



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

MINUTES OF THE ABLE COMMISSION MEETING

January 19, 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 January 17, 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 Jonathan Brooks 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: Jonathan Brooks; Andrew Revelis, Robert "Bob" Usry; Keith Mitchell; A. Ainslie Stanford II; and Austin Benton.

The visitors that were in attendance were: Assistant Attorney General James Crawford, Office of the Attorney General; Christine Chalmers, Human Resources Director for Oklahoma Bureau of Investigation; Lauren Kidwell and Stephanie Montes, Oklahoma Department of Mental Health and Substance Abuse; Collin Graham, Oklahoma Restaurant Association; J.B Jarboe, Southern Glazers Wine & Spirits; Alex Adkins, Beer Distributors of Oklahoma; Randy Malone, Oklahoma Beverage Law; Justin Naifeh, Republic National Distributing Company; Samantha Guinn, Institute for Responsible Alcohol Policy; Dirk Van Veen, Retail Liquor Association of Oklahoma; Ellen Spiropoulos, Phillips Murrah Law Firm; and Todd Cox, Traditions Spirits.

The following ABLE Commission employees in attendance were: Executive Director Brandon Clabes; Assistant Director/General Counsel Lori Carter; Deputy General Counsel Leif Arvidson; Chief Financial Officer/Comptroller, Jennifer Treadwell; Chief Law Enforcement Agent Todd Peck; Captain Erik Smoot; Captain Greg Bynum; Captain Kent James; Captain Scott Smith; Lieutenant Ray Fells; Lieutenant Cody Rekstad; Licensing Supervisor Carla Clanton; Executive Secretary Shae Isaacs; and Legal Administrative Assistant Kimberly.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Vice Chairman Andrew Revelis, Commissioner Robert "Bob" Usry, Commissioner Keith Mitchell, Commissioner A. Ainslie Stanford II, and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting January 19, 2024.

Assistant Attorney General James Crawford 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.

A PowerPoint presentation was presented to introduce the new ABLE agents: Brooke Calvert (Alcohol and Tobacco Enforcement Unit), Nathan Watson and Steven Riha (both with the Oklahoma City Enforcement District). They were all welcomed to the ABLE Commission.

Chairman Jonathan Brooks moved to agenda item # 6, review, discussion and possible action to approve, amend or reject the minutes from the November 17, 2023, regular meeting of the ABLE Commission. Commissioner Revelis made a motion to approve the minutes from the November 17, 2023, commission meeting. 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 A. Ainslie Stanford II – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved to agenda item # 7, review, discussion and possible action to approve, amend or reject the minutes from the December 15, 2023, regular meeting of the ABLE Commission. Commissioner Usry made a motion to approve the minutes from the December 15, 2023, 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 – Abstain
Commissioner Robert “Bob” Usry – Yes
Commissioner A. Ainslie Stanford II – Yes
Commissioner Keith Mitchell – Abstain
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved to agenda item # 8, review, discussion and possible action to approve, amend or reject the minutes from the January 3, 2024, special meeting of the ABLE Commission. Commissioner Benton made a motion to approve the minutes from the January 3, 2024, special commission meeting. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Abstain
Commissioner Robert “Bob” Usry – Yes
Commissioner A. Ainslie Stanford II – Yes
Commissioner Keith Mitchell – Abstain
Commissioner Austin Benton – Yes

Lauren Kidwell, Epidemiologist with Oklahoma Department of Mental Health and Substance Abuse, presented her report regarding the results of the Alcohol Purchase Study that was completed alongside the ABLE Commission. The inspections for the study were completed from February 1, 2023, to May 15th, 2023. The results, per county, are listed on the ABLE Commission’s website.

EXECUTIVE DIRECTOR’S REPORT FOR JANUARY 2024:

Director Brandon Clabes provided the following information to the ABLE Commission:

- Director Clabes met with many different entities, committees, agencies and conferences including: Oklahoma Department of Mental Health and Substance Abuse (ODMHSA); Oklahoma Sheriff’s Association meeting; Oklahoma State Bureau of Investigations (OSBI); Department of Public Safety (DPS); Rose State College Board of Regents meeting; Oklahoma Retail Liquor Association; Office of Management and Enterprise Services (OMES); Secretary of State Josh Cockroft; Assistant Secretary of State Evan Brown; Governor Stitt’s Assistant Chief of Staff Brian Bobek; Governor Stitt’s attorney Will Milam; James Leewright, Collin Graham and Julia Jernigan with the Oklahoma Restaurant Association; Senator Bill Coleman; Senator Kristen Thompson; Spencer Guinn, with the Beer Distributors of Oklahoma along with members of the media, several constituents and concerned citizens of the public.

- Director Clabes, Assistant Director Lori Carter, Chief Todd Peck and Assistant General Counsel Leif Arvidson met with Secretary of State Josh Cockroft, Assistant Secretary of State Evan Brown, Governor Stitt's Assistant Chief of Staff Brian Bobek, Governor Stitt's attorney Will Milam, and the Oklahoma Restaurant Association Executive Director James Leewright. The discussion was in relation to creating emergency rules surrounding the educational alcoholic beverage training/tastings for licensees and their employees. Emergency rule OAC § 45:20-14-1, educational alcoholic beverage training/tastings for licensees and their employees, was passed during a special meeting of the ABLE Commission on January 3, 2023, and officially signed by Governor Stitt on January 9, 2024.
- The ABLE Commission received the draft of the audit report from the Oklahoma State Auditor and Inspector for the period of July 1, 2018 through June 30, 2023. Chief Financial Officer/Comptroller Jennifer Treadwell met with the auditors regarding the information.
- Chief Peck is continuing with on agency wide policies through Lexipol. All proposed policies are reviewed through an internal policy committee and then our legal division prior to dissemination.
- Assistant Director Carter and Assistant Attorney General James Crawford completed our administrative rule revisions.
- The Association of County and City Information Systems (ACCIS) report writing software is still on track to become active as of early 2024. An additional \$20,000 would be required for specific software regarding the ACISS program implementation to prevent ABLE from accessing to OSBI's sensitive information. The additional funds are needed for an additional security firewall between ABLE and OSBI.
- Director Clabes, Assistant Director Carter, Deputy General Counsel Leif Arvidson, and Chief Todd Peck attended the House and Senate public safety appropriations hearings and was able to present the ABLE Commission's budget.
- Director Clabes continues to work toward training in different areas for enforcement and civilian staff.
- The next ABLE Commission meeting will be in 4 weeks on February 16, 2024.

- The Licensing Supervisor and Project Manager, Carla Clanton, presented a PowerPoint presentation and covered the following topics: status of quotes for the premium customer experience, for partner open cities and set-up and integration into Accela; the top 5 resolved issues and cases pending with the Accela licensing system and their status and the dates; the new ACCELA features added to the system; a screenshot of the new filters and sample email notification options on the Accela administration side. Ms. Clanton also provided to the Commissioners a copy of monthly applications services reporting contract for December 2023. The latest count of registered ABLE licensed users that have registered in the new online system is 174,605.

OSBI Human Resources manager Christine Chalmers presented her ABLE Commission personnel report consisting of the following topics: polygraph and background status of new potential ABLE employees; currently there are nine (9) employment vacancies for the ABLE Commission; applications materials have been sent to qualified persons; and breakdown of the applications that have been submitted for ABLE enforcement district.

The Enforcement Report was presented to the Commissioners for the January 2024 Commission meeting:

- Chief Law Enforcement Agent, Todd Peck, presented his written report to the Commissioners comprising of the following topics: meetings attended; three (3) newly hired agents; the status of the Lexipol policy project creation; the status of acquiring additional storage space for the ABLE Commission's property and evidence; the status of the project for digitizing the records for the agency; the completion of the process of the SLEC (Special Law Enforcement Commission) credentials with the Chickasaw Nation for ABLE agents; and continued "educational inspections" for ABLE agents to continue to strive to be more customer service oriented.

- The following 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; Lieutenant Ray Fells, McAlester District; Captain Scott Smith, Oklahoma City District; Captain Erik Smoot, Alcohol and Tobacco Education Unit; and Captain Greg Bynum, Trade Practices Unit and Brand Registration.

Assistant Director/General Counsel Lori Carter presented the following legal report to the Commission:

Assistant Director Carter stated that there are 17 cases settled for November. For the month of December, there are 25 cases resolved with 13 cases pending for January. Also, there are 33 cases pending for February. There are 3 open records requests that the legal department is currently processing. Assistant Director Carter stated that she, along with Director Clabes, presented the ABLE Commission's fiscal year 2025 budget request to the Appropriations Sub-Committee for the State of Oklahoma. The House Sub-Committee presentation was on January 8, 2024 and the Senate Sub-Committee presentation was January 10, 2024. She also provided an update for a bill request change that may allow to have the ABLE Commission's monthly meeting at a different location other than the ABLE offices (House Bill 3354). On January 12, 2024, the ABLE Commission filed the required "20-I" report with the Oklahoma Attorney General's office. This document reports the amount of monies spent by an Oklahoma State agency, on outside legal counsel. On January 9, 2024, Governor Stitt officially signed off on the emergency rule OAC § 45:20-14-1, educational alcoholic beverage training/tastings for licensees and their employees. The law went into effect immediately upon the Governor's signature. She also provided an update on the current proposed changes in administrative rules: **45:10**. Provisions and Penalties Applicable to all Licensees; **45:20**. Retail Spirit Stores, Mixed Beverage, Caterers, Special Events and Bottle Clubs; **45:25**. Winemakers, Self-Distribution, Direct Shipment; **45:30**. Manufacturers, Wine and Spirits Wholesalers, Brewers, Non-Resident Sellers and Beer Distributors; **45:35**. Events, Airline/Railroad, Hotel/Motel; **45:60**. Tobacco. There will be a public hearing on Friday, February 16, 2024, at 1:30 p.m. at the ABLE offices and the regular Commission meeting will be moved into a Special meeting dated for Friday, February 23, 2024. Assistant Director Carter also provided clarification of certain licensing issues that have been in question and continues to track bills and interim studies with the House and Senate that may affect the ABLE Commission.

Chief Financial Officer/Comptroller Jennifer Treadwell presented the financial report's PowerPoint presentation and covered the following topics: cash balances as of December 31, 2023; cash balance comparison; revenue as of December 31, 2023; revenue comparison year-to-date; revenue comparison by month; transfer of revenue as of December 31, 2023; refunds for December 2023; fiscal year 2024 expenditures as of December 31, 2023; fiscal year 2013 through fiscal year 2018 five (5) major audit findings; how the ABLE Commission addressed the prior audit findings number one (1) through five (5); and fiscal year 2019 through fiscal year 2023 audit update.

Chairman Brooks moved on to Item #16, comments from the public:

- Dirk Van Veen from the Retail Liquor Association of Oklahoma made a statement regarding the Alcohol Purchase Survey by ODMHSA and tools to help check identifications to prevent underage alcohol drinking. Also, made a statement expressing his views regarding the purchase of alcoholic beverages at the self-checkout stations in the stores.
- Colin Graham with the Oklahoma Restaurant Association expressed his gratitude to the ABLE Commission and the State of Oklahoma for the signing of the emergency rules. He also made a statement regarding access to underage alcohol drinking and how it affects the Oklahoma Restaurant Association and tools they are using to prevent the epidemic.
- Ellen Spiropoulos with Phillips Murrah Law Firm made a statement regarding the Alcohol Purchase Study and tools that may assist in the prevention of underage alcohol consumption.
- Lauren Kidwell, Epidemiologist with the Oklahoma Department of Mental Health and Substance Abuse made a statement regarding her report about the results of the Alcohol Purchase Study.
- Stephanie Montes with the Oklahoma Department of Mental Health and Substance Abuse also made a statement regarding the report about the results of the Alcohol Purchase Study and the required alcohol training to obtain the ABLE employee license.

Chairman Brooks moved on to Item #17, Executive Session to discuss ABLE Personnel Action pursuant to 25 O.S. § 307 (B)(1). Commissioner Mitchell made a motion to move into 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 Robert “Bob” Usry – Yes
Commissioner A. Ainslie Stanford II – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:52 a.m.

Commissioners exited Executive Session at 12:21 p.m.

Chairman Brooks called the meeting to order at 12:21 p.m. and called for a motion to return from Executive Session. Commissioner Usry made the motion to return from Executive Session. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

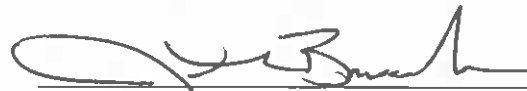
Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner A. Ainslie Stanford II – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

No action was taken in Executive Session

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

The meeting was then adjourned at 12:22 p.m.


Jonathan Brooks, Chairman