

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
DECEMBER 12, 2018**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission Meeting held at 400 East Tryon Road in Raleigh, North Carolina on December 12, 2018, beginning at 10:00 AM. The meeting was recorded and the disc is on file at the NC ABC Commission within the Legal Division.

**ROLL CALL**

Chairman A.D. Zander Guy, Jr. welcomed those in attendance and stated he wished to recognize the ABC Commission's employees and subcontractors. Chairman Guy added he, as well as, Commissioner Norman A. Mitchell, Sr. and the ABC Commission would not be able to accomplish all they do without the employees. Chairman Guy also welcomed the industry members in attendance. Chairman Guy wished everyone a safe and happy holiday season.

Chairman Guy called the Commission Meeting to order.

**MINUTES OF THE NOVEMBER 14, 2018 COMMISSION MEETING**

Chairman Guy asked for a motion to waive the reading of the minutes of the November 14, 2018 meeting into the record. Commissioner Mitchell made a motion to waive the reading of the minutes. Chairman Guy seconded the motion. Motion Passed.

Chairman Guy asked for a motion to approve the minutes of the November 14, 2018 meeting. Commissioner Mitchell made a motion to approve the minutes. Chairman Guy seconded the motion. Motion Passed.

**CONFLICTS OF INTEREST**

As required by N.C.G.S. § 138A-35, Chairman Guy 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. Commissioner Mitchell stated he reviewed the agenda and found no conflicts of interest. Chairman Guy stated he found no conflicts of interest.

**I. CONTESTED CASES AND OFFERS IN COMPROMISE – 68**

Chief Counsel Renee C. Metz requested case number 66 be removed from the agenda. Mrs. Metz explained the permittee had withdrawn the signed Offer in Compromise, as they had hired an attorney and wished to renegotiate the penalty.

Chairman Guy made a motion to remove case number 66 from the agenda to be heard at a later time. Commissioner Mitchell seconded the motion. Motion Passed.

Mrs. Metz stated case number 1, Ambience Special Event Center, was a contested case and no one was present on behalf of the permittee. Mrs. Metz stated this was Assistant Counsel Rachel Spears' case and was for failure to file audit reports. The permittee failed to respond to the Administrative Law Judge's orders to file a prehearing statement and the judge issued a sanctions order, which imposed a cancellation of the permittee's ABC mixed beverages permit.

Mrs. Metz requested the cancellation date to be January 11, 2019 to concur with the suspension dates for the businesses on the agenda.

Chairman Guy made a motion to uphold the Administrative Law Judge's decision of a cancellation of the mixed beverage permit. Commissioner Mitchell seconded the motion. Motion Passed.

Chairman Guy welcomed Mike Fox, the attorney for the Greensboro ABC Board and the Chairman of the NC Board of Transportation.

As no one was present regarding a case, Mrs. Metz asked the Commission to ratify the remaining Offers in Compromise.

Chairman Guy made a motion to ratify the Offers in Compromise. Commissioner Mitchell seconded the motion. Motion Passed.

## **II. ABC STORE LOCATION – DAVIDSON COUNTY ABC BOARD**

Administrator Agnes C. Stevens stated three ABC Boards had requested approval from the NC ABC Commission to open new stores.

Ms. Stevens explained on November 2, 2018, the NC ABC Commission received a request from the Davidson County ABC Board, requesting approval to lease property to open and operate an ABC Store at 12201 North NC Hwy 150 in Davidson County, North Carolina. Audit Investigator Edwin Strickland corresponded with General Manager Kenneth Meredith. Ms. Stevens stated the proposed location would be the first ABC Store for the Davidson County ABC Board.

Ms. Stevens stated it was confirmed the property is zoned Highway Commercial and allows for an ABC Store. There are no personal or financial interests shared between the property owner and the Davidson County ABC Board members. Ms. Stevens stated the proposed site is a 4200 SF suite.

Ms. Stevens added the nearest school, located at 905 Friedberg Church Road, is approximately .3 miles or 1584 feet from the proposed location. The nearest church, Holy Trinity Full Gospel Fellowship Center, is approximately .2 miles or 1056 feet from the proposed location.

Ms. Stevens explained the nearest ABC Store is located at 3188 Peters Creek Parkway in Winston Salem, North Carolina, approximately 3.5 miles from the proposed location and is operated by the Triad Municipal ABC Board.

Ms. Stevens stated notice to the public was properly posted on November 1, 2018 and witnessed by Mr. Strickland on November 7, 2018. Ms. Stevens stated, as of November 21, 2018, the Davidson County ABC Board received one voicemail message from an unknown caller, stating the new store should be

located across the street in a vacant building, not in the shopping center. The NC ABC Commission received the same message via email.

Ms. Stevens stated staff recommended approval of the proposed location.

Chairman Guy asked if anyone was present to speak regarding the proposed location. As no one was present, Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Chairman Guy seconded the motion. Motion Passed.

### **III. ABC STORE LOCATION – GREENSBORO ABC BOARD**

Ms. Stevens stated on November 5, 2018, the Greensboro ABC Board requested approval to purchase property to open and operate an ABC Store at 500 Hickory Branch Road in Greensboro, North Carolina. Ms. Stevens stated Audit Investigator Edwin Strickland provided the investigation report.

Ms. Stevens explained the proposed store will replace an existing store located approximately .3 miles away. Ms. Stevens stated the property was zoned appropriately and allows for an ABC Store. Ms. Stevens added there are no personal or financial interests shared between the property owner and the Greensboro ABC Board members.

The Greensboro ABC Board plans to construct a 4500 SF building. Ms. Stevens stated the nearest traditional school, Southwest Guilford Elementary, is located approximately 2.5 miles away. Ms. Stevens explained the Experiential School of Greensboro is temporarily located approximately .4 miles away and will be relocated in early 2019. Additionally, New Horizons Computer Learning Center is located approximately 1 mile away. The nearest church, The Church on 68, is located approximately .4 miles away. Ms. Stevens stated the nearest ABC Store, located at 500 Americhase in Greensboro approximately .3 miles away, will be closed upon the opening of the new store. The two next closest stores are each located approximately 2.9 miles away from the proposed store and are operated by the High Point ABC Board.

Ms. Stevens stated the notice to the public was properly posted at the location on November 1, 2018 and as of November 20, 2018, no objections or concerns have been received by the Greensboro ABC Board. Ms. Stevens stated staff recommended approval of the proposed location.

As no one was present regarding the proposed location, Commissioner Mitchell made a motion to approve the proposed location upon staff recommendation. Chairman Guy seconded the motion. Motion Passed.

Chairman Guy again recognized Mike Fox of the Greensboro ABC Board. Mr. Fox stated the Board believes the proposed location to be a great site in a highly commercial area. Mr. Fox added the new store will be a dramatic upgrade over the existing store. Mr. Fox also thanked the ABC Commission for their support.

### **IV. ABC STORE LOCATION – MECKLENBURG COUNTY ABC BOARD**

Ms. Stevens stated on October 29, 2018, the Mecklenburg County ABC Board requested approval to lease property to open and operate an ABC Store at 4035 Connection Point Blvd in Charlotte, North Carolina. Audit Investigator Edwin Strickland received the information used in the report from Mecklenburg County ABC Board CFO Mike Tully.

Ms. Stevens explained the proposed store will replace the existing store located approximately 2 miles away at 7212 East Independence Boulevard in Charlotte, North Carolina, as it will be closing due to a NC DOT highway expansion. The proposed location will open in the first quarter of 2020 to coincide with the closing of the existing store.

Ms. Stevens explained the property is zoned properly to allow for an ABC Store. Ms. Stevens added there are no personal or financial interests shared between the property owners and the Mecklenburg County ABC Board members.

Ms. Stevens stated the nearest school, McClintock Middle School, is located approximately .8 miles away at 1925 Rama Road. Ms. Stevens explained the two nearest churches are each located approximately .4 miles away. Charlotte the Truth Buddhist is located at 5909 Monroe Road and Kingdom Hall of Jehovah's Witness is located at 5980 Monroe Road. Ms. Stevens stated the current nearest ABC Store, located approximately 1.9 miles away at 7212 East Independence Boulevard in Charlotte, North Carolina, will be closed in 2020 due to the planned NCDOT expansion. The next closest ABC Store is located at 6400 Albemarle Road in Charlotte, North Carolina, approximately 2.9 miles away. Ms. Stevens added both stores are operated by the Mecklenburg County ABC Board.

Ms. Stevens stated the required sign announcing the ABC Board's intention to open an ABC Store was properly posted on October 25, 2018 and witnessed by Mr. Strickland on November 8, 2018. Ms. Stevens stated no objections have been received and added staff recommends approval of the store.

As no one was present to speak to the Commission, Chairman Guy made a motion to approve the proposed location upon staff recommendation. Commissioner Mitchell seconded the motion. Motion Passed.

Ms. Stevens added members of the Davidson County ABC Board, Lorie Clemment and Sherry Piotti were present. They expressed their appreciation to the Commission and stated they were excited to open the first ABC Store for the Davidson County ABC Board.

**V. EXEMPTION REQUEST PURSUANT TO G.S. § 18B-1116(b) – APOTHECARY BEVERAGE COMPANY, INC. d/b/a THE CHEMIST; ANTIDOTE, INC. d/b/a ANTIDOTE; DEBRA SHENTON WORD**

Mrs. Metz explained The Chemist, a distillery located in Asheville, North Carolina, is 85% owned by Debra Word. Ms. Word is the 100% owner of Antidote, a private club also located in Asheville. Mrs. Metz stated The Chemist opened in June 2018 and produces gin, bierbrand, and apple brandy with approximately 900 barrels produced to date. Mrs. Metz stated the day-to-day operational decisions of Antidote are made by Jonathan David Burritt, the General Manager, who has no financial interest in either corporation.

Mrs. Metz explained, as spirituous liquor must be purchased through the local ABC Board, the exemption is necessary to allow Ms. Word to have ownership interest in both a retailer and a producer. Mrs. Metz added the percentage of The Chemist's product sold at the Antidote would be a small percentage of the products they intend to sell. Mrs. Metz stated staff recommends approval of the exemption request based on the conditions set forth in the petition.

As no one was present to speak regarding the exemption request, Commissioner Mitchell made a motion to follow staff's recommendation and approve the exemption request. Chairman Guy seconded the motion. Motion Passed.

## **VI. APPEAL OF LABEL DISAPPROVAL – WICKED WEED BREWING COMPANY, LLC**

Mrs. Metz summarized, explaining staff reviews requests for product label approval and any questions which might arise are first reviewed by Tami Clifton, director of the Permit and Product Compliance Division. Then, if necessary, Mrs. Metz would review them in the Legal Division. Additionally, Administrator Agnes Stevens would have the ultimate approval or denial of the label.

Mrs. Metz stated a variety of conditions are required by Federal Statutes and Federal Regulations, as well as NC Regulations, regarding what should be prohibited in advertising and on alcohol labels. Mrs. Metz explained a label for a Wicked Weed product, which was very similar to labels approved by a previous administrator, was disapproved by Ms. Stevens after it was presented to her. Mrs. Metz stated Chris Browning, an attorney with Troutman Sanders, was present on behalf of his client, Wicked Weed Brewing.

Ms. Stevens explained the label was a version of a prior label which had been approved by a previous administrator and the Commission. Ms. Stevens stated she had reviewed the label upon the request of staff and it was rejected as there were public health concerns. Ms. Stevens stated the teddy bear and toys depicted on the proposed label might appeal to or confuse children; therefore, the label was not acceptable. Ms. Stevens explained she made the decision regarding the label based upon her authority.

Mr. Browning explained in 2016 and 2017, Wicked Weed produced a unique sour beer, Lost Toys. He stated the product was created from miscellaneous barrels the brewery had accumulated during the year; experimental runs, partial barrels, or products which needed to age to become viable. The barrels were placed in a back corner of the warehouse which the brewmaster referred to as the Island of Misfit Toys. Mr. Browning stated, in 2006[sic], the miscellaneous barrels were first blended and became a unique sour brew.

Mr. Browning provided examples of the labels stating they had previously been approved by the ABC Commission, as well as, the TTB and other states in which labels were submitted and the product was sold. Mr. Browning explained the first label was submitted to the ABC Commission and approved in 2016 for Lost Toys Blend #1. In 2017, the product label for Lost Toys Blend #2 which was slightly different was submitted and approved. Mr. Browning also provided an example of the Lost Toys Blend #3 which was submitted in 2018 and rejected by the NC ABC Commission. Mr. Browning stated this label had been approved by the TTB and in ten other states.

Mr. Browning stated Ms. Stevens rejected the label because she believed it appealed to children. Mr. Browning stated the standard in NC Rule 14B 15B .1003 was a label or advertising should not promote or encourage use by those under 21 years of age, including the representation portraying a person under the age of 21 consuming alcoholic beverages. Mr. Browning added the test should not be whether the label appeals to children and if it were, the NC ABC Commission would be striking labels with cute animals, turtles, butterflies, etc. Mr. Browning again stated the test is whether the label encourages underage drinking and this label does not do that. Mr. Browning stated this was not the case when the previous labels were approved by the Commission, the TTB and other states.

Mr. Browning stated the products are produced from miscellaneous barrels which have been blended into something new and this is reflected in the artwork and the label. Mr. Browning stated the Lost Toys

products have limited points of sale. The products are sold in the Wicked Weed retail shops and high-end bottle shops, not convenience stores or grocery stores. Mr. Browning explained the product is a high-end product and the cost is \$16.00 per bottle of beer. Mr. Browning added the product would not appeal to teenagers or 20 year-olds and it does not promote consumption by people under 21. Mr. Browning stated teenagers would not be encouraged to buy the product because labels with toys would not impress their friends. Mr. Browning stated as far as he was aware, the sale of Lost Toys products to teenagers has never been a problem for Wicked Weed. Mr. Browning stated they are not aware of any minor ever attempting to buy a bottle of Lost Toys or any teenager even wanting a bottle of Lost Toys beer. Mr. Browning stated there is zero reason to believe the label would somehow promote or encourage the sale to or the use by persons under 21 years of age.

Mr. Browning explained failure to approve the label by the ABC Commission, would substantially harm Wicked Weed, as the product has already been brewed and labeled. He added, if the product cannot be sold in North Carolina, his client estimates the damage to Wicked Weed in lost sales would be \$41,000.00. Mr. Browning stated Wicked Weed was acting in good faith based upon the approval of the 2016 and 2017 labels. Mr. Browning added, if the label had not been disapproved, the bottles would now be in stores as they would have been distributed in November as a seasonable beer. Mr. Brown explained \$1.00 from the sale of every bottle was donated to a North Carolina charity in the Asheville region. He added, if the product cannot be sold in North Carolina, it is damaging to Wicked Weed's reputation.

Mr. Browning stated there were First Amendment concerns regarding rejecting the label simply because it was appealing. Mr. Browning provided a copy of the application for approval which was denied by the Commission and the TTB approval of the label and asked the Commission to approve the label.

Chairman Guy asked Mrs. Metz for her comments. Mrs. Metz stated, regarding the First Amendment, there has been tension between the states' right to regulate and commerce's national rights to advertise. Mrs. Metz explained in the advertising rule, reference is made to the Federal Code and what TTB does to approve and disapprove. TTB rules are not concerned with sales to underage persons or if the label is enticing to them; but only consider if the labels are disparaging to their competition, misrepresent content, use names of countries or flags, etc. Mrs. Metz added, the TTB approval is not subjective and some states do not have a label approval process.

Mrs. Metz acknowledged changes in approval may occur; because a label was previously approved, does not mean the administrator must approve it now. Mrs. Metz stated it is possible to put Wicked Weed on notice and allow the sale of the bottled inventory with the understanding the label could not be used in the future. Mrs. Metz explained, as defined in the authoritative statute 18B-100, it is one of the missions of the ABC Commission to protect the public health, safety and welfare. Mrs. Metz stated protection of public health, safety and welfare is subjective. Mrs. Metz added, because there are so many brewers, they attempt to be different to attract attention to their products. Mrs. Metz explained there are many questions and concerns; and, a decision made by a prior administrator does not mean the Commission cannot review it again. The intention is not to harm the industry members, but it is the responsibility of the ABC Commission to protect the public. Mrs. Metz acknowledged there is a definite tension in this country regarding constitutional rights and state rights regarding alcohol.

Commissioner Mitchell inquired if the label is in color. Mrs. Metz stated the provided example shows the actual label.

Ms. Stevens stated it was not disputed whether the Commission has the authority to make a decision regarding approval of a label. Ms. Stevens explained the issue of public health and safety is taken very seriously by this Commission, as shown by the resources and staff dedicated to the Initiative to Reduce Underage Drinking. Ms. Stevens stated a concern regarding this label is a ten year-old child could reach

into the refrigerator and choose a bottle of the product, as they could be easily confused by the toys on the label. Ms. Stevens stated the regulatory authority of the Commission both allows it and requires it to protect the child.

Mr. Browning provided a photograph of a bottle with the label applied. Mr. Browning stated if the depiction of building blocks is an issue, butterflies and turtles should also be removed. Mr. Browning stated the test for labels should not be appeal, but whether it promotes sales to or use by underage persons. He stated it is speculative to think a five year-old would grab a pint-sized bottle of beer. Mr. Browning added parents would store the beer safely. Mr. Browning asked again to allow the labeled bottles in the warehouse to be sold and a new label would be submitted for approval earlier next year.

After conferring with Commissioner Mitchell, Chairman Guy stated as a businessman he understands the issue; however, as an appointed public servant, he has a responsibility to the public welfare and safety of young people. Commissioner Mitchell stated he had no questions and made a motion to deny the appeal as recommended by staff. Chairman Guy seconded the motion. Motion Passed.

Chairman Guy thanked the staff for their work regarding this matter.

## **VII. PUBLIC HEARING ON PROPOSED PERMANENT DEFINE SPORTS AND ENTERTAINMENT VENUES RULE – RULE 14B NCAC 15B .0101**

Chairman Guy stated the public hearing on the permanent Define Sports and Entertainment Venues Rule proposed on September 12, 2018, for which notice of hearing was published October 15, 2018, was opened.

Chairman Guy recognized Walker Reagan, the rules coordinator, to provide an overview. Mr. Reagan provided drafts of the proposed rules to the Commission and explained, on September 12, 2018, the ABC Commission proposed the permanent Define Sports and Entertainment Venues Rule. The proposed rule, the notice of public hearing and notice of public written comment period were filed with the Office of Administrative Hearings on that same date and were published in the NC Register on October 15, 2018. Mr. Reagan stated copies were posted on the Commission website and emailed to the ABC Commission rulemaking committee on September 19, 2018.

Mr. Reagan stated the public hearing was properly noticed for December 12, 2018 and the public comment period would be open through December 14, 2018. Mr. Reagan explained the statutory time period after publication for the public hearing and comment period had been complied with. Mr. Reagan stated no written comments have been received since the proposed rule was published. Mr. Reagan explained, as the public comment period runs through December 14, 2018, the Commission could not consider the adoption of the rule during the December meeting, but would be able to do so at its January 2019 meeting.

Chairman Guy asked if there was anyone present who wished to address the Commission regarding the proposed rule. As no one was present, Chairman Guy closed the public hearing.

**VIII. PUBLIC HEARING ON PROPOSED PERMANENT DESTROY DISTRESSED LIQUOR AMENDMENTS RULES – RULES 14B NCAC 15A .1603; .1604; .1701**

Chairman Guy stated the public hearing on the permanent Destroy Distressed Liquor Amendments Rules proposed on September 12, 2018, for which notice of hearing was published October 15, 2018, was opened.

Mr. Reagan provided drafts of the proposed rules to the Commission and explained, on September 12, 2018, the ABC Commission proposed the permanent Destroy Distressed Liquor Amendments Rules. The proposed rules, the notice of public hearing and notice of public written comment period were filed with the Office of Administrative Hearings on that same date and were published in the NC Register on October 15, 2018. Mr. Reagan stated copies were posted on the Commission website and emailed to the ABC Commission rulemaking committee on September 19, 2018.

Mr. Reagan stated the public hearing was properly noticed for December 12, 2018 and the public comment period would be open through December 14, 2018. Mr. Reagan explained the statutory time period after publication for the public hearing and comment period had been complied with. Mr. Reagan stated no written comments have been received since the proposed rules were published. Mr. Reagan explained, as the public comment period runs through December 14, 2018, the Commission could not consider the adoption of the rules during the December meeting, but would be able to do so at its January 2019 meeting.

Chairman Guy asked if there was anyone present who wished to address the Commission regarding the proposed rule change. As no one was present, Chairman Guy closed the public hearing.

**IX. PUBLIC HEARING ON PROPOSED PERMANENT SPIRITUOUS LIQUOR SPECIAL EVENT PERMIT RULES – RULES 14B NCAC 15C .0101; .0102; .0901; AND .1301-1306**

Chairman Guy stated the public hearing on the permanent Spirituous Liquor Special Event Permit Rules proposed on September 12, 2018, for which notice of hearing was published October 15, 2018, was opened.

Mr. Reagan provided drafts of the proposed rules to the Commission and explained, on September 12, 2018, the ABC Commission proposed the permanent Spirituous Liquor Special Event Permit Rules. The proposed rules, the notice of public hearing and notice of public written comment period were filed with the Office of Administrative Hearings on that same date and were published in the NC Register on October 15, 2018. Mr. Reagan stated copies were posted on the Commission website and emailed to the ABC Commission rulemaking committee on September 19, 2018.

Mr. Reagan stated the public hearing was properly noticed for December 12, 2018 and the public comment period would be open through December 14, 2018. Mr. Reagan explained the statutory time period after publication for the public hearing and comment period had been complied with. Mr. Reagan stated no written comments have been received since the proposed rules were published. Mr. Reagan explained, as the public comment period runs through December 14, 2018, the Commission could not consider the adoption of the rules during the December meeting, but would be able to do so at its January 2019 meeting.

Chairman Guy asked if there was anyone present who wished to address the Commission regarding the proposed rule. As no one was present, Chairman Guy closed the public hearing.

**X. PUBLIC HEARING ON PROPOSED PERMANENT TAX STAMP PLACEMENT RULE  
– RULE 14B NCAC 15A .1901**

Chairman Guy stated the public hearing on the permanent Tax Stamp Placement Rule proposed on September 12, 2018, for which notice of hearing was published October 15, 2018, was opened.

Mr. Reagan provided drafts of the proposed rules to the Commission and explained, on September 12, 2018, the ABC Commission proposed the permanent Tax Stamp Placement Rule. The proposed rule, the notice of public hearing and notice of public written comment period were filed with the Office of Administrative Hearings on that same date and were published in the NC Register on October 15, 2018. Mr. Reagan stated copies were posted on the Commission website and emailed to the ABC Commission rulemaking committee on September 19, 2018.

Mr. Reagan stated the public hearing was properly noticed for December 12, 2018 and the public comment period would be open through December 14, 2018. Mr. Reagan explained the statutory time period after publication for the public hearing and comment period had been complied with. Mr. Reagan stated no written comments have been received since the proposed rule was published. Mr. Reagan explained, as the public comment period runs through December 14, 2018, the Commission could not consider the adoption of the rules during the December meeting, but would be able to do so at its January 2019 meeting.

Chairman Guy asked if there was anyone present who wished to address the Commission regarding the proposed rule. As no one was present, Chairman Guy closed the public hearing.

**XI. PUBLIC HEARING ON PROPOSED PERMANENT VISIBLE INDOOR ADVERTISING  
IN SPORTS ARENAS RULE – RULE 14B NCAC 15B .1006**

Chairman Guy stated the public hearing on the permanent Visible Indoor Advertising in Sports Arenas Rule proposed on September 12, 2018, for which notice of hearing was published October 15, 2018, was opened.

Mr. Reagan provided drafts of the proposed rules to the Commission and explained, on September 12, 2018, the ABC Commission proposed the permanent Visible Indoor Advertising in Sports Arenas Rule. The proposed rule, the notice of public hearing and notice of public written comment period were filed with the Office of Administrative Hearings on that same date and were published in the NC Register on October 15, 2018. Mr. Reagan stated copies were posted on the Commission website and emailed to the ABC Commission rulemaking committee on September 19, 2018.

Mr. Reagan stated the public hearing was properly noticed for December 12, 2018 and the public comment period would be open through December 14, 2018. Mr. Reagan explained the statutory time period after publication for the public hearing and comment period had been complied with. Mr. Reagan stated no written comments have been received since the proposed rule was published. Mr. Reagan explained, as the public comment period runs through December 14, 2018, the Commission could not consider the adoption of the rules during the December meeting, but would be able to do so at its January 2019 meeting.

Chairman Guy asked if there was anyone present who wished to address the Commission regarding the proposed rule. As no one was present, Chairman Guy closed the public hearing.

**XII. CONSIDERATION OF ADOPTION OF PERMANENT CHANGE TO ABC COMMISSION WEBSITE ADDRESS RULE – 14B NCAC 15A .0102**

Chairman Guy stated the matter before the Commission is the consideration of the amendment of Rule 14B NCAC 15A .0102 to correct the ABC Commission’s website address.

Mr. Reagan explained, in June the Commission adopted a technical amendment to the rule to correct the email address used by the Commission. Mr. Reagan requested the Commission additionally adopt the amendment to 14B NCAC 15A .0102 to correct the ABC Commission’s website address. Mr. Reagan explained, because this is a technical correction and not a policy or substantive change, it is not required to go through the full rule-making process. Mr. Reagan requested the Commission direct the amended rule be filed with the Office of Administrative Hearings and if approved, include it in the Administrative Code. Mr. Reagan stated staff recommended the Commission adopt the amendment to 14B NCAC 15A .0102; direct it to be filed with the Office of Administrative Hearings; and, authorize staff to make any non-substantive changes to the proposed rule as needed.

Commissioner Mitchell made a motion to amend Rule 14B NCAC 15A .0102 to correct the ABC Commission’s website address as presented and the recommendations of staff regarding the rule. Chairman Guy seconded the motion. Motion Passed.

As no one else was present to address the Commission, Chairman Guy thanked those in attendance and also thanked the ABC Commission staff for their hard work. Chairman Guy wished everyone Happy Holidays and a Merry Christmas. And with no further business, the meeting was adjourned by Chairman Guy.

*Approved at the January 16, 2019 Commission Meeting*

/S/ A.D. “Zander” Guy, Jr.  
A.D. “Zander” Guy, Jr., Chairman  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

/S/ Caroline Y. Washburn  
Caroline Y. Washburn for the Legal Section