



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

November 18, 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 November 15, 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 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; Devin Graves; Johnny Kuhlman; and Harry J. "Trey" Kouri, III. Others present were: Jim Hopper, Oklahoma Restaurant Association; J. B. Jarboe, Jarboe Sales Company; Todd Gayer and James Milner, Republic National Distributing; Christie Southern, E-Capitol Reporter; Brett Robinson, Beer Distributors of Oklahoma; and Randy Malone, Attorney. 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; Captain Joe Daniels, Lieutenant Erik Smoot; Senior Agent Todd Anthony; Director Burt's Assistant, Kathy Sharp; and Office Assistants, Margaret Hooley and Shae Isaacs.

Commissioner Graves made a motion to approve the minutes from the October 21, 2016 Board Meeting. Commissioner Kuhlman seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes
Devin Graves – Yes
Johnny Kuhlman – Yes
Harry J. "Trey" Kouri, III – Yes

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

- Recognized Senior Agent Todd Anthony for a power point presentation on Creating Alcohol Responsibility Everywhere (CARE).
- Recognized Lieutenant Erik Smoot to report on the ABLE Commission's involvement with the statewide exercise called "Earth, Wind and Fire" which was sponsored by Emergency Management. This was an exercise to prepare agencies like the ABLE Commission when they are called out in an emergency.

- Director Burt stated that Okfuskee and Latimer counties passed liquor-by-the-drink on November 8th and that Potawatomi County voted to allow Sunday sales. Also, State Question #792 (alcohol modernization) passed with a vote of 66% to 34%.
- Recognized Captain Maureen Shanta for an update on the Real I.D. Act. Captain Shanta reported that the State of Oklahoma has not been given an extension so as of January 30, 2017 an Oklahoma Driver's License will not be considered a valid I.D. to gain access to a military base or a Federal facility. Further, as of January 2018, a passport will be needed to board any commercial flight within the United States. She also reported that Senator Kay Floyd and Senator John Sparks have co-sponsored Senate Bill 0001 to rescind the law passed in 2007 not to comply with the Real I.D. Act.
- Recognized General Counsel Steven Barker to present the Commission with a synopsis of SB383, Sections 37-48.
- 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 with the passage of Sunday sales in Potawatomi County, the lawsuit will be a moot point and expected to have finalization by December. He also reported that on November 3rd, the State requested oral arguments concerning the other case currently in the 10th Circuit Court of Appeals, regarding an Oklahoma tax issue.
- Recognized Captain Brent Fairchild to report on the FBI Law Enforcement Executive Development Association (LEEDA) training. Captain Fairchild stated that it was the 119th LEEDA Institute Program executive leadership class and it was the most informative class that he had ever attended. Director Burt stated that he planned on sending all captains to the class in the future.
- Recognized Shae Isaacs for a report on the ABLE Commission's involvement with this year's charitable contributions. Ms. Isaacs stated that the State of Oklahoma's charitable organization is the United Way and that this year the Commission's contribution was \$1,395, which exceeded the \$1,000 goal that was set.
- Recognized Captain Maureen Shanta for an update on the Licensing Application Replacement Solution that is being conducted by Office of Management and Enterprises Services (OMES). Captain Shanta stated that they are in the early stages of development, but OMES has identified approximately 40 to 50 agencies in the same situation as ABLE, who have aging I.T. programs and issue licenses. OMES hopes to complete the project by December, 2018.
- Director Burt reported that former Attorney John Maisch will be at the December meeting to update the Commission on the situation at the White Clay Indian Reservation. Director Toby Taylor from the Oklahoma Highway Safety office and who chaired the Governor's Impaired Driving Prevention Advisory Council (GIDPAC) for the past year, is leaving to take a position in the private sector. He is having a retirement party today at 2:00 p.m. if anyone would like to attend. He also stated that the next Commission meeting will be in 3 weeks on December 9th and that the Fact Sheet will be sent on December 2nd. He didn't expect to have the final reports for finance or enforcement, due to limited time to collect November data, but will have them available at the meeting.

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

- Reported that all of the district agents participated in the bi-annual shotgun/night-fire agency training in Oklahoma City during the month of October.
- Reported that the McAlester agents assisted the District Attorney's office with arrest warrants in Stephens and Grady counties; investigated a complaint at a club holding a private party with over 20 underage individuals; worked bar checks with the gang unit in Lawton; and Captain Joe Daniels was the featured speaker at the 63rd Annual Educational Conference for the Oklahoma Society of Environmental Health Professionals in Tulsa.
- Reported that Tulsa District agents investigated a liquor store in Owasso that picked up a shipment of strong beer from a Tulsa brewery that had been sold to a Class B Wholesaler. The beer should have been picked up by the wholesaler and then delivered to the liquor store. Citations were issued to both the Class B Wholesaler and the liquor store. Agents seized 537 cans of strong beer.
- Stated that the Oklahoma District agents received 151 assignments and completed 144; worked with the Oklahoma City Police Special Projects Unit investigating citizen complaints; and Agent Bynum presented a Red Ribbon Week presentation for the entire student body at Blanchard High School.
- Reported that the Too Much Too Lose (2M2L) agents assisted the Stillwater Police Department with Driving Under the Influence (DUI) checkpoints; investigated an underage party at Oklahoma State University; assisted the Tulsa County Sheriff's office with alcohol and low-point beer compliance checks at the Tulsa State fair; assisted in the planning and preparation of the Bixby ENDUI Walk; and conducted various training sessions.

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

- Stated that October state collections missed the official estimate by 10.8%. Total Gross Revenue Fund collections through the first 4 months of FY17 are 1.8% below the estimate or 8.7% below prior year collections. Last year's collections were 2.8% below the estimate at this time last year before the bottom fell out and there was a revenue failure necessitating two mid-year budget cuts. Secretary of Finance Preston Doerflinger stated "...while we're not in as bad shape as last year, we need to be ready to face challenges ahead."
- Stated that West Texas Crude was just over \$45.50 a barrel at the close of business Thursday.
- Reported that Oklahoma's September unemployment stood at 5.2%, up a tenth of a percent from August and higher than the national average for the third month in row.
- Stated that ABLE collections were up almost 4% for October and up over 10% though the first four months of FY17.
- Reported that the Commission is well within the spending limits of this year. In December, the State Board of Equalization will make its first estimate for FY18 numbers with early indications that there will be fewer dollars to appropriate.

Chairman Kouri asked for any comments from the public. Hearing none, Commissioner Kouri asked for a motion to adjourn. Commissioner Graves made a motion to adjourn and Commissioner Close seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes
 Devin Graves – Yes

Johnny Kuhlman – Yes
Harry J. “Trey” Kouri, III – Yes



Harry J. “Trey” Kouri, III, Chairman

HJK/mks