




STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MEMORANDUM

To: All Licensees of the Oklahoma Alcoholic Beverage Laws Enforcement Commission
From: Brandon Clabes, Director  8/14/2024
Date: August 14, 2024
Subject: Stay of Enforcement

On July 25, 2024, I affirmed the denial of Sooner Fine Wine & Spirits LLP's application for a retail liquor license in Case No. RETA-24-000021. (See Recommendation of the Director, Case No. RETA-24-000021, attached as Exhibit "A"). In harmony with this ruling and pursuant to OKLA. ADMIN. CODE § 45:1-7-1(c) (2018), the ABLE Commission will no longer issue new retail spirits licenses or wine and spirits wholesaler licenses to entities who are registered as limited liability partnerships. Instead, new applicants must submit their applications as properly formed business entities as outlined in OKLA. CONST. ART. 28A, § 4(A)&(B) and 37A O.S.Supp.2019, § 2-156(A) and as further explained in Exhibit "A."

The Agency recognizes that currently there are retail spirits and wine and spirits wholesaler licensees whose business entities are structured as limited liability partnerships and are, thus, inconsistent with the law and the Administrative Law Judge's determination and my subsequent denial in the aforementioned case. Because the decision rendered above could significantly impact the current licensees by requiring the reformation of their business structure, the ABLE Commission will stay enforcement of the ruling as to these licensees. As such, these current licensees will be allowed to remain in operation and seek and obtain renewal of their current license unless and until any proper tribunal or court of competent jurisdiction affirms or overrules the decision in Case No. RETA-24-000021 and the time period for appeal has lapsed and the judgment becomes final and unappealable. At that time, the agency will issue guidelines as to how to comply with the court's final ruling.

If you are a retail spirits or wine and spirits wholesaler licensee affected by this decision and you have questions, you may contact Assistant Director and General Counsel Lori Carter at 405-208-1140 or lori.carter@able.ok.gov or Prosecuting Attorney and Director of the Licensing Division Kate Springer at 405-522-2997 or kate.springer@able.ok.gov.