



TENTATIVE AGENDA

SUNDAY, MARCH 17

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

MONDAY, MARCH 18, 2019

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 common/contract carriers to effectuate cease and desist letters, to partnering with TTB in an effort to properly leverage state resources and institutional knowledge.

Moderator: Neal Insley, SR. VP, General Counsel, National Alcohol Beverage Control Association
Faculty: Jake Hegeman, Vice President, Legal and Regulatory Affairs, Wine & Spirits Wholesalers of America, Inc.
Cassandra Hicks, Deputy Superintendent, Ohio Division of Liquor Control
Dustin Pickens, Senior Attorney, Regulatory Affairs, FedEx Express

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.

Moderator: Teri Quimby, Commissioner, Michigan Liquor Control Commission
Faculty: Donovan Borvan, Founder & Principal, Borvan Group (former Executive Director of Illinois Commission)
Alison Herman, Senior Counsel, Southern Glazer's Wine and Spirits
Detective Risa Williams, Trade Practice Unit, Arizona Department of Liquor Licenses and Control

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.



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Moderator: Andy Deloney, Chairman, Michigan Liquor Control Commission

Faculty: Dorina Brasoveanu, Director, Quality Assurance, Liquor Control Board of Ontario
Elizabeth DeConti, Nationwide Alcohol & Food Marketing & Trade Practice Partner, Gray Robinson P.A.
Mary Tortorice, General Counsel & Chief Compliance Office, Sazerac Company, Inc.

12:00 PM – 1:15 PM **Lunch**

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.

Moderator: Fran O'Brien, Principal, F. X. O'Brien Associates LLC

Faculty: Nick Bergman, Partner, Buchman Law Firm LLP
Seth Guggenheim, Assistant Ethics Counsel, Virginia State Bar

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.

Moderator: Buddy Buckner, Alcohol Policy and Legal Research Analyst, National Alcohol Beverage Control Association

Faculty: Josh Happe, Bureau Chief - Regulatory Compliance, Iowa Alcoholic Beverages Division
Tom Lisk, Member, Cozen O'Connor
Rob Mellion, Esq., Executive Director and General Counsel, Massachusetts Package Stores Association

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.



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Moderator: Kathie Durbin, Division Chief, Licensure, Regulation and Education, MD - Montgomery County

Faculty: Kevin Atticks, Founder, Grow and Fortify
R.J. Nutter, Partner, Troutman Sanders LLP

FAA Act (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.

Moderator: Jon Berman, Assistant Attorney General, District of Columbia Alcoholic Beverage Regulation

Faculty: Carrie May, Assistant Chief Counsel (Field Operations), Alcohol & Tobacco Tax & Trade Bureau
Vicky McDowell, Federal Agency Liaison, National Alcohol Beverage Control Association

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.

Moderator: Ryan Malkin, Principal Attorney, Malkin Law

Faculty: Margie Lehrman, Chief Executive Officer, American Craft Spirits Association
Martin Prevost, Director of Licensing, Vermont Department of Liquor and Lottery

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.

Moderator: Christina Schoonmaker, Director & Counsel, Diageo Americas Inc

Faculty: Maggie Lu, Director & Senior Counsel, Consumer Marketing, Digital & Privacy, Diageo Americas Inc
Zalika Pierre, Associate, Holland & Knight LLP

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

5:00 PM **Adjournment**

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



TENTATIVE AGENDA

TUESDAY, MARCH 19

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.

Moderator: Pam Erickson, President & CEO Public Action Management

Faculty: Art DeCelle, Counsel, McDermott Will & Emery LLP

Rod Diaz, Chief Counsel, Pennsylvania Liquor Control Board

John Guadnola, Executive Director, Association of Washington Spirits & Wine Distributors

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.

Moderator: Travis Hill, Chief Executive Officer, Virginia Alcoholic Beverage Control Authority

Faculty: Tom King, Chief of Police, State College Police Department

Stan Wolowski, Attorney, Flaherty & O'Hara, P.C.

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.

Moderator: Neal Insley, SR. VP, General Counsel, National Alcohol Beverage Control Association

Faculty: Rachel Bloomekatz, Principal, Gupta Wessler PLLC

Sarah Hunger, Assistant Attorney General, Illinois Attorney General's Office

Hon. John Jones, U.S. District Court for the Middle District of Pennsylvania

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