



Regulation Matters

NCSLA 2019 Annual Conference



Jeffrey A. Kelly
President

Conference Host: Kentucky Department
of Alcoholic Beverage Control

BUSINESS AGENDA

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 Flags / Pledge of Allegiance
Guest Speaker
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 and Regulatory Affairs, Wine & Spirits Wholesalers of America

Panelists – To Be Named

- 10:45 AM – 10:50 AM **TRANSITIONAL TOPIC – TBD on Current Events**
- 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 – To Be Named



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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 - NICHOLAS BERGMAN, Partner, Buchman Law Firm, LLP, New York

Panelists – To Be Named

2:30 PM – 2:35 PM **TRANSITIONAL TOPIC – TBD on Current Events**

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 – MATTHEW BOTTING, General Counsel, California Alcoholic Beverage Control

Panelists – To Be Named

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



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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.

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

Panelists – To Be Named

9:30 AM – 9:35 AM **TRANSITIONAL TOPIC – TBD on Current Events**

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, 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 – To Be Named

10:35 AM – 10:50 AM *Morning Break*



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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 – To Be Named

11:50 AM – 11:55 AM **TRANSITIONAL TOPIC – TBD on Current Events**

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, Chief Product Officer, Compli

Panelists – To Be Named

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**

WEDNESDAY, JUNE 19, 2019 - General Session: MEDALLION SALON B/C/D, SEELBACH HILTON

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



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8:30 AM – 9:30 AM **PANEL #10: FROM THE LAND OF BOURBON, REGULATING CANNABIS BUSINESSES TOWARD WHAT’S NEXT. A STATE-BY-STATE EXPERIENCE IN A POST FEDERAL PROHIBITION WORLD IS NOT ENOUGH.**

“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 must be done next, who should or could do it, and why certain things might need to be done now... before choices become entrenched and system changes become unwieldy.

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

Panelists – To Be Named

9:30 AM – 9:35 AM **TRANSITIONAL TOPIC – TBD on Current Events**

9:35 AM – 10:35 AM **PANEL #11: ENFORCEMENT – STATE AND FEDERAL**

10:35 AM – 10:40 AM **TRANSITIONAL TOPIC – TBD on Current Events**

10:40 AM – 11:40 AM **PANEL #12: The Impact of TWSRA vs. BYRD**

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 – To Be Named