

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, NOVEMBER 14, 2012

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

November 29, 2012 @ 9:30 a.m.

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.

November 29, 2012 @ 1:30 p.m.:

Merrill's Place, 137 Epping Road, Exeter, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1403603.
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.
Cited for violation of RSA 179:31, XIII – failed to make food readily available while advertising or promoting reduced drink prices.
Cited for violation of RSA 178:21, II(a)(1) – failed to have full course meals readily available, promoted and served to tables while serving alcohol.
Date of violations: March 2-3, 2012.
Case #12-76-OF.

December 6, 2012 @ 9:30 a.m.:

Spalding Inn/2 Kings Pub, 199 Mountain View Road, Whitefield, NH.
Restaurant Full Service With Lounge License #1378803.
Licensed pursuant to RSA 178:21, II(a)(1)/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: March 23, 2012.
Case #12-108-OF.

Date to be determined:

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.

TO REMAIN TABLED UNTIL THE OCTOBER 3, 2012 BUSINESS AGENDA; A HEARING MAY BE SCHEDULED.
COMMISSION DENIED REQUESTS AT ITS OCTOBER 3, 2012 BUSINESS MEETING;
A HEARING HAS BEEN REQUESTED BY THE LICENSEE.

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

None

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

- a. Ashby Dreyfus, 630 Third Avenue, 15th Floor, New York, NY.
Liquor and Wine Vendor License #512845.
Licensed pursuant to RSA 178:9.
Cited for violation of RSA 178:9/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 12, 2012.
Case #: 12-315-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- b. Beach Plum (The), 2800 Lafayette Road, Portsmouth, NH.
Restaurant Beverage and Wine License #1420003.
Licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:20/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 5, 2012.
Case #: 12-309-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- c. Black Mountain Burger, 264 Main Street, Lincoln, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1435103.
Licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:21/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 7, 2012.
Case #: 12-253-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- d. Dube's Pittstop, PO Box 97, Pittsburg, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3144147.
Licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 178:18/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 4, 2012.
Case #: 12-305-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.

- e. Majestic Fine Wines, 421 Aviation Boulevard, Santa Rosa, CA.
Liquor and Wine Vendor License #992045.
Licensed pursuant to RSA 178:9.
Cited for violation of RSA 178:9/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 9, 2012.
Case #: 12-312-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- f. Manchester Spirits & Wine, 909 Elm Street, Manchester, NH.
Liquor/Wine Representative License #605335.
Licensed pursuant to RSA 178:10.
Cited for violation of RSA 178:10/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: August 28, 2012.
Case #: 12-239-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- g. Manchester Spirits & Wine, 909 Elm Street, Manchester, NH.
Liquor and Wine Vendor License #103945.
Licensed pursuant to RSA 178:9.
Cited for violation of RSA 178:9/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: August 28, 2012.
Case #: 12-238-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- h. Notchland Inn (The), 2 Morey Road, Hart's Location, NH.
Hotel Full Service With Lounge License #360702.
Licensed pursuant to RSA 178:21, II(b)(1)/178:22, V(k).
Cited for violation of RSA 178:21/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 9, 2012.
Case: #12-311-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- i. Sawyer's Main Street Breakfast & Function Hall, 13 Main Street, Goffstown, NH.
Restaurant Beverage and Wine License #1415803.
Licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:20/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 9, 2012.
Case: #12-307-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.

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

None

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. Tammy Johnston DBA Tam's Convenience Store, 122 Main Street, Pembroke, NH 03275. Issued Combination Off-Premise Beverage/Wine/Tobacco License #3297547. pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.
- b. Tiger Lilies Floral Boutique LLC, 285 Calef Highway, Unit 14, Epping, NH 03042. Issued Retail Table Wine Off-Premise Wine License #3157046 pursuant to RSA 178:19.
COMMISSION ACKNOWLEDGED.
- c. Wing Flaps LLC DBA Buffalo Wild Wings Grill and Bar #2, 8 Loudon Road, Concord, NH 03301. Issued Restaurant On-Premise Beverage/Wine/Liquor License #1455503. pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.
- d. Yianni's Pizza LLC, 410 South River Road, Suite 9, Bedford, NH 03110. Issued Restaurant On-Premise Beverage/Wine License #145003 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 13, 2012: 1,011

- a. Flemish Lion LLC, 3358 Cochran Road, Richmond, VT 05477. Issued Liquor Wine Vendor License #106945 pursuant to RSA 178:10.
COMMISSION ACKNOWLEDGED.
- b. Harry and David LLC, 2500 South Pacific Highway, Medford, OR 97501. Issued Direct Shipper Permit # 8202533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- c. New Planet Beer Company, 3980 Broadway, Suite 103-116, Boulder, CO 80304. Issued Beverage Vendor License #34831 pursuant to RSA 178:15.
MANUFACTURER: New Planet Beer Company, Boulder, CO.
COMMISSION ACKNOWLEDGED.
- d. Orin Swift Cellars LLC, 1352 Main Street, Saint Helena, CA 94574. Issued Direct Shipper Permit # 8202433 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Revelry Vinters LLC, 720 C Street, Walla Walla, WA 99362. Issued Direct Shipper Permit # 8202733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. Vintage Ridge Vineyards LLC, 8517 Maidstone Road, Delaplane, VA 20144. Issued Direct Shipper Permit # 8202633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

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

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. CVS Manchester NH LLC DBA CVS Pharmacy #1004,
517 South Broadway, Salem NH 03079.
Combination Off-Premise Beverage/Wine/Tobacco License #3259447.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer location, to wit, to close the current business and transfer the alcohol stock from 517 South Broadway, Salem, NH to the new location at 512 South Broadway, Salem, NH pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. Dunbar Hotel LLC DBA Ashworth Hotel, 295 Ocean Boulevard, Hampton, NH 03842.
Hotel On-Premise Cocktail Lounge License #363702.
Licensed pursuant to RSA 178:22, V.
Requests a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week from November 1, 2012 to April 1, 2013 as identified in a letter dated October 22, 2012.
COMMISSION ACKNOWLEDGED.
- c. Jewell Town Vineyards, Inc., 65 Jewell Street, South Hampton, NH 03827.
Wine Manufacturer Off-Premise Wine Only License #561530.
Licensed pursuant to RSA 178:8.
Requests approval for authorization of other areas, to wit, Greenland Farmers' Market at Rolling Green Nursery, 64 Breakfast Hill Road, Greenland, NH every other Saturday from November 3, 2012 through March 30, 2013 from 10:00 am to 2:00 pm; licensee will provide adequate security for product pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Labelle Winery LLC DBA Labelle Winery, 345 Route 101, Amherst, NH 03031.
Wine Manufacturer Off-Premise Wine Only License #561730.
Licensed pursuant to RSA 178:8.
Requests approval for authorization to transfer location, to wit, to close the current business and transfer the alcohol stock from 100 Chestnut Hill Road, Amherst, NH to the new location at 345 Route 101, Amherst, NH pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- e. Nashua Elks Lodge 720, 120 Daniel Webster Highway South, Nashua, NH 03060.
Social Club On-Premise Cocktail Lounge License #11601.
Licensed pursuant to RSA 178:22, V.
Requests permission to extend the hour of service from 1:00 am to 1:30 am on January 1, 2013 pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.
- f. Tammy Johnston DBA Tam's Convenience Store, 122 Main Street, Pembroke, NH 03275.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3297547.
Licensed pursuant to RSA 178:18.
Requests approval to lease part of the premise, to wit, a portion of the licensed building to Samantha's Thrift Shop pursuant to RSA 179:48.
COMMISSION ACKNOWLEDGED.
- g. Wing Flaps LLC DBA Buffalo Wild Wings Grill and Bar #2, 8 Loudon Road, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1455503.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside patio area with a capacity of 80 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS:

None

13. **COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:**

- a. Canal Street Brewing Company LLC DBA Founders Brewing Company,
235 Grandville Avenue Southwest, Grand Rapids, MI 49503.
Beverage Vendor License #62431.
Licensed pursuant to RSA 178:15.
Requests approval of Founders Bolt Cutter with an alcohol content of 14.8% at 60 degrees Fahrenheit
by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: Approval.
TABLED BY THE COMMISSION ON OCTOBER 31, 2012.
COMMISSION APPROVED.
- b. CDR Peter B. Dodson, USN, 144 Fairview Avenue, Henniker, NH 03242.
Requests a waiver of transport fee, to wit, a military serviceman wishes to import his collection of
alcohol to New Hampshire from overseas where he is currently stationed and have the 25% fee
waived pursuant to RSA 175:6.
Recommendation: Approval.
TABLED BY THE COMMISSION ON OCTOBER 31, 2012.
**COMMISSION APPROVED; THE DIVISION OF ENFORCEMENT SHALL CREATE A FORM FOR
THE DISCLOSURE OF ALCOHOL IMPORTED INTO THE STATE BY MILITARY PERSONNEL;
THE INVENTORY SHALL BE ITEMIZED BY NAME AND QUANTITY AND THE OWNER SHALL
ATTEST THAT IT IS FOR PERSONAL USE ONLY; A COPY SHALL BE PROVIDED TO THE
COMMISSION.**
- c. MAJ Brian Huether, USAF, 3 Stephanie Drive, Pelham, NH 03076.
Requests a waiver of Transport Fee, to wit, a military serviceman wishes to import his collection of
alcohol to New Hampshire from overseas where he is currently stationed and have the 25% fee
waived pursuant to RSA 175:6.
Recommendation: Approval.
TABLED BY THE COMMISSION ON OCTOBER 31, 2012.
COMMISSION APPROVED.
- d. Nouria Energy – Long Hill Road Shell, 1 Long Hill Road, Dover, NH.
Combination Off-Premise Beverage/Wine/Tobacco License #3282447.
Licensed pursuant to RSA 178:18.
Requests approval for a Felon Exception for Everett Millay as a Person-In-Charge pursuant to
RSA 179:23 and Liq. 404.06(c).
Case #: 12-237-OF.
Recommendation: Approval.
ON OCTOBER 31, 2012, THIS ITEM WAS TABLED FOR MORE DISCUSSION ON SUPERVISION;
LICENSEE WILL BE REQUIRED TO APPEAR BEFORE COMMISSION.
THE LICENSEE WAS INFORMED TO COME BEFORE THE COMMISSION WITH THE APPLICANT
TODAY, HOWEVER, THE LICENSEE DOES NOT WISH TO PURSUE THIS MATTER FURTHER.
COMMISSION ACKNOWLEDGED.
- e. Peachy Canyon Winery, 2025 Nacimiento Lake Drive, Paso Robles, CA 93446.
Pending Direct Shipper Permit.
Recommendation: CHANGED TO TABLE.
APPROVED ITEM TO BE TABLED ON AUGUST 22, 2012.
COMMISSION APPROVED RECOMMENDATION TO DENY ON SEPTEMBER 26, 2012.
LICENSEE HAS REQUESTED A HEARING; REQUEST IS BEING PROCESSED.
COMMISSION ACKNOWLEDGED.

14. 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.
- ON SEPTEMBER 27, 2012 THE COMMISSION FOUND NO EXISTENCE OF NEWLY DISCOVERED EVIDENCE WHICH DUE DILIGENCE WOULD NOT HAVE DISCOVERED PRIOR TO THE HEARING; THE FINDINGS AND INTERPRETATION OF THE INFORMATION LISTED IN THE COMMISSION'S REPORT AND ORDER REACHES A CONCLUSION OF LAW THAT THIS COMMISSION BELIEVES IS APPROPRIATE AND LAWFUL; PETITION FOR REHEARING PURSUANT TO RSA 541:3 IS DENIED; APPEAL MAY BE MADE TO THE SUPREME COURT WITHIN THIRTY DAYS.
- ON OR ABOUT OCTOBER 26, 2012, THE LICENSEE FILED A PETITION FOR APPEAL FROM DECISION OF ADMINISTRATIVE AGENCY PURSUANT TO RSA 546:6 AND NEW HAMPSHIRE SUPREME COURT RULE 10.
- **COMMISSION APPROVED TABLING AND REMOVING THIS ITEM FROM THE AGENDA UNTIL SUCH TIME THE SUPREME COURT RENDERS ITS DECISION.**

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. EXECUTIVE SESSION ITEMS:

None