



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
June 05, 2020

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 18, 2019. The agenda was posted on June 2, 2020 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.

**** This public meeting utilized teleconference as authorized through Senate Bill 661, signed into law on March 17, 2020. Members of the public joined the teleconference from remote locations by calling 405-888-8380 to access live audio of the meeting, pursuant to 25 O.S. Section 307.1 as amended. The ABLE Commission also followed all guidance issued by Attorney General Mike Hunter with respect to Senate Bill 661 and the use of teleconference for this meeting. The Commission took a roll call at approximately 15 minute intervals in an effort to ensure a quorum of the Commission was maintained throughout the meeting.**

Commission members appearing in person at the Commission office:

Chairman Joe Forrest
Vice Chairman Jim Weger
Commissioner James Willyard
Commissioner Jonathan Brooks
Commissioner Dee Collins

Commission members appearing remotely:

Commissioner Devin Graves – Altus, OK
Commissioner Harry J. "Trey" Kouri, III – Oklahoma City, OK

Commission staff appearing in person at the Commission office:

Director A. Keith Burt
Deputy Director Steven Barker
Assistant Director Brent Fairchild
Administrative Law Judge/Human Resources Director Matt Stewart
Captain Erik Smoot
Office Assistant Margaret Hooley
Office Assistant Shae Isaacs

Chairman Forrest welcomed visitors listening remotely through the teleconference system.

Commissioner Collins made a motion to approve the minutes from May 15, 2020 Commission meeting. Commissioner Willyard seconded the motion. A roll call vote was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Abstain
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

Director Keith Burt recognized Chairman Joe Forrest for his service to the ABLE Commission and the State of Oklahoma for serving as an ABLE Commissioner for 5 years and Chairman for the past year.

Director Keith Burt recognized Commissioner Dee Collins for his service to the ABLE Commission and the State of Oklahoma for serving as an ABLE Commissioner for 3 years.

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

- Director Burt recognized Captain Erik Smoot regarding the update on the minimum purchase age for tobacco products. Captain Smoot stated that Oklahoma enacted a law that requires a person to be 21 years of age or older to purchase tobacco products. By doing this, it makes Oklahoma the 19th in the Union to do so. He also stated that the ABLE Commission website has been updated to reflect the change and future tobacco compliance checks will reflect the change as well.
- Director Burt recognized Human Resources Director Matt Stewart for an update regarding fraudulent unemployment claims. Mr. Stewart stated that, to date, there have been a total of one hundred and fifty five fraudulent unemployment claims made against the ABLE Commission, with more expected to be received in the future. He stated that ABLE continues to work with the Oklahoma Employment Security Commission’s (OESC) Chief Fraud Investigator, Brett Hanson, in an effort to have these claims flagged as fraud as quickly as possible and to have the appropriate law enforcement authorities informed about these claims for further investigation as necessary. Mr. Stewart stated we will keep the Commissioners advised and that this is a problem affecting numerous states, not just Oklahoma.
- Director Burt stated that throughout the month of May, ABLE staff has been engaged in a vendor selection process to update the ABLE licensing system. Director Burt stated that ABLE has been working with the OMES Information Technology Division in regards to migrating data from ABLE’s antiquated online system to a more user friendly PC based solution. There has been communication with three vendors, Accela Solutions, Computronix, and KPMG; and meetings with two of them. At the end of the conversion, it will be easier for ABLE staff to access information and unify the licensing and enforcement systems. We are expected to begin an approximately fourteenth month implementation process in the fall of 2020. The Commission will be updated on the progress as it becomes available.
- Director Burt reminded the Commission that this meeting, June 5, 2020, replaces the regularly scheduled meeting that was set for June 19, 2020. The meeting was moved up in order to address the emergency rulemaking action. Director Burt also thanked the ABLE personnel that continue to assist OESC with processing unemployment claims, and those who were previously called upon to work in the food banks.

Agents are currently on stand-by for assisting with crowd control. The next meeting of the Commission will be in 6 weeks, on July 17, 2020.

Assistant Director Brent Fairchild presented the following Enforcement Report to the Commissioners:

- Assistant Director Fairchild stated that despite the atmosphere of the COVID-19 pandemic, May has been a busy month as law enforcement personnel begin the transition toward normalcy while continuing to practice social distancing.
 - ABLE agents conducted 134 alcohol compliance checks throughout Oklahoma; Oklahoma City agents conducted 30 bar compliance checks to assist businesses with issues related to the Governor's Open Up and Recover Safely (OURS) plan; and Tulsa ABLE agents received several complaints in regards to the OURS plan and ensured those businesses remained closed until they were legally allowed to reopen.
 - ABLE agents conducted training sessions and technical assistance to: Wagoner County Coalition, Tulsa Area Safe Kids meeting, Oklahoma Prevention Policy Alliance (OPPA), Responsible Beverage Sales and Service (RBSS) Workgroup Meeting, Oklahoma Highway Patrol, Tulsa Police Department, Oklahoma City Police Department, The Council on Law Enforcement Education and Training (CLEET) Basic Police Academy in Ada, St. John's Hospital of Tulsa, Regional Prevention Coordinator Provider Training Group, ROCMND Regional Prevention Coordinator, Oklahoma Department of Mental Health and Substance Abuse, McAlester Victims Impact Panel and Volunteers for Youth.
 - An ABLE agent discovered a retail beer license holder operating as a restaurant and allowing on premise consumption. The licensee was issued five citations.
 - An agent was assigned a TRACE investigation resulting from a fatality car crash caused by an intoxicated motorcyclist.
 - ABLE agents assisted the Mayes County Sheriff's office in the search for a two year old child. The child was found by a fellow volunteer.
 - Oklahoma City agents Wilson and Rembert assisted Captain Bynum with an investigation concerning a winery that was suspected of selling products that are outside the authority granted under their license to sell, as well as a misrepresentation of their products. There were several administrative citations issued.
 - McAlester Agent Ray Fells investigated a business in Choctaw County suspected to be operated by an individual with a felony conviction. It was discovered that the owner of the business had passed away and that an individual with a felony conviction continued to operate the business. The establishment has since been closed.
 - Three teams of ABLE agents are on standby to the Oklahoma Highway Patrol regarding policing the current protests throughout the state of Oklahoma. To date, these teams have not been called to the field, but are available if needed.
- Director Burt stated that the May report for State collections from OMES and the State Treasurer is unavailable due to the early June 5th meeting date. There is a preliminary report for ABLE's May collections, which indicates ABLE collections are approximately 32% less than May 2019. Collections still show that it is just over 6% greater through the eleven months of fiscal year 2020.

Chairman Forrest moved to agenda item #7: Discussion and possible vote to approve or disapprove the following employee training program applicant's curriculum of instruction pursuant to OAC 45: 15-3-1. Captain Erik Smoot stated that the program RESPONSIBLE TRAINING: Oklahoma Responsible Seller Server Training, meets all of the State's requirements and recommends that the Commission approves the program. Commissioner Collins moved to approve the employee training program RESPONSIBLE TRAINING: Oklahoma Responsible Seller Server Training. Commissioner Weger seconded the motion. A roll call vote was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes

Vice Chairman Jim Weger – Yes

Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

Chairman Forrest moved to agenda item #8: Discussion and possible action concerning emergency rulemaking action for the purpose of implementing Senate Bill 1928.

1. Chairman Collins made a motion to approve that substantial evidence exists to require emergency rulemaking action in order to avoid serious prejudice to the public interest as required by 75 O.S. §253(A), including §253(A)(1)(a) protect the public welfare and §253(A)(1)(e) to avoid serious prejudice to the public interest. Commissioner Weger seconded the motion. A role call was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

2. Chairman Weger made a motion to approve to forgo filing a Notice of Rulemaking Intent and Rule Report for purposes of the contemplated emergency rulemaking. Commissioner Brooks seconded the motion. A role call was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

3. Commissioner Brooks made a motion to request a contingent effective date for the emergency rule to be, upon approval of the Governor. Commissioner Willyard seconded the motion. A role call was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes

Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:
Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

4. Commissioner Willyard made a motion to adopt proposed emergency rules as submitted by staff. Commissioner Collins seconded the motion. A roll call was taken and recorded as follows:

Commission members voting in person at the Commission office:
Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:
Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

Chairman Forrest moved to Item #9, comments from the public. Hearing none, Chairman Forrest moved to Item #10 on the agenda, the Director’s Quarterly Performance Review. Commissioner Collins made a motion to move into Executive Session to discuss the Director’s Quarterly Performance. Commissioner Weger seconded the motion. A roll call vote was taken and recorded as follows:

Commission members voting in person at the Commission office:
Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:
Commissioner Devin Graves – Yes
Commissioner Harry J. “Trey” Kouri, III – Yes

No action taken in Executive Session.

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

Commission members voting in person at the Commission office:
Chairman Joe Forrest – Yes
Vice Chairman Jim Weger – Yes
Commissioner James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes

Commissioner Harry J. “Trey” Kouri, III – Yes

Chairman Forrest moved to Item #11 of the agenda, the election of Chairman for the fiscal year 2021. Chairman Forrest made a motion to nominate Commissioner Weger. Commissioner Kouri seconded the motion. A roll call vote was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes

Vice Chairman Jim Weger – Yes

Commissioner James Willyard – Yes

Commissioner Jonathan Brooks – Yes

Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes

Commissioner Harry J. “Trey” Kouri, III – Yes

Chairman Forrest moved to Item #12 of the agenda, the election of Vice Chairman for the fiscal year 2021. Chairman Forrest made a motion to nominate Commissioner Graves. Commissioner Willyard seconded the motion. A roll call vote was taken and recorded as follows:

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes

Vice Chairman Jim Weger – Yes

Commissioner James Willyard – Yes

Commissioner Jonathan Brooks – Yes

Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes

Commissioner Harry J. “Trey” Kouri, III – Yes

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

Commission members voting in person at the Commission office:

Chairman Joe Forrest – Yes

Vice Chairman Jim Weger – Yes

Commissioner James Willyard – Yes

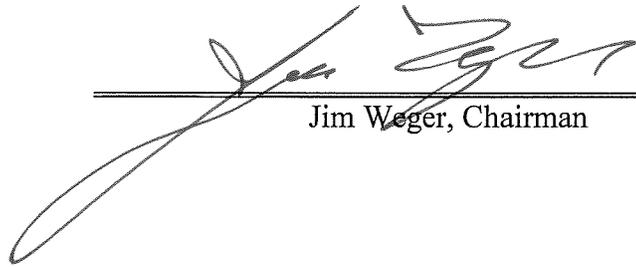
Commissioner Jonathan Brooks – Yes

Commissioner Dee Collins – Yes

Commission members voting remotely:

Commissioner Devin Graves – Yes

Commissioner Harry J. “Trey” Kouri, III – Yes



Jim Weger, Chairman