

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

Summary of Action Taken On
Wednesday, May 6, 2015

SECTION I
CONTESTED CASES

Suspensions:

1. Greenleafe Food and Beverage, Inc.
T/A **Bunker Jacks**
175 Persimmon Drive
Pinebluff, NC 28373
00184488AJ-999
AJ AL AY
Audit Division

Imposition of Decision of Administrative Law Judge – Suspension of Mixed Beverages Restaurant permit for one year beginning May 29, 2015 on charge of failure to file annual financial and inventory reports.

2. Monterrey Mexican Restaurant, Inc.
T/A **Monterrey Mexican Restaurant**
173 Westwood Shopping Center
Fayetteville, NC 28314
00152496AJ-999
AJ AL AY
Cumberland County ABC Board

Imposition of Decision of Administrative Law Judge – 15-day suspension *and* payment of \$500.00 on charge of selling or possessing alcoholic beverages for sale without first obtaining the applicable ABC Permit and revenue license on the licensed premises.

Summary Judgment:

3. Nick and Nates Pizzeria, Inc.
T/A **Nick and Nates Pizzeria**
111 North Main Street
Waynesville, NC 28786
00129547AJ-999
AJ AL
ALE District VIII

Imposition of Decision of Administrative Law Judge – Cancel Malt Beverage On Premise and Unfortified Wine On Premise permits on charge of permittee is ineligible to hold ABC permits.

SECTION II
OFFERS IN COMPROMISE

Suspensions:

4. Yasir Hizam Abdulla
T/A **B and N Foods and Dali**
1028 Cedar Street
New Bern, NC 28560
00142746AK-999
AK AO AM
ALE District I

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure to qualify for an off-premise fortified wine permit by maintaining less than \$1,500.00 inventory of staple foods on the licensed premises.

5. Tee Time Restaurant Group, Corp.
T/A **Back 9 Pub**
4220 NW Cary Parkway
Cary, NC 27513
00194708AJ-999
AJ AL AY
Wake County ABC Board

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of possessing non-tax paid alcoholic beverages on the licensed premises and destroying, altering or defacing the mixed beverage tax stamp required to be affixed to a liquor container before the container had been emptied.

6. NC CVS Pharmacy, LLC
T/A **CVS Pharmacy 5264**
6428 Rea Road
Charlotte, NC 28277
Q11572-970
AK AO AM
Mecklenburg County ABC Board

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

7. Montgomery Foods, Inc.
T/A **Food King 2**
525 North Main Street
Biscoe, NC 27209
11747B-996
AK
ALE District V

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

8. AAA Japan, Inc.
T/A **Fuji Steak House and Sushi**
14126 Rivergate Parkway, Suite 400
Charlotte, NC 28273
00195232AJ-999
AJ AL AY
Mecklenburg County ABC Board

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of failure to separate, store and provide for the collection for recycling of all recyclable beverage containers of all beverages sold and failure to superintend.

9. GNG 6, Inc.
T/A **Grab and Go 15**
1501 North Graham Hopedale Road
Burlington, NC 27215
00204600AK-995
AK AO AM
ALE District V

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

10. Sampson Bladen Oil Company, Inc.
T/A **Han Dee Hugos 60**
2581 Gorman Street
Raleigh, NC 27606
Q11310-932
AK AM
Wake County ABC Board

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,000.00 on charge of selling to an underage person.

11. MG and HH Enterprises, LLC
T/A **Maxies Grill and Tap Room**
35 McIntyre Road
Pinehurst, NC 28374
00183983AJ-999
AJ AL AY
Moore County Sheriff's Office

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of 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 and missing tax stamps.

12. Nashville Nights, Inc.
T/A **Nashville Nights**
125-127 East Innes Street
Salisbury, NC 28144
00214064AJ-999
AJ AL AZ
ALE District VI

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,000.00 on charges of allowing a person who is not a member or a guest of a member to purchase or possess alcoholic beverages on the premises and selling to an underage person.

13. Piece of Havana II, LLC
T/A **Piece of Havana**
11126 South Tryon Street
Charlotte, NC 28273
00214636AJ-999
AJ AL AY
Mecklenburg County ABC Board

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of failure to clear tables/counters and premixing mixed beverages without receiving ABC Commission approval.

14. Sar Groups, LLC
T/A **Southern Store 109**
400 West Dixon Boulevard
Shelby, NC 28150
00160584AK-996
AK AO AM
Shelby Police Department

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

15. Fidel Torres
T/A **Texas Discotheque**
5201 West Market Street, Suite 106
Greensboro, NC 27409
00209788AJ-999
AJ AZ
Greensboro Police Department

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of possessing a controlled substance in violation of Chapter 90 of the North Carolina General Statutes on the licensed premises.

16. Dina Catunao Caton
T/A **Catons Grocery**
5416 Statesville Road
Charlotte, NC 28206
56271B-999
AK AO AM
Mecklenburg County ABC Board

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

17. Har Food Mart, Inc.
T/A **Har Food Mart**
207 West Main Street
Carrboro, NC 27510
00200155AK-999
AK AO AM
Carrboro Police Department

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

18. Heist Brewing Company, LLC
T/A **Heist Brewery**
2901 North Davidson Street, Suite 200
Charlotte, NC 28205
00201878AJ-999
AJ AN AL AY
Mecklenburg County ABC Board

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of selling to an underage person.

19. Los Portales of Wilmington, Inc.
T/A **Los Portales**
912 South Kerr Avenue
Wilmington, NC 28403
00147819AJ-999
AJ
ALE District I

Offer in Compromise – 31-day suspension, suspended upon payment of \$3,100.00 on charges of knowingly allow the possession of alcoholic beverages , the sale or possession of which is not authorized by the ABC laws or by the permits issued to that permittee and dispensing a prescription drug without being a licensed pharmacist.

20. Radius Pizzeria and Pub, LLC
T/A **Radius Pizzeria and Pub**
112 North Churton Street
Hillsborough, NC 27278
00206829AJ-999
AJ AN AL AY
ALE District IV

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charge of giving to underage persons.

21. MKKP, Inc.
T/A **Shop N Go Food Store**
901 South Clinton Avenue
Dunn, NC 28334
00161427AK-999
AK AO AM
Dunn Police Department

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,000.00 on charge of selling to an underage person.

22. Sing a Song Karaoke, Inc.
T/A **Sing a Song Karaoke**
4929 West Market Street, Suite 2123
Greensboro, NC 27407
00210319AJ-999
AJ
ALE District V

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of (1) owning more than one licensed retail establishment and transferring alcoholic beverages between establishments without getting prior approval in writing from the ABC Commission, (2) possessing alcoholic beverages, the sale or possession of which is not authorized by the ABC laws or by the permits issued to that permittee 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.

23. Sarem Abdo Elayah
T/A **Smart Stop**
101 West 12th Street
Scotland Neck, NC 27874
00166653AK-999
AK AO AM
ALE District II

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of knowingly selling or giving alcoholic beverages to an intoxicated person.

24. DGJ Enterprises, LLC
T/A **Ultra Lounge**
2815 Crisman Street, Suites B-E
Charlotte, NC 28208
00132278AJ-999
AJ AL AZ
Mecklenburg County ABC Board

Offer in Compromise – 16-day suspension, suspended upon payment of \$1,600.00 on charge of missing tax stamp and performing services while or after consuming alcoholic beverages.

Cancellations:

25. CBE, Inc.
T/A **Anna Marias Pizzeria**
670 North Churton Street
Hillsborough, NC 27278
00139182AJ-999
AJ AL
ALE District IV

Offer in Compromise – Cancel ALL ABC Permits on charge of giving to an underage person (two counts).

26. La Tagliatella, LLC
T/A **La Tagliatella**
210 East Trade Street, Suite C-149
Charlotte, NC 28202
00211007AJ-999
AJ AL AY
ALE District VI

Offer in Compromise – Cancel Malt Beverage On Premise, Unfortified Wine On Premise and Mixed Beverages Restaurant permits on charges of (1) delivering more than one drink at one time to a single patron for personal consumption, (2) knowingly selling or giving alcoholic beverages to an intoxicated person (two counts) and (3) selling to an underage person (two counts).

27. Waxhaw Holding, Inc.
T/A **Mamma Lena**
116 North Main Street
Waxhaw, NC 28173
00133599AL-999
AJ AL AY
Audit Division

Offer in Compromise – Cancel ALL ABC permits on charge of failure to file quarterly financial and inventory reports.