

A. D. "ZANDER" GUY, JR.
CHAIRMAN

ROBERT A. HAMILTON
ADMINISTRATOR

State of North Carolina
ALCOHOLIC BEVERAGE CONTROL COMMISSION

MICHAEL C. HERRING
COMMISSIONER



S W Charlotte LLC
T/A Wild Wing Cafe
2132 Ayrley Town Blvd., Suite D
Charlotte, NC 28273

January 10, 2018

NOTICE OF ALLEGED VIOLATION
Case # 22046-RS

Dear Permittee,

A complaint has been filed with the Commission claiming the following violations of the State Alcoholic Beverage Control laws:

Permittee, S W Charlotte, LLC, failed to superintend in person or through a manager the business for which a permit was issued (to wit: employees' failure to monitor a patron's consumption led to him being served 17 shots of liquor within a 4-hour period), on or about September 18, 2017, at 11:00 PM, in violation of G.S. §18B-1005(b).

Your options are:

1. **SPEAK** with the undersigned attorney.
2. **SETTLE** the case by completing the date and permittee signature lines of the enclosed "Proposed Stipulation and Offer in Compromise" and return to the attorney **before** January 26, 2018. **Settling means you give up your right to have a judge decide the facts of the case.** This is a settlement that must be approved by the ABC Commission at its meeting on February 14, 2018.
3. **FAIL TO RESPOND.** The Commission will assume you want a hearing and will file a petition with the Office of Administrative Hearings where there is a possibility of both an active suspension of your ABC permits and a monetary penalty.

*If you settle, return **only** the enclosed form.*

*Do **NOT** send payment or begin the suspension until **AFTER** receiving the "Final Agency Decision."*

Sincerely,

Rachel Spears
Assistant Counsel
Phone: 919-779-8325
Fax: 919-661-6165

Enclosures

S W Charlotte LLC
T/A Wild Wing Cafe
2132 Ayrley Town Blvd Suite D
Charlotte, NC 28273
Mecklenburg County

PROPOSED STIPULATIONS
and
OFFER IN COMPROMISE
Case # 22046-RS

It is stipulated and agreed by the undersigned parties, **subject to ratification** by the full ABC Commission, that:

A. Permittee holds the following permits issued by this ABC Commission on:

- Malt Beverage On Premise (issued February 20, 2012)
- Fortified Wine On Premise (issued February 20, 2012)
- Unfortified Wine On Premise (issued February 20, 2012)
- Mixed Beverages Restaurant (issued February 20, 2012)

B. Permittee has **no prior ABC violation(s)**.

C. The **pending ABC violation(s)** to be settled by this Proposed Compromise are as follows:

1. Permittee, S W Charlotte, LLC, failed to superintend in person or through a manager the business for which a permit was issued (to wit: employees' failure to monitor a patron's consumption led to him being served 17 shots of liquor within a 4-hour period), on or about September 18, 2017, at 11:00 PM, in violation of G.S. §18B-1005(b).

Based upon the foregoing stipulations and in accordance with the provisions of G.S. §18B-104(b), Permittee proposes the following Offer in Compromise in lieu of any other or further penalty:

Permittee's ABC permits shall be suspended for ten days beginning March 16, 2018. Such suspension may be avoided upon the permittee's payment of a penalty of \$1,000.00 on or before March 9, 2018.

This the _____ day of _____, 2018.
(day) (month)

Signature (for the Permittee)

_____ ABC attorney to initial

*Do **NOT** send payment or begin the suspension until **AFTER** receiving the "Final Agency Decision."*

Sign, Date and Return one (1) copy before January 26, 2018