

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JANUARY 9, 2013

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

January 18, 2013 @ 10:00 a.m.:

- 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.
ON NOVEMBER 30, 2012, MILLERCOORS REQUESTED A HEARING IN WRITING; HEARINGS OFFICER WILL SCHEDULE.

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.
A PRE-HEARING CONFERENCE IS SCHEDULED FOR DECEMBER 27, 2012.
A PRE-HEARING CONFERENCE WAS HELD ON DECEMBER 27, 2012; THE LICENSEE WILL SUBMIT WRITTEN INFORMATION TO THE HEARINGS OFFICER FOR CONSIDERATION.

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

None

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

- a. Cobblestone Ale House, 151 Main Street, Keene, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1394603.
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 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violations: September 7, 2012.
Case #: 12-280-OF.
Recommendation: Settlement reached for \$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing January 16, 2013 with re-grant on January 19, 2013 & mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within forty-five (45) days of adjudication for all employees working at the time the violations occurred, all for violation of RSA 179:5, I relative to over-service of alcohol; and a \$100 administrative fine for violation of RSA 179:20, II.
COMMISSION APPROVED.
- b. Elyas & Son, 276 Elm Street, Manchester, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3285047.
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 3, 2012.
Case #: 12-276-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- c. Elyas & Son, 426 DW Highway, Merrimack, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3281947.
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 3, 2012.
Case #: 12-301-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- d. Lala's Hungarian Pastry, 836 Elm Street, Manchester, NH.
Restaurant Beverage and Wine License #1248303.
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: September 4, 2012.
Case #12-267-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.

- e. Mai Thai, 44 South Main Street, Hanover, NH.
Restaurant On-Premise Cocktail Lounge License #1086603.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 178:3/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: September 11, 2012.
Case #: 12-263-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.
- f. Romy's Market, 89 Marlborough Street, Keene, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3235447.
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: September 7, 2012.
Case #: 12-279-OF.
Recommendation: Settlement reached for \$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and the license to sell alcohol suspended for three (3) days commencing January 16, 2013 with re-grant on January 19, 2013.
COMMISSION APPROVED.
- g. Sandy's Variety and Sub Shop, 2281 Candia Road, Manchester, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3229047.
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: September 4, 2012.
Case #: 12-262-OF.
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION APPROVED.
- h. Spike's Grill @ Grantham Indoor, 163 Yankee Barn Road, Grantham, NH.
Restaurant Beverage and Wine License #1297503.
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: August 29, 2012.
Case #12-240-OF.
Recommendation: Nol pros.
COMMISSION APPROVED.

- i. Stacey Jane's, 9A Ocean Boulevard, Hampton, NH.
Restaurant On-Premise Cocktail Lounge License #1062203.
Licensed pursuant to RSA 178:22.
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 – 4 counts.
Cited for violation of RSA 179:43, I – sold beverages or liquor on credit.
Cited for violation of RSA 179:50, II – allowed the premise to be used for any purpose that was contrary to law.
Dates of violations: December 11, 2011, January 4, 2012, February 17, 2012 & March 2, 2012.
Case #: 11-556-OF, 12-43-OF & 12-73-OF.
Recommendation: Settlement reached for a \$2,500 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and a ten (10) day suspension of liquor license with three (3) days held in abeyance for twelve (12) months pending no like violation commencing January 14, 2013 with re-grant on January 21, 2013, all for violations of RSA 179:5, I relative to over-service of alcohol; a \$250 administrative fine held in abeyance for twelve (12) months pending no like violation of RSA 179:50 and a \$250 administrative fine held in abeyance for twelve (12) months pending no like violation of RSA 179:43.
COMMISSION APPROVED.

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

- a. Boondocks Tavern, 487 South Stark Highway, Weare, NH.
Restaurant On-Premise Cocktail Lounge License #1434003.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: January 29, 2012.
Case #12-116-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Flying Monkey, 39 Main Street, Plymouth, NH.
Restaurant Beverage and Wine License #1399203.
Licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:20 – failed to operate business as a restaurant.
Cited for violation of RSA 179:50, I – allowed the premises to be used for a purpose contrary to law.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: September 28, 2012.
Case #12-297-OF.
\$600 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:

Nashua/Milford:

- a. Bestway Convenience, 159 Amherst Street, Nashua, NH.
Combination License #3231147.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.
- b. Bright Spot, 43 East Dunstable Road, Nashua, NH.
Combination License #3008547.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.
- c. Fotene's Market, 717 West Hollis Street, Nashua, NH.
Combination License #51847.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.
- d. La-Michoacana, 112 Pine Street, Nashua, NH.
Combination License #3181247.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.
- e. Market Basket 57, 21 Jones Street, Milford, NH.
Combination License #3002847.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.

- f. Sun Mart, 71 Mont Vernon Street, Milford, NH.
Combination License #3195747.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.
- g. Xtra Mart, 79 Elm Street, Milford, NH.
Combination License #3133047.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person during a compliance check.
Date of violation: September 29, 2012.
Case #: 12-286-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of violation.
COMMISSION ACKNOWLEDGED.

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Budget Gas and Auto Repair LLC, 6 Nashua Road, Londonderry, NH 03053.
Issued Retail Tobacco License #126517 pursuant to RSA 178:19-a.
COMMISSION ACKNOWLEDGED.
- b. Cask & Vine LLC DBA Cask and Vine, 1.5 East Broadway, Derry, NH 03038.
Issued Restaurant On-Premise Beverage/Wine License #1455603 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- c. Diamond Peaks, Inc., 1216 Route 26, Colebrook, NH 03576.
Issued Restaurant On-Premise Beverage/Wine License #1440503 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- d. Good Stuff, Inc. DBA Good Stuff of Newport, 51 John Stark Highway, Newport, NH 03773.
Issued Retail Tobacco License #126117 pursuant to RSA 178:19-a.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 7, 2013: 1,011

- a. Amista Vineyards, Inc., 3320 Dry Creek Road, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8203833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Henniker Brewing Company LLC, 129 Centervale Road, Henniker, NH 03242.
Issued Beverage Manufacturer Off-Premise Beverage Only License #289418 pursuant to RSA 178:12.
COMMISSION ACKNOWLEDGED.
- c. Uinta Brewing Company, 1722 South Fremont Drive, Salt Lake City, UT 84104.
Issued Beverage Vendor Off-Premise Beverage Only License #66531 pursuant to RSA 178:15.
Manufacturer: UINTA BREWING COMPANY.
COMMISSION ACKNOWLEDGED.
- d. United States Beverage LLC, 700 Canal Street, Stamford, CT 06902.
Issued Beverage Vendor Off-Premise Beverage Only License #66731 pursuant to RSA 178:15.
Manufacturer: BBNP, CESKE BUDEJOVICE, CZECH REPUBLIC.
COMMISSION ACKNOWLEDGED.
- e. Wildcat Vineyards LLC DBA Sarah's Vineyard, 4005 Hecker Pass Highway, Gilroy, CA 95020.
Issued Direct Shipper Permit # 8203933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

- f. West Coast Wine Partners DBA Valley Of The Moon Winery,
777 Madrone Road, Glen Ellen, CA 95442.
Issued Direct Shipper Permit # 8203733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Blue Moon WV LLC, Blue Moon Over Waterville Valley Cafe,
Town Square, Waterville Valley, NH 03215.
Restaurant On-Premise Beverage/Wine License #1454103.
Licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an extension of service for both inside and outside areas; inside total capacity is 60 seats all in one room and outside seats total capacity is 12 seats pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Breezeway Pub, Inc., 14 Pearl Street, Manchester, NH 03104.
Restaurant On-Premise Cocktail Lounge License #1175103.
Licensed pursuant to RSA 178:21.
Requested permission to extend the service of alcohol on January 1, 2013 to 1:30 am pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.
- c. Byrnes, Christian DBA Indian Stream Steakhouse and Cantina,
468 Beach Road, Pittsburg, NH 03592.
Restaurant On-Premise Beverage/Wine/Liquor License #1458203.
Licensed pursuant to RSA 178:21.
Requested a waiver to RSA 179:48, IV, to wit, to allow direct access from residence to restaurant with door locked at all times.
COMMISSION ACKNOWLEDGED.
- d. Diamond Peaks, Inc., 1216 Route 26, Colebrook, NH 03576.
Restaurant On-Premise Beverage/Wine License #1440503.
Licensed pursuant to RSA 178:20.
Requested a waiver to RSA 179:48, IV, to wit, to allow direct access from combination to restaurant by employees but not accessible to the public.
COMMISSION ACKNOWLEDGED.
- e. Hermit Woods, Inc., 56 Taylor Road, Sanbornton, NH 03269.
Wine Manufacturer Off-Premise Wine Only License #563330.
Licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Tilton Winter Farmers' Market at 15 Lowes Drive, Tilton, NH every Sunday from January 6, 2013 through April 21, 2013 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. First Choice Hospitality LLC, DBA Social 24, 24 Depot Street, Manchester, NH 03101
Restaurant On-Premise Beverage/Wine/Liquor License #1451903.
Licensed pursuant to RSA 178:21.
Requested permission to extend the service of alcohol on January 1, 2013 to 1:30 am pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.
- g. 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 (h).
Requested permission to extend the service of alcohol on January 1, 2013 to 1:30 am pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.

- h. Sumner House LLC, 122 Main Street, Charlestown, NH 03603.
Restaurant On-Premise Beverage/Wine/Liquor License #1428203.
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 four days a week indefinitely.
COMMISSION ACKNOWLEDGED.
- i. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103.
Licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 on December 31, 2012 from 7:00 pm to 1:00 am on January 1, 2013, sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Throwback Brewery LLC, 121 Lafayette Road, Building 2, #3, North Hampton, NH 03862.
Nano Brewery License #200222.
Licensed pursuant to RSA 178:12-a.
Requested approval for authorization of other areas, to wit, Town of Greenland Winter Farmers' Market at 16 Breakfast Hill Road, Greenland, NH on January 5, January 19, February 2, February 16 and March 2, 2013 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. Waterville Estates Village District DBA Summit Lounge at Waterville Estates,
562 Winterbrook Road, Box 19, Campton NH 03223.
Sports Recreation Facility On-Premise Cocktail Lounge #572005.
Licensed pursuant to RSA 178:22 (v)
Requested approval for other areas, to wit, an extension for an outside tented area by an ice skating pond with a capacity of 100 on December 28, 2012 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. Wiswall, Eric L. DBA Haunting Whisper Vineyards, 77 Oakridge Drive, Danbury, NH 03230.
Wine Manufacturer Off-Premise Wine Only License #562530.
Licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Danbury Farmers' Market at Blazing Star Grange Winter Market, Danbury, NH, every Saturday from November, 2012 through April, 2013 from 10:00 am to 1:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. Woodstock Inn Again Ltd. DBA Woodstock Inn Brewery,
135 Main Street, North Woodstock, NH 03262.
Seasonal Brew Pub On-Premise Cocktail Lounge License #2001615.
Licensed pursuant to RSA 178:13.
Requested permission to extend the service of alcohol on January 1, 2013 to 1:30 am pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.
- n. Woodstock Inn Again Ltd. DBA Woodstock Inn Brewery,
135 Main Street, North Woodstock, NH 03262.
Seasonal Brew Pub On-Premise Cocktail Lounge License #2001615.
Licensed pursuant to RSA 178:13.
Requested permission to extend the service to the lobby and main floor brewery for December 20, 2012 pursuant to RSA 179:17, II (b).
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS:

- a. Big Deal, 1474 Route 9, Spofford, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3231347.
Licensed pursuant to RSA 178:18/126-K:4.
Requests approval for a Felon Exception for Melissa Breault as a Person In Charge pursuant to RSA 179:23 and Liq. 404.06(c).
Case #: 12-326-OF.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Fraternal Order of the Eagles #2629, 793 Main Street, Bethlehem, NH.
Social Club License #20901.
Licensed pursuant to RSA 178:22, V(h).
Requests approval for a Felon Exception for Barbara A. Call as a Person In Charge pursuant to RSA 179:23 and Liq. 404.06(c).
Case #: 12-293-OF.
Recommendation: **DENIAL.**
COMMISSION APPROVED THE RECOMMENDATION FOR DENIAL.

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. HEARING RESULTS:

None

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

17. EXECUTIVE SESSION ITEMS:

None