



**NABCA**

# 26<sup>TH</sup> ANNUAL SYMPOSIUM ON ALCOHOL BEVERAGE LAW & REGULATION

**March 17-19, 2019**  
**Crystal Gateway Marriott**  
**Arlington, VA**



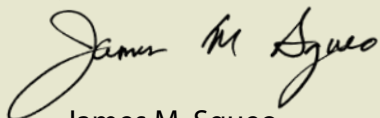


NABCA's 26<sup>th</sup> Annual Symposium on Alcohol Beverage Law and Regulation has a robust agenda that provides attendees an excellent opportunity to stay abreast of the most recent legislative, regulatory, and judicial activity impacting the operation and regulation of the alcohol beverage industry. Having achieved its 25 year "Silver Anniversary" last year, we continue to see increased attendance and participation which demonstrates the growing value and significance this meeting offers through both subject matter and networking opportunities.

With the current dynamic landscape in beverage alcohol law and regulation, 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 & 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



## ABOUT THE SYMPOSIUM

### 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.

Unable to attend in person? You can still participate via our 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.*

## TENTATIVE AGENDA

### SUNDAY, MARCH 17

6:00 PM - 7:00 PM **Registration and Networking Reception**

### MONDAY, MARCH 18

7:30 AM **Registration and Continental Breakfast**

8:15 AM **Welcoming Remarks**

Jeff Painter, Chairman, Virginia ABC, *NABCA Chairman*

8:30 AM – 9:30 AM **Direct Shipment: Borderline Jurisdiction**

Direct to consumer shipping from one jurisdiction into another presents growing compliance issues including the potential for lost tax revenue, increased sales to underage buyers, and limited product control. As new technology facilitates the growth of entities engaged in interstate shipment, state governments are forced to play enforcement “whack-a-mole” given the seemingly infinite number of online vendors engaged in this activity. In this session, regulatory enforcement officials and legal experts will discuss recent court decisions and the strategies they have found to be effective—ranging from coordination with FedEx and UPS to effectuate cease and desist letters, to partnering with TTB in an effort to properly leverage state resources and institutional knowledge.

9:45 AM – 10:45 AM **Uncovering Trade Practice Violations**

An investigative agency is requesting records related to trade practices, what next? What documents must be disclosed, and what information can be redacted? What is a “forensic accounting” analysis? In approaching trade practices investigations, compliance and honesty are paramount. But it is often difficult to comply if you don’t know the landscape or have never been “down this road.” In this session, attorneys and investigative experts will discuss the “do’s and don’ts” of trade practice investigations, “best practices” to ensure any investigation runs as efficiently as possible and how regulators and industry members can work together to insure better compliance.

11:00 AM – 12:00 PM **Product Liability and Tainted Product**

As consumers trend towards farm-to-table and other locally-curated products, the oft-forgotten risk of tainted product becomes a greater potential issue for the alcohol industry at large. In light of this, some local producers are looking to licensed labs to test products prior to launch; while others are seeking guidance on compliance and potential liability should they discover such a problem. In this session, a group of regulatory and product liability attorneys will discuss preventative measures which can be taken to mitigate the risk of tainted products. They will also discuss what measures must be taken should tainted product be discovered, and which federal agencies have jurisdiction over these measures.

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)

# TENTATIVE AGENDA MONDAY (continued)

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## 1:15 PM – 2:15 PM **CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):**

### **A Piece of the Action (Ethics Session)**

Attorney's fees are often cost-prohibitive in the early stages of a start-up. But for entrepreneurs in the alcohol industry, this cost is a necessity. Consequently, many practitioners are offered equity or profit-sharing in potential endeavors as a means of compensation. For attorneys, this presents a minefield of potential conflicts which must be addressed at the onset to ensure all advice is ethical and in the best interests of the company. In this session, legal ethics experts will discuss which conflicts are waivable, what constitutes "informed consent", and under what circumstances an attorney may be forced to withdraw from representation.

### **Unlimited License Problems**

The proliferation of special use licenses has created a regulatory labyrinth that is difficult for compliance officers and inefficient for enforcement officials. These "one-off" licenses, while initially well-intentioned, have created seemingly endless lists of potential licensing options—with the practical effect of creating codified preferences for particular business plans and confusing those individuals making good faith efforts to comply with the law. In this session, state officials and regulatory attorneys will address the unintended consequences of creating dozens of special use licenses, the sustainability of this process, and methods to streamline these licenses into a more manageable regulatory framework.

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## 2:30 PM – 3:30 PM **CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):**

### **Regulating Alcohol Tourism**

With the explosion of brewpubs and local distilleries, state regulators are being forced to address issues which blur the lines between criminal law and regulatory oversight. "Party buses" beg questions of what constitutes an open container in a moving vehicle; while bar crawls create similar confusion around open container laws and on-premise requirements. Sponsored events at local breweries implicate trade practice issues—and joint marketing for these types of events only compound these issues. In this session, experts discuss the legal issues implicated in the alcohol tourism industry, as well as ongoing and potential solutions to these issues.

### **FAA 101**

What constitutes "exclusion" in a trade practice violation? Are all supplier incentives "commercial bribery"? How much is too much when determining if an item qualifies as a Subpart D exception? While many states have laws directly on-point, the Federal Alcohol Administration (FAA) Act governs these activities as well. In this session, regulatory attorneys and experts will discuss the "nuts and bolts" of the FAA Act, and give practical advice into what organizations should keep in mind during day-to-day operations.

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## 3:45 PM – 4:45 PM **CONCURRENT AFTERNOON SESSIONS (CHOOSE ONE):**

### **Connecting With Craft**

As craft producers continue to increase, state resources are straining to keep-up—often resulting in longer delays and increased tensions between regulators and those entities they regulate. In response to this ever-changing legal landscape, many states are looking to technology and innovative laws and policies to maximize efficiency and minimize response time while assisting this growing part of the industry. In this session, a panel of experts will discuss strategies they have deployed to address the growing number of craft producers, ranging from online informational repositories to direct coordination with craft guilds to ensure their members remain apprised of all relevant rules and regulations.

### **Securing Personal Data**

The passage of the General Data Protection Regulation (GDPR) by the European Union put international companies on-notice: take data protection seriously or pay severely. In an era of seemingly daily data breaches, the GDPR represents the first comprehensive approach to data privacy and security. Consequently, multi-national companies are investing millions of dollars to ensure compliance with this new regulatory environment. In this session, a panel of attorneys will discuss "best practices" in GDPR compliance, what the next steps are likely to be in this environment, and how companies should approach their efforts to maintain compliance as these types of regulations make their way to the U.S.

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## 4:45 PM – 5:00 PM **First Day Closing Remarks and Announcements**

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## 5:00 PM **Adjournment**

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## 6:00 PM – 7:00 PM **Networking Reception**

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# TENTATIVE AGENDA (continued)

**TUESDAY MARCH 19, 2019**

**7:30 AM**                    **Continental Breakfast**

**8:15 AM – 9:15 AM**    **Private Labels**

The continued increase in “private labels” by grocery stores and retail outlets have created questions within the current regulatory scheme. Is the supplier effectively an agent of a retailer? Is the retailer the beneficial owner of a label? Do wholesalers have to sell private labels to all retailers? In this session, a group of attorneys and industry experts discuss when a “private label” may become a prohibited ownership stake, how this phenomenon fits within the three-tier systems, and what policy steps should be taken to ensure that “private labels” do not create anti-competitive behavior.

**9:30 AM – 10:30 AM**    **Summary Suspensions and Other Public Safety Cases**

In an industry as varied as alcohol, regulatory enforcement cannot be “one-size-fits all.” For regulatory penalties to be effective, they must properly balance deterrence and fairness. Many regulators have a philosophy of working with licensees to achieve compliance ahead of taking enforcement action, but what happens when something breaks bad, really bad? Are there credible ways for regulators to distinguish between bad actors who create an atmosphere in which bad things can happen and the good actors who had something bad transpire on their premises? For bad actors who only focus on short-term gain, summary license suspension or revocation may be the only effective deterrent. But for business owners who have made an honest mistake or who had the misfortune of having an unruly patron, such a heavy-handed approach can spell disaster for a business. In this session, a panel of regulatory and legal experts will discuss workable penalties and frameworks which are practical and effective, but still afford proper due process and avoid selective enforcement.

**10:45 AM – 11:45 AM**    **Getting Courted: A Closer Look at Current Alcohol Litigation**

Federal courts often take disparate approaches to similar fact-patterns—especially in the case of beverage alcohol law. Often, this is a result of the varied, state regulatory frameworks found in the federal circuits. However, sometimes this is resultant from the various judicial philosophies which pervade each circuit. Ultimately, the U.S. Supreme Court decides which of these philosophies will become the national standard. In this session, a panel of federal litigators will discuss the strategic advantages and disadvantages of litigating in the various federal circuits and how the U.S. Supreme Court may ultimately decide these cases.

**11:45 AM - 12:00 PM**    **Closing Remarks and Adjournment**



**Download NABCA's Meetings app to get the latest 2019 Legal Symposium updates as they become available!**

# SYMPOSIUM INFORMATION



## NABCA'S 2019 LEGAL SYMPOSIUM REGISTRATION

[PLEASE REGISTER ONLINE](#)

**by Friday, February 22<sup>nd</sup>**

New for 2019:

All registrations must be made online!

Please contact [meetings@nabca.org](mailto:meetings@nabca.org) if you have questions.



## HOTEL & RESERVATION

[Crystal Gateway Marriott](#)

1700 Jefferson Davis Highway, Arlington, VA 22202

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

Standard Room

\$281.00 plus tax

State Room (**State Representatives ONLY**)

\$228.00 plus tax

For hotel reservations via telephone: (703) 920-3230

To make sleeping room reservations online: [click here](#).

**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 22, 2019**. 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 is 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



## 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](http://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 mile) 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](http://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](http://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.



## LEGAL SYMPOSIUM DETAILS

Dress is business casual throughout the Symposium. Average Arlington, VA temperatures in March range from 38° F to 56° F.

For questions regarding the Legal Symposium, please contact the Meetings Department at (703) 578-4200 or [meetings@nabca.org](mailto:meetings@nabca.org). Please contact NABCA's Meetings Department if you are in need of a paper registration form.

**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 22, 2019**. No refunds will be made for any cancellation received after that date.

## REGISTRATION FEES

### 2019 Legal Symposium Registration Type

Appointed Control State Representative

Member and Non-Member: State and Governmental Agencies

Member: Industry/Trade Association (Supplier, Broker, Association, Allied)

Non-Member: Industry/Trade Association (Supplier, Broker, Association, Allied)

**In Person**  
WAIVED

**Webcast**

**AFTER FEBRUARY 22**

**In Person**  
WAIVED

**Webcast**

\$295

\$395

\$345

\$445

\$595

\$795

\$645

\$845

\$895

\$1095

\$945

\$1145