

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JULY 3, 2013

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

None

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

Date to be determined:

P.J. O'Sullivan's, 300 South Willow Street, Manchester, NH.

Petition For Non-Renewal filed by the Division of Enforcement & Licensing.

Restaurant On-Premise Cocktail Lounge License #1021203 licensed pursuant to RSA 178:22.

Cited for violation of RSA 178:3 – the licensee leaves substantial doubt that the business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

Date of violation:

Case #:

Date to be determined:

The Timber Grille, 57 Factory Street, Nashua, NH.

Petition For Non-Renewal filed by the Division of Enforcement & Licensing.

Restaurant On-Premise Beverage/Wine/Liquor License #1398203 licensed pursuant to RSA 178:21.

Cited for violation of RSA 178:3 – the licensee leaves substantial doubt that the business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.

Date of violation:

Case #:

Date to be determined:

Time Out Sports Bar & Grill, 101 Mulberry Street, Claremont, NH.

Administrative Hearing.

Restaurant On-Premise Beverage/Wine/Liquor License #1403303 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: August 18, 2012.

Case #: 12-228-OF.

THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A CONTINUANCE DUE TO THE UNAVAILABILITY OF WITNESSES.

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

None

INFORMATIONAL HEARING, RYE PUBLIC LIBRARY, 581 WASHINGTON ROAD, RYE, NH:

July 18, 2013 @ 10:00 a.m.:

Jenness Beach Pizza & Grill LLC DBA The Chowder House Restaurant, 2203 Ocean Blvd., Rye, NH.

Pending - Restaurant Beverage and Wine License #1464103 licensed pursuant to RSA 178:20.

An informational licensing hearing will be held pursuant to Title XIII and Liquor Regulation 208.02 on a liquor license application for The Chowder House Restaurant. Members of the public may testify and present evidence in favor of or against the applicant. The Commission will announce procedural guidelines at the hearing. Contact (603) 271-1719 with any questions or to sign up to testify.

COMMISSIONER MILLIGAN MOVED TO APPOINTMENT HEARINGS OFFICER CURTIS DUCLOS AS THE COMMISSION'S DESIGNEE AT THIS HEARING; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

HEARING ON A PETITION FOR NON-RENEWAL, MAIN HALL, FRANCONIA TOWN HALL, 421 MAIN STREET, FRANCONIA, NH:

Date to be determined:

Cannon Mountain View Above The Notch, 729 Main Street, Franconia, NH.

Petition For Non-Renewal filed by the Town of Franconia, NH.

Restaurant On-Premise Cocktail Lounge License #1271203 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.

Dates of violations: March 9-10, 2013.

Case #: 13-132-OF.

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

- a. American Legion Post 59, 538 West Main Street, Hillsboro, NH.
Veterans Club License #16739 licensed pursuant to RSA 178:22, V(h).
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: September 14, 2012.
Case #: 12-235-OF.
Recommendation: Settlement reached for a \$500 administrative fine with \$250 suspended for twelve (12) months pending no like violation, 4 points assessed to the liquor license and the license to sell alcohol suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing July 18, 2013 with re-grant on July 20, 2013.
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. J's Tavern, 63 Union Square, Milford, NH.
Restaurant On-Premise Cocktail Lounge License #1369603 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: July 16, 2012.
Case #: 12-231-OF.
Recommendation: Settlement reached for \$500 administrative fine, 4 points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing July 15, 2013 with re-grant on July 18, 2013 and mandatory attendance at a Total Education In Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for the server who committed the violation.
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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

None

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

Allenstown, NH;
Bow, NH;
Derry, NH; and
Henniker, NH.

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

None

7. **NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:**

None

8. **NOTIFICATION OF NEW APPROVED LICENSES:**

- a. Jilly's Bistro LLC, 777 Union Avenue, Laconia, NH 03246.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1466203 pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.
- b. Mi Jalisco 2 LLC, 465 West Street Plaza, Keene, NH 03431.
Issued Restaurant On-Premise Cocktail Lounge License #1465703 pursuant to RSA 178:22.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JULY 1, 2013: 999

- a. Cornerstone Cellars, Inc. DBA Cornerstone Cellars, 5055 Solano Avenue, Napa, CA 94558.
Issued Direct Shipper Permit #8208433 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Bay State Wine & Spirits LLC, 40 Robbie Road, Unit A, Avon, MA 02322.
Issued Liquor and Wine Vendor Off-Premise Wine and Liquor License #108745
pursuant to RSA 178:9.
COMMISSION ACKNOWLEDGED.
- c. Dragonette Cellars LLC DBA Dragonette Cellars, 3101 Horizon Drive, Santa Ynez, CA 93460.
Issued Direct Shipper Permit #8208233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. Eidolon Winery, Inc. DBA Balboa Winery, 1257 Valley Chapel Road, Walla Walla, WA 99362.
Issued Direct Shipper Permit #8208133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Finch's Beer Company LLC, 4565 North Elston Avenue, Chicago, IL 60630.
Issued Beverage Vendor Off-Premise Beverage Only License #68431 pursuant to RSA 178:15.
Manufacturer: Prestige Wine Group D-RP 907021 Peter Merteo KG.
COMMISSION ACKNOWLEDGED.
- f. Inman Family Wines LLC DBA Inman Family Wines, 3900 Piner Road, Santa Rosa, CA 95401.
Issued Direct Shipper Permit #8208733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- g. Rainier Wine LLC DBA Rainier Wine, 4202 Stage Gulch Road, Sonoma, CA 95476.
Issued Direct Shipper Permit #8208533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

- h. Schlossadler, Inc. DBA Schlossadler Wines, 1625 Ord Way, Oceanside, CA 92056.
Issued Direct Shipper Permit #8208833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- i. WS Selections LLC, 117 Thomas Cary Coutt, Charleston, SC 29492.
Issued Direct Shipper Permit #8208333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- j. Zarif Companies DBA Summerland Winery, 35 Industrial Way, Buellton, CA 93427.
Issued Direct Shipper Permit #8208633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Analog Books LLC DBA Portsmouth Book & Bar, 40 Pleasant Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine License #1455203 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 36 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Davignon Club, 218 Wilson Street, Manchester, NH 03103.
Restaurant On-Premise Cocktail Lounge License #10901 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, to transfer the club location for one day to Camp Foster, 54 Camp Allen Road, Bedford, NH on August 17, 2013 from 6:00 am to 7:00 pm pursuant to RSA 178:25.
COMMISSION ACKNOWLEDGED.
- c. Hiza, Mark DBA Nottingham Orchard, 58 McGrillis Road, Nottingham, NH 03290.
Wine Manufacturer Off-Premise Wine Only License #563030 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, City of Dover Farmers Market at Chamber of Commerce parking lot, Central Street, Dover, NH every Wednesday from August to October, 2013 from 2:15 pm to 6:00 pm.; Town of Durham Farmers Market at the Town Hall back parking lot, Newmarket Road, Durham, NH every Monday from August to October, 2013 from 2:15 pm to 6:00 pm.; Town of Exeter Farmers Market at Swanzey Parkway, Exeter, NH every Thursday from August to October, 2013 from 2:15 pm to 6:00 pm; and City of Portsmouth Farmers Market at Portsmouth City Hall lot, 1 Junkins Avenue, Portsmouth, NH every Saturday from August to November, 2013 from 8:00 am to 1:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Inn at Pleasant Lake Corporation, 853 Pleasant Street, New London, NH 03257.
Restaurant On-Premise Beverage/Wine/Liquor License #1059203 licensed pursuant to RSA 178:21.
Requested approval for authorization of other areas, to wit, and outside tented & patio area on July 5 & 6, 2013 on August 10 & 31, 2013 and September 1, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Jams Management LLC DBA Woodshed Restaurant, 128 Lee Road, Moultonboro, NH 03254.
Restaurant On-Premise Cocktail Lounge License #1454803 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, to be stored separately from licensed alcohol and served when requested and when a full course meal is consumed pursuant to RSA 178:21, II, a (5).
COMMISSION ACKNOWLEDGED.
- f. Le Club Alpin de Raquetteur, 175 Putnam Street, Manchester, NH 03102.
Social Club On-Premise Cocktail Lounge License #1374603 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside parking lot area on August 11, 2013 from 11:00 am to 6:00 pm contingent upon receipt of a permit of assembly pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- g. Manchester Country Club, Inc., 180 South River Road, Bedford, NH 03110.
Sports Recreation Facility On-Premise Cocktail Lounge License #7905 licensed pursuant to RSA 178:22, V(v).
Requested approval for authorization of other areas, to wit, additional areas including conference rooms on second floor north and south, second floor roof deck, second floor men's card room and first floor expansion of existing function and pre-function areas pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Market At Tuscan Kitchen (The) LLC, 7 Willow Street, Salem, NH 03079.
Restaurant On-Premise Beverage/Wine License #1469603 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. Modig's, Inc. DBA Green Bean Exeter, 33 Water Street, Exeter, NH 03833.
Restaurant On-Premise Beverage/Wine License #1470403 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside courtyard area with capacity of 44 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. 193 South River Road LLC DBA River Road Tavern, 193 South River Road, Bedford, NH 03110.
Restaurant On-Premise Beverage/Wine/Liquor License #1435603 licensed under RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside lawn area on June 21, 2013 from 12:00 pm to 9:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. St. Nicholas Greek Orthodox Church, 40 Andrew Jarvis Drive, Portsmouth, NH 03801.
Caterers' On Site On-Premises Cocktail Lounge License #1168126 licensed pursuant to RSA 178:22, V (e).
Requested approval for authorization of other areas, to wit, an outside area on July 19, 20 & 21, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. Sodexo Management, Inc. DBA Son's of Liberty Tavern, 97 North Policy Street, Canobie Lake Park, Salem, NH 03079.
Restaurant On-Premise Beverage/Wine License #1084603 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside midway tent area with a capacity of 550 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. TL & G LLC DBA Villa Banca, 194 Main Street, Nashua, NH 03060.
Restaurant On-Premise Cocktail Lounge License #1066603 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside area on May 29, 2013, July 10, 2013 and August 21, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- n. Tuckaway NH LLC, 58 Route 27, Raymond, NH 03077.
Restaurant On-Premise Beverage/Wine License #1442903 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an inside fireplace area with a capacity of 8 and outside deck with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- o. Tuohy's Tavern LLC DBA Salt Hill, 2 West Park Street, Lebanon, NH 03766.
Restaurant On-Premise Beverage/Wine/Liquor License #1242903 licensed under RSA 178:21.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 36 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

13. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

None

14. **COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:**

None

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

None

16. **HEARING RESULTS:**

None

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

The next Enforcement Agenda will occur on July 24, 2013 at 1:30 p.m.

18. **EXECUTIVE SESSION ITEMS:**

None