

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, MARCH 5, 2014

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:

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.
COMMISSION ACKNOWLEDGED.

- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.

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.
COMMISSION ACKNOWLEDGED.
- b. Smoky Quartz Distillery LLC, 894 Lafayette Road, Seabrook, NH 03874.
Issued Liquor Manufacturer License #287519 pursuant to RSA 178:6.
THE COMMISSION REQUESTED CLARIFICATION ON THE TYPE OF LICENSE THE LICENSEE APPLIED FOR.

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.
COMMISSION ACKNOWLEDGED.
- b. Jolo Winery & Vineyards, 219 Jolo Winery Lane, Pilot Mountain, NC 27041.
Issued Direct Shipper Permit #8218033 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- c. Mountain Lakes & Wine Liquor LLC, 60 Midvale Road, Mountain Lakes, NJ 07046.
Issued Direct Shipper Permit #8218333 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- d. Proximo Spirits, Inc., 333 Washington Street, 4th Floor, Jersey City, NJ 07302.
Issued Direct Shipper Permit #8217933 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- e. Viansa Winery, 25200 Arnold Drive, Sonoma, CA 95476.
Issued Direct Shipper Permit #8218533 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- g. Vintage Wine Estates DBA Clos Pegase Winery, 1060 Dunawear Lane, Calistoga, CA 94515.
Issued Direct Shipper Permit #8218633 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.
- h. Vinum Cellars, Inc., 7830-40 St. Helena Hwy., Suite 21, Oakville, CA 94562.
Issued Direct Shipper Permit #8218233 pursuant to RSA 178:27.
COMMISSION ACKNOWLEDGED.

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.

**DEPUTY COMMISSION MILLIGAN MOVED TO APPROVE CANCELLATION OF THE PERMIT;
CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.
- 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.
COMMISSION ACKNOWLEDGED.

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.
STRATHAM POLICE DEPARTMENT IS PREPARING AN AGREEMENT FOR THE LICENSEE THAT WILL INCLUDE RESTRICTIONS ON THE OPERATION OF THE BUSINESS; THE COMMISSION WOULD LIKE THIS MATTER CONCLUDED BY MARCH 19, 2014.
- 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.
**THE COMMISSION WOULD LIKE CHIEF HEARINGS OFFICER PLAIA TO PROVIDE THEM WITH
A SUMMARY OF EVENTS ON THIS MATTER.**

14. **HEARING RESULTS:**

None

15. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

None

16. **EXECUTIVE SESSION ITEMS:**

None