



COMMISSION MEETING MINUTES
March 28, 2005

The Commissioners of the Texas Alcoholic Beverage Commission met in Regular Session on Monday, March 28, 2005, at the Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Suite 185, Austin, Texas.

PRESIDING: John T. Steen, Jr., Chairman

PRESENT: Jose Cuevas, Jr., Commissioner
Gail Madden, Commissioner

STAFF PRESENT: Alan Steen, Administrator

Glenda Baker, Assistant Chief of Enforcement
Carolyn Beck, Public Information Officer,
Executive
Bruce Boardman, Investigator, Licensing
Gene Bowman, Compliance Officer, Victoria
District Office
Lou Bright, General Counsel, Executive
Allan Cameron, Sergeant, Longview District Office
Mary Cardwell, Policy Writer, Human Resources
Dennie Carleton, Agent, Lubbock District Office
Todd Carroll, Agent, Wichita Falls Outpost
Carrie Coulter, Program Administrator, Licensing
John Dale, Compliance Officer, San Antonio
District Office
Alex de la Garza, Supervisor, Hidalgo Port of

Entry

Noe De La Garza, Compliance Officer, McAllen District Office

Debbie Dixon, Program Specialist, Seller Training/Compliance

Loretta Doty, Director, Human Resources

Del Drake, Captain, Office of Professional Responsibility

Darla Elam, Program Specialist, Licensing

Jeannene Fox, Assistant Administrator, Executive

Artie Freeman, Agent, Beaumont District Office

Buck Fuller, Director, Compliance

David Garza, Director, Homeland Security, Executive

Teresa Hall, Agent Trainee, Dallas District Office

Amy Harrison, Director, Licensing

Tim Heidtman, Jr., Agent, El Paso District Office

Gary Henderson, Enterprise Operations Team Leader, Information Resources

Dan Hoover, Compliance Manager, San Antonio District Office

Mike Horton, Agent, San Angelo Outpost

Linda Jackson, Administrative Assistant, Executive

Renee Johnston, Executive Assistant, Executive

Debra Jones, Lieutenant, Beaumont District Office

Charlie Kerr, Director, Business Services

Linda Molinar, Compliance Officer, Odessa District Office

Joel Moreno, Deputy Assistant Chief of Enforcement

Paul Morgan, Investigator, Licensing

Ofelio "Sonny" Muniz, Supervisor, Brownsville Port

of Entry

Randy Norwood, Compliance Office, Longview District Office

Jose Pena, Compliance Officer, McAllen District

Office

Raquel Rodriguez, Taxpayer Compliance Officer,
Hidalgo Port of Entry

Julie Ross, Accounts Examiner, Licensing

Kenneth Rutledge, Investigator, Licensing

Santos Saldana, Program Administrator, Ports of
Entry/HQ

Harold Salmon, Agent, Abilene District Office

Toney Sharp, Agent, Wichita Falls Outpost

Jonathan Simcik, Agent, Odessa District Office

Garry Sitz, Director, Information Resources

James "Sam" Smelser, Chief of Enforcement

Kay Townsend, Compliance Officer, El Paso
District Office

GUESTS PRESENT:

Dewey Brackin, Attorney, Gardere Wynne Sewell
Doug DuBois, Jr., Director of Membership and
Education, Texas Petroleum Marketers and
Convenience Store Association

Lou Dell Freeman, Guest

Tammy Freeman, Guest

Karen Latta, Policy Analyst, Sunset Advisory
Commission

Fred Marosko, Texas Package Stores
Association

M. Jack Martin, Attorney at Law

Mike McKinney, Executive Vice President,
Wholesale Beer Distributors of Texas

Lindsay Meche, Republic Beverage

Lynn Moreno, Guest

Samantha Moreno, Guest

Allan "Bud" Shivers, Jr., Former TABC Chairman

Robert Sparks, Executive Director, Licensed
Beverage Distributors, Inc.

Randy Yarbrough, Wholesale Beer Distributors of
Texas

CALL TO ORDER

Chairman John T. Steen, Jr., called the meeting of the Texas Alcoholic Beverage Commission (TABC) to order, welcoming all in attendance.

RECOGNITION OF AGENCY EMPLOYEES WITH 20 OR MORE YEARS OF SERVICE

Chairman Steen announced that seven individuals were being recognized for their 20 or more years of service with the agency (Attachment 1).

Chairman Steen called upon Garry Sitz, Director of Information Resources Division (IRD), to introduce an agency employee in IRD who had 25 years of service. Mr. Sitz provided highlights of Jay Webster's service with the agency, noting that Mr. Webster could not be in attendance but would be presented his plaque at a later date. Mr. Webster is the Project Manager for the Technology Transformation Project.

Chief of Enforcement Sam Smelser recognized four employees from the Enforcement Division, each having 20 years of service with the agency: Allan Cameron, Sergeant at the Longview District Office; Charles "Don" Horton, Agent at the Houston District Office; Joel Moreno, Deputy Assistant Chief; and Kenneth Tullos, Agent at the Tyler Outpost. Agents Horton and Tullos were unable to attend the meeting, and will be presented their plaques at a later date. The Commissioners presented service award plaques to Deputy Assistant Chief Moreno and Sergeant Cameron.

Amy Harrison, Director of the Licensing Division, introduced Paul Morgan, Investigator in the Licensing Division. Mr. Morgan was presented a service award plaque in recognition of his 20 years of service with the agency.

Buck Fuller, Director of the Compliance Division, introduced Ofelio "Sonny" Muniz, Port Supervisor at the Brownsville Port of Entry. Mr. Muniz was presented a service award plaque in recognition of his 20 years of service.

Administrator Alan Steen introduced Del Drake, Director of the Office of Professional Responsibility. The Commissioners presented Captain Drake with a service award plaque in recognition of his 20 years of service with the agency.

2004 ALLAN SHIVERS, JR. AWARDS FOR EXCELLENCE IN PUBLIC SERVICE

Chairman Steen stated that the Commission was honored to have Allan Shivers, TABC's former Chairman, in attendance to present the employee of the year program, which began in 1995 under Mr. Shivers' leadership. After Mr. Shivers retired from the Commission, TABC's governing board renamed the annual awards program in his honor in February 2003. Chairman Steen stated that the Allan Shivers, Jr. Award for Excellence in Public Service recognizes the outstanding performance and accomplishments of agency employees in the two categories of Commissioned Peace Officer and Civilian.

Mr. Shivers expressed appreciation for being invited to present the awards. Before he announced the name of the Commissioned Peace Officer Employee of the Year, Mr. Shivers provided the background of the employee:

The employee was born and raised in Southeast Texas, where his family roots go back well over 150 years. He graduated from Warren High School with honors, where he was All-District and All-County in football and All-District in track. He and his wife, Tammy, have four children and four grandchildren. This agent began his law enforcement career in 1980 as a Reserve Deputy for the Hardin County Sheriff's Department, and in 1982, he went full-time as Deputy. In 1985, he worked briefly as a Deputy Sheriff with the Tyler County Sheriff's Department before being hired by TABC. This agent has 19 years of service with the Commission, and has spent his entire career in the Beaumont District.

Mr. Shivers announced the winner of the 2004 Allan Shivers, Jr. Award for Excellence in Public Service by a Commissioned Peace Officer: Agent Artie Freeman. Mr. Shivers presented the award to Agent Freeman.

Mr. Shivers provided the background of the employee who won the Civilian Employee of the Year Award:

The Civilian Employee of the Year started her career with the TABC at the Progreso Port of Entry in 1999 as a Taxpayer Compliance Officer. In 2001, she then transferred to Hidalgo to be closer to her home and family. She has worked as a Taxpayer Compliance Officer at the Hidalgo, Pharr, Roma and Rio Grande bridges. She exhibits initiative and has excellent leadership skills and is an example to her peers at the bridges. She organizes her

tasks efficiently by assisting with supervisory duties when needed while still doing her job as Tax Compliance Officer. She readily assists and trains other Tax Compliance Officers. She consistently shows eagerness and quickly learns new office procedures. She demonstrates a positive attitude and always has a smile as she interacts with the taxpayers and her coworkers. She always does her job with courtesy and integrity while providing excellent customer service. She is the oldest of four children, having one sister and two brothers.

Mr. Shivers announced the winner of the 2004 Allan Shivers, Jr. Award for Excellence in Public Service by a Civilian: Raquel Rodriguez. Mr. Shivers presented the award to Ms. Rodriguez.

Chairman Steen thanked Mr. Shivers, employees, and their friends and families for attending. He invited everyone to stay for the remainder of the meeting if they wished or they could take the opportunity to return to the lobby for refreshments.

APPROVAL OF COMMISSION MEETING MINUTES OF MARCH 1, 2005

Chairman Steen called for a motion to approve the TABC Commission meeting minutes. **Commissioner Madden moved that the Commissioners approve the minutes of the March 1, 2005, meeting. Commissioner Cuevas seconded the motion. The motion carried.**

ADMINISTRATOR'S REPORT

Chairman Steen called upon Administrator Alan Steen to provide the Administrator's Report.

Administrator Steen reported that he and staff attended several legislative committee meetings and testified on some of the bills coming before the House and Senate. Commissioner Madden asked Administrator Steen to call upon the Commissioners if they could provide assistance in any way during the legislative session. Administrator Steen stated that he would call upon their expertise if there were any opportunities during the remainder of the session.

Administrator Steen discussed the Spring Break activities, comparing 2005 with 2004. In criminal cases, Port Aransas had 865 citations as compared to 809 in 2004. At South Padre Island, there were 1,501 citations as compared to 2,340 in 2004. There were 14 supervisors onsite at this year's Spring Break; last year, there were 10 supervisors onsite. Administrator Steen cited the additional supervision and the many other preventative efforts employed by TABC as reasons for the minimization of problems. He stressed that safety was the goal for TABC's efforts during Spring Break. He discussed the pre-planning activities that were conducted following the meeting of agents involved in last year's Spring Break. Administrator Steen expressed appreciation to the Governor's Office for the \$79,000 grant to cover overtime.

Administrator Steen announced that TABC was awarded the Texas State Risk Management Silver Safety Award by the State Office of Risk Management for improving the agency's injury frequency rate in Fiscal Year (FY) 2004 by at least 30%. TABC's injury frequency rate was 2.12 in FY 2004, and 4.13 in FY 2003.

Administrator Steen then asked Sam Smelser, Chief of Enforcement, and Buck Fuller, Director of Compliance, to provide a report on the performance and action plans for the Enforcement and Compliance Divisions.

Sam Smelser and Buck Fuller provided a detailed report via PowerPoint (Attachment 2) on the action plans and performance measure results on Enforcement and Compliance for the first half of FY 2005.

FISCAL STEWARDSHIP REPORT: RECRUITMENT ACTIVITIES

Chairman Steen called upon Loretta Doty, Director of Human Resources, to provide the fiscal stewardship report.

Ms. Doty reported on the agency's recruitment activities via PowerPoint (Attachment 3). She covered the types of positions that were posted in FY 2004 and thus far in FY 2005. She discussed the various recruitment resources, noting that the majority of applications received by TABC in FY 2005 came from the recruitment resources of TABC's website and from WorkInTexas, formerly the Governor's Job Bank. Ms. Doty also discussed TABC's involvement in job fairs and conferences.

TECHNOLOGY TRANSFORMATION UPDATE

Chairman Steen called upon Garry Sitz, Director of Information Resources Division (IRD).

Mr. Sitz provided an update on the technology transformation project (Attachment 4), providing an overview of the project. User acceptance testing continues, and the Train the Trainer training is scheduled to begin the week of March 28th. Application forms have been re-designed and are currently under review. The LicenseEase system will go "live" in May. Mr. Sitz then provided a demonstration of the district application process.

PUBLIC COMMENT

Chairman Steen asked if there was anyone who wished to make public comment; there were none.

EXECUTIVE SESSION

Chairman Steen announced that the regular open session of the Texas Alcoholic Beverage Commission would be recessed, the time being 3:15 p.m. on March 28, 2005. He announced that an executive session would be held to discuss the duties, responsibilities, and evaluation of the Administrator and of the General Counsel, pursuant to §551.074 of the Texas Government Code.

Chairman Steen announced that the Texas Alcoholic Beverage Commission had concluded its executive session and was in open session, the date being March 28, 2005, and the time, 4:21 p.m. He stated that no final action, decision, or vote was made in the executive session and that there were no matters requiring Commission action at that time.

NEXT MEETING: MONDAY, APRIL 25, 2005

Chairman Steen announced that the next meeting of the Texas Alcoholic Beverage Commission was scheduled for Monday, April 25, 2005.

ADJOURNMENT

Commissioner Cuevas moved that the Texas Alcoholic Beverage Commission meeting be adjourned. Commissioner Madden seconded the motion. The motion carried, and Chairman Steen announced that the meeting was adjourned.

