

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR MONDAY, APRIL 15, 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.

May 8, 2013 @ 1:30 p.m.:

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 MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
LICENSEE REQUESTED A HEARING ON MARCH 28, 2013.
PRE-HEARING CONFERENCE HELD APRIL 10, 2013; HEARING RESCHEDULED FROM APRIL 10, 2013 TO MAY 8, 2013.

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

None

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

- a. Henniker Junction Restaurant, Route 114, Henniker, NH.
Restaurant On-Premise Cocktail Lounge License #1167803 licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:17 – allowed the sale and consumption of alcoholic beverage on the premise after the expiration of the serving hour.
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.
Dates of violations: February 20, 2010, March 12, 2010, March 20, 2010, March 26, 2010, April 9, 2010, April 20, 2010, April 30, 2010, July 30, 2010, August 7, 2010, August 13, 2010, August 27, 2010 & September 3, 2010.
Case #: 09-969-OF.
Recommendation: Settlement reached for an administrative fine of \$1,500 with \$750 suspended for twelve (12) months pending no like violation of any of the aforementioned statutes & the license to sell alcohol suspended for five (5) days held in abeyance for twelve (12) months pending no like violation of any of the aforementioned statutes.

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

- b. Millie's Tavern On L Street, 17 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.
Recommendation: Settlement reached for a \$500 administrative fine, four (4) points assessed to the liquor license & the license to sell alcohol suspended for five (5) days held in abeyance for twelve (12) months pending no like violation.

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

- c. Top Shelf Cigar Company, 96 Calef Highway, Unit #9, Epping, NH.
Retail Wine License #3150746 licensed pursuant to RSA 178:19.
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Cited for violation of RSA 178:19, I – allowed consumption of alcohol on the premises without a license to do so.
Date of violations: January 25, 2012.
Case #12-13-OF.
Recommendation: Settlement reached for a \$500 administrative fine, the license to sell alcohol suspended for three (3) days held in abeyance for twelve (12) months pending no like violation of RSA 179:19, VI/RSA 647:2 & funds seized in the amount of \$225 shall be forfeited and used by the NH Liquor Commission, Division of Enforcement & Licensing for the sole purpose of education, training and/or enforcement and the laws and/or administrative rules of the State of New Hampshire.
- 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. Bellavance Beverage, 120 Northwest Blvd., Nashua, NH.
Wholesale Distributor License #280920 licensed pursuant to RSA 178:16.
Cited for violation of RSA 179:33, IV - failed to file current prices with the Commission.
Date of violation: March 14, 2013.
Case #13-84-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Luigi's Pizza Bar and Grill, 712 Valley Street, Manchester, NH.
Restaurant On-Premise Cocktail Lounge License #1095603 licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Date of violation: March 7, 2013.
Case #: 13-73-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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

Dover, NH.

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Club Manchvegas, Inc., 50 Old Granite Street, Manchester, NH 03101.
Issued Restaurant On-Premise Cocktail Lounge License #1419703 pursuant to RSA 178:22.
COMMISSION ACKNOWLEDGED.
- b. Duke & Patty Enterprises, Inc. DBA Ramuntos Pizza, 388 Miracle Mile, Lebanon, NH 03766.
Issued Restaurant On-Premise Beverage and Wine License #1457903 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- c. JJS Cigar LLC DBA Cloud Palace (The), 2 Range Road, Salem NH 03079.
Issued Cigar Bar Beverage/Wine/Liquor/Cigars/Tobacco License #402206 pursuant to RSA 178:20-a.
COMMISSION ACKNOWLEDGED.
- d. Lamprey Aerie No. 1934 Fraternal Order of Eagles, Inc. DBA Fraternal Order of Eagles,
41 Exeter Street, Exeter, NH 03857.
Issued Social Club On-Premise Cocktail Lounge License #400201 pursuant to RSA 178:22, V(h).
COMMISSION ACKNOWLEDGED.
- e. Mondanock Community Market Cooperative DBA Monadnock Food CO-OP,
34 Cypress Street, Keene, NH 03431.
Issued Combination Off-Premises Beverage and Wine License #3301247 pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.
- f. Rhuda, Jr., Richard DBA Rustic River Restaurant, 5 Main Street, North Woodstock, NH 03262.
Issued Restaurant On-Premise Beverage and Wine License #1464303 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- g. 25 Stark St LLC DBA B&B Café and Grill, 25 Stark Street, Manchester, NH 03101.
Issued Restaurant On-Premise Beverage and Wine License #1463103 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING APRIL 12, 2013: 997

- a. Original Sin Corporation, 817 Broadway 10th Floor, New York, NY 10003.
Issued Beverage Vendor Off-Premise Beverage Only License #67731 pursuant to RSA 178:15.
Manufacturer: Original Sin Corporation.
COMMISSION ACKNOWLEDGED.
- b. Tasty Beers Consulting LLC, 6 Dove Street, Wolfeboro, NH 03894.
Issued Alcohol Consultant Non-Affiliated License #500744 pursuant to RSA 178:27-a.
COMMISSION ACKNOWLEDGED.
- c. Sheenan, Joy, 46 Oak Ridge Drive, Epsom, NH 03234.
Issued Alcohol Consultant Direct Shipper Agent License #500544 pursuant to RSA 178:27-a.
Direct Shipper: ITO Wines, Traveling Vineyards License #8192033.
COMMISSION ACKNOWLEDGED.
- d. United States Distilled Products Co., DBA Prestige Wine Group/D-RP 907021/Peter Mertes KG,
1607 South 12th Street, Princeton, MN 55371-1211.
Issued Beverage Vendor Off-Premise Beverage Only License #67531 pursuant to RSA 178:15.
Manufacturer: Prestige Wine Group/D-RP 907021/Peter Mertes KG.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Brookstone Grille LLC, 14 Route 11, Building 2, Derry, NH 03038.
Caterers On-Site On-Premises Cocktail Lounge License #1277026 licensed pursuant to RSA 178:22, V(e).
Requested approval for authorization to transfer beer and wine products to another licensed premise, to wit, to close Sports Recreation Facility License #6011005 and transfer all inventory to the new license, Caterer On-Site License #1277026, pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. Crotched Mountain Operations, LLC DBA Toll Booth Tavern (The),
740 2nd NH Turnpike North, Frankestown, NH 03043.
Sports Recreation Facility On-Premise Cocktail Lounge License #6014405 licensed pursuant to RSA 178:22, V (v).
Requested approval for authorization of other areas, to wit, a new function hall with a capacity of 299 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. 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, fenced area with a capacity of 314 on April 13, 2013 from 11:00 am to 9:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Loon Mountain Recreation Co., DBA Loon Mountain Ski Area,
Octogon Lodge Café, 60 Loon Mountain Road, Lincoln, NH 03251.
Restaurant On-Premise Beer and Wine License #4041036 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, a fenced-off area with a capacity of 400 on April 6, 2013 from 10:00 am to 7:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Marzanos LLC DBA Marzano's Trattoria, 6 School Street, Peterborough, NH 03458.
Restaurant On-Premise Cocktail Lounge License #1437603 licensed pursuant to RSA 178:22.
Requested approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers when a full course meal is consumed pursuant to RSA 178:21, II, a (5).
COMMISSION ACKNOWLEDGED.
- f. Montalvo, Sarah DBA Beef and Ski Restaurant and Pub – North Conway,
2633 White Mountain Highway, North Conway, NH 03860.
Restaurant On-Premise Beverage/Wine/Liquor License #1462103 licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, a courtyard area with a restriction from the town where the inside and outside capacity cannot exceed 24 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. North Conmex LLC DBA Fiesta Jalisco Mexican Restaurant,
White Mountain Highway, North Conway, NH 03860.
Restaurant On-Premise Beverage/Wine/Liquor License #1443303 licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside patio area with a restriction from the town where the inside and outside capacity cannot exceed 120 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Sap House Meadery LLC, 6 Folsom Road, Center Ossipee, NH 03814.
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.

- i. Special Food Service, Inc., 94 Church Street, Rochester, NH 03839.
Sports Recreation Facility On-Premise Cocktail Lounge License #6016105 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 the sale and service of alcohol pursuant to Liq. 206.10(a)(1), Liq. 404.05 (a)(1) and Liq. 509.
COMMISSION ACKNOWLEDGED.
- j. Sumner Country Restaurant & Creamery LLC, 417 Route 108, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1396803 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 May 1, 2013 to October 31, 2013 as indicated in a letter received March 25, 2012.
COMMISSION ACKNOWLEDGED.
- k. Woodstock Inn Again LTD DBA Woodstock Brewery,
135 Main Street, North Woodstock, NH 03262.
Restaurant On-Premise Cocktail Lounge License #1458603 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an extension of service to an outside area with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS:

Ramunto's Pizza, 388 Miracle Mile, Lebanon, NH.
Restaurant Beverage and Wine License #1457903 licensed pursuant to RSA 178:20.
Requests approval for a Felon Exception for Jeffrey A. Thibodeau as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 13-72-OF.
Recommendation: Approval.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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 pursuant to RSA 178:18/126-K:4
Licensee requesting exception to RSA 178:3 not a resident alien.
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.
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 MOLLIKA SECONDED; THE MOTION PASSED.
COMMISSIONER MILLIGAN MOVED TO APPROVE THE ISSUANCE OF A LIQUOR LICENSE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- b. Tuckaway NH LLC, 58 Route 27, Raymond, NH 03077.
Combination Off-Premise Beverage/Wine Liquor License #3288447 licensed pursuant to RSA 178:18. 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 WRITTEN ARGUMENT SUPPORTING THEIR RESPECTIVE POSITIONS.

THE DIVISION OF ENFORCEMENT HOLDS THAT THE LICENSEE INTENDS TO BREW BEER AND SELL IT UNDER BOTH THE COMBINATION AND BREW PUB LICENSES BUT WOULD ALSO LIKE TO SELL BEER PRODUCTS PRODUCED BY OTHER MANUFACTURERS; THIS IS NOT ALLOWED UNDER RSA 179:11; THE COMMISSION IS AWAITING A WRITTEN ARGUMENT FROM THE LICENSEE.

14. **COMMISSION DECISIONS PENDING AFTER HEARING:**

None

15. **HEARING RESULTS:**

None

16. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

None

17. **EXECUTIVE SESSION ITEMS:**

None