



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
January 17, 2025

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. The notice of the meeting was filed with the Secretary of State on October 18, 2024. The agenda was posted on January 15, 2025, 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 Brooks called the meeting to order at 10:09 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: Jonathan Brooks; Andrew Revelis; H. Robert "Bob" Usry; Matthew Crook; Keith Mitchell; and A. Ainslie Stanford.

The visitors that were in attendance were: Lauren Kidwell and Blanca Juarez, Oklahoma Department of Mental Health and Substance Abuse Services; Todd Cox, Traditions Spirits; Mark Yates, Institute for Responsible Alcohol Policy; Patrick Gaines, Craft Brewers Association; Anne McKinney, Oklahoma Beer Alliance; Justin Naifeh, Republic National Distributing Company; Robert Jernigan, Dirk Van Veen and Clint Wilson, Retail Liquor Association of Oklahoma; Alex Adkins, Beer Distributors of Oklahoma; Mark Hornbeek, Phillips Murrah Law Firm; and Tyler Talley, Quorum Call.

The following ABLE Commission employees in attendance were: Executive Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; Chief Law Enforcement Agent Todd Peck; Chief Financial Officer/Comptroller Jennifer Treadwell; Deputy General Counsel Leif Arvidson; Licensing Director/Prosecuting Attorney Kate Springer; Assistant Attorney General and ABLE Commission legal counsel Joe Dewey from the Office of the Attorney General; Licensing Supervisor Carla Clanton; Captain Erik Smoot; Captain Scott Smith; Captain Kent James; Captain Mike Randol; Lieutenant Todd Anthony; and Executive Secretary Shae Isaacs.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Vice Chairman Andrew Revelis, Commissioner H. Robert "Bob" Usry, Commissioner Matthew Crook, Commissioner Keith Mitchell and Commissioner A. Ainslie Stanford.. A quorum was then established for the ABLE Commission meeting January 17, 2025.

Assistant Attorney General and ABLE Commission legal counsel, Joe Dewey, acknowledged that the ABLE Commission is compliant with the Open Meeting Act. A notice of the meeting and agenda were posted 48 hours prior to the meeting and in accordance with Oklahoma statute 25 O.S. §311.

Chairman Jonathan Brooks moved to agenda item #5, review, discussion and possible action to approve, amend or reject the minutes from the November 15, 2024, regular meeting and December 4, 2024 special meeting of the ABLE Commission. Commissioner Usry made a motion to approve the minutes from the November 15, 2024 regular commission meeting. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

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

Commissioner Revelis made a motion to approve the minutes from the December 4, 2024 special meeting of the ABLE Commission. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

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

Chairman Brooks moved to agenda item #6, discussion and possible action on the following employee training program applicants’ curriculum pursuant to OAC 45: 15-3-1. Captain Erik Smoot stated that the training for RM 115 SAT (Selling Alcohol and Tobacco) Oklahoma – WinCo Foods re-certification was approved with the December 2024 meeting and the only trainings that will need a vote for the current meeting are BJ’s Restaurant & Brewhouse In-House Training – BJ’s Restaurant Operations Company (Re-Certification) and \$5.99 Accelerated Oklahoma Server Training – \$5.99 Accelerated Oklahoma Server Training (Re-Certification).

Commissioner Mitchell made a motion to approve the re-certifications for BJ’s Restaurant & Brewhouse In-House Training – BJ’s Restaurant Operations and \$5.99 Accelerated Oklahoma Server Training – \$5.99 Accelerated Oklahoma Server Training. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

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

EXECUTIVE DIRECTOR’S REPORT FOR DECEMBER 2024:

Chairman Jonathan Brooks moved on to Item #7 on the agenda, presentation of Executive Director’s Report and review of administrative and operational activities for December 2024, with possible discussion. Executive Director Brandon Clabes provided the following information to the ABLE Commission:

- Director Clabes met with many different entities, committees, agencies and conferences including: meetings with Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); Oklahoma State Bureau of Investigations (OSBI), attended the Rose State College Regents meeting; Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD); Oklahoma State Department of Health; Office of Management and Enterprise Services (OMES); Oklahoma Department of Public Safety (DPS); Beer Distributors of Oklahoma; Tim Tardibono, the new Oklahoma Juvenile Affairs Director; television interview with OETA; Village Police Chief Russ Landon; along with members of the media, several constituents and concerned citizens of the public.
- Director Clabes thanked the Commissioners for their hard work and commitment during 2024 and to expect positive changes for 2025.
- Director Clabes and Assistant Director Carter met with Chief Financial Officer/Comptroller Jennifer Treadwell and Human Resources Director, Christine Chalmers, regarding several finance and human resource issues.
- ABLE continues to meet with lobbyist and wholesalers to discuss better communication among the agency and industry.
- Chief Todd Peck received a statement of work from Standley Systems for the backfile of scanning for our digitization project. The project is expected to take two years.
- Several ABLE staff members went to North Carolina for the National Liquor Law Enforcement alcohol industry training.
- OBNDD and the Oklahoma First Responders Wellness Program supervisors have given ABLE excellent reviews on the agents assigned to their task forces.

- Director Clabes interviewed with OETA concerning police relations with the Vietnamese culture given from the perspective of a former police chief.
- Director Clabes and Assistant Director Carter met with DPS Commissioner Tim Tipton and his staff in reference to the new training facility being built in Wellston, Oklahoma. Once built, it can be utilized by all state agencies.
- Director Clabes and Assistant Director Carter met with the Oklahoma Restaurant Association.
- Director Clabes authorized the purchase of body worn cameras for ABLE agents. Once delivered, they will be issued to all districts.
- Director Clabes and Captain Erik Smoot met with the Mid Del School Administration.
- ABLE was the master of ceremony at the "Oklahoma County Tree of Life" ceremony at Penn Square Mall. Assistant Director Carter and Senior Agent Vanessa Blain did a fantastic job organizing the event.
- The next regular ABLE Commission meeting will be in 5 weeks on February 21, 2025.

- Chairman Jonathan Brooks moved on to Item #8 on the agenda, report from Chief Law Enforcement Agent with possible discussion. Chief Law Enforcement Agent Todd Peck presented an update of the respective enforcement departments and tasks that have been completed since the last Commission meeting.

- Chairman Jonathan Brooks moved on to Item #9 on the agenda, Oklahoma City District Captain Scott Smith's presentation of Fake ID's with possible discussion. Captain Smith presented a powerpoint presentation to the Commission. He also gave a very vital information on how to potentially identify false identifications, possible places/countries where false identifications are manufactured and ways to implement stronger verifications processes.

- Chairman Jonathan Brooks moved on to Item #10 on the agenda, financial report with possible discussion. Chief Financial Officer/Comptroller Jennifer Treadwell presented a financial report PowerPoint presentation for second quarter of fiscal year 2025, and it covered the following topics: cash balances as of December 31, 2024; cash balance comparison; revenue as of December 31, 2024; revenue comparison year-to-date; transfer of revenue as of December 31, 2024; fiscal year 2025 expenditures as of December 31, 2024; and the status of the fiscal year 2026 budget request.

- Chairman Jonathan Brooks moved on to Item #11 on the agenda, Assistant Director's operational, docket and legislation report with possible discussion. Assistant Director/General Counsel/Public Information Officer Lori Carter presented the following legislative and legal report to the Commission:

- Assistant Director Carter's docket report consists of 27 cases settled for the month of November 2024. For the month of December 2024, there have been 47 cases resolved. There are 55 cases settled for the month of January 2025 with 6 cases pending.
- Deputy General Counsel Leif Arvidson is preparing the ABLE Commission's annual report. It will be available at a future Commission meeting.
- The ABLE Commission continues to move forward with the company Gray Quarter to complete the revamp the licensing website in an effort to make it more user friendly. It is scheduled for completion at the end of February 2025.
- The ABLE Commission's legal department has fully implemented the new legal software, CLIO. This system is assisting the legal department with organization and processing of their current cases. The goal is for this system to aide in transitioning to a paperless legal process.
- Legislative Report:
 - The date to file bill language with the Oklahoma Legislature was January 16, 2025. Assistant Director Carter will filter through the 3,600 bills that were filed and discuss the ones that may effect the ABLE Commission at the next regular meeting.
 - Assistant Director Carter stated that the ABLE Commission has not submit any individual requests to the Oklahoma Legislature but we will be working with Representatives and Senators on several proposals and ideas.
 - The initial session ends on February 3, 2025 and the ABLE Commission will begin preparing and presenting during the upcoming budget hearings.

- Chairman Brooks moved to Item #12 on the agenda, discussion and possible action on proposed changes to the ABLE administrative rules, Okla. Admin. Code §45. Specifically, changes to the ABLE Administrative Rules, Major Violations Penalty Schedule A and Minor Violations Penalty Schedule B. Deputy General Counsel Leif Arvidson presented 3 documents: Rulemaking Timeline – 2024-2025; Proposed Revisions to Administrative Rules starting with Title 45; and Proposed Revisions to two (2) penalty schedules, Major Violations Penalty Schedule A and Minor Violations Penalty Schedule B. Mr. Arvidson provided a summary of the documents and highlighted important features. The Rule Subcommittee Chairperson, Commissioner Austin Benton, provided his input and suggested changes to the Administrative Rules. He stated that he and Commissioner A. Ainslie Stanford II reviewed the information and they were in agreement with the suggested changes and proposed rules that were presented.

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45. Chapter **1**. Administrative Operations, Subchapters 3. Organization, Operations, Procedures and Forms (3 and 4) and Subchapter 7. Director of the Commission (1 and 2). Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

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

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45 Chapter **10**. Provisions and Penalties Applicable to all Licensees, Subchapter 3. Provisions Applicable to All Licensees (1, 4, 5, 10, 24, 28, 31 and 33) along with Appendix A. Major Violations Penalty Schedule and Appendix B. Minor Violations Penalty Schedule. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

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

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45 Chapter **25**. Winemakers, Self-Distribution, Direct Shipment, Subchapter 5. Direct Shipment of Wine (2, 3, 4, and 6). Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

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

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45 Chapter **30**. Manufacturers, Wine and Spirit Wholesalers, Brewers, Nonresident Sellers and Beer Distributors, Subchapter 3. Manufacturers and Wine and Spirits Wholesalers (2). Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

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

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45 Chapter 35. Events, Airline/Railroad, Hotel/Motel, Subchapter 1. Special Events (1), Subchapter 3. Public Events (1), Subchapter 5. Charitable Events (1), Subchapter 9. Hotels and Motels (4). Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

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

- Commissioner Stanford made a motion to approve the recommended proposed Administrative Rule changes, additions and/or corrections to Okla. Admin. Code §45 Chapter 40. Transportation , Containers, and Changes in Status or Location, Subchapter 7. Changes in Status or Location (1, 2 and 3). Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

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

- Chairman Jonathan Brooks to Item #13 on the agenda, Commission statement regarding the commission’s decision in the case of Sooner Fine Wines and Spirits, LLP versus Oklahoma ABLE Commission, RETA-2024-000021. Chairman Brooks stated that this will be the final statement from the Commission on this issue. The following statement was read.:

“With regard to the Oklahoma Alcoholic Beverage Laws Enforcement Commission’s December 4th hearing of Sooner Fine Wine & Spirits, LLP’s (“Sooner”) application for a retail spirits license and the Commissioners’ decision to uphold the Administrative Law Judge’s denial of Sooner’s application, the Commissioners were sympathetic to Sooner’s application and to the position of all similarly situated businesses who understandably wish to protect the personal assets of those businesses’ owners. However, the Commission is tasked with following the law as we understand it and, based on our own independent review of the State’s Constitution, the Statutes, and case law interpreting both, and with the advice of independent Attorney General’s office counsel, the Commissioners believe Agency staff is correct in its position that no entities that offer their owners personal liability protection may hold retail spirits licenses. The Commission does not endorse a position but believes that the only way that it may be changed is by action of the Legislature and a vote of the citizens of the State.

The Commissioners are also aware that our decision to deny Sooner’s application contradicts the previous position of allowing limited liability entities to be granted retail spirits licenses. The Commissioners understand that previous Agency staff allowed limited liability entities to be granted licenses because it misinterpreted the law. While Commission staff have now corrected this misinterpretation, it leaves numerous licensees in violation of the law. While the Commissioners believe these licensees are ultimately responsible for compliance with applicable law, the Commissioners encourage Agency staff to exercise restraint, caution and patience in allowing these licensees ample

time to become compliant, or await a final court ruling, and to take no actions during this transitional period which could possibly harm these entities' business."

Assistant Director Carter thanked the Commission for the statement and mentioned that the Director's Memorandum and Stay issued on August 14, 2024 and reinforced that the agency will be empathetic to current ABLE licensees that may be effected by the ruling.

- Chairman Brooks moved to Item #14 on the agenda, comments from the public limited to items on the agenda for meeting date January 17, 2025.

- Dirk Van Veen Retail Liquor Association of Oklahoma made a comment related to the new identification scenning technology.
- Lauren Kidwell Oklahoma Department of Mental Health and Substance Abuse Services how ODMHSAS can assist with the ongoing stance against false identifications.

- Chairman Brooks moved to Item #15 on the agenda, new business in any matter not known about or, which could not have been reasonably foreseen prior to the time of the posting of the agenda. There was no new business to discuss.

- Chairman Jonathan Brooks moved on to Item #16 on the agenda, discussion and possible action to enter into Executive Session as authorized by 25 O.S. § 307 (B)(4). Discussion of confidential communications between a public body and its attorney concerning pending investigations, claims, and actions, the disclosure of which would seriously impair the public body's ability to process the claims or conduct investigations, litigation, or proceedings in the public interest. Commissioner Revelis made a motion to move into Executive Session. Commissioner Benton seconded the motion. A roll call vote was taken and recorded as follows:

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

Commissioners entered Executive Session at 11:25 a.m.

Commissioners exited Executive Session at 11:45 a.m.

- Chairman Jonathan Brooks called the meeting to order at 11:45 a.m. and called for a motion to return from Executive Session. Commissioner Revelis made the motion to return from Executive Session. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

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

No action was taken in Executive Session

- Chairman Jonathan Brooks moved on to Item #17 on the agenda, adjournment. 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 Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Matthew Crook – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes

The meeting was then adjourned at 11:46 a.m.



Jonathan Brooks, Chairman