



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING

July 22, 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 July 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; Jose Almanzar, Homeland; Collin Graham, Lisette Barnes and James Leewright, Oklahoma Restaurant Association; Edward Tuya, Oklahoma Department of Mental Health & Substance Abuse Services; Sidney Lee, Quorum Call; Justin Naifeh, Republic National Distributing Company; Gordon Green, Capital Distributing; Ellen Spiropoulos, Philips Murrah P.C.; Randy Malone, Attorney; and Robert Jernigan, Retail Liquor Association of Oklahoma. Oklahoma ABLE Commission employees attending were: Director Keith Burt; Assistant Director Brent Fairchild; Administrative Law Judge Luke Simms; Staff Attorney Andrew Koester; Captain Erik Smoot; and Office Assistants Shae Isaacs and Kimberly Yates.

Commissioner Brooks made a motion to approve the minutes from the June 24, 2022, Commission meeting. Commissioner Mitchell 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

DIRECTOR'S REPORT:

- Director Burt gave the Commission a brief history of the Synar tobacco inspections, compliance rates and the financial impacts if 80% compliance rate was not achieved.
- Director Burt introduced Captain Erik Smoot regarding retail education tobacco visits. Captain Smoot showed a video to the Commission that is used for retail tobacco education. The video was produced by Tobacco Settlement Endowment Trust (TSET).
- Director Burt updated the Commission on the status of the upcoming National Conference of State Liquor Administrators National Conference to be held in Oklahoma City in June 2023.
- Director Burt informed the Commission about the counties that voted to allow Sunday sales for retail liquor stores. The vote took place on June 28, 2022.
- Captain Erik Smoot presented information about the ENDUI Oklahoma Advisory Committee. The main purpose of the committee is to make recommendations to assist in reducing the number of impaired driving crashes in the State of Oklahoma.

- Director Burt gave an update on the posting of the Director's position.
- Director Burt gave an update on the ABLE Commission's revamped website and the new licensing system. Carla Clanton, ABLE licensing supervisor, will be filling the role for the new project manager position for the new IT system. She will be giving an IT progress report at the upcoming Commission meetings.
- Director Burt stated that the next meeting of the ABLE Commission will be in 4 weeks on Friday, August 19, 2022, at 10:00am.

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

- Agents completed 111 FDA tobacco inspections, 26 alcohol compliance checks and 4 vape/tobacco checks.
 - Agents investigated a nail salon in Tulsa County that was giving complimentary alcoholic beverages to customers without an ABLE license. The investigation resulted in the seizure of 156 alcoholic beverage containers.
 - Agents conducted an investigation of an alleged mobile bar in Tulsa and the Oklahoma City metro area which resulted in 304 bottles of alcohol being seized.
 - Agents discovered that one beer and wine license holder was purchasing their alcoholic products from other than a wholesaler. The business was cited, and 98 containers were confiscated.
 - Agents in the Tahlequah area inspected a potential unlicensed ABLE business. The inspection resulted in the confiscation of 375 alcoholic containers.
 - Agent Kyle Striplin assisted in a rescue of an individual from a helicopter crash near Lake Texoma.
 - Agents investigated various complaints along with conducting bar compliance checks in Canadian, Cherokee, Creek, Osage, Tulsa, Pittsburg, Rogers, Oklahoma, Bryan, Wagoner, Payne, and Comanche counties.
 - Agents attended meetings and trainings with the Boots and Badges Blood Drive, OPPA Alcohol Committee, Alcohol Action Network, Tulsa Area Safe Kids, Tulsa Area CAPSAT, ENDUI Advisory Committee, Healthy Living Program Conference, Jefferson County Youth Conference, Oklahoma Department of Public Safety, Pathways Youth Event, Oklahoma Department of Mental Health, and Lawton/Ft. Sill Ambucs.
 - Agents also provided assistance, instruction and made courtesy visits to the Broken Arrow Police Academy, Jenks Police Department, Antlers Police Department, Okfuskee Police Department, Marshall County Sheriff's Office, Owasso Police Department, Oklahoma City Police Department, Cleveland County Sheriff's Office, Rogers County Police Department, Oklahoma County Sheriff's Office, Tulsa County Sheriff's Office, Tulsa Police Department, and the Oklahoma Highway Patrol.
- Director Burt presented a fiscal summary for the State of Oklahoma and the ABLE Commission's revenue collections. The State of Oklahoma June 2022 receipts were down about 1.5% from June 2021 and fiscal year 2022 was up over fiscal year 2021 by about 15%. The Oklahoma State Treasurer, Randy McDaniel, reported the State's economy continues to expand despite the current inflationary pressure.

ABLE collections had a very big month to wrap-up fiscal year 2022. For the year, ABLE was up by 5.45% and collected \$16,285,000. This made ABLE's 8th straight year in a row of year-over-year growth.

Chairman Willyard moved to Item #8 on the agenda, approval, or disapproval of the re-certification of the training program applicant's curriculum of instruction pursuant to OAC 45:15-3-1. Captain Erik Smoot stated that the program meets the standards for re-certification. Commissioner Mitchell made a motion that the Commission approve the recommended responsible beverage program trainer AACEA.COM – America's Alcohol Certified Education Association (Re-certification Only). Commissioner Brooks seconded the motion. A roll call vote was taken and recorded:

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

Chairman Willyard moved to Item #6, comments from the public. No comments were made.

Chairman Willyard moved on to Item #7, Executive Session to discuss filling the position of the retiring Director. Commissioner Brooks made a motion to move into Executive Session. Commissioner Usry 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

Chairman Willyard called the meeting to order and called for a motion to return from Executive Session. Commissioner Brooks made the motion to return from Executive Session. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

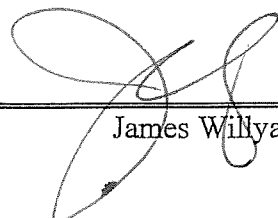
Chairman James Willyard – Yes
Commissioner Jonathan Brooks – Yes
Commissioner Robert “Bob” Usry – Yes
Commissioner Keith Mitchell – Yes
Commissioner A. Ainslie Stanford II – Yes

No action was taken during Executive Session.

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 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.



James Willyard, Chairman