

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JUNE 4, 2014

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

June 25, 2014 @ 9:30 a.m.:

- a. Carlo Rose Cigar Bar, 10 Bridge Street, Unit #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
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 Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violations: April 19, 2014.
Case #: 14-147-OF.

June 25, 2014 @ 10:00 a.m.:

- b. Hong Kong Gardens, 81 Main Street, Plymouth, NH.
Restaurant Full Service With Lounge License #432403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
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 178:22 – allowed consumption of alcohol on the premises that was not sold by the licensee.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violations: April 4, 2014.
Case #: 14-132-OF.

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.:

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

July 17, 2014 @ 11:00 a.m.:

- d. Loyal Order of Moose, 170 North State Street, Concord, NH.
Social Club License #14101 licensed pursuant to RSA 178:22, V(h).
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 14, 2013.
Case #: 13-247-OF.

July 17, 2014 @ 2:00 p.m.:

- e. 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.

July 17, 2014 @ 2:00 p.m.:

- f. T-Bird Mini Mart, 595 Sunapee Road, Newport, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3008447 licensed pursuant to RSA 178:18/RSA 126-K:4.
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: August 23, 2013.
Case #: 13-233-OF.

August 21, 2014 @ 10:00 a.m.:

- g. Ed's Crossroads Pizza & Subs, 64 Gilsum Road, Surry, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1406003 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 violation: January 5, 2013.
Case #: 13-14-OF.

Date to be determined:

- h. 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.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

- a. Farmington Lil General Store, 438 Route 11, Farmington, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3307847 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: April 24, 2014.
Case #: 14-155-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Fraternal Order Of Eagles, 36 North Main Street, Concord, NH.
Social Club License #7101 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.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violations: May 16, 2014.
Case #: 14-185-OF.
\$350 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Fury's Publick House, 1 Washington Street, Dover, NH.
Restaurant Full Service With Lounge License #1394003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: March 2, 2013.
Case #: 13-105-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- d. Jimmy's Smoke Shop, 22 North Main Street, Rochester, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3293947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:18/ 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: May 7, 2014.
Case #: 14-174-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- e. Kwik Stop, 110 Loudon Road, Concord, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3295547 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: May 1, 2014.
Case #: 14-164-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- f. 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 179:51 – failed to maintain an orderly premise.
Date of violation: October 19, 2013.
Case #: 13-370-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- g. Olde Kilkenny Pub, 30 Middle Street, Milford, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1453103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: May 4, 2012.
Case #: 12-148-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- h. S&S Food Mart, 287 North Main Street, Rochester, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3229847 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: April 24, 2014.
Case #: 14-156-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- i. Sunshine Oriental Restaurant, 121 Loudon Road, Concord, NH.
Restaurant Beverage and Wine License #1406803 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:32, I – purchased supplies of liquor and wine from other than the Commission or as provided by law.
Date of violation: May 1, 2014.
Case #: 14-163-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. In Town Concord, North Main Street, Concord, NH 03301.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Gilbert-Full & Kitsios Business Corporation DBA Blue Bay Seafood & Steak,
3381 Province Lake Road, East Wakefield, NH 03830.
To be issued Restaurant On-Premise Cocktail Lounge License #1488303 pursuant to RSA 178:22.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Lincoln Woodstock Chamber of Commerce, Lincoln Village Shops,
25 South Mountain Drive, Lincoln, NH 03251.
To be issued a Beer Festival License pursuant to RSA 178:30.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. 7 Star Pizza & Restaurant LLC, 235 Main Street, Nashua, NH 03060.
To be issued Restaurant On-Premise Beverage and Liquor License #1486503 pursuant to RSA 178:21.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

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

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JUNE 2, 2014: 1,073

- a. Munch & Fox DBA Le Cuvier Winery, 3333 Vine Hill Lane, Paso Robles, CA 93446.
Direct Shipper permit, pending approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Rivers-Marie Wines LLC, 1601 Cedar Street, Calistoga, CA 94515.
Direct Shipper permit, pending approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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 DBA Bull Moose Restaurant and Lounge, Route 26, Cambridge, NH 03579.
Restaurant On-Premise Cocktail Lounge License #1310803 licensed pursuant to RSA 178:22.
Date petition received: 5/27/2014.
Requested a waiver for authorization of reduction of hours, to wit, extend the previous request granted by three more weeks to June 21, 2014 pursuant to RSA 178:21, II, a (2).
COMMISSION ACKNOWLEDGED.
- b. Golf Rocks LLC DBA Rockingham Country Club, 200 Exeter Road, Newmarket, NH 03857.
Sports Entertainment License #6018205 licensed pursuant to RSA 178:22, V(u)(1).
Date petition received: 5/28/2014.
Requested approval to use a mobile cart, to wit, on the fairways for sales and service of alcohol pursuant to Liq. 206.10 (a)(1), Liq. 404.05 (a)(1) and Liq. 509.
COMMISSION ACKNOWLEDGED.

- c. Jena's Lobster Quest LLC, 954 White Mountain Highway, Route 16, Ossipee, NH 03864.
Restaurant Beverage and Wine License #1488103 licensed pursuant to RSA 178:20.
Date petition received: 5/21/2014.
Requested approval for authorization of other areas, to wit, an outside deck area with a capacity of 18 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Loon Mountain Recreation Company DBA Governor Adams Lodge,
Loon Mountain, Lincoln, NH 03251.
Sports Entertainment License #284805 licensed pursuant to RSA 178:22, V(u)(1).
Date petition received: 5/23/2014.
Requested authorization for other areas, to wit, a fenced outside area with a capacity of 500 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Pittsburg Trading Post LLC DBA TJ's Truck Stop, 100 Bridge Street, Lancaster, NH 03584.
Combination Off-Premise Beverage/Wine/Tobacco License #3315247 licensed pursuant to RSA 178:18.
Date petition received: 5/22/2014.
Requested a waiver for leasing/access to part of a business, to wit, allow a doorway connecting an upstairs residence to a business to be locked at all times pursuant to RSA 179:48, IV.
COMMISSION ACKNOWLEDGED.
- f. Telly's Restaurant LLC DBA Telly's Pizza, 235 Calef Highway, Epping, NH 03042.
Restaurant On-Premise Cocktail Lounge License #1310803 licensed pursuant to RSA 178:22.
Date petition received: 5/23/2014.
Requested approval for authorization of other areas, to wit, an outside deck area with a capacity of 77 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Three Yang LLC DBA Pacific Fusion Restaurant,
356 Daniel Webster Highway, Merrimack, NH 03054.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 licensed pursuant to RSA 178:21.
Date petition received: 5/23/2014.
Requested approval for authorization of other areas, to wit, an outside sidewalk area approval contingent upon receipt of local fire department permits of assembly pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Tuckerman Brewing Company LLC, 64 Hobbs Street, Conway, NH 03818.
Beverage Manufacturer License #288118 licensed pursuant to RSA 178:12.
Date petition received: 5/21/2014.
Requested approval for authorization to transfer business location, to wit, move the business from 64 Hobbs Street, Conway, NH to 66 Hobbs Street, Conway, NH with brewing starting on May 30, 2014 and full transfer on June 13, 2014 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- i. 2 Percent Hospitality LLC DBA Monadnock Inn, 379 Main Street, Jaffrey, NH 03452.
Restaurant On-Premise Beverage/Wine/Liquor License #1489103 licensed pursuant to RSA 178:21.
Date petition received: 5/5/2014.
Requested approval for authorization of other areas, to wit, an outside porch area with a capacity of 16 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- j. WC Acquisition Corporation DBA Wildcat Mountain Ski Area, 542 Route 16, Pinkham's Grant, Gorham, NH 03581.
Restaurant On-Premise Beverage/Wine/Liquor License #1417203 licensed pursuant to RSA 178:21.
Date petition received: 5/19/2014.
Requested approval for authorization of other areas, to wit, an outside back lawn area with a capacity of 1,600 on June 29, 2014 and August 30, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. Wal-Mart Store East LP DBA Wal-Mart Store 1762, 270 Lafayette Road, Seabrook, NH 03874.
Combination Off-Premise Beverage/Wine/Tobacco License #3213547 licensed pursuant to RSA 178:18.
Date petition received: 5/27/2014.
Requested approval for authorization to transfer business location, to wit, move the business and all alcohol inventories from 270 Lafayette Road, Seabrook, NH to 700 Lafayette Road, Seabrook, NH on June 3, 2014 pursuant to RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

Derry:

- a. Island Pond Convenience, 409 Island Pond Road, Derry, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3234047 licensed pursuant to RSA 178:18/126-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: May 8, 2014.
Case #: 13-358-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.
COMMISSION ACKNOWLEDGED.
- b. Lei's Garden, 150 Rockingham Road, Derry, NH.
Restaurant On-Premise Cocktail Lounge License #1001603 licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: May 8, 2014.
Case #: 13-358-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.
COMMISSION ACKNOWLEDGED.
- c. Sabatino's North, 1 East Broadway, Derry, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1335703 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: May 8, 2014.
Case #: 13-358-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.
COMMISSION ACKNOWLEDGED.

- d. Wayne's Circle Mobil, 2 South Main Street, Derry, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3014847 licensed pursuant to RSA 178:18/126-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: May 8, 2014.
Case #: 13-358-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.
COMMISSION ACKNOWLEDGED.

12. HEARING RESULTS:

None

13. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Agave Azul LLC, 94-96 Main Street, Nashua, NH 03060.
Issued Restaurant On-Premise Beverage/Wine/Liquor License #1481303 pursuant to RSA 178:21.
Recommendation: Expedited Approval.
Commission approved on May 27, 2014.
NOTIFICATION ONLY.
COMMISSION ACKNOWLEDGED.
- b. Community Child Care Center DBA Seacoast Community School, Discover Portsmouth Center, 10 Middle Street, Portsmouth, NH 03801.
Issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Recommendation: Expedited Approval.
Commission approved May 30, 2014.
NOTIFICATION ONLY.
COMMISSION ACKNOWLEDGED.
- c. Thirsty Moose Dover LLC DBA Thirsty Moose Taphouse, 93 Washington Street, Dover, NH 03820.
Issued Restaurant On-Premise Cocktail Lounge License #1486403 pursuant to RSA 178:22.
Recommendation: Expedited Approval.
Commission approved on May 28, 2014.
NOTIFICATION ONLY.
COMMISSION ACKNOWLEDGED.