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Public Notice

250720

POSTED CITY SECRETARY
DALLAS, TX

AGENDA

BOARD OF ADJUSTMENT (PANEL A)

AUGUST 19, 2025, BRIEFING AT 10:00 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.
Dallas City Hall, 6EN COUNCIL CHAMBER and Videoconference

Video Conference Link: https://bit.ly/boa0819
Telephone: (408) 418-9388**, Access Code:** 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting https://dallastx.new.swagit.com/views/113.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at https://bit.ly/BDA-A-Register **by 5 p.m. on Monday, August 18, 2025. In Person speakers can register at the hearing.**

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en https://dallastx.new.swagit.com/views/113.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at https://bit.ly/BDA-A-Register hasta las **5 p.m**. el **Lunes, 18 de Agosto, 2025. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.**

AGENDA

I.	**Call to Order**	David A. Neumann, Chairman
II.	**Review of Goals and Objectives**	David A. Neumann, Chairman
III.	**Staff Presentation/Briefing**	
IV.	**Public Hearing**	Board of Adjustment
V.	**Public Testimony**	
VI.	**Miscellaneous Items**	
VII.	**Case Docket**	Board of Adjustment
	- Uncontested Items	
	- Holdover Items	
	- Individual Items	
VIII.	**Adjournment**	

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propriedad."

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

- Review of Goals and Objectives — David A. Neumann, Chairman — Pg 4

MISCELLANEOUS ITEM(S)

- Approval of Panel A Minutes – July 15, 2025 — Pg. 9

UNCONTESTED CASE(S)

BOA-25-000015(DB) 10433 REMINGTON LANE — Pg. 26
REQUEST: Application of Garrett Gibbons Jr. for **(1)** a special exception to the side-yard setback regulations to preserve an existing tree, for **(2)** a special exception to the rear-yard setback regulations to preserve an existing tree, for **(3)** a variance to the building height regulations, and for **(4)** a variance to the floor area for structures accessory to single family uses regulations.

BOA-25-000022(BT) 5315 BONITA AVENUE — Pg. 59
REQUEST: Application of Daniel Le for **(1)** a special exception to the single-family use regulations.

BOA-25-000023(BT) 3320 LIVE OAK STREET — Pg. 77
REQUEST: Application of Wan Kim of Texas Pro Signs for **(1)** a special exception to the sign regulations.

BOA-25-000029(DB) 5917 BELGRADE AVENUE — Pg. 93
REQUEST: Application of Abner Fuentes for **(1)** a variance to the front-yard setback regulations, **(2)** a special exception to the fence height regulations, and **(3)** a special exception to the fence opacity regulations.

HOLDOVER CASE(S)

BOA-25-000001(DB) 17776 DALLAS PARKWAY — Pg. 107
REQUEST: Application of Tommy Mann to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy.

BOA-25-000009(BT) 11322 E. RICKS CIRCLE — Pg. 560
REQUEST: Application of Robert Baldwin for **(1)** a special exception to the fence height regulations.

INDIVIDUAL CASE(S)

BOA-25-000025(BT) 5302 MILLER AVENUE — Pg. 576
REQUEST: Application of Jennifer Peterson represented by Jennifer Galdamez for **(1)** a variance to the lot coverage regulations.

CITY OF DALLAS

BOARD OF ADJUSTMENT

2024–2025 Goals and Objectives Update

Reporting Period: October 2024 – July 2025

Prepared by:

Mr. David A. Neumann, Chairman

Dr. Kameka Miller-Hoskins, Board Administrator/Chief Planner

Date: August 18, 2025

This report outlines progress made toward the Board of Adjustment's (BOA) adopted goals and objectives for the 2024–2025 fiscal year. It reflects the continued commitment of BOA staff and Board Members to uphold fairness, transparency, and operational excellence when citizens and property owners make application to the Board of Adjustment.

Adopted 2024 - 2025 Goals & Objectives

1. Ensure Fairness to every property owner who appeal to the Board of Adjustment (BOA) through Timeliness and Accuracy for a hearing, and Transparency to the public. Strive to consistently provide a fair and complete evaluation of all relevant facts from the applicant and staff on each appeal as they apply to a predefined standard.

- Application process streamlined via DallasNow
    - DallasNow is the city's new case management and permitting platform designed to streamline application processing, increase transparency, and support interdepartmental collaboration. BOA staff played a key role in tailoring the platform workflows to match the nuances of the variance and special exception submittal processes. This new platform allows for the following
        - Fully digital application submittal and document upload
        - Real-time case tracking accessible to applicants and staff
        - Automatic timestamping to help enforce timeliness
        - Centralized case file management with access to zoning, GIS, notification data, etc.
- Staff have placed greater emphasis on pre-submittal consultations, improving applicant understanding and reducing procedural confusion.
    - Pre-submittal consultations have resulted in more complete applications, fewer delays caused by incorrect or missing documentation, and a more enhanced understanding of BOA requirements by property owners.

2. Staff and Board to provide a public hearing for property owner appeals to BOA within 60 days on average from the taxpayer application. Potentially modify BOA Panel hearing caseload management in extraordinary circumstances. Continue to use a verifiable predefined consistent measurement of days from application to Hearing, (State law requires a hearing within 60 days for an Administrative Official appeal and 30 days for Plats)

- The average number of days from intake to hearing has significantly improved and now stands at just 54 days – well below the 60-day target. This achievement reflects the successful implementation of more efficient workflows, as well as extending application deadlines to minimize time between application and hearing decision. Staff has consistently worked hard to process cases more efficiently and effectively without compromising quality or accuracy.

3. Process Improvement: Review the appeals process for opportunities to streamline processes and remove unnecessary steps. Identify ways to make the application process more accessible to "non-professional "users and applicants. Panel hearings to be 100% attended by Members or Alternates (5 of 5) to ensure a full panel's deliberation for the applicant.

- Applicants can now submit all application materials through the DallasNow portal, significantly improving accessibility for non-professional users.
- The Board Secretary coordinates with the Chairman of the Board each month to anticipate member absences and fill those with available Alternate Members in an attempt to have full 5-member panels.

- From October 2024 to July 2025, there have been a total of 27 meetings. Of those 27 scheduled meetings, there were only four meetings where there was not a full 5-member panel.
- 85% of the meetings held had full five-member panels

4. Staff's comprehensive and technical analysis for appeal hearings utilizes current maps and information with enhanced photos and property comparisons to include the surrounding properties within 200 feet of the appeal location. Supplement with readily available technology for the Board. Staff to proofread all presentations to ensure improved accuracy.

- Staff have incorporated Google Street View, accompanied by zoning maps, notification maps, real-time photographs, and 360-degree videos to provide a more complete context of the property in question and the surrounding 200-foot properties.
- A new standing presentation review meeting is now held before each hearing to ensure accuracy and alignment across all case reports.

5. Website enhancements to include an interactive map and case lookup, adapted from the "pending cases" section of the website for cases current and past that, allows a user to find the case of their interest and immediately see filings, status and contact information about the case. Create a user friendly application flowchart/process to guide a property owner start to finish.

- The BOA webpage is being updated weekly and/or as needed to ensure proper updates are available to the public. Visual clutter has been improved.
  - The Pending Case Log tab on the website is a new feature that allows the public access to all new cases and application materials once it has been accepted and assigned to a Panel and Senior Planner.
- All relevant forms and documents are now updated weekly (or as needed) to ensure applicants have current materials.

6. Quarterly enhanced training of members/alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees.

- The goal remains in progress, with a critical focus on new member onboarding. Staff is working to develop a new member orientation training that should be available to new members by September 30th.

CITY OF DALLAS

BOARD OF ADJUSTMENT

Proposed 2025–2026 Goals & Objectives Input Sheet and Recommendations to the BOA Officers

Please use the space below to suggest new or revised goals and objectives for the 2025–2026 fiscal year. Numbered lines are provided for ease of reference and discussion.

1. _____

_____

2. _____

_____

3. _____

_____

4. _____

_____

5. _____

_____

6. _____

_____

BOARD OF ADJUSTMENT

Panel A Minutes

July 15, 2025

Council Chambers 6EN
24923176153@dallascityhall.webex.com
David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Michael Hopkovitz	
Andrew Finney	
Michael Dorn	

ABSENT: [1]

Jay Narey	

Chairman David A. Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided public testimony opportunities for individuals to comment on manners that were scheduled on the posted meeting agenda.

- No Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, June 17, 2025, Meeting Minutes.

Motion was made to approve Panel A, June 17, 2025, Public Hearing Minutes.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney, Michael Hopkovitz
		Against:	-	0	

HOLDOVER CASES

1. 1201 OAK LAWN AVENUE
BDA245-049(BT)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a special exception to the parking regulations at **1201 OAK LAWN AVENUE**. This property is more fully described as Block 27/7889, part of Lot 1, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, and an office/showroom use and provide 73 of the required 135 parking spaces, which will require **(1)** a 62-space special exception (45.9 % reduction) to the parking regulation.

LOCATION: 1201 Oak Lawn Avenue

APPLICANT: Jonathan Vinson

REQUEST:

(1) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **Section 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **Section 51A-4.704(b)(4)(A).** The board of adjustment may impose conditions on the special exception. **Section 51A-4.311(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets**.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	PD-621 (Subdistrict 1)
North:	PD-621 (Subdistrict 1)
East:	PD-621 (Subdistrict 1)
South:	PD-621 (Subdistrict 1)
West:	PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with office showroom/warehouse and resturant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to motor vehicle fueling station, personal service, office showroom/warehouse, and resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1201 Oak Lawn Avenue focuses on one request relating to the parking regulations.
- The proposed request of a 62-space special exception (45.9 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 78,878.29 square feet.
- The existing building footprint is 39,750 square feet (50.39 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
    - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (12,600 / 105 = 120).
    - 1 parking space per 1100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
    - 1 parking space per 4100 square feet of floor area for Office/Showroom Warehouse above 20,000 square feet floor area (7,150 / 4100 = 1.74).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 62-space special exception (45.9 percent reduction) to the parking regulations with a condition that the special exception automatically and immediately

terminates if when the restaurant without drive-in or drive-through service, office, and office/showroom uses are changed or discontinued.

- 200' Radius Video: BDA245-049 at 1201 Oak Lawn Ave

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **A**.

March 14, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, April 15, 2025, moved to **HOLD** this matter under advisement until **May 20, 2025**.

April 17, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, May 20, 2025, moved to **HOLD** this matter under advisement until **June 17, 2025**.

May 21, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

June 5, 2025: The applicant provided additional documentary evidence.

June 17, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 17, 2025, moved to **HOLD** this matter under advisement until **July 15, 2025**.

June 18, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- 1:00 p.m., **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

July 2, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201
Lloyd Denham, 2928 Westminster, Dallas TX 75205

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 245-049, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **73** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires **135** off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, and an office/showroom use only.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code:

- The special exception of **62** spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, or office/showroom uses are changed or discontinued.
- Valet services must be provided and the valet stand must be located on site.
- The applicant must appear before the board for a reassessment and final issuance of the special exception within 12 months from issuance of the certificate of occupancy.

Maker:	Kathleen Davis					
Second:	Andrew finney					
Results:	4-1					Motion to grant
		Ayes:	-		4	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney
		Against:	-		1	Michael Hopkovitz

2. 1500 DRAGON STREET
BDA245-050(BT)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for **(1)** a special exception to the parking regulations at **1500 DRAGON STREET**. This property is more fully described as Block 6851 and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, an office/showroom, and a commercial amusement (inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require **(1)** a 123-space special exception (41 percent reduction) to the parking regulation.

LOCATION: 1500 Dragon

APPLICANT: Jonathan Vinson

REQUEST:

(2) Special exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **Section 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **Section 51A-4.704(b)(4)(A).** The board of adjustment may impose conditions on the special exception. **Section 51A-4.311(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets**.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)

Ease: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with commercial amusement (event space), and office showroom/warehouse. The areas to the north, south, east, and west are developed with various uses such as but not limited to office showroom/warehouse, multi-family, and resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1500 Dragon Street focuses on one request relating to the parking regulations.
- The proposed request of a 123-space special exception (41 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 223,720.73 square feet.
- The existing building footprint is 98,531 square feet (44.04 percent lot coverage).
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
    - 1 parking space per 358 square feet of floor area for Office-related (3,000 / 358 = 8.38).
    - 1 parking space per 105 square feet of floor area for Restaurant without drive-in or drive-through service (18,000 / 105 = 171.43).
    - 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
    - 1 parking space per 4100 square feet of floor area for Warehouse/Showroom above 20,000 square feet floor area (47,531 / 4100 = 11.59).
    - 1 parking space per 100 square feet of floor area for Any other use (10,000 / 100 = 100).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 123-space special exception (41 percent reduction) to the parking regulations with a condition that the special exception automatically and immediately terminates if when the restaurant without drive-in or drive-through service, office, office/showroom, and commercial amusement (inside) (event center) uses are changed or discontinued.
- 200’ Radius Video: BDA245-050 at 1500 Dragon St

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **A**.

March 14, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

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June 17, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 17, 2025, moved to **HOLD** this matter under advisement until **July 15, 2025**.

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- 1:00 p.m., **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

July 2, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201
Lloyd Denham, 2928 Westminster, Dallas TX 75205

Against: No Speakers

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 245-050, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **177** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 300 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, an office/showroom use, and a commercial amusement (inside)(event center) use only.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

> The special exception of **123** spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, office/showroom, or commercial amusement (inside)(event center) uses are changed or discontinued.

Maker:	Andrew Finney					
Second:	Kathleen Davis					
Results:	3-2					Motion to grant fails
		Ayes:	-		3	Kathleen Davis, Michael dorn and Andrew Finney
		Against:	-		2	Michael Hopkovitz & David A. Neumann

Motion # 2
I move that the Board of Adjustment, in Appeal No. BDA 245-050, on application of Jonathan Vinson, **GRANT** the request of this applicant to provide **177** off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 300 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service use, an office use, an office/showroom use, and a commercial amusement (inside)(event center) use only.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- The special exception of 123 spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through service, office, office/showroom, or commercial amusement (inside)(event center) uses are changed or discontinued.
- Valet services must be provided and the valet stand must be located on site.
- The applicant must appear before the board for a reassessment and final issuance of the special exception within 12 months of the issuance of the certificate of occupancy.
- The applicant must post a minimum of 4 signs visible on the property consistent with city code that state “Please do not park on Dragon Street.”

Maker:	David Neumann					
Second:	Andrew Finney					
Results:	4-1					Motion to grant with additional conditions
		Ayes:	-		4	David A. Neumann, Kathleen Davis, Michael Dorn and Andrew Finney
		Against:	-		1	Michael Hopkovitz

UNCONTESTED ITEMS

3. 11322 E. RICKS CIRCLE
BOA-25-000009(BT)

BUILDING OFFICIAL’S REPORT: Application of Robert Baldwin for **(1)** a special exception to the fence height regulations at **11322 E RICKS CIRCLE**. This property is more fully described as Block 3/7490, Lot 4, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 11322 East Ricks Circle

APPLICANT: Rob Baldwin

REQUEST:

(3) a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:
Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

BDA history found in the last five years - BDA245-034

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, March 18, 2025, moved to **DENY** the special exception requested to construct and/or maintain an 8-foot-high gate and fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Square Footage:

- This lot contains 85,813.2 of square feet or 1.97 acres.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

Site:	R-1ac(A) (Single Family District)
North:	R-1ac(A) (Single Family District)
East:	R-1ac(A) (Single Family District)
South:	R-1ac(A) (Single Family District)
West:	R-1ac(A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Baldwin for the property located at 11322 East Ricks Circle focuses on one request relating to fence height.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site, along with properties to the north, south, east, and west, are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on East Ricks Circle.
- It has been confirmed that the fence is proposed and not existing.

- Based on the staff's analysis of the surrounding properties within a 200-foot radius of the subject site, most are open and unobstructed. However, staff observed that some properties have fences, gates, or vegetation in the required front yard, which appear to serve as screening elements.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-034 at 11322 E. Ricks Circle

Timeline:

May 6, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226
Pierce Marshall, 6425 Belmead Dr, Dallas TX 75230
Mickey Munoz, 6009 Beltline Rd, Dallas TX 75254 (did not speak)

Against: No Speakers

Motion # 1
I move that the Board of Adjustment, in Appeal No. BOA-25-000009, on application of Robert Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

> Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Michael Hopkovitz				
Second:	Andrew Finney				

Motion to grant was withdrawn by Board member Micheal Hopkovitz and Board member Andrew Finney.

Motion # 2
I move that the Board of Adjustment in Appeal No. BOA-25-000009 **HOLD** this matter **under advisement until August 19, 2025.**

Maker:	Kathleen Davis				
Second:	David A. Neumann				
Results:	5-0 Unanimously				Motion to hold until August 19, 2025
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney, Michael Hopkovitz
		Against:	-	0	

4. 9003 ELAM ROAD & 10002 RHODA LANE
BOA-25-000001 (DB)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for **(1)** a special exception to the landscape and urban forest conservation regulations at **9903 ELAM ROAD**. This property is more fully described as W Part of Block 6670, and is zoned R-7.5(A), which requires mandatory landscaping and tree mitigation. The applicant proposes an alternate landscape plan for tree mitigation, which will require **(1)** a special exception to the landscape and urban forest conservation regulations.

LOCATION: 9903 Elam Road

APPLICANT: Rob Baldwin

REQUEST:

(4) a special exception to the landscape and tree preservation regulations

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE REGULATIONS:

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the evidence presented that strict compliance with the requirements of Division 51A-10.130 **will unreasonably burden the use** of the property; the **special exception will not adversely affect neighboring property**; and the **requirements are not imposed by a site-specific landscape plan** or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The ability to plant replacement trees safely on the property.
- The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendations are made on this request. However, the Chief Arborist objects to this proposal and request.

BACKGROUND INFORMATION:

Zoning:

Site:	R-7.5(A)
North:	R-7.5(A)
East:	R-7.5(A)
South:	R-7.5(A)
West:	R-7.5(A)

Land Use:

The subject site and all surrounding properties are primarily undeveloped land, city park and single-family residential uses.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 9903 Elam Road focuses on one request relating to the landscape and urban forest conservation regulations.

- The applicant is requesting a special exception to approve a significant reduction of tree replacement (mitigation) for the proposed removal of protected trees on the 7.105-acre Property. The Elam Addition is a Dallas Habitat for Humanity proposed development of 27 single-family residential lots with public infrastructure.

Provision

- The applicant has submitted a full tree survey and a proposed landscape plan in compliance with Article X conditions.
- The tree survey identifies protected and unprotected trees by size, species, classification and lists trees in dead or declining condition. Trees that are identified to be in dedicated land areas for street right-of-way or other public infrastructure are omitted from potential tree mitigation based on their location. The defenses to prosecution under Section 51A-10.140(b) identify trees not subject to permit or mitigation.
- The Property consists of a forest of mixed species of varied sizes and age, including - most significantly - a large stand of mature post oaks, and additional eastern redcedar, sugarberry, American elm, and other species. The post oak is classified as Significant at 12” diameter in Article X as compared to other native species classified as Significant at 24” diameter. The post oak makes up more than 40 percent of the species for the overall site.
- In the tree mitigation calculations based on the provided tree survey, the total amount of mitigation required for the Property is **5,862** diameter inches. This excludes the trees removed and not mitigated due to defenses to prosecution through street location or dead condition of the tree
- The tree mitigation calculations suggest a potential of planting **366 inches** (132 x 3”) for mitigation, or 6 percent of the total required.
- The proposed landscape plan indicates trees to be planted to comply with Article X minimum landscape requirements for single family construction on lots over 7,500 square feet in area with three trees per lot, or a total of 81 planted trees for the development. Trees are shown to be planted at 3 inch caliper for a replacement of **243 inches** in mitigation, or 4 percent of the total required.

Deficiency

- The full extent of tree mitigation proposed by the applicant is to plant new trees in the development according to the proposed landscape plan in accordance with Section 51A-10.134. The planting would be completed with the end of construction on each lot.
- The full amount of mitigation required (with Reforestation Value) after planting is as follows:
    - 5,862” – 366” = 5,496” ($RV = $1,060.805.20) or
    - 5,862” – 243” = 5,619” ($RV = $1,084,467.00)
- The Reforestation Value is determined by the diameter of the tree and its reduction or increase by classification, and $193 per diameter inch. The amount is established by ordinance and listed in the Landscape and Tree Manual. Payment into the Reforestation Fund is one option for completing tree mitigation.
    - Significant trees: 1.5x $193 per inch

- Class 2 trees: 0.7 x $193 per inch
- Class 3 trees: 0.4 x $193 per inch
- Example: 20” elm x 0.7 x $193 = (14”) $2,702 15” post oak x 1.5 x $193 = (22”) $4,343.50

- The Article X tree conservation regulations offer multiple means of tree mitigation under Section 51A-10.135, Alternative Methods of Compliance. These options include payment into the Reforestation Fund; planting within five miles of the Property; providing trees for public property; park land dedications, and the creation of a conservation easement. The conservation easement allows for mitigation reductions or completion by protecting forested property within the City boundaries from development.
- No provisional or alternative mitigation measures are proposed by the applicant
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties, strict compliance with the code will unreasonably burden the use of the property, and the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.
- Granting the special exception to the landscape and urban forest conservation regulations with a condition that the applicant complies with the submitted site and landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: BOA-25-000011 at 9903 Elam Rd

Timeline:

May 15, 2025: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner,

Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226
Haley Coates-Huseman, 6564 Chicory Ct., Dallas TX 75214

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BOA-25-000011, on application of Rob Baldwin, **DENY** the special exception to the landscape and urban forest conservation regulations requested by this applicant **without prejudice**, because our evaluation of the property and the testimony shows that strict compliance with the requirements of Article X will not unreasonably burden the use of the property (and/or) the special exception will adversely affect neighboring properties.

Maker:	Kathleen Davis				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to deny without prejudice
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Michael Dorn, Andrew Finney & Michael Hopkovitz
		Against:	-	0	

**Recess 2:53 pm – 3:00 pm **

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 5:51 p.m.

Maker:	David A. Neumann				
Second:	Kathleen Davis				
Result:	5-0 Unanimously				Motion to adjourn

_____ _____
Required Signature: Date
Mary Williams, Board Secretary
Planning & Development Department

_____ _____
Required Signature: Date
Dr. Kameka Miller-Hoskins, Board Coordinator
Planning & Development Department

Required Signature:
David A. Neumann, Chairman
Board of Adjustment

Date

FILE NUMBER: BOA-25-000015(DB)

BUILDING OFFICIAL'S REPORT: Application of Garrett Gibbons Jr. for **(1)** a special exception to the side-yard setback regulations to preserve an existing tree, for **(2)** a special exception to the rear-yard setback regulations to preserve an existing tree, for **(3)** a variance to the building height regulations, and for **(4)** a variance to the floor area for structures accessory to single family uses regulations at **10433 REMINGTON LANE**. This property is more fully described as Block 3/6414, Lot 11, and is zoned R-16(A), which requires a side-yard setback of 10-feet, requires a rear-yard setback of 10-feet, requires that the height of an accessory structure may not exceed the height of the main building, and an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 5-foot side-yard setback, which will require **(1)** a 5-foot special exception to the side-yard setback regulations to preserve an existing tree, and to construct and/or maintain a single-family residential accessory structure and provide a 3-foot 6-inch rear-yard setback, which will require **(2)** a 6-foot 6-inch special exception to the rear-yard setback regulations to preserve an existing tree, and to construct and/or maintain a single-family residential accessory structure with a building height of 18-feet, which will require **(3)** a 5-foot 6-inch variance to the maximum building height regulations, and to construct and/or maintain a single family residential accessory structure with 767 square feet of floor area (27 percent of the 2,879 square foot floor area of the main structure), which will require **(4)** a 47 square-foot variance to the floor area for structures accessory to single family use regulations.

LOCATION: 10433 REMINGTON LANE

APPLICANT: Garrett Gibbons Jr.

REQUEST:

(1) a special exception to the side-yard setback regulations to preserve an existing tree; and
(2) a special exception to the rear-yard setback regulations to preserve an existing tree; and
(3) a variance to the building height regulations for an accessory structure; and
(4) a variance to the floor area for structures accessory to single family use regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SIDE-YARD SETBACK REGULATIONS TO PRESERVE AN EXISTING TREE

Section 51A-4.402(e) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE REAR-YARD SETBACK REGULATIONS TO PRESERVE AN EXISTING TREE

Section 51A-4.403(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum rear yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

(A) Whether the requested special exception is compatible with the character of the neighborhood.

(B) Whether the value of surrounding properties will be adversely affected.

(C) Whether the tree is worthy of preservation.

STANDARDS OF REVIEW FOR VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, **floor area for structures accessory to single-family uses, height**, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

(A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

(B) necessary to permit development of a specific parcel of land that differs from other parcels of land by **being of such a restrictive area, shape, or slope,** that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code § 51A-3.102(d)(10)(b) allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:
(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. Special exceptions (2):

- No staff recommendation is made on these requests for a special exception.

- Arborist comments: The large mature approximate 30" oak tree is centrally located within the property with a canopy covering the rear yard. Extending the accessory structure and pavement further into the interior of the property could compromise the tree which provides substantial shade to the family area. The property owner is providing good maintenance to the trees on the property. The two dominant trees in the rear yard are worthy of preservation.

Variance to the building height for accessory structures:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

A. Not contrary to the public interest.

B. The subject site is not constrained by shape or slope but is limited in buildable area due to setback requirements associated with easements and building lines. While the zoning district requires a minimum lot size of 16,000 square feet, this site has a lot area of 16,100 square feet. However, after accounting for the required setbacks and easements, the buildable area is reduced to only 6,688 square feet. As a result, the property cannot be developed in a manner that is commensurate with other parcels within the same zoning district.

Additionally, the buildable area is further restricted, as the applicant is seeking to preserve two large oak trees located at the rear of the property.

C. This is not a self-created or personal hardship

Variance to the floor area for structures accessory to single family use regulations:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

A. Not contrary to the public interest.

B. **The subject site is not constrained by shape or slope but is limited in buildable area due to setback requirements associated with easements and building lines. While the zoning district requires a minimum lot size of 16,000 square feet, this site has a lot area of 16,100 square feet. However, after accounting for the required setbacks and easements, the buildable area is reduced to only 6,688 square feet. As a result,**

the property cannot be developed in a manner that is commensurate with other parcels within the same zoning district.

Additionally, the buildable area is further restricted, as the applicant is seeking to preserve two large oak trees located at the rear of the property.

C. This is not a self-created or personal hardship

BACKGROUND INFORMATION:

Zoning:

- **Site:** R-16(A)
- **North:** R-16(A)
- **East:** R-16(A)
- **South**: R-16(A)
- **West:** R-16(A)

Land Use:

The subject site is developed with a single-family residence and is surrounded by properties similarly developed with single-family homes.

Lot Square Footage:

This lot size is approx. 16,100 (0.36 acres)

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS / STAFF ANALYSIS

- The applicant, Garrett Gibbons Jr., is requesting the following for the property located at 10433 Remington Lane:
  - (1) A special exception to the side yard setback regulations to preserve an existing tree;
  - (2) A special exception to the rear yard setback regulations to preserve an existing tree;
  - (3) A variance to the building height regulations for an accessory structure; and
  - (4) A variance to the floor area regulations for accessory structures in single-family districts.
- The property is zoned R-16(A), which establishes the following development standards:
  - Minimum side yard setback: 10 feet
  - Minimum rear yard setback: 10 feet
  - Maximum building height for an accessory structure may not exceed the height of the main building. The main building on this property has a height of 12 feet 6-inches.
  - Maximum floor area for an accessory structure: 25% of the floor area of the main dwelling

- The applicant proposes to construct and/or maintain a single-family residential accessory structure with the following characteristics:
    - A 5-foot side yard setback, requiring a 5-foot special exception to preserve an existing tree.
    - A 3-foot 6-inch rear yard setback, requiring a 6-foot 6-inch special exception to preserve an existing tree.
    - An accessory structure building height of 18 feet, requiring a 5-foot 6-inch variance to the maximum building height regulations for accessory structures.
    - A 767-square-foot accessory structure, which is 27% of the 2,879-square-foot floor area of the main dwelling—requiring a 47-square-foot variance to the floor area for structures accessory to single family use regulations.
- The subject site contains two large, mature trees located near the rear of the property. Their presence restricts horizontal development, making vertical expansion the most feasible option for preserving the trees.
- The original structure was permitted as a single-story detached garage. The applicant now seeks to expand it to meet the needs of a growing family. The proposed addition increases both the height and floor area of the structure beyond what is allowed by right, necessitating the requested variance and special exceptions.
- The applicant cannot utilize the reduced setback allowances typically permitted for single-story accessory structures located in the rear 30% of the lot, since the proposed structure exceeds 15 feet in height. Therefore, standard 10-foot side and rear yard setbacks apply.
- Access to the garage and parking area may be negatively impacted if the structure cannot be located as proposed.
- The applicant notes that the location and orientation of the proposed structure are limited due to the presence of the mature trees, creating practical development challenges.
- All other zoning regulations and development standards not specifically addressed in this request are presumed to be in compliance with applicable City of Dallas ordinances.
- Granting the request with the condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown in the submitted materials.

Timeline:

May 30, 2025: Application submitted to the Board of Adjustment with supporting materials.

June 6, 2025: Case assigned to Board of Adjustment Panel **A**.

June 11, 2025: The Planning and Development Project Coordinator emailed the applicant with the following information:

- A notification letter including the public hearing date, the assigned panel, and deadlines for submitting additional documentation:
- **June 20, 2025** – deadline to submit materials for staff analysis
- **July 3, 2025** – deadline to submit materials for inclusion in the Board's docket

- Relevant decision criteria and Board procedures

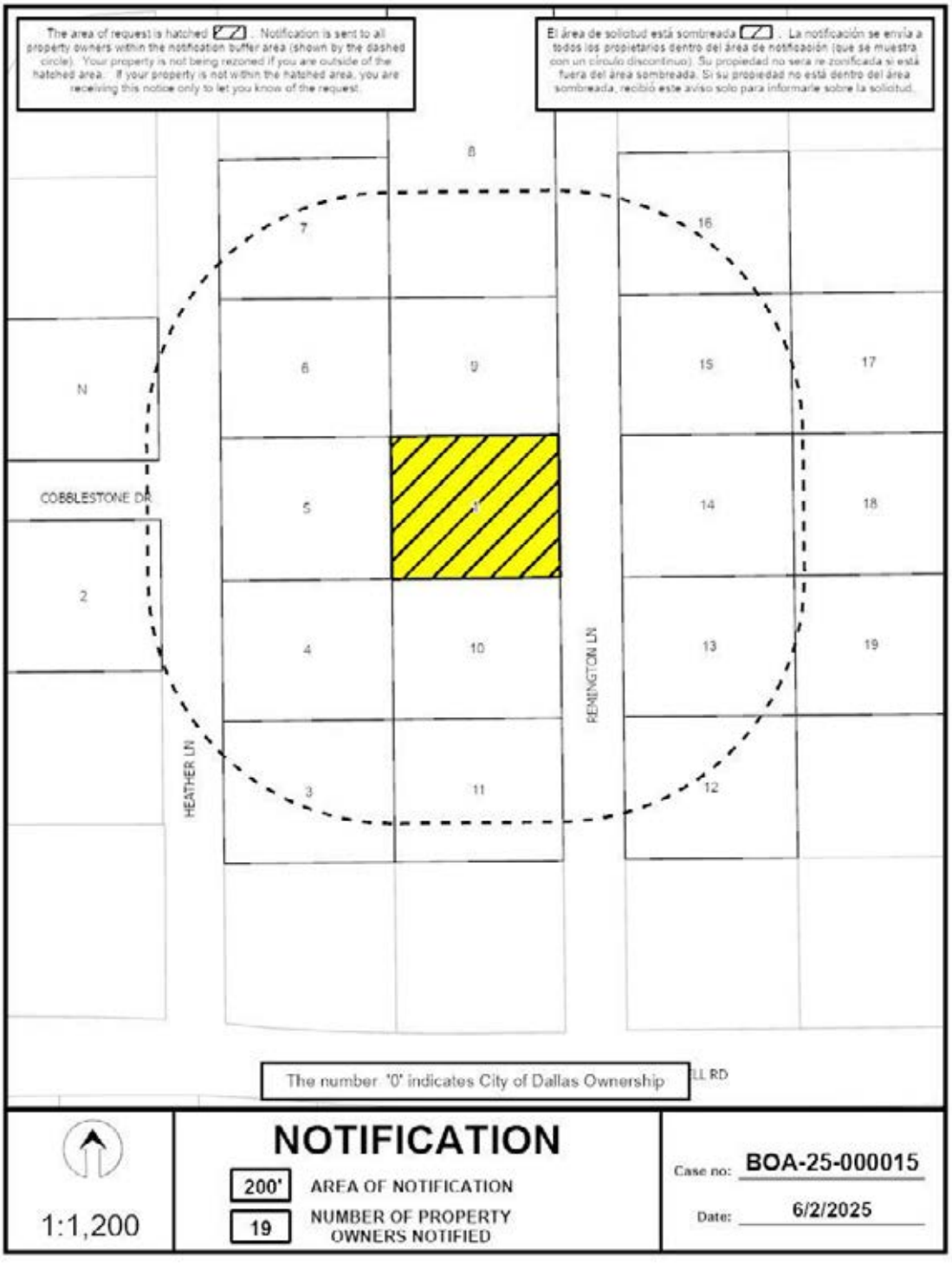
- A copy of the Board of Adjustment Working Rules of Procedure related to documentary evidence

June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

June 26, 2025: The applicant requested to postpone the case and submitted a revised "Application/Appeal to the Board of Adjustment" along with supporting documents, which have been included in this case report.

July 11, 2025: The Planning and Development Project Coordinator emailed the applicant with the following information:

- A renotification letter including the public hearing date, the assigned panel, and deadlines for submitting additional documentation:
- **July 21, 2025** – deadline to submit materials for staff analysis
- **August 8, 2025** – deadline to submit materials for inclusion in the Board's docket
- Relevant decision criteria and Board procedures
- A copy of the Board of Adjustment Working Rules of Procedure related to documentary evidence


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
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COBBLESTONE DR
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19
REMINGTON LN
HEATHER LN
3
11
12
The number '0' indicates City of Dallas Ownership
LL RD
NOTIFICATION
200'
AREA OF NOTIFICATION
19
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BOA-25-000015
Date: 6/2/2025

Notification List of Property Owners

BOA-25-000015

19 Property Owners Notified

Label #	*Address*		*Owner*
1	10433	REMINGTON LN	GIBBONS GARRETT R JR
2	10431	HEATHER LN	BG FORE CONSTRUCTION LLC
3	10416	HEATHER LN	DRAKE ZACHARY & ERIN ROBIN
4	10424	HEATHER LN	JOHNSON LEE & MEGAN
5	10432	HEATHER LN	BARRIENTES JESSE &
6	10442	HEATHER LN	ST ROMAIN NANCY C EST OF
7	10450	HEATHER LN	PRYOR WILL & ELLEN S
8	10451	REMINGTON LN	Taxpayer at
9	10443	REMINGTON LN	PADGETT SUZANNE
10	10425	REMINGTON LN	JONES BLAKE & CHRISTIN J
11	10417	REMINGTON LN	WRIGHT LOGAN
12	10416	REMINGTON LN	FREDERIKSEN REVOCABLE
13	10424	REMINGTON LN	YU MICHAEL A & JUDY C
14	10432	REMINGTON LN	DUNNE WILLIAM &
15	10442	REMINGTON LN	VINCENT CHARLES BRADFORD
16	10450	REMINGTON LN	EVANS LOYAL GLENN III
17	10443	COPPEDGE LN	WINKER JEFFREY K &
18	10433	COPPEDGE LN	THOMPSON TIGNOR M
19	10425	COPPEDGE LN	KAUL ANGELA J

1:1,200

AERIAL MAP

Case no: BOA-25-000015

Date: 06/02/2025

COBBLESTONE DR
R-16(A)
HEATHER LN
REMINGTON LN
MERRELL RD
1:1,200
ZONING MAP
Case no: BOA-25-000015
Date: 06/02/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000015(DB) Application of Garrett Gibbons Jr. for **(1)** a special exception to the side-yard setback regulations to preserve an existing tree, for **(2)** a special exception to the rear-yard setback regulations to preserve an existing tree, for **(3)** a variance to the building height regulations, and for **(4)** a variance to the floor area for structures accessory to single family uses regulations at **10433 REMINGTON LANE**. This property is more fully described as Block 3/6414, Lot 11, and is zoned R-16(A), which requires a side-yard setback of 10-feet, requires a rear-yard setback of 10-feet, limits the maximum building height to 20-feet, and an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 5-foot side-yard setback, which will require **(1)** a 5-foot special exception to the side-yard setback regulations to preserve an existing tree, and to construct and/or maintain a single-family residential accessory structure and provide a 3-foot 6-inch rear-yard setback, which will require **(2)** a 6-foot 6-inch special exception to the rear-yard setback regulations to preserve an existing tree, and to construct and/or maintain a single-family residential accessory structure with a building height of 18-feet-feet, which will require **(3)** a 5-foot 6-inch variance to the maximum building height regulations, and to construct and/or maintain a single family residential accessory structure with 767 square feet of floor area (27 percent of the 2,879 square foot floor area of the main structure), which will require **(4)** a 47 square-foot variance to the floor area for structures accessory to single family use regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Diana Barkume, Project Coordinator at (214) 948-4364, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA FOR OFFICE USE ONLY

Data Relative to Subject Property: 10433 REMINGTON LN Date: FOR OFFICE USE ONLY

Location address: 10433 Remington Lane, Dallas, TX 75229 Zoning District: R-16(A)

Lot No.: 11 Block No.: 3/6414 Acreage: 0.36 Census Tract: 95

Street Frontage (in Feet): 1) 115 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Garrett Robert Gibbons Jr.

Applicant: Garrett Robert Gibbons Jr. Telephone: 214-728 3982

Mailing Address: 10433 Remington Lane Zip Code: 75229

E-mail Address: ggibbons27@gmail.com

Represented by: Garrett Robert Gibbons Jr. Telephone: 214-728-3982

Mailing Address: 10433 Remington Lane Zip Code: 75229

E-mail Address: ggibbons27@gmail.com

Affirm that an appeal has been made for a Variance x, or Special Exception __, of (i) height restriction for garage to be taller than main home; (ii) 5' side yard setback; (iii) 6'6" rear yard setback; and (iv) garage floor area exceeding 25% of main home.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

Construction of unfinished storage space above a detached garage. The second level will not have any windows facing neighboring properties to prevent privacy concerns from neighbors. Extended side and rear yard setbacks required for adequate turning.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Garrett Robert Gibbons Jr.
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: Garrett Robert Gibbons Jr.
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28 day of May 2025

Brenda Kay Allen
Notary Public in and for Dallas County, Texas

Brenda Kay Allen
My Commission Expires
8/19/2026
Notary ID 11299702

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000015

BUILDING OFFICIAL'S REPORT: Application of GIBBONS GARRETT R JR for (1) a variance to the side-yard setback regulations, for (2) a variance to the rear-yard setback regulations, for (3) a variance to the building height regulations, and for (4) a variance to the floor area regulations at 10433 REMINGTON LN. This property is more fully described as BLK 3/6414 LOT 11, and is zoned R-16(A), which requires a side-yard setback of 10-feet, requires a rear-yard setback of 10-feet, limits the maximum building height to 20-feet, and an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 5-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations, and to construct and/or maintain a single-family residential accessory structure and provide a 3-foot 6-inch rear-yard setback, which will require (2) a 6-foot 6-inch variance to the rear-yard setback regulations, and to construct and/or maintain a single-family residential accessory structure with a building height of 25-feet, which will require (3) a 5- foot variance to the maximum building height regulations, and to construct and/or maintain a single family residential accessory structure with 744 SF of floor area (26% of the 2,859 square foot floor area of the main structure), which will require a 29 SF variance to the floor area regulations.

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA _____

I, Garrett R. Gibbons, JR., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10433 Remington Lane, Dallas, Texas 75229
(Address of property as stated on application)

Authorize: Garrett R. Gibbons, JR.
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

__x__ Variance (specify below)

_____ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: Variance for (i) an accessory garage to be taller than main home; (ii) 5' side yard setback; (iii) 6'6" rear yard setback; and (iv) garage floor area exceeding 25% of main home.

Garrett R.Gibbons, JR.
Print name of property owner or registered agent

Garrett Robert Gibbons Jr.
Signature of property owner or registered agent

Date 5/28/2025

Before me, the undersigned, on this day personally appeared Garrett Robert Gibbons Jr.

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this May 28 day of 2025

Brenda Kay Allen
My Commission Expires
8/19/2026
Notary ID 11299702

Brenda Kay Allen
Notary Public for Dallas County, Texas

Commission expires on 8/19/2026

Residential Account #00000584950000000

Location Owner Legal Desc Value Main Improvement Additional Improvements Land Exemptions Estimated Taxes History

Property Location (Current 2025)

Address: 10433 REMINGTON LN
Neighborhood: 5DSM14
Mapsco: 24-J (DALLAS)

DCAD Property Map

2025 Current Appraisal Notice

41.13 ARB Order Information

Legal Desc (Current 2025)

1: WALNUT HILL PARK
2: BLK 3/6414 LOT 11
3:
4: INT201300341028 DD11012013 CO-DC
5: 6414 003 01100 1006414 003
Deed Transfer Date: 11/4/2013

Value

2025 Proposed Values	
Improvement:	$99,120
Land:	+ $724,500
Market Value:	=$823,620
Capped Value: $605,000	
Tax Agent: OWNWELL INC	
Revaluation Year:	2025
Previous Revaluation Year:	2024

Electronic Documents (DCAD ENS*)

Notice Of Estimated Taxes (ENS*)

* Electronic Notification System

TaxPayer Info

Taxpayer Assistance Pamphlet
ARB Hearing Procedures

ARB Hearing

Hearing Info: R 06/02/2025 8:00 AM

Print Homestead Exemption Form

Owner (Current 2025)

GIBBONS GARRETT R JR
10433 REMINGTON LN
DALLAS, TEXAS 752295263

41.461

Enter PIN From Hearing Notice

Get Nbhd Review | View VSS | Appraisal Record

Multi-Owner (Current 2025)

Owner Name	Ownership %
GIBBONS GARRETT R JR	100%

HS APPLICATION RECEIVED

Main Improvement (Current 2025)

Building Class	15	Construction Type	FRAME	# Baths (Full/Half)	2/ 0
Year Built	1954	Foundation	PIER AND BEAM	# Kitchens	1
Effective Year Built	1954	Roof Type	HIP	# Bedrooms	3
Actual Age	71 years	Roof Material	COMP SHINGLES	# Wet Bars	0
Desirability	FAIR	Fence Type	WOOD	# Fireplaces	1
Living Area	2,142 sqft	Ext. Wall Material	BRICK VENEER	Sprinkler (Y/N)	N
Total Area	2,142 sqft	Basement	NONE	Deck (Y/N)	N
% Complete	100%	Heating	CENTRAL FULL	Spa (Y/N)	N
# Stories	ONE STORY	Air Condition	CENTRAL FULL	Pool (Y/N)	N
Depreciation	60%			Sauna (Y/N)	N

Additional Improvements (Current 2025)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	504

Land (2025 Proposed Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY 16K SQFT	115	140	16,100.0000 SQUARE FEET	STANDARD	$45.00	0%	$724,500	N

*** All Exemption information reflects 2025 Proposed Values. ***

Exemptions (2025 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
HOMESTEAD EXEMPTION	$121,000	$160,500	$121,000	$121,000	$121,000	$0
Taxable Value	$484,000	$444,500	$484,000	$484,000	$484,000	$0

Exemption Details

Estimated Taxes (2025 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per $100	$0.7047	$0.997235	$0.2155	$0.105595	$0.212	N/A
Taxable Value	$484,000	$444,500	$484,000	$484,000	$484,000	$0
Estimated Taxes	$3,410.75	$4,432.71	$1,043.02	$511.08	$1,026.08	N/A
Tax Ceiling	N/A	N/A	N/A	N/A	N/A	N/A
					Total Estimated Taxes:	$10,423.64

DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES. You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official** tax bill. To see a listing of agencies that collect taxes for your property. **Click Here**

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These tax estimates are calculated by using the most current certified taxable value multiplied by the most current tax rate. **It does not take into account other special or unique tax scenarios, like a tax ceiling, etc.**. If you wish to calculate taxes yourself, you may use the Tax Calculator to assist you.

History

History

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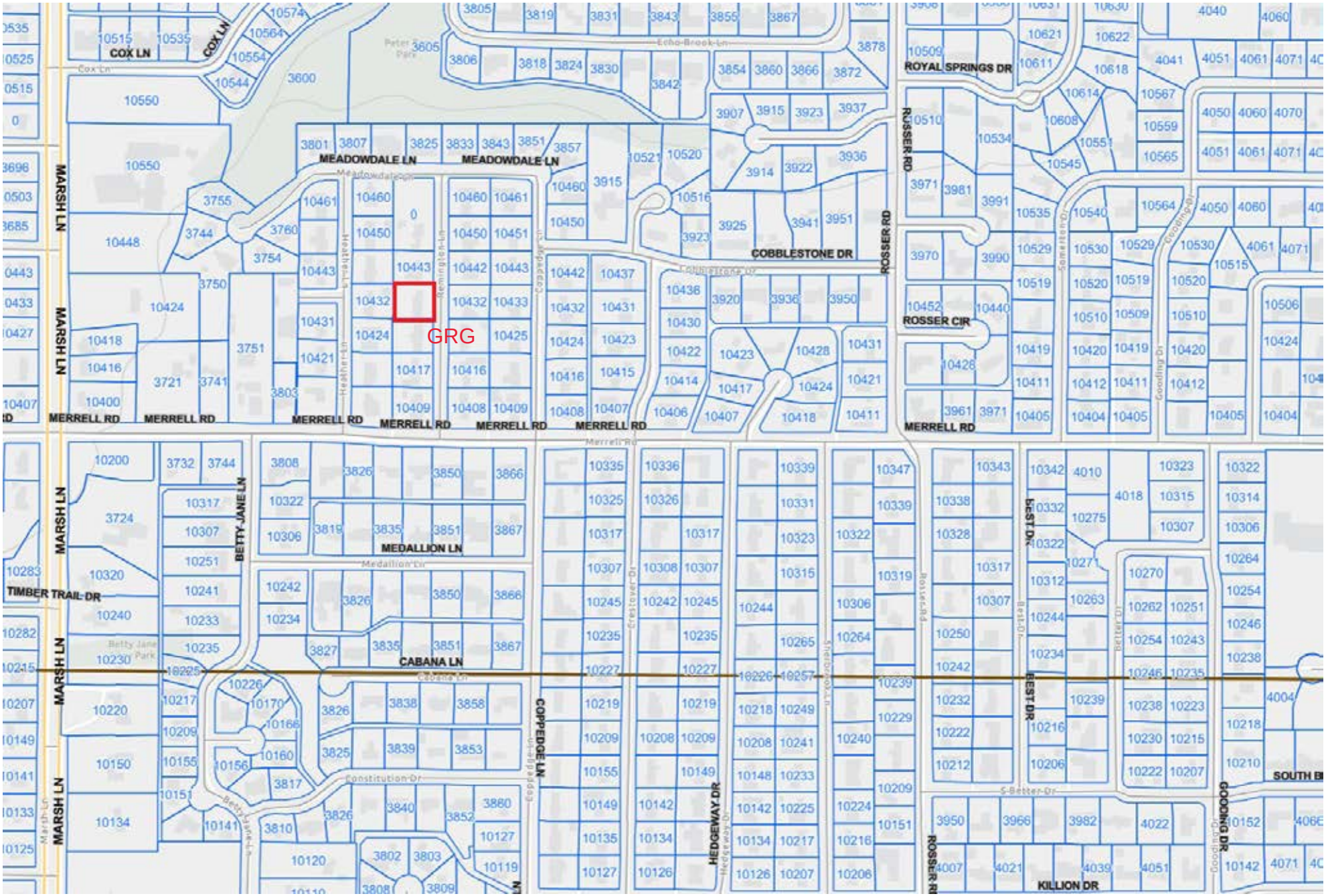
Zoning Map – 10433 Remington Lane, Dallas, Texas 75229



ELEVATION

SHEET INDEX

Sheet No.	Sheet Name	Sheet No.	Sheet Name
General		**Electrical**	
G1.01	Cover Sheet & General Information	E1.01	Electrical Plan
		E1.02	Electrical Notes
Civil			
C1.01	Site Plan		
C1.02	Site Plan		
C1.03	Drainage Plan		
C1.04	Drainage Notes		
Structural			
S1.01	Foundation Plan		
S1.02	Foundation Notes		
S1.03	First Floor Ceiling Joist Plan		
S1.04	Second Floor Ceiling Joist Plan		
S1.05	Framing Details		
S1.06	Roof Plan		
S1.07	Roof Framing Plan		
S1.08	Roof Notes & Section Details		
Architectural			
A1.01	First Floor Plan		
A1.02	Second Floor Plan		
A1.03	Front & Rear Elevation		
A1.04	Right & Left Side Elevation		

OWNER:

GARRETT GIBBONS

PROJECT:

PROPOSED TWO STORY DETACHED GARAGE ADDITION 10433 REMINGTON LN., DALLAS, TEXAS 75299

NORTH

VICINITY MAP
SCALE: FOR REFERENCE ONLY

PROJECT INFORMATION

ZONING	R-16(A)
LEGAL DESCRIPTION	WALLNUT HILL PARK BLK 3 / LOT 10
CONSTRUCTION TYPE	TYPE V-B
HOUSE DESCRIPTION	REMODEL AND ADDITION

APPLICABLE BUILDING CODES

IBC 2021 INTERNATIONAL BUILDING CODE
IRC 2021 INTERNATIONAL RESIDENTIAL CODE
IECC 2021 GREEN ENERGY CODE COMPLIANCE OUTLINE
NEC 2021 NATIONAL ELECTRICAL CODE

LOT USAGE

LOT USAGE	
LIVING SPACE	2255 S.F.
PORCH	57 S.F.
EXISTING 2-CAR GARAGE	694 S.F.
NEW 2-CAR GARAGE	744 S.F.
SECOND FLOOR	697 S.F.
GARAGE FOUNDATION	744 S.F.
TOTAL AREA FOUNDATION	3750 S.F.
LOT SIZE	16100 S.F.
% OF LOT	23 %

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL
TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

CHECKED BY

DESCRIPTION
ADDITION

SCALE
NTS

SHEET TITLE
COVER SHEET

SHEET #
G1.01

LOT 5

LOT 10

FIR 3\8"

N89°21'31"E 140.00'

FIR 3\8"

CONCRETE

12.2'

12.2'

30.1'

23.9'

40.2'

5.0'

21.6'

6.7'

40.4'

8.3'

1.9'

CONCRETE

91.4'

15.0'

N00°37'12"W 115.00'

VOL. 20, PG. 327, M.R.D.C.T.
EASEMENT

WALNUT HILL PARK ADDITION
LOT 11, BLOCK 3/6414

M.R.D.C.T.
VOL. 20, PG. 327

10433 REMINGTON LANE
FRAME STRUCTURE
ONE-STORY BRICK

37.7'

M.R.D.C.T.
VOL. 20, PG. 327
40' BUILDING LINE

REMINGTON LANE

S00°37'12"E 115.00'

LOT 4

30.4'

11.3'

11.4'

X FND

FIR 3\8"

S89°21'31"W 140.00'

LOT 3

LOT 12

NORTH

1 LOT SURVEY
C1.01 SCALE: NTS

SEAL

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REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

CHECKED BY

DESCRIPTION
ADDITION

SCALE
NTS

SHEET TITLE
LOT SURVEY

SHEET #
C1.01

LOT 5

140'–0"

11'–0" | 25'–0" | 28'–9½" | 35'–2½" | 40'–0"

30'–2½" | 5'–0"

FIR 3\8"

N 89°21'31" E PROPERTY LINE MEAS. 140.00'

FIR 3\8"

EXISTING DRIVE APPROACH

5'–0"

EXISTING DRIVEWAY

12'–2"

12'–2"

10' SIDE YARD SETBACK

PROPOSED 2–CAR GARAGE

F.P.=520

F.F.=521

NEW CONCRETE DRIVEWAY

EXISTING DRIVEWAY

29'–0"

3'–6" REAR YARD SETBACK FROM EASEMENT

EXISTING ONE–STOREY SINGLE–FAMILY BLK 3/LOT 10

40' BUILDING LINE

8'–11"

15'–0" | 3'–6" | 25'–0" | 28'–9"

91'–5"

91'–5"

115'–0"

PROPERTY LINE MEAS. 115.00'

10.00' REAR YARD SETBACK LINE

EXISTING WALKWAY

PROPERTY LINE MEAS. 115.00'

115'–0"

81'–0"

N 00°37'12" W

15' UTILITY ESMNT. 7'–6" EITHER SIDE OF PLAT

10' SIDE YARD SETBACK

11'–5"

11'–5"

S 00°37'12" E

FIR 3\8"

S 89°21'31" W PROPERTY LINE MEAS. 140.00'

X FND

10'–0" | 47'–4" | 30'–4½" | 4'–10" | 40'–0"

17'–5½" | 82'–6½"

140'–0"

NORTH

1 SITE PLAN

C1.02 SCALE: 1/16"=1'-0"

REMINGTON LN.

SEAL

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REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS

10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE

05/22/2025

DRAWN BY

MLMMG/JFF

CHECKED BY

DESCRIPTION

ADDITION

SCALE

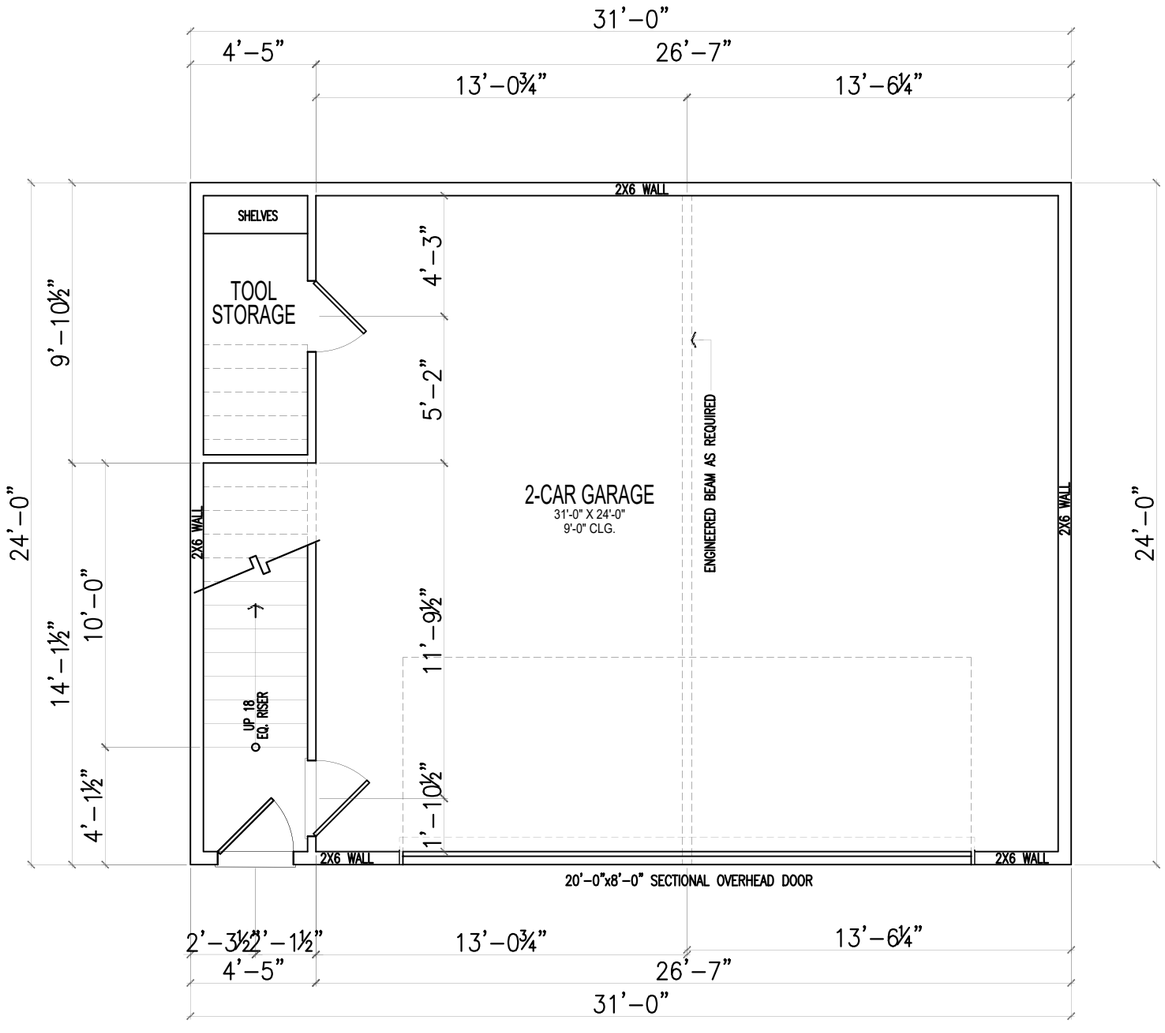
1/16"=1'–0"

SHEET TITLE

SITE PLAN

SHEET #

C1.02



NORTH

1 A1.01 PROPOSED FIRST FLOOR PLAN
SCALE: 3/16"=1'-0"

SEAL

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TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

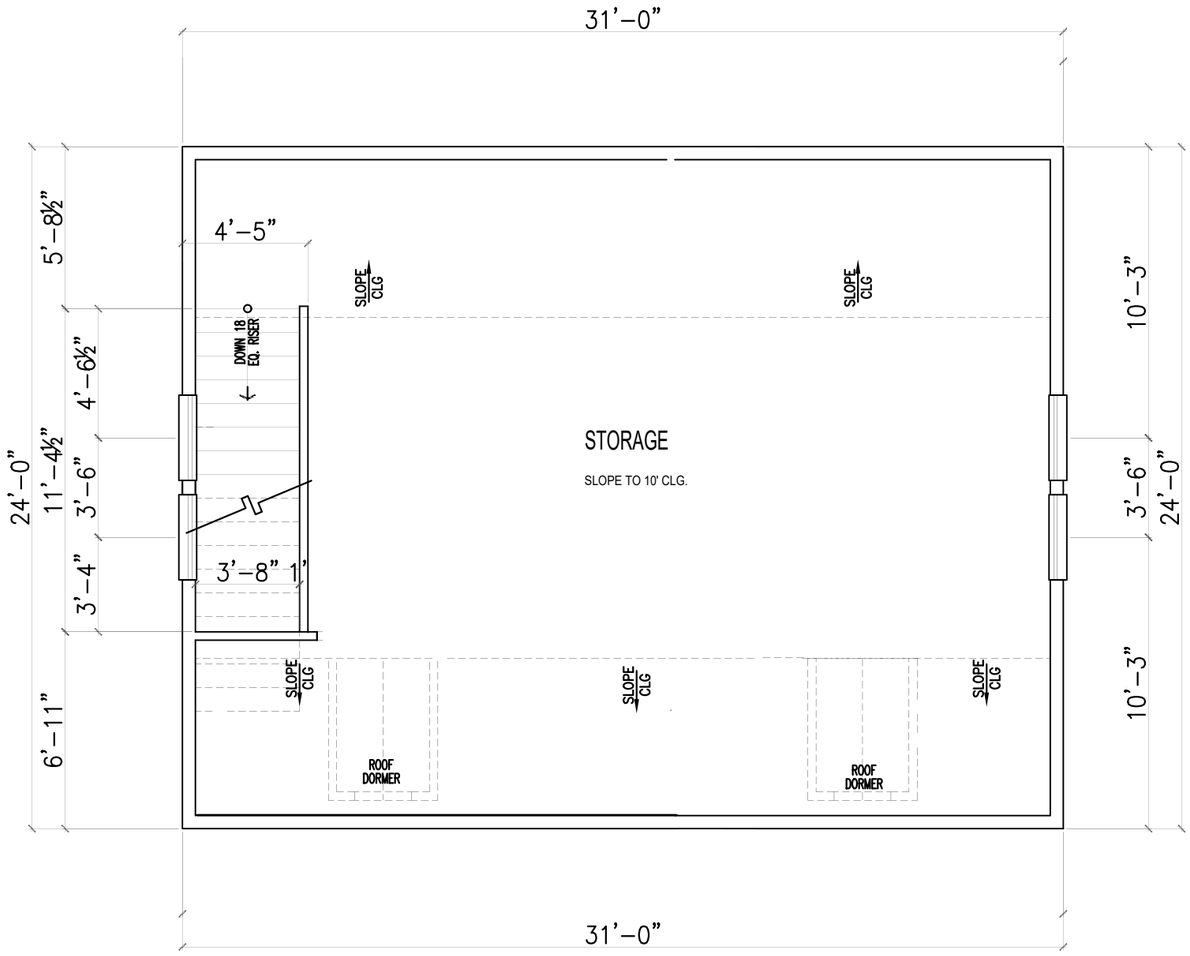
CHECKED BY

DESCRIPTION
ADDITION

SCALE
3/16"=1'-0"

SHEET TITLE
PROPOSED FLOOR PLAN

SHEET #
A1.01



NORTH

1 PROPOSED SECOND FLOOR PLAN
A1.02 SCALE: 3/16"=1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294–5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

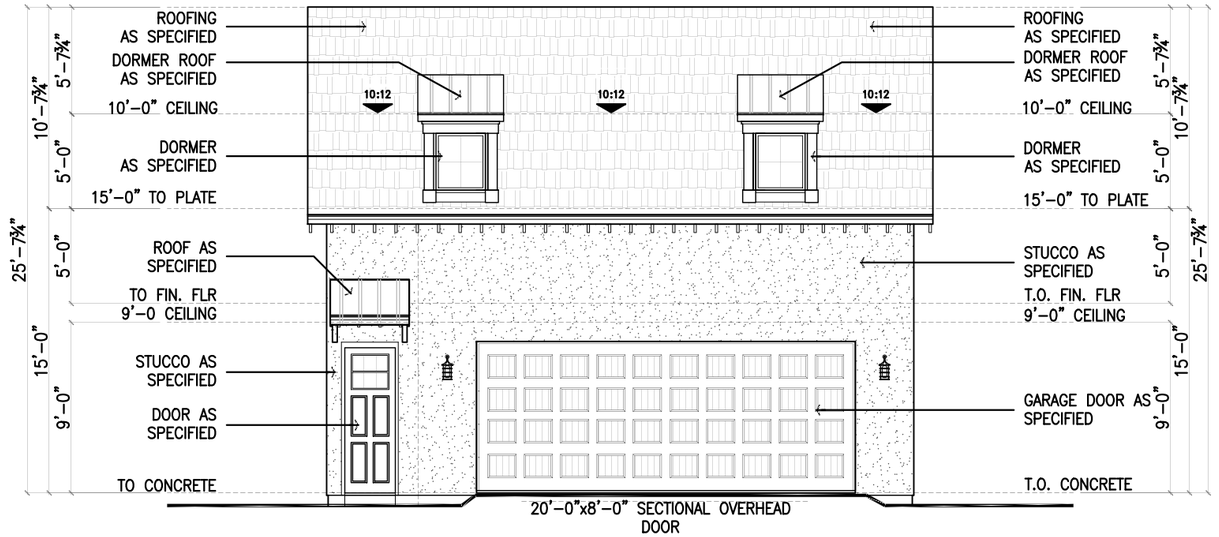
CHECKED BY

DESCRIPTION
ADDITION

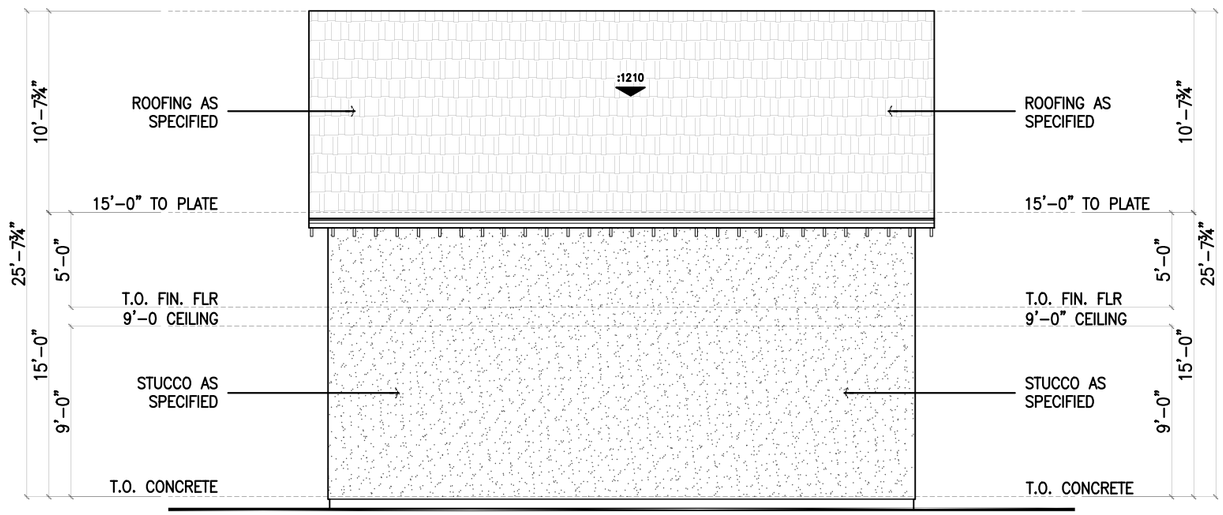
SCALE
3/16"=1'–0"

SHEET TITLE
PROPOSED FLOOR PLAN

SHEET #
A1.02



1 A1.03 FRONT ELEVATION
SCALE: 1/8"=1'-0"



2 A1.03 REAR ELEVATION
SCALE: 1/8"=1'-0"

SEAL

AO-DESIGN GROUP
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REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

CHECKED BY

DESCRIPTION
ADDITION

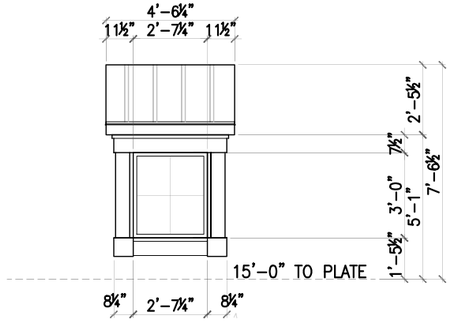
SCALE
1/8"=1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.03

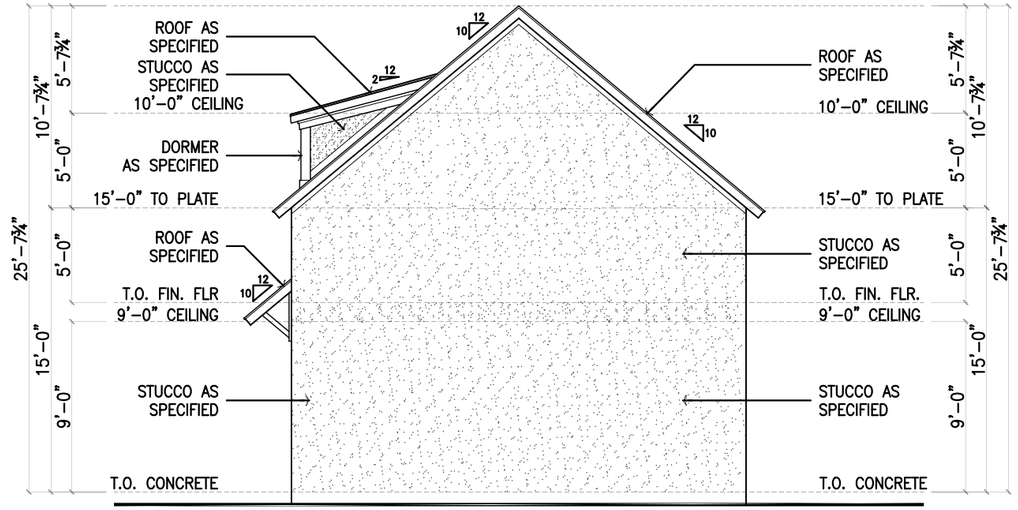
OPENING SCHEDULE					
SYMBOL	SIZE	COUNT	LIBRARY NAME	MATERIAL	GLAZING
D-1	20'-0"X8'-0"	1	GARAGE DOOR	WOOD	N/A
D-2	2'-8"X7'-8"	1	EXIT DOOR	WOOD	N/A
D-3	2'-8"X8'-0"	1	INTERIOR DOOR	WOOD	N/A
D-4	2'-8"X8'-0"	1	INTERIOR DOOR	WOOD	N/A
D-5	2'-6"X7'-0"	2	INTERIOR DOOR	WOOD	N/A
D-6	2'-0"X7'-0"	3	INTERIOR DOOR	WOOD	N/A
W-1	3'-0"X5'-0"	2	WINDOW-TWIN SINGLE HUNG @ 18'-8" HH	WOOD	LOW-E

DORMER DETAILS

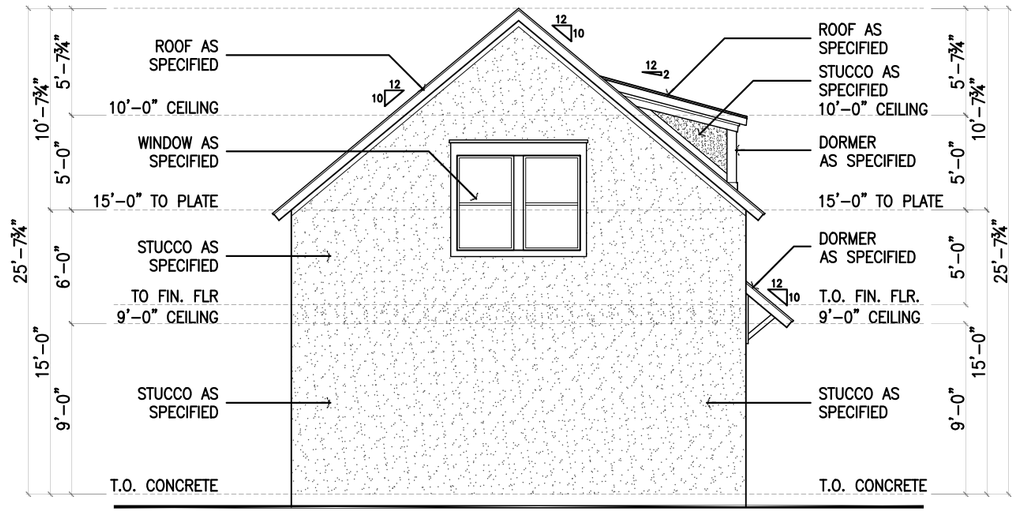


2-SETS
WINDOW-FIXED
GLASS

MATERIAL: WOOD
GLAZING: LOW-E



1 A1.04 RIGHT SIDE ELEVATION
SCALE: 1/8"=1'-0"



2 A1.04 LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
02/24/2025

DRAWN BY
MLMMG/JFF

CHECKED BY

DESCRIPTION
ADDITION

SCALE
1/8"=1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.04

1 A1.02 EXISTING FRONT ELEVATION
SCALE: 1/18"=1'-0"

2 A1.02 EXISTING REAR ELEVATION
SCALE: 1/18"=1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
05/22/2025

DRAWN BY
MLMMG/JFF

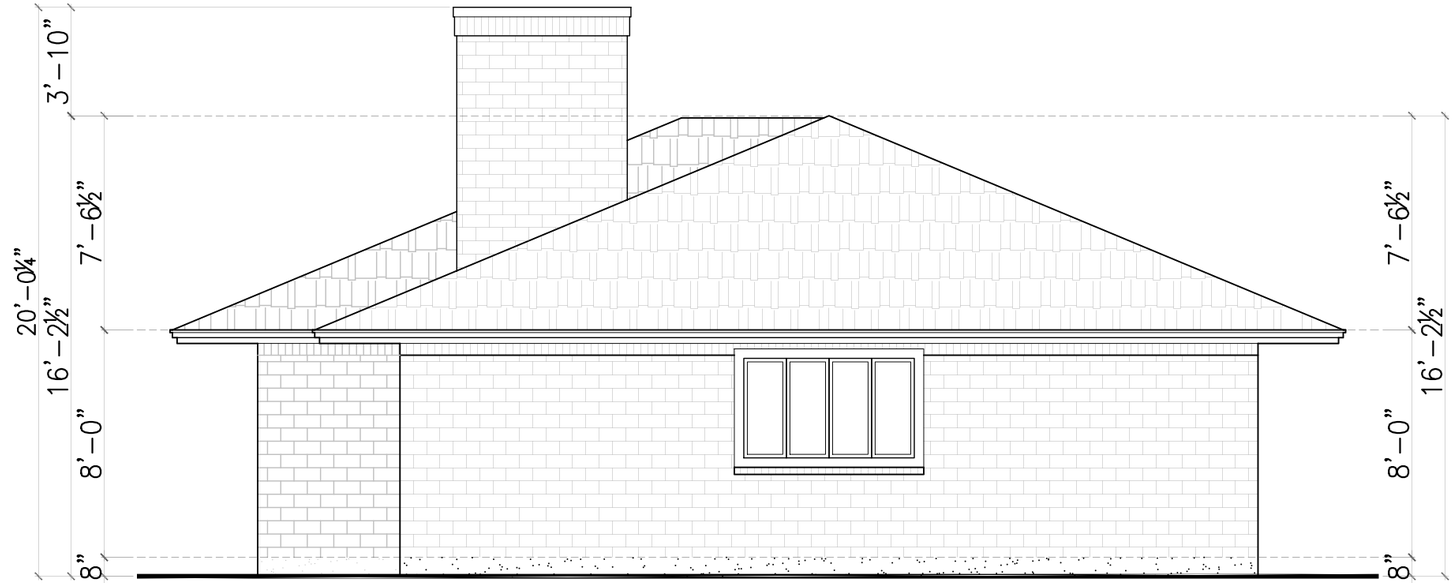
CHECKED BY

DESCRIPTION
ADDITION

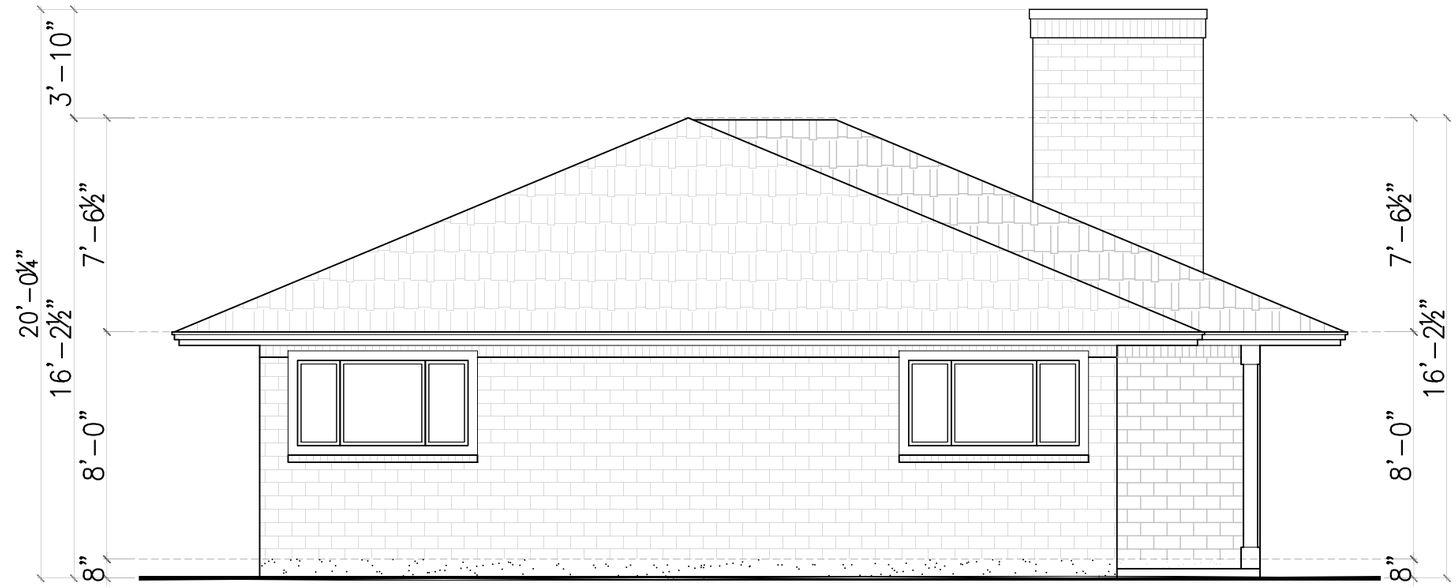
SCALE
1/18"=1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.02



1 EXISTING RIGHT ELEVATION
A1.03 SCALE: 3/16"=1'-0"



EXISTING LEFT ELEVATION
A1.03 SCALE: 3/16"=1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
10433 REMINGTON LN.,
DALLAS, TX.
75299

DATE
05/22/2025

DRAWN BY
MLMMG/JFF

CHECKED BY

DESCRIPTION
ADDITION

SCALE
3/16"=1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.03

To the Members of the Board,

Thank you for your consideration of our family's application for the exceptions and variances outlined herein. We have lived in this home since 2013 and are expecting our second child on August 27th . Our growing family needs of more storage space, as our home was built in 1954 and does not provide the same amount of storage that homeowners find in newly built homes.

We love our neighborhood and the relationships we have made over the years on Remington Lane. If we are fortunate enough to have the support of the Board and our neighbors for this project, we can make this house our forever home.

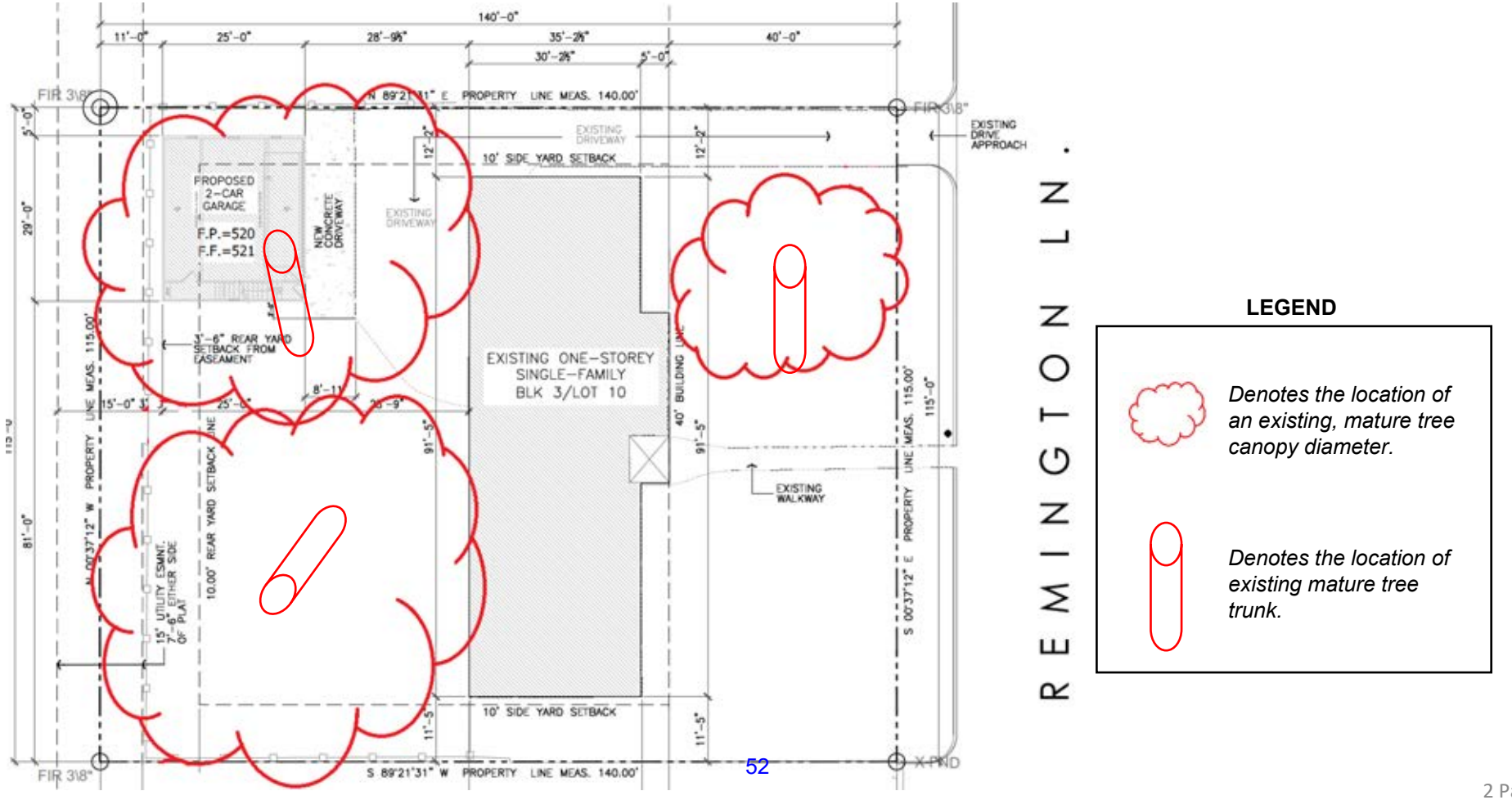
If the Board has any questions or comments, you may contact me at 214-728-3982 or via email at ggibbons27@gmail.com.

Sincerely,
Garrett, Jenna and Grace Gibbons

Project Overview

On April 14, 2025, the City of Dallas issued Permit # 2504111156 to Mendoza Brothers 13 (General Contractor for Subject Property) to construct an accessory structure for a one-story detached garage on the Subject Property, located at 10433 Remington Lane. Construction activities began shortly thereafter for site work, foundation and framing of the structure. All setbacks and height requirements for the 1-story structure conform with the code requirements.

Once the structure was framed, our family determined the accessory garage would not provide adequate storage space and began the process of requesting a variance and special tree preservation exceptions to construct a second level of unfinished storage space to accommodate our family's needs.



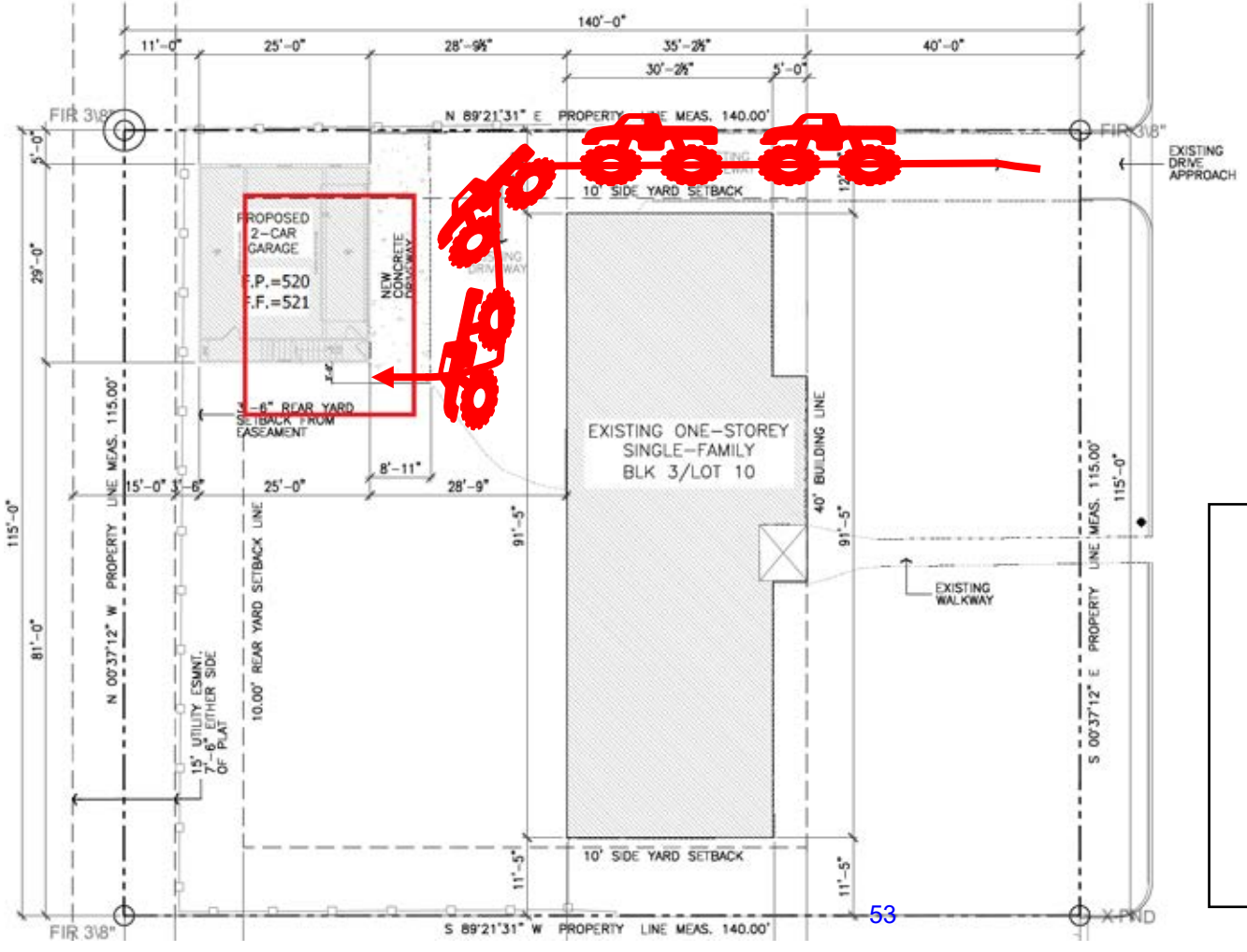
LEGEND

Denotes the location of an existing, mature tree canopy diameter.

Denotes the location of existing mature tree trunk.

Project Overview (cont.)

Before constructing the single-story garage, we evaluated every possible solution for its location, including but not limited to, (i) a front entrance that would have required converting living space to garage space, but we would have to remove a large tree (ii) a rear entrance that included a 1-story storage area between the proposed location and existing residence, but this would not work because the alley is unimproved, and (iii) a side entrance but this would have required removal of a large tree to accommodate proper turning radius for entry in the rear yard. We determined the plans (as submitted to the BOA) represent the only layout that would preserve the trees and grant access for a large SUV or truck to enter the garage. The plan below illustrates why it is not possible for a 20' vehicle to enter or exit the parking space along the southern side of the garage due to the depth of the parking apron between the house and garage.



LEGEND

Denotes the approximate location of where the accessory structure would be located if it were conforming with side and rear yard setbacks.

Denotes the approximate length of a 20' vehicle.

The photos below of the Subject Property demonstrate the reasons why the construction plans and location for the accessory structure's are impacted by factors such as trees and access.

SEC. 51A-3.102 (d)(10)(B)(i) provides that the board may consider the financial cost of compliance in its determination if the cost is greater than 50% of the appraised value. Our contractor, **Mendoza Brothers confirmed the cost to demo, repour the foundation and frame the accessory structure would be $65,000.00, which is 144% of the $45,500 Improved value of the primary residence per Dallas CAD.**

Photo of Rear Yard on Subject Property

Constructing the foundational footers for the garage structure in accordance with the required setbacks for a 2-story accessory would compromise the root system for the established tree in this picture and require several limbs to be removed. Additionally, if constructed per the required setbacks, the depth of the apron (space between primary residence and garage) lacks adequate turning space for any medium sized vehicle to enter the garage based on the location of my driveway.

Photo of Front Yard on Subject Property

We evaluated converting livable space to a garage that is approached from the front of the house. This would have required the removal of this very large oak tree to provide adequate ingress/egress.

Alley Easement Behind Property

We evaluated adding storage and a 1-story garage behind our existing residence with access from the alley. The alley is unimproved and unfit for regular vehicle traffic and therefore would not work.

10451 Remington Lane is located 125' from the Subject Property. The owners constructed a 2-story accessory structure with a garage on the first level and a single-family residential structure on the 2nd level. The BOA approved construction of this accessory and granted variances for the following:

- **Variance of 7'-6" to the rear yard setback**
- **Variance of 7' to the side yard setback**
- **Variance to the maximum height of either 15' or the height of the primary structure**.

Approximately four years after the city granted the variances outlined above, the property owner purchased the neighboring plot (formerly 10457 Remington Ln.) and re-platted both tracts as single parcel. The side yard variance referenced above reflects the existing conditions from the time the variance was approved.

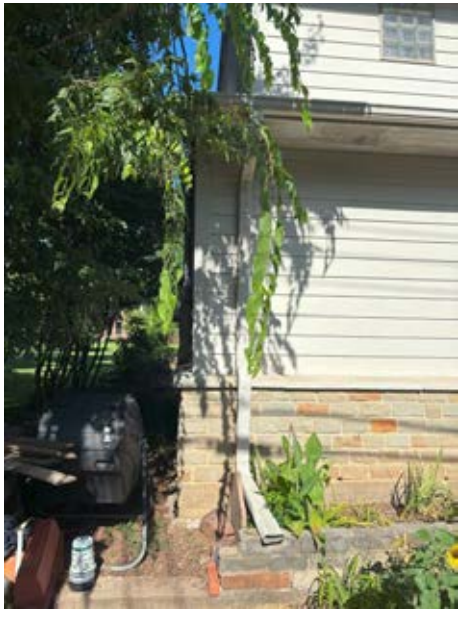
Photo of Rear Yard Setback on Case Study #1

This photo was taken from our alley and shows the existing **2'-6"** foot setback (**7'-6" variance**) between the build line and the alley easement. The structure also has windows facing in the direction of the setback that was granted a variance. The Subject Property is proposing a **6'-6" rear yard variance** and will not have windows facing in the direction of the setback for which the variance was requested.

Photo of Front Yard on Case Study #1

This photo was taken from the approach to 10451 Remington Ln and shows the existing **3'** foot setback (**7' variance**) between the build line and the property line that existed at the time the owner was granted a variance to construct this accessory structure.

Alley Easement on Case Study #1



This photo was taken from our alley and shows the **3'** foot setback (**7' variance**) between the accessory structure and the side yard that existed at the time the owners' BOA application was approved. The Subject Property is proposing a **5' side yard setback (5' variance)**.

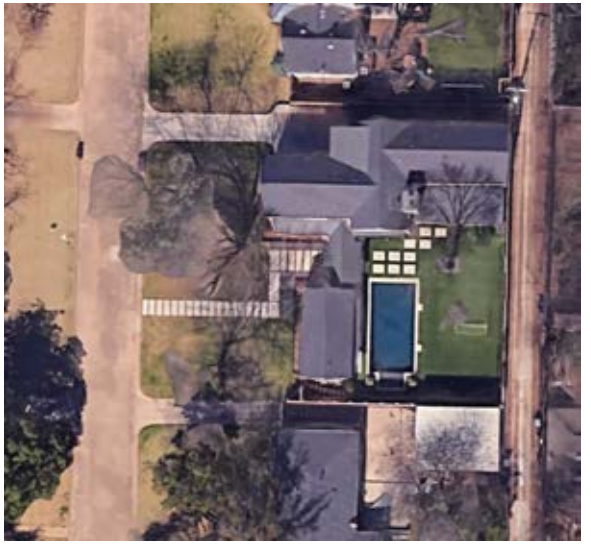
10416 Remington Lane is located 135' from the Subject Property. This 2-story, 4,796 SF single family residence was built in 2018 and has a 0' – 6" rear yard setback. We do not have record of the builder petitioning with the BOA for a variance, but the required 10' rear yard setback does not exist, as you can see from the images below. Therefore, we believe the city granted a:

- **Variance of 9'-6"** to the rear yard setback, as the build line for the primary single-family residence extends all the way to the property line.

Photo of Rear Yard Setback on Case Study #2

This aerial view taken from Google Earth depicts the existing 0'-6" foot setback (9' 6" variance) between the build line and alley easement. The structure also has a windows facing in the direction of the setback that was granted a variance.

Photo of Rear Yard Setback on Case Study #2



This aerial view taken from Google Earth shows a better bird's eye view of the 2- story residence with a build line encroaching on the easement.

Alley Easement on Case Study #2

This photo was taken from the alley easement behind Case Study #2 and further illustrates the distance between the build line and easement.

The Subject Property is requesting a **6'-6" variance** to the 10' setback required for rear yards for structures exceeding 15'. Comparatively, Case Study #2 (located across the street from the Subject Property) was permitted to build this single-family residence with a **0'-6" rear yard setback**.

SEC. 51A-4.403 states a 3’ setback must be provided when the rear yard is adjacent to an alley. The following 3 properties are located within 125’ of the Subject Property. Each lot contains an accessory garage with a build line located on or near the property line:

- **10432 Heather Ln – Located 15’ from property line of Subject Property.**
- **10450 Heather Ln – Located 125’ from property line of Subject Property.**
- **10424 Remington Ln – Located 30’ from property line of Subject Property.**

10432 Heather Lane, Dallas, Texas 75229

This photo of our neighbor’s property was taken from our alley directly behind the Subject Property and shows the existing 0’-6” setback between the build line of this accessory structure and the alley easement.

10450 Heather Lane, Dallas, Texas 75229

This photo was taken from our alley, two houses down from the Subject Property and shows the existing 1’ setback from the build line of this accessory structure and the alley easement.

10424 Remington Lane, Dallas, Texas 75229

This photo was taken from Google Earth and shows the 2’ foot rear yard setback between the build line of the accessory structure and the alley easement, as well as the 1’ side yard setback between the build line and property line.

Memorandum

CITY OF DALLAS

Date August 8, 2025

To Kameka Miller-Hoskins, PhD Chief Planner/Board Administrator

Subject BOA-25-000015 10433 Remington Lane Arborist report

Request
The applicant is seeking a special exception to the side-yard and rear-yard setback regulations to preserve an existing tree. The condition of the mature 30-inch oak tree is taken into consideration in regard to the proximity of new construction and the worthiness of preservation.

Provision
The applicant requests to place an accessory structure in the rear yard and providing a 5-foot side-yard setback and a 3-foot 6-inch rear-yard setback while maintaining a sustainable distance from a large mature oak tree which is centered over the rear yard of the property. Proximity of new structures and pavement may have negative impacts on the health and integrity of the tree by restricting root expansion across the yard.

The property has several large mature trees in both the rear and the front yards and are well maintained by the owners. The owner shows intent on maintaining the trees for their benefit.

Comment
The chief arborist has found the mature oak tree is worthy of preservation.

Philip Erwin
Chief Arborist
Development Services

FILE NUMBER: BOA-25-000022(BT)

BUILDING OFFICIAL'S REPORT: Application of Daniel Le for **(1)** a special exception to the single-family use regulations at **5315 BONITA AVENUE**. This property is more fully described as Block 22/1942 Lot 25 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an accessory dwelling unit (not for rent), which will require **(1)** a special exception to the single-family zoning use regulations.

LOCATION: 5315 Bonita Avenue

APPLICANT: Daniel Le

REQUEST:

(1) a special exception to the single-family use regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not**:

1) **be used as rental accommodations**; or

2) **adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(ii) states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: CD-15

East: R-7.5(A)
South: R-7.5(A)
West: R-7.5(A)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses and to the north CD-15.

BDA History:

No BDA history has been found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Daniel Le, for the property located at 5315 Bonita Avenue focuses on one requests relating to the single-family use regulations.
- The request is for a special exception to the single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations
- Per staff's review of the subject site, it has been confirmed the lot is vacant.
- The Dallas Development Code states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties and will not be used as rental accommodations.
- Granting the special exception to the single-family use regulation with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents. Granting the special exception to the single-family use regulations would also require the applicant to deed restrict the subject property to prevent the use of the additional dwelling use as rental accommodations.
- 200' Radius Video:

Timeline:

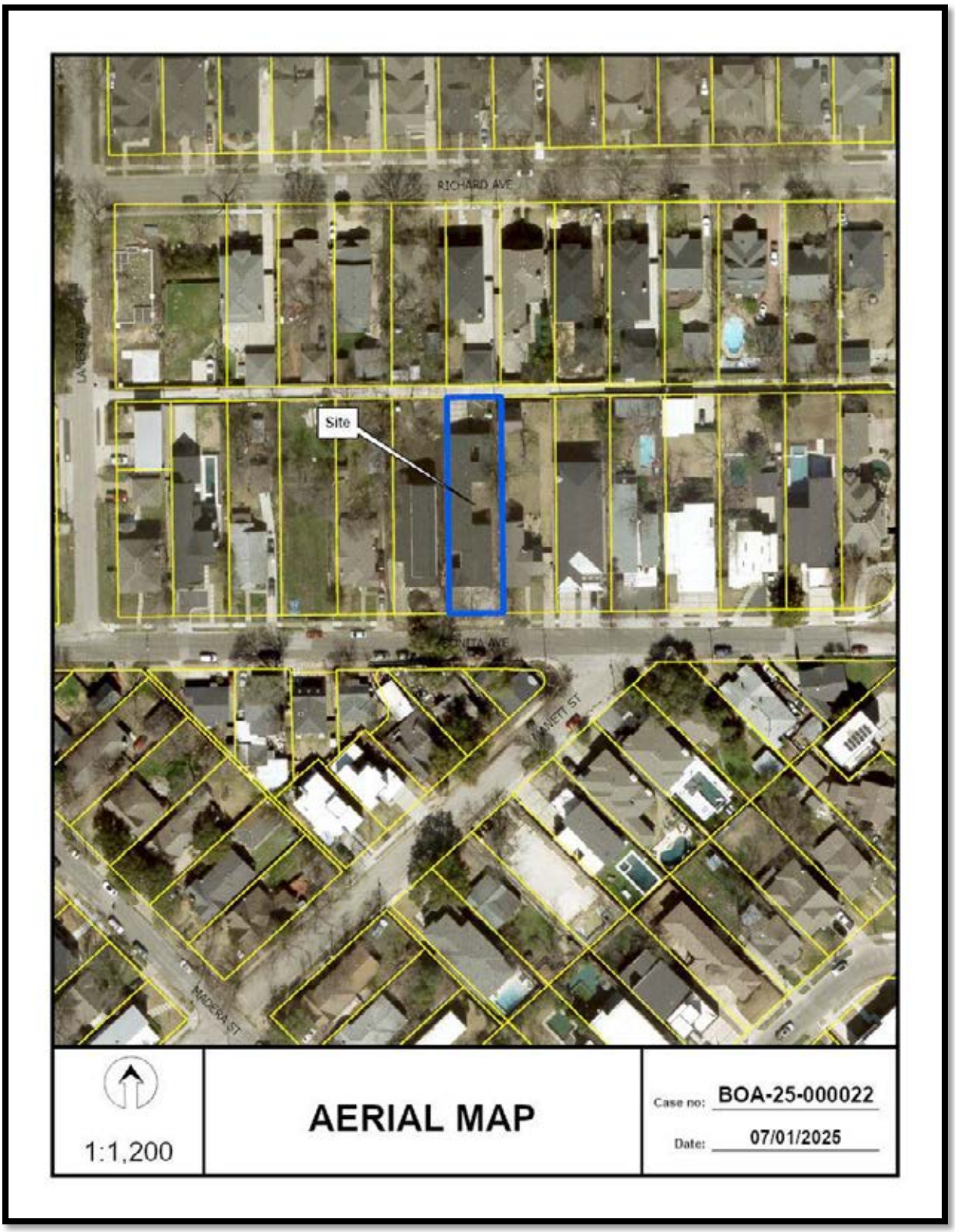
June 23, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

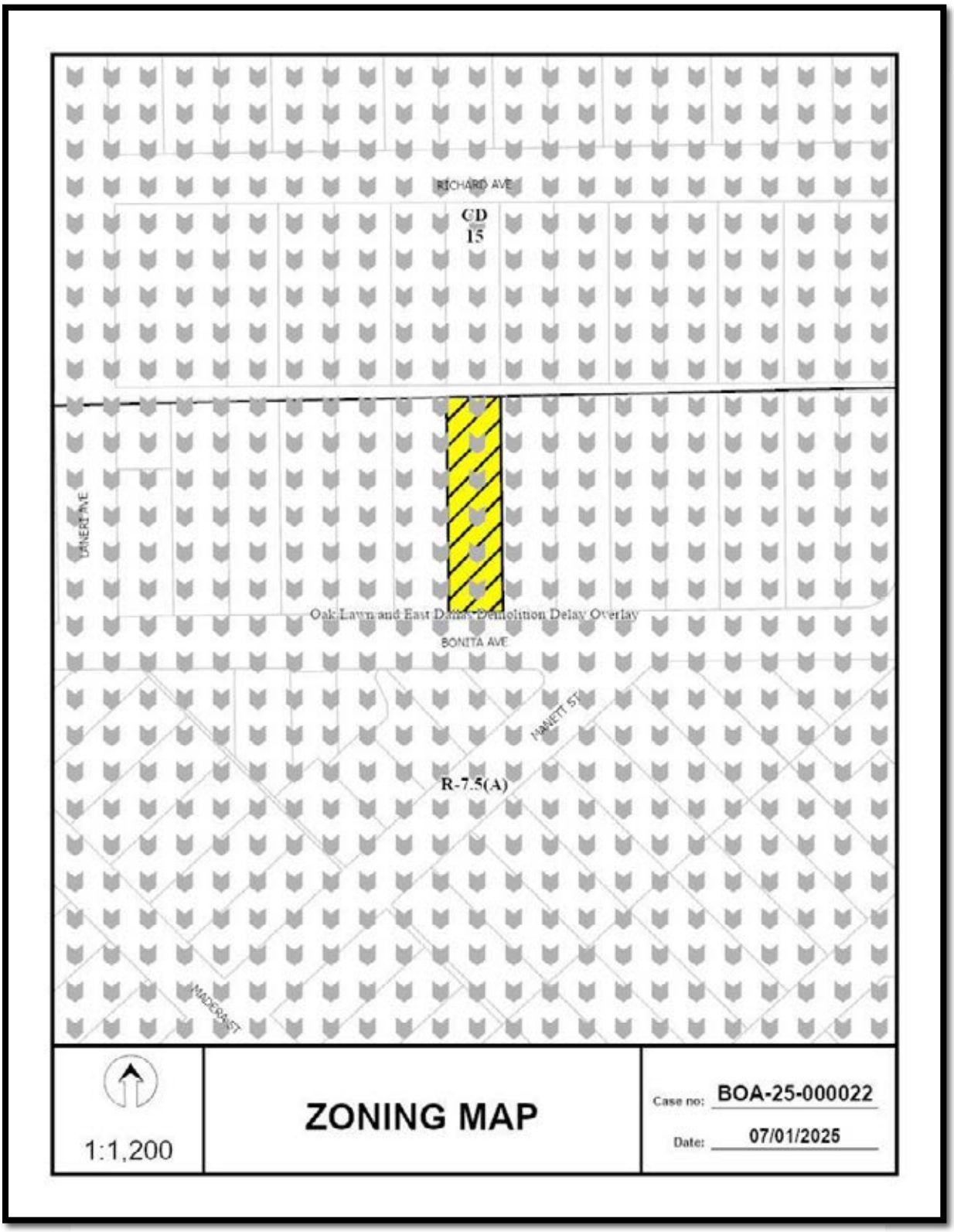
July 7, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

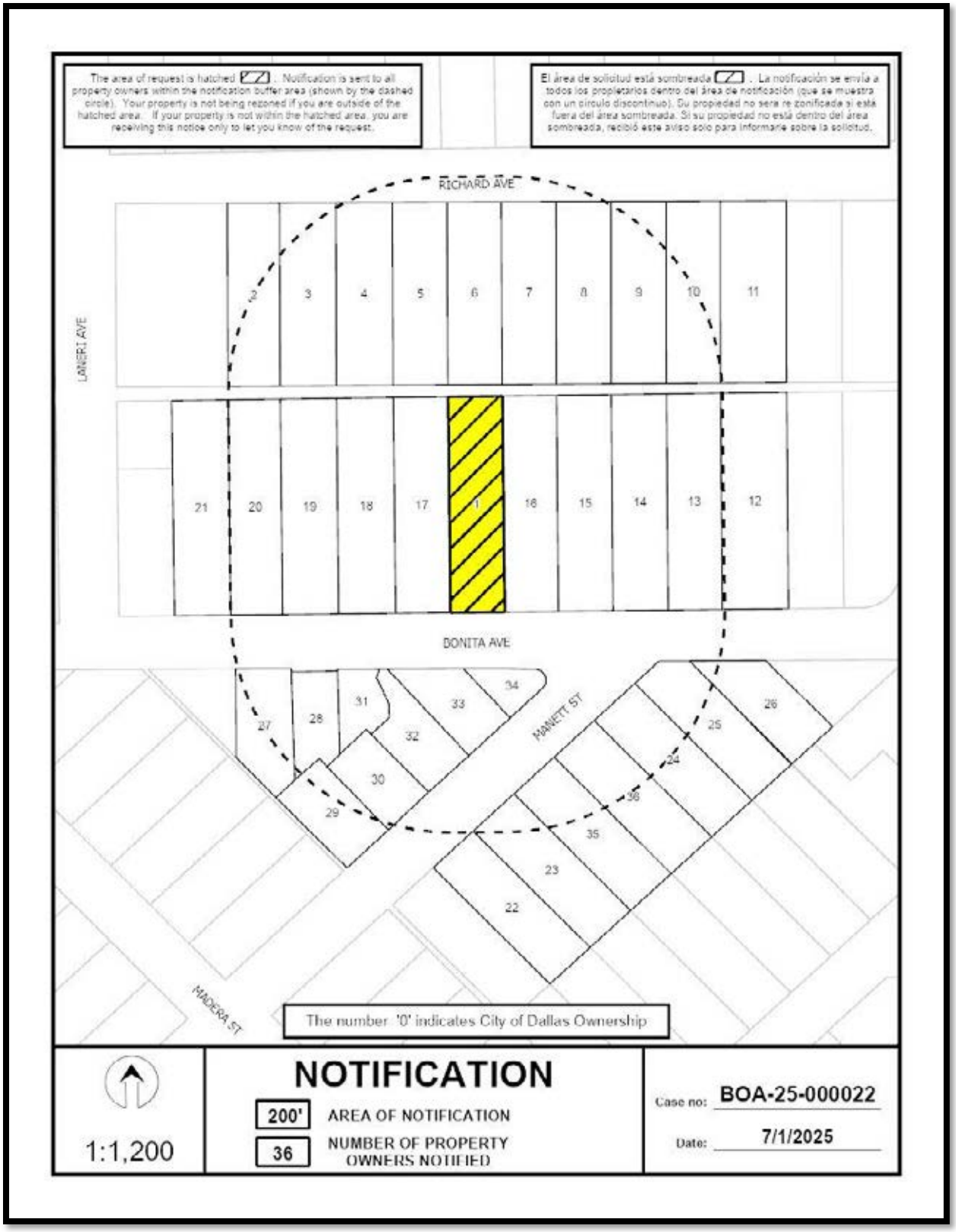
August 6, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **July 21, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **August 8, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **August** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.


RICHARD AVE
Site
MADERA ST
1:1,200
AERIAL MAP
Case no: BOA-25-000022
Date: 07/01/2025


RICHARD AVE
CD
15
LANETT AVE
Oak Lawn and East Dallas Demolition Delay Overlay
BONITA AVE
HAMETT ST
R-7.5(A)
MADERA ST
1:1,200
ZONING MAP
Case no: BOA-25-000022
Date: 07/01/2025


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
RICHARD AVE
LANIER AVE
BONITA AVE
MANETT ST
MADERA ST
2
3
4
5
6
7
8
9
10
11
21
20
19
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29
26
25
24
36
35
23
22
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
36
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BOA-25-000022
Date: 7/1/2025

Notification List of Property Owners

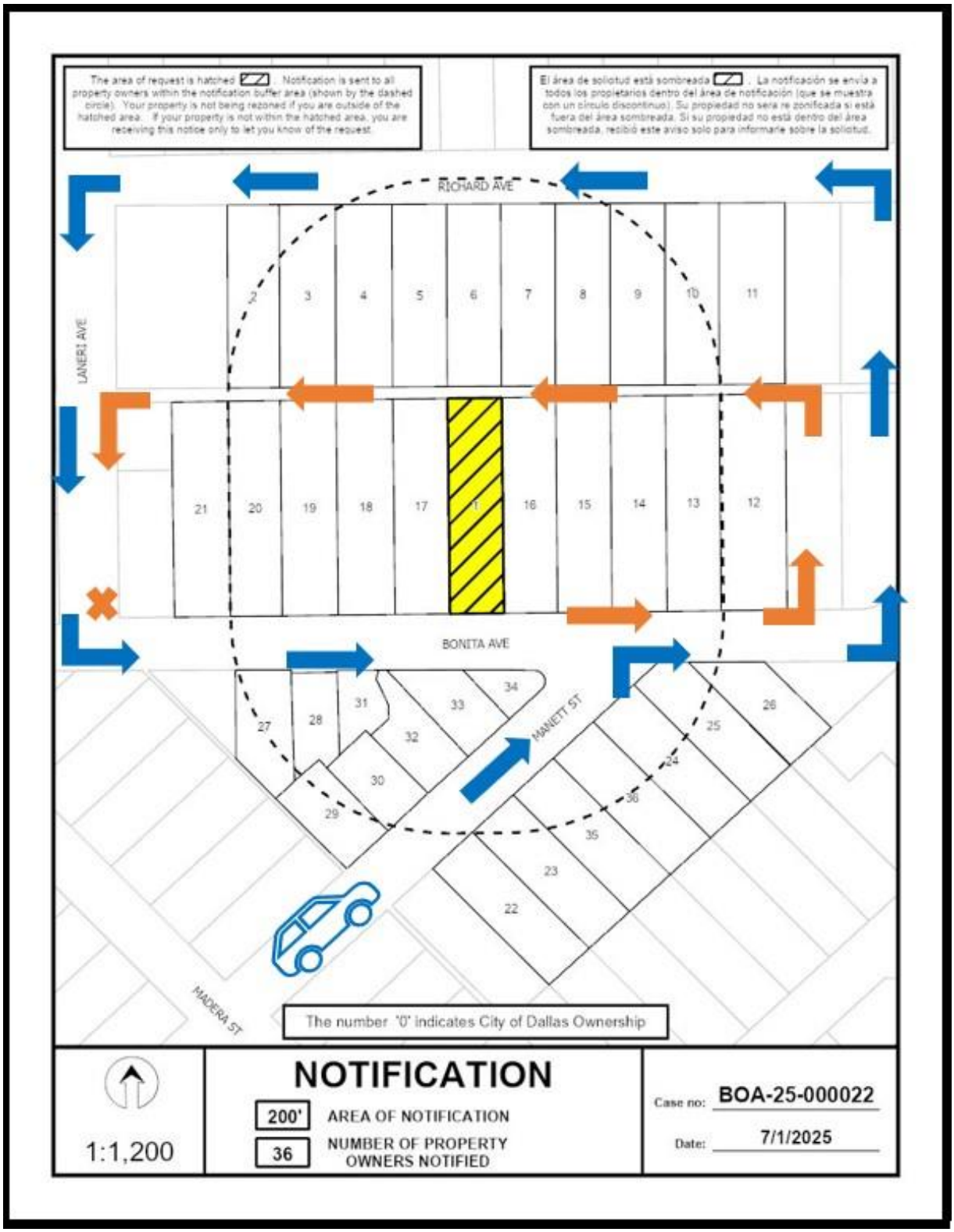
BOA-25-000022

36 Property Owners Notified

Label #	*Address*		*Owner*
1	5327	BONITA AVE	BAYOUD FAOUZI ELIA &
2	5308	RICHARD AVE	MAYNOR JOHN TRACEY
3	5314	RICHARD AVE	GIBSON JAMES E III & LORNA N
4	5316	RICHARD AVE	WENTZ REYGAN ELIZABETH
5	5320	RICHARD AVE	HOLLY LEAH P
6	5326	RICHARD AVE	DELATORRE RODRIGO &
7	5330	RICHARD AVE	MOULAISON ERIC J & JENNIFER A
8	5334	RICHARD AVE	SHEARER GINGER & STEVE
9	5336	RICHARD AVE	PEDERSON ROBICHEAUX FAMILY
10	5342	RICHARD AVE	KELCHER MARK J IRREVOCABLE
11	5344	RICHARD AVE	JOHNSON MATTHEW J & DEVIN M
12	5347	BONITA AVE	GRANT DEIRDRE
13	5343	BONITA AVE	CABRERA JOSE & NOREEN
14	5339	BONITA AVE	BOSO JASON
15	5335	BONITA AVE	MCCOY DONALD JASON
16	5331	BONITA AVE	PATEL ANKIT B & PRIYA
17	5323	BONITA AVE	HAYNSWORTH & ETTER LLC
18	5319	BONITA AVE	TREVINO JOSE & EVANGELINA
19	5315	BONITA AVE	HAYNSWORTH & ETTER LLC
20	5311	BONITA AVE	NAJERA IRENE C &
21	5307	BONITA AVE	WOOD KYLE IRVIN & STEPHANIE
22	5318	MANETT ST	OCAMPO MARIA GREGORIA &
23	5320	MANETT ST	BOND CHRISTOPHER ALLEN
24	5334	MANETT ST	DEAN SLOAN F III &
25	5336	BONITA AVE	RIORDAN MARIA
26	5342	BONITA AVE	BONITAAVE2 LLC

Label #	*Address*		*Owner*
27	5308	BONITA AVE	RODRIGUEZ PEDRO &
28	5310	BONITA AVE	JAIMES EMMANUEL
29	5315	MANETT ST	BOND CHRISTOPHER
30	5319	MANETT ST	MCBRIDE THOMAS LUCAS
31	5318	BONITA AVE	PURCELL JONATHAN B &
32	5321	MANETT ST	GOMEZ JOB & MARIA V
33	5327	MANETT ST	KHAN ESTHER
34	5330	BONITA AVE	SLATER JANE
35	5326	MANETT ST	SIR JULIAN LLC
36	5328	MANETT ST	WHITE MATTHEW CLARKE &

200’ Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000022(BT) Application of Daniel Le for **(1)** a special exception to the single-family use regulations at **5315 BONITA AVENUE**. This property is more fully described as Block 22/1942, Lot 25 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require **(1)** a special exception to the single-family zoning use regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

City of Dallas

Planning & Development Department

320 E Jefferson Blvd,
Dallas TX 75203
(214) 948-4480

Board of Adjustment:
1500 Marilla Street, 5CN
Dallas Tx75201
(214) 948-4480

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

OFFICE USE ONLY
Case no. _____
Date _____

Data Relative to Subject Property:

Location address: 5315 BONITA AVE Zoning District:

Lot No.: 25 Block No.: 22/1942 Acreage: 0.227 Census Tract: 0010.02

Street Frontage (in Ft.): 1) 50 2) 3) 4) (5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): ANKIT & PRIYA PATEL

Applicant: DANIEL LE Telephone: 339-674-8008

Mailing Address: 108 N BERNICE DR, GARLAND, TX Zip Code: 75042

E-mail Address: DANNY@FENWAYDEVELOPMENT.COM

Represented by: DANIEL LE Telephone: 339-674-8008

Mailing Address: 108 N BERNICE DR, GARLAND, TX Zip Code: 75042

E-mail Address: DANNY@FENWAYDEVELOPMENT.COM

Affirm that an appeal has been made for a ☐Variance or ■Special Exception, of:

ACCESSORY DWELLING UNIT (ADU)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

WITHIN 25% REQUIREMENT. NOT GOING TO BE USED FOR RENT OR AFFECT NEIGHBORING PROPERTIES

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me, the undersigned on this day personally appeared Daniel Le
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: _____
(Affiant/ Applicant's signature)

Tran Tran
My Commission Expires
3/21/2028
Notary ID 134819482

Subscribed and sworn to before me this 9th day of June, 2025

Notary Public in and for Dallas County, Texas _____

Together we are planning and building a better Dallas for all! 4/30/2025

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000022

BUILDING OFFICIAL'S REPORT: Application of Daniel Le for a special exception to the single-family use regulations at 5315 BONITA AVE. This property is more fully described as Block 22/1942 Lot 25 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an accessory dwelling unit (not for rent), which will require a special exception to the single-family use regulations.

LOCATION: 5315 BONITA AVE

APPLICANT: Daniel Le

REQUEST: A special exception to the single-family use regulations

City of Dallas

Planning & Development Department

320 E Jefferson Blvd, Dallas TX 75203
(214) 948-4480

BOARD OF ADJUSTMENT REFERRAL FORM

Referred by: Loree Lewis Date: 06/06/2025

Department: Residential

Phone/Email: 214-948-4327

Manager signature: Loree Lewis

Consulted with:

■ Applicant

□ Representative

□ Owner

Name: Danny Le (applicant)- Ankit B Patel (owner)

Phone/Email: 339-674-8008 / danny@f80capital.com

Property Information

Address: 5315 Bonita

Lot: 25

City Block: 22/1942

Zoning Classification: R-7.5(A)

Issues that require Board action

List the City of Dallas Development Code(s) this project is non-compliant with:

Check all that apply: ■ Variance □ Special Exception

□ Yard setback

□Lot Width

□Lot Depth

□Lot coverage

□Floor area for accessory structures for single-family uses

□Height

□Minimum width of sidewalk

□Off-street parking

□Off-street loading

□Landscape regulations

□ fence height and/or standards

□ Visibility triangle obstructions

□ Parking demand

■ Additional dwelling unit (not for rent) □Accessory dwelling unit (for rent)

□Carport

□Non-conforming use or structure

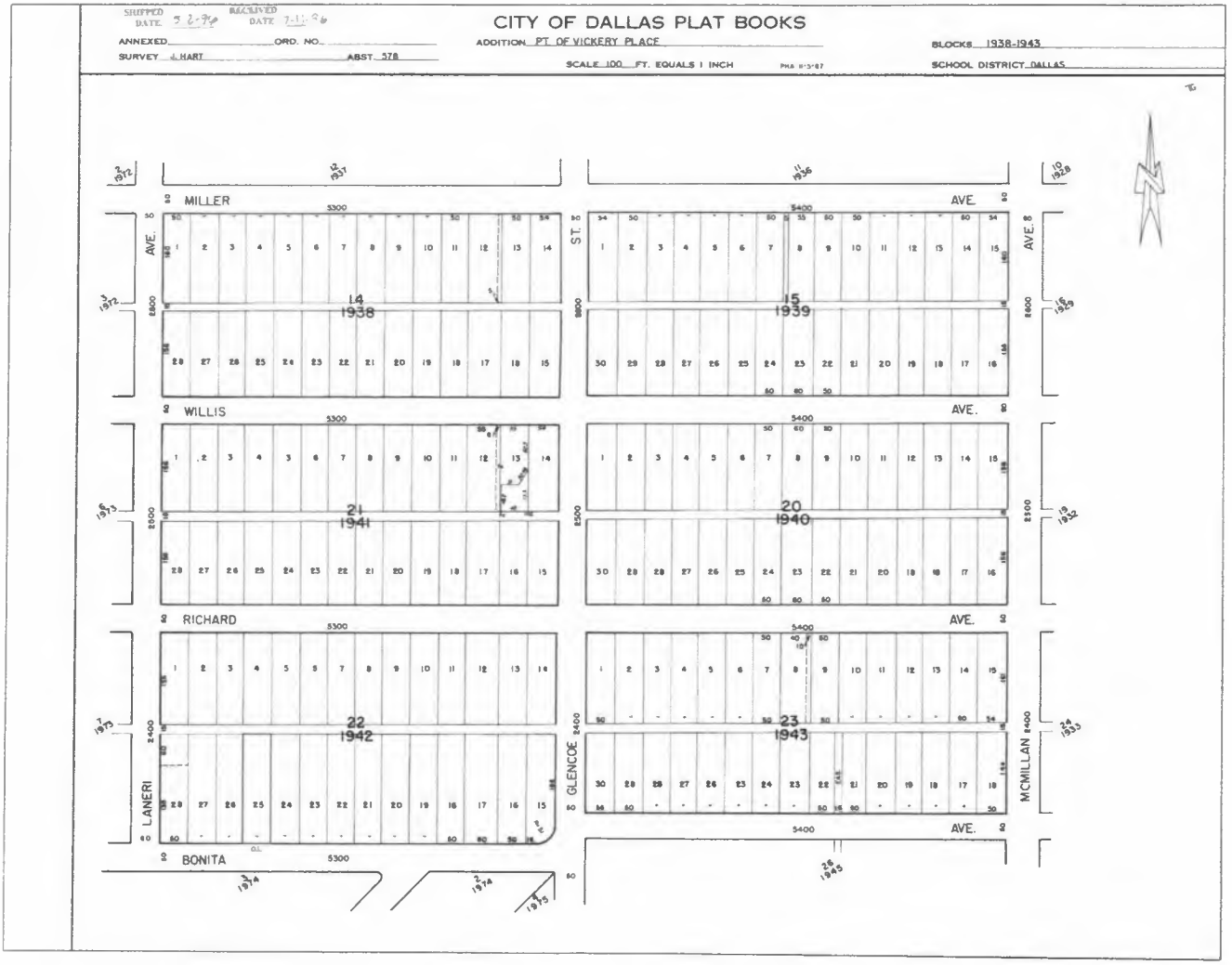
□Administrative Official Appeal

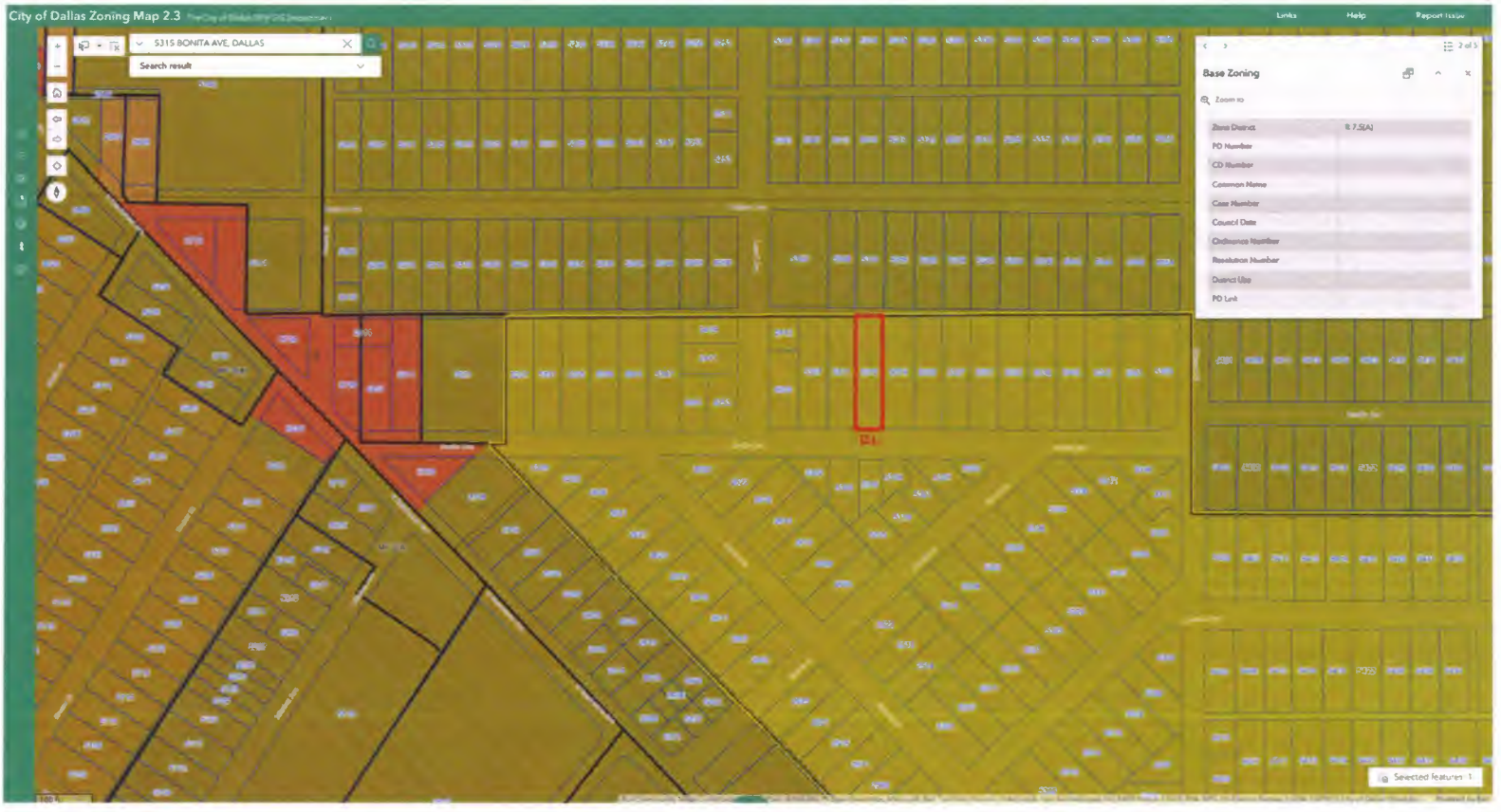
□Other:

Description: Customer is proposing an additional dwelling unit within 25% of the main structure square footage

Alternative resolutions discussed/offered:

They want an ADU so they need a variance.


SHIPPED DATE 5-2-96
RECEIVED DATE 7-1-96
CITY OF DALLAS PLAT BOOKS
ANNEXED
ORD. NO.
SURVEY J. HART
ABST. 578
ADDITION PT. OF VICKERY PLACE
SCALE 100 FT. EQUALS 1 INCH
BLOCKS 1938-1943
SCHOOL DISTRICT DALLAS
MILLER
WILLIS
RICHARD
BONITA
AVE.
ST.
LANERI
GLENCOE
MCMILLAN
14 1938
15 1939
21 1941
20 1940
22 1942
23 1943
5300
5400
2600
2500
2400


City of Dallas Zoning Map 2.3
5315 BONITA AVE, DALLAS
Search result
Base Zoning
Zoom to
Zone District
PD Number
CD Number
Common Name
Case Number
Council Date
Ordinance Number
Resolution Number
Overlay
PD Link
Selected features: 1

CITY OF DALLAS
REVIEW STAMP

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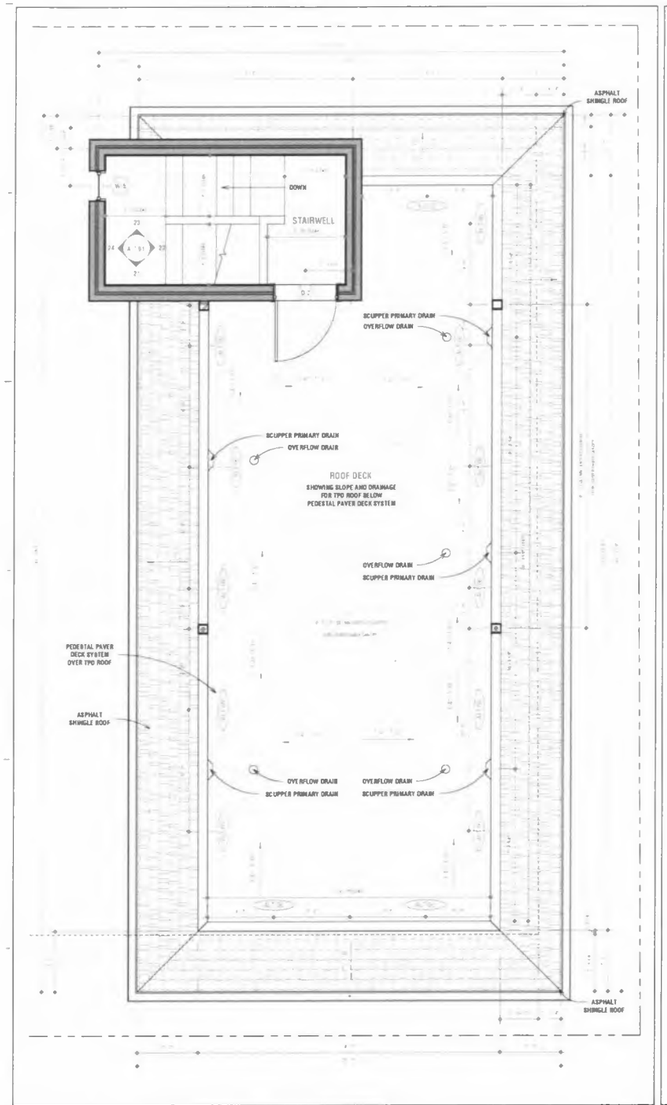
www.nuance-interiors.com

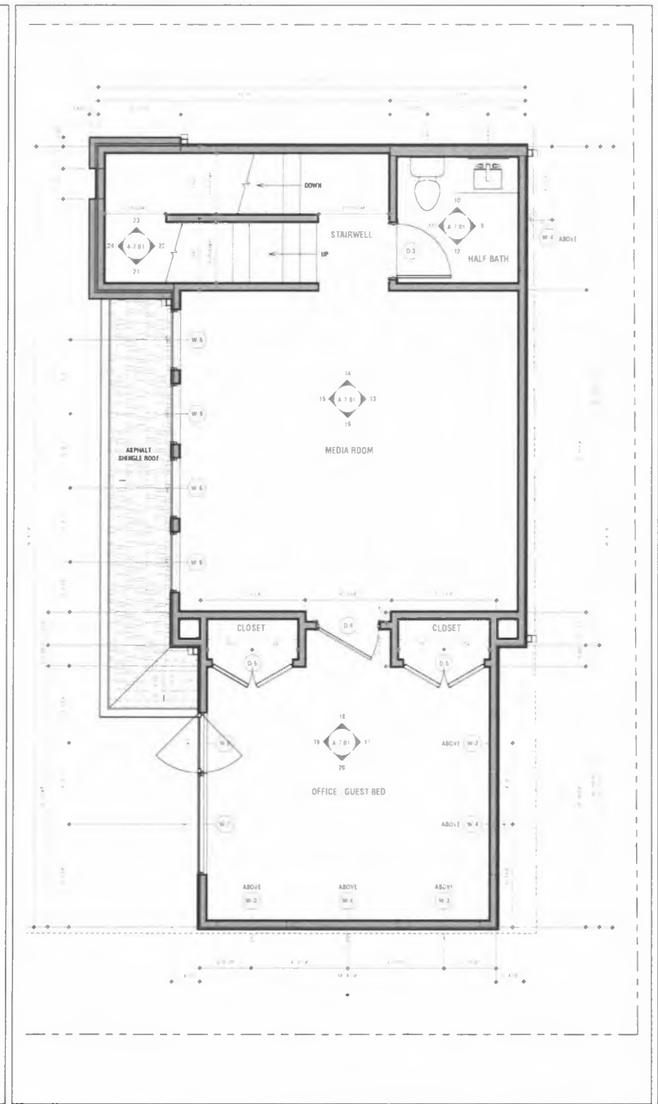
INTERIOR DESIGN / ARCHITECTURE
4326 MAPLE STREET, SUITE 406
DALLAS, TX 75219
817.718.0411

REGISTERED ARCHITECT
ERIN R. BADILLO
24419
STATE OF TEXAS

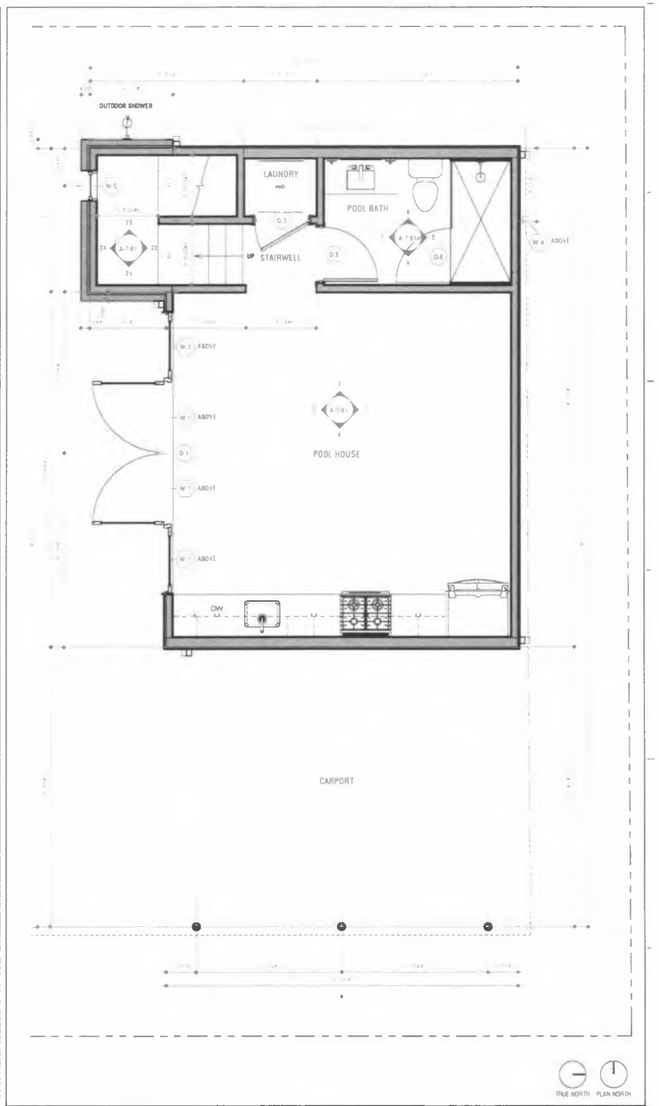
5.16.2025
5:49:39 PM



3 A-1.01 LVL 03 / ROOF ACCESS - FLOOR PLAN 3/8" = 1'-0"



2 A-1.01 LVL 02 - FLOOR PLAN 3/8" = 1'-0"



1 A-1.01 LVL 01 - FLOOR PLAN 3/8" = 1'-0"

PATEL ACCESSORY

5315 BONITA AVE
DALLAS, TX 75206

#	REVISION	DATE
1	ISSUE FOR PERMIT	05.16.25

PROJECT	PATEL ACCESSORY
ADDRESS	5315 BONITA AVE DALLAS, TX 75206
PROJECT #	24026

FLOOR PLANS

A-1.01

5.16.2025 5:49:39 PM

WALL ASSEMBLIES

ROOF ASSEMBLIES

EXTERIOR DECK ASSEMBLIES

NOTES

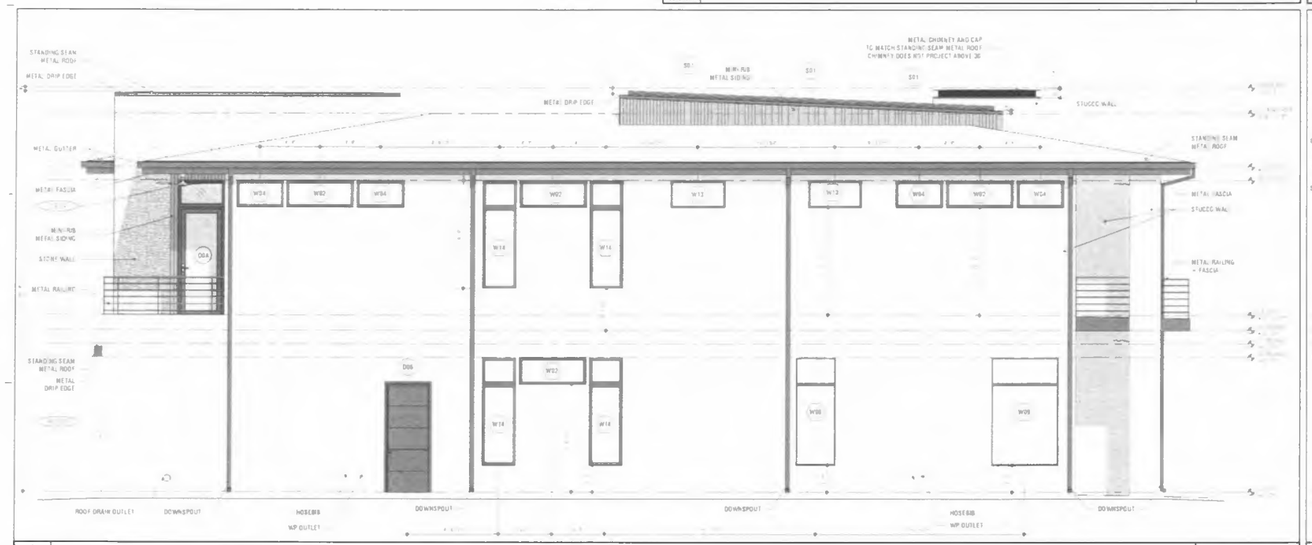
FLOOR/CEILING ASSEMBLIES

5 / A-5.01 **EXTERIOR ASSEMBLIES** — NTS

GRAPHICS	MATERIAL	FINISH
	STUCCO	STARK WHITE
	STONE	AUSTIN LIMESTONE
	MINI-RIB METAL CLADDING	DARK BRONZE
	METAL DETAILING	DARK BRONZE
	GLASS	CLEAR LOW-E
	STANDING SEAM METAL ROOF	DARK BRONZE

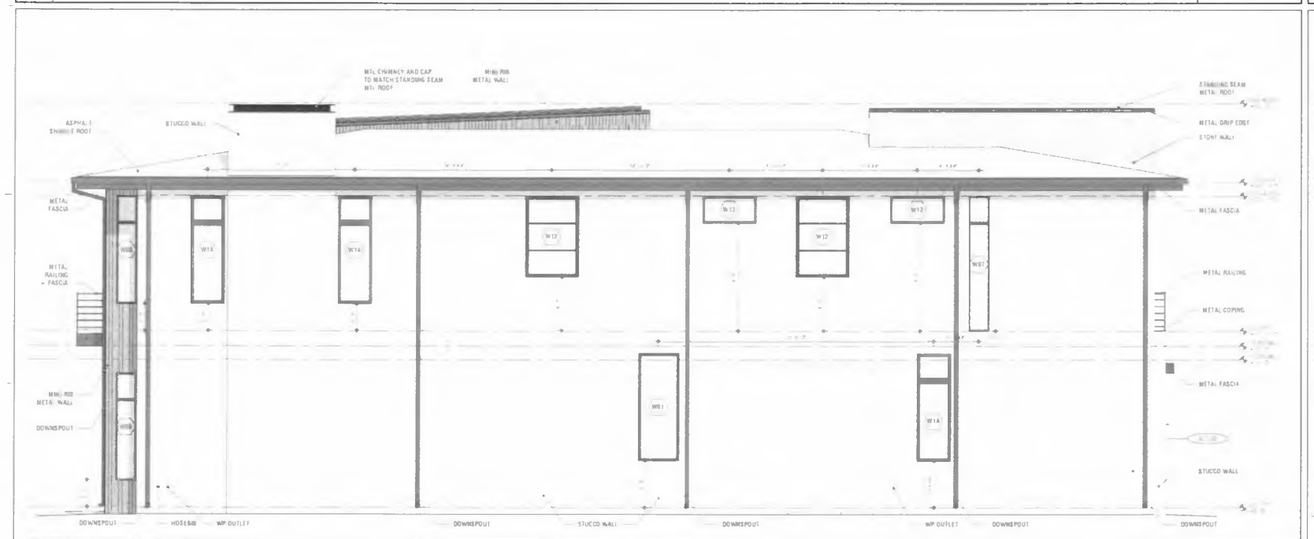
EXTERIOR MATERIALS KEY

CITY OF DALLAS
REVIEW STAMP



4 / A-5.01 **EAST ELEVATION** — 1/4" = 1'-0"

3 / A-5.01 **NORTH ELEVATION** — 1/4" = 1'-0"



2 / A-5.01 **WEST ELEVATION** — 1/4" = 1'-0"

1 / A-5.01 **SOUTH ELEVATION** — 1/4" = 1'-0"

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INTERIOR DESIGN / ARCHITECTURE
4201 MAPLE STREET, SUITE 430
DALLAS, TX 75226
817.***.5643

REGISTERED ARCHITECT
ERIC R. BARTLETT
64419
STATE OF TEXAS

5.16.2025
4:45:40 PM

PATEL RESIDENCE

5315 BONITA AVE
DALLAS, TX 75206

#	REVISION	DATE
	ISSUE FOR PERMIT	05.16.25

PROJECT	PATEL RESIDENCE
ADDRESS	5315 BONITA AVE DALLAS, TX 75206
PROJECT #	24025

EXTERIOR ELEVATIONS

A-5.01

5/16/2025 4:45:40 PM

ELEVATION NOTES

1. MATERIAL SYMBOLS AND PATTERNS ARE TO DISPLAY INTENT OF THE MATERIAL ONLY. THEY ARE NOT TO SCALE AND MAY NOT PROVIDE ACCURATE REPRESENTATION OF THE MATERIAL SPECIFIED
2. GRADING SHOWN ON EXTERIOR ELEVATIONS IS FOR REFERENCE ONLY. REFER TO CIVIL AND LANDSCAPE FOR ACTUAL GRADING
3. ANY EXTERNAL ELECTRICAL PANEL WILL BE PAINTED TO MATCH THE MATERIAL AND COLOR OF THE BUILDING
4. EXHAUST VENTS TO BE PAINTED. REFER TO SCHEDULE
5. LIGHT FIXTURES, AIR TERMINALS, RULES, ELECTRICAL FIXTURES, OUTLETS, DATA RECEPTACLES, AUDIO/VIDEO CONNECTIONS AND MEDICAL GAS FIXTURES SHOWN ARE FOR ARCHITECTURAL COORDINATION AND DIMENSIONAL CONTROL ONLY. REFER TO MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS AND SPECIFICATIONS.
6. NOT ALL FIXTURES MAY BE SHOWN ON ARCHITECTURAL ELEVATIONS
7. ALL FIRE ALARM DEVICES ARE TO BE CEILING MOUNTED IN PUBLIC SPACES. NO WALL MOUNTED DEVICES WITHOUT APPROVAL FROM THE ARCHITECT
8. REFERENCE SPECIFICATIONS FOR CODE REQUIRED SIGNAGE

REFLECTED CEILING PLAN NOTES

1. DIMENSIONS TO FACE OF PARTITIONS ARE TO FACE OF SUBSTRATE LAYER AS SHOWN IN PARTITION TYPES. FINISHES DEPICTED IN FINISH PLANS AND ELEVATIONS ARE NOT SHOWN ON PARTIAL FLOOR PLANS. REFER TO ENLARGED PLANS, ELEVATIONS AND DETAILS
2. COMPARE ARCHITECTURAL REFLECTED WITH MECHANICAL AND ELECTRICAL PLANS. REPORT ANY OMISSIONS OR INCONSISTENCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. ALIGNMENT OF CEILING MOUNTED DEVICES SUCH AS SPEAKERS, LIGHTING, MECHANICAL SUPPLY RETURN, AND EXHAUST DIFFUSERS, FIRE PROTECTION AND FIRE ALARM DEVICES ARE CRITICAL
3. ALL FIRE ALARM DEVICES ARE TO BE CEILING MOUNTED IN PUBLIC SPACES. NO WALL MOUNTED DEVICES WITHOUT APPROVAL FROM THE ARCHITECT
4. EXIT SIGNS AND SMOKE DETECTORS LOCATED IN CEILINGS SHALL BE LOCATED AND POSITIONED AS REQUIRED BY THE AUTHORITY HAVING JURISDICTION WITH COORDINATION BY THE ARCHITECT
5. VERIFY ALL ACCESS PANELS OF TYPE SPECIFIED ARE INSTALLED IN NON ACCESSIBLE TYPE CEILINGS WHERE SERVICE TO MECHANICAL, ELECTRICAL OR PLUMBING ITEMS MAY BE REQUIRED. COORDINATE LOCATION WITH ARCHITECT WHERE APPLICABLE. ACCESS PANEL SHALL MEET THE FIRE DESIGN CRITERIA OF THE RATED CEILING
6. ANY CEILING MOUNTED DEVICE OR FIXTURE SHALL BE CENTERED IN EACH ROOM UNLESS NOTED OTHERWISE
7. ANY DEVICE LOCATED IN ACOUSTICAL CEILING TILES SHALL BE CENTERED WITHIN THE TILE. DO NOT HANG OR SUSPEND ANY ITEMS FROM METAL ROOF DECKING. SUSPENSION SYSTEMS FOR CEILINGS AND HANGERS OR SUPPORTS FOR DIVISIONS 21 THROUGH 28 SYSTEMS SHALL BE ANCHORED TO BEAMS, JOISTS OR SLOTTED CHANNEL FRAMING SYSTEMS
8. ALL STORM WATER PIPING OR CONDENSATE PIPING SUSCEPTIBLE TO CONDENSATION SHALL BE INSULATED FROM THE DRAIN BOWL TO A POINT WHERE PIPING TURNS FROM HORIZONTAL TO VERTICAL. ANY ADDITIONAL HORIZONTAL RUNS THROUGHOUT THE BUILDING SHALL BE INSULATED
9. WHEN PROVIDED, CONTRACTOR TO COORDINATE AV LOCATIONS WITH ARCHITECT
10. REFERENCE INTERIOR DESIGN DRAWINGS FOR LIGHT AND AMENITY CEILING FINISHES, LIGHTING AND DETAILS

FLOOR PLAN NOTES

1. DIMENSIONS TO FACE OF PARTITIONS ARE TO FACE OF SUBSTRATE LAYER AS SHOWN IN PARTITION TYPES. FINISHES DEPICTED IN FINISH PLANS AND ELEVATIONS ARE NOT SHOWN ON PARTIAL FLOOR PLANS. REFER TO ENLARGED PLANS, ELEVATIONS AND DETAILS
2. UNIT DIMENSIONS ARE FROM OUTSIDE FACE OF STUD TO CENTERLINE OF DEMISING WALL, UNLESS NOTED OTHERWISE
3. ALL INTERIOR PARTITIONS ARE TYPE 1A4 UNLESS NOTED OTHERWISE. REFERENCE PARTITION DETAILS FOR TYPICAL DEMISING WALL AND CORRIDOR PARTITION ASSEMBLY
4. ALL DOORS TO BE INSTALLED 4" FROM ADJACENT WALL, UNLESS NOTED OTHERWISE. ALL DOORS TO BE CENTERED IN ROOM CONTRACTOR TO CONFIRM MAXIMUM OF 10" PROVIDED ON THE PUSH SIDE OF ALL DOORS WITHOUT CLOSERS. DOORS WITH CLOSERS AND LATCH MUST MAINTAIN 5" CLEAR ON THE PUSH SIDE OF THE DOOR
5. DIMENSIONS ARE TO CENTERLINE OF WINDOWS AND DOORS WHEN PROVIDED
6. ALL FIRE ALARM DEVICES TO BE CEILING MOUNTED. NO WALL MOUNTED DEVICES ALLOWED WITHOUT APPROVAL FROM THE ARCHITECT
7. GC TO COORDINATE BLOCKING FOR WALL AND CEILING MOUNTED ACCESSORIES AS REQUIRED. REFER TO MOUNTING HEIGHTS AND INTERIOR DESIGN DRAWINGS FOR LOCATIONS AND ADDITIONAL INFORMATION
8. ACCESSORIES SUCH AS GRAB BARS, TOWEL BARS, PAPER DISPENSERS, AND SOAP DISPENSERS INSTALLED WITHIN 2 FEET OF A WATER CLOSET, URINAL, SINK, OR LAVATORY SHALL BE SEALED TO PREVENT MOISTURE MIGRATION INTO THE PARTITION OR OTHER CONSTRUCTION IN WHICH THEY ARE INSTALLED
9. FIBERGLASS REINFORCED TILE BACKER BOARD TO BE INSTALLED AT ALL SHOWER LOCATIONS TO RECEIVE TILE. LOCATED AT FIRE RATED ASSEMBLY, RATED ASSEMBLY TO BE CONTINUOUS BEHIND BACKER BOARD
10. REFERENCE FINISH PLANS AND FINISH SCHEDULE FOR ROOM FINISHES
11. COORDINATE CASEWORK WITH INTERIOR DESIGN DRAWINGS. FIELD VERIFY ALL CASEWORK DIMENSIONS PRIOR TO FABRICATION. ALL BASE CABINETS TO BE 24" DEEP UNLESS NOTED OTHERWISE. BASE CABINETS IN ADA UNITS MUST BE ADA ADAPTABLE
12. PROVIDE FINISH PANELS AT ALL EXPOSED END AND EXPOSED END CONDITIONS OF CABINETS OR CASEWORK
13. REFER TO MEP/FP&S SUPPORT REQUIRED AT UNIT MECHANICAL CLOSETS
14. REFER TO STRUCTURAL FOR SHEAR REQUIREMENTS WITHIN WALLS
15. REFER TO SPECIFICATIONS FOR CODE REQUIRED SIGNAGE

GENERAL NOTES

1. THE CONTRACTOR SHALL THOROUGHLY EXAMINE THE PREMISES AND BASE THEIR BID ON THE EXISTING CONDITIONS. IN ADDITION TO THE CURRENT COMPLETE SET OF CONSTRUCTION DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/DESIGNER PROMPTLY OF ANY DISCREPANCIES IN THE FIELD CONDITIONS OR DIMENSIONS PRIOR TO SUBMITTING HIS BID.
2. SHOULD ANY QUESTIONS REGARDING THE LAYOUT ARISE IN THE FIELD WHICH ARE NOT RESOLVED BY THE CONSTRUCTION DOCUMENTS, THE CONTRACTOR SHALL VERIFY THE LAYOUT AND EXACT LOCATION OF ALL PARTITIONS, DOORS, TELEPHONE & ELECTRICAL OUTLETS AND LIGHT SWITCHES WITH THE ARCHITECT/DESIGNER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL MATERIALS AND WORKMANSHIP IN ACCORDANCE WITH ALL APPLICABLE HEALTH AND SAFETY REQUIREMENTS, BUILDING CODES AND ORDINANCES.
4. ALL EQUIPMENT, FIXTURES, ETC. SHOWN ON THE PLANS SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR UNLESS NOTED OTHERWISE.
5. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AND SAMPLES OF ALL SPECIALTY CONSTRUCTION, SPECIAL TYPE WORK, ETC. IN A TIMELY MANNER FOR THE ARCHITECT/DESIGNER TO REVIEW PRIOR TO CONSTRUCTION.
6. DIMENSIONS ARE SHOWN ON THE PLANS. DO NOT SCALE OFF THE DRAWINGS.
7. ALL HEIGHTS ARE DIMENSIONED FROM THE TOP OF THE CONCRETE SLAB UNLESS NOTED OTHERWISE.
8. ALL FINISH & CONSTRUCTION MATERIALS USED SHALL MEET MINIMUM REQUIRED FIRE CLASS & SMOKE DEVELOPED RATINGS. I.E. CLASS A & B OR C.
9. ALL PARTITIONS WHICH EXTEND TO STRUCTURE ABOVE: DRYWALL CONSTRUCTION TAPED & FLOATED SMOOTH, OCCUR ABOVE ALL DOORS, GLASS OR OTHER PENETRATIONS THROUGH THE PARTITION.
10. MANUFACTURED MATERIALS, EQUIPMENT, ETC. SPECIFIED FOR THIS CONTRACT SHALL BE INSTALLED ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
11. CONTRACTOR TO COORDINATE DELIVERY AND INSTALLATION OF OWNER FURNISHED ITEMS WITH THE OWNER'S DIRECTIVE. FIELD VERIFY DIMENSIONS AS NECESSARY PRIOR TO INSTALLATION TO CONFIRM MINIMUM CLEARANCES AND OPENING SIZES.
12. CONTRACTOR TO COORDINATE SIZE AND LOCATION OF CONCRETE BASES AND HOUSEKEEPING PADS WITH SIZES AND REQUIRED CLEARANCES OF THE EQUIPMENT SCHEDULED TO BE INSTALLED ON THEM.
13. "TYP." OR "TYPICAL" MEANS "TYPICAL FOR ALL SIMILAR CONDITIONS UNLESS NOTED OTHERWISE".
14. "ALIGN" MEANS THAT SIMILAR COMPONENTS OF CONSTRUCTION SUCH AS WALLS, JAMBS, ETC. SHALL ALIGN ACROSS WIDTH OR ADJACENT TO EXISTING CONSTRUCTION.
15. THE ARCHITECT SHALL BE THE PRIMARY SOURCE FOR INFORMATION REGARDING EACH DISCIPLINE IE ARCHITECTURAL, MECHANICAL, PLUMBING, ELECTRICAL, STRUCTURAL, ETC.
16. ALL MATERIALS USED FOR NEW CONSTRUCTION, INCLUDING BUT NOT LIMITED TO: INSULATION, ADHESIVES, CAULKING, ETC. SHALL BE NON-ASBESTOS CONTAINING MATERIALS.
17. EXTERIOR FERROUS METAL ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL BE GALVANIZED AND PAINTED WITH HIGH PERFORMANCE COATING, UNLESS NOTED OTHERWISE: EXPOSED STEEL COLUMNS, LOOSE LINTELS, SHELF ANGLES, STEEL ANGLE OR CHANNEL JAMBS, LADDERS, LADDER SAFETY CAGES, HANDRAILS, GUARDS, AND BOLLARDS. COAT OR OTHERWISE ISOLATE DISSIMILAR METALS TO PREVENT GALVANIC ACTION AND OTHER FORMS OF CORROSION.
18. ALL FRAMING AND STRUCTURAL MEMBERS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. REFER TO STRUCTURAL DRAWINGS FOR ACTUAL DIMENSIONS AND DETAILS.
19. FIRE RESISTANCE RATINGS SHOWN ARE MINIMUM RATINGS REQUIRED. REFER TO FLOOR PLANS, PARTITION TYPES AND SPECIFICATIONS FOR MORE INFORMATION.
20. FIRE RESISTANCE RATINGS OF PARTITIONS ARE SHOWN WHERE PARTITIONS ARE NOT CUT BY DOORS, WINDOWS, STOREFRONTS OR OTHER OBJECTS. RATED PARTITION MAY EXIST ABOVE OBJECTS.
21. PARTITION TYPE AND FIRE RESISTANCE RATING INDICATED FOR A GIVEN PARTITION ARE TO BE CONTINUOUS FOR THE LENGTH AND HEIGHT OF THAT PARTITION, UNLESS NOTED OTHERWISE.
22. PENETRATIONS THROUGH FIRE RESISTANCE RATED PARTITIONS, FLOORS, CEILINGS AND ROOF ASSEMBLIES SHALL BE SEALED WITH APPROVED FIRE RESISTANT RATED PENETRATION FIRESTOPPING SYSTEMS.
23. MAINTAIN THE FIRE RESISTANCE RATING OF CONSTRUCTION AROUND CABINETS, PANELS, BOXES AND OTHER ITEMS RECESSED IN THE FIRE-RESISTANCE RATED PARTITION, FLOOR AND CEILING ASSEMBLIES.
24. REFER TO MECHANICAL DRAWINGS FOR SMOKE FIRE AND FIRE/SMOKE DAMPER LOCATIONS. REFER TO ELECTRICAL DRAWINGS FOR LOCATION AND QUANTITY OF SMOKE DETECTORS.
25. EXIT SIGN LOCATIONS AND QUANTITIES INDICATED ARE APPROXIMATE. MORE PRECISE LOCATIONS AND ADDITIONAL SIGNS MAY BE REQUIRED BY THE AUTHORITY HAVING JURISDICTION. NOTIFY THE ARCHITECT OF ANY CHANGES REQUIRED BY THE AUTHORITY HAVING JURISDICTION.

ANNOTATION LEGEND

- ROOM TAG
- DOOR TAG. REFER TO DOOR SCHEDULE
- WINDOW TAG. REFER TO WINDOW SCHEDULE
- WALL TAG. REFER TO WALL TYPES
- FINISH TAG. REFER TO FINISH SPECIFICATIONS
- FLOOR FINISH TAG. REFER TO FINISH SPECIFICATIONS
- TILE TAG. REFER TO TILE SPECIFICATIONS
- LIGHT FIXTURE TAG. REF. LIGHTING SPECIFICATIONS
- CENTERLINE
- ELEVATION
- STAIRS - # OF RISERS @ RISER HEIGHT
- SINGLE STEP
- KEYNOTE TAG
- GRIDLINES
- EXTERIOR ELEVATION
- INTERIOR ELEVATION
- SECTION / SECTION DETAIL
- CALLOUT FOR ENLARGED VIEW
- REVISION TAG

SITE LOCATION MAP

SHEET INDEX

SHEET #	SHEET NAME	SHEET ISSUE DATE	CURRENT REVISION
G-0.00	COVER SHEET	05.16.25	05.16.25
G-0.01	SITE PLAN + PROJECT INFO	05.16.25	05.16.25
G-0.02	SCHEDULES	05.16.25	05.16.25
A-0.01	SITE LANDSCAPE PLANS	05.16.25	05.16.25
A-1.00	FOUNDATION AND ROOF PLANS	05.16.25	05.16.25
A-1.01	FLOOR PLANS	05.16.25	05.16.25
A-2.01	REFLECTED CEILING PLANS	05.16.25	05.16.25
A-3.01	POWER PLANS	05.16.25	05.16.25
A-4.01	FINISH PLANS	05.16.25	05.16.25
A-5.01	EXTERIOR ELEVATIONS	05.16.25	05.16.25
A-7.01	INTERIOR ELEVATIONS	05.16.25	05.16.25
A-8.01	AXONS	05.16.25	05.16.25
A-8.02	PERSPECTIVE VIEWS	05.16.25	05.16.25
A-8.03	PERSPECTIVE VIEWS	05.16.25	05.16.25

PROJECT INFORMATION

CITY OF DALLAS REVIEW STAMP

PROJECT NAME PATEL RESIDENCE

PROJECT ADDRESS 5315 BONITA AVE
DALLAS, TX 75206

JURISDICTION DALLAS, TEXAS

CONSTRUCTION TYPE TYPE V - WOOD CONSTRUCTION

FIRE PROTECTION NON-SPRINKLED

FIRE ALARM SMOKE DETECTORS

OCCUPANCY SINGLE FAMILY RESIDENTIAL

ZONING
DISTRICT R-7.5(A)
MINIMUM LOT AREA 7,500 SF MIN
ACTUAL LOT AREA 9,968.6 SF

REQUIRED SETBACKS
FRONT YARD 25'-0" MIN PER ZONING
N/A
SIDE YARDS 5'-0" MIN PER ZONING
5'-2" MIN PROVIDED
REAR YARD 5'-0" MIN PER ZONING
5'-6" MIN PROVIDED
MAX HEIGHT 30'-0" MAX PER ZONING
29'-8" MAX BLDG HEIGHT PROVIDED
MAX LOT COVERAGE 45% MAXIMUM
44.427% PROVIDED (PRIMARY + ACC)

SITE INFORMATION
PLAT PRIMARY PLACE BLK 22/1942 LOT 25
LOT SIZE 0.22885 ACRES (9,968.61 SF)
FLOOD PLAIN NO

ENERGY COMPLIANCE (PER 2021 IECC)

CLIMATE ZONE	2A - WARM - HUMID
FENESTRATION MAX U-FACTOR	0.40
SKYLIGHT MAX U-FACTOR	0.65
GLAZED FENESTRATION MAX SHGC	0.25
GLAZED SKYLIGHT MAX SHGC	0.30
CEILING MAX U-FACTOR	0.026
FLOOR MAX U-FACTOR	0.064
WOOD FRAME WALL MAX U-FACTOR	0.084
MASS WALL MAX U-FACTOR	0.165
BASEMENT WALL MAX U-FACTOR	0.360
CRAWL SPACE WALL MAX U-FACTOR	0.477

AREA CALCULATIONS

456.33 SF LEVEL 01 CONDITIONED
680.80 SF LEVEL 02 CONDITIONED
35.15 SF LEVEL 03 CONDITIONED
1,152.40 SF - CONDITIONED

1,178.25 SF MAXIMUM AREA (25% OF 4,705 SF PRIMARY RESIDENCE)

288.15 SF LEVEL 01 COVERED CARPORT PAVING

715.34 SF TOTAL SLAB AREA - EXCLUDES SITE PAVING

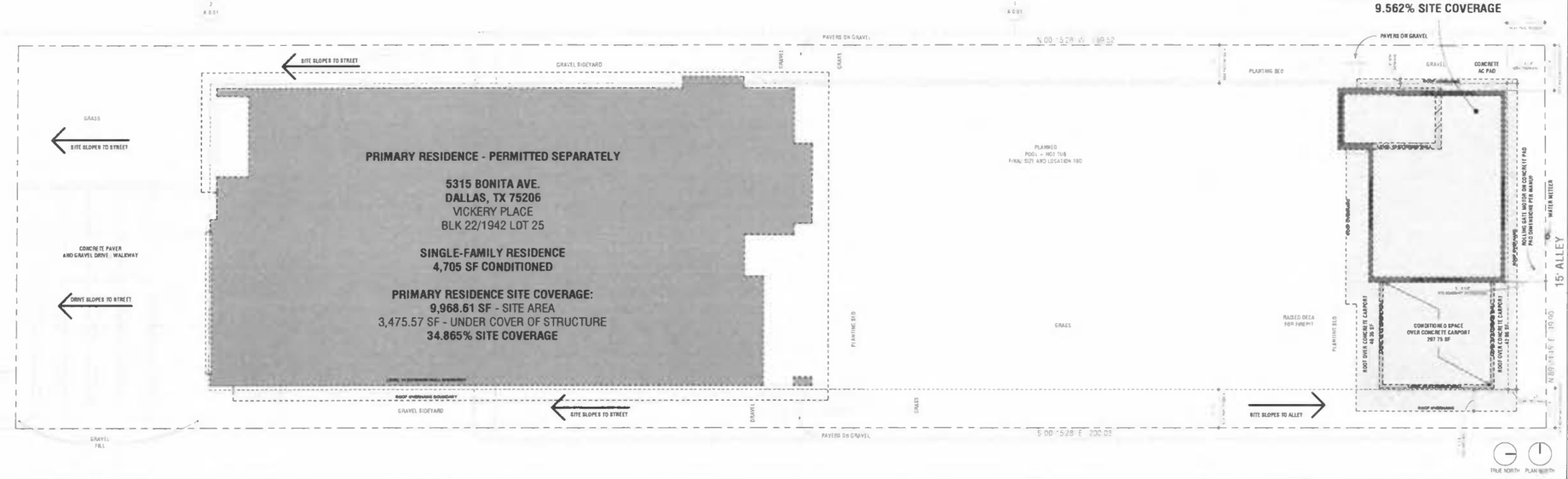
SITE COVERAGE CALCULATION
9,968.61 SF - SITE AREA

3,475.57 SF - PRIMARY RESIDENCE - UNDER COVER OF STRUCTURE
953.15 SF - NEW ACCESSORY STRUCTURE - UNDER COVER OF STRUCTURE
4,428.72 SF TOTAL

44.427% SITE COVERAGE TOTAL

APPLICABLE CODES
2021 INTERNATIONAL RESIDENTIAL CODE WITH DALLAS AMENDMENTS
2021 INTERNATIONAL PLUMBING CODE WITH DALLAS AMENDMENTS
2021 INTERNATIONAL MECHANICAL CODE WITH DALLAS AMENDMENTS
2020 NATIONAL ELECTRICAL CODE WITH DALLAS AMENDMENTS
2021 INTERNATIONAL ENERGY CONSERVATION CODE WITH DALLAS AMENDMENTS
2021 INTERNATIONAL FUEL & GAS CODE WITH DALLAS AMENDMENTS
2015 INTERNATIONAL GREEN CONSTRUCTION CODE WITH DALLAS AMENDMENTS

ACCESSORY BUILDING
5315 BONITA AVE. VICKERY PLACE
DALLAS, TX 75206 BLK 22/1942 LOT 25
SINGLE-FAMILY ACCESSORY BUILDING
1,152.40 SF CONDITIONED
ACCESSORY BUILDING SITE COVERAGE:
9,968.61 SF - SITE AREA
953.15 SF - UNDER COVER OF STRUCTURE
9.562% SITE COVERAGE



1 G-0.01 SITE PLAN — 1" = 6'-0"

NUANCE INTERIORS
© NUANCE INTERIORS, LLC
WWW.NUANCEINTERIORS.COM
INTERIOR DESIGN / ARCHITECTURE
4200 MAIN STREET, SUITE 102
DALLAS, TX 75226
817.715.0427

REGISTERED ARCHITECT ERIC R. BAGLEY STATE OF TEXAS

5.16.2025
6:24:48 PM

PATEL ACCESSORY

5315 BONITA AVE
DALLAS, TX 75206

#	REVISION	DATE
1	ISSUE FOR PERMIT	05.16.25

PROJECT	PATEL ACCESSORY
ADDRESS	5315 BONITA AVE DALLAS, TX 75206
PROJECT #	24026

SITE PLAN + PROJECT INFO

G-0.01

5.16.2025 6:24:48 PM

FILE NUMBER: BOA-25-000023(BT)

BUILDING OFFICIAL'S REPORT: Application of Wan Kim of Texas Pro Signs for **(1)** a special exception to the sign regulations at **3320 LIVE OAK STREET.** This property is more fully described as Block A/499, Lot 1, and is zoned PD-298 (Subarea 10C), which limits the number of words on a sign. The applicant proposes to construct and/or maintain an attached premise sign on a nonresidential building facade with ten words which contain characters of a height equal to or exceeding four inches, which require **(1)** a special exception to the sign regulations.

LOCATION: 3320 Live Oak Street

APPLICANT: Wan Kim

REQUEST: A special exception to the sign regulations.

STANDARD FOR ATTACHED SIGN STANDARDS REGULATIONS & STANDARD FOR SPECIAL EXCEPTION TO SIGN STANDARD REGULATIONS:

Section 51A-7.703(d)(3) of the Dallas Development Code states the except as provided in Section 51A-7.703(c), the board of adjustment authorize up to two additional large letter words on an attached sign in excess of the number permitted in Article IV of the Code when the board has made a special finding from the evidence presented that strict compliance without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site:	PD-298 (Subarea 10C)
North:	PD-298 (Subarea 7, Tract 2) (Subarea 10A)
East:	PD-298 (Subarea 10A) (Subarea 11A, Tract 1)
South:	PD-298 (Subarea 11A, Tract 1)
West:	PD-298 (Subarea 10C)

Land Use:

The subject site is currently under remodeling and the surrounding properties consists of medical offices and large city park.

BDA History:

No BDA history has been found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

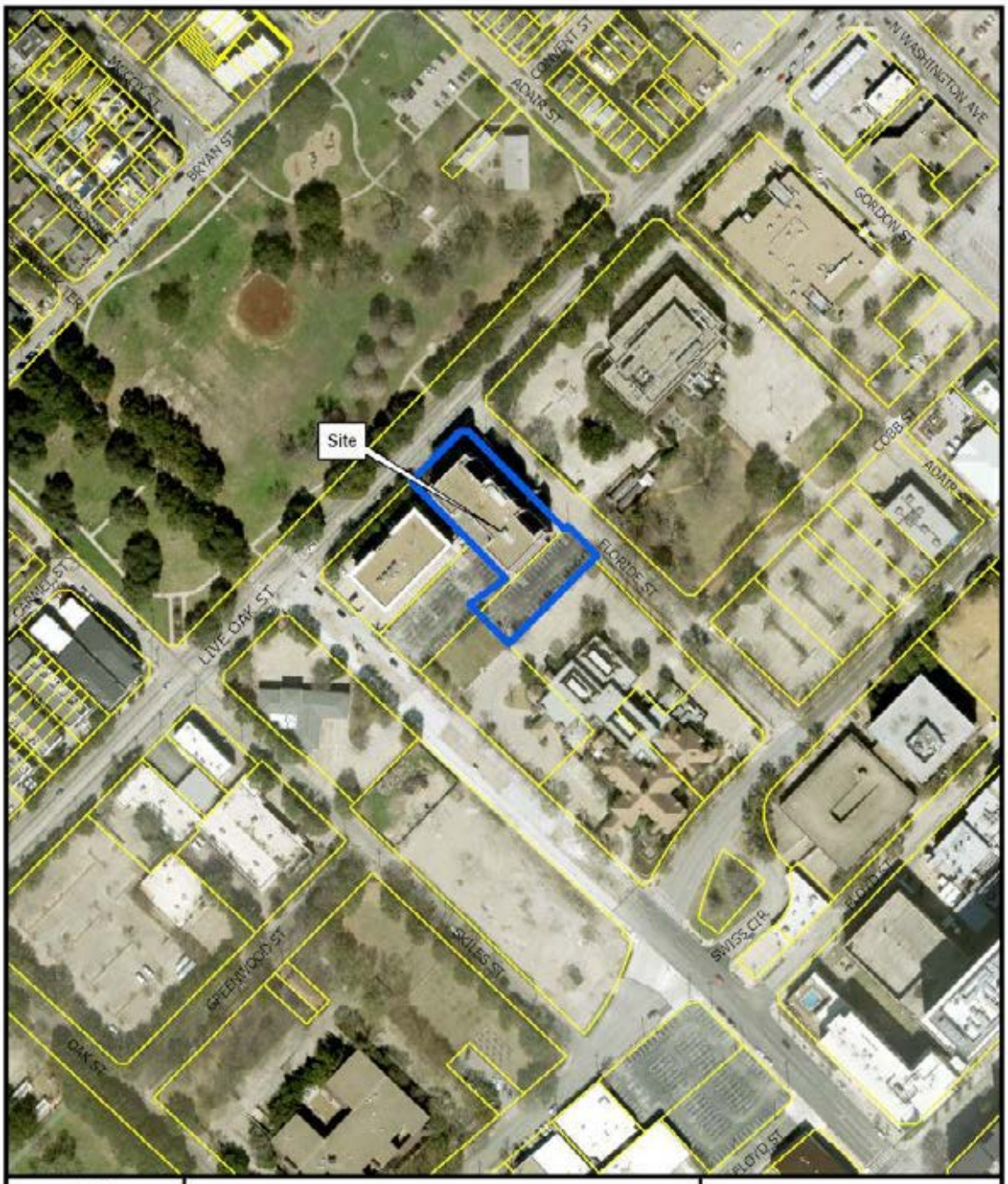
- The application of Wan Kim of Texas Pro Signs for the property located at 4501 Afton Street focuses on one request relating to a special exception to the landscape regulations.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain an attached premise sign on a nonresidential building façade with ten words which contain characters of a height equal to or exceeding four inches, which will require a special exception to the sign regulations.
- Per Signs Staff referral on February 25, 2025, the applicant is not meeting Section 51A-7.305. (c):
    - ATTACHED SIGNS - On the primary facade, the combined effective area of all attached signs may not exceed 25 percent of the total area of the primary facade. On any building facade, there may be a maximum of eight words which contain any character of a height equal to or exceeding four inches and pertain to any premise or any non-residential occupancy. Words consisting of characters less than four inches high may be used without limit.
- Section 51A-7.703. (d)(3):
    - (d) Except as provided in Section 51A-7.703(c) the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special variances and exceptions to the regulations established in this article when the board has made a special finding from the evidence presented that strict compliance with the requirement of this article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article:
    - (3) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.
- Granting the special exception to the sign regulations with a condition that the applicant complies with the submitted site and signs plan, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video:

Timeline:

June 23, 2025:	The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
July 7, 2025:	The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
August 6, 2025:	The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **July 21, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **August 8, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **August** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

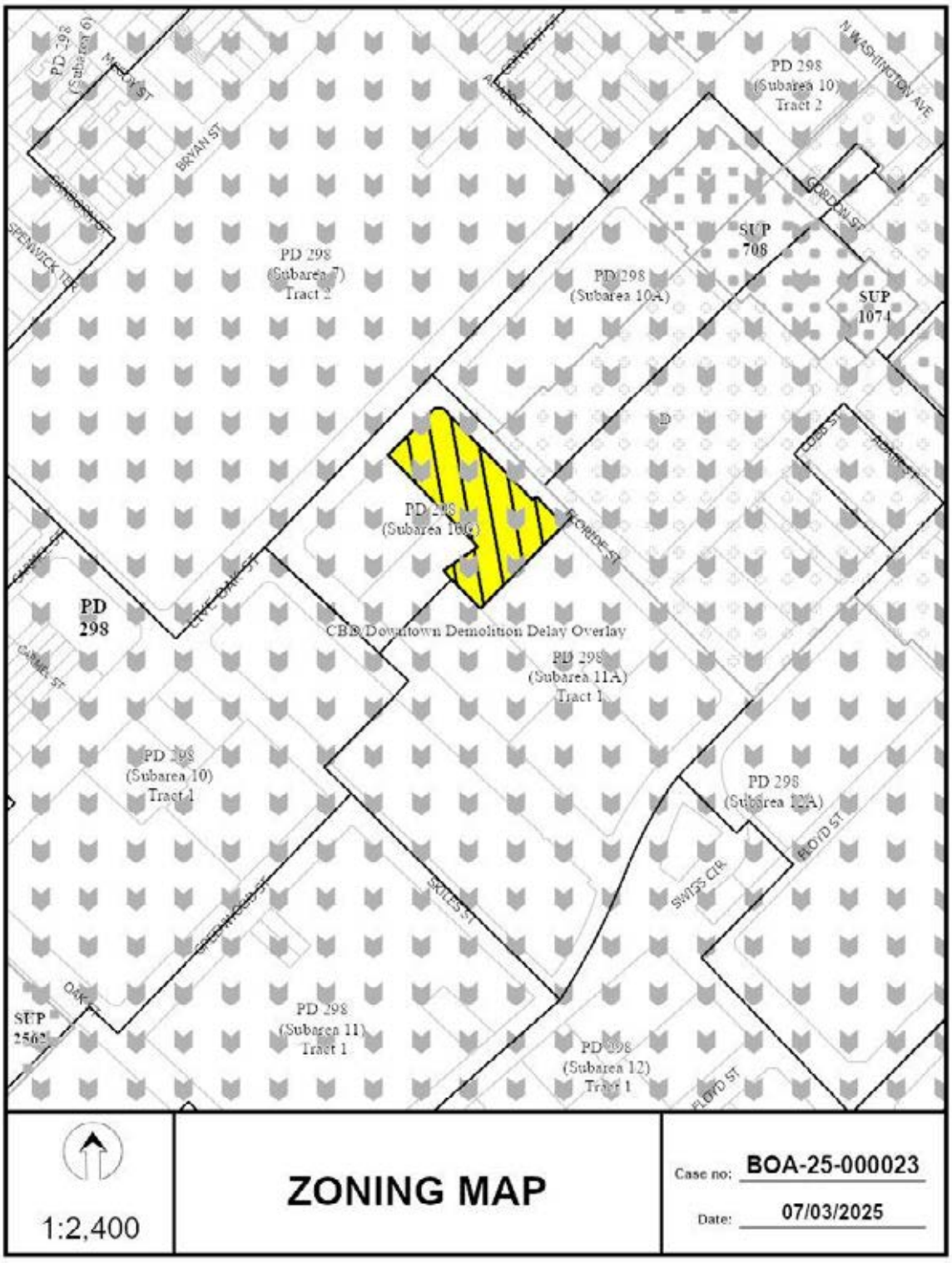


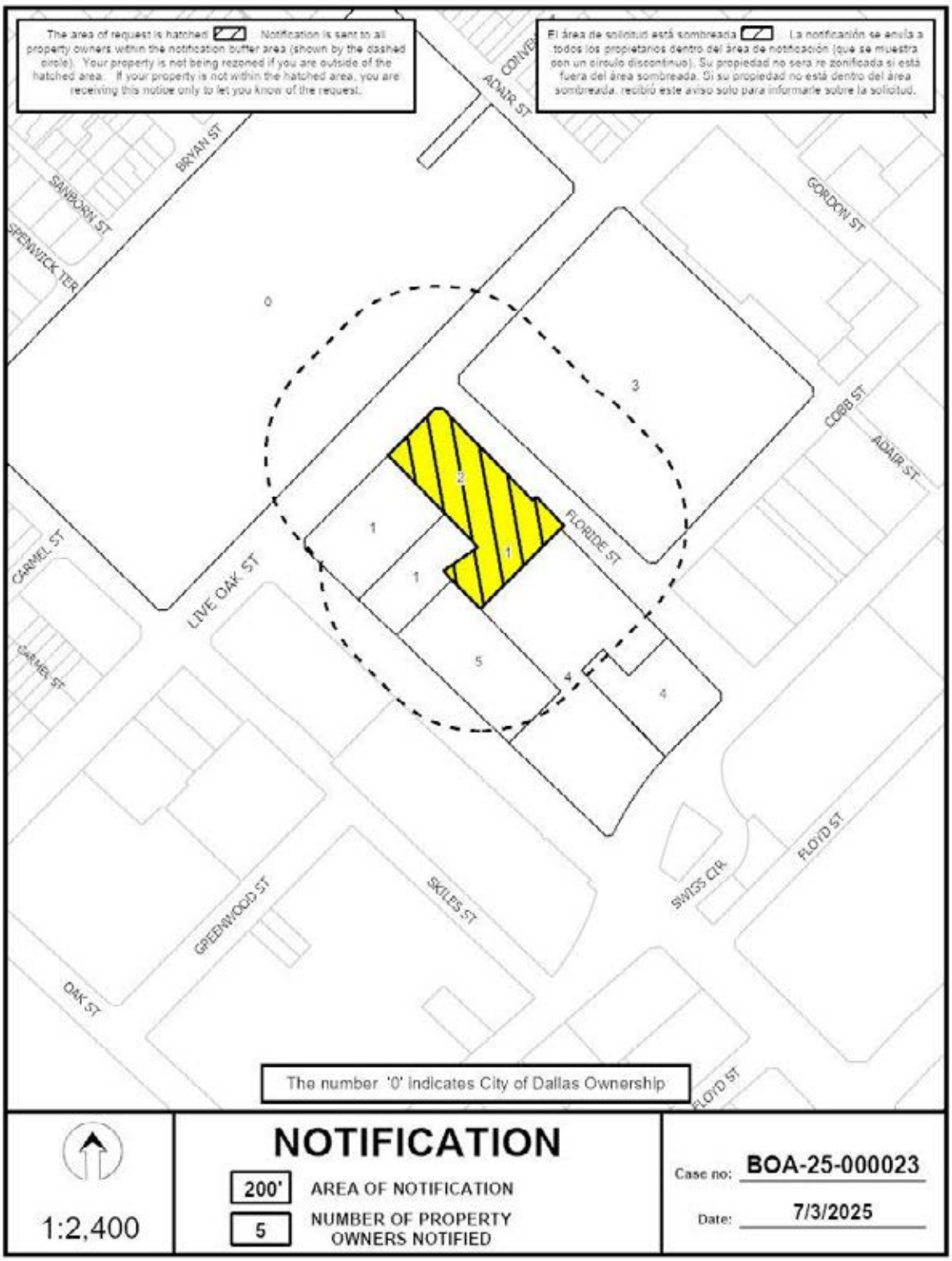
1:2,400

AERIAL MAP

Case no: BOA-25-000023

Date: 07/03/2025


PD 298
(Subarea 6)
MAIN ST
BRYAN ST
CHURCH ST
ALLEN ST
PD 298
(Subarea 10)
Tract 2
N WASHINGTON AVE
GORDON ST
SPENWICK TER
PD 298
(Subarea 7)
Tract 2
SUP
708
PD 298
(Subarea 10A)
SUP
1074
COBB ST
ROBERT ST
PD 298
(Subarea 10B)
FLORIDE ST
CARMEL CT
CIVIC OAK CT
PD
298
CBD Downtown Demolition Delay Overlay
CARMEL ST
PD 298
(Subarea 11A)
Tract 1
PD 298
(Subarea 10)
Tract 1
PD 298
(Subarea 12A)
ELOYD ST
SWISS CIR
SKILES ST
GREENWOOD ST
OAK
SUP
2562
PD 298
(Subarea 11)
Tract 1
PD 298
(Subarea 12)
Tract 1
ELOYD ST
1:2,400
ZONING MAP
Case no: BOA-25-000023
Date: 07/03/2025


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada. La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
BRYAN ST
SANBORN ST
SPENWICK TER
ADAIR ST
GORDON ST
COBB ST
FLORIDE ST
CARMEL ST
LIVE OAK ST
GREENWOOD ST
SKILES ST
SWISS CIR
FLOYD ST
OAK ST
0
1
2
3
4
5
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
5
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BOA-25-000023
Date: 7/3/2025

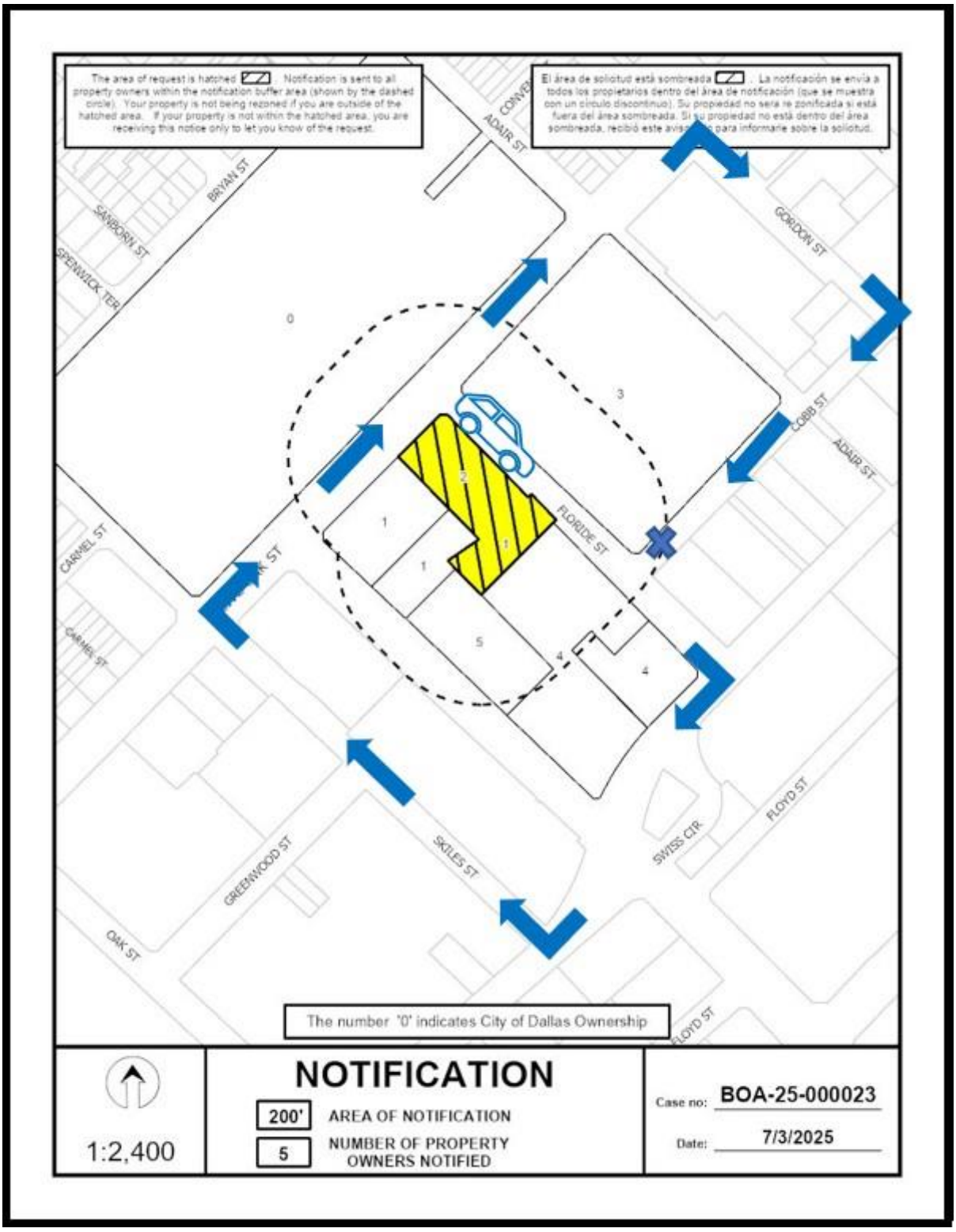
Notification List of Property Owners

BOA-25-000023

5 Property Owners Notified

Label #	*Address*		*Owner*
1	3310	LIVE OAK ST	3310 LIVE OAK LLC
2	3320	LIVE OAK ST	PSL LIVE OAK DALLAS LLC
3	3434	LIVE OAK ST	BAYLOR HEALTH CARE SYSTEM
4	3301	SWISS AVE	BAYLOR UNIVERSITY MED CTR
5	1200	N HALL ST	BAYLOR CENTER FOR RESTORATIVE CARE

200’ Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000023(BT) Application of Wan Kim of Texas Pro Signs for **(1)** a special exception to the sign regulations at **3320 LIVE OAK STREET**. This property is more fully described as Block A/499, Lot 1, and is zoned PD-298 (Subarea 10C), which limits the number of words on a sign. The applicant proposes to construct and/or maintain an attached premise sign on a nonresidential building facade with ten words which contain characters of a height equal to or exceeding four inches, which require **(1)** a special exception to the sign regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

Planning & Development Department

City of Dallas

320 E Jefferson Blvd,
Dallas TX 75203
(214) 948-4480

Board of Adjustment:
1500 Marilla Street, 5CN
Dallas Tx75201
(214) 948-4480

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

OFFICE USE ONLY
Case no. _____
Date _____

Data Relative to Subject Property:

Location address: 3320 LIVE OAK ST Zoning District: PD-298

Lot No.: 1 Block No.: A/499 Acreage: 0.6164 Census Tract: _____

Street Frontage (in Ft.): 1) 188 2) 97 3) _____ 4) _____ (5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): PSL LIVE OAK DALLAS, LLC

Applicant: TEXAS PRO SIGNS (WAN KIM) Telephone: 214-956-7811

Mailing Address: 2312 FABENS RD Zip Code: 75229

E-mail Address: PM@TEXASPROSIGNS.COM

Represented by: WAN KIM Telephone: 214-956-7811

Mailing Address: 2312 FABENS RD Zip Code: 75229

E-mail Address: PM@TEXASPROSIGNS.COM

Affirm that an appeal has been made for a ☐Variance or ■Special Exception, of:

CODE MAX OF (8) WORDS PER ELEVATION

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

For facade over 16,000 ft2, two complete signs require (10) words (long name of hospital). Would be hardship for identification without these.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me, the undersigned on this day personally appeared Wan Kim
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: _____
(Affiant/ Applicant's signature)

Subscribed and sworn to before me this 11th day of 6 20 25

Notary Public in and for Dallas County, Texas _____

LEE SU
My Notary ID # 12213268
Expires January 16, 2029

Together we are planning and building a better Dallas for all! 4/30/2025

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

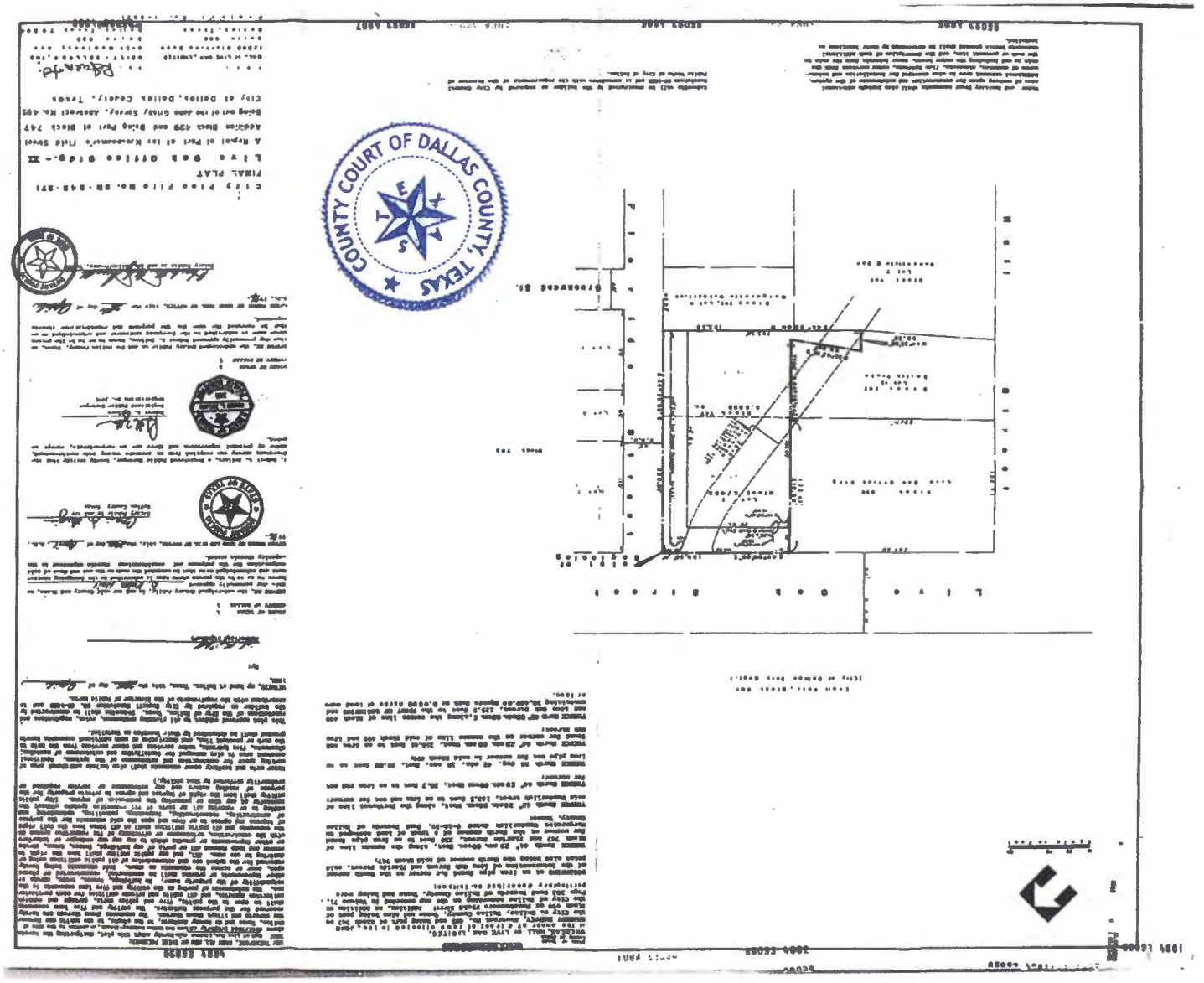
FILE NUMBER: BOA-25-000022

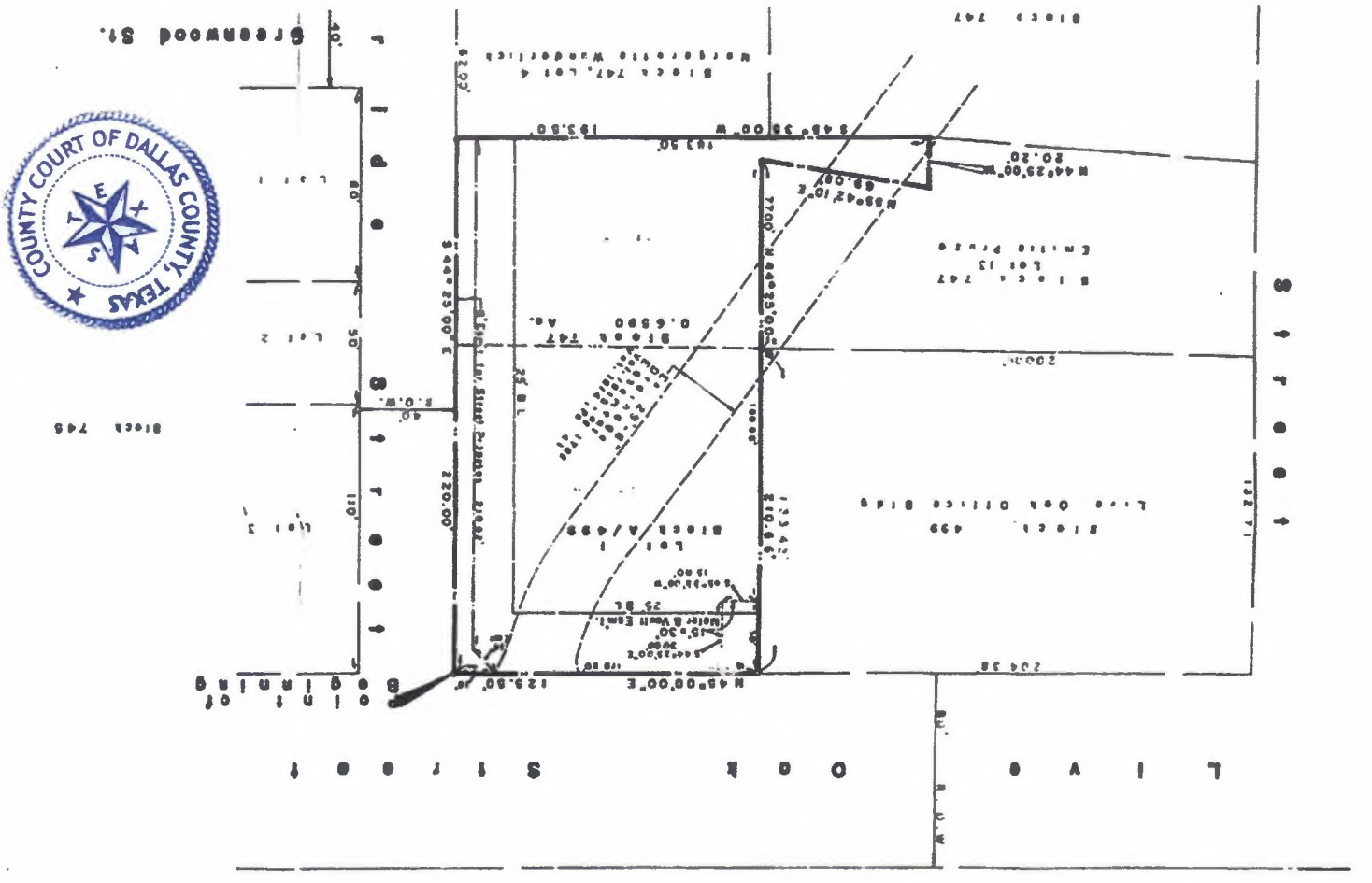
BUILDING OFFICIAL'S REPORT: Application of Daniel Le for a special exception to the single-family use regulations at 5315 BONITA AVE. This property is more fully described as Block 22/1942 Lot 25 and is zoned R-7.5(A) | CD-15, which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an accessory dwelling unit (not for rent), which will require a special exception to the single-family use regulations.

LOCATION: 5315 BONITA AVE

APPLICANT: Daniel Le

REQUEST: A special exception to the single-family use regulations


COUNTY COURT OF DALLAS COUNTY TEXAS


COUNTY COURT OF DALLAS COUNTY, TEXAS

PAM HEALTH REHABILITATION HOSPITAL
3320 LIVE OAK STREET, DALLAS TX 75204

LEGAL DESCRIPTION:

LOT 1, BLOCK A/499, LIVE OAK OFFICE BUILDING-II ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 86093, PAGE 4801, DEED RECORDS, DALLAS COUNTY TEXAS

REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: TEXAS PRO SIGNS INC.	OWNER:	
ADDRESS: 3320 LIVE OAK ST.	STATE: DALLAS	ZIP: 75204
LOT: 1	BLOCK: A499	ZONING: PD-298

☐ **Variance**	☐ **Special Exception**
☐ Yard setback	☐ Fence height and standards
☐ Lot width	☐ Visibility triangle obstructions
☐ Lot Depth	☐ Parking demand
☐ Lot Coverage	☐ Landscaping
☐ Floor area for accessory structures for single family uses	☐ Additional dwelling unit for a single-family
☐ Height	☐ Carport
☐ Minimum width of sidewalk	☐ Non-conforming use
☐ Off-street parking	☑ Other
☐ Off-street loading	
☐ Landscape regulations	
☐ Other	

Please list the City of Dallas Development Code(s) this project is non-compliant with:

SEC. 51A-7.305. (c) ATTACHED SIGNS.

Description: On any building facade, there may be a maximum of eight words which contain any character of a height equal to or exceeding four inches and pertain to any premise or any non-residential occupancy. Words consisting of characters less than four inches high may be used without limit.

Alternative resolutions discussed/offered:

51A-7.703. (d) (3) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

Referred by: Trevor Lumsden, SrPlansExami Contact: Trevor.Lumsden@dallas.gov Date: 02/25/2025

Trevor Lumsden

FOR INTERNAL USE ONLY

Distance to Property Line

#	EXTERIOR SIGNAGE	DISTANCE
ES01 01	North Building Sign	26'
ES01 02	North Building Sign	23'
ES02 01	West Building Sign	27'
ES03 01	East Building Sign	65'
ES04 01	South Building Sign	1/2'
ES05 01	Ambulance Sign	65'
ES06 01	Building Number Sign	35'
ES07 01	Monument Sign	7'
ES08 01	Directional Sign	25'
ES09 01	Wayfinding Sign	26'
ES09 02	Wayfinding Sign	26'

Setback from (Live Oak St.)

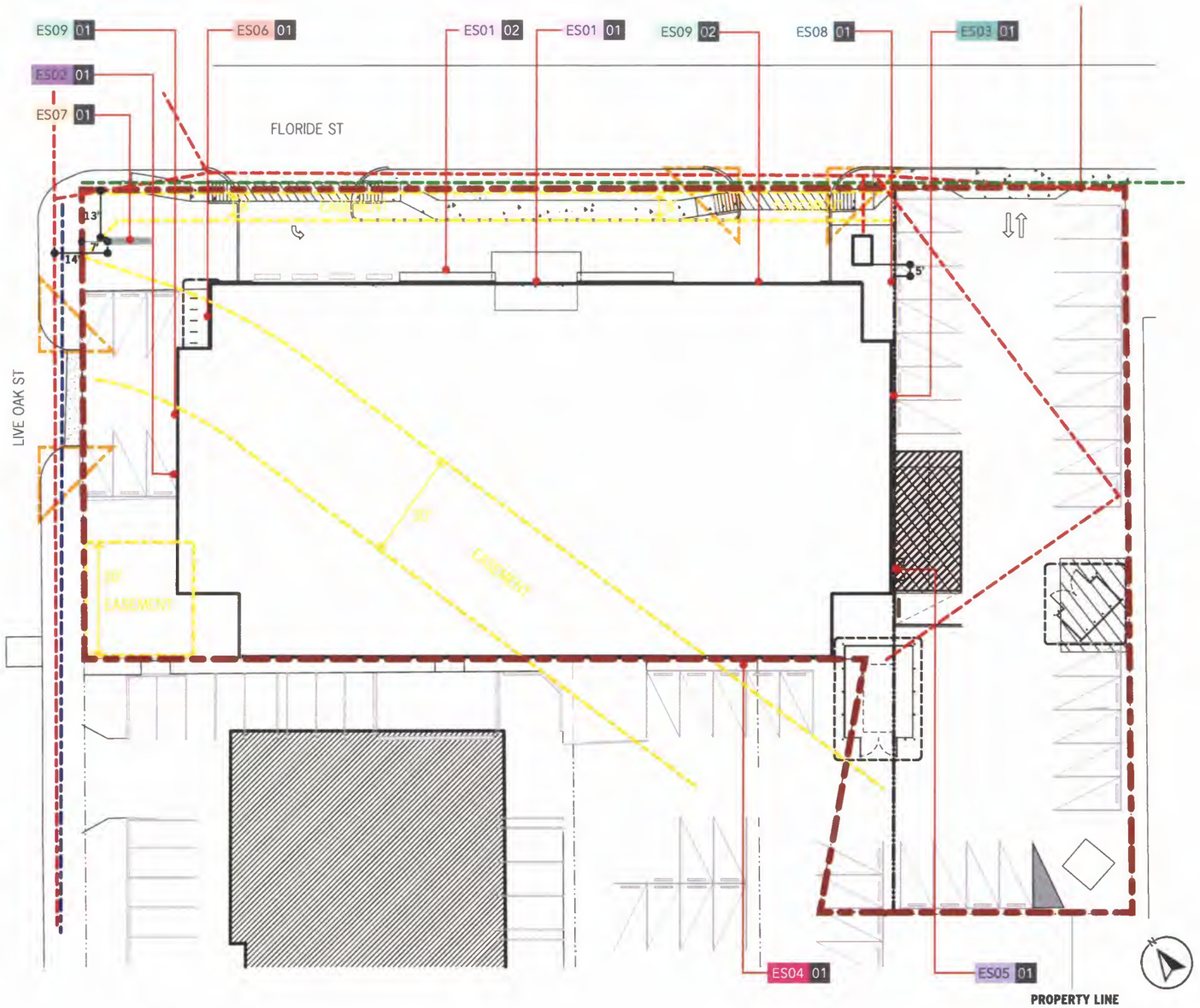
#	EXTERIOR SIGNAGE	DISTANCE
ES07	Monument Sign	19'

Setback from (Florida St.)

#	EXTERIOR SIGNAGE	DISTANCE
ES07	Monument Sign	19'

Utility Lines

UTILITY	KEY
Electric Line	
Water Line	
Sewer Line	
20' Visibility Triangle	



1 Site Plan
Scale : NTS

TEXAS PRO SIGNS
214.956.7811 972.241.6744
www.texasprosigns.com
2312 Fabens Rd, Dallas, TX 75229

TITLE : PAM HEALTH
FILE : PAM HEALTH_DALLAS_SITE PLAN
ADDRESS : 3320 LIVE OAK ST, DALLAS TX 75204
SCALE : 1:128
DESIGNER : J, BALLESTEROS DATE : 03/21/2025

CLIENT APPL | LANDLORD APPL | PERMIT
PROJECT | PRODUCTION | INSTALL

All designs and drawings remain Texas Pro Signs exclusive property and in no way may be copied or duplicated without written consent.

Under writers Laboratories Inc. E206103

FILE NUMBER: BOA-25-000029(DB)

BUILDING OFFICIAL'S REPORT:

BOA-25-000029(DB) Application of Abner Fuentes for **(1)** a variance to the front-yard setback regulations, **(2)** a special exception to the fence height regulations, and **(3)** a special exception to the fence opacity regulations at **5917 BELGRADE AVENUE.** This property is more fully described as Block 10/5809, Lot 7, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet, limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an accessory pool structure and provide an 8-foot 6-inch front-yard setback, which will require **(1)** a 16-foot 6-inch variance to the front-yard setback regulations, and the applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(2)** a 4-foot special exception to the fence height regulations, and the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50- percent open surface area located less than 5-feet from the front lot line, which will require **(3)** a special exception to the fence opacity regulations.

LOCATION: **5917 BELGRADE AVENUE**

APPLICANT: Abner Fuentes

REQUEST:

(1) a variance to the front-yard setback regulations,

(2) a special exception to the fence height regulations, and

(3) a special exception to the fence opacity regulations

STANDARDS OF REVIEW FOR VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front yard**, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

(A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

(B) necessary to permit development of a specific parcel of land that differs from other parcels of land by **being of such a restrictive area, shape, or slope,** that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(v) the municipality considers the structure to be a nonconforming structure.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT AND OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Variance:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

A. Not contrary to the public interest.

B. The lot is restrictive in terms of buildable **area,** shape, and **slope**. As a corner lot with front yard setbacks required along both Belgrade Ave. and Lawn View Ave., it has reduced flexibility for development and cannot be developed in a manner commensurate with other parcels in the same zoning district. Although the lot would typically qualify for a side yard setback along one frontage, it is required to maintain continuity with the established front yard setback pattern, and therefore the side yard provision cannot be applied. While the lot is larger in square footage than neighboring properties, a past street widening further altered the configuration and reduced the buildable area. Additionally, although not confirmed, the slope of the site may also contribute to the development constraints.

C. This is not a self-created or personal hardship

Special Exceptions (2):

- No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

Zoning:

- **Site:** R-7.5(A)
- **North:** R-7.5(A)
- **East:** R-7.5(A)
- **South:** R-7.5(A)
- **West:** R-7.5(A)

Land Use:

The subject site is developed with a single-family residence and is surrounded by properties similarly developed with single-family homes.

Lot Square Footage:

This lot size is approximately 10,600+ square feet (0.244 acres).

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The applicant, Abner Fuentes, is requesting the following for the property located at 5917 Belgrade Avenue:

1. A **variance** to the front yard setback regulations;
2. A **special exception** to the fence height regulations; and
3. A **special exception** to the fence opacity regulations.

- The property is zoned R-7.5(A), which establishes a minimum front yard setback of 25 feet.
- Due to the continuity of the established front yard setback along the block, the applicant is requesting a variance to allow the construction of a pool within the required front yard setback. The applicant is proposing to provide an 8 feet 6-inch setback, which will require a 16 feet 6-inch variance to the front-yard setback regulations.
- The subject site is a corner lot, subject to two front yard setbacks, which the applicant notes significantly limit the buildable area and create challenges in the location of his proposed accessory structure.
- The property was also impacted by a street widening along Lawnview Avenue, further restricting the developable area and contributing to the hardship.
- There is a noticeable slope from the front to the rear of the property. While it is unclear whether this topography creates a measurable hardship, it may contribute to development challenges.

- A board-on-board fence was constructed in the front yard with a height and opacity that required special exceptions. The fence is located within 5 feet of the front property line, triggering the opacity regulations, and exceeds the 4-foot height limit allowed in required front yards. The applicant states the fence permit was issued in error in 2025, and they are now seeking Board approval to bring it into compliance.
- The applicant also mentioned safety considerations related to the fence and pool, though he acknowledges that safety alone is not a basis for granting a variance or special exception.
- Without applying the established front yard pattern, the setback along Lawnview Avenue would qualify as a side yard, and the proposed fence would comply by right, without requiring Board approval.
- All other zoning regulations and development standards not specifically addressed in this application are presumed to be in compliance with applicable City of Dallas ordinances.
- Granting these requests with the condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown in the submitted materials.

Timeline:

June 27, 2025: Application submitted to the Board of Adjustment with supporting materials.

July 7, 2025: Case assigned to Board of Adjustment Panel A.

July 11, 2025: The Planning and Development Project Coordinator emailed the applicant with the following information:

- A notification letter including the public hearing date, the assigned panel, and deadlines for submitting additional documentation:
- **July 21, 2025** – deadline to submit materials for staff analysis
- **August 8, 2025** – deadline to submit materials for inclusion in the Board's docket
- Relevant decision criteria and Board procedures
- A copy of the Board of Adjustment Working Rules of Procedure related to documentary evidence

July 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada. La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
BELGRADE AVE
LAWNVIEW AVE
LA VERN AVE
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200' AREA OF NOTIFICATION
17 NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BOA-25-000029
Date: 7/1/2025

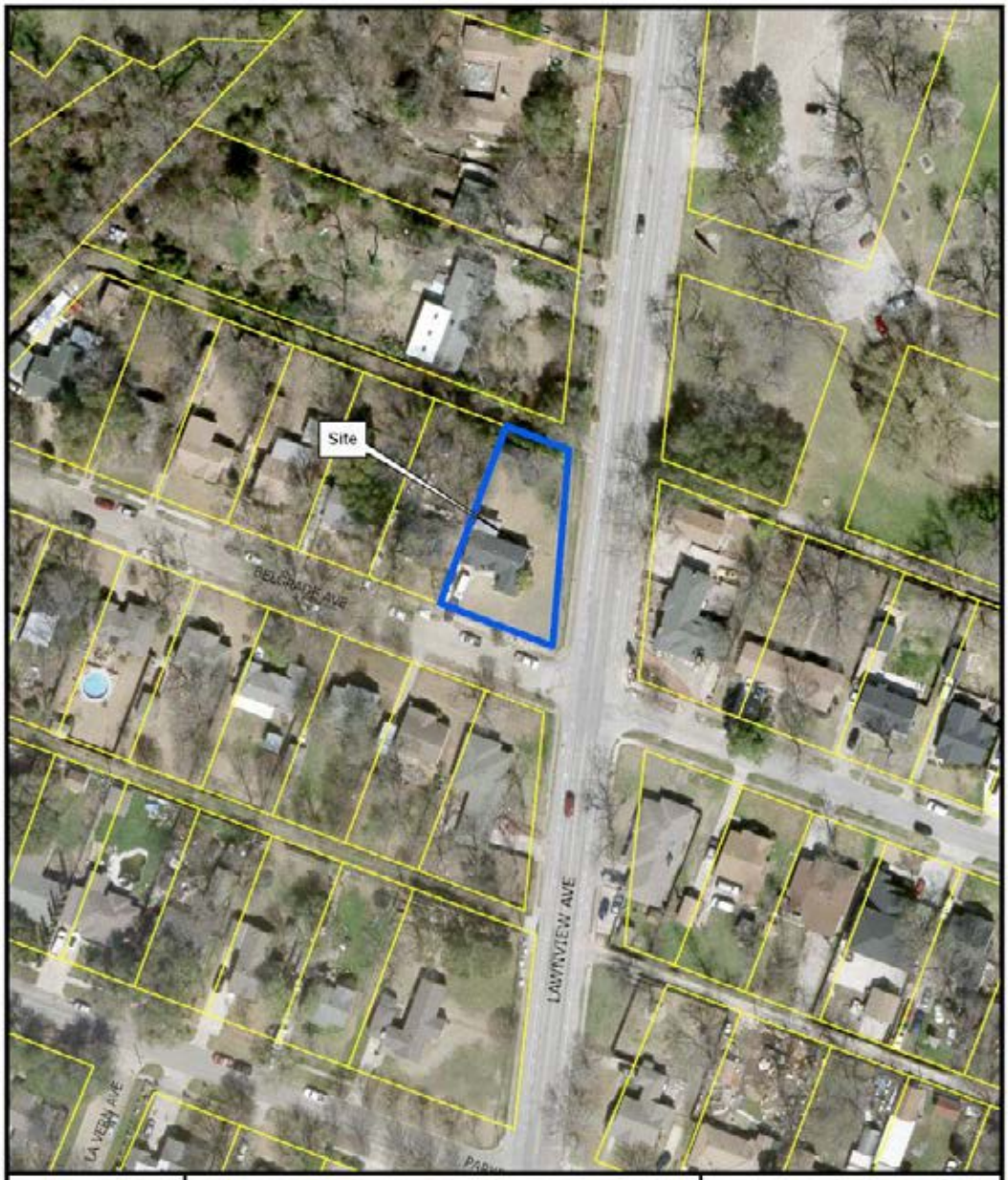
07/01/2025

Notification List of Property Owners

BOA-25-000029

17 Property Owners Notified

Label #	Address		Owner
1	5917	BELGRADE AVE	Taxpayer at
2	3905	LAWNVIEW AVE	TOLIN ANNE W
3	6003	BELGRADE AVE	ADAMS JEREMY L &
4	6001	BELGRADE AVE	GARCIA CELESTE MONIQUE
5	3817	LAWNVIEW AVE	HARTMAN PETER W J
6	5817	BELGRADE AVE	CAMACHO SHEYLA CORAL
7	5821	BELGRADE AVE	CAMACHO LUISA
8	5903	BELGRADE AVE	NOAH IRENE C
9	5909	BELGRADE AVE	BELTRAN DANIEL
10	6000	BELGRADE AVE	REDDIN WILLIE A &
11	5816	BELGRADE AVE	SWIONTEK ELIZABETH
12	5822	BELGRADE AVE	CAMACHOCAZARES MARIA ISABEL
13	5902	BELGRADE AVE	REYES JOEL JR
14	5908	BELGRADE AVE	TELLO MISAEL &
15	5912	BELGRADE AVE	KERBOW ANGEL L &
16	5916	BELGRADE AVE	Taxpayer at
17	6002	BELGRADE AVE	LARA ADALBERTO



1:1,200

AERIAL MAP

Case no: BOA-25-000029

Date: 07/01/2025

1:1,200

ZONING MAP

Case no: BOA-25-000029

Date: 07/01/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000029(BT) Application of Abner Fuentes for **(1)** a variance to the front-yard setback regulations, **(2)** a special exception to the fence height regulations, and **(3)** a special exception to the fence opacity regulations at **5917 BELGRADE AVENUE.** This property is more fully described as Block 10/5809, Lot 7, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet, limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an accessory pool structure and provide an 8-foot 6-inch front-yard setback, which will require **(1)** a 16-foot 6-inch variance to the front-yard setback regulations, and the applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(2)** a 4-foot special exception to the fence height regulations, and the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50- percent open surface area located less than 5-feet from the front lot line, which will require **(3)** a special exception to the fence opacity regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

City of Dallas

Planning & Development Department

320 E Jefferson Blvd,
Dallas TX 75203
(214) 948-4480

Board of Adjustment:
1500 Marilla Street, 5CN
Dallas Tx75201
(214) 948-4480

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

OFFICE USE ONLY
Case no. _____
Date _____

Data Relative to Subject Property: _____

Location address: 5917 Belgrade Ave Zoning District: R-7.5(A)

Lot No.: 7 Block No.: 10 Acreage: .244 Census Tract: 87.67

Street Frontage (in Ft.): 1) 91.44' 2) 154.32' 3) _____ 4) _____ (5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Abner Fuentes

Applicant: Abner Fuentes Telephone: 469-951-4225

Mailing Address: 5917 Belgrade Ave Zip Code: 75227

E-mail Address: AFuentes8613@yahoo.com

Represented by: David Dodd Telephone: 214-923-3417

Mailing Address: _____ Zip Code: _____

E-mail Address: david@ddoddlaw.com

Affirm that an appeal has been made for a ☑ Variance or ☒ Special Exception, of:
Variance of 15'4" to front yard setback along Lawview Ave to allow pool at 9'8
Special exception of 4' to fence height, and special exception to fence opacity

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
Reason: Regulations prohibit me from using my land.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me, the undersigned on this day personally appeared _____
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: _____
(Affiant/ Applicant's signature)

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

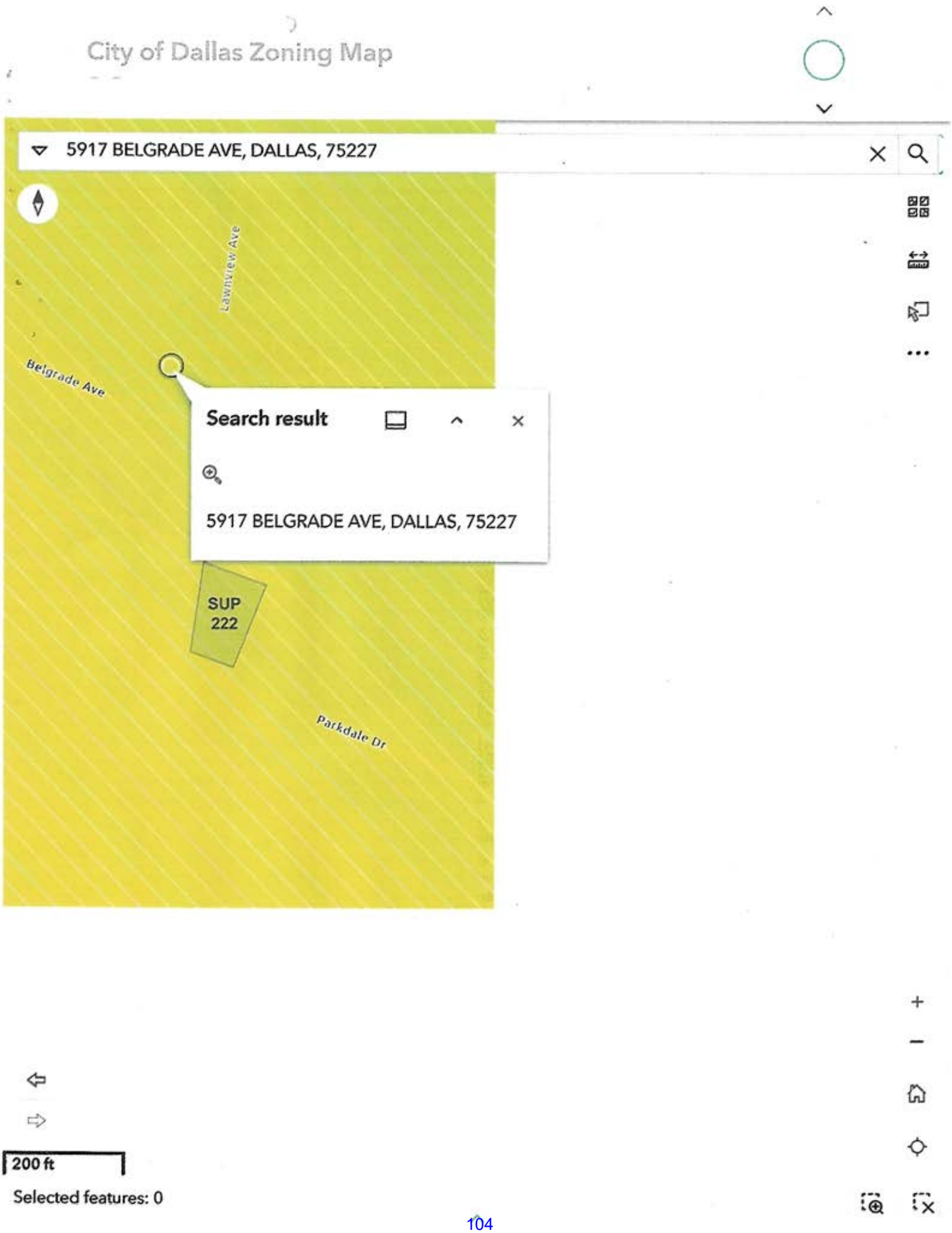
FILE NUMBER: BOA-25-000029

BUILDING OFFICIAL'S REPORT: Application of Abner Fuentes for a variance to the front-yard setback regulations, a special exception to the fence height regulations, and a special exception to the fence opacity regulations at 5917 BELGRADE AVE. This property is more fully described as block 10/5809, Lot 7, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet, limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 9-foot 8-inch front-yard setback, which will require a 15-foot 4-inch variance to the front-yard setback regulations, and the applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require a 4-foot special exception to the fence height regulations, and the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50- percent open surface area located less than 5-feet from the front lot line, which will require a special exception to the fence opacity regulations.

LOCATION: 5917 BELGRADE AVE

APPLICANT: Abner Fuentes

REQUEST: A request for a variance to the front-yard setback regulations, special exception to the fence height regulations, and special exception to the fence opacity regulations


City of Dallas Zoning Map
5917 BELGRADE AVE, DALLAS, 75227
Lawnview Ave
Belgrade Ave
Search result
5917 BELGRADE AVE, DALLAS, 75227
SUP
222
Parkdale Dr
200 ft
Selected features: 0

REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: Lauren Villarreal	OWNER:	
ADDRESS: 5917 Belgrade	STATE: TX	ZIP:
LOT: 7	BLOCK: 10/5809	ZONING:

☐ **Variance**	☐ **Special Exception**
☒ Yard setback	☐ Fence height and standards
☐ Lot width	☐ Visibility triangle obstructions
☐ Lot Depth	☐ Parking demand
☐ Lot Coverage	☐ Landscaping
☐ Floor area for accessory structures for single family uses	☐ Additional dwelling unit for a single-family
☐ Height	☐ Carport
☐ Minimum width of sidewalk	☐ Non-conforming use
☐ Off-street parking	☐ Other
☐ Off-street loading	
☐ Landscape regulations	
☐ Other	

Please list the City of Dallas Development Code(s) this project is non-compliant with:

51A-4.401(a)(1), 51A-4.401(b)(1)

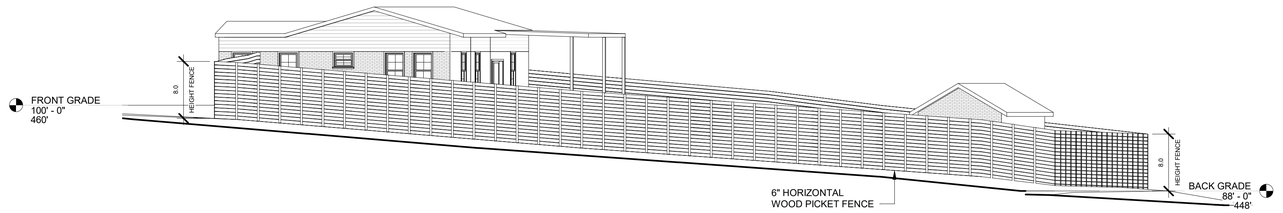
Description: 5917 Belgrade is a corner lot at Belgrade and Lawnview. The lots along Lawnview create a continuity of block issue for this swimming pool since alleys do not break up block face continuity.

Alternative resolutions discussed/offered:

Referred by: James Bales Contact: james.bales@dallas.gov Date: 5/27/25

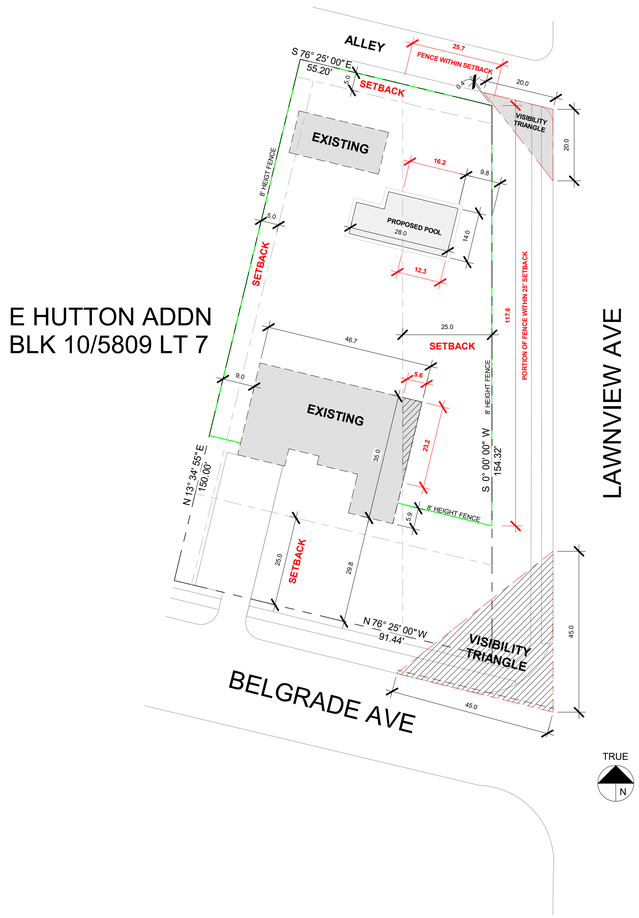
****FOR INTERNAL USE ONLY****

NOTE: GRADE VARIES, PRIVACY FENCE IS STEPPED
OR SLOPED AS NEEDED TO MAINTAIN 96" MAX HEIGHT



2 FENCE EXHIBIT

SCALE: 1" = 10'-0"



1 Site Plan

SCALE: 1" = 20'-0"

BELGRADE RESIDENCE ADDITION

5719 BELGRADE AVE
DALLAS. TX

OWNER

ABNER FUENTES

5917 BELGRADE AVE
DALLAS, TX 75227

No.	Date	Description
1	06/27/2025	REVIEW COMMENTS

Sheet Title
SITE PLAN

Sheet Number
1.00

6/27/2025 9:17

FILE NUMBER: BOA-25-000001(DB)

BUILDING OFFICIAL'S REPORT: Application of Tommy Mann to appeal the decision of an administrative official in the revocation of a Certificate of Occupancy at **17776 DALLAS PARKWAY**. This property is more fully described as Block 2/8705 Lot 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

LOCATION: 17776 Dallas Parkway

APPLICANT: Tommy Mann

REQUEST:

A request is made to appeal the decision of an administrative official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

Section 51A –3.102 of the Dallas Development code states the Board of Adjustment has the following powers and duties: "reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance; to hear and decide, appeals from decisions of administrative officials made in the enforcement of a zoning ordinance of the city. (For this purpose of the section administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.); to interpret the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply."

Additionally, **Section 51A-4.703** states that "the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purpose and intent of this chapter.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

BDA History: BDA History found at 17776 Dallas Parkway in the last 5 years.

- BDA201-101 at 17776 Dallas Parkway (AO Appeal), Denied on October 19, 2021, by Panel A board members.

Zoning:

Site:	MU-1 Zoning District
North:	LO-1 Zoning District
South:	MU-1 Zoning District
East:	R-10(A) Zoning District
West:	MU-1 Zoning District

Land Use:

The subject site and surrounding properties are developed with mixed uses.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.
- The proposed restaurant and/or commercial amusement (inside) use was determined to be a gambling place, which does not comply with the Dallas Development Code regulations.
- The applicant applied for the Certificate of Occupancy (CO) on October 7, 2024. The Certificate of Occupancy was approved by Zoning on January 6, 2025, final inspection approval and CO was issued on April 9, 2025, and then later revoked on April 15, 2025, due to non-compliance with Dallas Development Code and state law.
- On April 15, 2025, a Letter of Revocation was issued by the Chief Building Official after it was determined that the proposed operations violate Texas Penal Code Section 47.04, ·'Keeping a Gambling Place."
- The subject site previously existed as a restaurant.

Timeline:

May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **A**.

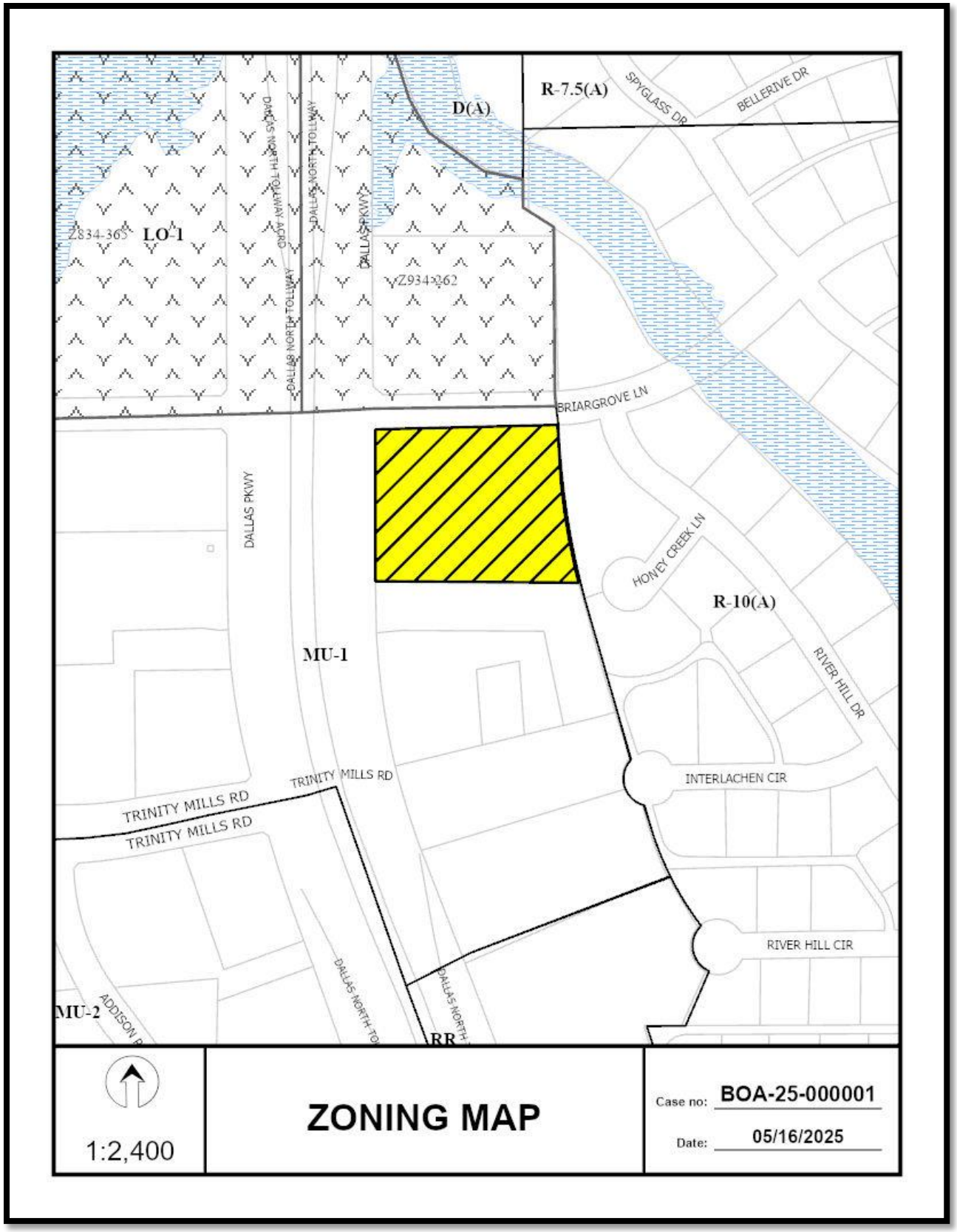
May 7, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

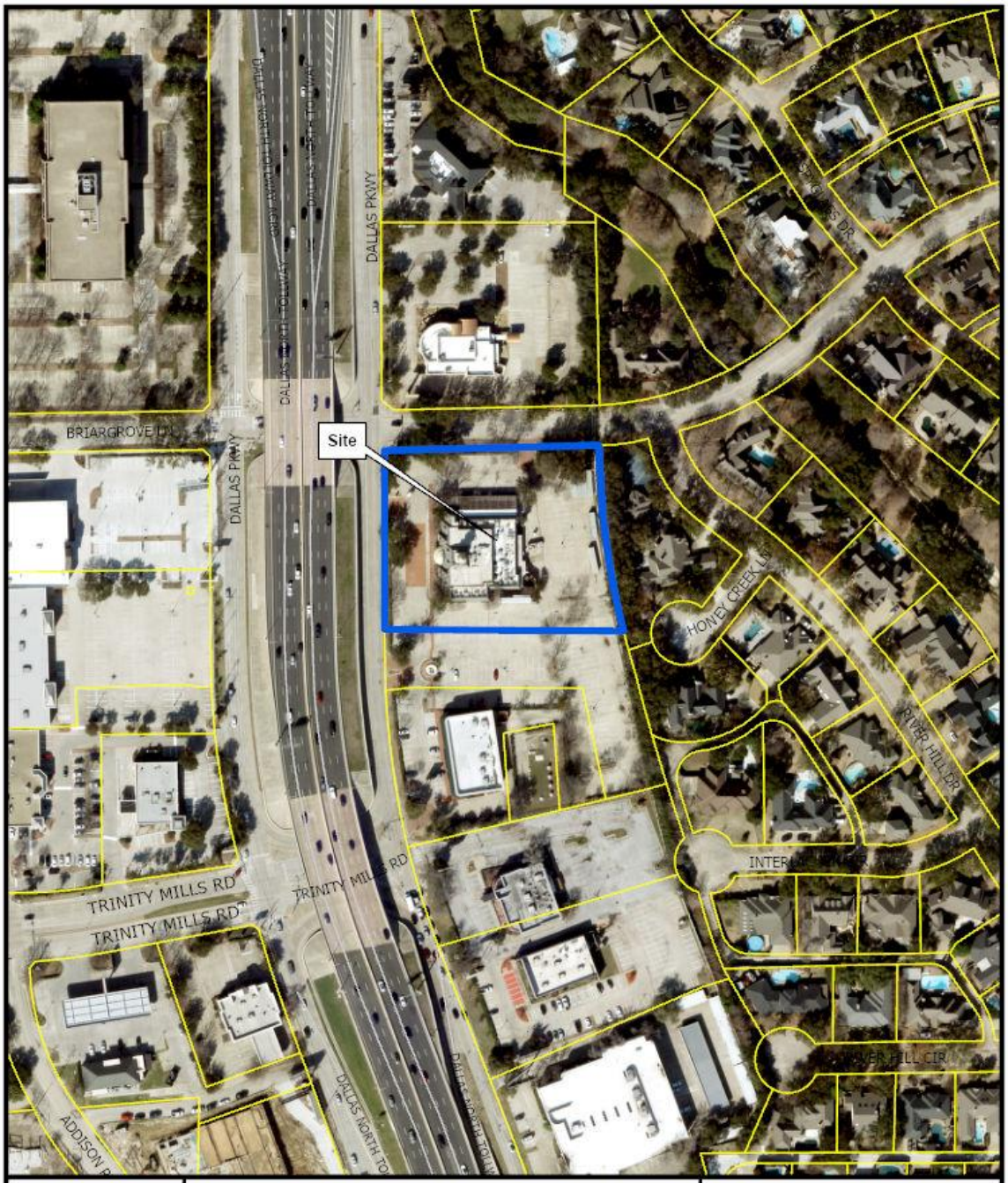
May 16, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

June 17, 2025: The case was held over at the applicant's request and is now scheduled for hearing on August 19, 2025


R-7.5(A)
SPYGLASS DR
BELLERIVE DR
D(A)
LO-1
Z834-365
DALLAS NORTH TOLLWAY ACCD
DALLAS NORTH TOLLWAY
DALLAS PKWY
Z934-262
BRIARGROVE LN
DALLAS PKWY
HONEY CREEK LN
R-10(A)
MU-1
RIVER HILL DR
INTERLACHEN CIR
TRINITY MILLS RD
TRINITY MILLS RD
TRINITY MILLS RD
RIVER HILL CIR
MU-2
ADDISON
DALLAS NORTH TO
DALLAS NORTH
RR
1:2,400
ZONING MAP
Case no: BOA-25-000001
Date: 05/16/2025



1:2,400

AERIAL MAP

Case no: BOA-25-000001

Date: 05/16/2025

05/16/2025

Notification List of Property Owners

BOA-25-000001

8 Property Owners Notified

Label #	*Address*		*Owner*
1	**17776**	**DALLAS PKWY**	**CONTENDER DALLAS LLC**
2	17511	RIVER HILL DR	Taxpayer at
3	4604	HONEY CREEK LN	JONES SCOTT & MARY LOU REECE
4	**17515**	**RIVER HILL DR**	**NARAYANAN VENKATAKRISHNAN**
5	4703	BRIARGROVE LN	NELSON MARK & MISTI
6	17520	RIVER HILL DR	Taxpayer at
7	17808	DALLAS PKWY	SIERRA JOINT VENTURE
8	17604	DALLAS PKWY	LFT PARTNERS LTD

1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION

8 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BOA-25-000001

Date: 5/16/2025

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, JUNE 17, 2025**

BRIEFING: **9:00 A.M.** in **COUNCIL CHAMBERS 6EN**, Dallas City Hall, 1500 Marilla Street **https://bit.ly/boa0617**

HEARING: **1:00 P.M.** in **COUNCIL CHAMBERS 6EN**, Dallas City Hall, 1500 Marilla Street **https://bit.ly/boa0617**

The purpose of the hearing is to consider the following appeal now pending before the Board of Adjustment.

BOA-25-000001(CJ) Application of Tommy Mann to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy at **17776 DALLAS PARKWAY**. This property is more fully described as BLK 2/8705 LT 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposed to appeal the decision of an Administrative Official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not open as a public hearing, you may speak during the public testimony portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at **BDAreply@dallas.gov**.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

Board of Adjustment Office
Planning and Development Department
1500 Marilla Street, 5CN, Dallas, TX 75201

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 A.M.** in **COUNCIL CHAMBERS 6EN**, Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 P.M.** in **COUNCIL CHAMBERS 6EN,** Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal now pending before the Board of Adjustment. **This case was held under advisement on June 17, 2025**.

BOA-25-000001(CJ) Application of Tommy Mann to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy at **17776 DALLAS PARKWAY**. This property is more fully described as BLK 2/8705 LT 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposed to appeal the decision of an Administrative Official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not open as a public hearing, you may speak during the public testimony portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at **BDAreply@dallas.gov.**

Additional information regarding the application may be obtained by calling Diana Barkume, Project Coordinator at (214) 948-4364, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

Board of Adjustment
Planning and Development Department
1500 Marilla Street, 5CN, Dallas, TX 75201

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BOA-25-000001

Data Relative to Subject Property: Date: 5/5/25

Location address: 17776 Dallas Parkway, Dallas, TX 75287 Zoning District: MU-1

Lot No.: 36A Block No.: 2/8705 Acreage: +/- 2.2698 acres Census Tract: 317.08

Street Frontage (in Feet): 1) 320.28 feet 2) 288.66 feet 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Contender Dallas, LLC

Applicant: Tommy Mann and Mallory Muse, Winstead PC Telephone: 214-745-5724; 214-745-5689

Mailing Address: 2728 N. Harwood Street, Suite 500 Zip Code: 75201

E-mail Address: tmann@winstead.com; mmuse@winstead.com

Represented by: Tommy Mann and Mallory Muse, Winstead PC Telephone: 214-745-5724; 214-745-5689

Mailing Address: 2728 N. Harwood Street, Suite 500 Zip Code: 75201

E-mail Address: tmann@winstead.com; mmuse@winstead.com

Affirm that an appeal has been made for a Variance __, or Special Exception __, of Appeal the decision of the Chief Building Official per letter dated April 15, 2025 regarding revocation of the Certificate of Occupancy No. 2410071172 issued on April 8, 2025 for a restaurant and commercial amusement (inside) use.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The decision of the Building Official as set forth in the above referenced letter of April 15, 2025 is incorrect. The existing zoning permits both of the above-referenced uses by right, and a Certificate of Occupancy for both uses should be re-issued immediately.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared MALLORY MUSE
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: Mallory Muse
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of April, 2025

Lisa R. Hardin
Notary Public in and for Dallas County, Texas

LISA R HARDIN
Notary Public, State of Texas
Notary ID 865926-7
My Commission Exp. 10-06-2026

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000001

BUILDING OFFICIAL'S REPORT: Application of TOMMY MANN to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy at 17776 DALLAS PKWY. This property is more fully described as BLK 2/8705 LT 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposed to appeal the decision of an Administrative Official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.
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LOCATION: 17776 DALLAS PKWY

APPLICANT: Tommy Mann

REQUEST:

A request to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy

CITY OF DALLAS

April 15, 2025

Mr. Roy Choi
17480 Dallas Parkway, Ste. 216
Dallas, TX 75287

CERTIFIED MAIL NO. 7013 3020 0001 1419 2217

RE: Revocation of Certificate of Occupancy No. 2410071172 for a restaurant and commercial amusement (inside) dba *Contenders* at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the above-referenced certificate of occupancy issued on April 9, 2025, is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.[1]

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.[2] The restaurant and commercial amusement (inside) uses may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.[3] If you have any questions, please contact Megan Wimer at 469-271-0608.

Sincerely,

M. Samuell Eskander, PE, CBO, CFM, LEED AP BD+C
Deputy Director / Chief Building Official

cc: Robin Bently, Assistant City Manager
Tammy Palomino, City Attorney
Emily Liu, FAICP, Director, Planning and Development
Megan Wimer, AICP, CBO, Assistant Director, Planning and Development
Kiesha Kay, Founder/CEO, Mission Ridge Consultants
Major Yancy Nelson, Dallas Police Department

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1 Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

3 Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

October 7, 2024

Planning & Development Services
320 E Jefferson Blvd
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

To Whom It May Concern,

I am the Managing Partner of Contender Dallas, LLC, the tenant for Contender Dallas, which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of this site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Contender Dallas will be an exclusive, members-only, high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of the dining experience will take place on the first floor of the venue (2,075 square feet in the main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions.

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

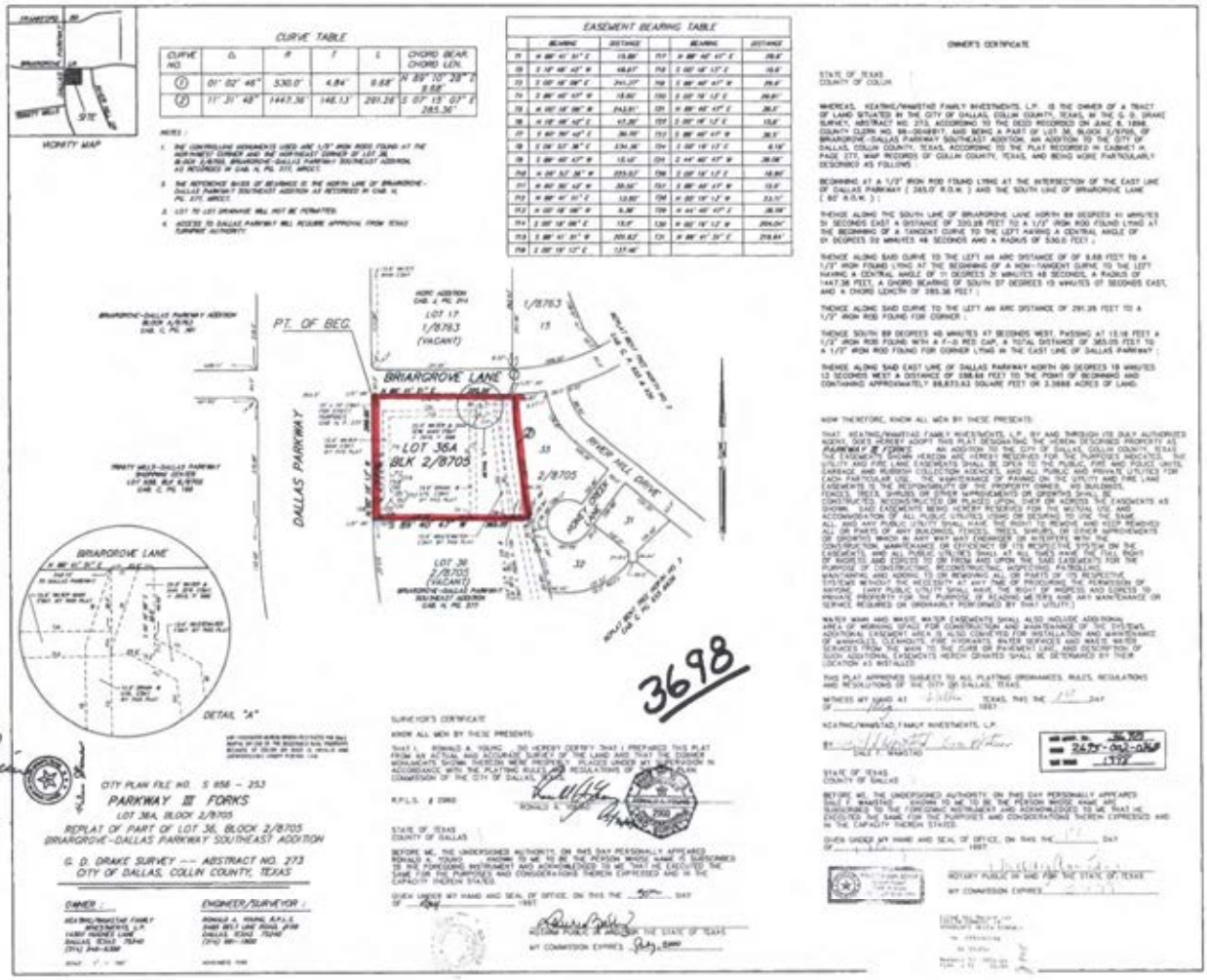
State of Texas
County of Collin

This instrument was acknowledged before me on October 7, 2024, by Roy Choi.

TONYA CLARK
Notary Public, State of Texas
Comm. Expires 04-24-2027
Notary ID 13432260-5

Notary Public's Signature

4810


VICINITY MAP
CURVE TABLE
EASEMENT BEARING TABLE
OWNER'S CERTIFICATE
PT. OF BEG.
BRIARGROVE LANE
DALLAS PARKWAY
LOT 36A
BLK 2/8705
LOT 17
1/8763
(VACANT)
LOT 36
2/8705
(VACANT)
RHEA MILL DRIVE
DETAIL "A"
CERTIFICATE OF APPROVAL
SURVEYOR'S CERTIFICATE
CITY PLAN FILE NO. S 958 - 253
PARKWAY III FORKS
LOT 36A, BLOCK 2/8705
REPLAT OF PART OF LOT 36, BLOCK 2/8705
BRIARGROVE-DALLAS PARKWAY SOUTHEAST ADDITION
G. D. DRAKE SURVEY -- ABSTRACT NO. 273
CITY OF DALLAS, COLLIN COUNTY, TEXAS
OWNER :
ENGINEER/SURVEYOR :

3698

August 8, 2025

Via Email to Diana Barkume and BDAreply@dallas.gov

Hon. Chair and Members
Zoning Board of Adjustment, Panel A
c/o Diana Barkume, Project Coordinator – Board of Adjustment
Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201
Office: 214-948-4364
Email: diana.barkume@dallas.gov

Re: BOA-25-000001; 17776 Dallas Parkway, Dallas, Texas 75287; Appeal of Administrative Official Decision

Dear Members of Panel A:

I. INTRODUCTION; ISSUE FOR CONSIDERATION

We represent Contender Dallas, LLC d/b/a Champions Social Club ("Champions"), the Applicant in this appeal. Champions is appealing the decision of the Building Official to revoke an existing and validly-issued Certificate of Occupancy ("C.O.") for a use which is clearly permitted by right. We believe this decision has been made in error. Since this is an appeal of an administrative decision, no staff recommendation has been or will be made. Accordingly, we would like to explain the basis for our appeal, supported by the relevant attachments, which we will further explain and support at our hearing before you on August 19, 2025.

In its letter dated April 15, 2025, the Building Inspection Division provided one reason for its revocation of the C.O., stating:

> Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

While Champions understands that there is substantial community interest in this appeal and in the issues underlying this appeal, public outcry or sentiment is not a valid basis for revocation of a C.O. Neither the Texas Penal Code nor the Dallas City Code include community sentiment as a relevant factor in evaluating whether a violation has occurred. The only issue for determination here is whether the Building Official erred in concluding without explanation or evidence that Champions' proposed use violates the Texas Penal Code Section 47.04. We strongly believe that the Building Official did err, and we trust that you will come to the same conclusion after all evidence is presented to you.

II. BACKGROUND

A. The Subject Site is the home of a formerly beloved restaurant that Champions spent millions to restore to glory.

On October 7, 2024, Champions submitted an application to Building Inspection for a C.O. for the "Commercial amusement (inside)" use.[1] This use is permitted by right in the City's underlying MU-1 zoning on the subject site,[2] and as described below, the City accepted and approved the C.O. What this means is that, so long as the proposed use is "commercial amusement (inside)", the Building Official does not have the discretion to deny the C.O. That should have been the end of the analysis for Champions' requested C.O., but it was not.

The subject site is located at 17776 Dallas Parkway, Dallas, Texas 75287 ("Subject Site"). The Subject Site is the location of the former III Forks Steak House, an institution steeped in Dallas legend. When Champions purchased the Subject Site, it had been abandoned and fallen into disrepair, serving as a hideout for drug use and unhoused persons. Champions completely rehabilitated the Subject Site, investing to date over $5,800,000 in capital improvements and repairs, including over $600,000 in security equipment and millions more into comprehensive improvements to the physical structure and beautification of the Subject Site. Champions has restored the Subject Site to its iconic status and provided a luxurious and relaxing atmosphere for members.[3]

B. Champions is a members-only club built to foster community.

Champions Social Club is planned to be a member's only establishment that provides a range of experiences for its members, including but not limited to: fine dining, wine tastings, bourbon tastings, comedy and musical performances, reservable places for private events, poker, and spaces available to members for the hosting of private events like rehearsal dinners, birthday parties, and anniversary parties. Poker will be one among many activities available at Champions. Champions will not be open to the general public, and only members will be allowed to utilize the facilities. Members must submit an application[4] and pay regular membership dues.

Importantly, as of the date of this appeal, Champions has not begun to include any poker for members in its operations. It has only hosted a few, smaller gatherings for charitable purposes and for prospective members living in the community to tour the space and sample the available cuisine.

Champions has a location in the City of Houston that has been operating with full and proper permits from the City of Houston for several years, including no charges or convictions by the Harris County District Attorney's office.

There is no dispute before the Board as to the condition of the building, adequacy of the parking, or zoning issues. Indeed, the City conducted all relevant inspections for the issuance of the C.O. and approved those inspections. On April 9, 2025, the City granted Champions' C.O., issuing it C.O. #2410071172. However, on April 15, 2025, without warning or explanation, the Building Inspection Division revoked Champions' previously granted C.O. As discussed below, the Building Inspection Division erred in revoking Champions' C.O.

[1]Attached is a copy of our submitted Land Use Statement as Exhibit A and copies of the City's own C.O. record as Exhibit B.
[2]Attached is the Zoning Map excerpt as Exhibit C; MU-1 list of permitted uses as Exhibit D, and the Commercial amusement (inside) use definition as Exhibit E.
[3]Attached is a video of the current Subject Site as Exhibit F and here: dallasTour_long_qt5994of.mov - dallasTour_qt5994_of - Frame.io
[4] Attached is a sample application for membership as Exhibit G.

C. Champions chose the Subject Site in reliance on the City's granting of multiple C.O.s to other members-only establishments that include poker and were classified as Commercial Amusement (inside) uses as defined by the Dallas City Code.

The following timeline provides the general context for Champions initial C.O. application in 2021 as well as its subsequent re-submittal for a C.O. application in 2024. Prior to Champions first submittal for a C.O., the City had approved permits for at least two members-only establishments that include poker in the City of Dallas. Specifically, on October 23, 2020, after two years of due diligence with the City Attorney and City Council, Texas Card House ("TCH") obtained a C.O. for the "Commercial Amusement (inside)" use of 11834 Harry Hines, Dallas to operate a private poker club. TCH's certificate of occupancy was granted after the unanimous approval of a specific use permit by the Dallas City Council. On June 22, 2021, the City issued another C.O. for the same purpose to Shuffle 214 located at 11411 E. NW Highway, Dallas. Similar to Champions proposed use, both of these locations are members-only establishments with offerings for members that include poker.

In 2021, Champions sought to join these enterprises in operating a members-only establishment that would include legal poker games on the Subject Site by applying for a C.O. as a Commercial Amusement (inside). Relying on the City's history and stated legal position approving C.O.s for TCH and Shuffle 214, Champions engaged in substantial efforts to remediate the Subject Site and ready it for use. Some of those efforts are detailed as follows:

- The building had been abandoned and suffered widespread damage throughout the premises, including nearly $500,000.00 in HVAC theft and vandalism alone.
- The site was a magnet for crime. There was an encampment for people experiencing homelessness in the corner of the parking lot. The lot was overrun with weeds and vegetation. When Champions took over the Subject Site, it found drug paraphernalia inside the building, on the roof, and littered around the building.
- There was additional damage from a winter freeze that destroyed all the flooring and most of the kitchen.
- Champions assumed the responsibility of cleaning up both the building and the entire 5-acre lot and protecting both from vandalism and crime. In addition to rehabilitating the building and the lot, Champions hired Trent Touchstone as Director of Security. Trent is a highly decorated and former Chief Deputy of the United States Marshal Service for North Texas, having served with the United States Marshals for almost three decades. Since Champions took over, the Subject Site has seen a 50% drop in crime.[5]
- Champions also took on the repair and upgrading of the building interior. Champions spent over $5,800,000.00 on the remediation and improvements to the building, and surrounding lot, including interior and exterior rehabilitation and remodeling.
- To operate its establishment, Champions has hired and trained nearly 50 staff members, with the ultimate goal of employing a staff of more than 100. Numerous key personnel moved their families to take their jobs with Champions and required housing, which Champions is providing.

Champions spent thousands of hours and many hundreds of thousands of dollars with lawyers and consultants ensuring the legality and permitting of poker within a members-only Commercial Amusement (inside) use in the City of Dallas. Ultimately, it was the City's approval of the same use under the same applicable City regulations in other locations, and the emphatic statements made by the Dallas City Attorney and other city officials about the legality of the use, as set forth herein, that assured Champions of its right to operate. Relying on these zoning approvals and statements from numerous public officials,

[5] Police activity records from 2018 to 2024 provided as Exhibit H.

Champions made the necessary investments to prepare the Subject Site for its proposed use as a Commercial Amusement (inside) for members only that would include offering poker to its members.

On August 18, 2021, Champions submitted an application to Building Inspection for a C.O. for the Commercial Amusement (inside) use. The application included a submitted land use statement.[6] The Commercial Amusement (inside) use sought in the application is permitted by right in the underlying MU-1 zoning for the Subject Site.[7] Champions plans for operation were virtually indistinguishable from the actual operations of TCH[8] and Shuffle 214. However, instead of applying the law and zoning ordinances in a consistent manner, the City denied the C.O. application on August 24, 2021.

Champions timely appealed to the Board of Adjustment where the City erroneously argued that state law forbade the inclusion of poker within a members-only Commercial Amusement (inside) use as proposed by Champions. As the City has otherwise correctly concluded on prior occasions, the Texas Penal Code, Section 47.02 specifically exempts from prosecution gambling "in a private place [for example, a private club]," when "no person receives an economic benefit other than personal winnings," and when the game is fair. Champions, like TCH and Shuffle 214, intends to satisfy all these criteria in its operations. Notably, even the City Attorney and other key City officials have agreed. Specifically, the City Attorney has stated that operating plans like Champions do not violate state law because "here, all they are charging is a fee, a membership fee…there is no split with the house. Under the statute, that's what excludes this type of activity."[9] City Building Officials have likewise acknowledged that Champions proposed operations are lawful, and it has a right to use its property in the manner contemplated.[10] On October 19, 2021, the Board denied Champions' 2021 C.O. application. Champions timely appealed to the District Court.[11] On April 12, 2023, the District Court abated Champions' lawsuit, pending the outcome of the City's appeal of TCH's similar C.O., described below.

D. Other Commercial Amusement (inside) uses operate freely with poker while the Building Official blocks Champions.

In December 2021, the City revoked the C.O.s for TCH and Shuffle 214, alleging that they were operating illegal gambling establishments under Texas Penal Code Section 47.04. In early 2022, TCH and Shuffle 214 appealed their C.O. revocations to the Dallas Board of Adjustment and both organizations won their appeals. On March 22, 2022, the Board of Adjustment unanimously reinstated the C.O. for TCH deciding that the Building Official had erred in revoking TCH's C.O. after previously granting it.[12] On November 7, 2022, the District Court issued a decision reversing the Board and upholding the Building Official's C.O. revocation. On November 28, 2022, TCH filed a notice of appeal. On August 27, 2024, the Fifth District Court of Appeals overturned the District Court's decision, ordering the City of Dallas to reinstate TCH's C.O. (we believe this decision to now be legally binding as discussed below).

[6]A copy of Champions' 2021 Land Use Statement is provided as Exhibit I.
[7] The MU-1 list of permitted uses is provided as Exhibit D.
[8] A copy of TCH's Land Use Statement is provided as Exhibit J.
[9] City Attorney Chris Caso made this statement in a City Council meeting in January 2019.
[10]See Exhibit K where, on October 12, 2020, Assistant Building Official Megan Wimer was asked in an email, "[w]ill I need a special use permit to open a poker club there?" Ms. Wimer responded, "…[a]nd nope, no SUP required. This use is allowed by right."
[11] The record from Champions' appeal to the District Court (*Champions Dallas, LLC, Petitioner v. City of Dallas and Board of Adjustment for the City of Dallas, Respondents* in the District Court of Dallas County, Texas, 193rd Judicial District filed October 29, 2021) is incorporated herein by reference.
[12]Video from TCH's February 22, 2022 City of Dallas Board of Adjustment hearing can be found here: https://dallastx.new.swagit.com/videos/203594. Video from TCH's March 22, 2022 City of Dallas Board of Adjustment hearing can be found here: Mar 22, 2022 Board of Adjustments: Panel A - Dallas, TX.

Throughout the entire pendency of the above proceedings, TCH and Shuffle 214 have been permitted to operate with C.O.s granted by this Board. By contrast, Champions – a private club similarly situated in all material respects – has not been permitted the same opportunity and right to use its property in the same way.

In the interim, and most recently in February 2023, the City considered an amendment of its zoning regulations to require Specific Use Permits ("SUP") for a newly defined use to include poker termed a "private game club" aiming to significantly restrict where the use could be operated by right without a discretionary City Council approval.[13] Had the City completed this process, the Subject Site would not be allowed to include poker without an SUP. However, the City has not pursued this amendment of its zoning regulations, and the use remains allowed by right at the Subject Site.

E. Champions submitted the current C.O. after the appellate court upheld this Board's decision allowing other private clubs to operate with poker.

On October 7, 2024, following the Fifth District Court of Appeals' decision, Champions submitted a new application to Building Inspection for a C.O. for the "Commercial amusement (inside)"[14] use. Again, this use is permitted by right in the City's underlying MU-1 zoning on the Subject Site,[15] and the land use statement provided with the initial application clearly and unambiguously stated the intent to include poker in the operations. The City of Dallas issued the C.O on April 9, 2025 (after seven months of multiple reviews and inspections, all of which were based on the originally submitted land use statement indicating an intent to include poker). However, Champions was later informed by a letter dated April 15, 2025 that the Building Inspection Division had revoked the C.O. As further detailed below, this revocation was made completely unsupported by any evidence in the record before the Building Official and – it is assumed - on erroneous legal grounds and therefore in error.

After several hearings and years of litigation, you are doubtlessly familiar with the key issues in cases like this one. In the succeeding analysis, we describe how the Building Official's decision was completely unsupported by any evidence, as well as how Champions' proposed operation is protected by the so-called "safe harbor" provision of Texas Penal Code 47.04(b)[16] in exactly the same manner as other cases you have considered and where you previously granted C.O.s for similarly situated members-only Commercial amusement (inside) uses.

However, prior to providing that analysis, it is important to clearly summarize what has changed since the previous considerations of this same issue: the law.

III. ARGUMENT

A. Controlling Law: *TCHDALLAS2, LLC. v. Andres "Andrew" Espinoza, In His Official Capacity as Building Official of the City of Dallas* ("*TCH v. Dallas*")[17]

Unlike decisions of this body that do not create legal precedents, the decisions of the Texas Courts of Appeals do create legally binding precedents, and such a precedent now exists.

[13] Attached is a copy of the City's report explaining its contemplated revisions to the zoning regulations that has been postponed multiple times by the City Plan Commission as Exhibit L.
[14]Included for your review is a copy of our submitted Land Use Statement as Exhibit A and copies of the City's own C.O. record as Exhibit B.
[15]Attached is the Zoning Map excerpt as Exhibit C; MU-1 list of permitted uses as Exhibit D, and the Commercial amusement (inside) use definition as Exhibit E.
[16] Attached is Texas Penal Code 47.04 as Exhibit M.
[17] Attached as Exhibit N is a copy of *TCHDALLAS2, LLC. v. Andres "Andrew" Espinoza, In His Official Capacity as Building Official of the City of Dallas ("TCH V. Dallas")*.

On August 27, 2024, the Court of Appeals Fifth District of Texas at Dallas (which includes jurisdiction over Collin County where the Subject Site is located) ruled that BDA Panel A did *not* err in overturning the decision of the Building Official to revoke the C.O. for TCHDALLAS2, LLC ("Texas Card House" and "TCH") for the exact same legal reasons the C.O. of Champions was revoked here.[18]

The same result is required in this case because the legal question is the same. The Building Official erred by ignoring the ruling in *TCH v. Dallas*.

The Building Official will likely argue that the decision in *TCH v. Dallas* has been appealed to the Texas Supreme Court, but the Texas Supreme Court has not yet indicated whether it will even grant a review of the decision, much less consider its merits. If such a review happens and *TCH v. Dallas* is overturned, the Building Official theoretically could have a valid reason to revoke Champions' C.O., but the Texas Supreme Court has not indicated that it will review the *TCH v. Dallas* decision, much less rule against TCH. The Court of Appeals decision is controlling as of the date of this appeal, and the Board is obligated to follow it.

Certain opponents of Champions have attempted to characterize this decision of the Court of Appeals as based on a "procedural technicality" or similar critique. Such a characterization is legally incorrect. We believe this assertion is based on a belief that courts review the decision of a board of adjustment under a highly deferential "abuse of discretion" standard, whereby the court will only overturn the board of adjustment if it clearly violated its discretion. However, this standard is not applicable to a review of whether the Texas Penal Code has been violated. As the court noted in the *TCH v. Dallas* decision, "Our abuse-of-discretion review is necessarily less deferential when considering any legal conclusions made by the zoning board and is similar in nature to a de novo review." *Id.* at 9. A "de novo" review means the court reviews the decision anew irrespective of and unbound by the determination made by the board of adjustment. After conducting that review, the Court of Appeals determined, as a matter of law, that TCH's operations did not constitute a violation of the Texas Penal Code. That legal determination is applicable to Champions as well, and as a result, the revocation of Champions' C.O. is in error.

B. The Building Official's revocation of the C.O. is in error because it is not supported by any evidence.

Champions has not yet begun to operate. The only evidence the Building Official considered in its revocation was the land use statement submitted with the C.O. application. The Building Official never asked Champions for any information regarding its poker operations. The Building Official never requested any documents from or sought to interview Champions regarding how it planned to operate poker at the Subject Site. Had the City requested information, Champions would have responded; likewise, had the City requested any specific protocols be implemented for Champions to include poker, those requests would have been duly considered. However, the City never made any such requests. Following months of inspections and discussions on other topics, the City granted Champions' C.O., only to subsequently rescind it without warning or any opportunity for constructive dialogue.

Instead, in his letter revoking the C.O., the Building Official states only one reason for doing so:

> Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

[18] Attached is the City's revocation letter for Champions C.O. as Exhibit O, and the City's revocation of TCH's C.O. is attached as Exhibit P.

The land use statement included with the C.O. application makes two references to poker (highlighted in the below excerpt):

> Contender Dallas will be an exclusive, members-only, high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of the dining experience will take place on the first floor of the venue (2,075 square feet in the main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

While the Building Official claims the land use statement indicates a violation of the Texas Penal Code, such a determination is impossible based on a review of the land use statement because it does not provide any operational detail for poker such as the method or existence of any wagering, fees charged, identity of participants, etc. It is impossible for the Building Official to have determined Champions is not protected by the Safe Harbor Provision of Texas Penal Code 47.04(b) discussed below without such details.

Given that the Building Official's stated reason for revoking the C.O. is completely unsupported by any evidence in the record before the Building Official, the decision is clearly in error.

C. The Building Official's revocation of the C.O. is in error because Champions' operations would fall within the Safe Harbor Provision of the Penal Code.

The Safe Harbor Provision is found in Sec. 47.04(b) of the Penal Code and contains three requirements: *(1) the gambling occurred in a private place; (2) no person received any economic benefit other than personal winnings; and (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.*

If Champions is allowed to include poker in its operations on the Subject Site, the proposed operations would fall directly within the Safe Harbor Provision, as follows:

(1) The gambling occurred in a private place.

Champions is a private place because the general public does not have access to its exclusive facilities. It restricts access to private members vetted through a multi-step process. In order to become a member and utilize its facilities, an applicant must provide identification, fill out an application and pay minimum monthly dues. Each person who wants to play poker at Champions must also be a vetted member who has previously made an application to join the private club and pays regular membership dues. The "private" nature of Champions' proposed poker use is materially identical to TCH and the other poker clubs with similar business models that already received C.O.s granted by this Board.

(2) No person received any economic benefit other than personal winnings.

Champions would not take a percentage of any individual member's wagers or winnings during a poker game as compensation (i.e. no "rake" would exist). Players would be assessed membership fees. This method of poker operation is consistent with other membership-based recreational models that charge fees for access to facilities like private tennis clubs or wine clubs. This method is also consistent with the models proposed and used by the other private poker clubs already awarded C.O.s by the Board, including TCH and Shuffle 214.

The Building Official's entire case rests on an indefensibly broad reading of this provision. The only persons who experience "personal winnings" are the players, and none of the money wagered during the gambling is paid to anyone other than the players. The "economic benefit" mentioned in this prong of the test means an economic benefit received from the gambling itself. Extending the concept of "economic benefit" beyond a portion of the money wagered during the gambling produces absurd and indefensible results. As an illustration, consider the charitable organization in the below hypothetical scenario under the City's argument:

A player wins a hand of poker at a poker club. Two days later, the player donates the winnings to a charitable organization that utilizes the funds to advance its charitable mission.

Is the charitable organization in the above hypothetical receiving an economic benefit from gambling? According to the City, the answer is yes. This is not correct because the charitable organization has not participated in gambling. The same is true of a server, valet operator, or even a dealer of the poker game. The key similarity between the charitable organization, server, valet operator, and dealer is that they are all receiving the money *after* the poker hand has concluded. The gambling stops when the hand is over. Once the wagers of all the players become the "personal winnings" of one player, that player can then choose to spend those winnings in any legal manner, including but not limited to: (1) a new hand of poker, (2) a tip to a server, or (3) a donation to a charitable organization. None of these people receive an economic benefit from the act of gambling.

> *(3) Except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.*

This provision's applicability to Champions' proposed inclusion of poker is indisputable. All private members who could elect to play poker would participate on equal terms with only their own skill and luck determinative of the winner of a hand.

IV. ADDITIONAL ARGUMENTS AND CONSIDERATIONS

A. The Building Official's revocation of the C.O. is in error because no illegal poker has occurred at the Subject Site.

The City's revocation letter provides in relevant part:

> Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

The Texas Penal Code states that a violation only occurs if each element of the alleged crime can be proved beyond a reasonable doubt. *See Tex. Penal Code Sec. 2.01*. Here, the City has presented no evidence that any illegal gambling has occurred at the Subject Site. It is impossible for Champions to be found in "violation" of state law if it has not been convicted of a crime. The Building Official's decision is in error because no violation of the Penal Code has occurred.

B. The Building Official's revocation of the C.O. is in error because public sentiment is not a valid basis for revoking a C.O. issued to Champions.

It is plainly evident from previous hearings and in social media postings that certain members of the general public and city officials do not want Champions to make poker available with the offerings for

its members.[19] Neither the Texas Penal Code nor the Dallas City Code include community sentiment as a relevant factor in evaluating whether a violation has occurred. Public or neighborhood sentiment may not be considered in deciding this appeal. Likewise, if the Building Official based his decision to revoke the C.O. on public sentiment, his decision was in error.

C. The revocation of the C.O. is not a legally appropriate option and other legally binding methods exist for the City to address poker.

The City has at least two other options to address the legality of poker on the Subject Site. First, the City could prevail in its appeal to the Texas Supreme Court in *TCH v. Dallas*. Second, the City could amend its zoning regulations to clearly prohibit or limit poker as part of a Commercial Amusement (inside) use on the Subject Site. In fact, the City has initiated such a process, but they have elected not to complete it as of the date of this appeal.[20]

Either of the above options theoretically could change the law applicable to the Subject Site, but neither have occurred. While the *TCH v. Dallas* appeal remains pending, the City has declined to pursue zoning regulation amendments. One can only speculate as to why, but two likely rationales underlying their thinking are that (a) completing an amendment of the zoning regulations would confirm that the poker rooms currently operating in the City are doing so legally and would be allowed to continue to operate under the state vested rights statute in Chapter 245 of the Local Government Code, and (b) a desire to appease public sentiment against poker. Neither of these motivations provide a proper legal foundation for the revocation of Champions' C.O., and the Building Official's decision is in contravention of existing zoning regulations and case law as they exist today.

V. CONCLUSION

The Building Official can point to no law (case law or statutory) stating that Champions' proposed poker operations nor the existing methods of TCH and Shuffle 214 violate state law. We are presenting a binding decision of the Court of Appeals of the Fifth District of Texas, and we are additionally including copies of legal analyses from other lawyers that you have seen and discussed in other hearings all in support of the clear legal proposition that poker operated in this manner does not violate the Penal Code.[21] Further, despite being requested to do so, the Texas Attorney General previously declined to issue an opinion on this issue, and given that a Court of Appeals decision has now been rendered, such an opinion is no longer needed.

The Building Official's decision is correct *only* if the Building Official can demonstrate that Champions' potential inclusion of poker in its operations violates the Texas Penal Code. By contrast, if you determine any, some, or all of the following, the Building Official's decision is in error:

(1) If *TCH v. Dallas* is a controlling legal precedent at the time of this appeal, the Building Official has erred;

(2) If Champions' operations are protected by the Safe Harbor Provision, the Building Official has erred;

(3) If it cannot be determined whether Champions operations would be protected by the Safe Harbor Provision because the law is unsettled or insufficient evidence has been presented by the Building Official, the Building Official has erred; or

[19] Attached are screenshots of various social media postings for reference as Exhibit Q. Further evidence of such public sentiment is present in the record of the previous hearing on this Subject Site that is incorporated by reference in our list of Exhibits as well.

[20] Attached is a copy of the City's report explaining its contemplated revisions to the zoning regulations that has been postponed multiple times by the City Plan Commission as Exhibit L.

[21] Attached are the legal analyses from Kelly, Hart, and Hallman and Rentea Associates as Exhibit R.

(4) If the Building Official revoked the C.O. in an attempt to appease public sentiment, the Building Official erred.

Upon a full examination of this letter, the included materials, and the conducting of our hearing, it will be clear that the Building Official's decision to revoke Champions C.O. is in error.

Sincerely,

Tommy Mann
Tommy Mann

BOA-25-000001; 17776 Dallas Parkway

Appeal of Decision of Administrative Official

List of Attachments:

A. Champion's Land Use Statement dated October 7, 2024

B. Champion's Certificate of Occupancy Issued April 9, 2025

C. Zoning Map Excerpt

D. MU-1 Permitted Uses

E. Commercial amusement (inside) use definition

F. Video of the Subject Site

G. Champion's Membership Application

H. Police Activity Reports at Subject Site from 2018 – 2024

I. Champion's Land Use Statement dated August 13, 2021

J. Texas Card House's Land Use Statement

K. Building Official's confirmation that poker is an allowed use by right

L. City of Dallas City Plan Commission Discussion of Dallas Development Code amendment to define a "private game club" and to require a specific use permit for the use dated August 8, 2024

M. *Texas Penal Code* Chapter 47; Highlighting Chapter 47.04(b) of the Texas Penal Code (the "Safe Harbor" Provision)

N. *TCHDALLAS2, LLC, Appellant, v. Andres "Andrew" Espinoza, In His Official Capacity as Building Official of the City of Dallas, Appellee* on Appeal from the 14th Judicial District Court, Dallas County, Texas, Trial Court Cause No. DC-22-03741, Memorandum Opinion

O. Letter from City of Dallas revoking Champion's Certificate of Occupancy dated April 15, 2025

P. Letter from City of Dallas revoking Texas Card House's Certificate of Occupancy dated December 17, 2021

Q. Social Media Postings

R. Kelly, Hart and Hallman Analysis dated March 28, 2018 and Rentea & Associates Opinion

Exhibit A

Champion's Land Use Statement dated October 7, 2024

[Please see attached]

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

October 7, 2024

Planning & Development Services
320 E Jefferson Blvd
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

To Whom It May Concern,

I am the Managing Partner of Contender Dallas, LLC, the tenant for Contender Dallas, which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of this site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Contender Dallas will be an exclusive, members-only, high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of the dining experience will take place on the first floor of the venue (2,075 square feet in the main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions.

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

State of Texas
County of Collin

This instrument was acknowledged before me on October 7, 2024, by Roy Choi.

TONYA CLARK
Notary Public, State of Texas
Comm. Expires 04-24-2027
Notary ID 13432260-5

Notary Public's Signature

Exhibit B

Champion's Certificate of Occupancy Issued April 9, 2025

[Please see attached]

City of Dallas

Certificate of Occupancy

Address:	17776 DALLAS PKWY
Issued:	04/09/2025
Owner:	Isaac Trumbo 17480 Dallas Pkwy STE216
DBA:	Contenders
Land Use:	(5811) RESTAURANT WITHOUT DRIVE-IN SERVICE
Occupied Portion:	
C.O.#:	2410071172

Lot:		Block:		Zoning:	MU-1	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:	252	Req Park: 252	Park Agrmt: Y
Dwlg Units:		Stories:		Occ Code:	A2	Lot Area: 0	Total Area: 21154
Type Const:	UNK	Sprinkler:	All	Occ Load:		Alcohol: N	Dance Floor:N

Remarks: ALLOUTDOOR SPEAKERS AND/OR AUDIO-VISUAL EQUIPMENT INCLUDING BUT NOT LIMITED TO TELEVISIONS OR PROJECTORS MUST BE TURNED OFF BY 10:OO PM ON SUNDAY THROUGH THURSDAY AND 11:00 PM ON FRIDAYS AND SATURDAYS. NO OUTDOOR ENTERTAINMENT IS PERMITTED. THE MAXIMUM NOISE LEVEL OF THIS USE, MEASURED FROM THE BOUNDING LOT LINE OF A RESIDENTIAL PROPERTY IS 63 DECIBELS. THIS USE MAY NOT HAVE A VISIBLE SOURCE OF ILLUMINATION THAT PRODUCES GLARE OR

M. Samuell Eskander, PE

This certificate shall be displayed on the above premise at all times.

Exhibit C

Zoning Map Excerpt

[Please see attached]

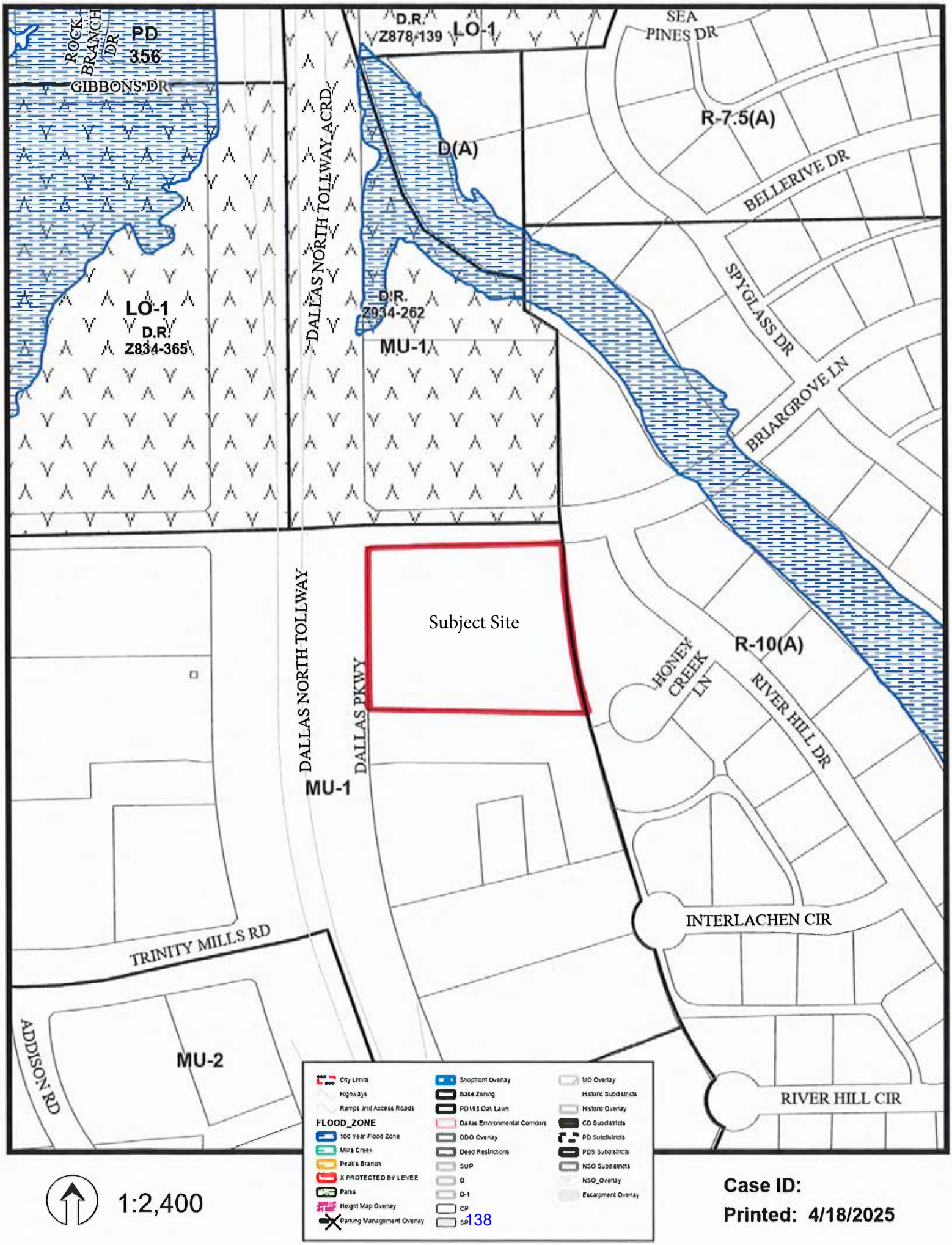

PD 356
ROCK BRANCH DR
GIBBONS DR
LO-1
D.R. Z878-139
SEA PINES DR
R-7.5(A)
D(A)
BELLERIVE DR
DALLAS NORTH TOLLWAY ACRD
LO-1
D.R. Z834-365
D.R. Z934-262
MU-1
SPYGLASS DR
BRIARGROVE LN
Subject Site
DALLAS NORTH TOLLWAY
DALLAS PKWY
MU-1
R-10(A)
HONEY CREEK LN
RIVER HILL DR
INTERLACHEN CIR
TRINITY MILLS RD
ADDISON RD
MU-2
RIVER HILL CIR
City Limits
Highways
Ramps and Access Roads
FLOOD_ZONE
100 Year Flood Zone
Mills Creek
Peaks Branch
X PROTECTED BY LEVEE
Parks
Height Map Overlay
Parking Management Overlay
Shopfront Overlay
Base Zoning
PD193 Oak Lawn
Dallas Environmental Corridors
DDO Overlay
Deed Restrictions
SUP
D
D-1
CP
SP
MD Overlay
Historic Subdistricts
Historic Overlay
CD Subdistricts
PD Subdistricts
PDS Subdistricts
NSO Subdistricts
NSO_Overlay
Escarpment Overlay
1:2,400
Case ID:
Printed: 4/18/2025

Exhibit D

MU-1 Permitted Uses

[Please see attached]

(4) When an MUP consists of multiple building sites, its development standards and off-street parking and loading requirements are calculated by combining the sites and treating them as a single building site.

(d) MU-1 and MU-1(SAH) districts.

(1) Purpose. To provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel. Additionally, the MU-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

-- Catering service.

-- Custom business services.

-- Electronics service center.

-- Labor hall. *[SUP]*

-- Medical or scientific laboratory. *[SUP]*

(C) Industrial uses.

-- Gas drilling and production. *[SUP]*

-- Temporary concrete or asphalt batching plant. *[SUP]*

(D) Institutional and community service uses.

-- Cemetery or mausoleum. *[SUP]*

-- Child or adult care facility.

-- Church.

-- College, university or seminary.

-- Community service center. *[SUP]*

-- Convalescent and nursing homes, hospice care, and related institutions. *[RAR]*

-- Convent or monastery.

-- Foster home.

-- Hospital. *[SUP]*

-- Library, art gallery, or museum.

-- Open-enrollment charter school or private school. *[SUP]*

-- Public school other than an open-enrollment charter school. *[RAR]*

(E) Lodging uses.

-- Extended stay hotel or motel. *[SUP]*

-- Hotel or motel. *[RAR] or [SUP] [See Section 51A-4.205(1).]*

-- Short-term rental lodging.

(F) Miscellaneous uses.

-- Attached non-premise sign. *[SUP]*

-- Carnival or circus (temporary). *[By special authorization of the building official.]*

-- Temporary construction or sales office.

(G) Office uses.

-- Financial institution without drive-in window.

-- Financial institution with drive-in window. *[DIR]*

-- Medical clinic or ambulatory surgical center.

-- Office.

(H) Recreation uses.

-- Country club with private membership.

-- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.

-- Duplex.

-- Group residential facility. *[See Section 51A-4.209(3).]*

-- Handicapped group dwelling unit. *[See Section 51A-4.209 (3.1).]*

-- Multifamily.

-- Residential hotel.

-- Retirement housing.

-- Single family.

(J) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*

-- Animal shelter or clinic without outside runs. *[RAR]*

-- Auto service center. *[RAR]*

-- Business school.

-- Car wash. *[RAR]*

--

-- Commercial amusement (outside). *[SUP]*

-- Commercial parking lot or garage. *[RAR]*

-- Dry cleaning or laundry store.

-- Furniture store.

-- General merchandise or food store 3,500 square feet or less.

-- General merchandise or food store greater than 3,500 square feet.

-- General merchandise or food store 100,000 square feet or more. *[SUP]*

-- Mortuary, funeral home, or commercial wedding chapel.

-- Motor vehicle fueling station.

-- Nursery, garden shop, or plant sales.

-- Paraphernalia shop. *[SUP]*

-- Personal service uses.

--

-- Restaurant with drive-in or drive-through service. *[DIR]*

-- Swap or buy shop. *[SUP]*

-- Temporary retail use.

-- Theater.

(K) Transportation uses.

-- Transit passenger shelter.

-- Transit passenger station or transfer center. *[By SUP or city council resolution. See Section 51A-4.211.]*

(L) Utility and public service uses.

-- Commercial radio or television transmitting station.

-- Electrical substation.

-- Local utilities. *[SUP or RAR may be required. See Section 51A-4.212(4).]*

-- Police or fire station.

-- Post office.

-- Radio, television, or microwave tower. *[SUP]*

-- Tower/antenna for cellular communication. *[See Section 51A-4.212(10.1).]*

-- Utility or government installation other than listed. *[SUP]*

(M) Wholesale, distribution, and storage uses.

-- Mini-warehouse. *[SUP]*

-- Recycling buy-back center *[See Section 51A-4.213 (11).]*

-- Recycling collection center. *[See Section 51A-4.213 (11.1).]*

-- Recycling drop-off container. *[See Section 51A-4.213 (11.2).]*

-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213 (11.3).]*

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Private stable.

(B) In this district, the following accessory use is permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1).]*

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY **(dwelling units per net acre)**

Exhibit E

Commercial amusement (inside) use definition

[Please see attached]

(C) Required off-street parking: For single-unit type car washes: none. For tunnel-type car washes a minimum of three spaces required. See the additional provisions [Subparagraph (E)] for off-street stacking requirements.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 60,000	1
Each additional 60,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Required off-street stacking: Three stacking spaces for each bay in a single unit car wash; 25 stacking spaces for each tunnel unit car wash. See Section 51A-4.304 for more information regarding off-street stacking spaces generally.

(ii) Spaces used to wash motor vehicles and located in a structure are not counted in determining the required stacking.

(7) Commercial amusement (inside).

(A) Definitions. In this paragraph:

(i) AMUSEMENT CENTER means a facility for which an amusement center license is required underChapter 6A of the Dallas City Code, as amended.

(ii) BILLIARD HALL means a facility for which a billiard hall license is required underChapter 9A of the Dallas City Code, as amended.

(iii) CHILDREN'S AMUSEMENT CENTER means a facility with amusement rides, games, play areas, and other activities, catering primarily to children 12 years of age and younger.

(iv) CLASS E DANCE HALL means a facility for which a Class E dance hall license is required underChapter 14 of the Dallas City Code, as amended.

(v)

(vi) DANCE HALL means a dance hall as defined inChapter 14 of the Dallas City Code, as amended, but excludes those uses described in Section 14-2(d). This definition includes a Class E dance hall.

(B) Districts permitted:

(i) Except as otherwise provided in Subparagraphs (B)(ii), (B)(iii), and (B)(iv), by right in CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-2, and UC-3 districts.

(ii) Amusement center: An SUP is required for an amusement center in a CR, RR, CS, industrial, central area, mixed use, multiple commercial, UC-1, or UC-2 district if it has a floor area of 2,500 square feet or more and is located within 300 feet of a residential district.

(iii) Bingo parlor: An SUP is required for a bingo parlor in a CR, UC-2, or UC-3 district.

(iv) Dance hall: An SUP is required for any dance hall (including a Class E dance hall) in a CR, CS, UC-2, or UC-3 district. An SUP is also required for a Class E dance hall in an RR, industrial, central area, mixed use, or multiple commercial district if the Class E dance hall is located within 300 feet of a residential district. RAR is required for any dance hall that does not require an SUP but is located within 300 feet of a residential district.

(C) Required off-street parking:

(i) Bingo parlor: one space per 50 square feet of floor area.

(ii) Bowling alley: six spaces per lane.

(iii) Children's amusement center: one space per 200 square feet of floor area.

(iv) Dance hall: one space per 25 square feet of dance floor and one space per 100 square feet of floor area for the remainder of the use. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet this off-street parking requirement. No special exception may be granted to the parking requirements.

(v) Motor track: one space per 1000 square feet of restricted track area and one space per additional 200 square feet of floor area.

(vi) Skating rink: one space per 200 square feet of floor area.

Exhibit F

Video of the Subject Site

Please see a link to a video of the Subject Site here:

dallasTour_long_qt5994of.mov - dallasTour_qt5994_of - Frame.io

Exhibit G

Champion's Membership Application

[Please see attached]

MEMBERSHIP APPLICATION

First Name *

First Name

Last Name *

Last Name

Preferred Nickname

Nickname

Birthday *

Birthday:

Email *

Email

Phone *

Phone

ZIP Code *

Enter ZIP Code

How did you hear about us? *

Referral Code

Referred by a friend? Input their referral code here.

Would you like to receive messages about promotions and events? *

Yes

☐ I acknowledge that I am 21 years or older and that I have read, understood, and agree to abide by the Champions Social Club Rules and Charter, Terms of Use, and Privacy Policy, which include a class action waiver, arbitration provision, photo release, and surveillance disclosure.

Date *

07/17/2025

Signature *

CAPTCHA

Club Rules and Charter

Purpose of the Club

Champions Social Club is a social club that features dining, cocktails, social interaction, special member programming and events, games, casual workspaces, and facilities for special events (collectively, “Special Events”). Our primary concern is the well-being of our Members and their ability to enjoy the Club.

Club Rules

Member agrees at all times to abide by these and other posted Club rules. The following Club Rules are intended to promote a positive and safe experience for everyone associated with the Club. We consider these policies to have the force of bylaws, and we intend to enforce them by sanctioning Members and guests who violate them and, in certain cases, terminating Members’ and guests’ access to the Premises.

Dues, Fees, and Other Payments

Memberships are available on a monthly basis. Prices and terms for Memberships may vary from time to time, and the Club reserves the right to change them at any time in its sole discretion. Expired Memberships will not be recognized; expired Memberships must be renewed and paid in full to restore access to the Club. Other usage fees may be charged from

time to time for various amenities and activities at the Club. The Club does not provide Member house accounts, charge accounts, or the like. All Membership fees and usage fees must be paid in full by cash, credit card, or debit card at the point of sale.

Hours

The Club hours will be posted on the Club's website and may be subject to change. The Club may be closed for a specified period or for public holidays, cleaning, maintenance, or any other reason Club Management deems to justify temporary closure, with notice to Members whenever possible.

Dress Code

The Club encourages a smart dress code and relies on its Members to ensure their guests remain stylish and put-together while visiting the Club. Clean, fashionable sneakers will be accepted, but only if worn with appropriate attire. Jeans are permitted, as long as the jeans are not dirty, torn, or scruffy. Any Member or their guests who does not appear sufficiently well presented may be refused entry. Please note that any decision regarding the suitability of a Member's appearance will be at the discretion of the Club Management.

Dining Reservations

Tables will be issued at the discretion of the Restaurant Manager. Only Members may make dining reservations. Reservations should not be canceled on less than 24 hours' notice. Reservations are strongly encouraged. Reservations may be forfeited if a Member is 15 minutes or more past the reserved time. There is no guest limit in the case of a dining reservation or a Member-sponsored private event reservation, depending on the space availability.

Guests

The rights of Members to invite guests to the Club are limited as stated in this Charter. Each Member may bring up to three guests into the Club. Additional guests may be permitted as part of a reservation at the Club restaurant or as part of a booked private event or as approved by Management in advance. On occasions, a circumstance may require limiting the number of guests, which shall be communicated to the Members. Members shall ensure that their guests are aware of the Club Policies stated in this Charter. Members are responsible for the conduct of their guests and for any unpaid Club charges of their guests. Guests must register with the Club receptionist upon arrival at the Premises. Members must be present with their guests at all times.

Children

Only Members' children, who are 21 years or older are permitted at the Premises and only when accompanied by their parent Member. Members are responsible for the behavior of their children. Children of Members shall be deemed guests. Persons under the age of 21 years will not be permitted into the Club, except as follows: (a) by prior arrangement with the Club Management, accompanied children may be permitted to attend previously arranged Special Events; or (b) when accompanied by their Member parent, during designated weekend meal periods and/or special club events.

Hosting Events

Members may host Special Events in designated areas of the Premises, working with the Club's special events manager to arrange dates, times, food, beverage and other aspects of the event. Hosting Members shall comply with all terms and conditions of the Special Event agreement with the Club, which shall be in addition to the terms and conditions of this Charter. From time to time, the Club or selected portions of the Club may be designated as private event spaces. Notice shall be given to Members regarding use of the entire Club for a private event booking.

Transactions

Payment may be made by cash or credit card and shall be settled at the time of purchase. An automatic gratuity may be added to all food and beverage service.

Philosophy Regarding Club Staff

We have carefully selected an experienced, high-quality team of employees at the Club. Their primary focus is the comfort and the positive experience of our Members. We expect our Members to treat Club staff with appropriate respect and dignity. If a Member or guest has an issue with any employee of the Club, the matter shall be addressed directly to the General Manager. A Member may at no time employ a Club Staff Member without prior written permission of Club Management.

Alcohol Policy

We expect all Members to moderate their usage and refrain from disruptive behavior as a result of their consumption of alcoholic beverages. We reserve the right to refuse to serve alcoholic beverages to any Members or guests who appear to be intoxicated. Alcoholic

beverage service at the Club will comply with all federal, state and local laws, rules and regulations, including minimum drinking age laws. No food or beverage may be brought in or removed from the premises without the express approval of Club Management.

Non-Smoking Premises

Smoking is not permitted inside the Premises. Members and guests wishing to smoke cigarettes or cigars must restrict such activities to areas designated by Club Management.

Anti-Harassment Policy

Sexual harassment or unwanted sexual advances toward members and/or staff of either sex will not be tolerated, nor will harassment of any kind. Any Member who is disturbed by any of the conduct described above is urged to report such matters to Club Management (General Manager or Director of Membership and Communications), or to any Club Manager on duty.

Illegal Drugs

Illegal drugs are not permitted on the Premises at any time. Any Member found consuming or bringing illegal drugs onto the Premises, or whose guest is found engaging in such acts, will be ejected from the Premises, will be reported to the police, and may have their membership terminated.

Pets

No animals are allowed in the Premises, except as allowed by law.

Neighbors

In consideration of our neighbors, Members are required to leave the Premises quietly at all times and to ensure the quiet departure of their guests.

Items at the Club

The Club is not liable for any items left at the Club.

Reciprocal Arrangements

The Club may enter into reciprocal arrangements with other clubs or organizations on such terms as it shall decide from time to time and any such arrangements may be terminated or modified by the Club at any time. Such reciprocal arrangements will be communicated to

Members.

Photo Consent, Waiver, and Release

Consent to Use of Likeness. Members consent, give permission, and agree that the Club has the right to film, video, or photograph member events and/or activities for use, transmission, copying, publishing, copyrighting, distribution, or publishing in connection with our membership programming, promotions, public relations, and any other commercial/business purposes, without reservation or limitation and without pay or any other consideration. Members waive any right they may have to inspect and/or approve the finished product or the use to which it may be applied.

Special Events. Each special event host ("Host"), subject to the approval of the Club's Event Manager in charge of the Special Event, will have discretion to determine the policies applicable within the confines of the Special Event venue. Members and guests attending a Special Event must receive Club Management permission before recording, photographing, videotaping, publicizing, mentioning the Special Event in news media (live, print, or digital), social media, or otherwise publicly identifying or describing the Special Event, the Host, or its attendees.

Phone Use

Calls from Mobile Phone. Mobile phone etiquette is extremely important to our Members. In the interest of respect of our Members' dining experience, mobile phone usage in the Main Dining Room is not permitted. The Club has provided locations for you to take that call in privacy.

Permitted Use of Devices. Texting and the quiet use of apps on mobile phones are permitted in all areas of the Club at all times (except apps with voice or sound effects that may disturb other Members or guests). Computers and other non-telephone devices (such as tablets) may be used during the day in all areas except the Main Dining Room, but must be put away by 6:00 pm, when Club social activity becomes our focus.

Confidentiality

The Club respects the confidentiality of Members' personal information and takes steps to preserve such confidentiality. Notwithstanding the foregoing, the Club will cooperate with law enforcement investigations, court orders, and subpoenas in their requests for information that may otherwise be confidential at the Club's sole discretion consistent with applicable law.

Guest Adherence

Each Member is responsible for ensuring that his or her guests are aware of the Club's Rules and Charter and comply with those and all other Club rules.

Membership Admission & Use

Champions Club Texas is a private membership club. Members must be at least 21 years of age. Prospective Members must apply for Club membership by completing the membership application materials. The Club's Membership Committee, which shall be appointed by Club Management, will review each prospective Member to verify that the prospective Member satisfies the criteria established by Club Management, as amended from time-to-time. Membership is subject to a one month probationary period. Club Management will meet to review memberships. No individual shall be discriminated against by reason of race, color, religion, sex, ancestry, national origin, age, disability, medical condition, sexual orientation, gender identity, marital status, or any other classification protected under applicable laws.

The Club, in its sole discretion, reserves the right to accept or reject applicants for Membership. Membership applications and all discussions and proceedings of the Membership Committee shall be confidential and not subject to review by anyone other than Club Management.

Use of the Club is restricted at all times to Members in good standing. All Members are expected to abide by the Club's Terms of Use, Privacy Policy, and this Charter, including any amendments made by Club Management at its sole discretion. Failure to do so may result in loss of membership. Dues must be current for a member to use the Club.

Membership Duration

Memberships are non-transferrable. So long as a Member pays annual fees and all charges incurred at the Club, the Membership may be renewed at the discretion of Club Management on an annual basis. If a Member elects to withdraw from the Club, the departing Member shall pay all outstanding charges incurred at the Club, and shall be entitled to a pro rata refund of membership fees. A Membership may be terminated at the Club's discretion at any time for

any reason, including, but not limited to, violating provisions of the Terms of Use, Privacy Policy, or Charter, engaging in any illegal conduct at the Premises, committing vandalism at the Premises, engaging in altercations, or unreasonably disturbing other Members, guests, Club Staff, or neighbors of the Club. A Member whose membership is revoked shall not be entitled to any refund of membership fees.

Terms of Use

Acceptance of Terms

By accessing and using the Champions Social Club website (the "Site"), you agree to be bound by these Terms of Use ("Terms of Use"). By using the Site, you accept and agree to be bound and abide by these Terms of Use and our Privacy Policy found at www.championsdallas.com. If you do not want to agree to these Terms of Use or the Privacy Policy, you must not access or use the Site.

These Terms of Use, along with our Privacy Policy and Club Rules and Charter, both of which are incorporated herein by reference, also set forth the terms and conditions under which Champions Social Club ("Club") and its related legal entities grant the privileges and rights of private social club Membership to you, including your access to and use of the Club's premises (the "Services"). You agree at all times to abide by the Club Rules and Charter as found at www.championsdallas.com/membership-policy, updated from time to time at the Club's sole discretion.

THESE TERMS OF USE INCLUDE A CLASS ACTION WAIVER AND REQUIRE BINDING ARBITRATION ON AN INDIVIDUAL BASIS TO RESOLVE DISPUTES AND LIMIT THE REMEDIES AVAILABLE TO YOU IN THE EVENT OF CERTAIN DISPUTES.

THESE TERMS ARE SUBJECT TO CHANGE AS DESCRIBED BELOW. IF YOU DO NOT AGREE TO THESE TERMS (OR ANY PORTION OF THESE TERMS), INCLUDING THE MANDATORY ARBITRATION PROVISION AND CLASS ACTION WAIVER, YOU MAY NOT USE THE SITE OR SERVICES AND MUST IMMEDIATELY TERMINATE YOUR USE OF THE SITE AND SERVICES.

This Site is offered and available only to users who are of legal age and status to form a binding contract and reside in the United States or any of its territories. By using this Site, you represent and warrant that you are of legal age to form a binding contract with the Club and meet all of the foregoing eligibility requirements. If you do not meet all of these requirements, you must not access or use the Site.

Use License

Permission is granted to temporarily download one copy of the materials (information or software) on the Site for personal, non-commercial transitory viewing only. This is the grant of a license, not a transfer of title, and under this license, you may not:

- Modify or copy the materials;
- Use the materials for any commercial purpose, or for any public display (commercial or non-commercial);
- Attempt to decompile or reverse engineer any software contained on the Site;
- Transfer the materials to another person or "mirror" the materials on any other server.

This license shall automatically terminate if you violate any of these restrictions and may be terminated by the Club at any time. Upon terminating your viewing of these materials or upon the termination of this license, you must destroy any downloaded materials in your possession whether in electronic or printed format.

Trademarks

The Club's name, logo and all related names, logos, product and service names, designs and slogans are trademarks of the Club or its affiliates or licensors. You must not use such marks without the prior written permission of the Club. All other names, logos, product and service names, designs and slogans on this Site are the trademarks of their respective owners.

Disclaimer of Warranties

You understand that we cannot and do not guarantee or warrant that files available for downloading from the internet or the Site will be free of viruses or other destructive code. You are responsible for implementing sufficient procedures and checkpoints to satisfy your particular requirements for anti-virus protection and accuracy of data input and output, and for maintaining a means external to our site for any reconstruction of any lost data. The materials on the Site are provided on an 'as is' basis. The Club makes no warranties, expressed or implied, and hereby disclaims and negates all other warranties including, without limitation, implied warranties or conditions of merchantability, fitness for a particular purpose, or non-infringement of intellectual property or other violation of rights.

Limitations on Liability

IN NO EVENT WILL THE CLUB, ITS AFFILIATES OR THEIR LICENSORS, SERVICE PROVIDERS, SHAREHOLDERS, EMPLOYEES, CONTRACTORS, SUPPLIERS, AGENTS, OFFICERS OR DIRECTORS OR SUCCESSORS OR ASSIGNEES OF EACH BE LIABLE FOR DAMAGES OF ANY KIND, UNDER ANY LEGAL THEORY, INCLUDING ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL OR PUNITIVE DAMAGES, INCLUDING BUT NOT LIMITED TO, PERSONAL INJURY, PAIN AND SUFFERING, EMOTIONAL DISTRESS, LOSS OF REVENUE, LOSS OF PROFITS, LOSS OF BUSINESS OR ANTICIPATED SAVINGS, LOSS OF USE, LOSS OF GOODWILL, LOSS OF DATA, AND WHETHER CAUSED BY TORT (INCLUDING NEGLIGENCE), BREACH OF CONTRACT, PRODUCT LIABILITY, STATUTORY VIOLATIONS OR OTHERWISE, EVEN IF FORESEEABLE, ARISING OUT OF OR IN CONNECTION WITH (A) YOUR USE, OR INABILITY TO USE, THE SITE OR SERVICES, INCLUDING WITHOUT LIMITATION ANY SITES LINKED TO IT, ANY CONTENT ON THE SITE OR SUCH OTHER SITES OR ANY SERVICES OR ITEMS OBTAINED THROUGH THE SITE OR SUCH OTHER SITES, (B) ANY LOSS OR DAMAGE CAUSED BY ANY RELIANCE ON, OR ANY DELAYS, INACCURACIES, ERRORS OR OMISSIONS IN, ANY INFORMATION ACCESSED ON OR THROUGH THE SITE OR SERVICES, (C) ANY TRANSACTION ENTERED INTO THROUGH OR FROM THE SITE, (D) YOUR INABILITY TO USE THE SITE OR SERVICES FOR WHATEVER REASON, INCLUDING, BUT NOT LIMITED TO, COMMUNICATIONS FAILURE OR ANY OTHER FAILURE WITH TRANSMISSION OR DELIVERY OF ANY INFORMATION ACCESSED ON OR THOUGH THE SITE, (E) THE DELETION, CORRECTION, DESTRUCTION, DAMAGE, LOSS OR FAILURE TO STORE ANY INFORMATION, (F) THE USE OF ANY PRODUCTS OR SERVICES OBTAINED ON OR THROUGH THE SITE, (G) UNAUTHORIZED ACCESS TO THE SITE AND UNAUTHORIZED ALTERATION TO TRANSMISSIONS OR DATA, (H) STATEMENTS OR CONDUCT OF ANY THIRD PARTY ON THE SITE, OR (I) ANY OTHER

MATTER RELATING TO THE SITE OR SERVICES. DIRECT DAMAGES FOR ALL SUCH CLAIMS SHALL NOT EXCEED THE GREATER OF (1) THE AMOUNT PAID BY YOU TO THE CLUB DURING THE ONE (1) MONTH IMMEDIATELY PRECEDING SUCH CLAIM AND (2) ONE HUNDRED U.S. DOLLARS ($100).

THE FOREGOING DOES NOT AFFECT ANY LIABILITY WHICH CANNOT BE EXCLUDED OR LIMITED UNDER APPLICABLE LAW.

Indemnification

You agree to defend, indemnify and hold harmless the Club, its affiliates and their licensors, service providers, shareholders, employees, contractors, suppliers, agents, officers, directors, successors and assignees from and against any claims, liabilities, damages, judgments, awards, losses, costs, expenses or fees (including reasonable attorneys' fees) arising out of or relating to your violation of these Terms of Use or the Club Rules and Charter or your use of the Site or Services, including, but not limited to, any use of the Site's content, services and products other than as expressly authorized in these Terms of Use or your use of any information obtained from the Site.

Assignment

If the Club sells its assets to, or is acquired by another company, or if the Club merges with another company, you, by using this Site or the Services, authorize the Club to assign the personally identifiable information you provided to the Club or that the Club collected while you used this Site or the Services.

Prohibited Uses

You may use the Site and Services only for lawful purposes and in accordance with these Terms of Use. You agree not to use the Site or Services:

- In any way that violates any applicable federal, state, local or international law or regulation (including, without limitation, any laws regarding the export of data or software to and from the US or other countries).
- For the purpose of exploiting, harming or attempting to exploit or harm minors in any way.

- To transmit, or procure the sending of, any advertising or promotional material without our prior written consent, including any "junk mail", "chain letter" or "spam" or any other similar solicitation.

- To impersonate or attempt to impersonate the Club, a Club employee, another user or any other person or entity (including, without limitation, by using e-mail addresses or screen names associated with any of the foregoing).

- To impersonate or pretend to be anyone else while using this Site.

- To pretend that you represent another person, organization, or entity that you have not been authorized by that person, organization, or entity to represent through this Site.

- To engage in any other conduct that restricts or inhibits anyone's use or enjoyment of the Site, or which, as determined by us, may harm the Club or users of the Site or expose them to liability.

- You agree not to intentionally submit or transmit inaccurate information through this Site.

Additionally, you agree not to:

- Use the Site in any manner that could disable, overburden, damage, or impair the site or interfere with any other party's use of the Site, including their ability to engage in real time activities through the Site.

- Use any robot, spider or other automatic device, process or means to access the Site for any purpose, including monitoring or copying any of the material on the Site.

- Use any manual process to monitor or copy any of the material on the Site or for any other unauthorized purpose without our prior written consent.

- Use any device, software or routine that interferes with the proper working of the Site.

- Introduce any viruses, trojan horses, worms, logic bombs or other material which is malicious or technologically harmful.

- Attempt to gain unauthorized access to, interfere with, damage, or disrupt any parts of the Site, the server on which the Site is stored, or any server, computer or database connected to the Site.

- Attack the Site via a denial-of-service attack or a distributed denial-of-service attack.
- Otherwise attempt to interfere with the proper working of the Site.

Submissions

All employment applications, contact information submissions, and other contents which you provide to the Club, will be regarded as provided on a non-confidential basis. The Club reserves the right to use this information at its exclusive discretion. The Club is not subject to any obligation (i) to treat the submissions as confidential or (ii) to respond to any submissions.

You are responsible for ensuring that none of your submissions infringe the rights of third parties (including copyright, trademark, patent, commercial secrecy, privacy or other personal rights or intellectual property rights) and to that extent indemnify the Club from all claims of third parties, including attorneys' fees.

Accuracy of Materials

The materials appearing on the Site could include technical, typographical, or photographic errors. The Club does not warrant that any of the materials on its website are accurate, complete, or current. The Club may make changes to the materials contained on its website at any time without notice. However, the Club does not make any commitment to update the materials.

Links

If the Site contains links to other sites and resources provided by third parties, these links are provided for your convenience only. We have no control over the contents of those sites or resources and accept no responsibility for them or for any loss or damage that may arise from your use of them. The Club has not reviewed all of the sites linked to its website and is not responsible for the contents of any such linked site. The inclusion of any link does not imply endorsement by the Club of the site. Use of any such linked website is at the user's own risk.

Modifications

The Club may revise these Terms of Use at any time without notice. By using the Site or Services you are agreeing to be bound by the then-current version of these Terms of Use.

All changes are effective immediately when we post them and apply to all access to and use of the Site by you after the change is posted to the Site.

Choice of Law and Forum

By using this Site, you agree that the laws of the United States and the laws of the State of Texas govern these Terms of Use and any claim or dispute you may bring against the Club or its affiliates. You also agree that any arbitration arising from these Terms of Use will be held in accordance with the Federal Arbitration Act.

Subject to the Dispute Resolution procedure stated below, any legal suit, arbitration, action or proceeding arising out of, or related to, these Terms of Use or your use of the Site or Services shall be instituted exclusively in the federal courts of the United States or the courts of the State of Texas or before Texas arbitrators in each case located in Dallas County. You and the Club consent to the exclusive personal jurisdiction of such state and federal courts and arbitrators, agree that venue will be proper in such courts or in front of such arbitrators, and waive any objections based upon *forum non conveniens*. The choice of forum set forth in this Section shall not be deemed to preclude the enforcement of any action under this Terms of Use in any other jurisdiction.

Geographic Restrictions

The owner of the Site is based in the state of Texas in the United States. We provide this Site for use only by persons located in the United States. The Club does not target, market to, or offer its products or services to customers outside the United States. You agree not to submit your personally identifiable information through the Site if you reside outside the United States. We make no claims that the Site or any of its content is accessible or appropriate outside of the United States. Access to the Site may not be legal by certain persons or in certain countries. If you access the Site from outside the United States, you do so on your own initiative and are responsible for compliance with local laws.

Contact Information and Phone Consent

You hereby consent to, "opt-in", and grant the Club permission to send, and agree to receive marketing and promotional emails, SMS or MMS text messages, and phone calls, for purposes including but not limited to those regarding events, policies, and other information from time to time, with the option to unsubscribe or notify the Club to cease phone communications at any time. These communications may include the use of an automatic telephone dialing system or an artificial or prerecorded voice, AI-generated calls, text messaging, or other automated methods of contact.

When you opt-in to the service, we may send you SMS messages to notify you of any updates to your application status and to engage in discussion throughout your application process.

You can cancel the SMS service at any time. Just text "STOP" to unsubscribe. After you send the SMS message "STOP" to us, we will send you an SMS message to confirm that you have been unsubscribed. After this, you will no longer receive SMS messages from us. If you want to opt-in again, just reply START to the phone number you unsubscribed to and we will start sending SMS messages to you again.

If you are experiencing issues with the messaging program you can reply with the keyword "HELP" for more assistance, or you can get help directly at support@championsdallas.com.

Carriers are not liable for delayed or undelivered messages.

As always, message and data rates may apply for any messages sent to you from us and to us from you. Message frequency may vary. If you have any questions about your text plan or data plan, it is best to contact your wireless provider.

Arbitration and Dispute Resolution

By using this Site and the Services, you agree to try to settle any dispute with the Club arising from or related to your use or access of this Site and the Services by sending a letter describing the basis for the dispute and allowing the Club at least 30 days to respond after the Club will have received your letter. If you want to send such a letter to the Club, send it to privacy@championsdallas.com. Champions Club will respond to you at the address Champions Club has on file for you.

The parties will cooperate and attempt in good faith to resolve any dispute or claim arising out of or relating to this arbitration agreement or the construction, interpretation, performance, breach, termination, enforceability, or validity thereof, or arising out of or relating to your use of or access to the Site or Services.

You and the Club agree to attempt to resolve the dispute under the terms described in the preceding paragraph before you or the Club will commence any litigation or file a claim against the other party.

By using this Site or the Services, you unconditionally agree that any dispute which cannot otherwise be resolved as provided above after the parties have negotiated the resolution of the dispute for at least fifteen (15) business days will be decided entirely by binding arbitration on an individual basis, **which means you and the Club waive the right for a judge or jury to decide such claims and means that you may not proceed in a class, collective, or consolidated capacity.** Your rights and the Club's rights during the arbitration process may be more limited than the rights you or the Club would have in civil trial or appellate courts. The Federal Arbitration Act and federal arbitration law apply to this arbitration agreement.

To begin an arbitration proceeding, you may send a letter requesting arbitration and describing your claim to our registered agent. You agree that the arbitration will be conducted by Judicial Arbitration and Mediation Services ("JAMS"), jamsadr.com, 1.800.352.5267, in the State of Texas and the parties will mutually agree to a single arbitrator located in Dallas County. You can contact JAMS to find out more information on how to commence an arbitration proceeding. Payment of all filing, administration and arbitrator fees will be governed by JAMS' applicable rules.

The arbitrator shall have the same authority as a state or federal court would have to issue subpoenas to third parties for production of documents and for depositions, in addition to subpoenas to appear at any arbitration hearing. In any arbitration proceeding under this arbitration agreement, all rules of pleading under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all rights to resolution of the dispute by means of motions for summary judgment or judgment on the pleadings shall apply and be observed unless you and Champions Club agree otherwise. The arbitrator shall have the immunity of a judicial officer from civil liability when acting in the capacity of an arbitrator, which immunity supplements any other existing immunity. Likewise, all communications during or in connection with the arbitration proceedings shall be privileged. The arbitrator's award(s) shall include the arbitrator's written reasoned opinion. Resolution of all disputes shall be based solely upon the law governing the claims and defenses pleaded, and the arbitrator may not invoke any basis (including but not limited to, notions of "just cause") other than such controlling law.

We each agree to bring any dispute in arbitration on an individual basis only, and not on a class, consolidated, representative or collective action basis. This arbitration agreement shall not be construed to allow or permit the consolidation or joinder of claims of other claimants, or to permit such claims to proceed as a class, representative, or collective action. If for any reason a claim proceeds in court rather than in arbitration, we each waive any right to a jury trial or to participate in a class action against the other. In addition, we both agree that we each may bring suit in court to enjoin infringement or other misuse of intellectual property rights. No arbitrator shall have the authority under this arbitration agreement to order any such class or collective action. Any dispute regarding the validity, scope, or enforceability of this arbitration agreement, or concerning the arbitrability of a particular claim, shall be resolved by a court, not by the arbitrator. You agree to waive any substantive or procedural rights that you may have to bring or participate in an action brought on a class or collective basis.

The arbitral award will be final and binding. The parties waive any right to appeal the arbitral award, to the extent a right to appeal may be lawfully waived.

Each party will bear its own fees, costs and expenses of the arbitration, and its own legal expenses, attorneys' fees, and costs of all experts and witnesses, provided, however, that the arbitrator may award arbitration costs, including legal, auditing, and other fees to the prevailing party in the arbitration proceeding if the party prevails on a claim based on a statute or contract that provides for award of such attorneys' fees and costs to the prevailing party.

Each party retains the right to seek judicial assistance: (a) to compel arbitration; (b) to obtain interim measures of protection prior to or pending arbitration; (c) to seek injunctive relief in the courts of any jurisdiction as may be necessary and appropriate to protect the unauthorized disclosure of its proprietary or Confidential Information; or (d) to enforce any decision of the arbitrator, including the final award.

THIS SECTION LIMITS CERTAIN RIGHTS, INCLUDING THE RIGHT TO MAINTAIN A COURT ACTION, THE RIGHT TO A JURY TRIAL, THE RIGHT TO PARTICIPATE IN ANY FORM OF CLASS OR REPRESENTATIVE CLAIM, THE RIGHT TO ENGAGE IN DISCOVERY EXCEPT AS PROVIDED IN JAMS RULES, AND THE RIGHT TO CERTAIN REMEDIES AND FORMS OF RELIEF. OTHER RIGHTS THAT YOU OR THE CLUB WOULD HAVE IN COURT ALSO MAY NOT BE AVAILABLE IN ARBITRATION.

Waiver and Severability

No waiver by the Club of any term or condition set forth in these Terms of Use shall be deemed a further or continuing waiver of such term or condition or a waiver of any other term or condition, and any failure of the Club to assert a right or provision under these Terms of Use shall not constitute a waiver of such right or provision.

If any provision of these Terms of Use is held by a court or other tribunal of competent jurisdiction to be invalid, illegal, or unenforceable for any reason, such provision shall be eliminated or limited to the minimum extent such that the remaining provisions of the Terms of Use will continue in full force and effect.

Violation of these Terms and Remedies

By using this Site and the Services, you unconditionally agree that the Club may terminate and/or block your access to the Site or Services at its sole discretion and without prior notice. You also unconditionally agree that any threatened or actual violation by you of these Terms constitutes an unlawful and unfair business practice. You agree that any threatened or actual violation by you will cause unquantifiable and irreparable harm to the Club for which monetary damages would be inadequate and consent to the Club's obtaining any injunctive or equitable relief that the Club deems necessary or appropriate. These remedies are in addition to any other remedies that the Club may have at law or in equity.

Public Records and Criminal Background Checks

You consent to the Club performing public records and criminal background checks from time to time at the Club's sole discretion.

Photo Release

You consent to a release of any photos, videos, and audio of You that may be captured in the Club from time to time and used for Marketing purposes, consistent with the Club Rules and Charter.

Entire Agreement

These Terms of Use, the Privacy Policy, and the Club's Rules and Charter constitute the sole and entire agreement between you and the Club with respect to the Site and Services and supersede all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to the Site and Services.

Your Comments and Concerns

This site is operated by Champions Social Club.

If you have any questions regarding privacy, please read our www.championsdallas.com/privacy-policy. All other feedback, comments, requests for technical support and other communications relating to the Site should be sent to privacy@championsdallas.com or mailed to 17480 Dallas Pkwy #216, Dallas, TX 75287.

Privacy Policy

Scope of this Policy

Champions Social Club (the “Company” or “we”) has developed this privacy policy out of respect for the privacy of our customers and members, as well as visitors to our website. This policy describes the personal data we collect, use, and disclose about individual consumers who visit or interact with this website, visit any of our offices or locations, participate in any of our events, purchase or inquire about any of our products or services, or otherwise interact or do business with us. Any information or data covered by an exception to the Texas Data Privacy and Security Act (TDPSA), including but not limited to the Gramm-Leach-Bliley Act (GLBA) and the Fair Credit Reporting Act (FCRA) is not within the scope of the policy.

Whenever you visit our website, we will collect some information from you automatically simply by you visiting and navigating through this site, and some voluntarily when you submit information using a form on the website, enroll in or subscribe to our newsletter or marketing communications, request information, or use any of the other interactive portions of our website. Through this website, we will collect information that can identify you and/or your activity.

Additionally, whenever you communicate, interact, or do business with us, we will be collecting personal data from you or about you in the course of our interaction or dealings with you, whether online or at any of our physical locations or facilities.

This policy does **not** apply to any individual acting in a commercial or employment context, including job applicants and employees.

Collection of Personal Data and Sensitive Personal Data

Based on your specific transactions and interactions with us or our website, we will or may collect, and we have in the last 12 months collected, the following categories of personal data about you. For each category of information, the categories of third parties and service providers to whom we have disclosed the information in the last 12 months are detailed in the chart below. The examples provided for each category are not intended to be an exhaustive list or an indication of all specific pieces of information we collect from or about you in each category, but rather the examples are to provide you a meaningful understanding of the types of information that may be collected within each category.

CATEGORY	**PERSONAL IDENTIFIERS**
Examples	Name, alias, business name, social security number, taxpayer identification number, date of birth, driver's license, or state identification card number.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell This Data?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.
CATEGORY	**CONTACT INFORMATION**

Examples	Home, postal or mailing address, email address, home phone number, cell phone number.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell This Data?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.
CATEGORY	**PROTECTED CLASSIFICATIONS**
Examples	Sex, age.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell This Data?	No
CATEGORY	**COMMERCIAL TRANSACTIONAL DATA**
Examples	Information regarding products or services provided, purchasing history.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	No
CATEGORY	**BIOMETRIC DATA**

Examples	Facial recognition.
Do We Disclose This Data To Third Parties?	Not disclosed other than to the vendor we engaged to process this data.
Do We Sell This Data?	No
CATEGORY	**CREDIT/FINANCING APPLICATION DATA**
Examples	Information collected through credit or financing applications, including employment history, company name, role, salary, dates of employment, bank accounts, income sources.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell This Data?	No
CATEGORY	**INTERNET NETWORK AND COMPUTER ACTIVITY**
Examples	Date and time of your website visit; webpages visited; links clicked on the website; browser ID; browser type; device ID; operating system; form information downloaded; domain name from which our site was accessed; search history; cookies; internet or other electronic network activity information related to usage of Company networks, servers, intranet, or shared drives, as well as Company-owned computers and electronic devices, including system and file access logs, security clearance level, browsing history, search history, and usage history.

Do We Disclose This Data To Third Parties?	Yes
Do We Sell This Data?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.
CATEGORY	**GEOLOCATION DATA**
Examples	IP address, GPS location, parking lot location of vehicle, and latitude and longitude.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.
CATEGORY	**MOBILE DEVICE DATA**
Examples	Information collected when you navigate, access, or use any of our websites via mobile device, including device type, software type; data identifying your device if you access our business networks and systems, including cell phone make, model, and serial number, cell phone number, and cell phone provider.
Do We Disclose This Data To Third Parties?	Yes

Do We Sell?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.
CATEGORY	**VISUAL, AUDIO, OR VIDEO RECORDINGS**
Examples	Your image when recorded or captured in surveillance camera footage or pictures of you taken on our premises or at our events or that you share with us; video and audio recordings of livestream events.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	No
Category	Vehicle Information
Examples	License plate number, vehicle identification number (VIN).
Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	No
CATEGORY	**PHYSICAL CHARACTERISTICS OR DESCRIPTION**
Examples	Information on your driver's license (such as eye color, hair color, height, weight); other data collected as part of an investigation of security incidents.

Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	No
CATEGORY	**PROFILING DATA**
Examples	Based on automated analysis of your activity on the website or participation in our events, we may evaluate, analyze, or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.
Do We Disclose This Data To Third Parties?	Yes
Do We Sell?	We do not sell this data for monetary consideration. However, we may disclose some of this data to third parties for purposes of targeted advertising, co-marketing efforts, and tracking website analytics.

What Sensitive Data Do We Collect

Of the above categories of personal data, the following are categories of sensitive personal data the Company may collect from or about consumers:

1. Personal Data revealing racial or ethnic origin, citizenship or immigration status, religious beliefs, mental or physical health diagnosis, or sexual orientation
2. Biometric Data (facial recognition, used for the purpose of uniquely identifying you)
3. Precise Geolocation Data (IP address and/or GPS location, latitude & longitude)

Personal data ***does not*** include:

- Publicly available information.
- Deidentified information.

Sources of Personal Data

We may collect your personal data from the following sources:

- You the consumer when you visit the website and voluntarily submit information through forms on the website or social media, when you visit any of our stores or physical locations, or when you purchase or inquire about any of our products or services
- Our employees, contractors, vendors, suppliers, guests, visitors, members, and other consumers based on your interactions with them (if any)
- We utilize cookies to automatically collect information about our website visitors
- Surveillance cameras at our physical locations
- Lead generators and referral sources
- Credit and consumer reporting agencies
- Social media platforms
- Third party customer databases
- Automated License Plate Recognition (ALPR) systems
- Our affiliates (including parent, subsidiary, and sister companies)

To Whom We Disclose Personal Data

We may disclose, sell, or share your personal data to/with the following categories of service providers, contractors, or third parties:

- Financial institutions
- Government agencies

- Marketing support vendors and vendors that support managing or hosting the website
- Communication providers/vendors that facilitate, manage, and send/receive communications on our behalf via email, text/SMS, or phone
- Lead providers (referral sources)
- Transaction support vendors (e.g., check guaranty, payment processors)
- Data analytics vendors
- Social media platforms
- Consumer reporting agencies or credit reporting agencies
- Security and risk management vendors, including IT, cybersecurity, and privacy vendors and consultants
- Insurance carriers, administrators, and brokers
- Corporate customers (meaning an entity that purchases any of our products or services)
- Automated License Plate Recognition (ALPR) vendors
- Our affiliates (including parent, subsidiary, and sister companies)

Reasons Why We Collect, Use, Retain, and Disclose Personal Data

We may collect and disclose your personal data for any of the following business purposes:

1. To fulfill or meet the purpose for which you provided the information.
2. To process and submit financing applications, including to apply for credit, or credit pre-qualification.
3. To process, complete, and maintain records on transactions.
4. To manage promotions and events.
5. To retain your selection for Text opt in/opt out to ensure customers who opted out are

not sent any text messages.

6. To respond to consumer inquiries, including requests for information, customer support online, phone calls, and in-store inquiries.
7. To provide interest-based and targeted advertising.
8. To facilitate and support our co-marketing campaigns with our marketing partners.
9. To comply with our contractual obligations to third parties.
10. To contact you by email, telephone calls, mail, SMS, or other equivalent forms of communication regarding updates or informative communications related to the functionalities, services, or other information you requested or asked the Company to provide to you.
11. To improve user experience on our website.
12. To understand the demographics of our website visitors.
13. To detect security incidents.
14. To debug, identify, and repair errors that impair existing intended functionality of our website.
15. To protect against malicious or illegal activity and prosecute those responsible.
16. To verify and respond to consumer requests.
17. To prevent, investigate, report, and prosecute identity theft, fraud, and other unlawful or improper activity.

We do NOT and will not sell your personal data in exchange for monetary consideration. However, we may disclose some of your information to third parties for other valuable consideration, as noted in the table above, which applicable law may consider to be a sale of data.

We may sell your personal data for the following purposes:

1. To provide interest-based and targeted advertising.
2. To understand the demographics of our website visitors.

3. To support our co-marketing campaigns with marketing partners.

Other than these exceptions, we do not and will not disclose your personal data to any third party in exchange for monetary or other valuable consideration.

We do not and will not use or disclose your sensitive personal data without your consent.

Notice of Right of Texas Residents to Opt-Out of the Profiling and Selling of Your Data

While we do not sell your personal data in exchange for money, we may disclose your personal data for other valuable consideration, which applicable law may consider to be selling your data. We also may engage in profiling, which is automated processing of your personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

You have the right to tell us NOT to sell your personal data. You have the full and free right to opt-out of our disclosure of your personal data to any third parties where the disclosure constitutes "selling" as defined by the Texas Data Privacy and Security Act. **You also have the right to opt out of any automated profiling**. You may exercise your right to opt-out without fear of discrimination for doing so. To opt-out of our selling of your data, meaning, we will not disclose your data to third parties for any monetary or other valuable consideration, as well as to opt-out of profiling, you can do any of the following:

- Visit the Club's website at: https://championsdallas.com. Click on **"Manage Consent"** to be taken to an online submission form.
- Visit the Club to request a paper opt-out submission form.
- You can use a Global Privacy Controls (GPC) signal. Champions Group will process opt-out preferences from GPC signals, which are in formats commonly used and recognized by businesses, such as an HTTP field header, as requests to opt-out of sale or sharing. The GPC signal opt-out will only apply to the browser you are using on your device; it will not apply to other browsers and/or devices to which GPCs are not activated or to offline sales.

- If you are unable to submit an opt-out through any of the above methods, please call our toll-free privacy line at (469) 240-3444 for assistance and a representative will assist in meeting your needs.

If we deny your request to opt-out, we shall inform you of our decision not to comply and provide an explanation as to why we believe the request is fraudulent. You will then have the right to appeal our decision.

Opt-Out Preference Signals

Do Not Track (DNT) is a privacy preference that users can set if they do not want web services to collect information about their online activity. We do not respond to DNT signals or other mechanisms.

Retention of Personal Data

We will retain each category of personal data in accordance with our established data retention schedule. Some of the retention periods in the retention schedule are measured from a particular point in time that has not occurred yet, such as the end of a relationship (whether business, contractual, or transactional) plus a certain number of years. Where no particular event is defined in the retention schedule as the point from which the retention period is measured, we will measure the retention period from either: (1) the date the record or data was collected, created, or last modified; (2) the date of the particular transaction to which the record or data pertains; or (3) another triggering event that is determined to be reasonable and appropriate based on the nature of the data and the legal/business needs for its continued use.

In deciding how long to retain each category of personal data that we collect, we consider many criteria, including, but not limited to: the business purposes for which the personal data was collected; relevant federal, state and local recordkeeping laws; applicable statutes of limitations for claims to which the data may be relevant; and legal preservation of evidence obligations.

We apply our data retention procedures on an annual basis to determine if the business purposes for collecting the personal data, and legal reasons for retaining the personal data, have both expired. If so, we will purge the information in a secure manner.

Third Party Vendors

We may use other companies and individuals to perform certain functions on our behalf. Examples include administering e-mail services and running special promotions. Such parties only have access to the personal data needed to perform these functions and may not use or store the information for any other purpose.

Business Transfers

In the event we sell or transfer a particular portion of our business assets, information of consumers may be one of the business assets transferred as part of the transaction. If substantially all of our assets are acquired, data of consumers may be transferred as part of the acquisition.

Compliance with Law and Safety

We may disclose specific personal and/or sensitive personal data based on a good faith belief that such disclosure is necessary to comply with or conform to the law or that such disclosure is necessary to protect our employees or the public.

Use of Cookies, Pixels, and Other Tracking Technologies

Our website may store or retrieve information on your browser, mostly in the form of cookies. A cookie is a small piece of data (text file) that a website – when visited by a user – places on the user's device to remember information about the user, such as the user's language preference or login information.

This type of cookie is set by us and is referred to as a "first-party cookies." Our website uses first-party cookies primarily to make the website work as you expect it to. For example, we use the information we collect through first-party cookies to allow you to navigate between pages efficiently, analyze how well our website is performing, and understand the content that you spent the most time reviewing. In some cases, we use first-party cookies to store information that we use for targeted advertising.

We also incorporate cookies and similar technologies, such as pixels, tags, and web beacons, from outside our website's domain ("third-party cookies"). Third-party cookies gather information to enable our vendors to provide a range of services to us, including targeted advertising and measuring the success of our advertising campaigns.

Below is a detailed list of the categories of first- and third-party cookies we use on our website. You can prevent the collection of data by non-essential performance, functional, and marketing cookies by clicking on "**Your Privacy Choices**" in our website footer and toggling off the related functionality.

How we use cookies:

We make use of cookies under the following circumstances and for the following reasons:

- Provide you with services available through the website and to enable you to use some of its features
- Authenticate users and prevent fraudulent use of user accounts
- Identify if users have accepted the use of cookies on the website
- Compile data about website traffic and how users use the website to offer a better website experience
- Understand and save visitor preferences for future visits, such as remembering your login details or language preference, to provide you with a more personal experience, or to avoid you having to re-enter your preferences every time you use the website
- Track your browsing habits to enable us to show advertising which is more likely to be of interest to you, including advertising by third parties on our website

Essential Cookies

Essential cookies are necessary for the website to function properly and cannot be switched off in our systems. They are usually only set in response to a site visitor's request for services, such as a visitor setting their privacy preferences, logging in, or filling in forms. You can set your browser to block or alert you about these cookies, but blocking these cookies will prevent the website from working correctly or might prevent the Website from working at all.

Non-Essential Cookies

Non-Essential cookies are not essential to the website functionality but serve some other unique purpose in three subcategories:

1. **"Performance" cookies (**sometimes referred to as static cookies) collect information about the user's behavior on the website without collecting personal data, for example:

    - Pages the user visits.
    - Ads the user views.
    - Ads or site features that the user clicks.

2. **"Functional" cookies** (sometimes called preference cookies) track and remember the user's preferences and past choices on the website to provide a personalized user experience. For example, functional cookies can collect:

    - Usernames
    - Passwords
    - Regions

3. **"Marketing" cookies** (sometimes called tracking or advertising cookies) can track:

    - Content the user views
    - Links the user follows
    - The user's browser and device information and IP address

Please note: Organizations can use marketing cookies to track and influence users by building user profiles or displaying advertisements.

Cookie Management

You can control and manage cookies associated with your browser. If you are interested in controlling and managing cookies from your browser including any set by our Website, please refer to http://www.allaboutcookies.org/manage-cookies/index.html for information on different ways to configure your browser's cookie settings.

If you want to clear all cookies left behind by the websites you have visited, here are links where you can download three third party programs that clean out tracking cookies.

- http://www.lavasoftusa.com/products/ad-aware_se_personal.php
- http://www.spybot.info/en/download/index.html
- http://www.webroot.com/consumer/products/spysweeper/

You may delete cookies from your web browser at any time or block cookies on your equipment, but this may affect the functioning of or even block the website. You can prevent saving of cookies (disable and delete them) by changing your browser settings accordingly at any time. It is possible that some functions will not be available on our website when use of cookies is deactivated. Check the settings of your browser. Below you can find some guidance:

- Safari
- Opera
- Internet Explorer
- Google Chrome
- Mozilla

Do Not Track (DNT) is a privacy preference that users can set if they do not want web services to collect information about their online activity. We do not respond to DNT signals.

DAA and NAI

Many advertising companies that collect information for interest-based advertising are members of the Digital Advertising Alliance (DAA) or the Network Advertising Initiative (NAI), both of which maintain self-regulatory programs along with websites where people can opt out of interest-based advertising from their members. To opt-out of website interest-based advertising provided by each organization's respective participating companies, visit the DAA's opt-out portal available at http://optout.aboutads.info/, or visit the NAI's opt-out portal available at http://optout.networkadvertising.org/?c=1.

- To opt-out of data collection for interest-based advertising across mobile applications by participating companies, download the DAA's AppChoices mobile application opt-out offering found here: https://youradchoices.com/appchoices.

Non-Participant Opt-Out Options

- Some of our vendors do not participate in the DAA or NAI self-regulatory programs for online behavioral advertising or have developed their own processes for allowing consumers to opt-out: https://branch.app.link/optout

- Some devices and apps do not have access to web-based browser cookie opt-outs. To learn more about the advertising opt-outs provided by your mobile device's operating system (like iOS and Android) or the device manufacture, click here.

External Links

Our website contains links to other sites. We are not responsible for the privacy practices or the content of such websites. To help ensure the protection of your privacy, we recommend that you review the Privacy Policy of any site you visit via a link from our website.

Passwords

To the extent applicable, the personal data record created through your registration with our website can only be accessed with the unique password associated with that record. To protect the integrity of the information contained in this record, you should not disclose or otherwise reveal your password to third parties.

Children Under the Age of 16

We do not knowingly sell or share the personal data of consumers under 16 years of age.

How We Protect the Information that We Collect

The protection of the information that we collect about visitors to our websites is of the utmost importance to us and we take every reasonable measure to ensure that protection, including:

- We keep automatically collected data and voluntarily collected data separate at all times.

- We use internal encryption on all data stores that house voluntarily captured data.

- We use commercially reasonable tools and techniques to protect against unauthorized access to our systems.

- We restrict access to private information to those who need such access in the course of their duties for us.

International Visitors

We do not target, market to, or offer our products or services to consumers outside of the United States. You agree not to submit your personally identifiable information through the website if you reside outside the United States.

Rights Under the TDPSA

This section of the Privacy Policy applies only to Texas residents who are natural persons. If you are a Texas resident, you have the following rights pursuant to the Texas Data Privacy and Security Act (TDPSA):

1. Right to Confirm. The right to request, up to 2 times in a 12-month period, whether we are processing your personal data;
2. Right to Access. The right to request, up to 2 times in a 12-month period, that we disclose to you, free of charge, the specific pieces of personal data we have collected from or about you;
3. Right to Delete. The right to request, up to 2 times in a 12-month period, that we delete personal data that we collected from or obtained about you, subject to certain exceptions;
4. Right to Correct. The right to request that we correct inaccurate personal data (to the extent such an inaccuracy exists) that we maintain about you;
5. Right to Opt-Out. The right to opt-out of the automated profiling or selling of your personal data to third parties; and
6. The Right to Appeal. The right to appeal our refusal to take action on your request.
7. The right to not be discriminated or retaliated against for exercising any of the above rights.

You can submit any of the above types of consumer requests through any of the options below:

1. Submit an online request on our website at https://championsdallas.com.
2. Call our privacy toll-free line at (469) 240-3444.
3. Complete a paper form, which can be requested at 17480 Dallas Pkwy #216, Dallas, TX 75287.

How We Will Verify That it is Really You Submitting the Request

If you are a Texas resident, when you submit a Right to Know, Right to Access, Right to Delete, or Right to Correct request through one of the methods provided above, we will ask you to provide some information in order to verify your identity and respond to your request. Specifically, we will ask you to verify information that can be used to link your identity to particular records in our possession, which depends on the nature of your relationship and interaction with us.

Responding to Your Right to Confirm, Right to Access, Right to Delete, and Right to Correct Requests

Upon receiving a verifiable request from a Texas resident, we will endeavor to respond to a verifiable request within 45 calendar days of its receipt. If we require more time (up to an additional 45 calendar days, or 90 calendar days total from the date we receive your request), we will inform you of the reason and extension period in writing. We will deliver our written response by mail or electronically, at your option. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

For a request to correct inaccurate personal data, we will accept, review, and consider any documentation that you provide, and we may require that you provide documentation to rebut our own documentation that the personal data is accurate. You should make a good-faith effort to provide us with all necessary information at the time that you make the request to correct. We may deny a request to correct if we have a good-faith, reasonable, and

documented belief that a request to correct is fraudulent or abusive. If we deny your request to correct, we shall inform you of our decision not to comply and provide an explanation as to why we cannot comply with a request, if applicable.

Responding to Your Request to Opt-Out of Automated Profiling or the Selling of Your Personal Data

We will act upon a consumer request to opt-out within 45 days of its receipt. We may deny a request to opt-out if we have a good faith, reasonable, and documented belief that a request to opt-out is fraudulent. If we deny your request to opt-out, we shall inform you of our decision not to comply and provide an explanation as to why we believe the request is fraudulent.

Consent to Terms and Conditions

By using this website, I acknowledge that I am 21 years or older and that I have read, understood, consent to, and agree to abide by this Privacy Policy, the Champions Club Rules and Charter, and Terms of Use, which include a class action waiver, arbitration provision, photo release, and surveillance disclosure.

Changes to Our Privacy Policy

As our services evolve and we perceive the need or desirability of using information collected in other ways, we may from time to time amend this Privacy Policy. We encourage you to check our website frequently to see the current Privacy Policy in effect and any changes that may have been made to them. If we make material changes to this Privacy Policy, we will post the revised Privacy Policy and the revised effective date on this website. Please check back here periodically or contact us at the address listed at the end of this Privacy Policy.

Questions About the Policy

This website is owned and operated by Champions Group LLC. If you have any questions about this Privacy Policy, please contact us at privacy@championsdallas.com or call (469) 240-3444.

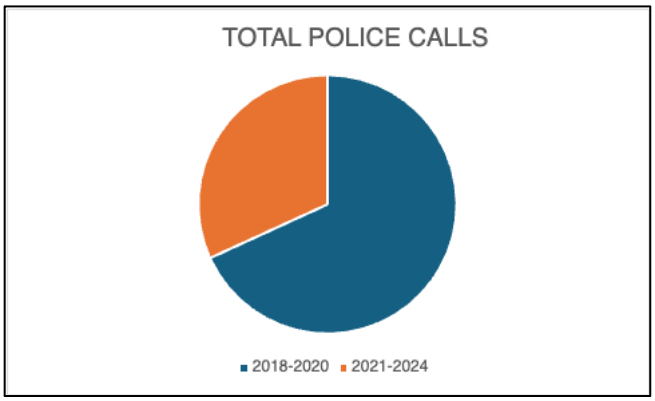
This policy was last updated May 12, 2025.

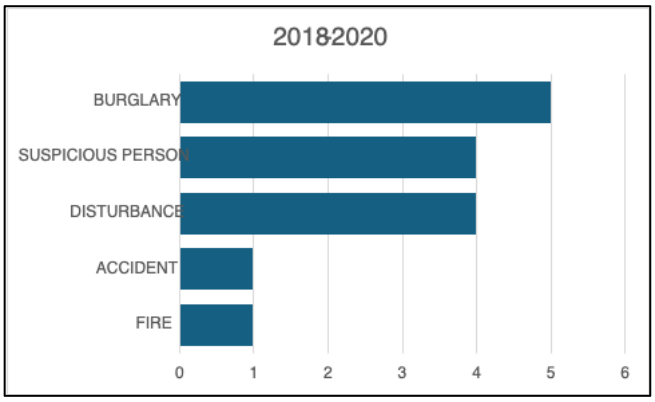
Exhibit H

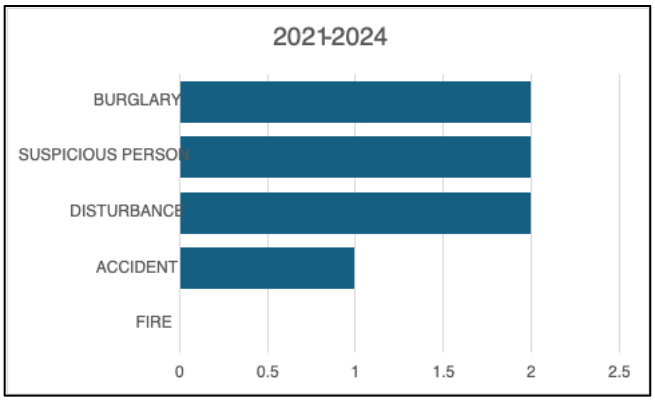
Police Activity Reports at Subject Site from 2018 – 2024

[Please see attached]

CHARTS BASED ON THE DATE







Police Activity	
17776 North Dallas Parkway	
May 2018 thru May 2021	
2018	
22-Oct	Structure Fire
2019	
17-May	Open Building
10-Jul	Major Accident
13-Jul	Missing Person
6-Sep	Major Accident
29-Sep	False Business Burglar Alarm
14-Nov	Burglary of Motor Vehicle
28-Nov	False Business Burglar Alarm
2020	
20-Feb	Disturbance w/Violence
6-Mar	Disturbance w/Violence
1-May	Burglary of Motor Vehicle
23-May	Suspicious Person (Nobody Found)
27-Jul	Suspicious Person (Nobody Found)
20-Sep	Other (Homeless)
21-Sep	Other (Yelling)
28-Dec	Criminal Mischief

	Seven Burglar Alarms, No Police Dispatched due to policy change
2021	
21-Jan	Criminal Mischief
31-Jan	Criminal Mischief
4-Feb	Burglary of Business
25-May	Burglary of Business
2022	
25-Nov	Suspicious Person (Nobody Found)
2024	
19-Jun	Homeless Person (Left upon arrival)
4-Sep	Minor Accident

Exhibit I

Champion's Land Use Statement dated August 13, 2021

[Please see attached]

Champions Club

August 13, 2021

Megan Wimer
Assistant Building Official
Department of Sustainable Development and Construction
City of Dallas
320 East Jefferson Boulevard
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

Dear Ms. Wimer,

I am the CEO and Managing Partner of Champions Club which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of the site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Champions Club will be an exclusive, members only high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of dining experience will take place on the first floor of the venue (2,075 square feet in main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions. Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

cc: Suzan Kedron, *Jackson Walker LLP*

Exhibit J

Texas Card House's Land Use Statement

[Please see attached]

Land Use Statement

Texas Card House
11834 Harry Hines Blvd., #135
Dallas, Texas

The Texas Card House in Dallas Texas will operate at this site as a private club offering poker and similar game to its members. The location will include several poker tables, pool tables, and other gaming amenities for legal games in Texas.

- Will operate seven days a week and plan to be open from 11am -4am.
- Will operate as a private club that charges a fee to enter. The fee to become a member will initially be $10/Day, $30/Month, $300/Year.
- There will be no alcohol sold on the premises or stored on site. Members will be able to BYOB but there will be no setup fees, charges, or any financial transactions associated with this.
- There will be no coin operated machines, slots, or other automated gaming devices.
- All payment collected from players is for access to the club and club memberships.
- All winnings from poker games will stay with the players and no person will receive an economic benefit from the game other than personal winnings.
    - As an added precaution we have created special "tip chips" that are used to tip staff so that players do not unknowingly violate this by giving poker winnings to others.
- Texas Card House will be streaming live shows on its YouTube channel TCH Live 2-3 days per week.
- T-shirts, Hats, playing cards and other TCH branded items will be sold at this location.

Name: Ryan Crow

Title: CEO

Date: 7/2/2020

Signature: _____

Notary

BEFORE ME, the undersigned authority, on this 2nd day of July, 2020 the person whose name is signed to the foregoing document personally appeared and duly sworn by me, each states under oath that he or she has read the said document and that all facts therein set forth are true and correct.

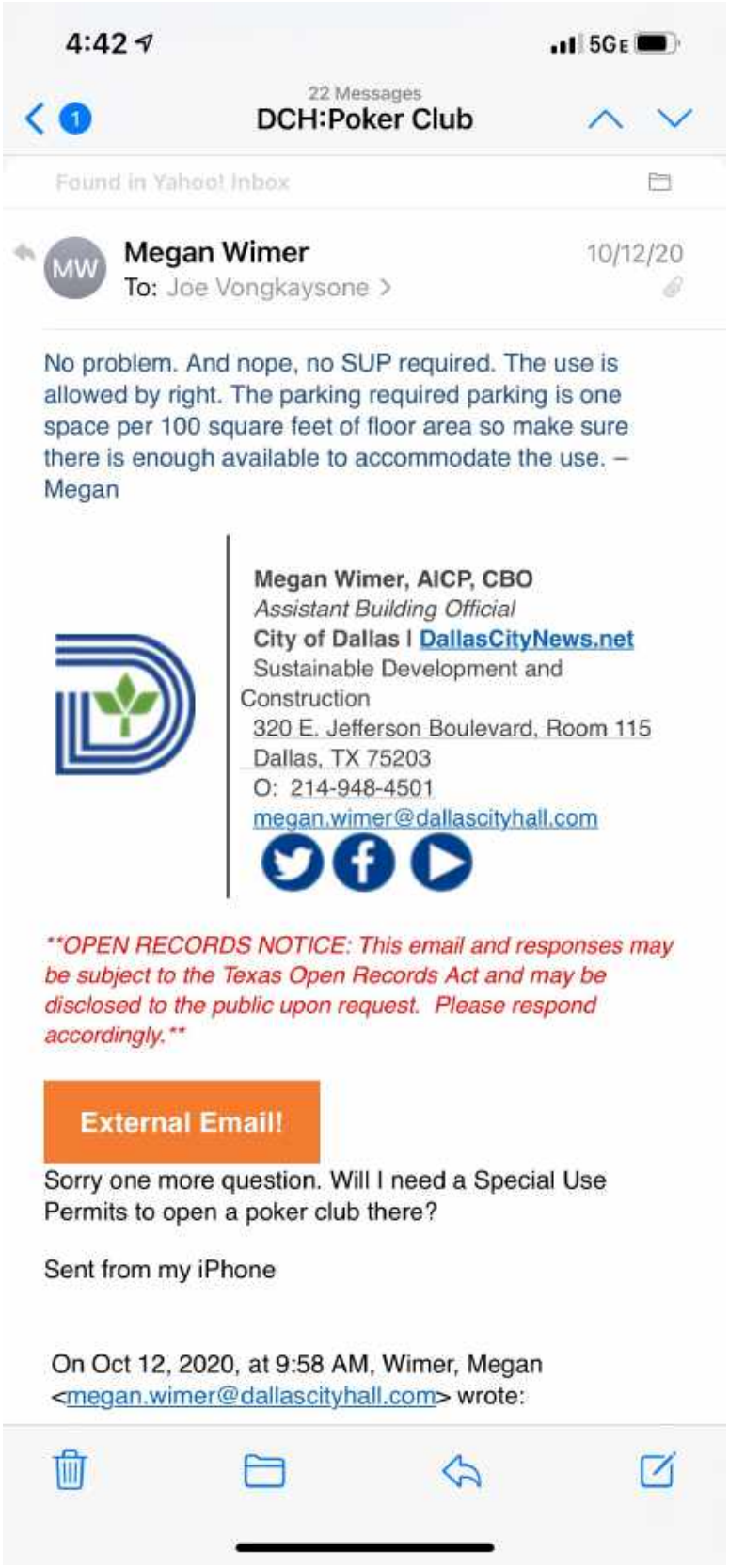
SIGN HERE: _____

KARLA G GONZALEZ-LOPEZ
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 01/23/2022
NOTARY ID 13141498-6

Exhibit K

Building Official's confirmation that poker is an allowed use by right

[Please see attached]



4:42 5GE

22 Messages
DCH:Poker Club

Found in Yahoo! Inbox

Megan Wimer 10/12/20
To: Joe Vongkaysone >

No problem. And nope, no SUP required. The use is allowed by right. The parking required parking is one space per 100 square feet of floor area so make sure there is enough available to accommodate the use. – Megan

Megan Wimer, AICP, CBO
Assistant Building Official
City of Dallas | DallasCityNews.net
Sustainable Development and Construction
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
O: 214-948-4501
megan.wimer@dallascityhall.com

OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

External Email!

Sorry one more question. Will I need a Special Use Permits to open a poker club there?

Sent from my iPhone

On Oct 12, 2020, at 9:58 AM, Wimer, Megan <megan.wimer@dallascityhall.com> wrote:

EXHIBIT

H

Exhibit L

City of Dallas City Plan Commission Discussion of Dallas Development Code amendment to define a "private game club" and to require a specific use permit for the use dated August 8, 2024

[Please see attached]

CITY PLAN COMMISSION **THURSDAY, AUGUST 8, 2024**

Planner: Andrea Gilles, AICP

FILE NUMBER: DCA201-011(AG) **DATE INITIATED:** June 3, 2021

TOPIC: Dallas Development Code amendment to define a "private game club" and to require a specific use permit for the use.

COUNCIL DISTRICT: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amending Chapters 51 and 51A of the Dallas Development Code, Section 51-4.208 "Recreation and Entertainment Uses", Section 51A-4.208 "Recreation Uses", and related sections with consideration to be given to defining a use, "private game club", and establishing appropriate zoning districts and development standards associated with the use.

SUMMARY: The proposed code amendments are intended to provide a path to allow private game clubs to operate by specific use permit and in a capacity that complies with State Law.

ZOAC RECOMMENDATION: **Not to adopt** the proposed amendments.

STAFF RECOMMENDATION: **Approval** of the proposed amendments.

REQUEST:

On January 25, 2023, the City Council authorized a supplemental agreement to a legal services contract for litigation related to the revocation of two certificates of occupancy that were issued, in error, for commercial amusement (inside) use. In the motion to adopt the item, City Council included direction to staff to take actions to consider a new use category that would provide private game clubs a path to operate in compliance with State Law.

On December 12, 2023, at the request of the Committee Chair, the City Attorney's Office, in conjunction with the Planning and Urban Design Department, briefed the Government Performance and Financial Management Committee on the status of the code amendment. At that time, staff committed to taking the proposed amendment to the Zoning Ordinance Advisory Committee for consideration.

BACKGROUND:

On June 3, 2021, City Plan Commission authorized a public hearing to consider amending Chapter 51A of the Dallas Development Code with "consideration to be given to requiring a specific use permit for commercial amusement (inside) limited to a poker room".

> ***Note:*** *Pursuant to the commercial amusement (inside) definition[1] contained in Chapter 51A of the Dallas Development Code, the use is applicable to a facility that is open to the general public. Therefore, it has been determined that a poker room operating as a commercial amusement (inside) violates Texas Penal Code, Chapter 47 "Gambling" which includes a defense to prosecution for gambling that occurs in a private place. Details are provided in this report.*

At the time of authorization, there were two poker rooms operating in Dallas; both were issued certificates of occupancy for the commercial amusement (inside) use. Several others utilizing the same model applied for certificates of occupancy for the commercial amusement (inside) use during this time period.

Chapter 51A does not specifically address "poker rooms" or "card houses". However, the Building Official has the authority to render interpretations of the development code and to assign an equivalent land use where a specific one does not exist. Such interpretations,

[1] Section 51A-4.210(b)(7) of Chapter 51A of the Dallas Development Code defines a commercial amusement (inside) as "a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but is not limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children's amusement center, dance hall, motor track, or skating rink."

rules, and regulations must conform with the intent and purpose of the code, but it is not typical for the Building Official to conduct exhaustive legal research when determining an appropriate land use.

From a zoning perspective, commercial amusement (inside) was the land use that most closely aligned with the operations described in the applications for the two poker rooms that were issued certificates of occupancy. Later, the Building Official learned that such poker rooms violate Texas Penal Code, Chapter 47 "Gambling." Specifically, Section 47.04, "Keeping of a Gambling Place."[2] Pursuant to this section, it is an affirmative defense to prosecution under this section that:

(1) the gambling occurred in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

Texas Penal Code, Chapter 47 defines "private place"[3] as a place to which the public does not have access. When the certificates of occupancy were issued for the two referenced poker rooms, the establishments were not believed to be private places. At the time of issuance, the Building Official was not aware of the referenced defense to prosecution for gambling that occurs in a private place. It would later be determined that these certificates of occupancy were issued in error.

Based on this new understanding, five succeeding certificates of occupancy were denied[4] because the notarized land use statements submitted with the applications clearly indicated a use that would be operated in violation of the Texas Penal Code.

Denial letters were sent via certified mail to the respective applicants to inform them of

[2] Section 47.04, "Keeping of a Gambling Place" of Texas Penal Code, Chapter 47, "Gambling" states, "A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used."

[3] Section 47.01 "Definitions" of Texas Penal Code, Chapter 47, "Gambling" defines "Private place" as "A place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops."

[4] Section 306.5, "Denial" of Chapter 52, "Administrative Procedures of the Construction Codes", of the Dallas City Code, states, "The building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, or any county, state, or federal laws or regulations."

the Building Official's decision, which is final unless appealed to the Board of Adjustment ("the Board") in accordance with Section 51A-4.703 of the Dallas Development Code. Two applicants timely appealed to the Board; in both cases, the Building Official's decision was upheld. The applicants next appealed the to the District Court of Dallas County. Litigation is pending at the time of this report.

Subsequently, the two certificates of occupancy that were issued in error were revoked[5]. Revocation letters were sent via certified mail to respective applicants to inform them of the Building Official's decision. Both applicants timely appealed to the Board, and in both cases, the Building Official's decision was overturned. The Building Official appealed the Board's decision to the District Court of Dallas County. Outside counsel has been retained to represent both parties. Litigation is pending at the time of this report.

STAFF RECOMMENDATION:

To comply with Chapter 47 of the Texas Penal Code, Planning and Urban Design Staff, in conjunction with the City Attorney's Office, recommends a new use called, "private game club" which may only be open to members who meet more than de minimis eligibility requirements. The use may only be accessory to a main use and all economic benefits, other than personal winnings, must come from the main use. Except for the advantage of skill or luck, the risks of losing and the chances of winning any competitive game must be the same for all participants.

To ensure compatibility and to allow for ongoing monitoring, staff recommends that the use be allowed by specific use permit (SUP) only in the CR community retail, RR regional retail, CS commercial service, industrial, central area, mixed use, multiple commercial, and urban corridor districts of Chapter 51A and the SC shopping center, GR general retail, LC light commercial, HC heavy commercial, central area, and industrial districts of Chapter 51.

ZOAC did **not** recommend the adoption of this proposal.

[5] Section 306.13 "Revocation of Certificate of Occupancy" of Chapter 52, "Administrative Procedures of the Construction Codes", of the Dallas City Code, states that the building official shall revoke a certificate of occupancy if the building official determines that the certificate of occupancy was issued in error.

ZOAC ACTION

MARCH 5, 2024

Motion: It was moved to send the item to City Plan Commission with a recommendation to **not** adopt the proposal.

Motion: Brent Rubin
2nd: Nathaniel Barrett

Result:

Passed:	7-0
For:	Barrett, Behring, Carden, Housewright, MacGregor, Rieves, Rubin
Against:	None
Absent:	Blair

Speakers: For: None.
Against: Philip Kingston, 5901 Palo Pinto, Dallas, TX 75206
Thomas DuPree, 5132 Bellerive Dr., Dallas TX 75287

STAFF RECOMMENDED AMENDMENTS:
(ZOAC did **not** recommend the adoption of this proposal.)

Section 51A-4.208. RECREATION USES

***Note**: The following language is proposed to be added to the Dallas Development Code. Single-underlining and double-underlining have been omitted throughout for readability.*

(1.1) Private game club.

(A) Definition. A private game club means a private place that is only open to its members that primarily offers competitive gaming facilities including games of skill, such as axe throwing, darts, or shuffleboard. Any games played with cards, dice, balls, or any other gambling device as defined in Texas Penal Code Chapter 47 are allowed only as an accessory use in accordance with Section 51A-4.217 of the Dallas Development Code.

(i) In this paragraph, MEMBER means an individual joining the private game club. Membership must be for a minimum of a one-year time period. Members must meet more than de minimis eligibility requirements. Memberships must be limited in number and may not be transferable. Membership must be revocable for cause.

(ii) All economic benefits, other than personal winnings, must come from the main use.

(iii) Except for the advantage of skill or luck, the risks of losing and the chances of winning any competitive game must be the same for all participants.

(iv) A private game club use cannot operate in conjunction with the following uses:

- -- Alternative financial establishment.
- -- Airport or landing field.
- -- Alcoholic beverage establishment.
- -- Commercial bus station or terminal.
- -- Dance hall.
- -- Extended stay hotel or motel.
- -- Financial institution without drive-in window.
- -- Financial institution with drive-in window.
- -- Heliport.
- -- Helistop.
- -- Hospital.
- -- Hotel or motel.
- -- Lodging or boarding house.
- -- Medical clinic or ambulatory surgical center.

-- Multifamily.
-- Office.
-- Overnight general-purpose shelter.
-- Public or private school.
-- Railroad passenger station.
-- Railroad yard, roundhouse, or shops.
-- Restaurant without drive-in or drive-through service.
-- Restaurant with drive-in or drive-through service.
-- STOL (short takeoff or landing) port.
-- Transit passenger shelter.
-- Transit passenger station or transfer center.

(B) Districts permitted. By SUP only in CR community retail, RR regional retail, CS commercial service, industrial, central area, mixed use, multiple commercial, and urban corridor districts of Chapter 51A and the SC shopping center, GR general retail, LC light commercial, HC heavy commercial, central area, and industrial districts of Chapter 51.

(C) Required off-street parking. The off-street parking requirement may be established by the ordinance granting the SUP.

(D) Required off-street loading. None.

(E) Additional provision. A private game club use must comply with Texas Penal Code Chapter 47.

Exhibit M

Texas Penal Code Chapter 47; Highlighting Chapter 47.04(b) of the Texas Penal Code (the "Safe Harbor" Provision)

[Please see attached]

Sec. 47.01. DEFINITIONS. In this chapter:

(1) "Bet" means an agreement to win or lose something of value solely or partially by chance. A bet does not include:

(A) contracts of indemnity or guaranty, or life, health, property, or accident insurance;

(B) an offer of a prize, award, or compensation to the actual contestants in a bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals, vehicles, watercraft, or aircraft entered in a contest; or

(C) an offer of merchandise, with a value not greater than $25, made by the proprietor of a bona fide carnival contest conducted at a carnival sponsored by a nonprofit religious, fraternal, school, law enforcement, youth, agricultural, or civic group, including any nonprofit agricultural or civic group incorporated by the state before 1955, if the person to receive the merchandise from the proprietor is the person who performs the carnival contest.

(2) "Bookmaking" means:

(A) to receive and record or to forward more than five bets or offers to bet in a period of 24 hours;

(B) to receive and record or to forward bets or offers to bet totaling more than $1,000 in a period of 24 hours; or

(C) a scheme by three or more persons to receive, record, or forward a bet or an offer to bet.

(3) "Gambling place" means any real estate, building, room, tent, vehicle, boat, or other property whatsoever, one of the uses of which is the making or settling of bets, bookmaking, or the conducting of a lottery or the playing of gambling devices.

(4) "Gambling device" means any electronic, electromechanical, or mechanical contrivance not excluded under Paragraph (B) that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term:

(A) includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits; and

(B) does not include any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or $5, whichever is less.

(5) "Altered gambling equipment" means any contrivance that has been altered in some manner, including, but not limited to, shaved dice, loaded dice, magnetic dice, mirror rings, electronic sensors, shaved cards, marked cards, and any other equipment altered or designed to enhance the actor's chances of winning.

(6) "Gambling paraphernalia" means any book, instrument, or apparatus by means of which bets have been or may be recorded or registered; any record, ticket, certificate, bill, slip, token, writing, scratch sheet, or other means of carrying on bookmaking, wagering pools, lotteries, numbers, policy, or similar games.

(7) "Lottery" means any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win anything of value, whether such scheme or procedure is called a pool, lottery, raffle, gift, gift enterprise, sale, policy game, or some other name.

(8) "Private place" means a place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops.

(9) "Thing of value" means any benefit, but does not include an unrecorded and immediate right of replay not exchangeable for value.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1987, 70th Leg., ch. 313, Sec. 1, 2, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 396, Sec. 1, eff. June 14, 1989; Acts 1993, 73rd Leg., ch. 774, Sec. 1, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 900,

Sec. 1.01, eff. Sept. 1, 1994; Acts 1995, 74th Leg., ch. 318, Sec. 19, eff. Sept. 1, 1995.

Sec. 47.02. GAMBLING. (a) A person commits an offense if he:

(1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;

(2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.

(b) It is a defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) It is a defense to prosecution under this section that the actor reasonably believed that the conduct:

(1) was permitted under Chapter 2001, Occupations Code;

(2) was permitted under Chapter 2002, Occupations Code;

(3) was permitted under Chapter 2004, Occupations Code;

(4) consisted entirely of participation in the state lottery authorized by the State Lottery Act (Chapter 466, Government Code);

(5) was permitted under Subtitle A-1, Title 13, Occupations Code (Texas Racing Act); or

(6) consisted entirely of participation in a drawing for the opportunity to participate in a hunting, fishing, or other recreational event conducted by the Parks and Wildlife Department.

(d) An offense under this section is a Class C misdemeanor.

(e) It is a defense to prosecution under this section that a person played for something of value other than money using an electronic, electromechanical, or mechanical contrivance excluded from the definition of "gambling device" under Section 47.01(4)(B).

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1981, 67th Leg., 1st C.S., p. 101, ch. 11, Sec. 43, eff. Nov. 10, 1981; Acts 1989, 71st Leg., ch. 957, Sec. 2, eff. Jan. 1, 1990; Acts 1991, 72nd Leg., 1st C.S., ch. 6, Sec. 3; Acts 1993, 73rd Leg., ch. 107, Sec. 4.04, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 774, Sec. 2, eff. Aug. 30, 1993. Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1,

1994; Acts 1995, 74th Leg., ch. 76, Sec. 14.53, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 318, Sec. 20, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 931, Sec. 79, eff. June 16, 1995; Acts 1997, 75th Leg., ch. 1256, Sec. 124, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1420, Sec. 14.834, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 47 (H.B. 975), Sec. 2, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 2.08, eff. April 1, 2019.

Sec. 47.03. GAMBLING PROMOTION. (a) A person commits an offense if he intentionally or knowingly does any of the following acts:

(1) operates or participates in the earnings of a gambling place;

(2) engages in bookmaking;

(3) for gain, becomes a custodian of anything of value bet or offered to be bet;

(4) sells chances on the partial or final result of or on the margin of victory in any game or contest or on the performance of any participant in any game or contest or on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(5) for gain, sets up or promotes any lottery or sells or offers to sell or knowingly possesses for transfer, or transfers any card, stub, ticket, check, or other device designed to serve as evidence of participation in any lottery.

(b) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1987, 70th Leg., ch. 313, Sec. 3, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.04. KEEPING A GAMBLING PLACE. (a) A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.

(c) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1977, 65th Leg., p. 667, ch. 251, Sec. 1, eff. Aug. 29, 1977. Acts 1989, 71st Leg., ch. 1030, Sec. 1, eff. Sept. 1, 1989. Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.05. COMMUNICATING GAMBLING INFORMATION. (a) A person commits an offense if, with the intent to further gambling, he knowingly communicates information as to bets, betting odds, or changes in betting odds or he knowingly provides, installs, or maintains equipment for the transmission or receipt of such information.

(b) It is an exception to the application of Subsection (a) that the information communicated is intended for use in placing a lawful wager under Chapter 2027, Occupations Code, and is not communicated in violation of Section 2033.013, Occupations Code.

(c) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.
Amended by:

Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 2.09, eff. April 1, 2019.

Sec. 47.06. POSSESSION OF GAMBLING DEVICE, EQUIPMENT, OR PARAPHERNALIA. (a) A person commits an offense if, with the intent to further gambling, he knowingly owns, manufactures, transfers, or possesses any gambling device that he knows is designed for gambling purposes or any equipment that he knows is designed as a subassembly or essential part of a gambling device.

(b) A person commits an offense if, with the intent to further gambling, he knowingly owns, manufactures, transfers commercially, or possesses any altered gambling equipment that he knows is designed for gambling purposes or any equipment that he knows is designed as a subassembly or essential part of such device.

(c) A person commits an offense if, with the intent to further gambling, the person knowingly owns, manufactures, transfers commercially,

or possesses gambling paraphernalia.

(d) It is a defense to prosecution under Subsections (a) and (c) that:

(1) the device, equipment, or paraphernalia is used for or is intended for use in gambling that is to occur entirely in a private place;

(2) a person involved in the gambling does not receive any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the chance of winning is the same for all participants.

(e) An offense under this section is a Class A misdemeanor.

(f) It is a defense to prosecution under Subsection (a) or (c) that the person owned, manufactured, transferred, or possessed the gambling device, equipment, or paraphernalia for the sole purpose of shipping it to another jurisdiction where the possession or use of the device, equipment, or paraphernalia was legal.

(g) A district or county attorney is not required to have a search warrant or subpoena to inspect a gambling device or gambling equipment or paraphernalia on an ocean-going vessel that enters the territorial waters of this state to call at a port in this state.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1977, 65th Leg., p. 668, ch. 251, Sec. 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1865, ch. 741, Sec. 1, eff. Aug. 29, 1977; Acts 1987, 70th Leg., ch. 167, Sec. 5.01(a)(48), eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 458, Sec. 1, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 1030, Sec. 2, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 44, Sec. 1, eff. Aug. 26, 1991; Acts 1991, 72nd Leg., ch. 315, Sec. 1, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 1st C.S., ch. 6, Sec. 4; Acts 1993, 73rd Leg., ch. 107, Sec. 4.05, eff. Aug. 30, 1993; Acts 1993, 73rd Leg., ch. 284, Sec. 30, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.07. EVIDENCE. In any prosecution under this chapter in which it is relevant to prove the occurrence of a sporting event, a published report of its occurrence in a daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and is prima facie evidence that the event occurred.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Renumbered from Penal Code Sec. 47.08 and amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.08. TESTIMONIAL IMMUNITY. (a) A party to an offense under this chapter may be required to furnish evidence or testify about the offense.

(b) A party to an offense under this chapter may not be prosecuted for any offense about which he is required to furnish evidence or testify, and the evidence and testimony may not be used against the party in any adjudicatory proceeding except a prosecution for aggravated perjury.

(c) For purposes of this section, "adjudicatory proceeding" means a proceeding before a court or any other agency of government in which the legal rights, powers, duties, or privileges of specified parties are determined.

(d) A conviction under this chapter may be had upon the uncorroborated testimony of a party to the offense.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Renumbered from Penal Code Sec. 47.09 by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.09. OTHER DEFENSES. (a) It is a defense to prosecution under this chapter that the conduct:

(1) was authorized under:

(A) Chapter 2001, Occupations Code;

(B) Chapter 2002, Occupations Code;

(C) Chapter 2004, Occupations Code;

(D) Subtitle A-1, Title 13, Occupations Code (Texas Racing Act); or

(E) Chapter 280, Finance Code;

(2) consisted entirely of participation in the state lottery authorized by Chapter 466, Government Code; or

(3) was a necessary incident to the operation of the state lottery and was directly or indirectly authorized by:

(A) Chapter 466, Government Code;

(B) the lottery division of the Texas Lottery Commission;

(C) the Texas Lottery Commission; or

(D) the director of the lottery division of the Texas Lottery Commission.

(b) It is an affirmative defense to prosecution under Sections 47.04, 47.06(a), and 47.06(c) that the gambling device, equipment, or

paraphernalia is aboard an ocean-going vessel that enters the territorial waters of this state to call at a port in this state if:

(1) before the vessel enters the territorial waters of this state, the district attorney or, if there is no district attorney, the county attorney for the county in which the port is located receives notice of the existence of the device, equipment, or paraphernalia on board the vessel and of the anticipated dates on which the vessel will enter and leave the territorial waters of this state;

(2) at all times while the vessel is in the territorial waters of this state all devices, equipment, or paraphernalia are disabled, electronically or by another method, from a remote and secured area of the vessel in a manner that allows only the master or crew of the vessel to remove any disabling device;

(3) at all times while the vessel is in the territorial waters of this state any disabling device is not removed except for the purposes of inspecting or repairing the device, equipment, or paraphernalia; and

(4) the device, equipment, or paraphernalia is not used for gambling or other gaming purposes while the vessel is in the territorial waters of this state.

Added by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 14.54, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 111, Sec. 1, eff. May 16, 1997; Acts 1997, 75th Leg., ch. 1035, Sec. 55, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 844, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 14.835, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 47 (H.B. 975), Sec. 3, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 2.10, eff. April 1, 2019.

Acts 2017, 85th Leg., R.S., Ch. 978 (H.B. 471), Sec. 5, eff. November 7, 2017.

Sec. 47.10. AMERICAN DOCUMENTATION OF VESSEL REQUIRED. If 18 U.S.C. Section 1082 is repealed, the affirmative defenses provided by Section 47.09(b) apply only if the vessel is documented under the laws of the United States.

Added by Acts 1989, 71st Leg., ch. 1030, Sec. 4, eff. Sept. 1, 1989. Renumbered from Penal Code Sec. 47.12 by Acts 1990, 71st Leg., 6th C.S.,

ch. 12, Sec. 2(27), eff. Sept. 6, 1990. Renumbered from Penal Code Sec. 47.13 and amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.

Sec. 47.11. DEPOSITS IN CERTAIN ACCOUNTS NOT CONSIDERATION. For purposes of this chapter, opening or making a deposit in a savings account or other savings program subject to a savings promotion raffle under Chapter 280, Finance Code, does not constitute consideration.

Added by Acts 2017, 85th Leg., R.S., Ch. 978 (H.B. 471), Sec. 6, eff. November 7, 2017.

Exhibit N

TCHDALLAS2, LLC, Appellant, v. Andres "Andrew" Espinoza, In His Official Capacity as Building Official of the City of Dallas, Appellee on Appeal from the 14th Judicial District Court, Dallas County, Texas, Trial Court Cause No. DC-22-03741, Memorandum Opinion

[Please see attached]

Reverse and Rendered and Opinion Filed August 27, 2024

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-22-01278-CV

TCHDALLAS2, LLC, Appellant
V.
ANDRES "ANDREW" ESPINOZA, IN HIS OFFICIAL CAPACITY AS THE BUILDING OFFICIAL OF THE CITY OF DALLAS, TEXAS, Appellee

On Appeal from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-22-03741

MEMORANDUM OPINION

Before Justices Carlyle, Goldstein, and Breedlove
Opinion by Justice Goldstein

TCHDallas2, LLC (TCH) appeals the trial court's judgment reversing the decision of the Board of Adjustment of the City of Dallas (the BOA) in the underlying case involving a poker establishment. In a single issue, TCH argues the trial court erred in determining the BOA abused its discretion in reversing the underlying decision of the Dallas building official to revoke TCH's certificate of occupancy (C.O.). We reverse the trial court's judgment and render judgment affirming the decision of the BOA reinstating TCH's C.O.

BACKGROUND[1]

Plaintiff Andres "Andrew" Espinoza ("plaintiff" or "building official") appeared in his official capacity as the chief building official of the City of Dallas, Texas. Megan Wimer was the City of Dallas assistant building official who was involved in the issuance and revocation of the certificate of occupancy ("C.O.") at issue. Defendant the Board of Adjustment for the City of Dallas, Texas ("Defendant" or "BOA") is an established board of the City of Dallas, a municipal corporation existing under the laws of the State of Texas and having its principal office in Dallas County. TCH is the occupant of, and owner and operator of the business located on Harry Hines Boulevard in Dallas, Texas (the "Harry Hines Location" or the "Property") for which the C.O. in dispute was issued. Ryan Crow is the CEO and an owner of TCH.

On or about December 9, 2019, TCH entered into a commercial lease with Moon Ventures, Ltd., the owner of the Harry Hines Location. On March 3, 2020, an application for a C.O. was submitted to the City of Dallas for the Property by applicant Juan Santiago for the proposed use of a gaming room. On July 2, 2020, Crow submitted a land use statement in support of the application for the C.O. listing aspects of the planned use of the Property. The land use statement indicated that

[1] The factual background here presented draws heavily on the parties' stipulated facts filed in October 2022. The stipulated facts have been condensed for the sake of brevity.

TCH would offer poker and similar games and that TCH would charge various fees to its members, live stream shows, and sell merchandise.

On October 23, 2020, the building official issued a C.O. for the Property for commercial amusement (inside) use. On December 17, 2021, Wimer sent a letter to Crow revoking TCH's C.O. because the operations at the location as described in the land use statement violated Texas Penal Code section 47.04, and the C.O. had been issued in error. On January 5, 2022, TCH appealed the revocation of its C.O. to the BOA. On February 22, 2022, and March 22, 2022, the BOA held hearings on TCH's appeal (collectively, the "BOA Hearings").

The BOA was tasked with deciding "whether the building official erred when the building official revoked the certificate of occupancy by concluding that it was issued in error because the applicant violates Texas Penal Code Section 47.04, keeping a gambling place." The BOA's attorney clarified, "So a violation of one of those [ordinances, regulations, or laws] is what you have to determine." The BOA presumed that the TCH use of the Property was a legal use.[2]

The BOA discussed whether TCH came within the "safe harbor" provided by section 47.04(b). In doing so, the BOA noted that it took TCH two years of due

[2] We note without further discussion that an opinion request that is directly on point was submitted to the Texas Attorney General on January 26, 2019. RQ-0209-KP. Specifically, "[a]re poker gambling enterprises that charge membership or other fees or receive other compensation from gamblers playing poker – but do not receive a "rake' – permitted under Texas law?" For purposes of the request, "rake" was defined as "a fee or a percentage of the value at risk in gambling." While an Attorney General Opinion is not binding or of precedential value, it may be persuasive to the courts, or in this instance, a municipality charged with ensuring a use is not in violation of state law or the Texas Constitution. As this request was closed with no opinion issued, we are not favored with guidance.

diligence to obtain the C.O., during which time TCH worked with the city attorney and the city council. One board member stated, "We, as a Board, are deciding whether or not the city official erred, not whether or not the use is illegal." The BOA also discussed the fact that TCH had not been prosecuted by the district attorney, and the issue of whether TCH's operation was legal or illegal remained undetermined by a court of law. At the conclusion of the hearing, the BOA voted unanimously to reverse the building official's decision and reinstate TCH's C.O.

On April 1, 2022, David Session in his official capacity as the building official for the City of Dallas timely filed an original petition and petition for writ of certiorari against the BOA, seeking a reversal of the BOA's decision. Following a trial before the court on October 25, 2022, the trial court entered an order granting the building official's first amended petition and petition for writ of certiorari. The trial court determined that the BOA "abused its discretion and made an illegal decision" when it reversed the building official's revocation of TCH's C.O. "which was issued in violation of state law." The trial court reversed the BOA's decision and entered judgment in favor of Espinoza as building official. On November 28, 2022, TCH filed its notice of appeal.

On December 5, 2022, the trial court filed its findings of fact and conclusions of law. The trial court's findings of fact, which "were based, in part, on observing witnesses and evidence presented at trial," included the following:

Under the City of Dallas's administrative procedures of the construction code, a building official shall revoke a certificate of occupancy if he or she determines the certificate was issued in error and shall deny any application for which the certificate "requested does not comply with the codes, the Dallas Development Code . . . or any county, state, or federal laws or regulations."

"Chapter [52] of the [Dallas City] Code states that . . . when a certificate of occupancy is granted, the use must comply with all federal, state, and local ordinances and laws." The City of Dallas's Administrative Procedures of the Construction Code provides that "[a]ny certificate of occupancy presuming to give authority to violate any . . . state, or federal laws . . . shall be void ab initio."

Crow testified that TCH in Dallas has been continuously in operation since 2020. "Active gambling" as defined in the Texas Penal Code section 47.04 occurs at TCH. Patrons gamble at TCH when they play and bet money on poker games played with cards. TCH is open 24 hours a day, seven days a week. Anytime, 24 hours a day, 7 days a week, any person over the age of 18 can walk into TCH off the street, provide minimal personal information, pay a fee, and start gambling in "about five minutes." Access to TCH is indistinguishable from that of a nightclub or restaurant which charges a cover fee. According to the membership agreement, the only "eligibility" criteria to enter and play as a "probationary" member is being at least 18 years of age. Tens of thousands of people have access to playing the poker games at TCH, with an average of 630 players a day.

TCH, its employees, and some of its patrons receive economic benefits other than winnings from the poker games. The owners/partners of TCH, including Crow, derive a significant economic benefit from their ownership/partnership in TCH and their running of a for-profit poker business. TCH is being used as a gambling place, as it is the location where patrons engage in gambling and participate in lotteries. TCH collects fees or charges from the operations of its business. TCH charges and collects table fees via a time collection derived from the time each patron is sitting at the table gambling. TCH charges a $13 per hour fee, which hourly fee starts when a player sits down at a table and runs for the duration while they are sitting at the table. This $13 per hour fee generates over 90% of TCH's revenue. TCH provides poker tournaments regularly at the Property. TCH charges players tournament fees, which include "staff" fees and "access" fees.

> Like a restaurant, tavern, or nightclub, revenue is generated by food and beverages being served at TCH by waitresses employed by TCH who are tipped by the persons gambling at poker tables. TCH represented that "TCH paid $884,000 in sales tax in 2021," that "TCH is projected to pay $1,100,000 in sales tax in 2022," and that "TCH expects to pay over $3,000,000 in Federal Income Taxes for 2021." Players at TCH exchange money for chips for betting in the poker games at the Property.
>
> The building official was not authorized to approve an application for a C.O. for an illegal use. The building official erroneously issued a C.O. for TCH based on incomplete information and an insufficient understanding of the applicable law. Having subsequently determined that the use violated the Texas Penal Code, the building official was obligated to revoke the C.O.
>
> Subsequently, similar businesses sought to open similar poker houses at other locations in Dallas. In response to applications for C.O.s for similar poker houses, Wimer issued denials of the C.O. applications for Champions Club, Dallas Poker Club (KBKM) and Fifty-Two Social, indicating that the proposed uses did not comply with the Texas Penal Code's prohibition on keeping a gambling place. In both the Champions Club and Dallas Poker Club BOA hearings, the BOA voted to affirm the building official's decision to deny the C.O.s to the poker rooms because they did not comply with Texas law.

Based on these findings, the trial court entered conclusions of law that, among other things, established the standard of review the trial court applied to the BOA's decision. The trial court concluded, in pertinent part, that:

> This Court sits as a court of review to determine the legality of the Board of Adjustment's decision reversing the Building Official's revocation of the C.O. for the Property.
>
> To establish that the Board's decision was illegal, Plaintiff needed to clearly demonstrate that the Board abused its discretion. A board abuses its discretion if it: (1) acts without reference to any guiding rules and principles; or (2) clearly fails to analyze or apply the law correctly.
>
> In reviewing the Board's legal conclusions, the Court determined whether the TCH use of the Property violates the Texas Constitution

> and various provisions in Chapter 47 of the Texas Penal Code. In this case, the Court was required to consider whether the TCH use at the Property violates a portion of the Texas Constitution and portions of the Texas Penal Code which fulfill the Texas constitutional mandate to prohibit gambling. The Court has jurisdiction to make both of these assessments.

The trial court concluded TCH violated the penal code's prohibition on gambling and keeping a gambling place. Further, the trial court concluded that the building official erroneously issued a C.O. to TCH; the building official was obligated to revoke the C.O. after determining TCH's use of its property violated the penal code; TCH's use did not fall within the affirmative defenses to prosecution for the offenses of gambling and keeping a gambling place; and the BOA's decision to reverse the revocation of TCH's C.O. was therefore illegal and an abuse of discretion.

ANALYSIS

In a single issue, TCH argues as follows:

> The Building Official issued Texas Card House a Certificate of Occupancy for a private poker club and then, despite no change in law or facts, revoked that Certificate on the purported basis that it was "issued in error." Did the Board of Adjustment clearly abuse its discretion by reversing that revocation based on evidence that the Certificate was not "issued in error," as that term is used in the sole enumerated ground for revocation, and evidence that revocation was instead caused by lobbying or a change of mind about a reasonably disputable application of law?

We review the trial court's judgment regarding the BOA's decision de novo. *Bd. of Adjustment of City of Dallas v. Billingsley Family Ltd. P'ship*, 442 S.W.3d 471, 474 (Tex. App.—Dallas 2013, no pet.).

As a quasi-judicial body, the decisions of a zoning board are subject to appeal before a state district court upon application for a writ of certiorari. *See* TEX. LOCAL GOV'T CODE § 211.011(a), (b); *City of Dallas v. Vanesko*, 189 S.W.3d 769, 771 (Tex. 2006). The district court sits only as a court of review, and the only question before it is the legality of the zoning board's order. *Vanesko*, 189 S.W.3d at 771. To establish that an order is illegal, the party attacking the order must present a "very clear showing of abuse of discretion." *Id.* (citing *City of San Angelo v. Boehme Bakery*, 144 Tex. 281, 190 S.W.2d 67, 71 (1945)). A zoning board abuses its discretion if it acts without reference to any guiding rules and principles or clearly fails to analyze or apply the law correctly. *Vanesko*, 189 S.W.3d at 771; *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). In deciding whether the BOA abused its discretion, the district court considers the BOA's verified return along with any additional evidence "necessary for proper disposition of the matter." *Billingsley*, 442 S.W.3d at 474 (citing TEX. LOC. GOV'T CODE § 211.011(d), (e)). With respect to a zoning board's factual findings, a reviewing court may not substitute its own judgment for that of the board. *Vanesko*, 189 S.W.3d at 771; *see Walker*, 827 S.W.2d at 839. Instead, a party challenging those findings must establish that the board could only have reasonably reached one decision. *Vanesko*, 189 S.W.3d at 771; *see Walker*, 827 S.W.2d at 840. Our abuse-of-discretion review is necessarily less deferential when considering any legal conclusions made by the

zoning board and is similar in nature to a de novo review. *Vanesko*, 189 S.W.3d at 771.

Section 47.04 of the penal code, entitled "Keeping a Gambling Place," provides the following:

> (a) A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.
>
> (b) It is an affirmative defense to prosecution under this section that:
>
> (1) the gambling occurred in a private place;
>
> (2) no person received any economic benefit other than personal winnings; and
>
> (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.
>
> (c) An offense under this section is a Class A misdemeanor.

TEX. PENAL CODE § 47.04.

The verified record reflects that the BOA's decision was based upon significant historical facts relating to governmental oversight, review, and approval. Specifically, TCH was issued a C.O. after two years of due diligence during which time TCH worked with the city attorney and the city council to ensure the planned operations would comply with all relevant laws and local ordinances. TCH conducted its operations without making any changes for nearly fourteen months after the issuance of the C.O., and TCH was not prosecuted by the district attorney or any other agency. Nevertheless, in December 2021, the building official revoked

TCH's C.O. on the basis that TCH's operations at the location as described in the land use statement violated Texas Penal Code section 47.04. The discussion among the members of the BOA reflected that the issue of whether TCH's operations were legal or illegal had not been determined by a court of law, and it was not clear whether TCH's operations came under the safe harbor provision of penal code section 47.04. In this specific context, the BOA voted unanimously to reverse the building official's revocation of TCH's C.O.

The trial court stated in its conclusions of law that it sat as a "court of review to determine the legality of the" BOA's decision, and it concluded TCH's violated the penal code's prohibition on gambling and keeping a gambling place. We conclude the trial court thereby erred in failing to afford the required deference to the BOA's decision. The court must not substitute its discretion for the BOA's, even if the court concludes the overwhelming preponderance of evidence is against the BOA's decision. *Bd. of Adjustment of City of Dallas v. Winkles*, 832 S.W.2d 803, 805 (Tex. App.—Dallas 1992, writ denied) (citing *City of San Angelo*, 190 S.W.2d at 70). If reasonable minds could have reached the conclusion the BOA must have reached to justify its action, the trial court must uphold the BOA's order. *Winkles*, 832 S.W.2d at 805; *City of San Angelo*, 190 S.W.2d at 70. In other words, the party challenging the BOA's findings must establish that the BOA could only have reasonably reached one decision. *Vanesko*, 189 S.W.3d at 771; *see Walker*, 827 S.W.2d at 840. We conclude the trial court effectively substituted its discretion for

that of the BOA in this case in which the BOA could have reached multiple decisions. *See Vanesko*, 189 S.W.3d at 771; *Winkles*, 832 S.W.2d at 805. We sustain TCH's single issue.

We reverse the trial court's judgment and render judgment affirming the decision of the BOA reinstating TCH's C.O.

221278f.p05

/Bonnie Lee Goldstein//
BONNIE LEE GOLDSTEIN
JUSTICE

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

TCHDALLAS2, LLC, Appellant

No. 05-22-01278-CV V.

ANDRES ”ANDREW” ESPINOZA, IN HIS OFFICIAL CAPACITY AS THE BUILDING OFFICIAL OF THE CITY OF DALLAS, TEXAS, Appellee

On Appeal from the 14th Judicial District Court, Dallas County, Texas
Trial Court Cause No. DC-22-03741.
Opinion delivered by Justice Goldstein. Justices Carlyle and Breedlove participating.

In accordance with this Court’s opinion of this date, the judgment of the trial court is **REVERSED** and judgment is **RENDERED** that:

the decision of the Board of Adjustment of the City of Dallas reinstating the certificate of occupancy of TCHDallas2 is **AFFIRMED**.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 27th day of August, 2024.

Exhibit O

Letter from City of Dallas revoking Champion's Certificate of Occupancy dated April 15, 2025

[Please see attached]

CITY OF DALLAS

April 15, 2025

Mr. Roy Choi
17480 Dallas Parkway, Ste. 216
Dallas, TX 75287

CERTIFIED MAIL NO. 7013 3020 0001 1419 2217

RE: Revocation of Certificate of Occupancy No. 2410071172 for a restaurant and commercial amusement (inside) dba *Contenders* at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the above-referenced certificate of occupancy issued on April 9, 2025, is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.[1]

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.[2] The restaurant and commercial amusement (inside) uses may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.[3] If you have any questions, please contact Megan Wimer at 469-271-0608.

Sincerely,

M. Samuell Eskander, PE, CBO, CFM, LEED AP BD+C
Deputy Director / Chief Building Official

cc: Robin Bently, Assistant City Manager
Tammy Palomino, City Attorney
Emily Liu, FAICP, Director, Planning and Development
Megan Wimer, AICP, CBO, Assistant Director, Planning and Development
Kiesha Kay, Founder/CEO, Mission Ridge Consultants
Major Yancy Nelson, Dallas Police Department

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1 Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

3 Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.

Exhibit P

Letter from City of Dallas revoking Texas Card House's Certificate of Occupancy dated December 17, 2021

[Please see attached]

CITY OF DALLAS

December 17, 2021

CERTIFIED MAIL NO. 7020 1290 0000 3631 0112

Ryan Crow, CEO
11834 Harry Hines Boulevard, #135
Dallas, TX 75234

RE: Revocation of Certificate of Occupancy No. 2003031040 for a commercial amusement (inside) use, dba Texas Card House at 11834 Harry Hines Boulevard, #135 ("the Property")

Dear Mr. Crow:

This letter is to inform you that the above-referenced certificate of occupancy issued on October 23, 2020 is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.[1]

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2003031040 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.[2] The commercial amusement (inside) use may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

---

1 Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

CITY OF DALLAS

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.[3] If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO, Assistant Building Official
Building Inspection Division

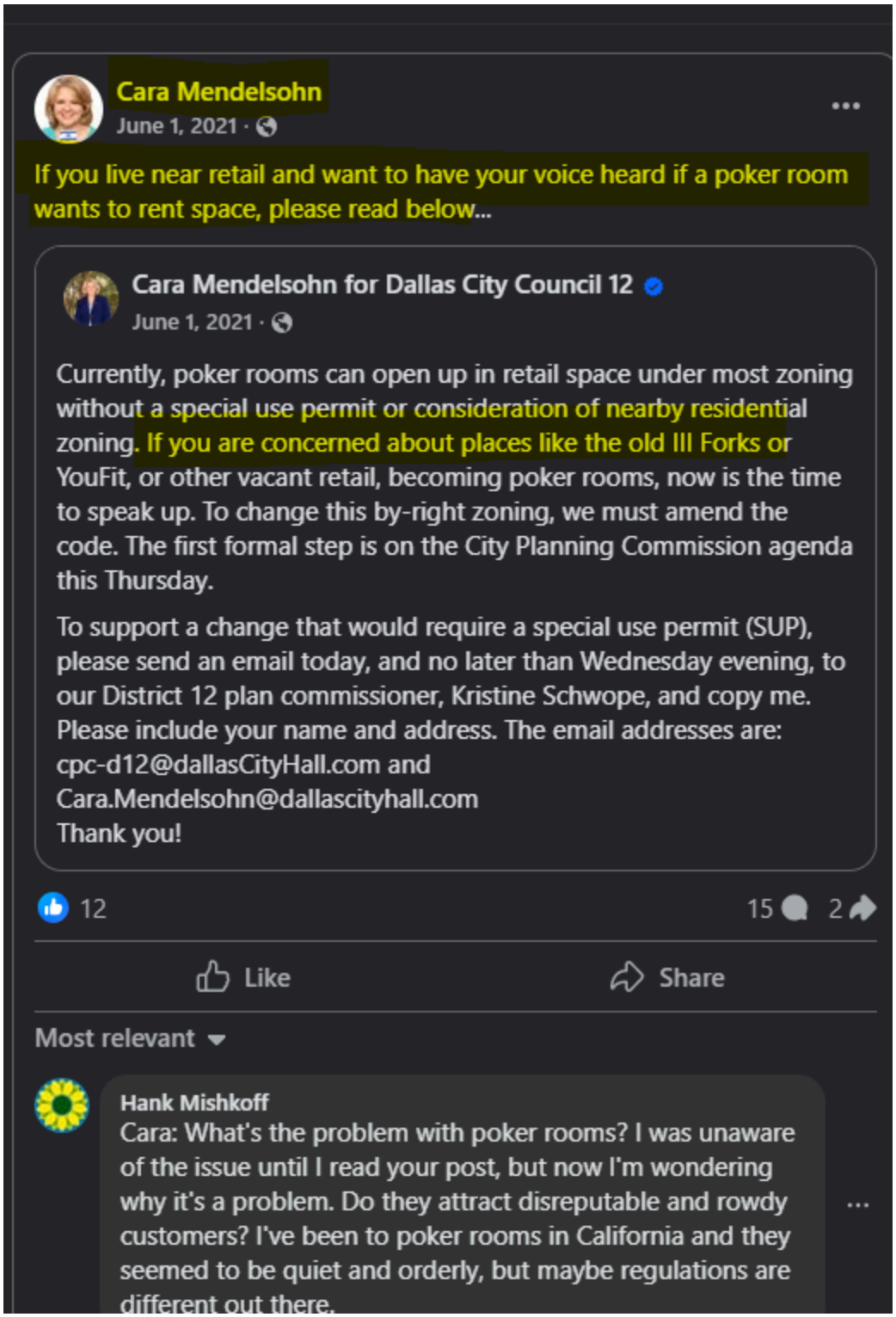
cc: Dr. Eric Johnson, Chief of Economic Development and Neighborhood Services
David Session, CBO, Interim Building Official
Tammy L. Palomino, First Assistant City Attorney
Major Devon Palk, Dallas Police Department
Lieutenant Lisette Rivera, Dallas Police Department

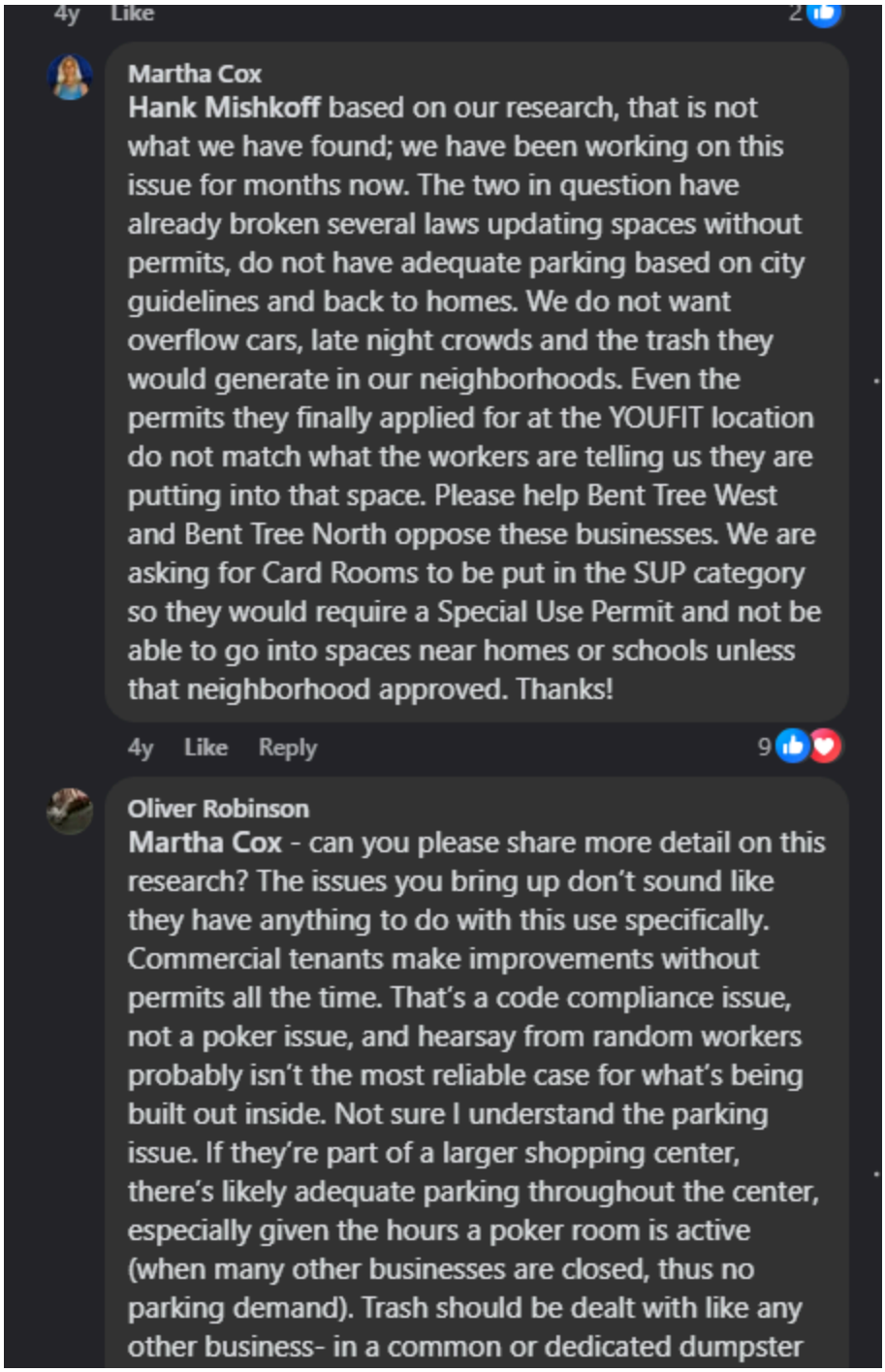
[3] Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code

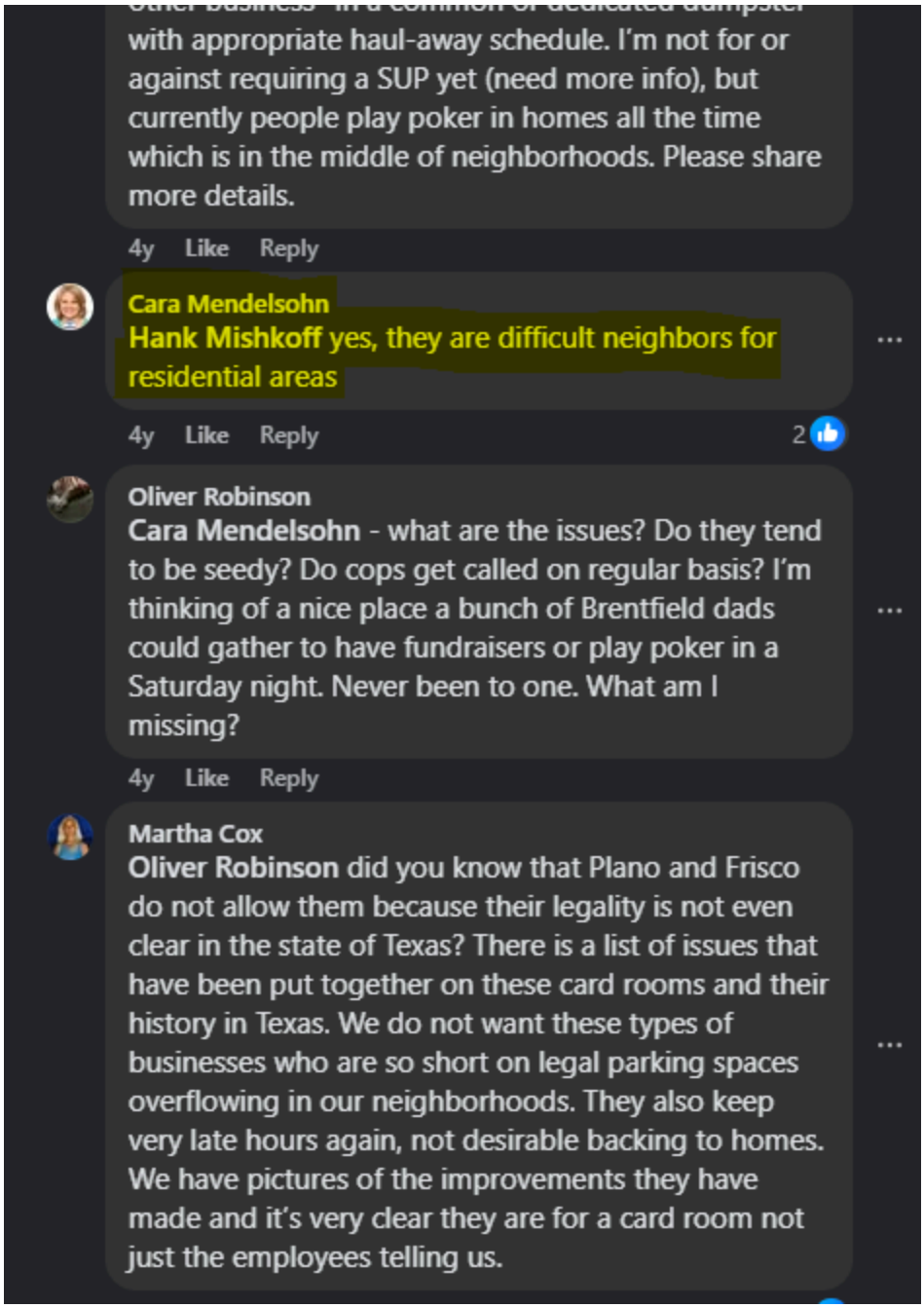
Exhibit Q

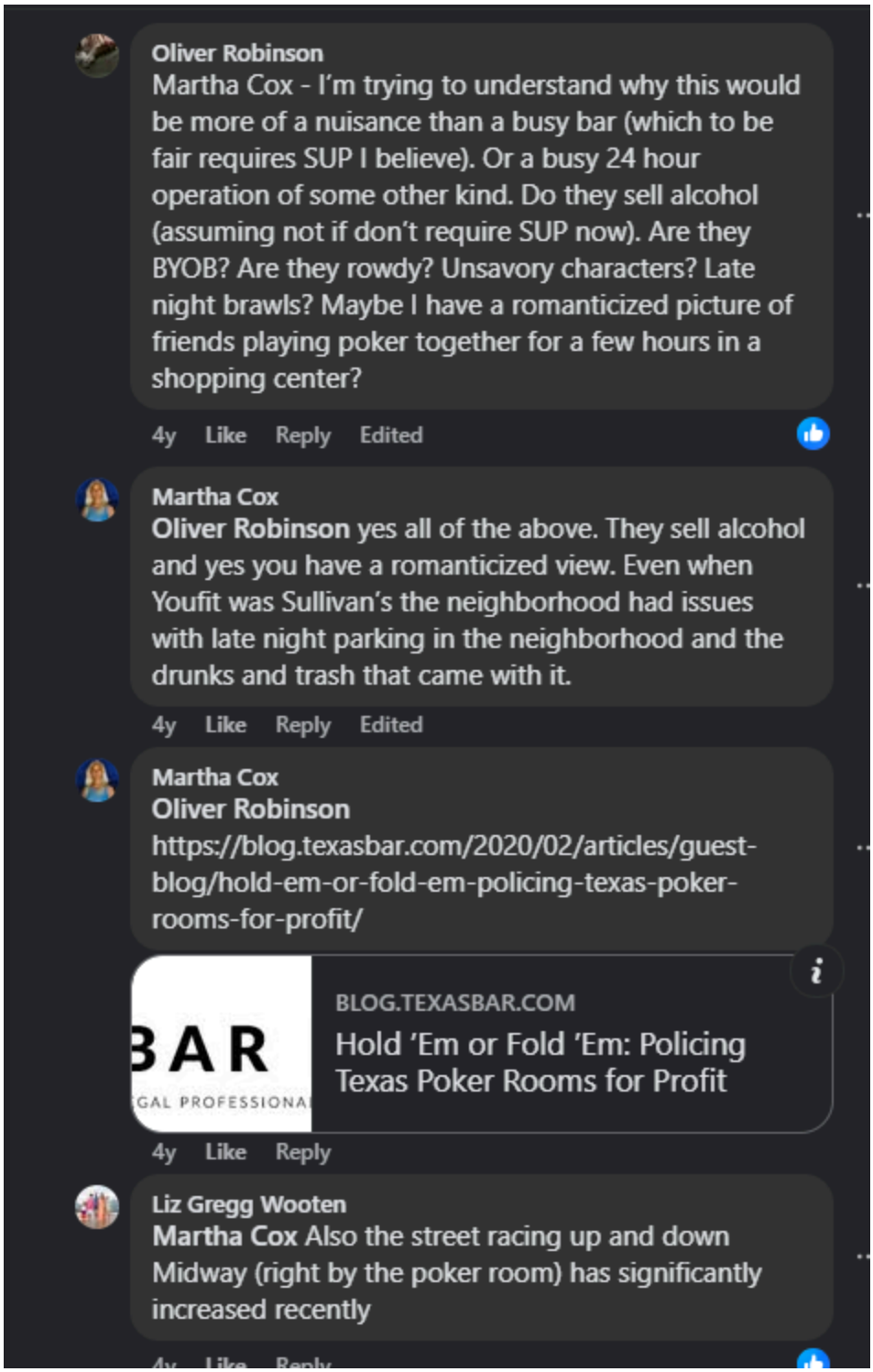
Social Media Postings

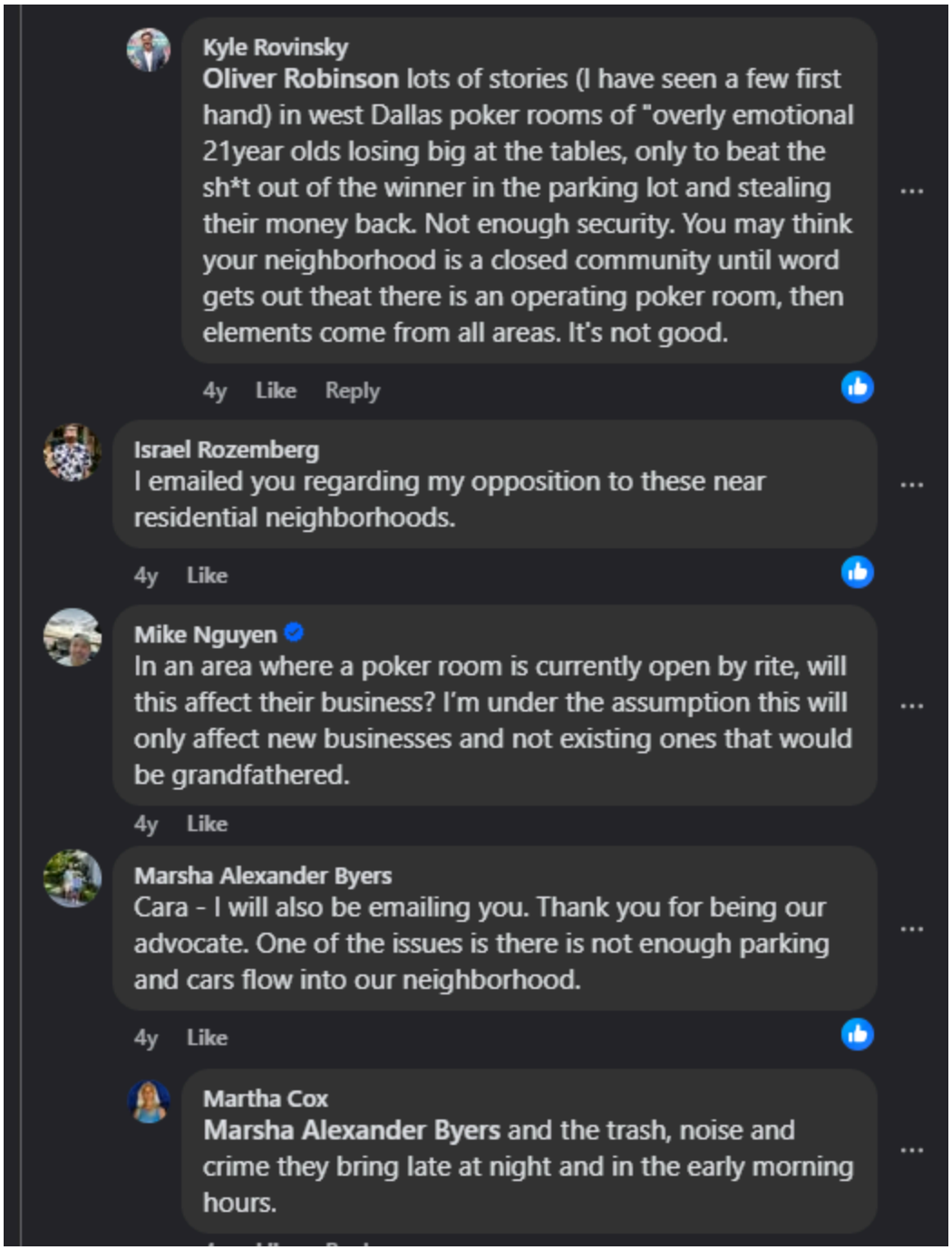
[Please see attached]


Cara Mendelsohn
June 1, 2021 ·
If you live near retail and want to have your voice heard if a poker room wants to rent space, please read below...
Cara Mendelsohn for Dallas City Council 12
June 1, 2021 ·
Currently, poker rooms can open up in retail space under most zoning without a special use permit or consideration of nearby residential zoning. If you are concerned about places like the old III Forks or YouFit, or other vacant retail, becoming poker rooms, now is the time to speak up. To change this by-right zoning, we must amend the code. The first formal step is on the City Planning Commission agenda this Thursday.
To support a change that would require a special use permit (SUP), please send an email today, and no later than Wednesday evening, to our District 12 plan commissioner, Kristine Schwope, and copy me. Please include your name and address. The email addresses are: cpc-d12@dallasCityHall.com and Cara.Mendelsohn@dallascityhall.com
Thank you!
12
15
2
Like
Share
Most relevant
Hank Mishkoff
Cara: What's the problem with poker rooms? I was unaware of the issue until I read your post, but now I'm wondering why it's a problem. Do they attract disreputable and rowdy customers? I've been to poker rooms in California and they seemed to be quiet and orderly, but maybe regulations are different out there.


4y Like 2
Martha Cox
Hank Mishkoff based on our research, that is not what we have found; we have been working on this issue for months now. The two in question have already broken several laws updating spaces without permits, do not have adequate parking based on city guidelines and back to homes. We do not want overflow cars, late night crowds and the trash they would generate in our neighborhoods. Even the permits they finally applied for at the YOUFIT location do not match what the workers are telling us they are putting into that space. Please help Bent Tree West and Bent Tree North oppose these businesses. We are asking for Card Rooms to be put in the SUP category so they would require a Special Use Permit and not be able to go into spaces near homes or schools unless that neighborhood approved. Thanks!
4y Like Reply 9
Oliver Robinson
Martha Cox - can you please share more detail on this research? The issues you bring up don't sound like they have anything to do with this use specifically. Commercial tenants make improvements without permits all the time. That's a code compliance issue, not a poker issue, and hearsay from random workers probably isn't the most reliable case for what's being built out inside. Not sure I understand the parking issue. If they're part of a larger shopping center, there's likely adequate parking throughout the center, especially given the hours a poker room is active (when many other businesses are closed, thus no parking demand). Trash should be dealt with like any other business- in a common or dedicated dumpster


with appropriate haul-away schedule. I'm not for or against requiring a SUP yet (need more info), but currently people play poker in homes all the time which is in the middle of neighborhoods. Please share more details.
4y Like Reply
Cara Mendelsohn
Hank Mishkoff yes, they are difficult neighbors for residential areas
4y Like Reply 2
Oliver Robinson
Cara Mendelsohn - what are the issues? Do they tend to be seedy? Do cops get called on regular basis? I'm thinking of a nice place a bunch of Brentfield dads could gather to have fundraisers or play poker in a Saturday night. Never been to one. What am I missing?
4y Like Reply
Martha Cox
Oliver Robinson did you know that Plano and Frisco do not allow them because their legality is not even clear in the state of Texas? There is a list of issues that have been put together on these card rooms and their history in Texas. We do not want these types of businesses who are so short on legal parking spaces overflowing in our neighborhoods. They also keep very late hours again, not desirable backing to homes. We have pictures of the improvements they have made and it's very clear they are for a card room not just the employees telling us.


Oliver Robinson
Martha Cox - I'm trying to understand why this would be more of a nuisance than a busy bar (which to be fair requires SUP I believe). Or a busy 24 hour operation of some other kind. Do they sell alcohol (assuming not if don't require SUP now). Are they BYOB? Are they rowdy? Unsavory characters? Late night brawls? Maybe I have a romanticized picture of friends playing poker together for a few hours in a shopping center?
4y Like Reply Edited
Martha Cox
Oliver Robinson yes all of the above. They sell alcohol and yes you have a romanticized view. Even when Youfit was Sullivan's the neighborhood had issues with late night parking in the neighborhood and the drunks and trash that came with it.
4y Like Reply Edited
Martha Cox
Oliver Robinson
https://blog.texasbar.com/2020/02/articles/guest-blog/hold-em-or-fold-em-policing-texas-poker-rooms-for-profit/
BLOG.TEXASBAR.COM
Hold 'Em or Fold 'Em: Policing Texas Poker Rooms for Profit
4y Like Reply
Liz Gregg Wooten
Martha Cox Also the street racing up and down Midway (right by the poker room) has significantly increased recently



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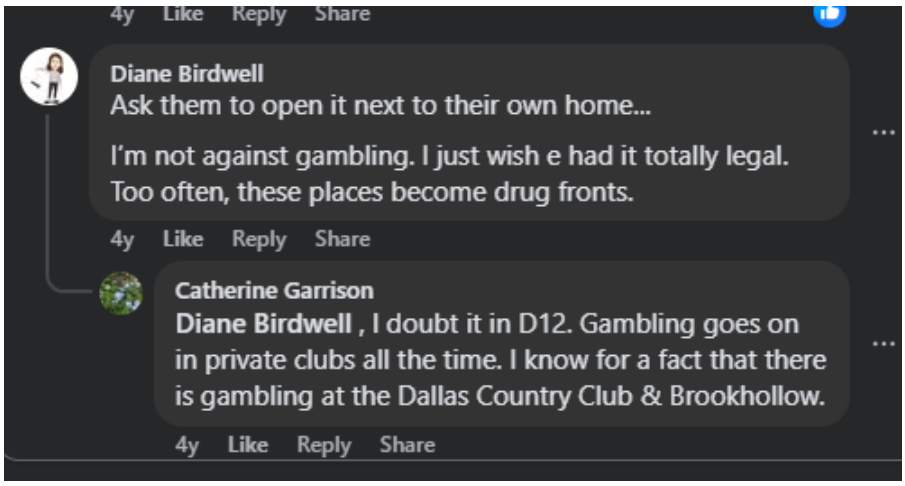

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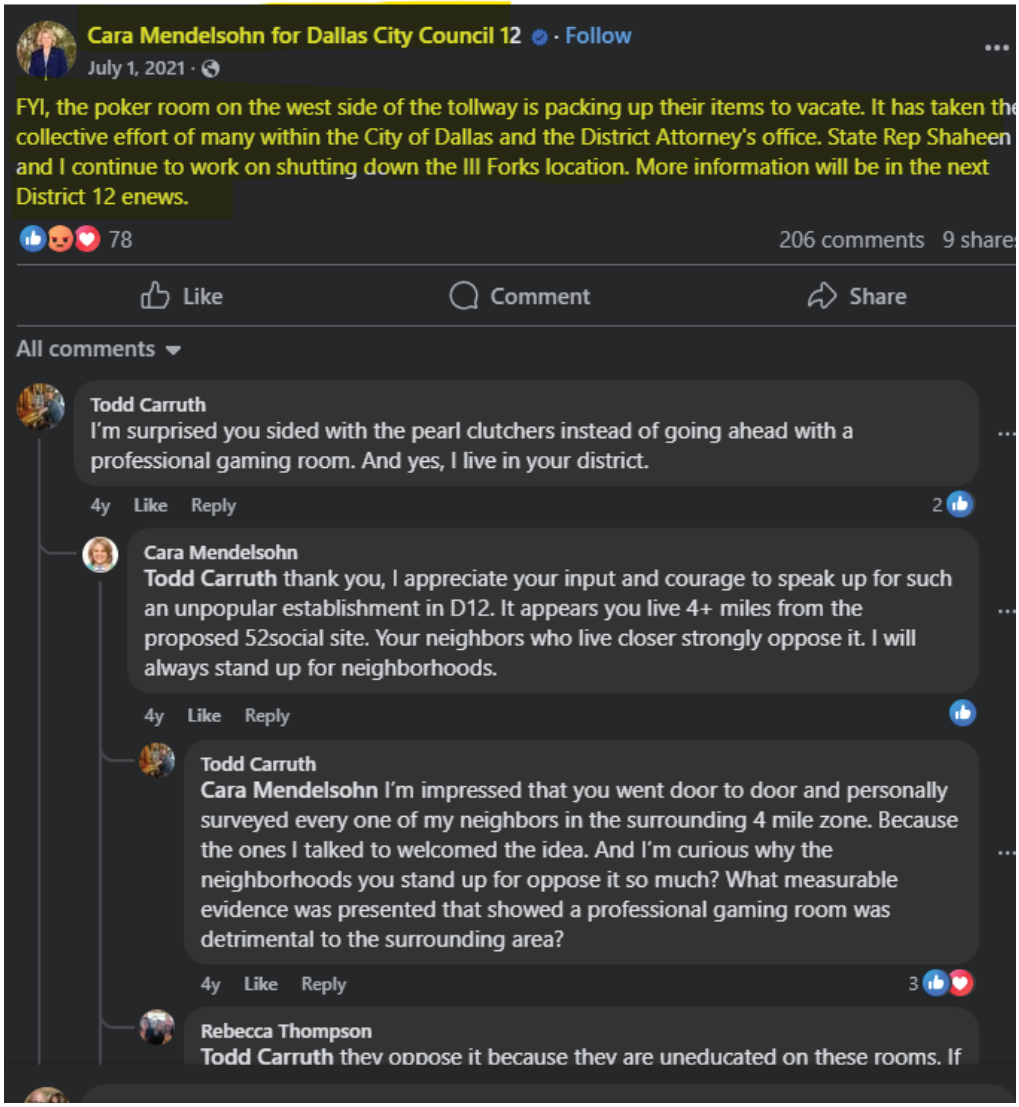
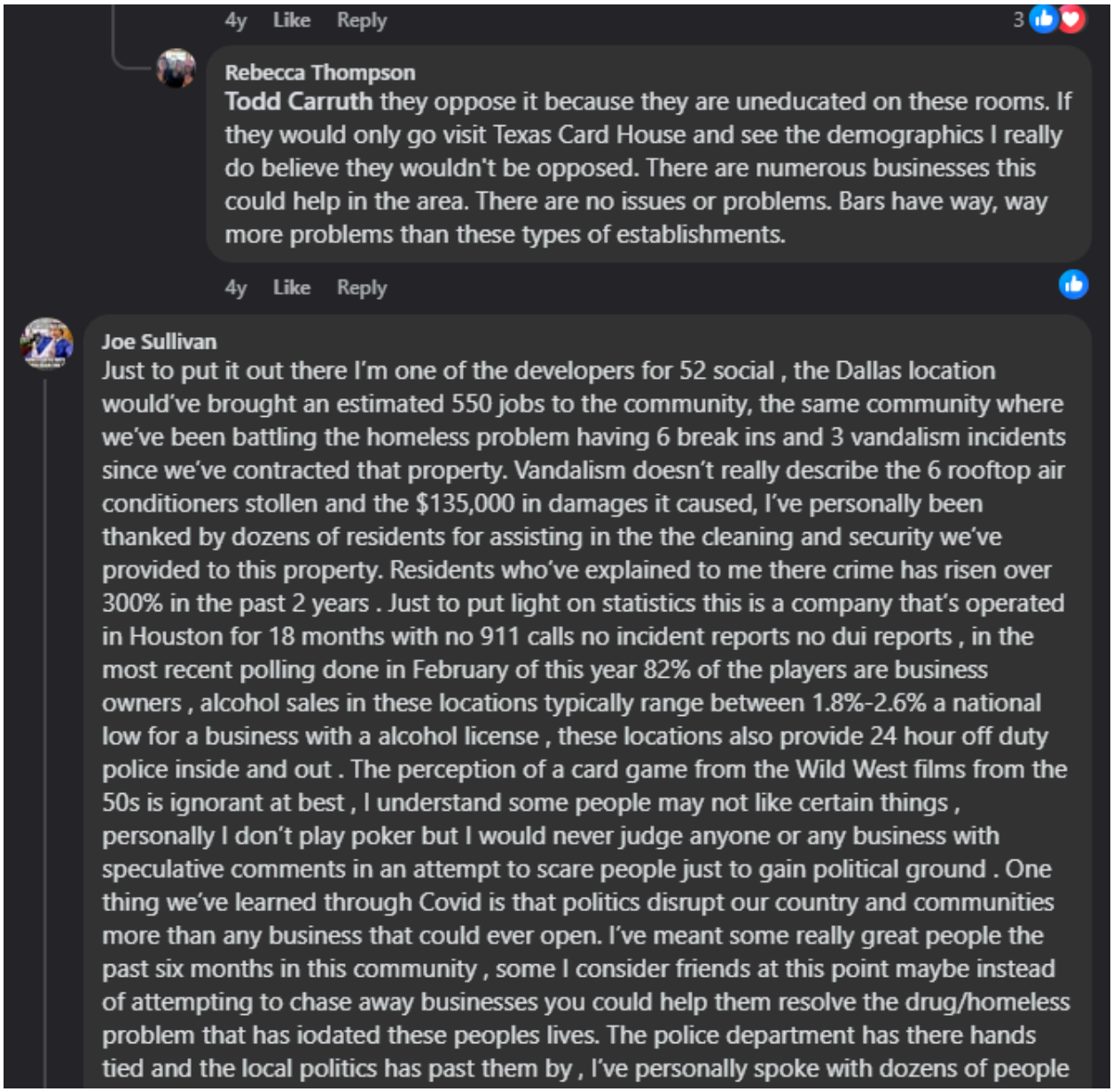
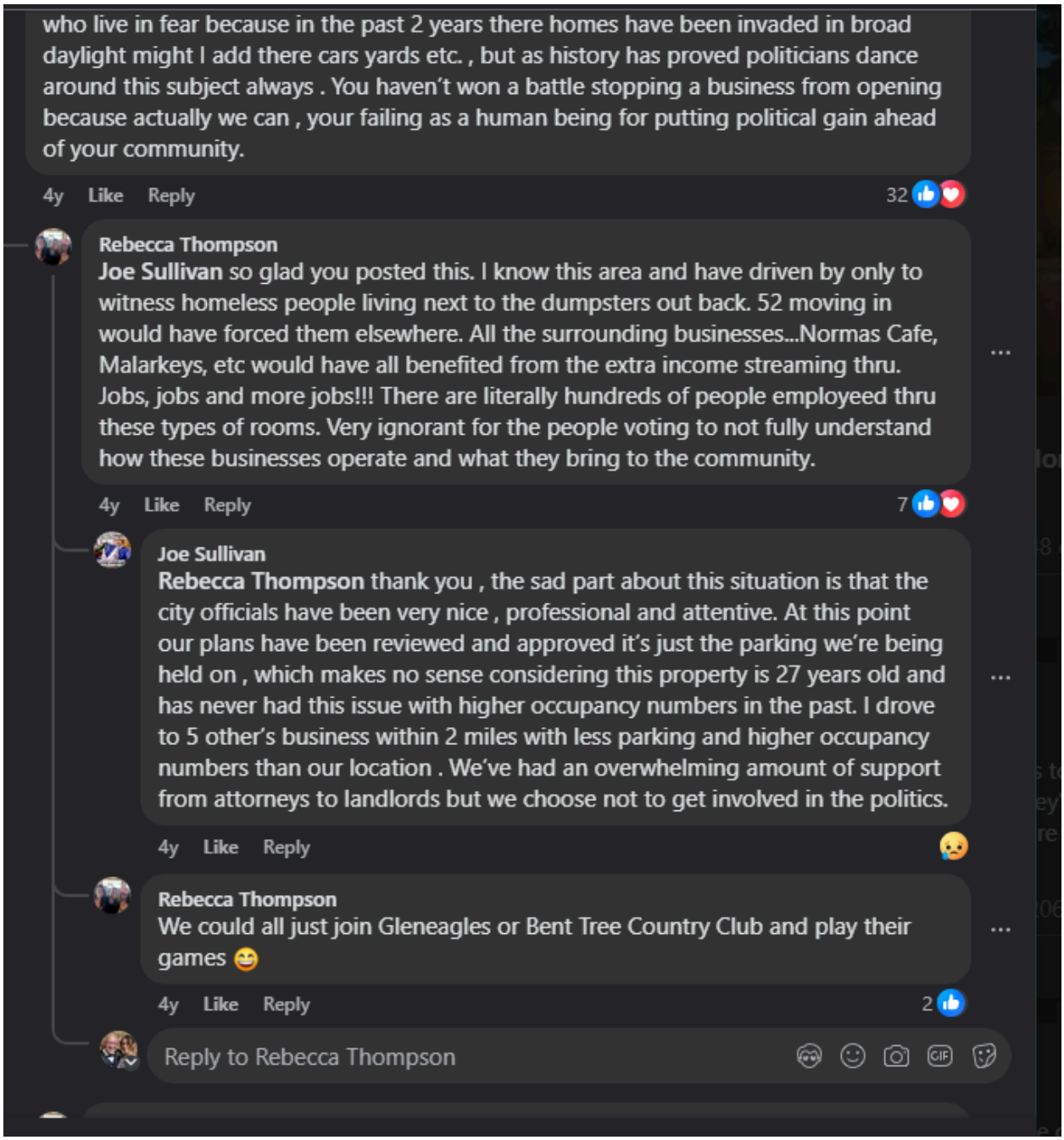
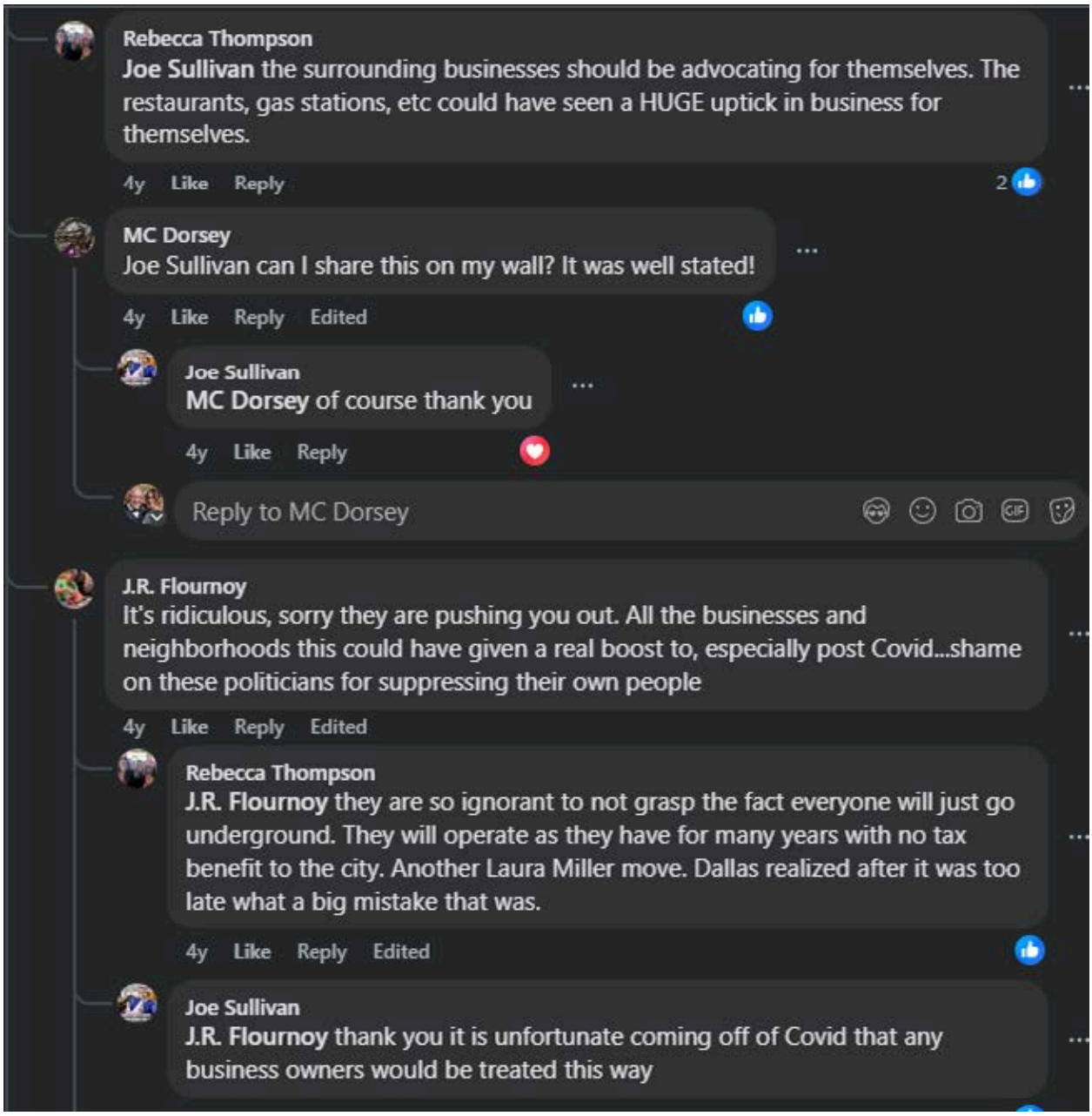
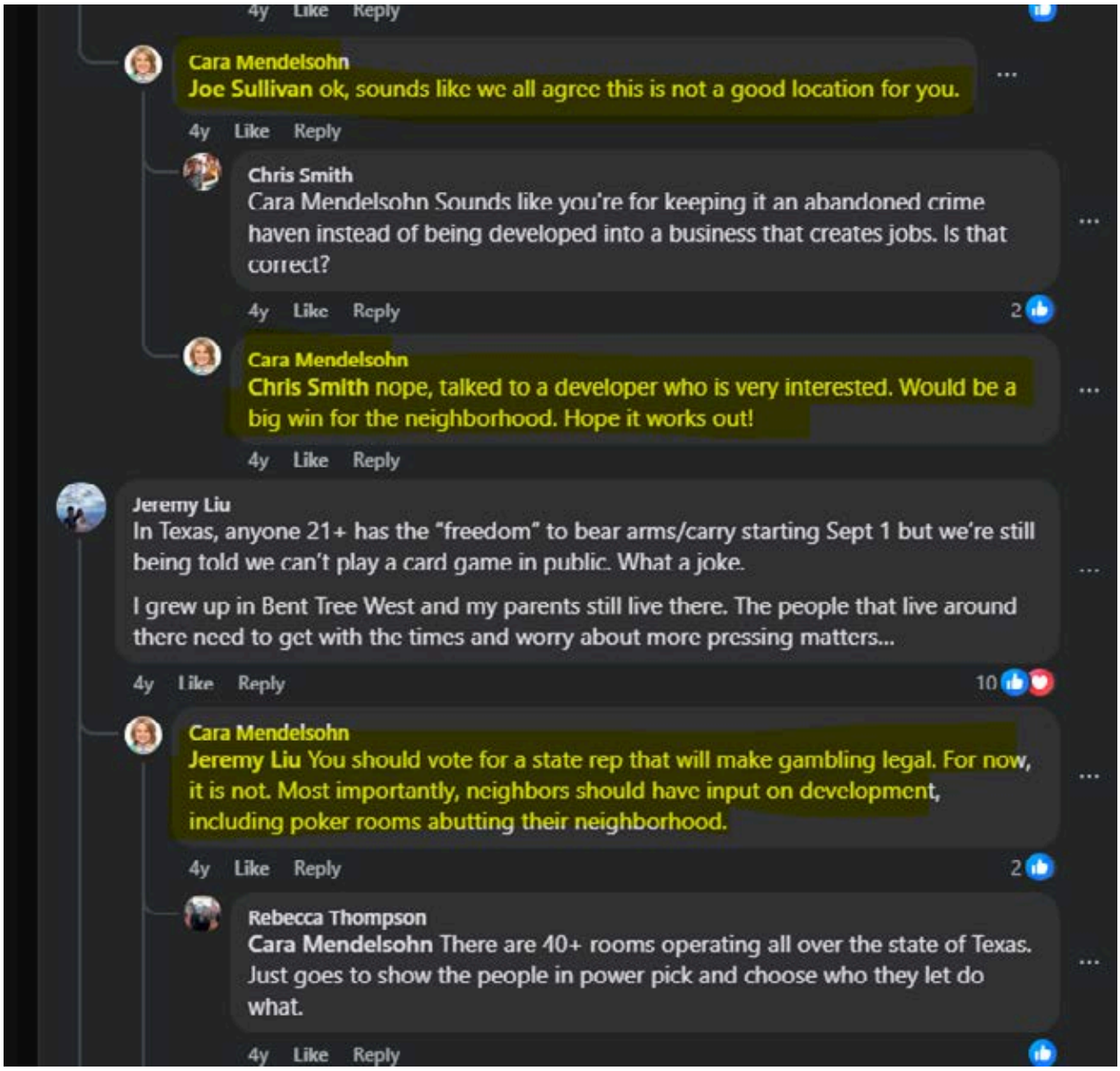

Cara Mendelsohn for Dallas City Council 12 · Follow
July 1, 2021 ·
FYI, the poker room on the west side of the tollway is packing up their items to vacate. It has taken the collective effort of many within the City of Dallas and the District Attorney's office. State Rep Shaheen and I continue to work on shutting down the III Forks location. More information will be in the next District 12 enews.
78
206 comments 9 shares
Like
Comment
Share
All comments
Todd Carruth
I'm surprised you sided with the pearl clutchers instead of going ahead with a professional gaming room. And yes, I live in your district.
4y Like Reply 2
Cara Mendelsohn
Todd Carruth thank you, I appreciate your input and courage to speak up for such an unpopular establishment in D12. It appears you live 4+ miles from the proposed 52social site. Your neighbors who live closer strongly oppose it. I will always stand up for neighborhoods.
4y Like Reply
Todd Carruth
Cara Mendelsohn I'm impressed that you went door to door and personally surveyed every one of my neighbors in the surrounding 4 mile zone. Because the ones I talked to welcomed the idea. And I'm curious why the neighborhoods you stand up for oppose it so much? What measurable evidence was presented that showed a professional gaming room was detrimental to the surrounding area?
4y Like Reply 3
Rebecca Thompson
Todd Carruth they oppose it because they are uneducated on these rooms. If

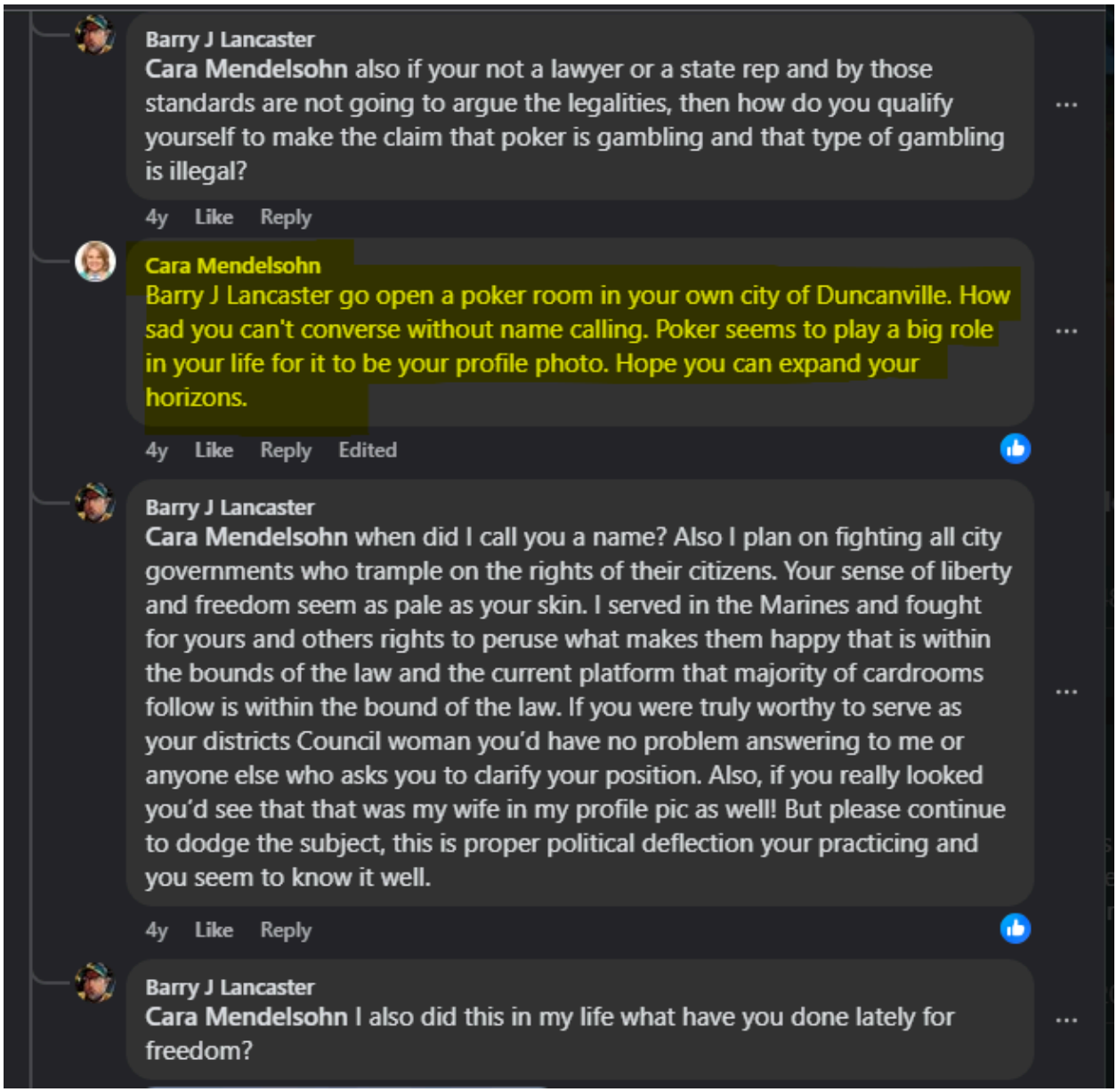

4y Like Reply 3
Rebecca Thompson
Todd Carruth they oppose it because they are uneducated on these rooms. If they would only go visit Texas Card House and see the demographics I really do believe they wouldn't be opposed. There are numerous businesses this could help in the area. There are no issues or problems. Bars have way, way more problems than these types of establishments.
4y Like Reply
Joe Sullivan
Just to put it out there I'm one of the developers for 52 social , the Dallas location would've brought an estimated 550 jobs to the community, the same community where we've been battling the homeless problem having 6 break ins and 3 vandalism incidents since we've contracted that property. Vandalism doesn't really describe the 6 rooftop air conditioners stollen and the $135,000 in damages it caused, I've personally been thanked by dozens of residents for assisting in the the cleaning and security we've provided to this property. Residents who've explained to me there crime has risen over 300% in the past 2 years . Just to put light on statistics this is a company that's operated in Houston for 18 months with no 911 calls no incident reports no dui reports , in the most recent polling done in February of this year 82% of the players are business owners , alcohol sales in these locations typically range between 1.8%-2.6% a national low for a business with a alcohol license , these locations also provide 24 hour off duty police inside and out . The perception of a card game from the Wild West films from the 50s is ignorant at best , I understand some people may not like certain things , personally I don't play poker but I would never judge anyone or any business with speculative comments in an attempt to scare people just to gain political ground . One thing we've learned through Covid is that politics disrupt our country and communities more than any business that could ever open. I've meant some really great people the past six months in this community , some I consider friends at this point maybe instead of attempting to chase away businesses you could help them resolve the drug/homeless problem that has iodated these peoples lives. The police department has there hands tied and the local politics has past them by , I've personally spoke with dozens of people


who live in fear because in the past 2 years there homes have been invaded in broad daylight might I add there cars yards etc. , but as history has proved politicians dance around this subject always . You haven't won a battle stopping a business from opening because actually we can , your failing as a human being for putting political gain ahead of your community.
4y Like Reply 32
Rebecca Thompson
Joe Sullivan so glad you posted this. I know this area and have driven by only to witness homeless people living next to the dumpsters out back. 52 moving in would have forced them elsewhere. All the surrounding businesses...Normas Cafe, Malarkeys, etc would have all benefited from the extra income streaming thru. Jobs, jobs and more jobs!!! There are literally hundreds of people employeed thru these types of rooms. Very ignorant for the people voting to not fully understand how these businesses operate and what they bring to the community.
4y Like Reply 7
Joe Sullivan
Rebecca Thompson thank you , the sad part about this situation is that the city officials have been very nice , professional and attentive. At this point our plans have been reviewed and approved it's just the parking we're being held on , which makes no sense considering this property is 27 years old and has never had this issue with higher occupancy numbers in the past. I drove to 5 other's business within 2 miles with less parking and higher occupancy numbers than our location . We've had an overwhelming amount of support from attorneys to landlords but we choose not to get involved in the politics.
4y Like Reply
Rebecca Thompson
We could all just join Gleneagles or Bent Tree Country Club and play their games
4y Like Reply 2
Reply to Rebecca Thompson


Rebecca Thompson
Joe Sullivan the surrounding businesses should be advocating for themselves. The restaurants, gas stations, etc could have seen a HUGE uptick in business for themselves.
4y Like Reply 2
MC Dorsey
Joe Sullivan can I share this on my wall? It was well stated!
4y Like Reply Edited
Joe Sullivan
MC Dorsey of course thank you
4y Like Reply
Reply to MC Dorsey
J.R. Flournoy
It's ridiculous, sorry they are pushing you out. All the businesses and neighborhoods this could have given a real boost to, especially post Covid...shame on these politicians for suppressing their own people
4y Like Reply Edited
Rebecca Thompson
J.R. Flournoy they are so ignorant to not grasp the fact everyone will just go underground. They will operate as they have for many years with no tax benefit to the city. Another Laura Miller move. Dallas realized after it was too late what a big mistake that was.
4y Like Reply Edited
Joe Sullivan
J.R. Flournoy thank you it is unfortunate coming off of Covid that any business owners would be treated this way


4y Like Reply
Cara Mendelsohn
Joe Sullivan ok, sounds like we all agree this is not a good location for you.
4y Like Reply
Chris Smith
Cara Mendelsohn Sounds like you're for keeping it an abandoned crime haven instead of being developed into a business that creates jobs. Is that correct?
4y Like Reply 2
Cara Mendelsohn
Chris Smith nope, talked to a developer who is very interested. Would be a big win for the neighborhood. Hope it works out!
4y Like Reply
Jeremy Liu
In Texas, anyone 21+ has the "freedom" to bear arms/carry starting Sept 1 but we're still being told we can't play a card game in public. What a joke.
I grew up in Bent Tree West and my parents still live there. The people that live around there need to get with the times and worry about more pressing matters...
4y Like Reply 10
Cara Mendelsohn
Jeremy Liu You should vote for a state rep that will make gambling legal. For now, it is not. Most importantly, neighbors should have input on development, including poker rooms abutting their neighborhood.
4y Like Reply 2
Rebecca Thompson
Cara Mendelsohn There are 40+ rooms operating all over the state of Texas. Just goes to show the people in power pick and choose who they let do what.
4y Like Reply

Cara Mendelsohn
Rebecca Thompson different DAs have different interpretations. I'm sure there will be a lawsuit or clarification in the next legislative session.
4y Like Reply 2
Barry J Lancaster
Cara Mendelsohn you don't even know the law on Gambling do you?!
4y Like Reply
Barry J Lancaster
Cara Mendelsohn what about people's Constitutionally protected right of assembly? These are private clubs that have private membership that are expressing their right to congregate and share the idea of poker.
4y Like Reply
Cara Mendelsohn
Barry J Lancaster if "membership" is open to anyone that presents, I think that is really "open to the public" and just a way for the business to generate income. I'm not going to debate the legality of a poker room - I'm not a lawyer or a state rep. I'm pretty sure it will eventually be clarified in a lawsuit, AG opinion, or change in state law. For Dallas, I am working to ensure if it is legal that all must have a special use permit so the neighbors can give their input.
4y Like Reply
Barry J Lancaster
Cara Mendelsohn your not going to argue the legal point because you don't have a prayer or the intellect to do so. That's why! Also, membership is open to anyone that pays is your argument of how private or open it is, then you just claimed that all country clubs who require members to only pay dues to be members open and not private as well. Just say you don't know if it's legal or not and that you just don't like it because your mommy and daddy told it was bad. At least admit the real reason and stop lying to your constituents and being another phony politician! Have some integrity for Christ's sake!
4y Like Reply


Barry J Lancaster
Cara Mendelsohn also if your not a lawyer or a state rep and by those standards are not going to argue the legalities, then how do you qualify yourself to make the claim that poker is gambling and that type of gambling is illegal?
4y Like Reply
Cara Mendelsohn
Barry J Lancaster go open a poker room in your own city of Duncanville. How sad you can't converse without name calling. Poker seems to play a big role in your life for it to be your profile photo. Hope you can expand your horizons.
4y Like Reply Edited
Barry J Lancaster
Cara Mendelsohn when did I call you a name? Also I plan on fighting all city governments who trample on the rights of their citizens. Your sense of liberty and freedom seem as pale as your skin. I served in the Marines and fought for yours and others rights to peruse what makes them happy that is within the bounds of the law and the current platform that majority of cardrooms follow is within the bound of the law. If you were truly worthy to serve as your districts Council woman you'd have no problem answering to me or anyone else who asks you to clarify your position. Also, if you really looked you'd see that that was my wife in my profile pic as well! But please continue to dodge the subject, this is proper political deflection your practicing and you seem to know it well.
4y Like Reply
Barry J Lancaster
Cara Mendelsohn I also did this in my life what have you done lately for freedom?

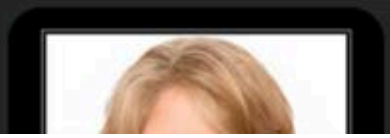
freedom?

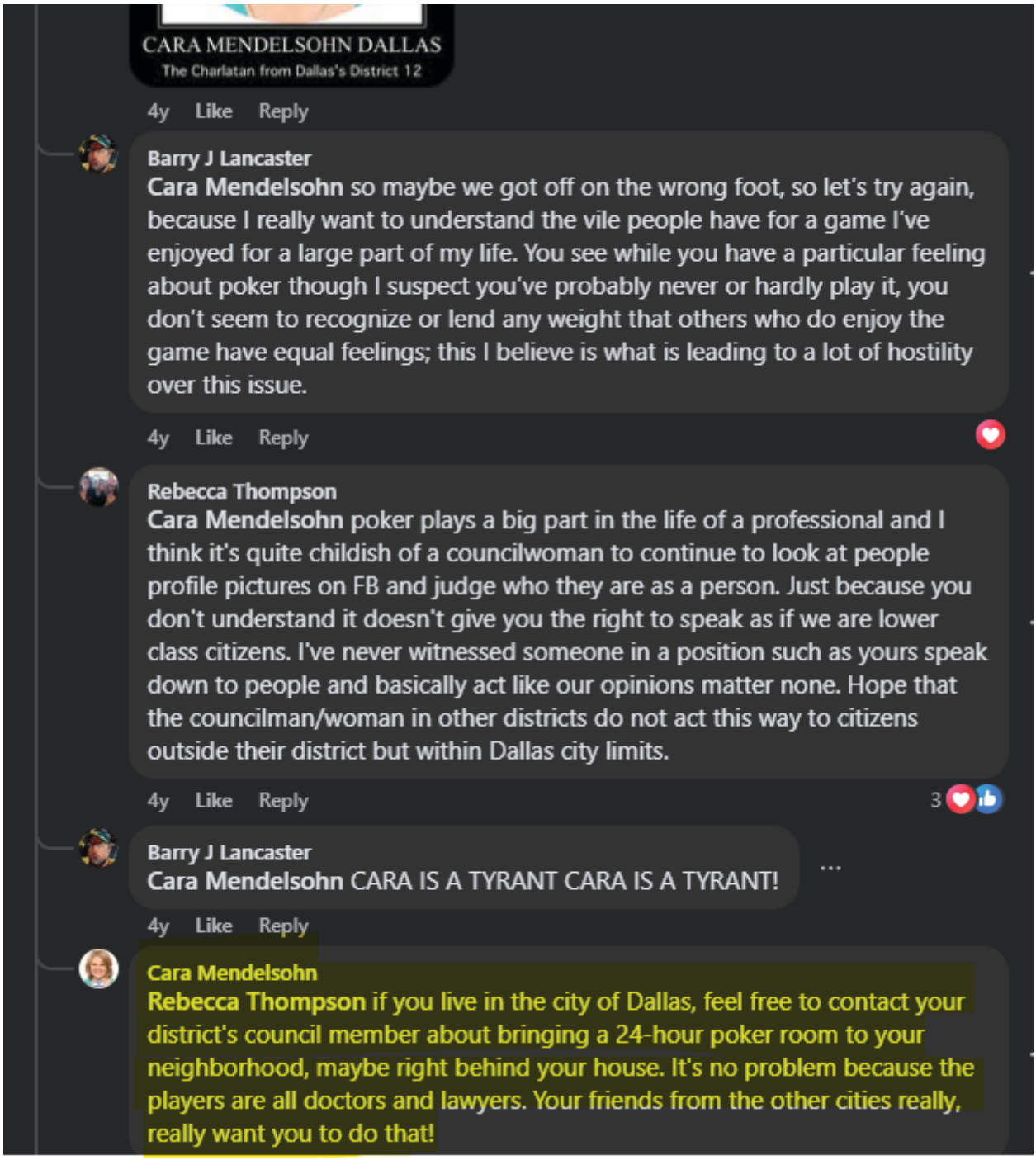
4y Like Reply 2

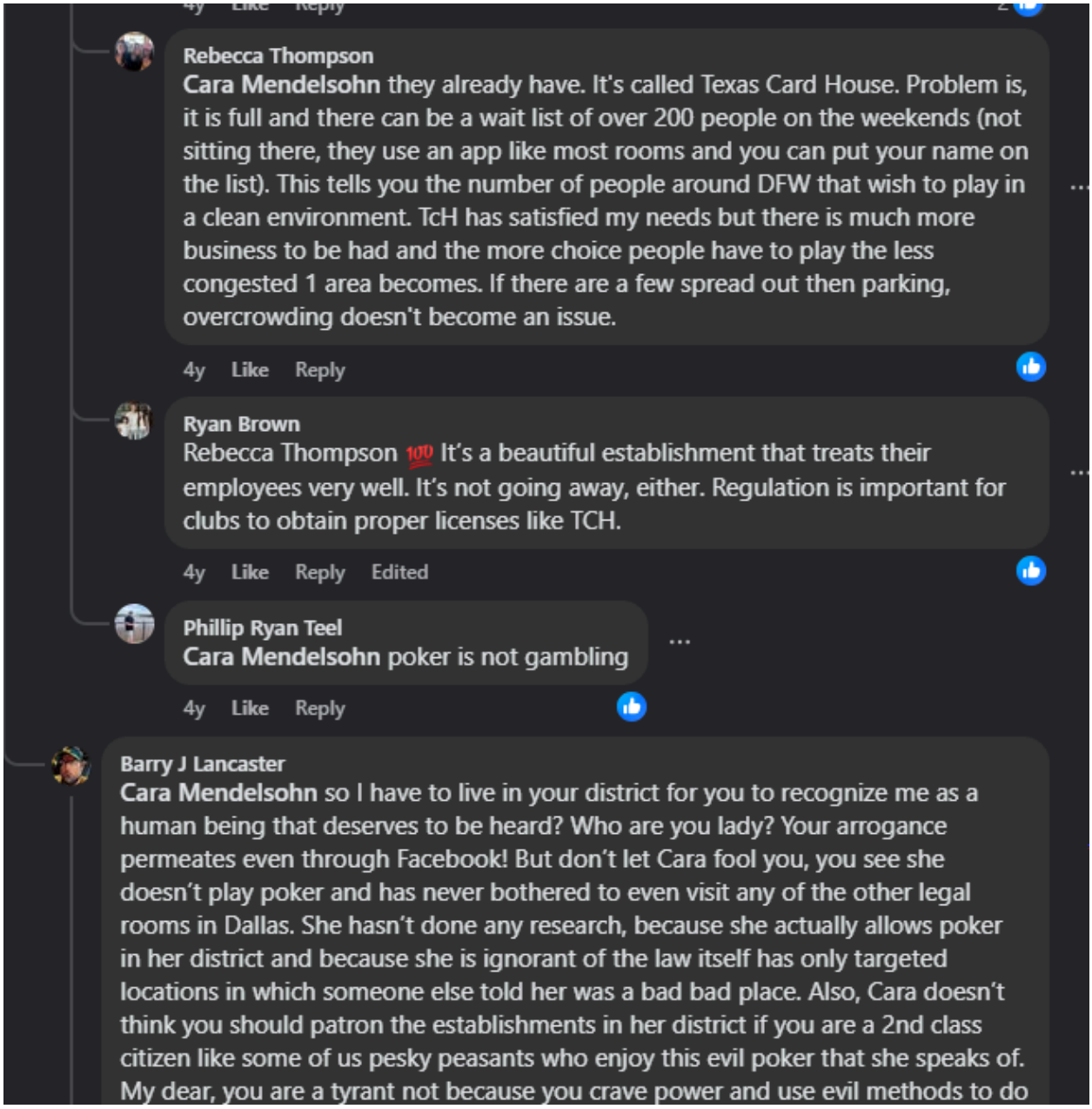
Cara Mendelsohn
Barry J Lancaster you're a veteran so that somehow makes what you say about poker rooms in another city relevant? Uh, no. But thanks for serving. Appreciate that. Have family members who also served in our military and we're super proud of them too. You should engage with your Duncanville city council. 👍

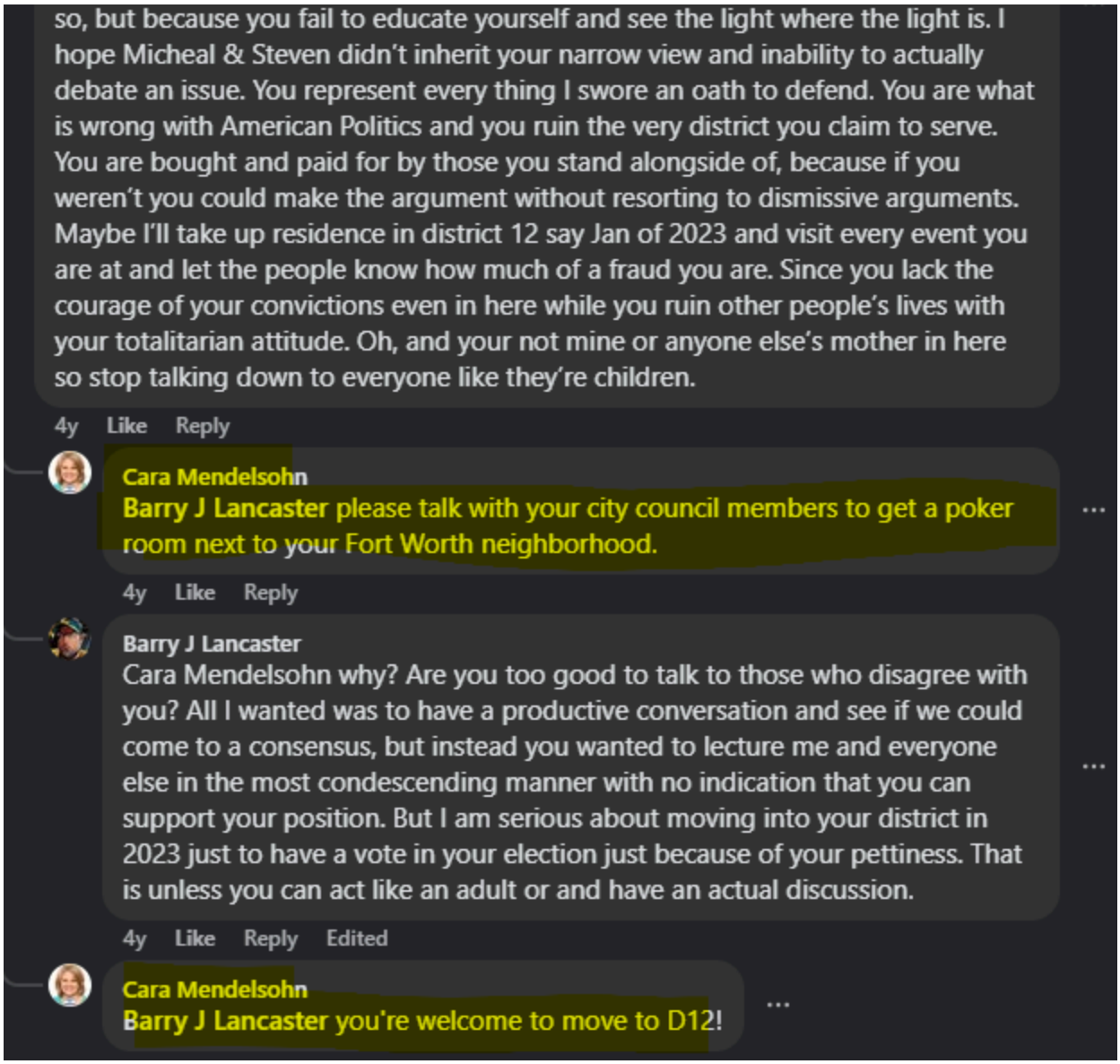
4y Like Reply

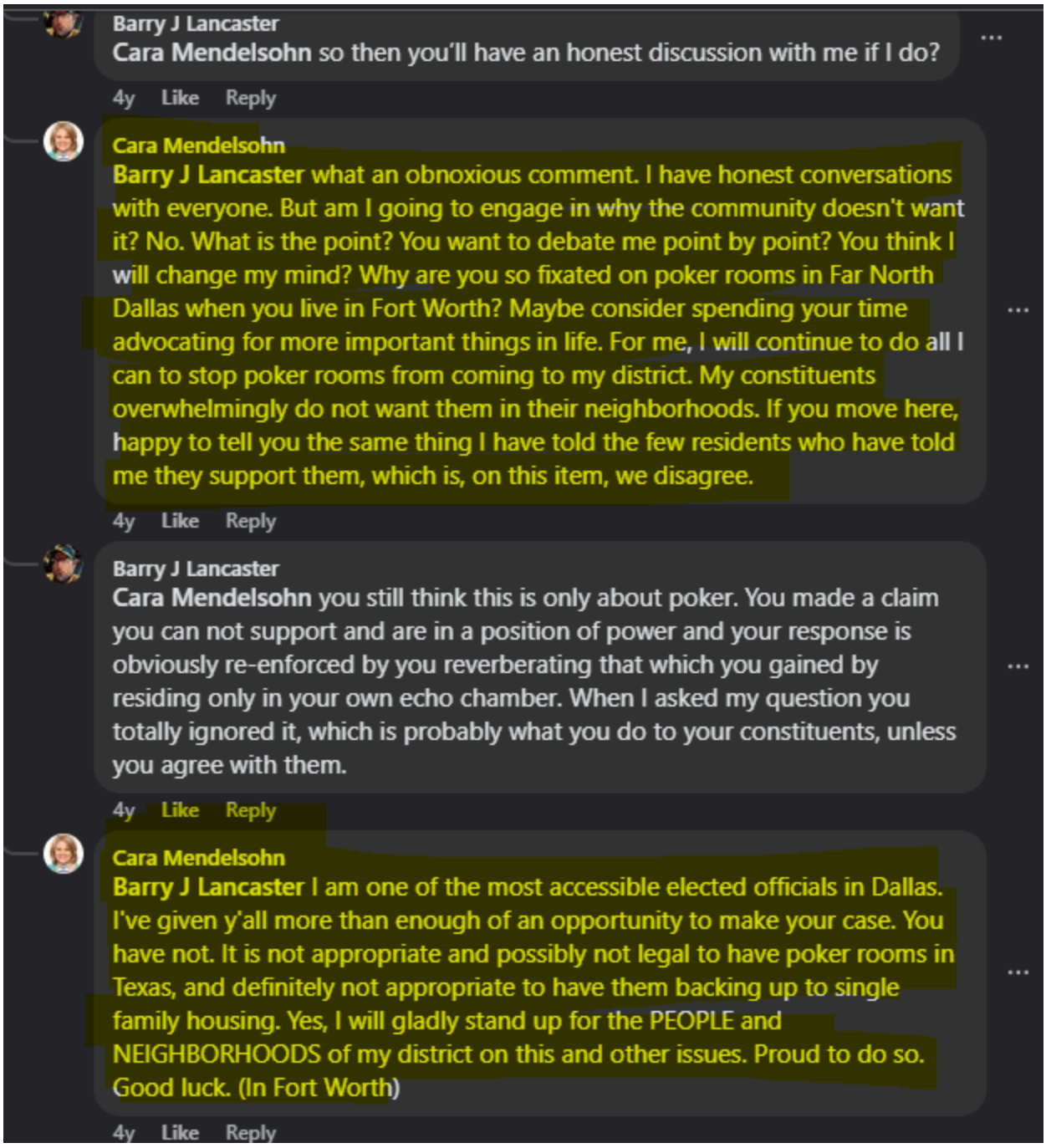
Barry J Lancaster
Cara Mendelsohn you should really learn to read, my profile says I'm from Duncanville and now I live in Fort Worth. Oh and yes me being a veteran allows me to continue to fight tyranny no matter where it's at, you should've learned that in grade school ma'am. On this subject your further behind the button than the dealer! I would rather educate you than be deeming, but your lack of conversation skills keeps getting in our way. Stop speaking on that which you don't know or understand. Now I called you a name, but it really is quite fitting as you still can't substantiate your illegality argument in regards to poker. Also, sec.47.02 (b) does in fact make certain gambling legal in the state, but I'm sure you didn't know that.

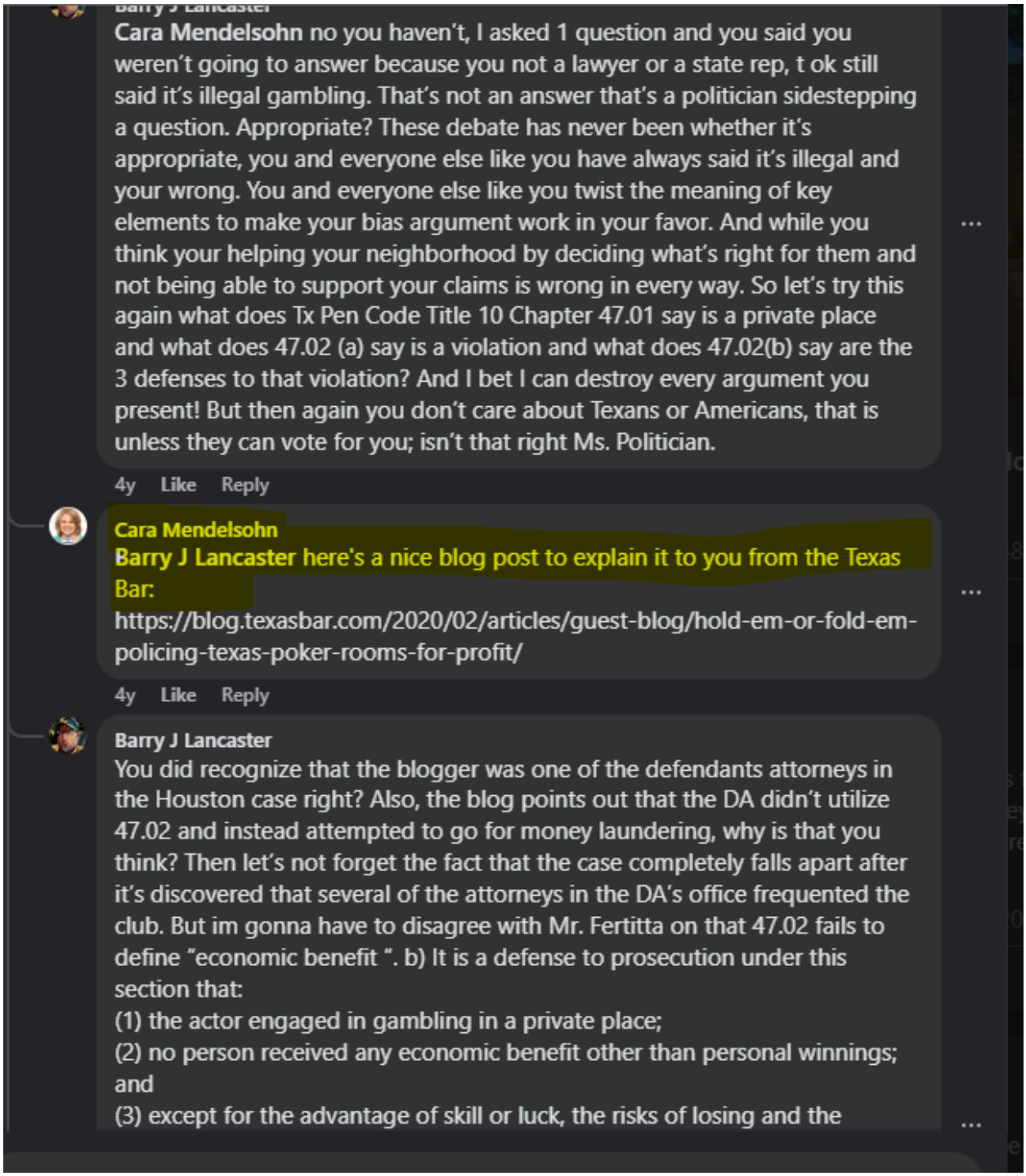


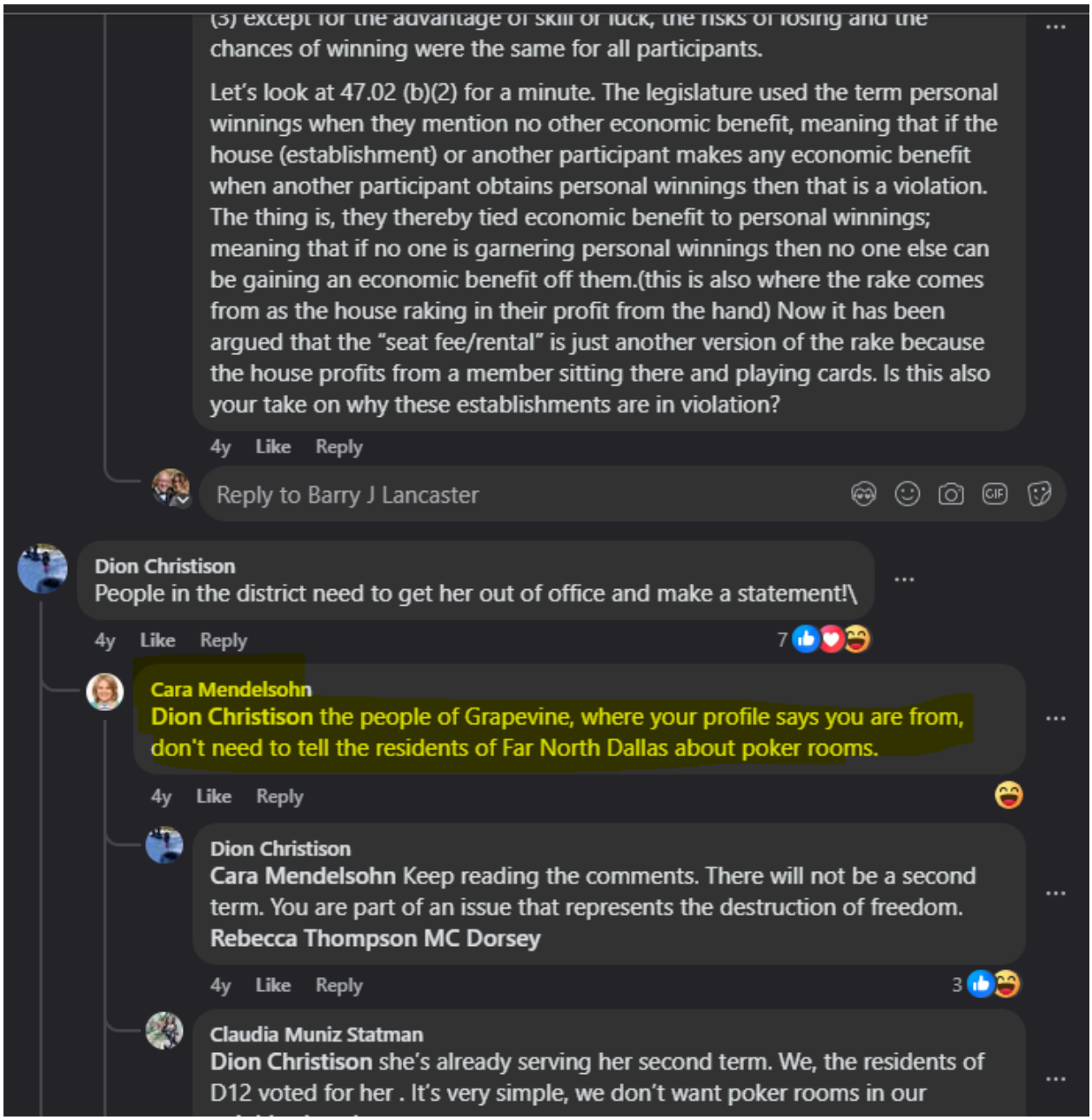

CARA MENDELSOHN DALLAS
The Charlatan from Dallas's District 12
4y Like Reply
Barry J Lancaster
Cara Mendelsohn so maybe we got off on the wrong foot, so let's try again, because I really want to understand the vile people have for a game I've enjoyed for a large part of my life. You see while you have a particular feeling about poker though I suspect you've probably never or hardly play it, you don't seem to recognize or lend any weight that others who do enjoy the game have equal feelings; this I believe is what is leading to a lot of hostility over this issue.
4y Like Reply
Rebecca Thompson
Cara Mendelsohn poker plays a big part in the life of a professional and I think it's quite childish of a councilwoman to continue to look at people profile pictures on FB and judge who they are as a person. Just because you don't understand it doesn't give you the right to speak as if we are lower class citizens. I've never witnessed someone in a position such as yours speak down to people and basically act like our opinions matter none. Hope that the councilman/woman in other districts do not act this way to citizens outside their district but within Dallas city limits.
4y Like Reply
3
Barry J Lancaster
Cara Mendelsohn CARA IS A TYRANT CARA IS A TYRANT!
4y Like Reply
Cara Mendelsohn
Rebecca Thompson if you live in the city of Dallas, feel free to contact your district's council member about bringing a 24-hour poker room to your neighborhood, maybe right behind your house. It's no problem because the players are all doctors and lawyers. Your friends from the other cities really, really want you to do that!

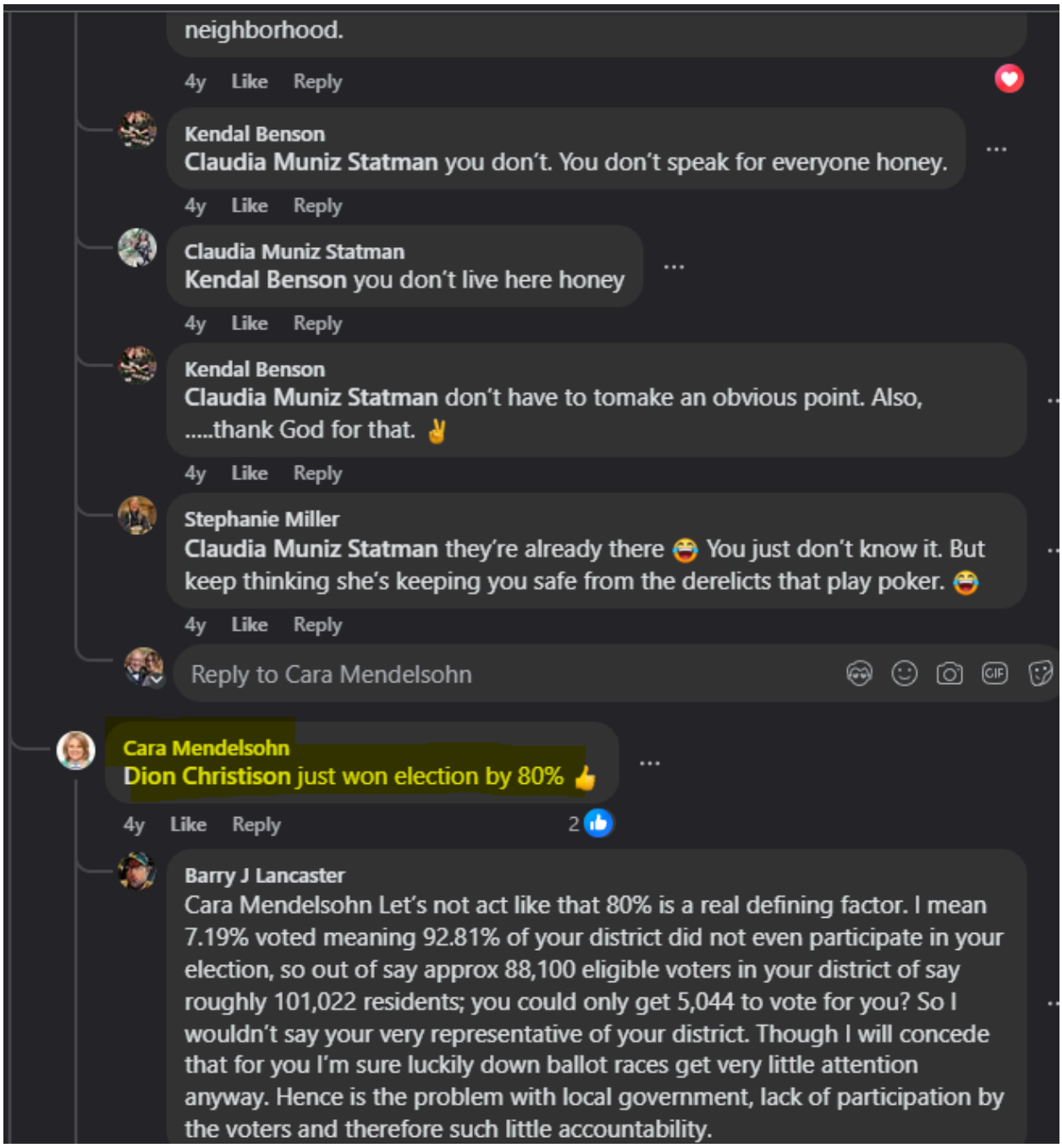

Rebecca Thompson
Cara Mendelsohn they already have. It's called Texas Card House. Problem is, it is full and there can be a wait list of over 200 people on the weekends (not sitting there, they use an app like most rooms and you can put your name on the list). This tells you the number of people around DFW that wish to play in a clean environment. TcH has satisfied my needs but there is much more business to be had and the more choice people have to play the less congested 1 area becomes. If there are a few spread out then parking, overcrowding doesn't become an issue.
4y Like Reply
Ryan Brown
Rebecca Thompson 💯 It's a beautiful establishment that treats their employees very well. It's not going away, either. Regulation is important for clubs to obtain proper licenses like TCH.
4y Like Reply Edited
Phillip Ryan Teel
Cara Mendelsohn poker is not gambling
4y Like Reply
Barry J Lancaster
Cara Mendelsohn so I have to live in your district for you to recognize me as a human being that deserves to be heard? Who are you lady? Your arrogance permeates even through Facebook! But don't let Cara fool you, you see she doesn't play poker and has never bothered to even visit any of the other legal rooms in Dallas. She hasn't done any research, because she actually allows poker in her district and because she is ignorant of the law itself has only targeted locations in which someone else told her was a bad bad place. Also, Cara doesn't think you should patron the establishments in her district if you are a 2nd class citizen like some of us pesky peasants who enjoy this evil poker that she speaks of. My dear, you are a tyrant not because you crave power and use evil methods to do

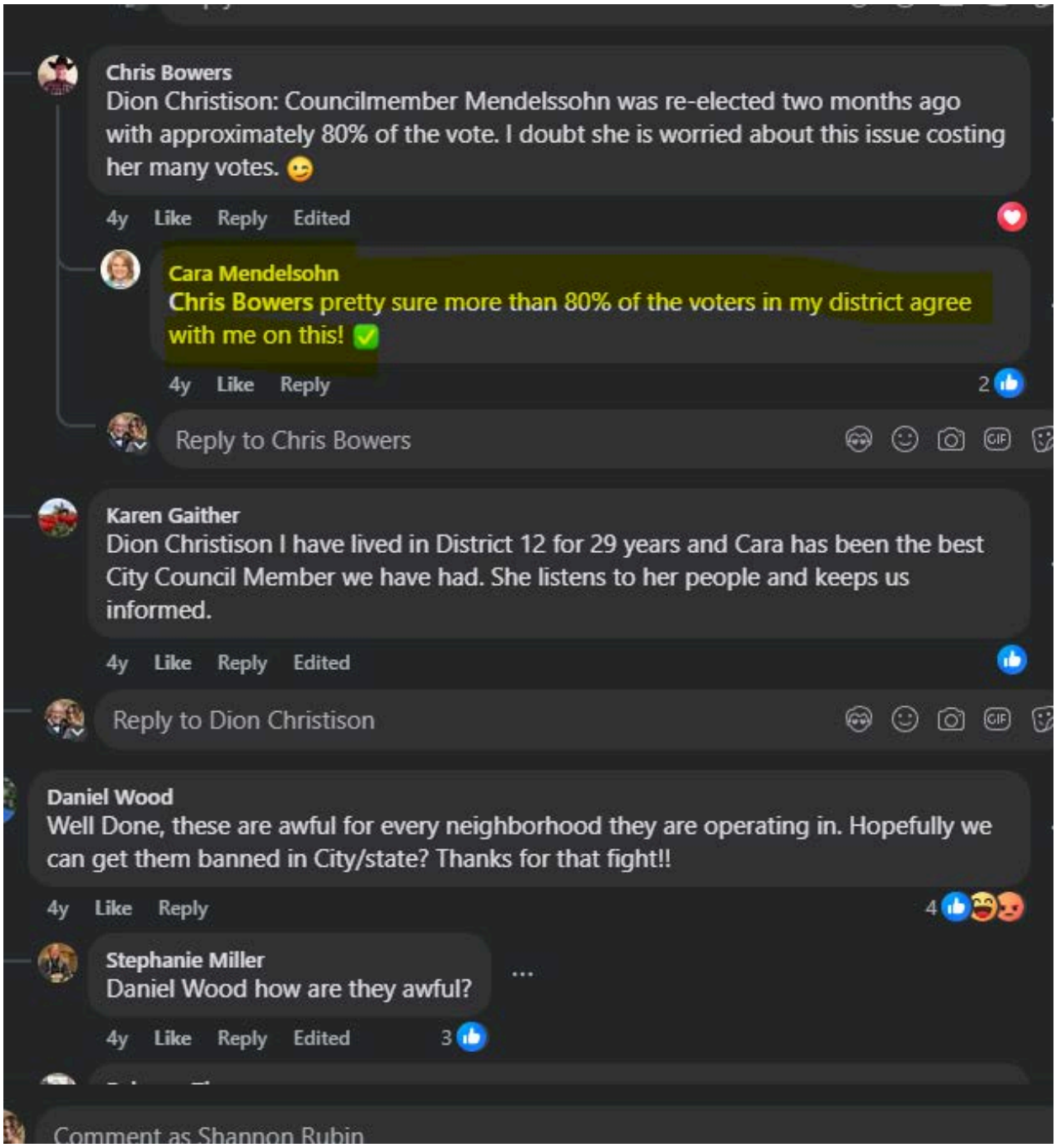

so, but because you fail to educate yourself and see the light where the light is. I hope Micheal & Steven didn't inherit your narrow view and inability to actually debate an issue. You represent every thing I swore an oath to defend. You are what is wrong with American Politics and you ruin the very district you claim to serve. You are bought and paid for by those you stand alongside of, because if you weren't you could make the argument without resorting to dismissive arguments. Maybe I'll take up residence in district 12 say Jan of 2023 and visit every event you are at and let the people know how much of a fraud you are. Since you lack the courage of your convictions even in here while you ruin other people's lives with your totalitarian attitude. Oh, and your not mine or anyone else's mother in here so stop talking down to everyone like they're children.
4y Like Reply
Cara Mendelsohn
Barry J Lancaster please talk with your city council members to get a poker room next to your Fort Worth neighborhood.
4y Like Reply
Barry J Lancaster
Cara Mendelsohn why? Are you too good to talk to those who disagree with you? All I wanted was to have a productive conversation and see if we could come to a consensus, but instead you wanted to lecture me and everyone else in the most condescending manner with no indication that you can support your position. But I am serious about moving into your district in 2023 just to have a vote in your election just because of your pettiness. That is unless you can act like an adult or and have an actual discussion.
4y Like Reply Edited
Cara Mendelsohn
Barry J Lancaster you're welcome to move to D12!

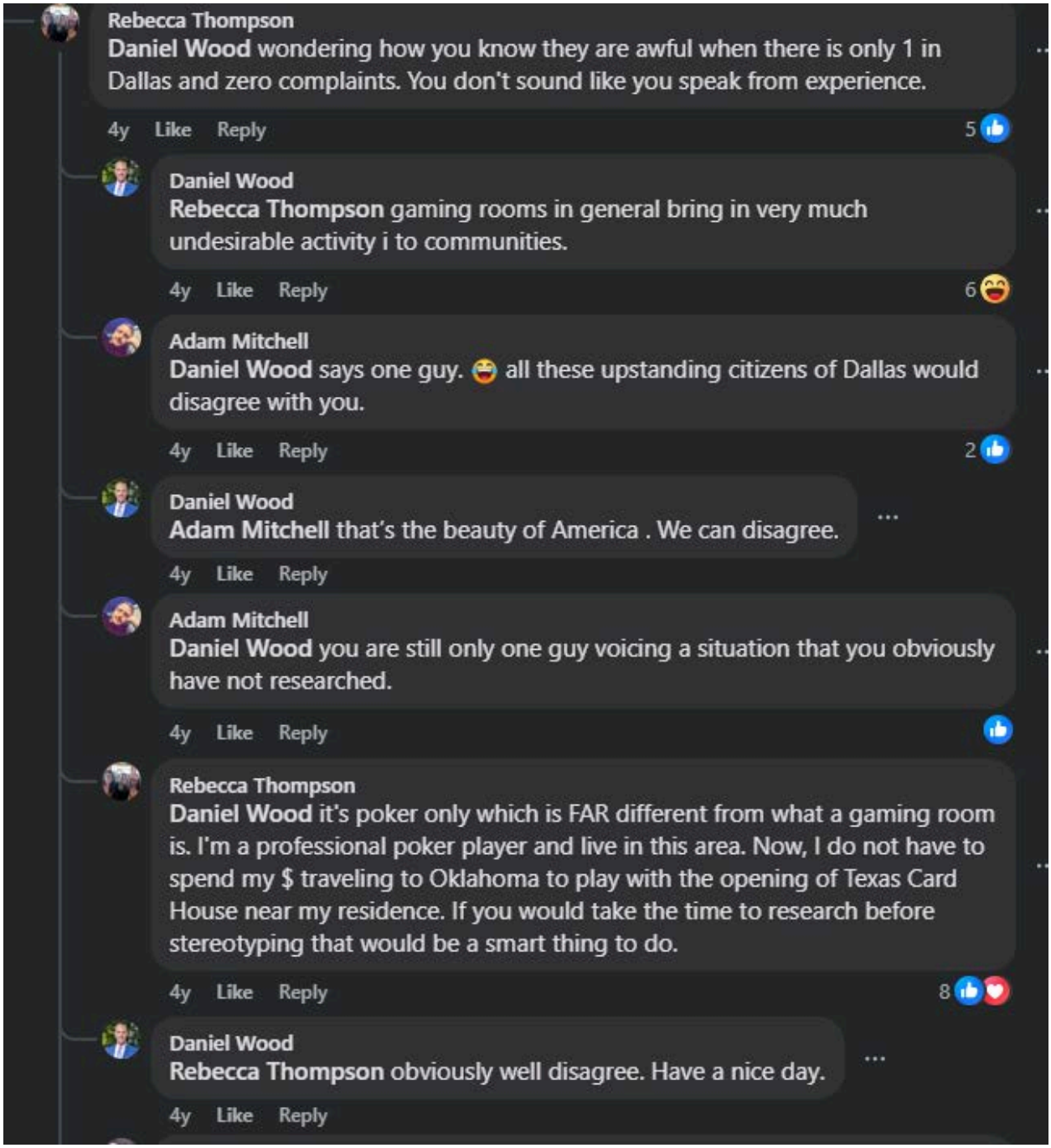

Barry J Lancaster
Cara Mendelsohn so then you'll have an honest discussion with me if I do?
4y Like Reply
Cara Mendelsohn
Barry J Lancaster what an obnoxious comment. I have honest conversations with everyone. But am I going to engage in why the community doesn't want it? No. What is the point? You want to debate me point by point? You think I will change my mind? Why are you so fixated on poker rooms in Far North Dallas when you live in Fort Worth? Maybe consider spending your time advocating for more important things in life. For me, I will continue to do all I can to stop poker rooms from coming to my district. My constituents overwhelmingly do not want them in their neighborhoods. If you move here, happy to tell you the same thing I have told the few residents who have told me they support them, which is, on this item, we disagree.
4y Like Reply
Barry J Lancaster
Cara Mendelsohn you still think this is only about poker. You made a claim you can not support and are in a position of power and your response is obviously re-enforced by you reverberating that which you gained by residing only in your own echo chamber. When I asked my question you totally ignored it, which is probably what you do to your constituents, unless you agree with them.
4y Like Reply
Cara Mendelsohn
Barry J Lancaster I am one of the most accessible elected officials in Dallas. I've given y'all more than enough of an opportunity to make your case. You have not. It is not appropriate and possibly not legal to have poker rooms in Texas, and definitely not appropriate to have them backing up to single family housing. Yes, I will gladly stand up for the PEOPLE and NEIGHBORHOODS of my district on this and other issues. Proud to do so. Good luck. (In Fort Worth)
4y Like Reply

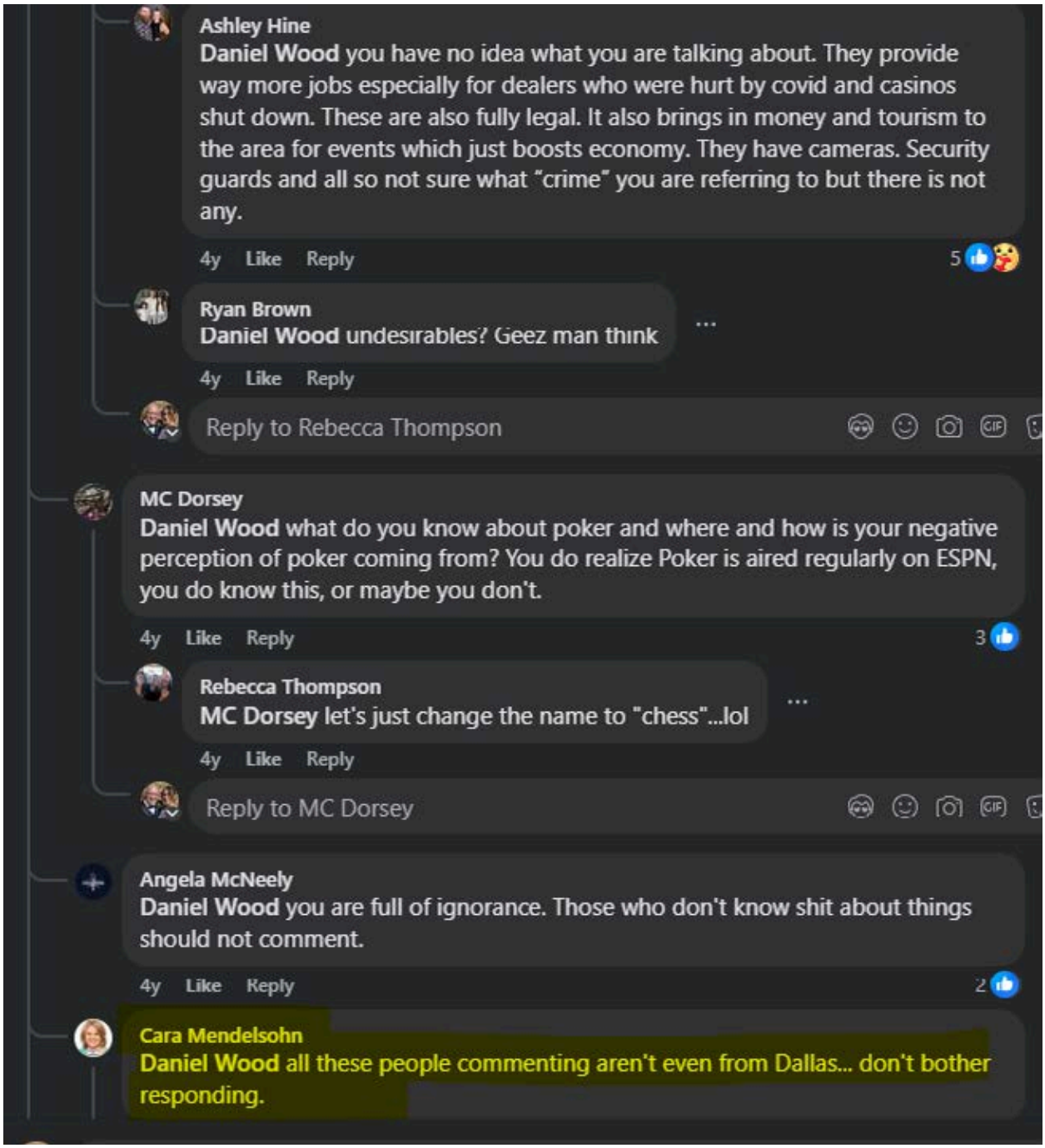

Cara Mendelsohn no you haven't, I asked 1 question and you said you weren't going to answer because you not a lawyer or a state rep, t ok still said it's illegal gambling. That's not an answer that's a politician sidestepping a question. Appropriate? These debate has never been whether it's appropriate, you and everyone else like you have always said it's illegal and your wrong. You and everyone else like you twist the meaning of key elements to make your bias argument work in your favor. And while you think your helping your neighborhood by deciding what's right for them and not being able to support your claims is wrong in every way. So let's try this again what does Tx Pen Code Title 10 Chapter 47.01 say is a private place and what does 47.02 (a) say is a violation and what does 47.02(b) say are the 3 defenses to that violation? And I bet I can destroy every argument you present! But then again you don't care about Texans or Americans, that is unless they can vote for you; isn't that right Ms. Politician.
4y Like Reply
Cara Mendelsohn
Barry J Lancaster here's a nice blog post to explain it to you from the Texas Bar:
https://blog.texasbar.com/2020/02/articles/guest-blog/hold-em-or-fold-em-policing-texas-poker-rooms-for-profit/
4y Like Reply
Barry J Lancaster
You did recognize that the blogger was one of the defendants attorneys in the Houston case right? Also, the blog points out that the DA didn't utilize 47.02 and instead attempted to go for money laundering, why is that you think? Then let's not forget the fact that the case completely falls apart after it's discovered that several of the attorneys in the DA's office frequented the club. But im gonna have to disagree with Mr. Fertitta on that 47.02 fails to define "economic benefit ". b) It is a defense to prosecution under this section that:
(1) the actor engaged in gambling in a private place;
(2) no person received any economic benefit other than personal winnings; and
(3) except for the advantage of skill or luck, the risks of losing and the

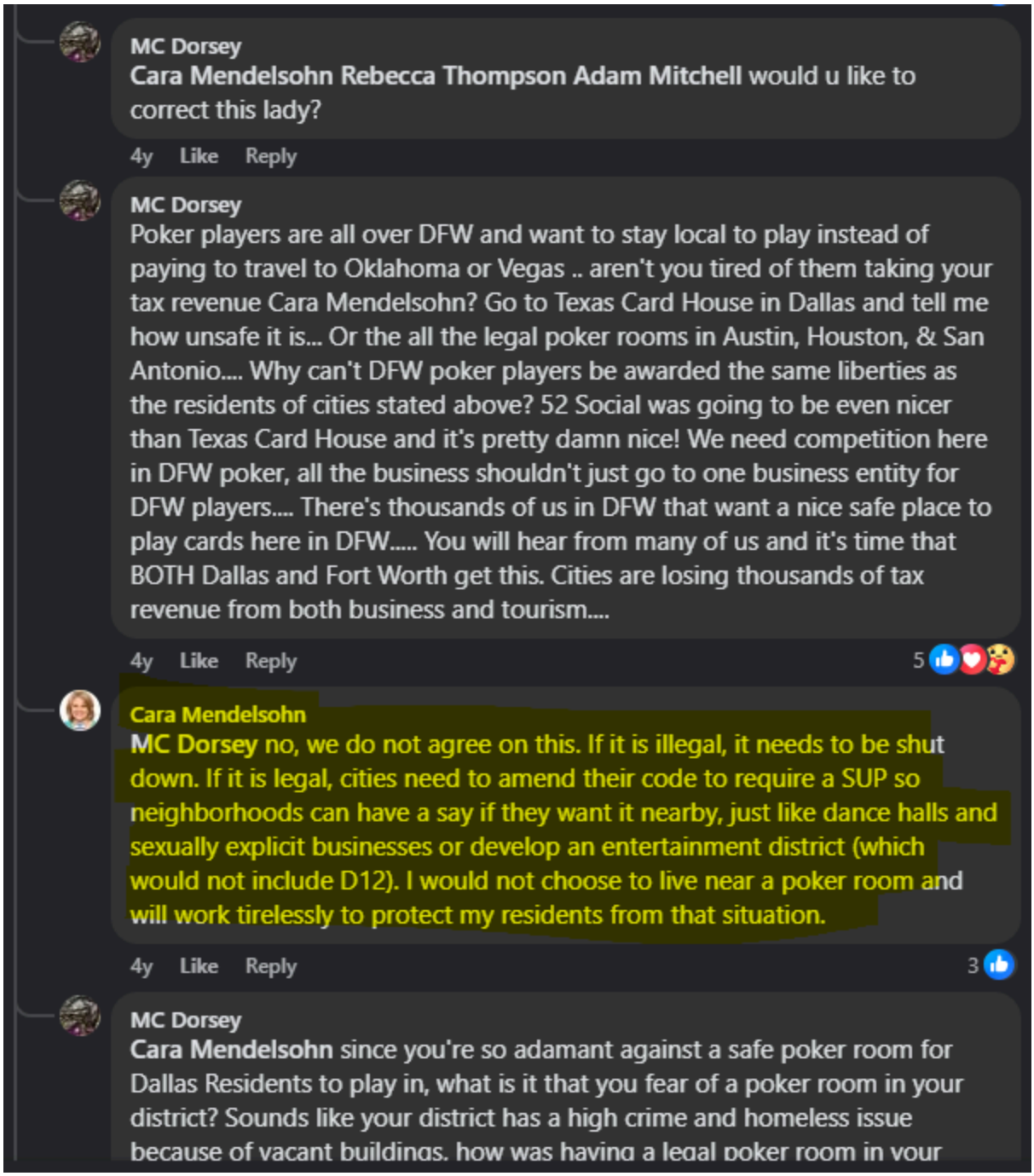

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.
Let's look at 47.02 (b)(2) for a minute. The legislature used the term personal winnings when they mention no other economic benefit, meaning that if the house (establishment) or another participant makes any economic benefit when another participant obtains personal winnings then that is a violation. The thing is, they thereby tied economic benefit to personal winnings; meaning that if no one is garnering personal winnings then no one else can be gaining an economic benefit off them.(this is also where the rake comes from as the house raking in their profit from the hand) Now it has been argued that the "seat fee/rental" is just another version of the rake because the house profits from a member sitting there and playing cards. Is this also your take on why these establishments are in violation?
4y Like Reply
Reply to Barry J Lancaster
Dion Christison
People in the district need to get her out of office and make a statement!\
4y Like Reply 7
Cara Mendelsohn
Dion Christison the people of Grapevine, where your profile says you are from, don't need to tell the residents of Far North Dallas about poker rooms.
4y Like Reply
Dion Christison
Cara Mendelsohn Keep reading the comments. There will not be a second term. You are part of an issue that represents the destruction of freedom. Rebecca Thompson MC Dorsey
4y Like Reply 3
Claudia Muniz Statman
Dion Christison she's already serving her second term. We, the residents of D12 voted for her . It's very simple, we don't want poker rooms in our


neighborhood.
4y Like Reply
Kendal Benson
Claudia Muniz Statman you don't. You don't speak for everyone honey.
4y Like Reply
Claudia Muniz Statman
Kendal Benson you don't live here honey
4y Like Reply
Kendal Benson
Claudia Muniz Statman don't have to tomake an obvious point. Also, ...thank God for that.
4y Like Reply
Stephanie Miller
Claudia Muniz Statman they're already there You just don't know it. But keep thinking she's keeping you safe from the derelicts that play poker.
4y Like Reply
Reply to Cara Mendelsohn
Cara Mendelsohn
Dion Christison just won election by 80%
4y Like Reply 2
Barry J Lancaster
Cara Mendelsohn Let's not act like that 80% is a real defining factor. I mean 7.19% voted meaning 92.81% of your district did not even participate in your election, so out of say approx 88,100 eligible voters in your district of say roughly 101,022 residents; you could only get 5,044 to vote for you? So I wouldn't say your very representative of your district. Though I will concede that for you I'm sure luckily down ballot races get very little attention anyway. Hence is the problem with local government, lack of participation by the voters and therefore such little accountability.


Chris Bowers
Dion Christison: Councilmember Mendelssohn was re-elected two months ago with approximately 80% of the vote. I doubt she is worried about this issue costing her many votes.
4y Like Reply Edited
Cara Mendelsohn
Chris Bowers pretty sure more than 80% of the voters in my district agree with me on this!
4y Like Reply 2
Reply to Chris Bowers
Karen Gaither
Dion Christison I have lived in District 12 for 29 years and Cara has been the best City Council Member we have had. She listens to her people and keeps us informed.
4y Like Reply Edited
Reply to Dion Christison
Daniel Wood
Well Done, these are awful for every neighborhood they are operating in. Hopefully we can get them banned in City/state? Thanks for that fight!!
4y Like Reply 4
Stephanie Miller
Daniel Wood how are they awful?
4y Like Reply Edited 3
Comment as Shannon Rubin


Rebecca Thompson
Daniel Wood wondering how you know they are awful when there is only 1 in Dallas and zero complaints. You don't sound like you speak from experience.
4y Like Reply 5
Daniel Wood
Rebecca Thompson gaming rooms in general bring in very much undesirable activity i to communities.
4y Like Reply 6
Adam Mitchell
Daniel Wood says one guy. all these upstanding citizens of Dallas would disagree with you.
4y Like Reply 2
Daniel Wood
Adam Mitchell that's the beauty of America . We can disagree.
4y Like Reply
Adam Mitchell
Daniel Wood you are still only one guy voicing a situation that you obviously have not researched.
4y Like Reply
Rebecca Thompson
Daniel Wood it's poker only which is FAR different from what a gaming room is. I'm a professional poker player and live in this area. Now, I do not have to spend my $ traveling to Oklahoma to play with the opening of Texas Card House near my residence. If you would take the time to research before stereotyping that would be a smart thing to do.
4y Like Reply 8
Daniel Wood
Rebecca Thompson obviously well disagree. Have a nice day.
4y Like Reply


Ashley Hine
Daniel Wood you have no idea what you are talking about. They provide way more jobs especially for dealers who were hurt by covid and casinos shut down. These are also fully legal. It also brings in money and tourism to the area for events which just boosts economy. They have cameras. Security guards and all so not sure what "crime" you are referring to but there is not any.
4y Like Reply 5
Ryan Brown
Daniel Wood undesirables? Geez man think
4y Like Reply
Reply to Rebecca Thompson
MC Dorsey
Daniel Wood what do you know about poker and where and how is your negative perception of poker coming from? You do realize Poker is aired regularly on ESPN, you do know this, or maybe you don't.
4y Like Reply 3
Rebecca Thompson
MC Dorsey let's just change the name to "chess"...lol
4y Like Reply
Reply to MC Dorsey
Angela McNeely
Daniel Wood you are full of ignorance. Those who don't know shit about things should not comment.
4y Like Reply 2
Cara Mendelsohn
Daniel Wood all these people commenting aren't even from Dallas... don't bother responding.



MC Dorsey
Cara Mendelsohn Rebecca Thompson Adam Mitchell would u like to correct this lady?

4y Like Reply

MC Dorsey
Poker players are all over DFW and want to stay local to play instead of paying to travel to Oklahoma or Vegas .. aren't you tired of them taking your tax revenue Cara Mendelsohn? Go to Texas Card House in Dallas and tell me how unsafe it is... Or the all the legal poker rooms in Austin, Houston, & San Antonio.... Why can't DFW poker players be awarded the same liberties as the residents of cities stated above? 52 Social was going to be even nicer than Texas Card House and it's pretty damn nice! We need competition here in DFW poker, all the business shouldn't just go to one business entity for DFW players.... There's thousands of us in DFW that want a nice safe place to play cards here in DFW..... You will hear from many of us and it's time that BOTH Dallas and Fort Worth get this. Cities are losing thousands of tax revenue from both business and tourism....

4y Like Reply 5

Cara Mendelsohn
MC Dorsey no, we do not agree on this. If it is illegal, it needs to be shut down. If it is legal, cities need to amend their code to require a SUP so neighborhoods can have a say if they want it nearby, just like dance halls and sexually explicit businesses or develop an entertainment district (which would not include D12). I would not choose to live near a poker room and will work tirelessly to protect my residents from that situation.

4y Like Reply 3

MC Dorsey
Cara Mendelsohn since you're so adamant against a safe poker room for Dallas Residents to play in, what is it that you fear of a poker room in your district? Sounds like your district has a high crime and homeless issue because of vacant buildings, how was having a legal poker room in your

MC Dorsey
Cara Mendelsohn since you're so adamant against a safe poker room for Dallas Residents to play in, what is it that you fear of a poker room in your district? Sounds like your district has a high crime and homeless issue because of vacant buildings, how was having a legal poker room in your district going to create more harm, sounds like it was going to drastically help with said issues in your district?. Why did you want to deny the local restaurants more business? Also, have you visited Texas Card House in your research of poker before you said no? In your research about poker rooms what have you found? Or did you even research the pros and cons? P.S. it isn't illegal to play poker in Texas.

4y Like Reply

Cara Mendelsohn
MC Dorsey D12 is the safest district in the City of Dallas. ✅

4y Like Reply 2

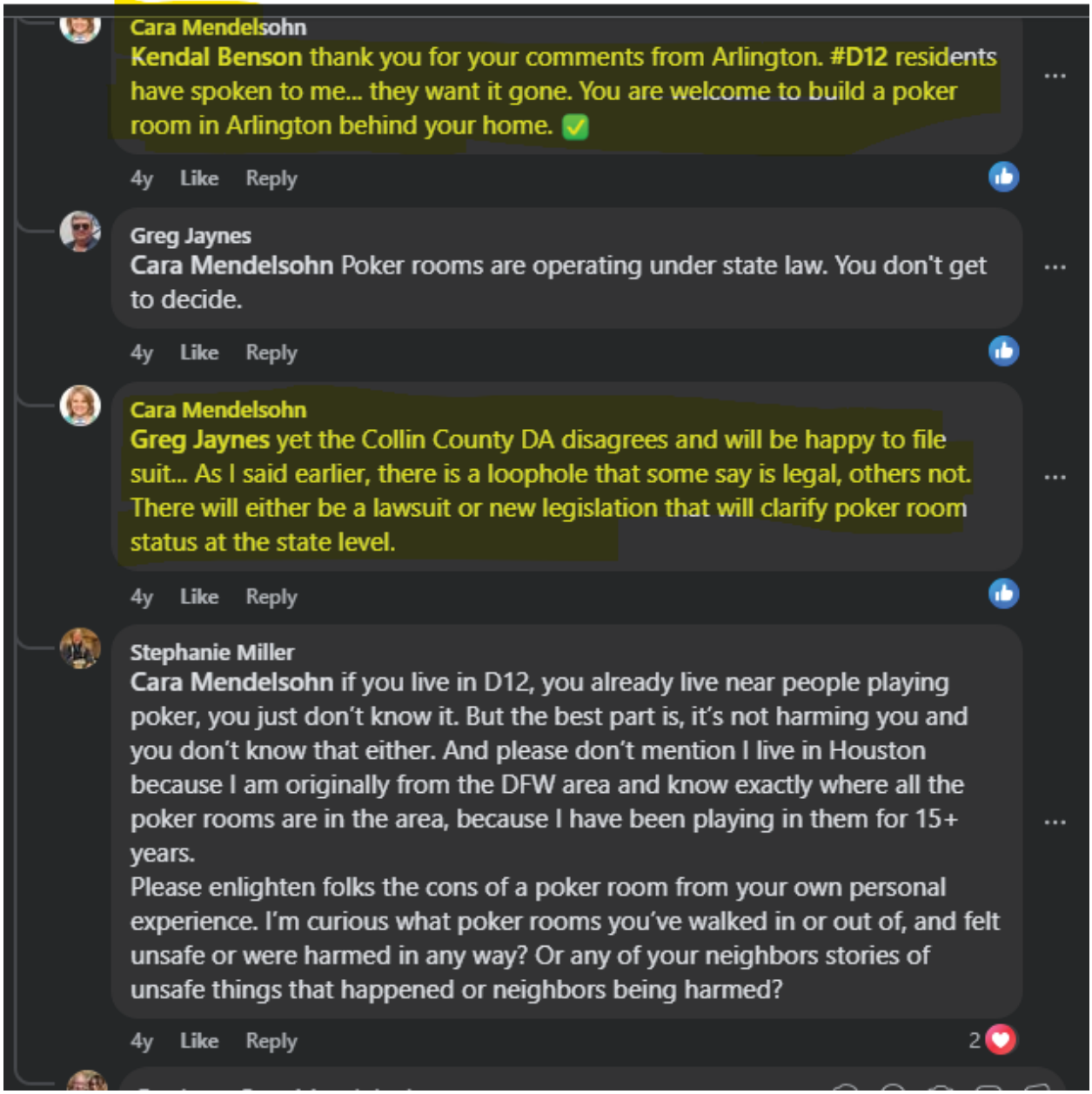
Chris Smith
Cara Mendelsohn Work tirelessly to protect people from some Lawyers, business owners and the occasional politician playing poker? Because that's who is at the average table.
But I understand it's all politics and it's more politically expedient to play off people's fears about things they don't know about.

4y Like Reply

Kendal Benson
Cara Mendelsohn best of the worst? Ooookaaaayyyy... 😂😂😂

Your attitude is 🥛. Your people are speaking to you and you're not hearing them. Shows how much you care. Just another selfish politician with someone with 💰 in your ear telling you what they want. You don't care what's best for the city, you care what's best for you. Just like every...other... politician. 😤😤😤😤😤😤😤😤😤😤😤😤😤😤 gurl bye ✌️ 👋

4y Like Reply



Cara Mendelsohn
Kendal Benson thank you for your comments from Arlington. **#D12** residents have spoken to me... they want it gone. You are welcome to build a poker room in Arlington behind your home. ✅

4y Like Reply

Greg Jaynes
Cara Mendelsohn Poker rooms are operating under state law. You don't get to decide.

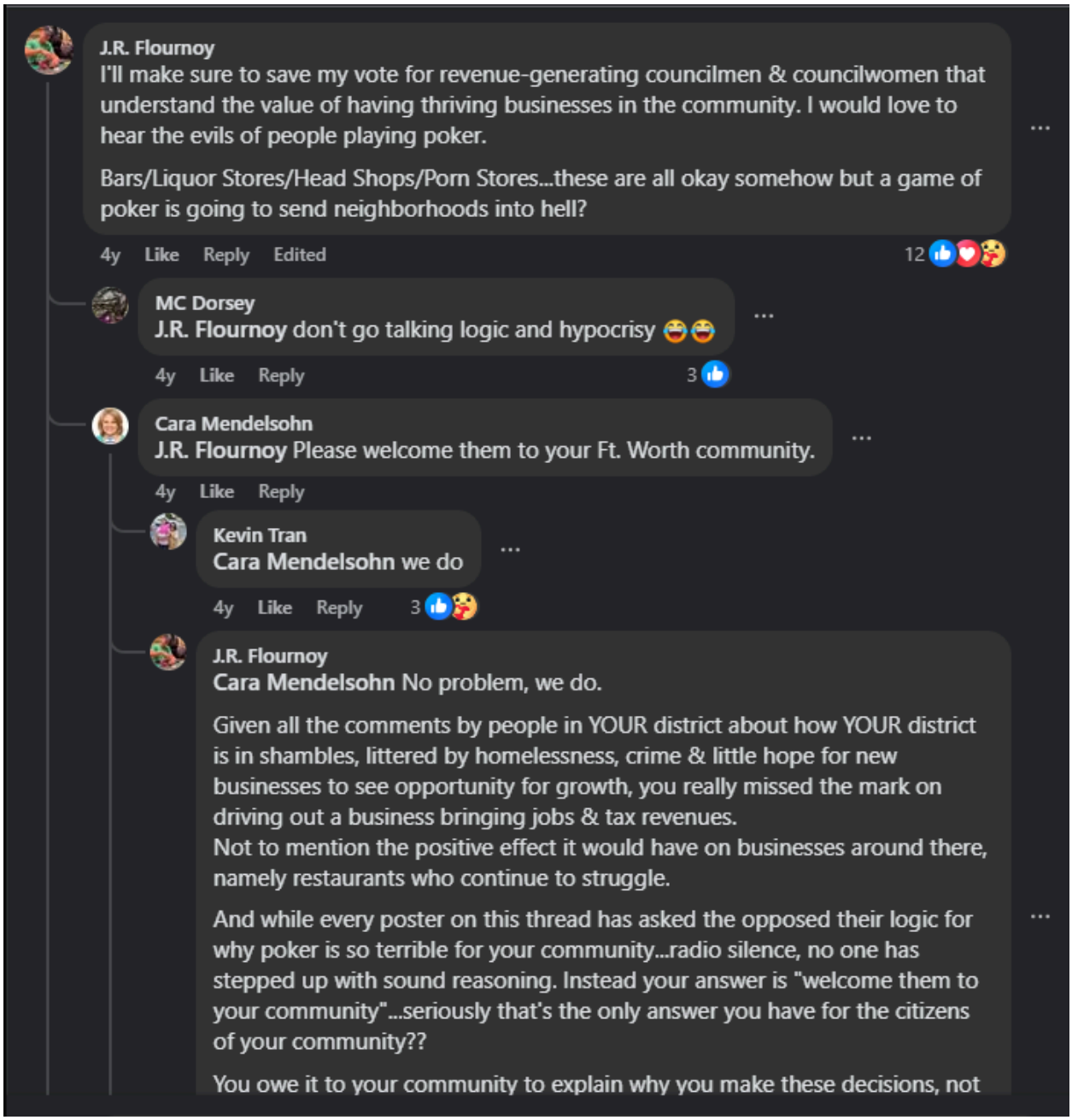
4y Like Reply

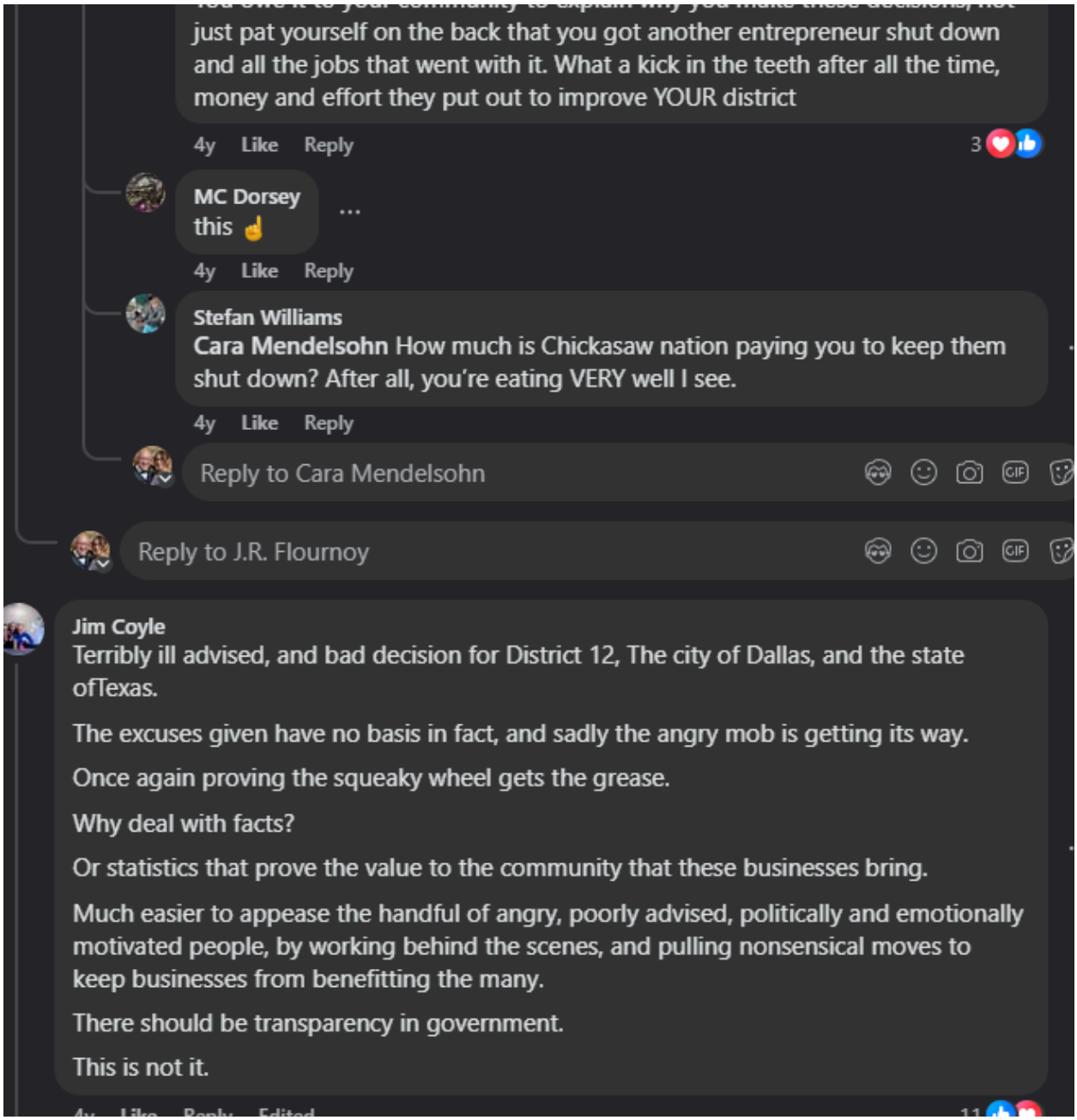
Cara Mendelsohn
Greg Jaynes yet the Collin County DA disagrees and will be happy to file suit... As I said earlier, there is a loophole that some say is legal, others not. There will either be a lawsuit or new legislation that will clarify poker room status at the state level.

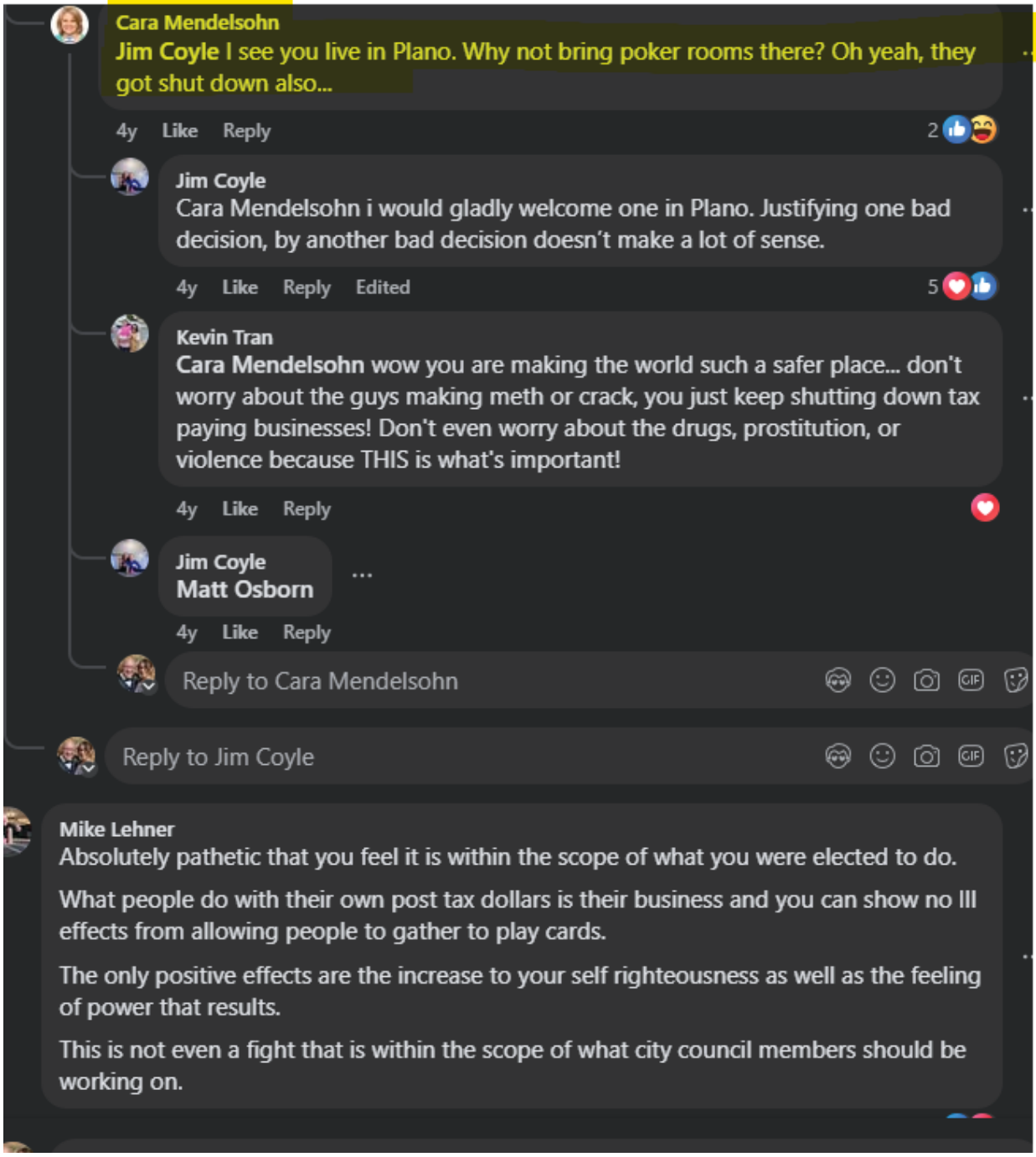
4y Like Reply

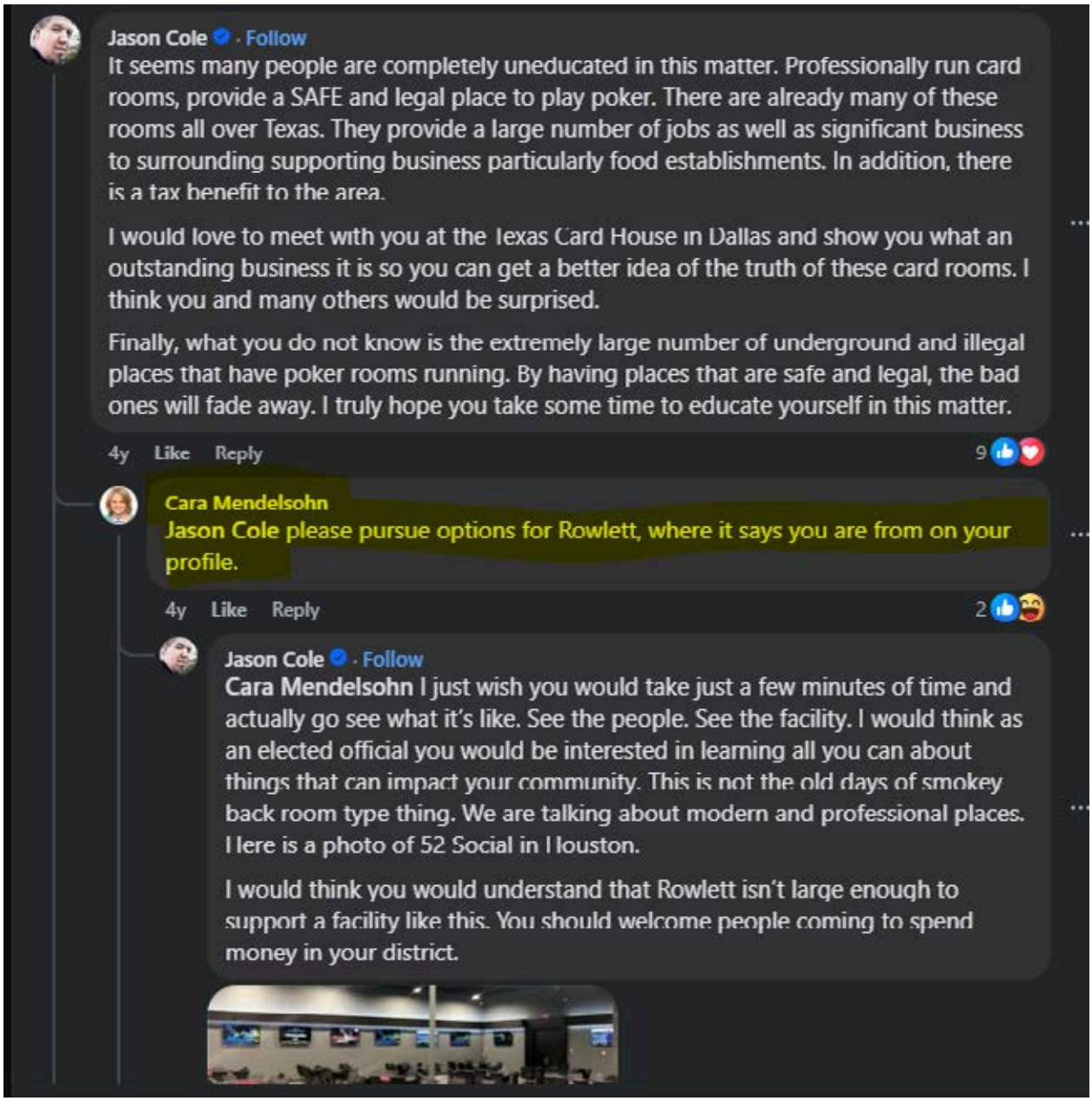
Stephanie Miller
Cara Mendelsohn if you live in D12, you already live near people playing poker, you just don't know it. But the best part is, it's not harming you and you don't know that either. And please don't mention I live in Houston because I am originally from the DFW area and know exactly where all the poker rooms are in the area, because I have been playing in them for 15+ years.
Please enlighten folks the cons of a poker room from your own personal experience. I'm curious what poker rooms you've walked in or out of, and felt unsafe or were harmed in any way? Or any of your neighbors stories of unsafe things that happened or neighbors being harmed?

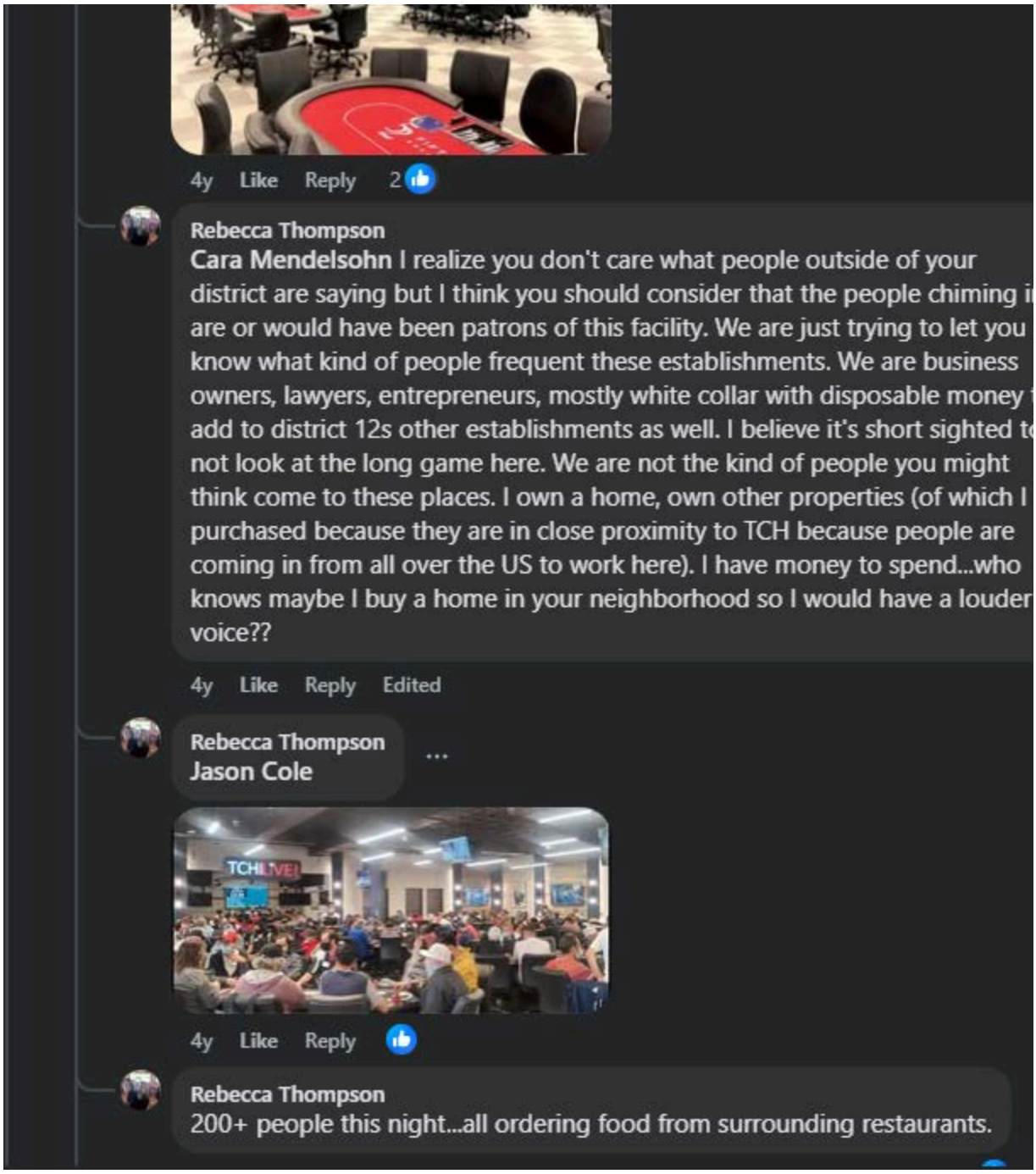
4y Like Reply 2


J.R. Flournoy
I'll make sure to save my vote for revenue-generating councilmen & councilwomen that understand the value of having thriving businesses in the community. I would love to hear the evils of people playing poker.
Bars/Liquor Stores/Head Shops/Porn Stores...these are all okay somehow but a game of poker is going to send neighborhoods into hell?
4y Like Reply Edited 12
MC Dorsey
J.R. Flournoy don't go talking logic and hypocrisy
4y Like Reply 3
Cara Mendelsohn
J.R. Flournoy Please welcome them to your Ft. Worth community.
4y Like Reply
Kevin Tran
Cara Mendelsohn we do
4y Like Reply 3
J.R. Flournoy
Cara Mendelsohn No problem, we do.
Given all the comments by people in YOUR district about how YOUR district is in shambles, littered by homelessness, crime & little hope for new businesses to see opportunity for growth, you really missed the mark on driving out a business bringing jobs & tax revenues.
Not to mention the positive effect it would have on businesses around there, namely restaurants who continue to struggle.
And while every poster on this thread has asked the opposed their logic for why poker is so terrible for your community...radio silence, no one has stepped up with sound reasoning. Instead your answer is "welcome them to your community"...seriously that's the only answer you have for the citizens of your community??
You owe it to your community to explain why you make these decisions, not


just pat yourself on the back that you got another entrepreneur shut down and all the jobs that went with it. What a kick in the teeth after all the time, money and effort they put out to improve YOUR district
4y Like Reply
3
MC Dorsey
this ☝
4y Like Reply
Stefan Williams
Cara Mendelsohn How much is Chickasaw nation paying you to keep them shut down? After all, you're eating VERY well I see.
4y Like Reply
Reply to Cara Mendelsohn
Reply to J.R. Flournoy
Jim Coyle
Terribly ill advised, and bad decision for District 12, The city of Dallas, and the state ofTexas.
The excuses given have no basis in fact, and sadly the angry mob is getting its way.
Once again proving the squeaky wheel gets the grease.
Why deal with facts?
Or statistics that prove the value to the community that these businesses bring.
Much easier to appease the handful of angry, poorly advised, politically and emotionally motivated people, by working behind the scenes, and pulling nonsensical moves to keep businesses from benefitting the many.
There should be transparency in government.
This is not it.


Cara Mendelsohn
Jim Coyle I see you live in Plano. Why not bring poker rooms there? Oh yeah, they got shut down also...
4y Like Reply 2
Jim Coyle
Cara Mendelsohn i would gladly welcome one in Plano. Justifying one bad decision, by another bad decision doesn't make a lot of sense.
4y Like Reply Edited 5
Kevin Tran
Cara Mendelsohn wow you are making the world such a safer place... don't worry about the guys making meth or crack, you just keep shutting down tax paying businesses! Don't even worry about the drugs, prostitution, or violence because THIS is what's important!
4y Like Reply
Jim Coyle
Matt Osborn
4y Like Reply
Reply to Cara Mendelsohn
Reply to Jim Coyle
Mike Lehner
Absolutely pathetic that you feel it is within the scope of what you were elected to do.
What people do with their own post tax dollars is their business and you can show no Ill effects from allowing people to gather to play cards.
The only positive effects are the increase to your self righteousness as well as the feeling of power that results.
This is not even a fight that is within the scope of what city council members should be working on.


Jason Cole · Follow
It seems many people are completely uneducated in this matter. Professionally run card rooms, provide a SAFE and legal place to play poker. There are already many of these rooms all over Texas. They provide a large number of jobs as well as significant business to surrounding supporting business particularly food establishments. In addition, there is a tax benefit to the area.
I would love to meet with you at the Texas Card House in Dallas and show you what an outstanding business it is so you can get a better idea of the truth of these card rooms. I think you and many others would be surprised.
Finally, what you do not know is the extremely large number of underground and illegal places that have poker rooms running. By having places that are safe and legal, the bad ones will fade away. I truly hope you take some time to educate yourself in this matter.
4y Like Reply
9
Cara Mendelsohn
Jason Cole please pursue options for Rowlett, where it says you are from on your profile.
4y Like Reply
2
Jason Cole · Follow
Cara Mendelsohn I just wish you would take just a few minutes of time and actually go see what it's like. See the people. See the facility. I would think as an elected official you would be interested in learning all you can about things that can impact your community. This is not the old days of smokey back room type thing. We are talking about modern and professional places. Here is a photo of 52 Social in Houston.
I would think you would understand that Rowlett isn't large enough to support a facility like this. You should welcome people coming to spend money in your district.



4y Like Reply 2

Rebecca Thompson
Cara Mendelsohn I realize you don't care what people outside of your district are saying but I think you should consider that the people chiming i are or would have been patrons of this facility. We are just trying to let you know what kind of people frequent these establishments. We are business owners, lawyers, entrepreneurs, mostly white collar with disposable money add to district 12s other establishments as well. I believe it's short sighted t not look at the long game here. We are not the kind of people you might think come to these places. I own a home, own other properties (of which I purchased because they are in close proximity to TCH because people are coming in from all over the US to work here). I have money to spend...who knows maybe I buy a home in your neighborhood so I would have a louder voice??

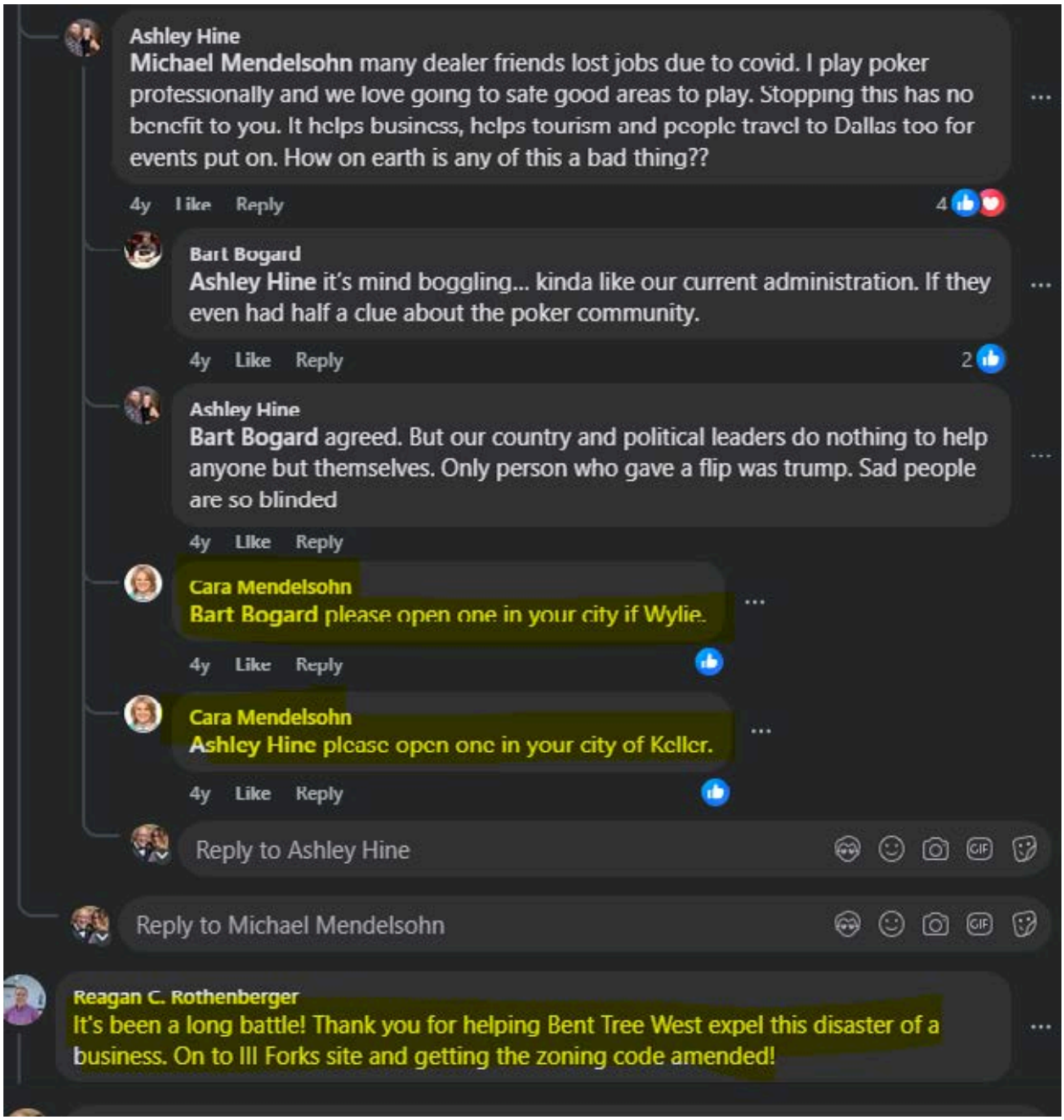
4y Like Reply Edited

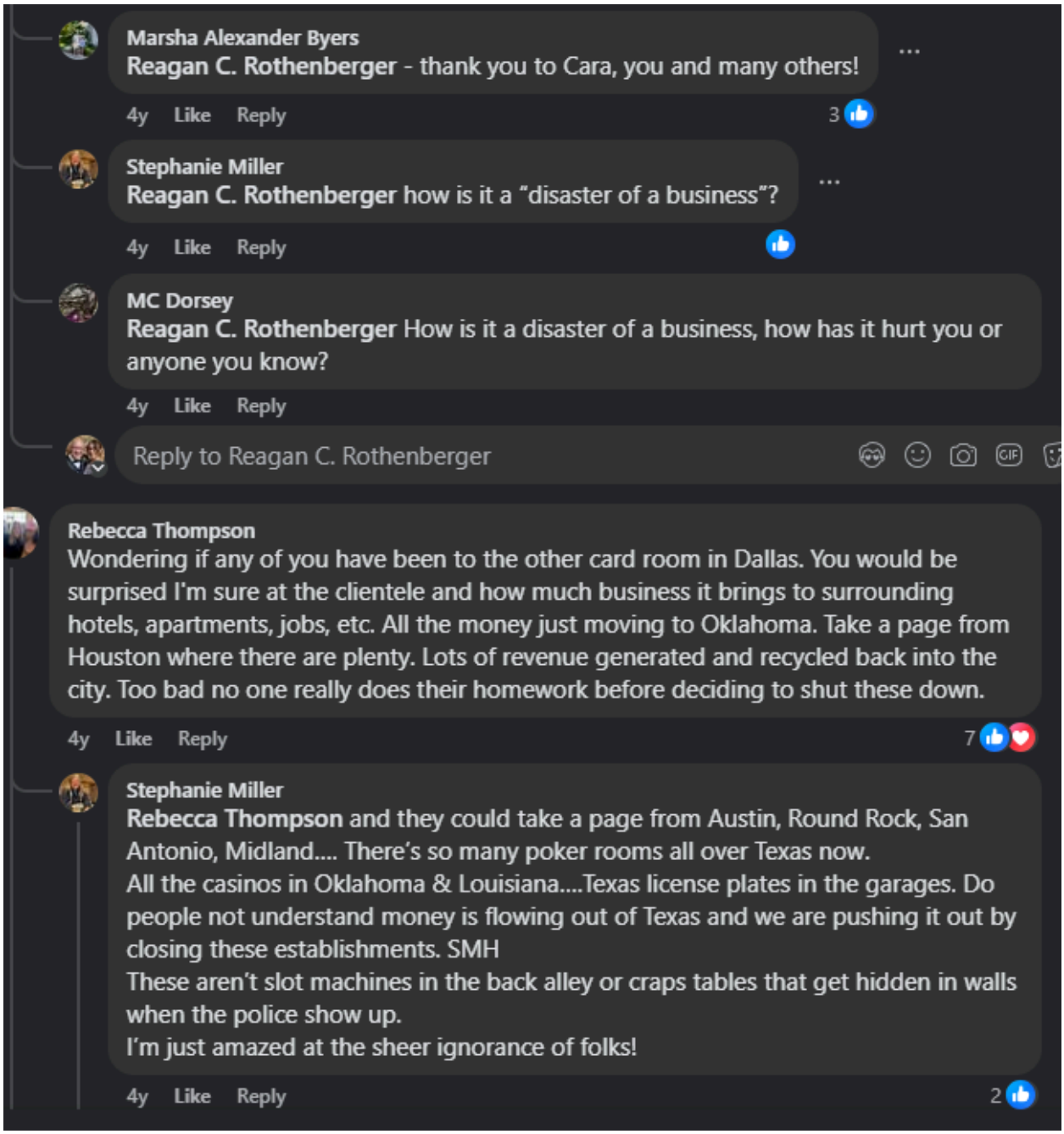
Rebecca Thompson
Jason Cole

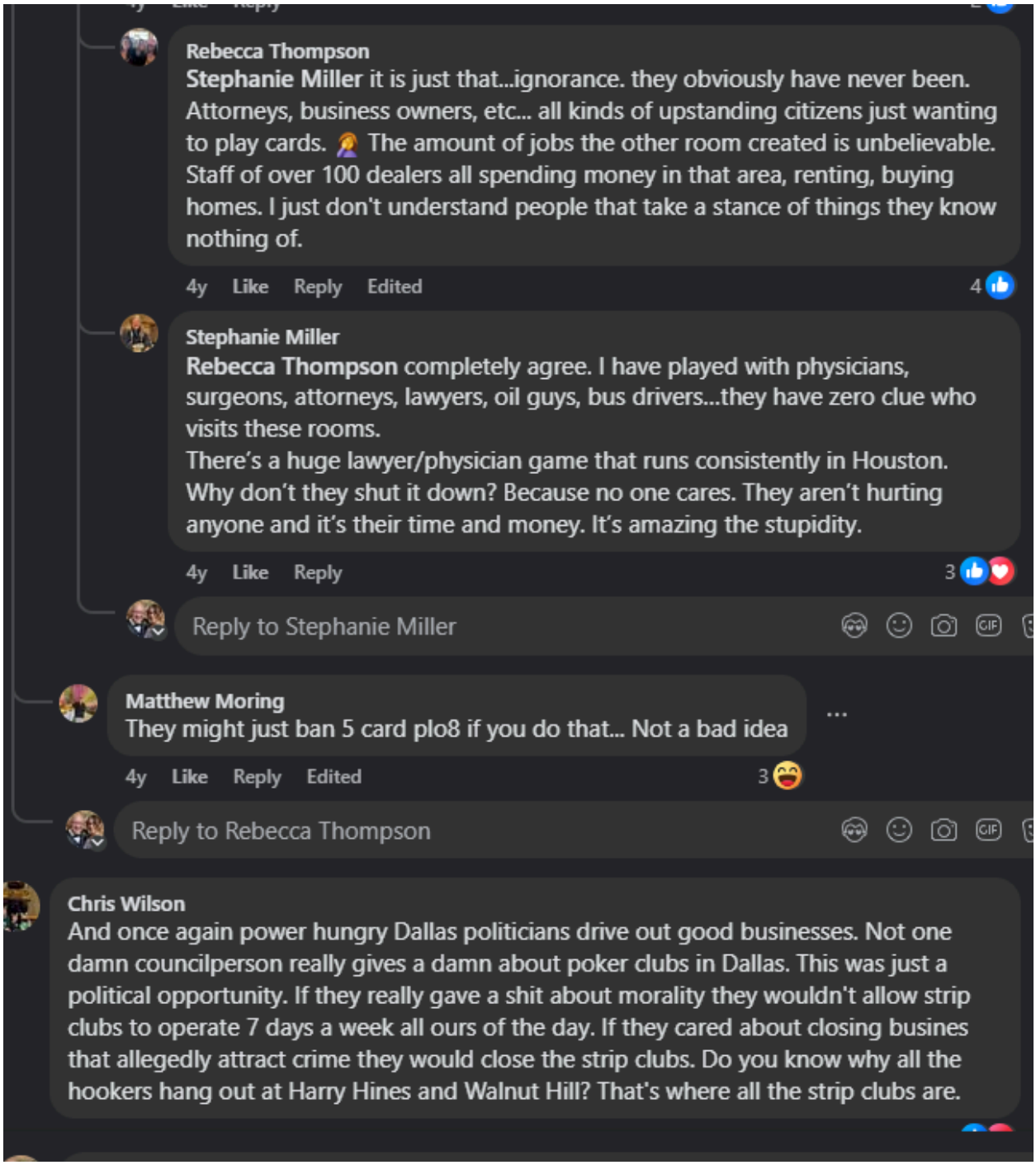
4y Like Reply

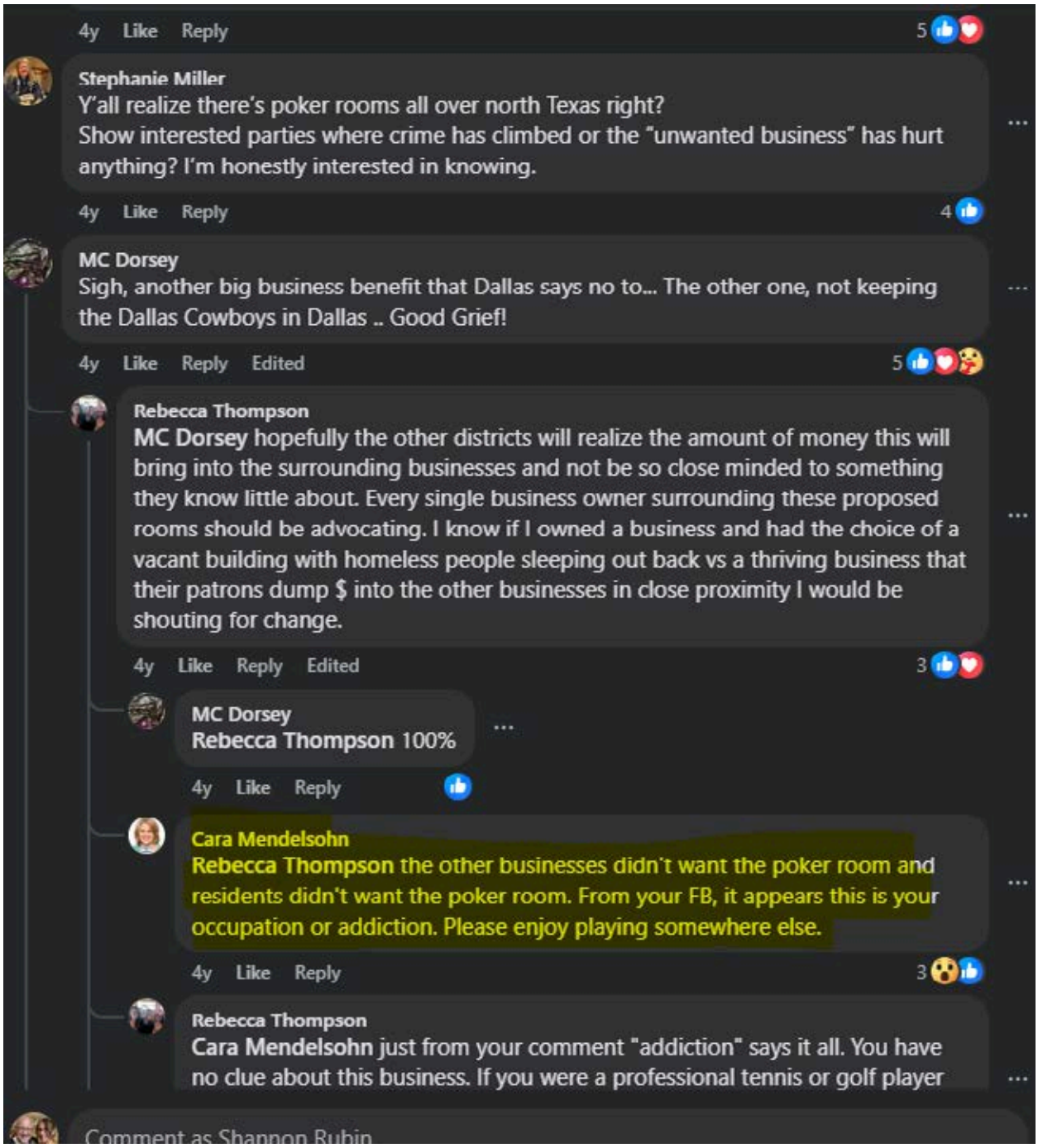
Rebecca Thompson
200+ people this night...all ordering food from surrounding restaurants.

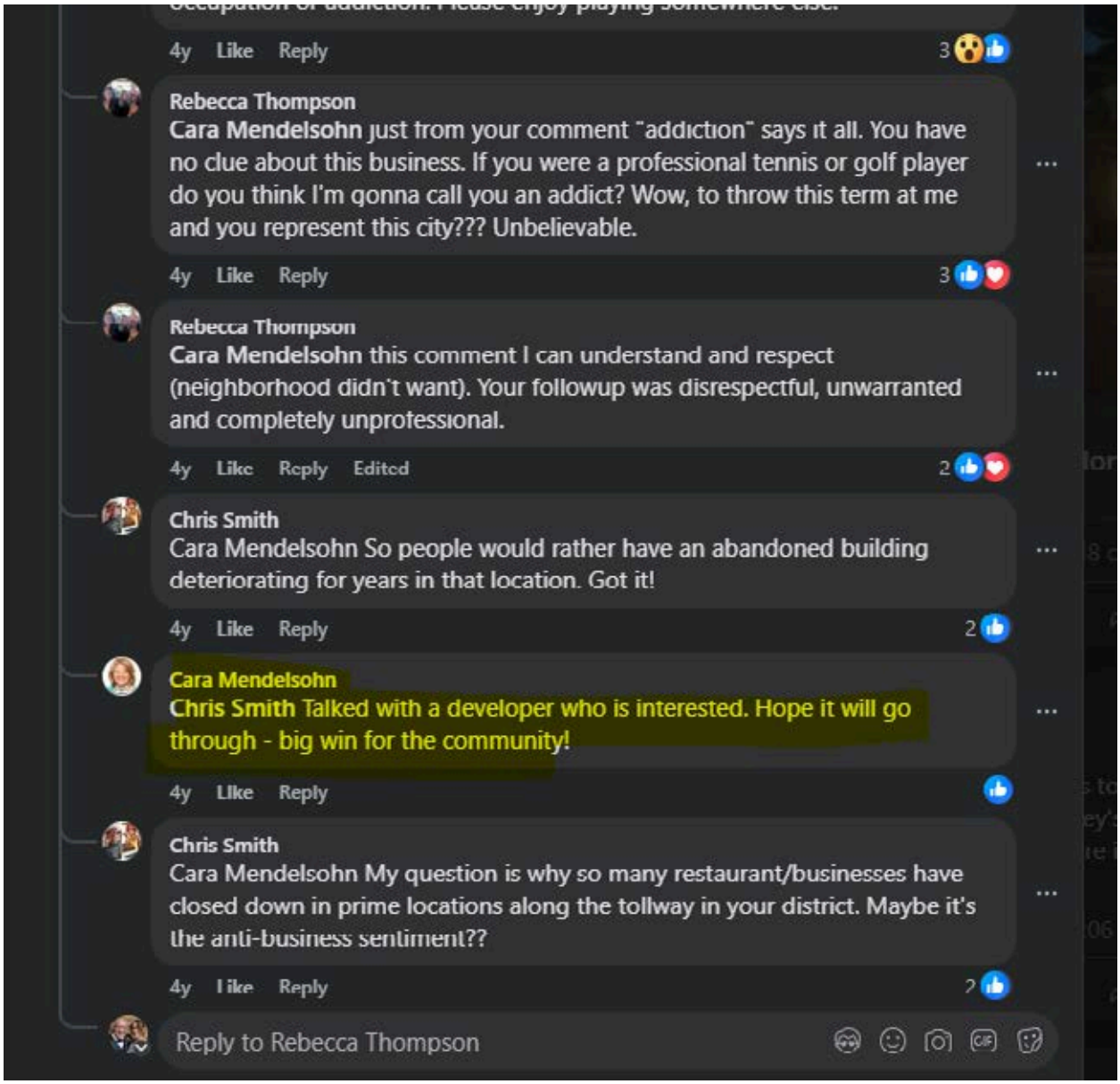
Michael Mendelsohn
Thank you for fighting this undesirable usel
4y Like Reply 10
Rebecca Thompson
Michael Mendelsohn what about it makes it undesirable in your opinion? Curious if you've ever stepped inside one of these establishments.
4y Like Reply 3
Simon Webster
Rebecca Thompson he has a familiar last name 🤣 she is trying to find anyone she can to help her cause
4y Like Reply
Reply to Rebecca Thompson
Adam Mitchell
Michael Mendelsohn undesirable!? What a joke. Do your research!
4y Like Reply
Adam Mitchell
Rebecca Thompson exactly!
They trying to close down one spot not knowing there is several in the area.
4y Like Reply 2
Reply to Adam Mitchell
Bart Bogard
Michael Mendelsohn undesirable use?
So what do you enjoy doing Michael? What undesirable uses so you like to participate in?

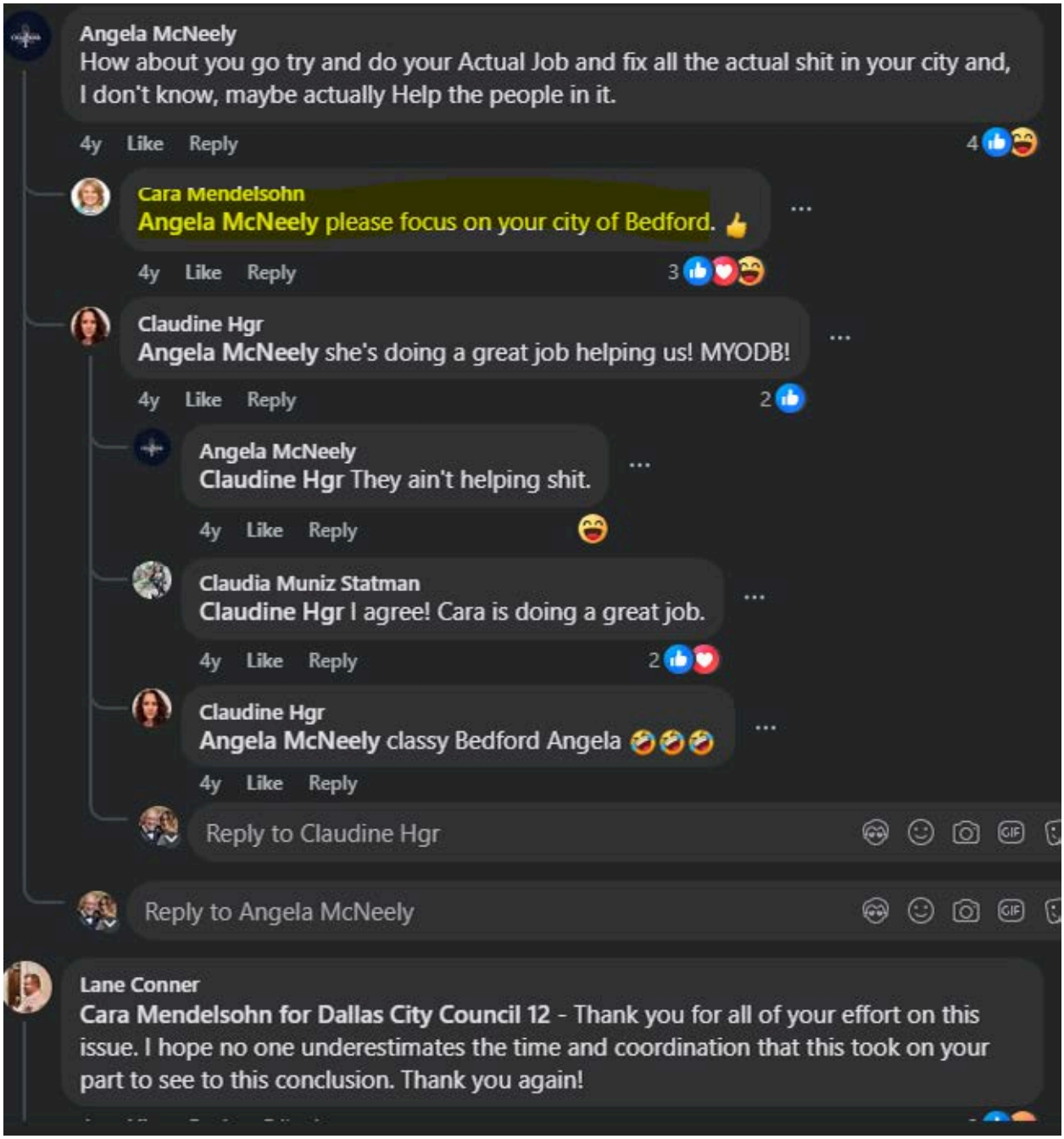

Ashley Hine
Michael Mendelsohn many dealer friends lost jobs due to covid. I play poker professionally and we love going to safe good areas to play. Stopping this has no benefit to you. It helps business, helps tourism and people travel to Dallas too for events put on. How on earth is any of this a bad thing??
4y Like Reply 4
Bart Bogard
Ashley Hine it's mind boggling... kinda like our current administration. If they even had half a clue about the poker community.
4y Like Reply 2
Ashley Hine
Bart Bogard agreed. But our country and political leaders do nothing to help anyone but themselves. Only person who gave a flip was trump. Sad people are so blinded
4y Like Reply
Cara Mendelsohn
Bart Bogard please open one in your city if Wylie.
4y Like Reply
Cara Mendelsohn
Ashley Hine please open one in your city of Keller.
4y Like Reply
Reply to Ashley Hine
Reply to Michael Mendelsohn
Reagan C. Rothenberger
It's been a long battle! Thank you for helping Bent Tree West expel this disaster of a business. On to III Forks site and getting the zoning code amended!

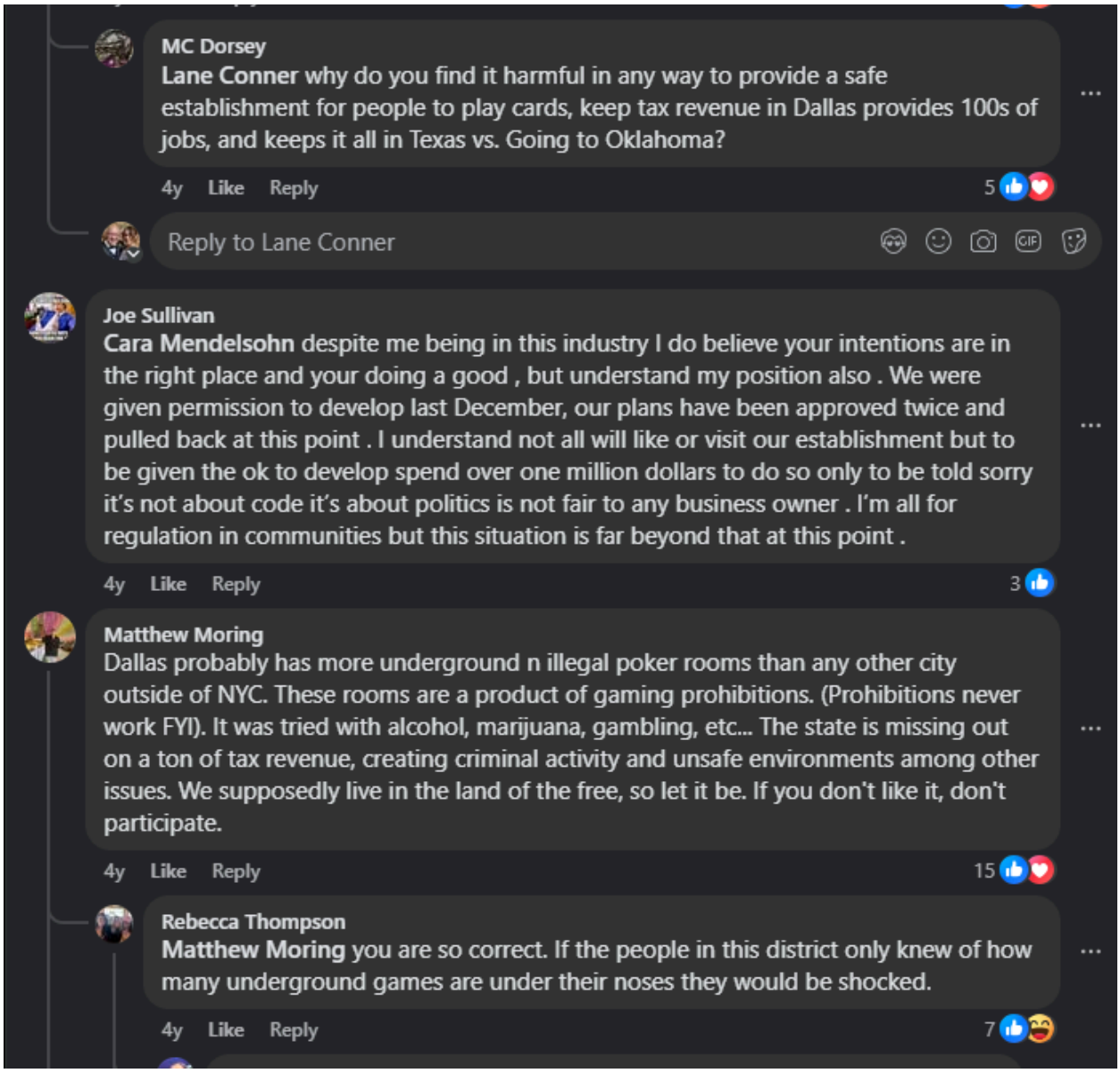

Marsha Alexander Byers
Reagan C. Rothenberger - thank you to Cara, you and many others!
4y Like Reply 3
Stephanie Miller
Reagan C. Rothenberger how is it a "disaster of a business"?
4y Like Reply
MC Dorsey
Reagan C. Rothenberger How is it a disaster of a business, how has it hurt you or anyone you know?
4y Like Reply
Reply to Reagan C. Rothenberger
Rebecca Thompson
Wondering if any of you have been to the other card room in Dallas. You would be surprised I'm sure at the clientele and how much business it brings to surrounding hotels, apartments, jobs, etc. All the money just moving to Oklahoma. Take a page from Houston where there are plenty. Lots of revenue generated and recycled back into the city. Too bad no one really does their homework before deciding to shut these down.
4y Like Reply 7
Stephanie Miller
Rebecca Thompson and they could take a page from Austin, Round Rock, San Antonio, Midland.... There's so many poker rooms all over Texas now.
All the casinos in Oklahoma & Louisiana....Texas license plates in the garages. Do people not understand money is flowing out of Texas and we are pushing it out by closing these establishments. SMH
These aren't slot machines in the back alley or craps tables that get hidden in walls when the police show up.
I'm just amazed at the sheer ignorance of folks!
4y Like Reply 2


Rebecca Thompson
Stephanie Miller it is just that...ignorance. they obviously have never been. Attorneys, business owners, etc... all kinds of upstanding citizens just wanting to play cards. 🤦 The amount of jobs the other room created is unbelievable. Staff of over 100 dealers all spending money in that area, renting, buying homes. I just don't understand people that take a stance of things they know nothing of.
4y Like Reply Edited 4
Stephanie Miller
Rebecca Thompson completely agree. I have played with physicians, surgeons, attorneys, lawyers, oil guys, bus drivers...they have zero clue who visits these rooms.
There's a huge lawyer/physician game that runs consistently in Houston. Why don't they shut it down? Because no one cares. They aren't hurting anyone and it's their time and money. It's amazing the stupidity.
4y Like Reply 3
Reply to Stephanie Miller
Matthew Moring
They might just ban 5 card plo8 if you do that... Not a bad idea
4y Like Reply Edited 3
Reply to Rebecca Thompson
Chris Wilson
And once again power hungry Dallas politicians drive out good businesses. Not one damn councilperson really gives a damn about poker clubs in Dallas. This was just a political opportunity. If they really gave a shit about morality they wouldn't allow strip clubs to operate 7 days a week all ours of the day. If they cared about closing busines that allegedly attract crime they would close the strip clubs. Do you know why all the hookers hang out at Harry Hines and Walnut Hill? That's where all the strip clubs are.

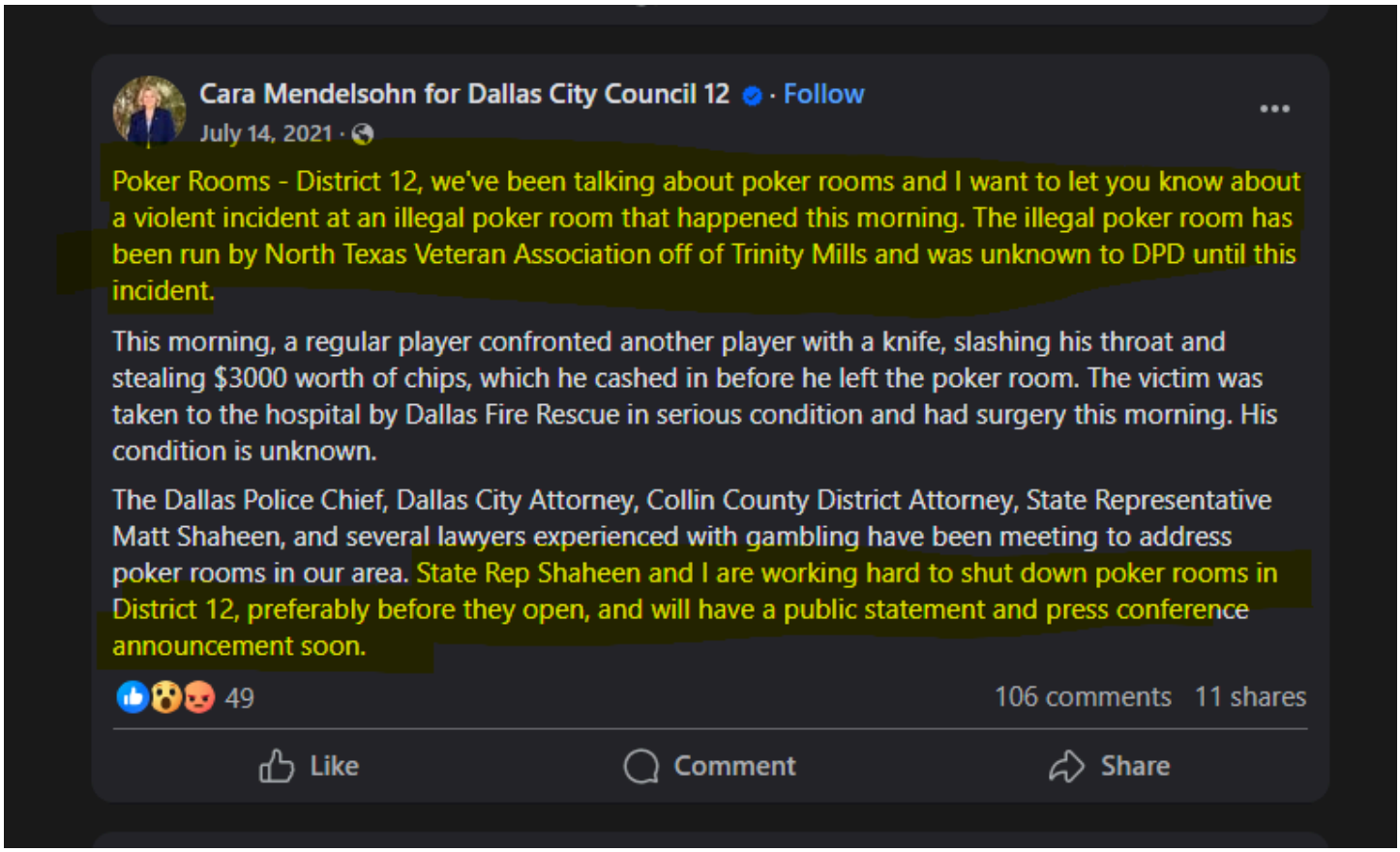

4y Like Reply 5
Stephanie Miller
Y'all realize there's poker rooms all over north Texas right?
Show interested parties where crime has climbed or the "unwanted business" has hurt anything? I'm honestly interested in knowing.
4y Like Reply 4
MC Dorsey
Sigh, another big business benefit that Dallas says no to... The other one, not keeping the Dallas Cowboys in Dallas .. Good Grief!
4y Like Reply Edited 5
Rebecca Thompson
MC Dorsey hopefully the other districts will realize the amount of money this will bring into the surrounding businesses and not be so close minded to something they know little about. Every single business owner surrounding these proposed rooms should be advocating. I know if I owned a business and had the choice of a vacant building with homeless people sleeping out back vs a thriving business that their patrons dump $ into the other businesses in close proximity I would be shouting for change.
4y Like Reply Edited 3
MC Dorsey
Rebecca Thompson 100%
4y Like Reply
Cara Mendelsohn
Rebecca Thompson the other businesses didn't want the poker room and residents didn't want the poker room. From your FB, it appears this is your occupation or addiction. Please enjoy playing somewhere else.
4y Like Reply 3
Rebecca Thompson
Cara Mendelsohn just from your comment "addiction" says it all. You have no clue about this business. If you were a professional tennis or golf player
Comment as Shannon Rubin

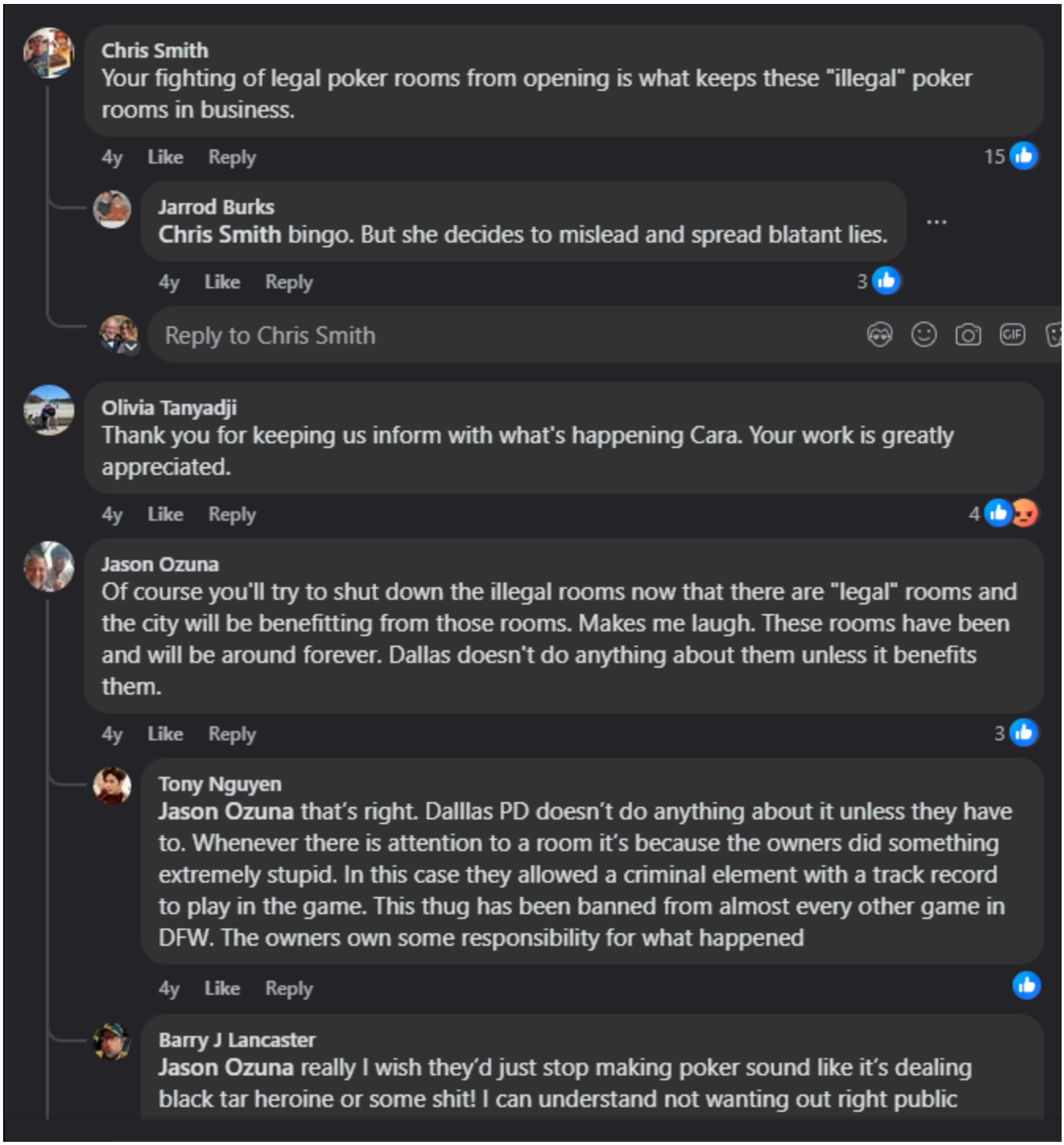

4y Like Reply 3
Rebecca Thompson
Cara Mendelsohn just from your comment "addiction" says it all. You have no clue about this business. If you were a professional tennis or golf player do you think I'm gonna call you an addict? Wow, to throw this term at me and you represent this city??? Unbelievable.
4y Like Reply 3
Rebecca Thompson
Cara Mendelsohn this comment I can understand and respect (neighborhood didn't want). Your followup was disrespectful, unwarranted and completely unprofessional.
4y Like Reply Edited 2
Chris Smith
Cara Mendelsohn So people would rather have an abandoned building deteriorating for years in that location. Got it!
4y Like Reply 2
Cara Mendelsohn
Chris Smith Talked with a developer who is interested. Hope it will go through - big win for the community!
4y Like Reply
Chris Smith
Cara Mendelsohn My question is why so many restaurant/businesses have closed down in prime locations along the tollway in your district. Maybe it's the anti-business sentiment??
4y Like Reply 2
Reply to Rebecca Thompson

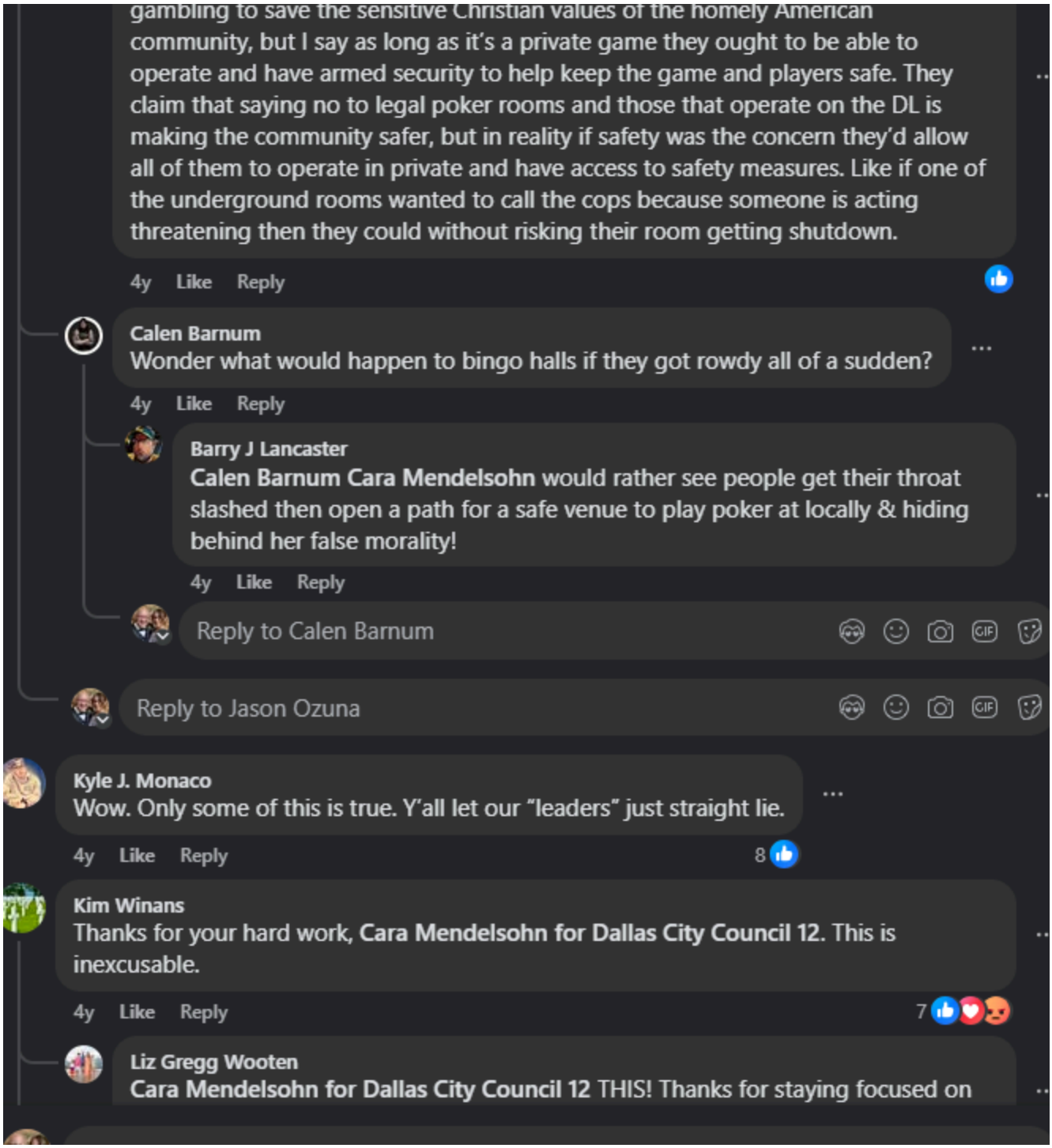

Angela McNeely
How about you go try and do your Actual Job and fix all the actual shit in your city and, I don't know, maybe actually Help the people in it.
4y Like Reply 4
Cara Mendelsohn
Angela McNeely please focus on your city of Bedford.
4y Like Reply 3
Claudine Hgr
Angela McNeely she's doing a great job helping us! MYODB!
4y Like Reply 2
Angela McNeely
Claudine Hgr They ain't helping shit.
4y Like Reply
Claudia Muniz Statman
Claudine Hgr I agree! Cara is doing a great job.
4y Like Reply 2
Claudine Hgr
Angela McNeely classy Bedford Angela
4y Like Reply
Reply to Claudine Hgr
Reply to Angela McNeely
Lane Conner
Cara Mendelsohn for Dallas City Council 12 - Thank you for all of your effort on this issue. I hope no one underestimates the time and coordination that this took on your part to see to this conclusion. Thank you again!

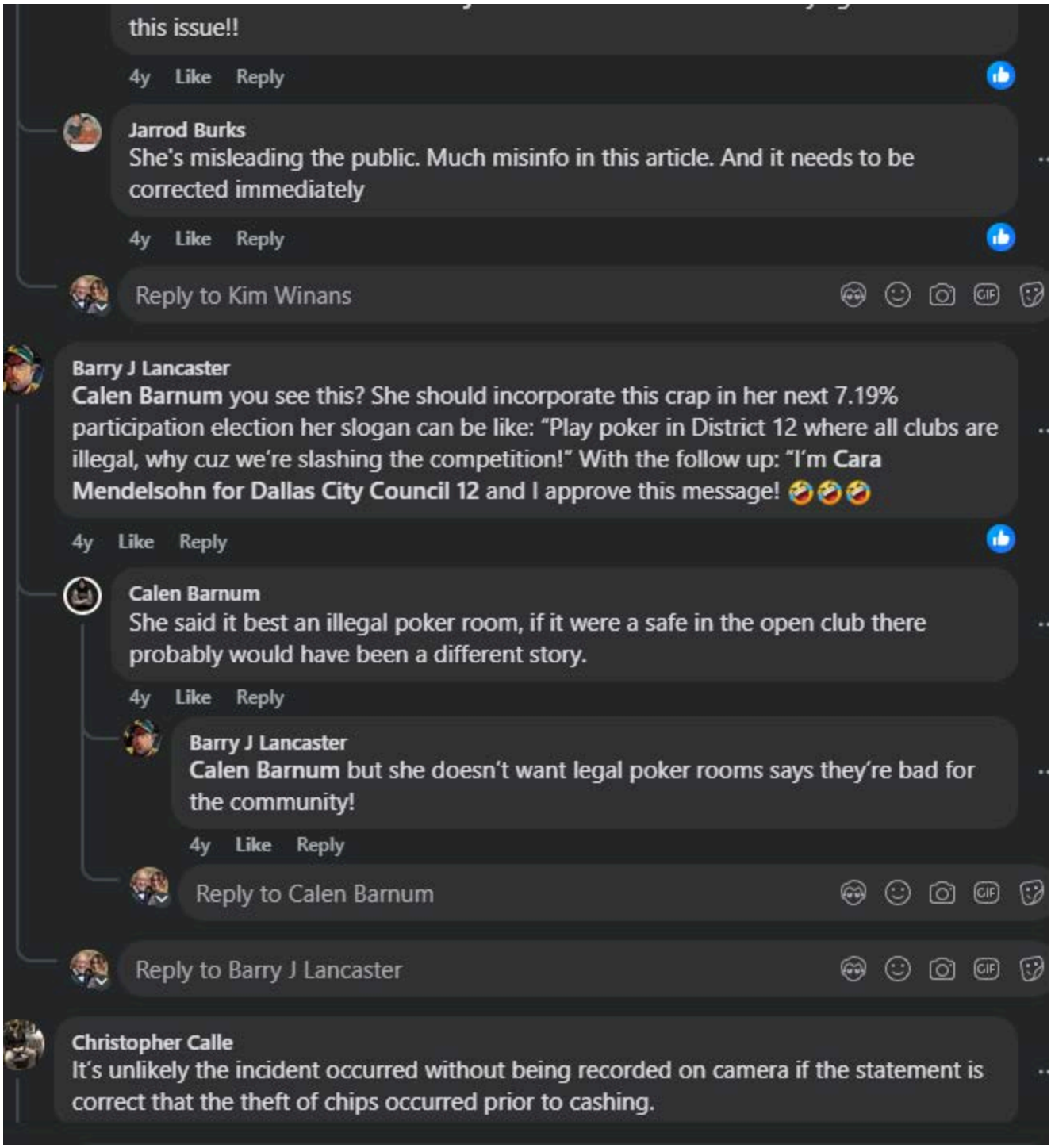


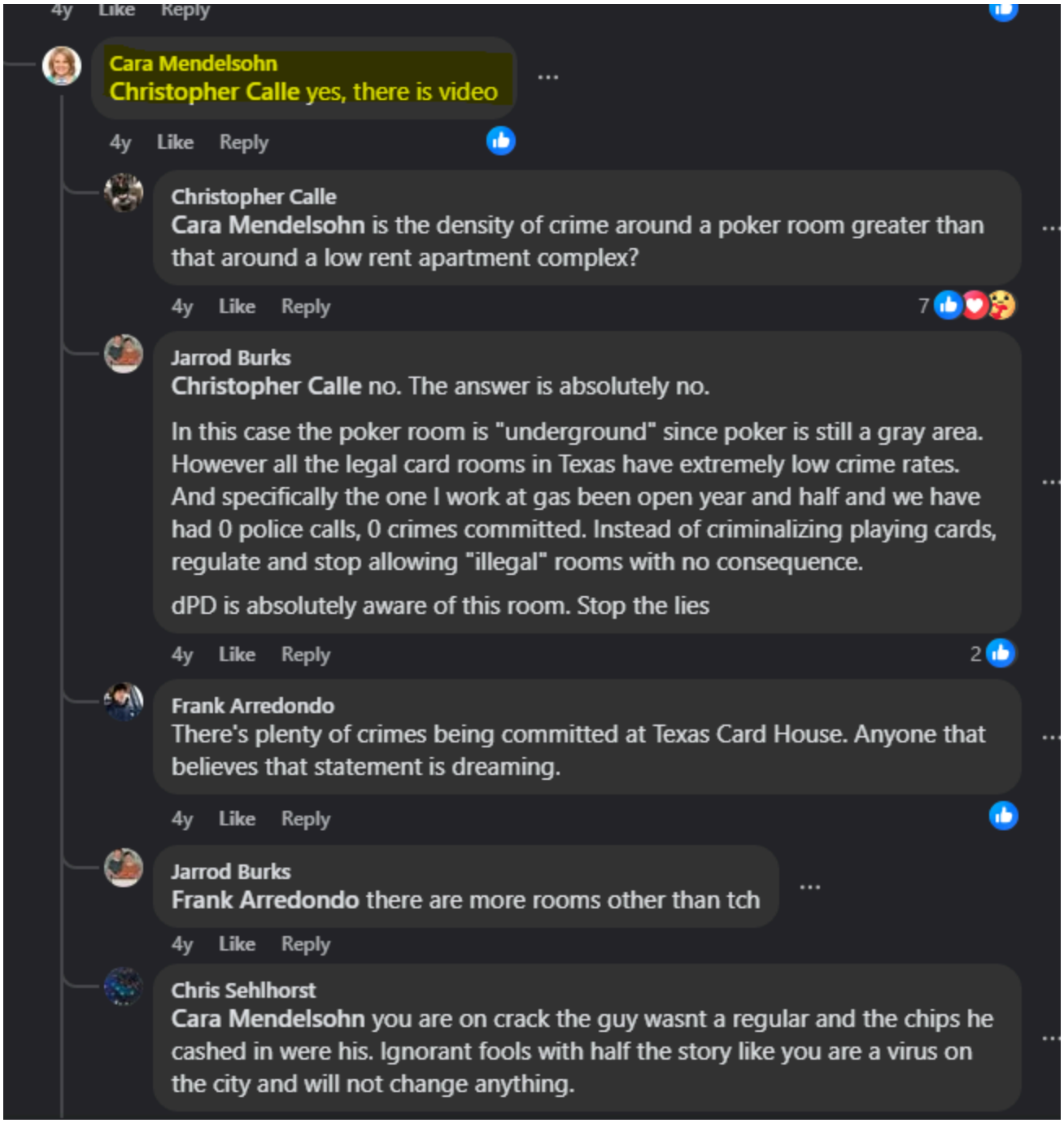
Theres 206 comments: https://www.facebook.com/share/p/16nq5vbohU/

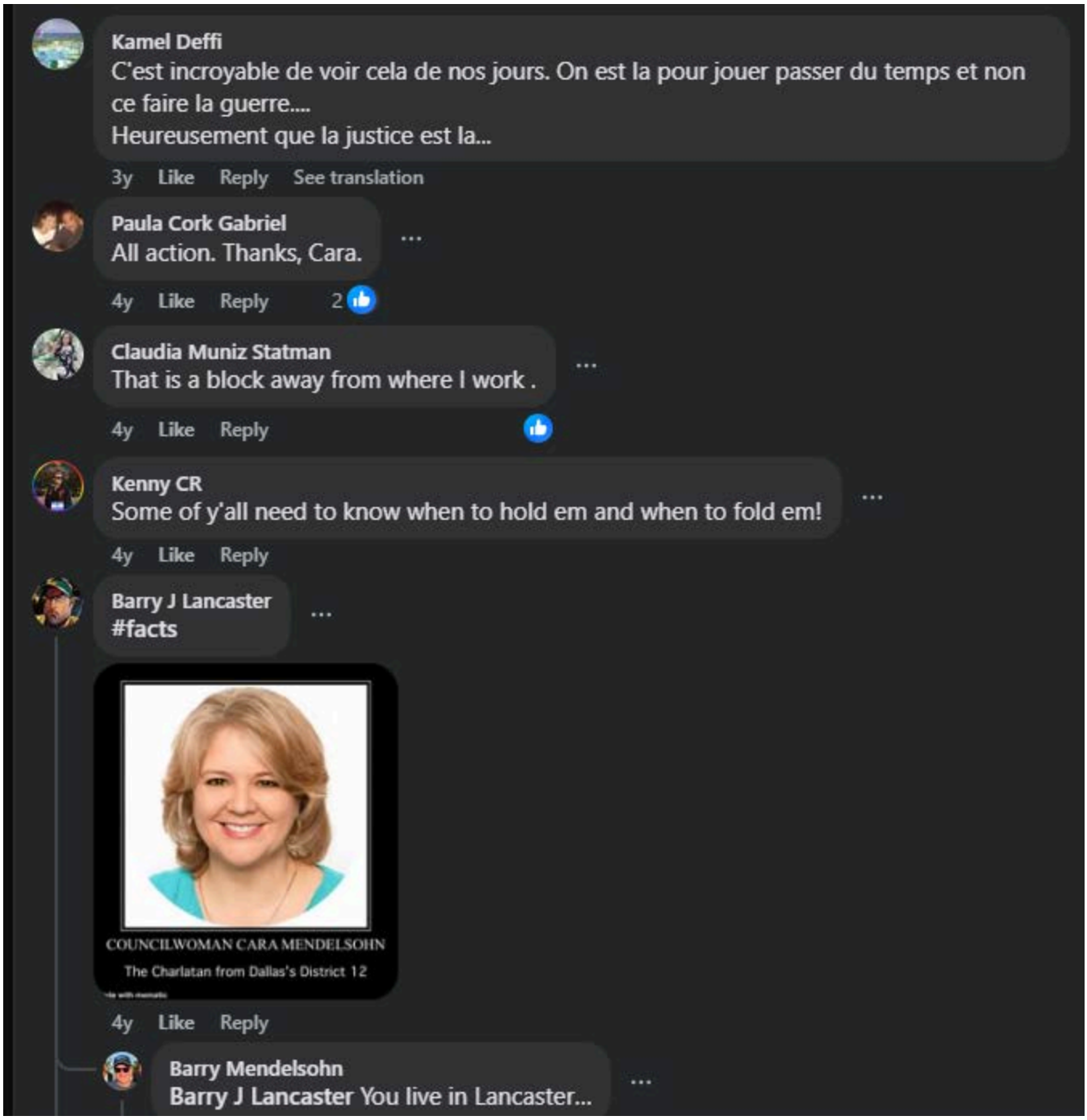

Cara Mendelsohn for Dallas City Council 12 · Follow
July 14, 2021 ·
Poker Rooms - District 12, we've been talking about poker rooms and I want to let you know about a violent incident at an illegal poker room that happened this morning. The illegal poker room has been run by North Texas Veteran Association off of Trinity Mills and was unknown to DPD until this incident.
This morning, a regular player confronted another player with a knife, slashing his throat and stealing $3000 worth of chips, which he cashed in before he left the poker room. The victim was taken to the hospital by Dallas Fire Rescue in serious condition and had surgery this morning. His condition is unknown.
The Dallas Police Chief, Dallas City Attorney, Collin County District Attorney, State Representative Matt Shaheen, and several lawyers experienced with gambling have been meeting to address poker rooms in our area. State Rep Shaheen and I are working hard to shut down poker rooms in District 12, preferably before they open, and will have a public statement and press conference announcement soon.
49
106 comments 11 shares
Like
Comment
Share

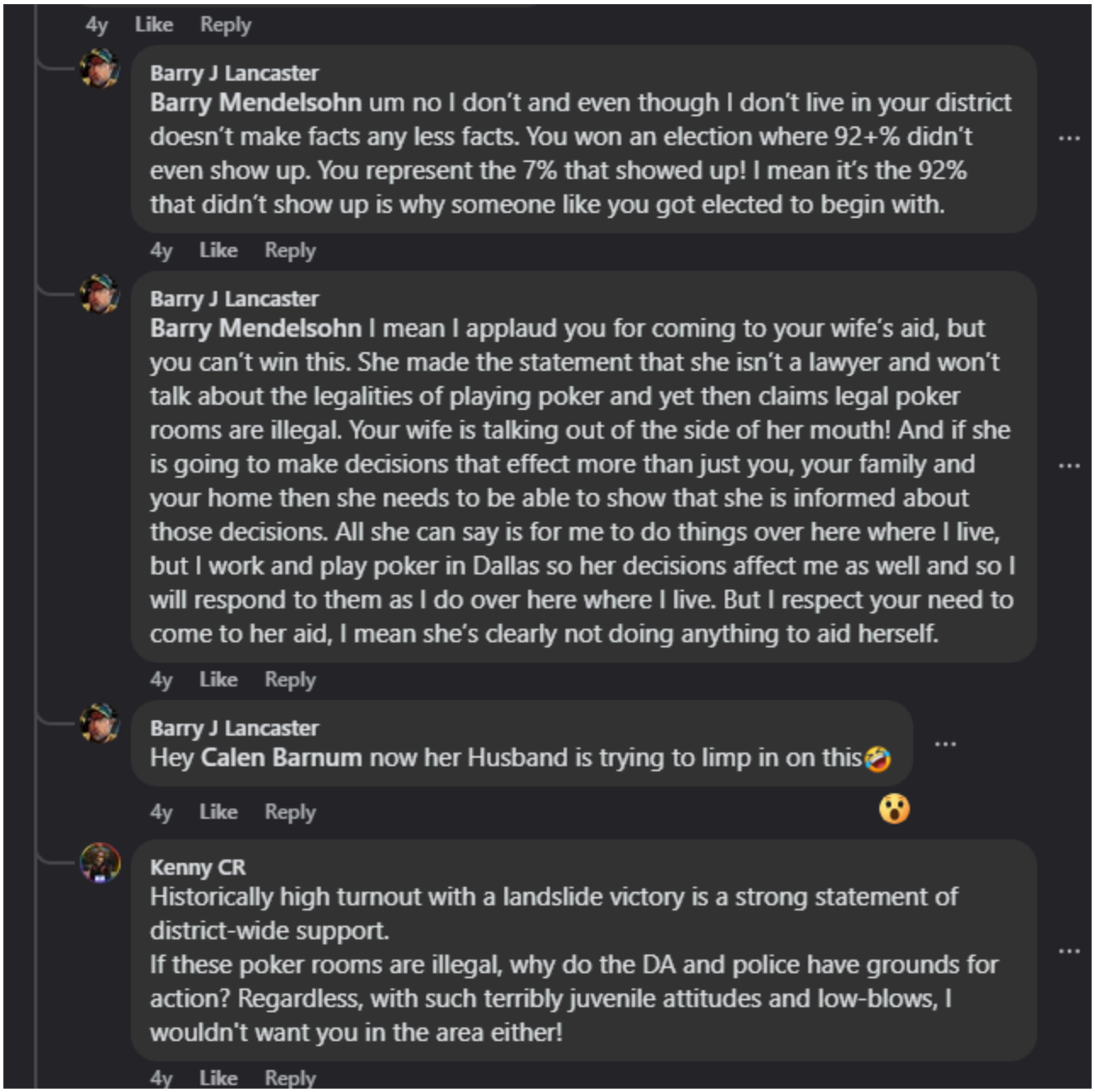

Chris Smith
Your fighting of legal poker rooms from opening is what keeps these "illegal" poker rooms in business.
4y Like Reply 15
Jarrod Burks
Chris Smith bingo. But she decides to mislead and spread blatant lies.
4y Like Reply 3
Reply to Chris Smith
Olivia Tanyadji
Thank you for keeping us inform with what's happening Cara. Your work is greatly appreciated.
4y Like Reply 4
Jason Ozuna
Of course you'll try to shut down the illegal rooms now that there are "legal" rooms and the city will be benefitting from those rooms. Makes me laugh. These rooms have been and will be around forever. Dallas doesn't do anything about them unless it benefits them.
4y Like Reply 3
Tony Nguyen
Jason Ozuna that's right. Dalllas PD doesn't do anything about it unless they have to. Whenever there is attention to a room it's because the owners did something extremely stupid. In this case they allowed a criminal element with a track record to play in the game. This thug has been banned from almost every other game in DFW. The owners own some responsibility for what happened
4y Like Reply
Barry J Lancaster
Jason Ozuna really I wish they'd just stop making poker sound like it's dealing black tar heroine or some shit! I can understand not wanting out right public

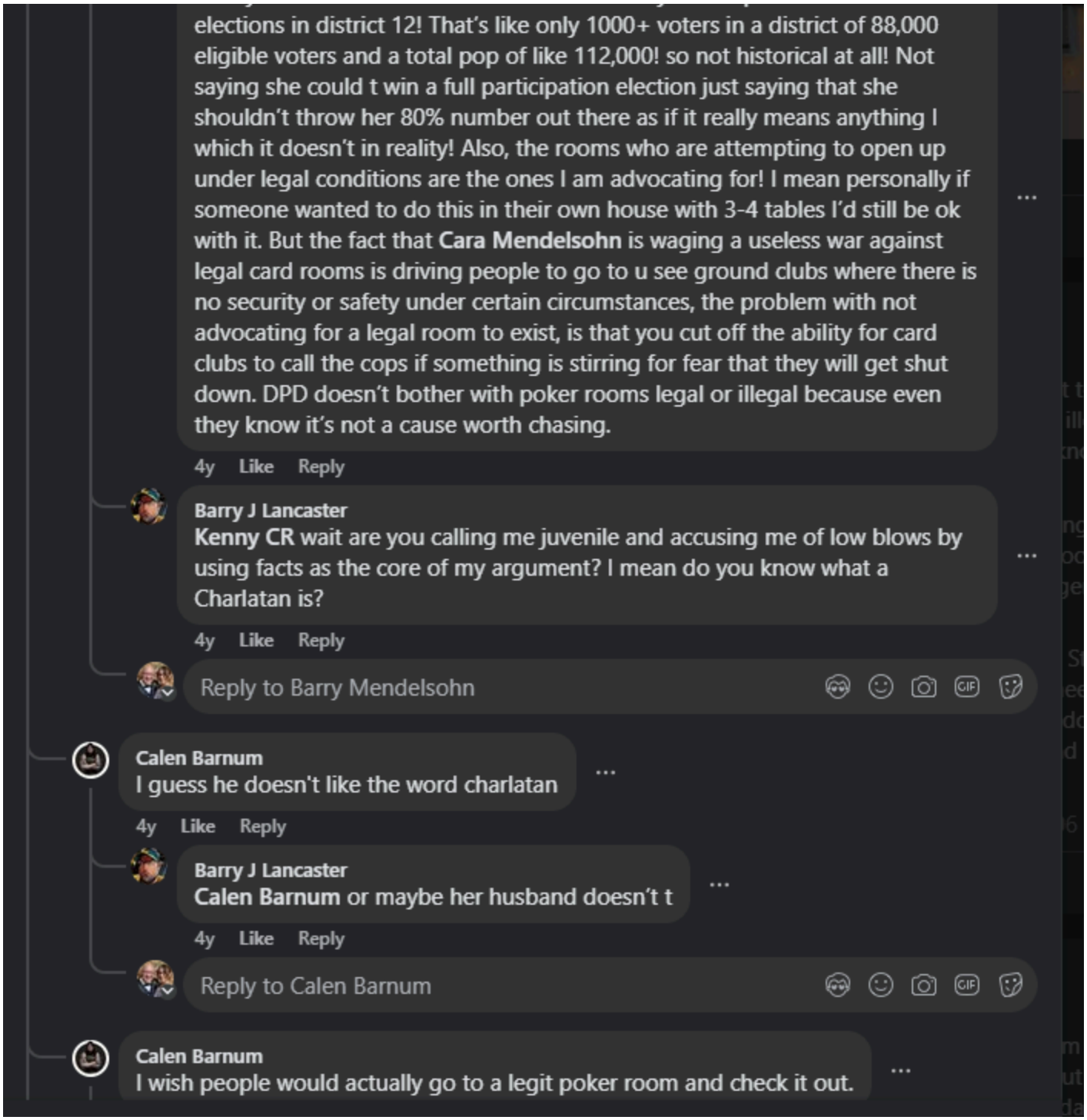

gambling to save the sensitive Christian values of the homely American community, but I say as long as it's a private game they ought to be able to operate and have armed security to help keep the game and players safe. They claim that saying no to legal poker rooms and those that operate on the DL is making the community safer, but in reality if safety was the concern they'd allow all of them to operate in private and have access to safety measures. Like if one of the underground rooms wanted to call the cops because someone is acting threatening then they could without risking their room getting shutdown.
4y Like Reply
Calen Barnum
Wonder what would happen to bingo halls if they got rowdy all of a sudden?
4y Like Reply
Barry J Lancaster
Calen Barnum Cara Mendelsohn would rather see people get their throat slashed then open a path for a safe venue to play poker at locally & hiding behind her false morality!
4y Like Reply
Reply to Calen Barnum
Reply to Jason Ozuna
Kyle J. Monaco
Wow. Only some of this is true. Y'all let our "leaders" just straight lie.
4y Like Reply 8
Kim Winans
Thanks for your hard work, Cara Mendelsohn for Dallas City Council 12. This is inexcusable.
4y Like Reply 7
Liz Gregg Wooten
Cara Mendelsohn for Dallas City Council 12 THIS! Thanks for staying focused on

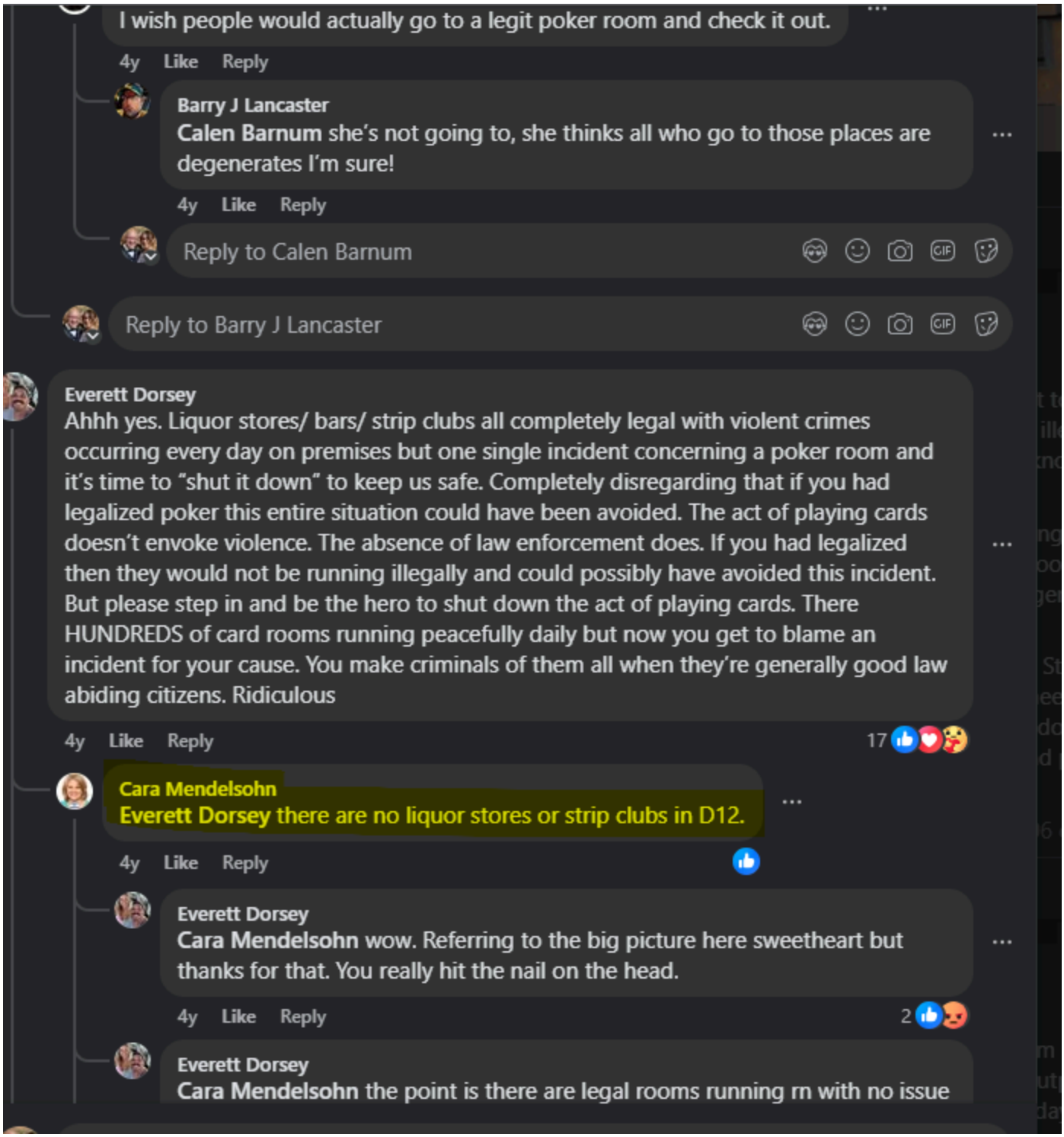

this issue!!
4y Like Reply
Jarrod Burks
She's misleading the public. Much misinfo in this article. And it needs to be corrected immediately
4y Like Reply
Reply to Kim Winans
Barry J Lancaster
Calen Barnum you see this? She should incorporate this crap in her next 7.19% participation election her slogan can be like: "Play poker in District 12 where all clubs are illegal, why cuz we're slashing the competition!" With the follow up: "I'm Cara Mendelsohn for Dallas City Council 12 and I approve this message! 🤣🤣🤣
4y Like Reply
Calen Barnum
She said it best an illegal poker room, if it were a safe in the open club there probably would have been a different story.
4y Like Reply
Barry J Lancaster
Calen Barnum but she doesn't want legal poker rooms says they're bad for the community!
4y Like Reply
Reply to Calen Barnum
Reply to Barry J Lancaster
Christopher Calle
It's unlikely the incident occurred without being recorded on camera if the statement is correct that the theft of chips occurred prior to cashing.

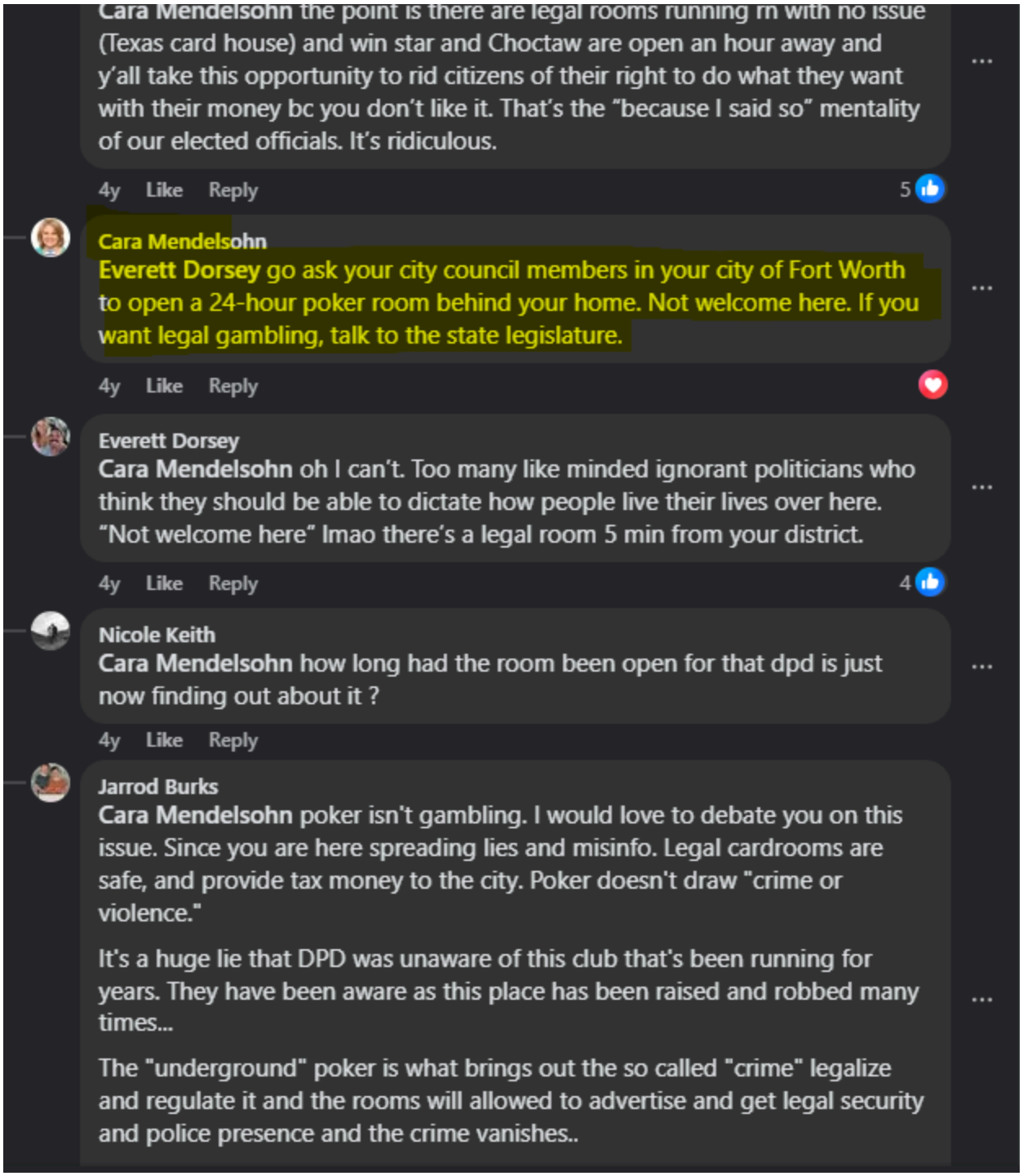

4y Like Reply
Cara Mendelsohn
Christopher Calle yes, there is video
4y Like Reply
Christopher Calle
Cara Mendelsohn is the density of crime around a poker room greater than that around a low rent apartment complex?
4y Like Reply 7
Jarrod Burks
Christopher Calle no. The answer is absolutely no.
In this case the poker room is "underground" since poker is still a gray area. However all the legal card rooms in Texas have extremely low crime rates. And specifically the one I work at gas been open year and half and we have had 0 police calls, 0 crimes committed. Instead of criminalizing playing cards, regulate and stop allowing "illegal" rooms with no consequence.
dPD is absolutely aware of this room. Stop the lies
4y Like Reply 2
Frank Arredondo
There's plenty of crimes being committed at Texas Card House. Anyone that believes that statement is dreaming.
4y Like Reply
Jarrod Burks
Frank Arredondo there are more rooms other than tch
4y Like Reply
Chris Sehlhorst
Cara Mendelsohn you are on crack the guy wasnt a regular and the chips he cashed in were his. Ignorant fools with half the story like you are a virus on the city and will not change anything.

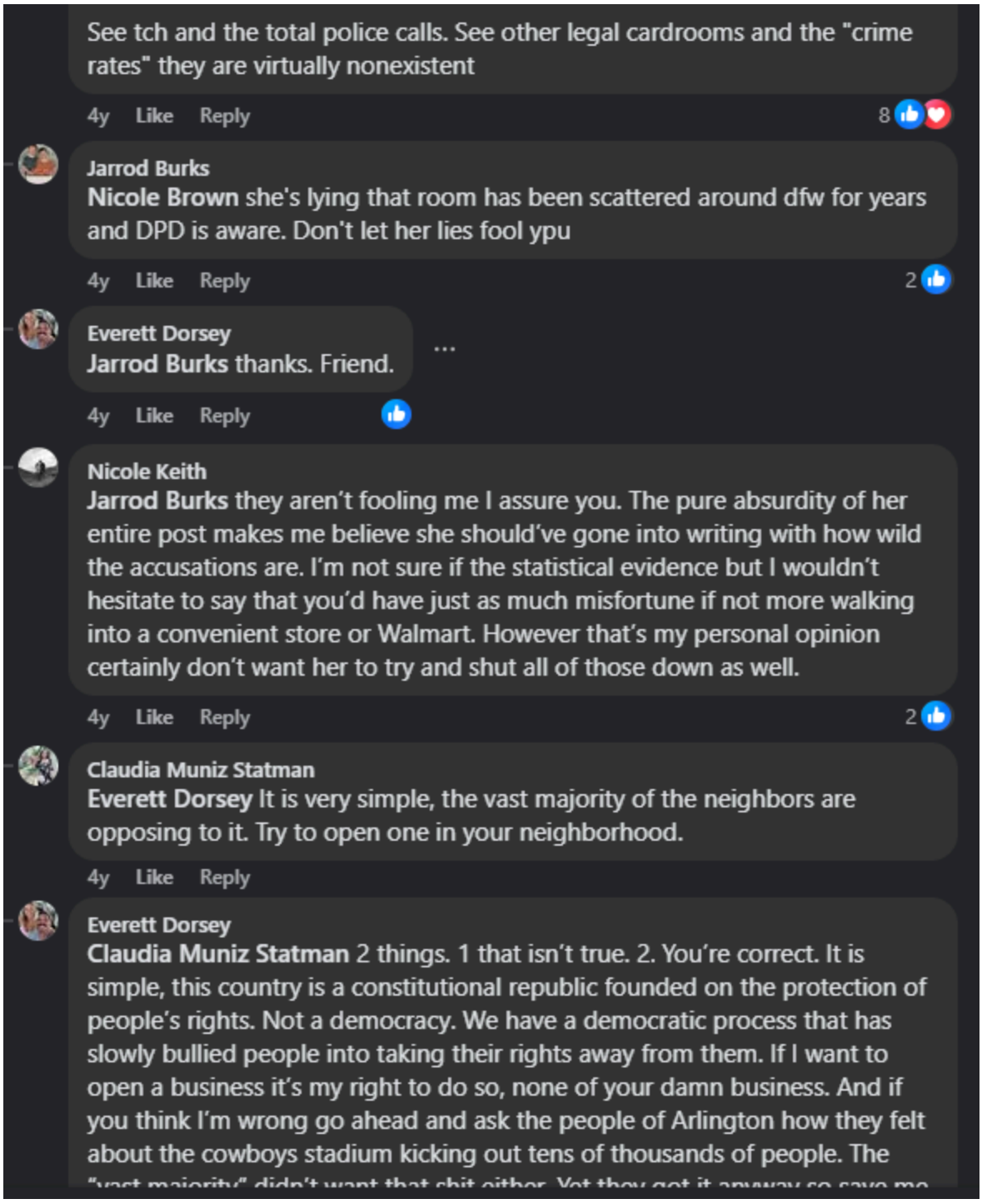

Kamel Deffi
C'est incroyable de voir cela de nos jours. On est la pour jouer passer du temps et non ce faire la guerre....
Heureusement que la justice est la...
3y Like Reply See translation
Paula Cork Gabriel
All action. Thanks, Cara.
4y Like Reply 2
Claudia Muniz Statman
That is a block away from where I work .
4y Like Reply
Kenny CR
Some of y'all need to know when to hold em and when to fold em!
4y Like Reply
Barry J Lancaster
#facts
COUNCILWOMAN CARA MENDELSOHN
The Charlatan from Dallas's District 12
4y Like Reply
Barry Mendelsohn
Barry J Lancaster You live in Lancaster...

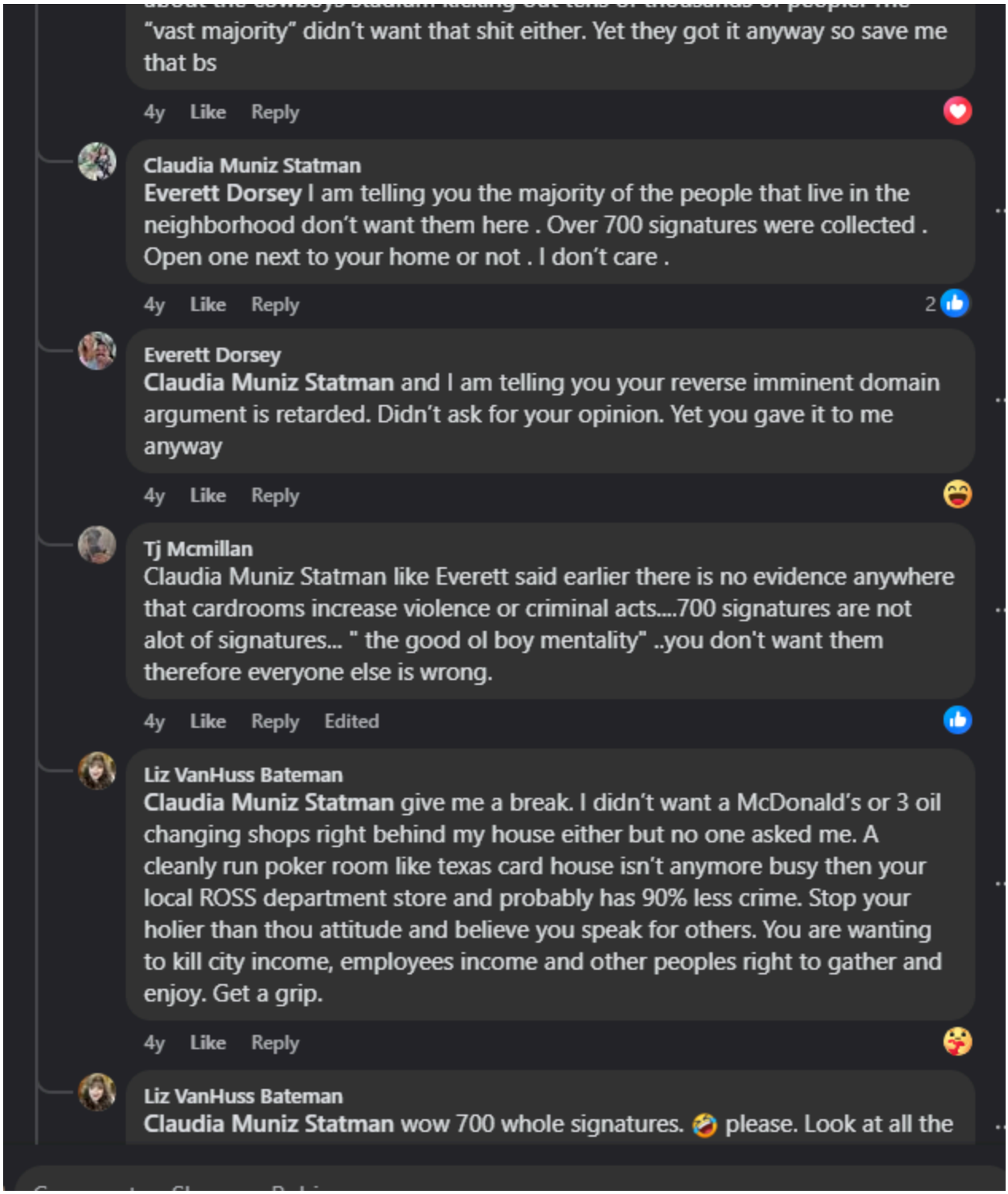

4y Like Reply
Barry J Lancaster
Barry Mendelsohn um no I don't and even though I don't live in your district doesn't make facts any less facts. You won an election where 92+% didn't even show up. You represent the 7% that showed up! I mean it's the 92% that didn't show up is why someone like you got elected to begin with.
4y Like Reply
Barry J Lancaster
Barry Mendelsohn I mean I applaud you for coming to your wife's aid, but you can't win this. She made the statement that she isn't a lawyer and won't talk about the legalities of playing poker and yet then claims legal poker rooms are illegal. Your wife is talking out of the side of her mouth! And if she is going to make decisions that effect more than just you, your family and your home then she needs to be able to show that she is informed about those decisions. All she can say is for me to do things over here where I live, but I work and play poker in Dallas so her decisions affect me as well and so I will respond to them as I do over here where I live. But I respect your need to come to her aid, I mean she's clearly not doing anything to aid herself.
4y Like Reply
Barry J Lancaster
Hey Calen Barnum now her Husband is trying to limp in on this🤣
4y Like Reply
Kenny CR
Historically high turnout with a landslide victory is a strong statement of district-wide support.
If these poker rooms are illegal, why do the DA and police have grounds for action? Regardless, with such terribly juvenile attitudes and low-blows, I wouldn't want you in the area either!
4y Like Reply

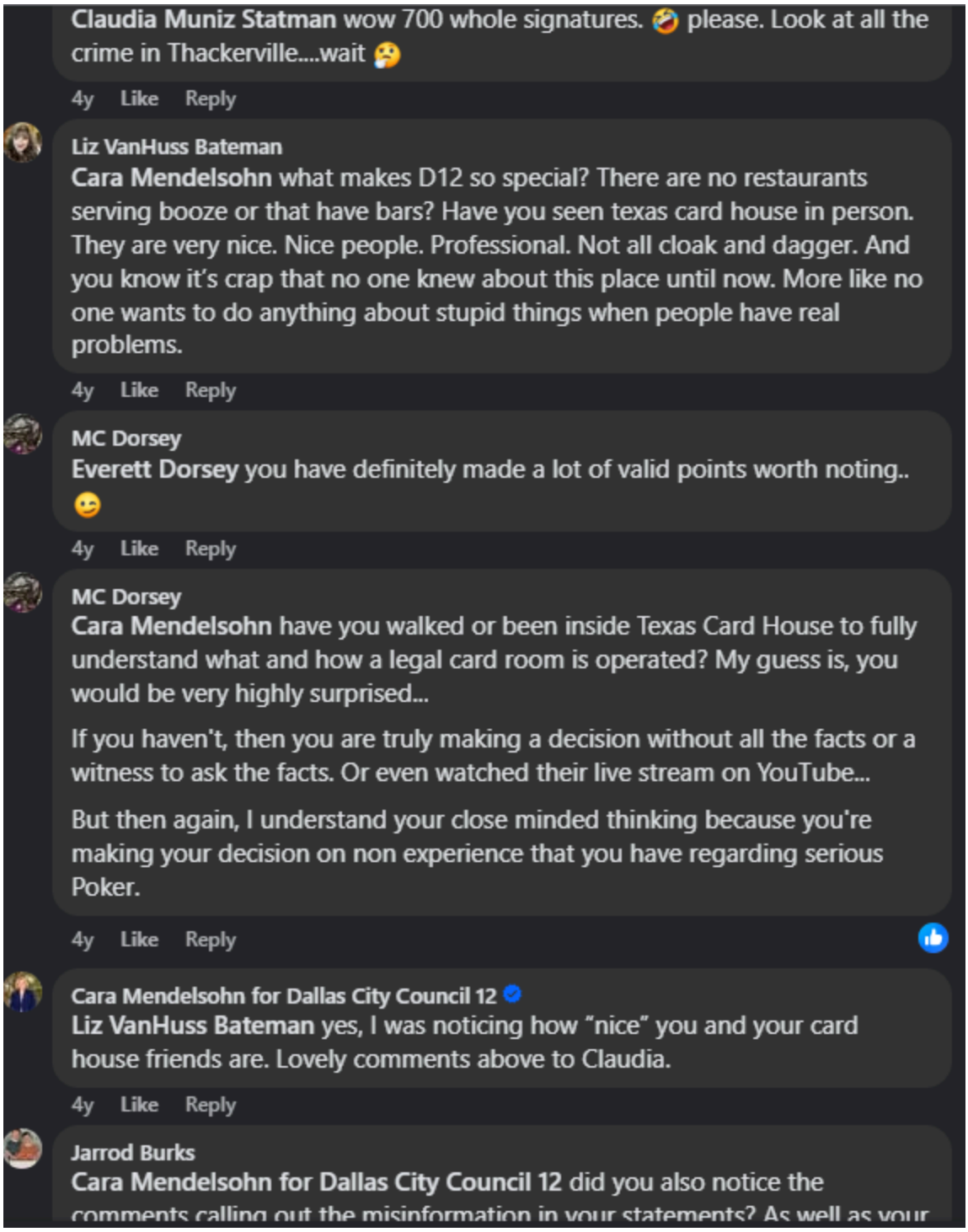

elections in district 12! That's like only 1000+ voters in a district of 88,000 eligible voters and a total pop of like 112,000! so not historical at all! Not saying she could t win a full participation election just saying that she shouldn't throw her 80% number out there as if it really means anything I which it doesn't in reality! Also, the rooms who are attempting to open up under legal conditions are the ones I am advocating for! I mean personally if someone wanted to do this in their own house with 3-4 tables I'd still be ok with it. But the fact that Cara Mendelsohn is waging a useless war against legal card rooms is driving people to go to u see ground clubs where there is no security or safety under certain circumstances, the problem with not advocating for a legal room to exist, is that you cut off the ability for card clubs to call the cops if something is stirring for fear that they will get shut down. DPD doesn't bother with poker rooms legal or illegal because even they know it's not a cause worth chasing.
4y Like Reply
Barry J Lancaster
Kenny CR wait are you calling me juvenile and accusing me of low blows by using facts as the core of my argument? I mean do you know what a Charlatan is?
4y Like Reply
Reply to Barry Mendelsohn
Calen Barnum
I guess he doesn't like the word charlatan
4y Like Reply
Barry J Lancaster
Calen Barnum or maybe her husband doesn't t
4y Like Reply
Reply to Calen Barnum
Calen Barnum
I wish people would actually go to a legit poker room and check it out.

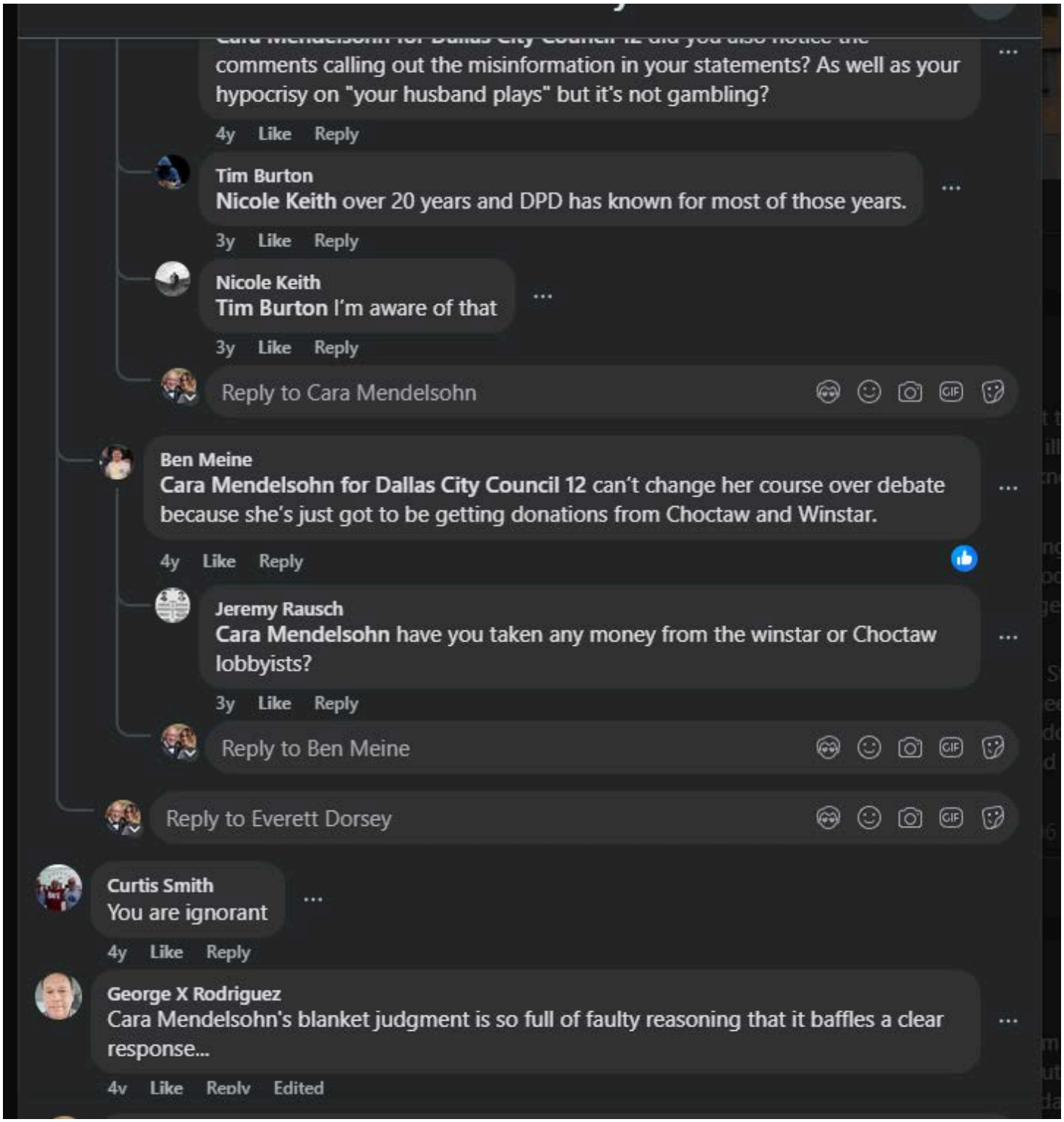

I wish people would actually go to a legit poker room and check it out.
4y Like Reply
Barry J Lancaster
Calen Barnum she's not going to, she thinks all who go to those places are degenerates I'm sure!
4y Like Reply
Reply to Calen Barnum
Reply to Barry J Lancaster
Everett Dorsey
Ahhh yes. Liquor stores/ bars/ strip clubs all completely legal with violent crimes occurring every day on premises but one single incident concerning a poker room and it's time to "shut it down" to keep us safe. Completely disregarding that if you had legalized poker this entire situation could have been avoided. The act of playing cards doesn't envoke violence. The absence of law enforcement does. If you had legalized then they would not be running illegally and could possibly have avoided this incident. But please step in and be the hero to shut down the act of playing cards. There HUNDREDS of card rooms running peacefully daily but now you get to blame an incident for your cause. You make criminals of them all when they're generally good law abiding citizens. Ridiculous
4y Like Reply 17
Cara Mendelsohn
Everett Dorsey there are no liquor stores or strip clubs in D12.
4y Like Reply
Everett Dorsey
Cara Mendelsohn wow. Referring to the big picture here sweetheart but thanks for that. You really hit the nail on the head.
4y Like Reply 2
Everett Dorsey
Cara Mendelsohn the point is there are legal rooms running rn with no issue

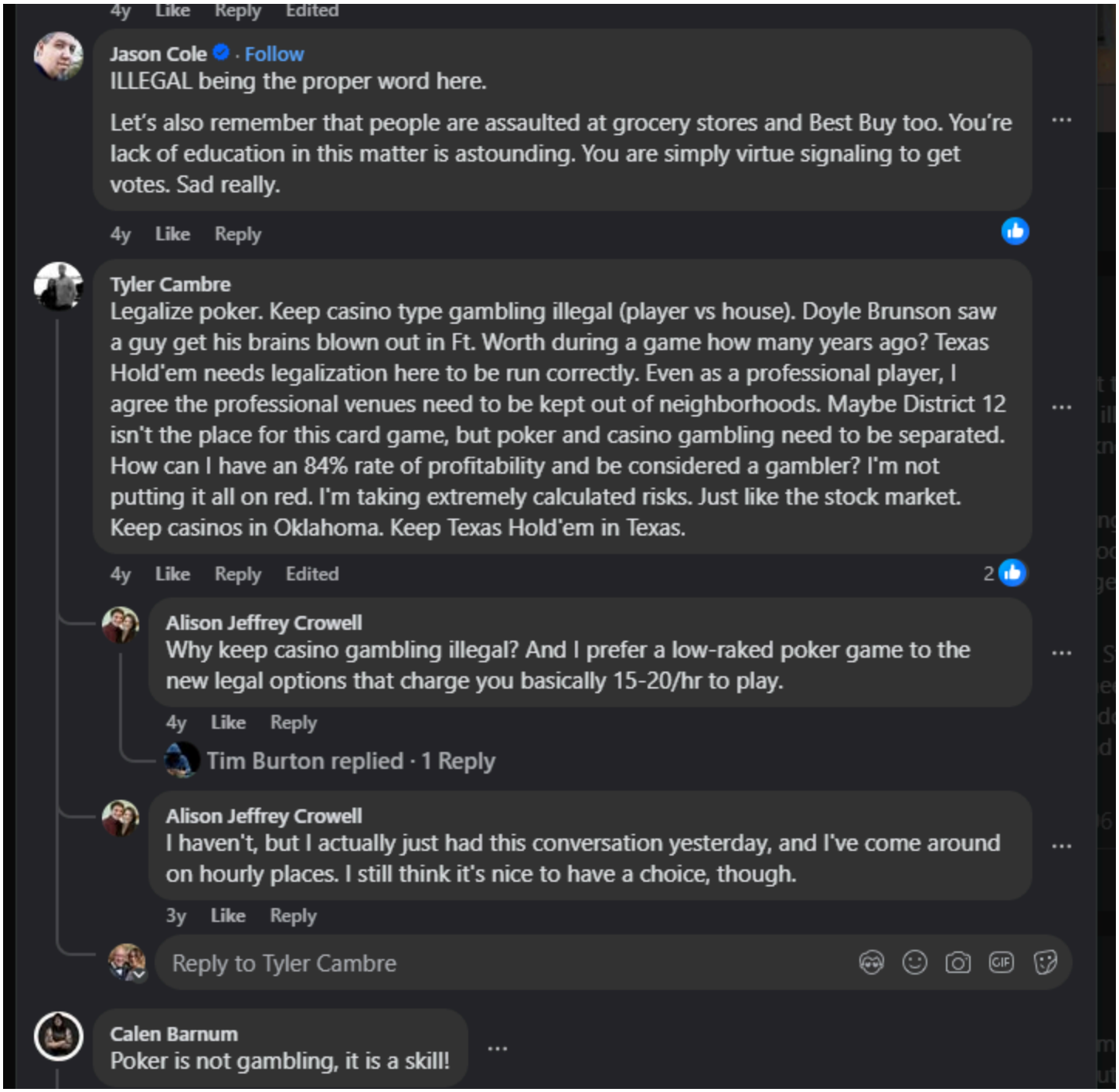

Cara Mendelsohn the point is there are legal rooms running in with no issue (Texas card house) and win star and Choctaw are open an hour away and y'all take this opportunity to rid citizens of their right to do what they want with their money bc you don't like it. That's the "because I said so" mentality of our elected officials. It's ridiculous.
4y Like Reply 5
Cara Mendelsohn
Everett Dorsey go ask your city council members in your city of Fort Worth to open a 24-hour poker room behind your home. Not welcome here. If you want legal gambling, talk to the state legislature.
4y Like Reply
Everett Dorsey
Cara Mendelsohn oh I can't. Too many like minded ignorant politicians who think they should be able to dictate how people live their lives over here. "Not welcome here" lmao there's a legal room 5 min from your district.
4y Like Reply 4
Nicole Keith
Cara Mendelsohn how long had the room been open for that dpd is just now finding out about it ?
4y Like Reply
Jarrod Burks
Cara Mendelsohn poker isn't gambling. I would love to debate you on this issue. Since you are here spreading lies and misinfo. Legal cardrooms are safe, and provide tax money to the city. Poker doesn't draw "crime or violence."
It's a huge lie that DPD was unaware of this club that's been running for years. They have been aware as this place has been raised and robbed many times...
The "underground" poker is what brings out the so called "crime" legalize and regulate it and the rooms will allowed to advertise and get legal security and police presence and the crime vanishes..

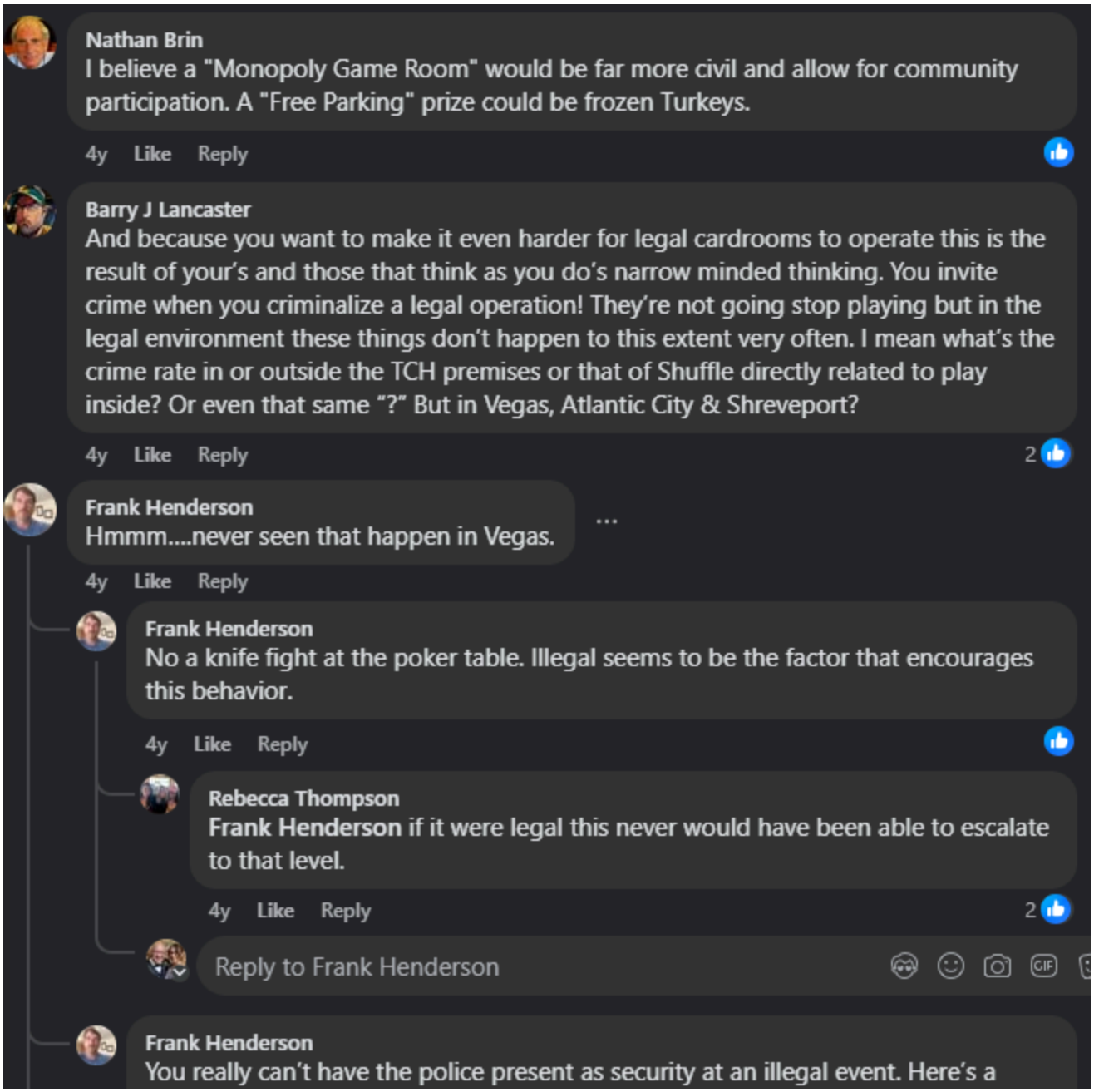

See tch and the total police calls. See other legal cardrooms and the "crime rates" they are virtually nonexistent
4y Like Reply 8
Jarrod Burks
Nicole Brown she's lying that room has been scattered around dfw for years and DPD is aware. Don't let her lies fool ypu
4y Like Reply 2
Everett Dorsey
Jarrod Burks thanks. Friend.
4y Like Reply
Nicole Keith
Jarrod Burks they aren't fooling me I assure you. The pure absurdity of her entire post makes me believe she should've gone into writing with how wild the accusations are. I'm not sure if the statistical evidence but I wouldn't hesitate to say that you'd have just as much misfortune if not more walking into a convenient store or Walmart. However that's my personal opinion certainly don't want her to try and shut all of those down as well.
4y Like Reply 2
Claudia Muniz Statman
Everett Dorsey It is very simple, the vast majority of the neighbors are opposing to it. Try to open one in your neighborhood.
4y Like Reply
Everett Dorsey
Claudia Muniz Statman 2 things. 1 that isn't true. 2. You're correct. It is simple, this country is a constitutional republic founded on the protection of people's rights. Not a democracy. We have a democratic process that has slowly bullied people into taking their rights away from them. If I want to open a business it's my right to do so, none of your damn business. And if you think I'm wrong go ahead and ask the people of Arlington how they felt about the cowboys stadium kicking out tens of thousands of people. The

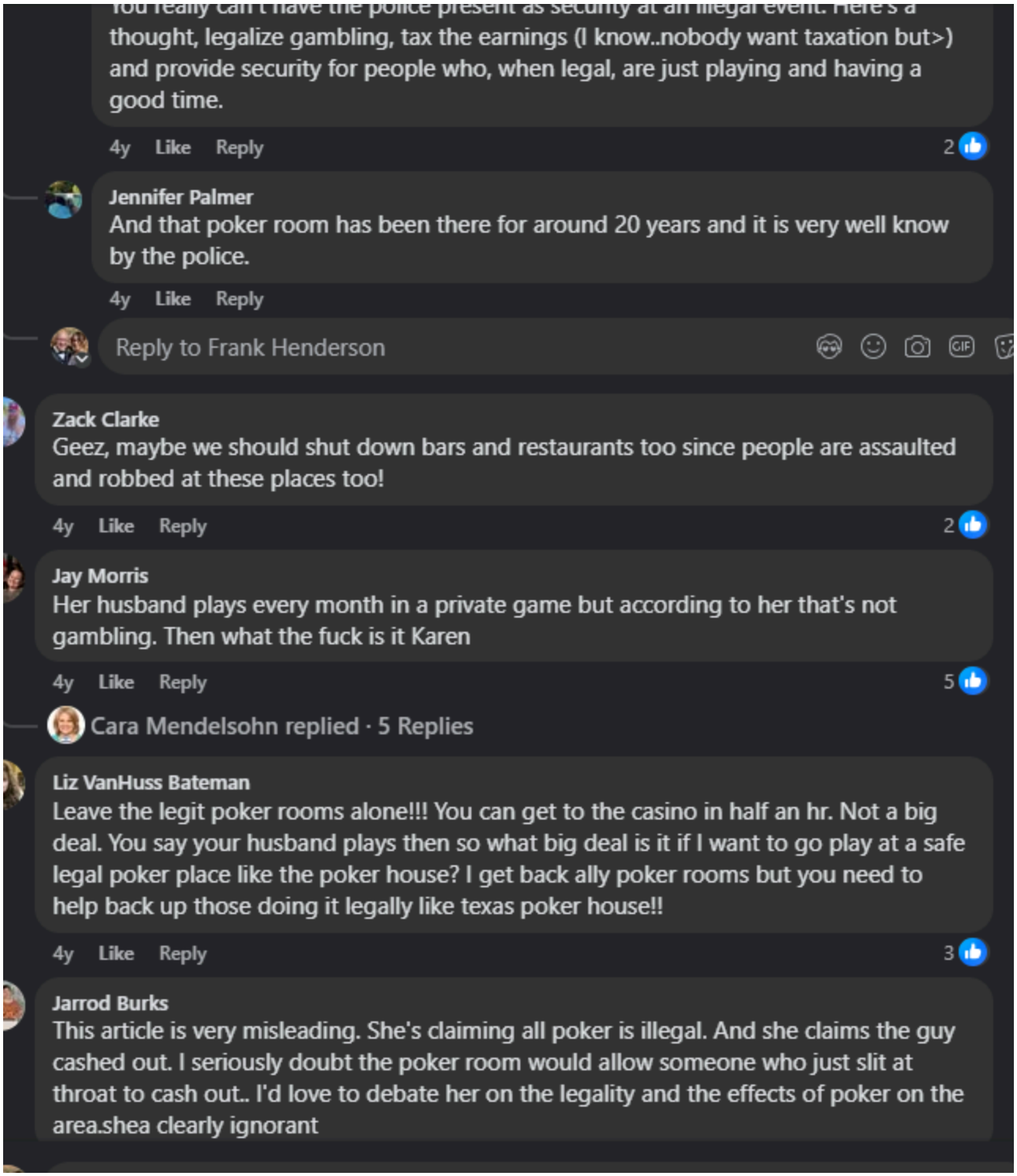

"vast majority" didn't want that shit either. Yet they got it anyway so save me that bs
4y Like Reply
Claudia Muniz Statman
Everett Dorsey I am telling you the majority of the people that live in the neighborhood don't want them here . Over 700 signatures were collected . Open one next to your home or not . I don't care .
4y Like Reply 2
Everett Dorsey
Claudia Muniz Statman and I am telling you your reverse imminent domain argument is retarded. Didn't ask for your opinion. Yet you gave it to me anyway
4y Like Reply
Tj Mcmillan
Claudia Muniz Statman like Everett said earlier there is no evidence anywhere that cardrooms increase violence or criminal acts....700 signatures are not alot of signatures... " the good ol boy mentality" ..you don't want them therefore everyone else is wrong.
4y Like Reply Edited
Liz VanHuss Bateman
Claudia Muniz Statman give me a break. I didn't want a McDonald's or 3 oil changing shops right behind my house either but no one asked me. A cleanly run poker room like texas card house isn't anymore busy then your local ROSS department store and probably has 90% less crime. Stop your holier than thou attitude and believe you speak for others. You are wanting to kill city income, employees income and other peoples right to gather and enjoy. Get a grip.
4y Like Reply
Liz VanHuss Bateman
Claudia Muniz Statman wow 700 whole signatures. please. Look at all the

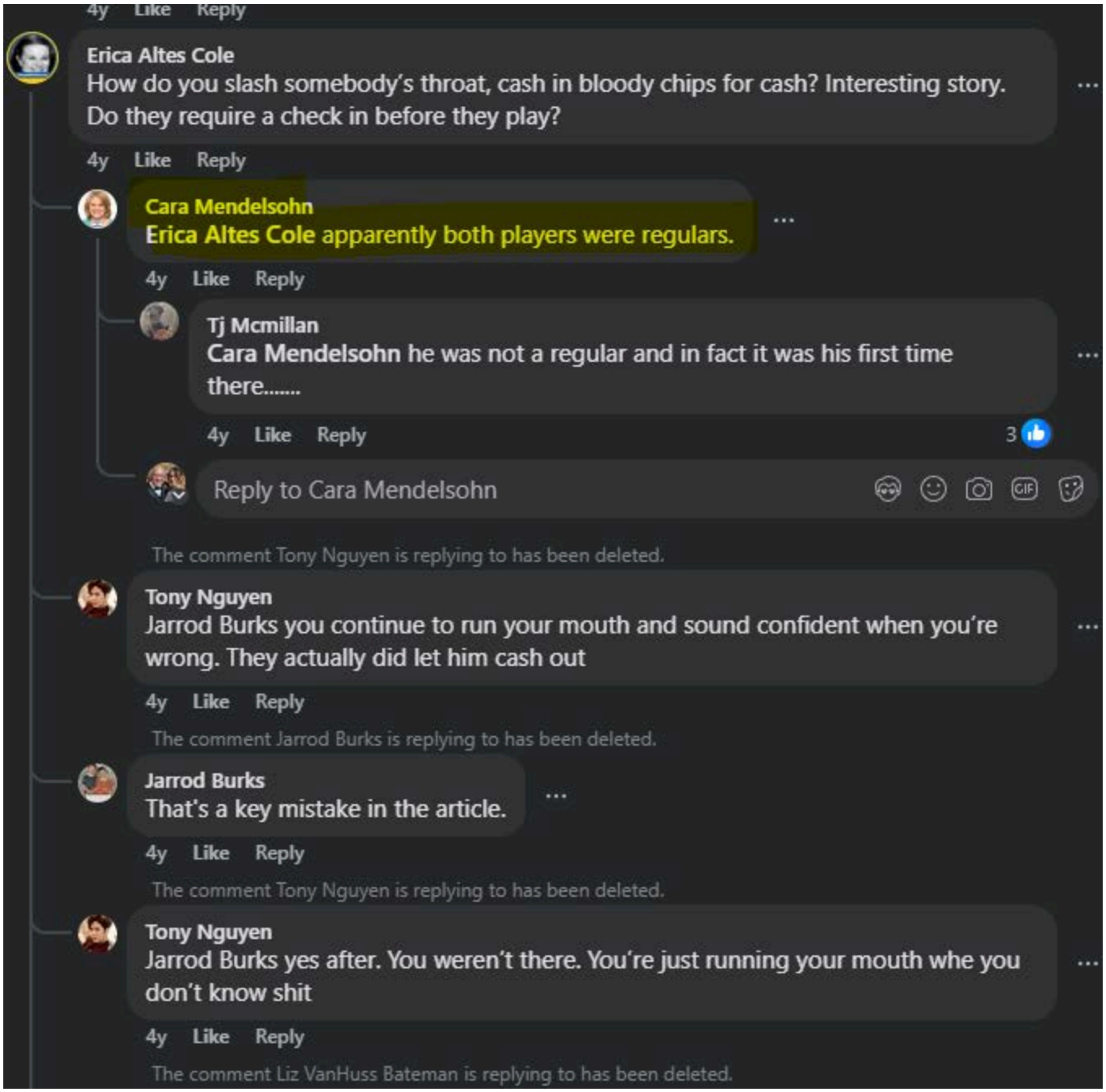

Claudia Muniz Statman wow 700 whole signatures. 🤣 please. Look at all the crime in Thackerville....wait 🤔
4y Like Reply
Liz VanHuss Bateman
Cara Mendelsohn what makes D12 so special? There are no restaurants serving booze or that have bars? Have you seen texas card house in person. They are very nice. Nice people. Professional. Not all cloak and dagger. And you know it's crap that no one knew about this place until now. More like no one wants to do anything about stupid things when people have real problems.
4y Like Reply
MC Dorsey
Everett Dorsey you have definitely made a lot of valid points worth noting.. 😊
4y Like Reply
MC Dorsey
Cara Mendelsohn have you walked or been inside Texas Card House to fully understand what and how a legal card room is operated? My guess is, you would be very highly surprised...
If you haven't, then you are truly making a decision without all the facts or a witness to ask the facts. Or even watched their live stream on YouTube...
But then again, I understand your close minded thinking because you're making your decision on non experience that you have regarding serious Poker.
4y Like Reply
Cara Mendelsohn for Dallas City Council 12
Liz VanHuss Bateman yes, I was noticing how "nice" you and your card house friends are. Lovely comments above to Claudia.
4y Like Reply
Jarrod Burks
Cara Mendelsohn for Dallas City Council 12 did you also notice the comments calling out the misinformation in your statements? As well as your

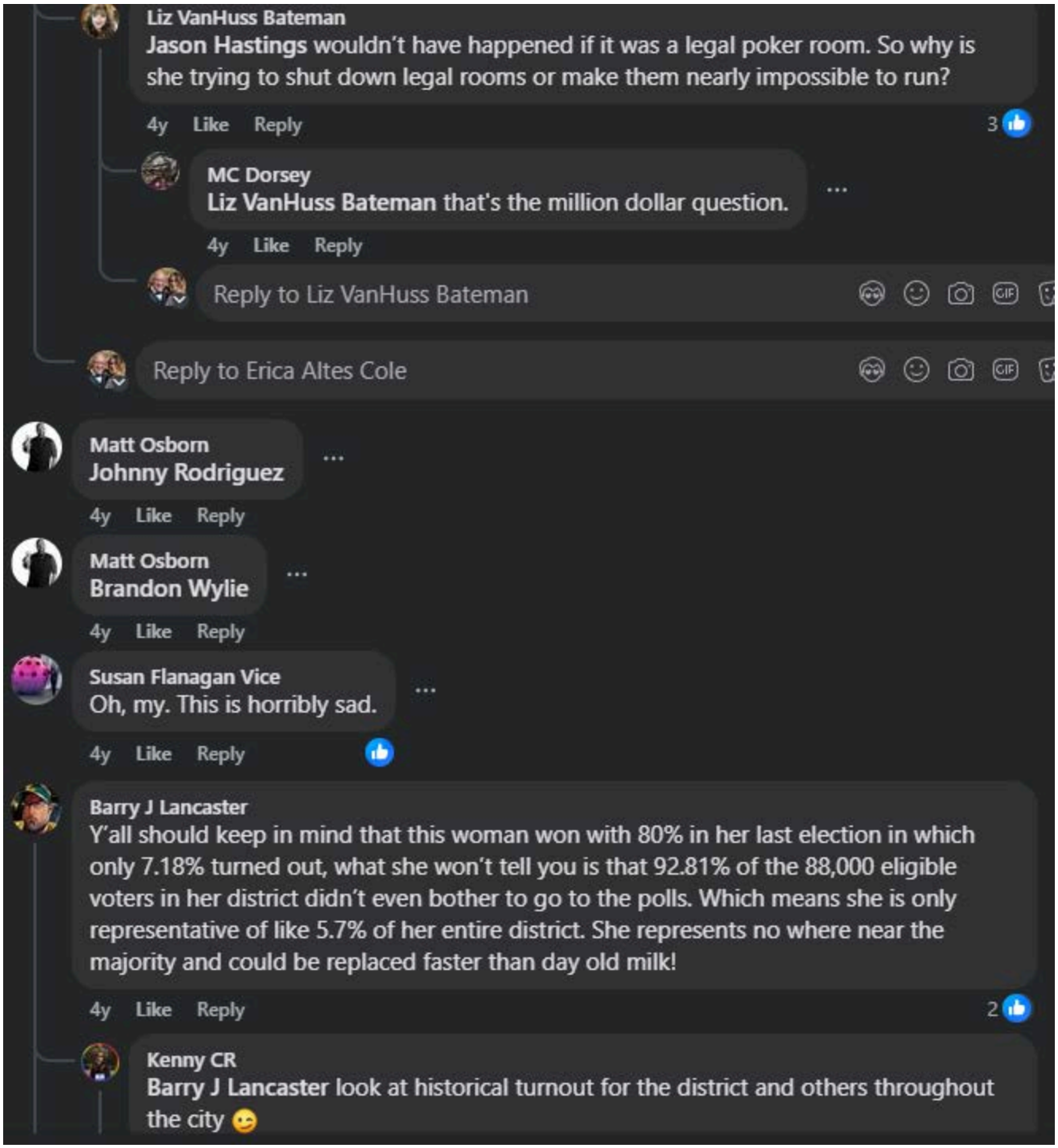

comments calling out the misinformation in your statements? As well as your hypocrisy on "your husband plays" but it's not gambling?
4y Like Reply
Tim Burton
Nicole Keith over 20 years and DPD has known for most of those years.
3y Like Reply
Nicole Keith
Tim Burton I'm aware of that
3y Like Reply
Reply to Cara Mendelsohn
Ben Meine
Cara Mendelsohn for Dallas City Council 12 can't change her course over debate because she's just got to be getting donations from Choctaw and Winstar.
4y Like Reply
Jeremy Rausch
Cara Mendelsohn have you taken any money from the winstar or Choctaw lobbyists?
3y Like Reply
Reply to Ben Meine
Reply to Everett Dorsey
Curtis Smith
You are ignorant
4y Like Reply
George X Rodriguez
Cara Mendelsohn's blanket judgment is so full of faulty reasoning that it baffles a clear response...
4y Like Reply Edited

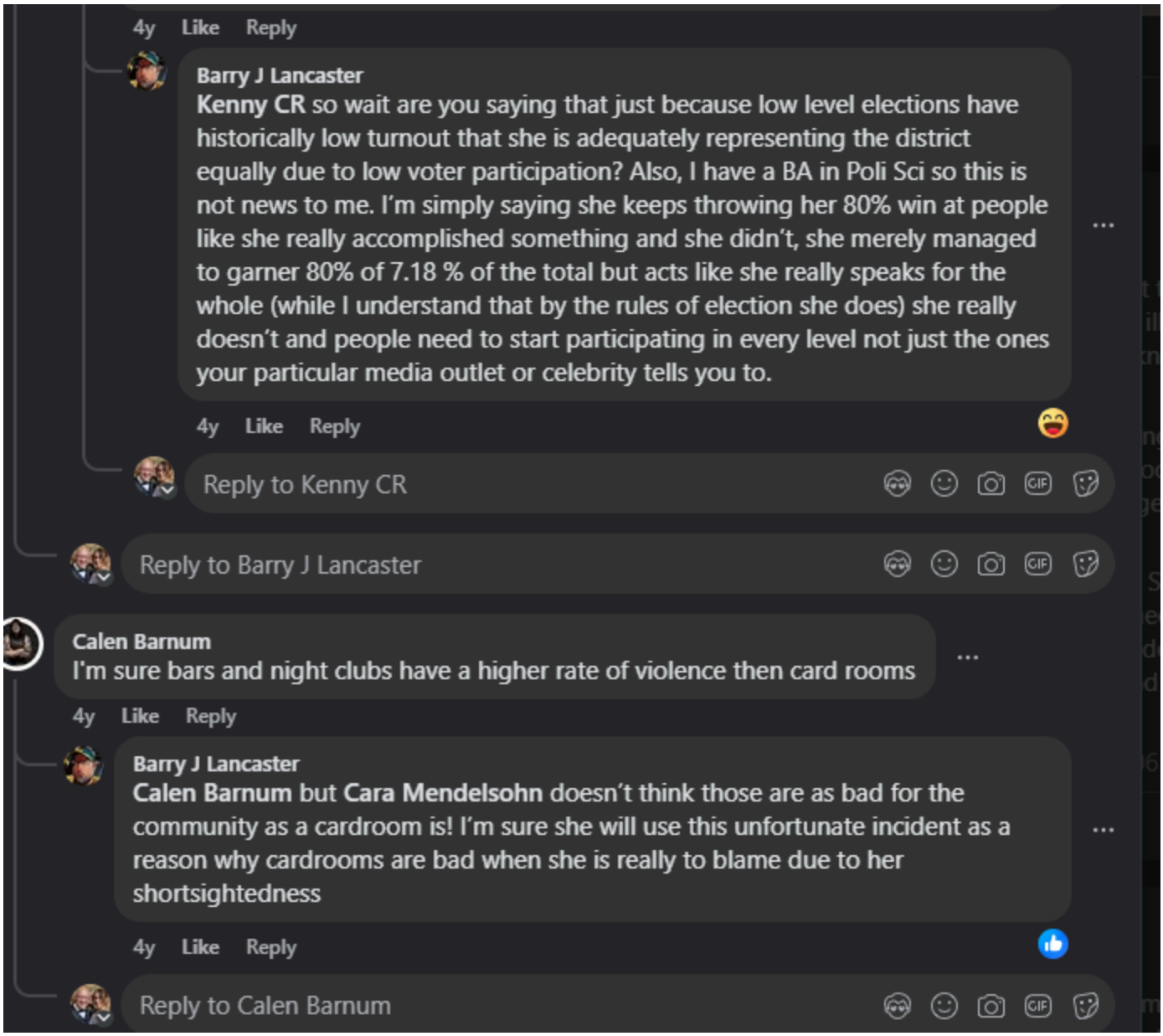

4y Like Reply Edited
Jason Cole · Follow
ILLEGAL being the proper word here.
Let's also remember that people are assaulted at grocery stores and Best Buy too. You're lack of education in this matter is astounding. You are simply virtue signaling to get votes. Sad really.
4y Like Reply
Tyler Cambre
Legalize poker. Keep casino type gambling illegal (player vs house). Doyle Brunson saw a guy get his brains blown out in Ft. Worth during a game how many years ago? Texas Hold'em needs legalization here to be run correctly. Even as a professional player, I agree the professional venues need to be kept out of neighborhoods. Maybe District 12 isn't the place for this card game, but poker and casino gambling need to be separated. How can I have an 84% rate of profitability and be considered a gambler? I'm not putting it all on red. I'm taking extremely calculated risks. Just like the stock market. Keep casinos in Oklahoma. Keep Texas Hold'em in Texas.
4y Like Reply Edited 2
Alison Jeffrey Crowell
Why keep casino gambling illegal? And I prefer a low-raked poker game to the new legal options that charge you basically 15-20/hr to play.
4y Like Reply
Tim Burton replied · 1 Reply
Alison Jeffrey Crowell
I haven't, but I actually just had this conversation yesterday, and I've come around on hourly places. I still think it's nice to have a choice, though.
3y Like Reply
Reply to Tyler Cambre
Calen Barnum
Poker is not gambling, it is a skill!


Nathan Brin
I believe a "Monopoly Game Room" would be far more civil and allow for community participation. A "Free Parking" prize could be frozen Turkeys.
4y Like Reply
Barry J Lancaster
And because you want to make it even harder for legal cardrooms to operate this is the result of your's and those that think as you do's narrow minded thinking. You invite crime when you criminalize a legal operation! They're not going stop playing but in the legal environment these things don't happen to this extent very often. I mean what's the crime rate in or outside the TCH premises or that of Shuffle directly related to play inside? Or even that same "?" But in Vegas, Atlantic City & Shreveport?
4y Like Reply 2
Frank Henderson
Hmmm....never seen that happen in Vegas.
4y Like Reply
Frank Henderson
No a knife fight at the poker table. Illegal seems to be the factor that encourages this behavior.
4y Like Reply
Rebecca Thompson
Frank Henderson if it were legal this never would have been able to escalate to that level.
4y Like Reply 2
Reply to Frank Henderson
Frank Henderson
You really can't have the police present as security at an illegal event. Here's a


You really can't have the police present as security at an illegal event. Here's a thought, legalize gambling, tax the earnings (I know..nobody want taxation but>) and provide security for people who, when legal, are just playing and having a good time.
4y Like Reply 2
Jennifer Palmer
And that poker room has been there for around 20 years and it is very well know by the police.
4y Like Reply
Reply to Frank Henderson
Zack Clarke
Geez, maybe we should shut down bars and restaurants too since people are assaulted and robbed at these places too!
4y Like Reply 2
Jay Morris
Her husband plays every month in a private game but according to her that's not gambling. Then what the fuck is it Karen
4y Like Reply 5
Cara Mendelsohn replied · 5 Replies
Liz VanHuss Bateman
Leave the legit poker rooms alone!!! You can get to the casino in half an hr. Not a big deal. You say your husband plays then so what big deal is it if I want to go play at a safe legal poker place like the poker house? I get back ally poker rooms but you need to help back up those doing it legally like texas poker house!!
4y Like Reply 3
Jarrod Burks
This article is very misleading. She's claiming all poker is illegal. And she claims the guy cashed out. I seriously doubt the poker room would allow someone who just slit at throat to cash out.. I'd love to debate her on the legality and the effects of poker on the area.shea clearly ignorant


4y Like Reply
Erica Altes Cole
How do you slash somebody's throat, cash in bloody chips for cash? Interesting story. Do they require a check in before they play?
4y Like Reply
Cara Mendelsohn
Erica Altes Cole apparently both players were regulars.
4y Like Reply
Tj Mcmillan
Cara Mendelsohn he was not a regular and in fact it was his first time there.....
4y Like Reply 3
Reply to Cara Mendelsohn
The comment Tony Nguyen is replying to has been deleted.
Tony Nguyen
Jarrod Burks you continue to run your mouth and sound confident when you're wrong. They actually did let him cash out
4y Like Reply
The comment Jarrod Burks is replying to has been deleted.
Jarrod Burks
That's a key mistake in the article.
4y Like Reply
The comment Tony Nguyen is replying to has been deleted.
Tony Nguyen
Jarrod Burks yes after. You weren't there. You're just running your mouth whe you don't know shit
4y Like Reply
The comment Liz VanHuss Bateman is replying to has been deleted.


Liz VanHuss Bateman
Jason Hastings wouldn't have happened if it was a legal poker room. So why is she trying to shut down legal rooms or make them nearly impossible to run?
4y Like Reply 3
MC Dorsey
Liz VanHuss Bateman that's the million dollar question.
4y Like Reply
Reply to Liz VanHuss Bateman
Reply to Erica Altes Cole
Matt Osborn
Johnny Rodriguez
4y Like Reply
Matt Osborn
Brandon Wylie
4y Like Reply
Susan Flanagan Vice
Oh, my. This is horribly sad.
4y Like Reply
Barry J Lancaster
Y'all should keep in mind that this woman won with 80% in her last election in which only 7.18% turned out, what she won't tell you is that 92.81% of the 88,000 eligible voters in her district didn't even bother to go to the polls. Which means she is only representative of like 5.7% of her entire district. She represents no where near the majority and could be replaced faster than day old milk!
4y Like Reply 2
Kenny CR
Barry J Lancaster look at historical turnout for the district and others throughout the city



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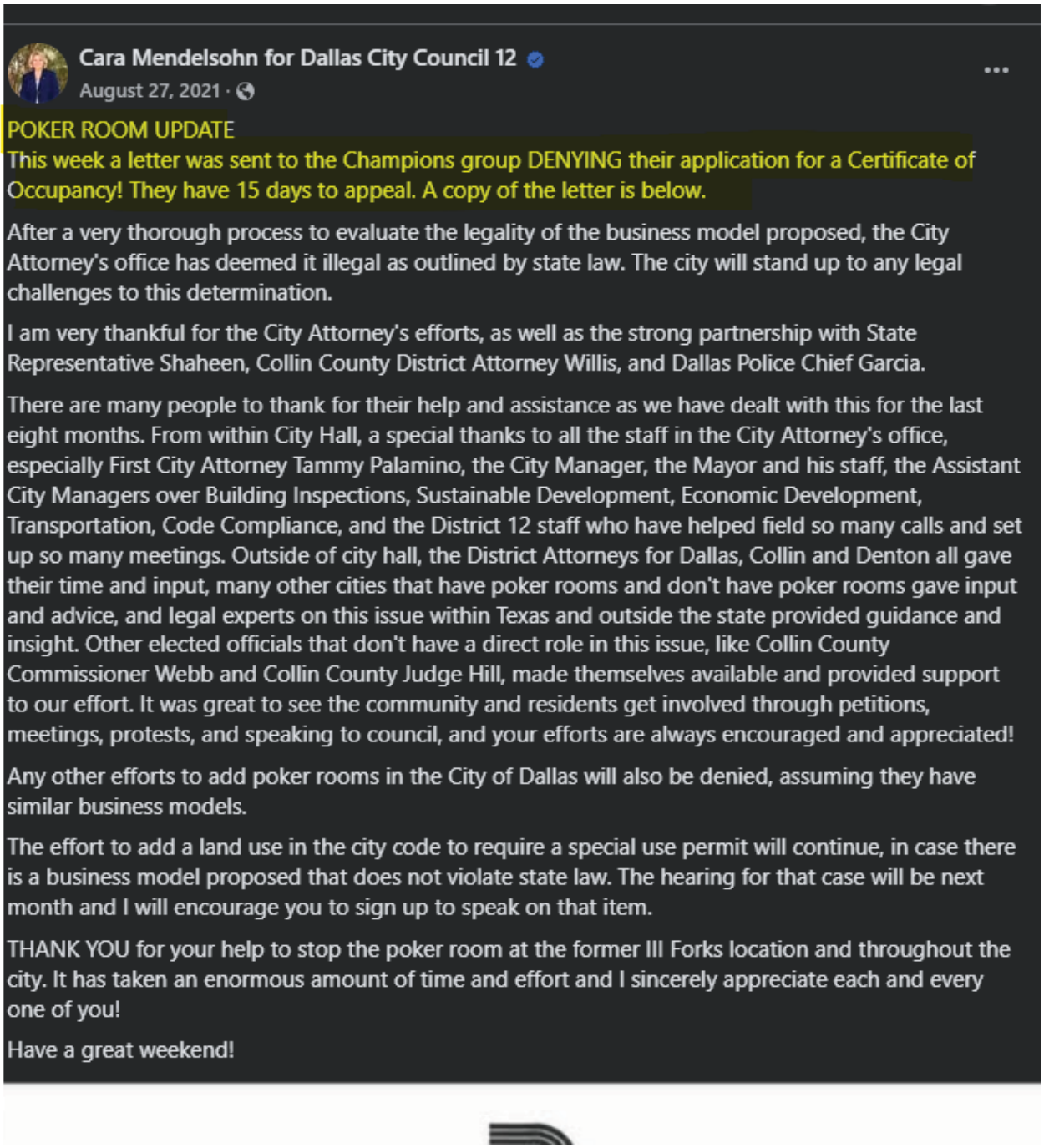


Cara Mendelsohn for Dallas City Council 12

August 27, 2021 ·

POKER ROOM UPDATE

This week a letter was sent to the Champions group DENYING their application for a Certificate of Occupancy! They have 15 days to appeal. A copy of the letter is below.

After a very thorough process to evaluate the legality of the business model proposed, the City Attorney's office has deemed it illegal as outlined by state law. The city will stand up to any legal challenges to this determination.

I am very thankful for the City Attorney's efforts, as well as the strong partnership with State Representative Shaheen, Collin County District Attorney Willis, and Dallas Police Chief Garcia.

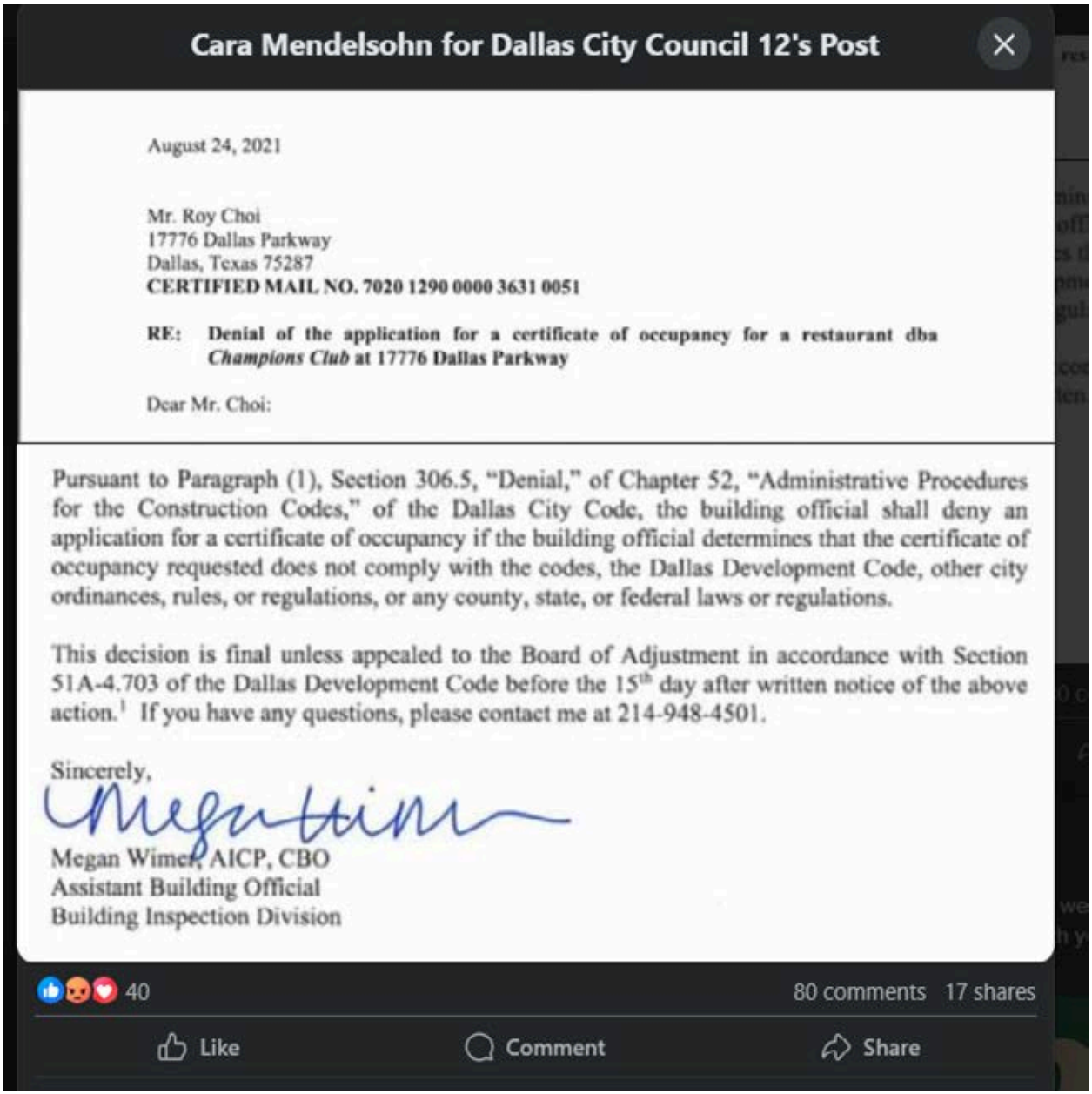
There are many people to thank for their help and assistance as we have dealt with this for the last eight months. From within City Hall, a special thanks to all the staff in the City Attorney's office, especially First City Attorney Tammy Palamino, the City Manager, the Mayor and his staff, the Assistant City Managers over Building Inspections, Sustainable Development, Economic Development, Transportation, Code Compliance, and the District 12 staff who have helped field so many calls and set up so many meetings. Outside of city hall, the District Attorneys for Dallas, Collin and Denton all gave their time and input, many other cities that have poker rooms and don't have poker rooms gave input and advice, and legal experts on this issue within Texas and outside the state provided guidance and insight. Other elected officials that don't have a direct role in this issue, like Collin County Commissioner Webb and Collin County Judge Hill, made themselves available and provided support to our effort. It was great to see the community and residents get involved through petitions, meetings, protests, and speaking to council, and your efforts are always encouraged and appreciated!

Any other efforts to add poker rooms in the City of Dallas will also be denied, assuming they have similar business models.

The effort to add a land use in the city code to require a special use permit will continue, in case there is a business model proposed that does not violate state law. The hearing for that case will be next month and I will encourage you to sign up to speak on that item.

THANK YOU for your help to stop the poker room at the former III Forks location and throughout the city. It has taken an enormous amount of time and effort and I sincerely appreciate each and every one of you!

Have a great weekend!



Cara Mendelsohn for Dallas City Council 12's Post

August 24, 2021

Mr. Roy Choi
17776 Dallas Parkway
Dallas, Texas 75287
CERTIFIED MAIL NO. 7020 1290 0000 3631 0051

RE: Denial of the application for a certificate of occupancy for a restaurant dba *Champions Club* at 17776 Dallas Parkway

Dear Mr. Choi:

Pursuant to Paragraph (1), Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

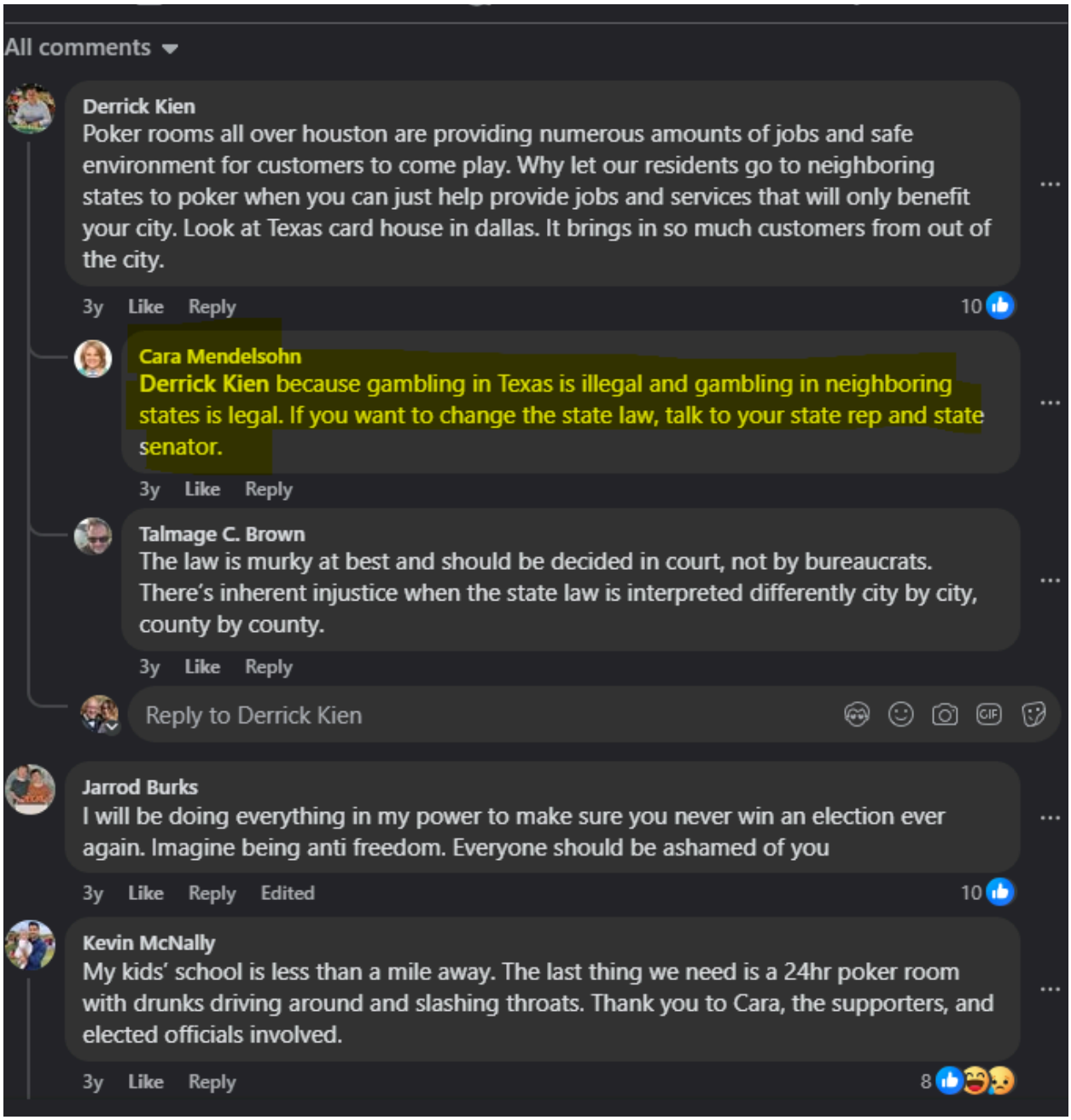
This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 15th day after written notice of the above action.[1] If you have any questions, please contact me at 214-948-4501.

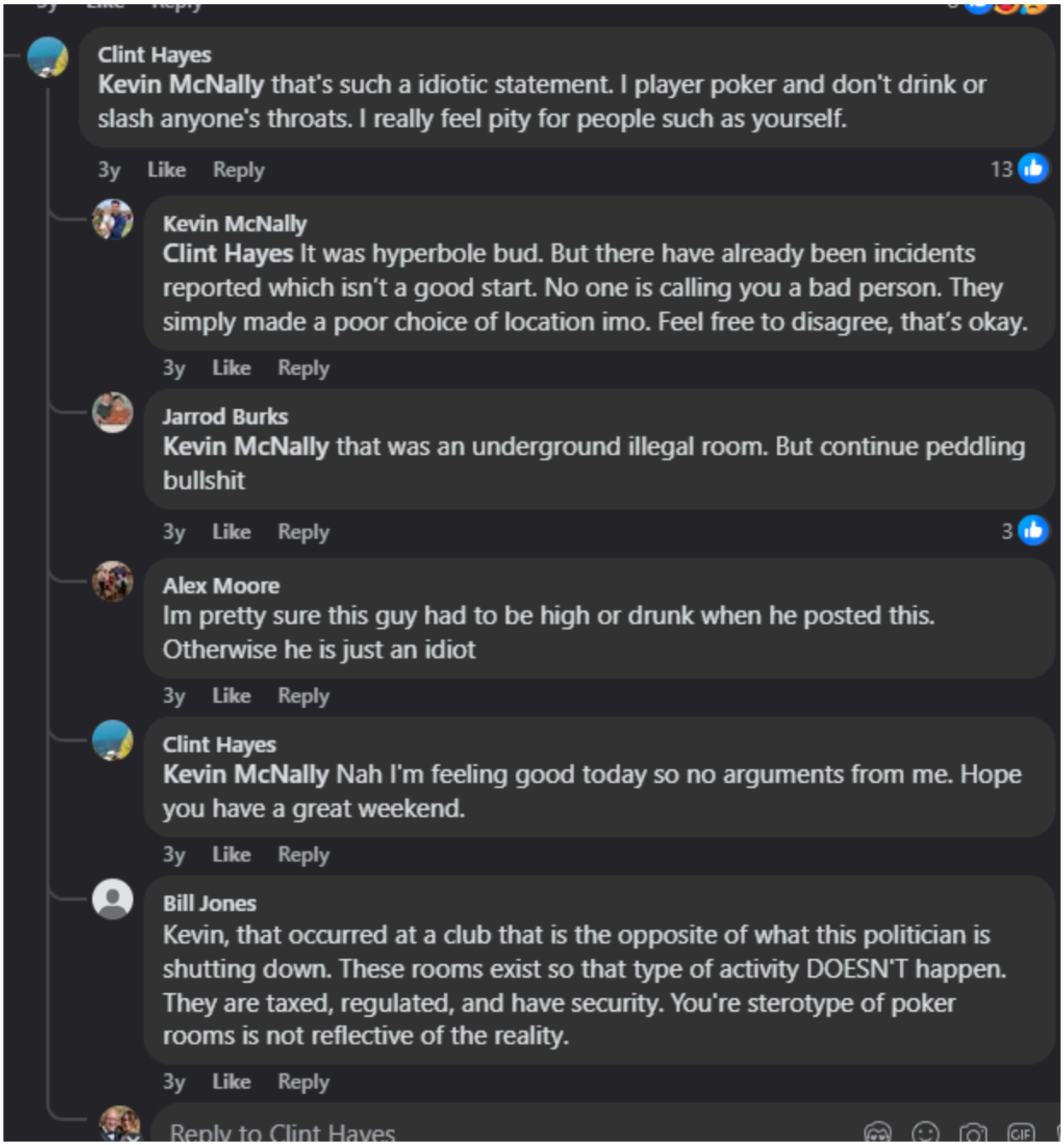
Sincerely,

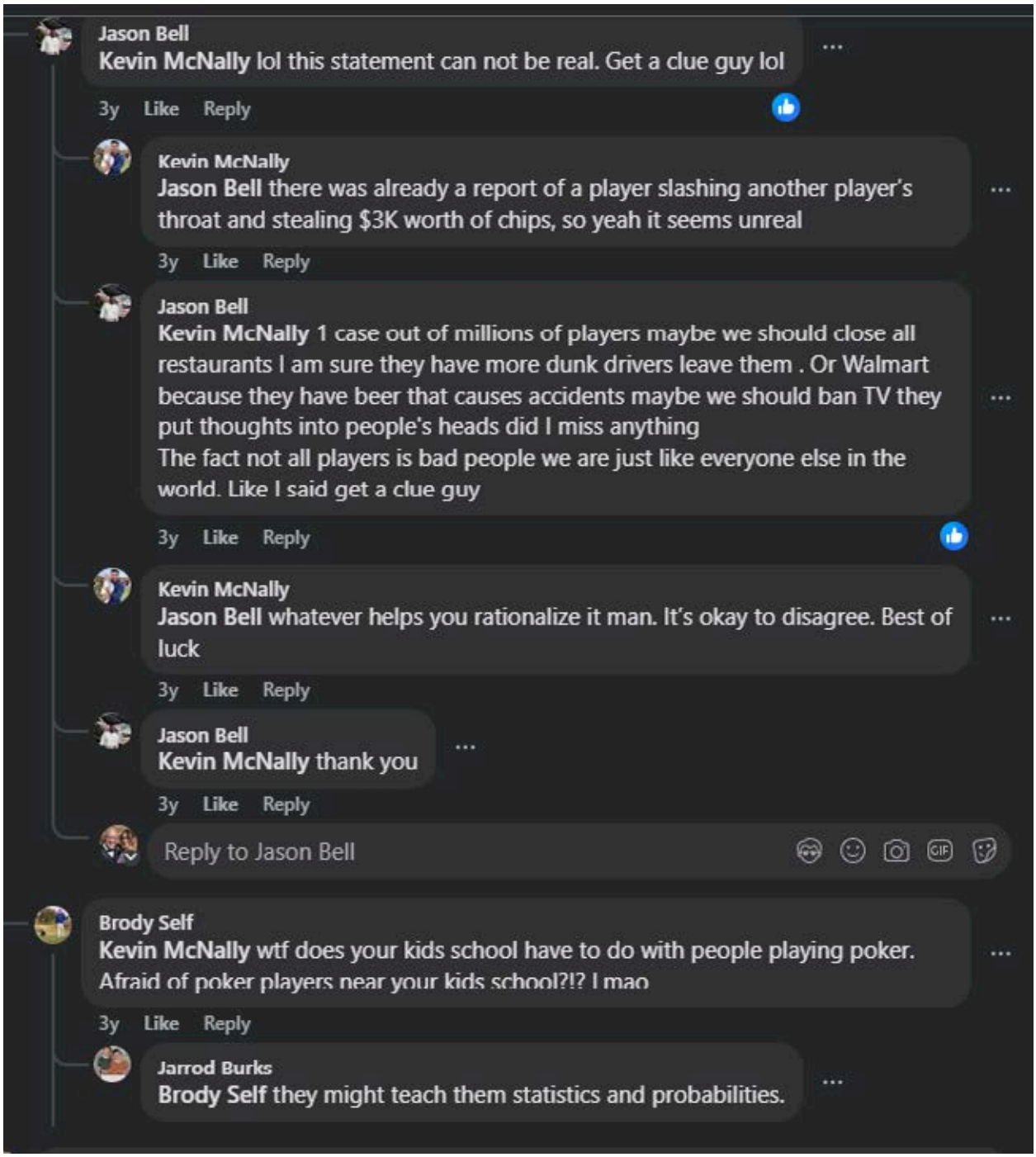
Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

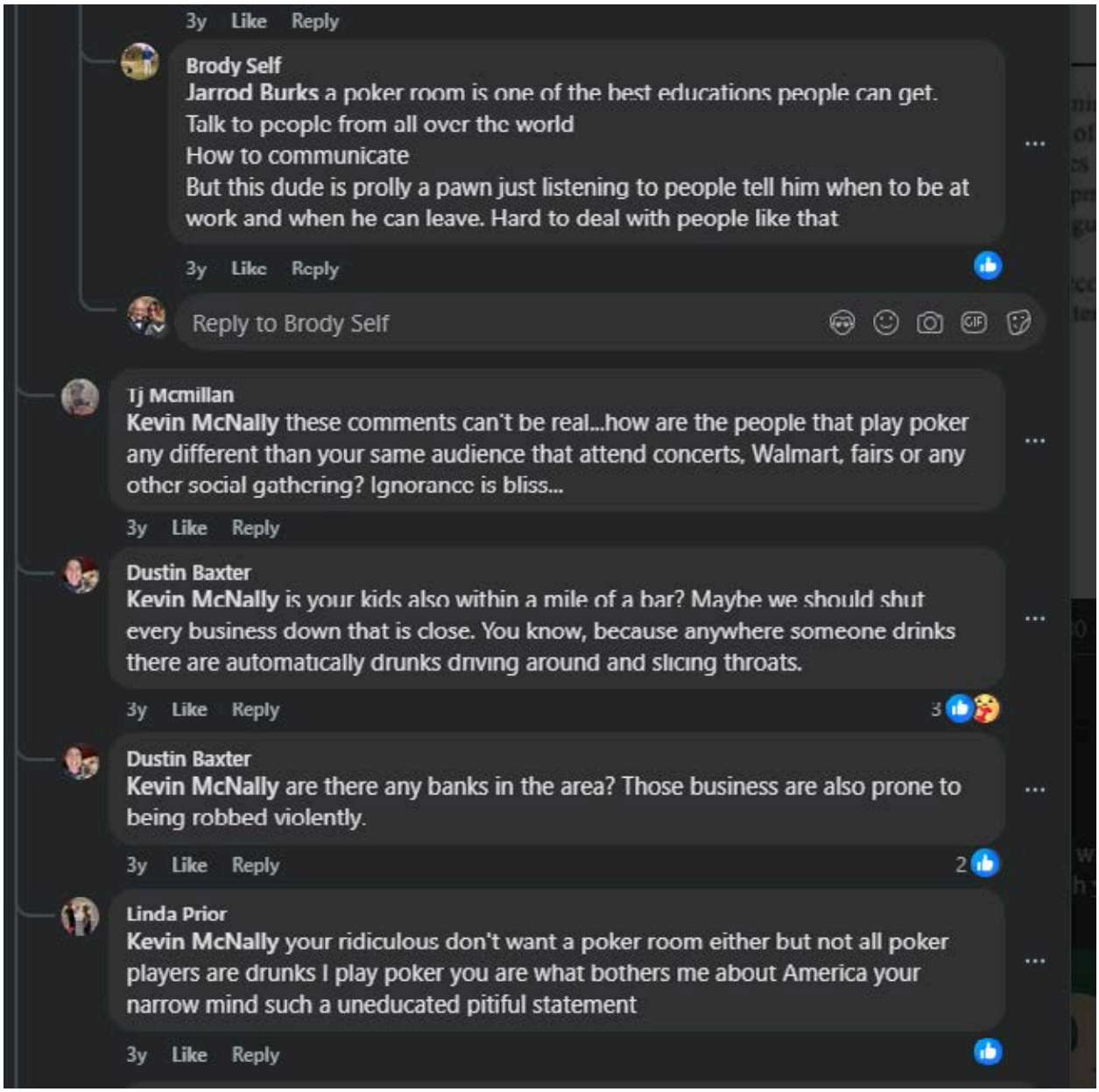
40 80 comments 17 shares

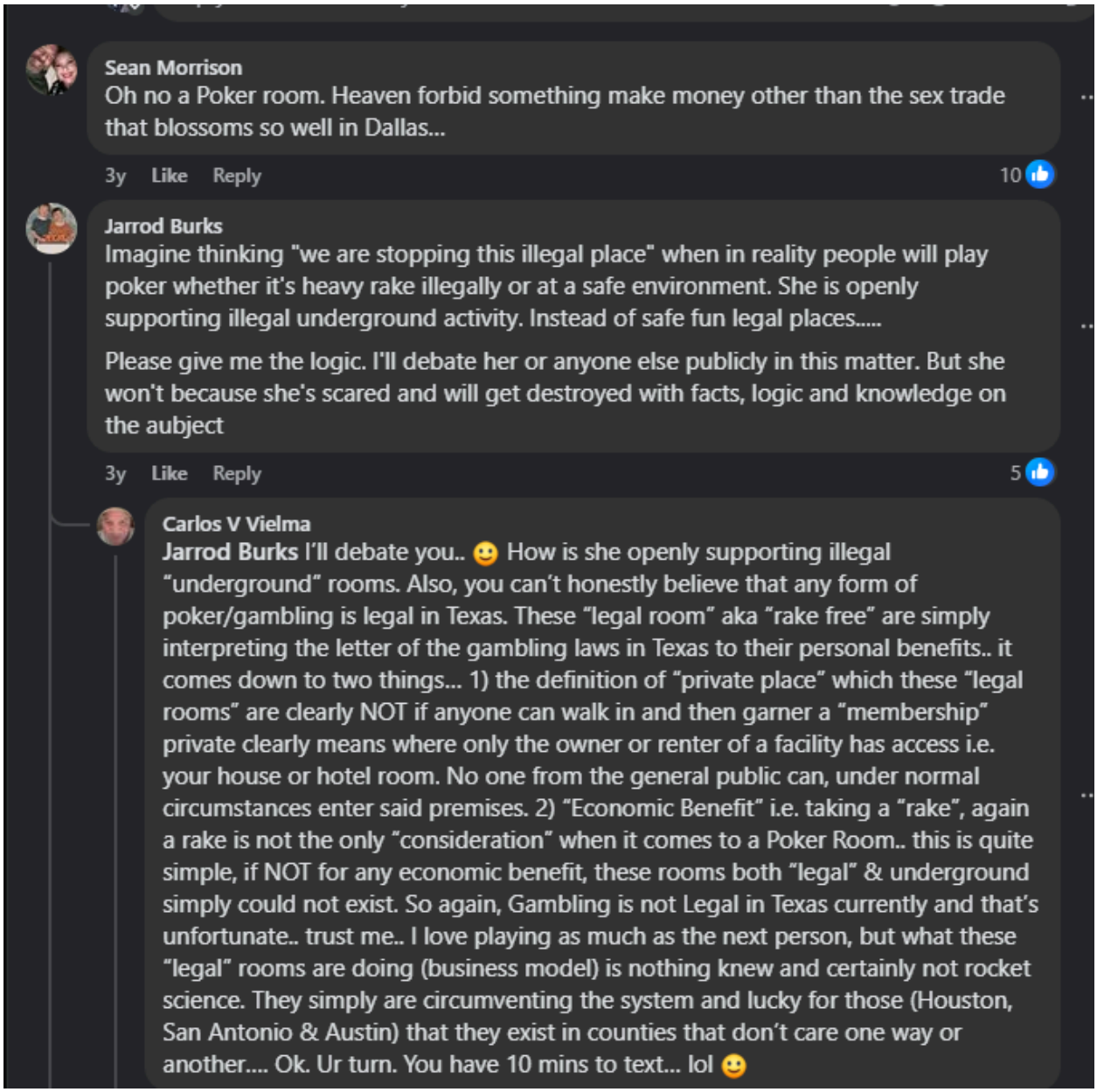
Like Comment Share

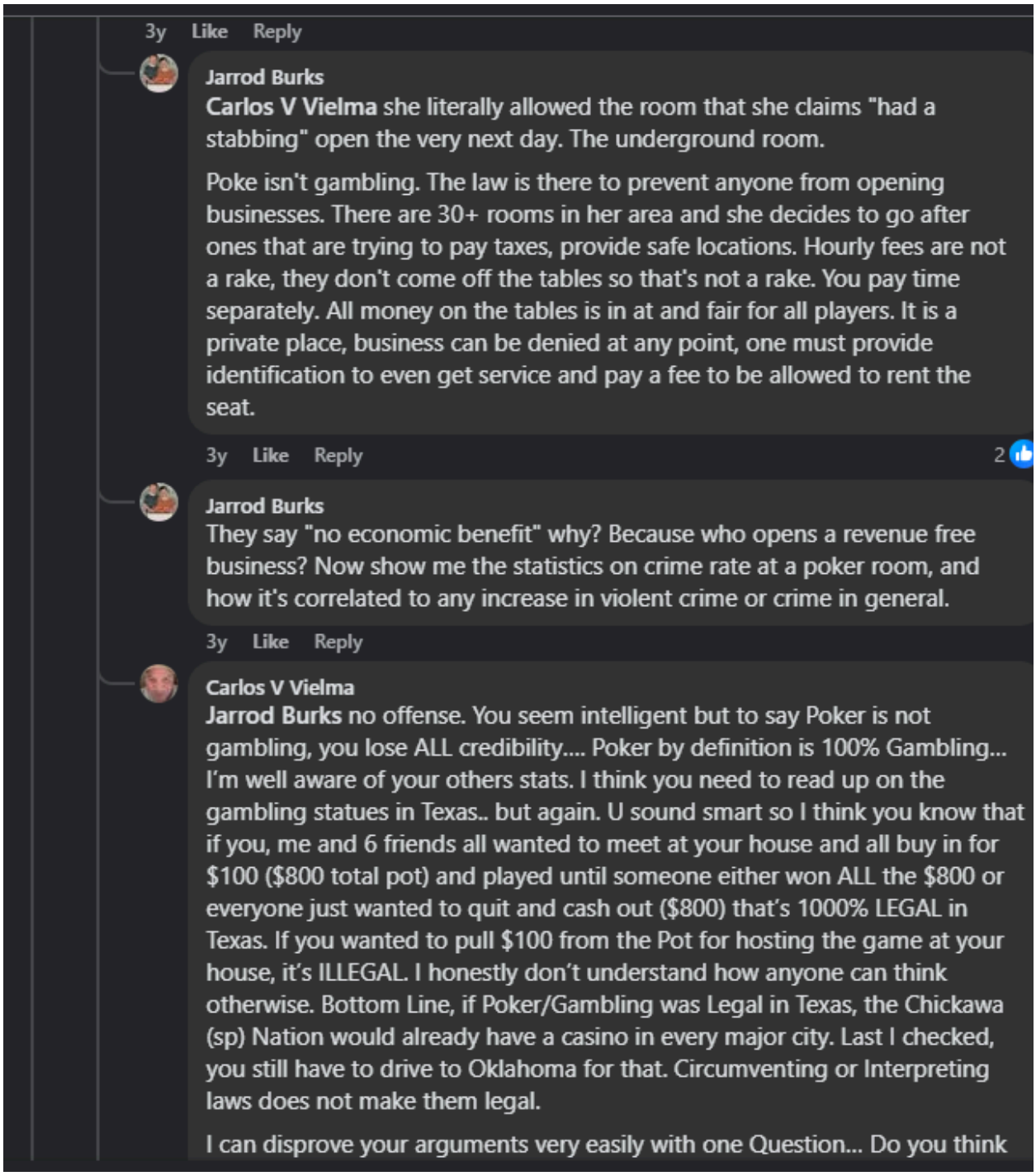

All comments
Derrick Kien
Poker rooms all over houston are providing numerous amounts of jobs and safe environment for customers to come play. Why let our residents go to neighboring states to poker when you can just help provide jobs and services that will only benefit your city. Look at Texas card house in dallas. It brings in so much customers from out of the city.
3y Like Reply 10
Cara Mendelsohn
Derrick Kien because gambling in Texas is illegal and gambling in neighboring states is legal. If you want to change the state law, talk to your state rep and state senator.
3y Like Reply
Talmage C. Brown
The law is murky at best and should be decided in court, not by bureaucrats. There's inherent injustice when the state law is interpreted differently city by city, county by county.
3y Like Reply
Reply to Derrick Kien
Jarrod Burks
I will be doing everything in my power to make sure you never win an election ever again. Imagine being anti freedom. Everyone should be ashamed of you
3y Like Reply Edited 10
Kevin McNally
My kids' school is less than a mile away. The last thing we need is a 24hr poker room with drunks driving around and slashing throats. Thank you to Cara, the supporters, and elected officials involved.
3y Like Reply 8

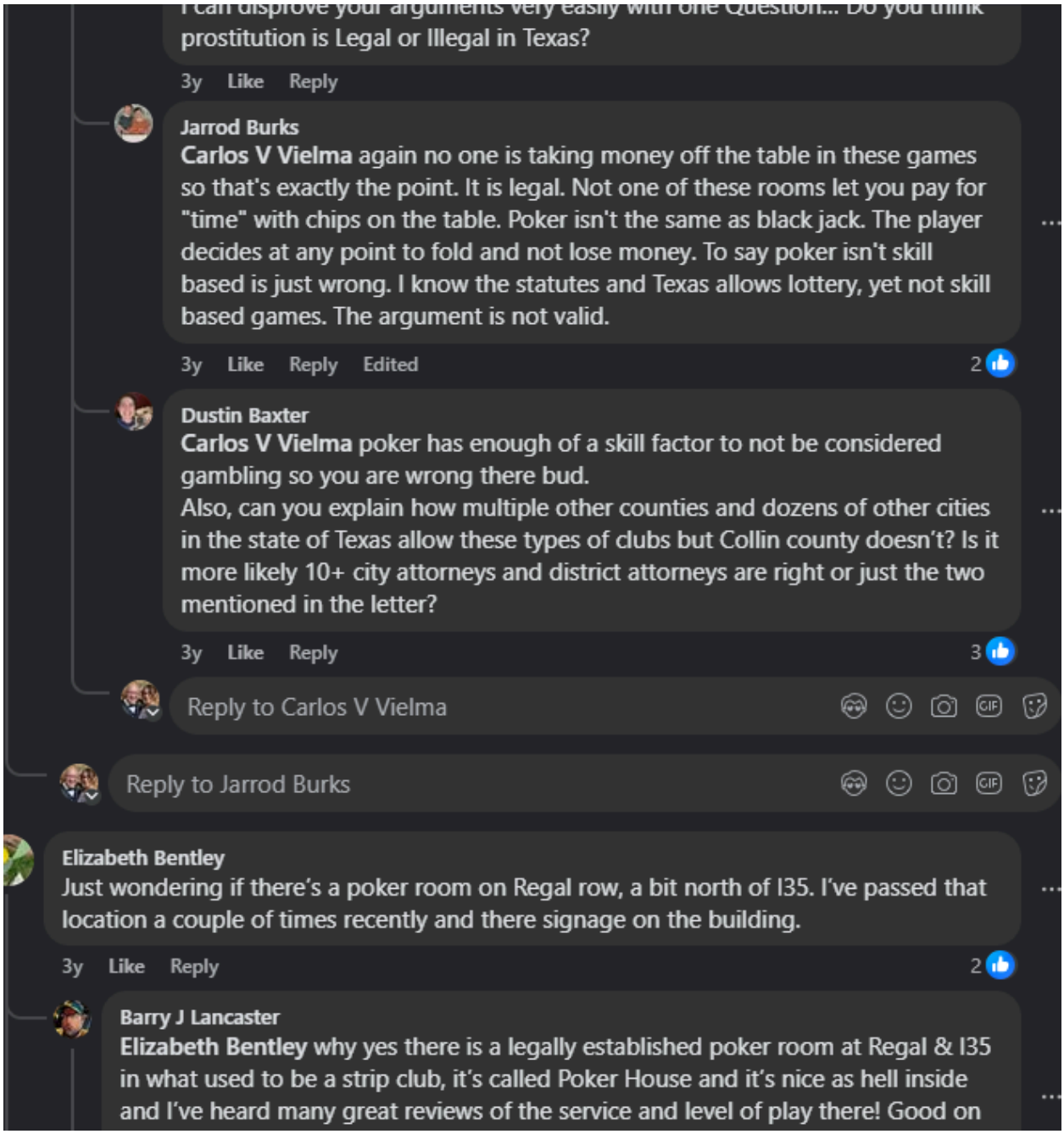

Clint Hayes
Kevin McNally that's such a idiotic statement. I player poker and don't drink or slash anyone's throats. I really feel pity for people such as yourself.
3y Like Reply 13
Kevin McNally
Clint Hayes It was hyperbole bud. But there have already been incidents reported which isn't a good start. No one is calling you a bad person. They simply made a poor choice of location imo. Feel free to disagree, that's okay.
3y Like Reply
Jarrod Burks
Kevin McNally that was an underground illegal room. But continue peddling bullshit
3y Like Reply 3
Alex Moore
Im pretty sure this guy had to be high or drunk when he posted this. Otherwise he is just an idiot
3y Like Reply
Clint Hayes
Kevin McNally Nah I'm feeling good today so no arguments from me. Hope you have a great weekend.
3y Like Reply
Bill Jones
Kevin, that occurred at a club that is the opposite of what this politician is shutting down. These rooms exist so that type of activity DOESN'T happen. They are taxed, regulated, and have security. You're sterotype of poker rooms is not reflective of the reality.
3y Like Reply
Reply to Clint Hayes

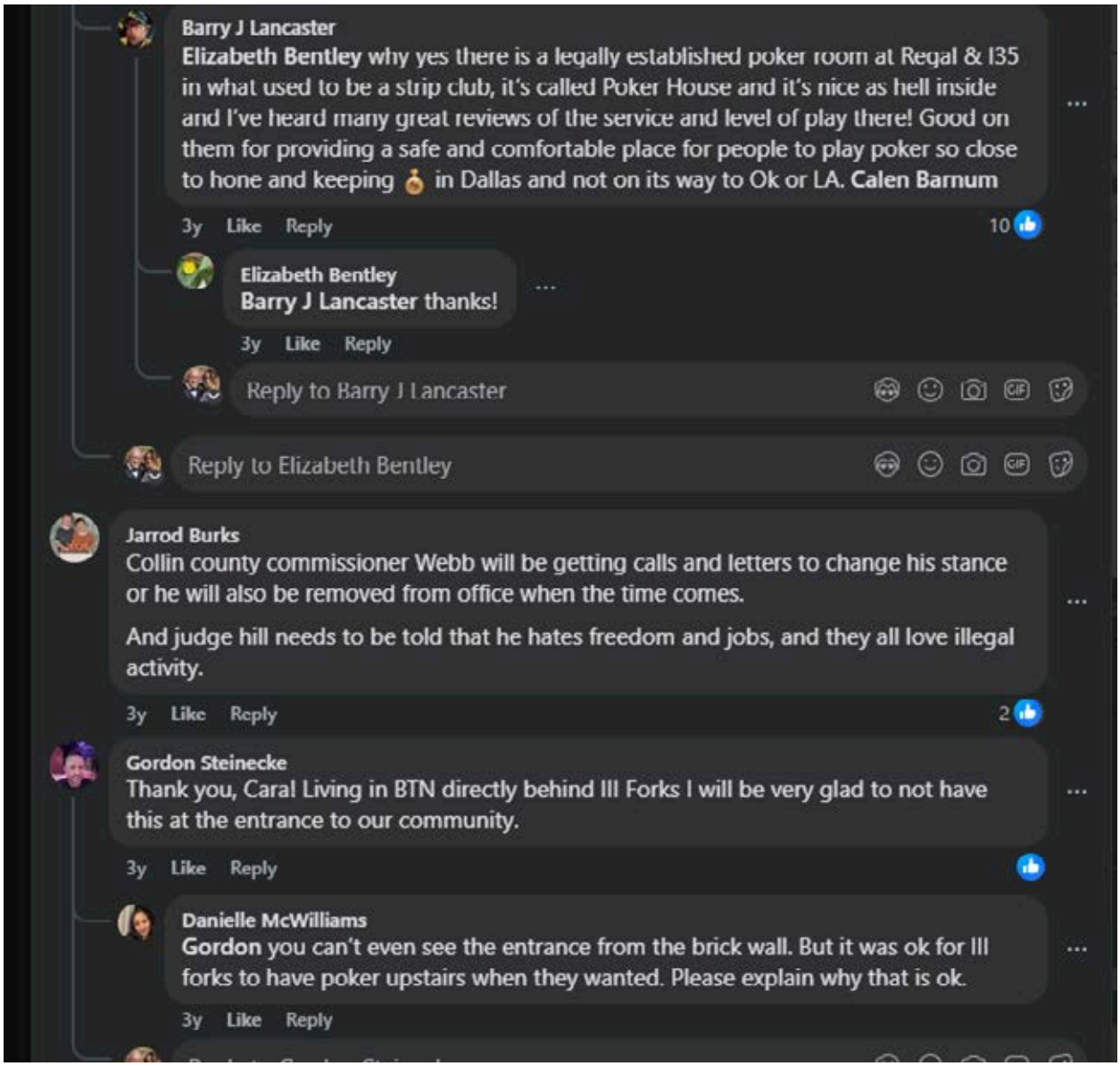

Jason Bell
Kevin McNally lol this statement can not be real. Get a clue guy lol
3y Like Reply
Kevin McNally
Jason Bell there was already a report of a player slashing another player's throat and stealing $3K worth of chips, so yeah it seems unreal
3y Like Reply
Jason Bell
Kevin McNally 1 case out of millions of players maybe we should close all restaurants I am sure they have more dunk drivers leave them . Or Walmart because they have beer that causes accidents maybe we should ban TV they put thoughts into people's heads did I miss anything
The fact not all players is bad people we are just like everyone else in the world. Like I said get a clue guy
3y Like Reply
Kevin McNally
Jason Bell whatever helps you rationalize it man. It's okay to disagree. Best of luck
3y Like Reply
Jason Bell
Kevin McNally thank you
3y Like Reply
Reply to Jason Bell
Brody Self
Kevin McNally wtf does your kids school have to do with people playing poker. Afraid of poker players near your kids school?!? I mao
3y Like Reply
Jarrod Burks
Brody Self they might teach them statistics and probabilities.

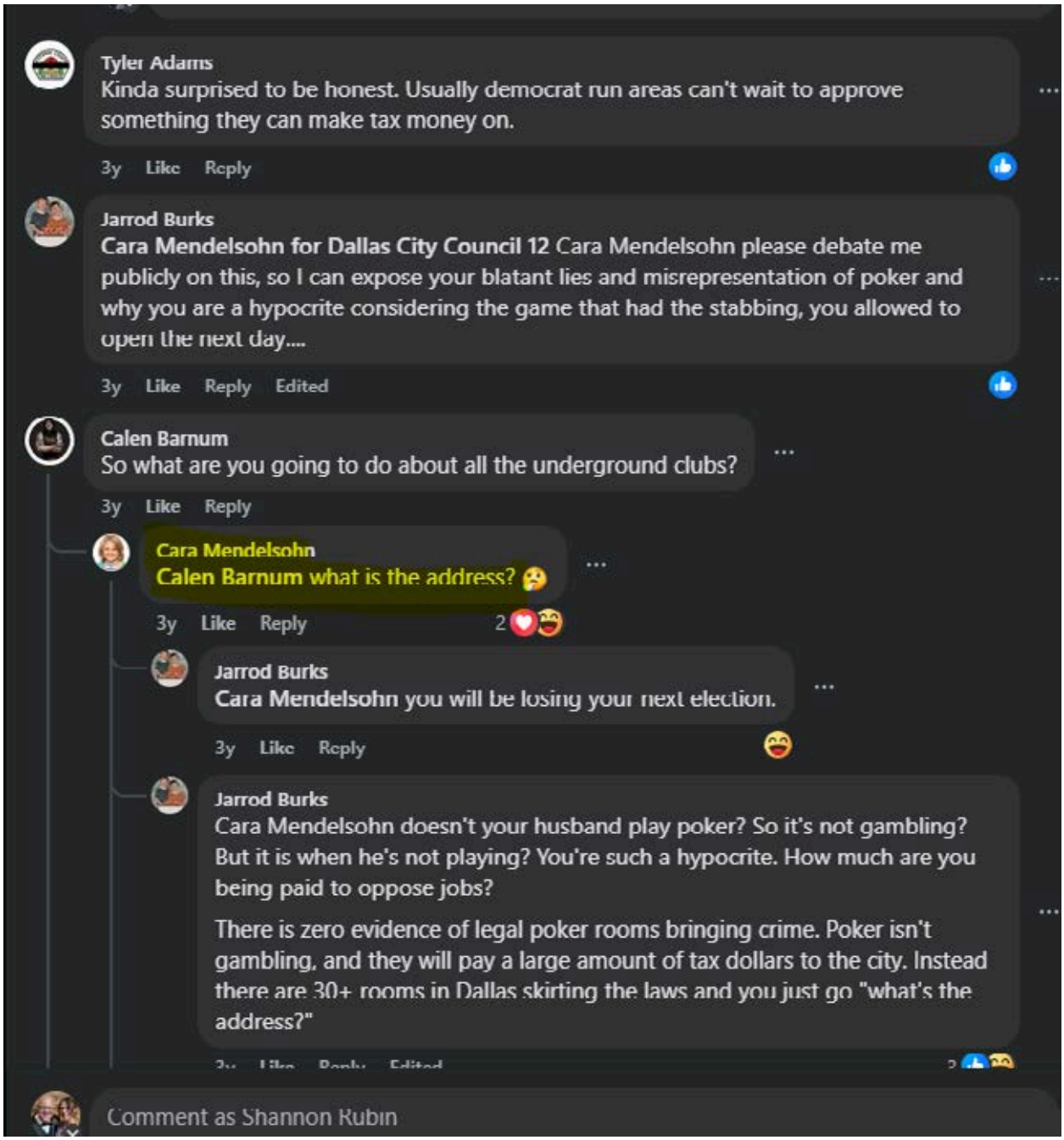

3y Like Reply
Brody Self
Jarrod Burks a poker room is one of the best educations people can get.
Talk to people from all over the world
How to communicate
But this dude is prolly a pawn just listening to people tell him when to be at work and when he can leave. Hard to deal with people like that
3y Like Reply
Reply to Brody Self
Tj Mcmillan
Kevin McNally these comments can't be real...how are the people that play poker any different than your same audience that attend concerts, Walmart, fairs or any other social gathering? Ignorance is bliss...
3y Like Reply
Dustin Baxter
Kevin McNally is your kids also within a mile of a bar? Maybe we should shut every business down that is close. You know, because anywhere someone drinks there are automatically drunks driving around and slicing throats.
3y Like Reply 3
Dustin Baxter
Kevin McNally are there any banks in the area? Those business are also prone to being robbed violently.
3y Like Reply 2
Linda Prior
Kevin McNally your ridiculous don't want a poker room either but not all poker players are drunks I play poker you are what bothers me about America your narrow mind such a uneducated pitiful statement
3y Like Reply

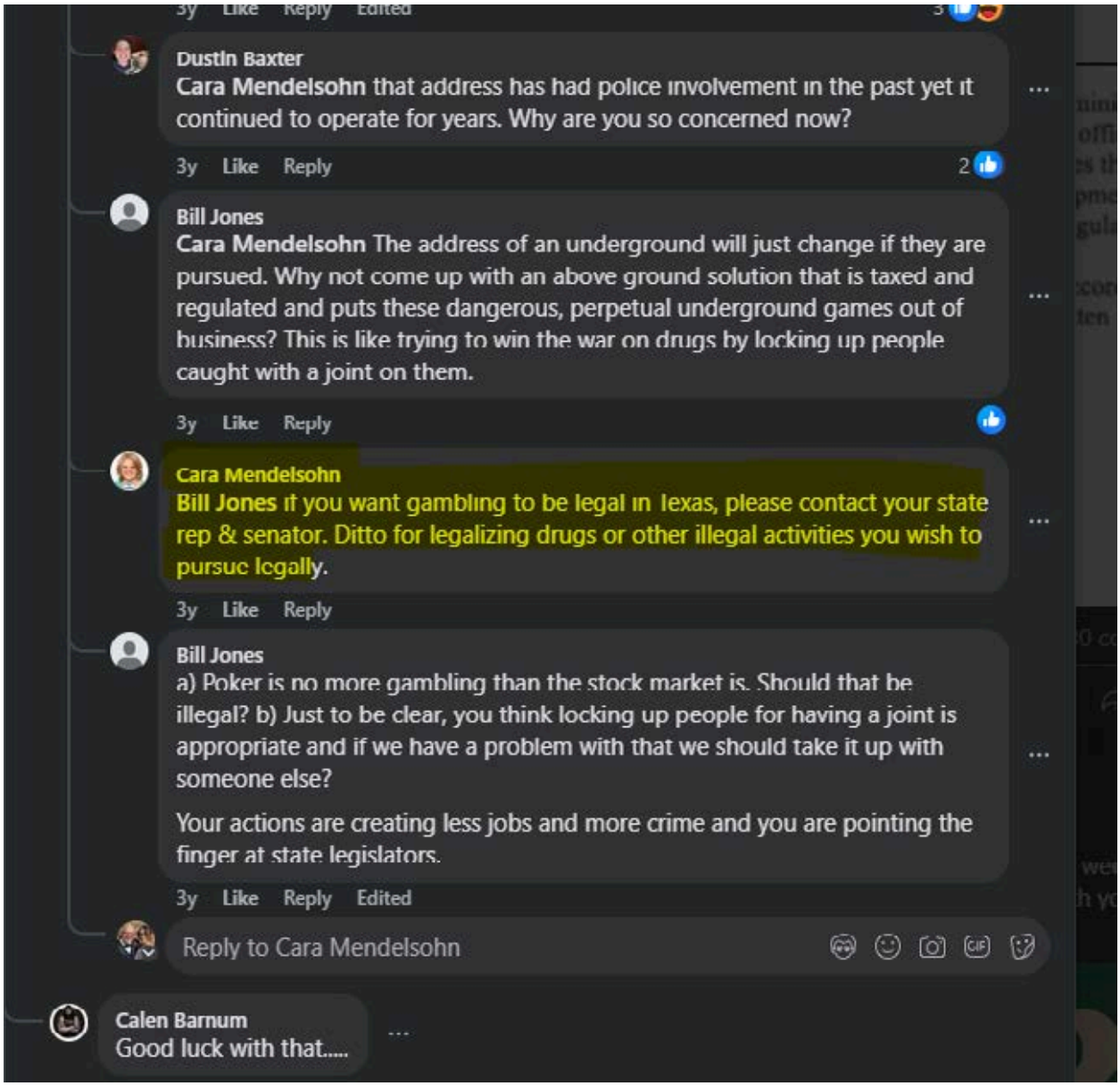

Sean Morrison
Oh no a Poker room. Heaven forbid something make money other than the sex trade that blossoms so well in Dallas...
3y Like Reply 10
Jarrod Burks
Imagine thinking "we are stopping this illegal place" when in reality people will play poker whether it's heavy rake illegally or at a safe environment. She is openly supporting illegal underground activity. Instead of safe fun legal places.....
Please give me the logic. I'll debate her or anyone else publicly in this matter. But she won't because she's scared and will get destroyed with facts, logic and knowledge on the aubject
3y Like Reply 5
Carlos V Vielma
Jarrod Burks I'll debate you.. How is she openly supporting illegal "underground" rooms. Also, you can't honestly believe that any form of poker/gambling is legal in Texas. These "legal room" aka "rake free" are simply interpreting the letter of the gambling laws in Texas to their personal benefits.. it comes down to two things... 1) the definition of "private place" which these "legal rooms" are clearly NOT if anyone can walk in and then garner a "membership" private clearly means where only the owner or renter of a facility has access i.e. your house or hotel room. No one from the general public can, under normal circumstances enter said premises. 2) "Economic Benefit" i.e. taking a "rake", again a rake is not the only "consideration" when it comes to a Poker Room.. this is quite simple, if NOT for any economic benefit, these rooms both "legal" & underground simply could not exist. So again, Gambling is not Legal in Texas currently and that's unfortunate.. trust me.. I love playing as much as the next person, but what these "legal" rooms are doing (business model) is nothing knew and certainly not rocket science. They simply are circumventing the system and lucky for those (Houston, San Antonio & Austin) that they exist in counties that don't care one way or another.... Ok. Ur turn. You have 10 mins to text... lol

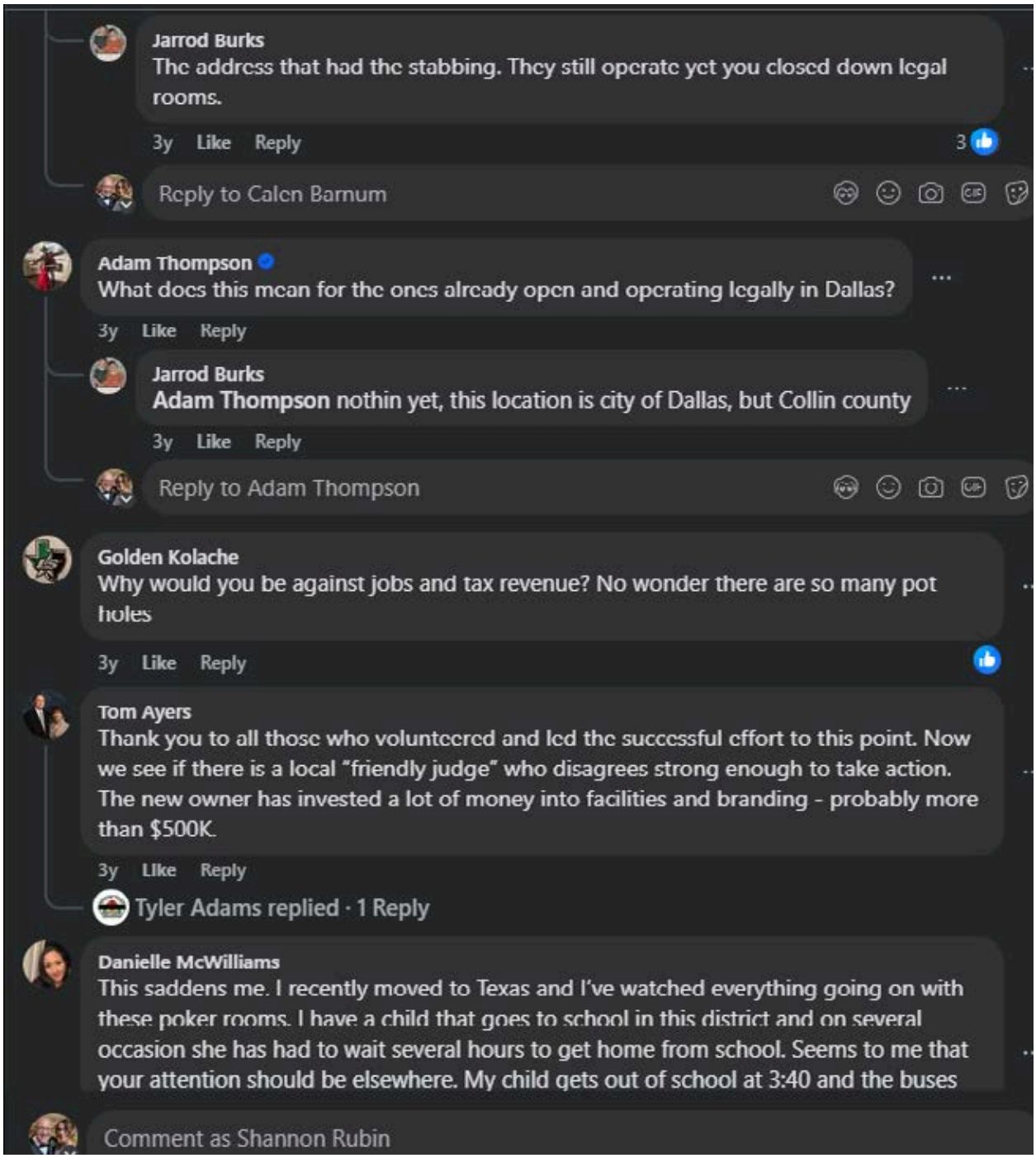

3y Like Reply
Jarrod Burks
Carlos V Vielma she literally allowed the room that she claims "had a stabbing" open the very next day. The underground room.
Poke isn't gambling. The law is there to prevent anyone from opening businesses. There are 30+ rooms in her area and she decides to go after ones that are trying to pay taxes, provide safe locations. Hourly fees are not a rake, they don't come off the tables so that's not a rake. You pay time separately. All money on the tables is in at and fair for all players. It is a private place, business can be denied at any point, one must provide identification to even get service and pay a fee to be allowed to rent the seat.
3y Like Reply 2
Jarrod Burks
They say "no economic benefit" why? Because who opens a revenue free business? Now show me the statistics on crime rate at a poker room, and how it's correlated to any increase in violent crime or crime in general.
3y Like Reply
Carlos V Vielma
Jarrod Burks no offense. You seem intelligent but to say Poker is not gambling, you lose ALL credibility.... Poker by definition is 100% Gambling... I'm well aware of your others stats. I think you need to read up on the gambling statues in Texas.. but again. U sound smart so I think you know that if you, me and 6 friends all wanted to meet at your house and all buy in for $100 ($800 total pot) and played until someone either won ALL the $800 or everyone just wanted to quit and cash out ($800) that's 1000% LEGAL in Texas. If you wanted to pull $100 from the Pot for hosting the game at your house, it's ILLEGAL. I honestly don't understand how anyone can think otherwise. Bottom Line, if Poker/Gambling was Legal in Texas, the Chickawa (sp) Nation would already have a casino in every major city. Last I checked, you still have to drive to Oklahoma for that. Circumventing or Interpreting laws does not make them legal.
I can disprove your arguments very easily with one Question... Do you think

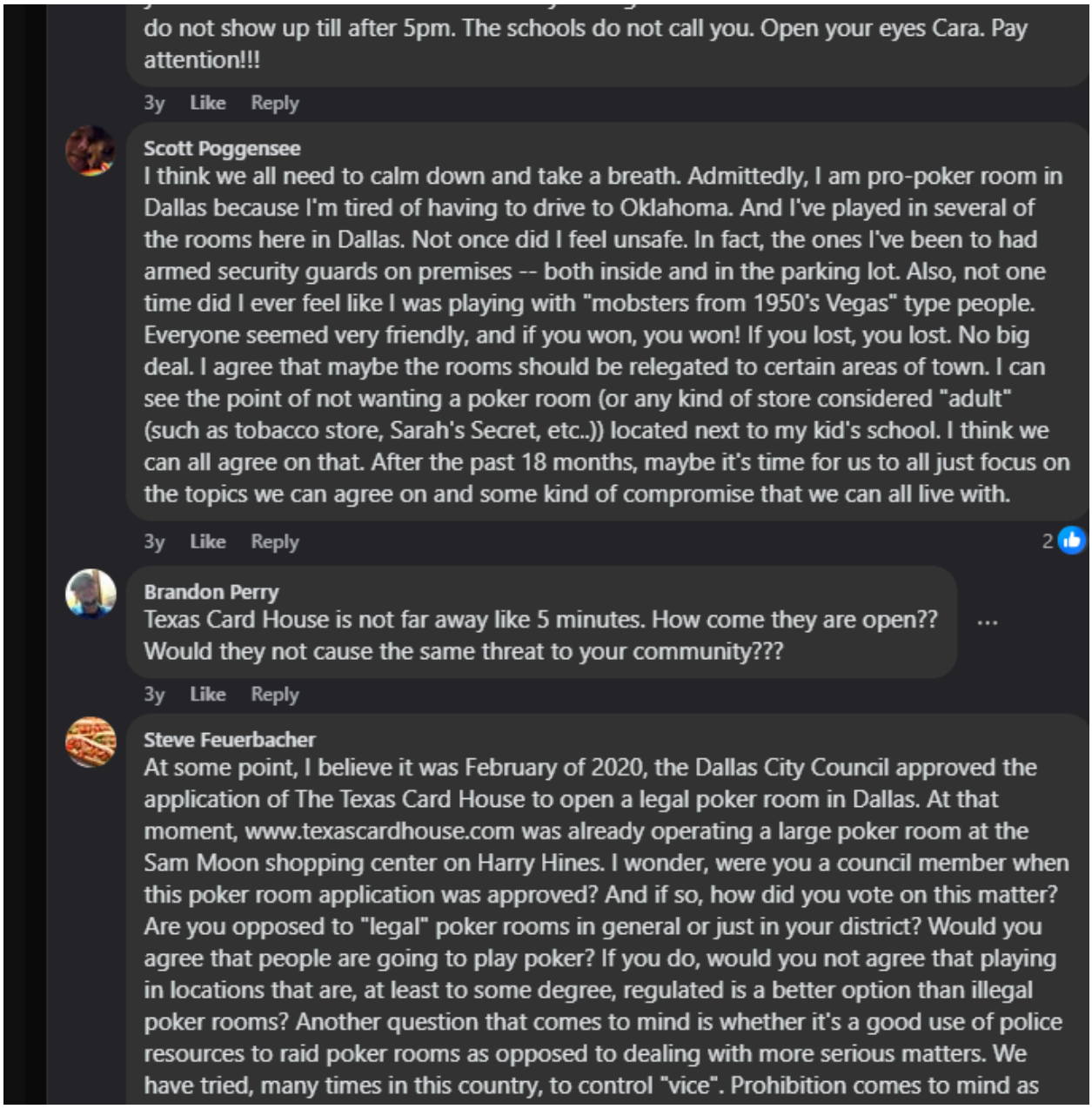

prostitution is Legal or Illegal in Texas?
3y Like Reply
Jarrod Burks
Carlos V Vielma again no one is taking money off the table in these games so that's exactly the point. It is legal. Not one of these rooms let you pay for "time" with chips on the table. Poker isn't the same as black jack. The player decides at any point to fold and not lose money. To say poker isn't skill based is just wrong. I know the statutes and Texas allows lottery, yet not skill based games. The argument is not valid.
3y Like Reply Edited 2
Dustin Baxter
Carlos V Vielma poker has enough of a skill factor to not be considered gambling so you are wrong there bud.
Also, can you explain how multiple other counties and dozens of other cities in the state of Texas allow these types of clubs but Collin county doesn't? Is it more likely 10+ city attorneys and district attorneys are right or just the two mentioned in the letter?
3y Like Reply 3
Reply to Carlos V Vielma
Reply to Jarrod Burks
Elizabeth Bentley
Just wondering if there's a poker room on Regal row, a bit north of I35. I've passed that location a couple of times recently and there signage on the building.
3y Like Reply 2
Barry J Lancaster
Elizabeth Bentley why yes there is a legally established poker room at Regal & I35 in what used to be a strip club, it's called Poker House and it's nice as hell inside and I've heard many great reviews of the service and level of play there! Good on


Barry J Lancaster
Elizabeth Bentley why yes there is a legally established poker room at Regal & 135 in what used to be a strip club, it's called Poker House and it's nice as hell inside and I've heard many great reviews of the service and level of play there! Good on them for providing a safe and comfortable place for people to play poker so close to hone and keeping in Dallas and not on its way to Ok or LA. Calen Barnum
3y Like Reply 10
Elizabeth Bentley
Barry J Lancaster thanks!
3y Like Reply
Reply to Barry J Lancaster
Reply to Elizabeth Bentley
Jarrod Burks
Collin county commissioner Webb will be getting calls and letters to change his stance or he will also be removed from office when the time comes.
And judge hill needs to be told that he hates freedom and jobs, and they all love illegal activity.
3y Like Reply 2
Gordon Steinecke
Thank you, Caral Living in BTN directly behind III Forks I will be very glad to not have this at the entrance to our community.
3y Like Reply
Danielle McWilliams
Gordon you can't even see the entrance from the brick wall. But it was ok for III forks to have poker upstairs when they wanted. Please explain why that is ok.
3y Like Reply


Tyler Adams
Kinda surprised to be honest. Usually democrat run areas can't wait to approve something they can make tax money on.
3y Like Reply
Jarrod Burks
Cara Mendelsohn for Dallas City Council 12 Cara Mendelsohn please debate me publicly on this, so I can expose your blatant lies and misrepresentation of poker and why you are a hypocrite considering the game that had the stabbing, you allowed to open the next day....
3y Like Reply Edited
Calen Barnum
So what are you going to do about all the underground clubs?
3y Like Reply
Cara Mendelsohn
Calen Barnum what is the address?
3y Like Reply 2
Jarrod Burks
Cara Mendelsohn you will be losing your next election.
3y Like Reply
Jarrod Burks
Cara Mendelsohn doesn't your husband play poker? So it's not gambling? But it is when he's not playing? You're such a hypocrite. How much are you being paid to oppose jobs?
There is zero evidence of legal poker rooms bringing crime. Poker isn't gambling, and they will pay a large amount of tax dollars to the city. Instead there are 30+ rooms in Dallas skirting the laws and you just go "what's the address?"
Comment as Shannon Rubin


3y Like Reply Edited
Dustin Baxter
Cara Mendelsohn that address has had police involvement in the past yet it continued to operate for years. Why are you so concerned now?
3y Like Reply 2
Bill Jones
Cara Mendelsohn The address of an underground will just change if they are pursued. Why not come up with an above ground solution that is taxed and regulated and puts these dangerous, perpetual underground games out of business? This is like trying to win the war on drugs by locking up people caught with a joint on them.
3y Like Reply
Cara Mendelsohn
Bill Jones if you want gambling to be legal in Texas, please contact your state rep & senator. Ditto for legalizing drugs or other illegal activities you wish to pursue legally.
3y Like Reply
Bill Jones
a) Poker is no more gambling than the stock market is. Should that be illegal? b) Just to be clear, you think locking up people for having a joint is appropriate and if we have a problem with that we should take it up with someone else?
Your actions are creating less jobs and more crime and you are pointing the finger at state legislators.
3y Like Reply Edited
Reply to Cara Mendelsohn
Calen Barnum
Good luck with that.....


Jarrod Burks
The address that had the stabbing. They still operate yet you closed down legal rooms.
3y Like Reply 3
Reply to Calen Barnum
Adam Thompson
What does this mean for the ones already open and operating legally in Dallas?
3y Like Reply
Jarrod Burks
Adam Thompson nothin yet, this location is city of Dallas, but Collin county
3y Like Reply
Reply to Adam Thompson
Golden Kolache
Why would you be against jobs and tax revenue? No wonder there are so many pot holes
3y Like Reply
Tom Ayers
Thank you to all those who volunteered and led the successful effort to this point. Now we see if there is a local "friendly judge" who disagrees strong enough to take action. The new owner has invested a lot of money into facilities and branding - probably more than $500K.
3y Like Reply
Tyler Adams replied · 1 Reply
Danielle McWilliams
This saddens me. I recently moved to Texas and I've watched everything going on with these poker rooms. I have a child that goes to school in this district and on several occasion she has had to wait several hours to get home from school. Seems to me that your attention should be elsewhere. My child gets out of school at 3:40 and the buses
Comment as Shannon Rubin


do not show up till after 5pm. The schools do not call you. Open your eyes Cara. Pay attention!!!

3y Like Reply

Scott Poggensee
I think we all need to calm down and take a breath. Admittedly, I am pro-poker room in Dallas because I'm tired of having to drive to Oklahoma. And I've played in several of the rooms here in Dallas. Not once did I feel unsafe. In fact, the ones I've been to had armed security guards on premises -- both inside and in the parking lot. Also, not one time did I ever feel like I was playing with "mobsters from 1950's Vegas" type people. Everyone seemed very friendly, and if you won, you won! If you lost, you lost. No big deal. I agree that maybe the rooms should be relegated to certain areas of town. I can see the point of not wanting a poker room (or any kind of store considered "adult" (such as tobacco store, Sarah's Secret, etc..)) located next to my kid's school. I think we can all agree on that. After the past 18 months, maybe it's time for us to all just focus on the topics we can agree on and some kind of compromise that we can all live with.

3y Like Reply 2

Brandon Perry
Texas Card House is not far away like 5 minutes. How come they are open?? Would they not cause the same threat to your community???

3y Like Reply

Steve Feuerbacher
At some point, I believe it was February of 2020, the Dallas City Council approved the application of The Texas Card House to open a legal poker room in Dallas. At that moment, www.texascardhouse.com was already operating a large poker room at the Sam Moon shopping center on Harry Hines. I wonder, were you a council member when this poker room application was approved? And if so, how did you vote on this matter? Are you opposed to "legal" poker rooms in general or just in your district? Would you agree that people are going to play poker? If you do, would you not agree that playing in locations that are, at least to some degree, regulated is a better option than illegal poker rooms? Another question that comes to mind is whether it's a good use of police resources to raid poker rooms as opposed to dealing with more serious matters. We have tried, many times in this country, to control "vice". Prohibition comes to mind as

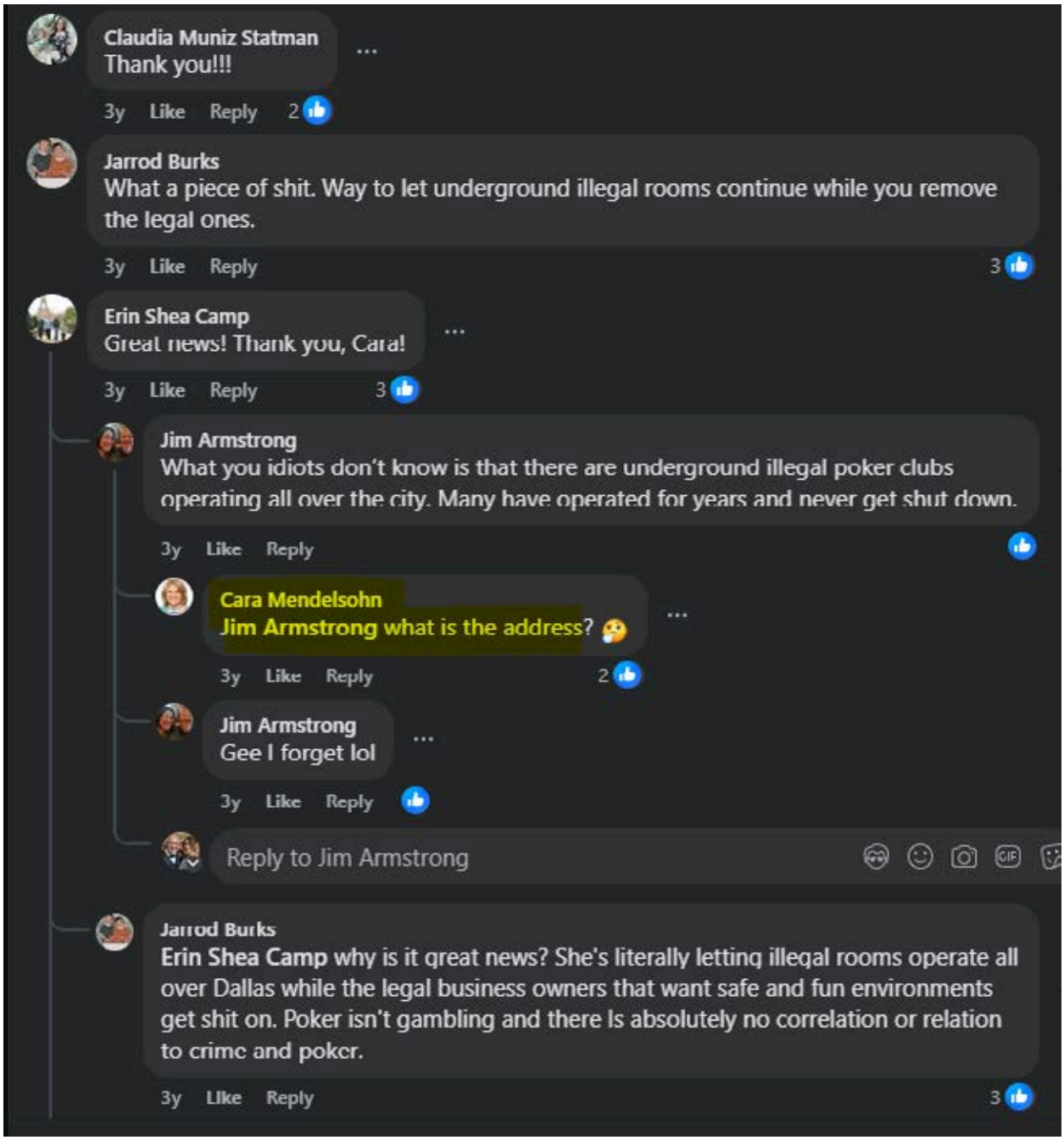
the most obvious example. And that was a problem wasn't it? We all know that story and I suspect the bootleggers were the saddest people in the country when the Volstead act was repealed. I suspect the underground rooms and the Casinos in nearby states would be the most unhappy folks in town to see legal poker in Texas. I remember the story of Jack Abramoff and his dealings with gambling and casinos back in January of 2006. I am quite confident you are not representing the interest of those who would be harmed by legal poker in Texas...at least not purposefully. But I wonder, would you agree that those interest benefit by poker not being legal in Dallas? It's an interesting question. Who loses when Texans drive to Oklahoma, Louisiana and New Mexico to play poker? Would we not benefit by regulated poker? There is no other way to shut down the underground rooms. Wouldn't that be a valid goal? By the way, I totally agree that there's no room for poker in a location where the local community does not want it. The same rule could be applied to many types of businesses, not just poker.

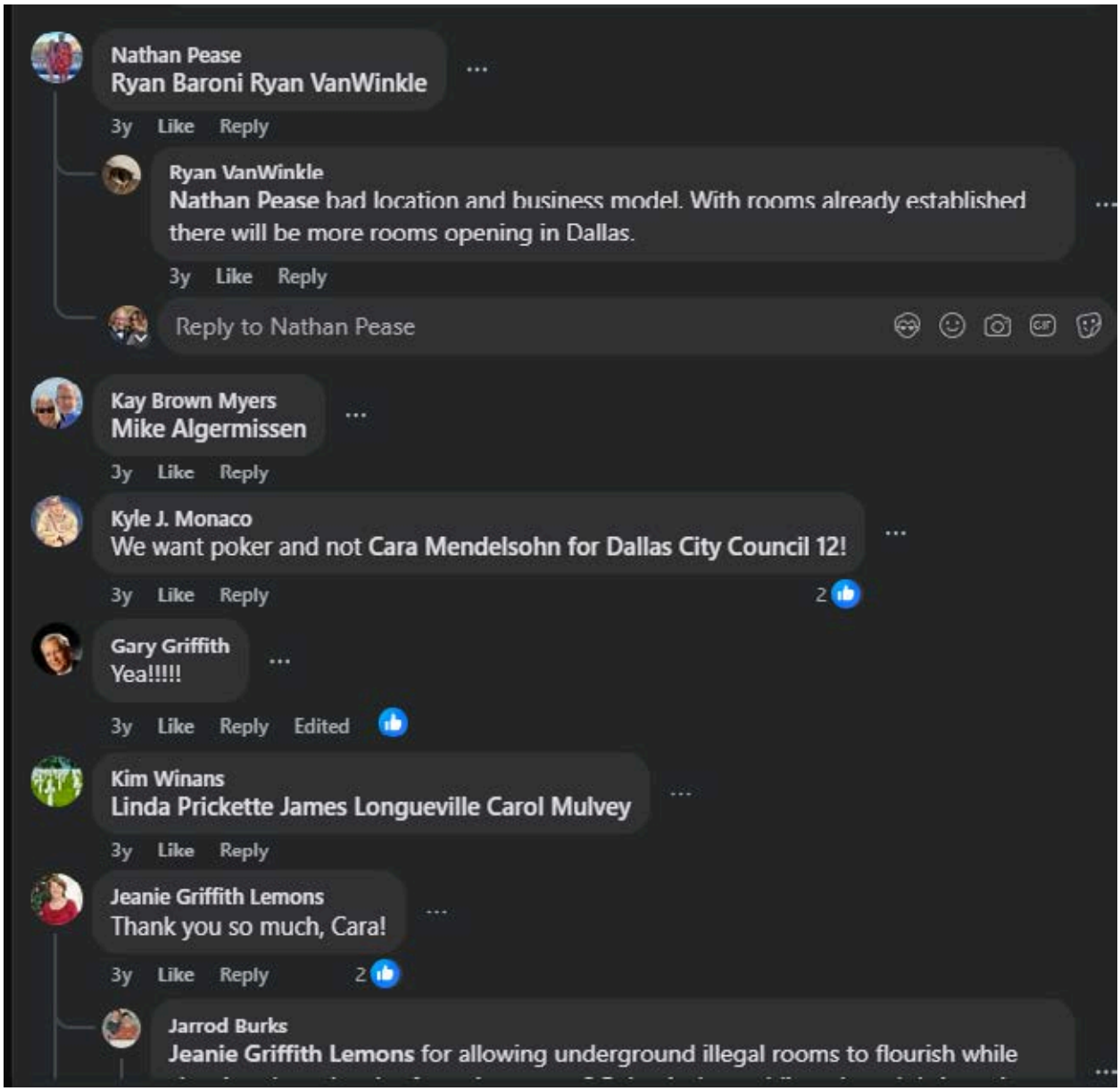
3y Like Reply Edited 4

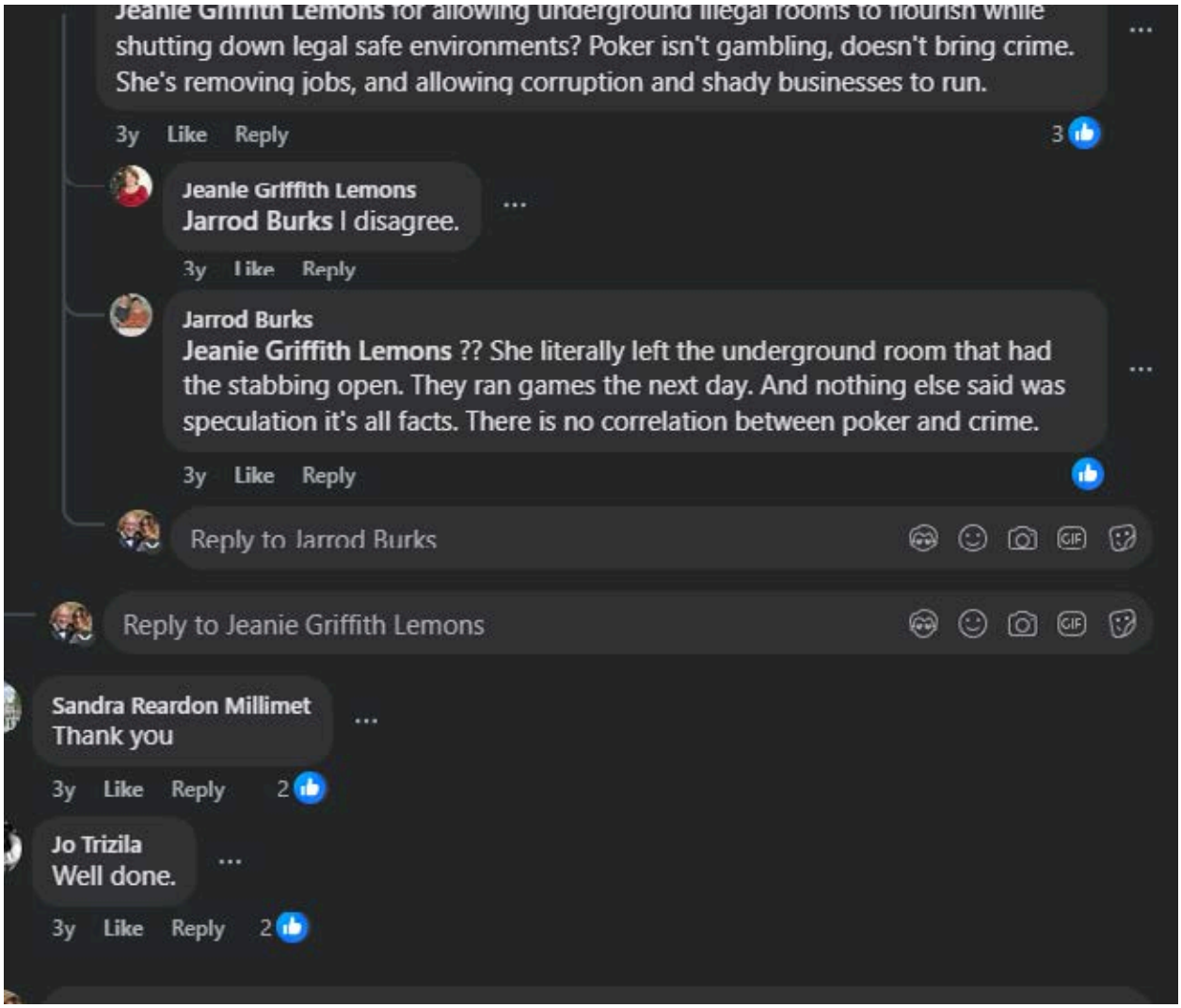
Bill Jones

This is supposed to be the land of the free, but you want to restrict the ability for a group of people to gather and play cards in a safe environment? There are plenty of activities I've never engaged in, but just because they are not for me, doesn't mean I'm going to try restrict others freedoms to partake. The myths about poker (not gambling halls, big difference) being dangerous are just that, myths. Would you suggest shutting down bars, or motorcycle dealerships? Both of those are far more dangerous for citizens than a poker room. Instead you want to force people to drive to Oklahoma or Louisiana, create pollution and send revenue out of state? Or perhaps people will continue to play underground where it's much more dangerous for both participants and neighborhoods where there is absolutely no oversight. I understand the knee jerk reaction that "gambling=bad", but this is short sighted. These are legitimate businesses that provide employment and safety for all involved. This model has worked well all over the state and to try and stop it in Dallas is a disservice based on a preconceived notion.

3y Like Reply


Claudia Muniz Statman
Thank you!!!
3y Like Reply 2
Jarrod Burks
What a piece of shit. Way to let underground illegal rooms continue while you remove the legal ones.
3y Like Reply 3
Erin Shea Camp
Great news! Thank you, Cara!
3y Like Reply 3
Jim Armstrong
What you idiots don't know is that there are underground illegal poker clubs operating all over the city. Many have operated for years and never get shut down.
3y Like Reply
Cara Mendelsohn
Jim Armstrong what is the address?
3y Like Reply 2
Jim Armstrong
Gee I forget lol
3y Like Reply
Reply to Jim Armstrong
Jarrod Burks
Erin Shea Camp why is it great news? She's literally letting illegal rooms operate all over Dallas while the legal business owners that want safe and fun environments get shit on. Poker isn't gambling and there is absolutely no correlation or relation to crime and poker.
3y Like Reply 3


Nathan Pease
Ryan Baroni Ryan VanWinkle
3y Like Reply
Ryan VanWinkle
Nathan Pease bad location and business model. With rooms already established there will be more rooms opening in Dallas.
3y Like Reply
Reply to Nathan Pease
Kay Brown Myers
Mike Algermissen
3y Like Reply
Kyle J. Monaco
We want poker and not Cara Mendelsohn for Dallas City Council 12!
3y Like Reply 2
Gary Griffith
Yea!!!!!
3y Like Reply Edited
Kim Winans
Linda Prickette James Longueville Carol Mulvey
3y Like Reply
Jeanie Griffith Lemons
Thank you so much, Cara!
3y Like Reply 2
Jarrod Burks
Jeanie Griffith Lemons for allowing underground illegal rooms to flourish while



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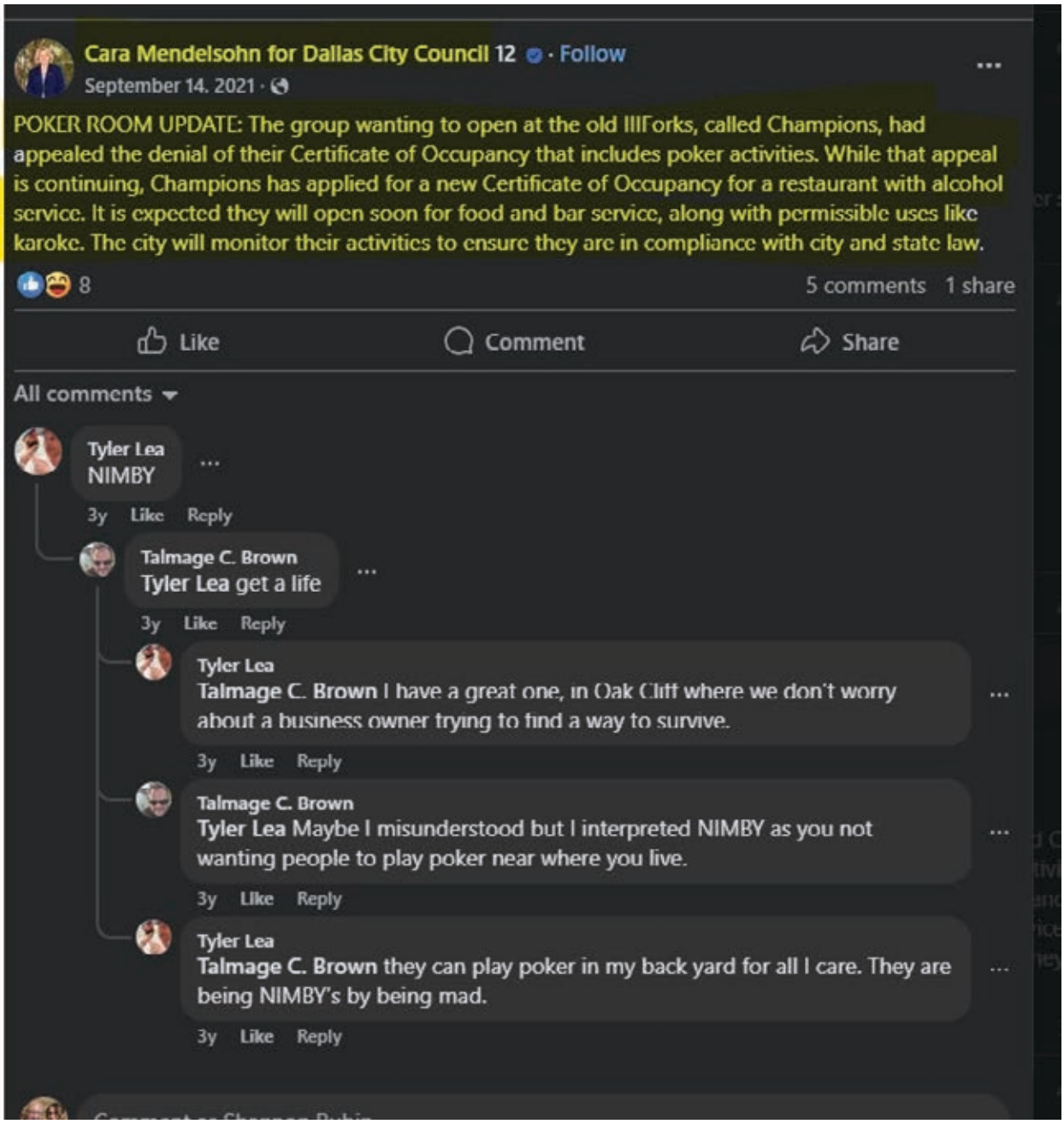

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Cara Mendelsohn for Dallas City Council 12 · Follow
January 21, 2022 ·
The City of Dallas' building official has revoked the certificate of occupancy for all poker rooms. All can be appealed. The issue is poker rooms are illegal under Texas law. At some point there will be a lawsuit, either the operator suing the city or the city suing the operator, or Texas will legalize gambling.
DFW.CBSLOCAL.COM
Cashing Out? City Of Dallas Revokes 'Poker Room' Permits Months After Approving Them
41
8 comments 10 shares
Like
Share

Ben Meine
Hi Cara!

Let's look at this whole situation realistically, and how we can make Texas the most proud and consistent state it can be.

It's easy to look at Poker and jump to hundreds of year old laws and say "Poker is gambling, and gambling is illegal." Let's even hypothetically say it is gambling for the sake of this question- why is it illegal? I would like to venture that it is illegal for biblical/religious reasons.

Okay!

But let's at least stay consistent. Strip clubs are a business solely based around lust. Very little regulations surround this business model, yet it is based around one of the seven deadly sins. Strike one.

Bars and alcohol sales. We all know that alcohol and the abuse of it goes against the ways of God. Yet, the only restriction Texas imposes is the restrictions on Sundays. A regulation, for sure, but they are still allowed to operate. Strike two.

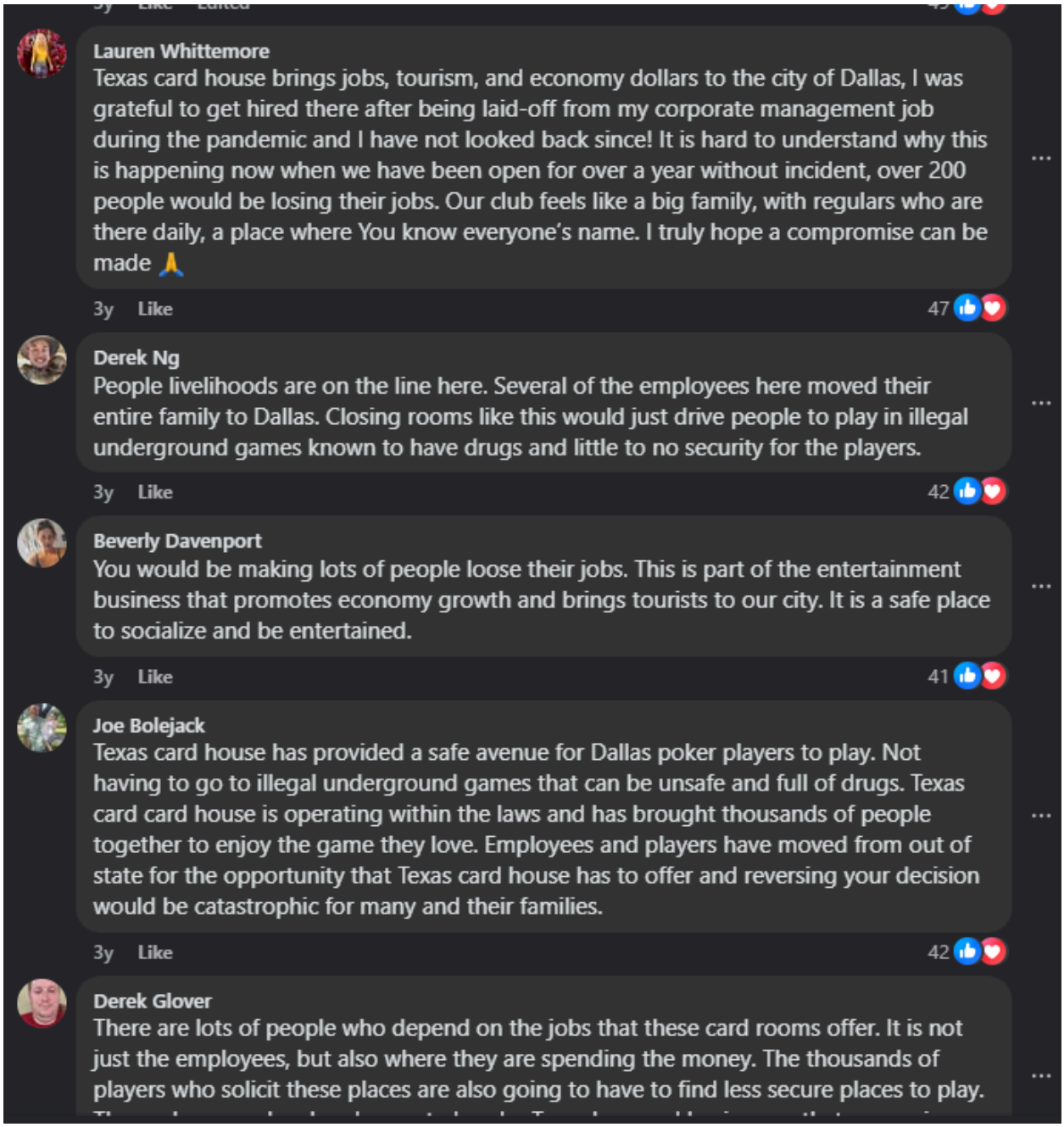
Strike three doesn't have to happen, here, Cara. Instead of downright shutting down rooms of safe, private, and comfortable poker, let's work together on a way to keep the business open and regulated so it can operate with respect to morals and wishes of the great state of Texas.

Words can't describe the pain and suffering that would fall upon the hundreds of staff and thousands of club members if they were to be thrown off on the street after coming from all over the world to be here in our state.

You're a smart woman with great intentions. Let's keep employment strong here in Dallas, the economy flourishing, and work together with these rooms so everyone can live in harmony.

3y Like Edited 54

Amber Thompson
Texas Card House has provided the safest place for me to work since I started dealing 9 years ago. Especially as a female; having multiple managers and security officers protecting me has given me so much peace of mind and I feel so safe! I would hate to imagine going back to work somewhere that I can't even call the police if needed.
My daughter will be born any day now and to have medical insurance is such a blessing!



Lauren Whittemore
Texas card house brings jobs, tourism, and economy dollars to the city of Dallas, I was grateful to get hired there after being laid-off from my corporate management job during the pandemic and I have not looked back since! It is hard to understand why this is happening now when we have been open for over a year without incident, over 200 people would be losing their jobs. Our club feels like a big family, with regulars who are there daily, a place where You know everyone's name. I truly hope a compromise can be made 🙏

3y Like 47

Derek Ng
People livelihoods are on the line here. Several of the employees here moved their entire family to Dallas. Closing rooms like this would just drive people to play in illegal underground games known to have drugs and little to no security for the players.

3y Like 42

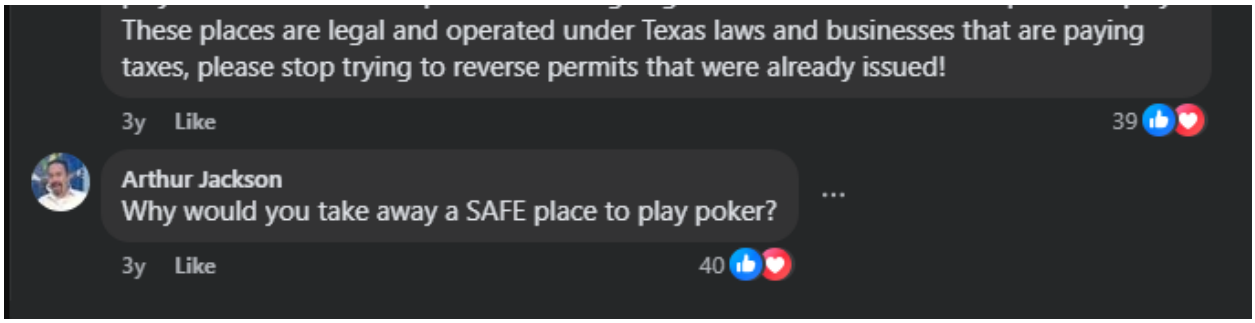
Beverly Davenport
You would be making lots of people loose their jobs. This is part of the entertainment business that promotes economy growth and brings tourists to our city. It is a safe place to socialize and be entertained.

3y Like 41

Joe Bolejack
Texas card house has provided a safe avenue for Dallas poker players to play. Not having to go to illegal underground games that can be unsafe and full of drugs. Texas card card house is operating within the laws and has brought thousands of people together to enjoy the game they love. Employees and players have moved from out of state for the opportunity that Texas card house has to offer and reversing your decision would be catastrophic for many and their families.

3y Like 42

Derek Glover
There are lots of people who depend on the jobs that these card rooms offer. It is not just the employees, but also where they are spending the money. The thousands of players who solicit these places are also going to have to find less secure places to play.



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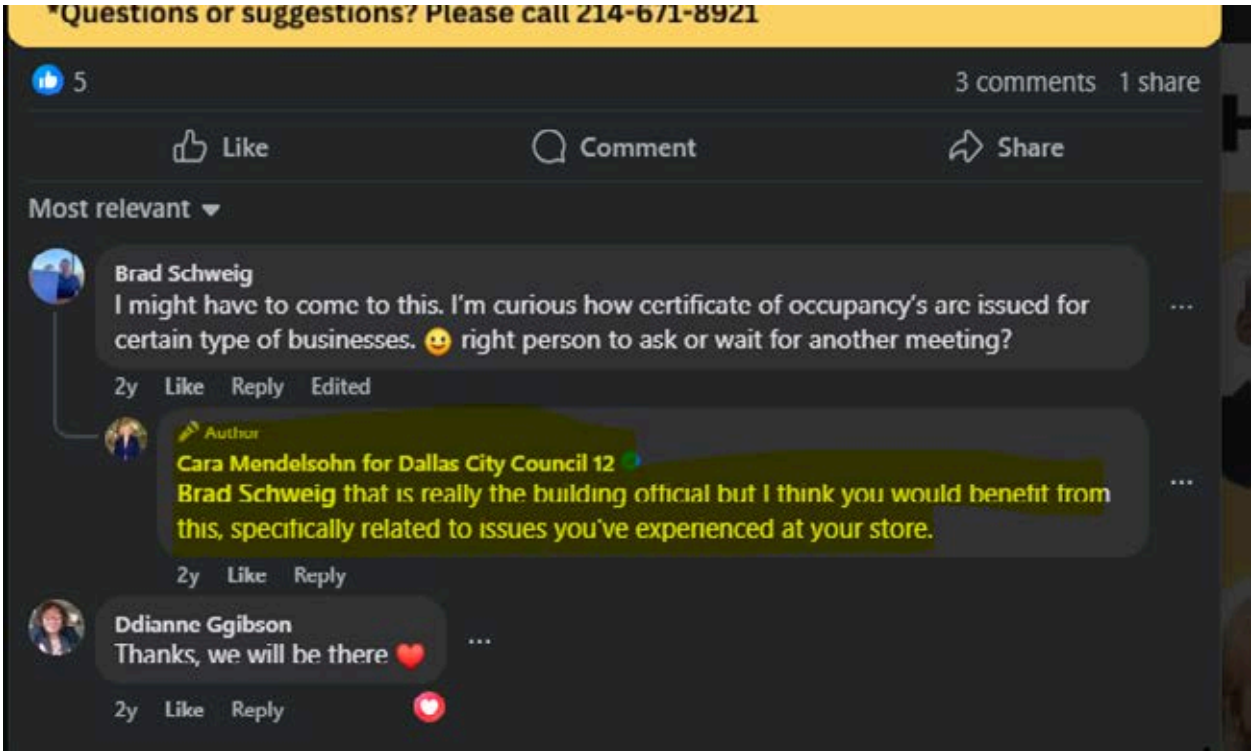

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Hank Mishkoff
Windhaven Pointe · 21 Feb 24 ·

Construction at old Ill Forks location?

If any of you have witnessed construction-related activities there, please let me know. Cara's staff tells me that no construction permit has been filed, and the city would like to know if construction is actually going on. Thanks!

1 reaction

Comments (11)

ROSIE VIANCO 1y · Bent Tree North
There has been work going on there for over a month - though today it looks like everyone left (or they finished). Was told that Champions (the original company who wanted a poker/gambling restaurant) is opening up soon.

Like Reply Share ···

Hank Mishkoff Author 1y · Windhaven Pointe
ROSIE Thanks! I'll pass this info along to Cara's staff. Is it OK if I mention your name, or would you prefer that I pass along the info anonymously?

1 Reply Share ··· 1

ROSIE VIANCO 1y · Bent Tree North
Sent you a message!

Like Reply Share ···

Julie Carlson 1y · Highlands Parkway

They are working today at three forks- just drove by and took pictures

Hank Mishkoff Author 1y · Edited · Windhaven Pointe

Thanks ROSIE and Julie. I've passed the info along to Cara's staff, I'll let you know if I hear anything back. (They're usually pretty good about following up on things.)

♡ Like Reply Share ···

C

Catherine F. 1y · Windhaven Pointe

Thank you Rosie, Julie and Hank!

♡ Like Reply Share ···

A

Anne Binns 1y · Highlands Parkway

A friend took pictures yesterday of people working on the building to send to Cara

♡ 2 Reply Share ··· 2

C

Christi Knox 1y · Bent Tree North

Lots of work happening there. I drive by it almost daily and there are trucks there and work happening.

♡ Like Reply Share ···

V

viki reese 1y · Bent Tree North

I have seen contruction at the old site. Material delivered this past week. Front door painted. Workers going in and out of back doors.

♡ Like Reply Share ···

Cheryl Reinhart 1y · Parkway Lake Estates

You can look at front door and see construction is going on.

♡ Like Reply Share ···

Cara Mendelsohn 1y · Highlands of McKamy

Not all work requires a permit. I hope they will open it as a restaurant.

♡ 3 Reply Share ··· 3

Cheryl Reinhart 1y · Parkway Lake Estates
I think many people in the neighborhood would love to have a restaurant there!
Like Reply Share ···

Hank Mishkoff Author 1y · Windhaven Pointe
I'll post a longer note separately, but the upshot seems to be that it's probably going to open as a Champions poker club, but that the city won't know for sure until it opens. The contractor is Preston Pierce Construction at **214. 468.9178**; if enough people call and ask what's going in there, someone might get an answer. 😎
Like Reply Share ···

Scott Pattillo 1y · Bent Tree North
Construction trucks there this morning

Like Reply Share ···

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Hank Mishkoff
Windhaven Pointe · 4 Mar 24 ·

CHAMPIONS POKER CLUB?

In another post, people were speculating about what might be going into the old III Forks location at 17776 Dallas Parkway.

Cara Mendelsohn's staff did some research for me, but the results were inconclusive. Apparently, the contractor doing the renovations did not have an active permit; they renewed their permit when contacted by the city, but that process did not provide info about what kind of business was going in there. (A neighbor reported that an on-site worker said that it would be Champions.)

Champions filed for a certificate of occupancy (CO) a couple of years ago, but they never completed the process. So we won't know for sure who's moving in until either Champions completes the process or someone else files for a new CO.

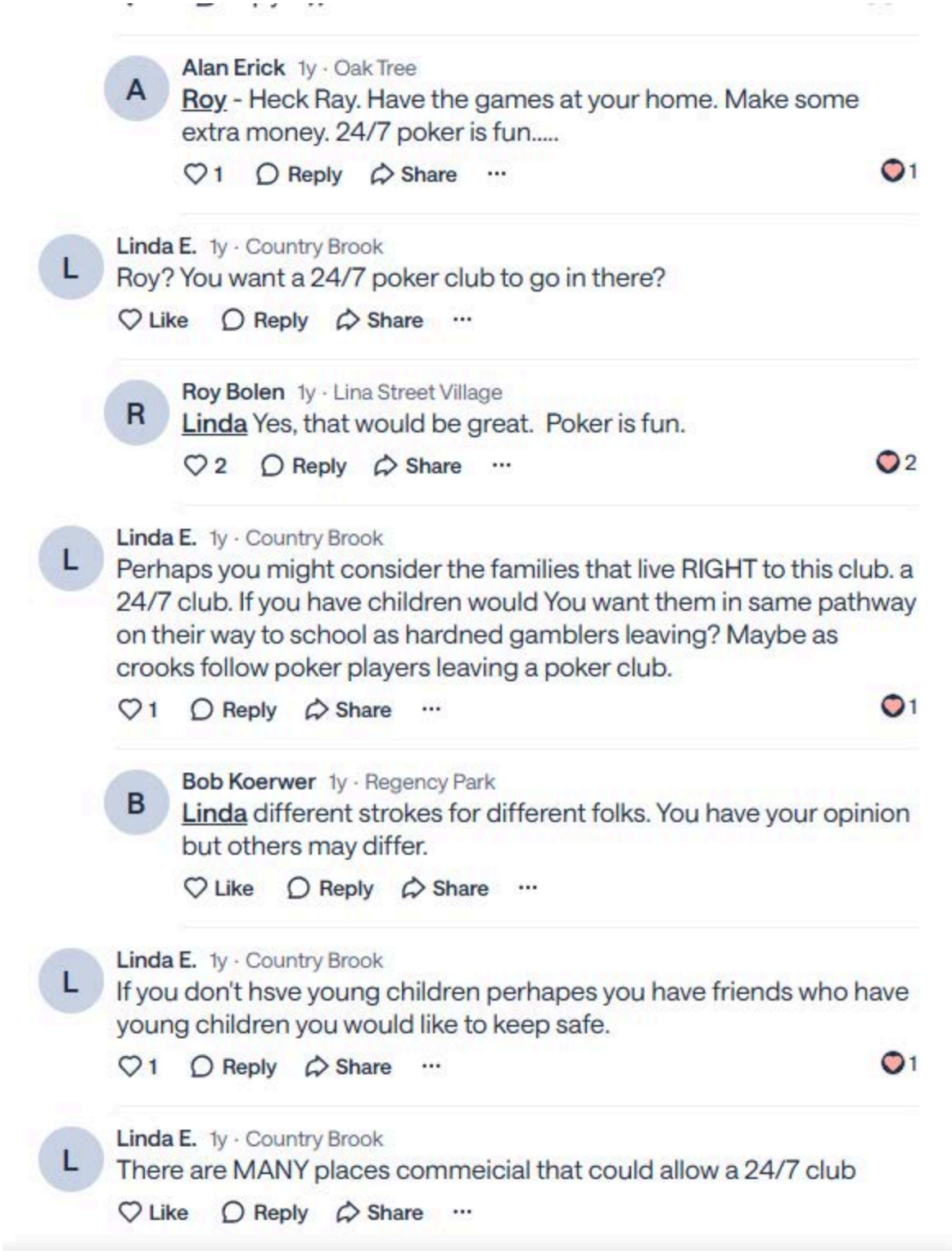
The contractor, BTW is Preston Pierce Construction at **214. 468.9178**. If enough people call and ask what's going in there, someone might get an answer. 😎

1 reaction

Comments (9)

S **Susan Kane** 1y · Parkway Lake Estates
Way to go, Cara & Hank!! It's a plan. 😎
1 Reply Share ··· 1

R **Roy Bolen** 1y · Lina Street Village
It would be great if that is what goes in there.
2 Reply Share ··· 2



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Catherine F.
Windhaven Pointe · 29 Aug ·

Which city council members are appointing (not elected) members to the "city board of adjustments"who are then enabled to override the vote of Dallas residents? I am speaking particularly about allowing poker clubs close to the North Dallas neighborhoods. Seems it was initiated specifically to override standing laws. Pretty slimy move

3 reactions

Comments (3)

Cathy Schwab 48w · Prestonwood West Master
All rolls back to Eric Johnson- he is the slimiest

Like · Reply · Share

Hank Mishkoff 48w · Windhaven Pointe
Cathy I think that Johnson gets just one vote, just like the Council Members.

2 · Reply · Share · 2

Jeremy Dowe 48w · Legacy Town Center
Standing laws should be enforced by police chief Garcia, who we should all be proud to have.
Poker clubs (illegal game rooms?) might need to be brought to his attention.
Eric Johnson-
I've never seen someone switch sides after they were voted in, then go take the national spotlight at their national convention and be used like that.

1 · Reply · Share · 1

Hank Mishkoff 48w · Windhaven Pointe
Jeremy The poker clubs were ruled to be legal by the court of appeals yesterday, so there's nothing the police can do about them.

1 · Reply · Share · 1

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Michael C.
Bent Tree North · 12 Oct ·

I noticed that the Old Three Forks (Champions Club) continues to have people working on the site. Recently, they planted sod around the property. It seems like they are spending money on the location, and I was wondering if they received permission to move forward on the "poker club." Does anyone have an update on whether/when this place is going to open?

Comments (10)

Steven Pickert 42w · Edited · Bent Tree North
It has been going on since Covid. How does a building owner have a building vacant for 5 years. Constant construction for 5 years. A whole city could have been built in 5 years. This is the number one mystery in
Dallas.

Like Reply Share

ROSIE VIANCO 42w · Bent Tree North
My guess is they hope we have forgot about them, will open as a restaurant and continue to have their "secret" poker room upstairs . . .

1 Reply Share 1

Gerry Mecca 42w · Bent Tree North
Rumor has it that it will likely open soon as a restaurant but definitely the same owner. They have deep pockets.

Like Reply Share

Tom DuPree 42w · Bent Tree North

They do have a certificate of occupancy to open as a restaurant not as a poker club. Poker clubs are illegal as ruled by Judge Moye in Dallas County District Court. I realize it's Collin County but it's the City of Dallas that issues the Certificate of Occupancy and they will comply with the court's ruling.

Like Reply Share ···

Gerry Mecca 42w · Bent Tree North

Tom well...sorta. Seems the subject is reopened after the Texas Card House won their case to stay open as long as they can't claim income from winnings. This August 2024 article is better at explaining than I but I'm happy to have a restaurant back. https://dallasexpress.com/city/court-reinstates-dallas-poker-houses-permit/

2 Reply Share ··· 2

Tom DuPree 42w · Bent Tree North

Gerry , that article is not totally accurate. The Appellate court ruled that the board of adjustments was prudent in reversing the city's action in trying to shut TCH down. This was based on no case law in effect at the time. Since then District court did rule that the TCH model is illegal but the Appellate Court side-stepped the legality portion of the case and only said the board of adjustments did not act illegally since there was no law in effect at that time. TCH does make money on the game. Why would anyone rent a chair if there was no game?

Like Reply Share ···

Gerry Mecca 42w · Edited · Bent Tree North

Tom appreciate the attempts to explain for those who might not track on the complexities of the law. One thing is clear, the law is not clear...lol.

We do know a venue/restaurant is opening, likely with private member benefits many will like, and that have little of any legal issue. The extent by which new benefits are illegal remains to be seen but I venture a guess they won't "roll the dice". I suspect they will let the courts resolve and then will add poker,

checkers, or canasta when the game is deemed legal by the local laws. But to answer the "why" question: a venue with a comprehensive offering will be able to make money from memberships, food, alcohol, entertainment, exclusive events, etc. This way they can "make" a profit without any "dubious" activities unlike pure "card houses". I'm just hoping they open for the holidays so I can walk over.

Like Reply Share ···

T **Tom DuPree** 42w · Bent Tree North

City council has been trying to find a loophole to allow poker rooms, but has not been successful at this time doing so. Should they find a model that works, they will have restrictions on where they cannot operate. Next to neighborhoods, schools, churches, etc.

Like Reply Share ···

Gerry Mecca 42w · Bent Tree North

Certainly there will be restrictions. We don't live in Houston after all. However, the word "neighborhoods" will be too broad as neighborhoods are now everywhere.

Like Reply Share ···

T **Tom DuPree** 42w · Bent Tree North

Gerry definitely agree this is clear as mud, but I've been pretty Involved in this process. I really like the ownership, when they do open it will be a positive for the area.

1 Reply Share ··· 1

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Tom Coggins
Bent Tree West · 31 Jan ·

Does anybody know what is going into the old 3 Forks location?

23 reactions

Comments (9)

Alicia de la Garza 26w · Saddlebrook
They are planning for a Casino!
2 Reply Share ··· 2

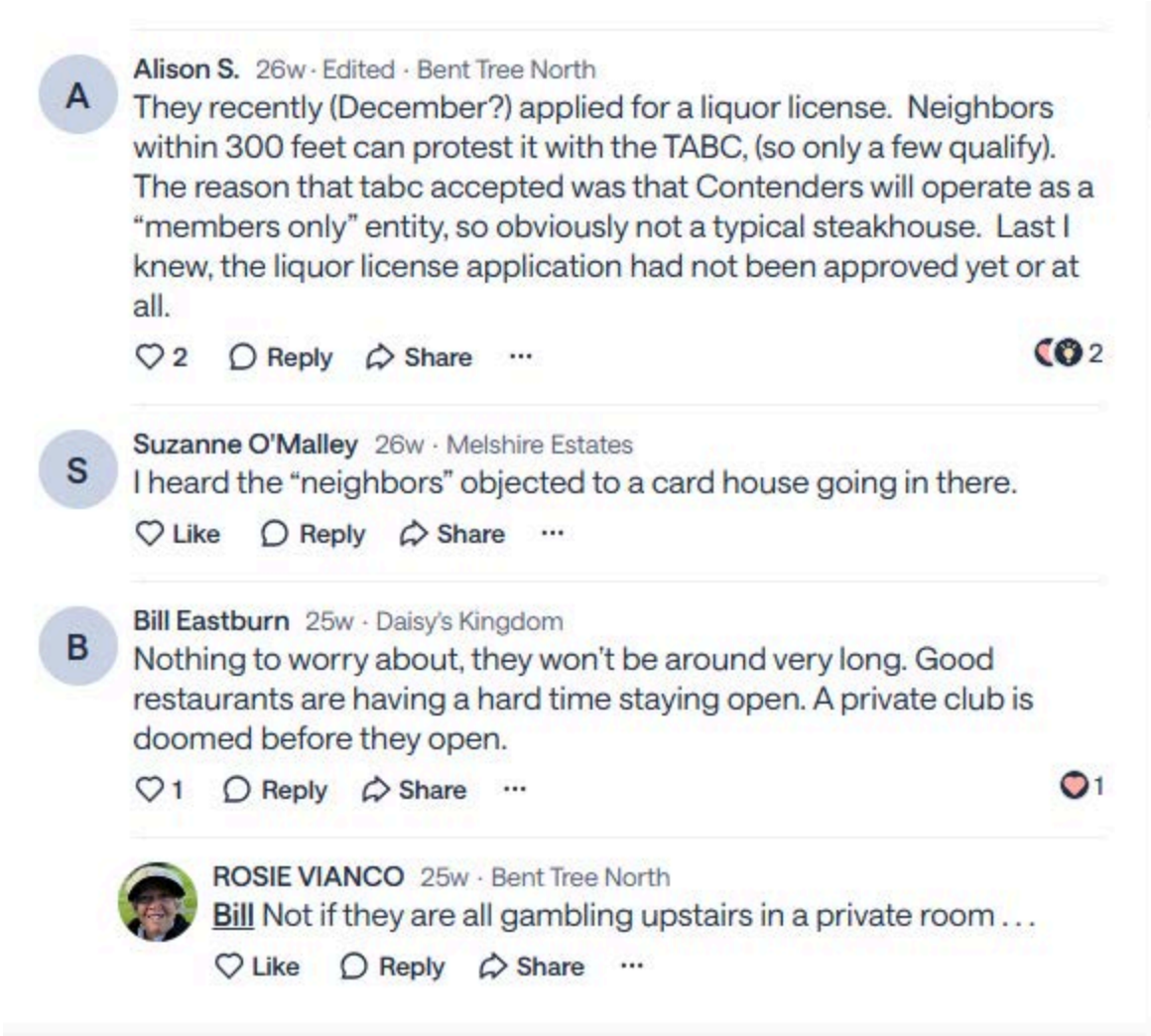
Sean N. 25w · Glen Meadow Estates/Rosser Park
Alicia that idea died a while ago.
1 Reply Share ··· 1

Ray Benavides 26w · Parkway Village
it always reminds me of "5 Nights at Freddy's" when I drive by late at night.
3 Reply Share ··· 3

Mike Garber 26w · Wentworth Estates
Is it still a private club?

https://www.opentable.ca/r/champions-club-dallas
1 Reply Share ··· 1

Tom DuPree 26w · Bent Tree North
What we currently think we know is that they will open as a high end restaurant named contenders. If they offer poker, they will be doing so against the law as Judge Moye found poker clubs illegal in Dallas District Court in 2023. It is still owned by Knighted who owns Champions.
5 Reply Share ··· 5



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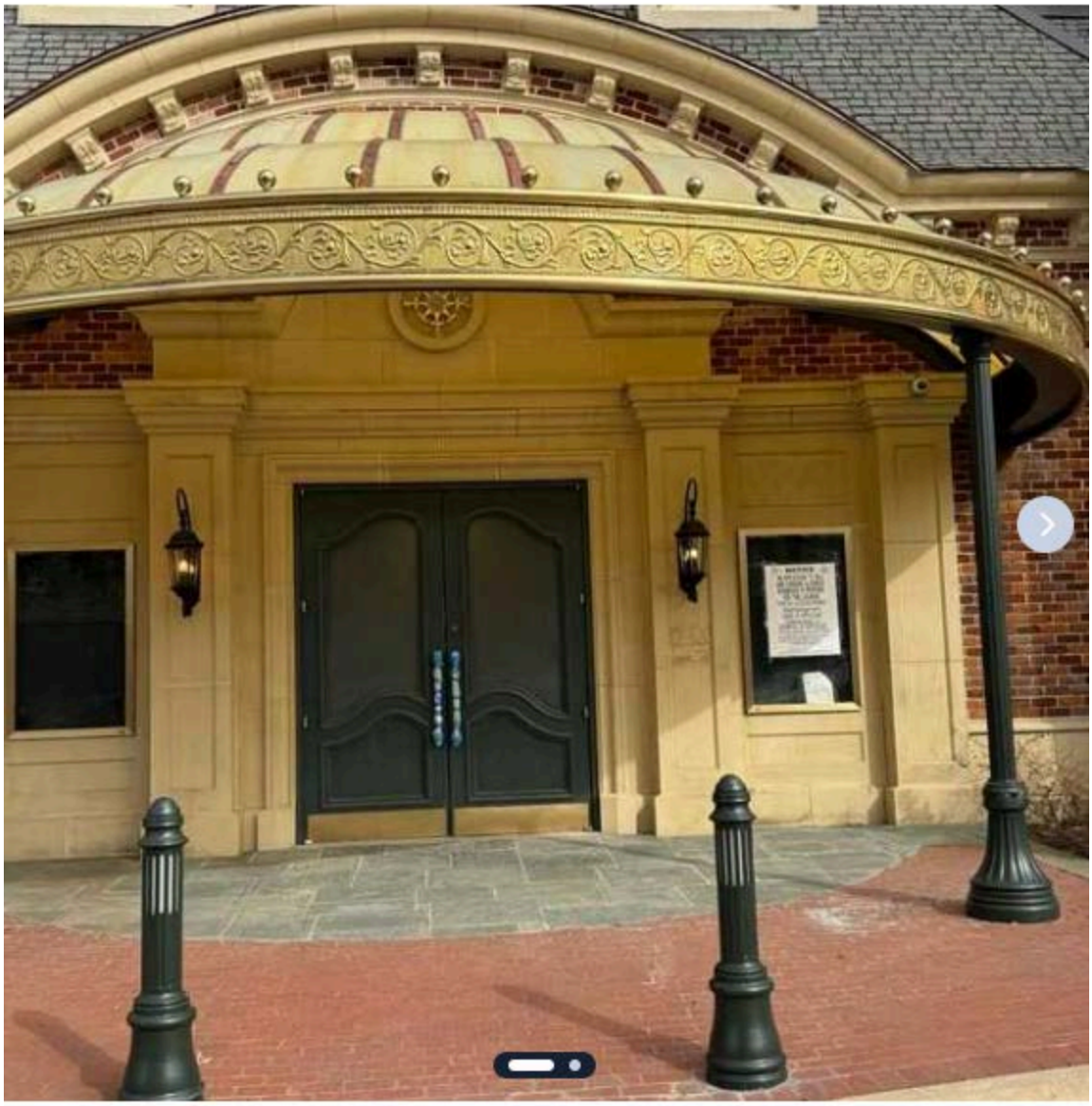
B

Brent B.

Bent Tree North · 6 Mar ·

Anyone know what's going on at the old Ill Forks location? I've watched small construction crews working here for months, but I thought the battle to keep the poker hall out of the neighborhood was over. Perhaps I've missed some updates? Maybe reach out to Cara Mendelssohn?



18 reactions

Comments (38)

Mary C. 21w · Bent Tree West
I wish it weren't even there. Hope they are not planning on gambling.
Cara Is there any information on who is remodeling at Three Forks?
Like Reply Share ···

Wayne Smith 21w · McCallum Highlands
Following
Like Reply Share ···

Sl C. 21w · North Dallas Estates
It's a TABC permit to obtain their license to sell liquor, beer, wine. Clearly some new restaurant concept going into the building
2 Reply Share ··· 2

Michelle Barnaby 21w · Kensington Square
I am under the assumption that a high end Greek Restaurant is going in there .
4 Reply Share ··· 4

KJ McCutchin 21w · Bent Tree North
Michelle are you making that up? 🤣😂
10 Reply Share ··· 10

Michelle Barnaby 21w · Kensington Square
KJ why would I do that
Like Reply Share ···

KJ McCutchin 21w · Edited · Bent Tree North
Michelle it's so random. Would be great. Need lots of room to toss plates and belly dance.
1 Reply Share ··· 1

D **Debbie Benton** 21w · Bent Tree North
Michelle I hope you're right. Love Greek. But it's an awfully large building for something really big to go in there.
Like Reply Share ···

Danielle W. 21w · Keller Springs Village
What is the poker hall and what happened to it?
Like Reply Share ···

KJ McCutchin 21w · Bent Tree North
Contendersports.com. It's esports. Computer gaming. Go to their site. Looks okay to me. I'm happy they are taking care of the building.
Like Reply Share ···

B **Brent B.** Author 21w · Edited · Bent Tree North
KJ Contender Esports is unrelated to Contender Dallas LLC, which is a shell company managed by Roy Choi, the guy who is trying to put in a poker room at this location: https://www.dallasnews.com/food/restaurant-news/2021/07/30/high-end-club-with-poker-room-to-open-in-old-iii-forks-spot-in-north-dallas-but-neighbors-push-back/
2 Reply Share ··· 2

Timothy Koscinski 21w · Parkway Village
Poker Palace
Like Reply Share ···

KJ McCutchin 21w · Bent Tree North
Timothy no not gambling.
3 Reply Share ··· 3

M **Mike Garber** 21w · Wentworth Estates
KJ same people as before that were into CA card room industry. Where did you see this would be esports? Those usually don't sell liquor since teenagers are big percentage of their customers. Your link above didn't work.
Like Reply Share ···

KJ McCutchin 21w · Bent Tree North
Mike it won't link. Just type in the address. Contendersports.com. Not poker.
Like Reply Share ···

B

Brent B. Author 21w · Bent Tree North
Mike you are correct. KJ is confusing the names
1 Reply Share ··· 1

J

Judith Ann Schnitzer 21w · Chalfont Place
What's going in at the old Maguires?
Like Reply Share ···

S

Steve Goble 21w · Bent Tree West
It's going to be a 1920's Deco style restaurant and bar named The Gibson and owned by the Lubbock family that owns The Funky Door in Lubbock. Some info on Facebook and expect more as they get closer to opening
8 Reply Share ··· 8

Crystal Preen 21w · Bent Trail
Steve do you know the name of the page on FB?
Like Reply Share ···

S

Steve Goble 21w · Bent Tree West
Crystal this is the link.
https://www.facebook.com/share/12HvHSKNpgi/?mibextid=wwXIfr
Like Reply Share ···

Crystal Preen 21w · Bent Trail
Steve thank you!
Like Reply Share ···

S

Steve Goble 21w · Bent Tree West
btw I believe they also own Vieux Carre in Flower Mound
Like Reply Share ···

Jessica Gordon 21w · Bent Tree West
Steve know what's going in at the old Salad and Go?
♡ Like Reply Share ···

P

Paul Derks 21w · Wentworth Estates
A poker room would be fantastic. Hope that is the case.
♡ 1 Reply Share ··· 1

Adam Austin 21w · Windhaven Pointe
I don't know why poker gets a bad rap.. It's a very diverse group of folks and everyone enjoys playing some cards. And while there's the excitement of winning, it's strategy as much as luck to be successful.
♡ 2 Reply Share ··· 2

KJ McCutchin 21w · Bent Tree North
Adam it's not that. I've been around this issue since the 80's. It won't happen. Read up on churches and bingo.
♡ 1 Reply Share ··· 1

T

Tom DuPree 21w · Bent Tree North
Adam all you have to do is look at the Mavs to see what kind of people run gaming establishments. I have never been to a city, and I've seen a lot, who were happy about any kind of gaming moving to town.
♡ 3 Reply Share ··· 3

L

Lesley Elam 21w · Roehampton Court
Following
♡ Like Reply Share ···

J

Jane Berg 21w · Edited · Prestonwood
Unfortunately , we will have the rail system soon in our friendly and safe neighborhood. Lets not add a poker room to make it worst.
♡ 1 Reply Share ··· 1

Hank Mishkoff 21w · Windhaven Pointe
Jane The old Ill Forks location is miles away from the new rail line.
♡ 3 Reply Share ··· 3

Timothy Koscinski 21w · Parkway Village
Let's play Poker
♡ 2 Reply Share ··· 2

J

Jack Zoblotsky 21w · Wentworth Estates
It was goingnto be a poker room but the permit wasn't approved. If there were a way to guarantee permit approval I would love to go in with someone and make that happen
♡ 1 Reply Share ··· 1

Michelle Friedman 21w · Northwood Hills
I drove by there not long ago. I was wondering what's going on. Please keep me posted as soon as possible. Thank you
♡ Like Reply Share ···

Cara Mendelsohn 21w · Highlands of McKamy
This sign was put up late last year. They have not filed a TABC license application. There are limited people with standing to oppose a liquor license. I have proactively written a formal letter to TABC opposing any license when the building use is unknown. Texas Senator Hall has also written in opposition to TABC. TABC's website does not show an application from this address. Please keep an eye on it and let me know if you see any changes with postings or activity. Thank you.
♡ 8 Reply Share ··· 8

M

Misti Nelson 20w · Bent Tree North
Cara thank you for staying on this Cara!
♡ 1 Reply Share ··· 1

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Hank Mishkoff
Windhaven Pointe · 22 Apr ·

OLD III FORKS BUILDING UPDATE.

From Dallas Councilmember Cara Mendelsohn's newsletter:

"The old III Forks building still remains vacant with a non-compliant TABC poster saying they have applied for a permit to serve alcohol. There is no record of them filing/applying with TABC. As a proactive measure, I sent a letter opposing any application without full disclosure of the use of the property. State Senator Bob Hall, who represents the area, also sent a letter proactively, opposing a permit until more information is known."

22 reactions

Comments (6)

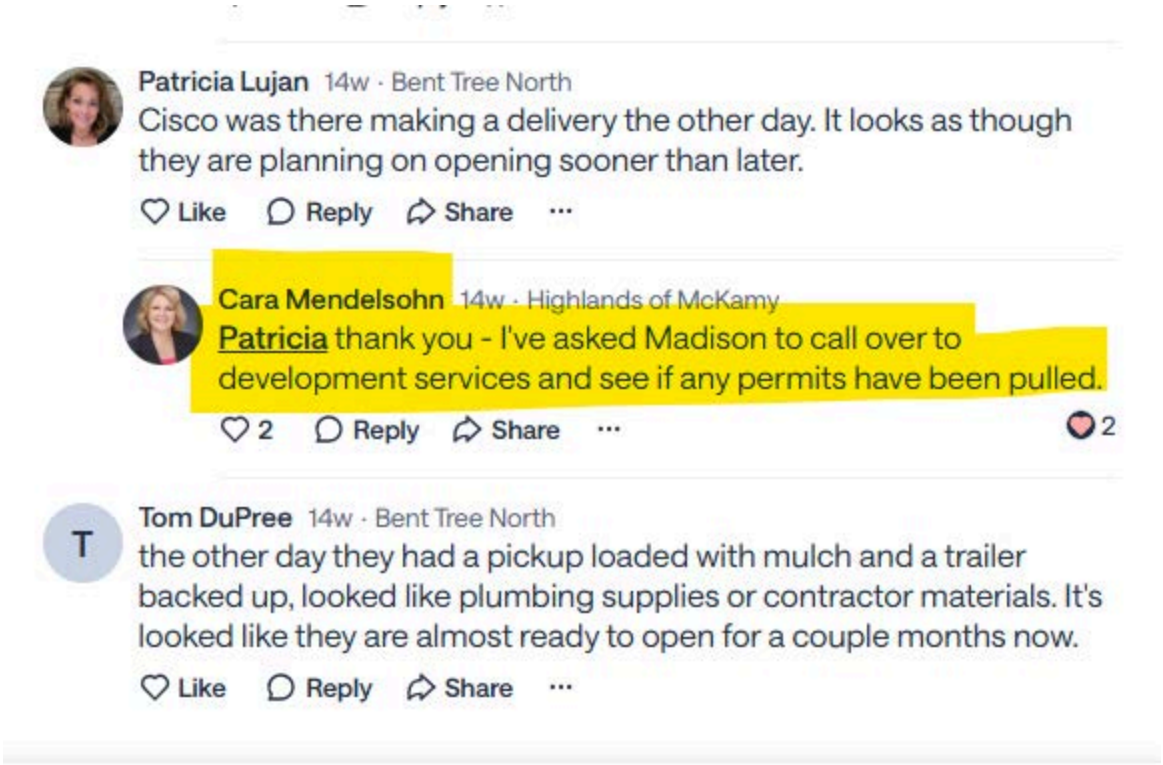
D

Donna L. 14w · Country Brook
Thank you!
1 Reply Share ··· 1

L

Lisa Caldwell 14w · Bent Tree North
Most week days, there is some activity there...several cars/trucks. A couple of weeks ago, there was a Ryder truck backed up to the back door for a couple of days. There continues to be trash in the dumpster (enough to be able to see from the street). Hmmm....
2 Reply Share ··· 2

Cara Mendelsohn 14w · Highlands of McKamy
Lisa can you tell what they are doing? LMK if you find out more. Thank you for keeping an eye on it!
Like Reply Share ···



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Mike Bailey
Bent Tree West · 4 May ·

First of all, congratulations to Cara Mendelsohn on reelection!! You have been an advocate for our neighborhoods and we're glad to have you back for another term.
I did hear something disturbing. The old 3 Forks location has workers inside it doing renovation work. Supposedly they are going to open a private club with a restaurant included. Sounds a lot like the poker club that was attempting to go in a couple of years ago. Can you get any information on what's going on there? Thanks!!!

65 reactions

Comments (7)

Kristal Roberts 13w · Hughes Ln
They tried... Cara has Got D-12...
1 Reply Share ··· 1

Roy Bolen 13w · Lina Street Village
That would be a great spot for a poker room.
1 Reply Share ··· 1

Cara Mendelsohn 13w · Highlands of McKamy
Hi Mike, yes, they applied for a TABC license and I opposed it until we know what kind of business they are interested in. Also, they applied for a Certificate of Occupancy and I was told the city denied it because they didn't provide enough information. I expect they will reapply with a more complete submission. Please make sure you subscribe to the enews for updates. www.tinyurl.com/D12enews.
9 Reply Share ··· 9

Mike Bailey Author 13w · Bent Tree West
Cara thank you. I had a friend walk by there and saw construction activity going on inside so was wondering what was going on. I am already subscribe to the D12 newsletter.
1 Reply Share ··· 1

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Hank Mishkoff
Windhaven Pointe · 18 May ·

From Dallas Councilmember Cara Mendelsohn's newsletter:

CHAMPIONS (THE OLD III FORKS)

"A Certificate of Occupancy was issued in error, and then revoked. Champions is appealing the decision. While they await a Board of Adjustment hearing, they are operating. They applied for a TABC liquor license. I submitted an objection on behalf of the neighborhoods since we don't have all the information on how they will operate, and they mention poker in their application for a certificate of occupancy. In the meantime, they are allowed to serve alcohol as long as it isn't for sale.

"The city is aware of soft-opening events and a non-profit event gala. Please let me know if you see any additional activity. If you would like to attend the board of adjustment hearing, the date is listed on the BOA website as June 17, 2025, but we've been notified that the case may be heard on June 15th. Please make sure to stay up to date as we get clarification. The case number is BOA-25-000001. You can find the materials for the case here: https://dallascityhall.com/government/Boards-and-Commissions/Board-of-Adjustment/DCH Documents/BOA-25-000001_Application Materials.pdf"

Comments (17)

Gerry Mecca 10w · Bent Tree North
Thanks Cara. Help me understand how a "Certificate of Occupancy was issued in error" and more importantly how an error with such magnitude and public attention could be prevented in the future.

Like Reply Share

Gerry Mecca 10w · Edited · Bent Tree North

Gerry It's been a few days so I guess no one really cares. Prob wasn't a mistake and that's our political system at work. Let them serve and keep out the poker. Easy Peezie.

Like Reply Share ···

Hank Mishkoff Author 10w · Windhaven Pointe

Gerry The more likely explanation is that Cara's not following this discussion. If you want an answer from her, ask her.

Like Reply Share ···

Gerry Mecca 10w · Bent Tree North

Hank oh. Crud. Figured she followed you.

Like Reply Share ···

Hank Mishkoff Author 10w · Windhaven Pointe

Gerry If she does, it's from a distance. 😎

Like Reply Share ···

Cara Mendelsohn 10w · Highlands of McKamy

Gerry I don't have an answer for that - the permitting office approved it and then they caught their error. I found out about it after they had caught their error. Councilmembers are not alerted to approved COs or permits.

Like Reply Share ···

Gerry Mecca 9w · Bent Tree North

Cara thanks. I certainly didn't get the impression during my tour of the facility that Champions leadership felt the CO was approved in error. They described it more like a review to ensure that Poker would be excluded. I may call them to make sure I didn't misunderstand. I am ready for a steak and a cocktail and maybe some live music.

Like Reply Share ···

Hank Mishkoff Author 9w · Windhaven Pointe
Gerry Do you deliver?
1 Reply Share ··· 1

Cara Mendelsohn 9w · Edited · Highlands of McKamy
Gerry they received a letter saying it was issued in error and more information was necessary.
1 Reply Share ··· 1

Cara Mendelsohn 10w · Highlands of McKamy
Also, I don't read nextdoor daily. I usually check it when I'm sitting in a boring meeting.
2 Reply Share ··· 2

Scott Pattillo 9w · Bent Tree North
They have valet out front working tonight with champions on the valet sign
Like Reply Share ···

Gerry Mecca 9w · Bent Tree North
Scott cool. I'll head over for a cocktail.
1 Reply Share ··· 1

Cara Mendelsohn 9w · Highlands of McKamy
Gerry let us know how it goes
1 Reply Share ··· 1

Gerry Mecca 9w · Edited · Bent Tree North

Cara hey it was super nice. I didn't realize that the event was an RSVP thing. I had just pulled up and ran into a guy I knew that does security. I said I was there to check it out. He walked me in the door, I was greeted by four really nice ladies all well dressed and coifed, who were checking in guests for what was going to be a dinner. It smelled great, but I wasn't planning on staying nor did I. I was then greeted by the owner or part owner Isaac and his beautiful wife Rebecca. We discussed our daughter's similar path in music and she's headed to Hokaday. I forget the school she's in right now but a feeder.

He said they were able to hire the old Three Forks Chef and her crew. So that was promising.

The facility was using the name Champions Social Club to distinguish it from the Champions Houston that emphasizes Poker, Hotel, Bar & Lounge and maintains that are following the city requirement to the letter and welcomes anyone, fan or not to come see the place for themselves.

I'll have to come back for the dinner.

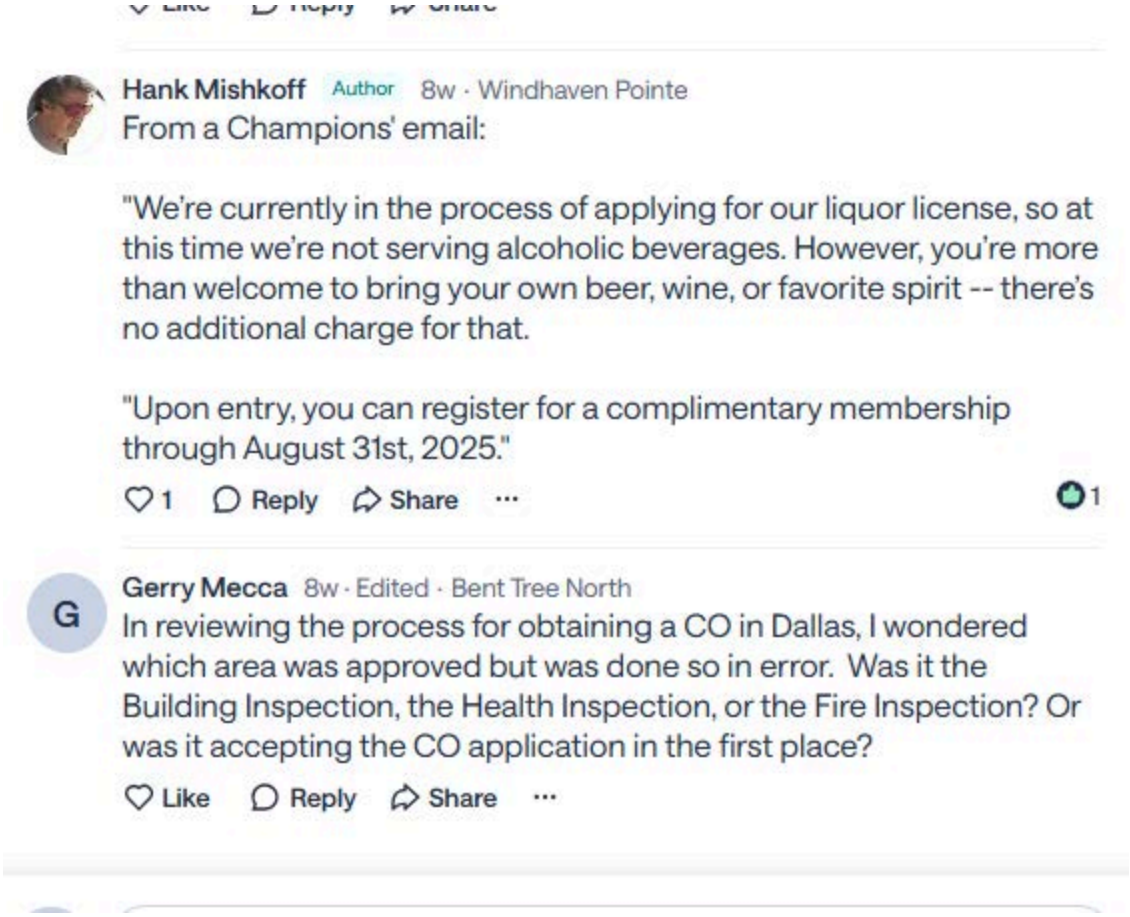
https://championsdallas.com

♡ 1 Reply Share ··· ❤ 1

Gerry Mecca 9w · Bent Tree North

I forgot Isaac gave me his card. His email is itrumbo@knighted.com or **214-810-1619**. He said write or call if you want a personal tour.

♡ Like Reply Share ···



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Cara Mendelsohn
Highlands of McKamy · 18 May ·

Lots of questions are posted on NextDoor that are answered in the District 12 enews.

If you live in Far North Dallas and don't subscribe to the District 12 enews, you can sign up here: www.tinyurl.com/D12enews. If you'd like to check out what kind of content is in the enews before you subscribe, here's a link to the most recent edition: https://conta.cc/4dlJFjo.

If you have suggestions for information that should be published or questions to be answered, please let me know.
Cara Mendelsohn, Dallas City Councilmember, District 12

28 reactions

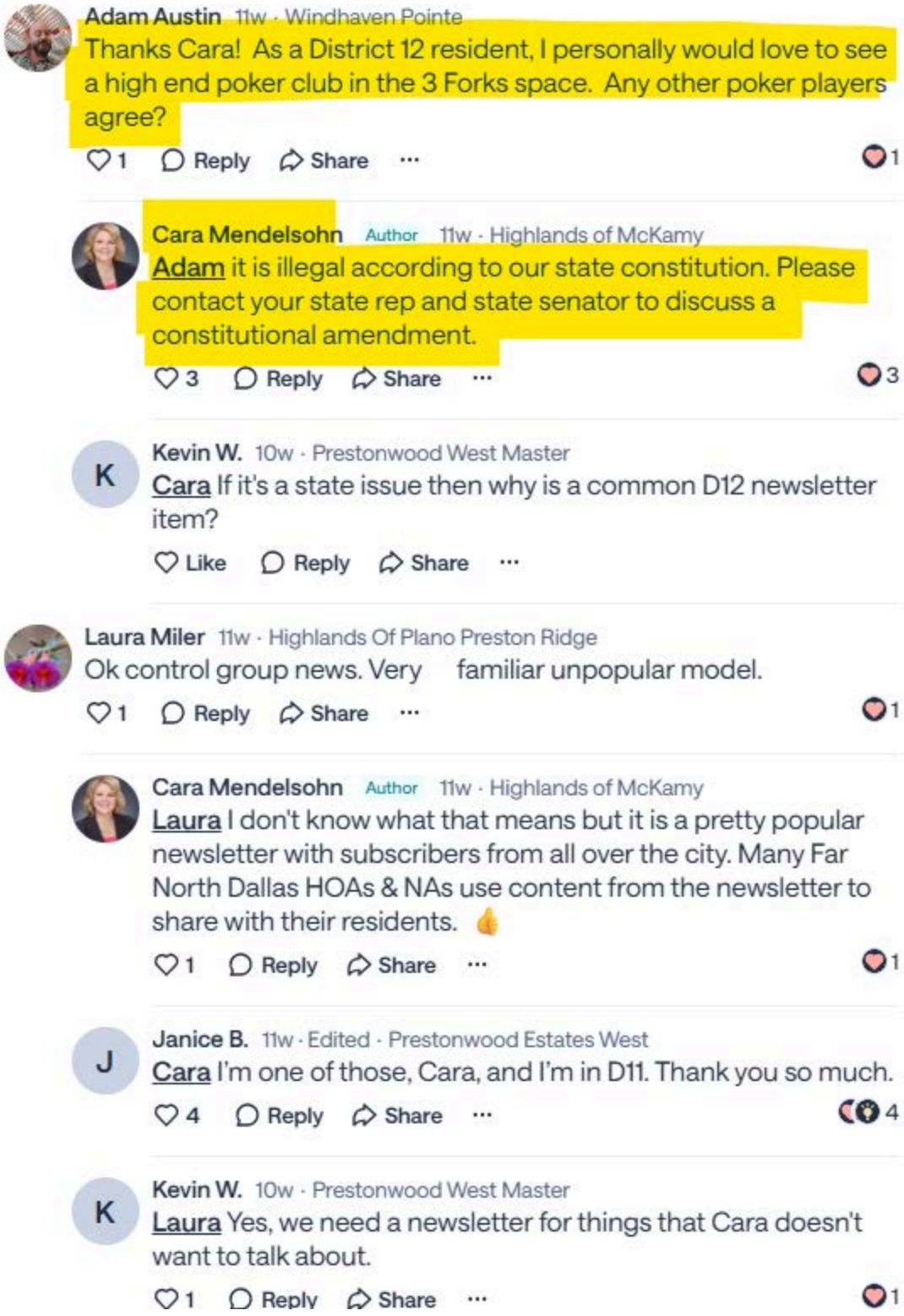
Comments (17)

David Garner 11w · Oakdale
Yes Cara
1 Reply Share ··· 1

Jonathan Roozeboom 11w · Bent Tree North
I laughed at calling PF Changs, Pei Wei.

Appreciate all the news and updates. I like learning directly from a good source. Thank you for your service.
2 Reply Share ··· 2

Cara Mendelsohn Author 11w · Highlands of McKamy
Jonathan guess you know what I was thinking about!
1 Reply Share ··· 1



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J **John Berczuk**
Bent Tree West · 5 Jun ·

Has anyone been to Champions Social Club (Old III Forks) since it opened last week? Looking to get your thoughts on the venue, food and service. Thanks.

1 reaction

Comments (7)

S **Sheri S.** 8w · West Plano - Willow Bend
That place is membership required, right..like 100/mo?
2 Reply Share ··· 2

J **John Berczuk** Author 8w · Bent Tree West
Sheri it is membership only but fee waived until 9/1. Assume it is to garner interest and members.
Like Reply Share ···

P **Patti C.** 8w · Rosemeade North
Sheri I don't see that place lasting with $100/month membership fee more than 6 months. Not even open on Sundays!
1 Reply Share ··· 1

S **Sheri S.** 8w · West Plano - Willow Bend
Patti well, kind of why I mentioned the monthly fee..but yeah no Sunday's?
Idk I would think that any private club in Texas would have to have Football on it's mind..like most businesses in the dining/entertainment field..but hey 🤷‍♀️
2 Reply Share ··· 2

B **Becky Arenson** 8w · Windhaven Pointe
Do they have a website?
Like Reply Share ···

https://nextdoor.com/p/4CbfSQhfW2Hx?utm_source=share&extras=MTEwOTk0NzQy&ne_link_preview_links=&utm_campaign=1754316800203&share_action_id=57cfb4c6-dc0f-4c8e-a09c-9db71278437e

Hank Mishkoff
Windhaven Pointe · 9 Jun ·

Champions/the old III Forks.

From Dallas Councilmember Cara Mendelsohn's newsletter:

"A Certificate of Occupancy was issued in error, and then revoked. Champions is appealing the decision. While they await a Board of Adjustment hearing, they are operating.

"They applied for a TABC liquor license. I submitted an objection on behalf of the neighborhoods since we don't have all the information on how they will operate, and they mention poker in their application for a certificate of occupancy. In the meantime, they are allowed to serve alcohol as long as it isn't for sale.

"The city is aware of soft-opening events and a non-profit event gala. Please let me know if you see any additional activity.

"If you would like to attend the board of adjustment hearing, the date is listed on the BOA website as June 17, 2025, but we've been notified that the case may be heard on June 15th. Please make sure to stay up to date as we get clarification. The case number is BOA-25-000001. You can find the materials for the case here:

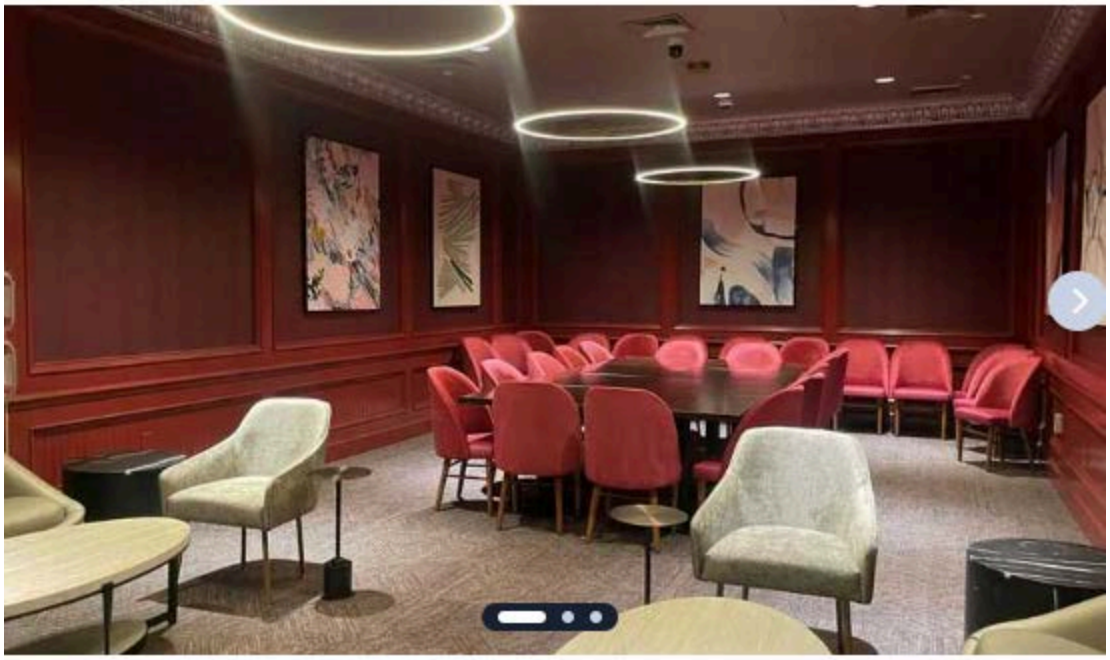
https://dallascityhall.com/government/Boards-and-Commissions/Board-of-Adjustment/DCH Documents/BOA-25-000001_Application Materials.pdf

"There is a community-led neighborhood meeting tonight [June 9 2025] for Bent Tree North. A representative from the City Attorney's office will be in attendance to answer questions about the board of adjustment process."

https://nextdoor.com/p/P3MdT44Zf7wM?utm_source=share&extras=MTEwOTk0NzQy&ne_link_preview_links=&utm_campaign=1754315890255&share_action_id=2ad5efef-bee0-482d-96ad-68a1d16e92b0

Tony Worthy
Prestonwood Trails · 10 Jul ·

What was 3 Forks on Dallas Pkwy is now called Champions Social Club.
It's a beautiful restaurant and bar with special gathering occasions and live music.
They offered us a tour and it was enjoyable.



15 reactions

Comments (3)

F **Fran Kreekon** 3w · Bent Tree Village
I thought they were denied a liquor license.
Like Reply Share ···

Dee Dee Price-Davis 3w · Frankford
Fran that may be why they are opening as a Private Social Club that requires membership? That is only my guess! 🤷‍♀️ Just my opinion... According to their web page, membership is $100 a month, which is being waved until 9/1/25. 😍

M **Mac Norman** 3w · Glen Meadow Estates/Rosser Park
Are they still going to offer Poker Games?
1 Reply Share ···

https://nextdoor.com/p/nHH45zLf677F?utm_source=share&extras=MTEwOTk0NzQy&ne_link_preview_links=&utm_campaign=1754317157732&share_action_id=54b20dd6-4ed3-477c-9b43-b035c4cc8836

Cara Mendelsohn for Dallas City Council 12's Post

Cara Mendelsohn for Dallas City Council 12
August 27, 2021 ·

POKER ROOM UPDATE
This week a letter was sent to the Champions group DENYING their application for a Certificate of Occupancy! They have 15 days to appeal. A copy of the letter is below.

After a very thorough process to evaluate the legality of the business model proposed, the City Attorney's office has deemed it illegal as outlined by state law. The city will stand up to any legal challenges to this determination.

I am very thankful for the City Attorney's efforts, as well as the strong partnership with State Representative Shaheen, Collin County District Attorney Willis, and Dallas Police Chief Garcia.

There are many people to thank for their help and assistance as we have dealt with this for the last eight months. From within City Hall, a special thanks to all the staff in the City Attorney's office, especially First City Attorney Tammy Palamino, the City Manager, the Mayor and his staff, the Assistant City Managers over Building Inspections, Sustainable Development, Economic Development, Transportation, Code Compliance, and the District 12 staff who have helped field so many calls and set up so many meetings. Outside of city hall, the District Attorneys for Dallas, Collin and Denton all gave their time and input, many other cities that have poker rooms and don't have poker rooms gave input and advice, and legal experts on this issue within Texas and outside the state provided guidance and insight. Other elected officials that don't have a direct role in this issue, like Collin County Commissioner Webb and Collin County Judge Hill, made themselves available and provided support to our effort. It was great to see the community and residents get involved through petitions, meetings, protests, and speaking to council, and your efforts are always encouraged and appreciated!

Any other efforts to add poker rooms in the City of Dallas will also be denied, assuming they have similar business models.

The effort to add a land use in the city code to require a special use permit will continue, in case there is a business model proposed that does not violate state law. The hearing for that case will be next month and I will encourage you to sign up to speak on that item.

THANK YOU for your help to stop the poker room at the former III Forks location and throughout the city. It has taken an enormous amount of time and effort and I sincerely appreciate each and every one of you!

Have a great weekend!

CITY OF DALLAS

August 24, 2021

Mr. Roy Choi
17776 Dallas Parkway
Dallas, Texas 75287
CERTIFIED MAIL NO. 7020 1290 0000 3631 0051

RE: Denial of the application for a certificate of occupancy for a restaurant dba *Champions Club* at 17776 Dallas Parkway

Dear Mr. Choi:

Pursuant to Paragraph (1), Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 15th day after written notice of the above action.[1] If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

Derrick Kien
Poker rooms all over houston are providing numerous amounts of jobs and safe environment for customers to come play. Why let our residents go to neighboring states to poker when you can just help provide jobs and services that will only benefit your ci... See more

3y Like Reply 10

View all 2 replies

Jarrod Burks
I will be doing everything in my power to make sure you never win an election ever again. Imagine being anti freedom. Everyone should be ashamed of you

3y Like Reply Edited 10

Kevin McNally
My kids' school is less than a mile away. The last thing we need is a 24hr poker room with drunks driving around and slashing throats. Thank you to Cara, the supporters, and elected officials involved.

3y Like Reply 8

View all 18 replies

Sean Morrison
Oh no a Poker room. Heaven forbid something make money other than the sex trade that blossoms so well in Dallas...

3y Like Reply 10

Jarrod Burks
Imagine thinking "we are stopping this illegal place" when in reality people will play poker whether it's heavy rake illegally or at a safe environment. She is openly supporting illegal underground activity. Instead of safe fun legal places.....

Plea... See more

3y Like Reply 5

View all 6 replies

Elizabeth Bentley
Just wondering if there's a poker room on Regal row, a bit north of I35. I've passed that location a couple of times recently and there signage on the building.

3y Like Reply 2

View all 2 replies

Jarrod Burks
Collin county commissioner Webb will be getting calls and letters to change his stance or he will also be removed from office when the time comes.

And judge hill needs to be told that he hates freedom and jobs, and they all love illegal activity.

3y Like Reply 2

Gordon Steinecke
Thank you, Cara! Living in BTN directly behind III Forks I will be very glad to not have this at the entrance to our community.

3y Like Reply

View 1 reply

Tyler Adams
Kinda surprised to be honest. Usually democrat run areas can't wait to approve something they can make tax money on.

3y Like Reply

Jarrod Burks
Cara Mendelsohn for Dallas City Council 12 Cara Mendelsohn please debate me publicly on this, so I can expose your blatant lies and misrepresentation of poker and why you are a hypocrite considering the game that had the stabbing, you allowed to open the next day....

3y Like Reply Edited

Calen Barnum
So what are you going to do about all the underground clubs?

3y Like Reply

View all 9 replies

Adam Thompson
What does this mean for the ones already open and operating legally in Dallas?

3y Like Reply

View 1 reply

Golden Kolache
Why would you be against jobs and tax revenue? No wonder there are so many pot holes

3y Like Reply

Tom Ayers
Thank you to all those who volunteered and led the successful effort to this point. Now we see if there is a local "friendly judge" who disagrees strong enough to take action. The new owner has invested a lot of money into facilities and branding - pro... **See more**

3y Like Reply

View 1 reply

Danielle McWilliams
This saddens me. I recently moved to Texas and I've watched everything going on with these poker rooms. I have a child that goes to school in this district and on several occasion she has had to wait several hours to get home from school. Seems to me t... **See more**

3y Like Reply

Scott Poggensee
I think we all need to calm down and take a breath. Admittedly, I am pro-poker room in Dallas because I'm tired of having to drive to Oklahoma. And I've played in several of the rooms here in Dallas. Not once did I feel unsafe. In fact, the ones I've b... **See more**

3y Like Reply 2

Brandon Perry
Texas Card House is not far away like 5 minutes. How come they are open?? Would they not cause the same threat to your community???

Steve Feuerbacher
At some point, I believe it was February of 2020, the Dallas City Council approved the application of The Texas Card House to open a legal poker room in Dallas. At that moment, www.texascardhouse.com was already operating a large poker room at the Sam... **See more**

3y Like Reply Edited 4

Bill Jones
This is supposed to be the land of the free, but you want to restrict the ability for a group of people to gather and play cards in a safe environment? There are plenty of activities I've never engaged in, but just because they are not for me, doesn't ... **See more**

3y Like Reply

Jon Lee Hart

3y Like Reply

Claudia Muniz Statman
Thank you!!!

3y Like Reply 2

Jarrod Burks
What a piece of shit. Way to let underground illegal rooms continue while you remove the legal ones.

3y Like Reply 3

Erin Shea Camp
Great news! Thank you, Cara!

3y Like Reply 3

View all 4 replies

Nathan Pease
Ryan Baroni Ryan VanWinkle

3y Like Reply

View 1 reply

Kay Brown Myers
Mike Algermissen

3y Like Reply

Kyle J. Monaco
We want poker and not **Cara Mendelsohn for Dallas City Council 12!**

3y Like Reply 2

Gary Griffith
Yea!!!!!

3y Like Reply Edited

Kim Winans
Linda Prickette James Longueville Carol Mulvey

3y Like Reply

Jeanie Griffith Lemons
Thank you so much, Cara!

3y Like Reply 2

View all 3 replies

Sandra Reardon Millimet
Thank you

3y Like Reply 2

Jo Trizila
Well done.

3y Like Reply 2

Most relevant is selected, so some comments may have been filtered out.

SHARE:

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Dallas City Hall District 12 Enews

January 19, 2023

Connecting You With City Information, News, and Resources

Happy New Year!

I'm going to continue saying Happy New Year for the whole month of January because I love the spirit of a new start and chance to resolve to be a better person. If you've already broken your new year resolution, start over again - it's still January!

Looking back on 2022, I think of the challenges and accomplishments, the most difficult parts of the job and the highlights. YOU are the BEST part of serving the community. How lucky we are to have such a great community with caring, smart, dedicated individuals. If you'd like to get further involved and are looking for suggestions, please reach out.

EXCITING NEWS - We received $3,459,175 toward our trail in design phase last week! This grant, along with bond funds and last month's authorization to purchase the land on Mapleshade for the park and micro-ampitheater mean we have jumped several steps forward in our effort to connect trails, places, and people in the district. Please see the map and short write up below. I am really looking forward to seeing this project move forward! Several public input sessions in the coming months will be held to get your input on this trail connection, park improvements throughout the district, the city budget, the upcoming bond projects, the expansion of Campbell Green Rec Center, and more. There are a lot of exciting things happening!

There are many construction projects impacting major roads in D12. Please read below for a very long and detailed description of DART's upcoming work on Hillcrest and Campbell. The construction on Frankford is not going as planned, but it is going EXTRA FAST! More than one crew is working hard to complete the work before construction with DART gets even more challenging in our area. Please continue to drive carefully, and slowly, in construction zones. Your life, the life of the workers, and pedestrians in the area are counting on your attentiveness and slower speeds.

Lots of events are coming soon (including walk-in office hours this Friday 2-4 pm at the North Central Police Station Community Room AND the ribbon cutting for Parkhill Dog Park on Saturday at 1 pm!) and we look forward to seeing you! Cara

Council Liaison: Madison.Johnson@dallas.gov
Council Assistant: Luis.Delgado@dallas.gov

Visit the District 12 Website

https://www.nbcdfw.com/news/local/fire-at-dallas-sanitation-facility-reduces-fleet/3166053/?fbclid=IwAR0SQAGGniM2YnVv3o24smfq180QwEWWWExfbnKkm0saGCE1uf4xIUWB3KA

If you continue to have sanitation problems, please make sure you have reported it to 311 so they can send a truck to pick up your missed service. Also, let me, Madison or Luis know asap. We are doing all we can to ensure you get your garbage, recycling, and bulk trash picked up.

City of Dallas

ISRAEL
Consulate General of Israel to the Southwest

Commemorating International Holocaust Remembrance Day

Date: January 25, 2023
Time: 8:30 a.m. – 9:45 a.m.
Venue: Dallas City Hall (1500 Marilla St, Dallas, TX 75201)

The public is invited!
No RSVP needed

The **Consulate General of Israel to the Southwest is hosting a special Exhibit Opening and Program** from 8:30 - 8:50 a.m. in the Lobby of City Hall (1st floor), featuring remarks by The Honorable Livia Link-Raviv. The exhibit's theme is "Beyond Duty" and highlights the unique stories of diplomats recognized by Yad Vashem, the World Holocaust Remembrance Center.

Following the program, guests are invited to remain for the 9:00 a.m. City Council meeting in the Chambers room (6th floor), where **Mayor Eric Johnson will host a Special Presentation.** The presentation will be featured at the beginning of this meeting, which can be watched live at www.dallascitynews.net/watch-live

Order of City Council Meeting

1. Meeting is called to order
2. Invocation
3. Pledges of Allegiance
4. **Announcements and Special Presentations**
5. Open Microphone Speakers

Guest speakers may sign-up online for the Open Microphone segment (Item #5) or by calling the City Secretary's office at (214) 670-3738. Please note the registration period opens on January 19 and the deadline is January 24, 2023 at 5:00 p.m.

For questions, please contact:

Office of Dallas Mayor Eric Johnson
Kristen McNeal
(O) 214-670-3301

Consulate General of Israel to the Southwest
Reut Bonfil
(O) 832-301-3515

City of Dallas

District 12 Town Hall

Thursday, January 26th, 7pm - 8pm
Renner Frankford Library

Special Guest:
Christopher Christian
Code Compliance Director

Join District 12 Councilwoman Cara Mendelsohn to meet the new director and to share your code questions or concerns.

***Questions or suggestions? Please call 214-671-8921**

A Trail To Connect Timberglen Park and Preston Ridge Trail

District 12 may be unique with residents in multiple counties, but we are ONE! It is time we are able to easily connect with each other and all the parts of the district. This new trail, which will be the city's most northern asset, will connect Denton County with Collin County, and most importantly, will allow access to the Preston Ridge Trail and the Cotton Belt Trail. Phase one (in yellow) is shown below. It is funded by bond funds, but only a portion will be built for now. Phase two (in blue) was awarded last week. This will connect the Preston Ridge Trail to the new Mapleshade Park and take the trail to Moss Glenn Park. We are working with transportation partners to address the challenges of the alignment shown in red. More information will be coming and your input on this trail is requested. We'll have a community meeting in the spring.

Dallas Police Promotion Ceremony

Started 2023 with a wonderful promotion ceremony for some top performers in DPD. These men and women have shown leadership and excellence and it is a thrill to congratulate them on their efforts and new positions!

Thank you Church of the Holy Communion for inviting me to be part of the Lessons & Carols service. It is an honor to read the first lesson & I appreciate that I was given one from Genesis. Beautiful music from Dallas Symphony in your gorgeous sanctuary with lots of neighbors and friends!

Thank you to Rabbi Pekier of Torah Day School of Dallas for joining me at the City of Dallas - City Hall Convention Center to light the Hanukkah menorah on the fifth night! This was the first time there was a menorah displayed at the Dallas Convention Center through the holiday.

Quick Updates

- The multifamily housing development being built at Trinity Mills and the tollway will have 317 units of market rate housing and 17 units of affordable housing. This development was allowed by right with our zoning code.
- Sprouts is planning their ribbon cutting for Friday, February 24th.
- Please continue to call 311 or report on the OurDallas app when you see panhandlers and please do not give them money.
- Hillcrest lane closures are changing - please drive slowly and pay attention to signage. If you have suggestions for improving the traffic management, please share them with our office.
- Zoning to change the land use on Coit for a restaurant and Pickleball will be voted on Wednesday.
-
- If you are interested in starting an Exchange Club, Rotary, or Women's League chapter in Far North Dallas, please contact Luis.

Dallas City Council
District 12

Walk-in Office Hours
2 - 4 pm

September 9
September 23
October 7
October 21
November 4
November 18
December 2

City of Dallas

Twice a month we take over the North Central Police Station community room (6969 McCallum Blvd) to talk with you. Stop by to get help with any city service, share your view on an issue facing the city council, ask any question, or just say hi!

Cara Mendelsohn, Dallas City Councilmember, D12

D12 Senior Population

Below is some valuable information shared by our Senior Affairs Commissioner Beth Mond. The data was put together to we learn more about our population

the collaborative, cross-departmental work the City is doing to implement the Comprehensive Environmental & Climate Action Plan (CECAP). Everyone is invited to attend.

In The News

Cotton Belt/Silver Line
https://www.nbcdfw.com/news/local/elon-musks-boring-company-in-talks-for-north-texas-tunnels/2916979/

https://www.nbcdfw.com/news/local/neighbors-voice-concerns-over-dart-silver-line-construction/2912320/

https://www.fox4news.com/news/darts-new-silver-line-continues-facing-backlash-from-some-homeowners

Mental Health Leave for City of Dallas Employees
https://www.dallasnews.com/news/politics/2022/03/10/dallas-allowing-city-government-workers-to-get-paid-time-off-for-mental-health/

https://www.axios.com/local/dallas/2022/03/10/dallas-mental-health-leave-city-staff

Construction Work Allowed On Sundays?
https://www.dallasobserver.com/news/should-dallas-allow-construction-work-on-sundays-13694817

Crime at Apartments
https://www.nbcdfw.com/news/local/dallas-leaders-push-for-stronger-apartment-crime-fighting-plan/2911122/

I Walked Out of a Meeting... Here's Why!
https://www.dallasobserver.com/news/cara-mendelsohn-ditched-meeting-to-buy-more-time-on-affordable-housing-recommendations-13701902

Save Jane

The Dallas Children's Advocacy Center had an extraordinary awareness event last week. To call attention to the 27,484 child abuse cases in Dallas County last year, the names and ages of each victim was read aloud. Because there are so many names, they are divided into three locations. I read 100 names and ages at Love Field as people passed by. Each name is either a Jane

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Dallas City Hall District 12 Enews

June 20, 2021

Connecting You With City Information, News, and Resources

Hello District 12,

The new term for city council members has begun! The photo above is the new council after inauguration. It's a more casual photo than usual, but it seems to fit the times (the formal one was also taken).

Council meetings in June have been a combination of in-person and remote, and it is the city manager who decides when to open everything 100%. Right

Lemonade stands have been popping up in #D12 along the Preston Ridge Trail! So great to see these young ladies showing their entrepreneurial and philanthropic talents! #communityconnections #girlboss #youngleaders

Need help, got a question, or want to give input?

Email: Cara.Mendelsohn@DallasCityHall.com
Office phone: (214) 670-4067
Text phone: (214) 490-1036

SHARE:

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Dallas City Hall District 12 Enews

May 22, 2022

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Congratulations Graduates, Lots of Info to Share Below!

So many wonderful celebrations are happening as students complete the school year, and our high school and college seniors graduate and move to their next phase of education and life!

Below are many events and activities I think you'll enjoy learning about and participating in, and I hope to see you there.

Are you ready to speak up? There are several issues coming to the city council and affecting our neighborhoods and if you're concerned about them, please speak up. Your voice matters!

Last week I was sick with COVID-19. Even though we all want COVID to be a thing of the past, unfortunately it is still with us. The current transmission rate is very low and last week the Mayor disbanded the city council COVID-19 Ad Hoc committee.

Make sure to read the information on Cotton Belt/Silver Line below.

Dallas Police Memorial Ceremony

A somber day where we remember those who gave the ultimate sacrifice while serving Dallas residents. The ceremony began with a march to the police memorial and included the police choir, police chaplain, honor guard, bagpipes, helicopter flyover, 21-gun salute, laying of the wreath, speech by the Mayor and the reading of the names of all fallen officers since Dallas Police was formed in the 1800s. It was a moving and respectful event and reminds us that the lives of our fallen officers can not be forgotten. The police memorial is next to city hall. The table top piece on the memorial has the expected information about officers, but the top piece is what is unexpected. It has the badge numbers of the fallen cut into it and when the sun shines through them, it shows them on the sidewalk, like they are standing beside you.

I-345/Downtown

If you work or travel to Downtown Dallas frequently, this is important for you. I-345 is the segment of highway that connects Central Expressway (75) with I-45 south, leading to I-30 east and west. Residents north of LBJ were not considered in the prior study, but many District 12 residents work downtown and even further south. The "improvements" can mean anything from they will rebuild the elevated road as it is, they will dismantle it and vehicles will exit the highway and travel on a boulevard with traffic signals, or they may decide

SHARE:

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Dallas City Hall District 12 Enews

July 24, 2021

Connecting You With City Information, News, and Resources

*****SPECIAL EDITION*****

This enews is dedicated to just two topics, the Cotton Belt/Silver Line and [redacted] As promised, here is a deep dive for both. There are new things happening every day. As specifics unfold, I will keep you informed through the enews and social media.

Have a great weekend, Cara

Cara Mendelsohn, Dallas City Councilmember, District 12

Visit the District 12 Website

Cotton Belt/Silver Line

Hopefully you've heard about DART's 26-mile Cotton Belt/Silver Line Rail and Hike and Bike Trail. This project has been in the works for many years, and we are lucky to have residents who have actively worked on this plan to improve it for all. The train will run 60-90 times a day. DART will start positioning trains around 4 am and return trains to the station around 2 am. You can find a lot more information about the project at www.dart.org/silverline.

Have you seen the message boards to make the community aware of changes to traffic flow and construction? We're at the beginning of a long construction period related to the building of the Cotton Belt/Silver Line. Every part of our district, from Arapaho north to President George Bush Turnpike, from Coit to

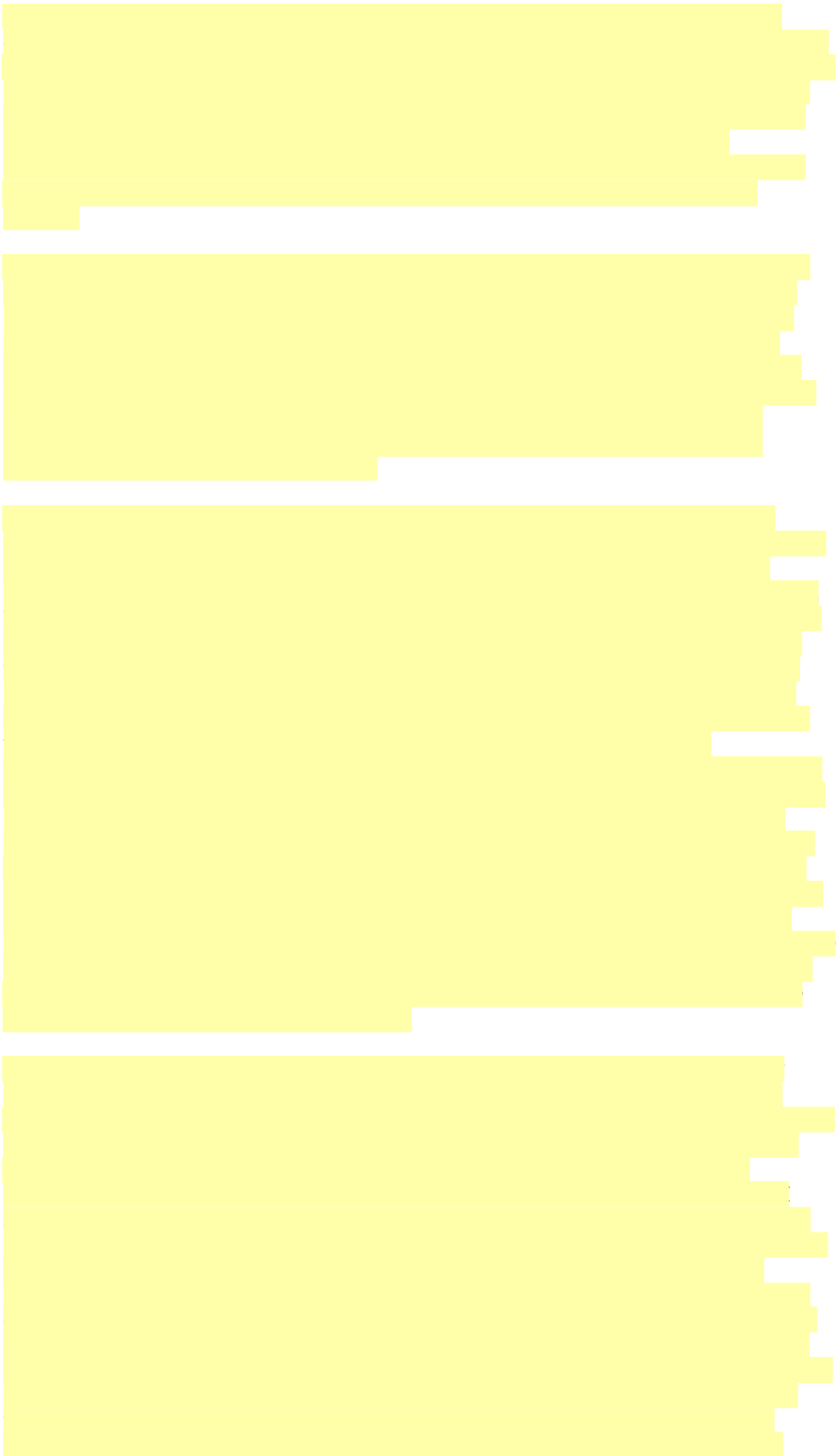
CAMPBELL ROAD
The train will cross Campbell at street level. New cuts in the median will be made to build turn lanes, allowing vehicles to enter the condos on the north side and apartments on the south side more safely and without having to make a U-turn.
Hike and Bike Trail: The Cotton Belt Trail will be built along the tracks on the west side.

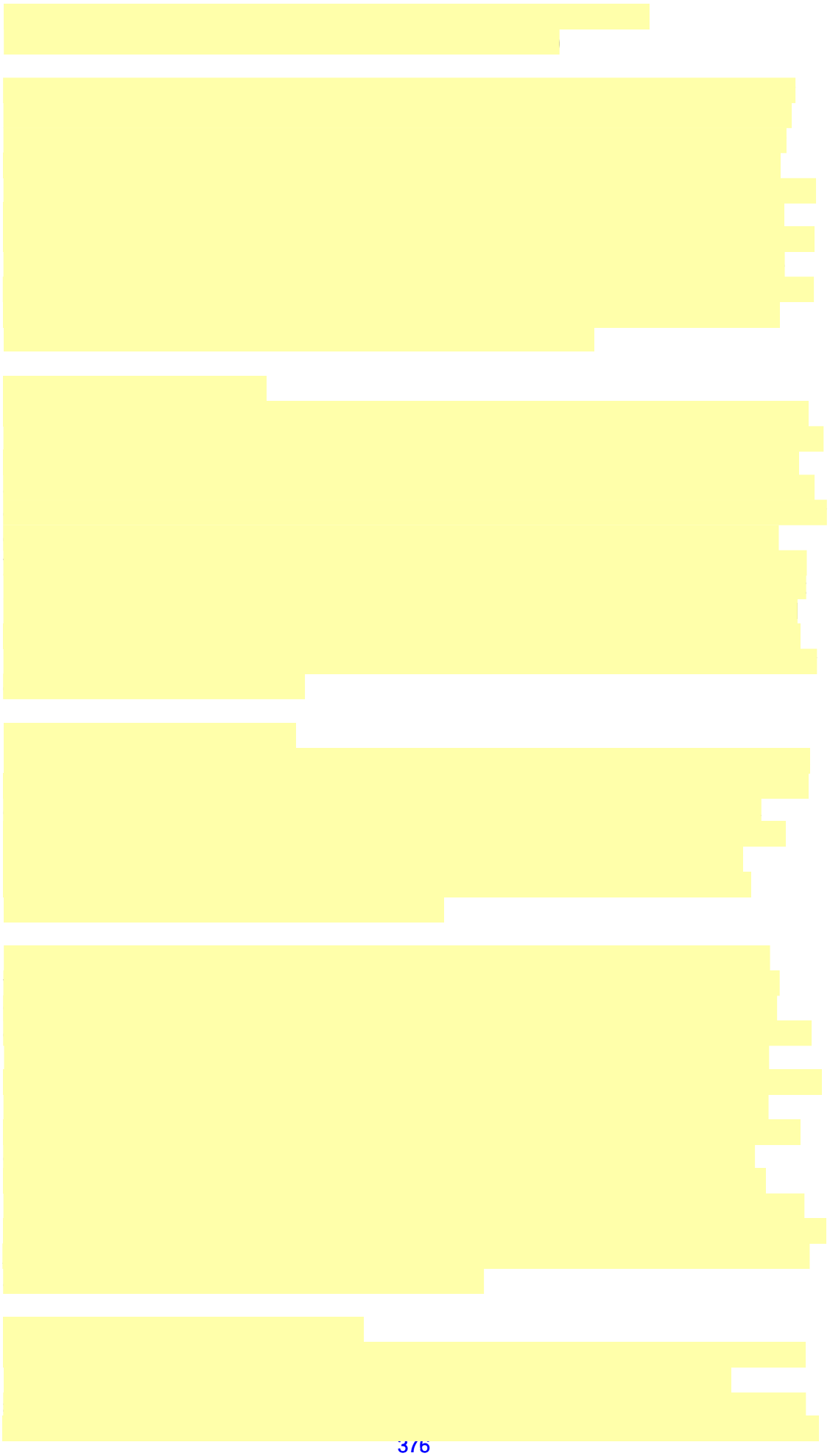
DAVENPORT East-West
The train will cross Davenport East-West at street level.
Hike and Bike Trail: The Cotton Belt Trail will switch from north/west side on the north side of Davenport to south/east side on the south side of the street.

Traffic from Plano and northern cities: City staff will be coordinating with the City of Plano to explore options for placement of message boards at Plano Parkway. As work on Hillcrest becomes more intense, the goal will be for that traffic to redirect to Coit or Preston.

Make no mistake, this construction is going to be very difficult for our whole community. On top of that, there are other construction projects in our area that will impact the area AT THE SAME TIME. Preston Road near PGBT has a construction project on the northbound side. Frankford Road will be reconstructed from Preston to Coit, currently planned for 2023. Dallas Water Utilities is in the midst of a huge investment in our area to increase storm water capacity, which includes construction. That means they have to dig up old pipes and lay new ones. Next week there will be a town hall with Dallas Water Utilities to share more information about what is happening and allow for questions and comments.

If you have suggestions about ways to make any of this easier for you or your neighborhood, please feel free to reach out. Along with the transportation department and public works departments, I am committed to continuing to share information with you, so you are not surprised about what is happening with this project. Continued meetings to address neighborhood concerns with DART and town halls for our community will continue throughout the construction. If you have neighbors who do not get this enews, please ask them to subscribe so they can stay informed by emailing me at cara.mendelsohn@dallascityhall.com.





Need help, got a question, or want to give input?

Email: Cara.Mendelsohn@DallasCityHall.com
Office phone: (214) 670-4067
Text phone: (214) 490-1036

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Dallas City Hall District 12 Enews

August 2, 2022

Connecting You With City Information, News, and Resources

It's a Short One!

Hi, this will be a short enews with information about community meetings, DART Cotton Belt/Silver Line meeting (please read the changes below), District 12 meetings & a poker room update.

August 1st means the city council is back in action! As always, the full council meets on the first 4 Wednesdays of the month. We hold two meetings that are briefings on various topics, and two business meetings. Meetings begin at 9 am and you are welcome to come to city hall (if you let Luis know in advance, he'll help get you a parking pass), or watch online through the city website. You're also welcome to give public comment on any topic or a specific agenda item. To sign up, please go to the City Secretary's webpage: https://dallascityhall.com/government/citysecretary/Pages/CCrules.aspx

City Council committee meetings are usually held Mondays and Tuesday, but days can move based on holidays and conferences. The calendar of meetings is on the city website: www.dallascityhall.com.

There are a lot of district meetings coming up, and I hope you'll attend any or all that interest you. We strive to help keep you up to date with what is happening at city hall and hear your input and ideas. See you soon, Cara

POKER ROOM & CARD ROOM LITIGATION

There are five lawsuits pending in Dallas County involving poker and card rooms and are assigned to different courts. Three lawsuits complain of the board of adjustment's (BOA) decision to uphold the denial of certificates of occupancy to poker rooms or complain of the building official's denial of a certificate of occupancy to poker rooms.

o Champion Club, 17776 Dallas Pkwy
o Dallas Poker Room, 2051 W. Northwest Hwy
o Fifty-Two Social and Dining, 177727 Dallas Pkwy and Sportsbook Poker Club, 11250 N. Central Expressway

Two lawsuits filed by the city's building official complain of the BOA's decision to reverse the building official's revocation of certificates of occupancy for currently operating poker rooms.
o Texas Card House, 11834 Harry Hines Blvd
o Shuffle 214, 11411 E. Northwest Hwy

The lawsuits involve a common question of law – whether a poker or card room is a legal land use. Each lawsuit will proceed at its own pace. Once a decision is made in any of the lawsuits, the judges assigned to the lawsuits will be alerted, and the other lawsuits may be closed while the first lawsuit to reach a decision is appealed and makes its way through the appellate process.

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Dallas City Hall District 12 Enews

August 8, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management
*Chairman, Ethics and Investigations Ad Hoc
*Vice Chairman, Public Safety
*Housing and Homeless Solutions
*Transportation

BUDGET SEASON HAS BEGUN!

Yesterday the City Manager released his draft budget for FY 2021-2022. It's a record-breaking $4.3 billion dollars. The budget is comprised of many parts, with the bulk of revenue coming from property and sales tax. In addition to the federal funding received last year under the CARES Act to address COVID-19, the City of Dallas has also received $355 million under the American Rescue Plan Act to be used in the next two fiscal years ($177 million each year).

Even if you've never participated in city government before, I encourage you to have a say in the budget process this time. There are many decisions now that can impact our future, and with more dollars available, how we use them will either be an investment in our future or a squandered once-in-a-lifetime opportunity.

My priorities remain reducing the property tax rate, funding and staffing for public safety, and investments in infrastructure (streets,

- It's time for Dallas residents to help the City improve safety on the road! You are invited to take the Vision Zero survey to give feedback on the issues and improvements you think are most critical to improving traffic safety. The following survey should take approximately five minutes to complete and will help the City determine what areas to focus. The City is making it a priority to end traffic deaths and reduce serious injuries. Find the survey here: www.dallascityhall.com/visionzero

- See a homeless encampment? Please report it to 311. There are over 440 known encampments in Dallas and the city staff expects there are others that are unknown. The Office of Homeless Solutions prioritizes their response based on resident reports.

- Panhandling at an intersection you pass? Please report it to 311. Again, the Office of Homeless Solutions prioritizes responses based on resident reports. A new panhandling ordinance with enforcement in being developed and will be presented to city council in the fall.

- The Dallas Public Library offers courses to help students to read music and play instruments. This program is available online only. Registration is required. Click here to find a music class that interests you: https://dallaslibrary.librarymarket.com/events/month.

- The City of Dallas in partnership with the Dallas Housing Authority has a program available to help renters negatively impacted by COVID-19. The program, available through DHA has $18 million in rental assistance funding to disperse through Dec. 31, 2021 for renters who have been adversely impacted by COVID-19 and meet the income eligibility requirements. Applications for Emergency Rental Assistance are available now at www.DallasRentRelief.com through Dec. 31, 2021. The program provides assistance for up to 12 months of past-due and future rent payments from March 2020 to December 2021. This program exclusively covers rent and does not include utility payments. Landlords can also apply on behalf of their tenants. Applicants must submit a completed application with supporting documentation.

- Cotton Belt/Silver Line - Yes, Hillcrest will have construction going on through January 2023. A group of homeowners will join state and local transportation agency representatives, along with DART and City of Dallas representatives to assess the intersections where the train crosses at grade for safety to meet the quiet zone standards.

Your Trash Service May Change - Give Input!

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Dallas City Hall District 12 Enews

August 22, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management
*Chairman, Ethics and Investigations Ad Hoc
*Vice Chairman, Public Safety
*Housing and Homeless Solutions
*Transportation

BUDGET SEASON HAS BEGUN!

Budget season is in full swing! Many thanks to all the residents who joined the two virtual budget town halls and attended the in-person budget town hall. I've appreciated your thoughtful questions and heard your priorities and concerns about how the city spends your tax dollars.

We've got one more town hall scheduled, and it is a tele-town hall, a first for District 12! You may have received a text message this weekend inviting you to it, or you may get a phone call Monday at 7 pm to join in. The Caller ID says "Political Call." If you don't get the call to join in but wish to participate, you can dial in at 888-400-1932. The purpose of the town halls is to share with you information about the budget, answer any questions you have, and get your input. You can find the City Manager's draft budget at: https://dallascityhall.com/departments/budget/financialtransparency/AnnualBudget/2122_00_Proposed-Budget.pdf

*COVID-19 Ad Hoc
*Legislative Ad Hoc
*Regional Transportation Council
*North Central Texas Council of Governments Executive Committee

Other city-related appointments/elected positions:
*National League of Cities Youth, Education, and Families Council
*Board of Directors, National League of Cities Women in Municipal Government

There are many important issues facing our district and city, and I strongly encourage you to speak up and get involved. From poker rooms, Cotton Belt/Silver Line, short-term rentals, accessory dwelling units, to public safety and the overall tax rate, you can make your voice heard in a couple of ways. One is to email the District 12 office, another is to email all city councilmembers, the mayor, and relevant city staff, and a third way is to give public comment at a city council meeting.

If you are experiencing any service-related problems (trash pick-up, traffic signs, code compliance, etc...) your first step is to call 311 or report your issue on the OurDallas app (available in the App Store). If you don't get the level of service you expect or need, constituent services are primarily handled by Madison and Luis. If they get stuck, they ask me to help address the situation. We're working from home part-time and city hall part-time, so please email:
Luis.Delgado@dallascityhall.com
Madison.Johnson@dallascityhall.com
Cara.Mendelsohn@dallascityhall.com.

Stay safe, Cara

PS- as COVID-19 cases rise again, you can find testing and vaccination sites, virus data, legal orders, business assistance, and more on the city website at: https://dallascityhall.com/Pages/Corona-Virus.aspx

Visit the District 12 Website

Hillcrest Village

Yum - have you tried the latest store to open? Haute Sweets is amazing!

Q: What is happening in the parking lot of the old Albertson's?
A: L.A. Fitness is doing utility work to prepare for their build out. Expected opening is Fall 2022.

Q: Why are there 18-wheeler trucks in the parking lot of the old Albertson's?

A: For years this has been happening, but the out of town owner has to address it. Code compliance has issued a notice of violation and is working with the owner to come into compliance. They will reinspect at the end of the month. Please report overnight 18-wheelers to 311.

Q: What can be done to help Don Pepe's, Cane Rosso, Brass Tap, and Starwood Cafe get permits so they can open up soon?
A: If any business or homeowner needs help at this location or anywhere in Dallas, please reach out to us. The permit office is undergoing a lot of changes to improve now (thankfully), but if a homeowner or business applies for a permit and is not getting the responsiveness expected, please reach out to us.

Q: What other businesses are going to be at Hillcrest Village?
A: Texas Health Resources has signed a lease for the old Chase building. Most spaces have been leased or about to be leased. You can see the whole map at https://shopcompanies.com/sites/default/files/Hillcrest%20Village%20Presentation.compressed.pdf?v=1628095571.

SITE PLAN

Poker Rooms

The work to stop poker rooms from opening in District 12, especially adjacent to single family homes, continues nearly every day.

If it is determined they can legally operate in any fashion, a land use should be put in place by the City of Dallas to require a Special Use Permit that allows for city council notification, neighborhood input, and a council vote. When the rumor of the poker room at the former YouFit property surfaced in late January, I worked with the City Attorney's office to initiate this process. It takes a long time, and the item should finally be on the Zoning Ordinance Advisory Committee (ZOAC) agenda in late September. Your public comment will be encouraged. I will keep you notified so you can express your opinion.

While our District 12 office works on the poker room issue almost every day, so do many others. Please know the City Manager, Police Chief, City Attorney, Assistant City Manager of Economic Development, Directors of Building Inspections, Transportation, Planning, Code Compliance and many of their staff have taken the time to research the law, practices in other cities, consult with experts, and consider all aspects of this issue. As shared in a previous enews, no new Certificates of Occupancy are being granted right now.

Additionally, city partners have been very helpful, including the District Attorneys' offices in Collin, Denton, and Dallas, State Rep Matt Shaheen, as well as other elected Collin County officials.

More information on this situation is expected this week. A special enews will be sent out.

Clear the Shelters!

Dallas Animal Services is kicking off Clear the Shelters! NBC is the media partner and they will be showcasing lots of dogs. All pets will be FREE to adopt 8/23-9/19 and there are hundreds to choose from. If you're ready for a new companion, you can see the available pets at www.bedallas90.org/pets.

Convention Center Master Plan Public Meeting

Are you interested in shaping the future of the convention center? There are ideas and plans being considered that span the range of a remodel to better suit the needs of large groups to tearing it down and rebuilding it. The convention center is city-owned and still has a large amount of debt. To hear the concepts and reasoning behind the ideas and provide input by polling, please join the virtual public meeting on August 25 at 6pm. The link to register is: http://bit.ly/public-meeting-0825 or view more information on the master plan at: https://www.dallasccmasterplan.com/.

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Dallas City Hall District 12 Enews

August 27, 2021

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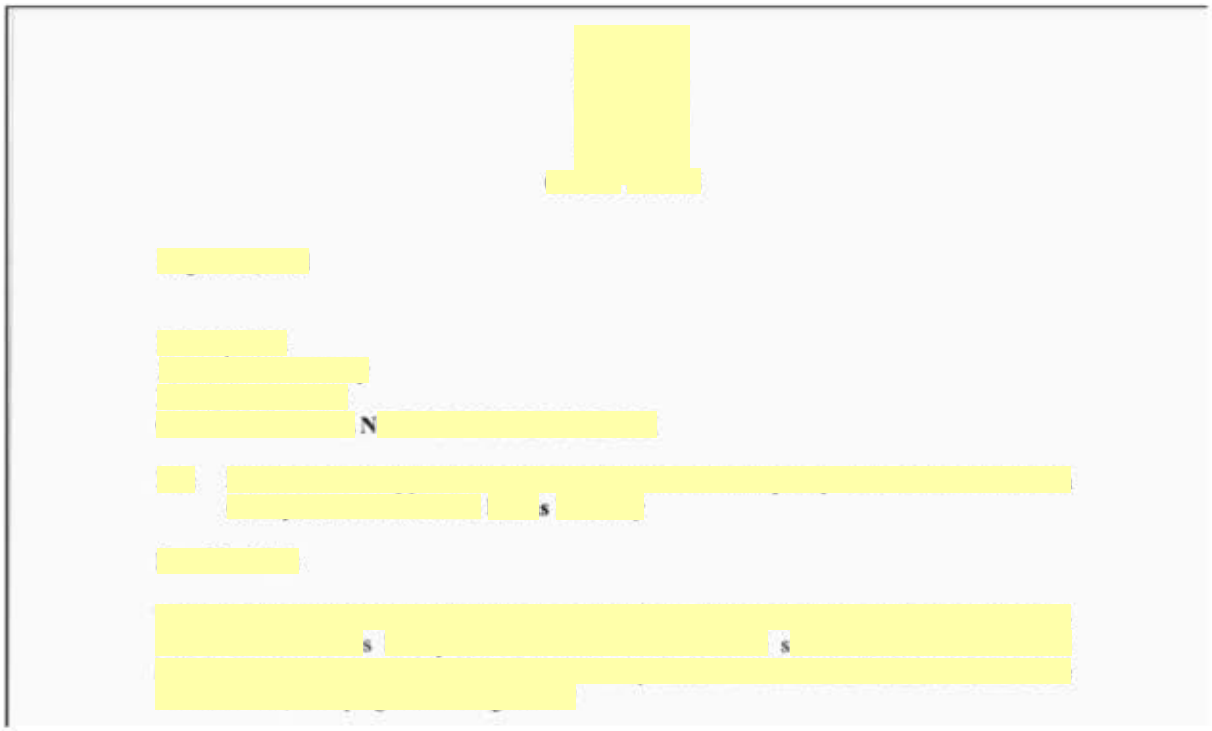

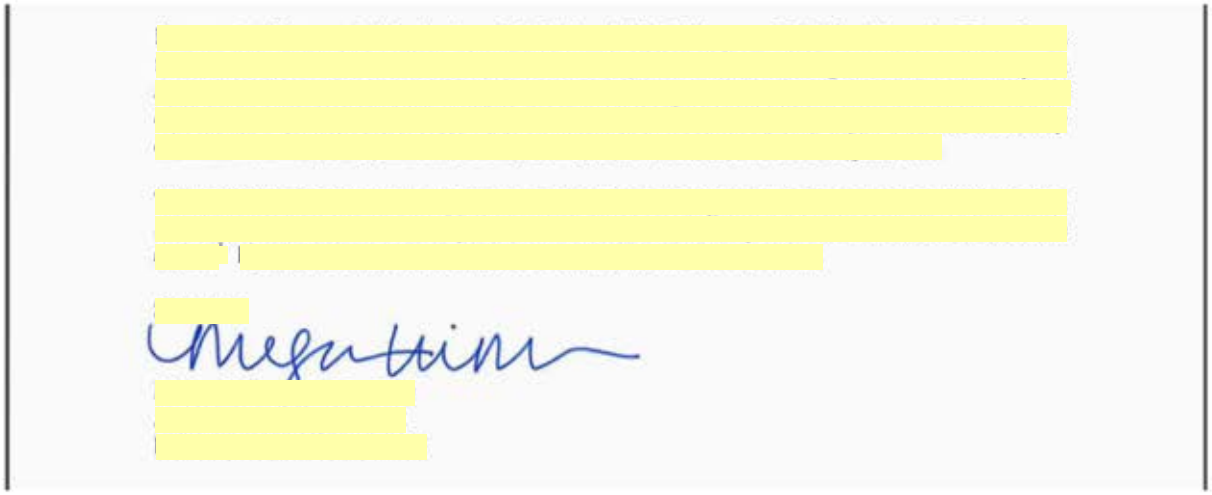

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Dallas City Hall District 12 Enews

September 8, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

, Homelessness, Marni Kaner & more!

the City Attorney's Office.

We're moving forward with adding pickleball courts at Campbell Green Park, but wanted to give all the pickleball fans out there a heads up - there is an application with the city to get a special use permit to add 4 courts, 4 cabanas and a restaurant next to Petsmart on Coit, just north of Campbell.

Congrats to the City of Dallas for earning the top designation for the second year in a row from DFW Clean Cities. The city received the Fleet Recognition Award (gold) that

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Dallas City Hall District 12 Enews

September 12, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Timely Information

COTTON BELT SOUND WALLS - The DART Cotton Belt/Silver Line virtual sound wall town hall will be on Tuesday at 7 pm. We will review the input received, concerns about multiple colors/textures, and options for a green wall. Information about the specifications and maintenance will be shared. The DART project manager will be on the call. A link will sent to everyone by 5 pm on Tuesday that is registered here: https://forms.gle/FLhqcrMeXEYKNR6bA.

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Dallas City Hall District 12 Enews

September 29, 2021

Connecting You With City Information, News, and Resources

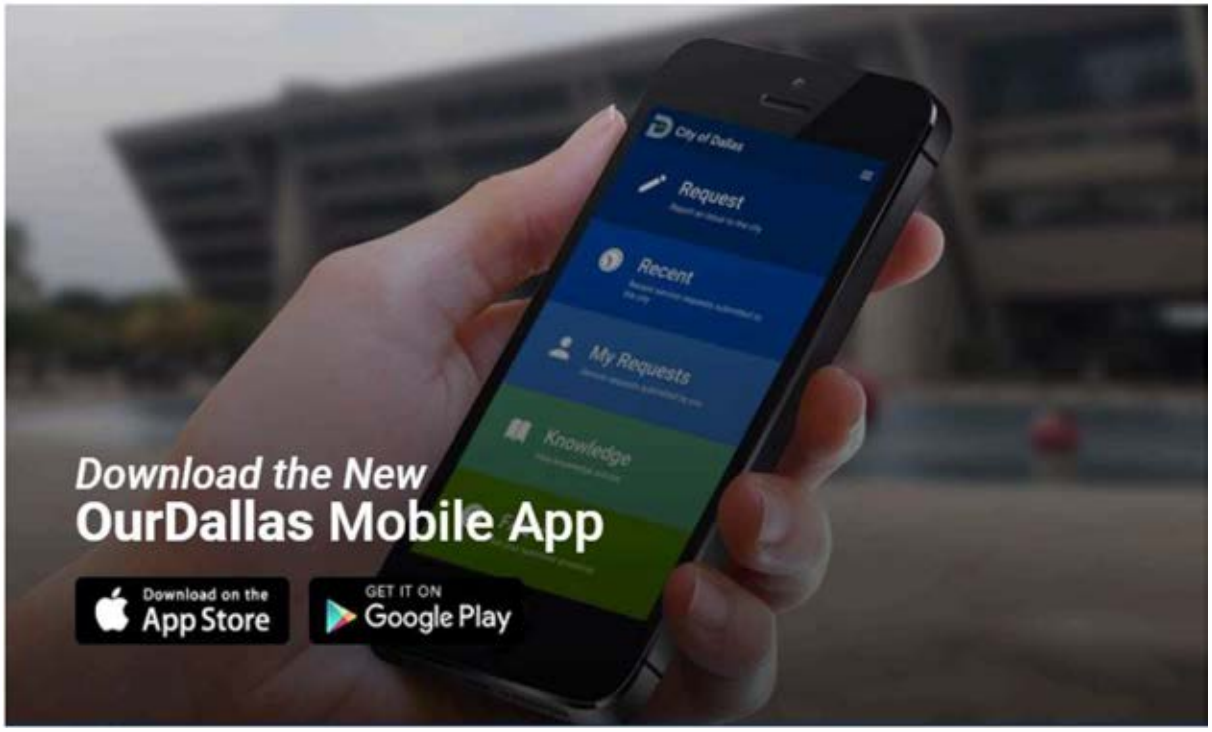
Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

The City Budget passed - but I voted NO

Budget season is always the busiest time of year on city council, and as chair of the Government Performance and Financial Management committee (sometimes called the Budget committee), it is even busier! This year's budget process differed than most because of COVID. There were two District 12 virtual budget town halls, one District 12 in-person budget town hall, and we offered the first ever tele-town hall for Far North Dallas. Many constituents shared with me their priorities of fully funding public safety, street repair, traffic signal replacement, and lowering the city's property tax rate, which is the highest in Texas except El Paso. Please read the article below to learn why I voted NO on this year's budget.

The City of Dallas **data loss of DPD files** is being addressed in several ways. First, the Public Safety Committee and Government Performance and Financial Management Committees held a joint meeting to ask questions of senior



In The News

It was an honor to be part of the Graduation Ceremony for Dallas Police Department class #376! Congratulations to all the new recruits on completing one of the most extensive police training programs in the country. Thank you for choosing to serve the residents of Dallas with honor, dedication, and service. Special shout out to new officers Coleman, Hernandez, and Gill, who are assigned to the North Central station.

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Dallas City Hall District 12 Enews

October 4, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Renner Frankford Library, [redacted] & the latest with Cotton Belt/Silver Line Construction

So much is going on, we've already got another enews!

The Mayor's Ethics Reform Task Force has released its recommendations and it is an impressive document. I'm looking forward to helping lead the discussion on city council about ethics reform. We'll be looking for ways to engage the public to seek your suggestions on changes to the city code. If you would like to read the press release, which links to the report, it is here: https://content.govdelivery.com/accounts/TXDALLAS/bulletins/2f4c66d
Like other government entities, the City of Dallas is going through a redistricting process to account for changes in population based on the census. The first, introductory meeting for the commission was held last week. The city council will get a full briefing on the 2020 Census and redistricting on October 20th.

City of Dallas | Office of **Environmental Quality & Sustainability**

Virtual Programming Mondays and Thursdays at noon

Future Program Lineup

October 4th *Grow with Us: Favorite Fall Plants of Dallas Arboretum*

Do you have plant plans for this fall? Learn what plants are routinely used at the Dallas Arboretum.

October 14th *Earth Day Every Day: The Marvelous Monarch and Monarch Tagging*

John Watts, world-class entomologist running the butterfly house at the beautiful Texas Discovery Gardens, teaches us all about the most famous of all butterflies and their annual migration phenomenon.

October 21 Earth Day Every Day: Flower Power

The shape, color and smell of a flower can help you figure out what may visit them and what you might want in your landscape to lure them over to your house and to help pollinators feel right at home. John Watts of the Texas Discovery Gardens returns to teach us more about this special connection.

In The News

Mayor Johnson announced the formation of the Mayor's Anti-Hate Advisory Council. This was a first for Dallas and enlists local leaders to help come up

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Dallas City Hall District 12 Enews

October 23, 2022

Connecting You With City Information, News, and Resources

Engage in D12!

Lots of things are happening in the city and in District 12. If you have some time to participate, we welcome your input and suggestions. We've tried to make it easy to connect with our office with Monthly Town Halls (some in-person & some virtual), Twice Monthly Walk-in Hours, and this enews.

If you have a City of Dallas request, most go through 311, but if you don't get resolution, please contact our office for help. Luis and Madison are masters at navigating city hall when things aren't going right to get them resolved.

The city has been working on gathering data and presenting it in a useful manner for decision making and public transparency. Below is an article with links to data I think you'll find interesting.

Our monthly Town Hall meeting is Monday, October 24, 7pm. This month is virtual and we'll send the link out by email prior to the meeting. Dallas Animal Services is our special guest, and they will focus on coyotes (we have quite a few dens in our area). Like all town halls, they'll give a 5 minute presentation on their department, I'll give a 5 minute update from city hall, and the rest of the time is yours to ask questions or give input on any subject. I hope you'll join us.

Quick Updates

- The multifamily housing development being built at Trinity Mills and the tollway will have 317 units of market rate housing and 17 units of affordable housing. This development was allowed by right with our zoning code.
- Please continue to call 311 or report on the OurDallas app when you see panhandlers and please do not give them money.
- Hillcrest lane closures are changing - please drive slowly and pay attention to signage. If you have suggestions for improving the traffic management, please share them with our office.
- Zoning to change the land use on Coit for a restaurant and Pickleball will be voted on Wednesday.
- If you are interested in starting an Exchange Club, Rotary, or Women's League chapter in Far North Dallas, please contact Luis.

Equitable Housing Policy Community Meetings

The City of Dallas hired consulting group CES to facilitate the development of the new equitable housing policy framework. While I do not know what the consultants will recommend, my understanding is they wish to add density to District 12. This is concerning, as 65% of our housing is multi-family, the second highest percent in the city, and I regularly hear concerns from both homeowners and renters about the density level in our area.

CES has a meeting scheduled for November 5, 2022. Registration details can be found via Dallas Accountability for Housing Equity | Eventbrite.

DART BUS SERVICE

District 12 has long suffered with a lack of sufficient bus service. Efforts continue to provide more options for routes and more frequent bus service. During DART's bus redesign, I sent a letter to DART asking for a more robust,

direct route on Frankford, which was included in their plan. Since then, I've asked for GoLink to be extended to our area. They have recently added a new area in the Denton County portion of D12.

The GoLink changes for this area increase the Keller Springs Zone to the north, with the Walmart Store located at 18121 Marsh Lane @ Frankford Road (Dallas, TX 75287) as the new northern boundary.

Here is a news article that covered the city's transportation committee meeting pressing for greater bus service in Dallas:
https://www.nbcdfw.com/news/local/dart-offers-new-promises-for-bus-service-improvements-after-years-of-complaints/3099040/?fbclid=IwAR1h-Ad844t1igCkSE83Nn7naAloJdE9jRzpghuexefIm9GfS272V-Cmsuo

Volunteers Needed for Trash Assessment

Volunteers are needed for assessing (not cleaning up) the trash on the ground in Dallas zip code 75287. Volunteers will be given a list of locations to assess and rate how much trash they see, then email the results to Beth Weaver, the assessment's leader. Beth will be working with individuals and organizations to adopt locations and continually clean them on the first and third Saturdays of each month.

Details of the Trash Assessment:
Date: Saturday, October 29 (rainout date Saturday November 5)
Time: all day as convenient for the volunteer
To volunteer, please contact Beth Weaver at saturdaysfortheearth@gmail.com.

Lots has Happened at City Hall - Items that Most Affect D12:

https://www.keranews.org/news/2022-10-19/the-public-gets-to-speak-for-now-but-dallas-mayor-eric-johnson-wants-to-turn-off-the-mic

https://www.dallasobserver.com/news/dallas-considers-eliminating-open-microphone-speaker-sessions-during-city-council-meetings-15089336

COVID EVICTION ORDINANCE - This temporary ordinance is still in effect and causing higher housing prices throughout the city. Dallas is the only city with this type of ordinance (even Austin repealed theirs), and I believe Dallas should do the same.

https://candysdirt.com/2022/10/20/rental-inflation-pandemic-prompts-overhaul-of-dallas-eviction-ordinance/

https://www.dmagazine.com/frontburner/2022/10/dallas-difficult-question-what-can-it-do-to-protect-tenants-facing-eviction/

I-345 (the stretch of highway that links Central Expressway to I-45) - The idea of "stitching a community back together" sounds good until you realize

Dallas City Council
District 12

Walk-in Office Hours
2 - 4 pm

September 9
September 23
October 7
October 21
November 4
November 18
December 2

City of Dallas

Twice a month we take over the North Central Police Station community room (6969 McCallum Blvd) to talk with you. Stop by to get help with any city service, share your view on an issue facing the city council, ask any question, or just say hi!

Cara Mendelsohn, Dallas City Councilmember, D12

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Dallas City Hall District 12 Enews

October 27, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Panhandling, Cotton Belt, Concert Truck, , Sound Walls, and so much more!

This is a long enews - there is so much going on!

Please make sure to read the Cotton Belt/Silver Line update from DART. In addition to the items mentioned in their construction update, one lane on Coit will be closed November 1-12.

Many people have contacted the District 12 office about the increasing encampments and panhandling. Some of the campers are people who relocated from District 10 as the big encampment at Forest Lane was addressed. Obviously, Dallas should not allow encampments to just move place to place and we need a stronger plan of action to address encampments.

Previously, our community wanted to see panhandling addressed in a comprehensive way. Please read below about the city-wide pilot program that was approved by the Government Performance and

Weekly Construction Update
City of Dallas

SILVERLINE
DALLAS AREA RAPID TRANSIT

Week of October 25, 2021

Colt Road:

- Underground utilities that conflict with the new construction will continue to be relocated within the DART owned or City owned Right-of-Way. Lane restrictions will be required for this work to be completed. Community members should anticipate an increase in construction noise around the operations. Communication will be sent to the community once an approved traffic control plan is granted by the City. Traveling public is advised to plan alternate routes around the work area. **These activities have started and will continue throughout the 4-week schedule and beyond. Specific end dates are not currently scheduled as the cutover (switching service to new utility line) dates are not finalized.**

General Construction Activities:

- The work hours in the City of Dallas are 7:00 AM to 9:00 PM weekdays and 9:00 AM to 7:00 PM weekends.
- The construction schedule may change due to bad weather or other unexpected conditions.
- Durations and expected completion dates are estimated and subject to change due to actual field conditions and constraints.
- Dust Control as needed. AWH Water Trucks will lightly spray water onto access roads within the guideway to limit the creation of dust along the work area.
- Street Sweeping as needed in the event mud is tracked onto the roadways. The community should be aware that these will be slow moving vehicles and caution is advised when sweepers are on the roadways.
- Erosion Control Maintenance as needed in compliance with the Storm Water Pollution Prevention Plan.
- Grass mowing as required for tall grass along the DART owned Right-of-Way.
- Lane restrictions and road closures will be required for this project to be safely built for the community and those constructing this project. As these lane restrictions and road closures are approved by the City, notifications will be provided to the City and the impacted community in advance of the work. It is advised that the travelling community be aware of the lane restrictions and road closures to minimize the impact to your travels.
- Construction Activity notices and updates will continue to be provided for new work that is starting.

DART, AWH, the City, and the community are working together with the common goal of completing a great project that will serve the residents of the DART service area.

For more information on the Silver Line Regional Rail Project, please visit www.AWHSilverLine.com and www.DART.org/SilverLine.com.

3

In the News

DART/D2 & Transportation Priorities:
https://www.dmagazine.com/frontburner/2021/10/dart-adjusts-planned-subway-line-so-it-wont-surface-in-deep-ellum/?fbclid=IwAR3gZzDW6T6jjwljvVB6JjQ3b4scAa6Ar3aMwg23YyKuXeeRnKcWUiPPxOE

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Dallas City Hall District 12 Enews

November 7, 2022

Connecting You With City Information, News, and Resources

Time Flies!

Goodbye daylight savings time!

Plans are coming together for town hall guests and special speakers through June. If you have suggestions for a topic or speaker, let us know. The goal has been to invite guests that most impact your life in District 12.

Monthly community meetings with DART continue. I recommend attending to hear the latest project information and give input. There is a quick survey below about Hillcrest. Please share the survey with your network so we can get as much participation as possible. https://forms.gle/3iy7vHXSbHVNQRDA6

Lots of exciting things are happening in District 12 and we're continuing to look for ways to improve our community and city. In the last addition, we announced the NEW PARK acquired on Mapleshade, between Hillcrest and Preston, that will be part of a new trail that links Preston Ridge Trail with Timberglen Trail. Below is an update on many of the park projects that are happening in District 12.

Starting December 5th, all homes in District 12 will move to a Monday garbage/recycle pick up day. If you haven't downloaded the Dallas Sanitation app (free), I highly recommend it. It will send you reminders about garbage

Girl Scouts in District 12

Shout out to the Girl Scouts working hard to complete requirements and advance toward their Gold Award. It was great to talk with you!

Quick Updates

- The next phase of work to improve the Tollway and Frankford intersection has been submitted for funding (this is for southbound exit at Frankford).
- Please continue to call 311 or report on the OurDallas app when you see panhandlers and please do not give them money.
- Hillcrest lane closures are changing - please drive slowly and pay attention to signage. If you have suggestions for improving the traffic management, please share them with our office.
- Zoning to change the land use on Coit for a restaurant and Pickleball will be voted on Wednesday.
- If you are interested in starting an Exchange Club, Rotary, or Women's League chapter in Far North Dallas, please contact Luis.

Bike Plan for State Highways (like Preston Rd)

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Dallas City Hall District 12 Enews

November 13, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Happy Fall!

Below are many updates, resources, and ways you can get involved. Every day I am reminded that YOU, the residents of Dallas, are what make Dallas such a great city.

District 12 is so lucky to have the Dallas Animal Services Everyday Adoption Center inside the Petsmart on Coit and Campbell. Adoptions are open to all, including residents of surrounding cities, and right now, all pets are free. The shelter is quickly running out of kennels for dogs 35 lbs or more. If you are interested in adopting or fostering, they'd love to connect with you. Stop by to see them or view all pets at: http://BeDallas90.org/pets.

If you need assistance from a city department, please call 311. If they are not able to help, or do not help to your satisfaction, please reach out to our office so we can follow up.

In-person office hours return! You're invited to drop by the North Central Police Station community room on

*Transportation Committee
*Ad Hoc Committee on COVID-19
*Ad Hoc Committee on Legislative Affairs
*Regional Transportation Council Member
*North Central Texas Council of Governments Executive Committee

Other city-related appointments/elected positions:
*National League of Cities Youth, Education, and Families Council
*Board of Directors, National League of Cities Women in Municipal Government

Friday, 12/10, 2-4 and Friday, 12/17, 2-4, to get help with any city issues, give input, or just say hello! It's first-come, first-served, but pre-Covid, nobody waited more than 10 minutes.

Best, Cara
ps-District 12 continues to spend some days at city hall and some work-from-home. Calls are forwarded but email is easiest for follow up.

Council Liaison:
Madison.Johnson@dallascityhall.com
Council Assistant:
Luis.Delgado@dallascityhall.com

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Dallas City Hall District 12 Enews

December 10, 2021

Connecting You With City Information, News, and Resources

Councilmember Cara Mendelsohn

Council appointments:
*Chairman, Government Performance and Financial Management Committee
*Chairman, Ad Hoc Committee on General Investigations and Ethics
*Vice Chairman, Public Safety Committee
*Housing and Homeless Solutions Committee

Happy Holidays to All!

It may still be warm outside, but the holidays are here! I hope you've been having a great time connecting with friends and family.

As we reach the end of the year, lots of staff members at city hall will be taking time off, including in our District 12 office. But no matter what day it is, we'll have somebody monitoring the emails in case you need assistance. Everyone knows to call 911 for emergencies, but 311 is your handy number for help with other city services.

Wednesday was the last full council meeting of 2021, and it was a BIG day! We unanimously approved a new ethics ordinance. This project was launched by Mayor Eric Johnson, who appointed a great task force of thought leaders, and then the committee I chair, Ad Hoc Committee on General Investigations and Ethics, worked on it and brought it to the full city council. Councilmember Blackmon was instrumental in this effort and it is my sincere hope this

https://www.wfaa.com/video/news/local/dallas-could-ban-gas-powered-leaf-blowers/287-da638f85-5222-4dff-9e57-bd7f40af2b5c

Hillcrest Village Changes

New restaurants: Sushi Box, Brass Tap, Andy's Frozen Custard, and Don Pepes. Coming soon... Starwood Cafe, Cane Rosso and Stretch Zone.

Please do not allow your children to climb on top of the pavilion or climb the sculpture.

The park area can be reserved on the City of Dallas Parks Department website at: https://www.dallasparks.org/365/Make-a-Reservation

Donations for the Holidays

Exhibit R

Kelly, Hart and Hallman Analysis dated March 28, 2018 and Rentea & Associates Opinion

[Please see attached]

KELLY HART

ANDREW WEBER
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March 29, 2018

The Honorable Ken Paxton
Office of the Attorney General
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

Re: RQ-0209-KP Regarding Texas Penal Code Chapter 47

Dear General Paxton:

I write on behalf of Texas Card House ("TCH"). TCH advocates for maintaining a legal landscape for the facilitation of private poker playing. To this end, I address the Opinion Request submitted by the Honorable Geanie Morrison on January 26, 2018.

I. Operational Background—TCH

TCH is the premier private card club in the State of Texas. The first of its kind, TCH was founded in 2014 and runs two successful facilities in North and South Austin. Since its founding, TCH has led the industry in maintaining a high-end environment designed to attract an exclusive private membership of card-playing aficionados. Part of what attracts TCH's members to this facility is that TCH has taken the following measures to ensure its operations fall soundly within the letter and spirit of the law:

- **Club Amenities**: TCH caters to individuals seeking to enjoy a variety of activities, including poker playing. In addition to facilitating neutral professional dealers and poker tables, TCH also provides members with billiards games, big-screen televisions playing sports and entertainment programs, and private event spaces. The membership's exclusive access to these amenities not only justifies the cost of the membership dues and hourly fees, it also ensures the club does not base its revenue on taking a "rake." Moreover, there is no time-based seat rental at TCH. Members are charged for the entire time they use the facilities, regardless of whether they play poker or pool—or watch television. This ensures the club's revenues are completely divorced from a "rake," whether defined as "a fee or a percentage of the value at risk," or by a "time collection" mechanism. Moreover, this ensures the revenues are not derived from gaming—the

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MIDLAND OFFICE | 508 W. WALL STREET, SUITE 444 | MIDLAND, TX 79701 | TELEPHONE: (432) 683-4691 | FAX: (432) 683-6518
Kelly Hart & Hallman, a Limited Liability Partnership | www.kellyhart.com

club's revenue is tied to the amount of time a member spends in the club, regardless of what the member spends her/his time doing.

- **Private Membership**: TCH is a private social club. The public is restricted from access to the club's amenities by a lobby in which TCH processes membership applications and collects dues. The only way to proceed through the separated lobby is to become member in good standing, which includes applying, paying dues and receiving membership approval. Strict adherence to this policy ensures that the club remains a "private place" as defined by Texas Penal Code § 47.01(8).

- **Membership Dues and Personal Winnings Are Entirely Separate**: All monies wagered at TCH are between and settled directly by the club's private members. The billing occurs away from the tables to ensure there is no link between access to the club and the players' earnings. There is no "house"—only a professional poker dealer who is a salaried employee prohibited from taking tips for dealing or dealing hands for himself. Once members are inside TCH, all money exchanged stays on the table between participants. This ensures TCH receives no "economic benefit" from the members' personal winnings as required by Texas Penal Code § 47.02(b)(2). The club's only economic benefit derives from private-club membership fees and hourly onsite fees.

- **Chances of Winning are the Same for All Participants**: TCH only facilitates poker games in which the chances for any player to win are equal. None of the games played at TCH have "house odds," where there is an inherent advantage for some participants versus others. TCH offers no "poker insurance" which could skew the odds in favor of the participant. These measures ensure that the "chances for any player to win are equal except for the advantage of skill or luck" in a manner that conforms with Texas Penal Code § 47.02(b)(3).

II. Applicability of "Social Gambling Defense" to TCH Operations

With this business model in mind, I turn to the question presented to you: "Are poker gambling enterprises that charge membership or other fees or receive other compensation from gamblers playing poker—but do not receive a "rake"—permitted under Texas Law?" Chairman Morrison recognized, more specifically, that the permissibility of these operations turns on the application of the "social gambling defense" to both "gambling" under section 47.02 of the Texas Penal Code and "keeping a gambling place" under section 47.04 of the Texas Penal Code. The "social gambling defense" applies when:

(1) the actor engaged in gambling in a private place, or the gambling itself occurred in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

Tex. Penal Code §§ 47.02(b), 47.04(b). Given the parameters discussed above, TCH operates in a manner that satisfies all three of these elements. Thus, both the players and TCH function legally under the "social gambling defense."

A. The Gambling Occurs in a Private Place.

As noted above, TCH is not open to the public. A lobby shields the club's amenities from public view and the general public is allowed absolutely no access to poker or any other club amenity without the acceptance of a membership application and the payment of a membership fee. A membership committee meets once a month and approves and/or removes any memberships, which limits the ability of the general public from accessing the club off the street. For these reasons, TCH satisfies the statutory definition of "private place." *See* Tex. Penal Code § 47.01 (defining "private place" as "a place to which the public does not have access").

1. "Bona Fide Social Clubs" Are Not Public Places According to Established Precedent.

For over a century, Texas courts have held that playing cards in a "bona fide" club in which no one "but members and their guests could enter there, or share its privileges" does not constitute playing in a "public place." *Koenig v. State*, 26 S.W. 835, 839 (1894); *see also Grant v. State*, 27 S.W. 127, 127–28 (1894) (recognizing that a social club in which "no one but its members or invited guests was permitted to visit it" was not a "public place"). Recognizing the reality that these decisions are entirely on point and favorable to private poker clubs, opponents have suggested that "earlier cases which had permitted gambling in certain social clubs [were] (sic) no longer entirely valid with the enactment of the 1973 Penal Code." *See* March 1, 2018 Letter form Locke Lord LLP. This position is not accurate.

Opponents cite the State Bar Commentary adopted with the passage of the 1973 Penal Code for the proposition that pre-enactment caselaw is "no longer entirely valid." *See* State Bar Committee on Revision of the Penal Code, A Proposed Revision of the Penal Code at 330 (Final Draft October 1970) ("[T]he committee's main concern is to prohibit social gambling in public places … the defense is not extended to clubs and locations that are only ***nominally private*** and to which, the public, ***in fact***, has access.") (emphasis added). The AG construed this commentary when asked to opine "as to whether quarters of fraternal and veterans' organizations and private clubs are 'private places' within section 47.02(b) of the Penal Code." Tex. Att'y Gen. Op. No. H-489 (1975). In so doing, the AG determined that fact-finding was required to determine the degree to which the public had access to the fraternal and veterans' organizations. *Id.* Nowhere in this opinion did the AG suggest that the newly-enacted Penal Code invalidated caselaw pre-dating enactment. On the contrary, the AG has cited pre-1973 opinions in all relevant opinions construing Chapter 47 of the Texas Penal Code.[1]

[1] *See* Tex. Att'y Gen. Op. No. DM-0344 (1995) (opining on whether persons may play and bet on card games using computers with modems or other transmission devices and citing *Comer v. State*, 10 S.W. 106 (1889) and *Heath v. State*, 276 S.W.2d 534 (Tex. Crim. App. 1955) for the proposition that "whether a place is private for [online gaming] purposes has been determined by the scope of access by others;" also citing *Morgan v. State*, 60 SW. 763, 764 (Tex. Crim. App. 1901) for proposition that a private

2. Whether a Place is Public or Only "Nominally Private" Requires Fact Finding Beyond the Scope of This Opinion.

Chairman Morrison's request offers only two assumptions that speak to the first element of the "social gambling defense": advertising to the public and conducting business in a commercial, non-residential area. But TCH engages in many measures to ensure the club remains private—none of which are addressed in Chairman Morrison's hypothetical. Regardless, because no single factor can dispositively make a place "nominally private," the AG should decline to engage in the fact-specific inquiry involved under the first element of the "social gambling defense" altogether. *See* Tex. Att'y Gen. Op. No. JM-1267 (1990) (questions of fact cannot be resolved in the opinion process); Tex. Att'y Gen. Op. No. H-489 (1975) ("In our opinion, whether quarters of private clubs ... are 'private places' for purposes of establishing one element of the [social gambling] defense ... depends on whether such quarters are in fact places to which the public does not have access, and are not only nominally private.") (emphasis in original). Without this fact, the AG should decline to answer the question presented, or should at least assume TCH does not conduct business in a public place.

B. Players Receive No Economic Benefit Other Than Personal Winnings.

The crux of Chairman Morrison's request is whether the "social gambling defense" is foreclosed when an entity facilitating a private poker game receives "economic benefit" that is entirely unrelated to the players' "personal winnings." The opposition encourages the AG to interpret the second "economic benefit" element of the defense broadly to encompass economic benefits to all "persons"—regardless of whether they are playing poker. This extension would necessarily include the private membership dues and hourly fees charged to access the club's amenities within the undefined term, "economic benefit." But this is an unreasonable extension of the term "economic benefit" for the following reasons.

---

residence was not "private place" if public had access to gambling there); *see also* Tex. Att'y Gen. Op. No. KP-0057 (2016) (opining on two questions involving fantasy sports leagues and citing *City of Wink v. Griffith Amusement Co.*, 100 S.W.2d 695, 701 (Tex. 1936) (articulating elements necessary to constitute a "lottery" and for proposition that participation in contests that charge nothing to participate and pay nothing to winners involves no consideration and no bet, and as a result cannot constitute illegal gambling in Texas); also citing *Odle v. State*, 139 S.W.2d 595, 597 (Tex. Crim. App. 1940), *Melton v. State*, 124 S.W. 910, 911 (Tex. Crim. App. 1910), and *Mayo v. State*, 82 S.W. 515, 516 (Tex. Crim. App. 1904) for proposition that "the legal meaning of the term 'bet' is the mutual agreement and tender of a gift of something valuable, which is to belong to one of the contending parties, according to the result of the trial of chance or skill, or both combined"); Tex. Att'y Gen. Op. No. DGA-335 (2005) (opining on whether a business that holds an on-premises alcoholic beverage permit may host a poker tournament under two specific fact scenarios and citing *Odle*, 139 S.W.2d at 597 for proposition that legal meaning of bet includes a combination of skill and chance) and *Adams v. Antonio*, 88 S. W.2d 503,505 (Tex. Civ. App.—Waco 1935, writ ref d) for proposition that gaming statute was violated in instance in which chance predominates over skill).

1. The Unambiguous Plain Language of the "Economic Benefit" Element Applies Only to a Person's "Personal Winnings."

First, "economic benefit" is an undefined term, so the fundamental goal "is to ascertain and give effect to the Legislature's intent." *Cadena Comercial USA Corp. v. Texas Alcoholic Beverage Comm'n*, 518 S.W.3d 318, 325 (Tex. 2017). "Where text is clear, text is determinative of that intent." *Entergy Gulf States, Inc. v. Summers*, 282 S.W.3d 433, 437 (Tex. 2009). Statutory interpretation should "look to and rely on the plain meaning of a statute's words as expressing legislative intent unless a different meaning is supplied, is apparent from the context, or the plain meaning of the words leads to absurd or nonsensical results." *Cadena*, 518 S.W.3d 325 (citing *Crosstex Energy Servs., L.P. v. Pro Plus, Inc.*, 430 S.W.3d 384, 389-90 (Tex. 2014)). "Words and phrases shall be read in context and construed according to the rules of grammar and common usage." *Id.*

Here, the text could not be more clear: "economic benefit" references "personal winnings." *See* Tex. Penal Code § 47.02(b)(2) ("no person received any economic benefit **other than personal winnings**" (emphasis added). The only person who enjoys "personal winnings" in poker, at least under the TCH model, is the player, not the club operator. Thus, as a matter of plain language interpretation, the unambiguous terms in section (b)(2) apply narrowly to the "economic benefit" of the poker player.

Opponents challenge this narrow construction by arguing that the term "participant" would have been used had the Legislature intended to restrict "economic benefit" only to poker players. But the goal "when construing a statute is to recognize that the words the Legislature chooses should be the surest guide to legislative intent." *Entergy*, 282 S.W.3d at 437. Here, rather than using the term "participant" in subsection (b)(2), the Legislature chose to modify the term "person receiv[ing] any economic benefit" with a narrowing limitation—"other than personal winnings." This confirms the Legislature's intent to apply "economic benefit" to a narrower category than to all persons generally. *See Cadena*, 518 S.W.3d at 328 ("[W]e presume the Legislature chooses a statute's language with care, including each word chosen for a purpose, while purposefully omitting words not chosen.").

Cadena is instructive on construing a statute that contains a "narrowing modifier" similar to the "other than personal winnings" language used in subsection (b)(2). There, the Supreme Court of Texas was asked to interpret Texas's "tied house" statutes, which prohibit a person with "an interest in the business of a ... brewer" from owning "a direct or indirect interest in the business, premises, equipment, or fixtures of a retailer." *Id.* at 328-330 (quoting Tex. Alco. Bev. Code § 102.07(a)). The issue was whether "interest" should be construed broadly or narrowly when used in the sentence, "interest in the business of a brewer." *Id.* at 327-28.

On the outset, the *Cadena* court noted that the term "interest," "without a modifier, could in the abstract be so broad as to be vague and ambiguous." *Id.* at 327. The same is true here, where the possibility that "economic benefit" could run to all persons without limitation would be equally vague and ambiguous. The Supreme Court's answer to this possibility was that "when interpreting broad, context-sensitive terms such as 'interest,' we must be sensitive to the

context." *Id.* at 328. In the alcoholic beverages context, the Supreme Court noted that the term "interest" was "then narrowed by the phrase 'in the business of a brewer.'" *Id.* at 328. The Court then limited the term "interest" with the plain meaning of the term "brewer" to derive a contextualized definition that "meshes with both the plain language and context of the statute's words, as well as the Legislature's policy of strict separation between the tiers of the industry." *Id.* at 328–29.

The steps the *Cadena* court used to interpret "interest" in the alcoholic beverages context should apply similarly in the social gambling context. Just as the plain language of the term "brewer" was used to give contextualized meaning to the otherwise-expansive term, "interest" in *Cadena*, the plain language of the term "personal winnings" also gives context to the term "economic benefit." "Personal winnings" applies only to those playing poker. And the very enactment of a "social gambling defense" demonstrates the Legislature's intent to carve a distinct subset of "social gamblers" from otherwise-illegal gambling. The only way to give effect to this defense is to recognize that "other than personal winnings" necessarily refers to those of the social gambler, whose "economic benefit" the modifier was intended to limit.

2. Extending "Economic Benefit" To All Persons Generally Is Unreasonable.

To interpret the "economic benefit" element as broadly as opponents suggest would swallow the entire "social gambling defense" in a manner that extends the definition beyond a logical or reasonable limit. *But see In re Blair*, 408 S.W.3d 843, 851 (Tex. 2013) ("We will not read a statute to draw arbitrary distinctions resulting in unreasonable consequences when there is a linguistically reasonable alternative."). Recently, you opined that people who wager on a player's performance as part of a fantasy football league do not qualify for the "actual contestant exception," which carves "actual contestants in a bona fide contest for the determination of skill" from the definition of "bet." *See* Tex. Att'y Gen. Op. No. KP-0057 (2016) (quoting Tex. Penal Code § 47.01(1)(B)). You refused to read the "actual contestant exception" in the Penal Code so broadly because such an interpretation "would have that exception swallow the rule." *Id.*

Interpreting the "economic benefit" exception so broadly would likewise "swallow the rule." Under the opponents' unreasonable construction, the "social gambling defense" would be unavailable if any money exchanged hands for any purpose, without regard to that exchange's relation to the gambling. If the "social gambling defense" is foreclosed whenever any "person" receives any money whatsoever from TCH—whether it be the landlord, utility company, or vendors servicing the club—this is yet another case where the exception—the "economic benefit" exclusion—would swallow the rule—the "social gambling defense."[2]

[2] Other supporters have mentioned the absurd results that would flow from such an interpretation, including making illegal the friendly apartment game of poker, the country club poker table, or the fraternity poker night. *See, e.g.*, February 28, 2018 Letter from Blizzard & Zimmerman.

3. The Last Antecedent Doctrine Also Encourages a Narrow Construction of "Economic Benefit."

Moreover, the only way to give effect to the qualifier, "other than personal winnings" is to apply it to the immediately preceding phrase, "economic benefit." *See Entergy*, 282 S.W.3d at 442 ("[W]e do not interpret a statute in a manner that renders parts of it meaningless."). Courts have interpreted "other than" clauses similar to "other than personal winnings" under the "last antecedent doctrine:"

> Under the last antecedent doctrine, where no contrary intention appears, relative and qualifying words, phrases, and clauses are to be applied to the immediately preceding words or phrase. Such words, phrases, and clauses are not to be construed as extending to or modifying others which are more remote ....

In re Guardianship of Finley, 220 S.W.3d 608, 615 (Tex. App.—Texarkana 2007, no pet.) (quoting 82 C.J.S. Statutes § 333 (1999)). *In re Finley* also involved a statute in which one side argued that the term "appointed under the laws of a jurisdiction **other than this state**" applied broadly to three listed exceptions within the guardianship section of the Texas Probate Code—husband and wife, joint managing conservators, and coguardians. *Id.* at 614-15. Citing the "last antecedent doctrine" to discern legislative intent, the *Finley* court held that the "other than" term had to modify only the last of the three exceptions, or else, the three exceptions would collapse into one:

> If the phrase "appointed under the laws of a jurisdiction other than this state" means to qualify two or more people already appointed elsewhere as guardians, then the phrase "a husband and wife" is rendered redundant with the later phrase "coguardians." .... As we are to presume that the entire statute is intended to be effective, we should not construe a statute in such a way as to render the inclusion of one part of it meaningless.

Id. at 616 (citing Tex. Gov't Code Ann. § 311.021(2)). Because a construction that applies "economic benefit" to all "persons" and not just social gamblers renders the "other than personal winnings" qualifier meaningless, this is not a reasonable construction and should be rejected. *See Entergy*, 282 S.W.3d at 441–42 (recognizing that the qualifier "either separately or through the use of subcontractors" in the Texas Labor Code modifies the term "general contractor" and would be rendered meaningless if the term "general contractor" were given a restrictive meaning).

4. Assuming Both Broad and Narrow Applications Are Reasonable, Statutory Construction Aids Compel the Narrow Construction of "Economic Benefit."

Even assuming you find both interpretations of the term "economic benefit" to be reasonable, the following aids to statutory construction compel the conclusion that the Legislature intended for "economic benefit" to apply narrowly to social gamblers:

> In construing a statute, whether or not the statute is considered ambiguous on its face, a court may consider among other matters the: (1) object sought to be attained; (2) circumstances under which the statute was enacted; (3) legislative history; (4) common law or former statutory provisions, including laws on the same or similar subjects; (5) consequences of a particular construction; (6) administrative construction of the statute; and (7) title (caption), preamble, and emergency provision.

HCBeck, Ltd. v. Rice, 284 S.W.3d 349, 356 (Tex. 2009) (quoting Tex. Gov't Code § 311.023).

First, the "object sought to be attained is to provide a legal mechanism for "social gambling," or, as State Bar Committee called it, "the friendly poker game":

> This section prohibits every form of gambling, but provides a defense for the "friendly poker game."
>
> * * *
>
> The elements of the defense are designed to exclude any form of exploitative or commercialized gambling. The evidence must show that no participant received an economic benefit other than winnings; therefore, if one party gets a special cut from each pot or charges for the privilege of using the facilities, none of the participants can rely on the defense.
>
> * * *
>
> If the "odds" of the game are stacked in favor of one party, Subsection (b)(3) excludes the defense. However, the equal risks and chances requirement of Subsection (b)(3) refers only to the rules of the game, not to the advantages that accrue to a skilled player. Therefore, a game which ensures a profit to the house or banker, regardless of the luck or skill involved, is not a "friendly" game to which the defense applies: but the presence of a superior, even professional player, who the skill and luck, does not vitiate the defense.

State Bar Committee on Revision of the Penal Code, A Proposed Revision of the Texas Penal Code at 329 (Final Draft, October 1970) (emphasis added). Certainly, interpreting the statute in a manner that would do away with the defense for the "friendly poker game" entirely would not satisfy the "object sought to be obtained."

Second, the "circumstances under which the statute was enacted" and the "legislative intent" factors also warrant in favor of a narrow interpretation of "economic benefit." In 1973, the Legislature enacted a "social gambling defense" for the first time, adopting the proposed language from the State Bar in total with the above-quoted commentary. *See Adley v. State*, 718 S.W.2d 682, 684–85 (Tex. Crim. App. 1985) (discussing history of gambling legislation and

pointing out that the "social gambling defense" was not available in pre-1973 legislation). This commentary confirms that the Legislature intended to apply the "economic benefit" consideration only to ***participants*** in the game of poker—not to the facilitator of the premises.

Later, the Legislature adopted additional commentary which directly addressed the perceived "defective" subsection (b)(2), and recognized the legislative intent to apply the "economic benefit" term only to gambling participants:

> Unfortunately, the statement of the [social gambling] defense is defective in this section, but hopefully the courts will interpret it according to the legislature's clear intent—as if it read: (b) It is a defense to prosecution under this section that ... (2) no person gambling there received any economic benefit other than personal winnings.

Seth S. Searcy III& James R. Patterson—Practice Commentary—1973, Tex, Penal Code § 4704 (Vernon 1989) (attached as Exhibit A to March 1, 2018 Letter from Locke Lorde LLP). These two commentaries—adopted at varying times throughout the history of Chapter 47—confirm that the narrower interpretation was intended.

Third, a narrower construction of "economic benefit" also prevails after considering the "common law or former statutory provisions" alongside the "consequences of a particular construction." Tex. Gov't Code § 311.023. As all parties have recognized, the "social gambling defense" was enacted for the first time in 1973, and the "economic benefit" element of the defense has never been amended. *See* Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Certainly, a broad "economic benefit" construction that swallows the defense in its entirety would not have been the intent of the Legislature, considering that it has never opted to do away with the defense explicitly, even though it has amended section 47.02 (offense for gambling) nine times and section 47.04 (offense for keeping a gambling place) three times since the statutes' 1973 enactment.

5. Opponents' Arguments For A Broad Construction of "Economic Benefit" Are Contrary to Prior Precedent and Expressions of Legislative Intent.

Despite the fact that the only reasonable interpretation of the "economic benefit" portion of the "social gambling defense" is a narrow construction that applies only to the poker player, opponents assert two unavailing arguments in favor of a broader interpretation.

First, opponents contend that previous bills have been introduced to add "participant" in place of "person" in a manner that would correct the "defective" portion of the defense. If the Legislature truly intended to apply "economic benefit" to only gambling participants, opponents contend, it surely would have passed legislation clarifying that intent. This argument is unavailing because courts consider neither failed legislation nor legislative inaction when interpreting statutes. *See Entergy*, 282 S.W.3d at 471 (Willett, J., Concurring) ("As non-adoption infers nothing authoritative about an earlier statute's meaning, we do not consult failed

bills to divine what a previous Legislature intended."); *see also Dutcher v. Owens*, 647 S.W.2d 948, 950 (Tex. 1983) (warning against gleaning legislative intent from failed bills: "Any such inference would involve little more than conjecture."); *Tex. Employment Comm'n v. Holberg*, 440 S.W.2d 38, 42 (Tex. 1969) ("[W]e attach no controlling significance to the Legislature's failure to enact the proposed amendment").

Second, opponents contend that the above-quoted State Bar Commentary indicates the Legislature's intent to exclude facilitators like TCH from the "social gambling defense" because they "charge for the privilege of using the facilities." But the State Bar Commentary clearly limits the scope of applicability to "parties" to the poker game. *See* State Bar Commentary at 329 ("[I]f **one party** gets a special cut from each pot **or charges for the privilege of using the facilities**, none of the participants can rely on the defense."). TCH, by contrast, is not a "party" to the poker game that "charges for the privilege of using the facilities" because it is not a "player" at all. TCH does not participate in poker play, nor do its dealers.

For these reasons, TCH does not receive "economic benefit other than personal winnings" in a manner that forecloses the "social gambling defense."

C. Except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

As discussed above, the only games played at TCH are those in which the chances for any player to win are equal. None of the games played at TCH have "house odds," and indeed, no dealers participate in the games by dealing themselves a hand. TCH allows no players to bet with "poker insurance," as this activity could be perceived as creating better odds for some players over others. For these reasons, the "chances for any player to win are equal except for the advantage of skill or luck." Tex. Penal Code § 47.02(b)(3).

D. The Scope of the Question Presented is Limited to the Applicability of the "Social Gambling Defense."

In a last-ditch effort to undermine these legal social gambling establishments, opponents have suggested that the activities of enterprises like TCH also run afoul of several other gambling statutes that do not have an accompanying "social gambling defense." Opponents have suggested that facilitators of private social gambling venues possibly violate Texas Penal Code § 47.03 (creating a misdemeanor offense for a person who "operates or participates in the earnings of a gambling place"); Tex. Penal Code § 47.05 (creating a misdemeanor offense for a person who "knowingly communicates information as to bets"); and Tex. Penal Code § 47.06(b) (creating a misdemeanor offense for a person who "knowingly owns, manufactures, transfers commercially, or possesses any altered gambling equipment that he knows is designed for gambling purposes").

Because Chairman Morrison's request does not ask the AG to construe these statutes or interpret the statutory definitions of "gambling place," "bet" or "gambling equipment," applying Chairman Morrison's hypothetical to these laws goes far beyond the opinion process—and

certainly beyond this request. But assuming the AG wishes to construe these statutes as well, these three statutes to not apply to TCH because TCH is not a "commercial gambler." Chapter 47 was enacted to "distinguish between the social gambler and the commercial gambler." *Adley*, 718 S.W.2d at 684–85. TCH merely facilitates a private social space in a manner no different than a country club or private dining facility. The mere fact that the poker players bet amongst themselves in this private facility does not turn TCH into an "individual[] who engage[s] in gambling commercially, or, as the Practice Commentary notes, the 'exploitive gambler.'" *Id.*

I sincerely hope that after consideration of the above analysis, you will conclude that these establishments, when properly run, are compliant with Texas law. On behalf of TCH, thank you for your consideration of this matter.

Sincerely,

Andrew Weber

9. Rentea & Associates Opinion.

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Bogdan Rentea*
**Board Certified Administrative Law*
Texas Board of Legal Specialization

TO: TEXAS CARD HOUSE ("TCH" or "Client")
RE: APPLICABILITY OF THE STATUTORY DEFENSES IN THE TEXAS PENAL CODE TO YOUR OPERATIONS

Dear Client,

You have asked me to give you my legal opinion on the applicability of the Texas Penal Code, ("Code") to the operations of a 'member only' social club, that allows, *inter alia*, for members to play the game of poker.

I. FACTUAL ASSUMPTIONS

There are a number of factual assumptions upon which this opinion is based. Specifically, it is understood that; (a) the social club, ("club") is a 'members only' club, which restricts access to the general public, and requires pre-approval, payment of a membership fee, and which membership is subject to cancellation for failure to remain in good standing, as per the club's internal rules and regulations; (b) any fee charged is for the use of the entire facility, whether or not the member plays the game of poker; (c) the dealer(s) provided by the club, are employees of the club, are not allowed to accept tips, or other compensation, from any personal winnings of

any of the participants in a poker game[1]; (d) there is no "house" as the term is used in the gaming industry, and the "house" or club, does not take what is commonly known as a "rake"; (e) other than the skill or luck of those participating in a game of poker, the chances of winning or losing, are the same for each participant; and (f) the club does not derive any economic benefit from the personal winnings of any participant in a game of poker.

II. HISTORY AND THE STATUTORY DEFENSE TO ILLEGAL GAMBLING

In 1974, the Texas Legislature enacted the Texas Penal Code, and in doing so, made various changes in the law pertaining to gambling. Prior to 1974, the Penal Code criminalized gambling in separate and distinct offenses for all the various forms of gambling. The statutes were confusing to say the least. In enacting Chapter 47 of the new Code, the legislature sought to simplify the law. More importantly, the legislature, for the first time, sought to decriminalize social gambling and provide minimal penalties for the individual who utilized the services of the professional gambler. See generally practice commentary to Chapter 47, V.T.C.A. Penal Code, § 47.01, et seq.[2]

The statutory defense ("defense") to illegal gambling, can be found in two separate sections of the Code, specifically, sections 47.02(b)[3] and 47.04(b)[4].

The elements of the defenses are identical in both sections, and will therefore be discussed together in this opinion. Specifically, the defenses provide as follows:

"(b) It is a defense to prosecution under this section that:
(1) the actor engaged in gambling in a private place;

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[1] The term "poker game" includes all aspects thereof, including, any one hand, the wager, and aspect of skill and/or luck.

[2] *Adley v. State*, 718 S.W.2d 682, 683 (Tex. Crim. App. 1985)

[3] Applies to the prohibition against Gambling.

[4] Applies to the prohibition against Keeping a Gambling Place.

(2) no person received any economic benefit other than personal winnings; and
(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants."

The applicable rules and principals of statutory construction provides that:

Our fundamental goal when reading statutes "is to ascertain and give effect to the Legislature's intent." *Tex. Mut. Ins. Co. v. Ruttiger*, 381 S.W.3d 430, 452 (Tex. 2012). To do this, we look to and rely on the plain meaning of a statute's words as expressing legislative intent unless a different meaning is supplied, is apparent from the context, or the plain meaning of the words leads to absurd or nonsensical results. *Crosstex Energy Servs., L.P. v. Pro Plus, Inc.*, 430 S.W.3d 384, 389–90 (Tex. 2014). Words and phrases "shall be read in context and construed according to the rules of grammar and common usage." *Id.* (citing Tex. Gov't Code § 311.011). We presume the Legislature "chooses a statute's language with care, including each word chosen for a purpose, *326 while purposefully omitting words not chosen." *TGS–NOPEC Geophysical Co. v. Combs*, 340 S.W.3d 432, 439 (Tex. 2011). In that vein, we take statutes as we find them and refrain from rewriting the Legislature's text. *Entergy Gulf States v. Summers*, 282 S.W.3d 433, 443 (Tex. 2009).

With these basic principals in mind, I will discuss each of the three elements and apply them to your club's operations.

Before doing so, it is important to note that each element is directly related to, and only applicable to, the act of gambling. The importance of this, will become evident in the analysis below.

III. PRIVATE PLACE.

The Code defines a "public place" at section 47.01(8) as follows:

*"(8) "Private place" means a place to which **the public does not have access**, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops." (emphasis added)*

Although the determination of whether a place is private or public, necessarily depends on a factual analysis, it is my opinion that your club does not allow access, for the use of its facilities, to the general public, and therefore qualifies as private place. I do not believe that it is only

"nominally private" as suggested by Attorney General John Hill in his opinion H-489, but to the contrary, is more akin to the description and analysis in the case of *Grant v. State*, 33 Tex. Crim. 527, 27 S.W. 127 (1894).[5]

IV. ECONOMIC BENEFIT FROM PERSONAL WINNINGS.

First, it must be noted that the term "economic benefit" is not defined in the Code. However, it must also be noted that the term is restricted to "personal winning". It cannot therefore logically follow, that any economic benefit received by the club, from a person, before that person participates in a poker game, qualifies for consideration. Stated differently, the payments received by the club, as described in the factual assumption section, above, are not the type of economic benefit addressed in this element of the defense.

The inquiry has to be limited to the use of the winnings while the game is in progress. The club is clearly prohibited from taking a "rake"[6] or allowing the dealers from being tipped, directly from winnings[7], during the actual game. Stated differently, only the actual players, or participants in the game, can derive an economic benefit from any bet placed or hand played. Since the club itself is not a player, or participant, and does not share in any economic benefit derived from any bet or hand played, it does qualify for this element of the defense.

How the winnings are used after the game is concluded, cannot logically be the concern of the legislature or the subject of this element of the defense. Such an extension of this element, would

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[5] "*The rooms of a commercial club, to which only the club members and invited visitors are admitted, except when the club has under discussion some question affecting the public interest, are not a public place, within the meaning of the statute prohibiting card playing in public places.*"

[6] See Attorney General Opinion, KP-0057.

[7] In my opinion, tipping from a source other than winnings obtained from any hand played, is permissible. The best way to accomplish that, is to make tipping chips available for purchase before the member starts to play, and visually distinguish those chips from the ones used to place

lead to the absurd result that the winnings can never be used, for any purpose. For example, an absurd result would be to deny the existence of this element of the defense, if a player uses his/her winnings to purchase gas on the way home from the club. Or buy milk for his/her children. Absurd examples like this, are obviously endless, and clearly not intended by the legislature,

Some have cited the State Bar Commentary adopted with the passage of the 1973 Penal Code,[8] to suggest an expansive and all encompassing reading of this element of the defense. However, a close reading of the commentary, reveals the following language: "the evidence must show that **no participant**, received an economic benefit, other than winnings…"(emphasis added)

This language makes it clear that this element of the defense applies only to participants in the actual game, and does not extend to the club, the gas station or the grocery store.

V. CHANCE OF WINNING AND LOSING, MUST BE THE SAME FOR ALL PARTICIPANTS

This is the easiest element to address. Since there are no "house odds", and the only participants in any game or hand, are the actual players, the chances of winning or losing are clearly only the factors of the skill or luck of the individual players.

VI. CONCLUSION.

It must be noted that there is no definitive authority that answers the issues discussed here. It must also be noted that the particular facts and circumstances, as they exist, or as they are found

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a wager, or bet.

[8] See State Bar Committee on Revision of the Penal Code, A Proposed Revision of the Penal Code, (Final Draft October 1970)

to exist, by a trier of fact, i.e. judge or jury, in the event of a prosecution or other action involving your club's operations, will determine whether your club is or is not entitled to the statutory defenses discuss in this opinion.

Therefore, my opinion has to be qualified, however, as of now, based on the facts and circumstances as I understand them, and based on the materials research and identified herein, it is my opinion that your club meets all the elements of the statutory defenses set out in the Code, and that based on the existence of those defenses, the club is not operating or keeping an illegal gambling place.[9]

Respectfully submitted

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[9] This opinion is for the use of Texas Card House, ("TCH"), and its owners, officers, directors, and members. It may be distributed by TCH, to whomever it deems appropriate, however, it may not be relied upon by such other recipient(s), without the express written permission of Bogdan Rentea.

City of Dallas

August 12

Via Email:

Chair and Members of the Zoning Board of Adjustment, Panel A
c/o Administrator & Secretary to the Board of Adjustment
1500 Marilla St, Room 5BN
Dallas, Texas 75201

Re: Case No. BOA-25-000001
Property: 7776 Dallas Parkway (former site of III Forks Restaurant)
Appellant: Contender Dallas, LLC d/b/a Champions Social Club
Subject: Appeal of Revocation of Certificate of Occupancy No.
Hearing Date: August 19, 2025

Dear Board Members:

This letter and the attached materials are the City and Building Official's written response to the above-listed Board of Adjustment appeal by the Applicant, set for hearing on August 19, 2025.

I. INTRODUCTION

The Building Official respectfully requests that the Board of Adjustment (Board) uphold the revocation of Certificate of Occupancy (CO) No. 2410071172, which was mistakenly issued on April 9, 2025, to Contender Dallas, LLC d/b/a Champions Social Club (Applicant) for a proposed commercial poker operation. The CO was revoked on April 15, 2025, after staff determined that the applicant intended to operate a poker club, a use that is unlawful under Texas Penal Code § 47.01. The Dallas City Code prohibits the issuance of a CO for any use that violates state law and mandates revocation when such a CO is issued in error. The issuance of the CO in this case was the result of administrative oversight and human error, not an intentional authorization of the proposed use.

As the Board will recall, this appeal represents the Applicant's second attempt to obtain a CO for essentially the same commercial poker operation previously denied by the building official in 2021 and affirmed by this Board. The Applicant's current effort is not based on any change in law or fact, but rather on an administrative error that resulted in staff mistakenly issuing the April 9, 2025 CO. The Applicant now seeks to take advantage of that error to secure approval for an illegal use. The outcome of this case should not be dictated by an isolated mistake; it is, at its core, a legal question, whether the Applicant's business model is lawful under Texas law. That precise question is currently before the Texas Supreme Court in *Espinoza v. TCHDallas2, LLC,* involving the Texas Card House poker club. The supreme court's decision on the merits in the Texas Card House

litigation will control whether the Applicant, and similarly situated businesses, may legally operate in Texas. Until such time, the Board should uphold the revocation and decline to authorize an operation that would violate state law.

The applicant has timely appealed the revocation of its mistakenly-issued CO. The appeal must be denied because the underlying use is illegal, the revocation was mandatory, and the City and building official have both the authority and duty to prevent illegal uses through the enforcement of zoning and occupancy regulations.

II. PROCEDURAL BACKGROUND

On October 16, 2024, Contender LLC submitted an application for a CO for 17776 Dallas Parkway. The accompanying land use statement expressly stated the proposed use would include poker. (Ex. A) City staff erroneously issued the CO on April 9, 2025. (Ex. B) Upon review of the application materials, the building official determined that the CO had been granted in error and issued a revocation letter on April 15, 2025, pursuant to Dallas City Code § 52-306.13(1). (Ex. C)

The current application represents an attempt to obtain a second bite of the apple, this time taking advantage of an error by staff. Staff's mistake does not change the legal question at issue.

This was not the Applicant's first attempt to obtain a CO for a commercial poker operation at this location. In 2021, Applicant, doing business as Champions Club, applied for a Certificate of Occupancy to operate a commercial poker club at 17776 Dallas Parkway. (Ex. D) The building official denied the application, and the Board upheld that denial after a full evidentiary hearing. Applicant then filed suit in Dallas County District Court on October 29, 2021, seeking to overturn the Board's decision. That litigation remains pending. On April 12, 2023, the court granted a joint motion to stay the case in its entirety pending the outcome of *Espinoza v. TCHDallas2, LLC*, the commercial poker case currently under review by the Texas Supreme Court. (Ex. E) The stay will remain in effect until all appeals are exhausted in the Texas Card House case.

Here, the Applicant filed a timely appeal on May 7, 2025. The matter was initially set for hearing on June 17, 2025 but was held over by the Board after considering the joint agreement of both parties (Ex. F) to postpone the hearing in order to await possible action by the Texas Supreme Court in the Texas Card House case, which raises identical legal issues. The hearing was rescheduled for August 19, 2025. The Board Chair has indicated that the hearing will proceed on that date and no further postponements will be granted, even though the Texas Supreme Court has not yet determined whether it will grant review in the Texas Card House matter.

III. UNDISPUTED FACTS

- On April 9, 2025, the City mistakenly issued a CO to Contender LLC d/b/a Champions Social Club, authorizing a restaurant and commercial amusement (inside) use at 17776 Dallas Parkway. (Ex B) The CO was revoked on April 15, 2025 when the building official determined it had been issued in error because the proposed use involved illegal commercial poker activity.
- The land use statement submitted by the Applicant expressly stated that poker would be offered. (Ex. A)

- Floor and furniture plans submitted with the application show that the facility was designed for large-scale poker operations, including 117 labeled "poker table chairs" on the furniture plan. (Ex. G)
- The Applicant is the same entity that previously sought a CO for the same site, which was denied in 2021. (Ex. D) That application was denied by the building official and the denial was upheld by the Board. The Applicant filed suit on October 29, 2021, to challenge the Board's decision. That lawsuit remains pending and has been stayed by court order since April 12, 2023, pending the outcome in the Texas Card House litigation currently under review in *Espinoza v. TCHDallas2, LLC*. (Ex. E)
- The Collin County District Attorney's Office has confirmed in writing that the office continues to regard commercial poker rooms as illegal gambling under Texas law and will prosecute any such operations occurring at this location (Ex. H).

IV. LEGAL ANALYSIS

A. Revocation Was Required Under City Code

Dallas City Code § 52-306.13(1) requires the building official to revoke a CO issued in error. Dallas City Code § 52-306.5 prohibits the issuance of a CO for any use that is contrary to the codes, the Dallas Development Code, any other city ordinances, rules, regulations, or any county, state, or federal laws or regulations. Section 52-302.2(a) provides that a CO is required to certify that the proposed use complies with all applicable codes and laws. Once it became clear that the CO had been issued for a use that violates Texas criminal law, the building official was required to revoke it.

The same legal conclusion was reached by City staff in 2021, when the applicant sought a CO for an identical poker-based business model at this property. That prior denial, which was upheld through the Board's process, was based on the determination that commercial poker clubs violate Texas Penal Code Chapter 47 and are not permitted uses under the Dallas City Code (Ex. I at pp. 12–15). The Applicant is now attempting to use a staff error to circumvent the outcome of that earlier proceeding. A mistake in issuing the CO does not and cannot create a right to operate an illegal use. The Board is not bound by staff error and has the independent authority and obligation to correct such mistakes.

Texas courts have long recognized that municipal officials cannot authorize illegal uses. *See City of Dallas v. Stewart*, 361 S.W.3d 562, 577 (Tex. 2012) (noting that actions by a municipality contrary to state law are void and unenforceable).

The legal question here, whether the Applicant's business model is unlawful under Texas law, is the same question now squarely before the Texas Supreme Court in *Espinoza v. TCHDallas2, LLC*, where the building official has argued that allowing a CO to remain in place for an illegal use due to staff error would undermine both municipal zoning authority and state criminal law. That decision will provide binding statewide precedent. In the meantime, the Board should uphold the revocation to maintain the integrity of the City's zoning enforcement and ensure compliance with state criminal law.

B. Operation of a Commercial Poker Club Is Illegal Under Texas Law

Gambling is generally illegal under the Texas Constitution, with only exceptions authorized by constitutional amendment (e.g., the state lottery). Applicant's proposed land use including commercial poker constitutes a "gambling place" under Texas Penal Code § 47.01(4), which defines that term as "any real estate, building, room, tent, vehicle, boat, or other property whatsoever, including appurtenances, in which persons assemble for the purpose of gambling."

Texas Penal Code § 47.03(a)(3) prohibits knowingly owning, using, or permitting the use of property as a gambling place. Texas Penal Code § 47.04(a) further prohibits keeping a gambling place.

Texas Penal Code § 47.02(a)(1) prohibits a person from participating in "gambling," defined in § 47.01(1) as "betting or wagering on the partial or final result of a game or contest or on the performance of a participant in a game or contest."

The only exception is the affirmative defense to prosecution in Texas Penal Code § 47.02(b), which applies only if all of the following conditions are met:

1. The gambling occurred in a private place;
2. No person received any economic benefit other than personal winnings; and
3. Except for the advantage of skill or luck, the odds of winning were not altered to favor one player over another.

These conditions are strictly construed, and all must be met. They are not satisfied by the Applicant's proposed operation, which:

- Involves a retail commercial site with public-facing signage and access;
- Uses paid memberships, time-based seat rentals, or other fee structures that confer economic benefit; and
- Promotes itself via public marketing channels, and intends to maintain poker as a revenue-generating activity.

In addition, the use categories listed on the CO, "restaurant" and "commercial amusement (inside)", are fundamentally inconsistent with the private club model required for the affirmative defense to gambling under Texas law. A restaurant is by definition a public-facing use. Likewise, "commercial amusement (inside)" as defined in the Dallas City Code contemplates public access and fee-based entertainment. These zoning categories are irreconcilable with the statutory requirement that gambling occur in a "private place" to qualify for the affirmative defense. *See* Tex. Penal Code § 47.02(b)(1). The business cannot simultaneously hold itself out as a private club while requesting and obtaining a CO for public, commercial use classifications.

In the prior Board of Adjustment hearing on October 19, 2021, representatives of Champions Club admitted on the record that:

- Poker would be played on-site and was central to the business model;
- The club used a paid membership model open to any walk-in visitor;
- The club charged seat rental fees for time spent playing;

- The facility was publicly accessible and promoted via public-facing media;

These admissions confirm that the business fails the requirements of Penal Code § 47.02(b), specifically the "private place" and "no economic benefit" elements. They also reinforce the finding that the Applicant seeks to operate a commercial gambling establishment disguised as a private club.

C. The City's Legal Position is Consistent With Other Jurisdictions

The City's legal position has been unchanged throughout all of the poker club matters that have come before this Board and in the resulting litigation. (Ex. J, K) That legal position is consistent with other law enforcement and judicial interpretation across Texas. For example, the City of Houston submitted an amicus brief in support of the building official's position in the Texas Card House matter. (Ex. L) The brief points out how poker clubs falsely label themselves as private when in fact they admit any member of the public and advertise publicly. The brief also includes information about criminal activity in areas surrounding commercial poker clubs.

In addition, the Collin County District Attorney submitted an amicus brief in the Texas Card House matter. (Ex. M) The brief details the legal flaws in the poker club model and confirms that economic benefit, such as seat rental or club fees, violates Penal Code § 47.02(b). The Collin County District Attorney has also submitted a letter supporting the building official's legal position in this Board matter. (Ex. H)

No Texas appellate court has held that commercial poker rooms are legal under Penal Code Chapter 47.

D. Site Plans and Staff Findings Confirm Poker Use

The City staff report prepared for this Board appeal confirms that the use proposed by Applicant is not consistent with the approved CO designation and constitutes illegal commercial poker activity. The staff report specifically notes that the Land Use Statement submitted by the applicant identified "poker" as part of the operation (Ex. A), and that the floor and furniture plans (Ex. G) clearly depict numerous poker tables and chairs across both floors of the building. The submitted architectural plans label areas as "Poker Table Chairs," and the second-floor furniture plan identifies seating for 117 players—an unmistakable indication of a large-scale gambling operation. Staff concluded that the approved use categories of "restaurant" and "commercial amusement (inside)" do not encompass poker or gambling activity and that the issuance of the CO was in error. These materials provide substantial evidence supporting the Building Official's decision to revoke the certificate.

E. The Board Cannot Authorize an Illegal Use Based on Administrative Error

Neither the Board of Adjustment nor any municipal official has the authority to legalize conduct that is unlawful under state law. The fact that a Certificate of Occupancy was previously issued in error does not bind the Board or require deference. To the contrary, the Board has an independent obligation to ensure that the City's zoning and building regulations are enforced in accordance with applicable law.

The issuance of a CO that conflicts with criminal law is void ab initio. The Board is not required to perpetuate an administrative mistake, and it may not substitute a procedural misstep for a substantive legal analysis. Courts have consistently held that zoning bodies may correct errors and are not estopped from enforcing the law merely because of prior staff action. Upholding the revocation of the CO is the legally required result.

Courts have consistently held that zoning bodies may correct errors and are not estopped from enforcing the law merely because of prior staff action. This is especially true where, as here, the Board has already reviewed and upheld the denial of the same proposed use at the same location in 2021. The applicant's renewed request is, in effect, an attempt to relitigate the same legal question while exploiting a staff error. The Board's decision should be guided by the underlying legality of the use, not by the happenstance of administrative oversight.

F. Risks of Ultra Vires and Proposition S Claims if the Board Authorizes an Illegal Use

The Board of Adjustment does not have legal authority to authorize a use that is prohibited by state law or the Dallas Development Code. Any action by an administrative body that exceeds its lawful authority is ultra vires and may subject individual members to legal claims in their official capacity. See *Hall v. McRaven*, 508 S.W.3d 232, 238 (Tex. 2017) (official acts outside statutory authority are ultra vires). A Board decision to permit the operation of a commercial poker club, despite clear statutory prohibitions in Texas Penal Code §§ 47.01–47.04, would exceed the Board's authority and risk exposure to litigation against the individual panel members who vote for such an action.

In addition**,** Dallas City Charter, Ch. XXV, passed as Proposition S in the November 2024 election, requires that City officials comply with both state law and the City Code when performing their duties. Any failure to do so may result in legal challenges by residents asserting that City officials have acted contrary to law. Neighborhood residents who have long opposed the use of this site as a commercial poker club would potentially have standing to bring a Proposition S action against the City if the Board authorizes an illegal use.

Although the City disputes the constitutionality of Chapter XXV, it has not yet been tested in litigation and it remains in effect. The risk of such claims is not speculative. The Chapter XXV enforcement mechanism exists precisely to ensure that City bodies such as this Board cannot disregard the law. Allowing this illegal use to proceed in the face of clear evidence of its illegality would be inconsistent with both the Board's statutory mandate and the requirements of the City Charter.

For these reasons, the Board should avoid any action that could be construed as exceeding its legal authority or failing to comply with applicable law.

G. Risks of Duplicative Litigation and Inconsistent Rulings

Champions Club is already a plaintiff in a pending lawsuit against the City and this Board over the same property and the same proposed use as a commercial poker club. That case has been stayed by court order until the conclusion of all appeals in the Texas Card House litigation (Ex. E). The stay reflects the parties' and the court's recognition that the Texas Supreme Court's eventual decision on the merits will control the legal question of whether commercial poker rooms are lawful in Texas.

Allowing the Board to proceed now to overturn the building official's revocation has several risks to the City and this Board, including increasing and redundant litigation, waste of City resources, inconsistent rulings between the Board and the courts, and undermining the stay order in the already pending litigation involving these parties. A Board decision authorizing the use would likely prompt new litigation, either by Champions or by affected neighbors, in addition to the already pending case. This would force the City to defend multiple lawsuits involving identical legal issues, increasing legal expenses, attorney workload, and the risk of conflicting strategies between cases. In addition, because the legal question is already before the courts, any Board ruling contrary to the City's position could result in an administrative decision that conflicts with future judicial determinations. If the Texas Supreme Court holds that poker rooms are illegal, any Board ruling to the contrary would be void. The stay in the pending case was intended to prevent exactly this type of parallel decision-making while the controlling legal issue is pending before the Texas Supreme Court. A Board decision on the same question could be viewed as an attempt to circumvent the court's stay order.

For these reasons, prudence, judicial economy, and respect for the existing litigation process strongly counsel against the Board taking any action that could alter the legal status quo before the Texas Supreme Court issues its ruling. The Board should affirm the Building Official's revocation and allow the controlling court decision to dictate the future legality of such uses.

V. PUBLIC INTEREST AND COMMUNITY IMPACT

Unlike Texas Card House, which is currently operating only because a court has allowed it while the litigation proceeds, Champions Social Club is located immediately adjacent to a residential neighborhood. Residents in the surrounding area have repeatedly opposed the use of this location as a commercial poker room. This opposition was well documented during the 2021 Board hearing and was again voiced during the June 2025 setting of this matter. Dozens of nearby homeowners and community members are again expected to speak at the August 19 hearing.

Critically, neighbors have indicated support for a restaurant use at this location but oppose the transformation of the property into a gambling-focused business. This reflects legitimate concerns about the possible negative secondary effects of a gambling business near a residential neighborhood. In its amicus brief in the Texas Card House appeal, the City of Houston argued that commercial poker clubs have been associated with serious criminal activity occurring in or around such establishments. Houston argued that these clubs create substantial public safety risks and that their proliferation undermines lawful land use and policing efforts. (Ex. L)

The Collin County District Attorney's warning (Ex. G) also raises the real prospect that approving this use would place property owners and patrons at risk of criminal prosecution.

VI. CONCLUSION

The building official respectfully urges the Board to affirm the revocation of the Applicant's CO. The applicant's proposed use is illegal under Texas law and was never eligible for a CO. The revocation was required by Dallas ordinance. Upholding the revocation protects the integrity of City processes, ensures compliance with state law, and reflects the will and welfare of the surrounding community.

This case is not about whether the Applicant should be allowed to operate a restaurant. Instead, it is about whether it can operate a commercial poker club in violation of Texas Penal Code Chapter 47. The Applicant already sought and was denied a CO for this same poker operation in 2021. Unlike Texas Card House, the Applicant has not been hosting commercial poker games at its location at 17776 Dallas Parkway. Now, after being surprised by the issuance of a CO including poker, it is attempting a do-over by exploiting an error by City staff. Staff's mistake should not dictate the outcome; the determinative issue is a legal one: whether the Applicant's business model is lawful in Texas. That question is currently before the Texas Supreme Court in *Espinoza v. TCHDallas2, LLC*, whose ruling will provide binding guidance.

Upholding the revocation in this case protects the integrity of the City's permitting process, prevents the legalization of an unlawful use through administrative oversight, ensures compliance with state law, and respects the strong and consistent opposition of the surrounding community.

Respectfully submitted,

Stacy Jordan Rodriguez
Gary R. Powell
Assistant City Attorneys

EXHIBIT INDEX

- **Ex. A** – Land Use Statement submitted with October 2024 CO application
- **Ex. B** – Certificate of Occupancy issued April 9, 2025
- **Ex. C** – Revocation Letter dated April 15, 2025
- **Ex. D** – 2021 CO Application by Champions Club
- **Ex. E** – Order staying the pending Champions Club litigation
- **Ex. F** – Joint Motion to Postpone June 2025 Board of Adjustment hearing
- **Ex. G** – Floor and Furniture Plans Submitted by Contender LLC
- **Ex. H** - Collin County District Attorney Letter re Illegal Use Warning
- **Ex. J** – City's Letter Brief submitted in prior Champions Club Board hearing
- **Ex. K** – City's Letter Brief submitted in Texas Card House Board hearing
- **Ex. L** – Amicus Brief submitted by City of Houston in Texas Card House litigation
- **Ex. M** – Amicus Brief submitted by Collin County District Attorney in Texas Card House litigation

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

October 7, 2024

Planning & Development Services
320 E Jefferson Blvd
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

To Whom It May Concern,

I am the Managing Partner of Contender Dallas, LLC, the tenant for Contender Dallas, which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of this site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Contender Dallas will be an exclusive, members-only, high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of the dining experience will take place on the first floor of the venue (2,075 square feet in the main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions.

EXHIBIT

A

Contender Dallas, LLC
17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

State of Texas
County of Collin

This instrument was acknowledged before me on October 7, 2024, by Roy Choi.

TONYA CLARK
Notary Public, State of Texas
Comm. Expires 04-24-2027
Notary ID 13432260-5

Notary Public's Signature

Certificate of Occupancy

City of Dallas

Address:	**17776 DALLAS PKWY**
Issued:	**04/09/2025**
Owner:	**Isaac Trumbo** **17480 Dallas Pkwy STE216**
DBA:	**Contenders**
Land Use:	**(5811) RESTAURANT WITHOUT DRIVE-IN SERVICE**
Occupied Portion:	
C.O.#:	**2410071172**

Lot:		Block:		Zoning:	MU-1	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:	252	Req Park: 252	Park Agrmt: Y
Dwlg Units:		Stories:		Occ Code:	A2	Lot Area: 0	Total Area: 21154
Type Const:	UNK	Sprinkler:	All	Occ Load:		Alcohol: N	Dance Floor: N

Remarks: ALLOUTDOOR SPEAKERS AND/OR AUDIO-VISUAL EQUIPMENT INCLUDING BUT NOT LIMITED TO TELEVISIONS OR PROJECTORS MUST BE TURNED OFF BY 10:OO PM ON SUNDAY THROUGH THURSDAY AND 11:00 PM ON FRIDAYS AND SATURDAYS. NO OUTDOOR ENTERTAINMENT IS PERMITTED. THE MAXIMUM NOISE LEVEL OF THIS USE, MEASURED FROM THE BOUNDING LOT LINE OF A RESIDENTIAL PROPERTY IS 63 DECIBELS. THIS USE MAY NOT HAVE A VISIBLE SOURCE OF ILLUMINATION THAT PRODUCES GLARE OR

M. Samuell Eskander, PE

This certificate shall be displayed on the above premise at all times.

EXHIBIT

B

CITY OF DALLAS

April 15, 2025

Mr. Roy Choi
17480 Dallas Parkway, Ste. 216
Dallas, TX 75287

CERTIFIED MAIL NO. 7013 3020 0001 1419 2217

RE: Revocation of Certificate of Occupancy No. 2410071172 for a restaurant and commercial amusement (inside) dba *Contenders* at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the above-referenced certificate of occupancy issued on April 9, 2025, is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.[1]

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.[2] The restaurant and commercial amusement (inside) uses may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.[3] If you have any questions, please contact Megan Wimer at 469-271-0608.

Sincerely,

M. Samuell Eskander, PE, CBO, CFM, LEED AP BD+C
Deputy Director / Chief Building Official

cc: Robin Bently, Assistant City Manager
Tammy Palomino, City Attorney
Emily Liu, FAICP, Director, Planning and Development
Megan Wimer, AICP, CBO, Assistant Director, Planning and Development
Kiesha Kay, Founder/CEO, Mission Ridge Consultants
Major Yancy Nelson, Dallas Police Department

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1 Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

3 Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.

EXHIBIT
C

DATE: JULY 6 2021

CO NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

NAME OF BUSINESS: DBA			STREET ADDRESS OF BUSINESS: 17776 N DALLAS PARKWAY	BLDG AND SUITE NUMBER
CHAMPIONS DALLAS				
PROPERTY OWNER: ROY CHOI		ADDRESS: 17776 N DALLAS PARKWAY		CITY: DALLAS
STATE: TX	ZIP CODE:	PHONE NO: 213-448-6641	E-MAIL ADDRESS: rcho1@knighted.com	
MANAGER/OPERATOR OF USE OR BUSINESS: ROY CHOI		ADDRESS: 17776 N DALLAS PARKWAY		CITY: DALLAS
STATE: TX	ZIP CODE:	PHONE NO: 213-448-6641	E-MAIL ADDRESS: rcho1@knighted.com	
APPLICANT (if different from manager/operator): RAJ SHARMA		ADDRESS: 7309 RAY CHASE DR		CITY: ARLINGTON
STATE: TX	ZIP CODE: 76016	PHONE NO: 214-957-5024	E-MAIL ADDRESS: rajsharma@mastercode.us	

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary):

What is the square footage of the tenant space or building? 21145 square feet

○ YES ⊗ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements
○ YES ⊗ NO	Is the proposed use "personal services" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pickup/dropoff, photo studio, handcrafted art work, etc.)?	Provide Personal Services Affidavit executed by business owner, see CO Checklist for additional requirements
○ YES ⊗ NO	Will potentially hazardous foods/open foods be sold and/or served?	*Food Establishment Permit Application* required (only available from City staff)
✓ YES ○ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Measurement Certification Application Checklist and Alcohol Certification Affidavit Forms
○ YES ✓ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, call 214-671-3230 for more information. Applications available from Special Collections at 1500 Manilla St, 2DS, M-F, 8 am to 5 pm or call 214-670-3438
○ YES ⊗ NO	Is the proposed use a doctor's office, dentist office or other medical office or health care office?	Applicant must execute Ambulatory Health Care Facility form attesting to new or pre-existing conditions & facts pertaining to the health care model for any doctor's, dentist, or other medical offices (except hospitals, emergency rooms & care clinics)
○ YES ✓ NO	Will you display or offer for sale smoking paraphernalia commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances (except rolling papers, tobacco cigarettes or cigars)?	If YES then a Specific Use Permit is required, or if the use is nonconforming then applicant must provide verifiable proof that the that the display or sale of paraphernalia, etc. previously existed. Additionally, you must register under Chapter 12B of the Dallas City Code

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE: R

FOR OFFICE USE ONLY

Change in Land Use? ○ YES ○ NO Change in Occupancy? ○ YES ○ NO Is Use Nonconforming? ○ YES ○ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	# PRONT
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA CREDITS	STORIES	DWELLING UNITS	RDA	HISTORIC DISTRICT

ROUTE TO	REVIEWED	DATE	COMMENTS
PRESCREEN			
ZONING			
BUILDING			
CODE			
OTHER			

FEE CALCULATIONS ($)
CO APP FEE
CERT APP FEE
HEALTH PERMIT APP FEE
OTHER FEES
TOTAL FEES $

EXHIBIT D

CITY OF DALLAS

AFFIDAVIT OF REVENUE FROM THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority personally appeared the affiant, who, being by my duly sworn, deposes as follows:

"My name is ROY CHOI OF CHAMPIONS DALLAS LLC. I am an applicant for a certificate of occupancy for a RESTAURANT establishment located at 17776 DALLAS PARKWAY that will sell or serve alcoholic beverages as defined in the Texas Alcoholic Beverage Code (TABC). I swear and affirm that the establishment does or will derive the following percentage of the establishment's gross quarterly (three-month) revenue from the sale or service of alcoholic beverages (check only one):

OFF-PREMISE CONSUMPTION
- ☐ Less than 50 percent
- ☐ 50 percent or more

ON-PREMISE CONSUMPTION

Wet Area
- ☐ Less than 75 percent
- ☐ 75 percent or more

Mixed Beverage Area
- ☐ less than 35 percent
- ☐ 35 percent or more without a TABC food or beverage certificate
- ☑ any amount of sales or service with a TABC food or beverage certificate
- ☐ any amount of sales or service by a fraternal or veterans organization with a TABC private club permit

"I understand and agree, upon request, to supply the building official within 30 days with all records needed to document the percentage of gross revenue derived from the sale or service of alcoholic beverages, including all sales tax returns filed with the Texas Comptroller of Public Accounts and all reports or applications filed with the Texas Alcoholic Beverage Commission. If the requested records are not supplied, I understand that the certificate of occupancy will be revoked.

"I understand and agree that the City of Dallas may revoke the certificate of occupancy if at any time this establishment derives more of its gross quarterly (three-month) revenue from the sale or service of alcoholic beverages than indicated above.

"I understand and agree that I will provide the City of Dallas a new affidavit of revenue from the sale or service of alcoholic beverages if the information in this affidavit changes."

Signature: _____ Printed name: ROY CHOI

Title: CEO (if applicable) Business entity: CHAMPIONS DALLAS LLC (if applicable)

This affidavit was acknowledged before me on JUNE 5, 2021 by _____ on behalf of _____

_____
NOTARY PUBLIC

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

Affidavit of revenue from the sale or service of alcoholic beverages - (Rev. 11/4/10)

Affidavit of Measurements in Support of the TABC Prequalification Packet

State of Texas §
§
County of DALLAS §

BEFORE ME, the undersigned authority, the affiant personally appeared and, who, being duly sworn, deposes and says:

"My name is ROY CHOI (CHAMPIONS DALLAS LLC) I am the applicant on a Texas Alcohol and Beverage Commission ("TABC") Prequalification Packet for the following business:

Name of business: CHAMPIONS DALLAS LLC
Address: 17776 DALLAS PARKWAY
Type of TABC permit or license: MIXED BEVERAGE RESTAURANTPERMIT WITH FB ."

"I understand and acknowledge that Dallas City Code Section 6-4 prohibits the sale of alcoholic beverages near certain protected uses ("protected use" means a church, public or private school, public hospital, day-care center, or child-care facility as defined in Article IV of the Dallas Development Code or Chapter 42 of the Texas Human Resources Code)."

"I swear and affirm that I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses."

"I have attached to this affidavit a signed and sealed survey map: (a) showing the place of business where alcoholic beverages will be sold and the measured distance from protected uses using the appropriate measurement in Dallas City Code Section 6-4; and (b) prepared by a state of Texas licensed surveyor or engineer within ten days of submitting a complete alcohol-measurement certification application."

"I swear and affirm that the attached signed and sealed survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4."

"I understand and agree that the TABC shall revoke the permit or license and the city of Dallas shall revoke the certificate of occupancy if they were issued on the basis of false, incomplete, or incorrect information supplied."

Signature: _____ Date: JUNE 5, 2021
Title: CEO

This affidavit was acknowledged before me on the 5th day of JUNE, 2021 on behalf of _____.

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

_____
NOTARY PUBLIC

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

G & S LICENSING CONSULTANTS, P O BOX 2246, CEDAR HILL, TX 75106
KATHY L. GILDON, 214-564-9622 kathy56531@aol.com

#2021-53

TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

ON-PREMISE PREQUALIFICATION PACKET

L-ON (5/2021)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13 Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. ***www.tabc.texas.gov/laws/code_and_rules.asp***

LOCATION INFORMATION

1. Application for: ☒ Original ☐ Add Late Hours Only License/Permit Number
   ☐ Reinstatement ☐ Reinstatement and Change of Trade Name License/Permit Number
   ☐ Change of Location ☐ Change of Location and Trade Name License/Permit Number

2. Type of On-Premise License/Permit

☐	**BG**	Wine and Beer Retailer's Permit	☒	**LB**	Mixed Beverage Late Hours Permit
☐	**BE**	Beer Retail Dealer's On-Premise License	☐	**MI**	Minibar Permit
☐	**BL**	Retail Dealer's On-Premise Late Hours License	☐	**CB**	Caterer's Permit
☐	**BP**	Brewpub License	☒	**FB**	Food and Beverage Certificate
☐	**V**	Wine & Beer Retailer's Permit for Excursion Boats	☐	**PE**	Beverage Cartage Permit
☐	**MB**	Mixed Beverage Permit	☒	**RM**	Mixed Beverage Restaurant Permit with FB
☐	**O**	Private Carrier's Permit –**Brewpubs (BP) with a BG only**	☐	**E**	Local Cartage Permit - **Wine/Beer retailers (BG) Only**

3. Indicate Primary Business at this Location
   ☒ Restaurant ☐ Sporting Arena, Civic Center, Hotel ☐ Bar
   ☐ Grocery/Market ☐ Sexually Oriented ☐ Miscellaneous _____

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
   CHAMPIONS DALLAS LLC

5. Location Address
   17776 DALLAS PARKWAY

City	County	State	Zip Code
DALLAS	COLLIN	TX	75287-7315

6. Mailing Address	City	State	Zip Code
SAME AS ABOVE			

7. Business Phone No.	Alternate Phone No.	E-mail Address
(PENDING)	213-448-6641	rchoi@knighted.com

OWNER INFORMATION

8. Type of Owner
   ☐ Individual ☐ Corporation ☐ City/County/University
   ☐ Partnership ☒ Limited Liability Company ☐ Other _____
   ☐ Limited Partnership ☐ Joint Venture
   ☐ Limited Liability Partnership ☐ Trust

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
   CHAMPIONS DALLAS LLC

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact **phone and email are mandatory and must be active and updated regularly.** If additional information is needed, it will be requested from this contact person. **Delays in responding to requests may delay the processing and approval of your permit/license.**

10. Contact Person:	Relation to Business:
ROY CHOI	CEO/PRESIDENT
Phone (mandatory):	**Email (mandatory):**
213-222-8589	rchoi@knighted.com

TABC DATESTAMP

11. Are you, the applicant, a veteran-owned business?	☐ Yes	■ No
12. Are you, the applicant, a Historically Underutilized Business (HUB)?	☐ Yes	■ No

13. As indicated on the chart, enter the individuals that pertain to your business type:
(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
CHAMPIONS GROUP, INC.			SOLE MEMBER
CHOI	ROY	A	CEO/PRESIDENT
HALLINAN	MONICA	M	CFO/TREASURER

MEASUREMENT INFORMATION
Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital?	☐ Yes	■ No
NOTE: *For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.*		
15. Will your business be located within 300 feet of any private/public school, day care or child care facility?	☐ Yes	■ No
If "YES," are the facilities located on different floors or stories of the building?	☐ Yes	☐ No

NOTE: *For private/public schools, day care centers and child care facilities, measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.*

NOTE: *For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.*

NOTE: *If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.*

16. Will your business be located within 1,000 feet of a private school?	☐ Yes	■ No
17. Will your business be located within 1,000 feet of a public school?	☐ Yes	■ No

60-DAY SIGN

18. If required under Section 11.391 and 61.381, provide exact date the required sign was posted at the location.	Exact Date (MM/DD/YYYY) N/A

ALL APPLICANTS

19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE ☐
I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not required.

COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION

Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or hold, directly or indirectly, an ownership interest in a business on a different level.

All required forms have been completed.	☐ Yes ☐ No
I have reviewed all forms to ensure they are complete.	☐ Yes ☐ No
I have obtained all required local and state certifications (pages 3-5).	☐ Yes ☐ No
All application packets have been notarized.	☐ Yes ☐ No
Phone numbers and email address for contact person are up to date.	☐ Yes ☐ No
All additional documentation as required by the application packets is attached.	☐ Yes ☐ No
If required, out of state criminal history checks are attached (PHS #7).	☐ Yes ☐ No ☐ N/A
Certification of publication in local newspaper has been completed (page 5).	☐ Yes ☐ No ☐ N/A
A copy of the newspaper publication is attached (page 5).	☐ Yes ☐ No ☐ N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who knowingly makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME ROY CHOI SIGN HERE

TITLE CEO / PRESIDENT Re

Before me, the undersigned authority, on this 5TH day of JUNE, 20 21, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE _____ NOTARY PUBLIC

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

SEAL

CERTIFICATE OF CITY SECRETARY FOR MB, BG & BE

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

- ☐ **MB** Mixed Beverage Permit
- ☐ **MB/FB (RM)** Mixed Beverage Restaurant Permit with Food and Beverage Certificate (MB must also hold a Food and Beverage Certificate)
- ☐ **BG/FB** Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)
- ☐ **BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
  - ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
  - ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999
- ☐ **BE** Beer Retail Dealer's On-Premise License

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

SIGN HERE _____ City Secretary/Clerk

_____ DALLAS _____ City, **TEXAS**

SEAL

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT LB & BL

Chapters 29 & 70 et seq.

I hereby certify on this _____ day of , 20 21 , that one of the below is

- ☐ The governing body of this city has by ordinance authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of ***beer*** between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

SIGN HERE _____ (City Secretary/Clerk) DALLAS (City), **TEXAS**

SEAL

CERTIFICATE OF COUNTY CLERK FOR MB, BG & BE

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the county clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by order.

I hereby certify on this 16TH day of JUNE, 20 21, that the location for which the license/permit is sought is in a "**wet**" area and is not prohibited by any valid order of the Commissioner's Court.

- ☐ **MB** Mixed Beverage Permit
- ☒ **MB/FB (RM)** Mixed Beverage Restaurant Permit with Food and Beverage Certificate (FB must also hold a Food and Beverage Certificate)
- ☐ **BG/FB** Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)
- ☐ **BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
  - ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
  - ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999
- ☐ **BE** Beer Retail Dealer's On-Premise License

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

STACEY KEMP COUNTY CLERK, BY DEPUTY:

SIGN HERE _____ (County Clerk) COLLIN **COUNTY**

#2021-53

SEAL

COUNTY COURT OF COLLIN COUNTY, TEXAS

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT LB & BL

Chapters 29 & 70 et seq

I hereby certify on this 16TH day of JUNE , 20 21 , that one of the below are correct:

☐ The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

☐ The Commissioner's Court of the county has by order authorized the sale of ***beer*** between midnight and _____ A.M.; or

☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010). *NOT APPLICABLE BY CITY ORDINANCE*

OR

☐ **I hereby refuse on this _____ day of _____, 20__ to certify this location.**

STACEY KEMP, COUNTY CLERK BY DEPUTY:

SIGN HERE _____ County Clerk

COLLIN **COUNTY**

COUNTY COURT OF COLLIN COUNTY TEXAS

SEAL #2021-53

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this 8th day of July, 20 21, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number 32078849562 Outlet Number 00001

Print Name of Comptroller Employee Maina Maitha

Print Title of Comptroller Employee EES

SIGN HERE _____ FIELD OFFICE 2453

SEAL

PUBLISHER'S AFFIDAVIT FOR MB, LB, RM, BP, BG, BE, BL & V

Section 11.39 and 61.38

Name of newspaper	
City, County	
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)	
Publisher or designee certifies attached notice was published in newspaper stated on dates shown.	
Signature of publisher or designee	
Sworn to and subscribed before me on this date (MM/DD/YYYY)	
Signature of Notary Public	
SEAL	

ATTACH PRINTED COPY OF THE NOTICE HERE

Click here to see example of newspaper publication

G & S LICENSING CONSULTANTS

P O BOX 2246 ~ CEDAR HILL, TEXAS 75106
Cell Phone (214) 564-9622 ~ Fax (214) 723-7575
Kathy56531@aol.com

June 19, 2021

City of Dallas Building Inspection
320 E. Jefferson Boulevard Suite 118
Dallas, TS 75203

Re: **Mixed Beverage Restaurant Permit with FB Champions Dallas LLC**
17776 Dallas Parkway
Dallas, Collin County 75287

Gentlemen:

Enclosed is the referenced application, application for Certificate of Occupancy, blank check for fees, Affidavit of Revenue and Affidavit of Measurement. The Food Permit Application will be submitted upon request. Please advise if anything else is needed.

Sincerely,

Kathy L. Gildon

Enclosures

DATE: 7-22-21

APPLICATION TYPE

REGULAR ◯ EXPRESS ◯

PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY

City of Dallas

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY)

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLOCK/FLOOR NO	USE OF PROPERTY
17776 DALLAS PARKWAY		RESTAURANT

APPLICANT	ADDRESS	CITY	STATE	ZIP CODE
KATHY L. GILDON	P O BOX 2246	CEDAR HILL	TX	75106

DBA (IF APPLICABLE)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
G & S LICENSING CONSULTANTS	214-564-9622	kathy56531@aol.com

CONTRACTOR-INDIVIDUAL	CONTRACTOR NUMBER	P.I.N.	COMPANY NAME

OWNER-HOME REPAIR LICENSE ON FILE?	IF YES, LIC NUMBER	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
◯ YES ◉ NO			

PROPERTY OWNER (INDIVIDUAL CONTACT)	ADDRESS	CITY	STATE	ZIP CODE

PROPERTY OWNER (COMPANY NAME)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
DALLAS STAKE INVESTMENT LLC		

DESCRIPTION OF PROPOSED PROJECT

RESTAURANT AND SOCIAL CLUB

LOT 36C, BLOCK 2/8705 OF THREE FORKS TRADING POST
CITY OF DALLAS, COLLIN COUNTY

VALUATION ($) Commercial Only		CONST AREA (sq ft)	
NEW CONST		NEW CONST	
MFD OTHER		MFD OTHER	
REMODEL		REMODEL	
TOTAL VALUATION		TOTAL AREA	

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX

☐ BUILDING	☐ PLUMBING	☐ FENCE	☐ DRIVE APPROACH	☐ BACKFLOW	☐ BARRICADE	☐ ENERGY	
☐ ELECTRICAL	☐ FIRE SPRKLR	☐ SIGN	☐ SWIMMING POOL	☐ CUSTOMER SVC	☐ GREEN	☐ PAVING/GRADING	
☐ MECHANICAL	☐ FIRE ALARM	☐ LANDSCAPE	☐ LAWN SPRINKLER	☐ FLAMMABLE LIQUID	☐ OTHER		

All food service establishments require a grease interceptor to be installed on site. Is there a grease interceptor on site? ◯ YES ◯ NO

The following is applicable to all applications for building permits that are accepted and routed for any reviews. As required by Texas Local Government Code Section 214.904, the City of Dallas will grant (Approve) or deny your building permit application to erect or improve a building or other structure no later than the 45th day after the application is submitted. Denial of a permit application due to time constraints may be avoided by agreeing to allow the City the following additional time to review the application:

I hereby agree to a deadline of 14 days to grant or deny the permit after the date of the approval of all of the following reviews as applicable where the applicant has provided the plans examiners the requested corrections, plans and actions; and, the contractor has been named on the permit:

Zoning, Building Code, Electrical Code, Plumbing/Mechanical Code, Green Building Code, Health, Historical/Conservation District, Engineering/Flood Plain, Water Utilities, Fire Code, Landscaping and Aviation.

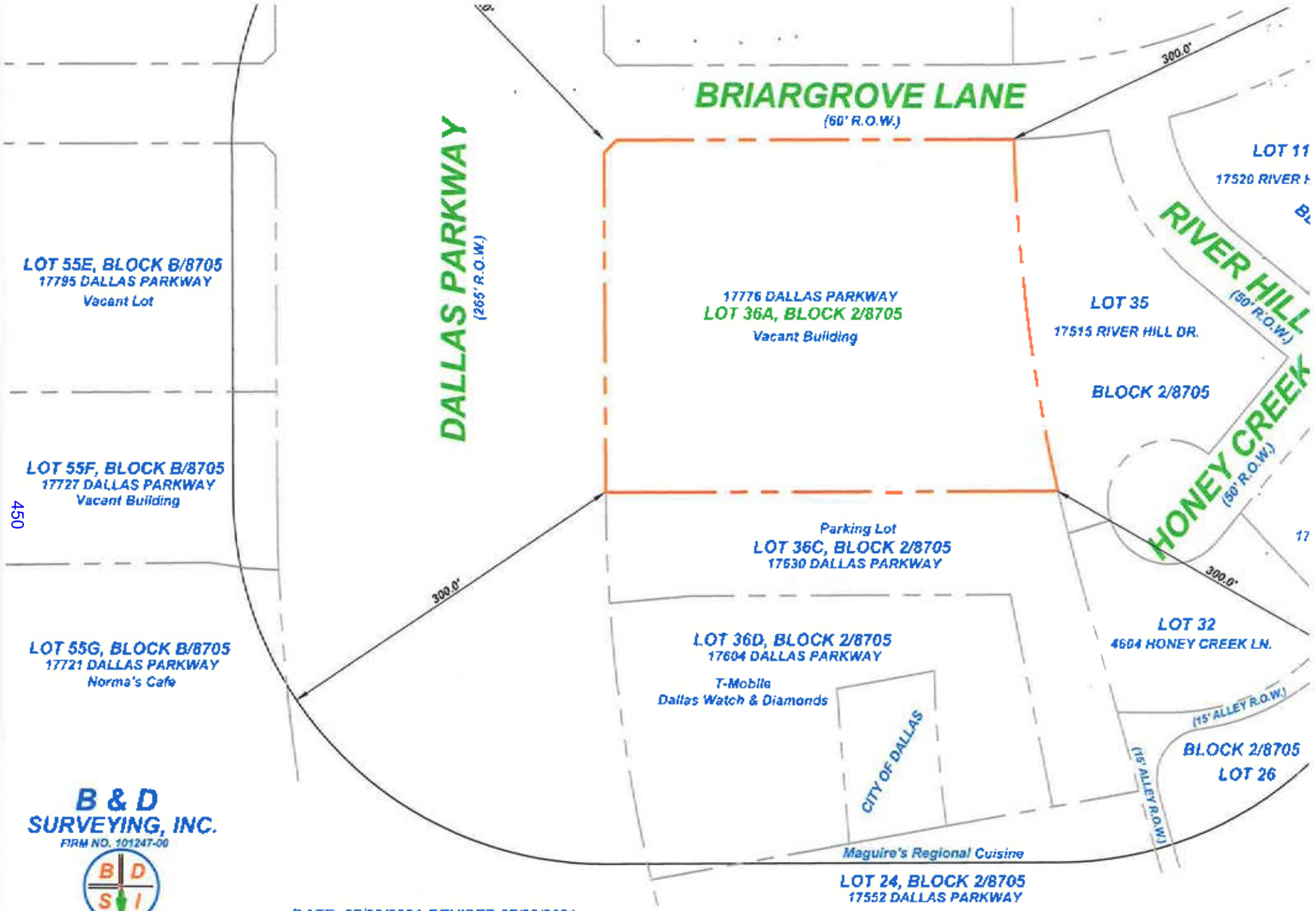
If the permit is granted (*Approved*) within this deadline the City will retain and/or assess all fees. If the permit is denied within this deadline, the City will retain all plan review fees and 20 percent of the permit fees. If the permit application is not granted or denied within the agreed additional time of review, the City will refund any permit fees that have been collected and the City may not collect any permit fees associated with the application.

☑ I AGREE. ◯ I DO NOT AGREE.

I UNDERSTAND THAT THIS PERMIT APPLICATION WILL EXPIRE IN 180 DAYS FROM THE APPLICATION DATE. I MAY REQUEST IN WRITING AN ADDITIONAL 180 DAY EXTENSION OF THE PERMIT APPLICATION PRIOR TO THE APPLICATION EXPIRATION. IF THE APPLICATION IS ALLOWED TO EXPIRE, IT MAY ONLY BE REACTIVATED BY THE FILING OF A NEW APPLICATION INCLUDING APPLICABLE PLANS AND FEES.

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE	DATE OF APPLICATION SUBMISSION
Kathy L. Gildon	JULY 22, 2021



B & D SURVEYING, INC.
FIRM NO. 101247-00
P.O. BOX 293264
LEWISVILLE, TEXAS 75029
PHONE: 972-221-2838
bd@bandsurveying.com

DATE: 07/22/2021-REVISED 07/23/2021
TECH: JAV
B & D JOB #: 2107036W
Note: This is not a boundary survey.

COPYRIGHT © 2021 B & D SURVEYING INC. ALL RIGHTS RESERVED

8-20-21

AFFIDAVIT
CHAMPIONS DALLAS LLC

BEFORE ME, *the undersigned authority, this day personally appeared* ***Kathy L. Gildon****, by me duly sworn stated as follows:*

I Kathy L. Gildon, Licensing Consultant for C & S Licensing Consultants wish to withdraw the application for Certificate of Occupancy for the location 17776 Dallas Parkway, city of Dallas, Collin County.

Kathy L. Gildon

SWORN TO AND SUBSCRIBED BEFORE ME, *that this the 8th day of August, 2021 AD to which witness my hand and seal of office.*

KATRINA RUNNELS
My Notary ID # 7189696
Expires April 10, 2025

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DATE: _____

CO NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

NAME OF BUSINESS (DBA)		STREET ADDRESS OF BUSINESS	BLDG AND SUITE NUMBER
CHAMPIONS DALLAS LLC		17776 DALLAS PARKWAY	
PROPERTY OWNER		ADDRESS	CITY
DALLAS STAKE INVESTMENT, LLC		1117 E. CALAVERAS BLVD	MILPITAS
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
CA	95035	408 946-1500	
MANAGER/OPERATOR OF USE OF BUSINESS		ADDRESS	CITY
ROY CHOI		6222 SKYLINE DR	HOUSTON
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
TX	77057	213-448-6643	rchoi@koreplicat.com
APPLICANT (if different from management)		ADDRESS	CITY
KATHY L. GILDON (G & S LICENSING CONSULTANTS)		P O BOX 224	CEDAR HILL
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
TX	75106	214-363-5622	kathy58531@aol.com

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

RESTAURANT AND ~~ENTERTAINMENT VENUE~~

SOCIAL CLUB

What is the square footage of the tenant space or building? 25,000 square feet

○ YES ✓ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements.
○ YES ✓ NO	Is the proposed use "personal service" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pick/dropoff, photo studio, handcrafted art work, etc.)?	Provide Personal Service Affidavit (available by business name) and CO Checklist for additional requirements
○ YES ✓ NO	Will potentially hazardous foods/open foods be sold and/or served?	*Food Establishment Permit Application* required (only available from City staff)
✓ YES ○ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Recommend Certification Application (Onepart) and Special Conditions Affidavit Form
○ YES ✓ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control Unit 214-671-3730) for more information. Applications available from Special Collections at 1500 Marilla St. 2DS; M-F 8 am to 5 pm, or call 214-670-4438.
○ YES ✓ NO	Is the proposed use a doctors office, dentist office or other medical office or health care office?	Applicant must execute Ambulatory Health Care Facility form attesting to new or pre-existing conditions & facts pertaining to the health care model for any doctors, dentist, or other medical offices (except hospitals, emergency rooms & urgent clinics).
○ YES ✓ NO	Will you display or offer for sale tobacco paraphernalia commonly used or commonly known to be used for the inhalation of tobacco or illegal substances (excepting cigars, tobacco cigarettes or cigars)?	If YES to this a Specific Use Permit is required. If the use is nonconforming then applicant must provide verifiable proof that the that the display or sale of paraphernalia was previously legal. Additionally, you must comply with Chapter 12A of the Dallas City Code.

PLEASE CAREFULLY READ & COMPLETE APPLICATION. DO NOT LEAVE BLANKS AND CORRECT ANY INCORRECT INFORMATION. FAILURE TO DO SO MAY RESULT IN THE DELAY OF YOUR CERTIFICATE OF OCCUPANCY. ALL APPLICABLE CITY, STATE, AND FEDERAL LAWS, REGULATIONS AND ORDINANCES WILL BE COMPLIED WITH WHETHER OR NOT THEY ARE SPECIFICALLY SET FORTH HEREIN. ISSUANCE OF A CERTIFICATE OF OCCUPANCY DOES NOT PERMIT VIOLATION OF ANY CITY, STATE OR FEDERAL LAW, NOR DOES IT GUARANTEE THAT THE PROPERTY COMPLIES WITH ALL LAWS, ORDINANCES, OR REGULATIONS. I HEREBY CERTIFY THAT I AM THE APPLICANT OR HIS/HER AUTHORIZED AGENT.

APPLICANT'S SIGNATURE: Kathy L. Gildon

FOR OFFICE USE ONLY

Change in Land Use? ○ YES ○ NO Change in Occupancy? ○ YES ○ NO Is Use Nonconforming? ○ YES ○ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	DART
LOT	FAR	REQUIRED PARKING	PROPOSED PARKING	STORIES	SPRINKLER	FLOOD PLAIN	HISTORIC
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA LOT #	CASES	DU/LOTS/UNITS	SDA	HISTORIC DISTRICT

ROUTE TO	REVIEWED	DATE	COMMENTS	FEE CALCULATIONS ($)
PRE-REVIEW				APP FEE
ZONING				RE-INSP FEE
BUILDING				RE-EXAMINATION FEE
FIRE				OTHER FEE
OTHER: _____				TOTAL FEES $

SUSTAINABLE DEVELOPMENT AND CONSTRUCTION DEPARTMENT • BUILDING INSPECTION DIVISION
OAK CLIFF MUNICIPAL CENTER, 320 E. JEFFERSON BLVD., ROOM 118, DALLAS, TX 75203 • TEL. NO. (214) 948-4480

REV. 05-23-2017

Champions Club

August 13, 2021

Megan Wimer
Assistant Building Official
Department of Sustainable Development and Construction
City of Dallas
320 East Jefferson Boulevard
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

Dear Ms. Wimer,

I am the CEO and Managing Partner of Champions Club which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of the site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Champions Club will be an exclusive, members only high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of dining experience will take place on the first floor of the venue (2,075 square feet in main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions. Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

Champions Club

cc: Suzan Kedron, *Jackson Walker LLP*

DATE: AUG. 18 2021
JOB NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

PERMIT NO: (OFFICE USE ONLY)
CO NO: (OFFICE USE ONLY)

NAME OF BUSINESS (DBA)			STREET ADDRESS OF BUSINESS	BLDG AND SUITE NUMBER
Champions Dallas LLC			17776 Dallas Parkway, Dallas, TX 75287	
PROPERTY OWNER			ADDRESS	CITY
Dallas Stake Investment LLC			17776 Dallas Parkway	Dallas
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	75287	(408) 916-1990	phong59@gmail.com	
MANAGER/OPERATOR OF USE OR BUSINESS			ADDRESS	CITY
Roy Choi			17776 Dallas Parkway	Dallas
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	75287	(213) 448-6641	rchoi@knighted.com	
APPLICANT (if different from manager/operator)			ADDRESS	CITY
Raj Sharma			7309 Bay Chase Drive	Arlington
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	76016	(214) 957-5024	rajsharma@mastercode.us	

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

Restaurant without drive-in or drive-through service with commercial amusement (inside) uses.

What is the square footage of the tenant space or building? 21,145 square feet

◯ YES ◉ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements.
◯ YES ◉ NO	Is the proposed use "personal services" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pickup/dropoff, photo studio, handcrafted art work, etc.)?	Provide Affidavit for CO from business owner see CO Checklist for additional requirements.
◯ YES ◉ NO	Will potentially hazardous foods/open foods be sold and/or served?	Food Establishment Permit Application required (only available from City staff at time of CO application).
◉ YES ◯ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Measurement Certification Application Checklist and Alcohol Certification Affidavit Forms
◯ YES ◉ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, call 214-671-3230 for more information. Applications available from Special Collections at 1500 Marilla St. 2DS; M-F, 8 am to 5 pm, or call 214 670-3438.
◯ YES ◉ NO	Is the proposed use a doctor's office, dentist office or other medical office or health care office?	The CO applicant must execute the Ambulatory Health Care Facility form attesting to any new or pre-existing conditions and facts pertaining to the health care model for any doctor's office, dentist office, or other medical offices (other than hospitals, emergency rooms and care clinics).

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT SIGNATURE

FOR OFFICE USE ONLY

Change in Land Use? ◯ YES ◯ NO Change in Occupancy? ◯ YES ◯ NO Is Use Nonconforming? ◯ YES ◯ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING MU-1	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	DWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA CREDITS	STORIES	DWELLING UNITS	BDA	HISTORIC DISTRICT

ROUTE TO		REVIEWED	DATE	COMMENTS	FEE CALCULATIONS ($)
PRESCREEN					CO APP FEE
ZONING					CO INSP FEE
BUILDING					HEALTH PERMIT APP FEES
CODE					OTHER FEES
OTHER _____					TOTAL FEES $

CERTIFICATE OF OCCUPANCY (CO) CHECKLIST

City of Dallas

APPLICATION CHECKLIST AND REQUIRED DOCUMENTS

By checking each requirement, you are stating that you have supplied correct and complete information. In the event that the required information is not contained in the submitted documents, you will be notified of the deficiency. Failure to supply the additional requested information within five (5) working days after notification may result in your application being delayed and eventually discarded. A new application, the original application, complete plans and a new checklist will be required for re-submittal for plan review. This re-submittal will be treated as a new application and will be processed in the order of receipt. A Certificate of Occupancy **does not authorize construction** of any type.

SAME USE AS PREVIOUS USE - CERTIFICATE OF OCCUPANCY

☒ 1. Completed *Building Inspection Application.*

☒ 2. Please see *"ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS"* below

CHANGE OF USE - CERTIFICATE OF OCCUPANCY

☒ 1. Completed *Building Inspection Application.*

☒ 2. Please see *"ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS"* below

☒ 3. Submit two (2) sets of the following drawing documents drawn to a standard scale and fully dimensioned. All drawing documents submitted for review must have a minimum text size of $^3/_{32}$" and a minimum drawing sheet size of 11" x 17" and a maximum of 36" x 48", "E" size:

☐ Site plan of the entire property showing all property lines and parking spaces. The site plan must show the location of the tenant space and the locations of all other tenant spaces on the property with their suite numbers.
Exception: Building floor key plan does not need to be to scale, but must show the location of the tenant space and all other tenant spaces on that floor. Identify tenant spaces by their suite number.

☐ Floor plan of the entire tenant space showing the areas to be occupied with each room identified as to its use.

☐ Provide a complete parking analysis for every tenant space on the property. List the type of business and the area in square feet of each tenant space, occupied or vacant, on the site plan.

ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS

In addition to the requirements listed above for a CO, the following land uses will require additional information for review. Please schedule an appointment with a consultant for more information. A building permit may be required if there is no record of a permit previously issued to create the tenant space. Ask the property owner to contact this office for more information. A building permit and other trade permits may also be required as a result of the Certificate of Occupancy review.

☒ 1. Personal services (Examples include: barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry/cleaning pickup/ receiving station, a handcrafted art work studio, etc.).

☐ Floor plan of the entire tenant space showing the areas to be occupied with each room identified as to its use. Show furniture on the same plan or you can provide a furniture plan on a separate floor plan sheet.

☐ Signed and notarized Affidavit for Certificate of Occupancy from the business owner.

☐ If applicable, a copy of a state license from each employee providing the personal service.

CERTIFICATE OF OCCUPANCY (CO) CHECKLIST (Page 2)

ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS (CONTINUED)

☒ 2. The display or sale of smoking paraphernalia commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances (except rolling papers, tobacco cigarettes or cigars) requires an *SUP*. Additionally, you must register a 'paraphernalia shop' in accordance with Chapter 12B of the Dallas City Code.

☒ 3. Places of religious worship, theaters, dance halls, labor halls, commercial amusement uses, restaurants with a total area of 750 sq. ft. or greater and other assembly occupancies (Occupancy Groups A) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area to be occupied and its proposed occupant load factor in accordance with Chapter 10 of the building code. Identify seating and dance areas, type of seating, standing room areas for lines and business or circulation areas.
- ☐ Identify all exits and list type of door hardware and panic hardware used at each exit.

☒ 4. Warehouses, storage facilities and other storage occupancies (Occupancy Groups S) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area designated for storage and other uses.
- ☐ High-pile storage (storage over 12 ft.) will require engineered plans.
- ☐ Provide a complete inventory and MSDS sheets for each different material, especially HAZMAT, being stored as required in the Dallas Building Code or Dallas Fire Code. Any material being stored above the quantity limits allowed by code may require a building permit for fire-rated construction and hazardous occupancy (Occupancy Groups H).

☒ 5. Manufacturing facilities and other factory occupancies (Occupancy Groups F) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area designated for manufacturing, storage of raw materials and other uses.
- ☐ Storage of commodities over 12 feet high is considered *High Piled Storage. Racking systems* (shelving) may only be installed with a building permit and required engineered plans.
- ☐ Provide a complete inventory and MSDS sheets for each different raw material, especially HAZMAT, being stored and used as required in the Dallas Building Code or Dallas Fire Code. Any material being stored above the quantity limits allowed by code may require a building permit for fire-rated construction and hazardous occupancy (Occupancy Groups H).

☒ 6. Any land use requiring alcohol certification. Refer to *Alcohol Measurement Certification Application Checklist*.

☒ 7. If the new use includes areas where food/ice or beverages are manufactured, packaged, stored, distributed, sold or prepared excluding vending machines, then provide:

- ☐ Two (2) sets of scaled floor plans showing equipment and plumbing fixtures layout including floor drains.
- ☐ Two (2) sets of scaled plans showing finish schedules for floors, walls and ceilings.
- ☐ Two (2) sets of menus and cut sheets of equipment being installed, if available.

NOTE: Additional information required by the Building Official may be necessary for the issuance of the permit (Ordinance no. 26029).

I, Raj Sharma have read the above information and acknowledge that all required documents have been provided.

Signature _____ Date 8/18/21

Please note that staff cannot accept incomplete applications or illegible plan review documents.

CITY OF DALLAS

August 24, 2021

Mr. Roy Choi
17776 Dallas Parkway
Dallas, Texas 75287
CERTIFIED MAIL NO. 7020 1290 0000 3631 0051

RE: Denial of the application for a certificate of occupancy for a restaurant dba *Champions Club* at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the application for a certificate of occupancy for the above-referenced location is hereby denied. The attached land use statement submitted with the application clearly indicates that the use will be operated in violation of the Texas Penal Code Section 47.04, "Keeping a Gambling Place."

Pursuant to Paragraph (1), Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 15th day after written notice of the above action.[1] If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Dr. Eric Johnson, Chief of Economic Development and Neighborhood Services
David Session, CBO, Interim Building Official
Tammy L. Palomino, First Assistant City Attorney
Major Devon Palk, Dallas Police Department
Lieutenant Lisette Rivera, Dallas Police Department
Suzan Kedron, Jackson Walker LLP

[1] Paragraph (1) of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

August 13, 2021

Megan Wimer
Assistant Building Official
Department of Sustainable Development and Construction
City of Dallas
320 East Jefferson Boulevard
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

Dear Ms. Wimer,

I am the CEO and Managing Partner of Champions Club which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of the site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Champions Club will be an exclusive, members only high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of dining experience will take place on the first floor of the venue (2,075 square feet in main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions. Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

cc: Suzan Kedron, *Jackson Walker LLP*

Cause No. DC-21-15999

CHAMPIONS DALLAS LLC,	§	IN THE DISTRICT COURT
	§	
Petitioner,	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
CITY OF DALLAS, TEXAS, and	§	
BOARD OF ADJUSTMENT CITY	§	
OF DALLAS,	§	
	§	
Respondents.	§	193rd JUDICIAL DISTRICT

ORDER GRANTING MOTION TO STAY PROCEEDING

Upon consideration of the Respondents' Motion to Stay Proceeding (the "Motion") filed by Respondents City of Dallas and Board of Adjustment for the City of Dallas (collectively, "Respondents"), the Court is of the opinion that the Motion should be granted.

IT IS THEREFORE ORDERED that this case is stayed in its entirety until an opinion and mandate is issued by the Dallas Court of Appeals in Case No. 05-22-01278-CV, TCHDALLAS2, LLC v. Andrew" Espinoza in his Official Capacity as the Building Official of the City of Dallas, Texas and Board of Adjustment for the City of Dallas, Texas.

IT IS FURTHER ORDERED that, upon the issuance of an opinion and mandate by the Dallas Court of Appeals in Case No. 05-22-01278-CV, the respondents shall contact the Court to set a scheduling conference for purposes of entering a new scheduling order in this case.

4/12/2023 3:11:50 PM

SIGNED this _____ day of _____, 2023.

_____
JUDGE PRESIDING

EXHIBIT
E

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lilia Villegas on behalf of Gary Powell
Bar No. 16195500
lilia.villegas@dallas.gov
Envelope ID: 73468198
Status as of 3/9/2023 8:04 AM CST

Associated Case Party: CITY OF DALLAS

Name	BarNumber	Email	TimestampSubmitted	Status
Charlotta Riley		charlotta.riley@dallascityhall.com	3/8/2023 2:01:00 PM	SENT
Stacy JordanRodriguez		stacy.rodriguez@dallas.gov	3/8/2023 2:01:00 PM	SENT
Jill Haning		jill.haning@dallascityhall.com	3/8/2023 2:01:00 PM	SENT
Lilia Villegas		lilia.villegas@dallas.gov	3/8/2023 2:01:00 PM	SENT
Gary Powell		gary.powell@dallas.gov	3/8/2023 2:01:00 PM	SENT

Associated Case Party: CHAMPION DALLAS, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Craig Warner	24084158	cwarner@bellnunnally.com	3/8/2023 2:01:00 PM	SENT
Christopher Bailey Trowbridge	24008182	ctrowbridge@bellnunnally.com	3/8/2023 2:01:00 PM	SENT
Jeffrey Burley	24109675	rburley@bellnunnally.com	3/8/2023 2:01:00 PM	SENT
Nancy Blum		nblum@bellnunnally.com	3/8/2023 2:01:00 PM	SENT
Cheree Sellers		csellers@bellnunnally.com	3/8/2023 2:01:00 PM	SENT

June 9, 2025

Hon. Chair and Members
Zoning Board of Adjustment, Panel A
c/o Diana Barkume, Project Coordinator – Board of Adjustment
Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201
Office: 214-948-4364
Email: diana.barkume@dallas.gov

RE: Appeal of Decision of Building Official, Revocation of Certificate of Occupancy No. 2410071172 Case Number BOA-25-000001 for property located at 17776 Dallas Parkway (the "Property")

Dear Diana and Members of Panel A:

Winstead PC represents Contender Dallas, LLC, the owner of the Property. The purpose of this letter is to inform you and the members of Panel A that we and counsel for the Building Official have mutually agreed to request postponement of this matter until the August 19, 2025 hearing date.

We respectfully request that you consider a motion to keep the public hearing open, postpone the hearing date to August 19, 2025, and postpone the deadlines for submittal of documentary evidence by the parties to the dates associated with the August 19, 2025 hearing date.

Tommy Mann

Tommy Mann, Winstead PC

Stacy Rodriguez

Stacy Rodriguez, Head of General Litigation Section, Dallas City Attorney's Office

EXHIBIT

F

CC:

Daniel Moore
Assistant City Attorney
City of Dallas
Dallas City Attorney's Office
1500 Marilla St., 7DN
Dallas, TX 75201
O: 214-670-7027
F: 214-670-0622
daniel.moore@dallas.gov

Mary F. Williams
Board Coordinator / Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN
Dallas, TX 75201
Office: 214-670-4127
Email: mary.williams1@dallas.gov

Environmental Area

Shall be defined to cover food processing and service areas. A food establishment containing a food handling area, food processing area, food preparation area, food storage area, equipment or utensil washing area, walk-in refrigerating unit, dressing room, locker room, toilet room, or vestibule.

Bar/Lounge

1. Floor to be sealed concrete or equivalent.
2. Provide a graded, trapped floor drain in all new or remodeled bars.
3. Provide a minimum 1-inch air gap to all ice machine and jockey boxes.
4. Cover all exposed wood under bar top and backside of bar top with
5. smooth non-absorbent material, minimum being fiberglass reinforced
6. polyester panels, (FRP), or better material, and light in color.
7. Provide a ceiling over the service area of the bar and equipment. There shall be
8. No exposed decorative material, overhead utility piping, beams, joists, rafters, or ducts.
9. No drain lines or conduits on floor.
10. Provide at least a 3-compartment stainless steel sink on bullet legs with drainboard for manual ware-washing, or a N.S.F. approved commercial dishwasher.
11. Provide a hand-wash sink behind bar and per 25 linear feet.
12. All lights behind the bar to be shielded. Provide at least 30 foot-candles of lighting at 30 inches in utensil wash/food preparation areas.
13. Only N.S.F. or equal equipment to be used.

Dry Storage

1. Any Wood Shelving shall be finished with a white light color oil-based enamel paint.
2. Shelving shall be six-inches off the floor.
3. Floors: Sealed concrete or better
4. Walls and Ceiling: finished with a light-in-color oil-based enamel.
5. Coving: Approved cove base.
6. Lighting: Shall be 10 foot-candles at 30 inches above the floor.

Food Handling Area

1. Hand sinks must be located shall be in all food and dish handling areas within 25 linear feet. Metered faucets are not allowed.
2. A three-compartment stainless steel sink with drain board for manual ware-washing is required, or a N.S.F. approved commercial dishwasher.
3. All equipment for food handling shall be fabricated for durability and meet or exceed N.S.F. standards.
4. Countertops solid surface.
5. Any wood surface not used for food handling shall be covered with plastic laminate.
6. Separate storage cabinets shall be provided for non-food items.
7. Provide a mop-sink: one free-standing, stainless steel service sink or one curbed cleaning facility equipped with a floor drain. Wrap walls with FRP.
8. All mounted equipment shall have a minimum two-inch spacing or be sealed to wall.

Hot Water Heater

50-GALLON MINIMUM WATER TANK CAPACITY - WATER HEATER and enclose if located inside a food handling area w/walls or partition constructed of rigid, smooth, non-absorbent, easily-cleanable materials, minimum FRP or better material.

Inspections

Dallas City Code Chapter 17 requires that all defects be corrected prior to approval of health permit application--- Inspector must inspect facility prior to opening--- SUBJECT TO FIELD INSPECTION

Walk-in coolers/freezers floors, walls, and ceilings

Must be constructed of nonabsorbent material, minimum FRP. Wood surfaces are not permitted. Drains and pumps must be located outside of coolers and in accordance with the plumbing code.

Laundry

Mechanical laundry equipment, locate in a separate room w/self-closing, solid door that fit tightly at each entrance.

Restroom

1. Walls up to 4 feet minimum height shall be covered with an impervious and rigid material, minimum being FRP (fiberglass reinforced polyester panels) or better material, light in color.
2. Doors with self-closing devices.
3. Single mix faucets with hot and cold water provided.
4. Exhaust/vent fans provided.
5. Floors sealed concrete, ceramic tile or other approved impervious material.
6. Lighting shall provide 20 foot-candles at 30 inches above floor.
7. Ceiling are required.

Wait Station

Outdoor bars/outdoor wait stations must meet the requirements of Chapter 17 Sec. 17-3.1 and 3.2(e)(1)(2)(3).

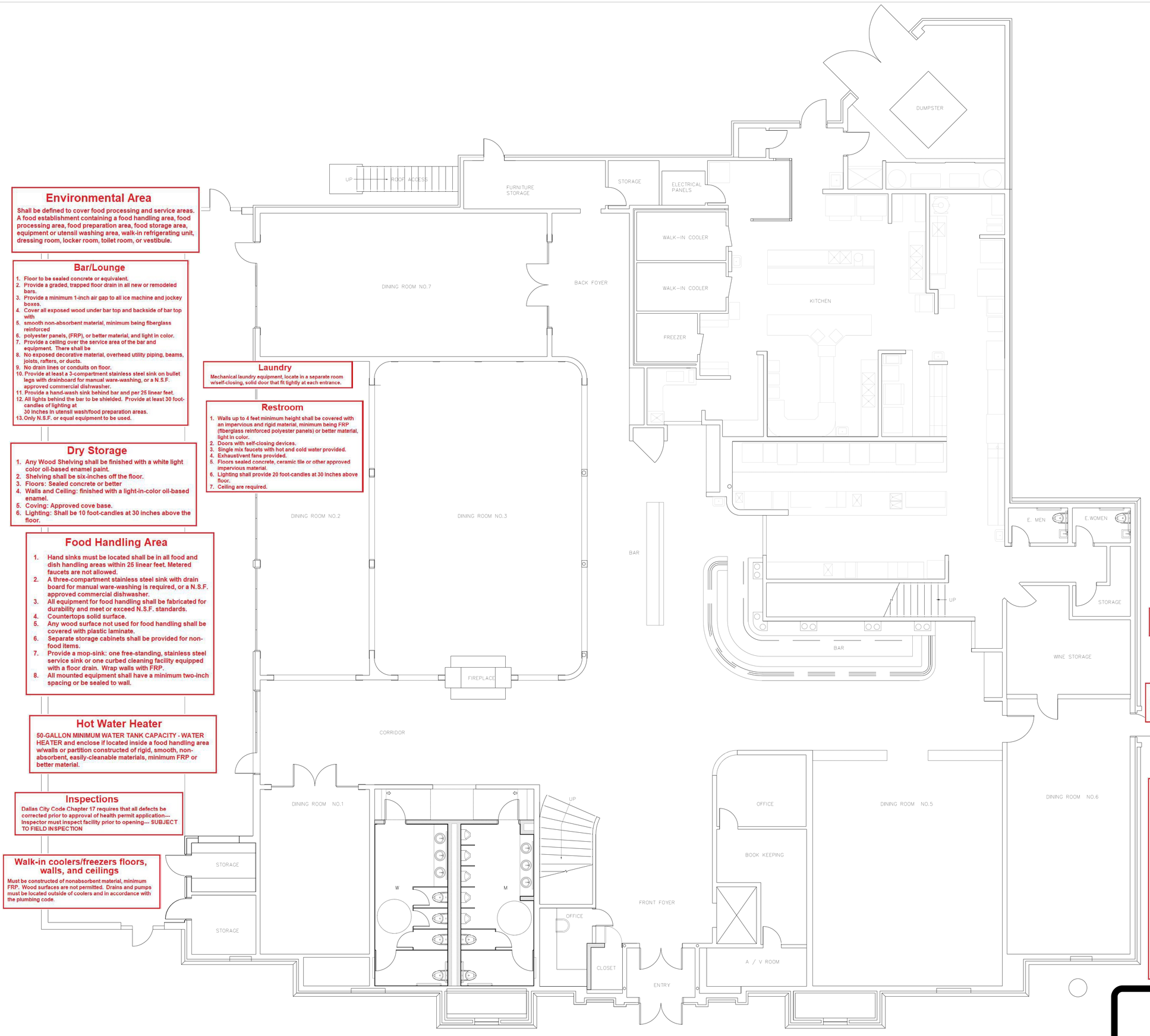
Utensil Washing Areas

A 3-COMP. S/STEEL SINK ON BULLET LEGS WITH A S/STEEL DRAINBOARD REQUIRED AND LARGE ENOUGH TO SUBMERGE LARGEST EQUIPMENT (PANS, POTS, UTENSILS).

Service Area

There shall be no exposed pipes, ducts, overhead utility piping except sprinkler heads. No piping allowed on floor.

1. Floors shall be sealed concrete, terrazzo, ceramic tile, or other approved impervious material graded to a trapped floor drain.
2. Walls up to 8-feet minimum height covered with a smooth, rigid,
3. non-absorbent; easily cleanable material impervious and rigid material, minimum FRP (fiberglass reinforced polyester panels), or better material, and light in color. Wall covering above 8-feet may be smooth-finished and painted a light-color oil-based enamel.
4. Approved cove base at floor-wall junction shall be provided and shall be tight fitting.
5. Ceilings are required in all Environmental Areas. (See Stamp) Ceilings smooth; easily cleanable surface, light in color or may be lay-in T-type metal grids acoustical material tile. Painted ceilings should have little or no texturing on the surface.
6. All building, utility, service window, and doors entrances/exits insect and rodent proof with self-closures device.
7. All lights shall be shielded in work areas and provide 50-foot candles at 30 inches above the floor.
8. FRP or better material to extend floor up behind all beverage dispenses, ice machines, or bag n' box systems to reach 18-inches above highest equipment or box system top and sides.
9. Sneeze-guard protection are required for food displays.



EXHIBIT

G

plan group

ARCHITECTURE
PLAN B GROUP LLC
3710 COMMERCE ST, STE 130
DALLAS, TEXAS 75226
WWW.PLANBGROUP.NET
214.522.006

INTERIOR DESIGNER
PLAN B GROUP LLC
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DALLAS, TEXAS 75226
WWW.PLANBGROUP.NET
214.522.006

FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

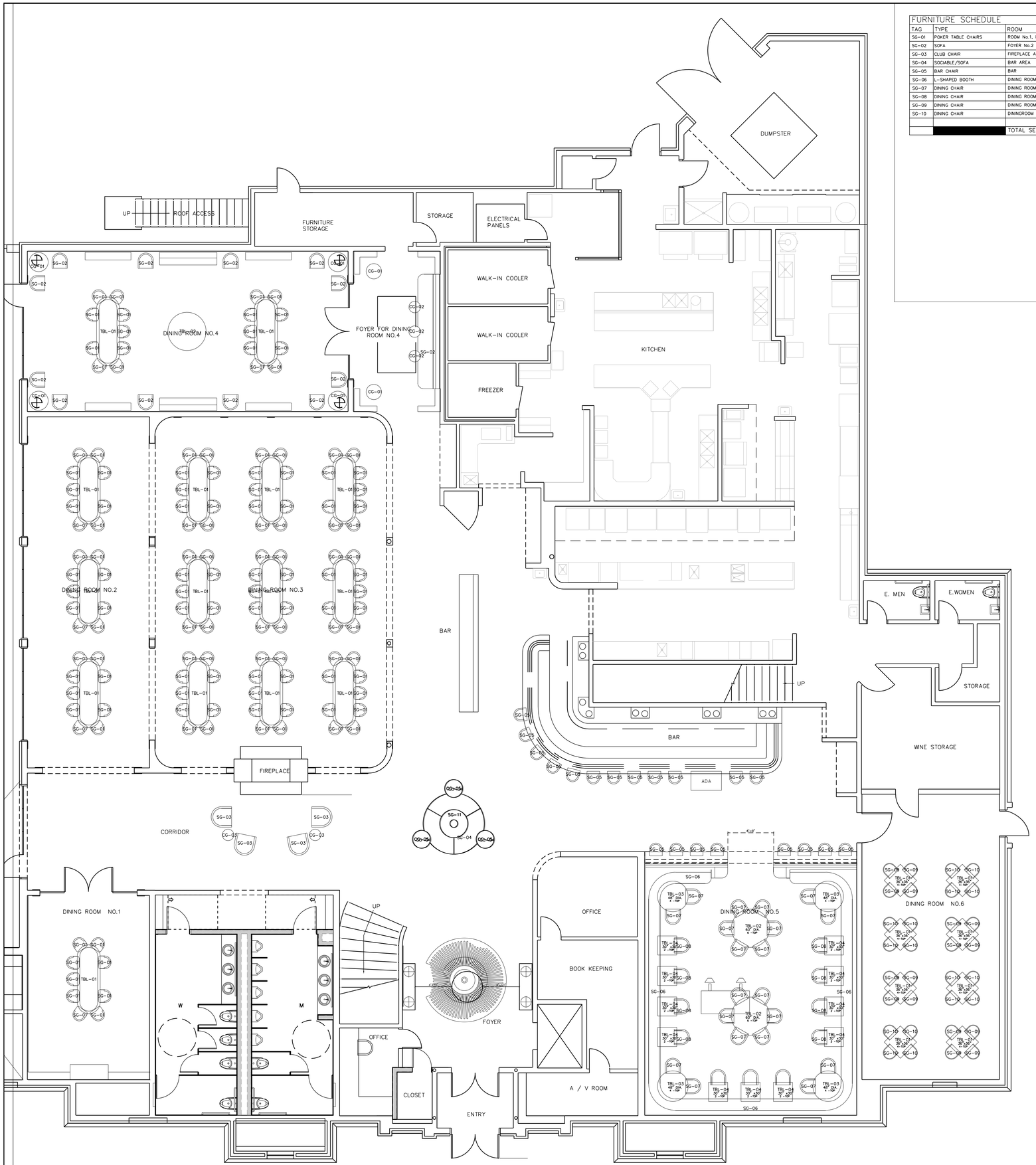
C H A M P I O N S
17776 DALLAS PKWY
DALLAS, TX 75287

STAMP DISCIPLINE | ARCH
STAMP EXPIRATION | 09.27.22

REGISTERED ARCHITECT JOSEPH ROBERT REED 17801 STATE OF TEXAS

REVISIONS:

ARCHITECTURAL FLOOR PLAN
A1.01



01 GROUND FLOOR FURNITURE PLAN
SCALE: 3/16" = 1'-0" ON 30X42 SHEET

FURNITURE SCHEDULE

TAG	TYPE	ROOM	COUNT
SG-01	POKER TABLE CHAIRS	ROOM No.1, No.2, No.3, No.4	135
SG-02	SOFA	FOYER No.2	01
SG-03	CLUB CHAIR	FIREPLACE AREA	04
SG-04	SOCIABLE/SOFA	BAR AREA	01
SG-05	BAR CHAIR	BAR	20
SG-06	L-SHAPED BOOTH	DINING ROOM No.5	01
SG-07	DINING CHAIR	DINING ROOM No.5	20
SG-08	DINING CHAIR	DINING ROOM No.5	11
SG-09	DINING CHAIR	DINING ROOM No.6	16
SG-10	DINING CHAIR	DININGROOM No.6	16
	[redacted]	TOTAL SEATS:	225

TAG	TYPE	ROOM	COUNT
TBL-01	108" L X 36"D TABLE	ROOM No.1, No.2, No.3, No.4	15
TBL-01	72" DIA. X 30H. TABLE	ROOM No.4	01
TBL-03	48" DIA. X 30"H TABLE	DINING ROOM No.5	04
TBL-04	30"W X 30"L X 30"H TABLE	DINING ROOM No.5	11
TBL-05	36"W X 36"L X 30"H TABLE	TERRACE	24
	[redacted]	TOTAL TABLES:	55

TAG	TYPE	ROOM	COUNT
CG-01	OCCASIONAL TABLE 24"DIA.	FOYER No.2	06
CG-02	OCCASIONAL TABLE 18"DIA.	FOYER No.2	03
CG-03	OCCASIONAL TABLE 18" DIA.	FIREPLACE AREA	02
CG-04	OCCASIONAL TABLE 24" DIA.	BAR AREA	03
		TOTAL TABLES:	14

SEATING COUNT

DINING – REC 4 TPS	032
DINING – ROUND 5 TPS	020
DINING – REC 2 TPS	022
DINING – ROUND 6 TPS	012
LOUNGE – SEATING	018
BAR	024
TOTAL	128

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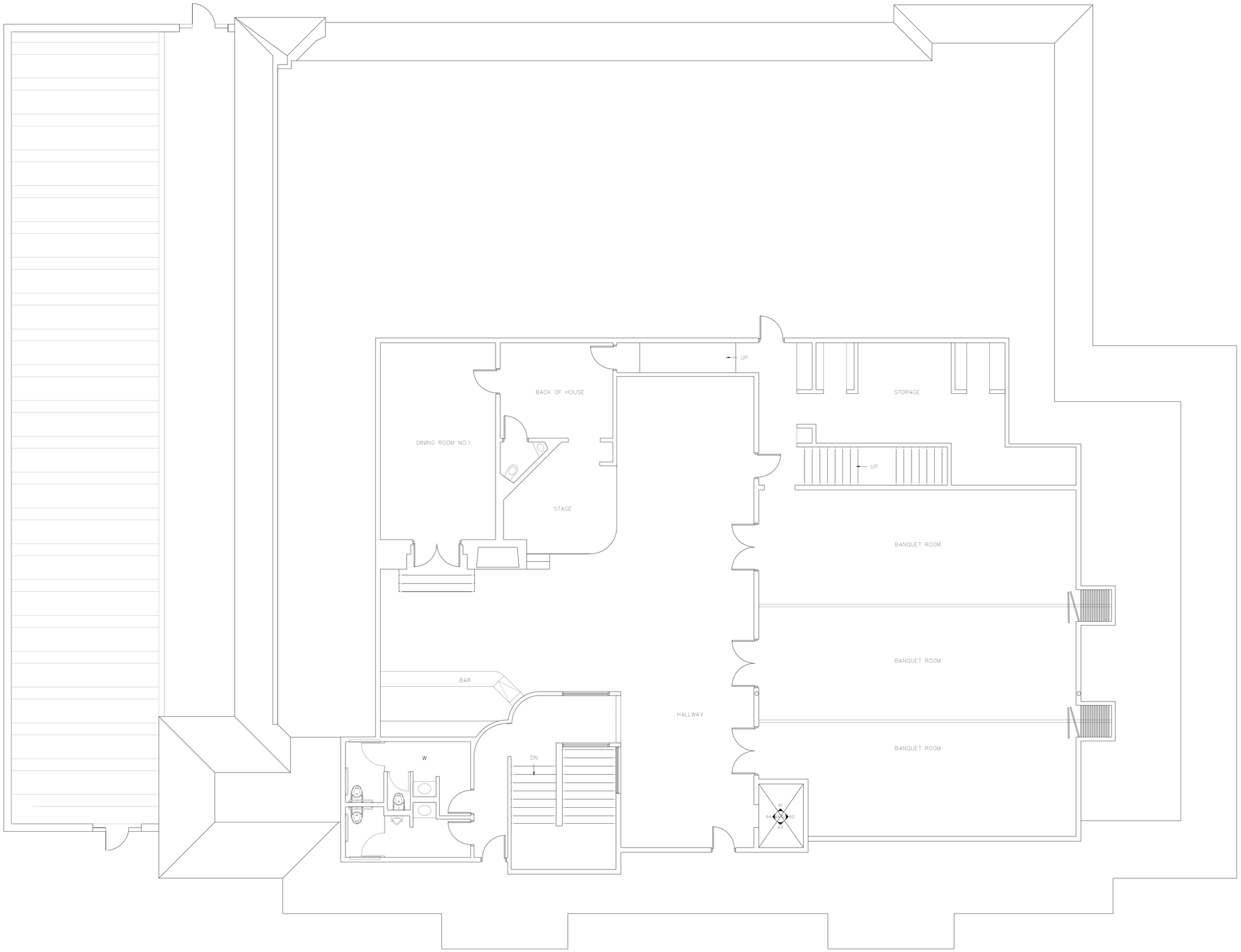
FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

C H A M P I O N S
17776 DALLAS PKWY
DALLAS, TX 75287

STAMP DISCIPLINE | ARCH
STAMP EXPIRATION |
09.27.22

REVISIONS:

FURNITURE PLAN
A2.01



01 ARCHITECTURAL FLOOR PLAN LVL 2
3/16"=1'-0"

plan group

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17776 DALLAS PKWY
DALLAS, TX 75287

STAMP DISCIPLINE | ARCH
STAMP EXPIRATION | 09.27.22

REGISTERED ARCHITECT
JEWELL ROBERT HERRON
17801
STATE OF TEXAS

REVISIONS:

ARCHITECTURAL FLOOR PLAN
A1.02

FURNITURE SCHEDULE

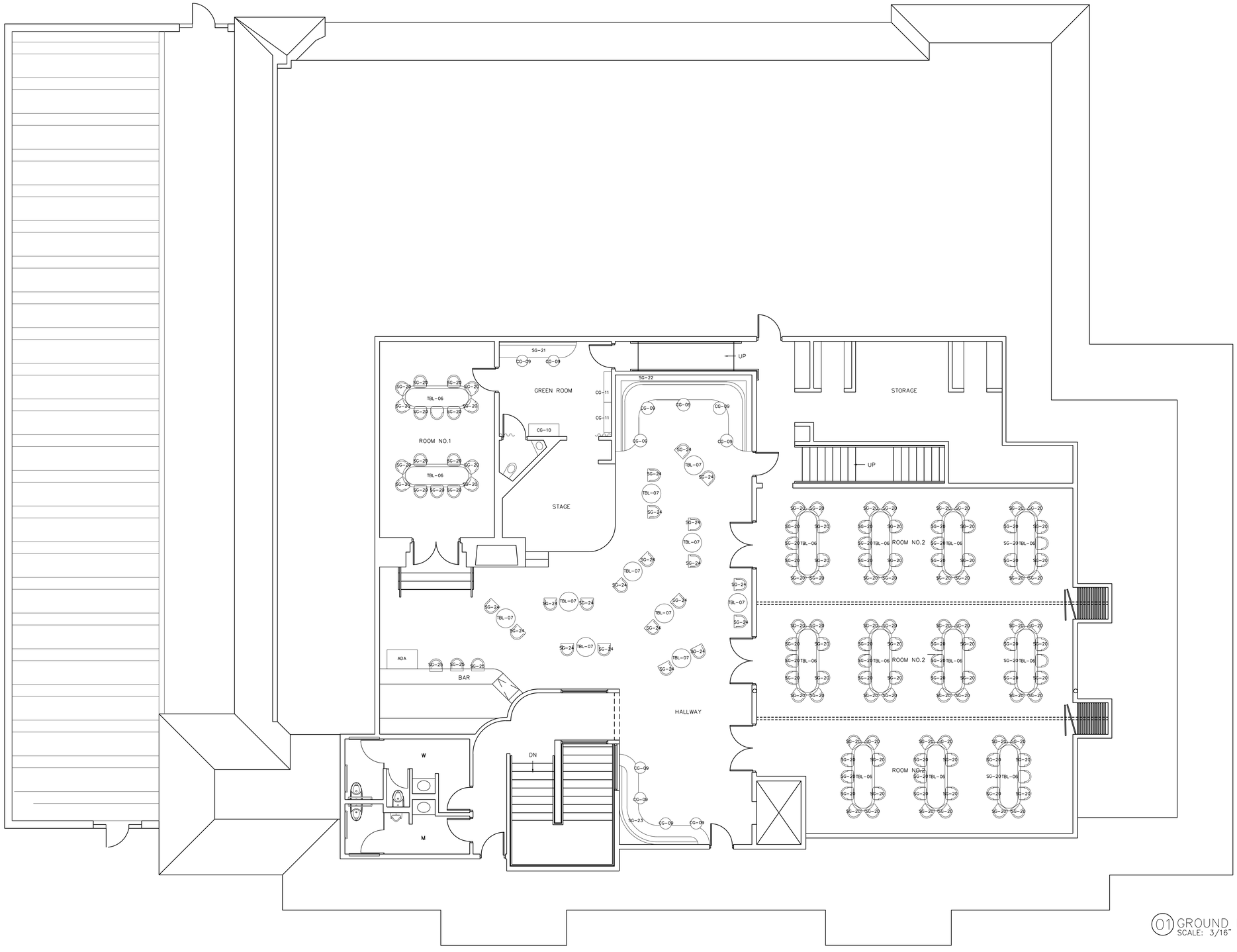
TAG	TYPE	ROOM	COUNT
SG-20	POKER TABLE CHAIR	ROOM No.1, No.2	117
SG-21	BUILT-IN BOOTH	GREEN ROOM	01
SG-22	BUILT-IN BOOTH	HALLWAY	01
SG-23	BUILT-IN BOOTH	HALLWAY	01
SG-24	DINING CHAIR	HALLWAY	20
SG-25	BAR STOOL	BAR	03
		TOTAL SEATS:	143

TAG	TYPE	ROOM	COUNT
TBL-06	108" L X 36"D TABLE	ROOM No.1, No.2	13
TBL-07	30"W X 30"L X 30"H TABLE	HALLWAY	10
		TOTAL TABLES:	23

TAG	TYPE	ROOM	COUNT
CG-08	OCCASIONAL TABLE 20"DIA.	GREEN ROOM	02
CG-09	OCCASIONAL TABLE 20"DIA.	HALLWAY/GREEN ROOM	11
CG-10	OCCASIONAL TABLE 48"x20".	GREEN ROOM	01
CG-11	OCCASIONAL TABLE 12x48".	GREEN ROOM	02
		TOTAL TABLES:	16

SEATING COUNT

POKER – POKER TABLES	117
DINING – ROUND 2 TPS	020
LOUNGE – SEATING	014
BAR	003
TOTAL INDOOR	154



01 GROUND FLOOR FURNITURE PLAN
SCALE: 3/16" = 1'-0" ON 30X42 SHEET

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REVISIONS:

FURNITURE PLAN
A2.01

THE OFFICE OF CRIMINAL DISTRICT ATTORNEY
GREG WILLIS

June 9, 2025

Administrator, Board of Adjustment
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: BDA ; Champions Club at 17776 Dallas Parkway ("Applicant"); Appeal of …..denying application for certificate of occupancy

Dear: Board Members:

On October 14, 2021, I sent a letter to the Board regarding the appeal of a building official's decision to deny a certificate of occupancy to Champions Club, a business seeking to operate a poker room at 17776 Dallas Parkway in Collin County. I wrote to emphasize that gambling is illegal under Texas law and to make clear that my office is committed to enforcing Texas law.

While Texas law provides a limited defense to prosecution where gambling occurs in a private place and no one receives an economic benefit other than personal winnings, I have yet encounter a poker room operating as a business that would qualify for this defense. The law was intended to protect private, social games in a person's home—not commercial establishments operating for profit.

On October 30, 2023, my office filed an amicus brief with the Fifth District Court of Appeals, in the case styled, *TCHDallas2, LLC, vs. Andres "Andrew" Espinoza, in his official capacity as the Building Official of the City of Dallas.* That case involved an appeal from Dallas County District Judge Moye's judgment, which denied a certificate of occupancy to a poker room business, finding it constituted illegal gambling. Although the appellate court reversed the judgment on procedural grounds, it did not disturb the trial court's conclusion that commercial poker rooms violate Texas gambling laws.

EXHIBIT

H

I have been informed that once again, the issuance of a certificate of occupancy, to a business seeking to operate a poker room in Collin County, is before the Board. While my office does not issue advisory opinions and evaluates each case on its specific facts in partnership with law enforcement, Texas law remains clear on this area. Nothing has changed since I first addressed the board in 2021.

Sincerely,

Greg Willis
Collin County Criminal District Attorney

October 8, 2021

Via Email: Jennifer.munoz@dallascityhall.com
Jennifer Muñoz
Administrator, Board of Adjustment
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: BDA 201-101; Champions Club at 17776 Dallas Parkway ("Applicant"); Appeal of Building Official's Decision denying application for certificate of occupancy

Dear Board Members:

This letter and the attached materials are the City's written response to the above-listed Board of Adjustment appeal by the Applicant, set for hearing on Tuesday, October 19, 2021 at 1:00 p.m. This is an appeal from the denial of a certificate of occupancy ("CO"). The City urges the Board of Adjustment to affirm the decision because the proposed use violates state law.

I. BACKGROUND

A. Denial of application for a certificate of occupancy

The Applicant initially submitted a CO application dated July 6, 2021. The initial application left blank the proposed use of the property but contained an Affidavit of Revenue from the Sale or Service of Alcoholic Beverages and a TABC application that listed the use as a restaurant. A second, undated CO application was submitted listing the proposed use as a restaurant and social club. Finally, a third CO application was submitted on August 18, 2021 listing the proposed use as a restaurant without drive-in or drive-through service with commercial amusement (inside) uses. (A copy of the CO applications is attached as **Exhibit 1**) A land use statement, dated August 13, 2021, was submitted with the third application. (copy attached as **Exhibit 2**)

On August 24, 2021, the third CO application was denied by Assistant Building Official Megan Wimer ("Building Official"). (copy attached as **Exhibit 3**) The CO was denied in accordance with Section 306.5(1) of Chapter 52: Administrative Procedures for the Construction Codes of the City of Dallas. (copy attached **Exhibit 4**). That section states:

> "The building official shall deny an application for a certificate of occupancy if the building official determines: 1) The certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations."

EXHIBIT
J

The Building Official determined that the application and related materials showed that the property would be used in violation of the Texas Penal Code §47.04, "Keeping a Gambling Place."

B. Statement provided by Applicant – "Some of the dining space may be used for legal poker games."

In the land use letter dated August 13, 2021 and signed by Roy Choi, on behalf of Applicant, (**Exhibit 2**) Mr. Choi stated that "some of the dining space may be used for legal poker games" and in the same letter referred to "entertainment events or activities "including "poker games and tournaments."

C. Poker games in a commercial establishment where there is any economic benefit are illegal in Texas.

Under Texas law, poker games or tournaments with bets and money changing hands in a commercial establishment where there is any economic benefit to any person or entity other than the personal winnings of the players are illegal – regardless of whether the activity occurs in a so-called "private" club and regardless of whether or not the "house" takes any portion of the betting pools or pots in each poker game. If the house, host, or location where the poker players play charges any door fee, chair fee, membership fee (whether a daily, weekly, hourly, or annual fee), or derives any economic benefit of any kind from hosting the poker games then the activity is illegal because it constitutes "keeping a gambling place," made unlawful by Texas Penal Code §47.04. Applicant appears to believe that if they operate their business as a "private" club charging membership fees and the house does not take a cut of the pot or the rake, the poker business would be legal, but the Applicant is mistaken. A restaurant is, by definition, not a private place under the Texas Penal Code gambling provision. Applicant's proposed use violates state law and the CO was rightly denied.

II. DISCUSSION AND ARGUMENT

A. Texas law prohibits gambling or keeping a gambling place.

Chapter 47 of the Texas Penal Code addresses gambling. Texas Penal Code §47.04(a) (copy attached as **Exhibit 5**) provides that a person commits the offense of keeping a gambling place if he knowingly uses or permits another to use as a gambling place any real estate, building, room, or other property whatsoever under his control with an expectation that the property will be used as a gambling place. Texas Penal Code §47.02(a)(3) (copy attached as **Exhibit 6**) provides that a person commits the offense of gambling if he plays or bets for money or other thing of value at any game played with cards or any other gambling device. Under §47.04(b) of the Texas Penal Code, it is an affirmative defense to prosecution if:

(1) the gambling occurred in a private place;
(2) no person received any economic benefit other than personal winnings; ***and***
(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) An offense under this section is a Class A misdemeanor. (*emphasis added)*

This defense is inapplicable if any person receives "any economic benefit" from the gambling activity "other than personal winnings." This defense was designed and intended to allow (or not criminalize) the conduct where a person in their private home or similar "private place" invites friends over to play poker and make bets, where the host does not charge any fees for hosting the event and "no person received any economic benefit other than personal winnings." It was not designed or intended to allow a commercial business to operate a poker club or poker room and sell so-called memberships (so it can call itself a "private" club) or collect fees or charges of any kind that results in the operator gaining an economic benefit. The Applicant's proposed operations on the site are clearly illegal, hence the certificate of occupancy was properly denied.

B. Applicant's proposed use as a restaurant cannot be a private place under Texas gambling law.

Applicant refers to its business as a "private club" hoping that by calling its business a private club and collecting membership fees it will satisfy the "private place" requirement under Texas Penal Code Chapter 47, however this ploy is ineffective. Texas Penal Code §47.01(8) provides: "Private place" means a place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops. (copy attached as **Exhibit 7**) The definition explicitly excludes a restaurant as a private place, so per its own description, Champions Club cannot be a private place within the meaning of the statute. A "private club" where virtually anyone can become a "member" by simply paying a fee or dues assessment is not the same as a "private place" under the Texas Penal Code.

C. Applicant's primary business is gaming, not restaurants.

The Applicant may attempt to minimize the gambling aspect of its business operation and characterize itself as an entertainment venue where poker is only a very small part of its business. Do not be fooled. Applicant is owned or controlled by Knighted Ventures or Knighted.com and Roy Choi, the co-founder and principal owner of Knighted (95% owner). Knighted describes itself as "the largest provider of Third-Party Player Proposition Services for the California card room industry." Mr. Choi is a prominent figure in the California gaming industry. On the company website at Knighted.com in describing the company it states:

> *"With great excitement Roy and G decided to form Knighted Ventures. Roy brought the industry knowledge and a relentless passion for pushing the envelope in gaming possibilities. Together, they formed Knighted under the belief that they could offer something the gaming world had never seen before, a company devoted to expanding gaming possibilities and revenue, while developing inspiring young leaders committed to servicing their clients, team members, and the communities they lived and worked in."*

When Knighted and Mr. Choi decided to bring their gambling operation to Dallas in June 2021, they announced that Champions Poker Club (to be located at 17776 Dallas Parkway) would host a "$2 million GUARANTEED Main Event" poker tournament to commence on September 14, 2021 with a $1,700 buy-in per player. The event was also billed as "THE INAUGURAL CHAMPIONS POKER TOUR—DALLAS, TX". (See webpage posting attached as **Exhibit 8)** Mr. Choi himself signed and submitted the application for a certificate of occupancy which is the

focus of this appeal. Knighted Ventures was founded in 2012 and headquartered in Emeryville, California and "is a gambling and gaming company" as described at www.zoominfo.com/p/Roy-Choy/-1198352895 (copy attached as **Exhibit 9)** Knighted, Champions Club, and Mr. Choi plan to run a business which is primarily focused on gambling and poker. The restaurant and other entertainment options which might be provided at the site are a mere diversion and an after-thought designed to try and obtain a certificate of occupancy to operate the business it really wants to operate—a gambling business or poker club.

III. LEGAL AUTHORITY

A. Texas case law supports the Building Official's decision because economic benefit is construed broadly.

In *Gaudio v. State*, No. 05-91-01862-CR (March 7, 1994) 1994 WL 67733 (copy attached as **Exhibit 10**) the jury convicted the defendant of unlawfully keeping a gambling place. On appeal, the defendant argued that the defense to prosecution applied. The defendant rented an apartment where a group of friends gathered three nights a week to play poker. A dealer was hired to deal the cards and a waitress was hired to serve food and drinks during the games. The group agreed to cut from the betting pot from each hand to pay (or reimburse defendant) for the expenses defendant incurred in keeping the apartment to play poker. (*Id.* at 1). The winner of each hand tipped the dealer, as the main source of the dealer's compensation. (*Id.* at 1).

At trial, the jury decided that elements (1) and (3) of the affirmative defense were established (i.e., the apartment was a "private place", and the risks of losing were the same for all participants) and on appeal the State agreed that the evidence supported the jury's findings on these two elements. (*Id*. at 2). The jury concluded that the defendant had failed to satisfy his burden to show the second element of his defense (i.e., that "no person received any economic benefit other than personal winnings").

On appeal, the Court noted that the dealer and the waitress had received an "economic benefit" which defeated the affirmative defense and was sufficient evidence to affirm the jury verdict and conviction. (*Id*. at 2). The Court also noted that even if the "economic benefit" element were viewed to mean that the host or sponsor of the "gambling place" can establish the defense as long as the host/sponsor does not receive "any economic benefit other than personal winnings" then the defendant had derived an "economic benefit" because the rent for the apartment, which defendant was legally obligated to pay, was paid or reimbursed by others, constituting an "economic benefit" and defeating the defense and the conviction was affirmed. (*Id*. at 3)

B. **Texas Attorney General opinions support the Building Official's decision**.

The Texas Attorney General has also provided some guidance on these issues. Texas Attorney General Opinion No. GA-0335 (2005) addresses the question whether it would be lawful for a bar/restaurant to host an on-premises poker tournament where: 1) participants pay a modest or nominal entry fee; and 2) the house intends to take no cut of the entry fee of each player and the entire prize pool generated by the number of players times each player's entry fee will be paid out to the winning players at the end of the night.

After analyzing relevant factors, the Opinion concludes: "…a bar or restaurant that hosts a Texas Hold-Em poker tournament would violate the prohibition against "keeping a gambling place." Texas Penal Code §47.04(a). This Opinion makes clear that even if the house takes no cut of the entry fee paid by each player and the entire prize pool is fully disbursed to the winning players that fact or structure does not protect the host from the offense of "keeping a gambling place."

The Applicant's land use statement states that "Champions Club will be an exclusive, members only high-end restaurant and bar." (See **Exhibit 2**) The land use statement further states: "[W]e will offer our private members the option to participate in entertainment events or activities . . . includ[ing] . . . poker games and tournaments. . . ." It is clear that Applicant plans to collect buy-in fees or membership fees, charges, or assessments from persons who come to Applicant's establishment to play poker. As a result of the collection of fees or charges of any kind, Applicant derives an "economic benefit" from the operations of the poker business, which defeats the affirmative defense and means that Applicant is "keeping a gambling place."

Texas Attorney General Letter Opinion dated November 3, 1990 (LO-90-88) addresses whether a person located in Texas can call another state to play lottery games or other games of chance which would be illegal in Texas and pay for the wagers or bets by using a credit card. The Opinion concludes that because the transactions would generate an economic benefit to a third party, the defense to prosecution would not apply.

As demonstrated by this Opinion, the defensive requirement that "no person received any economic benefit" is viewed very broadly, such that if any person (either the host or a third party) derives any economic benefit from the gambling operation "other than personal winnings" received by the players, the affirmative defense to a gambling offense fails.

Texas Attorney General Opinion No. DM-344 (1995) addresses whether two or more persons, each using a separate personal computer in a private place, play a card game with each other and bet on the outcome of the game would constitute illegal gambling. The Opinion further explores what might constitute "private place" for purposes of the defense to prosecution under Chapter 47 of the Penal Code. The Opinion states whether a place is private is determined by the scope of access by others, and even a place traditionally viewed as private, such as a residence, would not be a private place for the purpose of the defense if the public had access to gamble there.

IV. CONCLUSION

The Building Official correctly and properly concluded that Applicant's planned activities on the site (operating poker games and poker tournaments and collecting fees and charges) was illegal. The business will derive an economic benefit from the poker games. The business does not constitute a private place. The certificate of occupancy was properly denied. The board should reject Applicant's appeal.

Sincerely,

Gary R. Powell
Senior Assistant City Attorney

Charlotta S. Riley
Senior Assistant City Attorney

GRP
Enclosures

DATE: JULY 6 2021

CO NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

NAME OF BUSINESS (DBA)			STREET ADDRESS OF BUSINESS		BLDG AND SUITE NUMBER
CHAMPIONS DALLAS			17776 N DALLAS PARKWAY		
PROPERTY OWNER			ADDRESS		CITY
ROY CHOI			17776 N DALLAS PARKWAY		DALLAS
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS		
TX		213-448-6641	rchoi@knighted.com		
MANAGER/OPERATOR OF USE OR BUSINESS			ADDRESS		CITY
ROY C. HOI			17776 N DALLAS PARKWAY		DALLAS
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS		
TX		213-448-6641	rchoi@knighted.com		
APPLICANT (if different from manager/operator)			ADDRESS		CITY
RAJ SHARMA			7309 RAY CHASE DR		ARLINGTON
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS		
TX	76016	214-957-5044	rajsharma@mastercode.us		

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

What is the square footage of the tenant space or building? 21145 square feet

○ YES ⊗ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements
○ YES ⊗ NO	Is the proposed use "personal services" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pickup/dropoff, photo studio, handcrafted art work, etc.)?	Provide Personal Services Affidavit executed by business owner, see CO Checklist for additional requirements
○ YES ⊗ NO	Will potentially hazardous foods/open foods be sold and/or served?	Food Establishment Permit Application required (only available from City staff)
✓ YES ○ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Measurement Certification Application Checklist and Alcohol Certification Affidavit Forms
○ YES ✓ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, call 214-671-3230 for more information. Applications available from Special Collections at 1500 Manila St, 2DS, M-F, 8 am to 5 pm or call 214-670-3438
○ YES ⊗ NO	Is the proposed use a doctors office, dentist office or other medical office or health care office?	Applicant must execute Ambulatory Health Care Facility form attesting to new or pre-existing conditions & facts pertaining to the health care model for any doctors, dentist, or other medical offices (except hospitals, emergency rooms & care clinics)
○ YES ✓ NO	Will you display or offer for sale smoking paraphernalia commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances (except rolling papers, tobacco cigarettes or cigars)?	If YES then a Specific Use Permit is required, or if the use is nonconforming then applicant must provide verifiable proof that the that the display or sale of paraphernalia, etc. previously existed. Additionally, you must register under Chapter 128 of the Dallas City Code

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE

FOR OFFICE USE ONLY

Change in Land Use? ○ YES ○ NO Change in Occupancy? ○ YES ○ NO Is Use Nonconforming? ○ YES ○ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	% PRCNT
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA CREDITS	STORIES	DWELLING UNITS	ADA	HISTORIC DISTRICT

ROUTE TO	REVIEWED	DATE	COMMENTS	FEE CALCULATIONS ($)
PRESCREEN				CO APP FEE
ZONING				CERTIFIED
BUILDING				HEALTH PERMIT APP FEE
CODE				OTHER FEES
OTHER				TOTAL FEES $

EXHIBIT 1

CITY OF DALLAS

AFFIDAVIT OF REVENUE FROM THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority personally appeared the affiant, who, being by my duly sworn, deposes as follows:

"My name is ROY CHOI OF CHAMPIONS DALLAS LLC. I am an applicant for a certificate of occupancy for a RESTAURANT establishment located at 17776 DALLAS PARKWAY that will sell or serve alcoholic beverages as defined in the Texas Alcoholic Beverage Code (TABC). I swear and affirm that the establishment does or will derive the following percentage of the establishment's gross quarterly (three-month) revenue from the sale or service of alcoholic beverages (check only one):

OFF-PREMISE CONSUMPTION
- ☐ Less than 50 percent
- ☐ 50 percent or more

ON-PREMISE CONSUMPTION

Wet Area
- ☐ Less than 75 percent
- ☐ 75 percent or more

Mixed Beverage Area
- ☐ less than 35 percent
- ☐ 35 percent or more without a TABC food or beverage certificate
- ☑ any amount of sales or service with a TABC food or beverage certificate
- ☐ any amount of sales or service by a fraternal or veterans organization with a TABC private club permit

"I understand and agree, upon request, to supply the building official within 30 days with all records needed to document the percentage of gross revenue derived from the sale or service of alcoholic beverages, including all sales tax returns filed with the Texas Comptroller of Public Accounts and all reports or applications filed with the Texas Alcoholic Beverage Commission. If the requested records are not supplied, I understand that the certificate of occupancy will be revoked.

"I understand and agree that the City of Dallas may revoke the certificate of occupancy if at any time this establishment derives more of its gross quarterly (three-month) revenue from the sale or service of alcoholic beverages than indicated above.

"I understand and agree that I will provide the City of Dallas a new affidavit of revenue from the sale or service of alcoholic beverages if the information in this affidavit changes."

Signature: _____ Printed name: ROY CHOI

Title: CEO (if applicable) Business entity: CHAMPIONS DALLAS LLC (if applicable)

This affidavit was acknowledged before me on JUNE 5, 2021 by _____ on behalf of _____

_____
NOTARY PUBLIC

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

Affidavit of revenue from the sale or service of alcoholic beverages - (Rev. 11/4/10)

Affidavit of Measurements in Support of the TABC Prequalification Packet

State of Texas §
§
County of DALLAS §

BEFORE ME, the undersigned authority, the affiant personally appeared and, who, being duly sworn, deposes and says:

"My name is ROY CHOI (CHAMPIONS DALLAS LLC) I am the applicant on a Texas Alcohol and Beverage Commission ("TABC") Prequalification Packet for the following business:

Name of business: CHAMPIONS DALLAS LLC
Address: 17776 DALLAS PARKWAY
Type of TABC permit or license: MIXED BEVERAGE RESTAURANTPERMIT WITH FB ."

"I understand and acknowledge that Dallas City Code Section 6-4 prohibits the sale of alcoholic beverages near certain protected uses ("protected use" means a church, public or private school, public hospital, day-care center, or child-care facility as defined in Article IV of the Dallas Development Code or Chapter 42 of the Texas Human Resources Code)."

"I swear and affirm that I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses."

"I have attached to this affidavit a signed and sealed survey map: (a) showing the place of business where alcoholic beverages will be sold and the measured distance from protected uses using the appropriate measurement in Dallas City Code Section 6-4; and (b) prepared by a state of Texas licensed surveyor or engineer within ten days of submitting a complete alcohol-measurement certification application."

"I swear and affirm that the attached signed and sealed survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code Section 6-4."

"I understand and agree that the TABC shall revoke the permit or license and the city of Dallas shall revoke the certificate of occupancy if they were issued on the basis of false, incomplete, or incorrect information supplied."

Signature: _____ Date: JUNE 5, 2021
Title: CEO

This affidavit was acknowledged before me on the 5th day of JUNE, 2021 on behalf of _____.

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

_____
NOTARY PUBLIC

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

G & S LICENSING CONSULTANTS, P O BOX 2246, CEDAR HILL, TX 75106
KATHY L. GILDON, 214-564-9622 kathy56531@aol.com

#2021-53

TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

ON-PREMISE PREQUALIFICATION PACKET

L-ON (5/2021)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13 Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. ***www.tabc.texas.gov/laws/code_and_rules.asp***

LOCATION INFORMATION

1. Application for: ☒ Original ☐ Add Late Hours Only License/Permit Number
   ☐ Reinstatement ☐ Reinstatement and Change of Trade Name License/Permit Number
   ☐ Change of Location ☐ Change of Location and Trade Name License/Permit Number

2. Type of On-Premise License/Permit

☐	BG	Wine and Beer Retailer's Permit	☒	LB	Mixed Beverage Late Hours Permit
☐	BE	Beer Retail Dealer's On-Premise License	☐	MI	Minibar Permit
☐	BL	Retail Dealer's On-Premise Late Hours License	☐	CB	Caterer's Permit
☐	BP	Brewpub License	☒	FB	Food and Beverage Certificate
☐	V	Wine & Beer Retailer's Permit for Excursion Boats	☐	PE	Beverage Cartage Permit
☐	MB	Mixed Beverage Permit	☒	RM	Mixed Beverage Restaurant Permit with FB
☐	O	Private Carrier's Permit –**Brewpubs (BP) with a BG only**	☐	E	Local Cartage Permit - **Wine/Beer retailers (BG) Only**

3. Indicate Primary Business at this Location
   ☒ Restaurant ☐ Sporting Arena, Civic Center, Hotel ☐ Bar
   ☐ Grocery/Market ☐ Sexually Oriented ☐ Miscellaneous_____

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
   CHAMPIONS DALLAS LLC

5. Location Address
   17776 DALLAS PARKWAY

City	County	State	Zip Code
DALLAS	COLLIN	TX	75287-7315

6. Mailing Address	City	State	Zip Code
SAME AS ABOVE			

7. Business Phone No.	Alternate Phone No.	E-mail Address
(PENDING)	213-448-6641	rchoi@knighted.com

OWNER INFORMATION

8. Type of Owner
   ☐ Individual ☐ Corporation ☐ City/County/University
   ☐ Partnership ☒ Limited Liability Company ☐ Other_____
   ☐ Limited Partnership ☐ Joint Venture
   ☐ Limited Liability Partnership ☐ Trust

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
   CHAMPIONS DALLAS LLC

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact **phone and email are mandatory and must be active and updated regularly.** If additional information is needed, it will be requested from this contact person. **Delays in responding to requests may delay the processing and approval of your permit/license.**

10. Contact Person:	Relation to Business:
ROY CHOI	CEO/PRESIDENT
Phone (mandatory):	**Email (mandatory):**
213-222-8589	rchoi@knighted.com

TABC DATESTAMP

11. Are you, the applicant, a veteran-owned business?	☐ Yes ■ No
12. Are you, the applicant, a Historically Underutilized Business (HUB)?	☐ Yes ■ No

13. As indicated on the chart, enter the individuals that pertain to your business type:
(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name	First Name	MI	Title
CHAMPIONS GROUP, INC.			SOLE MEMBER
CHOI	ROY	A	CEO/PRESIDENT
HALLINAN	MONICA	M	CFO/TREASURER

MEASUREMENT INFORMATION
Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ■ No

NOTE: *For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.*

15. Will your business be located within 300 feet of any private/public school, day care or child care facility? ☐ Yes ■ No

If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

NOTE: *For private/public schools, day care centers and child care facilities, measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.*

NOTE: *For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.*

NOTE: *If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.*

16. Will your business be located within 1,000 feet of a private school? ☐ Yes ■ No

17. Will your business be located within 1,000 feet of a public school? ☐ Yes ■ No

60-DAY SIGN

18. If required under Section 11.391 and 61.381, provide exact date the required sign was posted at the location.	Exact Date (MM/DD/YYYY) N/A

ALL APPLICANTS

19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE ☐
I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not required.

COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION

Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or hold, directly or indirectly, an ownership interest in a business on a different level.

All required forms have been completed.	☐ Yes ☐ No
I have reviewed all forms to ensure they are complete.	☐ Yes ☐ No
I have obtained all required local and state certifications (pages 3-5).	☐ Yes ☐ No
All application packets have been notarized.	☐ Yes ☐ No
Phone numbers and email address for contact person are up to date.	☐ Yes ☐ No
All additional documentation as required by the application packets is attached.	☐ Yes ☐ No
If required, out of state criminal history checks are attached (PHS #7).	☐ Yes ☐ No ☐ N/A
Certification of publication in local newspaper has been completed (page 5).	☐ Yes ☐ No ☐ N/A
A copy of the newspaper publication is attached (page 5).	☐ Yes ☐ No ☐ N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who knowingly makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME ROY CHOI SIGN HERE _____

TITLE CEO / PRESIDENT Re

Before me, the undersigned authority, on this 5TH day of JUNE, 20 21, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE _____ NOTARY PUBLIC

SEAL

KATHY L. GILDON
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 6-15-2023
NOTARY ID 476547-2

CERTIFICATE OF CITY SECRETARY FOR MB, BG & BE

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by ordinance.

I hereby certify on this _____ day of _____, 20_____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a **"wet"** area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

- ☐ **MB** Mixed Beverage Permit
- ☐ **MB/FB (RM)** Mixed Beverage Restaurant Permit with Food and Beverage Certificate (MB must also hold a Food and Beverage Certificate)
- ☐ **BG/FB** Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)
- ☐ **BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
  - ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
  - ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999
- ☐ **BE** Beer Retail Dealer's On-Premise License

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

SIGN HERE _____ City Secretary/Clerk

_____ DALLAS _____ City, **TEXAS**

SEAL

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT LB & BL

Chapters 29 & 70 et seq.

I hereby certify on this _____ day of , 20 21 , that one of the below is

- ☐ The governing body of this city has by ordinance authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of ***beer*** between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

SIGN HERE _____ (City Secretary/Clerk) DALLAS (City), **TEXAS**

SEAL

CERTIFICATE OF COUNTY CLERK FOR MB, BG & BE

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the county clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by order.

I hereby certify on this 16TH day of JUNE, 20 21, that the location for which the license/permit is sought is in a "**wet**" area and is not prohibited by any valid order of the Commissioner's Court.

- ☐ **MB** Mixed Beverage Permit
- ☒ **MB/FB (RM)** Mixed Beverage Restaurant Permit with Food and Beverage Certificate (FB must also hold a Food and Beverage Certificate)
- ☐ **BG/FB** Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)
- ☐ **BG** Wine and Beer Retailer's Permit - **Election for given location was held for:**
  - ☐ legal sale of beer/wine (17%) on-premise ***AFTER*** Sept. 1, 1999
  - ☐ legal sale of beer/wine (14%) on-premise ***BEFORE*** Sept. 1, 1999
- ☐ **BE** Beer Retail Dealer's On-Premise License

OR

☐ **I hereby refuse on this _____ day of _____, 20____ to certify this location.**

STACEY KEMP COUNTY CLERK, BY DEPUTY:

SIGN HERE _____ (County Clerk) COLLIN **COUNTY**

#2021-53

SEAL

COUNTY COURT OF COLLIN COUNTY, TEXAS

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT LB & BL

Chapters 29 & 70 et seq

I hereby certify on this 16TH day of JUNE, 20 21, that one of the below are correct:

☐ The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or

☐ The Commissioner's Court of the county has by order authorized the sale of ***beer*** between midnight and _____ A.M.; or

☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or

☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010). *NOT APPLICABLE BY CITY ORDINANCE*

OR

☐ **I hereby refuse on this _____ day of _____, 20__ to certify this location.**

STACEY KEMP, COUNTY CLERK BY DEPUTY:

SIGN HERE _____ County Clerk

COUNTY COURT OF COLLIN COUNTY TEXAS

COLLIN **COUNTY**

SEAL #2021-53

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this 8th day of June, 20 21, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number 32078849562 Outlet Number 00001

Print Name of Comptroller Employee Maina Maitha

Print Title of Comptroller Employee EES

SIGN HERE _____ FIELD OFFICE 2453

SEAL

PUBLISHER'S AFFIDAVIT FOR MB, LB, RM, BP, BG, BE, BL & V

Section 11.39 and 61.38

Name of newspaper	
City, County	
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)	
Publisher or designee certifies attached notice was published in newspaper stated on dates shown.	
Signature of publisher or designee	
Sworn to and subscribed before me on this date (MM/DD/YYYY)	
Signature of Notary Public	
SEAL	

ATTACH PRINTED COPY OF THE NOTICE HERE

Click here to see example of newspaper publication

G & S LICENSING CONSULTANTS

P O BOX 2246 ~ CEDAR HILL, TEXAS 75106
Cell Phone (214) 564-9622 ~ Fax (214) 723-7575
Kathy56531@aol.com

June 19, 2021

City of Dallas Building Inspection
320 E. Jefferson Boulevard Suite 118
Dallas, TS 75203

Re: **Mixed Beverage Restaurant Permit with FB Champions Dallas LLC**
17776 Dallas Parkway
Dallas, Collin County 75287

Gentlemen:

Enclosed is the referenced application, application for Certificate of Occupancy, blank check for fees, Affidavit of Revenue and Affidavit of Measurement. The Food Permit Application will be submitted upon request. Please advise if anything else is needed.

Sincerely,

Kathy L. Gildon

Enclosures

DATE: 7-22-21

APPLICATION TYPE

REGULAR ◯ EXPRESS ◯

PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY

City of Dallas

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY)

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLOCK/FLOOR NO	USE OF PROPERTY
17776 DALLAS PARKWAY		RESTAURANT

APPLICANT	ADDRESS	CITY	STATE	ZIP CODE
KATHY L. GILDON	P O BOX 2246	CEDAR HILL	TX	75106

DBA (IF APPLICABLE)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
G & S LICENSING CONSULTANTS	214-564-9622	kathy56531@aol.com

CONTRACTOR - INDIVIDUAL	CONTRACTOR NUMBER	P.I.N.	COMPANY NAME

DORHEN - HOME REPAIR LICENSE ON FILE?	IF YES # ST NUMBER	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
◯ YES ◯ NO			

PROPERTY OWNER (INDIVIDUAL CONTACT)	ADDRESS	CITY	STATE	ZIP CODE

PROPERTY OWNER (COMPANY NAME)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
DALLAS STAKE INVESTMENT LLC		

DESCRIPTION OF PROPOSED PROJECT

RESTAURANT AND SOCIAL CLUB

LOT 36C, BLOCK 2/8705 OF THREE FORKS TRADING POST
CITY OF DALLAS, COLLIN COUNTY

VALUATION ($) Commercial Only		CONST AREA (sq ft)	
NEW CONST		NEW CONST	
MFD OTHER		MFD OTHER	
REMODEL		REMODEL	
TOTAL VALUATION		TOTAL AREA	

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX

☐ BUILDING	☐ PLUMBING	☐ FENCE	☐ DRIVE APPROACH	☐ BACKFLOW	☐ BARRICADE	☐ ENERGY	
☐ ELECTRICAL	☐ FIRE SPRKLR	☐ SIGN	☐ SWIMMING POOL	☐ CUSTOMER SVC	☐ GREEN	☐ PAVING/GRADING	
☐ MECHANICAL	☐ FIRE ALARM	☐ LANDSCAPE	☐ LAWN SPRINKLER	☐ FLAMMABLE LIQUID	☐ OTHER		

All food service establishments require a grease interceptor to be installed on site. Is there a grease interceptor on site? ◯ YES ◯ NO

The following is applicable to all applications for building permits that are accepted and routed for any reviews. As required by Texas Local Government Code Section 214.904, the City of Dallas will grant (Approve) or deny your building permit application to erect or improve a building or other structure no later than the 45th day after the application is submitted. Denial of a permit application due to time constraints may be avoided by agreeing to allow the City the following additional time to review the application:

I hereby agree to a deadline of 14 days to grant or deny the permit after the date of the approval of all of the following reviews as applicable where the applicant has provided the plans examiners the requested corrections, plans and actions; and, the contractor has been named on the permit:

Zoning, Building Code, Electrical Code, Plumbing/Mechanical Code, Green Building Code, Health, Historical/Conservation District, Engineering/Flood Plain, Water Utilities, Fire Code, Landscaping and Aviation.

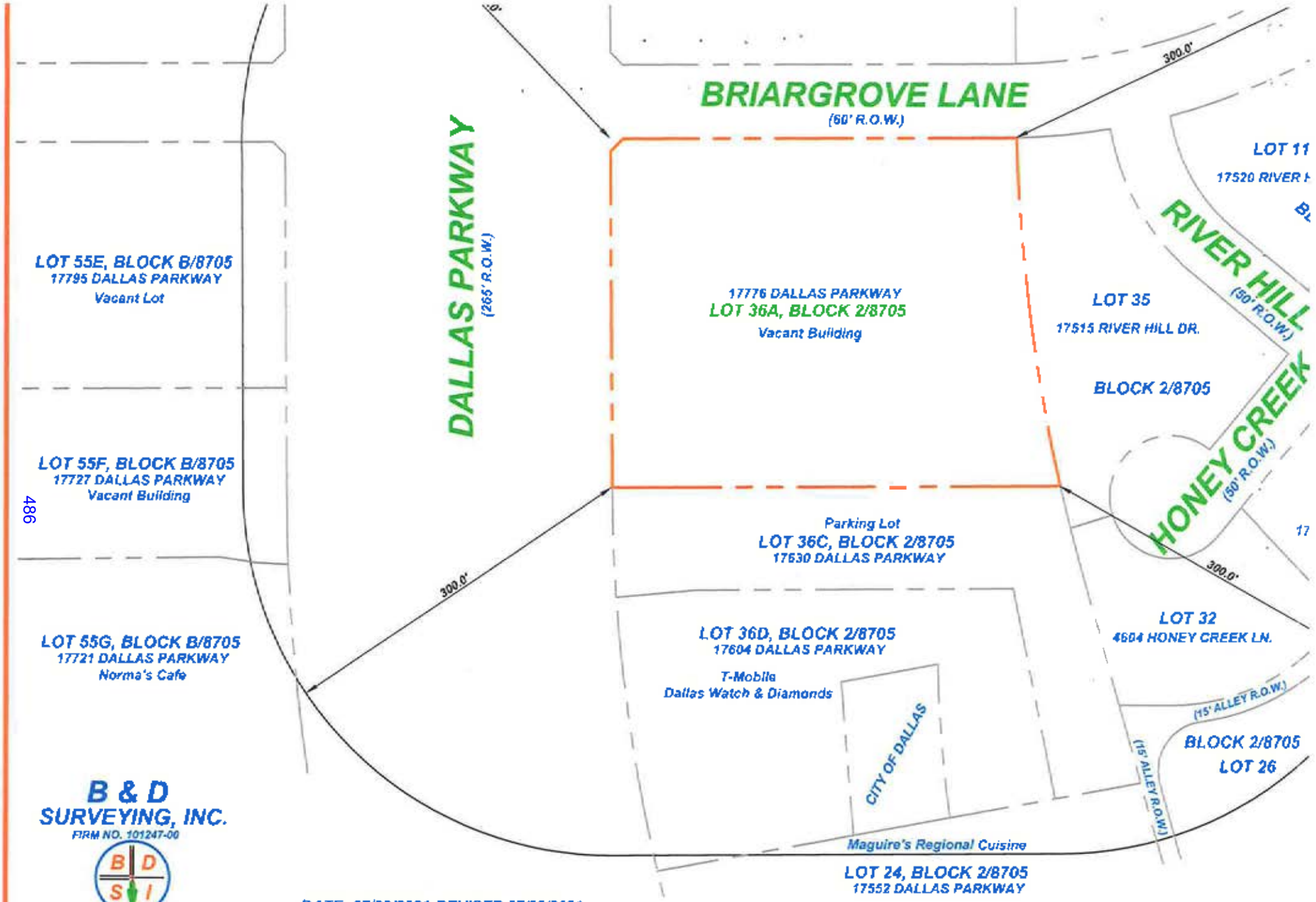
If the permit is granted (*Approved*) within this deadline the City will retain and/or assess all fees. If the permit is denied within this deadline, the City will retain all plan review fees and 20 percent of the permit fees. If the permit application is not granted or denied within the agreed additional time of review, the City will refund any permit fees that have been collected and the City may not collect any permit fees associated with the application.

☑ I AGREE. ◯ I DO NOT AGREE.

I UNDERSTAND THAT THIS PERMIT APPLICATION WILL EXPIRE IN 180 DAYS FROM THE APPLICATION DATE. I MAY REQUEST IN WRITING AN ADDITIONAL 180 DAY EXTENSION OF THE PERMIT APPLICATION PRIOR TO THE APPLICATION EXPIRATION. IF THE APPLICATION IS ALLOWED TO EXPIRE, IT MAY ONLY BE REACTIVATED BY THE FILING OF A NEW APPLICATION INCLUDING APPLICABLE PLANS AND FEES.

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE	DATE OF APPLICATION SUBMISSION
Kathy L Gildon	JULY 22, 2021



486

B & D SURVEYING, INC.
FIRM NO. 101247-00
P.O. BOX 293264
LEWISVILLE, TEXAS 75029
PHONE: 972-221-2838
bd@bandsurveying.com

DATE: 07/22/2021-REVISED 07/23/2021
TECH: JAV
B & D JOB #: 2107036W
Note: This is not a boundary survey.

COPYRIGHT © 2021 B & D SURVEYING INC. ALL RIGHTS RESERVED

8-20-21

AFFIDAVIT
CHAMPIONS DALLAS LLC

BEFORE ME, *the undersigned authority, this day personally appeared* ***Kathy L. Gildon****, by me duly sworn stated as follows:*

I Kathy L. Gildon, Licensing Consultant for C & S Licensing Consultants wish to withdraw the application for Certificate of Occupancy for the location 17776 Dallas Parkway, city of Dallas, Collin County.

Kathy L. Gildon

SWORN TO AND SUBSCRIBED BEFORE ME, *that this the 8th day of August, 2021 AD to which witness my hand and seal of office.*

KATRINA RUNNELS
My Notary ID # 7189696
Expires April 10, 2025

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DATE: _____

CO NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

NAME OF BUSINESS (DBA)		STREET ADDRESS OF BUSINESS		BLDG AND SUITE NUMBER
CHAMPIONS DALLAS LLC		17776 DALLAS PARKWAY		
PROPERTY OWNER		ADDRESS		CITY
DALLAS STAKE INVESTMENT, LLC		1117 E. CALAVERAS BLVD		MILPITAS
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
CA	95035	408 910 1500		
MANAGER/OPERATOR OF USE OF BUSINESS		ADDRESS		CITY
ROY CHOI		6222 SKYLINE DR		HOUSTON
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
TX	77057	213-448-6643	rchoi@koreplical.com	
APPLICANT (if different from management)		ADDRESS		CITY
KATHY L. GILDON (G & S LICENSING CONSULTANTS)		P O BOX 224		CEDAR HILL
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
TX	75106	214-363-5622	kathy58531@aol.com	

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

RESTAURANT AND ~~ENTERTAINMENT VENUE~~

SOCIAL CLUB

What is the square footage of the tenant space or building? 25,000 square feet

○ YES ✓ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements.
○ YES ✓ NO	Is the proposed use "personal service" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pick up/drop off, photo studio, handcrafted art work, etc.)?	Provide completed Personal Service Addendum (available by business name) and CO Checklist for additional requirements
○ YES ✓ NO	Will potentially hazardous foods/open foods be sold and/or served?	*Food Establishment Permit Application* required (only available from City staff)
✓ YES ○ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Requirement Certification Application (Checklist) and Texas Certificate (TABC) with Permit
○ YES ✓ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, 214-671-3730 for more information). Applications available from Special Collections at 1500 Marilla St. 2DS; M-F 8 am to 5 pm, or call 214-670-3038.
○ YES ✓ NO	Is the proposed use a doctors office, dentist office or other medical office or health care office?	Applicant must execute Ambulatory Health Care Facility form attesting to new or pre-existing conditions & facts pertaining to the health care model for any doctors, dentist, or other medical offices (except hospitals, emergency rooms & urgent cares).
○ YES ✓ NO	Will you display or offer for sale tobacco paraphernalia commonly used or commonly known to be used for the inhalation of tobacco or illegal substances (except for cigars, tobacco cigarettes or cigars)?	If YES to this a Specific Use Permit is required. If the use is nonconforming then applicant must provide verifiable proof that the that the display or sale of paraphernalia was previously legal. Additionally, you must register under Chapter 134 of the Dallas City Code.

PLEASE CAREFULLY READ & COMPLETE APPLICATION. I HEREBY CERTIFY THAT THE ABOVE STATEMENTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT MAY RESULT IN DENIAL OR REVOCATION OF THE CERTIFICATE OF OCCUPANCY. I AGREE TO COMPLY WITH ALL CITY AND STATE ORDINANCES AND LAWS REGULATING THE BUSINESS FOR WHICH THIS CERTIFICATE IS ISSUED. I UNDERSTAND THAT I MUST NOTIFY THE CITY OF ANY CHANGE OF ADDRESS OR OWNERSHIP. I UNDERSTAND THAT I MUST OBTAIN ALL REQUIRED PERMITS AND INSPECTIONS BEFORE OCCUPYING THE PREMISES. I UNDERSTAND THAT IF I FAIL TO COMPLY WITH ALL APPLICABLE ORDINANCES, LAWS, AND REGULATIONS, MY CERTIFICATE OF OCCUPANCY MAY BE REVOKED.

APPLICANT'S SIGNATURE: Kathy L. Gildon

FOR OFFICE USE ONLY

Change in Land Use? ○ YES ○ NO Change in Occupancy? ○ YES ○ NO Is Use Nonconforming? ○ YES ○ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	DART
LOT	FAR	REQUIRED PARKING	PROPOSED PARKING	STORIES	SPRINKLER	FLOOD PLAIN	HISTORIC
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA LOT #	CASES	DU / LOTS / UNITS	SUP #	HISTORIC DISTRICT

ROUTE TO	REVIEWED	DATE	COMMENTS	FEE CALCULATIONS ($)
PRE-REVIEW				PERMIT FEE
ZONING				REINSPECTION FEE
BUILDING				PLAN REVIEW FEE
FIRE				OTHER FEES
OTHER: _____				TOTAL FEES $

Champions Club

August 13, 2021

Megan Wimer
Assistant Building Official
Department of Sustainable Development and Construction
City of Dallas
320 East Jefferson Boulevard
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

Dear Ms. Wimer,

I am the CEO and Managing Partner of Champions Club which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of the site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Champions Club will be an exclusive, members only high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of dining experience will take place on the first floor of the venue (2,075 square feet in main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions. Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

Champions Club

cc: Suzan Kedron, *Jackson Walker LLP*

DATE: AUG. 18 2021
JOB NO: (OFFICE USE ONLY)

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

PERMIT NO: (OFFICE USE ONLY)
CO NO: (OFFICE USE ONLY)

NAME OF BUSINESS (DBA)			STREET ADDRESS OF BUSINESS	BLDG AND SUITE NUMBER
Champions Dallas LLC			17776 Dallas Parkway, Dallas, TX 75287	
PROPERTY OWNER			ADDRESS	CITY
Dallas Stake Investment LLC			17776 Dallas Parkway	Dallas
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	75287	(408) 916-1990	phong59@gmail.com	
MANAGER/OPERATOR OF USE OR BUSINESS			ADDRESS	CITY
Roy Choi			17776 Dallas Parkway	Dallas
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	75287	(213) 448-6641	rchoi@knighted.com	
APPLICANT (if different from manager/operator)			ADDRESS	CITY
Raj Sharma			7309 Bay Chase Drive	Arlington
STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS	
Texas	76016	(214) 957-5024	rajsharma@mastercode.us	

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

Restaurant without drive-in or drive-through service with commercial amusement (inside) uses.

What is the square footage of the tenant space or building? 21,145 square feet

◯ YES ◉ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements.
◯ YES ◉ NO	Is the proposed use "personal services" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pickup/dropoff, photo studio, handcrafted art work, etc.)?	Provide Affidavit for CO from business owner see CO Checklist for additional requirements.
◯ YES ◉ NO	Will potentially hazardous foods/open foods be sold and/or served?	Food Establishment Permit Application required (only available from City staff at time of CO application).
◉ YES ◯ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Measurement Certification Application Checklist and Alcohol Certification Affidavit Forms
◯ YES ◉ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, call 214-671-3230 for more information. Applications available from Special Collections at 1500 Marilla St. 2DS; M-F, 8 am to 5 pm, or call 214 670-3438.
◯ YES ◉ NO	Is the proposed use a doctor's office, dentist office or other medical office or health care office?	The CO applicant must execute the Ambulatory Health Care Facility form attesting to any new or pre-existing conditions and facts pertaining to the health care model for any doctor's office, dentist office, or other medical offices (other than hospitals, emergency rooms and care clinics).

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT SIGNATURE

FOR OFFICE USE ONLY

Change in Land Use? ◯ YES ◯ NO Change in Occupancy? ◯ YES ◯ NO Is Use Nonconforming? ◯ YES ◯ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	BASE ZONING MU-1	PD	SUP	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	DWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA CREDITS	STORIES	DWELLING UNITS	BDA	HISTORIC DISTRICT

ROUTE TO		REVIEWED	DATE	COMMENTS	FEE CALCULATIONS ($)
PRESCREEN					CO APP FEE
ZONING					CE INSP FEE
BUILDING					HEALTH PERMIT APP FEES
CODE					OTHER FEES
OTHER _____					TOTAL FEES $

CERTIFICATE OF OCCUPANCY (CO) CHECKLIST

City of Dallas

APPLICATION CHECKLIST AND REQUIRED DOCUMENTS

By checking each requirement, you are stating that you have supplied correct and complete information. In the event that the required information is not contained in the submitted documents, you will be notified of the deficiency. Failure to supply the additional requested information within five (5) working days after notification may result in your application being delayed and eventually discarded. A new application, the original application, complete plans and a new checklist will be required for re-submittal for plan review. This re-submittal will be treated as a new application and will be processed in the order of receipt. A Certificate of Occupancy **does not authorize construction** of any type.

SAME USE AS PREVIOUS USE - CERTIFICATE OF OCCUPANCY

☒ 1. Completed *Building Inspection Application.*

☒ 2. Please see *"ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS"* below

CHANGE OF USE - CERTIFICATE OF OCCUPANCY

☒ 1. Completed *Building Inspection Application.*

☒ 2. Please see *"ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS"* below

☒ 3. Submit two (2) sets of the following drawing documents drawn to a standard scale and fully dimensioned. All drawing documents submitted for review must have a minimum text size of $^3/_{32}$" and a minimum drawing sheet size of 11" x 17" and a maximum of 36" x 48", "E" size:

☐ Site plan of the entire property showing all property lines and parking spaces. The site plan must show the location of the tenant space and the locations of all other tenant spaces on the property with their suite numbers.
Exception: Building floor key plan does not need to be to scale, but must show the location of the tenant space and all other tenant spaces on that floor. Identify tenant spaces by their suite number.

☐ Floor plan of the entire tenant space showing the areas to be occupied with each room identified as to its use.

☐ Provide a complete parking analysis for every tenant space on the property. List the type of business and the area in square feet of each tenant space, occupied or vacant, on the site plan.

ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS

In addition to the requirements listed above for a CO, the following land uses will require additional information for review. Please schedule an appointment with a consultant for more information. A building permit may be required if there is no record of a permit previously issued to create the tenant space. Ask the property owner to contact this office for more information. A building permit and other trade permits may also be required as a result of the Certificate of Occupancy review.

☒ 1. Personal services (Examples include: barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry/cleaning pickup/ receiving station, a handcrafted art work studio, etc.).

☐ Floor plan of the entire tenant space showing the areas to be occupied with each room identified as to its use. Show furniture on the same plan or you can provide a furniture plan on a separate floor plan sheet.

☐ Signed and notarized Affidavit for Certificate of Occupancy from the business owner.

☐ If applicable, a copy of a state license from each employee providing the personal service.

CERTIFICATE OF OCCUPANCY (CO) CHECKLIST (Page 2)

ADDITIONAL REQUIREMENTS OR SPECIAL PROVISIONS (CONTINUED)

☒ 2. The display or sale of smoking paraphernalia commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances (except rolling papers, tobacco cigarettes or cigars) requires an *SUP*. Additionally, you must register a 'paraphernalia shop' in accordance with Chapter 12B of the Dallas City Code.

☒ 3. Places of religious worship, theaters, dance halls, labor halls, commercial amusement uses, restaurants with a total area of 750 sq. ft. or greater and other assembly occupancies (Occupancy Groups A) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area to be occupied and its proposed occupant load factor in accordance with Chapter 10 of the building code. Identify seating and dance areas, type of seating, standing room areas for lines and business or circulation areas.
- ☐ Identify all exits and list type of door hardware and panic hardware used at each exit.

☒ 4. Warehouses, storage facilities and other storage occupancies (Occupancy Groups S) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area designated for storage and other uses.
- ☐ High-pile storage (storage over 12 ft.) will require engineered plans.
- ☐ Provide a complete inventory and MSDS sheets for each different material, especially HAZMAT, being stored as required in the Dallas Building Code or Dallas Fire Code. Any material being stored above the quantity limits allowed by code may require a building permit for fire-rated construction and hazardous occupancy (Occupancy Groups H).

☒ 5. Manufacturing facilities and other factory occupancies (Occupancy Groups F) as defined in the Dallas Building Code.

- ☐ Floor plan of the entire tenant space showing the areas in square feet of each different floor area designated for manufacturing, storage of raw materials and other uses.
- ☐ Storage of commodities over 12 feet high is considered *High Piled Storage. Racking systems* (shelving) may only be installed with a building permit and required engineered plans.
- ☐ Provide a complete inventory and MSDS sheets for each different raw material, especially HAZMAT, being stored and used as required in the Dallas Building Code or Dallas Fire Code. Any material being stored above the quantity limits allowed by code may require a building permit for fire-rated construction and hazardous occupancy (Occupancy Groups H).

☒ 6. Any land use requiring alcohol certification. Refer to *Alcohol Measurement Certification Application Checklist*.

☒ 7. If the new use includes areas where food/ice or beverages are manufactured, packaged, stored, distributed, sold or prepared excluding vending machines, then provide:

- ☐ Two (2) sets of scaled floor plans showing equipment and plumbing fixtures layout including floor drains.
- ☐ Two (2) sets of scaled plans showing finish schedules for floors, walls and ceilings.
- ☐ Two (2) sets of menus and cut sheets of equipment being installed, if available.

NOTE: Additional information required by the Building Official may be necessary for the issuance of the permit (Ordinance no. 26029).

I, Raj Sharma have read the above information and acknowledge that all required documents have been provided.

Signature _____ Date 8/18/21

Please note that staff cannot accept incomplete applications or illegible plan review documents.

August 13, 2021

Megan Wimer
Assistant Building Official
Department of Sustainable Development and Construction
City of Dallas
320 East Jefferson Boulevard
Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

Dear Ms. Wimer,

I am the CEO and Managing Partner of Champions Club which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of the site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Champions Club will be an exclusive, members only high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of dining experience will take place on the first floor of the venue (2,075 square feet in main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions. Thank you very much for your review and consideration of this exciting new project

Sincerely,

Roy Choi
rchoi@knighted.com
213-448-6641

cc: Suzan Kedron, *Jackson Walker L.L.P.*

EXHIBIT

2

CITY OF DALLAS

August 24, 2021

Mr. Roy Choi
17776 Dallas Parkway
Dallas, Texas 75287
CERTIFIED MAIL NO. 7020 1290 0000 3631 0051

RE: Denial of the application for a certificate of occupancy for a restaurant dba *Champions Club* at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the application for a certificate of occupancy for the above-referenced location is hereby denied. The attached land use statement submitted with the application clearly indicates that the use will be operated in violation of the Texas Penal Code Section 47.04, "Keeping a Gambling Place."

Pursuant to Paragraph (1), Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 15th day after written notice of the above action.[1] If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO
Assistant Building Official
Building Inspection Division

cc: Dr. Eric Johnson, Chief of Economic Development and Neighborhood Services
David Session, CBO, Interim Building Official
Tammy L. Palomino, First Assistant City Attorney
Major Devon Palk, Dallas Police Department
Lieutenant Lisette Rivera, Dallas Police Department
Suzan Kedron, Jackson Walker LLP

[1] Paragraph (1) of Section 306.15, "Appeals of Actions and Determinations," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

EXHIBIT
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2. no action is taken by the applicant before the 30th day after the building official gives the applicant written notice that additional information, plans, diagrams, computations, specifications, or other data or supporting documents are necessary for issuance of the certificate of occupancy; or

3. no action is taken by the applicant before the 30th day after the building official gives the applicant written notice that corrections and a reinspection are necessary for issuance of the certificate of occupancy. (Ord. 26029; 26579)

306.4.3 Extensions of time. The building official may grant one or more extensions of time for periods not exceeding 120 days each for justifiable cause. If a request for extension is made by the applicant or the applicant's agent, the request must be in writing and made within the time period sought to be extended. (Ord. 26029; 26579)

306.5 Denial. The building official shall deny an application for a certificate of occupancy if the building official determines:

1. The certificate of occupancy requested does not comply with the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;

2. The information, plans, diagrams, computations, specifications, or other data or supporting documents submitted with the application clearly show that the use or occupancy will be operated in violation of the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;

3. The application contains false, incomplete, or incorrect information and the applicant has failed to correct or supplement the false, incomplete, or incorrect information within a reasonable time after the building official requests that the information be corrected or supplemented; or

4. The applicant does not possess a required city, county, state, or federal license, permit, or registration to operate the use or occupancy. (Ord. 26579)

306.6 Issuance. Unless the application for the certificate of occupancy has expired under Section 306.4 or has been denied under Section 306.5, the building official shall issue a certificate of occupancy after a complete application has been filed, a true and correct copy of any required city, county, state, or federal license, permit, or registration to operate has been provided to the building official, and every necessary inspection has been made to determine compliance with the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. (Ord. 26029; 26579)

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 10. Offenses Against Public Health, Safety, and Morals (Refs & Annos)
Chapter 47. Gambling (Refs & Annos)

V.T.C.A., Penal Code § 47.04

§ 47.04. Keeping a Gambling Place

Currentness

(a) A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.

(b) It is an affirmative defense to prosecution under this section that:

(1) the gambling occurred in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) An offense under this section is a Class A misdemeanor.

Credits

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1977, 65th Leg., p. 667, ch. 251, § 1, eff. Aug. 29, 1977. Acts 1989, 71st Leg., ch. 1030, § 1, eff. Sept. 1, 1989. Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

Notes of Decisions (68)

V. T. C. A., Penal Code § 47.04, TX PENAL § 47.04
Current through the end of the 2021 Regular Session and Chapters 1 to 6 of the Second Called Session of the 87th

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 10. Offenses Against Public Health, Safety, and Morals (Refs & Annos)
Chapter 47. Gambling (Refs & Annos)

V.T.C.A., Penal Code § 47.02

§ 47.02. Gambling

Effective: January 1, 2016

Currentness

(a) A person commits an offense if he:

(1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;

(2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.

(b) It is a defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) It is a defense to prosecution under this section that the actor reasonably believed that the conduct:

(1) was permitted under Chapter 2001, Occupations Code;

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 10. Offenses Against Public Health, Safety, and Morals (Refs & Annos)
Chapter 47. Gambling (Refs & Annos)

V.T.C.A., Penal Code § 47.01

§ 47.01. Definitions

Currentness

In this chapter:

(1) "Bet" means an agreement to win or lose something of value solely or partially by chance. A bet does not include:

(A) contracts of indemnity or guaranty, or life, health, property, or accident insurance;

(B) an offer of a prize, award, or compensation to the actual contestants in a bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals, vehicles, watercraft, or aircraft entered in a contest; or

(C) an offer of merchandise, with a value not greater than $25, made by the proprietor of a bona fide carnival contest conducted at a carnival sponsored by a nonprofit religious, fraternal, school, law enforcement, youth, agricultural, or civic group, including any nonprofit agricultural or civic group incorporated by the state before 1955, if the person to receive the merchandise from the proprietor is the person who performs the carnival contest.

(2) "Bookmaking" means:

(A) to receive and record or to forward more than five bets or offers to bet in a period of 24 hours;

(B) to receive and record or to forward bets or offers to bet totaling more than $1,000 in a period of 24 hours; or

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(C) a scheme by three or more persons to receive, record, or forward a bet or an offer to bet.

(3) "Gambling place" means any real estate, building, room, tent, vehicle, boat, or other property whatsoever, one of the uses of which is the making or settling of bets, bookmaking, or the conducting of a lottery or the playing of gambling devices.

(4) "Gambling device" means any electronic, electromechanical, or mechanical contrivance not excluded under Paragraph (B) that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term:

(A) includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits; and

(B) does not include any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or $5, whichever is less.

(5) "Altered gambling equipment" means any contrivance that has been altered in some manner, including, but not limited to, shaved dice, loaded dice, magnetic dice, mirror rings, electronic sensors, shaved cards, marked cards, and any other equipment altered or designed to enhance the actor's chances of winning.

(6) "Gambling paraphernalia" means any book, instrument, or apparatus by means of which bets have been or may be recorded or registered; any record, ticket, certificate, bill, slip, token, writing, scratch sheet, or other means of carrying on bookmaking, wagering pools, lotteries, numbers, policy, or similar games.

(7) "Lottery" means any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win anything of value, whether such scheme or procedure is called a pool, lottery, raffle, gift, gift enterprise, sale, policy game, or some other name.

(8) "Private place" means a place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops.

(9) "Thing of value" means any benefit, but does not include an unrecorded and immediate right of replay not exchangeable for value.

Credits

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🏆 2021 Champions Poker Tour: Season I - Dallas, TX

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30 Likes · 5 Comments

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Roy Choi

Managing Partner at KNIGHTED VENTURES

Roy Choi is a Managing Partner at KNIGHTED VENTURES based in Emeryville, California. Previously, Roy was a Chairman at P.M. Studios and also held positions at San Diego Strike Force. Ro... Read More

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Roy Choi Contact Information

Last Update	9/9/2021 8:00 PM
Email	r***@knighted.com Get Email Address
Direct Phone	(213) ***-**** Get Phone Number
HQ Phone	(510) 255-0755
Company	KNIGHTED VENTURES
Location	266 66th St, Ste 2, Emeryville, California, 94608, United States

Wrong Roy Choi? Is this data correct?

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Roy Choi Current Workplace

KNIGHTED VENTURES

Location
266 66th St, Ste 2, Emeryville, California, 94608, United States

Description
Knighted Ventures, founded in 2012 and headquartered in Emeryville, California, is a gambling and gaming company.

Industry
Recreation, Hospitality

Discover more about KNIGHTED VENTURES

Roy Choi Work Experience and Education

Board Memberships & Affiliations

Chairman

Education

Bachelor of Arts
502

View Colleagues

- Chris Candelario — Services Professional — Phone | Emai
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- Associate Banker — Phone | Emai
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- Jonathan Wong — Gaming Associate — Phone | Emai
- Devin Brown — Gaming Associate — Phone | Emai
- Steven Paz — Gaming Associate — Phone | Emai

EXHIBIT 9

2018-2020

Find more contacts

View Roy Choi's full profile

Org Chart - KNIGHTED VENTURES

Roy Choi
Managing Partner
Phone Email

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Front Office - San Diego Strike Force

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Jul 2, 2021 https://www.sdstrikeforce.com/front-office

1994 WL 67733
Only the Westlaw citation is currently available.

NOTICE: NOT DESIGNATED FOR PUBLICATION. UNDER TX R RAP RULE 47.7, UNPUBLISHED OPINIONS HAVE NO PRECEDENTIAL VALUE BUT MAY BE CITED WITH THE NOTATION "(not designated for publication)."

Court of Appeals of Texas, Dallas.

Richard Anthony GAUDIO, Appellant,
v.
The STATE of Texas, Appellee.

No. 05-91-01862-CR.
|
March 7, 1994.

On Appeal from the 204th Judicial District Court Dallas County, Trial Court Cause No. F91-23691-Q.

Before LAGARDE, BURNETT and ROSENBERG, JJ.

LAGARDE, Justice.

O P I N I O N

***1** A jury convicted appellant of unlawfully keeping a gambling place. The trial court set punishment at two year's confinement, probated for three years, and a $1,000 fine. Appellant contends that the evidence is insufficient to support his conviction and that the trial court erred in denying his motion to suppress. We overrule appellant's points of error and affirm the trial court's judgment.

SUFFICIENCY OF THE EVIDENCE

At trial, appellant presented evidence on the statutory affirmative defense to unlawfully keeping a gambling place. Appellant had to prove by a preponderance of the evidence that: (1) the gambling occurred in a private place; (2) no one received an economic benefit other than personal winnings; and (3) there was an equal chance of winning in poker. The jury found that appellant received an economic benefit, thereby finding that appellant failed to prove his affirmative defense.

Appellant argues that the jury's finding that he received an economic benefit is against the great weight and preponderance of the evidence. He asserts, therefore, that the evidence is insufficient to support his conviction. The State argues that the evidence supports the jury's finding on economic benefit.

A. Relevant Facts

A group of friends gathered at an apartment rented by appellant to play poker three nights a week. The group agreed to cut the betting pot from each hand to pay for the expenses connected with keeping the apartment to play poker. The group hired a dealer to deal the cards. They also hired a waitress who served food and drinks during the games. Police executed a search warrant at the apartment during a poker game and arrested appellant.

The evidence on economic benefit was not disputed. The dealer testified to the following facts: he dealt the cards at the poker games three nights a week; he cut money from the betting pots to pay the expenses of maintaining the apartment; he gave the money to appellant; the winner of each hand tipped him for his services; and he would play poker from time to time.

Defense witnesses testified to the following facts: appellant volunteered to lease the apartment in his name; cuts were taken from the poker pot to pay expenses; the expenses included the apartment's rent, the telephone, playing cards, poker chips, food, alcohol and cigarettes; everyone agreed to paying the expenses from the cuts from the betting pot; and once they covered expenses there were no more cuts to the betting pot.

B. Standard of Review

The Texas Constitution authorizes a court of appeals to review factual sufficiency questions on a defendant's affirmative defense. *Meraz v. State*, 785 S.W.2d 146,

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154 (Tex. Crim. App. 1990). When a court of appeals is called upon to examine whether an appellant proved his affirmative defense, the correct standard of review is whether after considering all the evidence relevant to the issue at hand, the judgment is so against the great weight and preponderance of the evidence so as to be manifestly unjust. *See* *Meraz,* 785 S.W.2d at 155.

***2** Appellant argues that the great weight and preponderance of the evidence shows that he proved his affirmative defense, thus the State failed in its burden to prove the elements of the offense beyond a reasonable doubt. However, at the foundation of every affirmative defense is the practical, if not technical, necessity of the defendant acknowledging that he committed the otherwise illegal conduct. *Meraz,* 785 S.W.2d at 153. Therefore, proof of an affirmative defense does not necessarily mean there was insufficient evidence to support the conviction.

C. Applicable Law

The penal code defines the offense of unlawfully keeping a gambling place and the affirmative defense to the offense as follows:

(a) a person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents, or lets any such property with a view or expectation that it be so used.

(b) it is an affirmative defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place

(2) *no person* received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(Emphasis added.) TEX. PENAL CODE ANN. § 47.04 (Vernon 1989). The practice commentary following section 47.04 states:

Unfortunately the statement of the defense is defective in this section, but hopefully the courts will interpret it according to the legislature's clear intent-as if it read:

(b) It is a defense to prosecution under this section that:

* * *

(2) *no person gambling there* received any economic benefit other than personal winnings....

(Emphasis added.) Seth S. Searcy III & James R. Patterson, Practice Commentary, TEX. PENAL CODE ANN. § 47.04 (Vernon 1989).

The penal code defines benefit as anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested. TEX. PENAL CODE ANN. § 1.07 (Vernon 1989).

The penal code does not define economic. When a statute does not define the language it uses, the courts should interpret the statute using the common usage of the word. *Campos v. State,* 623 S.W.2d 657, 658 (Tex. Crim. App. 1981); TEX. GOV'T CODE ANN. § 311.011 (Vernon 1988). Economic means of or pertaining to the production, development, and management of material wealth or finances. THE AMERICAN HERITAGE DICTIONARY (1991).

D. Application of Law to Facts

The jury found that the apartment was a private place and that poker is a game with an equal chance of winning except for the advantage of skill or luck. TEX. PENAL CODE ANN. § 47.04(b)(1), and (3). The State and appellant agree that the evidence supports those jury findings. The testimony on economic benefit is undisputed.

***3** Based on the plain language of the statute *no person* can receive an economic benefit. If we apply the plain language of the statute, the jury's finding is not against the great weight and preponderance of the evidence. In this case the waitress and dealer received tips from the players. The receipt of money as tips is an economic benefit.

If we interpret the statute as the practice commentary

suggests, i.e., that *no person gambling there* received an economic benefit, the evidence still supports the jury's finding. The dealer received money as a tip for each hand he dealt. He played poker with the others from time to time. The dealer's tips were an economic benefit *to a person gambling there.* Therefore, someone who gambled at the apartment received an economic benefit other than personal winnings.

Even if we interpret section 47.04, as appellant argues, to mean only the defendant cannot receive an economic benefit, the jury's finding that appellant received an economic benefit is not against the great weight and preponderance of the evidence. Appellant did not dispute that he was the lessee on the lease for the apartment. The State and appellant introduced evidence that the players paid the rent from cuts of the betting pots.

As lessee, appellant was legally obligated to pay the rent on the apartment. Paying the rent from the money cut from the betting pots relieved appellant of this legal obligation. We conclude that paying rent that another is legally obligated to pay is an economic benefit to that person.

The jury's finding that appellant received an economic benefit is not against the great weight and preponderance of the evidence. We overrule appellant's first point of error.

MOTION TO SUPPRESS

Appellant contends that the trial court should have suppressed all evidence and testimony resulting from the search warrant in this case. Appellant argues that the affidavit supporting the warrant does not provide probable cause for the warrant. Appellant claims that the affidavit is inadequate because it does not state the basis of the informant's knowledge.

The State contends that the affidavit provides probable cause for the warrant, arguing that independent corroboration by the police overcame any defects in the affidavit. Alternatively, the State argues that the doctrine of curative admissibility cures any error. Finally, the State argues that the failure to suppress the evidence is harmless under rule 81(b)(2) of the rules of appellate procedure. TEX. R. APP. P. 81(b)(2).

A. Relevant Facts

Sergeant Nelson testified that a confidential informant told him that people were gambling on a regular basis at 4043 Harvest Hill Road in apartment ## 2164. Apartment # 2164 was the apartment rented by appellant where the group gathered to play poker. Nelson and other officers conducted surveillance to confirm the informant's information. For approximately one month the officers conducted surveillance of the apartment three nights a week.

***4** The affidavit filed by Nelson to get the search warrant contained the following statements:
1. Affiant talked with a confidential informant who is known to the affiant. The affiant first talked to the informant one month before and was told that the informant had found and had personal knowledge that appellant was keeping the apartment as a gambling place. The informant stated that appellant is conducting a gambling operation and is receiving a fee for his services.

2. The informant stated appellant operates a gambling place on Monday, Thursday, and Saturday nights, beginning at approximately 8:00 p.m. and continuing past midnight.

3. Based on the information supplied by the informant, affiant conducted surveillance. Affiant observed several persons, some of which are known gamblers, entering the apartment.

4. The affiant has personally verified the address and has observed persons known to affiant as gamblers enter the apartment. The people are allowed entrance after recognition by someone inside the apartment.

5. On two different occasions, Nelson has observed people sitting around a table inside the apartment. The confidential informant stated the poker table is located in the living room area.

6. The informant states that the betting pot on the table is cut by the dealer of the cards.

7. This informant is known to the affiant and has on previous occasions given information to affiant regarding the violations of gambling laws of the State of texas and on each and every occasion this information has been confirmed and found to be true and correct. The informant has furnished information to the affiant within the past year which has led to the arrest of numerous persons for illegal gambling offenses.

B. Applicable Law

A search warrant must be based upon probable cause. U.S. CONST. amend. IV. Under the Fourth Amendment, an affidavit is sufficient to show probable cause if, from the totality of the circumstances reflected in the affidavit, it provided the magistrate with a substantial basis for concluding that probable cause existed. *Illinois v. Gates,* 462 U.S. 213, 238-39 (1983). Probable cause sufficient to support a search warrant exists if the facts contained within the four corners of the affidavit and the reasonable inferences drawn therefrom justify the magistrate's conclusion that the object of the search is probably on the premises at the time of issuance. *Cassias v. State,* 719 S.W.2d 585, 587-88 (Tex. Crim. App. 1986) (op. on reh'g).

In ascertaining whether a search warrant is based on probable cause, we interpret the affidavit in a common-sense, realistic manner. The magistrate is entitled to draw reasonable inferences from the facts contained in the affidavit. *Ellis v. State,* 722 S.W.2d 192, 196 (Tex. App.-Dallas 1986, no pet.). We give the magistrate's determination of probable cause great deference. *Gates,* 462 U.S. at 236. Our review of the sufficiency of an affidavit is not a *de novo* review. As long as a magistrate had a substantial basis for concluding that a search would uncover evidence of wrongdoing the Fourth Amendment is satisfied. *See Johnson v. State,* 803 S.W.2d 272, 289 (Tex. Crim. App. 1990) *cert. denied,* 111 S. Ct. 2914 (1991).

***5** Although the informant's veracity and reliability are no longer separate and independent requirements for each case, they are still "highly relevant" considerations in the totality of the circumstances review. *Gates,* 462 U.S. at 231. There must be some indicia of reliability of the tip. *Knight v. State,* 814 S.W.2d 545, 547 (Tex. App.-Houston [1st Dist.] 1991, no pet.). The affiant's statement that the informant is reliable and has provided information in the past that led to convictions is sufficient to establish the informant's reliability. *Carmichael v. State,* 607 S.W.2d 536, 538 (Tex. Crim. App. 1980).

If information from an unknown informant alone does not show probable cause, an informant's tip combined with independent police investigation may provide a substantial basis for the probable cause finding. *Janecka v. State,* 739 S.W.2d 813, 825 (Tex. Crim. App. 1987). Corroboration of the details of an informant's tip by independent police work is another relevant consideration in the totality of the circumstances analysis. *Lowery v. State,* 843 S.W.2d 136, 141 (Tex. App.-Dallas 1992, no pet.).

C. Application of Law to Facts

1. Informant's Tip

The magistrate had a substantial basis to determine the informant was reliable. The affiant stated that every time the informant gave him information he found it to be true and correct. He also said that in the past year the informant provided information that led to numerous arrests. *See Carmichael,* 607 S.W.2d at 538.

However, the affidavit does not state the basis of the informant's knowledge. The affidavit does not provide any means of determining how the informant got his information. The affiant's statement that the informant had found and had personal knowledge that people were gambling in the apartment is conclusory. *See Ware v. State,* 724 S.W.2d 38, 41 (Tex. Crim. App. 1986). From the affidavit, the magistrate could not determine the source of the informant's tip.

The informant's reliability and the basis of his knowledge are only relevant factors to determine if there is probable cause and are not determinative. *Gates,* 362 U.S. at 231. One of the factors can show the tip is reliable without the other factor. In *Gates,* the informant's basis of knowledge was sufficient to show the tip was reliable even though the informant's motives were suspect. *See Gates,* 362 U.S. at 235. However, we conclude that without some basis to determine the source of the informant's tip, the statement that the informant is reliable is insufficient to show that the tip was reliable. The informant's tip alone is insufficient to provide the magistrate with a substantial basis for determining probable cause existed.

2. Corroboration

Our conclusion that the informant's tip, standing alone, does not show probable cause does not end our review. If an informant's tip is insufficient, independent police investigation that corroborates the tip can be used to

supplement the tip. The *tip plus corroboration* can then provide a substantial basis for the magistrate's probable cause finding. Corroboration of an informant's tip must consist of more than just innocent activity. *See* *Lowery,* 843 S.W.2d at 143.

***6** Based on the informant's tip, Nelson conducted surveillance of the apartment. During his surveillance he observed many people coming and going from the apartment on the nights the informant said gambling occurred. He stated that people were not admitted until they were identified by people inside the apartment. Nelson said that he could observe people sitting around a table in the apartment. Nelson also said that during his observations of the apartment he saw persons known to him as *gamblers* enter the apartment. We conclude that these observations sufficiently corroborate the informant's tip.

Combining Nelson's observations and the informant's tip, we conclude that there was a substantial basis for the magistrate's determination that there was probable cause to support the warrant. Based on the totality of the circumstances reflected in the affidavit, we conclude that the affidavit provided a substantial basis for the magistrate's determination. We overrule appellant's second point of error.

Because of our determination that the affidavit provided probable cause for the search warrant, we do not reach the State's alternative arguments under its second counterpoint.

CONCLUSION

We overrule appellant's first point of error because the evidence supported the jury's finding that appellant received an economic benefit. We overrule appellant's second point of error because under the totality of the circumstances test the affidavit provided probable cause for the warrant.

We affirm the trial court's judgment.

All Citations

Not Reported in S.W.2d, 1994 WL 67733

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City of Dallas

February 9, 2022

Via Email: ***Jennifer.munoz@dallascityhall.com***
Via Email: ***LaTonia.jackson@dallascityhall.com***
Dallas Board of Adjustment
c/o Jennifer Muñoz & LaTonia Jackson
Administrator & Secretary to Board of Adjustment
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: BDA 212-018; Texas Card House (TCH) at 11814 Harry Hines Blvd., Suite 135 ("Applicant"); Appeal of Building Official's decision revoking TCH's certificate of occupancy

Dear Board Members:

This letter and the attached materials are the City's written response to the above-listed Board of Adjustment appeal by the Applicant, set for hearing on Tuesday, February 22, 2022, at 1:00 p.m. This is an appeal from the revocation of Applicant's certificate of occupancy ("CO") originally issued on October 23, 2020. The City urges the Board of Adjustment to affirm the Building Official's decision because, as shown herein, Applicant's use of the Property to operate a commercial gambling business featuring poker betting violates state law – Texas Penal Code §47.04(a) which prohibits keeping a gambling place or operating a business featuring gambling with cards. Additionally, a building official *shall* revoke a certificate of occupancy if it determines the certificate was issued in error and *shall* deny any application for which the certificate "requested does not comply with the codes, the Dallas Development Code…or any county, state, or federal laws or regulations." *See* Dall., Tex., Administrative Procedures of the Construction Codes, §§ 306.5(1), 306.13(1) (2005) (emphasis added). The City urges the Board of Adjustment to recognize the Building Official was complying with city and state law in revoking the erroneously issued CO.

I. BACKGROUND

A. Revocation of Applicant's certificate of occupancy

Applicant's CO was issued on October 23, 2020. A copy of the CO Application (the "Application") is attached as **Exhibit 1**. A land use statement dated July 2, 2020, (copy attached as **Exhibit 2)** was submitted with the Application.

On December 17, 2021, Applicant's CO was revoked by Assistant Building Official Megan Wimer ("Building Official"). A copy of the revocation is attached as **Exhibit 3**. The CO was revoked in accordance with Section 306.13(1) of Chapter 52: Administrative Procedures for the

EXHIBIT
K

Construction Codes of the City of Dallas, a copy of which is attached as **Exhibit 4**. That section states:

> "The building official shall revoke a certificate of occupancy if the building official determines: 1) the certificate of occupancy is issued in error."

The Building Official determined upon review that the application and related materials showed that the property's use was in violation of the Texas Penal Code §47.04, "Keeping a Gambling Place," and thereby revoked the CO.

B. Statement provided by Applicant shows Applicant operated a gambling place.

A land use statement dated July 2, 2020 submitted by Ryan Crow on behalf of Applicant, (**Exhibit 2**) stated Applicant "will operate at this site as a private club offering poker and similar game**s** to its members." The land use statement makes clear that the only significant activity taking place at the TCH facility was poker. There was no food or alcohol sold on site and no coin operated machines on site. Poker and similar game**s** were the only activities. The fee to become a member, or the "fee to enter," was initially "$10/Day, $30/Month, $300/Year." The hours of operations were planned to be from 11 a.m. to 4 a.m. (Monday-Sunday).

C. Poker games in a commercial establishment where there is any economic benefit are illegal in Texas.

Under Texas law, poker games or tournaments with bets and money changing hands in a commercial establishment where there is *any* economic benefit to *any* person or entity other than the personal winnings of the players are illegal – regardless of whether the activity occurs in a so-called "private" club and regardless of whether or not the "house" takes any portion of the betting pools or pots in each poker game. If the house, host, or location where the poker players play charges any door fee, chair fee, membership fee (whether a daily, weekly, hourly, or annual fee), or derives any economic benefit of any kind from hosting the poker games then the activity is illegal because it constitutes "keeping a gambling place," made unlawful by Texas Penal Code §47.04. Applicant appears to believe that if they operate their business as a "private club" charging membership fees or a "fee to enter" and the house does not take a cut of the pot (or take a rake), the poker business would be legal, but Applicant is mistaken. Applicant's proposed use clearly violates state law, therefore the Building Official properly revoked the CO.

II. DISCUSSION AND ARGUMENT

A. Texas law prohibits gambling or keeping a gambling place (a gambling business).

In Texas, gambling is illegal unless the gambling activity is specifically authorized by an amendment to the Texas Constitution (as is the case with the Texas Lottery and pari-mutual betting at state-authorized and licensed horse and dog racing tracks). No provision of the Texas Constitution authorizes the operation of a gambling business featuring poker and similar games. Contrary to Applicant's bold and erroneous assertion, Texas law does not allow or authorize the operation of a poker business, and the Texas legislature could not authorize operation of a poker business without an amendment to the Texas Constitution.

Chapter 47 of the Texas Penal Code declares gambling illegal in Texas. Texas Penal Code §47.04(a) (copy attached as **Exhibit 5**) provides that a person commits the offense of keeping a gambling place if he knowingly uses or permits another to use as a gambling place any real estate, building, room, or other property whatsoever under his control with an expectation that the property will be used as a gambling place. Texas Penal Code §47.02(a)(3) (copy attached as **Exhibit 6**) provides that a person commits the offense of gambling if he plays or bets for money or other thing of value at any game played with cards or any other gambling device. Under §47.04(b) of the Texas Penal Code, it is an affirmative defense[1] to prosecution for keeping a gambling place if:

> (1) the gambling occurred in a private place;
> (2) no person received any economic benefit other than personal winnings; ***and***
> (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.
>
> (c) An offense under this section is a Class A misdemeanor. (*emphasis added)*

In order to benefit from the affirmative defense, the Applicant must prove all three elements of the defense listed above. The Applicant fails to prove the defense if *any* person receives "any economic benefit" from the gambling activity "other than personal winnings." This defense was designed and intended to allow (or not criminalize) the conduct where a person in their private home or similar "private place" invites friends over to play poker and make bets, where the host does not charge any fees (no membership fees, no "fee to enter," no chair fees, and no hourly fees) for hosting the event and "no person received any economic benefit other than personal winnings." The affirmative defense was not designed or intended to allow a commercial business to operate a poker club or poker room and sell so-called memberships (so it can call itself a "private" club) or collect fees or charges of any kind that results in the operator gaining an "economic benefit," which defeats the affirmative defense. The Applicant's operations on the site are clearly illegal as the house obtains an "economic benefit" by collecting membership fee**s** and entrance fees, live streaming the activities on its YouTube Channel, and selling its branded merchandise to patrons. Gamblers at TCH participate knowing that such participation confers some benefit to the owners and operators, whether in terms of club membership fees or "fees to enter." Additionally, according to the commentary on section 47.02(b)—"charges for the privilege of using the facilities"— the fees TCH charges would not fall within the affirmative defense because they served as a prerequisite for using the facilities. Therefore, the certificate of occupancy was properly revoked.

B. Applicant's use is a commercial poker room, and it is not a private place under Texas gambling law.

The Applicant makes no attempt to minimize the gambling aspect of its business operation where poker and similar games are the centerpiece of its business, if not the exclusive use. Calling it a private club and requiring persons to pay a membership or entrance fee does not qualify the business as a "private place" under Chapter 47 of the Texas Penal Code. In addition, the Applicant streams poker games on YouTube for the public to watch.[2] The definition of private place for purposes of the defense to keeping a gambling place is narrowly construed to exclude any place

[1] An affirmative defense means facts that a defendant must prove in order to avoid liability.
[2] *See, e.g.* https://www.youtube.com/c/TCHLiVEPoker/videos.

that the public has access to and instead applies to friendly poker games among friends such as in someone's private home. For the defense to apply, the poker game must both occur in a private place *and* there can be no economic benefit to any person other than personal winnings. Applicant fails to meet either of these prongs, therefore the use is in violation of state law and the certificate of occupancy was properly revoked.

III. LEGAL AUTHORITY

A. Texas case law supports the Building Official's decision because the requirement that "no person received any economic benefit" is construed broadly.

In *Gaudio v. State*, No. 05-91-01862-CR, 1994 WL 67733 (Tex. App.—Dallas, March 7, 1994, writ ref'd) (copy attached as **Exhibit 7)** the jury convicted the defendant of unlawfully keeping a gambling place. On appeal, the defendant argued that the affirmative defense to prosecution applied. The defendant rented an apartment where a group of friends gathered three nights a week to play poker. A dealer was hired to deal the cards and a waitress was hired to serve food and drinks during the games. The group agreed to cut from the betting pot from each hand to pay (or reimburse defendant) for the expenses defendant incurred in keeping the apartment to play poker. (*Id.* at 1). The winner of each hand tipped the dealer, as the main source of the dealer's compensation. (*Id.* at 1).

At trial, the jury decided that elements (1) and (3) of the affirmative defense were established (i.e., the apartment was a "private place", and the risks of losing were the same for all participants) and on appeal the State agreed that the evidence supported the jury's findings on these two elements. (*Id*. at 2). The jury concluded that the defendant had failed to satisfy his burden to show the second element of his defense (i.e., that "no person received any economic benefit other than personal winnings").

On appeal, the Court noted that the dealer and the waitress had received an "economic benefit" as they were paid for their services to the poker players, which defeated the affirmative defense and was sufficient evidence to affirm the jury verdict and conviction. (*Id*. at 2). The Court also noted that even if the "economic benefit" element were viewed to mean that the host or sponsor of the "gambling place" can establish the defense as long as the host/sponsor does not receive "any economic benefit other than personal winnings," then the defendant had still derived an "economic benefit" because the rent for the apartment, which defendant was legally obligated to pay, was paid or reimbursed by others, constituting an "economic benefit" and defeating the defense, so defendant's conviction was affirmed. (*Id*. at 3).

Miller v. State, 874 S.W. 2d 908 (Tex. App.—Houston (1st Dist.,1994, pet. denied) (copy attached as **Exhibit 8**) interprets the second "economic benefit" element of the section 47.02(b)(2) affirmative defense available to otherwise illegal gambling operations in Texas. (*Id.* at 910). Here, the jury convicted the defendant of gambling when he visited a gambling place to gamble. (*Id.* at 910-12). At this gambling place, a person received an "economic benefit other than personal winnings" when the owner(s) and investor(s) in the gambling place had an agreement to split the profits from the games. (*Id.* at 912). Given this context, the court stated: "'any economic benefit' would certainly include the sharing of profits by the owner of the house [and] his partner. Similarly, 'received' would always include the time period the craps game was being played." (*Id.* at 912).

Miller illustrates that when owner(s), operator(s), or others receive revenue from the gambling business they receive an "economic benefit" from keeping a gambling place, which is unlawful.

The *Miller* decision endorses the Texas Penal Code's definition of "benefit" "as anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested," but the penal code provides no definition of "economic." (*Id.* at 911). Thus, the court here turned to section 311.011(a) of the Texas Government Code, which states "words or phrases must be read in the context in which they are used and construed according to the rules of grammar and common usage." (*Id.*). The court also relies on commentary to section 47.02 of the Texas Penal Code, which states that "elements of the defense in Subsection (b) are designed to exclude any form of exploitative or commercialized gambling.... therefore, if one party gets a special cut from each pot or charges for the privilege of using the facilities, none of the participants can rely on this defense." (*Id.* at 912).

B. **Texas Attorney General opinions support the Building Official's decision**.

The Texas Attorney General has also provided some guidance on these issues. Texas Attorney General Opinion No. GA-0335 (2005) addresses the question whether it would be lawful for a bar/restaurant to host an on-premises poker tournament where: 1) participants pay a modest or nominal entry fee; and 2) the house intends to take no cut of the entry fee of each player and the entire prize pool generated by the number of players times each player's entry fee will be paid out to the winning players at the end of the night. After analyzing relevant factors, the Opinion concludes: "…a bar or restaurant that hosts a Texas Hold-Em poker tournament would violate the prohibition against "keeping a gambling place." Texas Penal Code §47.04(a). This Opinion makes clear that even if the house takes no cut of the entry fee paid by each player and the entire prize pool is fully disbursed to the winning players, that fact or structure does not protect the host from the offense of "keeping a gambling place."

The Applicant's land use statement (See **Exhibit 2**) makes it clear that Applicant intends to collect membership fees or a "fee to enter" from club members. Thus, Applicant plans to collect charges or assessments from persons who come to Applicant's establishment to play poker. As a result of the collection of fees or charges of any kind, Applicant derives an "economic benefit" from the operations of the poker business, which defeats the affirmative defense and means that Applicant is "keeping a gambling place." The land use statement also makes clear that the Applicant intended to live stream the games played at TCH on YouTube, providing a possible "economic benefit" from any ad revenue the live streams generate. Furthermore, any employees who are paid or tipped to work at Applicant's poker business derive an "economic benefit" from their employment, which means that Applicant cannot prove the affirmative defense.

Texas Attorney General Letter Opinion dated November 3, 1990 (LO-90-88) addresses whether a person located in Texas can call another state to play lottery games or other games of chance which would be illegal in Texas and pay for the wagers or bets by using a credit card. The Opinion concludes that because the transactions would generate an economic benefit to a third party, the defense to prosecution would not apply. As demonstrated by this Opinion, the requirement of the affirmative defense that "no person received any economic benefit" is viewed very broadly, such that if *any* person (either the host of the game(s), or a third party, or even an employee) derives any "economic benefit" from the gambling operation "other than personal

winnings" received by the players, the affirmative defense to a gambling offense fails. Texas law prohibiting gambling is written in such a way that gambling cannot be operated as a business without violating the law, because when poker games are operated as a business then some person(s) will receive an economic benefit other than personal winnings. If a poker game is played in the host's home (i.e., a "private place") where there are no fees charged by the host, and no employees are paid to work at the games (so there is no business or commercial aspect to the activity), then the affirmative defense might be available. The affirmative defense is not intended to allow a commercial poker room to operate and collect revenues or receive any economic benefit.

Texas Attorney General Opinion No. DM-344 (1995) addresses whether two or more persons, each using a separate personal computer in a private place, play a card game with each other and bet on the outcome of the game**s** would constitute illegal gambling. The Opinion further explores what might constitute "private place" for purposes of the defense to prosecution under Chapter 47 of the Penal Code. The Opinion states whether a place is private is determined by the scope of access by others, and even a place traditionally viewed as private, such as a residence, would not be a private place for the purpose of the defense if the public had access to gamble there.

Texas Attorney General Opinion No. GA-0358 (2005) addresses whether the legislature, in the absence of a constitutional amendment, may authorize the creation of county gaming districts on a local option basis to administer a state video lottery. In finding that the legislature may not authorize such creation without a constitutional amendment, the Opinion clearly states that it is well established that the legislature may not authorize an action (such as gambling) that the Texas Constitution prohibits.

IV. CONCLUSION

The Building Official correctly determined that Applicant's use (operating poker games and similar games and collecting membership fees and "fees to enter") constituted illegal gambling, so the CO was properly revoked. Not only does Applicant's business derive an economic benefit from the poker games, but the business also does not constitute a "private place" because a private club (as suggested by Applicant) is not synonymous with a "private place" under the Texas gambling laws. The Board should reject Applicant's appeal and affirm the Building Official's correct revocation.

Sincerely,

Gary R. Powell
Senior Assistant City Attorney

Charlotta S. Riley
Senior Assistant City Attorney

GRP
Attachments

DATE: 03/03/2020

CO NO: (OFFICE USE ONLY) 20030310 40

CERTIFICATE OF OCCUPANCY APPLICATION

City of Dallas

NAME OF BUSINESS (DBA)	STREET ADDRESS OF BUSINESS	BLDG AND SUITE NUMBER
Texas Card House	11826 Harry Hines Blvd.	135

PROPERTY OWNER	ADDRESS	CITY
Anna Seo	11818 Harry Hines Blvd.	Dallas

STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
TX	75234	972.421.2700	anna@sammoon.com

MANAGER/OPERATOR OF USE OR BUSINESS	ADDRESS	CITY
Ryan Crow	11826 Harry Hines Blvd. Suite 135	Dallas

STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
TX	75234	409.779.9299	ryan@texascardhouse.com

APPLICANT (if different from manager/operator)	ADDRESS	CITY
Juan Santiago	2532 Highlander Way Suite 100	Carrollton

STATE	ZIP CODE	PHONE NO	E-MAIL ADDRESS
TX	75006	214.803.8600	juans@abstractconstruction.com

DESCRIBE THE PROPOSED USE OF PROPERTY (attach additional sheets if necessary)

Gaming Room

What is the square footage of the tenant space or building? 7,669 square feet

☑ YES ○ NO	Is this a change in use of land, tenant space or building?	See CO Checklist for plan submittal requirements.
○ YES ☑ NO	Is the proposed use "personal services" (barber/beauty shop, shoe repair, tailor, instructional arts, laundry/dry cleaning pickup/dropoff, photo studio, handcrafted art work, etc.)?	Provide Personal Services Affidavit executed by business owner, see CO Checklist for additional requirements.
○ YES ☑ NO	Will potentially hazardous foods/open foods be sold and/or served?	*Food Establishment Permit Application* required (only available from City staff)
○ YES ☑ NO	Will alcohol be sold and/or served?	Provide completed Alcohol Measurement Certification Application Checklist and Alcohol Certification Affidavit Forms
○ YES ☑ NO	Will there be a dance floor?	Annual license fee charged to businesses operating a place where dancing is allowed (subject to approval from Dallas Police Vice Control, call 214-671-3230 for more information. Applications available from Special Collections at 1500 Marilla St, 2DS; M-F, 8 am to 5 pm, or call 214-670-3438.
○ YES ☑ NO	Is the proposed use a doctor's office, dentist office or other medical office or health care office?	Applicant must execute Ambulatory Health Care Facility form attesting to new or pre-exisiting conditions & facts pertaining to the health care model for any doctor's, dentist, or other medical offices (except hospitals, emergency rooms & care clinics).
○ YES ☑ NO	Will you display or offer for sale smoking paraphernalia commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances (except rolling papers, tobacco cigarettes or cigars)?	If 'YES' then a Specific Use Permit is required; or, if the use is nonconforming then applicant must provide verifiable proof that the that the display or sale or paraphernalia, etc. previously existed. Additionally, you must register under Chapter 12B of the Dallas City Code.

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE: J.M.

FOR OFFICE USE ONLY

Change in Land Use? ○ YES ☒ NO Change in Occupancy? ☒ YES ○ NO Is Use Nonconforming? ○ YES ○ NO

Previous CO Number: _____ Related Permit Number: _____ Related Project Number: _____

ZONING				BUILDING		MISCELLANEOUS	
LAND USE: 7396	BASE ZONING: MU-2(SAH)	PD	SUP	CONSTRUCTION TYPE: IB	OCCUPANCY: RC	ACTIVITY	OWN
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER: AC	OCCUPANT LOAD: 329	FLOOD PLAIN	AIRPORT
LOT AREA	CONSERVATION DIST	PARKING AGREEMENT	DELTA CREDITS	STORIES: 1	DWELLING UNITS	BDA	HISTORIC DISTRICT

ROUTE TO	REVIEWED	DATE	COMMENTS
PRESCREEN	K.H.T	3/3/20	
ZONING			
BUILDING	DM	3-5-2020	
CODE			
OTHER:			

FEE CALCULATIONS ($)	
CO APP FEE	215.00
CE INSP FEE	
HEALTH PERMIT APP FEE	
OTHER FEES	Reinf. 65.00
TOTAL FEES	$ 280.00

EXHIBIT 1
BDA 212-018

DATE: 03/03/2020

APPLICATION TYPE
REGULAR ○ EXPRESS ☑

PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY

City of Dallas

JOB NO: (OFFICE USE ONLY)

PERMIT NO: (OFFICE USE ONLY) 20030310 36

Master

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLDG/FLOOR NO	USE OF PROPERTY
11822 Harry Hines Blvd.	135	Gaming Room

APPLICANT	ADDRESS	CITY	STATE	ZIP CODE
Juan Santiago	2532 Highlander Way 100	Carrollton	TX	75006

DBA (IF APPLICABLE)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
Texas Card House	214.779.9299	ryan@texascardhouse.com

CONTRACTOR-INDIVIDUAL	CONTRACTOR NUMBER	PIN	COMPANY NAME
Juan Santiago			Abstract Construction

CURRENT HOME REPAIR LICENSE ON FILE?	IF YES, LIST NUMBER	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
○ YES ○ NO			

PROPERTY OWNER (INDIVIDUAL CONTACT)	ADDRESS	CITY	STATE	ZIP CODE
Anna Seo	11818 Harry Hines Blvd.	Dallas	TX	75234

PROPERTY OWNER (COMPANY NAME)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
SAM MOON	972.421.2700	anna@samnoon.com

DESCRIPTION OF PROPOSED PROJECT: Gaming Room

VALUATION ($) Commercial Only		CONST AREA (sq ft)	
NEW CONST			NEW CONST
MFG OTHER			MFG OTHER
REMODEL	380,000.00		REMODEL 7,669
TOTAL VALUATION	380,000.00		TOTAL AREA 7,669

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX

☒ BUILDING	☒ PLUMBING	☐ FENCE	☐ DRIVE APPROACH	☐ BACKFLOW	☐ BARRICADE	☐ ENERGY	
☒ ELECTRICAL	☒ FIRE SPRKLR	☐ SIGN	☐ SWIMMING POOL	☐ CUSTOMER SVC	☐ GREEN	☐ PAVING/GRADING	
☒ MECHANICAL	☒ FIRE ALARM	☐ LANDSCAPE	☐ LAWN SPRINKLER	☐ FLAMMABLE LIQUID	☐ OTHER:		

All food service establishments require a grease interceptor to be installed on site. Is there a grease interceptor on site? ○ YES ○ NO

The following is applicable to all applications for building permits that are accepted and routed for any reviews. As required by Texas Local Government Code Section 214.904, the City of Dallas will grant (Approve) or deny your building permit application to erect or improve a building or other structure no later than the 45th day after the application is submitted. Denial of a permit application due to time constraints may be avoided by agreeing to allow the City the following additional time to review the application:

I hereby agree to a deadline of 14 days to grant or deny the permit after the date of the approval of all of the following reviews, as applicable, where the applicant has provided the plans examiners the requested corrections, plans and actions; and, the contractor has been named on the permit:

Zoning, Building Code, Electrical Code, Plumbing/Mechanical Code, Green Building Code, Health, Historical/Conservation District, Engineering/Flood Plain, Water Utilities, Fire Code, Landscaping and Aviation.

If the permit is granted (*Approved*) within this deadline the City will retain and/or assess all fees. If the permit is denied within this deadline, the City will retain all plan review fees and 20 percent of the permit fees. If the permit application is not granted or denied within the agreed additional time of review, the City will refund any permit fees that have been collected and the City may not collect any permit fees associated with the application.

☑ I AGREE ○ I DO NOT AGREE.

I UNDERSTAND THAT THIS PERMIT APPLICATION WILL EXPIRE IN 180 DAYS FROM THE APPLICATION DATE. I MAY REQUEST IN WRITING AN ADDITIONAL 180 DAY EXTENSION OF THE PERMIT APPLICATION PRIOR TO THE APPLICATION EXPIRATION. IF THE APPLICATION IS ALLOWED TO EXPIRE, IT MAY ONLY BE REACTIVATED BY THE FILING OF A NEW APPLICATION INCLUDING APPLICABLE PLANS AND FEES

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE	DATE OF APPLICATION SUBMISSION
J. M.	03/03/20

Master

FOR OFFICE USE ONLY

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLDG/FLOOR NO	PROJECT/PERMIT NUMBER
11827 Harry Hines	135	200303103b

ZONING

LAND USE	TYPE OF WORK	BASE ZONING	PD
7396		MU-2(SAH)	
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING
LOT AREA	BDA	SUP	RAR
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT

BUILDING

CONSTRUCTION TYPE	OCCUPANCY
VB	A2
SPRINKLER	OCCUPANT LOAD
ALL	329
STORIES	DWELLING UNITS
1	
NUMBER BEDROOMS	NUMBER BATHROOMS

MISCELLANEOUS

ACTIVITY	DWN
FLOOD PLAIN	AIRPORT
SPECIAL INSPECTIONS	HISTORICAL
DRY	LL

ROUTE TO		REVIEWER	DATE
PRE-SCREEN	✓	K.H.T.	3/3/20
ZONING			
BUILDING		BAL	3-5-2020
ELECTRICAL			
PLUMBING/MECHANICAL			
GREEN BUILDING			
HEALTH			
HISTORICAL/CONS DIST			
ENGINEERING			
WATER			
FIRE			
LANDSCAPING			
AVIATION			
OTHER:			

APPLICATION REMARKS

FEE CALCULATIONS ($)

PERMIT FEE	
SURCHARGE	
PLAN REVIEW FEE	
PREQUALIFICATION REVIEW FEE	
EXPRESS PLAN REVIEW HOURLY FEE TOTAL	
HEALTH PERMIT APPLICATION FEE	
HEALTH PLAN REVIEW FEES	
OTHER FEES	
OTHER FEES	
TOTAL FEES	$

PLAN REVIEW NOTES

Land Use Statement

Texas Card House
11834 Harry Hines Blvd., #135
Dallas, Texas

The Texas Card House in Dallas Texas will operate at this site as a private club offering poker and similar game to its members. The location will include several poker tables, pool tables, and other gaming amenities for legal games in Texas.

- Will operate seven days a week and plan to be open from 11am -4am.
- Will operate as a private club that charges a fee to enter. The fee to become a member will initially be $10/Day, $30/Month, $300/Year.
- There will be no alcohol sold on the premises or stored on site. Members will be able to BYOB but there will be no setup fees, charges, or any financial transactions associated with this.
- There will be no coin operated machines, slots, or other automated gaming devices.
- All payment collected from players is for access to the club and club memberships.
- All winnings from poker games will stay with the players and no person will receive an economic benefit from the game other than personal winnings.
    - As an added precaution we have created special "tip chips" that are used to tip staff so that players do not unknowingly violate this by giving poker winnings to others.
- Texas Card House will be streaming live shows on its YouTube channel TCH Live 2-3 days per week.
- T-shirts, Hats, playing cards and other TCH branded items will be sold at this location.

Name: Ryan Crow

Title: CEO

Date: 7/2/2020

Signature: _____

Notary

BEFORE ME, the undersigned authority, on this 2nd day of July, 2020 the person whose name is signed to the foregoing document personally appeared and duly sworn by me, each states under oath that he or she has read the said document and that all facts therein set forth are true and correct.

SIGN HERE: _____

KARLA G GONZALEZ-LOPEZ
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 01/23/2022
NOTARY ID 13141498-6

EXHIBIT
2
BDA 212-018

CITY OF DALLAS

December 17, 2021

CERTIFIED MAIL NO. 7020 1290 0000 3631 0112

Ryan Crow, CEO
11834 Harry Hines Boulevard, #135
Dallas, TX 75234

RE: Revocation of Certificate of Occupancy No. 2003031040 for a commercial amusement (inside) use, dba Texas Card House at 11834 Harry Hines Boulevard, #135 ("the Property")

Dear Mr. Crow:

This letter is to inform you that the above-referenced certificate of occupancy issued on October 23, 2020 is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.[1]

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2003031040 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating.[2] The commercial amusement (inside) use may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

1 Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

2 Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

EXHIBIT 3
BDA 212-018

CITY OF DALLAS

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.[3] If you have any questions, please contact me at 214-948-4501.

Sincerely,

Megan Wimer, AICP, CBO, Assistant Building Official
Building Inspection Division

cc: Dr. Eric Johnson, Chief of Economic Development and Neighborhood Services
David Session, CBO, Interim Building Official
Tammy L. Palomino, First Assistant City Attorney
Major Devon Palk, Dallas Police Department
Lieutenant Lisette Rivera, Dallas Police Department

[3] Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code

306.12 Voiding of certificate of occupancy.

306.12.1 Void *ab initio*. A certificate of occupancy shall be void *ab initio* if the use or occupancy authorized by that certificate of occupancy is not commenced before the 120th day after the date of its issuance unless one or more extensions are granted under Subsection 306.12.2, in which case the certificate of occupancy shall be void *ab initio* if the use or occupancy is not commenced during the extended time period(s). (Ord. 26029; 26579)

306.12.2 Extensions of time. The building official may grant one or more extensions of time for periods not exceeding 120 days each if the building official finds that circumstances beyond the control of the holder of the certificate of occupancy have prevented the use or occupancy from being commenced. If a request for extension is made by the applicant or the applicant's agent, the request must be in writing and made within the time period sought to be extended. (Ord. 26029; 26579)

306.12.3 Void. A certificate of occupancy shall be void if:

1. A specific use permit required by the *Dallas Development Code* to operate the use or occupancy expires; or

2. A compliance date for the use or occupancy set by ordinance or the board of adjustment in accordance with the *Dallas Development Code* has passed. (Ord. 26579)

2. the certificate of occupancy is issued on the basis of false, incomplete, or incorrect information supplied;

3. a use or occupancy is being operated in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;

4. the structure or portion of the structure is a substantial danger of injury or an adverse health impact to any person or property and is in violation of the codes, the *Dallas Development Code*, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations;

5. a required city, county, state, or federal license, permit, or registration to operate the use or occupancy has not been issued, has been revoked, or has expired;

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 10. Offenses Against Public Health, Safety, and Morals (Refs & Annos)
Chapter 47. Gambling (Refs & Annos)

V.T.C.A., Penal Code § 47.04

§ 47.04. Keeping a Gambling Place

Currentness

(a) A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.

(b) It is an affirmative defense to prosecution under this section that:

(1) the gambling occurred in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) An offense under this section is a Class A misdemeanor.

Credits

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1977, 65th Leg., p. 667, ch. 251, § 1, eff. Aug. 29, 1977. Acts 1989, 71st Leg., ch. 1030, § 1, eff. Sept. 1, 1989. Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

Notes of Decisions (68)

V. T. C. A., Penal Code § 47.04, TX PENAL § 47.04
Current through the end of the 2021 Regular Session and Chapters 1 to 6 of the Second Called Session of the 87th

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 10. Offenses Against Public Health, Safety, and Morals (Refs & Annos)
Chapter 47. Gambling (Refs & Annos)

V.T.C.A., Penal Code § 47.02

§ 47.02. Gambling

Effective: January 1, 2016

Currentness

(a) A person commits an offense if he:

(1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;

(2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or

(3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.

(b) It is a defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place;

(2) no person received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(c) It is a defense to prosecution under this section that the actor reasonably believed that the conduct:

(1) was permitted under Chapter 2001, Occupations Code;

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1994 WL 67733
Only the Westlaw citation is currently available.

NOTICE: NOT DESIGNATED FOR PUBLICATION. UNDER TX R RAP RULE 47.7, UNPUBLISHED OPINIONS HAVE NO PRECEDENTIAL VALUE BUT MAY BE CITED WITH THE NOTATION "(not designated for publication)."

Court of Appeals of Texas, Dallas.

Richard Anthony GAUDIO, Appellant,
v.
The STATE of Texas, Appellee.

No. 05-91-01862-CR.
|
March 7, 1994.

On Appeal from the 204th Judicial District Court Dallas County, Trial Court Cause No. F91-23691-Q.

Before LAGARDE, BURNETT and ROSENBERG, JJ.

LAGARDE, Justice.

O P I N I O N

***1** A jury convicted appellant of unlawfully keeping a gambling place. The trial court set punishment at two year's confinement, probated for three years, and a $1,000 fine. Appellant contends that the evidence is insufficient to support his conviction and that the trial court erred in denying his motion to suppress. We overrule appellant's points of error and affirm the trial court's judgment.

SUFFICIENCY OF THE EVIDENCE

At trial, appellant presented evidence on the statutory affirmative defense to unlawfully keeping a gambling place. Appellant had to prove by a preponderance of the evidence that: (1) the gambling occurred in a private place; (2) no one received an economic benefit other than personal winnings; and (3) there was an equal chance of winning in poker. The jury found that appellant received an economic benefit, thereby finding that appellant failed to prove his affirmative defense.

Appellant argues that the jury's finding that he received an economic benefit is against the great weight and preponderance of the evidence. He asserts, therefore, that the evidence is insufficient to support his conviction. The State argues that the evidence supports the jury's finding on economic benefit.

A. Relevant Facts

A group of friends gathered at an apartment rented by appellant to play poker three nights a week. The group agreed to cut the betting pot from each hand to pay for the expenses connected with keeping the apartment to play poker. The group hired a dealer to deal the cards. They also hired a waitress who served food and drinks during the games. Police executed a search warrant at the apartment during a poker game and arrested appellant.

The evidence on economic benefit was not disputed. The dealer testified to the following facts: he dealt the cards at the poker games three nights a week; he cut money from the betting pots to pay the expenses of maintaining the apartment; he gave the money to appellant; the winner of each hand tipped him for his services; and he would play poker from time to time.

Defense witnesses testified to the following facts: appellant volunteered to lease the apartment in his name; cuts were taken from the poker pot to pay expenses; the expenses included the apartment's rent, the telephone, playing cards, poker chips, food, alcohol and cigarettes; everyone agreed to paying the expenses from the cuts from the betting pot; and once they covered expenses there were no more cuts to the betting pot.

B. Standard of Review

The Texas Constitution authorizes a court of appeals to review factual sufficiency questions on a defendant's affirmative defense. *Meraz v. State*, 785 S.W.2d 146,

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154 (Tex. Crim. App. 1990). When a court of appeals is called upon to examine whether an appellant proved his affirmative defense, the correct standard of review is whether after considering all the evidence relevant to the issue at hand, the judgment is so against the great weight and preponderance of the evidence so as to be manifestly unjust. *See* *Meraz,* 785 S.W.2d at 155.

***2** Appellant argues that the great weight and preponderance of the evidence shows that he proved his affirmative defense, thus the State failed in its burden to prove the elements of the offense beyond a reasonable doubt. However, at the foundation of every affirmative defense is the practical, if not technical, necessity of the defendant acknowledging that he committed the otherwise illegal conduct. *Meraz,* 785 S.W.2d at 153. Therefore, proof of an affirmative defense does not necessarily mean there was insufficient evidence to support the conviction.

C. Applicable Law

The penal code defines the offense of unlawfully keeping a gambling place and the affirmative defense to the offense as follows:

(a) a person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents, or lets any such property with a view or expectation that it be so used.

(b) it is an affirmative defense to prosecution under this section that:

(1) the actor engaged in gambling in a private place

(2) *no person* received any economic benefit other than personal winnings; and

(3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

(Emphasis added.) TEX. PENAL CODE ANN. § 47.04 (Vernon 1989). The practice commentary following section 47.04 states:

Unfortunately the statement of the defense is defective in this section, but hopefully the courts will interpret it according to the legislature's clear intent-as if it read:

(b) It is a defense to prosecution under this section that:

* * *

(2) *no person gambling there* received any economic benefit other than personal winnings....

(Emphasis added.) Seth S. Searcy III & James R. Patterson, Practice Commentary, TEX. PENAL CODE ANN. § 47.04 (Vernon 1989).

The penal code defines benefit as anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested. TEX. PENAL CODE ANN. § 1.07 (Vernon 1989).

The penal code does not define economic. When a statute does not define the language it uses, the courts should interpret the statute using the common usage of the word. *Campos v. State,* 623 S.W.2d 657, 658 (Tex. Crim. App. 1981); TEX. GOV'T CODE ANN. § 311.011 (Vernon 1988). Economic means of or pertaining to the production, development, and management of material wealth or finances. THE AMERICAN HERITAGE DICTIONARY (1991).

D. Application of Law to Facts

The jury found that the apartment was a private place and that poker is a game with an equal chance of winning except for the advantage of skill or luck. TEX. PENAL CODE ANN. § 47.04(b)(1), and (3). The State and appellant agree that the evidence supports those jury findings. The testimony on economic benefit is undisputed.

***3** Based on the plain language of the statute *no person* can receive an economic benefit. If we apply the plain language of the statute, the jury's finding is not against the great weight and preponderance of the evidence. In this case the waitress and dealer received tips from the players. The receipt of money as tips is an economic benefit.

If we interpret the statute as the practice commentary

suggests, i.e., that *no person gambling there* received an economic benefit, the evidence still supports the jury's finding. The dealer received money as a tip for each hand he dealt. He played poker with the others from time to time. The dealer's tips were an economic benefit *to a person gambling there.* Therefore, someone who gambled at the apartment received an economic benefit other than personal winnings.

Even if we interpret section 47.04, as appellant argues, to mean only the defendant cannot receive an economic benefit, the jury's finding that appellant received an economic benefit is not against the great weight and preponderance of the evidence. Appellant did not dispute that he was the lessee on the lease for the apartment. The State and appellant introduced evidence that the players paid the rent from cuts of the betting pots.

As lessee, appellant was legally obligated to pay the rent on the apartment. Paying the rent from the money cut from the betting pots relieved appellant of this legal obligation. We conclude that paying rent that another is legally obligated to pay is an economic benefit to that person.

The jury's finding that appellant received an economic benefit is not against the great weight and preponderance of the evidence. We overrule appellant's first point of error.

MOTION TO SUPPRESS

Appellant contends that the trial court should have suppressed all evidence and testimony resulting from the search warrant in this case. Appellant argues that the affidavit supporting the warrant does not provide probable cause for the warrant. Appellant claims that the affidavit is inadequate because it does not state the basis of the informant's knowledge.

The State contends that the affidavit provides probable cause for the warrant, arguing that independent corroboration by the police overcame any defects in the affidavit. Alternatively, the State argues that the doctrine of curative admissibility cures any error. Finally, the State argues that the failure to suppress the evidence is harmless under rule 81(b)(2) of the rules of appellate procedure. TEX. R. APP. P. 81(b)(2).

A. Relevant Facts

Sergeant Nelson testified that a confidential informant told him that people were gambling on a regular basis at 4043 Harvest Hill Road in apartment ## 2164. Apartment # 2164 was the apartment rented by appellant where the group gathered to play poker. Nelson and other officers conducted surveillance to confirm the informant's information. For approximately one month the officers conducted surveillance of the apartment three nights a week.

***4** The affidavit filed by Nelson to get the search warrant contained the following statements:
1. Affiant talked with a confidential informant who is known to the affiant. The affiant first talked to the informant one month before and was told that the informant had found and had personal knowledge that appellant was keeping the apartment as a gambling place. The informant stated that appellant is conducting a gambling operation and is receiving a fee for his services.

2. The informant stated appellant operates a gambling place on Monday, Thursday, and Saturday nights, beginning at approximately 8:00 p.m. and continuing past midnight.

3. Based on the information supplied by the informant, affiant conducted surveillance. Affiant observed several persons, some of which are known gamblers, entering the apartment.

4. The affiant has personally verified the address and has observed persons known to affiant as gamblers enter the apartment. The people are allowed entrance after recognition by someone inside the apartment.

5. On two different occasions, Nelson has observed people sitting around a table inside the apartment. The confidential informant stated the poker table is located in the living room area.

6. The informant states that the betting pot on the table is cut by the dealer of the cards.

7. This informant is known to the affiant and has on previous occasions given information to affiant regarding the violations of gambling laws of the State of texas and on each and every occasion this information has been confirmed and found to be true and correct. The informant has furnished information to the affiant within the past year which has led to the arrest of numerous persons for illegal gambling offenses.

B. Applicable Law

A search warrant must be based upon probable cause. U.S. CONST. amend. IV. Under the Fourth Amendment, an affidavit is sufficient to show probable cause if, from the totality of the circumstances reflected in the affidavit, it provided the magistrate with a substantial basis for concluding that probable cause existed. *Illinois v. Gates,* 462 U.S. 213, 238-39 (1983). Probable cause sufficient to support a search warrant exists if the facts contained within the four corners of the affidavit and the reasonable inferences drawn therefrom justify the magistrate's conclusion that the object of the search is probably on the premises at the time of issuance. *Cassias v. State,* 719 S.W.2d 585, 587-88 (Tex. Crim. App. 1986) (op. on reh'g).

In ascertaining whether a search warrant is based on probable cause, we interpret the affidavit in a common-sense, realistic manner. The magistrate is entitled to draw reasonable inferences from the facts contained in the affidavit. *Ellis v. State,* 722 S.W.2d 192, 196 (Tex. App.-Dallas 1986, no pet.). We give the magistrate's determination of probable cause great deference. *Gates,* 462 U.S. at 236. Our review of the sufficiency of an affidavit is not a *de novo* review. As long as a magistrate had a substantial basis for concluding that a search would uncover evidence of wrongdoing the Fourth Amendment is satisfied. *See Johnson v. State,* 803 S.W.2d 272, 289 (Tex. Crim. App. 1990) *cert. denied,* 111 S. Ct. 2914 (1991).

***5** Although the informant's veracity and reliability are no longer separate and independent requirements for each case, they are still "highly relevant" considerations in the totality of the circumstances review. *Gates,* 462 U.S. at 231. There must be some indicia of reliability of the tip. *Knight v. State,* 814 S.W.2d 545, 547 (Tex. App.-Houston [1st Dist.] 1991, no pet.). The affiant's statement that the informant is reliable and has provided information in the past that led to convictions is sufficient to establish the informant's reliability. *Carmichael v. State,* 607 S.W.2d 536, 538 (Tex. Crim. App. 1980).

If information from an unknown informant alone does not show probable cause, an informant's tip combined with independent police investigation may provide a substantial basis for the probable cause finding. *Janecka v. State,* 739 S.W.2d 813, 825 (Tex. Crim. App. 1987). Corroboration of the details of an informant's tip by independent police work is another relevant consideration in the totality of the circumstances analysis. *Lowery v. State,* 843 S.W.2d 136, 141 (Tex. App.-Dallas 1992, no pet.).

C. Application of Law to Facts

1. Informant's Tip

The magistrate had a substantial basis to determine the informant was reliable. The affiant stated that every time the informant gave him information he found it to be true and correct. He also said that in the past year the informant provided information that led to numerous arrests. *See Carmichael,* 607 S.W.2d at 538.

However, the affidavit does not state the basis of the informant's knowledge. The affidavit does not provide any means of determining how the informant got his information. The affiant's statement that the informant had found and had personal knowledge that people were gambling in the apartment is conclusory. *See Ware v. State,* 724 S.W.2d 38, 41 (Tex. Crim. App. 1986). From the affidavit, the magistrate could not determine the source of the informant's tip.

The informant's reliability and the basis of his knowledge are only relevant factors to determine if there is probable cause and are not determinative. *Gates,* 362 U.S. at 231. One of the factors can show the tip is reliable without the other factor. In *Gates,* the informant's basis of knowledge was sufficient to show the tip was reliable even though the informant's motives were suspect. *See Gates,* 362 U.S. at 235. However, we conclude that without some basis to determine the source of the informant's tip, the statement that the informant is reliable is insufficient to show that the tip was reliable. The informant's tip alone is insufficient to provide the magistrate with a substantial basis for determining probable cause existed.

2. Corroboration

Our conclusion that the informant's tip, standing alone, does not show probable cause does not end our review. If an informant's tip is insufficient, independent police investigation that corroborates the tip can be used to

supplement the tip. The *tip plus corroboration* can then provide a substantial basis for the magistrate's probable cause finding. Corroboration of an informant's tip must consist of more than just innocent activity. *See* *Lowery,* 843 S.W.2d at 143.

***6** Based on the informant's tip, Nelson conducted surveillance of the apartment. During his surveillance he observed many people coming and going from the apartment on the nights the informant said gambling occurred. He stated that people were not admitted until they were identified by people inside the apartment. Nelson said that he could observe people sitting around a table in the apartment. Nelson also said that during his observations of the apartment he saw persons known to him as *gamblers* enter the apartment. We conclude that these observations sufficiently corroborate the informant's tip.

Combining Nelson's observations and the informant's tip, we conclude that there was a substantial basis for the magistrate's determination that there was probable cause to support the warrant. Based on the totality of the circumstances reflected in the affidavit, we conclude that the affidavit provided a substantial basis for the magistrate's determination. We overrule appellant's second point of error.

Because of our determination that the affidavit provided probable cause for the search warrant, we do not reach the State's alternative arguments under its second counterpoint.

CONCLUSION

We overrule appellant's first point of error because the evidence supported the jury's finding that appellant received an economic benefit. We overrule appellant's second point of error because under the totality of the circumstances test the affidavit provided probable cause for the warrant.

We affirm the trial court's judgment.

All Citations

Not Reported in S.W.2d, 1994 WL 67733

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874 S.W.2d 908
Court of Appeals of Texas,
Houston (1st Dist.).

Ronnie MILLER, Appellant,
v.
The STATE of Texas, Appellee.

No. 01–93–00268–CR.
|
April 14, 1994.
|
Rehearing Denied May 19, 1994.

Synopsis

Defendant was convicted in the County Court at Law Number 1, Brazos County, Claude D. Davis, J., of gambling, and he appealed. The Court of Appeals, Duggan, J., held that: (1) provisions setting forth "social gambling" defense were not vague; (2) evidence was sufficient to support conviction; (3) expert testimony was admissible; (4) evidence tending to show that premises were not a private place and context of defendant's activities was admissible; (5) defendant was not selectively prosecuted; and (6) trial court properly excluded testimony on whether defendant knew he was playing in a game of craps that did not satisfy requirements of "social gambling" defense.

Affirmed.

West Headnotes (15)

[1] Constitutional Law Statutes

In examining criminal statute for vagueness, inquiry is whether ordinary, law-abiding individual would have received sufficient information that his or her conduct risked violating criminal law.

[2] Constitutional Law Vagueness on face or as applied

If First Amendment rights are not involved, court need only scrutinize statute to determine whether it is impermissibly vague as applied to defendant's specific conduct. U.S.C.A. Const.Amend. 1.

[3] Constitutional Law Statutes in general

Statute is not unconstitutionally vague merely because words or terms used are not specifically defined.

[4] Gaming and Lotteries Validity

Phrase "received any economic benefit" in statute providing "social gambling" defense to prosecution for gambling was not vague as applied in context of craps games played by defendant; "any economic benefit" would certainly include the sharing of profits by the owner of the premises and his partner, and "received" would always include the time period the craps game was being played. V.T.C.A., Penal Code § 47.02(b)(2).

[5] Gaming and Lotteries Validity

Phrase "the risks of losing and the chances of winning were the same for all participants" in statute providing "social gambling" defense to prosecution for gambling was not vague in context of craps games played by defendant in which pay-out odds gave the house an inherent advantage. V.T.C.A., Penal Code § 47.02(b)(3).

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[6] **Statutes** Presumptions and Construction as to Validity

Statutes are vested with presumption of validity and must be construed in such a way as to uphold their validity.

[7] **Constitutional Law** Vagueness in general

Statute that is arguably vague may be given constitutional clarity by applying standard rules of statutory construction.

[8] **Gaming and Lotteries** Weight and Sufficiency

Conviction of gambling was supported by sufficient evidence, including testimony of partner of owner of the premises that he paid owner $13,000 to participate 50/50 in profits from the games; in order for state to show "that persons received some economic benefit other than personal winnings," it was not necessary that division of winnings occur at table during game played by defendant. V.T.C.A., Penal Code § 47.02(b).

[9] **Criminal Law** Particular issues
Criminal Law Miscellaneous matters

While expert witness' testimony about rules of craps, whether there was economic benefit other than personal winnings, and whether risks of losing and chances of winning were same for all participants encompassed ultimate fact issues, testimony was properly admitted in prosecution for gambling to assist trier of fact to understand the evidence and to determine facts in issue. Rules of Crim.Evid., Rule 702.

4 Cases that cite this headnote

[10] **Criminal Law** Matters Directly in Issue; Ultimate Issues
Criminal Law Experts

Expert testimony should not be excluded merely because it encompasses or embraces ultimate issue of fact, but such evidence may not decide that fact or issue for the jury. Rules of Crim.Evid., Rule 702.

[11] **Criminal Law** Instruments or devices used, or suspected of use, in commission of crime

Two cases of poker chips, bag of poker chips, numbers written on dice table and testimony concerning 30–40 decks of cards, football schedules, shotgun, dealing shoe, and plastic discard holder were properly admitted in prosecution for gambling to show that premises in question were not a private place and to show context of defendant's activities. V.T.C.A., Penal Code § 47.02(b).

1 Cases that cite this headnote

[12] **Criminal Law** Discriminatory or Selective Prosecution

To prevail on claim of selective prosecution, defendant must first make prima facie showing that state has singled him out for prosecution while others similarly situated and committing the same acts have not.

[13] **Criminal Law** Discriminatory or Selective Prosecution

Mere exercise of some selectivity by government in instituting prosecutions is not itself a constitutional violation; defendant must show that state's discriminatory selection of him for prosecution has been invidious or in bad faith and that it rests upon such impermissible grounds as race, religion, or desire to prevent his exercise of constitutional rights.

1 Cases that cite this headnote

[14] **Criminal Law** Particular cases

County sheriff was not selectively prosecuted for gambling because of his refusal to endorse Republican judicial candidate; although other participants were not prosecuted for gambling, no other participants were similarly situated as defendant, and district attorney had duty to present to grand jury any information of official misconduct by an officer. Vernon's Ann.Texas C.C.P. art. 2.03; V.T.C.A., Penal Code § 47.02(b).

1 Cases that cite this headnote

[15] **Gaming and Lotteries** Admissibility

Trial court properly excluded testimony on whether defendant knew he was playing in a game of craps that did not satisfy requirements of "social gambling" defense; none of the excluded testimony related to defendant being mistaken about facts of the games occurring on the night in question, and there was sufficient evidence for jury to infer that defendant knew that premises owner and his partner were sharing profits or cutting the pot. V.T.C.A., Penal Code § 47.02(b).

Attorneys and Law Firms

***910** Chris J. Kling, Bryan, for appellant.

Brenda Bailey, Bryan, for appellee.

Before HUTSON–DUNN, DUGGAN and ANDELL, JJ.

OPINION

DUGGAN, Justice.

The jury found appellant, Ronnie Miller, guilty of the Class C misdemeanor[1] of gambling, and the trial court assessed punishment at a $200 fine. In six points of error, appellant argues that: (1) the evidence was insufficient to support a finding of guilty; (2) the controlling statutory provisions, TEX.PENAL CODE ANN. § 47.02(b)(2), (3) (Vernon 1973), are unconstitutionally vague; (3) the trial court erred in admitting the testimony of Kevin Templeton; (4) the trial court erred in admitting irrelevant evidence, the cumulative effect of which was to contribute to appellant's conviction; (5) the trial court erred in denying appellant's motion to dismiss for selective prosecution; and (6) the trial court erred in excluding testimony on whether appellant knew he was playing in a game of craps that did not satisfy the requirements of section 47.02(b). We affirm.

On November 14, 1990, appellant, the sheriff of Brazos County, went to a location known as the "lake house," bought $20 worth of chips, and played craps. At trial, the only disputed issue was whether appellant's actions complied with the "social gambling" ***911** defense[2] provided by section 47.02(b):

It is a defense to prosecution under this section that:
(1) the actor engaged in gambling in a private place;
(2) no person received any economic benefit other than personal winnings; and
(3) except for the advantage of skill or luck, the risks of

losing and the chances of winning were the same for all participants.

Constitutionality of the Gambling Statute

As a threshold issue, we will first consider appellant's constitutional complaint contained in his second point of error. Appellant argues that section 47.02(b)(2) is unconstitutionally vague because (1) "economic benefit" is not defined in terms of value or amount, and (2) the time when "economic benefit" is "received" is not specified. He argues that section 47.02(b)(3) is unconstitutionally vague because the phrase "the risks of losing and the chances of winning were the same for all participants" is not defined and is incapable of comprehension. He contends that this vagueness results in arbitrary and discriminatory enforcement by the police, and impermissibly delegates enforcement to the police, district attorneys, grand juries, and juries on an ad hoc and subjective basis.

[1] In examining a criminal statute for vagueness, the inquiry is whether the ordinary, law-abiding individual would have received sufficient information that his or her conduct risked violating a criminal law. *Bynum v. State,* 767 S.W.2d 769, 773 (Tex.Crim.App.1989).

> Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application.
>
> *Grayned v. City of Rockford,* 408 U.S. 104, 108–109, 92 S.Ct. 2294, 2298–99, 33 L.Ed.2d 222 (1972) (footnotes and citations omitted).

[2] [3] If first amendment rights are not involved, we need only scrutinize the statute to determine whether it is impermissibly vague as applied to appellant's specific conduct. *Bynum,* 767 S.W.2d at 774. A statute is not unconstitutionally vague merely because the words or terms used are not specifically defined. *Id.* (citing *Engelking v. State,* 750 S.W.2d 213 (Tex.Crim.App.1988)). Instead, the words or phrase must be read in the context in which they are used and construed according to the rules of grammar and common usage. TEX. GOV'T CODE ANN. § 311.011(a) (Vernon 1988).

We first consider appellant's vagueness challenge of the section 47.02(b)(2) phrase "received any economic benefit" in relation to the facts before us. Appellant argues that "economic benefit" is vague because the act does not define a value or amount, and that "received" is vague because it fails to specify the time when the economic benefit must be received.

Although "economic benefit" is not defined in the Penal Code, "benefit" is defined in TEX. PENAL CODE ANN. § 1.07(a)(6) (Vernon Pamph.1994) as "anything reasonably regarded as economic gain or advantage, including benefit to any other person in whose welfare the beneficiary is interested." It is true that the plain language of sections 47.02(b) and 1.07(a)(6) do not define a value or amount. However, the failure to define a ***912** value, amount, or time period does not necessarily render the statute unconstitutionally vague.

The commentary following section 47.02 states:

> The elements of the defense in Subsection (b) are designed to exclude any form of exploitative or commercialized gambling.... therefore, if one party gets a special cut from each pot or charges for the privilege of using the facilities, none of the participants can rely on the defense.

Searcy & Patterson, Practice Commentary, TEX. PENAL CODE ANN. § 47.02 (Vernon 1989).

[4] We believe that in the context of the craps games played by appellant, "any economic benefit" would certainly include the sharing of profits by the owner of the

house (also acting as "the house") and his partner. Similarly, "received" would always include the time period the craps game was being played. Because we must scrutinize the statute to determine whether it is impermissibly vague as applied to appellant's specific conduct, we need not consider a time period before or after the craps game. It is not necessary to define a specific amount or a time period for appellant to have sufficient warning that if any person "received" an "economic benefit" other than personal winnings, participation in the craps game would violate the statute.

The evidence at trial supports this conclusion. Todd Chapman testified that although he was not playing the craps game with appellant, he had an agreement with L.A. Ford to split the profits from the games 50/50. (Ford was the owner of the lake house and acted as "the house" during the games; Chapman was Ford's partner.) Chapman further testified that everyone at the games knew about the partnership. Moreover, Chapman and Ford did in fact split the profits of the craps game played by appellant. We find this testimony sufficient to show that appellant had fair warning that while he played craps, Chapman received economic benefit other than personal winnings.

[5] We next consider appellant's vagueness challenge to the section 47.02(b)(3) phrase "the risks of losing and the chances of winning were the same for all participants" in relation to the facts before us. The commentary following section 47.02 states:

> If the "odds" of the game are stacked in favor of one party, Subsection (b)(3) excludes the defense. However, the equal risks and chances requirement of Subsection *(b)(3) refers only to the rules of the game,* not to the advantages that accrue to a skilled player. Therefore, a game that ensures a percentage to the house or banker, regardless of the luck or skill involved, is not a "friendly" game to which the defense applies; but the presence of a superior, even professional player, who relies on skill and luck, does not vitiate the defense.
>
> Searcy & Patterson, Practice Commentary, TEX. PENAL CODE ANN. § 47.02 (Vernon 1989) (emphasis added).

Again, we turn to the evidence at trial and consider if appellant had fair warning about whether the "risks of losing and the chances of winning were the same for all participants" under the rules of the craps game.

Mr. Weido testified about the basic game of craps. There are two players, a shooter who rolls the dice, and a fader who bets against the shooter. Three possibilities result from the first roll. First, if the shooter rolls a seven or 11, the shooter wins. Second, if he rolls a two, three, or 12, the fader wins. Third, if he rolls any other number, the shooter's point is established. When a point is established, the shooter then continues to roll. On the following rolls, if the shooter rolls his point before he rolls a seven, he wins; if he rolls a seven before he makes his point, the fader wins.

Out of the 36 possible combinations of the dice, the seven will appear more than any other number because there are six ways for it to occur; conversely, there are two ways for the 11 to occur. Therefore, on the first roll, the shooter has a total of eight chances out of 36 to win, a total of four chances out of 36 to lose, and a total of 24 chances out of 36 to make a point. On the same roll, the fader has four chances to win, eight chances to lose, and 24 chances that the shooter will make a point. The first roll is the only roll where the shooter has a greater chance to win than the fader. After the first roll, the fader always has the statistical advantage.

In addition to these basic rules, which apply to all craps games and which only address the risks of losing and the chances of winning in a statistical manner, L.A. Ford had other rules he imposed on the participants of the craps game played by appellant. While appellant was playing, Ford acted as the fader and as "the house." Mr. Weido testified that on "hard-way" bets, Ford set five to one odds on the amount "the house" would pay the winners. A "hard-way" bet can only be made when the shooter is attempting to make his established point, and that point is four, six, eight, or 10. The "hard-way" player is betting that the shooter will roll doubles to make his point. For example, if the shooter is attempting to roll a six, only the combination of double threes will result in a win for the "hard-way" bet. Again, this must occur before a seven is rolled. In this example, because there are six chances to roll a seven, and four chances to roll a six (other than by double threes), the chances of winning this bet are 10 to one. Weido stated that Ford, acting as "the house," only paid out five to one.

Weido testified that to participate in Ford's game, the players had to abide by his rules. We believe these rules clearly indicate that while appellant played craps, the risks of losing and the chances of winning were not the same for all participants. From the plain language of the statute, appellant had fair warning of the prohibited conduct.

Similarly, we find that sections 47.02(b)(2) and 47.02(b)(3) provide sufficient guidance to law enforcement authorities so that arbitrary or discriminatory enforcement is not permitted. For enforcement purposes, law enforcement authorities could observe: (1) the receipt of economic benefit other than personal winnings, and (2) whether "the house" pay-out odds set by Ford gave him an inherent advantage.

[6] [7] Statutes are vested with a presumption of validity and must be construed in such a way as to uphold their validity. *Ely v. State,* 582 S.W.2d 416, 419 (Tex.Crim.App.1979). A statute that is arguably vague may be given constitutional clarity by applying the standard rules of statutory construction. *Engelking,* 750 S.W.2d at 215. Although the legislature could have been more specific, we find these sections nonetheless incorporate a comprehensible standard of conduct. *See Coates v. City of Cincinnati,* 402 U.S. 611, 614, 91 S.Ct. 1686, 1688, 29 L.Ed.2d 214 (1971); *Lear v. State,* 753 S.W.2d 737, 739 (Tex.App.—Austin 1988, no pet.).

Accordingly, neither section 47.02(b)(2) nor section 47.02(b)(3) is unconstitutionally vague as applied to appellant's conduct. We overrule point of error two.

Sufficiency of Evidence

Appellant claims that the State failed to disprove the social gambling defense. In reviewing the sufficiency of the evidence, an appellate court must view the evidence in the light most favorable to the verdict to determine if any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia,* 443 U.S. 307, 319, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560 (1979). This Court may not sit as a thirteenth juror and disregard or reweigh the evidence. *Moreno v. State,* 755 S.W.2d 866, 867 (Tex.Crim.App.1988). If there is evidence that establishes guilt beyond a reasonable doubt, and the trier of fact believes that evidence, we are not in a position to reverse the judgment on sufficiency of evidence grounds. *Id.; Glass v. State,* 761 S.W.2d 806, 807 (Tex.App.—Houston [1st Dist.] 1988, no pet.). The jury, as trier of fact, is the sole judge of the credibility of witnesses, *Sharp v. State,* 707 S.W.2d 611, 614 (Tex.Crim.App.1986), *cert. denied,* ***914** 488 U.S. 872, 109 S.Ct. 190, 102 L.Ed.2d 159 (1988), and may believe or disbelieve all or any part of a witness's testimony. *Id.* at 614; *Smith v. State,* 789 S.W.2d 419, 420 (Tex.App.—Houston [1st Dist.] 1990, pet. ref'd). A jury may believe a witness even though his testimony is contradicted. *Sharp,* 707 S.W.2d at 614.

To prove appellant illegally gambled, the State had to show one of the following:

(1) that the gambling did not occur in a private place; or

(2) that persons received some economic benefit other than personal winnings; or

(3) that except for the advantage of skill or luck, the risks of losing and the chances or winning were not the same for all participants.

[8] The most compelling evidence was presented in connection with the second requirement. Todd Chapman testified that pursuant to an agreement with L.A. Ford, he paid $13,000 to participate 50/50 in the profits from the games at the lake house. Appellant argues that if, after the game, Chapman and Ford privately divide Ford's winnings, it cannot retroactively invalidate the game. He claims that the division must occur at the table during the game played by appellant. We believe Chapman did receive an economic benefit at the table during the game played by appellant. The agreement to split profits was connected with each roll of the dice in each game played that night; half of the winnings were Chapman's although he did not play in the games.

Appellant ignores the plain language of the statute, that no person receive any economic benefit other than personal winnings. It does not provide an amount of economic benefit or a time period for the receipt of an economic benefit.

Because this agreement represents sufficient evidence[3] for a rational fact finder to find against appellant on the second element of the gambling defense beyond a reasonable doubt, we need not address the first or third elements. We overrule point of error one.

Testimony of Kevin Templeton

[9] In point of error three, appellant argues that the trial court erred in admitting the testimony of Kevin Templeton as an expert because the testimony determined ultimate fact issues that could only be found by the jury. Templeton testified about the rules of craps, whether there was an economic benefit other than personal winnings, and whether the risks of losing and the chances of winning were the same for all participants.

[10] The decision to allow a witness to testify as an expert is committed to the sound discretion of the trial court. *Duckett v. State,* 797 S.W.2d 906, 910 (Tex.Crim.App.1990). The threshold determination for admitting expert testimony is whether the specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue. *Id.;* TEX. R.CRIM.EVID. 702. While expert testimony should not be excluded merely because it encompasses or embraces an "ultimate issue" or fact, such evidence may not decide that fact or issue for the jury. *Duckett,* 797 S.W.2d at 914.

While we agree that Templeton's testimony encompassed ultimate fact issues, we disagree that it should have been excluded. His specialized knowledge of the rules of craps assisted the trier of fact to understand the evidence and to determine facts in issue. Without understanding the rules of craps and how the game is normally played, it would be difficult for the average juror to make a determination about whether there was economic benefit or whether the risks of losing and the chances of winning were the same ***915** for all participants. Further, the trial court carefully excluded testimony about Templeton's legal interpretation of the statute.

The trial court did not abuse its discretion by allowing Templeton to testify about these facts. We overrule point of error three.

Cumulative Error

In point of error four, appellant contends that the trial court erred in admitting irrelevant evidence, the cumulative effect of which contributed to his conviction. Over appellant's objections, the trial court admitted:

1. two cases of poker chips,

2. a bag of poker chips,

3. numbers written on the dice table, and

4. testimony concerning 30–40 decks of cards, football schedules, a shotgun, a dealing shoe, and a plastic discard holder.

Appellant contends that to get a conviction, the State had to show a casino and try the activity at the lake house, rather than the conduct of appellant. He claims that the evidence was prejudicial and had little or no probative value on the conduct of appellant.

[11] However, appellant ignores that the State had to introduce evidence showing that the lake house was not a private place in order to disprove one of the elements of the defense. The evidence must be relevant to a contested fact or issue to be admissible, and that determination is within the sound discretion of the trial judge. *Jackson v. State,* 575 S.W.2d 567, 570 (Tex.Crim.App.1979). That decision will not be reversed on appeal unless a "clear abuse of discretion is shown." *Werner v. State,* 711 S.W.2d 639, 643 (Tex.Crim.App.1986).

We find that the evidence tended to show the jury (1) whether or not the lake house was a private place, and (2) the context of appellant's activities. We overrule point of error four.

Selective Prosecution

In point of error five, appellant argues that the trial court erred in denying his motion to dismiss for selective prosecution. Appellant, a Republican, argues that he was prosecuted because of his refusal, in the fall of 1990, to endorse a fellow Republican in his efforts to run against a sitting Democratic judge. He claims that Bill Turner, a Democrat and the district attorney during the fall of 1990, asked appellant to support the Republican judicial candidate. He claims that his refusal to endorse the Republican candidate caused Turner to selectively prosecute him for gambling.

[12] To prevail on the motion, appellant must first make a prima facie showing that the State has singled him out for prosecution while others similarly situated and committing the same acts have not. *United States v. Greene,* 697 F.2d 1229, 1234 (5th Cir.), *cert. denied,* 463 U.S. 1210, 103 S.Ct. 3542, 77 L.Ed.2d 1391 (1983). In

the case before us, twenty-four other participants at the lake house were not prosecuted for gambling. Presuming that this is sufficient to meet the first part of the test, we address the second part by examining the reasons why appellant, and not others, were prosecuted.

[13] Appellant must show that the State's discriminatory selection of him for prosecution has been invidious or in bad faith in that it rests upon such impermissible grounds as race, religion, or the desire to prevent his exercise of constitutional rights. *Greene*, 697 F.2d at 1234. The mere exercise of some selectivity by the government in instituting prosecutions is not itself a constitutional violation. *Greene*, 697 F.2d at 1234. It has been held that

> selection for prosecution based in part upon the potential deterrent effect on others serves a legitimate interest in promoting more general compliance with the tax laws. Since the government lacks the means to investigate every suspected violation of the tax laws, it makes good sense to prosecute those who will receive, or are likely to receive, the attention of the media.

United States v. Catlett, 584 F.2d 864, 868 (8th Cir.1978). *See also* ***916** *United States v. Ness,* 652 F.2d 890, 892 (9th Cir.1981); *United States v. Johnson,* 577 F.2d 1304, 1309 (5th Cir.1978).

[14] No other participants at the lake house were similarly situated as appellant, the sheriff of Brazos County. Further, the district attorney has a duty to present to the grand jury any information of official misconduct by an officer. TEX.CODE CRIM.P.ANN. art. 2.03 (Vernon 1977). We find that appellant fails to meet the second part of the test because the State had legitimate reasons to only prosecute appellant. We overrule point of error five.

Exclusion of Evidence Regarding Knowledge

[15] In appellant's sixth point of error, he claims the trial court erred in excluding testimony on whether appellant knew he was playing in a game of craps that did not satisfy the requirements of section 47.02(b). Appellant sought to introduce evidence of his belief that the games at the lake house were legal, i.e., that he did not "knowingly" violate the gambling statute.

The excluded testimony would have shown that upon inquiry of various people, including the district attorney and certain Texas Department of Public Safety officers, appellant was told through his years as sheriff that if there was no cutting of the pot and no cheating, then the games were legal. Appellant argues that because he was mistaken about the facts surrounding the game of craps at the lake house, the evidence should have been admitted to support a mistake of fact defense.

The witnesses testified to conversations appellant had with them over a five-year period. None of the excluded testimony related to appellant being mistaken about facts of the games occurring at the lake house on November 14, 1990. We have already decided there was sufficient evidence for the jury to infer that appellant knew Ford and Chapman were sharing the profits or cutting the pot. The trial court did not abuse its discretion by excluding the testimony. We overrule point of error six.

We affirm the trial court's judgment.

All Citations

874 S.W.2d 908

Footnotes

1 This case originated in the justice court, having jurisdiction over Class C misdemeanors. TEX. CONST. art. V, sec. 19; TEX.CODE CRIM.P.ANN. art. 4.11 (Vernon Pamph.1994). On appeal from the justice court, the county court tried the case de novo. TEX. CONST. art. V, sec. 16; TEX.CODE CRIM.P.ANN. art. 4.08 (Vernon Pamph.1994).

2 While section 47.02(a) prohibits gambling (making bets), section 47.02(b) "provides a defense ... for the social gambler...." Searcy & Patterson, Practice Commentary, TEX.PENAL CODE ANN. § 47.02 (Vernon 1989).

[3] The State also presented Weido's testimony that while appellant was playing the craps game, Weido tipped a waiter a chip for bringing free drinks to the players. Weido further testified that while appellant was playing the craps game, Weido gave John LeFlore, a deputy sheriff watching the game, a $25 chip, and that LeFlore then used it to gamble. Because we find the Ford/Chapman partnership agreement to be sufficient evidence to support the jury finding, we need not consider whether players giving chips to non-players would constitute sufficient evidence to support a conviction.

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SUPREME COURT OF TEXAS
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Case No. 24-0851

In the Supreme Court of Texas

Andres "Andrew" Espinoza, in his Official Capacity
as the Building Official of the City of Dallas,

Petitioner,

v.

TCHDallas2, LLC,

Respondent.

On Petition for Review from the
Court of Appeals for the Fifth District of Texas at Dallas
No. 05-22-01278-CV

BRIEF OF AMICUS CURIAE, THE CITY OF HOUSTON, IN SUPPORT OF PETITIONER

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EXHIBIT
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INTEREST OF *AMICUS CURIAE*[1]

Amicus, the City of Houston ("Houston"), is a governmental entity governed by the home-rule provisions of the Texas Constitution. Houston submits this *amicus curiae* in support of petitioner Andres Espinoza ("Petitioner") and his Petition for Review because it shares a common interest with Petitioner and the City of Dallas in the subject matter of this lawsuit.

As in Dallas, illegal gambling establishments also operate in Houston. These establishments have forced the Houston Police Department ("HPD") to enhance its enforcement efforts in areas of Houston where these poker rooms are located. Houston is aware of approximately thirty-two (32) poker rooms and fifty-five (55) locations with game room permits in Houston, based on internal crime analysis research. Of course, there are also poker rooms and gambling establishments in Houston that HPD *does not know* about—yet.

In the HPD areas of responsibility with known poker rooms, there were approximately 85,191 total calls for service in 2024 (to date) with 1,004 (1.1%) of these calls referencing activity within 250 feet of a poker room. Numerous poker rooms in HPD areas of responsibility are located in high-crime areas near

[1] No counsel for a party authored this brief in whole or in part, or made a monetary contribution intended to fund its preparation or submission. No person other than *amicus curiae*, its members, or its counsel made any monetary contribution to the preparation or submission of this brief. *See* Tex. R. App. P. 11(c).

multiple bars and night clubs, including locations along Westheimer Road and Richmond Avenue. These poker rooms and illegal gambling establishments have increased the burden on HPD and its existing enforcement efforts to combat crime in these areas. Consequently, Houston fully supports this Court's granting the Petition for Review, reversing the judgment of the court of appeals, and rendering judgment in favor of Petitioner.

I. ARGUMENT

A. Houston agrees that Respondent TCH's operation of the poker room is illegal

Gambling for money is a crime in Texas based on two provisions in the Texas Penal Code. First, Section 47.02 criminalizes playing poker for money or anything of value, stating:

> A person commits an offense if he plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.

Tex. Penal Code § 47.02(a)(3). Second, section 47.04 criminalizes "keeping a gambling place," stating:

> A person commits an offense if he knowingly uses or permits another to use as a gambling place any real estate, building, room, tent, vehicle, boat, or other property whatsoever owned by him or under his control, or rents or lets any such property with a view or expectation that it be so used.

Tex. Penal Code § 47.04(a). After reviewing the relevant facts and evidence, the trial court correctly concluded that Respondent TCHDallas2, LLC ("Respondent" or "TCH") violated both provisions of the Penal Code through its operation of the poker room. *See TCHDallas2, LLC v. Espinoza*, No. 05-22-01278-CV, 2024 WL 3948322, *5-7 (Tex. App.—Dallas Aug. 27, 2024, no pet. h.) ("Opinion") (trial court's findings of fact and conclusions of law).

B. Houston agrees that Respondent's activities do not fall under any exception or defense to operating the poker room

Although there are statutory exceptions and defenses to both poker room offenses, none of the exceptions or defenses apply to Respondent's poker room operations. For example, a person playing poker or keeping a gambling place can attempt to satisfy three (3) requirements to qualify for the affirmative defense to the violations described above under Texas Penal Code § 47.04:

> It is an affirmative defense to prosecution under this section [47.04] that:
>
> (1) the gambling occurred in a private place;
>
> (2) no person received any economic benefit other than personal winnings; and
>
> (3) except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

Tex. Penal Code § 47.04(b). The Texas Penal Code defines the first prong of the defense – "private place" – to mean a "place to which the public does not have access," and it specifically excludes "restaurants, taverns, and nightclubs." Tex. Penal Code § 47.01(8). A "benefit" is defined as "anything reasonably regarded as economic gain or advantage" or "anything to which a price can be assigned." Tex. Penal Code § 1.07(a)(7); *Smith v. State*, 959 S.W.2d 1, 20-21 (Tex. App.—Waco 1997, pet ref'd).

(i) Respondent's poker room operation fails to satisfy the first and second requirements of the affirmative defense

Respondent's operation of the poker room fails to satisfy the first and second requirements of the affirmative defense outlined above. *See Opinion*, at 5-7; Tex. Penal Code §§ 1.07, 2.02, 2.03, 2.04, 47.02(b)-(c),(e), 47.04(b), 47.09. First, Respondent's poker room is not a "private place" because it is open to the public 24 hours a day, seven days a week.[2] *Opinion*, at 5. Although Respondent, and other gambling establishments in Houston and Dallas, attempt to qualify as "private places" by requiring customers to sign up for memberships to gamble, as demonstrated below, under Texas law, a membership fee does not convert a public poker room open 24/7 into a "private place." Any person can walk off the street and into Respondent's poker room at any time of the day or night, pay

[2] The only eligibility requirement to enter and play poker is being at least 18 years of age.

a small fee for a membership, and immediately begin gambling and playing poker.

Second, the trial court correctly held that Respondent receives economic "benefits" from membership fees, hourly table fees, and the sale of food and beverages. *See Opinion*, pp.5-6. Respondent's employees also receive economic benefits through salaries and tips. *Id*.

C. Texas law supports the Trial Court's decision

In *Gaudio v. State*, for example, a jury found illegal gambling took place in an apartment rented by a group of friends because they used money from the betting pot to pay for the expenses of the game, the apartment, and occasionally to tip the dealer. No. 05-91-01862, 1994 WL 67733 (Tex. App.—Dallas Mar. 7, 1994, pet. ref'd) (not designated for publication). Even though the game took place in a private place, it nevertheless violated the economic-benefit prong of the affirmative defense. *Id*. at *2-3.

Likewise, Texas Attorney General opinions also fully support the trial court's decision. In 2005, for example, the Texas AG opined that an entry fee paid to a charity event to play poker was an economic benefit to that charity. Tex. Att'y Gen. Op. No. GA-0385, 2005 WL 3568394, at *2 (2005). The Attorney General has also opined that a restaurant or bar commits the offense of "keeping a gambling place" if it hosts a poker tournament for which it receives

a nominal fee to be used to award prizes. Tex. Att'y Gen. Op. No. GA-0335, 2005 WL 1464850 (2005). The restaurant or bar is not a private place and receives an economic benefit from the sale of food and beverages due to the tournament. *Id*. at *3.

Consequently, satisfying the requirement that no person receive "any" economic benefit other than personal winnings is insurmountable for Respondent's for-profit operation and all other for-profit businesses wanting to operate a "legal" poker room. In fact, Respondent's business model is *intended* to generate and receive economic benefits—money and profits—from the public through its operation of a poker room open 24/7. Indeed, for most such establishments, the economic benefits are so great that these businesses continue operating despite the risk of criminal prosecution and forfeiture proceedings.

Respondent's operation of the poker room thus constitutes illegal gambling in Texas and no defense or exception applies. It was, therefore, appropriate for the Dallas Board of Adjustment to revoke Respondent's certificate of occupancy for keeping a gambling place in violation of Texas law. Houston and HPD expend valuable resources, time, and energy to stop virtually identical, illegal gambling businesses from operating in Houston and prevent the influx of crime these gambling establishments attract.

CONCLUSION

Houston agrees with Petitioner Espinoza that the Fifth Court of Appeals erred when it issued its Memorandum Opinion in Respondent's favor and rendered judgment affirming the decision of the Dallas Board of Adjustment to reinstate Respondents' Certificate of Occupancy because the Opinion conflicts with Texas law. In particular, the Opinion violates the Texas Penal Code, undermines the predictability of Texas jurisprudence, and seemingly authorizes illegal gambling clearly prohibited by Texas law. *See* Tex. Penal Code §§ 47.02 (gambling), 47.04 (keeping a gambling place). For these reasons, Houston respectfully asks this Court to grant the Petition for Review, reverse the judgment of the court of appeals, and render judgment in favor of Petitioner.

Respectfully submitted,

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TCHDallas2, LLC, Appellant	§	**No. 05-22-01278-CV**
v.	§	
Andres "Andrew" Espinoza, In his official capacity as the Building Official of the City of Dallas, Appellee	§	

Trial Number DC-22-03741, in the 14th Judicial District Court of Dallas County, Texas.

BRIEF OF AMICUS CURIAE, The Criminal District Attorney of Collin County, Texas

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The Criminal District Attorney of Collin County, Texas, presents this brief as amicus curiae in support of Appellee.

STATEMENT REGARDING ORAL ARGUMENT

Oral argument is not requested.

SUMMARY OF ARGUMENT

Playing poker for money and running a poker place violate Sections 47.02 and 47.04 of the Texas Penal Code. And the defense against prosecution under these statutes does not and cannot apply to establishments such as Appellant's because they are not private places and they receive an economic benefit.

ARGUMENT

In Texas, playing poker for money and keeping a poker place are illegal. Texas Penal Code Section 47.02 criminalizes playing poker for money or anything of value. Specifically, Section 47.02(a)(3) states: "A person commits an offense if he . . . plays and bets for money or other thing of value at any game played with cards . . . ." Likewise, Texas Penal Code Section 47.04 criminalizes keeping or operating a poker room.

There is a statutory defense to both offenses, but poker places do not and cannot qualify for it. Anyone playing poker or keeping a gambling place must meet a three-prong test. First, the game must have occurred in a private place. Second, no person may have received any economic benefit other than personal winnings. And third, the risk of loss and chances of winning must have been the same for all participants. Tex. Penal Code §§ 47.02(b) & 47.04(b).

Texas Penal Code Section 47.01(8) defines the first prong of the defense – "private place" – to mean a "place to which the public does not have access" and excludes, among other places, "restaurants, taverns, and nightclubs." A benefit is defined as "anything reasonably regarded as economic gain or advantage" or "anything to which a price can be assigned." Tex. Penal Code § 1.07(a)(7); *Smith v. State*, 959 S.W.2d 1, 20-21 (Tex. App.—Waco 1997, pet ref'd).

In Collin County, the representatives of prospective poker rooms who have contacted or met with our office have always run afoul of the first and third prongs of the gambling defense as outlined above. That is, they are not a private place and they do receive an economic benefit. These businesses attempt to qualify as a private place by requiring individuals to sign up for memberships. However, the fact remains that any member of the public can walk in off the street, sign up for a membership for a small fee, and immediately begin playing poker in establishments

resembling restaurants, taverns, or nightclubs. Certainly, whether the location of a gambling game is a private place would be a question of fact. But as of yet, no business model presented to the Collin County District Attorney's Office has qualified as one.

More importantly, the requirement that no person receive "any" economic benefit other than personal winnings is insurmountable for any for-profit entity that wants to open a poker room business. Poker room businesses receive economic benefits from membership fees, hourly table fees, and the sale of food and beverages. Employees of these establishments receive salaries and tips. The economic benefits are so great that these businesses continue to operate despite the risk of criminal prosecution and forfeiture proceedings.

The Texas Attorney General has determined that an entry fee paid to a charity to play poker was an economic benefit. Tex. Att'y Gen. Op. No. GA-0385, 2005 WL 3568394, at *2 (2005). The Attorney General has also determined that a restaurant or bar commits the offense of "keeping a gambling place" if they host a poker tournament in which a nominal fee is charged which is used to award prizes. Tex. Att'y Gen. Op. No. GA-0335, 2005 WL 1464850 (2005). The restaurant or bar is not a private place and receives an economic benefit from the sale of food and beverages due to the tournament. *Id.* at *3. In *Gaudio v. State*, a jury found illegal

gambling took place in a rented apartment by a group of friends because they used money from the betting pot to pay for the expenses of the game, the apartment, and to occasionally tip the dealer. *Gaudio v. State*, No. 05-91-01862, 1994 WL 67733 (Tex. App.—Dallas Mar. 7, 1994, pet. ref'd) (not designated for publication). Even though the game took place in a private place, it violated the economic-benefit prong of the defense. *Id*. at *2-3.

The Collin County Criminal District Attorney's Office has reviewed the brief from Appellee and the Findings of Fact and Conclusions of Law from the Dallas County District Court. We agree with the legal and factual analysis set out in Appellee's brief as well as the District Court's Findings of Fact and Conclusions of Law. The business model for Texas Card House as laid out in the Findings of Fact shows that it is not a private place and it receives an economic benefit. As such, Texas Card House does not meet the Penal Code's defense to gambling requirements and its activities amount to illegal gambling in the State of Texas. Therefore, it was appropriate for the Building Official to revoke the license of a business that is keeping a gambling place and violating Texas law. Collin County, the cities within Collin County, and the Collin County Criminal District Attorney's Office have worked together to keep similar illegal businesses from operating in Collin County and, consequently, prevent the influx of crime these gambling establishments attract.

PRAYER

For the foregoing reasons, we pray this Court will affirm the judgment of the Dallas Judicial District Court in this matter.

Respectfully submitted,

Greg Willis
Criminal District Attorney
Collin County, Texas

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Deborah Harrison
Chief – Civil Division

/s/ Lisa Braxton
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CERTIFICATE OF SERVICE

On the October 30, 2023, the Criminal District Attorney of Collin County e-served the following individuals via the eFileTexas.gov filing system:

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/s/ Lisa Braxton
Lisa Braxton

CERTIFICATE OF COMPLIANCE

This brief complies with the word limitations in Texas Rule of Appellate Procedure 9.4(i)(2). In reliance on the word count of the computer program used to prepare this brief, the undersigned attorney certifies that this brief contains 887 words, exclusive of the sections of the brief exempted by Rule 9.4(i)(1).

/s/ Lisa Braxton
Lisa Braxton

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Lisa Smith
Bar No. 787131
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Envelope ID: 81103780
Filing Code Description: Other Brief
Filing Description: Brief of Amicus Curiae, Collin County Criminal District Attorney
Status as of 10/30/2023 2:38 PM CST

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Name	BarNumber	Email	TimestampSubmitted	Status
John Husted		jhusted@fhmbk.com	10/30/2023 1:21:19 PM	SENT
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Laura O'Leary		loleary@fhmbk.com	10/30/2023 1:21:19 PM	SENT

Associated Case Party: TCHDallas2, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Karen Spillman		kspillman@fhmbk.com	10/30/2023 1:21:19 PM	SENT

FILE NUMBER: BOA-25-000009(BT)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for **(1)** a special exception to the fence height regulations at **11322 E RICKS CIRCLE**. This property is more fully described as Block 3/7490, Lot 4, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 11322 East Ricks Circle

APPLICANT: Rob Baldwin

REQUEST:

(1) a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS: Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

BDA history found in the last five years - BDA245-034

- The Board of Adjustment Panel A, at its public hearing held on Tuesday, March 18, 2025, moved to **DENY** the special exception requested to construct and/or maintain an 8-foot-high gate and fence **without prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Square Footage:

- This lot contains 85,813.2 of square feet or 1.97 acres.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-1ac(A) (Single Family District)

East: R-1ac(A) (Single Family District)
South: R-1ac(A) (Single Family District)
West: R-1ac(A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Baldwin for the property located at 11322 East Ricks Circle focuses on one request relating to fence height.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site, along with properties to the north, south, east, and west, are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on East Ricks Circle.
- It has been confirmed that the fence is proposed and not existing.
- Based on the staff's analysis of the surrounding properties within a 200-foot radius of the subject site, most are open and unobstructed. However, staff observed that some properties have fences, gates, or vegetation in the required front yard, which appear to serve as screening elements.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-034 at 11322 E. Ricks Circle

Timeline:

May 6, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 3, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

June 11, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

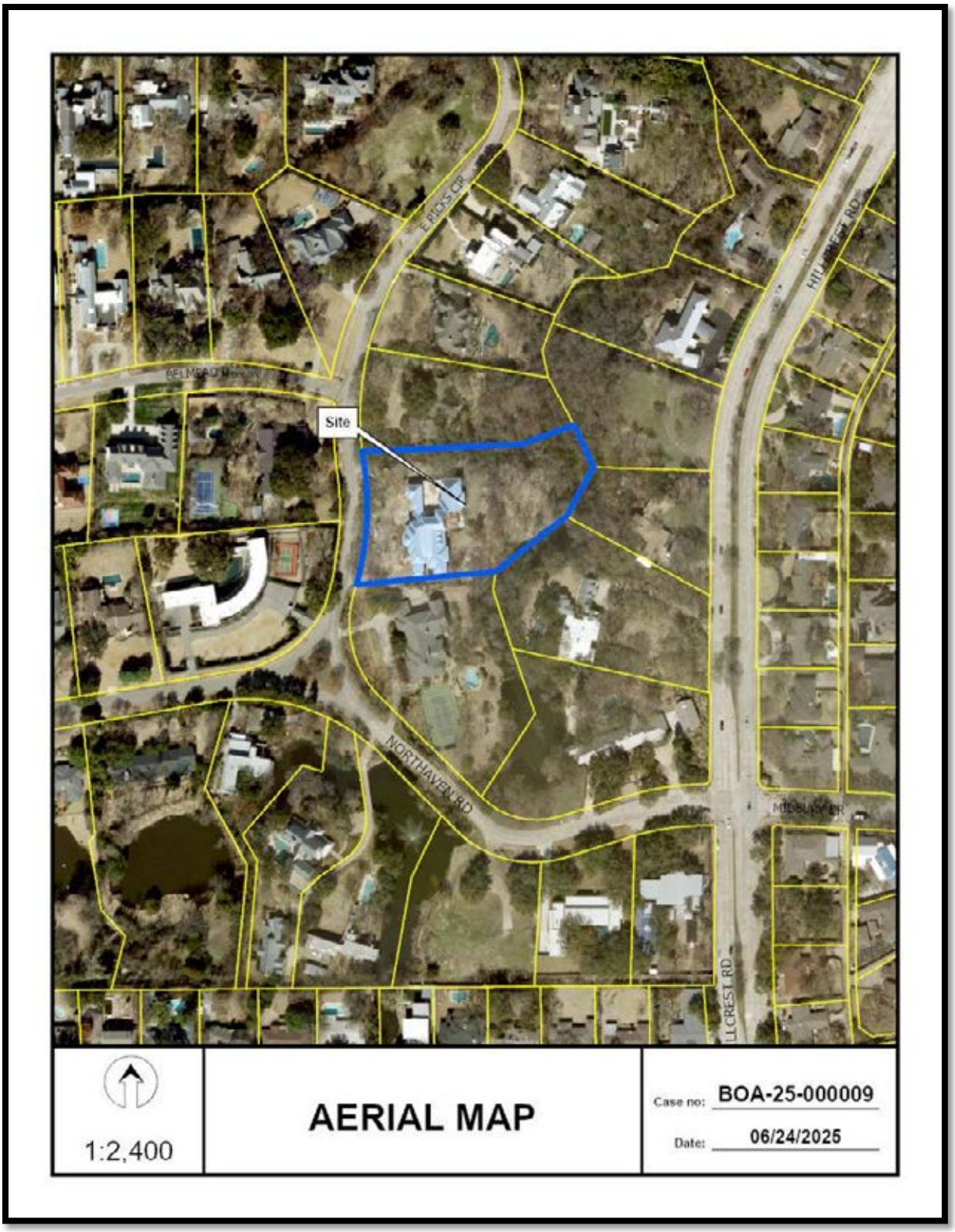
- an attachment that provided the public hearing date and panel that will consider the application; the **June 20, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **July 3, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

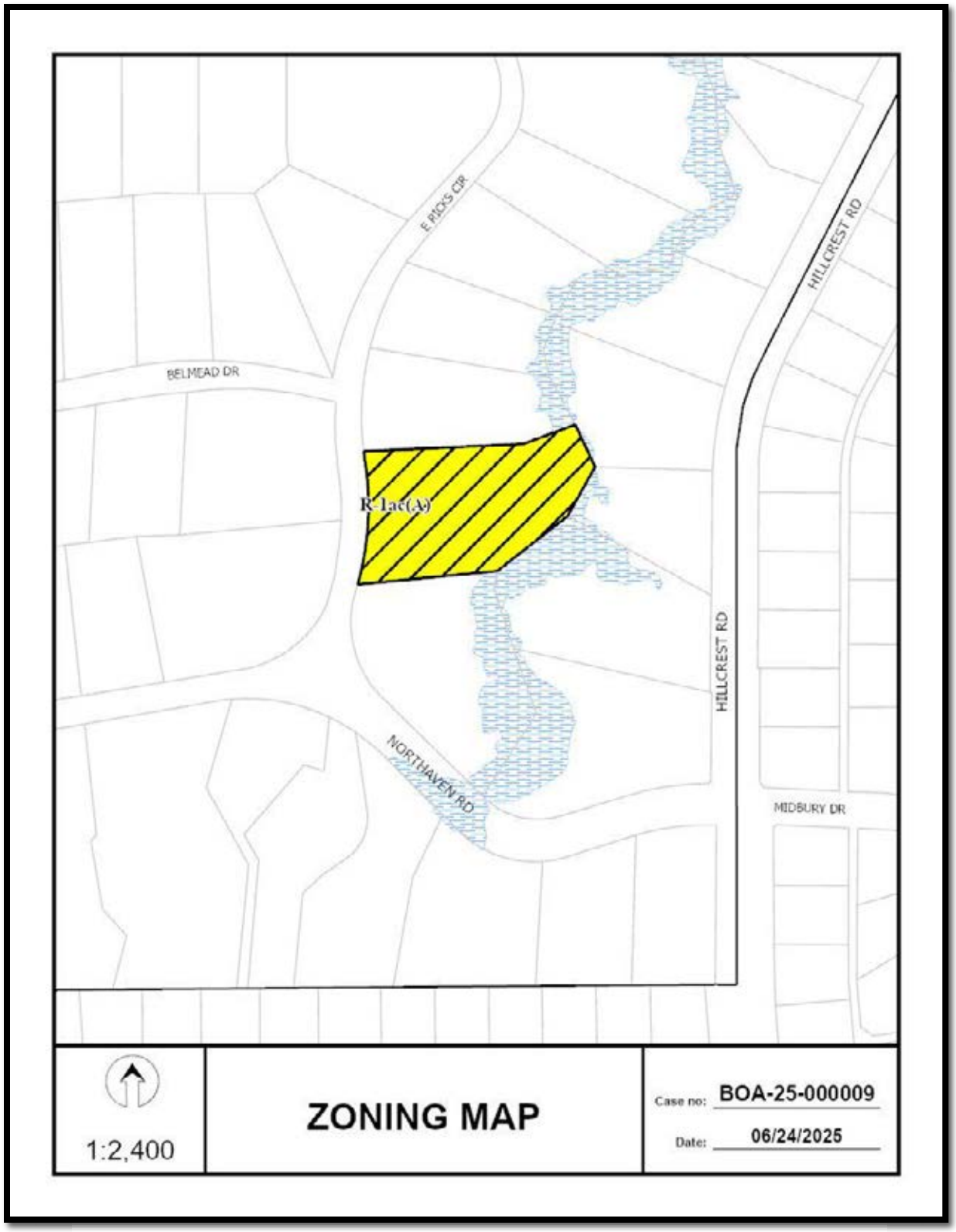
June 26, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

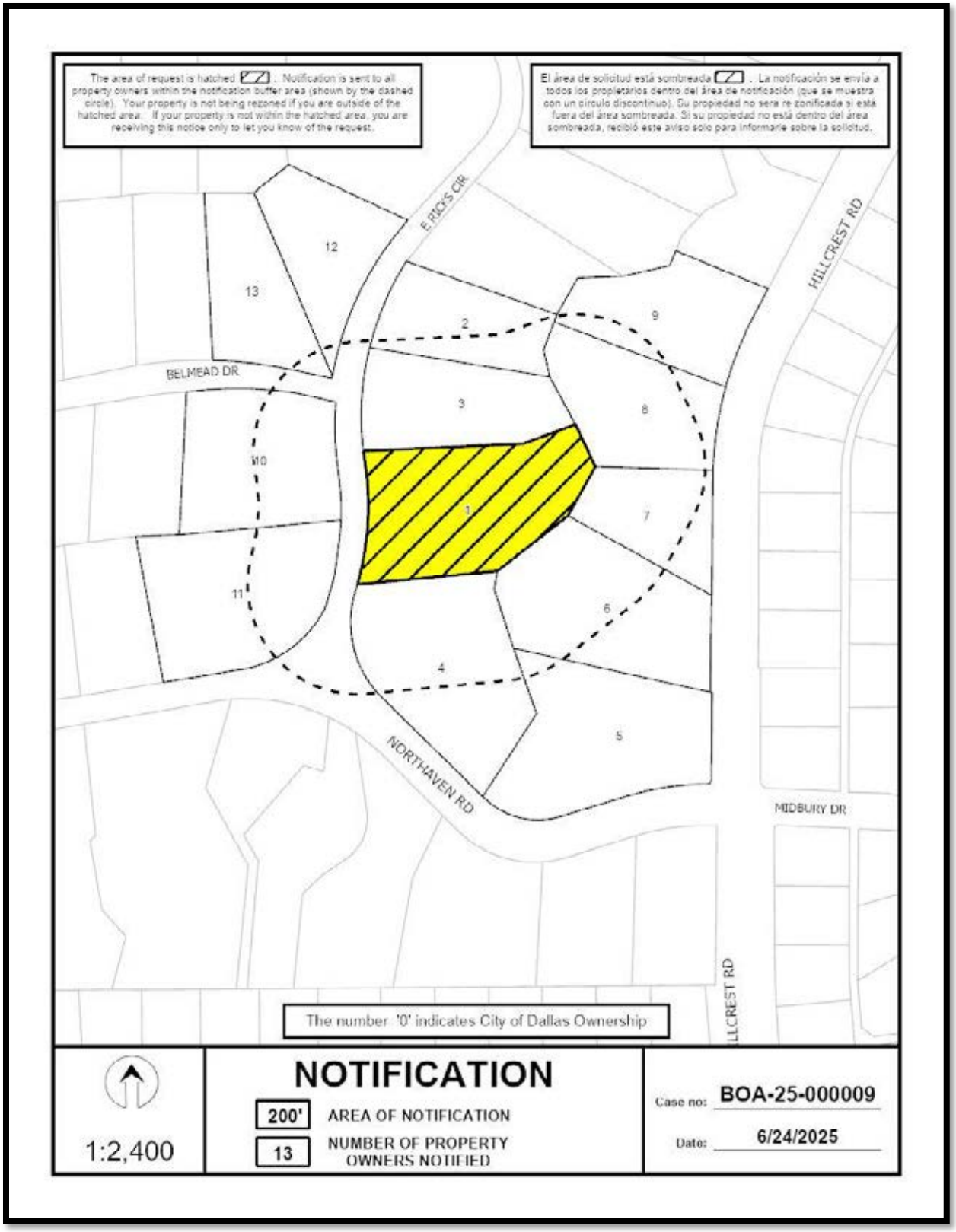
July 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, July 15, 2025, moved to **HOLD** this matter under advisement until **August 19, 2025.**

August 6, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- the **July 21, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **August 8, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the hearing date and time reminder of Tuesday, August 19, 2025, Briefing at 10:00 am and Hearing at 1:00 pm.


Site
NORTHAVEN RD
1:2,400
AERIAL MAP
Case no: BOA-25-000009
Date: 06/24/2025


E PIOS CIR
HILLCREST RD
BELMEAD DR
R-1ac(A)
HILLCREST RD
NORTHAVEN RD
MIDBURY DR
1:2,400
ZONING MAP
Case no: BOA-25-000009
Date: 06/24/2025


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
E RICKS CIR
HILLCREST RD
BELMEAD DR
NORTHAVEN RD
MIDBURY DR
HILLCREST RD
1
2
3
4
5
6
7
8
9
10
11
12
13
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
13
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BOA-25-000009
Date: 6/24/2025

Notification List of Property Owners

BOA-25-000009

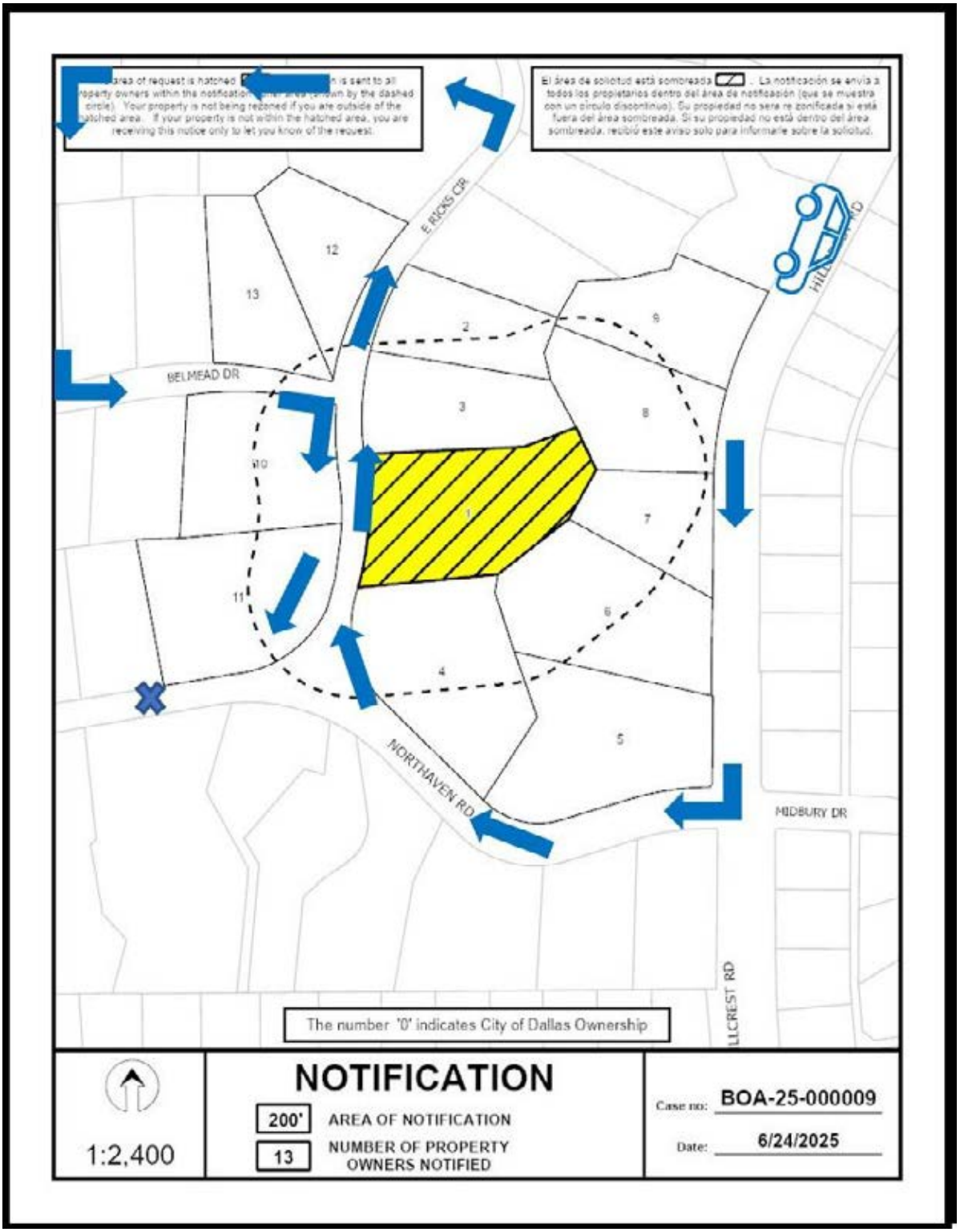
13 Property Owners Notified

Label #	*Address*		*Owner*
1	11322	E RICKS CIR	MARSHALL E PIERCE JR &
2	11400	E RICKS CIR	THACKSTON JESSICA
3	11340	E RICKS CIR	GALLAGHER 2010 REVOCABLE TR
4	6701	NORTHAVEN RD	ERICKSON THOMAS W &
5	6767	NORTHAVEN RD	CRUDUP ROBERT F & CARRIE B
6	11325	HILLCREST RD	GILBERT JOHN C & ELAINE S
7	11341	HILLCREST RD	PULLEY DAVID H &
8	11411	HILLCREST RD	DAKSHINAMOORTHY SURESH &
9	11415	HILLCREST RD	SEIFIKAR SHAHROOZ &
10	11323	E RICKS CIR	BENSON JAMES BRANDON &
11	6645	NORTHAVEN RD	KEITH EDWARD CYPRIAN III
12	11421	E RICKS CIR	LANDIN ROBERT & REBECCA FAMILY
13	6631	BELMEAD DR	WOOD REVOCABLE TRUST THE

Route Directions:
Start on Hillcrest Rd.
Right on Northaven Rd.
Right on E Ricks Cir.
Left thru W Ricks Cir.
Left on Belmead Dr.
Right on E Ricks Cir.
Right on Northaven Rd.

***Subject Site from E Ricks Cir. at 1:22 and 4:21**

200’ Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:30 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment: **This case was held under advisement on July 15, 2025**.

BOA-25-000009(BT) Application of Robert Baldwin for **(1)** a special exception to the fence height regulations at **11322 E RICKS CIRCLE**. This property is more fully described as Block 3/7490, Lot 4, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in the required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA FOR OFFICE USE ONLY

Data Relative to Subject Property: Date: FOR OFFICE USE ONLY

Location address: 11322 E. Ricks Circle Zoning District: R-1ac(A)

Lot No.: 4 Block No.: 3/7490 Acreage: 1.97 Census Tract: 48113013300

Street Frontage (in Feet): 1) 246' 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): E. Pierce Marshall, Jr. and Kristen E. Nevils Marshall

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X of 2' feet to the fence height regulations to allow a 6' fence and gates in the front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

We feel this request is reasonable and will not negatively affect surrounding properties.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6 day of May 2025

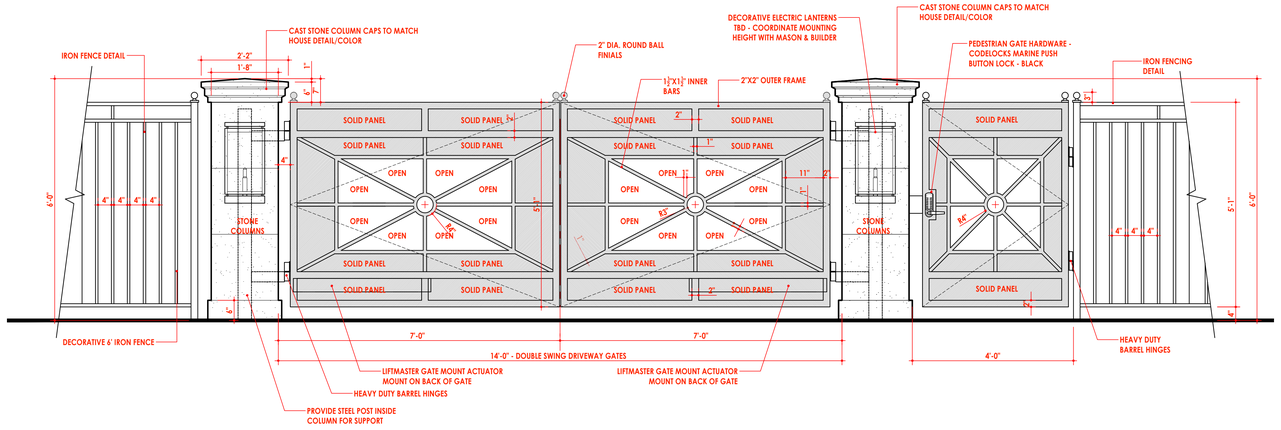
Michele Stagg
Notary Public in and for Dallas County, Texas

MICHELE STAGG NOTARY PUBLIC STATE OF TEXAS ID 130747076 EXP 07-20-2026

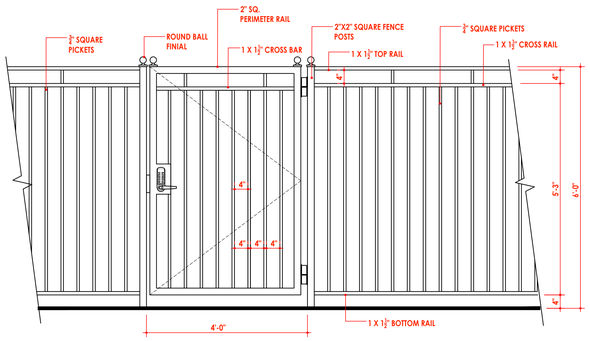
BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000009

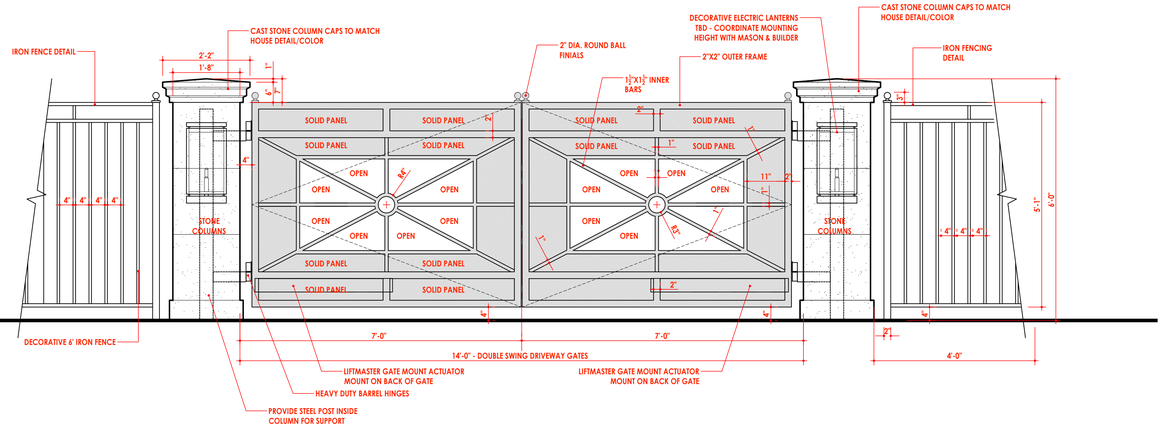
BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for (1) a special exception to the fence height regulations at 11322 E RICKS CIRCLE. This property is more fully described as BLK 3/7490 LT 4, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot -high fence in a required front-yard, which will require (1) a 2- foot special exception to the fence height regulations.



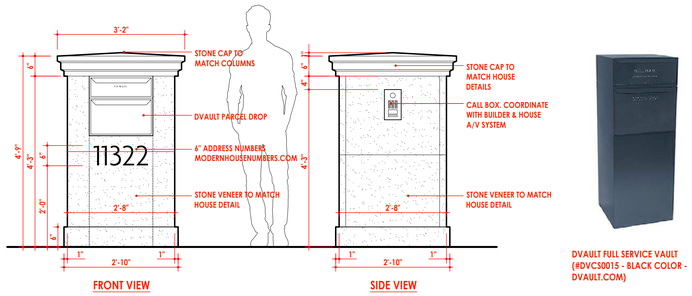
03 MAIN DRIVEWAY ENTRY GATES (SOUTH)
SCALE: 3/4"=1'-0"



05 6'-0" IRON FENCE & GATE DETAIL
SCALE: 3/4"=1'-0"



04 SECONDARY DRIVEWAY ENTRY GATES (NORTH)
SCALE: 3/4"=1'-0"



DVAULT FULL SERVICE VAULT (#DVCS0015 - BLACK COLOR - DVAULT.COM)

06 MAILBOX & CALLBOX DETAIL
SCALE: 3/4"=1'-0"

DDLA DESIGN
LANDSCAPE ARCHITECTURE
214.600.1415
DDLADESIGN.COM

MARSHALL RESIDENCE
11322 RICKS CIRCLE
DALLAS, TEXAS 75230

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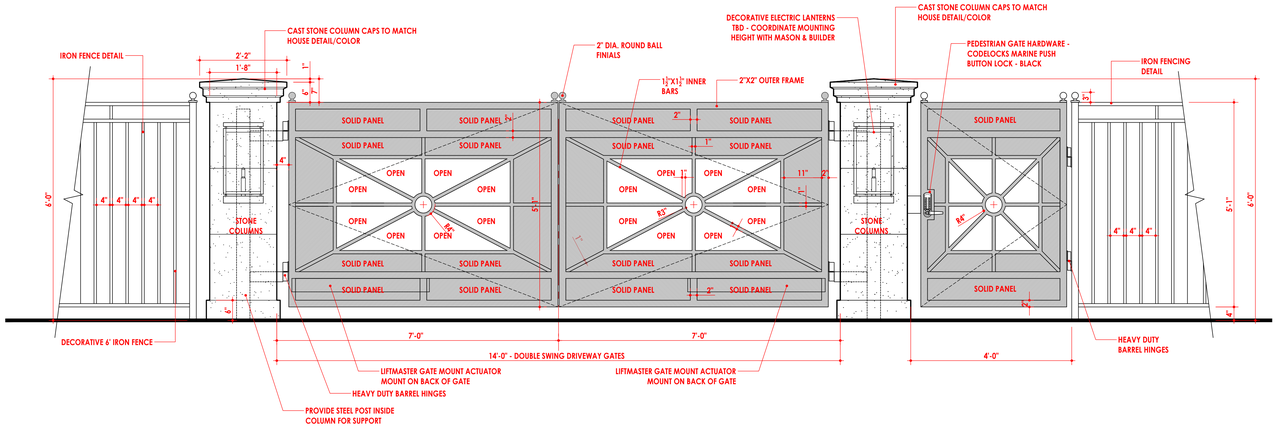
These drawings have been prepared by DDLA Design for review purposes only. They are not to be distributed without permission and are not to be used for construction, bidding or permitting.

SCALE: SEE PLANS

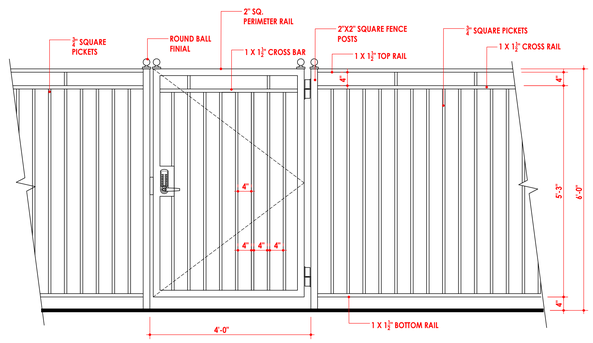
DATE:
4.22.2025
REVISIONS:

DETAILS
FRONT ENTRY GATES, FENCE & COLUMNS

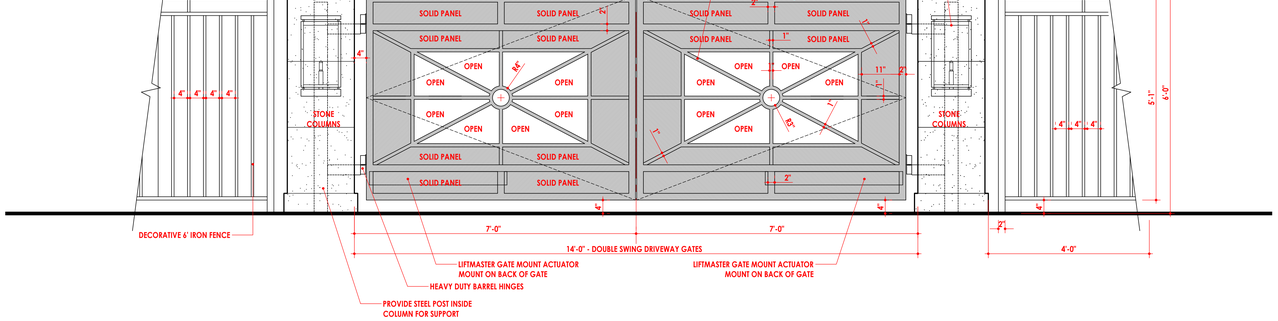
LV 6.1



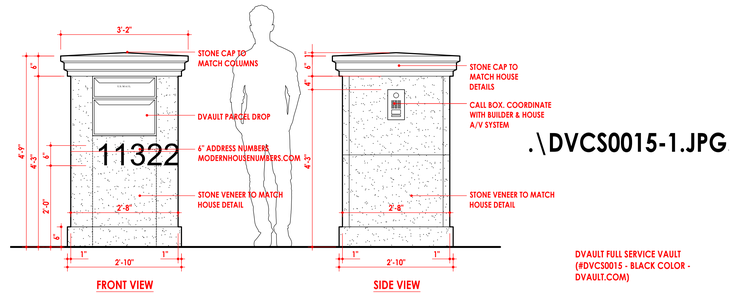
03 MAIN DRIVEWAY ENTRY GATES (SOUTH)
SCALE: 3/4"=1'-0"



05 6'-0" IRON FENCE & GATE DETAIL
SCALE: 3/4"=1'-0"



04 SECONDARY DRIVEWAY ENTRY GATES (NORTH)
SCALE: 3/4"=1'-0"



06 MAILBOX & CALLBOX DETAIL
SCALE: 3/4"=1'-0"

SAMPLE IRON FENCE FINISH (COLOR ON, DETAIL PER DRAWING)

DDLA DESIGN
LANDSCAPE ARCHITECTURE
214.600.1415
DDLADESIGN.COM

MARSHALL RESIDENCE
11322 RICKS CIRCLE
DALLAS, TEXAS 75230

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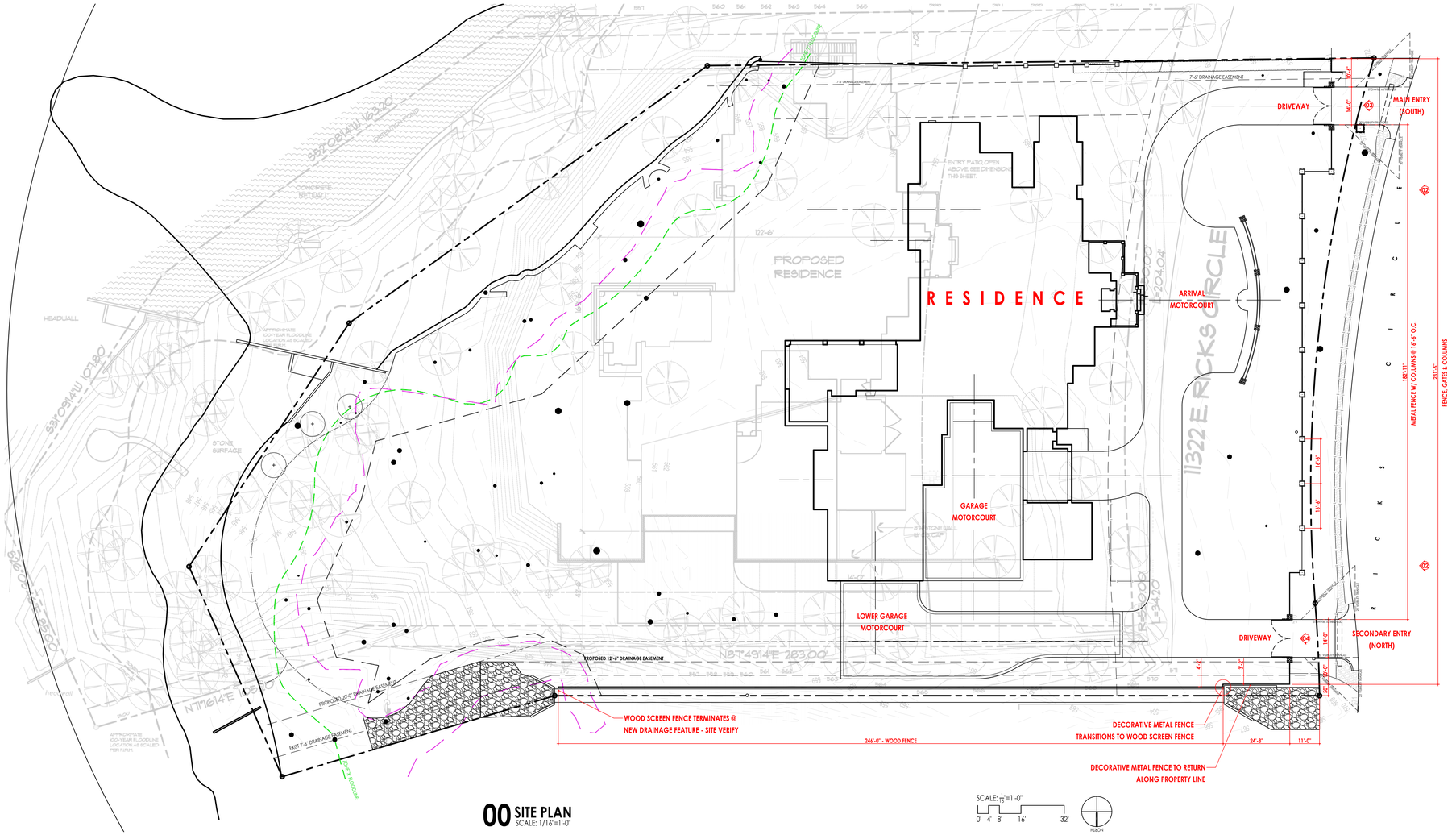
These drawings have been prepared by DDLA Design for review purposes only. They are not to be distributed without permission and are not to be used for construction, bidding or permitting.

SCALE: SEE PLANS

DATE:
5.15.2025
REVISIONS:

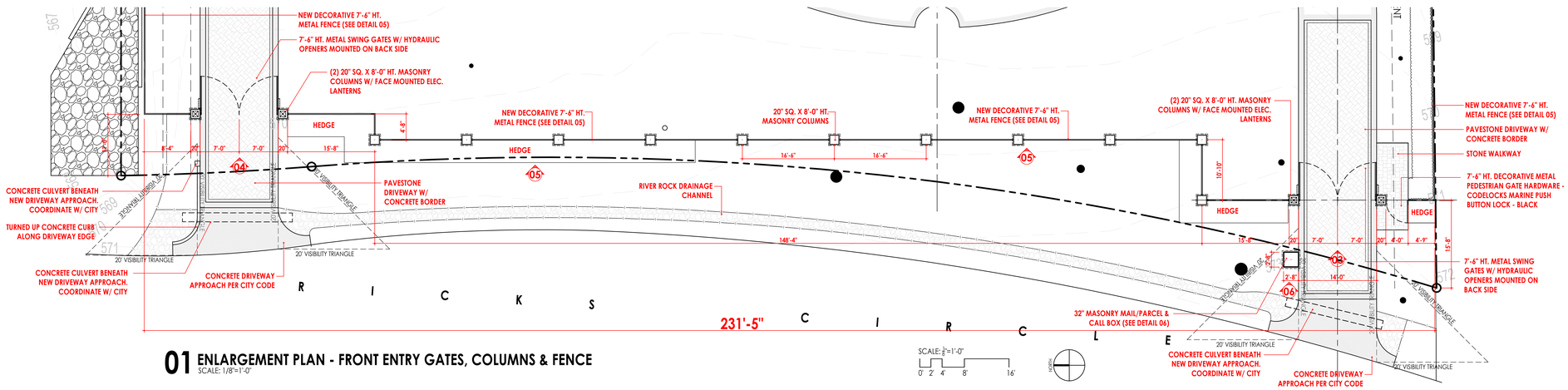
DETAILS
FRONT ENTRY GATES, FENCE & COLUMNS

LV 6.1



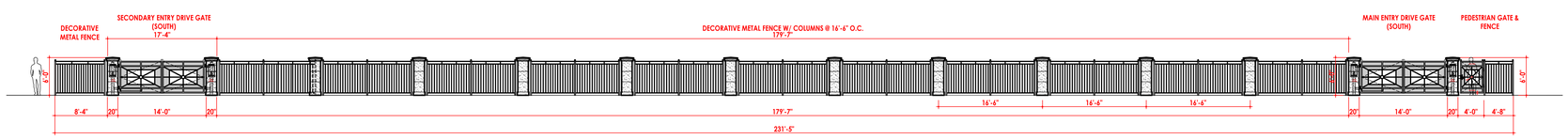
00 SITE PLAN
SCALE: 1/16"=1'-0"

SCALE: 1/16"=1'-0"
0' 4' 8' 16' 32'



01 ENLARGEMENT PLAN - FRONT ENTRY GATES, COLUMNS & FENCE
SCALE: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0' 2' 4' 8' 16'



02 ELEVATION - FRONT ENTRY GATES, COLUMNS & FENCE
SCALE: 1/8"=1'-0"

DDLA DESIGN
LANDSCAPE ARCHITECTURE
214.600.1415
DDLADESIGN.COM

MARSHALL RESIDENCE
11322 RICKS CIRCLE
DALLAS, TEXAS 75230

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SCALE: SEE PLANS

DATE:
4.22.2025
REVISIONS:

FRONT ENTRY GATES, FENCE & COLUMNS

LV 6.0

Baldwin
Associates

June 20, 2025

Mr. Bryant Thompson
Senior Planner – Board of Adjustment
Department of Development Services
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BOA-25-000009

Dear Mr. Thompson,

This firm represents the Marshall family in connection with their request for a Special Exception to allow the construction of a six-foot tall fence in the front yard of their residence at 11322 East Ricks Circle.

We respectfully request reconsideration of the previously submitted application, which was denied without prejudice. In response to the Board's prior concerns, the Marshalls have amended their request by reducing the proposed fence height by two feet—from eight feet to six feet—in a good-faith effort to address neighborhood compatibility and visual impact.

Under the Dallas Development Code, the Board has the authority to grant a Special Exception for increased fence height where it determines that the proposed improvement will not adversely affect neighboring properties. In this case, numerous nearby homes feature front yard fences, and based on data from the Dallas Central Appraisal District, there is no discernible correlation between the presence of a fence and property valuation. Land values across the neighborhood remain consistent regardless of fencing.

Attached to this letter is an exhibit documenting nearby properties with similar fencing. The exhibit includes a map and photos illustrating the prevalence and visual character of front yard fences within the surrounding area. We respectfully request that this exhibit be shared with the Board to provide context for our request.

3904 Elm Street Suite B · · Dallas, TX 75226 · · 214-824-7949

We appreciate your time and thoughtful consideration of this matter. Should you need any further information or clarification, please do not hesitate to contact me.

Rob Baldwin

FILE NUMBER: BOA-25-000025(BT)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Peterson represented by Jennifer Galdamez for **(1)** a variance to the lot coverage regulations at **5302 MILLER AVENUE**. This property is more fully described as Block 14/1938, Lot 1, and is zoned CD-15, which limits the lot coverage to 40 percent for new and existing houses. The applicant proposes to construct and/or maintain a single-family residential structure with 3,257 square feet of floor area, which will require **(1)** a 57 square foot variance to the lot coverage regulations.

LOCATION: 5302 Miller Avenue.

APPLICANT: Jennifer Peterson

REPRESENTED BY: Jennifer Galdamez

REQUEST:

(1) A request for a variance to lot coverage.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front-yard, side-yard, rear-yard, lot-width, lot-depth, **lot-coverage**, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

(A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

(B) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

(i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

(ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

(iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

(iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance to lot coverage:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

A. Not contrary to the public interest as no letters of opposition were received.
B. Lot is not restrictive in **area**, shape or slope, and the applicant lot size is a 8,000 square feet corner lot; therefore, it can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site:	CD-15 (Vickery Place)
North:	CD-15 (Vickery Place)
East:	CD-15 (Vickery Place)
South:	CD-15 (Vickery Place)
West:	CD-15 (Vickery Place)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

BDA History:

No BDA history has been found within the last five years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Peterson for the property located at 5302 Miller Avenue focuses on one requests relating to the lot coverage.
- The request is for a variance to the lot coverage regulations. The applicant is requesting to construct and/or maintain a single-family residential structure with 3,257 square feet of

floor area. This request exceeds the maximum lot coverage of 40 percent, which will require a 57 square foot (0.7125 percent) variance to the maximum allowed lot coverage.

- It is imperative to note that CD-15 (Vickery Place Conservation District) was approved on June 28, 2006 establishing the following setbacks:
    - CD-15 4(k) Lot coverage. Maximum lot coverage is 40 percent for new and existing houses. Maximum lot coverage is 45 percent for original houses.
- The subject site along with surroundings properties are all developed with single-family homes.
- The applicant has the burden of proof in establishing the following:

    1) That granting the variance to the lot coverage regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

    2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

    3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

- ELEMENT II SUBSTITUTE:

    Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

    (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

    (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

    (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

    (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

    (v) the municipality considers the structure to be a nonconforming structure.

- Granting the variance to the lot coverage regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- 200’ Radius Video:

Timeline:

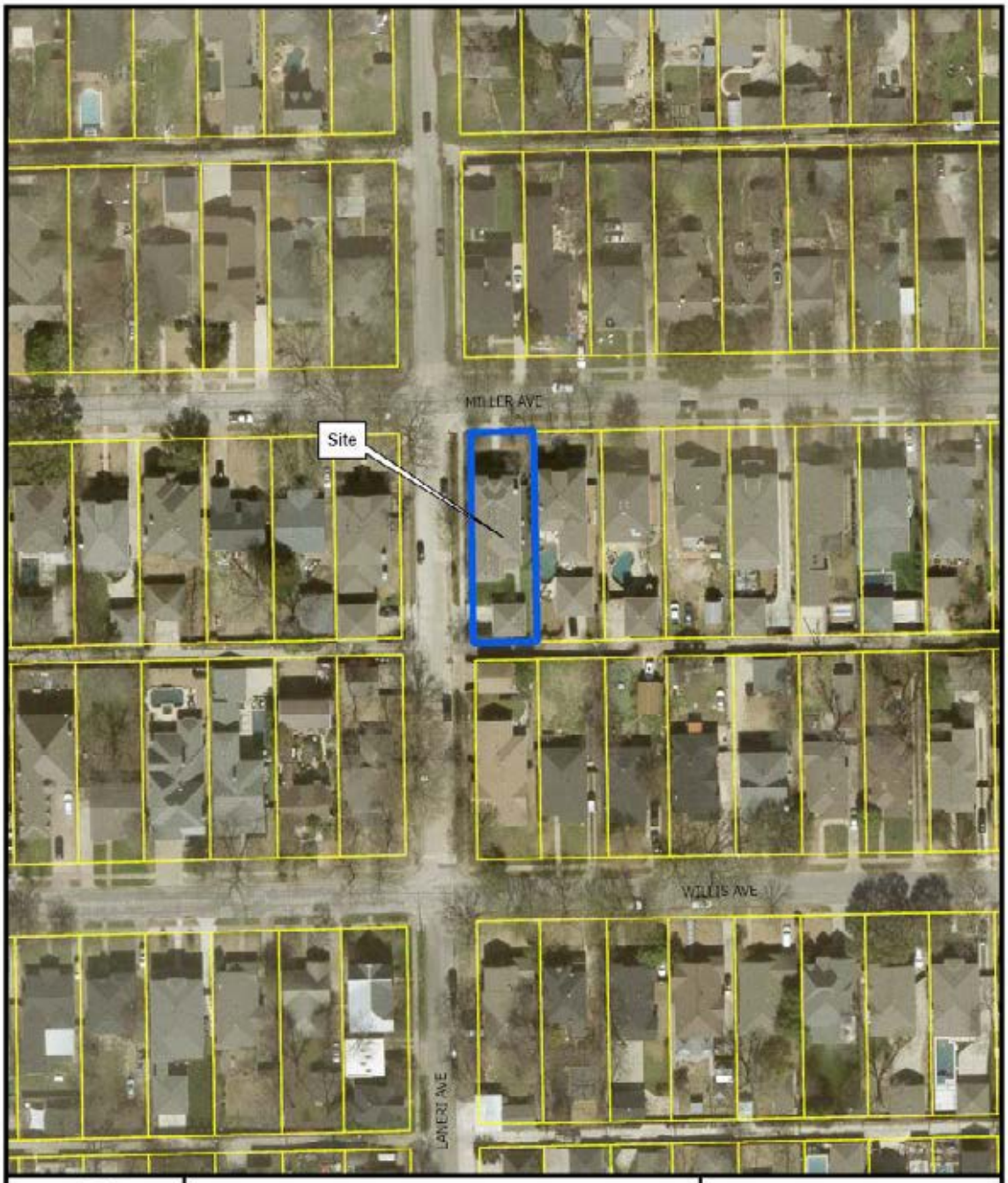
June 27, 2025: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 7, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

August 6, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the **July 21, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **August 8, 2025**, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 30, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **August** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

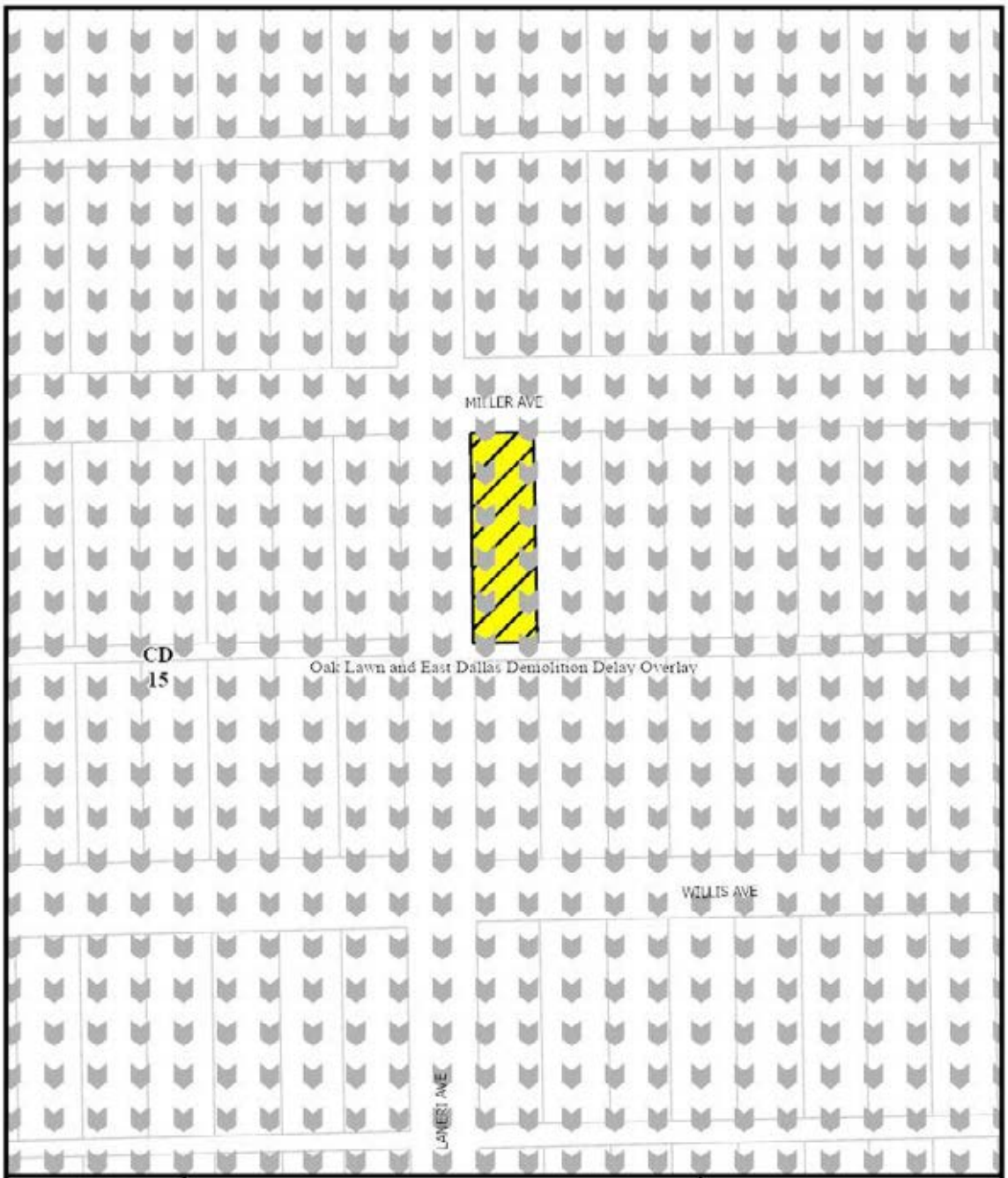


1:1,200

AERIAL MAP

Case no: BOA-25-000025

Date: 07/01/2025

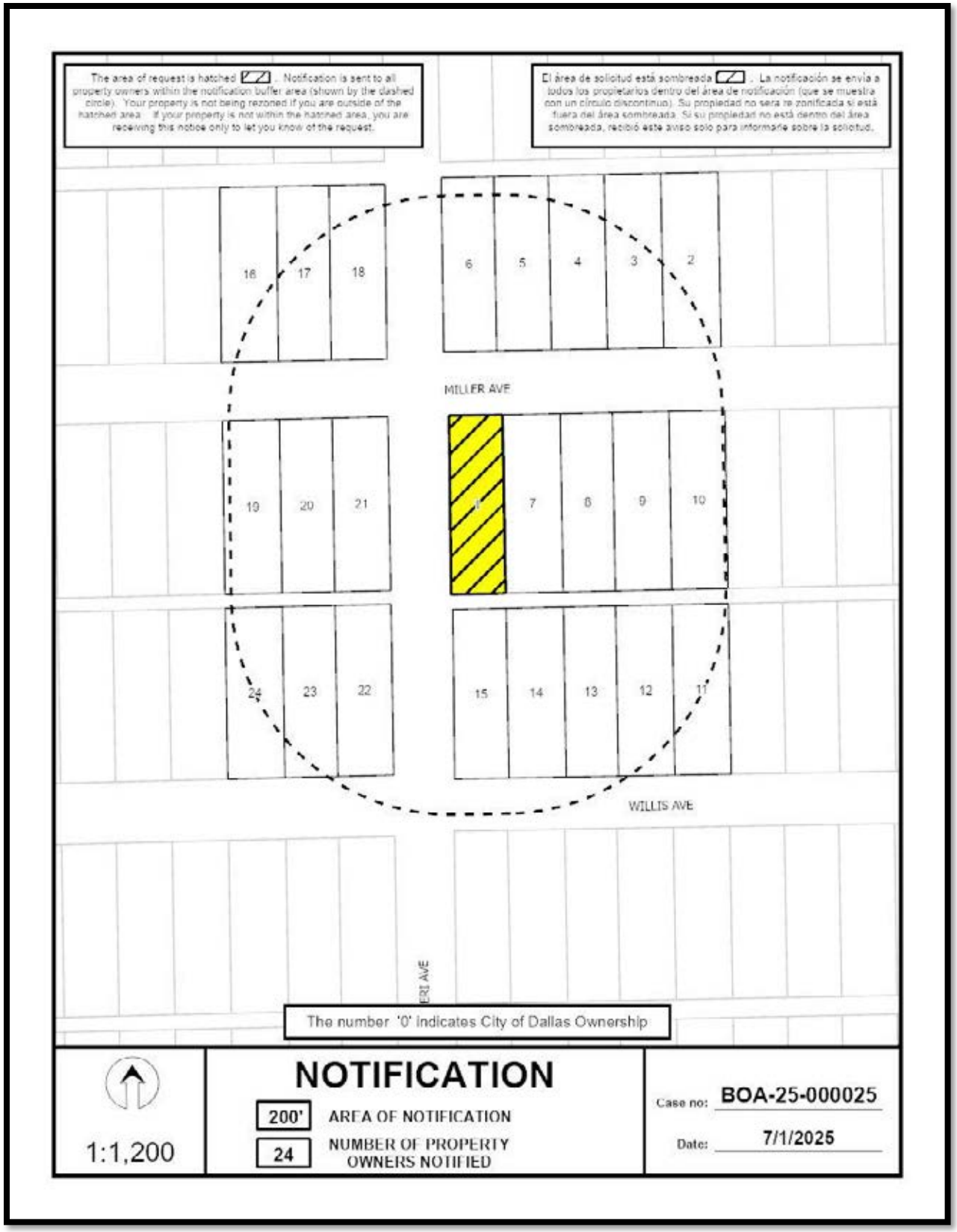


1:1,200

ZONING MAP

Case no: BOA-25-000025

Date: 07/01/2025


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.
16
17
18
6
5
4
3
2
MILLER AVE
19
20
21
1
7
8
9
10
24
23
22
15
14
13
12
11
WILLIS AVE
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
24
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BOA-25-000025
Date: 7/1/2025

Notification List of Property Owners

BOA-25-000025

24 Property Owners Notified

Label #	*Address*		*Owner*
1	5302	MILLER AVE	PETERSON DANE CHRISTOPHER &
2	5319	MILLER AVE	WELLS MILLER I LP
3	5313	MILLER AVE	GANGEL CHRISTOPHER & MIRIAM A
4	5309	MILLER AVE	5309 MILLER AVE LLC
5	5307	MILLER AVE	HICKMAN BEVERLY
6	5301	MILLER AVE	MYNARD CHARLES HARVEY
7	5306	MILLER AVE	GILMAN ABIGAIL L
8	5308	MILLER AVE	HOFNER THOMAS J & SHANNON N
9	5312	MILLER AVE	CASTRO ENRIQUE JR & OLGA
10	5318	MILLER AVE	JAQUISS ROBERT & CHERYL
11	5319	WILLIS AVE	KOGER LINTON M & KRISTINE S
12	5315	WILLIS AVE	SEPULVEDA MARIA GUADALUPE
13	5311	WILLIS AVE	ADDIE DERRICK
14	5307	WILLIS AVE	JOHNSTON SAMUEL C &
15	5303	WILLIS AVE	ZAMBRANO RICHARDO &
16	5247	MILLER AVE	RUBIN ADAM JOHN & JULIE
17	5251	MILLER AVE	HINOJOZA EDDIE A
18	5255	MILLER AVE	5253 MILLER AVE REALTY LLC
19	5246	MILLER AVE	GARCIAMENDEZROWOLD KRISTIAN
20	5250	MILLER AVE	WELLS MILLER II LP
21	5254	MILLER AVE	MEISTER ASHLEY & JOSEPH
22	5255	WILLIS AVE	SHIUNG TED & MELODY LAO
23	5251	WILLIS AVE	ABBET JOSEPH LINDEN
24	5247	WILLIS AVE	BIBLO LEE A &

1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BOA-25-000025

Date: 7/1/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, AUGUST 19, 2025**

BRIEFING: **10:00 a.m.** via **Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

HEARING: **1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS** at Dallas City Hall, 1500 Marilla Street https://bit.ly/boa0819

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000025(BT) Application of Jennifer Peterson represented by Jennifer Galdamez for **(1)** a variance to the lot coverage regulations at **5302 MILLER AVENUE**. This property is more fully described as Block 14/1938, Lot 1, and is zoned CD-15, which limits the lot coverage to 40 percent for new and existing houses. The applicant proposes to construct and/or maintain a single-family residential structure with 3,257 square feet of floor area, which will require **(1)** a 57 square foot variance to the lot coverage regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at **6EN Council Chambers**. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-A-Register **by the 5 p.m. on Monday, August 18, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT:
https://bit.ly/BDA-A-Register

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA [FOR OFFICE USE ONLY]

Data Relative to Subject Property: Date: [FOR OFFICE USE ONLY]

Location address: 5302 Miller Ave, Dallas, TX 75206 Zoning District: Vickery Place CD 15

Lot No.: 1 Block No.: 14/1938 Acreage: 0.184 Census Tract:

Street Frontage (in Feet): 1) 50' 2) 150' 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jennifer Christine Peterson and Dane Christopher Peterson

Applicant: Jennifer Peterson Telephone: 214-587-1381

Mailing Address: 5302 Miller Avenue, Dallas, TX Zip Code: 75206

E-mail Address: jenanddane@charter.net

Represented by: Self or Jennifer Galamez Telephone: 214-766-0259

Mailing Address: 2621 Elm Grove Rd, Wylie, TX Zip Code: 75098

E-mail Address: jennifer@texasoutdooroasis.com

Affirm that an appeal has been made for a Variance X, or Special Exception _, of Lot coverage

5302 Miller Ave., Dallas TX 75206

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

Increase lot coverage maximum from 40% to 41% to accomodate a covered backyard patio.
adding a covered patio that exceeds lot coverage

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Dane C. Peterson Jennifer C. Peterson
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: Dane C. Peterson Jennifer C. Peterson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of May, 2025

Notary Public in and for Dallas County, Texas

FRANK WILSON
My Notary ID # 131062749
Expires March 31, 2029

| REV 01.16.2023

BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000025

BUILDING OFFICIAL'S REPORT: Application of Jennifer Galdamez for a variance to the maximum allowed lot coverage at 5302 MILLER AVE. This property is more fully described as Block 14/1938 Lot 1, and is zoned CD-15, which has maximum allowed lot coverage of 40 percent. The applicant proposes to construct and/or maintain a single-family residential structure with 3,257 square feet of floor area, which will require a 57 square foot variance to the maximum allowed lot coverage regulations.

LOCATION: 5302 MILLER AVE

APPLICANT: Jennifer Galdamez

REQUEST: A variance to the maximum allowed lot coverage.

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA _____

I, Dane Christopher Peterson, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5302 Miller Ave., Dallas TX 75206
(Address of property as stated on application)

Authorize: Jennifer Christine Peterson
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

__X__ Variance (specify below)

_____ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: Increase lot coverage to 41% to accomodate patio coverage.

Dane C. Peterson
Print name of property owner or registered agent

Signature of property owner or registered agent

Date May 21, 2025

Before me, the undersigned, on this day personally appeared
Dane C Peterson

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 21st day of May, 2025

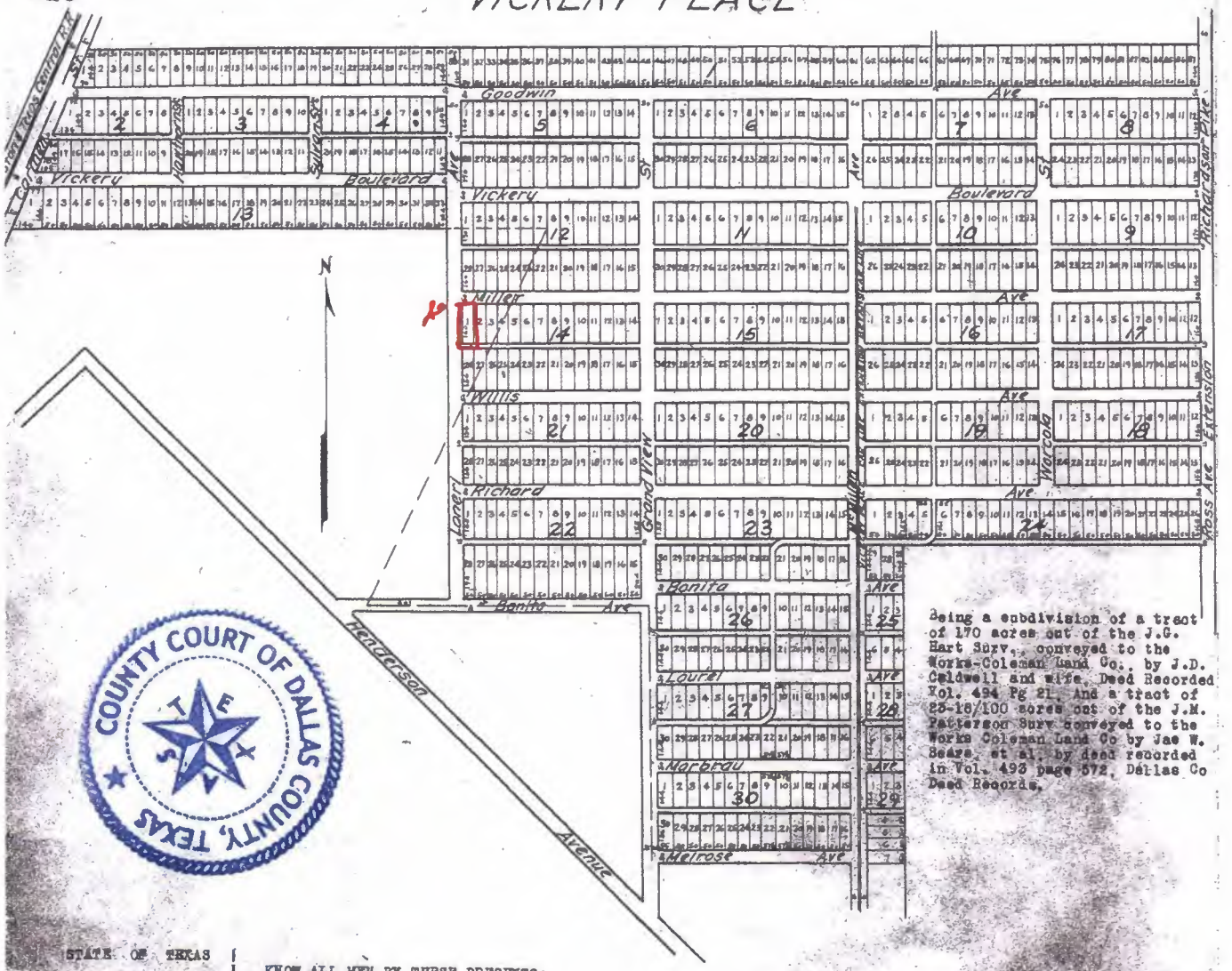
DAMIEN SLY
Notary ID #135512632
My Commission Expires
April 23, 2029

Notary Public for Dallas County, Texas

Commission expires on
April 23, 2029

318

VICKERY PLACE



Being a subdivision of a tract of 170 acres out of the J.C. Hart Surv., conveyed to the Works-Coleman Land Co., by J.D. Caldwell and wife, Deed Recorded Vol. 494 Pg 21. And a tract of 25-18/100 acres out of the J.M. Patterson Surv conveyed to the Works Coleman Land Co by Jae W. Sears, et al, by deed recorded in Vol. 493 page 572, Dallas Co Deed Records.

STATE OF TEXAS }
COUNTY OF DALLAS } KNOW ALL MEN BY THESE PRESENTS:

That the Works-Coleman Land Company, a corporation of Dallas, Texas, acting by and through its duly authorized officers does hereby adopt the accompanying plat of Vickery Place, and does hereby dedicate the streets and alleys as shown thereon to the public use, reserving, however, to itself its successors and assigns, all right to the use of said streets and alleys for gas, water and sewer mains, and all electric lights, telephone and telegraph lines, and street and interurban railways and this company expressly reserves the right to grant the privilege to occupy said streets and alleys for each, any and all of said purposes to other persons or corporations upon such terms as it may deem proper.

Witness the hand and seal of said Works-Coleman Land Company, this the 3rd day of June, A.D. 1911.

ATTEST: H.W. Works, Secretary.

(SEAL)

WORKS-COLEMAN LAND COMPANY
By R. Vickery, President.

STATE OF TEXAS }
COUNTY OF DALLAS }

Before me, W.T. Savage, a Notary Public, in and for said County and State, personally came the Works-Coleman Land Company, a corporation, by R. Vickery, its President, known to me to be the person who..name is subscribed to the foregoing instrument as President, and he acknowledged the same to be the act of said corporation, and that he executed the same for the purposes and considerations therein expressed.

Given under my hand and official seal this the 3rd day of June, A.D. 1911.

(SEAL)

W. T. Savage, Notary Public, Dallas County, Texas.

Filed June 9th 1911 at 8:20 o'clk P. M.
Recorded June 14th, 1911 at 10:20 o'clk P.M.

J. E. Record, County Clerk

By T. B. Kendall, Deputy.

CITY OF DALLAS

Development Services Board of Adjustment Referral Form:

Applicant/Representative: Jennifer Galdamez_____

Owner (if applicable): Jennifer Peterson _____

Property address: 5302 Miller Ave, Dallas TX_____

Lot: 1 City Block: BLK 14/1938 Zoning: CD-15 Vickery Place

Request (check all that apply):

☐ **Variance**	☐ **Special Exception**
☐ Yard setback	☐ Fence height and standards
☐ Lot width	☐ Visibility triangle obstructions
☐ Lot Depth	☐ Parking demand
X Lot Coverage	☐ Landscaping
☐ Floor area for accessory structures for single family uses	☐ Additional dwelling unit for a single-family
☐ Height	☐ Carport
☐ Minimum width of sidewalk	☐ Non-conforming use
☐ Off-street parking	☐ Other
☐ Off-street loading	
☐ Landscape regulations	
☐ Other	

Referrer

- ☐ Physical properties of the land prohibit commensurate development with properties of the same zoning
- ☐ The land (not the improvements) has restrictive size, shape, or slope.

"A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any reason privilege in developing a parcel of land permitted by the zoning ordinance to other parcels of the land in districts with the same classification."

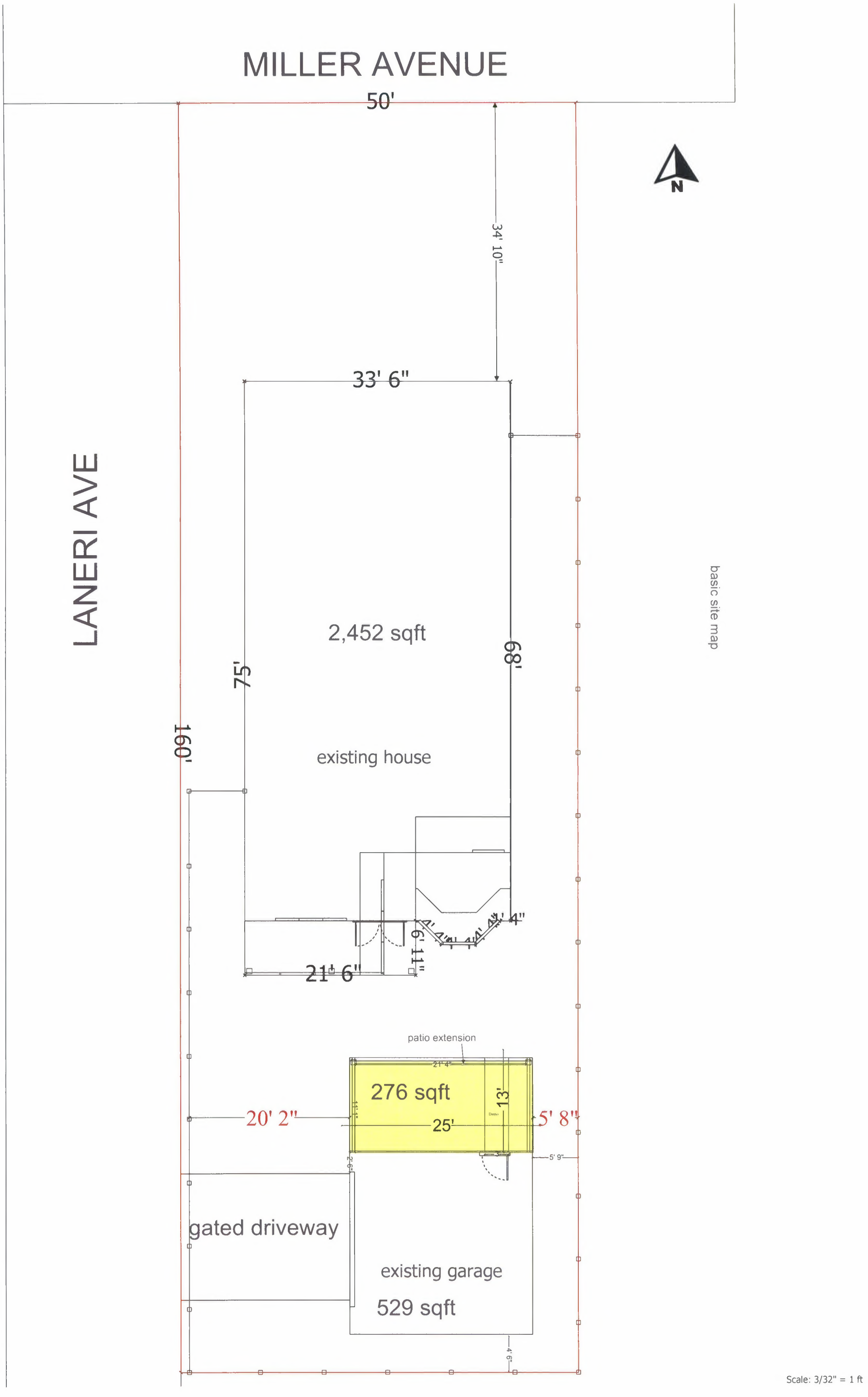
_ Per ORD 26391(4)(k) Maximum lot coverage is 40 percent for new and existing houses. The proposed lot coverage exceeds this by approximately 253 square feet__

SEC. 51A-3.102

Referred by: _____ Date: _____

Printed name

Application forms can be obtained at
http://www.dallascityhall.com/development_services/current_planning.html
or
320 E. Jefferson Blvd, Rm 118 Dallas TX 75203



basic site map

Scale: 3/32" = 1 ft

Shingles to match house

1/2" OSB decking

existing garage

patio extension

11' 6"

13'

25'

Soffits to match house

Slope

Slope

Beams tied to existing

Garage door

12" X 4" cedar beam

+/- 8' 9"

existing door

Engineered beam

21' 4"

2'

8X8 cedar posts

posts wrapped in 6m polywrap and set in 3'

Scale: 1/4" = 1 ft

Material Selections - see MSS in dropbox

Customer Info

Name: Jennifer Peterson

Address: 5302 Miller Dr

City: Dallas State: TX Zip: 75206

Mobile: (214) 587-1381 Email:

Designer: Jen Galdamez 214-766-0259

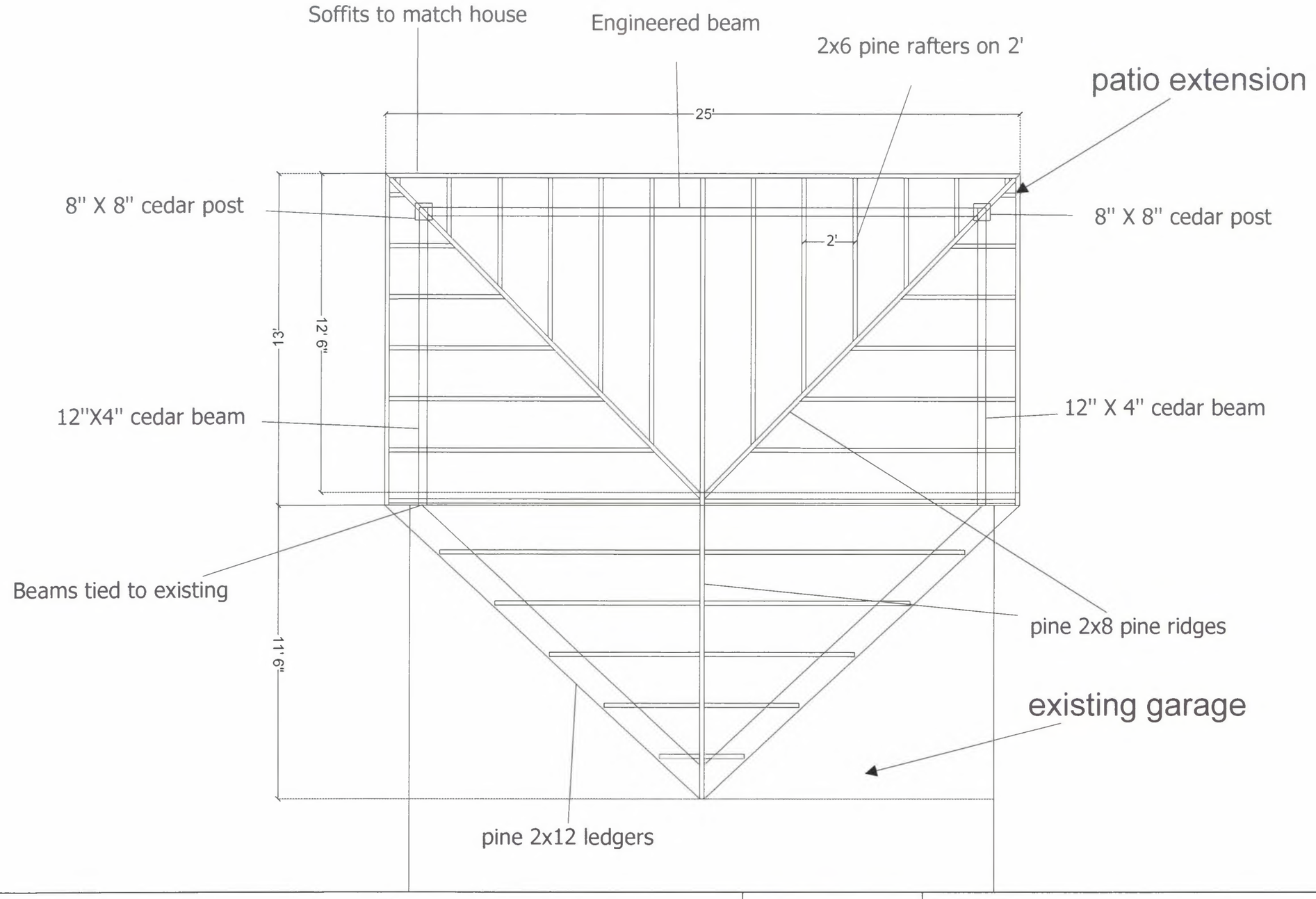
TEXAS OUTDOOR OASIS
CONCEPT TO CREATION

Owner's Responsibility
1-I agree to proceed with plans as drafted
2- HOA approval has been obtained

I have reviewed and I give my approval to proceed with the construction of this project.

X

Customer Signature Date



Material Selections - see MSS in dropbox

Customer Info

Name: Jennifer Peterson
Address: 5302 Miller Dr
City: Dallas State: TX Zip: 75206
Mobile: (214) 587-1381 Email:
Designer: Jen Galdamez 214-766-0259

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Customer Signature Date