NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION
MEETING MINUTES

Date	Wednesday, October 14, 2026
Meeting	North Carolina ABC Commission 400 E. Tryon Road Raleigh, NC 27610
Presiding	Chairman Hank Bauer
Next Meeting	Wednesday, November 18, 2026 at 10:00 a.m.

1. Call to Order and Welcome

Chairman Hank Bauer called the October 14, 2026, meeting of the North Carolina ABC Commission to order. Commissioners McCrimmon and Sherlin were present. Assistant General Counsel staff and other Commission Legal staff were also in attendance. Chairman Bauer welcomed ALE Agents and thanked them for their service.

2. Conflict-of-Interest Review

In accordance with N.C. General Statute § 138A-35, Commission members reviewed the agenda for conflicts of interest or circumstances that could create the appearance of a conflict. Commissioners McCrimmon and Sherlin stated they had reviewed the agenda and had no conflicts. Chairman Bauer affirmed no conflicts as well.

3. Adoption of Agenda

- Chairman Bauer moved to adopt the October 14, 2026, meeting agenda as presented.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

4. September 9, 2026, Meeting Minutes

The Commissioners confirmed receipt and review of the September 9, 2026, meeting minutes.

- Commissioner McCrimmon moved waive the reading of the minutes.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

- Commissioner Sherlin moved to approve the minutes as presented.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

5. Hearing Cases – Offers in Compromise

Legal Staff presented 114 offers in compromise for the Commission's consideration. The Assistant Geneal Counsel asked whether anyone present wished to be heard regarding any of the offers; no request to be heard was made.

- Commissioner Sherlin moved to ratify the 114 Offers in Compromise.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

The Commission acknowledged staff's work in processing the unusually high number of cases.

6. Johnston County ABC Board – New Store Request

The Commission considered the Johnston County ABC Board's request, submitted August 17, 2026, for approval to acquire property for a new ABC store at 68 Merchant Avenue in Clayton. Program Analyst Edwin Strickland gathered information for the report.

- The site is adjacent to commercial and residential uses.
- Anticipated first-year sales are approximately $6 million.
- The property is owned by Southwest Crossword Holdings, and disclosed financial information showed no shared personal or financial interest between the property owner and the Johnston County ABC Board.
- On August 28, 2026, a Johnston County senior planner confirmed that the property is within a planned-use development that allows ABC stores.
- The proposed building was described as approximately 10,000–12,000 square feet, with approximately 62% intended for showroom and mixed-beverage use.
- The nearest school is approximately 1.1 miles away, the nearest church approximately 1.2 miles away, and the nearest ABC store approximately 8.7 miles away.
- Notice of the Board's intent to open an ABC store was posted at the location on August 17, 2026. As of September 14, 2026, the Board had received no objections.

Staff concluded that the applicable Chapter 18B requirements had been satisfied. No one present requested to be heard on the matter.

- Commissioner Sherlin moved to approve the Board’s request for a new store.
- Commissioner McCrimmon seconded.
- The motion passed unanimously.

7. Pinky Promise – Exemption Request

The Commission considered a request for an exemption involving cross-ownership across the retail and commercial tiers and dual employment at licensed premises. The request involved Haley Brown and Timmy Hoffman in connection with Pinky Promise and Moon Eye Distillery.

- Haley Brown owns 50% of the distillery and is an employee of the Pinky Promise retail location.
- Timmy Hoffman would own 50% of the distillery, owns 100% of the retail business, and would also be employed at the distillery.

Legal staff reviewed the petition under N.C.G.S. § 18B-1116 and recommended approval subject to conditions:

- Neither Haley Brown nor Timmy Hoffman may serve as the manager responsible for ordering spirituous liquor for Pinky Promise.
- The manager responsible for ordering spirituous liquor for Pinky Promise must have no financial interest beyond that of an employee.
- While Brown or Hoffman is performing services for one entity, that individual may have no interaction with the other entity.
- The amount of Moon Eye Distillery products sold at Pinky Promise may not exceed Moon Eye Distillery's reasonable market share and may be purchased only through the designated ABC store for the Blue Ridge ABC Board.

- Chairman Bauer moved to approved the exemption request.
- Commissioner Sherlin seconded.
- The motion passed unanimously.

8. Public Hearing – 14B NCAC 15A Sections .0100-.0400

The Commission opened the public hearing for the rule matter of 14B NCAC 15A Sections .0100-.0400. No public comments were offered, and the comment period was closed.

9. Rule Adoption – 14B NCAC 15C Sections .1300, .0708 and .0715

The Commission considered adoption of rules .0708 and .0715 as part of the mandatory periodic review process under N.C.G.S. § 150B-21.3A. Staff explained that Rule .0708 had been carried over from a prior set of rules following a request to reconsider amended language and that Rule .0715 had previously been omitted because of a potential conflict with federal regulations.

The proposed rules were published in the North Carolina Register on July 15, 2026, distributed to the interested-parties list, and posted on the Commission's website. During the public-comment period ending September 14, 2026, the Distilled Spirits Council of the United States (DISCUS) submitted comments regarding Rule .0715, including a request to eliminate approval requirements for promotions, sweepstakes, and contests or, alternatively, reduce the prior-notice requirement to seven business days. The proposed rule had already reduced the approval lead time from two months to three weeks.

After considering the comments and staff's responses, the Commission moved to:

- Add the words "items such as" to the definition of advertising specialties.
- Retain the three-week lead time for promotions rather than adopting the proposed seven-business-day period.
- Not further address point-of-sale advertising materials because those matters had already been addressed in previously adopted rules.

    - Commissioner Sherlin moved to adopt Legal's response.
    - Commissioner McCrimmon seconded.
    - The motion passed unanimously.

    - Commissioner Sherlin moved to adopt the rules and file them with the Office of Administrative Hearings for review by the Rules Review Commission and inclusion in the Administrative Code, and authorizing staff to make non-substantive changes.
    - Commissioner McCrimmon seconded.
    - The motion passed unanimously.

10. Proposed Rule Amendments – 14B NCAC 15A Sections .0500, .0600, .0800

The Commission considered proposed amendments to 14B NCAC 15A, Sections .0500, .0600, and .0800. Section .0700 was omitted because staff stated that there were no active rules in that section.

The Commission approved proceeding with the proposed amendments, including:

- Filing the proposed rules with the Office of Administrative Hearings for publication in the North Carolina Register.
- Sending copies of the proposed permanent rules to persons on the rulemaking email list and posting them on the Commission's website.
- Scheduling a public hearing on the proposed permanent rules for January 13, 2027.

- Keeping the public-comment period open through January 15, 2027.
- Authorizing staff to make non-substantive changes.

    - Commissioner Sherlin moved to approve the proposed text for 14B NCAC Sections .0500, .0600, and .0800.
    - Commissioner McCrimmon seconded.
    - The motion passed unanimously.

11. Other Business – 2027 Commission Meeting Dates

The Commission considered additional meeting dates for 2027. A motion was made and seconded to approve the following dates:

- February 17, 2027
- March 10, 2027
- April 7, 2027
- May 12, 2027
- June 9, 2027

    - Commissioner Sherlin moved to adopt the proposed dates.
    - Commissioner McCrimmon seconded.
    - The motion passed unanimously.

12. Adjournment

There being no further business before the Commission, the October 14, 2026, meeting was adjourned.

The next Commission meeting was announced for Wednesday, November 18, 2026, at 10:00 a.m.

__/s/ Hank Bauer_____

Hank Bauer, Chairman
North Carolina Alcoholic Beverage Control Commission

Respectfully Submitted,

_/s/ Marilyn Smalls_____
Marilyn Smalls
For the Legal Section