

SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE APPLICATION

COUNTY OF EL PASO, TEXAS

According to Article Two – Definitions of the El Paso County Commissioner’s Court Order relating to licensing requirements and regulations for sexually oriented businesses with El Paso County, TX, an “Employee” is defined as any person, whether or not the person is designated as an employee, independent contractor, agent or otherwise, who renders any service whatsoever to the customers of a sexually oriented business, works in or about a sexually oriented business or who conducts any business in a sexually oriented business and who receives or has the expectation of receiving any compensation from the operator, or customers of the sexually oriented business. By way of example, rather than limitation, the term includes the operator and other management personnel, clerks, dancers, models and other entertainers, food and beverage preparation and service personnel, door persons, bouncers, and cashiers. It is expressly intended that this definition cover not only conventional employer-employee relationships but also independent contractor relationships, agency relationships and any other scheme or system whereby the “employee” has an expectation of receiving compensation, tips or other benefits from the sexually oriented business or its customers in exchange for services performed on the premises. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Article Four (B) - License Required. It shall be unlawful for any person to be an “employee”, as defined in this Order, of a sexually oriented business in the unincorporated areas of the County of El Paso without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license.

An applicant for a sexually oriented business employee license shall file in person at the permit office a complete application made on this form provided by the El Paso County Sheriff’s Office. The application shall be signed as required by Article 4, Section C of the Order and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required below accompanied by the appropriate licensing fee.

1. Applicant’s Full Legal Name: _____

Any Other Name(s) Used by the Applicant in the Past 5 Years: _____

Mother’s Maiden Name: _____

Stage Name (if Dancer): _____

2. Current Address of Applicant: _____
Numbers Street

PO Box City County State Zip Code

3. Written proof of age of the Applicant, in the form of a State issued driver's license, identification, or a copy of a certified birth certificate accompanied by a picture identification document issued by a governmental agency must be provided at the time the application is filed.

4. A current photograph of the Applicant must be provided at the time the application is filed. Photograph must be a wallet size photo.

According to Article Two – Definitions of the El Paso County Commissioner's Court Order relating to licensing requirements and regulations for sexually oriented businesses with El Paso County, TX, a "Specified Criminal Activity" means any of the following specified crimes for which less than five (5) years elapsed since the date of conviction or the date of the release from confinement imposed for that conviction, whichever is the later date:

1. Prostitution, promotion of prostitution; aggravated promotion of prostitution; compelling prostitution; obscenity; sale, distribution, or display of harmful material to minor; sexual performance by a child; employment harmful to children; or possession or promotion of child pornography as defined in Chapter 43 of the Texas Penal Code;
2. Public lewdness; indecent exposure; or indecency with a child as defined in Chapter 21 of the Texas Penal Code;
3. Sexual assault or aggravate sexual assault as defined in Chapter 22 of the Texas Penal Code;
4. Criminal attempt, solicitation, or conspiracy to commit any of the foregoing offenses as defined by Chapter 15 of the Texas Penal Code; or
5. Any offense in another jurisdiction that, had the predicate act(s) been committed in Texas, would have constituted any of the foregoing offenses.

5. A statement of whether the Applicant has been convicted of or has pled guilty or nolo contendere to a "Specified Criminal Activity" as defined in this Order, and if so, each specified criminal activity involved, including the date, place and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable. Use the below lines to provide the requested information. Use additional paper if needed and attach it to this application when submitting. *Note: An application will not be processed until all required information is submitted.*

6. A statement of whether any sexually oriented business in which the Applicant has had

ownership and/or management stake, has, in the previous five (5) years (and at a time during which the Applicant had the influential interest):

- a. Been declared by a court of law to be a nuisance; or
- b. Been subject to a court order of closure or padlocking.

Use the below lines to provide the requested information. Use additional paper if needed and attach it to this application when submitting. *Note: An application will not be processed until all required information is submitted.*

At the time of filing an application, the filing Applicant shall present himself or herself to the Sheriff's Office Headquarters during regular public fingerprinting hours for the purpose of being fingerprinted. For information, call the El Paso County Sheriff's Office Headquarters at (915) 538-2292.

NOTE: THE INFORMATION PROVIDED PURSUANT TO THIS APPLICATION SHALL BE SUPPLEMENTED IN WRITING BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE PERMIT OFFICE/EL PASO COUNTY SHERIFF'S HEADQUARTERS WITHIN TEN (10) WORKING DAYS OF A CHANGE OF CIRCUMSTANCES WHICH WOULD RENDER THE INFORMATION ORIGINALLY SUBMITTED FALSE OR INCOMPLETE.

If a person who seeks a Sexually Oriented Business Employee License under this order, he or she shall sign the application for a license as Applicant. Each Applicant must be qualified under this Order and each Applicant shall be considered a licensee if a license is granted.

According to Article Five – Issuance of License, the permit office shall issue license unless:

- 1. The Applicant is less than eighteen (18) years of age.
- 2. The Applicant has failed to provide information as required by this Order for issuance of a license or has falsely answered a question or request for information on the application form.
- 3. The license application fee required by this Order has not been paid.
- 4. Any sexually oriented business in which the Applicant has had an influential interest, has in the previous five (5) years (and at the time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure or padlocking.
- 5. The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Order.

NOTE: A SEXUALLY ORIENTED BUSINESS EMPLOYEE SHALL KEEP THE EMPLOYEE'S

LICENSE ON THE PREMISES WHERE THE LICENSEE IS THEN WORKING OR PERFORMING.

FEES. The initial license and annual renewal fees for a sexually oriented business licenses shall be fifty dollars (\$50.00) for the initial fee and twenty-five dollars (\$25.00) for annual renewal.

By my signature below, I acknowledge that I am aware of the requirements related to sexually oriented business employee as defined in the County of El Paso Sexually Oriented Business Order. I further affirm that I have been provided a copy of the Order and understand that violations may result in suspension and/or revocation of this license, and potential criminal prosecution.

I hereby submit the above information provided along with the attached documents in support of the Application for a License of employment for a Sexually Oriented Business. I certify that all information is accurate and complete. I understand if it is determined that the application is not accurate and/or complete, the license may be denied or revoked, and may further result in criminal prosecution.

Applicant

Date

STATE OF TEXAS §

§

COUNTY OF EL PASO §

Before me, the undersign authority, on this day personally appeared the above named affiant(s) who, after being duly sworn an oath, deposed and state(s) the facts herein set forth are true and correct.

Sworn to and subscribed before me on this the _____ day of _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS