly appreciate your support in this matter.

Respectfully,


Ben Raymond
Chief of Police

C: Mr. Arthur Thompson, Clerk of Court
Captain Isiah Jackson, OSI Commander


Approved by Mayor's Office


Approved by City Attorney's Office

Violations for Revocation

Sec. 10-102. - Prohibited acts on retail sales premises generally.

(a) No person holding a retail dealer's permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

(1) Sell or serve alcoholic beverages to any person under the age of 21 years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as 21 years or older

(2) Sell or serve alcoholic beverages to any intoxicated person or, if the retail dealer's permit is for consumption off the premises only, allow any person under the influence of alcohol or any illegal drug to be on the premises.

(10) Illegally sell, offer for sale, possess or permit the sale and/or consumption on or about the licensed premises of any kind or type of narcotics or habit-forming drugs. If notified of illegal activity on the premises, it is the owner/manager's responsibility to ensure the activity ceases.

Sec. 10-103. - Grounds for suspension or revocation.

(a) In addition to any other causes enumerated in this chapter, the city council may suspend or revoke any permit or alcoholic beverage handling employee card for any one of the following causes:

(8) Any other prohibited acts as defined by section 10-102.

Sec. 10-105. - Convictions by court not essential to withholding, suspending or revoking permits.

Conviction by a court of violation of the provisions of this chapter is not a condition precedent to the withholding, suspension or revocation of a permit under this chapter for a violation of any of the provisions of this chapter. However, when there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension or revocation of a permit is being considered, evidence of a conviction or an acquittal in a court of competent jurisdiction is admissible in a proceeding before the city council.

Sec. 10-132. - Requests for suspension or revocation.

(a) A request for the suspension or revocation of a permit shall be in writing and shall be filed with the clerk of council by the chief of police with the approval of the mayor and the city attorney.

Section 12. - Alcoholic beverage hearings.

12.1 *General.*

- (a) These rules are promulgated for the information and guidance of all concerned in order to provide an orderly method of procedure in city council hearings pertaining to alcoholic beverage permits. However, the council will have complete charge of its hearings, proceedings and investigations and will conduct any particular matter as it considers to be appropriate under the circumstances, giving due regard to the interests of all parties. The procedure followed will be informal and not necessarily bound by the legalistic rules of evidence. The council may entertain and hear such documentary and testimonial evidence as it may deem germane to the case before it regardless of whether such evidence would be admissible in a court of law.
- (b) The clerk of council will prepare a verbatim transcript of any hearing when requested by the permit holder, the chief of police, the city attorney, or any other person in interest. Additionally, audio recordings of all hearings will be retained until the decision of the city council becomes final. Copies of both the verbatim transcripts and audio recordings will be made available to anyone upon the payment of a fee to reimburse the city its actual cost in providing same.
- (c) All documents are properly filed with the clerk of council. (Res. No. 220, 1997, 11-25-97)

12.2 *Petition.*

- (a) Requests for action by the city council must be in writing and filed with the clerk of council by the chief of police with the approval of the mayor and the city attorney. No particular form is required for said request and it may simply be a letter to the council. It should state clearly what is being complained of as well as the recommendation of the chief of police for council action.
- (b) Upon receipt of a request, the clerk of council should note thereon the date of its receipt and distribute copies to each of the seven councilmembers and to the chief of police.
- (c) The chair of the city council will cause to be served upon the affected alcoholic beverage permit holder a formal written notice of the hearing, in a form and substance to be approved by the city attorney and a copy of which shall be furnished to the city attorney. The notice should comply with all requirements of law including, but not by way of limitation, specifically advising the permit holder of the nature of the allegations being made against him, the date and location of the hearing, and that thereat he may be represented by legal counsel if he so desires. Accompanying said notice shall be a copy of these rules of procedure.
- (d) The permit holder is encouraged but not required to be represented by legal counsel. He may file an answer to the notice referred to hereinabove. If an answer is filed, a copy should be simultaneously delivered or mailed to the city attorney. Any such answer shall be filed not less than three working days before the matter will be heard by the city council.

(Res. No. 132, 1992, 9-22-92; Res. No. 61, 2015, 4-14-15; Res. No. 29, 2019, § 2, 3-12-19)

12.3 *Prehearing procedure.*

- (a) Alcoholic beverage permit hearings will normally be held at special council meetings. It is difficult for all the councilmembers and their support staff to coordinate their own schedules to accommodate changes in meeting dates; therefore, requests for continuances should be made only when absolutely necessary. Such requests shall be in writing to the clerk of council and will include a specific description of the basis for any requests for a continuance. They shall be filed not less than three working days before the scheduled date of the hearing. The council chair will act on such requests as he determines to be in the public interest under the circumstances; provided, however, that an aggrieved party may appeal the decision of the council chair to the council as a whole by so notifying the clerk of council and the council will act by telephone poll unless it decides to convene a special meeting.
- (b) If at the appointed time for a hearing the council does not have a quorum present, or finds other cause for not proceeding, or if a matter is not completed in one day, the hearing will be recessed to a date certain if one can be agreed on at the time; otherwise, the clerk of council will notify all parties of the new hearing date as soon as the council sets it.
- (c) Upon request or upon its own motion, the council may sequester the witnesses. The parties should recognize, however, that the council is not adequately staffed to effectively supervise the sequestration of witnesses, and in view of the relative informality of the council's proceedings the council normally will not entertain motions to disqualify witnesses for alleged conversations while under the rule; provided, however, that the council may on its own motion or on motion of any interested party take such action as it considers appropriate with respect to such violations of the rule of sequestration as are called to its attention.
- (d) All requests to subpoena witnesses, documents, et cetera, for the hearing shall be presented in writing to the clerk of council as soon as possible. All such requests shall be delivered to the clerk of council at least three working days prior to the scheduled hearing. The council will normally not entertain motions for continuances on the grounds of failure or inability to serve subpoenas where said requests are received within three working days of the scheduled hearing. All requests to subpoena witnesses shall identify the prospective witnesses by name, street address at which they can be served, and the request

shall also include a brief statement of what is intended to be proven by each witness. Upon motion by the opposing party or upon his own motion the council chair may strike certain subpoenas as burdensome, and his decision shall be subject to review by the council as a whole.

- (e) All parties to the hearing shall cooperate with the witnesses that they subpoena to minimize the amount of time that they are required to wait to testify. Where appropriate, the council may place any witness on call and not require him to maintain his physical presence in the council chamber.

(Res. No. 29, 2019, § 2, 3-12-19)

12.4 Hearing procedure.

- (a) All parties, or their attorneys, will state their appearances for the record.
- (b) Parties should bear in mind that individual councilmembers usually have very little, if any, advance information about a matter coming before it and that a brief preliminary statement will help the council understand the nature of the case and what it is being asked to do.
- (c) Except as the council may otherwise direct, the police department, represented by the city attorney, will present evidence first. The license holder will then present his evidence. The police department shall be afforded an opportunity to present rebuttal evidence.
- (d) All persons who offer testimony or make statements of fact during the hearing will be sworn. This may be done as a group at the outset of the hearing or individually as they are called to testify. Every statement of fact made at any time during the hearing by any person after having been thus sworn will be considered to have been made under oath, whether the statement is in response to a specific question or is volunteered in the course of a general discussion.
- (e) An effort will be made to complete the interrogation of each witness by all parties before beginning the interrogation of the next witness. However, the council's hearings can sometimes be expedited by discussion-type interrogation involving more than one witness at a time and this will be permitted on occasion within such limitations as the council may find necessary or desirable in a particular case.
- (f) Documentary evidence will be filed with and marked for identification by the clerk of council or some other person designated for that purpose by the chair of the city council.
- (g) At the conclusion of the hearing the council may, in its discretion, hear oral argument, imposing such time limits as it deems appropriate. The oral argument may or may not be transcribed and bound with the transcript of the testimony as the council may direct.
- (h) The council may permit or require filing of briefs, in which event, unless otherwise ordered by the council, the police department brief shall be due within seven days after conclusion of the hearing, and the brief of the license holder within seven days of the filing of the police department's brief. The council may receive supplemental briefs from either party, and will consider same if they are received in time to assist in its decision.
- (i) The decision of the council to suspend or revoke an alcoholic beverage permit will be certified in writing to the permit holder and the Shreveport police department. Any action taken against a license holder shall not become effective until the license holder has been formally notified in writing of the council's decision. However, it may become effective prior to the transcript of the hearing being completed.

(Res. No. 29, 2019, § 2, 3-12-19)

12.5 *Appeals.* Any permit holder aggrieved by a decision of the city council may appeal said decision to the appropriate court of original jurisdiction in the manner provided by law.

(Res. No. 138, 1984)