

1 14B NCAC 15A .0101 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **CHAPTER 15 – ALCOHOLIC BEVERAGE CONTROL COMMISSION**

4  
5 **SUBCHAPTER 15A - ORGANIZATIONAL RULES: POLICIES AND PROCEDURES**

6  
7 **SECTION .0100 - GENERAL PROVISIONS**

8  
9 **14B NCAC 15A .0101 PURPOSE**

10 The ~~purpose of the~~ Alcoholic Beverage Control System ~~is to~~ shall provide regulation and control of the manufacture,  
11 distribution, advertisement, sale, possession and consumption of alcoholic beverages to serve the public health, safety  
12 and welfare, welfare in accordance with this Chapter. ~~It is the objective of the North Carolina Alcoholic Beverage~~  
13 ~~Control Commission at all times to conform to that purpose.~~

14  
15 *History Note: Authority G.S. 18B-100; 18B-105; 18B-207;*

16 *Eff. January 1, 1982;*

17 *Amended Eff. May 1, 1984;*

18 *Transferred and Recodified from 04 NCAC 02R .0101 Eff. August 1, 2015;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
20 *2015;*

21 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0102 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **14B NCAC 15A .0102    ~~LOCATION AND ADDRESS~~ LOCATION, ADDRESSES AND BUSINESS HOURS**

4 The principal office of the North Carolina Alcoholic Beverage Control Commission is located at 400 East Tryon Road,  
5 Raleigh, North Carolina 27610. The mailing address is 4307 Mail Service Center, Raleigh, North Carolina 27699-  
6 4307. The telephone number is (919) 779-0700. The Commission's email address is contact@abc.nc.gov. The  
7 Commission's website address is https://abc.nc.gov. ThisThe principal office is open to the public during regular  
8 business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday. Permit applications received after 3:00 p.m.  
9 [will]shall not be processed until the following business day.

10  
11 *History Note:    Authority G.S. 18B-100; 18B-207;*

12 *Eff. January 1, 1982;*

13 *Amended Eff. December 1, 2012; January 1, 2011; August 1, 2010; May 1, 1984;*

14 *Transferred and Recodified from 04 NCAC 02R .0102 Eff. August 1, 2015;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
16 *2015;*

17 *Amended Eff. September 1, 2019; February 1, 2019; April 1, 2018.*

1 14B NCAC 15A .0103 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **14B NCAC 15A .0103 DEFINITIONS**

4 (a) ~~As used throughout [in] this Chapter;~~ Chapter, the following terms mean: The following definitions apply in this  
5 Chapter:

6 (1) "Administrator" means the principal administrative officer of the ~~Commission;~~ Commission.

7 (2) ~~"Agent," "alcohol law enforcement agent,"~~ "Alcohol law enforcement agent" or "ALE agent" means  
8 an enforcement agent of the Alcohol Law Enforcement ~~Division;~~ Branch, North Carolina  
9 Department of ~~Crime Control and Public Safety;~~ Safety.

10 (3) "Applicant" means any person who requests the issuance of a permit from the  
11 ~~Commission;~~ Commission, unless the context clearly means otherwise.

12 (4) "Brand," in relation to wines, means the name under which a wine is [produced and includes trade  
13 names or trademarks.]; produced. A brand shall not be construed to mean a class or type of wine, but  
14 all classes and types of wines sold under the same brand label shall be considered a single brand.  
15 Differences in packaging such as a different style, type, or size of container shall not be considered  
16 different brands.

17 (5) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, [hats]hats, and other  
18 apparel, [that bears]which bear the brand of the alcoholic beverage being served, or the brand of the  
19 brewery, winery, or distiller whose alcoholic beverages is being served, at a tasting conducted  
20 pursuant to G.S. 18B-1114.1, 18B-1114.5 or 18B-1114.7.

21 (6) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a  
22 spirituous liquor supplier.

23 (7) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a  
24 brokerage.

25 (8) "Chairman" means the chairman of the ~~Commission;~~ Commission.

26 (5)(9) ~~"Contract carrier" means the carriers operated by the contractor on behalf of the state for the purpose~~  
27 ~~of distributing spirituous liquors;~~ "Contractor" means the person or persons responsible for carrying  
28 out the storage and distribution of spirituous liquors at the State ABC warehouse.

29 (10) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a  
30 distiller, or otherwise represents a distiller.

31 (6)(11) "Distressed liquor" means liquor which is not saleable due to adulteration or damage to the bottle,  
32 labellabel, or tax seal;seal.

33 (7)(12) "Industry Member" means any manufacturer, bottler, importer, vendor, representative or wholesaler  
34 of alcoholic beverages; wholesaler, salesman, brewery, winery, bottler, importer, liquor  
35 importer/bottler, distiller, distiller representative, brokerage, brokerage representative, supplier  
36 representative, rectifier, nonresident vendor, vendor representative, or affiliate thereof, that sells or  
37 solicits orders for alcoholic beverages, whether or not licensed in this State.

- (8) ~~"Operator" or "Contractor" means the person or persons responsible for carrying out the storage and distribution of spirituous liquors at the state ABC warehouse;~~
- (9) ~~"Permit" means a written or printed authorization to engage in some phase of the alcoholic beverage industry that is issued by the Commission;~~
- (10) ~~"Permittee" means a person to whom a permit has been issued by the Commission; and Commission.~~
- (13) ~~"Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or infusing the spirituous liquor with any ingredient that reacts with the constituents of the distilled spirits and changes the character and nature, or standards of identity, of the distilled [spirits, but]spirits. "Rectifier" does not include a person who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor with other ingredients for immediate consumption.~~
- (14) ~~"Retail permittee" or "retailer" means any permittee holding a retail alcoholic beverage permit issued pursuant to the authority of G.S. 18B-1001 but does not include a non-profit or political organization that has been issued a [Special One Time]special one-time permit pursuant to the provisions of G.S. 18B-1002(a)(2) or (5).~~
- ~~(11)~~(15) ~~"State ABC warehouse" means the contractor-operated facility or facilities storing spirituous liquors on behalf of the Commission pursuant to G.S. 18B-204, or, in cases of emergency, the facility or facilities operated by the stateState for the purpose of storing spirituous liquors.~~
- (16) ~~"Spirituous liquor supplier" means a distiller, liquor importer/bottler, or rectifier.~~
- (17) ~~"Supplier representative" [means]means, as the term is used in G.S. 18B-1114.7, an individual who promotes on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor supplier.~~
- (18) ~~"Vendor" means any brewery, winery, bottler, malt [beverages]beverage or wine importer, or nonresident malt beverage vendor or nonresident wine vendor as those terms are used in G.S. 18B-1113 and 18B-1114.~~
- (19) ~~"Vendor representative" means any person who holds a permit issued pursuant to G.S. 18B-1112.~~
- (20) ~~"Wine" means both fortified wine and unfortified wine.~~

(b) The definitions in Chapter 18B apply to the rules in this Chapter.

*History Note: Authority G.S. 18B-100; 18B-207;*

*Eff. January 1, 1982;*

*Amended Eff. November 1, 2010; May 1, 1984;*

*Transferred and Recodified from 04 NCAC 02R .0103 Eff. August 1, 2015;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015;*

*Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0301 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **SECTION .0300 - PUBLICATIONS: RECORDS: COPIES**  
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5 **14B NCAC 15A .0301 DISTRIBUTION, INSPECTION AND COPIES OF ABC LAWS**

6 (a) Distribution of Rules and Statutes. The Commission shall distribute at no charge ~~one~~ copy of Chapter 18B of  
7 the General Statutes and the Commission's Rules to each local ABC board, each ALE agent, ABC officer and local  
8 law enforcement officer employed by a contracting agency pursuant to G.S. 18B-501(f), and to each employee of the  
9 Commission-G.S. 18B-501(f).

10 (b) Purchasing Copies of Documents. Copies of the following documents are available from the Commission:

11 (1) Chapter 18B of the General Statutes and the Commission's Rules;

12 ~~(2) Individual sections of Chapter 18B of the General Statutes;~~

13 ~~(3) Individual Commission Rules;~~

14 ~~(4)(2)~~ ABC Retail Guide; and

15 ~~(5)(3)~~ Public records retained by the Commission.

16 Copies of the above documents are available at the "actual cost" as defined in G.S. 132-6.2(b) for making the copies  
17 and the mailing ~~cost~~cost, if applicable. The Commission shall provide its "actual cost" of documents specified under  
18 [Paragraph (b)(1)]Subparagraphs (b)(1) and (2) of this Rule on the Commission's website. Persons requesting copies  
19 of the above documents shall make payment by certified check, cashier's ~~check or money order~~check, money order,  
20 or credit card to the Commission prior to receiving any copies of the above documents.

21 (c) Online Documents. Copies of Chapter 18B of the General Statutes and Commission rules, forms, minutes and  
22 reports shall be made accessible online on the Commission's website without [charge.]charge at <https://abc.nc.gov/>.

23  
24 *History Note: Authority G.S. 12-3.1; 18B-100; 18B-207; 132-6.2;*

25 *Eff. July 1, 1992;*

26 *Amended Eff. November 1, 2010;*

27 *Transferred and Recodified from 04 NCAC 02R .0303 Eff. August 1, 2015;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
29 *2015;*

30 *Amended Eff. September 1, 2019.*  
31

1 14B NCAC 15A .0302 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **14B NCAC 15A .0302 FEE FOR COMPUTER SERVICES**

4 Upon request, the Commission shall provide data processing services related to the public information maintained by  
5 the Commission, if feasible.~~[Commission that the Commission has the capability to provide.]~~ Fees for such data  
6 processing services ~~are based on the actual cost to the Commission~~ shall be determined by the Commission in  
7 accordance with G.S. 132-6.2(b) and shall be paid in advance by certified check, cashier's ~~check or money order check,~~  
8 money order, or credit card. The requester shall request and receive a quote from the Commission prior to payment  
9 of requested services.

10  
11 *History Note: Authority 18B-100; 18B-207; 132.6.2; 150B-19(5)(e);*

12 *Eff. July 1, 1992;*

13 *Amended Eff. November 1, 2010;*

14 *Transferred and Recodified from 04 NCAC 02R .0304 Eff. August 1, 2015;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
16 *2015;*

17 *Amended Eff. September 1, 2019.*  
18

1 14B NCAC 15A .0401 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **SECTION .0400 - RULE-MAKING**  
4

5 **14B NCAC 15A .0401 PETITION FOR ADOPTION OF RULES**

6 (a) Any person wishing to submit a petition requesting the adoption, ~~amendment~~ amendment, or repeal of a rule by  
7 the Commission shall address the petition to the North Carolina Alcoholic Beverage Control Commission, Chief  
8 Counsel, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

9 (b) Contents. ~~The~~ In addition to the proposed text of the requested rule change, a statement of the effect of the change,  
10 and the name and address of each petitioner, the petition ~~shall~~ may also contain the following information:

- 11 (1) ~~Drafts~~ [drafts] ~~of proposed rule or amendment, or~~ summary of ~~its~~ the proposed rule's contents;
- 12 (2) reasons for the adoption, amendment or repeal of the proposed rule;
- 13 (3) citation of authorities showing the legality of the proposed adoption, amendment or repeal of the  
14 rule;
- 15 (4) effect of existing rules or orders;
- 16 (5) any data supporting the proposal; and
- 17 (6) effect of existing rules on existing practices in the area ~~involved, including case factors;~~ involved.
- 18 (7) ~~names and addresses of persons most likely to be affected by the proposal;~~ involved; and
- 19 (8) ~~(7)~~ name and address of each petitioner.

20  
21 *History Note: Authority G.S. 18B-100; 18B-207; 150B-20(a);*  
22 *Filed November 24, 1981;*  
23 *Legislative Delay Eff. December 31, 1981;*  
24 *Eff. January 12, 1982;*  
25 *Amended Eff. August 1, 2010; May 1, 1984;*  
26 *Transferred and Recodified from 04 NCAC 02R .0402 Eff. August 1, 2015;*  
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
28 *2015;*  
29 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0402 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **14B NCAC 15A .0402 ADMINISTRATIVE ACTION**

4 Based on a study of the petition and other ~~relevant~~ supporting ~~material,~~ material submitted in accordance with Rule  
5 .0401(b) of this Section, the Commission shall deny the petition or initiate rule-making proceedings within a  
6 reasonable time ~~[time, but no later than 120 days]~~ following submission of the petition.

7 ~~(1) If the Commission determines that the adoption, amendment or repeal of a rule will serve no public~~  
8 ~~interest, it may deny the petition; the Commission~~ ~~[denies the petition, it]~~ shall notify the petitioner  
9 ~~in writing of its decision to deny the petition, stating the reasons for the denial.~~

10 ~~(2) If the Commission determines that the proposed adoption, amendment or repeal of a rule will serve~~  
11 ~~the public interest,~~ ~~[grants the petition,]~~ it shall initiate rule making proceedings by issuing a  
12 rule making notice, as provided in this Section. ~~[in accordance with Chapter 150B of the General~~  
13 ~~Statutes. In accordance with G.S. 150B-20(c), the Commission may publish the name of the person~~  
14 ~~requesting the rule change.]~~

15  
16 *History Note: Authority G.S. 18B-100; 18B-207; 150B-20;*  
17 *Eff. January 1, 1982;*  
18 *Amended Eff. May 1, 1984;*  
19 *Transferred and Recodified from 04 NCAC 02R .0403 Eff. August 1, 2015;*  
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
21 *2015;*  
22 *Amended Eff. September 1, 2019.*



1 14B NCAC 15A .0403 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **14B NCAC 15A .0403 NOTICE OF RULE-MAKING HEARINGS; MAILING LIST**

4 ~~(a) Upon a determination to hold a rule making proceeding, either in response to a petition or otherwise, the~~  
5 ~~Commission shall give notice to all interested parties of the proceedings in accordance with the requirements of~~  
6 ~~Chapter 150B of the General Statutes.~~

7 (b) Mailing List. Any person desiring to be placed on the mailing list in accordance with G.S. 150B-21.2(d) for the  
8 rule-making notices may file a request in writing, furnishing ~~his name~~ the person's name, email and mailing address  
9 to the Commission. ~~The request shall state the subject areas within the authority of the Commission for which notice~~  
10 ~~is requested.~~

11 ~~(c) Fee Charged. The cost to be on the mailing list for rule making notices shall be fifteen dollars (\$15.00) per year.~~  
12 ~~A notice and invoice will be mailed in February of each year to persons on the mailing list. Persons who do not renew~~  
13 ~~their request to remain on the mailing list by remitting the fee by March 1 of each year will be deleted from the list.~~

14  
15 *History Note: Authority G.S. 18B-100; 18B-207; 150B-21.2;*

16 *Eff. January 1, 1982;*

17 *Amended Eff. July 1, 1992; August 1, 1988; May 1, 1984;*

18 *Transferred and Recodified from 04 NCAC 02R .0404 Eff. August 1, 2015;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
20 *2015;*

21 *Amended Eff. September 1, 2019.*  
22

1 14B NCAC 15A .0404 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **14B NCAC 15A .0404 RULE-MAKING HEARING**

4 (a) Location. Unless otherwise stated in a particular rule-making notice, rule-making hearings shall be held in the  
5 administrative hearing room of the Commission's ~~Raleigh~~principal office.

6 (b) Oral Presentations. Any person desiring to present oral data, views or arguments on the proposed rule ~~is~~  
7 ~~encouraged to shall~~ file a written notice of that desire with the ~~Chairman~~Legal Division of the Commission. The  
8 notice of the oral presentation ~~should~~ may contain a brief summary of the individual's or organization's views with  
9 respect to the proposed adoption, amendment or repeal of a rule, and a statement of the length of time the speaker  
10 ~~intends would like~~ to speak.

11 (c) The Chairman shall preside at the rule-making ~~hearing, and hearing and~~ shall ensure that each person participating  
12 is given ~~a fair~~an opportunity to present oral arguments, comments and data supporting ~~his~~the person's position. The  
13 Chairman [may limit the length of time any speaker may speak.] in open session may set the time limits on oral  
14 presentations during the hearing based on the number of people wishing to speak and the amount of time allocated to  
15 the public hearing.

16  
17 History Note: Authority G.S. 18B-100; 18B-207; 150B-21.2(e);

18 *Eff. January 1, 1982;*

19 *Amended Eff. July 1, 1992; May 1, 1984;*

20 *Transferred and Recodified from 04 NCAC 02R .0405 Eff. August 1, 2015;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
22 *2015;*

23 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0501 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **SECTION .0500 – DECLARED EMERGENCY RULES**  
4

5 **14B NCAC 15A .0501 REVOCATION OR SUSPENSION OF PERMIT**

6 ~~When the sale of alcoholic beverages is suspended in any area of the state pursuant to a state of emergency as declared~~  
7 ~~by the Governor in accordance with Article 36A of Chapter 14 of the General Statutes, the~~ The Commission may  
8 revoke or suspend the permit of any person ~~violating~~ who violates any order ~~or rule of the Governor issued~~ pursuant  
9 to ~~that action.~~ G.S. 18B-110 when the sale of alcoholic beverages is suspended in any area of the State pursuant to a  
10 state of emergency as declared by the Governor in accordance with Article 1A of Chapter 166A of the General  
11 Statutes,]Statutes.

12  
13 *History Note: Authority G.S. 18B-110; 18B-104; 18B-207; ~~14-288.1 through 14-288.20~~; 166A, Article 1A;*  
14 *Eff. January 1, 1982;*  
15 *Amended Eff. May 1, 1984;*  
16 *Transferred and Recodified from 04 NCAC 02R .0502 Eff. August 1, 2015;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
18 *2015;*  
19 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0605 is amended with changes as published in 33:20 NCR 2032 as follows:

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3 **14B NCAC 15A .0605 WITHDRAWAL OF REQUEST FOR DECLARATORY RULING**

4 A petitioner may ask for a withdrawal of that person's request for a declaratory ruling by filing a written request with  
5 the Commission at any time prior to the issuance of a ruling. ~~At any time prior to issuance, [issuing a ruling, upon]~~  
6 Upon this [a written] request, the Commission ~~in its discretion may~~ shall permit an aggrieved party to withdraw the  
7 request for a declaratory ruling, any such request for withdrawal to be in writing, [ruling.] except when the Commission  
8 determines that other persons regulated by this rule would benefit from the ruling.

9  
10 *History Note: Authority G.S. 18B-100; 18B-207; 150B-4;*

11 *Eff. January 1, 1982;*

12 *Transferred and Recodified from 04 NCAC 02R .0607 Eff. August 1, 2015;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
14 *2015;*

15 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0701 is repealed as published in 33:20 NCR 2032 as follows:  
2

3 **SECTION .0700 - PERSONNEL POLICIES: COMMISSION**  
4

5 **14B NCAC 15A .0701 DISCIPLINARY ACTION OF EMPLOYEE**  
6

7 *History Note: Authority G.S. 18B-100; 18B-202; 18B-207;*  
8 *Eff. January 1, 1982;*  
9 *Amended Eff. May 1, 1984;*  
10 *RRC Objection due to lack of authority and lack of necessity Eff. May 21, 1992;*  
11 *Amended Eff. July 6, 1992;*  
12 *Transferred and Recodified from 04 NCAC 02R .0702 Eff. August 1, 2015;*  
13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
14 *2015;*  
15 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0801 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **SECTION .0800 - ADJUDICATION: CONTESTED CASES**  
4

5 **14B NCAC 15A .0801 NOTICE OF ALLEGED VIOLATION**

6 If facts reported by a law enforcement officer indicate a violation of the ABC laws, the Commission shall send a  
7 Notice of Alleged Violationnotice of alleged violation to the permittee. The permittee is deemed notified [to have  
8 received the notice of alleged violation] if [service of ]the notice is delivered to[made in accordance with the methods  
9 of service set forth in G.S. 1A-5(b),]Service of the notice of alleged violation shall be deemed complete in accordance  
10 with G.S. 1A-1, Rule 5(b). [including service at ]theThe permittee's address as stated on the permitpermit shall be  
11 considered the permittee's last known address.  
12

13 *History Note: Authority G.S. 18B-100; 18B-203(a)(12); 18B-207;*

14 *Eff. January 1, 1982;*

15 *Amended Eff. February 1, 2012; July 1, 1992; May 1, 1984;*

16 *Transferred and Recodified from 04 NCAC 02R .0802 Eff. August 1, 2015;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
18 *2015;*

19 *Amended Eff. September 1, 2019.*

1 14B NCAC 15A .0805 is amended with changes as published in 33:20 NCR 2032 as follows:

2  
3 **14B NCAC 15A .0805     ARTICLE 12 HEARINGS; FINAL ADMINISTRATIVE DECISION; ORDER**

4 (a) Right to Submit Proposed Findings. The parties in a hearing conducted under Article 12 of Chapter 18B of the  
5 General Statutes shall have an opportunity to file proposed findings of fact and conclusions of law within 30 days of  
6 the conclusion of the initial hearing.

7 (b) Recommended Decision. If a hearing conducted under Article 12 is presided over by a hearing officer, the hearing  
8 officer shall issue a recommended decision that contains proposed findings of fact and conclusions of law. The hearing  
9 officer shall serve a copy of the recommended decision upon all parties and the members of the Commission who will  
10 make the final administrative decision. Service shall be in the manner prescribed in ~~Rule .0821(e)~~Rule .0803(c) of  
11 this Section.

12 (c) Exceptions. The parties to a case heard under Article 12 shall have the right to file written exceptions to a  
13 recommended decision by the hearing officer. Exceptions shall be filed with the Commission within 30 days of receipt  
14 of the recommended decision.

15 (d) Hearing Conducted by Commission. In lieu of assigning a hearing officer to preside over the initial hearing, the  
16 Commission may conduct the initial hearing. After the time for the filing of proposed findings of fact and conclusions  
17 of law by the parties has expired, the Commission will issue a final administrative decision and order that determines  
18 the issues set forth in any ~~prior~~ pre-hearing order.

19 (e) Petition to Office of Administrative Hearings. In any case heard by the Commission under Article 12 of Chapter  
20 18B of the General Statutes, if the Commission finds evidence of violations of Article 12 of Chapter 18B, or any other  
21 ABC law, it may commence proceedings in accordance with the provisions of ~~Rule .0802~~Rule .0801 of this Section.

22  
23 *History Note:     Authority G.S. 18B-100; 18B-207; 18B-1205; 18B-1207(c);*

24 *Eff. July 1, 1992;*

25 *Transferred and Recodified from 04 NCAC 02R .0823 Eff. August 1, 2015;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22,*  
27 *2015;*

28 *Amended Eff. September 1, 2019.*