



STATE OF ARKANSAS  
ALCOHOLIC BEVERAGE CONTROL DIVISION  
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**IN THE MATTER OF:**

LARGE EVENT FACILITY PERMIT NO. 03083  
EDWARD J. VEGA, PERMITTEE  
DBA: SPRINGDALE CIVIC CENTER  
2323D S. Old Missouri Road  
Springdale, ARKANSAS

**ORDER**

There was considered by the Director, at an administrative hearing, the matter of the permit holder's alleged violations, on two dates, 3-13-2016 and 4-10-2016. If true, the violations would have occurred during a period of Probation imposed by this forum on 12-17-2015.

On or about 3-13-2016, have been alleged two Class A violations: allowing a minor (Julio Galan, age 19) to consume alcohol on the permitted premises, in violation of ABC Regulation 3.19(4)(A), which alcohol consumption led to smashing his truck into a tree at some 90 miles per hour, killing two passengers (21 year old Guillermo Sanchez, and 24 year old Alejandro Hernandez); and serving alcoholic beverages to an intoxicated patron (the same minor, Julio Galan), in violation of ABC Regulation 3.19(4)(B).

On or about 4-10-2016, have been alleged eight violations: serving alcohol to six intoxicated patrons (Bernardino Perez-Martinez, Juan Gutierrez, Carlos Palmerin, Antonio Guerrero, Marvin Ascencio-Rodrigues, and Diego Sierra), in violation of ABC Regulation 3.19(4)(B); allowing a patron to carry an open container of alcoholic beverage (a can of Bud Light) out of the permitted premises, in violation of ABC Regulation 1.79(27); failure to be a good neighbor by virtue of an on-premises fight between patrons (in which David Ramierz was punched in the face by Levi Garcia), in violation of ABC Regulation 1.79(32); allowing alcoholic beverages to be consumed on-premises after the legally prescribed hour, in violation of ABC Regulation 3.19(3)(A); allowing a 17 year old minor (Everardo Almeida) to possess alcoholic beverages, in violation of ABC Regulation 3.19(4)(A); serving alcohol to a 19 year old minor (Miguel Angel Castrellon), in violation of ABC Regulation 3.19(4)(A); failure to be a good neighbor by virtue of allowing the littering of beer cans and beer bottles in the parking lot used by the venue, in violation of ABC Regulation 1.79(32); and failure to be a good neighbor by virtue of allowing the littering of numerous cans, bottles, and pools of spilled beer on the floor inside the permitted outlet, in violation of ABC Regulation 1.79(32). If true, each would constitute

a Class A violation - except that of letting the patron leave the outlet with an open beer in hand, a Class C violation.

And, from findings of fact deduced at a hearing held on June 1, 2016, the following findings are made, TO WIT:

The Permittee, Mr. Edward Vega, was present at the hearing, represented by attorney James Crouch. The City of Springdale was represented by City Attorney Ernest Cate. Also present were the following witnesses: ABC Enforcement Special Agent Jay C. Rider, Agent Montgomery, Agent Chris Boyd, Springdale Police Department Detective Danny Wright, Sergeant Josh Kirmer, Officer Morgan Abernathy, Accident Reconstruction Officer Mark Bradley, and Ms. Millie Frias.

### FACTS

On 3-13-2016, Julio Cesar Galan Picasso (hereinafter, "Galan") was 19 years old - too young to buy alcohol legally.

Just before midnight, Galan and two friends entered the permitted outlet. The door person sold them rubber wrist bands. The wrist bands allowed them to buy liquor.

Galan and his friends drank.

By closing time, Galan was extremely drunk. Eyewitness Millie Frias knew Galan to be a "light weight" drinker - easily intoxicated. She observed Galan swaying side to side, struggling to balance himself - nodding his head, in and out of consciousness.

Ms. Frias and two female friends left when the club closed. Galan and his two friends followed them. The six went to a club next door, where none drank any more alcohol.

Galan remained highly intoxicated - and visibly so.

After an hour, Galan left with his two friends. That would be the last time anyone would see all three alive.

Galan sat behind the wheel of a dark red Chevy pickup truck. His two friends were passengers. They drove away.

At 90 miles per hour, the truck smashed into a solid tree. The crash left human tissue and blood where tree bark used to be. It obliterated the truck except part of the driver's side.

The crash killed both passengers. Photos showed their distorted faces, disfigured bodies, smashed skulls, broken legs, bones that pierced the skin from within, teeth in the dashboard, and blood.

Young Galan survived. Later he would give ABC Enforcement Agents a statement. He would talk of an event that will haunt him the rest of his days.



The hospital drew Galan's blood, twice. No drugs were found – except alcohol. Galan's first blood sample would show a BAC level of .185 – over twice the legal limit. The later sample would be sent to the State Crime Lab, and would show the BAC level had dropped to .154. There is no telling how high his blood alcohol had been on impact.

90 mile per hour into a tree. His blood alcohol must have been extreme.

Permittee raised the question whether, in the Club's parking lot, the young men drank alcohol the Club hadn't served them. But there is no evidence in the record to support the argument.

Permittee tried to elicit police testimony about a box in a ditch near the wreckage. Permittee implied the box might have contained a whiskey bottle. He did not produce a witness who actually saw a box. A police photo seems to show a whiskey box – but no bottle – in a ditch near the wreckage.

Permittee introduced a video that showed one of the deceased passengers in a vehicle, pouring Buchanan whiskey into a cup and laughing. The video had been copied from a social media post. The video bore no time stamp, and no date stamp. It is impossible to tell when the recording was made.

Galan was not in the video.

### **FINDINGS AND CONCLUSIONS**

The hearing took seven hours. There was considerable testimony, evidence, and argument of counsel. I have spent many more hours reflecting on the facts, and the situation before me.

There must be a change.

I look to the law. The Arkansas legislature established the duty of care the Permittee owes its patrons, as follows:

“(a) It is the specifically declared policy of the General Assembly that all licenses issued to establishments for the sale or dispensing of alcoholic beverages are privilege licenses, and ***the holder of such privilege license is to be held to a high duty of care in the operation of the licensed establishment.***

(b) It is the duty of every holder of an alcoholic beverage permit issued by the State of Arkansas ***to operate the business wherein alcoholic beverages are sold or dispensed in a manner which is in the public interest and does not endanger the public health, welfare, or safety....*** [Emphasis added.]

This duty is an extremely important responsibility. A critical job.

I consider how this outlet is run. On the night of the fatal crash, the Club had received cover charges (\$30 and up) from each of some 2,200 patrons. The maximum capacity is 2,500. The math is easy. The gate, alone, is lucrative – excluding liquor sales.

Still, violations persist.

Maybe the Permittee's job – the job of *safely* serving alcohol to so many patrons – is too demanding for this Club. Impossible even. Maybe the Springdale Civic Center's business model is not conducive to the task – serving customers *in a manner which is in the public interest and does not endanger the public health, welfare, or safety*.

Less than a month after the fatal crash, a team of FBI Agents, Springdale Police Officers, and ABC Enforcement Agents revisited the Club.

The night was 4-9-2016 (and into the wee hours of 4-10-2016). The Officers and Agents saw at least one bloody fight between patrons; at least five patrons over-served alcohol; at least one customer allowed to leave the Club with an open beer in hand; at least 13 patrons allowed to consume alcohol after permitted serving hours; at least 42 full, cold beers sitting on surfaces in front of customers after permitted hours; many beer cans and bottles littering the parking lot; innumerable cans, containers, boxes-cut-into-trays, and pools of standing beer all over the floor inside the Club; and at least two minors allowed to drink alcohol (one was 17 - the other was 19).

I consider the Permit's current status: The violations discussed herein happened during a period of Probation, imposed at the Club's last hearing.

My consideration returns to the haunting reality – the part so hard to stop thinking about.

19 year old Galan was served ... overserved alcohol by the Springdale Civic Center. He was allowed to drink until he could barely stand, until he could barely remain conscious.

The alcohol the Club let him consume led to an extraordinary level of intoxication. That is why he drove his truck into a tree at 90 mph.

It is why his friends are dead.

We lack direct evidence of any other source of alcohol. Even if Galan had drunk more just before the fatal crash, one fact remains: The Springdale Civic Center's violations directly contributed to the death of two young men.

When violations persist by the dozens, shortly after a 30-day Suspension and Fine – and despite an ongoing Probation; when the Club's environment promotes fights among patrons; when the Club continues to over-serve its patrons; when the Club cannot stop serving minors; when the Club allows litter to build up until it spills out onto the parking lot; when the Club's violations kill its patrons – clearly, the change must be drastic.



I find all allegations true, with the singular exception of the alleged over-service of the patron known as Diego Sierra. The violations were so many in number, and so egregious in magnitude, that it has become clear: The Springdale Civic Center cannot proceed as a good steward of the ABC.

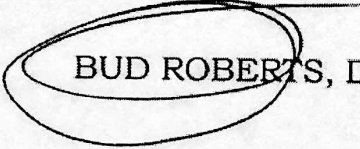
I hereby Order this Permit Revoked for Cause.

Accordingly, this permit is **REVOKED FOR CAUSE**, effective at 7:00 AM, 6-16-2016.

You are hereby notified that you have the right to appeal this decision to the full Alcoholic Beverage Control Board within fifteen (15) days from receipt of this ORDER.

DONE AT LITTLE ROCK, ARKANSAS, this 16<sup>th</sup> day of June, 2016.

ALCOHOLIC BEVERAGE CONTROL DIVISION



BUD ROBERTS, DIRECTOR

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