

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MEETING MINUTES
JANUARY 17, 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 January 17, 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 January 17, 2024, Commission meeting to order and welcomed all who were attending. Chairman Bauer introduced himself; Commissioner La’Tanta (L.T.) McCrimmon; Commissioner David Sherlin; Deputy Commissioner Mike DeSilva; 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 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.

JANUARY 17, 2024, AGENDA

Chairman Bauer asked if there were any requests to make changes to the agenda. Commissioner McCrimmon stated there were none. Chairman Bauer made a motion to address the agenda as presented. Commissioner McCrimmon 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 January 17, 2024. Commissioner McCrimmon moved to adopt the January 17, 2024, agenda as presented. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

MINUTES OF THE DECEMBER 13, 2023, COMMISSION MEETING

Chairman Bauer asked the Commissioners if they received a copy of the minutes from the December 13, 2023, Commission meeting 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 moved to waive the reading of the minutes of the December 13, 2023, meeting. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Commissioner Sherlin moved to approve the minutes of the December 13, 2023, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

I. HEARING CASES AND OFFERS IN COMPROMISE – 58

General Counsel Stacey Carter-Coley stated that the first case on the agenda was a contested case. She called for anyone present with DBL Holdings, Inc. T/A Dave’s Place and there was no answer. Mrs. Carter-Coley advised the ALJ’s Final Decision was a violation of alcohol law and has ordered cancellation of Permittee’s Mixed Beverages Bar ABC permit for failure to prosecute. Mrs. Carter-Coley advised the

cancellation date will be February 16, 2024. Chairman Bauer moved to adopt the ALJ's final decision. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

Mrs. Carter-Coley presented the remaining 57 Offers in Compromise. Chairman Bauer moved to ratify the remaining Offers in Compromise. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

II. AMEND EXEMPTION ORDER REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – Foothills Distillery, LLC; Standard Oyster Bar, Inc.; Charolais Steakhouse, Inc.; Cranford Brewing, LLC T/A City Walk Brewing & Distilling CBQ, LLC T/A Cranford Brothers BBQ; Zackary Charles Cranford; Franklin Tucker Cranford; Franklin Kent Cranford; and Lisa Blanton Cranford

Chairman Bauer recognized Assistant Counsel Seth Kandl to present Item II, an amendment to an amended exemption from May 10, 2017. Foothills Distillery is closing, and a new distillery and brewery will open at another location, including a retail location. Mr. Kandl asked if there was anyone who would like to speak for the Petitioners. Attorney Jennifer Morgan stated that she was present for the Petitioners and confirmed the closing of Foothills Distillery and new distillery and brewery taking its place in a different location. The family members are also adding a BBQ restaurant as part of the amended exemption.

Mr. Kandl stated that legal staff reviewed the petition and recommended a list of conditions under which the exemption would be acceptable, if approved by the Commission.

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

III. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – Norse Brewing Company, LLC; Norse Longhouse Zebulon, LLC; and Chris Jorgensen

Mr. Kandl presented Item III, a cross-tier ownership exemption from first to third tier. Chris Jorgensen currently has brewery and winery permits with Norse Brewing Company and wishes to open an affiliate retail location in Zebulon (Norse Longhouse Zebulon). Norse Brewing operates out of Wake Forest.

Mr. Kandl presented the conditions under which legal staff would recommend approval of the amendment to the exemption, if approved by the Commission.

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

IV. ABC STORE LOCATION – Cumberland County ABC Board (217 Skyland Shopping Center, Spring Lake, NC)

Chairman Bauer called upon Deputy Commissioner Mike DeSilva to summarize the investigative report for a proposed ABC store location at 217 Skyland Shopping Center, Spring Lake, NC, which is approximately 0.2 miles away from the current location.

Mr. DeSilva stated the store would be approximately 6,707 sq. ft., with 4,471 sq. ft. utilized for retail sales and the remaining square footage would be used as storage and an employee area.

Mr. DeSilva stated that as of January 8, 2024, the Board had not received any objections. There was no one present with any comments or concerns. Chairman Bauer moved to approve Cumberland County ABC Board store location at Skyland Shopping Center. Commissioner Sherlin seconded. A vote was held, and the motion passed.

V. CLOSED SESSION for CONSULTATION with COUNSEL

Chairman Bauer recognized General Counsel Stacey Carter-Coley, who asked the Commission, according to General Statute §143-318.11 (a)(1), to consider moving into closed session for the protection of attorney-client privilege in the matter before the Superior Court in Wake County, of LB&B Associates v. the North Carolina Department of Public Safety and the North Carolina ABC Commission.

Chairman Bauer moved for the Commission to go into closed session. Commissioner McCrimmon seconded it. A vote was held, and the motion passed.

CLOSED SESSION

VI. OTHER BUSINESS

Chairman Bauer re-opened the session.

Chairman Bauer stated the next Commission meeting would be held Wednesday, February 14, 2024, beginning at 10:00 AM at the Commission.

Chairman Bauer adjourned the January 17, 2024 Commission meeting.

Minutes adopted at the February 14, 2024 Commission meeting.

/S/ Hank Bauer

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

Respectfully submitted by,

/S/ Marilyn Smalls

Marilyn Smalls for the Legal Section