



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
MINUTES OF THE ABLE COMMISSION MEETING

December 9, 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 December 6, 2016, on the front and back doors of the 36<sup>th</sup> Street and Santa Fe Avenue building, the door of the ABLE Commission's Office Reception area, and on the ABLE Commission website.

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: Bryan Close; Joe Forrest; Johnny Kuhlman; and Harry J. "Trey" Kouri, III. Others present were: Molly Fleming, Journal Record; Jane Abraham, City of Oklahoma City; Colin Graham, Oklahoma Restaurant Association; J. B. Jarboe, Jarboe Sales Company; Cynthia Santos, E-Capitol Reporter; Brianna Bailey, The Oklahoman and former ABLE General Counsel John Maisch. Oklahoma ABLE employees attending were: Director Keith Burt; Assistant Director Jim Hughes; Administrative Law Judge Luke Simms; Steven Barker, General Counsel; Captain Brent Fairchild; Captain Maureen Shanta; and Office Assistants Margaret Hooley and Shae Isaacs.

Commissioner Close made a motion to approve the minutes from the November 18, 2016 Board Meeting with the correction that Commissioner Kuhlman did not abstain from voting for the minutes. Commissioner Kuhlman seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Johnny Kuhlman – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes

Chairman Kouri recognized Chief Financial Officer Ron Malone who is retiring after 27 years of service. Josh Maxey, previously from the House Fiscal Staff, will be taking his place.

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

- Stated that since it had only been three weeks since the last meeting, the financial and enforcement reports that were not including in the packet have been placed in front of each Commissioner. Reminded the Commissioners that the meeting dates for 2017 were included

in the packet and will be the third Friday of every month. Also included in the packet was the notice of former Attorney General Larry Derryberry passing at the age of 77.

- Recognized Captain Brent Fairchild who reported on the ABLE Commission's sale of confiscated liquor which will be finalized on December 15<sup>th</sup>. The Director thanked Kathy Sharp and Captain Brent Fairchild for their efforts in organizing the sale and stated he will report the results at the January meeting.
- Recognized Professor John Maisch, who gave a brief overview of the situation in White Clay, Nebraska. White Clay is a small town with a population of 15 and four convenience stores that sell over 3 million cans of beer a year to members of the adjacent tribe in South Dakota. During the past year, an adult female was beaten to death in White Clay. Maisch has appeared before the Nebraska Liquor Control Commission several times in an attempt to have the license for the four stores in White Clay revoked or denied.
- Recognized General Counsel Steven Barker to report on the lawsuit regarding the Citizen Potawatomi Nation (CPN) vs. ABLE Commission, Case Number 12-63-7393. Counsel Barker reported that the lawsuit involving the ABLE Commission had been finalized. An agreed order was filed in Pottawatomie District Court on November 18, 2016 dismissing the Nation's appeal as moot.
- Director Burt reminded the Commissioners that on November 8<sup>th</sup>, both Okfuskee and Latimer counties approved liquor-by-the-drink. He stated that Hughes County is trying to schedule a vote as early as March and several restaurant owners in Major County are in the process of gathering information on how they can get liquor-by-the-drink on their county's ballot. He also reported that all but 3 of the 18 counties that are dry voted to approve State Question 792.
- Recognized General Counsel Steven Barker to present the Commission with a synopsis of SB383, Sections 49-60.
- Recognized General Counsel Steven Barker to report on the ABLE Commission implementation of State Question 792.
- Director Burt reported that he attended the Safety and Security Cabinet quarterly meeting. He briefed the group on State Question 792, but the majority of discussion was on the upcoming legislative session.
- Director Burt stated that he had also attended the Governor's Impaired Driving Prevention Advisory Council (GIDPAC) meeting earlier this week and stated that the Governor is expected to extend the group another 2 years. Paul Harris, from the Oklahoma National Guard, has been named to replace Toby Taylor, who was the Oklahoma Highway Safety Office Director. A special meeting has been scheduled for early January and he will report on the details of that meeting at the January Commission meeting.
- Director Burt stated that also included in this month's packet was information on the National Liquor Law Enforcement Agency (NLLEA) national conference August, 2017 at the Skirvin Hotel in Oklahoma City which will be co-hosted with the Oklahoma ABLE Commission.
- Director Burt reported that Senator Kim David was named as the Chairman for the Senate Appropriations Committee and that she also served with the Director on the GIDPAC board. Also announced this week was that Senator Jack Fry from Midwest City will be the Chairman for the Senate Public Safety Committee. He also stated that the next Commission meeting will be in 6 weeks, on January 20<sup>th</sup>, and that UBER will be speaking at ABLE's Tree of Life event next week at Tulsa's Woodland Hills Mall. This year, there will be 96 presents

under the tree representing the 96 lives lost in the last 4 years due to alcohol related accidents in Tulsa County.

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

- Reported that all of the district agents participated in the Earth, Wind & Fire exercise for state-wide emergency management.
- Reported that the McAlester agents conducted bar checks with the Ada and Lawton Police Departments, assisted the Okmulgee County Sheriff's Office on a domestic violence call and a church burglary investigation, assisted the Oklahoma Highway Patrol on a traffic stop with a combative driver, and assisted the Stephens County Sheriff's Office with a homicide investigation in Marlow.
- Stated that the Oklahoma City District agents received 107 assignments and completed 104; and worked with both the Tulsa and McAlester enforcement offices to complete a case involving a Class B Wholesaler, a brewer and a retail establishment.
- Reported that Tulsa District agents received 25 assignments and completed 29; and completed a Target Responsibility for Alcohol Connected Emergencies (TRACE) investigation concerning a fatality in the Brookside area of Tulsa.
- Reported that the Too Much Too Lose (2M2L) agents assisted the Automobile Association of America (AAA) Oklahoma by judging the Mocktail Mix-Off. The contest allows bartenders to compete for cash prizes while making fun and tasty non-alcoholic drinks to offer designated drivers and people who chose not to drink. The 2M2L agents also attended Responsible Beverage Service and Sales (RBSS) trainings, gave alcohol awareness presentations for parents and teachers in Norman, and to both Fairview and Dibble public schools.

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

- Stated that gross production tax collections were up 12.9% over the 2015 collections. Total Gross Revenue receipts for November were 4.3% below last year's collections and extended the state's contraction in revenue collections to 21 months. Collections are still just 1.8% below the estimate for the year. State Treasurer Ken Miller stated "...our anchor industry is making slow but steady improvement." He is hoping that Oklahoma will see renewed oil field activity following OPEC's plan to cut production and bring supply more in line with demand.
- Reported that November gross receipts are the lowest since 2010.
- Stated that Goldman Sachs is forecasting oil to reach \$55 a barrel in the first half of 2017. West Texas Intermediate Crude topped out at \$51 a barrel, but closed Wednesday at just under \$50 a barrel.
- Reported that the State Board of Equalization meeting will be on December 21<sup>st</sup> to certify its first revenue estimate for FY2018.
- Stated that the Oklahoma Turnpike Authority (OTA) gave approval for an across the board 12% increase in toll fees pending the finalization of a lawsuit against the OTA.

Chairman Kouri asked for any comments from the public. Hearing none, Chairman Kouri asked for a motion to enter Executive Session.

Commissioner Close made a motion to enter into Executive Session to discuss the Director's Quarterly Performance. Commissioner Forrest seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Johnny Kuhlman – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes

No action was taken in Executive Session.

Chairman Kouri called the meeting to order and called for a motion to return from Executive Session. Commissioner Close made a motion to return from Executive Session. Commissioner Forrest seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Johnny Kuhlman – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes

Commissioner Kouri asked for a motion to adjourn. Commissioner Forrest made a motion to adjourn and Commissioner Close seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Johnny Kuhlman – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes



---

Harry J. "Trey" Kouri, III, Chairman

HJK/mks