

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
APRIL 13, 2022**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on April 13, 2022, 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**

Chairman Hank Bauer called the April 2022 Commission meeting to order and welcomed those who were participating. Chairman Bauer introduced himself, Commissioner Norman A. Mitchell, Sr. and Commissioner Karen Stout, who were joining the meeting virtually, General Counsel Stacy Carter-Coley and Greg Stallings sitting in for Deputy Commissioner Terence Merriweather.

**MINUTES OF THE MARCH 16, 2022 COMMISSION MEETING**

Chairman Bauer requested a motion to waive the reading of the minutes of the March 16, 2022 Commission meeting into the record. Commissioner Stout made the motion. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Chairman Bauer requested a motion to approve the minutes of the March 16, 2022 Commission meeting. Commissioner Stout made the motion. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

**CONFLICTS OF INTEREST**

As required by N.C.G.S. §138A-35, Other Rules of Conduct, 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. Chairman Bauer stated he had reviewed the agenda and found no conflicts. Commissioner Stout and Commissioner Mitchell also stated they found no conflicts.

**I. HEARING CASES AND OFFERS IN COMPROMISE – 42**

Chairman Bauer recognized General Counsel Stacey Carter-Coley regarding Item I on the agenda, the hearing of the cases.

Ms. Carter-Coley stated that there were no contested cases on the April agenda. She asked if there was anyone present on the line who would like to address any of the forty-two offers in compromise on the agenda. She repeated herself.

Hearing no response, Ms. Carter-Coley stated that staff recommended the Commission ratify the offers in compromise on the agenda. Commissioner Stout made a motion to ratify the offers in compromise. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

**II. WAIVER PURSUANT TO N.C.G.S. §18B-900(a) – ATIF ALGHAITHI (00230273AK – 999)**

Chairman Bauer recognized Ms. Carter-Coley regarding Item II.

Ms. Carter-Coley summarized that this was a request for an ineligible permittee waiver regarding permittee Broad Street Mart, Inc. T/A Broad Street Mart’s employee and sole corporate officer, Atif Alghaithi. Mr. Alghaithi pled guilty to and was convicted of sale to underage on August 20, 2021 in Chowan County Criminal District Court. Pursuant to N.C.G.S. §18B-900(a), this made Mr. Alghaithi ineligible to hold ABC permits unless the Commission declined to take action. Ms. Carter-Coley asked if there was anyone present on behalf of the permittee.

Hearing no response, Mrs. Carter-Coley continued by stating that Mr. Alghaithi represented himself in criminal court. Instead of being offered the first offenders’ program, as was common practice, Mr. Alghaithi pled guilty and was sentenced to one year of unsupervised probation, a \$50.00 fine and court costs. She stated that this conviction was the basis for the request for the waiver of the prohibition in N.C.G.S. §18B-900(a).

She continued by listing factors for the Commission to consider: the permittee was a permanent permit holder since 2016, Mr. Alghaithi was the sole owner of the corporation holding permits, this was the only criminal charge ever brought against Mr. Alghaithi and the fact that the common criminal court practice of offering the first offenders’ program was not followed.

Ms. Carter-Coley stated that staff recommended granting the waiver with the condition that if Mr. Alghaithi received a second criminal conviction on or before August 20, 2023 for any offense in violation of Chapter 18B, this waiver would be rescinded.

Chairman Bauer asked the Commissioners if they had any questions. Chairman Mitchell made the comment that this case was of concern to him, and he was glad legal staff was able to resolve the issue. The Chairman then asked the Commissioners for their decision and stated that a motion would be in order. Commissioner Mitchell made a motion to approve staff’s recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

**III. ADVERTISING AGREEMENT APPROVAL – HEALY WHOLESALE COMPANY, INC. AND FAYETTEVILLE BASEBALL CLUB, LLC FOR ADVERTISING AT SEGRA STADIUM**

Chairman Bauer again recognized General Counsel Carter-Coley.

Ms. Carter-Coley stated that this matter involved Healy Wholesale Company, Inc. (hereinafter “Healy Wholesale”), Fayetteville Baseball Club, LLC (hereinafter “the Fayetteville Woodpeckers”), Segra Stadium and Professional Sports Catering, LLC (hereinafter “Concessionaire”). She continued that this was a request for and exemption from NCGS §18B-1116(a)(3) for an advertising agreement

between Healy Wholesale and the Fayetteville Woodpeckers at Segra Stadium, the venue where the Fayetteville Woodpeckers hold home games. She stated that there was a retail permit within Segra Stadium which led to the need for this exemption.

Ms. Carter-Coley deferred to Attorney Kris Gardner for comment. Mr. Gardner said he did not have anything to add, that this was a standard advertising agreement, and that he would answer any questions the Commission may have.

Ms. Carter-Coley stated that legal staff had reviewed the petition for the exemption and recommended the following conditions as part of the order: The Concessionaire should remain completely independent of Healy Wholesale, the Fayetteville Woodpeckers and Segra Stadium regarding decisions where alcoholic beverages are ordered and the placement of point-of-sale materials. No monies or fees paid by Healy Wholesale to the Fayetteville Woodpeckers and/or Segra Stadium should go directly or indirectly to any retail permittee. All Healy Wholesale advertising benefits at Segra Stadium should be specified in the agreement which must be submitted to the Commission within 30 days of execution and prior to any payments from Healy Wholesale to the Fayetteville Woodpeckers or Segra Stadium. She concluded that staff recommended granting the exemption with these conditions.

Chairman Bauer asked the Commissioners if they had any questions. Hearing none, Commissioner Mitchell made a motion to approve staff's recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

#### **IV. ADVERTISING AGREEMENT APPROVAL – HARRIS BEVERAGES, LLC AND DURHAM BULLS BASEBALL CLUB, INC. FOR ADVERTISING AT THE DURHAM BULLS ATHLETIC PARK**

Chairman Bauer again recognized General Counsel Carter-Coley.

Ms. Carter-Coley stated that this matter involved Harris Beverages, LLC (hereinafter "Harris Beverages"), Durham Bulls Baseball Club, Inc. (hereinafter "the Durham Bulls"), Durham Bulls Athletic Park and Bull City Hospitality, LLC (hereinafter "Concessionaire"). She continued that this was a request for and exemption from NCGS §18B-1116(a)(3) for an advertising agreement between Harris Beverages and the Durham Bulls at Durham Bulls Athletic Park, the venue where the Durham Bulls hold home games. She stated that there was a retail permit within Durham Bulls Athletic Park which led to the need for this exemption.

Ms. Carter-Coley asked if Attorney Gardner had anything to add. Mr. Gardner said he did not, that this was a standard advertising agreement, and that need for the exemption arose because the advertising is on the premises of a licensed retail permittee. He asked that the Commission grant the exemption with the standard conditions cited in the previous request.

Ms. Carter-Coley stated that legal staff recommended the Commission grant the exemption request with the standard conditions.

Chairman Bauer asked the Commissioners if they had any questions. Hearing none, Commissioner Mitchell made a motion to approve staff's recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

**V. ABC STORE LOCATION – WAKE COUNTY ABC BOARD  
(4261 THE CIRCLE AT NORTH HILLS, RALEIGH, NC)**

Chairman Bauer recognized Greg Stallings to present the Wake County ABC Board’s request for a new store location. Mr. Stallings stated that Deputy Commissioner Terrance Merriweather sent his regards for being unable to attend but he was presently serving on the NABCA Administrators Planning Committee.

Mr. Stallings stated that on February 1, 2022, the Wake County ABC Board requested approval from the Commission to operate an ABC Store at 4261 The Circle at North Hills in Raleigh, North Carolina. ABC Audit Supervisor Darnay Barefoot and Auditor India Smith-Gray conducted the investigation.

He summarized that the property is zoned correctly and is owned by North Hills owner III LP. All board members provided disclosures showing no conflict. The building is 3,825 square feet of which 60% will be used for retail space and 1,530 square feet will be used for storage space. He stated that the nearest school is St. Timothy’s School located at 4523 Six Forks Road which is approximately 0.3 miles away. The nearest church is St. Timothy’s Episcopal Church, also located at 4523 Six Forks Road. The nearest ABC Store is 3 miles away located at 7112 Sandy Forks Road.

Mr. Stallings stated that a sign announcing the board’s intentions was posted, as required by law, and was witnessed by ABC Auditor India Smith-Gray. He stated that board did not receive any calls with concerns for the new store location.

Based on the information, Mr. Stallings stated that staff recommended approval of the new location.

Chairman Bauer asked the Commissioners if they had any questions. Hearing none, Commissioner Mitchell made a motion to approve staff’s recommendation. Commissioner Stout seconded the motion. A vote was held, and the motion passed.

**VI. OTHER BUSINESS**

Chairman Bauer asked Ms. Carter-Coley and Mr. Stallings if there was any additional business. They expressed there was no additional business.

Chairman Bauer stated that the next ABC Commission meeting would be held virtually on Wednesday, May 11, 2022.

Chairman Bauer requested a motion to adjourn the April 2022 Commission meeting. Commissioner Stout made a motion for adjournment. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

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

Respectfully submitted by,

/S/ Jennifer L. Temple  
Jennifer L. Temple for the Legal Section