



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

October 18, 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 October 15, 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 10:00 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; H. Robert "Bob" Usry; Matthew Crook; Keith Mitchell; and Austin Benton.

The visitors that were in attendance were: Lauren Kidwell and Blanca Juarez, Oklahoma Department of Mental Health and Substance Abuse Services; J.B. Jarboe, Southern Glazers Wine & Spirits; Todd Cox, Traditions Spirits; Lauren McCay, Cornerstone Government Affairs; Justin Naifeh, Republic National Distributing Company; Tammy Blakley, Oklahoma State Bureau of Investigation; Mike Thompson, Lobbyist for the Retail Liquor Association of Oklahoma; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Anne McKinney, Oklahoma Beer Alliance; McKenna Guinn, Spencer Guinn and Alex Adkins, Beer Distributors of Oklahoma; Tyler Talley, Quorum Call; David Oakley, LegisOK and Lisa McAlester, Laneth Rivera and Rick Bailey, Citizens.

The following ABLE Commission employees in attendance were: Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; Chief Financial Officer/Comptroller Jennifer Treadwell; Chief Law Enforcement Agent Todd Peck; 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; Chief Financial Officer/Comptroller Jennifer Treadwell; Licensing Supervisor Carla Clanton; Captain Kent James; Lieutenant Cody Rekstad; Lieutenant Kristen Wilson; Senior Agent Doug Kimberlin; Accounting Technician Thomas Carter and Executive Secretary Shae Isaacs.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Commissioner H. Robert "Bob" Usry, Commissioner Matthew Crook, Commissioner Keith Mitchell, and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting October 18, 2024.

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 September 20, 2024, regular meeting of the ABLE Commission. Commissioner Usry made a motion to approve the minutes from the September 20, 2024, commission meeting. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Commissioner H. Robert "Bob" Usry – Yes
Commissioner Matthew Crook – Abstain
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved on to Item #6 on the agenda, review, discussion and possible action on schedule of regular monthly meetings for calendar year 2025. Commission Benton made a motion for the regular monthly meetings to remain every third Friday of every month except in March 2025, moved to the 4th Friday of the month, November 2025 moved to the 2nd Friday of the month and December 2025, move to the 2nd Friday of the month. Commission Crook seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Commissioner H. Robert “Bob” Usry – Yes
Commissioner Matthew Crook – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved on to Item #7 on the agenda, recognition of Accounting Technician Thomas Carter for 5 years of service to the State of Oklahoma. Director Clabes congratulated and thanked Thomas Carter for his dedicated service to the ABLE Commission and the State of Oklahoma.

EXECUTIVE DIRECTOR’S REPORT FOR SEPTEMBER 2024:

Chairman Jonathan Brooks moved on to Item #8 on the agenda, presentation of Executive Director’s Report and review of administrative and operational activities for September 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 Regents meeting; Tobacco Settlement Endowment Trust (TSET); Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD); Office of Management and Enterprise Services (OMES); individual meetings with J.B Jarboe of Southern Glazers, Brian Bobek from the Governor’s office, Allie Friesen, Commissioner of the Oklahoma Department of Mental Health, Mayor Craig Young of Idabel, Senator George Burns, Senator George Young, Representative J.J. Humphrey, Cabinet Secretary of Public Safety for the State of Oklahoma Tricia Everest, along with members of the media, several constituents and concerned citizens of the public.
- Director Clabes stated that in the aftermath of the decision that was made by Administrative Law Judge Mike Fields regarding case number RETA-24-000021, Sooner Fine Wine and Spirits, LLP versus the Oklahoma ABLE Commission, letters were sent to all existing retail store limited partnerships (LP’s) and limited liability partnerships (LLP’s) registered in the state making them aware of the decision.
- Director Clabes and Assistant Director Carter met with Chief Financial Officer/Comptroller Jennifer Treadwell to complete the ABLE Commission’s budget and strategic plan for FY25/26.
- Captain Erik Smoot did a grant request presentation to the TSET Board and asked for \$58,000 in monies to assist in reducing and preventing youth access to tobacco. The grant agreement has been approved, negotiated and signed off. The ABLE Commission is in the process of developing the educational curriculum.
- Director Clabes stated that the Oklahoma Health Department has opted not to pursue the grant through the United States Food and Drug Administration (FDA). ABLE has been decided to work with the FDA and the Health Department to apply for the grant through the ABLE Commission. Currently, the agency has a current government Secure Access Management Services (SAMS) number but solicitation for the grant has not been published.
- The ABLE Commission’s Oklahoma City enforcement team and Director Clabes met with Chief Ron Bacy with the Oklahoma City Police Department. ABLE offered support to assist with their vice operations.
- Jennifer Treadwell and Director Clabes met with Brian Bobek from the Governor’s office, Allie Friesen, Commissioner of the Oklahoma Department of Mental Health and OMES for clarification of some appropriation numbers.

- ABLE is still working with OMES to complete the security system at the new property room storage facility. ABLE is also asking OMES to give ABLE a detailed estimate on the cost of work association with digitizing ABLE records as ABLE prepares for the upcoming legislative session.
- Director Clabes spent this month reviewing and scoring the Medal of Valor nominations. There were a total of 152. Also, reviewing and scoring the Oklahoma Attorney General's officer of the year nominations. The individuals selected will be honored at a luncheon in December.
- ABLE is researching for sim cards for the agents to assist with better mobile computer connections in the field. Also, the agency is possibly inquiring about the process of purchasing sights for issued weapons and there is an interest in non-lethal tazers as an alternate use of force mechanism.
- Director Clabes attended a press conference at the Oklahoma Capitol with Governor Kevin Stitt, OBN Director Donnie Anderson, DOC Director Steven Harp and other state and federal officials on the State of Oklahoma's human trafficking task force.
- Governor Stitt has issued Executive Order 2024-13 and 2024-14, which requested a list of all licenses and permits for the State of Oklahoma. Licensing Supervisor Carla Clanton has completed that task and it has been submitted.
- The next ABLE Commission meeting will be in 4 weeks on November 15, 2024.

- Chairman Jonathan Brooks moved on to Item #9 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 #10 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 20 alcohol related cases settled for the month of September. For the month of October, there have been 49 cases resolved thus far, with 12 of those cases being tobacco related. There are 24 cases pending for October and 15 cases pending for November.
- Assistant Director Carter presented an update of the "Total Wine" case. The designated records were filed with the Cleveland County district court and the motion to dismiss is still set for November 14, 2024.
- The ABLE Commission legal department is reviewing the contract with TSET for approval and also reviewing the continuity of operations plan for the ABLE Commission.
- Licensing Director/Prosecuting Attorney Kate Springer is the designated lead in negotiations with OMES and the business "CLEO" for new legal docket system. This system will assist the legal department with organization and processing of their current cases.
- Legislative Report:
 - Assistant Director Carter continues to monitor interim studies that may affect the ABLE Commission. A few of those are: the alcohol delivery study sponsored by Senator Coleman and the House alcohol, tobacco and controlled substances committee. More information will be provided to the Commissioners in their monthly informational packets.
 - Assistant Director Carter previously met with the Governor's policy staff to discuss the upcoming legislative session and concerns for the agency.

Chairman Jonathan Brooks moved on to Item #11 on the agenda, financial report and budget update with possible discussion. Chief Financial Officer/Comptroller Jennifer Treadwell presented a financial report PowerPoint presentation for October 2024, and it covered the following topics: cash balances as of September 30, 2024; cash balance comparison; revenue as of September 30, 2024; revenue comparison year-to-date; total revenue comparison by month; transfer of revenue as of September 30, 2024; fiscal year 2024 expenditures as of September 30, 2024; fiscal year 2025 expenditures as of September 30, 2024 and fiscal year 2026 budget request.

Chairman Jonathan Brooks moved on to Item #12 on the agenda, discussion and possible action concerning the procedure and scheduling of the review of the record pursuant to 37A O.S. 2-151, in the case of Sooner Fine Wines and Spirits, LLP versus Oklahoma ABLE Commission, RETA-2024-21. All Commissioners acknowledged that they have received and reviewed most of the over 2,000 pages of evidence of the case via a USB flash drive that was delivered by

certified mail. Chairman Brooks inquired amongst the Commissioners if they were prepared for the decision regarding case RETA-2024-21 and a determination if a special meeting would need to take place to relay a decision. Also, Chairman Brooks stated that if it is decided for a special meeting, then ample time would need to be given to both parties for preparation. Assistant Attorney General (AAG) and ABLE Commission legal counsel, Joe Dewey agreed that a special meeting would be the best approach and emphasized the fact to use the term meeting and not hearing due to legal reasons. Commission Crook inquired about the full process of the Commissioners due to the fact that the Administrative Law Judge (ALJ) has already made a decision in the case along with the Director's memorandum and stay confirming and agreeing with the ALJ's decision. AAG Dewey explained that the full administrative appeal process is not complete until Commissioners render their decision as the final step. The Commissioners decided on a possible special meeting potentially within 30 days or after the Thanksgiving holiday. Chairman Brooks stated that he will work with Executive Secretary Shae Isaacs on dates for the special meeting to ensure a quorum will be in attendance.

Chairman Brooks moved to Item #13 on the agenda, discussion and possible action on proposed changes to the ABLE administrative rules, specifically changes to able penalty schedule and enable administrative rules. Assistant Director Carter ensured that all Commissioners in attendance had the following informational packets: Rulemaking Timeline Summary 2024-2025; Penalty Schedules A and B - Redlined Revisions - Fall 2024; and New Rules Proposals - October 17 2024. She reviewed the proposed changes and timeline and also explained to the Commissioners the process to make sure that the rule changes are passed in a timely manner. A rule subcommittee was formed with Commissioners Benton and Stanford to address reviewing the changes in detail and they relay their results to the Commission. The formal public comment period will be from December 16, 2024, through January 15, 2025. The agenda item #13 will be carried over into the next Commission meeting for November 15, 2024. The proposed rule changes will also be placed on the ABLE Commission website along with the contact information for Deputy General Counsel Leif Arvidson. The final public comments will be announced at the January 2025 regular Commission meeting.

Chairman Brooks moved to Item #14 on the agenda, comments from the public limited to items on the agenda for meeting date October 18, 2024.

- Dirk Van Veen made a comment regarding a challenging appropriations year, a suggestion about more trade practices agents and his involvement at the Capitol to petition for assistance.
- J.B. Jarboe with Southern Glaziers clarified that the changes will be posted to the ABLE webpage today, October 18, 2024.

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, 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). Also, discussion and possible action to enter executive session as authorized by 25 O.S. § 307 (B)(1), to discuss the employment and evaluation of Director Brandon Clabes. Commissioner Benton made a motion to move into Executive Session. Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Commissioner H. Robert “Bob” Usry – Yes
Commissioner Matthew Crook – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:02 a.m.

Commissioners exited Executive Session at 11:48 a.m.

Chairman Jonathan Brooks called the meeting to order at 11:48 a.m. and called for a motion to return from Executive Session. Commissioner Crook made the motion to return from Executive Session. Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Commissioner H. Robert “Bob” Usry – Yes
Commissioner Matthew Crook – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

No action was taken in Executive Session

Chairman Jonathan Brooks moved on to Item #17 on the agenda, adjournment. Commissioner Mitchell 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
Commissioner H. Robert “Bob” Usry – Yes
Commissioner Matthew Crook – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

The meeting was then adjourned at 11:49 a.m.



Jonathan Brooks, Chairman