

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
JUNE 9, 2021**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) Meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on June 9, 2021, beginning at 10:00 AM. The meeting was recorded, and a copy of the recording is on file at the Commission within the Legal Section.

ROLL CALL

Chairman A.D. Zander Guy, Jr. called the meeting to order and welcomed those who were joining the teleconference for the June 9, 2021 Commission Meeting and thanked them for their partnership and participation. Chairman Guy recognized the employees of the Commission, stating he was proud of them and the customer service they have been providing though impacted by the pandemic. Chairman Guy explained the Commission is now facing a major maintenance project. Chairman Guy stated the long overdue roofing project for the Commission building was scheduled to begin soon and it may last until the end of the year. Chairman Guy stated the Commission will need to make adjustments to staffing, as some staff members would be moved to the first floor, modular units would be set up for some staff members and other employees would be working remotely.

Chairman Guy explained, due to safety concerns during the roofing project, the Commission would only be able to admit permittees by appointment to meet with staff members. Additionally, safety concerns would require hard hats. Chairman Guy stated those concerns would also cause the Commission Meetings to continue to be virtual, perhaps through October. Chairman Guy asked for patience and added the Commission will continue to strive for a high level of service.

Chairman Guy welcomed Schmett Jones to the Commission, stating Ms. Jones would be serving as the Director of Human Resources. Chairman Guy explained Ms. Jones would be able to address the needs of the employees, including future growth opportunities. Chairman Guy stated Ms. Jones will be dedicated to the human resources needs of the Commission, as they had previously only been part of a person’s duties for the Commission. Chairman Guy added the Commission had been growing rapidly and it was important to have someone to focus on the employees’ needs.

Chairman Guy thanked Commissioner Norman A. Mitchell, Sr. and Commissioner Karen L. Stout, who were joining the meeting via teleconference. Chairman Guy stated, though they were not required to be physically present in the office, they were wonderful to work with and always made themselves available. Chairman Guy explained they were very supportive of the Commission staff, the 170 ABC Boards, the 439 ABC Stores and the 2,900 employees of the Boards. Chairman Guy thanked Commissioner Stout and Commissioner Mitchell and stated the Commission appreciates all they do.

MINUTES OF THE MAY 12, 2021 COMMISSION MEETING

Commissioner Stout made a motion to waive the reading of the minutes of the May 12, 2021 Commission Meeting into the record. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner Mitchell made a motion to approve the minutes of the May 12, 2021 Commission Meeting. Commissioner Stout seconded the motion. A vote was held, and the 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.

I. HEARING CASES AND OFFERS IN COMPROMISE – 41

Chairman Guy recognized General Counsel Stacey Carter-Coley. Mrs. Carter-Coley stated agenda case number 1, Old Currins Mini Mart, was a contested case assigned to Assistant Counsel Seth Kandl and had been heard at the Office of Administrative Hearings by Administrative Law Judge Ward. Mrs. Carter-Coley stated staff recommended the Commission accept the Administrative Law Judge's consent order. Chairman Guy asked if anyone had questions.

As there were no questions, Commissioner Stout made a motion to follow the staff recommendation and impose the Judge's decision. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Mrs. Carter-Coley stated agenda case number 2, C Mart in Trenton, NC, was also a contested case. It was assigned to Assistant Counsel Rachel Spears and had been heard at the Office of Administrative Hearings by Judge Ward. Mrs. Carter-Coley stated staff recommended the Commission accept the Administrative Law Judge's final decision. Chairman Guy asked if anyone had questions.

As there were no questions, Commissioner Mitchell made a motion to follow the staff recommendation and impose the Judge's decision. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

Mrs. Carter-Coley asked if anyone was present on behalf of the remaining cases. Chairman Guy also asked if anyone wished to address the Commission about a case. As no one responded, Mrs. Carter-Coley stated staff recommended the ratification of the remaining Offer in Compromise cases.

Commissioner Stout made a motion to ratify the remaining Offers in Compromise. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

II. ORDER TO DISPOSE OF EVIDENCE SEIZED (00228676AJ-999)

Mrs. Carter-Coley explained the case in this matter resulted in a Written Warning; however, evidence had been seized. Mrs. Carter-Coley stated Alcohol Law Enforcement had requested authorization to dispose of the evidence seized, as there were no criminal proceedings pending.

Chairman Guy asked if there were any questions. As there were no questions, Commissioner Mitchell made a motion to grant the request and issue an order to destroy the evidence seized. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

III. ABC STORE LOCATION – LINCOLNTON ABC BOARD (760 HIGHWAY 27 WEST, LINCOLNTON, NC)

Chairman Guy asked if there was anyone present from Lincolnton. As there were no responses, Chairman Guy recognized Deputy Commissioner Terrance L. Merriweather to provide an overview of the Lincolnton ABC Board's request. Mr. Merriweather stated on April 26, 2021, the Lincolnton ABC Board requested approval from the Commission to purchase property for an ABC Store. Mr. Merriweather stated the property was located at 760 NC Highway 27 West in Lincolnton. ABC Commission Field Auditor-Supervisor Edwin Strickland contacted Lincolnton ABC Board Chairman Tommy Husky to gather information needed for the investigative report. Mr. Merriweather stated the proposed store would replace the currently leased store located at 627 Riverside Drive in Lincolnton.

Mr. Merriweather stated Mr. Strickland contacted the Planning Assistant for the city and the property is zoned for commercial use and allows for an ABC Store. Mr. Merriweather explained, the proposed property is owned by People's Bank and Mr. Strickland spoke with the Senior Vice President of People's Bank and confirmed there are no relationships between the property owner and the board members. Financial disclosure forms were provided by the board members.

Mr. Merriweather explained the building will be approximately 4,000 SF. Mr. Merriweather stated the nearest schools, Lincolnton Charter School located at 133 Eagles Nest Road and Lincolnton High School located at 803 North Aspen Street in Lincolnton, are both approximately 1.2 miles from the proposed location. The nearest church, Revelation Apostolic Holiness Church located at 621 Riverside Drive in Lincolnton, is approximately .3 miles from the proposed location. Mr. Merriweather stated the nearest ABC Store, located at 105 Stanford Road, is also operated by the Lincolnton ABC Board and is located approximately 2.8 miles away.

The notice to the public was posted on April 25, 2021. The sign was witnessed by Mr. Strickland on May 6, 2021 and was determined to meet ABC requirements. Mr. Merriweather stated, as of May 18, 2021 no comments or concerns had been received by the Lincolnton ABC Board. Mr. Merriweather stated staff recommended approval of the proposed location for the Lincolnton ABC Board.

Chairman Guy asked if the Commissioners had questions regarding the proposed location or if anyone else wished to comment. There were no questions or comments.

Commissioner Stout made a motion to approve the proposed location upon staff recommendation. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

IV. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B – 1116(b) – TROLLEY BARN BREWERY, LLC AND LEGION BREWING COMPANY, LLC

Chairman Guy stated this agenda item was an exemption request pursuant to §18B-1116(b) by Trolley Barn Brewery, LLC and Legion Brewing Company, LLC and recognized Mrs. Carter-Coley to address the exemption request. Mrs. Carter-Coley asked if anyone was present regarding the request and there was no response.

Mrs. Carter-Coley stated staff reviewed the exemption request and recommended the request be approved. Chairman Guy asked again if anyone representing the LLC wished to address the Commission.

Attorney Christian Staples spoke on behalf of his clients and stated they were in agreement with the exemption as written.

Commissioner Mitchell made a motion to grant the exemption. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

V. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – EUROPEAN CELLARS, LLC AND ERIC SOLOMON

Mrs. Carter-Coley requested the exemption request be continued to a future Commission Meeting.

Commissioner Stout made a motion to move the request to a future date. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

VI. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – JERRY HALL, ERIC WHEALTON, VERNARDO SIMMONS-VALENZUELA AND D.B.A., LLC d/b/a DIRTBAG ALES AND TAPROOM

Mrs. Carter-Coley stated staff had reviewed the exemption request and recommended that the exemption request pursuant to §18B-1116(b) be granted. Chairman Guy asked if anyone had questions, and there were none.

Commissioner Mitchell made a motion to follow the staff recommendation to grant the exemption. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

VII. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – MASON JAR TAVERN, INC.

Mrs. Carter-Coley stated staff reviewed the exemption request submitted pursuant to §18B-1116(b) and recommended the request be approved. Chairman Guy asked if there were any questions, and there were none.

Commissioner Stout made a motion to follow the staff recommendation to approve the exemption. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

VIII. YOUNGSVILLE ABC BOARD – TEMPORARY STORAGE

Mrs. Carter-Coley asked if anyone was present on behalf of the Youngsville ABC Board. Chairman Guy stated the Board's General Manager, Bridget Stanley, was present. Chairman Guy added Ms. Stanley had visited the Commission the previous week with the Youngsville ABC Board Chairman, town manager and mayor. Chairman Guy explained the Board plans a grand opening of their new store on July 1, 2021 and are requesting permission to store the products at a different location temporarily, until the store is opened. Chairman Guy stated it has been recommended an order be granted to allow the temporary

storage location through August 1, 2021. If additional time was required, the Board should submit a request to the Commission.

Commissioner Mitchell made a motion to grant the request to store the products at a different location until August 1, 2021. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

IX. OTHER BUSINESS

Chairman Guy stated staff had requested the Commission consider dates for future Commission Meetings. Chairman Guy explained the proposed meeting dates were September 8, 2021, October 13, 2021, November 10, 2021 and December 8, 2021. Chairman Guy asked the Commissioners if they had had an opportunity to review the dates.

Commissioner Stout made a motion to accept the proposed dates as the future Commission Meeting dates. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Chairman Guy asked Mrs. Carter-Coley and Mr. Merriweather if there was any additional business, and both stated there was not. Chairman Guy asked again if anyone wished to speak to the Commission. There were no responses. Chairman Guy thanked everyone for participating and the meeting was adjourned.

Approved at the July 14, 2021 Commission Meeting

/S/ A.D. "Zander" Guy, Jr.
A.D. "Zander" Guy, Jr., Chairman
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

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