



STATE OF ARKANSAS
**Department of Finance
and Administration**

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May 21, 2020

Senator Ronald Caldwell, Chair
Representative Dwight Tosh, Chair
State Agencies and Governmental Affairs
State Capitol
Little Rock, AR 72201

RE: Temple Live Alcoholic Beverage License Suspension

Dear Co-Chairs:

On Tuesday May 19, 2020, the Bureau of Legislative Research requested the Director of the Alcoholic Beverage Control Administration, Doralee Chandler, to appear before a joint meeting of the State Agencies and Governmental Affairs Committee to discuss the brief suspension of the alcoholic beverage control permit held by Temple Live in Fort Smith, Arkansas. Director Chandler agreed to appear and answer questions of the General Assembly related to the laws of the State of Arkansas that authorized her actions in this matter.

On the afternoon of Wednesday May 20, 2020, prior to the scheduled committee meeting on May 21, 2020, the Bureau of Legislative Research published the agenda for the committee meeting. A representative from Temple Live and their attorney of record are on the agenda to appear after Director Chandler.

The Department of Finance and Administration and the Alcoholic Beverage Control Division are committed to responding to the requests of the General Assembly. However, that willingness cannot serve as a substitute for the proper administrative and judicial remedies under the law that exist for parties aggrieved by the actions of state agencies.

Director Chandler was not notified that the members of the State Agencies and Governmental Affairs Committee invited representatives from Temple Live to appear at Thursday's hearing. Otherwise, she would have respectfully declined to appear. The appropriate venue for Temple Live to air their grievances is in a hearing before the Alcoholic Beverage Control Board. The Board has the power to review any suspension of a permit by the Director, by its own motion.¹


¹ See Ark. Code Ann. § 3-2-214

Should Temple Live request such a hearing and find itself dissatisfied with the ruling of the Alcoholic Beverage Control Board, Temple Live may appeal that ruling to the Circuit Court of either Pulaski County or Sebastian County.²

In his letter to members of the Arkansas General Assembly dated May 20, 2020 Governor Asa Hutchinson stated "ABC Director Doralee Chandler took the steps Arkansas law requires her to take when the holder of an alcoholic beverage permit endangers the health and safety of Arkansans. Director Chandler took these steps more than 24 hours prior to the planned concert in order to allow the venue to plan for a concert without the sale of alcoholic beverages and provide notice to concert goers that alcoholic beverages would not be available at a concert conducted contrary to a directive of the Department of Health."

The Department of Finance and Administration and the Alcoholic Beverage Control Division stand ready to accommodate the requests of the General Assembly to further explain Director Chandler's actions outlined by Governor Hutchinson's letter. However, the agency will not waive the administrative processes afforded under the law to the Board or to those they regulate, nor will it participate in a hearing on an administrative violation outside of the proper forum. For these reasons, Alcoholic Beverage Control Director, Doralee Chandler will not appear before the committee today.

Sincerely,



Larry W. Walther
Secretary

LWW:akm

² See Ark. Code Ann. § 3-2-216