

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, APRIL 23, 2014

1. **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:**

July 17, 2014 @ 10:00 a.m.:

- a. 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.
LICENSEE FILED A MOTION TO CONTINUE MARCH 20, 2014 HEARING; MOTION GRANTED.
HEARING POSTPONED UNTIL JULY, 2014.

Date to be determined:

- 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.
LICENSEE FILED A MOTION TO CONTINUE MARCH 20, 2014 HEARING; MOTION GRANTED.
HEARING POSTPONED DUE TO UNAVAILABILITY OF LICENSEE.

Date to be determined:

- c. Carlo Rose Cigar Bar, 10 Bridge Street, #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to
RSA 178:20-a.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violation: April 19, 2014.

Date to be determined:

- d. La Carreta – Derry, 35 Manchester Road, Derry, NH.
Restaurant Full Service With Lounge License #1310303 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 30, 2011.
Case #: 12-327-OF.
MOTION TO CONTINUE FILED BY THE LICENSEE.

Date to be determined:

- e. Nickels Market, 1356 Candia Road, Manchester, NH 03109.
Combination Off-Premises Beverage/Wine/Tobacco #702847 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:2 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: April 4, 2014.
Case #: 14-145-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. American Legion Post 8, 640 Central Avenue, Dover, NH.
Social Club License #19839 licensed pursuant to RSA 178:22, V(h).
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: September 21, 2013.
Case #: 13-302-OF.
Administrative fine of \$1,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days commencing April 30, 2014 with re-grant on May 3 2014, mandatory attendance at a Management Training Seminar (MTS) seminar within thirty (30) days adjudication for all officers and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers.
COMMISSION ACKNOWLEDGED.
- b. Bramber Valley Golf, Bramber Valley Drive, Greenland, NH.
Sports Entertainment License #294205 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: July 10, 2012.
Case #: 12-203-OF.
Administrative fine of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for seven (7) days commencing April 27, 2014 with re-grant on May 4, 2014 and mandatory attendance at a Management Training Seminar (MTS) within thirty (30) days adjudication for all licensees.
COMMISSION ACKNOWLEDGED.
- c. Imperial Garden, 439 Main Street, Farmington, NH.
Restaurant Full Service With Lounge License #1400303 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 an underage person.
Date of violation: October 31, 2013.
Case #: 13-393-OF.
Administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell

alcohol shall be suspended for three (3) days commencing April 29, 2014 with re-grant on May 2, 2014 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days adjudication for the server who committed the violation.

COMMISSION ACKNOWLEDGED.

- d. Kilkenny Pub, 82 Main Street, Keene, NH.
Restaurant Full Service With Lounge License #1053503 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.
Cited for violation of RSA 178:22, V – failed to have a cocktail lounge as designated by the Commission.
Dates of violations: June 29, 2013 & February 28, 2014.
Case #: 13-191-OF & 14-76-OF.
For violation of RSA 179:5, I, an administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days commencing April 26, 2014 with re-grant on April 29, 2014 and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days adjudication for the server who committed the violation; for violation of RSA 178:22, V, an administrative fine of \$250 and the licensee shall erect a permanent barrier to segregate the cocktail lounge from the remainder of the premises.
COMMISSION ACKNOWLEDGED.
- e. VFW Post 8546, 42 North Broadway, Salem, NH.
Veterans Club License #21939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:43, I – sold beverage or liquor on credit.
Date of violation: September 20, 2013.
Case #: 13-270-OF.
\$250 administrative file suspended for twelve (12) months pending no like violation and Mandatory attendance at a Management Training Seminar (MTS) for all officers of the club.
COMMISSION ACKNOWLEDGED.
- f. Woodpecker's Pub & Eatery, 441 Route 49, Campton, NH.
Restaurant Full Service With Lounge License #1415303 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.
Dates of violation: June 8 – 9, 2013.
Case #: 13-178-OF & 13-177-OF.
Administrative fine of \$1,000 with \$500 held suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license and the license to sell alcohol suspended for three (3) days in the cocktail lounge and pool table area only commencing May 10, 2014 with re-grant on May 13, 2014.
COMMISSION ACKNOWLEDGED.

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

Castaways Boathouse, 31 Cocheco Street, Dover, NH.
Restaurant Full Service With Lounge License #1291303 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.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violations: October 4, 2013.
Case #: 13-297-OF.
\$350 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Hudsons North Side Grille LLC, 323 Derry Road, Hudson, NH 03051.
Issued Restaurant On-Premise Beverage & Wine license #1482203 pursuant to RSA 178:20.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Tortilla Flat Epping LLC, 1-11 Brickyard , Bldg. 2 Unit 9, Epping, NH 03042.
Issued Restaurant On-Premises Cocktail Lounge license #1484003 pursuant to RSA 178:22.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

Lantigua, Victor DBA La Simpatia Lounge and Grill, 60 West Hollis Street, Nashua, NH 03060.
Pending Restaurant Beverage/Wine/Liquor License #1480503.
Application with all licensing documentation included.
DEPUTY COMMISSIONER MILLIGAN MOVED TO DENY THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED; DANIA FERNANDEZ, MANAGER OF THIS ESTABLISHMENT, INTERPRETED FOR THE APPLICANT WHO STATED: HE HAS BEEN WAITING A LONG TIME FOR A LIQUOR LICENSE; HE HAS SUBMITTED ALL NECESSARY PAPERWORK; HE DOES NOT UNDERSTAND WHY THE APPLICATION IS DENIED; THIS LOCATION HAD PROBLEMS BEFORE BUT CHANGES HAVE BEEN MADE TO CORRECT THEM; DIRECTOR WILSON STATED THAT THE APPLICATION WAS RECEIVED BY THE DIVISION OF ENFORCEMENT & LICENSING IN DECEMBER OF 2013; IT WAS REVIEWED IN A TIMELY FASHION AND IS STILL WITHIN THE REVIEW PERIOD ALLOWED BY LAW; THE ORIGINAL LEASE NEEDED TO BE CORRECTED; DEPUTY COMMISSIONER MILLIGAN ASKED HOW SOON AN APPEAL HEARING COULD BE SCHEDULED; THE APPLICANT STATED HE HAS A 5-YEAR LEASE AND IS PRESENTLY OPEN FOR BUSINESS WITHOUT A LIQUOR LICENSE; DEPUTY COMMISSIONER MILLIGAN DESCRIBED THE APPEAL PROCESS AND EXPLAINED WHY ISSUES SUPPORTING THE DIVISION'S RECOMMENDATION OF DENAIL CANNOT BE DISCUSSED TODAY WITHOUT ENGAGING IN EXPARTE COMMUNICATION WHICH IS NOT PERMISSIBLE IF THIS MATTER IS TO BE APPEALED; AN APPEAL HEARING SHOULD BE SCHEDULED AS SOON AS POSSIBLE AND A LETTER TO THE APPLICANT SHOULD BE MAILED TODAY TO OFFICIALLY INFORM HIM THAT HIS APPLICATION IS DENIED BUT THAT HE HAS THE RIGHT TO AN APPEAL; DIRECTOR WILSON EXPLAINED THAT A LETTER WILL BE SENT TO THE APPLICANT IMMEDIATELY.

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING APRIL 22, 2014: 1,072

- a. Paul Lato Wines LLC, 2715/2705 Aviation Way, Santa Maria, CA 93455.
Issued Direct Shipper Permit #8220433 pursuant to RSA 178:27.
COMMISSION APPROVED.
- b. REN Acquisition, Inc., 12225 Steiner Road, Plymouth, CA 95669.
Issued Direct Shipper Permit #8220533 pursuant to RSA 178:27.
COMMISSION APPROVED.
- c. Sullivan, Cathy, 57 Sheridan Street, Haverhill, MA 01830.
Issued Alcohol Consultant – DS Affiliate License #501844 license pursuant to RSA 178:27-a.
Direct Shipper Affiliate: License #8192033, ITO Wines, Inc.
COMMISSION APPROVED.

- d. Weird Spirits LLC, 73 Wendover Way, Bedford, NH 03110.
Issued Liquor and Wine Representative Off-Premise Wine and Liquor license #606535 pursuant to RSA 178:10.
COMMISSION APPROVED.
- e. Weird Spirits LLC, 73 Wendover Way, Bedford, NH 03110.
Issued Liquor and Wine Vendor Off-Premise Wine and Liquor license #110645 pursuant to RSA 178:9.
COMMISSION APPROVED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Bull Moose Restaurant & Lounge LLC, Route 26, Cambridge, NH 03579.
Restaurant On-Premise Cocktail Lounge License #1310803 licensed pursuant to RSA 178:22, V(q).
Date petition received: 04/07/2014.
Requested authorization for reduction of hours, to wit, to be open 4 nights a week until after Memorial Day pursuant to RSA 178:21, II, a (2).
COMMISSION ACKNOWLEDGED.
- b. Common Café and Antiques LLC, 2 Quincy Road, Rumney, NH 03266.
Restaurant On-Premise Beverage/Wine/Liquor License #1483803 licensed pursuant to RSA 178:21.
Date petition received: 04/14/2014.
Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Dube, Eric, 55 Chocorua Road, Tamworth, NH 03886.
Wine Manufacturer Off-Premise Wine Only License #563530 licensed pursuant to RSA 178:8.
Date petition received: 04/02/2014.
Requested approval for authorization of other areas, to wit, Tamworth Farmer's Market at Unitarian Universalist Fellowship of the Eastern Slopes, 30 Tamworth Road, Tamworth, NH from May 3, 2014 through October 25, 2014 from 9:00 am to 12:00 pm pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. E&C Restaurant Management DBA Milltown Grille,
1 Airport Road, Suite 200, Londonderry, NH 03053.
Restaurant On-Premise Cocktail Lounge License #943303 licensed pursuant to RSA 178:22, V(q).
Date petition received: 2/28/2014.
Requested approval for authorization to transfer license from 1 Airport Road, Suite 200, Londonderry, NH to 967 Elm Street, Manchester, NH on April 9, 2014 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- e. Koeppel, Fritz DBA Wentworth Golf Club, Route 16-A, Jackson, NH 03046.
Hotel On-Premise Cocktail Lounge License #209902 licensed pursuant to RSA 178:22.
Date petition received: 4/15/2014.
Requested approval for authorization of other areas, to wit, an outside back lawn tented area, May 1, 2014 through November 30, 2014 contingent on receipt of a permit of assembly pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- f. MVT Restaurant & Pub Holdings LLC DBA Fitzwilliam Inn & Lemming Pub, 62 NH Route 119 West, Fitzwilliam, NH 03447. Restaurant On-Premise Beverage/Wine/Liquor License #1474503 licensed pursuant to RSA 178:21. Date petition received: 10/07/2013. Requested approval for authorization of other areas, to wit, an outside patio/porch area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Naticook Fish and Grill LLC, 454 Charles Bancroft Highway, Litchfield, NH 03052. Restaurant On-Premise Beverage/Wine/Liquor License #1485203 licensed pursuant to RSA 178:21. Date petition received: 4/14/2014. Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 48 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Somersworth Aerie No. 18871 DBA Fraternal Order of Eagles, 115 Main Street, Somersworth, NH 03878. Social Club On-Premise Cocktail Lounge License #400101 licensed pursuant to RSA 178:22, V(h). Date petition received: 3/28/2014. Requested approval for authorization to transfer license from 115 Main Street, Somersworth, NH to 4 Somersworth Plaza, Somersworth, NH on April 9, 2014 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- i. Y-Store-It LLC DBA Competition Complex, 478 US Route 4, Canaan, NH 03741. Restaurant On-Premise Cocktail Lounge License #1454603 licensed pursuant to RSA 178:22, V(q). Date petition received: 3/17/2014. Requested approval for authorization of other areas, to wit, additional inside areas with a capacity of 416 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. HEARING RESULTS:

None

12 MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

NEW LICENSES AND DIRECT SHIPPER PERMITS WILL BE APPROVED BY THE COMMISSION, HENCE THE AMENDED TITLE OF SECTIONS 4 AND 5.