



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

SUNDAY, SEPTEMBER 23

- 2:00 PM-6:00 PM Early Registration, The Water Club Pre Function Registration Desk
- 6:00 PM-8:00 PM Welcome Reception, Water Club Indoor Pool
- 9:00 PM-12:00 AM Hospitality Suite, Society Club

MONDAY, SEPTEMBER 24

- 7:30 AM-5:00 PM Registration/Help Desk, The Water Club Pre Function Registration Desk
- 7:30 AM-9:00 AM Breakfast – Wolfgang Puck
- 9:00 AM-11:00AM **Opening Ceremonies – Tides**

Presentation of Colors

Welcome

Roll Call of States and Associate Members

Keynote: Deputy Attorney General *Rahat Babar*
Director of Community Engagement
New Jersey Office of the Attorney General

Superstorm Sandy/Fedway Update by *Robb Sansone*, Executive Vice President and CFO, Fedway Associates, Inc.

- 11:00 AM-11:15 AM Break – Tides

- 11:15 AM-12:15 PM **SESSION #1: Once Upon a Time.... A Story of Collaboration and Compromise.**
Bringing the Regulator and the Regulated together to find common ground and a solution to the issues.



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

Often issues between the Regulator and the regulated community appear to be headed towards an impasse with no relief in sight. Situations frequently arise where the Regulated wants to implement a business model, but that model creates consequences for other industry members or constituents. This is exactly what happened with New Jersey’s craft brewery industry. A 2012 law granted craft breweries limited retail privileges, which potentially conflicted with the privileges of retail consumption licensees. Using his skills as a consensus builder, NJ ABC Director and former legislator David Rible pulled together members of the craft brewery associations, the New Jersey Licensed Beverage Association and the New Jersey Restaurant Association to create a dialogue that is expected to solve this almost intractable problem. Please join Director Rible and members of these licensee groups for a round table discussion on the process that brought them all to the table to develop a solution.

Moderator: *David P. Rible*, Director, New Jersey Division of Alcoholic Beverage Control

Panelists:

Marilou Halvorsen, President & C.E.O., New Jersey Restaurant & Hospitality Association

Eric Orlando, Executive Director, New Jersey Beer Guild

Jamie Queli, President, New Jersey Brewers Association

Diane Weiss, Executive Director, New Jersey Licensed Beverage Association

12:15 PM-1:45 PM

Lunch – Wolfgang Puck

1:45 PM-2:45 PM

SESSION #2: Granholm II?

It has been 13 years since the U.S. Supreme Court delivered the decision in *Granholm v. Heald*. That case dealt specifically with out-of-state wineries wanting to sell and ship their wines across state lines directly to consumers. Ever since then, retailers have sought equal access to the “DtC” business model, and



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

the creation of a national marketplace for wine. Do they finally have a ticket to the SCOTUS for the chance to make their case?

Nationally-recognized alcohol law attorney Richard Blau will lead an all-star panel of academics, advocates and administrators as they explore the Tennessee litigation embraced by interstate retailers in Tennessee Wine & Spirits Retailers Association v. Byrd. Also on tap will be a host of additional legal developments raising constitutional law issues that go to the heart of alcohol regulation in the 21st Century, including:

- U.S. District Judge Douglas Harpool’s recent ruling in Missouri Broadcasters Association vs. Dorothy Taylor – a decision that suggests the existence of too many exceptions can eviscerate the enforceability of a state’s alcohol beverage laws.
- U.S. District Judge Wilhelmina Wright’s order in Alexis Bailly Vineyard, Inc. et al v. Dohman, dismissing a lawsuit filed by two Minnesota wineries over a state alcohol law that restricts the source of grapes they can use.
- Mississippi’s pending litigation suing out-of-state retailers Wine Express Inc. of New York; the California Wine Club of Ventura, the Gold Medal Wine Club of Santa Barbara, California and Bottle Deals Inc. of Syosset, New York for selling and shipping wines directly to Mississippi consumers.

Find out why these are the cases that may define the future of America’s alcohol industry.

Moderator: *Richard Blau, Esq., Chair, Alcohol Beverage and Food Department, GrayRobinson, P.A.*

Panelists:

*J. Wesley Geiselman, Esq., Former Counsel to the Director, New Jersey
Christopher Riano, Esq., General Counsel, New York State Liquor Authority*

2:45 PM-3:00 PM

Break - Tides

3:00 PM-4:00 PM

SESSION #3: This Ship has Sailed! Effective State Enforcement of Direct-to-Consumer Alcohol Shipments



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

States that permit alcohol shipping are also charged with enforcing existing laws governing direct-to-consumer “shipments” (not “deliveries”) via common carrier. A panel of experienced industry members will summarize the national landscape of state laws for wine, beer, and spirits shipping; describe the roles and responsibilities of all parties/licensees involved (producers, retailers, fulfillment warehouses, and common carriers); discuss common violations by existing licensees v. unlawful shipments generally; and highlight the best practices and statutory/regulatory provisions states are using for effective enforcement.

Moderator: *Terri Cofer Beirne*, Eastern Counsel, The Wine Institute

Panelists:

Charles “Van” Howeth, Agent Supervisor, Maryland Field Enforcement Division

Thomas Kirby, Chief, Virginia ABC Bureau of Law Enforcement

Matthew Mann, VP Legal & HR, Wine Direct

Dustin Pickens, Sr. Attorney, Regulatory Affairs, FedEx Express

4:00 PM

Dinner – [DO AC!](#) Time to explore what New Jersey’s premier entertainment destination on the beach has to offer!

9:00 PM-12:00 AM

Hospitality Suite, Society Club

TUESDAY, SEPTEMBER 25

7:30 AM-9:00 AM

Breakfast – Bobby Flay Steak, Main Dining room

9:00 AM-10:00 AM

SESSION #4: Why Can’t We Put our Phones Down? APPs, Bitcoin and the Tech Factor.

Current and future generations of consumers are increasingly making personal and business transactions solely on their handheld devices. Consumers are moving away from cash and traditional banking and toward crypto currency and peer-to-peer payments. Are regulators and industry members prepared to deal with alternate forms of currency (Bitcoin) and other types of peer to peer non-conventional payments given the complexity of alcoholic beverage laws and rules around the country? Do you understand alternate payment methods and currencies? Can you follow the cyber currency? As a regulator how does the



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

turtle keep pace with the hare? Join our panel of experts who will give you the tools to follow the cyber money. Be the turtle that wins the race with the hare.

Moderator: *Nidhi Kumar*, General Counsel & Sr. VP, Drizly, Inc.

Panelists:

Susan Dworak, CEO, Real Identities LLC, San Jose, CA

Alex Koral, Product Compliance Manager, ShipCompliant by Sovos Compliance

Wendy Turk, Director of Regulatory Affairs, Fintech

10:00 AM-11:15 AM

SESSION #5: Crisis Time!

Licensees are charged with controlling their premises and preventing the occurrence of illegal activities. Not only do they have to ensure they are not serving minors or intoxicated persons, but they are also increasingly grappling with illegal drug use and human trafficking at their premises. The rise of the opioid epidemic and legalization of medical and recreational marijuana is spilling over onto licensed accounts. You, as a regulator, may be asked by licensees what they should do. A panel of experts will discuss what is actually happening in licensed premises from opioids in the bathroom, human trafficking, patrons wanting to smoke their medical marijuana or sprinkle cannabis oil on their salads, and share best practices.

Moderator: *Kathie Durbin*, Chief of Licensure, Regulation & Education, Montgomery County, Maryland Department of Liquor Control

Panelists:

Adam Bucon, LSW, State Opioid Treatment Authority for New Jersey, Division of Mental Health and Addiction Services

Juana Marine-Lombard, Commissioner, Louisiana Office of Alcohol and Tobacco Control

Allen Riley, Riley Investigating Services, Franklin Township, New Jersey

Scott N. Silver, Esq., Law Office of Scott N. Silver, Linwood, New Jersey

SDAG Annmarie Taggart, Counsel to the Director of the Division of Criminal Justice and Chair, New Jersey Human Trafficking Task Force



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

Tim Wynn, U.S. Marine Corps Veteran, Veterans Certified Forensic Peer Specialist
in the City of Philadelphia

11:15 AM-11:30 AM

Break - Tides

11:30 AM-12:30 PM

SESSION #6: What in the TTB is going on?

Get the most recent updates directly from TTB regarding trade practice investigations, federal tax reform and cannabis infused alcohol. Learn how TTB may work with your state in a joint investigation. Hear about novel federal issues encountered by practitioners and how to successfully navigate them. Leave knowing what in the TTB is going on!

Moderator: *Caroline O’Connell*, Esq., Partner, Conn Kavanaugh Rosenthal Peisch & Ford, LLP, Boston, MA

Panelists:

Matthew Botting, General Counsel, California Alcoholic Beverage Control

Susan Evans, Executive Liaison for Industry and State Matters, Alcohol and Tobacco Tax and Trade Bureau (TTB)

Jeff McKenzie, Esq., Partner and Beverage Alcohol Team Co-Leader, Bingham Greenebaum Doll LLP, Louisville, KY

12:30 PM-1:45 PM

Lunch – Wolfgang Puck

1:45 PM-2:45 PM

SESSION #7: Can We Talk? Ethical watch-outs for Regulators and Industry Members Who Give or Seek Advice.

Regulators and industry practitioners will discuss their experiences working with each other on liquor and other regulatory matters. Are there confidentiality, conflicts of interest, or other ethical concerns when agency counsel gives advice? Can industry practitioners reasonably rely on this advice? Should either or both parties provide some form of disclaimer to one another about the extent of their advice? In these situations, it is a lawyer’s ethical duty to protect their client’s interests. Reference will be made to ABA Model Rules on Confidentiality (Rule 1.6), Conflicts (Rule 1.7), Zealously Represent (Rule 1.3), Advisor (2.1) and others



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

as we work through these ethical dilemmas together with audience participation.

Moderator: *Nicholas Bergman, Esq.*, Partner, Buchman Law Firm, LLP, New York, NY

Panelists:

John Cordrey, Commissioner, Delaware Alcoholic Beverage Control

DAG Susan Dolan, New Jersey Division of Alcoholic Beverage Control

Jerry Fischer, Esq., General Counsel, Post, Polak, Goodsell & Strauchler, P.A., Roseland, NJ

Alva Mather, Esq., Partner and Alcohol Beverage Group Leader, DLA Piper, Philadelphia, PA

2:45 PM-3:00 PM

Break – Tides

3:00 PM-4:00 PM

SESSION #8: Getting Crafty – The Rise of the Craft Alcohol Industry

“Craft” is the buzzword these days in alcohol and small and local is becoming big business. States have increasing numbers of new “craft”, “micro”, “farmer” and other small producer licensees who are seeking to differentiate themselves and build relationships with consumers at their premises through brand experiences, tap or tasting rooms, beer gardens and special events. Knowing where the product is made, building a relationship with the local producer and the story behind the product is a valuable intangible to consumers. What impact does the small producer desire to court consumers have on the other more “traditional” tiers retail on and off premise licensees and wholesalers? Come hear from a pioneer in the craft brewing world, a wholesaler, a retailer and an economist as to what, if any impact, the rise of the “craft” culture is having on the rest of the industry.

Moderator: *Robert “RJ” O’Hara*, President, Flaherty & O’Hara, P.C., Pittsburgh, PA

Panelists:

Sauna Barnes, General Counsel, Dogfish Head Craft Brewery, Milton, DE

John Dunham, John Dunham & Associates, New York, NY



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

Thomas Philpot, Director, Florida Division of Alcoholic Beverages and Tobacco
Tony Valenzano, Partner, Valenzano Winery and Brotherton Brewing Co.,
Shamong, NJ

6:00 PM-8:00 PM Reception and Banquet – Central A, B, C & D

9:00 PM-12:00 AM Hospitality Suite – Society Club

WEDNESDAY, SEPTEMBER 26

7:30 AM-9:00 AM Breakfast – Wolfgang Puck

9:00 AM-10:00 AM

SESSION #9: Rising to the Task – Liquor Law Taskforces & Study Commissions

Join regulators from the Northern and Southern regions who have been involved in taskforces or study commissions charged with conducting a comprehensive review of the liquor regulatory landscape in their state, identifying issues and proposing changes with the input of an organized gathering of stakeholders. The panelists will discuss the taskforce/study commission process. They will address the composition of the taskforce/ study commission in their state including the procedures and timelines for working in a group setting, the results of the taskforce/study commission, and describe any ongoing implementation efforts.

Panelists will share what worked and best practices for states to consider before undergoing a comprehensive review.

Moderator: *Jenna Giguere*, Deputy Chief of Legal Services, Rhode Island Department of Business Regulation

Panelists:

Len Foxwell, Chief of Staff to Maryland Comptroller

Travis Hill, Chief Operating Officer, Virginia Alcoholic Beverage Control

Christine Trout Van Tatenhove, Commissioner, Kentucky Department of Alcoholic Beverage Control

10:00 AM-11:00 AM

SESSION #10: “I Need a Drink”: The economics of the “need” for alcohol.



2018 Northern/Southern Regional Conference

Borgata Hotel, Casino and Spa, 1 Borgata Way
Atlantic City, New Jersey 08401

September 23 – 26, 2018

“These Times, They are A-Changing: The 21st Amendment in the 21st Century”

Alcohol is viewed as an important element for the economic health of businesses. Non-traditional sectors such as nail and hair salons, supermarkets and open container districts claim they need to serve alcohol to compete. Alcohol tourism is booming. Applicants are requesting more licenses for redevelopment zones, to revitalize towns/cities and to give promotions like “party nights”. Certain sectors view alcohol as the driving force to a healthy and robust economy, but the regulator has to temper that “need” by maintaining a stable marketplace and responsible hospitality (temperance)! This panel will explore how regulators balance supporting local economies while upholding the three tier system and maintaining an orderly marketplace.

Moderator: *Will Cheek, Esq.*, Partner, Waller Lansden Dortch & Davis, LLP, Nashville, TN

Panelists:

Richard D. Nasca, Esq., Skene Law Firm, Old Bridge, New Jersey

Trey Tomlinson, Counsel-Beverage Alcohol Law, Diageo North America

Christy Trout Van Tatenhove, Commissioner, Kentucky Department of Alcoholic Beverage Control

11:00 AM

Dismissal. *Safe Travels Home and Come Again!*