



## 2017 Central/Western Regional Conference

Westin Hotel, 241 W. Washington St., Indianapolis, IN 46204

October 1-4, 2017



### *Regulating at the Crossroads of America* **Business Agenda**

#### SUNDAY, OCTOBER 1, 2017

2:00 PM-5:00 PM Early Registration/Help Desk: Grand Ballroom Foyer

6:00 PM-8:00 PM Welcome Reception: Senate Foyer, 2<sup>nd</sup> Floor

#### MONDAY, OCTOBER 2, 2017

7:00 AM-4:00 PM Registration/Help Desk: Grand Ballroom Foyer

8:00 AM-9:00 AM **Opening Ceremony: Grand Ballroom 5**  
Call to Order: A. Keith Burt, NCSLA President  
Welcome: David Cook, Indiana Alcohol and Tobacco Commission  
Presentation of Colors/Pledge of Allegiance  
Roll Call of States

9:00 AM-9:45 AM **Featured Speaker: Doug Boles, President, Indianapolis Motor Speedway**

9:45 AM-11:00 AM **Panel #1: Granholm v Heald and Its Relevancy to Today's Markets**

It has been seventeen years since the landmark decision in *Granholm v Heald*, which pitted the dormant Commerce Clause against the 21<sup>st</sup> Amendment. How did we end up there and, more importantly, how does the decision affect today's dynamic markets, with all of its innovations? Journey with the panel to review how we got here and where we are going in this regard.

*Moderator:* Matthew D. Botting, General Counsel, California Alcoholic Beverage Control

*Panelists:*

- Professor J. Alex Tanford, Professor Emeritus of Law, Indiana University, Maurer School of Law, Bloomington, IN
- Michael D. Madigan, Managing Shareholder, Madigan, Dahl & Harlan, Minneapolis, MN

11:00 AM-11:15 AM Morning Break: Grand Ballroom 4 Foyer

11:15 AM-12:15 PM **Panel #2: Tribal Bands – Regulating Sovereign Nations**

The road to recognition of Native American tribes as sovereign nations in the United States has undergone extreme transformations since the late 1800's. Even in modern times, controversy continues as to how tribe members are recognized and what benefits go along with this recognition. In this seemingly ever-changing environment and expansion of tribes into new states, how are states and regulators handling these sovereign nations and what is required of them, if anything?

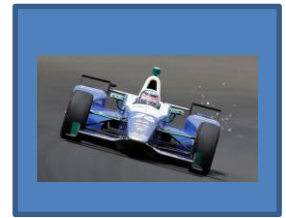
*Moderator:* Hobert B. Rupe, Executive Director, Nebraska Liquor Control Commission



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### MONDAY, OCTOBER 2, 2017 (cont.)

*Panelists:*

- Rick Garza, Director, Washington State Liquor and Cannabis Board
- Chris Masse, Partner, Miller Hash Graham & Dunn LLP
- Don McGehee, Division Chief, Department of Attorney General, Michigan

12:15 PM-1:30 PM    Networking Lunch: Grand Ballroom 4

1:30 PM-1:45 PM    **Preview of 2018 National Conference in Hawaii**

1:45 PM-2:45 PM    **Panel #3: The Third (Party) Rail - The Role of Unlicensed Third Party Providers**

The relatively small group of companies often referred to as “third party marketing companies” may only scratch the surface when it comes to the universe of companies that provide services of various sorts to liquor licensees, and the phrase “marketing companies,” may well be a misnomer. This panel will examine: (i) the kinds of services that some unlicensed third parties are providing to liquor licensees around the country, (ii) their attempts to comply with relevant state liquor laws, and (iii) the questions that regulators typically raise regarding the services they provide and the conditions under which they provide them.

*Moderator:* RJ O’Hara, Partner, Flaherty & O’Hara, P.C.

*Panelists:*

- Jim Farrell, President, Beverage Merchandising, Inc.
- Wendy Turk, Director of Regulatory Affairs, Fintech.net
- Patrick Maroney, Director, Colorado Department of Revenue Liquor & Tobacco Enforcement Division

2:45 PM-3:00 PM    Afternoon Break: Grand Ballroom Foyer

3:00 PM–4:00 PM    **Panel #4: The New Era of Fake IDs - How Underage Drinkers Are Using Technology and Social Media to Obtain Alcohol**

As the security controls on traditional IDs have improved, so have the methods to circumvent them. Underage drinkers continue to forge IDs and replicate security features, but now with greater fidelity. They also use social media to access alcohol using tricks for online ordering, on-site and off-site purchases, at-home delivery, and curbside pick-up. Adding to the panoply, electronic payment methods make it difficult to trace transactions, whether through legitimate credit cards, cyber currency, or stolen identities. This presentation covers some of the ways fake IDs are forged, sold, and used, and some of the latest methods underage drinkers use to access alcohol.

*Presenters:*

- Susan Dworak, Chief Executive Officer, Real Identities, LLC
- Roger Slykhouse, Chief Technology Officer, Real Identities, LLC



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#### TUESDAY, OCTOBER 3, 2017

7:00 AM-4:00 PM Registration/Help Desk: Grand Ballroom Foyer

9:00 AM-10:00 AM **Panel #5: Paying the Price for Alcohol – The Real Price of a Drink**

Many states don't set firm prices for alcohol beverages. At the retail level, alcohol can be exchanged for something like a customer's email address or entry into a local drawing. Is this kind of exchange being used to circumvent happy hour laws or obscure tax revenues? At the wholesale level, inducement laws are meant to protect against unfair advantage for bigger producers. Can flexible prices and creative payment options be used to get around those protections? This panel will explore the creative ways to pay for drinks. We'll take a look at cyber money, such as bitcoin, and gain an understanding of how creative payment methods might challenge alcohol regulators. Are there special pitfalls associated with alternative payment methods for alcohol?

*Moderator:* Adam Chafetz, President, Health Communications, Inc.

*Panelists:*

- Donovan Borvan, Executive Director, Illinois Liquor Control Commission
- Bud Dunn, Vice President, Atlas Sales, Inc., Chairman, NextGen Group, NBWA
- Kate Hardy, Partner, Beverage Law Group LLP - Strike & Techel
- Wendy Turk, Director of Regulatory Affairs, Fintech

10:00 AM-11:00 AM **Panel #6: Are We Our Brothers' Keepers – Social Responsibility**

Regulated industries are regulated, presumably, for the interest of public health, safety and welfare. But do permittees have to go above and beyond the statutory requirements? Does it benefit them to do so? This panel will examine what some might deem as "public service" and examine the motivations, analysis of return, and ways in which permittees are giving back to their communities. In addition, the panel will discuss the public policy behind going "above and beyond" what is required of them.

*Moderator:* David Rothenberg, Executive Secretary, Indiana Alcohol and Tobacco Commission

*Panelists:*

- Matthew Feltrop, Executive Director, The Patachou Foundation
- Pat Gagliardi, President, Gagliardi Associates and Consultant for Center for Alcohol Policy
- Dave Worthington, Founder, Metazoa Brewing, Indiana
- Katja Zastrow, Vice President of Corporate Social responsibility, Better World, Anheuser-Busch Brewing

11:00 AM-11:15 AM Morning Break: Grand Ballroom Foyer



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[TUESDAY, OCTOBER 3, 2017 \(cont.\)](#)

11:15 AM-12:15 PM **Panel #7: Advocacy to State Elected Officials**

Whether or not you, as a regulator, interact with your elected representatives, it is crucial to understand the hearts and minds of such people and the ins and outs of effective communication in their environment. This presentation is tailored to both regulators and industry participants alike. Join us in this audience interactive session about how to approach your local, state, and national officials affecting the industry.

*Speaker:* R.E. "Tuck" Duncan, Attorney at Law, LLC, Kansas

12:15 PM-1:30 PM Lunch: Grand Ballroom 4

1:30 PM-2:30 PM **Panel #8: Disruptors and the Beverage Alcohol Industry**

Business leaders across sectors are keenly aware that established business models are increasingly under threat from technology-led change. Innovative challengers, disruptors, are upending established businesses, even in industries with traditional barriers to entry. Incumbents need to be vigilant to potential threats and, proactively, forced to rethink how they do business. This session will examine the theory of disruptive innovation (first articulated 20 years ago by Harvard Business School Professor Clayton Christensen), how it's changing the world economy and, particularly, what it means for the future of the beverage alcohol industry. Attendees will be part of the discussion through Q&A and live polling.

*Presenter:* Lynn Walding, Executive Director of Control States, Diageo

2:30 PM-3:30 PM **Panel #9: Craft Trends – What's In, What's Out?**

For years, India Pale Ales have been the bedrock of beer. Could that foundation be shaken with the growing popularity of sour beers? Bordeaux pours were the staple of white tablecloth restaurants. Is that being threatened by the rise of casual dining and screw-top Pinot Noirs? Rye whiskey has been making its comeback. Is that a trend you should count on? This panel will examine those issues and more, from a Midwestern perspective. Each of the panelists, as well as the moderator, are experts in their fields, have been recognized in the alcohol community as being cutting edge and anticipating what the consumer craves. Being ahead of the game is the way to success and these leaders will discuss what they see coming down the road.

*Moderator:* Tony Barnes, Chief Corporate Counsel, Founders Brewing Co., Michigan

*Panelists:*

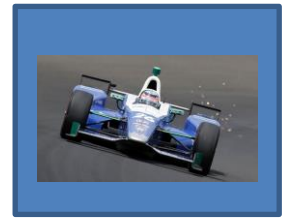
- Travis Barnes, Founder/President, Hotel Tango Artisan Distillery, Indiana
- Rob Caputo, Executive Director, Brewers of Indiana Guild
- Matt Colglazier, VP, Merchandizing and Marketing, Big Red Liquors, Indiana
- Eric Harris, Founder, Two-EEs Winery, Indiana



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#### TUESDAY, OCTOBER 3, 2017 (cont.)

3:30 PM-4:00 PM **Indiana Craft Tastings**

Please join the panelists as they sample their wares and answer any questions you might have concerning the latest product trends and how they are satisfying their customers.

#### WEDNESDAY, OCTOBER 4, 2017

7:00 AM- 12:00 PM Help Desk: Grand Ballroom Foyer

9:00 AM-10:00 AM **PANEL #10: POD Save the NCSLA**  
**Episode 1 - Lying Lawyers and the Lies They Tell!!!**

When is lying in a commercial or political setting okay? Learn about the ethical constraints of lying from your co-hosts Nick Bergman and Bill Tomaszewski who will discuss topics from Enron to the Whitehouse in a podcast setting. Is an in-house counsel responsible for the lies the company spouts? Is there an ethical duty to correct untrue statements by someone in office? What are the consequences for an attorney who signs off on false documents? What is the ethical line for an attorney who lies (or helps to facilitate a lie) or who purposefully omits a material fact in a media setting? Do the Model Rules of Ethics have an effect on this? Is “Alternative Facts” a bona fide excuse or an ethical violation? Be sure to attend this freewheeling discussion and get the opportunity to chime in and have your voice heard. Plus, there may be CLE ethic credits for those attending! The ABA Model Rules that will be covered are: 4.1 - Truthfulness in Statements to Others; 3.3 – Candor Towards the Tribunal; and 8.4(c) – Definition of Behavior Involving Dishonesty.

*Speakers:* Nick Bergman, Partner, Buchman Law Firm, LLP, New York  
Bill Tomaszewski, General Counsel, Wine.Com

10:00 AM-11:00 AM **Panel #11: Regulator “Hot Topics”**

Following on the heels of the successful “hot topic” panel in Denver, we are reserving one panel for issues that are so fast paced, they might not have even happened yet. You can, however, expect that these topics MAY include first amendment rights and how our industry addresses issues that unexpectedly pop up, the implications of the recent change in the lowering of the legal blood alcohol level in Utah to .05%, and how states are addressing contract brewing. You never know what latest development might arise!

*Moderator:* Rebecca Stamey-White, Partner, Hinman & Carmichael LLP, California

11:00 AM–12:00 PM **Feedback Session**

The conference is over, you’re back behind your desk, and you get a survey in the mail asking about your conference experience and any suggestions you might have as far as topics, mechanics, or accommodations. With a pile of mail on your desk, do you really have time to accurately fill that out and send it back? Well, here is your chance for instant feedback – while it is all fresh in your mind, let us know what you think – what we did well on, what can be improved.