

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, DECEMBER 4, 2013

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

None

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

Date to be determined:

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.

LICENSEE'S REQUEST FOR APPEAL RECEIVED ON NOVEMBER 22, 2013.

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

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

a. **Cannon Mountain View Above The Notch, 729 Main Street, Franconia, NH.**

Restaurant Full Service With Lounge License #1271203 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

License Revocation Hearing and Felon Exception Revocation for Raymond Fredericksen, III.

HEARING ON FELON EXCEPTION REVOCATION WAS SCHEDULED FOR NOVEMBER 21, 2013 AND POSTPONED PENDING FELON'S CRIMINAL TRIAL; NOTICE OF IMMEDIATE SUSPENSION OF LIQUOR LICENSE WAS ISSUED NOVEMBER 22, 2013; HEARING ON THE STATUS OF LIQUOR LICENSE WAS HELD NOVEMBER 27, 2013; MOTION TO CONTINUE WAS FILED BY LICENSEE AND GRANTED; HEARING RESCEDULED FOR DECEMBER 2, 2013; LICENSEE FILED AN OBJECTION AND MOTION TO DISMISS WITH PREJUDICE THE IMMEDIATE SUSPENION; MOTION GRANTED; HEARING FOR REVOCATION OF LIQUOR LICENSE SCHEDULED FOR DECEMBER 19, 2013 AT 9:30 AM.

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

- b. **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.

January 16, 2014 @ 9:30 a.m.

- c. **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 #s: 13-65-OF, 13-143-OF, 13-235-OF & 13-276-OF.
MOTION TO CONTINUE HEARING ON DECEMBER 19, 2013 FILED BY LICENSEE ON DECEMBER 2, 2013 AND GRANTED; HEARING RESCHEDULED FOR JANUARY 16, 2014 AT 9:30 A.M.

January 16, 2014 @ 10:30 a.m.

- d. **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.
MOTION TO CONTINUE HEARING ON DECEMBER 19, 2013 FILED BY LICENSEE ON DECEMBER 2, 2013 AND GRANTED; HEARING RESCHEDULED FOR JANUARY 16, 2014 AT 10:30 A.M.

Date to be determined:

- e. **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. Morgan Winery, 590-C Brunken Avenue, Salinas, CA.
Direct Shipper Permit #8194233 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to report a shipments by the 15th of March, April and May, 2012.
Date of violations: July 23, 2012.
Case #: 12-210-OF
\$750 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Nellie's Mart & Deli, 48 Burke Street, Nashua, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3278347 licensed pursuant to RSA 178:18/RSA 126-K:4
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Date of violation: September 5, 2013.
Case #: 13-243-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Race Mart, 52 Lowell Road, Salem, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3182447 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: July 25, 2013.
Case #: 13-199-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- d. Taco's Colima Mexican Food, 101 Factory Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1375603 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: September 13, 2013.
Case #: 13-253-OF.
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. Agrillculture LLC DBA Tumble Down Café, 21 Meadow Street, Wakefield, NH 03872.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1478103 pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.

- b. Kaplan, Jacob DBA Happy Daze, 368 North Broadway, Unit #2, Salem, NH 03079.
Issued Retail Tobacco/Tobacco License #129117 pursuant to RSA 178:19-a.
COMMISSION ACKNOWLEDGED.
- c. Ralphie's LLC, 2370 Route 16, West Ossipee, NH 03890.
Issued Restaurant On-Premise Beverage/Wine License #1478703 pursuant to RSA 178:20.
COMMISSION ACKNOWLEDGED.
- d. Texas Roadhouse Holdings LLC, 1525 South Willow Street, Manchester, NH 03103.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1472103 pursuant to RSA 178:21.
COMMISSION ACKNOWLEDGED.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING DECEMBER 3, 2013: 1,036

- a. Hope Beverage LLC, 575 Carowinds Boulevard, Fort Mill, SC 29708.
Issued Beverage Vendor License #66631 pursuant to RSA 178:15.
Manufacturer: Alta Marketing.
COMMISSION ACKNOWLEDGED.
- b. Park Street Imports LLC, 1000 Bricknell Avenue, Suite 915, Miami, FL 33131.
Issued Beverage Vendor License #69131 pursuant to RSA 178:15.
Manufacturer: Coastal Cocktails, Inc.
COMMISSION ACKNOWLEDGED.
- c. Stoli Group (USA) LLC, 135 East 57th Street, New York, NY 10022.
Issued Liquor Wine Vendor License #109645 pursuant to RSA 178:9.
COMMISSION ACKNOWLEDGED.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Capitol Center for the Arts, 44 South Main Street, Concord, NH 03301.
Performing Arts Facility On-Premise Cocktail Lounge License #398008 licensed pursuant to RSA 178:22, V(m).
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 188 with chairs or 87 with tables & chairs on December 1, 2013 from 6:00 pm to 7:15 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Harts Restaurant, Inc. DBA Harts Turkey Farm Restaurant, 233 Daniel Webster Highway, Meredith, NH 03253.
Restaurant On-Premise Cocktail Lounge License #242703 licensed pursuant to RSA 178:22.
Requested approval for authorization of other areas, to wit, an outside tented area with seating for 80 contingent on receipt of a permit of assembly on November 28, 2013 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Nonni's New London LLC, 1407 Route 103, Newbury, NH 03255.
Restaurant On-Premise Cocktail Lounge License #1369703 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 255 Newport Road, Suite #3, Newbury, NH to 1407 Route 103, Newbury, NH on November 29, 2013 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.

- d. 7th Settlement Brewery LLC, 47 Washington Street, Dover, NH 03820.
Brew Pub On-Premise Cocktail Lounge License #2002015 licensed pursuant to RSA 178:13.
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 30, 2013 to March 1, 2014 from 10 am to 2 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

None

13. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

- 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.
PRE-HEARING CONFERENCE HELD ON NOVEMBER 21, 2013; SETTLEMENT IS PENDING.
- b. **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 HELD NOVEMBER 21, 2013.

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.
LIQUOR LICENSE REVOKED EFFECTIVE DECEMBER 1, 2013.

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 Backyard Rye Bourbon Barrel Stout with an alcohol content of 12.7% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
COMMISSIONER MILLIGAN APPROVED.
- b. Firestone Walker LLC, 1400 Ramada Road, Paso Robles, CA 93446.
Beverage Vendor License #54731 licensed pursuant to RSA 178:15.
Requests approval of Firestone XVII Anniversary with an alcohol content of 13.42% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
COMMISSIONER MILLIGAN APPROVED.
- c. North Coast Brewing Co., Inc., 455 North Main Street, Fort Bragg, CA 95437.
Beverage Vendor License #53331 licensed pursuant to RSA 178:15.
Requests approval of Old Stock Ale 2011 Reserve Cellar with an alcohol content of 15.13% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
COMMISSIONER MILLIGAN APPROVED.
- d. Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592.
Agency Store Off-Premise Liquor Only License #980504 licensed pursuant to RSA 177:9.
Requests approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only license pursuant to RSA 177:9.
Recommendation: Approval.
COMMISSIONER MILLIGAN TABLED THIS ITEM; THE DIVISION OF ENFORCEMENT & LICENSING WILL CONTACT THE LICENSEE TO DETERMINE WHETHER THEY NEED ANY ASSISTANCE AND THEN WILL REPORT TO THE COMMISSION.

17. FOR INFORMATION ONLY:

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.
SETTLEMENT REACHED FOR A \$500 TO COME FORWARD FROM PENALTIES ADJUDICATED ON JANUARY 30, 2013, AN ADMINISTRATIVE FINE OF \$500 SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, THE LICENSE TO SELL ALCOHOL SUSPENDED FOR FIVE (5) DAYS TO COME FORWARD FROM PENALTIES ADJUDICATED ON JANUARY 30, 2013 COMMENCING DECEMBER 1, 2013 WITH RE-GRANT ON DECEMBER 6, 2013, THE LICENSE TO SELL ALCOHOL SUSPENDED FOR THREE (3) DAYS AND HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION AND FOUR (4) POINTS ASSESSED TO THE LIQUOR LICENSE.

18. **EXECUTIVE SESSION ITEMS:**

None