



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
August 16, 2024

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 November 1, 2023. The agenda was posted on August 13, 2024, 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 10:04 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; Keith Mitchell; A. Ainslie Stanford II; and Austin Benton.

The visitors that were in attendance were: Rosalee Hamill, Oklahoma Department of Mental Health and Substance Abuse Services; J.B. Jarboe, Southern Glazer Wine and Spirits; Todd Cox, Traditions Spirits; Lauren McCay, Cornerstone Government Affairs; Collin Graham, Oklahoma Restaurant Association; Spencer Guinn, Beer Distributors of Oklahoma; Randy Malone, Oklahoma Beverage Law; Ellen Spiropoulous, Phillips Murrah Law Firm; Tyler Talley, Quorum Call; and Charles Lindsey-Outlaw, LegisOK.

The following ABLE Commission employees in attendance were: Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; ABLE Prosecuting Attorney, Kate Springer; Assistant Attorney General and ABLE Commission legal counsel Andra Holder from the Office of the Attorney General; Chief Financial Officer/Comptroller Jennifer Treadwell; Licensing Supervisor Carla Clanton; Captain Erik Smoot; Captain Kent James; Captain Mike Randol; Captain Greg Bynum; Captain Scott Smith; Agent Ashley Tillman; Executive Secretary Shae Isaacs; and Legal Administrative Assistant Kimberly Yates.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Vice Chairman Andrew Revelis, Commissioner Keith Mitchell, Commissioner A. Ainslie Stanford and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting August 16, 2024.

Assistant Attorney General and ABLE Commission legal counsel, Andra Holder, 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 July 19, 2024, regular meeting of the ABLE Commission. Commissioner Revelis made a motion to approve the minutes from the July 19, 2024, commission meeting. 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 Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved on to Item #6 on the agenda, introduction of new agent Ashley Tillman, with possible discussion. Director Brandon Clabes introduced the new ABLE agent, Ashley Tillman. She will be assigned to the Tulsa District Enforcement team and was welcomed to the ABLE Commission.

Chairman Jonathan Brooks moved on to Item #7 on the agenda, human resources update with possible discussion. Executive Director Brandon Clabes presented the ABLE Commission personnel report for August 2024 consisting of the following topics: There were additional customer service representative interviews held and recommendations from the Licensing Supervisor were approved by human resources. A background check has been initiated for the candidate.; The new hire agent for Oklahoma City district is due to start September 3, 2024. The new hire agent for Tulsa district started August 5, 2024.

Chairman Jonathan Brooks moved to Item #8 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 programs meet the standards for certification and re-certification. Commissioner Mitchell made a motion that the Commission approve the recommended responsible beverage program trainers: Certification Experts Oklahoma Alcohol Awareness Certification – Certification Experts (New Program); and Seller Server Classes – DSB Worldwide, Inc. DBA Educlasses (Re-Certification). Commissioner Stanford seconded the motion. A roll call vote was taken and recorded:

Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

EXECUTIVE DIRECTOR'S REPORT FOR AUGUST 2024:

Chairman Jonathan Brooks moved on to Item #9 on the agenda, presentation of Executive Director's Report and review of administrative and operational activities for July 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: meeting with Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); Oklahoma State Bureau of Investigations (OSBI), attended the Rose State College convocation; Tobacco Settlement Endowment Trust (TSET); Oklahoma Department of Health; Oklahoma Department of Corrections (DOC); Office of Management and Enterprise Services (OMES); individual meetings with Cabinet Secretary Tricia Everest, Oklahoma City Public Schools Superintendent Dr. Jamie Polk, along with members of the media, several constituents and concerned citizens of the public.
- Director Clabes stated that a decision has been made regarding the ongoing case with a large national retail store chain. The appointed Administrative Law Judge, Mike Fields, respectfully recommended Sooner Fine Wine and Spirits, LLP retail liquor store application be denied. Director Clabes has upheld that ruling and made formal written notification to Sooner Fine Wine and Spirits. This ruling has been posted on the ABLE Commission website.
- Assistant Director Carter did a television interview on the Total Wine case with news station Channel 4 in Oklahoma City.

- Director Clabes stated that the ABLE Commission is working with Food and Drug Administration (FDA) and the Health Department to apply for the grant through ABLE for the tobacco/vape checks for businesses. ABLE is also working with Tobacco Settlement Endowment Trust (TSET) on a grant to reduce and prevent youth access to tobacco.
- Governor Stitt has issued an executive order requesting a list of all licenses the State of Oklahoma issues. Licensing Supervisor Carla Clanton has gathered the information for input into a template so ABLE will comply.
- Deputy General Counsel Leif Arvidson is working on Administrative Rules and preparing to conduct an in-depth review for any possible changes or updates.
- Counsel Kate Springer has been named Licensing Director and Ms. Clanton will report directly to her instead of Assistant Director Carter. This change allows for more substantive management of the licensing division mediation settlement agreement which has been completed.
- The next ABLE Commission meeting will be in 5 weeks on September 20, 2024.

- Chairman Jonathan Brooks moved on to Item #10 on the agenda, the Accela IT update and licensing department report with possible discussion. Licensing Supervisor Carla Clanton presented a PowerPoint presentation report for the licensing department and Accela licensing system update for August 2024 and covered the following topics: status of the quote negotiations for the Carasoft website refresh project and purchase order submitted to OMES; the top resolved issues and cases pending with the Accela licensing system; Also, a licensing report was provided over the following topics: The number of new business licenses issued from July 13, 2024 to August 9, 2024 (111); The number of individual licenses issued from July 13, 2024 to August 9, 2024 (4,742); Plus, the total of active licenses (163,298); A copy of monthly applications services reporting contract was also provided to the Commissioners for July 2024. The latest count of registered ABLE public users that have registered in the new online system is 213,222.

- Chairman Jonathan Brooks moved on to Item #11 on the agenda, report from chief law enforcement agent and supervising district captains with possible discussion. Executive Director Brandon Clabes and ABLE Commission Captains presented an update of their respective departments and tasks that have been completed since the last Commission meeting: Captain Kent James, Tulsa District; Captain Erik Smoot, Alcohol and Tobacco Education Unit; Captain Michael Randol, McAlester District; Captain Scott Smith, Oklahoma City District; and Captain Greg Bynum, Trade Practices Unit and Brand Registration.

Chairman Jonathan Brooks moved on to Item #12 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 consist of 25 alcohol related cases settled for the month of July. For the month of August, there have been 39 cases resolved thus far, with 8 of those cases being tobacco related. There are 16 cases pending for August and 22 cases pending for September.
- Assistant Director Carter stated that the "Total Wine" case decision by Administrative Law Judge (ALJ) Mike Fields was provided on July 25, 2024 and posted on the ABLE website. The Director's Memorandum and Stay supporting the ALJ's decision is also posted on the ABLE website.
- She will be traveling to Indianapolis, Indiana for the Center for Alcohol Policy Conference on August 26-28, 2024. She has been invited to speak on a panel presenting information on fair competition in the alcohol industry.
- The contract between the ABLE Commission and the Oklahoma Department of Mental Health and Substance Abuse Services has been signed. This contract will supply funds for ABLE agents to conduct alcohol compliance checks, alcohol purchase surveys plus several meetings and trainings around the state of Oklahoma.
- There are continued negotiations on contracts with the Department of Health and memorandum of understanding (MOU) agreement with the Department of Public Safety.

- A purchase order has been submitted for the new legal docket system that will assist the legal department with organization and processing of their current cases.
- Legislative Report:
 - The ABLE Commission is gathering information for Governor Stitt based on his executive order 2024-13 requesting information for state issued licenses.

Chairman Jonathan Brooks moved on to Item #13 on the agenda, financial report and budget update with possible discussion. Chief Financial Officer/Comptroller Jennifer Treadwell presented a financial report PowerPoint presentation for August 2024, and it covered the following topics: cash balances as of July 31, 2024; cash balance comparison; revenue as of July 31, 2024; revenue comparison year-to-date; revenue comparison by month; transfer of revenue as of July 31, 2024; and fiscal year 2024 expenditures as of July 31, 2024.

Chairman Jonathan Brooks moved on to Item #14 on the agenda, comments from the public:

- Collin Graham with the Oklahoma Restaurant Association made a statement regarding the upcoming ORA convention and thanked the ABLE Commission for the ongoing support of the event.

Chairman Jonathan Brooks moved on to Item #15 on the agenda, discussion and possible action to set deadline for transfer and review of record in case no. RETA-00021. Due to the appeal of Administrative Law Judge, Mike Fields', decision of case no. RETA-00021, Chairman Jonathan Brooks would like for the Commissioners to have the opportunity to review all 2,000 pages of evidence of the case from both parties. The information will be provided to all seven (7) Commissioners via a USB flash drive and be delivered by certified mail within two (2) weeks from the Commission meeting by Assistant Attorney General (AAG) and ABLE Commission legal counsel, Andra Holder. Also, there will be no discussion amongst the Commissioners and questions will be directed to AAG Holder only regarding this topic. There will be a discussion at the next Commission meeting, September 20, 2024, to determine if more time is needed to review all of the documents.

Chairman Brooks moved to Item #16 on the agenda and determined that there is no new business to discuss amongst the Commission.

Chairman Jonathan Brooks moved on to Item #17 on the agenda, to enter into Executive Session to discuss ABLE Commission confidential communications between a public body and its attorney pursuant to 25 O.S. § 307 (B)(4). Commissioner Revelis made a motion to move into 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 Keith Mitchell – Yes
 Commissioner A. Ainslie Stanford – Yes
 Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:08 a.m.

Commissioners exited Executive Session at 11:28 a.m.

Chairman Jonathan Brooks called the meeting to order at 11:28 a.m. and called for a motion to return from Executive Session. Commissioner Mitchell made the motion to return from Executive Session. 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 Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

No action was taken in Executive Session

Commissioner Stanford made a motion to adjourn the meeting. 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 Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

The meeting was then adjourned at 11:29 a.m.



Jonathan Brooks, Chairman