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- Alcohol and Tobacco Tax and Trade Bureau
- Brand Action Team
- Cobalt LLP
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- Constellation Wines North America
- Danow, McMullan & Panoff, P.C.
- Distilled Spirits Council of the United States
- Inertia Beverage Group
- Kirkland & Ellis LLP
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- National Conference of State Liquor Administrators
- New York State Law Revision Commission
- New York State Liquor Authority
- New York Wine & Grape Foundation
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- The Wine Institute
- Wine & Spirits Wholesalers of America
- Wine Colleagues
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A Comprehensive Two-Day Conference on

Winery & Wine Distribution Law

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

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April 29 & 30, 2010

Canandaigua, New York

The Inn on the Lake

Credits: 14.5 (non-transitional) NY CLE credits (call about others)

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Winery & Wine Distribution Law Conference
 April 29 & 30, 2010 | Canandaigua, New York
 The Inn on the Lake

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10WINENY WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Ronald C. Fondiller, Esq., Program Co-Chair
Senior Vice President, General Counsel and Secretary
Constellation Wines North America ~ Canandaigua, NY

Vincent O'Brien, Esq., Program Co-Chair
Nixon Peabody LLP ~ New York, NY

8:45 Special Address on Recommendations to the
New York Legislature by the New York State Law
Revision Commission

Rose Mary Bailly, Esq., Executive Director
New York State Law Revision Commission ~ Albany, NY

9:30 Follow-up Panel on Implementation and Impacts

Regulators address aspects of implementation of the
proposed regulations

Thomas Donohue, Esq., Special Counsel
New York State Liquor Authority ~ Albany, NY

Hovert B. Rupe, Esq., President
National Conference of State Liquor Administrators
Lincoln, NE

10:30 Break

10:45 Attorney Panel on the Impacts and Implications of
the Proposed Changes in Trade Practices for the
Licensed Beverage Industry

A panel of expert attorneys evaluate the implications of the
Commission's recommendations

Vincent O'Brien, Esq., Program Co-Chair, Moderator

Keven Danow, Esq.
Danow, McMullan & Panoff, P.C. ~ New York, NY

Ronald C. Fondiller, Esq., Program Co-Chair
Michael O'Brien, Esq., General Counsel
Palm Bay International, Inc. ~ Port Washington, NY

12:15 Lunch (on your own)

1:30 Trade Associations Panel on the Impacts and
Implications of the Proposed Changes in Trade
Practices for the Licensed Beverage Industry

Trade Association executives consider the Commission's
recommendations from their members' viewpoint

Simon Siegl, Moderator, Principal
CoEfficient Consulting ~ Seattle, WA

Steve J. Gross, Director of State Relations
The Wine Institute ~ San Francisco, CA

Lynne J. Omlie, Esq., Senior Vice President,
General Counsel and Secretary
Distilled Spirits Council of the United States
Washington, DC

James Trezise, President
New York Wine & Grape Foundation ~ Canandaigua, NY

Craig Wolf, Esq., President, CEO
Wine & Spirits Wholesalers of America ~ Washington, DC

3:15 Break

3:30 Counterfeiting and Authenticity in Wine

Counterfeit wine labels and packaging as a growing problem;
practical and legal solutions; other deterrants; trademark and
authenticity of source origin indicators; fraud and causes of
action; using Customs to help; specific international issues

Kate Spelman, Esq.
Cobalt LLP ~ Berkeley, CA

4:15 Liability and Risk Management in Winery Operations

Minimizing wine tasting room and front end operation
liability; compliance with disability access requirements and
customer and employee safety standards; underage and
drunkenness problems

John A. McKinsey, Esq.
Stoel Rives LLP ~ Sacramento, CA

5:00 Continue the Exchange of Ideas: Wine Tasting
Reception for Attendees and Faculty Sponsored
by Constellation Wines North America and Nixon
Peabody LLP



About the Conference

LAW SEMINARS INTERNATIONAL

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New York wine regions have seen over 60 new wineries launch operations in the past three years, raising the total to over 270 state-wide. Whether brand new or an early pioneer, all wineries, vineyards, their attorneys and other professional advisors are challenged to keep abreast of constantly changing laws and regulations that affect their destiny.

The core of this conference anticipates the most significant law revision in the licensed-beverage industry in the last 50 years with special presentations focused on recommendations to the New York Legislature by the Law Revision Commission. Additional program segments will address the status of direct shipment, new financing options and hidden implications of social media, as well as up-to-date information on an array of regulatory requirements, new developments in legislation and case law, and emerging trends on the state and national level.

Conference topics will be presented by recognized experts and the agenda has been designed to stimulate a vibrant exchange of information and experience between the conference faculty and attendees. Presenting and informing a diverse array of perspectives from winery owners and operators to lawyers and regulators, this program will bring value to all who participate.

~ Program Co-Chairs: Ronald C. Fondiller, Esq. and Vincent O'Brien, Esq.



8:00 Continental Breakfast

8:30 Status of Direct Shipment

Debate on the Massachusetts lawsuit

Tracy K. Genesen, Esq.
Kirkland & Ellis LLP ~ San Francisco, CA

Craig Wolf, Esq., President, CEO
Wine & Spirits Wholesalers of America ~ Washington, DC

Developments in the D2C sector

Ted Jansen, President, CEO
Inertia Beverage Group ~ Napa, CA

William Tomaszewski, Esq., General Counsel
Wine.com, Inc. ~ San Francisco, CA

Staying compliant: Updates and anticipation of further changes among state legislatures

Jason Eckenroth, CEO
ShipCompliant ~ Boulder, CO

10:15 Break

10:30 Financing Challenges for Wineries

Opportunities to finance your business today; new financing models; short term financing arrangements

Jon Moramarco, Director
Management Services and Business Development Practice
Wine Colleagues ~ St. Helena, CA

11:15 Social Media Marketing

While social media is rapidly replacing print media in reaching target markets, what are the implications on the user/producer's exposure to risk?

Steve Raye, Principal
Brand Action Team ~ Avon, CT

12:00 Lunch (on your own)

1:15 Federal Issues Update

A review and discussion of recent and emerging regulatory, enforcement and policy issues arising from the federal agencies, including the Alcohol and Tobacco Tax and Trade Bureau, the Federal Trade Commission and the Food and Drug Administration

William H. Foster
Assistant Administrator, Headquarters Operations
Alcohol and Tobacco Tax and Trade Bureau
Washington, DC

Marc E. Sorini, Esq.
McDermott Will & Emery LLP ~ Washington, DC

2:45 Updates and Anticipated Changes in Legislation and Regulation

A review of recent and proposed modifications of state laws and regulations around the country

Steve J. Gross, Director of State Relations
The Wine Institute ~ San Francisco, CA

Lynne J. Omlie, Esq., Senior Vice President,
General Counsel and Secretary
Distilled Spirits Council of the United States
Washington, DC

4:00 Evaluations and Adjourn

Upcoming Related Seminars:

Stormwater Regulation in New York	March 12, 2010	West Harrison, NY
Winery and Wine Law Distribution	April 15 & 16, 2010	St. Louis, MO
Tribal Energy in the Southwest	May 3 & 4, 2010	Albuquerque, NM

See more at www.lawseminars.com



Registration & Other Conference Information

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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 in person or webcast attendance for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

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, April 23, 2010. 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 The Inn on the Lake at 770 South Main Street in Canandaigua, NY 14424. Call the hotel directly at (585) 394-7800 for reservations at the special negotiated rate of \$104/nt and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits:

This program qualifies for 14.5 (non-traditional) NY CLE 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

Ronald C. Fondiller, Esq., *Program Co-Chair*, is Senior Vice President, General Counsel and Secretary at Constellation Wines North America. He is responsible for protecting the company's assets, personnel and business by providing legal counsel and oversight for overall operations and business functions. Previously he was General Counsel for Prisma Group, and GC of Remy-Cointreau's U.S. and Asian operations.

Vincent O'Brien, Program Co-Chair, senior counsel at Nixon Peabody LLP, established the firm's Beverage Alcohol Group and focuses on beverage alcohol law representing clients in all aspects of the beer, wine, and spirits industries throughout the world. He is listed in *Chambers USA*.

Rose Mary Bailly, Special Address, is the Executive Director of the New York State Law Revision Commission. She is also Special Counsel to the Aging Law & Policy Program of the Government Law Center of Albany Law School and an Adjunct Professor of Law at Albany Law School.

Simon Siegl, Moderator, Principal at CoEfficient Consulting, focuses on strategic initiatives and exit planning for wineries and businesses related to the wine industry. Previously he held leadership positions at Washington Wine Institute, Washington Wine Commission and WineAmerica.

Keven Danow, founding member of Danow, McMullan & Panoff, P.C., represents members of all three tiers of the Beverage Alcohol Industry. Previously he was an agent of the Large Case Division of the Internal Revenue Service.

Thomas Donohue, Special Counsel at the New York State Liquor Authority, is legal advisor to the Chairman and the Commissioners of the Authority. He works on special projects for the agency, such as the NYS Law Revision Commission's report on proposed changes to the Alcoholic Beverage Control Law.

Jason Eckenroth is CEO at ShipCompliant, a provider of software based compliance and reporting services for the wine and spirit industry. ShipCompliant tracks thousands of regulations through-

out the U.S. governing the sale and shipment of alcohol and provides this service on demand to more than 1,900 brands.

William H. Foster, Assistant Administrator of Headquarters Operations at the Alcohol and Tobacco Tax and Trade Bureau, oversees the Advertising, Labeling and Formulation Division, the Regulations and Rulings Division, the International Trade Division, the Scientific Services Division and the Knowledge Management Staff.

Tracy K. Genesen, partner at Kirkland & Ellis LLP, provides guidance to wine industry trade associations and serves as the national spokesperson on the legal and public policy aspects of direct shipping of wine to consumers.

Steve J. Gross, Director of State Relations at The Wine Institute, oversees the activities of their six State Relations Regional Counsels as they address state legislation affecting the wine industry, as well as coordinating the legislative and regulatory activities with staff, contract lobbyists and member wineries.

Ted Jansen, President and CEO at Inertia Beverage Group, leads the team toward its goal of leveraging technology and wine industry know-how to provide clients with a high margin, high velocity distribution system for their wines. Previously he was Senior Vice President of Product and Retail at Expedia.

John A. McKinsey, partner at Stoel Rives LLP and California Co-Chair for their Winery and Vineyard Law Group, focuses on environmental and regulatory matters, winery licensing, ADA design, compliance and liability issues.

Jon Moramarco directs the Management Services and Business Development practice at Wine Colleagues. Previously he has operated as CEO of various wine companies.

Michael O'Brien is General Counsel at Palm Bay International, Inc.

Lynne J. Omlie, Senior Vice President, General Counsel and Secretary for the Distilled Spirits Council of the United States (DISCUS), is involved in matters that span every legislative, regula-

tory and legal issue connected with beverage alcohol on federal, state and international levels.

Steve Raye is a Principal at Brand Action Team, a marketing consulting company specializing in helping exporters bring their brands to the U.S. market. With a particular interest in online wine marketing, he has developed an expertise in social media marketing and other online programs to grow brand awareness, consumer engagement and sales.

Robert B. Rupe is the President of the National Conference of State Liquor Administrators. Previously he was an Assistant Attorney General for Nebraska.

Marc E. Sorini, partner at McDermott Will & Emery LLP, heads the Alcohol Beverages and Products Group and focuses on regulatory and litigation issues facing the alcohol beverage industry and non-beverage alcohol users. His practice covers licensing, labeling, advertising, trade practices, distribution, import-export, formulation and excise taxation.

Kate Spelman, member of Cobalt LLP, is experienced in copyright, media, licensing and trademark issues. She advises on the development, production, sale and defense of intellectual property and is listed in *Best Lawyers*.

William Tomaszewski is General Counsel at Wine.com, Inc. His main focus is working with different state agencies on alcohol regulatory matters.

James Trezise has been President of the New York Wine & Grape Foundation since its creation in 1985. Previously he was President of the New York Wine Council and Executive Director of the New York State Wine Grape Growers, Inc. He is active in other wine industry trade associations, including being the Founder and President of the International Riesling Foundation.

Craig Wolf, President and CEO of Wine & Spirits Wholesalers of America, is an advocate for wholesalers' interests with state and federal elected officials, the media, regulators and the law enforcement community and manages the day to day operations of the trade association. Previously he was WSWA's General Counsel.

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Canandaigua, New York

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770 South Main Street
(585) 394-7800

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:

- Recommendations to the New York legislature by the New York Law Revision Commission
- Implementation and impacts of proposed regulations
- Liability and risk management in winery operations
- Direct shipment
- Counterfeiting and authenticity in wine
- Social media advertising
- Financing challenges for wineries
- Federal issues update
- Anticipated changes in legislation and regulation

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