

A. D. "ZANDER" GUY, JR.
CHAIRMAN

AGNES C. STEVENS
ADMINISTRATOR



State of North Carolina

ALCOHOLIC BEVERAGE CONTROL COMMISSION
400 East Tryon Road
Raleigh, NC 27610

NORMAN A. MITCHELL, SR.
COMMISSIONER

KAREN L. STOUT
COMMISSIONER

Commission Meeting Summary

September 9, 2020

ABC Commission Office Complex
Hearing Room 101 – 10:00 AM

SECTION I

CONTESTED CASES

ALJ Decision:

1. **T/A EZ Pass Tobacco and Vape**
Moefo, Inc.
701 Phillips Road
Kinston, NC 28504
00268676AK-999
AK AL
Lenoir County ABC Board

Imposition of Decision of Administrative Law Judge: 15-day suspension and a payment of \$500.00 on the charges of (1) possessing adulterants intended for defrauding a drug or alcohol screening test and (2) failing to keep the premises clean and well-lit to avoid undue hazards.

2. **T/A Lawson Park Citgo**
H and M Citgo, LLC
103 Rhem Street
New Bern, NC 28562
00230781AK-999
AK
ALE District I

Imposition of Decision of Administrative Law Judge: 14-day suspension and payment of \$750.00 on the charges of (1) failing to superintend and (2) selling an alcoholic beverage to an underage person.

3. **T/A Samuel C. Hart American Legion Post 14**
Amhart Corporation
5865 South Main Street

Salisbury, NC 28147
18461A-998
AJ CF
ALE District VI

Offer in Compromise: 15-day suspension and payment of \$500.00 on the charges of (1) possessing gambling equipment, (2) failing to ensure members' alcoholic beverages were properly labeled and (3) failing to ensure members' alcoholic beverages were properly stored on the premises.

SECTION II

OFFERS IN COMPROMISE

Suspension:

4. **T/A Latitude 35 Degrees**
Stooges, Inc.
1217 Hay Street
Fayetteville, NC 28305
00185361AJ-999
AJ AL AN AY
Cumberland County ABC Board

Offer in Compromise: 46-day suspension, avoided upon payment of \$4,600.00 on the charges of (1) giving an alcoholic beverage to an underage person (2) failing to deface tax stamp on a bottle once empty.

5. **T/A Birdsong Brewing Company**
Birdsong Brewing, LLC
1016 North Davidson Street
Charlotte, NC 28206
00194774CM-998
AE BL DG
ALE District VI

Offer in Compromise: 30-day suspension, avoided upon payment of \$3,000.00 on the charges of (1) cooperative advertising between industry member and retailer and (2) selling or possessing for sale an alcoholic beverage product that had not first been approved by the ABC Commission for sale in this State.

6. **T/A Brown's Billiards**
David Byron Huffman, LLC
5500-107 Atlantic Springs Road
Raleigh, NC 27616

00133123AJ-999
AJ AZ
Wake County ABC Board

Offer in Compromise: 25-day suspension, avoided upon payment of \$2,500.00 on the charges of (1) failing to deface tax stamp on a bottle once empty, (2) allowing a controlled substance on premise, (3) possessing a container of spirituous liquor not bearing a mixed beverage tax stamp and (4) failing to cooperate with a law enforcement officer.

7. **T/A El Veracruz Mexican Restaurant**

El Veracruz, Inc.
391 Towne Centre Blvd.
Pineville, NC 28134
00148972AJ-998
AJ AL AY
Mecklenburg County ABC Board

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charge of employees consuming alcoholic beverages upon the licensed premises while wearing employee uniforms.

8. **T/A Fillmore Underground**

DLS Events, LLC
820 Hamilton Street, Suites B-2 and B-11
Charlotte, NC 28206
00226113AJ-998
AJ AL AN AZ
Charlotte-Mecklenburg Police Department

Offer in Compromise: 9-day suspension, avoided upon payment of \$900.00 on the charges of (1) possessing a container of spirituous liquor not bearing a mixed beverage tax stamp and (2) failing to deface tax stamp on a bottle once empty.

9. **T/A Food Mart 1**

Taym, LLC
6407 Ward Blvd., Suite A
Wilson, NC 27893
00262989AK-999
AK AM AO
Wilson County ABC Board

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of leaving an underage employee in charge of premises.

10. **T/A Kristy's Food Mart**

East Winston Oil, LLC

2609 North Liberty Street
Winston Salem, NC 27105
00273573AK-999
AK AO
ALE District V

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of allowing consumption at business with only off-premise permits.

11. **T/A Mac's Speed Shop**
Mac's Hospitality Group, LLC
482 North McPherson Church Road
Fayetteville, NC 28304
00136334AJ-996
AJ AL AY
ALE District III

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on the charges of (1) selling or allowing possession or consumption of alcohol not authorized by permits and (2) employee consuming alcoholic beverages upon the licensed premises while wearing an employee uniform.

12. **T/A Moochies Tavern**
J and B Concepts, LLC
15060 Idlewild Road, Suite I
Matthews, NC 28104
00265253AJ-999
AJ AL AY
ALE District VI

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charges of (1) failing to superintend and (2) performing services after having consumed alcoholic beverages.

13. **T/A San Felipe Mexican Restaurant**
San Felipe 2, Inc.
1222-F East Dixie Drive
Asheboro, NC 27203
00164533AJ-999
AJ AL AY
ALE District V

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charge of giving an alcoholic beverage to an underage person.

14. **T/A Skip Express Mart**
Skip Express Mart, Inc.
242 Franklin Street
Mount Olive, NC 28365
00239668AK-999
AK
ALE District II

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of (1) maintaining living quarters directly attached to premises (2 counts) and (2) failing to have an exterior sign with a trade name matching the permit (2 counts).

15. **T/A Soho Bar and Grill**
Nguyen Soho, Inc.
134 Franklin Street
Mount Airy, NC 27030
00269158AJ-999
AJ AL AN AY
ALE District VII

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of failing to purchase malt beverages only from a wholesaler.

16. **T/A Supermercado El Mariachi**
Supermercado El Mariachi, LLC
6301 North Tryon Street, Suite 101-105
Charlotte, NC 28213
00181243AJ-999
AJ AL
Mecklenburg County ABC Board

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charges of (1) possessing fortified wine where not authorized and (2) dispensing prescription medication without being a licensed pharmacist.

17. **T/A Vernon Mart**
Vernon Mart, Inc.
901 West Vernon Avenue
Kinston, NC 28501
00254058AK-999
AK AM AO
Lenoir County ABC Board

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of possessing adulterants intended for defrauding a drug or alcohol screening test.

18. **T/A 1501**
Max and Lola, LLC
1501 South Mint Street
Charlotte, NC 28203
00285962AJ-999
AJ AL AN AZ
Charlotte-Mecklenburg Police Department

Offer in Compromise: 50-day suspension, avoided upon payment of \$5,000.00 on the charges of (1) transferring tax stamp from one spirituous liquor bottle to another, (2) possessing a container of spirituous liquor not bearing a mixed beverage tax stamp and (3) allowing possession or consumption of alcoholic beverages in a non-approved area of premises (2 counts).

19. **T/A 3 Olives Pizza and Deli**
3 Olives Pizza and Deli, LLC
1493 Garner Station Blvd.
Raleigh, NC 27603
00282434AJ-999
AJ AL AY
ALE District IV

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of possessing a container of spirituous liquor not bearing a mixed beverage tax stamp.

20. **T/A Applebee's Grill and Bar**
Applebee's Restaurants Mid-Atlantic, LLC
433 Earl Road
Shelby, NC 28150
Q11653-988
AJ AL AN AY
Shelby Police Department

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling an alcoholic beverage to an underage person.

21. **T/A Applebee's Grill and Bar**
Applebee's Restaurants Mid-Atlantic, LLC
205 Faith Road
Salisbury, NC 28146
Q11653-994
AJ AL AN AY
ALE District VI

Offer in Compromise: 45-day suspension, avoided upon payment of \$4,500.00 on the charges of (1) giving an alcoholic beverage to an underage person, (2) failing to deface tax stamp on a

bottle once empty, (3) allowing consumption of alcoholic beverages between the hours of 2:30 AM and 7:00 AM and (4) employee consuming alcoholic beverages upon the licensed premises while wearing an employee uniform.

22. **T/A Arizona Pete's**
Talleywhacker, Inc.
2900-A Patterson Street
Greensboro, NC 27407
62464A-997
AJ AL AZ
ALE District V

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of failing to cooperate with a law enforcement officer (3 counts).

23. **T/A Bocado Sushi**
Bocado Sushi, LLC
1000 NC Music Factory Blvd., Suite C-1
Charlotte, NC 28206
00282879AJ-999
AJ AL AN AY
Charlotte-Mecklenburg Police Department

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on the charge of selling an entire bottle of spirituous liquor.

24. **T/A Brasas and Son Bar Restaurant**
Basar Enterprise, Inc.
6406 Old Pineville Road
Charlotte, NC 28217
00276187AJ-999
AJ AY
ABC Audit Division

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of failing to qualify as restaurant.

25. **T/A Brothers Vilgalys Spirits Company**
Brothers Vilgalys Spirits, LLC
803 Ramseur Street, Suite D
Durham, NC 27701
00202371CM-999
BF DH SE
ALE District IV

Offer in Compromise: 7-day suspension, avoided upon payment of \$700.00 on the charge of selling or possessing unfortified wine for sale without the proper ABC permit and revenue license.

26. **T/A Buggy's Bar**
New Bar, LLC
110 East Fourth Street
Greenville, NC 27858
00154970AJ-999
AJ AL AZ
ALE District II

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charges of (1) failing to comply with private club membership requirements and (2) delivering more than one drink at a time to a single patron for his personal consumption.

27. **T/A Chili's Grill and Bar**
Pepper Dining, Inc.
16633 Statesville Road
Huntersville, NC 28078
Q11561-998
AJ AL AN AY
Mecklenburg County ABC Board

Offer in Compromise: 6-day suspension, avoided upon payment of \$600.00 on the charge of failing to deface tax stamp on a bottle once empty.

28. **T/A Circle K 2723886**
Circle K Stores, Inc.
3610 Davis Drive
Morrisville, NC 27560
Q11434-569
AK AM
Wake County ABC Board

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charge of selling an alcoholic beverage to an underage person.

29. **T/A Down Time**
Down Time Chapel, LLC
201-B East Franklin Street
Chapel Hill, NC 27514
00285746AJ-999
AJ AL AY
ALE District IV

Offer in Compromise: 6-day suspension, avoided upon payment of \$600.00 on the charge of possessing a container of spirituous liquor not bearing a mixed beverage tax stamp.

30. **T/A Duckworth's Grill and Taphouse**

Duckworth's 3103, LLC
16609 Statesville Road
Huntersville, NC 28078
00209410AJ-999
AJ AL AY
Mecklenburg County ABC Board

Offer in Compromise: 6-day suspension, avoided upon payment of \$600.00 on the charge of failing to deface tax stamp on a bottle once empty.

31. **T/A Durham Performing Arts Center**

Ovations Food Services Limited Partnership
123 Vivian Street
Durham, NC 27701
Q11658-991
AJ AL BN
ALE District IV

Offer in Compromise: 22-day suspension, avoided upon payment of \$2,200.00 on the charges of (1) failing to purchase malt beverage and unfortified wine only from a wholesaler, (2) possessing spirituous liquor where not authorized and (3) possessing a container of spirituous liquor not bearing a mixed beverage tax stamp.

32. **T/A Erwin Lucky Stop**

HHMO, Inc.
800 South 13th Street
Erwin, NC 28339
00257631AK-999
AK AM
ALE District IV

Offer in Compromise: 22-day suspension, avoided upon payment of \$2,200.00 on the charge of selling an alcoholic beverage to an underage person.

33. **T/A Falls Village Golf Club**

CGPM Managers II, LLC
115 Falls Village Lane
Durham, NC 27703
00264318AJ-999
AJ AL BT
ALE District IV

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on the charges of (1) selling or possessing fortified wine for sale without the proper ABC permit and revenue license and (2) failing to maintain beer and wine invoices from wholesaler.

34. **T/A Fast Stop 2**
Ibrahim Ahmed Almaweri
801 Alston Avenue
Durham, NC 27701
00248629AK-999
AK AM AO
ALE District IV

Offer in Compromise: 8-day suspension, avoided upon payment of \$800.00 on the charge of performing services after having consumed alcoholic beverages.

35. **T/A Five Points Mini Mart**
Nasr, Inc.
1509 National Avenue
New Bern, NC 28560
00156928AK-999
AK AM AO
ALE District I

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on the charge of performing services after having consumed alcoholic beverages.

36. **T/A Food Lion 1284**
Food Lion, LLC
2825-B North Cannon Blvd.
Kannapolis, NC 28083
Q11473-628
AK AM AO CE DF
ALE District VI

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on the charge of selling an alcoholic beverage to an underage person.

37. **T/A Food Lion 540**
Food Lion, LLC
1107 East Lexington Avenue
High Point, NC 27262
Q11473-723
AK AM AO CE DF
High Point Police Department

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charge of selling an alcoholic beverage to an underage person.

38. **T/A Go Burrito**
Go Burrito 1, LLC
115 West Fisher Street
Salisbury, NC 28144
00205932AJ-999
AJ AL AY
ALE District VI

Offer in Compromise: 8-day suspension, avoided upon payment of \$800.00 on the charge of employee possessing a controlled substance.

39. **T/A Gourmet Market**
Seyoum Faisa Joseph
27 North Front Street
Wilmington, NC 28401
00091755AK-998
AK AM
ALE District I

Offer in Compromise: 8-day suspension, avoided upon payment of \$800.00 on the charge of possessing fortified wine where not authorized.

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

Offer in Compromise: 50-day suspension, avoided upon payment of \$5,000.00 on the charge of selling an alcoholic beverage to an underage person.

41. **T/A Jackpot Mini Mart**
S and H Jackpot, LLC
503 Grove Street
Fayetteville, NC 28301
00283035AK-999
AK AM AO
ALE District III

Offer in Compromise: 25-day suspension, avoided upon payment of \$2,500.00 on the charges of (1) failing to maintain beer and wine invoices from wholesaler, (2) failing to superintend, (3)

selling or transferring glass tubes or splitters without proper records (2 counts) and (4) failing to maintain minimum food inventory to qualify for an off-premise fortified wine permit.

42. **T/A Jiffy Mart**
Jameel Ahmed Sharhan
1101 West 3rd Avenue
Red Springs, NC 28377
00228930AK-999
AM AO AK
ALE District III

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on the charges of (1) failing to maintain beer and wine invoices from wholesaler, (2) possessing a video gaming machine and (3) failing to maintain minimum food inventory to qualify for an off-premise fortified wine permit.

43. **T/A Las Carolinas Food Mart**
Las Carolinas Food Mart, Inc.
6132 North Tryon Street, Suite G
Charlotte, NC 28213
00270802AK-999
AK
Mecklenburg County ABC Board

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of dispensing prescription medication without being a licensed pharmacist.

44. **T/A Mar Mac Express**
Hadwan, Inc.
2371 US 117 South
Dudley, NC 28333
00210101AK-997
AK AM AO
Wayne County ABC Board

Offer in Compromise: 32-day suspension, avoided upon payment of \$3,200.00 on the charge of selling an alcoholic beverage to an underage person.

45. **T/A Omni Mart**
Sairam Enterprises, LLC
401 Linwood Road
Gastonia, NC 28052
00186519AK-998
AK AM AO
ALE District VI

Offer in Compromise: 32-day suspension, avoided upon payment of \$3,200.00 on the charges of (1) selling an alcoholic beverage to an underage person, (2) possessing a video gaming machine and (3) employee possessing a controlled substance.

46. **T/A One Stop Shop**
One Stop Shop, LLC
2070 Strickland Bridge Road
Fayetteville, NC 28304
00212944AK-999
AK AM AO
Cumberland County ABC Board

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on the charge of employee possessing a controlled substance.

47. **T/A Paris Lounge**
Paris Lounge, LLC
5500 Atlantic Springs Road, Suite 103
Raleigh, NC 27616
00275276AJ-999
AJ AL AN AZ
ALE District IV

Offer in Compromise: 40-day suspension, avoided upon payment of \$4,000.00 on the charges of (1) selling alcoholic drinks at a price that is different than usual for less than one full business day, (2) failing to superintend and (3) selling an entire bottle of spirituous liquor.

48. **T/A Red Hill Brewing Company**
Red Hill Brewing Company
21 Union Street, Second Floor
Concord, NC 28025
00245037CM-999
AE BL DG
ALE District VI

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charges of (1) selling or possessing for sale an alcoholic beverage product that had not first been approved by the ABC Commission for sale in this State and (2) wholesaler selling an unapproved malt beverage to retailer.

49. **T/A Refectory Cafe**
Bon Vivant Catering, Inc.
2726 Durham Chapel Hill Blvd.
Durham, NC 27707
00121660AK-996
AJ AL AY BX

ALE District IV

Offer in Compromise: 6-day suspension, avoided upon payment of \$600.00 on the charge of selling or possessing unfortified wine for sale without the proper ABC permit and revenue license.

50. **T/A Remedies**
Remedies Restaurant Drinks and Nightlife, LLC
1225 Union Road
Gastonia, NC 28054
00248840AJ-999
AJ AL AY
ALE District VI

Offer in Compromise: 50-day suspension, avoided upon payment of \$5,000.00 on the charges of (1) failing to superintend (2 counts), (2) allowing a controlled substance on premise, (3) performing services after having consumed alcoholic beverages, (4) delivering more than one drink at a time to a single patron for his personal consumption and (5) possessing a video gaming machine.

51. **T/A Smart Stop**
Salim NC, Inc.
101 West 12th Street
Scotland Neck, NC 27874
00209563AK-998
AK AM AO
ALE District II

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on the charges of (1) failing to maintain minimum food inventory to qualify for an off-premise fortified wine permit and (2) employee possessing a controlled substance.

52. **T/A Star Gallery**
Star Gallery, LLC
2303 Neuse Blvd., Units 1 and 2
New Bern, NC 28560
00280359AJ-999
AJ AL AZ
ALE District I

Offer in Compromise: 30-day suspension, avoided upon payment of \$3,000.00 on the charges of (1) failing to superintend, (2) possessing containers of spirituous liquor not bearing a mixed beverage tax stamp and (3) failing to comply with private club membership requirements.

53. **T/A Star Market**
GTI Enterprises, Inc.

836 West Market Street
Smithfield, NC 27577
00195598AK-999
AK AM AO
ALE District IV

Offer in Compromise: 30-day suspension, avoided upon payment of \$3,000.00 on the charge of selling an alcoholic beverage to an underage person.

54. **T/A Still Life Greenville**
511 Cotanche Street Entertainment, LLC
511 Cotanche Street
Greenville, NC 27858
00243551AJ-999
AJ AL AZ
ALE District II

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charges of (1) failing to comply with private club membership requirements and (2) delivering more than one drink at a time to a single patron for his personal consumption.

55. **T/A Tienda Mexicana La Pachuquena**
Hidalgo Enterprise Corp.
7520 South Tryon Street, Suite 116
Charlotte, NC 28217
00235082AK-999
AK
Mecklenburg County ABC Board

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on the charges of (1) possessing spirituous liquor where not authorized and (2) dispensing prescription medication without being a licensed pharmacist.

56. **T/A Trenton Express Mart**
Trenton Express Mart, LLC
101 East Jones Street
Trenton, NC 28585
00248538AK-999
AK AM
ALE District I

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,250.00 on the charges of (1) possessing a video gaming machine and (2) selling or transferring glass tubes or splitters without proper records.

57. **T/A Tryon Distributing**
Tryon Distributing, LLC
4701 Stockholm Court
Charlotte, NC 28273
00103373CM-998
AT AU BL BM
ALE District VI

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of wholesaler delivering fortified wine to retailer without proper permit.

58. **T/A Way**
Pirate Way, LLC
218 East Fifth Street
Greenville, NC 27858
00243253AJ-999
AJ AL AZ
ALE District II

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charges of (1) delivering more than one drink at a time to a single patron for his personal consumption and (2) failing to comply with private club membership requirements.