



NCSLA 2020 COMBINED REGIONAL VIRTUAL CONFERENCE

November 9, 10, and 12, 2020

NOTE: Start time each day is 2:00pm ET / 1:00pm CT / 11:00am PT / 9:00am HT

Transitioning to the “New” Normal

BUSINESS AGENDA

DAY 1: November 9, 2020 (Start time is 2:00pm ET / 1:00pm CT / 11:00am PT / 9:00am HT)

2:00 pm – 2:10 pm ET Welcome and Panel introduction – NCSLA President ANNA HIRAI

2:10 pm – 3:10 pm ET SESSION #1: WHAT IS THE “NEW” NORMAL? THE INDUSTRY PERSPECTIVE

COVID-19 has hit us all hard, altering our everyday lives more than we could have ever expected. It has taken a disproportionate toll on the hospitality industry, leaving thousands out of work after a nationwide shutdown. Based on a recent news reporting (WNYC radio), half of New York City restaurants for example will or have already closed permanently. Regulators have done what they could to help in those early days of need, and the industry has come together to contribute and support struggling members. While it's unclear yet whether we have “turned the corner”, we know that certain ways of adapting to this new way of life have helped some businesses survive. Emergent regulatory relief has permitted on premises licensees to extend their licensed premises outdoors or allowed for food + alcohol to go. COVID-19 has also been a catalyst for the online world: ecommerce, virtual tastings, contact-free sales, delivery and other alternative and creative methods of selling alcohol. Although still in flux, what do we think the new world of COVID-19 will look like, in both the near and long-term? What methods of relief and adaptation have helped the industry to survive (and, in some instances, even thrive) and what challenges remain? How do we preserve gains and continue to foster the responsible sale and delivery of alcohol? Yes, we want to “build back” but in a smart, durable and safe way. Join our esteemed group of panelists, representing the 3 tiers, for a deeper dive into the current state of affairs: the industry's perspective.

Moderator – NICK BERGMAN, Partner, Buchman Law Firm, LLP, New York, NY

Panelists

- KATIE DOYLE, State Government Affairs Manager, Washington Hospitality Association, Olympia, WA
- ALISON HERMAN, Senior Counsel, Regulatory and Compliance, Southern Glazer's Wine and Spirits, LLC, Miami, FL
- JAY HIBBARD, Vice President of Government Relations, Distilled Spirits Council of the United States (DISCUS), Washington, D.C.
- BAHANEH HOBEL, Partner, Dickenson, Peatman & Fogarty, Napa, CA

10 Minute Break

3:20 pm – 4:20 pm ET SESSION #2: WHAT IS THE “NEW” NORMAL? THE REGULATORS PERSPECTIVE

This panel will continue the discussion from the NCSLA Annual Virtual Conference of how state regulators have responded to COVID-19 as it relates to the allowances that have been provided temporarily, or maybe even permanently, to all three tiers of the alcohol industry. Initially these allowances were made in order to assist those businesses that have been negatively impacted by state or local actions that have severely



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limited, or in some cases closed these businesses. As regulators look to the upcoming legislative session in their respective state, they’ll be working with the industry, the Governor’s office, the legislature, and all stakeholders to determine what allowances should continue or not. It’s likely that most of the allowances will remain until we return to the “New” Normal...yet we have no idea what that might look like or when it may occur. Sharing the states experiences from across the nation will likely help all our state regulators understand how we’ve navigated the last six months and the many challenges ahead. Join these distinguished panelists as they contemplate the “New” Normal and public policy of the future.

Moderator – JOHN COCCA, Director, Arizona Department of Liquor Licenses and Control

Panelists

- RICK GARZA, Director, Washington State Liquor and Cannabis Board
- GARY MEYERHOFF, General Counsel, New York State Liquor Authority
- STEPHANIE STRAUSS, Government Relations Officer, Iowa Alcoholic Beverages Division
- RUSSELL THOMAS, Executive Director, Tennessee Alcoholic Beverage Commission

4:20 pm – 4:30 pm ET Closing Remarks – NCSLA President ANNA HIRAI

DAY 2: November 10, 2020 (Start time is 2:00pm ET / 1:00pm CT / 11:00am PT / 9:00am HT)

2:00 pm – 2:10 pm ET Welcome and Panel introduction – NCSLA Executive Director PAM FRANTZ

2:10 pm – 3:10 pm ET SESSION #3: “BLURRED” PRODUCT LINES

The alcoholic beverage industry is highly innovative and consumers continue to push for more products that blur the line between beer, wine and spirits. Often new products don’t fit into the current regulatory framework. Products that blur the line are hard seltzer, caffeine products, hard kombucha, malt-based cocktails, hemp-infused drinks, “healthy” alcoholic beverages, and alcoholic popsicles and ice creams, to name a few. This panel will delve into the shifting products and consumer perceptions in order to think about how best to regulate these blurred product lines going forward.

Moderator – JEFF GIAMETTA, Counsel, Davis Wright Tremaine LLP, Portland OR

Panelists

- TONY BARNES, Chief Corporate Counsel, Founders Brewing Company, Grand Rapids, MI
- JEANNIE BREMER, Vice President of Compliance & Public Policy, The Wine Group, Tracy, CA
- SUSAN EVANS, Director, Office of Industry and State Outreach, Alcohol and Tobacco Tax and Trade Bureau (TTB), Washington, D.C.



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3:20 pm – 4:20 pm ET SESSION #4: ON DEMAND DELIVERY LAWS—CURRENT LANDSCAPE

This panel will provide an overview of current state laws governing alcohol delivery. We will discuss key aspects of legal requirements (e.g., delivery permits, training, recordkeeping and labeling requirements) and will provide an update of states with pending legislation/rulemaking. Diverse panelists will present the viewpoints of regulators, lawmakers, retailers and third party delivery platforms, and discuss what aspects of the current laws and regulations work well and what could be improved to balance safety with increasing consumer demand for fast and convenient delivery.

Moderator – TOM KERR, Partner, Strike Kerr & Johns, San Francisco, CA

Panelists

- MATTHEW BOTTING, General Counsel, California Alcoholic Beverage Control
- MATTHEW CHERRY, Attorney, Texas Alcoholic Beverage Commission
- MARIA JACKSON, Director & Associate General Counsel, Regulatory, Instacart, San Francisco, CA
- ANNE JUNIA, Partner, Powell Junia P.C., Chicago, IL

4:20 pm – 4:30 pm ET Closing Remarks – NCSLA Executive Director PAM FRANTZ

DAY 3: November 12, 2020 (Start time is 2:00pm ET / 1:00pm CT / 11:00am PT / 9:00am HT)

2:00 pm – 2:10 pm ET Welcome and Panel introduction – NCSLA Immediate Past President JEFF KELLY

2:10 pm – 3:10 pm ET SESSION #5: ETHICS – LOBBYISTS & LAWYERS...THE LINES OF THREE TIER REPRESENTATION (OR WHATS GOOD FOR THE GOOSE ISN'T ALWAYS GOOD FOR THE GANDER)

Rule 1.7(a) of the Model Rules of Professional Ethics provides that:

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
- (1) the representation of one client will be directly adverse to another client; or
 - (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Many law firms represent not only industry members in all three tiers, but in some instances industry members within a single tier with divergent legislative goals. Further, some of the firms are actively involved in rule making and legislative activities to further their clients' legal objectives. When does a



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lawyer's advocacy become lobbying? Can a lawyer ethically further one client's legislative objectives if that activity would negatively impact another client? Are these conflicts waivable and when do you need to seek consent? Join us as we delve into the ethical implications of advocating for clients when not all of a law firm's clients are necessarily aligned.

Moderator – CLAY BYRD, Partner, Adams & Reese LLP, Nashville, TN

Panelists

- JESSICA ALLEN, Executive Secretary, Indiana Alcohol and Tobacco Commission
- RYAN HAYNES, Executive Director, Wine and Spirits Wholesalers of Tennessee, Nashville, TN
- ERNEST LEGIER, Commissioner, Louisiana Alcohol & Tobacco Control
- MARBET LEWIS, Partner, Spiritus Law, Coral Gables, FL

10 Minute Break

3:20 pm – 4:30 pm ET SESSION #6: REGIONAL UPDATES OF THE STATES

During this Regional Update, state regulators from all across the country will present a short update from their respective states. This will be reminiscent of the "roll call" feature of NCSLA in-person conferences. This is a great chance to see many faces, some familiar and some new, packed into one fast-paced hour. The participating state regulators will pick what they want to share as the most important message or news from their state. Get ready to experience a national tour of state liquor regulation!

Region Moderators and State Regulators

- JENNA GIGUERE, Northern Region Chair

Northern Region State Presenters:

- **Delaware** – JACK CORDREY, Commissioner
- **Maryland** – JEFF KELLY, Director
- **Pennsylvania** – ROD DIAZ, Chief Counsel
- **Rhode Island** – JENNA GIGUERE, Deputy Chief of Legal Services
- **Virginia** – TRAVIS HILL, Chief Executive Officer

- STEVEN BARKER, Southern Region Chair

Southern Region State Presenters:

- **Kentucky** – STEVE HUMPHRESS, Assistant Attorney General
- **Louisiana** – ERNEST LEGIER, Commissioner
- **Oklahoma** – STEVEN BARKER, Deputy Director and General Counsel
- **Tennessee** – RUSSELL THOMAS, Executive Director
- **Texas** – CLARK SMITH, General Counsel



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- DEBBI BEAVERS, Central Region Chair
Central Region State Presenters:
 - **Illinois** – CHIMA ENYIA, Executive Director
 - **Indiana** – DAVID COOK, Chairman
 - **Iowa** – STEPHANIE STRAUSS, Government Relations Officer
 - **Kansas** – DEBBI BEAVERS, Director
 - **Missouri** – DOTTIE TAYLOR, State Supervisor
 - **Nebraska** – HOBERT RUPE, Executive Director
 - **North Dakota** – AMANDA FILIPEK, Supervisor, Wholesale & Oil Taxes
 - **South Dakota** – JASON EVANS, Deputy Director, Business Tax Division
- STEVE MARKS, Western Region Chair
Western Region State Presenters:
 - **Arizona** – JOHN COCCA, Director
 - **Colorado** – MICHELLE STONE-PRINCIPATO, Director
 - **Hawaii** – BRANDON GONZALEZ, Administrative Officer, Hawaii County
 - **Oregon** – STEVE MARKS, Executive Director
 - **Washington** – RICK GARZA, Director

4:30 pm – 4:40 pm ET Closing Remarks – NCSLA Immediate Past President JEFF KELLY