

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, OCTOBER 2, 2013

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

None

2. **HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION,
21 SOUTH FRUIT STREET, CONCORD, NH:**

October 17, 2013 @ 9:00 a.m.:

India Palace, 493 Amherst Street, Nashua, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1255503 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:1, I – kept alcohol for sale without obtaining the proper license.
Date of violation: February 3, 2013.
Case #: 13-42-OF.

October 17, 2013 @ 11:00 a.m.:

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.

November 21, 2013 @ 1:00 p.m.:

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.

October 17, 2013 @ 10:00 a.m.:

Tony Clamato's Café Roma, 15 Court Street, Keene, NH.

Restaurant Full Service With Lounge License #1223603 licensed pursuant to
RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the
Commission.
Date of violation: May 3, 2013.
Case #: 13-142-OF.

October 17, 2013 @ 1:00 p.m.:

Wally's Pub, 144 Ashworth Avenue, Hampton, NH.

Restaurant Full Service With Lounge License #1286503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:23, IV – failed to have an affidavit for the person to be in charge of the premises on file with the Commission.

Date of violation: March 7 - 8, 2013.

Case #: 13-78-OF & 13-79-OF.

November 21, 2013 @ 8:45 a.m.:

Samantha's Inn, 1536 White Mountain Highway, Tamworth, NH.

Hotel Full Service With Lounge License #367802 licensed pursuant to RSA 178:21, II(b)(1)/178:22, V(k).

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.

Date of violations: March 6, 2012.

Case #: 12-95-OF.

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

Main Street Mini Mart, 104 Main Street, Winchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3305647 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:53 – altered premises without Commission approval.

Date of violation: September 9, 2013.

Case #: 13-244-OF.

Recommendation: \$250 administrative fine suspended for twelve (12) months pending no like violation.

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

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

Plymouth House Of Pizza & Restaurant, 45 Main Street, Plymouth, NH.

Restaurant Full Service With Lounge License #268003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

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.

Date of violation: September 2, 2013.

Case #: 13-254-OF.

\$250 administrative fine paid.

COMMISSION ACKNOWLEDGED.

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

Allenstown, NH;

Boscawen, NH;

Bow, NH;

Franklin, NH;

Henniker, NH; and

Pembroke, NH.

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Brau, Inc. DBA Schilling Beer Company, 18 Mill Street, Littleton, NH 03561.
Issued Brew Pub On-Premise Cocktail Lounge License #2001915 pursuant to RSA 178:13.
COMMISSION ACKNOWLEDGED.
- b. Canvas Roadshow LLC, 176 South River Road, Bedford, NH 03110.
Issued Restaurant On-Premise Beverage and Wine License #1473103 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- c. CTP Convenience LLC, 1 Clock Tower Place, Unit 532, Nashua, NH 03060.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3307947 pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.
- d. Fat Happens LLC DBA I Like That, 31 Market Street, Portsmouth, NH 03801.
Issued Combination Off-Premise Beverage/Wine License #3307047 pursuant to RSA 178:18.
COMMISSION ACKNOWLEDGED.
- e. Leaven Beer and Bread House LLP, 44 Market Street, Somersworth, NH 03878.
Issued Restaurant On-Premise Beverage and Wine License #1471203 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- f. Pidgeon B and B Management DBA Silver Fountain Inn, 103 Silver Street, Dover, NH 03820.
Issued Bed and Breakfast On-Premise Beverage and Wine License #359638 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- g. Piedra Fina LLC, 288 Main Street, Marlborough, NH 03455.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1458703 pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.
- h. Voras LLC DBA Gorham House of Pizza, 399 Main Street, Gorham, NH 03581.
Issued Restaurant On-Premise Beverage and Wine License #1474903 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING SEPTEMBER 30, 2013: 1,039

- a. Alltech's Lexington Brewing Co. LLC, 401 Cross Street, Lexington, KY 40508.
Issued Beverage Vendor License #68231 pursuant to RSA 178:15.
Manufacturer: Alltech Beverage Division LLC.
COMMISSION ACKNOWLEDGED.
- b. Brooklyn Winery LLC DBA Brooklyn Winery, 213 N 8th Street, Brooklyn, NY 11211.
Issued Direct Shipper Permit #8212133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- c. BWSC LLC DBA Wonderful Wine Co., 35 Industrial Way, Buellton, CA 93427.
Issued Direct Shipper Permit #8212633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. City Vintner's San Francisco Winery LLC DBA Bluxome Street Winery,
53 Bluxome Street, San Francisco, CA 94107.
Issued Direct Shipper Permit #8212533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Cloudburst Wines LLC DBA Cloudburst Wines, 3360 Coffey Lane, Suite E, Santa Rosa, CA 95403.
Issued Direct Shipper Permit #8212833 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- f. Davero Sonoma, Inc. DBA Davero, 766 Westside Road, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8213033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

- g. Ernest Vineyards LLC DBA Ernest Vineyards, 1160 Hopper Ave, Santa Rosa, CA 95403.
Issued Direct Shipper Permit #8212333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- h. Exel, Inc. DBA Exel New Hampshire, 683 Route 3-A, Bow, NH 03304.
Issued Carrier (Beverage, Wine, Liquor) License #754316 pursuant to RSA 178:14.
COMMISSION ACKNOWLEDGED.
- i. Exel, Inc. DBA Exel New Hampshire, 683 Route 3-A, Bow, NH 03304.
Issued Liquor/Wine/Beverage Warehouse License #172212 pursuant to RSA 178:11.
COMMISSION ACKNOWLEDGED.
- j. Fortunatus LLC DBA Bravium, 995 9th Street, Bldg. 201, Treasure Island, San Francisco, CA 94130.
Issued Direct Shipper Permit #8212933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- k. Kerwin Estates LLC DBA Araujo Estate Wines, 2155 Picket Road, Calistoga, CA 94515.
Issued Direct Shipper Permit #8212433 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- l. Larson Family Winery, 23355 Millerick Road, Sonoma, CA 95476.
Issued Direct Shipper Permit #8212733 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- m. Leviathan Wine Company LLC DBA Leviathan Wine Company,
105 Zinfandel Lane, Saint Helena, CA 94574.
Issued Direct Shipper Permit #8213133 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- n. Sandhi Wines LLC DBA Sandhi Wines, 1500 E. Chestnut Court, Unit E, Lompoc, CA 93436.
Issued Direct Shipper Permit #8213233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- o. Takara Sake USA, Inc. DBA Takara Sake USA, 708 Addison Street, Berkeley, CA 94710.
Issued Direct Shipper Permit #8213433 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- p. USA Truck, Inc., 320 Industrial Park Road, Van Buren, AR 72956.
Issued Carrier (Beverage, Wine, Liquor) License #752116 pursuant to RSA 178:14.
COMMISSION ACKNOWLEDGED.
- q. Villa Creek, Inc. DBA Villa Creek Cellars, 5995 Peachy Canyon Road, Paso Robles, CA 93446.
Issued Direct Shipper Permit #8212233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- r. White, Stephanie, 2 Cole Street, Salem, NH 03079.
Issued Alcohol Consultant – DS Affiliate License #501244 pursuant to RSA 178:27-a.
Direct Shipper Affiliate: License #8192033, ITO Wines, Inc.
COMMISSION ACKNOWLEDGED.
- s. Wind Gap Wines LLC DBA Wind Gap Wines, 6780 McKinley Street, Suite 155, Rutherford, CA 94573.
Issued Direct Shipper Permit #8213333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Brau, Inc. DBA Schilling Beer Company, 18 Mill Street, Littleton, NH 03561.
Brew Pub On-Premise Cocktail Lounge License #2001915 pursuant to RSA 178:13.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. Breezeway Pub, Inc., 14 Pearl Street, Manchester, NH 03101.
Restaurant On-Premise Cocktail Lounge License #1175103 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 250 on September 22, 2013 from 2:00 pm to 8:00 pm 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 233 on September 21, 2013 from 11:00 am to 9:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. J. W. Sandri, Inc. DBA Sandri Stop Smart, 345 Winchester Street, Keene, NH 03431.
Combination Off-Premise Beverage/Wine/Tobacco License #57147 licensed pursuant to RSA 178:18.
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, temporarily close 201 South Main Street, West Lebanon, NH, license #57147 for construction and transfer alcohol inventory to 345 Winchester Street, Keene, NH, license #3190747 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- e. Logan's Run, Inc., 816 Lafayette Road, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #1470203 pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Nolan's Brick Oven Bistro LLC, 39 North Main Street, Wolfeboro, NH 03894.
Restaurant On-Premise Beverage/Wine/Liquor License #1442803 licensed pursuant to RSA 178:21.
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, close the current location at 11 Railroad Avenue, Wolfeboro, NH and transfer the beer and wine products to new location 39 North Main Street, Wolfeboro, NH on September 6, 2013 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- g. Pidgeon B and B Management DBA Silver Fountain Inn, 103 Silver Street, Dover, NH 03820.
Bed and Breakfast On-Premise Beverage and Wine License #359638 licensed pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 14 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. 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 September 28, 2013 from 6:00 pm to 1:00 am, sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. VFW Social Club, 22 Hathorn Road, Jaffrey, NH 03452.
Veterans Club On-Premise Cocktail Lounge License #21939 licensed pursuant to RSA 178:22, V(h).
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 300 on September 28, 2013 from 2:00 pm to 10:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Volume Services, Inc. DBA Centerplate 1, 1 Skimobile Road, North Conway, NH 03860.
Restaurant On-Premise Cocktail Lounge License #1442703 licensed pursuant to RSA 178:22, V(q).
Requested approval for other areas, to wit, an outside area with a capacity of 80 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- k. WHYM NH LLC DBA WHYM Craft Beer Café, 3548 Lafayette Road, Portsmouth, NH 03801. Restaurant On-Premise Beverage and Wine License #1465203 licensed pursuant to RSA 178:20. Requested approval for authorization of other areas, to wit, an outside roped area with seating for 200 on September 28, 2013 from 12:00 pm to 8:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. WVSR LLC, 29 Village Road, Waterville Valley, NH 03215. Restaurant On-Premise Beverage/Wine/Liquor License #1460803 licensed pursuant to RSA 178:21. Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 40 on September 28, 2013 from 9:00 am to 10:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- m. Wicked Twisted Bar & Grill, 38 East Hollis Street, Nashua, NH 03060. Restaurant On-Premise Beverage/Wine/Liquor License #1473603 licensed pursuant to RSA 178:21. Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

Art's Tobacco, 301 Manchester Street, Manchester, NH.
Retail Tobacco License #440237 licensed pursuant to RSA 126-K:4.
Requests approval for a Felon Exception for Arthur Tourndis as a Licensee Applicant pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 13-273-OF.
Recommendation: **Denial.**
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. HEARING RESULTS:

None

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. 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.
COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM PENDING RECEIPT OF A LIST OF ALCOHOLIC ITEMS; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
LIST OF ALCOHOL ITEMS IS ATTACHED TO THE REQUEST.
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- b. Vermont Hard Cider Company LLC, 153 Pond Lane, Middlebury, VT 05753.
Beverage Vendor License #34431 licensed pursuant to RSA 178:15.
Requests approval of Woodchuck Hard Cider Cellar Series Smoked Apple with an alcohol content of 6.4% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII.
Recommendation: Approval.
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Yusuf M. Neal, Staff Sergeant, USAF, 302 Newmarket Street, Pease ANGB, Portsmouth, NH 03801.
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.
LIST OF ALCOHOL ITEMS IS ATTACHED TO THE REQUEST.
Recommendation: Approval.
COMMISSIONER MILLIGAN MOVED TO ACCEPT THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

17. FOR INFORMATION ONLY:

Applebee's Neighborhood Bar And Grill, 7 Fresh River Road, Epping, NH.
Restaurant Full Service With Lounge License #1430403 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: October 24, 2012.
Case #: 12-331-OF.
Settlement reached for a \$1,000 administrative fine, four points assessed to the liquor license and the license to sell alcohol in the cocktail lounge only suspended for five (5) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing September 30, 2013 with re-grant on October 4, 2013.
APPROVED BY COMMISSIONER MILLIGAN ON SEPTEMBER 25, 2013.

18. EXECUTIVE SESSION ITEMS:

None

THE NEXT ENFORCEMENT AGENDA IS ON OCTOBER 23, 2013 @ 1:30 P.M.