

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION**  
**Meeting Minutes - August 6, 2025**  
**400 East Tryon Road, Raleigh, North Carolina**  
**Hearing Room 101**

**CALL TO ORDER AND ROLL CALL**

The North Carolina Alcoholic Beverage Control Commission (“Commission”) held its regular meeting on August 6, 2025. Chairman Hank Bauer called the meeting to order at 10:00 a.m., welcomed attendees, and introduced Commissioners La’Tanta (L.T.) McCrimmon and David Sherlin, Deputy Commissioner Mike DeSilva, and Assistant General Counsels Renee Metz and Kirstin Greene. General Counsel Stacey Carter-Coley was absent from this meeting.

**CONFLICTS OF INTEREST**

In compliance with N.C.G.S. §138A-35, each Commission member affirmed that they had reviewed the meeting agenda and identified no actual or apparent conflicts of interest.

**APPROVAL OF THE AUGUST 6, 2025, AGENDA**

Assistant General Counsel Renee Metz reported that there were no requests to make changes to the agenda.

- Chairman Bauer moved to approve the August 6, 2025, agenda as presented.
- Commissioner Sherlin seconded.
- The motion passed unanimously.
  
- Commissioner McCrimmon then moved to adopt the August 6, 2025, agenda as presented.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

**APPROVAL OF THE JULY 9, 2025, MEETING MINUTES**

Commission members confirmed they had reviewed the minutes from the July 9, 2025, meeting.

- Commissioner Sherlin moved to waive the reading of the minutes.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.
  
- Commissioner McCrimmon then moved to approve the minutes from the July 9, 2025, meeting as presented.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

## **NEW BUSINESS**

### **I. HEARING CASES AND OFFERS IN COMPROMISE – 65**

Assistant General Counsel Kirstin Greene stated that Mr. Brian Johnson, permittee and head brewer for *Collection Brewing Company, LLC T/A Edit Beer Company*, was present and wished to address hearing case #43. Mr. Johnson acknowledged accepting the offer in compromise but requested a reduction in the fine or penalty. Chairman Bauer indicated that he was not inclined to reduce the original offer.

- Commissioner Sherlin moved to ratify the 65 offers in compromise as presented.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

### **II. NOTICE OF INTENT TO REVOKE PURSUANT TO N.C.G.S. §18B-900(a)(4) and §18B-104(a)(2) – DELIGHT FOOD MART LLC T/A DELIGHT FOOD MART (00317388AK - 999); TRUSHA RAJANKUMAR PATEL**

Assistant Counsel Ashley Foster presented the matter of Permittee, Trusha Rajankumar Patel, who was convicted on June 11, 2025, for the sale of an alcoholic beverage to a person under 21 years of age, an alcoholic beverage offense under N.C.G.S. §18B-302(a)(1). Mrs. Patel was present to address the Commission. After some discussion, Commissioner Sherlin inquired whether Mrs. Patel was represented by counsel for the criminal charge, to which she responded that she was not. Beer Law Center Attorney John Szymankiewicz, in attendance to observe the proceedings, requested that the matter be tabled for a brief period to allow him to confer with Mrs. Patel before returning to the Commission.

- Commissioner Sherlin moved to continue the matter to the September 2025 meeting, giving Mrs. Patel an opportunity to consult with an attorney, as suggested by Mr. Szymankiewicz.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

### **III. AMEND EXEMPTION ORDER REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – BARREL’S BREWHOUSE 3PLAY LLC T/A BOOTLEGGERS & BARRELS; BLACKBEARD’S TRIPLE PLAY JACKSONVILLE, NC LLC T/A BLACKBEARD’S TRIPLE PLAY RESTAURANT & SPORTS BAR; TRIPLE PLAY OASIS, LLC; AND BILLY DALE OVERBEE**

This item was removed from the July 2025 agenda. Assistant Counsel Robert Nauseef explained that the request sought an amendment to an exemption order entered in 2021. The changes involved adding Triple Play Oasis as a retail location and moving the Blackbeard’s location from New Bern to Jacksonville, with all other provisions remaining unchanged.

- Chairman Bauer moved to approve the amendment to the exemption.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

**IV. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – GHOSTFACE BREWING, LLC T/A GHOSTFACE BREWING; SCRATCH KITCHEN BY GHOSTFACE BREWING, LLC T/A SCRATCH KITCHEN BY GHOSTFACE BREWING; GHOST MODE, LLC; AND MICHAEL CUDDY**

Mr. Nauseef presented this request to add a second retail location named Ghost Mode. The standard conditions would apply, including the requirement for a separate manager to order alcoholic beverages, offering a reasonable selection of competitors' products, and not exceeding a reasonable market share for the brewery's products.

- Commissioner Sherlin moved to adopt the exemption as presented.
- Chairman Bauer seconded.
- The motion passed unanimously.

**V. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – PERCENT TAP HOUSE, LLC T/A PERCENT TAP HOUSE; PERCENT SMALL BATCH LLC T/A PERCENT; CARL-JAY CASTENADA; AND NEIL W. GRASSI**

Mr. Nauseef explained that this request, which involved adding a first retail location off the brewery's premises, had been reviewed in consultation with permittee's attorney, Michael Boyer, who was absent from the meeting. As with the previous request, standard provisions would apply.

- Chairman Bauer moved to approve the exemption request.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

**VI. ABC STORE LOCATION – LEXINGTON ABC BOARD  
(858 WINSTON ROAD, LEXINGTON, NC)**

Deputy Commissioner Mike DeSilva presented this request from the City of Lexington ABC Board to temporarily relocate an ABC store to 858 Winston Road, Lexington, while the current store at 419 North Main Street was demolished and a new, larger store was to be constructed. The relocation was planned for early 2026.

The proposed location was approximately 7,000 square feet, with 3,500 square feet for retail sales and 3,000 square feet for mixed beverage sales. The property was zoned for retail use, and an ABC store was permitted. Anticipated first-year sales were projected at \$5.3 million.

No objections were received, and all 18B requirements were satisfied. Staff recommended approval.

- Commissioner Sherlin then moved to approve this location.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

**VII. ABC STORE LOCATION – MOORE COUNTY ABC BOARD  
(420 CAPITAL DRIVE, CARTHAGE, NC)**

Mr. DeSilva presented this request from the Moore County ABC Board to build and operate an ABC store and warehouse at 420 Capitol Drive, Carthage. This was to be their 5th store, with plans to open in 2026. The property was zoned for planned development, and an ABC store was approved for the site.

The proposed location was to be 19,000 square feet, with 5,000 square feet for retail sales and 2,500 square feet for mixed beverage sales. There was to be no loading dock, but the warehouse was to feature large bay doors under a covered shelter. Anticipated first-year sales were projected at \$4.6 million.

No objections were received, and all 18B requirements were satisfied. Staff recommended approval.

- Commissioner Sherlin then moved to approve this location.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

**VIII. ABC STORE LOCATION – PERSON COUNTY ABC BOARD  
(CORNER OF NORTH MADISON BOULEVARD AND NORTH MAIN STREET, ROXBORO, NC)**

Mr. DeSilva presented this request from the Person County ABC Board to purchase property to build and operate a new ABC store at the corner of North Madison Boulevard and North Main Street in Roxboro. The new store was to replace the existing store at 721 North Madison Boulevard.

The proposed building was to be approximately 7,250 square feet, with a loading dock. Anticipated first-year sales were projected at \$4 million. The property was zoned for commercial use, and an ABC store was permitted. The closest ABC store, located half a mile away, was to close once the new store opened.

No objections were received, and all 18B requirements were satisfied. Staff recommended approval.

- Chairman Bauer then moved to approve this location.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

**IX. RULES – PROPOSAL OF AMENDMENTS TO ADVERTISING RULES 15B .1007 AND 15B .1008**

Ms. Metz presented the proposed amendments to advertising rules 14B NCAC 15B .1007 and 15B .1008 and recommended that the Commission approve the text as presented and direct staff to file the amendments with the Office of Administrative Hearings for publication in the NC Register.

She stated that a public hearing was scheduled for October 8, 2025, with a comment period open until November 3, 2025. She asked that staff be authorized to make non-substantive changes, including corrections to spelling, punctuation, and grammar.

- Chairman Bauer moved to approve the proposed rules as presented and adopt staff's recommendations regarding the rules.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

**X. RESPONSE TO SUPERIOR COURT ORDER ON PETITION FOR JUDICIAL REVIEW IN CASE NO. 24CV022646-910: *VINUM USA, INC. V. NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND SOUR GRAPES, LLC***

Ms. Metz presented this matter regarding a final agency decision that had been appealed for judicial review. The Superior Court judge ruled to reverse and vacate the Commission's decision, remanding the case for further proceedings. The Commission was required to appoint a hearing officer to comply with the judge's order and make further findings of fact.

- Commissioner Sherlin moved to appoint Robert Nauseef as the hearing officer to make the additional findings of fact as requested by the Superior Court Judge.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

**XI. OTHER BUSINESS**

- Commissioner Sherlin recognized Theresa Fuller, who celebrated her birthday the previous day, and Greg Stallings, who also had a birthday. A brief celebratory moment followed, with well-wishes and a lighthearted exchange.

**ANNOUNCEMENTS**

Chairman Bauer announced the next Commission meeting would be held on **TUESDAY, September 9, 2025, at 10:00 a.m.**, not Wednesday.

**ADJORNMENT**

There being no further business, Chairman Bauer adjourned the meeting at 10:26 a.m.

*\*Approved at the 9/9/2025 Commission meeting.*

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

Respectfully submitted by,

/S/ Jennifer Temple  
Jennifer Temple for the Legal Section