



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

August 19, 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 August 17, 2022, on the front and back doors of the 50 Northeast 23<sup>rd</sup> Street building in Oklahoma City, the door of the ABLE Commission's Office Reception area, and the ABLE Commission website.

Chairman Willyard called the meeting to order at 10:00 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23<sup>rd</sup> Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: James Willyard; Jonathan Brooks; Robert "Bob" Usry; Matthew Crook; Andrew Revelis; Keith Mitchell; and A. Ainslie Stanford II. The others present were: Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma; Brandon Clabes, Director of CLEET; J.B Jarboe and Richard Holland, Southern Glazers Wine and Spirits; Jose Almanzar, Homeland; Collin Graham, Oklahoma Restaurant Association; Edward Tuya, Oklahoma Department of Mental Health & Substance Abuse Services; Sidney Lee, Quorum Call; Justin Naifeh, Republic National Distributing Company; Gordon Green, Capital Distributing; Ellen Spiropoulos, Philips Murrah P.C.; Randy Malone, Attorney; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Cody Smith, LegisOK; Terrin Tillman, ROCMND; and Seth Rott and James Milner, McSpadden Milner Robinson. Oklahoma ABLE Commission employees attending were: Director Keith Burt; Assistant Director Brent Fairchild; Administrative Law Judge Luke Simms; Staff Attorney Andrew Koester; Captain Erik Smoot; Licensing Supervisor Carla Clanton; and Office Assistants Shae Isaacs and Kimberly Yates.

Commissioner Brooks made a motion to approve the minutes from the July 22, 2022, Commission meeting. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert "Bob" Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Director Burt recognized Agent Tania Rembert for 5 years of service to the ABLE Commission and the State of Oklahoma.

Director Burt recognized Captain Scott Smith for 15 years of service to the ABLE Commission and the State of Oklahoma.

## DIRECTOR'S REPORT:

- Director Burt gave an update regarding the ambiguities concerning the prohibition from offering certain inducements pursuant to 37A OS § 3-123, OAC 45:10-3-24 and 45:10-3-25. The issue might be referred to the Attorney General for an opinion and the ABLE Staff Attorney, Andrew Koester, will give an update at the next Commission meeting.
- Director Burt recognized ABLE Staff Attorney, Andrew Koester, regarding the class action lawsuit Case No. 20-CV-00889-SRB, Browning vs. Anheuser-Busch, LLC. Mr. Koester explained how this class action lawsuit could affect the liquor industry.
- Director Burt updated the Commission regarding the progress of the ABLE Synar tobacco inspections.
- Captain Erik Smoot presented information about contracts that the ABLE Commission has with other state agencies.
- Director Burt updated the Commission on the status of the upcoming National Conference of State Liquor Administrators National Conference to be held in Oklahoma City on June 11-14, 2023.
- Director Burt introduced the ABLE licensing supervisor, Carla Clanton, who is filling the role of project manager for the new IT system. She gave a progress report to the Commissioners of the new ABLE licensing system.
- Director Burt gave a report on improvements to the ABLE website and expressed his appreciation on all who made this project successful.
- Director Burt stated that the next meeting of the ABLE Commission will be in 4 weeks on Friday, September 16, 2022, at 10:00am.

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

- Introduced a video presentation from Smith & Warren, showing the progression of the Agency's new badge.
- Agents completed 102 FDA tobacco inspections, 8 alcohol compliance checks, and 1 vape/tobacco check.
- Agents investigated various complaints along with conducting bar compliance checks in Marshall, Muskogee, Carter, Cherokee, Creek, Osage, Tulsa, LeFlore, Custer, Rogers, Oklahoma, Bryan, and McClain Counties.
- Agents attended meetings and training sessions with Oklahoma Highway Safety Office Traffic Safety Summit, Oklahoma Alcohol Stakeholders Group, Oklahoma Law Enforcement Retirement System, Tulsa Area Safe Kids, ENDUI, Oklahoma Department of Public Safety, and Oklahoma Department of Mental Health and Substance Abuse.
- Agents also provided assistance, instruction and made courtesy visits to the Internal Revenue Service, United States Customs and Border Patrol, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs, State Game Wardens, State Park Rangers, Arkoma Police Department, Bryan County Sheriff's Department, McClain County Sheriff's Office, Marshall County Sheriff's Office, Marshall County District Attorney, Carter County District Attorney, Weatherford Police Department, Oklahoma City Police Department, Rogers County Sheriff's Office, Oklahoma County Sheriff's Office, Tulsa County Sheriff's Office, Tulsa Police Department, and the Oklahoma Highway Patrol.
- Director Burt presented a fiscal summary for the State of Oklahoma and the ABLE Commission's revenue collections. At the end of the fiscal year, Oklahoma closed out with \$222 million added to the state's Rainy Day Fund. The State's July 2022 receipts were up about 13.3% from July 2021. The Oklahoma State Treasurer, Randy McDaniel, reported that inflation continues to be a major concern.

ABLE collections for July 2021 and July 2022 were almost even with less than \$800 difference between the two months. For July 2022, ABLE collected approximately \$2.4 million. This made ABLE's 9<sup>th</sup> straight year of year-over-year growth. As of FY2022, collections out-paced FY2021 by 4.5%. In September, the Commissioners vote to approve the FY2024 budget request. The staff recommendation will be for a standstill budget on the General Revenue appropriations.

Chairman Willyard moved to Item #8 on the agenda, approval or disapproval of the re-certification of the training program applicants' curriculum of instruction pursuant to OAC 45:15-3-1. Captain Erik Smoot stated that the programs meet the standards for re-certification. Commissioner Brooks made a motion that the Commission approve the recommended responsible beverage program trainer National Hospitality Institute – Techniques of Alcohol Management (TAM) – Re-Certification and Southern Glazer's Wine and Spirits of Oklahoma - Southern Glazer's Oklahoma Alcohol Training Program - NEW. Commissioner Usry seconded the motion. A roll call vote was taken and recorded:

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert “Bob” Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Chairman Willyard moved to Item #8, comments from the public.

- Jose Almanzar with Homeland made a statement regarding the new ABLE online licensing system and the procedures regarding violations that are issued to businesses when the licensee commits the violation.
- Dirk Van Veen with Retail Liquor Association of Oklahoma made a statement regarding ABLE violations and trade practice procedures.
- J.B Jarboe with Southern Glazers made a statement regarding their business practices related to trade practice procedures and deliveries to businesses.
- Ellen Spiropoulos with Philips Murrah P.C. made a statement and suggestion regarding the management services contract with Accela and how it can possibly be improved.
- Colin Graham with the Oklahoma Restaurant Association agreed with the sentiments expressed by Ellen Spiropoulos and advised of the challenges that the restaurants have faced with the new ABLE licensing system.

Chairman Willyard moved on to Item #9, Executive Session to discuss filling the position of the retiring Director. Commissioner Brooks made a motion to move into Executive Session. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert “Bob” Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

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

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert “Bob” Usry – Yes

Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

No action was taken during Executive Session.

Chairman Willyard moved on to Item #10, possible discussion and action in open session regarding filling the retiring Director's position. Commissioner Brooks made a motion to extend an appointment offer to Mr. Brandon Clabes for the position of ABLE Executive Director effective October 1, 2022. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert "Bob" Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Chairman Willyard moved on to Item #10, Executive Session to discuss the Director's quarterly performance review. Commissioner Crook made a motion to move into Executive Session. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert "Bob" Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

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


Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert "Bob" Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

No action was taken during Executive Session.

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

Chairman James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Robert “Bob” Usry – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Andrew Revelis – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

The meeting was then adjourned.



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James Willyard, Chairman