

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION

In the matter of)
)
New Kalipzo Night Club LLC)
T/A El Centenario Night Club)
5920-C North Tryon Street)
Charlotte, NC 28213)
)

ORDER OF SUMMARY SUSPENSION

The above captioned permittee's establishment, "El Centenario Night Club," operates as a private bar and currently holds on-premise ABC permits for the retail sale of malt beverages and mixed beverages.

Based upon sworn allegations submitted to the North Carolina Alcoholic Beverage Control Commission by special agents of North Carolina Alcohol Law Enforcement ("ALE") and Charlotte-Mecklenburg Police Department ("CMPD") officers, as well as a notarized statement from the Mecklenburg County Health Director and a declaration of State Health Director and Chief Medical Officer of the North Carolina Department of Health and Human Services, attached to this Order, the ABC Commission, by and through its lawful designee, A.D. "Zander" Guy, Jr., finds the following:

1. On or about May 22, 2020 ALE agents responded to El Centenario Night Club in response to a complaint that the business was open in violation of Governor's Order 141. ALE agents observed El Centenario was open for business and serving alcoholic beverages with no social distancing measures in place and no employees or patrons were seen wearing face coverings of any kind. Special Agent in Charge O. Qureshi ("SAC Qureshi") issued a written warning to the permittee's employee and sole LLC member/manager, James Kevin Galyan ("Galyan") for unlawfully operating the business in violation of Governor's Executive Order 141. (*See 9/10/20 Affidavit of Omar Qureshi.*)
2. On or about July 26, 2020, at approximately 2:15 AM, CMPD ABC officers responded to a call from other CMPD officers regarding a large crowd at El Centenario Night Club. The business was hosting a large event with approximately 300 patrons in attendance and serving alcoholic beverages. CMPD Det. D. Youngblood ("Det. Youngblood") issued a citation to Galyon for unlawfully operating the establishment in violation of Governor's Executive Order 147. (*See Affidavit of Det. D. Youngblood.*)
3. On or about July 30, 2020, SAC Qureshi returned to El Centenario Night Club and served upon Galyon an Official Notice of Warning from the ABC Commission. This document notified the permittee that the ABC Commission was aware the establishment was operating in violation of Governor's Executive Order 141 and could take serious sanctions against the permittee's ABC permits if El Centenario Night Club continued to operate unlawfully. (*See 9/10/20 Affidavit of Omar Qureshi.*)
4. On or about September 5, 2020, at approximately 10:50 PM, ALE Special Agent K. Kearns ("Agent Kearns") entered El Centenario Night Club in an undercover capacity. Agent Kearns observed a large number of patrons crowded inside the establishment, dancing and consuming

alcoholic beverages. There were no social distancing requirements or any basic sanitization practices in place inside the business. The permittee's employees continued to sell alcoholic beverages to patrons long after 11:00 PM. At approximately 12:15 AM, after receiving video footage from Agent Kearns showing the conditions inside El Centenario Night Club, SAC Qureshi asked Agent Kearns to leave, due to concerns for her safety and the high risk for exposure to COVID-19 while inside the establishment. *(See Affidavit of Kelly Kearns and 9/10/20 Affidavit of Omar Qureshi.)*

5. On or about September 6, 2020, at approximately 2:00 AM, ALE agents arrived at El Centenario Night Club and conducted an inspection. No employees inside the business or patrons leaving were wearing masks. SAC Qureshi spoke to Galyon about the large crowd and Galyon estimated there were approximately 350 patrons inside El Centenario Night Club that night. While the agents were inside the business, shots were fired in a nearby parking lot used by the permittee's establishment. Shell casings from a .380 caliber pistol were later found in the area. *(See 9/10/20 Affidavit of Omar Qureshi and Affidavit of Mark Lesassier.)*
6. On or about September 27, 2020, at approximately 2:00 AM, numerous CMPD officers responded to a large fight involving over thirty patrons at Respondent's establishment. When CMPD officers arrived, there were several hundred patrons on the premises. The private bar was open and continuing to sell alcoholic beverages to patrons after 11:00 PM, in violation of Governor's Executive Orders 141 and 153. Galyan was present on the scene and advised CMPD detectives he opened the business that night in violation of the Governor's Executive Orders for financial reasons and since most of his patrons do not start arriving until after 11:00 PM, opening the business before 11:00 PM would not help him financially. CMPD Detective Chad Denton issued Galyan a citation. *(See 10/2/20 Affidavit of Omar Qureshi and Affidavit of Chad Denton.)*
7. On or about October 2, 2020, Elizabeth Tilson, State Health Director and Chief Medical Officer of the North Carolina Department of Health and Human Services, issued a statement documenting COVID rates, protective measures to be taken under the Executive Orders, and the enhanced risk of disease spread in bars that has lead numerous states to continue to order all bars in their states to remain closed. *(See Statement of Elizabeth Tilson.)*
8. On or about October 2, 2020, SAC Qureshi researched CJLeads to identify current pending charges against Galyan relating to his continued operation of El Centenario Night Club in direct and repeated violations of the Governor's Executive Orders. These violations are as follows: March 2020 – verbal warning for violating the Governor's Executive Orders; May 22, 2020 – written warning for violating the Governor's Executive Orders; July 30, 2020 – written warning from ABC Commission for violating the Governor's Executive Orders; September 6, 2020 – charged with 2 counts of violating the Governor's Executive Orders (ALE ASAC Lesassier); September 27, 2020 – charged with violating the Governor's Executive Orders (CMPD Det. Denton). Galyan also faces an outstanding criminal charge related to a shooting by an employee inside El Centenario Night Club on February 29, 2020. *(See 10/2/20 Affidavit of Omar Qureshi and Affidavit of Chad Denton.)*
9. On or about October 2, 2020, SAC Qureshi conducted online research and located recent social media posts on the El Centenario Night Club Facebook page. The social media posts, which included advertisements and video footage inside the business, documented the large crowds of patrons inside the business and the extreme lack of compliance with social distancing and any other protective measures being taken by staff to reduce the health risks faced by patrons of the

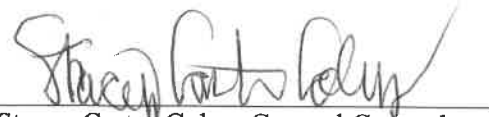
business. SAC Qureshi also found social media posts confirming Galyan's intent to open El Centenario Night Club in violation of the Governor's Executive Orders on October 3, 2020. (See 10/2/2020 Affidavit of Omar Qureshi.)

10. On or about October 2, 2020, Gibbie Harris ("Harris"), Mecklenburg County Health Director, issued a notarized statement documenting her professional opinion that El Centenario Night Club's operation in violation of the Governor's Executive Orders has placed its patrons and employees in jeopardy of contracting and spreading COVID-19. Harris went on to state, "Large indoor gatherings that involve close personal contact (e.g. dancing) without face coverings has substantial risk of fueling clusters of COVID-19 cases. Given the large number of young residents observed participating at these events, this could contribute to a reversal of the positive trends we have been seeing and increase the number of cases and spread of COVID-19 in our community." (See Statement of Gibbie Harris.)
11. The permittee has continued to show a clear disregard for the public safety restrictions put in place by Governor's Executive Orders 141 through 163, which are intended to help reduce the spread of COVID-19. Crowds inside the business often exceed 300 patrons and no social distancing or sanitization practices are being used to protect patrons and employees. Numerous citations have been issued to the permittee for operating the business in violation of the Governor's Executive Orders, but no changes have been made in his operation of the business. The permittee's continued unlawful operation of El Centenario Night Club puts its patrons, staff, first responders, and the general public at risk for contracting or spreading COVID-19. Furthermore, ongoing violent criminal activity at the establishment is causing a strain on local law enforcement resources and a danger to the community.

Based upon the above, the ABC Commission, by and through its undersigned designee, finds that the protection of the public health, and welfare requires emergency action.

THEREFORE, IT IS HEREBY ORDERED pursuant to N.C.G.S. §150B-3(c) that the ABC permits issued to the above-captioned permittee are summarily suspended effective immediately upon service of this Order.

This the 3rd day of October, 2020.



Stacey Carter-Coley, General Counsel

On behalf of and at the request of:
A.D. "Zander" Guy, Jr., Chairman
NC Alcoholic Beverage Control Commission

**STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of:

James Galyan
T/A El Centenario Night Club
5920-C North Tryon Street
Charlotte, NC, 28083

**AFFIDAVIT
OMAR QURESHI**

The undersigned, Special Agent Qureshi, being duly sworn, does hereby state:

1. I am currently a Special Agent assigned to the N.C. Alcohol Law Enforcement Branch (ALE), District VI - Harrisburg, which includes Mecklenburg County.
2. I have been employed with ALE for 21 years.
3. As part of my duties as an ALE special agent, I conduct enforcement of all criminal law violations occurring at ABC licensed establishments, and inspections of ABC licensed establishments to determine compliance with N.C. ABC Commission Rules and Regulations.
4. I am familiar with El Centenario Night Club and have worked enforcement at the business on multiple occasions.
5. On March 27, 2020, I received a complaint concerning social media posts indicating El Centenario Night Club may open for business in violation of Executive Order 141. ALE Special Agent Dzierzynski was assigned to investigate. Special Agent Dzierzynski eventually spoke with the permittee Kevin Galyan and educated him about the Executive Order.
6. On May 22, 2020, at approximately 10:40 pm, I responded to El Centenario Night Club for a complaint of the business being open in violation of Executive Order 141 as an ABC licensed Private Bar.
7. When I arrived at El Centenario, 5920-C North Tryon Street in Charlotte, NC, I observed patrons arriving and entering the bar. I also observed the patrons had no masks on, nor did the employees working at the entrance.
8. Inside the bar there were no employees wearing masks and patrons were consuming alcohol at small tables. The owner, Kevin Galyan spoke with me and he stated he had to open because his attorney told him the beer will go bad and Galyan could be held responsible for selling it. I informed Galyan that the risk of patrons dancing and consuming alcohol created a serious risk of spreading Covid-

19 with close contact activities. Galyan said that's what patrons do at bars, they dance. There were approximately 10 employees on site along with 30 patrons. More patrons continued to arrive. Galyan said he expects closer to 500 patrons on Saturdays.

9. Patrons were holding hands and dancing without any masks or social distancing. One female patron who was consuming alcohol had no identification. I advised Galyan his business was open in violation of the Governor's Executive Order 141 and he should stop allowing patrons to gather and consume alcohol. Galyan remained open for the night but remained closed the next night. I issued Galyan a written warning for Unlawfully Operating a Business in violation of Executive Order 141.

10. On July 25, 2020, I was received a complaint that El Centenario was open for business. I contacted the CMPD ABC Team and they sent Detective Youngblood out to El Centenario. Detective Youngblood later contacted me and was able to verify that El Centenario was open for business. Patrons were not socially distancing or wearing masks. Detective Youngblood told me Galyan was also violating the local County Proclamation prohibiting alcohol sales and people gathering after 11:00 pm. Detective Youngblood issued Galyan a citation for violating the Executive Order. Galyan was on scene during Detective Youngblood's inspection. Charlotte-Mecklenburg Police were also called out to El Centenario twice the same evening. Once for a traffic accident and the other was undetermined.

11. On July 30, 2020, at 8:50 pm, I served Kevin Galyan with an Official Notice of warning issued by the North Carolina ABC Commission. I advised Galyan to refrain from opening his bar for alcohol consumption and dancing. Galyan also admitted being open for several weekends in a row in July. He did explain that he had several bills to pay and he had to open. I told Galyan that it was a very unfortunate situation but the danger of the virus spreading can cause further delays in Phase 2 and more lives to be in danger. Galyan said he would close at least for now.

12. On August 17, 2020, Galyan contacted me and said he may have to open his business again in September. I asked him if he understood the warning letter from the ABC Commission. He said he did but he has to open for one weekend to pay his bills for the month. I again advised Galyan that the reason for the alcohol consumption restriction and bar closings were to help stop the spread of Covid-19.

13. On September 1, 2020, I was notified of social media posts indicating El Centenario was scheduled to open for business on Saturday, September 5th. I did review both ads which did indicate the El Centenario Night Club will be open.
14. On September 5, 2020, El Centenario opened for business. I supervised the undercover operation where ALE Special Agent Kelly Kearns entered El Centenario in an undercover capacity as a patron. Special Agent Kearns remained armed for her safety and she was not searched for weapons and contraband. Special Agent Kearns was allowed to enter El Centenario after paying a \$10.00 door fee. Special Agent Kearns reported that they did not search her purse or other female patrons. Special Agent Kearns also reported that private bar membership rules were not being followed.
15. Special Agent Kearns entered El Centenario at approximately 10:50 p.m. and reported she purchased a mixed drink alcoholic beverage for \$12.00 before 11p.m. Special Agent Kearns reported she was able to purchase two more alcoholic beverages, one before midnight and another just after midnight on September 6th.
16. Special Agent Kearns reported to me that patrons had masks on in line to get in to the club but no one was wearing masks once inside. Special Agent Kearns reported to me that the crowd was growing in size.
17. I asked Special Agent Kearns to leave El Centenario just after 12:15 a.m. due to her safety and the continued risk of possible exposure to Covid-19.
18. On September 6, 2020, at approximately 2 a.m., I entered the parking lot of El Centenario Night Club along with ASAC Mark Lesassier and Special Agent Tad Ogg. The parking lot was crowded which was typical for a Saturday night at this location. A food truck was parked in front of the business. As I approached the entrance I notices several patrons start moving quickly towards the back parking area near the AMF Bowling building. None of those patrons were wearing protective masks. I knew from several visits to this location over the past 20 years that patrons used the AMF and another auto business lot to park cars.
19. I entered the business after taking a panoramic video of the parking lot. I assisted Special Agent Ogg with an inspection of the inside. I documented the seating areas and bar areas which were being cleaned. I also documented the alcoholic beverage containers in the trash cans and the hookah pipes out on the tables. No employees were wearing masks inside and none of the patrons leaving were wearing masks. While speaking to the owner, Kevin Galyan, his security team radioed that people were shooting in the parking lot. I radioed the Charlotte-Mecklenburg police department to start backup units for shots fired at El Centenario. We walked out front to meet security who told us that two guys wearing cowboy hats were shooting in the parking lot. One security guard described the shooting as 6 to 10 rounds and possibly in the air. They pointed to

the parking lot behind AMF Bowling. Security reported the shooter or shooters had left in a vehicle. No injuries were reported on scene.

20. I canvassed the area of the reported shooting and documented 3 spent shell casings on the ground. The casings were from a .380 caliber pistol. While inspecting the area of the shooting Kevin Galyan came over to speak to me. He said his crew always cleans up the bottles and cans from the lot since his people leave them there. Galyan also said one of his cameras points in this direction and he could review the footage and call me. Galyan has not made contact as of September 10th. Galyan did admit to me he knew he should not be open but said again he had a water bill due and other bills to pay. Galyan said he probably wouldn't open this coming weekend but may have to open again in the future. Galyan also admitted he had 350 patrons in the club tonight.
21. On September 6, 2020, I contacted Mecklenburg County Health Department Director Gibbie Harris. I asked Harris if she would review video from inside El Centenario Night Club obtained by our ALE agent. Harris agreed and after reviewing the videos provided an affidavit regarding the risks associated with the spread of Covid-19 in El Centenario, the community, and the risk of an infection cluster.
22. The continued defiance by permittee Kevin Galyan to open his private bar puts his patrons, staff, first responders, and the general public at risk for contracting or spreading the Covid-19 virus. This is an ongoing public health danger and a continued violation of Executive Order 141 through Executive Order 163. The nexus for the large crowds to gather at El Centenario is the availability of alcohol. The permittee's willingness to put the alcohol sales above the health and safety of his patrons is a serious public health concern and detrimental to community.

Further the affiant sayeth not.

This the 10th day of September 2020



Omar Qureshi

Omar Qureshi -Special Agent
N.C. Alcohol Law Enforcement

Sworn to and subscribed before me

Mark E. Lesassier
NOTARY PUBLIC

COMM. EXPIRES 10/24/2024

**STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of)

El Centenario)

5920 N. Tryon St)

Charlotte, North Carolina 28213)

AFFIDAVIT

Det. D. Youngblood)

The undersigned, (Det. D. Youngblood), being duly sworn, does hereby state:

1. I work out of the: Special Investigations Bureau/ ABC Unit.
2. I have been a Police Officer with the Charlotte-Mecklenburg Police Department for approximately Six years.
3. This was my first call to service at El Centenario.
4. Prior to this call I was made aware by fellow officers that this location was a known problem location due to not following the governor's orders.
5. On 07/26/20 at approximately 0215hrs Officers from the North Tryon division called ABC to 5920 N. Tryon St- El Centenario reference to a large crowd.
6. Officers advised they received two calls for service at the address 5920 N. Tryon St. in reference to a vehicle accident and a 911 hang up. Upon arrival, they were not able to enter the parking lot because it was so crowded with vehicles.
7. I arrived on scene and observed a lot of vehicles in the parking lot, but I was able to navigate without incident.
8. I spoke the owner Kevin Galyan who advised that he had an event and was selling and serving alcohol and had approximately 300 people in attendance.
9. I explained to Kevin about the governor's executive order and he was not to be selling any alcohol after 11pm.
10. Kevin Galyan admitted to knowing about the executive order because officers had educated him a week before. Kevin advised that he has to pay bills and was willing to take the chance in opening past the allowed time.
11. I issued Kevin Galyan a citation for being in violation of the governor's executive 147 orders G.S 166A 19-30 D.
12. Kevin Galyan refuses to follow all governors orders by opening and surviving alcohol as a private bar/club.

David Youngblood

9/10/20



Mark E. Lesassier
Notary Public
Comm. Expires: 10/24/2024

**STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg**

In the matter of:

James Galyan
T/A El Centenario Night Club
5920-C North Tryon Street
Charlotte, NC, 28083

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

**AFFIDAVIT
Kelly Kearns**

The undersigned, Special Agent Kelly Kearns, being duly sworn, does hereby state:

1. I am currently a Special Agent assigned to the N.C. Alcohol Law Enforcement Division (ALE), District VI-Harrisburg, which includes Mecklenburg County.
2. I have been employed with ALE for 5 years.
3. As part of my duties as an ALE special agent, I conduct enforcement of all criminal law violations occurring at ABC licensed establishments, and inspections of ABC licensed establishments to determine compliance with N.C. ABC Commission Rules and Regulations.
4. I am familiar with EL CENTENARIO NIGHT CLUB from information provided to me by District VI supervisors and agents who have worked enforcement at the business on multiple occasions.
5. On Friday, September 4, 2020, I was made aware of a complaint regarding public health and safety concerns with regard to EL CENTENARIO NIGHT CLUB by District VI agents through social media posts indicating El Centenario Night Club may open for business in violation of Executive Order 141.
6. On Saturday, September 5, 2020, between the hours of 9:00 p.m. and 11:00 p.m., I arrived at EL CENTENARIO NIGHT CLUB in an undercover capacity to investigate a complaint of the business being open in violation of Executive Order 141 as an ABC licensed Private Bar.
7. When I arrived EL CENTENARIO NIGHT CLUB, 5920-C North Tryon Street in Charlotte, NC, all parking allotted to 5920-C tenants appeared to be at capacity. I observed approximately three employees of EL CENTENARIO NIGHT CLUB using orange cone lights to direct the flow of vehicular traffic within the parking lots as a lined formed. Patrons of the private bar were being directed to park on property belonging to AMF University Lanes and Tryon Auto Repair.

8. As I walked towards the entrance, I noted a long line of patrons had formed along the ramp. No social distancing was occurring in line. The line was not single-file, in fact, the line consisted of dense clusters of patrons two to three people wide socializing in less than arms reach from one another while they waited to enter the establishment. I observed only one or two patrons wearing masks while in line.
9. As I neared the front of the line, I observed a single, male employee controlling the door. He asked patrons how many people were in their group. He also asked if they had masks and informed them they would need a mask to enter. The employee allowed groups of patrons who did not come together to enter the establishment at the same time. I was allowed to enter with one or more separate groups in line behind me.
10. Once inside, I was required to stand in a small corridor in close proximity to members of other groups, less than arm's reach. A female employee with an electronic tablet stood among the cluster of patrons in the corridor and scanned identifications. The employee did not perform any sanitizing of her hands, before or after, taking and returning identifications to patrons. She also made direct physical contact with each patron by placing a wrist band their right wrists. I observed no sanitizing of any kind between the employee's person-to-person contacts with newly arriving patrons.
11. The front desk was in a separate room to the immediate right of the entrance. Patrons had hand-to-hand contact with a female employee when exchanging money through a large opening to the office. There was no protective screen of any kind separating the employee from the patrons. I did not observe the use of any sanitizer by the employee on her hands, or on the counter, in between interactions with patrons.
12. I observed an opened box of disposable surgical masks to the right of the front desk area. The masks were in an area accessible to patrons. The masks appeared to be for self-service but were not individually packaged and subject to contamination by patrons.
13. I was asked how many people were in my group and charged a ten dollar (\$10.00) entry fee by the female employee working the front desk. I again observed no sanitation precautions and handed cash directly to the employee.
14. Before leaving the corridor, male patrons were physically searched for weapons by a single security guard. The search was conducted using close person-to-person contact in which the security guard ran his hands up and down newly arriving patrons' bodies. While this security guard did wear a mask, I did not observe him sanitize his hands in anyway in between his extensive physical person-to-person contact with different patrons. I did not observe any hand sanitizing stations available.

15. Female patrons and their belongings were not screened for weapons in any manner. I carried a purse and the security guard did not ask to view its contents. I carried an agency approved handgun while inside the establishment. Patrons who frequent EL CENTENARIO NIGHT CLUB and are familiar with the establishment's search policies, could easily circumvent its limited security measures and enter undetected with weapons, as I did.
16. At no point during the admission processes, was I asked about a new or existing membership with the private bar. No apparent membership fee was charged outside of the standard cover charge. And no conversation regarding membership occurred between patrons and employees. It would not have been readily apparent to a reasonable citizen, unfamiliar with the establishment's ABC permitted status as a private bar, that they were entering a private, members' only establishment not open to the general public.
17. After gaining admission, patrons made their way from the congested corridor through a narrow hallway which opened up into a small bar area with standing room only. This area was congested with dense groups of patrons, most of whom had already removed their masks. Patrons were not social distancing and consuming alcoholic beverages in close proximity to one another while socializing. I observed no efforts by employees to encourage social distancing.
18. There were two bars on either side of the room from which alcoholic beverages were purchased and served to patrons. Patrons were allowed to walk directly up to the counter of the bar to order and receive their alcoholic beverages. The majority of patrons appeared to pay cash, which they handed directly to the bartender. The bartenders did not sanitize their hands, or the counters, in between their person-to-person interactions with patrons. At these two bars, some bartenders wore masks and some did not. I observed at least two bartenders behind each bar. The bars were not large enough for the employees to social distance. The coolers and bottles handled by the bartenders would be considered high touch surfaces and I observed no sanitation precautions. While in line, an unmasked male stood within a foot of me and asked if he could buy me a drink.
19. Shortly after arriving and prior to 11:00 p.m., I purchased a mixed beverage. I handed cash directly to a bartender and was handed change back in the form of cash. The bartender placed a bare straw in my beverage with her hand prior to handing it to me. I did not observe the bartender sanitize her hands, or the counter, before or after my purchase.
20. I walked through the congested bar area, to the first dance floor. I observed several people dancing together. While the dance floor was not yet extremely crowded, I observed couples touching bodies and dancing in an intimate manner.
21. I walked through a doorway to the second dance floor. I observed more patrons dancing together in an intimate manner, holding their bodies together. (See

provided video and photos.)

22. To the right of the dance floor, I observed couches on a stage with groups of patrons seated directly beside one another. To the left of the dance floor, I observed more couches and numerous high-top tables surrounded by barstools. There were hookahs on both unoccupied and occupied tables, as well as, on tables in front of the couches. I observed large groups of patrons seated on barstools around the tables. Patrons were seated and standing within arm's reach of each other without wearing masks while consuming hookah and alcoholic beverages. The tables and couches were significantly less than six feet apart. (See provided video and photos.)
23. I obtained video of a female employee placing a wrist band on a patron seated at a hookah table. The employee was wearing gloves, but no mask. I learned patrons could purchase couches, tables, and hookah for a fee. (See Video provided video and photos.)
24. I observed large clusters of unmasked patrons on the perimeter of the second dance floor. These patrons were not social distancing and many of them had direct physical contact with one another. This was occurring during bartenders, VIP wait staff, and security personnel. I do not recall seeing any patrons wearing masks in this area. (See provided video and photos.)
25. There was a bar in the room with the second dance floor which was approximately 12 feet long and less than five feet wide. I observed a male and female bartender serving patrons from behind the bar. Neither bartender was wearing a mask. All of the patrons I observed ordering alcoholic beverages at the counter and standing in line were not wearing masks.
26. Patrons were allowed to walk directly up to the counter of the bar to order and receive their alcoholic beverages. The majority of patrons appeared to pay cash which they handed directly to the bartender. While awaiting their beverages, many patrons made physical contact with the counter by touching or leaning on it. I did not observe the bartenders sanitize their hands or the counter in between person-to-person contact with patrons. (See video and photos provided.)
27. There were open-faced containers of bare straws on the counter of the bar, available to patrons for self-service. The straws were closely touching one another and not individually packaged in any way. In order for a patron to take a single straw, the patron would unavoidably touch a large number of the surrounding straws. I observed no hand sanitizer available. (See video and photos provided.)
28. It was quite warm inside EL CENTENARIO NIGHT CLUB. The location did not appear to be using central air. I observed several large metal fans placed throughout the establishment. Fans were positioned to blow air onto each dance floor. Behind each of these fans, I observed large clusters of unmasked patrons

throughout the night. I also observed a large metal fan by an exterior door in the room where the second dance floor. This fan was positioned in front of the door and obstructed the exit. Some patrons appeared to be perspiring heavily due to the uncomfortably temperature of the establishment coupled with the physical exertion of dancing. (See video and photos.)

29. I made my way through the clusters of patrons, back to the first dance floor. The dance floor was filled with patrons dancing in close proximity to each other and holding their bodies together while dancing.
30. I observed the standing bar area had become increasingly crowded with patrons standing in close quarters while socializing and consuming alcoholic beverages. The patrons were not social distancing or wearing masks.
31. I observed numerous patrons seated at tables on the outer parameter of the first dance floor. The tables were extremely close together and patrons were seated within a foot of each other while at the tables not wearing masks. (See video and photos.)
32. At approximately 11:30 p.m., I purchased a second alcoholic beverage from the bar located by the second dance floor. I handed cash directly to a bartender and was handed change back in the form of cash. The bartender placed the drink on the counter. There were two bartenders behind the bar, neither were wearing masks. I did not observe the bartender sanitize her hands, or the counter, before or after my purchase. I was able to retrieve a bare straw from an opened face container on the counter. I had to touch numerous other straws in order to do so.
33. As it approached midnight, both sides of EL CENTENARIO NIGHT CLUB became increasingly crowded to the point I could not walk throughout the establishment without making physical contact with multiple people at a one time. Both the standing and seating areas within the private bar were filled with people in person-to-person contact with one another, including the parameters of both dance floors. I observed no patrons wearing masks. (See video and photos.)
34. Both dance floors were filled with a mass of unmasked patrons intimately dancing holding their bodies together. There was no social distancing between couples dancing. Many couples were making physical contact with other couples while dancing due to the densely crowded conditions inside. (See video and photos.)
35. After midnight, I purchased a third alcoholic beverage from the bar located by the second dance floor. I handed cash directly to a bartender and was handed change back in the form of cash. The bartender placed the drink on the counter. There were two bartenders behind the bar, neither were wearing masks. I did not observe the bartender sanitize her hands, or the counter, before or after my purchase. I was able to retrieve a bare straw from an opened face container on the counter. I had to touch numerous other straws in order to do so.

36. While inside, I made trips to both female restrooms. I observed a female employee in each restroom wearing a mask. There was a tip jar in the restroom. I did not observe either employee sanitize high touch areas such as the doors or restroom stalls in between patron usage. She merely informed patrons when a stall became available.
37. While the security personnel and owner consistently wore a mask while inside, the majority of bartenders and wait staff did not. I recall seeing only one patron correctly wearing a mask while inside. I observed two or three patrons with masks around their chins or draped to their ear. I approximated 300 patrons inside not social distancing or wearing masks once allowed to enter. (See video and photos.)
38. I observed the continuous sale of alcoholic beverages from the time I arrived until I left the establishment between the hours of 12:00 a.m. and 1:00 a.m. in violation of the Governor's Executive Order 141.
39. While inside, I provided video footage to SAC Qureshi, ASAC Lesassier, and SA Ogg. Between the hours of 12:00 a.m. and 1:00 a.m., SAC Qureshi advised me to make my way out of the establishment due to the increasingly high risk of exposure to Covid-19.
40. When I left the establishment, I observed large groups of patrons still entering EL CENTENARIO NIGHT CLUB. There was a dense line of patrons still outside. I observed patrons were still arriving in vehicles. The parking lots for EL CENTENARIO NIGHT CLUB, AMF University Lanes, and Tryon Auto Repair all appeared to be at capacity.

Further the affiant sayeth not.

This the 10th day of September 2020



COMM EXPIRES 10/24/2024

K. Kearns

Kelly Kearns Special Agent
N.C. Alcohol Law Enforcement

Sworn to and subscribed before me

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

In the matter of:

James Kevin GALYAN
T/A EL CENTENARIO NIGHT CLUB
5920-C North Tryon Street
Charlotte, NC

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

AFFIDAVIT

MARK LESASSIER

The undersigned, a Special Agent, being duly sworn, does hereby state:


1. I am currently an Assistant Special Agent in Charge assigned to N.C. Alcohol Law Enforcement Branch (ALE), District VI Harrisburg which includes Mecklenburg County.
2. I have been employed with ALE for 13 years.
3. As part of my duties as an ALE special agent, I conduct enforcement of all criminal law violations occurring at ABC licensed establishments, and inspections of ABC licensed establishments to determine compliance with N.C. ABC Commission Rules and Regulations.
4. I am familiar with EL CENTENARIO NIGHT CLUB and have worked enforcement at the business on multiple occasions.
5. On September 5, 2020, I conducted a UC operation with District VI personnel inside EL CENTENARIO NIGHT CLUB, a mixed beverages private bar, after complaints they would again open against Governor Cooper's Executive Orders. Special Agent Kearns was able to enter the club as a patron around 10:50 pm after paying an entry fee. SA Kearns purchased 3 alcoholic beverages while inside. One beverage was purchased just before 11 pm. The other two beverages were purchased after 11 pm and midnight. The inside was extremely crowded with almost no masks being used or any social distancing. Alcoholic beverages were continuing to be sold, served, and consumed the entire time SA Kearns was inside. SA Kearns was able to document the conditions inside on video. We pulled her from the bar around 12:15 am due to concerns for her health and safety.
6. At approximately 2:00 am, SAC Omar Qureshi, SA Thad Ogg and I arrived at EL CENTENARIO NIGHT CLUB, located at 5920-C North Tryon Street, Charlotte NC. I observed a large crowd of patrons loitering on the premises. Two food trucks were in the parking lot fully operational with customers lined up to order food without social distancing and not wearing masks. I made my way to the front door where I was able to see the permittee James Kevin GALYAN, as soon as he saw me he entered the business. I made my way to the entrance and went toward

the back bar area where he was located. I was wearing a black 5.11 polo with a badge and ALE written on it, as well as full duty gear visible. I asked GALYAN if he knew why I was there. He stated he knew he would get a visit from us due to being open. I began to speak with GALYAN about the issues we saw coming in and while we were there. He stated he had to open to make his utility bills and personal bills that were late due to closure during the pandemic. As I was speaking with him, I heard on his portable radio an employee say shots fired outside the building. At that time SAC Qureshi, SA Ogg, and I, along with GALYAN, walked outside to see. As soon as we walked outside, an unidentified black male stated to us 'you are all late they're gone'. According to the security guards, a group outside pulled a handgun and started to shoot rounds in the air. SAC Qureshi contacted via radio CMPD to make them aware of what had happened. I began to speak with GALYAN again. He told me that he had no choice but to open. He stated that he and other Private Club owners had been speaking about opening back up and heading to Raleigh again to protest on the opening of Private Bars. I issued GALYAN two citations for violating the Governor's orders, 141 and 153. SAC Qureshi and I searched the area where the shots were fired and located 3 shell casings of 380 auto on the ground.

7. In the past two years, I have received several complaints and have been to the location several times.

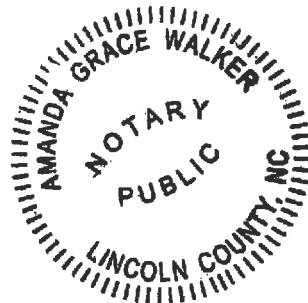
Further the affiant sayeth not.

This the 10 day of September 2020



Assistant Special Agent in Charge
N.C. Alcohol Law Enforcement

Sworn to and subscribed before me



Amanda Grace Walker
Notary Public

Comm. Expires: 2-4-2023

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of:

New Kalipzo Night Club LLC
James Galyan
T/A El Centenario Night Club
5920-C North Tryon Street
Charlotte, NC, 28083

**AFFIDAVIT
OMAR QURESHI**

The undersigned, Special Agent Omar Qureshi, being duly sworn, does hereby state:

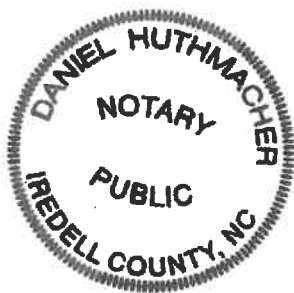
1. I am currently a Special Agent assigned to the N.C. Alcohol Law Enforcement Branch (ALE), District VI-Harrisburg, which includes Mecklenburg County.
2. I have been employed with ALE for 21 years.
3. As part of my duties as an ALE special agent, I conduct enforcement of all criminal law violations occurring at ABC licensed establishments, and inspections of ABC licensed establishments to determine compliance with N.C. ABC Commission Rules and Regulations.
4. I am familiar with El Centenario Night Club and have worked enforcement at the business on multiple occasions.
5. On September 27, 2020, I received information from CMPD ABC Sgt. Kevin Triola that CMPD officers and his ABC Detectives had to respond to El Centenario at 2:00 am the same morning for a large fight. The ABC Detectives described the fight as big enough to require other CMPD Division officers to respond. They spoke with the permittee Kevin Galyan who admitted he opened for financial reasons.
6. On October 2, 2020, I researched CJLeads for the current charges pending on James Kevin Galyan related to his ABC permitted operation at El Centenario. Galyan has several pending criminal ABC charges. CMPD Detective Denton charged Galyan on September 27, 2020 for an Executive Order violation related to the fight call response (see the attached citation). Detective Denton also submitted another ABC violation report to the ABC Commission. On September 6, 2020, ALE ASAC Lesassier charged Galyan with 2 counts of the Executive Order violation after he opened his business and continued to sell alcohol after the 11pm time limit. Galyan also has pending charges from a shooting incident involving an employee which occurred on February 29, 2020 inside El Centenario. Prior to these Executive order charges, Galyan was verbally warned in March of 2020 then issued a written warning on May 22, 2020. Galyan was further warned by the ABC Commission on July 30, 2020 (see the attached warnings).

7. On October 2, 2020 I reviewed social media posts from the El Centenario website. I located a current advertisement for El Centenario to open on October 3, 2020 (see the attached advertisement). I also reviewed Facebook videos from the El Centenario Facebook page dated September 27, 2020. In those videos you can see very crowded conditions inside the building. Patrons were not wearing masks and dancing while holding hands. Alcohol was obviously being consumed by the patrons (see the attached screen shot).

8. James Kevin Galyan has been warned on several occasions for violations of Executive Order 141. On September 6th and September 27th James Kevin Galyan not only opened his private bar in violation of Executive order 141, he also remained open after 11pm to sell alcohol and allow alcohol to be consumed in violation of Executive Order 153. The crowds in this bar often exceed 300 people and can be much larger. This is a serious health concern to our ALE agents and other responding public safety officials. The ALE District VI office only has 7 field agents and 3 supervisors to cover 9 counties. El Centenario being open in violation of the Executive Orders is a constant drain on ALE resources considering the other duties and communities we need to serve. The police response requiring other CMPD divisions to send so many officers is a critical drain on Charlotte-Mecklenburg resources and is detrimental to community. The continued incidents of violence at this location are also a major concern for the safety of patrons, bar staff, ALE agents and responding officers.

Further the affiant sayeth not.

This the 02nd day of October 2020



Handwritten signature of Omar Qureshi in cursive.

Omar Qureshi Special Agent
N.C. Alcohol Law Enforcement

Sworn to and subscribed before me

Handwritten signature of the notary public in cursive.

Expires: 10/20/24
Date: 10/2/2020

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of)
)
New Kalipzo Night Club LLC)
d/b/a El Centenario Night Club)
5920 North Tryon Street)
Charlotte, North Carolina 28213)

**AFFIDAVIT
Chad Denton**

The undersigned, Chad Denton, being duly sworn, does hereby state:

1. I currently am assigned with the ABC Unit, Charlotte Mecklenburg Police Department, Charlotte, NC as a detective.
2. I have been a Police Officer with the Charlotte Mecklenburg Police Department over nineteen years.
3. I have been to El Centenario numerous times during my time with the ABC Unit and know the owner, James Galyan. This establishment holds active ABC permits and is permitted as a Mixed Beverages Private Bar.
4. On September 27, 2020 at approximately 2:00 A.M., the ABC Unit was requested to respond to El Centenario by the North Tryon Patrol Division in reference to a large fight in the parking lot with over thirty patrons involved. Multiple patrol divisions responded to the scene because of the size of the fight. Officers on scene advised that there was over several hundred patrons at the establishment when they arrived.
5. When I arrived, the fight was dispersed and over a dozen patrol officers and several patrons were still in the parking lot. Several El Centenario staff members were standing on the porch at the front door of the establishment.
6. I entered El Centenario with ABC Detective Cook.
7. El Centenario had no patrons inside and several employees cleaning up. I observed a few employees behind the bar area cleaning up as well. This establishment does not sell food and would only be cleaning behind the bar for alcoholic beverages that had been sold.
8. I did not observe any alcoholic beverages out or on the tables and it was immediately apparent that the establishment was quickly cleaned up prior to our arrival.
9. Detective Cook and I spoke to James Galyan, who immediately walked up to us as we entered the establishment.

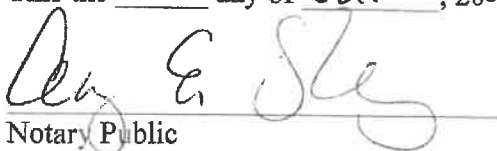
10. James Galyan stated he was experiencing financial hardship and had to open.
11. James Galyan stated he needed money for his son's wisdom teeth to be removed and had no choice but to open.
12. James Galyan stated he has told other CMPD ABC and ALE officers in the past that he would only open when he needed money.
13. James Galyan stated his patrons do not start arriving until after 11:00 P.M., so opening before 11:00 P.M. would not help him financially.
14. I issued James Galyan a citation for being open and violating the Executive Order, being a Mixed Beverages Private Bar, and submitted a violation to the ABC Commission.
15. James Galyan has been issued numerous citations for being open during the COVID-19 Executive Orders and Mecklenburg County Proclamations and has had ABC violations submitted in reference to these violations by both CMPD ABC and ALE.

Further the affiant sayeth not.

This the 2nd day of October 2020


Chad Denton

Sworn to and subscribed before me
This the 2nd day of Oct., 2020


Notary Public

County: Mecklenburg
My Commission expires: 6/11/2022

STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

In the matter of:

James Galyan
TIA El Centenario Night Club
5920-C North Tryon Street
Charlotte, NC, 28083

BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION

DECLARATION of Elizabeth Cuervo
Tilson, MD, MPH

1. I, Elizabeth Cuervo Tilson, MD, MPH, under penalty of perjury, state as follows:
2. I am over 18 years of age, legally competent to give this declaration and have personal knowledge of the facts set forth in it.
3. I am the Chief Medical Officer for the North Carolina Department of Health and Human Services (DHHS). I was appointed by DHHS Secretary Mandy Cohen to serve as State Health Director pursuant to G.S. 130A-3. I have served in these roles since August of 2017.
4. I practiced pediatric primary care for 23 years. I have been active in many local, state and national pediatric, public health and preventive medicine organizations, in which I have served in numerous leadership roles.
5. I have a Bachelor's degree in biology from Dartmouth College, a Doctor of Medicine degree from Johns Hopkins University School of Medicine, and a Master of Public Health degree from the University of North Carolina at Chapel Hill. I completed residencies in Pediatrics and General Preventive Medicine-Public Health and am board certified in both fields.
6. In my roles as the State Health Director and DHHS Chief Medical Officer for the State of North Carolina, I protect the public's health and promote prevention activities, as well as provide guidance on a variety of issues.
7. I became aware of the COVID-19 virus in January 2020, through reports that China was experiencing an outbreak of a new virus that caused pneumonia-like illness. I have since followed the medical literature closely as knowledge about the virus has evolved.
8. I have been involved in analysis, discussions and decision-making that preceded the recent executive orders issued by Governor Cooper.

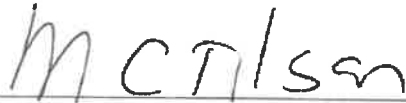
9. As of October 2, 2020, there have been over 34 million confirmed cases of COVID-19 worldwide, including over one million deaths. In the United States, there have been over 7 million cases and more than 200,000 fatalities. <https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>.
10. North Carolina has seen over 200,000 lab-confirmed cases, including over 3,000 fatalities thus far from COVID-19. <https://covid19.ncdhhs.gov/dashboard/cases>.
11. As of October 2, 2020 the DHHS dashboard shows there have been 29,271 confirmed cases of COVID-19 in Mecklenburg County, and 360 deaths. <https://covid19.ncdhhs.gov/dashboard>
12. SARS-CoV-2, the virus that causes COVID-19, is spread primarily through respiratory droplets between people. Certain settings carry higher risks. Settings that are indoors, where people have sustained contact and duration of contact is more than 15 minutes, in which people congregate and social distancing is difficult, and in which consistently wearing face coverings is limited all carry higher risks than other settings. In addition, by their very nature, certain settings, present greater risk for the spread of COVID-19 because of the nature of the activity, the way that people traditionally act and interact with each other in that space.
13. Further, data suggests that risk is higher in settings where people have increased respiratory effort, such as heavy, deep or rapid breathing while exercising, shouting, dancing, or singing. For example, one study shows viral transmission associated with increased physical exercise and increased respiratory effort. An abstract of this article appears on the CDC website. https://wwwnc.cdc.gov/eid/article/26/8/20-0633_article. Another study showed an outbreak from a choir practice attributed to the close contact of people and the increased respiratory effort and respiratory droplet spread from singing https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6919e6-H.pdf?deliveryName=USCDC_921-DM28169.
14. A number of recent studies, data points and reports have confirmed the increased risk of transmitting and contracting COVID-19 in bars, nightclubs and related venues. Across the country, COVID-19 spread has been repeatedly linked to bars, and in many states, rises in case counts have been temporally associated with the reopening of bars. Bars continue to be closed in Arizona, Michigan, Puerto Rico, Colorado, Connecticut, the District of Columbia, Massachusetts, Maine, New Mexico and Texas. A recent study showed that people with COVID-19 were 4 times more likely to have gone to a bar than people without COVID-19.

https://www.cdc.gov/mmwr/volumes/69/wr/mm6936a5.htm?s_cid=mm6936a5_w#F1_down

15. In bars, people's risk of spreading COVID-19 is higher for many reasons, including because people exert increased respiratory effort in bars if they are singing, dancing or talking loudly, because people traditionally mingle in bars and are in close physical contact for an extended period of time, people are less likely to wear face coverings because they are drinking, and because people are less cautious when they drink alcoholic beverages.
16. Face Coverings over the mouth and nose can decrease the spread of respiratory droplets from people, and evidence in numerous recent studies has shown that the use of Face Coverings decreases the spread of COVID-19.
17. Guidance from the U.S. Centers for Disease Control and Prevention ("CDC") recommends that all employers encourage workers to wear a face covering at work.
18. NCDHHS strongly recommends that all individuals wear a face covering when they may be less than six (6) feet from other people, and that businesses and organizations provide face coverings for workers.

Pursuant to Emergency Directive 5 in the Chief Justice's May 1, 2020 order, I affirm, under the penalties of perjury, that the foregoing representations are true.

Dated this the 2nd day of October, 2020.



Elizabeth Cuervo Tilson, MD, MPH
State Health Director
Chief Medical Officer
North Carolina Department of Health and
Human Services



MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN
Health Director

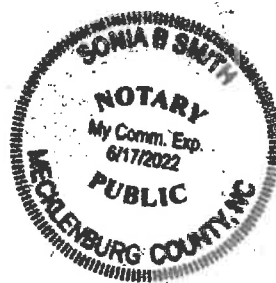
(704) 336-4700

COVID-19 is a respiratory virus that spreads from person-to-person via respiratory droplets produced when an infected person coughs, sneezes, or talks. COVID-19 spreads most easily when people are in close contact with one another and not wearing a face covering. Data to date suggest that 80% of COVID-19 infections are mild or asymptomatic, allowing for individuals to be infectious but completely unaware -- further accelerating the spread of the virus. It is well established that gathering in large groups significantly increases the risk of COVID-19 spread. Since the start of the pandemic Mecklenburg County and North Carolina have restricted indoor and outdoor gatherings to help contain the spread of the virus in our communities. Additionally, Governor Cooper issued an executive order requiring residents to wear cloth face coverings while indoors, especially when social distancing is difficult. Contact sports and other close contact activities, like dancing, are specifically restricted as a means of reducing the spread of COVID-19.

Mecklenburg County has had the highest number of reported cases of COVID-19 in North Carolina since the beginning of the pandemic, with a total of 29,189 cases to date. Currently an average of 110 new cases are reported each day, which is marked improvement from a daily high of 419 new cases per day several months ago. Mecklenburg County has been considered a hot spot by the federal government at several points in time during this event. Recent improvements in trends are largely attributed to increased compliance with wearing of cloth face coverings, social distancing, good hand, surface hygiene, and avoiding gatherings.

After reviewing the videos obtained by ALE of the El Centenario Nightclub weekend activity, the Nightclub is obviously in direct violation of the Governor's Executive Orders and all guidance provided by MCPH to residents and local businesses. Large indoor gatherings that involve close personal contact (e.g. dancing) without face coverings has substantial risk of fueling clusters of COVID-19 cases. Given the large number of young residents observed participating at these events, this could contribute to a reversal of the positive trends we have been seeing and increase the number of cases and spread of COVID-19 in our community.

Gibbie Harris, MSPH, BSN
Public Health Director
10.2.2020


10/2/2020