



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION SPECIAL MEETING
February 23, 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 February 21, 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; Robert "Bob" Usry; Matthew Crook; Keith Mitchell; A. Ainslie Stanford II; and Austin Benton.

The visitors that were in attendance were: Randi Wild, Human Resources Supervisor for Oklahoma State Bureau of Investigation; Lauren Kidwell, Oklahoma Department of Mental Health and Substance Abuse Services; Stacy Potter and Terrin Tillman, ROCMND Area Youth Services – Responsible Beverage Service & Sales; Brett Robinson and Alex Adkins, Beer Distributors of Oklahoma; Anne McKinney, Oklahoma Beer Alliance; Lauren McCay, Cornerstone Government Affairs; Robert Jernigan and 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; Assistant Attorney General and legal counsel James Crawford from the Office of the Attorney General; Chief Financial Officer/Comptroller, Jennifer Treadwell; Chief Law Enforcement Agent Todd Peck; Captain Erik Smoot; Captain Scott Smith; Captain Mike Randol; Lieutenant Pedro Zardeneta; Lieutenant Kristen Wilson; Agent Megan Norris; Licensing Supervisor Carla Clanton; Executive Secretary Shae Isaacs; and Legal Administrative Assistant Kimberly Yates.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Commissioner Robert "Bob" Usry, Commissioner Matthew Crook, Commissioner Keith Mitchell, Commissioner A. Ainslie Stanford II, and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting February 23, 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.

Director Brandon Clabes introduced the new ABLE agent Megan Norris (Oklahoma City Enforcement District). She was welcomed to the ABLE Commission.

Chairman Jonathan Brooks moved to agenda item #6, presentation, discussion and possible action on proposed administrative rules. Assistant Attorney General and Legal Counsel James Crawford provided a synopsis over each of the proposed administrative rules and the suggested changes. A motion was taken and recorded as follows:

45:10. – PROVISIONS AND PENALTIES APPLICABLE TO ALL LICENSEES:

Commissioner Crook made a motion to approve the proposed amendments to OAC 45:10.
Commissioner Mitchell seconded the motion.

45:20. – RETAIL SPIRIT STORES, MIXED BEVERAGE, CATERERS AND SPECIAL EVENTS ~~AND BOTTLE CLUBS:~~

Commissioner Benton made a motion to approve, as amended, the proposed amendments to and revocations in OAC 45:20. Commissioner Crook seconded the motion.

45:25. – WINEMAKERS, SELF-DISTRIBUTION, DIRECT SHIPMENT:

Commissioner Benton made a motion to approve the proposed amendments to OAC 45:25.
Commissioner Mitchell seconded the motion.

45:30. – MANUFACTURERS, WINE AND SPIRITS WHOLESALERS, BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS:

Commissioner Usry made a motion to approve the proposed amendments to OAC 45:30.
Commissioner Mitchell seconded the motion.

45:35. – EVENTS, AIRLINE/RAILROAD, HOTEL/MOTEL:

Commissioner Benton made a motion to approve the proposed revocations in OAC 45:35.
Commissioner Crook seconded the motion.

45:60. – TOBACCO:

Commissioner Mitchell made a motion to approve the proposed amendments to OAC 45:60.
Commissioner Benton seconded the motion.

A roll call vote was taken for each of the administrative rules at issue and recorded as follows:

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

The changes for the administrative rules from the Oklahoma Administrative Code Title 45, Chapters 10, 20, 25, 30, 35 and 60 have all passed with the appropriate corrections and have been adopted by the Commission on February 23, 2024.

Chairman Jonathan Brooks moved to agenda item # 7, review, discussion and possible action to approve, amend or reject the minutes from the January 19, 2024, regular meeting of the ABLE Commission. Commissioner Usry made a motion to approve the minutes from the January 19, 2024, commission meeting. Commissioner Benton seconded the motion. A roll call vote was taken and recorded as follows:

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

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: meeting with Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); Oklahoma City Police Department Academy; Oklahoma Sheriff's Association meeting; Oklahoma State Bureau of Investigations (OSBI); Norman Rotary Club; attended the Oklahoma City law enforcement legislative breakfast at the Civic Center; attended the Rose State College Board of Regents meeting; Oklahoma State Auditor and Inspector Cindy Byrd; Mayor of Harrah, Danny Trent; President of the Retail Liquor Association of Oklahoma, Robert Jernigan; attended Governor Kevin Stitt's "State of the State" address at the Oklahoma State Capitol; attended the Council on Law Enforcement Education and Training (CLEET) commission meeting; Office of Management and Enterprise Services (OMES); Lieutenant Governor Matt Pinnell; Oklahoma State Representatives Humphrey, Ford, Johns, Wolfley, Worthen, George, Manger, Deck, Kerbs, Sterling and Talley; Oklahoma State Senators Weaver, Green and Jett; Chief Executive Officer for the Oklahoma State System of Higher Education, Chancellor Allison D. Garrett; State of Oklahoma Attorney General's Office; Cabinet Secretary Tricia Everest along with members of the media, several constituents and concerned citizens of the public.
- Lauren Kidwell, Epidemiologist with Oklahoma Department of Mental Health and Substance Abuse, provided an update to 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.
- Director Clabes, Assistant Director Lori Carter, Deputy General Counsel Leif Arvidson and Assistant Attorney General and Legal Counsel James Crawford held the Rulemaking Public Hearing regarding proposed administrative rule changes on February 16, 2024. There were three speakers from the public with comments and their remarks were presented to the Commissioners.
- Director Clabes met with the City Management and the Mayor of Harrah to assist with the development of their new public safety building.
- Deputy General Counsel Leif Arvidson and Attorney General and Legal Counsel James Crawford met with the President of the Retail Liquor Association of Oklahoma, Robert Jernigan on outstanding open records requests.
- Director Clabes, Assistant Director Carter, Chief Peck and Captain Smoot had a meeting about vape registration and some of the issues that the agency is encountering.
- Deputy Director Carter prepared a written response for the Director's signature to the Office of State Auditor and Inspector Cindy Byrd regarding the ABLE Commission's audit findings. The final audit report and memo was provided to the Commissioners.
- Chief Todd Peck is continuing with the formulation of agency wide policies through Lexipol. All proposed policies will be reviewed through an internal policy committee and then our legal division prior to dissemination.
- Assistant Director Carter attended an event at the Capitol highlighting deaths of innocent victims from DUI drivers on February 19, 2024.
- Director Clabes, Assistant Director Carter and Chief Todd Peck and met with Senator Kristen Thompson and Senator Roger Thompson to discuss ABLE related topics.
- 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 March 22, 2024.

OSBI Human Resources supervisor, Randi Wild, presented her ABLE Commission personnel report for January 2024 consisting of the following topics: Applications for an ABLE customer service representative position has closed and is being reviewed by the hiring manager. Interviews will take place in March 2024. The position for the ABLE prosecuting attorney/legal counsel position has been reposted. More information will be provided

when available. There were 7 positions available for enforcement agents across all districts. The positions have closed for accepting applications and interviews will be conducted once all applicants are reviewed.

- The Licensing Supervisor and Project Manager, Carla Clanton, presented a PowerPoint presentation report for the licensing department and Accela licensing system update for January 2024 and covered the following topics: status of quotes for the premium customer experience. It is currently being reviewed and awaiting budget approval; 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 a licensing report over the following topics: number of new business licenses issued from January 1, 2024 to present (219) and number of individual licenses issued from January 1, 2024 to present (6,108). Ms. Clanton also provided to the Commissioners a copy of monthly applications services reporting contract for January 2024. The latest count of registered ABLE licensed users that have registered in the new online system is 179,989.

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

- Chief Law Enforcement Agent, Todd Peck, presented his written report to the Commissioners comprising of the following topics: ABLE enforcement district visitations; 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; visitation to other Oklahoma law enforcement agencies and continued focus on being 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: Lieutenant Pedro Zardeneta, Tulsa District; Captain Michael Randol, McAlester District; Captain Scott Smith, Oklahoma City District; Captain Erik Smoot, Alcohol and Tobacco Education Unit; and Lieutenant Kristen Wilson, 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 33 cases settled for the month of January. For the month of February, there are 31 cases resolved thus far with 6 cases pending.
- Assistant Director Carter and Licensing Supervisor and Project Manager, Carla Clanton had a meeting with a company called Gray Quarter for information and a quote to update the ABLE Commission's Accela licensing website.
- Assistant Director Carter continues to meet with members of the Capitol to champion for the ABLE Commission regarding the budget. She also stated that there are 65 bills that could affect the agency. She highlighted a few of those bills: House Bill 1723; House Bill 2090; House Bill 3076 (Senate Bill 2001); House Bill 3331; House Bill 3352; House Bill 3354; House Bill 3571; House Bill 3971; Senate Bill 1361; Senate Bill 1474; Senate Bill 1818; and Senate Bill 1977.
- Director Brandon Clabes, Assistant Director Lori Carter, Deputy General Counsel Leif Arvidson and Assistant Attorney General and Legal Counsel James Crawford held the Rulemaking Public Hearing regarding proposed administrative rule changes on February 16, 2024. The Commissioners voted to pass the administrative rules from the Oklahoma Administrative Code Title 45, Chapters 10, 20, 25, 30, 35 and 60 and have been adopted by the Commission on February 23, 2024.
- Assistant Director Carter attended Governor Stitt's "State of the State" address at the Oklahoma State Capitol.
- She 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.

Commissioner Matthew Crook exited the meeting at 11:27 a.m. due to a prior engagement so a quorum is no longer present for meeting date February 23, 2024.

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

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

- Dirk Van Veen from the Retail Liquor Association of Oklahoma made a statement regarding the Alcohol Purchase Survey by ODMHSAS, House and Senate bills that may affect the alcohol industry and the upcoming, first ever, trade show presented by the Retail Liquor Association of Oklahoma.
- Ellen Spiropoulos with Phillips Murrah Law Firm made a statement regarding improvement of the ABLE Commission's online licensing site.

Due to lack of a quorum, Chairman Brooks postponed Executive Session.

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 Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner Austin Benton – Yes

The meeting was then adjourned at 11:41 a.m.



Jonathan Brooks, Chairman