

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MEETING MINUTES  
September 12, 2023**

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 September 12, 2023, 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 September 12, 2023, Commission meeting to order and welcomed all who were attending. Chairman Bauer also welcomed Commissioner Norman Mitchell, Sr., Commissioner La’Tanta (L.T.) McCrimmon, General Counsel Stacey Carter-Coley, and Deputy Commissioner Mike DeSilva.

**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.

**MINUTES OF THE AUGUST 16, 2023, COMMISSION MEETING**

Chairman Bauer asked if there were any requests to make changes to the agenda. After hearing none, he moved to adopt the agenda as presented. Commissioner McCrimmon seconded the motion. A vote was held, and the motion passed.

Chairman Bauer asked if the Commissioners had received a copy of and reviewed the minutes from the August 16, 2023, meeting. The Commissioners all stated they had received a copy and reviewed them. Commissioner McCrimmon moved to waive the reading of the minutes of the August 16, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

Commissioner McCrimmon moved to approve the minutes of the August 16, 2023, meeting. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

**I. HEARING CASES AND OFFERS IN COMPROMISE – 116**

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

There was one contested case this month. There was no one in attendance who wished to speak. Ms. Stacey Carter-Coley announced the ALJ’s decision. The Chairman moved to impose the ALJ’s decision.

Commissioner Mitchell moved to adopt the staff's recommendation. Commissioner McCrimmon seconded. A vote was held, and the motion passed.

Mrs. Carter-Coley presented the remaining 115 Offers in Compromise. Chairman Bauer moved to ratify the remaining Offers in Compromise. Commissioner Mitchell seconded the motion. A vote was held, and the motion passed.

**II. EXEMPTION REQUEST PURSUANT TO N.C.G.S. §18B-1116(b)-O'GRADY PUBLIC HOUSE, LLC T/A FINNIGAN'S WAKE; ROLLER MILLS, LLC T/A HOOTS BEER COMPANY; and BRIAN COLE**

Chairman Bauer called upon Assistant Counsel Rachel Spears for an exemption request. Miss Spears explained that this exemption was for joint ownership of a commercial and retail establishment. Requestor Brian Cole was present to speak before the Commission members. Miss Spears explained the conditions under which Mr. Cole could abide by the exemption, if approved.

Chairman Bauer moved to grant the exemption. Commissioner Mitchell seconded it. Chairman Bauer asked the Commissioners if there were any questions. Hearing none, Chairman Bauer presented the motion. A vote was held, and the motion passed.

**III. EMPLOYMENT EXEMPTION REQUEST PURSUANT to N.C.G.S. §18B-201(a)-  
Kim Bradley**

Chairman Bauer recognized Assistant General Counsel Renee Metz for an employment exemption. Ms. Metz explained that the exemption was for Kim Bradley, a Louisburg ABC Board clerk who would like to take a part-time position with Cape Fear Vineyard and Winery, which also hold distillery permits. Ms. Metz explained the conditions under which Ms. Bradley could abide by the exemption, if approved.

Commissioner Mitchell moved to grant the exemption. Chairman Bauer seconded the motion. Chairman Bauer asked the Commissioners if there were any questions. They both stated no questions. Chairman Bauer presented the motion. A vote was held, and the motion passed.

**IV. ORDER FOR RETURN OF EVIDENCE SEIZED IN ABC CASE #2727-RN (00302875AJ-999)**

Chairman Bauer announced agenda item IV. General Counsel Stacey Carter-Coley asked if there was anyone present on behalf of Grapes and Hops. There was no response. Ms. Carter-Coley stated the legal staff would like to continue the case so that an appropriate order could be drafted, after a conversation with law enforcement. Commissioner McCrimmon moved to continue the matter. Commissioner Mitchell seconded it. Chairman Bauer presented the motion to continue to the next Commission meeting. A vote was held, and the motion passed.

**V. ABC STORE LOCATION-CATAWBA COUNTY ABC BOARD (3371 SPRINGS ROAD NE, HICKORY, NC)**

Chairman Bauer called upon Deputy Commissioner Mike DeSilva to summarize the investigative report for a proposed ABC store location. The new location would replace the existing store located at 2517 Springs Rd. NE, which is approximately 1 mile away.

Mr. DeSilva stated the store would be approximately 10,000 sq. ft., with 6,000 sq. ft. used for retail sales and the remaining square footage would be used as warehouse space.

Mr. DeSilva stated that on June 26, 2023, the Board had received 3 objections citing traffic concerns. There was no one present with any comments or concerns.

Chairman Bauer moved to approve Catawba County ABC Board store location.

Chairman Bauer asked the Commissioners if they had any questions. Both stated they did not.

Chairman Bauer moved to adopt the motion to approve the Catawba County ABC store. A vote was held, and the motion passed.

**VI. ABC STORE LOCATION-GREENSBORO ABC BOARD (1214 REDBOURNE ROAD, GREENSBORO, NC)**

Chairman Bauer called upon Deputy Commissioner Mike DeSilva to summarize the investigative report for a proposed store location. The new location would replace the existing store at 2309 Flemming Road, which is approximately 4.9 miles away.

Mr. DeSilva stated that the store would be approximately 7,000 sq. ft., with 4200 sq. ft. used for retail sales and the remaining square footage would be used as a stock room. There would be mixed beverages sales at the new store.

As of August 24, 2023, the Board had not received any calls about the proposed location. There was no one present with any comments or concerns.

Chairman Bauer stated approval of the ABC store was moved and seconded. Chairman Bauer asked the Commissioners if they had any questions. Both stated they did not. A vote to approve the ABC store was held, and the motion passed.

**VII. ABC STORE LOCATION-WAKE COUNTY ABC BOARD (212 SOUTH SALISBURY STREET, RALEIGH, NC)**

Chairman Bauer called upon Deputy Commissioner Mike DeSilva to summarize the investigative report for a proposed store location. The proposed location could possibly replace the store located at 1222 New Bern Avenue, approximately 1.5 miles from the proposed location.

Mr. DeSilva stated that the store would be approximately 10,454 sq. ft., with approximately, 5,000 sq. ft. on the ground floor to be used for retail sales and the remaining square footage used for storage space.

As of July 26, 2023, the Board had not received any calls about the store. There was no one present with any comments or concerns.

Chairman Bauer moved for approval of the staff's recommendation, seconded by Commission McCrimmon. Chairman Bauer asked the Commissioners if there were any questions. They both stated they did not. A vote to approve the ABC store was held, and the motion passed.

#### **VIII. 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 Mitchell seconded it. A vote was held, and the motion passed.

#### **CLOSED SESSION**

#### **IX. OTHER BUSINESS**

Chairmen Bauer re-opened the session.

Chairman Bauer stated the next Commission meeting would be held Wednesday, October 11, 2023, beginning at 10 a.m. at the ABC Commission.

Chairman Bauer asked General Counsel Stacey Carter-Coley and Deputy Commissioner Mike DeSilva if there was any additional business. They both stated none.

Chairman Bauer adjourned the September 12, 2023, Commission meeting.

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

Respectfully submitted by,

/S/ Teresa Fuller  
Teresa Fuller for the Legal Section