



NABCA

17th

Annual Symposium on

**ALCOHOL BEVERAGE
LAW & REGULATION**

MARCH 8-10, 2010

Crystal Gateway Marriott • Arlington, VA

Program & Session Descriptions

(Cont.)

9:30 AM **Where Are We Now? The Direct Shipping Saga Continues**

It has been nearly five years since the U.S. Supreme Court's decision in the *Granholm* case stripped away what protections states thought they had with regard to products shipped directly to their residents. But the Court's ruling did not end the litigation or the problems faced by states in regulating products from out-of-state sellers. This session will recap the current judicial scene, look at the explosive growth of "new" wine sellers and delve into how state regulators are dealing with the direct shipping landscape.

Moderator: Peter D. Patitsas, Esq.
 Division of Liquor Control of the Ohio Department of Commerce

Panelists: Matthew D. Botting, Esq.
 California Alcoholic Beverage Control

 Jason Eckenroth
 ShipCompliant

 Peter M. Thomas, Esq.
 Ohio Attorney General's Office

10:30 AM **TTB and FDA: Closer Cooperation?**

For many years, the Alcohol and Tobacco Tax and Trade Bureau and the Food and Drug Administration approached beverage regulation from two different ends of the spectrum. Lately, the agencies are meeting more often in the middle, to grapple with thorny issues such as caffeine added to alcohol beverages. This session will examine regulatory topics showing where and how the two agencies overlap, including such ingredients as caffeine, guarana, thujone, taurine, vitamins and ginseng and provide tips for avoiding problems with either agency.

Moderator: Robert C. Lehrman, Esq.
 Lehrman Beverage Law, PLLC

Panelists: Martin J. Hahn, Esq.
 Hogan & Hartson LLP

 Marlene Trestman, Esq.
 Maryland Attorney General's Office

 R. Scott Winters, Ph.D.
 Prohibition Beverage

11:30 AM **Hot Topics in Alcohol Beverage Law**

The Alcohol and Tobacco Tax and Trade Bureau has several regulations pending, and there is always activity in the courts with regard to alcohol beverages. This session will focus on the latest developments in the legislative, regulatory and judicial arenas and will provide insight on how these activities will impact the industry.

 James M. Goldberg, Esq.
 NABCA General Counsel

12:00 PM **Adjournment**

Faculty

MATTHEW D. BOTTING was appointed General Counsel for the California Department of Alcoholic Beverage Control in July, 2008. In that capacity he works closely with and advises the department's Director on policy, procedures, disciplinary decisions, legislation and personnel matters. From 2000-2004 he was the Department's Chief Counsel where he oversaw prosecutorial functions. He then left the department to join a private law firm and returned in 2005 as a Staff Counsel, where he was assigned to the Trade Enforcement Unit.

RICK CONNOR is Vice President-International Public Affairs for Pernod Ricard, based in London. His work involves world trade, product definitions and labeling, brand advertising and corporate social responsibility. He also serves as Chairman of the International Center for Alcohol Policy, a Washington-based think tank dedicated to fostering dialogue among the alcohol beverage industry, the public health community and other stakeholders. Mr. Connor started his professional career as a staff member of the House Ways & Means Committee, advising on tax and trade matters. He then joined the Distilled Spirits Council of the United States, after which he represented Joseph E. Seagram & Sons, Inc. before joining Pernod. He received his B.A. degree from St. Joseph's University and his J.D. degree from Catholic University's Columbus School of Law.

KENT COST is a founding partner of Thirteenth Colony Distillers in Americus, GA, the only legal distillery in the state of Georgia. The distillery was founded as a craft distiller by four friends with the objective of creating small batch distilled spirits. It began producing and selling its first products in April, 2009. Mr. Cost has been active in commercial real estate investment for over 25 years. He co-founded Victory Real Estate Investments, LLC in Columbus, GA in 1992. Mr. Cost is a graduate of the University of Oklahoma.

JASON ECKENROTH, CEO of ShipCompliant, is an entrepreneur and software executive who has harnessed his technology background to create automated compliance solutions for the wine industry, making the highly-regulated landscape easier to navigate. He founded ShipCompliant in 2003 after seeing a need for wineries to overcome the complexity of entering the consumer-direct market.

JAMES M. GOLDBERG (Program Chair) is a principal in the Washington law firm of Goldberg & Associates, PLLC. He also serves as General Counsel to the National Alcohol Beverage Control Association, a position he has held for more than 20 years, and the Joint Committee of the States. Mr. Goldberg has written numerous appellate briefs on behalf of state regulatory agency officials in major alcohol beverage cases. He has a B.S. degree in journalism from Syracuse University and a J.D. degree from George Washington University's National Law Center.

MARTIN J. HAHN is a partner in the Washington office of Hogan & Hartson, LLP, where his practice focuses on regulatory issues affecting the food and dietary supplement industries. He advises clients on the various requirements applicable to good labeling and assists clients in developing label claims, web sites and promotional campaigns for their products. He received his B.S. degree from The Ohio State University and a J.D. degree from Northwestern University School of Law.

Faculty

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C.J. HELIE is Executive Vice President of Spirits Canada, with primary responsibility for the development of the association's business strategy. Spirits Canada is the industry's primary interface with federal and provincial regulators, the media and alcohol interest groups and it deals with a broad range of commercial and public policy issues including the promotion and protection of "Canadian Whisky" and "Canadian Rye Whisky" in markets around the world. Mr. Helie has broad experience in the beverage alcohol industry across several business sectors including retail and whole operations, finance, taxation, business analysis and planning, international trade and government and public relations.

GAVIN W. HEWITT, CMG, became Chief Executive of the Scotch Whisky Association after a distinguished career in government service, having been Her Majesty's Ambassador to Croatia, Finland and Belgium. Ambassador Hewitt started his professional career at the Ministry of Transport in 1967 and joined the Diplomatic Service in 1970, where he remained until retiring and assuming his present position. He was made a Companion of the Order of St. Michael and St. George (CMG) in 1995 for outstanding overseas service.

JACOB A. HUMBERT is an Assistant Attorney General in the General Counsel and Administrative Law Division of the Vermont Attorney General's Office. He provides counsel to a wide variety of state agency clients, including the Vermont Department of Liquor Control. Prior to joining the Attorney General's Office, he served for six years as Associate General Counsel to the Vermont Agency of Commerce and Community Development. Mr. Humbert received a B.A. degree from Colby College and J.D. and M.S.E.L. degrees from Vermont Law School.

LINDA IGNOWSKI is Regulatory Services Director of the Oregon Liquor Control Commission, where she oversees enforcement, licensing and educational programs. She began her career in liquor law regulation and enforcement in 1995 as Regulatory Licensing Process Director with the OLCC. Ms. Ignowski is a former President of the National Liquor Law Enforcement Association and is a member of the Governor's Underage Drinking Task Force. She received a B.A. degree from Oregon State University and an M.P.A. degree from the University of Wyoming.

THOMAS R. LALLA JR. is the General Counsel of Pernod Ricard USA, a position he has held for the past 18 years, supervising all U.S. legal matters involving the brands produced and imported by the company. Before joining Pernod Ricard, he was a partner in the firm of Buchman & O'Brien and served as an Assistant District Attorney for Westchester County, NY. In January, 2008 he became an Adjunct Professor at Pace University School of Law, where he currently teaches Mergers & Acquisitions and Products Liability. He received his B.A. degree from Fordham University and his J.D. degree from Temple University School of Law.

ROBERT C. LEHRMAN is the principal attorney in Lehrman Beverage Law, PLLC in Oakton, VA. He founded the firm in 2001 after 12 years in the Washington, DC office of a larger firm specializing in federal and state administrative law. Mr. Lehrman has more than 20 years experience in successfully representing alcohol beverage producers and importers in frequent negotiations with TTB, as well as FDA and Customs matters. One of his matters involved the reintroduction of absinthe into the U.S. after a 95-year ban. He received his B.A. degree from St. Lawrence University and his J.D. degree from the State University of New York at Buffalo.

Faculty

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ANDREW L. REIBMAN is a partner in the New York office of K&L Gates, where he advises clients, including many in the alcohol beverage industry, on all phases of intellectual property issues. A registered patent attorney, Mr. Reibman worked for eight years at AT&T Bell Laboratories, where he was a member of the technical staff. He is a member of his firm's Betting and Gaming practice group and frequently advises clients on IP issues in the gaming, lottery, casino and internet wagering industries. Mr. Reibman received a B.S. degree from Lenoir-Rhyne College, a Ph.D. degree in computer science from Duke University and a J.D. degree from New York University School of Law.

JOHN W. SIMEK is Vice President of Sensei Enterprises, Inc., a computer forensics and legal technology firm located in Fairfax, VA. He has a national reputation as a computer forensics technologist and has testified as an expert witness through the U.S. Before joining Sensei as co-founder, he spent more than 20 years with Mobil Oil Corporation, where he served as senior technologist designing and troubleshooting the company's networks throughout the Western Hemisphere. He has a degree in engineering from the United States Merchant Marine Academy and an MBA in finance from St. Joseph's University.

PETER M. THOMAS is the Chief of the Charitable Law Section for the Ohio Attorney General's Office, where his clients include the Ohio Division of Liquor Control and the Ohio Liquor Control Commission. Mr. Thomas was lead counsel in federal court litigation challenging Ohio's direct shipping laws, authored two *amicus curiae* briefs for more than 30 states in the Supreme Court's *Granholm* case, and authored an *amicus curiae* brief filed in the *Costco* case. He received his B.A. degree in economics from Indiana University and his J.D. degree from the University of South Carolina.

MARLENE TRESTMAN is a Special Assistant to the Maryland Attorney General with responsibility for enforcing public health and consumer laws relating to alcohol and tobacco and for promoting internet safety. Ms. Trestman is a trustee of Goucher College and a member of the Johns Hopkins Kimmel Cancer Center Advisory Council. She received a B.A. degree from Goucher College, a JD degree from The George Washington University National Law Center and an MBA degree from the Sellinger School of Business & Management of Loyola College of Maryland.

R. SCOTT WINTERS, Ph.D. is CEO of Prohibition Beverage, Inc., a boutique spirits company with an emerging international portfolio. Following a career as an academic scientist, he became a serial entrepreneur, with ventures ranging from entertainment to consumer goods to healthcare. He was involved in the development of the world's most technologically advanced pediatric cancer center. Dr. Winters received an MBA degree from the Wharton School of Business and a Ph.D. degree from the University of Pennsylvania in ecology, evolution and biodiversity and bioinformatics and computational biology.