

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, MARCH 26, 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:

April 16, 2015 @ 9:30 a.m.:

- a. Boston Billiard Club, 55 Northeaster Blvd., Nashua, NH.
Sports Entertainment License #6012305 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 – 2 counts.
Dates of violations: July 18, 2014 & October 31, 2014.
Case #: 14-255-OF & 14-410-OF.

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

- b. Tokyo Express, 14 Cypress Street, Keene, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1438003 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 – 7 counts.
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.
Date of violations: April 11, 2014.
Case #: 14-135-OF.

April 16, 2015 @ 1:00 p.m.:

- c. 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.
MOTION GRANTED.

May 21, 2015 @ 9:30 a.m.:

- d. Central Wave, 368 Central Avenue, Dover, NH.
Restaurant Full Service With Lounge License #1342503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working – 3 counts.
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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.

Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.

Dates of violations: March 14, 2014 & August 2, 2014.

Case #: 14-105-OF & 14-288-OF.

May 21, 2015 @ 10:00 a.m.:

- e. Chapanga's Griddle & Grill, 168 Elm Street, Milford, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1411203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, II – allowed an underage person to possess or consume alcoholic beverage.
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: September 20, 2014.
Case #: 14-377-OF.

May 21, 2015 @ 10:30 a.m.:

- f. 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.
HEARING REQUESTED BY LICENSEE.
LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.

May 21, 2015 @ 1:00 p.m.:

- g. 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.
LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.
DISCREPANCY IN NOTICES RELATED TO HEARING RESULTED IN RESCHEDULING HEARING.

July 15, 2015 @ 9:30 a.m.:

- h. Club Manchvegas, 50 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1419703 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 – 2 counts.
Date of violation: March 22 – 23, 2014.
Case #: 14-124-OF.
LICENSEE WILL FILE A MOTION TO CONTINUE.
DECISION PENDING.
MOTION GRANTED.

Date to be determined:

- i. 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:

- j. 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.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

- a. Boot Hill Saloon (The), 1065 Watson Road, Laconia, NH.
Restaurant Full Service With Lounge License #1449503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: February 23, 2015.
Case #: 15-59-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Consuelo's, 36 Amherst Street, Manchester, NH
Restaurant Beverage and Wine License #1331003 licensed pursuant to RSA 178:20.
Cited for violation of Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: February 6, 2015.
Case #: 15-43-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Falcor Winery, 2511 Napa Corporate, Napa, CA.
Direct Shipper Permit #8143633 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a direct shipper report by the 10th of the following month.
Date of violation: November 29, 2010.
Case #: 10-609-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- d. Fast Eddie's Diner, 320 Lafayette Road, Hampton, NH
Restaurant Beverage and Wine License #1287303 licensed pursuant to RSA 178:20.
Cited for violation of Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: March 5, 2015.
Case #: 15-81-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- e. Jimmy's Smoke Shop, 239 Loudon Road, Unit A, Concord, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3303547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:32, III – purchased beer from other than wholesale distributors, manufacturers, brew pubs, or as otherwise specifically provided by law.
Cited for violation of RSA 175/Liq. 404.02 – failed to have and maintain at least \$3,000 wholesale value of groceries commonly found in such stores and readily available to the public.
Date of violations: March 12, 2015.
Case #: 15-84-OF.
\$500 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- f. Sunset Grill, 2092 DW Highway, Campton, NH.
Restaurant Full Service With Lounge License #1185703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: February 1, 2015.
Case #: 15-56-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- g. Western Spirits Beverage Co., 2200 Lapsley Lane, Bowling Green, KY.
Liquor and Wine Vendor License #998945 licensed pursuant to RSA 178:9.
Cited for violation of Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: March 4, 2015.
Case #: 15-73-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Cartelli's Bar & Grill LLC DBA Cartelli's Catering Co., 219 Longhill Road, Dover, NH 03820.
To be issued Caterer-On-Site License #1277526 pursuant to RSA 178:22, V(e).
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Chief Michael Maloney Memorial Fund, Inc.,
Town of Greenland Recreational Field, 575 & 579 Portsmouth Avenue, Greenland, NH 03840.
To be issued a one-day license for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(l).
Event date: 4/26/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Concord Family YMCA, Capital Center for the Arts, 44 South Main Street, Concord, NH 03301.
To be issued a one-day license for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:22, V(l).
Event date: 4/22/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. Concord Regional VNA, Company C, 102 Old Turnpike Road, Concord, NH 03301.
To be issued a one-day license for Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 5/6/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Farmer's Wife LLC (The), 20 Main Street, Candia, NH 03034.
To be issued Combination Off-Premise Beverage and Wine License #3317947 pursuant to RSA 178:18.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Ghanshyam LLC DBA Canaan Food Mart, 1177 US Route 4, Canaan, NH 03741.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3326647 pursuant to RSA 178:18.
30 Day Temporary License issued: 3/18/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. TB Market LLC, T-Bones Market, 66 Union Street, Manchester, NH 03103.
To be issued Combination Off-Premise Beverage and Wine License #3327247 pursuant to RSA 178:18.
30 Day Temporary License issued: 3/18/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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 MARCH 24, 2015: 1,117

Falcor Wine Cellars LLC, 2511 Napa Valley Corporate Drive, Suite #115, Napa CA 94558.
Direct Shipper Permit pursuant to RSA 178:27.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

None

8. **CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

9. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Albright, Thomas DBA Out.Haus Ales, 442 1st First NH Turnpike, Suite #2, Northwood, NH 03261.
Nano Brewery, Beer and/or Specialty Beer License #201322 licensed pursuant to RSA 178:12-a.
Date petition received: 3/19/2015.
Requested approval for authorization of other areas, to wit, an additional area/tasting room with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. Cumberland Farms, Inc. DBA Cumberland Farms 5421, 121 Pleasant Street, Claremont, NH 03743. Combination Off-Premise Beverage/Wine/Tobacco License #869747 licensed pursuant to RSA 178:18. Date petition received: 3/16/2015. Requested permission to transfer alcohol inventory to a new location, to wit, from License #869747, Cumberland Farms, 121 Pleasant Street, Claremont, NH to License #812947, Cumberland Farms, 162 Main Street, Keene, NH due to rebuilding of store pursuant to RSA178:29, VIII. **COMMISSION ACKNOWLEDGED.**
- c. Hospitality Resources, Inc. DBA Bedford Village Inn & Rest. 2 Olde Bedford Way, Bedford ,NH 03110. Hotel On-Premise Cocktail Lounge License #349602 licensed pursuant to RSA 178:22, V(k). Requested exception to RSA 178:27, III, to wit, for authorization to purchase wine from Permit #8109933, Direct Shipper Sine Qua Non, Inc., 1750 N. Ventura Avenue, #5, Ventura, CA 93001 pursuant to RSA 179:32, III. **COMMISSION ACKNOWLEDGED.**

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

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

Wolfeboro, NH.

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

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.
VIOLATION WAS NOL PROSSED AND HEARING SCHEDULED FOR MARCH 19, 2015 WAS CANCELED.
COMMISSION ACKNOWLEDGED.