



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

April 15, 2016

The filing of the meeting and posting of the agenda was in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 29, 2015. The agenda was posted on April 13, 2016, on the front and back doors of the 36th Street and Santa Fe Avenue building, the door of the ABLE Commission's Office Reception area, and on the ABLE Commission website.

Vice-Chairman Trey Kouri called the meeting to order at 10:00 a.m. at the Office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 3812 North Santa Fe Avenue, Suite 200, Oklahoma City, OK 73118. A quorum was met with the presence of the following board members: Robert Heidlage; Clarence Warner; Joe Forrest; James Maisano; and Harry J. "Trey" Kouri, III; Devin Graves arrived after roll call. Others present were: Steven Barker, Assistant Attorney General and ABLE General Counsel; J. B. Jarboe, Jarboe Sales Company; Jim Hopper and Colin Graham, Oklahoma Restaurant Association; Cynthia Santos, E-Capitol Reporter; Brett Robinson, Beer Distributors of Oklahoma; and the following ABLE employees: Director Keith Burt; Assistant Director Jim Hughes; Administrative Law Judge Luke Simms; Captain Brent Fairchild; Captain Maureen Shanta; Lieutenant Mike Randol; Director Burt's Assistant, Kathy Sharp; and Office Assistant, Margaret Hooley.

Commissioner Forrest made a motion to approve the minutes, without correction, from the March 25, 2016 Board Meeting. Commissioner Heidlage seconded the motion. A roll call vote was taken and recorded as follows:

Robert Heidlage - Yes
Clarence Warner - Yes
Joe Forrest - Yes
James Maisano - Yes
Harry J. "Trey" Kouri, III - Yes

Director Burt asked that the record reflect that Commissioner Graves arrived at 10:04 a.m.

Director Keith Burt gave his report which covered the following topics:

- Director Burt reported that a former ABLE Commissioner and Tulsa County District Judge, Carlos Chappelle, would be inducted posthumously at the University of Tulsa College Law Association's 2016 Hall of Fame on May 14th. Judge Chappelle served on the Commission from April, 1992 until September, 1995, at which time he was replaced by Chairman Bryan Close.

- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker to update the Commissioners on the Potawatomie Nation cases. Mr. Barker stated that the arbitration included both the ABLE Commission and the Oklahoma Tax Commission, but not a single ruling in the Arbitrator's Award was directed toward the ABLE Commission. He also reported that there had been no movement on the case that was filed by the Tribe in District Court.
- Director Burt stated that the Office of Management and Enterprise Services (OMES) is meeting with agencies to discuss shared and overlapping services. They will be looking at an effective means to handle financial activities, procurement, payroll, accounts receivable and payables, and expense management. OMES has scheduled a meeting with the Commission in early May.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker to explain the settlement of ABLE case numbers 15-56-7104 and 7105.
- Director Burt, ABLE staff and the Commissioners discussed possible changes to settlement offers for alcohol sales to a minor.
- Recognized Captain Brent Fairchild for a report to the Commission concerning on the sale of low-point beer at a professional soccer match held on a high school campus. The Canadian County Sheriff filed a protest and there is a hearing scheduled for April 20th before a judge in the Canadian County District Court.
- Reminded the Commissioners that the Financial Disclosure Statement, which is required by the state, must be filed no later than May 15th.
- Updated the Commissioners on Governor Fallin's 4 new executive orders since the last Commission meeting.
- Reported that he attended the Safety and Security Cabinet Quarterly meeting which held discussions on the law enforcement consolidation bill and budget cuts. Stated that it was hosted by Edmond Police Chief Bob Ricks at their new facility. Members were introduced to the new Director of Corrections Joe Allbaugh and the new Director of the Bureau of Narcotics and Dangerous Drugs John Scully.
- Stated that the Office of Juvenile Affairs also hired a new Director, Steve Buck.
- Reported that the Oklahoma Highway Safety Office (OHSO) conducted a Traffic Safety Forum earlier this week in Norman. Lieutenant Smoot from the Oklahoma City office attended. Commissioner Heidlage was a presenter on a panel discussing the use of traffic data collection in an attempt to reduce crimes.
- Stated that lawmakers trimmed over 260 measures from additional consideration. After 3 weeks of committee work, just over 560 bills and joint resolutions remain. Governor Fallin has signed a total of 23 bills so far this session.
- Reported media coverage last month on Lieutenant Erik Smoot's Responsible Beverage Service and Sales Training (RBSS) at the Cherokee Casino near Salisaw. Senior Agent Todd Anthony was honored for his prevention efforts in Lawton.

Assistant Director Jim Hughes presented the following enforcement report to the Commissioners:

- Reported that agents completed 7 wholesale related investigations resulting in 4 administrative warning citations.
- Stated that agents instructed basic liquor law classes at the Lawton Police Department Academy, lectured students on simple alcohol first aid and alcohol myths and facts at

Cameron University in Lawton, and instructed a liquor law refresher course for 10 law enforcement agencies for the Creating Alcohol Responsibility Everywhere (CARE) Program in Lawton.

- Reported that agents attended a town hall meeting at Cache, the Comanche County Law Enforcement Appreciation luncheon, the Neighbors Building Neighborhoods (NBN) meeting discussing alcohol issues in the area, a Living in Latimer Coalition meeting in Wilburton which discussed upcoming proms and graduations, the Pittsburg County Community Data Workgroup discussing underage drinking problems, and a Haskell County Real World Event on alcohol awareness.
- Stated that agents in Tulsa opened 9 cases resulting in 22 charges, worked two Target Responsibility for Alcohol Connected Emergencies (TRACE) investigations, worked with the Attorney General's Tobacco Enforcement unit in Tulsa County and assisted the Oklahoma Highway Patrol in Mays County conducting bar checks.
- Reported that the Too Much Too Lose (2M2L) agents assisted the Tulsa Police Department (TPD) and the Oklahoma Highway Patrol (OHP) on a DUI checkpoint in Tulsa resulting in 169 citations being issued, assisted the TPD traffic unit with a TRACE investigation, assisted the Norman Police Department with the "Know Your Limits" program where over 200 citizens participated, attended 9 coalition meetings, and provided technical assistance to 29 different groups or agencies in March.
- Responded to questions regarding alcohol in nail salons by Commissioners Heidlage and Warner.

Director Keith Burt gave the Budget Report which covered the following topics:

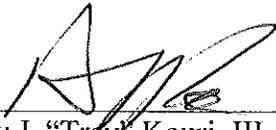
- Reported that Ken Miller, the State Treasurer, reported March collections were down about 1.8% which marked the 11th consecutive month of falling collections.
- Stated that the last 12 month gross receipts to the Treasury are the lowest since October, 2013.
- Secretary of Finance and Revenue, Preston Doerflinger reported it is still .8% above the estimate for March. Year to date with gross revenue fund collections are 8% below the estimate and 9.4% below last year collections.
- Stated that ABLE collections were down 2.9% for the month but up 5.9% for the year.
- Reported that the Senate Appropriations Committee approved 4 criminal justice reform bills aimed at addressing the state's prison population while ensuring Public Safety. The bills were HB2472, HB2479, HB2751, and HB2752 which will soon be considered by the full Senate. These bills could reduce prison population which in turn would lessen the financial burden of funding corrections.
- Discussed several ideas being considered to address the \$1.3 billion budget gap but will have a better idea of what the FY2017 budget will be by May and would update the Commissioners next meeting.
- Mentioned March is the first month since July 2015 collections have exceeded the estimate.

Assistant Attorney General and ABLE General Counsel Steven Barker, gave an update on the legislative bills that could effect the ABLE Commission that included HB1714, HB2756, HB2840, SB58, SB383, and SJR68.

Vice-Chairman Kouri asked for any comments from the public. Hearing none, he asked for a motion to adjourn.

Commissioner Graves made a motion to adjourn the meeting. Commissioner Forrest seconded the motion. A roll call vote was taken and recorded as follows:

Devin Graves – Yes
Robert Heidlage - Yes
Clarence Warner - Yes
Joe Forrest - Yes
James Maisano - Yes
Harry J. “Trey” Kouri, III - Yes



Harry J. “Trey” Kouri, III, Vice-Chairman

HJK/mks