Memo

To: David Twiggs, COO/General Manager
From: Linda Mayhood, Asst. General Manager
Date: January 20, 2016
Re: Motion – Approve Liquor Indemnification for POA Employees

Motion

I move to approve an indemnification agreement for Linda Mayhood, Stephanie Heffer and Ray Metz, who hold Hot Springs Village Property Owners Association Alcoholic Beverage Permits.

Background:

An indemnification agreement for individual representatives of HSVPOA Alcoholic beverage permits was first approved by the Board in 2009, for individual permit holders. The attached proposed agreement is applicable to current staff who hold HSVPOA Alcoholic Beverage Permits including, Linda Mayhood, Stephanie Heffer and Ray Metz.

The Alcoholic Beverage control Division (ABC) will not issue permits in the name of corporations, therefore, and individual must be named and meet the criteria set by the ABC board.

The indemnification agreement assures the POA employees that have agreed to hold these permits that the POA will indemnify and insure them against any liability incurred with these permits, except in cases where the individual is guilty of misconduct in the performance of their duties to render them personally liable.

The POA carries liquor liability coverage under the General Liability Policy for all POA operated facilities that have liquor permits.
INDEMNIFICATION AGREEMENT FOR INDIVIDUAL REPRESENTATIVES OF HSVPOA ALCOHOLIC BEVERAGE PERMITS

THIS INDEMNIFICATION AGREEMENT is made and entered into on the date noted hereinbelow by HOT SPRINGS VILLAGE PROPERTY OWNERS’ ASSOCIATION, an Arkansas Non-Profit Corporation, by its duly elected Board of Directors and officers as of the date hereof, and LINDA D. MAYHOOD, STEPHANIE HEFFER, and RAY METZ, Hot Springs Village Arkansas on behalf of themselves as individuals noted on the Alcoholic Beverage Permits issued by the Arkansas Alcoholic Beverage Control Division of a Hot Springs Village POA operated facility, hereinafter referred to as “INDIVIDUALS”.

WITNESSETH:

WHEREAS, THE Alcohol Beverage Control Statutes of the State of Arkansas allow a corporation to be the holder of an Alcoholic Beverage Permit, but require an individual to be noted as the holder of the permit on behalf of the corporation; and

WHEREAS, all three of the above named permittees and representatives, hereinafter referred to as “Individuals” are merely allowing the use of their names as the individuals responsible for the corporate Permits as an accommodation to the corporation without additional remunerations; and

WHEREAS, the corporation desires to assume any and all liability and expense that might be incurred in connection with any claim, action, or other matter concerning the Permits, dispensing of alcoholic beverages, and any consequences of such activity under these Permits or any other Permits under which the individual permittee is acting as a representative of the corporation;

1. That HSVPOA, by its Board of Directors, does hereby specifically agree to indemnify and save harmless the named individuals hereinabove, against any and all expenses and liabilities, including attorney’s fees, reasonably incurred by or imposed upon he/she/them in connection with any connection with any proceeding to which he/she/them may become involved by reason of their being or having been an individual representative or employee of the corporation, except in such cases where the said individual or employee is guilty of such misconduct in the performance of duties as to render them personally liable.

2. This indemnification shall be in effect as of the date hereof and shall continue in effect for the above named individuals so long as the individual is the holder of Alcoholic Beverage Permits for premises within Hot Springs Village.

THIS AGREEMENT ADOPTED BY THE HSVPOA BOARD OF DIRECTORS ON THIS ___ DAY OF ______, ______.

HOT SPRINGS VILLAGE PROPERTY OWNERS’ ASSOCIATION
INDEMNIFICATION AGREEMENT

By: ________________________________
    President

ATTEST:

__________________________________________
Secretary                      Date

__________________________________________
Linda D. Mayhood               Date

__________________________________________
Stephanie Heffer               Date          Ray Metz          Date