

DRAFT MINUTES**HOUSE AND SENATE COMMITTEES ON STATE AGENCIES AND
GOVERNMENTAL AFFAIRS****MEETING JOINTLY****Tuesday, September 5, 2017****1:30 PM****Room 171, State Capitol
Little Rock, Arkansas**

Committee Members Present: Senators Eddie Joe Williams, Chair; Gary Stubblefield, Vice-Chair; Trent Garner, and Terry Rice. **Representatives** Bob Ballinger, Chair; Jack Ladyman, Vice-Chair; Andy Davis, Jim Dotson, Charlotte Douglas, Trevor Drown, Jon Eubanks, Kenneth Ferguson, Justin Gonzales, Douglas House, Brandt Smith, James Sturch, Dwight Tosh, and Richard Womack.

Other Legislators Present: Senators Alan Clark, Lance Eads, and Jim Hendren. **Representatives** Mickey Gates, Reginald Murdock, Warwick Sabin, James Sorvillo, and Carlton Wing.

Senator Williams called the meeting to order. He recognized Representative Ballinger for remarks.

Discussion of ISP 2017-087 – “To study a potential requirement that reports of police intervention at premises licensed to serve alcohol by the drink be delivered to the appropriate regulatory authorities.” EXHIBIT C

Senator Williams introduced ISP 2017-087. This study will review a potential requirement that reports of police intervention at premises licensed to serve alcohol by the drink be delivered to the appropriate regulatory authorities. Senator Williams is interested in the current permitting process, whether the process is working and ensuring a safe environment when alcohol is being served. Moreover, the committee is tasked with determining whether corrections need to be made and to reach a conclusion for improvements.

Mr. Mike Feehan, Senior Staff Attorney, Bureau of Legislative Research, was recognized and gave a brief overview regarding the legal process for private clubs. Private clubs are a separate entity in Arkansas and receive their own permits. They are set up to sell alcoholic beverages inside their clubs to particular members. The Alcoholic Beverage Control Enforcement (ABCE) agency has the authority to suspend or revoke a permit. Regarding police reports, currently, there are no state laws or requirements in place that require law enforcement agencies to report or send incident reports regarding misconduct of permit holders to the ABCE agency.

Discussion of Issues Related to the Current Process of Notification of Police Reports Involving an Alcohol Licensed Establishment and Suggestions on Possible Policy Changes

Mr. Boyce Hamlet, Director, ABCE, and Ms. Mary Robin Casteel, Director, Alcoholic Beverage Control Division (ABCD), were recognized. Mr. Hamlet gave a brief overview of the current permit process. The ABCE has 19 law enforcement officers, including Mr. Hamlet. Over

5,000 permits were issued in the state. Of this amount, 3,500 to 4,000 permits were issued for private clubs, restaurants that serve mixed drinks and beer. Within two years, ten permits have been revoked. More proactive measures are being taken. Tips can be submitted anonymously online. Public safety is the top priority.

Ms. Casteel briefly explained the process after a complaint is received by ABCE. Reports are received and reviewed to ensure that a violation occurred. There are three types of violations and the maximum fine amount for a violation is \$1,000. The permit holder is sent a settlement offer that may be less than the described fine. It would be helpful to have additional verbiage written in the law such as “a permit shall be revoked if there are a specified number of violations” or “a permit shall be suspended for thirty days”. The ABCE falls short within the tools that are at their disposal, as preventative tools and sanctions are not effective. Ms. Casteel noted it would be helpful if club owners notify the ABCE of any potential problems and have reports available if something is going wrong.

Mr. Mike Godfrey, Executive Director, Arkansas Sheriffs’ Association, was recognized and stated law enforcement cares about the citizens in their communities. Most law enforcement agencies have an outstanding relationship with the ABCE. Mr. Godfrey does not believe law enforcement agencies have an issue with turning over reports or documentation to ABCE.

Mr. Gary Sipes, Executive Director, Arkansas Association of Chiefs of Police (AACP), was recognized and briefly discussed the nuisance abatement statute. The circuit court is responsible for handling nuisances that are reported. Moreover, the AACP has always used ABCE as a tool when they encountered an issue to resolve a problem.

Mr. Ken Wasson, Director of Operations, Arkansas Municipal League, was recognized for brief remarks. He applauded the study and would like to be involved with future meetings.

The Committee will meet again within the next two weeks to discuss whether the process is working effectively.

There being no further business, the meeting adjourned at 3:09 p.m.