



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

COMMISSION MEETING

January 25, 2011

Texas Alcoholic Beverage Commission
5806 Mesa Drive
Austin, Texas 78731

*José Cuevas, Jr., Presiding Officer
Midland*

*Steven M. Weinberg, MD, JD, Member
Colleyville*

*Melinda Fredricks, Member
Conroe*

AGENDA

REGULAR COMMISSION MEETING

9:30 a.m. – January 25, 2011

**5806 Mesa Drive
Austin, TX 78731**



José Cuevas, Jr.
Presiding Officer-Midland

Steven M. Weinberg, MD, JD
Member-Colleyville

Melinda S. Fredricks
Member-Conroe

Alan Steen
Administrator

Tuesday, January 25, 2011 - 9:30 a.m.

Agenda

1.	Call to Order	José Cuevas, Jr.
2.	Approval of Commission Meeting Minutes of November 18,2010	José Cuevas, Jr.
3.	Administrator's Report: Administrator and Agency Activities, Budget Issues, Staff Achievements	Alan Steen
4.	Caffeinated Malt Beverages Briefing	Joel Moreno
5.	82nd Legislative Session Briefing	Carolyn Beck
6.	TABC Recruitment and Hiring Policies Report	Loretta Doty
7.	Super Bowl Briefing	Joel Moreno
8.	Dallas-Election Briefing	Sherry Cook
9.	Public Comment	José Cuevas, Jr.
10.	Executive Session to Consult with Legal Counsel Regarding Pending and Anticipated Litigation Against the Agency and to Discuss the Duties, Responsibilities, and Evaluation of the Administrator (Govt. Code §551.071, §551.074)	José Cuevas, Jr.
11.	Next Meeting Dates: Tuesday, February 22, 2011 Tuesday, April 26, 2011	José Cuevas, Jr.
12.	Adjourn	José Cuevas, Jr.

Note: Items may not necessarily be considered in the order they appear on the agenda. Executive session for advice of Counsel (pursuant to §551.071 of the Government Code) may be called regarding any agenda item. Action may be taken on any agenda item.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services (such as interpreters for persons who are deaf, hearing impaired readers, large print, or Braille) are requested to contact Luann Dickerson at (512) 206-3217 (voice) (512) 206-3203 (fax). Relay Texas at 1-800-735-2989 (TTY/TDD), at least three (3) days prior to the meeting so that appropriate arrangements can be made.

P.O. Box 13127 • Austin, Texas 78711-3127 • (512) 206-3333 • www.tabc.state.tx.us

An Equal Opportunity Employer

MINUTES

REGULAR COMMISSION MEETING

9:30 a.m. – January 25, 2011

**5806 Mesa Drive
Austin, TX 78731**



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

COMMISSION MEETING MINUTES

January 25, 2011

The Commissioners of the Texas Alcoholic Beverage Commission (TABC) met in Regular Session on Tuesday, January 25, 2011, at the Texas Alcoholic Beverage Commission, 5806 Mesa Drive, Suite 185, Austin, Texas.

PRESIDING

OFFICER:

José Cuevas, Jr.

COMMISSIONERS

PRESENT:

Melinda Fredricks

Steven M. Weinberg, MD, JD

STAFF PRESENT:

Alan Steen, Administrator

Carolyn Beck, Director of Communications and
Governmental Relations

Mindy Carroll, Assistant Director, Education and Prevention

Sherry Cook, Assistant Administrator, Executive Division

Darryl Darnell, Inspector, Office of Chief of Staff

Luann Dickerson, Executive Assistant, Executive Division

Loretta Doty, Director, Human Resources Division

Shelby Eskew, Director, Business Services Division

Kathy Gersbach, Executive Assistant, Executive Division

Thomas Graham, Supervisor, Marketing Practices

Amy Harrison, Director, Licensing Division

Emily Helm, General Counsel, Legal Division

Tanya Jimenez, Administrative Assistant, Executive Division

Dexter K. Jones, Assistant Chief of Field Operations

JoAnn Joseph, Assistant Director, Licensing Division

Judith Kennison, Deputy General Counsel, Legal Division

Charlie Kerr, Director, Tax Division/Education
and Prevention

Roland D. Luna, Sr., Lieutenant, Office of Professional
Responsibility

Richard Maness, System Support Specialist, Information Resources Division
Earl Pearson, Chief of Staff, Executive Division
Andy Pena, Director, Office of Professional Responsibility
Gloria Darden Reed, Executive Assistant, Executive Division
Albert Rodriguez, Lieutenant, Office of Professional Responsibility
Loretta Smith, Assistant Director, Business Services Division
Rod Venner, Assistant Chief of Enforcement, Enforcement Division
Jay Webster, Director, Information Resources Division
Martin Wilson, Assistant General Counsel, Legal Division

**GUESTS
PRESENT:**

Lou Bright, General Counsel, Texas Wine and Grape Growers Association (TWGGA)
Rick Donley, President, The Beer Alliance of Texas
Chelsy Hutchison, Republic National Distributing Company
Lance Lively, Executive Director, Texas Package Stores Association
Jack Martin, Attorney, Jack Martin and Associates
Fred Marosko, Executive Director, Texas Package Stores Association
Tyler Rudd, Lobbyist, California Wine Institute
Randy Yarbrough, Wholesale Beer Distributors of Texas

CALL TO ORDER

The meeting of the Texas Alcoholic Beverage Commission was called to order at 9:36 a.m. by Presiding Officer José Cuevas.

APPROVAL OF COMMISSION MEETING MINUTES OF NOVEMBER 18, 2010

Presiding Officer José Cuevas called for approval of the Commission meeting minutes of November 18, 2010. Commissioner Steven Weinberg so moved to approve the minutes as written, and Commissioner Melinda Fredricks seconded. The motion carried.

ADMINISTRATOR'S REPORT: ADMINISTRATOR AND AGENCY ACTIVITIES, BUDGET ISSUES, STAFF ACHIEVEMENTS

Presiding Officer José Cuevas called upon Administrator Alan Steen for his report.

Administrator Steen welcomed the Commissioners back to Austin for another commission meeting. He expressed his hopes to each of them in having had a n enjoyable holiday as they enter into a new year.

Administrator Steen began his report with recognition of Assistant Chief Dexter Jones and Captain Charlie Cloud for their outstanding leadership in organizing specialized training for the Dallas-Fort Worth area peace officers and retailers in advance of the upcoming Super Bowl. The training was conducted at the Cowboys Stadium in Arlington and was considered a great success.

Administrator Steen continued his report highlighting significant events dealing with the Data Center Consolidation Services. He gave a brief overview of the events that has led the State of Texas to give notice to IBM to terminate the troubled data center consolidation contract.

Administrator Steen stated the discord between the State and IBM started months ago when the Department of Information Resources (DIR) said it would restructure the project and seek new companies to do the work. The restructured project would be broken up into several smaller, more manageable pieces in contrast to the huge IBM-led effort. He spoke of a rebidding process with a January 15th deadline, for interested vendors to submit their plans.

TABC continues to participate on multiple workgroups and committees pertaining to the Data Center Services (DCS) arrangement. Administrator Steen has committed Assistant Administrator Sherry Cook to serve as a member of the Business Executive Leadership Council (BELC); Mr. David Brandon, Enterprise Development Manager, from the Division of Information Resources Division (IRD), who will serve on a DCS evaluation team; and Mr. Wes Fitzsimmons, IRD's Security Officer, who will lend his expertise as a Technical Advisor on a committee as a Subject Matter Expert (SME).

Administrator Steen's report outlined challenges in the Data Center Services (DCS) status update:

- Staff Commitments – TABC's long term commitment of staff to serve on councils and committees;
- Unmet server requests for Versa Project – TABC foresees a delay in the on-line licensing project;
- Network response time issues – TABC has experienced slow network response times to get Agency systems back and running in a timely manner;
- Delayed transformation of 17 remote office servers – A delay in network response time issues has caused slow responses for staff in the field offices;

- Funding in light of recent budget cuts – With the expected legislative budget cuts, TABC can expect to experience more decreased long term support and de-scoping.

Presiding Officer Cuevas inquired if there will be a delay in the licensing on-line process. Administrator Steen stated that as reported in a previous administrator's report, the go-live status for the on-line process has been delayed from January to March. He anticipates there may be more delays as the month of March gets closer due to the uncertainty at DIR. In light of the delays, Administrator Steen stated an option could be to purchase the needed servers for the Agency. He commented that the funding, physical location and the maintenance of those servers are issues that would need to be resolved.

Presiding Officer Cuevas quizzed Administrator Steen on the cost of the servers. Assistant Administrator Cook stated that the costs of procuring the servers could vary on the type of technology selected. Currently the State Data Center has implemented a "virtual solution", meaning multiple server instances could run on one physical server. She went on to say, Director Jay Webster and his staff are researching the cost for the servers necessary in supporting on-line applications. She explained virtual technology is expensive, however more efficient in the long-run. The Commission would also need to request a waiver from DIR to purchase and have the servers located in the Agency's existing data center. .

Assistant Administrator Sherry Cook to provide a report to Presiding Officer Cuevas on the cost of servers housed at the Agency.

As a member of the Business Executive Leadership Council (BELC), Presiding Officer Cuevas asked Assistant Administrator Cook to give her view and opinion of the outcome of the issues between the State and IBM.

Assistant Administrator Cook spoke of the positive responses received from the vendor community. On the other hand, there have been some concerns that have surfaced from the Sunset hearings for DIR and we along with everyone else will be watching closely on any potential impact legislation may have on agencies involved with the Data Center Services Project.

DIR is also experiencing budget cuts as other state agencies and will have difficulty in handling some of the administrative responsibilities, which in turn could be passed back to the agencies. In summation, Assistant Administrator Cook stated that the challenges in identifying the loss of knowledge and resources will be a combined concern in how the agency will handle the termination of the IBM contract. She foresees the deciding factor will depend on the legislative budgets and how the agencies' funds are appropriated.

Presiding Officer Cuevas asked if IBM could be held accountable for support services until the termination of the contract. Assistant Administrator Cook answered affirmatively. She commented that the existing contract requires IBM to maintain staffing and to provide support in connection with the re-procurement process. Depending on the level of access and the nature of an issue, agency personnel can offer support service in eliminating some network issues.

Commissioner Weinberg commented that the IBM contract was a great idea, but it did not work. He stated "IBM did not carry out their mandate."

Commissioner Fredricks questioned if there has been any delays in the request for on-line applications or licensing permits. Assistant Administrator Cook responded negatively. She explained that the on-line application processing will not "go live" until March. Assistant Administrator Cook offered a scenario, stating if IBM is not able to adequately support the on-line application process and a waiver is not granted to TABC for the servers to be in the data center, then there could be delays that would affect the licensing process.

Administrator Steen commented that when there are glitches in the network system, the Agency will experience delays in inputting and retrieving data. The network issues will not only cause delays at headquarters, but also for the agents in field operations.

Presiding Officer Cuevas inquired if there had been any delays in the Dallas area. Administrator Steen responded negatively.

Director Jay Webster commented that with the assignment of Assistant Administrator Cook, Enterprise Development Manager David Brandon, and Security Officer Wes Fitzsimmons to serve on DCS committees, the Agency has first-hand knowledge of the events that may impact the productivity of the Agency's network system. He stated that there have been some frustrated moments in dealing with the ever-changing personnel assigned to work on network issues. He mentions some of the frustration dealt with the prioritizing the network problems and getting the systems back up and running in a timely manner.

Administrator Steen continued his report stating that the budget recommendations had been received from the LBB and the Senate. The base request versions are similar except for the area that deals with Schedule "C" employees.

Administrator Steen's report highlighted the changes to the benefits in Schedule "C" that were included in the LBB version of the budget, but not recommended in the Senate's version: (Peace/Police Officers employee groups affected by the changes are: Texas Alcoholic Beverage Commission, Department of Public Safety, Texas Parks & Wildlife, Texas Department of Criminal Justice)

1. LBB Recommendation – Pay raises from 4 years to 6 years
2. LBB Recommendation – Offer a higher annuity plan for retirees
3. LBB Recommendation – Raise retirement Rule to 80 (combination of age plus years of service)
4. LBB Recommendation – Clothing allowance eliminated

Administrator Steen informed the Commission that the budget report will be prioritized by strategies with the Agency's budget team and resubmitted to the LBB. He anticipates to be called before the Senate Finance Hearing Committee and the House Appropriations Committee to testify on these prioritized budget strategies sometime in February.

Commissioner Weinberg commented that TABC has fared good in comparison with other state agencies. TABC is a self-supported agency and the number of licenses has been rising which has been good for the State of Texas. He stated that his visit to the Capitol was beneficial and informative for those legislators to understand how self sustaining and productive in state funding TABC has been.

Commissioner Fredricks applauded Administrator Steen and his staff for their proactive approach in working through the current budget cuts.

Presiding Officer Cuevas asked for Administrator Steen's explanation of Schedule "C" as to the benefit of an employee to retire now rather than to wait for the Rule of 80. Administrator Steen explained that if an employee is eligible to retire now, he could receive full benefits. This may become an incentive for that employee to take advantage of that opportunity.

Presiding Officer Cuevas quizzed Administrator Steen on how the budget would be affected for the next two years, if one would retire. Administrator Steen responded that the budget is affected when paying the employee's accumulated annual leave in a lump sum at the time of their retirement.

Commissioner Weinberg stated it hurts the efficiency in the agency because of the loss of experienced and knowledgeable employees.

Presiding Officer Cuevas inquired if there has been any dialogue for early retirement incentives. Administrator Steen answered affirmatively that retirement incentives have been discussed and it will be a wait and see as to whether or not the legislators will look at retirement incentives as part of balancing the budget.

Presiding Officer Cuevas asked if an employee decides to retire when would the Agency be notified. Administrator Steen stated that September 1st starts the new fiscal year, so most employees will inform the Agency of their intent to retire on or before August 31st.

Presiding Officer Cuevas asked for the percentage of Texas that is no longer dry. Administrator Steen's response is supported with a map of Texas with a legend updating the Wet/Dry Status of Texas Counties after the local options elections in November 2010 as presented in his PowerPoint presentation. (Attachment 1)

Presiding Officer Cuevas inquired on the date of hire of 100 new employees to the Agency. Administrator Steen stated it was during the Sunset hearing of 2003, a member from that hearing charged the Agency to adjust its Legislative Appropriations Request (LAR) to hire staff to accommodate and modernize the daily operations. He said the adjustment was made and the 100 full-time employees were hired.

Presiding Officer Cuevas quizzed Administrator Steen if the career ladder is affected by the recommended budget. Administrator Steen responded that the career ladder is affected. Director Shelby Eskew commented that the career ladder was submitted as part of the base budget with one of the cuts made to the Ports of Entry and also a change was made to the Tax Compliance Auditor.

Presiding Officer Cuevas asked Director Eskew about the concern for the car fuel expenses. Director Eskew's response was to examine and keep a close watch on the dollar amounts spent on fuel in the coming months. The LBB has a spend rider that will allow the Agency to spend forward if the fuel costs rise above the allotted amount appropriated. In order to gain access to the spend forward authority, the Agency's request must be approved and signed by the LBB and the Governor's office.

Presiding Officer Cuevas' next question was when there are 25 vacancies in Enforcement, does that mean that there are 25 less cars being driven. Administrator Steen answered affirmatively and said the budget reflects the costs in fleet.

Commissioner Weinberg commented that the Agency has succeeded in the advancement in its modernization in the Enforcement Division. He spoke about how the peace officers can access information using the toughbook technology from their state vehicles. He sees this option as a fuel cost-savings tool and good dialogue that needs to be shared with members of the legislature.

Chief Moreno stated that all Enforcement officers have access to toughbooks in their state vehicles which provide remote access to agency data and to the National/Texas Crime Information Centers, which expedites their investigative abilities.

Presiding Officer Cuevas commented that the Commission's strategy has always been to move the Agency forward. He stated that the Agency has gone from being antiquated to an Agency that has benefitted from computer technology. He noted that the records that were kept in files in the Licensing area have been scanned and can be uploaded and viewed electronically. Presiding Officer Cuevas thinks the Agency needs to continue to move forward in an efficient manner with the assistance of information technology. He stated that as the Agency loses full-time employees, the

Agency's entire strategy must be revisited and discussed concerning the staffing in the Executive Division. He encouraged the Administrator to meet with his Executive Management Team to discuss the staffing in the Executive Division. He does not believe that the lower paid employee should be caught up in the budget cuts while maintaining the executive staffing levels. Presiding Officer Cuevas suggested that Administrator Steen begin his meetings soon.

Presiding Officer Cuevas praised Administrator Steen's leadership as being invaluable through the past legislative sessions and predicts his leadership combined with the legislative contacts and personal acquaintances in the legislature will equally be as important during this upcoming legislative session. He stated how proud he is of the Agency's accomplishments and for the Agency to continue to push forward through automation. Presiding Officer Cuevas noted the importance of keeping the lines of communication open to the employees. He would like for the employees to know that doomsday is not right around the corner. The Agency has identified 40 vacant positions that should satisfy the recommended budget cuts. He stated that misplaced employees should be able to transfer to other divisions/departments should they decide they want to be transferred or through attrition.

Administrator Steen acknowledged his understanding of the Presiding Officer Cuevas' comments. He stated he will continue to follow the Sunset recommendations and to continue modernizing the Agency with information technology. Administrator Steen stated he will continue to adhere to the Governor's directive in not creating any new programs and to cut non-essential spending. He acknowledged that during the past months, he has instructed his Executive Management Team to express the need to exercise cost saving trends in their various divisions/departments.

Administrator Steen refreshed the Commission of the Agency's pre-planning efforts with the initial five percent budget cuts in 2010-2011, 21 FTEs were given back in which half of those positions were from the headquarters. In preparation for the current year 2011-2012, at the end of 2010, the Agency gave back \$800,000. He stated at the end of this fiscal year and in preparation for the fiscal year 2012-2013, the Agency will be returning another high dollar amount to be deposited into the general revenue fund.

Presiding Officer Cuevas stated that when Administrator Steen is called to testify before the Senate Finance Hearing Committee, he needs to tell them how the Agency has contributed to the general revenue fund and how it has not been wasteful.

Presiding Officer Cuevas asked Administrator Steen to explain in a statement regarding the agency being given \$800,000, but did not have the authority to spend the funds.

Administrator Steen explained that in Capital Expenditure, the funds are included in the base request budget but the authority to spend the funds has to be approved by the legislature.

Commissioner Weinberg commented that it is important to communicate to the employees in the Agency and clarify what they may be hearing in the news and reading in the newspapers concerning governmental job changes, especially during this crisis of budget cuts.

Administrator Steen stated that when the Agency received the LBB baseline recommendations, a panel consisting of Assistant Administrator Sherry Cook, Chief Joel Moreno, Chief Earl Pearson, Assistant Chief Rod Venner, Assistant Chief Dexter Jones, Director Shelby Eskew, Directors and Supervisors, and Captains participated in a conference call with personnel from Regions 1-5, Captains, and Field Supervisors. The purpose of the conference call was to discuss the LBB baseline recommendations. Administrator Steen expected at the conclusion of the conference call, the information would be filtered down to the employees in the Agency. In his weekly email, he gave a general overview of what was covered in the conference call and the status of the budget.

Administrator Steen reminded the Commission that part of the Sunset recommendations was for the Agency to work with the LBB to get the performance measures aligned with what the Agency does.

Presiding Officer inquired about office consolidations. Administrator Steen stated that the LBB recommendation to cut building monies will mean Field Operations and Licensing will have to merge offices within each region. A reassessment of resources will also be conducted.

Commissioner Fredricks quizzed Administrator Steen on the effectiveness of the Agency in consolidating regional offices because of the budget cuts. She questioned if the offices will be able to handle increased complaints and how will these offices curtail the access to alcohol by minors. Administrator Steen responded that during the year, the Agency's plan was to focus on educating the legislature through scheduled meetings, printing and distribution of literature of the affect of the budget cuts and how it will affect the minors. He estimated that the complaint level has doubled between the years of 2004 to 2010.

Presiding Officer Cuevas inquired as to the type of complaints received when minors have had access to alcohol. Administrator Steen responded that complaints are received from parents and complaints against licensed establishments.

Presiding Officer Cuevas commented that shifting arrest authority to the local law enforcement officers such as minors drinking in the parks and arresting intoxicated patrons in a bar was a good strategy change for the Agency. He stated the Agency did not have the workforce nor was it equipped to handle those types of complaints.

Commissioner Weinberg offered his help, as well as Presiding Officer Cuevas and Commissioner Fredricks to accompany Administrator Steen when he testifies before the Senate Finance Hearing Committee.

Administrator Steen reported a 3.5% growth in Excise Tax Gross Revenues. The number of Licensed Retailers for the fiscal year of 2011 has risen. The Ports of Entry Revenue for the months of September to November is down slightly in alcohol sales; sales in cigarettes shows a small increase in sales.

Presiding Officer Cuevas asked if the on-going violence had any effect on sales. Administrator Steen stated there has been a decline in the sale of alcohol. He stated that the duty-free stores that are run by the federal governments are in close proximity to the Ports of Entry checkpoints and they could have factored in the decline in sales.

Administrator Steen's report is supported by a PowerPoint presentation.
(Attachment 1)

CAFFEINATED MALT BEVERAGE BRIEFING

Presiding Officer José Cuevas called for Chief Joel Moreno, for agenda item #4, Caffeinated Malt Beverage Briefing.

Chief Moreno stated that the Enforcement and Compliance personnel visited approximately 12,000 retailers in December to request their voluntary assistance and cooperation in removing caffeinated alcoholic beverage products from the Texas market.

Chief Moreno's PowerPoint presentation supports his report with a timeline as follows: (Attachment 2)

- November 18, 2010 – The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues warning on the sale or shipment of caffeinated alcoholic beverages determined by FDA to be adulterated;
- November 29, 2010 – The Caffeinated Alcoholic Malt Beverage voluntary compliance initiative was started by TABC;
- November 30, 2010 – Meeting with stakeholders (wholesalers, distributors, retailers);
- December 21, 2010 – The Caffeinated Alcoholic Malt Beverage voluntary Compliance initiative was completed by TABC.

Chief Moreno's report continued with the statewide results of operation with totals of permits inspected, permits voluntarily complying, and the percentage of permits that were inspected and those that were voluntarily complying.

Presiding Officer Cuevas asked Administrator Steen if he knew of the industry's loss in the dollar amounts of the caffeinated beverage product. Administrator Steen responded in the negative. He stated that the agreement with the three tier system (manufacturers, distributors, and retailers) to allow each area to recoup part of their product with a 70-30 split. He explained as the product was either picked up or credited, then that could be traded in for new product, which is currently being done. Administrator Steen stated that it is too early to project losses in dollar figures.

Presiding Officer Cuevas commented that the Agency acted too hastily in pulling the product from the shelves because at the initial notification from the federal government, it was a legal product. He stated that the Agency could have allowed the sales to proceed with a deadline of January 1 designated to have the product off the shelves. He thinks this occurrence should be used as a learning experience with the possibility of being handled differently should these circumstances arise again.

Chief Moreno stated that the visits to the wholesalers, distributors, and retailers were conducted by Compliance Officers who distributed the press release as a source of documentation for the visit and some seemed appreciative of the notification.

Presiding Officer Cuevas questioned Chief Moreno if there were any encounters during the visits of those persons unwilling to remove the product and the Compliance Officer placing them on a list. Chief Moreno answered negatively and stated the Agency's mission for the visit was to inform the retailers of the FDA ruling. He stated that there is no existence of a list.

Commissioner Weinberg commented that the notice served as a warning to those who would consume the product; therefore, he feels that the Agency and the industry acted in a responsible manner. Commissioner Weinberg went on to say that as a Doctor when he would receive a notice from the FDA that a drug was dangerous he would cease to administer immediately.

Administrator Steen suggested polling the industry for their comments in the Agency's handling of the voluntary removal of the product. Presiding Officer Cuevas agreed with that suggestion. Administrator Steen stated during the 82nd legislature, there could be bills introduced that will focus on issues of malt liquors, wines, and other alcoholic beverages.

82nd LEGISLATIVE SESSION BRIEFING

Presiding Officer Cuevas called upon Director Carolyn Beck to present the next agenda item, the 82nd Legislative Session Briefing.

Director Beck briefed the Commission of the start of the 82nd legislative session that began on January 11, 2011. Director Beck stated that there will many bills introduced in the legislature, but as of this meeting date, only six bills have been introduced to amend the Alcoholic Beverage Code. She expects more bills to be introduced when the committees are organized.

She advised the Commission of other high impact issues:

- Prohibiting smoking in public places

TABC would be responsible for enforcing this at some of its licensed premises

- Investigating feasibility of southbound checkpoint;

Commissioner Weinberg required more clarification of the importance of this bill. Administrator Steen stated this bill provides a working relationship with the Department of Public Safety, checking vehicles for weapons and drugs.

- Enforcing immigration laws.

TABC would assist in checking the immigration status of individuals that are arrested by TABC Enforcement Officers

Director Beck explained why it is necessary to track such a large number of bills when only a few will apply to the Alcoholic Beverage Code is because there are bills that impact the Agency. Such as bills that deal with Peace Officers/Law Enforcement, budget, information technology, open records/open meetings, purchasing/fiscal requirements, grants, ports of entry, training/TCLEOSE, and human trafficking.

After Director Beck's discussion on house bills that will be introduced potentially amending the Alcoholic Beverage Code some of which will deal with the creating and restrictions issues surrounding the Bring Your Own Bottle (BYOB) permits, Commissioner Weinberg spoke on a BYOB establishment in the Dallas/Fort Worth area. He stated that there will be a major push from the North Texas delegation in support of House Bill 175 and House Bill 406/616 bills. He expects the Agency to be quite busy should the bills pass.

Presiding Officer Cuevas quizzed Director Beck on whether to anticipate a bill concerning regulating licensing agencies that employ independent companies to help permit holders to get permits with TABC. Director Beck stated there could possibly be a bill introduced, but she does not have any knowledge of that happening at this time.

Presiding Officer Cuevas inquired if there had been any discussion of a Sunday sales bill. Director Beck responded that there could possibly be a bill introduced, but she does not have any knowledge of that happening at this time.

Important Dates - 82nd Legislative Session Update

November 8, 2010	Pre-filing of bills
January 11, 2011	82 nd Legislature Convene
March 11, 2011	Last day to file regular bills
May 30, 2011	Sine Die
June 19, 2011	Last Day Governor can sign or veto bills
August 29, 2011	Date that bills without specific effective dates become law

Director Beck's report is supported by a PowerPoint presentation.
(Attachment 3)

TABC RECRUITMENT AND HIRING POLICIES REPORT

Presiding Officer Cuevas called for the next agenda item, entitled TABC Recruitment and Hiring Policies Report. Loretta Doty, Director of Human Resources, is the presenter.

Director Doty greeted the Commission and advised that her report is an annual report required by the Alcoholic Beverage Code to be given by February 1st. She stated that her report will provide a hiring and separation summary from the fiscal year of 2010.

Director Doty's report provided the Commission with an overview in a PowerPoint presentation of TABC's gender representation, its demographics according to race, the statewide workforce comparison of females, African Americans, and Hispanics.
(Attachment 4)

Presiding Officer Cuevas quizzed Director Doty on the number of employees hired and the number of employees that were separated from the Agency. Director Doty stated that there were 50 persons hired and 71 persons who were separated or terminated. She offered a definition of the terms "separation/termination" meaning to retire, voluntarily resign, or actions to be terminated for disciplinary reasons. Director Doty stated the majority of the 71 persons were voluntary separations and the rest were retirees.

In the hiring and separation summary chart, Director Doty stated the number of Anglo/White Caucasian hires had the greatest number of terminations, followed by the Hispanics, and African Americans. She stated the number of hires between the females and males were an even split. The number of male terminations was slightly higher than the female terminations.

Director Doty's presentation confirms the male population continues to be a dominant gender largely because TABC is a law enforcement agency. She stated she is most proud for an increase of 27% of representation in protective services and that is a

significant increase over the past seven years. Director Doty noted that there is a decrease of representation in protective services for African Americans.

Administrator Steen inquired who is represented in protective services. Director Doty responded that group is comprised of Commissioned Peace Officers up to Lieutenant levels.

Director Doty stated that the TABC representation of females, Hispanics and African Americans employees exceeds the statewide representation in three of the six categories.

In Director Doty's presentation, category types listed are: Official/Administrator, Professional, Administrative Support, ParaProfessional, Protective Services, and Technical. She noted that there is a disparity in the category of Official/Administrators for Hispanics because of the small number of employees in that category. When one person leaves it significantly impacts the percentage of Hispanics. Presiding Officer Cuevas asked who are the Hispanic employees in that category. Director Doty answered, the Agency has one Director IV, Chief Joel Moreno, Chief of Field Operations that represents the Hispanic Official/Administrator of the Agency. Presiding Officer Cuevas inquired who are the employees in the African American category. Director Doty answered the African American employees are Dexter Jones, Assistant Chief of Field Operations, Earl Pearson, Chief of Staff, Judith Kennison, Deputy General Counsel, and Loretta Doty, Director of Human Resources.

In the category of ParaProfessional, there is a great number of Hispanics employed as Tax Collection Officers (TCOs) in the border regions. Because of the Hispanic population in the border areas, the Agency has a higher recruitment and hiring pool of Hispanic applicants. Presiding Officer Cuevas asked for the total number of employees employed at the border areas. Director Doty responded that there are 637 employees and of that number, 103 are Tax Collection Officers (TCOs).

Commissioner Weinberg commented that the Agency's law enforcement needs to represent all ethnic groups in the State of Texas. Director Doty concurred and stated she and her staff is working toward that effort. She stated that recruiting in the State of Texas can be difficult when competing for applicants that can apply for city, county, and state law enforcement positions.

Presiding Officer Cuevas inquired about prospective applicants who want to apply for positions in the Agency. Does human resources have a procedure in place for completion of an application or a waiting list to notify applicants when a position becomes available? Director Doty's response was that a database is maintained in human resources of those persons interested in positions. Once a position becomes available, emails are sent that the positions are available. In addition to advertising, Director Doty informed the Commission of human resources personnel's participation in a number of job fairs around the state collecting prospective applicant information (name, address, email).

Presiding Officer Cuevas asked if the Agency's website could have a link to direct interested persons to complete an application. Director Carolyn Beck answered stating the website does have a link for sign up for various notifications. The link is for hiring of civilian or peace officer's positions.

In viewing the demographics chart, Director Doty boasted that the Agency mirrors the State of Texas in its diversity. She states that advertising, recruiting, and hiring in the Human Resources Division has taken on a greater commitment toward more diversity hires in the Agency.

SUPER BOWL BRIEFING

Presiding Officer Cuevas called upon Chief Joel Moreno for the next agenda item, Super Bowl Briefing.

The Super Bowl will be on Sunday, February 6, 2011 at the Cowboys Stadium in Dallas, Texas. Chief Moreno's report contained information highlighting meetings and training that have taken place since the last Commission meeting:

- August 30, 2010 Meeting with industry and Stephen Jones
Tour of Cowboys Stadium, Arlington, TX
- October 14, 2010 City of Arlington Officials
- October 22, 2010 City of Dallas Officials
- November 2, 2010 City of Fort Worth Officials
- December 1, 2010 Follow-up meeting with Dallas Mayor Tom Leppert
- December 28, 2010 Law Enforcement Training Cowboys Stadium,
Arlington, TX (70 Law Enforcement Personnel
Trained)
- December 29, 2010 Seller Server Training Cowboys Stadium,
Arlington, TX (56 Trained in Seller Server,
110-115 Retailer's Trained)

Chief Moreno spoke on prioritized items that have been addressed for this event which includes: 1) public safety as the number one goal; 2) creating a level playing field; and 3) response from the local officials, industry, and law enforcement officials from the information offered in the Resource Guide.

Chief Moreno acknowledged a job well done in the preparation and presentation of the information contained in the Resource Guide to Assistant Chief Dexter Jones, Supervisor Thomas Graham, and Licensing Supervisor Loretta Green.

Commissioner Weinberg, Chair of the Super Bowl Committee, asked Chief Moreno to report to the Commission concerning the Taxi vouchers. Chief Moreno reported that wholesalers and distributors will donate \$25 vouchers to taxi drivers, hotel shuttle

buses and police departments to transport persons who may be too intoxicated to drive to their hotels or homes safely from the different party events.

Commissioner Fredricks asked Chief Moreno about the “clean up zones.” Chief Moreno explained the “Clean Zone” ordinance is part of the North Texas bid to host Super Bowl XLV and Arlington is required to implement a zone within an area defined by an approximate one-mile radius surrounding the Cowboys Stadium. He stated that outdoor advertising displays including NFL-related signs, flags, banners, video screens, balloons, electronic message boards, night time projections of commercial messages, inflatable and building wraps visible from any public street within the zone will be prohibited. The Arlington Police and Code Compliance inspectors issue warnings for those persons violating the zone and will be fined.

Chief Moreno stated that the NFL has designated sponsors for the Super Bowl and all other vendors must respect the presence of the designated sponsors.

Presiding Officer Cuevas gave kudos to Chief Moreno for his leadership during the Super Bowl. He stated that leadership starts at the top and flows down to the people who do the work as they do best. He congratulated Commissioner Weinberg for his serving as Chair of the Committee and for doing a fine job.

Presiding Officer Cuevas inquired about the dress code for the TABC personnel during the events. Chief Moreno had a negative reply and stated TABC will be used only for consultation purposes. The NFL and the local enforcement agencies of Dallas/Fort Worth and Arlington have their own security measures in place.

Presiding Officer Cuevas congratulated Chief Moreno on the article that appeared in the McAllen Monitor’s newspaper, entitled “McAllen Native to Oversee Alcohol Issues for TABC during Super Bowl XLV.”

Chief Moreno’s report is supported by a PowerPoint presentation.
(Attachment 5)

DALLAS-ELECTION BRIEFING

Presiding Officer Cuevas called upon Assistant Administrator Sherry Cook, for agenda item #8, Dallas Election Briefing.

Assistant Administrator Sherry Cook addressed the Commission with an overview of the Dallas County Elections Update that was held on November 2, 2010. In her PowerPoint presentation highlights included:

- Proposition No. 1 - The legal sale of beer and wine for off-premise consumption only. (BQ)
- Proposition No. 2 - The legal sale of mixed beverages in restaurants Food and beverage certificate holders only. (RM)

Assistant Administrator Cook stated that the Licensing Office has not been inundated with an overwhelming amount of applications. She commended Director Amy Harrison and her Arlington staff for a job well done managing the applications as they are received. She advised the Commission on the use of imaging by the Licensing Division which allowed the processing the applications from anywhere in the state.

Assistant Administrator Cook's report with continued highlighted information:

- BQ's issued to Date: 98 °Pending: 129
 °Released to the County Judge: 52
- RM's issued to Date: 15 °Pending : 27
- N's (Private Club)
 Issued: 6 °Pending: 1

On January 7, 2011, Assistant Administrator Cook reports a judge in district court signed an order denying emergency order to stay an issuance of licenses. She stated that next week on January 31, there will be an annexation issue involving segments of a city that the judge was not sure that it was affected by the vote. The issue will be reviewed and checked if it needs to have its own option election and a scheduling order will be issued. A date will be scheduled for a hearing on the merits and to validate the number of signatures on a petition for a local options election.

Presiding Officer Cuevas inquired about the hearing held on January 18th. Assistant Administrator Cook replied that the judge did not have jurisdiction to stay TABC from issuing those licenses.

Presiding Officer Cuevas asked if this judge resided in Dallas County. Assistant Administrator Cook responded that the judge resided outside of Dallas County, therefore, she was impartial.

Presiding Officer Cuevas asked what is being challenged for this hearing. General Counsel Emily Helm stated the issue being challenged is the issuance of the beer and wine off-premise licenses.

Presiding Officer Cuevas questioned the delay in the issuance of licenses in Dallas can be attributed to the survey requirement. Licensing Director Amy Harrison stated applicants applying for permits are required to complete a survey with specific information concerning distances for churches, hospitals, and schools. This information must be presented to the city along with the application. She said the process is not delaying the process at TABC, but it is delaying the applicants.

How often are cases being heard and what kind of cases are being heard by the judge, inquired Presiding Officer Cuevas. Director Harrison answered, once a week and to her knowledge, he has had as many as 57 cases on his docket. Commissioner Weinberg commented that the Presiding Judge took office about two weeks ago.

Presiding Officer Cuevas expressed his gratitude to Director Harrison and her staff for exceeding their job expectations.

Presiding Officer Cuevas asked Director Harrison if she had any concerns on the budget cuts and how they would affect the Licensing Division processing of permits. Director Harrison stated her concern is the cut in FTEs would delay the processing of licensing. She expressed a concern about the Versa software in order to continue to maintain an efficient operation in processing the licenses. Presiding Officer Cuevas asked for the cost of the continued use of the Versa software. Director Webster answered \$125,000.

Presiding Officer Cuevas asked if the renewal processing of the two-year permits were staggered or are they coming up for renewal at one time. Director Harrison stated the permits were staggered. The primary reason to stagger the renewal was to have the revenue staggered.

Presiding Officer Cuevas asked if there is a sign posting requirement for private clubs. Director Harrison said private clubs will not have to post a sign because they have had on-premise consumption.

Assistant Administrator Cook's report is supported by a PowerPoint presentation. (Attachment 6)

Presiding Officer Cuevas called upon Director Charlie Kerr to address the Commission concerning the impact of the budget cuts in the Ports of Entry.

Director Kerr stated he did not think the budget cuts would be too critical and some of the staff at the ports will be retiring. Since the revenues are down, he is planning to reduce his staff at some of the bridge locations. Director Kerr stated he would like for a consideration to reinstate the uniform expense back in the budget because it is mandatory for the Ports of Entry employee to be identified in uniform at the workplace. He would like to keep the career ladder funds available and also to increase the fees.

Presiding Officer Cuevas asked how the increase in fees would be beneficial. Director Kerr stated the revenues would be benefited.

Commissioner Weinberg asked if a bill had been introduced to increase the fee to \$3.00. Director Kerr stated he had not seen a bill reflecting that kind of an increase.

Presiding Officer Cuevas inquired about schedule and work location changes for the employees at the Ports of Entry. Director Kerr confirmed the idea of some changes. He stated the anticipation of employee retirements along with the freezing of positions will allow some changes to occur.

Presiding Officer Cuevas asked if he foresees any retirements because of the employee's longevity. Director Kerr answered negatively. He stated some of the Ports of Entry employees may seek employment with other state government employment.

Presiding Officer Cuevas asked Director Kerr for his comments concerning Education and Prevention. He responded that the business in Education and Prevention is good, especially since there were no budget cuts in that area. Director Kerr boasted about the employees, their professional work ethic, and the quality production of the promotional items and equipment materials for distribution to the schools and private sectors. He has high hopes in the receipt of the EUDL grant.

Commissioner Weinberg asked Director Kerr about the status of training for the Ports of Entry staff. Director Kerr stated that some training has been done with more scheduled with the help of the Enforcement Division and the training should be completed by May. He is in the process of ordering the security cameras and radios.

Commissioner Fredricks quizzed Director Kerr concerning the uniforms. Director Kerr stated that the uniforms are appropriated by the State at this time. The employee does not receive a stipend for cleaning, as in Enforcement. Director Kerr would like to have the legislature approve a bill allowing the employees to rent the uniforms.

PUBLIC COMMENT

Presiding Officer Cuevas opened the floor for public comments. No one came forward to address the Commission.

EXECUTIVE SESSION

The regular open session of the Texas Alcoholic Beverage Commission was recessed at 12:21 p.m., January 25, 2011 and an executive session was held to consult with Legal Counsel regarding pending and anticipated litigation against the agency and to discuss the duties, responsibilities, and evaluation of the Administrator, pursuant to Texas Government Code, §551.071, §551.074.

The Texas Alcoholic Beverage Commission concluded its executive session at 1:14 p.m., January 25, 2011, and resumed the open regular session. No final action, decision or vote was made in executive session.

NEXT MEETING

Presiding Officer Cuevas announced the next meeting dates are scheduled for Tuesday, February 22, 2011 and Tuesday, April 26, 2011. There will not be a meeting in March.

ADJOURNMENT

Presiding Officer Cuevas called for a motion to adjourn. Commissioner Weinberg so moved and Commissioner Fredricks seconded. The motion was made and seconded. The motion carried, and Presiding Officer Cuevas announced that the meeting was adjourned at 1:17 p.m.

Attachment 1

**Administrator's Report: Administrator and
Agency Activities, Budget Issues, Staff
Achievements**



Administrator's Report

Commission Meeting
January 25, 2011





Data Center Services (DCS) Status Update

- IBM
 - December 15th Notice of an Assistance Event
 - Beginning process to re-procure all portions of the Data Center Services contract
 - Bundling strategy
 - Bids due January 19th
 - TABC continues to participate on multiple workgroups and committees pertaining to the DCS arrangement:
 - Business Executive Leadership Council (BELC)
 - RFO Evaluation
 - Technical Advisor, Subject Matter Expert (SME)



Data Center Services (DCS) Status Update

- **Challenges**
 - Staff Commitments
 - Unmet server requests for Versa Project
 - Network response time issues
 - Delayed transformation of 17 remote office servers
 - Funding in light of recent budget cuts
 - *De-scoping*
 - *Long term support*





LBB Recommendations By Strategy

Biennial Totals

Strategy	TABC Base Request		LBB Recommended		Difference		% Change	
	Dollars	FTE	Dollars	FTE	Dollars	FTE	Dollars	FTE
A.1.1. Enforcement	\$46,192,626	322.5	\$41,288,870	297.0	(\$4,903,756)	(25.5)	-10.62%	-7.91%
B.1.1. Licensing and Investigations	8,583,718	82.1	7,891,552	77.1	(692,166)	(5.0)	-8.06%	-6.09%
C.1.1. Compliance Monitoring	12,224,981	93.5	12,224,981	93.5	-	0.0	0.00%	0.00%
C.2.1. Ports of Entry	8,497,879	100.9	8,068,843	95.5	(429,036)	(5.4)	-5.05%	-5.35%
D.1.1. Central Administration	4,144,187	27.0	3,729,768	24.3	(414,419)	(2.7)	-10.00%	-10.00%
D.1.2. Information Resources	4,686,655	20.0	3,596,412	18.2	(1,090,243)	(1.8)	-23.26%	-9.00%
D.1.3. Other Support Services	1,279,510	12.0	1,279,510	12.0	-	0.0	0.00%	0.00%
	\$85,609,556	658.0	\$78,079,936	617.6	(\$7,529,620)	(40.4)	-8.80%	-6.14%

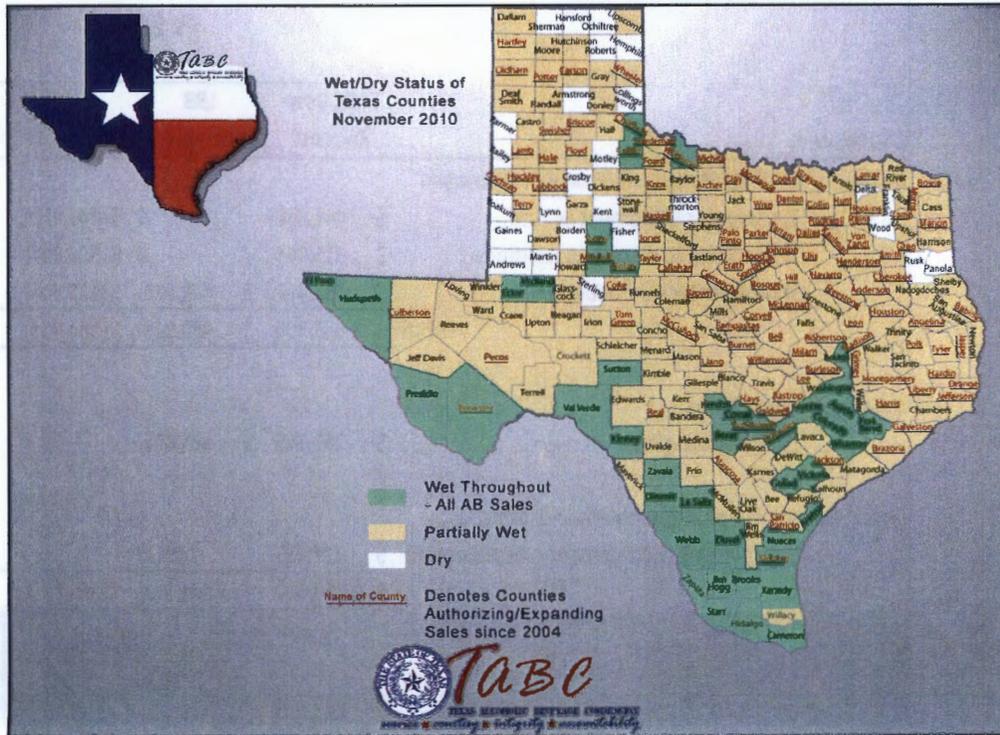


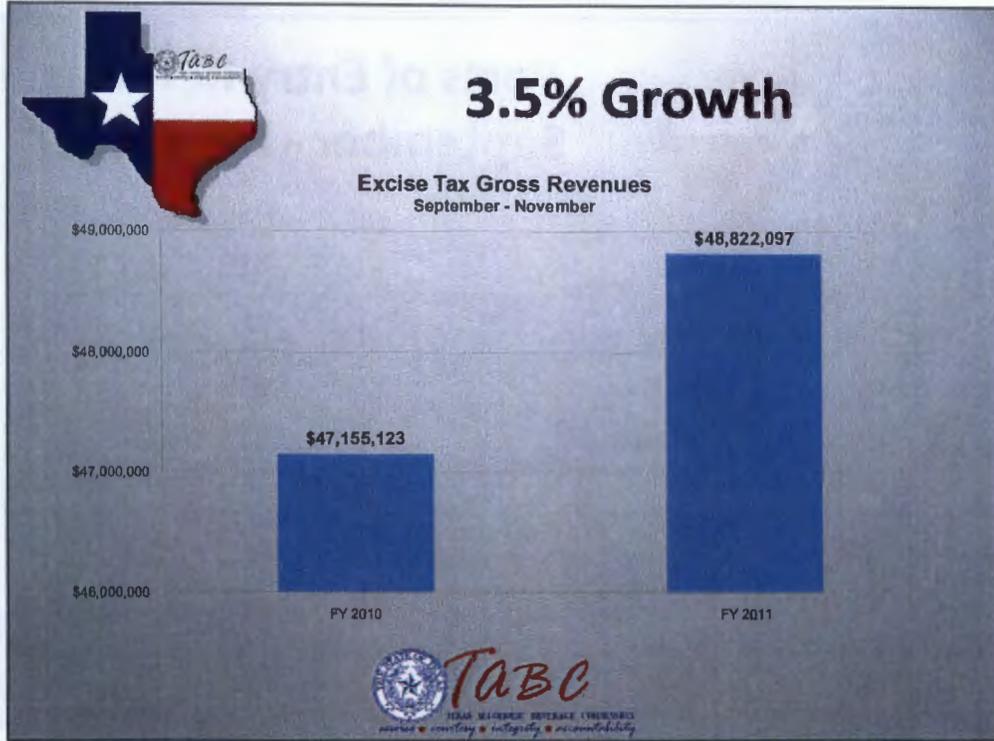
FY 2012

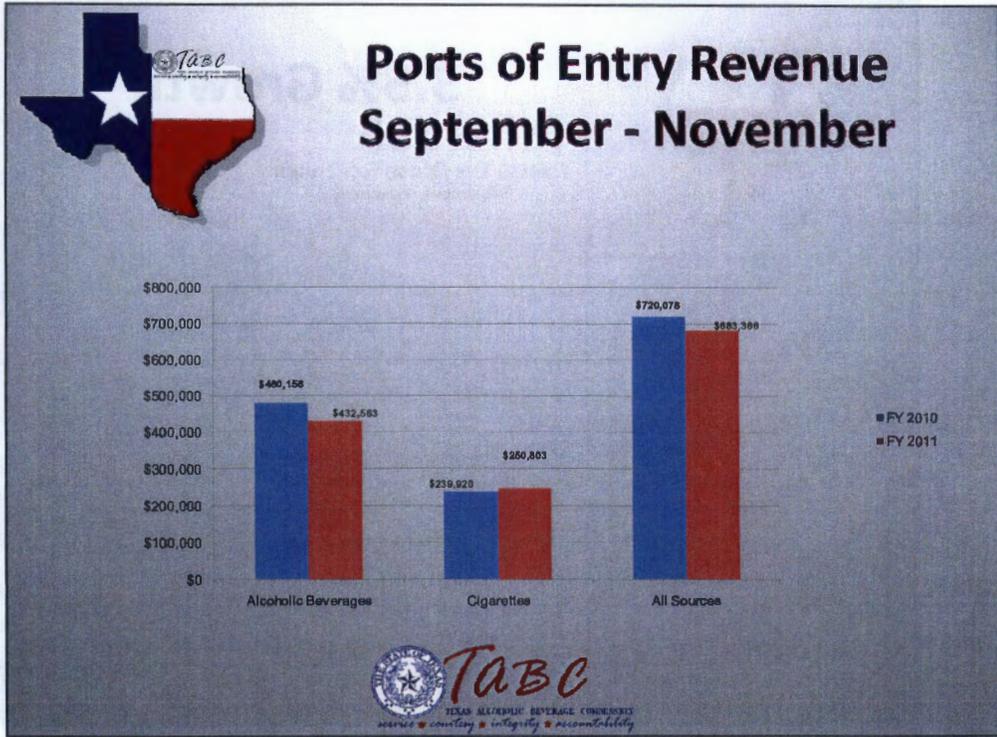
Capitol Item	TABC Base	LBB	Difference	% Change
	Request	Recommend		
a. Acquisition of Information Resource Technologies				
(1) computer Equipment-Leased	\$ 446,890	0	\$(446,890)	-100.00%
(2) Hardware/Software Acquisitions	\$ 326,044	0	\$(326,044)	-100.00%
(3) Data center Consolidation	\$ 592,422	\$ 480,918	\$(111,504)	-18.82%
Total	\$ 1,365,356	\$ 480,918	\$(884,438)	-64.78%
b. Transportation Items				
(1) Fleet Acquisition	\$ 385,875	\$ 385,875	0	0.00%
c. Acquisition of Capital Equipment and Items				
(1) Public Safety Equipment - Replacement	\$ 179,419	179419	0	0.00%
	\$ 1,930,650	\$ 1,046,212	\$(884,438)	-45.81%



FY 2013				
Capitol Item	TABC Base	LBB	Difference	% Change
	Request	Recommend		
a. Acquisition of Information Resource Technologies				
(1) computer Equipment-Leased	\$ 446,890	0	\$(446,890)	-100.00%
(2) Hardware/Software Acquisitions	\$ 326,044	0	\$(326,044)	-100.00%
(3) Data center Consolidation	\$ 574,608	\$ 470,959	\$(103,649)	-18.82%
Total	\$ 1,347,542	\$ 470,959	\$(876,583)	-65.05%
b. Transportation Items				
(1) Fleet Acquisition	\$ 385,875	\$ 385,875	0	0.00%
c. Acquisition of Capital Equipment and Items				
(1) Public Safety Equipment - Replacement	\$ 179,419	179,419	0	0.00%
	\$ 1,912,836	\$ 1,036,253	\$(876,583)	-45.83%







Texas Alcoholic Beverage Commission

QUESTIONS



Attachment 2

Caffeinated Malt Beverages Update

CAFFEINATED ALCOHOLIC MALT BEVERAGES

Joel Moreno

Chief of Field Operations

MISSION

To inform the
retailers of the FDA
ruling

TTB ISSUES WARNING ON THE SALE OR SHIPMENT OF CAFFEINATED ALCOHOL BEVERAGES DETERMINED BY FDA TO BE ADULTERATED

November 18, 2010

Washington, D.C. – The Alcohol and Tobacco Tax and Trade Bureau (TTB) today notified four brand holders of caffeinated alcohol beverages that a determination by Food and Drug Administration (FDA) that their products are adulterated under the Federal Food, Drug, and Cosmetic Act would render their products mislabeled under the Federal Alcohol Administration Act (which is enforced by TTB) and make it illegal to sell or ship them in interstate or foreign commerce.

TTB enforces the labeling provisions of the Federal Alcohol Administration Act. While TTB regulates the labeling of alcohol beverages, it is FDA's responsibility to evaluate the safety of ingredients added to alcohol beverages, pursuant to FDA's authority under the Federal Food, Drug, and Cosmetic Act.

Since TTB looks to the FDA for determinations as to the safety of the ingredients added to alcohol beverages, we will not take action during the time that FDA has given the industry members to come into compliance.

TTB reminds industry members that they are responsible for ensuring that the ingredients in their alcohol beverage products are in compliance with the laws and regulations enforced by FDA with regard to the safety of food additives. If FDA later determines that a product for which TTB has previously issued a label approval is adulterated, TTB will consider these products to be mislabeled under the FAA Act and will take appropriate enforcement action.

CAFFEINATED ALCOHOLIC MALT BEVERAGES

- ✘ The Caffeinated Alcoholic Malt Beverage voluntary compliance initiative was started by TABC on November 29, 2010
- ✘ Meeting with stakeholders (wholesalers, distributors, retailers) held on November 30, 2010
- ✘ The Caffeinated Alcoholic Malt Beverage voluntary compliance initiative was completed by TABC on December 21, 2010
- ✘ The time period was 22 days

CAFFEINATED ALCOHOLIC MALT BEVERAGES

	Statewide Results of Operation
Permits Inspected	11918
Permits Voluntarily Complying	8285
% of Permits Inspected Voluntarily Complying	69.5%

REGIONAL BREAKDOWN

	Region 1	Region 2	Region 3	Region 4	Region 5
Permits Inspected	1168	3523	3133	1724	2370
Permits Voluntarily Complying	599	2731	1791	1174	1990
% of Permits Inspected Voluntarily Complying	51.3%	77.5%	57.2%	68.1%	84%

**This is a great example of
partnering with the
industry in accomplishing
voluntary compliance.**



QUESTIONS?

Attachment 3

82nd Legislative Session

82ND LEGISLATIVE SESSION UPDATE

January 25, 2011
TABC Commission Meeting



82ND LEGISLATIVE SESSION

- 1,246 bills filed as of 1/23/11
 - 7,913 bills filed during 81st session
- 155 bills tracked by TABC as of 1/23/11
 - 580 bills tracked during 81st session
- 8 bills amending the Alcoholic Beverage Code
- Other high impact issues
 - Smoking in public places
 - Investigating feasibility of southbound checkpoints
 - Enforcing immigration laws



AMENDING THE AB CODE

- ◉ HB175 by Jim Jackson - creating BYOB permits
- ◉ HB406/HB616 by Quintanilla - BYOB restrictions
- ◉ HB407 by Quintanilla - hearings
- ◉ HB602 by Farrar - brewery tours and beer sales
- ◉ HB660 by Villarreal - brewpub sales to distributors and retailers
- ◉ HB510 by Deshotel / SB351 by Williams - size of wine containers



OTHER ASPECTS OF TABC

- The Budget
- CPOs / Law Enforcement
- Information Technology
- Training / TCLEOSE
- Ports of Entry
- Human Trafficking
- HR / Benefits
- General Government
- Purchasing / Fiscal Requirements
- Open Records / Open Meetings
- Grants



RELATED ISSUES TO FOLLOW

- ◉ Gambling
- ◉ Guns and Weapons
- ◉ Sexually Oriented Businesses
- ◉ Traffic Laws
- ◉ Driver's Licenses / ID's
- ◉ Cigarettes / Tobacco
- ◉ Emergency / Disaster
- ◉ Drugs / Controlled Substances



November 8, 2010
- Pre-filing of bills

January 11, 2011 -
82nd Legislature
convened

March 11 - Last
day to file regular
bills

May 30 -Sine Die

June 19 - Last day
governor can sign
or veto bills

August 29 - Date
that bills without
specific effective
dates become law

82ND LEGISLATIVE SESSION UPDATE



QUESTIONS?

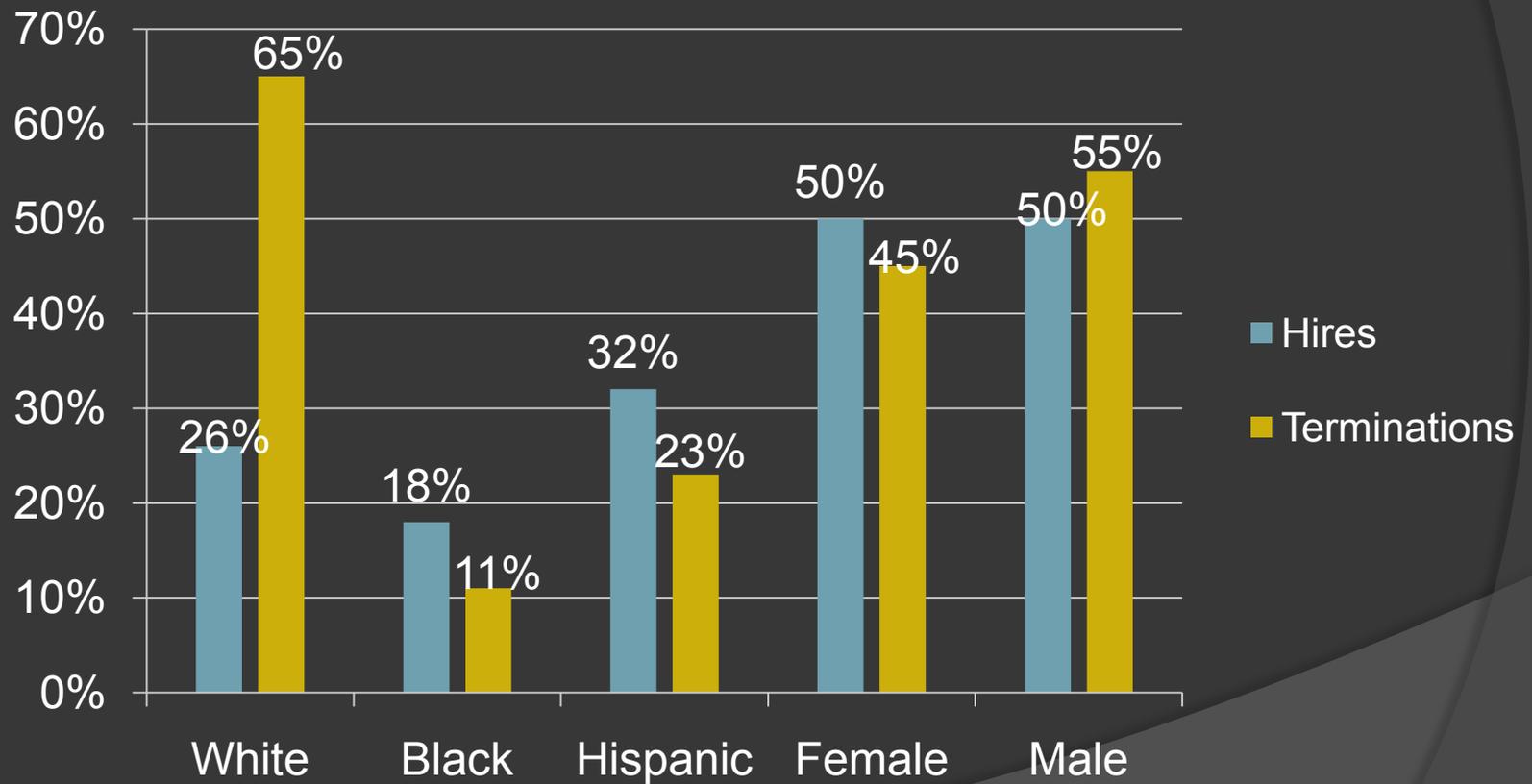
Attachment 4

TABC Recruitment and Hiring Policies

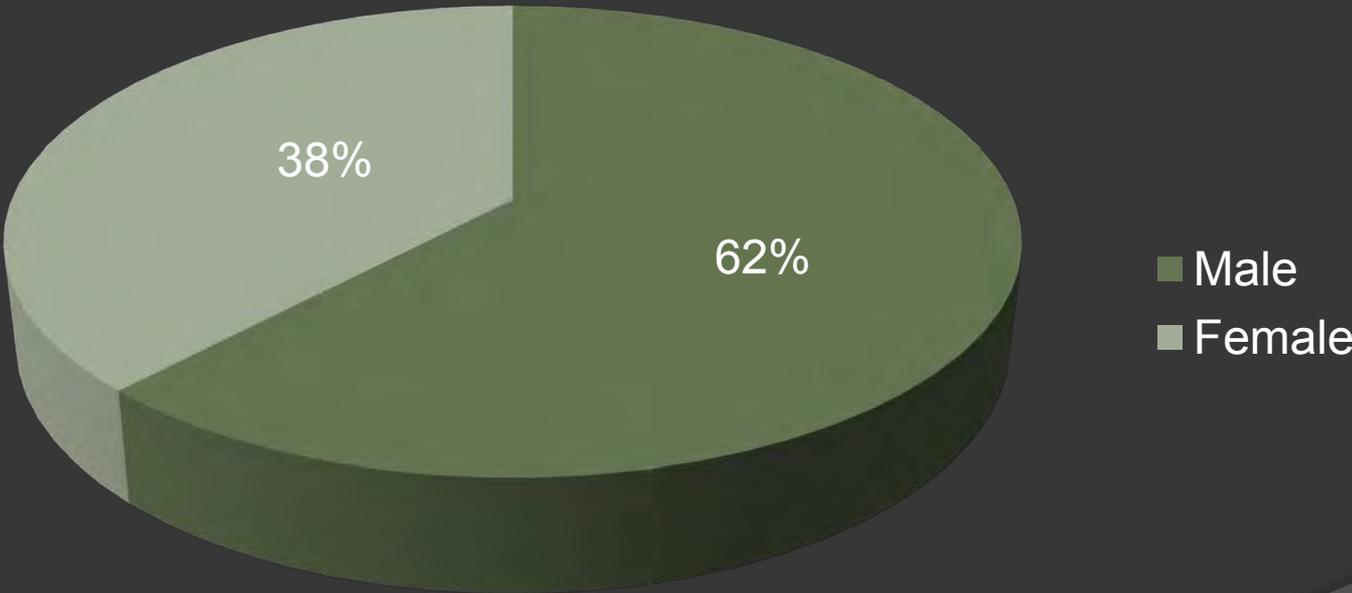
TABC Workforce Comparison Summary
Fiscal Year 2010

FISCAL STEWARDSHIP REPORT

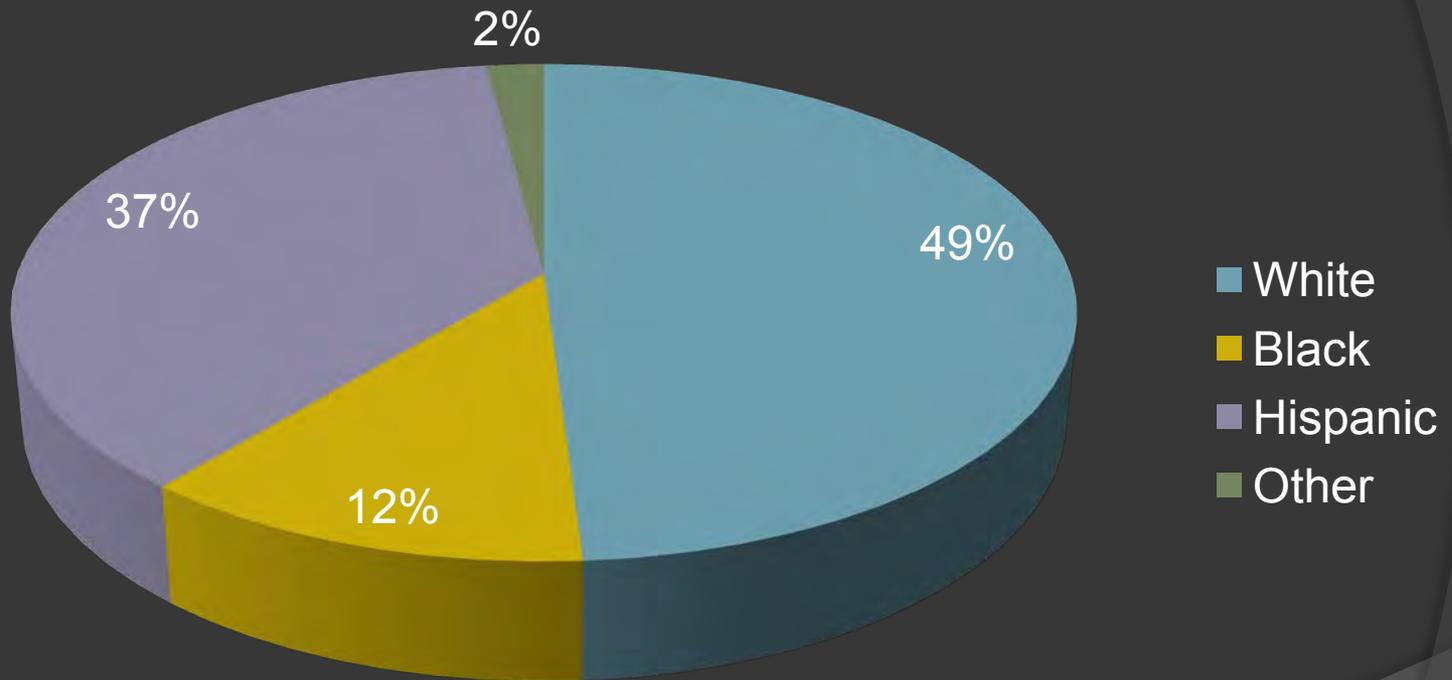
Hiring and Separation Summary



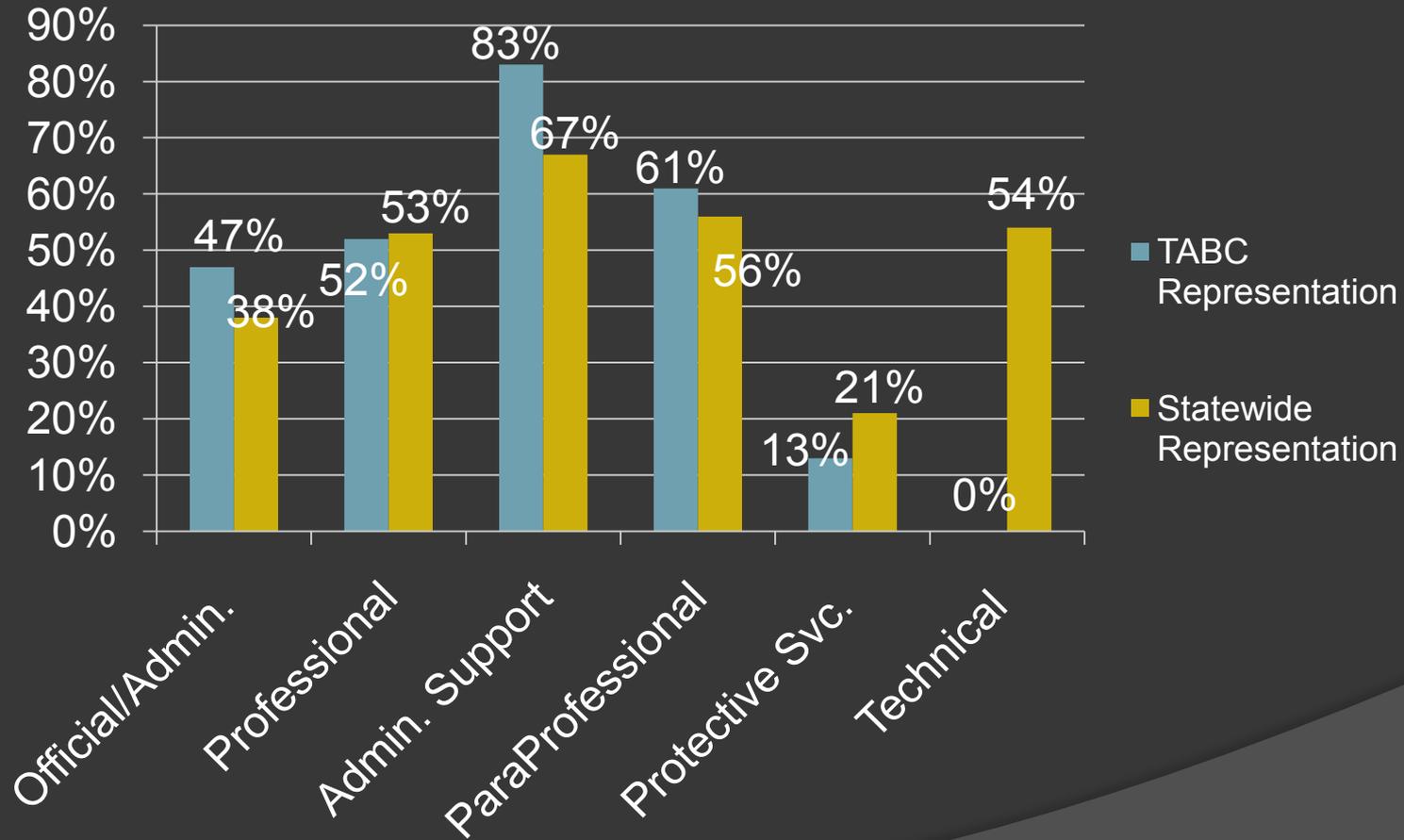
TABC Gender Representation



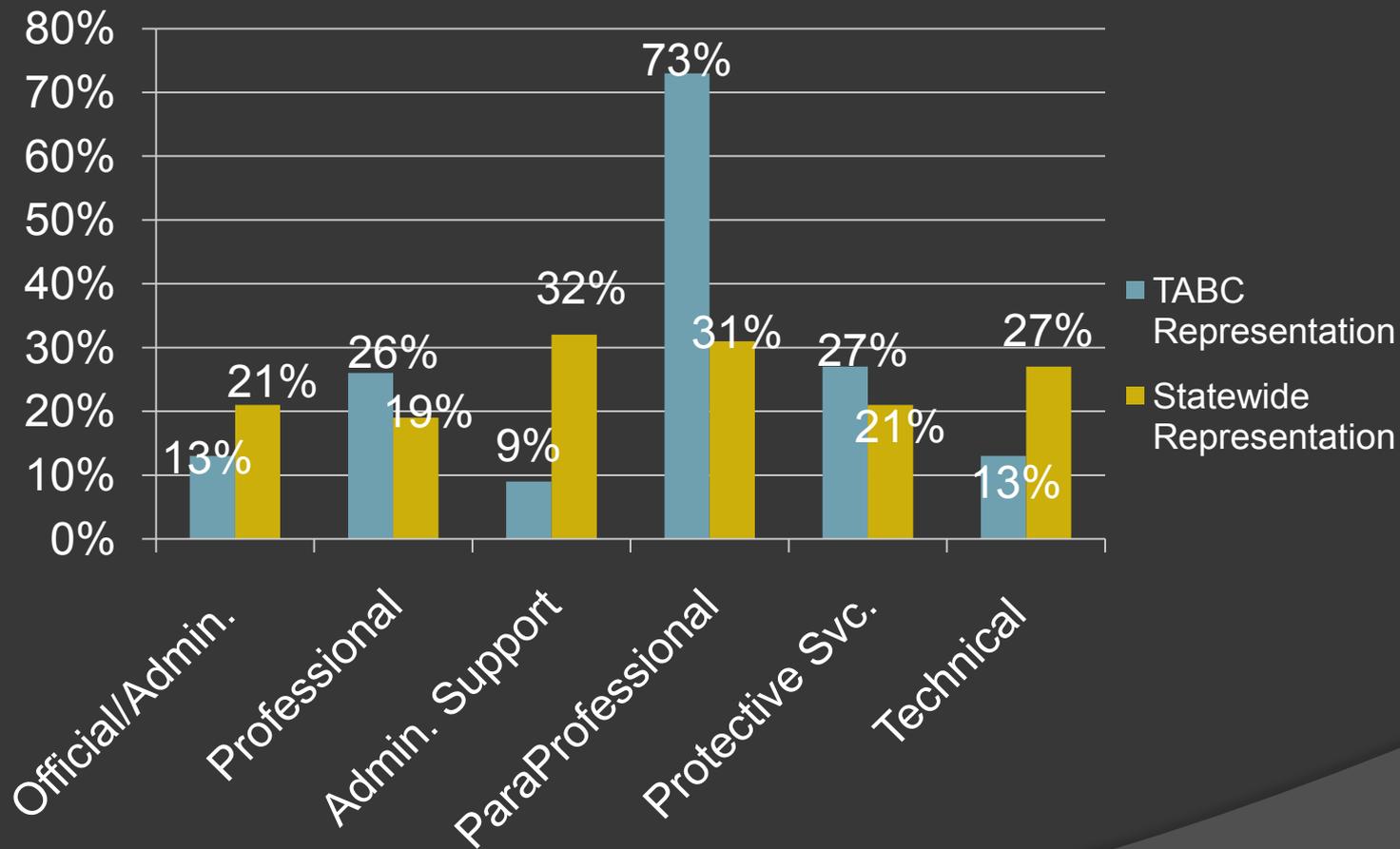
TABC Demographics -- Race



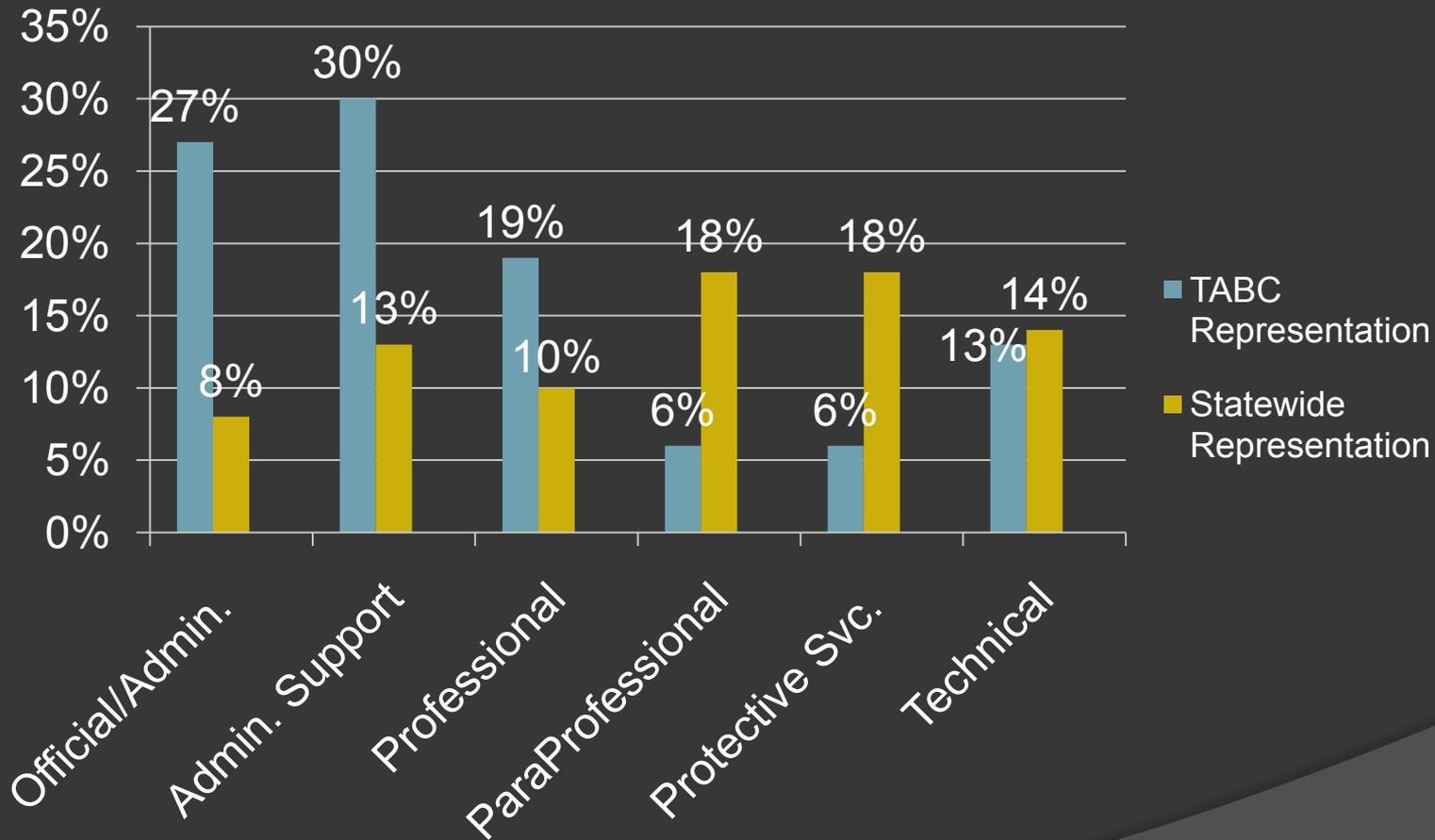
Statewide Workforce Comparison -- Females



Statewide Workforce Comparison -- Hispanics



Statewide Workforce Comparison – African Americans



Attachment 5

Super Bowl Update

SUPER BOWL

★ XLV ★



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

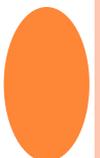
service ★ courtesy ★ integrity ★ accountability

Update



COMMITTEE'S GOAL

The committee's goal is to identify public safety and industry marketing concerns up front, so that we can develop a plan of action that benefits the local economy, while making public safety the highest priority.



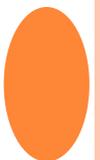
STRATEGY OF REGULATION FROM COMPLIANCE AND MARKETING PRACTICES

We have created a Resource Guide which is located on our website. The guide is a working document which is updated as needed.





**Super Bowl
meetings held
since the
July 25, 2010
Commission
meeting**



August 30, 2010
Meeting with Industry and Stephen Jones
Tour of Cowboy's Stadium
Arlington, TX



- **October 14, 2010**
City of Arlington Officials



- **October 22, 2010**
City of Dallas Officials



- **November 2, 2010**
City of Fort Worth Officials



December 1, 2010
Follow up meeting with Dallas Mayor
Tom Leppert
Dallas, TX



December 28, 2010
Law Enforcement Training
Cowboy's Stadium
Arlington, TX

70 Law Enforcement Personnel Trained



December 29, 2010
Seller Server Training
Cowboy's Stadium
Arlington, TX

56 Trained in Seller Server
110-115 Retailer's Trained



ITEMS ADDRESSED

- Public Safety is our number one goal
- Creating a level playing field
- Feedback from the Resource Guide was well received from local officials, industry, and law enforcement officials



QUESTIONS?



Attachment 6

Dallas Election Briefing

DALLAS COUNTY ELECTIONS

NEXT ELECTION (ELECCIÓN SIGUIENTE)

General Election

November 2, 2010
Elección General
2 de Noviembre 2010

ELECTION RESULTS

Check back here on election night for up-to-the-minute results

- [Sample Election Night Report](#)
- [Reporting System Help Guide](#)

NOTE: Early voting results will be posted at 7:00 pm on election day. Election day results will be posted as they are received on election night; results will be cumulative. You must refresh your browser to see the latest updates.



UPDATE

Proposition No. 1

The legal sale of beer and wine for off-premise consumption only. (BQ)

Proposition No. 2

The legal sale of mixed beverages in restaurants by food and beverage certificate holders only. (RM)

UPDATE

- ***BQ's Issued to Date: 98***
 - ***Pending: 129***
 - ***Released to the County Judge: 52***
- ***RM's Issued to Date: 15***
 - ***Pending 27***
- ***N's (Private Club) Issued: 6***
 - ***Pending: 1***



UPDATE

January 7, 2011

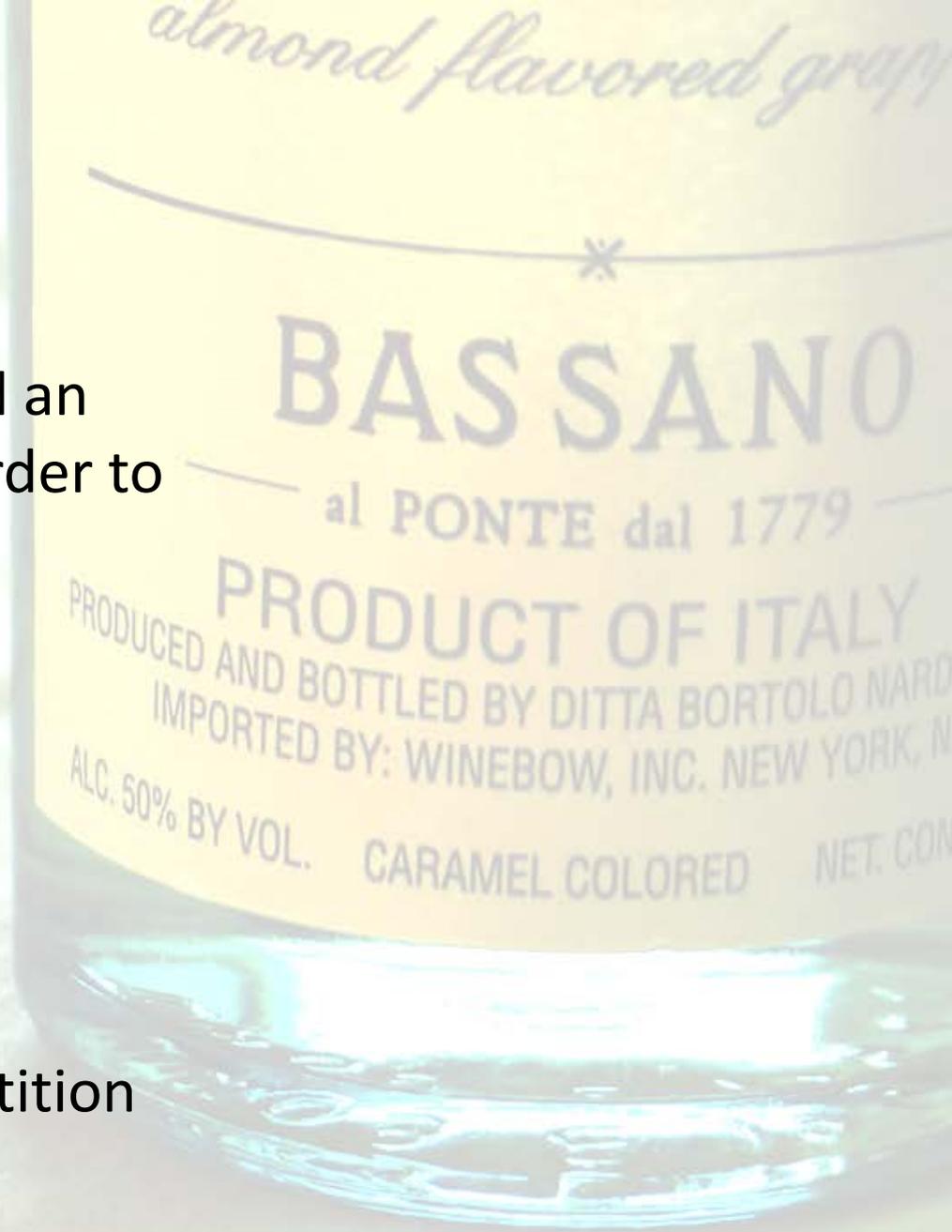
- District Court – Judge signed an order denying emergency order to stay issuance of licenses.

January 31, 2011

- Ruling on Annexation Issue
- Scheduling Order

TBD – Hearing on the Merits

- Number of signatures on petition for LOE.



CERTIFICATION

REGULAR COMMISSION MEETING

9:30 a.m. – 12:00 p.m., 2020

**City of Austin, 500 E. Riva Drive
Austin, Texas 78701**



TABC

TEXAS ALCOHOLIC BEVERAGE COMMISSION

service ★ courtesy ★ integrity ★ accountability

STATE OF TEXAS

COUNTY OF TRAVIS

This certifies that the attached is a true copy of the proceedings of the Texas Alcoholic Beverage Commission meeting held on January 25, 2011.

A handwritten signature in cursive script, appearing to read "Alan Steen".

Alan Steen
Administrator

Sworn and subscribed before me this the 14th day of February 2011.



A handwritten signature in cursive script, appearing to read "Gloria Darden Reed".

Gloria Darden Reed
Notary in and for Travis County, Texas