

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
OCTOBER 10, 2003**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on October 10, 2003. The meeting was tape-recorded and the tape is on file at the ABC Commission/Legal Division.

ROLL CALL

Acting Chair Ann Scott Fulton was present for the meeting, along with Commissioner Mike Joyner and Commissioner Ricky Wright.

MINUTES OF SEPTEMBER 5, 2003 MEETING

The Chairman asked Commission Member Mike Joyner and Commissioner Ricky Wright if they had any corrections or additions regarding the Commission minutes from the September 5, 2003, meeting. Neither Commissioner Joyner nor Commissioner Wright had any corrections or additions. The Chairman made a motion to approve and waive the reading of the minutes into the record. Seconded by Commissioner Joyner. So Ordered.

EXECUTIVE ORDER REGARDING CONFLICTS OF INTEREST

As required by Executive Order Number One, the Chairman asked Commissioner Joyner if 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. Commissioner Joyner stated that he had no conflict of interest with regard to the cases. Commissioner Wright stated that he to recuse himself from case #10, Wake County Shrine Club. The Chairman stated she found no conflict of interest with regard to herself.

I. HEARING CASES – 105 listed.

Chief Deputy Counsel Fred A. Gregory stated that Steve Derbyshire was present to speak on behalf of case # 10, Wake County Shrine Club. Mr. Derbyshire stated that there had been poor supervision of the club in the past and that every year supervision of the club changes hands and he would be in charge of the club next year. ABC Attorney Tim W. Morse stated that alcohol was found in the kitchen for the purpose of cooking. Commissioner Mike Joyner made a motion to reduce the fine to 11 days suspension, suspended upon payment of \$800.00. Seconded by Commissioner Wright. So Ordered.

Chief Deputy Counsel Fred A. Gregory stated that Scott Joyner, owner of 1st Offense case #39, Wimpies Steam Bar and Cajun Café. Mr. Joyner stated that they did have training and procedures in place to detect signs of intoxication and carding underage. He was penalized and all his employees with the exception of four have completed the program. He further stated that he would no longer hire anyone until after they have completed the program. Mr. Joyner stated that in September of 1999, he moved to a bigger location, because they had outgrown their previous location. He said that this was the first violation he has had in 12 years. The Chairman stated that they could not mitigate the penalty because he had not held his permits for this present location for 5 years. The Chairman made a motion to ratify the offer. Seconded by Commissioner Joyner. So Ordered.

The following cases were continued:

#67 – Lowes Foods 200

#68 – Lowes Foods 165

#69 – Lowes Foods 125

1st Offense case #21 – Lowes Food Store 171

REMAINING OFFERS IN COMPROMISE

The Chairman made a motion to ratify all offers in compromise except the ones that were either earlier ratified or continued. Seconded by Commissioner Joyner. So Ordered.

II. The following is a list of first offense violation cases, in which Orders were signed by the Chairman on October 10, 2003, pursuant to the Commission's authorizing resolution dated November 8, 2002:

Big Apple Pizzeria – 1415 East Main Street, Havelock, NC 28532

Buffaloes Grocery – 4924 Wrightsville Avenue, Wilmington, NC 28403

Bull City Supermarket – 1109 East Main Street, Durham, NC 27701

C Mini Mart – 1405 Kildaire Farm Road, Cary, NC 27511

Chilis Grill and Bar – 1301 Western Boulevard, Jacksonville, NC 28546

East Lincoln Mini Mart – 4230 Highway 73, Iron Station, NC 28080

Eckerd Drugs 1112 – 2605 Raeford Road, Fayetteville, NC 28303

Eckerd Drugs 8572 – 906 Bingham Drive, Fayetteville, NC 28304

Fairway One Stop 1 – 1530 Woodmere Drive, Greensboro, NC 27405

Food Country – 6638 West Highway 27, Vale, NC 28168

Gee Bee Food Mart 260 – 796 West Lebanon Street, Mount Airy, NC 27030

Gins Seafood and Quick Stop – 837 Carolina Avenue, Washington, NC 27889

Hudson Brothers Deli – 115 South Lee Street, Rockingham, NC 28379

Huntleys Self Service – 224 Main Street, Morven, NC 28119

Ingles 46 – NC Highway 274, Bessemer City, NC 28016

Jarmans Food Mart – 1709 Morven Road, Wadesboro, NC 28170

Kehlers II – US 70 West and 221 By Pass, Marion, NC 28752
Kims Food Mart - 2200 Phillips Avenue, Greensboro, NC 27405
Little Buck Food Store 3 – 1271 South Union Street, Concord, NC 28025
Little Market Basket 12 – 300 Wilkesboro Avenue, North Wilkesboro, NC 28659
*Lowes Food Store 171 – 6221 Shallowford Road, Lewisville, NC 27023
Neighbors Food Store 4 – 1910 Salem Road, Mount Airy, NC 27030
Neighbors Food Store 11 – 1645 South Main Street, Mount Airy, NC 27030
Northwest Express – 5115 Davidson Highway, Concord, NC 28027
Owen Village B P – 3215 Raeford Road, Fayetteville, NC 28303
Owens Hilltop Superette – 973 West Highway 150, Lincolnton, NC 28092
Parsons Quick Stop - 9583 US Highway 421 East, Roaring River, NC 28669
Petes Grocery – 6905 Doral Drive, Tobaccoville, NC 27050
Rubys – 400-C Fontana Boulevard, Havelock, NC 28532
Run In Foods 834 – 2484 Elkin Highway, North Wilkesboro, NC 28659
Six Forks Amoco – 411 East Six Forks Road, Raleigh, NC 27609
Sixth and Main – 210 6th Street, North Wilkesboro, NC 28659
South Kerr Sport Pub – 125 South Kerr Avenue Suite 3 – Wilmington, NC 28403
Speed Limit – 5601 Country Club Road, Winston-Salem, NC 27104
Super K Mart 4956 – 1302 Bridford Parkway, Greensboro, NC 27407
Trade Mart 54 – 4985 Old Tar Road, Winterville, NC 28590
Triple B Onestop – 2814 Highway 274, Cherryville, NC 28021
Wadesboro I G A Foodliner – 805 Camden Road, Wadesboro, NC 28170
Wal Mart Supercenter 1842 – 4424 W. Wendover Ave., Greensboro, NC 27409
Wimpies Steam Bar and Cajun Café – 206 Main Street, Winterville, NC 28403
Cadillac Jacks – 4702 Market Street, Wilmington, NC 28403

(*Indicates that this case was continued)

III. ABC Store Location – Albemarle ABC Board - ABC Administrator Michael Herring presented information regarding Albemarle ABC Board request to build a new store in the city of Albemarle and to close the present store. The present store has flooding problems and the monthly rent will increase in September 2004. The proposed location is an undeveloped vacant lot located on the south side of the 1900 block of East Main Street. The nearest church is .1 of a mile and the nearest school is .3 of a mile from the proposed location. Pursuant to ABC Commission Rules, the 30 day Notice of Intent to open an ABC store was posted. ABC Board Chairman, Don Fey stated that he had received 3 complaints from neighbors in the community who were opposed to alcohol in general. Mr. Herring made a recommendation to approve the location. The Chairman made a motion to approve the ABC store location. Seconded by Commissioner Wright. So Ordered.

IV. The Chairman set new Commission dates for the beginning of the year as follows: January 9, 2004, February 13, 2004 and March 12, 2004.

No other business, new or old, was heard. The Chairman made a motion to adjourn the meeting. Seconded by Commissioner Joyner. So ordered.

With no further business, the meeting adjourned.

Ann Scott Fulton, Acting Chair
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

Tiffany C. Goodson, Legal Division