

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

1. **LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:**

None

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

March 26, 2013 @ 1:00 p.m.:

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 RESCHEDULED TO MARCH 26, 2013.

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.

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

None

THE COMMISSION HAD NO QUESTIONS ON ITEMS #1 AND #2.

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

- a. Downtown Tavern, 50 South Main Street, Bristol, NH.
Restaurant On-Premise Cocktail Lounge License #1399303.
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 with 3 fatalities.
Date of violation: April 16, 2012.
Case #: 12-164-OF.
Recommendation: Settlement reached for a \$3,000 administrative fine with \$1,500 suspended for twelve (12) months pending no like violation, eight (8) points assessed to the liquor license and the license to sell alcohol suspended in the cocktail lounge only for twenty (20) days commencing March 18, 2013 with re-grant on April 7, 2013.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED; ATTORNEY DAVID BOWNES AND LICENSEE, JOSEPH COLLITO ATTENDED THE MEETING TO HEAR THE COMMISSION'S DECISION.

- b. 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.
ON MARCH 7, 2013, A PREHEARING CONFERENCE WAS HELD IN LIEU OF A HEARING; SETTLEMENT WAS REACHED FOR A \$1,000 ADMINISTRATIVE FINE WITH \$500 SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION OF RSA 179:5, I FOR OVER-SERVICE, FOUR (4) POINTS ASSESSED TO THE LIQUOR LICENSE, A TWO (2) DAY SUSPENSION OF LIQUOR LICENSE IN THE COCKTAIL LOUNGE ONLY FROM 1:30 A.M. ON MARCH 10, 2013 UNTIL 1:30 A.M. ON MARCH 12, 2013 AND IN THE DINING ROOM ONLY FROM 1:30 A.M. ON MARCH 12, 2013 TO 1:30 A.M. ON MARCH 14, 2013. COMMISSIONER MILLIGAN MOVED TO APPROVE THE SETTLEMENT; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. L&M Mansion, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6015905.
Licensed pursuant to RSA 178:20, (u)(1).
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: March 16, 2012.
Case #: 12-111-OF.
Recommendation: Settlement reached for a \$500 administrative fine suspended, four (4) points suspended and the license to sell alcohol suspended for three (3) days suspended.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Realm Nightclub, 23 Amherst Street, Manchester, NH.
Restaurant On-Premise Cocktail Lounge License #1433103.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 178:21 – failed to be open for the evening meal.
Date of violation: August 12, 2013.
Case #: 12-284-OF.
ON MARCH 1, 2013, THE LICENSEES INFORMED THE DIVISION OF ENFORCEMENT THAT THEY WERE SURRENDERING THEIR LIQUOR LICENSE; COMPLAINT WITHDRAWN; HEARING CANCELLED; CASE WILL BE SUSPENDED. COMMISSION ACKNOWLEDGED.
- e. Salt Hill, 2 West Park Street, Lebanon, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1242903.
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: October 21-22, 2011.
Case #: 11-549-OF.
Recommendation: Settlement reached for a \$500 administrative fine 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.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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

La Bec Rouge, 73 Ocean Blvd., Hampton, NH.
Restaurant On-Premise Cocktail Lounge License #1448003.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:31 – advertised free alcohol.
Date of violation: February 1, 2013.
Case #: 13-39-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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

None

6. **NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:**

Packer's Outlet, 195 Central Street, Franklin, NH.
Combination Off-Premises Beverage/Wine/Tobacco #180547.
Licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: February 16, 2013.
Case #: 13-40-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. Carter, Dianne DBA New England Uncorked, 33 Proctor Road, Bedford, NH 03110.
Issued Liquor and Wine Representative Off-Premise Wine and Liquor License #606035 pursuant to RSA 178:10.
COMMISSION ACKNOWLEDGED.
- b. Carter, Dianne DBA New England Uncorked, 33 Proctor Road, Bedford, NH 03110.
Issued Liquor and Wine Vendor Off-Premise Wine and Liquor License #107745 pursuant to RSA 178:9.
COMMISSION ACKNOWLEDGED.
- c. Global Village Imports LLC, 349 South Henderson Road, King of Prussia, PA 19406.
Issued Beverage Vendor Off-Premise Beverage Only License #67631 pursuant to RSA 178:15.
COMMISSION ACKNOWLEDGED.
- d. S & H Independent Premium Brands LLC, 1792 Wynkoop Street #505, Denver, CO 80202.
Issued Beverage Vendor Off-Premise Beverage Only License #63431 pursuant to RSA 178:15.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MARCH 11, 2013: **1,004**

- a. Barterra Winery, 643 Main Street, Half Moon Bay, CA 94019.
Issued Direct Shipper Permit #8205733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

- b. Bon Affair, Inc., 27495 Diaz Road, Temecula, CA 92590.
Issued Direct Shipper Permit #8206333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- c. Boordy Vineyards, Inc., 12820 Long Green Pike, Hydes, MD 21082.
Issued Direct Shipper Permit #8206033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. San Lorenzo Winery, 3220 Passalacqua Road, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8205633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Still Waters Vineyards, 2750 Old Grove Lane, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8205533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. The Meeker Vineyard, 1408 Corporate CNT Parkway, Santa Rosa, CA 95407.
Issued Direct Shipper Permit #8205933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- g. Williamsburg Winery LTD (The), 5800 Wessex Hundred, Williamsburg, VA 23185.
Issued Direct Shipper Permit #8206233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- h. Women Of The Vine LLC, 110 Industrial Way, King City, CA 93930.
Issued Direct Shipper Permit #8206133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- i. Solar Fel, Inc. DBA Zenaida Cellars, 1550 Highway 46 West, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8205833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Granite Gorge LLC, 341 State Route 9, Roxbury, NH 03431.
Sports Recreation Facility On-Premises 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 area with a capacity of 314 on March 9, 2013 from 11:00 am to 9:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Keith Murphy's Taproom LLC, 494 Elm Street, Manchester, NH 03103.
Restaurant On-Premise Cocktail Lounge License #1333403.
Licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside tented parking lot area with a capacity of 400 on March 16 & 17, 2013 from 12:00 pm to 1:00 am each day pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. L.B.O. Holding, Inc., Attitash/Bear Peak Resort, Route 302, Bartlett, NH 03242.
Restaurant On-Premise Beverage/Wine/Liquor License #1009403.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, an extension of a fenced area in front of a slope-side deck with a capacity of 400 from March 2, 2013 through March 31, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- d. Woodstock Inn Again, Ltd., DBA Woodstock Inn Brewery,
135 Main Street, North Woodstock NH 03262.
Restaurant On-Premise Cocktail Lounge Liquor License #1458603.
Licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside deck with a capacity of 44 and
an outside patio with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS:

None

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

Millercoors LLC, 311-10th Street, Golden, CO 80401.
Beverage Vendor Off-Premise Beverage Only License #45431 licensed pursuant to RSA 178:15.
Requests approval of a cider known as Crispin Bare Naked with an alcohol content of 6.5 percent at 60
degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a & RSA 179:40-a.
Recommendation: Approval.
TABLED ON FEBRUARY 27, 2013.
**COMMISSION MILLIGAN MOVED TO TAKE THIS ITEM OFF THE TABLE; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN
MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. HEARING RESULTS:

None

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Irokos Group LLC, 101 Tremont Street, Suite 908, Boston, MA 02108.
Beverage Vendor Off-Premise Beverage Only License #66931 licensed pursuant to RSA 178:15.
Requests approval of three new brands, MOJO Tropical Fruit, Strawberry Kiwi and Fruit Punch; these
products are clear liquid, resembling water and are packaged in containers that resemble specialty
water products; the lettering stating alcohol content and alcohol percentage are not easily seen and
the containers could easily be thought to contain non-alcoholic product pursuant to RSA 179:33.
Recommendation: **DENIAL.**
**COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN
MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- b. North Coast Brewing Co., Inc., 455 North Main Street, Fort Bragg, CA 95437.
Beverage Vendor Off-Premise Beverage Only License #53331 licensed pursuant to RSA 178:15.
Requests approval of a specialty beer known as North Coast Grand Cru with an alcohol content of
12.98 percent at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a & RSA 179:40-a.
Recommendation: Approval.
**COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN
MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

- c. PO2 Jeremy Evans, US Navy, 2 Morning Street, Somersworth, NH 03878.
Requests a waiver of the transport fee, to wit, a military serviceman wishes to import his collection of alcohol back to New Hampshire from overseas where he is currently stationed and have the 25% fee waived pursuant to RSA 175:6.
Recommendation: Approval.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Sanora Hospitality LLC, 605 Daniel Webster Highway, Merrimack, NH 03054.
Combination Off-Premise Beverage/Wine/Tobacco Liquor License #3297847.
To be licensed pursuant to RSA 178:18
The licensee, who is not a resident alien, is requesting an exception to RSA 178:3.
Recommendation: **DENIAL.**
COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED; CHIEF EDWARDS OF THE DIVISION OF ENFORCEMENT STATED THE PROSPECTIVE LICENSEE LACKS THE PROPER ALIEN STATUS TO HOLD A LIQUOR LICENSE; THE PROSPECTIVE LICENSEE, SANDEEP ARORA, VERBALLY EXPRESSED HIS NEED FOR A LIQUOR LICENSE, THAT HE FELT HE WAS QUALIFIED TO HOLD A LICENSE UNDER THE LAW, THAT THE FORMS COMPLETED TO OBTAIN THE LICENSE WERE UNCLEAR RELATIVE TO ALIEN STATUS, AND THE DAMAGES HE WOULD SUFFER IF NOT GRANTED A LICENSE; THE COMMISSION INSTRUCTED CHIEF EDWARDS TO SEEK A LEGAL OPINION FROM THE ATTORNEY GENERAL'S OFFICE; CHIEF EDWARDS AND THE PROSPECTIVE LICENSEE SHALL SUBMIT TO THE COMMISSION A WRITTEN ARGUMENT TO SUPPORT THEIR POSITION.
- e. Tuckaway NH LLC, 58 Route 27, Raymond, NH 03077.
Combination Off-Premise Beverage/Wine Liquor License #3288447.
Requests permission to hold a brew pub license on the same property as the current combination license; the Licensee currently holds a combination license and a Restaurant On-Premise Beverage/Wine/Liquor License #1442903 on the same property and plans to change the restaurant to a brew pub.
Recommendation: **TO BE DISCUSSED.**
LISA SOIETT APPEARED BEFORE THE COMMISSION WITH LICENSEE, PAUL SUMBLIARIS AND PAUL PIRAINO TO CHANGE THE RESTAURANT LICENSE TO A BREW PUB LICENSE; THE LICENSE QUESTIONED WHETHER THE LICENSEE COULD SELL BEER IN HIS ESTABLISHMENT THAT HAD BEEN MANUFACTURED BY OTHER BEER PRODUCERS; CHIEF EDWARDS OF THE DIVISION OF ENFORCEMENT STATED THE LICENSEE COULD ONLY SELL ON HIS PROPERTY BEER THAT HE PRODUCED; CHIEF EDWARDS AND THE LICENSEE WERE INSTRUCTED TO SUBMIT A WITTEN ARGUMENT SUPPORTING THEIR RESPECTIVE POSITIONS.

17. **EXECUTIVE SESSION ITEMS:**

None

18. **LATE ITEMS:**

- a. Administrative Rules, 400 and 700 Series for Commission approval.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.