

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
November 8, 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 November 8, 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 November 8, 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 Greg Stallings.

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.

Chairman Bauer asked if there were any requests to make changes to the agenda. Commissioner Mitchell said there were none. A motion was made to follow the agenda as presented. A vote was held, and the motion passed.

Chairman Bauer stated it would be an appropriate time to adopt the agenda for November 8, 2023. Commissioner McCrimmon moved to adopt the November 8, 2023. It was moved and seconded that the November 8, 2023, agenda be adopted as presented.

Chairman Bauer asked if there were any questions, discussions, or debates. Both Commissioner Mitchell and Commissioner McCrimmon stated there were none. Chairman Bauer stated the question is on the motion to adopt the November 8, 2023, agenda as presented. A vote was held, and the motion passed.

MINUTES OF THE OCTOBER 11, 2023, COMMISSION MEETING

Chairman Bauer asked the Commissioners if they had received a copy of the minutes from the October 11, 2023, meeting. Both stated they had.

Commissioner McCrimmon moved to waive the reading of the minutes of the October 11, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon moved to approve the minutes of the October 11, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 99

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding item 23 (Hoppy Endings) on the agenda. Mrs. Carter-Coley requested the item be removed due to the Offer in Compromise being withdrawn. Chairman Bauer moved to have the item removed from the agenda. He stated the question is on the adoption of the motion to remove the item from the agenda. A vote was held, and the motion passed.

There were 99 cases on the agenda, two were contested. Mrs. Carter-Coley announced the ALJ's decision for the two contested cases on the agenda, items 1 and 2. The Chairman moved to ratify cases 1 and 2 on the agenda. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Mrs. Carter-Coley presented the remaining 97 Offers in Compromise. Commissioner Mitchell moved to ratify the remaining Offers in Compromise. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

II. AMENDED EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18b-116(b) – MASON JAR TAVERN, INC. et al

Chairman Bauer called upon Assistant General Renee Metz for an amendment to a prior exemption order that was granted due to excess number of retail locations. One location (Holly Springs) has closed, and they wish to switch the ability to sell their products at a new retail location in Cary, NC. Jennifer Morgan, Counsel for Mason Jar Tavern, was present.

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

III. EXEMPTION ORDER COMPLIANCE – 321 WINE, LLC T/A KELLOGG SELECTIONS, CHARLOTTE WINE CO., LLC T/A BAR à VINS, JEFF KELLOGG AND STEPHANIE KELLOGG

Assistant General Counsel Renee Metz advised this exemption was granted last year and there was an investigation based on a complaint. Some of the conditions of the exemption order were not being complied with. NC Alcohol Law Enforcement (ALE) Assistant Special Agent in Charge Matt Stemple was present and shared his investigation report. Jennifer Morgan, Counsel for Kellogg Selections, was present and proposed a settlement. Christian Staples of Shumaker, Loop and Kendrick of Charlotte was also present.

Chairman Bauer made a motion to add the following conditions: 1) hire a new manager, 2) process a violation for Offer in Compromise to include a cap on the percentage of business Bar à Vins may order from 321 Wine, which will be determined during that negotiation, and 3) Bar à Vins will submit its sales volume to Legal Section every six months. Legal will determine how long the period last. Commissioner Mitchell seconded the motion. A vote was held, and the motion adopted.

