

North Carolina
Alcoholic Beverage Control Commission
3322 Garner Road
Raleigh, NC 27610

Summary of Action Taken On
Tuesday, September 9, 2008

SECTION I

CONTESTED CASE

Issuance:

1. Club 55 Elabuelo LLC
T/A **Club 55 Elabuelo**
8247 Hwy 55 West
Seven Springs NC 28578
00155002AJ-999
AJ

Final Agency Decision – Issue the permit for the sale of beer on premises.

SECTION II

OFFERS IN COMPROMISE

Suspensions:

2. Sam Zahran and Sons Inc
T/A **Sam Zahran and Sons**
212 Rankin Street
Fayetteville NC 28301
0034CM-999
BL AT BM AU

Offer in Compromise – Three-day suspension, suspended upon payment of \$500.00 on charge of driver salesman selling fortified wine to a business that did not hold a retail or wholesale fortified wine permit.

3. Gate City Bars Inc
T/A **Pour House**
360 Federal Place
Greensboro NC 27401
00137017AJ-999
AJ AL AZ

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

4. Alfred Cornelius Dixon
T/A **Mr. D's Take-A-Way**
360 Shaw Avenue
Southern Pines NC 28387
56896A-999
AJ AN AL AZ

Offer in Compromise – 18-day suspension, suspended upon payment of \$1,800.00 on charges of failure to superintend, knowingly allowing fighting or other disorderly conduct which could have been prevented without undue danger to the permittee, his employees or his patrons, open to the public and failure to maintain the membership applications of current members on the premises.

5. Partnership
T/A **Full House Bar**
10401 US Hwy 70 West
Clayton NC 27520
00156752AJ-999
AJ AZ

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of missing tax stamps.

6. TreBenzios Inc
T/A **TreBenzios**
141 North Front Street
Wilmington NC 28401
00146799AJ-999
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of giving to an underage person.

7. Friendly Tavern Inc
T/A **Friendly Tavern**
101 Melody Lane
Winston Salem NC 27105
00152444AJ-999
AJ AL AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure 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 from October 1, 2007 through March 31, 2008.

8. Charrito Inc
T/A **El Charro Grill**
1413 National Hwy
Thomasville NC 27360
00133875AJ-999
AJ AN AL AY

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charges of tax stamps not defaced and failure to purchase unfortified wine only from a wholesaler.

9. Keyland Inc
T/A **Cloud 9**
459 West Russell Street
Fayetteville NC 28301
61199A-999
AJ AZ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of employees consuming alcoholic beverages while performing services (two counts).

10. Dos Taquitos Inc
T/A **Dos Taquitos**
5629 Creedmoor Road
Raleigh NC 27612

Continued

11. Florence C Johnson
T/A **Flat Swamp Club**
8305 Hwy 55 West
Dover NC 28526
21505A-999
AJ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of employee consuming alcoholic beverages while performing services.

12. JABS Entertainment LLC
T/A **JABS Ultra Bar**
1600-J West Lee Street
Greensboro NC 27403
00145686AJ-999
AJ AN AL AZ

Offer in Compromise – 38-day suspension, suspended upon payment of \$3,800.00 on charges of failure to purchase malt beverages only from a wholesaler, open to the public (two counts), failure to superintend, employee and corporate officer consuming alcoholic beverages while performing services and employee sold to an undercover ALE Agent a container of spirituous liquor (half full) that was purchased for resale as mixed beverages.

13. Adela C Sosa
T/A **La Chicanita**
209 West Stanley Street
Stanfield NC 28163
00133335AK-999
AK

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charge of dispensing a prescription drug without being licensed as a pharmacist.

14. La Luna 2 Inc
T/A **La Luna 2**
8829 East W T Harris Boulevard, Suite 118
Charlotte NC 28227
00108585AK-999
AK

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charge of dispensing a prescription drug without being licensed as a pharmacist.

15. Jerry Nelson Grainger
T/A **Southside Tavern**
2113 South Main Street
High Point NC 27260
48740A-999
AJ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of allowing the operation of a game of chance where money, property, or other thing of value was bet.

16. Bongos Inc
T/A **Soundvent**
120-D West Main Street
Thomasville NC 27360
00125548AJ-999
AJ AZ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of premixing mixed beverages prior to receiving an order for the beverage from a customer without approval from the ABC Commission, failure to issue written or printed evidence of membership to each member, failure to retain each membership application in the permanent records as long as the individual's membership continues, failure to maintain a written policy on the granting of full and limited memberships to the private club, failure to collect an annual membership fee separate from any admission or cover charge to qualify as a private club and open to the public.

17. Maria Cecilia Martinez
T/A **Tienda Mexicali**
10403 Park Road, Suite F-1
Charlotte NC 28210
00112372AK-999
AK

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of knowingly allowing violations of the controlled substance statutes to occur.

18. Y and J Mart Inc
T/A **Y and J Mart**
2700 Old Monroe Road
Stallings NC 28105
00139919AK-999
AK AO AM

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charges of failure to have within 60 days of receipt of permit at least one exterior sign stating the trade name of the licensed premises as it appears on the permit, failure to keep sales tickets and delivery receipts filed separate and apart from all other records and establishing or maintaining living quarters in or connected to the licensed premises.

19. McCallister Restaurant Group Inc
T/A **J P Looneys**
3021 Spring Garden Street
Greensboro NC 27403
00110731AJ-999
AJ AN AL AY

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

20. Upstate Enterprises LLC
T/A **George Hermans**
144 Brevard Court
Charlotte NC 28202
00147064AJ-999
AJ AN AL AY

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure 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 from January 2007, through present.

21. April and George LLC
T/A **George**
414 Glenwood Avenue
Raleigh NC 27603
00118608AJ-999
AJ AN AL AY

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure to file financial reports on an annual basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission from January 1, 2007, through December 31, 2007.

22. B P O E
T/A **High Point Elks Lodge 1155**
700 Old Mill Road
High Point NC 27265
15735A-999
AJ AN AL AR AZ

Offer in Compromise – Two-day suspension, suspended upon payment of \$200.00 on charge of failure to file financial reports on an annual basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission from January 1, 2007, through December 31, 2007.

23. Enrique Ocampo
T/A **Enriques Mexican Restaurant and
Night Club**
1603 South Horner Boulevard
Sanford NC 27330
00091909AK-998
AJ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of possessing or knowingly allowing the possession of alcoholic beverages, the sale or possession of which is unauthorized by the ABC laws or permits.

24. Flores Corp Inc
T/A **Carniceria La Superior**
3325 North Roxboro Road
Durham NC 27704
00129256AK-999
AJ

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of unauthorized possession of spirituous liquor.

25. 14-B Food Inc
T/A **Compare Foods**
5610 East Independence Boulevard
Charlotte NC 28212
00141073AK-999
AK AO AM

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,000.00 on charge of knowingly allowing violations of the controlled substance statutes to occur.

26. Kalim Andraos Andraos
T/A **University B P**
105 Martin Luther King Drive
Winston Salem NC 27101
54152B-999
AK AO AM

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of allowing the consumption of malt beverages upon premises having only an Off Premise Malt Beverage permit.

27. Khamis Abed Sirhan
T/A **Sirhans Meat and Grocery**
1117 Raleigh Road
Rocky Mount NC 27803
41401B-997
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

28. Pizza Circle Inc
T/A **L'Italiano**
4045 Premier Drive, Suite 101
High Point NC 27265
03754A-994
AJ AL AY

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,400.00 on charge of giving to an underage person.

29. Freeman Rumley Inc
T/A **Indigo Joes**
1022-J South Main Street
Kernersville NC 27284
00155298AJ-999
AJ AN AL AY

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of missing tax stamps.

30. Monte Alto LLC
T/A **Las Brasas Mexican Restaurant**
416 Warsaw Road
Clinton NC 28328
00152559AJ-999
AJ AY

Offer in Compromise – Two-day suspension, suspended upon payment of \$200.00 on charge of failure to file financial reports on an annual basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission from April 24, 2007, through December 31, 2007.

31. El Comalapa Restaurant Inc
T/A **El Comalapa Restaurant**
530 Eastway Drive
Charlotte NC 28205
00149220AJ-999
AJ AY

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charges of failure to purchase malt beverages only from a wholesaler and failure to maintain full and accurate monthly sales records for the months of January, February and March, 2008. Cancellation of Mixed Beverage Restaurant permit only.

32. Edith Rebecca Jenkins
T/A **Bench Tavern**
2614 Lawndale Drive
Greensboro NC 27408
00147154AJ-999
AJ AN AL AZ

Offer in Compromise – Two-day suspension, suspended upon payment of \$200.00 on charge of granting a membership to the private club sooner than three days after receipt of the application.

Reconsideration:

33. Red Eye Management Group LLC
T/A **Red Eye Sports Grill**
309 West Fairfield Road
High Point NC 27263
00130729AJ-999
AJ AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of giving to an underage person.

FIRST OFFENSE CASES

September 9, 2008
Commission Meeting
Agenda Addendum
Signed by Chairman
(Resolution of 11-08-02)

Suspensions:

- 1F. WilcoHess LLC
T/A **Wilco 1857**
105 East Water Street
Windsor NC 27983
Q11485-856
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

- 2F. Hezam Naji Alwadei
T/A **Sam's Grocery**
4072 Bruce Garner Road
Franklinton NC 27525
00119577AK-998
AJ AO

Offer in Compromise – 14-day suspension, suspended upon payment of \$1,400.00 on charge of selling to an underage person.

- 3F. Janice Anita Garcia
T/A **Rodeo Bravo Taqueria**
483 Skyland Drive
Sylva NC 28779
00142908AJ-999
AJ

Offer in Compromise – 50-day suspension, suspended upon payment of \$5,000.00 on charge of selling to an underage person.

- 4F. 553 West Main LLC
T/A **553 West Main**
553 West Main Street
Sylva NC 28779
00153359AJ-999
AJ AN AL BX AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

5F. Salah Mohamed Hassan
T/A **Food Stop 1**
513 West Prospect Avenue
Raeford NC 28376
00148714AK-999
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

6F. Breadmens Inc
T/A **Breadmens Restaurant**
334 West Rosemary Street
Chapel Hill NC 27514

Continued

7F. Necha Inc
T/A **Sunset Mart**
9800 Holly Springs Road
Holly Springs NC 27540

Continued

8F. A P V Inc
T/A **San Remo Restaurant**
4439 Central Avenue
Charlotte NC 28205
62301A-999
AJ AL

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of giving to an underage person.

9F. Value Transport Inc
T/A **Leonards Corner**
2770 White Level Road
Castalia NC 27816
00158336AJ-999
AJ

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

10F. Liberty + Plus Convenient LLC
T/A **Liberty + Plus Convenient**
3305 North Liberty Street
Winston Salem NC 27105
00148867AK-999
AK AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

11F. Carlie Cs I G A Inc
T/A **Carlie Cs I G A**
607 East Cumberland Street
Dunn NC 28334
30847B-999
AK AM

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of selling to an underage person.

12F. Miller and Mustafa LLC
T/A **Coopers Ale House**
5340 West Market Street
Greensboro NC 27409
00135471AJ-999
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

13F. La Carreta Mexicana 5 Inc
T/A **El Carreton**
948 West Walker Avenue
Greensboro NC 27403
00117717AJ-999
AJ AL AY

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

14F. Yvette Brown Pollock
T/A **Navassa Mini Mart**
110 Navassa Road
Navassa NC 28451
00092554AK-999
AK AO

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

15F. Bethel Stone Hospitality LLC
T/A **Sushi Republic**
329 South Tate Street
Greensboro NC 27403
00130714AJ-998
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

16F. Food Lion LLC
T/A **Bloom 1351**
9323 North Tryon Street
Charlotte NC 28262
Q11473-993
AK AO AM CE

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

17F. Food Lion LLC
T/A **Food Lion 1561**
6307 Burlington Road
Stoney Creek NC 27377
Q11473-841
AK AM CE

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

18F. Pantry Inc
T/A **Petro Express 3985**
3006 Old Charlotte Hwy
Monroe NC 28110
Q11443-578
AK AO AM

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person.

ADD ON CASES

Suspensions (Regular Cases):

34. Cameron Hospitality Inc
T/A **Nelsons**
521 Daniels Street
Raleigh NC 27605

Continued

35. Loyal Order of Moose
T/A **Kernersville Moose Lodge 2181**
1250 East Mountain Street
Kernersville NC 27284
10986J-999
AJ AL AZ AS

Offer in Compromise – 16-day suspension, suspended upon payment of \$1,600.00 on charges of failure to see that each member's locker was locked when the member was not on the licensed premises, allowing more than one member to store alcoholic beverages in the same locker, missing tax stamp, failure to maintain on the premises each completed and approved membership application, failure to maintain a current alphabetical roster of all members and their complete addresses and failure to submit to the Commission an application for substitution of a manager within 30 days after his employment as manager.

36. Edith Rebecca Jenkins
T/A **Bench Tavern**
2614 Lawndale Drive
Greensboro NC 27408
00147154AJ-999
AJ AN AL AZ

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file financial reports on a monthly/quarterly/annual basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission from January 1, 2007 through present.

Suspensions (First Offense Cases):

- 19F. Pantry Inc
T/A **Kangaroo Express 3120**
4450 Gumbranch Road
Jacksonville NC 28540
Q11443-726
AK AO AM

Offer in Compromise – Nine-day suspension, suspended upon payment of \$900.00 on charge of selling to an underage person.

- 20F. NC Golf Courses AB Manager LLC
T/A **Birkdale Golf Club**
16500 Birkdale Commons Parkway
Huntersville NC 28078
00150962AJ-999
AJ AN AL BT

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of giving to an underage person.

- 21F. Texavosges Enterprises Inc
T/A **Satisfaction Restaurant and Bar**
905 West Main Street, First Floor, Suite 19-J
Durham NC 27701
00128492AJ-999
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of giving to an underage person.

Responsible Alcohol Server Program

(37-8) J D R Ventures LLC
T/A **Salty McDoogles**
8 East 2nd Street
Ocean Isle Beach NC 28469
00139687AJ-999
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$600.00 on charge of allowing consumption by an intoxicated person. Respondent attended a Responsible Alcohol Server Program on June 16, 2008.

(54-8) Carlie C's I G A II Inc
T/A **Carlie C's I G A II**
1203 North Ellis Avenue
Dunn NC 28334
38845B-999
AK AM

Offer in Compromise – Nine-day suspension, suspended upon payment of \$300.00 on charge of selling to an underage person. Respondent attended a Responsible Alcohol Server Program on August 28, 2008.

(18F) Carrabbas Carolina 1 Limited Partnership
T/A **Carrabbas Italian Grill**
1954 13th Avenue Drive SE
Hickory NC 28602
Q11548-990
AJ AN AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charge of selling to an underage person. Respondent attended a Responsible Alcohol Server Program on August 11, 2008.