



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
September 20, 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 September 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 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; H. Robert "Bob" Usry; Keith Mitchell; A. Ainslie Stanford II; and Austin Benton.

The visitors that were in attendance were: Lauren Kidwell, Rosalee Hamill and Blanca Juarez, Oklahoma Department of Mental Health and Substance Abuse Services; Todd Cox, Traditions Spirits; Lauren McCay, Cornerstone Government Affairs; Justin Naifeh, Republic National Distributing Company; Alex Adkins and Heidi Shadid, Beer Distributors of Oklahoma; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Collin Graham, Oklahoma Restaurant Association; Spencer Guinn, Beer Distributors of Oklahoma; Attorney Ellen Spiropoulous and Intern Petris Weiss, Phillips Murrah Law Firm; Tyler Talley, Quorum Call; and David Oakley, LegisOK.

The following ABLE Commission employees in attendance were: Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; Chief Law Enforcement Agent Todd Peck; Deputy General Counsel Leif Arvidson; Assistant Attorney General and ABLE Commission legal counsel Andra Holder from the Office of the Attorney General; Chief Financial Officer/Comptroller Jennifer Treadwell; Oklahoma State Bureau of Investigation (OSBI Shared Services) Human Resources Director Christine Chalmers; Licensing Supervisor Carla Clanton; Captain Erik Smoot; Captain Kent James; Captain Mike Randol; Captain Greg Bynum; Captain Scott Smith; Agent Jamie O'Leary; 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 H. Robert "Bob" Usry, Commissioner Keith Mitchell, Commissioner A. Ainslie Stanford and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting September 20, 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 August 16, 2024, regular meeting of the ABLE Commission. Commissioner Usry made a motion to approve the minutes from the August 16, 2024, commission 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 H. Robert “Bob” Usry – 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 Jamie O’Leary, with possible discussion. Director Brandon Clabes introduced the new ABLE agent, Jamie O’Leary. She will be assigned to the Oklahoma City District Enforcement team and was welcomed to the ABLE Commission.

Chairman Jonathan Brooks moved on to Item #7 on the agenda, recognition of Assistant Director/General Counsel/ Public Information Officer Lori Carter for 15 years of service to the State of Oklahoma. Director Clabes congratulated and thanked Assistant Director Carter for her dedicated service to the ABLE Commission and the State of Oklahoma.

Chairman Jonathan Brooks moved on to Item #8 on the agenda, human resources update with possible discussion. OSBI Human Resources Director Christine Chalmers presented the ABLE Commission personnel report for September 2024 consisting of the following topics: The previous applicant that was selected for the customer service position has withdrawn. The position was re-posted on August 23, 2024, and there have been 105 applications received thus far. Licensing Supervisor Carla Clanton will move forward with the selection process and relay the selections to the Human Resources department.; The new hire agent for the Oklahoma City enforcement district started September 3, 2024.

Chairman Jonathan Brooks moved to Item #9 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: RM 115 SAT (Selling Alcohol and Tobacco) Oklahoma – WinCo Foods (New Program); and three (3) programs for re-certification (1) Alcohol Certification – Cherokee Nation Entertainment, LLC, (2) Walmart Alcohol & Tobacco Compliance - Walmart Inc. and (3) Dollar General Alcohol Training Program – Dollar General. Commissioner Benton seconded the motion. A roll call vote was taken and recorded:

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

Chairman Jonathan Brooks moved to Items #10 and #11. There was a news video presented with Director Clabes speaking at the Oklahoma Capitol regarding the State’s new initiative to prevent human trafficking and support for the victims called “*You Are Not Alone.*” There was also another video presentation regarding an incident that occurred in the area where the ABLE Commission’s McAlester Enforcement team patrols. The news story was titled “*Hugo man arrested on drug, gun charges faces more charges after moonshine discovery.*”

EXECUTIVE DIRECTOR’S REPORT FOR SEPTEMBER 2024:

Chairman Jonathan Brooks moved on to Item #12 on the agenda, presentation of Executive Director’s Report and review of administrative and operational activities for August 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; attended the Oklahoma Restaurant Association (ORA) Expo; Tobacco Settlement Endowment Trust (TSET); Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD); Oklahoma Department of Corrections

(DOC); Office of Management and Enterprise Services (OMES); Oklahoma Medical Marijuana Authority (OMMA); individual meetings with the police chief of Southern Nazarene University, 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 LP's and LLP's registered in the state making them aware of the situation.
- Director Clabes and Assistant Director Carter met with department leads Chief Financial Officer/Comptroller Jennifer Treadwell and Human Resources Director Christine Chalmers on finance and personnel issues.
- Director Clabes stated that the Oklahoma Health Department has opted not to pursue the grant through the United States Food and Drug Administration (FDA). It has been decided to work with the FDA and the Health Department to apply for the grant through the ABLE Commission.
- Assistant Director Carter and Chief LE Agent Todd Peck attended the Center for Alcohol Policy meeting and training in Indianapolis, Indiana on August 26, 2024, through August 28, 2024.
- 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.
- Director Clabes attended the Oklahoma Restaurant Association Expo and dinner banquet at the Oklahoma City Convention Center along with other ABLE Staff.
- Representative J.J. Humphrey submitted an email complaint concerning an ABLE agent. An internal affairs investigation was completed and filed with human resources.
- Several agents attended and patrolled the "Rocklahoma" concert and the "Born and Raised" concert in Pryor, Oklahoma.
- Senior Agent Vanessa Blain is now working with the Oklahoma State First Responder Wellness Team through the Department of Public Safety. She will assist with critical incidents across the state.
- The next ABLE Commission meeting will be in 4 weeks on October 18, 2024.

- Chairman Jonathan Brooks moved on to Item #13 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 September 2024 and covered the following topics: status of the quote negotiations for the Carahsoft website refresh project and the purchase order that was submitted to OMES was approved. Also, the status of the quotes for renewal of the Carahsoft MAS contract and SAAS Accela maintenance contract; 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 August 10, 2024, to September 9, 2024 (124); The number of individual licenses issued from August 10, 2024 to September 9, 2024 (5,235); Plus, the total of active licenses (162,424); A copy of monthly applications services reporting contract was also provided to the Commissioners for August 2024. The latest count of registered ABLE public users that have registered in the new online system is 218,729.

- Chairman Jonathan Brooks moved on to Item #14 on the agenda, report from chief law enforcement agent and supervising district captains with possible discussion. Chief Law Enforcement Agent Todd Peck 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 #15 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 thanked the Commission for her recognition of 15 years of service and thanked the agency for their diligence in helping the customers in a timely fashion.
- Assistant Director Carter's docket report consists of 49 alcohol related cases settled for the month of August. For the month of September, there have been 17 cases resolved thus far, with 8 of those cases being tobacco related. There are 8 cases pending for September and 53 cases pending for October.
- Assistant Director Carter presented an update of the "Total Wine" case, post the decision by Administrative Law Judge (ALJ) Mike Fields that was provided on July 25, 2024. The defendant, Sooner Fine Wine & Spirits, LLP, has filed an appeal with the district court and the ABLE Commission has filed a motion to dismiss the appeal. A hearing is set for November 14, 2024, in Cleveland County district court. More information will be provided once available.
- She participated on a panel presenting information on fair competition in the alcohol industry in Indianapolis, Indiana for the Center for Alcohol Policy Conference on August 26-28, 2024.
- She will be traveling to Washington, D.C. on September 23, 2024, for The State Chamber of Oklahoma, Washington D.C. Fly-In. She will be speaking with the Congressional Delegation assigned to Oklahoma about the issues that the ABLE Commission faces and other issues across the nation.
- The negotiations for the contract with the Department of Health, in which includes the FDA grant, has been finalized and the contract has been signed for the tobacco compliance inspections.
- The Director has signed the lease contract for the new storage space for the agency to continue safekeeping certain confiscated items and files.
- There are still negotiations with OMES and the business "Legal Files" for new legal docket system. This system will assist the legal department with organization and processing of their current cases.
- Assistant Director Carter mentioned the ongoing issues that are occurring with the Accela licensing system and software. The ABLE Commission has contracted OMES for assistance with the information technology (I.T.) problems.
- Legislative Report:
 - The ABLE Commission has gathered information for Governor Stitt based on his executive order 2024-13 and 2024-14 and provided that data to his office.
 - Assistant Director Carter is monitoring four (4) interim studies that may affect the ABLE Commission. More information will be provided to the Commissioners in their monthly informational packets.
 - Assistant Director Carter met with the Governor's policy staff to discuss the upcoming legislative session and concerns for the agency.

Commissioner Keith Mitchell made a statement regarding Assistant Director Carter's report and the ongoing information technology issues with the Accela licensing system.

Chairman Jonathan Brooks moved on to Item #16 on the agenda, financial report and budget update with possible discussion. Chief Financial Officer/Comptroller Jennifer Treadwell presented a financial report PowerPoint presentation for September 2024, and it covered the following topics: cash balances as of August 31, 2024; cash balance comparison; revenue as of August 31, 2024; revenue comparison year-to-date; total revenue comparison by month; transfer of revenue as of August 31, 2024; fiscal year 2024 expenditures as of August 31, 2024; and fiscal year 2025 expenditures as of August 31, 2024.

Chairman Jonathan Brooks moved on to Item #17 on the agenda, discussion and possible action concerning the procedure and scheduling of the review of the record pursuant of 37A O.S. 2-151 in the case of Sooner Fine Wine & Spirits, LLP vs. Oklahoma ABLE Commission, RETA-2024-21. All Commissioners acknowledged that they have received the over 2,000 pages of evidence of the case via a USB flash drive that was delivered by certified mail within two (2) weeks from the previous (August) Commission meeting. All Commissioners also acknowledged that they have not finished reviewing all of the information and more time is needed to access the details of the case. Although there is no definitive timeline to finish reviewing the information and when to proceed, it was in agreement that the Commissioners need to have a timeline going forward with cases of this nature. Chairman Brooks tabled Item #17 until the next Commission meeting dated October 18, 2024, before taking further action.

Chairman Jonathan Brooks moved on to Item #18 on the agenda, comments from the public:

- Attorney Ellen Spiropoulos with Phillips Murrah Law Firm made a statement regarding the revamp and issues with the ABLE Commission's Accela licensing system.
- Lauren Kidwell with the Oklahoma Department of Mental Health and Substance Abuse Services made a statement regarding employee training programs and the alcohol purchase surveys.
- Collin Graham with the Oklahoma Restaurant Association thanked the ABLE Commission for their participation with the ORA convention on August 28 and 29, 2024.

Chairman Brooks moved to Item #19 on the agenda and determined that there is no new business to discuss amongst the Commission.

Chairman Jonathan Brooks moved on to Item #20 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 Benton 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 H. Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:42 a.m.

Commissioners exited Executive Session at 12:13 p.m.

Chairman Jonathan Brooks called the meeting to order at 12:13 p.m. and called for a motion to return from Executive Session. Commissioner Revelis made the motion to return from Executive Session. 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 H. Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

No action was taken in Executive Session

Commissioner Usry 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 H. Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

The meeting was then adjourned at 12:14 p.m.


Jonathan Brooks, Chairman