

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 10, 2015

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

December 11, 2015 @ 10:00 a.m.:

- a. New Campus Convenience, 32 Main Street, Durham, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3229147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: August 28, 2015.
Case #: 15-340-OF.

December 11, 2015 @ 11:00 a.m.:

- b. Suppa & Romano, 364 Central Avenue, Dover, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1512103 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 22, 2015.
Case #: 15-333-OF.

January 8, 2016 @ 9:30 a.m.:

- c. Boston Billiard Club, 55 Northeastern Blvd., Nashua, NH.
Billiards/Pool Hall/Sports Entertainment License #6012305 licensed pursuant to RSA 178:22, V(t)/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.
Date of violation: August 14, 2015.
Case #: 15-325-OF.

January 22, 2016 @ 9:30 a.m.:

- d. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1333403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 16, 2015.
Case #: 15-412-OF.

January 22, 2016 @ 10:30 a.m.:

- e. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED.

January 22, 2016 @ 11:00 a.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.

January 22, 2016 @ 11:30 p.m.:

- g. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 13, 2015.
Case #: 15-153-OF.
ASSENTED-TO MOTION TO CONTINUED FILED BY THE LICENSEE AND GRANTED; NEW HEARING DATE IS 1/22/16 @ 11:30 A.M.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Mike's Pub & Grub, 155 Lake Avenue, Manchester, NH.
Restaurant Beverage and Wine License #440003 licensed pursuant to RSA 178:20.
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 violation: October 16, 2015.
Case #: 15-415-OF.
An administrative fine of \$250 suspended for twelve (12) months pending no like violation, an affidavit shall be filed with the Division of Enforcement for any employee not having on file by December 20, 2015 & Kim Florence shall attend a Management Training Seminar (MTS) by December 31, 2015.

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

Don Quijote Restaurant 2, 333 Valley Street, Manchester, NH.
Restaurant Full Service With Lounge License #1497503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 9, 2015.
Case #: 15-402-OF.
\$250 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Greater Portsmouth Chamber of Commerce,
Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 12/17/2015.
- b. Kathy's Pizza of Londonderry, Inc. DBA Prosciutto's,
123 Nashua Road, Unit 10, Londonderry, NH 03053.
To be issued Restaurant On-Premise Beverage and Wine License #1519603 pursuant to RSA 178:20.
30 Day Temporary License issued: 12/1/2015.

- c. Really Bad Larry LLC DBA Phagin's Restaurant, 15 Main Street, Gonic, NH 03839.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1518803 pursuant to RSA 178:21.
30 Day Temporary License issued: 12/2/2015.
- d. Yum Mee III, Inc., 1179 Eastman Road, North Conway, NH 03860.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1520403 pursuant to RSA 178:21.

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 DECEMBER 7, 2015: 1,147

- a. Fire N Brew LLC DBA Hidden Cove Brewing Co., 73 Mile Road, Wells, ME 04090.
To be issued Beverage Vendor License #75931 pursuant to RSA 178:15.
Manufacturer: Hidden Cove Brewing Co., Wells, ME.
- b. United States Distilled Products Co. DBA Prestige Wine & Spirits Group,
1607 South 12th Street, Princeton, MN 55371.
To be issued Beverage Vendor License #76131 pursuant to RSA 178:15.
Manufacturer: Canelli.

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

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Copper Beech Winery LLC, 147 Londonderry Turnpike, Unit 23, Hooksett, NH 03106.
Wine Manufacturer Off-Premise Wine Only License #564830 licensed pursuant to RSA 178:8.
Date petition received: 11/24/2015.
Requested approval for authorization of other areas, to wit, Town of Merrimack Winter Farmers' Market at John O'Leary Adult Community Center, 4 Church Street, Merrimack, NH every Thursday between 3:00 pm to 6:00 pm from December 3, 2015 to June 9, 2016 pursuant to RSA 178:24 and Liq. 404.05.
- b. JPA III Management Co., Inc. DBA Radisson Hotel @ CTR of NH,
700 Elm Street, Manchester, NH 03101.
Hotel On-Premise Cocktail Lounge License #214602 licensed pursuant to RSA 178:22, V(k).
Date petition received: 12/4/2015.
Requested approval for an extension of service areas, to wit, during a holiday party event on December 9, 2015, guests are allowed with staffed security to carry their alcoholic drinks from the expo center to the café and ballrooms and back to the expo center; staff will control people carrying their alcoholic drinks from area to area pursuant to RSA 178:24 and Liq. 404.05.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

- a. Cork & Canvas Concord, 84 North Main Street, Concord, NH.
Restaurant Beverage and Wine License #1505703 licensed pursuant to RSA 178:20.
Requested approval for a Felon Exception for Charles Anzaldi as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).

Case #: 15-403-OF.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM UNTIL FURTHER RESEARCH COULD BE DONE; CHAIRMAN MOLLIKA SECONDED THEM MOTION; THE MOTION PASSED.

- b. Salem T-Bones, 311 South Broadway, Salem, NH.
Restaurant Full Service With Lounge License #1353103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Requested approval for a Felon Exception for Edward Shea as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 15-393-OF.
- c. Stop-N-Go Deli, 754 Columbus Avenue, Rochester, NH.
Combination License #3332847 licensed pursuant to RSA 178:18.
Requested approval for a Felon Exception for Phillip A. Lavalley as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 15-344-OF.

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

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

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, 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 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: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.
HEARING WAS HELD SEPTEMBER 17, 2015.
OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.
THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.
RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.
11/24/15, NOTICE OF DECISION REGARDING DOE'S OBJECTION AND FINAL DECISION AND ORDER ISSUED BY THE COMMISSION; RECOMMENDED PENALTIES REQUESTED OF BOTH PARTIES BY 12/2/15;
ASSENTED-TO MOTION TO EXTEND DEADLINE FOR RECOMMENDED PENALTIES FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION; RECOMMENDATIONS ARE DUE BY 12/10/15.

14. NOTIFICATION OF HEARING RESULTS:

None

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

Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592.

Agency Store Off-Premise Liquor Only License #980504 licensed pursuant to RSA 177:9.

Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM SO THAT JIM RICHARDS CAN CONTACT THE LICENSEE TO ASSURE THEY HAVE EVERYTHING THEY NEED FROM THE COMMISSION TO OPERATE PROPERLY; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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

a. Boys & Girls Club of Greater Nashua,

Sky Meadow Country Club, 6 Mountain Laurels Drive, Nashua, NH 03062.

To be issued a Voluntary Nonprofit Organizations Beverage/Wine/Liquor off-sale special license pursuant to RSA 178:17, II.

Event date: 12/5/2015.

Recommendation: Expedited approval.

Commission approved on 11/24/2015.