

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, AUGUST 20, 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:

September 17, 2015 @ 9:30 a.m.:

- a. Blue Moon Country Store, 612 Ossipee Lake Road, Freedom, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3019147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 26, 2015.
Case #: 15-223-OF.

September 17, 2015 @ 9:30 a.m.:

- b. Mise En Place Bistro, 96 Lehner Street, Wolfeboro, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1221903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 5, 2015.
Case #: 15-203-OF.

September 17, 2015 @ 9:30 a.m.:

- c. Molly's Tavern & Restaurant, 35 Mount Vernon Road, New Boston, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: June 2, 2015.
Case #: 15-225-OF.

September 17, 2015 @ 9:30 a.m.:

- d. Myuge, 163 Camino Dorado, Napa, CA.
Direct Shipper Permit #8229833 licensed pursuant to RSA 178:27.
RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 15th of the following month – 4 counts.
Date of violations: January through April, 2015.
Case #: 15-205-OF.

September 17, 2015 @ 10:30 a.m.:

- e. 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 #s: 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.
HEARING HELD MAY 21, 2015.
LICENSEE FILED A MOTION FOR RECONSIDERATION ON JUNE 2, 2015.
LICENSEE FILED A MOTION FOR RECONSIDERATION FOR GOOD CAUSE ON JUNE 3, 2015.
ON JUNE 5, 2015, THE DIVISION OF ENFORCEMENT & LICENSING FILED A RESPONSE TO BOTH MOTIONS FOR RECONSIDERATION FILED BY THE LICENSEE.
ON JUNE 10, 2015, THE CHIEF HEARINGS OFFICER FOUND THAT THE LICENSEE WAS DEFAULTED IN ERROR ON MAY 21, 2015; A NEW PRE-HEARING AND HEARING WILL BE SCHEDULED; ACCORDINGLY, THERE IS NO NEED TO RULE ON THE LICENSEE'S MOTION TO RECONSIDER FOR GOOD CAUSE SHOWN; THE DIVISION OF ENFORCEMENT & LICENSING IS NOT REQUIRED TO PRODUCE BRIAN GUNNING AS A WITNESS.

September 17, 2015 @ 1:00 p.m.:

- f. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 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 24, 2015.
Case #: 15-65-OF.

October 15, 2015 @ 11:00 a.m.:

- g. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts
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.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #s: 15-114-OF & 15-184-OF.

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

- h. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 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 intoxicated or who a reasonable and prudent person would know is intoxicated.

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

Date of violations: February 22, 2015.

Case #: 15-61-OF & 15-63-OF.

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.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 22 – 23, 2014.
Case #: 14-124-OF.
LICENSEE WILL FILE A MOTION TO CONTINUE.
DECISION PENDING.
MOTION GRANTED.
RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.
An administrative fine of \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license and the license to sell alcohol in the cocktail lounge only shall be suspended for three (3) days held in abeyance for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.
- b. Drinks Licensing, 8838 Morro Road, Atascadero, CA.
Direct Shipper Permit #8234933 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27 – failed to obtain a direct shipper permit prior to shipping to a consumer – 88 counts.
Date of violation: May 19, 2015.
Case #: 15-201-OF.
An administrative fine of \$8,800 with \$5,200 suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.
- c. Knot Irish Pub (The), 58A Main Street, Durham, NH.
Restaurant Full Service With Lounge License #1312103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:3/Liq. 704.01(b)(5) – failed to update documentation for renewal of license.
Cited for violation of RSA 179:26, II – failed to comply with other agencies.
Date of violations: March 13, 2015.
Case #: 15-92-OF.
For each violation, a \$500 fine with \$250 suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.

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

- a. A To Z Beach Mart, 249 Ocean Blvd., Hampton, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3115647 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 175:1/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: July 24, 2015.
Case #: 15-311-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. VFW Post 2520, 1107 Main Street, Berlin, NH.
Veterans Club License #19139 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V/Liq. 501.13 – hosted an event without a supplemental license.
Date of violation: May 9, 2015.
Case #: 15-309-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Alyson's Apple Orchard, Inc., 57 Alyson's Lane, Walpole, NH 03608.
To be issued Seasonal Combination Off-Premise Beverage and Wine License #3334147 pursuant to RSA 178:18.
30 Day Temporary License issued: 8/13/2015.
COMMISSION APPROVED.
- b. Cork and Canvas Concord LLC, 84 North Main Street, Concord, NH 03301.
To be issued Restaurant On-Premise Beverage and Wine License #1505703 pursuant to RSA 178:20.
COMMISSION APPROVED.
- c. GM Brothers LLC DBA Portsmouth BP, 1815 Woodbury Avenue, Portsmouth, NH 03801.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3333547 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 8/11/2015.
COMMISSION APPROVED.
- d. Hellenic Orthodox Community of St. George,
St. George Orthodox Cathedral, 650 Hanover Street, Manchester, NH 03104.
To be issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licenses pursuant to RSA 178:22, V(l).
Event dates: 9/18/2015, 9/19/2015 & 9/20/2015.
COMMISSION APPROVED.
- e. KCSM, Inc. DBA Stop-N-Go-Deli, 754 Columbus Avenue, Rochester, NH 03867.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3332847 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 8/11/2015.
COMMISSION APPROVED.
- f. Lemerise, Keith & Kathleen DBA Trends Gift Gallery, 85 Water Street, Exeter, NH 03833.
To be issued Retail Wine License #3159746 pursuant to RSA 178:19.
COMMISSION APPROVED.
- g. Rotary Club of Hampton Charitable Foundation, Inc.,
Hampton Beach State Park, 160 Ocean Boulevard, Hampton, NH 03842.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/19/2015.
COMMISSION APPROVED.

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 AUGUST 14, 2015: 1,145

Appalachian Mountain Brewery LLC, 1 Redhook Way, Portsmouth, NH 03801.

To be issued Tenant Brewer License #300009 pursuant to RSA 178:12-b.

Brewery Location: Redhook Brewery, Portsmouth, NH.

COMMISSION APPROVED.

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

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. GMRI, Inc. DBA Olive Garden Restaurant 1657, 2 Ashbrook Road, Keene, NH 03431.
Restaurant On-Premise Beverage/Wine/Liquor License #1300303 licensed pursuant to RSA 178:21.
Date petition received: 8/12/2015.
Requested permission to transfer alcohol inventory to a new location, to wit, from Olive Garden Restaurant, License #1300303 to Olive Garden Restaurant of Concord, NH, License #992103 located at 219 Loudon Road, Concord, NH pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. NES Joint Venture, Inc. DBA P&T Northend Station Restaurant,
2 Main Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1513003 licensed pursuant to RSA 178:21.
Date petition received: 7/22/2015.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Plymouth Lodge BPOE 2312 Elks, Route 175, Holderness, NH 03245.
Social Club On-Premise Cocktail Lounge License #30201 licensed pursuant to RSA 178:22, V(h).
Date petition received: 8/6/2015.
Requested approval for authorization of other area, to wit, an outside area with a total capacity of 400 for event date August 23, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Sodexo Management, Inc. DBA Sons of Liberty Tavern,
97 North Policy Street, Canobie Lake Park, Salem, NH 03079.
Restaurant On-Premise Beverage/Wine/Liquor License #1084603 licensed pursuant to RSA 178:21.
Date petition received: 8/5/2015.
Requested approval for authorization of other area, to wit, an outside area with a total capacity of 550 for event dates August 1, 2015 through November 1, 2015, pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

None

10. **NOTIFICATION OF DENIED FELON EXCEPTIONS:**

None

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

None

12. **NOTIFICATION OF COMPLIANCE CHECKS:**

Tobacco – Lancaster, NH:

TJ's Truck Stop, 100 Bridge Street, Lancaster, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3315247 licensed pursuant to RSA 178:18/RSA 126-K: 4.

Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.

Date of violation: August 8, 2015.

Case #: 15-316-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

COMMISSION ACKNOWLEDGED.

13. **COMMISSION DECISIONS PENDING AFTER HEARING:**

None

14. **NOTIFICATION OF HEARING RESULTS:**

None

15. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

None

16. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

- a. 603 Brewery LLC, Londonderry Lions Club, 258 Mammoth Road, Londonderry, NH 03053.

To be issued a Beer Festival License pursuant to RSA 178:30.

Event date: 8/15/2015.

Recommendation: Expedited approval.

Commission approved on 8/12/2015.

COMMISSION ACKNOWLEDGED.

- b. Haverhill Heritage DBA Court Street Arts, 75 Court Street, Haverhill, NH 03765.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).

Event date: 8/23/2015.

Recommendation: Expedited approval.

Commission approved on 8/13/2015.

COMMISSION ACKNOWLEDGED.

- c. New Hampshire Winery Association, Flag Hill Tented Area, 297 North River Road, Lee, NH 03861.

To be issued a Wine Festival License pursuant to RSA 178:31.

Event date: 8/16/2015.

Recommendation: Expedited approval.

Commission approved on 8/12/2015.

COMMISSION ACKNOWLEDGED.