

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, JANUARY 8, 2014**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

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

None

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

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

a. 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.
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.

b. 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.

January 16, 2014 @ 1:00 p.m.

c. 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 RESCHEDULED FOR DECEMBER 2, 2013;
LICENSEE FILED AN OBJECTION AND MOTION TO DISMISS WITH PREJUDICE THE IMMEDIATE SUSPENSION ON DECEMBER 1, 2013; MOTION GRANTED TO DISMISS IMMEDIATE SUSPENSION ON DECEMBER 2, 2013; HEARING FOR REVOCATION OF LIQUOR LICENSE SCHEDULED FOR DECEMBER 19, 2013 AT 9:30 AM;
LICENSEE FILED SECOND MOTION TO CONTINUE ON DECEMBER 6, 2013; DIVISION'S RESPONSE TO LICENSEE'S MOTION TO CONTINUE FILED DECEMBER 16, 2013; HEARING CONTINUED TO JANUARY 16, 2014 AT 1:00 P.M.;
MOTION FOR RECONSIDERATION RELATIVE TO FELON EXCEPTION REVOCATION FILED BY LICENSEE ON DECEMBER 10, 2013 AND DENIED ON DECEMBER 30, 2013;
MOTION FOR RECONSIDERATION OF DISMISSAL BEING ISSUED WITHOUT PREJUDICE FILED BY LICENSEE ON DECEMBER 11, 2013; DIVISION OF ENFORCEMENT FILED A RESPONSE ON DECEMBER 27, 2013; MOTION DENIED DECEMBER 30, 2013.

Date to be determined:

- d. 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; SETTLEMENT REACHED BUT LICENSEE HAS FAILED TO EXECUTE SETTLEMENT AGREEMENT.
AGREEMENT SIGNED BY LICENSEE BUT NOT ALL TERMS HAVE BEEN MET.

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. NOTIFICATION OF DISCIPLINARY ACTION:

New Campus Convenience, 32 Main Street, Durham, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3229147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Date of violation: October 25, 2013.
Case #: 13-334-OF.
An administrative fine of \$500, 4 points assessed to the license, three (3) day suspension of liquor license commencing January 15, 2014 with re-grant January 18, 2014 and mandatory attendance at a Total Education In Alcohol Management (TEAM) for the clerk who committed the violation.

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

- a. American Legion Post 98, Baboosic Lake Road, Merrimack, NH.
Social Club License #27939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22/Liq. 501.05 – failed to have a guest sign in and record address.
Date of violation: November 15, 2013.
Case #: 13-363-OF.
\$100 administrative fine paid.
- b. Brewtopia, 40 Washington Street, Keene, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3272247 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of 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: December 11, 2013.
Case #: 13-408-OF.
\$250 administrative fine paid.
- c. Dream City Associates, 18 – 20 Hampshire Road, Salem, NH.
Retail Tobacco License #843017 licensed pursuant to RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: October 25, 2013.
Case #: 13-374-OF.
\$100 administrative fine paid.
- d. Jo Green's Garden Café, 33 Dockside, Wolfeboro, NH.
Restaurant Full Service With Lounge License #1007903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: December 4, 2013.
Case #: 13-395-OF.
\$100 administrative fine paid.
- e. Lil Red Baron, 8 Airport Road, Newport, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1425803 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working – 2 counts.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission – 2 counts.
Cited for violation of RSA 178:21, II(a)(1) – failed to have full course meals readily available, promoted and served to tables.
Date of violations: August 23, 2013.
Case #: 13-232-OF.
\$1,050 administrative fine paid.
- f. Memakmy, 225 Ocean Blvd., Hampton, NH.
Retail Tobacco License #120417 licensed pursuant to RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: December 9, 2013.
Case #: 13-398-OF.
\$100 administrative fine paid.

- g. Pat & Tony's General Store, 13 Main Street, Lyme, NH.
Caterer-Off-Site License #1274434 licensed pursuant to RSA 178:22, V(e).
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: June 27, 2013.
Case #: 13-377-OF.
\$100 administrative fine paid.
- h. Polish American Club, 15 School Street, Nashua, NH.
Social Club License #8401 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: December 14, 2013.
Case #: 13-411-OF.
\$100 administrative fine paid.
- i. Riverside Food Brews, 7 George's Field, Suite 1, Hinsdale, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3251747 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of 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: December 5, 2013.
Case #: 13-400-OF.
\$250 administrative fine paid.
- j. Route 63 Country Store, 220 Northfield Road, Hinsdale, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3207947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of 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: December 5, 2013.
Case #: 13-402-OF.
\$250 administrative fine paid.
- k. Stateline Paysaver, 531 South Broadway, Salem, NH.
Combination Off-Premises Beverage/Wine/Tobacco #772547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: April 2, 2013.
Case #: 13-379-OF.
\$100 administrative fine paid.
- l. Tandy's Top Shelf, 1 Eagle Square, Concord, NH.
Restaurant Full Service With Lounge License #1404103 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: November 30, 2013.
Case #: 13-406-OF.
\$250 administrative fine paid.

- m. Wolfecatch Fish Market, 31 Bay Street, Wolfeboro, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3260947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 21, 2013.
Case #: 13-376-OF.
\$100 administrative fine paid.
- o. Wolfeden, 31 Bay Street, Wolfeboro, NH.
Caterer-Off-Site License #1279234 licensed pursuant to RSA 178:22, V(e).
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 21, 2013.
Case #: 13-378-OF.
\$100 administrative fine paid.

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

Sullivan County

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

Cheshire County:

- a. Bottoms Up Discount, 637 Route 125, Fitzwilliam, NH.
Combination Off-Premises Beverage/Wine/Tobacco #702847 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 28, 2012.
Case #13-278-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- b. Dublin General Store, Main Street, Dublin, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3100047 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 28, 2012.
Case #13-278-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- c. Mr. Mike's, 113 Grove Street, Peterborough, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3289547 licensed pursuant to RSA 178:18/126-K:4.
Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check.
Date of violation: September 28, 2012.
Case #13-278-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Drake Petroluem, Inc. DBA Xtra Mart, 1 Whitney Road, Concord, NH 03301.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3309947 pursuant to RSA 178:18.
- b. Jacksam, Inc. DBA Craft Beer Cellar, 767 - Unit 1, D Islington Street, Portsmouth, NH 03801.
Issued Combination Off-Premise Beverage/Wine/Tobacco License #3310047 pursuant to RSA 178:18.
- c. Wine Down at Home LLC DBA Cava De Vino, 14 Railroad Square, Nashua, NH 03064.
Issued Retail Wine and Tobacco License #3157946 pursuant to RSA 178:19.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 6, 2014: 1,042

- a. Arborway, Inc. DBA Pipeline Distribution, 141 Middlesex Turnpike, Burlington, MA 01803 .
Issued Beverage Vendor License #69231 pursuant to RSA 178:15.
Manufacturer: Mercury Brewing Co., Ipswich, MA.
- b. Cairdean Vineyards LLC DBA Cairdean Vineyards, Solano Avenue, Napa, CA 94558.
Issued Direct Shipper Permit #8216833 pursuant to RSA 178:27.
- c. Carr Winery, Inc. DBA Carr Winery, 414 N. Salsipuedes Street, Santa Barbara, CA 93103.
Issued Direct Shipper Permit #8216333 pursuant to RSA 178:27.
- d. FJS Consulting DBA Sundstrom Hill Winery, Del Rio Place, Suite 130, Davis, CA 95618.
Issued Direct Shipper Permit #8216533 pursuant to RSA 178:27.
- e. NCWG, Inc. DBA Nevada City Winery, 321 Spring Street, Nevada City, CA 95959.
Issued Direct Shipper Permit #8216733 pursuant to RSA 178:27.
- f. Right Side LLC DBA Repris, 1700 Moon Mountain Road, Sonoma, CA 95476.
Issued Direct Shipper Permit #8216433 pursuant to RSA 178:27.
- g. Terra Springs LLC DBA Terra Valentine, 3787 Spring Mountain Road, St. Helena, CA 94574.
Issued Direct Shipper Permit #8216233 pursuant to RSA 178:27.
- h. Volker Eisele Family Estates DBA Volker Eisele Family Estates,
3080 Lower Chiles Valley Road, St. Helena, CA 94574.
Issued Direct Shipper Permit #8216633 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Breezeway Pub, Inc., 14 Pearl Street, Manchester, NH 03104.
Restaurant On-Premise Cocktail Lounge License #1175103 licensed pursuant to RSA 178:22, V (q).
Requested permission to extend the hour of service on January 1, 2014 from 1:30 am with glasses off the table by 2:00 am pursuant to RSA 179:17, II (b).

- b. Coffin Cellars LLC, 1224 Battle Street, Webster, NH 03303.
Wine Manufacturer Off-Premise Wine Only License #562930 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Tilton Winter's Market, 67 East Main Street, Tilton, NH every Sunday from December, 2013 through March, 2014 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- c. Doogie's LLC, 37 Manchester Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1451403 pursuant to RSA 178:21.
Requested permission to extend the hour of service on January 1, 2014 from 1:30 am with glasses off the table by 2:00 am pursuant to RSA 179:17, II (b).
- d. PDS Restaurateurs, Inc. DBA Portsmouth Gas Light Co., 64 Market Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #235103 licensed pursuant to RSA 178:22, V (q).
Requested permission to extend the hour of service on January 1, 2014 from 2:00 am with glasses off the table by 2:30 am pursuant to RSA 179:17, II (b).
- e. Premier Getaway, Inc. DBA Manor on Golden Pond (The), 31 Manor Drive, Holderness, NH 03245.
Hotel On-Premise Beverage/Wine/Liquor License #350302 licensed pursuant to RSA 178:21.
Requested approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers, to be stored separately from licensed alcohol and served when requested and when a full course meal is consumed pursuant to RSA 178:21, II a (5).
- f. SAP House Meadery LLC, 6 Folsom Road, Center Ossipee, NH 03814.
Wine Manufacturer Off-Premise Wine Only License #563130 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas, to wit, Town of Tilton Winter's Market, 67 East Main Street, Tilton every Sunday from December, 2013 through March, 2014 from 10:00 am to 2:00 pm pursuant to RSA 178:24 and Liq. 404.05.
- g. Smuttynose Brewing Co., Inc., 225 Heritage Avenue, Portsmouth, NH 03801.
Beverage Manufacturer License #287118 licensed pursuant to RSA 178:12.
Requested to store alcoholic beverages at a leased warehouse located at 300 West Road, Unit 4, Portsmouth, NH; this will replace Unit 2-B previously being used at the same address pursuant to RSA 178:29, VIII.
- h. Sooksawat, Inc. DBA Chiangmai Thai Restaurant, 63 Route 101A, Amherst, NH 03031.
Restaurant On-Premise Beverage/Wine/Liquor License #319803 licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside patio area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
- i. 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 from 5:00 pm on December 31, 2013 to 1:00am on January 1, 2014, sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- j. WCP Vintners LLC DBA White Mountain Winery,
2724 White Mountain Highway, North Conway, NH 03860.
Wine Manufacturer License #565230 licensed pursuant to RSA 178:8.
Requested a waiver to RSA 179:48, IV, to wit, a shared front doorway common area to two other businesses and a private residence.

12. NOTIFICATION OF FELON EXCEPTIONS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

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.

DECISION ON APPEAL PENDING.

14. HEARING RESULTS:

Don Quixote's Restaurant, 333 Valley Street, Manchester, NH.

Restaurant Full Service With Lounge License #1299403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Petition filed by the Manchester Police Department on December 24, 2013 for an emergency suspension of liquor license; Decision & Order dated December 24, 2013 was issued suspending the liquor license until a hearing scheduled for January 2, 2014 at 10:00 a.m. at the Manchester Police Department; Licensee put forth a business plan that was accepted by Manchester PD at the hearing; liquor license was restored January 2, 2014.

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Labelle Winery LLC DBA Labelle Winery, 345 Route 101, Amherst, NH 03031.

Wine Manufacturer Off-Premise Wine Only License #561730 licensed pursuant to RSA 178:8.

LaBelle Winery requests to transfer wine in bond to Prospero Winery to carbonate and bottle it for resale in NH; the carbonated wine will be transferred back to LaBelle Winery in bond via a LaBelle Winery vehicle pursuant to RSA 175:1, LXVII.

Recommendation: Approval.

16. EXECUTIVE SESSION ITEMS:

None