

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
FEBRUARY 8, 2017**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission meeting held at 400 East Tryon Road in Raleigh, North Carolina on February 8, 2017, 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 Commissioner Michael C. Herring were present. Chairman Gardner called the meeting to order.

MINUTES OF JANUARY 11, 2017

Chairman Gardner asked for a motion to waive the reading of the minutes of the January 11, 2017 meeting into the record. Commissioner Herring 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 January 11, 2017 meeting. Commissioner Herring 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 Herring stated he found no conflicts of interest. Chairman Gardner stated he found no conflicts of interest.

I. CONTESTED CASES AND OFFERS IN COMPROMISE – 58

Chief Counsel Renee C. Metz stated no one was present on behalf of the cases on the agenda and asked the Commission to ratify the 58 Offers in Compromise.

Commissioner Herring stated the offers had been reviewed and made a motion to ratify the cases. Chairman Gardner seconded the motion. Motion Passed.

II. OTHER BUSINESS

Mrs. Metz stated Star Karaoke and Bar was Assistant Counsel Missy Welch's case and asked her to provide an explanation of the case. Mrs. Welch stated the order for cancellation of the permits had been approved during the November 9, 2016 Commission Meeting. The permittee had been convicted in criminal court, where he represented himself and plead guilty; therefore, he was no longer eligible to hold an ABC permit. In December, Mrs. Welch stated the permittee contacted her to inform her he wished to

keep his permits. The permittee hired an attorney who was able to have the criminal charges dismissed, making him eligible to keep the permits.

Mrs. Welch asked the order approved in November be rescinded so an Offer in Compromise with a revised monetary and suspension penalty could be presented to the Permittee.

Commissioner Herring asked if the permittee had an ABC violation. Mrs. Welch stated one of the charges was for possession of spirituous liquor on the premises without a permit and this was the cause for the criminal charge.

Commissioner Herring made a motion to withdraw the previously approved order and reinstate the permits allowing a new penalty to be negotiated. Chairman Gardner seconded the motion. Motion Passed.

Administrator Robert A. Hamilton thanked Chairman Gardner and Commissioner Herring for their service. Mr. Hamilton added Chairman Gardner had presided over approximately 47 Commission Meetings. He added he hoped to see them at the next month's meeting.

Chairman Gardner announced the next NC ABC Commission meeting will be held on Wednesday, March 8, 2017 and asked for a motion for adjournment.

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

Approved at the March 8, 2017 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