



Commission Meeting

May 2, 2023

Probation, Suspension, or Revocation of Alcohol/Business License

Department:	Planning & Development Department
Presenter:	Julietta H. Walton, Business license & Customer Service Manager
Caption:	Motion to approve placing Voncellies Allen d/b/a/ Level 9 Sports Bar & Grill located at 3054 Damascus Rd on six months probation for failure to comply with the Augusta Alcohol Ordinance and Occupation Tax Ordinance. (Approved by Public Safety Committee April 25, 2023)
Background:	The owner of the business Level 9 Sports Bar & Grill has a business license to operate a Bar/Lounge and a Alcohol License and Dance License to serve Liquor, Beer & Wine..... Over the last few years and most recently incidents have occurred at this location, to include shootings, a stabbing, and simple battery cases. Most recently a shooting that involved three victims being shot. (See attached Sheriff's Office Letter)
Analysis:	The Sheriff's Office is requesting that the Commission take action against the license holder. The Alcohol License and the Business License can be suspended, revoked, or placed on probation pursuant to the following.

OCCUPATION TAX CODE

Sec. 2-1-38. Right to deny, suspend, or revoke a business tax certificate.

(a) A Business Tax Certificate under this Chapter may be denied, suspended, or revoked if one or more of the following exists:

(3) The applicant or holder of the certificate intends to violate or has violated any federal or state law, or local ordinance or any ordinance or resolution regulating such business or intends to violate any regulation made pursuant to authority granted for regulating such business.

(6) The applicant or holder of the certificate fails to adequately supervise and monitor the conduct of the employees, patrons and others on the subject premises, or on any property owned or leased by the applicant or holder, including but not limited to parking lots and parking areas, or on any parking lots or areas which may be lawfully used by patrons of the establishment of the applicant or holder, in order to protect the safety and well-being of the general public and of those using the properties.

Sec. 6-2-74. Probation, Suspension & Revocation (Alcohol License).

Any license issued under this Ordinance may be put on probation, suspended and/or revoked by the Augusta- Commission after a finding of due cause. Due cause for the probation, suspension or revocation of a license shall include but shall not be limited to, the following:

- (a) A violation of this Ordinance or any State or federal law governing the manufacture, transport, or sale of alcoholic beverages by the licensee or any person in his employ or in the employ of the establishment for which the license was issued.

Sec. 6-2-21. Premises to be kept in orderly manner, with outside gatherings of patrons restricted.

- (a) Owners and/or applicant, managers and employees shall be responsible for keeping an orderly place, and no patron shall cause a disturbance of any kind; nor shall any patron be allowed to stand, sit, mingle or assemble outside the building, in parking lots or autos, and drink alcoholic beverages except as provided in subparagraph (b) hereof.

ALCOHOL CODE

Sec. 6-2-32. Violations; unlawful activities.

- (a) Any person holding any license issued pursuant to this Ordinance or any employee or agent of such person who violates any provision of this Ordinance, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension or revocation. For purposes of administering and enforcing this Ordinance, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

- (b) It shall be a violation of this Ordinance for any licensee to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency. With respect to any such activity, it shall be rebuttably presumed that the same was done with the knowledge or consent of the licensee; provided however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

DANCE CODE

Sec. 6-6-43. Dance.

(g) Right of suspension by Planning & Development Department. The Planning &

Development Department shall have the right to suspend any business tax certificate

issued under this chapter whenever a person, firm or corporation doing business shall

deviate from the normal operation for which the business tax certificate was obtained or fails in performance to meet the required regulations and code as set forth by the Planning & Development Department, Augusta- Sheriff's Office or Augusta-Richmond County Health Department or violates any law or ordinance of the United States, or the State or Augusta-Richmond County, in pursuance of such business conducted under such business tax certificate.

Financial Impact:

N/A

Alternatives: Do not take action against the Business License, Alcohol License, and Dance License.

Recommendation: Suspend the Business License, Alcohol License & Dance License for (90) ninety days.

Funds are available in the following accounts: N/A

REVIEWED AND APPROVED BY: N/A