

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
August 16, 2023**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) meeting held at 400 East Tryon Road in Raleigh, North Carolina, on August 16, 2023, beginning at 10:00 AM. The meeting was recorded, and a copy of the recording is on file at the Commission within the Legal Section.

ROLL CALL AND ANNOUNCEMENTS

Chairman Hank Bauer called the August 16, 2023, Commission meeting to order and welcomed all who were attending. Chairman Bauer also welcomed Commissioner Norman Mitchell, Sr., Commissioner La'Tanta (L.T.) McCrimmon, General Counsel Stacey Carter-Coley, and Deputy Commissioner Mike DeSilva.

Chairman Bauer recognized Carol Shaw with the Distillers’ Association of North Carolina. He thanked her for her service and wished her the best in her future.

CONFLICTS OF INTEREST

In compliance with N.C.G.S. §138A-35, Chairman Bauer asked if there were any conflicts of interest or any conditions or facts which might create the appearance of a conflict of interest with respect to any matters on the agenda. There were no conflicts or appearances of a conflict.

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Chairman Bauer asked if there were any requests to make changes to the agenda. After hearing none, he moved to adopt the agenda as is. Commissioner Mitchell seconded the motion. A vote was held, the motion passed.

Chairman Bauer asked if the Commissioners had received a copy of and reviewed the minutes from the July 12, 2023, meeting.

The Commissioners all stated they had a copy and reviewed them. Commissioner McCrimmon made a motion to waive the reading of the minutes of the July 12, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon made a motion to approve the minutes of the July 12, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 71

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding item one on the agenda, the hearing of the cases.

There were no contested cases this month. Mrs. Carter-Coley presented the 71 Offers in Compromise. There was no one in attendance who wished to speak.

Chairman Bauer made a motion to ratify the 71 Offers in Compromise. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

II. EMPLOYEE EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b)-KELSEY E. THOMPSON

Chairman Bauer called upon Assistant General Counsel Renee Metz for an employment exemption. Ms. Metz explained that this exemption was for a retail permit holder to also work as a wholesale salesman. Ms. Metz explained the conditions under which Ms. Thompson could abide by the exemption if approved.

Chairman Bauer asked the commissioners if there were any questions. Hearing none, Commissioner McCrimmon made a motion to approve the exemption. Commissioner Mitchell seconded it. A vote was held, and the motion passed.

III. ABC STORE LOCATION – GREENSBORO ABC BOARD (3741 FARMINGTON ROAD, GREENSBORO, NC)

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. The nearest ABC store is located at 3923 Gate City Blvd in Greensboro. This store, which is approximately 400 feet away, will close when the proposed store is open.

As of June 13, 2023, the board had received two calls. One opposed the new store while one was in favor of it. No one was present with any comments or concerns.

Chairman Bauer asked if the Commissioners had any questions. They both stated they did not.

Chairman Bauer made a motion to approve this ABC store location. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

IV. LB&B KEY PERFORMANCE INDICATORS ASSESSMENT (FY 2022-2023)

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to present this matter. Deputy Commissioner DeSilva summarized the key performance indicators (“KPI’s) achieved by LB&B for the fiscal year, 2022-2023 which determined the up to 1% award. Mr. DeSilva stated that 0.85% out of the 5 KPI’s were met.

Chairman Bauer asked if the commissioners had any questions. Commissioner Mitchell stated that he was uncomfortable with a vote at this time. He stated he would like additional information from staff.

Chairman Bauer made a motion to approve the 0.85% award. Commissioner McCrimmon seconded the motion. A vote was held. Chairman Bauer and Commissioner McCrimmon voted “aye.” Commissioner Mitchell abstained from voting. The motion passed.

V. OTHER BUSINESS

Chairman Bauer stated the next Commission meeting would be held Tuesday, September 12, 2023, beginning at 10 am at the ABC Commission.

Chairman Bauer asked General Counsel Stacey Carter-Coley and Deputy Commissioner Mike DeSilva if there was any additional business. They both stated none.

Chairman Bauer adjourned the August 16, 2023, commission meeting.

/S/ Hank Bauer _____
Hank Bauer, Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

/S/ Marie Harris _____
Marie Harris for the Legal Section