

**NHLC – DIVISION OF ENFORCEMENT – AGENDA  
FOR WEDNESDAY, SEPTEMBER 11, 2013**

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

None

**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 Full Service With Lounge License #1021203 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

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-OF.

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. Brookstone Grille, 14 Route 111, Derry, NH.  
Restaurant Full Service With Lounge License #1292703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
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: December 20, 2011.  
Case #: 12-11-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 September 16, 2013 with re-grant on September 19, 2013.
  
- b. Loyal Order Of Moose, 209 Broad Street, Claremont, NH.  
Social Club License #7801 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: May 18, 2013.  
Case #: 13-150-OF.  
Recommendation: A \$500 administrative fine, four (4) points assessed to the liquor license and the license to sell alcohol suspended for three (3) days commencing September 14, 2013 with re-grant on September 17, 2013..
  
- c. North Beach Bar & Gill, 931 Ocean Blvd., Hampton, NH.  
Restaurant Full Service With Lounge License #1379203 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
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 – 2 counts.  
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.  
Cited for violation of RSA 179:8, I – failed to require the purchaser whose age is in question to furnish identification that such person is 21 years of age.  
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.  
Date of violations: June 23, 2012.  
Case #: 12-186-OF-OF.  
Recommendation: For violation of RSA 179:5, I, a \$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and a five (5) day suspension of liquor license with two (2) days in abeyance for twelve (12) months pending no like violation commencing September 21, 2013 with re-grant on September 24, 2013; for violation of RSA 179:8, a \$100 administrative fine; for violation of RSA 179:27, a \$250 administrative fine; and for violation of RSA 179:20, a \$100 administrative fine.
  
- d. NR Fogg & Sons, 462 Route 202, Rindge, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #53947 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 178:18/ Liq. 404.02 – failed to have and maintain at least \$3,000 wholesale value of groceries commonly found in such stores and readily available to the public.  
Date of violation: August 15, 2013.  
Case #: 13-222-OF.  
Recommendation: \$100 administrative fine suspended for twelve (12) months pending no like violation.

- e. The Page Restaurant, 172 Hanover Street, Portsmouth, NH  
Restaurant Full Service With Lounge License #1337003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
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 179:20, II – allowed an employee to consume alcoholic beverage while working.  
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.  
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.  
Dates of violations: August 3 - 4, 2012 & April 5 - 6, 2013.  
Case #: 12-219-OF & 13-124-OF.  
Recommendation: **Settlement** reached whereby the licensees, John J. Dussi and Theodore M. Mountzuris, shall not apply for a new liquor license or obtain in any manner ownership or principal control in any business that applies for or presently holds a liquor license in the State of New Hampshire that grants liquor license privileges in an on-premises cocktail lounge pursuant to RSA 178:22 or that is beyond the scope of a Restaurant Beverage, Wine and Liquor license pursuant to RSA 178:21 and/or an on-premises cigar, beverage and liquor license pursuant to RSA 178:20-a for a period of three (3) years from the date the NH Liquor Commission approves this agreement; any application for liquor license submitted by the licensees shall include a business model; the Division of Enforcement & Licensing shall not unreasonably withhold or reject the approval of an application for the liquor license made by the Licensees which is otherwise not prohibited by this settlement agreement as more specifically set forth in paragraph no.1 above; and the Division of Enforcement & Licensing shall dismiss any and all pending violations relative to cases 12-219-OF and 13-124-OF..
- f. Pasta Loft Restaurant & Brickhouse Tavern, 220 East Main Street, Hampstead, NH.  
Restaurant Full Service With Lounge License #1246103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
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: December 20, 2011.  
Case #: 12-144-OF.  
Recommendation: \$2,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation, 4 points assessed to the liquor license and the license to serve liquor in the cocktail lounge only suspended for six (6) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing September 15, 2013 with re-grant on September 19, 2013.
- g. Vina Robles, 2425 Mission Street, San Miguel, CA.  
Direct Shipper Permit #8088233 licensed pursuant to RSA 178:27.  
Cited for violation of RSA 178:27, V – failed to include an invoice by the 15<sup>th</sup> of January, 2013.  
Date of violation: March 16, 2013.  
Case #: 13-90-OF.  
Recommendation: Nol prossed.

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

Clark Distributors, 472 Winchester Street, Keene, NH.  
Wholesale Distributor License #281020 licensed pursuant to RSA 178:16.  
Cited for violation of RSA 179:13, I – failed to report an overdue account – 3 counts.  
Date of violation: August 22, 2013.  
Case #: 13-221-OF.  
\$750 administrative fine paid.

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

None

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

**Concord:**

- a. Common Man, 25 Water Street, Concord, NH.  
Restaurant Full Service With Lounge License #430203 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- b. Concord Shell, 343 Loudon Road, Concord, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3116547 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- c. Dos Amigos Burritos, 26 North Main Street, Concord, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1345303 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- d. Hess Express, 175 North Main Street, Concord, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3090047 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

- e. Holiday Inn, 172 North Main Street, Concord, NH.  
Hotel Full Service With Lounge License #368002 licensed pursuant to RSA 178:21, II(b)(1)/RSA 178:22, V(k).  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- f. Ichiban, 118 Manchester Street, Concord, NH.  
Restaurant Full Service With Lounge License #1375903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- g. Old Europe Mediterranean Fine Dining, 76 North Main Street, Concord, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1396103 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- h. Sam's Of Connecticut, 308 Village Street, Penacook, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3108847 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- i. Shell Loudon Road, 24 Loudon Road, Concord, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3116647 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

- j. Siam Orchid, 158 North Main Street, Concord, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1023103 licensed pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: March 1, 2013.  
Case #: 13-55-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

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

None

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

- a. Cantelmo, Andrew & Balog, Greg DBA Heron Pond Farm @ Eastmans Corner, 267 South Road, Kensington, NH 03833.  
Issued Combination Off-Premises Beverage & Wine License #3302347 pursuant to RSA 178:18.
- b. Four Brothers Pizza LLC, 541 West Main Street, Tilton, NH 03276.  
Restaurant On-Premise Beverage/Wine License #1474003 pursuant to RSA 178:20.
- c. Kowalski, Catherine DBA Gryphon Piffles, 344 Parade Road, Barnstead, NH 03218.  
Issued Retail Table Wine Off-Premise Wine Only License #3157646 under RSA 178:19.
- d. Mahad Store LLC, 416 Chestnut Street, Manchester, NH 03101.  
Issued Retail Tobacco, Tobacco Only License #127917 pursuant to RSA 178:19-a.
- e. Popovers at Brickyard Square LLC, 11 Brickyard Square, Suite 23, Epping, NH 03042.  
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1473303 pursuant to RSA 178:21.
- f. Walgreen Eastern Company, Inc., 3 Plaistow Road, Plaistow, NH 03865.  
Issued Combination Off-Premises Beverage, Wine & Tobacco License #3303047 pursuant to RSA 178:18.

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

**TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING SEPTEMBER 9, 2013: 1,019**

- a. Brooklyn Oenology LLC DBA Brooklyn Oenology, 35 Cox Neck Road, Mattituck, NY 11952.  
Issued Direct Shipper Permit #8211933 pursuant to RSA 178:27.
- b. Cleveland Whiskey LLC, 1768 East 25<sup>th</sup> Street, Cleveland, OH 44111.  
Issued Direct Shipper Permit #8211833 pursuant to RSA 178:27.
- c. East Branch Winery, Inc. DBA McGregor Vineyard, 5503 Dutch Street, Dundee, NY 14837.  
Issued Direct Shipper Permit #8211733 pursuant to RSA 178:27.
- d. Witte Holly DBA A Blooming Hill Vineyard, 5195 SW Hergert Road, Cornelius, OR 97113.  
Issued Direct Shipper Permit #8212033 pursuant to RSA 178:27.

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

None

**11. NOTIFICATION OF APPROVED PETITIONS:**

- a. Boogbas, Inc. DBA Ziggy's Pizza, 254 Plainfield Road, West Lebanon, NH 03784.  
Restaurant On-Premise Beverage/Wine License #1432303 licensed pursuant to RSA 178:20.  
Requested approval for authorization of other areas, to wit, to expand licensing area into a newly leased area pursuant to RSA 178:24 and Liq. 404.05.
- b. Broken Spoke Campground LLC DBA Broken Spoke Saloon,  
1072 Watson Road, Laconia, NH 03246.  
Restaurant Full Service With Lounge License #1374603 licensed pursuant to  
RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Requested a waiver of RSA 179:17, II (a) for exception to hours of sale, to wit, to reduce hours to 4 days per week, Thursday through Sunday from September 5, 2013 to September 22, 2013 and to 3 days a week from September 20, 2013 through October 13, 2013, then to put license into safekeeping for the off-season.
- c. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,  
1 Redhook Way, Pease International, Portsmouth, NH 03801.  
Restaurant Full Service With Lounge License #1036603 licensed pursuant to  
RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 1,500 on September 13, 2013 from 5:00 pm to 11:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- d. Fermentation Station LLC, 79 Main Street, Meredith, NH 03253.  
Retail Tobacco, Tobacco Only License #73017 licensed pursuant to RSA 178:19-a.  
Requested approval for authorization to transfer tobacco products to another licensed premise, to wit, to transfer location from 72 Main Street, Meredith, NH to 79 Main Street, Meredith, NH on September 1, 2013 pursuant to RSA 178:29, VIII.
- e. Fulchino Vineyard, Inc., 187 Pine Hill Road, Hollis, NH 03049.  
Wine Manufacturer Off-Premise Wine Only License #562830 licensed pursuant to RSA 178:8.  
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 98 pursuant to RSA 178:24 and Liq. 404.05.
- f. Koszco Street Pub. Inc. DBA Wild Rover Pub, 21 Kosciuszko Street, Manchester, NH 03103.  
Restaurant Full Service With Lounge License #258403 licensed pursuant to  
RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Requested approval for authorization of other areas, to wit, an outside parking area with a capacity of 2,000 on September 15, 2013 pursuant to RSA 178:24 and Liq. 404.05.
- g. Paint and Sip Corp (The) DBA Muse Paintbar, 42 Hanover Street, Manchester, NH 03101.  
Restaurant On-Premise Beverage/Wine License #1456303 licensed pursuant to RSA 178:21.  
Requested approval for authorization of other areas, to wit, an additional inside area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
- h. Popovers at Brickyard Square LLC, 11 Brickyard Square, Suite 23, Epping, NH 03042.  
Restaurant On-Premise Beverage/Wine/Liquor License #1473303 pursuant to RSA 178:21.  
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 116 on September 13, 2013 from 5:00 pm to 11:00 pm pursuant to RSA 178:24 and Liq. 404.05.

- i. RM Management and Operation LLC DBA Ragged Mountain, 620 Ragged Mountain Road, Danbury, NH 03230. Sports Recreation Facility On-Premise Cocktail Lounge License #6016905 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an outside area with a capacity of 500 on September 15, 2013 from 12:00 pm to 6:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- j. Talwar & Latka LLC DBA India Palace, 575 South Willow Street, Manchester, NH 03103. Restaurant On-Premise Beverage/Wine License #1228503 licensed pursuant to RSA 178:20. Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, to close the current business location at 575 South Willow Street, Manchester, NH and relocate and transfer the beer and wine products to the new location at 379 South Willow Street, Manchester, NH on August 28, 2013 pursuant to RSA 178:29, VIII.
- k. Weirs Sports Center, Inc. DBA Funspot, 579 Endicott Street, Laconia, NH 03247. Sports Recreation Facility On-Premise Cocktail Lounge License #523905 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 213 on September 7, 2013 from 2:00 pm to 7:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- l. Ukrainian American Citizens Club, 148 Manchester Street, Manchester, NH 03101. Social Club On-Premise Cocktail Lounge License #10001 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an outside parking lot area with a capacity of 185 on September 14, 2013 from 11:00 am to 12:00 midnight pursuant to RSA 178:24 and Liq. 404.05.

**12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:**

Monadnock Food Co-Op, 34 Cypress Street, Keene, NH.  
Combination License #3301247 licensed pursuant to RSA 178:18.  
Requests approval for a Felon Exception for Pamela J. Croteau as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).  
Case #: 13-180-OF.  
Recommendation: Approval.

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

None

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

**Jeness 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.  
**THE COMMISSION HAD A PUBLIC DELIBERATION ON SEPTEMBER 5, 2013; COMMISSIONER MILLIGAN MOVED TO DENY THE LICENSE; CHAIRMAN MOLLICAN SECONDED THE MOTION; THE MOTION PASSED.**



15. **HEARING RESULTS:**

None

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

Shaun C. O'Leary, Capt., USAF, 2 Mountain View Drive, Hooksett, NH 03106.

Requests a waiver of transport fee, to wit, a military serviceman wishes to import his collection of alcohol back to New Hampshire from overseas where he is currently stationed and have the 25% fee waived pursuant to RSA 175:6.

Recommendation: Approval.

17. **EXECUTIVE SESSION ITEMS:**

None