*All meeting space is located on the 1st floor (above lobby level) of the Arlington Tower.
As Chairman of the National Alcohol Beverage Control Association’s (NABCA) Board of Directors, it is my pleasure to welcome you to NABCA’s 15th Annual Symposium on Alcohol Beverage Law and Regulation. It is our hope to provide you with a stimulating dialogue on the crucial issues and challenges facing state regulators, industry officials, and others impacted by alcohol beverage regulation.

I would like to personally thank this year’s planning committee – Mark Brown, Danielle Elks, Vince O’Brien, Lynn Omlie, Paul Pisano, and P.J. Stapleton – for their assistance in crafting this informative and timely agenda. With so many issues of interest to discuss, the committee did an excellent job in framing a meeting schedule that will encompass many of the topics impacting the regulation and operation of the alcohol beverage industry.

Over the past few years, this meeting has grown substantially in both content value and attendee participation. Thank you for your participation and continued support of NABCA.

Edmund J. Schmidt
NABCA Chairman of the Board

FUTURE NABCA LEGAL SYMPOSIUMS...
16th Annual Symposium on Alcohol Beverage Law and Regulation
Crystal Gateway Marriott – Arlington, VA
March 9 – 11, 2009

We hope to see you there!
Monday, March 10

6:00 PM - Registration and Networking Reception
8:00 PM Skyview

Tuesday, March 11

The Sessions for Tuesday, March 11th and Wednesday, March 12th will be located in Salon 4-6 unless otherwise noted.

8:00 AM Registration and Continental Breakfast
Arlington Registration & Arlington Foyer 4-6

8:30 AM Welcoming Remarks
James Sgueo, NABCA President & CEO
James M. Goldberg, Esq., NABCA General Counsel

8:45 AM Resale Price Maintenance After Leegin
James M. Goldberg, Esq. (Moderator)
Goldberg & Associates, PLLC
Washington, DC

Veronica G. Kayne, Esq.
Haynes and Boone LLP
Washington, DC

Theodore Voorhees, Jr., Esq.
Covington & Burling LLP
Washington, DC

9:45 AM Channeling 21st Century Ingenuity to Implement the 21st Amendment
Lynne J. Omlie, Esq. (Moderator)
DISCUS
Washington, DC

Lou Bright, Esq.
Texas Alcoholic Beverage Commission
Austin, TX

Renee Loring
RI.gov
Providence, RI
Tuesday, March 11, continued

9:45 AM Channeling 21st Century Ingenuity to Implement the 21st Amendment, continued

Lynn Walding, Esq.
Iowa Alcoholic Beverages Division
Ankeny, IA

Jerry W. Waters, Sr.
Pennsylvania Liquor Control Board
Harrisburg, PA

10:45 AM Morning Break

11:00 AM Keeping Alcohol Safe: Lessons Learned from the Chinese Food Safety Scandals

Paul E. Pisano, Esq. (Moderator)
National Beer Wholesalers Association
Alexandria, VA

W. Curtis Coleburn, Esq.
Virginia Alcoholic Beverage Control Board
Richmond, VA

Caroline Smith DeWaal, Esq.
Center for Science in the Public Interest
Washington, DC

William H. Foster
Alcohol and Tobacco Tax and Trade Bureau
Washington, DC

12:00 PM Lunch
Salon 3

1:30 PM Criminalizing Alcohol Providers: Good or Bad?

Danielle Elks, Esq. (Moderator)
Tennessee Alcoholic Beverage Commission
Nashville, TN
Tuesday, March 11, continued

1:30 PM   Criminalizing Alcohol Providers: Good or Bad?, continued

James L. Camblos, III, Esq.
City of Waynesboro
Waynesboro, VA

Thomas R. King
State College Police Department
State College, PA

2:30 PM   Afternoon Break

2:45 PM   The Ethics of Dealing with Alcohol Regulators

Patrick J. Stapleton III, Esq. (Moderator)
Pennsylvania Liquor Control Board
Harrisburg, PA

Robert J. Grey, Jr., Esq.
Hunton & Williams LLP
Richmond, VA

Massachusetts Alcoholic Beverages Control Commission
Boston, MA

3:45 PM   Trade Practice Enforcement at the State Level

Vincent O’Brien, Esq. (Moderator)
Nixon Peabody LLP
New York, NY

Danielle Elks, Esq.
Tennessee Alcoholic Beverage Commission
Nashville, TN

William D. O’Donaghue, Esq.
Department of Commerce and Economic Opportunity
Chicago, IL

5:00 PM   Adjournment
Wednesday, March 12

8:00 AM  Continental Breakfast  
Arlington Foyer 4-6

8:30 AM  How Did They Do That? The Beer Industry Class Action Litigation Summary  
Anne G. Kimball, Esq.  
Wildman Harrold Allen & Dixon LLP  
Chicago, IL

9:15 AM  Where is Alcohol Beverage Regulation Headed? A Look at Emerging Trends  
Mark Brown (Moderator)  
Sazerac Company, Inc.  
New Orleans, LA  
Peter Anderson, MD, Ph.D., MPH  
Public Health Consultant  
Girona, Spain  
Craig A. Purser  
National Beer Wholesalers Association  
Alexandria, VA  
Tom Wark  
Specialty Wine Retailers Association  
Sacramanto, CA

10:30 AM  The New Control—Virtual Self-Distribution  
Terri Cofer Beirne, Esq.  
McCandlish Holton, PC  
Richmond, VA

11:30 AM  Hot Topics in Alcohol Beverage Law  
James M. Goldberg, Esq.  
NABCA General Counsel  
Washington, DC

12:00 PM  Adjournment
SESSION DESCRIPTIONS

RESALE PRICE MAINTENANCE AFTER *LEEGIN*

The Supreme Court’s *Leegin* decision struck down a nearly century-old rule making manufacturer-retailer resale price maintenance a per se violation of federal antitrust laws. How will the new “rule of reason” approach impact the alcohol beverage industry? In this session, two seasoned antitrust law practitioners will provide some insight into the future of manufacturer-retailer relationships.

CHANNELING 21ST CENTURY INGENUITY TO IMPLEMENT THE 21ST AMENDMENT

The internet offers a powerful look for state regulators to make their activities more efficient and effective. This session will explore how states are using their websites and the internet to gain efficiencies for the public, other government agencies and the businesses they regulate.

KEEPING ALCOHOL SAFE: LESSONS LEARNED FROM THE CHINESE FOOD SAFETY SCANDALS

Frequent stories about tainted Chinese products concern all consumers and regulators, including those in the alcohol beverage industry. Counterfeit and poisonous alcohol is a global issue and thousands die each year from this problem in such countries as Russia, China and Guatemala. This session focuses on how government and industry can ensure this global problem can be kept away from U.S. shores, including what currently works and what still needs to be implemented by industry regulators.

CRIMINALIZING ALCOHOL PROVIDERS: GOOD OR BAD?

Many states and communities have increased their attention on persons providing alcohol to minors by increasing enforcement resources and penalties applied for violations. At times this has spawned controversy as parents and other adults are swept into the criminal justice system for something that many consider a harmless act. This session’s panelists will explore the successes and pitfalls of these increased efforts against those who provide alcohol to minors.

THE ETHICS OF DEALING WITH ALCOHOL REGULATORS

State alcohol beverage regulators often come to their position without thoroughly knowing how they should interact with the community they regulate. Similarly, industry practitioners don’t know where the ethical “line” is located. This session will focus on some typical scenarios and indicate proper – and improper – responses.
TRADE PRACTICE ENFORCEMENT AT THE STATE LEVEL

Since the Alcohol and Tobacco Tax and Trade Bureau seems to have focused more on revenue collection than trade practice enforcement in recent years, state regulators have become the focal point for policing these important “rules of the road.” This session looks at recent efforts by states to revise their regulations and offers some advice to both regulators and industry on how to proceed in the future.

HOW DID THEY DO THAT? THE BEER INDUSTRY CLASS ACTION LITIGATION SUMMARY

Four years ago, the entire alcohol beverage industry was focused on a series of class action law suits filed against major malt beverage producers. The cases, filed in several federal and state courts across the country, advocated novel theories that plaintiffs’ lawyers sought to advance. The cases have now been resolved in favor of the industry. This session will provide an overview of what happened, how it happened and if the outcome provides any “road map” for future activity.

WHERE IS ALCOHOL BEVERAGE REGULATION HEADED? A LOOK AT EMERGING TRENDS

A variety of recent developments, both legal and structural, suggests that the alcohol beverage industry may be embarked on a period of unparalleled deregulation. Is this accurate, or will the pendulum swing back into renewed regulation of alcohol beverage distribution and sales? If deregulation is coming, should the industry and state regulators be concerned, embrace the trend or even work to accelerate the trends? This session focuses in what these trends mean for alcohol beverages and their place in our society.

THE NEW CONTROL — VIRTUAL SELF-DISTRIBUTION

The last new control state agency is a distant memory—until now. Reacting to a federal court decision which struck down self-distribution, Virginia’s wineries negotiated for creation of a public entity associated with the Virginia Department of Agriculture to act as a wholesaler for Virginia wines. In this session, a lawyer and lobbyist for the wineries will describe the genesis and justification for the Virginia Winery Distribution Company, as well as provide a summary of how this “virtual” wholesaler will operate.

HOT TOPICS IN ALCOHOL BEVERAGE LAW

This session presents the latest in what you need to know about legislation, regulation and litigation impacting the industry. Depending on developments, it may feature an extended discussion of the pending Costco antitrust litigation, direct shipping litigation, the Federal Trade Commission’s advertising self-regulation report, and other judicial and regulatory issues.
FACULTY

PETER ANDERSON trained as a general practitioner and specialist in public health medicine at the University of Oxford and the London School of Hygiene and Tropical Medicine, and received his Ph.D. degree on the risk of alcohol. From 1992-2000 he was regional advisor for both alcohol and tobacco in the European Office of the World Health Organization. Since 2001, he has been working as an independent consultant, authoring a 400-page report for the European Commission on Alcohol in Europe.

TERRI COFER BEIRNE is a member of the Government Relations practice of the Richmond, VA law firm of McCandlish Holton, PC. Among her clients are Virginia wineries. Ms. Beirne is also an adjunct professor at the University of Virginia and Piedmont Community College, where she teaches Virginia wine law to the industry and consumers. She is on the Editorial Board of the Virginia ABC Board Licensee Newsletter. Ms. Beirne has a B.A. degree from George Mason University and a J.D. degree from the University of Richmond TC Williams School of Law.

LOU BRIGHT has served as General Counsel of the Texas Alcoholic Beverage Commission since 1994. Prior to that, he spent seven years in the Texas Attorney General's office engaged in employment, civil rights and constitutional law. He has also been in private practice in both Waco and Austin. Mr. Bright graduated magna cum laude from St. Mary’s University and has a J.D. degree from Baylor University School of Law.

MARK BROWN is President and CEO of Sazerac Company, Inc. He got his start in the alcohol beverage business at a relatively young age when he began working in his family’s pub business in the United Kingdom. He came to the U.S. in 1980 as field sales manager for British cider-maker H.P. Bulmer. From 1981-1992, he had several positions with Sazerac, then spent five years with Brown-Forman before returning to Sazerac in June, 1997 in his current role. Mr. Brown holds an MBA degree from Tulane University.

JAMES L. CAMBLOS III is an Assistant Commonwealth Attorney for the City of Waynesboro, VA. He was Commonwealth Attorney for Albemarle County (home of the University of Virginia) for 16 years, during which time he was active in the fight against underage drinking. He was a founding member of the Charlottesville/Albemarle Drug Court. Mr. Camblos received his B.A. degree from the University of Virginia and his J.D. degree from Western New England College School of Law.
W. CURTIS COLEBURN is Chief Operating Officer of the Virginia Alcoholic Beverage Control Board, a position he assumed in 1999 after serving as Secretary of the Board for five years. Prior to joining the Virginia ABC, he served as a county prosecutor and headed the legal services office of Virginia State Police’s Bureau of Criminal Investigation. Mr. Coleburn received his B.A. degree in government and foreign affairs from Hampden-Sydney College and his J.D. degree from the University of Richmond.

CAROLINE SMITH DeWAAL is the director of the food safety program for the Center for Science in the Public Interest, and coauthor of Is Our Food Safe? A Consumer’s Guide to Protecting Your Health and the Environment. She is the leading consumer analyst of laws and regulations governing food safety. Before joining CPSI, Ms. DeWaal was Director of Legal Affairs for Public Voice for Food and Health Policy, where she spearheaded that organization’s lobbying effort on seafood safety in Congress, at the Food & Drug Administration and in the media. She received her B.A degree from the University of Vermont and her J.D. degree from Antioch School of Law.

DANIELLE ELKS is the Executive Director of the Tennessee Alcoholic Beverage Commission. Born and raised in Eastern North Carolina, Danielle graduated from East Carolina University, magna cum laude, with a B.S. degree in Business Management. From there, she earned her law degree from the University of North Carolina – Chapel Hill. She began her career as an Assistant Attorney general in the Consumer Protection Division. Danielle has been with the Alcoholic Beverage Commission for 19 years.

WILLIAM H. FOSTER is Assistant Administrator, Headquarters Operations of the Alcohol and Tobacco Tax and Trade Bureau, where he oversees the functions of the Advertising, Labeling and Formulation Division, the Regulations and Rulings Division, the International Trade Division and the Scientific Services Division. Mr. Foster entered government service in 1975 as an inspector for the Bureau of Alcohol, Tobacco and Firearms. He has held a number of significant positions within ATF and TTB.

JAMES M. GOLDBERG (Program Chair) is a principal in the Washington law firm of Goldberg & Associates, PLLC. He also serves as General Counsel to the National Alcohol Beverage Control Association, a position he has held for more than 20 years. Mr. Goldberg has written numerous appellate briefs on behalf of state regulatory agency officials in major alcohol beverage cases. He has a B.S. degree in journalism from Syracuse University and a J.D. degree from George Washington University’s National Law Center.
ROBERT J. GREY, JR. is a partner in the Richmond, VA office of Hunton & Williams, where his practice focuses on administrative matters before state and federal agencies. He also counsels businesses with concerns before elected and appointed government officials on a state and national basis. Mr. Grey served as Chairman of the Virginia Alcoholic Beverage Control Board from 1982-1985, and as President of the American Bar Association in 2004-2005. He has a B.S. degree from Virginia Commonwealth University and a J.D. degree from Washington and Lee University School of Law.

VERONICA G. KAYNE is a partner in the Washington office of Haynes and Boone LLP, where her practice focuses on antitrust law. Ms. Kayne has extensive experience in the antitrust aspects of distribution and pricing, having served as assistant director of the Federal Trade Commission's Bureau of Competition, where she directed two major enforcement actions, including a challenge to recorded music distributors' minimum advertised price program. She has a B.A. degree from the University of Pennsylvania and an M.A. degree from UCLA, both in biology, and she received her J.D. degree from Villanova University.

WILLIAM A. KELLEY, JR. has been General Counsel of the Massachusetts Alcoholic Beverages Control Commission since 1991 and has been a faculty member of every Massachusetts CLE program since 1993 on the subject of licensing of alcohol beverages business in the state. Prior to joining the agency, he was engaged in the private practice of law, focusing on civil and criminal litigation, and counseling small businesses, including representation in government enforcement actions of zoning and other law. Mr. Kelley graduated from the College of the Holy Cross and Suffolk University Law School.

ANNE G. KIMBALL is a partner with the Chicago law firm of Wildman Harrold, where her practice focuses on complex litigation, particularly in the area of class actions, emerging theories of liability and industry-wide defense. She has represented manufacturers of firearms, alcohol beverages, pharmaceuticals, medical devices and other consumer products. Ms. Kimball serves as primary outside counsel to the Beer Institute. She received her B.A. degree from Smith College, her M.A. degree from the University of Vermont and her J.D. degree from the University of Chicago.

THOMAS R. KING has been Chief of Police for the State College (PA) Police Department since 1993, having begun his career with the Department in 1981 as a patrol officer. In November, 2007, he was appointed by Gov. Edward Rendell as the law enforcement representative on the Pennsylvania Commission on Crime and Delinquency. Mr. King has a B.A. degree in criminology from Indiana University of Pennsylvania.
RENEE LORING is Director of Marketing for RI.gov, the official web site for the State of Rhode Island, which is managed by Rhode Island Interactive, a subsidiary of the e-government firm NIC, Inc. She is responsible for the oversight of project management and coordinating all marketing efforts to promote portal awareness. Ms. Loring started her career with NIC in 1999 at the Maine network, Maine.gov. She has also worked for the Maine State Legislature and for KeyBank’s corporate cash management division. Ms. Loring has a B.S. degree in business from the University of Maine.

VINCENT O’BRIEN is senior counsel with Nixon Peabody LLP, in its New York office. He has extensive experience in alcohol beverage law, which he has practiced since his first day as an attorney in 1963. He spent 11 years as General Counsel at Joseph E. Seagram & Sons, Inc., before returning to private practice with the firm of Buchman & O’Brien. Mr. O’Brien is President and a founding member of the 400-member International Wine Law Association and is a member of the U.S. delegation to the International Federation of Wines and Spirits. He has B.A. and J.D. degrees from Fordham University, and MBA and LLM degrees from New York University.

WILLIAM D. O’DONAGHUE is Deputy General Counsel for the Illinois Department of Commerce and Economic Opportunity, where he handles legal work for the Illinois Film Office, Illinois Tourism Office and all related grant, tax incentive and loan participation programs. Prior to his current position he was Chief Legal Counsel for the Illinois Liquor Control Commission, where he handled a series of alcohol beverage industry trade practice violation cases, among other things. Mr. O’Donaghue also served as Chairman of the Chicago Liquor License Appeal Commission. He is a graduate of Boston College and the Chicago-Kent College of Law.

LYNNE J. OMLIE is Senior Vice President, General Counsel and Corporate Secretary for the Distilled Spirits Council of the United States, Inc. (DISCUS). Ms. Omlie has served as General Counsel since October 1989 and, prior to that time, she served as the DISCUS Assistant General Counsel for two years. Before joining DISCUS, she worked at the Federal Trade Commission for Commissioner David A. Clanton and was in private practice at a Washington law firm.
PAUL E. PISANO is Vice President of Industry Affairs at the National Beer Wholesalers Association. He leads the Association’s efforts in the industry, legal and state government affairs and serves as primary liaison to state distributor association’s and NBWA’s supplier and retailer partners. Prior to joining NBWA, he served as Director of Congressional Affairs for the Census Bureau at the U.S. Department of Commerce. He also spent six years on Capitol Hill, serving as Chief of Staff for a Member of Congress. Mr. Pisano holds a B.A. degree from Hampden-Sydney College and earned his J.D. degree from Catholic University’s Columbus School of Law.

CRAIG PURSER is President of the National Beer Wholesalers Association in Alexandria, VA. During his 10 years with NBWA, Mr. Purser has been instrumental in positioning the association to meet today’s challenges by strengthening the three-tier system and state-based regulation. A veteran of Capitol Hill and numerous statewide political campaigns, he served on the staff of former U.S. Senator and Assistant Majority Leader Don Nickles (R-OK) for nearly five years. Mr. Purser serves as a trustee of the Alcohol Beverage Medical Research Foundation and is a member of the U.S. Chamber of Commerce’s Association Committee of 100. He is a graduate of the University of Oklahoma.

PATRICK J. STAPLETON, III is Chairman of the Pennsylvania Liquor Control Board. He was initially appointed to the PLCB in 1997 and was re-appointed in 2000 and 2004. In addition to his responsibilities with the PLCB, Mr. Stapleton is an attorney practicing in his hometown of Indiana, PA and with the Philadelphia and Pittsburgh-based firm of Weber, Gallagher, Simpson, Stapleton, Fires and Newby, where he specializes in commercial litigation, medical malpractice and general casualty litigation. He has an undergraduate degree from the University of Notre Dame and received his J.D. degree from Tulane University School of Law.

THEODORE VOORHEES, JR. is a litigation partner in the Washington office of Covington & Burling, where he serves as Co-Chair of the Firm’s Antitrust and Consumer Law Practice Group. His antitrust practice focuses on pricing and distributorship arrangements and counseling trade associations on antitrust compliance matters. He serves on the Council of the American Bar Association’s Antitrust Section. He received his A.B. degree from Harvard University and his J.D. degree from Catholic University’s Columbus School of Law.
LYNN M. WALDING has been Administrator of the Iowa Alcoholic Beverages Division since February, 2000. Prior to his appointment, he served as an Assistant Attorney General in the Iowa Department of Justice for 19 years, where he represented various state government departments as a member of the Administrative Law Division. He serves as an adjunct professor of public administration at Iowa State University, where he teaches courses in Administrative Law and Government, Business and Society. Mr. Walding received a B.A. degree in political science, an M.P.A. degree in public administration and a J.D. degree from the University of Iowa.

TOM WARK is Executive Director of the Specialty Wine Retailers Association, a national organization of progressive wine merchandise who seek liberalization of shipping laws for retailers and consumers. Mr. Wark began his career with the wine industry with a Sonoma County marketing firm in 1990, then founded his own firm in 1993 that focused on wine-related communications and marketing. He has worked on various wine-related political issues through his associations with Matanzas Creek Winery, Coalition for Free Trade and Family Winemakers of California.

JERRY W. WATERS, SR. is Director of the Bureau of Licensing for the Pennsylvania Liquor Control Board and a member of the agency’s Executive team. He is responsible for licensing all sales, storage, transportation and manufacture of spirits, wine and beer. Mr. Waters began his 25-year career with the PLCB as an enforcement officer and has served as Chief of the Investigation Division and Assistant Director of the Licensing Bureau. He is a member of NABCA’s Best Practice Committee.