

## MINUTES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

September 15, 2021

On the 15<sup>th</sup> of September 2021, the ABC Board did convene at Little Rock, Arkansas for its regular monthly meeting and in attendance were Freddie Black, Chairman, Steve Smith, Pam DePriest, Alex Blass, and substitute Board member Buckley O'Mell was in for Jamie Anderson.

The Board accepted the Director's Decisions, Violation Resume, Warning Letters, and request for extension of inactive status letters. Board member Pam DePriest made a motion to approve, Alex Blass seconded the motion and the motion passed with a 5-0 vote. Director asked for a 30-day consideration for Justin Inett, Events on the Farm, located at 12880 Highway 112, Cave Springs, Board member Steve Smith made the motion to grant the 30-day consideration, Pam DePriest seconded the motion and the motion passed with a 4-0 vote; Alex Blass abstained.

ABC Rule changes to allow retail beer off premises and small farm wine-retail businesses to have drive-thru windows and authorizing beer wholesalers to purchase malt liquor or spirituous liquor beverages, classified as ready-to-drink products. Board passed these rules with a 5-0 vote.

Chairman Black announced that the next ABC Board meeting will be held on October 13, 2021.

First hearing on the agenda was for Matthew Fuller, 501 Lakeside, located at 108 Ski Motel Point, Hot Springs, that applied for a new restaurant mixed drink permit. The application was denied by the Director on July 21, 2021, due to 13 letters of opposition from area residence, location does not have kitchen facilities that are required from this type of permit and business is not in the public's convenience and advantage. The business was represented by attorney Keith Billingsley. Testimony was given by Agent Blake Zavadil regarding his inspection while working the application. Mr. Don Borchert was spokesman for the opposition. Mr. Fuller gave testimony on his behalf. After hearing all testimony and reviewing all evidence, the Board overturned the Director's Decision and granted the permit conditional upon meeting all rules, installation a 8 foot fence around the permitted premise, affixing the bar to the property and implementing a security plan for Fridays, Saturdays and Sundays.

Second hearing on the agenda was a violation appeal for Clayton Birdsell, Taphouse (Wagon Wheel), located at 816 Albert Pike, Hot Springs, Private Club & Retail Beer Permit No. 03473-01. Violation for allowing gambling on the permitted premises, fined \$500.00 and placed on probation for 90 days. The business was represented by attorney Blake Speights. Testimony was given by ABC Agent Suzanne Johnson regarding the violations. The permit holder Mr. Birdsell testified on behalf of the business. After hearing all testimony and reviewing all evidence, the Board overturned the Director's Order, however the permit holder is ordered to ensure that future dart leagues follow all laws and regulations.

Third hearing on the agenda was for an Abandonment Order for Abraham Carpenter, Carpenter Farms Medical Group, Cultivating Facility License No. 00120. The facility was represented by attorney Victory Harper. Agent Austin Hodges testified on behalf of the investigation and inspection. The permit holder Mr. Carpenter and Charles Harper testified for the facility. After hearing all testimony and reviewing all evidence, the Board found that the license should be returned and be granted an extension of no later than 7 months from the date of the Board hearing, April 15, 2022, to meet these conditions.

Fourth hearing on the agenda was for an Abandonment Order for Balbir Mangat, CROP, located at 2929 Caraway, Suite 1, Jonesboro, Dispensary License No. 00198. The facility was represented by attorney Casey Castleberry. David Potter, Director of ABC Enforcement, testified on behalf of the investigation

and inspection. After hearing all testimony and reviewing all evidence, the Board concluded that the delay to commence operations by CROP was not caused by mere deferral or inattention and that the business circumstances justify the delay. The Board finds the license should be returned to the licensee.

The Board meeting was then adjourned.

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Freddie Black, Chairman

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Doralee Chandler, Director