

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
JANUARY 12, 2022**

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 January 12, 2022, 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 William Henry “Hank” Bauer, Jr. called the January 2022 Commission meeting to order and welcomed those who were participating. Chairman Bauer introduced himself, Commissioner Norman A. Mitchell, Sr., who was joining the meeting virtually, Deputy Commissioner Terrance L. Merriweather and Assistant Counsel Robert “Bob” Nauseef.

Chairman Bauer wished everyone a happy New Year. He thanked everyone for their support in 2021 and stated he was looking forward to a successful 2022.

**MINUTES OF THE DECEMBER 8, 2021 COMMISSION MEETING**

Chairman Bauer requested a motion to waive the reading of the minutes of the December 8, 2021 Commission meeting into the record. Commissioner Mitchell made the motion. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

Chairman Bauer requested a motion to approve the minutes of the December 8, 2021 Commission meeting. Commissioner Mitchell made the motion. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

**CONFLICTS OF INTEREST**

As required by N.C.G.S. §138A-35, Other Rules of Conduct, Chairman Bauer 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. Chairman Bauer stated he had reviewed the agenda and found no conflicts. Commissioner Mitchell stated he found no conflicts of interest.

**I. HEARING CASES AND OFFERS IN COMPROMISE – 41**

Chairman Bauer recognized Assistant Counsel Bob Nauseef regarding the hearing of the cases on the agenda.

Mr. Nauseef stated that there was one Contested Case on the agenda in the matter of Remedies. Mr. Nauseef explained the Administrative Law Judge had issued a decision in the case and that legal staff recommended upholding that decision.

Chairman Bauer asked if there was anyone who would like to address the Commission regarding the contested case. Hearing none, Chairman Bauer asked Mr. Nauseef for staff's recommendation. Mr. Nauseef reiterated that legal staff recommended that he sign off on the Administrative Law Judge's decision as written.

Commissioner Mitchell made a motion to follow staff's recommendation and impose the Judge's decision. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

Mr. Nauseef moved onto the remaining hearing cases on the agenda.

Chairman Bauer asked if there was anyone on the line who would like to address any of the Offers in Compromise on the agenda. He repeated himself twice more.

Hearing none, Mr. Nauseef stated that legal staff recommended the ratification of the remaining cases. Commissioner Mitchell made a motion to follow staff's recommendation. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

**II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – 321 WINE, LLC D/B/A KELLOGG SELECTIONS; CHARLOTTE WINE CO., LLC D/B/A BAR A VINS; JEFF KELLOGG AND STEPHANIE KELLOGG**

Chairman Bauer recognized Mr. Nauseef regarding the Exemption Request. Mr. Nauseef stated that staff reviewed the request and recommended ratifying the order as written.

Jennifer Morgan, counsel for Kellogg Selections, thanked the Commission for the consideration of the exemption request and explained it was a request for owner Jeff Kellogg's partial ownership interest in a retail entity. She stated she would be happy to answer any questions.

Chairman Bauer asked Commissioner Mitchell if he had any questions. Commissioner Mitchell stated he had none and made a motion to accept staff's recommendation. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

**III. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – DEUTSCHE IMPORTS, LLC; KERNERSVILLE BREWING COMPANY, LLC AND JOHN ERIC LAUTEN**

Chairman Bauer stated that item III on the agenda was also an Exemption Request and again recognized Mr. Nauseef. Mr. Nauseef stated that staff reviewed the request and recommended that the Commission sign off on the order granting the exemption request in this matter.

Chairman Bauer asked Commissioner Mitchell if he had any questions. Commissioner Mitchell stated he had none and made a motion to accept staff's recommendation. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

**IV. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – OLD ARMOR BEER COMPANY, INC. AND TIPSY HARE CIDERWORKS, INC.**

Chairman Bauer stated that item IV on the agenda was also an Exemption Request and recognized Mr. Nauseef. Mr. Nauseef asked if counsel for the parties, Christian Staples, was on the line. He stated he was.

Mr. Nauseef stated that staff reviewed the request and recommended that the Commission sign off on the order granting the exemption request in this matter.

Chairman Bauer asked Commissioner Mitchell if he had any questions. Commissioner Mitchell stated he had none and made a motion to accept staff's recommendation. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

**V. OTHER BUSINESS**

Chairman Bauer asked Mr. Nauseef and Mr. Merriweather if there was any additional business. They expressed there was no additional business.

Chairman Bauer stated that the next ABC Commission meeting would be held virtually on Wednesday, February 9, 2022.

Chairman Bauer requested a motion to adjourn the January 2022 Commission meeting. Commissioner Mitchell made a motion for adjournment. Chairman Bauer seconded the motion. A vote was held, and the motion passed.

Chairman Bauer thanked everyone for their participation.

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William Henry Bauer, Jr., Chairman  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

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Jennifer L. Temple for the Legal Section