TEXAS ALCOHOLIC BEVERAGE COMMISSION
COMMISSION MEETING
MONDAY, MAY 22, 2000

The Texas Alcoholic Beverage Commission met on this date in Room 185 at 5806 Mesa Drive, Austin, Travis County, Texas. Members present: Allan Shivers, Jr., Chairman; John T. Steen, Member and Gail Madden, Member. Staff present: Doyne Bailey, Administrator; Randy Yarbrough, Assistant Administrator; Jeannene Fox, Director of License & Compliance, Greg Hamilton, Chief of Enforcement; Denise Hudson, Director of Resource Management and Charlie Kerr, Internal Auditor. Present to receive certificate of service: Mannon Mints, Victoria Enforcement. Visitors included: Glen Garey, Texas Restaurant Association; Wade Spilman, Wholesale Beer Distributors of Texas; Mike McKinney, Wholesale Beer Distributors of Texas; Fred Marosko, Texas Package Stores Association; Steven Shaw, Choice Master; Jay Howard, DISCUS, Inc.; Mike McElhaney, Governor's Office of Budget and Planning; Ellen Ward, Texans Standing Tall and Jack Martin, TABLS.

The agenda follows:

1:30 p.m. - Call to order.

1. Recognition of agency employees with 20 or more years of service.
2. Approval of minutes of April 24, 2000 meeting; discussion, comment, possible vote.
3. Administrator's report:
   a. discussion of staff reports;
   b. recognitions of achievement; and
   c. discussion of management controls.
4. Fiscal stewardship of agency; discussion, comment, possible vote.
5. Consider approval of agency's strategic plan for the period 2001-2005; discussion, comment, possible vote.
6. Consider publication of proposed amendments to 16 TAC §41.22 relating to package store sales over three gallons; discussion, comment, possible vote.
7. Public comment.
8. Adjourn.

The meeting was called to order at 1:43 p.m. by Chairman Shivers.

MR. SHIVERS: I will call this meeting of the Texas Alcoholic Beverage Commission to order on Monday, May 22nd . It is one forty-three in the afternoon.

The first item of business is to recognize agency employees who have been with the agency for 20 years or more. Today, we have two people.

Mannon Mints is to be congratulated for 30 years of service at TABC in

the enforcement division. Starting as an inspector, he has advanced to his current rank of lieutenant in the Victoria district office. Lieutenant Mints has more experience than many other supervisors combined, and his length of service and experience contributes to his success in maintaining the efficiency of the agency. Congratulations.

MR. MINTS: Thank you.

MR. SHIVERS: Robert Wallace, in our Dallas office, could not be with us today. He started his career in May 1975 as an auditor in the Dallas compliance region and has remained in that location throughout his tenure with TABC. He often assists with supervision of the region as well as performing his various tasks responsibly. We will mail Robert's certificate to him.

Minutes of the last meeting have been mailed to the members. Are there any changes?

MR. STEEN: I move approval.

MR. SHIVERS: Is there a second?

MS. MADDEN: Second.

MR. SHIVERS: Any further discussion? All in favor, say aye.

MR. STEEN: Aye.

MS. MADDEN: Aye.

MR. SHIVERS: Aye. Opposed?

The administrator's report. Mr. Bailey, please sir?

MR. BAILEY: Mr. Chairman and Members, first I would like to take the pleasure to introduce Denise Hudson to you. Each of you know Denise, but maybe not in her new capacity. Denise was selected to be the director of resource management, which is the position that Rolando Garza previously held. Denise has been with the agency since 1994. She was selected from a field of candidates for the job, and we are glad to have her at the table with her fellow workers today. Denise, thank you for being here.

MR. SHIVERS: Congratulations.

MS. HUDSON: Thank you very much.

MR. BAILEY: Secondly, I would mention to you that the staff has participated in an organizational meeting for an alliance to prevent underage drinking. The folks over at TCADA - the Commission on Alcohol and Drug Abuse - and the Texas Alcoholic Beverage Commission have invited a host of other agencies and organizations to participate in this. If things continue on schedule, we will have a press conference on June 1st, at which point each of the agencies and organizations will have an opportunity to sign a letter of commitment to this effort. Chief Hamilton has been a significant player in this, as well as Don Engleking, who does our grant research and grant management.

We are looking forward to this. All of us that are involved in that have some interest in this issue, but this is the first time that I'm aware that all the agencies and organizations have come together, so we are looking forward to great things.

Finally, I would ask Randy to make a quick observation for you.

MR. YARBROUGH: This past month, we've had some problems with computers, mainly, the same problem that's plagued the rest of the world with the e-mail virus that has come up. We had a couple of attacks that, unfortunately, pulled our servers down a little bit and has caused us to reconfigure some of our e-mail. Although, because of the hard work of our employees, we were never completely down and out of service, and I'd like to recognize some of the people. Our director, Jay Webster, had happened to have asked off for that day, so he was caught by surprise as much as everyone else, but his staff didn't lack for leadership. They jumped in, decided what approach to take and how to combat it. Specifically, some of his staff, Dave Getz, Gary Henderson, Ruben Montgomery, James Burns, Mona Appling, Keith Newmeyer and Todd Ellzey all stayed up here late at night trying to make sure that we restored everything. Thank goodness we are very faithful at backing up all of our systems, so we were able to restore all the work that had been done and made sure that no one lost any e-mail messages.

We happened to have a second attack a day later, so they repeated the process. They got so good at it the first time, they did it over again. We really are thankful to them. It's just more of the dedication and hard work that our employees constantly provide, both to our in-house clients and to the people of Texas. We wanted to make sure that we recognize them for their dedication and hard work.

MR. SHIVERS: Thank you. Any questions?

MR. STEEN: No.

MS. MADDEN: I have one question for Mr. Bailey.

MR. SHIVERS: Sure.

MS. MADDEN: Last month, you had mentioned about in the legal department that, because of transition of employees, the hearings cases opened and the violations charged, they were kind of down. Do you feel comfortable where they are now? They look good.

MR. BAILEY: Yes, ma'am.

MR. MADDEN: Everything is okay there?

MR. BAILEY: Yes, ma'am.

MS. MADDEN: Okay.

MR. STEEN: Mr. Bailey, this might be a good time for me to mention this. You know the issue that you brought up at the last meeting about agents taking their time to go and check on the dispositions of their cases?

MR. BAILEY: Yes, sir.

MR. STEEN: I talked with Senator Wentworth about that. He's interested maybe in seeing if he can craft some legislation, perhaps, to compel these county clerks or district clerks and the people that work in the JP offices and the municipal courts, to respond if we provide them with that form. It seems like a really good idea because we can free up these agents to do more law enforcement and do more education. It wouldn't cost us anything.

I had a nice talk with Captain Jauregui in San Antonio, and he was telling me about the frustration they have in having to spend their time doing that. I was wondering if you or maybe Chief Hamilton could - and this is what Senator Wentworth suggested - maybe do a memorandum to me about the issue. I guess we've got a way to figure out how much time they are spending doing this because they are supposed to keep track of their time, and maybe I could pass that along to him. He's interested in studying the issue.

MR. BAILEY: We sure will.

MR. SHIVERS: That will be great. Thanks, John.

Anything else? Fiscal stewardship?

MR. BAILEY: We have one brief report on that today, and that would be...actually, we can combine this with the discussion about the strategic plan. With your permission, Jeannene will talk to you about the strategic plan.

MR. SHIVERS: All right.

MS. FOX: Basically, I just want to let you know the process that we went through. Beginning in February, we started our organizational meetings and the planning process that we were going through in strategic planning. We asked for input from all of our employees. We asked for input from the industry, community groups, law enforcement and schools that we have had interactions with.

During the month of February and March, the headquarters staff, as well as representatives from the field, from enforcement, compliance and ports of entry, met four different times - and what some would tell you were very long sessions - in going over and looking at obstacles that, perhaps, hinder us from accomplishing our goals and things that we can improve on to help us reach those goals and what opportunities or challenges lay before us.

One of the things that we did differently this time, that we haven't done in previous times when we looked at strategic planning, was to take an in-depth look at our mission statement. A lot of our mission statement comes directly from the Alcoholic Beverage Code but, as we looked at it, we felt that there was a large part of what we believe is important in what we do that was missing from our mission statement, and that had to do with education. After about 100 drafts - I'm exaggerating a little bit - of trying to rewrite the mission statement and to capture that, because we feel it's important to let everyone know what the agency is about and what we think is important, we decided really two words just added to the end really reflected the educational effort that we have, because our educational effort is not just with school-age children or community groups. It's also with the industry, because we try to, obviously, inform and keep people as knowledgeable as possible about the laws.

So, the change in our mission statement, which is on page five, of the

plan...I'll just go ahead and read the whole thing. "The mission of the Texas Alcoholic Beverage Commission is to supervise and regulate all phases of the alcoholic beverage industry to ensure the protection of the welfare, health, peace, temperance and safety of the people of Texas, while facilitating fairness, balanced competition and responsible behavior." That "responsible behavior" encompasses everyone, those licensed and those that are consuming and those that are just watching. We felt that that more adequately reflected the mission of the agency, so that is one change.

I know that you have read this, and I'll be glad to answer any questions that you have about any specific parts of it, or the staff will be glad to answer any questions that you might have.

MS. MADDEN: We all did read it. I already asked my questions earlier, but I just have to say, of course, this is my first time reading a strategic plan for this agency, and it's very comprehensive, in case the rest of you haven't seen it. I felt like I was drinking from a water hydrant or something. It was swirling all around my head. It's very comprehensive, and I want to compliment the staff because I was very impressed with a lot of things. One, of course, is that it was very comprehensive and, secondly, I was very impressed with the fact that you all took the time to go out and get input from external entities such as the neighborhood groups that you were referring to and school systems and people in the alcoholic beverage industry and also, of course, the internal. I think I was here the morning that you were asking for everybody to turn theirs in, and I had seen that you had gone to all the different departments. I just want to compliment you all on this effort, because this is a big effort.

MR. SHIVERS: John?

MR. STEEN: Ms. Fox, what do we do with this strategic plan? What impact does it have?

MS. FOX: Hopefully, it informs a lot of people. It's distributed widely at the capitol and with those other groups - the Legislative Budget Board and the Governor's Office of Budget and Planning - for them to have some idea and history about what the agency is about and what the agency hopes to accomplish, what our goals are and how we reach those goals by the various measures that we have in here. The other intangible to this written form is, hopefully, it helps us manage our agency better. After we develop this - this is obviously at a high level of what our goals are and the direction that we want to go - we also develop action plans with each of our departments in how they are going to accomplish - and those are done

by year at a time, not five years, as the plan is - how they are going to accomplish those goals by specific measures, specific actions. It helps you direct your resources more appropriately or allocate those resources, as well as your funds and any other resources that you might need. It helps you plan ahead that if we are going to do this, we need to have these resources available and we don't now, so you know to plan for that.

The other part through this process that was very helpful to our agency is that it helps us identify internally what we refer to as management issues, that we want to address so that we can have better informed employees, maybe better trained employees, but to give everyone the tools that they need to do their job better.

MR. STEEN: Just looking at this, just two big issues that jump out at me, of course, is that no additional agents were authorized last time, and I think with all the things we are asking our agents to do, they are just strained to the maximum. They are doing enforcement and education, and I know I have been an advocate of doing more education. What do we do about that, trying to get more agents and also this related issue of inadequate salary? You make note in here that it's caused us difficulty in not only attracting qualified applicants but that we've had some problems in retaining the qualified employees as reflected in this turnover rate. I guess the question I have, and maybe Mr. Bailey wants to jump in, what's our plan? How do we get this message across that we need more agents and that we need better salaries?

MR. BAILEY: One of the things that this strategic plan leads to is actually the first step in the preparation of the budget request that we will be making. The next step is for the staff to come back to this commission to present to you what our budget requests are. Of course, we can have discussion about that. This document leads to supporting those things. If we want to do more education, perhaps, we need more agents to be able to do it, and this discussion evolves into the legislative appropriations request.

MR. STEEN: I had another question on this. I noticed that in Appendix H - maybe you all have mentioned this before - but this "Seller-Server Monitoring and Evaluation," we are getting an outside evaluator to come in and address the effectiveness of seller-server training?

MS. FOX: Right. Lou alluded to that in our last meeting, but I don't know that we are far enough along in that process. The grant group in enforcement has actually arranged or obtained this grant for us to go out and evaluate seller training and how we monitor that program. Right now, we don't have a

group, as far as I know as of today, that has answered that request for bid to do this grant work. However, it is out on request. I think that we are talking to the University of Texas Social Group - is that right, Greg?

MR. HAMILTON: Right.

MS. FOX: To come in and review seller training and its effectiveness.

MR. HAMILTON: One of the problems that we are having with this outside group is the amount of funds that are available to do the research. This is a quality research firm out of Washington, DC that does research on issues like this all the time. Sixty-five thousand dollars is not enough for this particular group, but they are still negotiating with us and trying to come up with a way to do it.

MR. STEEN: This is something I think is important, because in that whole discussion we had about seller-server training, this issue of effectiveness came up. It would be nice to have some data to support it, what I think is a very valuable thing, but it would be nice to have the study.

MS. FOX: We are working on it. I think it was only supposed to take a couple of months to do that research originally, so maybe by September or October we would have some type of information back. Is that correct?

MR. HAMILTON: Right.

MR. SHIVERS: Anything else?

MR. STEEN: No.

MR. SHIVERS: My comments are largely editorial, and I think you have those, and you will tell me why we can't do some of the changes that I wanted to make that are more a method of presentation. I understand we are locked into a presentation method by the LBB or some...

MS. FOX: That is correct, as far as the form of the strategic plan, and as far as measures and definitions, those changes had to be requested by March 15th and approved by the LBB and the Governor's Office. Although we did request some changes, we didn't request all changes.

MR. SHIVERS: Did I forget to read something?

MS. FOX: No.

MR. SHIVERS: Before March 15th did I forget to read something?

MS. FOX: No, we didn't send it to you. The staff worked on those changes, and it involved a slight change of wording to goal one, which is the enforcement goal. We did some changes to the compliance measures by eliminating some measures that had to do with the very narrow area of tax reporting, because when you get excise tax reports, you analyze those reports and cross verify, but you also collect money for taxes due. But, the tax collection function is really a subset of that whole analyzation, so we wanted to eliminate part of those measures, because it was included in a broader group. They did agree to those changes, so we eliminated some things.

We will be glad to send that to you ahead of time.

MR. SHIVERS: I think next time my term will have expired so you will not have to be bothered with that. My successor can decide whether he or she wants to get it in advance.

My other comments are largely a matter of emphasis of what we want to say about what we are doing and how we want to present it. I'm not sure that we have really good statistics. We think education does a good job. We think that minor stings are effective as a deterrent to sale to minors or intoxicated persons. Minor stings are almost the most manpower intensive thing we do other than complaint investigations. We obviously would need more agents where we are going to do more of that or do more education, but we just don't have good numbers to back up the request for that.

Also, it seems to me that the legislature, reflective of the attitude in the state, is somewhat ambivalent in its attitude toward alcohol and alcohol regulation. That may explain why we have the number of agents we have to enforce this code to cover this large state and all these licensed premises. The legislature probably determined we have about as much enforcement as the people of Texas want to have in this area. We don't want those bad guys drinking too much all of the time, just part of the time. I will quit editorializing, and we will go on to something else.

Any other questions? Do you need approval for this strategic plan?

MS. FOX: Yes, please.

MR. SHIVERS: Do we have a motion to approve it?

MS. MADDEN: I so move.

MR. SHIVERS: Is there a second?

MR. STEEN: Second. I made some notes as I read through it. I have another question.

MR. SHIVERS: Sure.

MR. STEEN: On this part that talks about "Special Needs-Border Areas," of course, you mentioned the Rio Grande Valley, then you also mention Louisiana?

MS. FOX: This was a discussion that was required to be in our strategic plan by the legislature. We included it in here. Basically, we have always covered the State of Texas based on the square miles, the number of locations and the number of retailers in that area, so that these areas, along the Louisiana border and the Rio Grande Valley, have had the same amount of coverage as the rest of the State of Texas.

MR. STEEN: I guess what I was asking is why Louisiana? Why do you pick that state and not the other border states?

MS. FOX: I believe as there was a concern for the Rio Grande Valley, the elected officials at the legislature didn't want to ignore any areas of concern that we may have with the Louisiana border.

MR. SHIVERS: We are not concerned about Arkansas, Oklahoma or New Mexico?

MR. STEEN: Yes, I guess that was my question.

MR. FOX: I will look into that, Mr. Steen.

MR. SHIVERS: Anybody else care to hazard a guess?

MR. YARBROUGH: I think most of this came out of specific legislative interests, just as the session before last, the El Paso delegation was very concerned, as was a district judge out there, I believe, on state allocation of resources, and the El Paso area not being left out as second class citizens. There have been other legislators who are worried about state services in their areas and that's what led specifically to the border initiatives, of course, with the growth in those areas with Mexico as well as some of the East Texas delegation.

MR. SHIVERS: I may be misinformed, but it's my recollection that liquor law and liquor

law enforcement in Louisiana is not too dissimilar from that in Mexico.

MR. BAILEY: Mr. Chairman, in the interest of our relationship with the Louisiana Alcoholic Beverage Commission, I'd have to take that under advisement.

MR. SHIVERS: It's been a long time since I was of an age where that was an issue of major concern to me, but it seems to me at that time that Louisiana was a popular destination for young people in East Texas.

MR. BAILEY: You will remember, as recent as two or three years ago, Louisiana rescinded their 21 drinking age back to 18. There was a period of time where we had a genuine cooperative effort between the TABC and our local law enforcement agencies over there because it became a really big issue for us for a while. They have since again reversed themselves.

MR. SHIVERS: Moved it back to 21?

MR. BAILEY: Yes.

MR. SHIVERS: Then I retract everything I said unkind about Louisiana.

MR. STEEN: Ms. Fox, we talked the other day about the issue of internal communication.

MS. FOX: Yes.

MR. STEEN: Could you speak to that?

MS. FOX: Basically, we have several areas that would focus our attention to our internal communication. We had a communication survey that was done by the University of Texas internally with the agency and that pretty much brought back an indication that our internal communication needed to be improved pretty much up the ladder as well as down the ladder. In the input that was solicited from our own employees, communication was of great concern. That is something that we are going to focus on. It's one of the things we've identified, not only in the strategic plan, but as also one of our management issues that I talked about. Hopefully, this week or next week, we are going to meet and make some definite decisions on how we want to attack that problem.

MR. SHIVERS: We have a motion and a second on the strategic plan. Any further discussion? All in favor?

MR. STEEN: Aye.

MS. MADDEN: Aye.

MR. SHIVERS: Aye. Opposed? I reserve the right to have Ms. Fox answer my editorial concerns after this meeting.

MS. FOX: I'll be happy to.

MR. SHIVERS: Thank you.

Item six?

MR. BAILEY: Mr. Chairman, I'm sorry, I misstated myself a while ago. Under the fiscal stewardship, there were three things we were going to discuss today according to our schedule. One was strategic plan. A subset of that was the *Compact With Texans*, and we are going to take that up next month because it will be a discussion about our relationship with our customers. The third issue that was to be discussed today was the internal audit function. Charlie Kerr sent you a letter and he is prepared to discuss that with you briefly and answer any questions that you have. Mr. Kerr?

MR. KERR: Good afternoon, Commissioners. Do you have any specific questions on what I sent you in the mail?

It's pretty straight forward. Internal audit pretty much looks at internal controls at almost every juncture, every audit it completes. This agency probably has significant controls. I mean management has more controls than they would like to have, I'm sure, because it affects the way they do business sometimes. Sometimes it even makes business less efficient, but you've got to have it for the safeguarding of the assets.

April report in 1998, the State Auditor's Office said that the TABC has management controls which provide reasonable assurance that goals and objectives are met. That's about as good as you can get from the State Auditor's Office. I have found this to be true in most of the audits that I do. Occasionally, we find some control weaknesses that I address and, generally, they are taken care of in due course.

MR. SHIVERS: Charlie, you have one of those jobs where you don't get a lot of comments from us or appreciation. It just means that you are doing your job because we don't have any problems. I have a set of audits in a file I've been meaning to talk to you about, but there haven't been any glaring issues that

are urgent. I'm going to put it on the calender so, hopefully, in the next month you and I can get together and we can go over some of the issues. I think the agency, by and large, from my view, seems to do a good job, and you do a good job of keeping us aware of control deficiencies and that management corrects.

John, do you have any specific comments?

MR. STEEN: Yes, I do have a comment. If you look at the organizational chart, the internal auditor is supposed to report to us, and it's a conversation I've had with you about should there be more interaction between you and the commission? An issue that came up, and I had asked Lou Bright about it, is it accurate to say that most of the time you are dealing with sensitive issues?

MR. KERR: Most of the time? No, I wouldn't say most of the time they are sensitive issues. They are issues that can be discussed in public. Some of the times they might be sensitive but, generally, they are not going to be issues that involve personnel problems or issues like that.

MR. STEEN: I just wondered if we should make an effort to interact with you more. At least, I'm not in contact with you very much. I'm looking at that organizational chart seeing that you should be dealing directly with us.

MR. KERR: It's unfortunate that they won't let us meet in executive session, because I think that would be beneficial. However, one-on-one meetings are perfectly a good way to do that.

MR. STEEN: That's another issue I talked to Senator Wentworth about. He's been very active in the open meetings area, and he's agreed to look into that for us, also, just to look at the open meetings law. I guess the exceptions now for executive session are personnel and litigation.

MR. KERR: Right. I think most internal auditors would like to have that venue, to be able to go into an executive session and discuss audit reports, especially ones that might be sensitive in nature.

MR. STEEN: Anyway, he's willing to look at that. I was going to ask Lou Bright if he could help get me something that I can give to Senator Wentworth on that issue.

We had gotten your performance review, which I don't want to talk about now, but it did raise an issue in my mind about whether in your function

you should be reviewed by the administrator and the assistant administrator when really you are supposed to be apart from them completely in terms of what you do. I know things have gone smoothly, so I'm not directing it at the particular people here but, just in general, whether the internal auditor should properly be evaluated by the commission rather than the administrator and the assistant administrator in order for him to maintain the independence that he's supposed to have.

MR. KERR: There is that perception problem. I agree with you. The main reason it's set up that way is because the executive director is generally more aware on a day-to-day basis of what kind of work I'm doing and what kind of issues I face. All of the state agencies are in the same boat on this. The General Accounting Office has just come out with a view asking states to address the Government Auditing Standards that deal with independence. I think some of those issues may be addressed by the legislature in this next go-round as far as how internal auditors report, who they report to and how they are evaluated.

MR. STEEN: Anyway, it ties in, because I think maybe we ought to have more communication with you, and if we did have more communication, it might put us in a position of being able to do this performance review of you rather than having the administrator and the assistant administrator do it.

MR. KERR: I would welcome that open communication. It would make my job easier, because it would give me a better idea on the direction the board is looking, and it would keep you better informed, too, instead of waiting for a report to come around every three or four months.

MR. SHIVERS: I think the historic argument against auditors having executive session with the commission has been that government should be conducted in the broad light of day, and there is a possibility, however slight, that the auditor and the commission members could meet in executive session and conspire to cover up a deficiency on the part of the commission.

MR. KERR: That is a downside. You are right.

MR. SHIVERS: Or on a part of the agency that the commissioners may be embarrassed about and not wish to come to the full light of day.

MR. KERR: I agree with you on that, too. It's a touchy situation, but it's one of those that if you really want to have communication, then you need to have that venue to have it. On the other hand, like you said, the public is very

demanding when it comes to agencies being open in their communications. In that respect, you have to look at that side of it, too.

MR. SHIVERS: It's an appropriate area for the legislature to consider.

MR. KERR: I would agree.

MR. SHIVERS: And, of course, we will do whatever they want.

MR. BAILEY: Mr. Steen, I'd really hate it, but I will be willing to give up the responsibility to do the evaluation.

MR. STEEN: It really represented itself as an issue. In the spirit of the internal auditor being absolutely independent, does that create a problem when he has to be evaluated by the administrator and the assistant administrator? I'm not directing at any individuals here. It's just something I'm looking at as an issue.

MR. KERR: I think that is one way to establish more independence, though, for you to evaluate me. That would be one way to do it.

MR. STEEN: Senator Wentworth said he would look into that issue so, maybe when Mr. Bright returns from Ireland, we can talk about it, and I can get him some information. He would like to, at least, study it.

MR. SHIVERS: Of course, the three of us could come early and get in three separate rooms and Charlie could go door-to-door.

MR. STEEN: Charlie, I don't think we've ever met one-on-one.

MR. KERR: No, we haven't.

MS. MADDEN: We have.

MR. STEEN: You've met with Mr. Kerr?

MS. MADDEN: Yes.

MR. KERR: All you've got to do is ask.

MR. SHIVERS: Charlie has come down to my office several times.

MR. KERR: I'll be glad to show up at your office any time.

MR. STEEN: Thanks.

MR. SHIVERS: Any other questions for Mr. Kerr?

MS. MADDEN: It's a two-way street, and I would hope you'd feel comfortable calling us, too.

MR. KERR: Sure. I don't have a problem with that at all. I appreciate that.

MR. SHIVERS: Do you have anything else for Mr. Kerr?

MR. STEEN: No.

MR. SHIVERS: Thank you, Charlie.

MR. KERR: Thank you.

MR. SHIVERS: I don't have anything in tab six about the proposed amendment to 16 TAC §41.22.

MS. FOX: There has been a rule request by the Package Stores Association to consider amending Rule 41.22. We had hoped that we would have everything worked out and have something before you today, but that didn't occur. There are a few other things that the staff would like to gather from the Package Stores Association. So, we are going to meet again.

MR. SHIVERS: Before we publish?

MS. FOX: Right. So, we would ask that you table it.

MR. SHIVERS: All right. Done.

Any other comment? I guess today we are going to make up for the length of last month's meeting. Any further comment?

MS. MADDEN: This is unbelievable.

MR. SHIVERS: I've been dragging it out as far as I can, but I think this is as much time as we can kill this afternoon. Motion to adjourn?

MR. STEEN: So moved. There is no public comment on anything?

MR. SHIVERS: Let the minutes reflect they all showed up.

MR. STEEN: So move on adjournment.

MS. MADDEN: Second.

MR. SHIVERS: Hearing no opposition, we are adjourned.

The meeting adjourned at 2:20 p.m.