

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
October 16, 2024**

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 October 16, 2024, 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 October 16, 2024, Commission meeting to order, introduced himself, and welcomed Commissioner La’Tanta (L.T.) McCrimmon, Commissioner David Sherlin, 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 that might create the appearance of a conflict of interest concerning any matters on the agenda. Commissioner Sherlin had a conflict with Offer in Compromise 79 and recused himself.

OCTOBER 16, 2024, AGENDA

Chairman Bauer asked if there were any requests to make changes to the agenda. Assistant General Counsel Renee Metz stated that there was a technical change for the Suffolk Punch Holdings amended order for exemption and asked that it be item IV. Assistant General Counsel Kirstin Greene requested a closed session to discuss a personnel matter be added as item V. Commissioner Sherlin made a motion to approve the agenda as amended. 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 October 16, 2024. Commissioner McCrimmon made a motion to adopt the agenda as amended. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

MINUTES OF THE SEPTEMBER 18, 2024, COMMISSION MEETING

Chairman Bauer asked the Commissioners if they received a copy of the September 18, 2024, Commission meeting minutes and had an opportunity to review them. They stated they had. Chairman Bauer stated he received a copy as well and reviewed it.

Commissioner Sherlin made a motion to waive the reading of the minutes of the September 18, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon made a motion to approve the minutes of the September 18, 2024, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

General Counsel Stacey Carter-Coley asked if there was anyone present who would like to be heard regarding item #79 due to Commissioner Sherlin recusing himself. There was no response. Staff recommended adopting the OIC as presented. Commissioner McCrimmon moved that we take the staff's recommendation on case #79. Chairman Bauer seconded. A vote was held, and the motion passed.

General Counsel Stacey Carter-Coley asked if any of the remaining 84 cases had anyone there that wanted to be heard. There was no response and she asked that the remaining cases be adopted. Commissioner Sherlin moved that we adopt the remaining cases as presented. Commissioner McCrimmon seconded. A vote was held, and the motion passed.

II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – DNA Beverage company, LLC (commercial, retail); Brewers Kettle, LLC (retail); David Armstrong

Assistant General Counsel Renee Metz summarized this request for an exemption granted in January 2023 based on cross-tier joint ownership by David Armstrong of DNA Beverage Company, which holds commercial and retail permits, and Brewers Kettle that holds retail permits. Mr. Armstrong owns 50% of DNA Beverage and 100% of Brewers Kettle.

The request was for a change in retail locations to be included in the exemption. The previous Clemmons location that was included in the original exemption has since cancelled their permits and a new location will be applying for permits in High Point at 313 South Centennial Street. The petition states DNA Beverage will not sell any of its wine at Brewers Kettle locations. The original order did however authorize the sale of products solely through independent, third-party wholesalers. All other conditions will remain the same. Legal staff request amending the previous order to delete the retail location in Clemmons.

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

III. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – Storm Clouds Brewing, LLC (commercial, retail); Clouds Brewing, LLC (retail); Matthew MacNeil

Mrs. Metz asked if there was anyone present regarding this exemption request. Hearing no reply, Mrs. Metz summarized that this was another cross-tier ownership by Matthew MacNeil of Storm Clouds Brewing, LLC, which holds commercial and retail permits in Raleigh and retail permits in Durham, and Cloud Brewing, LLC, a location in Chapel Hill that holds temporary retail permits. Matthew MacNeil owns 75% of Storms Clouds and 100% of Clouds Brewing, LLC.

Mrs. Metz continued, stating that if the Commission was so inclined to grant this exemption, Legal Section requested that Mr. MacNeil have no day-to-day operational control of the Chapel Hill retail Location only since the Durham location is under the same entity and trading name as the brewery. She also asked that the Chapel hill location of Clouds Brewing shall employ one or more general managers who will have no financial interest in the company except as employees and have exclusive authority and control over all malt beverage products. If the manager opts to purchase Storm Clouds Brewing, LLC malt beverages, the number of Storm Clouds Brewing products shall not exceed their reasonable market share.

Chairman Bauer made a motion to approve this exemption request. 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) – Suffolk Punch Holdings, LLC (commercial, retail); Noble Smoke (retail); Bossy Beaut's Chicken Shack II, LLC; Hamburgers BB, LLC; Glen Cherry, Charles Ricks

Mrs. Metz stated this was a request for a technical correction to an Amended Order for exemption granted on September 18, 2024, due to an oversight. The basis for restricting cross-tier ownership from managing malt beverage orders does not exist for this specific location due to exclusivity authorized by G.S. 18B-1104(a)(8) when the retail entity and trading as name are identical to that of the brewery. Legal staff requested to revise the Amended Order from September 18, 2024 to allow both Mr. Cherry and Mr. Ricks to be managers for the retail location holding permit 00254858AK-998. If the commission is inclined to grant the revision, staff requests that the order be consolidated with and incorporated into the Amended Order dated September 18, 2024.

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

V. CLOSED SESSION PURSUANT TO N.C.G.S. § 143-318.11(a)(6)

Assistant General Counsel Kirstin Greene requested the Commission move into closed session pursuant to N.C.G.S. § 143-318.11(a)(6). Chairman Bauer made a motion to move into closed session.

VI. OTHER BUSINESS

Chairman Bauer asked if there was any other business. Hearing none, he adjourned the October 16, 2024, Commission meeting.

The next Commission meeting will be held Wednesday, November 13, 2024, beginning at 10:00 AM at the ABC Commission.

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

Respectfully submitted by,

/S/ Trey Maye
Trey Maye for the Legal Section

Approved at November 13, 2024 Commission meeting.