

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
JUNE 10, 2020**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission Meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on June 10, 2020, beginning at 10:00 AM. The meeting was recorded, and a copy of the recording is on file at the NC ABC Commission within the Legal Section.

**ROLL CALL**

Chairman A.D. Zander Guy, Jr. called the June 2020 ABC Commission Meeting to order. Chairman Guy introduced Commissioner Norman A. Mitchell, Sr. and Commissioner Karen L. Stout who were joining the meeting via teleconference.

Chairman Guy announced the July 8, 2020 Commission Meeting would also be via teleconference; therefore, the public hearing scheduled for the Proposed Permanent ABC Store Spirituous Liquor Tastings Rules would be rescheduled for the August 12, 2020 Commission Meeting.

Commissioner Stout made a motion to reschedule the public hearing. Commissioner Mitchell seconded the motion. Motion Passed.

**MINUTES OF MAY 13, 2020 COMMISSION MEETING**

Commissioner Mitchell made a motion to waive the reading of the minutes of the May 13, 2020 Commission Meeting into the record. Commissioner Stout seconded the motion. Motion Passed.

Commissioner Stout made a motion to approve the minutes of the May 13, 2020 meeting. Commissioner Mitchell seconded the motion. Motion Passed.

**CONFLICTS OF INTEREST**

As required by N.C.G.S. § 138A-35, Chairman Guy 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 Stout stated she reviewed the agenda and found no conflicts of interest. Commissioner Mitchell stated he reviewed the agenda and found no conflicts of interest. Chairman Guy stated he found no conflicts of interest.

Chairman Guy greeted those who were joining the teleconference. Chairman Guy recognized and thanked the ABC Commission employees for their work during these trying times. Chairman Guy also recognized Kelton Brown, the project manager, for making the Commission Meetings possible by teleconference and thanked him for a great job arranging the virtual meetings.

Chairman Guy added the Commission was fortunate to have its staff. Chairman Guy stated, though the office has been closed to the public, the staff continues to provide great customer service to the permittees.

## **I. CONTESTED CASES AND OFFERS IN COMPROMISE – 62**

Chairman Guy recognized General Counsel Stacey Carter-Coley. Mrs. Carter-Coley requested case numbers 36 through 42, regarding Johnson Brothers Mutual Dist. of NC, be continued to the August Commission Meeting.

Commissioner Stout made a motion to continue the cases to the August 12, 2020 meeting. Commissioner Mitchell seconded the motion. Motion Passed.

Mrs. Carter-Coley stated there were no contested cases and confirmed attorney Glenn Lassiter wished to discuss two Offers in Compromise. The first case was case number 2, Food Lion 1544.

Mr. Lassiter stated both cases were for Food Lion stores and both had been delayed as he wished to address the Commission. Mr. Lassiter stated Food Lion 1544 was located in Carrboro, North Carolina and had had a number of issues regarding sales to underage buyers.

Mr. Lassiter stated the most recent violation which occurred on May 17, 2019, was the location's third within three years. The two most recent prior violations occurred on February 9, 2018 and July 31, 2018. Mr. Lassiter stated the May 17, 2019 violation occurred during a compliance check and the location has not received a violation since this date.

Mr. Lassiter requested consideration for his client and that his client be given an opportunity to pay another fine in addition to the \$5,000.00 to avoid the five-day active suspension.

Chairman Guy stated a failure to superintend violation could be added with an additional penalty in lieu of the active suspension. Commissioner Stout asked for the amount of the additional penalty. Chairman Guy stated with the current environment the Commission could consider a lesser amount than the additional \$5,000.00 which was the usual fine previously assigned.

Commissioner Mitchell made a motion to add a second violation with a penalty of \$2,500.00 and no additional suspension. Commissioner Stout seconded the motion. Motion Passed.

Mr. Lassiter stated case number 25 was regarding Food Lion 197. Mr. Lassiter explained the Chapel Hill location had serious issues in 2015 and 2016 after a horrible accident. Mr. Lassiter stated the violation which occurred on February 23, 2019 was the location's first in two and one-half years. Mr. Lassiter added the supervisor approved the sale and afterward was let go. Mr. Lassiter requested consideration regarding the suspension.

Chairman Guy asked the Commissioners if they had questions and if they would consider the same penalty for this location.

Commissioner Mitchell, to be consistent, made a motion to add a second violation with a penalty of \$2,500.00 and no additional suspension. Commissioner Stout seconded the motion. Motion Passed. Commissioner Mitchell added he hoped the businesses would not continue to have the same situations.

Mrs. Carter-Coley asked if there were any permittees who wished to speak to the Commission regarding any cases. As no one indicated they wished to address the Commission, she asked the Commission to ratify the remaining Offers in Compromise.

Commissioner Mitchell made a motion to ratify the remaining Offers in Compromise. Commissioner Stout seconded the motion. Motion Passed.

**II. PUBLIC HEARING ON PROPOSED PERMANENT ABC STORE SPIRITUOUS LIQUOR TASTINGS RULES – 14B NCAC 15C .1301, .1303-.1305, .1307**

The public hearing was rescheduled for the August 12, 2020 ABC Commission Meeting. The Public Comment Period was extended until the August 12, 2020 ABC Commission Meeting.

**III. OTHER BUSINESS**

Mrs. Carter-Coley requested the Commission consider dates for future Commission Meetings. Mrs. Carter-Coley proposed Wednesday, August 12, 2020 as the date of the August Meeting; Wednesday, September 9, 2020 as the date of the September Meeting; Wednesday, October 7, 2020 as the date of the October Meeting; Wednesday, November 4, 2020 as the date of the November Meeting; and, Wednesday, December 9, 2020 as the date of the December Meeting.

Chairman Guy asked the Commissioners if the proposed dates were agreeable to them. Commissioner Mitchell made a motion to approve the suggested dates for the Commission Meetings. Commissioner Stout seconded the motion. Motion Passed.

Chairman Guy asked if there was anyone else who wished to address the Commission. Chairman Guy again thanked everyone for participating in the meeting and thanked the Commission employees again. The June Commission Meeting was adjourned.

**APPROVED ON JULY 8, 2020**

A.D. “Zander” Guy, Jr., Chairman  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

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Caroline Y. Washburn for the Legal Section