

**NORTH CAROLINA  
ALCOHOLIC BEVERAGE CONTROL COMMISSION  
MINUTES for JANUARY 11, 2002**

The following highlights actions taken by the North Carolina Alcoholic Beverage Control Commission. The meeting was tape-recorded and the tape is on file in the Legal Division of the ABC Commission.

**ROLL CALL**

Acting Chairman, Ann S. Fulton, Commission Members Ricky Wright and Mike Joyner were present for the entire meeting.

**WAIVE READING OF DECEMBER 14, 2001 MINUTES**

The Chairman stated the minutes were not yet available for review and approval.

**EXECUTIVE ORDER 127 B CONFLICT OF INTEREST**

As required by Executive Order Number One, the Chairman asked Commission Members Wright and Joyner whether there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the agenda. The Chairman stated she found no conflict of interest. Commissioners Wright and Joyner stated that they had reviewed the agenda and found no conflict of interest.

**HEARING CASES B 55** listed (including an add on case).

**I. OFFERS N COMPROMISE**

Chief Deputy Counsel Fred Gregory stated there were no contested cases, there were no matters that required special attention and there was no one present to speak on behalf of any of the cases listed on the agenda.

The Chairman had questions regarding the following cases:

#24 B Corrothers Community Center/Private Club B Respondent has held permits since 1998. Assistant Counsel LoRita Pinnix stated that the respondent was sent an Offer In Compromise. The Commission never received the signed offer back. Ms. Pinnix stated that she

contacted the respondent to inquiry about the offer. Respondent told Ms. Pinnix that the offer was signed and sent back to the Commission and that he took the suspension time and closed the business during the suspension. Ms. Pinnix stated that she told Respondent that the offer had to be approved by the Commission and would then be sent a Final Agency Decision. Ms. Pinnix sent the respondent an amended offer with new suspension dates. Ms. Pinnix also tried to contact the Alcoholic Law Enforcement Agent to verify if the business had been closed during that time. She was unable to get in contact with the agent. The Chairman made a motion to accept the Offer In Compromise and to give the respondent credit for the business being closed November 8, 2001 through November 23, 2001. The motion was seconded by Commissioner Joyner. So ordered.

#17 - Food Lion 1284 - No previous violations but penalty reflected an offer for a second violation. Assistant Counsel LoRita Pinnix stated there were actually two pending violations at this establishment.

#19 - Silver Dollar Sports Bar - Assistant Counsel LoRita Pinnix stated there were two Amarried@ bottles.

#50 - Country Club of Plymouth - The Chairman had a question regarding the Brown Bagging Restaurant permit, was there a restaurant? Assistant Counsel Tim Morse advised the establishment no longer has a restaurant and the Brown Bagging Restaurant permit should be cancelled.

Commissioner Wright made comments concerning several Wilco stores (#44, #45, #46 and #47) regarding their history and penalty. The Chairman felt that with past violations (eight to ten in some cases), the penalties should be aggravated somehow.

Attorney William Potter made comments regarding the penalty grid stating the grid was pretty tough not to mention strict. Commissioner Wright responded saying he felt the underage sales report should be looked at more closely and thought maybe the Commission members should look at raising the penalties for first time offenses.

## **REMAINING OFFERS IN COMPROMISE**

The Commission members had neither questions nor comments concerning any cases as submitted. The Chairman moved that all remaining cases be approved and ratified. Commissioner Wright seconded the motion and Commissioner Joyner agreed. So ordered.

Neither the Chairman nor the Commission members had any questions or comments concerning any other cases as submitted. Commissioner Wright made a motion that all cases be approved and ratified, with the exception of #24 to reflect the change in suspension dates to show time served already, seconded by Commissioner Joyner. So ordered

II. ABC Store Location B Orange County. Administrator Michael Herring presented information regarding an ABC Store relocation in Chapel Hill, NC. ALE District IV conducted an investigation concerning the store relocation. Harris Teeter is terminating their present lease. Orange County ABC Board is requesting approval to relocate to another section in the Chapel Hill North Shopping Center. The store location is properly zoned. The nearest church is .10 of a mile and the nearest school is 2.6 miles from the proposed relocation. The sign regarding notice of intent to open an ABC store has been posted for 30-days in accordance with ABC Commission regulations. The ABC Commission has not received any complaints or objections. Ms. Linda Ward, Interim General Manager, Orange County ABC Board advised that she was unaware of any conflict of interest among members of the Board or Mr. David Daly, the property owner. Mr. Herring made a recommendation to approve the location. The Chairman made a motion that the store relocation be approved, seconded by Commissioner Joyner. So ordered.

III. ABC Store Location B High Country Municipal ABC, Avery County. Administrator Michael Herring presented information regarding an ABC store location in the town of Sugar Mountain, NC. ALE District IX conducted an investigation concerning the store location and advised that the High Country Municipal ABC Board would like to relocate their current store in the Seven Devils Township to a new location across the street which is in the Sugar Mountain Township. The proposed property was purchased for \$510,000 on December 15, 2001, from Fields Group of North Carolina, LLC, a NC Limited Liability Company. The ABC Store building will contain 3,000 square feet and will share a large parking lot with other retail business. The proposed store location is properly zoned. The nearest church is 3.1 miles and the nearest school is 4.2 miles from the proposed location. The sign regarding notice of intent to open an ABC store has been posted for 30-days in accordance with ABC Commission regulations. The ABC Commission has not received any complaints or objections. Ms. Louise Anderson, Chairman of the High Country Municipal ABC Board stated that she was unaware of any conflict of interest between any member of the ABC Board, owners of the property of the proposed location and the town officials. The Chairman made a motion that the store location be approved, seconded by Commissioner Wright. So ordered.

IV. ABC Store Location B Mecklenburg County. Administrator Michael Herring presented information regarding an ABC Store location in Charlotte, NC. ALE District VIII conducted an investigation concerning the store location and advised that the Mecklenburg County ABC Board would like to purchase property located at 9737 Callabridge Court in the Callabridge Landing Shopping Center. The proposed property is approximately \$300,000. The property is approximately 4,000 square feet. The proposed property is properly zoned. The nearest church is .3 of a mile and the nearest school is 2.4 miles from proposed location. The sign regarding notice of intent to open an ABC store has been posted for 30-days in accordance with ABC Commission regulations. The ABC Commission has not received any complaints or objections. Mecklenburg County ABC Board has received 7 calls, 6 in favor of the proposed ABC store location and 1 would prefer a restaurant for that location. None of the Mecklenburg County ABC Board or its staff has any financial conflict with this proposed ABC store location. The Chairman made a motion that the store location be approved, seconded by Commissioner Wright. So ordered.

V. ABC Store Location B Lexington ABC Board, Davidson County. Administrator Michael Herring presented information regarding an ABC Store location in Lexington, NC ALE District VII conducted an investigation concerning the store location and advised that the City of Lexington ABC Board would like to locate an additional ABC Store in Lexington, NC. The proposed property is currently owned by Leah A. Baker Family, LLC. Collett Associates, Inc. manages the property for the owners. The property is approximately 2,010 square feet. The proposed property is properly zoned. The nearest church is .9 of a mile and the nearest school is 1.8 miles from the proposed location. The sign regarding notice of intent to open an ABC store has been posted for 30-days in accordance with ABC Commission regulations. The ABC Commission has not received any complaints or objections. No conflict of interest was found between the parties involved. The Chairman made a motion that the store location be approved, seconded by Commissioner Wright. So ordered.

## **OTHER BUSINESS**

No other business, new or old, to be heard.

WITH NO further business the meeting adjourned.

---

Ann S. Fulton, Chairman  
N. C. Alcohol Beverage Control Commission

Respectfully submitted by

---

Tiffany C. Goodson, Legal Division