



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING
October 21, 2022

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 20, 2021. The agenda was posted on October 19, 2022, 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 Willyard called the meeting to order at 10:00 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23rd Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: James Willyard; Jonathan Brooks; Robert "Bob" Usry; Keith Mitchell; and A. Ainslie Stanford II. The others present were: Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma; J.B Jarboe, Southern Glazers Wine and Spirits; Jose Almanzar, Homeland; Edward Tuya, Oklahoma Department of Mental Health & Substance Abuse Services; Sidney Lee, Quorum Call; Justin Naifeh, Republic National Distributing Company; Ellen Spiropoulos, Philips Murrah P.C.; Robert Jernigan and Dirk Van Veen, Retail Liquor Association of Oklahoma; Cody Smith, LegisOK; Heidi Shadid, LDF Sales and Distributing; Samantha Guinn, Institute for Responsible Alcohol Policy; Randy Malone, Attorney; and Jennifer Treadwell, TSET. The following ABLE Commission employees attended the meeting: Director Brandon Clabes; Assistant Director Brent Fairchild; Attorney Andrew Koester; Captain Erik Smoot; Captain Greg Bynum; Captain Kent James; Captain Michael Randol; Senior Agent Kristen Wilson; Enforcement Liaison Kenna Nevez; Accountant Terry James; Executive Secretary Shae Isaacs; and Office Assistant Kimberly Yates.

Commissioner Usry made a motion to approve the minutes from the September 16, 2022, Commission meeting. Commissioner Revelis seconded the motion. A roll call vote was taken and recorded as follows:

- Chairman James Willyard – Yes
- Commissioner Jonathan Brooks – Yes
- Commissioner Robert "Bob" Usry – Yes
- Commissioner Keith Mitchell – Yes
- Commissioner A. Ainslie Stanford II – Yes

EXECUTIVE DIRECTOR'S REPORT:

- Director Clabes greeted the Commission in his first meeting as the ABLE Commission's Executive Director. He presented the following information:

- Director Clabes started off his first meeting with stating that he will feature an ABLE Commission employee every month that has proven to be exceptional at their job and an asset to the agency. The first individual that he recognized is the Director's Executive Secretary, Shae Isaacs. Her bio was read to Commission and she was acknowledged for her hard work, especially during the transition to the new Director.

- Before his official start date of October 1, 2022, Director Clabes had an informational meeting with Director Keith Burt and ABLE staff. He also met with leaders in the alcohol industry along with other state agency directors/leaders.
- October 3, 2022 was Director Clabes official first day in the ABLE office and he immediately began meeting with ABLE staff to discuss the agency's organization, budget, job openings, hours of work and operation, policy, procedures, focus on customer service, the responsibilities of each department and relay to the agency about his management style and transition.
- There are 2 major ABLE positions that have been filled: Gayland Geiger – Deputy Director with a start date of 12/01/2022; Jennifer Treadwell – Chief Financial Officer with a start date of 11/01/2022.
- Director Clabes met with representatives from the Oklahoma Retail Liquor Association regarding an ongoing issue with a business that is suspected to be illegally marking-down prices below the allowed amount for alcoholic products. The business in question has been contacted in an effort to start the process to come to a resolution. An update will be supplied at a later time.
- Director Clabes met with Ashlee Coleman, Chief Financial Officer for the Department of Corrections and James Kentopp, Budget Analyst for the State of Oklahoma. They assisted with developing the baseline budget materials for the ABLE Commission. The deadline for the ABLE budget submission to the State of Oklahoma has been extended to November 4, 2022. A later meeting was also held with Jennifer Treadwell, the newly hired ABLE Chief Financial Officer, in an effort to complete ABLE's budget.
- Director Clabes and ABLE Attorney Andrew Koester attended an interim study with Senator Coleman and Senator Leewright at the Capitol regarding issues with direct shipping of alcoholic beverages.
- The ABLE Commission is working with the Oklahoma Municipal League regarding the best approach in reimbursing eight cities a percentage of their tobacco fines. These cities have municipal ordinances that mirror the state statute regarding minors that are in possession of tobacco.
- Captain Erik Smoot arranged for Laser Training for all commissioned personnel per Governor Stitt's executive order.
- Director Clabes will be requesting an audit of ABLE's job descriptions and pay bands to ensure that the ABLE Commission is consistent with other state agencies regarding to duties and compensation.
- Director Clabes continued to attend meetings with alcohol industry leaders, heads of state agencies, and gave media interviews regarding ABLE involvement in a recent investigation of a business selling alcohol without a valid ABLE license.
- The next meeting of the ABLE Commission will be in 4 weeks on Friday, November 18, 2022, at 10:00am.

- Executive Secretary Shae Isaacs presented the Accela IT update on behalf of the Licensing Supervisor, Carla Clanton, in her absence. Ms. Isaacs stated that ABLE Attorney Andrew Koester submitted a counteroffer to Accela on October 6, 2022, in the amount of \$100,000 for the MAS contract. The status of that counteroffer will be presented at the next Commission meeting. ABLE is hoping to obtain the MAS contract for less than the asking price of \$200,000 to be able to have the outstanding online licensing issues repaired as well as enhancements and reports developed for the ABLE finance and enforcement divisions.

Assistant Director Brent Fairchild presented the following Enforcement Report to the Commissioners:

- The following ABLE Commission Captains and Senior Agent presented an update of their respective departments and tasks that have been completed since the last Commission meeting: Captain Kent James, Tulsa district; Captain Michael Randol, McAlester district; Senior Agent Kristen Wilson, Oklahoma City

district; Captain Erik Smoot, Alcohol and Tobacco Training Unit; and Captain Greg Bynum, Trade Practices Unit.

- Assistant Director Fairchild supplied the Commissioners with documentation regarding the entire ABLE Enforcement Division's duties, completed inspections, compliance checks, citations, meetings, trainings and police assistance to other state agencies and businesses.

Executive Brandon Clabes stated that the budget report will be presented with the next ABLE Commission meeting after the new CFO, Jennifer Treadwell, has started.

ABLE Attorney Andrew Koester presented the following legal report to the Commission: Mr. Koester provided more insight into the negotiations between ABLE and Accela with the MAS contract and also the retail distributor issue. He also informed the Commission regarding an issue that arose with Brand Registration and presented a resolution. More information will be provided with a later Commission meeting. He gave an overview of the general practices of the legal department regarding violations & citations that have been issued.

Chairman Willyard moved to Item #10, comments from the public.

- Jose Almazar with Homeland welcomed the new Executive Director and offered his expertise and assistance from the grocery store business and to help with any information that may be needed. He also inquired about the distributors costs as related to the grocery store chains.

- J.B Jarboe with Southern Glazers Wine and Spirits welcomed Director Clabes to the ABLE Commission and also thanked him for his visit to his facility in Tulsa.

- Dirk Van Veen, Retail Liquor Association of Oklahoma welcomed the new Executive Director and thanked him and the entire Commission for all of the information relayed during the meeting.

- Edward Tuya with the Oklahoma Department of Mental Health & Substance Abuse Services also welcomed Director Clabes and inquired about the review of the administrative law penalty schedule.

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

- Chairman James Willyard – Yes
- Commissioner Jonathan Brooks – Yes
- Commissioner Robert “Bob” Usry – Yes
- Commissioner Keith Mitchell – Yes
- Commissioner A. Ainslie Stanford II – Yes

The meeting was then adjourned.



Jonathan Brooks, Vice Chairman