

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

Summary of Action Taken On
Wednesday, November 12, 2014

SECTION I

CONTESTED CASE

Suspension:

1. Prescott Elliot Urban Environments, LLC
T/A **Marquis Market**
116 Person Street
Fayetteville, NC 28301
00199901AJ-999
AJ AL AY
Cumberland ABC Board

Imposition of Decision of Administrative Law Judge – 20-day suspension of Malt Beverage On Premise, Unfortified Wine On Premise and Mixed Beverage Restaurant permits *and* payment of \$500.00 on charges of (1) 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, (2) missing tax stamps and (3) failure to purchase malt beverages and unfortified wine only from a wholesaler.

SECTION II

OFFERS IN COMPROMISE

2. MM Fowler, Inc.
T/A **Airport Road BP 105**
1201 Martin Luther King Jr. Boulevard
Chapel Hill, NC 27514
Q11390-966
AK AO AM
Chapel Hill Police Department

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

3. B and V Hospitality, LLC
T/A **Brooklyn Heights**
605 Glenwood Avenue
Raleigh, NC 27603
00161934AJ-999
AJ AN AL AZ
Wake ABC Board

Offer in Compromise – 22-day suspension, suspended upon payment of \$2,200.00 on charges of (1) failure to maintain on the premises a current alphabetical roster of all members and their complete addresses, (2) missing tax stamp and (3) destroying, altering or defacing the mixed beverage tax stamp required to be affixed to a liquor container.

4. Neeshal Enterprises, Inc.
T/A **Capital Food Mart**
2929 Capital Boulevard
Raleigh, NC 27604
00122174AK-999
AK AO
ALE District IV

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of permitting the possession or consumption of spirituous liquor upon premises where such possession or consumption is not authorized by law.

5. Sonia Enterprises, LLC
T/A **Convenience Express**
3301 High Point Road
Greensboro, NC 27407
00158273AK-999
AK
ALE District V

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of allowing consumption of malt beverages on premises having only an Off Premise Malt Beverage.

6. NC CVS Pharmacy, LLC
T/A **CVS Pharmacy 4294**
309 East Center Street
Lexington, NC 27292
Q11572-818
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.

7. Dales Pub, Inc.
T/A **Dales Pub**
775 East Ocean Road
Holly Ridge, NC 28445
00116567AJ-999
AJ AZ
ALE District I

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of knowingly allowing violations of the controlled substance statutes to occur on the licensed premises.

8. MS and W Raleigh, LLC
T/A **Flying Biscuit Café**
2016 Clark Avenue
Raleigh, NC 27605
00167715AJ-999
AJ AL AY
Wake ABC Board

Offer in Compromise – 14-day suspension, suspended upon payment of \$1,400.00 on charges of destroying, altering or defacing the mixed beverage tax stamp required to be affixed to a liquor container and missing tax stamps.

9. Food Lion, LLC
T/A **Food Lion 1199**
100 US Hwy 13 Bypass
Windsor, NC 27983
Q11473-917
AK AO AM
ALE District II

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of failure to determine age.

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

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of missing tax stamp.

11. Khairalla Thaher Aziz
T/A **G's Corner**
102 North Walnut Street
Fairmont, NC 28340
00156384AK-999
AK AO
ALE District III

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of allowing consumption of malt beverages on premises having only an Off Premise Malt Beverage.

12. DDDD, Inc.
T/A **Gold Club**
5624 Old Pineville Road
Charlotte, NC 28210
70339A-999
AJ AN AL AZ
Mecklenburg ABC Board

Offer in Compromise – 27-day suspension, suspended upon payment of \$2,700.00 on charge of possessing a slot machine.

13. Hooters of Raleigh Airport, LLC
T/A **Hooters of Raleigh Airport**
1001 Claren Circle
Morrisville, NC 27560
00130175AJ-999
AJ AN AL AY
Wake ABC Board

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of transferring a mixed beverage tax stamp from one spirituous liquor container to another and missing tax stamps.

14. La Fogata II, Corp.
T/A **La Fogata**
4933 South Croatan Hwy
Nags Head, NC 27959
00132861AJ-999
AJ AL AY
ALE District II

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of premixing mixed beverages prior to receiving an order for the beverage from a customer and without receiving ABC Commission approval and missing tax stamps.

15. Landmark Pickup, Inc.
T/A **Landmark Pickup**
1809 East Fifth Street
Greenville, NC 27858
00080703AK-999
AK AO AM
Pitt ABC Board

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

16. Anne Elizabeth Uleman
T/A **Last Call**
5395 Ramsey Street
Fayetteville, NC 28311
00114658AJ-999
AJ AL AZ
ALE District III

Offer in Compromise – 40-day suspension, suspended upon payment of \$4,000.00 on charges of failure to superintend and allowing persons who were not a member or a guest of a member to purchase or possess alcoholic beverages on the premises.

17. Dahir Brothers, Inc.
T/A **Lloyds Quick Mart**
110 Hwy 86 North
Hillsborough, NC 27278
58846B-984
AK AO AM
ALE District IV

Offer in Compromise – 40-day suspension, suspended upon payment of \$4,000.00 on charges of knowingly selling or giving alcoholic beverages to an intoxicated person and selling to an underage person.

18. CMAC, Inc.
T/A **Logans Roadhouse**
2336 West Roosevelt Boulevard
Monroe, NC 28110
Q11546-992
AJ AN AL AY
Monroe Police Department

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of (1) failure to superintend, (2) allowing the sale, possession, consumption or storage of alcoholic beverages in an area of the premises other than those approved by the Commission, (3) possessing a controlled substance in violation of Chapter 90 of the North Carolina General Statutes on the licensed premises and (4) performing services while or after consuming alcoholic beverages.

19. Pantry, Inc.
T/A **Kangaroo Express 3090**
425 West Thomas Street
Rocky Mount, NC 27801
Q11443-787
AK AO AM
ALE District II

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

20. Pantry, Inc.
T/A **Kangaroo Express 3790**
2200 US Hwy 421 South
Boone, NC 28607
Q11443-609
AK AM
ALE District VII

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

21. Mallard Oil Company
T/A **Mallard Food Shops 17**
240 Hwy 55 East
Bridgeton, NC 28519
Q11368-992
AK AO AM
ALE District I

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of selling alcoholic beverages on Sunday between the hours of 2:00/2:30 AM and 12:00 Noon on the licensed premises.

22. Loyal Order of Moose
T/A **Mocksville Moose Lodge 1949**
1154 Salisbury Road
Mocksville, NC 27028
12732J-999
AJ AR BU
ALE District VII

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of selling or possessing alcoholic beverages for sale without first obtaining the applicable ABC Permit and revenue license on the licensed premises.

23. Moycarkey, Inc.
T/A **Napper Tandys**
410 Glenwood Avenue, Unit 140
Raleigh, NC 27603
00173950AJ-999
AJ AN AL AZ
Wake ABC Board

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of (1) a private club advertising the availability of malt beverages, wine or mixed beverage products on an exterior sign, (2) advertising a promotion of the purchase of more than one alcoholic beverage for a single price or requiring the purchase of more than one alcoholic beverage and (3) allowing persons who were not members or a guest of a member to purchase or possess alcoholic beverages on the premises.

24. New Dixie Oil, Corp.
T/A **New Dixie Mart 12**
2770 North Wesleyan Boulevard
Rocky Mount, NC 27804
Q11266-962
AK AO
Nash ABC Board

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

25. Noir, LLC
T/A **Noir Bar and Lounge**
425 Glenwood Avenue
Raleigh, NC 27603
00173373AJ-999
AJ AN AL AZ
Wake ABC Board

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of destroying, altering or defacing the mixed beverage tax stamp required to be affixed to a liquor container and missing tax stamps.

26. OTB Acquisition, LLC
T/A **On the Border**
3351 Cypress Plantation Trail
Raleigh, NC 27616
00180719AJ-994
AJ AN AL AY
Wake ABC Board

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of missing tax stamps and destroying, altering or defacing the mixed beverage tax stamp required to be affixed to a liquor container.

27. Phiona, Inc.
T/A **Raceway 6739**
1141 Lenoir Rhyne Boulevard SE
Hickory, NC 28602
00153106AK-999
AK AO AM
ALE District VII

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

28. Partnership
T/A **Rays Country Smokehouse and Grill**
219 South Broad Street
Gastonia, NC 28052
00087835AJ-999
AJ AY
Gastonia Police Department

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

29. Alisa Dawn Edwards
T/A **Ricky Jays Sports Bar and Grill**
2627 Sam Wilson Road
Charlotte, NC 28214
00198871AJ-999
AJ AL AZ
Mecklenburg ABC Board

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure to superintend.

30. RDM III, Inc.
T/A **Russells Pub and Grill**
1609-A Sardis Road North
Charlotte, NC 28270
00196732AJ-999
AJ AL AY
Mecklenburg ABC Board

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of failure to superintend and tax stamps not permanently defaced.

31. 7 Eleven, Inc.
T/A **7 Eleven Store 36778H**
5343 Monroe Road
Charlotte, NC 28205
Q11347-888
AK AO AM
Mecklenburg ABC Board

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

32. Flores Restaurant, Inc.
T/A **San Jose Mexican Restaurant**
1616-A South Madison Street
Whiteville, NC 28472
00100355AJ-999
AJ AL AY
ALE District I

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of premixing mixed beverages prior to receiving an order for the beverage from a customer and without receiving ABC Commission approval and missing tax stamps.

33. GPM Southeast, LLC
T/A **Scotchman 3176**
701 NC Hwy 53 East
Burgaw, NC 28425
Q11608-978
AK AO AM
ALE District I

Written Warning

34. Albarati Brothers, LLC
T/A **Snack Attack Food Mart**
2916 Bragg Boulevard
Fayetteville, NC 28303
00191317AK-998
AK AO AM
Cumberland ABC Board

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of knowingly allowing the transfer of glass tubes or splitters without maintaining a record of identifying information provided by the purchaser on the licensed premises.

35. Margarito Fortino Castro Guzman
T/A **Tienda Mexicana La Hildalguense**
2640 Little Rock Road
Charlotte, NC 28214
00159086AJ-999
AJ
Mecklenburg ABC Board

Offer in Compromise – 27-day suspension, suspended upon payment of \$2,700.00 on charge of possessing a slot machine.

36. Walgreens of North Carolina, Inc.
T/A **Walgreens 16128**
200 Hwy 70 East
Hillsborough, NC 27278
Q11609-987
AK AM
ALE District IV

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

37. Bonefish Carolinas Limited Partnership
T/A **Bonfish Grill**
300 South Stratford Road
Winston-Salem, NC 27103
00124562AJ-997
AJ AN AL AY
ALE District V

Offer in Compromise – 22-day suspension, suspended upon payment of \$2,200.00 on charges of selling to an underage person and tax stamp not permanently defaced.

38. Budweiser of Asheville, Inc.
T/A **Budweiser of Asheville**
255 Rutledge Road
Fletcher, NC 28732
0279CM-997
BL BM
ALE District VIII

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of employing a person in the delivery of malt beverages who had not obtained a salesman permit and who did transport and deliver malt beverages.

39. Atalla Mohamad Atalla
T/A **Buffaloes Grocery**
4924 Wrightsville Avenue
Wilmington, NC 28403
00126048AK-998
AK AO AM
ALE District I

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of transferring glass tubes without maintaining record of such sales on the licensed premises.

40. DBD 1, Inc.
T/A **Crazy Horse**
5321 East Independence Boulevard, Suites H-K
Charlotte, NC 28212
68786A-999
AJ AN AL AZ
Mecklenburg ABC Board

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of knowingly engaging in conduct or entertainment that simulated sexual intercourse on the licensed premises and engaging in conduct or entertainment wherein her genitals were exposed on the licensed premises.

41. El Maguey Restaurant, Inc.
T/A **El Maguey 1**
4625 Yadkinville Road
Pfafftown, NC 27040
00125762AJ-999
AJ AL AY
Triad Municipal ABC Board

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charges of (1) 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, (2) failure to maintain an accurate inventory reflecting withdrawals from the spirituous liquor stock for purposes of premixing and (3) failure to have a key available on the premises at all times to unlock a designated storage area for spirituous liquor.

42. Firebirds of Raleigh, LLC
T/A **Firebirds Wood Fired Grill**
8030 Renaissance Parkway, Suite 910
Durham, NC 27713
00130458AJ-999
AJ AN AL AY
Durham ABC Board

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charges of destroying, altering or defacing the mixed beverage tax stamp before the container had been emptied and tax stamps not permanently defaced.

43. WG Enterprise, Inc.
T/A **Goraya Food Land**
713 Church Street
Eden, NC 27288
00206252AK-999
AK
ALE District V

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

44. Abernathy Investments, LLC
T/A **Halfway House**
420 Cotanche Street
Greenville, NC 27858
00191772AJ-999
AJ AZ
ALE District II
Pitt ABC Board

Offer in Compromise – 50-day suspension, suspended upon payment of \$5,000.00 on charges of (1) allowing a person who is not a member or a guest of a member to purchase or possess alcoholic beverages on the premises, (2) destroying, altering or defacing the mixed beverage tax required to be affixed to a liquor container, (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) missing tax stamp, (5) selling, or possessing for sale, alcoholic beverages after failing to obtain or renew applicable revenue licenses, (6) failure to separate, store and provide for the collection for recycling of all recyclable beverage containers of all beverages sold at retail on the premises, (7) transferring a mixed beverage tax stamp from one spirituous liquor container to another, (8) 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 and (9) tax stamps not permanently defaced.

45. Octavia Stacey Powell
T/A **Hide Out**
3118 Bragg Boulevard
Fayetteville, NC 28303
Cumberland ABC Board

Permits Cancelled

46. Pantry, Inc.
T/A **Kangaroo Express 3976**
8910 Albemarle Road
Charlotte, NC 28227
Q11443-539
AK AM
Mecklenburg ABC Board

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

47. Linda O'Daniel Faulks
T/A **Lindas Shop Around**
104 Mariposa Road
Stanley, NC 28164
00194842AK-999
AK AM
Gastonia Police Department

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

48. Lone Star Steaks, Inc.
T/A **Lone Star Steakhouse and Saloon**
2841 West Hwy 74
Monroe, NC 28110
Q11449-979
AJ AN AL AY
Monroe Police Department

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of failure to separate, store and provide for the collection for recycling of all recyclable beverage containers of all beverages sold at retail on the premises and possessing on the licensed premises spirituous liquor transferred from another mixed beverage permittee without getting prior approval in writing from the ABC Commission.

49. GMRI, Inc.
T/A **Olive Garden Italian Restaurant 1861**
2983 Monroe Way
Monroe, NC 28110
Q11441-952
AJ AN AL AY
Monroe Police Department

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of possessing a controlled substance or other illegal drug in violation of Chapter 90 of the North Carolina General Statutes on the licensed premises.

50. Disha Foods, Inc.
T/A **Pop Shoppe**
1020 South Main Street
Lexington, NC 27292
00208096AK-999
AK
ALE District V

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

51. Paul Tyler IV Enterprises, Inc.
T/A **Sids Showgirls**
1931 North William Street
Goldsboro, NC 27530
67437A-999
AJ AZ
ALE District II

Offer in Compromise – 11-day suspension, suspended upon payment of \$1,100.00 on charges of failure to separate, store and provide for the collection for recycling of all recyclable beverage containers of all beverages sold at retail on the premises and tax stamps not permanently defaced.

52. Edenton Stop Shop, LLC
T/A **Stop Shop**
1105 North Broad Street
Edenton, NC 27932
00146319AK-999
AK AO AM
ALE District II

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of knowingly allowed an unlawful act on the licensed premises (two counts).

53. Tarheel Lanes, Inc.
T/A **Tarheel Lanes**
3275 Asheville Hwy
Hendersonville, NC 28791
00157938AJ-999
AJ AL
ALE District VIII

Offer in Compromise – 27-day suspension, suspended upon payment of \$2,700.00 on charge of knowingly possessing gambling equipment on the licensed premises.

54. Ali Harbi Odeh, Jr.
T/A **3 O's Grocery**
1521 North Raleigh Street
Rocky Mount, NC 27801
00193347AK-999
AK AO AM
ALE District II

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

55. Your Troy, LLC
T/A **Troy Mezze Lounge**
317 Blake Street
Raleigh, NC 27601
00190240AJ-999
AJ AL AY
Wake ABC Board

Offer in Compromise – 15-day suspension with the last 12 days suspended upon payment of \$1,200.00 on charge of missing tax stamp.

56. Walmart Stores East, LP
T/A **Walmart Supercenter 1322**
160 Lowes Boulevard
Lexington, NC 27292-5347
Q11492-920
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.

57. Hoa Van Tran
T/A **BP 4**
531 Roosevelt Boulevard
Monroe, NC 28110
00138563AK-999
AK AO AM
Monroe Police Department

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

58. Ali Yahya Hezam Al Amri
T/A **14th Street Discount**
1901 East 14th Street
Winston-Salem, NC 27105
00195546AK-998
AK AM
Triad Municipal ABC Board

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of selling alcoholic beverages on Sunday between the hours of 2:00 AM and 12:00 Noon on the licensed premises.