

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, MARCH 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:**

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

- a. 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.

March 20, 2014 @ 11:00 a.m.:

- b. 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.

March 20, 2014 @ 1:30 p.m.:

- c. 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.
Date of violation: December 12-13, 2011.
Case #s: 11-562-OF.

March 20, 2014 @ 2:30 p.m.:

- 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 – 2 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: June 8, 2013.
Case #: 13-167-OF.

March 20, 2014 @ 3:30 p.m.:

- e. 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.
**FEBRUARY 20, 2014 HEARING WAS POSTPONED UNTIL THE NOTICE OF RESIGNATION FOR
JULIE SMITH CAN BE REVIEWED BY LEGAL COUNSEL.**

Date to be determined:

- f. **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:

None

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

- a. American Legion Post 28, 43 Church Street, Pembroke, NH.
Veterans Club License #17239 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:55 – failed to notify Commission of change in corporate officers within
thirty (30) days.
Cited for violation of RSA 178:22, V(e)(2) – failed to notify the Commission of an event at least ten (10)
days prior to an event.
Dates of violations: March 24, 2013 & December 14, 2013.
Case #: 14-35-OF.
\$200 administrative fine paid.

- b. Honey Pot Bar and Lounge, 920 Lafayette Road #203, Seabrook, NH.
Restaurant Full Service With Lounge License #1411603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:50, II – unlawful purpose; allowed smoking on the premises.
Date of violation: January 10, 2014.
Case #: 14-8-OF.
\$250 administrative fine paid.
- c. Market Square News, 72 Congress Street, Portsmouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3254647 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: March 6, 2013.
Case #: 13-118-OF.
\$100 administrative fine paid.
- d. Morrell & Company, The Wine Emporium, 729 Seventh Avenue, New York, NY.
Direct Shipper Permit #8200833 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to report a shipment by the 15th of July, 2013.
Date of violation: October 10, 2013.
Case #: 13-304-OF.
\$250 administrative fine paid.
- e. Murray's Tavern, 326 South Broadway, Salem, NH.
Restaurant Full Service With Lounge License #1406903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Date of violation: February 8, 2014.
Case #: 14-51-OF.
\$250 administrative fine paid.
- f. Peddler's Daughter, 48 Main Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1265903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: May 13, 2012.
Case #: 12-155-OF.
\$250 administrative fine paid.

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

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

- a. Hannaford Bros. Company LLC DBA Hannaford Supermarket & Pharmacy 8435, 141 Portsmouth Avenue, Exeter, NH 03833. Issued Combination Off-Premise Beverage/Wine/Tobacco License #3311847 pursuant to RSA 178:18.
- b. Smoky Quartz Distillery LLC, 894 Lafayette Road, Seabrook, NH 03874. Issued Liquor Manufacturer License #287519 pursuant to RSA 178:6.

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MARCH 3, 2014: 1,043

- a. AC Vin Co.,LLC, 1119 State Lane, Yountville, CA 94558. Issued Direct Shipper Permit #8218133 pursuant to RSA 178:27.
- b. Jolo Winery & Vineyards, 219 Jolo Winery Lane, Pilot Mountain, NC 27041. Issued Direct Shipper Permit #8218033 pursuant to RSA 178:27.
- c. Mountain Lakes & Wine Liquor LLC, 60 Midvale Road, Mountain Lakes, NJ 07046. Issued Direct Shipper Permit #8218333 pursuant to RSA 178:27.
- d. Proximo Spirits, Inc., 333 Washington Street, 4th Floor, Jersey City, NJ 07302. Issued Direct Shipper Permit #8217933 pursuant to RSA 178:27.
- e. Viansa Winery, 25200 Arnold Drive, Sonoma, CA 95476. Issued Direct Shipper Permit #8218533 pursuant to RSA 178:27.
- f. Export & Import LLC DBA Bounty Hunter Rare Wine & Spirits, 1000 Main Street, Suite 200, Napa, CA 94559. Issued Direct Shipper Permit #8218433 pursuant to RSA 178:27.
- g. Vintage Wine Estates DBA Clos Pegase Winery, 1060 Dunaweal Lane, Calistoga, CA 94515. Issued Direct Shipper Permit #8218633 pursuant to RSA 178:27.
- h. Vinum Cellars, Inc., 7830-40 St. Helena Hwy., Suite 21, Oakville, CA 94562. Issued Direct Shipper Permit #8218233 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

Lucchesi Vineyards & Winery, 19698 View Forever, Grass Valley, CA.
Direct Shipper Permit #8086333 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 30, 2013.
Case #13-336-OF.
Failed to pay \$250 administrative fine.

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Barnport LLC DBA Paddy's-An American Grille, 27 International Drive, Portsmouth, NH 03801. Restaurant On-Premise Cocktail Lounge License #1190803 licensed pursuant to RSA 178:22, V (q). Requested approval for other areas, to wit, an outside parking lot area approved upon receipt of a permit of assembly on March 16, 2014 from 10:00 am to 2:30 pm pursuant to RSA 178:24 and Liq. 404.05.
- b. Capitol BC Restaurants LLC DBA Bugaboo Creek Steak House, 216 South River Road, Bedford, NH 03110. Restaurant On-Premise Beverage/Wine/Liquor License #1439703 licensed pursuant to RSA 178:21. Requested approval for authorization to transfer alcohol products to another licensed premise, to wit, transfer product from 216 South River Road, Bedford, NH, license #1439703 to 16 Gusabel Avenue, Nashua, NH, license #1429603 on January 20, 2014 pursuant to RSA 178:29, VIII.
- c. Dot's Bread N Butter LLC, 138 Main Street, Ashland, NH 03217. Restaurant On-Premise Beverage/Wine License #1477703 licensed pursuant to RSA 178:20. Requested approval for authorization of other areas, to wit, an outside area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
- d. 108 Express Mini Mart, Inc., 21 South Main Street, Newton, NH 03858. Combination Off-Premise Beverage/Wine/Tobacco License #3312147 licensed pursuant to RSA 178:18. Requested approval to lease part of the premise, to wit, a portion of the licensed building is attached to a residence with the connecting door between to be locked at all times pursuant to RSA 179:48.

12. FELON EXCEPTIONS FOR COMMISSION APPROVAL:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

- a. Jade Palace, 28 Portsmouth Avenue, Stratham, NH. Issuance of a liquor license. Informational hearing was held on February 19, 2014 in the Town of Stratham, NH. **DECISION PENDING.**
- 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. LICENSEE'S REQUEST FOR APPEAL RECEIVED ON NOVEMBER 22, 2013.**

DECISION ON APPEAL PENDING.
AWAITING MEDICAL RECORD FROM LICENSEE.
MEDICAL RECORDS PROVIDED TO COMMISSION; DECISION PENDING.

14. HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. EXECUTIVE SESSION ITEMS:

None