

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

Summary of Action Taken On
Thursday, November 6, 2008

SECTION I

OFFERS IN COMPROMISE

Suspensions:

1. H M S Pubs Inc
T/A **Big Ben Pub**
801 Providence Road
Charlotte NC 28207
00142345AJ-999
AJ AN AL AY

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

2. Harris Teeter Inc
T/A **Harris Teeter 165**
240 Shadowline Drive
Boone NC 28607
Q11307-874
AK AO AM CE

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

3. Murphys Inc
T/A **Murphys Restaurant**
747 West King Street
Boone NC 28607
67390A-999
AJ AL AV

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charges of employee consuming alcoholic beverages while performing services, employee consuming alcoholic beverages on the licensed premises, failure to clear tables and counters of alcoholic beverages and allowing consumption after hours.

4. Roo Yee Corp
T/A **Neo China Restaurant**
4015 University Drive
Durham NC 27707
50434A-999
AJ AN AL AY

Offer in Compromise – Two-day suspension, suspended upon payment of \$200.00 on charge of allowing the operation of a game of chance where money, property, or other thing of value was bet.

5. Tie Breakers Sports Bar and Billiards LLC
T/A **Tie Breakers Sports Bar and Billiards**
1920 Smythewyck Drive – Suite A-B
Greenville NC 27858
00116789AJ-999
AJ AL AY

Offer in Compromise – Four-day suspension, suspended upon payment of \$400.00 on charge of failure to file financial reports on a monthly basis regarding the sale of alcohol and other related information as requested by the Audit Division of the NC ABC Commission from July 1, 2007 through October 15, 2007.

6. Nathan Lee Norman
T/A **Waynesville Pool Room**
1734 Brown Avenue
Waynesville NC 28786
00108867AJ-999
AJ

Offer in Compromise – 25-day suspension, suspended upon payment of \$2,500.00 on charges of allowing the operation of a game of chance where money, property, or other thing of value was bet, employee possessing a controlled substance and employee consuming alcoholic beverages while performing services.

7. WilcoHess LLC
T/A **Wilco 308**
907 Knox Road
McLeansville NC 27301
Q11485-945
AK

Offer in Compromise – 12-day suspension, suspended upon payment of \$800.00 on charge of selling to an underage person. Credit was given for class already taken.

8. J and R Billiards Inc
T/A **Shooters**
3808-A High Point Road
Greensboro NC 27407
00155021AJ-999
AJ AN AL AZ

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charges of failure to keep the sales tickets and delivery receipts filed separate and apart from all other records and open to the public.

9. Nidal Jamil Saleh
T/A **Rize Niteclub**
34 North Front Street
Wilmington NC 28401
00159413AJ-999
AJ AL AZ

Offer in Compromise – Two-day suspension, suspended upon payment of \$200.00 on charge of open to the public.

10. Phonesavanh Thai Garden Inc
T/A **Phonesavanh Thai Garden**
427 South Tate Street
Greensboro NC 27403
00086762AJ-999
AJ AL

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

11. Pancho Villa of Salisbury Inc
T/A **Pancho Villa Mexican Restaurant**
1517 East Innes Street
Salisbury NC 28146
00130538AJ-998
AJ AN AL AY

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of employee consuming alcoholic beverages on the licensed premises.

12. Pert Investment LLC
T/A **Hari Express**
4200 Brookshire Boulevard
Charlotte NC 28216
00103194AK-999
AK AO AM

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

13. Vishal Corp
T/A **Circle B**
454 Cedar Creek Road
Fayetteville NC 28312
63455B-999
AK AO AM

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

14. M M Fowler Inc
T/A **Battleground Family Fare 112**
3931 Battleground Road
Greensboro NC 27410
Q11390-952
AK AM

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

15. Amvets Post 777 Inc
T/A **Amvets Post 777**
838 East Sprague Street
Winston Salem NC 27107
64650A-999
AJ CF

Offer in Compromise – 11-day suspension, suspended upon payment of \$1,100.00 on charges of failure to submit to the Commission an application for substitution of a manager within 30 days after his employment as manager, allowing the operation of a game of chance where money, property, or other thing of value was bet, failure to ensure that each locker could be opened only with a key and failure to see that each container is labeled immediately with the member's name substantially as it appears on the membership roster.

16. Hameed Ali Mozeb
T/A **Ideal Food Mart**
458 West Market Street
Smithfield NC 27577
00109592AK-998
AK AO AM

Offer in Compromise – 10-day suspension, suspended upon payment of \$1,000.00 on charge of possession of a video gaming machine.

17. Partnership
T/A **Crowleys Old Favorites**
3071 Medlin Drive
Raleigh NC 27607

Continued

18. Overtime Development Group LLC
T/A **Overtime Sports Pub**
1030-149 North Rogers Lane
Raleigh NC 27610
00128508AJ-999
AJ AN AL 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 January 1, 2007 through December 31, 2007.

19. Team 2 Ventures LLC
T/A **101 Lounge and Café**
444 South Blount Street Unit 101
Raleigh NC 27601
00160447AJ-999
AJ AN AL AY BX

Offer in Compromise – Six-day suspension, suspended upon payment of \$600.00 on charges of failure to keep sales tickets and delivery receipts filed on the licensed premises for three years separate and apart from all other records and missing tax stamp.

20. Soufan and Askar Inc
T/A **Sams Food Mart**
1100 Old Wilson Road
Rocky Mount NC 27801
40847A-999
AJ AO AM

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

21. Fat Tonys LLC
T/A **Tomato Jakes Pizzeria**
8202 Renaissance Parkway
Durham NC 27713
00141497AJ-999
AJ AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$600.00 on charge of failure to superintend. Credit was given for RASP class already taken on July 30, 2008.

22. Westerwood Tavern Inc
T/A **Westerwood Tavern**
508 Guilford Avenue
Greensboro NC 27401
00132101AJ-999
AJ AZ

Offer in Compromise – 50-day suspension, suspended upon payment of \$5,000.00 on charges of open to the public, allowing consumption by an intoxicated person and altering, mutilating, destroying, obliterating or removing the mark, brand or label on wine or malt beverages kept for sale in North Carolina (two counts).

23. Jackalopes Restaurants Inc
T/A **Jackalopes Restaurants**
1936 East 7th Street
Charlotte NC 28204
69647A-998
AJ AL AY

Offer in Compromise – Four-day suspension, suspended upon payment of \$400.00 on charge of failure to file financial reports on a monthly 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 present.

24. Shannon Dawn Jessup
T/A **Jackie's One More**
10031 Moores Chapel Loop
Charlotte NC 28214
00134601AJ-999
AJ AZ

Offer in Compromise – 30-day suspension, suspended upon payment of \$3,000.00 on charges of knowingly possessing drug paraphernalia to inject, inhale or introduce into the body a controlled substance which would be unlawful to possess, failure to superintend and knowingly allowing violations of the controlled substance statutes to occur.

25. AM Enterprises of Fayetteville Inc
T/A **Izzy's Sports Bar**
150 Andrews Road
Fayetteville NC 28311
00126884AJ-999
AJ AL AZ

Offer in Compromise – 12-day suspension, suspended upon payment of \$1,200.00 on charges of failure to determine the age and allowing consumption by an intoxicated person.

26. Kashi of NC Inc
T/A **Honey Pik Foods**
4432 North Center Street
Hickory NC 28601
00140640AK-999
AK AO AM

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

27. Falls Village Golf LLC
T/A **Falls Village Golf Club**
115 Falls Village Lane
Durham NC 27703
00096647AJ-999
AJ AN AL BT

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

28. Bar Restaurant El Palenque LLC
T/A **Bar Restaurant El Palenque**
4226 A-B Garrett Road
Durham NC 27707
00144663AJ-999
AJ AL AY

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charges of failure to clear tables and counters of alcoholic beverages and allowing consumption after hours.

29. Nylls Enterprises Inc
T/A **Muggs Bar and Grill**
5537 West Market Street
Greensboro NC 27409
00090854AJ-999
AJ AL AY

Offer in Compromise – 12-day suspension, suspended upon payment of \$600.00 on charge of knowingly giving alcoholic beverages to an intoxicated person.

30. B P O E
T/A **Goldsboro Elks Lodge 139**
105 East Chestnut Street
Goldsboro NC 27530
14603J-999
AJ AN AL AZ AS

Offer in Compromise – Four-day suspension, suspended upon payment of \$400.00 on charges of selling alcoholic beverages in an improper container for the permit issued and open to the public.

31. Lone Star Steaks Inc
T/A **Lone Star Steakhouse and Saloon**
504 Hanes Mall Boulevard
Winston Salem NC 27103
Q11449-999
AJ AN AL AY

Offer in Compromise – Three-day suspension, suspended upon payment of \$300.00 on charge of tax stamps not defaced.

32. 2 for Two Inc
T/A **Best Cellar at Linville**
3618-10 Hwy 181
Linville NC 28646

Continued

33. Gate City Catering LLC
T/A **Blue Water Grille**
126 East State Avenue
High Point NC 27262
00124903AJ-999
AJ AN AL AY BX

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

FIRST OFFENSE CASES

November 6, 2008
Commission Meeting
Agenda Addendum
Signed by Chairman
(Resolution of 11-08-02)

Suspensions:

1F. T Anton Management Company Inc **Continued**
T/A **Antons**
1628 Battleground Avenue
Greensboro NC 27408

2F. Sohini Corp LLC
T/A **Crossroads Exxon**
5800 West Market Street
Greensboro NC 27410
00146422AK-999
AK AM

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

3F. Jernigan Oil Company Inc
T/A **Duck Thru Food Store 17**
7603 South Virginia Dare Trail
Nags Head NC 27959
Q11424-985
AK AO AM

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

4F. Elizabeths Pizza Battleground LLC
T/A **Elizabeths Pizza**
3927 Battleground Avenue
Greensboro NC 27410
00111356AJ-999
AJ AN AL AY

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

5F. LaLaJa Inc
T/A **El Celayense Supermarket**
2403 Neuse Boulevard
New Bern NC 28560
00151626AJ-998
AK

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

6F. Mid State Petroleum Inc
T/A **Pop Shoppe 182**
3930 Battleground Avenue
Greensboro NC 27410
Q11420-961
AK AM

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

7F. Southern Pines Sports Bar Inc
T/A **Sports Page**
1930 North Poplar Street – Suite 8
Southern Pines NC 28387
00111921AJ-998
AJ AL AY

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

8F. Apple Gold Inc
T/A **Applebees Neighborhood Grill
and Bar 19**
3200 Battleground Avenue
Greensboro NC 27408
Q11379-981
AJ AN AL AY

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

9F. Rock Ola Café of North Carolina Inc
T/A **Rock Ola Grille**
1600 Battleground Avenue
Greensboro NC 27408
Q11451-998
AJ AN AL AY

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

10F. Eckerd Corporation
T/A **Rite Aid Store 11474**
6231 Fairview Road
Charlotte NC 28210
Q11452-718
AK AM

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

11F. Zen Moon Inc
T/A **Wine Chateau**
1616-C Battleground Avenue
Greensboro NC 27408
00114370AK-997
DB

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

12F. Jay Ambee Inc
T/A **Adams Place**
1208 West Academy Street
Hwy 42 West
Fuquay Varina NC 27526

Continued

13F. Pocket LLC
T/A **Pocket**
389 Merrimon Avenue
Asheville NC 28801
00145283AJ-999
AJ AL AZ

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

ADD ON CASES

Suspensions (Regular Cases):

34. United Energy Inc
T/A **Han Dee Hugos 61**
11928 US 70 West
Clayton, NC 27520
Q11419-980
AK AO AM

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

35. United Energy Inc
T/A **Han Dee Hugos 63**
700 West Hwy 42
Clayton, NC 27520
Q11419-975
AK AO AM

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

36. United Energy Inc
T/A **Han Dee Hugos 74**
11325 US Hwy 70 West
Clayton, NC 27520
Q11419-962
AK AO AM

Offer in Compromise – 40-day suspension, suspended upon payment of \$4,000.00 on charge of selling to an underage person.

37. Cesar Gustavo Lamar
T/A **Lamar Mexican Restaurant**
706 South George Street
Goldsboro NC 27530
00095660AJ-999
AJ

Offer in Compromise – 30-day suspension with the last 23 days suspended upon payment of \$3,000.00 on charge of selling or possessing alcoholic beverages for sale without first obtaining the applicable ABC permit and revenue license.

38. Highland Dist Company Inc
T/A **Highland Dist Company**
213 Blount Street
Fayetteville NC 28301
0170CM-999
BL BM

Offer in Compromise – Five-day suspension, suspended upon payment of \$500.00 on charge of selling fortified wine for the purpose of resale to a person who holds neither a fortified wine wholesaler nor a retailer license.

Cancellation:

39. Pelican Restaurant Inc
T/A **Pelican Restaurant**
NC Hwy 12
Ocracoke NC 27960
00127578AJ-999
AJ AN AL AV

Offer in Compromise – Cancel all ABC permits on charges of failure to keep the premises well-lighted to allow ready access and observation by enforcement officers and to avoid any undue hazards to patrons, operation of the business is detrimental to the neighborhood, knowingly allowing violations of the controlled substance statutes to occur (three counts), employee consuming alcoholic beverages on the licensed premises (two counts), employee possessing or knowingly allowing the possession and consumption of alcoholic beverages which is unauthorized by the ABC laws or by the permits issued, sale of alcoholic beverages after hours, failure to superintend and employee consuming alcoholic beverages while performing services.

Suspensions (First Offense Case):

- 14F. Busy Bee Enfield Inc
T/A **Busy Bee**
115 McDaniel Street
Enfield NC 27823
00153151ak-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.

Responsible Alcohol Server Program

(9F) Smokestackers Inc
T/A **Hookah Bliss**
418 West Franklin Street
Chapel Hill NC 27516
00153137AJ-999
AJ

Offer in Compromise – 12-day suspension, suspended upon payment of \$300.00 on charges of giving to an underage person (two counts). Respondent attended a Responsible Alcohol Server Program on June 24, 2008.

(42-8) La Hacienda Mexican Restaurant LLC
T/A **La Hacienda**
1012 Sunset Avenue
Clinton NC 28328
00156947AJ-999
AJ AN AL AY

Offer in Compromise – 20-day suspension, suspended upon payment of \$1,500.00 on charges of employee becoming intoxicated on the licensed premises, employees consuming alcoholic beverages while performing services and employee consuming alcoholic beverages on the licensed premises. Respondent attended a Responsible Alcohol Server Program on September 10, 2008.

(63-10) Mahrukh Shabbir Butt
T/A **Sams Mini Mart**
2207 West Green Drive
High Point NC 27260
00089733AK-998
AK AO

Offer in Compromise – 20-day suspension, suspended upon payment of \$1,800.00 on charge of selling to an underage person. Respondent attended a Responsible Alcohol Server Program on September 23, 2008.