

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, APRIL 24, 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 @ 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. Carina Cellars LLC, 3525 Adelaida Road, Paso Robles, CA.
Direct Shipper Permit #8070833 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to report a shipment by the 15th of December, 2012.
Date of violation: March 6, 2013.
Recommendation: Nol pros.
- b. FedEx Ground, 1000 FedEx Drive, Moon Township, PA.
Carrier-Beverage/Wine/Liquor License #745916 licensed pursuant to RSA 178:14.
Cited for violation of RSA 179:5, I – failed to obtain an adult signature when delivering an alcohol product.
Date of violation: February 5, 2013.
Case #: 13-44-OF.
Recommendation: Nol pros.

- c. Kirkpatrick's Corner Store, 125 Concord Street, Nashua, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3265447 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person during a SATI compliance check.
Date of violation: November 24, 2012.
Case #12-323-OF.
Recommendation: \$500 administrative fine, four (4) points assessed to the liquor license and the license to sell alcohol suspended for three (3) days commencing April 27, 2013 with re-grant on April 30, 2013.

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

None

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. Flynn, Bonnie DBA Flynnagan's, 237 Ossipee Lake Road, Tamworth, NH 03886.
Issued Restaurant On-Premise Beverage and Wine License #1464803 pursuant to RSA 178:20.
- b. Francoeur, Paul DBA Café On The Oval, 285 Union Square, Milford, NH 03055.
Issued Restaurant On-Premise Beverage and Wine License #1456403 pursuant to RSA 178:20.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING APRIL 22, 2013: 999

- a. Border Brewery, LLC, 10 Lawrence Road, Salem, NH 03079.
Issued Nano Brewery Beer and/or Specialty Beer License #201022 pursuant to RSA 178:12-a.
Manufacturer: Original Sin Corporation.
- b. Smith, Donald DBA D N Smith & Son, 18 Woods Crossing Road, Bath, ME 04530.
Issued Alcohol Consultant Non-Affiliated License #500744 pursuant to RSA 178:27-a.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. 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, a beer garden area for the Tough Mudder Road Race on June 1 & 2, 2013 pursuant to RSA 178:24 and Liq. 404.05; this approval is contingent on receiving a permit of assembly prior to the event.
- b. Brookstone Park Pro Shop, LLC, 14 Route 111, Building 3, Derry, NH 03038.
Sports Recreation Facility On-Premise Cocktail Lounge License #6016405.
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.
- c. Brookstone Park Pro Shop, LLC, 14 Route 111, Building 3, Derry, NH 03038.
Sports Recreation Facility On-Premise Cocktail Lounge License #6016405.
Licensed pursuant to RSA 178:22, V(v).
Requested approval for authorization of other areas, to wit, an outside patio and fenced area with an unknown capacity pursuant to RSA 178:24 and Liq. 404.05; this approval is contingent on receiving a permit of assembly.
- d. Bull Moose Restaurant and Lounge LLC, Route 26, Cambridge, NH 03579.
Restaurant On-Premise Cocktail Lounge Liquor License #1310803.
Licensed pursuant to RSA 178:22.
Requested a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the number of days of operation; to be closed Mondays, Tuesdays and Wednesdays for the months of April and May, reopening 7 days a week in June, as indicated in a letter received April 16, 2013.
- e. Deerhead Sportsmens Club, Inc., 314 Londonderry Turnpike, Hooksett, NH 03106.
Social Club On-Premise Cocktail Lounge License #27501.
Licensed pursuant to RSA 178:22, V (h).
Requested approval for authorization of other areas, to wit, an outside fenced and roped area with a capacity of 150 pursuant to RSA 178:24 and Liq. 404.05.
- f. La Carreta South Willow, Inc. DBA La Carreta Mexican Restaurant,
1875 South Willow Street, Manchester, NH 03103.
Restaurant On-Premise Beverage/Wine/Liquor License #1418303.
Licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside tented area with capacity of 171 on May 4 & May 5, 2013, from 11:00 am to 11:30 pm pursuant to RSA 178:24 and Liq. 404.05.
- g. Jewell Towne Vineyards, Inc., 65 Jewell Street, South Hampton, NH 03827.
Wine Manufacturer Off-Premise Wine Only License #561530 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Concord Farmer's Market, Capitol Street, Concord, NH, Saturdays 8:30 am to 12 noon from June 1 through October 27, 2013; Town of Portsmouth Farmer's Market, City Hall, 1 Junkins Avenue, Portsmouth, NH, Saturdays 8 am to 1 pm from May 4 through November 2, 2013; and Town of Exeter Farmer's Market, Swasey Parkway, Exeter, NH, Thursdays 2:15 pm to 6 pm from May 2 through October 31, 2013 pursuant to RSA 178:24 and Liq. 404.05.

- h. Loon Mountain Recreation Corp., DBA Loon Mountain Ski Area, 60 Loon Mountain Road, Octagon Lodge Café, Lincoln, NH 03251. Restaurant On-Premise Beverage and Wine License #404103. Licensed pursuant to RSA 178:20. Requested approval for authorization of other areas, to wit, a beer garden fenced area on Saturday, April 13, 2013 from 10:00 am to 7:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- i. Rhuda, Jr., Richard DBA Rustic River Restaurant, 5 Main Street, North Woodstock, NH 03262. Restaurant On-Premise Beverage and Wine License #1464303 licensed pursuant to RSA 178:20. Requested approval for authorization of other areas, to wit, an outside area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
- j. Stone Church Music Club LLC, 5 Granite Street, Newmarket, NH 03857. Restaurant On-Premise Beverage/Wine/Liquor License #1429903. Licensed pursuant to RSA 178:21. Requested approval for authorization of other areas, to wit, an outside area with a capacity of 60 pursuant to RSA 178:24 and Liq. 404.05.
- k. Shorty's Forward, Inc. DBA Shorty's Mexican Roadhouse, 1050 Bicentennial Drive, Manchester, NH 03104. Restaurant On-Premise Cocktail Lounge License #1012103 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an extension of service to an outside tented area with a capacity of 81 on May 4 & 5, 2013 from 11:30 am to 12:00 am pursuant to RSA 178:24 and Liq. 404.05.
- l. 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 April 19 & 20, 2013 from 6:00 pm to 11:00 pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- m. 25 Stark St. LLC DBA B&B Café and Grill, 25 Stark Street, Manchester, NH 03101. Restaurant On-Premise Beverage and Wine License #1463103 licensed pursuant to RSA 178:20. Requested approval for authorization of other areas, to wit, an outside area with a capacity of 24 pursuant to RSA 178:24 and Liq. 404.05.

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 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 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 MOLLIKA SECONDED; 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 WITTEN ARGUMENT SUPPORTING THEIR RESPECTIVE POSITIONS.

THE DIVISION OF ENFORCEMENT ARGUES 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 WHICH IS NOT ALLOWED PURSUANT 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:

Adoption of the interim 400 Administrative Rules and Administrative Rules 701 – 705 & 707

17. EXECUTIVE SESSION ITEMS:

None