



The Advocacy Institute Is Pleased to Announce in Conjunction with the National Conference of State Liquor Administrators (NCSLA)

PROGRAM ANNOUNCEMENT

NATIONAL CONFERENCE OF STATE LIQUOR ADMINISTRATORS (NCSLA) 2013 NORTHERN/SOUTHERN REGIONAL CONFERENCE

**October 9-12, 2013
The Revel Resort
Atlantic City, New Jersey**

Program Summary

This program will bring together liquor administrators from the Northern and Southern region to address issues related to its practice area. Topics include: State regulatory changes and challengers, internet direct ship, operation swill a New Jersey investigation, cooperation: regulators and industry working for a common goal, New Jersey wine industry educational program and tax and trade bureau COLA changes.

Who Should Attend?

This program is intended for State Liquor Administrators.

Who Is the Faculty?

See attached.

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for up to 9.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism and total qualify as hours of credit toward certification criminal trial law.

NY CLE Credit: up to 9.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 7.5 substantive credits (\$1.50 per credit mandatory registration fee required).

COURSE DESCRIPTIONS AND FACULTY INFORMATION

STATE REGULATORY CHANGES & CHALLENGES – OCEAN A, B

Regulators throughout this region and around the country have been struggling with whether and how alcoholic beverage regulation should evolve with the times. How important is it to maintain a strict three-tier system for all products and licensees? What limits should we put on social media advertising and promotional events? How do we ensure fair access to alcoholic beverages while maintaining the public health? This panel will examine how regulators address the concerns of those involved in the alcoholic beverage industry – both the licensees and consumers – while also protecting the public at large. Regulators and industry members will discuss how to deal with these forces that often pull in opposite directions and which must be addressed within the strict construct imposed by legislatures. **(October 10, 2013 9:45 a.m. to 10:45 a.m.)**

Moderator: **Joshua Segal** is a civil litigator with a specialty representing clients in the alcoholic beverage industry. Since joining Lawson & Weitzen, LLP in 2011, Josh has represented retailers, wholesalers, and suppliers before state agencies and in state and federal court. Josh is licensed to practice in Massachusetts and New York but has been admitted to appear in courts around the country and represents clients with national interests. While attending Boston University School of Law, Josh served as managing editor for the *Boston University Law Review*.

Panelists: **DAG Lisa Barata**

Pamela Erickson is a passionate leader on alcohol issues. Currently, she owns Public Action Management, PLC and operates an education campaign for a “Healthy Alcohol Marketplace.” From 1996 to 2003, she directed the Oregon Liquor Control Commission. In 2003, she joined Oregon Partnership to direct leadership and media campaigns on underage drinking. Her recent publications include, “The Danger of Alcohol Deregulation, the United Kingdom Experience, 2012 Update,” “The High Cost of Cheap Alcohol” and “Issue Briefs for States, 2013.” These reports explain how deregulation can lead to increased social problems such as high rates of underage drinking, public order offenses and alcohol related disease. The reports and other materials are available free of charge at www.healthyalcoholmarket.com. She has also served as an expert witness in recent alcohol regulation cases in Kentucky and California.

Caroline O'connell is a partner at Lawson & Weitzen. Her practice focuses on corporate law, including mergers and acquisitions, corporate governance matters, and professional licensure compliance for members of the design industry and alcoholic beverage law with a focus on regulatory compliance, negotiating and drafting distribution agreements and brand acquisitions. She was admitted to the Bar of the State of Massachusetts in 1998 and New York in 2000. A 1995 graduate of the University of Pennsylvania, she received her Juris Doctor degree in 1998 from Boston University.

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INTERNET DIRECT SHIP – THE NEXT GENERATION

In a post-*Granholm* world, what are the limits of direct shipping of alcoholic beverages? Are state's permitted to regulate or ban retailer to consumer, Brewer and/or distiller to consumer, or distiller to retailer direct shipping? Is the three-tier system unquestionably legitimate as indicated in *Granholm* or will the Commerce Clause continue to trump the 21st Amendment? **(October 10, 2013 11:00 a.m. to 12:00 p.m.)**

Moderator: **Robert J. O'hara, II** received his J.D., cum laude, from the University of Dayton in 1989 and his B.A. in English in 1985 from the same school. He served as Articles Editor of the University of Dayton Law Review and is a member of the National Honors Society in History.

He was admitted to the Pennsylvania Bar and the U.S. District Court of the Western District of Pennsylvania in 1989. He was a co-founder of the Alliance of Alcohol Industry Attorneys and Consultants and remains a Board member. He is an associate member of both the National Conference of State Liquor Administrators and the National Association of Alcohol Beverage Administrators, as well as the Academy of Hospitality Industry Attorneys and Hospitality Lawyers.Com and has been an invited speaker at numerous national and regional conferences on alcohol-related topics. He is also a member of the Pennsylvania and American Bar Associations.

R.J. provides general liquor licensing counsel, handles litigation, citations and administrative hearings, and advises clients on complex national licensing issues arising from mergers, acquisitions and corporate restructuring. He represents investment and financial companies and firms which enter the hospitality, restaurant and alcohol manufacturing business and is adept at addressing their unique concerns. He also advises clients on the legality of national alcohol promotions and marketing and compliance with state and federal liquor laws. R.J. also conducts seminars for clients regarding liquor liability and related restaurant and alcohol management issues, oversees employee integrity testing and employee compliance with employer alcohol policies through the implementation of targeted secret shopper programs and drafts liquor-oriented legislation.

Panelists: **Jerry Fischer** is Of Counsel to the firm of Post, Polak, Goodsell, MacNeill & Strauchler, P.A.. In that capacity he provides legal services to the firm's alcoholic beverage industry clients. Mr. Fischer previously had a distinguished 37 year career with the Office of the New Jersey Attorney General, serving for 12 years as the Director of the Division of Alcoholic Beverage Control. Prior to assuming the role of Director, Mr. Fischer served as Senior Associate Counsel to Governor Whitman, Section Chief of the Claims Litigation Section, Senior Deputy Attorney General in Charge of Litigation, and Assistant Deputy Director in Charge of Litigation.

Over the course of his career, Mr. Fischer has developed extensive expertise in several practice areas, including alcoholic beverage law, the New Jersey Tort Claims Act, eminent domain and

inverse condemnation, civil rights, employment law, and administrative and appellate practice. Mr. Fischer has served as lead or "of counsel" with regard to more than 20 published decisions. He has served on a number of New Jersey Supreme Court committees and has also been a lecturer for local and State bar associations, the New Jersey Institute for Continuing Legal Education and the New Jersey Attorney General's Advocacy Institute.

Mr. Fischer also spent the first year of his professional career as a law clerk for the Honorable John W. Fritz, Jr. in the Appellate Division of the New Jersey Superior Court. Before becoming a lawyer, Mr. Fischer was a nuclear chemist.

Bill Tomaszewski has been the General Counsel for Wine.com, Inc. since 2004. His main focus is working with state agencies on alcohol regulatory matters. Prior to his employment with Wine.com he served for 20 years with the Jersey City Police Department in various roles. He is a graduate of Rutgers-Newark School of Law. Bill serves on the Board of Directors for the Planet Bee Foundation and is President of the Pacific Rowing Club, a San Francisco high school rowing club.

James L. Webster is the founding partner of Chicago based Webster Powell, P.C., a Beverage Alcohol boutique law firm. Mr. Webster concentrates his practice in the Beverage Alcohol and Hospitality Industry. He represents members of the Industry throughout the United States in trade practice, licensure, labeling, importing and Industry tax issues, mergers and acquisitions, franchise litigation, administrative hearings and appellate advocacy. Jim is the former co-chairman of the American Bar Association Committee on Alcoholic Beverages and former member (2006/2008) of the Executive Committee for the National Conference of State Liquor Administrators. He is a frequent speaker at Industry Seminars, including those sponsored by the National Conference of State Liquor Administrators, National Conference of State Legislators; National Alcohol Beverage Control Association; the National Restaurant Association; various State Restaurant Associations (Illinois, Florida and Minnesota); the National Licensed Beverage Association; the Wine and Spirits Wholesaler's Association of America; the Illinois Licensed Beverage Association; the Hospitality Resource Institute; and Continuing Legal Education International Seminars on Industry Practices. He also conducts company and tier specific trade practice seminars for Industry Members; and has assisted in training law enforcement agencies regarding alcohol related incidents through the National Center for Alcohol Law Enforcement. Mr. Webster has also been active in the founding and governance of the Chicago Hospitality Resource Partnership, a non-profit resource partnership, assisting communities in planning, managing and policing hospitality and entertainment districts in Chicago. Mr. Webster earned his B.A. from the University of Wisconsin and his J.D. from DePaul University.

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OPERATION SWILL- NEW JERSEY INVESTIGATION

This investigation by the New Jersey Division of Alcoholic Beverage Control garnered international headlines when it revealed the extent to which premium alcoholic beverages were substituted for less expensive brands. Details of the investigation, from origins to conclusion, will be presented, and the NJ ABC's roadmap forward will be outlined. (The Investigation continues, limiting some of the details that may be presented). **(October 10, 2013 2:30 p.m. to 4:00 p.m.)**

Moderator: **Director Michael I. Halfacre** was appointed as Director of the Division of Alcoholic Beverage Control by Governor Chris Christie. He began his work as Acting Director on February 6, 2012 and, after New Jersey Senate confirmation, was sworn in as Director on March 30, 2012. Prior to his appointment as Director, Mr. Halfacre was in private practice, including having his own firm where he specialized in transactions, including sales and refinance of real estate and transfers of ABC licenses. During this time Director Halfacre also served as a municipal prosecutor in Little Silver and Rumson, where he argued for convictions for drunk drivers and adults who provided alcohol to underage drinkers. While in the private sector, Director Halfacre served as a trustee of the New Jersey State Bar Foundation, Ocean-Monmouth Legal Services and the Monmouth Bar Association. A lifelong resident of Fair Haven, Director Halfacre served in various elected and appointed positions in the municipality, including serving as Mayor from 2007 through his appointment as Director of the Division of Alcoholic Beverage Control. Director Halfacre earned his undergraduate degree in Political Science from Florida State University, where he was the co-captain of the varsity swimming team. He later earned his law degree from the University of Dayton. He was admitted to the New Jersey Bar in 1991.

Panelists: **John A. Cocklin** is the Bureau Chief for the New Jersey Division of Alcoholic Beverage Control's Investigations Bureau. He has been associated with the ABC as an investigator since his retirement from the Division of Criminal Justice. John supervises the Division's investigative personnel who conduct investigations and administrative inspections of the State's approximately ten thousand licensed alcoholic beverage establishments. John retired from the New Jersey Division of Criminal Justice where he served for twenty-three years and rose to the rank of the Chief State Investigator. Chief Cocklin (Retired) was instrumental in the development and implementation of asset forfeiture training for every law enforcement officer in New Jersey, as well as a principal author of the *State of New Jersey Forfeiture Program Administration Standard Operating Procedures*. At the request of the Israeli National Police, John assisted in the development and implementation of a comprehensive asset forfeiture program against narcotics traffickers operating within Israel. He is a certified New Jersey Police Training Commission instructor. John is a member of the New Jersey Association of Chiefs of Police (Retired) and the International Association of Chiefs of Police, where he served from 1999 to 2002 as a member of the association's Advisory Committee for Police Investigative Operations. A graduate of York College of Pennsylvania with dual majors in Accounting and Criminal Justice, John obtained a Masters in Business Administration from Rider University, (College). Chief Cocklin (Retired) is a New Jersey Certified Public Manager, graduating from the Certified Public Manager program affiliated with Rutgers, the State University.

Kevin Marc Schatz is a Senior Deputy Attorney General who has been with the New Jersey Attorney General's Office since 1991 and has represented numerous state agencies. Since 1999, he has served as ABC's Assistant Bureau Chief of the Enforcement Bureau and Supervisor of litigation. He handles the most complex cases. He also assists the Bureau Chief in establishing policy and procedures for the Bureau. He has earned L.L.M. (Taxation), J.D. and M.B.A. degrees from Widener University and a B.S. from St. Joseph's University.

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PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

COOPERATION: REGULATORS AND INDUSTRY WORKING FOR A COMMON GOAL

This presentation will highlight areas of cooperation between regulators and industry members and will discuss what recent initiatives regulators have taken to reach out to industry to help improve knowledge and compliance and to open the lines of communication, and how those initiatives have been received by the industry. Questions to be answered are: What do regulators want from industry and vice versa? How have the initiatives taken hold and where have they been more/less successful? What can be done on both sides to keep improving relations. **(October 11, 2013 10:30 a.m. to 12:00 p.m.)**

Moderator: Nicholas J. Bergman is the Resident Partner in the firm's New York office. Nicholas was born in Cleveland, Ohio in 1970. In 1992, he graduated from Kenyon College in Gambier, Ohio with a Bachelor of Arts degree in Political Science and French Literature. He has participated in graduate studies in marketing co-sponsored by the University of Paris X and the International Office of Wine (Office International de la Vigne et du Vin) based in Paris, France, and has traveled through Europe, Russia and the United States learning to appreciate wine-making and marketing. In 1997, Nicholas received his Juris Doctor degree from Case Western Reserve University, in Cleveland, Ohio. He was admitted to the New Jersey Bar and U.S. District Court, District of New Jersey, in 1997, and the New York and California Bars in 1998. Nicholas' current practice focus is to assist U.S. and international clients in the areas of import and distribution, manufacturing, labeling and product formulation, state and federal licensing, trade practices and franchise protection. His familiarity with the firm's practice and its clients stems from seven years as an associate attorney and a previous four-year affiliation as a legal assistant and law clerk. Nicholas maintains a fluency in French and is proficient in Italian.

Panelists: David N. Bregenzer is a graduate of Delaware Law School (J.D.) and Temple University Law School (LL.M. tax). He has been a practicing attorney since 1983, and has spent the last 25 years in various positions in the New Jersey Division of Alcoholic Beverage Control. He is currently an Assistant Attorney General and Counsel to the Director.

Carolyn Mcnerney is Senior Counsel for Pernod Ricard USA. She has worked for Pernod since 2000, currently heading the Transactions and Corporate Group – Legal Department. The Group is responsible for legal and regulatory compliance by the Commercial teams, primarily Sales and Finance. Ms. McNeerney received a B.A. degree from SUNY Purchase, a MBA and JD degrees from Fordham.

John Yeomans was appointed as Director of the Division of Alcohol & Tobacco Enforcement (ATE) by Governor Jack Markell in January, 2011. Prior to his appointment, Director Yeomans retired as a Captain from the Delaware State Police in 2007, after 25 years of service. During his tenure with the Delaware State Police, Director Yeomans served in a number of different units including, Troop Commander, Director of Human Resources, Director of Public Information Office, Internal Affairs, Homicide, Executive Staff Support, Criminal Investigations and Patrol. Director Yeomans also founded and was team coordinator for the State Police Critical Incident Stress Management Team, which provides support for both sworn and civilian personnel who are involved in a traumatic job related episodes. Following his retirement from the Delaware State Police Director Yeomans served as the National Sales Director for the Government Services Division of Appriss Inc. located in Louisville, Kentucky. Appriss is a technology company that supports Criminal Justice organizations with a series of software solutions.

Director Yeomans has received a Bachelor of Arts Degree in Criminal Justice from the University of Delaware, and a Master of Science Degree in Human Resource Management from Wilmington University. Director Yeomans is a graduate of the Southern Police Institute Leadership and Command College where he received the Dean's Scholar Award. Director Yeomans also serves as an adjunct professor at Wilmington University and has done so since 1990. Director Yeomans also serves as a consultant for Compass Leadership Solutions LLC.

Director Yeomans has strong ties to Delaware's law enforcement community and the community at large by maintaining membership and involvement in the International Association of Chiefs of Police, Delaware Police Chiefs Council, Delaware Police Chiefs Council Legislative Committee, National Liquor Law Enforcement Association, National Conference of State Liquor Administrators, Bail Enforcement Agent Committee, and serves as Chairman of the Relief from Disabilities Board. Director Yeomans works daily with Federal, State and local law enforcement agencies to address a multitude of public safety concerns.

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NEW JERSEY WINE INDUSTRY EDUCATIONAL PROGRAM

Hear about the history of winemaking in the Garden State, from the days of New Jersey's first winery, Welches and Prohibition, to today's thriving wine industry. Discussion will cover statutes and Regulations and their impact on the industry, the evolution of the Garden State Wine Growers Association and the growth of the industry from the 1970's through the Freeman litigation to the present. The legislative response to Freeman, and other current legislation will also be discussed. Finally, the success of New Jersey wines at blind tastings such as the "Judgment at Princeton" and the future of wine in New Jersey will be covered, including wine tourism efforts. **(October 11, 2013 3:15 p.m. to 4:30 p.m.)**

Moderator: **Scott Doninni, Esq.** is the owner of Auburn Road Winery.

Panelists: **Louis Cappelli** is a partner in the law firm of Florio, Perrucci, Steinhardt and Fader, LLC and serves as Director of the Camden County Board of Chosen Freeholders. He is the Chief Lobbyist for the Garden State Wine Growers Association.

Louis Caracciolo is the owner and winemaker for Amalthea Cellars.

Audrey Cross Gambino is the owner and winemaker for Villa Milagro Winery as well as an attorney, a Professor of Public Health Law Policy at Columbia University and worked as the Nutrition Policy Coordinator for the Carter White House.

Charlie Tomasello is a third-generation winemaker and the owner and winemaker for Tomasello Winery, New Jersey's largest winery. He holds an MBA from NYU.

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TAX AND TRADE BUREAU COLA CHANGES: THE DISCUSSION CONTINUES – OCEAN A, B

The Tax and Trade Bureau has begun a substantial overhaul of its label pre-approval process. Suppliers, wholesalers, state agencies, and others depend on the Certificate of Label Approval (COLA) for different purposes. If the COLA as we know it goes away, industry members and states that have state-level label approval regulations may need to review and revise their processes, too. Come prepared to learn, engage, and discuss the future of label approvals at both the federal and state levels. **(October 12, 2013 9:00 a.m. to 10:15 a.m.)**

Moderator: **Jeff Carroll**, is Vice President for Compliance & Strategy at ShipCompliant. He heads the Strategy and Compliance arms of ShipCompliant. In this role since 2005, Jeff is charged with overseeing the direction and update of ShipCompliant products and services that allow producers and importers of alcohol beverages to accurately comply with 1000's of state and federal alcohol laws and regulations and ship and distribute their products efficiently. In addition, Jeff oversees a team that constantly monitors changes in alcohol regulations across the country and works with regulators at the state and federal level to assure ShipCompliant tools and services meet the evolving needs of their clients. Jeff is often invited to speak at industry events where regulatory and political topics are discussed and debated. In addition, he is a regular contributor to various wine industry trade publications.

Panelists: **Susan Evans** began her Federal career with the Bureau of Alcohol, Tobacco & Firearms (ATF) in 1988 as a field inspector. She came to Bureau Headquarters in Washington, DC in 1999 as head of the alcohol labeling division. As division chief, Susan was instrumental in the development of COLAs Online, the Bureau's first e-filing system. In January 2003, when the Alcohol and Tobacco Tax and Trade Bureau (TTB) and ATF were divided, Susan became the first Assistant Administrator for Headquarters Operations. In July 2005 Susan was appointed to the newly-created position of TTB Executive Liaison for Industry and State Matters. In that position Susan concentrates on enhancing communication, education and customer service.

Deborah C. Ringo is a Senior Regulatory Manager based in Diageo's Washington, DC office. With more than two decades of progressive regulatory experience in the highly regulated beverage alcohol industry, Deborah has in-depth industry knowledge and expertise. She has focused on matters relating to new product development, responsible advertising code compliance, labeling, formulation, flavor approvals, 5010 tax credits, packaging, allergen and nutritional labeling, carbohydrate claims, brand registration, FDA bioterrorism registration, and state and federal trade practice rules. Deborah has experience in distillery, winery and brewery operations, importing and licensing and reporting requirements.

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