



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION SPECIAL MEETING

December 4, 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 19, 2024. The agenda was posted on November 27, 2024, on the front and back doors of the 50 Northeast 23rd 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 10:02 a.m. at The Office of the Chief Medical Examiner located at 921 Northeast 23rd Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: Jonathan Brooks; Andrew Revelis; Matthew Crook; Robert "Bob" Usry; Keith Mitchell; A. Ainslie Stanford; and Austin Benton.

The individuals that were in the attendance to represent the ABLE Commission were: Director Brandon Clabes; Assistant Director/General Counsel/Public Information Officer Lori Carter; Deputy General Counsel Leif Arvidson; Licensing Director/Prosecuting Attorney Kate Springer; Assistant Attorney General and ABLE Commission legal counsel John (Joe) Dewey from the Office of the Attorney General. Also in attendance were Executive Secretary Shae Isaacs and Legal Administrative Assistant Kimberly Yates.

The individuals that were in the attendance to represent Sooner Fine Wines & Spirits, LLP were: Robert Shaffer, Sooner Fine Wine & Spirits, LLP and Mark Hornbeek, Phillips Murrah, P.C. Also in attendance was Ellen Spiropoulos with Phillips Murrah, P.C.

A roll call of the following ABLE Commissioners was announced: Chairman Jonathan Brooks, Vice Chairman Andrew Revelis, Commissioner Matthew Crook; Commissioner Robert "Bob" Usry; Commissioner Keith Mitchell; Commissioner A. Ainslie Stanford, and Commissioner Austin Benton. A quorum was then established for the Special Meeting of the ABLE Commission on December 4, 2024.

Assistant Attorney General and ABLE Commission legal counsel, Joe Dewey, acknowledged that the ABLE Commission is compliant with the Open Meetings 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 #4, discussion and possible action on the record pursuant to 37A O.S. § 2-151, in the case of Sooner Fine Wine & Spirits, LLP V. Oklahoma ABLE Commission, RETA-2024-00021. Chairman made the following statement regarding the rules for the special meeting:

"Just as a reminder, this hearing before the Commission, we are conducting this Special Meeting with the authority and jurisdiction of Article 2 of the Oklahoma Administrative Procedures Act. Furthermore, this hearing is NOT a new hearing on the matter. The party's presentations are limited to, based on the information that is only in the record of RETA-24-00021. The Commission will NOT consider any new evidence that is not in the set record. Furthermore, the counsel and respondent for the ABLE Commission will present their oral arguments first, with the counsel for the petitioner, Sooner Fine Wine & Spirits, will present subsequent to that. Each party will be allowed thirty (30) minutes for their presentation. Ms. Isaacs will keep the time and she will give some type of signal when there is two (2) minutes (remaining), if you take the full extent then you know you have two (2) minutes remaining. She'll raise her hand. (Ms. Isaacs raises her right hand as to demonstrate the signal.) Furthermore, all parties are subject to the questioning of the Commission and the Commission counsel and including the Assistant AG (Attorney General) John Dewey. That is the basic ground rules."

The first to present their argument was Kate Springer, attorney for the Oklahoma ABLE Commission. The presentation was from 10:06 A.M. until 10:31 A.M.

There were questions from the Commissioners from 10:32 A.M. until 10:41 A.M.

The second to present their argument was Mark Hornbeek, attorney for Phillips Murrah, P.C., who represents Sooner Fine Wines & Spirits, LLP. The presentation was from 10:42 A.M. to 11:10 A.M.

There were questions and discussion from the ABLE Commissioners from 11:11 A.M. until 11:39 A.M.

Chairman Jonathan Brooks moved on to Item #5 on the agenda, to enter into Executive Session to discuss ABLE Commission confidential communications between a public body and its attorney pursuant to 25 O.S. § 307 (B)(4) & (8). 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 and engaging in deliberations or rendering a final decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act. Commissioner Mitchell made a motion to move into Executive Session. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Matthew Crook – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

Commissioners entered Executive Session at 11:39 a.m.

Commissioners exited Executive Session at 12:34 p.m.

Chairman Jonathan Brooks called the meeting to order at 12:34 p.m. and called for a motion to return from Executive Session. Commissioner Mitchell made the motion to return from Executive Session. Commissioner Usry seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Matthew Crook – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

No action was taken in Executive Session

Chairman Jonathan Brooks moved on to Item #6 on the agenda, discussion and possible action to continue or render a final decision in the case of Sooner Fine Wine & Spirits, LLP V. Oklahoma ABLE Commission. With no further discussion, Commissioner Crook made a motion to move in the matter of Sooner Fine Wine & Spirits versus Oklahoma ABLE Commission, case number RETA-24-00021, move that after review of the record pursuant to 37A O.S. § 2-151, that the Commission accept the July 25, 2024, recommendation of the Executive Director. Also, accept the July 22, 2024, recommendation of the Hearing Officer and adopt the findings, fact and conclusions of law of the hearing officer. As well as uphold the April 29, 2024, decision of the ABLE Licensing Supervisor to deny the retail spirits store

license to Sooner Fine Wine & Spirits, LLP due to its status as a limited liability partnership. 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 Matthew Crook – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

Chairman Brooks requested of Assistant Attorney General Dewey, to prepare a “finding of the fact” conclusion and a final agency order to present to the Chairman for a signature. The deadline for the information was set for the next regularly scheduled ABLE Commission meeting of Friday, December 13, 2024.

Chairman Brooks stated that although this is the final decision of the ABLE Commission, that the decision is subject to judicial review of the district court as such as timing may be pursuant to 75 O.S. § 3-18. The ABLE Commission will issue a statement regarding the agency’s decision at a later time.

Chairman Jonathan Brooks moved on to Item #7 on the agenda, adjournment. Commissioner Stanford made a motion to adjourn the meeting. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Jonathan Brooks – Yes
Vice Chairman Andrew Revelis – Yes
Commissioner Matthew Crook – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford – Yes
Commissioner Austin Benton – Yes

The meeting was then adjourned at 12:40 p.m.


Jonathan Brooks, Chairman