

**Sexually Oriented Business Licensing Board
Public Meeting Notice Policy**

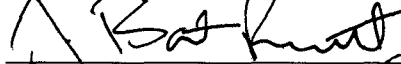
Whereas, Metropolitan Code Chapter 2.68 requires all boards and commissions of the Metropolitan Government of Nashville and Davidson County to have public meeting notice policies. Further, the Metropolitan Council recently enacted Ordinance Number 2017-612, requiring all boards and commissions of the Metropolitan Government of Nashville and Davidson County to develop a policy, approved by the Department of Information Technology Services, for providing minutes of proceedings in a consistent format as soon as practicable after meeting dates.

Now, therefore, the Sexually Oriented Business Licensing Board establishes the following policy, to be implemented by the Board's support staff, for all meetings of the Board.

1. Notice. Each notice of a meeting of the Sexually Oriented Business Licensing Board ("Notice") shall state the meeting's date, time, location and agenda. The agenda will reasonably describe the matters to be deliberated or decided on at the meeting.
2. Distribution of Notice. No later than Noon on the Friday preceding a meeting, the Notice shall be: (1) sent, in searchable PDF format, by electronic mail to local media; (2) sent, in searchable PDF format, by electronic mail to webteam@nashville.gov for publication posted directly to the existing Boards and Commissions page on Nashville.gov at: <http://www.nashville.gov/Government/Boards-and-Commissions.aspx>; and, (3) sent, in searchable PDF format, by electronic mail to the Metropolitan Clerk's Office for posting on the City Hall bulletin board.
3. Distribution of Minutes. No later than Noon on the Friday following a meeting in which Minutes are approved, the approved Minutes shall be sent, in searchable PDF format, by electronic mail to webteam@nashville.gov for publication posted directly to the existing Boards and Commissions page on Nashville.gov at: <http://www.nashville.gov/Government/Boards-and-Commissions.aspx>.
4. Interested Persons. A list shall be maintained of all persons who ask to individually receive notice of the board's meetings, and Notice and approved Minutes shall be provided to those persons by electronic mail at the same time that public Notice and approved Minutes are made as described above.

Adopted this 10 day of May, 2017.

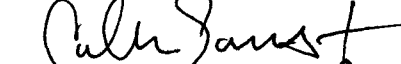
The Sexually Oriented Business Licensing Board:



Chairperson



Member



Member



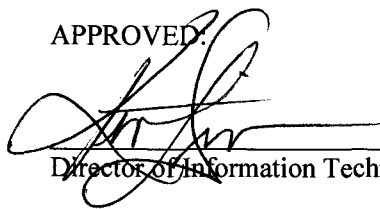
Member



Member



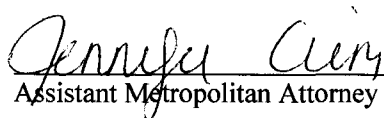
APPROVED:



Director of Information Technology Services

6-5-17
Date

APPROVED AS TO FORM AND LEGALITY



Assistant Metropolitan Attorney

5-10-17
Date

FILED IN THE OFFICE OF THE
METROPOLITAN CLERK



Metropolitan Clerk

6/7/2017
Date

Sexually Oriented Business Licensing Board
Policies and Procedures

Meetings of the Board

The Board shall meet twice per month; each second and fourth Wednesday, at 4:00 pm in the Davidson Room of the Metro Office Building. Any changes in that schedule will be announced to the public. If at any meeting of the Board the members vote creating a tie, the Chairman or acting Chairman at that meeting shall have the authority to break the tie.

Procedure at Board Meetings

Meetings of the Board shall be run in accordance with Roberts Rules of Order. It shall require a quorum of the Board to take any action. If a quorum is not present and the time on a permit/license is about to expire, Rule 70 shall apply. Special meetings may be called by the Chairman, or by the Vice Chairman, if the Chairman is unavailable. A special meeting requires a quorum. Any special meeting shall be announced to the public in the most effective and practical manner available.

Action at Meetings

At Board meetings, the Board hears the reports of the Board's Inspector and determines if the report contains sufficient evidence of a violation of Chapter 6.54 to warrant the issuance of a citation. The Board will vote on whether or not a citation shall issue and a positive vote will instruct the Inspector to draft a citation. The Inspector will bring the citation to the Chairman for signature. The Inspector will then personally serve the business listed.

Citation. The citation shall list which portions of Chapter 6.54 were violated. The citation shall indicate that this is not a judgment but a hearing on the charges listed. The citation will advise the licensee/permittee of the location and time of the hearing, the deadline for responding in writing to the citation, and the option to have counsel present at the hearing.

Stay of Denials, Suspensions, Revocations

Any determination that an application shall be denied shall not go into effect until thirty days after the final decision of the Board and when the applicant has made no appeal of that denial to any court of competent jurisdiction. Any determination that any license/permit is either suspended/revoked shall not go into effect until thirty days after the final decision of the Board and when the applicant has made no appeal of that denial to any court of competent jurisdiction.

Hearings by the Board

At hearings, the board will hear relevant testimony as to the violations listed in the citation. The board will vote on whether or not there is sufficient evidence to sustain the citation. If the vote is affirmative, the board will then consider the sanctions. Revocations and Suspensions shall be in accordance with section 6.54.150 of the Metropolitan Code.

The written statement confirming any revocation/suspension or denial will be issued by the Board within three days from the date of the hearing.

Revocation. If the sustained citation contains one of the items listed in section 6.54.150, then the Board shall revoke the license/permit. Revocations are brought to the floor by a motion and a second and passed by an affirmative vote of the majority of the members of the Board present. The revocation must be for at least one year. Any operator or entertainer whose license or permit is revoked shall not be eligible to receive a license or permit for one year from the date of revocation.

Suspension. Suspensions are brought to the floor by a motion and a second and passed by an affirmative vote of the majority of the members of the Board present. No suspension shall be for less than one full twenty-four hour period for any violation. Each violation of this chapter shall be considered a separate offense and any continuing violation shall be considered a separate offense for each day of the violation.

The written statement confirming any revocation/suspension or denial will be issued by the Board within three days from the date of the hearing.

The revocation or suspension of a license or permit may be appealed to the Circuit or Chancery Court of Davidson County by the licensee or permittee. Any adverse administrative decision to suspend or revoke a license or permit that is appealed to the Circuit Court of Chancery Courts of Davidson Country shall not take effect until that administrative decision has been upheld by the court after adjudication on the merits. Adverse decisions which are not appealed shall not take effect for sixty days from the date of the decision to allow the affected party time to seek judicial review. Metropolitan Code of Laws Section 6.54.150 (E).

Policy for Appeals of Criminal Convictions

Conviction, in any court, of a crime of a sexual nature as defined in 6.54.010, is sufficient for denial of an application or the revocation of a license/permit.

Delays in License or Permit Procedure

It shall be the policy of this Board that any license or permit not acted upon by the Board in the time allowed by the ordinance, due to any fault on the part of the Board or the Board's administration, shall be granted. Renewals of a license/permit granted in this manner shall be treated like all other renewals under the ordinance. This means the license may be suspended for violations of the ordinance.

Administrative

Application. The Board's Inspector shall keep a current permit/ license application on file and provide it to anyone who requests a copy when requested under the Tennessee Public Records A. Any identifying information of the entertainers must be redacted before providing the information to the requestor. *See Deja Vu of Nashville, Inc. v. Metro. Gov't of Nashville & Davidson Cnty., Tennessee*, 274 F.3d 377, 393-95 (6th Cir. 2001). A copy of Metropolitan Code of Laws Section 6.54 shall be provided to every new applicant. The Inspector will collect all documents and reports as required by Metropolitan Code of Laws Section 6.54 and submit the reports and the application to the Board for consideration. The Inspector shall track the time deadlines to ensure that the Board will convene in sufficient time to hear the applications and to ensure that all inspections are completed as described in Metropolitan Code of Laws Section 6.54.

Phone Calls. The Codes Administration will designate a telephone number for applicants to call if they have any questions regarding the application, and for departments to call if they have any questions about the inspection. However, Metro employees are not permitted to offer legal advice or legal interpretations.

Meetings. The Inspector will make public notice of all meetings of the Board. The Inspector will create an agenda for the board regarding applications, alleged violations, and citations. The Inspector will attend all meetings for the purpose of keeping the minutes and handling the files. The Codes Administration shall hire a court reporter to swear witnesses and record the proceedings at meetings in which hearings are held on any alleged violations. The copy of the record will be kept with the file pertaining to that licensee/permittee.

Public Records. The Inspector will keep files of all meetings, applications, licenses/permits, inspection reports, and police checks. These files will be open to the public, except as described above, during regular business hours in accordance with the Tennessee Public Records Act. Any person requesting copies of the records will be given copies promptly and within the time period proscribed by law. The copies will be at a cost of .25 cents/page.

Inspector. The Codes Administration will provide some supervision to the Board's Inspector for time and attendance purposes, and insure that the Inspector is conducting his/her inspections in accordance with the law and proper procedure.

Training. The Codes Administration will provide the Inspector with the appropriate inspection training and any required Metro employee training.

Guidelines for Board's Inspector

The Inspector shall report their activities to the Board at each meeting.

The Inspector shall comply with the law.

When the Inspector becomes aware of a business which is a sexually oriented business/establishment, but does not have a proper Use and Occupancy permit (U&O), the Inspector shall notify the Zoning Inspection staff who will treat this matter as part of their enforcement of the Zoning Ordinance.

When the Inspector becomes aware of a business which is a sexually oriented business/establishment which has a proper U&O permit, but does not have the required license from the Sexually Oriented Business Licensing Board, he/she is to inform the Board of his/her findings. If the findings indicate a violation of the licensing requirements of section 6.54 of the Metropolitan Code, then the Inspector will request the service of a civil warrant to General Sessions Court, Environmental docket, for Operating a Sexually Oriented Business without a License.

The Inspector shall make inspections of licensed businesses as a result of either routine, periodic inspections of all licensed businesses or as a result of specific complaints regarding a particular business. When violations are discovered as a result of these inspections, the Inspector will prepare a report to the Board outlining his/her specific observations during the inspection. The Board will then determine the appropriate course of action. If the Board's decision is to proceed with issuing a citation, the Inspector will draft the citation and have it signed by the Chairman or Vice Chairman. The Inspector will serve the citation to the business on the next business day.

The routine inspections will be scheduled in advance with the Inspector's supervisor.

Regular inspections will be performed on a quarter-year basis. These inspections shall vary in terms of day of week and time of day in order to minimize anticipation of the inspections by the subject businesses. The inspection form approved by the Board will be used for all inspections of licensed businesses.

If, at any time, while on duty, the Inspector observes any illegal conduct; including but not limited to, violations of the public indecency act, the Inspector shall report this to the Police Department.

If, at any time, the Inspector observes any violations of the Metropolitan Code, not including violations of Chapter 6.54, the Inspector shall report his/ her observation to the proper department.

The Inspector shall never visit any business with the intention of harassing the licensee or permittee, nor shall the Inspector ever attempt to encourage an establishment to close by repeated harassing inspections.

The Inspector shall attend each meeting of the Board and shall report all findings to the Board. At a hearing, the Inspector shall be sworn and give testimony to the Board. Both the board and the licensee/permittee may ask questions of the Inspector regarding his/her testimony and inspection of the premises/entertainer at issue.

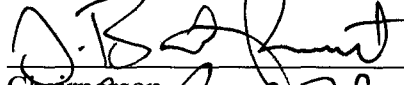
Any emergency shall be immediately reported to the Police. The Inspector shall also notify the board Chairman or Vice Chairman as soon as practicable.

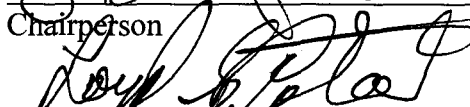
All violations observed by the Inspector shall be compiled in a report and kept in the Board 's files for five years.

The Inspector will be well acquainted with Chapter 6.54 and answer any questions from other departments or applicants about procedures, inspections, or applications. However, the inspector is not permitted to offer legal advice or legal interpretations regarding Chapter 6.54.

Adopted this 10 day of May, 2017.

The Sexually Oriented Business Licensing Board:


Chairperson


Member

Calla Ernst
Member
[Signature]
Member
[Signature]
Member

APPROVED AS TO FORM AND LEGALITY

Jennifer Aum 5-10-17
Assistant Metropolitan Attorney Date

FILED IN THE OFFICE OF THE
METROPOLITAN CLERK

[Signature] 6/7/2017
Metropolitan Clerk Date