

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, AUGUST 7, 2013

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

Firewater Bar, 28 Collins Street, Seabrook, NH.

Restaurant On-Premise Cocktail Lounge License #1469903 licensed pursuant to RSA 178:22.

Violation of RSA 178:2 – failed to attend a required training program by July 21, 2013.

LICENSEE IS SCHEDULED TO ATTEND A MANAGEMENT TRAINING SEMINAR (MTS) ON AUGUST 6, 2013 THEN INTENDS TO GO OUT OF BUSINESS.

LICENSEE ATTENDED MTS ON AUGUST 6, 2013.

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

Date to be determined:

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

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: May 31, 2013.

Case #: 13-187-OF.

Date to be determined:

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

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.

Cited for violation of RSA 179:50, II – allowed the premise to be used for any purpose that was contrary to law.

Cited for violation of RSA 178:21, II, (a)(2) – failed to open for evening meals five (5) days a week.

Dates of violations: June 7, 2013 & February 14, 2013.

Case #s: 13-188-OF & 13-48.

LICENSEE IS SCHEDULED TO BE AUDITED BY THE DEPT. OF REVENUE BY MID-AUGUST, 2013; LICENSEE EXPECTS TO BE FULLY COMPLIANT UPON COMPLETION OF AUDIT.

Date to be determined:

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

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.

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

None

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

- a. Social 24, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1451903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person – 2 counts.
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 – 3 counts.
Cited for violation of RSA 179:8, II – accepted photographic identification that was expired, not consistent with the appearance of the person, not correct and free of alteration, erasure, blemish or other impairment.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Dates of violations: September 7, 2012, December 31, 2012 & January 22, 2013.
Case #: 12-258-OF, 13-9-OF & 13-47-OF.
Recommendation: Settlement reached for a \$1,500 administrative fine, eight (8) points assessed to the liquor license, the license to sell alcohol suspended for eight (8) days with two (2) days held in abeyance for twelve (12) months pending no like violation for over-service of alcohol or service of alcohol to a minor commencing August 11, 2013 with re-grant on August 17, 2013, a \$100 administrative fine suspended for twelve (12) months pending no like violation of RSA 179:8, II and a \$250 administrative fine suspended for twelve (12) months pending no like violation of RSA 179:44, I.
COMMISSION APPROVED.
- b. Supreme House of Pizza, 72 & 68 Main Street, Raymond, NH.
Restaurant On-Premise Cocktail Lounge License #430103 licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises – 3 counts.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working – 3 counts.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Dates of violations: January 7, 2010, February 20, 2010, March 20, 2010, July 30, 2010, August 13, 2010, August 27, 2010 and September 22, 2010.
Case #: 09-401-OF.
Recommendation: Settlement reached for violation of RSA 179:19, VI/RSA 647:2, a \$500 administrative fine, the license to sell alcohol shall be suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation and funds seized in the amount of \$8,389.00 shall be forfeited and used by the NH Liquor Commission, Division of Enforcement & Licensing for the sole purpose of education, training and/or enforcement of the laws and/or administrative rules of the State of New Hampshire; for violation of RSA 179:20, II, a \$300 administrative fine suspended for twelve (12) months pending no violation and for violation of RSA 179:27, II, a \$250 administrative fine suspended for twelve (12) months pending no like violation; also, a Toshiba laptop and video cameras seized during execution of the search warrant shall be returned to the licensees.
SOTIRIA AND SOTIRIOS GALLOS CAME BEFORE THE COMMISSION TO DISCUSS THE FUTURE OPERATION OF THEIR BUSINESS; COMMISSION APPROVED.

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

Bernie's Bar & Grill, 73 Ocean Blvd., Hampton, NH.
Restaurant On-Premise Cocktail Lounge License #1448003 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: July 22, 2013.
Case #: 13-198-OF.
Recommendation: \$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

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

Derry, NH.

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

None

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

None

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

None

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING AUGUST 5, 2013: 1,012

- a. Edwards Wines LLC, 74 Chester Main Road, North Stonington, CT 06359.
Issued Direct Shipper Permit #8210033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- b. Kutch Wines, 21660 8th Street East, Bldg. A, Suite C, Sonoma, CA 95476.
Issued Direct Shipper Permit #8209933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- c. Makk Wine LLC DBA Antica Terra, 979 SW Alder Street, Dundee, OR 97115.
Issued Direct Shipper Permit #8210433 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. Odonata Wines, 2343 Mission Street, Santa Cruz, CA 95060.
Issued Direct Shipper Permit #8210233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Opolo Wines LP DBA Opolo Vineyards, 7110 Vineyard Drive, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8210333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. Porter-Bass LLC DBA Porter-Bass Winery, 11750 Mays Canyon Road, Guerneville, CA 95446.
Issued Direct Shipper Permit #8210533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- g. Two Moons Cellars, Inc. DBA Two Moons Cellars, 2925 Anderson Road, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8210133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. **CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

11. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Blue Latitudes, Inc., 100 Main Street, Suite 102, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1264703 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside, fenced area with a capacity of 136 on August 6, 2013 with a rain date of August 13, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. Bonta Restaurant LLC, 287 Exeter Road, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #1365603 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside, fenced area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,
1 Redhook Way, Pease International, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1036603 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 500 on August 4 and 5, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Customer Retention Group LLC DBA Spaghetti Stain (The), 421 Central Avenue, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1443903 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside, roof top deck contingent upon receipt of a Permit of Assembly pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Customer Retention Group LLC DBA Spaghetti Stain (The), 421 Central Avenue, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1443903 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 136 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Dats Pizzeria and Sports Pub LLC, 6 Main Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine License #1466003 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Flatbread North Conway, Inc., 2760 White Mountain Highway, Conway, NH 03860.
Restaurant On-Premise Cocktail Lounge License #1211503 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an additional function area with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Hermit Woods, Inc., 56 Taylor Road, Sanbornton, NH 03269.
Wine Manufacturer Off-Premise Wine Only License #563330 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Canterbury Farmer's Market at Canterbury Shaker Village, 288 Shaker Road on Saturday, September 14, 2013 from 10:00 am to 5:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. Kelley's Row, Inc., 421 Central Avenue, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1326303 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 136 on August 20, 2013 with a rain date of August 27, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Merrill-Follansbee DBA American Legion Post 37, 5 Riverside Street, Hooksett, NH 03106.
Veterans Club On-Premise Cocktail Lounge License #26439 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside area for the Third Annual Mark Hinton Legacy Run on July 27, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. Moose Club DBA Loyal Order of Moose, 18 Golf Club Road, Newport, NH 03773.
Social Club On-Premise Cocktail Lounge License #15801 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 300 on July 27, 2013 from 1:00 pm to 8:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- l. Omni Hotels Management Corporation DBA Bretton Woods Ski Area, 310 Mount Washington Road, Route 302, Bretton Woods, NH 03575. Restaurant On-Premise Beverage/Wine/Liquor License #1392003 licensed pursuant to RSA 178:21. Requested approval for authorization of other areas, to wit, an outside, fenced area with a capacity of 1,500 on July 27 and 28, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. Plymouth Lodge of Elks #2312, Route 175, Holderness, NH 03245. Social Club On-Premise Cocktail Lounge License #30201 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an outside lawn area with a capacity of 400 on July 27, 2013, August 4, 2013 and August 25, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- n. Prodical Brewing Company LLC, 684 Town House Road, Effingham, NH 03882. Beverage Manufacturer Off-Premise Beverage Only License #288818 licensed pursuant to RSA 178:12. Requested approval for authorization of other areas, to wit, Town of Wolfeboro Farmer's Market at Clark Park, 233 Main Street, Wolfeboro, NH on Thursdays from August 8, 2013 through October 10, 2013 from 12:30 am to 4:30 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- o. J Tavern LLC DBA Mad River Tavern, 377 NH Route 49, Campton, NH 03223. Restaurant On-Premise Cocktail Lounge License #1335103 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 42 on Sundays only from 2:00 pm to 6:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- p. Twins Smoke Shop, Inc., 1275 Hooksett Road, Hooksett, NH 03106. Retail Tobacco, Tobacco Only License #808917 licensed pursuant to RSA 178:19-a. Requested approval for authorization to transfer tobacco products to another licensed premise, to wit, transfer the location from 1275 Hooksett Road, Hooksett, NH to 9 West Alice Drive, Hooksett, NH pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- q. WC Acquisition Corporation DBA Wildcat Mountain Ski Area, 542 Route 16, Pinkham's Grant, Gorham, NH 03581. Restaurant On-Premise Beverage/Wine/Liquor License #1417203 licensed pursuant to RSA 178:21. Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 1,500 on August 24, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

13. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

- a. Herrer's Mexican Restaurant, 89 Main Street, East Kingston, NH. Restaurant On-Premise Cocktail Lounge License #1433603 licensed pursuant to RSA 178:22. Requests approval for a Felon Exception for Amanda Morecroft as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c). Case #: 13-164-OF. Recommendation: Approval.
COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- b. 7 Northshore Road LLC, 11 White Avenue, Maynard, MA.
Combination Off-Premises Beverage/Wine/Tobacco #3303647 licensed pursuant to RSA 178:18/126-K:4.
Requests approval for a Felon Exception for Jessica L. Hobart as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 13-195-OF.
Recommendation: Approval.
COMMISSION APPROVED.
- c. VFW Post 4479, 39 Main Street, Raymond, NH.
Veterans Club License #23139 licensed pursuant to RSA 178:22, V(h).
Requests approval for a Felon Exception for Shannon Wallace as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 13-101-OF.
Recommendation: Approval.
COMMISSION APPROVED.

14. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

15. COMMISSION DECISIONS PENDING AFTER HEARING:

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.
AN INFORMATIONAL HEARING WAS HELD JULY 18, 2013 IN RYE, NH; THE COMMISSION HAS TAKEN THIS MATTER UNDER ADVISEMENT.

16. HEARING RESULTS:

None

17. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

18. EXECUTIVE SESSION ITEMS:

None