

MEMORANDUM



Date January 5, 2023
To Honorable Mayor and Members of the City Council
Subject **2022 Annual Report for Permit and License Appeal Board**

The members of the Permit & License Appeal Board are pleased to submit to you our Annual Report of activities for 2022.

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

A handwritten signature in blue ink, appearing to be 'Benjamin Setnick'.

Benjamin Setnick, Chair
Permit and License Appeal Board

c: T.C. Broadnax, City Manager
Bilerae Johnson, City Secretary

PERMIT AND LICENSE APPEAL BOARD



CITY OF DALLAS

ANNUAL REPORT 2022

TABLE OF CONTENTS

<u>SECTION</u>	<u>TABS</u>
MISSION STATEMENT	1
GUIDING PRINCIPLES	2
STAFF SUPPORT	3
BOARD MEMBERS	4
NEW BOARD MEMBER TRAINING	5
ATTENDANCE RECORD	6
ACTIVITY SUMMARY	7
ACTIVITY DETAIL	8
APPEAL HEARINGS HEARD BY PLAB.....	9
APPEAL HEARINGS NOT HEARD BY PLAB	10
APPENDIX	
PERMIT AND LICENSE APPEAL BOARD CITY CODE	11
DALLAS CITY CODE, Chapter 2, Permit and License Appeal Board, Article IX, Section 2-95 - 2-99	

TAB 1

MISSION STATEMENT

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

TAB 2

GUIDING PRINCIPLES

- Authority:** Dallas City Code, Chapter 2, Article IX Permit and License Appeal Board (PLAB), Section 2-96
- Members:** 15 members, one board member appointed by each City Council member
- Qualifications:** No special qualifications for membership
- Officers:** Mayor appoints the chair, subject to confirmation by a majority of the City Council; full city council appoints the vice-chair
- Support Staff:** Billierae Johnson, City Secretary
Miroslava Martinez, Assistant City Secretary
Dawna Brown, Board Coordinator
Ashley De La Rosa, Administrative Specialist
- Hearings:** PLAB shall hear appeals from denial, suspension or revocation of a license or permit issued by a city department director and filed in accordance with Section 2-96 of the Dallas City Code. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the Permit and License Appeal Board is final, and no rehearing may be granted; but the appellant may appeal to the state district court.

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

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

* Appeal Hearings for Calendar Year 2022 held only in this area.

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

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

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

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

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

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

TAB 3

STAFF SUPPORT

- CITY SECRETARY'S OFFICE
 - Bilierae Johnson, City Secretary
214-670-5654 ♦ bilierae.johnson@dallas.gov
 - Miroslava Martinez, Assistant City Secretary
214-670-3809 ♦ miroslava.martinez@dallas.gov
 - Dawna Brown, EAC/PLAB Board Coordinator
214-670-3741 ♦ dawna.brown@dallas.gov
 - Ashley De La Rosa, Administrative Specialist
214-670-3055 ♦ ashley.delarosa@dallas.gov
- CITY ATTORNEY'S OFFICE
 - Daniel Moore, Assistant City Attorney, PLAB Counsel
214-670-7027 ♦ daniel.moore@dallas.gov
 - Brian King, Assistant City Attorney, PLAB Counsel
214-671-5029 ♦ brian.king@dallas.gov

TAB 4

BOARD MEMBERS

CURRENT BOARD MEMBERS

Board Member	Position	Member as of	Current Status
Benjamin Setnick, Chair	15	10/24/19	Reappointed 10/05/21
Vacant (10/17/22 to present)	1	—	—
Carmen Ayala	2	08/19/22	Appointed 08/17/22
Angela Y. Willis	3	06/24/22	Appointed 06/22/22
Vacant (12/27/19 to present)	4	—	—
Vacant (10/26/20 to present)	5	—	—
Laura Baez Torres	6	09/29/21	Appointed 09/22/21
Derrick Nutall	7	12/03/19	Reappointed 12/08/21
Vacant (06/22/20 to present)	8	—	—
Richard Cuccia	9	11/25/19	Reappointed 10/05/21
Vacant (01/18/22 to present)	10	—	—
Jack M. Hayes	11	10/20/21	Appointed 10/13/21
Vacant (07/01/20 to present)	12	—	—
Jennifer A. Shinn	13	01/21/22	Appointed 01/19/22
Dolores G. Wolfe	14	10/12/21	Appointed 10/05/21

[Continue to Next Page]

OTHER BOARD MEMBERS SERVING IN 2021-2022

Board Member	Position	Original Appointment Date	Current Status
Joe Ryan Urby	1	10/27/21	Resigned 10/17/22
Derrich Phillips	10	11/06/19	Resigned 01/18/22
Bob T. Richard	12	10/23/13	Term Ended 07/01/22
Charles W. Kight	13	01/22/12	Replaced 01/19/22

TAB 5

NEW BOARD MEMBER TRAINING

JANUARY 2022 THROUGH DECEMBER 2022

The City Secretary's Office and the City Attorney's Office provided training for "3" appointed members serving a term beginning October 1, 2021 and ending and September 30, 2023 in accordance with Chapter 2, Section 2-95.1 of the Dallas City Code which states "Every person appointed as a member of the permit and license appeal board must attend a one-day training course..."

MEMBER(S) FOR TERM 2021-2023				
NAME	POSITION	APPOINTMENT	TRAINING	OBSERVED HEARING
Carmen Ayala	2	08/17/22	09/27/22	09/01/22
Angela Willis	3	06/22/22	07/28/22	08/04/22
Jennifer Shinn	13	01/19/22	02/10/22	04/21/22

TAB 6

PERMIT AND LICENSE APPEAL BOARD 2022 ATTENDANCE RECORD

MEETING DATES:		1/6/2022	1/20/2022	2/3/2022	3/3/2022	4/7/2022	4/21/2022	5/5/2022	6/2/2022	6/16/2022	7/7/2022	8/4/2022	9/1/2022	9/15/2022	10/6/2022	11/3/2022	12/1/2022
POS	BOARD MEMBERS	R Meeting	S Hearing	Hearing	Hearing	Hearing	S Hearing	Hearing	Hearing	S Hearing	Hearing	Hearing	Hearing	S Hearing	Hearing	Hearing	Hearing
1	VACANT (as of 10/17/22)	P	A	C	C	C	A	C	C	C	C	P	P	P	C	V	C
2	Carmen Ayala (as of 08/17/22)	V	V	C	C	C	V	C	C	C	C	V	P/OH	P/OH	C	P	C
3	Angela Willis (as of 6/22/22)	V	V	C	C	C	V	C	C	C	C	P/OH	A	P	C	P	C
4	VACANT (as of 12/27/19)	V	V	C	C	C	V	C	C	C	C	V	V	V	C	V	C
5	VACANT (as of 10/26/20)	V	V	C	C	C	V	C	C	C	C	V	V	V	C	V	C
6	Laura Torres (as of 9/22/21)	A	P	C	C	C	P	C	C	C	C	P	P	A	C	A	C
7	Derrick Nutall (as of 11/13/19)	P	P	C	C	C	A	C	C	C	C	A	P	P	C	P	C
8	VACANT (as of 06/22/20)	V	V	C	C	C	V	C	C	C	C	V	V	V	C	V	C
9	Richard Cuccia (as of 11/25/19)	P	P	C	C	C	P	C	C	C	C	A	P	P	C	P	C
10	VACANT (as of 1/19/22)	A	V	C	C	C	V	C	C	C	C	V	V	V	C	V	C
11	Jack Hayes (as of 10/13/21)	P	P	C	C	C	P	C	C	C	C	P	P	P	C	P	C
12	VACANT (as of 7/01/22)	P	P	C	C	C	P	C	C	C	C	V	V	V	C	V	C
13	Jennifer Shinn (as of 1/19/22)	P	V	C	C	C	P/OH	C	C	C	C	P	P	P	C	P	C
14	Dolores Wolfe (as of 10/05/21)	P	P	C	C	C	A	C	C	C	C	P	A	A	C	A	C
15	Benjamin Setnick (as of 10/24/19)	P	P	C	C	C	P	C	C	C	C	P	P	P	C	P	C

A-Absent F-Forfeit OH-Observe Hearing P-Present R-Resigned RH-Reset Hearing V-Vacant C-Mtg Cancelled

TAB 7

ACTIVITY SUMMARY

The following is a summary of activity within the period January 2022 through December 2022. A detailed summary of all hearings is located behind **Tabs 9 and 10** of the report.

I. 17 Scheduled Hearing, Meeting and/or Training Days:

- 6 days Appeal hearings conducted
(1/20/22, 4/21/22, 8/04/22, 9/01/22, 9/15/22, 11/03/22)
**2 hearings held 9/01/22*
- 10 days No hearings held as no appeal requests were received or scheduled hearing was cancelled
(2/03/22, 3/03/22, 4/07/22, 5/05/22, 5/19/22, 6/02/22, 6/16/22, 7/07/22, 10/06/22, 12/01/22)
- 1 day Regular board meeting
(1/06/22)

II. 14 Appeal Requests Received by the City Secretary's Office and Scheduled for PLAB Hearing: (See Tab 8 for Activity Detail)

- 6 Appeal requests considered, and judgments rendered
(1/20/22, 4/21/22, 8/04/22, 9/01/22, 9/15/22)
**2 judgments rendered 9/01/22*
- 8 Appeal hearing requests withdrawn

2 Appeal Requests Received but not scheduled:

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

TAB 8

ACTIVITY DETAIL

- I. Detail of Appeal Requests received and processed by the City Secretary's Office for PLAB within the period of January 2022 through December 2022.

Requests	License/Permit/ Designation	Appeal Hearing Disposition		Appeal Hearing Not Held
Appeals	Description	Denied	Granted	Withdrawn/Abandoned
6	Dance Hall Late-Hours Permit Denial	0	3 <ul style="list-style-type: none"> ◆ Kalua Discoteque, LLC ◆ Under The Bridge Club ◆ Station 4 	3 <ul style="list-style-type: none"> ◆ Player's Sports Bar & Billiards ◆ Tiger Room ◆ Bucks Wild
6	Habitual Criminal Property	2 <ul style="list-style-type: none"> ◆ Southwest Dallas Hospitality, LP ◆ Amira Group, Inc. 	0	4 <ul style="list-style-type: none"> ◆ Ash Creek Preservation Apartments, LLC ◆ Linsk Dallas Holdings, LLC ◆ Vantage Dallas TX Hotel, LLC* ◆ Skillman Plaza LLC*
1	Breeding Permit		1 <ul style="list-style-type: none"> ◆ Lee McMillian 	
1	Sexually Oriented Business			1 <ul style="list-style-type: none"> ◆ Xposed Adult Theater
Total 14		2	4	8

[Continue PLAB Activity Detail on Next Page]

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

District	Number of Cases	Type
01	0	
02	1	<ul style="list-style-type: none"> • Dance Hall Late Hours (Station 4)
03	1	<ul style="list-style-type: none"> • Dance Hall Late Hours (Player’s Sports Bar & Billiards)
04	0	
05	1	<ul style="list-style-type: none"> • Habitual Criminal Property (Linsk Dallas Holdings, LLC)
06	3	<ul style="list-style-type: none"> • Sexually Oriented Business (Xposed Adult Theater) • Dance Hall Late Hours (Kalua Discoteque, LLC) • Dance Hall Late Hours (Bucks Wild)
07	3	<ul style="list-style-type: none"> • Habitual Criminal Property (Ash Creek Preservation Apartments, LLC) • Dance Hall Late Hours (Under The Bridge Club) • Dance Hall Late Hours (Tiger Room)
08	2	<ul style="list-style-type: none"> • Habitual Criminal Property (Southwest Dallas Hospitality, LP) • Habitual Criminal Property (Amir Group, Inc)
09	1	<ul style="list-style-type: none"> • Breeding Permit (Lee McMillian)
10	2	<ul style="list-style-type: none"> • Habitual Criminal Property (Vantage Dallas TX Hotel, LLC) • Habitual Criminal Property (Skillman Plaza, LLC)
11	0	
12	0	
13	0	
14	0	
15**	0	
Total	14	

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

TAB 9

APPEALS HEARD BY PLAB JANUARY 2022 THROUGH DECEMBER 2022

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

1. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

Habitual Criminal Property under Chapter 27, Article VIII of the Dallas City Code

Hearing Date: January 20, 2022
Appellant: Suresh Patel
Representative: Philip Kingston
Business Name: **Southwest Dallas Hospitality, LP**
Location: 4220 Independence Drive, 75237
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 8
Date Filed with CSO: December 22, 2021
Disposition: Affirm the decision of the Chief of Police
Vote: 5-1 (1 absent, 8 vacancies)
CSO File: 22-5121

2. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

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

Hearing Date: April 21, 2022
Appellant: Saul Cardona
Representative: Roger Albright
Business Name: **Kalua Discoteque, LLC**
Location: 2435 W. Northwest Hwy., Suite 101, 75220
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 6
Date Filed with CSO: December 23, 2021
Disposition: Find for the applicant, reverse the decision of the Chief of Police
Vote: 5-1 (3 absent, 6 vacancies)
CSO File: 22-5123

3. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

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

Hearing Date: July 7, 2022
Appellant: Standard Hodges
Business Name: **Under The Bridge Club**
Location: 5610 Botham Jean Blvd., 75215
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 7
Date Filed with CSO: April 20, 2022
Disposition: Find for the applicant, reverse the decision of the Chief of Police
Vote: 5-1 (1 observing, 2 absent, 6 vacancies)
CSO File: 22-5654

4. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

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

Hearing Date: April 21, 2022
Appellant: Amy Khalil
Representative: Abby Campbell
Business Name: **Amira Group, Inc.**
Location: 8008 S. Polk Street, 75232
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 8
Date Filed with CSO: March 24, 2022
Disposition: Affirm the decision of the Chief of Police
Vote: 6-0 (1 observing, 1 absent when vote taken, 2 absent, 5 vacancies)
CSO File: 22-5481

5. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

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

Hearing Date: September 1, 2022
Appellant: Michael Nguyen
Representative: James Birch
Business Name: **Station 4**
Location: 3911 Cedar Springs Road, 75219
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 2
Date Filed with CSO: July 11, 2022
Disposition: Find for the applicant, reverse the decision of the Chief of Police
Vote: 7-0 (1 observing, 2 absent, 5 vacancies)
CSO File: 22-6098

6. DENIAL OF APPLICATION FOR A BREEDING PERMIT

Application for a Breeding Permit under Section 7-4.11 of the Dallas City Code

Hearing Date: September 1, 2022
Appellant: Lee McMillian
Location: 11641 KilKirk Lane, 75228
Denial: Application for a Breeding Permit
Issuing Department: DAS
Council District: 9
Date Filed with CSO: July 15, 2022
Disposition: Find for the applicant, reverse the decision of the director
Vote: 7-0 (1 observing, 2 absent, 5 vacancies)
CSO File: 22-6099

TAB 10

APPEALS NOT HEARD BY PLAB JANUARY 2022 THROUGH DECEMBER 2022

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

1. DENIAL OF A CLASS A DANCE HALL LATE-HOURS PERMIT

Application for a Class A Dance Hall License under Section 14-3.1 of the Dallas City Code

Appellant: Stephen B. Lucas
Business Name: **Player's Sports Bar & Billiards**
Location: 4444 W. Illinois Avenue, #210, 75211
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use
Issuing Department: DPD
Council District: 3
Date Filed with CSO: December 23, 2021
Scheduled Date: February 3, 2022
Outcome: Appeal withdrawn by Appellant on January 22, 2022

2. REVOCATION OF SEXUALLY ORIENTED BUSINESS LICENSE

Application for a Sexually Oriented Business License under Section 41A-10 of the Dallas City Code

Appellant: Bhatt Vihar Samir
Representative: T. Craig Sheils
Business Name: **VNB Enterprises, LLC dba Xposed Adult Theater**
Location: 910 W. Mockingbird Lane, 75247
Denial: A licensee or an operator has knowingly allowed possession, use, or sale of controlled substances on the premises.
Issuing Department: DPD
Council District: 6
Date Filed with CSO: February 8, 2022
Scheduled Date: April 7, 2022
Outcome: Appeal withdrawn by Appellant on March 31, 2022

3. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

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

Representative: Andrew Guthrie
Business Name: **Ash Creek Preservation Apartments, LLC**
Location: 2605 John West Road, 75228
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 7
Date Filed with CSO: March 18, 2022
Scheduled Date: June 2, 2022
Outcome: Appeal withdrawn by Appellant on May 24, 2022

4. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

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

Representative: Kartik Singapura
Business Name: **Linsk Dallas Holding, LLC**
Location: 8008 Military Parkway and 8008 Norvell Drive, 75227
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 5
Date Filed with CSO: May 6, 2022
Scheduled Date: November 3, 2022
Outcome: Appeal withdrawn by Appellant on November 3, 2022

5. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

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

Appellant: Vantage Dallas Hotel, LLC
Representative: Jim Harris
Business Name: **Vantage Dallas Hotel, LLC**
Location: 9019 Vantage Point Drive, 75243
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 10
Date Filed with CSO: April 29, 2022
Scheduled Date: Not Applicable
Outcome: Appeal withdrawn by Appellant on August 5, 2022

6. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 41A-4(e) of the Dallas City Code

Appellant: Ionnas Manettas
Representative: T. Craig Sheils
Business Name: **Coaster Line Coaster Club, LLC dba Tiger Room**
Location: 9125 E. R.L. Thornton Freeway, 75228
Denial: A sexually oriented business is prohibited from operating between 2 a.m. and 6 a.m.
Issuing Department: DPD
Council District: 7
Date Filed with CSO: April 7, 2022
Scheduled Date: May 19, 2022
(Note: reset request received May 6, 2022 & June 3, 2022. May 19, 2022 was last scheduled date)
Outcome: Appeal withdrawn by City Attorney on August 4, 2022

7. DENIAL OF A DANCE HALL LATE-HOURS PERMIT

Application for a Dance Hall Late-Hours Permit under Section 41A-4(e) of the Dallas City Code

Appellant: Curtis Wise
Representative: Roger E. Albright
Business Name: **Bucks Wild**
Location: 11327 Reeder Road, 75229
Denial: A sexually oriented business is prohibited from operating between 2 a.m. and 6 a.m.
Issuing Department: DPD
Council District: 6
Date Filed with CSO: April 7, 2022
Scheduled Date: May 19, 2022
(Note: reset request received May 6, 2022 & June 3, 2022. May 19, 2022 was last schedules date)
Outcome: Appeal withdrawn by City Attorney on August 4, 2022

8. NOTICE OF FINAL DETERMINATION AS A HABITUAL CRIMINAL PROPERTY

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

Representative: Vrinda Bhuta
Business Name: **Skillman Plaza, LLC**
Location: 9203 Skillman Street, 75243
Denial: Notice of Final Determination as a Habitual Criminal Property
Issuing Department: DPD
Council District: 10
Date Filed with CSO: December 15, 2022
Scheduled Date: Not Applicable
Outcome: Appeal withdrawn by Legal Representative on December 21, 2022

TAB 11

**ARTICLE IX.
PERMIT AND LICENSE APPEAL BOARD.**

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

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

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

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

SEC. 2-95.1. TRAINING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2-100. RESERVED.