



NABCA

25TH ANNUAL SYMPOSIUM ON
ALCOHOL BEVERAGE LAW
& REGULATION



March 18-20, 2018

Crystal Gateway Marriott | Arlington, VA



NABCA's 25th Annual Symposium on Alcohol Beverage Law and Regulation has a robust agenda that provides attendees an excellent opportunity to stay abreast of the most recent legislative, regulatory, and judicial activity impacting the operation and regulation of the alcohol beverage industry. Increased attendance during the past several years at the Symposium is a clear indication of the growing value and significance this meeting offers through both subject matter and networking opportunities.

Attendance at the Symposium proves beneficial to a myriad of audiences: lawyers, state and federal regulators, representatives of the alcohol beverage industry, and other affiliated entities. The Symposium Planning Committee, which is comprised of regulators, industry analysts and experts, has created an informative and educational agenda that focuses on timely and current issues. In addition, the Symposium provides an invaluable opportunity to network with colleagues from across the country.

Please take a moment to review the schedule and program for this year's Symposium. We hope to see you there!

Sincerely,

James M. Sgueo
President & CEO



WHO IS NABCA?

The National Alcohol Beverage Control Association (NABCA) is the national association representing the 18 political jurisdictions that directly control the distribution and sale of alcohol beverages within their borders. While the Control State Systems were founded upon a common principal of market control, the exercise of that control has come to vary from state to state. Some states now control only at wholesale; while others have retained control at retail exclusively through government-operated stores. Some control the sale of wine as well as distilled spirits. Regulation and operational procedures vary from state to state. The Control State System works for the community the way community wants it to work.

Established in 1938, NABCA serves its members as an information clearinghouse and as a liaison to federal, state, and local governments; research and advocacy groups; the alcohol beverage industry; and other organizations impacting alcohol policy. It is the mission of NABCA to support alcohol control systems by providing resources, compiling research, and fostering relationships to address policy for the responsible sale and consumption of alcohol beverages.

WHY IS THE SYMPOSIUM UNIQUE?

The Symposium on Alcohol Beverage Law and Regulation is the only forum sponsored by a non-profit organization representing alcohol regulators focusing on legal issues from the perspective of regulators, policy makers and the alcohol beverage industry. Faculty and attendees include knowledgeable individuals who represent government and industry perspectives, as well as those who bring an impartial view of key issues impacting the participants. The scheduled program, coupled with ample time for informal networking, affords an excellent opportunity for a unique learning experience.

WHO SHOULD ATTEND?

The Symposium is ideal for state regulatory agency officials, corporate counsel, industry policy-makers who want to know how the current legal environment will shape their future operational decisions, and attorneys in private practice who advise industry members and work with state and federal regulatory agencies. The Symposium will examine legal issues from the perspectives of government regulators, beverage alcohol industry (suppliers, wholesalers and retailers), and policy makers. Representatives from every segment will find topics covered in the Symposium extremely timely and informative.

CONTINUING LEGAL EDUCATION

The Symposium program is designed to qualify in states that have a Continuing Legal Education (CLE) requirement. Since it is impossible to pre-register the Symposium in all states with mandatory CLE, NABCA will cooperate with attendees in completing and submitting any forms necessary to obtain CLE credit for the course. Pre-approval will be obtained from some major jurisdictions. Attendees will be provided a uniform CLE attendance form for submission to their local jurisdiction.

NEW THIS YEAR:

NABCA is now offering a different attendance option, LIVE WEBCAST. Sessions can be accessed online and questions submitted in real time.

Please check with your CLE provider(s) to see if online credits can be accepted.

SUNDAY, MARCH 18

06:00 PM - 07:00 PM Registration and Networking Reception

MONDAY, MARCH 19

07:30 AM Registration and Continental Breakfast

08:15 AM Welcoming Remarks

James M. Squeo, *NABCA President & CEO*
Andrew Deloney, *Chairman, Michigan Liquor Control Commission; NABCA Chairman*

08:30 AM – 09:30 AM Here Comes the Judge

In the practice of beverage alcohol law, attorneys can expect to appear before federal and state courts as well as in administrative hearings on a myriad of legal issues. Although the issues may be similar before each tribunal, the procedures, evidence, and standard of proof may vary. This can create challenges for the beverage alcohol practitioner, as they may need to decide where to file a case or how best to preserve the record for appeal as the matter works its way through these tribunals. In this informative session, a three judge panel from different court systems will discuss these legal issues, as well as provide practical insights and practice tips from their perspectives regarding beverage alcohol litigation.

09:45 AM – 10:45 AM Background Checks: How Much is Too Much?

State alcohol agencies perform background checks for licensee applicants as a matter of routine. However, in some jurisdictions, it arguably takes far too much effort in an already laborious process for both alcohol agency staff and the applicants themselves. The state has the legal authority and an obvious interest in ensuring that only reputable license holders sell alcohol to consumers. However, the depth and breadth of what is actually required for approval remains debatable, especially for minority owners of larger corporate entities without decision-making control of the applicant company. This panel will explore the complexities in the legal structure of modern corporations and exactly why agencies ask what they ask and what they actually need to approve a licensing application.

11:00 AM – 12:00 PM Trade Practices: A Civil Matter?

Violations of trade practice regulations pose significant threats to the continuation of a fair, healthy, competitive, and consumer centric marketplace. Recent federal and state investigations have exposed significant trade practice violations and have resulted in hefty fines for retailers, wholesalers, and suppliers. Concurrently, alcohol beverage industry members have filed numerous civil lawsuits in federal and state courts to challenge the legality of trade practice measures by alleging that they conflict with anti-trust laws and other legal principles. Is this type of litigation a trend we can expect to see continue? What are the possible civil actions, defenses, and remedies available? In this session, a panel of legal experts will discuss trade practice enforcement trends and related civil litigation matters.

12:00 PM – 01:15 PM Lunch

TENTATIVE PROGRAM & SESSION DESCRIPTIONS

(Session Topics and Speakers are Subject to Change)

MONDAY (continues on the next page)

01:15 PM – 02:15 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

Global Alcohol Distribution Systems

Mergers and acquisitions inside the alcohol world subject corporations and their attorneys to unfamiliar alcohol distribution schemes. The American three-tier system has unique properties not seen in the European Union, Japan, or elsewhere. Attorneys must possess a strong understanding of these other structures in order to provide the best counsel possible in the ever-changing international marketplace. What are the similarities and differences between alcohol distribution in the United States versus overseas? How can corporate legal and regulatory professionals best prepare to meet the challenges of doing business in these disparate systems? How do other industries handle such issues?

The ABCs of Beverage Alcohol Law

The regulatory and legal framework for alcohol manufacturing, distribution, and sales in the United States reinforces the long-held conviction that alcohol is no ordinary commodity. The three-tier system of distribution, tied house laws, and unique trade practice requirements are just some of the areas where alcohol is treated differently from other products in the consumer marketplace. The complex area of state and federal alcohol laws can seem overwhelming, especially for the attorney or agency official new to beverage alcohol law. In this session, panelists will provide their expertise on beverage alcohol law in a “back to the basics” approach geared toward new members of the alcohol world’s regulatory and legal fields and veteran who would like a refresher.

02:30 PM – 03:30 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

The Legal Relevance of “Toward Liquor Control”

Commissioned as a report recommending an alcohol regulatory scheme for America as Prohibition ended, “Toward Liquor Control” remains relevant to this day. The book continues to be used as reference material in policy and legal discussions for alcohol stakeholders in the public and private sectors. The important legal principles and structure discussed and developed in “Toward Liquor Control” are still applicable today. In this session a panel of experts will provide insights and recommendations on how to best rely on these guiding principles in today’s beverage alcohol legal environment.

ADA Digital Compliance

Over the last several years, court decisions and actions by the United States Department of Justice extended provisions of the Americans with Disabilities Act (ADA) to websites, with a special focus on creating public accommodations for online outlets that offer goods and services. As the alcohol industry has become more digitized by both public and private sector entities, understanding ADA compliance is an important topic. In order to limit litigation and government investigations, attorneys should have a significant knowledge base in digital accessibility requirements for disabled Americans. A panel of experts in ADA Digital Compliance will discuss the best practices for website compliance, particularly highlighting recent court rulings and government actions in the alcohol arena.

03:45 PM – 04:45 PM CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):

21st Century Technology Meets 20th Century Regulation

Regulations implemented by states decades ago could not have anticipated the technologies used in the alcohol world of 2018. The real life situations that exist today do not always fit neatly into current regulatory frameworks and, as a result, legal issues arise. How can agencies and companies work together to mend the existing tension between the 20th and 21st centuries? Should current laws be strictly construed, or should the “spirit of the law” be applied to accommodate new technologies? Do broader interpretations only lead to additional legal issues, the potential for trade practice violations and ethics concerns, or are they a legally viable option to accommodate fast paced technology? What kind of balance can be found between technology enabling modern consumerism and the current legal landscape of beverage alcohol law? What is the best legal way for yesterday to meet today – and tomorrow?

Ethics: Protecting Client Data in a Mobile Digital World

In the brave new world of the digital age, attorneys must take added precautions to protect client data. Cyber security measures and common sense precautions must always remain in effect. The loss or leaking of emails, social media information, or sensitive materials can lead to negative consequences for both the client and the attorney. What are the best ethical practices for an attorney to keep client data safe? How can attorneys continue to fulfill their professional responsibilities in a “plugged-in” world without risking the exposure of client data? What are the disclosure requirements for suspected breach? Experts in legal ethics will share their insights in protecting client data in the digital world.

04:45 PM – 05:00 PM First Day Closing Remarks and Announcements

05:00 PM Adjournment

06:00 PM – 07:00 PM Networking Reception

TUESDAY, MARCH 20

07:30 AM Continental Breakfast

08:15 AM – 09:15 AM Does Commerce Trump Public Health?

Efforts to extend – or curb – alcohol sales focus on economic factors rather than public health and safety issues now more than ever. Challenges to minimum pricing or licensing quota laws emphasize free market and revenue generation without consideration for the impact on the community. What is the best evidence to be used in making these laws or in civil litigation challenging their validity? Who are the experts and what studies can be relied upon in making the public health and safety argument for alcohol regulation? In this session, attorneys, research scientists, and expert witnesses will discuss the best evidence for the public safety and health argument.

09:30 AM – 10:30 AM Granholm: To Retail or Not to Retail

The Granholm Supreme Court decision on the direct shipment of alcohol answered important questions regarding the constitutional limits of state alcohol laws. Court cases since the decision continue to flesh out specifics as to what states can and cannot do under the 21st Amendment. One area of alcohol shipment that Granholm did not definitively decide was out of state retailers shipping directly to consumers - a growing commercial area. What kind of legal restrictions may states implement on regulating retailer-to-consumer shipments? How have some of the Federal Circuits weighed in on the issue? Panelists will review those questions and other still unresolved points of tension in alcohol regulation as well as Granholm a decade later.

10:45 AM – 11:45 AM The Lens of Time: 1st versus 25th NABCA Legal Symposium

In the twenty-five years that NABCA has hosted its Symposium on Alcohol Beverage Law and Regulation, issues impacting alcohol regulators and attorneys have evolved, but several major issues remain the same. Certain timeless topics such as ethics, deregulation, 21st Amendment jurisprudence, and emerging alcoholic products have been discussed consistently at the Symposium throughout its first twenty-five years. Is what's past truly prologue? What can be learned from the sessions over the last quarter-century to help prepare the beverage alcohol law sector to tackle important areas? Join us in this session as we look back over the past 25 years of legal jurisprudence in the alcohol industry and discuss the likely issues of the next 25.

11:45 AM – 12:00 PM Closing Remarks and Adjournment



Download the Legal Symposium Meeting App to be updated on speakers as they are added to the program!

SYMPOSIUM INFORMATION



HOTEL & RESERVATION

Crystal Gateway Marriott
1700 Jefferson Davis Highway
Arlington, VA 22202

Phone: (703) 920-3230 • Fax: (703) 271-5212

www.crystalgatewaymarriott.com

Standard Room

\$274.00 + 13% tax

State Room (State Representatives ONLY)

\$222.00 + 13% tax

Phone: 1 (703) 920-3230

Online: Visit www.nabca.org and click on the Legal Symposium link. Scroll down to find the Marriott reservation link.

- **Attendees are responsible for making their own hotel and travel arrangements.** Please be aware that NABCA may view your reservation information via hotel's group rooming list.
- NABCA's room block will be held until the cut-off date, **Friday, February 23, 2018.** After the cut-off date, reservations received will be accepted on a space available basis. **Please make your reservations as early as possible, as there is no guarantee the hotel will not sell out prior to the cut-off date.**
- All reservations must be accompanied by a first night's room deposit or guaranteed by a major credit card.
- An early departure fee of one night's room and tax will apply if checking out prior to the confirmed check-out date.
- Check-in begins at 3:00 PM and check-out is at 12:00 PM.



On-site Parking Rates: \$20 hourly and \$34 per day

Valet Parking Rates: \$40 per day



NABCA REGISTRATION

Please return registration form by
FRIDAY, FEBRUARY 23, 2018!

Mail: 4401 Ford Avenue, Suite 700
Alexandria, VA 22302

Email: meetings@nabca.org

Secure Fax: (703) 824-3377

Online: www.nabca.org



TRAVEL & TRANSPORTATION

Ronald Reagan Washington National Airport (DCA) is approximately 5 minutes (2 miles) from the Marriott Crystal Gateway. Commercial air carriers serviced by DCA include AirCanada, AirTran, American, Delta, Fly Frontier, JetBlue, Southwest, and United. For more information, please visit www.flyreagan.com/dca.

COMPLIMENTARY AIRPORT SHUTTLE SERVICE: The Crystal Gateway Marriott has a complimentary shuttle available but you must schedule your pick-up and drop off. Please call (703) 920-3230.

TAXI SERVICE: Taxi Service is located near the Arrival (baggage claim) exits of each terminal for approximately \$10 one-way including tip.

METRO: Metrorail stations are connected to the concourse level of terminals B and C at Reagan National Airport. Metrorail fare cards may be purchased at machines located at all entrances to the Airport Metrorail station. The Blue line will stop at the Crystal City Metro located 2 minutes (.5 miles) from the hotel.

Washington Dulles International Airport (IAD) is approximately 34 minutes (27 miles) from the Marriott Crystal Gateway. Commercial air carriers serviced by IAD include AirCanada, AirTran, American, Delta, JetBlue, Southwest, and United. For more information, please visit www.metwashairports.com/iad.

TAXI SERVICE: Taxi Service is available at the lower level of the Main Terminal for approximately \$45 one-way.

SHUTTLE SERVICE: Shuttle service with Super Shuttle is available at the airport. For reservations contact 800-BLUE-VAN (258-3826) or visit their website, www.supershuttle.com.

WASHINGTON FLYER: Washington Flyer is available at the lower level of the Main Terminal for approximately \$45 one-way. Reservations are required.

WEATHER & ATTIRE



Dress is business casual throughout the Symposium. Average Arlington, VA temperatures in March range from 56° F to 38° F with a precipitation rate of 3.5 inches. Please pack accordingly.

For questions regarding meeting logistics, please contact the Meetings Department at (703) 578-4200 or meetings@nabca.org.

Note: The registration fee includes attendance at the Symposium, all meal functions, and program materials.

Cancellation Policy: A refund, less an administrative processing fee of \$25.00, will be remitted for all cancellations made in writing to NABCA by **Friday, February 23, 2018.** No refunds will be made for any cancellation received after that date.

