

North Carolina
Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, NC 27610

Summary of Action Taken On
Wednesday, August 14, 2013

SECTION I
CONTESTED CASES

Suspensions:

1. Two Brothers Food Market, Inc.
T/A **Circle Mart**
108 Boone Road
Eden, NC 27288
56845B-997
AK AO AM
ALE District VI

Imposition of Final Decision of Administrative Law Judge – 30-day suspension *and* payment of \$1,000.00 on charge of selling to an underage person.

2. Soledad Lopez De Avilez
T/A **Tienda Avilez**
202 Clinton Street
Newton Grove, NC 28366
00145669AK-999
AJ
ALE District V

Imposition of Final Decision of Administrative Law Judge – 75-day suspension *and* payment of \$500.00 on charges of (1) dispensing a prescription drug without being a licensed pharmacist on the licensed premises, (2) allowing consumption of alcoholic beverages between the hours of 2:30 AM and noon on Sunday on the licensed premises, (3) failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages and (4) missing tax stamps (28 containers).

SECTION II

OFFERS IN COMPROMISE

Suspensions:

3. Ayaan, Inc.
T/A **Florida Mart**
803 West Florida Street
Greensboro, NC 27406
00173958AK-998
AK AO AM
ALE District VI

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

4. Food Lion, LLC
T/A **Food Lion 2571**
5909 Hwy 11 South
Pink Hill, NC 28572
Q11473-551
AK AO AM CE DF
ALE District II

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

5. MM Fowler, Inc.
T/A **Graham Family Fare**
301 South Main Street
Graham, NC 27253
Q11390-931
AK AM
ALE District VI

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

6. Mo's Bottle Shop, LLC
T/A **Mo's Bottle Shop**
601 Hampton Pointe Boulevard, Unit 3
Hillsborough, NC 27278
00205048AK-999
AK AM DF
ALE District IV

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

7. Wendy Warring Epps
T/A **Rosemart**
703 Lewis Street
Oxford, NC 27565
00191294AK-999
AK
ALE District IV

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

8. Berhane Assefa Teruneh
T/A **B Lawyers Food Mart**
8505 Lawyers Road, Section A-B
Charlotte, NC 28227
00201335AK-999
AK AM
Mecklenburg County ABC Board

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

9. Buddy Daniel Simmons II
T/A **B and D Bar**
2901 West English Road
High Point, NC 27262
00167596AJ-999
AJ
High Point Police Department

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of failure to purchase malt beverages only from a wholesaler.

10. FFM Bar, Inc.
T/A **Drifters Country Saloon**
412 ½ North Bragg Boulevard
Spring Lake, NC 28390
00142271AJ-999
AJ AL AZ
Cumberland County ABC Board

Offer in Compromise – Eight-day suspension, suspended upon payment of \$800.00 on charges of (1) allowing a patron who is not a member or a guest of a member to purchase or possess alcoholic beverages on the premises, (2) advertising a drink promotion for an on premise respondent and (3) giving away alcoholic drinks to a segment of the population.

11. End Zone, LLC
T/A **End Zone**
1415 Dawson Street, Suite 105
Wilmington, NC 28401
00162639AJ-999
AJ AL AZ
ALE District III

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of failure to superintend and tax stamp not permanently defaced.

12. Highgrove, Inc.
T/A **Highgrove**
1613 South Main Street
Fuquay-Varina, NC 27526
00121789AJ-999
AJ AL CZ
Wake County ABC Board

Offer in Compromise – 42-day suspension, suspended upon payment of \$4,200.00 on charges of failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages and missing tax stamps.

13. CoastClean, LLC
T/A **Hurricane Alleys**
5 Board Walk
Carolina Beach, NC 28428
00198690AJ-999
AJ AL AY
ALE District III

Written Warning

14. PieZone Pizza, LLC
T/A **La Volta**
411 Fayetteville Street, Suite 112
Raleigh, NC 27601
00179166AJ-999
AJ AN AL AY
Wake County ABC Board

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of allowing the sale, possession and consumption of alcoholic beverages off the premises of the establishment named in the permit.

15. Mi Pueblo 9, Inc.
T/A **Mi Pueblo Mexican Restaurant**
3911 Tinsley Drive
High Point, NC 27265
00119992AJ-999
AJ AN AL AY
High Point Police Department

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

16. Midnite Rodeo, LLC
T/A **Midnite Rodeo**
9607 Albemarle Road
Charlotte, NC 28227
00146909AJ-999
AJ
Mecklenburg County ABC Board

Offer in Compromise – Eight-day suspension, suspended upon payment of \$750.00 on charge of failure to superintend.

17. Deerwander, LLC
T/A **Moosehead Grill**
1807 Montford Drive
Charlotte, NC 28209
69862A-999
AJ AL AY
Mecklenburg County ABC Board

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of delivering more than one drink at one time to a single patron for personal consumption and knowingly selling alcoholic beverages to an intoxicated person.

18. SJR Ventures, LLC
T/A **On the Roxx**
14021 Conlan Circle B-6
Charlotte, NC 28277
00187821AJ-999
AJ AN AL AZ
Mecklenburg County ABC Board

Offer in Compromise – Eight-day suspension, suspended upon payment of \$800.00 on charge of performing services while or after consuming alcoholic beverages and did knowingly allow patrons to leave the licensed premises with alcoholic beverages.

19. Open Eye Café, LLC
T/A **Open Eye Café**
101 South Greensboro Street
Carrboro, NC 27510
00140198AJ-999
AJ AL
Carrboro Police Department

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

20. Pleasant City Wood Fired Grille, Inc.
T/A **Pleasant City Wood Fired Grille**
233 South Lafayette Street
Shelby, NC 28150
00164762AJ-999
AJ AN AL AY
Shelby Police Department

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

21. Shiv, Inc.
T/A **Toms Food Store**
2230 North New Hope Road
Gastonia, NC 28054
00181163AK-999
AK AO AM
Gastonia Police Department

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

22. Walter Franklin Hancock III
T/A **Twin Palms**
102 Islander Drive (Meeting/Event room in main office bldg.)
Emerald Isle, NC 28594
00188155AJ-999
AJ AL AZ
Audit Division

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of failure to file annual financial reports.

23. MM Fowler, Inc.
T/A **Wendover Family Fare 444**
4839 Piedmont Parkway
Jamestown, NC 27282
Q11390-951
AK AM
High Point Police Department

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

24. NY Prime Foods, LLC
T/A **Block and Grinder**
2935 Providence Road, Suite 100
Charlotte, NC 28211
00184775AK-998
AJ AN AL AY
Mecklenburg County ABC Board

Offer in Compromise – 14-day suspension, suspended upon payment of \$1,400.00 on charge of performing services while or after consuming alcoholic beverages.

25. CCS Restaurant Holdings, LLC
T/A **Carolina Coffee Shop**
138 East Franklin Street
Chapel Hill, NC 27514
00172277AJ-999
AJ AN AL AY
ALE District IV

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

26. Club 519, Inc.
T/A **Club 519**
519 Cotanche Street
Greenville, NC 27858
00115858AJ-999
AJ AL AZ
Pitt County ABC Board

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of giving away or selling alcoholic drinks at a price that is different from the usual price for less than the entire day and allowing persons who are not members or guest of a member to purchase or possess alcoholic beverages on the premises.

27. Tawfik Kaid Alahwas
T/A **Cousins Food Mart**
829 Conway Road
Fair Bluff, NC 28439
00087506AK-998
AK AO AM
ALE District III

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of allowing employee to establish or maintain living quarters in or connected to the licensed premises and allowing consumption of malt beverages while upon premises having only an Off Premise Malt Beverage permit.

28. Barnew Enterprises, LLC
T/A **Duck and Dive**
114 Dock Street
Wilmington, NC 28401

Continued

29. Diversified Corp.
T/A **El Arcoiris**
(F/K/A *Club Oasis*, N/K/A *Club 301*)
2527 Gillespie Street
Fayetteville, NC 28306
00109031AJ-998
AJ AL AZ
ALE District V

Offer in Compromise – 50-day suspension with the last 25 days suspended upon the payment of \$4,000.00 on charges of (1) failure to superintend, (2) failure to maintain a current alphabetical roster of all members and their complete addresses on the premises (two counts), (3) open to the public, (4) failure to maintain on the premises, available for inspection or audit for three years, all records including original invoices related to alcoholic beverages and mixed beverages, (5) failure to keep the sales tickets and

delivery receipts furnished by the wholesaler, as well as all other records of purchases of malt beverages and wine, filed separate and apart from all other records, (6) missing tax stamps (two counts), (7) failure to post each ABC permit, (8) failure to purchase malt beverages only from a wholesaler and (9) failure to cooperate with an officer engaged in the performance of his duties.

30. Ahmad Sudqi Abu-odeh
T/A **Family Food Mart**
1204 North Alston Avenue
Durham, NC 27701
55333B-997
AK AO AM
ALE District IV

Offer in Compromise – Seven-day suspension, suspended upon payment of \$700.00 on charge of transferring glass tubes or splitters without requiring the purchaser to enter his name and current address in a log on the licensed premises.

31. Samuel G. Nega
T/A **Four Corners**
1104 Goshen Street
Oxford, NC 27565
00103814AK-999
AK AO AM
ALE District IV

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

32. B2W, Inc.
T/A **Harveys Deli and Tavern**
108 West Fremont Street
Burgaw, NC 28425
00159996AJ-999
AJ AL AY
ALE District III

Offer in Compromise – 15-day suspension, suspended upon payment of \$1,500.00 on charges of allowing a patron to possess a container of alcoholic beverages after 2:30 AM and performing services while or after consuming alcoholic beverages.

33. T and B Concepts of Pinehurst, LLC
T/A **Hickory Tavern**
9735 US 15-501 Hwy, Suite 170
Southern Pines, NC 28374
00178088AJ-999
AJ AL AY
ALE District V

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charges of failure to superintend and possessing nontaxpaid alcoholic beverages on the licensed premises.

34. Xing Xin Japanese Food, Inc.
T/A **Hokkaido Japanese Restaurant**
175 Freedom Way, Suite 21
Midway Park, NC 28544
00204323AJ-999
AJ AL
ALE District III

Offer in Compromise – 16-day suspension, suspended upon payment of \$1,600.00 on charges of (1) displaying sign visible from the outside of the business advertising the availability of alcoholic beverages, (2) failure to purchase unfortified wine only from a wholesaler and (3) permitting the possession of spirituous liquor upon premises where such possession is not authorized by law.

35. Pantry, Inc.
T/A **Kangaroo Express 3162**
2301 Holloway Street
Durham, NC 27703
Q11443-651
AK AM
Durham County ABC Board

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

36. Abdulgaber Abdulla Alfalahy
T/A **Lucky Seven**
7603 Raeford Road
Fayetteville, NC 28314
00140791AK-999
AK AO AM
Cumberland County ABC Board

Offer in Compromise – 16-day suspension, suspended upon payment of \$1,600.00 on charges of failure to superintend and selling to an underage person.

37. Four Jays Investment, LLC
T/A **MM Grocery**
1500 East Market Street, Unit A
Greensboro, NC 27401
00173254AK-999
AK AO AM
ALE District VI

Offer in Compromise – 24-day suspension, suspended upon payment of \$2,400.00 on charge of selling to an underage person.

38. N and N Equity Park Sports Bar, LLC
T/A **N and N Equity Park Sports Bar**
150 South Equity Drive, Suite G
Smithfield, NC 27577

Continued

39. Minhas, Inc.
T/A **Pop Shoppe**
6300 US Hwy 70
Mebane, NC 27302
00155537AK-999
AK AO AM
ALE District IV

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

40. Madison Group of Charlotte, LLC
T/A **Prohibition**
200 North Tryon Street, Suite 2
Charlotte, NC 28202
00142214AJ-999
AJ AN AL AZ
Mecklenburg County ABC Board

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of giving away or selling alcoholic drinks at a price that is different from the usual price for less than the entire business day.

41. Royal Ventures, Inc.
T/A **Sea Witch Restaurant and Tiki Bar**
227 Carolina Beach Avenue North
Carolina Beach, NC 28428
00101992AJ-997
AJ AN AL AY BX
ALE District III

Offer in Compromise – 20-day suspension, suspended upon payment of \$2,000.00 on charges of (1) possessing spirituous liquor which is not authorized by the permits issued for the premises or by any provision of the ABC law, (2) tax stamps not permanently defaced and (3) giving away or selling alcoholic drinks at a price that is different from the usual price for less than the entire business day.

42. SWTS, Inc.
T/A **Steves One Stop**
909 West King Street
Hillsborough, NC 27278
00117969AK-999
AK AO AM
ALE District IV

Offer in Compromise – 50-day suspension with the last 35 days suspended upon payment of \$5,000.00 on charge of selling to an underage person.

43. Jose Lopez-Arroyo
T/A **Tienda Hispana La Popular**
2219 East Market Street
Greensboro, NC 27401
00157790AJ-999
AJ
ALE District VI

Offer in Compromise – 29-day suspension, suspended upon payment of \$2,900.00 on charges of failure to determine age and knowingly allowing violations of the ABC laws to occur on the licensed premises.

44. Celica Rosas Sosa
T/A **Tienda Mexicana Jalisco**
102 West Swanzy Street
Elizabethtown, NC 28337
00137204AK-999
AK
ALE District III

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charge of possessing or knowingly allowing the possession or consumption of alcoholic beverages, the possession or consumption of which is not authorized by the ABC laws or by the permits issued.

45. A and R Food Mart, Inc.
T/A **20 20 Food Mart**
2112 Murchison Road
Fayetteville, NC 28301
00178105AK-999
AK AO AM
Cumberland County ABC Board, ALE District V

Offer in Compromise – 10-day suspension of ALL ABC Permits on charges of (1) failure to allow Alcohol Law Enforcement Agents or officers to view the entire premises during a lawful inspection, (2) allowing consumption of malt beverages while upon premises having only an Off Premise Malt Beverage permit (four counts) and (3) failure to superintend.

Cancellations:

46. Jose Eugenio Betances
T/A **Pitt Bar and Lounge**
7428 Capital Boulevard
Raleigh, NC 27616
00145887AJ-999
AJ AN AL AZ
Wake County ABC Board

Offer in Compromise – Cancel ALL ABC Permits on charge of failure to superintend.

47. American Legion
T/A **American Legion Post 54**
Gladstone Road
Cooleemee, NC 27014
12604J-999
AS
ALE District VI

Offer in Compromise – Cancel Brown Bagging Private Club Permit on charges of (1) possessing slot machine, (2) failure to insure that members' alcohol was stored when the member was not on the premises, (3) failure to ensure that each container brought onto the premises is labeled immediately with the member's name substantially as it appears on the membership roster, (4) possessing alcoholic beverages for sale without first obtaining the applicable ABC permit and revenue license on the licensed premises and (5) participating in or allowing the operation of a game of chance where money, property, or other thing of value was bet.