

**NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
JULY 13, 2011**

The following narrative and summary highlights action taken by the North Carolina Alcoholic Beverage Control Commission at its meeting on July 13, 2011, beginning at 10:00 AM. The meeting was recorded and the disk is on file at the ABC Commission in the Legal Division.

**ROLL CALL**

Chairman Jonathan S. Williams was present via telephone; Commissioner Zander Guy and Commissioner Daniel L. Briggs were present at the meeting.

**MINUTES OF JUNE 15, 2011**

Commissioner Guy asked for a motion to waive the reading of the June 15, 2011 meeting into the record. Commissioner Briggs made a motion to waive the reading of the minutes from the June 15, 2011 meeting. Motion Passed. Commissioner Guy made a motion to approve the minutes from the June 15, 2011 meeting. Motion Passed.

**CONFLICTS OF INTEREST**

As required by North Carolina General Statute 138A-35, Commissioner Guy asked Chairman Williams and Commissioner Briggs if there were any 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. Chairman Williams and Commissioner Guy stated that they had found no conflicts of interest. Commissioner Briggs recused himself from hearing case #77, Silver Eagle LLC.

**I. HEARING CASES – 85**

Chief Counsel Fred Gregory stated that Mr. Greg Saldanha, owner of hearing case #11, Sandys Steaks and Subs was present to speak on behalf of his business. Mr. Saldanha stated that he hired a manager to run the store, but the employee did not properly manage the business, so he fired him. He asked the Commission for leniency.

Commissioner Guy asked Chairman Williams if he had any questions or comments. Chairman Williams stated that he did not have any questions or comments.

Commissioner Guy asked the legal staff whose case this was. Assistant Counsel Renee Cowick stated that it was her case. She pointed out to the Commission that the permittee has held permits since March 2000 and that she didn't have a problem with the standard reduction of 25%.

Commissioner Guy made a motion to reduce the penalty from \$3,500.00 by 25% and to waive the active suspension upon the stipulation that employees attend a RASP Class. Motion Passed.

Chief Counsel Gregory stated that the owner, Mr. Bobby Smith and manager, Mr. Drake Simmons of hearing case #51, Creekside Tavern were present on behalf of business. Mr. Simmons stated that the employee who sold was a new employee. An ALE Agent told him that he observed the employee, Amy Johnson sell to a minor. Two of the customers provided identification, the other customer did not and Ms. Johnson sold alcohol to the individual anyway. Mr. Simmons further stated that the employees are trained everyday and Ms. Johnson just ignored the rules. Mr. Simmons obtained a book of alcohol statutes and

regulations and all the employees including the owner have attended a RASP Class with the ABC Commission Education Specialist, Charlie Fuller.

Mr. Smith stated that he has upgraded their computer system and now he can observe what is going on at the business away from the business. He further stated that his staff is now told that anyone who wants to purchase must provide proper identification, no exceptions.

After conferring with Commissioner Briggs, Commissioner Guy made a motion to reduce the \$1,200.00 penalty by 25%. Motion Passed.

Assistant Counsel Timothy Morse stated the permittee of #76, Darling House Pub, from the June agenda, asked the Commission if his compliance dates could be changed to reflect the August compliance dates. The permittee has filed for Chapter 11 and Mr. Morse did confirm that was true.

Commissioner Briggs made a motion to change the compliance dates to reflect the August compliance dates. Motion Passed.

Assistant Counsel LoRita Pinnix stated that the owner of hearing case #26, D's Drive Thru, has obtain an attorney and the case needs to be withdrawn from the July agenda.

Chief Counsel Gregory stated that hearing case # 57, Forest Hills Food Mart is to be continued.

Commissioner Guy stated that since Commissioner Briggs recused himself from hearing case #77, Silver Eagle LLC, he and Chairman Williams ratified the offer.

Commissioner Guy made a motion to approve the remaining offers in compromise, with the exception of the previously ratified cases. Motion Passed.

**II. OTHER BUSINESS – CONSIDERATION OF A TECHNICAL CHANGE REQUEST BY THE RULES REVIEW COMMISSION IN REFERENCE TO THE PROPOSED ADOPTION OF (04 NCAC 02R .2001)**

Rules Coordinator Bob Hamilton asked the Commission to approve the technical changes.

Commissioner Briggs made a motion to approve the technical changes. Motion Passed.

With no further business, the meeting adjourned.

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A.D. "Zander" Guy, Jr., Commissioner  
N.C. Alcoholic Beverage Control Commission

Respectfully submitted by

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Tiffany Goodson, Legal Division