

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL
COMMISSION MINUTES
JANUARY 9, 2004**

The following narrative and summary highlights actions taken by the North Carolina Alcoholic Beverage Control Commission at its regular meeting on January 9, 2004. 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 Ricky Wright and Commissioner Mike Joyner was present via teleconference because of the adverse snowy weather.

MINUTES OF DECEMBER 12, 2003 MEETING

The Chairman asked Commission Member Mike Joyner and Commission Member Ricky Wright if they had any corrections or additions regarding the Commission minutes from the December 12, 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 Commissioners Joyner and Wright 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 had no conflict of interest. The Chairman stated she found no conflict of interest with regard to herself.

I. HEARING CASES – 106 listed.

Acting General Counsel Tim W. Morse gave some background information on contested case #1, North Carolina Sports Arena. Mr. Morse stated that their application for permits was rejected. They petitioned for a hearing, which was heard by Administrative Law Judge James L. Conner, II. Judge Conner reversed our decision. Mr. Morse stated that at this point however, North Carolina Sports Arena has sold their interest in the business. The business has been rented out to another party and that party has applied and obtained temporary permits. Mr. Morse stated that on those grounds we couldn't accept the recommended decision. It can't be modified nor can we reject it. Mr. Morse made a motion to

dismiss this case as "Moot". The Chairman made a motion to grant the dismissal as "Moot". Seconded by Commissioner Wright. So Ordered.

Chief Deputy Counsel Fred A. Gregory stated that he had a case that was on the December Commission meeting. He asked that the Commission amend the Final Agency Decision for Burkenstocks of Wake Forest. He stated that the permittee called him and asked that the dates be changed so that she would have more time to get the money together. Mr. Gregory asked that the dates be amended to those for the February Commission meeting to reflect the March 12, 2004 suspension effective date and March 5, 2004 payment due date. Commissioner Wright recused himself from this case. The Chairman made a motion to amend the December Final Agency Decision to reflect the February 13, 2004 dates. Seconded by Commissioner Joyner. So Ordered.

The Chairman stated that there were six cases from the December Commission as follows: Salon America, Kill Devil Hills Amoco, Peadens 3, Taylors Crispac, Camelot Golf Center and Edge. She stated that the Commission did not receive a certified return receipt card for any of those cases. The Final Agency Decision dates for each of these cases needed to be modified to reflect this month's Commission dates. The effective date for the suspension will be February 6, 2004 and the payment due date is January 30, 2004. The Chairman made a motion to change the dates to reflect the January 9, 2004 Commission dates. Seconded by Commissioner Joyner. So Ordered.

Assistant Counsel LoRita K. Pinnix stated that contested case #2, Pantana Bobs, was heard on August 20, 2003 in Raleigh, North Carolina. Chief Administrative Law Judge Julian Mann, III heard the case and recommended that the case be dismissed. Ms. Pinnix stated that she did not file exceptions. The Chairman asked Attorney William H. Potter, if he had anything to add. He stated that he accepted the decision of Judge Mann. The Chairman made a motion to adopt the recommended decision of Judge Mann. Seconded by Commissioner Joyner. So Ordered.

The Chairman stated if there were any permittee's that wanted to come to the meeting and speak but couldn't because of the weather, their cases could be carried over to the February Commission meeting. Both Commissioner Wright and Commissioner Joyner agreed.

REMAINING OFFERS IN COMPROMISE

Commissioner Wright made a motion to ratify all offers in compromise. 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 January 9, 2004, pursuant to the Commission's authorizing resolution dated November 8, 2002:

Franks Food Center – Hwy 24 and 27 West, Carthage, NC 28327
A Mart – 900 North Pollock Street, Selma, NC 27576
A and L Mini Mart – Main Street, Faith, NC 28041
Beluga – 14 College Street, Asheville, NC 28801
Kyles Randleman Amoco – 5148 Randleman Road, Greensboro, NC 27406
Your Way Food Store – 2436 West Florida Street, Greensboro, NC 27403
Zip N Go 3 – 2013 Charlotte Hwy, Mooresville, NC 28117
Tank and Tummy 9 – 1025 Hwy 62, Climax, NC 27233
Thrifty Market – 2027 East Market Street, Greensboro, NC 27401
T and T Mini Mart – 1721 NC Hwy 62 West, High Point, NC 27263
Winn Dixie Store 2036 – 908 North Salisbury Avenue, Granite Quarry, NC 28072
TruBuy 70 – 807 East Harden Street – Graham, NC 27253
One Stop Shop – 6641 Styers Ferry Road, Clemmons, NC 27012
Jamestown Exxon – 5009 Vickery Chapel Road, Greensboro, NC 27407
Oakland Mini Mart – 1800 East 10th Street, Roanoke Rapids, NC 27870
Lowe's Food Store 429 – 231 Burke Street, Gibsonville, NC 27249
Stricklands 6 – 2425 Legion Road, Fayetteville, NC 28306
South Boulevard Citgo – 6100 South Boulevard, Charlotte, NC 28217
Short Stop Food Mart 77 – 200 Rattlesnake Trail, Pinehurst, NC 28374
Sagebrush Steakhouse & Saloon – 1302 Collegiate Drive, Wilkesboro, NC 28697
Pit Stop 009 – 2585 South Church Street, Burlington, NC 27215
Patterson Street B P 372 – 2814 Patterson Street, Greensboro, NC 27407
Park & Woodlawn Pop Shoppe – 4343 Park Road, Charlotte, NC 28209
Mourads Mini Mart – 1706 Garland Street, Greenville, NC 27834
La Rancherita Mexican Restaurant – 2711 NC Hwy 55, Cary, NC 27519
Handy Mart 14 – 408 South Main Street (Hwy 258), Scotland, NC 27874
Hams Restaurant – 204 Hwy 321 NW, Hickory, NC 28602
Graham Texaco – 301 South Main Street, Graham, NC 27253
Grove Corner Market – 1 Page Avenue Suite 101, Asheville, NC 28801
Fusion – 1001 Burke Street, Winston-Salem, NC 27101
Four Brothers Food Store 215 – 6351 Shallowford Road, Lewisville, NC 27023
Bi Lo 529 – 1200 West Clemmons Road, Winston-Salem, NC 27127
B T O Food Store 4 – Corner of Owen Drive & Southern Aveune, Fayetteville, NC 28301
Johns Food Express – 1402 North Church Street, Burlington, NC 27217
Country Line Package Store and Tobacco Outlet – 5700 Randleman Road, Randleman, NC 27317
Bobs Curb Market – 2620 Phoenix Drive, Greensboro, NC 27406

The Chairman stated that new dates needed to be set for future meetings. Commissioner Joyner and Commissioner Wright stated that they would both look at their calendar and get back with the Chairman.

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