

North Carolina
Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, NC 27610

Commission Meeting Agenda
Wednesday, July 10, 2019

ABC Commission Office Complex
Hearing Room 101 – 10:00 AM

SECTION I

CONTESTED CASES

ALJ Decision:

1. Earnest Lee Norris
T/A **Flavors Restaurant and Bar**
500 North Reilly Road, Suite 128
Fayetteville, NC 28314
00262053AJ-999
AJ AL AY
ALE District III

Imposition of Decision of Administrative Law Judge: 20-day suspension of Permittee's ABC permits and payment of \$500.00 on charges of 1) possessing alcoholic beverages or sale without first obtaining the applicable ABC Permit and revenue license and 2) failing to cooperate with a law enforcement officers engaged in the performance of their duties (2 counts).

2. Lorette Dempsey Maiori
T/A **Rena J's Lounge**
2304 Wilmington Highway
Jacksonville, NC 28540
AJ AL AZ
Audit Division

Imposition of Decision of Administrative Law Judge: 90-day suspension of Mixed Beverage Private Club permit on the charge of failing to file financial reports on a quarterly basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission.

SECTION II

OFFERS IN COMPROMISE

Suspension:

3. A to Zee Corp.
T/A **A to Zee Food Store**
3201 Beatties Ford Road
Charlotte, NC 28216
00092876AK-999
AK AM AO
Charlotte-Mecklenburg Police Department

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling to an underage person.

4. JDG Corp.
T/A **Circle B 4**
503 Grove Street
Fayetteville, NC 28301
00100118AK-996
AK AM AO
ALE District III

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on charges of 1) allowing the consumption of malt beverages while having only an Off-Premise Malt Beverage permit and 2) performing services while or after having consumed alcoholic beverages.

5. Circle K Stores, Inc.
T/A **Circle K Store 2723982**
3503 Weddington Road
Monroe, NC 28110
Q11434-600
AK AM
ALE District VI

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charge of selling to an underage person.

6. Family Dollar Stores of NC, Inc.
T/A **Family Dollar 825**
250-A Easy Street
Greenville, NC 27835
Q11605-913
AK AM
Pitt County ABC Board

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charges of selling to an underage persons.

7. Shree Ramadhuta, Inc.
T/A **Food Mart**
2605 Central Avenue
Charlotte, NC 28205
00191389AK-999
AK AM
ALE District VI

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on charges of 1) established or maintaining living quarters in or connected with the licensed premises, 2) failing to post each ABC permit held by the establishment in a prominent place and 3) failing to maintain, on the premises and available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages.

8. John Daniel Miriani
T/A **Friends Billiards and Pub**
571 Highway 70 West
Havelock, NC 28532
00191389AK-999
AK AM
ALE District I

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on charge of possessing fortified wine for sale without first obtaining the applicable ABC permit and revenue license.

9. S and A Thompson Enterprises, Inc.
T/A **Godfathers Pizza**
1010 East Broad Avenue
Rockingham, NC 28379
00267790AJ-999
AJ
ALE District III

Offer in Compromise: 7-day suspension, avoided upon payment of \$700.00 on charge of failing to purchase malt beverages only from a wholesaler who maintains a place of business in North Carolina and has the proper permit.

10. Rebecca Goodnight Goudes
T/A **Jiffy Quik**
800 Sloop Avenue
Kannapolis, NC 28081
34674B-999
AK AM AO
ALE District VI

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on charge of selling to an underage person.

11. Le Club Associates, Inc.
T/A **La Mirage**
1784 South Wilmington Highway
Jacksonville, NC 28540
68638A-999
AJ AL AN AZ
ALE District I

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on charge of performing services while or after having consumed alcoholic beverages.

12. La Revolucion, LLC
T/A **La Revolucion**
900 NC Music Factory Boulevard
Charlotte, NC 28206
00236288AJ - 999
AJ AL AN AZ
Charlotte-Mecklenburg Police Department

Offer in Compromise: 16-day suspension, avoided upon payment of \$1,600.00 on charges of 1) possessing five empty containers of spirituous liquor, purchased for resale in mixed beverages, bearing mixed beverage tax stamps which had not been permanently defaced and 2) failing to qualify as a restaurant by failing to meet the basic characteristics of a bona fide restaurant.

13. Moycarkey
T/A **Lynk**
410 Glenwood Avenue, Suite 410
Raleigh, NC 27603
00236833AJ-999
AJ AL AN AZ
ALE District IV

Offer in Compromise: 30-day suspension, avoided upon payment of \$3,000.00 on charge of failing to limit the use of the private club's facilities to only members and their guests.

14. Jay Goga, LLC
T/A **Main Way Food Mart**
500 East Main Street
Hamlet, NC 28345
00198263AK-999
AK AM AO
ALE District III

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling to an underage person.

15. Luck of the Irish, Inc.
T/A **One Stop Market Fuquay**
101 Dickens Road
Fuquay Varina, NC 27526
00265044AJ-999
AJ AL
ALE District IV

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on charges of 1) displaying an advertisement for malt beverages on the exterior of the building with letters exceeding 5 inches in height, 2) possessing fortified wine for sale without first obtaining the applicable ABC Permit and revenue license and 3) permitting the possession of spirituous liquor upon premises where such possession is not authorized by law.

16. KVEC, LLC
T/A **Press Box Bar and Grille**
9609 North Tryon Street, Suite A
Charlotte, NC 28262
00217609AJ-999
AJ AN AL AZ
Charlotte-Mecklenburg Police Department

Offer in Compromise: 27-day suspension, avoided upon payment of \$2,700.00 on charges of 1) possessing three empty containers of spirituous liquor, purchased for resale in mixed beverages, bearing mixed beverage tax stamps which had not been permanently defaced (2 counts) and 2) giving alcoholic beverages to an intoxicated person.

17. Shell Food Mart, Inc.
T/A **Shell Food Mart**
901 Linden Avenue
Oxford, NC 27565
00238880AK-999
AK AO AM
ALE District IV

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on charges of 1) possessing a controlled substance or illegal drug violation of Chapter 90 of the North Carolina General Statutes and 2) performing services while or after having consumed alcoholic beverages.

18. Haridev, LLC
T/A **Short Stop**
300 West Main Street
Carrboro, NC 27510
00175653AK-999
AK AM
Carrboro Police Department

Offer in Compromise: 50-day suspension, avoided upon payment of \$5,000.00 on charges of selling to an underage person (2 counts).

19. Sky Lanes Management, LLC
T/A **Sky Lanes**
1477 Patton Avenue
Asheville, NC 28806
00226337AJ-999
AJ AL AY
ALE District VIII

Offer in Compromise: 30-day suspension, avoided upon payment of \$3,000.00 on charges of 1) selling to an underage person and 2) possessing a controlled substance or illegal drug violation of Chapter 90 of the North Carolina General Statutes.

20. Find Something To Do, LLC
T/A **Slate Billiards and Oak Room**
200 East Bland Street, Suite C
Charlotte, NC 28203
00225433AJ-999
AJ AN AL AZ
Charlotte-Mecklenburg Police Department

Offer in Compromise: 24-day suspension, avoided upon payment of \$2,400.00 on charges of 1) failing to superintend, 2) failing to clear all tables and counters of alcoholic beverages, bottles, cans, glasses and containers by 2:30AM and 3) allowing the consumption of alcoholic beverages between the hours of 2:30 AM and 7:00 AM.

21. Champion Investments, Inc.
T/A **Upper Deck Sports Pub**
329-H North Harrison Avenue
Cary, NC 27513
51513A-999
AJ AN AL AY
ALE District IV

Offer in Compromise: 14-day suspension, avoided upon payment of \$1,400.00 on charges of 1) possessing two containers of spirituous liquor not bearing mixed beverage tax stamps and 2) giving away alcoholic beverages to a segment of population.

22. US National Whitewater Center, Inc.
T/A **US National Whitewater Center**
5000 Whitewater Center Parkway
Charlotte, NC 28214
00147745AJ-999
AJ AL
ALE District VI

Offer in Compromise: 4-day suspension, avoided upon payment of \$400.00 on charge of cooperating in a joint effort to advertise a promotion or event with an industry members without the prior written approval of the ABC Commission.

23. Abdo Ali Ahmed Almarkhazi
T/A **A A Food Mart**
2314 Painters Mill Road, Suite 104
Fayetteville, NC 28304
00225563AK-999
AK AM
Cumberland County ABC Board

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of knowingly selling alcoholic beverages to an intoxicated person.

24. Sidetracked, Inc.
T/A **Anthony's**
15 Depot Street
Bryson City, NC 28713
00252913AJ-999
AJ AL AY
ALE District VIII

Offer in Compromise: 27-day suspension, avoided upon payment of \$2,700.00 on charges of 1) performing services while or after having consumed alcoholic beverages, 2) permitting the possession of fortified wine upon premises where such possession or consumption is not authorized by law and 3) knowingly allowing violations of the controlled substance statutes to occur on a licensed premises.

25. Circle K Stores, Inc.
T/A **Circle K 2720486**
6605 Raeford Road
Fayetteville, NC 28304
Q11434-823
AK AM AO
Cumberland County ABC Board

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on the charge of selling to an underage person.

26. Circle K Stores, Inc.
T/A **Circle K 2720941**
102-B Highway 54 West
Carrboro, NC 27510
Q11434-631
AK AM
Carrboro Police Department

Offer in Compromise: 45-day suspension, avoided upon payment of \$4,500.00 on the charge of selling to an underage person.

27. John David Jackson and Jimmy Lynn Berckman
T/A **Cross Creek BP**
1899 Skibo Road
Fayetteville, NC 28303
19506B-998
AK
Cumberland County ABC Board

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on charges of 1) knowingly selling alcoholic beverages to an intoxicated person, 2) failing to allow ALE agents to view the entire premises during a lawful inspection, and 3) selling to an underage person.

28. Ingrid Janneth Aroche
T/A **El Mexicano Bar VIP**
3811 South Main Street
Winston Salem, NC 27127
00233485AJ-998
AJ AZ
ALE District V

Offer in Compromise: 25-day suspension, avoided upon payment of \$2,500.00 on the charge of employee possessing a controlled substance or other illegal drug.

29. Honest Abe's, LLC
T/A **Honest Abe's Kitchen & Bar**
5433 Wade Park Boulevard, Suite 100
Raleigh, NC 27607
00258375AJ-999
AJ AL AY
ALE District IV

Offer in Compromise: 7-day suspension, avoided upon payment of \$700.00 on the charge of selling or possessing alcoholic beverages for sale without first obtaining the applicable ABC permit and revenue license.

30. Hillsborough Bar Group, LLC
T/A **Hot Tin Roof**
115 West Margaret Street
Hillsborough, NC 27278
00264412AJ-999
AJ AL AZ
ALE District IV

CONTINUED

31. La Kumbala Lounge and Restaurant, Inc.
T/A **La Kumbala Lounge and Restaurant**
7213-A Market Street
Wilmington, NC 28405
00213633AJ-999
AJ
ALE District I

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charge of failing to destroy immediately the unconsumed portion of an alcoholic beverage left by a customer.

32. Greensboro Brew Lab, LLC
T/A **Little Brother Brewing**
348 South Elm Street
Greensboro, NC 27401
00258230AJ-999
AJ AL
Greensboro Police Department

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on charges of 1) performing services on the licensed premises while or after having consumed alcoholic beverages and 2) failing to superintend.

33. Mario Deli and Grill Corp.
T/A **Mario Deli and Grill**
2317 Eagle Rock Road
Wendell, NC 27591
00250736AK-999
AK AM AO
ALE District IV

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling to an underage person.

34. Mims Distributing Company, Inc.
T/A **Mims Distributing Company**
8605 Ebenezer Church Road
Raleigh, NC 27617
00148313WS-999
BA
ALE District IV

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of, as a wholesaler, selling unfortified wine to a retailer who did not hold a retail unfortified wine permit.

35. On the Roxx, LLC
T/A **On the Roxx**
19712 One Norman Boulevard, Suite 100
Cornelius, NC 28031
00196084AJ-999
AJ AL AN AZ
ALE District VI

Offer in Compromise: 50-day suspension, avoided upon payment of \$5,000.00 on charges of 1) failing to limit the private club's facilities to only members and their guests, 2) permitting the possession or consumption of fortified wine, spirituous liquor or mixed beverages upon premises where such possession or consumption is not authorized by law, and 3) receiving things of value from industry members.

36. Overtime Development Group, LLC
T/A **Overtime Sports Pub**
1030-149 North Rogers Lane
Raleigh, NC 27604
00128508AJ-999
AJ AL AN AY
Audit Division

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charge of, as a mixed beverage permittee, failing to file financial reports on an annual basis.

37. Jibrell and Mikael, Inc.
T/A **Royal Tobacco Food Mart**
508 McArthur Road
Fayetteville, NC 28311
00239019AK - 999
AK AM AO
ALE District III

CONTINUED

38. Sal Y Pimienta Restaurant and Sport Bar, LLC
T/A **Sal Y Pimienta Restaurant and Sports Bar**
905 Town Center Boulevard
Clayton, NC 27520
00274171AJ-999
AJ AL AY
ALE District IV

Offer in Compromise: 13-day suspension, avoided upon payment of \$1,300.00 on the charges of 1) failing to purchase unfortified wine only from a wholesaler who maintains a place of business in North Carolina and has the proper permit and 2) possessing nontaxpaid alcoholic beverages.

39. Kenneth Edward Moulton
T/A **Thirty Sumn Ultra Lounge**
1503 South Glenburnie Road, Suite D
New Bern, NC 28562
00246805AJ-999
AJ AL AZ
ALE District I

Offer in Compromise: 14-day suspension, avoided upon payment of \$1,400.00 on charges of 1) allowing the consumption of alcoholic beverages between the hours of 2:30 AM and 7:00 AM and 2) failing to clear all tables and counters of all alcoholic beverages, bottles, cans, glasses and containers by 2:30 AM.

40. Hector Lopez Santos
T/A **Tienda Y Taqueria La Herradura**
3207 South Brightleaf Boulevard
Smithfield, NC 27577
00254404AJ-999
AJ
ALE District IV

Offer in Compromise: 26-day suspension, avoided upon payment of \$2,600.00 on charges of 1) selling to an underage person and 2) permitting the possession of spirituous liquor upon the premises where such possession or consumption is not authorized by law.

41. Manal Mustafa Abdelaziz
T/A **Tobacco Brothers Minit Shop**
2205 Martin Luther King, Jr. Drive
Lumberton, NC 28358
00258785AK-999
AK AM AO
Lumberton Police Department

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of employee possessing a firearm as a convicted felon on licensed premises.

42. Tony's Bar, LLC
T/A **Tony's Bar**
10004 Moores Chapel Loop Road
Charlotte, NC 28214
00219191AJ-999
AJ AZ
ALE District VI

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on charges of 1) knowingly allowing violations of the controlled substance statutes to occur upon the licensed premises and 2) possessing a container of spirituous liquor not bearing a mixed beverage tax stamp.

43. CRRACC, Inc.
T/A **Tropix Bar and Lounge**
4701 North Tryon Street
Charlotte, NC 28213
00195710AJ-999
AJ AL AZ
ALE District VI

Offer in Compromise: 18-day suspension, avoided upon payment of \$1,800.00 on charges of 1) failing to maintain, on the premises and available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages, 2) possessing empty containers of spirituous liquor, purchased for resale in mixed beverages, bearing mixed beverage tax stamps which had not been permanently defaced and 3) possessing containers of spirituous liquor not bearing mixed beverage tax stamps.

44. Nar Narayan, LLC
T/A **West A Kwik Mart**
1106 West A Street
Kannapolis, NC 28081
AK AM AO
ALE District VI
00144027AK-999

Offer in Compromise: 10-day suspension, avoided upon payment of \$1,000.00 on the charge of selling to an underage person.

45. Dolgencorp, LLC
T/A **Dollar General Store 11248**
3736 Dunn Road
Fayetteville, NC 28312
Q11589-706
AK AM
Cumberland County ABC Board

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling to an underage person.

46. Don Ramon Mexican Restaurant, Inc.
T/A **Don Ramon Mexican Restaurant**
1203 East Marion Street
Shelby, NC 28150
00186051AJ-999
AJ AL AY
Shelby Police Department

Offer in Compromise: 15-day suspension, avoided upon payment of \$1,500.00 on the charge of giving a malt beverage to an underage person.

47. Hector Montoya Lopez
T/A **El Rey De Oros Restaurant**
264 McGill Avenue NW
Concord, NC 28025
00267586AJ-999
AJ AY
ALE District VI

Offer in Compromise: 6-day suspension, avoided upon payment of \$600.00 on the charge of possessing four empty containers of spirituous liquor not bearing mixed beverage tax stamps.

48. Stooges, Inc.
T/A **Latitude 35 Degrees**
1217 Hay Street
Fayetteville, NC 28305
00185361AJ-999
AJ AL AN AY
Cumberland County ABC Board

Offer in Compromise: 25-day suspension, avoided upon payment of \$2,500.00 on charges of 1) knowingly allowing persons under the age of 21 years to possess and consume alcoholic beverages while upon the licensed premises, 2) failing to keep the licensed premises clean to allow ready access and observation by enforcement officers and to avoid any undue hazards to patrons and 3) failing to superintend.

49. Nershimha, Inc.
T/A **Lucky Stop**
1235 East Broad Avenue
Rockingham, NC 28379
00244489AK-998
AK AM AO
ALE District III

Offer in Compromise: 20-day suspension, avoided upon payment of \$2,000.00 on the charge of selling to an underage person.

50. Hafeh Noor Addin Yahya Alrobye
T/A **Quick Mart**
517 East Andrews Avenue
Henderson, NC 27536
00212283AK - 999
AK AM AO
ALE District IV

CONTINUED

51. SM Mart Spring, LLC
T/A **SM Mart Express**
2336 Springs Road NE
Hickory, NC 28601
00208293AK-999
AK AM AO
ALE District VII

Offer in Compromise: 12-day suspension, avoided upon payment of \$1,200.00 on charges of 1) failing to maintain a record of sale or transfer of glass tubes or splitters on the licensed premises and 2) dispensing a prescription drug without being licensed as a pharmacist.

52. Sycamore Brewing, LLC
T/A **Sycamore Brewing**
2161 Hawkins Street
Charlotte, NC 28203
00223527AJ-999
AJ AL
ALE District VI

Offer in Compromise: 5-day suspension, avoided upon payment of \$500.00 on the charge of giving away or selling alcoholic drinks at a price that is different from the usual price to a segment of the population.