

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
February 12, 2025**

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 February 12, 2025, beginning at 10:17 AM due to technical difficulties. The meeting was recorded, and a copy of the recording is on file within the Commission’s Legal Section.

**ROLL CALL AND ANNOUNCEMENTS**

Chairman Hank Bauer called the February 12, 2025, Commission meeting to order, introduced himself, and welcomed Commissioner La’Tanta (L.T.) McCrimmon, Commissioner David Sherlin, Deputy Commissioner Mike DeSilva, and General Counsel Stacey Carter-Coley.

Chairman Bauer took a moment to thank Governor Josh Stein for reappointing the current Commission members. He expressed his excitement about what had been accomplished over the last two years and stated he looked forward to the next four years. Commissioners McCrimmon and Sherlin echoed their appreciation.

**CONFLICTS OF INTEREST**

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

**FEBRUARY 12, 2025, AGENDA**

Chairman Bauer asked if there were any requests to amend the agenda. General Counsel Stacey Carter-Coley requested that case #7 (American Hospitality, Inc. T/A Four Points by Sheraton Fayetteville Fort Liberty) be continued and that case #46 (7-Eleven, Inc. T/A 7-Eleven Store 41345H) be added.

Commissioner Sherlin inquired about the revised offer for #18 (Blue Stripes LLC T/A Silverspot Cinema) received prior to the meeting. The incorrect document was originally submitted for the Commission’s review. The permittee had elected to attend training and had signed a revised offer. Commissioner Sherlin acknowledged his understanding.

Chairman Bauer made a motion to amend the agenda by omitting #7 and adding #46. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Chairman Bauer stated that it would be an appropriate time to adopt the agenda for February 12, 2025. Commissioner Sherlin made a motion to adopt the agenda as amended. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

## **MINUTES OF THE JANUARY 15, 2025, COMMISSION MEETING**

Chairman Bauer asked the Commissioners if they had received a copy of the January 15, 2025, Commission meeting minutes and had an opportunity to review them. They stated they had. Chairman Bauer also stated he received a copy as well and reviewed it.

Commissioner McCrimmon made a motion to waive the reading of the minutes of the January 15, 2025, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Commissioner Sherlin made a motion to approve the minutes of the January 15, 2025, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

### **I. HEARING CASES AND OFFERS IN COMPROMISE – 45**

Mrs. Carter-Coley asked if there was anyone present who would like to be heard regarding any of the hearing cases on the agenda. Hearing no response, Mrs. Carter-Coley stated that after continuing #7 and adding #46, 45 cases remained on the agenda for the Commission's consideration for ratification.

Commissioner Sherlin made a motion to approve the 45 Offers in Compromise as presented. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

### **II. DUAL EMPLOYMENT EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116 – MAINVINE WINE, LLC T/A MAINVINE WINE; BELVEDERE STATION, L.L.C. T/A BELVEDERE STATION; AND ELIZABETH M. FLOWERS**

Chairman Bauer recognized Assistant General Counsel Renee Metz to present this request for an employment exemption. Ms. Metz summarized the request, explaining that the permittee owns a retail location that has not yet established itself and has not yet generated enough income for the permittee to pay herself a salary. She further explained that the permittee is requesting to work part-time as a salesperson for a winery and wholesaler.

Ms. Metz stated that, as a condition, while acting on behalf of the wholesaler, the permittee would not have any contact with wine retailers in Cleveland County, where her retail establishment is located. Any activities she performs for the wholesaler would be limited to other counties in the western part of the state. Additionally, she stated that her purchases as a retailer of the wholesaler's products would not exceed 15% of her total wine purchases. Ms. Metz requested that, if approved, the Commission review this exemption in one year to assess whether the permittee's percentages are being met and whether the permittee's retail location is succeeding, making the exemption no longer necessary. Ms. Metz concluded by stating the permittee is willing to comply with any necessary conditions; she just needs a second source of income until her retail location becomes established.

Commissioner Sherlin made a motion to approve this employment exemption request as presented. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

**III. RECONSIDERATION OF EXEMPTION ORDER GRANTED PURSUANT TO N.C.G.S. §18B-1116(b) – 321 WINE, LLC T/A KELLOGG SELECTIONS; EUROPEAN CELLARS, LLC T/A EUROPEAN CELLARS; CHARLOTTE WINE CO LLC T/A BAR À VINS; JEFFERY KELLOGG; STEPHANIE KELLOGG; AND ERIC SOLOMON (CONTINUED)**

Ms. Metz recounted that last month, the Commission asked that she and the permittees' attorney, Jennifer Morgan of Williams Mullins, draft a Memorandum of Understanding (hereinafter "MOU") regarding this issue. Ms. Metz stated they had done so, but there were some tweaks they would like to make.

Ms. Metz explained that the gist of the MOU is that the retail location will not purchase more than 15% of its total wine purchases from Kellogg Selections. Additionally, the retail location will report its purchases and percentages every quarter, starting April 15, 2025, and then subsequently on July 15, 2025; September 15, 2025; and January 15, 2026, to ensure they maintain the 15% threshold. She stated if the Commission receives a report or information indicating they have exceeded the 15% limit, it will constitute a violation. If the quarterly reports are not submitted in a timely manner, which can be done via [legal@abc.nc.gov](mailto:legal@abc.nc.gov), that could also potentially constitute a violation.

Ms. Metz added that there was some concern about purchase restrictions if Mr. Kellogg sold his portion of the retail location. However, she stated that if that happens, the exemption becomes moot. She concluded by stating that, based on these conditions, if approved, she and Ms. Morgan could work out the minor details and execute the Memorandum of Understanding.

Chairman Bauer asked Ms. Morgan if she had anything to add. She indicated no, stating that she and Ms. Metz worked together to come up with something they both agree is reasonable, based on the specific facts of this case. She reiterated that Mr. Kellogg may still sell his interest in the retail location, but if that happens, they will notify the Commission. She said her client wanted to confirm that if he does sell, the purchase thresholds and the exemption will no longer apply.

Commissioner McCrimmon made a motion to approve the MOU, with minor adjustments made between the parties. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

**IV. ABC STORE LOCATION – JOHNSTON COUNTY ABC BOARD  
(406 SOUTH CHURCH STREET, UNIT B, KENLY, NC)**

Deputy Commissioner Mike DeSilva summarized this request, stating on November 15, 2024, the Johnston County ABC Board requested approval from the Commission to lease property to operate an ABC store at 406 South Church Street in Kenly, NC. The new store would replace an existing store located at 306 North Street in Kenly, NC. He stated that, if approved, the Board intends to open the store next month.

Mr. DeSilva stated that ABC Audit Supervisor India Smith-Gray verified that the property zoning allows for an ABC store. He added the property is owned by NSP Kenly Square, LLC located in Charlotte, NC, and that all members of the Johnston County ABC Board had provided financial disclosures as requested, with no conflicts reported.

Mr. DeSilva described the proposed space as being a little over 3,800 square feet, with 2,012 square feet dedicated to retail sales. He stated there would be a loading dock with a roll-up door at the location. He added there will be no mixed beverage sales, and anticipated first-year sales are projected to be just over one million dollars.

Mr. DeSilva further described the proposed location, stating that the closest ABC store is located 0.7 miles away, but if approved, that store will close upon the opening of the new store. He noted that the nearest school is 3.6 miles away and the nearest church is located just under half a mile away.

On November 26, 2024, Mr. DeSilva stated that a sign announcing the Board's intention to open an ABC store was placed at the location and witnessed by India Smith-Gray on December 10, 2024. The sign was determined to meet ABC rules and requirements. He stated that as of February 11, 2025, the Board had received no objections to the proposed store. Mr. DeSilva asked if anyone present would like to be heard regarding this request. Hearing none, he stated after reviewing 18B requirements, staff concluded that all elements had been satisfied and recommended considering the information shared today.

Commissioner Sherlin made a motion to approve the new location for the Johnston County ABC Board. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

## **V. OTHER BUSINESS**

Chairman Bauer asked if there was any other business. The General Counsel and Deputy Commissioner indicated they had none.

Chairman Bauer then stated he had other business on behalf of Permit Section. He announced that the permit renewal and registration period had begun, and that payments could now be made online at the Commission's website, [abc.nc.gov](http://abc.nc.gov). He urged permittees to submit their payments before the April 30, 2025, deadline and reminded them that new legislation passed in 2024 stating that if payments are made after April 30, 2025, a 25% late fee would apply. He stated that if there are any questions, permittees can visit the Commission's website for more information regarding the new law. He concluded by commending Permits Section for their communication efforts and stated that the Commission is working with the relevant associations to further spread this information. He again urged permittees to pay on time.

Chairman Bauer announced that the next Commission meeting would be held on Wednesday, March 12, 2025, beginning at 10:00 AM at the ABC Commission, and then he adjourned the February 12, 2025, Commission meeting.

*\*Approved at the 3/12/2025 Commission Meeting.*

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

Respectfully submitted by,

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**/S/ Jennifer Temple**  
Jennifer Temple for the Legal Section