

Seas of Change: Ride the Wave with NCSLA

2025 Annual Conference

Maui, Hawaii

AGENDA



Ernest P. Legier, Jr.
President

Conference Host:
Maui Department of Liquor Control

SUNDAY, JUNE 15, 2025

- 1:00 P.M. – 5:00 P.M. **Registration/Help Desk (Honoapiʻilani Tour Desk)**
- 6:00 P.M. – 8:00 P.M. **WELCOME RECEPTION (Kawaiola Pools 3 & 4)**
- 8:00 P.M. – 12:00 A.M. **HOSPITALITY SUITE (Mezzanine level – Mauna Komohana & Lihau)**

1st DAY – MONDAY, JUNE 16, 2025 - General Session:

- 7:00 A.M. – 4:30 P.M. **Registration/Help Desk (Honoapiʻilani Tour Desk)**
- 7:30 A.M. – 8:15 A.M. **BREAKFAST (Aloha Pavilion)**
- 8:30 A.M. – 10:15 A.M. **WELCOME / PRESENTATION OF FLAG / ROLL CALL**
The Honorable Richard T. Bissen, Jr., Mayor, County of Maui
- 10:15 A.M. – 10:30 A.M. **MORNING BREAK (Honoapiʻilani Lounge & Terrace)**
- 10:30 A.M. – 11:00 A.M. **PANEL #1: Lahaina Update: Maui Community Planning Recovery Support Function Team**
- Introducer:** LAYNE SILVA, Director, Maui Department of Liquor Control
- 11:05 A.M. – 12:05 P.M. **PANEL #2: 20th Anniversary of Granholm: Where Are We Now & Where Are We Going?**
- Moderator:** BAHANEH HOBEL, Partner, Dickenson Peatman & Fogarty
- Panelists:** STEVE GROSS, Vice President, State Relations, Wine Institute
 DONALD MCGEHEE, Michigan Attorney General, Division Chief Alcohol Enforcement
 JASON BARKER, Partner, Holland & Knight
 CAROLINE O'CONNELL, Principal, Caroline O'Connell Law, LLC

With the 20th Anniversary of the Supreme Court's decision in *Granholm*, there are myriad constitutional challenges in state and federal courts pitting the dormant commerce clause against the 21st Amendment. This panel will be a lively discussion of what *Granholm* challenges the industry can expect in future years. The panelists will address how post-*Granholm* case law and legislation is impacting industry member activity and the most recent cases challenging self-distribution, arbitration clauses, and direct shipping prohibitions. The panel will further explore pending legislation and gain insight from industry representatives and stakeholders on the various court challenges and will try to predict what new challenges lie ahead.

***Schedule Subject to Change**
Last updated April 9, 2025

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12:05 P.M. – 1:30 P.M.

LUNCH (Aloha Pavilion)

1:45 P.M. – 2:45 P.M.

PANEL #3: Antitrust on Tap: Mergers, Market, Enforcement and the Future of Competition in the Alcohol Industry

Moderator:

EMILY GANT, Partner, Foster Garvey PC

Panelists:

COURTNEY ARMOUR, Chief Legal Officer, Distilled Spirits Council of the United States

BART WATSON, Chief Executive Officer, Brewers Association

ALVA MATHER, Partner, McDermott Will & Emery

MICHELLE YOST HALE, Partner, Wilson Sonsini Goodrich & Rosati

Since the beverage alcohol industry was included in the Biden Administration's Executive Order on Competition, there has been a greater focus on antitrust enforcement both from private plaintiffs and the government. This panel will explore the latest antitrust issues impacting the industry, from the FTC's ongoing investigation into price discrimination by major distributors, to the increased scrutiny of mergers that threatened market competition, and the resurgence of the teeth in the Robinson-Patman Act. The panelists will review how exclusive dealing arrangements, tied-house laws, and the rise of dynamic pricing algorithms that are reshaping the competitive landscape for the industry. Further, this panel will explore the enforcement trends seen over the last few years and the anticipated changes through the new Administration.

2:45 P.M. – 3:00 P.M.

AFTERNOON BREAK (Honoapi'ilani Lounge & Terrace)

3:00 P.M. – 4:00 P.M.

PANEL #4: Modernization in Beverage Alcohol: Bridging the Regulatory Gaps

Moderator:

DANIELLE D'ALESSANDRO, Corporate Affairs Principal, Gopuff

Panelists:

MICHELLE STONE-PRINCIPATO, Director, Colorado Department of Revenue,
Liquor Enforcement Division

ERIK SMOOT, Captain, Oklahoma Alcoholic Beverage Laws Enforcement Commission

TOM KIRBY, Chief Law Enforcement Officer, Virginia Alcoholic Beverage Control
Authority

CURTIS L. FRANKLIN II, Legislative Liaison, Illinois Liquor Control Commission

KATHIE DURBIN, Director, Alcohol Beverage Services, Montgomery County, Maryland

Hear from a variety of state regulators who will examine pathways to success when engaging with the legislative branch and industry through the ever-present pressures to modernize alcohol laws. The panelists will review and provide commentary on the intersection of priorities and realities that arise when passing legislation versus implementing and enforcing new laws. This panel will cover examples of best practices, various case studies in CO, IL, VA, and OK, and pitfalls to avoid. Should new legislation always be driven by evidence-based research results and what should the regulatory agency's role be in this process? How can regulators better engage with legislators, lobbyists, and stakeholders to ensure new laws will yield successful and safe roads to modernization.

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4:00 P.M. **FREE EVENING TO DINE & EXPLORE**

8:00 P.M. – 12:00 A.M. **HOSPITALITY SUITE (Mezzanine level – Mauna Komohana & Lihau)**

2nd Day – TUESDAY, JUNE 17, 2025 - General Session:

7:30 A.M. – 4:30 P.M. **Registration/Help Desk (Honoapi'ilani Tour Desk)**

7:30 A.M. – 8:15 A.M. **BREAKFAST (Aloha Pavilion)**

8:30 A.M. – 9:30 A.M. **PANEL #5: Commercial Bribery: An Overlooked but Dangerous Trade Practice**

Moderator: JEREMY KRUIDENIER, Executive Director, Wine & Spirits Distributors of Illinois
Panelists: RISA WILLIAMS, Investigations Lieutenant, Arizona Department of Liquor Licenses & Control
MATTHEW BOTTING, General Counsel, California Alcoholic Beverage Control
LYNN WALDING, Executive Director, Control States, Diageo North America
DIMITRI CHRISTOPOULOS, Principal, Christopoulos Dickens

Where does nominal entertainment end and commercial bribery begin? When is a trip educational, business oriented and when does it cross the line? Activities such as trip incentives for wholesalers, gift cards for wholesaler and retail employees, Superbowl parties, trips to wineries, foreign countries, retail specific incentives are common practices but how often are these activities compliant and when do they violate federal and state trade practices? Can these practices be criminal? This panel will begin with a legal review of the federal and key state regulations and guidelines on commercial bribery, an often-ignored regulation. This panel will further explore the permissible incentives between each tier of the industry and discuss when such activities are abused and may rise to the level of criminal conduct.

9:35 A.M. – 10:35 A.M. **PANEL #6: Venturing into the Unknown: Venture Capital in the Alcohol Industry**

Moderator: ROBERT "R.J." O'HARA, Founder & Senior Counsel, Flaherty & O'Hara, P.C.
Panelists: RODRIGO DIAZ, Executive Director, Pennsylvania Liquor Control Board
CARRIE BONNINGTON, Partner, Pillsbury Winthrop Shaw Pittman LLP
CLARK SMITH, Partner, Vela Wood
SCOTT METZGER, President & Chief Operating Officer, Craft 'Ohana

Venture capital is a critical driver of growth for emerging brands and technologies and is an active participant in the alcohol industry. Past panels have discussed the struggles industry practitioners and regulators alike face licensing retailers owned in whole or in part by venture capital firms. Venture capital is now entering the upper tiers of the industry, creating new levels of complexity and unforeseen licensing complications as reflected by the Anderson Valley decision in

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California. How do we, as an industry, balance the need to fund growth and innovation in the alcohol industry with the need to maintain three tier separation and ensure compliance with regulatory disclosures? Join us as this panel explores the reasons the alcoholic beverage industry is attractive to venture capital, reasons industry members welcome venture capital investment along with a discussion about regulatory challenges practitioners and regulators face advising licensees and venture capitalists.

10:35 A.M. – 10:50 A.M. **MORNING BREAK (Honoapiʻilani Lounge & Terrace)**

10:50 A.M. – 11:50 A.M. **PANEL #7: Private Label & Barrel Pick Legal Issues**

Moderator: RYAN MALKIN, Principal, Malkin Law P.A.
Panelists: ANGELA SPIVEY, Partner, Alston & Bird
ROB PINSON, Partner, Adams & Reese
AYESHA MAHAPATRA, Senior Vice President & Deputy General Counsel,
Republic National Distributing Company

This panel will provide everything you need to know about private labels and barrel selections. It will address the differences between a private label and a barrel selection and the route-to-market for both. This panel will also explore where these products can be sold and how that differs across the states. For instance, does the state only permit private labels to be sold within the premises or may they be sold elsewhere? The panelists will discuss tied house concerns and consider the question of whether barrel selections are an impermissible thing of value. For instance, can a whiskey brand create a label with a retailer's name and photo and sell that across all states? The panel will also address intellectual property issues when a retailer licenses its trademarks and other intellectual property.

11:50 A.M. – 12:45 P.M. **LUNCH (Grab and Go; Ocean Lanai Terrace; Honoapiʻilani Lounge & Terrace)**
NCSLA REGIONAL STATE MEETINGS (Halona Room)

1:00 P.M. – 2:00 P.M. **PANEL #8: Rise and Evolution of Third-Party Marketing Companies**

Moderator: BARBARA KWON, Partner, The Danow Group
Panelists: KIMBERLY FROST, Shareholder, Martin Frost & Hill
JEANNIE BREMER, Vice President of Compliance & Public Policy, The Wine Group
DEREK CORREIA, Chief Executive Officer, ReserveBar

Large nationwide retailers engage third party marketing companies. Do we know who these companies are and how they engage with industry members? Who is paying whom and for what service? Are they licensed and/or regulated? Are they disrupting our industry and creating a tied-house workaround? Should we be concerned? This panel will discuss these questions and various state guidelines and rules of engagement including a detailed review of relevant TTB regulations. This panel will also explore how these third-party marketing companies interact with suppliers and retailers, and what potential challenges the industry faces when private party contracts for business efficiencies create inadvertent tied-house concerns.

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2:05 P.M. – 3:05 P.M. **PANEL #9: Annual 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 the most recent federal and state court cases, as well as new statutes and executive orders relevant to the industry.

Presenter: RICHARD BLAU, Shareholder, GrayRobinson, P.A.

3:05 P.M. – 3:20 P.M. ***AFTERNOON BREAK (Honoapiʻilani Lounge & Terrace)***

3:20 P.M. – 4:20 P.M. **PANEL #10: Ethics – The Intersection of the Legal Profession, Mental Health & Mindfulness**

Moderator: MARIBEL DELGADO, Vice President and Deputy General Counsel, E & J Gallo Winery
Panelists: LISA GARDNER, Executive Director, Illinois Liquor Control Commission
 RENEE METZ, Assistant General Counsel, North Carolina Alcoholic Beverage Control Commission
 TRAVIS HILL, Counsel, Hunton Andrews Kurth
 ANNE JUNIA, Partner, Powell Junia PC

The mental health statistics for lawyers are extremely poor compared to other professions. It is important to be aware of warning signs when the stress of the profession is taking over in unhealthy ways and have available techniques to properly manage your health and wellness. Hear from current regulators and private practitioners as they explore this topic and the ethical duties and responsibilities that arise in the context of attorneys who fall below acceptable standards. This panel will also review available resources to help correct course, when needed, including specific tips from an Instructor in Native Hawaiian Practices. Discussions and commentary will include a detailed review of the relevant ABA Model Rules, including 1.6 (Confidentiality), 1.16 (Declining or Terminating Representation), 5.1 (Responsibilities of Partners, Managers and Supervisory Lawyers), 5.2 (Responsibilities Regarding Nonlawyer Assistance), 8.3 (Reporting Professional Misconduct), and 9.4 (Misconduct), and the corresponding Rules of Professional Conduct for the thirteen states that require attorneys to obtain mental health/substance abuse continuing legal education.

6:00 P.M. – 7:00 P.M. ***COCKTAIL RECEPTION (Aloha Pavilion)***

7:00 P.M. – 9:00 P.M. ***PRESIDENT’S BANQUET: LUAU (Aloha Pavilion)***

9:00 P.M. – 12:00 A.M. ***HOSPITALITY SUITE (Mezzanine level – Mauna Komohana & Lihau)***

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3rd Day – WEDNESDAY, JUNE 18, 2025 - General Session:

8:00 A.M. – 11:00 A.M. **Registration/Help Desk (*Honoapiʻilani Tour Desk*)**

8:00 A.M. – 8:45 A.M. ***BREAKFAST (Aloha Pavilion)***

9:00 A.M. – 10:15 A.M. **PANEL #11: Rising Tides of Change**

Moderator: HOBERT RUPE, Executive Director, Nebraska Liquor Control Commission
Panelists: TYLER RUDD, Central States Counsel, Wine Institute
 STAN HARRIS, Director, National Restaurant Association
 LESTER JONES, VP Analytics and Chief Economist, National Beer Wholesalers
 MARY JANE SAUNDERS, Vice President and General Counsel, Beer Institute
 MARY CLARKE, Assistant General Counsel, Wine and Spirits Wholesalers of America
 ANDY DELONEY, Senior Vice President & Head of State Public Policy, Distilled Spirits
 Council of the United States

The alcoholic beverage is an ever-changing industry that is being pulled and pushed in different directions by outside influences and trends and industry groups are constantly reacting to such outside influences. Industry groups have had to respond to the rise of the neo prohibitionists and WHO that believe there is no safe level of alcohol, global trade disputes resulting in tariffs on alcoholic beverage products, changes to food codes and nutrition labels, all in the name of better health and other global and national influences on the sale, marketing and regulation of alcoholic beverages. Join our panel of industry experts who will explore these challenges and discuss how their members manage to stay afloat through the rising tides of change.

10:20 A.M. – 11:20 A.M. **PANEL #12: The (Il)legal Buzz: Hemp Infused Beverages**

Moderator: REBECCA STAMEY-WHITE, Principal, Stamey-White, APC
Panelists: RUSSELL THOMAS, Executive Director, Tennessee Alcoholic Beverage Commission
 MICHELLE BODIAN, General Counsel, Nowadays
 KEN KAST, Senior Counsel, New Business Verticals & Regulatory, DoorDash, Inc.
 TODD HARRIS, Co-Founder and Chief Executive Officer, Plift

Intoxicating hemp beverages are seemingly everywhere these days. What are they? Who is regulating them? Is anyone regulating them? This panel will examine the emerging category's legality at the federal and state levels and the agencies empowered to regulate intoxicating products derived from hemp produced under the farm bill. Our panelists will explore regulatory responses to this new product, practical considerations for each stage of the supply chain from grower to retailer, and will provide insights into formulation issues that might arise. Whether your state is already in the space, considering entering, or watching from the sidelines, this panel will provide valuable and unique insights on how this adult beverage product has supplemented traditional alcohol offerings and relevant considerations for the industry as a whole.

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11:25 A.M. – 12:45P.M. **NCSLA ANNUAL BUSINESS MEETING (*ALL State and Associate Members welcome!*)**