



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

November 15, 2024

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. The notice of the meeting was filed with the Secretary of State on November 1, 2023. The agenda was posted on November 12, 2024, on the front and back doors of the 50 Northeast 23<sup>rd</sup> Street building in Oklahoma City, the door of the ABLE Commission's Office Reception area, and the ABLE Commission website.

Chairman Brooks called the meeting to order at 10:05 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23<sup>rd</sup> Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: Jonathan Brooks; Andrew Revelis; A. Ainslie Stanford; and Austin Benton.

The visitors that were in attendance were: Lauren Kidwell and Blanca Juarez, Oklahoma Department of Mental Health and Substance Abuse Services; J.B. Jarboe, Southern Glazers Wine & Spirits; Todd Cox, Traditions Spirits; Samantha Guinn, Institute for Responsible Alcohol Policy; Donald Brain, Handcrafted Wine & Spirits; Heidi Shadid, Beer Distributors of Oklahoma; Collin Graham, Oklahoma Restaurant Association; Justin Naifeh, Republic National Distributing Company; Gordon Green, Capital Distributing; McKenna Perrin, Spencer Guinn and Alex Adkins, Beer Distributors of Oklahoma; Ellen Spiropoulos and Mark Hornbeek, Phillips Murrah Law Firm; Tyler Talley, Quorum Call; and Diana Duran, LegisOK.

The following ABLE Commission employees in attendance were: Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; Chief Law Enforcement Agent Todd Peck; Deputy General Counsel Leif Arvidson; Licensing Director/Prosecuting Attorney Kate Springer; Assistant Attorney General and ABLE Commission legal counsel Joe Dewey from the Office of the Attorney General; Licensing Supervisor Carla Clanton; Captain Scott Smith; Captain Kent James; Captain Mike Randol; Lieutenant Todd Anthony; and Executive Secretary Shae Isaacs.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Vice Chairman Andrew Revelis, Commissioner A. Ainslie Stanford, and Commissioner Austin Benton. A quorum was then established for the ABLE Commission meeting November 15, 2024.

Assistant Attorney General and ABLE Commission legal counsel, Joe Dewey, acknowledged that the ABLE Commission is compliant with the Open Meeting Act. A notice of the meeting and agenda were posted 48 hours prior to the meeting and in accordance with Oklahoma statute 25 O.S. §311.

Chairman Jonathan Brooks moved to agenda item #5, review, discussion and possible action to approve, amend or reject the minutes from the October 18, 2024, regular meeting of the ABLE Commission. Commissioner Benton made a motion to approve the minutes from the October 18, 2024, commission meeting. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
Vice Chairman Andrew Revelis – Abstain  
Commissioner A. Ainslie Stanford – Yes  
Commissioner Austin Benton – Yes

## EXECUTIVE DIRECTOR'S REPORT FOR OCTOBER 2024:

Chairman Jonathan Brooks moved on to Item #6 on the agenda, presentation of Executive Director's Report and review of administrative and operational activities for October 2024, with possible discussion. Executive Director Brandon Clabes provided the following information to the ABLE Commission:

- Director Clabes met with many different entities, committees, agencies and conferences including: meeting with Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS); Oklahoma State Bureau of Investigations (OSBI), attended the Rose State College Regents meeting; Hispanic Heritage Month luncheon at the Governor's mansion; Oklahoma Bureau of Narcotics and Dangerous Drugs (OBND); Oklahoma State Department of Health; Office of Management and Enterprise Services (OMES); attended Oklahoma State Higher Regents Hall of Fame banquet at University of Central Oklahoma and attended the Oath of Office for the new police chief of Midwest City Police Department, Greg Wipfli; Mayor Craig Young of Idabel; Senator George Young; Representative J.J. Humphrey; along with members of the media, several constituents and concerned citizens of the public.
- Director Clabes and Assistant Director Carter met with Chief Financial Officer/Comptroller Jennifer Treadwell and Human Resources Director, Christine Chalmers, regarding several finance and human resource issues.
- Chief Peck has completed the security system at our new property room storage facility and continues to disseminate new policy and procedures on a weekly basis.
- The ABLE Commission is asking for OMES to provide a detailed estimate of the cost of a new project associated with digitizing the agency's backlogged records.
- Director Clabes stated that the Oklahoma Health Department has opted not to pursue the grant through the United States Food and Drug Administration (FDA). ABLE has been decided to work with the FDA and the Health Department to apply for the grant through the ABLE Commission. Currently, the agency has a current government Secure Access Management Services (SAMS) number but solicitation for the grant has not been published.
- ABLE continues to research for sim cards for the agents to assist with better mobile computer connections in the field. Also, the agency is still inquiring about the process of purchasing sights for issued weapons and there is an interest in non-lethal tazers as an alternate use of force mechanism.
- State Representative J.J. Humphrey has forwarded complaints regarding certain cases. The complaints have been distributed to the McAlester district enforcement office and more information will be gathered for a review.
- Director Clabes and other members of ABLE staff have met with lobbyist and wholesalers throughout the month to discuss better communication among the agency and industry representatives.
- Director Clabes participated in a zoom meeting finalizing the Medal of Valor nominations.
- The next regular ABLE Commission meeting will be in 4 weeks on December 13, 2024 and Special Meeting scheduled in 3 weeks on Wednesday, December 4, 2024.

- Chairman Jonathan Brooks moved on to Item #8 on the agenda, report from Chief Law Enforcement Agent with possible discussion. Chief Law Enforcement Agent Todd Peck presented an update of the respective enforcement departments and tasks that have been completed since the last Commission meeting.

Chairman Jonathan Brooks moved on to Item #9 on the agenda, Assistant Director's operational, docket and legislation report with possible discussion. Assistant Director/General Counsel/ Public Information Officer Lori Carter presented the following legislative and legal report to the Commission:

- Assistant Director Carter's docket report consists of 68 cases settled for the month of October. For the month of November, there have been 27 cases resolved thus far. There are 4 cases pending for November and 54 cases pending for December.
- Assistant Director Carter presented an update of the "Total Wine" case. The ABLE Commission filed a motion to dismiss the appeal that was filed in Cleveland County district court. The district court judge has made the temporary decision to hold the case pending the outcome of the Commission's final decision with the December 4, 2024, Special Meeting.
- The ABLE Commission continues to move forward with researching for a new payment processing software. Once a suitable system is discovered, the information will be presented to the Governmental Technology

Applications Review Board (GTARB) for approval before the system can be put into place. More information will be distributed to the Commissioners once available.

- OMES has approved for the ABLE Commission to proceed with the contract for the CLIO software for new legal docket system. This system will assist the legal department with organization and processing of their current cases.
- Legislative Report:
  - Assistant Director Carter continues to monitor interim studies that may affect the ABLE Commission.
  - Assistant Director Carter stated that all new Senate legislators were sworn into the Oklahoma Senate on November 13, 2024, and members of the House will be sworn in on November 20, 2024.
  - New leadership consist of Senator Lonnie Paxton (R-Tuttle), is the new Senate Pro Tem Designee. Senator Julie Daniels (R-Bartlesville) is the new majority floor leader. Also, Senator Chuck Hall (R-Perry) is the appropriations chairperson and Senator John Haste (R-Broken Arrow) is the appropriations vice-chairperson.
  - Oklahoma legislators can start filing bills as early as November 15, 2024.

Chairman Jonathan Brooks moved on to Item #10 on the agenda, the Accela IT update and licensing department report with possible discussion. Licensing Supervisor Carla Clanton presented a PowerPoint presentation report for the licensing department and Accela licensing system update for November 2024 and covered the following topics: Accela update and quotes; and Accela top cases pending and resolved.

Also, a licensing report was provided over the following topics: The number of new business licenses issued from October 12, 2024, to November 8, 2024 (128); The number of individual licenses issued from October 12, 2024, to November 8, 2024 (5,254); Plus, the total of active licenses (162,110); A copy of monthly applications services reporting contract was also provided to the Commissioners for October 2024. The latest count of registered ABLE public users that have registered in the new online system is 230,469.

Chairman Jonathan Brooks stated that Item #11 on the agenda, discussion and possible action concerning the procedure and scheduling of the review of the record pursuant to 37A O.S. 2-151, in the case of Sooner Fine Wines and Spirits, LLP versus Oklahoma ABLE Commission, RETA-2024-21, will be moved until after Executive Session is completed.

Chairman Brooks moved to Item #12 on the agenda, discussion and possible action on proposed changes to the ABLE administrative rules, Okla. Admin. Code §45. Specifically, changes to the ABLE Administrative Rules, Major Violations Penalty Schedule A and Minor Violations Penalty Schedule B. Deputy General Counsel Leif Arvidson presented 3 documents: Rulemaking Timeline – 2024-2025; Proposed Revisions to Administrative Rules starting with Title 45; and Proposed Revisions to two (2) penalty schedules, Major Violations Penalty Schedule A and Minor Violations Penalty Schedule B. Mr. Arvidson provided a summary of the documents and highlighted important features.

The Rule Subcommittee Chairperson, Commissioner Austin Benton, provided his input and suggested changes to the Administrative Rules. He stated that he and Commission A. Ainslie Stanford II reviewed the information and they were in agreement with the suggested changes and proposed rules that were presented.

Commissioner Benton made a motion to proceed with the proposed Administrative Rule changes as written and to submit the Notice of Intent to the Secretary of State. Commissioner Stanford seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
Vice Chairman Andrew Revelis – Yes  
Commissioner A. Ainslie Stanford – Yes  
Commissioner Austin Benton – Yes

Chairman Brooks moved to Item #13 on the agenda, comments from the public limited to items on the agenda for meeting date November 15, 2024.

- Lauren Kidwell and Blanca Juarez, Oklahoma Department of Mental Health and Substance Abuse Services made a comment regarding the alcohol purchase preliminary results and expressing appreciating to ABLE fo their assistance with the Synar program.

- Collin Graham with the Oklahoma Restaurant Association made a statement regarding the influx of false identifications that are presented in businesses.
- Spencer Guinn with the Beer Distributors of Oklahoma expressed his appreciation to the ABLE Commission for their assistance.

Chairman Brooks moved to Item #14 on the agenda, new business in any matter not known about or, which could not have been reasonably foreseen prior to the time of the posting of the agenda. There was no new business to discuss.

Chairman Jonathan Brooks moved on to Item #15 on the agenda, discussion and possible action to enter into Executive Session as authorized by 25 O.S. § 307 (B)(4). Discussion of confidential communications between a public body and its attorney concerning pending investigations, claims, and actions, the disclosure of which would seriously impair the public body's ability to process the claims or conduct investigations, litigation, or proceedings in the public interest. Commissioner Revelis made a motion to move into Executive Session. Commissioner Benton seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
 Vice Chairman Andrew Revelis – Yes  
 Commissioner A. Ainslie Stanford – Yes  
 Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:04 a.m.

Commissioners exited Executive Session at 11:34 a.m.

Chairman Jonathan Brooks called the meeting to order at 11:34 a.m. and called for a motion to return from Executive Session. Commissioner Benton made the motion to return from Executive Session. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
 Vice Chairman Andrew Revelis – Yes  
 Commissioner A. Ainslie Stanford – Yes  
 Commissioner Austin Benton – Yes

No action was taken in Executive Session

Chairman Jonathan Brooks moved back to on to Item #11 on the agenda, discussion and possible action concerning the procedure and scheduling of the review of the record pursuant to 37A O.S. 2-151, in the case of Sooner Fine Wines and Spirits, LLP versus Oklahoma ABLE Commission, RETA-2024-21. Chairman Brooks stated that Assistant Attorney General and ABLE Commission legal counsel, Joe Dewey will relay information regarding the preliminary rules for the Special Meeting that will be held on Wednesday, December 4, 2024.

Assistant Attorney General Joe Dewey stated:

- During the meeting, both parties will be allotted thirty (30) minutes each to present their case in which will include their closing arguments.
- The legal counsel for the ABLE Commission will present their case first and the attorney representing Sooner Fine Wines and Spirits, LLP will present their case second.
- There will not be any new evidence presented during the Special Meeting for either party.
- If either party would like to bring special attention to any particular item that was presented to the Administrative Law Judge, a packet will be sent to Assistant Attorney General Joe Dewey no later than a week before the Special Meeting. He will then provide that information to the ABLE Commissioners.
- No powerpoint or visual presentations will be allowed during the Special Meeting to reduce the risk of any new evidence being presented.
- Assistant Attorney General Joe Dewey will prepare a written statement of these rules to present to the Commissioners and attorney representatives.

- Assistant Attorney General Joe Dewey clarified that both parties are to turn in their condensed packets no later than Wednesday, November 27, 2024 and electronic submission is allowed.

Chairman Jonathan Brooks stated the details of the Special Meeting in the case of Sooner Fine Wines and Spirits, LLP versus Oklahoma ABLE Commission, RETA-2024-21. The meeting will be on Wednesday, December 4, 2024 at 10:00 A.M. The location is at the Office of the Medical Examiner, 921 Northeast 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105. The next regular meeting the ABLE Commission will be held on Friday, December 13, 2024 at 10:00 A.M. The location is the Oklahoma ABLE Commission, 50 Northeast 23<sup>rd</sup> Street, Oklahoma City, Oklahoma 73105.

Chairman Jonathan Brooks moved on to Item #16 on the agenda, review, discussion and possible action to retain Executive Director Brandon Clabes and set salary. Director Clabes' evaluation was taken place during the Executive Session of the October 2024 regular Commission meeting. Commissioner Benton made a motion to retain Director Brandon Clabes and set his salary at the maximum allowed by State law. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
Vice Chairman Andrew Revelis – Yes  
Commissioner A. Ainslie Stanford – Yes  
Commissioner Austin Benton – Yes

Assistant Attorney General Joe Dewey stated, for the record, the new salary for Director Clabes is retroactive back to October 1, 2024.

The motion was amended and Commissioner Benton made a motion to retain Director Brandon Clabes and set his salary at the maximum allowed by State law and retroactive to October 1, 2024. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
Vice Chairman Andrew Revelis – Yes  
Commissioner A. Ainslie Stanford – Yes  
Commissioner Austin Benton – Yes

Chairman Jonathan Brooks moved on to Item #17 on the agenda, adjournment. Commissioner Revelis made a motion to adjourn the meeting. Commissioner Benton seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes  
Vice Chairman Andrew Revelis – Yes  
Commissioner A. Ainslie Stanford – Yes  
Commissioner Austin Benton – Yes

The meeting was then adjourned at 11:42 a.m.



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Jonathan Brooks, Chairman