



State of North Carolina  
ALCOHOLIC BEVERAGE CONTROL COMMISSION

4307 MAIL SERVICE CENTER  
RALEIGH, NC 27699-4307

COMMISSION MEMBERS:  
JOHN D. LYON, Jr.  
RALEIGH

CHAIRMAN

MICHAEL C. HERRING  
ADMINISTRATOR

(919) 779-0700  
FAX (919) 661-6165

July 23, 2009

Club Rain, LLC  
T/A Club Rain  
219 West Lewis Street  
Greensboro, NC 27406

**OFFICIAL NOTICE OF REJECTION**

Location: 219 West Lewis Street  
Greensboro, NC 27406

To Whom It May Concern:

Your application for the following permit(s) at the above-mentioned location has been disapproved: Malt Beverage On Premise, Unfortified Wine On Premise, Fortified Wine On Premise and Mixed Beverage Private Club.

The reasons for disapproval are as follows:

- I. Any other evidence that would tend to show whether the applicant would comply with the ABC laws pursuant to NCGS §18B-901(c)(8), to wit:
  - (a) On or about August 24, 2008, Permittee's employee and corporate officer, Montis Lash, allowed the consumption of alcoholic beverages between the hours of 2:30 AM and 7:00 AM [a violation of NCGS §18B-1004(a)], while upon the licensed premises, at approximately 2:45 AM, in violation of NCGS §18B-1005(a)(1).
  - (b) On or about August 24, 2008, Permittee's employee and corporate officer, Montis Lash, failed to clear all tables and counters of all alcoholic beverages, bottles, cans, glasses and containers by 2:30 AM, at approximately 2:45 AM, in violation of ABC Commission Rule 4 NCAC 2S.0202(a).
  - (c) On or about February 27, 2009, at approximately 8:25 PM, Permittee's employee and corporate officer, Montis Lash, possessed containers of spirituous liquor not bearing mixed beverage tax stamps, while upon the licensed premises, in violation of NCGS §18B-1007(b)(4).
  - (d) On or about February 27, 2009, Permittee's employee and corporate officer, Montis Lash, premixed mixed beverages prior to receiving an order for the beverage from a customer and without receiving ABC Commission approval, in violation of ABC Commission Rule 4 NCAC 2S.0511(a) and (b).

LOCATION: 3322 GARNER ROAD, RALEIGH, NC 27610

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(e) On or about March 29, 2009, at approximately 4:00 AM, Permittee's employee and corporate officer, Montis Lash, possessed empty containers of spirituous liquor purchased for resale in mixed beverages bearing mixed beverage tax stamps which had not been permanently defaced, while upon the licensed premises, in violation of ABC Commission Rule 4 NCAC 2S.0513(9).

II. The business location is not suitable to hold an ABC permit and is detrimental to the neighborhood pursuant to NCGS §18B-901(c)(9), to wit:

- (a) On March 29, 2009, Greensboro Police Department Detective Tracy Fulk responded to a fight call inside the business location.
- (b) On May 30, 2009, at approximately 2:25 AM, Justin Jones, a patron, was shot in the hand as he was leaving the business location.
- (c) On Jun 27, 2009, at approximately 1:45 AM, Christopher Herbin was stabbed in the abdomen while trying to break up a fight inside the business location.
- (d) On July 20, 2009, Rufus Morrison was shot and killed at the business location.
- (e) Mark Thompson owns a business (Uptown Connection) located at 200 West Lee Street. The applicant's patrons park on Mr. Thompson's lot without permission; Mr. Thompson has had to hire a towing company to remove the vehicles from his property. Mr. Thompson has had his business windows broken when the applicant's location is open for business.
- (f) Mr. Thompson feels safer on his property when the applicant's location is not open.
- (g) Helen Snow is the owner of Lewis Street Antiques located at 123 West Lewis Street. She has often had to clean broken glass from her parking lot after the applicant's location was open.

III. The recommendations of the local governing body pursuant to NCGS §18B-901(c)(7), to wit:

- (a) Greensboro Police Department Captain ME Oates, in completing a "Local Government Opinion for Alcoholic Beverage Permits" form for the ABC Commission on June 25, 2008, did not approve of either the applicant or the location.
- (b) Greensboro Police Department Chief Timothy R. Bellamy, in a letter dated July 21, 2009, stated that "this created a severe strain on police resource having to be devoted to this location" based on 58 calls for service in less than a 12-month period.

Due to the rejection of your application, your temporary permits are revoked. You are instructed to surrender these permits to your Alcohol Law Enforcement Agent immediately, if you have not already done so.

If you wish to appeal this rejection, you may file a petition for hearing. The petition must be filed within sixty (60) days of the date of this letter. The petition must be in writing, verified (sworn to), and state facts tending to show that you are entitled to the ABC permits for which you applied. The petition must be addressed and sent to:

ABC COMMISSION 8196616165  
6714 Mail Service Center  
Raleigh, NC 27699-6714

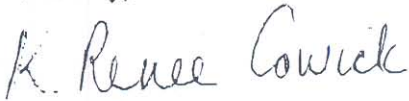
To: 336+373+7382

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Enclosed is a suggested form if you decide to appeal this rejection.

If you have any questions about filing a petition, you must call the Office of Administrative Hearings at (919) 431-3000. You must provide the ABC Commission with a copy of your petition.

Sincerely,



K. Renee Cowick  
Assistant Counsel

Enclosure

cc: ALE District VI  
Greensboro ABC Board (via facsimile)  
Audit Division