



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
February 18, 2022

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 20, 2021. The agenda was posted on February 15, 2022, on the front and back doors of the 50 Northeast 23rd Street building in Oklahoma City, the door of the ABLE Commission's Office Reception area, and the ABLE Commission website.

Chairman Graves called the meeting to order at 10:00 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23rd Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: Devin Graves; James Willyard; Jonathan Brooks; Robert "Bob" Usry; and Andrew Revelis. The others present were: Margie Weaver and Thomas Schneider, Office of the Attorney General; Jim Hopper, Oklahoma Restaurant Association; J.B. Jarboe, Southern Glazers Wine & Spirits of Oklahoma; Sydney Lee, Quorum Call; Edward Tuya, Oklahoma Department of Mental Health & Substance Abuse Services; Stacy Potter, ROCMND Area Youth Services; Todd Gayer, Armanda Distributing; Jose Almanzar, Homeland; Randy Malone, Attorney; and Patrick Gaines, Craft Brewers Association. Oklahoma ABLE Commission employees attending were: Director Keith Burt, Assistant Director Brent Fairchild, Director of Management and Budget Josh Maxey, Captain Erik Smoot and Office Assistants Shae Isaacs, Margaret Hooley, and Kimberly Yates.

Commissioner Revelis made a motion to approve the minutes from the January 21, 2021 Commission meeting. Commissioner Willyard seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert "Bob" Usry – Yes
Commissioner Andrew Revelis – Yes

DIRECTOR'S REPORT:

- Director Burt introduced Assistant Attorney General Margie Weaver. Ms. Weaver has been assigned to assist with the ABLE Commission's Administrative Law Judge vacant position. The ABLE Commission has contracted with the Attorney General's office for assistance until the position is filled.
- Director Burt introduced Director of Management and Budget Josh Maxey regarding an update on the ABLE IT Project. Mr. Maxey stated that the new ABLE Commission licensing and online system update is on track to be operational by early Spring 2022.
- Director Burt introduced Captain Erik Smoot regarding the new requirements for vaping products. Captain Smoot gave an overview of House Bill 2511 and the updated product requirements for tobacco and vaping, and how it affects the ABLE Commission.

- Commissioner Jonathan Brooks co-authored an article named "Police, Crime Prevention, and Community Integration." He informed the Commission that the article was comprised of several individuals from different areas of law enforcement, who provided information regarding crime prevention and how the police interact with the community.
- Director Burt gave an overview about Governor Stitt's "State of the State" address. He also informed the Commissioners that a full text version of the speech was included in their monthly informational packet.
- Director Burt informed the Commission about Executive Order 2022-21 regarding state employees being allowed to do substitute teaching. The Director thanked the ABLE employees that have volunteered to substitute teach to assist with the state's recent staffing shortages that are affecting many Oklahoma public schools.
- Director Burt briefed the Commissioners regarding the Attorney General's opinion about dual office holding. The response was included in the ABLE Commissioners monthly informational packet.
- Director Burt stated that the next meeting of the ABLE Commission will be in 5 weeks on Friday, March 25, 2022, at 10:00am.

Assistant Director Brent Fairchild presented the following Enforcement Report to the Commissioners:

- He advised the Commission that during the month of January, ABLE agents completed 45 alcohol compliance checks and 9 additional tobacco/vaping checks compliance checks.
- Agents are currently training for the new ABLE licensing system.
- Three ABLE agents have been credentialed for the FDA tobacco programs and their duties will begin soon.
- ABLE Commission personnel attended the training course, "Law Enforcement for Managers and Supervisors."
- Agents investigated various complaints along with conducting bar compliance checks in the following counties: Osage, Canadian, Tulsa, Oklahoma, Jefferson, Comanche, Marshall, Cherokee, Muskogee, Wagoner, Delaware, McClain, and Comanche.
- Agents attended meetings and trainings at the Jefferson County Coalition, the CAST meeting at Ft. Sill, Tulsa area CAPSAT, Tulsa area Safe Kids Program, Tobacco Workgroup, OPPA Alcohol Committee, NLLEA virtual meeting, Tobacco Settlement Endowment Trust 20th Anniversary event in Oklahoma City, Neighbors Building Neighborhoods, Cherokee Nation RBC, STOP DUI Oklahoma, and the Oklahoma County Sheriff's Office. Agent's also taught alcohol laws to 30 people at the Delaware County Sheriff's Office.
- Agents also provided assistance and made courtesy visits to the Delaware County Sheriff's Office, Cushing Police Department, Payne County Sheriff's Department, Oklahoma City Police Department, Antlers Police Department, Kingston Police Department, Blanchard Police Department, Muskogee Police Department, Yukon Police Department, Oklahoma County Sheriff's Office, Skiatook Police Department, Oklahoma County Sheriff's Office, Claremore Police Department, Tulsa Police Department, and the Oklahoma Highway Patrol.

- Director Burt gave a summary of the state of Oklahoma and the ABLE Commission's revenue collections. In January, Oklahoma showed substantial growth in all major revenue streams, led by gross production and collections which were up about 15% from January 2021. ABLE collections were down slightly from 2021, and for the first seven months of fiscal year 2022, ABLE collections are down less than ½ of 1%. Although there are still 5 months remaining in fiscal year 2022, ABLE is still on track to have its 9th consecutive month of year-over-year growth.

- Director Burt gave the legislative review for the following bills that may affect the ABLE Commission: HB3002, HB3003, HB3004, HB3009, HB3638, HB3641, SB1233, SB1263, SB1701, SB1708, SB1714, SB1723, SB1727, SB1749, SB1784, SB1788, SB1811, SB1821, SB1837 and HB3415.

Chairman Graves moved to Item #5 on the agenda, approval or disapproval of the re-certification of the training program applicant's curriculum of instruction pursuant to OAC 45:15-3-1. Captain Erik Smoot stated that the program meets the standards for certification. Commissioner Willyard made a motion that the Commission approve the recommended responsible beverage program trainer for ABC Server Training: Oklahoma Server Training Course. Commissioner Brooks seconded the motion. A roll call vote was taken and recorded:

Chairman Devin Graves – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes

Chairman Graves moved to Item #6, comments from the public.

J.B. Jarboe with Southern Glazers Wine & Spirits of Oklahoma asked a few questions about the new licensing system regarding employees and businesses.

Stacy Potter with ROCMND Area Youth Services asked a question regarding the new licensing system.

Chairman Graves moved to Item #7 on the agenda, the Director's Quarterly Performance Review. Commissioner Willyard made a motion to move into Executive Session to discuss the Director's Quarterly Performance. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes

Chairman Graves called the meeting to order and called for a motion to return from Executive Session. Commissioner Willyard made the motion to return from Executive Session. Commissioner Brooks seconded the motion. A roll call vote was taken and recorded as follows:

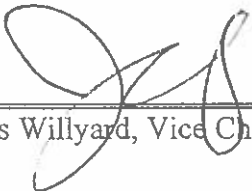
Chairman Devin Graves – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes

No action was taken during Executive Session.

Commissioner Kouri made a motion to adjourn the meeting. Commissioner Brooks seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes

The meeting was then adjourned.



James Willyard, Vice Chairman