

North Carolina
Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, NC 27610

Summary of Action Taken On
Wednesday, January 16, 2013

SECTION I

CONTESTED CASES

1. Bobby Warren Joyner
T/A **Hillsdale Club**
Route 15, Hillsdale Community
Greenville NC 27834
53188A-999
AJ

Imposition of Administrative Law Judge's Final Decision – 60-day suspension *and* payment of \$1,000.00 on charges of (1) failure to superintend, (2) failure to destroy the unconsumed portion of an alcoholic beverage left by a customer and (3) knowingly allowing violations of the controlled substance statutes to occur on the licensed premises.

2. Quick Quality Inc
T/A **Rock Star Grill and Bar**
242 South Fayetteville Street
Asheboro NC 27203
00163881AK-999
AJ AY

Imposition of Administrative Law Judge's Final Decision – 30-day suspension *and* payment of \$750.00 on charges of (1) allowing consumption by intoxicated persons, (2) tax stamps not permanently defaced and (3) establishing or maintaining living quarters in or connected to the licensed premises.

3. Quick Quality Inc
T/A **Rock Star Grill and Bar**
242 South Fayetteville Street
Asheboro NC 27203
00163881AK-998
AJ AY

Final Agency Decision – Adopt Administrative Law Judge’s decision for a 30-day suspension on charges of (1) allowing consumption by an intoxicated person, (2) selling to an underage person, (3) failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages, (4) owning more than one licensed retail establishment and transferring alcoholic beverages between establishments without getting prior approval in writing from the ABC Commission, (5) tax stamps not permanently defaced (two counts) and (6) failure to separate, store and provide for the collection for recycling of all recyclable beverage containers.

4. Fat Cats Grill and Oyster Bar Inc
T/A **Fat Cats Grill and Oyster Bar**
2331 East Ozark Avenue
Gastonia NC 28054
66662A-999
AJ AY

Imposition of Administrative Law Judge’s Final Decision – Mixed Beverage Restaurant permit to be suspended for one year on charge of failure to file quarterly financial reports.

SECTION II

OFFERS IN COMPROMISE

Suspensions:

5. Bodacious Bear LLC
T/A **Bodacious Bear Pub**
45 Slab Town Road Suite B-1
Cashiers NC 28717
00200927AJ-999
AJ AL AY

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person (two counts).

6. Bucks in Cashiers LLC
T/A **Bucks Coffee Café**
6 Hwy 107 North
Cashiers NC 28717
00200344AJ-999
AJ AL

Offer in Compromise – 36-day suspension, suspended upon payment of \$3,600.00 on charge of selling to an underage person (two counts).

7. Cashiers Exxon Inc
T/A **Cashiers B P**
631 Hwy 64 East
Cashiers NC 28717
00199738AK-999
AK AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

8. Club Management Cleveland LLC
T/A **Cleveland Country Club**
1360 East Marion Street
Shelby NC 28150
00201655AJ-999
AJ AN AL BT BX

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of missing tax stamps.

9. Thomas Norman Greb
T/A **Corner Pockets**
3116 Bragg Boulevard
Fayetteville NC 28303
00186043AJ-999
AJ AZ

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure to purchase fortified wine only from a wholesaler.

10. Omar Investments Inc
T/A **First Break**
4182 South Main Street
Farmville NC 27828
00176718AK-999
AK AO AM

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charges of (1) knowingly allowing violations of the controlled substance statutes to occur on the licensed premises, (2) possessing stolen property on the licensed premises, (3) did unlawfully purchase an Electronic Benefits Transfer Card on the licensed premises and (4) failure to superintend.

11. Greystone Restaurant LLC
T/A **Greystone Restaurant**
3039 South Boulevard Suite J-K
Charlotte NC 28209
00183273AJ-999
AJ AL AY

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of failure to file annual financial reports.

12. Francis Hoi Chan
T/A **Jade Palace Restaurant**
103-A East Main Street
Carrboro NC 27510
25724A-999
AJ AL

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of giving to an underage person.

13. Jeffries Road Inc
T/A **Jeffries Road Food Mart**
650 Jeffries Road
Rocky Mount NC 27804
00115907AK-999
AK AO AM

Offer in Compromise – Eight-day suspension, suspended upon payment of \$800.00 on charge of transferring glass tubes without requiring the purchaser to present identification or to sign a purchase log on the licensed premises.

14. Pantry Inc
T/A **Kangaroo Express 3480**
1395 US 1 South
Aberdeen NC 28387
Q11443-627
AK AM

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

15. T M C Restaurant of Charlotte LLC
T/A **Mens Club**
444 Tyvola Road
Charlotte NC 28217
67501A-999
AJ AN AL AY

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of performing services while or after consuming alcoholic beverages.

16. Partnership
T/A **Mingle City Sports Bar and Grill**
1495 US Hwy 74A Bypass Suite 160-170
Spindale NC 28160
00195022AJ-999
AJ AL AY

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file monthly financial reports.

17. B J T Inc
T/A **Mutual Dist Company**
301 Industrial Drive
New Bern NC 28562
0243WT-998
BA

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of holder of a Salesman permit for a wholesaler, did purchase unfortified wine from a retail outlet to resell to another retail outlet.

18. Brevard Hospitality Group LLC
T/A **Privilege**
223 South Brevard Street
Charlotte NC 28203
00193130AJ-999
AJ AL AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file annual financial reports.

19. Cazaly LLC
T/A **Rudys Pub and Grill**
780 West Williams Street
Apex NC 27502

Continued

20. Stencil Oil Company Inc
T/A **Stancils Amoco Food Shop 3**
905 South Pollock Street
Selma NC 27576
05731B-996
AK

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

21. Thorn In Your Side Inc
T/A **T J's Beverage and Tobacco**
306 East Main Street
Carrboro NC 27510
00131719AK-999
AK AM CE DF

Offer in Compromise – 25-day suspension, suspended upon payment of \$3,500.00 on charge of selling to an underage person.

22. Thorn In Your Side Inc
T/A **T J's Beverage and Tobacco**
306 East Main Street
Carrboro NC 27510
00131719AK-999
AK AM CE DF

Offer in Compromise – 35-day suspension, suspended upon payment of \$5,000.00 on charge of selling to an underage person

23. Partnership
T/A **Tenampa Night Club**
114 West Horton Street
Zebulon NC 27597
00113614AJ-999
AJ

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of (1) possessing alcoholic beverages for sale without first obtaining the applicable ABC Permit and revenue license on the licensed premises, (2) failure to purchase malt beverages only from a wholesaler and (3) failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages.

24. Earl L Pickett Enterprises Inc
T/A **Town N Country 48**
412 LaSalle Street
Durham NC 27705
37667B-993
AK AO AM

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

25. Uptown Mercado LLC
T/A **Uptown Mercado**
204 North Hardee Street
Durham NC 27703
00190080AK-999
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

26. Via 216 LLC
T/A **Via 216 Bar and Grill**
216 Tallywood Shopping Center
Fayetteville NC 28303
00175285AJ-999
AJ AN AL AZ

New permits to new applicant before meeting and fine paid.

27. Gabriel Jimenez
T/A **Vibe**
117 Odell Road
Spring Lake NC 28390
00162012AJ-999
AJ AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to purchase malt beverages only from a wholesaler.

28. WilcoHess LLC
T/A **Wilco 201**
1213 Martin Luther King Jr Boulevard
Chapel Hill NC 27514
Q11485-939
AK

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

29. Zippy Express LLC
T/A **Zippy Express**
25 J R Road
Selma NC 27576
00200380AK-999
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

30. Hoa Van Tran
T/A **B P 4**
531 Roosevelt Boulevard
Monroe NC 28110
00138563AK-999
AK AO AM

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charges of (1) failure to have within 60 days of receipt of permit, at least one exterior sign stating the trade name of the licensed premises as it appears on the permit, (2) failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and (3) failure to keep the sales tickets and delivery receipts furnished by the wholesaler, as well as all other records of purchases of malt beverages and wine, filed separate and apart from all other records.

31. B 2 Inc
T/A **Cadillac Ranch Triple D's** *formerly Cadillac Ranch Room 54*
3101 Fort Bragg Road
Fayetteville NC 28303
67405A-999
AJ AL AZ

Offer in Compromise – Four-day suspension, suspended upon payment of \$400.00 on charges of premixing mixed beverages prior to receiving an order for the beverage from a customer and without receiving ABC Commission approval and establishing or maintaining living quarters in or connected to the licensed premises.

32. Varahi Maa Inc
T/A **C's**
101 Julius Chambers Boulevard
Mount Gilead NC 27306
00122523AK-997
AK AO AM

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of (1) allowing consumption of unfortified wine on premises having only an off premise unfortified wine permit, (2) employee was intoxicated while on the licensed premises and (3) performing services while or after consuming alcoholic beverages.

33. Cashiers Exxon Inc
T/A **Cashiers Exxon 1**
41 North Hwy 107
Cashiers NC 28717
00199738AK-998
AK AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

Continued

34. Carrburritos Inc
T/A **Carrburritos Taqueria**
711 West Rosemary Street
Carrboro NC 27510

35. Rachel Dawn Stallings
T/A **Dinkys Dungeon**
4302 Faith Baptist Church Road
Pinetops NC 27864
00111964AJ-999
AJ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of allowing consumption by intoxicated persons and knowingly selling alcoholic beverages to intoxicated persons.

36. Sampson Bladen Oil Company Inc
T/A **Han Dee Hugos 15**
446 Hwy 70 East
Selma NC 27576
Q11310-991
AK AO AM

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

37. James Joyce Irish Pub LLC
T/A **James Joyce Irish Pub**
912 West Main Street
Durham NC 27701
00161473AJ-999
AJ AN AL AY

Offer in Compromise – 14-day suspension, suspended upon payment of \$1,400.00 on charge of giving to underage persons.

38. Morgan and Fletcher LLC
T/A **Lloyds Lounge**
704 Rigsbee Avenue
Durham NC 27701
00177392AJ-999
AJ AL AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file annual financial reports.

39. Goosy Lucys Inc
T/A **Mad Batter Bakery and Café**
568 Centennial Drive
Cullowhee NC 28723
00199701AJ-999
AJ AL

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

40. Lil Thrift Food Marts Inc
T/A **Short Stop Food Mart 12**
401 East Anderson Street
Selma NC 27576
Q11146-926
AK AO AM

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

41. Valhalla Pub and Eatery LLC
T/A **Valhalla Pub and Eatery**
317 South Church Street
Charlotte NC 28202
00187396AJ-999
AJ AN AL AY

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file quarterly financial reports.

42. Betty Vanessa Watkins
T/A **Betdeez Jazz Events**
4800 Grove Barton Road Suite 104
Raleigh NC 27613
00182398AJ-999
AJ AL AZ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of transferring a mixed beverage tax stamp from one spirituous liquor container to another.

43. Bonsai's LLC
T/A **Bonsai's**
11629 Hwy 70 West
Clayton NC 27520
00145964AJ-999
AJ AL AY

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of failure to file annual financial reports.

44. Cackleberrys Carrboro Inc
T/A **Elmos Diner**
200 North Greensboro Street Suite B12
Carrboro NC 27510
00194738AJ-999
AJ AL

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of giving to an underage person.

45. Gloria Group LLC
T/A **Gloria's Restaurant**
7037 Wrightsville Avenue
Wilmington NC 28403
00195177AJ-999
AJ AL AY

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of tax stamps not permanently defaced and missing tax stamps.

46. Sampson Bladen Oil Company Inc
T/A **Han Dee Hugos 77**
1203 West Club Boulevard
Durham NC 27701
Q11310-952
AK AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

47. TRnightlife LLC
T/A **Inferno**
212 South Elm Street Basement Level
Greensboro NC 27401
00187098AJ-999
AJ AN AL AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file annual financial reports.

48. Youngman Yun
T/A **Mammys Sports Bar**
4908 Central Avenue
Charlotte NC 28205
00154156AJ-999
AJ AZ

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charges of knowingly employing a person under the age of 18 to prepare, serve, dispense or sell alcoholic beverages on the licensed premises and a person under the age of 18, did prepare, serve, sell, dispense or deliver alcoholic beverages on the licensed premises holding on-premise permits.

49. Malek Kaid Almontaser
T/A **Neighborhood Market**
507 Lizzie Street
Selma NC 27576
00081070AK-999
AK AO AM

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

50. Ngo Enterprises of Monroe Inc
T/A **Raceway Amoco 7**
801 Lancaster Avenue
Monroe NC 28112
001144007AK-999
AK AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

51. Venable Carrboro LLC
T/A **Venable Rotisserie Bistro**
200 North Greensboro Street Suite A-18
Carrboro NC 27510
00198915AJ-999
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

52. Leonard Grayson Watson
T/A **Winner Circle**
3312 Hwy 441
Whittier NC 28789
00199899AJ-999
AJ

Offer In Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

53. Ali Azkar Alizada
T/A **Big Boys Market B P Gas Station**
5401-A West Market Street
Greensboro NC 27409
00194357AK-999
AK AM

Offer in Compromise – 14-day suspension, suspended upon payment of \$1,400.00 on charge of selling to an underage person.

54. Salsa and Beer Inc
T/A **Salsa and Beer**
231 Skyland Plaza
Spring Lake NC 28390
00190569AJ-999
AJ AN AL AY

Offer in Compromise – Two-day suspension, suspended upon payment of \$250.00 on charge of failure to purchase unfortified wine only from a wholesaler.

Reconsiderations:

55. Triyuga Inc
T/A **Raceway**
1921 South Main Street
High Point NC 27260

Continued

56. Tavern 51 Inc
T/A **Tavern 51**
8700 Pineville Matthews Road Suite 310
Charlotte NC 28226
00178273AJ-999
AJ AL AY

Offer in Compromise – 40-day suspension with the last 30 days suspended upon the payment of \$4,000.00 on charges of failure to superintend and allowing the possession and consumption of alcoholic beverages in an area of the premises other than those specifically approved by the Commission (four counts).

CLASSES

- (54-8) Ibrahim Sabhi Rizek
T/A **Marks Food Market**
2205 Pactolus Hwy
Greenville NC 27834
00177398AK-999
AK AO AM

Offer in Compromise – 18-day suspension, suspended upon payment of \$1,800.00 on charge of a person under the 21 years of age, did aid and abet persons less than 21 years of age to possess alcoholic beverages. Respondent attended a Responsible Alcohol Seller Program on August 21, 2012.

- (39-9) Maruti 07 Inc
T/A **Franklin Market**
167 East Franklin Street
Chapel Hill NC 27514
00185035AK-999
AK AO AM

Offer in Compromise – 19-day suspension, suspended upon payment of \$1,950.00 on charge of selling to an underage person. Respondent attended a Responsible Alcohol Seller Program on September 12, 2012 and December 19, 2012.

- (81-9) A G of Raleigh Inc
T/A **Mellow Mushroom**
601 West Peace Street
Raleigh NC 27605
00112244AJ-999
AJ AN AL AY

Offer in Compromise – Seven-day suspension, suspended upon payment of \$750.00 on charges of failure to post each ABC permit and owning more than one licensed retail establishment and transferring alcoholic beverages between establishments without getting prior approval in writing from the ABC Commission. Respondent attended a Responsible Alcohol Seller Program on October 9, 2012 and October 10, 2012.

- (35-11) Partnership
T/A **Safeway**
9891 Hwy 210
Four Oaks NC 27524
00191881AK-999
AK AO AM AY

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to underage persons. Respondent attended a Responsible Alcohol Seller Program on November 29, 2012.

(41-11) **McMurphys Inc**
T/A **A J McMurphys**
1914 Turnbury Drive
Greenville NC 27858
00167847AJ-999
AJ AN AL AY

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,600.00 on charges of failure to determine age and selling to underage persons (three counts). Respondent attended a Responsible Alcohol Sales Education with the Pitt County ABC Board on August 1, 2012.

(56-11) **Ruckus 3 Inc**
T/A **Ruckus Pizza Pasta and Spirits**
1101 Market Center Drive
Morrisville NC 27560
00197944AJ-999
AJ AL AY

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of giving to an underage person. Respondent attended a Responsible Alcohol Seller Program on December 11, 2012.

(17-12) **Shree Kalash Corp**
T/A **T and M Food Mart**
2000 Lancaster Avenue
Monroe NC 28112
00125624AK-999
AK AO AM

Offer in Compromise – 17-day suspension, suspended upon payment of \$850.00 on charges of (1) failure to have within 60 days of receipt of permit, at least one exterior sign stating the trade name of the licensed premises as it appears on the permit, (2) failure to post each ABC permit and (3) a person under 21 years of age, did aid and abet a person less than 21 years of age, to possess alcoholic beverages. Respondent attended a Responsible Alcohol Seller Program on December 18, 2012.

(23-12) **1st Place Venture LLC**
T/A **Dreams Gentlemens Club**
6711 Freedom Drive
Charlotte NC 28214
00194110AJ-999
AJ AL AZ

Offer in Compromise – Seven-day suspension, suspended upon payment of \$750.00 on charge of failure to superintend. Respondent attended a Responsible Alcohol Seller Program on December 19, 2012.