



Regulation Matters

2019 Annual Conference – Louisville, Kentucky

PANEL UPDATE – WEEK 3

It's time for another weekly update on the 2019 Annual Conference! Each week a session from the business program will be featured. The annual conference theme is “*Regulation Matters*,” and the agenda will cover a number of diverse and timely topics confronting the beverage alcohol industry and marketplace.

FACING THE REALITY OF THE ‘NEW NORMAL’ OF THE FEDERAL ALCOHOL REGULATOR – TTB PAST, PRESENT, AND FUTURE

TTB turned 16 this year and like all teenagers, we are seeing a change in personality at this milestone. Some examples. The “New Normal” is much more aggressive trade practice enforcement focusing more on strong sanctions and less education upfront. What does this mean for the traditional voluntary compliance focus of TTB?



Source: TTB and California Authorities
Conduct Joint Trade Practice Investigations.
FY-18-01, TTB Website



Source: TTB and Illinois Authorities
Conduct Joint Trade Practice Investigations.
FY-17-09, TTB Website

The President's Budget for FY 2020 proposes to transfer the criminal alcohol and tobacco functions that remain at ATF to TTB. This means an influx of special agents focused on a criminal law culture. The third and fourth highest executive positions were recently filled by persons who did not gain their government learning experiences at ATF or TTB. Do these two developments portend a change in the corporate culture of TTB?

TTB has received significant budget increases in the past few years as a result of industry efforts on the Hill. Has that created an expectation within TTB on its programs that will not be financially sustainable in future budget challenges? Finally, the first generation of TTB personnel is retiring. That means the camaraderie they brought with them from ATF days is a memory of the past along with the traditional understanding of (and relationship with) the alcohol and tobacco industries.

Panel members are those with longstanding TTB portfolios and newcomers to the world of TTB. Moderated by **Robert Tobiassen**, NABI President and former TTB Chief Counsel, and joined by panelists **R.J. O'Hara**, Flaherty & O'Hara, Pittsburgh, PA, **Kristina Dickens**, The Christopoulos Law Group, Chicago, IL, **Erin Kelleher**, Hinman & Carmichael LLP, San Francisco, CA, and **David Herman**, Giffin Winning Cohen & Bodewes, PC, Springfield, IL, bring longstanding and new experiences with TTB that they will share as practical views and lessons.

The bottom line is that anyone working as a lawyer, consultant, or compliance staff in the alcohol beverage field will have to deal frequently with TTB as the lead Federal alcohol agency. What can we expect to see as the “New Normal” or teenage years there? Come join us the morning of June 19th to hear the sage and insightful advice of this panel.

Start making your plans NOW to come to Louisville, Kentucky from June 16-19th for this year's annual meeting of the NCSLA! **Registration is now open** so visit www.ncsla.org today for details. *Not a current member of NCSLA?* Just complete the [online application form](#) on the NCSLA website and enjoy these beneficial and educational business sessions in addition to the valuable opportunities to meet with colleagues from across the nation!

This will be an enriching event that you don't want to miss. Please join me in “Derby City” this June for an informative and educational business program. I hope to see you there!

Jeffrey A. Kelly
NCSLA President