

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
April 10, 2024**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) meeting held at 400 East Tryon Road in Raleigh, North Carolina, on April 10, 2024, beginning at 9:00 AM. The meeting was recorded, and a copy of the recording is on file at the Commission within the Legal Section.

ROLL CALL AND ANNOUNCEMENTS

Chairman Hank Bauer called the April 10, 2024, Commission meeting to order and welcomed all who were attending. Chairman Bauer also welcomed Commissioner David Sherlin, Commissioner La’Tanta (L.T.) McCrimmon, General Counsel Stacey Carter-Coley and Deputy Commissioner Mike DeSilva.

Chairman Bauer reminded all present that permit renewal is the end of the month, April 30, 2024. The Chairman stated that 50% of the permittees have paid and he encouraged all who were present to make sure the renewals are done on time.

CONFLICTS OF INTEREST

In compliance with N.C.G.S. §138A-35, 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. There were no conflicts or appearances of a conflict.

APRIL 10, 2024, AGENDA

Chairman Bauer asked if there were any requests to make changes to the agenda. General Counsel Stacey Carter-Coley requested to remove item #10 from the hearing cases because the matter had settled. Assistant General Counsel Renee Metz also requested that item #2 be continued for additional information. Mrs. Metz also requested that the case involving Sour Grapes be moved to “Other Business” to be extended for 30 days.

Chairman Bauer made a motion to continue item #2 and also to remove item #10 from the hearing cases on the agenda. It’s moved and seconded to adopt the agenda for April 10, 2024. Chairman Bauer moved to adopt the agenda for April 10, 2024. Commissioner McCrimmon moved the motion. Commissioner Sherlin seconded it. A vote was held, and the motion passed.

MINUTES OF THE MARCH 13, 2024, COMMISSION MEETING

Chairman Bauer asked if the Commissioners had received a copy of and reviewed the minutes from the March 13, 2024, meeting.

The Commissioners stated they had a copy and reviewed them. Commissioner McCrimmon made a motion to waive the reading of the minutes of the March 13, 2024, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon made a motion to approve the minutes of the March 13, 2024, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 66

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding the Offers in Compromise and the hearing of the cases.

General Counsel Stacey Carter-Coley asked if there was anyone present to be heard on any of the 66 cases remaining on the agenda. Hearing none, Mrs. Carter-Coley moved to ratify the remaining 66 cases. It was moved and seconded to ratify the 66 cases. A vote was held, and the motion passed.

II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b)-Stephen Pye, Seaboard Brewing Company, LLC and Tyrell Ventures, LLC

CONTINUED

III. Exemption Request Pursuant to N.C.G.S §18B-1116(b)- Rounded Third, LLC T/A Fall Line 27597, LLC Cyrus Stacey and Michael Lambardo

Chairman Bauer recognized Assistant General Counsel Renee Metz. Mrs. Metz stated Fall Line 27597 was applying for spirituous liquor warehouse and liquor importer permit and that Cyrus Stacey and Michael Lambardo, also had an interest in a retail location called Fall Line. Mrs. Metz stated that with the standard exemption, they do not have day-to-day operational control over the ordering of spiritous liquor that comes through their warehouse.

Mrs. Metz asked that the Commission consider approving the exemption request. Mrs. Metz acknowledged Attorney Jennifer Morgan. Attorney Morgan introduced Mr. Stacey and Mr. Lombardo to the Commission and stated that it was a standard exemption request and asked if there were questions for her.

Chairman Bauer moved to approve the exemption request for Rounded Third. Chairman Bauer moved and Commissioner Sherlin seconded. A vote was held, and the motion passed.

IV. Amended Exemption Order Request Pursuant to N.C.G.S. §18B-1116(b)-321Wine LLC, T/A Kellogg Selections, Charlotte Wine Co, LLC D/B/A BAR A VINS, Jeff Kellogg, Stephanie Kellogg, Eric Solomon, European Cellars, Inc.

Chairman Bauer recognized Assistant General Counsel Renee Metz. Mrs. Metz stated that the exemption request is to change an address. Mrs. Metz stated there was a previous exemption order entered on November 8, 2023, allowing the joint ownership with one of the entities, Kellogg's Selection, now moving locations. Instead of it reading 55 Griffith Road in Charlotte, it would now read 406 West 32nd Street.

Chairman Bauer moved and Commissioner McCrimmon seconded. A vote was held, and the motion passed.

V. ABC Store Location – Durham County ABC Board (2237 E. Greer Street, Suite #8 Durham, NC)

Chairman Bauer recognized Deputy Commissioner Mike DeSilva to summarize the investigative report for the proposed location. The nearest ABC store is located at 1928 Holloway Street. Durham, NC 27704. This store is approximately 3.3 miles away from the proposed location.

As of March 12, 2024, the board had received one complaint regarding the proposed store. The complaint was expressed through voicemail.

Chairman Bauer asked if the Commissioners had any questions. They both stated they did not.

Chairman Bauer made a motion to approve the ABC store location. Chairman Bauer moved and Commissioner McCrimmon seconded. A vote was held, and the motion passed.

VI. Ineligible Permittee Waiver Request Pursuant to N.C.G.S. §18B-900(a)-Kevin Jarrells- KJ Soulfood and Seafood (00323638MB)

Chairman Bauer recognized Assistant General Counsel Renee Metz, who recognized Assistant Counsel Robert Nauseef. Mr. Nauseef stated the waiver request was because the permittee received his temporary permits on May 12, 2023. It was then discovered that he was convicted of a felony on March 2, 2022. ABC Permits Program Director, Missy Welch sent a rejection letter on September 21, 2023, and ALE served the letter on September 25, 2023. The permittee then filed a petition with OAH on November 7, 2023. The case is scheduled to be heard April 24, 2024.

Assistant Counsel Robert Nauseef recognized Kevin Jarrells. Mr. Jarrells made his presentation to the ABC Commission.

Chairman Bauer asked the commissioners if they had any questions. Both commissioners addressed Mr. Jarrells. Commissioner McCrimmon moved to deny the waiver and Commissioner Sherlin seconded. A vote was held, and the waiver was denied.

