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House ABC Chairman Announces Fix to Liquor License Situation

RALEIGH, NC — Representative Tim Moffitt (District 117), the newly-minted Chair of the House Committee on Alcoholic Beverage Control, announced today that he has received assurances from ABC Chairman A.D. “Zander” Guy that the Commission will reactivate liquor licenses for affected private bars when they are ready to open. The two have also agreed that any future cancellations will be suspended and permittees who have their licenses reactivated will not be subject to any additional fees or paperwork.

Chairman Moffitt added that he will file legislation to help North Carolina bar owners continue deferring permit fees under an emergency relief law once the General Assembly convenes for its regular session on January 27.

“I want to defer these fees until the Governor fully rescinds all prohibitions on their operations,” said Chairman Moffitt. “We want to provide direct relief to these small businesses until restrictions on their operations are lifted.”

As [first reported by WRAL](#) on January 15, more than 120 bars across the state lost their liquor licenses this month for non-payment. They were provided no advance notice of the action.

Background

In response to health and public safety concerns from the COVID19 pandemic last year, Governor Cooper issued [Executive Order 118](#) on March 17 prohibiting North Carolina’s more than 19,504 restaurants and bars from offering any indoor accommodations. This includes 6,000 bars in the state.

Two months later, on May 20, the Governor issued [Executive Order Number 141](#). This order eased restrictions for restaurants (including those that sell alcohol) by allowing them to open seating at 50% capacity. The order did not extend to private bars that do not serve food.

In response, and to provide some financial relief to these establishments, the General Assembly passed legislation ([Session Law 2020-94, Senate Bill 226](#)) allowing ABC permittees to defer their permit fees for 90 days, a period which would begin on the date the Governor signs an additional executive order rescinding the prohibition on those permittees’ operations.

On September 30, Governor Cooper issued [Executive Order Number 169](#), which modified Executive Order 141. It allowed private bars to operate at 30% of *outdoor* capacity only beginning on October 2, 2020. The majority of North Carolina’s private bars do not offer outdoor seating, and since March 17, have been unable to serve any patrons on their premises – effectively preventing these businesses from operating.

“It would seem that some folks on the ABC Commission believed that our 90-day deferment period began on October 2, with the governor’s 30% outdoor capacity modification,” said Representative Moffitt. “That’s why so many bars lost their licenses on January 4th.”

According to Chairman Moffitt, the Commission’s actions in cancelling or suspending these permits runs contrary to the law.

“It is my position that this modification is insufficient to trigger a return to business as normal on the part of the Commission,” Moffitt continued. “North Carolina’s bars, which are responsible for thousands of jobs and untold millions in economic impact for our state, have been especially hard-hit by the response to pandemic. The last thing they need is for their state government to add insult to injury by cancelling permits they’ve been prohibited from using.”

“I want to thank ABC Chairman Guy and Deputy Commissioner Terrance Merriweather for working with me so quickly to resolve this issue,” concluded Chairman Moffitt. “I’m optimistic about our relationship moving forward – together, we can ensure that state government acts in the best interests of our 20,000 ABC permittees.”

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