

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
DECEMBER 16, 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 December 16, 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 Commissioners Kevin M. Green and Michael C. Herring were present. Chairman Gardner welcomed Mr. Herring back to the ABC Commission as a Commissioner. Chairman Gardner called the meeting to order.

MINUTES OF NOVEMBER 18, 2015

Chairman Gardner asked for a motion to waive the reading of the minutes of the November 18, 2015 meeting into the record. Commissioner Green made a motion to waive the reading of the minutes. Commissioner Herring seconded the motion. Motion Passed. Chairman Gardner asked for a motion to approve the minutes of the November 18, 2015 meeting. Commissioner Green made a motion to approve the minutes. Commissioner Herring 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 Herring recused himself from hearing case number 52. Commissioner Green made a motion to recuse Commissioner Herring from case number 52. Chairman Gardner seconded the motion. Motion Passed. Commissioner Green stated he found no conflicts of interest. Chairman Gardner stated he found no conflicts of interest.

I. HEARING CASES – 105

Chief Counsel Renee C. Metz stated the permittee for hearing case number 99 had turned in its permits for cancellation. Mrs. Metz stated the Offer In Compromise for hearing case number 9 had a clerical error and asked for it be moved to the January 2016 ABC Commission Meeting agenda.

Mrs. Metz asked that hearing case number 52 be ratified separately. Commissioner Green made a motion to ratify hearing case number 52. Chairman Gardner seconded the motion. Motion Passed.

Mrs. Metz stated hearing case number 1, Big Shots Sports Bar and Grill, was a contested case and Assistant Counsel Tim Morse represented the ABC Commission. Mr. Morse stated the permittee failed to respond to either the ABC Commission or to the Administrative Law Judge's requests. 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. Commissioner Herring seconded the motion. Motion Passed.

Mrs. Metz asked the Commission to ratify the remaining hearing cases. Commissioner Green made a motion to ratify the remaining offers in compromise, excluding hearing case numbers 9, 52 and 99. Chairman Gardner seconded the motion. Motion Passed.

II. ABC STORE LOCATION – LOCUST ABC BOARD

Administrator Robert A. Hamilton welcomed Commissioner Herring back to the ABC Commission.

Mr. Hamilton stated the Locust ABC Board had asked for approval for a new ABC Store. Mr. Hamilton stated the ABC staff had noticed issues with the lease contract and asked the Locust ABC Board to have the issues resolved. Mr. Hamilton stated the staff recommendation was to defer the decision to the January 2016 ABC Commission Meeting.

Commissioner Green made a motion to defer the decision to the January 2016 ABC Commission Meeting. Commissioner Herring seconded the motion. Motion Passed.

III. FINAL CLASSIFICATION OF RULES IN 2S (NOW 15B)

Mrs. Metz asked this item to be removed from the agenda. She stated the matter would be addressed in the April 2016 ABC Commission Meeting.

IV. OTHER BUSINESS

Commissioner Green welcomed Commissioner Herring to the NC ABC Commission and wished everyone a Merry Christmas, Happy Holidays and a safe holiday season.

Chairman Gardner announced the next NC ABC Commission meeting will be held on Wednesday, January 13, 2016.

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

Approved at the January 13, 2016 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