

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
SPECIAL COMMISSION MINUTES
OCTOBER 26, 2017**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road in Raleigh, North Carolina on October 26, 2017, beginning at 10:00 AM. The meeting was recorded and the disc is on file at the NC ABC Commission within the Legal Division.

ROLL CALL

Chairman A.D. Zander Guy, Jr. and Commissioner Michael C. Herring were present via phone conference. Chairman Guy called the special meeting to order.

CONFLICTS OF INTEREST

As required by N.C.G.S. § 138A-35, Chairman Guy asked if there were any conflicts of interest or any conditions or facts which might create the appearance of a conflict of interest with respect to the temporary growler rule amendments. Commissioner Herring stated he found no conflicts of interest. Chairman Guy stated he found no conflicts of interest.

GROWLER AMENDMENT TEMPORARY RULES

Walker Reagan gave an overview of the proposed temporary rules up for consideration at the special meeting. He also stated that the proposed temporary rules were submitted to the Office of Administrative Hearings, posted in the ABC Commission website and emailed to the ABC Commission rulemaking email list on September 13, 2017.

The proposed temporary rules, notice of public hearing and public written comment period was posted on the Office of Administrative Hearing website on September 20, 2017.

A public hearing was held on October 11, 2017 and comments were received from Wendy Kelly on behalf of the Wine Institute opposed to wine growlers in general but with no specific concerns with the proposed rules, and Andy Ellen with the NC Retail Merchants Association in support of the temporary rules as drafted. No other written comments have been received with regards to the proposed rules since they have been published.

The 30-business day time period since submissions of the proposed rules to the Office of Administrative Hearings and the interested parties required by law to lapse before the temporary rules can be adopted expired, October 25, 2017. The Commission can adopt the temporary rules beginning today, October 26, 2017.

In enacting the amendments to the growler laws, the General Assembly directed the Commission to adopt rules, including temporary rules, no later than 120 days after the changes became effective on June 30, 2017. The deadline is Saturday, October 28, 2017.

Elizabeth Roberts with the NC Retail Merchants Association was present for the special meeting, but had no comments

Mr. Reagan also asked the Commission to adopt the temporary growler rule amendments as posted without further amendments as presented, to direct that these rules be filed with the Office of Administrative Hearings for approval by the Rules Review Commission and publication in the North Carolina Register and the NC Administrative Code and to allow the staff to make any non-substantive changes in the adopted rules as needed prior to publication, including spelling, punctuation, grammar and conforming changes and corrections.

Mr. Walker moved that the ABC Commission adopt the temporary growler amendment rules presented to the Commission and the recommendations of the staff regarding the rules.

Chairman Guy made a motion to adopt the temporary growler rules. Commission Herring seconded the motion. Motion passed.

Chairman Guy made a motion to adjourn. Commissioner Herring seconded the motion. With no further business, the meeting adjourned.

A.D. "Zander" Jr., Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

Tiffany C. Goodson, Legal Division