

Incident # 18-00756

Jonesboro Police Dept

Report Date 01/25/18

Page 1 of 3

Incident Report

Report Time 3:20 PM

Status Active	Exception Clearance	Date	Reporting Officer	ORI/Agency
	Not Applicable		107 Baxter, Scott	AR0160100
	Assigned Officer	Entered By	Approving Officer	
Assisting Officers				

Complainant

Name Jonesboro Police Dept.	Contact Name
Business Address 1001 Caraway RD, Jonesboro, AR 72401	Business Phone 8709355657

Offenses

Incident Location 1509 Marketplace DR Jonesboro, AR 72401				Zone 1				
Earliest Possible Date 01/20/2018	Time 18:00	Latest Possible Date 01/21/2018	Time 02:20					
#	Statute/Code	Description	Fel/Misd	Att/Comp	Loc	Bias	Wpn	CATypes
1	6-5	UNLAWFUL/PROHIBITED ACTIVITIES AT PRIVATE CLUB PREMISES		Completed	25	88	99	

MO

Nude or partially nude dancing permitted at private club.

Method Of Entry n/a	# Prems 1
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Location Types	13 Hwy/Road/Alley 14 Hotel/Motel 15 Jail/Prison 16 Lake/Waterway 17 Liquor Store 18 Parking Lot/Garage 19 Rental Storage Facility 20 Residence/Home 21 Restaurant 23 Service/Gas Station 24 Specialty Store 25 Unknown/Other	37 Abandoned/Condemned Structure 38 Amusement Park 39 Arena/Stadium/Fair grounds/Colliseum 40 ATM Separate from Bank 41 Auto Dealership New/Used 42 Camp/Campground 44 Daycare Facility 45 Dock/Wharf/Freight/Modal Terminal 46 Farm Facility 47 Gambling Facility/Casino/Race Track	48 Industrial Site 49 Military Installation 50 Park/Playground 51 Rest Area 52 School - College/University 53 School - Elementary/Secondary 54 Shelter - Mission/Homeless 55 Shopping Mall 56 Tribal Lands 57 Community Center 58 Cyberspace	Bias Motivation Codes ANTI- 11 White 12 Black or African American 13 American Indian or Alaska Native 14 Asian 15 Multi-races, Group 16 Native Hawaiian or Other Pacific Islander 21 Jewish 22 Catholic	23 Protestant 24 Islamic (Muslim) 25 Other Religion 26 Multi-religious group 27 Atheist/Agnostic 31 Arab 32 Hispanic or Latino 33 Not Hispanic or Latino 41 Gay (male) 42 Lesbian	43 Lesbian, Gay, Bisexual, or Transgender, Mixed Group (LGBT) 44 Heterosexual 45 Bisexual 51 Phys Disability 52 Mental Disability 61 Male 62 Female 71 Transgender 72 Gender Non-Conforming 88 None 99 Unknown
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Suspected Of Using None	Criminal Activity Types B Buying/Receiving P Possessing/Concealing D Distributing/Selling E Exploiting Children A Simple/Gross Neglect F Organized Abuse	C Cultivating/Manuf/Publishing O Operating/Promoting/Assisting T Transport/Import/Transmit U Using/Consuming I Intentional Abuse & Torment S Sexual Animal Abuse	Weapon Type(s) 11 Firearm (Auto) 12 Handgun (Auto) 13 Rifle (Auto) 14 Shotgun (Auto) 15 Other Firearm	20 Knife/Cutting Instr 30 Blunt Object 35 Motor Vehicle 40 Personal Weapons 50 Poison 60 Explosives	65 Fire/Incendiary Device 70 Drugs/Narc./Sleeping Pills 85 Asphyxiation 90 Other 95 Unknown 99 None
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Suspect #1

SSN/ID/TIN ** MASKED **	Title Dr	Name Hendrix, Keith Fairs	DOB ** MASKED **	Age 56	Sex M	Resident Status Resident
Race White	Ethnicity Not Hispanic/Latino	Home Phone ** MASKED **	Work Phone ** MASKED **	Other Phone ** MASKED **	DL (#, ST) ** MASKED **	
US Citizen Yes	Legal Alien	Doc Type	Immig Doc #	Nationality		
Home Address 1007 Fairway CIR, Jonesboro, AR 72401				Employer Self		
Work Address 1503 Market Place DR, Jonesboro, AR 72401				Occupation Dentist		
Height -	Weight -	Eyes	Build	AKA		

Witness #1								
SSN/ID/TIN ** MASKED **	Title	Name Scrivner, Stella O.			DOB ** MASKED **	Age 36	Sex F	Resident Status Unknown
Race White	Ethnicity Not Hispanic/Latino	Home Phone ** MASKED **	Work Phone ** MASKED **	Other Phone ** MASKED **	DL (#, ST) ** MASKED **			
US Citizen Yes	Legal Alien	Doc Type	Immig Doc #	Nationality				
Home Address				Employer The Office Sports Grill				
Work Address 1509 Market Place DR, Jonesboro, AR 72401				Occupation Manager				
Witness #2								
SSN/ID/TIN ** MASKED **	Title	Name Hawkins, Jake			DOB ** MASKED **	Age	Sex M	Resident Status Unknown
Race White	Ethnicity Unknown	Home Phone ** MASKED **	Work Phone ** MASKED **	Other Phone ** MASKED **	DL (#, ST) ** MASKED **			
US Citizen Yes	Legal Alien	Doc Type	Immig Doc #	Nationality				
Home Address				Employer The Office Bar & Grill				
Work Address 1509 Marketplace DR, Jonesboro, AR 72401				Occupation				
Witness #3								
SSN/ID/TIN ** MASKED **	Title	Name Doss, Brittany			DOB ** MASKED **	Age	Sex F	Resident Status Unknown
Race Unknown	Ethnicity Unknown	Home Phone ** MASKED **	Work Phone ** MASKED **	Other Phone ** MASKED **	DL (#, ST) ** MASKED **			
US Citizen Yes	Legal Alien	Doc Type	Immig Doc #	Nationality				
Home Address				Employer The Office Bar & Grill				
Work Address 1509 Marketplace DR, Jonesboro, AR 72401				Occupation				
Narrative & Statements								

Narrative - Baxter, Scott - 1/25/2018 (Investigative)

On 01-24-18 at approximately 0946 AM, I received an email link to a NEA Report on a local business possibly engaging in activity not permitted under their current licensing.

The article headlined with a picture of what it described as a "topless woman dancing on a strip pole in front of live music" at the Office Sports Grill. The reporter had already contacted the owner, Keith Hendrix, and reported that he confirmed to them that it occurred the previous Saturday night. He explained to them that there was a birthday party and a band was playing and there was a girl dancing but her top was off only because someone had snapped the back of her top and pulled it off just prior to that photo being taken. The reporter was told that both parties were removed after the incident. The reporter had also contacted ABC for an interview about this incident, prompting them to initiate an investigation. (Article attached.)

On 01-25-18, Chief Elliott provided me a copy of a video clip that he had been given which depicted a different scenario than described above. The girl was dancing in panties, topless, with a pole and her top clearly was not just pulled off only for a matter of seconds. I later met with Assistant City Attorney Jessica Thomason who gave me another video clip she had been given of the incident where the same girl was dancing for two men who appeared to be the ones that the birthday party was for. At one point, one of the men actually picks up the dancer in somewhat of a hug and slaps her buttock. During this video, another female that appeared to be an employee (listed witness #1) was coordinating things with a microphone and speaker system and it appeared to be occurring in the open common area of the bar. Toward the end, she can be heard clearing the area of the pole so that the dancer can get to it to perform. She can also be heard exclaiming to any patrons that have not paid their cover charge, to get to the bar and pay.

Narrative & Statements

Narrative - Baxter, Scott - 1/25/2018 (Investigative)

I met with ABC Agent Jesse King who told me that he and another Agent had an appointment to meet and discuss the incident with Dr Hendrix. They were provided the information and video's that we had been given. I contacted Agent King after they had an opportunity to meet with Dr Hendrix and he advised that Dr Hendrix said that he is the owner of the business & they had confirmed the incident and confirmed that the person coordinating the show was an employee. Dr Hendrix claimed to them that he was not present at the time of the incident and had been lied to. (ABC report attached.)

Live Entertainment was not disclosed on the application for the business as required. Topless female dancers are also not permitted at the location. Both are violations of Jonesboro City Code as well as State Law & ABC Rules.

City Attorney Carol Duncan was briefed and presented with the information that had been obtained and the matter will be forwarded to the Jonesboro City Council Public Safety Committee for a hearing and determination.

Reference Jonesboro Code of Ordinances Sec.6; specifically 6-5, 6-32, 6-38, & 6-47. Sec. 117-249.

I spoke to Dr Hendrix on 02-15-2018 at approx 1605 hrs. He confirmed that Witness #1 (Scrivner, Stella O.) was the manager on duty that night. I asked him if there were any other witnesses or employees present that night and he said that Witness #2 (Hawkins, Jake) and Witness #3 (Doss, Brittany) were employees that were present. He added that Witness #2 (Hawkins, Jake) was the one who kicked them out. He continued talking about the incident and how it has been blown up on social media and how it has impacted him after all that the business has given back to the community. He said that he knew there was 7-9 minutes of video out there and it should not have went that long but they were short a guy that night and they were slammed and things just got out of hand so fast. He talked about the business not having any problems before and will never have anything like this happen again. He said he has hired a consultant to come in and talk to them. He said it was steak night & there was a big crowd with three or four birthday parties going on. I asked to see his permits, which he did have posted on the wall behind the bar area, and I commented about the state license (under Susan Pollard) and the local permit (under Keith Hendrix) being in different names & he said that Susan Pollard was his 'other half' and one of them had to be in the owners name because they wouldn't let him put down a manager. He went on to say that they were there earlier that night and everything was fine and they went home prior to this incident happening. He said when he heard about it Monday, he called ABC and reported it and they had not heard anything about it yet. He said he told them to get ready because he thought it was coming. I served him with a "Notice of Hearing" (attached) that would be held in the Council Chambers at City Hall on March 1st at 5 PM and asked him about serving Susan Pollard as well. He said that he would see her later and would give it to her. I gave him a copy for her as well. I also gave him a copy of the city ordinances referenced above that I felt may possibly be brought up during the hearing but added that there could be others as well. I left at approx 1620 hrs.

Lt. S. Baxter



JONESBORO POLICE DEPARTMENT CODE ENFORCEMENT

In Re:
The Office Sports Bar & Grill
1509 Marketplace Drive
Jonesboro, AR 72401

Case No. 18-00756

Notice of Hearing

Dr Hendrix:

PLEASE TAKE NOTICE that a hearing has been scheduled for 03/01/2018, at 5:00 p.m. in the Council Chambers in the Municipal Center located at 300 S. Church Street, Jonesboro, AR before the City Council Public Safety Committee.

The purpose of this hearing is to consider the possible violations of Jonesboro Code of Ordinances Chapter 6, Article 1, Sec. 6 which reportedly occurred at 1509 Marketplace Drive on or about January 20, 2018 and to determine what action should be taken, if any, as a result.

In this case, you are alleged to have violated: Sec 6 by allowing unauthorized entertainment on the premises and immoral conduct on the premises. Accordingly, a hearing has been set so that you may have an opportunity to appear before the committee to discuss the matter and/or contest the evidence. While not required, you do have a right to be present in person at the hearing, to be represented by Counsel, to make a statement, to call witnesses on your behalf, to cross-examine witnesses, and to introduce evidence, should you so choose. You may also submit a written response.

The Public Safety Committee will assess all relevant and appropriate information and make a determination as to what action, if any, should be taken. The Public Safety Committee will render a written decision of their ruling within ten working days of the hearing.

Please arrive 10 minutes before the hearing as the hearing will begin promptly at the time indicated above.

PLEASE BRING THIS NOTICE TO THE HEARING AND GOVERN YOURSELF ACCORDINGLY.



JONESBORO POLICE DEPARTMENT CODE ENFORCEMENT

Certificate of Service

I, Lt. J. Scott Baxter, hereby certify that the foregoing notice of hearing was delivered in person to:

Dr Keith F. Hendrix at 1509 Market Place Drive

Dated: February 15, 2018

A handwritten signature in cursive script, reading "J. Scott Baxter", followed by the date "107/11". The signature is written over a horizontal line.

J. SCOTT BAXTER, LIEUTENANT
JONESBORO POLICE DEPARTMENT



JONESBORO POLICE DEPARTMENT CODE ENFORCEMENT

In Re:
The Office Sports Bar & Grill
1509 Marketplace Drive
Jonesboro, AR 72401

Case No. 18-00756

Notice of Hearing

Ms Pollard:

PLEASE TAKE NOTICE that a hearing has been scheduled for 03/01/2018, at 5:00 p.m. in the Council Chambers in the Municipal Center located at 300 S. Church Street, Jonesboro, AR before the City Council Public Safety Committee.

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Please arrive 10 minutes before the hearing as the hearing will begin promptly at the time indicated above.

PLEASE BRING THIS NOTICE TO THE HEARING AND GOVERN YOURSELF ACCORDINGLY.

DATE	1 / 29 / 18	TIME	AM- PM	AGENT	Jesse King
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ADDRESS	1509 Market Place Drive	OPERATOR
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CITY & COUNTY PERMITTEE Susan A Pollard

TYPE & PERMIT NO.	BEER	LIQUOR	MIN	MAX
	WINE	CLUB	LAF	SS

VIOLATION (S): Unauthorized Entertainment on Premise(Live Music, Female Dancers)

Immoral Conduct on Premises

DATE OF OFFENSE: 1/20/18	TIME:	OFFICER/ RANK/ AGENCY Jesse King ABC Enforcement
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On January 24, 2018 Dr. Keith Kendrix telephoned me. He stated He owns the private club listed above and he wanted to report a possible violation(s) of his ABC priate club permit. He stated he had been made aware that during a birthday party that occurred on January 20, 2018 things had gotten out of hand and someone had brought in a female dancer. He stated that during the dance the dancer had ended up being topless.

Dr. Hendrix stated the permit is in his girlfriend's name but he owns the business. He further stated he was not in the club when this happened. Dr. Hendrix stated he first became aware of it when a reporter showed him cellphone video of the events that transpired during this particular birthday party. He noted that there was as many as four(4) birthday parties that night. I made an appointment to come to Jonesboro later in the week and discuss it with him.

The same morning I received a phone call from the Jonesboro Police Chief who advised me that the police department, and city attorney were getting calls from a local news media organization asking for comment about a situation that occurred at Office Grill.. He stated he had made copies of at least two different cell phone videos. He agreed to share those with me.

On January 24, 2018 Special Agent Shelby Clark and I went to this establishment and met with Dr. Hendrix. we examined the area in which the events of January 20th happened. There is a raised platform in the front of the club which is being used for live bands to perform. Dr. Hendrix stated he had been allowing live bands for quite a while and did not know that it was not permitted under his permit. The state is triangular; measuring approximately eight feet at its deepest and approximately fourteen(14) feet in width. It is approximately one(1) foot high.

According to the videos obtained by Agent Clark and me the following incident took place:

During one of the birthday celebrations two men are seated in chairs on the floor in front of the stage. A female in a black dress appears and starts dancing. During her performance she takes her dress off and is left clothed in panties and a bra. She does leg splits in front of them and at times turn her back, showing her buttocks to them. At one point one of the men spansks the dancer on the buttocks. After she finishes dancing both men hug her and one of them picks her up and spansks her repeatedly on the buttocks. Other parts of this video are of other men talking while taking a "selfie".

A second video I obtained shows the same entertainer. This time she is laying on the floor on her back and her breasts are exposed for the duration of the video which is only about four seconds. In both videos the dancer is a "small person"

Clearly shown in this video is a stripper pole. During our inspection we noted that the pole had been removed.

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Previous History- dates of NO SALE- ONLY!	
ATTACH PICTURE OF MINOR W/NAME AND DATE OF BIRTH WRITTEN ON PICTURE	

CITY OF JONESBORO, ARKANSAS
ALCOHOLIC BEVERAGE PERMIT
SUPPLEMENTAL PRIVILEGE LICENSE PERMIT

The Office Sportsgrill

1509 Market Place Dr
Jonesboro, AR 72401



License is Hereby Granted to: The Office Sportsgrill

Physical Location: 1509 Market Place Dr

Type of Business: Alcoholic Beverage Permit

License Expires: 12/30/2018

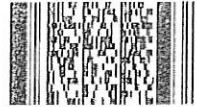
Owner: Keith F. Hendrix

Ordinance 4.32.23 Every person or organization issued a Permit Pursuant to this Chapter shall be required to display this Permit in the same location as is displayed the State Controlled Beverage Permit.

Becky Sharp, City Collector

300 S. Church St. Ste. 106
Jonesboro, AR 72401
(870)932-3042

DESCRIPTION OF BUSINESS AND ENTERTAINMENT ACTIVITIES
FOR PRIVATE CLUB PERMIT



(10, 000, 100, 000)

NAME OF OUTLET The Office Grill in Marketplace
CITY Jonesboro COUNTY Craighead

Arkansas Law requires that a private club must exist for some reason other than the consumption of alcoholic beverages. On this sheet of paper, which is a part of your verified application, you are to describe, in complete detail, what entertainment (live bands, dancers, food service, etc.), social functions, or other recreational events will be available at the club for the members. If you are in doubt about whether to list an item, you are urged to include it.

Under Section 1.34 of the ABC regulations, any permit issued by this agency is only valid for the uses described in the original application. Any material change in the club's operation or entertainment, other than originally listed in this application, *without prior approval of the director*, shall be grounds for revocation of your permit.

On your floor plan, which is a separate attachment, please mark the entrance to the private club, noting the location of the guest book, and mark any major features of the private club area, including where specific entertainment items will be located.

PLEASE PRINT OR TYPE YOUR RESPONSES BELOW. USE THE BACK OF FORM, OR ADDITIONAL SHEETS, IF NECESSARY.

The Club is being organized exclusively for the following reasons: (1) To provide a place for its members and guests to meet and interact socially; (2) to provide a forum for the members to interact with the local community and its leaders in supporting and participating in charitable and civic activities in and around Jonesboro, Arkansas and making available the Corporation's employees to assist local charities with fundraising activities. The primary charity shall be Dentures for the elderly, which will provide dentures to senior citizens living in nursing homes and assisted living centers.

From: Edward Tanner
Sent: Wednesday, January 24, 2018 11:21 AM
Subject: Sports Grill / ABC

All,

Not sure if you are all aware of this.

Vr,
-ed

<https://neareport.com/2018/01/23/jonesboro-sports-grill-may-committed-foul-abc-board/>

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3. [Jonesboro sports grill may have committed a foul with ABC board](#)



Craighead County Money Top Story

Jonesboro sports grill may have committed a foul with ABC board



Posted on Jan 23, 2018 at 8:09 pm by Stan Morris

14,43414,434 0

Photo shows topless woman dancing on strip pole in front of live music

The Office Sports Grill does not have a permit for pole dancing or live music, ABC administrator says

JONESBORO, Ark. – A local sports bar with a private club permit may have violated the terms of their liquor license after a photo showing topless dancer in front of a live band on Saturday, Jan. 20, surfaced online. It may not be just one violation, either.



Photo blurred. To see the uncensored photo, [click here](#).

Keith Hendrix owns The Office Sports Grill. He confirmed the photo was taken on Saturday in his establishment during an interview with NEA Report on Tuesday. However, Hendrix claims the photo, which appears to capture a topless woman pole dancing, does not capture the full story.

"It was Saturday night in the club, here, we had a band here," Hendrix said. "Somebody had a birthday party. They had a girl dancing for them and somebody snapped the back of her top and pulled it off."

As Hendrix described the incident, the above photo was taken at the precise moment after someone pulled her top off but before both were removed from the club. He said as soon as it happened, the person who pulled her top off was removed. He said the woman dancing was also removed from the location.



Source: The Office Sports Grill Facebook page;

Dated 2012

Hendrix said it was the birthday party which got out of hand but he then shifted to blaming the situation on his competitors.

“And now it’s just the competitors and people who are jealous and assume,” Hendrix began by saying. “We had a band. They were up there, singing and playing. We always have a band.”

However, this marks a new problem for Hendrix: his private club permit does not include for or allow live bands, dancers, or anything of the such. ABC Administration Director Mary Robin Casteel confirmed this to NEA Report on Tuesday.

“Unless it was noted and they called and specifically asked if that could be added to the permit,” it would not have been allowed for live music to be performed at the grill, Casteel said.

“Arkansas Law requires that a private club must exist for some reason other than the consumption of alcoholic beverages. On this sheet of paper, which is part of your verified application, you are to describe, in complete detail, what entertainment (live bands, dancers, food service, etc.), social functions, or other recreational events will be available at this club for the members.” – The precise text from one of the documents which was submitted with the private club permit application. See below.

Not only does the entertainment requirement give specific examples for live bands and dancers, but the next line on the paper says, “if you are in doubt about whether to list an item, you are urged to include it.”

There was no mention of live music or dancing on the application.

10/01/2000

DESCRIPTION OF BUSINESS AND ENTERTAINMENT ACTIVITIES
FOR PRIVATE CLUB PERMIT



000000000000

NAME OF OUTLET The Office Grill in Market place

CITY Jonesboro COUNTY Craighead

Arkansas Law requires that a private club must exist for some reason other than the consumption of alcoholic beverages. On this sheet of paper, which is a part of your verified application, you are to describe, in complete detail, what entertainment (live bands, dancers, food service, etc.), social functions, or other recreational events will be available at the club for the members. If you are in doubt about whether to list an item, you are urged to include it.

Under Section 1.34 of the ABC regulations, any permit issued by this agency is only valid for the uses described in the original application. Any material change in the club's operation or entertainment, other than originally listed in this application, without prior approval of the director, shall be grounds for revocation of your permit.

On your floor plan, which is a separate attachment, please mark the entrance to the private club, noting the location of the guest book, and mark any major features of the private club area, including where specific entertainment items will be located.

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The club is being organized exclusively for the following reasons: (1) To provide a place for its members and guests to meet and interact socially; (2) to provide a forum for the members to interact with the local community and its leaders in supporting and participating in charitable and civic activities in and around Jonesboro, Arkansas and making available the Corporation's employees to assist local charities with fundraising activities. The primary charity shall be Dentures for the elderly, which will provide dentures to senior citizens living in nursing homes and assisted living centers.



78-046 126-002

citizens living in nursing homes and assisted living
centers.

"There just appears to be a description of the charitable partnerships of the business," said Casteel. "They don't list any of the things we would normally classify as entertainment."

We told Hendrix this immediately after his previous quote stating he "always" had a band performing.

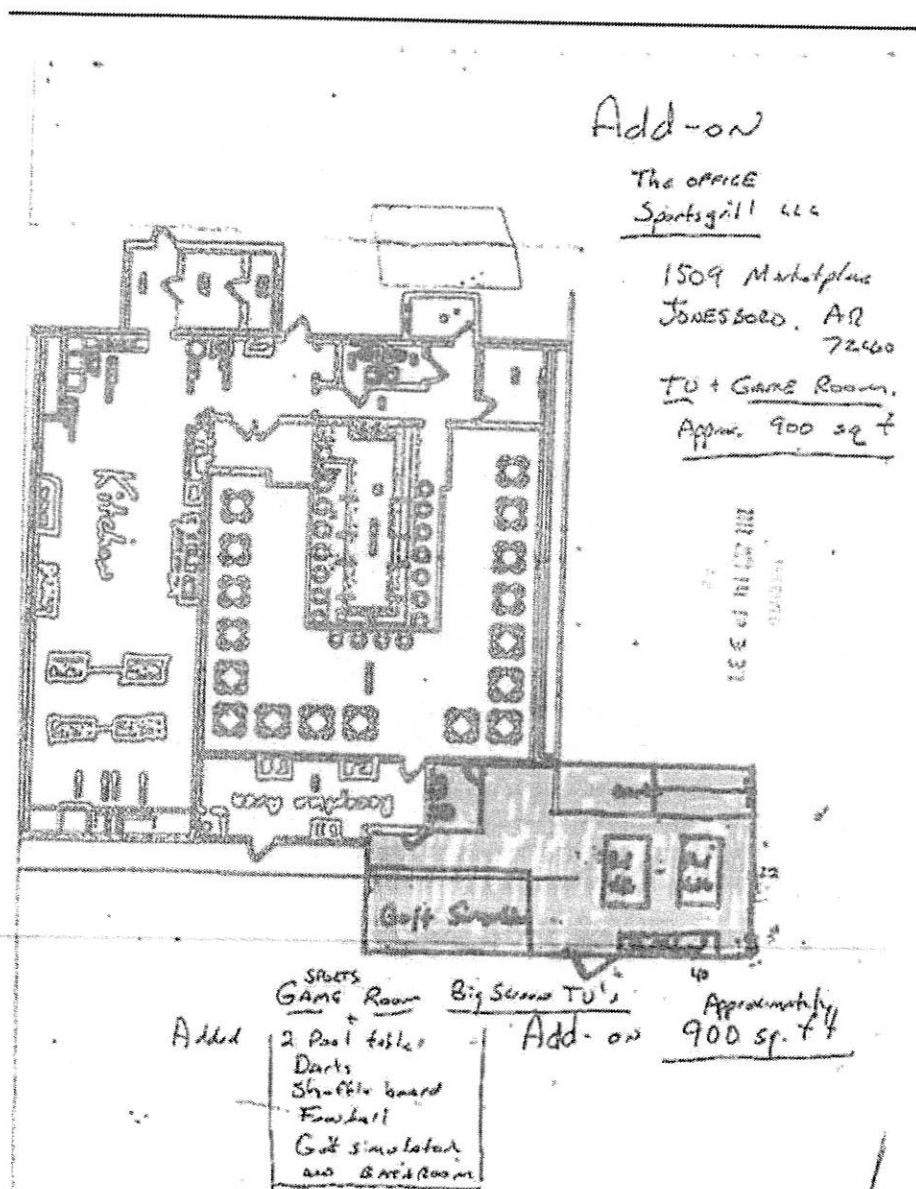
"I didn't know that," Hendrix said, his voice sounding panicked. "I thought... We do have... Every place in Jonesboro... I've never been questioned about it or a fees. I just get the brunt of everything."

Hendrix then went from saying his establishment, "always" had a band to saying it just recently began hosting live music.

"The band just started in the past two or three weeks," Hendrix said.

An expansion request filed in June, 2012, allowed The Office to add a game room. Still, Casteel said permit-holders must specifically request any additions or changes to the existence of the permit or it is a violation.

"It does appear they might have added some provisions for televisions and maybe some Foosball and video games but I still don't see anything for live music and especially not dancing," Casteel said.



Administration

Courtesy ABC

Any material change in the business operations proposed in the original application or in the manner the business has historically operated per above, without prior approval of the Director, shall be grounds for the revocation of any such permit. Section 1.34, ABC Rules and Regulations

Another violation could be from having the stripper pole. Hendrix said it was part of the establishment. He described it as something used by some dance classes which perform aerobic exercises on the cylindrical object.

"We have a pole over beside our bar," Hendrix said. "We have had one for years."

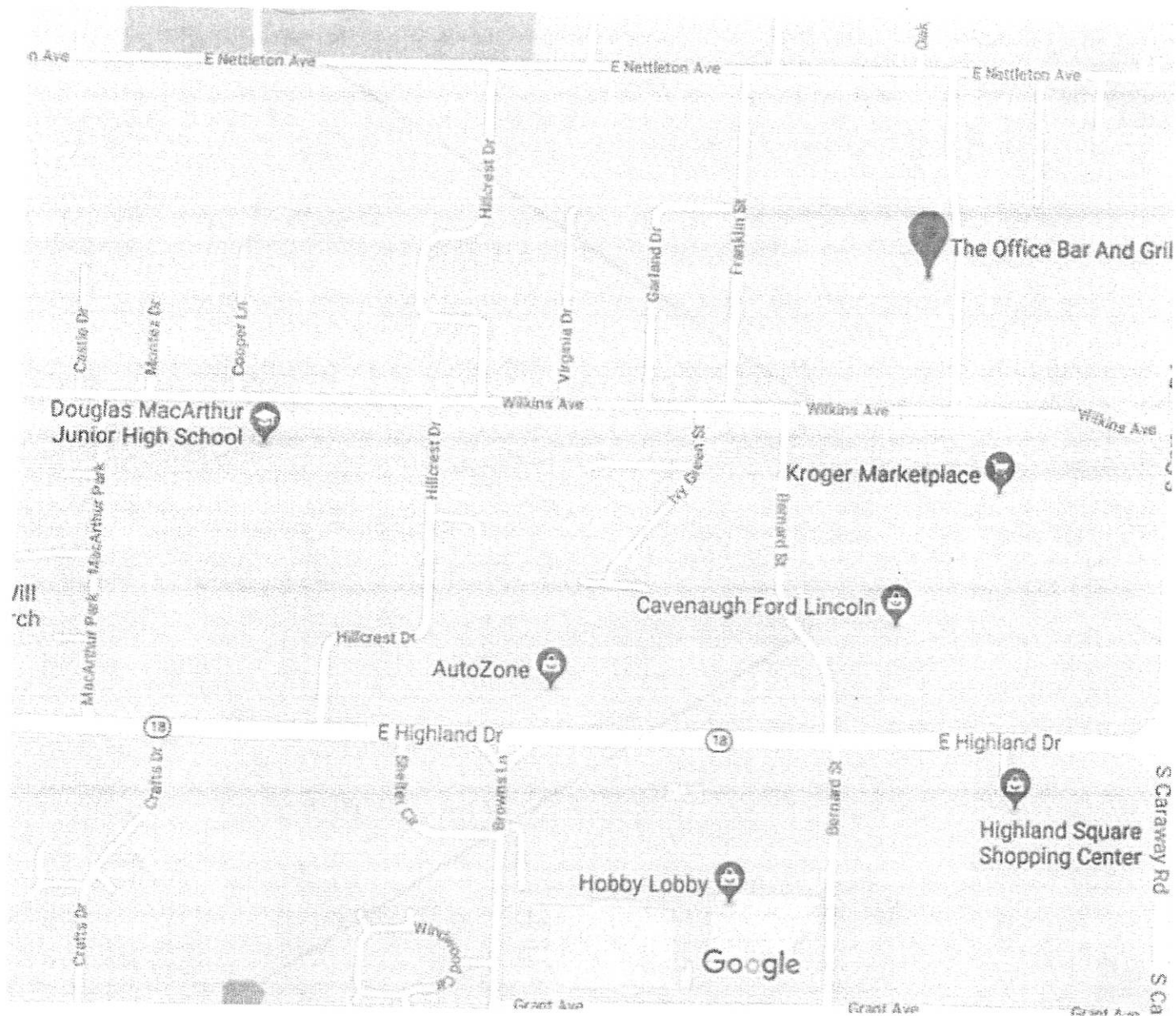
This could conflict with the strict rules under which the Office received their permit since nothing in the design shows any sort of pole for dancing. In addition to not being specifically approved, Casteel said requirements for having a permit and a strip pole can be very complicated.

"We do have very specific rules for establishments that have to be approved for that type of dancing, strip poles and that," Casteel said. "This particular establishment does not have anything like that approved."

Another issue exists if it is found the topless pole dancing was more than accidental/incidental. If the business was found to have allowed it to go on, they could be in trouble with the City of Jonesboro.

Assistant City Attorney Jessica Thomason said for a sexually oriented business to operate within the City of Jonesboro, one has to get a conditional use permit – which they have not applied for, as of 5 PM on Tuesday. In addition, the business could not be within 2000 feet of a school, church, and daycare.

Douglas MacArthur Junior High School and the Visual & Performing Arts Magnet School are both about 1,200 feet to the southwest of their location (the magnet school is not marked on the map below).



As for who was responsible for the behavior, Thomason said the business couldn't blame the birthday partiers so easily.

"Under ABC rules, the establishment itself is responsible for the people who come in and out and making sure they follow the rules and regulations of ABC," Thomason said.

Hendrix asserts his business did everything it could during the debacle to manage the situation. He did say he was not at the club on Saturday night when it happened.

"We did everything in our power to stop it," Hendrix said. "It's just one of those deals that, when it happens, you have to stop it immediately."

It was a sentiment the ABC Administration Director agreed with.

"The proper protocol is for this to go to ABC Enforcement," Casteel said. "They would conduct an investigation and if they found what they see as violations, they would report that to ABC for adjudication, fines, actions against the permit, and that's when I would get involved. But obviously, based on what you're telling me, I will be getting in touch with ABC Enforcement."

1. Jonesboro, Arkansas - Code of Ordinances
2. Chapter 6 - ALCOHOLIC BEVERAGES
3. ARTICLE I. - IN GENERAL

Sec. 6-5. - Unlawful activities; prohibited activities; warning notice.

- (a) *Generally.* It shall be unlawful for the holder of any permit issued under the provisions of this chapter to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices in the permitted premises or to operate the business in such manner as to constitute a nuisance.
- (b) *Disturbances.* It shall be unlawful for any permittee, or permittee's agent or employee to fail to report to the police department any disturbance which occurs inside or immediately outside the permitted premises or in the parking facilities, of which any of them have knowledge which would, under normal circumstances require or give rise to police intervention.
- (c) *Hiring persons with convictions of felonies or misdemeanors.* It shall be unlawful for any permitted establishment to employ any person who has been convicted of, entered a plea to or has otherwise been found guilty of a felony, a misdemeanor involving moral turpitude or the sale of alcoholic beverage violation.
- (d) *Availability of telephone.* It shall be the requirement that every permitted premises have a telephone and have such telephone available during the hours of operation. Failure to have a telephone shall constitute grounds for suspension or revocation of all permits.
- (e) *Illegal drugs or narcotics.* It shall be the duty and responsibility of the permittee, or permittee's agent or employee to report to the police department any usage or possession of illegal drugs or narcotics on a permitted premises.
- (f) *Assistance to law enforcement officers.* It shall be unlawful for any permittee, or permittee's agent or employee to fail to assist any law enforcement officer in the performance of his duty while the officer is on a permitted premises.
- (g) *Refusal to admit law enforcement officers.* It shall be unlawful to refuse to grant admission to any permitted premises at any time upon the verbal request of any law enforcement officer, who displays proper identification for the purpose of inspecting the premises to ensure compliance with this chapter. It shall be unlawful to refuse to open any cabinet, storage room or any other area within the permitted premises.
- (h) *Minors/persons under 21 years of age.* Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the state, the Alcoholic Beverage Control Division of the state, and the city regarding the control and regulation of controlled beverages, including but not limited to, the following:
- (1) Purchase by or for minors, sale to minors or handling by minors prohibited;
 - (2) It shall be unlawful for any person under the age of 21 years to have in his possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages except as provided by A.C.A. § 3-3-202(a)(1).

- (3) It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of, to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.
- (i) *Warning notice.* A warning notice regarding dispensing to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are dispensed. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the state Alcoholic Beverage Control Division.
- (j) *Nudity.* No person who has received a permit under any ordinance of the city for the sale or dispensing of alcoholic beverages for on premises consumption including private club permits shall suffer or permit any person to appear on the permitted premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
- (k) *Nudity; consumption/possession of alcoholic beverages on premises prohibited.* No person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
- (l) *Revocation of permit.* If any person engaged in dispensing controlled beverages in the city shall conduct his place of business in a manner as to constitute a nuisance, the city council shall revoke the permit of such person to dispense controlled beverages in the city.

(Ord. No. 18-2007, § 4.32.26, 2-20-2007)

State Law reference— Unknowingly furnishing or selling to minor, A.C.A. § 3-3-201; knowingly furnishing or selling to minor, A.C.A. § 3-3-203.

• **Sec. 6-32. - Application.**

- (a) Application for a permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.
- (b) It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.
- (c) Permits required by this chapter shall run for a calendar year. Annual permit renewal fees shall be due and payable on December 31 of each year for the succeeding year beginning January 1.
- (d) The city will not issue or renew any permits pursuant to this chapter until all outstanding hotel, motel and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.
- (e) All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.
- (f) When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.
- (g) All fees taxes and penalties received by the city pursuant to this chapter shall be used for general purposes within the city pursuant to A.C.A. § 3-9-223(f).
- (h) Permits shall not be transferable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the city and all other requirements of this chapter are met.

(Ord. No. 18-2007, § 4.32.04, 2-20-2007)

State Law reference— Applications for state permit, A.C.A. § 3-4-208.

- **Sec. 6-38. - Fraud and misrepresentation by applicant.**

(a) Any person who acquires a permit or a renewal of same, in violation of this chapter by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with the penalties outlined in this chapter.

(b) Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer application for a permit shall be cause for the denial thereof and, if any permit has been granted under these circumstances, there shall be cause for the revocation of the permit.

(Ord. No. 18-2007, § 4.32.12, 2-20-2007)

- **Sec. 6-47. - Suspension or revocation.**

(a)

Whenever the state shall revoke any permit, the city permit to deal in such products shall thereupon be automatically revoked without any action by the city or any municipal officer.

(b)

No permit which has been issued or which may hereafter be issued by the city shall be suspended or revoked, except for due cause, and after notice and a hearing. Such notice shall include the time, place and purpose of the hearing and a statement of the charge upon which such hearing shall be held and shall give a reasonable time to prepare a defense.

(c)

Due cause for the suspension or revocation of such permit shall consist of the violation of any laws or ordinances regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law related to alcoholic beverages, gambling, narcotics or any crime of moral turpitude. Such violation may be an act of the permittee or of any agent, officer or employee of the permittee.

(d)

Hearings shall be conducted by the public safety committee, with the chairperson of the committee acting as the presiding officer of the hearing. At any hearing the permittee shall have the right to represent himself or be represented by counsel, may cross examine all witnesses offered by the city, and may present evidence in his own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to hearings under this section, although the fact finder shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the city and the permittee shall have the right to present witnesses. The public safety committee shall render a decision by majority vote in writing within ten working days of the completion of the hearing.

(e)

If, after the hearing, the public safety committee finds a violation has occurred, the permit may be placed into probationary status, suspended or revoked depending upon the severity, facts and circumstances of the violation or violations. If any offenses occur during an active probationary period, the permit shall be revoked. Once this decision is rendered by the public safety committee a permittee has the right to appeal the decision to the Craighead County Circuit Court.

(f)

In the event a permit is revoked pursuant hereto, no permit shall be issued to the same person, for a period of five years.

(Ord. No. 18-2007, § 4.32.24, 2-20-2007; Ord. No. 11:065, § 1, 10-4-2011)

- **Sec. 6-45. - Notice of transfer of business.**

Should any alcoholic beverage permit holder make a request to the Alcoholic Beverage Control Division to transfer their permit to another location, individual or organization, the police chief shall be notified in writing of such request within seven days.

(Ord. No. 18-2007, § 4.32.22, 2-20-2007)

1. Jonesboro, Arkansas - Code of Ordinances
2. PART 11 - LAND DEVELOPMENT ORDINANCES
3. Chapter 117 - ZONING

• ARTICLE VII. - REQUIREMENTS FOR SPECIFIC USES • DIVISION 1. -
GENERALLY • Sec. 117-248. - General.

Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this article.

(Zoning Ord., § 14.32.01)

- Sec. 117-249. - Adult entertainment.

All adult entertainment uses shall be subject to the following standards:

- (1) Separation from other adult entertainment uses. The building housing an adult entertainment use shall not be located within 3,000 feet of any other adult entertainment use. This 3,000 foot area shall be defined by a radius of 3,000 feet measured from the exterior wall of the subject building.
- (2) Separation from other uses. The building housing an adult entertainment use shall be located at least 2,000 feet from the following uses:
 - a. Church;
 - b. Library;
 - c. Day care center;
 - d. Elementary,
 - e. Middle or high school; and
 - f. Single-family, duplex or multifamily residential uses.

This distance shall be defined by a radius of 2,000 feet measured from the exterior wall of the subject building.

- (3) Prohibited activities. An adult entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public right-of-way. This provision shall apply to any and all displays, decorations or show windows.

(Zoning Ord., § 14.32.02)