

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, FEBRUARY 5, 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:**

February 20, 2014 @ 11:00 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.
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.

March 20, 2014 @ 10:00 a.m.

- b. Bottoms Up Discount Beverage, 637 Route 125, Fitzwilliam, NH.
Combination Off-Premises Beverage/Wine/Tobacco #702847 licensed pursuant to
RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:18/RSA 175:1, XXXVI/Liq. 404.02 - failed to have representative
grocery items commonly found in a grocery or convenience store.
Date of violation: October 4, 2013.
Case #: 13-338-OF.
- c. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803 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: August 5, 2013.
Case #: 13-205-OF.

- d. Cartelli's Bar & Grill, 446 Central Avenue, Dover, NH.
Restaurant Full Service With Lounge License #1264003 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 – 3 counts.
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.
Dates of violations: December 12-13, 2011 & June 8, 2013.
Case #: 11-562-OF & 13-167-OF.

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:

- a. Family Dollar, 108 Fisherville Road, Concord, NH.
Retail Tobacco License #121017 licensed pursuant to RSA 126-K:4.
Cited for violation of RSA 179:23, IV and VI – allowed a convicted felon to work longer than 60 days without obtaining a waiver.
Date of violation: November 7, 2013.
Case #: 12-227-OF.
\$3,500 administrative fine and approval of a felon exception for Bonnie Kozacka.
- b. Harney Lane Winery, 9010 East Harney Lane, Lodi, CA.
Direct Shipper Permit #8199933 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to report a shipment by the 15th of the July, 2013.
Date of violation: October 23, 2013.
Case #: 13-324-OF.
\$250 administrative fine suspended for twelve (12) months pending no like violation.
- c. Wally's Wine & Spirits, 2107 Westwood Blvd., Los Angeles, CA.
Direct Shipper Permit #8117033 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to include an invoice by the 15th of March, 2013.
Date of violation: October 23, 2013.
Case #: 13-337-OF.
\$250 administrative fine held in abeyance for twelve (12) months pending no like violation.

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

- a. Cigarette City, 621 Lafayette Road, Seabrook, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3142547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 17:18/RSA 175:1, XXXVI/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: January 25, 2014.

Case #: 14-30-OF.
\$250 administrative fine paid.

- b. Energy North, Inc., 135 North Broadway, Salem, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3232547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 17:18/RSA 175:1, XXXVI/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: January 11, 2014.
Case #: 14-19-OF.
\$250 administrative fine paid.
- c. Golden Wok Chinese Restaurant, 2 Main Street, Jaffrey, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1435903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: October 25, 2013.
Case #: 13-345-OF.
\$100 administrative fine paid.

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

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

Sullivan County:

- a. Charlestown House Of Pizza, 203 Main Street, Charlestown, NH.
Restaurant On-Premise Beverage/Wine License #1068703 issued pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- b. Daddy's Pizza, 50 Pleasant Street, Claremont, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1400403 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- c. Jake's Market and Deli, 1281 NH Route 11, George's Mills, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3214447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.

Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

- d. Jiffy Mart, 200 Main Street, Charlestown, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3025247 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- e. Newport Mobil, 16 John Stark Highway, Newport, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3225147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- f. Pleasant Street Restaurant, 84 Pleasant Street, Claremont, NH.
Restaurant Full Service With Lounge License #1309603 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 alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- g. Washington General Store, 29 North Main Street, Washington, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3275947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- h. Wildwood Smokehouse, 45 Main Street, Sunapee, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1466003 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: January 17, 2014.
Case #: 14-15-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

Izzy Atlixco, LLC DBA El Charro, 5 Lumberyard Drive, Lincoln, NH 03251.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1480103 pursuant to RSA 178:21.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING FEBRUARY 3, 2014: 1,047

- a. Castrucci Wines LLC, 5225 Solano Avenue, Napa, CA 94558.
Issued Direct Shipper Permit #8217333 pursuant to RSA 178:27.
- b. Hahn Estate, 37700 Foothill Road, Soledad, CA 93960.
Issued Direct Shipper Permit #8217433 pursuant to RSA 178:27.
- c. Mer Et Soleil LLC DBA Mer Soleil Vineyard, 1290 River Road, Salinas, CA 93908.
Issued Direct Shipper Permit #8217233 pursuant to RSA 178:27.
- d. Serralles USA LLC, 1266 East Main Street, Suite 700R, Stamford, CT 06910.
Issued Liquor Wine Vendor License #109845 pursuant to RSA 178:9.
- e. Wylie-Young DBA Va Piano Vineyards, 1793 JB George Road, Walla Walla, WA 99362.
Issued Direct Shipper Permit #8217133 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Audrey's Café LLC, 13 Main Street, Dublin, NH 03444.
Restaurant On-Premise Beverage/Wine License #1469003 issued pursuant to RSA 178:20.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 75 pursuant to RSA 178:24 and Liq. 404.05.
- b. Cumberland Farms, Inc., 111 DW Highway, Nashua, NH 03060.
Combination Off-Premise Beverage/Wine/Tobacco License #180447 issued pursuant to RSA 178:18.
Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, transfer product from 111 DW Highway, Nashua, NH, License #180447 to 189 Central Street, Hudson, NH, License #867447 on January 24, 2014 pursuant to RSA 178:29, VIII.
- c. Rumor Mill Bar and Grill LLC, 50 South Main Street, Bristol, NH 03222.
Restaurant On-Premise Beverage/Wine/Liquor License #1480403 issued pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.

12. NOTIFICATION OF FELON EXCEPTIONS:

Family Dollar, 108 Fisherville Road, Concord, NH.
Retail Tobacco License #121017 licensed pursuant to RSA 126-K:4.
Requested approval for a Felon Exception for Bonnie Kozacka as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 12-227-OF.
Exception approved.

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:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Col. Nicole L. Desilets-Bixler, 25 Hedman Avenue, Hampton, NH 03842.
Requests a waiver of transport fee, to wit, a military serviceperson wishes to import her collection of alcohol into New Hampshire from overseas where she is currently stationed and have the 25% fee waived pursuant to RSA 175:6.
LIST OF ALCOHOLIC ITEMS IS ATTCHED TO THE REQUEST.
Recommendation: Approval.

16. EXECUTIVE SESSION ITEMS:

None