

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
OCTOBER 14, 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 October 14, 2015, beginning at 10:00 AM. The meeting was recorded and the disc is on file at the NC ABC Commission in the Legal Division.

ROLL CALL

Chairman James C. Gardner and Commissioner Kevin M. Green were present. Chairman Gardner called the meeting to order.

MINUTES OF SEPTEMBER 9, 2015

Chairman Gardner asked for a motion to waive the reading of the minutes of the September 9, 2015 meeting into the record. Commissioner Green made a motion to waive the reading of the minutes. Chairman Gardner seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the September 9, 2015 meeting. Commissioner Green made a motion to approve the minutes. Chairman Gardner seconded the motion. Motion Passed.

CONFLICTS OF INTEREST

As required by N.C.G.S. § 138A-35, Chairman Gardner 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 any matters on the agenda. Commissioner Green stated he found no conflicts of interest. Chairman Gardner stated he found no conflicts of interest.

I. HEARING CASES – 55

Chief Counsel K. Renee Cowick stated hearing case number 1, O'Hara's Restaurant and Lounge, was a contested case. Assistant Counsel Tim Morse stated the violation was a result of the permittee's failure to file audit reports over a two-year period. The case had been petitioned; however, the permittee failed to submit documentation to the court. The Administrative Law Judge issued a decision of a one-year suspension of the permittee's Mixed Beverage Restaurant permit.

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

Ms. Cowick stated hearing case number 2, Pollo Royal Restaurant, was also Mr. Morse's case. Mr. Morse stated the case had been petitioned; however, the permittee failed to submit documentation to the court. The Administrative Law Judge issued a decision of a \$500.00 penalty and a 30-day suspension of the permittee's permits.

Commissioner Green asked what the charged violation regarded. Mr. Morse stated the permittee had failed to maintain records of alcohol purchased and had also purchased alcohol from retail outlets. Commissioner Green asked if the Administrative Law Judge had imposed both the monetary penalty as well as the suspension of permits. Mr. Morse confirmed both the monetary penalty and the suspension were included in the Administrative Law Judge's order.

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

Ms. Cowick stated hearing case number 3, Poor Boys, was also Mr. Morse's case. Mr. Morse stated the violation was a Sale to Underage and had been petitioned. However, the permittee failed to appear in court; therefore, the Administrative Law Judge issued a decision of \$500.00 penalty and a 15-day suspension of the permittee's permits.

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

Commissioner Green made a motion to remove hearing case number 52 [La Residence] from the cases to be ratified. Commissioner Green stated the penalty was not strong enough and requested the legal staff to renegotiate a new offer in compromise. Chairman Gardner seconded the motion. Motion Passed.

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

II. EXEMPTION REQUEST – N.C.G.S. § 18B-1116(b) – GRAIN RALEIGH, LLC, T/A TROPHY BREWING; TROPHY ON MAYWOOD, LLC, T/A TROPHY BREWING; 225 SOUTH WILMINGTON TENANT, LLC T/A BUSY BEE CAFÉ AND RESTAURANT; AND, STATE OF BEER, LLC T/A, STATE OF BEER

Ms. Cowick stated was Laura Collier was present on behalf of her clients; however, Ms. Collier asked the matter be moved to the November Commission Meeting agenda. The Commission agreed to postpone.

III. OTHER BUSINESS

Administrator Robert A. Hamilton asked the Commission to consider Wednesday, January 13, 2016, Wednesday, February 10, 2016 and Wednesday, March 9, 2016 for future ABC Commission meetings.

Commissioner Green made a motion to schedule the meetings as requested. Chairman Gardner seconded the motion. Motion Passed.

Chairman Gardner announced the next NC ABC Commission meeting will be held on Wednesday, November 18, 2015.

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

Approved at the November 18, 2015 Commission Meeting

/S/ James C. Gardner
James C. Gardner, Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

/S/ Caroline Y. Washburn
Caroline Y. Washburn for the Legal Section