

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
DECEMBER 13, 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 December 13, 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 December 13, 2023, Commission meeting to order and welcomed all who were attending. Chairman Bauer introduced himself, Commissioner La'Tanta (L.T.) McCrimmon, Commissioner David Sherlin, Deputy Commissioner Mike DeSilva, and General Counsel Stacey Carter-Coley.

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.

DECEMBER 13, 2023, AGENDA

Chairman Bauer asked if there were any requests to make changes to the agenda. Commissioner McCrimmon stated there were none. Chairman Bauer made a motion to address the agenda as presented. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Chairman Bauer stated it would be an appropriate time to adopt the agenda for December 13, 2023. Commissioner McCrimmon moved to adopt the December 13, 2023, agenda as presented. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

MINUTES OF THE NOVEMBER 8, 2023, COMMISSION MEETING

Chairman Bauer asked Commissioner McCrimmon if she received a copy of the minutes from the November 8, 2023, Commission meeting. She stated she had. Chairman Bauer stated he received a copy as well. Commissioner Sherlin was recused from this action.

Commissioner McCrimmon moved to waive the reading of the minutes of the November 8, 2023, meeting. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon moved to approve the minutes of the November 8, 2023, meeting. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 112

General Counsel Stacey Carter-Coley stated that the first case on the agenda was a contested case. She stated this case was handled by Assistant Counsel Rachel Spears and an order was granted for failure to prosecute by the Permittee. Mrs. Carter-Coley summarized the ALJ's Final Decision granting the Commission a \$500 penalty and cancellation of the Permittee's Mixed Beverages Bar ABC permit. Mrs.

Carter-Coley asked that the Commission impose a payment deadline of January 5, 2024, and a cancellation date of January 12, 2024. Chairman Bauer moved to accept the ALJ's final decision. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Mrs. Carter-Coley presented the remaining 111 Offers in Compromise. Chairman Bauer moved to ratify the remaining Offers in Compromise. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – ASS CLOWN BEER & WINE, LLC T/A ASS CLOWN BREWING COMPANY; ALONGSIDE BREWING, LLC T/A ALONGSIDE BREWING; AND MATTHEW GLIDDEN

Chairman Bauer recognized Assistant Counsel Seth Kandl to present Item II, a common ownership exemption request. Mr. Kandl asked if there was anyone who would like to speak for the Petitioners. Attorney John Szymankiewicz stated that he was present for the Petitioners and had been in contact with staff and was ready to support Legal's recommendation.

Mr. Kandl stated that legal staff reviewed the petition and recommended a list of conditions under which the exemption would be acceptable, if approved by the Commission.

Chairman Bauer moved to approve the exemption request. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

III. AMEND EXEMPTION ORDER REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – FLYING BULL BEER COMPANY, INC. T/A FLYING BULL BREWERY; FBBC, LLC; ANNA BLOCH; AND JOEL MILES

Mr. Kandl presented Item III as well, a request to amend an exemption order granted in March of 2023. Attorney John Szymankiewicz spoke on behalf of the Petitioner stating this request was for a production facility surrendering their commercial permit and creating a separate LLC for financial reasons. Mr. Szymankiewicz stated that he had been in contact with Legal and supported their recommendation.

Mr. Kandl presented the conditions under which legal staff would recommend approval of the amendment to the exemption, if approved by the Commission.

Chairman Bauer moved to approve the revision to the exemption order. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

IV. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – INNOVINO INTERNATIONAL, INC. T/A INNOVINO INTERNATIONAL; A & J WINERY & FARM, LLC T/A A & J WINERY; BRIAN ALEXANDER HALL; AND DANIELLE BETH HALL

Mr. Kandl presented this exemption request. There was no one present on behalf of the Petitioners.

Mr. Kandl stated that legal staff reviewed the petition and recommended a list of conditions under which the exemption would be acceptable, if approved by the Commission.

Chairman Bauer asked for clarification as to whom the exemption would be granted. Mr. Kandl answered the Chairman's question.

Chairman Bauer moved to approve the exemption request as to Brian Hall and Danielle Hall. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

V. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – SUP DOGS, LLC T/A SUP DOGS; SUP DOGS CHAPEL HILL, LLC T/A SUP DOGS RESTAURANT; CRUSH VODKA, LLC; BRET G. OLIVERIO; AND GABRIEL P. OLIVERIO, JR.

Mr. Kandl presented the final exemption request. Attorney Jennifer Morgan briefly summarized the request for common ownership and stated that she was available to answer questions on behalf of the Petitioners.

Mr. Kandl stated that legal staff reviewed the petition and recommended a list of conditions under which the exemption would be acceptable, if approved by the Commission.

Chairman Bauer moved to approve the exemption request. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

VI. OTHER BUSINESS

Chairman Bauer stated the next Commission meeting would be held Wednesday, January 17, 2024, beginning at 10:00 AM at the Commission.

Chairman Bauer adjourned the December 13, 2023, 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