

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION SPECIAL MEETING MINUTES
JUNE 30, 2021**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter "Commission") Special Meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on June 30, 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.

Chairman A.D. Zander Guy, Jr. called the meeting to order and welcomed those who were joining the teleconference for the Commission Special Meeting.

Chairman Guy greeted Commissioner Norman A. Mitchell, Sr. and Commissioner Karen L. Stout, who were joining the meeting via teleconference. Chairman Guy stated the purpose of the meeting was to consider a time-sensitive request from the Raleigh Durham International Airport Authority ("RDU"). Chairman Guy explained the request regarded a temporary storage and delivery solution for the alcoholic beverages to be delivered to retail permittees within the airport. Chairman Guy explained the Commission is sensitive to the economy, adding RDU contributes to it greatly. Chairman Guy stated the Commission wished to assist RDU by expediting and helping in any way it could.

Chairman Guy greeted Deputy Commissioner Terrance L. Merriweather and thanked him for participating while he was out on vacation. Chairman Guy also greeted Director Bryan House of ALE, stating the Commission appreciates all ALE does.

Chairman Guy explained the intent of the Special Meeting was for consideration of a means to provide temporary relief to RDU and greeted General Counsel Stacey Carter-Coley. Mrs. Carter-Coley thanked the Chairman and yielded to Jennifer Morgan, the designated spokesperson, to present the RDU request to the Commission.

Mrs. Morgan thanked the Commission and explained she was an attorney with Williams Mullen and represented Newrest RDU, LLC. Mrs. Morgan added, there were representatives of Newrest and RDU also participating in the meeting. Mrs. Morgan thanked the Commission staff, especially Mrs. Carter-Coley and Assistant General Counsel Renee Metz for their assistance.

Mrs. Morgan explained they were requesting a Memorandum of Understanding for a temporary solution for the receipt and storage of alcoholic beverages for RDU. Mrs. Morgan stated the long-term food and beverage operator had earlier in the year exercised its contractual rights to terminate the contract for that service, effective June 30, 2021. Mrs. Morgan explained, Newrest provided the best alternative as the most viable solution because of its proximity to the airport. Also, Newrest would meet the TSA compliance standards, as it was already in compliance.

Mrs. Morgan stated Newrest and RDU had worked with the Commission staff to draft a memorandum of understanding which would set forth the parameters for a temporary solution for the receipt and storage of alcohol. Mrs. Morgan thanked the Commission for its consideration and stated she and the Newrest and RDU representatives would answer any questions.

Chairman Guy thanked Mrs. Morgan and asked if Commissioner Stout or Commissioner Mitchell had questions. Commissioner Stout stated she did not. Commissioner Mitchell asked if RDU was surprised by the February notice to terminate the contract. Mrs. Morgan stated she would yield to the Newrest representative, Wayne Devendorf, the RDU representative, Christopher Rosette, or the RDU attorney,

David Freedman. Mrs. Morgan added the operator had provided an extension of their services from March 31, 2021 to June 30, 2021. Mr. Freedman confirmed RDU had been taken by surprise by the current commissary operator's sudden notice to terminate the contract.

Chairman Guy asked if the Commissioners had any other questions and they did not. Chairman Guy also asked if anyone else wished to comment on the request or if Director House wished to comment on behalf of ALE. Director House thanked Chairman Guy for recognizing ALE and stated they had no concerns.

Chairman Guy stated Mrs. Carter-Coley and the Commission staff had recommended the Commission offer temporary relief to RDU by approving the Memorandum of Understanding.

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

Chairman Guy thanked the Commission staff for their fine work on the matter. Chairman Guy also thanked Mrs. Morgan and attorney Keith Kapp. Chairman Guy added they were always good to work with to find an equitable resolution with the Commission staff even when there was a difference of opinion. Chairman Guy thanked everyone for their participation and announced the meeting 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