



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

May 20, 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 May 17, 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 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; Robert Heidlage; Clarence Warner; Joe Forrest; and Harry J. "Trey" Kouri, III. Others present were: Steven Barker, Assistant Attorney General and ABLE General Counsel; J. B. Jarboe, Jarboe Sales Company; Colin Graham, Oklahoma Restaurant Association; Randy Malone, Attorney; and the following ABLE employees: Director Keith Burt; Assistant Director Jim Hughes; Administrative Law Judge Luke Simms; Captain Brent Fairchild; Captain Maureen Shanta; Lieutenant Erik Smoot; Director Burt's Assistant, Kathy Sharp; and Office Assistant, Margaret Hooley.

Commissioner Forrest made a motion to approve the minutes, without correction, from the April 15, 2016 Board Meeting. Commissioner Kouri seconded the motion. A roll call vote was taken and recorded as follows:

Robert Heidlage - Yes  
Clarence Warner - Yes  
Joe Forrest - Yes  
Harry J. "Trey" Kouri, III - Yes  
Bryan Close - Abstain

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

- Thanked everyone who accompanied him last month on the Heart Walk and Governor Fallin's Walk for Wellness.
- A short video was presented on an enforcement action in Claremore, Oklahoma dealing with vapor products.
- Recognized Captain Maureen Shanta for a clarification of Oklahoma's laws on tobacco and vaping products.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker to update the Commissioners on the Potawatomi Nation cases. Mr. Barker stated that there has been no action on the case that was filed by the Tribe in District Court. However, the Tribe

has filed in Federal Court to certify the Arbitrator's decision. The State of Oklahoma has filed to have the Arbitrator's award thrown out since the ABLE Commission issue was not addressed.

- Director Burt stated that the Office of Management and Enterprise Services (OMES) is meeting with agencies to discuss shared and overlapping services based on the passage of HB1207. The ABLE Commission has now contracted with OMES to assist with deposits, reconciliation of accounts and budget reporting. This has allowed us to reduce our Business Office staff.
- Director Burt stated that he would like to table the Real I.D. Compliance report until next month's meeting.
- Recognized Captain Brent Fairchild on an update of the sale of low-point beer at the RAYO soccer games being held at the Yukon High School. The District Court Judge ruled in favor of the team and allowed the sale, but the team must apply for a new license for each game.
- Recognized Lieutenant Erik Smoot for a presentation on the Commission's participation in Pontotoc County Drug Free Coalition. The meeting was held in Ada and covered the enforcement problems regarding the legalization of marijuana in the state of Colorado.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker for an update on Initiative Petitions 783, 785, 786, 789 and 791. Subject: Modernization of Oklahoma Liquor Laws.
- Recognized Captain Maureen Shanta for an update on HB 3146 dealing with the changes of Driving Under the Influence (DUI) statewide. All DUI tickets have to be filed in a court of record, the Department of Public Safety (DPS) will create a tracking system and a first violation will now become a felony.
- Updated the Commissioners on Governor Fallin's three new executive orders since the last Commission meeting.
- Director Burt stated that he had prepared a staffing impact report for the addition of more personnel if impending legislation passes granting the ABLE Commission more licensees to oversee.
- Director Burt presented the Commissioners with a draft concerning unlicensed businesses serving complimentary beverages. If the Commissioners do not have any further recommendations, the statement will be posted on the ABLE website on June 1<sup>st</sup>.
- Announced the rescheduling of the Governor's Impaired Driving Prevention Advisory Council (GIDPAC) meeting to June 21<sup>st</sup> at 1:30 p.m.
- Asked everyone to be present during the July meeting so pictures of the full Commission can be made. Also, on the June agenda, the election of officers for the ABLE Commission for next year will be held.

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

- Reported that agents worked a special program in Comanche County for the prom season. The agents, along with 10 local agencies, worked a prom enforcement night which resulted in 20 compliance checks and 7 bar checks, which resulted in the issuance of 4 citations.
- Stated that the McAlester agents spoke at the Ft. Sill Health Expo, Lawton/Ft. Sill Community Coalition, Southern Plains Tribal Health Board Communities, Haskell County Week of the Young Child event, the Haskell County Coalition meeting, a community event

in Stigler, conducted 2 Responsible Beverage Service and Sales (RBSS) training sessions, and presented training on liquor laws at the Lawton Police Department academy along with a Council on Law Enforcement Education and Training (CLEET) basic academy class.

- Reported that the Tulsa agents spoke at the Liberty Mounds High School pre-prom assembly, conducted Cops-N-Shops in Adair County, worked with the Osage County Sheriff's Office on an establishment investigation, completed a social host investigation, worked with the Kay County Sheriff's office in checking 15 locations for the sale of alcohol or low-point beer to minors, and assisted the Haskell Police Department with surveillance at a convenience store selling low-point beer to minors.

- Stated 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 180 citations being issued. Assisted the OHP, Payne County Sheriff's Office and the Oklahoma State University Police with alcohol enforcement relating to the annual Calf Fry in Payne County resulting in 1,283 citations issued, attended 9 coalition meetings, and conducted 11 trainings during the month.

- Reported that a McAlester agent was notified earlier this morning and asked to assist in an investigation on a possible death relating to moonshine consumption and that 2 others were in a coma at the local hospital.

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

- Stated that April's total revenue collections marked a year of contractions and gross production collections hit their lowest point in nearly 17 years.

- Reported that State Treasurer Ken Miller stated, "The state's anchor industry continues to work through a supply driven contraction and the effect is being seen in each of Oklahoma's revenue streams."

- Stated April's receipts were down \$140.4 million or 10.6% from April of 2015, the lowest amount for April in 4 years.

- Secretary of Finance and Revenue, Preston Doerflinger stated that even though April collections missed the estimate by over 12%, it is unlikely to cause a 3<sup>rd</sup> mid-year reduction to agencies general revenue allocations. All agencies have experienced 2 reductions this fiscal year.

- Reported that ABLE collections were up just over 10% for the month and up almost 6% for the year.

- Stated that SB 1030 requires agencies to submit data estimating the next 2 years' gross revenue figures, mandates the Legislature to enact performance measurements, and OMES to provide legislators with a multiyear trend analysis. SB1342 is being called the Federal Funds Transparency Act. When the Legislators pass a budget, this bill will help them determine the total funds available to state agencies. It gives lawmakers a more complete picture of state spending as they craft the budget. It goes into effect January 1, 2017. Both SB1030 and SB1342 are seen as providing greater transparency and will provide more informative budget tools.

- Mentioned that there are only a couple of weeks left in this year's legislative session and our agency has not received any concrete numbers regarding FY2017's budget, but with a \$1.3 billion shortfall, it could be as much as an additional 15% in addition to the current cuts.

- Reported that recently passed finance reforms will generate more than \$250 million and HB3206 could certify funds remaining in the Cash Flow Reserved Fund available for transfer and appropriations which would add another \$125 million to be available to appropriate.
- Stated that some agencies are bracing for additional layoffs or furloughs. The ABLE Commission has not yet had to do that.

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, HB1719; HB2756, and HB2840.

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

Robert Heidlage - Yes  
Clarence Warner - Yes  
Joe Forrest - Yes  
Harry J. "Trey" Kouri, III - Yes  
Bryan Close – Yes

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

Robert Heidlage - Yes  
Clarence Warner - Yes  
Joe Forrest - Yes  
Harry J. "Trey" Kouri, III - Yes  
Bryan Close – Yes

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

Robert Heidlage - Yes  
Clarence Warner - Yes  
Joe Forrest - Yes  
Harry J. "Trey" Kouri, III - Yes  
Bryan Close – Yes

---

Bryan Close, Chairman

BC/ks