

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, FEBRUARY 12, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

February 19, 2015 @ 9:30 a.m.:

- a. Foresters' Club Of Newport, 38 Maple Street, Newport, NH.
Social Club License #16201 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: July 11, 2014.
Case #: 14-269-OF.
SETTLEMENT PENDING.

February 19, 2015 @ 10:00 a.m.:

- b. Arena Sports Bar & Nightclub, 53 High Street, Nashua, NH.
Restaurant Full Service With Lounge License #1453303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: February 1 - 2, 2013.
Case #: 14-116-OF.
LICENSEE FILED A MOTION TO CONTINUE; DECISION PENDING.

February 19, 2015 @ 10:30 a.m.:

- c. Pacific Fusion Restaurant, 356 D.W. Highway, Merrimack, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: July 26, 2014.
Case #: 14-265-OF.

February 19, 2015 @ 10:30 a.m.:

- d. Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 6, 2014.
Case #: 14-42-OF.

February 19, 2015 @ 11:00 a.m.:

- e. Goat Bar & Grill, 20 L Street, Hampton, NH.
Seasonal Restaurant On-Premise Beverage/Wine/Liquor License #1490303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violations: July 12, 2014.
Case #: 14-250-OF.
SETTLEMENT PENDING.

February 19, 2015 @ 11:30 a.m.:

- f. Rack's Bar & Grill, 20 Plaistow Road, Plaistow, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1465103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated with 1 fatality.
Date of violation: October 5, 2013.
Case #: 13-314-OF.

April 16, 2015 @ 10:30 a.m.:

- g. Victory Lanes Bowling & Sports Bar, 9 Central Street, Woodsville, NH.
Sports Entertainment License #6014105 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 2 counts.
Date of violations: January 17, 2014, February 21 – 22, 2014 & April 19, 2014.
Case #s: 14-246-OF, 14-248-OF & 14-227-OF.
DOE FILED A MOTION TO CONTINUE; GRANTED.

Date to be determined:

- h. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

Date to be determined:

- i. Club Social, 240 Main Dunstable Road, Nashua, NH.
Social Club License #16501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises – 3 counts.
Dates of violations: July 18, 2013 – the present & May 3, 2014.
Case #s: 14-91-OF & 14-170-OF.
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A MOTION TO CONTINUE. LICENSE IS IN SAFEKEEPING.

Date to be determined:

- j. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1476403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violations: March 6, 2014.
Case #: 14-90-OF.
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A MOTION TO CONTINUE.

Date to be determined:

- k. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.
Case #: 14-413-OF, 14-338-OF & 15-24-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Highland Mountain Bike Park, 72 Ski Hill Drive, Northfield, NH.
Restaurant Beverage and Wine License #1328803 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:5, II – allowed an underage person to possess or consume alcoholic beverage.
Cited for violation of RSA 179:8, I – failed to require the purchaser to furnish a motor vehicle driver’s license issued by the state of New Hampshire, or a valid driver’s license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the licensee.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: November 15, 2014.
Case #: 14-428-OF.
For violations of RSA 179:5, I & RSA 179:5, II, an administrative fine of \$2,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended commencing November 1, 2015 with re-grant on January 1, 2016; for violation of RSA 179:8, an administrative fine of \$100; for violation of RSA 179:20, an administrative fine of \$100; for violation of RSA 179:27, an administrative fine of \$2,000 with \$500 suspended twelve (12) months pending no like violation; for violation of RSA 179:51, an administrative fine of \$2,000 with \$500 suspended twelve (12) months pending no like violation; mandatory police and fire details shall be obtained by the licensee for all end-of-season events, all events shall be 21+ from the present through December, 2016, mandatory attendance at a Management Training Seminar (MTS) for all licensees prior to March 15, 2015, mandatory attendance at a Total Education In Alcohol Management (TEAM) seminar in a classroom for all servers prior to April 15, 2015, the Licensees shall contact the training unit to schedule training as indicated above & the Licensees shall create a house policy manual that details service of alcohol; a copy shall be provided to each of its employees and to

the DOE within thirty (30) days from the date this agreement is approved.
TABLED UNTIL 2/12/15 MEETING.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. American Legion Post 3, 11 Court Street, Nashua, NH.
Veterans Club License #15739 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a club financial report by the 15th of the following month.
Date of violation: January 29, 2015.
Case #: 15-33-OF.
\$100 administrative fine paid.
- b. Family Dollar Store 10429, 87 Milton Road, Rochester, NH.
Retail Tobacco License #131717 license pursuant to RSA 178:19-a.
Cited for violation of RSA 178:2/Liq. 603.01(c) – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: January 2, 2015.
Case #: 15-14-OF.
\$100 administrative fine paid.
- c. Lee Wah Restaurant, 118 Whittier Highway, Moultonborough, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1501703 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:55 – failed to notify Commission of change in corporate structure within thirty (30) days.
Date of violation: January 17, 2015.
Case #: 15-20-OF.
\$100 administrative fine paid.
- d. Mac's Convenience, Circle K, 86 West River Road, Hooksett, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3221247 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:18 – failed to post age requirement sign.
Date of violation: January 23, 2015.
Case #: 15-25-OF.
\$100 administrative fine paid.
- e. Mittersill Alpine Resort, 193 Mittersill Road, Franconia, NH.
Restaurant Beverage and Wine License #1253803 licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:20, I – served alcohol that was more than 24% (48 proof) alcohol by volume.
Date of violation: January 16, 2015.
Case #: 15-16-OF.
\$100 administrative fine paid.
- f. Siobhan's Table, 83 Charles Street, Route 153, Farmington, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3321747 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:2/Liq. 603.01 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: January 15, 2015.
Case #: 15-22-OF.
\$100 administrative fine paid.

- g. Victor's Stateline Tobacco & Beverage, 62 Main Street, East Rochester, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3322847 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:2/Liq. 603.01 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: January 16, 2015.
Case #: 15-23-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Bocci LLC DBA Molly's of Pittsfield, 30 Main Street, Pittsfield, NH 03263.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1498903 pursuant to RSA 178:21.
30 Day Temporary License issued: 2/6/2015.
- b. Depot Crossing LLC, 598 Main Street, Hampstead, NH 03841.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3322147 pursuant to RSA 178:18.
- c. DG Retail LLC DBA Dollar General Store 15085, 128 Main Street, Ashland, NH 03217.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3324847 pursuant to RSA 178:18.
- d. DG Retail LLC DBA Dollar General Store 14774, 113 Main Street, Charlestown, NH 03603.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3324947 pursuant to RSA 178:18.
- e. DG Retail LLC DBA Dollar General Store 14750, 197 Fisherville Road, Concord, NH 03303.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325047 pursuant to RSA 178:18.
- f. DG Retail LLC DBA Dollar General Store 14162, 940 Suncook Highway, Epsom, NH 03234.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325147 pursuant to RSA 178:18.
- g. DG Retail LLC DBA Dollar General Store 13698,
9 Peterborough Road, Route 202, Jaffrey, NH 03452.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325347 pursuant to RSA 178:18.
- h. DG Retail LLC DBA Dollar General Store 14482, 60 Concord Road, Route 4, Lee, NH 03861.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325447 pursuant to RSA 178:18.
- i. DG Retail LLC DBA Dollar General Store 13313, 73 East Hollis Street, Nashua, NH 03060.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325547 pursuant to RSA 178:18.
- j. DG Retail LLC DBA Dollar General Store 13857, 8 John Stark Highway, Newport, NH 03773.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325647 pursuant to RSA 178:18.
- k. DG Retail LLC DBA Dollar General Store 14355,
2964 Dartmouth College Highway, North Haverhill, NH 03774.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325747 pursuant to RSA 178:18.

- I. DG Retail LLC DBA Dollar General Store 13534, 786 West Swanzey Road, Swanzey, NH 03446. To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325847 pursuant to RSA 178:18.
- m. DG Retail LLC DBA Dollar General Store 13234, 639 West Main Street, Tilton, NH 03276. To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3325947 pursuant to RSA 178:18.
- n. DG Retail LLC DBA Dollar General Store 13570, 117 Lancaster Road, Whitefield, NH 03598. To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3326047 pursuant to RSA 178:18.
- o. Jubba International Grocery LLC, 135 Cedar Street, Manchester, NH 03103. To be issued Retail Tobacco, Tobacco Only License #133717 pursuant to RSA 178:19-a. 30 Day Temporary License issued: 2/2/2015.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING FEBRUARY 10, 2015: 1,105

- a. Arnot-Roberts LLC, 33 Healdsburg Avenue, Healdsburg, CA 95448. Direct Shipper Permit pursuant to RSA 178:27.
- b. Claypool Cellars LLC, 3358-D Coffey Lane, Santa Rosa, CA 95403. Direct Shipper Permit pursuant to RSA 178:27.
- c. Crocker and Starr Wine Company LLC, 7830-40 Saint Helena Hwy., Oakville, CA 94562. Direct Shipper Permit pursuant to RSA 178:27.
- d. Hyde Park Gourmet Food & Wine, 2707 Erie Avenue, Cincinnati, OH 45208. Direct Shipper Permit pursuant to RSA 178:27.
- e. Matthiasson Family Vineyards LLC, 73 Luke Drive, Napa, CA 94558. Direct Shipper Permit pursuant to RSA 178:27.
- f. Stone Edge Winery LLC, 21692 8th Street, Suites 100 & 110, Sonoma, CA 95476. Direct Shipper Permit pursuant to RSA 178:27.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

Fabiana-Lorena LLC DBA XO On Elm, 827 Elm Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1271903 licensed pursuant to RSA 178:21.
Date petition received: 2/2/2015.
Requested approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers, to be stored separately from licensed alcohol and served when requested and when a full course meal is consumed pursuant to RSA 178:21, II a (5).

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Gary Then DBA El Supremo Market & Restaurant, 519 Armory Street, Manchester, NH 03102.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3326247 pursuant to RSA 178:18.
Recommendation: To be discussed.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Beveridge Craft Beer & Soap Co. LLC,
19 Mile Bay, Route 109 GWH, Mirror Lake, NH 03853 (Tuftonboro)
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 2/7/2015.
Recommendation: Expedited approval.
Commission approved on 2/5/2015.
- b. Edge Ensemble Theatre Company,
Heberton Hall-Keene Library Annex, 76 Winter Street, Keene, NH 03431.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 2/14/2015.
Recommendation: Expedited approval.
Commission approved on 2/5/2015.