

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
MARCH 11, 2015**

The following narrative and summary describes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road, Raleigh, North Carolina on March 11, 2015, beginning at 10:00 AM.

ROLL CALL

Commissioners Kevin M. Green and Joel L. Keith were present. Commissioner Green called the meeting to order and also stated the recording equipment was malfunctioning and there would not be a recording on file.

MINUTES OF FEBRUARY 11, 2015

Commissioner Green asked for a motion to waive the reading of the minutes of the February 11, 2015 meeting into the record. Commissioner Keith made a motion to waive the reading of the minutes from the February 11, 2015 meeting. Commissioner Green seconded the motion. Motion Passed. Commissioner Green asked for a motion to approve the minutes of the February 11, 2015 meeting. Commissioner Keith made a motion to approve the minutes from the February 11, 2015 meeting. Commissioner Green seconded the motion. Motion Passed.

CONFLICTS OF INTEREST

As required by N.C.G.S. § 138A-35, Commissioner Green asked if there were any conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the agenda. Commissioner Keith stated he found no conflicts of interest. Commissioner Green stated he found no conflicts of interest.

I. HEARING CASES – 57

Chief Counsel K. Renee Cowick stated hearing case number 2 would be held over to a future commission meeting. Ms. Cowick stated there were two contested cases.

No one was present on behalf of hearing case number 1, K and B Foodmart. Assistant Counsel Tim Morse stated the violation in the case was regarding video poker. The permittee failed to file a prehearing statement for the Administrative Hearing. The Administrative Law Judge issued a decision of a \$1,000.00 penalty and a thirty-five (35) day suspension of the permittee's ABC permits.

Commissioner Keith made a motion to impose the penalty of the Administrative Law Judge's decision. Commissioner Green seconded the motion. Motion Passed.

No one was present on behalf of hearing case number 3, Perkeo Wine Bistro. Mr. Morse stated employees of the business provided services while or after consuming, the owner was intoxicated, and there was interference with law enforcement engaged in the performance of duties. The permittee failed to file a

prehearing statement for the Administrative Hearing. The Administrative Law Judge issued a decision of a revocation of the permittee's ABC permits.

Commission Keith made a motion to impose the penalty of the Administrative Law Judge's decision. Commissioner Green seconded the motion. Motion Passed.

Ms. Cowick stated Ms. Cooper was present on behalf of hearing case number 40, La Carreta Mexican Restaurant, but only to observe.

Commissioner Keith made a motion to ratify the remaining offers in compromise. Commissioner Green seconded the motion. Motion Passed.

II. ABC STORE LOCATION – LINCOLN COUNTY ABC BOARD

Administrator Robert A. Hamilton stated information regarding each proposed location was included in the agenda packets provided to the Commissioners.

Mr. Hamilton stated the Lincoln County ABC Board, at a previous NC ABC Commission meeting, requested approval to purchase property to open and operate a second ABC Store. A decision by the ABC Commission regarding the location was postponed in order for additional information to be gathered. An updated financial statement was provided by the Lincoln County ABC Board. Mr. Hamilton stated staff recommends the approval of the proposed location.

Commissioner Keith made a motion to approve the proposed location based on staff's recommendation. Commissioner Green seconded the motion. Motion Passed.

III. ABC STORE LOCATION – CONCORD ABC BOARD

Mr. Hamilton stated the Concord ABC Board had requested approval to purchase property to open and operate a new ABC Store.

Mr. Hamilton stated notice to the public was posted and no objections have been received. Mr. Hamilton stated staff recommended approval of the proposed location.

Gary Walker a member of the Concord ABC Board was present and stated Concord was growing rapidly. Mr. Walker requested approval of the proposed location as a new ABC Store in the southwest sector of Concord was needed.

Commissioner Keith made a motion to approve the proposed location based on staff's recommendation. Commissioner Green seconded the motion. Motion Passed.

IV. ABC STORE LOCATION – WAKE COUNTY ABC BOARD

Mr. Hamilton stated the Wake County ABC Board requested approval to relocate an ABC Store within the Cameron Village area of Raleigh. The new store would replace the existing store currently located across the street.

Mr. Hamilton stated no objections to the proposed location have been received and staff recommended approval of the proposed location.

Craig Pleasants, manager of the Wake County ABC Board was present to request approval for the relocation. Mr. Pleasants stated the new store would provide better parking and a larger store for the community.

Commissioner Keith made a motion to approve the proposed location based on staff's recommendation. Commissioner Green seconded the motion. Motion Passed.

V. EXEMPTION REQUEST – G.S. § 18B-1116 – OUTER BANKS CRAFT DISTILLING, LLC; ADAM JAY BALL; MATTHEW EDWIN NEWSOME; SCOTT ASHLEY SMITH; AND, KELLY STUART BRAY

Ms. Cowick stated the current owners of the distillery were requesting an exemption to allow the sale of malt beverages. Ms. Cowick explained the issues were two-fold, as an exemption must be granted for the distillery to be allowed to conduct a retail business. Additionally, in order for a retail permit to be issued, the tasting room for the distillery and the retail area must be properly separated.

Scott Smith and Matt Newsome were present on behalf of their business. Mr. Smith stated they had recently completed renovations, adding doors to separate the distillery business from the retail business as advised by ABC staff. Mr. Newsome provided photographs of the renovations to Ms. Cowick.

Ms. Cowick recommended the ABC Commission grant the exemption as long as the two areas were separated and each had its own point-of-sale. In addition, after the exemption is granted, an investigation would be conducted to determine the eligibility for the retail permit.

Commissioner Keith made a motion to grant the exemption based upon staff recommendations and the defined conditions. Commissioner Green seconded the motion. Motion Passed.

Commissioner Keith made a motion to adjourn. Commissioner Green seconded the motion. With no further business, the meeting adjourned.

[SIGNED]

Kevin M. Green, Commissioner
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

[SIGNED]

Caroline Y. Washburn for the Legal Division