

**BEFORE THE ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION
OF THE STATE OF OKLAHOMA**

SOONER FINE WINE & SPIRITS LLP	)	
2150 I-35 Service Road,	)	
Moore, Oklahoma 73160	)	
	)	
Petitioner,	)	
	)	
v.	)	RETA-24-00021
	)	
OKLAHOMA ABLE COMMISSION	)	
50 NE 23 rd Street	)	
Oklahoma City, Oklahoma 73105	)	
	)	
Respondent.	)	

FINAL AGENCY ORDER

This matter comes on for a review of the administrative record by the Oklahoma ABLE Commission (“ABLE”, “Commission”), pursuant to 37A O.S. § 2-151, upon the appeal by Sooner Fine Wine & Spirits, LLP (“Petitioner”) of the denial of Petitioner’s application for a retail spirits store application (“application”) by ABLE Director Brandon Clabes and the recommendation of the Administrative Law Judge (“ALJ”) to deny the application.

Procedural History

1. On February 26, 2024, Petitioner submitted an application for a retail spirits license to ABLE.
2. On April 29, 2024, Petitioner’s application was denied by ABLE because Petitioner was organized as a limited liability partnership (“LLP”). ABLE’s denial indicated that an LLP is a similar business entity to a corporation or limited liability company and therefore pursuant to Okla.Const. art. 28A, § 4(B) restricted from holding a retail spirits license in Oklahoma.
3. On May 3, 2024, Petitioner timely requested a hearing on the denial of the application pursuant to 37A O.S. § 2-150.
4. Pursuant to 37A O.S. § 2-151 and OAC 45:1-7-2, a hearing officer¹ was assigned to conduct the hearing. A hearing before the officer was initially set on May 17, 2024, but with the agreement of the parties, was continued to July 10, 2024.
5. On July 10, 2024, a hearing was conducted from approximately 9:00 AM to 3:30 PM, during which the assigned hearing officer accepted into evidence twenty-seven (27)

¹ Hearing officer Mike Fields is a licensed attorney in the State of Oklahoma.

exhibits, to include five (5) deposition transcripts from witnesses, as well as heard argument of counsel.

6. On July 22, 2024, the hearing officer issued the Hearing Officer's Report to Director of Findings of Fact, Conclusions of Law and Recommendation of Final Order ("Recommendation"). The Recommendation included detailed Findings of Fact and Conclusions of Law, and ultimately recommended that Petitioner's application be denied.
7. ABLE Director Brandon Clabes subsequently issued a Recommendation of the Director on July 25, 2024, in which he adopted the Recommendation of the hearing officer and affirmed the denial of Petitioner's application.
8. On July 31, 2024, Petitioner timely requested a review of the record by the ABLE Commissioners pursuant to 37A O.S. § 2-151.
9. On September 20, 2024, counsel for the Commissioners filed Notice of Receipt of Certified Copy of Record by the Oklahoma Alcoholic Beverage Laws Enforcement Commission Members, indicating that as of that date all Commissioners had received the full record of the July 10, 2024, administrative hearing.
10. On October 18, 2024, at the regularly scheduled meeting of the Commissioners, RETA-24-00021 was on the agenda for discussion and possible action. It was discussed that the Commissioners needed additional time to review the record and that it was the intent of the Commissioners to schedule a special meeting to render a final decision.
11. On November 15, 2024, at the regularly scheduled meeting of the Commissioners, RETA-24-00021 was on the agenda for discussion and possible action. At that time the matter was passed to December 4, 2024, for a special meeting to hear final arguments of both parties, for the Commissioners to discuss a decision, and for a decision to be rendered.
12. On December 4, 2024, at a special meeting of the ABLE Commissioners, RETA-204-00021, came on for hearing. Parties were each given thirty (30) minutes to make final argument on the administrative record and law. The Commissioners, and their counsel, entered executive session for discussion of the matter. Upon exiting executive session, the Commissioners unanimously passed the following motion by voice vote:

In the matter of Sooner Fine Wine and Spirits LLP v. Oklahoma ABLE Commission, case number RETA-24-000021, I make a motion that after review of the record pursuant to 37A O.S. § 2-151, the Commission:

Accept the July 25, 2024, Recommendation of the Executive Director, accept the July 22, 2024, Recommendation of the Hearing Officer, adopt the Findings of Fact and Conclusions of Law of the Hearing Officer, and uphold the April 29, 2024, decision of the ABLE Licensing Supervisor to deny the retail spirits store license to Sooner Fine Wine and Spirits LLP, due to its status as an LLP.

13. Counsel for the Commissioners was subsequently instructed to draft a Final Agency Order consistent with the decision of the Commissioner by the next regularly scheduled monthly meeting of the Commissioners on December 13, 2024.

Findings of Fact and Conclusions of Law

14. The Recommendation of the Director and the Hearing Officer's Report to Director of Findings of Fact, Conclusions of Law and Recommendation of Final Order are adopted in their entirety and wholly incorporated in this Final Agency Order by reference.

Order

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the retail spirits application of Sooner Fine Wine and Spirits LLP, is hereby **DENIED** for the reasons set forth above.

IT IS SO ORDERED.

Issued this 17 day of January 2025.



Jonathan Brooks
Chairman Oklahoma ABLE Commission

NOTICE OF RIGHT TO APPEAL

Any party aggrieved by a final order of the Commission may seek judicial review pursuant to 75 O.S. § 318 and 37A O.S. § 2-152, by filing a petition in the district court within thirty (30) days of being notified of this decision. Copies of such a petition shall be served on the agency and all parties within ten (10) days of the filing of a petition.

CERTIFICATE OF DELIVERY

On December ____, 2024, I delivered by mail, postage prepaid, and/or by email a true and correct copy of the foregoing instrument to the following:

Ellen Spiropoulos

ekspiropoulos@phillipsmurrah.com

Mark Hornbeek

mehornbeek@phillipsmurrah.com

ATTORNEYS FOR PETITIONER

Kate Springer

kate.springer@able.ok.gov

Lori Carter

lori.carter@able.ok.gov

Leif Arvidson

leif.arvidson@able.ok.gov

Oklahoma ABLE Commission

ATTORNEYS FOR RESPONDENT
