

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
June 5, 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 June 5, 2024, 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 AND ANNOUNCEMENTS**

Chairman Hank Bauer called the June 5, 2024, Commission meeting to order, introduced himself, and welcomed Commissioner La’Tanta (L.T.) McCrimmon, Commissioner David Sherlin, Director of Pricing Greg Stallings, Legal staff, and General Counsel Stacey Carter-Coley.

**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 that might create the appearance of a conflict of interest concerning any matters on the agenda. There were no conflicts or appearances of a conflict.

**JUNE 5, 2024, AGENDA**

Chairman Bauer made a motion to follow the agenda as presented. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Chairman Bauer stated it would be an appropriate time to adopt the agenda for May 8, 2024. Commissioner Sherlin made a motion to adopt the agenda. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

**MINUTES OF THE MAY 8, 2024, COMMISSION MEETING**

Chairman Bauer asked the Commissioners if they received a copy of the May 8, 2024, Commission meeting minutes and had an opportunity to review them. They stated they had. Chairman Bauer stated he received a copy as well and reviewed it.

Commissioner McCrimmon made a motion to waive the reading of the minutes of the May 8, 2024, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Commissioner Sherlin made a motion to approve the minutes of the May 8, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

**I. HEARING CASES AND OFFERS IN COMPROMISE – 72**

Mrs. Carter-Coley stated there were 72 cases for the Commission’s consideration regarding acceptance of the Offers in Compromise.

Chairman Sherlin made a motion to accept the 72 Offers in Compromise. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

## **II. HARDSHIP WAIVER – MAD FLAVORZ (00326702MB)**

Chairman Bauer recognized Assistant General Counsel Renee Metz regarding this exemption request.

Mrs. Metz explained that this was regarding an application that was rejected based on a criminal conviction of a felony. However, the conviction was from 2018, which went up on appeal, and returned to the trial court for sentencing in December 2021. At the time the ABC application was completed, the conviction date was 2018.

Chairman McCrimmon made a motion to approve this hardship request. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

## **III. ABC STORE LOCATION – CHOWAN COUNTY ABC BOARD (516 Virginia Road, Edenton, NC)**

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings stated on April 19, 2024, the Chowan County ABC Board requested approval from the Commission to purchase property and build a new building to operate an ABC Store at 516 Virginia Road, in Edenton, NC. This would replace the current store located at 1328 N Broad St., in Edenton, NC.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

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

## **IV. ABC STORE LOCATION – DURHAM COUNTY ABC BOARD (1112 West NC-54 Highway, Durham, NC)**

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings stated on April 2, 2024, the Durham County ABC Board requested approval from the Commission to purchase property and build a new building to operate an ABC Store at 1112 West NC-54 Highway, in Durham, NC. This would be a temporary store while the current store at 4717 Hook Valley Road is under construction. If approved, the Board intends to open the new store in July 2024.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

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

**V. ABC STORE LOCATION – MORGANTON ABC BOARD**  
*(412 West Fleming Drive, Suite A, Morganton, NC)*

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings stated on April 12, 2024, the Morganton ABC Board requested approval from the Commission to purchase property and build a new building to operate an ABC Store at 412 West Fleming Drive, Suite A, in Morganton, NC. This would be a relocation of the current store and would open the first quarter of 2025.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

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

**VI. ABC STORE LOCATION – NEW HANOVER COUNTY ABC BOARD**  
*(2615 Castle Hayne Road, Wilmington, NC)*

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings introduced Charles Hill and James Casteen from the New Hanover County ABC Board. Mr. Stallings stated on March 29, 2024, the New Hanover County ABC Board requested approval from the Commission to purchase property and build a new building to operate an ABC Store at 2615 Castle Hayne Road, in Wilmington, NC. This would be an additional store. If approved, the Board intends to open the new store in early 2026.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there was one public comment or objection received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

Commissioner McCrimmon made a motion to approve the New Hanover County ABC store location. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

**VII. ABC STORE LOCATION – PENDER COUNTY ABC BOARD**  
*(115 Sea Oaks Drive, Unit A, Surf City, NC)*

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings stated on April 17, 2024, the Pender County ABC Board requested approval from the Commission to lease a property and operate an ABC Store at 115 Sea Oaks Drive, Unit A, in Surf City, NC. This would be an additional store to relocate mixed beverages permittee sales.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

Commissioner Sherlin made a motion to approve the Pender County ABC store location. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

**VIII. ABC STORE LOCATION – PITT COUNTY ABC BOARD**  
*(East Fire Tower Road at Arlington Boulevard, Greenville, NC)*

Chairman Bauer recognized Greg Stallings to summarize the investigative report for the proposed location. Mr. Stallings welcomed Adam Sullivan and Shannon Holland with the Pitt County ABC Board. Mr. Stallings stated on March 11, 2024, the Pitt County ABC Board requested approval from the Commission to purchase property and build a new building to operate an ABC Store at East Fire Tower Road at Arlington Boulevard, in Greenville, NC. If approved, the Board intends to open the new store in June 2025 and close the existing store at 2000 E. Arlington Blvd, in Greenville.

Mr. Stallings summarized the proposed location, zoning, property ownership, and building information. He stated that all ABC requirements had been met and there were no public comments or objections received regarding the new location. Mr. Stallings asked the Commission to consider the information shared.

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

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

**IX. BLUE RIDGE ABC BOARD MERGER AGREEMENT – HENDERSONVILLE ABC BOARD & LAUREL PARK ABC BOARD**

Chairman Bauer pointed out there were several general managers in the meeting and he wanted to thank the ABC Boards. He stated that in 2023 the Commission approved 14 stores and after this meeting, the Commission will have approved 14 stores in a little over 5 ½ months. Chairman Bauer congratulated the Boards on their hard work.

Chairman Bauer recognized Greg Stallings to summarize the investigative report for an ABC board merger. Mr. Stallings stated that pursuant to N.C.G.S. §18B-700(c1), no new local boards may be created in a county where a local board operates an ABC store. If the jurisdiction holds an ABC store election and the establishment of an ABC store is approved, this jurisdiction shall enter into an agreement with the existing board to create a local merged board. In this case, this is the merger of two existing ABC Boards – Hendersonville and Laurel Park. The new ABC Board must be approved by the ABC Commission

The Hendersonville ABC Board began retail sales on November 19, 1960, and the Laurel Park ABC Board began sales on January 24, 1983. The date this merger is set to be effective is July 1, 2024, and the new consolidated board will be named the Blue Ridge Alcoholic Beverage Control Board.

Mr. Stallings summarized the proposed accounting, distribution of profits, and board composition. Mr. Stallings asked the Commission to consider the information shared.

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

Commissioner McCrimmon made a motion to approve the Hendersonville ABC Board and Laurel Park ABC Board merger agreement. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

#### **X. CLOSED SESSION**

Chairman Bauer recognized General Counsel Stacey Carter-Coley, who asked the Commission, according to N.C.G.S. §143-318(a)(3), to move into closed session for the authorized purpose of discussing the existing litigation of LB&B v. NC DPS and the NC ABC Commission, filed in Wake County Superior Court.

#### **CLOSED SESSION**

#### **XI. OTHER BUSINESS**

Chairman Bauer reopened the session and asked if there was any other business.

General Counsel Stacey Carter-Coley and Greg Stallings stated they had no other business.

Chairman Bauer stated the next Commission meeting would be held Wednesday, July 10, 2024, beginning at 10:00 AM at the ABC Commission.

Chairman Bauer adjourned the June 5, 2024, commission meeting.

*Minutes adopted at the July 10, 2024 Commission meeting.*

          /S/ Hank Bauer

Hank Bauer, Chairman  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by,

          /S/ Alison K. Ortman

Alison K. Ortman for the Legal Section