

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, FEBRUARY 13, 2013

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

March 7, 2013 @ 9:30 a.m.:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant On-Premise Cocktail Lounge License #1319803.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I – served alcoholic beverage to an underage person.
Cited for violation of RSA 179:8, I – failed to require the purchaser whose age is in question to furnish identification that such person is 21 years of age or over.
Date of violations: March 12, 2013.
Case #: 12-85-OF.

May 6, 2013 @ 10:00 a.m.:

Yen Yen Restaurant, Shopping Village, Route 202, Peterborough, NH.
Restaurant On-Premise Cocktail Lounge License #267103.
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.
Date of violations: August 24, 2012.
Case #: 12-298-OF.

Date to be determined:

- a. Millie's Tavern on L Street, 176 L Street, Hampton, NH.
Restaurant On-Premise Cocktail Lounge License #1383403.
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.
Date of violation: May 4, 2012.
Case #: 12-146-OF.
**THERE WAS NO QUORUM OF THE COMMISSION ON THE SCHEDULED HEARING DATE;
THE HEARING HAS BEEN POSTPONED.**

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

None

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

- a. O'Leary's Grille, 816 Lafayette Road, Hampton, NH.
Restaurant On-Premise Cocktail Lounge License #1039903.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I - served 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 12, 2012.
Case #: 12-84-OF.

Recommendation: Settlement reached for a \$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 February 18, 2013 with re-grant on February 21, 2013 and mandatory attendance at a Total Education in Alcohol Management seminar within thirty (30) days for all staff working at the time the violation occurred.

COMMISSION APPROVED.

- b. Red Parka Pub, Route 302, Bartlett, NH.
Restaurant On-Premise Cocktail Lounge License #301503.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I - served an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: July 6, 2012.
Case #: 12-202-OF.
Recommendation: Settlement reached for a \$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 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:

- a. McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.
Restaurant On-Premise Cocktail Lounge License #2503405.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: March 17, 2012.
Case #12-99-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. The Pit, 388 Loudon Road, Concord, NH.
Restaurant On-Premise Cocktail Lounge License #1076403.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: January 4, 2013.
Case #13-8-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant On-Premise Cocktail Lounge License #1167803.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 10, 2013.
Case #: 13-2-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
COMMISSION ACKNOWLEDGED.

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Brookline Auction Gallery LLC, Brookline Event Center, 32 Proctor Hill Road, Brookline, NH 03033. Issued Caterers On-Site On-Premise Cocktail Lounge License #1276826 pursuant to RSA 178:22, V(e).
COMMISSION ACKNOWLEDGED.
- b. Family Dollar, Inc., DBA Family Dollar 9363, 545 Pleasant Street, Bristol, NH 03222. Issued Retail Tobacco, Tobacco Only License #126817 pursuant to RSA 178:19-a.
COMMISSION ACKNOWLEDGED.
- c. Weigle Foodservices LLC DBA CR Sparks Kitchen, 27 Buttrick Road #2, Londonderry, NH 03053. Issued Retail Table Wine, Off-Premise Wine Only License #3157246 pursuant to RSA 178:19.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING FEBRUARY 11, 2013: 1,009.

- a. Cabbage, Alicia, 20 Mountain View Drive, Peterborough, NH 03458. Issued Alcohol Consultant Direct Shipper Agent License #500644 pursuant to RSA 178:27-a.
COMMISSION ACKNOWLEDGED.
- b. Jandell Selections LTD, 40 Underhill Blvd., Suite 2A, Syosset, NY 11791. Issued Liquor and Wine Vendor Off-Premise Wine and Liquor License #107145 pursuant to RSA 178:9.
COMMISSION ACKNOWLEDGED.
- c. Jarvis, 2970 Monticello Road, Napa, CA 94558. Issued Direct Shipper Permit# 8204933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. OGB Partners LLC DBA Monte De Oro Winery, 35820 Rancho California Road, Temecula, CA 92591. Issued Direct Shipper Permit# 8205033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Rising Tide Brewing Company LLC, 103 Fox Street, Portland, ME 04101. Issued Beverage Vendor Off-Premise Beverage Only License #66831 pursuant to RSA 178:15. Manufacturer: Rising Tide Brewing.
COMMISSION ACKNOWLEDGED.
- f. Top Wines Import LLC, 80 SW 8th Street, Suite 2000, Miami, FL 33130. Issued Direct Shipper Permit# 8205233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- g. Vitis Vinifera Voodoo LLC DBA California Shiners, 1909 N. Kelly Road Napa, CA 94558. Issued Direct Shipper Permit# 8205133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. AFP 105 Corp., DBA Radisson Hotel Nashua, 11 Tara Blvd., Nashua, NH 03062. Hotel On-Premises Cocktail Lounge License #368202. Licensed pursuant to RSA 178:22, V(k). Requested approval for authorization of other areas, to wit, relocated restaurant to another part of the hotel with a capacity of 126 pursuant to RSA 178:24 and Lq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. Canterbury Aleworks LLC, 305 Baptist Hill Road, Canterbury NH 03224.
Nano Brewery, Beer and/or Specialty Beer License #200322.
Licensed pursuant to RSA 178:12-a.
Requested approval for authorization of other areas, to wit, City of Concord Farmer's Market on Capital Street, Concord NH 03301 every Saturday from June 8 through October 25, 2013 from 8:30 am to 12:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Cumberland Farms, Inc. #5508, 299 North Main Street, Rochester, NH 03045.
Combination Off-Premises Beverage/Wine/Tobacco License #865447.
Licensed pursuant to RSA 178:18.
Requested to transfer inventory from 299 North Main Street, Rochester, NH, License #865447 which is being razed and rebuilt February 19, 2013 to the store at 2 Highland Street Store Rochester, NH, License #865547 pursuant to RSA 179:32.
COMMISSION ACKNOWLEDGED.
- d. Flatbread Hampton, Inc., The Flatbread Company, 61 High Street, Hampton NH 03842.
Restaurant On-Premises Beverage/Wine/Liquor License #1450503.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside patio area with capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Granite Gorge LLC, 341 State Route 9, Roxbury NH 03431.
Sports Recreation Facility On-Premise Cocktail Lounge License #6014905.
Licensed pursuant to RSA 178:22, V(v).
Requested approval for authorization of other areas, to wit, an outside granite beer garden with a capacity of 400 on February 16, 2013 from 12 noon to 11:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Hospitality Resources, Inc., DBA Bedford Village Inn & Restaurant, 2 Olde Bedford Way, Bedford NH 03110.
Hotel On-Premises Cocktail Lounge License #349602.
Licensed pursuant to RSA 178:22, V(k).
Requested approval for authorization of other areas, to wit, an outside ice bar on the Great Hall lawn area with a capacity of 150 from January 29, 2013 through February 2, 2013 from 5 pm to 10 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Shooters Tavern LLC, 190 Daniel Webster Highway, Belmont NH 03220.
Restaurant On-Premise Beverage/Wine/Liquor License #1330303.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside, enclosed front deck with a capacity of 32 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:

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 TABBED; A HEARING WILL BE SCHEDULED.

TO REMAIN TABBED UNTIL THE OCTOBER 3, 2012 BUSINESS AGENDA; A HEARING MAY BE SCHEDULED.

COMMISSION DENIED REQUESTS AT ITS OCTOBER 4, 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

A HEARING WAS HELD JANUARY 18, 2013 AT 10:00 A.M.; THIS MATTER HAS BEEN TAKEN UNDER ADVISEMENT; DELIBERATIONS WILL BE HELD ON JANUARY 30, 2013 FOLLOWING THE BUSINESS MEETING AT 1:30 P.M.

ON JANUARY 30, 2013, THE COMMISSION SET ASIDE ITS ORDER OF OCTOBER 4, 2012 AND DIRECTED THAT REQUESTED PRODUCTS BE DISTRIBUTED AS AN EXCEPTION TO RSA 175:1, VIII.

15. HEARING RESULTS:

None

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Anheuser-Busch LLC, One Busch Place, St. Louis, MO 63118.
Beverage Vendor license #4631 Licensed pursuant to RSA 178:15.
Requests approval of Bud Light Lime Straw-Ber-Rita and Bud Light Lime-A-Rita with an alcohol content of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: **DENIAL.**
COMMISSION APPROVED.
- b. Firestone Walker LLC, 1400 Ramada Road, Paso Robles, CA 93446.
Beverage Vendor License #54731 licensed pursuant to RSA 178:15.
Requests approval of Firestone Ucaba Barley Wine Ale with an alcohol content of 12.6 % at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Uinta Brewing Company, 1722 South Fremont Drive, Salt Lake City, UT 84104.
Beverage Vendor License #66531.
Licensed pursuant to RSA 178:15.
Requests approval of Labyrinth Black Ale with an alcohol content of 13.28 % at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Windroc Vineyard LLC, 286 Picassic Road, Newfields, NH 03856.
Wine Manufacturer License #563930 licensed pursuant to RSA 178:8.
Requests approval for renewal of License #563930.
Recommendation: Approval.
COMMISSION APPROVED.

17. **EXECUTIVE SESSION ITEMS:**

None