

**Featuring Speakers From:**

- Authentic Wine and Spirits Merchants
- Averill Creek Winery
- British Columbia Wine Authority
- British Columbia Wine Grape Council
- British Columbia Wine Institute
- Bull, Houser & Tupper LLP
- Cassels Brock & Blackwell LLP
- Deloitte & Touche LLP
- Earl's Restaurants Ltd.
- Import Vintners & Spirits Association of British Columbia
- Joiefarm Wines
- Law Office of Arnold B. Schwisberg, PC
- Liberty Wine Merchants
- Maynard Kischer Stojicevic
- Mott Welsh & Associates
- Rising Tide Consultants Ltd.
- Stoel Rives LLP
- The Chefs' Table Society of B.C.
- Vin65
- Vintage Law
- Wine Access

*A Comprehensive Two-Day Conference on*

# Winery & Wine Distribution Law

Addressing new industry issues and challenges,  
and practical tips for success

**November 12 & 13, 2009**

**Vancouver, British Columbia**

**Vancouver Convention Centre**

**Credits:** BC CPD 13 (call about others)  
**Quick when/where:** 8:30 a.m., 999 Canada Place

**Winery & Wine Distribution Law Conference**  
November 12 & 13, 2009 | Vancouver, British Columbia  
Vancouver Convention Centre

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09WINEBC WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Mark Hicken, Esq., Program Co-Chair  
Vintage Law ~ Vancouver, BC

Christopher S. Wilson, Esq., Program Co-Chair  
Bull, Houser & Tupper LLP ~ Vancouver, BC

8:45 Starting and Running a Winery: Views from the Trenches

Choice of business entity; working with consultants, elements of a good contract; financing challenges; regulatory framework to keep in mind; dealing with the Liquor Control & Licensing Branch and the Liquor Distribution Branch

Michael F. Welsh, Esq.  
Mott Welsh & Associates ~ Penticton, BC

Bert Hick, President  
Rising Tide Consultants Ltd. ~ Vancouver, BC

Andrew Johnston, Winemaker and Vineyard Owner  
Averill Creek Winery ~ Duncan, BC

Michael Dinn, Owner/Grower/Winemaker  
Joiefarm Wines ~ Naramata, BC

10:30 Break

10:45 Getting to Market in the US: State and Federal Regulatory Considerations

Export from Canada to US; label approval; distribution channels and challenges; regulatory contacts at the Tax and Trade Bureau and various state liquor agencies

Susan M. Johnson, Esq.  
Stoel Rives LLP ~ Seattle, WA

11:30 Grape Supplies in British Columbia: The Move to a More Sustainable Future

Supply outlook, including water supply and demand and regulatory issues such as licensing and lack of licensing; current contracting issues with wineries; other primary issues facing the grape growing industry

Hans Buchler, Chair  
British Columbia Wine Grape Council ~ Peachland, BC

12:00 Lunch (on your own)

1:15 Regulatory Issues for Labeling Wines in Canada

Cellared in Canada, Made in Canada, Product of Canada; producer's identification; alcohol content; CPSC information and bar-codes and other provincial regulations; requirements, optional and allowed labeling, as well as dos and don'ts

Arnold B. Schwisberg, Esq.  
Law Office of Arnold B. Schwisberg, PC ~ Markham, ON

Daniel R. Bennett, Esq.  
Bull, Houser & Tupper LLP ~ Vancouver, BC

2:15 Legal and Business Issues in Adopting and Trade-Marking a New Brand

Business and regulatory issues that arise when picking a new brand and building a new label

Christopher S. Wilson, Esq., Program Co-Chair

3:15 Break

3:30 Operations Risk Management

Minimizing wine tasting room liability through compliance with host liability laws, disability access requirements and customer/employee safety standards

Mark Hicken, Esq., Program Co-Chair

4:15 Maximizing the Bottom Line: Taking Advantage of Tax Incentives and Developing an Effective Tax Strategy

Tax planning; property taxes, other taxation issues including Capital Cost Allowances (CCA); tax exempt financing for wineries

John Ormiston, Partner, Tax  
Deloitte & Touche LLP ~ Vancouver, BC

5:00 Continue the Exchange of Ideas: Reception and Wine Tasting led by Sid Cross

Sid Cross, Co-Founder and Advisor  
The Chefs' Table Society of B.C. ~ Vancouver, VC

Sponsored by Bull, Houser & Tupper LLP and Vintage Law



Bull, Houser & Tupper LLP



About the Conference

LAW SEMINARS INTERNATIONAL

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Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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Starting and maintaining vineyards and wineries is difficult enough, but compliance with the constantly changing permitting system and policies is a unique challenge. This conference will address the ins and outs of operating wineries and vineyards, including changes in legislation and regulations in wine law and financing.

The program will progress from getting a handle on costs through employment and immigration law issues, land use and water rights. Sales and distribution, financing challenges and strategies, as well as legislative trends and regulatory processes, will also be addressed.

This event will bring together experts from a variety of perspectives and disciplines to share their experiences, challenges and success stories regarding this evolving landscape.

~ Program Co-Chairs: Mark Hicken, Esq. and Christopher S. Wilson, Esq.



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**  
**Mark Hicken, Esq., *Program Co-Chair***  
**Christopher S. Wilson, Esq., *Program Co-Chair***
- 8:45 Top 10 Employment Law Issues for the Wine Industry**  
 Legal overview of employment law as it relates to winery operations  
**Herb Isherwood, Esq.**  
 Bull, Houser & Tupper LLP ~ Vancouver, BC
- 9:30 Staffing Up and What Winery Operators Need to Know about Immigration Law**  
 Immigration law issues for the wine industry: From winemakers to harvest production workers  
**Aleksandar (Alex) Stojicevic, Esq.**  
 Maynard Kischer Stojicevic ~ Vancouver, BC
- 10:00 Break**
- 10:15 Distribution Issues in Retail Licenses and Restaurants**  
**Robert Simpson, General Manager**  
 Liberty Wine Merchants ~ Vancouver, BC  
**Stanley E. Fuller, President**  
 Earl's Restaurants Ltd. ~ North Vancouver, BC  
**Brian Berry, Corporate Key Accounts Manager**  
 Authentic Wine and Spirits Merchants ~ North Vancouver, BC
- 11:30 Export Beyond Provincial Boundaries**  
 Practical approaches for interprovincial trade: Importation of Intoxicating Liquors Act; constitutionality; permit system; trade agreements, TILMA, NAFTA, EU; initiatives to set up a permitting system similar to the US  
**Ian Blue, Esq., QC**  
 Cassels Brock & Blackwell LLP ~ Toronto, ON  
**Sid Cross, Co-Founder and Advisor**  
 The Chefs' Table Society of B.C. ~ Vancouver, VC  
**Anthony Gismondi, Editor-in-Chief**  
 Wine Access ~ West Vancouver, BC
- 12:30 Lunch (on your own)**

- 1:45 Online Distribution**  
 Current e-commerce issues; common mistakes on winery websites; data protection rules for customer information; case study of Onlineorderdesk.com  
**Brent Johnson, Winery Website Creator**  
 Vin65 ~ Abbotsford, BC
- 2:15 Transparency in Regulation and Taxation of Beverage Alcohol in BC**  
 An update on the levels of taxation charged in BC and other jurisdictions, hidden taxes, and accountability and transparency in the decision-making processes  
**Tim Crowhurst, Executive Director**  
 Import Vintners & Spirits Association of British Columbia  
 Surrey, BC
- 3:00 Practical Tips for Regulatory Reporting and Compliance**  
 Strategies for dealing with differences and similarities in permitting systems in the region  
**Bert Hick, President**  
 Rising Tide Consultants Ltd. ~ Vancouver, BC
- 3:30 Break**
- 3:45 Regulatory Perspective of British Columbia Wine Laws**  
 History of BC wine regulation and development of current regulatory structure  
**Jeffrey S. Thomas, Esq., Chair**  
 British Columbia Wine Authority ~ Vancouver, BC
- 4:15 Reform of British Columbia Wine Laws**  
 Reform proposals for comprehensive legal reform to make BC the best province to sell, distribute and purchase wine  
**Mark Hicken, Esq., Program Co-Chair**  
**Scott D. Fraser, Chair**  
 British Columbia Wine Institute ~ Kelowna, BC
- 5:00 Evaluations and Adjourn**



Registration & Other Conference Information

**To Register:**

Call us at: 800-854-8009 or 206-567-4490  
 Fax the registration form to us at: 206-567-5058  
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 Walk-ins are welcome, subject to space availability.  
 Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$995 USD with a group rate of \$845 USD each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695 USD. For wineries, students and people in their job for less than a year, our rate is \$497.50 USD. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable (in US funds) to Law Seminars International or pay by credit card.  
**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by

5:00 p.m. on Friday, November 6, 2009. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Vancouver Convention Centre at 999 Canada Place, Vancouver, BC V6C 3C1. Call the Centre directly at (604) 689-8232 with any questions. Check the Vancouver Convention Centre's website, The City/Accommodation, for a list of area hotels at: <http://www.vancouver-conventioncentre.com/thecity/accommodation/>

**Continuing Education Credits:** This program qualifies for 13 BC CPD and WA CLE and 13.5 CA credits. Upon request, we will apply for CLE credits in other states and other types of credits.  
**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the course materials (either a binder or searchable CD), is available for \$1005. The course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

## Faculty: Winery & Wine Distribution Law Conference

**Mark Hicken**, *Program Co-Chair*, provides legal services to the wine industry through his law practice, Vintage Law, and direct and Internet marketing services to wineries and wine agents through his marketing agency, Juice Wine Marketing Group.

**Christopher S. Wilson**, *Program Co-Chair*, partner at Bull, Housser & Tupper LLP, practices Intellectual Property law, including advising domestic and foreign wineries on branding, labeling and geographical indications of origin.

**Daniel R. Bennett**, partner at Bull, Housser & Tupper LLP, focuses on trial, arbitration, hearing and appeal work in commercial and administrative litigation, including VQA litigation and regulatory negotiations around the BC VQA labeling issues.

**Brian Berry** is Corporate Key Accounts Manager and Brand Ambassador for Masi at Authentic Wine and Spirits Merchants. Previously he was Food and Beverage Manager at The Vancouver Club.

**Ian Blue**, senior counsel at Cassels Brock & Blackwell LLP, focuses on commercial litigation in energy-related, administrative law and constitutional law issues. He was appointed Queen's Counsel in 1985 and listed in *The Best Lawyers in Canada*.

**Hans Buchler**, Chair of the British Columbia Wine Grape Council, is Director of the British Columbia Grapegrowers Association and focuses on agricultural development and research.

**Sid Cross**, Co-Founder and Advisor to The Chefs' Table Society of B.C., is a retired lawyer and now an active wine and food media person. He is Wines Committee Chair for the International Wine and Food Society and past director of and wine advisor to ICCBC (Italian Chamber of Commerce in BC).

**Tim Crowhurst**, Executive Director of the Import Vintners & Spirits Association of British Columbia, focuses on international trade and political affairs, environmental issues management, product branding, and development and implementation of strategic communications initiatives. Previously he was a senior policy and communications advisor to Canadian cabinet ministers.

**Michael Dinn**, Owner/Grower/Winemaker at Joiefarm Wines, also handles the specific logistics, brand building, and distribution.

**Scott D. Fraser** is Chair of the British Columbia Wine Institute and Vice-President of Estate Wines, Western Canada, at Andrew Peller Limited.

**Stanley E. Fuller**, President and one of the founders of Earl's Restaurants Ltd., has helped Earl's grow into sixty restaurants throughout Western Canada, Ontario and the U.S. He was a Trustee of Canadian Hotel Income Properties Real Estate Investment Trust from 2001 to 2007.

**Anthony Gismondi**, Editor-in-Chief at Wine Access, is a weekly wine columnist at the Vancouver Sun and one of North America's most influential wine critics. He co-hosts a weekly wine and food show in Canada at TALK1410.

**Bert Hick**, President of Rising Tide Consultants Ltd., focuses on the liquor license process. Previously he was with the British Columbia Provincial Government as Intergovernmental Relations Secretariat, Executive Director of the Cabinet Secretariat, Secretary to Cabinet and General Manager of the Liquor Control and Licensing Branch.

**Herb Isherwood**, managing partner at Bull, Housser & Tupper LLP, advises employers on labour and employment matters including employment contracts, protection of employer proprietary and business relationships, incentive compensation arrangements, wrongful dismissal, collective agreement negotiation and interpretation, labour relations strategy, employment standards and human rights.

**Brent Johnson** is Winery Website Creator at Vin65 which provides E-commerce solutions for wineries and wine retailers.

**Susan M. Johnson**, member at Stoel Rives LLP, represents alcoholic beverage manufacturers, breweries, wineries, restaurants and hotels in liquor licensing, distribution, production and regulatory matters.

**Andrew Johnston**, Winemaker and Vineyard Owner of Averill Creek Winery, was a family doctor, businessman, and one of the founders of Medicentres.

**John Ormiston**, Partner in Tax in the Private Company Services Group at Deloitte & Touche LLP, is experienced in both public and private practice, including owner-managed enterprises, corporate reorganizations, M&As, and succession planning.

**Arnold B. Schwisberg** is a commercial litigator who has acted against provincial liquor regulators and specializes in laws of manufacturing, distribution, promotion, sale and consumption of beverage alcohol. He is an expert in trade law and practice for beverage alcohol in Canada and abroad, and designed one of the country's first licensed online wine distribution systems THE WINE CONNECTION. With Ian Blue, Q.C., he worked on an analysis questioning the constitutional validity of some federal liquor law.

**Robert Simpson** is General Manager for Liberty Wine Merchants, the largest chain of private wine stores in Western Canada.

**Aleksandar (Alex) Stojicevic**, managing partner of Maynard Kischer Stojicevic, focuses on immigration and citizenship law and related matters such as customs and extradition. He is Immediate Past Chair, National Executive of the CBA Immigration Section.

**Jeffrey S. Thomas**, Chair of the British Columbia Wine Authority and partner of Borden Ladner Gervais LLP, focuses on competition, international trade and investment, and government relations law. He is listed in *L'Expert*, *The Best Lawyers in Canada*, *Chambers Global* and *Euromoney's World's Leading International Trade Lawyers*.

**Michael F. Welsh**, partner at Mott Welsh & Associates, focuses on litigation, mediation and alternative dispute resolution, along with legal issues affecting the grape and wine industry. He has also planted and operated a commercial vineyard, selling grapes to many BC wineries. Previously he was Director, Vice-President and President of the British Columbia Grapegrowers Association.

**November 12 & 13, 2009**

Vancouver, British Columbia

**Vancouver Convention Centre**

999 Canada Place  
(604) 689-8232

### Who Should Attend:

*Lawyers, vineyard operators, wine producers and distributors, government regulators involved with the production and distribution of wine, and anyone interested in the winery and wine distribution business*

### You Will Learn About:

- *Strategies for starting and running a winery*
- *Regulatory considerations for export from Canada to US and interprovincial trade*
- *Outlook for BC grape growers' supplies*
- *New brand trade-marking and labeling*
- *Operations risk management*
- *Tax incentives and effective tax strategies*
- *Employment and immigration law issues*
- *Distribution issues in retail licenses, restaurants, and online*
- *Practical tips for regulatory reporting and compliance*
- *Reform of BC wine laws*

### To Register:

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