



CITY OF DALLAS

December 22, 2006

Anthony William Avezzano  
2008 Greenville, L.L.C. d/b/a Suede Bar & Grill  
2008 Greenville Ave.  
Dallas, Texas 75206  
Via Certified Mail-RRR # 7005 1820 0001 5542 2396

Re: Business located at 2008 Greenville Avenue ("Property")  
Audit Notice in accordance with Dallas City Code § 51A-1.104

Dear Sir:

You are operating a business called Suede Bar & Grill at the Property. To ensure that your business is operating in compliance with the Dallas City Code provisions concerning the sale and service of alcoholic beverages, this letter serves as official notice that your business has been selected to be audited.

Currently, your business has a certificate of occupancy for restaurant without drive-in service and holds a Texas Alcohol Beverage Commission license to sell and serve alcohol. Under Section 51A-1.104(a)(4) of the Dallas City Code, any person owning or operating an establishment that sells or serves alcoholic beverages is required upon request to supply the Building Official with any records needed to document the percentage of gross revenue from the sale of alcoholic beverages. I have attached a copy of this ordinance to this letter as Exhibit A.

Pursuant to Section 51A-1.104(a)(4) of the Dallas City Code, I request that you provide the City with records that document your gross revenue at this business and your gross revenue derived from alcohol sales for the past calendar year (January 1, 2006 through December 31, 2006). This documentation should include all of the following that evidence or relate to transactions during calendar year 2006 at the Property: 1) description of all revenue sources for the business (i.e. alcohol beverage, food, cover charges, novelties, parking, valet service, etc.); 2) description of procedures for bar sales (include snack bar sales and restaurant bar sales; 3) Texas Sales Tax Reports; 4) Texas Mixed Beverage Tax Reports; 5) Texas Alcoholic Beverage Commission Application for that year; 5) accounting records, general ledgers, and detail of any accounts that relate to all the transactions from this establishment, including sales summary reports, daily cashier's reports and bar inventory reports and bar reconciliation reports; 6) invoices for purchases of all alcoholic beverages; 7) invoices for purchases of all non-alcoholic beverages (i.e., food, novelties, etc.); 8) receipts of alcoholic beverage sales; 9) receipts of non-alcoholic

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sales; 10) bank statements from financial institutions that you use in relation to this establishment; 11) schedules showing calculation of fees paid to City; and 12) audited financial statements, if any.

If you expressly assert that specific portions of such information and documents are "confidential" "commercial or financial information" within the meaning and scope of the trade secret and commercial and financial information exemptions from disclosure of governmental information under § 552.110 of the Texas Government Code, the City, without necessarily agreeing with those claims, will not disclose any such information except pursuant to the order of a court of competent jurisdiction or as otherwise may be required by law, and will give you a reasonable opportunity to protect the asserted rights to confidentiality and trade secret exemption. Any documentation you assert to be confidential must be clearly marked as confidential. Documentation not subject to confidential protections may be subject to be disclosure to third parties under the Texas Public Information Act (TEX. GOV'T CODE Chapter 552). The City hopes and expects you to fully comply with this request in the next 30 days.

In the event you fail to comply with this audit request within 30 days, the City may pursue any or all legal remedies available to it, including filing a suit in district court requesting injunctive relief to require you to supply necessary documentation and comply with all city ordinances pertaining to your establishment and/or filing criminal citations for violating the ordinances.

**If you no longer own the business located at the Property, you must execute an affidavit stating that you no longer own the business located at the Property and stating the name and last known address of the person who acquired the business located at the Property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 30<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the business located at the Property described in this notice.**

**You may comply with this notice by delivering the documents to me at 320 E. Jefferson, Room 204, Dallas, Texas 75203.**

Please feel free to call me at 214-948-4327 if you have questions.

Sincerely,



Ed Levine  
Interim Building Official

offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

(2) A person is criminally responsible for a violation of this chapter if:

(A) the person knowingly commits the violation or assists in the commission of the violation;

(B) the person owns part or all of the property and knowingly allows the violation to exist;

(C) the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or

(D) the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

(3) A person may not use land or a structure on land located in the city for other than those uses designated as permitted uses in accordance with the provisions of this chapter.

(4) It is a defense to prosecution under this chapter that a person is in compliance with an order of the board of adjustment that specifically authorizes otherwise unlawful conduct.

(5) It is a defense to prosecution under this chapter that a use or structure is nonconforming unless the nonconforming rights attendant to the use or structure have been lost or terminated under Section 51A-4.704.

(b) Civil action. This chapter may be enforced through civil court action as provided by state law.

(c) Utility disconnection. The building official may order city or private utilities to be disconnected upon failure to comply with this chapter or the building laws.

(d) Enforcement authority. This chapter may be enforced by the building official or any other representative of the city. (Ord. Nos. 19455; 19963; 20236; 20599; 26286)

**SEC. 51A-1.104. CERTIFICATE OF OCCUPANCY.**

(a) Certificate of occupancy required.

(1) Except for the single family and duplex uses, a person shall not use or change the use of a building, a portion of a building, or land without obtaining a certificate of occupancy from the building official.

(2) A person shall submit an application for a certificate of occupancy on a form approved by the building official either:

(A) at the time of application for a building permit if there is new construction; or

(B) before occupancy and connection of utilities if there is a change of use.

(3) The building official shall not issue a certificate of occupancy until all applicable codes and ordinances have been complied with.

(4) Any person applying for a certificate of occupancy for an establishment that will sell or serve alcoholic beverages as defined in the Texas Alcoholic Beverage Code must file an affidavit with the building official stating whether the establishment will derive 75 percent or more of its gross quarterly (three-month) revenue from the sale of alcoholic beverages for on-premise consumption. Any person owning or operating an establishment that sells or serves alcoholic beverages shall, upon request, supply the building official with any records needed to document the percentage of gross revenue on a quarterly (three-month) basis derived from the sale of alcoholic beverages.

(b) Record of certificates of occupancy.

(1) The building official shall maintain a record of all certificates of occupancy.

