

**MINUTES OF THE NHLC**  
**DIVISION OF ENFORCEMENT & LICENSING MEETING**  
**FOR WEDNESDAY, NOVEMBER 6, 2013**

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

None

2. **HEARINGS TO BE HELD AT THE LIQUOR COMMISISON, 50 STORRS STREETS, CONCORD, NH:**

**November 7, 2013 @ 3:00 p.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.

Hearing date: October 17, 2013.

**EXPEDITED HEARING.**

**THE LICENSEE'S COUNSEL FILED A MOTION TO CONTINUE; THE MOTION WAS GRANTED.**

**HEARINGS HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING,  
21 SOUTH FRUIT STREET, CONCORD, NH:**

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

a. **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.

**November 21, 2013 @ 10:30 a.m.:**

b. **McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.**

Sports Entertainment License #2503405 licensed pursuant to RSA 178:22, (u)(1).

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: June 2, 2013.

Case #: 13-170-OF.

Hearing date: November 13, 2013.

**MOTION TO CONTINUE WAS FILED BY THE LICENSEE AND WAS GRANTED.**

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

- c. **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.  
Hearing date: June 26, 2013.  
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A CONTINUANCE DUE TO THE UNAVAILABILITY OF WITNESSES.

**November 21, 2013 @ 2:30 p.m.:**

- d. Felon Exception Revocation for Raymond Fredericksen, III relative to Cannon Mountain View Above The Notch.

**December 19, 2013 @ 9:30 a.m.**

- e. **Penuche's Ale House, 91 Marlboro Street, Keene, NH.**  
Restaurant On-Premise Beverage/Wine/Liquor License #440103 licensed pursuant to RSA 178:21.  
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.  
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.  
Cited for violation of RSA 178:21, II(a)(1) – failed to have full course meals readily available, promoted and served to tables.  
Dates of violations: March 1, 2013, May 4, 2013, August, 31, 2013 & September 20, 2013.  
Case #: 13-65-OF, 13-143-OF, 13-235-OF & 13-276-OF.

**December 19, 2013 @ 10:30 a.m.**

- f. **Penuche's Ale House, 16 Bicentennial Square, Concord, NH.**  
Restaurant On-Premise Beverage/Wine/Liquor License #1092203 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 violations: August, 18, 2013.  
Case #: 12-282-OF.

**December 19, 2013 @ 1:15 p.m.**

- g. **Sausage King Of Nashua, 53 Main Street, Nashua, NH.**  
Restaurant Beverage and Wine License #1438903 licensed pursuant to RSA 178:20.  
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.  
Date of violation: August 9, 2013.  
Case #: 13-213-OF.

**Date to be determined:**

- h. **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.  
**POSTPONED.**

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

None

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

- a. City Wine Cellar, 2295 Richmond Avenue, Staten Island, NY.  
Direct Shipper Permit #8174133 licensed pursuant to RSA 178:27.  
Cited for violation of RSA 178:27, V – failed to report shipments by the 15th of July, 2013.  
Date of violations: October 9, 2013.  
Case #: 13-298-OF  
\$250 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**
- b. Cline Cellars, 24737 Arnold Drive, Sonoma, CA.  
Direct Shipper Permit #8056633 licensed pursuant to RSA 178:27.  
Cited for violation of RSA 178:27, V – failed to report shipments by the 15th of July, 2013.  
Date of violations: October 8, 2013.  
Case #: 13-293-OF  
\$250 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**
- c. L & M Variety Store, 51 Elm Street, Newmarket, NH.  
Combination Off-Premises Beverage/Wine/Tobacco #3150447 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:32, I – purchased supplies of liquor and wine from other than the Commission or as provided by law.  
Date of violation: October 2, 2013.  
Case #: 13-289-OF.  
\$250 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**
- d. Rogue Ales, 2320 Osu Drive, Newport, OR.  
Direct Shipper Permit #8197633 licensed pursuant to RSA 178:27.  
Cited for violation of RSA 178:27, V – failed to report shipments by the 15th of July, 2013.  
Date of violations: October 9, 2013.  
Case #: 13-301-OF  
\$250 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**

- e. White Mountain Distributors, Jericho Road, Berlin, NH.  
Wholesale Distributor License #282920 licensed pursuant to RSA 178:16.  
Cited for violation of RSA 178:16/Liq. 404.04(a) – delivered beer to an unauthorized location.  
Date of violation: October 7, 2013.  
Case #: 13-292-OF.  
\$100 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**

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

Hollis, NH.

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

None

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

None

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

- a. Birdrun Management Group LLC DBA Toboggan Craftsman & Merchants,  
601 Islington Street, Suite B, Portsmouth, NH 03801.  
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3309547 – RSA 178:18.  
**COMMISSION ACKNOWLEDGED.**
- b. Himalayas General Store LLC, 377 Elm Street, Unit 1, Manchester, NH 03101.  
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3309247 – RSA 178:18.  
**COMMISSION ACKNOWLEDGED.**
- c. XSmoke Vape Smart LLC, 270 Steeplegate Mall, Loudon Road, Unit 1046, Concord, NH 03301.  
Issued Retail Tobacco/Tobacco License #129117 – RSA 178:19-a.  
**COMMISSION ACKNOWLEDGED.**

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

**TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 5, 2013: 1,038**

- a. 9 Dragon Cellars LLC DBA Yao Family Wines, 824A Healdsburg Avenue, Healdsburg, CA 95448.  
Issued Direct Shipper Permit #8214333 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**
- b. Amapola Creek Vineyards & Winery, 392 London Way, Sonoma, CA 95476.  
Issued Direct Shipper Permit #8214533 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**
- c. Celebration Cellars LLC DBA Miramonte Winery,  
33410 Rancho California Road, Temecula, CA 92591.  
Issued Direct Shipper Permit #8214633 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**
- d. Grape Island, Inc. DBA Mill River Winery, 498 Newbury Port Turnpike, Rowley, MA 01969.  
Issued Direct Shipper Permit #8214433 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**

- e. Magnet Enterprises, Inc. DBA Wine Insiders, 385 Treehaven Lane, Kenwood, CA 95452.  
Issued Direct Shipper Permit #8214733 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**
- f. New Vineland LLC, 1500 E. Chestnut Court, Unit E, Lompoc, CA 93436.  
Issued Direct Shipper Permit #8214833 pursuant to RSA 178:27.  
**COMMISSION ACKNOWLEDGED.**
- g. Webber, Sharie, 95 Highland Street, Dunstable, MA 01827.  
Issued Alcohol Consultant – Non- Affiliate License #501344 – RSA 178:27-a.  
**COMMISSION ACKNOWLEDGED.**

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

None

**11. NOTIFICATION OF APPROVED PETITIONS:**

- a. Gilmanton Convenience, Inc. DBA Iron Works Market,  
1818 NH Route 140, Gilmanton Iron Works, NH 03837.  
Combination Off-Premise Beverage/Wine/Tobacco License #3261547 licensed  
pursuant to RSA 178:18.  
Requested approval to keep invoices at other location, to wit, to keep alcoholic invoices at a home  
office located at 425 Province Road, Gilmanton, NH pursuant to RSA 179:35.  
**COMMISSION ACKNOWLEDGED.**
- b. JPA III Management Co., Inc. DBA Radisson Hotel @ Center of NH,  
700 Elm Street, Manchester, NH 03101.  
Hotel On-Premise Cocktail Lounge License #214602 licensed pursuant to RSA 178:22, V(k).  
Requested approval for authorization of other areas, to wit, an inside lobby area with a capacity of 100  
on November 16, 2013 pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**
- c. 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 November 1<sup>st</sup> and 3<sup>rd</sup>, 2013 from 6:00pm to 1:00am, sanctioned off  
appropriately pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**
- d. Three J Sustainable Table LLC DBA Graze, Sustainable Table,  
207 Main Street, New London, NH 03257.  
Restaurant On-Premise Beverage/Wine/Liquor License #1464403 licensed pursuant to RSA 178:21.  
Requested approval for authorization of reduction of hours, to wit, to reduce the hours of operation to  
less than five days a week, open 4 nights a week from November 1, 2013 through April 30, 2014 as  
listed in a letter dated October 24, 2013 pursuant to RSA 178:21, II, a(2).  
**COMMISSION ACKNOWLEDGED.**
- e. Throwback Brewery LLC, 121 Lafayette Road, North Hampton, NH 03862.  
Nano-Brewery License #200222 licensed pursuant to RSA 178:12-a.  
Requested approval for authorization of other areas, to wit, Town of Exeter Winter Farmers' Market at  
Exeter High School, 315 Epping Road, Exeter, NH on November 23, 2013, December 7, 2013,  
January 25, 2014, February 22, 2014, March 22, 2014 & April 5, 2014 from 10:00 am to 2:00 pm and  
Town of Rollinsford Winter Farmers' Market at Wentworth Greenhouses, 141 Rollins Road,  
Rollinsford, NH on November 23, 2013, December 7, 2013, January 25, 2014, February 22, 2014,  
March 22, 2014 & April 5, 2014 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**

- f. Y Cook LLC DBA Liberty Lane Catering, 1 Liberty Lane, Hampton, NH 03842.  
Caterers' Off-Site On-Premise Cocktail Lounge License #1281334 licensed pursuant to RSA 178:22, V(e).  
Requested approval for authorization to transfer business location, to wit, to transfer location from One Liberty Lane, Hampton, NH to the new location at 8 Merrill Industrial Drive, Unit #6, Hampton, NH pursuant to RSA178:29, VIII.  
**COMMISSION ACKNOWLEDGED.**

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

None

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

None

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

None

**15. NOTIFICATION OF HEARING RESULTS:**

- a. Caribbean Tropical Café, 60 West Hollis Street, Nashua, NH.  
Restaurant Full Service With Lounge License #1268403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:50, II – allowed the premise to be used for a purpose contrary to law.  
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.  
Cited for violation of RSA 179:18 – failed to post age requirement sign.  
Cited for violation of RSA 179:52 – failed to post license in a conspicuous place on the premises.  
Cited for violation of RSA 179:48 – residential area on establishment premises.  
Cited for violation of RSA 178:22, V(q) – failed to have a separate room for the cocktail lounge.  
Date of violations: June 13, 2013.  
Case #13-173-OF.  
Hearing date: October 24, 2013.  
LICENSEE'S COUNSEL, ERIC WILSON, ESQUIRE WILL BE FILING A MOTION TO CONTINUE HEARING; NO MOTION WAS FILED; HEARING WENT FORWARD.  
**DECISION AND ORDER DATED OCTOBER 31, 2013: \$1,000 ADMINISTRATIVE FINE TO BE PAID WITHIN 45 DAYS AND THE LIQUOR LICENSE SHALL BE REVOKED EFFECTIVE DECEMBER 1, 2013; LICENSEE MAY APPEAL WITHIN 30 DAYS.**  
**COMMISSION ACKNOWLEDGED.**
- b. 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.  
Hearing date: October 17, 2013.  
**SETTLEMENT REACHED FOR A \$2,000 ADMINISTRATIVE FINE HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, A 10-DAY SUSPENSION OF LIQUOR LICENSE COMMENCING NOVEMBER 1, 2013 WITH RE-GRANT NOVEMBER 11, 2013 AND THE FINE AND ALL OUTSTANDING FEES TO BE PAID WITH A CASHIER'S CHECK.**  
**COMMISSION ACKNOWLEDGED.**

- c. 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 #s: 13-78-OF & 13-79-OF.  
Hearing date: October 17, 2013.  
**DECISION AND ORDER DATED OCTOBER 23, 2013: \$2,000 ADMINISTRATIVE FINE WITH \$1,000 SUSPEND FOR 12 MONTHS PENDING NO LIKE VIOLATION, 10-DAY SUSPENSION OF LIQUOR LICENSE WITH 6 DAYS HELD IN ABEYANCE FOR 12 MONTHS PENDING NO LIKE VIOLATION COMMENCING NOVEMBER 12, 2013 WITH RE-GRANT NOVEMBER 16, 2013 AND AFFIDAVITS FOR ALL PERSONS IN CHARGE TO BE FILED WITH THE DIVISION OF ENFORCMENT & LICENSING WITHIN 30 DAYS; LICENSEE MAY APPEAL WITHIN 30 DAYS. COMMISSION ACKNOWLEDGED.**

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

- a. Anheuser-Busch LLC, One Busch Place, St. Louis, MO 63118.  
Beverage Vendor License #54131 licensed pursuant to RSA 178:15.  
Requests approval of Goose Island Bourbon County Brand Barleywine with an alcohol content of 12.2% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.  
Recommendation: Approval.  
CHAIRMAN MOLLICA MOVED TO **TABLE THIS ITEM**; DEPUTY COMMISSIONER MILLIGAN SECONDED THE MOTION; THE MOTION PASSED.  
**DEPUTY DIRECTOR MILLIGAN MOVED TO TAKE THIS ITEM OFF THE TABLE AND APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTIONS; THE MOTIONS PASSED.**
- b. Ali Baba Holdings LLC DBA Ali Baba Wholefoods Festival Treasures,  
590 Second Street, Manchester, NH 03102.  
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3308447 licensed pursuant to RSA 178:18.  
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1476903 – RSA 178:21.  
**CONDITIONAL LICENSE (ATTACHED FOR SIGNATURE).**  
**DEPUTY DIRECTOR MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- c. Country Corner Mile LLC, Route 31, Greenville, NH 03048.  
Agency Store Off-Premise Liquor Only License #980404 licensed pursuant to RSA 177:9.  
Requests approval for renewal of license, to wit, renewal of Agency Store Off-Premise Liquor Only license pursuant to RSA 177:9.  
Recommendation: Approval.  
**DEPUTY DIRECTOR MILLIGAN MOVED TO HAVE THIS ITEM TABLED UNTIL DIRECTOR OF MARKETING GERRISH CONTACTS THE LICENSEE TO ASSURE THEY ARE NOT IN NEED OF ASSISTANCE FROM THE COMMISSION; THE DIVISION OF ENFORCEMENT WILL NOT LET THE LICENSE LAPSE IN THE MEANTIME; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- d. Founders Brewing Company, 235 Grandville Avenue South West, Grand Rapids, MI 49503.  
Beverage Vendor License #62431 licensed pursuant to RSA 178:15.  
Requests approval of Founders Sweet Repute with an alcohol content of 12.59% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII.  
Recommendation: Approval.  
**DEPUTY DIRECTOR MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**

- e. Koochenwagner's Brewing Company DBA Stone Brewing Company, 1999 Citracado Parkway, Escondido, CA 92029.  
Beverage Vendor License #42631 licensed pursuant to RSA 178:15.  
Requests approval of Stone Brewing Southern Charred with an alcohol content of 12.49% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.  
Recommendation: Approval.  
**DEPUTY DIRECTOR MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- f. 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 Chocolate alcohol with a content of 6.8% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.  
Recommendation: Approval.  
**DEPUTY DIRECTOR MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**

17. **FOR INFORMATION ONLY:**

None

18. **EXECUTIVE SESSION ITEMS:**

None