

# MINUTES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

May 15, 2024

PLACE: Regulatory Board Room - 101 East Capitol, Suite 119, Little Rock, AR 72201

MEMBERS PRESENT: ALEX BLASS, CHAIRMAN; JAMIE ANDERSON; SUSAN PEACOCK; HANNAH RAY; STEVEN SMITH

MEMBERS ABSENT:

On the 15<sup>th</sup> day of May 2024, the ABC Board did convene at Little Rock for its regular monthly meeting. Chairman Blass and all Board members attended in person.

The meeting started at 9:05 AM, with Chairman Blass calling the meeting to order.

Chairman Blass introduced the Director's Decisions, Violation Resume, Warning Letters, and requests for extensions of Inactive Status Letters, and the Board members confirmed they reviewed each. Board member Jamie Anderson made a motion to approve, Board member Susan Peacock seconded the motion, and the motion passed with a 5-0 vote.

ABC Director Bjornson then notified the Board that ABC staff attorney, Drew Dorsey was unable to be present for the hearing on account of illness, and ABC staff attorney, Aaron Lowrey would take her place.

Next on the agenda was a PowerPoint presented by ABC Director Bjornson before the Board, detailing administrative updates by the ABC Division.

- Out of consideration that the June ABC Board Meeting will likely be heavily attended, ABC Director Bjornson and the Board members discussed moving the June Board

Meeting back to the 1515 Building ABC Board Room to allow for more space should members of the public wish to attend. The Board members were in agreement to move the location for the June ABC Board Meeting.

ABC Director Bjornson and the Board members then discussed setting the date for the June ABC Board Meeting. ABC Director Bjornson notified the Board the National Liquor Conference that will be held during the standard ABC Board Meeting date, and asked the Board members if they would be opposed to moving the June ABC Board Meeting date up. The Board members agreed, and the following date was chosen:

- June 12, 2024, at 9:00 AM

The next agenda item was the hearing for Kenneth Rennie at Midnight Rodeo of J Town, Private Club Class B; Appeal of Violation order of October 7, 2023; Fined \$1,000 with a 120-day probation period. Said violations were:

- Disorderly conduct, and
- Furnished alcoholic beverages to an intoxicated person.

ABC Director Bjornson introduced the agenda item and then passed it over to ABC staff attorney, Arron Lowrey.

ABC staff attorney, Aaron Lowrey made opening statements, introduced the ABC evidence packet, which was accepted as exhibit 1 by the Board, and called the witnesses to be sworn in. Chairman Blass then swore in all witnesses who were to provide witness testimony.

ABC staff attorney, Aaron Lowrey called Victoria Robinett, Agent of the ABC Enforcement Division to testify. She provided statements and responded to questions by ABC staff attorney, Aaron Lowrey. Agent Robinett then referenced two videos from the incident, which were played and admitted as evidence. Agent Robinett then responded to questions asked by ABC staff

attorney, Arron Lowrey, about the videos and an additional violation that occurred at Midnight Rodeo of J Town.

Mr. Kenneth Rennie, the permit holder at Midnight Rodeo of J Town then asked Agent Robinett questions, where she responded.

Next, ABC staff attorney, Aaron Lowrey called Sergeant Owen Smith of the Jonesboro Police Department to testify. He provided statements and responded to questions asked by ABC staff attorney, Aaron Lowrey.

Chairman Blass asked for more clarity and specification on the definition of being intoxicated vs. overly intoxicated from Sergeant Smith, where he responded.

Mr. Rennie then asked Sergeant Smith questions about his definitions, where he responded.

Board member, Anderson then asked Sergeant Smith questions about BAC levels, where he informed the Board that the suspect's BAC levels were not checked by Jonesboro PD. Additionally, Chairman Blass asked if the State were able to collect records of the BAC levels of the suspect, where ABC staff attorney informed the Board that the State was unable to collect such records due to HIPPA restrictions.

Board member, Anderson also asked if ABC had any rules or regulations regarding whether video cameras must be used in establishments serving alcoholic beverages. ABC staff attorney informed the Board that there is nothing in the ABC rule book that requires such, but the Board can require establishments to use them on certain occasions.

Board members, Anderson and Peacock asked about the timeframe in which the establishment may stay open and what time the incident occurred, where ABC staff attorney, Aaron Lowrey, and Mr. Rennie responded.

Before closing, Board member, Anderson asked Mr. Rennie about his video surveilling measures, where Mr. Rennie responded.

ABC staff attorney, Aaron Lowrey then provided closing statements, asking the Board to uphold the director's decision of a \$1,000 fine to be paid within 30 days of May 16, 2024, with a 120-day probation period beginning May 16, 2024, as well.

Following this, Mr. Rennie provided closing statements and asked that the change of furnishing alcoholic beverages to an intoxicated person be dropped, keeping the disorderly conduct charge.

Chairman Blass asked for clarification on how fine amounts are broken down by the ABC, where ABC Director Bjornson responded. He also asked about the additional violation brought up by Agent Robinett, where ABC staff attorney informed the Board that a director's level hearing has been requested for that incident.

Board member, Peacock asked Mr. Rennie if surveillance footage was documented for the incident, where Mr. Rennie notified the Board that it was unknown if surveillance footage was available for that incident.

ABC Director Bjornson then notified the Board of their discretionary limitations when either making changes to the fine amount or probation period.

Before the Board made their decision, Chairman Blass recommended that going forward, the defense of not having surveillance footage on account of low battery power will be held at a higher standard.

Following this, Board member, Anderson made a motion to uphold the director's decision. Chairman Blass asked for clarity on the difference between the probation period length differences between the original offer of 90 days and the order of 120 days following the director's hearing, where ABC Director Bjornson notified the Board that after the hearing, she used her discretionary abilities to up the timeframe. Board member Smith then seconded the motion, and it was passed with a 5-0 vote.

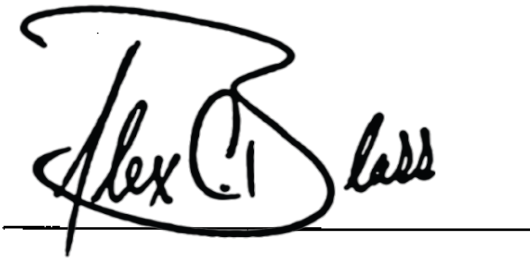
ABC Director Bjornson then informed Mr. Rennie and the Board that ABC does factor in history of good compliance, which is what factored into offering the minimum fine amount for each charge and applauded Mr. Rennie for his good compliance history.

Lastly, ABC Director Bjornson informed the Board that on days when hearings are not scheduled for Board meetings, the ABC Division and ABC Enforcement Division would like to share educational presentations explaining how things work with the Board.

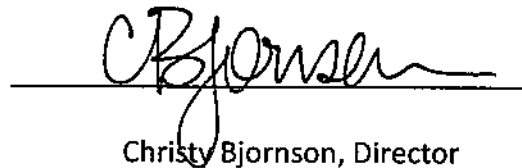
Chairman Blass asked for monthly ABC fines to be totaled and provided in the ABC administrative updates as well, where ABC Director Bjornson agreed to add the total numbers.

Discussion of budget was also brought forth by ABC Director Bjornson and Chairman Blass, in which ABC Director Bjornson informed the Board of changes she would like to see in the future.

The Board meeting was then adjourned at 10:00 AM.

A handwritten signature in black ink that reads "Alex Blass". The signature is written in a cursive style with a large, stylized initial "A" and "B".

Alex Blass, Chairman

A handwritten signature in black ink that reads "Christy Bjornson". The signature is written in a cursive style with a large, stylized initial "C" and "B".

Christy Bjornson, Director