



Jeffrey A. Kelly
President

Regulation Matters

NCSLA 2019 Annual Conference



Conference Host: Kentucky Department
of Alcoholic Beverage Control

BUSINESS AGENDA

SATURDAY, JUNE 15, 2019

9:00 AM – 1:00 PM NCSLA Executive Committee Meeting: ROSE ROOM, SEELBACH HILTON

SUNDAY, JUNE 16, 2019

1:00 PM – 5:30 PM Registration/Help Desk: MEDALLION BR FOYER, SEELBACH HILTON

6:00 PM – 9:00 PM Welcome Reception: JIM BEAM URBAN STILLHOUSE, 404 SOUTH 4TH ST., LOUISVILLE

MONDAY, JUNE 17, 2019 - General Session: MEDALLION SALON B/C/D, SEELBACH HILTON

7:00 AM – 5:00 PM Registration/Help Desk: MEDALLION BR FOYER, SEELBACH HILTON

8:00 AM – 9:30 AM Welcome and Opening Ceremony
Presentation of Flag / Pledge of Allegiance
Roll Call of the States

9:30 AM – 9:45 AM *Morning Break*

9:45 AM – 10:45 AM **PANEL #1: UNDERSTANDING THE CONSUMER LANDSCAPE OF TODAY AND TOMORROW**

This panel takes an objective look at today’s consumer landscape and where it is headed. The discussion is intended to establish a baseline understanding of today’s consumer marketplace that will serve to inform and provide factual context for policy discussions that will arise throughout the rest of the annual meeting and provide data points useful in day-to-day operations.

**Moderator – JAKE HEGEMAN, Vice President, Legal & Regulatory Affairs,
Wine & Spirits Wholesalers of America**

Panelists

- CAITLYN BATTAGLIA, Manager, Beverage Alcohol Practice Area, Nielsen
- BART WATSON, Chief Economist, Brewers Association
- DAVID OZGO, Senior VP, Economic & Strategic Analysis, Distilled Spirits Council of the United States

10:45 AM – 10:50 AM **TRANSITIONAL TOPIC: Exhibitor Introductions**



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10:50 AM – 11:50 AM

PANEL #2: IS TEMPERANCE DEAD OR DORMANT?

Over the last decade and with the development of e-commerce alcoholic beverages have permeated the fabric of our society and are viewed by many businesses as an integral part of today’s business model like no time in the post prohibition era. The conflict between the ease and convenience of e-commerce and the concepts of temperance has never been more relevant. Regulators and legislators are under constant pressure to expand license types or to “tweak” the three tier system. Alco-tourism in many cases is a joint venture between private industry and quasi-governmental agencies to promote the alcoholic beverage industry in their state or beyond. These developments beg the question: Is the principle of temperance dead or dormant?

**Moderator – JENNA GIGUERE, Deputy Chief of Legal Services, Rhode Island
Department of Business Regulation**

Panelists

- LESTER JONES, Chief Economist, National Beer Wholesalers Association
- SEAN O’ LEARY, President, O’Leary Law and Policy Group, Elmhurst, IL
- CHRISTINE TROUT VAN TATENHOVE, Special Counsel to the Kentucky Speaker of the House, State of Kentucky
- ALYSSA WOLFE, Acting Counsel to the Director, New Jersey Department of Law & Public Safety – Division of Alcoholic Beverage Control

11:50 AM – 1:30 PM

Lunch

1:30 PM – 2:30 PM

PANEL #3: DIVERSITY IN THE INDUSTRY.

This panel looks at the changing demographics in our industry. It will showcase the stories of a new generation of entrepreneurs who have come from diverse backgrounds and achieved success. It will also highlight business strategies to recruit and retain people of diverse experiences.

Moderator - NICK BERGMAN, Partner, Buchman Law Firm, New York, NY

Panelists

- DEBORAH BRENNER, Founder, [Women of the Vine & Spirits](#)
- CASSANDRA HICKS, Deputy Superintendent, Ohio Division of Liquor Control
- ANDREA WILSON, Executive Vice President-General Manager and Master of Maturation, Michter’s Distillery

2:30 PM – 2:35 PM

**TRANSITIONAL TOPIC: Federal and State Rules on Container Sizes for Wine and Spirits
JEANNIE BREMER, Vice President-Compliance & Public Policy, The Wine Group**



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2:35 PM – 3:35 PM

PANEL #4: DO I REALLY UNDERSTAND AP’S, CUSTOM PRODUCTION, BRAND BUILDING & FULFILLMENT HOUSES?

As business models continue to evolve and more people want to engage in cross-tier activities, or be able to develop a national market for their products, or simply to benefit from the development of a brand, the challenges within existing regulatory structures become greater. What is the state of this ever-changing landscape? Join this esteemed panel of industry and regulatory experts as they explore the boundaries of such things as alternating proprietorships (AP), custom production, private labels, fulfillment warehouses, and more. Learn what’s going on out there in this ever-changing and dynamic intersection of business and law.

Moderator – CARRIE BONNINGTON, Partner, Pillsbury Winthrop Shaw Pittman LLP, Sacramento, CA

Panelists

- LAINE ADDERLEY, Sr. Vice President, Operations, Wineshipping.com
- PAUL GATZA, Director, Brewers Association
- THOMAS KIRBY, Chief, Virginia Alcoholic Beverage Control Bureau of Law Enforcement

3:35 PM – 3:45 PM

Afternoon Break

3:45 PM – 4:45 PM

PANEL #5: LEGAL UPDATE

The exact selection of key issues and cases remains to be determined, but focus will be on a limited number of important cases that have impacted today’s innovative marketplace.

Presenter – RICHARD BLAU, Chair, Alcohol Beverage and Food Department GrayRobinson, P.A., Tampa, FL

TUESDAY, JUNE 18, 2019 - General Session: MEDALLION SALON B/C/D, SEELBACH HILTON

7:00 AM – 1:30 PM

Registration/Help Desk: MEDALLION BR FOYER, SEELBACH HILTON

8:30 AM – 9:30 AM

PANEL #6: HUMAN TRAFFICKING & ALCOHOL – A DANGEROUS COCKTAIL

In today’s regulatory climate, the challenges loom large and so do the stakes. An alcohol license is a privilege to do business in our states, but in some cases, it is used as a license to engage in criminal behavior – for example, human trafficking. This panel comprised, in part, of state regulators and other federal law enforcement agencies discusses the importance of collaboration to address this particular problem, including advice for the “boots on the ground” ABC officers on evidence/warning signs and the relevant legal principles and penalties. Attendees will also hear from a victim who served as an indentured servant. Finally, the panel outlines programs available to help victims find their voice again, join recovery groups, and make successful transitions to independent living.



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Moderator – JUANA LOMBARD, Commissioner, Louisiana Office of Alcohol and Tobacco Control

Panelists

- MARISSA CASTELLANOS, Human Trafficking Program Manager, Catholic Charities
- NIKKI CREECH, Investigator, Kentucky Department of Alcoholic Beverage Control
- AMANDA GREGORY, Assistant United States Attorney, Western District of Kentucky, U.S. Department of Justice
- ROHITKUMAR JOSHI, Trafficking victim

9:30 AM – 9:35 AM

TRANSITIONAL TOPIC: OTHER CHALLENGES TO ALCOHOL LAWS

JOHN CORDREY, Commissioner, Delaware Alcoholic Beverage Control

9:35 AM – 10:35 AM

PANEL #7: “NO MORE KNOTS”- ETHICS CONSIDERATIONS FOR LAWYERS PRACTICING IN AN INDUSTRY WITH A VERY INTRICATE WEB OF RELATIONSHIPS

In the alcohol industry, we see many connections. Attorneys often advocate for clients in more than one way. How do they avoid a conflict of interest when they counsel more than one client operating similar businesses on regulatory compliance if the clients have opposing policy objectives? Government attorneys routinely interact with private actors, for example on compliance matters and requests for proposals for services, and they often step into roles in the private sector after leaving public service. How do they avoid violating their professional codes of conduct or their state’s laws on ethical conduct? This ethics session covers ABA Model Rules 1.7, 1.8, 1.9, 1.11, 1.13, 5.7 and 6.4. Join us as we watch two teams "draw" from their knowledge of legal ethics rules as they compete in a friendly game of “No More Knots.”

Moderator – NIDHI KUMAR, General Counsel and SVP Industry Affairs, Drizly

Panelists

- CAITLIN ANDERSON, Attorney, Connecticut Division of Liquor Control
- RODRIGO DIAZ, Chief Counsel, Pennsylvania Liquor Control Board
- STEVE HUMPHRESS, General Counsel, Kentucky Department of Alcoholic Beverage Control
- ERNEST LEGIER, Chief of Staff and Executive Counsel, Louisiana Office of Alcohol and Tobacco Control
- ALVA MATHER, Partner, DLP Piper LLP, Philadelphia, PA
- RENEE METZ, Chief Counsel, North Carolina Alcoholic Beverage Control Commission



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10:35 AM – 10:50 AM *Morning Break*

10:50 AM – 11:50 PM **PANEL #8: SHIP HAPPENS**

Mandatory reporting requirements in states allowing direct-to-consumer wine shipping have created tools for regulators to see just how much alcohol is being shipped unlawfully into their states. At the same time, retailers are pushing policy makers and the courts to expand the number of states where they can ship via common carriers. We'll examine the shipping marketplace, state laws and enforcement, and court decisions beyond Tennessee to probe what are "subscription clubs," whether personal importation laws can circumvent direct shipping bans, and whether shipping reports violate the privacy of consumers buying wine this way.

Moderator – TERRI BEIRNE, Eastern Counsel, Wine Institute

Panelists

- MICHAEL NEWMAN, Partner, Holland & Knight, LLP, San Francisco, CA
- RYAN MALKIN, Principal Attorney, Malkin Law, P.A., Miami Beach, FL
- DOROTHY TAYLOR, State Supervisor, Missouri Division of Alcohol & Tobacco Control

11:50 AM – 11:55 AM **TRANSITIONAL TOPIC: INDUSTRIAL HEMP USE; INFUSED ALCOHOL**
ADAM STAPEN, Partner, Dill, Dill, Carr, Stonbraker & Hutchings, Denver, CO

11:55 AM – 12:55 PM **PANEL #9: STATE SOFTWARE SYSTEMS – ARE WE REINVENTING THE WHEEL?**

State agencies spend a significant amount of time, money and energy creating custom licensing, product registration and seed-to-sale systems; and the implementations may lead to a lot of frustration. This panel talks about lessons learned from successful and unsuccessful system deployments in order to help regulators who are tasked with adding a new system in the future. The panel also brainstorms alternatives to the traditional processes.

Moderator – JEFF CARROLL, Director of Product Management, Avalara

Panelists

- DEBBI BEAVERS, Director, Kansas Alcoholic Beverage Control Division
- ANNA HIRAI, Assistant Administrator, Liquor Commission, City and County of Honolulu
- KENDRA HODGSON, Cannabis Examiner Manager, Washington State Liquor and Cannabis Board

1:00 PM – 2:15 PM **LUNCH and NCSLA REGIONAL MEETINGS (States Only)**
2:15 PM – 3:45 PM **NCSLA ANNUAL BUSINESS MEETING (ALL members welcome!)**
5:00 PM – 9:30 PM **NCSLA RECEPTION & PRESIDENT'S BANQUET: CHURCHILL DOWNS**



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7:00 AM – 12:00 PM Registration/Help Desk: MEDALLION BR FOYER, SEELBACH HILTON

8:30 AM – 9:30 AM **PANEL #10: PAVING THE PATH FOR REGULATING CANNABIS -- UNITING STATES IN A POST FEDERAL PROHIBITION WORLD.**

“Toward Liquor Control” greatly influenced states’ alcohol control practices today and perhaps the greatest influence of that 1933 commissioned study is, in itself, a lesson for future marijuana regulation. That study anticipated what was to come and it set out to provide a context for making societal choices. Like that work, this panel frames the important considerations of what we must do next, who should or could do it, and why certain things need to be done now... before choices become entrenched and system changes become unwieldy.

Moderator – STEVE MARKS, Executive Director, Oregon Liquor Control Commission

Panelists

- RICK GARZA, Director, Washington State Liquor and Cannabis Commission
- DOMINIQUE MENDIOLA, Colorado Deputy Director of Policy, Licensing and Communication for Marijuana Enforcement Division
- GERALD PASCARELLI, Equity Research Associate, Consumer Beverages, Cannabis & Tobacco, Cowen & Co.

9:30 AM – 10:30 AM **PANEL #11: TO HAVE, OR NOT TO HAVE; FUNDING, THAT IS. HOW DOES NEW FUNDING INFLUENCE TTB OPERATIONS AND WHAT IS THE IMPACT?**

For many years, TTB, not unlike many state regulatory bodies, had to work with the restricted financial resources they had. Then, a couple of years ago funding was increased and some said, “Oh, great!” 😊, while others said, “Oh, great!” 😞.

So, what has TTB done with the new resources and what has the impact been? Is it leveling of the playing field? Or, is it a shock to the system of some industry members? This panel will share past and present experiences with TTB and will discuss lessons learned moving forward.

Moderator – ROBERT TOBIASSEN, President, National Association of Beverage Importers, Inc.

Panelists

- KRISTINA DICKENS, Partner, Christopoulos Law Group, LLC, Chicago, IL
- DAVID HERMAN, Partner, Giffin, Winning, Cohen & Bodewes, P.C., Springfield, IL
- ERIN KELLEHER, Senior Associate, Hinman & Carmichael LLP, San Francisco, CA
- R. J. O’HARA, Partner, Flaherty and O’Hara, P.C., Pittsburgh, PA



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Morning Break

10:40 AM – 11:00 AM

SPECIAL REPORT: TTB UPDATE ON RULEMAKING OF LABELING AND ADVERTISING REGULATIONS

Presenter – CHRISTOPHER THIEMANN, Distilled Spirits Program Manager, Alcohol and Tobacco Tax and Trade Bureau

11:00 AM – 12:00 PM

PANEL #12: THE IMPACT OF TWSRA V. BLAIR

In *Tennessee Wine & Spirits Retailers Association*, the U.S. Supreme Court will determine the constitutionality of residency requirements for alcohol retailers. This will likely be the most significant decision regarding the interplay between the Commerce Clause and the Twenty-first Amendment since the 2005 *Granholm* decision. A decision will likely be out by the time conference occurs. This panel would provide commentary on the decision itself, and its likely impact on litigation currently working its way through the federal courts of appeals, some of which may also end up before the Supreme Court.

Moderator – BRANNON DENNING, Advisor, Center for Alcohol Policy and Constitutional Law Professor, Samford University’s Cumberland School of Law, Birmingham, AL

Panelists

- JOHN NEIMAN, Chair of Appellate Practice Group, Maynard Cooper, Birmingham, AL (former Alabama Solicitor General and SCOTUS clerk for Justice Kennedy)
- PAUL PISANO, General Counsel and Senior Vice President of Industry Affairs, National Beer Wholesalers Association
- ROBERT SHAFFER, Senior Vice President and General Counsel, Total Wine & More
- DEBORAH SKAKEL, Partner, BlankRome, New York

Conference concludes. Thanks for joining us!