

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
JUNE 8, 2016**

The following narrative and summary describes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road, Raleigh, North Carolina on June 8, 2016, 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 James C. Gardner and Commissioners Kevin M. Green and Michael C. Herring were present. Chairman Gardner called the meeting to order.

MINUTES OF MAY 4, 2016

Chairman Gardner asked for a motion to waive the reading of the minutes of the May 4, 2016 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 May 4, 2016 meeting. Commissioner Herring made a motion to approve the minutes. Commissioner Green 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 stated he found no conflicts of interest. Commissioner Green stated he found no conflicts of interest. Chairman Gardner found no conflicts of interest.

I. CONTESTED CASES AND OFFERS IN COMPROMISE – 100

Chief Counsel Renee C. Metz stated case number 24, Mr. Quick Mini Mart, had actually been scheduled for the July 13, 2016 Commission Meeting and should be held over.

Commissioner Herring made a motion to hold the case over to the next Commission Meeting. Commissioner Green seconded the motion. Motion Passed.

Mrs. Metz stated no one was present on behalf of hearing case number 1, AJA Mart, which was a contested case and assigned to Assistant Counsel Missy Welch. The permittee failed to file prehearing statements, resulting in a motion for sanctions. The violations included two underage sales. The Administrative Law Judge granted the sanctions motion and issued a decision of a 60-day suspension of the permittee's ABC permits with the suspension beginning July 8, 2016.

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 stated there were persons present on behalf of case number 43, Carolina Ale House, of Greenville, North Carolina. Chris Moutos, attorney for the business, and Chris Bagley, the general manager, were present. Mr. Bagley stated the violation was a sale to underage which occurred during an ABC investigation. Mr. Bagley stated an employee checked the ID's of the two underage individuals and refused to serve one as they were underage; however, the employee misread the other ID and served one underage individual.

Mr. Bagley mentioned the employees did obtain a fake ID an individual attempted to use during the same evening. He stated the business works with local law enforcement regularly to help stop the use of fake ID's. Mr. Bagley stated this violation was a result of an employee's carelessness and not negligence by the restaurant. Mr. Bagley added the business has regular training by a local ABC Officer and measures in place to curb underage sales.

Mr. Moutos stated the business had signed the Offer in Compromise, but wanted to speak before the Commission.

Commissioner Green stated the business was well-known and a big operation; however, the businesses appeal to the underage group. Commissioner Green acknowledged the efforts made by the business and added the Commission is determined to fight the issue of fake ID's. He hoped the business would use this as a learning experience for the bartenders and servers and stress to the employees the importance of checking ID's. Commissioner Green added this enables the Commission to inform the public of the problem of underage drinking. He thanked them for attending.

Chairman Gardner stated the Commission is especially concerned with the false ID's. He stated the Commission is working with the legislature to change the law regarding the false ID's. The current penalty for using a fake ID is, upon conviction, you lose your license for one year. They are trying to move the issue to the DMV, so the penalty would be more similar to those for DUI. Chairman Gardner asked them as business owners to reach out to their local representatives. Chairman Gardner stated in North Carolina, one person each week is killed as a result of underage drinking related accidents. Besides the loss of life, underage drinking costs North Carolina one billion dollars per year. He added this is the top priority for this Commission. Chairman Gardner stated he appreciated them attending the meeting, and as this was the second violation, he hoped they would continue their efforts.

Mrs. Metz stated there was another Carolina Ale House location on the agenda, case number 9, located in Chapel Hill, North Carolina. Mr. Moutos stated the Carolina Ale House businesses average over 12,000 guests per day. They are using training and working to comply regarding the underage sales.

Chairman Gardner asked if ID's were checked at the door. Mr. Moutos stated ID's are only checked at the door during special events. He stated ID's were normally checked at the table by the server.

Commissioner Herring asked if the sale to underage violation occurred while the business was on temporary permits. Jay Joslin, the general manager, stated it did occur while they were on temporary permits and they served a three-day suspension of their ABC permits.

Chairman Gardner again stated the Commission appreciates all the help businesses can give and appreciates the seriousness they showed by attending the Commission Meeting.

Mrs. Metz stated next was case number 89, Han Dee Hugos 60. Frank Taylor, the Director of Operations for Sampson Bladen Oil Company, Inc., was present to represent John Clark, the vice president of the company.

Mr. Taylor stated he wished to express the company's embarrassment regarding the two violations for store number 12 and store number 60, of their 78 stores. Mr. Taylor stated they have a detailed training program, before being allowed at a register, a new hire must complete a computer-based training program on alcohol and tobacco laws. The employees are also assessed quarterly with online tests and videos. Mr. Taylor added he also provides presentations to all new employees.

Mr. Taylor explained the violation at store number 60 occurred when undercover agents observed an apparent drug transaction by one of the employees in the parking lot. The violation for the other location, store number 12, was a sale to underage. Mr. Taylor stated it was the location's second violation, the first occurring eleven years prior. Mr. Taylor stated the Offer in Compromise was for \$2,000.00 and asked how the schedule for payment was decided and if there was a statute of limitations regarding the violations.

Chairman Gardner asked Mrs. Metz to address Mr. Taylor's question. Mrs. Metz explained the schedule is a policy determined by each Commission so it can change over time. Mrs. Metz stated in this case, the prior violation did not affect this case's penalty as it occurred more than three years prior. She added this Commission is very concerned with sales to underage; therefore, the penalty for a first offense is higher than it was previously.

Chairman Gardner stated he was familiar with the Sampson Bladen Oil Company and appreciated the efforts they have made through training. Chairman Gardner added by working together, the Commission and businesses can get a handle on the underage drinking and the false ID's in particular.

No one else was present on behalf of the other cases; therefore, Mrs. Metz asked the Commission to ratify the Offers in Compromise.

Commissioner Green made a motion to ratify the Offers in Compromise. Commissioner Herring seconded the motion. Motion Passed.

II. ABC STORE LOCATION – TROUTMAN ABC BOARD

Administrator Robert A. Hamilton provided a review of the discussion at the previous Commission Meeting regarding the Troutman ABC Board's request for approval to purchase property to build and operate their first ABC Store. The proposed property is two lots located at the corner of Goodman Road and North Main Street in Troutman, North Carolina, with an address of 505 North Main Street.

Mr. Hamilton stated the property is zoned Highway Business and allows for an ABC Store. The property is owned by Rice Partners, LLC of Raleigh. Johnson Rice, one of the owners, confirmed there are no financial or personal interests between the property ownership and the ABC Board. All Troutman ABC Board members have submitted financial disclosures.

The purchase price for the approximate .91 acre property is \$200,000.00. The Board plans to build a 4,000 SF building, utilizing 2,500 SF for retail sales. The Board also plans to offer mixed beverage sales.

The nearest school is located approximately .5 miles from the proposed location. There are three churches in the vicinity; each is located approximately .5 miles away. The nearest ABC Store is located approximately 5.3 miles away and is operated by the Statesville ABC Board.

Mr. Hamilton stated the required sign announcing the ABC Board's intention to open an ABC Store was properly posted at the site on March 18, 2016 and no calls had been received regarding the proposed

location. Mr. Hamilton stated the projected sales were approximately \$770,000.00 for the first year. Mr. Hamilton added an independent group conducted a feasibility study regarding the success and potential sales of this ABC Board and a potential store in this location. Mr. Hamilton stated the study agrees with the Board's numbers, and their numbers may be lower to allow for growth.

Leyton Getsinger, the Chair of the Troutman ABC Board was present with Mayor Ron Wyatt of Troutman. Mr. Getsinger stated the independent study was conducted by a consultant performing in-depth research and anticipated annual sales of \$1,390,000 as the store matures. Mr. Getsinger stated this amount was used to forecast the first five years of revenues and provided a table of the forecasts. The first fiscal year was estimated to have sales of \$765,000, as it was seven months long with the expected opening date of December 1, 2016. He also pointed out the column regarding the annual sales increases.

Mr. Getsinger stated the Board expects sales to increase with the growth of their community. He stated Troutman was "Lake Norman's Front Porch" and Charlotte's growth was expanding to their community. Troutman is expected to continue to grow. He added that within a 5-mile radius of the proposed location, there are 16,855 people over the age of twenty-one, creating a marketplace for an ABC Store.

The Mooresville ABC Board has \$9.54 million in annual sales and the Statesville ABC Board has \$5.58 million. Troutman, Mr. Getsinger explained, is equidistant between Mooresville and Statesville. Mr. Getsinger stated it was realistic to expect a minimum of 10% of the business from these boards. Mr. Getsinger added the due diligence has been performed and the Board is comfortable and believes the store is viable. The consultant stated in its report, the information and data supports the success of the ABC Store in Troutman.

Chairman Gardner stated in the projected P & L Statement, the estimated profit for the second year was \$7,000. Mr. Getsinger said this was based upon the expense estimates. Commissioner Herring stated the Troutman Board was projecting sales to increase 8.5-9% annually; however, the state average growth is 5%. Commissioner Herring asked if the projections were a little high and whether the profitability should be projected for the third year.

Mr. Getsinger stated the Board was familiar with the state average and was very conservative with its projections, using only 55% of the \$1.38 million in projected earnings from the study as sales for the first year, which is seven months. He explained, rather than over project, the Board predicted very low numbers and as the Board matures, they would increase. They projected 60% for the second year, 65% for the third year, 75% for the fourth year and 80% by the fifth year of operations. The Board does not expect the \$1.3 million annual sales until the sixth or seventh year, even though the consultant has predicted those sales would occur earlier in their report.

Commissioner Herring stated he traveled through Troutman during the past month and he recognized it as a growing community. He added the New Hanover County ABC Board is also adding a store within the same distance from existing stores as this proposed store is from the Statesville and Mooresville stores.

Commissioner Green said the Commission appreciated the Board coming to the Commission Meeting to provide information. The Commission wanted to make sure the numbers were accurate and now feels comfortable with the proposed store.

Commissioner Green made a motion to approve the proposed location. Commissioner Herring seconded the motion. Motion Passed.

III. ABC STORE LOCATION – CHATHAM COUNTY ABC BOARD

Mr. Hamilton stated the Chatham County ABC Board had requested approval to purchase property on which to build and operate a new ABC Store to replace an existing store. The property is located in the southwest corner of the intersection of US Hwy 1 and Moncure-Pittsboro Road in Chatham County. The new store would replace the existing store located in the southeast corner of the same intersection approximately .2 miles away.

The proposed site is two parcels and the Board is anticipating an August 1, 2017 opening. The property is currently zoned R-5 Residential. The Board is asking for conditional approval for the purchase of the property from the Commission, contingent upon obtaining a variance or change in zoning allowing for the ABC Store and retail sales.

The parcels are owned by two different families and the agent representing both families confirmed there are no financial or personal interests between the property owners and the ABC Board members. Each member of the Chatham County ABC Board provided financial disclosures. The parcels combine for a 2.494 acre property and the combined purchase price is \$105,000.

Mr. Hamilton stated the proposed building will be 5,000 SF of which 2,800 SF will serve as retail space. The current location is 750 SF in a space below a gas station, on the back side of a convenience store.

The nearest school, Moncure School, is located approximately 1.5 miles from the proposed location. The nearest church, Mount Olive Missionary Baptist Church is approximately .7 miles away. After the existing ABC Store is closed and replaced by the proposed ABC Store, the nearest ABC Store is located approximately 8.9 miles away and is operated by the Pittsboro ABC Board.

Mr. Hamilton stated the required sign announcing the ABC Board's intention to open an ABC Store was properly posted at the site on February 8, 2016. There was one call with concerns the ABC Store would be the first thing seen off of the highway. There were three calls received in support of the proposed store. Mr. Hamilton stated the projected first year sales were \$455,000.00.

General Manager Matt Williams was present on behalf of the Chatham County ABC Board. Mr. Williams stated the location had been leased since the early 1990's. The property owner had installed fuel tanks behind the building for the gas station operating in front of and above the ABC Store. The tanks raised the levels of the grounds, so the store seems to be in a hole and customers must drive into a narrow space with only six parking spots.

Currently, Mr. Williams stated, the ABC Store is experiencing a monthly 7% growth in sales. With 750 SF, the shelf space has been maxed and does not allow for a large selection to serve the citizens of Chatham County and Moncure. A larger, safer store would better serve their employees and customers and provide for additional growth from the coming Chatham Park development.

Commissioner Herring asked if a curb and gutter would be installed. Mr. Williams stated they were waiting on the rezoning. He added the property across the street has been rezoned General Use Business and the Board will ask that the proposed location be zoned General Use Business also. Therefore, the curb and gutter would not be necessary. The store will be directly off the exit ramp to Sanford, but the site plan has not been completed. Mr. Williams stated the deadline to present their proposal to the county is July 1, 2016. The Board is hoping for the favorable rezoning of General Use, but will not know the outcome until October 2016.

Commissioner Green stated the projected sales were \$455,280.00 and asked about the capital outlay of \$993,750.00, with a capital improvements fund of \$400,000.00 and a bank loan of \$593,750.00. Commissioner Green stated the mortgage interest expense was \$12,900.00 and asked about the loan payments, as the debt service was not referenced in the proposed budget. Mr. Williams stated the Board has not applied for loans as of this time. Commissioner Green asked how many stores were currently operated by the Chatham County ABC Board. Mr. Williams stated there were three stores with an annual profit of \$253,000.00.

Commissioner Herring asked about the projected increase of 8-10% and if it was based on the better location. Mr. Williams stated they expected the growth rate to be higher. He added the current growth rate in the space of 750 SF was 7-8%. They expect the increase with the added space and the ability to offer additional products.

Commissioner Herring made a motion to approve the proposed Moncure location. Commissioner Green seconded the motion. Motion Passed.

IV. ABC STORE LOCATION – NEW HANOVER COUNTY ABC BOARD

Mr. Hamilton stated the New Hanover County ABC Board had requested approval to purchase land to build and operate a new ABC Store at 5978 Carolina Beach Road in Wilmington, North Carolina.

The proposed property is located in a strip shopping center between a Harris Teeter, a gas station and a Taco Bell. The property is zoned B-1 CD (Business District) and allows for an ABC Store.

Mr. Hamilton stated the proposed property is owned by FNB Bank Southeast, which is owned by Yadkin Bank. Terry Earley, the CFO of Yadkin Bank, confirmed there are no personal or financial interests shared between the property owners and the New Hanover County ABC Board members. Financial disclosure forms have been provided by the New Hanover County ABC Board members.

The proposed purchase price for the 1.4254 acre property is \$650,000.00. The Board plans to be an approximately 6,000 SF building, of which 5,000 SF will be used for retail space and 1,000 SF for storage. The Board estimates the cost to build the building plus fixtures will be \$1.5 million.

The nearest school, Haywood C. Bellamy Elementary School, is located approximately .8 miles away. The nearest church, Bowens Chapel AME Zion Church, is located approximately .3 miles away. The closest ABC Store is located approximately 3.9 miles away also in Wilmington, North Carolina.

Mr. Hamilton stated the required sign announcing the ABC Board's intention to open an ABC Store was properly posted at the site on May 2, 2016. As of this date, seven calls had been received regarding the new store, six of which were negative. The calls regarded concern for traffic; the need for a privacy fence for the nearby residences; a resident did not want an ABC Store near their house; a school bus stop near the front of the proposed store; and, the housing development behind the store. Mr. Hamilton stated the New Hanover County ABC Board General Manager has assured the Commission they will erect a privacy fence between the housing development and the proposed property. Mr. Hamilton added one call was also in support of the new location.

Mr. Hamilton stated the estimated sales were \$950,000.00 for the first year. He stated representatives of the New Hanover County ABC Board were present to speak on behalf of the Board.

Marnina Queen, General Manager of the New Hanover County ABC Board, stated the location had been chosen strategically as there is another store located on Carolina Beach Road. There is a plan to build 800 homes with apartments and condos around the corner from the proposed site. Ms. Queen also stated the River Park development is planned nearby over the next few years with thousands of new homes; further indicating the growth in the area and a need for a store in this location.

Commissioner Herring inquired if the new store would affect the sales of both the nearby ABC stores and if the Board expects to cover the cost with the sales from the projected growth. Ms. Queen stated many customers do not come over the bridge from Carolina Beach, especially during inclement weather, so this would serve that community as well.

Commissioner Herring made a motion to approve the proposed location. Commissioner Green seconded the motion. Motion Passed.

V. ABC STORE LOCATION – ORANGE COUNTY ABC BOARD

Mr. Hamilton stated the Orange County ABC Board had requested approval to lease and operate a new ABC Store at 1724 Fordham Boulevard in Chapel Hill, North Carolina. The new store would replace an existing store located approximately .5 miles away from the proposed site. The proposed site is located 1.5 miles from the Durham County line in the Rams Plaza commercial strip.

The proposed store is located in a space currently occupied by a CVS Pharmacy and is adjacent to a Food Lion grocery store. The property is zoned Walkable Mixed (WX) Use 7 and allows for an ABC Store.

The proposed property is owned by Rams Plaza Associates. Preston Waldo of the management company for Rams Plaza stated there are no personal or financial interests shared between the property owners and the Orange County ABC Board. Financial disclosure forms have been provided by the Orange County ABC Board members.

The proposed rent for the property will be \$11.00 per square foot or \$7745.83 per month for the first five years of the lease. The space is approximately 8,450 SF, of which approximately 5,577 SF will be used for retail space. The remaining space will be used for storage and administration, with plans to move their mixed beverage sales to this location.

The nearest school, Montessori Day School, is located approximately .2 miles away. The nearest church, Binkley Memorial Baptist Church, is located approximately .5 miles away. The nearest ABC Store is located 3.3 miles away and is also operated by the Orange County ABC Board.

Mr. Hamilton stated the required sign announcing the ABC Board's intention to open an ABC Store was properly posted at the site on April 26, 2016. As of this date, six calls had been received regarding the new store, four of which supported the new store. Two calls were in opposition to the new store.

Mr. Hamilton stated the estimated sales were \$3.25 million for the first year. Mr. Hamilton stated a member of the Orange County ABC Board was present to speak regarding the proposed location.

Tony DuBois, the General Manager of the Orange County ABC Board, explained the current ABC Store location has a large construction project next door and this has precipitated the sale of the building in which they are currently located. The Board also anticipates the building will soon become part of the construction project and will be demolished. The Board wishes to be proactive before their busiest store is

closed. Mr. DuBois stated the proposed location is just down the street and will be more convenient for customers.

Commissioner Green asked if the proposed location is an outparcel. Mr. DuBois stated it was attached next to a Food Lion. Mr. Herring stated the store will be a large store. Mr. DuBois stated the rent for this much larger space is basically the same cost for their current location.

Commissioner Green made a motion to approve the proposed location. Commissioner Herring seconded the motion. Motion Passed.

VI. EXEMPTION REQUEST – N.C.G.S. § 18B-1116 – PROFESSIONAL SPORTS CATERING, LLC; DEWINE SEES-SILVER DOLLAR BASEBALL, LLC

Mrs. Metz stated the exemption request involved the Asheville Tourists Baseball stadium in which the Catawba Valley Brewing Company wishes to advertise. Mrs. Metz stated there is also a retailer with permits existing within the stadium. Matthew Cordell, attorney for Catawba Valley Brewing Company of Morganton and Asheville, stated his client wishes to advertise at the baseball stadium of The Asheville Tourists Baseball Club. An independent, third-party retailer, Professional Sports Catering, LLC, operates the concessions at the park, including the sale of alcohol. Mr. Cordell stated the Asheville Tourists do not control the concessions company, only the stadium premises.

Mr. Cordell is requesting an exemption consistent with exemptions previously granted at sports stadiums. However, Mr. Cordell requested altering the requirement to file a copy of advertising agreements with the NC ABC Commission. Mr. Cordell stated with the North Carolina open records policy, his client did not wish to reveal their contracts, pricing or advertising to their competitors and requested they not be required to file that information. He added his client, the applicant, would be willing to sign an affidavit stating the contract is in compliance with the terms of the exemption.

Chairman Gardner asked Mrs. Metz if she had comments on this request. Mrs. Metz stated historically the ABC Commission has received copies of the advertising contracts from the sports arenas, including Anheuser Busch at the Charlotte Coliseum, Miller at the Charlotte Motor Speedway and most recently the Holly Springs Salamanders and Carolina Brewing Company. Mrs. Metz stated all had submitted their advertising contracts. Mrs. Metz added only one request had been received to view these records within her thirteen years in the Legal Division. And this request was not for the advertising contract, but for the exemption request.

Mrs. Metz stated the concern is there cannot be more favorable terms in the advertising contract for one industry member than another. Therefore, the NC ABC Commission must know the terms involved in the contracts and this is the reason the Commission requires copies of the advertising contracts. Mrs. Metz added the exact dollar amounts may not be needed; however, this request listed specific types of advertising. The Commission needs to know the types of advertising, and the information cannot be presented in broad terms allowing authority for advertising to be whatever the industry member wishes. This also helps keep the industry members and the retailers separate to maintain the three-tier system, so they must know what the relationships are to enforce the law. Mrs. Metz stated, historically if the Commission wishes to stay within precedent, the advertising contracts have been received in the past, as recently as an exemption granted last June to the Holly Springs Salamanders. Mrs. Metz stated she could not recommend to the Commission not to require the contracts as she is concerned questions may arise in the future regarding who is receiving favorable terms in advertising.

Commissioner Green asked if the financial information of the contracts mattered. Mrs. Metz stated, for example, if Catawba Valley Brewing Company was able to advertise on a billboard in the outfield and

another brewery was only allowed to advertise on the back of the programs. The same opportunities should be available to competitors and the ABC Commission would need to view the contracts. Mrs. Metz stated the preference would be to have the numbers, but if that is the concern, the Commission could work with them. Mrs. Metz stated she could not recommend these requests.

Commissioner Herring asked if the financial information could be marked not part of the public record. Mrs. Metz stated the allowances for confidential information were very restricted, to criminal records, social security numbers and similar information. Mr. Cordell stated that was the concern of his client, since anyone could request to see the contracts and the Commission would be obligated to provide them.

Commissioner Green asked if the financial information could be redacted. Mrs. Metz stated the information could be redacted. However, if the ABC Commission requested the financial information the permittee would then be required to provide it; but, would not be required to submit the financial information initially. Commissioner Herring asked if “upon request” could be added to the order. Mrs. Metz stated it could be added.

Mrs. Metz stated the two paragraphs of the order creating concern for Mr. Cordell are “... advertising to be displayed at the outfield of McCormick Field and to be broadcast on local radio and TV stations, on the Team website, through social media channels and on printed pocket-sized schedules.” Mrs. Metz said these were included in the request for the exemption. If changes were requested in the future, they could be addressed at that time. Mrs. Metz again stated, she could not recommend blanket approval for advertising. The request also referenced “the advertising contract and any future changes submitted hereto shall be submitted to the ABC for approval at least three days prior to taking effect.” Mrs. Metz stated these were the two paragraphs Mr. Cordell had concerns with and they could be adjusted before the Chairman signs the order.

Chairman Gardner asked if the parties could discuss the matter further and present a new exemption request later. Mr. Cordell stated his client could not wait as they needed to sign the contract promptly. Mr. Cordell stated they did list specific types of advertising in their application; however, during the course of the advertising relationship, his client may also wish to tweak it and add other advertising within the sports arena that does not fall strictly within the enumerated terms. Mr. Cordell stated the programs and the scoreboard are listed to be illustrative, but not exclusive and said he would like to add “other customary advertisement in the professional sports arena.” Mrs. Metz stated the advertising is restricted to the field for an industry member, as the concourse area is restricted to retailers. Mrs. Metz stated the industry members were not allowed to advertise off of the field area with the exception of the programs and schedules. Mrs. Metz stated the bleachers to the outfield were allowable, but the building and the concourse were for the retailers.

Commissioner Green asked if the policies are the same regardless of the size of the sports arena, whether it is the Carolina Panthers’ stadium or the Greensboro Grasshoppers’ field. Mrs. Metz stated the size of the stadium was irrelevant and the inside and concourse were for the retailers and the field is available to industry members for advertising. Mr. Cordell asked that the programs and scoreboard be added to the order.

Commissioner Green made a motion to grant the exemption with the amendments presented by ABC Commission legal counsel to include advertising on the scoreboards and programs and redacting the financial information within the advertising contracts. Commissioner Herring added the financial information must be available upon request by the ABC Commission, and seconded the motion. Motion Passed.

VII. EXEMPTION REQUEST – N.C.G.S. § 18B-1116 – LINCOLN BREWING CO., LINCOLN WADE PARK, LLC, EL GUAPO RALEIGH, LLC; GUAPO MEXICAN FOOD, LLC

Mrs. Metz stated no one was present on behalf of Lincoln Brewing Company and explained there were inconsistencies in the exemption request. She asked for clarification from the attorney and has not yet received a response. Mrs. Metz asked that the request be moved to the next Commission Meeting agenda.

Commissioner Green made a motion to table the exemption request. Commission Herring seconded the motion. Motion Passed.

VIII. OTHER BUSINESS

Mrs. Metz stated if a violation did not have a criminal charge, there was not a judge to sign the order to destroy any evidence seized. Mrs. Metz asked for a motion enabling the Chairman to sign an order to destroy the evidence.

Commissioner Herring made a motion to allow the Chairman to sign an order to destroy the evidence. Commissioner Green seconded the motion. Motion Passed.

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

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

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

Respectfully submitted by,

Caroline Y. Washburn for the Legal Division