

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
July 10, 2024**

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 July 10, 2024, 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 July 10, 2024, Commission meeting to order and welcomed all who were attending. Chairman Bauer also welcomed Commissioner David Sherlin, Commissioner La’Tanta (L.T.) McCrimmon, General Counsel Stacey Carter-Coley, and Deputy Commissioner Mike DeSilva.

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. Chairman Bauer recused himself from cases 36 and 37 due to former ties.

MINUTES OF THE JUNE 5, 2024, COMMISSION MEETING

Chairman Bauer asked if there were any requests to make changes to the agenda. Assistant General Counsel Renee Metz asked to remove item #5 from the agenda for more details to be worked out. Chairman Bauer moved to approve the change and Commissioner McCrimmon seconded the motion. A vote was held and the motion passed. Chairman Bauer moved to adopt the agenda as is. The motion was moved and Commissioner McCrimmon seconded. A vote was held, the motion passed.

Chairman Bauer asked if the Commissioners had received a copy of and reviewed the minutes from the June 5, 2024, meeting.

The Commissioners stated they had received a copy and reviewed them. Commissioner Sherlin made a motion to waive the reading of the minutes of the June 5, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

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

Commissioner Sherlin made a motion to approve the minutes of the June 5, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 106

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding the Offers in Compromise and the hearing of the cases. Mrs. Carter-Coley asked that the Commission ratify the Final Agency decision of an ALJ for a “Sell To Underage” charge. Commissioner Sherlin moved to ratify the decision of ALJ. Commissioner McCrimmon seconded. Chairman Bauer asked if the Commissioners had any questions. They both stated they did not. Chairman Bauer moved to adopt the motion. A vote was held, the motion passed.

Mrs. Carter-Coley asked that the Commission approve the Final Agency Decision of the ALJ for a sell without obtaining permits. Chairman Bauer asked if the Commissioners had any questions. They both stated they did not. Commissioner Sherlin voted to approve the decision. Commissioner McCrimmon seconded. A vote was held, the motion passed. Mrs. Carter-Coley asked to ratify items #36 and #37 on the agenda. Commissioner McCrimmon moved to ratify both cases. Commissioner Sherlin seconded. A vote was held, the motion passed.

Mrs. Carter-Coley recommended that the remaining 102 OIC’s be ratified. Commissioner Sherlin made a motion to approve ratifying those cases. Commissioner McCrimmon seconded. A vote was held, the motion passed. Chairman Bauer asked if the Commissioners had any questions. They both stated they did not.

II. REQUEST TO AMEND FINAL AGENCY DECISION- SOUTHERLANDS CIGAR LOUNGE (ABC CASE #29846 RATIFIED IN JUNE 2024)

Assistant General Counsel Kirstin Greene requested to have the Final Agency decision for failure to file audit reports ratified due to the permittee in fact filing his audit reports. Legal Section Staff were unaware at the time of this and asked to amend the Final Agency Decision to a penalty of \$500 or five active days of suspension since they are currently compliant.

Chairman Bauer asked if the Commissioners had any questions. They both stated they did not. Chairman Bauer motioned to approve the amendment. Commissioner Sherlin seconded. A vote was held, the motion passed.

III. HARDSHIP WAIVER REQUEST- YAYA MINI MART (00310459AK-999)

Assistant General Counsel Renee Metz stated the permittee was requesting a hardship waiver since he had received a criminal conviction. The matter is before OAH and they are waiting on an ABC Commission decision to determine how to proceed.

Chairman Bauer asked if the Commissioners had any questions. They both stated they did not. Commissioner Sherlin made a motion to deny the request. Commissioner McCrimmon seconded. A vote was held, the motion passed.

IV. Exemption Request Pursuant to N.C.G.C §18B-1116(b)- Littleton Brewing Company, LLC T/A Timber Waters Brewing Company; Bluejay Industries, LLC T/A Blue Jay Bistro;

Bluejay Industries, LLC t/A Main Street Mercantile; Edward P. Fitts, Jr.; and Debra Lynn Fitts

Ms. Metz stated Tyler Russell was there representing Littleton Brewing Company and would like to share information. He discussed a multitude of ways that both Ed and Debra Fitts were helping their community and that granting the exemption request would help the area.

Chairman Bauer asked if the Commissioners had any questions. They both stated they did not. Commissioner McCrimmon moved to approve the exemption. Chairman Bauer seconded. A vote was held, the motion passed.

V. Exemption Request Pursuant to N.C.G.C §18B-1116(b)-The Olde Mecklenburg Brewery LLC T/A The Olde Mecklenburg Brewery; OMB Ballantyne LLC T/A The Olde Mecklenburg Brewery; and John Marrino

Removed from the agenda.

**VI. ABC STORE LOCATION – Greensboro ABC Board
(4407 Burlington Road, Greensboro, NC 27405)**

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. Mr. DeSilva stated on May 29, 2024, the Greensboro ABC Board requested approval from the Commission to purchase property and operate an ABC Store at 4407 Burlington Road, Greensboro, NC 27405. The proposed location is undeveloped land and is near US Highway 70 and Greensboro Loop. It is adjacent to a Sheetz gas station which is located at 4401 Burlington Road Greensboro, NC 27405.

Mr. DeSilva summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there was one public objection regarding the new location. Mr. DeSilva asked the Commission to consider the information shared.

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

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

**VII. ABC STORE LOCATION – Northampton County ABC Board
(6755 NC-64, Garysburg, NC 27831)**

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. Mr. DeSilva stated on May 22, 2024, the Northampton County ABC Board requested approval from the Commission to lease property to open and operate an ABC Store at 6755 NC-46, Garysburg, NC 27831. The proposed site location was previously a Burger King Restaurant.

Mr. DeSilva summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections

received regarding the new location. Mr. DeSilva asked the Commission to consider the information shared.

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

Chairman Bauer made a motion to approve the Northampton County ABC Board store location. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

VIII. ABC STORE LOCATION – Pittsboro ABC Board
(65 Ramseur Road, Suite #110, Pittsboro, NC 27312)

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. Mr. DeSilva stated on May 22, 2024, the Pittsboro ABC Board requested approval from the Commission to lease a property and open and operate an ABC Store at 65 Ramseur Road, Suite #110. This location is in a shopping center between Lowe's Foods and Great Clips. Other suites include O.M. Tea and NailShiny. Multiple other businesses are in the same area including Haw River Animal Hospital, Dunkin Donuts, First Health, and Zaxby's.

Mr. DeSilva summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. DeSilva asked the Commission to consider the information shared.

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

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

IX. ABC STORE LOCATION – Stokes Municipal ABC Board
(501 S. Main Street, King, NC 27021)

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. Mr. DeSilva stated on May 24, 2024, the Stokes Municipal ABC Board requested approval from the Commission to purchase property and operate an ABC Store at 501 S. Main Street, in King, NC. This would replace the King-Stokes Auto Supply, next to an Auto Zone store located at 481 S. Main Street, King, NC 27021.

Mr. DeSilva summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. DeSilva asked the Commission to consider the information shared.

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

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

X. Mandatory Rules Review Pursuant to N.C.G.S. §150B-21.3A – Initial Determination of 14B NCAC 15A

Chairman Bauer recognized Assistant General Counsel Renee Metz. Mrs. Metz stated a staff review of 15A determined rules 15A.1801 and 15A.2104 were no longer necessary due to the General Assembly repealing the purchase transportation permit.

Mrs. Metz proposed submitting the report to the Rules Review Commission with all rules necessary except rules 15A.1801 and 15A.2104.

Chairman Bauer made a motion to approve the submission of the report to the Rules Review Commission. Commissioner Sherlin seconded. A vote was held, and the motion passed.

XI. Closed Session Pursuant to N.C.G.S. §143-318.11(a)(3)-LB&B Associates Inc. v NC Department of Public Safety and the NC ABC Commission (23 CVS 11378-910)

General Counsel Stacey Carter-Coley made a motion to the Commission to go into a closed session

CLOSED SESSION

XII. Other Business

Chairman Bauer reopened the session and asked if there was any other business.

General Counsel Stacey Carter-Coley asked the Commission to consider amending the October Commission meeting date from October 9, 2024, to October 16, 2024.

Commissioner McCrimmon moved to amend the October Commission meeting date. Commissioner Sherlin seconded. A vote was held, and the motion passed.

Chairman asked if there was any other business. Mrs. Carter-Coley and Mr. Mike DeSilva stated there was no other business.

Chairman Bauer stated the next Commission meeting would be held Wednesday, August 14, 2024, beginning at 10:00 AM at the ABC Commission.

Chairman Bauer adjourned the July 10, 2024, Commission meeting.

Minutes adopted at the August 14, 2024 Commission meeting.

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

Respectfully submitted by,

/S/ Trey Maye
Trey Maye for the Legal Section