

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
MARCH 13, 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 March 13, 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 March 13, 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. Commissioner Sherlin recused himself on Case #52 – Armadillo Grill. No other conflicts of interest.

**MARCH 13, 2024, AGENDA**

Chairman Bauer asked if there were any requests to make changes to the agenda. Assistant General Counsel Renee Metz stated for the agenda, item IV is reconsidering their need for an exemption and is not prepared for the request at this time. Mrs. Metz requested to continue to April at the earliest. Chairman Bauer made a motion to address the agenda as amended. 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 March 13, 2024, as amended. Commissioner McCrimmon moved to adopt the March 13, 2024, agenda as amended. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

**MINUTES OF THE FEBRUARY 14, 2024, COMMISSION MEETING**

Chairman Bauer asked the Commissioners if they had received a copy of the minutes from the February 14, 2024, Commission meeting. They stated they had. Chairman Bauer stated he received a copy as well and reviewed it.

Commissioner Sherlin moved to waive the reading of the minutes of the February 14, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Commissioner Sherlin moved to approve the minutes of the February 14, 2024, meeting. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

## **I. HEARING CASES AND OFFERS IN COMPROMISE – 82**

General Counsel Stacey Carter-Coley presented Case #52 on the agenda, Armadillo Grill, which Commissioner Sherlin recused himself from. Mrs. Carter-Coley requested ratification for Case #52 – Armadillo Grill. Chairman Bauer moved to ratify Case #52 – Armadillo Grill. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Ms. Carter-Coley presented the remaining 81 Offers in Compromise. Chairman Bauer moved to ratify the remaining Offers in Compromise. Commissioner Sherlin seconded the motion. A vote was held, and the motion passed.

## **II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – DEEP RIVER BREWING COMPANY; FARE GAME, LLC; AND PAUL AUCLAIR**

Assistant General Counsel Renee Metz stated this was a cross-tier ownership where Paul Auclair owns a retail shop called Fare Game and wanted to open a brewery, Deep River Brewing, and to serve those products at Fare Game. Mrs. Metz explained the statute allows for three retail locations, but we typically require they hire an independent third-party manager in charge of ordering malt beverages at retail locations. Jason Turner (a person separate from Fare Game 20% owner Jason Turner) is the independent manager of Fare Game. Mrs. Metz 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. Attorney John Szymankiewicz for Paul Auclair made one correction – Mr. Auclair has owned Deep River Brewing for the last 7 years and is now a part owner in Fare Game, no other comments.

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) – NINE MILE, INC; THE TRAILHEAD RESTAURANT, INC; AARON THOMAS; AND PAIGE KNOLL**

Assistant General Counsel Renee Metz stated this was a cross-tier ownership where Aaron Thomas and Paige Knoll each have a 1/3 interest in Nine Mile, Inc., and would like to serve those products at The Trailhead Restaurant where they each have a 1/4 interest. Mrs. Metz explained the statute allows for two retail locations, but we typically require they hire an independent third-party manager in charge of ordering malt beverages at retail locations. Michael Flannigan is the site manager of Trailhead Restaurant and holds no interest in Nine Mile. Mrs. Metz 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.

## **IV. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – SUFFOLK PUNCH HOLDINGS, LLC; NOBLE SMOKE, LLC; BOSSY BEAUT'S CHICKEN SHACK II, LLC; BOSSY BEAUT'S CHICKEN SHACK 3, LLC; CHARLES RICKS; AND GLEN CHERRY**

This Exemption has been continued to a later date.

**V. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b) – WEEPING RADISH BREWERY, LLC; FIRETENDER MANTEO, LLC; SUMIT GUPTA; AND AMIT GUPTA**

Assistant General Counsel Renee Metz stated this was a cross-tier ownership where Sumit Gupta and Amit Gupta own Weeping Radish, a commercial and distributing brewery, and also own Firetender Manteo, a restaurant within a hotel. Mrs. Metz 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.

**VI. ABC STORE LOCATION – TROUTMAN ABC BOARD (1270 CHARLOTTE HIGHWAY, MOORESVILLE, NC)**

Chairman Bauer called upon Deputy Commissioner Mike DeSilva to summarize the investigative report for a proposed ABC store location at 1270 Charlotte Highway, Mooresville, NC. The Troutman ABC Board purchased the property on January 6, 2022. The property was annexed to be rezoned to Highway Business which allows for ABC retail sales in February 2024. This property of +/- 7.67 acres is approximately 4.5 miles away from the nearest ABC Store, 0.6 miles from the nearest school, 1.0 from the nearest church.

Mr. DeSilva stated the Troutman ABC board has not settled on a specific floor plan but would be approximately 7,000 sq. ft., with 60% or approximately 4,200 sq. ft. utilized for retail sales and the remaining square footage would be used as storage and an employee area. Loading dock access would be in consultation with LB&B and the ABC Commission.

Mr. DeSilva stated that on November 28, 2023, a sign announcing the Troutman ABC Board's intentions of opening an ABC Store at that location was observed and as of March 8, 2024, the Board had not received any objections. There was no one present with any comments or concerns.

Mr. DeSilva stated that the Board intends to open the new store by January 1, 2026, and has projected first year sales of 2.4 million with \$100,000 stemming from mixed beverage sales.

Chairman Bauer moved to approve Troutman ABC Board store location at 1270 Charlotte Highway. Commissioner McCrimmon seconded. A vote was held, and the motion passed.

**VII. REQUEST PURSUANT TO N.C.G.S. §18B-704 – GREG THARRINGTON (LOUISBURG ABC BOARD)**

Assistant General Counsel Renee Metz summarized that Louisburg ABC Board-member Greg Tharrington was given the option to be terminated or to resign from his position on the board. Mrs. Metz stated that the ABC Commission has the jurisdiction to step in under four conditions which she listed. Mrs. Metz stated that after review the legal staff did not believe this matter met any of those conditions and the ABC Commission has no jurisdiction to be involved.

Chairman Bauer moved to deny hearing the matter due to lack of jurisdiction. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

**VIII. CLOSED SESSION FOR PROPOSED MEDIATION SETTLEMENT – LB&B v. DPS AND ABCC**

Chairman Bauer recognized General Counsel Stacey Carter-Coley, who asked the Commission, according to General Statute §143-318.11 (a)(3)(6), to consider moving into closed session for the authorized purpose of discussing existing litigation of LB&B Associates v. the North Carolina Department of Public Safety and the North Carolina ABC Commission filed in Wake County Superior Court Case # 23CV11378-910.

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**

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

**IX. OTHER BUSINESS**

General Counsel Stacey Carter-Coley proposed ABC Commission Meeting dates for the remainder of the 2024 calendar year. Discussion regarding August and September dates. Chairman Bauer moved to approve the dates with no change. Commissioner Sherlin seconded it. A vote was held, and the motion passed.

Chairman Bauer stated the next Commission meeting would be held Wednesday, April 10, 2024, beginning at 9:00 AM at the Commission.

Chairman Bauer adjourned the March 13, 2024 Commission meeting.

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

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

Respectfully submitted by,

/S/ Alison Ortman  
Alison Ortman for the Legal Section