

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION SPECIAL MEETING MINUTES  
JUNE 1, 2022**

The following narrative summarizes the North Carolina Alcoholic Beverage Control Commission (hereinafter “Commission”) special meeting held via teleconference at 400 East Tryon Road in Raleigh, North Carolina on June 1, 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 June 2022 Commission special meeting to order and welcomed those who were participating. Chairman Bauer introduced himself. He then introduced Commissioner Norman Mitchell, Sr. and Commissioner Karen Stout, who were both joining the meeting virtually.

Chairman Bauer stated that the cause for this meeting was an appeal by Hertford ABC Board member Quinton Jackson from the resolution passed by the Town of Hertford to remove Mr. Jackson from the ABC Board.

**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. TOWN OF HERTFORD ABC BOARD – BOARD MEMBER APPEAL**

Chairman Bauer recognized Assistant General Counsel Renee Metz.

Mrs. Metz stated that in 2010 the General Assembly enacted N.C.G.S. §18B-704 regarding the removal of local board members and employees. She stated that, until now, the Commission has not been presented with an appeal regarding a local appointing authority removing one of its ABC Board members.

Mrs. Metz explained that paragraphs (e) and (f) of N.C.G.S. §18B-704 were unclear in laying out the hearing procedure, but it was clear a hearing officer was required. She stated that in order to best preserve the process and the parties’ rights, Legal Section recommends the Commission appoint Assistant Counsel Rachel Spears as the hearing officer.

Mrs. Metz stated that Ms. Spears would hear presentations from both parties and draft Findings of Fact to present to the full Commission at the following week’s regular Commission meeting. She continued stating the parties may present any objections to Ms. Spears Findings of Fact at that meeting. The Commission would then vote regarding the matter. Mrs. Metz respectfully recommended appointing Assistant Counsel Rachel Spears as the hearing officer for the matter between the Town of Hertford and Mr. Quinton Jackson.

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.

Chairman Bauer once again recognized Mrs. Metz.

Since the hearing is required to be within 15 days of the notice of appeal from the ABC Board member or employee, Mrs. Metz asked for a resolution to allow the Chairman to appoint a hearing officer in these matters pursuant to N.C.G.S. §18B-203(b) and N.C.G.S. §18B-704(f). She reasoned that this would prevent calling special meetings within that time frame if the Chairman were allowed to appoint the hearing officer. Mrs. Metz asked for a motion to allow the Chairman to appoint the hearing officer pursuant to N.C.G.S. §18B-704.

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.

## **II. OTHER BUSINESS**

Chairman Bauer stated that the next ABC Commission meeting would be the regularly scheduled monthly Commission meeting held virtually on Wednesday, June 8, 2022.

Chairman Bauer requested a motion to adjourn the June 2022 ABC Commission special 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