

**MINUTES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD
SEPTEMBER 20, 2017**

On the 20th day of September, 2017, the ABC Board did convene at Little Rock, Arkansas for its regular monthly meeting and in attendance were Daniel Greenberg, Chairman, Jean Hervey, Thomas P. Powell, Jr., Steve Smith, and Jaime Anderson.

Director Mary Robin Casteel briefed the Board about proposed ABC Rules and Regulations. Mr. Charlie Spakes, representing the Grocery Association, was in attendance for public comment. Bill Paschall, representing United Beverage Retailers of Arkansas, was in attendance for public comment. Both parties provided public comment regarding Act 508 of 2017 and the corresponding proposed ABC Rules and Regulations. The ABC Board discussed the comments and the proposed rules. Mr. Steve Smith made a motion to approve the proposed Rules and Regulations. The motion was seconded by Jean Hervey. The motion passed with a vote of 5-0.

Director Casteel requested a 30-day consideration for approval, for two (2) applications. The first application, Tru by Hilton, 204 W. 22nd, Stuttgart, Arkansas County, is an application for Retail Beer on Premises & On Premises Wine permits. The applicant is Mrs. Hillary Jones. The second application, Southbound Tavern, 233 Cherry, Helena, Phillips County, is an application for a Restaurant Mixed Drink Minimum permit. The applicant is Mr. Joel Tipton. Chairman Daniel Greenberg made a motion to approve both requests. The motion passed with a vote of 5-0.

The Board accepted the Director's Decisions, Private Club Resumes, Violation Resumes, Warning Letters, and Inactive Status Letters. Mrs. Jean Hervey made a motion to approve the above mentioned matters. Mr. Thomas Powell seconded the motion. The motion passed with a vote of 5-0.

ABC Attorney Michael Harry briefed the ABC Board about the Searcy appeals. The Backstage at the Rockhouse private club permit appeal was filed in Pulaski County Circuit Court. Petitioner, Dr. Pollard, filed a Motion to Dismiss on September 15, 2017. Mr. Harry stated there was one other matter to be considered. Chairman Daniel Greenberg moved to postpone discussion of that matter until the end of the Board agenda to allow all parties to be present.

The Board considered an appeal of a violation order dated March 16, 2017, against A. Suzon Awbrey, Rumba and The Revolution Room, 300 President Clinton Avenue, Little Rock, Restaurant Mixed Drink Maximum. Ms. Awbrey was fined \$1000, suspended for two (2) days and placed on probation for one (1) year. Ms. Awbrey was present and provided testimony. She was not represented by legal counsel. Ms. Awbrey was only appealing the dates of suspension. ABC Enforcement Agent Aaron Farmer was present and provided testimony pertaining to the violation order. After hearing all relevant facts and testimony in the matter, Mr. Steve Smith made a motion that the two (2) day suspension dates be September 29, 2017, and October 12, 2017. The one (1) year of probation would remain. Ms. Awbrey paid her fine prior to the appeal hearing. Motion was seconded by Mr. Jaime Anderson. Mr. Daniel Greenberg expressed concern for the ability of ABC staff to continue to provide appropriate penalties if such a motion passed. The motion passed with a vote of 4-1.

The Board considered a request to expand a permit to add entertainment by Mr. Herbert Broadway, La Changes II, 3315 West Roosevelt, Little Rock, Private Club & Retail Beer On Premises. His previous request was refused by the ABC Director on June 21, 2017. Present in support of the request was Mr. Herbert Broadway. He was not represented by counsel. Detective Raymond Koonce of the Little Rock Police Department – VICE Division was also present in opposition to this permit expansion request. After hearing all testimony from both parties and a discussion of facts on the matter, Chairman Daniel Greenberg moved that the appeal be denied. The motion passed with a vote of 5-0.

The Board considered the application of Young S. Chun, Springer Chicken, 4616 Springer Boulevard, Little Rock, Retail Beer Off Premises & Small Farm Wine – Retail – New, previously refused on June 21, 2017. Present in support of this application were Mr. Young Chun and his business partner Sadiq Bhagat. Mr. Chun and Mr. Bhagat provided testimony. Present and providing testimony in opposition to this application was Detective Raymond Koonce of Little Rock Police Department – VICE Division. After hearing all testimony from Mr. Chun, Mr. Bhagat and Detective Koonce, Mrs. Jean Hervey made a motion to overturn the Director’s decision and to grant the permit conditioned upon Mr. Chun receiving the necessary Conditional Use Permit required by the zoning laws of the City of Little Rock. No sale of alcohol may commence until Mr. Chun obtains the Conditional Use Permit. The motion was seconded by Mr. Powell. The motion passed with a vote of 5-0.

The Board considered an expansion request by Mr. David Marano, Host JQE LIT FB, LLC #1 Airport Road, Little Rock, Restaurant Mixed Drink & Native Beer, previously refused on June 13, 2017. In support of the expansion request and providing testimony was Mr. David Marano. Mr. Marano was not represented by Counsel. Present and providing testimony in opposition of the expansion request was Detective Raymond Koonce of the Little Rock Police Department – VICE Unit. After hearing all testimony on the matter, Chairman Daniel Greenberg moved that the appeal be denied. The motion was seconded by Mr. Thomas Powell. The motion passed with a vote of 5-0.

The Board considered the expansion request of Bernard R. Griffin, Griffin Park Pub, #4 Highway 175, Hardy, Restaurant Beer & Wine Combination, previously refused on June 13, 2017. Present in support of his request and providing testimony was Mr. Bernard Griffin. No persons were present in opposition to the request to expand the premises. Mr. Steve Smith recommended a motion to approve the requested beer garden area contingent upon conditions set by the Board. The motion was seconded by Mr. Thomas Powell. The motion passed with a vote of 5-0.

The Board considered the application of Mr. Timothy D. McGrath, Daughters & Son Billiards, 11922 Turney Lane, Omaha (Boone County), Retail beer On Premises – New, previously refused on July 20, 2017. Mr. Timothy D. McGrath was present and provided testimony in support of his application. ABC Enforcement Agent Ken Coon was present and provided testimony about the application. After hearing all testimony and reviewing letters submitted by a nearby church, Mr. Thomas Powell made a motion to approve the application. Chairman Daniel Greenberg amended the motion

to approve the application contingent upon conditions set by the Board. Amended motion accepted and approved subject to the enumerated conditions. The motion passed with a vote of 5-0.

The Board considered the application of Mark T. Venable, Colton's Steak House & Grill, 3002 East Race Street, Searcy, New Private Club – New, previously refused July 20, 2017. Present and providing testimony in support of the application was Mr. Mark T. Venable, represented by Attorney Jeff Pence. Providing testimonial support of Mr. Venable's application were Mr. Kyle Osbourne, Retired Police Chief of Searcy; Buck Layne, Member of the Searcy Chamber of Commerce; Rodger Cargile, Executive Broker for ReMax Real Estate; Ben Pickard, Retired Vice Chancellor at ASU Beebe; and Mr. Gordon Toney, Ben E. Keith Distributor. Present and providing testimony in opposition to this application were Brett Watson, attorney, and Josette Watson. After hearing both party's testimonies and seeing exhibits introduced by both parties, Chairman Daniel Greenberg motioned to grant the private club permit to Mr. Mark T. Venable. The motion was seconded by Mr. Thomas Powell. The motion passed with a vote of 5-0.

The Board was presented with a Motion for Reconsideration by Mr. H.T. Moore, attorney for El Almacen (Searcy, White County), to rehear El Almacen's case from the Board Meeting held August 16, 2017. Brett Watson, present on behalf of his client Mr. Pollard, provided testimony. Mr. Michael Harry, ABC Attorney also provided testimony. Chairman Daniel Greenberg made a motion to rehear the case before the members of the ABC Board. The motion failed by a vote of 4-1.

There being no further business, the meeting was adjourned.

The next meeting of the Alcoholic Beverage Control Board is scheduled for October 18, 2017.

DAN GREENBERG, CHAIRMAN

MARY ROBIN CASTEEL, DIRECTOR