

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, SEPTEMBER 26, 2012**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS SCHEDULED AT THE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH:

Date to be determined:

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 visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 9, 2012.
Case #12-81-OF.

HEARING SCHEDULED AT THE DIVISION OF ENFORCEMENT, 57 REGIONAL DRIVE, CONCORD, NH:

None

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

- a. Anderson Conn Valley Vineyard, 680 Rossi Road, Saint Helena, CA.
Direct Shipper Permit #8041033.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by April, 15, 2012.
Date of violation: July 9, 2012.
Case #: 12-195-OF.
Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.
- b. Auburn Pitts, 167 Rockingham Road, Auburn, NH.
Restaurant Full Service With Lounge License #332503.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: January 15, 2012.
Case #12-23-OF.
Recommendation: Verbal Warning.
- c. Campton Cupboard, 1315 NH Route 175, Campton, NH.
Combination Off-Premises Beverage/Wine/Tobacco #859947.
Licensed pursuant to RSA 178:18/126-K:4.
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 23, 2012.
Case #12-89-OF.
Recommendation: **Settlement** reached for a \$500 administrative fine, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing October 2, 2012 with re-grant on October 5, 2012 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all clerks who have not attended since the date of violation.

- d. Colgin Cellars, 220 Long Ranch Road, Saint Helena, CA.
Direct Shipper Permit #8052833.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by March 15, 2012.
Date of violation: May 16, 2012.
Case #: 12-159-OF.
Recommendation: Nol pros.
- e. Honey Pot Bar and Lounge, 920 Lafayette Road, #203, Seabrook, NH.
Restaurant Full Service With Lounge License #1411603.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:32, II – purchased beer from other than a wholesale distributor.
Date of violation: August 9, 2012.
Case #12-220-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
- f. J. Rickards Winery, 24505 Chianti Road, Cloverdale, CA.
Direct Shipper Permit #8168433.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, II – failed to clearly mark a package as containing alcohol requiring an adult signature.
Date of violation: August 13, 2012.
Case #: 12-221-OF.
Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.
- g. Krupp Brothers, 3265 Soda Canyon Road, Napa, CA.
Direct Shipper Permit #8077433.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by March, 15, 2012.
Date of violation: May 16, 2012.
Case #: 12-160-OF.
Recommendation: Nol pros.
- h. Randall's Shipping, 1910 South Jefferson, Saint Louis, MO.
Direct Shipper Permit #8042033.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by March, 15, 2012.
Date of violation: May 17, 2012.
Case #: 12-163-OF.
Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.

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

- a. Auburn Pitts, 167 Rockingham Road, Auburn, NH.
Restaurant Full Service With Lounge License #332503.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Date of violation: July 6, 2012.
Case #12-194-OF.
\$250 administrative fine paid.

- b. Darioush Winery, 4240 Silverado Trail, Napa, CA.
Direct Shipper Permit #8058533.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment by May, 15, 2012.
Date of violation: July 23, 2012.
Case #: 12-209-OF.
\$250 administrative fine paid.
- c. 1-800wineshop.com, 607 Airpark Road, Napa, CA.
Direct Shipper Permit #8007233.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:1 – conducted in-home wine tastings.
Date of violation: January 27, 2012.
Case #: 12-68-OF.
\$100 administrative fine paid.
- d. P.J. O'Sullivan's, 300 South Willow Street, Manchester, NH.
Restaurant Full Service With Lounge License #1021203.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:32 – purchased supplies of liquor and wine from other than the Commission or as provided by law.
Date of violation: July 5, 2012.
Case #12-192-OF.
\$250 administrative fine paid.

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

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. LRB Restaurant LLC DBA Lil Red Baron, 46 Sandhill Road, Croydon, NH 03773.
Issued Beer Festival - Beverage and Specialty Beer License #11214 pursuant to RSA 178:30 for September 21, 22, & 23, 2012 from 11:00am to 12:00am.
- b. Pictor Enterprises VIII, Inc. DBA Buffalo Wild Wings Grill & Bar,
160 Washington Street, Suite 103, Rochester, NH 03839.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1455803 pursuant to RSA 178:21.
- c. Rite Aid of NH, Inc. DBA Rite Aid 3744, 50 South Main Street, Wolfeboro, NH 03894.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3294547 pursuant to RSA 178:18.
- d. Top Shelf Brews LLC, 826 Lafayette Road #A, Hampton, NH 03842.
Issued Combination Off-Premise Beverage/Wine License #3295847 pursuant to RSA 178:18.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING SEPTEMBER 24, 2012: 1,011

- a. Ararat Import Export Company LLC, 1505 Capital Boulevard, Suite 15, Raleigh, NC 27603.
Issued Beverage Vendor License #64731 pursuant to RSA 178:15.
MANUFACTURER: Celt Experience LTD, Caerphilly, Wales.
- b. CBO Investments & Management LLC DBA Wines By Case,
1325 NW 93 CT, Unit #B-113, Miami, FL 33172.
Issued Direct Shipper Permit #8200633 pursuant to RSA 178:27.
- c. Cracovia, Inc., 4757 North Ronald Street, Harwood Heights, IL 60706.
Issued Liquor and Wine Vendor License #106645 pursuant to RSA 178:9.
- d. Eastside Cellars LLC DBA Riverside Vineyards, 7450 Estrella Road, San Miguel, CA 93451.
Issued Direct Shipper Permit #8200333 pursuant to RSA 178:27.
- e. Enos Vineyards, Inc., 2064 Highway 116 North, Bldg. # 1, Suite 134, Sebastopol, CA 95472.
Issued Direct Shipper Permit #8200533 pursuant to RSA 178:27.
- f. Eric Dube DBA Dube Cider, 55 Chocorua Road, Tamworth, NH 03886.
Issued Wine Manufacturer License #564230 pursuant to RSA 178:8.
- g. MLPC Holdings, LLC DBA Moone Tsai Wines, 270 Kreuzer Lane, Nappa CA 94559.
Issued Direct Shipper Permit #8201033 pursuant to RSA 178:27.
- h. Morrell & Company The Wine Emporium LTD, 729 Seventh Avenue, New York, NY 10019.
Issued Direct Shipper Permit #8200833 pursuant to RSA 178:27.
- i. Private Stock Spirits, Inc. DBA Pong Beer Company,
1720 Post Road East, Suite 131, Westport, CT 06880.
Issued Beverage Vendor License #65531 pursuant to RSA 178:15.
CONTRACT BREWED: Jones Brewing Company, Latrobe, PA.
- j. Regusci Winery, Inc., 160 Wikiup Drive, Suite 206, Santa Rosa, CA 95403.
Issued Direct Shipper Permit #8200733 pursuant to RSA 178:27.
- k. RTV Winery LLC DBA Bien Nacido Vineyards,
3100 & 3248 Rancho Tepusquet Road, Santa Maria, CA 93454.
Issued Direct Shipper Permit #8200433 pursuant to RSA 178:27.
- l. Selvy Ventures LLC DBA Crazy Mountain Brewing Company,
439 Edwards Access Road, B-102, Edwards, CO 81632.
Issued Beverage Vendor License #63231 pursuant to RSA 178:15.
MANUFACTURER: Crazy Mountain Brewing Co.
- m. TR Wines, Inc. DBA Tero Estates and Flying Trout Wines, 52015 Seven Hills Road,
Milton Freewater, OR 97862.
Issued Direct Shipper Permit #8200933 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Brenamb LLC DBA Village Tresle LLC (The), 25 Main Street, Goffstown, NH 03045.
Restaurant On-Premise Beverage/Wine/Liquor License #1455303.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside patio area with a capacity of 20 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- b. Colebrook Capital LLC DBA Dancing Bear Pub at Riveredge Inn,
151 Main Street, Colebrook, NH 03576.
Hotel On-Premise Cocktail Lounge License #368802.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 50 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- c. Collito, Joseph DBA Downtown Tavern, 50 South Main Street, Bristol, NH 03222.
Restaurant On-Premise Cocktail Lounge License #1399303.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 20 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- d. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,
1 Redhook Way, Pease International, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1036603.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside tented area with a capacity of 500 on September 29, 2012 from 5:30pm to 8:30pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- e. Cumberland Farms, Inc. DBA Cumberland Farms 5441, 2 South Mast Street, Goffstown, NH 03045.
Combination Off-Premise Beverage/Wine/Tobacco License #3260147.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer alcohol, to wit, to close the current business temporarily for renovations on September 21, 2012 and transfer the alcohol stock from 2 South Mast Street, Goffstown, NH to Cumberland Farms 5528, 51 Main Street, Goffstown, NH, License #868747 pursuant to RSA 178:29, VIII.
- f. Family Dollar, Inc. DBA Family Dollar 3045, 553 Mast Road, Goffstown, NH 03045.
Retail Tobacco Off-Premise Tobacco License #121517.
Licensed pursuant to RSA 178:19-a.
Requests approval for authorization to transfer product, to wit, to close the current business and transfer the tobacco stock from 553 Mast Road, Goffstown, NH to the new location at 690 S. Mast Drive, Goffstown, NH pursuant to RSA 178:29, VIII.
- g. Fire On Stone Ltd. DBA Fireworks Restaurant, 22 Main Street, Keene, NH 03431.
Restaurant On-Premise Beverage/Wine/Liquor License #1435003.
Licensed pursuant to RSA 178:21.
Requests 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 separate from licensed alcohol, and served when requested when a customer consumes a full course meal pursuant to RSA 178:21, II, a (5).
- h. Jams Management LLC DBA Woodshed Restaurant, 128 Lee Road, Moultonborough, NH 03254.
Restaurant On-Premise Cocktail Lounge License #1454803.
Licensed pursuant to RSA 178:22, V.
Requests approval to keep invoices at other location, to wit, to keep invoices and delivery slips at the office located at 234 Whittier Highway, Center Ossipee, NH pursuant to RSA 179:35.

- i. Loon Mountain Recreation Company DBA Governor Adams Lodge,
Loon Mountain, Lincoln, NH 03251.
Sports Recreation Facility On-Premise Cocktail Lounge License #284805.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, slopeside beer garden area with a capacity of 500 on September 21, 22, & 23, 2012 from 10:00am to 7:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- j. Loon Mountain Recreation Company DBA Loon Mountain Ski Area,
60 Loon Mountain Road, Octagon Lodge, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine License #404103.
Licensed pursuant to RSA 178:20.
Requests approval for other areas, to wit, an outside Highland Bay Seafood Tent with a capacity of 300 on September 21, 22, & 23, 2012 from 9:00am to 7:00pm; Octagon Slopeside Beer Garden with a capacity of 500 on September 21, 22, & 23, 2012 from 10:00am to 7:00pm; outside Octagon Lodge parking lot concert tent with a capacity of 122; and an outside Octagon Food Tent parking lot area with a capacity of 300 on September 21, 22, & 23, 2012 from 7:30am to 11:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- k. Loon Mountain Recreation Company DBA Loon Mountain Ski Area,
60 Loon Mountain Road, Octagon Lodge, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine License #404103.
Licensed pursuant to RSA 178:20.
Requests approval for other areas, to wit, outside Octagon Slopeside Beer Garden with capacity of 430 on October 6 & 7, 2012 from 10:00am to 8:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- l. Merrill-Follansbee American Legion Post 37, 5 Riverside Street, Hooksett, NH 03106.
Veterans Club On-Premise Cocktail Lounge License #26439.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside patio area with a capacity of 49 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- m. Newbury Palace Pizza LLC, 104 Route 103, Newbury, NH 03255.
Restaurant On-Premise Beverage/Wine License #1454703.
Licensed pursuant to RSA 178:20.
Requests a waiver to RSA 179:48, IV, to wit, to allow a direct entrance from another business known as Rolling Pin with the door to be locked at all times.
- n. Popper's Artisanal Meats LLC DBA Popper's at the Mill,
55 Main Street, Suite 216, Newmarket, NH 03857.
Restaurant On-Premise Beverage/Wine/Liquor License #1447803.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside area with a capacity of 350 on September 8, 2012 from 12:00pm to 5:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- o. Pyramid Hanover Management LLC DBA Hanover Inn, 2 South Main Street, Hanover, NH 03755.
Hotel On-Premise Cocktail Lounge License #367202.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, three additional inside areas: Ground Floor Pre Function Room with a capacity of 107; Hayward Function Room 2 with a capacity of 144; and Lower Level Pre-Function Room with a capacity of 78; and an outside patio with a capacity of 50 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

- p. Sodexo Management, Inc. DBA Son's of Liberty Tavern, 97 North Policy Street, Canobie Lake Park, Salem, NH 03079. Restaurant On-Premise Beverage/Wine License #1084603. Licensed pursuant to RSA 178:20. Requests approval for other areas, to wit, an outside area with a capacity of 550 on September 14 through November 30, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- q. Vineyard at Seven Birches LLC SBA Seven Birches, 1746 Benton Road, North Haverhill, NH 03774. Wine Manufacturer License #563430. Licensed pursuant to RSA 178:8. Requests approval for authorization to transfer business location, to wit, to close the current business then transfer the business and supplies from the old building located at 1746 Benton Road, North Haverhill, NH to a new building at the same location pursuant to RSA 178:29, VIII.
- r. Vineyard at Seven Birches LLC SBA Seven Birches, 1746 Benton Road, North Haverhill, NH 03774. Wine Manufacturer License #563430. Licensed pursuant to RSA 178:8. Requests approval for other areas, to wit, a tasting room with a capacity of 50 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

12. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.

Sports Entertainment License #2503405.

Licensed pursuant to RSA 178:20, (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.

Date of violation: October 16, 2010.

Case #: 10-548-OF.

- ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MARCH 26, 2012 FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION.
- ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MAY 11, 2012 FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION.
- HEARING COMMENCED JUNE 18, 2012 AND WILL CONTINUED ON AUGUST 3, 2012.
- HEARING WAS CONTINUED AND CLOSING ARGUMENTS WERE HEARD ON AUGUST 3, 2012.
- DELIBERATIONS WERE HELD AUGUST 22, 2012 AT 2:00 P.M. AT COMMISSION OFFICES.
- THE COMMISSION ISSUED A DECISION ON AUGUST 23, 2012 INDICATING THAT THE PETITIONER HAS PRESENTED SUFFICIENT PROOF BY A PREPONDERANCE OF THE EVIDENCE TO SUSTAIN THE ASSERTIONS OF THE PETITIONER IN CONCURRENCE WITH TITLE XIII REVISED STATUTES ANNOTATED THAT LICENSEE #2503405 IS IN VIOLATION OF RSA 179:5,I, IN THAT A REASONABLE AND PRUDENT PERSON SHOULD HAVE STOPPED SERVING ALCOHOL TO MR. MASTERSON PRIOR TO 10:30 PM ON OCTOBER 16, 2010; THE LICENSEE SERVED OR SOLD AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO A REASONABLE AND PRUDENT PERSON WOULD KNOW IS INTOXICATED; THE COMMISSION ORDERS THE PARTIES TO SUBMIT, WITHIN TEN CALENDAR DAYS FROM THE DATE OF THE DECISION AND ORDER, RECOMMENDED PENALTIES AS ASSOCIATED WITH THE CONCLUSION OF LAW; ONCE RECEIVED AND CONSIDERED, A FINAL DISPOSITION AND ORDER SHALL BE ISSUED.
- **ON SEPTEMBER 5, 2012, THE COMMISSION IMPOSED A \$500 ADMINISTRATIVE FINE, FOUR (4) POINTS ASSESSED TO THE LICENSE AND THE LICENSE TO SELL ALCOHOL SUSPENDED FOR THREE (3) DAYS HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION FROM AUGUST 30, 2012.**

- **ON SEPTEMBER 18, 2012, THE LICENSEE, THROUGH NEW COUNSEL, FILED A MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A MOTION FOR REHEARING.**

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Chronic Cellars, Inc., 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.
Recommendation: **CHANGED TO TABLE.**
ITEM APPROVED TO BE TABLED ON AUGUST 22, 2012.
- b. Everything But Anchovies, 5 Allen Street, Hanover, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #251203.
Licensed pursuant to RSA 178:21.
Requests approval for a Felon Exception for Danielle M. Paro as a Person-In-Charge pursuant to RSA 179:23 and Liq. 404.06(c).
Case #12-152-OF:
Recommendation: Approval.
- c. Millercoors LLC, 311 10th Street, Golden, CO 80401.
Beverage Vendor license #45431.
Licensed pursuant to RSA 178:15.
Requests approval of Crispin The Saint with an alcohol content of 6.9%; Crispin Honey Crisp with an alcohol content of 6.5% percent; Crispin Lansdowne with an alcohol content of 6.9%; and Crispin Cho-tokkyu with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: Approval.
TABLED ON AUGUST 1, 2012.
TO REMAIN TABLED; A HEARING WILL BE SCHEDULED.
- c. Peachy Canyon Winery, 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.
Recommendation: **CHANGED TO TABLE.**
ITEM APPROVED TO BE TABLED ON AUGUST 22, 2012.

15. EXECUTIVE SESSION ITEMS:

None