



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

September 16, 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 September 13, 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; Devin Graves; Robert Heidlage; Joe Forrest; and Harry J. "Trey" Kouri, III. Others present were: Steven Barker, Assistant Attorney General and ABLE General Counsel; Joel Dean, Journal Record; Jessica Hawkins, Department of Mental Health; Collin Graham, Oklahoma Restaurant Association; Todd Gayer, Republic National Distributing; Cynthia Santos, E-Capitol Reporter; and Kevin Wisdom, Office of Management and Enterprises Services (OMES). Oklahoma ABLE employees attending were: Director Keith Burt; Administrative Law Judge Luke Simms; Captain Brent Fairchild; Captain Maureen Shanta; Captain Dennis McGowen; Director Burt's Assistant, Kathy Sharp; and Office Assistants, Margaret Hooley and Shae Isaacs.

Commissioner Forrest made a motion to approve the minutes from the August 19, 2016 Board Meeting. Commissioner Close seconded the motion. A roll call vote was taken and recorded as follows:

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

The record reflected that Commissioner Devin Graves arrived just after the start of the following Director's report.

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

- Stated that Shelly Berry, who is an accountant in our business office, was involved in a car accident Thursday night and has sustained injuries that will cause her to miss some work.
- Director Burt stated that Agent Todd Anthony's presentation on Alcohol Responsibility has been moved to the October meeting.
- Recognized Assistant Attorney General and ABLE General Counsel Steven Barker to present the Commission with a synopsis of SB383, Sections 13-24.

- Again recognized Assistant Attorney General and ABLE General Counsel Steven Barker to discuss a legal opinion on the question of bottle service in wet counties.
- Reported that the people of Potawatomi County will vote on Sunday sales in the November election which may make the lawsuit in the Citizen Potawatomi Nation (CPN) vs ABLE Commission, Case Number 12-63-7393, moot. Assistant Attorney General and ABLE General Counsel Steven Barker stated that the appeal of the arbitration case was in the 10<sup>th</sup> Circuit Court of Appeals and that there still had not been any action on the lawsuit filed in Potawatomi County. Director Burt stated the CPN has been cooperating fully by not selling alcoholic beverages on Sundays while this matter was on appeal.
- Stated that Governor Mary Fallin issued executive orders placing the following items on the November ballot: SQ776 provides constitutional language to enforce the death penalty; SQ777 is known as the Right to Farm bill which guarantees the right of certain farming and ranching practices; SQ779 would increase the State's sales tax by 1% to fund a \$5,000 a year teachers' pay raise; SQ780 that reduces certain low level offenses to misdemeanors rather than a felony; SQ781 would invest the anticipated cost savings from lowered incarceration rates into rehabilitation programs to treat substance abuse (contingent on the passage SQ789); SQ790 repeals the part of the state constitution which in turn would allow public money to be spent on religious purposes; and, SQ792 which allows grocery and convenience stores to sell strong beer and wine, and reforms the state's constitutional alcohol provisions.
- Reported that Office of Management and Enterprises Services (OMES) Chief Information Officer, Bo Reese, said, "...about 64 of the agencies have completed the mandated I.T. consolidation process." The estimated savings to the state is about \$115 million so far. OMES expects to be finished with the consolidation by the end of this fiscal year. Director Burt stated that the consolidation has not been convenient, but has saved the agency money. He thanked Comptroller Ron Malone and Captain Maureen Shanta for working with OMES and eliminating the services that ABLE does not need thus reducing the cost to the agency.
- Stated that the new telephone service is in place and that someone with OMES is available to assist the Commissioners in setting up and retrieving their individual voice mail.
- Reported that the Synar inspections are complete and the final data is being collected. The numbers will be over the required 80% compliance rate, but he will have the exact percentages by the next Commission meeting. Recognized Jessica Hawkins, Department of Mental Health, who partners with the Commission and funds the two 2Much2Lose (2M2L) agents.
- Stated how he appreciated everyone who worked at the Oklahoma Restaurant Association (ORA) sponsored Food Show. The ORA allowed the Commission to have a public service booth and it was manned by Captain Maureen Shanta, Lieutenant Erik Smoot, and office assistants Margaret Hooley, Shae Isaacs, and Paula Jeffreys.
- Reported that the National Liquor Law Enforcement Association (NLLEA) will be hold the 31<sup>st</sup> National Convention in 2017 in Oklahoma City and that the Commission will be the hosting agency. The NLLEA is a non-profit organization of law enforcement personnel dedicated to the enforcement of liquor laws and regulations, and that former ABLE Commissioner Assistant Director Tommy Marvel was one of the founding members. He stated that he would have more details as the convention nears.

Captain Dennis McGowen presented the following enforcement report to the Commissioners in the absence of Assistant Director Jim Hughes:

- Reported that the McAlester agents conducted Responsible Beverage Sales and Service (RBSS) training in Okmulgee and Durant, provided National Liquor Law Enforcement Association (NLLEA) grant law enforcement training for the Okemah and Stigler Police Departments, and spoke at the IAMNDN (I am Indian) Culture's Prevention Summit.
- Agents attended the Oklahoma Emergency Manager Association conference in Norman.
- Stated that Oklahoma City District agents assisted the Norman Police Department with a sweep of Campus Corner in Norman.
- Reported that Tulsa District agents instructed RBSS training in Kay County, spoke to the Muskogee Chamber of Commerce on alcohol laws, completed a Target Responsibility for Alcohol Connected Emergencies (TRACE) investigation in Washington County, and started another TRACE investigation in Tulsa County.
- Reported that the Too Much Too Lose (2M2L) agents assisted the Broken Arrow Police Department with a TRACE investigation, worked with the Oklahoma Highway Patrol, Tulsa Police Department, and Tulsa County Sheriff's office on a DUI check point in Tulsa resulting in 6 arrests and 122 citations. Agents also attended the Native American Summit in Lawton, attended 7 coalition meetings, instructed 9 RBSS classes, and provided technical assistance to 19 different groups or agencies during the month of August.

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

- Stated that the State's gross receipts continued the downward trend for the 18<sup>th</sup> consecutive month in August and that Oklahoma's 5% unemployment rate topped the national average of 4.9%. Collections were down 4% from August, 2015.
- Reported that State Treasurer Ken Miller stated, "A running average over the past 12 months shows every major revenue stream remains lower than the previous year." However, the receipts were less than last year's, but they did exceed the estimate which predicted a lower trend.
- Reported that ABLE collections were up over 10% from last August and over 14½% through the first two months of FY17.
- Informed Commissioners that the two mid-year 7% budget cuts during the last fiscal year were over-withheld by \$140.8 million. The ABLE Commission's share is \$72,012.90 and will be returned in October.
- Reported that Representative Randy McDaniel, who chairs the House Committee responsible for overseeing the State's various pension funds, announced that he does not see any major reforms this upcoming year. Both the Police Pension and the Law Enforcement Retirement funds were down for the year, but the Oklahoma Public Employee Association fund was up.
- Reported that according to GasBuddy.com, gas prices fell an average of 2.7¢ nationally the week before Labor Day and believes that prices will continue to decrease into autumn. The nation's average was about \$2.19 a gallon.

Chairman Kouri continued to Item #6 and asked if there was any discussion on the agency's FY18 proposed budget. Hearing none, Commission Kouri asked for a motion to approve the proposed budget.

Commissioner Graves made a motion to approve the ABLE Commission's FY18 budget request as presented. Additional funding requests included: \$104,000 for data conversion; \$670,032 for 6 law enforcement agents; \$158,400 for vehicles for the new 6 agents; \$57,000 for a full time General Counsel; and \$42,740 for an accountant. Commissioner Forrest seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Devin Graves – Yes  
Robert Heidlage – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes

Chairman Kouri asked for any comments from the public. Hearing none, Commissioner Kouri asked the other Commissioners if they objected to a short break before continuing with the Director's Quarterly Performance Review. A representative from OMES was at the meeting to assist the Commissioners with setting up and retrieving their new e-mail and telephone messaging system.

After a short break, Chairman Kouri asked for a motion to enter Executive Session.

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

Bryan Close – Yes  
Devin Graves – Yes  
Robert Heidlage – 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 Heidlage made a motion to return from Executive Session. Commissioner Graves seconded the motion. A roll call vote was taken and recorded as follows:

Bryan Close – Yes  
Devin Graves – Yes  
Robert Heidlage – Yes  
Joe Forrest – Yes  
Harry J. "Trey" Kouri, III – Yes

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

- Bryan Close – Yes
- Devin Graves – Yes
- Robert Heidlage – Yes
- Joe Forrest – Yes
- Harry J. “Trey” Kouri, III – Yes



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Harry J. “Trey” Kouri, III, Chairman

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