

From the Mid City Messenger
<http://midcitymessenger.com/2014/11/19/alcohol-board-orders-immediate-end-to-liquor-sales-at-faubourg-st-john-corner-store/#more-8167>

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An image of the S Express store on Ursulines Avenue (dated March 2014 by Google Maps).

The New Orleans Alcohol Beverage Control board ordered the S Express convenience store on Ursulines Avenue to stop selling hard liquor immediately, after officials and Bayou St. John residents argued Tuesday afternoon that the store's permit was granted mistakenly.

The store has long had a license to sell beer, but in March of 2013, new owner Sandy Bissant was applying for her alcohol license and requested sales of all forms of alcohol. That request was approved, even though the residential zoning of the property should have prevented it, city attorney Dan McNamara said Tuesday.

Ed Washington, the attorney for the store, told the alcohol board Tuesday he was still waiting on documents he had requested from the city to determine whether the hard-liquor sales should be grandfathered in the same way that the beer and wine had been. Without that information, Washington said, he needed more time to prepare a defense and asked that the proceedings be delayed a month.

“This is just the basic information I need to begin an investigation,” Washington said. “I haven’t been provided with hardly anything.”

Alcohol board chair Nyka Scott initially said she would Washington’s request for a delay to get the documents, but a cascade of neighbors and members of the Faubourg St. John Neighborhood Association took the microphone to protest any delay. They described loitering, unsanitary behavior, possible illegal activity and even occasional outbreaks of violence around the store. Some asked that if the matter was to be postponed, that the permit be suspended during the interim, while others sought to have the entire permit revoked — hard alcohol as well as the beer that was grandfathered.

“We’ve been working on it for months and months and months,” said Steve Mardon of the Faubourg St. John Neighborhood Association, referencing the research the association conducted on how the hard-alcohol sales began. “It’s taken us a long time just to get here. They’re obviously just trying to drag this out as long as they can here.”

The issue should be relatively simple for the board to decide, argued McNamara. The permit was clearly issued in error, and thus should be deemed invalid.

“This is not an unknown issue. One mistake was made. It’s a documented mistake, it need to be corrected, and the rest is just obfuscation and delaying the inevitable,” McNamara said. He added, “These are dilatory tactics. This is a very simple case.”

Bissant spoke briefly, saying that the problems described by neighbors took place before she took over the lease last year, and that she has already begun cleaning up the property, starting with substantial new landscaping. She did not do anything wrong by asking on her application for hard alcohol sales, she said, and thought she was within her rights when it was granted and even subsequently renewed once.

“Some improvements have been done,” Bissant said. “I’m willing to do more, but I have a problem with the license being suspended, because I already purchased alcohol, and I have to sell it.”

Scott and the alcohol board took a brief recess to study the city code on the matter, and after returning said the law is clear: When the zoning does not allow a permit, no permit should be issued.

“We don’t have the option to revoke it or suspend it because there is no permit,” Scott said.

“If any permit exists, it should be withdrawn,” agreed board member Robert Jenkins. “This action is immediate, and not to be delayed.”

Washington protested the issue a final time, reminding the board of Bissant’s unsold stock and asking if the decision would take 30 days to go into effect. When the board members reiterated that the decision was immediate and that any financial loss incurred by the erroneous permit was between Bissant and the city, Washington asked if the board’s recommendation was to sue the city.

“If she sells alcohol without a legal permit, she’s subject to be arrested,” Jenkins said to Washington. “As a lawyer, you can counsel her on what she may or may not do.”