

## **Minutes Of The Alcoholic Beverage Control Board December 14, 2016**

On the 14<sup>th</sup> of December, 2016, the ABC Board did convene at Little, Rock, Arkansas for its regular monthly meeting and in attendance were Janet Moore, Chairperson, Thomas P. Powell, Jr., Steve Smith, Jean Hervey, and Eric Herget, special appointee.

The Board considered the application of Mark Needler, Fuzzy's Taco Shop of Jacksonville, 120 John Hardin Drive, Jacksonville, Private Club – New; Refused November 17, 2016. Mr. Mark Needler was present and in support of his application was Mayor Gary Fletcher, Jim Durham, Director of Administration City of Jacksonville, Kenny M. Boyd, Chief of Jacksonville Police Department and Danny K. Wintz. Also in attendance as opposition of this application were Ted Patterson, Pastor of Jacksonville Baptist Temple and Demetrius Patterson. After considering all statements and testimonies in the case the Board voted 5-0 to grant the new Private Club Class A permit.

The Board considered the application of Billy E. Pope, Skyroom, 4634 West Dixon Road, Little Rock, Private Club - Transfer of Location; Refused October 20, 2016. Present was Mr. Pope represented by legal counsel Mr. Steve Morley. Also present as opposition was ABC Special Agent Kenny Heroman, and Agent Princess Danzy. After considering all facts in the case Mr. Powell moved for the Board to approve Mr. Pope's application for transfer of location of the permit, which was seconded by Mrs. Hervey. The Board voted 3-2 against Mr. Powell's Motion. Mr. Powell's motion did not pass. Janet Moore, Chairperson moved for the Board to uphold the Director's decision and deny the application of Mr. Pope, and the motion was seconded by Mr. Eric Herget. Ms. Moore's motion passed 4-1.

The Board considered the Appeal of Violation Order dated September 22, 2016, MD Zakir Hossain, Shalina Shell Food Mart, 6708 Sulphur Springs Road, Pine Bluff, Retail Beer Permit No. 00839; Mr. Hossain was present and not represented by legal counsel. ABC Special Agent Kenny Heroman was in attendance for the violation appeal order and provided testimony. After considering all of the facts in the case, a motion was made by Mr. Steve Smith and seconded by Mrs. Jean Hervey to uphold the Director's Violation Order. The Board voted 5-0 to impose a fine of \$3,000; six (6) month probationary period.

The Board considered the Appeal of Violation Order dated October 12, 2016, in which the Director revoked the Private Club and Beer On Premises permit of Mr. David Aranda, Paradise Club, 2502 East 9<sup>th</sup> Street, Texarkana. The permittee was present and represented by Attorney Justin Hurst in this matter. Also in attendance in support of Mr. Aranda were Mr. Ismael Aranda, and Mr. Damien White. After considering all facts and the testimony of witnesses in support of Mr. Aranda, and testimony from ABC Enforcement Agent Mark Lewis and Officer William Smith, a Texarkana Police Officer, a motion, as amended, was made by Mrs. Hervey to uphold the Director's Violation Order and revoke the ABC License, which was seconded by Mr. Smith. The amended motion was seconded by

Mr. Smith. The ABC Board voted 5-0 to uphold the Director's Violation Order and revoke Mr. Aranda's ABC permit for cause.

Director Bud Roberts briefed the Board respecting Agency operations, and participated throughout the board meeting.

The Board accepted the Director's Decisions regarding the Violation Resume, Private Club Resume, Director's Order's and Director's Resume.

There being no further business the meeting was adjourned.

The next meeting of the Alcoholic Beverage Control Board is scheduled for January 18, 2016.

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Janet Moore, Chairperson

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Bud Roberts, Director