

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, NOVEMBER 28, 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.
WITHDRAWN; LICENSEE WENT OUT OF BUSINESS NOVEMBER 1, 2012.

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:

- a. 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 VERBALLY REQUESTED BY THE LICENSEE; HEARINGS OFFICER IS ATTEMPTING TO OBTAIN A WRITTEN REQUEST AND DETERMINE WHO WILL BE REPRESENTING MILLERCOORS.

Date to be determined:

- b. 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 ON NOVEMBER 14, 2012.

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

None

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

- a. Alyson's Orchard, 57 Alyson's Lane, Walpole, NH.
Caterer-On-Site License #1188326.
Licensed pursuant to RSA 178:22, V(e).
Cited for violation of RSA 178:22/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 9, 2012.
Case #: 12-313-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- b. Belukus Marketing, 3304 Longmire Drive, College Station, TX.
Beverage Vendor License #53831.
Licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 11, 2012.
Case #: 12-274-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- c. Belukus Marketing, 3304 Longmire Drive, College Station, TX.
Beverage Vendor License #49731.
Licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 11, 2012.
Case #: 12-273-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.

- d. Billy's Sports Bar & Grill, 34 Tarrytown Road, Manchester, NH.
Restaurant Full Service With Lounge License #1190303.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 178:22/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 4, 2012.
Case #12-252-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- e. Butternuts Beer and Ale, 4020 State Highway 51, Garrattsville, NY.
Beverage Vendor License #51531.
Licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 7, 2012.
Case #: 12-272-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- f. Lazy Lion Café, 4 North Road, Deerfield, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1367203.
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 5, 2012.
Case #: 12-254-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- g. San Francisco Kitchen, 133 Main Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1072703.
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: October 3, 2012.
Case #: 12-310-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- h. UPS, 55 Glenlake Parkway, Atlanta, GA
Carrier-Beverage/Wine/Liquor License #748116.
Licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I – shipped alcohol for a vendor that is on the seizure list.
Cited for violation of RSA 178:27, II – shipped alcohol into an area of the state where alcohol may not be legally sold.
Dates of violations: February 10, 2012 & July 26, 2012.
Case #s: 12-88-OF, 12-131-OF & 12-214-OF.
Recommendation: Settlement reached for an administrative fine of \$5,000 with \$1,000 suspended for twelve (12) months pending no like violation and the license to ship alcohol shall be suspended for five (5) days held in abeyance for twelve (12) months pending no like violation.
COMMISSION APPROVED.

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

Portsmouth Gas Light Company, 64 Market Street, Portsmouth, NH.
Restaurant Full Service With Lounge License #235103.
Licensed pursuant to RSA 178:21, II(a)(1)/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 28, 2012.
Case #12-322-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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:

Lydia's Meeting House LLC, 39 North Main Street, Wolfeboro, NH 03894.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1459403 pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 26, 2012: 1,016

- a. Archangels Investments LLC DBA Baldacci Family Vineyards, 6236 Silverado Trail, Napa CA 94558.
Issued Direct Shipper Permit #8202833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Copper Beech Winery LLC, 146 Londonderry Turnpike, Hooksett, NH 03106.
Issued Wine Manufacturer License #865830 pursuant to RSA 178:8.
COMMISSION ACKNOWLEDGED.
- c. Demetria Vineyards & Winery LLC DBA Demetria Estates,
6701 Foxen Canyon Road, Los Olivos CA 93441.
Issued Direct Shipper Permit #8203133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. Martin Ray Winery, Inc., 2191 Laguna Road, Santa Rosa, CA 95401.
Issued Direct Shipper Permit #8203233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Mount Veeder Springs LLC DBA Pulido Walker Cellars,
2075 Summit Lake Drive, Angwin, CA 94508.
Issued Direct Shipper Permit #8203033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. Peter Michael Winery, 12400 IDA Clayton Road, Calistoga, CA 94515.
Issued Direct Shipper Permit #8202933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Capitol Hotel CO II LLC DBA Grappone Conference Center, 70 Constitution Avenue, Concord, NH 03301.
Caterers On-Premise Cocktail Lounge License #351326.
Licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, to expand service to the Chamber Suite with three rooms totaling 177 seats pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Carter Country Club, Inc., 257 Mechanic Street, Lebanon, NH 03766.
Sports Recreation Facility On-Premise Cocktail Lounge License #31805.
Licensed Pursuant to RSA 178:22.
Requested approval to keep invoices at other location, to wit, to keep invoices and delivery slips at Lake Sunapee Country Club, 289 Country Club Lane, New London, NH 03257 pursuant to RSA 179:35.
COMMISSION ACKNOWLEDGED.
- c. Naughty Vine LLC (The), 8 Glenn Road, West Lebanon, NH 03784.
Retail Table Wine Off-Premise Wine Only License #3156046.
Licensed pursuant to RSA 178:19.
Requested approval for authorization to transfer location, to wit, to close the current business and transfer the alcohol stock from 8 Glenn Road, West Lebanon, NH 03784 to the new location at 18 Opera House Square, Unit 2F & SF-2A, Claremont, NH 03743 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- d. Nostimo Restaurant Group LLC DBA Café Nostimo, 72 Miraona Road, Suite 16, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine License #1344903.
Licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an additional dining area with a capacity of 80 seats pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Peyton Place Restaurant at the Mann Tavern LLC, 454 NH Route 10, Orford, NH 03777.
Restaurant On-Premise Beverage/Wine/Liquor License #1204403.
Licensed pursuant to RSA 178:21.
Requested 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 14, 2012 to April 3, 2013 as listed in a letter dated November 6, 2012.
COMMISSION ACKNOWLEDGED.
- f. Robert Dabrowski DBA Candia Vineyards, 702 High Street, Candia, NH 03034.
Wine Manufacturer Off-Premise Wine Only License #561430.
Licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Farmer's Market NH for the Holidays Expo, at Radisson, 700 Elm Street, Manchester, NH, 03103 on December 8, 2012 from 10:00 am to 8:00 pm and December 9, 2012 from 10:00 am to 4:30 pm; Licensee will provide adequate security for product pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Roger's Café, Inc. DBA State Street Saloon, 268 State Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #329503.
Licensed pursuant to RSA 178:22.
Requested approval for other areas, to wit, an additional dining area with a capacity of 28 seats pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- h. TB-Four, Inc. DBA T-Bones of Derry, 39 Crystal Avenue, Derry, NH 03038.
Restaurant On-Premise Cocktail Lounge License #1273603.
Licensed pursuant to RSA 178:22.
Requested approval for other areas, to wit, an outside patio area with a capacity of 29 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:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Country Corner Mile LLC, Route 31, Greenville, NH 03048.
Agency Store Off-Premise Liquor Only License #980404.
Licensed pursuant to RSA 177:9.
Requests approval for renewal of license, to wit, to renew the Agency Store Off-Premise Liquor Only license pursuant to RSA 177:9.
Recommendation: Approval.
TABLED FOR FURTHER DISCUSSION WITH LICENSEE.
- b. 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.
Requests approval for renewal of license, to wit, to renew the Agency Store Off-Premise Liquor Only license pursuant to RSA 177:9.
Recommendation: Approval.
TABLED FOR FURTHER DISCUSSION WITH LICENSEE.
- c. **THE COMMISSION REVIEWED AND ACKNOWLEDGED A FORM CREATED BY THE DIVISION OF ENFORCEMENT & LICENSING FOR THE DISCLOSURE OF ALCOHOL IMPORTED INTO THE STATE BY MILITARY PERSONNEL.**

16. EXECUTIVE SESSION ITEMS:

None