

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, MARCH 27, 2013

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

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

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

- a. Hawg's Pen Café, 1114 NH Route 11, Farmington, NH.
Restaurant On-Premise Cocktail Lounge License #1271803.
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.
Cited for violation of RSA 179:51 - failed to maintain an orderly premise.
Cited for violation of RSA 179:44, I - gave away free drinks to customers, patrons, members or guests.
Date of violations: February 3 & 4, 2012.
Case #: 12-47-OF.
Recommendation: Settlement reached for violations of RSA 179:5, I: an administrative fine of \$1,500 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 ten (10) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing April 1, 2013 with re-grant on April 8, 2013 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for Licensee Scott White and Bartender Justine Barnes; for violation of RSA 179:51, an administrative fine of \$250 and for violation of RSA 179:44, I, an administrative fine of \$250.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Teseschi Food Shops, 6-7 Madbury Road, Durham, NH.
Combination License #3293647.
Licensed pursuant to RSA 178:18.
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 179:23, IV – failed to have an affidavit for the person to be in charge of the premises on file with the Commission.
Date of violations: October 13, 2012.
Case #: 12-318-OF.
Recommendation: Settlement reached for violation of RSA 179:5, I: an administrative fine of \$500,

four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing April 4, 2013 with re-grant on April 7, 2013, mandatory attendance at a Management Training Seminar (MTS) for all managers within thirty (30) days of adjudication and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all clerks; for violation of RSA 179:23, IV, an administrative fine of \$250.

COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Thirsty Moose Taphouse, 21 Congress Street, Portsmouth, NH.
Restaurant On-Premise Cocktail Lounge License #1445903.
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: January 1, 2013.

Case #: 12-351-OF.

Recommendation: Settlement reached for a \$500 administrative fine, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing April 1, 2013 with re-grant on April 4, 2013 and mandatory attendance at a Total Education In Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers working at the time the violation occurred.

COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

- a. Bedell Cellars, 45470 Main Street, Southold, NY.
Direct Shipper Permit #8068533.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 15th of November, 2012, December, 2012 and January, 2013.
Date of violations: March 6, 2013.
Case #13-69-OF.
\$750 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Concord Lodge 1210 BPOE Elks, 24 Old Mill Road, Epsom, NH.
Social Club License #8901.
Licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI – allowed gambling and wagering on the premises.
Date of violation: February 3, 2013.
Case #: 13-45-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Lift Pub (The), 9 Franconia Notch, Franconia, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1305403.
Licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:23, II – allowed a person under 18 years of age to serve or otherwise handle liquor and beverages.
Date of violation: February 23, 2013.
Case #: 13-54-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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

Hudson, NH.

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

Demoulas Super Market, Inc., DBA Market Basket, 539 Donald Street, Bedford, NH 03110.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3302047 pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MARCH 26, 2013: 1,010

- a. Alta Marketing Co., 2671 Plametto Drive, Redlands, CA 92374.
Issued Beverage Vendor Off-Premise Beverage Only License #67431 pursuant to RSA 178:15.
Manufacturer: Cerveceria Mexicana S de RL de CV.
COMMISSION ACKNOWLEDGED.
- b. Mister P Express, Inc., 801 Trey Street, Jeffersonville, IN 47130.
Issued Carrier Off-Premise Beverage/Wine/Liquor License #753916 pursuant to RSA 178:14.
COMMISSION ACKNOWLEDGED.
- c. Placey, Monda, 38 Colby Street, Colebrook, NH 03576.
Issued Alcohol Consultant Direct Shipper Agent License #500844 pursuant to RSA 178:27-a.
Direct Shipper: ITO Wines LLC, Traveling Vineyards #8192033.
COMMISSION ACKNOWLEDGED.
- d. Regan, Chrisann, 37 Rogers Road, Hampton, CT 06247.
Issued Alcohol Consultant Direct Shipper Agent License #500944 pursuant to RSA 178:27-a.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Barnport LLC DBA Paddy's-An American Grille, 27 International Drive,
Pease Tradeport, Portsmouth, NH 03801.
Restaurant On-Premises Cocktail Lounge License #1190803.
Licensed pursuant to RSA 178:2, V.
Requested approval for authorization of other areas, to wit, two tents in an outside parking lot area
with a total capacity of 255 on March 10, 2013 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and
Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Boston Culinary Group, Inc., 719 Cherry Valley Road, Gilford, NH 03246.
Sports Recreation Facility On-Premise Cocktail Lounge License #572305.
Licensed pursuant to RSA 178:22, V(v).
Requested approval for authorization of other areas, to wit, an outside deck area on April 7, 2013
pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- c. Brookline Country Store, Inc. DBA Caryn's Country Convenience, 75 Route 13, Brookline, NH 03033. Combination Off-Premise Beverage/Wine/Tobacco License #3301947. Licensed pursuant to RSA 178:18. Requested approval to lease part of the premise, to wit, to sublease a portion of the licensed premise to Hollis Donuts, Inc. pursuant to RSA 179:48.
COMMISSION ACKNOWLEDGED.
- d. Coffin Cellars LLC, 1224 Battle Street, Webster, NH 03303. Wine Manufacturer Off-Premise Wine Only License #562930. Licensed pursuant to RSA 178:8. Requested approval for authorization of other areas, to wit, NH Magazine – Made in New Hampshire Expo at the Radisson, 700 Elm Street, Manchester, NH on April 5, 2013 from 1 pm to 8 pm, April 6, 2013 from 10 am to 8 pm and April 7, 2013 from 10 am to 4 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Dabrowski, Robert DBA Candia Vineyards, 702 High Street, Candia, NH 03034-2040. Wine Manufacturer Off-Premise Wine Only License #561430. Licensed pursuant to RSA 178:8. Requested approval for authorization of other areas, to wit, NH Magazine – Made in New Hampshire Expo at the Radisson, 700 Elm Street, Manchester, NH on April 5, 2013 from 1 pm to 8 pm, April 6, 2013 from 10 am to 8 pm and April 7, 2013 from 10 am to 4 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. 11th Hole Bar & Grill LLC, 1491 Front Street, Manchester, NH 03102. Sports Recreation Facility On-Premise Cocktail Lounge License #6016205. Licensed pursuant to RSA 178:22, V (v). Requested approval for authorization of other areas, to wit, the south patio with a capacity of 40 and east deck with a capacity of 16 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. 11th Hole Bar & Grill LLC, 1491 Front Street, Manchester, NH 03102. Sports Recreation Facility On-Premise Cocktail Lounge License #6016205. Licensed pursuant to RSA 178:22, V (v). Requested approval to use a mobile cart, to wit, a mobile cart to be used on the fairways for sales and service of alcohol pursuant to Liq. 206.10 (a)(1), Liq. 404.05 (a)(1) and Liq. 509.
COMMISSION ACKNOWLEDGED.
- h. Kylmeg Hotel Management LLC DBA Margate Resort, 76 Lake Street, Laconia, NH 03246. Hotel On-Premise Cocktail Lounge License #353702. Licensed pursuant to RSA 178:22, V (k). Requested approval for authorization of other areas, to wit, the West Lawn May 2nd, 5th thru 9th; June 22nd, 29th & 30th; July 6th, 20th, 27th & 28th; August 9th, 10th & 17th; September 1st, 6th, 7th, 14th, 22nd & 28th pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. PTS Food Enterprises LLC DBA Milly's Tavern, 500 Commercial Street, Manchester, NH 03101. Brew Pub On-Premise Cocktail Lounge License #2001715. Licensed pursuant to RSA 178:13. Requested approval for authorization of other areas, to wit, extension of service to an outside parking lot with a capacity of 1,150 on May 26, 2013 (May 27, 2013 rain date) and July 3, 2013 (July 4, 2013 rain date) pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Skymeadow Country Club, Inc., 6 Mountain Laurels Road, Nashua, NH 03062. Sports Recreation Facility On-Premise Cocktail Lounge License #9205. Licensed pursuant to RSA 178:22, V (v). Requested approval for authorization of other areas, to wit, an additional room called The Oak Room with a capacity of 48 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- k. Stone Arch Tavern LLC, 19 Main Street, Hillsborough, NH 03244.
Restaurant On-Premise Beverage/Wine/Liquor License #1455703.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, to extend dining to an additional area at 17 Main Street with a capacity of 49 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. Sunapee Difference LLC DBA Mount Sunapee Resort, Route 103, Newbury, NH 03255.
Sports Recreation Facility On-Premises Cocktail Lounge License #571405.
Licensed pursuant to RSA 178:22, V (v).
Requested approval for authorization of other areas, to wit, two outside, tented areas with capacities of 1,233 and 171 on March 23, 2013 from 2:30 pm to 7 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. Tasty Tobacco Shop LLC, 139 Union Square, Milford, NH 03055.
Retail Tobacco Only License #118717.
Licensed pursuant to RSA 178:19-a.
Requested approval for authorization to transfer business location, to wit, to relocate the current business and its supplies from 139 Union Square, Milford, NH to the new location at 189 Elm Street, Unit 6, Milford, NH pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- n. Tuohy's Tavern Hanover LLC, DBA Salt Hill Pub – Hanover, 7 Lebanon Street, Hanover, NH 03755.
Restaurant On-Premise Beverage/Wine/Liquor License #1400803.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, extension of service to an outside, fenced area with a capacity of 210 on March 16, 2013 from 11 am to 4 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- o. Waxy's Keene LLC DBA Waxy O'Connors Irish Pub and Restaurant,
401 Winchester Street, Keene, NH 03431.
Restaurant On-Premise Cocktail Lounge License #1424103.
Requested approval for authorization of other areas, to wit, extension of service to an outside area 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:

- a. Sanora Hospitality LLC, 605 Daniel Webster Highway, Merrimack, NH 03054.
Issued Combination Off-Premise Beverage/Wine/Tobacco Liquor License #3297847,
Under RSA 178:18
Licensee requesting exception to RSA 178:3 not a resident alien.
Recommendation : **DENIAL.**
COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLICA 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.
THE ATTORNEY GENERAL'S OFFICE INFORMED THE DIVISION OF ENFORCEMENT THAT THE PROSPECTIVE LICENSEE'S ALIEN STATUS DOES NOT BAR HIM FROM OBTAINING A LIQUOR

LICENSE.

COMMISSION MILLIGAN MOVED FOR THE LICENSEE TO OPERATE UNDER A TEMPORARY LIQUOR LICENSE; THIS ITEM WILL BE VOTED UPON WHEN THE LICENSEE APPEARS BEFORE THE COMMISSION; CHAIRMAN MOLLICA SECONDED; THE MOTION PASSED.

- b. 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.
THE COMMISSION IS AWAITING INFORMATION.

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. HEARING RESULTS:

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.

A SETTLEMENT AGREEMENT WILL BE SIGNED BY THE LICENSEE AND WILL APPEAR ON THE NEXT AGENDA.

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Cisco Brewers, Inc., 5 Bartlett Farm Road, Nantucket, MA 02554.
Beverage Vendor Off-Premise Beverage Only License #35531 licensed pursuant to RSA 178:15.
Requests approval for a specialty beer containing more than 12% alcohol by volume. The name of the beer is Russian Imperial Stout and the alcohol content is 13 percent at 60 degrees Fahrenheit by volume pursuant to RSA 179:33.

Recommendation: Approval.

COMMISSION APPROVED.

17. EXECUTIVE SESSION ITEMS:

None