



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
September 16, 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 September 14, 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 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 23rd 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; and Keith Mitchell. The others present were: Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma; J.B Jarboe, 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 and Dan Zeigler, Republic National Distributing Company; Ellen Spiropoulos, Philips Murrah P.C.; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Cody Smith, LegisOK; Terrin Tillman, ROCMND; Heidi Shadid, LDF Sales and Distributing; Anne McKinney, Oklahoma Beer Alliance; Patrick Gaines, Craft Brewers Association; and Stephaine Wainscott. Oklahoma ABLE Commission employees attending were: Assistant Director Brent Fairchild; Attorney Andrew Koester; Administrative Law Judge Luke Simms; Captain Erik Smoot; Licensing Supervisor Carla Clanton; Accountant Terry James; and Office Assistants Shae Isaacs and Kimberly Yates.

Commissioner Usry made a motion to approve the minutes from the August 19, 2022, Commission meeting. 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

DIRECTOR'S REPORT (presented by Assistant Director Brent Fairchild):

- Assistant Director Brent Fairchild presented the Commissioners with an example of the request for an Attorney General's opinion from June 29, 2018. This opinion was presented on the eve of the modernization of the Oklahoma liquor law changes of October 1, 2018. The ABLE attorney, Andrew Koester, will provide the Commission with an updated Attorney General's opinion regarding clarifying ABLE's enforcement efforts surrounding on what the wholesalers may provide. A detailed opinion will be provided once it becomes available.

- The ABLE Commissioners were presented with information regarding the state-based three tier system. This system was created to help prevent marketplace problems in the alcohol industry.
- Assistant Director Fairchild presented to Commission information regarding the supply chain challenges of the alcohol industry after the pandemic.
- Mr. Fairchild informed the Commission of the upcoming new IT project with digitizing the ABLE Commission's hard copy files.
- Director Burt, Assistant Director Fairchild and ABLE Attorney Andrew Koester previously met with representatives that are in the beginning stages of their expansion project, Okana Resort & Waterpark. The resort is slated to be built near the boat district and information was exchanged about the ABLE alcohol laws.
- The State of Oklahoma has transitioned to a new human resources system. The new Brightpath system called Workday, blends Human Capital Management and payroll for a more modern and user friendly system.
- Captain Erik Smoot presented to the Commissioners the Oklahoma Alcohol Fact Sheet, which is a reference tool of alcohol laws and rules presented to the licensees of the Oklahoma ABLE Commission.
- Assistant Director Fairchild presented information regarding the challenges of identity protection during the era of digital ID's.
- ABLE Attorney Andrew Koester gave a brief synopsis of the recent compliance inspections and the impact of the McGirt ruling.
- State Auditor, Cindy Byrd has notified the ABLE Commission of an upcoming audit. The auditor assigned to ABLE, Julio Rebollar, has already submitted a questionnaire for ABLE to respond to. A copy of the correspondence with the auditors will be submitted to Chairman Willyard and Director Clabes.
- The next meeting of the ABLE Commission will be in 5 weeks on Friday, October 21, 2022, at 10:00am.

Captain Erik Smoot presented the following Enforcement Report to the Commissioners:

- Agents completed 102 FDA tobacco inspections.
 - Agents investigated various complaints along with conducting bar compliance checks in Marshall, Muskogee, Carter, Cherokee, Creek, Osage, Tulsa, Pawnee, Custer, Rogers, Oklahoma, Bryan, and McClain Counties.
 - Agents attended meetings and training sessions with Oklahoma Highway Safety Office Traffic Safety Summit, TSET Retail Education, Oklahoma Law Enforcement Retirement System, taught vaping classes to Lawton Public School Police Officers, CLEET, Annual Oklahoma Restaurant Association Food Show, 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 State Park Rangers, Bryan County Sheriff's Department, McClain County Sheriff's Office, Marshall County Sheriff's Office, Marshall County District Attorney, 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.
 - Assistant Director Fairchild presented a fiscal summary for the State of Oklahoma and the ABLE Commission's revenue collections. August payments from June production were labored by West Texas intermediate crude oil was over \$114 a barrel. Overall, August 2022 collections were over 17% higher than August 2021.
- ABLE collections through the past two months are almost 15% lower than FY2022 collections. As Fall collections come in, it is expected that the collections will rebound.

Chairman Willyard moved to Item #5, Discussion and Vote on agency proposed budget for fiscal year 2024. Commission Revelis made a motion to move the vote for the budget until next month when more information will be available. Commission Brooks 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

Chairman Willyard moved to Item #6, discussion and vote on the schedule of the regular monthly meetings for calendar year 2023. Commissioner Revelis made a motion to accept every 3rd Friday of the month except March will be on the 4th Friday of the month. Commissioner Brooks 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

Chairman Willyard moved to Item #7, comments from the public.

- Dirk Van Veen with Retail Liquor Association of Oklahoma made a statement and questions regarding allocation of enforcement trade practice duties.
- Jose Almanzar with Homeland inquired about possible discussion regarding spirits in grocery stores.

Chairman Willyard moved on to Item #8, Executive Session to discuss salary of ABLE Director Clabes. Commissioner Mitchell made a motion to move into Executive Session. Commissioner Usry 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

Chairman Willyard called the meeting to order and called for a motion to return from Executive Session. Commissioner Mitchell made the motion to return from Executive Session. Commissioner Usry 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

No action was taken during Executive Session.

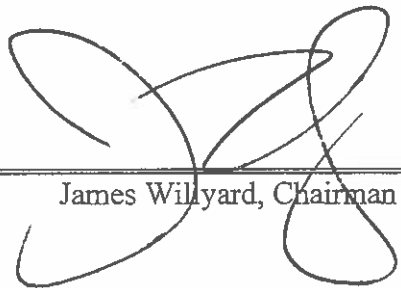
Chairman Willyard moved on to Item #9, discussion and vote on Director Clabes salary effective October 1, 2022. Commissioner Brooks made a motion to approve the salary of ABLE Executive Director Clabes of \$143,000 per year effective October 1, 2022. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

Commissioner Usry made a motion to adjourn the meeting. Commissioner Mitchell 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 Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes

The meeting was then adjourned.



James Willyard, Chairman