

CHRONOLOGY OF EVENTS

On Wednesday, July 3, 2019, at approximately 11:04 a.m., Alcohol Law Enforcement Special Agent Matt Stemple and I arrived at AMELIES FRENCH BAKERY, located at 4321 Park Road, Charlotte, to conduct an ABC related investigation and written inspection. AMELIES FRENCH BAKERY holds on premise permits for malt beverages, unfortified, and fortified wines. S/A Stemple advised me of a cooperative advertising violation he had observed on Facebook between AMELIES FRENCH BAKERY and Birdsong Brewing Company. On June 27, 2019, AMELIES FRENCH BAKERY posted an image and text depicting a new malt beverage, "Passion Play," brewed by Birdsong Brewing Company in collaboration with their food products (See post below).



S/A Stemple and I entered AMELIES FRENCH BAKERY and identified ourselves to the manger on duty, John Travieso. We informed him we were there to conduct an inspection and proceeded to the manager's office to review the alcohol invoices. As I began looking through paperwork, I observed that AMELIES FRENCH BAKERY was filing their alcohol invoices with other non-alcohol related items on a weekly basis. I informed Travieso that all ABC invoices had to be filed separately and apart for a period of three years. Travieso acknowledged and stated he would fix it.

We continued with the inspection and I began to inspect the kitchen area of the restaurant. I observed a metal rack in the corner of the kitchen with several items on it. At the bottom of the rack, on the bottom shelf, I observed two open bottles of spirituous liquor. One was a 1.75 liter bottle of Jim Beam Bourbon Whiskey containing trace amount of liquor, while the other was a 750 milliliter bottle of Smirnoff Vodka, approximately 1/4 full. I asked Travieso about the spirituous liquor and he stated AMELIES FRENCH BAKERY uses the liquor to cook into a

AGENT'S NAME: K. Brandsema	AGENT'S SIGNATURE: <i>K Brandsema</i>	DATE: 7/8/19	SUPERVISOR'S REVIEW <i>[Signature]</i>
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few of their dishes at the restaurant. I informed Travieso that in order to possess spirituous liquor, the restaurant would need to possess the applicable ABC permit, in their situation, a culinary permit. Travieso stated he had no idea they needed a permit for that and how the liquor had been there for years. At this time, the CFO for the company, Steve Eaton, had called Travieso via telephone. I spoke with Eaton about the violations I had already observed and he also stated he did not know the restaurant need a permit for the spirituous liquor. I reviewed ABC laws and regulations with Eaton and he stated he would take care of the issues. I then concluded my conversation with Eaton and S/A Stemple and I continued our inspection.

Travieso, S/A Stemple, and I returned to the office to continue speaking and address the advertisement we had observed on Facebook. When I asked about the post and the new malt beverage "Passion Play," Travieso stated it was a beverage Birdsong Brewing Company made in comparison to some of their dishes at AMELIES FRENCH BAKERY. I continued and asked whether or not "Passion Play" was ever sold at this location. Travieso stated they never had that beer at the restaurant; it was only sold at Birdsong Brewing where they made and released it. I informed Travieso the malt beverage "Passion Play" was not a malt beverage approved by the ABC Commission and that it was a violation to sell it at AMELIES FRENCH BAKERY. I further explained that an industry member, such as Birdsong Brewing Company, and retailer, such as AMELIES FRENCH BAKERY, cannot conduct cooperative advertising with one another like observed on the Facebook post. Travieso acknowledged.

I informed Travieso a violation report would be submitted to the ABC Commission for the following:

- Unauthorized possession of spirituous liquor.
- Cooperative advertising prohibited.
- Failing to maintain alcohol invoices filed separately and apart.

I reviewed ABC laws and regulations with Travieso and informed him I would be seizing the spirituous liquor observed on the premises. At approximately 11:40 a.m., S/A Stemple and I left AMELIES FRENCH BAKERY.

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AL-50 Alcohol Law Enforcement Property Report		PAGE OF PAGES 1-1	AGENT NAME K. Brantona	CASE NUMBER 19-257-075	
PERSON(S) OR SOURCE PROPERTY ACQUIRED		ADDRESS AND PHONE			
1) John Trevieso		1) 4321 Park Road, Charlotte, NC 28209			
2)		2) (704) 376-7181			
LOCATION OF SEIZURE/PURCHASE/PROPERTY OBTAINED Amelies French Bakery 4301 Park Road Charlotte, NC 28209		PURPOSE FOR OBTAINING PROPERTY <input type="checkbox"/> ARREST <input type="checkbox"/> UNDERCOVER PURCHASE <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> FOUND-RECOVERED <input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> OTHER _____			
DATE	ITEM #	QUANTITY	DESCRIPTION OF PROPERTY	LITERS	GRAMS
7/3/19	1	1	Opened 1.75 L. bottle of Jim Beam Bourbon Whiskey containing three cans		
7/3/19	2	1	Opened 750 ml. bottle of Smirnoff Vodka (1/4 full)		
			TOTAL VALUE OF SEIZED CURRENCY \$		
CHAIN OF CUSTODY (SIGNATURES)					
DATE	ITEM #	RELINQUISHED BY	RECEIVED BY	PURPOSE	
7/3/19	1-2		K. Brantona	Evidence	
DISPOSITION OF PROPERTY					
DESTROYED (BY ITEM #)	DATE	METHOD	AGENT SIGNATURE	WITNESS NAME & SIGNATURE	
AGENT SIGNATURE 		DATE FORM PREPARED 7/3/19		SUPERVISOR FINAL REVIEW	
Comments:			SWORN AND SUBSCRIBED BEFORE ME ON THIS THE _____ DAY OF _____, 20____		
			MAGISTRATE/JUDICIAL OFFICIAL		AGENT

White: Original

Canary: Agent

Pink: Person/Location