



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

January 15, 2016

The filing of the meeting and posting of the agenda was in accordance with the Oklahoma Open Meeting Act. The meeting was filed with the Secretary of State on October 29, 2015. The agenda was posted on January 12, 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.

Chairman Bryan Close 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; Devin Graves; Clarence Warner; Joe Forrest; James Maisano; and Harry J. "Trey" Kouri, III. Others present were: Steven Barker, Assistant Attorney General and ABLE General Counsel; Josh Maxey, Oklahoma House of Representatives Fiscal Staff Budget Analyst; Cynthia Santos, E-Capitol Reporter; J. B. Jarboe, Jarboe Sales Company; Margaret McMorrow-Love, Special Counsel, ABLE Commission; Brett Robinson, Beer Distributors of Oklahoma; ABLE Director Keith Burt; ABLE Assistant Director Jim Hughes; ABLE Administrative Law Judge Luke Simms; Captain Brent Fairchild; Captain Maureen Shanta; Lieutenant Greg Bynum; Lieutenant Erik Smoot; Karen Pilkington, Administrative Assistant; and Office Assistant, Margaret Hooley.

Commissioner Warner made a motion to approve the minutes from the December 11, 2015 Board Meeting. Commissioner Maisano seconded the motion. A roll call vote was taken and recorded as follows:

Devin Graves - Yes
Clarence Warner - Yes
Joe Forrest - Yes
James Maisano - Yes
Harry J. "Trey" Kouri, III - Yes
Bryan Close - Yes

Chairman Bryan Close congratulated Lieutenant Greg Bynum on his 30th year anniversary and presented him with his service certificate and pin.

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

- Director Burt recognized Accountant Sherri Moore for her 10 year anniversary with the state and Senior Agent Tammi Green for her 5th anniversary, both of whom were not present.

- Commented on the outstanding work that retired Finance Officer John Wilson did for the Commission for many years, but that he passed away last month less than 2 years after he retired.
- Recognized Special Counsel Margaret McMorrow-Love, who reported on the Tower Hotel. She explained that the sale had been completed but an extension has been requested for the temporary license while awaiting for court approval of the sale on January 18, 2016. She further reported that Hotel Recovery Management LLC will then apply for a permanent license while renovating and operating the existing hotel which sold for \$19.2 million.
- A short video was presented on "Keep Drivers Safe on New Year's Eve," which involved enforcement activities in Tulsa, Oklahoma.
- Recognized Lieutenant Erik Smoot for a presentation on Community Involvement with local and state law enforcement.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker gave an update on Case No. 12-63-7393, Citizen Potawatomie Nation v. ABLE Commission. Discovery has concluded and summary judgement denied the CPN any monetary award. Trial is set for February 16th through 18th.
- Requested that the FBI National Academy Recognition be postponed to the February 19th Commission Meeting.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker, who gave a Report on Category Management.
- Recognized Captain Maureen Shanta for a report on "Mobile Bars."
- Director Burt gave an update on Attorney General Scott Pruitt's U.S. Supreme Court filing regarding Colorado's recreational marijuana market effect on Oklahoma.
- Director Burt reminded the Commissioners of upcoming events that included the Oklahoma Alcohol Policy Forum on January 27th in Oklahoma City. The event is co-sponsored by the Center for Alcohol Policy and the ABLE Commission. The Tulsa's Mayors' Alcohol Awareness Summit is being held on February 5th in Tulsa, and the Distillers, Importers and Vintners Credit Management Association that will be held in Oklahoma at Aloft Hotel, 209 North Walnut Avenue. A meeting that is not open to the public but ABLE Staff will be presenting if any Commissioner would like to attend.
- The Legislative Review will be added to the February, 2016 agenda, and continue through the legislative session.
- Reported that Kay County intends to put alcoholic beverage Sunday sales on an upcoming ballot and that Latimer County is aiming for a March vote for liquor by the drink.
- Director Burt reported on the recently inducted members of the Oklahoma Law enforcement Hall of Fame.
- Announced that former ABLE Commission Assistant Director Ed Smith is the new Nicoma Park Chief of Police.
- Discussed Senate Public Safety and Judiciary Budget hearings. Vice Chairman Kouri and Commissioner Warner attended and helped with the presentation.
- Real I.D. update and potential legislation has been filed by Senator John Sparks and Representative Kay Floyd to address a solution. Senate Bill 865, if passed, will bring Oklahoma in compliance with the act.

Assistant Director Jim Hughes gave the Enforcement Report which covered the following topics:

- 2Much2Lose agents conducted RBSS training in Newkirk, Altus, Vinita, and Custer County.
- Agents in the Tulsa District investigated a New Year's Eve party that advertised an open bar and did not have a liquor license. A search warrant was served and agents seized 102 bottles of alcohol with the assistance of the Oklahoma Highway Patrol and the Tulsa Police Department.
- An agent arrested an employee of the Hog Pin Bowl in Lawton for public intoxication and possession of narcotics.
- 2Much2Lose agents worked with the Oklahoma Highway Patrol and the Tulsa Police Department in conducting two Driving Under the Influence (DUI) checkpoints resulting in 17 arrests and the issuance of 96 citations. They also attended a youth Kick-Off Event in Tulsa in December; attended 7 coalition meetings; conducted 7 media events; and instructed 11 RBSS (Responsible Beverage Service and Sales) training classes resulting in a total of 521 individuals trained in December.

Assistant Director Jim Hughes had a discussion with the Commissioners on what type of information they would like to see on the Enforcement Report since the information would be available again in the next month or so.

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

- Reported that the State Board of Equalization had estimated a \$900.9 million dollar shortfall for FY 2017.
- Cited Secretary of Finance Preston Doerflinger's declaration of a failure of revenue. A 3% annualized cut would mean 6% each of the final 6 months of this fiscal year or \$84,900.24 a month for the next 6 months to the ABLE Commission.
- Reported state collections for the first 6 months of FY 2016 were 6.2% below the estimate.
- Reported that ABLE collections through December were up 3.3% for the month and about 5% for this fiscal year.

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

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

Devin Graves - Yes
Clarence Warner - Yes
Joe Forrest - Yes
James Maisano - Yes
Harry J. "Trey" Kouri, III - Yes
Bryan Close - Yes



Bryan Close, Chairman