

# ***Working Together – We're More Than OK!***

## **2023 Annual Conference**

Oklahoma City, Oklahoma

### **BUSINESS AGENDA**



**Stephanie Strauss**  
**President**



**Conference Host:**  
**Oklahoma ABE Commission**

#### **SUNDAY, JUNE 11, 2023**

1:00 P.M. – 5:00 P.M.      **Registration/Help Desk:** Omni Oklahoma City Hotel, North Prefunction

5:00 P.M. – 8:00 P.M.      **WELCOME RECEPTION**  
Oklahoma City National Memorial & Museum

8:00 P.M. – 12:00 A.M.      **HOSPITALITY SUITE, Route 66**

#### **1<sup>st</sup> DAY – MONDAY, JUNE 12, 2023 - General Session: Omni Oklahoma City Hotel, Oklahoma Station 1-4**

7:00 A.M. – 4:30 P.M.      Registration/Help Desk: Omni Oklahoma City Hotel, North Prefunction

7:30 A.M. – 8:30 A.M.      **BREAKFAST:** Oklahoma Station 5-8

8:30 A.M. – 9:45 A.M.      **WELCOME:** Tricia Everest, Oklahoma Secretary of Public Safety  
**PRESENTATION OF COLORS and NATIONAL ANTHEM:** Oklahoma City Police Department Honor Guard

**ROLL CALL:** Pam Frantz, NCSLA Executive Director

9:45 A.M. – 10:00 A.M.      **MORNING BREAK**

10:00 A.M. – 11:00 A.M.      **PANEL #1: Informing Decisions in Alcohol Through the Public Health Lens**  
Public health has been a key component in alcohol regulation from the beginning – sometimes in the forefront, other times in the background. As laws are re-written to account for the shifting norms and forms of alcoholic beverages, how does public health remain a relevant voice in the conversation? Just as important, how do regulators, policy makers and industry members incorporate public health considerations into their decisions? Do labeling practices need a refresh as new products continue to enter the marketplace? What useful data do we have to make informed decisions and what efforts are out there to provide the right tools to equip decision makers for the choices ahead?

**Moderator:** KATIE CRUMBLE, Director of Education and Prevention, Virginia Alcoholic Beverage Control Authority

**Panelists:** JAY LERDAL, Product Manager, National Restaurant Association  
KELLY ROBERSON, Executive Director, Center for Alcohol Policy  
PHILLIP SANCHEZ, Division Counsel and Acting Director, New Mexico Regulation & Licensing Department - Alcoholic Beverage Control Division  
MARY SEGAWA, Public Health Education Liaison, Washington State Liquor & Cannabis Board

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11:05 A.M. – 11:35 A.M.

#### **PANEL #2: Hot Topics**

There's nothing hotter right now than the latest developments, discussions, and current trends on the radar of the TTB. We have reserved thirty minutes to get an expert overview of topics such as:

- The Craft Beverage Modernization Act
- TTB rulemaking
- Labels and nutritional statements
- Next steps for Trade Practice Regulations
- Questionable trends with marketing and advertising compliance

**Moderator:** ANNE JUNIA, Partner, Powell Junia P.C. (IL)

**Panelists:** CHRISTOPHER THIEMANN, Distilled Spirits Program Manager, Alcohol and Tobacco Tax and Trade Bureau (TTB)

11:35 A.M. – 1:00 P.M.

#### ***LUNCH: Oklahoma Station 5-8***

1:00 P.M. – 2:00 P.M.

#### **PANEL #3: Regulatory Perspectives on Illegal Interstate Shipping of Beverage Alcohol**

State regulators to provide insights as to their enforcement efforts aimed at the illegal interstate shipping of beverage alcohol. Discussion topics will include: revenue implications, enforcement efforts, best practices, e-commerce success state stories, and counterfeit products.

**Moderator:** RANDY BARNHART, VP Gov. Affairs/Compliance, Southern Glaziers Wine & Spirits

**Panelists:** TED MAHONY, Chief Investigator, Massachusetts Alcoholic Beverage Control Commission  
DON MCGEHEE, Michigan Attorney General, Division Chief Alcohol Enforcement  
THOMAS GRAHAM, Executive Director, Texas Alcoholic Beverage Commission

2:05 P.M. – 3:05 P.M.

#### **PANEL #4: Industry Perspectives on Direct-to-Consumer Shipping of Beverage Alcohol**

Industry members will provide answers to questions raised by the state regulators in the preceding panel and a counter-perspective. Additional discussion topics will include: the Uniform Law Commission, and pros/cons of the DTC Compliance Act.

**Moderator:** STEPHEN HUMPHRESS, Assistant Attorney General, Kentucky Office of Attorney General

**Panelists:** STEVE GROSS, Vice President, State Relations, Wine Institute  
MARGIE LEHRMAN, Chief Executive Officer, American Craft Spirits Association  
CHRIS O'ROURKE, Vice President Legal and General Counsel, Moet Hennessey USA

3:05 P.M. – 3:20 P.M.

#### ***AFTERNOON BREAK***

3:20 P.M. – 4:30 P.M.

#### **PANEL #5: Does it Make Sense to License Third Party Delivery Services?**

Modern consumers crave the convenience of alcohol delivery, but most retailers can't invest in their own delivery vehicles and delivery staff, and welcome the idea of third-party delivery services. *How do we pivot to modernize?* Join

**Agenda – Subject to Change**

**6/9/2023**

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our esteemed panel of regulators, attorneys, and industry members as we tackle the question of licensing third-party delivery service providers. Our discussion will start with an introduction to the current landscape of alcohol delivery: delivery apps, self-delivery, and third-party delivery. Then we'll examine states where third-party delivery is simply allowed, and where a license/permit is required. A dynamic discussion with our subject matter experts will include various licensing structures for third-party delivery services, licensing requirements, benefits and challenges of licensing third parties, whether liability is shifting to third-party delivery services in an effective way, and how violations are being handled.

**Moderator:** WENDY TURK, Director of Regulatory Affairs, Fintech

**Panelists:** RICK GARZA, Agency Director, Washington State Liquor and Cannabis Board  
SARAH ROSS, Associate Legal Counsel, Virginia Alcoholic Beverage Control Authority  
ALYSSA WOLFE, Counsel to the Director, New Jersey Division of Alcoholic Beverage Control  
KYLE HILL, Shareholder, Martin Frost & Hill, P.C. (TX)  
MARIA JACKSON, Senior Director & Associate General Counsel, Regulatory, Instacart

5:00 P.M. **FREE EVENING TO DINE & EXPLORE**

8:00 P.M. – 12:00 A.M. **HOSPITALITY SUITE, Route 66**

### **2<sup>nd</sup> Day – TUESDAY, JUNE 13, 2023 - General Session: Omni Oklahoma City Hotel, Oklahoma Station 1-4**

7:30 A.M. – 4:30 P.M. **Registration/Help Desk:** Omni Oklahoma City Hotel, North Prefunction

7:30 A.M. – 8:30 A.M. **BREAKFAST: Oklahoma Station 5-8**

8:30 A.M. – 9:30 A.M. **PANEL #6: Modernization – Is It a Bad Word?**

The term “modernization” is frequently used in the alcohol beverage industry. But what does it really mean? For some, it means we need to modernize our regulatory systems to align with today’s business realities, meaning we need to update our laws and rules to help make clear what activities are and are not permissible. It’s important to balance regulatory goals like limiting youth access, preventing overconsumption, and ensuring an orderly marketplace with business goals like managing operations effectively, achieving sales targets and staying afloat. Others see modernization as a threat to the three-tier system; the laws and rules are already apparent, and the term is used to summarize efforts to create more exceptions. Our seasoned panelists will offer their perspectives on modernization, including routes to achieving, roadblocks and the resulting balancing act.

**Moderator:** CARRIE BONNINGTON, Partner, Pillsbury Winthrop Shaw Pittman LLP (CA)

**Panelists:** MICHELLE STONE-PRINCIPATO, Director, Colorado Department of Revenue,  
Liquor Enforcement Division  
AMY GRAYDON, Assistant Administrator for External Affairs/Chief of Staff, Alcohol and Tobacco Tax and Trade Bureau (TTB)

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KELLY DIGGINS, Vice President, Deputy General Counsel, Constellation Brands  
CHERYL MURPHY DURZY, Founder & CEO, Liberation Distribution (LibDib)

9:35 A.M. – 10:35 A.M.

#### **PANEL #7: Social Media & Online Advertising: Red Light / Green Light**

It's hard to keep up in the fast changing world of social media, online advertising and influencers. What can suppliers, distributors and retailers say online and how does it differ from state to state, as well as still staying within TTB and FTC regulations? Where do tied house rules come into play, or "things of value"? And what do industry members do when their marketing team goes rogue or wants to push the envelope? This panel will examine what passes as a "green light" and when to determine that you've come to a "red light". We will show real world examples of social media advertising and encourage the audience members to vote via the conference app in real time. The panel will then discuss why an example is compliant or not and how a red light can turn to a green light.

**Moderator:** MATTHEW CHERRY, Marketing Practices Attorney, Texas Alcoholic Beverage Commission

**Panelists:** THOMAS AKRAS, Director, Legal and Legislative Division, Maryland Alcohol and Tobacco Commission  
BOB BUDOFF, Senior VP, Legal and Regulatory Affairs, Distilled Spirits Council of the U.S.  
GINNA WINFREE BURRELL, Partner, Gullett Sanford Robinson & Martin (TN)  
ROGER CLAYTON, Senior Associate, Strike Kerr & Johns (CA)

10:35 A.M. – 10:50 A.M.

#### **MORNING BREAK**

10:50 A.M. – 11:50 A.M.

#### **PANEL #8: Hard Seltzers, Spiked Soft Drinks – National Soda Brands Entering Alcohol Markets**

National soft drink manufacturers have become involved in creating alcoholic beverage brands by making "Hard Drink" versions of their soft drink brands. What issues arise as a result of these soft drink brands becoming alcoholic beverages and their manufacturers becoming licensed wholesalers and manufacturers? Regulators and industry experts will discuss trade practice, product placement, marketing, advertising, rulemaking and possible public health concerns with these new hard beverages.

**Moderator:** ROBERT "R.J." O'HARA, President, Flaherty & O'Hara, P.C. (PA)

**Panelists:** ERNEST LEGIER, Commissioner, Louisiana Office of Alcohol & Tobacco Control  
LUIS GONZALEZ, Corporate Vice President, Regulatory Affairs & Commercial Counsel, Republic National Distributing Co.  
CAROLINE O'CONNELL, Attorney, Caroline O'Connell Law (MA)

11:50 A.M. – 1:00 P.M.

#### **LUNCH: Oklahoma Station 5-8**

#### **NCSLA REGIONAL STATE MEETINGS: Mistletoe and Pinion Rooms**

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1:00 P.M. – 2:00 P.M.

#### **PANEL #9: Follow the Money: Is “this” a Three Tier Problem?**

This panel will focus on private labels, third party brand ownership agreements and contract manufacturing. Not only are non-alcoholic beverage companies such as Coke and Pepsi availing themselves of these structures, they are pervasive with all producers, especially distillers and brewers and certain sectors within the retail tier through private labels arrangements. This panel would illustrate and discuss the varying business structures for these wide ranging arrangements, including contract manufacturing, brand ownership agreements, how the cash flows, and where there are potential three tier implications. This panel will further focus on the regulatory considerations and will add a regulatory perspective on approving licenses and permits for such structures. The panel will also discuss how non-alcoholic companies which pay slotting fees might isolate, manage and stay compliant on slotting fees, merchandising and avoiding marketing to minors.

**Moderator:** DIMITRI CHRISTOPOULOS, Principal, Christopoulos Law Group (IL)  
**Panelists:** LISA GARDNER, Executive Director, Illinois Liquor Control Commission  
EMILY GANT, Principal, Foster Garvey PC (WA)  
RANDY LIEBOWITZ, Chief Legal Officer, Blue Cloud Distribution

2:05 P.M. – 3:05 P.M.

#### **PANEL #10: Pain in the Glass: Recycling Programs in the Alcohol Industry**

This panel isn't just about glass, but all recyclable materials. With more states looking at recycling programs, what do the different options entail? There are bottle bills, enhanced producer responsibility programs, and entirely producer programs. What are the good and the bad of each, for the state, the regulators, and the three tiers?

**Moderator:** MARIBEL DELGADO, Vice President and Deputy General Counsel, E & J Gallo Winery  
**Panelists:** RICHARD CHESLEY, Manager, South Carolina Department of Health and Environmental Control  
SCOTT DEFIFE, President, Glass Packaging Institute  
BRAD EPPERLY, Shareholder, Nyemaster Goode, P.C. (IA)  
RACHEL SCHNEIDER, Vice President Sustainability & EHS, Molson Coors Beverage Co.

3:05 P.M. – 3:20 P.M.

#### ***AFTERNOON BREAK***

3:20 P.M. – 4:20 P.M.

#### **PANEL #11: Legal Update**

The Annual Legal Update is regarded as a “must see” by most conference attendees. Nationally recognized alcohol lawyer Richard Blau returns to the podium to review 2022-2023 federal and state court cases, as well as new statutes and executive orders relevant to the industry.

**Presenter:** RICHARD BLAU, Chair, Alcohol Beverage and Food Department, GrayRobinson (FL)

6:00 P.M. – 10:00 P.M.

***PRESIDENT'S BANQUET***  
***Oklahoma City Dodgers Ballgame, Chickasaw Bricktown Ballpark***

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10:00 P.M. – 12:00 A.M. **HOSPITALITY SUITE**, Route 66

### 3<sup>rd</sup> Day – WEDNESDAY, JUNE 14, 2023 - General Session: Omni Oklahoma City Hotel, Oklahoma Station 1-4

8:00 A.M. – 11:00 A.M. **Registration/Help Desk:** Omni Oklahoma City Hotel, North Prefunction

8:00 A.M. – 9:00 A.M. **BREAKFAST:** *Oklahoma Station 5-8*

9:00 A.M. – 10:00 A.M. **PANEL #12: Tricky Ethics in a Very Small World: Considerations of Regulators, Former Regulators, and Private Practitioners**

In any highly regulated industry, including alcohol beverage law, cannabis law, and gaming law, we all have the privilege and the responsibility of interacting with current regulators, former regulators, and private practitioners all the time. Frequently, many of us will have worn multiple hats, and sometimes all three. This will be a very engaged and interactive panel that will explore the difficult ethical questions that arise for everyone in our industry given how small the general membership is of almost every highly-regulated space. Hear from current regulators, former regulators, and private practitioners while they explore some of the general ethical obligations that exist, and as they dive into the even more difficult world that we all inhabit given the size of the alcohol beverage universe. Discussions will include, but not be limited to, ABA Model Rules 1.3 (Diligence), 1.4 (Communications), 1.7 (Conflicts of Interest), 1.9 (Duties to Former Clients) and others, including the commentary and corresponding Ethics Rules in New York and Oklahoma.

**Moderator:** NICHOLAS BERGMAN, Partner, Buchman Law Firm LLP (NY)  
**Panelists:** BARBARA KWON, Partner, Danow McMullan & Panoff P.C. (NY)  
CHRISTOPHER RIANO, Of Counsel (former NYSLA GC), Holland & Knight (NY)  
ELLEN SPIROPOULOS, Of Counsel, Phillips Murrah P.C. (OK)

10:00 A.M. – 11:30 A.M. NCSLA ANNUAL BUSINESS MEETING (*ALL State and Associate members welcome!*)

11:30 A.M. – 12:00 P.M. **BOXED LUNCH TO GO** (*Optional*)

**SEE YOU NEXT YEAR!**