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DALLAS, TEXAS

Memorandum

CITY OF DALLAS

DATE January 16, 2025

TO Kimberly Bizor Tolbert, Interim City Manager

SUBJECT **Permit & License Appeal Board 2024 Annual Report**

Attached for your review is the Permit & License Appeal Board Annual Report, summarizing the activities for 2024 in accordance with Chapter 8, Section 8-1.1.

Bilierae Johnson
City Secretary

c: Shanee Weston, Senior Coordinator of Boards and Commissions

MEMORANDUM

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CITY OF DALLAS

Date January 16, 2025

To Honorable Mayor and Members of the City Council

Subject **2024 Annual Report for Permit and License Appeal Board**

The members of the Permit & License Appeal Board are pleased to submit to you our Annual Report of activities for 2024.

We appreciate the opportunity to serve on this very important Board and welco me an opportunity to discuss the report with each of you or collectively as a group.

Benjamin Setnick, Chair
Permit and License Appeal Board

c: Kimberly Bizor Tolbert, Interim City Manager
Bilierae Johnson, City Secretary

PERMIT AND LICENSE APPEAL BOARD

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ANNUAL REPORT 2024

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TAB 1

MISSION STATEMENT

The Permit and License Appeal Board is committed to fulfilling its mission as a quasi-judicial body, to hear the evidence offered by any interested persons during appeal hearings of city department director's actions pertaining to the denial, suspension or revocation of a license or permit issued by the city and to make an informed decision on the basis of a preponderance of the evidence presented at the hearing and in accordance with the provisions of Chapter 2, Article IX, Sections 95 through 99 of the Dallas City Code.

TAB 2

GUIDING PRINCIPLES

Authority: Dallas City Code, Chapter 2, Article IX Permit and License Appeal Board (PLAB), Section 2-96

Members: 15 members, one board member appointed by each City Council member

Qualifications: No special qualifications for membership

Officers: Mayor appoints the chair, subject to confirmation by a majority of the City Council; full city council appoints the vice-chair

Support Staff: Bilierae Johnson, City Secretary
Miroslava Martinez, Assistant City Secretary
Dawna Brown, Board and Commissions Manager
Nancy Sanchez, Board Coordinator
Ashley De La Rosa, Administrative Specialist

Hearings: PLAB shall hear appeals from denial, suspension or revocation of a license or permit issued by a city department director and filed in accordance with Section 2-96 of the Dallas City Code. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the Permit and License Appeal Board is final, and no rehearing may be granted; but the appellant may appeal to the state district court.

The following are the areas in which PLAB hears appeals of license and permit suspensions, revocations, and denials, in accordance with the provisions of the Dallas City Code:

	Aircraft & Airports	Chapter 5
	Animals	Chapter 7
	Boarding Home Facilities	Chapter 8A
	Billiard Halls	Chapter 9A
	Convenience Stores	Chapter 12B
*	Dance Halls	Chapter 14
	Emergency Vehicles	Chapter 15D
	Food Establishments	Chapter 17
	Health & Sanitation	Chapter 19
	Massage Establishments	Chapter 25A
*	Habitual Criminal Property	Chapter 27

* Appeal Hearings for Calendar Year 2024 held only in this area.

Motor Vehicles & Traffic..... Chapter 28
Parks & Water Reservoirs..... Chapter 32
Regulated Property..... Chapter 39B
Secondary Metals Recyclers ..... Chapter 40B
Sexually Oriented Business..... Chapter 41A
Special Events..... Chapter 42A
Streets & Sidewalks..... Chapter 43
Transportation for Hire..... Chapter 47A
Vehicle Tow Service ..... Chapter 48A
Vacant Buildings..... Chapter 48B
Vehicle Immobilization Service ..... Chapter 48C
Consumer Affairs..... Chapter 50
Development Code ..... Chapter 51A

- Special Parking License
- Gas Drilling & Production
- Garage Sale Permits

And any other matters delegated to PLAB by the Dallas City Council.

Attendance: PLAB member attendance is governed under the rules and procedures of Chapter 8, Section 20, 20.1 and 21 of the Dallas City Code (Boards and Commissions).

PLAB hearings are held on the first and third Thursday of each month. A member can expect to devote one day a month to board service or more as the responsibilities of the board necessitate. A final decision is usually made by the board on the same day the appeal is heard unless a continuance is granted by the board.

An annual meeting is held in January to review/approve the Annual Report required to be submitted to the City Council in accordance with Dallas City Code Chapter 8, Section 8-1.1(a).

Special Meetings: Special meetings may be held in accordance with Chapter 8.3 of the Dallas City Code.

TAB 3

STAFF SUPPORT

- CITY SECRETARY'S OFFICE
    - Bilierae Johnson, City Secretary
      214-670-5654 ◆ bilierae.johnson@dallas.gov
    - Miroslava Martinez, Assistant City Secretary
      214-670-3809 ◆ miroslava.martinez@dallas.gov
    - Dawna Brown, Boards and Commissions Manager
      214-670-3741 ◆ dawna.brown@dallas.gov
    - Nancy Sanchez, EAC/PLAB Board Coordinator
      214-671-9895 ◆ nancy.sanchez@dallas.gov
    - Ashley De La Rosa, Administrative Specialist
      214-670-3055 ◆ ashley.delarosa@dallas.gov

- CITY ATTORNEY'S OFFICE
    - Theresa Carlyle, Assistant City Attorney, PLAB Counsel
      214-671-7979 ◆ theresa.carlyle@dallas.gov

TAB 4

BOARD MEMBERS

CURRENT BOARD MEMBERS

Board Member	Position	Original Appointment Date	Current Status
Benjamin Setnick, Chair	15	10/08/19	Holdover 10/05/21
Stephani Kyle	1	08/07/24	Appointed 08/07/24
Vacant (12/20/24 to present)	2	—	—
Angela Y. Willis	3	06/22/22	Reappointed 11/01/23
Vacant (12/27/19 to present)	4	—	—
Vacant (10/26/20) to present)	5	—	—
Laura Baez Torres	6	09/22/21	Reappointed 10/18/23
Johnny Jefferson	7	11/01/23	Appointed 11/01/23
Vacant (06/22/20 to present)	8	—	—
Richard Cuccia	9	11/06/19	Reappointed 12/06/23
Stephen Jeffus	10	04/04/23	Reappointed 01/24/24
John “Jack” M. Hayes	11	10/03/21	Reappointed 09/20/23
Robert Quint	12	01/25/23	Reappointed 09/27/23
Jennifer A. Shinn	13	01/09/22	Reappointed 09/13/23
Vacant (01/07/25 to present)	14	—	—

[Continue to Next Page]

OTHER BOARD MEMBERS SERVING IN 2024

Board Member	Position	Original Appointment Date	Current Status
Carina Arellano	1	12/14/22	Term End 08/07/24
Carmen Ayala	2	08/17/22	Forfeit 12/20/24
Efrain Vera	14	11/01/23	Resigned 01/07/25

TAB 5

NEW BOARD MEMBER TRAINING

JANUARY 2024 THROUGH DECEMBER 2024

The City Secretary's Office and the City Attorney's Office provided training for "1" appointed member in accordance with Chapter 2, Section 2-95.1 of the Dallas City Code which states "Every person appointed as a member of the permit and license appeal board must attend a one-day training course…"

MEMBER(S) FOR TERM 2023-2025				
NAME	**POSITION**	**APPOINTMENT**	**TRAINING**	**OBSERVED HEARING**
Stephani Kyle	1	08/07/24	11/04/24	08/15/24

TAB 6

PERMIT AND LICENSE APPEAL BOARD
2024 ATTENDANCE RECORD

	MEETING DATES:	1/4/2024	1/18/2024	2/1/2024	2/15/2024	3/7/2024	3/21/2024	4/4/2024	4/18/2024	5/2/2024	5/16/2024	6/6/2024	6/20/2024	7/4/2024	7/18/2024	8/1/2024	8/8/2024	8/15/2024	9/5/2024	9/19/2024	10/3/2024	10/17/2024	11/7/2024	11/21/2024	12/5/2024	12/19/2024
		Hearing	Hearing	Hearing	Hearing	Hearing		Hearing	Hearing	Hearing	Hearing	Hearing	Hearing		Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	Hearing
POS	BOARD MEMBERS																									
1	Stephani Kyle (as of 08/11/2024)	PV	PV	PV	A	A		Cancelled	Cancelled	Cancelled	PV	Cancelled	Cancelled		A	Cancelled	Cancelled	OH	Cancelled	Cancelled	Cancelled	PV	PV	Cancelled	Cancelled	PV
2	Carmen Ayala (as of 08/17/22)	PV	PV	A	P	PV		Cancelled	Cancelled	Cancelled	PV	Cancelled	Cancelled		PV	Cancelled	Cancelled	A	Cancelled	Cancelled	Cancelled	A	A	Cancelled	Cancelled	A
3	Angela Willis (as of 06/22/22)	A	PV	PV	P	PV		Cancelled	Cancelled	Cancelled	A	Cancelled	Cancelled		PV	Cancelled	Cancelled	A	Cancelled	Cancelled	Cancelled	A	PV	Cancelled	Cancelled	PV
4	VACANT (as of 12/27/19)	V	V	V	V	V		Cancelled	Cancelled	Cancelled	V	Cancelled	Cancelled		V	Cancelled	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	Cancelled	Cancelled	V
5	VACANT (as of 10/26/20)	V	V	V	V	V		Cancelled	Cancelled	Cancelled	V	Cancelled	Cancelled		V	Cancelled	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	Cancelled	Cancelled	V
6	Laura Baez Torres (as of 09/22/21)	PV	A	PV	P	P		Cancelled	Cancelled	Cancelled	P	Cancelled	Cancelled		PV	Cancelled	Cancelled	P	Cancelled	Cancelled	Cancelled	P	PV	Cancelled	Cancelled	P
7	Johnny Jefferson (as of 11/01/23)	PV	PV	PV	PV	PV		Cancelled	Cancelled	Cancelled	A	Cancelled	Cancelled		A	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	PV	PV	Cancelled	Cancelled	A*
8	VACANT (as of 06/22/20)	V	V	V	V	V		Cancelled	Cancelled	Cancelled	V	Cancelled	Cancelled		V	Cancelled	Cancelled	V	Cancelled	Cancelled	Cancelled	V	V	Cancelled	Cancelled	V
9	Richard Cuccia (as of 11/06/19)	P	P	A	P	PV		Cancelled	Cancelled	Cancelled	P	Cancelled	Cancelled		P	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	PV	A	Cancelled	Cancelled	PV
10	Stephen Jeffus (as of 04/04/23)	P	A	PV	V	A		Cancelled	Cancelled	Cancelled	P	Cancelled	Cancelled		P	Cancelled	Cancelled	P	Cancelled	Cancelled	Cancelled	A	PV	Cancelled	Cancelled	PV
11	Jack Hayes (as of 10/13/21)	PV	P	PV	P	PV		Cancelled	Cancelled	Cancelled	PV	Cancelled	Cancelled		PV	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	PV	PV	Cancelled	Cancelled	PV
12	Robert Quint (as of 01/25/23)	PV	P	PV	V	PV		Cancelled	Cancelled	Cancelled	P	Cancelled	Cancelled		PV	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	PV	PV	Cancelled	Cancelled	PV
13	Jennifer Shinn (as of 01/19/22)	P	P	P	P	P		Cancelled	Cancelled	Cancelled	PV	Cancelled	Cancelled		PV	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	A	PV	Cancelled	Cancelled	PV
14	Efrain Vera (as of 11/01/23)	A	PV	PV	P	A		Cancelled	Cancelled	Cancelled	A	Cancelled	Cancelled		A	Cancelled	Cancelled	PV	Cancelled	Cancelled	Cancelled	PV	A	Cancelled	Cancelled	A
15	Benjamin Setnick (as of 10/08/19)	P	P	P	P	P		Cancelled	Cancelled	Cancelled	A	Cancelled	Cancelled		P	Cancelled	Cancelled	P	Cancelled	Cancelled	Cancelled	P	P	Cancelled	Cancelled	P

A-Absent F-Forfeit OH-Observe Hearing P-Present PV-Present Virtually R-Resigned RH-Reset Hearing V-Vacant C-Mtg Cancelled
A*- Absent more than 50% of the meeting.

TAB 7

ACTIVITY SUMMARY

The following is a summary of activity within the period January 2024 through December 2024. A detailed summary of all hearings is located behind **Tabs 9 and 10** of the report.

I. 26 Scheduled Hearing, Meeting and/or Training Days:

- 11 days Appeal hearings conducted
  (1/04/24, 1/18/24, **2/01/24*, *2/15/24***, 3/07/24, 5/16/24, 7/18/24, 8/15/24, **10/17/24***, 11/7/24, 12/19/24)
  ** 2 hearings held 2/01/24 and 10/17/24***
  *** 2/15/24 - hearing held under advisement and scheduled for 3/7/24.*
  *** 10/17/24 - 1 hearing held and scheduled for 11/7/24.*

- 14 days No hearings held as no appeal requests were received or scheduled hearing was cancelled
  (3/21/24, 4/04/24, 4/18/24, 5/02/24, 6/06/24, 6/20/24, 7/04/24, 8/01/24, 8/08/24, 9/05/24, 9/19/24, 10/03/24, 11/21/24, 12/05/24)

- 1 day Regular board meeting
  (1/04/24)

II. 17 Appeal Requests Received by the City Secretary's Office and Scheduled for PLAB Hearing: (See Tab 8 for Activity Detail)

- 9 days Appeal requests considered, and judgments rendered
  (1/18/24, **2/01/24*, 3/07/24, 5/16/24, 7/18/24, 8/15/24, **10/17/24***, 11/07/24, 12/19/24)
  ** 2 hearings held 2/01/24 and 10/17/24***
  *** 10/17/24 - 1 hearing held under advisement and scheduled for 11/7/24.*

- 8 days Appeal hearing requests withdrawn

  8 Appeal Requests Received but not scheduled:

  - Hearing requests withdrawn/abandoned/Invalid by City or Appellant prior to scheduled hearing date (*See Tab 8 for Activity Detail)

TAB 8

ACTIVITY DETAIL

I. Detail of Appeal Requests processed by the City Secretary's Office for PLAB within the period of January 2024 through December 2024.

Requests	License/Permit/ Designation	Appeal Hearing Disposition		Appeal Hearing Not Held
Appeals	**Description**	**Denied**	**Granted**	**Withdrawn/Abandoned**
7	Dance Hall Late-Hours Permit Denial	**0**	**7** ♦ Cowboy's Red River ♦ Kalua Discoteque, LLC ♦ Station 4 ♦ Rodeo West Dallas ♦ Encore ♦ De Dior Cafe LLC ♦ It'll Do Club	**0**
9	Habitual Criminal Property	**3** ♦ Cherokee Village Apartments ♦ Red Mountain Asset Fund I, LLC ♦ Hickory Trails DE Holdings, LLC	**0**	**6** ♦ Apitx 53, LLC ♦ SAIE&E Properties (Invalid) ♦ FALU Hospitality, LLC ♦ Magnus Enterprises, LLC ♦ SEP CASA, LLC ♦ Jess Baroukh LLC (Invalid)
1	Habitual Nuisance Property	**0**	**0**	**1** ♦ Manor Hospitality Corp. (Invalid)
1	Boarding Home Facilities	**0**	**0**	**1** ♦ 626 Highfall Dr.
Total 18		**3**	**7**	**8**

[Continue PLAB Activity Detail on Next Page]

II. Council District Breakdown of Appeal Requests processed by the City Secretary's Office for PLAB

District	Number of Cases	Type
01	0	
02	1	● Dance Hall Late Hours (It'll Do Club)
03	2	● Habitual Criminal Property (Red Mountain Asset Fund I, LLC) ● Dance Hall Late Hours (Rodeo West Dallas)
04	0	
05	0	
06	3	● Dance Hall Late Hours (Cowboy's Red River) ● Dance Hall Late Hours (Kalua Discoteque, LLC) ● Dance Hall Late Hours (Encore)
07	1	● Dance Hall Late Hours (De Dior Cafe, LLC)
08	2	● Habitual Criminal Property (Cherokee Village Apartments) ● Habitual Criminal Property (Hickory Trails DE Holdings, LLC)
09	0	
10	0	
11	0	
12	0	
13	0	
14	1	● Dance Hall Late Hours (Station 4)
15**	0	
Total	**10**	

** City Wide (transportation, taxicab, etc.)

TAB 9

APPEALS HEARD BY PLAB
JANUARY 2024 THROUGH DECEMBER 2024

This report is a summary of all appeal requests scheduled by the City Secretary's Office for a hearing and heard by the Permit and License Appeal Board.

1. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date:	January 18, 2024
Representative:	Byron Woolley
Business Name:	**Cherokee Village Apartments**
Location:	7250 Elam Road, 75217
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	8
Date Filed with CSO:	September 18, 2023
Disposition:	Affirm the decision of the Chief of Police
Vote:	10-0 (2 absent, 3 vacancies)
CSO File:	23-6138

2. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	February 1, 2024
Appellant:	Michael Murphy
Representative:	Roger E. Albright
Business Name:	**Cowboy's Red River**
Location:	10310 W. Technology Blvd., 75220
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	6
Date Filed with CSO:	November 9, 2023
Disposition:	Find for the applicant and reverse the decision of the Chief of Police, granting an exemption from locational restrictions.
Vote:	10-0 (2 absent, 3 vacancies)
CSO File:	23-6650

3. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date:	February 1, 2024
Representative:	Katrik R. Singapura
Business Name:	**Hickory Trails DE Holdings, LLC**
Location:	8613 Old Hickory Trail, 75237
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	8
Date Filed with CSO:	November 21, 2023
Disposition:	Affirm the decision of the Chief of Police
Vote:	9-0 (2 absent, 1 absent when vote taken, 3 vacancies)
CSO File:	23-6653

4. NOTICE OF FINAL DETERMINATION AS A HABITUAL ~~NUISANCE~~ CRIMINAL PROPERTY

Habitual ~~Nuisance~~ Criminal Property under Section 27-48 of the Dallas City Code

Hearing Date:	March 7, 2024
Representative:	Kevin C. Moran
Business Name:	**Red Mountain Asset Fund I, LLC**
Location:	4343 W. Camp Wisdom Road, 75237
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	3
Date Filed with CSO:	November 9, 2023
Note:	This item was held under advisement by the Permit and License Appeal Board on February 15, 2024 and scheduled for consideration on March 7, 2024.
Disposition:	Affirm the decision of the Chief of Police
Vote:	7-2 (3 absent, 3 vacancies)
CSO File:	23-6651

5. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	May 16, 2024
Appellant:	Saul Cardona
Representative:	Roger E. Albright
Business Name:	**Kalua Discoteque, LLC**
Location:	2435 N. Northwest Hwy., Suite 101, 75220
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	6
Date Filed with CSO:	January 19, 2024
Disposition:	Find for the applicant and reverse the decision of the Chief of Police, granting an exemption from locational restrictions.
Vote:	8-0 (4 absent, 3 vacancies)
CSO File:	24-5211

6. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	July 18, 2024
Appellant:	Michael Nguyen
Representative:	Jim Birch
Business Name:	**Station 4**
Location:	3911 Cedar Springs Rd., 75219
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	14
Date Filed with CSO:	June 17, 2024
Disposition:	Find for the applicant and reverse the decision of the Chief of Police, granting a two-year exemption from locational restrictions.
Vote:	9-0 (3 absent, 3 vacancies)
CSO File:	24-5908

7. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	August 15, 2024
Appellant:	Eduardo Ellis
Representative:	Eduardo Ellis
Business Name:	**Rodeo West Dallas**
Location:	704 S. Walton Walker Blvd., Suite 140, 75211
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	3
Date Filed with CSO:	June 18, 2024
Disposition:	Find for the applicant and reverse the decision of the Chief of Police, granting an exemption from locational restrictions.
Vote:	9-0 (2 absent, 1 observing, 3 vacancies)
CSO File:	24-5909

8. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	October 17, 2024
Appellant:	Homayoun Zolfagharian
Representative:	Homayoun Zolfagharian
Business Name:	**De Dior Café, LLC**
Location:	3650 N. Buckner Blvd., Suite 110, 75228
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	7
Date Filed with CSO:	August 5, 2024
Disposition:	Find for the applicant and reverse the decision of the Chief of Police from locational restrictions.
Vote:	8-1 (3 absent, 3 vacancies)
CSO File:	24-6167

9. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	November 7, 2024
Appellant:	Curtis Wise
Representative:	Craig Sheils
Business Name:	**Encore**
Location:	11327 Reeder Road., Suite 120, 75229
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	6
Date Filed with CSO:	July 17, 2024
Note:	This item was held by the Permit and License Appeal Board on October 17, 2024 and scheduled for consideration on November 17, 2024.
Disposition:	Find for the Applicant and reverse the decision of the Chief of Police from the locational restrictions.
Vote:	7-2 (3 absent, 3 vacancies)
CSO File:	24-5756

10. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	December 19, 2024
Appellant:	Donald H. Nedler
Representative:	Roger E. Albright
Business Name:	**It'll Do Club**
Location:	4322 Elm St., 75226
Denial:	Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department:	DPD
Council District:	2
Date Filed with CSO:	October 30, 2024
Disposition:	Find for the Applicant and Reverse the decision of the Chief of Police, granting a one-year exemption from the locational restrictions.
Vote:	10-0 (3 absent, 3 vacancies)
CSO File:	24-6502

TAB 10

APPEALS NOT HEARD BY PLAB
JANUARY 2024 THROUGH DECEMBER 2024

This report is a summary of all appeal requests received by the City Secretary's Office for a hearing but not heard by the Permit and License Appeal Board.

1. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Leah N. Duncan
Business Name:	**Apitx 53, LLC**
Location:	2849 E, Ledbetter Drive, 75216
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	4
Date Filed with CSO:	January 2, 2024
Scheduled Date:	June 6, 2024 (Note: reset request received February 23, 2024, and May 3, 2024. June 6, 2024 was last scheduled date)
Outcome:	Appeal withdrawn by Appellant on June 5, 2024

2. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Drew Siegel
Business Name:	**SAIE&E Properties**
Location:	2837 E. Ledbetter Drive,75216
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	4
Date Filed with CSO:	February 16, 2024
Outcome:	Appeal was denied due to Invalid Request

3. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Kush Patel
Business Name:	**FALU Hospitality, LLC**
Location:	4154 Preferred Place,75237
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	3
Date Filed with CSO:	June 20, 2024
Scheduled Date:	July 18, 2024
Outcome:	Appeal withdrawn by Appellant on July 10, 2024

4. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Simon Tan
Business Name:	**Magnus Enterprises LLC**
Location:	9239 Skillman Street, 75243
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	10
Date Filed with CSO:	August 26, 2024
Scheduled Date:	September 19, 2024
Outcome:	Appeal withdrawn by Appellant on September 6, 2024

5. REVOCATION OF LICENSE

Revocation of boarding home facility license under Section 8A-11 of the Dallas City Code

Representative:	Ambernishia Young
Business Name:	**626 Highfall Dr.**
Location:	626 Highfall Dr., 75232
Denial:	Pursuant to Section 8A-4, operates a boarding home facility in the city without a valid license and Pursuant to Section 8A-11(2), intentionally made a false statement as to a material matter in the application or in a hearing.
Issuing Department:	CCS
Council District:	3
Date Filed with CSO:	September 23, 2024
Scheduled Date:	November 21, 2024
Outcome:	Appeal withdrawn by Appellant on November 15, 2024

6. NOTICE OF FINAL DETERMINATION AS A HABITUAL NUISANCE PROPERTY

Habitual Nuisance Property under Section 27-48 of the Dallas City Code

Representative:	Lance H. “Luke” Beshara
Business Name:	**Manor Hospitality Corp.**
Location:	7002 Harry Hines Blvd,75232
Denial:	Notice of Final Determination as a Habitual Nuisance Property
Issuing Department:	CCS
Council District:	2
Date Filed with CSO:	October 4, 2024
Outcome:	Appeal was denied due to Invalid Request

7. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Paul C. Goetz III
Business Name:	**SEP Casa, LLC**
Location:	4619 Lake Avenue, 75219
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	2
Date Filed with CSO:	November 1, 2024
Scheduled Date:	November 21, 2024
Outcome:	Appeal withdrawn by Appellant on November 20, 2024

8. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Section 27-48 of the Dallas City Code

Representative:	Ian Ghrist
Business Name:	**Jess Baroukh LLC**
Location:	2603 S. Lancaster Road, 75216
Denial:	Notice of Final Determination as a Habitual Criminal Property
Issuing Department:	DPD
Council District:	4
Date Filed with CSO:	December 6, 2024
Outcome:	Appeal was denied due to Invalid Request

TAB 11

ARTICLE IX.
PERMIT AND LICENSE APPEAL BOARD.

SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED; FUNCTION; TERMS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(b) The permit and license appeal board shall hear appeals of department directors' actions on licenses and permits issued by the city filed in accordance with Section 2-96 of this chapter and requests for exemptions from locational restrictions filed in accordance with Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies.

(c) Each member shall be appointed for a two- year term beginning on October 1 of each odd- numbered year. All members shall serve until their successors are appointed and qualified. (Ord. Nos. 18200; 21153; 21514; 22259; 23386; 25002; 29645)

SEC. 2-95.1. TRAINING.

(a) Every person appointed as a member of the permit and license appeal board must attend a one-day training course before hearing an appeal under Section 2-96 of this chapter or a request for an exemption from locational restrictions under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies. The training course will include, but not be limited to:

(1) an orientation session concerning the powers and duties of the permit and license appeal board and the procedures and requirements for hearing appeals and requests for exemptions from locational restrictions;

(2) instruction in the city's ordinances governing the various licenses and permits issued by the city that may be involved in appeals to the permit and license appeal board;

(3) instruction concerning locational restrictions contained in Chapters 14 and 41A of this code and the procedures and requirements for obtaining exemptions from those restrictions; and

(4) a mock hearing or an observation of an actual hearing.

(b) A person who fails to attend the one-day training course within 90 days from the date of appointment as a member of the permit and license appeal board shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 23386; 23736; 25002)

SEC. 2-96. APPEALS FROM ACTIONS OF DEPARTMENT DIRECTORS.

(a) If the director of a city department denies, suspends, or revokes a license or permit over which the director has regulatory authority, and no appeal is provided by ordinance to another city board, the action is final unless the applicant, licensee, or permittee files a written appeal to the permit and license appeal board with the city secretary within 10 calendar days after the date of receiving notice of the director's action.

(b) If a written request for an appeal hearing is filed with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(c) The permit and license appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The permit and license appeal board shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing if there is a dispute of fact, otherwise the board shall decide the appeal in accordance with the provisions of this code. The board shall affirm, reverse, or modify the action of the director by a majority vote. Failure to reach a majority decision on a motion leaves the director's decision unchanged. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final as to administrative remedies, and no rehearing may be granted. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-97. RESETS AND CONTINUANCES OF HEARINGS BEFORE THE PERMIT AND LICENSE APPEAL BOARD.

(a) A request for a reset or continuance of an appeal hearing or of a hearing on an exemption from a locational restriction must be granted by the city secretary if the request is received in writing by the city secretary not less than 10 days before the scheduled hearing date.

(b) The city secretary may not grant any request for a reset or continuance received less than 10 days before a scheduled hearing date, unless the city secretary, after notifying all parties to the appeal or exemption hearing of the request, determines that:

(1) exigent, compelling, or exceptional circumstances exist that:

(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and

(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of $100 must be paid to the director of development services at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of development services shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of development services to receive zoning notices for the area in which the subject of the exemption is located. The director of development services may waive the $100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047; 27697; 32002)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director's action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board's final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.