

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, NOVEMBER 20, 2013**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

None

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

November 21, 2013 @ 9:15 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 FILED BY LICENSEE AND 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.
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. Klinker Brick Winery, 15887 North Alpine Road, Lodi, CA.
Direct Shipper Permit #8075433 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to include an invoice by the 15th of the May, 2013.
Date of violation: October 30, 2013.
Case #: 13-335-OF
\$250 administrative fine paid.
- b. Martha's Inc., 179-185 Main Street, Nashua, NH.
Brew Pub License #2000815 licensed pursuant to RSA 178:13.
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.
Date of violations: August 17, 2013.
Case #: 13-220-OF.
\$500 administrative fine paid.

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. Albright, Thomas DBA Out.Haus Ales, 49 Lucas Pond Road, Northwood, NH 03261.
Issued Nano-Brewery License #201322 pursuant to RSA 178:12-a.
- b. Middlebrook Enterprises LLC DBA Grammy & Grampy's Gift Basket,
16 North Main Street, Rochester, NH 03867.
Issued Retail Wine and Tobacco License #3158146 pursuant to RSA 178:19.
- c. Revolution Cantina LLC, 38 Opera House Square, Claremont, NH 03743.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1476003 pursuant to RSA 178:21.
- d. 61 Best Market LLC, 61 Maple Street, Manchester, NH 03103.
Issued Combination Off-Premise Beverage/Wine License #3310147 pursuant to RSA 178:18.
- e. True Brew Café LLC, 43-45 South Main Street, Concord, NH 03301.
Issued Restaurant On-Premise Beverage/Wine License #1473203 pursuant to RSA 178:20.
- f. 7th Settlement Brewery LLC, 47 Washington Street, Dover, NH 03820.
Issued Brew Pub On-Premise Cocktail Lounge License #2002015 pursuant to RSA 178:13.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 18, 2013: 1,044

- a. Aداstra Wines, Inc. DBA Aداstra Wines, 2545 Las Amigas Road, Napa, CA 94559.
Issued Direct Shipper Permit #8215033 pursuant to RSA 178:27.
- b. Armida Winery, 2201 Westside Road, Healdsburg, CA 95448.
Issued Direct Shipper Permit #8215133 pursuant to RSA 178:27.
- c. Djinn Spirits LLC, 2 Townsend West Suite 9, Nashua, NH 03063.
Issued Liquor Manufacturer License #287419 pursuant to RSA 178:6.
- d. ELV Holdings, Inc. DBA Evening Land Vineyards, 1160 Hopper Avenue, Santa Rosa, CA 95403.
Issued Direct Shipper Permit #8215333 pursuant to RSA 178:27.
- e. Fox Ortega Enterprises DBA Premier Cru, 1011 University Avenue, Berkeley, CA 94710.
Issued Direct Shipper Permit #8215233 pursuant to RSA 178:27.
- f. Massachusetts Beverage Alliance LLC, 89 Teed Drive, Randolph, MA 02368.
Issued Beverage Vendor License #68731 pursuant to RSA 178:15.
Manufacturer: Brassuers Sans Gluten.
- g. Matos, Jenna, 264 Hilton Drive, South Windsor, CT 06074
Issued Alcohol Consultant – DS Affiliate License #501444 pursuant to RSA 178:27-a.
Direct Shipper Affiliate: License #8192033, ITO Wines, Inc.
- h. MHW Ltd., 272 Plandome Road, Manhasset, NY 11030.
Issued Beverage Vendor License #69031 pursuant to RSA 178:15.
Manufacturer: Klosterbrauerei Andichs.
- i. Ole Smoky Distillery LLC, 903 Parkway, Gatlinburg, TN 37738.
Issued Liquor Wine Vendor License #109145 pursuant to RSA 178:9.
- j. Parker, Ray, 485 2nd Turnpike, Unity, NH 03743.
Issued Liquor Wine Vendor License #109545 pursuant to RSA 178:9.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Anheuser-Busch LLC, 221 Daniel Webster Highway, Merrimack, NH 03054.
Beverage Manufacturer License #286818 licensed pursuant to RSA 178:12.
Requested approval for an outside area, to wit, an outside area with capacity of 70 on November 9, 2013 pursuant to RSA 178:24 and Liq. 404.05.
- b. Concord Food Cooperative, Inc., 24 South Main Street, Concord, NH 03301.
Combination Off-Premise Beverage/Wine License #3198547 licensed pursuant to RSA 178:18.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 160 on December 12, 2013 from 6:00 pm to 8:00 pm pursuant to RSA 178:24 and Liq. 404.05.

- c. Dunbar Hotel LLC DBA Ashworth Hotel, 295 Ocean Boulevard, Hampton, NH 03842.
Caterers' Off-Site On-Premise Cocktail Lounge License #1282134 licensed pursuant to RSA 178:22, V (e).
Requested authorization for reduction of hours, to wit, to reduce the hours of operation to less than five days a week from November 1, 2013 to April 1, 2014 as indicated in a letter dated October 22, 2013 pursuant to RSA 178:21, II, a (2).
- d. Fire On Stone LTD DBA Fireworks Restaurant, 22 Main Street, Keene, NH 03431.
Restaurant On-Premise Beverage/Wine/Liquor License #1435003 licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside area with a capacity of 55 pursuant to RSA 178:24 and Liq. 404.05.
- e. Hendershott, Lindy & Walch, Jeffrey DBA Jaspers Home Brew Supply, 4 Temple Street, Nashua, NH 03060.
Combination Off-Premise Beverage/Wine License #3131047 licensed pursuant to RSA 178:18.
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, to transfer product from 4 Temple Street, Nashua, NH to 522 Amherst Street, Nashua, NH on November 5, 2013 pursuant to RSA 178:29, VIII.
- f. Jewell Towne Vineyards, Inc., 65 Jewell Street, South Hampton, NH 03827.
Wine Manufacturer Off-Premise Wine Only License #561530 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Greenland Farmers' Market, Rolling Green Nursery, 64 Breakfast Hill Road, Greenland, NH every other Saturday from November 2, 2013 to April 30, 2014 from 10 am to 2 pm pursuant to RSA 178:24 and Liq. 404.05.
- g. Maxi Drug North, Inc. DBA Rite Aid 10281, 343 Daniel Webster Highway, Meredith, NH 03253.
Combination Off-Premise Beverage/Wine/Tobacco License #3251047 licensed pursuant to RSA 178:18.
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, transfer product from 343 Daniel Webster Highway, Meredith, NH to 89 Route 25, Meredith, NH on November 11, 2013 pursuant to RSA 178:29, VIII.
- h. Monadnock Country Club, Inc., High Street, Peterborough, NH 03458.
Sports Recreation Facility On-Premise Cocktail Lounge License #394705 licensed pursuant to RSA 178:22, V(v).
Requested approval for an outside area, to wit, an additional television lounge area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
- i. My Friends Bar & Grill, Inc., 507 Maple Street, Manchester, NH 03104.
Restaurant On-Premise Cocktail Lounge License #1392403 licensed pursuant to RSA 178:22, V (q).
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, transfer product from 507 Maple Street, Manchester, NH to 399 Silver Street, Manchester, NH on November 12, 2013 pursuant to RSA 178:29, VIII.
- j. 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 Greenland Farmers' Market, Rolling Green Nursery, 64 Breakfast Hill Road, Greenland, NH every Saturday from November 16, 2013 to March 1, 2014 from 10 am to 2 pm pursuant to RSA 178:24 and Liq. 404.05.

- k. Woodstock Inn Again LTD DBA Woodstock Brewery, 135 Main Street, North Woodstock, NH 03262. Restaurant On-Premise Cocktail Lounge License #1458603 licensed pursuant to RSA 178:22. Requested approval for authorization of other areas, to wit, an extension of service adjacent to the brewery with a capacity of 25 on November 2, December 14 & 21, 2013 pursuant to RSA 178:24 and Liq. 404.05.

12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

None

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. 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.

- b. 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 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. **SUSPENSION STAYED UNTIL NOVEMBER 22, 2013; IF NO APPEAL IS FILED, NEW SUSPENSION DATES WILL BE IMPOSED.**

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

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 MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

17. FOR INFORMATION ONLY:

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; MOTION GRANTED.
HEARING SCHEDULED FOR NOVEMBER 7, 2013 WAS CANCELED; SETTLEMENT REACHED FOR A \$500 ADMINISTRATIVE FINE SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, THE LICENSE TO SELL ALCOHOL SUSPENDED FOR THREE (3) DAYS WITH TWO (2) DAYS HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION TO OCCUR ON NOVEMBER 12, 2013 WITH RE-GRANT ON NOVEMBER 13, 2013, THE LICENSEE SHALL PAY GREAT STATE BEVERAGE IN FULL ON OR BEFORE NOVEMBER 13, 2013 AND THE LICENSEE SHALL ATTEND A MANAGEMENT TRAINING SEMINAR (MTS) WITHIN FIVE (5) MONTHS FROM THE DATE OF THE SETTLEMENT AGREEMENT, APRIL 7, 2014; AND THE LICENSEE SHALL RENEW HIS LIQUOR LICENSE THIRTY (30) DAYS PRIOR TO EXPIRATION.

18. EXECUTIVE SESSION ITEMS:

None